Chapter 47 - UNIFIED LAND DEVELOPMENT REGULATIONS

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SECTION 47-1. - IN GENERAL

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Sec. 47-1.1. - Short title.

This Chapter 47 of the Code of Ordinances of the City of Fort Lauderdale, Florida shall be known as the "City of Fort Lauderdale, Florida, Unified Land Development Regulations" and may also be cited and referred to herein as the "ULDR."

(Ord. No. C-97-19, § 1(47-1.1), 6-18-97)

Sec. 47-1.2. - Interpretation.

In the interpretation and application of the ULDR, the provisions herein shall be the minimum adopted for the promotion of health, safety, morals, comfort, prosperity and general welfare of the community. It is not intended by the ULDR to repeal, abrogate, annul or in any way impair or interfere with any easements, covenants or other agreements between parties, or any private restrictions placed upon property by covenant, deed or recorded plat; provided, however, where the ULDR impose a greater restriction upon the use or development of property than are imposed or required by such existing provisions of law, ordinance or resolution or by such rules, regulations or permits or easements, covenants or agreements, the provisions of the ULDR shall control. Requirements in the ULDR are cumulative and a provision in one section shall not be interpreted as the only provision applicable to development.

(Ord. No. C-97-19, § 1(47-1.2), 6-18-97)

Sec. 47-1.3. - Unzoned property.

If because of error or omission in the zoning map, any property in the city is not shown as being in a zoning district, the zoning district for such property shall be RS-8 until the property is rezoned.

(Ord. No. C-97-19, § 1(47-1.3), 6-18-97)

Sec. 47-1.4. - Conflicting regulations.

When development permits approved by the city contain yard or other restrictions which exceed the minimum ULDR requirements, the more restrictive regulations shall govern and shall be enforced by the city. Private deed restrictions or private covenants for a subdivision or agreements for use of property, which have not been approved by the city and made a part of the approved development permit, do not fall within the jurisdiction of enforcement by the city.

(Ord. No. C-97-19, § 1(47-1.4), 6-18-97)

Sec. 47-1.5. - Severability.

If any clause, sentence, subdivision, paragraph, section or part of the ULDR is adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder, thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part thereof directly adjudicated invalid.
Sec. 47-1.6. - Districts designated; zoning map.

A. In order to regulate and limit the height and bulk of structures erected or altered; to regulate and limit the density of the population; to regulate and determine the area of yards and other open spaces; to regulate and restrict the location of uses; and the location of structures erected and altered for specified uses, the city is hereby divided into districts.

B. The districts and the boundaries of each are shown upon the "Official Zoning Map of City of Fort Lauderdale," copies of which have been filed with the department and city clerk. The descriptions of all lands within each of such zoning districts are shown upon Schedule "A" revised compilation, attached to such "Official Zoning Map of City of Fort Lauderdale." Such Official Zoning Map and Schedule "A" revised compilation attached thereto are by reference made a part of this section as if same were set out and described herein. All amendments to zoning regulations of the city, wherein lands are rezoned, shall be made with appropriate reference to the particular district as shown upon such Official Zoning Map, and with particular reference to the description of lands to be rezoned as same are described in Schedule "A" revised compilation.

Sec. 47-1.7. - Boundaries of districts.

A. Unless otherwise shown, the district boundaries are the center lines of streets, alleys, easements or waterways, and where the districts designated on maps accompanying and made a part of the ULDR are approximately bounded by the center lines of streets, alleys, easements or waterways, such lines shall be considered to be district boundaries.

B. Where due to scale or illegibility of the zoning map or due to the absence of a street, alley, easement, waterway or recorded subdivision of plat lines, there is any uncertainty, contradiction or conflict as to the intended location of any district boundary, the zoning administrator shall have the power and duty of interpreting the intent of said zoning map so as to determine and designate the proper location of such district boundary in accordance with the spirit and purpose of the ULDR. The ordinance causing the rezoning of land, along with its specific legal description of lands rezoned, shall be the primary basis for determining district boundaries.

Sec. 47-1.8. - Rights-of-way.

Where not otherwise indicated on zoning maps or specified in amendments to the zoning maps, rights-of-way are placed in the same zoning district they would be zoned if vacated as provided in Sec. 47-24.6. Publicly owned rights-of-way shall be permitted in any zoning district.

Sec. 47-1.9. - Districting of vacated rights-of-way.

Where any street or alley is officially vacated or abandoned, the ULDR applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment. Where any easement is officially vacated or abandoned, the ULDR
applicable to property underlying the vacated easement shall apply to the easement area.

(Ord. No. C-97-19, § 1(47-1.9), 6-18-97)

**Sec. 47-1.10. - Districting of waterways.**

A waterway, lake or other body of water between its center or thread and abutting unsubmerged land which has not been included within the boundaries of a zoning classification shall be construed as having the same zoning designation as the abutting unsubmerged land. The thread is defined as the line midway between the banks of a waterway.

(Ord. No. C-97-19, § 1(47-1.10), 6-18-97)

**Sec. 47-1.11. - Public purpose uses.**

The provisions of the ULDR are not intended, and shall not be construed, to preclude the use of any property by the city for public purpose uses, in accordance with Sec. 47-18.26.

(Ord. No. C-97-19, § 1(47-1.11), 6-18-97)

**Sec. 47-1.12. - Effect of annexation on property.**

A. Whenever unincorporated property is annexed by the city pursuant to the Florida Statutes, and when said property has been previously zoned by a unit of local government, the use regulations of that unit of local government shall remain in full force and effect until the city adopts a comprehensive plan amendment that includes the annexed area and the property is rezoned by the city.

B. An existing use or uses that have been legally permitted by a unit of local government prior to annexation into the city on or after March 5, 1994 and is rezoned to a city zoning district that does not list the use or uses as a permitted or conditional use, shall be a permitted use for the subject property after annexation into the city and rezoning to a city zoning district subject to the following:

1. Such use is permitted by the city plan.
2. Such use continues and is not discontinued as provided in Section 47-3, Nonconforming Uses.
3. When such use changes after rezoning by the city to a different use permitted in the zoning district applicable to the subject property, the use prior to the change cannot be reestablished unless permitted in the zoning district.
4. If a structure occupied by a use that is not permitted in the city zoning district is damaged or destroyed by fire, explosion or other casualty or Act of God or public enemy by more than fifty (50) percent of its replacement value or fifty (50) percent of the gross floor area of the existing structure, such structure may be restored to the condition it was in prior to the damage, subject to the following conditions:
   a. The structure may only be rebuilt in accordance with the city plan. If the reconstruction of that portion destroyed would result in a use inconsistent with the city plan, such reconstruction shall not be permitted.
   b. For those structures other than those described in subsection 6. the dimensional
requirements for the structure as provided in the zoning district, or if not permitted, a zoning district most similar to the zoning district applicable to the property as determined by the zoning administrator shall apply to the new structure.

c. For those structures other than those described in subsection 6. the development site where the structure is to be rebuilt must meet all the requirements of the ULDR for said development.

d. All other provisions of Section 47-3, except as amended by this Section 47-1.12 shall be in effect for all uses or structures that do not conform to the zoning district applicable to the property.

5. If more than fifty (50) percent of the replacement value or of the gross floor area of an existing structure is demolished by other than fire, explosion or other casualty or Act of God or public enemy, then such structure may not be restored to the condition it was in prior to the damage, and any use of the property on which such structure was located shall be required to meet all of the requirements of the ULDR.

6. Notwithstanding the provisions of subsections 1. through 5. of this subsection B., for those residential structures that have been shown on plans submitted to the city during a time period ending December 31, 2003 pursuant to the process established by the building department, the buildings and structures shown on such plans are in accordance with Resolution No. 02-27 or Resolution No. 02-28 as applicable, and the structures may be rebuilt in accordance with the dimensional and other requirements shown on such plans.

(Ord. No. C-97-19, § 1(47-1.12), 6-18-97; Ord. No. C-04-26, § 1, 5-4-04)

Sec. 47-1.13. - Access to public officials.

A. As used in this section, the following definitions shall apply:

1. Public official. Any elected or appointed public official of the city who recommends or takes quasi-judicial action.

2. Ex parte communication. Any written or oral communication from any person to a public official or an investigation or inspection by a public official of a site which is the subject of a matter to be considered in a quasi-judicial hearing by such public official.

B. Disclosure. An ex parte communication shall not be presumed to be prejudicial to the action taken by a public official, board or commission if the communication is disclosed as follows:

1. The public official in receipt of a verbal communication discloses the identity of the person, group or entity with whom the communication took place and makes such information part of the record of the quasi-judicial matter prior to final action being taken on the matter.

2. The public official in receipt of a written communication makes the written communication part of the record of the quasi-judicial matter prior to final action being taken on the matter.

3. The public official who conducts an investigation or on-site visit or receives an expert opinion relating to a quasi-judicial action pending before him makes the investigation, on-site visit or expert opinion part of the record of the quasi-judicial matter prior to final action being taken on the
matter.

4. Disclosure made pursuant to this section shall be made before or during the public meeting at which a vote is taken on such matter so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to rebut or respond to the communication.

(Ord. No. C-97-19, § 1(47-1.13), 6-18-97)

Sec. 47-1.14. - Interpretation of permitted and conditional uses.

A. Where a zoning district contains a List of Permitted and Conditional Uses the following shall apply:

1. Permitted uses are listed under the heading, Permitted Uses, and are designated by categories permitted within each zoning district, indicating that such use shall be permitted within the specific zoning district, subject to the requirements of such zoning district.

2. Where a listed use is followed by a reference to other sections of the ULDR which apply to the use, then the use is permitted subject to compliance with such additional provisions and requirements as set forth in the ULDR.

3. Conditional uses are listed under the heading, Conditional Uses, and are listed by categories permitted within a district, indicating that such use may be permitted within the specific zoning district, as indicated, subject to compliance with procedures and requirements for conditional use permits as set forth in the ULDR.

4. Permitted or accessory uses which are not specifically listed but are substantially similar to those uses listed as permitted or accessory within a district shall be deemed to be permitted as interpreted by the zoning administrator.

5. Any use not substantially similar to those permitted or accessory uses listed within a district shall be deemed to be prohibited as interpreted by the zoning administrator.

B. In all zoning districts, the following definition of permitted, conditional, accessory and prohibited uses shall apply.

1. A permitted use is a use allowed in a particular zoning district, subject to the requirements provided in the ULDR. A permitted use may become a conditional use based on Section 47-23, Specific Location Requirements, or as otherwise required by the ULDR.

2. A conditional use is a use which may be allowed in a particular zoning district only after compliance with all the conditions and standards for the location or operation of the use, as required by conditional use permit, as provided in Sec. 47-24.3

3. An accessory use is any use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same parcel with the principal use which meets the requirements of Section 47-19, Accessory Uses, Buildings and Structures.

4. A secondary use is a second principal use which is only permitted in connection with another principal use.
5. A prohibited use is any use which is not listed as a permitted, conditional or accessory use in a zoning district, and which is not substantially similar to those uses listed as a permitted, conditional or accessory use in that zoning district.

(Ord. No. C-97-19, § 1(47-1.14), 6-18-97)

Sec. 47-1.15. - Uses within enclosed building.

Except as provided herein, all permitted uses, including sales, display, preparation and storage shall be conducted entirely within a completely enclosed building.

(Ord. No. C-97-19, § 1(47-1.15), 6-18-97)

Sec. 47-1.16. - Effect of issuance of development permit.

The approval of a development permit shall not be construed to create a right to any development of property that fails to meet the requirements of all land development regulations applicable to the development.

(Ord. No. C-97-19, § 1(47-1.16), 6-18-97)

Sec. 47-1.17. - Existing site plans.

Development proposed in an application submitted to the city which has been reviewed, approved, or both, by the city pursuant to zoning provisions in effect prior to the effective date of the ULDR shall continue to be required to meet the zoning regulations in effect at the time of the application. Any request to review an existing site plan under the ULDR must be submitted as a new development.

(Ord. No. C-97-19, § 1(47-1.17), 6-18-97)

Sec. 47-1.18. - Application of board of adjustment regulations.

All cases heard by the board of adjustment after the effective date of the ULDR shall be governed by the procedures and criteria set out in the ULDR.

(Ord. No. C-97-19, § 1(47-1.18), 6-18-97)

SECTION 47-2. - MEASUREMENTS

Sec. 47-2.1. - Generally.

Sec. 47-2.2. - Measurements.

Sec. 47-2.1. - Generally.

When any of the distance or measurement requirements listed below are referred to in the ULDR, such distance or measurements will be determined in accordance with the following.

Sec. 47-2.2. - Measurements.

A. **Customer service area.** Customer service area is the area of an establishment available for food or beverage service or consumption, or both, calculated by measuring all areas covered by customer tables and bar surfaces and any floor area within five (5) feet of the edge of said tables and bar surfaces, measured in all directions where customer mobility is permitted. Customer service area shall include any outdoor or patio floor area used or designed for food or beverage service or consumption, or both, measured as specified above. Areas between tables or bars which overlap in measurement with another table shall only be counted once.

B. **Distance requirements.** Unless otherwise provided herein, distances shall be measured in accordance with the following:

1. When the ULDR require a distance between uses or developments on different development sites or there are requirements in the ULDR for a development which is located within a certain distance from another development, the distance shall be measured using airline measurement from property line to property line using the closest property line of the parcels of land involved.

2. When the ULDR imposes requirements on a development which is located within a certain distance of a zoning district, the distance shall be measured using airline measurement from the zoning district line lying closest to the closest property line of the parcel of land involved.

3. When there is a distance requirement between a structure or building on the same development site, the distance shall be measured from the exterior of the buildings or structures, using airline measurement from the closest points between the structures being measured.

4. When a portion of a parcel or development site lies within a certain distance of a zoning district or development and the ULDR imposes requirements or regulations on a development or parcel within such distance, the requirements and regulations shall be applicable to the entire parcel or development site and not just to the portion within the specified distance.

C. **Floor area, gross.** The sum of the floor areas of all floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, excluding covered parking and loading areas or parking garages for nonresidential uses in all but the area east of the Intracoastal Waterway. Covered parking and loading areas or parking garages shall be included in calculating gross floor area for residential uses and nonresidential uses east of the Intracoastal Waterway. When an entire level of a building or structure is located below ground as measured from floor to floor or ceiling slab to ceiling slab, the floor area of this level shall be excluded from the calculation of gross floor area. In restaurants, gross floor area shall also include any outdoor or patio floor area used or designed for use for customer service. For the purpose of calculating parking spaces, see gross floor area as provided in Sec. 47-20.2.B., Parking and Loading Zone Requirements.

D. **Floor area, net.** The total floor area of all floors of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading and all floors below the first or ground floor, except when such is used or intended to be used for human habitation or service to the public.

E. **Floor area ratio (FAR).** The floor area ratio is the gross floor area of all buildings or structures on a plot divided by the total plot area.

F. **Fractional measurements.**
1. When units or measurements result in a requirement of a fraction, any such fraction equal to or greater than exactly fifty percent (50%) shall require the full requirement, unless otherwise provided for in the ULDR.

2. Density fractional measurements. When calculating density, any fraction of a unit shall be rounded down to the nearest whole number.

G. Grade.

1. When used to measure habitable structures, grade shall be the greater of:
   a. The natural elevation of the ground when compared to abutting properties. Natural elevation of the ground when compared to abutting properties, shall be derived by selecting a minimum of two (2) elevation points on each adjoining property line and calculating the average of all the selected elevation points. This calculation will determine the reference plane for calculating the height of habitable structures only;
   b. The base flood elevation requirement for the lowest floor as shown on the flood insurance rate map published by the Federal Emergency Management Agency (FEMA);
   c. Eighteen (18) inches above the FEMA base floor elevation requirement for the bottom of the lowest horizontal structural member (LHSM) of the lowest floor;
   d. Eighteen (18) inches above the State of Florida, Department of Environmental Protection or its successor agency, minimum requirement for the bottom of the LHSM of the lowest floor.
   e. The Broward County one hundred-year flood elevation map.

   For purposes of the definition of grade, the term floor shall be defined as the top of the lowest inside surface of an enclosed area in a building, including the basement. For example, the top of the slab in a concrete slab construction or the top of wood flooring in wood frame construction. The term does not include an unfurnished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area.

2. When used to measure non-habitable accessory structures, grade shall be the finished ground surface at the base of the accessory structure being measured. If a retaining wall elevates the non-habitable accessory structure, grade shall be the finished ground surface at the base of the retaining wall.

H. Gross acre. The unit of land area which comprises an acre, including that portion of land area within public ownership. Public land area shall include public rights-of-way and public waterways. Gross acre is used for the purpose of calculating the maximum density permitted on a parcel when applying flexibility units, as defined in Section 47-28, Flexibility Rules.

I. Height. The height of buildings and structures shall be measured from grade to the uppermost part of the roof or structure. Church spires and steeples, chimneys, parapet walls, machine rooms, elevator towers and the like necessary to the design and function of a building but not designed for human occupancy, shall not be included in the measurement of overall height of a building. The height shall be the roof peak for structures with pitched roofs and the roof slab for structures with flat roofs.
J. **Lot coverage.** That portion of the lot that is covered by all principal and accessory buildings.

K. **Lot depth.** The depth of a lot is the distance measured from the mean direction of the side lines of the lot from the midpoint of the street lot line to the midpoint of the opposite main rear line of the lot.

L. **Lot width.** The horizontal distance between the side lines of a lot measured at the front building setback line, or at the front property line where no front setback is required.

M. **Mean high water.** The mean high water line is defined as elevation +1.25 feet mean sea level, U.S. Coast and Geodetic Datum, as shown on sketch No. 4-45-5, dated July 29th, 1964, on file in the office of the City Engineer.

N. **Net acre.** The unit of land area which comprises an acre, less that portion of land area within public ownership. Public land area shall include public rights-of-way and public waterways and other publicly dedicated areas. Net acre is used for the purpose of calculating the maximum density permitted on a parcel by the ULDR and by the LUP.

O. **Setback.** A setback is the minimum horizontal distance between a structure and a property line of a lot or plot.

P. **Setback, average for fences, walls and planters.** See Note F, Table 1, Section 47-19.5.B.

Q. **Sight triangle.** A triangular shaped area of land, as defined in Section 47-35, Definitions, and measured as follows:

1. Ten (10) feet from the intersection point of the edge of a driveway and curb, or in the event that there is no curb, the edge of the alley or street pavement; or

2. Fifteen (15) feet from the intersection point of the extended property lines at an alley and a street; or

3. Twenty-five (25) feet from the intersection point of the extended property lines at a street and a street.

4. The sight triangle requirements may be reduced from twenty-five (25) feet to no less than fifteen (15) feet, for the purpose of retaining existing, mature landscaping, when the following conditions are present:

   a. The property is located on a local street and intersects with another local street;

   b. The property is located in a single family zoning district (RS-4.4, RS-8, RD-15, RD's-15, RC-15 and RC's-15) or a Historic Designated District;

   c. The request for reduction of sight triangle dimensions is subject to review by the City Engineer on a case-by-case basis, shall comply with engineering standards and shall take into consideration neighborhood characteristics such as the location of schools, parks and other community facilities, pedestrian facilities such as adequate sidewalks, street characteristics such as pavement width, width of border (right-of-way line to curb), the curvature of the street, speed limits, and other similar elements.

Sight triangles located at the intersection of a local street or driveway with a right-of-way under County, State or Federal jurisdictions, may be subject to the sight visibility requirements of those jurisdictions.
SECTION 47-3. - NONCONFORMING USES, STRUCTURES AND LOTS

Sec. 47-3.1. - Nonconforming use.
Sec. 47-3.2. - Nonconforming structure.
Sec. 47-3.3. - Nonconforming lot.
Sec. 47-3.4. - Nonconforming parking, landscaping and buffer yard.
Sec. 47-3.5. - Change in use.
Sec. 47-3.6. - Change in structure.
Sec. 47-3.7. - Conditional use or use requiring site plan review.
Sec. 47-3.8. - Termination of nonconforming status.
Sec. 47-3.9. - Reuse of a nonconforming structure.
Sec. 47-3.10. - Governmental acquisition or taking.
Sec. 47-3.11. - Multiple use development site.

Sec. 47-3.1. - Nonconforming use.

A. Generally. As used in this section a nonconforming use is any use which is in compliance with the zoning regulations applicable to that use at the time the use was established and for which all required permits were issued, which use would be prohibited, restricted or would otherwise not conform to the ULDR.

B. Continuation of a nonconforming use. A nonconforming use may continue subject to the following:

1. A nonconforming use shall not be enlarged or extended nor shall the building it occupies be enlarged, extended or rebuilt such that the use would occupy a greater area of land than was occupied by the use on the effective date (June 28, 1997) or amendment of the ULDR which causes the use to become nonconforming, nor altered in any way so as to extend or enlarge the scope or area of its operation.

2. Once a nonconforming use is changed to a permitted use, or terminated as provided in Sec. 47-3.8 in all or portion of a building or property, the nonconforming use which was permitted or terminated, as the case may be, shall not be resumed.

(Ord. No. C-97-19, § 1(47-3.1), 6-18-97)
Sec. 47-3.2. - Nonconforming structure.

A. Generally. A nonconforming structure is any structure which is in compliance with the zoning regulations applicable at the time the structure was established and for which all required permits were issued, which structure would be prohibited, restricted, or would otherwise not conform to the ULDR. Nonconforming structures shall include those structures which do not comply with the yard, lot coverage, height or any other structural restrictions of the ULDR with the exception of regulations relating to parking facilities or vehicular use areas.

B. Continuation of a nonconforming structure. A nonconforming structure may continue in existence subject to the following:

1. A nonconforming structure may not be enlarged or altered in a way which increases its nonconformity, but a nonconforming structure may be altered to decrease its nonconformity.

2. An addition may be made to a nonconforming structure provided that the addition meets all current ULDR requirements except an addition described in Sec. 47-3.2.B.3.

3. In R-zoned districts where the minimum side yard requirement for an existing building is less than specified for the district, but not less than five (5) feet, and where the building is designed and the foundation is built for additional floors, additional floors may be added with the same yard provided that the total height does not exceed the height permitted in the zoning district and all other provisions of the ULDR are met.

(Ord. No. C-97-19, § 1(47-3.2), 6-18-97)

Sec. 47-3.3. - Nonconforming lot.

A. Generally. A nonconforming lot is a lot of record as shown on the latest recorded plat of property or described by deed recorded in the public records of the county which met the width, area and length requirements in effect when the lot first became of record, which lot would be prohibited or further restricted under the ULDR or would otherwise not conform to the ULDR.

B. Continuation of a nonconforming lot. A nonconforming lot may continue in existence subject to the following:

1. A nonconforming lot may not be further subdivided or consolidated in whole or in part with another parcel, in a manner which increases the nonconformity. The nonconforming lot may be subdivided or consolidated if such subdivision does not increase the nonconformity, subject to the subdivision regulations in Sec. 47-24.5

2. A nonconforming lot in any residentially zoned district may be used for a standard single family or duplex structure or building only where a permitted use by the ULDR. Minimum five (5) foot side yards shall be required and front and rear yards shall meet the yard requirements in the zoning district where the parcel is located.

3. If two (2) or more lots with continuous frontage are in a single ownership and if any of the lots are nonconforming, the nonconforming lot and the parcel or lot abutting the nonconforming lot shall be deemed by operation of law to be merged and considered to be an undivided plot. No development permit shall thereafter be issued for a use of the nonconforming lot which has been merged with another parcel which recognizes a reduction of the merged parcel below the
requirement for a lot which meets the ULDR requirements of the zoning district where the lot is located.

(Ord. No. C-97-19, § 1(47-3.3), 6-18-97)

**Sec. 47-3.4. - Nonconforming parking, landscaping and bufferyard.**

Regulations for nonconforming parking are provided in Section 47-20, Parking and Loading Requirements; for nonconforming landscaping see Section 47-21, Landscape and Tree Preservation Requirements; and for nonconforming bufferyards, see Section 47-25, Development Review Criteria.

(Ord. No. C-97-19, § 1(47-3.3.A), 6-18-97)

**Sec. 47-3.5. - Change in use.**

A. A nonconforming use or a permitted use in a nonconforming structure may be changed to the same or similar use without requiring the structure, use or both to meet the regulations which caused it to become nonconforming, subject to the provisions herein. The proposed use shall be the same or similar as the existing use if the following conditions are met:

1. The proposed use has the same or less stringent parking requirements as the existing use as provided in the Table of Parking Requirements in Section 47-20, Parking and Loading Requirements; and

2. The proposed use has the same operational activity as the existing use or the proposed operational activity has a lesser impact than the existing operation. As an example, the following is a list of uses with the same operational activity:

   a. Retail sales to retail sales;

   b. Wholesale sales to wholesale sales;

   c. Service without outdoor use to service without an outdoor use;

   d. Service without delivery to service without delivery;

   e. Storage to storage; and

   an example of an operational activity with a lesser impact is any change from sales, service or storage to an office use.

3. A change in use shall be reviewed in accordance with the procedures for site plan level I review as provided in Section 47-24.2 and in accordance with the requirements for the proposed use and location as provided in the ULDR.

4. If the proposed use meets the conditions provided in this subsection A, the existing use may be changed to the proposed use while maintaining its nonconforming status.

B. If the proposed use does not meet all of the provisions of subsection A, the change in use may be permitted if:

1. The proposed use has the same or less stringent parking requirements as the existing use as
provided in the Table of Parking Requirements in Section 47-20, Parking and Loading Requirements; or

2. A parking reduction is granted which results in the use having the same or less parking requirements as the existing use as provided in the Table of Parking Requirements, Section 47-20, Parking and Loading Requirements; and

3. The proposed use is permitted within the zoning district where the property is located and conditions imposed on the site or use results in the operational activity having the same or lesser impact on surrounding areas as the existing use determined in accordance with the following:

   a. If the change of use is within an existing structure, which if proposed as new development would not meet the threshold requiring a site plan level II or higher permit, a determination whether a proposed use has the same or lesser impact shall be made as part of the issuance of a certificate of compliance (Section 47-24.1).

   b. If the change of use is within an existing structure, which if proposed as new development would meet the threshold requiring a site plan level II or higher permit, a determination whether the new use has the same or lesser impact shall require a site plan level II or higher permit in accordance with Section 47-24.2, Site Plan Development Permits, and the criteria provided in Section 47-25.3, Neighborhood Compatibility Requirements, shall apply.

   c. Conditions may be imposed which relate to improvements located outside of the principal structure. Such conditions may include, but shall not be limited to, parking, landscaping, signs, ingress and egress, non-structural alterations to the exterior of the principal structure, but shall not include alterations to load bearing walls, columns or girders. The conditions may include restrictions on operation of the use. In any instance, such conditions may be imposed which do not exceed the ULDR for any change in use which does not meet the provisions of subsection A. Such conditions may exceed the ULDR requirements if necessary to mitigate adverse impacts.

   d. If a determination is made that any adverse impacts of the proposed use will be mitigated after such conditions are imposed without moving or altering load bearing walls, columns or girders, then the change in use will be permitted. If a determination is made that the adverse impacts cannot be mitigated, the change in use will not be permitted without requiring the use, structure or both to meet the requirements of the ULDR.

   e. Commission request for review. The approval of a change in use pursuant to this subsection B., by the development review committee (DRC) shall not take effect nor shall a building permit be issued any sooner than thirty (30) days from the date of approval, and then only if no motion is adopted by the city commission seeking to review the application or no appeal is filed by the applicant as provided in Section 47-26B, Appeals. The approval of a change of use by the department as part of a certificate or compliance shall not take effect nor shall a building permit be issued within seven (7) days of the approval, and then only if no statement of intent has been filed by a city commissioner requesting a review of the application pursuant to the criteria provided in Section 47-26A.2.A. If a statement of intent is filed within the seven (7) day period, a motion to approve or deny the application, or approve with conditions, shall be scheduled on the next available city commission agenda. Only agenda and posted notice will be required. The approval shall take effect on the eighth (8th)
day following the approval by the department if no statement of intent is filed within the seven (7) day period.

f. **Appeal.** An applicant may appeal a denial of a change in use after site plan level II review to the planning and zoning board in accordance with Section 47-26B, Appeals.

C. If the proposed change in use is not approved pursuant to subsection A or B, the change in use is not permitted unless both the proposed use and structure meet all of the requirements of the ULDR. Notwithstanding this provision, a change in use may be permitted pursuant to Section 47-23.9, Interdistrict corridor requirements.

(Ord. No. C-97-19, § 1(47-3.4), 6-18-97; Ord. No. C-00-25, § 1, 5-16-00; Ord. No. C-02-32, § 3, 10-15-02)

**Sec. 47-3.6. - Change in structure.**

A. **Generally.** Changes to a nonconforming structure or to a structure which contains a nonconforming use shall be made subject to the following:

1. **Alterations.** Alterations in the supporting members of a building or structure such as load bearing wall, columns, beam or girders shall not be permitted unless required to be made to assure the safety of the building as determined by the city building official. All other alterations, which may include but are not limited to, movement or replacement of non-load-bearing walls or addition of ornamental features, shall be permitted if constructed in accordance with the ULDR.

B. **Damage, destruction or removal of structure.**

1. When a building or structure which contains a nonconforming use or when a nonconforming structure is damaged or destroyed by fire, explosion, other casualty or public enemy or act of God by not more than fifty percent (50%) of its replacement value or not more than fifty percent (50%) of the total gross floor area of the building or not more than fifty percent (50%) of the total area of the structure, the building or structure may be restored to the condition it was in prior to the damage.

2. When a building or structure is removed or destroyed by other than an act of God or public enemy by not more than fifty percent (50%) of its replacement value or not more than fifty percent (50%) of the total gross floor area of the building or not more than fifty percent (50%) of the total area of the structure, that portion of the building or structure to be restored must be in compliance with the ULDR.

3. If more than fifty percent (50%) of the total gross floor area of the building or more than fifty percent (50%) of a structure or more than fifty percent (50%) of its replacement value is damaged, destroyed or removed for any reason the entire building, structure or use thereof shall be required to meet the ULDR.

C. **Exception to subsections A and B.** A nonconforming structure in an historic district or designated as an historic landmark, may be replaced, altered or an addition made if it meets the following criteria and is approved as part of the issuance of a certificate of appropriateness as provided in Sec. 47-24.11.C:

1. The original exterior elevations and materials of a structure are maintained; or proposed
exterior elevations and material types of a structure are restored to be compatible with its historic character, according to the guidelines provided by Sec. 47-24.11

2. The alteration, replacement or addition will support the continuation of a structure which is determined to be in character with the original historic designation.

D. **Repair and maintenance.** For any nonconforming structure or portion of a nonconforming structure, or any structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of walls, fixtures, wiring or plumbing or other parts of the structure provided that no changes are made to any supporting members of a building such as load bearing walls columns, beams or girders, unless required to be made to assure the safety of the building as determined by the city building official, and provided that the square footage of floor area and the cubic footage of the nonconforming portion of the structure shall not be increased.

(Ord. No. C-97-19, § 1(47-3.5), 6-18-97; Ord. No. C-99-14, § 1, 3-16-99)

**Sec. 47-3.7. - Conditional use or use requiring site plan review.**

Any existing lawfully permitted use existing on the effective date (June 28, 1997) or amendment of the ULDR which would thereafter require a conditional use permit or site plan review may continue without a conditional use or site plan approval, but any addition or replacement as described in Sec. 47-3.6.B, or if such use is terminated as provided in Sec. 47-3.8, shall require a conditional use permit or site plan review.

(Ord. No. C-97-19, § 1(47-3.6), 6-18-97)

**Sec. 47-3.8. - Termination of nonconforming status.**

A. The legal nonconforming status of a nonconforming building or structure or a nonconforming use shall be terminated and the nonconforming use of the building or structure shall no longer be permitted, except in accordance with the ULDR in effect at the time a use is resumed, upon the occurrence of one of the following:

1. Fifty percent (50%) or more of the replacement value of a nonconforming building or structure is removed, damaged or destroyed or fifty percent (50%) or more of the total area of a building or structure is removed, damaged or destroyed.

2. If a nonconforming building or structure or nonconforming use is discontinued for a continuous period of one hundred and eighty (180) days in accordance with this section, there shall be a presumption of discontinuance of use if any one (1) or more of the following occurs for a continuous period of one hundred and eighty (180) days:

   i. The goods or services previously provided on the premises are no longer provided;

   ii. There is no water or electricity provided to the site and this is not due to natural causes;

   iii. A certificate of occupancy has not been issued for the structures located on the site;

   iv. Other evidence that the use has been discontinued.
b. If the use has been discontinued for more than one hundred and eighty (180) days based on the criteria provided in this subsection A.2, the legal nonconforming status of the building, structure or use is terminated unless an application for continuation of a nonconforming status is approved as provided herein.

c. A property owner may apply to the department for continuation of legal nonconforming status if the applicant shows that:

i. Circumstances such as death of a property owner; revocation of a license necessary to operate the use or results in the discontinuance of the use and there is no determination by the entity which took action to cause the discontinuance that the owner acted wrongfully; foreclosure litigation; bankruptcy, or loss of a tenant; and

ii. Continuous good faith efforts to resume the use have been shown. If discontinuance in use is due to the loss of a tenant, the owner must show that reasonable action to obtain a new tenant has continued such as listing the property with a real estate agent, receipt of good faith offers on a regular basis by interested persons, existence of a telephone number which is available to persons interested in the property and evidence of continuous active marketing efforts such as advertisements in appropriate media and current signage on the property.

d. An application for an extension of nonconforming status shall be filed with the department and shall be reviewed in accordance with the process for site plan level I review in accordance with Sec. 47-24.2, Site Plan Review Development Permit. The application need not include the information in Sec. 47-24.1.F.10. If the department finds that the requirements provided in this section have been met, the application for extension may be granted for a period of time necessary to resume the use as determined by the department based on the information provided by the applicant, but in no case for a period exceeding two (2) years subject to such conditions necessary to ensure that the use is resumed. If the department finds that the criteria have not been met, then the application for continuation shall be denied and the termination of the legal nonconforming status is confirmed.

e. The order granting the application for continuation of legal nonconforming status shall require the applicant to resume a nonconforming use as permitted by this section within the time provided in the order. If a nonconforming use is not resumed within the time provided in the order, the applicant must submit another application for another continuation prior to the expiration of the time limitation. The application shall be reviewed and an approval considered based on the same criteria as applied to the first application. If an application is not filed before the expiration of the time limitation, then the nonconforming status shall terminate. A property owner must continue to file applications and receive extensions of nonconforming status until such time as a nonconforming use of the property is resumed or the nonconforming status shall terminate. Use of the property shall be resumed when the conditions evidencing the discontinuance of the nonconforming operations associated with the use no longer exist.

f. Commission request for review. The order granting an extension of nonconforming status shall not take effect nor shall a building permit be issued any sooner than thirty (30) days after approval and then only if no motion is adopted by the city commission seeking to review the application or no appeal is filed by the applicant as provided in Section 47-26B, Appeals.
g. Appeal. A denial of an application for extension of nonconforming status may be appealed by the property owner to the planning and zoning board in accordance with Section 47-26B, Appeals.

3. There is a change in use which is not approved in accordance with Sec. 47-3.5

(Ord. No. C-97-19, § 1(47-3.7), 6-18-97)

Sec. 47-3.9. - Reuse of a nonconforming structure.

A. A nonconforming structure which has lost its legal nonconforming status may be permitted for a proposed use subject to the following:

1. The nonconformity is due to yard or height only.

2. The proposed use of the nonconforming structure is permitted in accordance with all applicable provisions of the ULDR.

3. The proposed use complies with the development requirements relating to improvements located outside of the principal structure. Such development requirements shall include but are not limited to parking, landscaping, signs, ingress and egress, alterations in the structure which do not effect load bearing walls, columns or girders, and other improvements related to making the existing structure and its use compatible in accordance with the neighborhood compatibility requirements as provided in Sec. 47-25.3. The requirements may also include restrictions on the operation of the use. A proposed reuse of a nonconforming structure shall be reviewed in accordance with the procedures for site plan level I review as provided in Sec. 47-24.2. If any adverse impacts due to the nonconformity of the height or yard can be mitigated by such conditions without moving or altering load bearing walls, columns or girders, then the reuse will be permitted. If a determination is made that the adverse impacts due to height or yard cannot be mitigated, the reuse will not be permitted.

4. Effective date of approval. The approval of a reuse of a nonconforming structure application by the department shall not take effect nor shall a building permit be issued any sooner than thirty (30) days after approval and then only if no motion is adopted by the city commission seeking to review the application or no appeal is filed by the applicant as provided in Section 47-26B, Appeals.

5. Appeal. An applicant may appeal a denial of a reuse of a nonconforming structure application to the planning and zoning board in accordance with Section 47-26B, Appeals.

(Ord. No. C-97-19, § 1(47-3.8), 6-18-97)

Sec. 47-3.10. - Governmental acquisition or taking.

The lawful use of an existing building, structure, land or a proposed building, structure or use of land which has received city approval through a building permit or other development permit as provided in the ULDR that precedes the issuance of a building permit, may continue although such use or proposed use does not conform to the provisions of the ULDR when the nonconformity is the result of a taking or acquisition of property by a governmental authority or other entity with eminent domain powers. An expansion of or addition to such proposed or existing use is permitted in accordance with the provisions of this section. If such nonconforming building, structure or use of land is removed or the
nonconforming use of such building, structure or land is discontinued for a continuous period of one hundred and eighty (180) days, the provisions of Sec. 47-3.8 shall apply.

(Ord. No. C-97-19, § 1(47-3.9), 6-18-97)

**Sec. 47-3.11. - Multiple use development site.**

A. If there is more than one (1) use or structure on a development site which shares a common parking area which is legally nonconforming and one (1) or more of the uses or structure either:

1. Change to a use which requires it to meet the ULDR as provided in Sec. 47-3.5; or
2. Loses its nonconforming status as provided in Sec. 47-3.8; or
3. The parking for any new use or structure is required to meet the ULDR;

then only that portion of the common parking area attributable to such use or structure which has lost nonconforming status shall be required to meet the ULDR.

B. If different uses are located in one (1) attached structure then removal, damage or destruction as described in Sec. 47-3.6.B will apply to the entire structure. If uses are located in different structures on one development site, removal, damage or destruction as described in Sec. 47-3.6.B will apply only to the detached structure which has been changed, destroyed or removed.

(Ord. No. C-97-19, § 1(47-3.10), 6-18-97)

**ARTICLE II. - ZONING DISTRICT REQUIREMENTS**

SECTION 47-4. - ZONING DISTRICTS ESTABLISHED
SECTION 47-5. - RESIDENTIAL ZONING DISTRICTS AND RESIDENTIAL OFFICE ZONING DISTRICTS
SECTION 47-6. - BUSINESS ZONING DISTRICTS
SECTION 47-7. - INDUSTRIAL ZONING DISTRICTS
SECTION 47-8. - PUBLIC PURPOSE DISTRICTS
SECTION 47-9. - X-EXCLUSIVE USE DISTRICT
SECTION 47-10. - COMMERCE CENTER DISTRICT
SECTION 47-11. - COMMERCIAL RECREATION DISTRICT
SECTION 47-12. - CENTRAL BEACH DISTRICTS
SECTION 47-13. - REGIONAL ACTIVITY CENTER DISTRICTS
SECTION 47-14. - GENERAL AVIATION DISTRICTS
SECTION 47-15. - PORT EVERGLADES DEVELOPMENT DISTRICT
SECTION 47-16. - HISTORIC PRESERVATION DISTRICT
SECTION 47-17. - SAILBOAT BEND HISTORIC DISTRICT

**SECTION 47-4. - ZONING DISTRICTS ESTABLISHED**
Sec. 47-4.1. - Listing.

For the purpose of regulating the use of land, and height and bulk of buildings and location of buildings for specific purposes to limit the population and density, and the intensity of use and open space, the city is hereby divided into the following zoning districts:

*Residential Zoning Districts*

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS-4.4</td>
<td>Residential Single Family/Low Density</td>
</tr>
<tr>
<td>RS-8</td>
<td>Residential Single Family/Low Medium Density</td>
</tr>
<tr>
<td>RD-15</td>
<td>Residential Single Family and Duplex/Medium Density</td>
</tr>
<tr>
<td>RDs-15</td>
<td>Residential Single Family/Medium Density</td>
</tr>
<tr>
<td>RC-15</td>
<td>Residential Single Family and Cluster/Medium Density</td>
</tr>
<tr>
<td>RCs-15</td>
<td>Residential Single Family/Medium Density</td>
</tr>
<tr>
<td>RM-15</td>
<td>Residential Multifamily Low Rise/Medium Density</td>
</tr>
<tr>
<td>RM-15</td>
<td>Residential Low Rise Multifamily/Medium Density</td>
</tr>
<tr>
<td>RML-25</td>
<td>Residential Multifamily Low Rise/Medium High Density</td>
</tr>
<tr>
<td>RMM-25</td>
<td>Residential Multifamily Mid Rise/Medium High Density</td>
</tr>
<tr>
<td>RMH-25</td>
<td>Residential Multifamily High Rise/Medium High Density</td>
</tr>
<tr>
<td>RMH-60</td>
<td>Residential Multifamily High Rise/High Density</td>
</tr>
<tr>
<td>MHP</td>
<td>Mobile Home Park</td>
</tr>
</tbody>
</table>

*Residential Office Zoning Districts*

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>RO</td>
<td>Residential Office</td>
</tr>
<tr>
<td>ROA</td>
<td>Limited Residential Office</td>
</tr>
<tr>
<td>ROC</td>
<td>Planned Residential Office</td>
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</tbody>
</table>

*Business Districts*

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>CB</td>
<td>Community Business</td>
</tr>
<tr>
<td>B-1</td>
<td>Boulevard Business</td>
</tr>
<tr>
<td>B-2</td>
<td>General Business</td>
</tr>
<tr>
<td>B-3</td>
<td>Heavy Commercial/Light Industrial Business</td>
</tr>
<tr>
<td>PCC</td>
<td>Planned Commerce Center</td>
</tr>
</tbody>
</table>

*Industrial Districts*

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>General Industrial</td>
</tr>
</tbody>
</table>

*Public Purpose Districts*

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>CF</td>
<td>Community Facility</td>
</tr>
<tr>
<td>CF-H</td>
<td>Community Facility: House of Worship</td>
</tr>
<tr>
<td>CF-HS</td>
<td>Community Facility: House of Worship and School</td>
</tr>
<tr>
<td>CF-S</td>
<td>Community Facility: School</td>
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</table>
Parks, Recreation and Open Space
Transportation
Utility

### Special Purpose Districts

<table>
<thead>
<tr>
<th>Code</th>
<th>District Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>X-P</td>
<td>Exclusive Use Parking Lot</td>
</tr>
<tr>
<td>X-P-R</td>
<td>Exclusive Use Parking Lot/Residential</td>
</tr>
<tr>
<td>X-G</td>
<td>Exclusive Use Parking Garage</td>
</tr>
<tr>
<td>X-G-R</td>
<td>Exclusive Use Parking Garage/Residential</td>
</tr>
<tr>
<td>X-B</td>
<td>Exclusive Use Business</td>
</tr>
<tr>
<td>X-P-OR</td>
<td>Exclusive Use Parking Lot/Optional Residential</td>
</tr>
<tr>
<td>X-G-OR</td>
<td>Exclusive Use Parking Garage/Optional Residential</td>
</tr>
<tr>
<td>X-B-OR</td>
<td>Exclusive Use Business/Optional Residential</td>
</tr>
</tbody>
</table>

### Commerce Center Districts

<table>
<thead>
<tr>
<th>Code</th>
<th>District Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>CC</td>
<td>Commerce Center District</td>
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</tbody>
</table>

### Commercial Recreation Districts

<table>
<thead>
<tr>
<th>Code</th>
<th>District Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>CR</td>
<td>Commercial Recreation District</td>
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### Central Beach Districts

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<th>Code</th>
<th>District Name</th>
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<tbody>
<tr>
<td>PRD</td>
<td>Planned Resort Development District</td>
</tr>
<tr>
<td>ABA</td>
<td>A-1-A Beachfront Area District</td>
</tr>
<tr>
<td>SLA</td>
<td>Sunrise Lane Area District</td>
</tr>
<tr>
<td>IOA</td>
<td>Intracoastal Overlook Area District</td>
</tr>
<tr>
<td>NBRA</td>
<td>North Beach Residential Area District</td>
</tr>
<tr>
<td>SBMHA</td>
<td>South Beach Marina and Hotel Area District</td>
</tr>
</tbody>
</table>

### Downtown Regional Activity Center Districts

<table>
<thead>
<tr>
<th>Code</th>
<th>District Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>RAC-CC</td>
<td>City Center District</td>
</tr>
<tr>
<td>RAC-AS</td>
<td>Arts and Sciences District</td>
</tr>
<tr>
<td>RAC-UV</td>
<td>Urban Village District</td>
</tr>
<tr>
<td>RAC-RP</td>
<td>Residential and Professional Office District</td>
</tr>
<tr>
<td>RAC-TMU</td>
<td>Transitional Mixed-Use District</td>
</tr>
<tr>
<td>RAC-EMU</td>
<td>East Mixed Use District</td>
</tr>
<tr>
<td>RAC-WMU</td>
<td>West Mixed Use District</td>
</tr>
<tr>
<td>RAC-SMU</td>
<td>Southwest Mixed Use District</td>
</tr>
</tbody>
</table>

### General Aviation Airport Districts
Sec. 47-4.2. - Abbreviations.

The abbreviations included in the residential zoning district titles have meaning as follows:

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>R</td>
<td>Residential</td>
</tr>
<tr>
<td>S</td>
<td>Single Family</td>
</tr>
<tr>
<td>D</td>
<td>Duplex</td>
</tr>
<tr>
<td>C</td>
<td>Cluster</td>
</tr>
<tr>
<td>M</td>
<td>Multiple Family</td>
</tr>
<tr>
<td>ML</td>
<td>Multiple Family - Low Rise</td>
</tr>
<tr>
<td>MM</td>
<td>Multiple Family - Mid Rise</td>
</tr>
<tr>
<td>MH</td>
<td>Multiple Family - High Rise</td>
</tr>
</tbody>
</table>

(Ord. No. C-97-19, § 1(47-4), 6-18-97)

SECTION 47-5. - RESIDENTIAL ZONING DISTRICTS AND RESIDENTIAL OFFICE ZONING DISTRICTS

Sec. 47-5.1. - List of districts.
Sec. 47-5.2. - Intent and purpose of each district.
Secs. 47-5.3—47-5.9. - Reserved.
Sec. 47-5.10. - List of permitted and conditional uses, RS-4.4 Residential Single Family/Low Density District.
Sec. 47-5.11. - List of permitted and conditional uses, RS-8 and RS-8A Residential Single Family/Low Medium Density District.
Sec. 47-5.13. - List of permitted and conditional uses, RDs-15 Residential Single Family/Medium Density District.
Sec. 47-5.15. - List of permitted and conditional uses, RCs-15 Residential Single Family/Medium Density District.

Fort Lauderdale, Florida, Code of Ordinances
Sec. 47-5.1. - List of districts.

A. Residential zoning districts.

1. RS-4.4 - Residential Single Family/Low Density District.
2. RS-8 - Residential Single Family/Low Medium Density District.
4. RDs-15 - Residential Single Family/Medium Density District
8. RM-25 - Residential Low Rise Multifamily/Medium Density District.
9. RML-25 - Residential Multifamily Low Rise/Medium High Density District.
10. RMM-25 - Residential Multifamily Mid Rise/Medium High Density District.
11. RMH-25 - Residential Multifamily High Rise/Medium High Density District.
12. RMH-60 - Residential Multifamily High Rise/High Density District.

13. MHP - Mobile Home Park District.

B. Residential office zoning districts.
   1. RO - Residential Office District. See Sec. 47-5.60
   2. ROA - Limited Residential Office District. See Sec. 47-5.60
   3. ROC - Planned Residential Office Districts. See Sec. 47-5.60

(Ord. No. C-97-19, § 1(47-5.1), 6-18-97; Ord. No. C-99-27, § 1, 5-4-99)

Sec. 47-5.2. Intent and purpose of each district.

A. Residential zoning districts.
   1. RS-4.4 district is intended to provide areas within the city for single family detached residences and accessory uses. The RS-4.4 district has a maximum density of four and four-tenths (4.4) dwelling units per net acre, which is consistent with the density permitted by the residential low category of the city's comprehensive plan.

   2. RS-8 district is intended to provide areas within the city for single family detached residences and accessory uses. The RS-8 district has a maximum density of eight (8) dwelling units per net acre, which is consistent with the density permitted by the residential low-medium category of the city's comprehensive plan.

      b. RS-8A district is intended to preserve the existing character and integrity of RS-8 neighborhoods by reducing the potential for increased bulk, height and mass of single family detached residences which is permitted in an RS-8 zoning district. Further restriction on bulk, height and mass will promote the preservation of existing tree canopy and provide for additional landscaping.

   3. RD-15 district is intended to provide areas within the city for single family detached dwellings and for duplex units or two family residences where two (2) units are either attached or semi-attached. The RD-15 district permits single family dwelling units including zero lot line dwellings and cluster dwellings designed in a manner that is compatible and complementary to the surrounding area. This provides for a more efficient use of land resources by allowing for a modification of yards to provide for innovative site design and open space on lots which, because of their size and/or configuration, could not be efficiently used otherwise. The RD-15 district has a maximum density of fifteen (15) dwelling units per net acre, which is consistent with the density permitted by the residential medium category of the city's comprehensive plan.

   4. RC-15 district is intended to provide areas within the city for single family detached and attached residences and accessory uses. The RC-15 district is also intended to provide for a variety of one family residences, such as zero lot line dwellings, townhouses, and the clustering of dwellings, in a manner which provides for a more efficient use of land resources by allowing for a modification of yards, providing for innovative site design and open space on lots which, because of their size and/or configuration, could not be efficiently used otherwise. The RC-15 district has a maximum density of fifteen (15) dwelling units per net acre, which is consistent with the density
permitted by the residential medium category of the city’s comprehensive plan.

5. **RDs-15, RCs-15, RMRs-15** are zoning districts intended to limit new residential development to single family detached residences. Duplex, townhouse and multifamily uses that exist and are located on property that was zoned RD-15, RC-15 or RM-15 on April 21, 1998, can be redeveloped as duplex, townhouse or multifamily uses, subject to the provisions provided in Sec. 47-18.39

6. **RM-15** district is intended to provide areas in the city for single family residences and low-rise multifamily residences in a manner which ensures, to the greatest extent possible, compatibility with adjacent development and existing residential neighborhoods. Parcels so designated shall serve as a transition from medium high and high density multifamily housing to single family neighborhoods, and shall be located to locations on or within reasonable proximity to arterial or collector streets or generally near community facilities, office or commercial development. The RM-15 district has a maximum density of fifteen (15) dwelling units per net acre, which is consistent with the residential medium category of the city’s comprehensive plan.

7. **RML-25** district is intended for single family residences and low-rise multifamily residences and hotel/motels in a manner which ensures, to the greatest extent possible, compatibility with adjacent development and existing residential neighborhoods. Parcels so designated shall serve as a transition from high density multifamily housing and hotel development to single family neighborhoods, and shall be located in proximity to arterial or collector streets or near community facilities, office or commercial development. The RML-25 district has a maximum density of twenty-five (25) dwelling units per net acre and a maximum density of thirty (30) hotel/motel rooms per net acre, which is consistent with the density permitted by the residential medium high category of the city’s comprehensive plan.

8. **RMM-25** district is intended for mid-rise multifamily residences and tourist accommodations. The RMM-25 district has a maximum density of twenty-five (25) dwelling units per net acre and a maximum density of thirty (30) hotel/motel or nursing home rooms per net acre, which is consistent with the residential medium high category of the city’s comprehensive plan. Parcels so designated shall serve as a transition from medium high density multifamily housing and hotel development to single family and midrise multifamily residential neighborhoods and shall be located in proximity to arterial or collector streets or adjacent or near to commercial shopping and office facilities or services.

9. **RMH-25** district is intended for high-rise multifamily residences and tourist accommodations. Parcels so designated shall serve as a transition from medium high density multifamily housing and hotel development and single family and low to midrise multifamily residential neighborhoods and shall be located in proximity to arterial or collector streets or adjacent or near to commercial shopping and office facilities or services. The RMH-25 district has a maximum density of twenty-five (25) dwelling units per net acre and a maximum density of thirty (30) hotel/motel or nursing home rooms per net acre, which is consistent with the residential medium high category of the city’s comprehensive plan.

10. **RMH-60** district is intended for high-rise, high density multifamily residences and hotels. The RMH-60 district has a maximum density of sixty (60) dwelling units per net acre and one hundred twenty (120) hotel/motel rooms per net acre, and eighty-seven (87) nursing home rooms per net acre which is consistent with the residential high category of the city’s comprehensive plan.
11. **MHP** district is intended for the establishment of residential mobile home parks which are or will be convenient to major traffic arteries. Mobile home parks may be located in areas of the city that are west of the Seaboard Coast Line Railroad, at a maximum density of twenty-five (25) dwelling units per net acre, consistent with the residential medium high category of the city’s comprehensive plan.

B. **Residential office zoning districts.**

1. **RO** - Residential Office District: See Sec. 47-5.60
2. **ROA** - Limited Residential Office District: See Sec. 47-5.60
3. **ROC** - Planned Residential Office Districts: See Sec. 47-5.60

(Ord. No. C-97-19, § 1(47-5.2), 6-18-97; Ord. No. C-99-27, § 2, 5-4-99; Ord. No. C-08-05, § 1, 2-5-08)

**Secs. 47-5.3—47-5.9. - Reserved.**

**Sec. 47-5.10. - List of permitted and conditional uses, RS-4.4 Residential Single Family/Low Density District.**

District Categories—Residential Dwellings, Public Purpose Facilities, Child Day Care Facilities, and Accessory Uses, Buildings and Structures.

<table>
<thead>
<tr>
<th><strong>A.</strong> PERMITTED USES</th>
<th><strong>B.</strong></th>
<th><strong>CONDITIONAL USES:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Dwellings</td>
<td></td>
<td>See Sec. 47-24.3</td>
</tr>
</tbody>
</table>

1. Residential Dwellings

   a. One (1)
<table>
<thead>
<tr>
<th>2. Public Purpose Facilities</th>
</tr>
</thead>
</table>

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<th>s e e S e c . 4 7 - 1 8 . 3 2</th>
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</thead>
</table>

3. Child Day Care Facilities

. Family Child Care Facility

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<thead>
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<th></th>
<th>Accessory Uses, Buildings and Structures</th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>See Section 47-19</td>
</tr>
</tbody>
</table>

(Ord. No. C-97-19, § 1(47-5.3.1), 6-18-97)

**Sec. 47-5.11 - List of permitted and conditional uses, RS-8 and RS-8A Residential Single Family/Low Medium Density District.**

District Categories—Residential Dwellings, Public Purpose Facilities, Child Day Care Facilities, and Accessory Uses, Buildings and Structures.
<table>
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<tr>
<th></th>
<th>Residential Dwellings</th>
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<tbody>
<tr>
<td>a.</td>
<td>Single Family Dwelling</td>
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</table>
## Public Purpose Facilities

### Social Service Residential Facility, Levee

<table>
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<tr>
<th>2</th>
<th>Public Purpose Facilities</th>
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<tbody>
<tr>
<td>a.</td>
<td>Social Service Residential Facility, Levee</td>
</tr>
<tr>
<td>Section 47-39.A.</td>
<td>MELROSE PARK AND RIVERLAND ROAD</td>
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<tr>
<td><strong>3.</strong> Child Day Care Facilities</td>
<td></td>
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<tr>
<td><strong>a.</strong> Family Day Care Home, see Sec. 47-18-32</td>
<td></td>
</tr>
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4 Accessory Uses, Buildings and Structures
   a See Section 47-19

(Ord. No. C-97-19, § 1(47-5.3.2), 6-18-97; Ord. No. C-08-05, § 2, 2-5-08)


District Categories—Residential Dwellings, Public Purpose Facilities, Child Day Care Facilities, and Accessory Uses, Buildings and Structures.

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<tr>
<th>A</th>
<th>PERMITTED USES</th>
<th>B</th>
<th>CONDITIONAL USES:</th>
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<td>1</td>
<td>Residential Dwellings</td>
<td></td>
<td>See Sec. 47-24.3</td>
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<tr>
<th>2</th>
<th>Public Purpose Facilities</th>
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</thead>
<tbody>
<tr>
<td>a</td>
<td>Social Services</td>
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</tbody>
</table>
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3 Child Day Care Facilities

a Family Day Care Home, see Sec. 47-18.8

4 Accessory Uses, Buildings and Structures

a See Section 47-19

(Ord. No. C-97-19, § 1(47-5.3.3), 6-18-97)
Sec. 47-5.13. - List of permitted and conditional uses, RDs-15 Residential Single Family/Medium Density District.

District Categories—Residential Dwellings, Public Purpose Facilities, Child Day Care Facilities, and Accessory Uses, Buildings, and Structures.

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<tr>
<th>A. PERMITTED USES</th>
<th>CONDITIONS USES</th>
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<tbody>
<tr>
<td>Residential Dwellings</td>
<td>See Sec. 47-24.3</td>
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<tr>
<td>a. One (1) Single Family Dwel</td>
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| c | Existing Two Family/Duplex |

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3. So
### Child Day Care Facilities

**a. Family Day Care Home**

- See Sec. 47-18.8

### Accessory Uses, Buildings and Structures
a. See Section 47-19

(Ord. No. C-99-27, § 3(47-5.3.3b), 5-4-99)


District Categories—Residential Dwellings, Public Purpose Facilities, Child Day Care Facilities, and Accessory Uses, Buildings, and Structures.

<table>
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<th>A</th>
<th>PERMITTED USES</th>
<th>CONDITIONAL USES:</th>
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<tbody>
<tr>
<td></td>
<td>Residential Dwellings</td>
<td>See Sec. 47-24.3</td>
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a. One (1) Single Family

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f. Existing Dwelling Units, see Sec. 47-18.39

2 Public Purpose Facilities
3 Child Day Care Facilities

a Family Day Care Home, see Sec. 47-18.
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<th>Accessory Uses, Buildings and Structures</th>
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<tr>
<td>a</td>
<td>See Section 47-19</td>
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</table>

(Ord. No. C-97-19, § 1(47-5.3.4), 6-18-97)

Sec. 47-5.15. - List of permitted and conditional uses, RCs-15 Residential Single Family/Medium Density District.

District Categories—Residential Dwellings, Public Purpose Facilities, Child Day Care Facilities, and Accessory Uses, Buildings, and Structures.

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<th>A. Permitted Uses</th>
<th>B. Conditional Uses:</th>
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<tbody>
<tr>
<td>Residential Dwellings</td>
<td>See Sec. 47-24.3</td>
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<tr>
<th>1</th>
<th>Residential Dwellings</th>
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<td>One (1) Single F</td>
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18.39. Existing Townhouses, see Sec. 47-18.33 &amp;
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<td>2</td>
<td>Public Purpose Facilities</td>
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<tr>
<td>a</td>
<td>Social Service Residential Facility, Levels</td>
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</table>
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<tr>
<th>Child Day Care Facilities</th>
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<tr>
<td>Family Day Care Home, see Sec. 47.18.32</td>
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</table>
4. **Accessory Uses, Buildings and Structures**

   a. See Section 47-19

(Ord. No. C-99-27, § 3(47-5.3.4b), 5-4-99)

**Sec. 47-5.16. - List of permitted and conditional uses, RM-15 Residential Low Rise Multifamily/Medium Density District.**


<table>
<thead>
<tr>
<th>A. PERMITTED USES</th>
<th>B.</th>
<th>CONDITIONAL USES:</th>
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<tbody>
<tr>
<td>1. Residential Dwellings</td>
<td></td>
<td>See Sec. 47-24.3</td>
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<tr>
<td>a. One (1)</td>
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</table>
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- Family Dwellings, Single
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- Developed

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TWO FAMILY/DUPLEX DWELLINGS

TOWNHOUSES, SEE
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<td>2</td>
<td><strong>Lodging</strong></td>
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<tr>
<td></td>
<td>a.</td>
<td><strong>Bed and Breakfast Dwelling</strong>, see Sec. 47-18.6</td>
</tr>
<tr>
<td>3</td>
<td><strong>Mixed Use Development</strong></td>
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<tr>
<td></td>
<td>a.</td>
<td><strong>Mixed Use Development</strong>, see Sec. 47-18.21</td>
</tr>
<tr>
<td>4</td>
<td><strong>Public Purpose Facilities</strong></td>
<td></td>
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</tbody>
</table>
|   | a. | **Social Service Residential Facility, Level I**, see Sec. 47-18.32  
   |   | a. **House of Worship**, see Sec. 47-18.17  
   |   | b. **School.**  
   |   | c. **Social Service Residential Facility, Level II**, see Sec. 47-18.32. |
| 5 | **Child Day Care Facilities** |   |
|   |   |   |
|   | a. | **Family Day Care** |
|   |   |   |
|   |   |   |
(Ord. No. C-97-19, § 1(47-5.3.5), 6-18-97)

Sec. 47-5.17. - List of permitted and conditional uses, RM-15 Residential Low Rise Multifamily/Medium Density District.


<table>
<thead>
<tr>
<th>A</th>
<th>PERMITTED USES</th>
<th>B. CONDITIONAL USES:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>See Sec. 47-24.3</td>
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</tbody>
</table>
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<tbody>
<tr>
<td>1.</td>
<td><em>Residential Dwellings</em></td>
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<tr>
<td>a.</td>
<td>One (1) Single Family Dwelling, Standard</td>
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<td>b.</td>
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Existing Zero-lot-line Dwelling, see Sec. 47.1
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Sec. 47-18.33 & 47-18.39

Existing Coach Homes
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<th>Lodging</th>
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<tbody>
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<td>a.</td>
<td>Existing Bed and Breakfast Dwelling, see Sec. 47-18.6 &amp; 47-18.39</td>
</tr>
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<thead>
<tr>
<th>3</th>
<th>Mixed Use Development</th>
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<tbody>
<tr>
<td>a.</td>
<td>Existing Mixed Use Development, see Sec. 47-18.21 &amp; 47-18.39</td>
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<tr>
<th>4</th>
<th>Public Purpose Facilities</th>
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</thead>
<tbody>
<tr>
<td>a.</td>
<td>Social Service Residential Facility, Level I, see Sec. 47-18.32</td>
</tr>
<tr>
<td>b.</td>
<td>Existing School, see Sec. 47-18.39</td>
</tr>
<tr>
<td>c.</td>
<td>Existing Social Service Residential Facility, Level II, see Sec. 47-18.32 &amp; 47-18.39</td>
</tr>
</tbody>
</table>

| 5 | Child Day Care Facilities |
Accessory Uses, Buildings and Structures

See Section 47-19

(Ord. No. C-99-27, § 3(47-5.3.5b), 5-4-99)

Sec. 47-5.18. - List of permitted and conditional uses, RML-25 Residential Low Rise Multifamily/Medium High Density District.

District Categories—Residential Dwellings, Lodging, Mixed Use Development, Public Purpose
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<tr>
<th>A. PERMITTED USES</th>
<th>B. CONDITIONAL USES:</th>
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</thead>
<tbody>
<tr>
<td>Residential Dwellings</td>
<td>See Sec. 47-24.3</td>
</tr>
</tbody>
</table>

- 1. **Residential Dwellings**
  - a. One Family Dwelling

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b. Cluster Dwellings, see Sec. 47-18.9

c. Zero -
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plex Dwellings.

Townhouses, see Sec. 47-18.33

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<table>
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<tr>
<th>Lodging</th>
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<tbody>
<tr>
<td>a.</td>
<td>Bed and Breakfast Dwelling, see Sec. 47-18.6</td>
</tr>
<tr>
<td>b.</td>
<td>Hotel, see Sec. 47-18.16</td>
</tr>
</tbody>
</table>
### Mixed Use Development

- Mixed Use Development, see Sec. 47-18.21

### Public Purpose Facilities

- Social Service Residential Facility, Level I, see Sec. 47-18.32
  - House of Worship, see Sec. 47-18.17
  - School.
  - Social Service Residential Facility, Level II, see Sec. 47-18.32.

### Child Day Care Facilities

- Family Day Care Home, see Sec. 47-18.32
### Section 47-39. Development Regulations for Annexed Areas

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**SECTION 47-39. DEVELOPMENT REGULATIONS FOR ANNEXED AREAS**

**SECTION 47-39.A. MELROSE PARK AND RIVERLAND ROAD**

1. **Accessory Uses, Buildings and Structures**
   - See Section 47-19

(Ord. No. C-97-19, § 1(47-5.3.6), 6-18-97)

**Sec. 47-5.19. List of permitted and conditional uses, RMM-25 Residential Mid Rise Multifamily/Medium High Density District.**


<table>
<thead>
<tr>
<th>A</th>
<th>PERMITTED USES</th>
<th>B.</th>
<th>CONDITIONAL USES:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Residential Dwellings</td>
<td></td>
<td>See Sec. 47-24.3</td>
</tr>
<tr>
<td>a</td>
<td>One (1) Single</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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b. Cluster Dwellings, see e Family Dwellings, Standard.
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39.A. MELROSE PARK AND RIVERLAND ROAD
Two Family Duplex Dwellings.

Townhouses, see S.
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### DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

#### SECTION 47-39: MELROSE PARK AND RIVERLAND ROAD

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td><strong>Lodging</strong></td>
</tr>
<tr>
<td></td>
<td>a. Bed and Breakfast Dwelling, see Sec. 47-18.6</td>
</tr>
<tr>
<td></td>
<td>b. Hotel, see Sec. 47-18.16</td>
</tr>
<tr>
<td>3</td>
<td><strong>Mixed Use Development</strong></td>
</tr>
<tr>
<td></td>
<td>a. Mixed Use Development, see Sec. 47-18.21</td>
</tr>
<tr>
<td>4</td>
<td><strong>Public Purpose Facilities</strong></td>
</tr>
<tr>
<td></td>
<td>a. Social Service Residential Facility, Level I, see Sec. 47-18.32</td>
</tr>
<tr>
<td></td>
<td>a. House of Worship, see Sec. 47-18.17</td>
</tr>
<tr>
<td></td>
<td>b. School</td>
</tr>
<tr>
<td></td>
<td>c. Social Service Residential Facility, Level II, III, IV, see Sec. 47-18.32</td>
</tr>
<tr>
<td>5</td>
<td><strong>Child Day Care Facilities</strong></td>
</tr>
<tr>
<td></td>
<td>a. Family Day Care</td>
</tr>
<tr>
<td></td>
<td>a. Small and Intermediate Child Day Care Facility, see Sec. 47-18.8</td>
</tr>
</tbody>
</table>
### Nursing Home Facilities

- **a.** Nursing Homes, see Sec. 47-18.23

### Accessory Uses, Buildings and Structures

- **a.** See Section 47-19

(Ord. No. C-97-19, § 1(47-5.3.7), 6-18-97)

**Sec. 47-5.20. - List of permitted and conditional uses, RMH-25 Residential High Rise Multifamily/Medium High Density District.**


<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>PERMITTED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td><strong>CONDITIONAL USES:</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>See Sec. 47-24.3</td>
</tr>
</tbody>
</table>
### USES

<table>
<thead>
<tr>
<th></th>
<th>Residential Dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
</tr>
<tr>
<td>a</td>
<td>One (1) Single Family Dwelling Standard</td>
</tr>
<tr>
<td>b</td>
<td>C</td>
</tr>
</tbody>
</table>
SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
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#### Section 47-39

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>e.</td>
<td>Multifamily Dwelling</td>
</tr>
<tr>
<td>g.</td>
<td>Mixed Use Development</td>
</tr>
<tr>
<td>2.</td>
<td>Lodging</td>
</tr>
<tr>
<td>a.</td>
<td>Bed and Breakfast Dwelling, see Sec. 47-18.6</td>
</tr>
<tr>
<td>b.</td>
<td>Hotel, see Sec. 47-18.16</td>
</tr>
<tr>
<td>3.</td>
<td>Mixed Use Development</td>
</tr>
<tr>
<td>a.</td>
<td>Mixed Use Development, see Sec. 47-18.21</td>
</tr>
<tr>
<td>4.</td>
<td>Public Purpose Facilities</td>
</tr>
<tr>
<td>a.</td>
<td>Social Service Residential Facility, Level I, see Sec. 47-18.32</td>
</tr>
<tr>
<td>a.</td>
<td>House of Worship, see Sec. 47-18.17</td>
</tr>
<tr>
<td>b.</td>
<td>School.</td>
</tr>
<tr>
<td>c.</td>
<td></td>
</tr>
</tbody>
</table>
### Child Day Care Facilities

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>Family Day Care Home, see Sec. 47-18.8</td>
</tr>
<tr>
<td></td>
<td>Small and Intermediate Child Day Care Facility, see Sec. 47-18.8</td>
</tr>
</tbody>
</table>

### Nursing Home Facilities

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>Nursing Homes, see Sec. 47-18.23</td>
</tr>
</tbody>
</table>

### Accessory Uses, Buildings and Structures

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>See Section 47-19</td>
</tr>
</tbody>
</table>
(Ord. No. C-97-19, § 1(47-5.3.8), 6-18-97)

Sec. 47-5.21. - List of permitted and conditional uses, RMH-60 Residential High Rise Multifamily/High Density District.

District Categories—Residential Dwellings, Lodging, Mixed Use Development. Public Purpose Facilities, Child Day Care Facilities, Nursing Homes, and Accessory Uses, Buildings and Structures.

<table>
<thead>
<tr>
<th>A</th>
<th>B. PERMITTED USES</th>
<th>CONDITIONAL USES:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>See Sec. 47-24.3</td>
</tr>
</tbody>
</table>

Any use which is greater than 150 feet in height up to a maximum height of 300 feet, is a Conditional Use Permit subject to the Requirements of Sec. 47-24.3, Conditional Use Permit.

<table>
<thead>
<tr>
<th></th>
<th>Residential Dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
</tr>
<tr>
<td>a</td>
<td>One (1) Single Family</td>
</tr>
</tbody>
</table>
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UNIFIED LAND DEVELOPMENT REGULATIONS
Chapter 47 - UNIFIED LAND DEVELOPMENT REGULATIONS
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8.33

Rowhouse, see Sec. 47-18.28

Coach Home, see Sec. 47-18.28
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a. Dwelling, see Sec. 47-18.6

b. Hotel, see Sec. 47-18.
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**A. MELROSE PARK AND RIVERLAND ROAD**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
</table>
| 3 | **Mixed Use Development**
| a. | Mixed Use Development, see Sec. 47-18.21 |
| 4 | **Public Purpose Facilities**
| a. | Social Service Residential Facility, Level I, II, III, IV, see Sec. 47-18.32 |
| a. | Helistop, see Sec. 47-18.14 |
| b. | Hospital |
| c. | House of Worship, see Sec. 47-18.17 |
| d. | School |
| e. | Social Service Residential Facility, Level V, see Sec. 47-18.32 |
| 5 | **Child Day Care Facilities**
| a. | Family Day Care Home, Small |
| a. | Corporate/Employee Child Day Care Facility, see Sec. 47-18.8 |
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### Nursing Home Facilities

- Nursing Homes, see Sec. 47-18.23

### Accessory Uses, Buildings and Structures

- See Section 47-19

(Ord. No. C-97-19, § 1(47-5.3.9), 6-18-97)

**Sec. 47-5.22. - List of permitted and conditional uses, MHP Mobile Home Park District.**

District Categories—Residential Dwellings, and Accessory Uses, Buildings and Structures.

<table>
<thead>
<tr>
<th>A. PERMITTED USES</th>
<th>CONDITIONAL USES:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Residential Dwellings</td>
<td>See Sec. 47-24.3</td>
</tr>
</tbody>
</table>
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SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD
(Ord. No. C-97-19, § 1(47-5.3.10), 6-18-97)

Secs. 47-5.23—47-5.29. - Reserved.

Sec. 47-5.30. - Table of dimensional requirements for the RS-4.4 district. (Note A)

<table>
<thead>
<tr>
<th>Requirements</th>
<th>RS-4.4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum density</td>
<td>4.4 du/net ac.</td>
</tr>
<tr>
<td>Minimum lot size</td>
<td>10,000 sq. ft.</td>
</tr>
<tr>
<td>Maximum structure height</td>
<td>35 ft.</td>
</tr>
<tr>
<td>Maximum structure length</td>
<td>None</td>
</tr>
<tr>
<td>Minimum lot width</td>
<td>75 ft.</td>
</tr>
<tr>
<td></td>
<td>*100 ft. when abutting a waterway on any side</td>
</tr>
<tr>
<td>Minimum floor area</td>
<td>1,250 sq. ft.</td>
</tr>
<tr>
<td>Minimum front yard</td>
<td>25 ft.</td>
</tr>
<tr>
<td></td>
<td>Special minimum front yard setbacks:</td>
</tr>
<tr>
<td></td>
<td>Coral Isles—15 ft.</td>
</tr>
<tr>
<td></td>
<td>Nurmi Isles—20 ft.</td>
</tr>
<tr>
<td></td>
<td>Pelican Isle—20 ft.</td>
</tr>
<tr>
<td>Minimum corner yard</td>
<td>25% of lot width, but not greater than 25 ft.</td>
</tr>
</tbody>
</table>
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<table>
<thead>
<tr>
<th>Requirement</th>
<th>RS-8</th>
<th>RS-8A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum side yard</td>
<td>10 ft. - up to 22 ft. in height</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Where a building exceeds 22 ft. in height that portion of the building shall be set back an additional 1 foot per foot of building height above 22 ft.</td>
<td></td>
</tr>
<tr>
<td>Minimum rear yard</td>
<td>15 ft.</td>
<td></td>
</tr>
<tr>
<td>Minimum distance between buildings</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Lot Size</td>
<td><strong>Maximum Lot Coverage</strong></td>
<td><strong>Maximum Floor Area Ratio</strong></td>
</tr>
<tr>
<td>≤10,000 sf</td>
<td>50%</td>
<td>0.75</td>
</tr>
<tr>
<td>Lot coverage and FAR</td>
<td>45%</td>
<td>0.75</td>
</tr>
<tr>
<td>&gt;15,000 sf</td>
<td>40%</td>
<td>0.60</td>
</tr>
</tbody>
</table>

Note A: Dimensional requirements may be subject to additional regulations, see Section 47-23, Specific Location Requirements, and Section 47-25, Development Review Criteria.

* Allowances for modifications of lot widths may be permitted in accordance with the requirements of Sec. 47-23.10, Specific Location Requirements.

** An increase in the maximum FAR or lot coverage may be permitted subject to the requirements of a site plan level III, see Sec. 47-24.2.

(Ord. No. C-97-19, § 1(47-5.4), 6-18-97)

Sec. 47-5.31. - Table of dimensional requirements for the RS-8 district. (Note A)
<table>
<thead>
<tr>
<th>Minimum floor area</th>
<th>1,000 sq. ft.</th>
<th>1,000 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum front yard</td>
<td>25 ft.</td>
<td>25 ft.</td>
</tr>
<tr>
<td></td>
<td>Special minimum front yard setbacks:</td>
<td>Special minimum front yard setbacks:</td>
</tr>
<tr>
<td></td>
<td>Nurmi Isles—20 ft.</td>
<td>Nurmi Isles—20 ft.</td>
</tr>
<tr>
<td></td>
<td>Pelican Isles—20 ft.</td>
<td>Pelican Isles—20 ft.</td>
</tr>
<tr>
<td>Minimum corner yard</td>
<td>25% of lot width but not greater than 25 ft.</td>
<td>25% of lot width but not greater than 25 ft.</td>
</tr>
<tr>
<td></td>
<td>25 ft. when abutting a waterway</td>
<td>25 ft. when abutting a waterway</td>
</tr>
<tr>
<td>Minimum side yard</td>
<td>5 ft. - up to 22 ft. in height</td>
<td>For a building with a height no greater than 12 ft. - 5 ft.</td>
</tr>
<tr>
<td></td>
<td>Where a building exceeds 22 ft. in height that portion of the building above 22 ft. shall be set back an additional 1 foot per foot of additional height.</td>
<td>For a building with a height greater than 12 ft. - 7.5 ft.</td>
</tr>
<tr>
<td></td>
<td>25 ft. when abutting a waterway</td>
<td>That portion of a building exceeding 12 ft. in height shall be set back an additional 2 feet per 1 foot of additional height</td>
</tr>
<tr>
<td></td>
<td>Special side yard setbacks 7.5 ft.:</td>
<td>Special side yard setbacks as provided in RS-8</td>
</tr>
<tr>
<td></td>
<td>Coral Ridge Country Club Addition 4, P.B. 53 P. 29; Block G, Lots 1 thru 22; Block H, Lots 1 thru 10 and 16 thru 26; Block I; Block J. Gramercy Park, P.B. 57, P. 45, Block 1; and Block 2, Lots 1 thru 16.</td>
<td>Coral Ridge Country Club Addition 4, P.B. 63 P. 31 Parcels A, B, C; Gramercy Park, PB 57 P. 45 Block 2, Lots 17 and 18; Coral Ridge Country Club Addition No. 2 P.B. 44 PG 21 Block F, Lots 2 thru 19; Block E, Lots 1 thru 6 and 10 thru 16; Block C, Lots 2 thru 11; Block D, Lots 2 thru 4; Block B, Lot 2 and Lots 15 thru 25, and Bermuda-Riviera Subdivision of Galt Ocean Mile,</td>
</tr>
</tbody>
</table>
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P.B. 38 P. 46; Blocks A, C, D, E, F, G & H;
Bermuda-Riviera Subdivision of Galt Ocean, First
Addition, P.B. 40 P.12: Blocks J, K, L & M.

<table>
<thead>
<tr>
<th>Minimum rear yard</th>
<th>Minimum distance between buildings</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 ft.</td>
<td>None</td>
</tr>
<tr>
<td>25 ft. when abutting a waterway</td>
<td>None</td>
</tr>
<tr>
<td>Special rear yard setbacks: 15 ft. abutting waterway in the following subdivisions: Coral Ridge Isles Flamingo Pk.—Sec. &quot;C&quot; &amp; &quot;D&quot; Lakes Estates Golf Estates Imperial Pt.—4th Sec. The Landings Rio Nuevo Isle—Block 1</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lot Size</th>
<th><strong>Maximum Lot Coverage</strong></th>
<th><strong>Maximum Floor Area Ratio</strong></th>
<th><strong>Maximum Lot Coverage</strong></th>
<th><strong>Maximum Floor Area Ratio</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>≤7,500 sf</td>
<td>50%</td>
<td>0.75</td>
<td>40%</td>
<td>0.55</td>
</tr>
<tr>
<td>7,501—12,000 sf</td>
<td>45%</td>
<td>0.75</td>
<td>35%</td>
<td>0.55</td>
</tr>
<tr>
<td>&gt;12,000 sf</td>
<td>40%</td>
<td>0.60</td>
<td>30%</td>
<td>0.50</td>
</tr>
</tbody>
</table>

Note A: Dimensional requirements may be subject to additional regulations, see Section 47-23, Specific Location Requirements, and Section 47-25, Development Review Criteria.

* Allowances for modifications of lot widths may be permitted in accordance with the requirements of Sec. 47-23.10, Specific Location Requirements.

** An increase in the maximum FAR or lot coverage may be permitted subject to the requirements of a site plan level III, see Sec. 47-24.2.

*** All other regulations relating to district RS-8 shall apply to RS-8A.


Sec. 47-5.32. - Table of dimensional requirements for the RD-15 and RDs-15 districts. (Note A)
## DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

### SECTION 47.39.A. - MELROSE PARK AND RIVERLAND ROAD

<table>
<thead>
<tr>
<th>(du/net acre)</th>
<th>Minimum lot size (sq. ft.)</th>
<th>6,000</th>
<th>6,000</th>
<th>4,000</th>
<th>3,000 each du</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Maximum structure height (ft.)</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
</tr>
<tr>
<td></td>
<td>Maximum structure length (ft.)</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Minimum lot width (ft.)</td>
<td>50</td>
<td>50</td>
<td>40</td>
<td>See Sec. 47-18.9</td>
</tr>
<tr>
<td></td>
<td>Minimum floor area (sq. ft.)</td>
<td>700</td>
<td>700 each du</td>
<td>1,000</td>
<td>750 each du</td>
</tr>
<tr>
<td></td>
<td>Minimum front yard (ft.)</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>Minimum corner yard (ft.)</td>
<td>25% of lot width but not less than 10 ft. nor greater than 25 ft.</td>
<td>25% of lot width but not less than 10 ft. nor greater than 25 ft.</td>
<td>See Sec. 47-18.38</td>
<td>25% of lot width but not less than 10 ft. nor greater than 25 ft.</td>
</tr>
<tr>
<td></td>
<td>Minimum side yard (ft.)</td>
<td>5 ft. - up to 22 ft. in height</td>
<td>Same as for single-family requirement</td>
<td>See Sec. 47-18.38</td>
<td>25 ft. when abutting a waterway</td>
</tr>
<tr>
<td></td>
<td>Minimum rear yard (ft.)</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>See Sec. 47-18.9</td>
</tr>
<tr>
<td></td>
<td>Minimum distance between buildings (ft.)</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>
Note A: Dimensional requirements may be subject to additional regulations, see Section 47-23, Specific Location Requirements, and Section 47-25, Development Review Criteria.


Sec. 47-5.33. - Table of dimensional requirements for the RC-15 and RCs-15 districts. (Note A)

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Single Family</th>
<th>Duplex</th>
<th>Zero Lot Line</th>
<th>Cluster Dwellings</th>
<th>Townhouse Group</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum density (du/net acre)</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Minimum lot size (sq. ft.)</td>
<td>5,000</td>
<td>5,000</td>
<td>4,000</td>
<td>2,500 each du</td>
<td>7,500</td>
</tr>
<tr>
<td>Maximum structure height (ft.)</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
</tr>
<tr>
<td>Maximum structure length (ft.)</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>200</td>
</tr>
<tr>
<td>Minimum lot width (ft.)</td>
<td>50</td>
<td>50</td>
<td>40</td>
<td>See Sec. 47-18.9</td>
<td>50</td>
</tr>
<tr>
<td>Minimum floor area (sq. ft.)</td>
<td>750 each du</td>
<td>400 each du</td>
<td>1,000</td>
<td>750 each du</td>
<td>750 each du</td>
</tr>
<tr>
<td>Minimum front yard (ft.)</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>Minimum corner yard (ft.)</td>
<td>25% of lot width but not less than 10 ft. nor greater than 25 ft.</td>
<td>25% of lot width but not less than 10 ft. nor greater than 25 ft.</td>
<td>See Sec. 47-18.38</td>
<td>25% of lot width but not less than 10 ft. nor greater than 25 ft.</td>
<td>25% of lot width but not less than 10 ft. nor greater than 25 ft.</td>
</tr>
<tr>
<td></td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
</tr>
<tr>
<td>Minimum side yard (ft.)</td>
<td>5 ft. - up to 22 ft. in height for one or two story buildings</td>
<td>Same as single family requirement 20 ft. when abutting a waterway</td>
<td>See Sec. 47-18.38</td>
<td>See Sec. 47-18.9</td>
<td>See Sec. 47-18.33</td>
</tr>
<tr>
<td></td>
<td>Where a building exceeds 22 ft. in height that portion of the</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
UNIFIED LAND DEVELOPMENT REGULATIONS
Chapter 47 - UNIFIED LAND DEVELOPMENT REGULATIONS
ARTICLE XV. - ANNEXED AREAS
SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

Building above 22 ft. shall be set back an additional foot per foot of additional height. 20 ft. when abutting a waterway.

<table>
<thead>
<tr>
<th>Minimum rear yard (ft.)</th>
<th>15</th>
<th>15</th>
<th>15</th>
<th>See Sec. 47-18.9</th>
<th>20</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 ft. when abutting a waterway</td>
<td>15</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Minimum distance between buildings (ft.)

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Single Family</th>
<th>Duplex</th>
<th>Zero Lot Line</th>
<th>Cluster Dwellings</th>
<th>Townhouse Group</th>
<th>Multifamily</th>
<th>Bed and Breakfast Dwelling</th>
<th>Other Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum density (du/net acre)</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>30 sleeping rooms per net acre (maximum 9 sleeping rooms maximum per dwelling)</td>
<td>None</td>
</tr>
<tr>
<td>Minimum lot size</td>
<td>5,000</td>
<td>5,000</td>
<td>4,000</td>
<td>2,500 each du</td>
<td>7,500</td>
<td>7,500</td>
<td>5,000</td>
<td>10,000</td>
</tr>
</tbody>
</table>

Note A: Dimensional requirements may be subject to additional regulations, see Section 47-23, Specific Location Requirements, and Section 47-25, Development Review Criteria.


Sec. 47-5.34. - Table of dimensional requirements for the RM-15 and RM-15 districts. (Note A)
<table>
<thead>
<tr>
<th>(sq. ft.)</th>
<th>2,500 each du</th>
<th>2,500 each du</th>
<th>2,500 each du</th>
<th>2,500 each du</th>
<th>2,500 each du</th>
<th>2,500 each du</th>
<th>2,500 each du</th>
<th>2,500 each du</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum structure height (ft.)</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
</tr>
<tr>
<td>Maximum structure length (ft.)</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>200</td>
<td>200 (Note B)</td>
<td>None</td>
<td>200 (Note B)</td>
</tr>
<tr>
<td>Minimum lot width</td>
<td>50</td>
<td>50</td>
<td>40</td>
<td>See Sec. 47-18.9</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>100</td>
</tr>
<tr>
<td>Minimum floor area (sq. ft.)</td>
<td>1,000</td>
<td>750 each du</td>
<td>1,000</td>
<td>750 each du</td>
<td>750 each du</td>
<td>400 each du</td>
<td>120 per sleeping room</td>
<td>None</td>
</tr>
<tr>
<td>Minimum corner yard (ft.)</td>
<td>25% of lot width but not less than 10 ft. nor greater than 25 ft.</td>
<td>25% of lot width but not less than 10 ft. nor greater than 25 ft.</td>
<td>20 ft. when abutting a waterwa</td>
<td>25% of lot width but not less than 10 ft. nor greater than 25 ft.</td>
<td>25% of lot width but not less than 10 ft. nor greater than 25 ft.</td>
<td>20 ft. when abutting a waterwa</td>
<td>25% of lot width but not less than 10 ft.</td>
<td>25% of lot width but not less than 10 ft.</td>
</tr>
<tr>
<td>Minimum side yard (ft.)</td>
<td>5 ft. - up to 22 ft. in height for one or two story buildings</td>
<td>Same as single family requirement</td>
<td>20 ft. when</td>
<td>See Sec. 47-18.38</td>
<td>20 ft. when</td>
<td>20 ft. when</td>
<td>20 ft. when</td>
<td>20 ft. when</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>abutting a waterwa</td>
<td></td>
<td>abutting a waterwa</td>
<td>abutting a waterwa</td>
<td>abutting a waterwa</td>
<td>abutting a waterwa</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Where a building exceeds</td>
</tr>
</tbody>
</table>

Fort Lauderdale, Florida, Code of Ordinances
### DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

**SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD**

<table>
<thead>
<tr>
<th>Minimum rear yard (ft.)</th>
<th>15</th>
<th>20 ft. when abutting a waterway</th>
<th>15</th>
<th>20 ft. when abutting a waterway</th>
<th>20 ft. when abutting a waterway</th>
<th>Minimum distance between buildings (ft.)</th>
<th>None</th>
<th>None</th>
<th>None</th>
<th>10</th>
<th>None</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where a building exceeds 22 ft. in height that portion of the building above 22 ft. shall be set back an additional 1 ft. per foot of additional height.</td>
<td>y</td>
<td>y</td>
<td>y</td>
<td>22 ft. in height that portion of the building above 22 ft. shall be set back an additional 1 ft. per foot of additional height. 20 ft. when abutting a waterway</td>
<td>See Sec. 47-18.9 20 ft. when abutting a waterway</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>10</td>
<td>None</td>
<td>10</td>
<td></td>
</tr>
</tbody>
</table>

Note A: Dimensional requirements may be subject to additional regulations, see Section 47-25, Development Review Criteria.

Note B: May be increased to three hundred (300) feet subject to criteria provided in Sec. 47-23.13.

**Sec. 47-5.35. - Table of dimensional requirements for the RML-25 district. (Note A)**

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Single Family</th>
<th>Duplex</th>
<th>Zero Lot Line</th>
<th>Cluster Dwellings</th>
<th>Townhouse Group</th>
<th>Multifamily</th>
<th>Bed and Breakfast Dwellings</th>
<th>Hotel</th>
<th>Other Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum density (du/net acre)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Density bonus —See Sec. 47-23.12.)</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>30 sleeping rooms per net acre (maximum 9 per dwelling)</td>
<td>30</td>
<td>None</td>
</tr>
<tr>
<td><strong>Minimum lot size (sq. ft.)</strong></td>
<td>5,000</td>
<td>5,000</td>
<td>4,000</td>
<td>2,500 each du</td>
<td>7,500</td>
<td>5,000</td>
<td>5,000</td>
<td>10,000</td>
<td>10,000</td>
</tr>
<tr>
<td><strong>Maximum structure height (ft.)</strong></td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
</tr>
<tr>
<td><strong>Minimum structure length (ft.)</strong></td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>200</td>
<td>200 (Note B)</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td><strong>Minimum lot width (ft.)</strong></td>
<td>50</td>
<td>50</td>
<td>40</td>
<td>See Sec. 47-18.9</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>None</td>
<td>100</td>
</tr>
<tr>
<td><strong>Minimum floor area (sq. ft.)</strong></td>
<td>750</td>
<td>400 each du</td>
<td>1,000</td>
<td>750 each du</td>
<td>750 each du</td>
<td>400 each du</td>
<td>120 per sleeping room</td>
<td>120 per sleeping room</td>
<td>None</td>
</tr>
<tr>
<td>Minimu m front yard (ft.)</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>--------------------------</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>----</td>
</tr>
<tr>
<td>Minimu m corner yard (ft.)</td>
<td>25% of lot width but not less than 10 ft. nor greater than 25 ft.</td>
<td>25% of lot width but not less than 10 ft. nor greater than 25 ft.</td>
<td>25% of lot width but not less than 10 ft. nor greater than 25 ft.</td>
<td>25% of lot width but not less than 10 ft. nor greater than 25 ft.</td>
<td>25% of lot width but not less than 10 ft. nor greater than 25 ft.</td>
<td>20 ft. when abutting a waterway</td>
<td>See Sec. 47-18.3 8</td>
<td>20 ft. when abutting a waterway</td>
<td>See Sec. 47-18.9 3</td>
</tr>
<tr>
<td></td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
<td>See Sec. 47-18.3 8</td>
<td>See Sec. 47-18.9 3</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
</tr>
<tr>
<td>Minimu m side yard (ft.)</td>
<td>Same as for single family requirement</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
<td>10 ft. - up to 22 ft. in height</td>
<td>Where a building exceed s 22 ft. in height that portion of the building above 22 ft. shall be set back an additional 1 foot per foot of addition al</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
</tr>
<tr>
<td></td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
<td>See Sec. 47-18.3 8</td>
<td>See Sec. 47-18.9 3</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
</tr>
<tr>
<td></td>
<td>10 ft. - up to 22 ft. in height</td>
<td>10 ft. - up to 22 ft. in height</td>
<td>10 ft. - up to 22 ft. in height</td>
<td>10 ft. - up to 22 ft. in height</td>
<td>10 ft. - up to 22 ft. in height</td>
<td>Where a building exceed s 22 ft. in height that portion of the building above 22 ft. shall be set back an additional 1 foot per foot of addition al</td>
<td>Where a building exceed s 22 ft. in height that portion of the building above 22 ft. shall be set back an additional 1 foot per foot of addition al</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
</tr>
<tr>
<td></td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
<td>See Sec. 47-18.3 8</td>
<td>See Sec. 47-18.9 3</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
</tr>
</tbody>
</table>
ARTICLE XV. - ANNEXED AREAS

SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

### DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

#### SECTION 47-39.A.

**MINIMUM REAR YARD (FT.)**

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Single Family</th>
<th>Duplex</th>
<th>Zero Lot Line</th>
<th>Cluster Dwellings</th>
<th>Townhouse Group</th>
<th>Multifamily</th>
<th>Bed and Breakfast Dwellings</th>
<th>Hotel</th>
<th>Other Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum density (du/net acre)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Density bonus —See)</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>30 sleepin g rooms</td>
<td>30 hotel sleepin g rooms</td>
<td>None</td>
</tr>
</tbody>
</table>

**Note A:** Dimensional requirements may be subject to additional regulations, see Section 47-23, Specific Location Requirements, and Section 47-25, Development Review Criteria.

**Note B:** May be increased to three hundred (300) feet, subject to criteria provided in Sec. 47-23.13.

(Ord. No. C-97-19, § 1(47-5.4), 6-18-97; Ord. No. C-99-21, § 1, 3-16-99)
<table>
<thead>
<tr>
<th>Sec. 47-23.12</th>
<th>5,000</th>
<th>5,000</th>
<th>4,000</th>
<th>2,500 each du</th>
<th>7,500</th>
<th>5,000</th>
<th>5,000</th>
<th>10,000</th>
<th>10,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot size (sq. ft.)</td>
<td>5,000</td>
<td>2,500 each du</td>
<td>4,000</td>
<td>2,500 each du</td>
<td>7,500</td>
<td>5,000</td>
<td>5,000</td>
<td>10,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Maximum structure height (ft.)</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>55</td>
<td>35</td>
<td>55</td>
<td>55</td>
</tr>
<tr>
<td>Minimum structure length (ft.)</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>200</td>
<td>200 (Note C)</td>
<td>None</td>
<td>200 (Note C)</td>
<td>200 (Note C)</td>
</tr>
<tr>
<td>Minimum lot width (ft.)</td>
<td>50</td>
<td>50</td>
<td>40</td>
<td>See Sec. 47-18.9</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Minimum floor area (sq. ft.)</td>
<td>750</td>
<td>400 each du</td>
<td>1,000</td>
<td>750 each du</td>
<td>750 each du</td>
<td>400 each du</td>
<td>120 per sleeping room</td>
<td>120 per sleeping room</td>
<td>None</td>
</tr>
<tr>
<td>Minimum corner yard (ft.)</td>
<td>25% of lot width but not less than 10 ft. nor greater than 25</td>
<td>25% of lot width but not less than 10 ft. nor greater than 25</td>
<td>See Sec. 47-18.38</td>
<td>20 ft. when abutting</td>
<td>25% of lot width but not less than 10 ft. nor greater than 25</td>
<td>25% of lot width but not less than 10 ft. nor greater than 25</td>
<td>25% of lot width but not less than 10 ft. nor greater than 25</td>
<td>25% of lot width but not less than 10 ft. nor greater than 25</td>
<td>25</td>
</tr>
</tbody>
</table>
## Development Regulations for Annexed Areas

### Section 47-39. - Development Regulations for Annexed Areas

#### Section 47-39.A. - Melrose Park and Riverland Road

<table>
<thead>
<tr>
<th>Minimum side yard (ft.)</th>
<th>5 ft. - up to 22 ft. in height</th>
<th>20 ft. when abutting a waterway</th>
<th>5 ft. - up to 22 ft. in height</th>
<th>20 ft. when abutting a waterway</th>
<th>5 ft. - up to 22 ft. in height</th>
<th>20 ft. when abutting a waterway</th>
<th>5 ft. - up to 22 ft. in height</th>
<th>20 ft. when abutting a waterway</th>
<th>20 ft. when abutting a waterway</th>
<th>20 ft. when abutting a waterway</th>
<th>20 ft. when abutting a waterway</th>
<th>20 ft. when abutting a waterway</th>
<th>20 ft. when abutting a waterway</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum front yard (ft.)</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>See Sec. 47-18.38</td>
<td>15</td>
<td>See Sec. 47-18.38</td>
<td>15</td>
<td>See Sec. 47-18.38</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Minimum rear yard (ft.)</td>
<td>15</td>
<td>20 ft. when abutting a waterway</td>
<td>15</td>
<td>20 ft. when abutting a waterway</td>
<td>15</td>
<td>20 ft. when abutting a waterway</td>
<td>15</td>
<td>20 ft. when abutting a waterway</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
</tbody>
</table>

- Where a building exceeds 22 ft. in height, that portion of the building above 22 ft. shall be set back an additional 1 ft. per foot of additional height.
- 20 ft. when abutting a waterway.
- See Sec. 47-18.38
- See Sec. 47-18.39
- 20 ft. when abutting a waterway.
- 20 ft. when abutting a waterway.
- 20 ft. when abutting a waterway.
### DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

#### SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

| Minimum distance between buildings (ft.) | abutting a waterway | abutting a waterway | abutting a waterway | 20 ft. when abutting a waterway | 10 ft. or 20% of tallest building (whichever is greater) | 10 ft. or 20% of tallest building (whichever is greater) | Note A: Dimensional requirements may be subject to additional regulations, see Section 47-23, Specific Location Requirements, and Section 47-25, Development Review Criteria.  
Note B: Yard dimensions in this district are the minimum requirements. In no case shall the dimensional requirements be less than an amount equal to one-half (½) the height of the building, when this is greater than the above specified yard minimums. Modification of required yards may be permitted subject to the requirements of Modification of Yards, Sec. 47-23.11.  
Note C: May be increased to three hundred (300) feet subject to criteria provided in Sec. 47-23.13. | 0 |

---

#### Sec. 47-5.37. - Table of dimensional requirements for the RMH-25 district. (Note A)

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Single Family</th>
<th>Duplex</th>
<th>Zero Lot Line</th>
<th>Cluster Dwelling</th>
<th>Townhouse Group</th>
<th>Multifamily</th>
<th>Bed and Breakfast Dwelling</th>
<th>Hotel</th>
<th>Other Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum density (du/net acre)</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>30 sleeping rooms per net acre (maximum 9 sleeping rooms)</td>
<td>30 hotel rooms per net acre</td>
<td>None</td>
</tr>
<tr>
<td>Minimmum lot size (sq. ft.)</td>
<td>5,000</td>
<td>5,000</td>
<td>4,000</td>
<td>2,500 each du</td>
<td>7,500</td>
<td>5,000</td>
<td>5,000</td>
<td>10,000</td>
<td>10,000</td>
</tr>
<tr>
<td>-----------------------------</td>
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<td>-------</td>
<td>-------</td>
<td>-------</td>
<td>--------</td>
<td>--------</td>
</tr>
<tr>
<td>Maximum structur e height (ft.)</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>100</td>
<td>35</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Maximum structur e length (ft.)</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>200</td>
<td>200 (Note C)</td>
<td>None</td>
<td>200 (Note C)</td>
<td>200 (Note C)</td>
</tr>
<tr>
<td>Minimum lot width (ft.)</td>
<td>50</td>
<td>50</td>
<td>40</td>
<td>See Sec. 47-18.9</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Minimum floor area (sq. ft.)</td>
<td>1,000</td>
<td>400 each du</td>
<td>1,000</td>
<td>750 each du</td>
<td>750 each du</td>
<td>400 each du</td>
<td>120 per sleeping room</td>
<td>120 per sleeping room</td>
<td>None</td>
</tr>
<tr>
<td>Minimum front yard (ft.) (Note B)</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>Minimum corner yard (ft.) (Note B)</td>
<td>25% of lot width but not less than 10 ft. nor greater than 25 ft.</td>
<td>25% of lot width but not less than 10 ft. nor greater than 25 ft.</td>
<td>See Sec. 47-18.3 8</td>
<td>25% of lot width but not less than 10 ft. nor greater than 25 ft.</td>
<td>25% of lot width but not less than 10 ft. nor greater than 25 ft.</td>
<td>25% of lot width but not less than 10 ft. nor greater than 25 ft.</td>
<td>25% of lot width but not less than 10 ft. nor greater than 25 ft.</td>
<td>25% of lot width but not less than 10 ft. nor greater than 25 ft.</td>
<td>25% of lot width but not less than 10 ft. nor greater than 25 ft.</td>
</tr>
<tr>
<td>Minimum lot size (sq. ft.)</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
</tr>
<tr>
<td>Minimum side yard (ft.) (Note B)</td>
<td>5 ft. - up to 22 ft. in height</td>
<td>Same as for single family requirement</td>
<td>See Sec. 47-18.38</td>
<td>See Sec. 47-18.920 feet when abutting a waterway</td>
<td>See Sec. 47-18.3320 ft. when abutting a waterway</td>
<td>10 ft. when abutting a waterway</td>
<td>10 ft. - up to 22 ft. in height</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>---------------------------------</td>
<td>--------------------------------------</td>
<td>------------------</td>
<td>---------------------------------</td>
<td>---------------------------------</td>
<td>------------------</td>
<td>---------------------------------</td>
<td>------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>Minimum rear yard (ft.) (Note B)</td>
<td>15</td>
<td>15</td>
<td>See Sec. 47-18.920 feet when abutting a waterway</td>
<td>20</td>
<td>10 ft. when abutting a waterway</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Minimum distance</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

Minimu m side yard (ft.)

When a building exceeds 22 ft. in height that portion of the building above 22 ft. shall be set back an additional 1 ft. per foot of additional height.

20 ft. when abutting a waterway

Minimu m rear yard (ft.)

20 ft. when abutting a waterway

Minimu m distanc
None

---

Fort Lauderdale, Florida, Code of Ordinances

Page 125 of 1242
Note A: Dimensional requirements may be subject to additional regulations, see Section 47-23, Specific Location Requirements, and Section 47-25, Development Review Criteria.

Note B: Yard dimensions in this district are the minimum requirements. In no case shall the dimensional requirements be less than an amount equal to one-half (½) the height of the building, when this is greater than the above specified yard minimums. Modification of required yards may be permitted subject to the requirements of modification of yards, Sec. 47-23.11.

Note C: May be increased to three hundred (300) feet subject to criteria provided in Sec. 47-23.13.

(Ord. No. C-97-19, § 1(47-5.4), 6-18-97; Ord. No. C-99-21, § 1, 3-16-99)

Sec. 47-5.38. - Table of dimensional requirements for the RMH-60 district. (Note A)

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Single Family</th>
<th>Duplex</th>
<th>Zero Lot Line</th>
<th>Cluster Dwelling: See Sec. 47-18.9</th>
<th>Townhouse Group</th>
<th>Rowhouse Group: See Sec. 47-18.28</th>
<th>Multi-Family</th>
<th>Bed and Breakfast Dwelling</th>
<th>Hotel</th>
<th>Other Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max density (du/ net acre)</td>
<td>60</td>
<td>60</td>
<td>60</td>
<td>60</td>
<td>60</td>
<td>60</td>
<td>Note D</td>
<td>87 sleeping rooms per net acre (maximum 9 sleeping rooms per dwelling)</td>
<td>87 hotel rooms per net acre, up to 120 sleeping rooms per net acre**</td>
<td>None</td>
</tr>
<tr>
<td>Min lot size (sq. ft.)</td>
<td>5,000</td>
<td>2,500 each du</td>
<td>4,000</td>
<td>2,500 each du</td>
<td>7,500—avg. 2,500 per unit</td>
<td>2,000 per unit</td>
<td>5,000</td>
<td>5,000</td>
<td>10,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Max</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>55</td>
<td>150 Note D</td>
<td>35</td>
<td>150 Note D</td>
<td>150 Note D</td>
</tr>
<tr>
<td>Minimum structure height (ft.)</td>
<td>Maximum structure length (ft.)</td>
<td>Minimum lot width (ft.)</td>
<td>Minimum floor area (sq. ft.)</td>
<td>Minimum front yard (ft.) (Note B)</td>
<td>Minimum corner % of lot width</td>
<td>Same as single family requirement</td>
<td>*Up to 300 ft.</td>
<td>*Up to 300 ft.</td>
<td>*Up to 300 ft.</td>
<td></td>
</tr>
<tr>
<td>-------------------------------</td>
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<td>----------------</td>
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<td></td>
</tr>
<tr>
<td>None</td>
<td>None</td>
<td>50</td>
<td>750 each du</td>
<td>25</td>
<td>25</td>
<td>Same as single family requirement</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td></td>
</tr>
</tbody>
</table>

*Note C: Historic designation = None

*Note B: 10 ft. minimum

20 ft. when abutting
<table>
<thead>
<tr>
<th>yard (ft.) (Note B)</th>
<th>20 ft. when abutting a waterway</th>
<th>greater than 25 ft.</th>
<th>greater than 25 ft.</th>
<th>a waterway</th>
</tr>
</thead>
<tbody>
<tr>
<td>but not less than 10 ft. nor greater than 25 ft.</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
<td></td>
</tr>
<tr>
<td>20 feet when abutting a waterway</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum side yard (ft.) (Note B)</td>
<td>Same as single family requirement</td>
<td>See Sec. 47-18.38</td>
<td>See Sec. 47-18.9</td>
<td>0 or 10</td>
</tr>
<tr>
<td>Where a building exceeds 22 ft. in height</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
<td>20 ft. when abutting a waterway</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>20 ft. when abutting a waterway</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>10 ft. - up to 22 ft. in height</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Where a building exceeds 22 ft. in height, that portion of the building above 22 ft. shall be set back an additional 1 ft. per</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>20</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>20</td>
</tr>
<tr>
<td>Minimum</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>See Sec. 47-18.9</td>
</tr>
<tr>
<td>---------</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>-----------------</td>
</tr>
<tr>
<td>Height</td>
<td>ft.</td>
<td>ft.</td>
<td>ft.</td>
<td>Additional height</td>
</tr>
<tr>
<td>Portion</td>
<td>of building</td>
<td>above 22 ft.</td>
<td>shall</td>
<td>be set back</td>
</tr>
</tbody>
</table>

Fort Lauderdale, Florida, Code of Ordinances
Section 47.39.A. - Melrose Park and Riverland Road

<table>
<thead>
<tr>
<th>Minimum distance between buildings (ft.)</th>
<th>Yard (ft.) when abutting a waterway</th>
<th>When abutting a waterway when abutting a waterway</th>
<th>Yards abutting a waterway</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min.</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

Note A: Dimensional requirements may be subject to additional regulations, see Section 47-23, Specific Location Requirements, and Section 47-25, Development Review Criteria.

Note B: Yard dimensions in this district are the minimum requirements. In no case shall the dimensional requirements be less than an amount equal to one-half (½) the height of the building, when this is greater than the above specified yard minimums. Modification of required yards may be permitted subject to the requirements of Sec. 47-23.11, Specific Location Requirements.

Note C: May be increased to three hundred (300) feet subject to criteria in Sec. 47-23.13.

Note D: East of the Intracoastal Waterway, maximum height is one hundred twenty (120) feet, and may be increased to two hundred forty (240) feet subject to a conditional use permit and density is forty-eight (48) dwelling units per acre.

* Requires conditional use permit for heights greater than one hundred fifty (150) feet, up to three hundred (300) feet.

** Site plan level III approval for hotel sleeping rooms greater than eighty-seven (87) sleeping rooms up to one hundred twenty (120) sleeping rooms per net acre, see Sec. 47-24.2.

(Ord. No. C-97-19, § 1(47-5.4), 6-18-97; Ord. No. C-99-21, § 1, 3-16-99; Ord. No. C-04-10, § 2, 4-7-04)

Sec. 47.5.39. - Table of dimensional requirements for the MHP district. (Note A)

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Mobile Home Park</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum density (du/Net acre)</td>
<td>25</td>
</tr>
</tbody>
</table>
### DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
#### SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot size</td>
<td>Mobile home park: 10 acres</td>
</tr>
<tr>
<td>Maximum height of structure (ft.)</td>
<td>Each mobile home site: 2,400 sq. ft.</td>
</tr>
<tr>
<td>Maximum length of structure (ft.)</td>
<td>Accessory structures: 30 ft. or 2 stories</td>
</tr>
<tr>
<td>Minimum lot width (ft.)</td>
<td>None</td>
</tr>
<tr>
<td>Minimum floor area (sq. ft.)</td>
<td>None</td>
</tr>
<tr>
<td>Minimum front yard (ft.)</td>
<td>20 ft. in depth on all streets abutting the park and any abutting residually zoned property</td>
</tr>
<tr>
<td></td>
<td>20 ft. when abutting a waterway</td>
</tr>
<tr>
<td>Minimum corner yard (ft.)</td>
<td>20 ft. in depth on all streets abutting the park and any abutting residually zoned property</td>
</tr>
<tr>
<td></td>
<td>20 ft. when abutting a waterway</td>
</tr>
<tr>
<td>Minimum side yard (ft.)</td>
<td>20 ft. in depth on all streets abutting the park and any abutting residually zoned property</td>
</tr>
<tr>
<td></td>
<td>20 ft. when abutting a waterway</td>
</tr>
<tr>
<td>Minimum rear yard (ft.)</td>
<td>20 ft. in depth on all streets abutting the park and any abutting residually zoned property</td>
</tr>
<tr>
<td></td>
<td>20 ft. when abutting a waterway</td>
</tr>
</tbody>
</table>

Note A: Dimensional requirements may be subject to additional regulations, see Section 47-25, Development Review Criteria, and Sec. 47-5.50, Mobile Home Park Requirements.

(Ord. No. C-97-19, § 1(47-5.4), 6-18-97)

Secs. 47-5.40—47-5.49. - Reserved.

Sec. 47-5.50. - Mobile home park requirements.

A. Mobile home parks may be located in areas of the city that are west of the Seaboard Coast Line Railroad.

B. The land may be used only for rental of mobile home sites for occupancy for living quarters where the park is operated as a unit, and for accessory uses and structures not involving the conduct of business.

C. The mobility of the homes shall be maintained at all times. Any attached accessory structures, such as porches and screened enclosures shall be securely attached to the mobile home and be in compliance with all applicable provisions of the building code or, if they are of a collapsible type, must be approved by the building inspector. The maximum allowable width of any accessory structure shall not exceed ten (10) feet nor be longer than eighty percent (80%) of the length of the mobile home, and can be constructed only on one (1) side of the mobile home. No accessory structures shall be placed in the required yards.

D. All mobile home sites shall be accessible from an unobstructed driveway at least thirty (30) feet in
width and have a hard surfaced driveway at least twenty (20) feet in width.

E. A wall or fence shall be required to be constructed in accordance with the requirements of Sec. 47-19.5, Fences, Walls and Hedges, which shall be erected on all property lines of the park.

(Ord. No. C-97-19, § 1(47-5.5), 6-18-97)

Secs. 47-5.51—47-5.59. - Reserved.

Sec. 47-5.60. - Residential office zoning districts.

A. List of districts.

1. RO: Residential Office District.
2. ROA: Limited Residential Office District.
3. ROC: Planned Residential Office Districts.

B. Restrictions on future rezonings.

1. No rezoning to RO, ROA or ROC shall be permitted unless such rezoning is in compliance with the mixed use regulations of Sec. 47-18.21 and Section 47-28, Flexibility Rules, except when located in a Regional Activity Center (RAC) land use designation.

C. Residential Office (RO) District.

1. Uses permitted. No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than any use hereinafter set out:
   a. Any use permitted in R-4 district of the zoning code in effect on the date immediately prior to the effective date (June 28, 1997) of the ULDR.
   b. Professional, business and financial offices, not including sale, display, storage or handling of merchandise on the premises.
   c. Office and headquarters of trade, business, labor, political, social, religious, economic or other similar organization, not including sale, display, storage or handling of merchandise on the premises.
   d. Retail and service facilities within an office building which may include barbershops, beauty shops, newsstands, and retail stores for sale of books, gifts, flowers, tobacco, drugs and sundries. Such uses shall occupy no more than twenty-five percent (25%) of the floor space of the building.
   e. Medical and dental clinics and hospitals.
   f. Bed and breakfast dwellings.

2. Uses prohibited. The permissible uses enumerated above shall not be construed to include, either as a principal or accessory use, any of the following, which are listed for emphasis:
   a. Sale, display, storage or handling of merchandise on the premises, except as permitted
in subsection C.1.d.

b. Trade or vocational schools.

c. Trade or personal service shops, including appliance repair or service, pest control, animal hospital, shoe repair, tailor, dressmaker, milliner, jewelry repair.

d. Mortuaries.

e. Employment agencies.

3. Limitations on permitted uses. The limitations on permitted uses are as follows:

a. Except for accessory parking, all uses permitted under this section shall be conducted entirely within a completely enclosed building.

b. Signs accessory to a permitted use shall be limited as follows:

   i. No roof sign, projecting sign, marquee sign, billboard sign, banner sign or animated sign shall be permitted.

   ii. Each building occupied by such use as a principal use may have one (1) wall sign not exceeding two (2) feet in width or ten (10) feet in length.

   iii. Each building site occupied by such use may have one (1) ground sign not exceeding three (3) feet in width or five (5) feet in height, the top of which shall not be over five (5) feet above the ground.

   iv. Each building site may have directional signs each not over two (2) square feet in area and not extending over three (3) feet above the ground.

c. There shall be no show windows or display windows, nor shall any door or window be used for display purposes in any occupied building.

4. Building height limits. No building shall exceed fifty-five (55) feet in height, or thirty-three (33) feet in height when the plot is adjacent to or separated only by an alley from residential property zoned more restrictive than RMM-25.

5. Building site requirements. Every building erected or structurally altered shall provide a land area not less than the following:

a. Per dwelling unit: The same as in RMM-25 district.

b. Total site:

   i. Residential buildings: Five thousand (5,000) square feet in area and fifty (50) feet in width.

   ii. Business, professional or financial offices: Five thousand (5,000) square feet in area or fifty (50) feet in width.

   iii. Other uses: Ten thousand (10,000) square feet in area and one hundred (100) feet in width.
6. **Yards.**

a. **Front yard:** Shall be a minimum of twenty-five (25) feet in depth measured from the property line. Where a corner parcel is involved the twenty-five-foot regulation shall apply only to the front yard and the side street yard shall be fifteen (15) feet or half the height of the tallest building, whichever is greater. On a plot occupied by a one- or two-family dwelling, the street side yard may be reduced to one-quarter of the parcel width, but shall not be less than ten (10) feet. No accessory buildings shall be located in front or street side yards. Such yards may be used for refuse containers only at locations authorized by the city sanitation department.

b. **Side yard:** Shall be a minimum of ten (10) feet in width or half the height of the tallest building, whichever is greater.

c. **Rear yard:** Shall be a minimum of twenty (20) feet.

d. Yard dimensions are the minimum requirements. In no case shall the requirement be less than an amount equal to one-half the height of the building, when this is greater than the above minimum.

e. The minimum distance between buildings on the same plot shall be twenty-five (25) feet or the height of the tallest building, whichever is greater, except for permitted accessory buildings.

f. All yards shall be measured at ground level and be unoccupied and unobstructed from the ground upward except for parking structures and other encroachments specifically authorized.

7. **Minimum floor area.**

a. Single family dwellings shall have a minimum floor area of seven hundred fifty (750) square feet exclusive of porches, terraces, carports and garages.

b. Two family and multiple-family dwellings shall have a minimum floor area of four hundred (400) square feet per dwelling unit exclusive of porches, terraces, carports and garages.

c. Sleeping rooms for rental purposes shall have a minimum floor area of one hundred twenty (120) square feet exclusive of bathrooms, toilets, closets or similar appurtenances.

8. **Lot coverage.** Total ground coverage of all principal and accessory buildings shall not exceed the percentages given on the following chart:

<table>
<thead>
<tr>
<th>Height of Building</th>
<th>Percent Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1—11 feet</td>
<td>50</td>
</tr>
<tr>
<td>12—22 feet</td>
<td>45</td>
</tr>
<tr>
<td>23—33 feet</td>
<td>40</td>
</tr>
<tr>
<td>34—44 feet</td>
<td>35</td>
</tr>
<tr>
<td>45—55 feet</td>
<td>30</td>
</tr>
</tbody>
</table>
9. **Property line wall.** A six (6) foot, six (6) inch high masonry block or concrete wall shall be erected and maintained on any property line abutting RS-4.4 or RS-8 zoned property, if the RO zoned property is used for other than a single family or two family dwelling.

10. **Existing buildings.** Existing buildings not conforming to required setbacks, height limits or ground coverage may be used for offices or bed and breakfast dwellings but may not be enlarged if this increases the extent of the violation. The amount of outdoor living space and landscaping may be reduced below thirty percent (30%) if necessary in such cases.

D. **Limited Residential Office (ROA) District.**

1. **Uses permitted.**
   a. Professional, business and financial offices, not including sale, display, storage or handling of merchandise on the premises.
   b. Single family dwellings.
   c. Public buildings and land uses and those of public utilities, subject to the provisions of, as provided in Public Purpose Uses, Sec. 47-18.26
   d. House of worship, subject to the requirements of Sec. 47-18.17
   e. Flower and vegetable gardens.
   f. Public and parochial schools.

2. **Uses prohibited.** The permissible uses enumerated above shall not be construed to include, either as a principal or accessory use, any of the following, which are listed for emphasis:
   a. Sale, display, storage or handling of merchandise on the premises, except as permitted in subsection D.1.e.
   b. Trade or vocational schools.
   c. Trade or personal service shops, including appliance repair or service, pest control, animal hospital, shoe repair, tailor, dressmaker, milliner, jewelry repair.
   d. Mortuaries.
   e. Employment agencies.

3. **Limitations on permitted uses.**
   a. Signs for each building with a nonresidential principal use shall be limited to one (1) wall sign not exceeding two (2) feet in width or five (5) feet in length.
   b. Signs for each development site occupied by a nonresidential use shall be limited as follows:
      i. One (1) ground sign not exceeding three (3) feet in width or five (5) feet in length, the top of which shall not be over five (5) feet above the ground.
ii. Directional signs each not over two (2) square feet in area, and not extending over three (3) feet above the ground.

c. Nonresidential building design shall be by an architect registered under the laws of Florida and such that the building substantially resembles a house in the opinion of the director.

4. **Building requirements.**

   a. The maximum height of a building shall be two (2) stories and not exceed thirty-five (35) feet.

   b. The maximum length of a building shall not exceed eighty (80) feet.

   c. The maximum gross floor area of a nonresidential building shall not exceed five thousand (5,000) square feet.

   d. Use of existing nonresidential buildings shall be limited to five thousand (5,000) square feet of floor area for a nonresidential use.

5. **Site requirements.** Every building erected or structurally altered shall provide a land area not less than the following:

   a. Single family dwellings: Six thousand (6,000) square feet and fifty (50) feet in width.

   b. Office buildings: Six thousand (6,000) square feet and fifty (50) feet in width.

   c. Other uses: Ten thousand (10,000) square feet in area and one hundred (100) feet in width.

6. **Yards.**

   a. Front yard: Shall be a minimum of twenty-five (25) feet in depth measured from the property line. Where a corner parcel is involved the twenty-five-foot regulation shall apply only to the front yard and the side street yard shall be fifteen (15) feet or half the height of the tallest building, whichever is greater. On a plot occupied by a one or two-family dwelling, the street side yard may be reduced to one-quarter (¼) of the parcel width, but shall not be less than ten (10) feet. No accessory buildings shall be located in front or street side yards. Such yards may be used for refuse containers only at locations authorized by the city sanitation department.

   b. Side yard: Shall be a minimum of ten (10) feet in width or half the height of the tallest building, whichever is greater.

   c. Rear yard: Shall be a minimum of fifteen (15) feet or one-half (½) the height of the tallest building, whichever is greater.

   d. The minimum distance between buildings shall be ten (10) feet or one-half (½) the height of the tallest building, whichever is greater.

   e. All yards shall be measured at ground level and be unoccupied and unobstructed from the ground upward.
7. **Minimum floor area.** All residential and office buildings shall have a minimum floor area of one thousand two hundred (1,200) square feet.

8. **Lot coverage.**
   a. Total lot coverage of all principal and accessory buildings shall not exceed the following percentages:

<table>
<thead>
<tr>
<th>Height of Building</th>
<th>Percent Coverage</th>
</tr>
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<tbody>
<tr>
<td>1—11 feet</td>
<td>40</td>
</tr>
<tr>
<td>12—22 feet</td>
<td>35</td>
</tr>
<tr>
<td>23—35 feet</td>
<td>30</td>
</tr>
</tbody>
</table>

   b. No parking areas or driveways shall be permitted within ten (10) feet of a property line abutting RS-4.4, RS-8, or RD-15 property.

9. **Property line wall.**
   a. A six (6) foot, six (6) inch high masonry wall shall be erected and maintained on any property abutting RS-4.4 or RS-8 zoned property, if the property is used for office buildings.
   b. Existing fences and walls or landscaping which the department considers adequate may be approved in lieu of the wall.

10. **Existing buildings.** Existing buildings not conforming to required setbacks, height limits or lot coverage may be used for offices but may not be enlarged if this increases the extent of the violation.

E. **Planned Residential Office (ROC) District.**

1. **Purpose of district.** The ROC district is a planned office and residential district. It is intended for tracts which due to relationship to low density residential areas, traffic and transportation facilities and availability of community facilities require special provisions to be used for office use and insure a development consistent with the zoning pattern and present and probable future land use in the area. These provisions depend on the details of site and building design and include the use, appearance, height, bulk and location of principal and accessory buildings, and the location and design of landscaping, open space, land and water areas, recreational areas, parking areas, roadways and other features. Review and approval of a development plan are required to insure such provisions will be provided.

2. **Uses permitted.** No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than any use hereinafter set out. Any use permitted in RO, if approved by the planning and zoning board.

3. **Building height limit.** No building or structure or part thereof shall be erected or altered to a height exceeding that permitted in the RO district or as shown on the approved development plan.

4. **Building site requirements.** Every building erected or structurally altered shall provide a land area not less than required in the RO district, or a greater building site requirement as shown on
the approved development plan.

5. **Yards.** Yards shall meet the minimum requirements specified in the RO district or a greater setback as shown on the approved development plan. Accessory buildings or structures may encroach on these yards only where authorized by the board.

6. **Existing buildings.** Existing buildings not conforming to these regulations may be approved for use by the planning and zoning board but may not be enlarged if this increases the extent of the violation.

7. **Minimum floor area.** Shall be the same as for the RO district.

8. **Lot coverage.** Lot coverage shall be as specified by the planning and zoning board and not less than required in the RO district.

9. **Approval of development plan.** No building or structure, or part thereof, shall be erected, or used, or land or water used, or any change of use consummated, nor shall any building permit be issued therefor, unless a development plan for such building, structure or use has been reviewed and approved by the planning and zoning board, site plan level III, as provided in Sec. 47-24.2

(Ord. No. C-97-19, § 1(47-5.6), 6-18-97; Ord. No. C-99-17, § 1, 3-16-99; Ord. No. C-00-12, § 1 3-7-00; Ord. No. C-00-66, § 1, 11-7-00)

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**SECTION 47-6. - BUSINESS ZONING DISTRICTS**

- **Sec. 47-6.1.** - List of districts.
- **Sec. 47-6.2.** - Intent and purpose of each district.
- **Secs. 47-6.3—47-6.9.** - Reserved.
- **Sec. 47-6.10.** - List of permitted and conditional uses, Community Business (CB) District.
- **Sec. 47-6.11.** - List of permitted and conditional uses, Boulevard Business (B-1) District.
- **Sec. 47-6.12.** - List of permitted and conditional uses, General Business (B-2) District.
- **Sec. 47-6.13.** - List of permitted and conditional uses, Heavy Commercial/Light Industrial (B-3) District.
- **Secs. 47-6.14—47-6.19.** - Reserved.
- **Sec. 47-6.20.** - Table of dimensional requirements. (Note A)
- **Secs. 47-6.21—47-6.29.** - Reserved.
- **Sec. 47-6.30.** - PCC-Planned Commerce Center District.

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**Sec. 47-6.1.** - **List of districts.**

A. **CB - Community Business.**

B. **B-1 - Boulevard Business.**

C. **B-2 - General Business.**

D. **B-3 - Heavy Commercial/Light Industrial Business.**

E. **PCC - Planned Commerce Center.**
Sec. 47-6.2. - Intent and purpose of each district.

A. **CB - Community Business District** is intended to meet the shopping and service needs of the community. The size and scale of development and allowable uses within the CB district are intended to limit impact on the surrounding residential neighborhoods to be served by the commercial business. The CB district is located on collector and arterial streets, providing for both vehicular and pedestrian traffic.

B. **B-1 - Boulevard Business District** is intended to provide for the location of commercial business establishments dependent upon high visibility and accessibility to major trafficways, in a manner which maintains and improves the character of the major arterials of the city through landscaping and setback requirements. The B-1 district limits certain uses which could have a detrimental effect on abutting residential neighborhoods if these uses were permitted to exist without certain standards being met. The B-1 district is located primarily on major trafficways.

C. **B-2 - General Business District** is intended to provide for the location of commercial business uses which cater infrequently to households but are necessary for the city’s economic vitality and to meet the general business needs of the community. The B-2 district limits certain uses which could have a detrimental effect on abutting land uses if these uses were permitted to exist without certain standards being met. The B-2 district is located on sites concentrated on or around major trafficways.

D. **B-3 - Heavy Commercial/Light Industrial Business District** is intended for heavy commercial business uses, wholesale, warehousing, storage operations and establishments conducting activities of the same general character. The B-3 district is located along major transportation arterials which have convenient access to the interstate yet are limited in their accessibility to local streets thereby limiting high traffic generating commercial business uses at such locations. The B-3 district is also located on sites concentrated around other major transportation draws, such as airports, ports and railways.

E. **PCC - Planned Commerce Center District** (see Sec. 47-6.30).

(Secs. 47-6.3—47-6.9. - Reserved.)

Secs. 47-6.10. - List of permitted and conditional uses, Community Business (CB) District.

District Categories—Automotive, Boats, Watercraft and Marinas, Commercial Recreation, Food and Beverage Sales and Service, Lodging, Mixed Use Developments, Public Purpose Facilities, Retail Sales, Services/Office Facilities, and Accessory Uses, Buildings and Structures.

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<thead>
<tr>
<th>A</th>
<th>PERMITTED</th>
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<th>CONDITIONAL USES:</th>
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<td>See Sec. 47-24.3</td>
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</table>
Any use in the Community Business district, and its accessory uses, together or individually, when
greater than 10,000 square feet in total area, must be approved as a site plan level III, as provided in
Sec. 47-24.2

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<th>D U S E S</th>
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<td>Automotive</td>
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<td>Automotive Parts &amp; Supplies Store</td>
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Boats, Watercraft and Marinas

Marina, see Sec. 47-23.8
### Commercial Recreation

1. **Billiard Parlor**
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Food and Beverage Service

a. Bakery Store

b. Bar, Cocktail Lounge, Nightclub

c. Cafe
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0. Food Store

5. Lodging

A. Bed and Breakfast Dwelling
### Mixed Use Developments

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<th>Description</th>
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<td><strong>Mixed Use Developments</strong></td>
</tr>
<tr>
<td>a.</td>
<td>Mixed Use Development, see Sec. 47-18.21</td>
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</table>

### Public Purpose Facilities

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<tr>
<th>Section</th>
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<td>7</td>
<td><strong>Public Purpose Facilities</strong></td>
</tr>
<tr>
<td>a.</td>
<td>Civic and Private Club Facility</td>
</tr>
</tbody>
</table>
b. Government Administration.
c. House of Worship.
d. Library Branch.
e. Museum.
f. Public/Private Recreation.
g. Police and Fire Substation.
h. Post Office Substation.
i. School.

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<tbody>
<tr>
<td>a.</td>
<td>Social Service Residential Facility, see Sec. 47-18.32</td>
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<tr>
<td>b.</td>
<td>Hospital</td>
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<td>8</td>
<td>Retail Sales</td>
</tr>
<tr>
<td>a.</td>
<td>Antiques Store</td>
</tr>
<tr>
<td>b.</td>
<td>Apparel/Clothing</td>
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</table>
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<th>Services/Office Facilities</th>
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<tbody>
<tr>
<td>a. Copy</td>
<td></td>
</tr>
<tr>
<td>a. Nursing Home, see Sec. 47-18.23</td>
<td></td>
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<tr>
<td>d. Store</td>
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<tr>
<td>p. Tapes, Videos, Music CDs, Stores</td>
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<tr>
<td>b. Check Cashing Store</td>
<td></td>
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<tr>
<td>c. Dry Cleaner, see Sec. 47</td>
<td></td>
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## Accessory Uses, Buildings and Structures (See also Section 47-19.)

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<th>Melrose Park and Riverland Road</th>
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</thead>
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<td>Watch and Jewelry Repair</td>
<td></td>
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</table>

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<tbody>
<tr>
<td>a</td>
<td>Accessory uses to Hotels, see Sec. 47-19.8</td>
</tr>
<tr>
<td>b</td>
<td>Catering Services.</td>
</tr>
<tr>
<td>c</td>
<td>Child Day Care—Corporate/Employee Sponsors when accessory to professional office, see Sec. 47-18.8</td>
</tr>
<tr>
<td>d</td>
<td>Film Processing—When accessory to a permitted use.</td>
</tr>
<tr>
<td>e</td>
<td>Outdoor Dining and Sidewalk Cafes, see Sec. 47-19.9</td>
</tr>
</tbody>
</table>

(Ord. No. C-97-19, § 1(47-6.3.1), 6-18-97; Ord. No. C-11-14, § 7, 6-21-11)

**Sec. 47-6.11. - List of permitted and conditional uses, Boulevard Business (B-1) District.**

District Categories—Automotive, Boats, Watercraft and Marinas, Commercial Recreation, Food and Beverage Sales and Service, Lodging, Mixed Use Developments, Public Purpose Facilities, Retail Sales, Services/Office Facilities, and Accessory Uses, Buildings and Structures.

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| P | E | R | M | I | T | E | D | U | S | E | S | \*
| 1 | Automotive |
| a | Automotive |

**CONDITIONAL USES:**

See Sec. 47-24.3
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Shop, including minor repair, see Sec. 47-18.4

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<tbody>
<tr>
<td>a.</td>
<td>Marine Parts and Supplies Store.</td>
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<td>b.</td>
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</table>
Sailmaking.
c. Watercraft Repair, minor repair, see Sec. 47-18.37
d. Watercraft Sales and Rental, new or used, see Sec. 47-18.36.

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<th>Commercial Recreation</th>
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<td>Billiard Parlor.</td>
</tr>
<tr>
<td>b.</td>
<td>Bingo Hall.</td>
</tr>
<tr>
<td>c.</td>
<td>Bowling Alley.</td>
</tr>
<tr>
<td>d.</td>
<td>Indoor Motion Picture Theater.</td>
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<tr>
<td>e.</td>
<td>Performing Arts Theater.</td>
</tr>
<tr>
<td></td>
<td>a. Golf Course, Golf Range.</td>
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<tr>
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<td>b. Indoor Firearms Range, Sec. 47-18.18</td>
</tr>
<tr>
<td></td>
<td>c. Miniature Golf.</td>
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<thead>
<tr>
<th>4</th>
<th>Food and Beverage Service</th>
</tr>
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<tbody>
<tr>
<td>a.</td>
<td>Bakery Store</td>
</tr>
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<td>b.</td>
<td>Bakery</td>
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</table>
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- Delicatessen
- Food and Beverage Drive-Thru
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Fruit and Produce Store.

Grocery/Food Store.

Ice Cream
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SECTION 47.39 A - Melrose Park and Riverland Road

Section 47.39

Section 47.39 A

Melrose Park and Riverland Road

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<th>Section</th>
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<td>Lodging</td>
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6 Mixed Use Developments
   a. Mixed Use Development, see Sec. 47-18.21

7 Public Purpose Facilities
   a. Civic and Private Club Facility.
   b. Government Administration.
   c. Hospital.
   d. House of Worship.
   e. Library.
   f. Museum.
   g. Public/Private Recreation.
   h. Police and Fire Substation.
   i. Post Office Substation.
   j. School.
      a. Social Service Residential Facility, see Sec. 47-18.32

8 Retail Sales
   a. Antiques
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SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD
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ARTICLE XV - Annexed Areas

SECTION 47.39 - Development Regulations for Annexed Areas

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SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD
<table>
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<th>Melrose Park</th>
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UNIFIED LAND DEVELOPMENT REGULATIONS
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SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

MUSIC, MUSICAL INSTRUMENTS

Medical Supplies
Sales

Medical

MUSIC, MUSICAL INSTRUMENTS
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SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD
Services/Office Facilities

9. Services/Office Facilities

a. Auction House.
b. Copy Center.
c. Check Cashing Store.
d. Dry Cleaner, see Sec. 47-18.12
e. Financial Institution, including Drive-Thru Banks.
f. Film Processing Store.
g. Formal Wear, Rental.
h. Funeral Home.
i. Hair Salon.
j. Health and Fitness Center.
k. Instruction: Fine Arts, Sports Recreation, Dance, Music, Theater.
l. Interior Decorator.
m. Laundromat, see Sec. 47-18.19
n. Mail, Postage, Fax Service.
o. Massage Therapist.
p. Medical Clinic.
q. Medical/Dental Office.
r. Nail Salon.
s. Nursing Home.
t. Parking Facility, see Section 47-20
u. Personnel Services.
v. Pet Boarding Domestic Animals only.
w. Photographic Studio.
x. Professional Office.
z. Senior Citizen Center, see Sec. 47-18.30
aa. Shoe Repair, Shoe Shine.
bb. Swimming Pool Supplies and Service.
c. Tailor, Dressmaking Store, Direct to the Customer.
d. Tanning Salon.
e. Tattoo Artist.
ff. Trade/Business School.
gg. Travel Agency.
hh. Veterinary Clinic, see Sec. 47-18.35
ii. Watch and Jewelry Repair.

<table>
<thead>
<tr>
<th>10</th>
<th>Accessory Uses, Buildings and Structures (See also Section 47-19.)</th>
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<tbody>
<tr>
<td>a.</td>
<td>Child Day Care Facilities, see Sec. 47-18.8</td>
</tr>
<tr>
<td>b.</td>
<td>Helistop, see Sec. 47-18.14.</td>
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</tbody>
</table>
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Used Vehicles, when accessory to a new automotive vehicle.
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<table>
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<th>When accessory to a shopping center.</th>
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(Ord. No. C-97-19, § 1(47-6.3.2), 6-18-97; Ord. No. C-11-14, § 7, 6-21-11)

**Sec. 47-6.12. - List of permitted and conditional uses, General Business (B-2) District.**

District Categories—Automotive, Boats, Watercraft and Marinas, Commercial Recreation, Food and Beverage Sales and Service, Lodging, Mixed Use Developments, Public Purpose Facilities, Retail Sales, Services/Office Facilities, Wholesale Trade, Storage and Warehousing, and Accessory Uses, Buildings and Structures.
### A. REQUIRED USES

1. The portion of property fronting a navigable waterway must be used for marina or hotel marina, or shipyard use, see Sec. 47-23.8, Specific Location Requirements for Waterway Uses.

### B. PERMITTED USES

### C. CONDITIONAL USES:

See Sec. 47-24.3

<table>
<thead>
<tr>
<th>1</th>
<th>Automotive</th>
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<td>a</td>
<td>a. Automotive Detailing and Car Wash, Outdoor Hand-wash.</td>
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<td>Alarm Systems</td>
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<td>Automotive Sales, Rental, new or used</td>
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</table>
SEC. 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

Automatic Parts &amp; Vehicles, see Sec. 47-18.3
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Repaired shop, including major repair, see Sec. 47-18.
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## Boats, Watercraft and Marinas

1. **Marine Parts and Supplies Store.**
2. **Sailmaking.**
3. **Watercraft Repair, major repair, see Sec. 47-18.37**
4. **Watercraft Sales and Rental, new or used, see a.**
### Section 47-39.A

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<table>
<thead>
<tr>
<th>Sec. 47-18.36.</th>
<th>Charter and Sightseeing Boat, see Sec. 47-23.8</th>
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<tr>
<td></td>
<td>b. Hotel Marina, see Sec. 47-23.8</td>
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<td>c. Marina, see Sec. 47-23.8</td>
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<td>d. Marine Service Station see Sec. 47-18.20</td>
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<td>e. Watercraft Sales, Rental, new or used, see Sec. 47-18.36.</td>
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#### Commercial Recreation

3. **Commercial Recreation**

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<thead>
<tr>
<th>a. Billiard Parlor.</th>
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<td>b. Bingo Hall.</td>
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<td>c. Bowling Alley.</td>
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<td>d. Indoor Motion Picture Theater.</td>
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<tr>
<td>e. Performing Arts Theater.</td>
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| a. Indoor Firearms Range, see Sec. 47-18.18 |
| b. Golf Course, Golf Range. |
| c. Miniature golf. |

#### Food and Beverage Service

4. **Food and Beverage Service**

<table>
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<tr>
<th>a. Bakery Store.</th>
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6 Mixed Use Developments
   a. Mixed Use Development, see Sec. 47-18.21

7 Public Purpose Facilities
   a. Bus Terminal, Railroad Station.
   b. Civic and Private Club Facility.
   c. Government Administration.
   d. Hospital.
   e. House of Worship.
   f. Library.
   g. Museum.
   h. Public/Private Recreation.
   i. Police and Fire Substation.
   j. Post Office Substation.
   k. School.

8 Retail Sales
   a. Antiques
   a. Pain Management Clinic.

   School.

   School.

   a. Social Service Residential Facility see Sec. 47-18.32.
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b. Apparel & Accessories Store.

c. Arts & Cr.
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Hobby Items, Toys, Games Store.
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Store.
Lawn & Garden Center.
Outdoor displays.
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Newspapers, Magazines, Stores, Nurseries, Offices, Supply
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<tr>
<th></th>
<th>Services/Office Facilities</th>
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<tbody>
<tr>
<td>a.</td>
<td>Auction House</td>
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<tr>
<td></td>
<td>Child Day Care Facility, see Sec. 47-18.8</td>
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<tr>
<td>b.</td>
<td>Helistop, see Sec. 47-18.14</td>
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</table>
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<thead>
<tr>
<th>y</th>
<th>Center.</th>
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<tr>
<td>c.</td>
<td>Check.</td>
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<tr>
<td>d.</td>
<td>Dry Cleaner, see Sec.</td>
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</table>
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47-18.12. Financial Institution, including Drive-T
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<td>47-20</td>
<td>MELROSE PARK AND RIVERLAND ROAD</td>
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<th>Z</th>
<th>Photograph Studio</th>
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<tbody>
<tr>
<td>A</td>
<td>Publishing</td>
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<tr>
<td>B</td>
<td>Security Systems</td>
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</table>
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Storage Facilities
Accessory Uses, Buildings and Structures (See also Section 47-19.)

1. Accessory Uses, Buildings and Structures (See also Section 47-19.)

a. Accessory Uses, Buildings and Structures (See also Section 47-19.)

Self Storage Facility, see Sec. 47-18.29.
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When accessory to professional office, see Sec. 47.
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### DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

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**A. REQUIRED USES**

1. The portion of property fronting a navigable waterway must be used for marina or hotel marina, or shipyard use, see Sec. 47-23.8, Specific Location Requirements for Waterway Uses.

**B. PERMITTED USES**

<table>
<thead>
<tr>
<th>1. Automotive</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Automotive Detailing and Alarm Systems.</td>
</tr>
<tr>
<td>b. Automotive Sales, Rental, new or used vehicles, see Sec. 47-18.3</td>
</tr>
</tbody>
</table>

**C. CONDITIONAL USES:**

See Sec. 47-24.3
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c. Automotive Parts & Supplies Store, including installation in wholly enclosed buildings, permitting wholesale sales.
d. Automotive Repair Shop, including major repair, see Sec. 47-18.4
e. Automotive Service Station, see Sec. 47-18.5
f. Car Wash, automatic, see Sec. 47-18.7
g. Motorcycle/Moped Sale, wholesale sales permitted.
h. Recreation Camper and Trailers, Sales and Rental, new or used, wholesale sales permitted, see Sec. 47-18.27
i. Taxi Lot/Operations.
j. Tire sales, including Retreading and Service, wholesale sales permitted.

<table>
<thead>
<tr>
<th>2</th>
<th>Boats, Watercraft and Marinas</th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>Marine Parts and Supplies Store.</td>
</tr>
<tr>
<td>b</td>
<td>Sailmaking.</td>
</tr>
<tr>
<td>c</td>
<td>Watercraft Repair, major repair, see Sec. 47-18.37</td>
</tr>
<tr>
<td>d</td>
<td>Watercraft Sales and Rental, new or used, see Sec. 47-18.36.</td>
</tr>
</tbody>
</table>

| a  | Car Wash, Outdoor Hand-wash. |
| b  | Communication Towers, Structures, Station, see Sec. 47-18.11. |
| a  | Charter and Sightseeing Boat, see Sec. 47-23.8 |
| b  | Hotel Marina, see Sec. 47-23.8 |
| c  | Marina, see Sec. 47-23.8 |
| d  | Marine Service Station see Sec. 47-18.20 |
| e  | Shipyards, see Sec. 47-23.8 |
| f  | Watercraft Sales, Rental, new or used, see Sec. 47-18.36. |

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<thead>
<tr>
<th>3</th>
<th>Commercial Recreation</th>
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<tbody>
<tr>
<td>a</td>
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</table>
Billiard Parlor.
b. Bingo Hall.
c. Bowling Alley.
d. Indoor Motion Picture Theater.

e. Performing Arts Theater.

<table>
<thead>
<tr>
<th></th>
<th>Food and Beverage Service, Retail and Wholesale</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>a. Indoor Firearms Range, see Sec. 47-18.18</td>
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</tbody>
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<tr>
<td>a.</td>
<td>Bakery</td>
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<tbody>
<tr>
<td>b.</td>
<td>Bar, Cocktail Lounge, Nightclub</td>
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</tbody>
</table>
C.

Cafeteria.

d.

Candy.

Nut.

e.

Catering.

Operation.

f.

Delicatessen.
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- Team/Yogurt Store
- Liquor Store
- Meat and Poultry Store
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**5 Light Manufacturing**
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<tr>
<th>c. Processing and Assembly of Previously Prepared</th>
<th></th>
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6. **Lodging**

a. **Hotel**, see Sec. 47-18.16

7. **Public Purpose Facilities**

   a. Bus Terminal, Railroad Station.
   b. Hospital.
   c. Civic and Private Clubs Facility.
   d. Government Administration.
   e. Public/Private Recreation.
f. Police and Fire Substation.
g. Post Office Substation.
h. Railroad Freight and Passenger Depot.
   | a. Social Service Facility, see Sec. 47-18.31

| 8 | Retail and Wholesale Sales |
|   | a. Pain Management Clinic |
|   | a. Antiques Store |
|   | b. Apparel/Accessories |
|   | c. A |
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- Furniture Store
- Flooring Store
- Florist
- Arms Store
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<p>| p | Pawn Shop |
|   |           |
| q | Pet Store |
|   |           |
| q | Pharmacy  |
|   |           |
| r | Shoe Store |
|   |           |
| s | Sporting |</p>
<table>
<thead>
<tr>
<th>9. Services/Office Facilities, including Wholesale Service</th>
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</table>

- Auction House.

### Note

- Services/Office Facilities, including Wholesale Service:
  - Auction House.
<p>| | |</p>
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<tbody>
<tr>
<td>b.</td>
<td>Check Cashing Store.</td>
</tr>
<tr>
<td>c.</td>
<td>Child Day Care Facilities, Large, see Sec. 47-18.8</td>
</tr>
<tr>
<td>a.</td>
<td>Child Day Care Facilities, Large, see Sec. 47-18.8</td>
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c. 47-18.8

d. Contractors yards

e. Copy Center

f. Dry Clean
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<th>Storage Facilities</th>
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<tbody>
<tr>
<td>a. Self Storage Facility, see Sec. 47-18.2</td>
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### Accessory Uses, Buildings and Structures (See also Section 47-19.)

<table>
<thead>
<tr>
<th>b. Warehouse Facility</th>
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<table>
<thead>
<tr>
<th>a. Accessory uses to Hotels</th>
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</tr>
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Outdoor storage, see Sec. 47-19.9

Games Arcade

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<tr>
<td><strong>Requirements</strong></td>
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<td><strong>Maximum height (ft.) Note B</strong></td>
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<td>150</td>
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<tr>
<td><strong>Minimum lot size</strong></td>
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<tr>
<td>Minimum lot width</td>
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<td><strong>Maximum FAR</strong></td>
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<td>Minimum front yard (ft.)</td>
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<tr>
<td>Minimum corner yard (ft.)</td>
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<td><strong>Minimum side yard (ft.):</strong></td>
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</tr>
<tr>
<td>When contiguous to residential property</td>
<td>10</td>
<td>10</td>
<td>15</td>
<td>20</td>
</tr>
<tr>
<td>All others</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>


Sec. 47-6.20. - Table of dimensional requirements. (Note A)
**UNIFIED LAND DEVELOPMENT REGULATIONS**
Chapter 47 - UNIFIED LAND DEVELOPMENT REGULATIONS
ARTICLE XV. - ANNEXED AREAS
SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

<table>
<thead>
<tr>
<th>Minimum rear yard (ft.):</th>
<th>15</th>
<th>15</th>
<th>20</th>
<th>25</th>
</tr>
</thead>
<tbody>
<tr>
<td>When contiguous to</td>
<td></td>
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<td></td>
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<tr>
<td>residential property</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All others</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

height than 100 ft. that portion of the structure shall be set back an additional 1 ft. for each 1 ft. of building height over 100 ft.

Note A: Dimensional regulations may be subject to additional requirements, see Section 47-23, Specific Location Requirements, and Section 47-25, Development Review Criteria.

Note B: East of the Intracoastal Waterway, height for all districts is limited to one hundred twenty (120) feet.

* Where the height of a building in a business zoning district exceeds nine (9) feet measured from the ground floor elevation, that portion of the building may extend into the front yard area.

(Ord. No. C-97-19, § 1(47-6.4), 6-18-97; Ord. No. C-04-10, § 3, 4-7-04)
Secs. 47-6.21—47-6.29. - Reserved.

Sec. 47-6.30. - PCC-Planned Commerce Center District.

A. **Intent and purpose.** The Planned Commerce Center (PCC) District is a zoning district which may only be initiated by the owner of the property proposed to be rezoned. The use of the property is restricted to those uses applied for and approved in connection with the rezoning and the property may only be used in conformance with an approved site plan. It is the intent of this section to protect the character of existing residential neighborhoods adjacent to commercial land use areas while supporting the viability of the commercial areas which, due to unique site locational characteristics (such as access constraints and impact created by the design of the Interstate 95 highway system), are inappropriate for high traffic-generating commercial retail and service uses. The PCC district provides a carefully regulated opportunity for certain commercial uses to be placed within a commercial area in a manner compatible with the nearby residential area.

B. **Conditions for rezoning.**

1. The rezoning of property to a PCC district for a specified permitted use or uses shall meet all of the following conditions:

   a. The property has a commercial or industrial land use designation.

   b. There is a grade change between the development site and adjacent right-of-way which restricts direct access to the primary roadway.

   c. Any portion of the property abuts residential property or is separated by not more than a sixty (60) foot right-of-way from residential property.

   d. An application which meets the requirements of subsection D is submitted by the owner of the property to be rezoned and is approved by the city commission.

C. **Permitted uses.** The uses permitted in a PCC district shall be one or more of the uses listed in this section which are requested by the applicant to be approved in conjunction with the rezoning of the property to PCC, and shall only be permitted when conducted in accordance with an approved site plan. Uses which may be approved in connection with the establishment of PCC districts are:

<table>
<thead>
<tr>
<th>1</th>
<th>2. PERMITTED USES</th>
<th>CONDITIONAL USES</th>
</tr>
</thead>
</table>
## DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

### Section 47-39.A. - Melrose Park and Riverland Road

#### a. Boats, Watercraft and Marinas

1. **Sailmaking**

#### b. Storage Facilities

1. **Self Storage Facility**, see Sec 47
c. Light Manufacturing, Research and Development, Wholesale Distribution Facilities

i. Computers and Peripherals

ii. Warehouse Facility

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SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

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rails, contractors, yards, see Sec. 47-23.14

Electron
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SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD
<table>
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<tr>
<th>b u t i o n C e n t e r,</th>
<th></th>
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</thead>
</table>

### Manufacturing/Processing of Products

| i | A p p a r e l, T e x t i l e, C a n v a s a n d r e l a t e d |
|---|--------------------------------------------------|---|

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ed us es

P r o c e s s a n d a s s e m b l y o f p r e v i o u s l y p r e p a r

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Retail and Wholesale Sales.*
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Service Office Facilities

**
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SECTION 47-39. DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

SECTION 47-39.A. MELROSE PARK AND RIVERLAND ROAD

- Commercial Recreation***

- Bowling Alley

- Skating Centers (Ice and/or R
*Limited to showroom/warehouse only, which area shall not exceed fifty percent (50%) of the gross floor area per tenant, and total square footage per tenant not to exceed fifty thousand (50,000) square feet. No outdoor display or storage is permitted. Showroom/warehouse means the display or exhibition of samples of goods or merchandise adjacent to the warehouse or storage area containing goods or merchandise for sale to the general public.

**Retail sales listed in e. above which are not a part of a showroom/warehouse; accessory restaurant/cafeteria or service/office facility uses shall each not exceed twenty percent (20%) of total gross floor area of a development. The total area for all such uses shall not exceed sixty percent (60%) of the total gross floor area.

***Fully enclosed within a building.

D. Rezoning.

1. Application. Rezoning to a Planned Commerce Center District may only be initiated by application of the owner(s) of the property proposed to be rezoned. The application shall include the following:

   a. All information required for an application for a site plan level IV permit pursuant to Section 47-24, Development Permits and Procedures, and for a rezoning development permit.

   b. Identification of the permitted use or uses proposed for the property to be rezoned.

   c. A general vicinity map consisting of an eight and one-half (8½) inch by eleven 11 inch street map at a scale of not less than one (1) inch equals five hundred (500) feet identifying the parcel proposed to be rezoned, and all lots located within a seven hundred (700) foot radius of the parcel to be rezoned. The map shall show existing zoning, all residential uses and the heights of all structures in the seven hundred (700) foot area.

   d. A site plan for the proposed use which shows how the proposed use will meet the performance criteria provided herein, including, if applicable: elevations; surrounding commercial and residential areas; location and sizes of signs; location of landscaping and other buffers in compliance with Sec. 47-25.3; vehicular use area; loading zones, if required; turning radii for loading zones; internal vehicular and pedestrian circulation, including driving lanes; landscape buffering required for vehicular use areas in compliance with Sec. 47-21.9, and vehicular (and public transit, if provided) access and movement between the proposed parcel to be rezoned and the surrounding areas.

   e. All studies required to be submitted as provided in this section.
2. The review process for a rezoning to PCC shall be as provided in Sec. 47-24.4 and shall include a site plan review as part of the rezoning review.

3. **Criteria.** In addition to the criteria provided for a rezoning approval, the following criteria shall apply:

   a. The proposed site and use meet the conditions and performance criteria provided in this section.

   b. The height, bulk, shadow, mass and design of any structure located on the site is compatible with surrounding properties and is consistent with the goals and objectives for the location of the property as provided in the comprehensive plan.

   c. The city commission may include conditions on the property which are a part of the application proposed to be rezoned to PCC. All such conditions shall relate to the preservation of the character and integrity of the neighboring property and mitigate adverse impacts which arise in connection with the approval of the rezoning. Conditions for approval may relate to any aspect of the site plan including the property proposed to be rezoned and the business property, including but not limited to height, bulk, shadow, mass and design of any structure, parking, access, public transit and landscaping requirements.

E. **Design and performance standards for permitted uses.**

   1. The design and performance standards shall apply to the uses identified herein and such uses shall comply with the performance standards as a condition for approval of a PCC district.

      a. **Access.**

         i. **Public transit.** Where access is constrained and total trips are projected to exceed one thousand (1,000) per day for a property located along a public transit route, a bus bay shall be provided on the proposed PCC property which shall connect to the principal street fronting the property, unless a Broward County Transit approved bus bay exists along a safe pedestrian walkway within a ten (10) minute walk of the pedestrian access to the site, or Broward County Transit either does not need the bus bay or requests transit circulation on the site itself. A safe pedestrian walkway shall connect a bus bay provided by the applicant to the main entrance of the principal structure.

         ii. Vehicular access to a use in a PCC zoning district shall comply with Section 47-20, Parking and Loading Requirements, and any applicable FDOT requirements when in proximity to an interstate access ramp. Where access is constrained by imposition of a condition imposed in accordance with this section, a traffic study shall be required to be submitted by applicant documenting the adequacy of circulation on site and adjacent public rights-of-way to accommodate the traffic to be generated by the proposed use.

      b. **Yards.** Shall be as required in the B-3 zoning district. All other yards for a business use shall be that necessary to meet the requirements provided in Sec. 47-9.22.C.1.b.

      c. **Architectural features.** The facade of any side of a business use structure which is on a parcel which is abutting or separated by a right-of-way or body of water no greater than sixty (60) feet in width from a residential property shall feature a minimum of two building mass
changes, including projection, recession, building terracing or cantilevering, and shall feature multiple types and angles of roofline, canopies and/or awnings. Color and material banding compatible with the residential neighborhood shall be provided. If metal grates are featured over windows, the metal grates shall be decorative. A minimum of four (4) of the above described architectural elements shall be included on all facades of a structure which are facing and within two hundred (200) feet of residential property. The facade treatment shall be required to continue around the corner onto the adjoining wall for a distance of twenty (20) feet.

d. **Height.** Structures shall be limited to a height of sixty-five (65) feet.

e. **Landscaping and bufferyards.** Landscaping and bufferyards shall be provided as necessary to make the site compatible with surrounding properties based on the height, bulk, shadow, mass and design of the structure. When a use which is subject to the requirements of this section is contiguous to any residential property, the property proposing to be rezoned to PCC shall be required to have a ten (10) foot landscape strip area and a physical barrier consisting of either a fence or a wall between the residential property and the PCC. The landscape strip shall include trees, shrubs and ground cover as provided in the landscape provisions of Section 47-21, Landscape and Tree Preservation Requirements. Any shrub or hedge material installed on a side of the PCC property which faces residential property shall be thirty-six (36) inches at time of installation. The landscaping shall be installed and maintained in accordance with Section 47-21, Landscape and Tree Preservation Requirements and Section 47-25.3, Development Review Criteria. If the physical barrier installed is a wall, it shall incorporate decorative features on the residential side according to the requirements of Section 47-19.5 and shall be a minimum of six (6) feet in height. If a fence is used as the physical barrier, it shall be six (6) feet, six (6) inches in height and shall be of opaque durable material, and constructed according to the requirements of Section 47-19.5

f. **Open space.** A minimum of ten percent (10%) of the development site shall be open space and used for walkways, landscaping or both. See also Section 47-21, Landscape and Tree Preservation Requirements. Vehicular use areas shall not count toward open space requirements.

g. **Parking.** Parking space requirements shall be governed by Section 47-20, Parking and Loading Requirements.

h. **Signage.** No signage shall be permitted on any side of a PCC property which is abutting or separated by a right-of-way or body of water no greater than sixty (60) feet in width from a residential property. On other frontages, one (1) flat or wall sign as defined by Sec. 47-22.2, Sign Requirements, shall be permitted per street frontage of the lot. One freestanding ground sign shall be permitted for a PCC zoned site, and ground sign dimensions shall comply with Sec. 47-22.3.E.1. One (1) Directory Sign (defined as a sign listing the tenants located within the development and directional indicators to enable drivers and pedestrians to locate the tenants) may be provided near each entry point but shall be located a minimum of twenty (20) feet from the right-of-way and shall be no taller than ten (10) feet nor larger than one hundred (100) square feet. Tenant identification signs (one (1) per tenant) not exceeding twenty-four (24) inches in height, one hundred twenty (120) square feet shall be permitted. A uniform sign design plan for the development site shall be provided. No additional signage shall be permitted.
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i. **Waterway use.** When located on a waterway, a PCC use shall be required to meet the requirements of Sec. 47-23.8, Waterway Use.

j. **Screening of rooftop mechanical equipment.** All rooftop mechanical equipment shall be designed as an integral part of the building volume and/or adequately screened so that they are not visible from abutting residential property or public rights-of-way.

F. **General design and performance standards.** The general design and performance standards shall apply to all of the uses permitted in an PCC district and such uses shall comply with the performance standards as a condition for approval of a rezoning to a PCC district.

1. **Noise.**

   a. **Maximum permitted level in decibels.** Noise associated with a use in a PCC district shall not exceed the maximum sound levels as follows:

<table>
<thead>
<tr>
<th>Hours</th>
<th>Maximum Permitted Sound Level in dBA</th>
</tr>
</thead>
<tbody>
<tr>
<td>7:00 a.m. to 10:00 p.m.</td>
<td>55 dBA</td>
</tr>
<tr>
<td>10:00 p.m. to 7:00 a.m.</td>
<td>45 dBA</td>
</tr>
</tbody>
</table>

   No public address systems or other devices for recording or amplifying voices or music which is audible outside of the building or structure shall be permitted.

   b. **Exemptions.** The following uses and activities shall be exempt from the maximum sound levels provided above.

      i. Noises not under the direct control of the PCC district property user.

      ii. Noises emanating from construction and maintenance activities between 7:00 a.m. and 10:00 p.m.

      iii. Sounds produced by emergency generating systems or emergency warning systems, such as fire and burglar alarms, sirens and the like.

      iv. Transient noises of moving sources such as automobiles on streets, trucks, airplanes and railroads.

   c. **Method of measurement.** Noise shall be measured in accordance with the provisions of Chapter 17 of Volume I of the Code.

2. **Pedestrian and driver safety enhancements.**

   a. Property to be rezoned PCC which abuts a street shall provide the following off-site public improvements:

      i. Public transit improvements and internal pedestrian circulation plans as specified in subsection E.

      ii. Street trees shall be planted and maintained along the street abutting the property.
proposed to be rezoned. The type of street trees may include shade, flowering and palm trees. The trees shall be planted at a minimum height and size in accordance with the requirements of Section 47-21, Landscape and Tree Preservation Requirements. The location and number of trees shall be determined based on the height, bulk, shadow, mass and design of the structures on the site and the proposed development's compatibility to surrounding properties and the existence of utility easements.

iii. Vehicular access to a PCC site shall be designed to meet all safety requirements of the city engineer and the Florida Department of Transportation needed when access is constrained due to the site's proximity to Interstate 95 or such other constraint, including, when deemed necessary for public safety, but not limited to, the installation of pedestrian signalization by the PCC property owner as a condition of approval.

3. **Lighting.** Lighting of a parking lot or parking garage on a PCC zoned property shall comply with the requirements of Section 47-20, Parking and Loading Requirements. In addition, light fixtures shall be shielded, angled or both so that any direct or indirect light shall not cause illumination in excess of one (1) footcandle onto any residential property which is adjacent to the PCC property. Security lighting shall be provided for structures as required as a condition of approval.

G. **Application of standards to proposed uses.**

1. **Noise.**

   a. In order to determine if a proposed use will comply with the required noise standards, a noise study shall be submitted of the same use at a different location, with noise levels documented as follows:

   i. For a two (2) week period, on at least one (1) peak day of use during the week and one (1) peak day of use during the weekend, noise levels shall be documented from 6:00 a.m. to 8:00 a.m., noon to 2:00 p.m., 5:00 p.m. to 7:00 p.m., 10:00 p.m. to midnight and 2:00 a.m. to 4:00 a.m.

   ii. If the proposed use has seasonal peak usage, noise levels for the similar use shall also be documented during the peak and off-peak seasons, for a two (2) week period, on one (1) peak day of use during the week and one (1) peak day of use during the weekend, as described above.

   iii. If the noise study indicates that a similar use exceeds the required maximum noise levels, the site plan shall reflect design features which are intended to reduce the noise levels to those required, and the noise study shall include documentation of similar uses which employed these design features to successfully reduce noise levels.

   b. It may be required that the noise study be reviewed by an independent consultant contracted by the city to determine whether the required noise levels will be met. The cost of review by said consultant shall be reimbursed to the city by the applicant.

H. **Modification of approved development plan.** If the applicant wishes to change to a permitted use in the PCC district which use was not approved as part of the rezoning, a new application for rezoning must be approved in accordance with the provisions of this section. If the applicant wishes to amend a site plan previously approved as part of a rezoning to PCC, such amendment shall be done in
accordance with the provisions for amending a site plan level IV permit as provided in Sec. 47-24.2.A.5, Development Permits and Procedures.

(Ord. No. C-99-38, § 1, 5-18-99; Ord. No. C-00-65, § 2, 11-7-00; Ord. No. C-03-19, § 2, 4-22-03)

SECTION 47-7. - INDUSTRIAL ZONING DISTRICTS

Sec. 47-7.1. - List of districts.

Sec. 47-7.2. - Intent and purpose of district.

Secs. 47-7.3—47-7.9. - Reserved.

Sec. 47-7.10. - List of permitted and conditional uses, General Industrial (I) District. (Notes A, B & C)


Sec. 47-7.20. - Additional requirement for conditional uses in the Industrial (I) District.

Secs. 47-7.21—47-7.29. - Reserved.

Sec. 47-7.30. - Table of dimensional requirements for the I district. (Note A)

Sec. 47-7.1. - List of districts.

General Industrial (I).

(Ord. No. C-97-19, § 1(47-7.1), 6-18-97)

Sec. 47-7.2. - Intent and purpose of district.

General Industrial District (I) is intended for industrial, manufacturing and related uses not involving potential nuisances in terms of noise, odor, emissions of particulate matter, lighting and other potential nuisance factors.

(Ord. No. C-97-19, § 1(47-7.2), 6-18-97)

Secs. 47-7.3—47-7.9. - Reserved.

Sec. 47-7.10. - List of permitted and conditional uses, General Industrial (I) District. (Notes A, B & C)

District Categories—Automotive, Aircraft, Boats and Watercraft (Wholesale Sales, Service and Repair), Manufacturing, Public Purpose Facilities, Storage Facilities, Wholesale Sales/Rental Services, and Accessory Uses, Buildings and Structures.

<table>
<thead>
<tr>
<th>A</th>
<th>REQUIRED USES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The portion of property fronting a navigable waterway must be used for marina or shipyard uses, see Sec. 47-23.8, Specific Location Requirements for Waterway Uses.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B</th>
<th>P</th>
<th>C.</th>
<th>CONDITIONAL USES:</th>
</tr>
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## Development Regulations for Annexed Areas

### Melrose Park and Riverland Road

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>1</td>
<td><strong>Automotive, Aircraft and Watercraft (Wholesale Sales, Service and Repair)</strong></td>
</tr>
<tr>
<td>a</td>
<td>Automotive Detailing, Alarms, Window Tinting.</td>
</tr>
<tr>
<td>b</td>
<td>Automotive Service Station, see Sec. 47-18.5</td>
</tr>
<tr>
<td>c</td>
<td>Aircraft, Sales, Service and Repair.</td>
</tr>
<tr>
<td>d</td>
<td>Automotive Repair Shop, including major repair, see Sec. 47-18.4</td>
</tr>
<tr>
<td>e</td>
<td>Automotive Sales, Rental, new or used vehicles, see Sec. 47-18.3</td>
</tr>
<tr>
<td>f</td>
<td>Mobile Homes, sales, service and repair.</td>
</tr>
<tr>
<td>g</td>
<td>Recreation Campers and Trailers Sales, Rental, new or used, see Sec. 47-18.27</td>
</tr>
<tr>
<td>h</td>
<td>Towing Service.</td>
</tr>
<tr>
<td>i</td>
<td>Truck Sales, Rental, new or used, see Sec. 47-18.34</td>
</tr>
<tr>
<td>j</td>
<td>Sailmaking.</td>
</tr>
<tr>
<td>k</td>
<td>Watercraft Repair Shop, see Sec. 47-18.37</td>
</tr>
<tr>
<td></td>
<td><strong>Watercraft Sales, Rental, new or used, see Sec. 47-18.36.</strong></td>
</tr>
<tr>
<td>a</td>
<td>Marina, see Sec. 47-23.8</td>
</tr>
<tr>
<td>b</td>
<td>Marine Service Station, see Sec. 47-18.20</td>
</tr>
<tr>
<td>c</td>
<td>Shipyard, see Sec. 47-23.8</td>
</tr>
<tr>
<td>d</td>
<td>Tugboat Service, see Sec. 47-23.8.</td>
</tr>
</tbody>
</table>

| 2 | **Manufacturing/Processing of Products** |
a. Apparel, Textile, Canvas & related uses.
b. Automotive, Trucks and Mobile Homes.
c. Contractors Yards.
d. Industrial Machinery and Equipment.
e. Manufacturing of Animal Feed from refuse, mash or grain.
f. Manufacturing of Products from Stone, Clay, Concrete or Glass.
g. Meat Packing, Plants, Stock or Slaughter Yards.
h. Process and assembly of previously prepared materials.
   a. Acid Manufacturing.
   b. Asphalt Manufacturing.
   c. Cement and Lime Manufacturing.
   d. Fertilizing Plants or Fertilizer Mixing.
   e. Manufacturing of Explosives.
   f. Manufacturing of Plastics, Rubber, Leather Products.
   g. Meat Packing, Plants, Stock or Slaughter Yards.
   h. Private Recycling Facility.

3. Public Purpose Facilities
   a. Police and Fire Substation.
   b. Freight and Rail Terminal.
   c. Communication Towers, Structures and Stations, see Sec. 47-18.11.
      a. Radio Broadcast Facility, Production Facility, Radio, Television and Motion Picture Production.

4. Storage Facilities
   a. Automotive Wrecking and Salvage Yards, Junk Yards, see Outdoor Storage of goods and materials, Sec. 47-19.9
      b. 

Fort Lauderdale, Florida, Code of Ordinances
Lumber Yards, see Outdoor Storage of goods and materials, Sec. 47-19.9

c. Self Storage Facility, see Sec. 47-18.29
d. Storage Yard, except as provided herein.
e. Warehouse Facility.

<table>
<thead>
<tr>
<th>5</th>
<th>Wholesale Sales/Rental Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>Building Supplies, Materials and Equipment</td>
</tr>
<tr>
<td></td>
<td>a. Fuel Storage, sales, other than Automotive Service Station, see Sec. 47-18.13</td>
</tr>
<tr>
<td></td>
<td>b. Petroleum Storage, Refining and Transfer, see Sec. 47-18.13.</td>
</tr>
</tbody>
</table>
### 6. Accessory Uses, Buildings and Structures (See Section 47-19.)

#### a. Automotive Service Station, when accessory
Note A: Only wholesale sales of products shall be permitted.

Note B: Retail sales and services, including offices are permitted only when accessory to manufacturing, processing, assembly, maintenance, repair or warehousing operation.

Note C: Any industrial use within three hundred (300) feet of residential property shall be subject to the requirements of a Conditional Use Permit, see Sec. 47-24.3.


Sec. 47-7.20. - Additional requirement for conditional uses in the Industrial (I) District.

A. In addition to complying with the requirements for a conditional use permit as provided in Sec. 47-24.3, the following information shall be required for a conditional use permit, as provided in Sec. 47-24.3, for any industrial conditional use:
Chapter 47 - UNIFIED LAND DEVELOPMENT REGULATIONS
ARTICLE XV. - ANNEXED AREAS
SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

1. **Requirements for an operational plan.** An operational plan shall be submitted in conjunction with an application for a conditional use permit including, but not limited to, the following information, where applicable:
   
   a. Methods and hours of the proposed operation;
   
   b. Distance of buildings and outside storage areas to nearby waterways, residences, schools, houses of worship, hospitals or parks;
   
   c. Design of access streets to accommodate any heavy equipment associated within the operation.

2. **Risk management study.** A study shall be submitted which identifies impacts of the proposed or existing use and the proposed mitigation of such impacts as it relates to the neighborhood compatibility requirements, as provided in Sec. 47-25.3. In addition, the study shall document and support methods for controlling the impacts of the use and shall certify the effectiveness of such methods. The methodology for such study shall be submitted to the department for approval prior to initiation of the study in conjunction with the site plan level IV review. The methodology shall include the weeks and day the study will be conducted, the number of days and duration of the study, and the time intervals and locations for data collection. The department may require the application to be reviewed by an independent licensed professional engineer contracted by the city to determine whether the study supports the basis for the methods to be used in controlling the impacts of the use.

3. **Environmental standards.** A site plan for the proposed uses which shows how the proposed use will meet the following performance criteria:
   
   a. **Air pollutants.** Air pollutants which when measured by the pollutant standard index (PSI) related to five (5) major air pollutants sulfur dioxide, nitrogen dioxide, carbon monoxide, ozone and total suspended particulate will not be greater than one hundred (100) as measured by the PSI scale and measures to monitor such air pollutants. Demonstration that, if beryllium, mercury, asbestos and vinyl chloride are utilized, they will meet the National Emissions Standards for Hazardous Air Pollutants (NESHAP).
   
   b. **Water quality.** Demonstration that water quality standards as established by the national pollutant standards, are being met.
   
   c. **Industrial wastes.** Identification of the presence of the toxic wastes, reactive wastes, ignitable wastes which may result from industrial and manufacturing processes, including but not limited to emission of gaseous wastes, and emission of pollutants and how the disposal or management of such waste and materials will be controlled to ensure that such operation will not pose substantial hazards to human health or the environment. If corrosive wastes are present, such wastes will be stored in special containers that cannot corrode, or controlled by some other measure to separate such wastes from other waste materials.
   
   d. **Prohibition on the use of certain industrial chemicals.** No polychlorinated biphenyls (PCBs), toxic industrial chemicals, shall be used in the manufacture of any products.
   
   e. **Management of industrial materials.** Demonstration that if mercury, explosives, pesticides, radioactive, flammable materials, infectious materials, arsenic, benzene and radio nuclides are being utilized, that measures are being made to ensure that the use of such
4. **Description of best management practices utilized in the industrial operation.** Best management practices that aid in controlling pollution that derives from a proposed industrial operation shall be utilized in meeting the requirements of this section. Such practices may include, but not be limited to structural controls, nonstructural controls and procedures for operation and maintenance of such uses.

(Ord. No. C-97-19, § 1(47-7.4), 6-18-97)

**Secs. 47-7.21—47-7.29.** - Reserved.

**Sec. 47-7.30.** - Table of dimensional requirements for the I district. (Note A)

<table>
<thead>
<tr>
<th>Requirements</th>
<th>I</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum height (ft.)</strong></td>
<td>150</td>
<td></td>
</tr>
<tr>
<td><strong>Minimum lot size</strong></td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Minimum lot width</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td><strong>Maximum FAR</strong></td>
<td>None</td>
<td></td>
</tr>
<tr>
<td><strong>Minimum front yard (ft.)</strong></td>
<td>30</td>
<td></td>
</tr>
</tbody>
</table>
### Minimum side yard (ft.):

<table>
<thead>
<tr>
<th>Type</th>
<th>Minimum Side Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential property</td>
<td>5'</td>
</tr>
<tr>
<td>All others</td>
<td>30</td>
</tr>
</tbody>
</table>
### DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

**SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD**

<table>
<thead>
<tr>
<th>ALLOTTED PROPERTY</th>
<th>All side yards abutting a street: 5 ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>All other side yards: None except when any portion of a structure is greater in height than 100 ft. up to maximum height of 150 ft., that portion of the structure shall be set back an additional 1 ft. for each 1 ft. of building height over 100 ft.</td>
</tr>
</tbody>
</table>

**Minimum rear yard (ft.):**

<table>
<thead>
<tr>
<th>WHEN CONTIGUOUS</th>
<th>30</th>
</tr>
</thead>
</table>
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

All rear yards abutting a street:
5 ft.

All other rear yards: None except when any portion of a structure is greater in height than 100 ft. up to maximum height of 150 ft., that portion of the structure shall be set back an additional 1 ft. for each 1 ft. of building height over 100 ft.

Note A: Dimensional regulations may be subject to additional requirements, see Section 47-23, Specific Location Requirements, and Section 47-25, Development Review Criteria.

*Where the height of a building exceeds nine (9) feet measured from the ground floor elevation, that portion of the building may extend into the front yard area.

(Ord. No. C-97-19, § 1(47-7.5), 6-18-97)
**SECTION 47-8. - PUBLIC PURPOSE DISTRICTS**

Sec. 47-8.1. - List of districts.
Sec. 47-8.2. - Intent and purpose of each district.
Secs. 47-8.3—47-8.9. - Reserved.
Sec. 47-8.10. - List of permitted and conditional uses, Community Facility (CF) District.
Sec. 47-8.11. - List of permitted and conditional uses, Community Facility—House of Worship (CF-H) District.
Sec. 47-8.12. - List of permitted and conditional uses, Community Facility—School (CF-S) District.
Sec. 47-8.14. - List of permitted and conditional uses, Parks, Recreation and Open Space (P) District.
Sec. 47-8.15. - List of permitted and conditional uses, Transportation (T) District.
Sec. 47-8.16. - List of permitted and conditional uses, Utilities (U) District.
Secs. 47-8.17—47-8.29. - Reserved.
Sec. 47-8.30. - Table of dimensional requirements. (Note A)

**Sec. 47-8.1. - List of districts.**

A. CF - Community Facility Districts.
B. P - Parks, Recreation and Open Space.
C. T - Transportation.
D. U - Utility.

(Ord. No. C-97-19, § 1(47-8.1), 6-18-97)

**Sec. 47-8.2. - Intent and purpose of each district.**

A. **CF - Community Facility Districts** are intended to provide suitable locations for institutions serving public needs, including the administrative activities of a municipal, state or federal agency, religious facilities, educational facilities and other public purpose facilities which generally benefit the community, consistent with the community facility land use designation of the city's comprehensive plan. Community facilities shall be limited at certain locations to specific uses, as identified by the list of permitted and conditional uses for each of the following community facility districts:

1. CF - Community Facility.
3. CF-S - Community Facility-School.

B. **P - Parks, Recreation and Open Space District** is intended to provide suitable locations for parks, recreation and open space areas, including conservation areas, consistent with the city's comprehensive plan.

C. **T - Transportation District** is intended to provide suitable locations for expressways, railroads, airports and ports which are not governed by other special zoning districts within the city, consistent
with the transportation land use designation of the city's comprehensive plan.

D. **U - Utility District** is intended for utilities provided to the public, such as water, wastewater, electric and solid waste disposal facilities as necessary to provide an adequate level of utility services to meet the needs of the residents of the city, consistent with the utility land use designation of the city's comprehensive plan.

(Ord. No. C-97-19, § 1(47-8.2), 6-18-97)

**Secs. 47-8.3—47-8.9. - Reserved.**

**Sec. 47-8.10. - List of permitted and conditional uses, Community Facility (CF) District.**

District Categories—Public Facilities, Utilities, and Accessory Uses, Buildings and Structures.

<table>
<thead>
<tr>
<th>A. PERMITTED USES</th>
<th>B. CONDITIONAL USES:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>See Sec. 47-24.3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1.</th>
<th>Public Facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>Civic and Private Clubs.</td>
</tr>
<tr>
<td>b.</td>
<td>Child Day Care Facilities, see Sec. 47-18.8</td>
</tr>
<tr>
<td>c.</td>
<td>Courthouse.</td>
</tr>
<tr>
<td>d.</td>
<td>Cultural, Educational and Civic Facility.</td>
</tr>
<tr>
<td>e.</td>
<td>Fire Facility.</td>
</tr>
<tr>
<td>f.</td>
<td>Government Administrative Office.</td>
</tr>
<tr>
<td>g.</td>
<td>House of Worship.</td>
</tr>
<tr>
<td>h.</td>
<td>Library.</td>
</tr>
<tr>
<td>i.</td>
<td></td>
</tr>
</tbody>
</table>
Nursing Home, see Sec. 47-18.23  
j. Museum and Art Gallery.  
k. Parking Facility, see Section 47-20  
l. Police Facility.  
m. Post Office, Branch/Substation.  
n. Public/Private Meeting Rooms.  
o. Public Maintenance and Storage Facility.  
p. Senior Citizen Center, see Sec. 47-18.30  
q. School, not including Trade School.  
r. Transportation Terminal, Railroad Bus Station.  

<table>
<thead>
<tr>
<th>Utilities</th>
<th></th>
</tr>
</thead>
</table>
| a.         | Cemetery, Crematory, Columbarium, Mausoleum.  
| b.         | College, University.  
| c.         | Detention Center, Jail.  
| d.         | Helistop, see Sec. 47-18.14  
| e.         | Hospital, Medical and Public Health Clinic.  
| f.         | Indoor Firearms Range, see Sec. 47-18.18  
| g.         | Marina, see Sec. 47-23.8  
| h.         | Social Service Facility, see Sec. 47-18.31  
| i.         | Social Service Residential Facility, see Sec. 47-18.32.  

<table>
<thead>
<tr>
<th>Accessory Uses, Buildings and Structures (See also Section 47-19.)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>Communication Tower, Structure and Station, see Sec. 47-18.11</td>
</tr>
<tr>
<td>b.</td>
<td>Radio Broadcast Facility.</td>
</tr>
</tbody>
</table>

Fort Lauderdale, Florida, Code of Ordinances
### DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

#### SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

<table>
<thead>
<tr>
<th>Ipochomes, meeting rooms, residences for residents</th>
<th></th>
</tr>
</thead>
</table>
ARTICLE XV. - ANNEXED AREAS

SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

- Production facilities for the motion picture and television industries
- Photograph studios
- Auditoriums
- Schools
### DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

#### MELROSE PARK AND RIVERLAND ROAD

(Ord. No. C-97-19, § 1(47-8.3.1.A), 6-18-97)

**Sec. 47-8.11. - List of permitted and conditional uses, Community Facility—House of Worship (CF-H) District.**

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th><strong>PERMITTED USE</strong></th>
<th><strong>CONDITIONAL USES:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>See Sec. 47-24.3</td>
</tr>
</tbody>
</table>
1. House of Worship

a. House of Worship, see Sec. 47-18.17

2. Secondary Uses

a. Assembly
### Accessory Uses, Buildings and Structures (See also Section 47-19.)

<table>
<thead>
<tr>
<th>3</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>Child Day Care Facilities, see Sec. 47-18.8</td>
<td>Senior Citizen Center, see Sec. 47-18.30</td>
</tr>
<tr>
<td>b.</td>
<td>Offices</td>
<td></td>
</tr>
<tr>
<td>c.</td>
<td>Meeting Rooms</td>
<td></td>
</tr>
<tr>
<td>d.</td>
<td>Residences for Resident Employees</td>
<td></td>
</tr>
</tbody>
</table>
(Ord. No. C-97-19, § 1(47-8.3.1.B), 6-18-97; Ord. No. C-03-10, § 1, 3-4-03)

Sec. 47-8.12. - List of permitted and conditional uses, Community Facility—School (CF-S) District.

<table>
<thead>
<tr>
<th>A PERMITTED</th>
<th>B</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CONDITIONAL USES:</td>
</tr>
<tr>
<td></td>
<td>See Sec. 47-24.3</td>
</tr>
<tr>
<td>E S</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>1</td>
<td><em>Schools</em></td>
</tr>
<tr>
<td>a</td>
<td><em>School</em></td>
</tr>
<tr>
<td>2</td>
<td><em>Secondary Uses</em></td>
</tr>
<tr>
<td>a</td>
<td><em>Assembly Hall</em></td>
</tr>
<tr>
<td>3</td>
<td><em>Accessory Uses, Buildings and Structures</em> (See also Section 47-19.)</td>
</tr>
<tr>
<td>a</td>
<td><em>Child Day Care Fac</em></td>
</tr>
</tbody>
</table>
ARTICLE XV. - ANNEXED AREAS

SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD


<table>
<thead>
<tr>
<th>A.</th>
<th>B. PERMITTED USES</th>
<th>CONDITIONAL USES: See Sec. 47-24.3</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>House of Worship</td>
<td></td>
</tr>
<tr>
<td>a.</td>
<td>House of Worship, see Sec. 47-1</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>8.</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td><em>Schools</em></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>a.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td><em>Secondary Uses</em></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>a.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td><em>Accessory Uses, Buildings and Structures (See also Section 47-19.)</em></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>a.</td>
</tr>
</tbody>
</table>
### Residences for Employees of the House of Worship

<p>| | |</p>
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
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<td></td>
</tr>
</tbody>
</table>
(Ord. No. C-97-19, § 1(47-8.3.1.D), 6-18-97)

Sec. 47-8.14. - List of permitted and conditional uses, Parks, Recreation and Open Space (P) District.

District Categories—Parks, Recreation and Open Space Uses and Facilities, and Accessory Uses, Buildings and Structures.

<table>
<thead>
<tr>
<th>A</th>
<th>PERMITTED USES</th>
<th>B.</th>
<th>CONDITIONAL USES:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Parks, Recreation and Open Space Uses and Facilities</td>
<td></td>
<td>See Sec. 47-24.3</td>
</tr>
</tbody>
</table>

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>Active and Passive Park Facilities.</td>
<td></td>
</tr>
<tr>
<td>b.</td>
<td>Beach.</td>
<td></td>
</tr>
<tr>
<td>c.</td>
<td>Civic Facility.</td>
<td></td>
</tr>
<tr>
<td>d.</td>
<td>Conservation Areas.</td>
<td></td>
</tr>
<tr>
<td>e.</td>
<td>Fishing Pier.</td>
<td></td>
</tr>
<tr>
<td>f.</td>
<td>Indoor and Outdoor Public Recreational Facility.</td>
<td>a.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Golf Course.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>b.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Public Marina, see Sec. 47-23.8</td>
</tr>
<tr>
<td></td>
<td></td>
<td>c.</td>
</tr>
<tr>
<td>Accessory Uses, Buildings and Structures (See also Section 47-19.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>a.</strong> Concessions, including refreshment stands</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>b.</strong> Roads and streets</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>c.</strong> Transportation Facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>d.</strong> Communication Towers, Structures and Stations (subject to land use compatibility and Sec. 47-18.11).</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>e.</strong> Yacht Club.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>f.</strong> Public Utility.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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ARTICLE XV.
ANNEXED AREAS

SECTION 47-39.
DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

MELROSE PARK AND RIVERLAND ROAD
### Limitations on uses

**a. Conservation areas.** Conservation areas are designated in accordance with the Broward County Land Use Plan Map Series as a means to protect natural resource areas (Broward County Land Use Plan). Uses are limited in conservation areas as follows:

- Passive outdoor recreational uses such as wildlife sanctuaries and feeding stations, nature centers and trails, outdoor research stations and walkways.
- Uses which do not impair the natural environment or disturb the natural ecosystem of the area and which are not in conflict with any applicable contractual agreement or management policies of the federal, state, regional, county, municipal or nonprofit agency which manages the area.


### Sec. 47-8.15. - List of permitted and conditional uses, Transportation (T) District.

**District Categories—Transportation Facilities, and Accessory Uses, Buildings and Structures.**

<table>
<thead>
<tr>
<th>PERMITTED USES</th>
<th>CONDITIONAL USES:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A.</strong></td>
<td>See Sec. 47-24.3</td>
</tr>
<tr>
<td><strong>B.</strong></td>
<td></td>
</tr>
</tbody>
</table>

**1. Transportation Facilities**

- Expressway.
- b.
### Airport Facility

c. Railroad, Bus Terminal and Facility.

d. Transportation Maintenance Facility.

<table>
<thead>
<tr>
<th>Accessory Uses, Buildings and Structures (See also Section 47-19.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Park and Ride Lot.</td>
</tr>
<tr>
<td>b. Parking Facility.</td>
</tr>
<tr>
<td>c. Pu</td>
</tr>
</tbody>
</table>
### Section 47-8.16. - List of permitted and conditional uses, Utilities (U) District.

District Categories—Utilities, and Accessory Uses, Buildings and Structures.

<table>
<thead>
<tr>
<th>A</th>
<th>PERMITTED USES</th>
<th>B</th>
<th>CONDITIONAL USES:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Utilities</td>
<td>a. Communication Tower, Structure and Station, see Sec. 47-18.11</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>b.</td>
<td></td>
</tr>
</tbody>
</table>

- **Utilities**
  - Utility Maintenance Facility.
  - Water and Wastewater Treatment Plant, Storage and Pumping Station Facility.
  - Electric Substation.

(Ord. No. C-97-19, § 1(47-8.3.3), 6-18-97)
Electric Power Plant.
c. Solid Waste Disposal Facility, Transfer Station, Recycling.

2. Accessory Uses, Buildings and Structures (See also Section 47-19.)

a. Utility Administration, Office.

(Ord. No. C-97-19, § 1(47-8.3.4), 6-18-97)

Secs. 47-8.17—47-8.29. - Reserved.

Sec. 47-8.30. - Table of dimensional requirements. (Note A)
### DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

#### MELROSE PARK AND RIVERLAND ROAD

<table>
<thead>
<tr>
<th></th>
<th>Fort Lauderdale, Florida, Code of Ordinances</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>Maximum height (ft.)</strong></th>
<th><strong>H</strong></th>
<th><strong>35</strong></th>
<th><strong>35</strong></th>
<th><strong>60</strong></th>
<th><strong>60</strong></th>
<th><strong>60</strong></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>Minimum lot size (sq. ft.)</strong></th>
<th><strong>N</strong></th>
<th><strong>10,000</strong></th>
<th><strong>10,000</strong></th>
<th><strong>None</strong></th>
<th><strong>None</strong></th>
<th><strong>None</strong></th>
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<table>
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<tr>
<th><strong>Minimum lot width (ft.)</strong></th>
<th><strong>1</strong></th>
<th><strong>100</strong></th>
<th><strong>100</strong></th>
<th><strong>None</strong></th>
<th><strong>None</strong></th>
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<tr>
<th><strong>Maximum FAR</strong></th>
<th><strong>1.0</strong></th>
<th><strong>1.0</strong></th>
<th><strong>None</strong></th>
<th><strong>None</strong></th>
<th><strong>None</strong></th>
<th><strong>None</strong></th>
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<table>
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<tr>
<th><strong>Maximum square feet of gross floor area</strong></th>
<th><strong>N</strong></th>
<th><strong>10,000</strong></th>
<th><strong>House of worship: 10,000</strong></th>
<th><strong>None</strong></th>
<th><strong>None</strong></th>
<th><strong>None</strong></th>
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<tr>
<th><strong>Minimum front yard (ft.)</strong></th>
<th><strong>25</strong></th>
<th><strong>25</strong></th>
<th><strong>25</strong></th>
<th><strong>None</strong></th>
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<th><strong>Minimum corner yard (ft.)</strong></th>
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<th><strong>25</strong></th>
<th><strong>25</strong></th>
<th><strong>None</strong></th>
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<th><strong>Minimum side yard (ft.):</strong></th>
<th><strong>25</strong></th>
<th><strong>20</strong></th>
<th><strong>20</strong></th>
<th><strong>20</strong></th>
<th><strong>25</strong></th>
<th><strong>None</strong></th>
<th><strong>30</strong></th>
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<tr>
<th><strong>When contiguous to residential property</strong></th>
<th><strong>25</strong></th>
<th><strong>20</strong></th>
<th><strong>20</strong></th>
<th><strong>20</strong></th>
<th><strong>25</strong></th>
<th><strong>None</strong></th>
<th><strong>30</strong></th>
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<table>
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<tr>
<th><strong>All others</strong></th>
<th><strong>25</strong></th>
<th><strong>20</strong></th>
<th><strong>20</strong></th>
<th><strong>20</strong></th>
<th><strong>25</strong></th>
<th><strong>None</strong></th>
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<th><strong>Minimum rear yard (ft.):</strong></th>
<th><strong>25</strong></th>
<th><strong>20</strong></th>
<th><strong>20</strong></th>
<th><strong>20</strong></th>
<th><strong>25</strong></th>
<th><strong>None</strong></th>
<th><strong>30</strong></th>
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<tr>
<th><strong>When contiguous to residential property</strong></th>
<th><strong>25</strong></th>
<th><strong>20</strong></th>
<th><strong>20</strong></th>
<th><strong>20</strong></th>
<th><strong>25</strong></th>
<th><strong>None</strong></th>
<th><strong>30</strong></th>
</tr>
</thead>
</table>

| **All others** | **25** | **20** | **20** | **20** | **25** | **None** | **25** |
Note A: Dimensional regulations may be subject to additional requirements, see Section 47-23, Specific Location Requirements, and Section 47-25, Development Review Criteria.

*An increase in the maximum dimensional requirements, as provided herein, is subject to the requirements of a site plan level III permit, see Sec. 47-24.2, except for the height of any building or structure within a T district which is located within an airport boundary at which time the height of such building or structure shall be regulated by the height limits specified by the Federal Aviation Administration (FAA) Regulation No. FAR Part 77.

(Ord. No. C-97-19, § 1(47-8.4), 6-18-97; Ord. No. C-10-13, § 1, 4-20-10)

**SECTION 47-9. - X-EXCLUSIVE USE DISTRICT**

Sec. 47-9.1. - Intent and purpose.

The X-Exclusive Use District is a zoning district which may only be initiated by the owner of the property proposed to be rezoned. The use of the property is restricted to those uses applied for and approved in connection with the rezoning and the property may only be used in conformance with an approved site plan. It is the intent of this section to protect the character of existing residential neighborhoods adjacent to commercial areas while supporting the viability of the commercial areas. The X district provides a carefully regulated opportunity for certain low intensity commercial uses to be placed within a residential area in a manner compatible with the residential character of the area. The X district is also intended to act as a buffer between existing residential and commercial areas.

(Ord. No. C-97-19, § 1(47-9.1), 6-18-97)

Sec. 47-9.2. - Conditions for rezoning.

A. The rezoning of property to an X district for a specified permitted use or uses shall meet all of the following conditions:

1. The property is not zoned RS-4.4, RS-8 or RC-15 except as follows:

   a. Property which is zoned RS-4.4, RS-8 or RC-15 which was legally permitted to be used as a parking lot prior to the effective date (June 28, 1997) of the ULDR and served a nonresidential use or a use which had been permitted in R-1, R-2, R-3 and R-4 districts prior to the effective date (June 28, 1997) of the ULDR but is no longer permitted in RS-4.4, RS-8...
or RC-15 may apply to be rezoned to exclusive use parking lot. All conditions for rezoning to exclusive use parking lots as provided herein must be met except as follows:

i. Parking lots which served a use which was permitted to be located in an R-1, R-2 or R-3-B zoning district on October 1, 1996 which is no longer a permitted use in RS-4.4, RS-8 and RC-15 will not be required to meet the conditions provided in subsections A.5, 6 and 7.

b. Property which is zoned RS-8 or RC-15 and abuts a right-of-way greater than twenty (20) feet in width may apply for rezoning to Exclusive Use Parking Lot/Residential (X-P-R) or Exclusive Use Parking Garage/Residential (X-G-R), with required residential units, subject to the provisions of Sec. 47-9.21.F.

2. The property is located in an area with available commercial flexibility acreage pursuant to the comprehensive plan and flex acreage is allocated pursuant to Section 47-28, Flexibility Rules, as part of the rezoning.

3. If the property is contiguous to property which has already been granted commercial flexibility in accordance with the comprehensive plan, the total acreage of the contiguous property previously approved for commercial flexibility and the total acreage of the property proposed for exclusive use shall not exceed ten (10) acres.

4. The property is designated for residential use on the LUP.

5. The property proposed for exclusive use abuts or is separated by a right-of-way no greater than twenty (20) feet in width from business property as defined in Section 47-35, Definitions, which has a front yard abutting a street.

6. The property proposed for exclusive use and business property must share at least fifty (50) feet of the same property line or if separated by an alley, at least fifty (50) feet of a property line of the exclusive use property is parallel to a property line of business property.

7. Property proposed to be zoned exclusive use shall extend no more than one hundred eighty (180) feet into a residentially zoned district, except property located on the north side of Sunrise Boulevard, between the Florida East Coast Railway and Powerline Road, may extend no more than five hundred (500) feet into a residentially zoned district, but in no case shall the exclusive use zoning in this area go north of the south right-of-way line of N.E. and N.W. 11th Street.

8. An application which meets the requirements of this section is submitted by the owner of the property to be rezoned and is approved by the city commission.

9. If the property proposed for exclusive use is to be used for business use as provided in Sec. 47-9.10 in addition to the above, the property proposed for exclusive use and business property described in subsection A.5 must be submitted as a single site plan and the owner of the business property must join in the application for rezoning of the proposed exclusive use property.

10. Property located within the following described area may not be rezoned to exclusive use for a period ending June 30, 1998 unless sooner terminated by ordinance adopted by the city commission: The area bounded on the east by Federal Highway, the west by the Florida East Coast Railway, the north by Tarpon River and the south by State Road 84.

Sec. 47-9.10. - Permitted uses.

A. The uses permitted in an X district shall be one or more of the uses listed in this section which are requested by the applicant to be approved in conjunction with the rezoning of the property to exclusive use, and shall only be permitted when conducted in accordance with an approved site plan.

B. Uses which may be approved in connection with the establishment of X districts are:

1. Parking lot ("X-P").
2. Parking lot with required residential units ("X-P-R").
3. Parking garage ("X-G").
4. Parking garage with required residential units ("X-G-R").
5. Business ("X-B") uses as follows:
   a. Commercial Recreation:
      i. Indoor motion picture theater, less than five (5) screens.
   b. Food and Beverage Service:
      i. Bakery store.
      ii. Bar, cocktail lounge, nightclub.
      iii. Cafeteria.
      iv. Candy, nuts store.
      v. Delicatessen.
      vi. Food and beverage.
      vii. Fruit and produce store.
      viii. Grocery/food store.
      ix. Ice cream/yogurt store.
      x. Liquor store.
      xi. Meat and poultry store.
      xii. Restaurant.
      xiii. Seafood store.
xiv. Supermarket.

c. Retail Sales:
   i. Antiques store.
   ii. Apparel/clothing, accessories store.
   iii. Arts and crafts supplies store.
   iv. Art galleries, art studio.
   v. Bait and tackle store.
   vi. Bicycle shop.
   vii. Book store.
   viii. Camera, photographic supplies store.
   ix. Card and stationery store.
   x. Cigar, tobacco store.
   xi. Computer/software store.
   xii. Consignment, thrift store.
   xiii. Cosmetic, sundries store.
   xiv. Department store.
   xv. [Reserved.]
   xvi. Fabric, needlework, yarn shop.
   xvii. Flooring store.
   xviii. Florist shop.
   xix. Furniture store.
   xx. Gifts, novelties, souvenirs store.
   xxi. Glassware, china, pottery store.
   xxii. Hardware store.
   xxiii. Hobby items, toys, games stores.
   xxiv. Holiday-related merchandise, outdoor sales, see Sec. 47-18.15
   xxv. Household appliances store.
xxvi. Jewelry store.
xxvii. Linen, bath, bedding store.
xxviii. Luggage, handbags, leather goods store.
xxix. Music, musical instruments store.
xxx. Newspapers, magazines store.
xxxi. Optical store.
xxxii. Paint, wallpaper store.
xxxiii. Party supply store.
xxxiv. Pet store.
xxxiv-1. Pharmacy.
xxxv. Shoe store.
xxxvi. Sporting goods store.
xxxvii. Tapes, videos, music CD’s stores.

d. Services/Office Facilities:
i. Film processing store.
ii. Formal wear, rental.
iii. Hair salon.
iv. Health and fitness center.
v. Instruction: fine arts, sports and recreation, dance, music, theater.
vi. Interior decorator.
vii. Mail, postage, fax service.
viii. Massage therapist.
ix. Medical clinic.
x. Nail salon.
xi. Photographic studio.
	xii. Professional office.
	xiii. Shoe repair, shoe shine.
xiv. Tailor, dressmaking store, direct to the customer.

xv. Tanning salon.

xvi. Watch and jewelry repair.

e. Accessory Uses, Buildings and Structures:

i. Outdoor dining and sidewalk cafes, see Sec. 47-19.9

6. Parking lot, parking garage, business uses or any combination of same with optional residential units ("X-P-OR," "X-G-OR" or "X-B-OR").


Sec. 47-9.20. - Rezoning.

A. Application. Rezoning to an X district may only be initiated by application of the owner(s) of the property proposed to be rezoned and when the property to be rezoned will be used for business uses with the owner of the business property as co-applicant. The application shall include the following:

1. All information required for an application for a site plan level II permit pursuant to Section 47-24, Development Permits and Procedures, and for a rezoning development permit.

2. Identification of the permitted use or uses proposed for the property to be rezoned.

3. A general vicinity map consisting of an eight and one-half (8½) inch by eleven (11) inch street map at a scale of not less than one (1) inch equals five hundred (500) feet identifying the parcel proposed to be rezoned and, if business is proposed, the business property to which the exclusive use property is to be joined, and all lots located within a seven hundred (700) foot radius of the parcel to be rezoned. The map shall show existing zoning, all residential uses and the heights of all structures in the seven hundred (700) foot area.

4. An area map showing the parcel proposed for rezoning and all new, existing or proposed redevelopment. If the parcel to be rezoned exclusive use is to be used as a parking facility which will serve a particular use, the area map shall show all new, existing or proposed redevelopment on the site which the parking is intended to serve. If the parcel is to be used for a business use, the area map shall show the business property to which the property proposed for exclusive use will be joined.

5. A site plan for the proposed use which shows how the proposed use will meet the performance criteria provided herein including if applicable, elevations, surrounding commercial and residential areas, location and sizes of signs, location of landscaping and other buffers, and vehicular and pedestrian movement between the proposed parcel to be rezoned and the surrounding areas.

6. All studies required to be submitted as provided in this section.

B. The review process for a rezoning to exclusive use shall be as provided in Sec. 47-24.4 and shall include a site plan review as part of the rezoning review.
C. **Criteria.** In addition to the criteria provided for a rezoning approval, the following criteria shall apply:

1. The proposed site and use meet the conditions and performance criteria provided in this section.

2. The height, bulk, shadow, mass and design of any structure located on the site is compatible with surrounding properties and is consistent with the goals and objectives for the location of the property as provided in the comprehensive plan.

3. If the application is for rezoning to exclusive use district/business, the city commission may include conditions on the business property which are a part of the application in addition to the conditions on the property proposed to be rezoned to exclusive use. All such conditions shall relate to the preservation of the character and integrity of the neighboring property and mitigate adverse impacts which arise in connection with the approval of the rezoning. Conditions for approval may relate to any aspect of the site plan including the property proposed to be rezoned and the business property, including but not limited to height, bulk, shadow, mass and design of any structure and parking and landscaping requirements.

(Ord. No. C-97-19, § 1(47-9.4), 6-18-97)

**Sec. 47-9.21. - Performance standards for permitted uses.**

A. **Applicability.** The design and performance standards shall apply to the uses identified herein and such uses shall comply with the performance standards as a condition for approval of an X district.

B. **Parking lot.** The following performance standards shall apply to parking lots.

1. Parking lots must meet the requirements for parking lots provided in Section 47-20, Parking and Loading Requirements.

2. **Access.**

   a. **Pedestrian.** When a parking lot parcel does not abut the parcel which it is intended to serve the principal pedestrian access to the X district property shall be along a safe pedestrian path as defined in Sec. 47-20.4, from the uses it is intended to serve. Off-site public pedestrian amenities may be required as a condition to rezoning in order to provide a safe pedestrian path.

   b. **Vehicular.** Shall comply with Section 47-20, Parking and Loading Requirements.

3. **Landscape and buffeyards.** A parking lot shall comply with the landscape and buffering provisions of Section 47-21, Landscape and Tree Preservation Requirements, and Sec. 47-25.3, Development Review Criteria, for parking lots. Parking lots which are part of an X-P-OR or X-P-R rezoning shall be required to meet the provisions of subsection E or F as applicable.

4. **Lighting.** Lighting of a parking lot shall comply with the requirements of Section 47-20, Parking and Loading Requirements.

5. **Noise.** Noise levels shall conform to the performance standards provided in Sec. 47-9.22.B.

6. **Signage.** Signage shall comply with the requirements in Section 47-22, Sign Requirements.
7. Pedestrian enhancements shall be provided in accordance with Sec. 47-9.22.C.

8. Waterway use. When located on a waterway, a parking lot shall be required to meet the requirements of Sec. 47-23.8, Waterway Use.

9. Lighting. Lighting shall comply with the requirements of Section 47-20, Parking and Loading Requirements.

C. Parking garage. The following performance standards shall apply to parking garages:

1. Parking garages must meet the applicable requirements provided in Section 47-20, Parking and Loading Requirements.

   a. Pedestrian. The principal pedestrian access to the X district property shall be along a safe pedestrian path as defined in Sec. 47-20.4, from the uses it is intended to serve. Off-site public pedestrian amenities may be required as a condition to rezoning in order to provide a safe pedestrian path.
   b. Vehicular. Shall comply with Section 47-20, Parking and Loading Requirements.

3. Architectural features. The facade of any side of a parking garage which is on a parcel which is abutting or separated by a right-of-way or body of water no greater than sixty (60) feet in width to a residential property shall be constructed to complement a residential structure and shall include the following:
   a. Fenestration such as windows, doors and openings in the wall; and
   b. Shall contain a minimum of one (1) feature from each of the following architectural feature groups with a total of four (4) architectural features from the following list:
      i. Detail and embellishments:
         a) Balconies,
         b) Color and material banding,
         c) Decorative metal grates over windows,
         d) Cornices,
         e) Verandas, porches.
      ii. Form and mass:
         a) Building mass changes including projection and recession,
         b) Multiple types and angles of roofline.
      iii. Functional space at ground level:
         a) Arcades,
b) Terraces and courtyards,

c) Plazas that include landscaped areas and benches,

d) Fountains, sculpture.

c. The above required facade treatment shall be required to continue around the corner onto the adjoining wall for a distance of twenty (20) feet.

d. Residential units which are part of a parking garage submitted as an X-G-OR or X-G-R development, shall be required to have architectural features as provided in subsection E or F as applicable.

4. Any portion of the first floor of any parking garage which is used for parking vehicles shall be constructed with opaque material which screens vehicles from view. The facade shall include fenestration such as windows and doors in the wall. Screening shall not be required across openings used for ingress and egress to public rights-of-way.

5. **Height.** Parking garages shall be permitted up to sixty-five (65) feet in height, except for an Exclusive Use Parking Garage/Residential ("X-G-R") garage, the maximum permitted height shall be thirty-nine (39) feet.

6. **Landscaping and bufferyards.** Landscaping and bufferyards shall be provided as necessary to make the site compatible with surrounding properties based on the height, bulk, shadow mass and design of any on-site structure. The landscaping shall be installed and maintained in accordance with Section 47-21, Landscape and Tree Preservation Requirements, and Sec. 47-25.3, Development Review Criteria.

7. **Yards.** A parcel or lot which abuts a residentially used or vacant residential property shall provide a twenty (20) foot yard on the side of the parcel which abuts the residential property, except for the sides of a parcel to be rezoned X-G-OR or X-G-R. Yards required for residential units in an X-G-OR or X-G-R zoning district are provided in subsection E and F as applicable. All other yards for a parking garage shall be that necessary to meet the street tree requirements provided in Sec. 47-9.22.C.1.b.

8. **Lot coverage.** A minimum of ten percent (10%) of the site shall be in open space and used for walkways, landscaping, or both.

9. **Lighting.** Lighting shall comply with the requirements of Section 47-20, Parking and Loading Requirements.

10. **Noise.** Noise levels shall conform to the performance standards provided in Sec. 47-9.22.B.

11. **Signage.** No signage shall be permitted except an eight (8) square foot wall sign as defined by Section 47-22, Sign Requirements, located on the first floor of a parking garage, one (1) sign per street front.

12. Pedestrian enhancements shall be provided in accordance with Sec. 47-9.22.C. In addition, a one thousand four hundred (1,400) square foot public plaza as described in Sec. 47-9.22.C located at the principal pedestrian access to the parking garage shall be provided.

13. **Waterway use.** When located on a waterway, a parking garage shall be required to meet the
requirements of Sec. 47-23.8, Waterway Use.

14. Residential units which are part of an X-G-OR or X-G-R development shall be required to meet the provisions of subsection E or F as applicable.

D. Business uses. The following performance standards shall apply to business uses:

1. Relationship of exclusive use property to business property. An application for rezoning to exclusive use/business must include a site plan which includes the business property as described in Sec. 47-9.2.A.5. The application for rezoning shall be signed by both the owner of the property proposed to be rezoned to exclusive use and if different, the owner of the business property. The owner of the business property shall acknowledge in the application that the business property may be subject to development restrictions and conditions which may be imposed on the property as a result of the approval of the X district rezoning on the parcel to which the business property is joined.

   a. Pedestrian. The principal pedestrian access to the X district property shall be from the business property and connect to the street fronting the business property.
   b. Vehicular access to a business use shall comply with Section 47-20, Parking and Loading Requirements.

3. Yards. A parcel or lot which abuts a residentially used or vacant residential property shall provide a twenty (20) foot yard on the side of the parcel which abuts the residentially used or vacant residential property, except for the sides of a parcel to be rezoned X-B-OR. Yards required for optional residential units in an X-B-OR zoning district are provided in subsection E. All other yards for a business use shall be that necessary to meet the street tree requirements provided in Sec. 47-9.22.C.1.b.

4. Architectural features. The facade of any side of a business use structure which is on a parcel which is abutting or separated by a right-of-way or body of water no greater than sixty (60) feet in width to a residential property shall meet the requirements of Sec. 47-9.21.C.3. Residential units which are part of a business use submitted as an X-B-OR development shall be required to have the architectural features as provided in subsection E.

5. Height. Business structures shall be limited to a height of sixty-five (65) feet.

6. Landscaping and bufferyards. Landscaping and bufferyards shall be provided as necessary to make the site compatible with surrounding properties based on the height, bulk, shadow, mass and design of the structure. The landscaping shall be installed and maintained in accordance with Section 47-21, Landscape and Tree Preservation Requirements, and Sec. 47-25.3, Development Review Criteria.

7. Open space. A minimum of ten percent (10%) of the lot shall be in open space and used for walkways, landscaping or both. See also Section 47-21, Landscape and Tree Preservation Requirements.

8. Parking. Parking space requirements shall be governed by Section 47-20, Parking and Loading Requirements. Parking may be provided within a retail or office structure proposed for
approval within an X district. In such instances, the portion of the building used as a parking structure shall also meet the design requirements provided in Sec. 47-9.21.C for parking garages.

9. **Signage.** No signage shall be permitted except one (1) wall sign as defined by Section 47-22, Sign Requirements, per street frontage of the lot. Wall signs shall not exceed eight (8) square feet in area and may be illuminated, but shall not contain flashing lights. Multiple tenant buildings may have one (1) under each canopy sign as provided in Sec. 47-22.3(W), Sign Requirements, for each tenant.

10. Pedestrian enhancements shall be provided in accordance with Sec. 47-9.22.C.

11. **Waterway use.** When located on a waterway, a business use shall be required to meet the requirements of Sec. 47-23.8, Waterway Use.

12. Residential units which are part of an X-B-OR development shall be required to meet the provisions of subsection E.

E. **Parking lot, parking garage, business uses or any combination of same with optional residential units.** The following performance standards shall apply:

1. A parking lot, parking garage or business use with optional residential units shall comply with all other provisions of this section applicable to a parking lot, parking garage or business use, except where different requirements are specifically provided.

2. When residential units are located on the perimeter of a parking lot, parking garage or business use between such use and a right-of-way or waterway greater than twenty (20) feet in width, the yard requirement at the front of the residential unit shall be that necessary to accommodate street trees in accordance with Sec. 47-9.22.C.1.b and a minimum five (5) foot sidewalk located along the entire length of the parcel on the side where the residential units are located, but in no case shall less than five (5) feet nor more than fifteen (15) feet be required. The type, the location and number of trees shall meet the requirements of Sec. 47-9.22.C.1.b. Side and rear yards for residential units located on the boundary of the parcel shall be as follows:

   a. If the parcel abuts a residentially zoned property the yard for the portion of the parcel abutting the residential parcel shall be the same as the yard requirement for the portion of the residentially zoned property abutting the parcel; or

   b. Ten (10) feet.

   All other yards for the portion of a use without residential units located on the perimeter of the parcel shall be that required for such use as provided in this Section 47-9.

3. Residential units on a waterway shall be required to meet the provisions of Sec. 47-23.8, Waterway Use.

4. The bufferyard and landscape requirements as described in subsection C.6 shall apply to:

   a. The area between the parking lot, parking garage or business use and the optional residential units, except when the garage or business structure is in such proximity to the residential units that the development functions as a singular structure; and

   b. The side or portion of the side of a parcel without residential units.
5. The height of residential structures shall not exceed the following:
   
a. X-P-OR, X-G-OR or X-B-OR: sixty-five (65) feet.

6. *Architectural features.* If a parking lot, garage or business use is submitted as part of a proposed X-P-OR, X-G-OR or X-B-OR development and the residential units are located on the perimeter of the parcel between the parking lot, garage or business and the right-of-way, the facade of the residential units shall be required to have architectural features as provided in subsection C.3.

F. *Exclusive Use Parking Lot/Residential (X-P-R) and Exclusive Use Parking Garage/Residential (X-G-R) with required residential units.*

1. Exclusive Use Parking Lot/Residential (X-P-R) and Exclusive Use Parking Garage/Residential (X-G-R) applications shall be limited to parking and residential uses only. Business uses shall not be permitted.

2. Application for X-P-R or X-G-R shall comply with all other provisions of this section applicable to parking lots and parking garages, except where different requirements are specifically provided.

3. *Residential units.* Parking lots in an X-P-R or X-G-R zoning district shall be required to have residential units located along the entire side of the parcel which abuts a right-of-way or waterway greater than twenty (20) feet in width. The residential units shall be located on the perimeter of the parcel between the parking lot or garage and the right-of-way or waterway. The front of the residential units shall be required to face the right-of-way or waterway.

4. In an X-P-R zoning district the height of the residential units shall be no greater than thirty-five (35) feet. In an X-G-R zoning district the height of the residential units shall equal the height of the garage, but in no case shall be greater than thirty-nine (39) feet.

5. The depth of a residential unit shall be at least fifteen (15) feet measured from the front to the rear of the unit.

6. The yard requirement for the front of the residential unit shall be that necessary to accommodate street trees in accordance with Sec. 47-9.22.C.1.b and a five (5) foot sidewalk along the entire length of the parcel, but in no case shall the yard be less than five (5) feet and no more than fifteen (15) feet. The type of trees and the location and number shall meet the requirements of Sec. 47-9.22.C.1.b. Side and rear yards for residential units located on the boundary of the parcel shall be as follows:
   
a. If the parcel abuts a residentially zoned property, the yard for the portion of the parcel abutting the residential parcel shall be the same as the yard requirement for the portion of the residentially zoned property abutting the parcel; or
   
b. Ten (10) feet.

7. Residential units on a waterway shall be required to meet the provisions of Sec. 47-23.8, Waterway Use.

8. The bufferyard and landscape requirements as described in subsection C.6 shall apply to:
   
a. The area between the parking lot or parking garage and the required residential units,
b. The side or portion of a side of a parcel without residential units.

9. Architectural features. The facade of the residential units for a proposed X-P-R or X-G-R development shall be required to have architectural features as provided in subsection C.3.

(Ord. No. C-97-19, § 1(47-9.5), 6-18-97; Ord. No. C-97-28, § 3, 9-3-97; Ord. No. C-00-65, § 3, 11-7-00)

Sec. 47-9.22. General design and performance standards.

A. Applicability. The general design and performance standards shall apply to all of the uses permitted in an X district except residential uses and such uses shall comply with the performance standards as a condition for approval of a rezoning to an X district.

B. Noise.

1. Maximum permitted level in decibels. Noise associated with a use in an X district shall not exceed the maximum sound levels as follows:

<table>
<thead>
<tr>
<th>Hours</th>
<th>Maximum Permitted Sound Level in dBA</th>
</tr>
</thead>
<tbody>
<tr>
<td>7:00 a.m. to 10:00 p.m.</td>
<td>55 dBA</td>
</tr>
<tr>
<td>10:00 p.m. to 7:00 a.m.</td>
<td>45 dBA</td>
</tr>
</tbody>
</table>

No public address systems or other devices for recording or amplifying voices or music which is audible outside of the building or structure shall be permitted.

2. Exemptions. The following uses and activities shall be exempt from the maximum sound levels provided above.

a. Noises not under the direct control of the X district property user.

b. Noises emanating from construction and maintenance activities between 7:00 a.m. and 10:00 p.m.

c. Sounds produced by emergency generating systems or emergency warning systems, such as fire and burglar alarms, sirens and the like.

d. Transient noises of moving sources such as automobiles on streets, trucks, airplanes and railroads.

3. Method of measurement. Noise shall be measured in accordance with the provisions of Chapter 17 of Volume I of the Code.

C. Pedestrian enhancements.

1. Property to be rezoned exclusive use which abuts a street shall provide the following off-site public improvements:
a. A minimum seven (7) foot wide sidewalk along the street abutting the property proposed to be rezoned in a location approved by the city engineer. The city engineer may approve a lesser width of the sidewalk if one or more of the following conditions exists:

i. Narrower sidewalks exist on either side of the parcel to be improved, which sidewalks abut a public improvement such as a bridge or park and permitting a narrower sidewalk along the parcel to be improved provides a safer transition from the sidewalk abutting the public improvement; or

ii. Approving a narrower sidewalk will preserve existing specimen trees located within an area where the required sidewalk would be located; or

iii. A public interest exists which outweighs the public purpose supporting the required sidewalk width and permitting a narrower sidewalk will in no way compromise the safety of sidewalk for pedestrian usage; or

iv. In no instance will a sidewalk be permitted to be less than five (5) feet.

b. Street trees shall be planted and maintained along the street abutting the property proposed to be rezoned to provide a canopy effect. The type of street trees may include shade, flowering and palm trees. The trees shall be planted at a minimum height and size in accordance with the requirements of Section 47-21, Landscape and Tree Preservation Requirements. The location and number of trees shall be determined by the department based on the height, bulk, shadow, mass and design of the structures on the site and the proposed development’s compatibility to surrounding properties.

2. Business use. When the property to be rezoned is proposed for a business use the following public pedestrian enhancements shall be provided:

a. When the exclusive use property is separated from the business property by an alley, a continuous public pedestrian walkway a minimum of ten (10) feet in width beginning at the business property street frontage and continuing through the business property to the exclusive use property.

b. A four hundred (400) square foot public plaza connected to the business property street frontage shall be provided on the business property. For purposes of this section, public plaza shall mean one continuous area for the use of the public, open to the sky which includes pedestrian amenities such as landscaping, benches and fountains; is available to the public for use during business hours; shall be well lit for use after dark; may have awnings which do not exceed twenty percent (20%) of the width of the public area; and at no time shall have a dimension of less than ten (10) feet. The surface of the public plaza shall be paver, brick or similar material.

c. When the property lines of the property proposed for exclusive use do not directly extend from the property lines of the business property and one (1) or more are offset by more than twenty-five percent (25%) of the business property's width, an additional one thousand (1,000) square feet of public plaza as described in subsection C.2.b shall be provided.

(Ord. No. C-97-19, § 1(47-9.6), 6-18-97; Ord. No. C-97-51, § 1, 11-4-97)
Sec. 47-9.23. - Application of standards to proposed uses.

A. Noise.

1. In order to determine if a proposed use will comply with the required noise standards, a noise study shall be submitted of the same use at a different location, with noise levels documented as follows:

   a. For a two (2) week period, on at least one (1) peak day of use during the week and one (1) peak day of use during the weekend, noise levels shall be documented from 6:00 a.m. to 8:00 a.m., noon to 2:00 p.m., 5:00 p.m. to 7:00 p.m., 10:00 p.m. to midnight and 2:00 a.m. to 4:00 a.m.

   b. If the proposed use has seasonal peak usage, noise levels for the similar use shall also be documented during the peak and off-peak seasons, for a two (2) week period, on one (1) peak day of use during the week and one (1) peak day of use during the weekend, as described above.

   If the noise study indicates that a similar use exceeds the required maximum noise levels, the site plan shall reflect design features which are intended to reduce the noise levels to those required, and the noise study shall include documentation of similar uses which employed these design features to successfully reduce noise levels.

2. The DRC may require the noise study to be reviewed by an independent consultant contracted by the city to determine whether the required noise levels will be met. The cost of review by said consultant shall be reimbursed to the city by the applicant.

(Ord. No. C-97-19, § 1(47-9.7), 6-18-97)


If the applicant wishes to change to a permitted use in the X district which was not approved as part of the rezoning, a new application for rezoning must be approved in accordance with the provisions of this section. If the applicant wishes to amend a site plan previously approved as part of a rezoning to exclusive use, such amendment shall be done in accordance with the provisions for amending a site plan level IV permit as provided in Sec. 47-24.2.A.5, Development Permits and Procedures.

(Ord. No. C-97-19, § 1(47-9.8), 6-18-97)
Sec. 47-10.1. - List of districts.

CC - Commerce Center.

(Ord. No. C-97-19, § 1(47-10.1), 6-18-97)

Sec. 47-10.2. - Intent and purpose.

CC - Commerce Center District is intended to provide locations suitable for planned corporate and business park development geared to employment generating uses such as: light industrial; research and development; corporate offices; conference center; and complementary business retail and service uses. The CC district encourages large, unified developments within an aesthetically pleasing environment and with controlled vehicular access and internal traffic flow. This district is located near major transportation facilities. The CC district is consistent with and implements the employment center land use designation of the city's comprehensive plan.

(Ord. No. C-97-19, § 1(47-10.2), 6-18-97)

Secs. 47-10.3—47-10.9. - Reserved.

Sec. 47-10.10. - List of permitted and conditional uses, Commerce Center (CC) District.


<table>
<thead>
<tr>
<th>A</th>
<th>B. PERMITTED USES</th>
<th>CONDITIONAL USES:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Communication Broadcast and Production Facilities</td>
<td>See Sec. 47-24.3</td>
</tr>
<tr>
<td>a.</td>
<td>Radio, Television and Motion Picture Broadcast and Production Facilities.</td>
<td></td>
</tr>
<tr>
<td>b.</td>
<td>Communication Towers, Structures and Stations.</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Community Facilities</td>
<td></td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>a. Civic and Private Clubs</th>
<th>Helistop, see Sec. 47-18.14</th>
</tr>
</thead>
<tbody>
<tr>
<td>b. Government Facility</td>
<td></td>
</tr>
<tr>
<td>c. Public</td>
<td></td>
</tr>
</tbody>
</table>
### Food and Beverage

#### a. Restaurant

### Light Manufacturing, Research and Development, Wholesale Distribution Facilities

#### a. Computers and peripherals
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<table>
<thead>
<tr>
<th>g.</th>
<th>Wholesale Distribution Center</th>
</tr>
</thead>
</table>
Lodging

Hotel, see Sec. 47-18.16

Mixed Use Development

Automotive Service

Service/Offices Uses
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- Child Day Care Facility, see Sec. 47.
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18.8. e. Dry Cleaner, see Sec. 47-18.12

18.12. f. Financial Institution
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Accessory Uses, Buildings and Structures (See also Section 47-19.)

a. Meeting Rooms and Banq
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SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

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Secs. 47-10.11—47-10.19. - Reserved.

Sec. 47-10.20. - Table of dimensional requirements for the CC district. (Note A)

<table>
<thead>
<tr>
<th>Requirements</th>
<th>C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum height (ft.)</td>
<td>1</td>
</tr>
<tr>
<td>Minimum lot size</td>
<td>None</td>
</tr>
<tr>
<td>Maximum lot coverage</td>
<td>70%</td>
</tr>
<tr>
<td>Minimum front yard (ft.)</td>
<td>4</td>
</tr>
<tr>
<td>Minimum corner yard (ft.)</td>
<td>4</td>
</tr>
<tr>
<td>Minimum side yard (ft.):</td>
<td></td>
</tr>
<tr>
<td>When contiguous to residential property</td>
<td>30</td>
</tr>
<tr>
<td>All others</td>
<td>15</td>
</tr>
<tr>
<td>Minimum rear yard (ft.):</td>
<td></td>
</tr>
<tr>
<td>When contiguous to residential property</td>
<td>30</td>
</tr>
<tr>
<td>All others</td>
<td>15</td>
</tr>
</tbody>
</table>

Note A: Dimensional requirements may be subject to additional regulations, see Section 47-23, Specific Location Requirements, and Section 47-25, Development Review Criteria.

(Ord. No. C-97-19, § 1(47-10.4), 6-18-97)
SECTION 47-11. - COMMERCIAL RECREATION DISTRICT

Sec. 47-11.1. - List of districts.
Sec. 47-11.2. - Intent and purpose.
Secs. 47-11.3—47-11.9. - Reserved.
Sec. 47-11.10. - List of permitted and conditional uses, Commercial Recreation (CR) District.
Sec. 47-11.20. - Limitations on permitted and conditional uses.
Sec. 47-11.21. - Table of dimensional requirements for the CR district. (Note A)
Secs. 47-11.22—47-11.29. - Reserved.
Sec. 47-11.30. - Development plan approval requirements.

Sec. 47-11.1. - List of districts.

CR - Commercial Recreation.

(Ord. No. C-97-19, § 1(47-11.1), 6-18-97)

Sec. 47-11.2. - Intent and purpose.

A. **CR - Commercial Recreation District** is intended to regulate both outdoor and indoor sports and recreational activities of a commercial nature, in which the participants are actively engaged, but which may also provide entertainment for spectators. These facilities are usually privately owned, but may be publicly owned, and may have related accessory uses. Additionally, certain compatible or appropriate secondary uses may also be permitted as allowed by the land use designation for the property, subject to review and approval as provided herein. The CR district is consistent with and implements the commercial and the commercial recreation land use designations of the city's comprehensive plan. Specifically, this district is established to provide areas primarily for active recreation facilities with some commercial use. The regulations for this district are intended to:

1. Promote the development of high quality, planned recreational facilities, primarily within the private sector;
2. Protect adjacent land uses from the wide range of impacts that these diverse recreational facilities may create;
3. Promote economic growth and revitalization of sites that are affected by constraints that prevent their development as residential, commercial or other land uses;
4. Increase the diversity of recreationally based commercial attractions that enhance the overall quality of life within the city.

B. A CR district may be within, or located in close proximity to residential property, public recreational areas or scenic areas. Due to the nature of the uses involved and the variety of arrangement of uses and facilities on the development plan, regulations for maximum plot size, yards, setbacks and height requirements cannot be specified. For these reasons, and to assure efficient functioning of the development in relation to its surrounding uses, the uses and site plans for development, improvement and operation are made subject to review and approval as provided herein. The CR district is consistent with and implements the commercial and the commercial recreation land use designations of...
the comprehensive plan.

C. Definitions. For purposes of this section, the following terms are defined as follows:

1. Adjacent. When used herein, adjacent shall mean abutting or separated by a right-of-way or water body no greater than sixty (60) feet in width.

2. Residential property. When used herein, residential property shall refer to property with the following zoning designations: RS-4.4, RS-8, RD-15, RC-15, RM-15, RML-25, RMM-25, RMH-25, RMH-60, RO, ROA, ROC, and MHP.

3. Secondary use. A second principal use is a use which is only permitted in connection with the commercial recreation use.

(Ord. No. C-97-19, § 1(47-11.2), 6-18-97)

Secs. 47-11.3—47-11.9. - Reserved.

Sec. 47-11.10. - List of permitted and conditional uses, Commercial Recreation (CR) District.


<table>
<thead>
<tr>
<th>A.</th>
<th>B. PERMITTED USES</th>
<th>CONDITIONAL USES: See Sec. 47-24.3</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Commercial Recreation Uses</td>
<td></td>
</tr>
<tr>
<td>a.</td>
<td>Bowling centers.</td>
<td></td>
</tr>
<tr>
<td>b.</td>
<td>Professional sports clubs including facilities such as arenas, stadiums and athletic fields.</td>
<td></td>
</tr>
<tr>
<td>c.</td>
<td>Racing and track facilities, vehicular and non-vehicular including facilities such as horse tracks, auto tracks, dragstrips, motorcycle tracks, go cart tracks and running tracks.</td>
<td></td>
</tr>
<tr>
<td>d.</td>
<td>Physical fitness centers including facilities such as gymnasiums, health clubs and spas.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
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<td></td>
</tr>
<tr>
<td>e.</td>
<td>Golf courses and operations facilities necessary to run the golf course.</td>
<td></td>
</tr>
<tr>
<td>f.</td>
<td>Coin-operated amusement centers including facilities such as video arcades and music centers.</td>
<td></td>
</tr>
<tr>
<td>g.</td>
<td>Amusement parks.</td>
<td></td>
</tr>
<tr>
<td>h.</td>
<td>Sports and private recreation clubs including facilities such as country clubs, sports clubs, business clubs, yacht clubs and hunt clubs.</td>
<td></td>
</tr>
<tr>
<td>i.</td>
<td>Amusement and recreation services including facilities such as batting and driving ranges, sports instructional centers, billiard parlors, boat rentals, exhibit and convention centers, fair and exposition centers, miniature golf centers, racquet centers, equestrian centers, natatoriums and aquatic centers, skating centers, scuba and diving centers and shooting centers.</td>
<td></td>
</tr>
<tr>
<td>j.</td>
<td>Sporting and recreational camps including facilities such as fishing camps.</td>
<td></td>
</tr>
<tr>
<td>k.</td>
<td>Recreational vehicle parks and campsites for transient use.</td>
<td></td>
</tr>
<tr>
<td>l.</td>
<td>Marina.</td>
<td></td>
</tr>
</tbody>
</table>

2 **Secondary Uses** (Permitted in Conjunction with a Principal Use)

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>Hotels, see Sec. 47-18.16</td>
</tr>
<tr>
<td>b.</td>
<td>Recreational vehicle parks and campsites for transient use.</td>
</tr>
<tr>
<td>c.</td>
<td>Restaurants.</td>
</tr>
</tbody>
</table>

3 **Accessory Uses, Buildings and Structures** (See also Section 47-19.)

Accessory uses and structures that are an integral part of and supportive to the permitted commercial recreation use or other permitted secondary use.

(Ord. No. C-97-19, § 1(47-11.3), 6-18-97)

**Secs. 47-11.11—47-11.19. - Reserved.**

**Sec. 47-11.20. - Limitations on permitted and conditional uses.**

A. **Plot size, use, phasing and arrangement.**

1. Commercial recreation developments shall have uses arranged as a unified site by methods which may include but not be limited to shared infrastructure, ingress and egress for vehicles and pedestrians and parking.

2. Secondary uses may be developed only during or after the first phase of development of a commercial recreation use.
3. There shall be a single vehicular access to the development. Vehicular access to secondary uses within a development shall be internal to the overall site.

4. No driveway shall be permitted within twenty-five (25) feet of any adjacent property line.

5. A bufferyard adjacent to any residential property shall be required in accordance with the requirements of Sec. 47-25.3.3.d, Neighborhood Compatibility—Bufferyard Requirements.

6. Notwithstanding the Parking and Loading Requirements provided in Section 47-20, a development permit may be issued for development that requires more than the required off-street parking if it is shown that additional parking is necessary to support the proposed use and reduce impacts of the development on adjacent properties.

(Ord. No. C-97-19, § 1(47-11.4), 6-18-97; Ord. No. C-99-18, § 1, 3-16-99)

Sec. 47-11.21.- Table of dimensional requirements for the CR district. (Note A)

<table>
<thead>
<tr>
<th>Requirements</th>
<th>CR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum height</td>
<td>*</td>
</tr>
<tr>
<td>Minimum lot size</td>
<td>One acre</td>
</tr>
<tr>
<td></td>
<td>One acre</td>
</tr>
<tr>
<td></td>
<td>Street frontage</td>
</tr>
</tbody>
</table>
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SECTION 47-39. DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

SECTION 47-39.A. MELROSE PARK AND RIVERLAND ROAD

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum lot coverage</strong></td>
<td>None</td>
</tr>
<tr>
<td><strong>Minimum front yard (ft.)</strong></td>
<td>25</td>
</tr>
<tr>
<td><strong>Minimum corner yard (ft.)</strong></td>
<td>25</td>
</tr>
<tr>
<td><strong>Minimum side yard (ft.):</strong></td>
<td></td>
</tr>
<tr>
<td>When contiguous to residential property</td>
<td>30</td>
</tr>
<tr>
<td>All others</td>
<td>25</td>
</tr>
<tr>
<td><strong>Minimum rear yard (ft.):</strong></td>
<td></td>
</tr>
<tr>
<td>When contiguous to residential property</td>
<td>30</td>
</tr>
<tr>
<td>All others</td>
<td>25</td>
</tr>
</tbody>
</table>

Note A: Dimensional requirements may be subject to additional regulations, see Section 47-23, Specific Locational Requirements, and Section 47-25, Development Review Criteria.

*No building or structure, or part thereof, shall be erected or altered to height exceeding that indicated on the approved development plan.

**The minimum lot size for a commercial recreation use with one or more permitted secondary uses shall be six (6) acres.

***At least fifty (50) feet of a development site shall abut upon and have access to a public right-of-way which is at least sixty (60) feet in width.

****The maximum amount of the total development site that may be used for all secondary uses shall not exceed twenty-five percent (25%).

(Ord. No. C-97-19, § 1(47-11.5), 6-18-97)

Secs. 47-11.22—47-11.29. - Reserved.

Sec. 47-11.30. - Development plan approval requirements.

A. Approval of a CR development shall be subject to a site plan level III, as provided in Sec. 47-24.2, Development Permits and Procedures.

B. The application shall include a management and operation plan with the following information:
   1. The hours of operation, including time open for business and all service operation times.
   2. A solid waste management plan.
3. Loading and servicing operations plan.

4. Lighting and sound systems design and operations.

5. Event schedules and operations plans.

6. A description of the proposed uses and activities of the facilities.

7. A description of the proposed transportation shuttle system plans.

8. An analysis, performed by a qualified licensed engineer, of the anticipated levels of sound that the proposed development may generate and a plan for the mitigation of projected sound.

(Ord. No. C-97-19, § 1(47-11.6), 6-18-97)

SECTION 47-12. - CENTRAL BEACH DISTRICTS

Sec. 47-12.1. - List of districts.
Sec. 47-12.2. - Intent and purpose of each district.
Sec. 47-12.3. - Definitions.
Sec. 47-12.4. - Central beach district requirements.
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Sec. 47-12.1. - List of districts.

A. PRD - Planned Resort.


C. SLA - Sunrise Lane.

D. IOA - Intracoastal Overlook Area.

E. NBRA - North Beach Residential Area.

F. SBMHA - South Beach Marina and Hotel Area.

(Ord. No. C-97-19, § 1(47-12.1), 6-18-97)

Sec. 47-12.2. - Intent and purpose of each district.

A. Applicability. The provisions of this section shall apply to all development and reuse of land in the central beach area, except for painting, cleaning and other activities incidental to ordinary maintenance.

1. PRD - Planned Resort Development District is established for the purpose of promoting the
development and redevelopment of the area immediately north of Las Olas Boulevard, generally between the Atlantic Ocean and the Intracoastal Waterway, as a high quality, public and private mixed use area that is the focal point of the central beach as a destination resort and county-wide asset. The district is intended to permit and facilitate the redevelopment of the area as a world-class resort that is commensurate with the character and value of the Atlantic Ocean and the city's long-time reputation as a tourist destination.

2. **ABA - A-1-A Beachfront Area District** is established for the purpose of promoting high quality destination resort uses that reflect the desired character and quality of the Fort Lauderdale beach and improvements along A-1-A. The district is intended as a means of providing incentives for quality development and redevelopment along a segment of A-1-A and to ensure that such development is responsive to the character, design and planned improvements as described in the revitalization plan.

3. **SLA - Sunrise Lane Area District** is established for the purpose of encouraging the preservation, maintenance and revitalization of existing structures and uses that make up the distinct neighborhood south of Sunrise Boulevard. Existing residential and commercial uses and transient accommodations represent a substantial resource of this central beach area to be protected, preserved and enhanced.

4. **IOA - Intracoastal Overlook Area District** is established for the purpose of encouraging the preservation, maintenance and revitalization of existing structures and uses that front on the eastern Intracoastal Waterway. Existing residential uses and transient accommodations represent a substantial element of the central beach housing stock to be protected, preserved and enhanced.

5. **NBRA - North Beach Residential Area District** is established for the purpose of encouraging the preservation, maintenance and revitalization of existing structures and uses that make up the distinct neighborhood that occurs in the center of the north beach area. Existing residential and transient accommodations represent a substantial resource of the central beach area to be protected, preserved and enhanced.

6. **SBMHA - South Beach Marina and Hotel Area District** is established for the purpose of promoting high quality destination resort uses including the Swimming Hall of Fame that reflect the character and quality of the Fort Lauderdale Beach, the Intracoastal Waterway and the marinas that have been developed to the north and south of Bahia Mar. The district is intended as a means of providing incentives for quality development and redevelopment along the Intracoastal Waterway and to preserve, protect and enhance the existing character, design and scale of the area along A-1-A.

(Ord. No. C-97-19, § 1(47-12.2), 6-18-97)

**Sec. 47-12.3. - Definitions.**

A. The following words when used in this section shall, for the purposes of this section, have the following meanings:


2. **Allocable capacity trips.** Also referred to as ACTs, the average daily trips on roadway links
identified in the interlocal agreement and allocable to development within the central beach area pursuant to the provisions of this section.

3. *Beach development permit.* An authorization to apply for a building permit to carry out development within the central beach area.

4. *Central beach area.* Also referred to as the "CBA," the area lying south of Sunrise Boulevard, west of the Atlantic Ocean, east of the Intracoastal Waterway and north of the south boundary of the plat of Bahia Mar lying west of State Road A-1-A.

5. *Central beach community redevelopment area.* Also referred to as the "CBCRA," that approximate one hundred twenty-five (125) acre area within the CBA which has been determined by the city to be in need of rehabilitation or redevelopment pursuant to the act which area is generally described as lying east of the eastern channel line of the Intracoastal Waterway, west of the mean high water line of the Atlantic Ocean, south of the northern right-of-way line of Alhambra Street east of Birch Road and the northern limit of Sebastian Street West of Birch Road, and north of the southern property line of Bahia Mar extended eastward to the mean high water line of the Atlantic Ocean.

6. *Community redevelopment plan.* A plan for redevelopment of that area located within the central beach area in accordance with the provisions of the Fort Lauderdale Urban Renewal Law (Laws of Fla. ch. 61-2165) and F.S. § 163.330 et seq.

7. *County interlocal agreement.* The interlocal agreement between the county and the city relating to traffic capacity in the central beach area effective on August 1, 1989.

8. *Design guidelines.* The private sector design and architectural guidelines provided in this section.

9. *Design professional.* An architect or landscape architect as defined in the Florida Statutes or a member of the American Institute of Certified Planners, however, such person shall not be required to be licensed to practice in the State of Florida.

10. *Development.* The use of any structure, the change, expansion or addition to any use, the carrying out of any building activity, or the making of any change in the appearance of any structure, land or water, or the subdividing of land into two (2) or more parcels; provided, however, that building activity that is carried out exclusively within a previously constructed structure or affects only the exterior color of the structure shall not be considered development.

11. *Floor area ratio.* Also referred to as FAR, the gross floor area of a structure on any parcel divided by the area of that parcel.

12. *High-rise structure.* Any structure greater than four (4) stories.

13. *Parcel of land.* Any quantity of land and water capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

14. *Person.* An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest or any other
legal entity.

15. *Planned resort development district.* Also referred to as the "PRD," the zoning district created and defined within the central beach area as provided in this section.

16. *Planning department.* The department of planning, zoning and building of the city under the direction of the head of such department.

17. *Public right-of-way.* The entire width between the boundary lines of every way or place of whatever nature when any part thereof is or may be opened to the use of the public for purposes of vehicular or pedestrian traffic.

18. *Reserve capacity trips.* Also referred to as RCTs, the average daily trips on each of three (3) roadway links which results from the roadway improvements as identified in the interlocal agreement.

19. *Restaurant.* A building or room where food is prepared and served for pay and for consumption on the premises, and where alcoholic beverages may be served in conjunction with the sale of food.

20. *Reviewing authority.* The planning department, planning and zoning board or city commission authorized to review a development as provided in Section 47-24, Development Permits and Procedures.

21. *Revitalization plan.* The Fort Lauderdale Central Beach Revitalization Plan for the City of Fort Lauderdale Beach Revitalization approved by the city commission of the City of Fort Lauderdale on July 19, 1988, pursuant to Resolution No. 88-172.

22. *Setback or yard.* Setbacks and yards shall be defined as provided in Section 47-2, Measurements, except as provided herein. Yards are the distance between the boundary line of a lot and structure measured at ground level. Setbacks are the distance between the boundary line of a lot and structure measured above ground level. The distance required for yards and setbacks as provided in this section shall be the same except when a setback or yard requirement is based on the height of a structure, different setbacks for different portions of a structure may be established and shall be based on the distance from the ground to such heights of the structure where a setback is to be determined and measured between the boundary line and the structure at such height.

(Ord. No. C-97-19, § 1(47-12.3), 6-18-97; Ord. No. C-01-10, § 1, 4-5-01)

**Sec. 47-12.4. - Central beach district requirements.**

A. *Limitations on permitted uses in all districts within the central beach area.* The following use limitations shall apply to all the districts within the central beach area:

1. The following nonresidential uses shall not be permitted:
   a. Fortunetellers, clairvoyants, mind readers, faith healers or other persons claiming to be able to see into the future.
   b. Headshops or stores supplying paraphernalia primarily used with illicit drugs.
c. Service stations, automobile repair or parts sales.

d. Motorcycle sales, rental or service.

e. Any business establishment selling or dispensing food or beverages for consumption off the premises, unless otherwise approved as a development of significant impact in the PRD, ABA, SLA and SBMHA districts only.

f. Sales or service of guns, knives, or other weapons.

g. Pinball machines, video games and similar games and amusement devices as a principal use.

h. Bingo parlors or similar game rooms.

i. Bars and nightclubs, except when accessory to a hotel with one hundred (100) or more guest rooms or accessory to a commercial retail structure which provides services or goods for sale to tourists and visitors when approved as a development of significant impact and shall only be permitted in the PRD, ABA, SLA and SBMHA districts.

j. Vending machines which are visible from a public right-of-way except when approved as a development of limited impact. For purposes of this section machines which dispense newspapers shall not be considered a vending machine.

k. Social Service Facilities (SSF).

2. The following residential uses shall not be permitted:

   a. Trailers and mobile homes.

   b. Social Service Residential Facilities (SSRF).

B. Street Treatment. There are hereby identified streets within the Central Beach Area which are currently accommodating, or are intended to accommodate, intensive pedestrian traffic, or which serve as major pedestrian streets and major vehicular entryways, or major gateways into the Central Beach Area and which will, therefore, require development on said streets to accommodate said pedestrian and vehicular usage aesthetic considerations. The streets are identified below:

   1. People streets:

      a. Southeast 5th Street

      b. Las Olas Boulevard

      c. Cortez Street

      d. Sebastrian Street

      e. Granada Street

      f. Riomar Street

      g. Terramar Street
UNIFIED LAND DEVELOPMENT REGULATIONS
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SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

h. Vistamar Street
i. Las Olas Circle Loop

Special regulations for people streets are provided in this Section 47-12.

C. Additional requirements for modification of yards fronting on rights-of-way in the PRD, ABA, SBMHA and SLA zoning districts are as follows:

a. The development is on a People Street. See Section 47-12.5.B; and

b. There is a cornice at a minimum height of twelve (12) feet and a maximum height of thirty-five (35) feet and is at a height similar to the height of a cornice on adjacent property if applicable; and

c. At the cornice required in subsection b. there is a setback of at least ten (10) feet; and

d. At a level between the 4th and 10th floors, an additional setback of at least ten (10) feet, or multiple setbacks which total a minimum of at least ten (10) feet; and

e. There is fenestration on a minimum of fifty (50) percent of the facade of the first floor of habitable space (windows, doors, openings or other transparent features); and

f. There is a recess of a minimum of eight (8) inches of all exterior windows and doors and similar architectural features or other architectural features that distinguish the doors and windows from the building shaft; and

g. Canopies or arcades are located over ground floor windows, doors or other transparent features required in subsection e. of this section. Such features shall be a minimum of ten (10) feet in depth and a height between eight (8) feet and twelve (12) feet and designed as a fixed nonretractable element integral to the building’s architectural mass.

D. The provisions of Section 47-23.8, Waterway Use, shall apply to uses on a waterway. All other provisions of the ULDR with general applicability shall apply in the CBA zoning districts to the extent they are not in conflict with the specific provisions of Section 47-12

(Ord. No. C-97-19, § 1(47-12.4), 6-18-97; Ord. No. C-00-26, § 1, 6-6-00; Ord. No. C-04-4, § 2, 1-21-04)

Sec. 47-12.5. - District requirements and limitations.

A. Planned Resort (PRD) District.

1. Setbacks. No structure shall be constructed, remodeled or reconstructed so that any part of the structure is located within twenty (20) feet of the proposed public right-of-way along A-1-A as shown in the revitalization plan, and within twenty (20) feet of any other public right-of-way, unless the development or redevelopment of the structure is approved as if it were a development of significant impact. In addition, those yards fronting on People Streets must meet the requirements of Section 47-12.4.C.

2. Height. No structure shall be constructed, remodeled or redeveloped so that any part of the structure exceeds the following height standards:
a. Within twenty (20) feet of the proposed public right-of-way along A-1-A as shown in the revitalization plan and along any other public right-of-way, thirty-five (35) feet.

b. No portion of a structure in excess of thirty-five (35) feet in height shall exceed the height limitations provided in Sec. 47-23.6, Beach Shadow Restrictions.

c. No structure shall exceed two hundred (200) feet in height, except a beach development permit may be issued that exceeds the height limitations set out herein if it meets the criteria provided in Section 47-12.5.B.2.b.


4. Minimum lot size. No development or redevelopment shall be carried out nor shall any land be used in the PRD district on a parcel of land that is smaller than ten (10) acres, unless the development, redevelopment or use is consistent with a community redevelopment plan for the entire PRD district.

5. Floor area ratio. No structure shall be developed or redeveloped on a parcel so that the floor area ratio is greater than six (6).


a. Site Plan Level IV Development.

i. Hotels and suite hotels.

ii. Conference centers and other public meeting or performance facilities or tourist attractions.

iii. Commercial retail uses offering services or goods for sale to tourists and visitors such as gifts, souvenirs, clothes and other tourist commodities, including restaurants as a part of a hotel, a conference center complex or a shopping arcade or mall with at least fifty thousand (50,000) square feet of gross floor area.

iv. Residential.

v. Parking structures.

vi. Other uses catering to tourists as approved by the planning and zoning board.

vii. Marinas as a conditional use. See Section 47-24.3

viii. Moped/scooter rental as a conditional use. See Sec. 47-24.3

b. Site Plan Level III Development. Parking lots and temporary parking lots.

c. Site Plan Level I Development. Accessory buildings and structures; improvements outside of the principal structure including but not limited to fences, walls, landscaping, parking, signs and nonstructural alterations to the exterior of structures located on a parcel; and expansion or change of a permitted use within an existing structure. Automobile rental limited to twelve (12) cars per development site as an accessory to a hotel or marina and Section 47-18.3 shall not be applicable.
7. **Minimum distance between buildings.** The minimum distance between buildings on a development site shall be twenty (20) feet or twenty (20) percent of the tallest building whichever is greater. For purposes of this subsection, a parking garage shall be considered a building.

8. **Length and width.** The maximum length of a structure shall be two hundred (200) feet and the maximum width of a structure shall be two hundred (200) feet. The maximum width, length or both may be greater if a Site Plan Level IV development permit is approved. Modification of the length or width of a structure pursuant to this subsection shall not an approval of a reduction of yards. If a reduction of yards is required, it must be approved separately in accordance with the provisions of Section 47-12 of the ULDR.

B. **A-1-A Beachfront Area (ABA) District.**

1. **Setbacks.**
   
   a. No structure shall be constructed, remodeled or reconstructed so that any part of the structure is located within twenty (20) feet of the proposed public right-of-way along A-1-A as shown in the revitalization plan, and within twenty (20) feet of any other public right-of-way, unless the development or redevelopment of the structure is approved as if it were a development of significant impact. In addition, those yards fronting on People Streets must meet the requirements of Section 47-12.4.C.
   
   b. Yards not abutting a public right-of-way.
      
      i. Side yard: ten (10) feet.
      
      ii. Rear yard: twenty (20) feet.
   
   c. The side and rear yard setbacks are the minimum requirements. Unless otherwise approved as a development of significant impact, in no case shall the yard setback requirements be less than an amount equal to one-half the height of the building when this is greater than the above minimums.

2. **Height.**
   
   a. Except as expressly provided for in subsection B.2.b, no structure shall be constructed, remodeled or redeveloped so that any part of the structure exceeds the following height standards:
      
      i. Within twenty (20) feet of the proposed public right-of-way along A-1-A as shown in the revitalization plan and along any other public right-of-way, thirty-five (35) feet;
      
      ii. No structure shall exceed two hundred (200) feet in height.
   
   b. Notwithstanding the height limitation set out in subsection B.2.a, a beach development permit may be issued that exceeds the height limitations set out therein according to the following provisions:
      
      i. An increase in the maximum height on any parcel of land proposed for development of five percent (5%) if the proposed development has a rating of at least a five (5) on the design compatibility and community character scale in subsection B.6.
ii. An increase in the maximum height on any parcel of land proposed for development of ten percent (10%) if the proposed development has a rating of at least a seven (7) on the design compatibility and community character scale in subsection B.6.

iii. An increase in the maximum height on any parcel of land proposed for development of twenty percent (20%) if the proposed development has a rating of at least nine (9) on the design compatibility and community character scale in subsection B.6.

c. No structure shall exceed two hundred forty (240) feet in height.

d. No portion of a structure in excess of thirty-five (35) feet in height shall exceed the height limitations provided in Sec. 47-23.6, Beach Shadow Restrictions.

3. **Floor area ratio.**

   a. Except as expressly provided in subsections B.3.b, no structure shall be developed or redeveloped so that the floor area ratio is more than four (4).

   b. Notwithstanding the floor area ratio limitations of subsection B.3.a, a beach development permit may be issued for development that exceeds the floor area ratios set out herein according to the following provisions:

      i. An increase in the floor area ratio on any parcel of land proposed for development of five percent (5%) if the proposed development has a rating of at least a five (5) on the design compatibility and community character scale in subsection B.6 of this district.

      ii. An increase in the floor area ratio on any parcel of land proposed for development of ten percent (10%) if the proposed development has a rating of at least a seven (7) on the design compatibility and community character scale in subsection B.6 of this district.

      iii. An increase in the floor area ratio on any parcel of land proposed for development of twenty percent (20%) if the proposed development has a rating of at least a nine (9) on the design compatibility and community character scale in subsection B.6 of this district.

4. **Required parking.** Except as expressly provided in Section 47-20, Parking and Loading Requirements, no structure shall be developed or redeveloped so that the off-street parking available to service the parcel proposed for development is less than that required pursuant to Section 47-20, Parking and Loading Requirements.

5. **List of permitted uses—ABA district.**

   a. Site Plan Level IV Development.

      i. Hotels and suite hotels.

      ii. Restaurants.

      iii. Moped/scooter rental as a conditional use. See Sec. 47-24.3

   b. Site Plan Level III Development.
i. Commercial retail uses offering services or goods for sale to tourists and visitors such as gifts, souvenirs, clothes and other tourist commodities.

ii. Parking garages.

iii. Other uses catering to tourists as approved by the planning and zoning board.

c. Site Plan Level I Development.

i. Parking lots.

ii. Accessory buildings and structures; improvements outside of the principal structure including but not limited to fences, walls, landscaping, parking, signs and nonstructural alterations to the exterior of structures located on a parcel; and expansion or change of a permitted use within an existing structure.

iii. Automobile rental limited to twelve (12) cars per development site as an accessory to a hotel or marina and Section 47-18.3 shall not be applicable.

6. **Design compatibility and community character scale—ABA district.**

a. In the event the developer of a parcel of land in the ABA district desires to deviate from the maximum requirements of this district, for height or FAR the developer may submit the design of the proposed development for rating according to the following design compatibility and community scale:

i. Distinctive design that reflects positively on the overall character of the city: one (1) point;

ii. Architectural character that reflects a particular sensitivity to the history and culture of south Florida: one (1) point;

iii. Color and composition that reflects the natural colors and composition of south Florida: one (1) point;

iv. Architectural design that represents a deviation from "sameness": one (1) point;

v. Building orientation that relieves the monotony of building massing and scale along A-1-A: one (1) point;

vi. Accessible pedestrian spaces that are integrated into public pedestrian spaces and corridors along A-1-A: one (1) to three (3) points depending on the area of the pedestrian area according to the following:

a) Up to five thousand (5,000) square feet of pedestrian area: one (1) point; and

b) Greater than five thousand (5,000) square feet of pedestrian area: one-tenth (0.1) point for each additional two thousand (2,000) square feet of pedestrian area above five thousand (5,000) square feet up to a maximum of two (2) points;

vii. Distinctive public facilities that contribute to the destination resort character of the central beach area including plazas, courtyards and parks: one-tenth (0.1) point for
each one thousand (1,000) square feet of distinctive public facilities up to a maximum of
two (2) points;

viii. Lot aggregation: one-tenth (0.1) point for each one thousand (1,000) square feet of
land area proposed for development above twenty-five thousand (25,000) square feet up
to a maximum of two (2) points; and

ix. Consolidation of previously parcelized land: five-tenths (0.5) point for each five
thousand (5,000) square feet of land that is assembled into the parcel of land proposed
for development up to a maximum of two (2) points.

b. The determination of a design compatibility and community character rating shall be
available only as a part of a beach development permit for a development of significant
impact.

7. Minimum distance between buildings. The minimum distance between buildings on a
development site shall be twenty (20) feet or twenty (20) percent of the tallest building, whichever
is greater. For purposes of this subsection, a parking garage shall be considered a building.

8. Length and width. The maximum length of a structure shall be two hundred (200) feet and
the maximum width of a structure shall be two hundred (200) feet. However, on the east and west
side of a hotel structure an unenclosed balcony not exceeding an eight (8) foot extension into the
setback area is permitted. A greater dimension of a structure in the east/west direction only for the
portion of a structure up to fifty-five (55) feet in height may be approved pursuant to Site Plan
Level IV development permit only if the structure does not exceed two hundred fifty (250) feet in
height. Modification of the length or width of a structure pursuant to this subsection shall not be an
approval of a reduction of yards. If a reduction of yards is required, it must be approved separately
in accordance with the provisions of Section 47-12 of the ULDR.

C. Sunrise Lane (SLA) District.

1. Setbacks.
   a. Front yard:
      i. Twenty (20) feet; or
      ii. Ten (10) feet if:
         a) Shade trees are planted along the right-of-way where the reduction is
            granted; and
         b) Any building on the development site is set back at least twenty (20) feet from
            the edge of the vehicular travel lane closest to the development; and
         c) The development is east of Breakers Avenue; and
         d) Site Plan Level IV approval.
      iii. Zero (0) feet if:
         a) The development parcel is on State Road A-1-A, N.E. 9th Street or Sunrise
b) The development is east of Breakers Avenue; and

c) Site Plan Level IV approval.

iv. Zero (0) feet if:

a) The development is on Sunrise Boulevard; and

b) The development lies west of Breakers Avenue; and

c) The maximum building height is eighty (80) feet; and

d) The yard is on a right-of-way. If the right-of-way is a People Street the
development must meet the requirements of Section 47-12.4.C; and

e) Site Plan Level IV approval.

b. Side yard:

i. Ten (10) feet; or

ii. Zero (0) feet if a building on an abutting parcel is built to the front property line, and

the side property line is shared with the proposed development, and if the front line of

the proposed building continues the same line as the front line of the abutting building or

deviates from the front line of the abutting building by no more than ten (10) feet and the
development lies east of Breakers Avenue.

iii. Zero (0) feet if:

a) The development is on Sunrise Boulevard; and

b) The development lies west of Breakers Avenue; and

c) The maximum building height is eighty (80) feet; and

d) The yard is on a right-of-way. If the right-of-way is a People Street the
development must meet the requirements of Section 47-12.4.C.

c. Rear yard:

i. Twenty (20) feet; or

ii. Zero (0) feet if:

a) A building on an abutting parcel is built to the rear property line, and the side

property line is shared with the proposed development, and if the rear line of the

proposed building continues the same line as the rear line of the abutting building or

deviates from the rear line of the abutting building by no more than ten (10) feet; or

b) The modification of rear yard is required to accommodate a parking garage
with ninety (90) degree parking spaces on both sides of drive aisles in the garage; and

   c) In either ii. or iii., the development lies east of Breakers Avenue; or

   iii. Zero (0) feet if:

   a) The development is on Sunrise Boulevard; and
   b) The development lies west of Breakers Avenue; and
   c) The maximum building height is eighty (80) feet; and
   d) The yard is on a right-of-way. If the right-of-way is a People Street the development must meet the requirements of Section 47-12.4.C.

d. The side and rear yard setbacks are the minimum requirements. Unless otherwise approved as a Site Plan Level IV development, in no case shall the yard setback requirements be less than an amount equal to one-half the height of the building when this is greater than the above minimums. In no instance shall yard modifications below the twenty (20) foot front yard, ten (10) foot side yard or twenty (20) foot rear yard be permitted for properties that do not meet the conditions for modification of yards below these minimums as provided herein.

e. If a development is located on Sunrise Boulevard, any yard on such development site abutting a street may be reduced to zero (0) if approved as a Site Plan Level IV. If the yard to be modified is on a People Street, it must also meet the requirements of Section 47-12.4.C. Except as provided herein, in no instance shall yard modifications below the twenty (20) foot front yard, ten (10) foot side yard or twenty (20) foot rear yard be permitted for properties lying west of the centerline of Breakers Avenue.

f. Length and width. The maximum length and width of a structure shall be two hundred (200) feet.

g. Minimum distance between buildings. The minimum distance between buildings on a development site shall be twenty (20) feet or twenty (20) percent of the tallest building, whichever is greater. For purposes of this subsection, a parking garage shall be considered a building.

2. **Height.** No structure shall exceed one hundred twenty (120) feet.

3. **Density.**

   a. Residential: forty-eight (48) dwelling units per acre.
   b. Hotels: ninety (90) rooms per acre.
   c. Commercial retail: floor area ratio of two (2).

4. **List of permitted uses—SLA district.**

   a. Site Plan Level IV Development.
ARTICLE XV. - ANNEXED AREAS

SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

i. Residential.

ii. Hotels, suite hotels.

iii. Parking garages.

iv. Moped/scooter rental as a conditional use. See Sec. 47-24.3

b. Site Plan Level III Development.

i. Commercial retail uses offering services or goods for sale to tourists and visitors such as gifts, souvenirs, clothes and other tourist commodities.

ii. Restaurants, provided that any restaurant located on a parcel abutting the Intracoastal Waterway shall have no outdoor service of food or beverage on the Intracoastal Waterway side of the parcel.

c. Site Plan Level I Development.

i. Parking lots.

ii. Accessory buildings and structures; improvements outside of the principal structure including but not limited to fences, walls, landscaping, parking, signs and nonstructural alterations to the exterior of structures located on a parcel; and expansion or change of a permitted use within an existing structure.

iii. Automobile rental limited to twelve (12) cars per development site as an accessory to a hotel or marina and Section 47-18.3 shall not be applicable.

D. Intracoastal Overlook Area (IOA) District.

1. Setbacks.

a. Front yard: twenty (20) feet.

b. Side yard: one-half (½) the height of the building.

c. Rear yard: one-half (½) the height of the building.

d. If a development is approved as a development of significant impact, the side and rear yard requirements may be reduced as follows:

i. Side yard. For structures greater than one hundred fifteen (115) feet in height: forty (40) feet; for structures greater than seventy-five (75) feet in height: thirty (30) feet; for structures greater than thirty-five (35) feet in height: twenty (20) feet; for structures up to thirty-five (35) feet in height: ten (10) feet.

ii. Rear yard: twenty (20) feet.

e. The final reviewing authority may permit the minimum side yard setbacks to be reduced to ten (10) feet when the side of the property where the setback is proposed to be reduced is adjacent to a waterway or dedicated open space and it is found that allowing a reduction is compatible with the Design and Community Compatibility Criteria provided in Sec. 47-12.7.
2. **Height.** No structure shall exceed one hundred twenty (120) feet.

3. **Density.**
   a. Residential: forty-eight (48) dwelling units per acre.
   b. Hotels: ninety (90) rooms per acre.
   c. The density permitted herein may be transferred to development in the NBRA zoning district as provided in Section 47-12.5.E.3.

4. **List of permitted uses—IOA district.**
   a. Site Plan Level IV Development.
      i. Restaurants located within a residential high-rise structure or hotel provided there is no outdoor service of food or beverage.
      ii. Freestanding restaurants permitted only in the portion of the IOA district south of Bayshore Drive provided there is:
         a) No outdoor dockage;
         b) No outdoor service of food or beverage;
         c) Notice of public hearings of the city commission to consider an ADP for such use shall be as for a Rezoning, as provided in Section 47-27, Notice Procedures for Public Hearings.
      iii. Hotels and suite hotels.
      iv. Motels.
   b. Site Plan Level III Development.
      i. Residential.
      ii. Parking lots.
      iii. Commercial retail uses offering services or goods for sale to tourists and visitors such as gifts, souvenirs, clothes and other tourist commodities, as a part of a hotel or high rise residential structure.
   c. Site Plan Level I Development.
      i. Accessory buildings and structures; improvements outside of the principal structure including but not limited to fences, walls, landscaping, parking, signs and nonstructural alterations to the exterior of structures located on a parcel; and expansion or change of a permitted use within an existing structure.

5. **Length and width.** The maximum length and width of a structure shall be two hundred (200) feet.
6. **Minimum distance between buildings.** The minimum distance between buildings on a development site shall be twenty (20) feet or twenty (20) percent of the tallest building, whichever is greater. For purposes of this subsection, a parking garage shall be considered a building.

**E. North Beach Residential Area (NBRA) District.**

1. **Setbacks.**
   
   a. Front yard: twenty (20) feet.
   
   b. Side yard: one-half (½) the height of the building.
   
   c. Rear yard: one-half (½) the height of the building.
   
   d. If a development is approved as a development of significant impact, the side and rear yard requirements may be reduced as follows:
      
      i. Side yard. For structures greater than one hundred fifteen (115) feet in height: forty (40) feet; for structures greater than seventy-five (75) feet in height: thirty (30) feet; for structures greater than thirty-five (35) feet in height: twenty (20) feet; for structures up to thirty-five (35) feet in height: ten (10) feet.
      
      ii. Rear yard: twenty (20) feet.

   e. The final reviewing authority may permit the minimum side yard setbacks to be reduced to ten (10) feet when the side of the property where the setback is proposed to be reduced is adjacent to a waterway or dedicated open space and it is found that allowing a reduction is compatible with the Design and Community Compatibility Criteria provided in Sec. 47-12.7.

2. **Height.** No structure shall exceed one hundred twenty (120) feet.

3. **Density.**
   
   a. Residential: thirty-two (32) dwelling units per acre.
   
   b. Hotels: fifty (50) rooms per acre.
   
   c. An increase in the maximum density may be permitted if approved as part of a Site Plan Level IV development permit if the following conditions are met:
      
      i. The increased units are transferred from property zoned IOA; and
      
      ii. The IOA property is within three hundred (300) feet of the parcel in NBRA proposed for development; and
      
      iii. A single development plan is submitted for development of the IOA and NBRA parcels; and
      
      iv. The transfer of density from IOA to NBRA will result in protection of the view from and to the Intracoastal Waterway.
      
      v. A document executed by the department is recorded in the Public Records of Broward County evidencing the revised density limitations for both development sites.
4. **List of permitted uses—NBRA district.**
   a. Site Plan Level IV Development.
      i. Hotels, suite hotels.
      ii. Motels.
      iii. Restaurants located within a residential high rise structure or hotel provided there is no outdoor service of food or beverage.
   b. Site Plan Level III Development.
      i. Residential.
      ii. Accessory commercial retail uses fully confined in a building.
   c. Site Plan Level I Development.
      i. Accessory buildings and structures; improvements outside of the principal structure including but not limited to fences, walls, landscaping, parking, signs and nonstructural alterations to the exterior of structures located on a parcel; and expansion or change of a permitted use within an existing structure.

5. **Length and width.** The maximum length and width of a structure shall be two hundred (200) feet.

6. **Minimum distance between buildings.** The minimum distance between buildings on a development site shall be twenty (20) feet or twenty (20) percent of the tallest building, whichever is greater. For purposes of this subsection, a parking garage shall be considered a building.

F. **South Beach Marina and Hotel Area (SBMHA) District.**

1. **Setback requirements.**
   a. No structure shall be constructed, remodeled or reconstructed so that any part of the structure is located within twenty (20) feet of the proposed public right-of-way along Seabreeze Boulevard or State Road A-1-A unless otherwise approved as a development of significant impact. In addition, those yards fronting on People Streets must meet the requirements of Section 47-12.4.C.
   b. Yards not abutting A-1-A or Seabreeze Boulevard:
      i. Side yard: ten (10) feet.
      ii. Rear yard: twenty (20) feet.
   c. The side and rear yard setbacks are the minimum requirements. Unless otherwise approved as a development of significant impact in no case shall the yard setback requirements be less than an amount equal to one-half the height of the building when this is greater than the above minimums.

2. **Height.** No structure shall be constructed, remodeled or redeveloped so that any part of the
structure exceeds one hundred twenty (120) feet.

3. **Density**: Residential: forty-eight (48) dwelling units per acre.

4. **Floor area ratio.** No structure shall be developed or redeveloped so that the floor area ratio is greater than five (5).

5. **List of permitted uses—SBMHA district.**
   a. Site Plan Level IV Development.
      i. Hotels and suite hotels.
      ii. Multiple-family dwellings and apartments.
      iii. Marinas as a conditional use. See Section 47-24.3
      iv. Museums.
      v. Swimming pools.
      vi. Parking garages.
      vii. Amphitheaters.
      viii. Restaurants.
      ix. Moped/scooter rental as a conditional use.
   b. Site Plan Level III Development.
      i. Commercial retail uses offering services or goods for sale to tourists and visitors such as gifts, souvenirs, clothes and other tourist commodities.
   c. Site Plan Level I Development.
      i. Parking lots.
      ii. Accessory buildings and structures; improvements outside of the principal structure including but not limited to fences, walls, landscaping, parking, signs and nonstructural alterations to the exterior of structures located on a parcel; and expansion or change of a permitted use within an existing structure.
      iii. Automobile rental limited to twelve (12) cars per development site as an accessory to a hotel or marina and Section 47-18.3 shall not be applicable.

6. **Length and width.** The maximum length and width of a structure shall be two hundred (200) feet.

7. **Minimum distance between buildings.** The minimum distance between buildings on a development site shall be twenty (20) feet or twenty (20) percent of the tallest building, whichever is greater. For purposes of this subsection, a parking garage shall be considered a building.
Sec. 47-12.6. - Central beach development permitting and approval.

A. Beach development permit required. No person shall carry out any development nor shall any person use any parcel of land for any purpose in the central beach area without first obtaining a beach development permit from the city in accordance with the provisions and requirements of the ULDR. All development within the Central Beach Area zoning districts shall be subject to all of the provisions of the ULDR and development permits shall be issued in accordance with Section 47-24 and this Section 47-12 of the ULDR. The reviewing authority shall determine if the proposed development is consistent with the development standards for the proposed development under the provisions of the zoning district in which the development is located. In addition to the criteria for review provided in Section 47-24 and Section 47-12, applications for development in the Central Beach Area zoning districts shall be subject to the design and community compatibility criteria provided in Section 47-25.3.

The purpose of the design and community compatibility criteria is to provide criteria for the review of a development application to determine:

1. Whether the proposed use or the architectural design of the proposed development is compatible with the character of the overall plan of development contemplated by the revitalization plan for the central beach area; and

2. Whether the architectural design of the proposed development is compatible with the design guidelines provided in Section 47-25.3; and

3. Whether the proposed development incorporates design or architectural elements which address and mitigate the impact, if any, of the proposed development or use upon existing uses in the immediate vicinity of the proposed use or the architectural design of the proposed development is compatible with the character of the overall plan of development contemplated by the revitalization plan for the central beach area; and

4. The private sector design guidelines adopted as part of the revitalization plan, which shall be incorporated into this ordinance and shall be utilized as provided in this section.

B. Design criteria.

1. It shall first be determined whether the proposed development or use is compatible with the character of the overall plan of development contemplated by the revitalization plan for the central beach area.

2. It shall then be determined whether the architectural design of the proposed development is compatible with the design guidelines provided in Sec. 47-25.3. The design guidelines provided in Sec. 47-25.3 are intended to provide a framework for design review of proposed developments and outline the design elements which have been determined to be compatible with the revitalization plan.

3. The design guidelines provided in this section are not intended to be exclusive. Alternative architectural and design concepts outlined in the development application will be considered during review of the development application. It shall be the applicant's burden to show that the proposed alternative architectural and design concepts are compatible with the character of the
overall plan of development contemplated by the revitalization plan for the central beach area and not incompatible with the design guidelines provided in this section.

4. It shall then be determined whether the proposed development incorporates design or architectural elements which mitigate the development's impacts, if any, on existing uses in the immediate vicinity of the proposed development.

5. The goal of the city in the adoption of the revitalization plan is to facilitate development of the central beach area as a world-class destination resort. The primary objective of the design review shall be to implement the overall plan of development and to foster redevelopment as contemplated in the revitalization plan.

C. Design arbitration.

1. In the event the reviewing authority determines that the proposed development or the proposed use may not be compatible in accordance with the design and community compatibility criteria provided in this section, the applicant shall have fifteen (15) days from the date notice is received of such determination to request that the development application be referred to the design arbitration coordinator for review as provided in this section. In the event the applicant does not invoke design arbitration procedures within fifteen (15) days after receipt of a determination that the development or use may not be compatible, the reviewing authority shall take such action as provided in this section.

2. The director of the department shall designate one (1) of the professional planners in the employ of the department to serve as the design arbitration coordinator.

3. The design arbitration coordinator shall maintain a current list of not less than ten (10) design professionals which list includes at least five (5) architects and five (5) landscape architects who have been selected and appointed in accordance with procedures approved by the city commission and are willing to serve as design arbiters where the department, the planning and zoning board or the city commission determines that the architectural design of the proposed development or the proposed use in the central beach area may not be compatible in accordance with the design and community compatibility criteria provided in this section.

4. Within fifteen (15) days after the receipt of a reference of an development application where the department, the planning and zoning board or the city commission has determined that the architectural design of the proposed development or the proposed use may not be compatible in accordance with the design and community compatibility criteria provided in this section, the design arbitration coordinator shall by random selection, select a design arbiter from the list of available architects or landscape architects, based on the type of expertise necessary to review the development. The design arbitration coordinator may select an architect and a landscape architect if both types of professionals are needed to review the development, in which event the provisions herein shall apply to each design professional. The design arbitration coordinator shall notify the selected design professional and confirm the professional's availability and willingness to serve as a design arbiter and to advise the design professional of the identity of the applicant and his professional team including the design professionals in order to ascertain whether there are any personal or professional relationships with the applicant and his professional team.

5. In the event the selected design professional advises the design arbitration coordinator that he or she is unavailable or unwilling to serve as a design arbiter or there is an existing or past
professional relationship that prevents the design professional from serving as an independent arbiter, the design arbitration coordinator shall select another design professional in the same manner the first design professional was selected and shall repeat the procedures described herein until an available and willing design professional is selected. As soon as the design arbitration coordinator confirms the selection of a design arbiter, the coordinator shall advise the applicant of the selection and the applicant shall select from the list of available and willing professionals maintained by the design arbitration coordinator a second design professional to serve with the selected design professional.

6. The design professional randomly selected by the design arbitration coordinator and the design professional selected by the applicant shall select a third design professional from the list of available and willing professionals maintained by the design arbitration coordinator.

7. Within thirty (30) days after the selection of the design arbitration panel, the panel shall meet and shall consider the development application, the report and recommendation of the department, the recommendation of the planning and zoning board and city commission, if any and shall make a determination by majority vote of the panel as to whether the architectural design of the proposed development or the proposed use is compatible in accordance with the design and community compatibility criteria provided in this section. If the design arbitration panel finds the development to be incompatible, it shall recommend modifications to the development necessary to support a finding that the development is compatible.

8. If the developer agrees with the recommended modifications, the development as modified shall be re-reviewed by the same reviewing authorities initially reviewing the development. If the developer does not agree with the recommended modifications, or the panel finds the development to be compatible, the determination of the design arbitration panel shall be forwarded to the authority initially referring the development application for a final determination that the architectural design of the proposed development or the proposed use is compatible in accordance with the design and community compatibility criteria provided in this section. If the decision making authority determines that the proposed development is compatible, that determination shall entitle the applicant to a beach development permit subject to whatever conditions may have been specified by such decision making authority. If the decision-making authority determines that the proposed development or use is not compatible, the authority shall take such action as provided in this section. A developer may not initiate the design arbitration process more than once for a development application unless a reviewing authority finding the project incompatible consents to an additional review of the proposed development.

D. Applications for development approval.

1. In addition to all other requirements for a development application pursuant to Section 47-24, an application for development for the Central Beach area shall include but not be limited to the following:

   a. A narrative description of the proposed development and use and an explanation of how the proposed development or use is consistent and compatible with the goals, policies, objectives and strategies of the central beach area revitalization plan.

   b. An ingress and egress plan at a scale of not less than one (1) inch equals one hundred (100) feet showing all walkways and drives that will be used for pedestrian and vehicular access to the proposed development or use. The ingress and egress plan shall indicate the
number of pedestrian and vehicular trips that are anticipated for each point of ingress and egress on a peak hour basis and on an average daily basis, and shall extend to at least the centerline of all rights-of-way and shall include the first twenty (20) feet of each adjacent parcel of land. The plan shall also show all curb cuts, driveways, parking areas, loading areas and shall describe the surfacing materials of same.

c. A narrative description of the proposed architectural theme and character of the proposed development or use including an explanation of how the proposed architectural theme and character relates to the goals, policies, objectives and strategies of the central beach revitalization plan. This requirement may be combined with subsection D.1.a.

d. Graphic illustrations of the architectural theme and character of the proposed development or use, including building elevations, floor plans and illustrations that show that the proposed development or use is compatible with the Design and Community Compatibility Criteria provided in Sec. 47-12.7 and Section 47-25.3 in terms of materials, signage, height, mass, color, composition and lines.

e. A parking plan showing the location, number and accessibility of parking that will serve the proposed development or use and delineating the area to be provided for employee and guest parking.

f. An off-site improvement plan sufficient in area, extent and detail to describe each and every off-site improvement that is proposed to be constructed in conjunction with the proposed development.

g. A plan showing the location of all pedestrian walks, malls, yards and open spaces.

h. A plan and elevation showing the location, character, size, height and orientation of all signs on the development parcel proposed for development or use.

i. A management plan for collection and disposal of refuse generated by service of food and beverages for consumption off premises, if proposed.

j. Any information, studies, models or projections such as traffic projections, shadow studies and studies related to the adequacy of parking deemed necessary due to the nature and complexity of the proposed development or use.

E. Effect of other ULDR provisions. Unless otherwise provided in this Section 47-12, the provisions of the ULDR with general applicability to development within the City shall apply as requirements of the development of property within the CBA districts described in this Section 47-12. However, any provision of this Section 47-12 of the ULDR shall prevail when any provision elsewhere in the ULDR shall conflict.

F. Application for plat approval or beach development permit outside of the PRD district but within the central beach area (CBA).

1. No plat of property or beach development permit for development of property located outside of the PRD district but within the CBA shall be approved nor ACTs designated for development of property unless a finding of adequacy that traffic capacity is adequate to support the proposed development is made. Upon submission of an application for development, a concurrency evaluation shall be conducted and a finding of adequacy made in accordance with the Adequacy
Requirements, Sec. 47-25.2. In the event that the impact of a proposed development necessitates the designation of ACTs, upon issuance of a finding of adequacy, ACTs will be reserved for the proposed development. The ACTs will continue to be reserved as long as the finding of adequacy and beach development permit are valid.

2. Upon issuance by the city of a certificate of occupancy within the time provided in Sec. 47-12.8, the city will designate the ACTs, the county shall be advised of the designation of the ACTs to the development and the designated ACTs shall be subtracted from the total ACTs available for development.

3. The city may designate RCTs for development outside of the PRD, but within the CBA and may designate ACTs within the PRD district if such designation is found to promote the revitalization and redevelopment goals of the city.

G. Development and permitting for PRD districts.

1. Application for plat approval within the PRD district.

   a. No plat of property located within the PRD district which requires the use of Reserve Capacity Trips (RCTs) to meet traffic concurrency requirements shall be approved nor RCTs designated for development of property to be platted unless development of the property is proposed and completed in accordance with a beach development permit issued in accordance with the provisions of this section and the provisions of this regulation. RCTs shall be allocated in connection with the approval of a plat of property located within the PRD district in accordance with the following procedure:

      i. An applicant for approval of a plat of property located within the PRD district shall submit, simultaneously with the submission of an application for plat approval, an application for a beach development permit.

      ii. The application shall include a proposal for development of the property proposed to be platted and shall include all information as required pursuant to this section.

      iii. An applicant shall submit an application for concurrency evaluation in accordance with Adequacy Requirements, Sec. 47-25.2. Upon review of the application it will be determined whether RCTs will be required in order for the proposed development to meet traffic concurrency requirements. If RCTs are required, a finding of concurrency will be made in conjunction with the reservation of RCTs as provided in this section.

      iv. A plat shall only be approved by the city simultaneously with the issuance of a beach development permit. Upon initial DRC approval of the application for plat and beach development permit approval, RCTs will be reserved for the proposed development. The RCTs will continue to be reserved until the expiration of the time for approval or recordation of the plat as provided by Broward County Code or expiration of the beach development permit, whichever occurs first.

      v. Upon recordation of the plat or issuance of a certificate of occupancy, whichever occurs later, the RCTs shall be finally deducted from the RCT total.

      vi. If a plat is not approved or recorded within the time provided in accordance with the Broward County Code, or a beach development permit expires for a proposed
development, the RCTs reserved for such development shall be voided, added back to available RCT total and a new application for plat approval, beach development permit and concurrency evaluation must be submitted and approved by the authorized city agency prior to the applicant commencing or continuing development.

2. Application for a beach development permit within the PRD district.

a. RCTs shall be allocated in connection with the approval of a beach development permit for development of property located within the PRD district in accordance with the following procedures:

i. An applicant for approval of a beach development permit shall submit an application for a beach development permit in accordance with the provisions of this section.

ii. An applicant shall submit an application for concurrency evaluation in accordance with Sec. 47-25.2, Adequacy Requirements. Upon review of the application it will be determined whether RCTs will be required in order for the proposed development to meet traffic concurrency requirements. If RCTs are required, a finding of concurrency will be made in conjunction with the reservation of RCTs as provided in this section.

iii. Upon issuance of a beach development permit, RCTs will be reserved for the proposed development. The RCTs will continue to be reserved as long as the development is completed in accordance with the beach development permit and within the time provided in this section.

iv. Upon issuance by the city of a certificate of occupancy within the time provided in this section, the city will designate the RCTs, the county shall be advised of the designation of the RCTs to the development and the designated RCTs shall be subtracted from the total RCTs available for development.

v. If a beach development permit expires for a proposed development, the RCTs reserved for such development shall be voided, added back to available RCT total and a new application for beach development permit and concurrency evaluation must be submitted and approved by the authorized city agency prior to the applicant commencing or continuing development.

(Ord. No. C-97-19, § 1(47-12.6), 6-18-97; Ord. No. C-01-10, § 1, 4-5-01)

Editor's note—It should be noted that the provisions of former Section 47-12.7, Design and community compatibility criteria, have been included in the amended version of Section 47-12.6 by Ord. No. C-01-10, adopted April 5, 2001. See the Code Comparative Table.

Sec. 47-12.7. - Central beach parking facility fee.

A. A person who applies for and receives a beach development permit which includes a requirement for the provision of parking may, as an alternative to providing all or a portion of the required parking, pay a parking facility fee as follows:

1. The applicant may provide up to one hundred percent (100%) of the total required parking by payment of the fee provided in this subsection A.1 when:
a. The number of parking spaces required in connection with the beach development permit does not exceed fifty (50); or

b. The number of parking spaces required in connection with the beach development permit added to the number of required parking spaces existing on the parcel(s) at the time the application for a beach development permit is submitted does not exceed fifty (50).

2. The applicant may provide up to fifty (50) parking spaces and up to fifty percent (50%) of the required parking spaces over fifty (50) spaces by payment of the fee provided in this subsection A.2 when:

a. The number of parking spaces required as a result of the beach development permit exceeds fifty (50); or

b. The number of parking spaces required as a result of the beach development permit added to the number of required parking spaces existing on the parcel(s) at the time the application for a beach development permit is submitted exceeds fifty (50).

3. This subsection shall not be applicable to beach development permits for residential development.

4. The amount of the fee that may be paid as an alternative to providing required parking shall be established by resolution. The amount of this fee shall be reviewed on a yearly basis by the planning, zoning and building department and may be adjusted by the city commission based on estimates of the actual cost of providing parking spaces in the central beach area.

5. The fee shall be paid at the time of issuance of the certificate of occupancy for the development.

6. All fees collected shall be deposited into an account designated for the provision of parking spaces in the central beach area and such funds shall only be used for such purposes. These purposes may include, but not be limited to, the cost of all labor and materials; the cost of land, leases, rights, easements and franchises; financing charges; interest prior to and during construction; discount on the sale of municipal bonds; cost of plans and specifications; cost of engineering and legal services and all other expenses necessary or incidental to determining the feasibility or practicability of such construction, reconstruction or use, administrative expenses and such other expense as may be necessary or incidental to the provision of public parking spaces.

7. The city may, within its sole discretion, accept an interest in land in lieu of accepting all or a portion of the parking facility fee provided in this section. In making a determination whether to accept land as an alternative to the fee the city may consider the size of the land and the feasibility of constructing a parking facility on the land; the location of the land and its proximity to the parking needs on the central beach area; and the value of the land which shall be at least equal to the parking facility fee that would be assessed. The land may only be accepted if utilized in connection with the provision of parking in the central beach area. Acceptance of an interest in land in lieu of payment of the parking facility fee shall be by resolution adopted by the city commission.

(Ord. No. C-97-19, § 1(47-12.9), 6-18-97; Ord. No. C-01-10, § 1, 4-5-01)
Sec. 47-12.8. - Central beach area trip designation regulations.

A. Definitions. For the purpose of this Section 47-12, the following terms and words shall have the meaning herein prescribed unless the context clearly requires otherwise:


2. Allocable capacity trips. Also referred to as ACTs, the average daily trips on roadway links identified in the interlocal agreement and allocable to development within the central beach area pursuant to the provisions of this section.

3. Beach development permit. An authorization to apply for a building permit to carry out development within the central beach area as provided in this Section 47-12.

4. Central beach area. Also referred to as the "CBA," the area lying south of Sunrise Boulevard, west of the Atlantic Ocean, east of the Intracoastal Waterway and north of the south boundary of the plat of Bahia Mar lying west of State Road A-1-A.

5. Central beach community redevelopment area. Also referred to as the "CBCRA," that approximate one hundred twenty-five (125) acre area within the CBA which has been determined by the city to be in need of rehabilitation or redevelopment pursuant to the act which area is generally described as lying east of the eastern channel line of the Intracoastal Waterway, west of the mean high water line of the Atlantic Ocean, south of the northern right-of-way line of Alhambra Street east of Birch Road and the northern limit of Sebastian Street West of Birch Road, and north of the southern property line of Bahia Mar extended eastward to the mean high water line of the Atlantic Ocean.

6. Community redevelopment plan. A plan for the redevelopment of an area within the CBA in accordance with the provisions of the Act.

7. County interlocal agreement. The interlocal agreement between the county and the city relating to traffic capacity in the central beach area effective on August 1, 1989.

8. Planned resort development district. Also referred to as the "PRD," the zoning district created and defined within the central beach area as provided in this Section 47-12.

9. Reserve capacity trips. Also referred to as RCTs, the average daily trips on each of three (3) roadway links which results from the roadway improvements as identified in the interlocal agreement.

B. Designation of reserve capacity trips.

1. Application for plat approval within the PRD district.

   a. No plat of property located within the PRD district which requires the use of RCTs to meet traffic concurrency requirements shall be approved nor RCTs designated for development of property to be platted unless development of the property is proposed and completed in accordance with a beach development permit in accordance with this Section 47-12.

   b. RCTs shall be allocated in connection with the approval of a plat of property located
i. An applicant for approval of a plat of property located within the PRD district shall submit, simultaneous with the submission of an application for plat approval, an application for a beach development permit.

ii. The application shall include a proposal for development of the property proposed to be platted and shall include all information as required pursuant to this Section 47-12.

iii. Upon review of the application in accordance with the Adequacy Requirements, Sec. 47-25.2, it will be determined whether RCTs will be required in order for the proposed development to meet traffic concurrency requirements. If RCTs are required, a finding of concurrency will be made in conjunction with the reservation of RCTs as provided in this section.

iv. A plat shall only be approved by the city simultaneous with the issuance of a beach development permit. Upon initial DRC approval of the application for plat and beach development permit approval, RCTs will be reserved for the proposed development. The RCTs will continue to be reserved until the expiration of the time for approval or recordation of the plat as provided by Broward County Code or expiration of the beach development permit, whichever occurs first.

v. Upon recordation of the plat or issuance of a certificate of occupancy, whichever occurs later, the RCTs shall be finally deducted from the RCT total.

vi. If a plat is not approved or recorded within the time provided in accordance with the Broward County Code, or a beach development permit expires for a proposed development, the RCTs reserved for such development shall be voided, added back to available RCT total and a new application for plat approval, beach development permit and concurrency evaluation must be submitted and approved by the authorized city agency prior to the applicant commencing or continuing development.

C. Application for a beach development permit within the PRD district.

1. RCTs shall be allocated in connection with the approval of a beach development permit for development of property located within the PRD district in accordance with the following procedures:

a. An applicant for approval of a beach development permit shall submit an application for a beach development permit in accordance with the provisions of this Section 47-12

b. Upon review of the application in accordance with Adequacy Requirements, Sec. 47-25.2, it will be determined whether RCTs will be required in order for the proposed development to meet traffic concurrency requirements. If RCTs are required, a finding of concurrency will be made in conjunction with the reservation of RCTs as provided in this section.

c. Upon issuance of a beach development permit, RCTs will be reserved for the proposed development. The RCTs will continue to be reserved as long as the development is completed in accordance with the beach development permit and within the time provided in this Section 47-12.
d. Upon issuance by the city of a certificate of occupancy, the city will designate the RCTs, the county shall be advised of the designation of the RCTs to the development and the designated RCTs shall be subtracted from the total RCTs available for development.

e. If a beach development permit expires for a proposed development, the RCTs reserved for such development shall be voided, added back to available RCT total and a new application for beach development permit and concurrency evaluation must be submitted and approved by the authorized city agency prior to the applicant commencing or continuing development.

D. Designation of allocable trips for development within the central beach revitalization.

1. Application for plat approval or beach development permit outside of the PRD district but within the CBA.

   a. No plat of property or beach development permit for development of property located outside of the PRD district but within the CBA shall be approved nor ACTs designated for development of property unless a finding of adequacy that traffic capacity is adequate to support the proposed development is made. An application shall be subject to the requirements of Adequacy Requirements, Sec. 47-25.2. In the event that the impact of a proposed development necessitates the designation of ACTs, upon issuance of a finding of adequacy, ACTs will be reserved for the proposed development. The ACTs will continue to be reserved as long as the finding of adequacy and beach development permit are valid.

   b. Upon issuance by the city of a certificate of occupancy, the city will designate the ACTs, the county shall be advised of the designation of the ACTs to the development and the designated ACTs shall be subtracted from the total ACTs available for development.

   c. The city may designate RCTs for development outside of the PRD, but within the CBA and may designate ACTs within the PRD district if such designation is found to promote the revitalization and redevelopment goals of the city.

E. Nonconforming uses and structures. Any structure which is in existence on the effective date of this ordinance and in compliance with the zoning regulations in effect immediately prior to the effective date of this ordinance may continue in existence as a nonconforming structure. Any use which is in existence on the effective date of this ordinance and in compliance with the zoning regulations in effect immediately prior to the effective date of this ordinance but not a permitted use as provided in this ordinance may continue in effect as a nonconforming use. Except as provided in this section a nonconforming structure or use may not be enlarged, increased in size or be discontinued in use for a period of more than one hundred eighty (180) days. This regulation shall not be interpreted to legalize any structure or use existing at the time this regulation is adopted which structure or use is in violation of the zoning regulations prior to enactment of this regulation.

(Ord. No. C-97-19, § 1(47-12.10), 6-18-97; Ord. No. C-01-10, § 1, 4-5-01)

Editor's note—It should be noted that Ord. No. C-01-10, § 1, adopted April 5, 2001, repealed former Section 47-12.8, which pertained to development completion and review. Said ordinance also renumbered Sections 47-12.9—47-12.11 as Sections 47-12.7—47-12.9. See the Code Comparative Table.
Sec. 47-12.9. - Nonconforming use.

A. **Nonconforming use.** An owner or developer may change a nonconforming use or add an additional use to an existing nonconforming use subject to the following:

1. A nonconforming use is any use not in violation of the Code prior to the enactment of this ordinance which use is not permitted as provided in this Section 47-12 in the district where the parcel is located.

2. The proposed additional use must be permitted in the zoning district in which the property is located.

3. The owner must submit an ADP as provided in Sec. 47-12.6 but need only include such information as determined by the planning department related to the impact such use may have on parking, vehicular and pedestrian traffic and circulation, and existing uses or developments in the immediate area.

4. An ADP for a change or addition to a nonconforming use shall be reviewed in accordance with the procedures applicable to a similar proposed development or use which conforms to the provisions of Sec. 47-12.7, Central Beach Districts.

5. The applicant shall be required to comply with those development standards and requirements related to improvements located outside of the principal structure. Such development standards and requirements shall include but not be limited to parking, landscaping, signs, ingress and egress, nonstructural alterations to the exterior of the principal structure and other improvements related to making the existing principal structure located on the parcel and its use compatible with the revitalization plan but which do not require structural alteration to the principal structure.

6. The provisions of this Sec. 47-12.11 shall apply to a change, addition or expansion of a conforming use within a nonconforming structure.

B. **Nonconforming structure.** An owner or developer of a nonconforming structure may make alterations to a nonconforming structure or construct accessory conforming structures and improvements such as fences, walls, signs and nonstructural alteration to the exterior of the principal structure subject to the following:

1. A nonconforming structure is any structure which has not been approved as a part of an ADP.

2. An alteration or improvement permitted under this section shall only include improvements related to making the principal structure and its use more compatible with the revitalization plan but shall not include alterations or improvements which exceed fifty percent (50%) of the replacement value of the principal structure. Alterations or improvements to a nonconforming principal structure may exceed fifty percent (50%) of the replacement value of any building or structure designated as historic by the historic preservation board pursuant to the provisions of Sec. 47-27.7 if such alterations and improvements are initially approved by the historic preservation board.

3. The owner or developer must submit an ADP as provided in Sec. 47-12.6 but need only include such information related to the alteration or improvement and how such alteration or
improvement shall mitigate the nonconformity and cause the principal structure or use to be more compatible with the revitalization plan.

4. An ADP for an alteration or improvement to a nonconforming structure shall be reviewed in accordance with the procedures applicable to a similar proposed development or use which conforms to the provisions of Sec. 47-12.6

C. Effect of a beach development permit for a nonconforming use or structure.

1. The grant of an ADP permitting a change or addition of a use to an existing nonconforming use or an alteration or improvement to an existing nonconforming structure shall not be considered a determination that the existing or additional use or structure is conforming. Any ordinance applicable to nonconforming uses and structures shall continue to apply to the nonconforming use, structure or both.

2. Any nonconforming use or structure which has been changed to a conforming use or structure pursuant to a beach development permit shall not be permitted to be changed to a nonconforming use or structure.

(Ord. No. C-97-19, § 1(47-12.11), 6-18-97; Ord. No. C-01-10, § 1, 4-5-01)

SECTION 47-13. - REGIONAL ACTIVITY CENTER DISTRICTS [103]

[103] Editor's note—Ord. No. C-10-50, § 1, adopted January 4, 2011, amended the title of Sec. 47-13 to read as herein set out. Prior to inclusion of said ordinance, Sec. 47-13 was entitled, "Downtown Regional Activity Center Districts."

Sec. 47-13.1.2. - List of Districts—South Regional Activity Center.
Sec. 47-13.2.1. - Intent and purpose of each district.
Sec. 47-13.10. - List of permitted and conditional uses. Regional Activity Center-City Center (RAC-CC); Regional Activity Center-Arts and Science (RAC-AS); Regional Activity Center-Urban Village (RAC-UV); Regional Activity Center-Residential Professional Office (RAC-RPO); Regional Activity Center-Transitional Mixed Use (RAC-TMU); South Regional Activity Center-South Andrews east (SRAC-SAe); South Regional Activity Center-South Andrews west (SRAC-SAw).
Sec. 47-13.20. - Downtown RAC review process and special regulations.
Sec. 47-13.21. - Table of dimensional requirements for the RAC District.
Sec. 47-13.30. - Table of Dimensional Requirements for the SRAC Districts.
Sec. 47-13.31. - SRAC special regulations applicable to all SRAC zoning districts.
Sec. 47-13.46. - SRAC-SA special regulations.
Sec. 47-13.47. - Permit approval.

A. City Center (RAC-CC).
B. Arts & Sciences (RAC-AS).
C. Urban Village (RAC-UV).
D. Residential and Professional Office (RAC-RPO).


Note—Formerly § 47-13.1.

Sec. 47-13.1.2. - List of Districts—South Regional Activity Center.

A. South Regional Activity Center South Andrews (SRAC-SA).
   1. SRAC-SA(e).
   2. SRAC-SA(w).

(Ord. No. C-10-50, § 1, 1-4-11)

Sec. 47-13.2.1. - Intent and purpose of each district.

A. Downtown Regional Activity Center (RAC). This land use designation applies to the geographic area containing a mixture of large scale business, cultural, educational, governmental and residential uses which are in close proximity to mass transit resources (airport, port, rail and bus terminal). The purpose is to foster an active downtown within which one can work, live, entertain and shop without commuting to other districts in the city. The various RAC districts are described below.

1. RAC-CC City Center District is the city's high-intensity downtown zoning district, and is intended to be applied to the central downtown core area as a means of accommodating a wide range of employment, shopping, service, cultural, higher density residential and other more intense land uses. The RAC-CC zoning district will permit mixed use development including high intensity commercial uses, as well as downtown residential housing. Commercial retail uses will be required on the ground floor of buildings on those streets where pedestrian activity is encouraged. In order to ensure that development along the boundaries of the RAC-CC district will be compatible with adjacent zoning districts, properties abutting the edges of the RAC-CC district will be subject to regulations that provide a transition from the very intense and dense uses found within the central urban core.

2. RAC-AS Arts and Sciences District is the city's downtown arts and sciences cultural district. It is located in those areas where cultural, civic entertainment, institutional and other complementary high-activity land uses draw patrons from the surrounding region.

3. RAC-UV Urban Village District is intended to support the RAC-CC district by providing a mix of uses including institutional, office, commercial and residential. This area will encourage housing for the Downtown RAC. The RAC-UV regulations require ground floor retail, service and arts
activity on the main street where pedestrians are encouraged. Also, residential uses will be permitted above business uses and encouraged to be located abutting the public street/sidewalk to promote an urban character.

4. **RAC-RPO Residential and Professional Office District** is intended to promote the preservation and enhancement of existing low-density residential neighborhoods south of the downtown area while providing for the continued development of neighborhood-serving commercial land uses, and professional and office uses similar to those which typically complement nearby governmental, judicial and medical centers.

5. **RAC-TMU Transitional Mixed-Use District** is intended to provide three transition areas between the high intensity RAC-CC, district and the lower intensity residential neighborhoods which abut the RAC. The area is intended to support the city center by allowing a wide range of employment, shopping, service, cultural and higher density residential neighborhoods. This area includes the expansion area where the downtown's urban core was expanded so as to provide a transition area surrounding the central urban core in order to protect the adjacent areas. There are three (3) TMU areas identified along the perimeter of the higher intensity RAC districts.

   a. The **East Mixed Use (EMU)** is located east of the RAC-CC district, and includes residential areas on either side of Las Olas Boulevard and commercial business uses along Federal Highway and Las Olas Boulevard. Regulations within the EMU are designed to provide for a transition from intense uses permitted within the RAC-CC district to those established neighborhoods east of the EMU.

   b. The **West Mixed Use (WMU)** is located north of the RAC-AS district and encompasses portions of the Sailboat Bend neighborhood fronting on NW 7 Avenue. Regulations within the WMU are designed to blend with adjacent neighborhoods such as City View, Dorsey Riverbend and Regal Trace and promote mixed use development to support the RAC-CC district, as well as create a "gateway" to the RAC-CC district.

   c. The **Southwest Mixed Use (SMU)** is located south of the RAC-AS district, along the New River to S.W. 7th Street. Development in this area is intended to preserve marine related uses, as well as promote mixed use development to support the RAC-CC district while blending with the Tarpon River community.

B. **South Regional Activity Center (SRAC).**

1. **South Regional Activity Center (SRAC).** This land use designation applies to the geographical area containing a mixture of professional office, small to medium scale businesses, cultural and residential uses. The purpose is to foster an active pedestrian friendly environment while maintaining the established eclectic atmosphere of the area.

   a. **SRAC-SA** is intended to promote an active urban environment with a mix of uses characteristic of the traditional character of the South Andrews neighborhood. To this end, the district will allow residential and mixed-use development to create a true urban area complete with both daytime and evening activity. This will be accomplished by requiring the following: high quality buildings with minimal setbacks and oriented to provide light and air at the street level, active occupied spaces at the ground floor and enhanced streetscape consisting of tree-lined streets encouraging an active and comfortable pedestrian environment. Landscaping should be consolidated into useable park-like areas consisting of
plazas and open space. On-site parking will be designed in such a way that the vehicle will be as imperceptible as possible and interference with pedestrian pathways minimized. Crime Prevention through Environmental Design (CPTED) principles shall be incorporated in the design of the streets, parking areas and public areas in a manner that makes the area less attractive to criminal activities. SRAC-SA has been further refined to distinguish between SRAC-SA east (SRAC-SAe) and SRAC-SA west (SRAC-SAw) zoning district.

i. The SRAC-SAw zoning district is intended to be an area of more intensive uses consisting of heavy non-residential business uses, wholesale, warehousing, storage operations and establishments conducting activities of the same general character as well as those uses intended to meet the shopping and service needs of the community. Residential uses are permitted and encouraged to promote a diverse character. The SRAC-SAw zoning district is located west of those properties abutting SW 1st Avenue and follows the zoning line of the previous Heavy Commercial/Light Industrial Business District (B-3) zoning district of the area to the east portion of the FEC corridor.

ii. The SRAC-SAe zoning district is intended to meet the shopping and service needs of the community as well as limited wholesale uses. Residential uses are permitted and encouraged to promote a diverse character. The SRAC-SAe zoning district is generally located within the same zoning boundaries of the previous Community Business District (CB) zoning district of the area.


Note—Formerly § 47-13.2.


Sec. 47-13.10. - List of permitted and conditional uses, Regional Activity Center-City Center (RAC-CC); Regional Activity Center-Arts and Science (RAC-AS); Regional Activity Center-Urban Village (RAC-UV); Regional Activity Center-Residential Professional Office (RAC-RPO); Regional Activity Center-Transitional Mixed Use (RAC-TMU); South Regional Activity Center-South Andrews east (SRAC-SAe); South Regional Activity Center-South Andrews west (SRAC-SAw).

District Categories—Automotive; Boats, Watercraft and Marinas; Commercial Recreation; Food and Beverage Sales and Service; Light Manufacturing; Lodging; Manufacturing; Public Purpose Facilities; Residential Uses; Retail Sales; Services/Office Facilities, Including Wholesale Service; Services/Office Facilities; Storage Facilities; Wholesale Sales; and Accessory Uses, Buildings and Structures.

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Key:
**UNIFIED LAND DEVELOPMENT REGULATIONS**
Chapter 47 - UNIFIED LAND DEVELOPMENT REGULATIONS
ARTICLE XV. - ANNEXED AREAS
SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

### DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

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- **P** Permitted

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<th>Section</th>
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<td>47-39.A</td>
<td>Melrose Park and Riverland Road</td>
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- Permitting
- Wholesalers
- Automobile Parts & Supplies
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### DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

#### SECTION 47-39.A - MELROSE PARK AND RIVERLAND ROAD

| Highway Only | | | | | |
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see Sec. 47-18.5, abutting Federal Highway and Bro...
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ARTICLE XV. - ANNEXED AREAS

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SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

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Sales and Rental, new or reused, see Sec. 47-18.36 (r)
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### Commercial Recreation

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Food and Beverage Sales and Service

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SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

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Chapter 47 - Unified Land Development Regulations

Article XV - Annexed Areas

Section 47-39. - Development Regulations for Annexed Areas

Section 47-39.A. - Melrose Park and Riverland Road
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### SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

#### SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

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## Chapter 47 - ANNEXED AREAS

### DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

#### SECTION 47-39.A - MELROSE PARK AND RIVERLAND ROAD

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**Manufacturing**

*Permitted only when contiguous to or separated by no more than a 60-foot public right-of-way from a railroad right-of-way in the RAC-CC, RAC-AS, RAC-UV, RAC-RPO, & RAC-TMU zoning districts.
### Annexed Areas

#### Section 47-39

**Development Regulations for Annexed Areas**

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<td>Melrose Park and Riverland Road</td>
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## Public Purpose Facilities

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UNIFIED LAND DEVELOPMENT REGULATIONS
Chapter 47 - UNIFIED LAND DEVELOPMENT REGULATIONS
ARTICLE XV. - ANNEXED AREAS
SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

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ARTICLE XV. - ANNEXED AREAS
SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

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ARTICLE XV. - ANNEXED AREAS
SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

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## Development Regulations for Annexed Areas

### Section 47-39.A.

- **Melrose Park and Riverland Road**

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ANNEXED AREAS

SECTION 47-39

DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

MELROSE PARK AND RIVERLAND ROAD

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Residential Uses

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Note: See Section 47-39 for more details on development regulations for Annexed Areas.
### Retail Sales

(*Including Wholesale Sales)

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Chapter 47 - UNIFIED LAND DEVELOPMENT REGULATIONS
ARTICLE XV. - ANNEXED AREAS
SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD
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### DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

#### SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

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### DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

#### SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

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UNIFIED LAND DEVELOPMENT REGULATIONS
Chapter 47
ARTICLE XV.
ANNEXED AREAS
SECTION 47-39.
DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47-39 A.
MELROSE PARK AND RIVERLAND ROAD

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<table>
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Fort Lauderdale, Florida, Code of Ordinances

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### Section 47-39.A - Melrose Park and Riverland Road

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Fort Lauderdale, Florida, Code of Ordinances
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# Section 47-39. Development Regulations for Annexed Areas

## Section 47-39.A. Melrose Park and Riverland Road

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*P indicates a specific zoning code or restriction.
### MELROSE PARK AND RIVERLAND ROAD

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### DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

#### SECTION 47-39.A - MELROSE PARK AND RIVERLAND ROAD

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UNIFIED LAND DEVELOPMENT REGULATIONS
Chapter 47 - UNIFIED LAND DEVELOPMENT REGULATIONS
ARTICLE XV. - ANNEXED AREAS
SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

- Melrose Park and Riverland Road
- Section 47-39. Development Regulations for Annexed Areas
- Section 47-39.A. Melrose Park and Riverland Road
MELROSE PARK AND RIVERLAND ROAD

SECTION 47-39.A. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

SECTION 47-39.A.

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more than a

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ARTICLE XV.

ANNEXED AREAS

SECTION 47-39.

DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

Melrose Park and Riverland Road

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Chapter 47 - Unified Land Development Regulations

ARTICLE XV. - ANNEXED AREAS

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<thead>
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*P indicates special conditions or regulations.

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ARTICLE XV.
ANNEXED AREAS

SECTION 47-39.
DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

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ARTICLE XV.
ANNEXED AREAS

SECTION 47-39.
DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

MELROSE PARK AND RIVERLAND ROAD

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| permitted as wholesale sales when contiguous to | | | |

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<table>
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<td>DEVELOPMENT REGULATIONS FOR ANNEXED AREAS</td>
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**SECTION 47-39.A.**

- DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

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**Chapter 47 - UNIFIED LAND DEVELOPMENT REGULATIONS**

**ARTICLE XV. - ANNEXED AREAS**

**SECTION 47-39.**

- DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

**SECTION 47-39.A.**

- MELROSE PARK AND RIVERLAND ROAD
<table>
<thead>
<tr>
<th>Services/Office Facilities</th>
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<td>(*Including Wholesale Service)</td>
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**Table: Development Regulations**

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*Including Wholesale Service*
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<td>Rate/Employee Sponsors, see Sec. 47-18</td>
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<table>
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**MELROSE PARK AND RIVERLAND ROAD**

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<table>
<thead>
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<th>Item</th>
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## DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

### SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

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*P indicates a special condition or requirement for the specific area.
## DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

### SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

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*Fort Lauderdale, Florida, Code of Ordinances*
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*P indicates a significant event or change.
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**Instruction:**
- Instructions for the table are not clearly visible.
## DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

### SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

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UNIFIED LAND DEVELOPMENT REGULATIONS
Chapter 47 - UNIFIED LAND DEVELOPMENT REGULATIONS
ARTICLE XV. - ANNEXED AREAS
SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

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### ANIMALS ONLY

**Photographic Studio**

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**Professional Office**

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### Section 47-39. Development Regulations for Annexed Areas

#### Section 47-39.A. Melrose Park and Riverland Road

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Fort Lauderdale, Florida, Code of Ordinances
### DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

#### SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

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* Required for annexed areas.
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*Permitted only when contiguous to or separated by no more than a 60-foot public right-of-way from a railroad right-of-way in the RAC-CC, RAC-AS, RAC-UV, RAC-RPO, & RAC-TMU zoning districts.
### Section 47-39.A. - Melrose Park and Riverland Road

<table>
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<th>Sec. 47-39.9</th>
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Chapter 47 - UNIFIED LAND DEVELOPMENT REGULATIONS  
ARTICLE XV. - ANNEXED AREAS  
SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS  
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD
### DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

**SECTION 47-39.** DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

**SECTION 47-39.A.** MELROSE PARK AND RIVERLAND ROAD

<table>
<thead>
<tr>
<th>Accessory Uses, Buildings and Structures (See Section 47-19)</th>
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SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

restaurant
bakery
performing arts
theater

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SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

Employee Sponsors when accessory to professional
ARTICLE XV. ANNEXED AREAS

SECTION 47-39. DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

MELROSE PARK AND RIVERLAND ROAD

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### Section 47-39.A - Melrose Park and Riverland Road

<table>
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**UNIFIED LAND DEVELOPMENT REGULATIONS**  
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SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

To electronic sales, only in wholly enclosed buildings.
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(Ord. No. C-10-50, § 1, 1-4-11; Ord. No. C-11-14, § 7, 6-21-11; Ord. No. C-11-24, § 1(Exh. 1), 9-20-11)


Sec. 47-13.20. - Downtown RAC review process and special regulations.

A. Applicability. The following regulations shall apply to those uses permitted within the Downtown RAC district, as shown on the List of Permitted and Conditional Uses, Secs. 47-13.10 to 47-13.14.

B. General design and density standards. Development in any RAC district is subject to the following standards:

1. First floor exterior walls parallel to public rights-of-way. First floor exterior walls parallel to any public rights-of-way within RAC districts shall not be permitted to extend for more than twenty (20) feet, unless such walls contain windows, doors, recesses of four (4) feet or more, or other transparent or decorative elements.

2. Roof lines. Roof lines within the RAC-CC and RAC-AS districts shall be designed with sloping roofs or stepped roof forms. Flat roofs may be permitted, but must have a parapet facing any street front. Mechanical roof-top equipment must be screened from all grade-level views within any RAC district.

3. Design criteria. Within all RAC districts principal structures shall provide a minimum of four (4) of the following architectural features: variation in rooflines, terracing, cantilevering, angling, balconies, arcades, cornices, architectural ornamentation, color and material banding, or courtyards, plazas or landscaped areas which encourage pedestrian interaction between the development site and public areas. Every facade of a principal structure shall contain at least three (3) of the above architectural features.


a. Density within the entire Downtown RAC is limited to a total of five thousand one hundred (5,100) dwelling units. Additional dwelling units above this limit may be permitted as provided in the City of Fort Lauderdale Comprehensive Plan, as amended from time to time, and any applicable provisions in the Unified Land Development Regulations. DRC review shall assure compliance with the maximum number of dwelling units permitted. The department is responsible for monitoring the availability of density. Regulations for the assignment of the five thousand one hundred (5,100) dwelling units allocated by the 1989 Comprehensive Plan are provided in this subsection a., and shall be allocated at the time of site plan approval on a first come, first served basis. Unused density shall be returned to the density pool upon expiration of approved site plans.

b. Dwelling units in excess of the five thousand one hundred (5,100) in the Downtown RAC as certified by the Comprehensive Plan amendment of 2003 and 2007 (hereinafter referred to as "post 2003 du's") shall be allocated in accordance with the following:

1. Application. An application for a development permit that requires the allocation of post 2003 du's shall, in addition to meeting all of the requirements as provided in the ULDR for the type and location of the development proposed, shall include additional information that shows how the proposed development meets the criteria provided in subsection 3. of this subsection b.

2. Review process. An application for a development permit that requires the
allocation of post 2003 du's shall be submitted to the same body and go through the same review process as required by the ULDR for the proposed development. The action of the body approving the development permit that includes the allocation of post 2003 du's shall not take effect until the application is reviewed and approved by the City Commission.

3. **Criteria.** An application for a development permit that includes the allocation of post 2003 du's shall be reviewed for compliance with the criteria applicable to the proposed development as provided in the ULDR. The development shall also be reviewed to determine if the development is consistent with the design guidelines or has proposed alternative designs which meet the intent of the design guidelines provided in the Consolidated Downtown Master Plan (“CDMP”) and First Amendment to the CDMP. In the event compliance with the ULDR would not permit consistency with the design guidelines, the design guidelines shall govern.

4. **Effective date and expiration date of approval.** The allocation of post 2003 du's shall take effect at the time the development permit takes effect as provided in the ULDR. The allocation of dwelling units shall expire upon expiration of the development permit in accordance with the ULDR.

c. **Density in the RAC-TMU District.** Building sites within the RAC-TMU shall be eligible to apply for additional dwelling units above twenty-five (25) dwelling units per net acre, subject to the review criteria as provided in Sec. 47-25.3, Neighborhood Compatibility.

5. **RAC fencing.** Within the RAC districts, chain-link fencing shall not be permitted along any pedestrian priority or image street. In all other areas of the RAC, any chain-link fencing shall be black or green vinyl coated. Temporary fencing may be permitted pursuant to Sec. 47-19.5

6. The provisions of this subsection B shall not apply to an existing structure in existence on the effective date (June 28, 1997) of the ULDR unless such structures are voluntarily demolished by more than fifty percent (50%) of the total gross floor area of the building or more than fifty percent (50%) of its replacement value.

C. **Parking regulations.**

1. Off-street parking regulations are as provided in Section 47-20, Parking and Loading Requirements, except as provided herein:

   a. **RAC-CC and RAC-AS districts.** Development within the RAC-CC and RAC-AS districts shall be exempt from providing off-street parking requirements, except for a nonresidential use on a parcel located within one hundred (100) feet of a parcel zoned RAC-UV, RAC-RPO, or RAC-TMU.

   b. **RAC-UV, RAC-WMU, and RAC-RPO districts.** RAC-UV, RAC-WMU and RAC-RPO district residential parking requirements are reduced from the general parking requirements as provided in Table 3, Section 47-20, Parking and Loading Requirements.

   c. **Vehicular use area regulations.** A vehicular use area within any RAC district constructed after the effective date (June 28, 1997) of the ULDR, shall not be located within fifty (50) feet of a pedestrian priority or image street, or the seawall or high water mark of the New River, except as provided in subsection C.1.d. Curbcuts providing access to parking areas shall be
located on streets other than pedestrian priority and image streets or on alleys, except where a property only has access from a pedestrian priority or image street, or it is determined based on a traffic study that access from a pedestrian priority street or image street is necessary for safe and efficient vehicular and pedestrian circulation.

d. A vehicular use area that is either:
   i. On a parcel within the RAC-TMU district; or
   ii. That is less than one hundred twenty-five (125) feet in depth; or
   iii. Less than fifteen thousand (15,000) square feet in area; or
   iv. Is located along Federal Highway;

   need only provide a minimum of a twenty (20) foot setback from pedestrian priority or image streets, or from the seawall or high water mark of the New River.

2. Parking garage. The minimum design standards for a parking garage are:

   a. Sloped garage ramps facing and within one hundred (100) feet of pedestrian priority and image streets and the seawall or high water mark of the New River shall have ornamental grating or other architectural features which screen the sloped ramp from view from the pedestrian priority and image street.

   b. Parked vehicles shall be screened from view from abutting public rights-of-way, excluding alleys. Screening may be provided by intervening buildings, architectural detailing such as ornamental grating, or landscaping.

   c. Pedestrian walkways shall be provided between a parking garage and any principal or accessory building it serves and to abutting public spaces.

   d. A parking garage shall meet the following architectural guidelines:

      i. When a parking garage is provided for a principal structure on the same plot, the design of the parking garage shall complement and contain architectural features consistent with the principal structure, or

      ii. When a parking garage is the principal use on a plot, it shall be designed so that the uppermost parapet or roof of the parking garage contains elevational changes averaging at least three (3) feet in height and ten (10) feet in length every fifty (50) horizontal feet or less.

D. Open space for residential uses. For development in the RAC districts, except for RAC-CC, open space shall be required for residential uses. Open space, for the purposes of this section, shall include all areas on the site not covered by structures, other than covered arcades, or not covered by vehicular use area. Covered arcades with a minimum width of ten (10) feet and at least one (1) side open to a street shall be credited towards open space requirements. The required open space shall include seating and shade provided by trees, canopies, or other unenclosed shade structures. A minimum of fifty percent (50%) of the required open space shall be in landscaping. At least forty percent (40%) of the required open space shall be provided at-grade and the remaining open space shall be accessible to individual residential units or through a common area, or both. The total amount of open space
required shall be calculated based on the size and density of the development, as follows:

1. For developments of fifty (50) residential units or less, or developments of twenty-five (25) dwelling units per acre or less density: A minimum of two hundred (200) square feet of open space per unit;

2. For developments of between fifty-one (51) and one hundred fifty (150) residential units, or developments of greater than twenty-five (25) dwelling units per acre and up to sixty (60) dwelling units per acre density: A minimum of one hundred fifty (150) square feet of open space per unit;

3. For developments of more than one hundred fifty (150) residential units, or developments of greater than sixty (60) dwelling units per acre density: A minimum of one hundred (100) square feet of open space per unit;

4. For developments which fall into more than one (1) of the above categories, the lesser open space requirement shall apply.

E. **RAC landscape requirements.** Surface parking lots within the RAC district shall meet the landscape requirements for vehicular use areas as specified in Section 47-21, Landscaping and Tree Preservation Requirements.

F. **Signs.** Sign requirements are:

1. Downtown RAC district signs shall be as permitted in the central beach area zoning district pursuant to Sec. 47-22.4.C.13, except that message center signs and time and temperature signs shall be permitted, as provided in Section 47-22, Sign Requirements.

2. **Amortization period.** All signs in the RAC zoning districts shall comply with these sign code provisions within five (5) years of the effective date (June 28, 1997) of the ULDR.

G. **Street and waterway treatment.** There are hereby identified streets and a waterfront corridor located within the downtown RAC which are currently accommodating, or are intended to accommodate, intensive pedestrian traffic, or which serve as major pedestrian streets and major vehicular entryways, or major gateways into the downtown, and which will, therefore, require adjacent development to accommodate said pedestrian and vehicular usage and aesthetic considerations. The streets and waterfront corridor are identified below:

1. **Pedestrian priority streets.**
   a. Las Olas Boulevard, from Brickell Ave. to the east RAC boundary.
   b. Brickell Avenue, from Las Olas Blvd. to S.W. 2nd Street.
   c. S.W. 2nd Street, from Brickell Ave., West to S.W. 7th Ave.
   d. Andrews Avenue, from Broward Blvd. to Las Olas Blvd.
   e. S.E. 6th Street, from Andrews Ave. to S.E. 3rd Ave.
   f. S.E. 5th Avenue from Las Olas Blvd. to the New River.

Special regulations for pedestrian priority streets are provided in subsection H.
2. **Image streets.**
   a. N.E./N.W. 6th Street (Sistrunk Boulevard), from the FEC rail line to Federal Highway.
   b. N.E./S.E. 3rd Avenue from N.E. 6th Street to S.E. 6th Street.
   c. Andrews Ave. from Flagler Dr. to Broward Blvd. and from Las Olas Blvd. South to RAC boundary.
   d. Broward Boulevard from S.W./N.W. 7th Avenue to N.E./S.E. 8th Avenue.
   e. Federal Highway from N.E. 6th Street to S.E. 2nd Street.

   Special regulations for image streets are provided in subsection I.

3. **New River waterfront corridor.** Special regulations for the New River waterfront corridor are provided in subsection J.

4. **All other RAC streets.** All streets other than those included as pedestrian priority and image streets within the boundaries of the downtown RAC. Special regulations for these streets are provided in subsection K.

H. **Pedestrian priority streets.** Development of property located abutting pedestrian priority streets shall meet the following requirements:

1. **Building frontage setback requirement.**
   a. A minimum of seventy-five percent (75%) of the linear frontage of a parcel along the pedestrian priority street shall be occupied by a ground floor building wall located ten (10) feet from the front property line. All other portions of the building shall be located a minimum of five (5) feet from the property line, except as provided for in subsection H.9. Support columns may be located in the ten (10) foot ground floor setback, provided their combined width does not exceed twenty-five percent (25%) of the linear dimension of the front building wall. The minimum linear frontage and ten (10) foot ground floor building wall requirement of this subsection shall not apply to automotive service stations where allowed within the RAC or to development along Federal Highway, but the requirement of subsection K.1.a shall apply.
   
   b. **Modification of building frontage setback requirements within the RAC-TMU district.**

   Building frontage setback requirements for the RAC-TMU may be modified by the DRC to require greater setbacks above those specified in subsection H.1.a, subject to the review criteria as provided in Sec. 47-25.3, Neighborhood Compatibility, as provided in Sec. 47-25.3.A.3.e.iii. Setbacks may also be modified by the DRC for building sites within the RAC-TMU that apply for additional dwelling units above twenty-five (25) dwelling units per net acre, and shall also be subject to the review criteria as provided in Sec. 47-25.3, as provided in Sec. 47-25.3.A.3.e.ii.

2. **General stepback and setback requirements.** Portions of the structure located more than nine (9) feet above the sidewalk shall be subject to the stepbacks as required in subsection H.9. Non-load-bearing walls or fences of no greater than forty-two (42) inches in height may be permitted in the setback or stepback areas. An increase in the setbacks may be required for
pedestrian amenities, such as public plazas as defined in Section 47-9, X district, pedestrian entries, outdoor dining areas and similar public use areas, or landscaping, as approved by the DRC.

3. **First floor uses.** A minimum of seventy-five percent (75%) of the building front along a pedestrian priority street required as provided in subsection H.1.a for a depth of at least twenty (20) feet from the building front shall be used for retail sales, retail banking, residential uses, food and beverage, commercial recreation, governmental facility, service use (not including professional office), public museum or art gallery, or other public cultural facility accessible to the public and occupants of the building in which the use is located.

4. **First floor transparency.** A minimum of thirty-five percent (35%) of the first floor facade of a building along a pedestrian priority street shall utilize transparent elements, such as windows, doors, and other fenestration.

5. **Awnings, canopies, arcades.** Awnings, canopies or arcades shall be required over all doors, windows and other transparent elements provided to satisfy the provisions of subsection H.4, along a pedestrian priority street. The height of the awnings, canopies or arcades shall be between eight (8) feet and twelve (12) feet, and shall be a minimum of four (4) feet in depth. Such elements shall not be subject to the ten (10) foot setback requirement identified in subsection H.1.a.

6. **Cornice.** A cornice shall be provided on the side of a building along a pedestrian priority street at a minimum of twelve (12) feet above the sidewalk or at a height similar to the cornice on an abutting property, but in no case shall the cornice exceed thirty-five (35) feet or two (2) floor levels whichever is less in height.

7. **Street trees.** Street trees as defined by Sec. 47-21.2, Landscaping and Tree Preservation, shall be provided as follows:

   a. Shade trees shall be provided at least every forty (40) lineal feet along the area fronting the pedestrian priority street. Palm trees or ornamental trees may be permitted when existing or proposed physical conditions may prevent the proper growth of the shade tree, as determined by the DRC, at least every twenty (20) lineal feet along the frontage. All trees shall satisfy the following standards at the time of planting:

      i. Shade trees: Minimum fourteen (14) feet height and eight (8) foot spread, with minimum six (6) foot ground clearance.

      ii. Palm trees: Minimum eighteen (18) foot height, with a minimum of eight (8) feet of wood.

      iii. Ornamental trees: Minimum twelve (12) feet in height and six (6) foot spread, with a minimum six (6) foot ground clearance.

   b. Root zone and pervious surface areas shall be provided as follows:

      i. Areca, Carpenteria, Cocothrinax, Phychospermia, Rhapis, Sabal, and Washingtonia: No less than nine (9) square feet of pervious surface area and no dimension less than three (3) feet.
ii. All other shade or ornamental: No less than sixty-four (64) square feet of pervious surface area and no dimension less than eight (8) feet.

iii. All other palm types: No less than twenty-five (25) square feet of pervious surface area and no dimension less than five (5) feet.

Pervious surface area, for purposes of this requirement, may be provided through open planting beds, tree grates, sand-set pavers, or any combination thereof.

c. The DRC may permit alternative landscape treatment along the frontage of a pedestrian priority street where pedestrian entries to plazas or principal structures are provided. Specimen palm plantings or other landscape design treatments may be installed to complement the architectural design of the structure or plaza in lieu of shade trees, limited to no more than fifty percent (50%) of the plot frontage on a pedestrian priority street.

8. Location of street trees. The requirements for street trees, as provided herein, may be located within the public right-of-way, as approved by the entity with jurisdiction over the abutting right-of-way.

9. Building step-backs. Step-backs shall be provided in a building to provide for air and light at the street level on the side of a building along a pedestrian priority street as follows:

   a. At the cornice required by subsection H.6 (between twelve (12) feet and thirty-five (35) feet), a step-back of at least ten (10) feet.

   b. At a level between the 4th and 10th floors, an additional step-back of at least ten (10) feet, or multiple step-backs which total a minimum of at least ten (10) feet.

   c. In lieu of strict application of subsections H.9.a and b, an applicant may propose an alternative design which satisfies the intent of providing air and light at the street level, subject to review and approval of the DRC.

10. New buildings, additions to existing buildings or any development of a site on a parcel located on one (1) or more pedestrian priority street(s) or image street(s), must meet all of the ULDR requirements applicable to one (1) of such streets, and all of the requirements of any of the other streets when the development is within fifty (50) feet of the edge of the street closest to the development; however, the requirement for a ground floor building wall along seventy-five percent (75%) of the linear frontage of the parcel (subsection H.1.a) may be provided in phases in accordance with an approved site plan. These requirements shall not apply to buildings or additions with less than five hundred (500) square feet of floor area; however, in all cases, regardless of the size and type of development, the street tree requirements of subsection H.7 shall apply to all pedestrian priority and image streets.

11. The provisions of this subsection H shall not apply to structures in existence on the effective date (June 28, 1997) of the ULDR unless such structures are voluntarily demolished by more than fifty percent (50%) of the total gross floor area of the building or more than fifty percent (50%) of its replacement value.

I. Image streets. Development of property located abutting image streets shall satisfy the following regulations:
1. **Building frontage setback requirement.** As provided in subsection H.1.

2. **General stepback and setback requirements.** As provided in subsection H.2.

3. **First floor transparency.** As provided in subsection H.4.

4. **Awnings, canopies, arcades.** As provided in subsection H.5.

5. **Cornice.** As provided in subsection H.6.

6. **Street trees.** As provided in subsection H.7.

7. **Location of street trees.** As provided in subsection H.8.

8. **Building step-backs.** As provided in subsection H.9.

9. New buildings, additions to existing buildings or any development of a site on a parcel located on one (1) or more pedestrian priority street(s) or image street(s), must meet all of the ULDR requirements applicable to one (1) of such streets, and all of the requirements of any of the other streets if the development is within fifty (50) feet of the edge of the street closest to the development; however, the requirement for a ground floor building wall along seventy-five (75%) of the linear frontage of the parcel (subsection H.1.a) may be provided in phases in accordance with an approved site plan. These requirements shall not apply to buildings or additions with less than five hundred (500) square feet of floor area; however, in all cases, regardless of the size and type of development, the street tree requirements of subsection H.7 shall apply to all pedestrian priority and image streets.

10. The provisions of this subsection I shall not apply to an existing structure in existence on the date of adoption of the ULDR unless such structures are voluntarily demolished by more than fifty percent (50%) of the total gross floor area of the building or more than fifty percent (50%) of its replacement value.

J. **New River Waterfront Corridor.** Except in the RAC-TMU zoning district as provided in subsection J.3., development on parcels located within one hundred (100) feet of the New River shall be reviewed pursuant to the process for a site plan level IV development permit (section 47-24.2) without planning and zoning board review, and shall be required to meet the following regulations:

1. Within the RAC-CC and RAC-AS districts a principal structure shall provide a minimum sixty (60) foot setback from the seawall or the high water mark of the river's edge if no seawall exists, or less if the existing right-of-way or easement is less than sixty (60) feet in width, but in no case shall there be less than a forty-five (45) foot setback, except for the following:

   a. A residential use or marine-related use as specified in sections 47-13.10 and 47-13.11, Boats, Watercraft and Marinas, that have portions of structures devoted to those uses that are no higher than thirty-five (35) feet in height may encroach within the setback specified above, but shall in no case be less than twenty (20) feet from the seawall or the high water mark, if no seawall exists.

   If the minimum or greater setbacks specified in subsection J.1. are provided, the development plan shall be reviewed giving consideration to the location, size, height, design, character and ground floor utilization of any structure or use, including...
appurtenances; access and circulation for vehicles and pedestrians, streets, open spaces, relationship to adjacent property, proximity to New River and other factors conducive to development and preservation of a high quality downtown regional activity center district. No approval shall be given to the setbacks shown on the development plan unless a determination is made that the setbacks conform to all applicable provisions of the ULDR, including the requirements of section 47-13, Downtown Regional Activity Center Districts, that the safety and convenience of the public are properly provided for and that adequate protection and separation are provided for contiguous property and other property in the vicinity. Approval of the setbacks of a development plan may be conditioned by imposing one (1) or more setback requirements exceeding the minimum requirements.

b. Within the RAC-CC and RAC-AS districts, structures may provide less than the minimum setback specified in subsection J.1., above or exceed the thirty-five (35) foot height limitation, as specified above, if approved in accordance with the requirements of a site plan level IV development permit, (section 47-24.2) without planning and zoning board review, subject to the review criteria as provided in section 47-25.3, Neighborhood Compatibility, as provided in section 47-25.3.A.3.e.iii, and the following additional criteria and limitations are met:

i. Principal structures shall provide a minimum of one (1) or more setbacks totaling a minimum of twenty (20) feet, between a height of twelve (12) feet and fifty-five (55) feet.

ii. No portion of a structure in excess of thirty-five (35) feet in height shall encroach upon a 1:1 height-to-setback plane, as measured from a line twenty (20) feet from the seawall or high water mark, if no seawall exists, up to a height of ninety-five (95) feet. Portions of structures above ninety-five (95) feet in height may proceed vertically without additional setback, subject to the provisions of subsection J.2.c.

iii. Principal structures shall also provide a minimum of five (5) of the following architectural features: variation in rooflines, terracing, cantilevering, angling, balconies, arcades, cornices, architectural ornamentation, color and material banding, or courtyards, plazas or landscaped areas which encourage pedestrian interaction between the development site and the New River.

2. Additional criteria.

a. Within the RAC-CC and RAC-AS districts only, when the development is located along North or South New River Drive or the Riverwalk Linear Park, it shall comply with regulations for Pedestrian Priority Streets, Sec. 47-13.4.G, whereby reference to "pedestrian priority street" shall apply to the New River Waterfront Corridor.

b. Within the RAC-CC district only, all principal structures located on the south side of the New River shall provide a minimum setback as required so as to not produce a shadow pattern that shadows a point on the river’s edge for more than four (4) hours between the hours of 9:00 a.m. and 4:00 p.m. on March 21 (spring equinox).

c. Within the RAC-CC district only, ground level design and amenities shall functionally and visually coordinate with and complement existing public improvements along the New River adjacent or abutting the development site, including pedestrian access and
3. Within the RAC-TMU district only, any structure shall provide minimum setbacks from the seawall or high water mark of the river's edge, if no seawall exists, as approved pursuant to Site Plan Level III development permit, section 47-24.2, subject to the review criteria as provided in section 47-25.3, Neighborhood Compatibility, as provided in section 47-25.3.A.3.e.iii.

K. All other RAC district streets. Development of property located abutting all streets within the RAC districts other than pedestrian priority or image streets shall satisfy the following regulations:

1. Setback.
   a. A minimum setback of five (5) feet shall be provided from the property line along the street.
   b. Modification of setback requirements within the RAC-TMU district. Setback requirements for the RAC-TMU may be modified to require greater setbacks above those specified in subsection K.1.a, subject to approval of a site plan level II permit and the review criteria provided in Sec. 47-25.3.A.3.e.iii, Neighborhood Compatibility. Setbacks may also be modified for building sites within the RAC-TMU that apply for additional dwelling units above twenty-five (25) dwelling units per net acre, subject to approval of a site plan level II permit and the review criteria as provided in Sec. 47-25.3.A.3.e.ii.

2. Street trees. As provided in subsection H.7.

3. Location of street trees. As provided in subsection H.8.

L. Effect of other ULDR provisions. Unless otherwise provided in this Section 47-13, the provisions of the ULDR with general applicability to development within the city shall apply as requirements of the development of property within the district described in this Section 47-13. However, any provision of this Section 47-13 shall prevail to the extent of such conflict.

M. [Site Plan Level II.]

1. A Site Plan Level II approval of a development for which a site plan has been approved by the City Commission, or which has been the subject of an agreement with the City shall not be final until thirty (30) days after final DRC approval and then only if no motion is adopted by the City Commission seeking to review the application pursuant to the process provided in Section 47-26.A.2 of the ULDR. The action of the DRC shall be final and effective after the expiration of the thirty-day period if no action is taken by the City Commission.

2. Approval of all other Site Plan Level II developments within the RAC shall not be final until thirty (30) days after preliminary DRC approval and then only if no motion is adopted by the City Commission seeking to review the application pursuant to the process provided in Section 47-26.A.2 of the ULDR. A motion seeking to review an application pursuant to this subsection 2. shall only be approved if it is found by the City Commission that DRC has misapplied or failed to apply one or more requirements of the ULDR or the City’s Comprehensive Plan in approving the application.

Sec. 47-13.21. - Table of dimensional requirements for the RAC District.

<table>
<thead>
<tr>
<th>RAC District</th>
<th>RAC-CC</th>
<th>RAC-AS</th>
<th>RAC-UV</th>
<th>RAC-RPO</th>
<th>RAC-TMU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Height</td>
<td>See**</td>
<td>See**</td>
<td>55 ft. up 150 ft.*** Unspecified for South of NE/NW 5 St. See**</td>
<td>55 ft. up to 150 ft.**</td>
<td>See**</td>
</tr>
<tr>
<td>Minimum Plot Size</td>
<td>none</td>
<td>none</td>
<td>Nonresidential 5,000 sf (10,000 sf abutting Federal Hwy) Residential and Mixed Use - See Secs. 47-5.30—47-5.39</td>
<td>Nonresidential and mixed-use 5,000 sf For res. see Sec. 47-5.38 RMH-60</td>
<td>Nonresidential 5,000 sf Residential and Mixed Use - 5,000 sf</td>
</tr>
<tr>
<td>Maximum Plot Coverage</td>
<td>95%</td>
<td>90%</td>
<td>90%</td>
<td>85%</td>
<td>Nonresidential - 95% Mixed Use and Residential - 75%</td>
</tr>
<tr>
<td>Maximum Density</td>
<td>none</td>
<td>35 du/acre</td>
<td>none</td>
<td>35 du/acre - up to 50 du/acre***</td>
<td>none greater than 25 du/acre see Sec. 47-13.13</td>
</tr>
<tr>
<td>Minimum Side Yard (feet)</td>
<td>None, unless otherwise provided for in Sec. 47-13.13 for nonresidential and mixed use, none, unlimited</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
For residential apply minimum yards of Sec. 47-5-38, RMH-60 for Housing type.
### Minimum Rear Yard (feet)

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>None, unless otherwise provided for in Sec. 47-13.13</td>
<td>No minimum rear yard required if otherwise provided.</td>
</tr>
</tbody>
</table>
ARTICLE XV.

ANNEXED AREAS

SECTION 47-39.

DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

MELROSE PARK AND RIVERLAND ROAD

Fort Lauderdale, Florida, Code of Ordinances

Page 724 of 1242
For residential apply minimum yards of Sec. 47-5.38, RMH, 60 for Housing type...
DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

Notes:

- * Side and rear setbacks as provided herein, except as regulated by Section 47-25.3, Neighborhood Compatibility Requirements as described in Table 1 of Section 47-24, Development Permits and Procedures.

- ** No maximum height, unless otherwise provided in those subsections of Section 47-25.3, Neighborhood Compatibility Requirements, as described in Table 1 of Section 47-24, Development Permits and Procedures.

- *** Height: Heights above fifty-five (55) feet and up to one hundred fifty (150) feet shall be reviewed subject to the requirements of Section 47-24.3, Conditional Use Permit, except that parcels abutting Andrews Ave. and Federal Hwy. shall be exempt from Conditional Use Review for height. Density in the RAC-RPO: Above thirty-five (35) du/ac and up to fifty (50) du/ac shall be reviewed.
subject to the requirements of Section 47-24.3.

;le=2; **** Setbacks/Yards of one-half building height do not apply.

;le=2;***** Height at boundary of RAC-CC district shall be one hundred fifty (150) feet; height may be increased one (1) foot for every one (1) foot of setback from the RAC-CC district boundary, for a distance of one hundred (100) feet from the RAC-CC district.

(Ord. No. C-97-19, § 1(47-13.5), 6-18-97)


Sec. 47-13.30. - Table of Dimensional Requirements for the SRAC Districts.

<table>
<thead>
<tr>
<th>REQUIREMENTS</th>
<th>SRAC-SAe &amp; SRAC-SAw</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max. Height (Note A)</td>
<td>110 ft (10 stories) max.</td>
</tr>
<tr>
<td>Min. Lot Size</td>
<td>None</td>
</tr>
<tr>
<td>Density</td>
<td>50 du/acre</td>
</tr>
<tr>
<td><strong>Primary Street</strong></td>
<td><strong>Secondary Street</strong></td>
</tr>
<tr>
<td>Front &amp; Corner Yard Build-to Line</td>
<td>0 ft max.</td>
</tr>
<tr>
<td>Side &amp; Rear Yard Setback</td>
<td>5 ft min. - 10 ft max.</td>
</tr>
<tr>
<td>When abutting existing residential zone or use</td>
<td>10 ft min.</td>
</tr>
<tr>
<td>All others</td>
<td>None</td>
</tr>
<tr>
<td>(*) Shoulder Height</td>
<td>25 ft (2 stories) min.</td>
</tr>
<tr>
<td></td>
<td>75 ft (6 stories) max.</td>
</tr>
<tr>
<td>(*) Front &amp; Corner Stepback (Note B)</td>
<td>12 ft min.</td>
</tr>
<tr>
<td>(*) Tower Design Standards</td>
<td>Floorplate Max.</td>
</tr>
<tr>
<td>Residential</td>
<td>Side/Rear Stepback</td>
</tr>
<tr>
<td>&lt;8,000 sf</td>
<td>20 ft min.</td>
</tr>
<tr>
<td>8,001 sf—10,000 sf</td>
<td>25 ft min.</td>
</tr>
<tr>
<td>10,001—12,000 sf</td>
<td>30 ft min.</td>
</tr>
<tr>
<td>Non-Residential</td>
<td>20 ft min.</td>
</tr>
<tr>
<td>&lt;16,000 sf</td>
<td>25 ft min.</td>
</tr>
<tr>
<td>16,001 sf—20,000 sf</td>
<td>30 ft min.</td>
</tr>
<tr>
<td>20,001—32,000 sf</td>
<td></td>
</tr>
</tbody>
</table>

**Note A:**

Max. Floorplate:             Min. Tower Separation:
Commercial 20,000 sf         25 ft side and rear stepback
Residential 10,000 sf        25 ft side and rear stepback

**Note B:**

Any portion of a structure over 7-stories (75-feet in height) shall meet the minimum step back requirements. Structures located on Andrews Avenue or at the corner of Andrews Avenue and any other Street are exempt from the step back requirements along those street frontages.

(*) May be modified if alternative design is found to achieve the underlying intent of the design.
Sec. 47-13.31. - SRAC special regulations applicable to all SRAC zoning districts.

A. Applicability. The following regulations shall apply to development permitted within a SRAC zoning district as shown on the List of Permitted and Conditional Uses - Section 47-13.10

B. Density. Density within the entire SRAC is limited in accordance with the number of units as provided in the adopted Comprehensive Plan.

1. Density within the entire SRAC may be increased as provided in the Comprehensive Plan.

2. Dwelling units are allocated at the time of development plan approval. Upon expiration of a development plan the allocation of dwelling units shall terminate and such units shall be made available for future development.

3. The allocation of dwelling units shall be subject to all provisions of the ULDR applicable at the time of development permit approval when the dwelling units are allocated and subject to any conditions imposed by Broward County on the approval of the land use plan amendment that permits additional dwelling units including but not limited to conditions requiring affordable housing, student station fees or any other fees required to be collected as a condition of the allocation of dwelling units.

4. The dwelling units that are allocated to the SRAC as provided in the City's Comprehensive Plan are available in accordance with the ULDR applicable at the time a development plan application is submitted on a first come, first serve basis.

5. Dwelling units shall be allocated in the SRAC land use district in accordance with regulations adopted by City for the dwelling units allocated and no development shall be permitted unless and until the City adopts a zoning regulation addressing the allocation of the dwelling units identified in the City's Plan.

C. Streetscape Regulations and Classification.

1. The purpose of the streetscape regulations is to create a safe, comfortable and visually interesting experience for the pedestrian, thereby encouraging more street level activity by creating a well landscaped street corridor defined by a consistent streetwall.

   The regulations are intended to accomplish streetscape goals by requiring or encouraging the following:

   a. Delineation of a streetwall through the limitation of space between buildings along the street.

   b. Enhancing pedestrian and vehicular safety through traffic calming measures and regulation of sidewalk width and quality as well as vehicular crossings and the location of off-site parking;

   c. Providing sufficient light and air through stepback regulations, while providing weather standard as provided in the SRAC-SA Design Standards
protection from rain and sunshine through the use of natural shade trees, canopies and awnings;

d. Sidewalks that are safe to travel by regulating the width and quality of sidewalk and vehicular crossings, and the location of off-site parking;

e. The provision of an interesting experience for pedestrian activity by locating non-residential, active uses on the first floor, principal building access to be oriented toward the street, requiring transparent glazing, architectural features or both on the first floor fronting of a building to front toward the street, and encouraging consolidated open areas along the street front along with street furniture.

f. Permitting a mix of housing, retail and business uses that will create an active urban environment.

g. Light and view to those occupying a building above the 6th floor or 75 feet by requiring stepbacks at this height.

2. **Street Classifications.** In the SRAC all streets are classified as primary or secondary. This classification is made according to various functional characteristics of the street such as width, traffic volume, and suitability for human-scale, pedestrian-friendly street life. The form of development that occurs on any given street is in part determined by the street classification. The regulations for development arising from street classifications encourage development of both sides of the street in a consistent manner.

   a. **Primary Streets**: Primary streets are characterized by active commercial and retail frontage at the ground floor, taller and more intensive buildings fronting the street, and a consistent streetwall. Primary Streets typically feature a full complement of pedestrian amenities, including wide sidewalks, on street parking, and a well-developed streetscape, which may include open space for public use. Primary Streets are the principal urban streets and are intended to be well used by vehicles and pedestrians and to be the primary transit routes. In the SRAC, the Primary streets are:

      i. South Andrew's Avenue.

      ii. Davie Boulevard.

      iii. South East 17th Street.

   b. **Secondary Streets**: Secondary streets are more residential in nature, and have smaller scale non-residential uses transitioning between the more urban areas and the existing residential and commercial neighborhoods. Secondary streets offer a combination of a mix of uses, but at less intensity and with less vehicular traffic while maintaining a pedestrian friendly environment. Secondary streets are streets other than Primary Streets listed in subsection (a) above.

3. The SRAC establishes development provisions intended to reinforce the qualities described for primary and secondary streets. For each street type, the right-of-way width and particular street section may vary depending on available space and other existing constraints.

(Ord. No. C-10-50, § 1, 1-4-11)

Sec. 47-13.46. - SRAC-SA special regulations.

A. **Applicability.** In addition to the regulations provided for development in SRAC zoning districts, the following additional regulations shall apply to all development permitted within the SRAC-SAw and SRAC-SAe zoning districts as shown on the List of Permitted and Conditional Uses, Section 47-13.10.6. As used herein, the SRAC-SA Design Standards shall refer to the Illustrations of Design Standards on file with the Department and incorporated herein as if fully set out in those sections of the ULDR that refer to the SRAC-SA Design Standards.

B. **Definitions.** For the purpose of sections 47-13.30 through 47-13.47, the following terms are defined as follows:

1. **Floorplate:** The gross square footage (GSF) for any floor of a tower. Does not include balconies that are open on three sides.
2. **Pedestal:** The portion of a building extending from the ground to the shoulder.
3. **Shoulder:** The portion of a building below the horizontal stepback between a tower and a pedestal.
4. **SRAC-SA:** The overall area comprised of both the SRAC-SAw and SRAC-SAe zoning districts.
5. **SRAC-SA Standards:** The Illustrations of Design Standards as part of the creation of the SRAC-SA zoning districts adopted as part of this ordinance on January 4, 2011 and incorporated as if fully set out herein.
6. **Stepback:** The horizontal dimension that defines the distance between the face of the tower and the face of the pedestal.
7. **Streetscape:** Exterior public space beginning at the face of a building extending into the adjacent right-of-way, which includes travel lanes for vehicles and bicycles, parking lanes for cars, and sidewalks or paths for pedestrians. Streetscape may also include, but not be limited to, landscaped medians and plantings, street trees, benches, and streetlights as well as fences, yards, porches, and awnings.
8. **Streetwall:** The building façade adjacent to the street, along or parallel to the lot-line.
9. **Story:** The complete horizontal section of a building, having one continuous or practically continuous floor.
10. **Tower:** The portion of a building extending upward from the pedestal.

C. All dimensional requirements shall be as provided in Section 47-13.30

D. A development shall be required to meet all other standards provided in the SRAC-SA Plan including but not limited to the following:

   Building orientation,
Architectural requirements,

Open Space,

Vehicular and pedestrian access,

Building materials,

Active ground floor uses,

Façade.

E. Parking Facilities.

1. Off-street parking regulations are as provided in Section 47-20, Parking and Loading Requirements, except as provided herein:

   a. SRAC-SAe and SRAC-SAw district parking and loading requirements are as provided in Table 3, Section 47-20, Parking and Loading Requirements. For residential uses, the general parking requirement shall apply. For non-residential uses, the parking and loading requirements for Transition Mixed Use Districts for the Downtown RAC shall apply.

2. Parking garage. The minimum design standards for a parking garage are:

   a. Sloped garage ramps facing public right-of-ways shall have ornamental grating or other architectural features which screen the sloped ramp from view of the right-of-way.

   b. Parked vehicles shall be screened from view from abutting public rights-of-way, excluding alleys. Screening may be provided by intervening buildings, architectural detailing such as ornamental grating, or landscaping.

   c. Pedestrian walkways shall be provided between a parking garage and any principal or accessory building it serves and to abutting public rights-of-ways and public spaces.

   d. When a parking garage is provided for a principal structure on the same plot, the design of the parking garage shall complement and contain architectural features consistent with the principal structure.

F. Landscaping. Development within the SRAC-SAe and SRAC-SAw districts shall meet the following landscape requirements:

1. VUA landscaping: Surface parking lots within the SRAC-SAe and SRAC-SAw districts shall meet the landscape requirements for vehicular use areas as provided in Section 47-21, Landscaping and Tree Preservation Requirements.

2. Location of Street Trees. The requirements for street trees, as provided herein, may be located within the public rights-of-way, as provided by the entity with jurisdiction over the abutting right-of-way.

3. All other landscape requirements in accordance with the Plan.

G. Signage.
H. Streetscape.

1. Streetscape improvements as described in the SRAC-SA Plan are required to be made as a part of a development within the SRAC-SA districts. The required streetscape improvements shall be required to be made to that portion of the right-of-way abutting the proposed development site. If a development is located on two Primary Streets or a Primary Street and a Secondary Street, street improvements shall be required to be made to both rights-of-way. These streetscape improvements may include but are not limited to the following:

   a. Street Trees.
   b. Sidewalk.
   c. Parking.
   d. Medians.
   e. Curb and gutter.
   f. Landscaping.
   g. Street furniture.
   h. Transit Stop.
   i. Traffic control devices.

2. Each applicant shall be responsible for making the streetscape improvements in accordance with the SRAC-SA Design Standards applicable to the abutting right-of-way based on the right-of-way's width and the median as described in the Plan.

   If a right-of-way is not under City of Fort Lauderdale jurisdiction and the authority with jurisdiction will not permit the improvement, or if, as determined by the City Manager, the streetscape improvement cannot reasonably be made at the time the development is constructed, the department shall estimate the cost of the streetscape improvement and the sum shall be paid by the applicant to the City to be held and earmarked for such streetscape improvement to be made in the future. If the streetscape improvement is unable to be made within 5 years of development approval, the sum shall be refunded to the applicant including interest accrued at a rate accrued on similar City funds.

3. Modification to the required streetscape improvements may be permitted based on the preservation of natural barriers, avoidance of interference with overhead lines or other obstructions as approved by the City's Landscape Planner or may be modified based on an alternative design found to achieve the underlying intent of the design standard as provided in the SRAC-SA Design Standards.

4. Applicant shall be required to execute maintenance agreement providing for the repair, replacement and maintenance of required off-site improvements in form approved by the City Engineer, to be recorded in the public records of Broward County at applicant's expense. The City
Engineer is authorized to execute said agreement on behalf of City.

I. Accessory structures.

1. Fencing. Chain-link fencing shall not be permitted abutting any Primary or Secondary street. In all other areas of the RAC, all chain-link fencing shall be black vinyl coated. Temporary fencing may be permitted pursuant to Section 47-19.5.B.

(Ord. No. C-10-50, § 1, 1-4-11)

Sec. 47-13.47. - Permit approval.

A. Review process. Except as provided in Section 47-13.30 and Section 47-24, Table 1. Development Permits and Procedures, development within the SRAC-SAe and SRAC-SAw zoning districts shall be reviewed as a Site Plan Level II permit. In addition to any other notice of consideration of an application for development permit in the SRAC-SAe and SRAC-SAw zoning districts pursuant to Section 47-27 of the ULDR, posting of a sign notice as provided in Section 47-27.4.A.3. shall be required prior to DRC review of an application for Site Plan Level II permit.

B. Criteria. An application for a development permit in the SRAC-SA zoning district shall be reviewed for compliance with the criteria applicable to the proposed development as provided in the ULDR. The development shall also be reviewed to determine whether it is consistent with the principals and standards provided in the SRAC-Plan. In the event compliance with the ULDR would not permit consistency with the SRAC-Plan, the SRAC-Plan shall govern.

C. Effect of other ULDR provisions. Unless otherwise provided in the provisions applicable to development in the SRAC-SA district, the provisions of the ULDR with general applicability to development within the City shall apply as requirements for the development of property within the SRAC-SA district and shall not be modified unless specifically provided herein.

D. Effective Date of Approval. Approval of a Site Plan Level II development within the SRAC-SA shall not be final until thirty (30) days after preliminary DRC approval and then only if no motion is approved by the City Commission seeking to review the application pursuant to the process provided in Section 47-26.A.2 of the ULDR.

E. Appeal. A denial of an SRAC-SA development application shall be to the Planning and Zoning Board pursuant to Section 47-26.B.

(Ord. No. C-10-50, § 1, 1-4-11; Ord. No. C-11-24, § 4, 9-20-11)

SECTION 47-14. - GENERAL AVIATION DISTRICTS

Sec. 47-14.1. - List of districts.
Sec. 47-14.2. - Intent and purpose of each district.
Secs. 47-14.3—47-14.9. - Reserved.
Sec. 47-14.10. - List of permitted and conditional uses, General Aviation Airport (GAA) District.
Sec. 47-14.1. - List of districts.

A. GAA - Fort Lauderdale General Aviation Airport.

B. AIP - Airport Industrial Park.

(Ord. No. C-97-19, § 1(47-14.1), 6-18-97)

Sec. 47-14.2. - Intent and purpose of each district.

A. GAA - Fort Lauderdale General Aviation Airport is intended to govern the uses that are to serve the Fort Lauderdale General Aviation Airport, and which are compatible with airport operations.

B. AIP - Airport Industrial Park is intended to permit certain types of industrial, manufacturing and distribution uses that are often found in close proximity to general aviation airports, and to prohibit certain types of uses which may adversely impact the operation of the Fort Lauderdale General Aviation Airport.

(Ord. No. C-97-19, § 1(47-14.2), 6-18-97)

Secs. 47-14.3—47-14.9. - Reserved.

Sec. 47-14.10. - List of permitted and conditional uses, General Aviation Airport (GAA) District.


<table>
<thead>
<tr>
<th>A</th>
<th>PERMITTED USES</th>
<th>B.</th>
<th>CONDITIONAL USES:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>See Sec. 47-24.3</td>
</tr>
<tr>
<td>Aeronautical/Aircraft/Aviation</td>
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<td></td>
</tr>
<tr>
<td>------------------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Heliport, Helistop, see Sec. 47-18.14</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Aircraft</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
ARTICLE XV. - ANNEXED AREAS

SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD
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SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

Display

Petroleum Sales, exclusively for aircraft
### Section 47.39 - Development Regulations for Annexed Areas

**Section 47.39.A - Melrose Park and Riverland Road**

<table>
<thead>
<tr>
<th>2</th>
<th>Automotive</th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>Automotive Rental Leasing</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3</th>
<th>Lodging</th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>Hotel &amp; Motel</td>
</tr>
</tbody>
</table>
ARTICLE XV. - ANNEXED AREAS

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4. Research and Development
UNIFIED LAND DEVELOPMENT REGULATIONS
Chapter 47 - UNIFIED LAND DEVELOPMENT REGULATIONS
ARTICLE XV. - ANNEXED AREAS
SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD
### Services/Office Uses

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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<tbody>
<tr>
<td>a.</td>
<td>Professional and Administrative Office.</td>
</tr>
<tr>
<td></td>
<td>Indoor Firearms Range, see Sec. 47-18.18</td>
</tr>
</tbody>
</table>
### Wholesale Operations

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>a.</strong></td>
<td>Regional Wholesale and Industrial Distribution Centers (no retail Sales or Outlets) with minimum requirement of a structure of no less than ten thousand (10,000) sq. ft. on any approved land parcel.</td>
</tr>
</tbody>
</table>

### Accessory Uses, Buildings and Structures (See also Section 47-19.)

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>a.</strong></td>
<td>Fuel Pumps when Accessory to Automotive Repair</td>
</tr>
</tbody>
</table>
ARTICLE XV. - ANNEXED AREAS

SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
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ARTICLE XV. - ANNEXED AREAS

SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

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Sec. 47-14.11. - List of permitted and conditional uses, Airport Industrial Park (AIP) District.

District Categories—Aeronautical/Aircraft/Aviation, Food and Beverage, Lodging, Manufacturing, Research and Development, Services/Office Uses, Wholesale Operations, and Accessory Uses, Buildings and Structures.

<table>
<thead>
<tr>
<th>A. PERMITTED USES</th>
<th>B. CONDITIONAL USES:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Aeronautical/Aircraft/Aviation</td>
<td>See Sec. 47-24.3</td>
</tr>
<tr>
<td>a. Aircraft and Aviation</td>
<td>Heliport, Helistop, see Sec. 47-18.14</td>
</tr>
</tbody>
</table>
UNIFIED LAND DEVELOPMENT REGULATIONS
Chapter 47 - UNIFIED LAND DEVELOPMENT REGULATIONS
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SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

Manufacture of Components, Parts and Accessories.

b. A

<table>
<thead>
<tr>
<th>Manufacture of Components, Parts and Accessories.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>b. A</td>
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</tbody>
</table>

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omotive Service Station, only on sites so designa...
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SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD
**Executive Airport**

2. **Food and Beverage**

   a. **Restaurants**, see **Limitations**
<table>
<thead>
<tr>
<th>Permitted and Conditional Uses, Sec. 47-14-20</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Lodging</td>
</tr>
<tr>
<td>Section</td>
</tr>
<tr>
<td>---------</td>
</tr>
<tr>
<td>47.39.A</td>
</tr>
</tbody>
</table>
### 47-39.A. MELROSE PARK AND RIVERLAND ROAD

<p>| | |</p>
<table>
<thead>
<tr>
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</thead>
</table>
| a | Manufacturing
|   |   |
| b | Boats
|   |   |
| c | Cabinets
|   | Canvas Products

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ARTICLE XV. - ANNEXED AREAS

SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

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SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD
<table>
<thead>
<tr>
<th>Research and Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
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<td>a.</td>
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# Services/Office Uses

<p>| | |</p>
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<thead>
<tr>
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<tbody>
<tr>
<td>a.</td>
<td>Professional and Administrative Offices.</td>
</tr>
<tr>
<td>b.</td>
<td>Indoor Firearms Range, see Sec. 47-18.18.</td>
</tr>
<tr>
<td>a.</td>
<td>Vocational Schools.</td>
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</tbody>
</table>

# Wholesale Operations

<p>| | |</p>
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<tbody>
<tr>
<td>a.</td>
<td>Regional Wholesale</td>
</tr>
</tbody>
</table>

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ANNEXED AREAS

SECTION 47.39.
DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

MELROSE PARK AND RIVERLAND ROAD

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The structure of no less than ten thousand (10,000) sq.
8. **Accessory Uses, Buildings and Structures** (See also Section 47-19.)

a. **Electroplating**
UNIFIED LAND DEVELOPMENT REGULATIONS
Chapter 47 - UNIFIED LAND DEVELOPMENT REGULATIONS
ARTICLE XV. - ANNEXED AREAS
SECTION 47.39 - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47.39A. - MELROSE PARK AND RIVERLAND ROAD
<table>
<thead>
<tr>
<th>Section 47-39.A.</th>
<th>MELROSE PARK AND RIVERLAND ROAD</th>
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<tbody>
<tr>
<td>c. Hotel Accessory Uses - must be completely confined</td>
<td></td>
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</tbody>
</table>

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<table>
<thead>
<tr>
<th>Section 47-39.A.</th>
<th>MELROSE PARK AND RIVERLAND ROAD</th>
</tr>
</thead>
</table>

(Ord. No. C-97-19, § 1(47-14.3), 6-18-97)

Sec. 47-14.20. - Limitations on permitted and conditional uses.

A. The following use limitations shall apply to those uses permitted within the AIP district by the List of Permitted and Conditional Uses, Sec. 47-14.10, as specified below:

1. No manufacturing permitted in the AIP district shall involve a boiling process.

2. Restaurants are permitted in the AIP district, only in conjunction with and lying within development consisting of a minimum of five hundred thousand (500,000) square feet of improved land held under one (1) ownership, provided, however, that the sale or dispensing of preparing food or beverages by the glass for consumption off premises is prohibited. For the purpose of this section, a freestanding restaurant means a restaurant which provides waiter or waitress table side service, printed menus from which selections are made by patrons, and silverware, glassware and chinaware for dining use. Restaurants are permitted in the GAA district only when accessory to hotels and fixed based operations.

3. All raw materials and supplies, finished or semifinished products, shall be stored in a completely enclosed building, or shall be enclosed by a solid masonry wall of such height as to completely shield such material from view.

B. The following use limitations shall apply to those uses permitted within the GAA district by the List of Permitted and Conditional Uses, Sec. 47-14.10, as specified below:

1. No advertising in conjunction with fuel pumps shall be permitted in conjunction with this accessory use.

2. All uses shall be completely confined in an enclosed building except for outdoor storage of aircraft. The aircraft shall have the appearance of being whole.

3. Simple repair work, such as replacing propellers, wheels and tires, et cetera, shall be permitted.

4. Aircraft undergoing extensive overhaul, where major assembly or disassembly is necessary, shall be stored in an enclosed structure, or within a fenced area that will substantially hide the aircraft from view.

(Ord. No. C-97-19, § 1(47-14.4), 6-18-97)

Sec. 47-14.21. - Dimensional requirements for GAA and AIP districts.

A. Height. No building or structure shall exceed the height limits specified by the Federal Aviation Agency Regulation No. FAR Part 77.

B. Plot size. There shall be no minimum plot size for the GAA and AIP districts.

C. Setback/yards. A minimum yard as herein specified shall be provided in the GAA and AIP districts:

1. The following yards shall apply to the GAA district:

   a. No building or structure within the GAA district shall be placed closer than fifty (50) feet
from the one hundred (100) foot easement retained by the city north of Commercial Boulevard. The entire fifty (50) feet may be used for landscaping, automobile parking, and identification signs only, and not for any form of display or storage.

b. N.W. 62nd St. (south side) shall have a one hundred (100) foot building line setback.

c. Where a property line of an adjacent lot or parcel has a common boundary with land reserved for the runway system of the airport, the building setback line for such lot or parcel will be determined by the current transitional slope of Federal Aviation Administration Regulation No. FAR Part 77 as now existing or may hereafter be set.

d. Location of yards, setbacks and landscaping on all other GAA zoned land shall be governed by the Federal Aviation Administration and the city commission after review by the site plan review committee.

2. The following yards shall apply to the AIP district:

   a. No building or structure within the AIP district shall be placed closer to the abutting right-of-way of the following named streets or avenues than hereinafter noted:

<table>
<thead>
<tr>
<th>Street Details</th>
<th>Yard</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>N.W. 50th St. (Commercial Blvd. from N.W. 15th Ave. to Prospect Rd.) south side</td>
<td>100 ft.</td>
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<tr>
<td>N.W. 50th St. (Commercial Blvd. from N.W. 21st Ave. to Prospect Rd.) north</td>
<td>75 ft.</td>
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<tr>
<td>Side</td>
<td>Distance</td>
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<tr>
<td>N.W. 53rd St.</td>
<td>75 ft.</td>
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<tr>
<td>N.W. 62nd St.</td>
<td>100 ft.</td>
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<tr>
<td>N.W. 64th St.</td>
<td>50 ft.</td>
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<tr>
<td>N.W. 65th St.</td>
<td>75 ft.</td>
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<tr>
<td>N.W. 9th Ave. (Powe rline Road)</td>
<td>100 ft.</td>
<td></td>
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<tr>
<td>N.W. 12th Ave. (North of Commercial Blvd.)</td>
<td>50 ft.</td>
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<tr>
<td>N.W. 15th Ave. (North of N.W. 62nd St.)</td>
<td>50 ft.</td>
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<tr>
<td>N.W. 15th Ave. (South of N.W. 50th St.)</td>
<td>75 ft.</td>
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<tr>
<td>N.W. 21st Ave. (North of</td>
<td>50 ft.</td>
<td></td>
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</table>
### Section 47-39.A - Melrose Park and Riverland Road

<table>
<thead>
<tr>
<th>Address</th>
<th>Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>N.W. 62nd St.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>N.W. 23rd Ave.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>N.W. 44th St. (Prospect Rd.)</td>
<td>50 ft.</td>
</tr>
<tr>
<td>N.W. 49th St.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>N.W. 21st Ave. (South of N.W. 50th St.)</td>
<td>75 ft.</td>
</tr>
<tr>
<td>N.W. 21st Ave. (North of N.W. 50th St.) west side</td>
<td>75 ft.</td>
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</tbody>
</table>

b. On any street not named in the above list, the required setback in the AIP district shall be forty (40) feet.

c. **Adjacent property.** All buildings and structures within the AIP district shall be located not less than thirty (30) feet from any side, rear, or adjacent property line or the right-of-way line of any secondary abutting street.

(Ord. No. C-97-19, § 1(47-14.5), 6-18-97)

**Secs. 47-14.22—47-14.29. - Reserved.**

**Sec. 47-14.30. - Minimum design standards.**

A. **Fences and walls.**
1. Fences and walls located in the GAA and AIP districts and not otherwise required in accordance with the city’s bufferyard regulations, shall be constructed of concrete, masonry or metal according to the requirements of Sec. 47-19.5, Fences, Walls and Hedges. In AIP metal fences shall be of the open-weave chain link type. In GAA and AIP, whenever an open-weave chain link fence is constructed there shall be an abutting hedge that will screen the fence from the street abutting the property.

2. Fences and walls shall not exceed ten (10) feet in height.

3. Fences and walls shall not be located within the required setback on any street.

4. Barbed wire may be on brackets for the top one-quarter of a fence or wall within the maximum height allowed. Barbed wire fencing shall comply with the provisions of Sec. 47-19.5, Fences, Walls and Hedges.

5. A fence or landscaping barrier may be constructed in the required setback area from any street, provided that the height of any such fence shall not exceed three (3) feet as measured in accordance with Section 47-2.2.G.2, Measurements.

6. It is the intent of this provision that any such barrier in the form of fences, berms, hedges, trees, reflecting pools or any combination thereof, be integrated as part of the landscaping plan for the total parcel and in no way detract from open space effect required by the applicable provisions of the district.

B. Lighting, light pole standards, electrical wiring requirements for the GAA and AIP districts.

1. **Lighting.** All lighting (parking lots, streets, et cetera) shall be so installed as to prevent any nuisance to adjoining residential property, adjoining fixed base operations and to aircraft in flight.

2. **Light standards.** All light poles shall be constructed of masonry or metal. No wooden light poles shall be permitted.

3. **Electrical wiring.** Electrical wiring shall be placed underground. No exposed electrical overhead wires shall be permitted.

C. Parking and loading requirements. Parking and loading requirements shall be in accordance with the requirements of Section 47-20

D. Sign regulations.

1. Signs shall be regulated in the GAA and AIP districts in accordance with Section 47-22, Sign Requirements.

2. **Ground signs.** Within the AIP district there shall be no identification signs other than a single one (1) facing a public street announcing the name and/or insignia of the business building on the same lot or plot or the business site. Such sign shall not exceed one hundred twenty (120) square feet in area, nor shall it extend more than five (5) feet above finished street level. One (1) additional identification sign may be attached to the main structure to announce the name and/or insignia of the industry. This provision shall not be interpreted to allow signs painted directly on the wall, but are to be constructed with, or constructed and placed on the structure. Such sign shall not extend above the roof level nor exceed one percent (1%) of the wall space upon which it is
placed, but in no event shall such sign be greater than sixty (60) square feet in size. Signs shall not be illuminated by exposed tubes, bulbs or similar light sources, nor may they be of the flashing, rotating, or animated type. Signs may, however, be illuminated by shielded spotlighting.


**Sec. 47-14.31. - Additional requirements.**

Dimensional requirements for the GAA and AIP districts may be subject to additional regulations, see Section 47-23, Specific Location Requirements, and Section 47-25, Development Review Criteria.

(Ord. No. C-97-19, § 1(47-14.7), 6-18-97)

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**SECTION 47-15. - PORT EVERGLADES DEVELOPMENT DISTRICT**

- Sec. 47-15.1. - List of districts.
- Sec. 47-15.2. - Intent and purpose.
- Secs. 47-15.3—47-15.9. - Reserved.
- Sec. 47-15.10. - List of permitted and conditional uses, Port Everglades Development District (PEDD).
- Sec. 47-15.20. - Limitations on permitted and conditional uses.
- Sec. 47-15.21. - Table of dimensional requirements for the PEDD District.
- Sec. 47-15.22. - Required off-street parking and loading.
- Sec. 47-15.23. - Sign restrictions.
- Sec. 47-15.24. - Landscaping requirements.
- Sec. 47-15.25. - Subdivision review requirements.
- Sec. 47-15.26. - Site plan review exemption.
- Sec. 47-15.27. - Variance.
- Sec. 47-15.28. - Building permits.
- Sec. 47-15.29. - Amendment of text or application of district.

**Sec. 47-15.1. - List of districts.**

PEDD - Port Everglades Development District.

(Ord. No. C-97-19, § 1(47-15.1), 6-18-97)

**Sec. 47-15.2. - Intent and purpose.**

*PEDD - Port Everglades Development District* is intended to provide for and encourage appropriate and consistent land use patterns where applied within the jurisdictional boundaries of Port Everglades, irrespective of whether the land being regulated lies within the municipal boundaries of the cities of Hollywood, Fort Lauderdale or Dania or within the unincorporated territory of the county. The uses and standards allowed within this district recognize the need to accommodate the use of the lands within Port Everglades which is a major regional facility essential to the continued economic vitality of the cities and the county. It is anticipated that the intent of the district will be accomplished by concurrent adoption of the regulations by three (3) cities and the county.
Secs. 47-15.3—47-15.9. - Reserved.

Sec. 47-15.10. - List of permitted and conditional uses, Port Everglades Development District (PEDD).

District Categories—PEDD Uses, and Accessory Uses, Buildings and Structures.

<table>
<thead>
<tr>
<th>A.</th>
<th>PERMITTED USES</th>
<th>B.</th>
<th>CONDITIONAL USES:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>PEDD Uses</td>
<td></td>
<td>See Sec. 47-24.3</td>
</tr>
</tbody>
</table>

a. Assembly of products from prefabricated parts.
b. Automotive Rental Agency.
c. Automotive Service Station.
d. Financial Institution.
e. Government Facility.
g. Marine Cargo Handling.
h. Marine Related Educational Facility.
i. Marina; Full Service, and Shipyards.
j. Office.
k. Parking Garage.
l. Passenger Terminal.
m. Petroleum Processing Transmission and Storage.
n. Railroad and Truck Terminal.
o. Recreational Facilities.
p. Restaurants.
q. Ship Berthing.
r. Ship Building and Repair.
s. Utilities, gas, electric and solid waste disposal.
t. Warehouse Facility.
u. Wholesale Sales.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Art Galleries, Libraries, Museums and similar facilities.</td>
<td>b. Convention or Conference Facility.</td>
</tr>
<tr>
<td>e. Industries not including hazardous or nauseous substances, materials or processes.</td>
<td></td>
</tr>
</tbody>
</table>

2. **Accessory Uses, Buildings and Structures** (See also Section 47-19.)


(Ord. No. C-97-19, § 1(47-15.3), 6-18-97)

**Secs. 47-15.11—47-15.19. - Reserved.**

**Sec. 47-15.20. - Limitations on permitted and conditional uses.**

A. Whenever application is made for a building permit to erect any building or improvement upon any site in the PEDD district wherein the premises may be or are contemplated to be used for industries or uses involving any processes, substances or mixture of substances which is toxic, corrosive, an irritant, a strong sensitizer, or which generates pressure through decomposition, heat or other means, if such substances or mixture of substances may cause substantial personal injury or substantial illness during, or as a proximate result of, any customary or reasonably foreseeable handling or use, or which is identified as hazardous by state or federal legislation, the building inspector shall not issue such building permit until the use of such site for such purpose has been approved by resolution of the city commission, after written report by the city and Port fire departments and any other governmental agency having jurisdiction. In determining whether to approve such use, the city commission shall consider its compatibility with other uses in the vicinity and the potentially harmful or dangerous effects of such use on persons and property.

B. The process for review of uses permitted in this section are limited to the provisions of this section.

C. The following criteria shall be required, and the city commission must make findings in connection with the approval of a conditional use as follows:

1. That the land upon which the use is proposed is not necessary for future industrial uses.
2. That the proposal will not adversely affect the future use of surrounding industrially designated lands for industry.
ARTICLE XV. ANNEXED AREAS

SECTION 47-39. DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

SECTION 47-39.A. MELROSE PARK AND RIVERLAND ROAD

3. That the proposal is designed in such a manner as to preserve, perpetuate and improve the natural environmental character of the proposed site and surrounding area.

4. That the regional transportation system will have capacity to serve the proposed development at or above service level “D.”

These criteria shall replace those provided in Sec. 47-24.3 for a conditional use permit.

(Ord. No. C-97-19, § 1(47-15.4), 6-18-97)

Sec. 47-15.21. - Table of dimensional requirements for the PEDD District.

<table>
<thead>
<tr>
<th>District</th>
<th>PEDD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Height</td>
<td>none*</td>
</tr>
<tr>
<td>Minimum Lot Size</td>
<td>none</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>none</td>
</tr>
<tr>
<td>Minimum Front Yard</td>
<td>none**</td>
</tr>
<tr>
<td>Minimum Corner Yard</td>
<td>none**</td>
</tr>
<tr>
<td>Minimum Side Yard</td>
<td>none**</td>
</tr>
<tr>
<td>Minimum Rear Yard</td>
<td>none**</td>
</tr>
</tbody>
</table>

NOTES:

* No building or structure shall exceed a height prescribed by the Federal Aviation Administration

** Except that there shall be a fifteen (15) foot wide landscaped area on side of parcel contiguous to residentially zoned property.

(Ord. No. C-97-19, § 1(47-15.5), 6-18-97)

Sec. 47-15.22. - Required off-street parking and loading.

A. Off-street parking shall be provided as follows:

1. Educational facility—One (1) space for every two hundred (200) square feet of gross floor area.

2. Hotels and motels—One (1) space for every unit.

3. Manufacturing—One (1) space for every four hundred (400) square feet of gross floor area.

4. Shipyards—in addition to spaces required for buildings within the yard, ten (10) spaces for each ship berth in excess of three hundred (300) feet in length or for each dry dock.

5. Marinas—One (1) space for every boat slip, except for dry marinas where the requirements shall be one (1) space for every one thousand (1,000) square feet of gross floor area of stowage structure.
6. Museums, art galleries, libraries—One (1) space for every two hundred (200) square feet of gross floor area.

7. Offices—One (1) space for every two hundred (200) square feet of gross floor area.

8. Places of public assembly—One (1) space for every four (4) seats or for every sixty (60) square feet of net floor area available to the public, whichever is greater.

9. Restaurant—One (1) space for every fifty (50) square feet of net floor area available for seating.

10. Retail sales—One (1) space for each two hundred (200) square feet of gross floor area.

11. Warehouses—One (1) space for every one thousand (1,000) square feet of gross floor area.

12. Freezer warehouses—One (1) space for each five thousand (5,000) square feet of gross floor area.

13. Wholesale sales—One (1) space for every one thousand (1,000) square feet of gross floor area.

14. Convention and conference facilities—Exhibit halls: one (1) space for every two hundred fifty (250) square feet of gross floor area; meeting rooms: one (1) space for every one hundred (100) square feet of gross floor area; ballrooms: one (1) space for every one hundred (100) square feet of gross floor area.

15. Uses not specifically listed—The requirements for off-street parking for any uses not specifically listed above shall be the same as provided in this section for the use most similar to the one sought.

16. Mixed uses—In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirement of the various uses computed separately, except where specific requirements are stipulated in this article. Off-street parking spaces for one (1) use shall not be considered as providing the required off-street parking for any other use.

17. Handicapped parking—Parking spaces for the handicapped shall be provided as required by state and county regulations and the Florida Building Code.

B. Required loading spaces.

1. On the same plot with every structure or use hereafter erected or created, there shall be provided and maintained adequate space for loading and unloading of materials, goods or things and for delivery and shipping, so that vehicles for these services may use this space without encroaching on or interfering with the public use of streets and alleys by pedestrians and vehicles.

2. Where any structure is enlarged or any use is extended so that the size of the resulting occupancy comes within the scope of this section, the full amount of off-street loading space shall be supplied and maintained for the structure or use in its enlarged or extended size. Where the use of a structure or land or a part thereof is changed to a use requiring off-street loading space under this section, the full amount of off-street loading space shall be supplied and maintained to comply with this section.
3. For the purposes of this section, an off-street loading space shall be an area at the grade level at least ten (10) feet wide by twenty-five (25) feet long with fourteen-foot vertical clearance. Each off-street loading space shall be directly accessible from a street or alley without crossing or entering any other required off-street loading space, and arranged for convenient and safe ingress and egress by motor truck and trailer combination. Such loading space shall also be accessible from the interior of any building it is intended to serve.

4. Off-street loading spaces shall be provided and maintained in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Interior Space</th>
<th>Number of Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over 10,000 square feet</td>
<td>1 space</td>
</tr>
<tr>
<td>to but not over 25,000</td>
<td></td>
</tr>
<tr>
<td>square feet</td>
<td></td>
</tr>
<tr>
<td>Over 25,000 square feet</td>
<td>2 spaces</td>
</tr>
<tr>
<td>to but not over 60,000</td>
<td></td>
</tr>
<tr>
<td>square feet</td>
<td></td>
</tr>
<tr>
<td>Over 60,000 square feet</td>
<td>3 spaces</td>
</tr>
<tr>
<td>to but not over 120,000</td>
<td></td>
</tr>
<tr>
<td>square feet</td>
<td></td>
</tr>
<tr>
<td>Over 120,000 square feet</td>
<td>4 spaces</td>
</tr>
<tr>
<td>to but not over 200,000</td>
<td></td>
</tr>
<tr>
<td>square feet</td>
<td></td>
</tr>
<tr>
<td>Over 200,000 square feet</td>
<td>5 spaces</td>
</tr>
<tr>
<td>to but not over 290,000</td>
<td></td>
</tr>
<tr>
<td>square feet</td>
<td></td>
</tr>
<tr>
<td>Plus, for each additional</td>
<td>1 space</td>
</tr>
<tr>
<td>90,000 square feet over</td>
<td></td>
</tr>
<tr>
<td>290,000 square feet or</td>
<td></td>
</tr>
<tr>
<td>major fraction thereof</td>
<td></td>
</tr>
</tbody>
</table>

For each auditorium, convention hall, exhibition hall, museum, hotel, office building, sports arena, stadium, hospital, sanitarium, welfare institution or similar use which has an aggregate gross floor area of:

<table>
<thead>
<tr>
<th>Aggregate Gross Floor Area</th>
<th>Number of Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over 20,000 square feet</td>
<td>1 space</td>
</tr>
<tr>
<td>to but not over 40,000</td>
<td></td>
</tr>
<tr>
<td>square feet</td>
<td></td>
</tr>
<tr>
<td>Plus for each additional</td>
<td>1 space</td>
</tr>
<tr>
<td>60,000 square feet over</td>
<td></td>
</tr>
<tr>
<td>40,000 square feet or</td>
<td></td>
</tr>
<tr>
<td>major fraction thereof</td>
<td></td>
</tr>
</tbody>
</table>

For any use not specifically mentioned this section, the requirements for off-street loading for a use which is so mentioned and to which the unmentioned use is similar shall apply.

5. Off-street loading facilities supplied to meet the needs of one (1) use shall not be considered as meeting off-street loading needs of any other use.

6. No area or facilities supplied to meet the required off-street parking facilities for a use shall be utilized or be deemed to meet the requirements of this section for off-street loading facilities.

7. Nothing in this section shall prevent the collective, joint or combined provision of off-street loading facilities for two (2) or more buildings or uses, provided that such off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are so located and arranged as to be usable thereby.

8. Plans for buildings or uses requiring off-street loading facilities under the provisions of this section shall clearly indicate the location, dimensions, clearance and access of all such required off-street loading facilities.

(Ord. No. C-97-19, § 1(47-15.6), 6-18-97; Ord. No. C-03-23, § 2, 7-1-03)
Sec. 47-15.23. - Sign restrictions.

All signs must comply with the standards set forth in Table 1.

**TABLE 1. GENERAL COMMERCIAL AND INDUSTRIAL SIGNS**

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Type</th>
<th>Maximum Area</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Temporary construction and/or temporary announcing</td>
<td>1 freestanding or flat wall</td>
<td>32 square feet aggregate</td>
<td>8 feet</td>
</tr>
<tr>
<td>Temporary real estate</td>
<td>1 freestanding or flat wall</td>
<td>32 square feet aggregate</td>
<td>8 feet</td>
</tr>
<tr>
<td>Occupant identification</td>
<td>1 freestanding or flat wall or leaf on window or door and 1 awning canopy</td>
<td>6 square feet aggregate; 15 square feet aggregate, 8 inches maximum height for letters of copy</td>
<td>5 feet</td>
</tr>
<tr>
<td>Directional or informational</td>
<td>Any type, 2 per street access maximum</td>
<td>12 square feet aggregate each sign</td>
<td>4 feet</td>
</tr>
<tr>
<td>Credit card</td>
<td>Identification on windows and doors</td>
<td>2 square feet per sign, 8 square feet aggregate</td>
<td>N/A</td>
</tr>
<tr>
<td>Temporary window</td>
<td>1 on each window</td>
<td>10% of window; 10 square feet maximum; 50 square feet maximum aggregate</td>
<td>N/A</td>
</tr>
<tr>
<td>Any two of the following (three total if more than one street frontage):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Painted wall</td>
<td>15% of front wall or 10% of corner street wall; 200 square feet maximum</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Primary advertising signs</td>
<td>Flat wall</td>
<td>15% of front wall or 10% of corner street wall; 200 square feet maximum</td>
<td>N/A</td>
</tr>
<tr>
<td>Projecting</td>
<td>64 square feet aggregate projecting maximum</td>
<td></td>
<td>Roofline</td>
</tr>
<tr>
<td>Freestanding (if main street frontage is 100 feet or greater)</td>
<td>1 square foot per face per 1 linear foot frontage; 64 square feet per face maximum; 2 faces maximum</td>
<td>16 feet</td>
<td></td>
</tr>
</tbody>
</table>
Sec. 47-15.24. - Landscaping requirements.

A. All parcels developed under these regulations shall provide well-maintained landscaped areas equal to ten percent (10%) of the total parcel area except those parcels used for the following purposes:

1. Marine cargo handling.
2. Ship berthing.
3. Open storage areas.
4. Shipbuilding and repair.
5. Rail and trucking terminals.

Sec. 47-15.25. - Subdivision review requirements.

Subdivision of land within this district shall be subject exclusively to Article IX, Chapter 5 of the Broward County Code of Ordinances with local review as required in Chapter 5 thereof. Subdivision regulations of any city within which the property is located shall not apply.

Sec. 47-15.26. - Site plan review exemption.

Uses allowable within this article are exempt from the provisions of any site plan review ordinances.

Sec. 47-15.27. - Variance.

Any variance of the regulations contained within this section shall be processed pursuant to the variance procedures established within the applicable city zoning regulations.

Sec. 47-15.28. - Building permits.

Any development within this district shall be subject to the Florida Building Code, the National Electrical Code, the National Fire Protection Association 101 Life Safety Code, the Fire Prevention Code of the American Insurance Association and the Broward County Fire Code. Permits shall be obtained and inspections made by building and fire department personnel of the city or county jurisdiction within which the property being developed is located.
Sec. 47-15.29. - Amendment of text or application of district.

The provisions of the Port Everglades Development District shall control land uses within the port only when approved by the cities of Hollywood, Dania and Fort Lauderdale, and Broward County. Any subsequent proposal for amendment of the district regulations, use variance or removal of port authority property from the provisions thereof must be approved jointly by the jurisdiction within which such provisions apply, with specific notification to other jurisdictions initially adopting the regulations.

(Ord. No. C-97-19, § 1(47-15.12), 6-18-97)

SECTION 47-16. - HISTORIC PRESERVATION DISTRICT

Sec. 47-16.1. - List of districts.
Sec. 47-16.2. - Intent and purpose.
Sec. 47-16.3. - Declaration of public policy.
Sec. 47-16.4. - Applicability.
Sec. 47-16.5. - Building regulations.
Sec. 47-16.6. - Certificate of appropriateness.
Secs. 47-16.7—47-16.9. - Reserved.
Sec. 47-16.10. - List of permitted uses.
Sec. 47-16.20. - Limitations on permitted uses.
Sec. 47-16.21. - Sign regulations.
Sec. 47-16.22. - Site amenity requirements.
Sec. 47-16.23. - Parking exemption.

Sec. 47-16.1. - List of districts.

H-1 - Historic Preservation.

(Ord. No. C-97-19, § 1(47-16.1), 6-18-97)

Sec. 47-16.2. - Intent and purpose.

H-1 - Historic Preservation District is intended to promote the cultural, economic, educational and general welfare of the people of the city and of the public generally, through the preservation and protection of historically worthy structures. These regulations are intended to insure a harmonious outward appearance of structures and premises, to encourage uses which will lead to their continuance, conservation and improvement in a manner appropriate to the preservation of the cultural and historic heritage of the city, to protect against destruction of or encroachment upon such area, structure or premise, to prevent creation of environmental influences adverse to such purposes, and to assure that new structures, uses and premises within historic districts will be in keeping with the character to be preserved and enhanced.

(Ord. No. C-97-19, § 1(47-16.2), 6-18-97)
Sec. 47-16.3. - Declaration of public policy.

A. It is the policy of the city that the preservation, protection, perpetuation of a historic district is a public necessity because it will have a special historic, architectural, archeological, aesthetic or cultural interest and value and thus will serve as a visible reminder of the history and heritage of the city, state and nation. The city commission hereby finds that this ordinance benefits the residents and property owners of the city and declares as a matter of public policy that this ordinance is required in the interest of the health, safety, general welfare and economic well-being of its residents.

(Ord. No. C-97-19, § 1(47-16.3), 6-18-97)

Sec. 47-16.4. - Applicability.

(Reserved)

Sec. 47-16.5. - Building regulations.

A. Building regulations shall be applicable to and commensurate with the permitted uses as specified in Sec. 47-16.10. For the purpose of this district, each building shall be identified as belonging to only one (1) of the three (3) use categories: residential, business or other.

1. Building height and length.

   a. No building in any use category shall exceed two (2) stories or twenty-five (25) feet in height.

   b. No building in any use category shall exceed one hundred (100) feet in any dimension.

2. Building site.

   a. Residential uses. Every building erected, relocated, structurally altered or converted for residential use shall provide a minimum lot size of five thousand (5,000) square feet and fifty (50) foot in width. The maximum number of dwelling units per net acre of plot area shall not exceed fifteen (15).

   b. Business uses. No minimum requirements for a building site area.

   c. Other uses. The historic preservation board shall determine the minimum site area by considering the use and structural bulk in relation to site area and surrounding area while providing parking, landscaping and appurtenant elements for the safety and welfare of the general public. All required or non-required parking must meet the parking requirements of Section 47-20, Parking and Loading, and is subject to the criteria and guidelines provided in Sec. 47-24.11.C.

3. Yards, lot coverage and open space. Existing buildings not conforming to required setbacks, height limits or ground coverage may be used for any permitted use but shall not be enlarged without the approval of the historic preservation board.

   a. Residential uses shall provide yards as specified below:

      i. Front yard: twenty-five (25) feet.
ii. Corner yard: one-fourth (¼) of the lot width but not less than ten (10) feet for single family and duplex; twenty (20) feet all other residential uses.

iii. Side yard: ten (10) feet.

iv. Rear yard: twenty (20) feet.

v. Distance between buildings: ten (10) feet.

vi. Accessory buildings shall not be located in front or street side yards. Such yards may be used for refuse containers only at locations authorized by the city public services department.

b. Residential uses shall abide by lot coverage and open space as specified below:

i. Maximum percent of total nonpermeable area: sixty-five percent (65%).

c. Business uses shall provide yards as specified below:

i. Front yard: five (5) feet for any portion of the structure less than nine (9) feet in height; zero (0) feet above nine (9) feet in height.

ii. Corner yard: five (5) feet.

iii. Side yard when abutting nonresidential uses: none.

iv. Side yard abutting residential uses: ten (10) feet.

v. Rear yard when abutting nonresidential uses: none.

vi. Rear yard abutting residential uses: fifteen (15) feet.

d. Other uses shall provide yards and landscaped open space that enhance and promote the peculiar characteristics and aesthetic qualities of the site, its use and the purpose of the historic district as approved by the historic preservation board.

e. Modification of yards. The historic preservation board may reduce any of the specified yard or setback requirements provided that such modifications shall not increase the lot coverage or decrease the open space and would be in keeping with the visual continuity, character, setting and appearance of adjacent and surrounding properties.

4. Minimum floor area.

a. Residential uses shall provide minimum floor area of:

i. Single family: seven hundred fifty (750) square feet.

ii. Duplex: four hundred (400) square feet each dwelling unit.

iii. Townhouse: seven hundred fifty (750) square feet each dwelling unit.

iv. Multifamily: four hundred (400) square feet each dwelling unit.
b. Business uses: no requirements for minimum floor area.

c. Other uses: shall provide minimum floor area relative to its use and the health and safety of the public as approved by the historic preservation board.

(Ord. No. C-97-19, § 1(47-16.5), 6-18-97; Ord. No. C-99-14, § 2, 3-16-99)

Sec. 47-16.6. - Certificate of appropriateness.

A. No person shall undertake any of the following actions affecting property in an H-1 district without first obtaining a certificate of appropriateness from the historic preservation board in accordance with Sec. 47-24.11.C, Certificate of Appropriateness:

1. Alteration of an archeological site or the exterior part of a building or a structure or designated interior portion of a building or structure,

2. New construction,

3. Demolition,

4. Relocation,

5. Ordinary repairs and maintenance that are otherwise permitted by law may be undertaken without a certificate of appropriateness, provided this work on a designated landmark, a designated landmark site, or a property in a designated historic district does not alter the exterior appearance of the building, structure or archeological site, or alter elements significant to its architectural or historic integrity.

B. All provisions of Sec. 47-24.11.C, Certificate of Appropriateness, shall apply in the H-1 district.

C. After a certificate of appropriateness is issued in accordance with Sec. 47-24.11.C, Development Permits and Procedures, all other applicable permits, licenses and certificates of compliance must be obtained before any use of the land occurs.

(Ord. No. C-97-19, § 1(47-16.6), 6-18-97; Ord. No. C-99-14, § 3, 3-16-99)

Secs. 47-16.7—47-16.9. - Reserved.

Sec. 47-16.10. - List of permitted uses.

A. No buildings or structures or part thereof or items such as furniture placed outdoors, push carts, mobile or non-mobile vending machines or trolley cars placed on private property shall be erected, altered, located or used, or land or water used either in a permanent or temporary manner, in whole or in part, for other than the following uses and then only when permitted by the city plan and to the degree permitted by the city plan, the requirements of this section shall not apply to vehicles used solely for the travel purposes of the vehicle operation.

1. Residential:
   a. Single family dwelling.
   b. Two family dwelling (duplex).
2. *Business retail sales:*
   a. Antique shop.
   b. Apothecary.
   c. Apparel shop.
   d. Arts and handicraft shop.
   e. Bakery.
   f. Bicycle sales and/or repair shop.
   g. Candle shop.
   h. Candy shop.
   i. Ceramic, pottery shop.
   j. Cigar store.
   k. Delicatessen.
   l. Gasoline sales on restored premises originally designed for this purpose.
   m. Florist shop.
   n. Flower, fruit and vegetable sales.
   o. General store in character with historic district.
   p. Gift and souvenir shop.
   q. Ice cream parlor.
   r. Jewelry shop.
   s. Linens, fabrics, draperies shop.
   t. Meat and grocery shop.
   u. Millinery and modistes.
   v. Shoe shop.
   w. Silversmith.
   x. Woodcraft shop.
   y. Sale of reproduced or restored antique cars.
3. **Business services:**
   a. Barber and beauty shop.
   b. Photographic studio.
   c. Rental of unpowered boats, see Sec. 47-23.8, Waterway Uses.
   d. Shoe repair, shoe shining, hat cleaning.
   e. Tailor or dressmaking shop.
   f. Watch and jewelry repairs.
   g. Fine arts, music, dancing and dramatic schools.
   h. Interior decorator shop.

4. **Professional offices:**
   a. Financial institutions.
   b. Insurance and real estate.
   c. Legal, dental, medical, scientific, architectural, accountant and engineering office.
   d. Post office.
   e. Governmental offices.
   f. Telegraph office.

5. **Other uses:**
   a. Civic building.
   b. Dual residential/business building.
   c. Establishments licensed for sale of alcoholic beverages for consumption on premises only.
   d. Flower and vegetable gardens, greenhouses and groves.
   e. Hotels, no greater than one hundred (100) sleeping rooms, see Sec. 47-18.16, Bed and Breakfast Dwellings, see Sec. 47-18.6
   f. Tearoom or restaurant, except take-out or drive-in restaurants.
   g. Museum relating to the history, culture and character of the historic district.
   h. Park area and public park associated with passive recreational activities.
   i. Playhouse, less than three hundred (300) seats.
UNIFIED LAND DEVELOPMENT REGULATIONS
Chapter 47 - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
ARTICLE XV. - MELROSE PARK AND RIVERLAND ROAD

ARTICLE XV. - ANNEXED AREAS
SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

j. Public dock and landing wharf excluding launching, storage and overnight docking, see Sec. 47-23.8, Waterway Uses.

k. Public Purpose Use, see Sec. 47-18.26

l. Refreshment stand.

m. Uses judged similar in characteristics to any of the above by the board.

6. **Accessory uses & outdoor site furnishings:**
   
a. Sidewalk cafes. (See Sec. 47-19.9.)

b. Mobile vendors. (See Chapter 23, Article IV of Volume I of the Code.)


**Secs. 47-16.11—47-16.19. - Reserved.**

**Sec. 47-16.20. - Limitations on permitted uses.**

A. The following use limitations shall apply:

1. Retail businesses that do not enhance the flavor and character of an historic atmosphere because the large amount of floor area required for operation; examples include department stores, supermarkets, furniture stores, variety stores which shall not be permitted.

2. Retail businesses whose merchandise or bizarre atmosphere is the result of modern technology to the extent that the products do not promote or preserve an harmonious aura of historic character shall not be permitted. Examples: prohibit sale and display of modern new and used cars as opposed to that of reproduced or restored antique cars; prohibit the operation of a "head shop" as opposed to that of a general store.

3. Service establishments whose service was not performed or is not presently performed in a manner compatible with the culture and character of the historic period shall not be permitted. Examples include laundry and dry cleaning pickup agency, self-service laundry, dry cleaning establishments, service stations except restorations, travel agencies, tire and automotive repair shop except as necessary to sale of antique cars.

4. Sale, storage or display of used or secondhand merchandise except in antique shop or museum and except as reasonable antiques used to promote the sales of other merchandise or service shall not be permitted.

5. Outdoor sale or storage of goods or merchandise except in connection with permitted accessory uses shall not be permitted.

6. Package liquor stores and drive-in or take out restaurants shall not be permitted.

7. Motion picture theaters shall be prohibited.

(Ord. No. C-97-19, § 1(47-16.8), 6-18-97; Ord. No. C-99-14, § 5, 3-16-99)
UNIFIED LAND DEVELOPMENT REGULATIONS
Chapter 47 - UNIFIED LAND DEVELOPMENT REGULATIONS
ARTICLE XV. - ANNEXED AREAS
SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

Sec. 47-16.21. - Sign regulations.

A. Sign definitions. The definition of signs are those listed under Section 47-22, Sign Requirements.

B. Sign regulations.

1. The location, type, size, material, text, visual impact, shape, character, height and orientation of all signs in addition to the number and total area of signs on a given structure or at a given location shall be approved by the board. However, no more than two (2) signs, exclusive of owner identification sign, temporary real estate sign and directional, informational and safety signs, shall be permitted at each place of business or premises.

2. Except for temporary real estate and builders’ signs permitted under Section 47-22, Sign Regulations, signs may be lighted but only by external, incandescent light bulbs illuminating the text of the sign from the exterior. The intent of this subsection is to prohibit light box signs and the use of tube-light lighting.

C. No sign in whole or in part shall contain or utilize directly or indirectly neon lighting nor shall it be of the scintillating, moving, flashing, rotating or animated types. Scintillating or black lights, including animated flashing or moving signs subject to view from a public right-of-way or pedestrian mall shall not be permitted.

D. The following signs are prohibited within the historic district: Pole signs, marquee signs, banner signs, horizontal projecting signs, outdoor advertising display signs, pylon signs, sidewalk signs, sandwich signs, snipe signs (except where such are attached in any way to motor vehicles, trailers or water-borne craft and said sign does not exceed one hundred eight (108) square inches), balloons which are used for advertising and are anchored either temporarily or permanently to any structure or premise, outdoor advertising display signs or billboards and all other signs prohibited by Section 47-22, Sign Requirements.

E. Detailed requirements governing signs and advertising displays are set forth in Section 47-22, Sign Regulations; if a conflict exists, the provisions of this section shall prevail.

F. Where uncertainty exists as to any aspect of this section pertaining to signs, the decision of the board, made in accordance with the spirit, intent and purpose of this ordinance, shall prevail.

(Ord. No. C-97-19, § 1(47-16.9), 6-18-97; Ord. No. C-99-14, § 6, 3-16-99)

Sec. 47-16.22. - Site amenity requirements.

The minimum site amenities for any building or use, erected, altered, relocated, installed or maintained, shall conform to all applicable ULDR. The board shall consider the protection and separation of contiguous and nearby property and the interest of public safety and convenience; therefore, the board may specify additional requirements for the relocation of walks, malls, yards, terraces, open space, landscaping, walls, fences, hedges, parking areas, loading areas and outdoor waste disposal facilities.

(Ord. No. C-97-19, § 1(47-16.10), 6-18-97)

Sec. 47-16.23. - Parking exemption.

The H-1 district, as described in Sec. 47-20.3.E., is exempt from the ULDR’s parking & loading requirements, however, all non-required parking spaces shall meet the requirements of Section 47-20,
SECTION 47-17. - SAILBOAT BEND HISTORIC DISTRICT

Sec. 47-17.1. - List of districts.
SBHD - Sailboat Bend Historic District.

(Ord. No. C-97-19, § 1(47-17.1), 6-18-97)

Sec. 47-17.2. - Intent and purpose.

A. SBHD - Sailboat Bend Historic District is intended to provide additional guidelines for the review of an application for a certificate of appropriateness for buildings and structures within the SBHD. A study was conducted of the building materials, surfaces, textures and design of buildings and structures which exemplify the historic character of the SBHD neighborhood. From this study guidelines were developed to serve as a baseline description against which plans requiring a certificate of appropriateness pursuant to Section 47-24, Development Permits and Procedures, can be reviewed for harmony, compatibility and appropriateness. The study which is the basis for these guidelines is entitled the Sailboat Bend Historic District Study ("Study"). The material and design guidelines developed as a result of this study are provided in Sec. 47-17.7.

1. The purpose of the guidelines is to identify a range of material and design options which will encourage development compatible with the historic character of the SBHD and discourage introduction of incompatible features. The intent of the material and design guidelines is not to require particular architectural features or dictate architectural style. Contemporary designs and materials may be permitted if used in a manner compatible with the sense of the past that is being preserved. Economic feasibility and durability of proposed improvements, along with visual harmony, are primary concerns.

2. In addition to the review of materials and design of buildings and structures within the SBHD, the study includes a review of existing yard requirements. It was found that in the RS-8 and RML-25 zones, existing yards of historically significant buildings differed from the yard requirements presently required in RS-8 and RML-25 zoned districts as provided by the ULDR. The purpose of the provisions allowing a reduction in yard requirements for buildings and structures in the SBHD, in RS-8 and RML-25 zoned districts and other residential districts when

Parking and Loading Requirements, and is subject to the criteria and guidelines provided in Sec. 47-24.11.C.

(Ord. No. C-99-14, § 7, 3-16-99)
used for a use permitted in an RS-8 or RML-25 zoning district, is to promote construction which is compatible with the historic character of the district.

(Ord. No. C-97-19, § 1(47-17.2), 6-18-97; Ord. No. C-99-14, § 8, 3-16-99)

Sec. 47-17.3. - Applicability.

All provisions of Section 47-24, Development Permits and Procedures, shall be applicable to the SBHD except to the extent that such provisions are modified by this section.

(Ord. No. C-97-19, § 1(47-17.3), 6-18-97)

Sec. 47-17.4. - Application for alterations or new construction.

A. The provisions of Sec. 47-24.11.C as they apply to an application for alteration or new construction of structures or buildings located in the SBHD shall be revised as follows:

1. An application for a certificate of appropriateness for alteration or new construction shall be reviewed by the department. If such application meets the criteria provided in Sec. 47-24.11.C and the material and design guidelines as provided in Sec. 47-17.7, the department may approve the application. If the department determines that the application does not meet existing guidelines provided in Sec. 47-24.11.C, Certificate of Appropriateness; and the material and design guidelines, the application shall be submitted and reviewed by the historic preservation board as a new application for a certificate of appropriateness in accordance with the provisions of Sec. 47-24.11.C, but no additional fee will be required.

2. No certificate of appropriateness for alteration or new construction granted by the department shall be effective for a period of fifteen (15) days subsequent to the department’s decision. The department shall, within five (5) days after its grant of a certificate of appropriateness, advise the members of the historic preservation board and city commission of its decision. If during that fifteen (15) day period the historic preservation board or city commission wishes the application to be reviewed, the decision of the department shall automatically be stayed and the application shall be reviewed by the historic preservation board as a new application for a certificate of appropriateness in accordance with the procedures provided in Sec. 47-24.11.C, Certificate of Appropriateness, but no additional fee will be required.

(Ord. No. C-97-19, § 1(47-17.4), 6-18-97; Ord. No. C-99-14, § 9, 3-16-99)

Sec. 47-17.5. - Application for yard and minimum distance separation reduction.

A. Yards. The historic preservation board may authorize a reduction in yards and minimum distance separation requirements for residences located in RS-8, RML-25 and other residential zoning districts located within the SBHD when the historic preservation board finds a reduction in yards does not interfere with the light, air and view of adjacent properties and:

1. Reducing the required yard is compatible with the yards or abutting properties, and yards across from the yard proposed for reduction;

2. The yards proposed to be reduced are consistent with the yards existing in connection with contributing structures in SBHD; or

3. A reduction in the required yard is necessary to preserve a structural or landscaping feature
found by the historic preservation board to contribute to the historical character of the SBHD; or

4. In other residential zoning districts within the SBHD, the board may authorize yard reductions subject to criteria in subsections A.1 through 3 if the proposed use and dimensions of a development are the same as those permitted in RS-8 and RML-25 zoning districts. Once a yard reduction or minimum distance separation requirement is approved, uses and structures in these zoning districts may not be altered without the issuance of a certificate of appropriateness.

B. Reduction of yards may be permitted as follows:

1. RS-8 zoning district. Principal residential structures: Front yard: fifteen (15) feet.

2. RML-25 zoning district. Principal residential structures: Front yard: fifteen (15) feet, side yard: five (5) feet, rear yard: fifteen (15) feet.


4. Minimum distance between principal residential and accessory structures: five (5) feet, unless otherwise required by the Florida Building Code.

5. In other residential districts, when the use and dimensions meet the requirements of subsection A.4, the yards may be reduced to the dimensions provided in subsections B.1 through 4.

C. An application for a reduction in yard requirements shall be made to the historic preservation board in the same manner, subject to the same procedures as an application for a certificate of appropriateness as provided in Sec. 47-24.11.C.

(Ord. No. C-97-19, § 1(47-17.5), 6-18-97; Ord. No. C-99-14, § 10, 3-16-99; Ord. No. C-03-23, § 2, 7-1-03)

Sec. 47-17.6. - Alterations to nonconforming structures.

A. Notwithstanding the provisions of Section 47-3, Nonconforming Uses, Structures and Lots, alterations to non-conforming structures which exceed fifty percent (50%) of the replacement value of the structure may be permitted by the historic preservation board if it is found that:

1. Present exterior elevations and material types are maintained; or

2. Present exterior elevations and material types are proposed to be changed in accordance with the SBHD material and design guidelines as provided in Sec. 47-17.7

B. An application for alterations which exceed fifty percent (50%) of the replacement value of the property shall be made to the historic preservation board in the same manner, and subject to the same procedures as an application for a certificate of appropriateness as provided in Sec. 47-24.11.C.

(Ord. No. C-97-19, § 1(47-17.6), 6-18-97)

Sec. 47-17.7. - Material and design guidelines.

A. Applicability. The SBHD material and design guidelines shall be read in conjunction with the existing guidelines provided in this section and shall be utilized as additional criteria for the
consideration of an application for a certificate of appropriateness for the following:

1. *New construction*. The material and design guidelines shall be used to determine if the new construction is compatible with buildings which were built prior to 1940 and which exhibit the historic character and features of the district as identified in the SBHD study.

2. *Alteration*. The material and design guidelines shall be used in identifying existing features of the original structure and encourage restoration in line with these features and to encourage inclusion of historical features when compatible with the character of the original structure.

3. *Relocation*. The material and design guidelines shall be used to insure that buildings moved to sites within the district are compatible with the surrounding buildings and are suitably situated on the lot.

4. *Demolition*. The material and design guidelines shall be used to identify existing features of a structure which conform to the guidelines and determine the feasibility of alternatives to the demolition of a structure.

B. *Materials and designs.*

   
   a. *Materials and finish.*
      
      i. Stucco: float finish, smooth or coarse, machine spray, dashed or trowled.
      
      ii. Wood: clapboard, three and one-half (3½) inches to seven (7) inches to the weather; shingles, seven (7) inches to the weather; board and batten, eight (8) inches to twelve (12) inches; shiplap siding smooth face, four (4) inches to eight (8) inches to the weather.
      
      iii. Masonry: coral, keystone or split face block; truncated or stacked bond block.

2. *Windows and doors.*
   
      
      i. Glass (clear, stained, leaded, beveled and non-reflective tinted).
      
      ii. Translucent glass (rear and side elevations only).
      
      iii. Painted and stained wood.
      
      iv. Aluminum and vinyl clad wood.
      
      v. Steel and aluminum.
      
      vi. Glass block.
      
      vii. Flat skylights in sloped roofs.
      
      viii. Domed skylights on flat roofs behind parapets.
b. **Configurations.**

   i. Doors: garage nine (9) feet maximum width.

   ii. Windows: square; rectangular; circular; semi-circular; semi-ellipse; octagonal; diamond; triangular; limed only to gable ends.

c. **Operations.**

   i. Windows: single and double hung; casement; fixed with frame; awning; sliders (rear and side only); jalousies and louvers.

d. **General.**

   i. Wood shutters sized to match openings (preferably operable).

   ii. Wood and metal jalousies.

   iii. Interior security grills.

   iv. Awnings.

   v. Bahama shutters.

   vi. Screened windows and doors.

3. **Roofs and gutters.**

   a. **Roof—materials.**

      i. Terra cotta.

      ii. Cement tiles.

      iii. Cedar shingles.

      iv. Steel standing seam.

      v. 5-V crimp.

      vi. Galvanized metal or copper shingles (Victorian or diamond pattern).

      vii. Fiberglass/asphalt shingles.

      viii. Built up roof behind parapets.

   b. **Gutters.**

      i. Exposed half-round.

      ii. Copper.

      iii. ESP aluminum.
iv. Galvanized steel.

v. Wood lined with metal.

c. **Configurations.**

i. **Roof:** The pitch of new roofs may be matched to the pitch of the roof of existing structures on the lot. Simple gable and hip, pitch no less than 3:12 and no more than 8:12. Shed roofs attached to a higher wall, pitch no less than 3:12. Tower roofs may be any slope. Rafters in overhangs to be exposed. Flat with railings and parapets, where permitted, solar collectors and turbine fans at rear port.

4. **Outbuildings.**

a. **Materials and finish.**

i. **Stucco:** float finish, smooth or coarse, machine spray, dashed or trowled.

ii. **Wood:** clapboard, three and one-half (3½) inches to seven (7) inches to the weather; shingles, seven (7) inches to the weather; board and batten, eight (8) inches to twelve (12) inches; shiplap siding smooth face, four (4) inches to eight (8) inches to the weather.

iii. **Masonry:** coral, keystone or split face block; truncated or stacked bond block.

5. **Garden walls and fences.**

a. **Materials and style.**

i. **Stucco:** float finish, smooth or coarse, machine spray, dashed or trowled.

ii. **Wood:** picket, lattice, vertical wood board.

iii. **Masonry:** coral, keystone or split face block; truncated or stacked bond block.

iv. **Metal:** wrought iron, ESP aluminum, green vinyl coated chain link.

b. **Configurations.**

i. **Front:** spacing between pickets maximum six (6) inches clear.

6. **Arcades and porches.**

a. **Materials and finish.**

i. **Stucco (at piers and arches only):** float finish, smooth or coarse, machine spray, dashed or trowled.

ii. **Wood:** posts and columns.

iii. **Masonry (at piers and arches only):** coral, keystone or split face block; truncated or stacked bond block.
iv. Metal (at railings only): wrought iron, ESP aluminum.

(Ord. No. C-97-19, § 1(47-17.7), 6-18-97; Ord. No. C-99-14, § 11, 3-16-99)

ARTICLE III. - DEVELOPMENT REQUIREMENTS

SECTION 47-18. - SPECIFIC USE REQUIREMENTS

Sec. 47-18.1. - Generally.
Sec. 47-18.2. - Adult uses.
Sec. 47-18.3. - Automotive sales dealer, rental agency, new or used.
Sec. 47-18.4. - Automotive repair shop.
Sec. 47-18.5. - Automotive service station.
Sec. 47-18.6. - Bed and breakfast dwelling.
Sec. 47-18.7. - Car wash, automatic.
Sec. 47-18.8. - Child day care facilities.
Sec. 47-18.9. - Cluster development.
Sec. 47-18.10. - Coach home.
Sec. 47-18.11. - Communication towers, structures and stations.
Sec. 47-18.12. - Dry cleaner.
Sec. 47-18.13. - Flammable liquids and fuel storage.
Sec. 47-18.15. - Holiday-related merchandise, outdoor sales.
Sec. 47-18.16. - Hotel.
Sec. 47-18.17. - House of worship.
Sec. 47-18.18. - Indoor firearms range.
Sec. 47-18.19. - Laundromat.
Sec. 47-18.20. - Marine service station.
Sec. 47-18.21. - Mixed use development.
Sec. 47-18.22. - Mobile vendor.
Sec. 47-18.23. - Nursing home.
Sec. 47-18.24. - Outdoor pay telephone.
Sec. 47-18.25. - Pet boarding/kennel facilities.
Sec. 47-18.26. - Public purpose uses.
Sec. 47-18.27. - Recreation vehicles and trailers, sales and rental, new or used.
Sec. 47-18.28. - Rowhouse.
Sec. 47-18.29. - Self-storage facility.
Sec. 47-18.30. - Senior citizen center.
Sec. 47-18.31. - Social service facility (SSF).
Sec. 47-18.32. - Social service residential facilities (SSRF).
Sec. 47-18.1. - Generally.

The following requirements shall be adhered to for the uses as specified herein and are in addition to requirements for the zoning district where the use is located and other supplemental regulations.

(Ord. No. C-97-19, § 1(47-18), 6-18-97)

Sec. 47-18.2. - Adult uses.

A. Regulated uses.

1. [Generally.] In the development and execution of this section it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable characteristics, and that studies exist which demonstrate that adult uses result in adverse secondary effects on adjacent properties, particularly when several are concentrated together or are located in proximity to businesses of a community nature, residential areas and churches and school, or both thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in the following subsections of this section. These regulations are for the purpose of preventing a concentration of these uses in any one (1) area and requiring a distance separation of such uses from each other, residential areas, churches, parks and schools.

2. Purpose. It is the purpose of Ordinance No. C-04-55 to regulate sexually oriented retail establishments in order to promote the health, safety, morals, and general welfare of the citizens of the city, to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented retail establishments within the city. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented materials to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

B. Definitions. For the purpose of this section, the following definitions shall apply:

1. **Adult bookstore.** An establishment having a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined below, or an establishment with a segment or section devoted to the sale or display of such material.

2. **Adult mini motion picture theater.** An enclosed building with a capacity for accommodating less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined below, for observation by patrons therein.

3. **Adult motion picture theater.** An enclosed building with a capacity for accommodating fifty (50) or more persons used for presenting material having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by patrons therein.
4. **Adult motel.** A hotel or motel presenting adult motion pictures by means of closed circuit television, the material being presented having as a dominant theme or presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by patrons therein.

5. **Nude entertainment establishments.** Any establishment which does not offer for sale or consumption alcoholic beverages but does feature male or female entertainers, performing fully clothed or partially clothed, or completely nude, displayed in a setting, section, stage or cubicle within a business, which has its principal and incidental purpose the offering for viewing to adults performances which have as their dominant or primary theme matters depicting, describing, or relating to "specified sexual activities" or to "specified anatomical areas," as described below.

6. **Encounter studios/modeling studios.** An establishment offering nude, semi-nude encounter/modeling sessions, sessions between opposite or same sex adult individuals, nude dance/photo sessions, or sexual consultations, which have as their dominant or primary theme matters depicting, describing, or relating to "specified sexual activities" or to "specified anatomical areas," as described below.

7. **Adult video store.** An establishment offering photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations for sale or rent, which depict or describe "specified sexual activities" or "specified anatomical areas," as described below, and which materials consist of fifty-one (51) percent or more of their inventory at any one point in time.

8. **Adult domination/submission parlors.** An adult establishment specializing in bondage, sadomasochism, humiliating activities or other similar activities which depicts, describes or relates to the "specified sexual activities" or "specified anatomical areas," as described below.

9. **Sexually oriented material.** One (1) or more of the following, regardless of whether it is new or used:

   a. Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, video representations, slides, DVD's or other forms of visual representations; recordings and other audio matter; and novelties or devices that have, as their primary or dominant theme, subject matter depicting, exhibiting, illustrating describing, or relating to specified sexual activities or specified anatomical areas; or

   b. Instruments, novelties, devices, or paraphernalia that represent a specified anatomical area which are designed for use in connection with specified sexual activities hereinafter referred to as "sexual devices."

   c. Any combination of the materials described in subsection b. and c. of this subsection 9.

10. **Sexually oriented retail establishment.** An establishment having a substantial or significant portion of its sales, rental fees or stock in trade or display in sexually oriented devices and materials, or an establishment with a segment or section devoted to the sale or display of such material, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin operated booths, the exclusion of minors from the establishment's premises or any other factors
showing that the establishment's primary purpose is to purvey such material. Substantial or significant as used herein shall be defined to include but not be limited to the number of sexually oriented materials displayed, sold or net floor area or display area used that exceed any one (1) or more of the thresholds provided in subsections a. through g. of this subsection 10. If sexually oriented material is displayed or sold, there shall be a presumption that it is a sexually oriented retail establishment unless the establishment demonstrates that:

a. The gross income from the sale or rental of adult material comprises less than forty (40) percent of the gross income from the sale or rental of goods at the establishment; and

b. The individual items or sexually oriented material offered for sale, rental or both comprise less than thirty (30) percent of the individual items publicly displayed in the establishment to customers as stock-in-trade, and which is not accessible to minors; and

c. No more than one-third (1/3) of the net floor area where any inventory or stock-in-trade is publicly displayed has sexually oriented material located thereon and such sexually oriented material is not accessible to minors; and

d. No more than one-third (1/3) of a shelf area or any other display area or a combination of all display areas is used to display sexually oriented material and such sexually oriented material is not accessible to minors; and

e. No more than twenty (20) percent of the inventory or display are sexual devices; and

f. The non-sexually oriented materials are displayed with at least the same prominence and with at least the same ease of accessibility by the public as the sexually oriented material; and

g. No video or pictorial representations of specified anatomical areas or specified sexual activities are displayed in areas accessible to minors in the establishment.

As used in subsection 10., "demonstrates" shall mean a sworn affidavit executed by the owner of the sexually oriented retail establishment or a person who is a principal of an entity that owns the establishment is submitted that certifies the number of items on display in the establishment and the number of these items that are sexually oriented materials. It shall also include the measurement of the display areas and net floor area where any items are publicly displayed. It shall also state the amount of gross income from the sale or rental of sexually oriented materials during the period the establishment has been operating or a six-month period immediately prior to date of execution of the affidavit, whichever is less.

Nothing in this definition shall be construed to include any pharmacy, medical clinic or any establishment primarily dedicated to providing medical or health care products or services.

11. Specified sexual activities is defined as:

a. Human genitals in a state of sexual stimulation or arousal;

b. Acts of human masturbation, sexual intercourse or sodomy;

c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
12. Specified anatomical areas is defined as:

   a. Less than completely and opaquely covered:
      i. Human genitals, pubic regions;
      ii. Buttock;
      iii. Female breast below a point immediately above the top of the areola;
      iv. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

C. Limitations. Regulated uses include but are not limited to the following:

   1. Adult bookstore;
   2. Adult motion picture theater;
   3. Adult mini motion picture theater;
   4. Adult motel;
   5. Nude entertainment establishments;
   6. Encounter studios/modeling studios;
   7. Adult video stores; and
   8. Adult domination/submission parlors.
   9. Sexually oriented retail establishment.

D. Regulated uses shall be permitted subject to the following restrictions:

   1. No such regulated uses shall be allowed within one thousand (1,000) feet of another existing adult use;
   2. No such regulated use shall be located within five hundred (500) feet of the property line of any existing residentially zoned property, an existing church or other place of worship, any existing school or any existing public park;
   3. The distance provided for in this section shall be calculated by airline measurement from property line to property line, using the closest property lines of the parcels of land involved. The term "parcel of land" means any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.
   4. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or related to "specified sexual activities" or "specified anatomical areas" from any public way or from any property that does not have an adult use. This provision shall apply to any display, decoration, sign, show window or other opening.
Sec. 47-18.3. - Automotive sales dealer, rental agency, new or used.

A. The minimum lot size shall be one hundred (100) feet in width on the front property line and fifteen thousand (15,000) square feet in area.

B. There shall be a completely enclosed building on the lot, which is a minimum of one thousand two hundred (1,200) square feet in gross floor area.

C. An automotive sales dealer may have automotive leasing as an accessory use.

D. An automotive sales dealer or automotive rental agency may have minor repair and service as an accessory use. Minor repair shall be defined as in Sec. 47-18.4.A.1.

E. Outdoor uses for sale, display, storage, rental or service and repair shall be subject to the requirements for Outdoor Uses, as provided in Sec. 47-19.9, Accessory Uses, Buildings and Structures.

Sec. 47-18.4. - Automotive repair shop.

A. An automotive repair shop provides automotive repair service to vehicles as follows:

   1. Minor repair. Work involving tune-up, brake relining, shock absorbent and suspension, air conditioning, wheel alignment and balance, electrical system including alternator and battery, tire repair and replacement and cooling system are permitted in B-1, B-2 and I districts.

   2. Major repair work involving radiator repair, removal of engine, transmission or axle and paint and body work are permitted only in B-2, B-3 and I districts.

B. A corner lot shall have a minimum lot size of seventy-five (75) feet in width on the front property line, and one hundred (100) feet in depth.

C. All other lots shall have a minimum lot size of one hundred (100) feet in width on the front property line, and one hundred (100) feet in depth.

D. When the front of a repair shop does not contain an office, the front of the building shall be set back a minimum of twenty (20) feet.

E. All repairs shall be performed in an enclosed building, which may contain overhead doors.

Sec. 47-18.5. - Automotive service station.

A. An automotive service station shall provide fuel, oil or grease to be dispensed to vehicles.

B. Automotive repairs may be permitted as an accessory use to an automotive service station as follows:
1. **Minor repair.** Work involving tune-up, brake relining, shock absorbent and suspension, air conditioning, wheel alignment and balance, electrical system including alternator and battery, tire repair and replacement and cooling system are permitted in CB, B-1, B-2 and I districts.

2. **Major repair** work involving radiator repair, removal of engine, transmission or axle and paint and body work are permitted only in B-2, B-3 and I districts.

C. There shall be a minimum distance of three hundred (300) feet from the property boundary of an automotive service station to any house of worship, public park, hospital or school.

D. The minimum lot size shall be seventeen thousand five hundred (17,500) square feet.

E. The minimum lot width shall be one hundred seventy-five (175) feet at the front property line.

F. Self-service stations must have an attendant central area with clear visibility to all pumps, and windows shall be kept clear of signs.

(Ord. No. C-97-19, § 1(47-18.4), 6-18-97)

**Sec. 47-18.6. - Bed and breakfast dwelling.**

A. A bed and breakfast dwelling shall comply with the following requirements.

B. **Architectural features.**

1. For any bed and breakfast dwelling not within a historic structure, the facade shall be constructed to complement a residential structure and shall include the following:

   a. Fenestration such as windows, doors and openings in the wall; and
   
   b. Shall contain a minimum of one (1) feature from each of the following architectural feature groups with a total of four (4) architectural features from the following list:

      i. **Group one—Detail and embellishments:**
         
         a) Balconies,
         b) Color and/or material banding,
         c) Decorative metal grates over windows,
         d) Decorative cornice treatments,
         e) Verandas or porches.

      ii. **Group two—Form and mass:**

         a) Building mass changes including projection and recession,
         b) Multiple types, height and/or angles of roof line.

   c. Sleeping rooms in any new bed and breakfast dwelling shall have a minimum floor area of one hundred twenty (120) square feet.
2. Any bed and breakfast dwelling within a structure designated as historic, as provided for in Section 47-35, Definitions, shall not be subject to the above architectural feature requirements.

C. A bed and breakfast dwelling shall also meet the following requirements:

1. The owner or operator shall reside on the same premises as the bed and breakfast dwelling.

2. There shall be a maximum of nine (9) and a minimum of three (3) sleeping rooms in a bed and breakfast dwelling exclusive of one (1) owner or operator sleeping room.

3. Identification signs for a bed and breakfast dwelling shall be limited to a nameplate designating the name of the bed and breakfast dwelling, and which shall be attached to the side of the building having street frontage on a collector or arterial roadway. Only one (1) such sign shall be permitted and the area of such sign shall not exceed ten (10) square feet. Such sign shall not be internally illuminated. No other signage shall be permitted.

4. Breakfast shall be the only meal served, and only to guests lodging for at least one (1) night.

5. No guest shall be provided lodging for more than fourteen (14) days during any sixty (60) day period.

6. The owner or operator, or both, shall keep a current guest register including names, addresses and dates of accommodation of all guests, which shall be made available for inspection to zoning officials during regular business hours.

D. **Locational limitations.** When located within a residential zoning district, bed and breakfast dwellings shall only be permitted on parcels abutting the following rights-of-way, and shall have a minimum lot frontage of fifty (50) feet with access from the following rights-of-way. Bed and breakfast dwellings may also be located on any parcel with an Historic designation or located within an Historic district.

   1. N.W. 19th Street.
   2. Davie Boulevard (S.W. 12th St.) west of Federal Highway.
   3. Miami Road.
   4. Broward Boulevard.
   5. Sistrunk Boulevard.
   6. East Las Olas, where the parcel is not separated by a canal.
   7. N.W. and N.E. 13th Street between N.W. 9th Ave. and Federal Highway.

E. In addition to meeting the above requirements, all bed and breakfast dwellings shall provide an operational plan, which includes but is not limited to the following:

   1. The name(s) of the owner(s) and of the person(s) operating the facility;
   2. The number and function of additional service personnel not residing on the premises;
   3. The number of guest rooms and maximum number of guests that can be accommodated.
daily by the facility;

4. A traffic study which includes information such as transportation services which may be provided for guests and amount of traffic generated by vehicles delivering food, beverages, laundry or other items;

5. A description of outdoor uses, including but not limited to dining, recreation, and entertainment;

6. Plans for collection and disposal of refuse generated by service of food and beverages for consumption on the premises; and

7. Any additional information which relates to impact of the bed and breakfast dwellings on surrounding development or other information which may be deemed necessary by the department.

(Ord. No. C-97-19, § 1(47-18.5), 6-18-97)

Sec. 47-18.7. - Car wash, automatic.

There shall be a minimum lot size of ten thousand (10,000) square feet.

(Ord. No. C-97-19, § 1(47-18.6), 6-18-97)

Sec. 47-18.8. - Child day care facilities.

A. It is intended that this section provide standards for the protection of the health, safety, and welfare of the citizens of the city as it relates to the location and operation of child day care facilities. The specific use of a child day care facility is to provide less than twenty-four (24) hours custodial care to minor children away from the child's permanent residence.

B. Applicability. The provisions of this section shall apply to all child day care facilities. A child day care facility is a structure wherein child day care is provided for a child or children unrelated by blood, marriage or adoption to the owner or operator of the facility which receives payment, fee or grant to compensate for any children receiving care, whenever operated, and whether or not operated for profit. A child day care facility shall include child care facilities and family day care homes as such terms are defined in F.S. § 402.302.

C. Child day care facilities shall not include the following:

1. Public schools and nonpublic schools and their integral programs including any educational facility, whether private or public, which operates solely for educational purposes;

2. Facilities operated in connection with a retail or service establishment, including on-premises drop-in babysitting services where children are not cared for on a regular basis, and are not children of employees of the retail establishment, and where the parents or custodians of the children are present on the retail or service establishment's premises or are in the immediate vicinity and immediately available;

3. Summer camps having children in full-time residence;

4. Programs offered by recreational centers, senior citizen centers and like facilities whose
primary purposes are recreation, social interaction or medical rather than custodial care; and

5. Bible schools normally conducted during vacation periods.

D. **Definitions.** The following words, when used in this section shall, for the purposes of this section, have the following meanings:

1. **Child.** A person less than eighteen (18) years of age.

2. **Child care.** The care, protection and supervision of a child for less than twenty-four (24) hours a day on a regular basis and for which a payment, fee or grant is made for such child care.

3. **Child care facility.** Any structure wherein child care is provided for more than five (5) children unrelated by blood, marriage or adoption to the operator, and which receives a fee, payment or grant to compensate for any of the children receiving care, wherever operated, and whether or not operated for profit.

4. **Family day care home.** An occupied residence in which child care is regularly provided for no more than five (5) preschool children from more than one (1) unrelated family and which receives a fee, payment, or grant to compensate for any children receiving care, whether or not operated for profit. The maximum number of five (5) preschool children includes preschool children living in the home and preschool children received for child care who are not related to the resident care giver. Elementary school siblings of the preschool children received for child care may also be cared for outside of school hours provided the total number of children, including the caregiver's own and those related to the caregiver, does not exceed ten (10).

5. **Licensed capacity.** The number of children for which a facility has been licensed by the State of Florida or such agency which the state has designated as the authority to issue such licenses to provide child care.

6. **Operator.** Any person ultimately responsible for the overall operation and administration of a child day care facility, whether or not the person is the owner.

7. **Owner.** The person or persons who have legal ownership of the facility.

8. **State.** The State of Florida Health and Rehabilitative Services Department or such other agency authorized to regulate the provision of child care.

E. **Category of uses.** For the purpose of this section, child day care facilities shall be limited to only one (1) of the following five (5) categories provided as follows based on the licensed capacity and location of the facility.

1. Family day care home as defined herein.

2. Small child care facility. A child care facility in a structure that has licensed capacity of six (6) through a maximum of twenty-five (25) children.

3. Intermediate child care facility. A child care facility in a structure that has a maximum licensed capacity of fifty (50) children.

4. Large child care facility. A child care facility in a structure that has a licensed capacity of fifty-one (51) or more children.
5. On-site corporate/employer sponsored child day care facility. A child day care facility that is an accessory use to a proposed or existing retail, office or other commercial or industrial use that provides child care serving primarily the children of the employees, officers or agents of the corporate or employer sponsor or the children of those occupying the specific use.

6. A child care facility that does not belong to one (1) of the five (5) categories provided in this section shall not be a permitted or conditional use.

F. Permitted and conditional uses.

1. Child day care facilities may be permitted or conditionally permitted as shown on the matrix below:

<table>
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<tr>
<th>Zoning District</th>
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<tr>
<td>Child Day Care Facilities/Permitted Categories</td>
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**G.** Except for family home day care facilities, child day care facilities shall be considered and subject to the limitations applicable to nonresidential uses.

**H.** Indoor space requirements.

1. Except as provided in subsection H.2, there shall be a minimum of twenty-five (25) square feet of usable floor space per child. Total usable floor space for a facility shall be calculated by multiplying the minimum square footage requirement by the licensed capacity of the facility. Indoor space shall include, but not be limited to, the indoor areas available for play, classroom, work and nap space.

2. The minimum indoor space requirement may be reduced to a minimum of twenty (20) square feet of usable floor space per child for an on-site corporate/employer sponsored child day care facility if a determination is made as part of a site plan level III permit by the planning and zoning board that at the time the facility is proposed, the additional space is not readily available to be used in connection with the provision of child care and the reduction of the minimum requirement will not adversely impact existing uses in the area surrounding the proposed facility.

**I.** Outdoor space requirements.

1. Except as expressly provided in subsections I.2 and 3, there shall be fifty (50) square feet of usable ground level outdoor space per child with a minimum of one thousand five hundred (1,500) square feet of which three hundred (300) square feet shall be landscaping. Usable outdoor space shall not include parking areas and vehicular use or sidewalks, and shall be calculated by multiplying the minimum outdoor square footage requirement by one-half the licensed capacity of the facility.
2. The minimum outdoor space requirement may be reduced to a minimum of forty-five (45) square feet of outdoor space per child for an on-site corporate/employer sponsored child day care facility if a determination is made as part of a site plan level III by the planning and zoning board that the additional space is not readily available to be used in connection with the provision of child care and reduction of the minimum requirement will not adversely impact existing uses in the area surrounding the proposed facility.

3. Outdoor space area may be provided on other than the ground level for an on-site corporate/employer sponsored child day care facility if the additional space is not readily available to be used in connection with the provision of child care; the outdoor area to be provided is open to light and air; the outdoor area to be provided has a fence or other barriers adequate to ensure safety in its use for child care and allowing the outdoor space area to be above ground level will not adversely impact existing uses in the area surrounding the proposed facility.

J. Dispersal requirements.

1. In residentially zoned districts where child day care facilities are a permitted or conditional use, no child day care facility shall be located nor shall a child day care facility be enlarged, increased in licensed capacity as previously authorized by the state or expanded in any respect, nor converted from one (1) category of use to another, if located within one thousand five hundred (1,500) feet of any other child day care facility or any existing social service residential facility (SSRF), as described in Sec. 47-18.32, excluding level I SSRF located in a residential district.

2. The dispersal requirements shall not apply to family day care homes, on-site corporate/employer sponsored child day care facilities or to child day care facilities located in nonresidential districts. However, a child day care facility proposed to be located in a nonresidential district shall be one thousand five hundred (1,500) feet from any existing child day care facility or any existing social service residential facility (SSRF), as defined in Sec. 47-18.32, excluding level I SSRF located in a residential district.

K. Hours of operation.

1. In residentially zoned districts where child day care facilities are a permitted or conditional use, hours of operation for child care shall be limited to 6:00 a.m. to 8:00 p.m.

2. Limitation of the hours of operation shall not apply when adults and their children or children under their custodial care are present at the same time on the facility premises and child care is provided as an incident of a program offered by the facility.

3. The hours of operation may be extended by site plan level III permit as provided in Sec. 47-24.2

L. Buffer requirements. In addition to all other applicable landscaping requirements provided in the ULDR, the following requirements shall apply to parcels of land on which child day care facilities exist:

1. Where the ground level outdoor play area of a child day care facility is within fifty (50) feet of any other property, the following physical barriers will be required:

   a. A wall in accordance with the requirements of Sec. 47-19.5, Fences, Walls and Hedges, located along the property line between the outdoor space and adjacent residential property; and
UNIFIED LAND DEVELOPMENT REGULATIONS
Chapter 47 - UNIFIED LAND DEVELOPMENT REGULATIONS
ARTICLE XV. - ANNEXED AREAS
SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

b. A landscaped fence, between the outdoor space and adjacent nonresidential property.

2. Where the ground level outdoor play area of a child day care facility is within fifty (50) feet of any street, a landscaped fence or wall shall be required, in accordance with the requirements of Sec. 47-19.5, Fences, Walls and Hedges, to be located along the property line between the outdoor space and the adjacent street.

3. A landscape fence or wall as required in this section shall be constructed in accordance with the following requirements:

a. A landscape fence shall be constructed of wood or chainlink fence six (6) feet in height with a landscape strip at least two (2) feet wide between the fence and the adjoining property and include densely planted shrubs or trees at least four (4) feet high at the time of planting and attaining maturity at a minimum height of six (6) feet.

b. A wall six (6) feet in height, opaque with no open areas viewed from any angle, shall be installed in accordance with the standards provided in Sec. 47-19.5

M. Parking and loading requirements. See Section 47-20

N. Application requirements. In addition to the requirements for applications for development permits as contained within Section 47-24, Development Permits and Procedures, an application for a development permit for a child day care facility shall also include the following:

1. A traffic and parking plan showing the location and number of parking spaces; location of loading and unloading area; traffic circulation on and off of the parcel and relationship of potential traffic to and from the child day care facility with existing traffic on adjacent streets and roadways.

2. Documentation evidencing compliance with all requirements of the state and any agency authorized to regulate child day care facilities.


Sec. 47-18.9. - Cluster development.

A. For the purposes of this section, a cluster development is defined as one (1) or more cluster buildings and their required amenities occurring on abutting lots.

B. A cluster building is defined as a residential structure containing two (2), three (3), or four (4) dwelling units, which building is required to have at least one (1) shared amenity for use solely by the inhabitants of that building. Amenities may include, but are not limited to, a pool, spa, gazebo, outdoor grill, or covered terrace. Required amenities may be combined in one (1) location for use by the inhabitants of a maximum two (2) cluster buildings only when those two (2) buildings are located back-to-back.

C. Design criteria for cluster buildings. A cluster building shall meet the following design criteria:

1. Lot requirements. The minimum lot size for a cluster building shall be as required by the zoning district where it is located.

2. Density. As regulated by the zoning district where the cluster development is located.
3. **Access requirements.** All units in a cluster building shall have vehicular access to a public street in the form of a private driveway. Provisions satisfactory to the city attorney shall be made for a recordable easement over the driveways for all public utilities and for use by owners within the group.

4. **Yard requirements.**

   a. **Front yard.** The minimum front yard shall be the same as for the district where the cluster building is located. A five (5) foot easement along the front property line of the cluster building shall be required. Provisions satisfactory to the city attorney shall be made for a recordable easement along the front property line of the cluster building for use by the owners of the units.

   b. **Side yards.** The minimum side yard shall be the same as required by the zoning district where the cluster building is located. The shared side yard of a cluster building shall be five (5) feet for the principal structure only. A five (5) foot easement which extends from front to rear lot lines along a side lot line of the cluster building not abutting a public street shall be required for use by owners within the group.

   c. **Rear yard.** The minimum rear yard shall be as required by the zoning district where the cluster building is located. The rear yard of a single cluster building shall be fifteen (15) feet for the principal structure. Provisions satisfactory to the city attorney shall be made for a five (5) foot recordable easement along the rear property line of the cluster building for use by the owners of the dwelling units in that building.

   d. **Additional setbacks.**

      i. A minimum of twenty-five percent (25%) of the front facade shall be set back a minimum of an additional five (5) feet from the rest of the front facade. This setback shall be centered on the building and shall have a roof line a minimum of five (5) feet lower than the highest adjacent roof line.

      ii. A minimum of twenty-five percent (25%) of the rear facade shall be set back a minimum of an additional ten (10) feet from the rest of the rear facade. This setback shall be centered on the building and shall have a roof line a minimum of five (5) feet lower than the highest adjacent roof.

      iii. Where two (2) cluster buildings share a rear property line, the minimum rear setback may be reduced to five (5) feet on each side of that rear property line if this additional portion of the building is set back an additional five (5) feet from the nearest side property line and has a roof line that is a minimum of five (5) feet lower than the highest adjacent roof line.

      iv. When any portion of a cluster building exceeds twenty-two (22) feet in height, that portion of the structure shall be set back an additional one (1) foot for each foot of height above twenty-two (22) feet.

5. **Architectural style.** A cluster building shall be designed of an architectural style compatible with and complementary to adjacent structures.

6. **Entrance requirements.** Any building facade facing a public right-of-way shall be considered
the front facade for those units. Each dwelling unit must have, on a front facade, its own principal entrance. The principal entrance of each unit shall be a roofed concrete landing a minimum of three (3) feet by five (5) feet and shall be of architectural design and material similar to and integral with the principal structure. No two principal entrances shall share a roofed concrete landing. A minimum of eight (8) linear feet shall be provided between entrances which are located within the same plane of the facade.

7. **Minimum floor area.** Each individual dwelling unit shall have a minimum floor area of seven hundred fifty (750) square feet.

8. **Height.** The maximum height shall not exceed thirty-five (35) feet. See Section 47-2, Measurements.

9. **Fence requirements.** Seventy-five percent (75%) of all fences within twenty-five (25) feet of a public right-of-way must be of non-opaque materials such as vertical bars or picket fence.

10. **Maintenance agreement.** A cluster development shall have a recorded maintenance agreement for the common areas.

11. **Sidewalk/street tree requirements.** A cluster development shall provide the following:

   a. A minimum five (5) foot wide sidewalk along each public street abutting the property along the full length of the front property line.

   b. Street trees shall be planted and maintained along the public street abutting the property to provide a canopy effect. The type of street trees may include shade, flowering and palm trees and shall be planted at a minimum height and size in accordance with the requirements of Section 47-21, Landscape and Tree Preservation Requirements. The location and number of trees shall be determined by the department based on height, bulk, shadow, mass and design of the structures on the site and the proposed plan's compatibility to surrounding properties.

12. **Landscape requirements.** As required by the zoning district where located, pursuant to Sec. 47-21.10, Landscaping and Tree Preservation Requirements.

(Ord. No. C-97-19, § 1(47-18.8), 6-18-97)

**Sec. 47-18.10. - Coach home.**

A. Coach homes are condominiums built in groups of four (4), six (6) or eight (8) dwelling units, in buildings no longer than two hundred (200) feet in length, with one (1) unit located above the other. Each unit shall have a private garage with ground-floor access to that unit by means of either a door and/or stairwell.

B. The front door of each unit shall be at finished grade level.

C. Coach homes shall meet the minimum requirements for multifamily dwelling units for the zoning district where the coach home is located.

(Ord. No. C-97-19, § 1(47-18.9), 6-18-97)
Sec. 47-18.11. - Communication towers, structures and stations.

A. Findings.

1. The Communications Act of 1934 as amended by the Telecommunications Act of 1996 ("the Act") grants the Federal Communications Commission (FCC) exclusive jurisdiction over all the following:
   a. Evaluating the environmental effects of radio frequency emissions from personal wireless services telecommunications facilities and the city may not regulate the placement, construction and modification of such facilities on that basis.
   b. The regulation of radio signal interference among users of the radio frequency spectrum.

2. The city's regulation of towers and telecommunications facilities will not prohibit the provision of wireless telecommunications services.

B. Purposes.

1. The general purpose of this section is to regulate the placement, construction and modification of towers and telecommunications facilities in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the city.

2. Specifically, the purposes of this section are:
   a. To regulate the location of towers and telecommunications facilities in the city;
   b. To protect residential areas and other land uses from potential adverse impact of towers and telecommunications facilities;
   c. To minimize adverse visual impact of towers and telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques;
   d. To promote and encourage shared use (collocation) of towers and antenna support structures as a primary option rather than construction of additional single-use towers;
   e. To promote and encourage utilization of technological designs that will either eliminate or reduce the need for the erection of new towers to support antenna and telecommunications facilities;
   f. To avoid potential damage to property caused by towers and telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified and maintained;
   g. To ensure that towers and telecommunications facilities are compatible with surrounding land uses.

C. Definitions.

1. The following words, terms and phrases, when used in this section, shall have the meanings
ascribed to them in this section, except where the context clearly indicates a different meaning:

a. **Antenna support structure** means any building or other structure other than a tower which can be used for the location of telecommunications facilities.

b. **Applicant** means any person that applies for a tower development permit.

c. **Application** means all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the city concerning a request by the owner of property within the city (or his agent) to develop, construct, build, modify or erect a tower and telecommunications facilities upon such property.

d. **Engineer** means any engineer licensed by the State of Florida. Radio frequency engineers do not have to be licensed by the state, however for purposes of this section, their qualifications must include specific experience in the field and employment or retention by the telecommunications provider in a professional technical capacity.

e. **Guyed tower** means a tower that is supported, in whole or in part, by guy wires and ground anchors.

f. **Monopole tower** means a tower consisting of a single pole or spire self supported by a permanent foundation, and constructed without guy wires and ground anchors.

g. **Owner** means any person with fee title or a long term (exceeding ten (10) years) leasehold to any property within the city who desires to develop, construct, build, modify or erect a tower upon such property.

h. **Self-support lattice tower** means a tower that is constructed without guy wires and ground anchors.

i. **Stealth** means any tower or telecommunications facility which is designed to enhance compatibility with adjacent uses, including, but not limited to architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than like a tower such as light poles, power poles and trees. The term "stealth" does not necessarily exclude the use of uncamouflaged self-support lattice, guyed or monopole tower designs.

j. **Telecommunications facilities** means any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of telecommunications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, the term telecommunications facilities shall not include:

   i. Any satellite earth station antenna two (2) meters in diameter or less which is located in an area zoned industrial or commercial; or

   ii. Any satellite earth station antenna one (1) meter or less in diameter, regardless of zoning category.

k. **Tower** means a self-support lattice, guyed or monopole structure constructed from grade which supports telecommunications facilities. The term tower shall not include amateur radio operators' equipment, as licensed by the FCC.
2. In addition, the definitions provided in Section 47-2, Measurements, and Section 47-35, Definitions, shall apply to this section, except where the context clearly indicates a different meaning or if in conflict with the definitions provided in this section.

D. Development of towers.

1. Towers are exempt from the maximum height restrictions of the districts where located. Towers shall be permitted to a height of one hundred fifty (150) feet. Towers may be permitted in excess of one hundred fifty (150) feet in accordance with subsection R, Criteria for Site Plan Development Modifications.

2. No tower shall be built, constructed or erected in the city unless the tower is capable of supporting another operating telecommunications facility comparable in weight, size and surface area to the telecommunications facilities installed by the applicant on the tower within six (6) months of the completion of the tower construction.

3. In addition to any applicable requirements set forth in Section 47-24, Development Permits and Procedures, an application to develop a tower shall include:

   a. The names, addresses and telephone numbers of all owners and the location of other towers or usable antenna support structures within a one-half (½) mile radius of the proposed new tower site, including city-owned property.

   b. An affidavit demonstrating that the applicant made diligent efforts for permission to install or collocate the applicant's telecommunications facilities on city-owned towers or usable antenna support structures located within a one-half (½) mile radius of the proposed tower site.

   c. An affidavit demonstrating that the applicant made diligent efforts to install or collocate the applicant's telecommunications facilities on towers or usable antenna support structures owned by other persons located within a one-half (½) mile radius of the proposed tower site.

   d. A description of the technological design plan proposed by the applicant in the city. Applicant must demonstrate why design alternatives to a tower, such as microcell design, cannot be utilized to accomplish the provision of applicant's proposed telecommunications services.

   e. Written, technical evidence from a qualified radio frequency engineer that the proposed tower or telecommunications facilities cannot be installed or collocated on another person's tower or usable antenna support structure located within a one-half (½) mile radius of the proposed tower site because of the coverage requirements of the applicant's wireless communications system.

   f. A written statement from a qualified radio frequency engineer that the construction and placement of the tower will not interfere with public safety communications and the usual and customary transmission or reception of radio, television, or other communications service enjoyed by adjacent residential and non-residential properties.

   g. Written, technical evidence from an engineer(s) that the proposed structure meets the standards set forth in subsection F, Structural Requirements.
h. Written, technical evidence from a qualified engineer(s) acceptable to the fire marshall and the building official that the proposed site of the tower or telecommunications facilities does not pose a risk of explosion, fire or other danger to life or property due to its proximity to volatile, flammable, explosive, or hazardous materials such as LP gas, propane, gasoline, natural gas, corrosive or other dangerous chemicals.

i. Full color photo-simulations showing the proposed site of the tower with photo-realistic representations of the proposed tower as it would appear viewed from nearby residential properties and from adjacent roadways.

j. The power density of applicant's telecommunications facilities and how such facilities meet the FCC's regulations on the environmental effects of radio frequency emissions. Such information may be made available to the general public upon request and as part of the city's Internet site. Applicant shall meet or exceed all such FCC regulations now or hereinafter adopted, and in the event by federal law or regulation jurisdiction is relinquished over wireless telecommunications facilities with respect to the environmental effects of radio frequency emissions, applicant shall meet or exceed any applicable city and other governmental regulations thereafter adopted.

E. Setbacks.

1. All towers up to one hundred (100) feet in height shall be set back on all sides a distance equal to the underlying setback requirement in the applicable zoning district; towers in excess of one hundred (100) feet in height shall be set back one (1) additional foot per each foot of tower height in excess of one hundred (100) feet. Setback requirements may be modified pursuant to subsection R.

2. Setback requirements for towers shall be measured from the base of the tower to the perimeter of the property on which it is located.

F. Structural requirements. All towers must be designed and certified by an engineer to be structurally sound and, at minimum, in conformance with the Florida Building Code, and any other standards outlined in this section. All operational towers shall operate from a fixed location.

G. Separation or buffer requirements.

1. The separation distances between towers shall be measured by drawing or following a straight line between the base of the existing or approved structure and the proposed base, pursuant to a site plan of the proposed tower. Tower separation distances from residentially used or zoned property shall be measured from the base of a tower to the closest point of residentially used or zoned property. The minimum tower separation distances from residentially used or zoned property and from other towers shall be calculated and applied irrespective of municipal or county jurisdictional boundaries.

2. Towers shall be separated from all residentially used or zoned property by a minimum of two hundred (200) feet or a distance equal to two hundred percent (200%) of the height of the proposed tower, whichever is greater.

3. Proposed towers must meet the following minimum separation requirements from existing towers or towers which have a development permit but not yet constructed at the time a development permit is granted pursuant to this section:
a. Monopole towers shall be separated from all other towers, whether monopole, self-support lattice or guyed, by a minimum of seven hundred and fifty (750) feet.

b. Self-support lattice or guyed towers shall be separated from all other self-support or guyed towers by a minimum of one thousand five hundred (1,500) feet.

c. Self-support lattice or guyed towers shall be separated from all monopole towers by a minimum of seven hundred and fifty (750) feet.

H. Method of determining tower height. Measurement of tower height for the purpose of determining compliance with all requirements of this section shall include the tower structure itself, the base pad, and any other telecommunications facilities attached thereto which extend more than twenty (20) feet over the top of the tower structure itself. Tower height shall be measured from grade.

I. Illumination. Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). If lighting is required by federal law and the tower is to be located a distance from residentially used or zoned property equal to or less than three hundred percent (300%) of the tower height, dual mode lighting shall be requested from the FAA and installed upon FAA approval.

J. Exterior finish. Towers not requiring FAA painting or marking, shall have an exterior finish which enhances compatibility with adjacent uses, as approved by the appropriate reviewing body pursuant to the applicable provisions of the ULDR.

K. Landscaping. All landscaping on property containing towers, antenna support structures or telecommunications facilities shall be in accordance with the applicable landscaping requirements in the zoning district where the tower, antenna support structure or telecommunications facilities are located. The city may require landscaping in excess of the requirements in Section 47-21, Landscape and Tree Preservation Requirements, in order to enhance compatibility with adjacent uses. Landscaping shall be installed on the outside of any fencing surrounding a tower or telecommunications facilities and shall be of a sufficient height and density to screen the fence.

L. Access. Property upon which a tower is located must provide access to at least one (1) paved vehicular parking space on site, which is in compliance with applicable provisions of Section 47-20, Parking and Loading Requirements.

M. Stealth. All towers which must be approved as a conditional use shall be of stealth design.

N. Telecommunications facilities on antenna support structures.

1. Any telecommunications facilities which are not attached to a tower may be permitted on any antenna support structure, regardless of the zoning restrictions applicable to the zoning district where the structure is located. The owner of such structure (or his agent) shall, by written certification to the zoning administrator, establish the following at the time plans are submitted for a building permit:

   a. That the height of the telecommunications facilities shall not exceed the height of the antenna support structure by more than twenty (20) feet.

   b. That any telecommunications facilities and their appurtenances, to be located on the primary roof of an antenna support structure, will be set back one (1) foot from the edge of the primary roof for each one (1) foot in height above the primary roof of the
telecommunications facilities. This setback requirement shall not apply to telecommunications facilities and their appurtenances to be located on the primary roof of an antenna support structure, if such facilities will be appropriately screened from view through the use of panels, walls, fences or other screening techniques approved by the city. Such setback requirements shall not apply to stealth antennas to be mounted to the exterior of antenna support structures below the primary roof, and which will not protrude more than eighteen (18) inches from the side of such antenna support structure. Primary roof means the roof that has the greatest square footage.

c. That the antenna support structure is at least fifty (50) feet in height. Requests to install telecommunications facilities on antenna support structures of less than fifty (50) feet in height will be considered by the zoning administrator upon submission of full color photo-simulations showing that such telecommunications facilities will be appropriately screened.

2. Telecommunications facilities on an antenna support structure which were in compliance with the zoning regulations applicable at the time such facilities were established and for which all required permits were issued, may continue in existence as a nonconforming structure.

O. Modification of towers.

1. A tower which was in compliance with the zoning regulations applicable at the time the tower was established and for which all required permits were issued, may continue in existence as a nonconforming structure. Such nonconforming structures may be modified, or demolished and rebuilt without complying with any of the additional requirements of this section, except for subsection G, Separation or Buffer Requirements, subsection P, Certification and Inspections, and subsection Q, Maintenance, provided that:

   a. The tower is being modified or demolished and rebuilt for the sole purpose of accommodating (within six (6) months of the completion of the modification or rebuild) additional telecommunications facilities comparable in weight, size and surface area to the discrete operating telecommunications facilities of any person currently installed on the tower.

   b. An application for a development permit is made pursuant to Sec. 47-24.2, site plan level II review. The grant of a development permit pursuant to this section allowing the modification, demolition and rebuild of an existing nonconforming tower shall not be considered a determination that the modified, or demolished and rebuilt tower is conforming.

   c. The height of the modified or rebuilt tower and telecommunications facilities attached thereto do not exceed the maximum height allowed under this section.

2. Except as provided in this section, nonconforming towers and telecommunications facilities shall be regulated by Section 47-3, Nonconforming Uses, Structures and Lots.

P. Certification and inspections.

1. Monopole towers for which a certificate of occupancy has been issued on or after the effective date of this section shall be inspected and certified every five (5) years as being in conformance with the requirements of the Florida Building Code, National Electrical Safety Code and all FCC, state and local regulations. Existing monopole towers shall be so certified within sixty
(60) days of the effective date of this section and then every five (5) years thereafter. Lattice or
guyed towers for which a certificate of occupancy has been issued on or after the effective date of
this section shall be inspected and certified every two (2) years as being in conformance with the
requirements of the Florida Building Code, National Electrical Safety Code and all FCC, state and
local regulations. Existing lattice or guyed towers shall be so certified within sixty (60) days of the
effective date of this section and then every two (2) years thereafter. All such certifications and
inspections shall be made by and at the sole cost of the tower owner or his agent and submitted to
the city. A tower may be required by the city to be more frequently certified should there be reason
to believe that the structural and electrical integrity of the tower is jeopardized.

2. The city or its agents shall have authority to enter onto the property upon which a tower is
located, between the inspections and certifications required above, to inspect the tower for the
purpose of determining whether it complies with all applicable laws and regulations.

3. The city reserves the right to conduct such inspections at any time, upon reasonable notice
to the tower owner or operator. All expenses related to such inspections by the city shall be borne
by the tower owner or operator.

Q. Maintenance.

1. Tower owners shall at all times employ ordinary and reasonable care and shall install and
maintain in use nothing less than commonly accepted methods and devices for preventing failures
and accidents which are likely to cause damage, injuries, or nuisances to the public.

2. Tower owners shall install and maintain towers, telecommunications facilities, wires, cables,
fixtures and other equipment in compliance with the requirements of the Florida Building Code,
National Electrical Safety Code and all FCC, state and local regulations, and in such manner that
will not interfere with the use of other property.

3. All towers, telecommunications facilities and antenna support structures shall at all times be
kept and maintained in good condition, order, and repair so that the same shall not menace or
endanger the life or property of any person.

4. All maintenance or construction on towers, telecommunications facilities or antenna support
structures shall be performed by licensed maintenance and construction personnel.

5. All towers shall maintain compliance with current radio frequency emission standards of the
FCC or any superseding city, state and county regulations.

6. In the event the use of a tower is discontinued by the tower owner, the tower owner shall
provide written notice to the city of its intent to discontinue use and the date when the use will be
discontinued.

R. Criteria for tower development modifications.

1. Modifications to certain tower requirements provided in this section may be approved by the
planning and zoning board as a conditional use in accordance with Sec. 47-24.3 and in
accordance with the following:

   a. In addition to the requirement for a tower application, the application for modification
      shall include the following:
A description of how the plan addresses any adverse impact which might occur as a result of approving the modification.

ii. A description of off-site or on-site factors which mitigate any adverse impacts which might occur as a result of the modification.

iii. A technical study which documents and supports the criteria submitted by the applicant upon which the request for modification is based. The technical study shall be certified by a qualified radio frequency engineer and shall document the existence of the facts related to the proposed modifications and its relationship to surrounding rights-of-way and properties.

iv. For a modification of the setback requirement, the application shall identify all property where the proposed tower could be located, attempts by the applicant to contact and negotiate an agreement for location or collocation and the result of such attempts.

v. The development review committee may require the application to be reviewed by an independent engineer under contract to the city to determine whether the antenna study supports the basis for the modification requested. The cost of review by the city’s engineer shall be reimbursed to the city by the applicant.

b. The planning and zoning board shall consider the application for modification based on the following criteria:

i. That the tower as modified will be compatible with and not adversely impact the character and integrity of surrounding properties.

ii. Off-site or on-site conditions exist which mitigate the adverse impacts, if any, created by the modification.

iii. In addition, the board may include conditions on the site where the tower is to be located if such conditions are necessary to preserve the character and integrity of the neighborhoods affected by the proposed tower and mitigate any adverse impacts which arise in connection with the approval of the modification.

2. In addition to the requirements of subsection R.1, the applicant for the following modifications must also demonstrate with written evidence:

a. In the case of a requested modification to the setback requirement pursuant to subsection E:

i. That the setback requirement cannot be met on the property upon which the tower is proposed to be located and the alternative for the person is to locate the tower at another site which is closer in proximity to a residentially used or zoned property; or

ii. That a modification to the setback requirement will reduce the visual impact of the tower, such as placement near trees.

b. In the case of a request for modification requirements of subsection G, Separation or Buffer Requirements, with respect to the separation requirements from other towers, that the
proposed site is zoned "I - General Industrial" and the proposed site has at least double the minimum separation distance from residentially used or zoned property as provided for in subsection G, Separation or Buffer Requirements.

c. In the case of a request for modification from the requirements of subsection G, Separation or Buffer Requirements, with respect to distance from residentially used or zoned property, the person provides written technical evidence from a qualified radio frequency engineer that the proposed tower and telecommunications facilities must be located at the proposed site in order to meet the coverage requirements of the applicant's wireless communications system and if the person is willing to create approved landscaping and other buffers to screen the tower from being visible to residentially used or zoned property.

d. In the case of a request for modification of subsection D.1 with respect to the maximum height for towers and telecommunications facilities or to subsection N.1, with respect to the minimum height requirements for antenna support structures, that the modification is necessary to:

   i. Facilitate collocation of telecommunications facilities in order to avoid construction of a new tower; or

   ii. Meet the coverage requirements of the applicant's wireless communications system, which requirements must be documented with written, technical evidence from a qualified radio frequency engineer that demonstrates that the height of the proposed tower is the minimum height required to function satisfactorily, and no tower that is taller than such minimum height shall be approved.


Sec. 47-18.12. - Dry cleaner.

A. A dry cleaner is a facility which may only provide dry cleaning and laundering service directly to the customer.

B. A dry cleaning facility shall be limited to no more than two (2) dry cleaning units on the premises, each with a maximum capacity of forty-five (45) pounds.

C. All dry cleaning on the premises must be performed within completely enclosed solvent reclaiming units.

(Ord. No. C-97-19, § 1(47-18.11), 6-18-97)

Sec. 47-18.13. - Flammable liquids and fuel storage.

A. No person shall have, store, keep, manufacture, use, sell or give away gasoline, benzene, naphtha, or other volatile substances, except as provided in this section.

   1. Gasoline or other volatile substances shall be stored in underground tanks in accordance with the Florida Building Code and Florida Fire Prevention Code.

   2. Storage of flammable liquids in closed containers shall be regulated in accordance with the Florida Building Code and Florida Fire Prevention Code.
B. Flammable liquid storage at Port Everglades (in the City of Fort Lauderdale.)

1. Aboveground storage of flammable liquids shall only be permitted at Port Everglades in the area zoned PEDD.

2. All flammable liquid storage tanks must be constructed, installed and maintained in accordance with the Port Everglades Authority, Security Regulations.

3. Wholesale storage plants existing on September 16, 1940 shall not be affected by the provisions of this section as to the present location of such storage plants. Such existing storage plants shall not be permitted to construct new plants in any part of the city except in the Port Everglades area zoned PEDD.

C. No person shall have, store, keep, or use, combustible liquids or liquid propane unless the following conditions are met:

1. Aboveground tanks as an accessory use on residential properties.
   a. Aboveground tanks on residential properties shall comply with capacities as stipulated in the Florida Building Code and the Florida Fire Prevention Code and on single-family, duplex and two-family dwellings, shall only be stored for private use in an approved aboveground tank having a capacity of no more than five hundred fifty (550) gallons.
   b. Aboveground tanks on residential properties shall comply with locational requirements as set forth in section 47-19.2, Accessory buildings and structures, general.

2. Aboveground tanks as an accessory use for non-residential properties.
   b. Aboveground tanks on non-residential properties shall comply with the locational requirements as set forth in section 47-19.2, Accessory buildings and structures, general.

3. Above-ground storage tanks, as permitted by this section, must be completely enclosed on four (4) sides with a concrete block wall constructed in accordance with section 47-19.5, or concealed by live hedge or shrubbery.

4. Where fuel oil as described herein is stored for use by power plants, ice plants or other industrial plants, it may be stored aboveground in accordance with the Florida Building Code and Florida Fire Prevention Code.

(Ord. No. C-97-19, § 1(47-18.12), 6-18-97; Ord. No. C-03-19, § 5, 4-22-03; Ord. No. C-03-23, § 2, 7-1-03; Ord. No. C-06-33, § 1, 11-7-06)


A. Heliports shall be subject to the following requirements:

1. Review and recommendation by the airport manager.

2. Approval by the city commission of a site plan level IV permit as provided in Sec. 47-24.2,
Development Permits and Procedures.

3. All heliports shall be located a minimum of three hundred (300) feet from any residentially zoned property.

4. Specifications, design and operation of heliports shall be conducted in accordance with the Federal Aviation Authority (FAA) Heliport Design Guide and Florida Department of Transportation licensing requirements, supplemented by any additional requirements deemed necessary by the city commission.

B. Helistops shall be subject to the following requirements:

1. Review by the airport manager.

2. Approval by the city commission of a site plan level IV permit as provided in Sec. 47-24.2, Development Permits and Procedures.

3. The helistop landing site when located on structures must be a minimum of fifty (50) feet by fifty (50) feet. Each landing site of a helistop must be located at least three hundred (300) feet from properties zoned RM-25 or from more restrictive residential districts.

4. The city commission may impose any requirements judged necessary to insure a safe operation which will not be offensive to nearby properties or residential areas and may revoke the permit at any time.

5. Specifications, design and operation of helistops shall be conducted in accordance with the FAA Heliport Design Guide and Florida Department of Transportation licensing requirements, supplemented by any additional requirements deemed necessary by the city commission.

(Ord. No. C-97-19, § 1(47-18.13), 6-18-97)

Sec. 47-18.15. - Holiday-related merchandise, outdoor sales.

A. Outdoor sales of holiday-related merchandise, specified in this section, are permitted, subject to the following restrictions:

1. A licensee must, at the time the license is issued, pay to the city a clean-up deposit fee of two hundred fifty dollars ($250.00). The deposit will be returned if the licensee restores the licensed location to its original pre-sales condition; otherwise, the deposit will be retained by the city, in whole or in part, and used to clean the location.

2. A license for the sale of outdoor merchandise will only be issued for items sold in connection with the following holidays:
   a. Fourth of July;
   b. Halloween (October 31);
   c. Christmas (December 25).

3. Any license issued for sales permitted under this section shall only be valid for a temporary period of time, as prescribed below:
UNIFIED LAND DEVELOPMENT REGULATIONS
Chapter 47 - UNIFIED LAND DEVELOPMENT REGULATIONS
ARTICLE XV. - ANNEXED AREAS
SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

SECTION 47-39. DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
A. MELROSE PARK AND RIVERLAND ROAD

a. A maximum of ten (10) days preceding the Fourth of July;

b. A maximum of thirty (30) days preceding Halloween; and

c. A maximum of thirty (30) days preceding Christmas.

B. Locations for sales of merchandise permitted to be sold outdoors are subject to the following restrictions:

   1. Pyrotechnical items may only be sold at locations lying within a business zoned district, except the central beach districts. Such sales will be permitted to be made from areas located a minimum of fifty (50) feet from:

      a. Any fuel storage facility of any kind; and

      b. Any area required to provide parking in connection with a restaurant or lounge.

   C. Halloween and Christmas items may only be sold at locations lying within any business zoned district; locations within the Downtown RAC and central beach districts used for nonresidential uses, and from any property owned by a nonprofit organization or institution.

   D. A maximum of one (1) four-foot by eight-foot sign for each one hundred (100) feet of street frontage, not to exceed two (2) signs for any one (1) location, may be displayed in connection with such sales.

   E. Pyrotechnical items may be sold if each item and each sales location has been approved by the fire marshal.


Sec. 47-18.16. - Hotel.

A. Hotel: A hotel is a building or establishment operated or intended as a place where sleeping accommodations are provided for pay for overnight guests, as licensed by the state, and containing a central switchboard and providing daily room cleaning service.

B. Hotel shall also include, but not be limited to motels, hotel suites with ten (10) or more sleeping rooms.

C. Hotel sleeping rooms shall be a minimum of one hundred twenty (120) square feet in gross floor area exclusive of bathrooms, toilets, closets or similar appurtenances. Hotel suites containing kitchen or cooking facilities shall be a minimum of four hundred fifty (450) square feet in area only when located in a residential zoning district.

D. Hotel accessory uses are permitted as provided in Sec. 47-19.8


Sec. 47-18.17. - House of worship.

A. A house of worship that is conditionally permitted in any RM or RMH district and that is permitted in the CF-H or CF-HS districts shall be subject to the following requirements:
1. The minimum lot size shall be ten thousand (10,000) square feet in area and one hundred (100) feet in parcel width.

2. Yards shall be provided as required for a nonresidential use within the district where the house of worship is located; however, side yards shall be no less than twenty (20) feet.

3. No parking areas serving the house of worship shall be permitted within ten (10) feet of a property line when abutting any RS, RD, or RC zoned property.

4. A house of worship may only include the following accessory uses: offices, meeting rooms, residences for resident employees of the house of worship in addition to those permitted in accordance with Section 47-19, Accessory Uses, Buildings and Structures.

B. A house of worship that is permitted in the CF district may include, but is not limited to, the following accessory uses: accessory uses as permitted in subsection A.4; film studios, auditorium stage, child day care facilities, schools and SSF facilities.

C. Houses of worship that exist as of the effective date (June 28, 1997) of the ULDR, which are greater than ten thousand (10,000) gross square feet in floor area, shall be permitted in a CF-H or CF-HS zoning district in accordance with the following:

1. Such structure is in continuous operation and not discontinued in use as provided in Section 47-3, Nonconforming Uses.

2. When the use of such structures change to a different use, the existing house of worship cannot be reestablished, and the new use must meet the requirements of the ULDR for the new use.

3. If such structure is damaged or destroyed by fire, explosion or other casualty or Act of God or public enemy by more than fifty percent (50%) of its replacement value or fifty percent (50%) of the gross floor area of the existing structure, such structure may be restored to the condition it was in prior to the damage, subject to the following conditions:
   a. The dimensional requirements for a house of worship as provided in the zoning district where it is located shall apply to structures for the purpose of reconstruction, except FAR and maximum size limitations.
   b. The total square foot area to be provided in the rebuilt structure shall not exceed the total square foot area previously existing in the same structure prior to the destruction.
   c. The parcel to be rebuilt must meet all the requirements of the ULDR.

4. If more than fifty percent (50%) of the replacement value or of the total gross floor area of an existing house of worship is demolished by other than fire, explosion or other casualty or Act of God or public enemy, then such structure may not be restored to the condition it was in prior to the damage, and any use of the property on which such structure was located shall be required to meet all of the requirements of the ULDR.

5. Any additions to existing houses of worship are required to meet the requirements of the ULDR.

(Ord. No. C-97-19, § 1(47-18.16), 6-18-97)
Sec. 47-18.18. - Indoor firearms range.

A. Any indoor firearms range shall comply with the following conditions and restrictions:

1. Review and approval by the city's police department.
2. It shall be located in a completely enclosed building.
3. It shall be adequately soundproof so that no noise from such range shall emanate outside the building in which it is located.
4. It shall be adequately air conditioned.
5. Its construction shall comply with the safety specifications for such ranges, as approved by the police department prior to the issuance of a certificate of occupancy by the building department.
6. At all times it shall have in attendance at least one (1) employee, trained in the use of firearms, who shall be responsible for seeing that the operation of the range and firearms used therein are in accordance with accepted safety practices.
7. The use of such range shall be limited to members of the police department; recognized gun clubs, organized exclusively for sports and recreational purposes, and their members; and licensed gun shop owners and their customers for testing purposes.
8. No weapon or firearm shall be permitted upon range premises or discharged upon the range which weapon or firearm does not comply with the Florida Weapons Law, F.S. ch. 790, and the Federal Gun Control Act of 1968. No fully automatic firearm, machine gun, short-barreled rifle, short-barreled shotgun or destructive device as defined in F.S. ch. 790 shall be permitted upon range premises or discharged upon the range. Noncompliance with this section shall be grounds for revocation of the permit for such range.
9. Such range may be open for inspection by the police department to determine whether its operation complies with accepted safety practices.

(Ord. No. C-97-19, § 1(47-18.17), 6-18-97)

Sec. 47-18.19. - Laundromat.

A. A laundromat is a facility which provides washing, drying, ironing or dry cleaning service directly to the customer or provides machines for such operations on the premises for rental use by the customers.

B. Dry cleaning on the premises is permitted provided, however, that no more than two (2) dry cleaning units, each with a maximum capacity of forty-five (45) pounds, can be located on the premises. All dry cleaning must be performed within completely enclosed solvent reclaiming units.

(Ord. No. C-97-19, § 1(47-18.18), 6-18-97)

Sec. 47-18.20. - Marine service station.

A. Marine service stations shall be subject to the following minimum requirements:
1. Where constructed on a corner lot facing on two (2) waterways, the minimum size of said lot shall be one hundred and fifty (150) foot frontage on each waterway and one hundred and fifty (150) feet deep.

2. The minimum size of an interior lot upon which service station may be constructed shall be not less than one hundred and fifty (150) foot frontage on a marine waterway and not less than seventy-five (75) feet in depth.

3. Minor repairs of watercraft, as described in Watercraft Repair Shop, Sec. 47-18.37, may be permitted as an accessory use within the B-1, B-2 and B-3 districts. Major repairs as described in watercraft repair shop, may only be permitted as an accessory use in B-2 and B-3 districts.

B. Marine service stations abutting a waterway are subject to the requirements of Sec. 47-23.8, Waterway Uses, Specific Location Requirements.

(Ord. No. C-97-19, § 1(47-18.19), 6-18-97)

Sec. 47-18.21. - Mixed use development.

A. Generally. To encourage diversity of compatible land uses on the same development parcel, which uses may include a mixture of residential uses in conjunction with commercial retail sales, service or office uses, the city may permit mixed use development (MXU) as a conditional use, consistent with the provisions of the city’s land use plan, and in accordance with the following requirements.

B. Definitions.

1. Mixed use development. A mixed use development is a development parcel which includes a mixture of residential dwelling units and commercial retail sales, service or office uses. A mixed use development may consist of the following:

   a. Mixed use—single use buildings. A mixed use development which contains both residential and commercial business uses that are housed in separate buildings.

   b. Mixed use—mixed use buildings. A mixed use development which contains a mixture of residential and commercial business uses within the same building.

C. Mixed use development on residential land use designated parcels. The city may permit a mixed use development when the development site has a residential medium, residential medium high or residential high land use designation(s), when permitted by the zoning district, subject to the following:

1. Residential medium land use. On a development site which has a residential medium land use designation, subject to the following:

   a. The MXU shall be located in the same building and shall include residential uses only in conjunction with office use; and

   b. At least fifty percent (50%) of the gross floor area of the MXU building shall be for residential uses; and

   c. Office uses shall be limited to the floor(s) of the building below the residential use.
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2. Residential medium high and residential high land use. The city may permit a MXU when the development site has a residential medium high or residential high land use designation(s) subject to the following:

   a. The MXU shall be located in the same building and shall include residential uses in conjunction with retail sales or retail services or office uses; and

   b. At least fifty percent (50%) of the gross floor area of the MXU building shall be for residential uses; and

   c. Business uses, as described in subsection F.3 shall be limited to the floor(s) of the building below the residential use.

3. Locational limitations. When located within a residential zoning district, mixed use development shall only be permitted on parcels abutting the following rights-of-way, and shall have a minimum lot frontage of fifty (50) feet with access from the following rights-of-way:

   a. N.W. 19th Street.

   b. Davie Boulevard (S.W. 12th St.) west of Federal Highway.

   c. Miami Road.

   d. Broward Boulevard.

   e. Sistrunk Boulevard.

   f. East Las Olas, where the parcel is not separated by a canal.

   g. N.W. and N.E. 13th Street, between N.W. 9th Ave. and Federal Highway.

D. Mixed use development on commercial land use designated parcels. The city may permit a mixed use development when the development site has a commercial land use designation, subject to the following:

   1. Approval of an allocation of available flexibility units, without the need to amend the city's land use plan or rezone land. For definition of flexibility units, see Section 47-28, Flexibility Rules.

   2. The MXU shall include residential uses in conjunction with business uses as provided below in Sec. 47-18.20.F.3;

   3. The residential floor area of the MXU does not exceed fifty percent (50%) of the gross floor area of the building; or

   4. If the MXU is in the same building, business uses shall be limited to the floor(s) below the residential use; or

   5. For a development site that is less than five (5) acres in size, single use residential buildings are permitted. No business uses are required; or

   6. For a development site that is greater than five (5) acres in size, single use multifamily buildings may be permitted provided gross residential acreage does not exceed five (5) acres or
forty percent (40%) of the total gross acreage of the development site, whichever is greater.

E. **Mixed use development (MXU) on employment center land use designated parcels.** The city may permit a mixed use development when the development site has an employment center land use designation, subject to the following:

1. Approval of an allocation of available flexibility units. For definition of flexibility units, see Section 47-28, Flexibility Rules.

2. The MXU includes residential uses in conjunction with the business uses as provided below in subsection F.3.

3. The residential floor area of the MXU does not exceed fifty percent (50%) of the gross floor area of the building; or

4. If the MXU is in the same building, business uses shall be limited to the floor(s) below the residential use; or

5. For a development site that is less than the ten (10) acres in size, single use residential buildings are permitted. No business uses are required; or

6. For a development site that is greater than ten (10) acres in size, single use multifamily buildings may be permitted provided gross residential acreage does not exceed the ten (10) acres or forty percent (40%) of the total gross acreage of the development site, whichever is greater.

7. Notwithstanding any other provisions of the ULDR to the contrary, the dimensional requirements for MXU on employment center designated land shall be governed by the dimensional requirements set forth in Sec. 47-6.20, Table of dimensional requirements, for the CB district.

F. **Permitted uses.**

1. The residential and business uses permitted within a mixed use development are as provided by the zoning district where the mixed use development is located.

2. The residential density is limited as provided by the zoning district where the mixed use development is located unless flexibility units are allocated in accordance with Section 47-28, Flexibility Rules, however, in no case shall residential density exceed fifty (50) dwelling units per gross acre, except where:

   a. There exists a residential dwelling; and

   b. The residential dwelling is located on property designated commercial on the city’s land use plan; and

   c. The dwelling was legally permitted at a density greater than fifty (50) units per gross acre;

   in which case an allocation of flexibility units may be permitted up to the density of the existing residential dwelling.

   The maximum density for mixed use east of the Intracoastal Waterway shall be twenty-five
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(25) units per gross acre.

3. The business uses permitted in an MXU are as follows:

   a. When located in a residential zoning district, the aggregate of the business use or uses shall be no greater than an aggregate ten thousand (10,000) square feet in gross floor area:

      i. Commercial recreation:
         a) Indoor motion picture theater, less than five (5) screens.

      ii. Food and beverage service:
          a) Bakery store.
          b) Bar, cocktail lounge, nightclub.
          c) Cafeteria.
          d) Candy, nuts store.
          e) Delicatessen.
          f) Food and beverage.
          g) Fruit and produce store.
          h) Grocery/food store.
          i) Ice cream/yogurt store.
          j) Liquor store.
          k) Meat and poultry store.
          l) Restaurant.
          m) Seafood store.
          n) Supermarket.

      iii. Retail Sales:
          a) Antiques store.
          b) Apparel/clothing, accessories store.
          c) Arts and crafts supplies store.
          d) Art galleries, art studio.
          e) Bait and tackle store.
          f) Bicycle shop.
g) Book store.

h) Camera, photographic supplies store.

i) Card and stationery store.

j) Cigar, tobacco store.

k) Computer/software store.

l) Consignment, thrift store.

m) Cosmetic, sundries store.

n) Department store.

o) [Reserved.]

p) Fabric, needlework, yarn shop.

q) Flooring store.

r) Florist shop.

s) Furniture store.

t) Gifts, novelties, souvenirs store.

u) Glassware, china, pottery store.

v) Hardware store.

w) Hobby items, toys, games stores.

x) Holiday merchandise, outside sales, see Sec. 47-18.15

y) Household appliances store.

z) Jewelry store.

aa) Linen, bath, bedding store.

bb) Luggage, handbags, leather goods store.

cc) Music, musical instruments store.

dd) Newspapers, magazines store.

ee) Optical store.

ff) Paint, wallpaper store.

gg) Party supply store.
hh) Pet store.

hh-1) Pharmacy.

ii) Shoe store.

jj) Sporting goods store.

kk) Tapes, videos, music CD's stores.

iv. Services/Office Facilities:

a) Film processing store.

b) Copy center.

c) Formal wear, rental.

d) Hair salon.

e) Health and fitness center.

f) Instruction: fine arts, sports and recreation, dance, music, theater.

g) Interior decorator.

h) Mail, postage, fax service.

i) Massage therapist.

j) Medical clinic.

k) Nail salon.

l) Photographic studio.

m) Professional office.

n) Shoe repair, shoe shine.

o) Tailor, dressmaking store, direct to the customer.

p) Tanning salon.

q) Watch and jewelry repair.

b. The following business uses may be permitted to exceed ten thousand (10,000) square feet:

i. Department store.

ii. Offices.

c. Accessory Uses, Buildings and Structures, see also Section 47-19
i. Child day care facilities, as provided by the district where the mixed use development is located and subject to the requirements of Sec. 47-18.8

ii. Film processing when accessory to pharmacy or copy center.

iii. Outdoor dining and sidewalk cafe, see Sec. 47-19.9

G. Parking requirements. The total number of required off-street parking spaces for an MXU shall be equal to the sum of the required parking for each use as if provided separately. See Section 47-20, Parking and Loading Requirements.

H. Landscaping and open space requirements. Street trees shall be planted and maintained along the street abutting the property where the MXU is located to provide a canopy effect. The type of street trees may include shade, flowering and palm trees. The trees shall be planted at a minimum height and size in accordance with the requirements of Section 47-21, Landscape and Tree Preservation Requirements. The location and number of trees shall be determined by the department based on the height, bulk, shadow, mass and design of the structures on the site and the proposed development's compatibility to surrounding properties. Open space and landscaping shall be required in conjunction with residential uses in a mixed use development according to the following:

1. For mixed use development in a residential zoning district, landscaping shall be as required by Sec. 47-21.10 for the zoning district in which the mixed use development is located.

2. For development in a mixed use development in other than a residential zoning district, open space shall be required. Open space, for the purposes of this section, shall include all areas on the site not covered by structures, other than covered arcades, or not covered by vehicular use area. Covered arcades with a minimum width of ten (10) feet and at least one (1) side open to a street shall be credited towards open space requirements. The required open space shall include seating and shade provided by trees, canopies, or other unenclosed shade structures. A minimum of fifty percent (50%) of the required open space shall be in living materials used in landscaping which areas may be above grade. At least forty percent (40%) of the required open space shall be provided at-grade and the remaining open space shall be accessible to individual residential units or through a common area, or both. The total amount of open space required shall be calculated based on the size and density of the development, as follows:

   a. For development of twenty-five (25) residential units or less, or developments of fifteen (15) dwelling units per acre or less density: a minimum of two hundred fifty (250) square feet of open space per unit;

   b. For developments of between twenty-six (26) and one hundred (100) residential units, or developments of greater than fifteen (15) dwelling units per acre and up to twenty-five (25) dwelling units per acre density: a minimum of two hundred (200) square feet of open space per unit;

   c. For developments of more than one hundred (100) residential units, or developments of greater than twenty-five (25) dwelling units per acre density: a minimum of one hundred fifty (150) square feet of open space per unit;

   d. For developments which fall into more than one (1) of the above categories, the lesser open space requirement shall apply.
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For the property located east of the Intracoastal Waterway, the percentage of landscape materials provided above grade as permitted by this section shall also be provided off-site in an area impacted by the development as determined by the development review committee or an owner shall be required to pay a cash equivalent to the city to be used to landscape a public area impacted by the development.

Developments shall be required to meet the vehicular use area requirements as provided in Section 47-21, Landscape and Tree Preservation.

A mixed use development shall contain a public plaza open to the sky which includes pedestrian amenities such as landscaping, benches and fountains. The public plaza shall be a minimum size of one thousand four hundred (1,400) gross square feet and shall be located to provide the principal pedestrian access to the mixed use development. A covered arcade with a minimum width of ten (10) feet may substitute for up to fifty percent (50%) of the above public plaza requirements.

I. Dimensional requirements. The dimensional requirements of a mixed use development shall be as follows:

1. Density. The density shall be the same as applies in the zoning district where the development is located.
2. Minimum lot size. Ten thousand (10,000) gross square feet.
3. Maximum structure length. Two hundred (200) feet for single use residential buildings.
4. Maximum height. The same as the district where the mixed use development is located.
5. Minimum lot width. One hundred (100) feet.
6. Minimum floor area. Four hundred (400) square feet for each multifamily dwelling unit.
7. Yards. Yards shall be the same as the district where the mixed use development is located.

J. Sidewalk requirements. A minimum seven (7) foot wide sidewalk along the street abutting the property proposed for an MXU in a location approved by the city engineer shall be required. Mixed use developments on property within a nonresidential zoning district lying east of the Intracoastal Waterway will be required to provide ten (10) foot sidewalks in a location and manner approved by the city engineer.

K. Requirements for conditional review and approval. In addition to the requirements established by this section, any mixed use development shall be subject to the requirements for a conditional use permit, as provided in Sec. 47-24.3


Sec. 47-18.22. - Mobile vendor.

Mobile vendors are subject to the requirements of Chapter 23, Article IV, Mobile Vendors, of Volume I of the Code.
Sec. 47-18.23. - Nursing home.

A. Nursing homes shall be subject to the following dispersal requirements:

1. They shall not be located within one thousand five hundred (1,500) feet of any other nursing home.

2. No such facility shall be enlarged, increased in bed capacity or expanded in any respect, nor converted from one (1) facility use to another, if located within one thousand five hundred (1,500) feet of any other facility.

3. The foregoing distance requirements shall be measured and computed by following a straight line from the nearest property line of the proposed facility (or the facility proposed for enlargement, increased bed capacity, expansion or conversion) to the nearest existing facility property line.

4. Nursing homes which are in existence on the effective date of this ordinance and which have been licensed and approved by either the State of Florida Department of Health and Rehabilitative Services or another applicable regulatory agency and which are presently located within one thousand five hundred (1,500) feet of another public or private nursing facility shall be exempt from the applicable distance requirement unless proposed for enlargement, increased bed capacity or expansion or conversion, in any respect.

Sec. 47-18.24. - Outdoor pay telephone.

A. An outdoor pay telephone may be permitted in all districts, except in any RS, RD or RC zoning district provided, however, that no outdoor pay telephone shall be installed in any yard area.

B. All signs must be an integral part of the outdoor pay telephone design and shall not project beyond the booth, nor be attached to the pay telephone in any manner.

Sec. 47-18.25. - Pet boarding/kennel facilities.

A. Pet boarding/kennel facilities shall be limited to the boarding of a domestic variety of animals, confined to a completely enclosed building.

B. Outdoor exercise areas for pets shall be subject to the requirements for Outdoor Uses, Sec. 47-19.9

C. Soundproofing shall be provided so that the sounds of any animals confined in the area cannot be heard outside of the property line.

D. There shall be no exterior cages.

E. No animals may be exercised outdoors before 7:00 a.m. or after 7:00 p.m.

F. Pet boarding/kennel facilities shall contain an air-handling system for disinfection and odor control.
G. Pet boarding/kennel facilities shall contain waste control facilities such as a flush system or equal.

H. Pet boarding/kennel facilities shall contain no crematory facilities.

(Ord. No. C-97-19, § 1(47-18.24), 6-18-97)

Sec. 47-18.26. - Public purpose uses.

A. Any provision to the contrary notwithstanding, publicly owned structures may be erected and lands used for public purposes, in any zoning district in the city unless prohibited by the city comprehensive plan; provided, however, no building or use permit shall be issued by the city for any such plans, locations or use without the prior approval of the city commission as provided herein.

B. Consideration of the approval of a use or structure for public purposes which requires relief from a zoning regulation of the city shall be initiated by filing an application for approval with the department by the property owner or the person or entity wishing to use the property for a public purpose.

C. An application for a public use or structure shall include:

1. A conceptual site plan showing the size and location of all structures on or to be located on the property, including but not limited to elevations, location of vehicular and pedestrian ingress and egress, landscaping and floor plans. If the public purpose is to utilize property as a social service residential facility, the site plan shall show how the use or structure meets the requirements of Sec. 47-18.32

2. A legal description of the property;

3. A description of the zoning regulation from which relief is necessary to conduct the public use or construct the public structure;

4. A description of the need for the public use or structure including a description of other similar uses or structures and their locations in the city;

5. A description of the reason why the proposed location is necessary in relation to the need for the use or structure;

6. A description of what makes the location of the use or structure on the property desirable;

7. A description of the economic and environmental impact on the area as a result of permitting the use or structure;

8. A description of the impact of the use or structure on neighboring properties;

9. A description of how the site plan addresses any negative impacts which might occur as a result of permitting the use or structure;

10. A description of off-site or on-site factors which mitigate any negative impacts which might occur as a result of permitting the public use or structure; and

11. A description of the efforts to locate other sites for the use or structure and reasons why other sites are not as desirable as the site proposed (factors in considering feasibility may include land use, zoning, economic, geographic factors and size).
D. The application shall be reviewed by the city department responsible for review of development permits for a determination that the application is complete and forwarded to the development review committee (DRC). After review and comments by the DRC, the application shall be forwarded to the planning and zoning board for review. The recommendation of the DRC and the planning and zoning board shall be forwarded to the city commission.

E. The city commission shall hold two (2) public hearings to consider an ordinance approving a public purpose use or structure and shall provide notice of hearing utilizing the same notice requirements as for a rezoning.

F. The city commission may approve or approve with conditions the application for location of a public use or structure based on the following findings:

1. There is a need for the use or structure to be located where proposed.
2. The use meets a valid municipal purpose.
3. The location of the use or structure is not in conflict with the city comprehensive plan.
4. Off-site or on-site conditions exist which reduce any impact of permitting the public use or structure.
5. On-site improvements have been incorporated into the site plan which minimize any adverse impact as a result of permitting the public use or structure.
6. Alternative locations have been identified and reviewed or it has been determined that no feasible alternative locations are available.
7. The proposed site is found to be the most feasible for location of the public use or structure.
8. The public purposes to be met by the location of the use or structure outweigh the application of the zoning regulation and prohibiting the location of the public use or structure.

G. The approval of a public use or facility shall terminate when the use or facility is no longer publicly owned or used, and the property upon which the use or facility is located shall be subject to the requirements of the zoning district within which it is located.

(Ord. No. C-97-19, § 1(47-18.25), 6-18-97)

Sec. 47-18.27. - Recreation vehicles and trailers, sales and rental, new or used.

A. Recreation vehicle and trailer, sales and rental, new or used facilities shall have a minimum lot size of at least two hundred (200) feet in width and fifteen thousand (15,000) square feet in area, and shall also have a completely enclosed building on the parcel which is at least one thousand two hundred (1,200) gross square feet in area.

B. Open storage and display of recreation vehicles and trailers for sale, rent, or service shall be permitted on the parcel, subject to the requirements for Outdoor Uses, Sec. 47-19.9

(Ord. No. C-97-19, § 1(47-18.26), 6-18-97)
Sec. 47-18.28. - Rowhouse.

A. For purposes of this section, a rowhouse is defined as a dwelling unit which is attached to other units in a row, fronting on a public street, with a front door facing and opening on to the street. Interior units shall share two (2) side walls with end units sharing only one (1) side wall and which meets the requirements of this section. A group of at least five (5) rowhouse units is a rowhouse building, and one (1) or more rowhouse buildings constitutes a rowhouse development.

B. Site and design criteria for rowhouses. Rowhouses shall meet the following site and design criteria:

1. Lot requirements. The minimum lot size for each rowhouse in a row house development shall be two thousand (2,000) square feet, with a minimum width of twenty (20) feet. Each row house lot shall front on a public street.

2. Density. As regulated by the district where the rowhouse development is located.

3. Access requirements. All units in a row house development shall have vehicular access from a rear driveway or alley, a minimum of twenty (20) feet in width, or from the front only if provided with a garage. If rear access is provided from a private drive provisions satisfactory to the city attorney shall be made to dedicate a recordable easement over the driveways for vehicular access for residents.

4. Yard/separation requirements.
   a. Front yard. The front yard shall be a minimum of five (5) feet and a maximum of ten (10) feet. If front garages are provided, the garage only shall be set back twenty (20) feet.
   b. Side yard. The side yard shall be zero (0) feet, except an end unit which shall have a minimum of five (5) foot setback from property lines (or ultimate right-of-way line).
   c. Rear yard. The rear yard shall be a minimum of fifteen (15) feet. If parking is provided in the rear yard, a minimum twenty (20) foot deep surface parking area shall be provided between the rowhouse buildings and the rear yard line.
   d. Separation. There shall be a minimum separation between rowhouse buildings of ten (10) feet and a maximum of twenty (20) feet along a street, unless an intervening alley or driveway requires a greater separation, in which case the maximum separation shall be fifty (50) feet in width.

5. Architectural style. The rowhouse units within a rowhouse building shall be of consistent and complementary architectural design, with uniform windows, doorways, and cornices. Windows and doors shall include decorative trim, awnings, structural eyebrows, or other ornamentation. Sloping roofs or decorative parapets providing vertical interest shall be incorporated into rowhouse buildings.

6. Entrance requirements. Each unit of a rowhouse building shall provide a front entrance facing a public street. Front entrances may be recessed a maximum of five (5) feet from the front building facade. Entrances shall either be recessed or be sheltered with a porch or awning.

7. Minimum floor area. Each rowhouse unit shall have a minimum floor area of seven hundred
fifty (750) square feet.

8. **Height.** The maximum height shall not exceed fifty-five (55) feet.

9. **Fencing.** Any fencing along a public right-of-way shall be a maximum of four (4) feet in height and provide a minimum of seventy-five percent (75%) non-opaque materials such as vertical bars or picket fence and all other provisions of Sec. 47-19.5 shall apply. Fencing of side yards not facing a street, rear yards and along alleys shall be subject to the provisions for Fences, see Sec. 47-19.5. All other provisions regulating fencing as provided in Section 47-19, Accessory Uses, Buildings and Structures, not in conflict herewith shall apply.

10. **Sidewalk/street tree/open space requirements.** A rowhouse development shall provide the following:

   a. A minimum seven (7) foot sidewalk along each public street abutting the property shall be provided along the front property line, with a minimum of five (5) feet clear of utility poles, street signs, or other obstructions. Rowhouses along pedestrian priority or image streets shall satisfy the sidewalk width requirements as specified in Sec. 47-13.20

   b. Street trees shall be planted and maintained along the public street abutting the property to provide a canopy effect. The type of street trees may include shade, flowering and palm trees and shall be planted at a minimum height, size, and spacing in accordance with the requirements of Sec. 47-13.20.H.7. The location and type of trees shall be determined by the department based on height, bulk, shadow, mass and design of the structures on the site and the proposed plan's compatibility to surrounding properties.

   c. Open space and landscaping shall be as required by the district in which located.

11. **Parking requirements.** Parking spaces for rowhouses within the RAC shall be as specified in Sec. 47-13.20.C. In other districts, parking shall be as provided in Section 47-20, Parking and Loading Requirements.

12. **Minimum/maximum unit count.** There shall be a minimum of five (5) units attached in a row to constitute a rowhouse building, and a maximum of twenty (20) units attached in a row without a building separation pursuant to subsection B.4.d.

(Ord. No. C-97-19, § 1(47-18.27), 6-18-97)

**Sec. 47-18.29. - Self-storage facility.**

A. Self-storage facilities shall be subject to the following requirements:

1. Limited to storage only.

2. Outdoor storage of boats, vacant trailers, and recreation vehicles is permitted as an accessory use provided, however, that outdoor storage areas shall be completely screened from abutting property and all public right-of-ways by a wall or opaque fence, in accordance with the requirements for fences, walls and hedges in Sec. 47-19.5. Such outdoor storage areas shall be located on an asphaltic concrete surface meeting the requirements of the surface of a parking lot as required in Section 47-20, Parking and Loading Requirements.

3. Sales, service and repair uses and activities of any kind are prohibited, including but not
limited to: auctions, commercial, wholesale, or retail sales, or garage sales; servicing and repair of motor vehicles, boats, trailers, lawn mowers, appliances, or similar equipment; operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, or other similar equipment; and the operation of a distribution business.

4. When individual areas are accessed from outside of the storage structure, where a common drive separates two (2) or more self-storage buildings, said drive shall be a minimum width of thirty (30) feet along the access area.

5. When a lot on which a storage facility is located abuts a street, there shall be a minimum twenty (20) foot yard between the property line abutting the street or streets and the storage structure, which yard shall be landscaped in accordance with the requirements for Landscaping as provided in Section 47-21, Landscape and Tree Preservation Requirements.

6. Individual storage units within a self storage facility shall have a maximum of four hundred (400) square feet of gross floor area.

B. Self-storage facilities located within the RAC-CC shall only be permitted as follows:

1. As a secondary use to a permitted RAC-CC use;
2. Shall not exceed thirty percent (30%) of the gross floor area of the principal use;
3. Shall not front on an image or pedestrian priority street;
4. Shall require conditional use approval, see Sec. 47-24.3

(Ord. No. C-97-19, § 1(47-18.28), 6-18-97)

Sec. 47-18.30. - Senior citizen center.

A. A senior citizen center is a facility which, for compensation provides service, meals, recreational activities and transportation for five (5) or more adults over the age of fifty-five (55).

B. The hours of operation of a senior citizen facility shall be limited to the hours between 6:00 a.m. to 8:00 p.m. in any one (1) day.

C. Senior citizen facilities do not include nursing homes, assisted living facilities, social service residential facilities (SSRF), or social service facilities (SSF), as described in the ULDR.

(Ord. No. C-97-19, § 1(47-18.29), 6-18-97)

Sec. 47-18.31. - Social service facility (SSF).

A facility providing personal services described herein by an eleemosynary or philanthropic entity. Personal services include the provision of food, hygiene care and day shelter or any combination of same. In addition to personal services, secondary services such as counseling, education and referral, training, indoor recreational facilities and similar supportive services during the day and evening hours may be provided, but does not include overnight accommodations. Senior citizen centers and child day care facilities may be accessory to an SSF, in which case such use must meet the applicable requirements of the ULDR.
Sec. 47-18.32. - Social service residential facilities (SSRF).

A. A social service residential facility is intended to serve as a place for persons seeking habilitation, rehabilitation or recovery from any physical, mental, emotional or legal infirmity, or any combination thereof, in a family setting as part of a group habilitation, rehabilitation or recovery program utilizing counseling, self-help or other treatment or assistance.

B. The SSRF category of uses includes, but is not limited to, foster homes; adult congregate living facilities; residential facilities for alcohol and drug rehabilitation, for spouse abuse care, for developmentally disabled or handicapped persons, for persons with mental health problems, and for dependent children. This category of uses also includes emergency shelters and juvenile and adult residential halfway houses. These facilities are to be distinguished from hotels, motels and apartments which are residences that offer living accommodations to the general public and serve no special group, nor offer special or personal services. This category of uses does not include lodging houses, nursing homes, hospitals, child or day care centers, or family day care homes, general hospitals, special hospitals, medical clinics, jails or prisons, or skilled medical service facilities. Social service residential facilities shall be categorized according to the number of residents, type or care of service provided and intensity of care provided.

C. Definitions. For the purposes of this section, the following definitions shall apply:

1. Accessory shelter unit: Any portion of a building or a structure that is accessory to the principal use and used as temporary housing for individuals and families and may include counseling, education and referral services for the temporary residents thereof. Temporary shall mean an average length of stay not exceeding thirty (30) days. The shelter unit portion of such a building or structure shall not exceed ten percent (10%) of the gross floor area of the total building or structure. However, in any case, the shelter unit floor area shall not exceed one thousand five hundred (1,500) square feet, whichever is less.

2. Adult congregate living facility (ACLF): A facility, the specific use of which is to provide residential and habilitation services, including room and board and one (1) or more personal services to adults who require such services and are unrelated to the facility owner or operator. These facilities may offer central dining, personal and therapeutic care, and other services necessary to meet the needs of the residents. These include adult congregate living facilities as defined by F.S. § 400.402 and like residential retirement and life care facilities.

3. Adult foster home: A full-time, family-type living arrangement, in a residence, under which a person or persons provide services of room, board, personal assistance, general supervision, and health monitoring for residents not related to the owner or operator of the dwelling unit who are aged or disabled adults placed in the home by the Florida Department of Health and Rehabilitative Services, including those defined in F.S. § 400.618.

4. Child: A person less than eighteen (18) years of age.

5. Emergency shelter facility for abused children and adults: A facility, the specific use of which is to provide room and board and protection, and which may offer counseling and preplacement screening for abused children or adults for an average stay of not over thirty (30) days per client.

6. Emergency shelter facilities: A facility, the specific use of which is to provide, without charge
and for a period not to exceed an average stay of thirty (30) days per person, temporary protection, room and board, counseling and placement for individuals, families, or both, displaced from their residences as a result of domestic violence or other unforeseen events. This use includes facilities offering therapy, counseling, or both, for the purpose of providing temporary shelter for persons in distress such as runaway children, pregnant women and unwed mothers.

7. Family care homes: A facility in a residence providing support and supervisory personnel, the specific use of which is to provide room and board, personal care and habilitation services in a family environment for its residents, who because of a temporary or permanent physical, emotional or mental disability, desire a substitute home. A family care home provides one (1) or more personal services for persons not related to the owner or operator of the dwelling unit. The personal services, in addition to housing and food services, may include personal assistance with bathing, dressing, housekeeping, adult supervision, emotional security and other related services.

8. Family foster home: A residence in which children who do not reside with their parent or legal guardian are provided with twenty-four (24) hour per day care, supervision or both. Such homes include emergency shelter homes and specialized foster homes for children with special needs, including those defined in F.S. § 409.175.

9. Halfway house: A facility designed to provide a transitional living arrangement for persons in transition from residence in an institution or hospital, and who have special needs, such as mental patients, recovering alcoholics and individuals released from prison with the purpose of reentry into society.

10. Resident: Any person residing in and receiving care, personal service or supervision from a social service residential facility.

11. Resident capacity: For the purposes of determining facility capacity, resident capacity shall be considered the equivalent of "bed" capacity.

12. Skilled medical service facility: A facility, the specific use of which is to provide care or service by in-house or on-staff certified medical professionals for the purpose of supplying continuous or routine medical attention such as physical examinations, vital sign monitoring, diagnosis, testing and prescription assignment.

13. Social Service Residential Facility (SSRF): Is any building or buildings, section of a building, or distinct part of a building, residence, private home, structure, or other place whether operated for profit or not, which is noninstitutional in character, including but not limited to, facilities licensed, or monitored by the Florida Department of Health and Rehabilitative Services (HRS) to provide a family living environment that involves more than twenty-four (24) hour supervision or daily care or lodging, care or personal services for residents in order to meet the physical, emotional or socialization needs of the residents who are persons not related to the SSRF owner or operator. An SSRF does not include hotels, motels, apartments, boarding or rooming houses, nursing homes, hospitals, child or day care centers, or family day care homes, general hospitals, special hospitals, medical clinics, jails or prisons, or skilled medical service facilities.

14. Treatment and rehabilitation facilities: A facility which provides diagnostic or therapeutic services for its residents. Treatment and rehabilitation facilities may include an outpatient component where a resident may receive regular treatment at a hospital or clinic while maintaining residence at a SSRF facility. This use shall include facilities for the housing of residents who are
victims of diseases determined by HRS standards to be noncommunicable, and residential treatment facilities (RTF) as defined in F.A.C. 10E-4.016(2)(s).

D. SSRFs are divided into five (5) levels based upon resident population, the care or service provided by the facility and intensity of care.

1. **Level I:** A facility with a maximum of four (4) residents and not more than two (2) on-duty staff who may reside in the facility. The principal purpose of the residential facility shall be to provide a family-type living arrangement, including supervision and care necessary to meet the physical, emotional, personal and social needs designed to house certain clients of the Florida Department of Health and Rehabilitative Services or its designee.
   
   a. Level I shall include only the following family foster home facilities:
      
      i. Foster care facility for the developmentally disabled;
      
      ii. Adult foster home for aged and disabled adults; and
      
      iii. Family foster home for children (including those defined in F.S. § 409.175).
   
   b. Level I facilities shall be required to be licensed by the Florida Department of Health and Rehabilitative Services to meet one (1) of these three (3) housing needs.

2. **Level II:** A facility with a maximum of eight (8) residents and not more than two (2) on-duty staff, one (1) of which may be the resident supervisor, or such increased staff levels as may be required by HRS in a particular instance. The principal purpose of the facility shall be to provide personal care, shelter, sustenance or other support services. Level II SSRF shall include family care homes, adult congregate living facilities, adult and family foster homes, RTF levels I V and V, as defined in the Florida Administrative Code, and residential facilities for the developmentally disabled. Level II shall also include accessory shelter units and emergency shelters for abused children and adults.

3. **Level III:** A facility with a maximum of sixteen (16) residents and not more than three (3) on-duty staff, one (1) of which may be the resident supervisor, or such increased staff levels as may be required by HRS in a particular instance. The principal purpose of the facility shall be to provide personal care, shelter, sustenance or other support services.
   
   a. Level III social service residential facilities shall include RTF levels III, IV and V, adult congregate living facilities, adult and family foster homes, and residential facilities for the developmentally disabled. Level III shall also include accessory shelter units and emergency shelters for abused children and adults.

4. **Level IV:** A facility designed to be occupied by seventeen (17) or more residents with staff levels as may be required by HRS. The principal purpose of the facility shall be to provide personal care, shelter, sustenance and other support services.
   
   a. Level IV shall include facilities for adult congregate living, mentally ill persons at RTF levels II, III and IV, as defined in the Florida Administrative Code, foster care, developmentally disabled.

5. **Level V:** A facility, the principal purpose of which shall be to provide personal care, shelter,
sustenance or other support services, or other treatment and therapy, in addition to active programmatic efforts and may be designed to encourage entry or reentry into the community.

a. Level V shall include emergency shelter facilities, RTF levels IA and IB, as defined in the Florida Administrative Code, treatment and rehabilitation facilities and facilities for mental health care, substance abuse care, halfway houses and similar facilities not provided for in this subsection.

E. Standards for SSRF development approval.

1. No permitted SSRF use shall be granted development approval until the city has made a determination that the proposed SSRF has met all of the requirements of this chapter including those requirements in the specific zoning district in which the proposed SSRF is to be located. Prior to the issuance of any permits or use approval the applicant for the SSRF shall provide the city with evidence of applicable preliminary state agency approval or with a current state agency license when a license is required by state agency.

a. Conditional use SSRF. Development approval of a conditional use SSRF may be granted by the planning and zoning board after a recommendation of the development review committee.

b. No conditional use SSRF shall be approved unless it is demonstrated that each proposed facility has met all of the requirements of this chapter, including those requirements in the specific zoning district in which the proposed SSRF is to be located, has received applicable preliminary state agency approval or current state agency license when a license is required by any state agency and site plan approval. Recommendation and approval shall be based upon consideration of the following factors:

i. If a facility is proposed to be located in a residentially zoned area, it shall be developed in a manner that is compatible with the character of the surrounding area. This standard applies to design density, lot size, landscaping, building height limit, building site requirements, yard requirements, minimum floor area, lot coverage and open space.

ii. Any adverse impact on the abutting properties from the proposed facility, including but not limited to, outdoor lighting, noise and traffic generated by the proposed use, location of outdoor play area, parking, ingress and egress, loading and unloading, circulation area and location of streets and their capacity to carry the traffic generated by the proposed use.

c. An application for SSRF conditional use approval shall be submitted and reviewed in accordance with the requirements for a conditional use permit as provided in Sec. 47-24.3

F. Schedule of permitted and conditional uses, by category of uses. The location of all SSRF shall be determined as designated on the matrix provided below:

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Social Service Residential Facilities/Categories</th>
</tr>
</thead>
<tbody>
<tr>
<td>District</td>
<td>Level I</td>
</tr>
</tbody>
</table>

Fort Lauderdale, Florida, Code of Ordinances
RS-4.4 | P | N | N | N | N
RS-8  | P | N | N | N | N
RC-15 | P | N | N | N | N
RD-15 | P | N | N | N | N
RM-15 | P | C | N | N | N
RML-25| P | C | N | N | N
RMM-25| P | C | C | C | N
RMH-25| P | C | C | C | N
RMH-60| P | P | P | P | C
MHP   | N | N | N | N | N
RO    | P | P | P | C | C
ROA   | P | P | C | N | N
ROC   | P | P | P | C | C
CB    | C | C | C | C | C
B-1   | C | C | C | C | C
B-2   | C | C | C | C | C
B-3   | N | N | N | N | N
I     | N | N | N | N | N
CF    | P | P | P | C | C
P     | N | N | N | N | N
T     | N | N | N | N | N
U     | N | N | N | N | N
PRD   | N | N | N | N | N
ABA   | N | N | N | N | N
SLA   | N | N | N | N | N
IOA   | N | N | N | N | N
NBRA  | N | N | N | N | N
SBMH  | N | N | N | N | N
RAC-CC| C | C | C | C | N
RAC-AS| C | C | C | C | N
RAC-UV| C | C | C | C | N
RAC-RPO| C | C | C | C | N
RAC-TMU| C | C | C | C | N
GAA   | N | N | N | N | N
AIP   | N | N | N | N | N
PEDD  | N | N | N | N | N
CR    | N | N | N | N | N
CC    | N | N | N | N | N
H-1   | N | N | N | N | N
X-Use | N | N | N | N | N

Legend:

P: Permitted.

N: Not Permitted.

G. Additional requirements.

1. Dispersal. The purpose of dispersal requirements is to further the objectives of this section by avoiding the undue concentration of SSRF facilities, thus preserving residential environment. The measurement for dispersal shall be made along a straight line from the nearest property line of the proposed facility (from the facility proposed for enlargement, increased licensed bed capacity, expansion or conversion) to the nearest property line of the closest existing facility.

   a. Level I. Dispersal requirements shall not apply to any level I SSRF.

   b. Levels II, III, IV, and V. When the proposed SSRF is to be located in a residential district, the following dispersal distances shall be applied to all SSRF, whether located in a residential district or a nonresidential district. No portion of any level II, III, IV or V SSRF shall be permitted, or shall be enlarged or expanded, or increased in size or number of persons licensed to be served by the State of Florida or Broward County when it is located within a distance of one thousand five hundred (1,500) feet from any other property with a level II, III, IV or V SSRF or from any other property containing a small, intermediate or large child day care facility as defined in Sec. 47-18.8 located in either a residential or nonresidential district.

   c. Dispersal requirements shall not apply to SSRF facilities on property located entirely within nonresidential districts. However, SSRF proposed to be located in nonresidential districts shall be one thousand five hundred (1,500) feet from any existing SSRF or child day care center in a residential district.

2. Floor area requirements.

   a. Level I. No minimum, except as required by the underlying zoning district requirements and as required by state agencies.

   b. Levels II, III, IV and V. In addition to the minimum floor area requirements of the underlying zoning district, the following floor area shall be provided:

      i. Bedroom space: In a sole occupancy bedroom, a minimum of ninety (90) square feet of floor area shall be provided.

      ii. In a multiple occupancy bedroom, a minimum of sixty (60) square feet of floor area per adult resident and a minimum of fifty (50) square feet of floor area per child resident shall be provided.

      iii. Bedroom floor area requirements may be reduced by the planning and zoning board when:

         a) The size of a bedroom or bedrooms within an existing conforming structure requires such reduction; or

         b) A commensurate increase in the living and recreation space of the facility is proposed; or

         c) The relative stay of the residents dictates such reduction (i.e., facility provides primarily short term housing).
3. Outdoor recreation space.
   
a. Level I. A minimum of one thousand five hundred (1,500) square feet of outdoor recreation space, three hundred (300) square feet of which shall be landscaping, shall be required.
   
b. Levels II, III, IV and V. A minimum of thirty (30) square feet of outdoor recreation space per resident shall be required. One-third (1/3) of said area shall be landscaping.
   
c. Adult foster home facilities, family foster home facilities and short-term emergency facilities, including but not limited to, shelter units, emergency shelter facilities for abused children and adults, and emergency shelter facilities, as defined in this section, shall be exempt from the requirements for outdoor recreation space.
   
d. When all residents of the SSRF facility are nonambulatory, the requirements of this subsection shall be met by providing one thousand five hundred (1,500) square feet of outdoor recreation space, of which three hundred (300) square feet shall be landscaping.

H. Administrative requirements. In addition to the requirements of the ULDR, all SSRF shall comply with the applicable statutory and administrative rule requirements of the State of Florida.

I. The director shall coordinate with applicable state and local agencies to ensure a mutual effort in the exchange of information relative to the enforcement of this section.

J. General administration. To ensure the enforcement of this section and to protect and promote the health, safety, and welfare of SSRF residents and the citizens of the city, the department shall require that an applicant for a SSRF use provide evidence of preliminary state agency approval, such as a temporary license, probationary license, provisional license, interim license, conditional license, or a current state agency license when one is required.

K. The applicant for a SSRF shall submit to the department information regarding the proposed facility's location, maximum number of residents, building and site plans, and all other documentation, plans, and calculations necessary to show compliance with the applicable requirements of the State of Florida and the ULDR.

(Ord. No. C-97-19, § 1(47-18.31), 6-18-97)

Sec. 47-18.33. - Townhouse.

A. Definition. For the purposes of this section, a townhouse development shall be defined as three (3) or more attached single family dwelling units where each individual single family unit and land thereunder is owned in fee simple.

B. Site design criteria. A townhouse development shall meet the following site design criteria:
   
   1. Minimum lot size. The lot upon which the group is located shall contain a minimum area of seven thousand five hundred (7,500) square feet and shall provide an average of two thousand (2,000) square feet per dwelling unit, including driveways and areas held in common ownership.
2. **Density.** Density shall be limited as provided for the zoning district where a townhouse development is proposed to be located.

3. **Group limit.** A townhouse group shall be limited to a maximum of eight (8) dwelling units. A minimum of twenty-five percent (25%) of the townhouse group’s front facade shall be set back an additional five (5) from the rest of the front facade. Attached units may have a common wall or individual sidewalls separated by a distance of not more than one (1) inch or as determined reasonable by the building inspector. If individual walls are used, the buildings shall have adequate flashing at the roofline.

4. **Access requirements.** Each dwelling unit shall have vehicular access on a public street or paved driveway or parking area serving the group. Private driveways shall be provided in accordance with Sec. 47-20.5.D. Provisions satisfactory to the city attorney shall be made for a recordable easement over the driveway for all public utilities and for use by owners within the group.

5. **Yard requirements.**
   a. **Front yard.** The minimum front yard shall be the same as that required for the zoning district where the townhouse development is located. A five (5) foot easement along the front property line of the group shall be required. Provisions satisfactory to the city attorney shall be made for a recordable easement along the front property line of the group for use by the owners of the group.
   b. **Side yard.** The minimum side yard shall be a minimum of ten (10) feet from the side property line of the townhouse group and a minimum of twenty (20) feet measured from an ultimate right-of-way, dedicated street, or street-widening line. A five (5) foot easement which extends from front to rear lot lines along a side lot line of the townhouse group not abutting a public street shall be required for use by owners within the group.
   c. **Rear yard.** Shall be a minimum of twenty (20) feet from the rear property line. Provisions satisfactory to the city attorney shall be made for a recordable easement along the rear property line of the group for use by the owners of the group.
   d. **Additional requirements.** When any portion of a townhouse structure exceeds twenty-two (22) feet in height, that portion of the structure shall be set back a minimum of an additional one (1) foot for each foot of height above twenty-two (22) feet.

6. **Entrance requirements.** Within the RC-15 district only, any principal structure's facade facing a public right-of-way shall be considered the front facade for those units. Each unit must have, on a front facade, its own principal entrance. The entrance shall be a roofed concrete landing a minimum of three (3) feet by five (5) feet and shall be of architectural design and material similar to and integral with the principal structure. No two (2) principal entrances shall share a roofed concrete landing. A minimum of eight (8) linear feet shall be provided between entrances which are located within the same plane.

7. **Minimum floor area.** Each individual dwelling unit shall have a minimum floor area of seven hundred fifty (750) square feet.

8. **Height.** The maximum height shall not exceed thirty-five (35) feet. See Section 47-2, Measurements.
9. **Fence requirements.** Within the RC-15 district only, for new construction, seventy-five percent (75%) of all fencing along the front yard of a townhouse development abutting a public right-of-way must be of non-opaque materials such as vertical bars or picket fence, and be subject to all other requirements of Sec. 47-19.5, Fences, Walls and Hedges.

10. **Landscape requirements.** A townhouse development shall provide the following:

   a. A minimum five (5) foot wide sidewalk along each public street abutting the property along the full length of the front property line. A minimum three (3) foot wide sidewalk shall be provided from each principal entrance to the public sidewalk unless the DRC determines that alternative pedestrian access to the public sidewalk is provided.

   b. Street trees shall be planted and maintained along the public street abutting the property to provide a canopy effect. The type of street trees may include shade, flowering and palm trees and shall be planted at a minimum height and size in accordance with the requirements of Section 47-21, Landscape and Tree Preservation Requirements. The location and number of trees shall be determined by the department based on height, bulk, shadow, mass and design of the structures on the site and the proposed development’s compatibility to surrounding properties.

11. **Maintenance agreement.** A townhouse development shall have a recorded maintenance agreement for the common areas.


**Sec. 47-18.34. - Truck sales or rental, new or used.**

A. New or used truck sales or a truck rental agency shall have a minimum lot size of two hundred (200) feet in width and fifteen thousand (15,000) square feet in area, and shall contain a completely enclosed building on the lot which is a minimum of one thousand two hundred (1,200) gross square feet in area.

B. New or used truck sales may operate a truck rental business as an accessory use, which may include servicing and repair of such trucks.

C. Open storage and display of trucks for sale, rent, or service and repair shall be permitted, subject to the requirements for Outdoor Uses, Sec. 47-19.9

   (Ord. No. C-97-19, § 1(47-18.33), 6-18-97)

**Sec. 47-18.35. - Veterinary clinic.**

A. Veterinary clinics shall be limited to treatment of animals of a domestic variety, confined to a completely enclosed, soundproofed and air-conditioned building.

B. Outdoor exercise areas for pets shall be subject to the requirements for Outdoor Uses, Sec. 47-19.9

C. All facilities shall be contained within completely enclosed structures without windows in any area where animals are contained or treated.

D. A veterinary clinic shall have adequate soundproofing in any area where animals are contained or treated.
E. No exterior cages shall be permitted in a veterinary clinic.

F. No animals may be exercised outdoors before 7:00 a.m. or after 7:00 p.m.

G. A veterinary clinic shall contain an approved air-handling system for disinfection and odor control.

H. A veterinary clinic shall contain adequate waste control facilities, such as a flush system or its equal.

I. A veterinary clinic shall contain no crematory facilities.

J. No boarding of animals shall be permitted as described in Pet Boarding/Kennel, Sec. 47-18.25

K. Overnight stay of animals shall be permitted only in conjunction with treatment of animals.

(Ord. No. C-97-19, § 1(47-18.34), 6-18-97)

Sec. 47-18.36. - Watercraft sales or rental, new or used.

A. Watercraft sales or rental, new or used shall have a minimum lot size of one hundred (100) feet in width on the front property line and fifteen thousand (15,000) square feet in area.

B. There shall be a completely enclosed building on the lot, which is a minimum of one thousand two hundred (1,200) square feet in gross floor area.

C. A watercraft sales dealer may have a watercraft rental as an accessory use.

D. A watercraft sales dealer may have minor watercraft repair and service as an accessory use. Minor repair shall be defined as in Watercraft Repair Shop, Sec. 47-18.37

E. For restrictions on outdoor sale and rental, see Sec. 47-19.9

F. If waterway craft sales or rental is located on a waterway see Sec. 47-19.11, Waterway Rental Concession, and Sec. 47-23.8, Waterway Uses.

G. Watercraft sales or rental, new or used in an RAC-AS zoning district shall only be permitted when developed on property abutting S.W. 7th Avenue.


Sec. 47-18.37. - Watercraft repair shop.

A. Minor watercraft repairs are: engine tune-up, refinishing, renovation, pipe work, canvas, rigging and detailing may be permitted in the B-1, B-2, B-3 and I districts.

B. Major watercraft repairs are: painting, bottom scrubbing, engine and generator repair.

C. Hull extension, fiber glass repairs, and diesel gas repairs may only be permitted in the B-2, B-3 and I districts.

D. Outdoor display, storage, rental or service and repair shall be subject to the requirements of Sec.
47-19.9, Outdoor Uses.

(Ord. No. C-97-19, § 1(47-18.36), 6-18-97)

**Sec. 47-18.38. - Zero-lot-line (ZLL) dwelling.**

A. A zero-lot-line dwelling is a single family detached unit which, instead of being centered on the lot, has one (1) side placed on one (1) of the side lot lines in order to provide for more open space on the other side of the lot.

B. Approval process. A site plan level III permit shall be required for a ZLL dwelling in accordance with Sec. 47-24.2, Development Permits and Procedures.

C. Site design criteria.

1. **Density.** The maximum number of dwelling units permitted per net acre shall be limited by the zoning district where the ZLL development is located.

2. **Minimum lot size.** The minimum lot size for each dwelling shall be four thousand (4,000) gross square feet in area.

3. **Minimum lot width.** The minimum lot width for each dwelling site shall be forty (40) feet for interior lots and forty-five (45) feet for corner lots.

4. **Special yards required for ZLL dwellings.**

   a. **Front yards.** Shall be the same as that for a single family dwelling, as required in the zoning district where the ZLL dwellings are located.

   b. **Rear yards.** Shall be the same as that for a single family dwelling, as required in the zoning district where the ZLL dwelling is located.

   c. **Side yards.**

      i. **For corner lots:** Shall be minimum fifteen (15) feet from the side property line.

      ii. **Side yard when abutting another ZLL lot:** Minimum side yard shall be zero (0) for one (1) side of the building, and ten (10) feet for the other side. In no instance shall a ZLL dwelling be located closer than ten (10) feet from another building.

      iii. **Side yard when abutting a non-ZLL lot:** The minimum side yard shall be the same as that for a single family dwelling, as required by the zoning district where the ZLL dwelling is located.

   d. **Additional setback requirements.** When any portion of a ZLL structure exceeds twenty-two (22) feet in height, that portion of the structure which exceeds twenty-two (22) feet in height shall be set back a minimum of an additional one (1) foot for each foot of height above twenty-two (22) feet.

5. **Height.** The maximum height of a ZLL structure shall not exceed thirty-five (35) feet. See Section 47-2, Measurements.
6. **Private garage.** A fully enclosed garage of minimum ten (10) feet by eighteen (18) feet designed for parking at least one (1) automobile shall be required for each ZLL dwelling. Vehicular access to the garage shall be from a street or driveway. No more than fifty percent (50%) of the front facade of a single-story ZLL dwelling shall be used for a garage. Double car garages are permitted on two-story ZLL dwellings if the total area of garage door surfaces does not exceed thirty percent (30%) of the total front facade area, and if at least one (1) of the following architectural features is provided on the front facade, principal entrance, porch, or habitable balcony. In no case shall the driveway exceed twenty-two (22) feet in width.

7. **Zero side yard building wall requirements.** The elevation of the side wall of the ZLL dwelling with a zero (0) side setback shall have the following requirements:
   
   a. Only clerestory windows or similar transparent openings with a sill height of at least six (6) feet, eight (8) inches above the interior finish floor of each story are permitted. Semi-opaque glass block windows are permitted at any height. The total area of window openings shall not exceed ten percent (10%) of the surface area of the wall.
   
   b. Roof overhangs may encroach up to eighteen (18) inches over a common property line, if drainage is provided to prevent runoff onto adjacent property. Any gutter or downspout is to be located within this eighteen (18) inch dimension.
   
   c. An atrium or other recessed outdoor area may be permitted along the ZLL building wall when a minimum eight (8) foot high opaque wall is provided that entirely screens the outdoor area.
   
   d. Provisions satisfactory to the city attorney shall be made for a ZLL property owner to grant a recordable easement over a three (3) foot area into the yard abutting the side of the structure on the lot line for use by the owner of the adjacent property for maintenance of the building.

8. **Landscape requirements.** A zero-lot-line dwelling shall provide the following:
   
   a. A minimum five (5) foot wide sidewalk along each public street abutting the property along the full length of the property line. A minimum three (3) foot wide sidewalk shall be provided from each principal entrance to the public sidewalk.
   
   b. Street trees shall be planted and maintained along the public street abutting the property to provide a canopy effect. The type of street trees may include shade, flowering and palm trees and shall be planted at a minimum height and size in accordance with the requirements of Section 47-21, Landscape and Tree Preservation Requirements. The location and number of trees shall be determined by the department based on height, bulk, shadow, mass and design of the structures on the site and the proposed dwelling’s compatibility to surrounding properties.

9. **Driveways.** Driveways serving a ZLL dwelling may be located no closer than twelve (12) inches from a side property line.

10. **Elevations.** The architectural design of adjacent ZLL dwellings shall provide different front elevations in terms of roof-lines and entrance design. Where more than five (5) zero-lot-line dwellings are contiguous, a minimum of three (3) different front elevation designs shall be provided.
Sec. 47-18.39. - Existing dwelling unit structures.

A. Dwelling units that exist as of the effective date (June 28, 1997) of the ULDR, which units are stacked one (1) above the other and which have a minimum floor area between four hundred (400) gross square feet and seven hundred fifty (750) gross square feet, shall be permitted in an RC-15 zoning district in accordance with the following:

1. Such structure is in continuous operation and not discontinued in use as provided in Section 47-3, Nonconforming Uses.

2. When the use of such structures change to a different residential use permitted in the RC-15 zoning district, the existing stacked units cannot be reestablished, and the new residential use must meet the requirements of the ULDR for the new use.

3. If such structure is damaged or destroyed by fire, explosion or other casualty or Act of God or public enemy by more than fifty percent (50%) of its replacement value or fifty percent (50%) of the gross floor area of the existing structure, such structure may be restored to the condition it was in prior to the damage, subject to the following conditions:
   a. The stacked unit structure may only be rebuilt in accordance with the density permitted by the RC-15 zoning district or by the residential medium land use designation. If the reconstruction of that portion destroyed would result in a density greater than that permitted by the RC-15 district, such reconstruction shall not be permitted.
   b. The dimensional requirements for a multifamily dwelling as provided in the RM-15 zoning district shall apply to stacked unit structures for the purpose of reconstruction.
   c. The total number of dwelling units to be provided in the rebuilt structure shall not exceed the number of units previously existing in same structure prior to the destruction.
   d. The parcel to be rebuilt must meet all the requirements of the ULDR for multifamily dwellings, as provided in RM-15 zoning district.

4. If more than fifty percent (50%) of the replacement value or of the total gross floor area of an existing stacked unit structure is demolished by other than fire, explosion or other casualty or Act of God or public enemy, then such structure may not be restored to the condition it was in prior to the damage, and any use of the property on which such structure was located shall be required to meet all of the requirements of the ULDR.

5. Any additions to existing stacked dwelling units are required to meet the requirements of the ULDR.

B. Dwelling units that exist and are located on property that was zoned RD-15, RC-15 or RM-15 on April 21, 1998 and are no longer permitted as a new use shall be permitted in an RDs-15, RCs-15, or RMs-15 zoning district in accordance with the following:

1. Such dwelling units must have been legally permitted, in continuous use and not discontinued in use as provided in Section 47-3, Nonconforming Uses.

2. When such dwelling units change to a different use permitted in the RDs-15, RCs-15, or
RMs-15 zoning district, the existing units cannot be reestablished, and the new use must meet the requirements of the ULDR for the new use.

3. If such dwelling units are damaged or destroyed by fire, explosion or other casualty or act of God or public enemy by more than fifty percent (50%) of its replacement value or fifty percent (50%) of the gross floor area of the existing structure, such structure may be restored to the condition it was in prior to the damage, subject to the following conditions:

   a. The unit structure may only be rebuilt in accordance with the density permitted by the RDs-15, RCs-15, or RMs-15 zoning district or land use designation for the property. If the reconstruction of that portion destroyed would result in a density greater than that permitted by the zoning district or land use designation, such reconstruction shall not be permitted.

   b. The dimensional requirements for a structure shall be as provided in the RDs-15, RCs-15, or RMs-15 zoning district for the purpose of reconstruction in accordance with the dimensional requirements in Section 47-5, Residential Zoning Districts and Residential Office Zoning Districts.

   c. The total number of dwelling units to be provided in the rebuilt structure shall not exceed the number of units previously existing in same structure prior to the destruction.

   d. The parcel to be rebuilt must meet all the requirements of the ULDR.

4. If more than fifty percent (50%) of the replacement value or of the total gross floor area of an existing unit structure is demolished by other than fire, explosion or other casualty or act of God or public enemy, then such structure may not be restored to the condition it was in prior to the damage, and any use of the property on which such structure was located shall be required to meet all of the requirements of the ULDR.

5. Any additions to existing dwelling units are required to meet the requirements of the ULDR.


Sec. 47-18.40. - Pain management clinic.

A. Definition and requirements. For the purposes of this section a pain management clinic shall be defined and shall meet the requirements provided in Article IX, Pain Management Clinics of Chapter 15, Business Tax Receipts and Miscellaneous Business Regulations of the Code, and the parking requirements provided in Chapter 47 of the ULDR. In addition each pain management clinic shall have the following:

1. A waiting area at least one hundred fifty (150) gross square feet in area; and

2. One (1) examination room at least one hundred (100) gross square feet in area.

(Ord. No. C-11-14, § 5, 6-21-11)
SECTION 47-19. - ACCESSORY USES, BUILDINGS AND STRUCTURES

Sec. 47-19.1. - General requirements.
Sec. 47-19.2. - Accessory buildings and structures, general.
Sec. 47-19.3. - Boat slips, docks, boat davits, hoists and similar mooring structures.
Sec. 47-19.4. - Dumpsters.
Sec. 47-19.5. - Fences, walls and hedges.
Sec. 47-19.6. - Habitation on floating homes and vessels.
Sec. 47-19.7. - Home occupation.
Sec. 47-19.8. - Hotel accessory uses.
Sec. 47-19.9. - Outdoor uses.
Sec. 47-19.10. - Pedestrian bridges.
Sec. 47-19.11. - Watercraft rental concession.

Sec. 47-19.1. - General requirements.

A. No accessory use or structure shall be permitted to be constructed, placed, erected or built on any parcel of land or water, prior to the start of construction of the principal building, except the following:

   1. A fence as permitted by Section 47-19.5. (Temporary Fences).

B. No accessory use or structure may be located within a required yard specified by the zoning district where the development site is located, unless specifically permitted by the ULDR.

C. No accessory use or structure shall be permitted to be used if the principal structure is no longer in use.

D. All accessory uses or structures built in the front yard shall conform to the front and side yard restrictions for residential buildings in the district in which they are built.

E. No accessory use or structure shall be permitted within a sight triangle except as provided in Section 47-35 of the ULDR.

F. No accessory use or structure greater than two and one-half (2½) feet in height shall be permitted within five (5) feet of the waterway as measured in accordance with Section 47-2.2.R., unless specifically permitted, and in accordance with the ULDR or when required by the Florida Building Code.

G. No accessory use or structure shall be permitted to be located in a manner which may cause runoff onto adjacent properties.

H. No accessory use or structure shall be located on a corner lot within fifteen (15) feet of any side street property line. For other than corner lots, when an accessory use or structure is permitted in the front or rear yard, but is not expressly permitted in the side yard, such accessory use or structure shall be setback from the side property line a minimum distance equal to the required side yard required by the zoning district where the development site is located.

I. Whenever the principal building is on the rear of the lot, not over twenty-five (25) percent of the front yard area shall be occupied by an accessory use or structure.

J. An accessory use or structure may be attached to another accessory use or structure. However, in no instance shall the aggregate gross floor area of all accessory uses or structures on a parcel exceed forty-nine percent (49%) of the gross floor area of a principal building on the development site, either
K. When a garage is constructed on a corner lot, the garage must be set back a minimum of eighteen (18) feet from any property line adjacent to a street for the purpose of providing adequate parking or stacking area in the driveway.

L. Except as otherwise provided in this Section 47-19, the following provisions shall apply. No accessory structure shall be built in the front yard more than one (1) story, or thirteen (13) feet in height. The following accessory buildings will be permitted in residential zoning districts: Private garage, garden house, or structure of the same classification. Within a residential zoning district, no accessory use or structure shall be greater in height than the principal building and in no instance shall the height of an accessory use or structure be greater than twenty-four (24) feet in height except that on lots of greater area than one (1) acre, an accessory building shall not be more than thirty-five (35) feet in height; providing it is located not less than thirty (30) feet from every lot line. The total areas of accessory buildings shall not be greater than thirty-five percent (35%) of the rear yard area. No accessory buildings shall be built closer than ten (10) feet to any rear line which is a street or alley line, or, in the case of corner lots, closer than fifteen (15) feet to any side street line except as otherwise provided herein.

M. No private garage will be allowed in residential districts in which is conducted any business. One (1) commercial vehicle of not more than one and one-half (1½) tons' weight or capacity may be stored in any private garage in a residential district. Space shall not be leased for a commercial vehicle.

Sec. 47-19.2. - Accessory buildings and structures, general.

A. Accessory dwellings. Accessory dwellings (also known as "granny flats" or cottages) may be permitted only when accessory to a standard single family dwelling in RS-8, RD-15, RC-15, RM-15, RML-25, RMM-25, RMH-25 and RMH-60 zoning districts, and subject to the following limitations:

1. An accessory dwelling shall not be greater than six hundred (600) gross floor area in area or forty-nine percent (49%) of the gross floor area of the principal structure, whichever is less.

2. An accessory dwelling shall be limited to either a one (1) bedroom/one (1) bath unit, or an efficiency.

3. When an accessory dwelling is attached to another accessory structure, the accessory dwelling shall have a separate entrance than the attached accessory structure and shall be separated from the attached accessory structure by a common fire resistant wall.

4. There shall be no more than one (1) accessory dwelling per single family lot.

5. An accessory dwelling, together with the principal single family dwelling, shall not exceed the maximum density permitted by the zoning district within which it is located. The following minimum parcel sizes for the principal and accessory dwelling shall be required:

   a. RS-8 zoning district: ten thousand, eight hundred ninety (10,890) gross square feet.

   b. RD-15 zoning district: six thousand (6,000) gross square feet.
c. RC-15 and RM-15 zoning districts: five thousand, eight hundred eight (5,808) gross square feet.

d. RML-25, RMM-25, RMH-25 and RMH-60 zoning districts: five thousand (5,000) gross square feet.

6. Parking spaces shall be provided for each dwelling unit in accordance with the requirements set forth in Section 47-20, Parking and Loading Requirements.

7. No accessory dwelling shall be built on any lot in an RS-8 and RD-15 district except servant’s quarters for persons other than the immediate family employed on the premises.

B. Architectural features in residential districts. Architectural features such as eaves, cornices, unenclosed balconies with open railings, window sills, awnings, chimneys, bay windows, and dormers accessory to a residential use are permitted to extend into a yard area a distance of three (3) feet from the face of the building, or one-third (1/3) of the required yard, whichever is less. Accessory uses which encroach into any yard area are permitted to have a total combined linear facade length not greater than twenty percent (20%) of the total linear length of the facade to which they are attached. Items such as windowsills or belt courses which extend six (6) inches or less into the yard area shall not be considered for the length limitation. Eaves shall not be subject to the length limitation. The dimensional limitations of this subsection shall not apply and the provisions of subsection C. shall apply to awnings accessory to a residential use in a nonresidential zoning district.

C. Awnings and entrance canopies in nonresidential districts.

1. Awnings accessory to a nonresidential use in any zoning district or a multifamily use in a nonresidential zoning district are permitted to be located in the yard and extend to the property line abutting a street subject to city engineering standards. When located within five (5) feet of a property line adjacent to a street, such awnings shall maintain a minimum eight (8) feet clearance between the lowest rigid point of the structure and the sidewalk immediately below and are subject to city engineering standards. When there is no sidewalk, the clearance shall be measured from natural elevation. A flexible valance attached to an awning requires a seven (7) foot clearance when located within five (5) feet of a property line adjacent to a street.

2. Entrance canopies.

3. Awnings may be permitted within the right-of-way in accordance with Section 25 of the Code.

D. Boat davits, hoists and similar mooring devices. See Sec. 47-19.3

E. Caretaker, watchman dwelling. A caretaker unit may be permitted as an accessory use only to a nonresidential use, subject to the yard requirements of the zoning district where it is located. The application of flexibility or reserve units is not required for a caretaker dwelling.

F. Chimneys and flues. Chimneys and flues may encroach into required yards in all zoning districts for an area not to exceed five (5) square feet.

G. Decks.

1. At-grade decks shall be permitted in all zoning districts within the front, rear or side yards, but shall not exceed the finished floor elevation of the ground floor of the principal building or
buildings. There is no required setback for an at-grade deck.

2. Above-grade decks shall be permitted in the required front, rear or side yards but no closer than five (5) feet from any property line, and no greater in height than two and one-half (2½) feet as measured from the finished floor elevation of the ground floor of the principal building or buildings. The vertical edge of an elevated deck that is visible from the right-of-way or adjacent property shall be finished according to industry standards and with materials that are consistent with the materials used in the deck itself.

H. Driveways. Driveways shall be permitted in all zoning districts within the required front and side yards. Driveways shall be permitted in all residential zoning districts within the required rear yards only when that yard abuts a street or alley. In nonresidential zoning districts, driveways shall be permitted in any yard, except where prohibited by the ULDR. A driveway shall be a minimum of eighteen (18) feet in length when used as a stacking or a parking space. See Section 47-20, Parking and Loading Requirements.

I. Dumpsters. See Sec. 47-19.4

J. Entranceway trellis, freestanding. An open weave freestanding trellis which denotes access to an entrance or path in a residential district may be permitted in the required front yard but shall be no greater than fifteen (15) feet in height, eight (8) feet in width, and four (4) feet in depth, and shall be constructed so as to be no more than fifty percent (50%) opaque. Such a trellis shall meet the same setback requirements for fences, as described in Section 47-19.5, Fences, Walls and Hedges.

K. Garages and carports (residential use). Garages and carports may extend into a required front yard in RD, RC and RM zoning districts when accessory to a single family dwelling but no closer than twenty (20) feet from the front property line.

L. Habitation of floating homes and vessels. See Sec. 47-19.6

M. Home occupations. See Sec. 47-19.7

N. Hotel accessory uses. See Sec. 47-19.8

O. Fences, walls, and hedges. See Sec. 47-19.5

P. Freestanding shade structures. Freestanding shade structures (such as a gazebo, a tiki hut, or a trellis) may be permitted when accessory to residential uses, in the required rear yard but no closer than five (5) feet from the rear property line except where a parcel is abutting a waterway, where they shall be no closer than ten (10) feet from the waterway as measured in accordance with Section 47-2.2.R. Freestanding shade structures shall be open on all sides and shall be no greater in height than twelve (12) feet measured from the ground to the top of the structure, and shall be limited in size to a maximum of two hundred (200) gross square feet in area for that portion of the structure protruding into the required yard area. No more than one (1) freestanding shade structure per plot shall be permitted in the required rear yard.

Q. Flag pole. Flag poles may be permitted when accessory to a residential use, and may be located in the required rear and front yards, no closer than five (5) feet from any property line, and no greater in height than twenty (20) feet. Flag poles may be permitted when accessory to a nonresidential use at a height not exceeding thirty (30) feet and subject to the yard requirements of the zoning district in which it is located. All flag poles shall be subject to the limitations set forth in the Sign Regulations, as
R. **Light fixtures, freestanding.** Light fixtures may be permitted as an accessory to a residential use and may be located in the required front yard no closer than five (5) feet from the front property line and no greater in height than twelve (12) feet. Light fixtures shall be shielded, angled or both so that any direct or indirect light shall not cause illumination in excess of one (1) footcandle onto any abutting parcel of property except lighting of a parking facility shall comply with the requirements of Section 47-20. All light fixtures accessory to a nonresidential use shall be subject to the yard requirements of the zoning district in which it is located.

S. **Mechanical and plumbing equipment.** Mechanical and plumbing equipment, such as air conditioner compressors, generators, lawn irrigation pumps, and swimming pool accessories shall not be located in the required front yard, but may be located within the required side or rear yards, but shall be no closer than five (5) feet from any property line provided that no such structure exceeds five (5) feet in height measured from the grade, eight (8) feet in length and limited to an area of forty (40) square feet.

T. **Open steps.** Open steps may be permitted in all zoning districts in a required yard when such steps are no greater in height than the lowest habitable finished floor of the principal building(s) on the site.

U. **Outdoor uses.** See Sec. 47-19.9

V. **Patio.**

1. **At-grade patios,** and any other such impervious surface area, other than tennis courts, may be permitted within all zoning districts in the required front, rear and side yards when such patio is no greater in height than the lowest habitable finished floor of the principal building on the site, subject to pervious ground area requirements.

2. **Above-grade patios,** and any other similar impervious surface area shall be permitted in the required front, rear or side yards but no closer than five (5) feet from any property line, and no greater in height than two and one-half (2½) feet as measured from the finished floor elevation of the ground floor of the principal building or buildings. The vertical edge of a patio that is visible from the right-of-way or adjacent property shall be finished according to industry standards and with materials that are consistent with the materials used in the patio itself.

W. **Planters.** Planters may be permitted within all zoning districts in the required front, rear and side yards to a height not exceeding six and one-half (6½) feet. The combined height of the planter and mature plantings shall not exceed ten (10) feet. Height shall be measured from grade in accordance with Section 47-2.2.G.2, subject to the following:

1. **When abutting a street:**

   a. Planters, including the plantings, greater than two and one-half (2½) feet in height shall be required to maintain a minimum average three (3) foot setback;

   b. The linear distance of any one (1) segment of the planter parallel to the property line and closer than three (3) feet from the property line cannot exceed thirty (30) percent of the length of the property line.
2. When abutting a waterway, planters exceeding two and one-half (2½) feet in height above grade shall be located no closer than ten (10) feet from the waterway as measured in accordance with Section 47-2.2.R.

X. Private recreation facilities. Private open space and/or indoor or outdoor recreation facilities when permitted accessory to a multifamily, cluster, or townhouse development shall be located on the same plot as the residential development and shall only be used by the persons living in the development and their guests. Within the RMH-60 district, multifamily dwellings with more than one hundred (100) units may have personal services, patio bars and food service areas for use only by persons living within the multifamily development and their guests, subject to site plan level III review as provided in Sec. 47-24.2, Development Permits and Procedures. Access to such special multifamily accessory uses shall be limited to the interior of the building through the main lobby of the multifamily dwelling, and there shall be no direct public access from the exterior of the building, provided that entrance doors may be located in the ground level from adjacent property or any street except Atlantic Boulevard. Exit doors may be located in exterior walls. No signs or displays relating to such multifamily accessory uses shall be permitted.

Y. Porch. A porch may be permitted to extend into the required front yard only when attached to a standard single family home, but shall be no closer than seventeen (17) feet from the front property line in the RS-8, RD, RC and RM zoning districts. Such porches shall be open on at least two (2) sides with no screen enclosure permitted on the open sides.

Z. Roof mounted structures. Roof mounted structures such as air conditioners and satellite dish antennae shall be required to be screened with material that matches the material used for the principal structure and shall be at least six (6) inches high above the top most surface of the roof mounted structure. Vent pipes, skylights, cupolas, solar collectors and chimneys shall not be subject to this provision.

AA. Satellite dish antenna, ground level. Satellite dish antennae shall be placed within the building envelope and meet all required building setbacks and height controls in all yards when space is available. When space is not available or when available space does not technically meet the accepted location standard for satellite reception, then satellite dish antennae may be permitted within the required yards under the following conditions:

1. No part of the satellite dish antenna and support structure shall exceed a height above the roof of a principal structure on a lot or to a height technically necessary to receive signals, whichever is greater; and

2. The entire satellite dish antenna and support structure shall not protrude into an established side yard of the zoning district within which the satellite dish antenna exists unless it can be technically proven according to industry standards that no other adequate site exists on the parcel where the satellite dish antenna may be permitted in the side yard, but shall be no closer than five (5) feet from the side property line of the abutting property; and

3. The entire satellite dish antenna and support structure shall have a rear yard setback from the property line of at least one (1) foot for each one (1) foot of height. Where a satellite dish antenna is located on a property which abuts a waterway, then the satellite dish antenna must be set back at least ten (10) feet from the property line that abuts the waterway; and

4. The entire satellite dish antenna and structure shall not protrude into the required front yard.
UNIFIED LAND DEVELOPMENT REGULATIONS
Chapter 47 - UNIFIED LAND DEVELOPMENT REGULATIONS
ARTICLE XV. - ANNEXED AREAS
SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

required by the zoning district in which the satellite dish antenna is located; and

5. The maximum diameter of satellite dish antennae shall be no greater than twelve (12) feet.

BB. *Swimming pools, hot tubs and spas.*

1. An outdoor swimming pool, hot tub, spa or similar structure and their related architectural features such as waterfalls, when accessory to a standard single-family dwelling, zero lot line dwelling, duplex or two-family dwelling, townhouse, or cluster dwelling may be permitted in the required front, rear and side yard no closer than five (5) feet from any property line. Such outdoor swimming pool or similar structure when located within the required setback shall not exceed the finished floor elevation of the ground floor of the principal building or buildings. The height of a hot tub, spa or similar structure constructed as part of an outdoor swimming pool and within the required setback shall not exceed two and one-half (2½) feet in height above the finished floor elevation of the ground floor of the principal building or buildings.

2. A swimming pool, hot tub or spa, when accessory to a hotel or multifamily dwelling, shall be subject to the minimum yard requirements of the zoning district in which it is located.

3. A hand-hold for bathers must be provided in accordance with the requirements of the Florida Building Code. (Moved from Section 47-19.5.E.)

4. Swimming pool setback measurements shall be made from the outer edge of the coping of the swimming pool.

5. Screen enclosures in the required rear or side yard of a standard single family dwelling shall be located no closer than four (4) feet from any property line, except where the property abuts a waterway the screen enclosure shall be located no closer than ten (10) feet from the property line abutting the waterway. Such screen enclosure, if utilized, shall be no greater in height than twelve (12) feet for that portion of the screen enclosure protruding into the required rear yard. No more than five (5) percent of required pervious ground area may occur within the screen enclosure.

6. A swimming pool, hot tub or spa which is covered or enclosed by material other than a screen enclosure shall be subject to the yard requirements of the zoning district in which it is located.

7. Hot tubs or spas may be covered by freestanding shade structures, as provided for in this section.

CC. *Tennis courts.* Tennis courts accessory to a standard single family dwelling may be permitted within the required side or rear yards but no closer than ten (10) feet from any property line. Any fence enclosing the tennis court shall not exceed ten (10) feet in height and shall be screened with a continuous hedge which is maintained at seventy-five percent (75%) of the height of the fence and is a minimum height of six (6) feet at installation. No glare from lighting onto adjacent properties shall be permitted. Tennis courts that are accessory to a nonresidential use shall be subject to the yard requirements of the zoning district in which it is located.

DD. *Temporary sales or construction facility.* A temporary sales or construction facility may be permitted as a temporary office accessory to new construction of a residential or nonresidential development provided such facility is only used for model, display, demonstration, security or office uses in conjunction with the new development. Such facility shall not be permitted prior to final site plan
approval or prior to issuance of the first building permit, whichever occurs first; and must be removed within two (2) weeks after issuance of a certificate of occupancy (CO) or termination of site plan approval, whichever occurs first; and shall be removed if the building permit has expired and has not been issued within one hundred eighty (180) days of expiration. In addition, such facility shall be reviewed in conjunction with the proposed development plan or as an amendment to an approved development plan (site plan level I review).

EE. **Utility and tool sheds, residential districts.** Utility and tool sheds when accessory to a residential building may be permitted in the required rear and side yards, but no closer than five (5) feet from any property line except where property is abutting a street or waterway. Where abutting a street or a waterway, such shed shall be subject to the yard requirements of the zoning district where it is located. A shed shall be no greater than twelve (12) feet in length on any side and shall be no greater in height than ten (10) feet measured to the top of the structure and shall be no larger in area than one hundred (100) gross square feet. No more than one (1) shed shall be permitted per development site.

FF. **Utility and tool sheds, nonresidential districts.** Utility and tool sheds, when accessory to nonresidential use, shall meet the yard requirements of the zoning district in which they are located and shall be subject to the size and height limitations required by the zoning district in which they are located.

GG. **Construction staging areas.** The staging of public purpose construction projects including but not limited to the construction of public rights-of-way, utilities and facilities, may be permitted in all zoning districts as a temporary use, in order to allow for the safe, efficient completion of the project with minimal disruption to existing residents, businesses, and traffic, and to ensure that public services and facilities are available. Construction staging shall include the parking, placing and storing of construction materials, vehicles, equipment and support facilities required for the construction of a public project. Construction staging areas shall be permitted subject to the following review processes and conditions:

1. **Application.** An application shall, in addition to the requirements provided in Sec. 47-24, Development permits and procedures, include the following:

   a. A description and sketch dimensioned to scale of the subject property proposed to be used as a construction staging area and a description of the proposed use of the area, including such information as the location and type of construction materials, equipment, support facilities, vehicles, trailers or other construction equipment, storage areas for materials, traffic circulation plan to and from the site, access to the site, location, type of materials and details of any required fencing.

   b. A sketch of the proposed site signage, including all contact information; and the proposed location of the sign.

   c. The time required to complete the public construction project.

   d. A statement signed by the property owner acknowledging that the property owner consents to the temporary use of the property for construction staging as provided in the temporary construction permit application and that the property owner shall be held responsible for the removal of construction staging materials and debris if the applicant fails to do so upon termination of the temporary public purpose construction staging permit.
2. **Standards.**

   a. A fence of a material, design, and construction that meets building code requirements and precludes visibility through the fence, except for openings necessary for safety, shall be erected around the perimeter of the site. The fence shall have a minimum height of six (6) feet and a maximum height of ten (10) feet; such height to be determined as part of the site plan level I permit based on what height is necessary to protect adjacent properties.

   b. The site shall be posted with a sixteen (16) square foot sign clearly visible from a right-of-way identifying the project by name, the name of the contractor, and the engineer responsible for construction management, and a phone number where the applicant or its representative can be contacted on a twenty-four-hour basis.

   c. Movement of vehicles, storage materials or other activities at the site shall be limited to the hours of 7:30 a.m. to 5:30 p.m. Monday through Friday, unless otherwise specifically approved as provided in the site plan level I permit.

   d. Construction staging at the site shall be limited to the activities approved as part of the site plan level I permit and no other activities shall be permitted except as approved by amendment of the site plan level I permit.

   e. Conditions of approval may be imposed if necessary to mitigate the impact on adjacent property such as temporary paving, landscaping, and watering, all in accordance with engineering standards.

   f. A termination date for the temporary construction permit shall be established by the department based on the information provided by the applicant, but an extension of such termination date may be granted if good cause is shown by filing an amendment to the site plan level I permit.

3. **Review process.**

   a. Approval of a site plan level I permit as described in Sec. 47-24.2

   b. In addition to the review process applicable to a site plan level I permit, the application shall be forwarded to and reviewed by the city's public services department and the property and right-of-way committee.

   A recommendation from the city's public services department and the property and right-of-way committee shall be forwarded to the department and included as part of the review of the site plan level I application.

4. **Review criteria.** In addition to the review criteria for a site plan level I permit, the following shall apply:

   a. The proposed plan meets the standards provided in this Sec. 47-19.2; and

   b. The plan includes measures to insure there is minimal disruption to existing residents, businesses and traffic in the area.

5. **Effective date of approval.** The approval of a temporary construction staging area application by the department shall not take effect nor shall a permit be issued any sooner than thirty (30)
days after approval and then only if no motion is adopted by the city commission seeking to review the application or no appeal is filed as provided in Sec. 47-26B., Appeals.

6. **Appeal.** If a temporary construction staging permit is denied or is approved with conditions unacceptable to the applicant, the applicant may appeal the decision in accordance with the procedures provided in Sec. 47-26B., Appeals.

7. If, during the course of the construction of the public purpose construction project it is found that activities on the construction staging area site are detrimental to the health, safety and welfare of the public as determined by the city engineer, the applicant shall be given notice of additional measures that must be taken in order to mitigate the negative impact. If the applicant fails to institute such measures within five (5) calendar days of notice, notice shall be given of a hearing to be held before the city commission and applicant shall be required to address the impacts associated with the staging area site. If the city commission finds that negative impacts exist, it may impose conditions on the construction staging permit. If the applicant fails to demonstrate how the negative impacts will be mitigated or fails to institute the measures within the time required by the city commission, the city commission may terminate the permit.

8. **Termination of permit.** The temporary construction staging permit shall terminate on the date established by the department or the city commission as provided in this subsection FF. Upon termination of a temporary construction staging permit the site applicant or property owner shall have thirty (30) days from termination to restore the site to a clean and safe condition with all construction staging materials and debris removed.

HH. **Clotheslines.** See Section 9-314, Clothesline requirements.

II. **Portable storage units.**

1. A portable storage unit (PSU) or portable on-demand storage unit is any container designed for the storage of personal property that is typically rented to owners or occupants of property for their temporary use and that is typically delivered and removed by a truck. A PSU is intended for offsite storage and is therefore permitted on the property solely for the loading and unloading of goods. Portable structures designed for depositing personal goods to be donated to a non-profit charitable organization are not included in the definition of a PSU.

2. A PSU is subject to the following conditions when located on a property in the City of Fort Lauderdale:
   
   a. The PSU shall not exceed eight (8) feet in width, sixteen (16) feet in length and nine (9) feet in height.
   
   b. There shall be no more than one (1) PSU allowed per site.
   
   c. A permit is required prior to the placement of the PSU on a property in conformance with the requirements of this regulation. The permit shall be posted in a conspicuous location at the site for the entire time the PSU is on the property.
   
   d. The PSU shall be placed on the driveway, an approved parking area, or in the buildable portion of the lot and shall not be placed in a public right-of-way.

3. When the physical limitations of the property prohibits placement of the PSU on the lot,
PSU may be placed in the swale provided the following conditions are met:

a. Prior written approval from the city engineering department and issuance of the required right-of-way permit.

b. The PSU may only be placed on an area approved for parking.

c. The area must be adjacent to the property using the PSU.

d. The PSU shall have safety reflectors on all sides of the container.

e. The PSU shall not obstruct the public sidewalk or roadway.

f. The PSU shall not create a hazardous condition and shall not block the visibility of streets, intersections, traffic control devices, alleys, or driveways or interfere in any way with vehicular or pedestrian traffic.

g. The PSU shall be removed within seventy-two (72) hours of placement in the swale or the city may remove the PSU after the expiration of this time period at the PSU owner's expense.

4. A PSU shall not remain on a property in excess of the following duration. An event, as defined in this section, shall begin with the delivery and end with the removal of the PSU. Events may not be consecutive.

a. Residential use: A maximum of fourteen (14) calendar days per event and two events per dwelling unit per calendar year. A residential use by any applicant may not exceed twenty-eight (28) days in a calendar year.

b. Non-residential use: A maximum of thirty (30) calendar days per event and two events per commercial rental unit on a property per calendar year. A non-residential use by any applicant may not exceed sixty (60) days on a property per calendar year. A PSU on a commercial property must be located in a designated parking area on a portion of the site that has the least visibility from adjoining public rights-of-way.

5. A PSU shall have the name and current telephone number and address of the company providing the PSU. No other signage shall be allowed on a PSU. Allowed signage shall not exceed thirty-three (33) percent of the area of the side of the PSU containing the signature and no more than two sides of any PSU shall contain signage.

6. A PSU shall be locked and secured by the owner or tenant of the unit or property at all times when loading or unloading is not taking place.

7. A PSU must be maintained in good condition, free from evidence of deterioration, weathering, discolorations, rust, ripping, tearing, or other holes or breaks.

8. Storage of hazardous material in a PSU is prohibited.

9. Weather conditions:

a. If the National Weather Advisory Service or other qualified weather advisory service identifies weather conditions which are predicted to include winds of seventy-five (75) mph or
greater, all PSUs shall be removed from all properties in the city and placed in approved storage locations at least twenty-four (24) hours prior to the predicted onset of such winds.

b. As an alternative to removal, the PSU vendor may submit a tie-down proposal for approval by the chief building officials or his or her representative and each PSU that is not removed shall be tied down in the approved matter by the deadline specified by the chief building official.

10. The period of time a PSU is removed under this provisions shall not be applied to the determination of the duration of an event under this section.

JJ. Aboveground storage tanks.

1. Aboveground tanks containing combustible liquids and liquid propane, residential properties. Except as provided in JJ.2., aboveground tanks when accessory to a building with a residential use shall not be located in the required front yard, but may be permitted in the required rear and side yards, but no closer than five (5) feet from any property line except where property is abutting a street or waterway. Where abutting a street or a waterway, such aboveground tanks shall be subject to the yard requirements of the zoning district where it is located. In the event that these requirements conflict with the Florida Building Code or the Florida Fire Prevention Code, the more restrictive requirement shall apply.

2. Aboveground tanks containing combustible liquids and liquid propane, multifamily and nonresidential properties. Aboveground tanks, when accessory to multifamily and nonresidential properties, shall meet the yard requirements of the zoning district in which they are located and shall be subject to the requirements of the Florida Building Code and the Florida Fire Prevention Code. In the event that these requirements conflict with the Florida Building Code or the Florida Fire Prevention Code, the more restrictive requirement shall apply.

Sec. 47-19.3. - Boat slips, docks, boat davits, hoists and similar mooring structures.

(a) The following words when used in this section shall, for the purposes of this section, have the following meaning:

(1) Mooring device means a subset of mooring structures as defined herein including boat davits, hoists, boat lifts and similar devices that are erected on or adjacent to a seawall or dock and upon which a vessel can be moored. A mooring device does not include docks, slips, seawall or mooring pile.

(2) Mooring structure means a dock, slip, seawall, boat davit, hoist, boat lift, mooring pile or a similar structure attached to land more or less permanently to which a vessel can be moored.

(3) NGVD 29 or the National Geodetic Vertical Datum of 1929 means the vertical control datum established for vertical control surveying in the United States of America by the General Adjustment of 1929. The datum is used to measure elevation or altitude above, and depression or depth below, mean sea level (MSL).
(b) Boat davits, hoists and similar mooring devices may be erected on a seawall or dock subject to the following limitations on the number and location as follows:

(1) Except as provided herein, only one (1) mooring device per the first one hundred (100) feet of lot width or portion thereof, and one mooring device for each additional one hundred (100) feet of lot width. A second mooring device may be permitted within the lot area greater than one hundred (100) feet but less than two hundred (200) feet if approved as a Site Plan Level II permit, subject to the following criteria:

   a. The location of the proposed mooring device will not interfere with the view from adjacent properties to a degree greater than the intrusion already permitted as a result of the berthing of a vessel at applicant's property within the setback and extension limitations provided in the Code.

   b. The type of mooring device is the least intrusive and most compatible with the view from the waterway.

   c. No conflict with a neighboring property owner's usage of the waterway will be created as a result of the additional mooring device.

Pursuant to Site Plan Level II review, the development review committee ("DRC") shall determine whether the proposed additional mooring device meets the criteria based on its location and the relationship of applicant's property to abutting properties with regard to height, angle of view of the device from abutting properties and the height, width and length of the mooring device proposed.

Approval of a Site Plan Level II development permit for an additional mooring device shall not be final until thirty (30) days after preliminary DRC approval and then only if no motion is approved by the City Commission seeking to review the application pursuant to the process provided in section 47-26. The denial of an application for an additional mooring device may be appealed to the City Commission in accordance with the provisions of section 47-26.

(2) In addition to the mooring device described in paragraph (b)(1) of this section, one (1) lift designed and used solely for the lifting of a personal watercraft (PWC) per development site is permitted. For purposes of this subsection (2) a PWC is as defined in F.S. Ch. 327.

(3) The cross section of the davit, hoist or other mooring device shall not exceed one (1) square foot and have a maximum height of six and one-half (6½) feet above lot grade.

(4) The lowest appendage of a vessel may not be hoisted greater than one (1) foot above a seawall cap or if no seawall, above the average grade of the upland property and properties abutting either side of the upland property, whichever is less.

(c) No boat slips, docks, boat davits, hoists, and similar mooring structures not including mooring or dolphin piles or a seawall, may be constructed by any owner of any lot unless a principal building exists on such lot and such lot abuts a waterway. Mooring structures, not including mooring or dolphin piles, shall not extend into the waterway more than twenty-five (25) percent of the width of the waterway or twenty-five (25) feet whichever is less as measured from the property line.

(d) Mooring or dolphin piles, shall not be permitted to extend more than thirty (30) percent of the width of the waterway, or twenty-five (25) feet beyond the property line, whichever is less.
(e) The City Commission may waive the limitations of (c) and (d) under extraordinary circumstances, provided permits from all governmental agencies, as required, are obtained after approval of the City Commission, after a public hearing and notification to property owners within three hundred (300) feet. In no event shall the extension exceed thirty (30) percent of the width of the waterway and no variance may be approved by the Board of Adjustment or other agency permitting an extension beyond the thirty (30) percent limitation. Reflector tape shall be affixed to and continually maintained on all mooring or dolphin piles authorized under this subsection to extend beyond the limitations provided in subsection (d). The reflector tape must be formulated for marine use and be in one (1) of the following uniform colors: international orange or iridescent silver. On all such piles, the reflector tape shall be at least five (5) inches wide and within eighteen (18) inches of the top of the pile.

(f) The top surface of a boat slip, seawall or dock shall not exceed five and one-half (5½) feet above NGVD 29, except when the adjacent property is higher than five and one-half (5½) feet above the NGVD 29. When above NGVD 29, the top surface may be of the same elevation as the average grade of the upland property abutting the seawall or dock and properties abutting either side of the upland property.

(g) No boathouse, permanent covering, or temporary covering for a boat shall be permitted within the setback area required for the zoning district in which such shelter is to be located, nor shall any boathouse, permanent covering or temporary covering for a boat, or any other structure not otherwise specifically permitted, be permitted within or cover any public waterway.

(h) No watercraft shall be docked or anchored adjacent to residential property in such a position that causes it to extend beyond the side setback lines required for principal buildings on such property, as extended into the waterway, or is of such length that when docked or anchored adjacent to such property, the watercraft extends beyond such side setback lines as extended into the waterway. The owner of real property which would be entitled to the density limitation of a maximum of forty (40) units per acre pursuant to the terms for habitation of floating homes or vessels, section 47-19.6, may apply for an exception to the setback requirements contained herein. An application for such exception shall be heard by the Planning and Zoning Board (board) at a public hearing called for that purpose. After the public hearing, the board shall make a recommendation to the City Commission that the application be granted or denied, or granted subject to conditions. If the board recommends that the application be either granted or granted subject to conditions, the City Clerk shall place the recommendation on the agenda of the City Commission for a public hearing at a regular meeting. The City Commission shall, by resolution, either grant the application, deny the application, or grant the application subject to such conditions as it finds necessary to the health, safety and general welfare of the citizens of the city. In deciding whether to grant or deny the application, the City Commission shall consider the neighborhood within which the applicant's property lies and the effect that the exception to the setbacks would have on the following:

   (1) The surrounding property.
   (2) The ability of adjacent property owners to enjoy abutting waterways.

(i) Waiver of limitations. Property owners of lands located on the Isle of Venice and Hendricks Isle may dock or anchor watercraft adjacent to their respective properties in a manner which extends beyond side setback lines, required by this section as approved by Resolution No. 85-270.

Sec. 47-19.4. - Dumpsters.

A. **Intent.** It is the intent of this section to regulate the location and construction of bulk container enclosures in a manner that promotes the public health and safety, and lessens or otherwise mitigates the visual impact of such bulk containers upon the community. A bulk container is a receptacle with a capacity of greater than one (1) cubic yard which purpose is for the disposal and storage of garbage, trash and any form of waste materials, not including hazardous or infectious wastes.

B. **Exemptions.**

1. Wheeled bulk containers for the disposal of solid waste or the collection of recyclables which are two (2) cubic yards or less in size, are exempt from the enclosure requirements of this section provided that, when not curbside for collection, they are positioned upon a hard surfaced pad located behind the building line(s) of the user location, and they are positioned such that the smaller side of the bulk container faces the public right-of-way, and a hard surface roll-way from the pad to the servicing area is provided to facilitate servicing. Wheeled bulk containers shall only be placed curbside for collection and shall remain curbside for a reasonable amount of time in order to facilitate collection. In no case shall wheeled bulk containers remain overnight at curbside or streetside.

2. If two (2) or more wheeled bulk containers are used under this exemption then they shall comply with the requirements of this section and shall be placed for storage on a pad.

3. Exclusion. For the purposes of this section, a wheeled refuse cart of one (1) cubic yard in size or smaller shall not be considered a wheeled bulk container.

4. On sites where the container cannot be seen off-site, at a height of five (5) feet above existing grade at any property line of the site, no enclosure shall be required.

5. No enclosure shall be required for bulk containers located on interior lots, behind the extension of the building line which directly abuts any alley.

C. **Placement.**

1. Bulk containers shall be placed for collection purposes in a location easily accessible to authorized collection vehicles. Unless in a public right-of-way for purposes of collection only, all bulk containers shall be placed within an approved enclosure as set out below in subsection D; and at any time of day on the scheduled collection day containers may be placed in position for direct pickup by the authorized agency as provided herein.

2. It shall be unlawful for any person to place, or cause to be placed, a bulk container or receptacle that services private property upon or in any street, alley or public right-of-way; provided, however, that such container or receptacle may be placed in the public right-of-way only for the period of time necessary for collection. The container shall be returned to its approved enclosure or location on the same day that it is set out for collection.

D. **Enclosure requirements.** The following enclosure requirements shall be met by all properties as described below.

1. **Where required.** All residential properties of three (3) or more units and all business and industrial properties which elect to use bulk containers, shall provide an on-site enclosure for bulk
2. **Minimum size.** Each enclosure shall provide a minimum of eighteen (18) inches of clear space between each side of each bulk container (including lifting flanges) and the adjacent wall surface of that enclosure, or other containers within that same enclosure. The height of each enclosure shall be six (6) inches greater than the highest part of any bulk container therein.

3. **Service access.** Placement of containers and enclosures shall be planned and constructed in a manner that allows unobstructed access to each container and the unobstructed opening of the gates during the emptying process. Containers shall not be located in such a manner that the service vehicle will block any intersection during the emptying process.

4. **Gates.** All enclosures shall have gates and their construction shall be of sturdy metal frame and hinges with an opaque facing material. Servicing gates shall incorporate gate stops and latches that are functional in the full open and closed positions. Enclosures with gates that swing out from the container shall be set back from the property line at least a distance equal to the width of the gate. Hinge assemblies shall be strong and durable so that access and servicing gates function properly and do not sag. All gates for pedestrian access shall be no more than forty-eight (48) inches and no less than thirty-six (36) inches in width. Enclosure gates shall be closed at all times except for the time necessary to service the bulk container(s).

5. **Maze or baffle style openings.** Maze or baffle style openings shall be permitted in place of an operating, pedestrian access gate. A maze style opening is an opaque wall or fence that can be located no more than forty-eight (48) inches and no less than thirty-six (36) inches from the enclosure opening and must be a minimum length of one and one-half (1½) times the length of the opening and shall be centered upon the opening. These openings shall be no more than forty-eight (48) inches and no less than thirty-six (36) inches in width.

6. **Pads and service drives.** All enclosures shall be placed on poured concrete, solid or perforated interlocking concrete block paving (ICB), or any existing hardened paving system. A service access drive for the purpose of emptying the bulk container shall also be provided unless a hard surface that provides access to the bulk container already exists. Such pads and approach drives shall replace existing curb, gutter and sidewalk when necessary. In cases where a hard surface or drive which is adequate to support the combined full weight of the bulk container, the enclosure and service vehicles does not exist, a ten (10) foot wide hard surface extension directly in front of the bulk container shall be required for purposes of emptying the container.

7. **Garbage containers.** All receptacles and bulk containers which receive garbage, liquid waste or food from food handling operations including, but not limited to, bakeries, meat processing plants, or any business establishment where it is determined that garbage, liquid waste, or food will be accumulated, shall have a raised concrete slab, a drain, and cleaning water facilities for said receptacles and containers and be constructed in accordance with the provisions of the Florida Building Code (Broward Edition).

8. **Maintenance.** Approved enclosures shall be maintained in good condition and appearance at all times. Gates and latches shall be kept fully operable and shall be closed except during scheduled collection periods. Enclosures and containers shall be cleaned periodically to prevent noxious odors and unsanitary conditions from occurring. Enclosure pads and access drives shall be repaired or rebuilt whenever the pavement structure deteriorates.
E. **Materials and construction methods.** Enclosures shall be constructed of walls or fences of the same materials as the primary material used for the principal structure and shall be painted the same color as the color used on a majority of the principal structure. Gates shall be constructed of opaque materials in the manner provided in subsection D.4.

1. **Wood lumber.** Wood fences shall be of a durable species, incorporating architectural design features to enhance appearance, and of a quality and design acceptable to the director or his designee. In making this determination, the director or designee shall consider the following:

   a. Whether the wood is pressure-treated or has a finish that protects the wood from the elements;
   
   b. Adequacy of the supporting in-ground posts;
   
   c. That the lumber be a minimum of nominal one (1) inch by nominal six (6) inch boards and shall have a maximum spacing between boards of one (1) inch; and
   
   d. Compatibility of materials with existing materials on the subject property and the surrounding neighborhood.

2. **Plastic lumber.** Lumber shall be plastic members of new or recycled materials able to withstand the climatic and ultraviolet conditions of the region and of a quality and design acceptable to the director or designee. In making this determination, the director or designee shall consider the following:

   a. Whether the material is coated or has a finish that protects the plastic from the elements;
   
   b. Adequacy of supporting in-ground posts;
   
   c. That the lumber be a minimum of nominal one (1) inch by nominal six (6) inch boards and shall have a maximum spacing between boards of one (1) inch; and
   
   d. Compatibility of materials with existing materials on the subject property and the surrounding neighborhood.

3. **Masonry walls.** All exterior faces of walls shall have a finish such as stucco, prefinished block, stacked block with struck joints, shadow blocks, painted or similar, installed according to industry standards and meeting with the approval of the director or designee.

4. **Concrete walls.** Precast or poured concrete walls shall have decorative textured finish of a quality acceptable to the director or designee.

5. **Earth berms.** Landscaped earth berms shall have slopes no greater than 2:1. Such earth mounding may be used in combination with other materials or methods of construction to achieve the required height to accomplish proper screening and may be used to cover the visible exterior surface of any enclosure.

6. **Landscape enclosures.** The use of evergreen or non-exfoliating landscaping shrubs as an enclosure shall be permitted under the following conditions:

   a. The container to be enclosed is no more than four (4) feet in height; and
b. The landscape material is supported on the interior side by a dark colored, vinyl coated, commercial grade (9 gauge) chain link fence or by an uncoated galvanized chain link fence with dark colored, stiff high density, virgin polyethylene with ultra violet inhibitors. Vertical inserts shall be installed and fastened or locked into place on those enclosures which can be seen from the adjacent public rights-of-way or from windows or door openings in all adjacent residential buildings. The chain link fence shall have a matching top rail that shall be a minimum of one and five-eighths (1?) inches, grade 1 steel, in thickness; and

c. The landscape enclosure and chain link fence shall be installed and maintained at a minimum height of six (6) inches above the highest point of the dumpster and all shrubs shall meet American Nursery Association standards with all replacement and all new shrubs being a minimum of thirty (30) inches in height at planting and spaced no greater than thirty (30) inches on center. All planting, plant selection, soil preparation and maintenance shall be as specified in Section 47-21, Landscape and Tree Preservation Requirements.

F. Location and screening requirements. One (1) or more of the following provisions may apply to enclosures:

1. Existing required landscape areas. The enclosure and access drive to a bulk container may encroach into the existing required landscape areas, if it is shown that it is necessary to provide adequate space for the enclosure and access drive. Such enclosures shall be landscaped so as to form a visual barrier between the enclosure and the street.

2. Shared between adjoining properties. Enclosures for one (1) or more containers may be located along or across adjoining property lines, and may serve two (2) or more adjacent properties, if affected property owners enter into a joint use agreement. Such joint use agreements shall be approved by the city and recorded in the public records of Broward County, Florida. If the joint use agreement is terminated, each property owner shall make separate provisions for their solid waste disposal. Enclosures may be located within or immediately adjacent to parking areas, regardless of building setback lines. Such enclosures shall be landscaped. Such landscaping may be reduced as the enclosure is located toward the rear or within low visibility areas of the property away from the public streets so long as a continuous visual barrier between the enclosure and the street is maintained.

3. Within parking areas. Enclosures may be located within or immediately adjacent to parking areas, regardless of building setback lines and shall be landscaped. Such landscaping may be reduced as the enclosure is located toward the rear or low visibility areas of the property away from the public streets, as long as a continuous visual barrier between the enclosure and the street is maintained. Applicants shall be permitted to reduce in size up to twenty (20) existing parking spaces from the standard eight (8) feet, eight (8) inches width to eight (8) feet, six (6) inches in width, or reduce the total number of spaces required by one (1), if shown to be necessary to provide space for the enclosure, which determination shall be made by the director or designee. The overall parking ratio, however, shall not be reduced to less than one (1) space for each dwelling unit.

4. Within yards. Enclosures may be located within building setback areas subject to the setback requirements in subsection F.5, and the enclosure shall be fully landscaped. The landscaping may be reduced if the enclosure is located toward the rear of the property or in an area which is not highly visible from public streets as long as a continuous visual barrier between the enclosure and the street is maintained. If the enclosure is located within a highly visible area within the building...
setback area, additional landscaping, architectural treatments or both, in addition to a visual barrier, may be required on the site as determined by the director or designee. The additional landscaping, architectural treatments or both shall be required to the extent it is found necessary to mitigate the impact of the location of the bulk container and enclosure on the site.

5. **In compliance with setbacks.** Enclosures located in compliance with setbacks may be required to be fully landscaped when the enclosure is freestanding on a property in a high visibility location. Such landscaping may be reduced as the enclosure is located toward the rear or low visibility areas of the property away from the public streets, as long as a continuous visual barrier between the enclosure and the street is maintained.

G. **Camouflage/alternate screening.**

1. In locations where sufficient space does not exist to allow construction of a bulk container enclosure and the provisions of this Sec. 47-19.4 have been met where possible, the director or designee may determine that no other trash management option as described in this section is reasonably available, and approve the application for a decorative veneer (camouflage) or other alternate screening method which may include conditions in lieu of enclosure construction. Such application and approval shall be conditioned so that there are no company identification/advertising logos on the veneer surface, the veneer is painted or stained a color compatible with the character and appearance of surrounding properties and the main building on the site, and the bulk container is placed upon a concrete pad the purpose of which is to ensure that the bulk container is positioned such that it is not an aesthetic detriment to the community.

2. **Submittal requirements.** Applications to the department shall contain the following documentation:

   a. A site plan or survey detailing the building, the number and location of living units, lot size, landscaping on site (sod, trees, bushes, etc.), the number and location of parking spaces, the location, service frequency and capacity of the existing and proposed bulk refuse containers, and the type, nature, and application methodology of the veneer surfacing for each container or a plan showing the proposed alternate screening or enclosure materials including a description of how the alternate screening meets the purpose and intent of this section; and

   b. A typewritten narrative of alternate waste disposal and other trash management options considered or available and the reasons why those options are not suitable or desirable for the location in question.

H. **Appeal to the planning and zoning board.** If the property owner does not agree with the decision of the director or designee, an appeal may be made to the planning and zoning board. Appeals to the planning and zoning board for review of a decision of the director or designee shall be processed and determined in accordance with the provisions for site plan level III, Section 47-26B, Appeals, except as provided otherwise herein.

1. Applications for a determination regarding whether bulk refuse containers, as provided for in subsection E.6, may be covered with camouflage rather than enclosed or utilize an alternate screening method not provided for herein shall be processed as follows:

   a. **Who may file.** The owner of a tract of land or his duly authorized agent.
ARTICLE XV. ANNEXED AREAS

SECTION 47-39. DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47-39.A. MELROSE PARK AND RIVERLAND ROAD

b. Where to file. Form of application—Applications shall be filed at the department on forms furnished by the department.

c. Withdrawal of applications. An applicant may withdraw an application at any time prior to a vote on a motion before the planning and zoning board, but may forfeit all, or a portion of the application fee, dependent upon the actual amount of funds expended by the city up until the time of withdrawal.

d. Submittal requirements. Applications shall contain the following documentation:

i. A site plan or survey detailing the building, the number and location of living units, lot size, landscaping on site (sod, trees, bushes, etc.), the number and location of parking spaces, the location, service frequency and capacity of the existing and proposed bulk refuse containers, and the type, nature, and application methodology of the veneer surfacing for each container or a plan showing the proposed alternate screening or enclosure materials including a description of how the alternate screening meets the purpose and intent of this section; and

ii. A typewritten narrative of alternate waste disposal and other trash management options considered or available and the reasons why those options are not suitable or desirable for the location in question.

2. Decision of the board. If the board grants the application, the decision of the planning and zoning board shall be that the camouflage or alternate screening method may be permitted by the department. In granting camouflage requests the planning and zoning board may require conditions of the applicant such as additional landscaping on the site, or a specific placement or orientation of the enclosure on the site may be required. The action of the planning and zoning board shall be based upon consideration of the following factors:

a. Impact on abutting properties of the proposed camouflage or alternate screening methods;

b. Compatibility of the proposed camouflage or alternate screening with on-site and off-site improvements; and

c. Whether the applicant's proposal adequately serves the goals and intent of this section. The planning and zoning board review of retroactive properties shall sunset and shall have no force and effect after November 30, 1995.

I. Planning and zoning board approval of innovative techniques for garbage disposal and storage. The planning and zoning board may approve the use of bulk containers without any enclosure or screening when the container, because of its design, already includes a camouflage or aesthetically pleasing design feature which complies with the intent of this section, and therefore, no additional screening or enclosure for aesthetic purposes would be required. The procedure for and authority of the planning and zoning board relating to such approvals shall be as provided for in Sec. 47-24.2, site plan level III.

J. Amortization. Existing nonconforming bulk containers shall be brought into full compliance with the enclosure requirements of this section by November 30, 1994, subject to the modifications and requirements described in subsections F, G, H, I and J.
K. Retroactively. Subsections B, F, G, H, I and J shall only apply to those locations that utilized bulk containers on March 3, 1989. All new construction shall completely enclose bulk containers on their own property and comply with all other provisions of the ULDR.

L. City liability. The city claims the exemption or exclusion afforded by any law of Florida now effective or hereafter enacted, which provides immunity to municipal officials and employees from actions for trespass, whether civil or criminal in nature.

(Ord. No. C-97-19, § 1(47-19.4), 6-18-97; Ord. No. C-03-23, § 2, 7-1-03; Ord. No. C-08-54, § 2, 12-2-08)

Sec. 47-19.5. - Fences, walls and hedges.

A. The purpose and intent for the regulations in this section is to promote safety, create buffers, ease the transition between public ways and private property, and promote aesthetics while allowing flexibility and variety in the design of a fence or wall.

B. Dimensional Requirements. The setback for a fence, wall or hedge shall depend on the height and percentage of transparency as shown in Table 1.

| TABLE 1 |
| FENCES, WALLS AND HEDGES (Note D) |

| HEIGHT MAX. Measured from Grade According to Sec. 47-2.2.G | PERCENT TRANSPARENT (Note B) | SETBACK (Note A & G) |
| STREET | SIDE |

Residential Zoning Districts

| 1a. FENCE/WALL | Up to 2"-6? | N/A | 0"-0? | 0"-0? |
| 1b. FENCE/WALL | 2"-6?—4"-4? | 75—100% transparency | 0"-0? | 0"-0? |
| 1c. FENCE/WALL | 2"-6?—4"-4? | Below 75% transparency | Min. Average 3"-0? (Note C, E, & F) | 0"-0? |
1d. FENCE/WALL | 4"-4?—6"-6? | N/A | Min. Average 3"-0? (Note C, E, & F) | 0"-0?
2. CHAIN LINK FENCE | Up to 6"-6? | N/A | Min. Average 3"-0? (Note C, E, & F) | 0"-0?

Residential/Non-Residential Zoning Districts

3. FENCE/WALL | Up to 10"-0? | N/A | Min. Average 3"-0? (Note C, E, & F) | 0"-0?
4. CHAIN LINK FENCE | Up to 10"-0? | N/A | Min. Average 3"-0? (Note C, E, & F) | 0"-0?
5. HEDGES | Up to 10"-0? | N/A | 0"-0? | 0"-0?

Note A: Setbacks shall be measured from property lines, except when property abuts a waterway, the setback for the waterway shall be measured in accordance with Section 47-2 of the ULDR.

Note B: Transparency (openness) is calculated based on the fence or wall being viewed at ninety (90) degrees to the street property line. Percent is determined as follows: Total square feet of openings in fence being divided by the total fence area utilizing the top of the fence in all of its positions for varying heights.

Note C: The linear distance of any one (1) segment of the indicated accessory structure along a given property line abutting a street which is parallel to the property line and closer than three (3) feet zero (0) inches from the property line cannot exceed thirty (30) percent of the length of the property line.

Note D: Handrails or safeguards when required by federal or state codes shall be exempt from this section.

Note E: Landscaping is required between the property line and accessory structure. See subsection C. below for specific landscape requirements.

Note F: To determine the average setback distance for fences, walls, and planters, multiply the total length of the fence, wall or planter, as viewed at ninety (90) degrees to the property line, by a factor of three (3), where three (3) represents the required minimum average setback. The resulting product must be equal to or greater than the total which results when adding the sum of each fence, wall, or planter segment multiplied by its setback from the property line. Walls, fences or planters constructed at an angle to the property line shall use the distance to the center of the structure to determine the actual setback of the segment.

Note G: Exceptions to setbacks:

1. Residential districts:
   a. In order to maintain sight visibility, the following shall apply:
      i. For properties abutting a right-of-way, no opaque fence, hedge or wall shall be permitted to exceed two and one-half (2½) feet in height when located within a sight
i. For properties abutting a waterway, no opaque fence, hedge or wall shall be permitted to exceed two and one-half (2½) feet in height as measured in accordance with Sec. 47-2.2.G, when located within ten (10) feet of the edge of the waterway.

2. **Nonresidential districts**:
   
a. In order to maintain sight visibility, no opaque fence, hedge or a wall shall be permitted to exceed two and one-half (2½) feet in height when located within a sight triangle.

b. Existing nonconforming fences and walls in nonresidential districts shall be brought into full compliance with the requirements of this section 47-19.5 within five (5) years of the effective date of such ordinance adopting a provision of this section (Ordinance No. C-78-103 and Ordinance No. C-97-19).

c. Fences or walls abutting residentially zoned property which are required to be constructed by the ULDR, or when deemed necessary by the department to provide lateral support or protect adjoining property from dirt, dust, flying debris, noise, offensive odors or deleterious effects, shall be erected before or contemporaneously with the construction of the exterior walls of a building.

d. For fences in the Downtown RAC, see Sec. 47-13.20.B.

C. **Landscaping Requirements**:

1. **Residential Districts**: Unless a fence is permitted to be located at the property line pursuant to Table 1, all walls and fences, including chain link, shall be required to be planted with hedges, shrubs, groundcover or a combination thereof, in the area between the property line abutting a street and the fence or wall. The plantings shall consist of varied species.

2. **Nonresidential Districts**: In nonresidential districts, all fences and walls, including chain link fence, shall be required to be planted with hedges, shrubs, groundcover, trees, or a combination thereof. These plantings shall consist of varied species, and be located in the area between the property line abutting a street and the fence or wall. Trees may be standard, flowering or palms and shall be installed in accordance with Section 47-21.6, and planted an average of one (1) tree per twenty (20) lineal feet or portion thereof along such fence or wall. All fences and walls which do not provide this landscaping shall be brought into compliance no later than two (2) years of the effective date of the ULDR (June 28, 1997). Such perimeter landscaping shall not be required when a designated conservation area parcel is being fenced.

D. **Standards for walls**.

1. Except when a new wall directly abuts an existing wall or fence preventing access, walls shall be finished on both sides, with materials satisfying industry standards, such as painted stucco, prefinished block, or other prefinished materials, and shall be compatible with proposed or existing buildings. Walls shall include finishing features, such as, but not limited to, changes in texture or color, variety of materials, capstones, decorative painting or bands of tile.

2. The top of a wall may contain architectural features and light fixtures, however such features shall not exceed eighteen (18) inches above the maximum height of a wall. The combined width of
the features shall not exceed twenty percent (20%) of the total linear length of the wall.

3. Gates and entrance features shall be permitted as follows:
   a. A wall may have a pedestrian entrance with a gate. Such an entranceway, including any archway, may be no greater than eleven (11) feet in height, no more than eight (8) feet in width, and no thicker than eighteen (18) inches in depth and may be contiguous with the wall. Gates must swing or slide in a manner which does not obstruct public ways.
   b. All openings in a required wall shall have a gate of the same or greater opacity and the same height as the wall. The gate shall be kept closed, except when opening is necessary for ingress and egress.

4. If a wall is located within the required yard adjacent to a street, the side of the wall facing the street shall be subject to the following criteria:
   a. Decorative treatments shall be required to continue around the corner of the wall for a dimension equal to the height of the feature.
   b. The wall shall be designed with changes in material, color, texture, or profile to avoid the massive, linear aspect and monotony of otherwise plain walls. Walls shall not be in a continuous straight line without an offset, change of direction, or significant vertical feature to break up the length of the wall as required by Table 1 of this subsection.

5. All walls shall be maintained in good repair and in a secure manner. All defective structural and decorative elements shall be repaired or replaced in a workmanlike manner to match as closely as possible the original materials and construction of the wall. All walls shall have all graffiti and loose material removed; any damaged portion of a wall shall be repaired or replaced in a manner consistent with these standards and any patching or resurfacing shall match the existing materials and shall be impervious to the elements, when possible.

E. Standards for Fences.

1. Required fences shall not be constructed of chain link unless specifically permitted herein, and shall be a minimum height of five (5) feet above grade, as measured in accordance with Section 47-2.2.G.2.

2. All fences may include architectural features and light fixtures along the top of the fence and gate, however such features shall not exceed eighteen (18) inches above the maximum height of a fence. The combined width of the features shall not exceed twenty percent (20%) of the total linear length of the fence.

3. A fence may have a pedestrian entrance feature with a gate. Such an entranceway, including any archway, may be no greater than eleven (11) feet in height, no more than eight (8) feet in width, and no thicker than eighteen (18) inches in depth and may be contiguous with the fence. Gates must swing or slide in a manner which does not obstruct public ways.

4. All fences shall be finished on the side facing the neighboring property or right-of-way, except when a new fence directly abuts an existing wall or fence preventing access. When a fence is located in a manner where both sides are visible from a right-of-way, both sides of the fence shall be finished.
5. If a fence is located within the required yard adjacent to a street, it shall be designed to reduce the linear aspect and monotony of fences. Fences shall not be in a continuous straight line without an offset or change of direction to break up the length of the fence, as described in Table 1 of this subsection.

6. In RAC districts, see Sec. 47-13.20.B.5.

7. All fences shall be maintained in good repair and in a secure manner. All defective structural and decorative element shall be repaired or replaced in a workmanlike manner to match as closely as possible the original materials and construction of the fence. All fences shall have all graffiti and loose material removed; any damaged portion of a fence shall be repaired or replaced in a manner consistent with these standards and any repairs shall match the existing materials and shall be impervious to the elements, when possible.

F. **Fences, walls, hedges and structures around swimming pools.** Portions of fences, walls and structures may be erected and hedges or landscaping installed, to the waterline of a swimming pool; provided, however, that no portion of any such item may exceed six (6) feet in length, measured along the perimeter of the pool. A clear path of a minimum width of twenty-four (24) inches shall be provided to separate one (1) portion of fence, wall or hedge from any other and a clear path of the same width shall also be provided through each portion, or around each portion, which path shall be located within fifteen (15) feet of the pool perimeter.

G. **Exception to requirement for bufferyard wall.**

1. Walls required in accordance with neighborhood compatibility, bufferyard requirements, as provided in Sec. 47-25.3.C.4 shall not be required for a nonresidential use when:
   
   a. The abutting residential parcel has a wall which is a minimum of five (5) feet in height along the length of the shared property line and which is no greater than five (5) feet from the shared property line; and

   b. There is no street, alley or waterway separating the nonresidential parcel from the residential parcel; and

   c. There is a recorded agreement between the city and the nonresidential property owner(s) whereby the nonresidential property owner agrees to construct a wall in accordance with this section should the existing wall on the abutting residential parcel be removed or destroyed in such a manner so as to no longer comply with the minimum bufferyard requirements.

2. In a B-3 or I district, when a wall is required to screen outdoor storage of goods and materials, as described in Sec. 47-19.9, Outdoor Uses, an opaque fence of durable wood species may be used to screen such outdoor storage by special exception approval, in accordance with Sec. 47-24.12, if it is found that the nature of the storage will not have adverse effects on surrounding property or the public if the requested exception is granted. However, in no instance may a fence be used to replace a required wall along the property line abutting residential property.

H. **Barbed wire fencing** shall not be permitted, except as follows:

1. Temporary barbed wire fencing may be permitted on a construction site where there is an
active building permit, provided that said fencing does not obstruct any public easement or right-of-way.

2. Barbed wire fencing may be permitted in the I, U, B-2, and B-3 zoning districts, at a height not exceeding ten (10) feet as measured in accordance with this Section, where outdoor storage of goods and materials is permitted as an accessory use, except where the nonresidential use is abutting residential property.

3. Barbed wire fencing shall not be visible from any street.

I. All property zoned in a PEDD or within the Port Everglades boundaries shall be exempted from the provisions of this section, except where it abuts property or streets outside the district.

J. Temporary fences.

1. A temporary construction fence may be permitted in conjunction with construction on a site in accordance with requirements determined by the department. The height, setback, landscaping and other requirements for a fence may be waived by the department subject to safety concerns. Such fence shall not be placed on the development site prior to final site plan approval or prior to issuance of the first building permit, whichever occurs first; and must be removed within two (2) weeks after issuance of a certificate of occupancy (CO) or termination of site plan approval, whichever occurs first; and shall be removed if the building permit has expired and has not been issued within one hundred eighty (180) days of expiration.

2. A fence may be permitted to be located parallel to the property lines of a vacant lot subject to the following:
   a. The fence must be non-opaque; and
   b. Is not required to meet the standards for fences provided in the ULDR while the property on which it is located is vacant, except as provided herein; and
   c. Must meet site triangle requirements; and
   d. Must have an opening at least ten (10) feet wide which may be gated.


Sec. 47-19.6. - Habitation on floating homes and vessels.

A. Definitions:

1. A floating home is any waterborne structure designed for use primarily as a home or dwelling. The term also includes any vessel which has been altered or converted into a home or dwelling and which is incapable of navigation by means of self-propulsion.

2. A vessel is any waterborne craft (other than a seaplane) used or designed and capable of being used as a means of transportation on water.

3. Habitation aboard a floating home or vessel means overnight occupation of it by one (1) or more persons, while the home or vessel is moored, docked or anchored in any of the public
waterways lying within the city.

4. An incineration device is a facility approved by the United States Coast Guard located on a floating home or vessel which is capable of reducing waste from any floating home or vessel to clean ash. No smoke or residue or harmful discharges shall be emitted from this device.

5. A marine sanitation system is a facility approved by all governmental authorities having jurisdiction over the marine sanitation system capable of removing waste from any floating home or vessel and discharging same into a sanitary disposal system approved by all governmental authorities having jurisdiction over the sanitary disposal system and available for use by persons living aboard a vessel or floating home.

6. An on-shore restroom facility is an operating toilet located within an enclosed structure available for use at all times by persons who are using the adjacent property to dock or moor their vessel or floating home.

7. An owner shall include a duly authorized agent, a purchaser, devisee, fiduciary, property holder or any other person, firm or corporation having a vested or contingent interest, or in case of leased premises, the legal holder of the lease contract, or the holder’s legal representative, assign or successor. (See Section 401 of the Florida Building Code, Broward County Edition.)

B. Habitation aboard a vessel is permitted in:

1. Any municipal dock area;
2. A licensed commercial marina lying within a P, CF, B-1, B-2, B-3, I or RAC district;
3. A licensed yacht club;
4. Waterways adjacent to property zoned B-1, B-2, B-3 or RAC; and
5. Waterways adjacent to property zoned RM, RML, RMM, RMH or RAC.

C. Habitation aboard a floating home (which has been certified for occupancy pursuant to Chapter 9 of Volume I of the Code) is permitted in:

1. Any municipal dock area;
2. A licensed commercial marina lying within a P, CF, B-1, B-2, B-3, I or RAC district;
3. A licensed yacht club; and
4. Waterways adjacent to property zoned B-1, B-2, B-3 or RAC.

D. The owner of property which is adjacent to any portion of a public waterway shall not permit any vessel or floating home which is used for habitation to be moored or docked at such property unless the following conditions are met:

1. The zoning district density limitations applicable to the real property adjacent to the vessel or floating home shall not be exceeded in residential areas (for the purpose of administration of this and the following subparagraphs, each vessel shall be considered and treated as the equivalent of a dwelling unit); provided, however, that if the waterway in which the vessel is to be located has a
minimum width of one hundred (100) feet and does not terminate in a "dead end," then the density limitation shall be increased to a maximum of forty (40) units per net acre in order to accommodate habitation aboard the vessel;

2. There is located on the property adjacent to which the vessel or floating home is moored or docked a number of parking spaces equal to the total number of the dwelling units located on such property and the vessels or houseboats moored or docked at such property;

3. The requirements of all applicable laws and regulations, such as those governing public health, public safety, sanitation and the environment are met;

4. Marine sanitation systems or on-shore facilities are provided if required pursuant to subsection D.5.

5. If the owner of property is permitting any vessel or floating home equipped with a holding tank to moor or dock at such property, the property owner shall:
   a. Provide on the property at all times, one or more operable marine sanitation systems; or
   b. Provide for mobile marine wastewater disposal services through a contract between the property owner and a licensed contractor. Said contract shall provide that marine wastewater disposal services are available at least once a week to each floating home and vessel docked or moored at said owner's property. The property owner shall provide to the city a copy of the contract and provide on a monthly basis a copy of a report by the contractor identifying the number of times the contractor has serviced each floating home or vessel docked or moored at the property, the number of gallons of wastewater removed from each vessel and the location where the contractor disposed of the wastewater. Such disposal locations shall be legally authorized and approved for wastewater disposal.
   c. If the owner of property is permitting any vessel or floating home not equipped with a holding tank or an incineration device to moor or dock at such property, the property owner shall provide the property owner shall provide on the property, one (1) or more on-shore restroom facilities available for use at all times by persons living aboard the vessels or floating homes docked at the property. This on-shore restroom facility requirement shall not apply if such vessel or floating home is equipped with a marine sanitation device approved by the United States Coast Guard which disposes overboard effluents that meet standards approved for discharge by all applicable state, federal or local agencies that have jurisdiction.
   d. If the owner of property is permitting a vessel(s) or floating home(s) equipped with a holding tank and a vessel(s) or floating home(s) not equipped with a holding tank to moor or dock at such property, the owner must comply with the requirements provided in subsections D.5.a, b and c. On-shore restroom facilities and marine sanitation systems shall comply with all applicable zoning regulations. If compliance with a regulation would require the relocation of an existing exterior wall of a principal building, it shall be waived by the city only if the property owner can demonstrate that the proposed restroom facility is no larger than necessary to meet Florida Building Code, Broward County Edition, requirements and the requirements of this section and complies with the zoning regulations to the greatest extent possible as determined by the department.
   e. By February 1, 2001, all marine sanitation systems shall be equipped with a transparent
E. No vessel or floating home will be moored or docked in a manner that extends more than thirty percent (30%) of the width of the waterway, measured from recorded property lines, and if a vessel is moored or docked adjacent to residential property, in a manner that extends beyond applicable side setback lines, except as provided in Sec. 47-19.3.H.

F. As to floating homes only after a certificate of occupancy has been issued and obtained, as required pursuant to the provisions of Article V, Chapter 9, of Volume I of the Code.

G. Habitation aboard a floating home or vessel in any other public waterway within the city, except as provided in this law, is prohibited.

(Ord. No. C-97-19, § 1(47-19.6), 6-18-97; Ord. No. C-00-53, § 2, 10-3-00; Ord. No. C-03-23, § 2, 7-1-03)

Sec. 47-19.7. - Home occupation.

A. A home occupation is an occupation which is conducted in a residential dwelling, which is subordinate to the use of the dwelling as a residence. A home occupation may be permitted as an accessory use to any residential use subject to the following restrictions:

1. The occupation is carried out only by persons residing on the premises.

2. There is no external evidence of the occupation such as the display, use or storage of any goods, materials or equipment, or exterior advertising or signage of any type or nature which is visible from the exterior of the residence.

3. No product or service shall be sold or offered for sale from the residential dwelling.

4. The occupation shall not occupy more than one-quarter (¼) of the area of one (1) floor of the principal structure thereof, nor be carried on in any accessory or secondary building.

5. No traffic shall be generated by the conduct of such home occupation by other than those persons residing on the premises.

6. No equipment or manufacturing process shall be used in such home occupation which creates noise, vibration, glare, fumes, or odor which is detectable from the exterior of the residential dwelling in which the home occupation is being conducted.

(Ord. No. C-97-19, § 1(47-19.7), 6-18-97)

Sec. 47-19.8. - Hotel accessory uses.

A. Hotels with more than fifty (50) guest rooms when permitted within an RML, RMM or RMH district, may have the following accessory uses: dining rooms, restaurants, nightclubs, bars, retail stores, personal service shops, patio bars, outdoor food services areas.

1. Access to such accessory use shall be limited to the interior of the building through the main lobby and there shall be no direct public access from the exterior of the building, provided that entrance doors may be located in exterior walls fronting on an interior court not visible at ground
level from the adjacent property on any street except State Road A-1-A. Exit doors may be located in exterior walls.

2. There shall be no show windows or displays relating to such accessory uses to the exterior of the building or visible from the adjacent property or any street except State Road A-1-A.

B. Hotels with more than fifty (50) guest rooms when permitted within a nonresidential district may have, but not be limited to, the following accessory or secondary uses: dining rooms, restaurants, nightclubs, bars, retail stores, personal service shops, patio bars, outdoor food service areas.

C. Watercraft Rental Concessions, see Sec. 47-19.11

(Ord. No. C-97-19, § 1(47-19.8), 6-18-97)

Sec. 47-19.9. - Outdoor uses.

A. All uses, including sale, display, preparation and storage, shall be conducted within a completely enclosed building, except as follows:

1. Garden center. Outdoor retail sales of plant materials not grown on the site, home garden supplies and related garden merchandise, may be permitted as an accessory use only to a garden center.

2. Outdoor storage of goods and materials. Outdoor storage of goods and materials including but not limited to machinery, supplies, inventory products, equipment and the like when permitted as an accessory use shall be subject to the following conditions:

   a. Outdoor storage of goods and materials must be completely screened from abutting residential property and all public rights-of-way by a wall constructed in accordance with the requirements of Sec. 47-19.5, Fences, Walls and Hedges. Such wall shall be a minimum of six and one-half (6½) feet in height and a maximum of ten (10) feet in height.

   b. Outdoor storage of goods and materials must be completely screened from abutting nonresidential property by a wall in accordance with the requirements of Sec. 47-19.5, Fences, Walls and Hedges. Such wall shall be a minimum of six and one-half (6½) feet in height and a maximum of ten (10) feet in height.

   c. No machines, supplies, inventory products, equipment or materials other than landscaping exceeding the height of the wall shall be allowed in such permitted outdoor storage area.

   d. All outdoor storage areas shall be required to meet the paving and drainage requirements for parking lots as provided in Section 47-20, Parking and Loading.

   e. Such walls in outdoor storage areas in an Industrial (I) district may be permitted to a maximum height of fifteen (15) feet, except where such wall is abutting residential property.

   f. Surface. All outdoor storage areas shall have an adequately drained asphaltic concrete surface.

3. Outdoor display of vehicles or watercraft for sale or rental.
a. Outdoor display of vehicles or watercraft for sale or rental shall be used exclusively for the display of new or used motor vehicles or watercraft for the purpose of sale or rental, but shall not be used for service of vehicles or parking of vehicles used by customers, visitors, and employees of such use.

b. All outdoor display areas shall be required to meet the paving and drainage requirements for parking lots as provided in Section 47-20, Parking and Loading Requirements.

c. Outdoor display areas shall be considered a vehicular use area for purposes of Section 47-21, Landscaping and Tree Preservation, however no outdoor storage area shall be permitted in a required yard.

d. *Surface.* All outdoor storage areas shall have an adequately drained asphaltic concrete surface.

4. *Outdoor storage of vehicles or watercraft for sale, rental, service or repair.*

a. Outdoor storage of vehicles or watercraft for sale, rental, service or repair, is permitted as an accessory use to an automotive or watercraft sales or rental use and shall be used exclusively for the storage of new or used vehicles or watercraft, for the purpose of sale, service, rental but not for parking of vehicles used by the customers, visitors, and employees of the principal use.

b. All outdoor storage areas shall be required to meet the paving and drainage requirements for parking lots as provided in Section 47-20, Parking and Loading Requirements.

c. Outdoor storage areas shall be considered a vehicular use area for purposes of Section 47-21, Landscaping and Tree Preservation, however no outdoor storage area shall be permitted in a required yard.

d. *Surface.* All outdoor storage areas shall have an adequately drained asphaltic concrete surface.

5. *Outdoor dining.*

a. *Outdoor dining areas.* Outdoor seating areas used for outdoor dining as an accessory use to a restaurant where permitted by the zoning district.

b. *Sidewalk cafe.* Outdoor seating areas used for sidewalk cafes may be permitted within the public right-of-way, as an accessory use to restaurants where permitted by the zoning district, subject to the requirements of Chapter 25, Article VII, of Volume I of the Code. Awnings located over a sidewalk cafe may be permitted in accordance with Section 25-22 of Volume I of the Code.

6. *Drive-thru business.* Drive-thru businesses are permitted as an outdoor use as defined in Section 47-35, Definitions.

7. *Automotive service station.* Automotive service station refueling is permitted as an outdoor use as an accessory to an Automotive Service Station as provided in Sec. 47-18.5
8. *Heliports and helistops and airports.* Heliports, helistops and airports are permitted as outdoor uses, as provided by Sec. 47-18.14

9. *Holiday-related merchandise, outdoor sales.* See Sec. 47-18.15

(Ord. No. C-97-19, § 1(47-19.9), 6-18-97)

**Sec. 47-19.10. - Pedestrian bridges.**

Any elevated structure, the lower limit of which is more than sixteen (16) feet in height above grade, which is intended primarily for pedestrian use and bridges a city street, and which passes through airspace above city-owned property or rights-of-way when such airspace has been leased to the owner of the structure by the city, shall not be required to comply with the setback requirements contained in this section. Furthermore, such structures shall not be required to comply with the yard or setback requirements of the ULDR provided the plans for the bridges have been approved by the city commission.

(Ord. No. C-97-19, § 1(47-19.10), 6-18-97)

**Sec. 47-19.11. - Watercraft rental concession.**

A hotel may have one (1) or more watercraft rental concessions when operated in conformance with the provisions of Chapter 8, Article V, Division 3 of Volume I of the Code of Ordinances. Any development approval required by the ULDR shall not be applicable.

(Ord. No. C-97-19, § 1(47-19.11), 6-18-97)

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**SECTION 47-20. - PARKING AND LOADING REQUIREMENTS**

- Sec. 47-20.1. - Intent and purpose.
- Sec. 47-20.2. - Parking and loading zone requirements.
- Sec. 47-20.3. - Reductions and exemptions.
- Sec. 47-20.4. - Location of parking facilities and loading zones.
- Sec. 47-20.5. - General design of parking facilities.
- Sec. 47-20.6. - Design of loading zones.
- Sec. 47-20.7. - Curbing, wheelstops and vehicular overhang.
- Sec. 47-20.8. - Signage and pavement markings.
- Sec. 47-20.9. - Parking garages.
- Sec. 47-20.10. - Tandem parking.
- Sec. 47-20.11. - Geometric standards.
- Sec. 47-20.13. - Paving and drainage.
- Sec. 47-20.15. - Backout parking.
- Sec. 47-20.16. - Valet parking.
- Sec. 47-20.17. - Vehicular reservoir spaces for drive-thru facilities.
- Sec. 47-20.18. - Parking agreements.
- Sec. 47-20.19. - Nonconforming parking and loading.
- Sec. 47-20.20. - Compliance.
- Sec. 47-20.21. - Interpretation.
Sec. 47-20.1. - Intent and purpose.

A. The purpose of this section is:

1. To establish land development regulations that address the provision of off-street parking and loading for existing and future development, the access to parking areas; adequate on-site traffic circulation and integration of on-site and off-site traffic circulation.

2. To provide off-street parking requirements and standards for development and redevelopment of the city that achieve a balance between the parking needs and the limitation of space in a developed city.

3. To insure that development and redevelopment in the city includes safe, efficient and effective parking areas for the protection of existing neighborhoods and, where appropriate, to require mitigation of potential adverse impacts on adjacent uses.

4. The requirements of this section are intended to implement and complement the city’s comprehensive plan, the Florida Building Code (Broward County Edition); guidelines adopted by the Institute of Transportation Engineers; city construction standards and specifications; the Florida Accessibility Code for Building Construction, latest edition regulations issued by federal and state agencies to implement the Federal Americans with Disabilities Act (ADA); and all other related and applicable codes.

(Ord. No. C-97-19, § 1(47-20.1), 6-18-97; Ord. No. C-03-23, § 2, 7-1-03)

Sec. 47-20.2. - Parking and loading zone requirements.

A. The off-street parking and loading required by this section shall be provided and maintained on the basis of the minimum requirements in the Table of Parking and Loading Zone Requirements (“Table”). Table 1 identifies uses and the parking and Table 2 identifies loading requirements for each use in all zoning districts except Downtown Regional Activity Center (RAC) districts.

B. For the purpose of calculating parking spaces, gross floor area shall not include: covered or enclosed parking areas; exterior unenclosed private balconies; floor space used for mechanical equipment for the building; and, elevator shafts and stairwells at each floor. Customer service area is the area of an establishment available for food or beverage service or consumption, or both, calculated by measuring all areas covered by customer tables and bar surfaces and any floor area within five (5) feet of the edge of said tables and bar surfaces, measured in all directions where customer mobility is permitted. Customer service area shall include any outdoor or patio floor area used or designed for food or beverage service or consumption, or both, measured as specified above. Areas between tables or bars which overlap in measurement with another table shall only be counted once.

C. Table 3 identifies the parking and loading requirements for the RAC districts.

TABLE 1. PARKING AND LOADING ZONE REQUIREMENTS

<table>
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## Article XV. Annexed Areas

### Section 47-39. Development Regulations for Annexed Areas

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<th>Use</th>
<th>Parking Space Requirement</th>
<th>Loading Zone Requirement</th>
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<tr>
<td>Adult bookstore, products, sales,</td>
<td>See Sec. 15-154 of Volume I of the Code.</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>entertainment establishments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amphitheater, stadium</td>
<td>1/4 seats</td>
<td>NA</td>
</tr>
<tr>
<td>Aquarium</td>
<td>1/400 sf gfa</td>
<td>1 Type I loading zone</td>
</tr>
<tr>
<td>Art gallery, art studio</td>
<td>1/400 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Asphalt, paving and roofing material</td>
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</tr>
<tr>
<td>manufacture</td>
<td></td>
<td></td>
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<tr>
<td>Automotive service station, marine</td>
<td>2/repair bay, for either, and</td>
<td>1 Type I loading zone</td>
</tr>
<tr>
<td>service station, minor and major</td>
<td>where fuel is provided 1 per fuel island</td>
<td></td>
</tr>
<tr>
<td>repair, with and without fuel</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automotive rental</td>
<td>1/250 sf gfa</td>
<td>Vehicle storage area shall provide 1 Type II loading zone</td>
</tr>
<tr>
<td>Automotive, motorcycle, moped,</td>
<td>With 10,000 sf lot or less and building of less than 15,000 sf: 1/250 sf gfa of bldg. + 1/2,000 sf of outdoor display. With lot greater than 10,000 sf and bldg. greater than 15,000 sf: 1/500 sf gfa enclosed + 1/4,500 sf outdoor display. With service dept.: 2/service bay</td>
<td>Up to 50,000 sf of enclosed and outdoor display: 1 Type II loading zone. Greater than 50,000 sf of enclosed and outdoor display area: 2 Type II loading zones.</td>
</tr>
<tr>
<td>recreational camper and trailers, truck,</td>
<td></td>
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<tr>
<td>van, new and used</td>
<td></td>
<td></td>
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<tr>
<td>Aviation manufacturing, sales,</td>
<td>1/1,000 sf of enclosed floor area. In addition, 1 parking space per company vehicle must be provided. The provision for customer parking shall be the responsibility of the developer, but must be in addition to the required employee and company vehicle parking.</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>repair and service in G-A-A zoning</td>
<td></td>
<td></td>
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<tr>
<td>district</td>
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</tr>
<tr>
<td>Bakery store</td>
<td>1/250 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Bakery, wholesale</td>
<td>1/800 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Bar, cocktail lounge, nightclub</td>
<td>1/65 sf gfa if ≤4,000 sf; 1/50 sf gfa if ≥ 4,001 sf</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Bed and breakfast dwelling</td>
<td>1/sleeping room</td>
<td>NA</td>
</tr>
<tr>
<td>Billiard hall, bingo hall, video</td>
<td>See Sec. 15-154 of Volume I of the Code.</td>
<td>NA</td>
</tr>
<tr>
<td>arcade</td>
<td></td>
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</tr>
<tr>
<td>Boat, charter; fishing, sightseeing,</td>
<td>1/7 seats</td>
<td>NA</td>
</tr>
<tr>
<td>dinner cruise</td>
<td></td>
<td></td>
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<tr>
<td>Bowling alley</td>
<td>2/alley</td>
<td>NA</td>
</tr>
<tr>
<td>Broadcast and production</td>
<td>1/800 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Facility Type</td>
<td>Minimum Parking Requirement</td>
<td>Notes</td>
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<tr>
<td>------------------------------------------------------------------------------</td>
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<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>Studio, motion picture, video, television, radio music recording studio</td>
<td>1/1000 sf gfa or covered wash area</td>
<td>NA</td>
</tr>
<tr>
<td>Car wash, full service automatic or hand wash with attendants</td>
<td>1/1000 sf gfa or covered wash area</td>
<td>NA</td>
</tr>
<tr>
<td>Catering service</td>
<td>1/250 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Check cashing store</td>
<td>1/250 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Child day care facility</td>
<td>1/325 sf</td>
<td>NA</td>
</tr>
<tr>
<td>Civic and private club (when a civic or private club sells liquor or food for consumption on the premises, such civic or private club shall be treated as a bar or restaurant, respectively, for parking purposes)</td>
<td>1/400 sf gfa or 1/120 sf of assembly area, whichever is greater</td>
<td>NA</td>
</tr>
<tr>
<td>College, university, trade/business school</td>
<td>1/150 sf gfa</td>
<td>NA</td>
</tr>
<tr>
<td>Communications equipment manufacture</td>
<td>1/800 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Commuter airport, bus, heliport, port, or rail transit terminal</td>
<td>1/200 sf gfa</td>
<td>NA</td>
</tr>
<tr>
<td>Computer, office equipment manufacture</td>
<td>1/800 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Computer/software store</td>
<td>1/250 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Contractors office</td>
<td>1/800 sf gfa</td>
<td>NA</td>
</tr>
<tr>
<td>Convenience store</td>
<td>&lt;2,000 sf of gross floor area: 1 per 100 sf of gross floor area. If automotive fuel is sold, the parking requirement for automotive service stations shall also apply. Required automotive service station spaces located directly beside the automotive fuel pumps (not including required vehicular reservoir spaces) may be used to meet up to 20% of the convenience store parking requirement.</td>
<td>For a freestanding building 1 Type II loading zone is required; when located in a multi-tenant building—see Table 2 for loading zone requirement. Vehicular use areas shall be designed so that fuel tankers servicing the automotive service station do not obstruct ingress or egress to site and pedestrian ingress and egress to the kiosk, and do not make use of any portion of public right-of-way or swale.</td>
</tr>
</tbody>
</table>

For a freestanding building 1 Type II loading zone is required; when located in a multi-tenant building—see Table 2 for loading zone requirement. Vehicular use areas shall be designed so that fuel tankers servicing the automotive service station do not obstruct ingress or egress to site and pedestrian ingress and egress to the kiosk, and do not make use of any portion of public right-of-way or swale.
spaces located directly beside the automobile fuel pumps (not including required vehicular reservoir spaces) may be used to meet up to 20% of the convenience store parking requirement.

<p>| Convenience store, multi-purpose | 1 per 30 sf of customer service area, including any outdoor dining area on the site for food prepared on premises for consumption on or off premises plus 1 space per 150 square feet of gross floor area for all areas except the customer service area. Required automotive service station spaces located directly beside the automotive fuel pumps (not including required vehicular reservoir spaces) may be used to meet up to 20% of the convenience store parking requirement. If automotive fuel is sold, the parking requirement for automotive service stations shall also apply. | For a freestanding building 1 Type II loading zone is required; when located in a multi-tenant building—see Table 2 for loading zone requirement. Vehicular use areas shall be designed so that fuel tankers servicing the automotive service station do not obstruct ingress or egress to site and pedestrian ingress and egress to the kiosk, and do not make use of any portion of public right-of-way or swale. |
| Convenience kiosk | If customers enter kiosk: 1 space per 250 square feet of gross floor area of kiosk. If customers cannot enter convenience kiosk: 1 space per 500 square feet of gross floor area of kiosk. For both cases: Required automotive service station spaces located directly beside the automotive fuel pumps (not including required vehicular reservoir spaces) may be used to meet up to 20% of the convenience store parking requirement. If automotive fuel is sold the parking requirement for automotive service stations shall also apply. | For a freestanding building 1 Type II loading zone is required; when located in a multi-tenant building—see Table 2 for loading zone requirement. Vehicular use areas shall be designed so that fuel tankers servicing the automotive service station do not obstruct ingress or egress to site and pedestrian ingress and egress to the kiosk, and do not make use of any portion of public right-of-way or swale. |
| Copy center, quick printing | 1/250 sf gfa | NA |
| Crematoria | See Funeral home. | NA |
| Dry cleaner, drop-off and | 1/250 sf gfa | NA |</p>
<table>
<thead>
<tr>
<th>Retrieval</th>
<th>1/800 sf gfa</th>
<th>See Table 2.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dry cleaning plant, no customer service</td>
<td>0.2/dry storage space</td>
<td>NA</td>
</tr>
<tr>
<td>Duplex/townhouse/cluster with garage and driveway, attached housing, coach homes with individual garages</td>
<td>2/dwelling unit</td>
<td>NA</td>
</tr>
<tr>
<td>Duplex/townhouse/cluster, coach homes without garage, attached housing</td>
<td>2/dwelling unit + 0.25/dwelling unit guest parking</td>
<td>NA</td>
</tr>
<tr>
<td>Dwellings</td>
<td></td>
<td>See Duplex/townhouse/cluster, Multifamily/rowhouse, Mobile home park and Single family standard and zero-lot-line.</td>
</tr>
<tr>
<td>Electrical, household goods, watch and jewelry repair shop</td>
<td>1/250 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Financial institution, including drive through banks</td>
<td>1/250 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Fire-rescue stations</td>
<td>2/bed</td>
<td>N/A</td>
</tr>
<tr>
<td>Flooring store</td>
<td>1/800 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Food and/or beverage drive-through to go only; no customer seating</td>
<td>1/250 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Funeral home</td>
<td>1/4 seats of assembly area</td>
<td>NA</td>
</tr>
<tr>
<td>Furniture store</td>
<td>1/800 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Golf course, golf range</td>
<td>4/hole for golf course; 2/tee for golf range</td>
<td>NA</td>
</tr>
<tr>
<td>Government administration and services (courts, police)</td>
<td>1/250 sf gfa</td>
<td>NA</td>
</tr>
<tr>
<td>Grocery/food store/candy, nuts store/fruit and produce store/supermarket</td>
<td>1/250 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Hair salon</td>
<td>1/250 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Hardware store</td>
<td>1/250 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Health and fitness center</td>
<td>1/200 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Home improvement center</td>
<td>1/400 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Hospital</td>
<td>2/bed, not including nursery beds</td>
<td>NA</td>
</tr>
<tr>
<td>Hotel</td>
<td>1/room</td>
<td>NA</td>
</tr>
<tr>
<td>Household appliance sales (washer, dryer, other large appliance)</td>
<td>1/800 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>House of worship</td>
<td>1/4 seats</td>
<td>NA</td>
</tr>
<tr>
<td>Indoor firearms range</td>
<td>1/200 sf gfa</td>
<td>NA</td>
</tr>
<tr>
<td>Instruction, fine arts, sports recreation, dance, music,</td>
<td>1/250 sf gfa</td>
<td>See Table 2.</td>
</tr>
</tbody>
</table>
### ANNEXED AREAS

#### DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Size</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Theater, self-defense</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Laundromat</td>
<td>1/250 sf gfa</td>
<td>NA</td>
</tr>
<tr>
<td>Library</td>
<td>1/400 sf gfa</td>
<td>NA</td>
</tr>
<tr>
<td>Lumberyard, sales</td>
<td>1/400 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Mail, postage, fax service</td>
<td>1/250 sf gfa</td>
<td>NA</td>
</tr>
<tr>
<td>Manufacturing, research and testing</td>
<td>1/800 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Manufacturing in the AIP zoning district</td>
<td>1/600 sf of manufacturing floor area; 1/800 for nonmanufacturing floor area; 1 space for each company vehicle in addition to employee parking. Visitor parking shall be provided by the industry in a manner deemed adequate to handle its own particular needs. However, such visitor parking shall be in addition to company and employee parking.</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Marina</td>
<td>1/2 boat slips</td>
<td>1 Type II loading zone if fueling service is provided at marina.</td>
</tr>
<tr>
<td>Marine construction (docks, seawalls)</td>
<td>1/800 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Meat, poultry packers</td>
<td>1/800 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Medical office (doctor, dentist, clinic)</td>
<td>1/150 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Medical supplies sales</td>
<td>1/250 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Miniature golf</td>
<td>2/hole</td>
<td>NA</td>
</tr>
<tr>
<td>Mobile home park</td>
<td>2/dwelling unit</td>
<td>NA</td>
</tr>
<tr>
<td>Mobile home sales, new and used</td>
<td>1/500 sf gfa enclosed + 1/4,500 sf outdoor display From 15,000—50,000 sf of enclosed and outdoor display, 1 Type II loading zone; greater than 50,000 sf of display area, 2 Type II loading zones.</td>
<td></td>
</tr>
<tr>
<td>Motion picture theater, indoor</td>
<td>1/3 seats</td>
<td>NA</td>
</tr>
<tr>
<td>Moving services</td>
<td>See Trucking and courier services.</td>
<td></td>
</tr>
<tr>
<td>Multifamily/rowhouse dwelling, efficiency</td>
<td>1.75/unit</td>
<td>NA</td>
</tr>
<tr>
<td>Multifamily/rowhouse 1 bedroom</td>
<td>1.75/unit</td>
<td>NA</td>
</tr>
<tr>
<td>Multifamily/rowhouse 1 bedroom + den or 2 bedroom</td>
<td>2/dwelling unit</td>
<td>NA</td>
</tr>
<tr>
<td>Multifamily/rowhouse 2 bedroom + den or 3 bedroom</td>
<td>2.1/dwelling unit</td>
<td>NA</td>
</tr>
<tr>
<td>Multifamily/rowhouse 3 bedroom + den or 4 bedroom</td>
<td>2.2/dwelling unit</td>
<td>NA</td>
</tr>
</tbody>
</table>
### SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

<table>
<thead>
<tr>
<th>Use</th>
<th>SF GFA</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Museum</td>
<td>1/400 sf gfa</td>
<td>1 Type I loading zone</td>
</tr>
<tr>
<td>Music recording studios</td>
<td>1/800 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Nail salon</td>
<td>1/250 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Newspapers, magazines store</td>
<td>1/250 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Nurseries, retail and garden stores</td>
<td>1/250 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Nursing home</td>
<td>1/4 residents + 1/employee as defined by state license</td>
<td>NA</td>
</tr>
<tr>
<td>Oil change shop, drive-thru</td>
<td>2/service bay</td>
<td>NA</td>
</tr>
<tr>
<td>Open space public/private natural area, conservation area, hiking trail</td>
<td>Space equivalent to 1% of total land area in square feet</td>
<td>NA</td>
</tr>
<tr>
<td>Pain management clinic</td>
<td>1/10 sf gfa of waiting area, 1/100 sf of examination room, 1/150 sf gfa of remainder</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Performing arts theater, cultural facility</td>
<td>1/3 seats</td>
<td>NA</td>
</tr>
<tr>
<td>Pet boarding, domestic animals only</td>
<td>1/400 sf gfa</td>
<td>NA</td>
</tr>
<tr>
<td>Photographic studio</td>
<td>1/250 sf gfa</td>
<td>NA</td>
</tr>
<tr>
<td>Photo processing laboratory, film processing plant, wholesale, publishing plant</td>
<td>1/800 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Post office, main shipping facility</td>
<td>1/400 sf gfa</td>
<td>Free standing building from 15,000—50,000 sf, 1 Type II loading zone; building greater than 50,000 sf, see Table 2.</td>
</tr>
<tr>
<td>Post office, substation or neighborhood branch</td>
<td>1/250 sf gfa</td>
<td>NA</td>
</tr>
<tr>
<td>Printing and publishing plant</td>
<td>1/800 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Professional office (not including medical, dental offices)</td>
<td>1/250 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Public assembly place (auction house, auditorium, civic and convention centers)</td>
<td>1/400 sf gfa or outdoor space used for activity</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Public/private recreation (ballfields, ball courts, pools)</td>
<td>1/3 seats where grandstands provided, 3/court for court sports, 1/200 sf pool surface</td>
<td>NA</td>
</tr>
<tr>
<td>Rail terminal</td>
<td>See Commuter airport, rail, bus transit terminal</td>
<td></td>
</tr>
<tr>
<td>Repair shops and services</td>
<td>1/250 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Restaurant equipment sales</td>
<td>1/800 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Restaurant with or without drive-thru, less than or equal to</td>
<td>1/100 sf gfa; including outdoor dining area on the site</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Activity</td>
<td>ADU/GFA Requirement</td>
<td>Reference</td>
</tr>
<tr>
<td>--------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>Restaurant with or without drive-thru greater than 4,000 sf</td>
<td>1/30 sf of customer service area including outdoor dining area on the site + 1/250 sf gfa Customer service area, see Section 47-2 and Sec. 47-20.2.B.</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Restaurant, take-out or delivery only</td>
<td>1/250 sf gfa, including outdoor dining area, if any</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Retail sales, retail service, unless otherwise provided for herein</td>
<td>1/250 sf gfa</td>
<td></td>
</tr>
<tr>
<td>Sailcloth manufacture, canvas and related products (boat sails, covers)</td>
<td>1/800 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Satellite dish equipment, sales, service</td>
<td>1/800 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>School, elementary and middle</td>
<td>1/classroom + ½ additional spaces used for public assembly as required by this ULDR + drop off lane</td>
<td>NA</td>
</tr>
<tr>
<td>School, secondary (high school)</td>
<td>1/classroom + ½ additional spaces used for public assembly as required by this ULDR + 1/10 students of design capacity</td>
<td>NA</td>
</tr>
<tr>
<td>Senior citizen center</td>
<td>1/325 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Sheet metal fabrication</td>
<td>1/800 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Shipyard, boat building</td>
<td>1/800 sf gfa office and outdoor work area</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Shopping center—with ≥ 80% of total square footage devoted to retail, food service, or cinema, or any combination, provided food service or cinema individually do not exceed 50% of total square footage</td>
<td>0—25,000 sq. ft. = Total parking requirement for all proposed uses 25,001—60,000 sq. ft. = 95% of total for all uses 60,001—400,000 sq. ft. = 90% of total for all uses 400,001+ sq. ft. = 80% of total for all uses</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Single family dwelling unit (including cluster dwelling, zero-lot-line dwelling)</td>
<td>2/dwelling unit</td>
<td>NA</td>
</tr>
<tr>
<td>Single family dwelling unit + accessory dwelling (granny flat)</td>
<td>2/dwelling unit + 1/accessory unit</td>
<td>NA</td>
</tr>
<tr>
<td>Social service facility</td>
<td>1/250 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Social service residential facility Level I</td>
<td>2 spaces + 1 guest space</td>
<td>NA</td>
</tr>
<tr>
<td>Social service residential facility</td>
<td>1/1,000 sf (or fraction of) gross</td>
<td>NA</td>
</tr>
</tbody>
</table>
Levels II—V  
floor area; where conditional use is considered, reduction may be allowed by PZ board when based on factors including, but not limited to: proximity to mass transit, location of resident employment centers, resident auto ownership and facility visitation policy. Reduction must be compatible with surrounding neighborhood.

<table>
<thead>
<tr>
<th>Business Type</th>
<th>Minimum Floor Area</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tailor, dressmaking store direct to customer</td>
<td>1/250 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Tanning salon</td>
<td>1/250 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Tattoo artist</td>
<td>1/250 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Taxi lot/operations</td>
<td>1/800 sf gfa</td>
<td>NA</td>
</tr>
<tr>
<td>Taxidermist</td>
<td>1/800 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Tennis club, indoor racquet sports</td>
<td>4/court</td>
<td>NA</td>
</tr>
<tr>
<td>Terminal</td>
<td>See Commuter airport, rail, bus transit terminal</td>
<td></td>
</tr>
<tr>
<td>Trucking and courier services</td>
<td>1/800 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Veterinary clinic</td>
<td>1/250 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Video tape rental</td>
<td>1/200 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Warehouse, self-storage</td>
<td>1/5,000 sf gfa + 1/250 sf of office</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Warehouse, distribution and general</td>
<td>1/800 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Watch and jewelry repair</td>
<td>1/250 sf gfa</td>
<td>See Table 2.</td>
</tr>
<tr>
<td>Watercraft sales, new and used</td>
<td></td>
<td></td>
</tr>
<tr>
<td>With 10,000 sf lot or less and building of less than 15,000 sf: 1/250 sf gfa of bldg. + 1/2,000 sf of outdoor display</td>
<td>Up to 50,000 sf of enclosed and outdoor display: 1 Type II loading zone</td>
<td></td>
</tr>
<tr>
<td>With lot greater than 10,000 sf and building greater than 15,000 sf: 1/500 sf gfa enclosed + 1/4,500 sf outdoor display</td>
<td>Greater than 50,000 sf of enclosed and outdoor display area: 2 Type II loading zones</td>
<td></td>
</tr>
<tr>
<td>With service dept.: 2/service bay</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wholesale sales</td>
<td>1/800 sf gfa</td>
<td>See Table 2.</td>
</tr>
</tbody>
</table>

**TABLE 2. LOADING ZONE REQUIREMENTS PER SQUARE FOOTAGE AND TYPE OF ZONE REQUIRED**
### Square Footage of Free Standing Sales or Service Use

<table>
<thead>
<tr>
<th>Building</th>
<th>Number and Type of Loading Zones Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equal to 15,000 sf but not greater than 50,000 sf</td>
<td>1 Type II</td>
</tr>
<tr>
<td>More than 50,000 sf but less than 75,000 sf</td>
<td>2 Type II</td>
</tr>
<tr>
<td>More than 75,000 sf but less than 120,000 sf</td>
<td>3 Type II</td>
</tr>
<tr>
<td>More than 120,000 sf but less than 200,000 sf</td>
<td>4 Type II</td>
</tr>
<tr>
<td>More than 200,000 sf but less than 290,000 sf</td>
<td>5 Type II</td>
</tr>
<tr>
<td>For each additional 90,000 sf or fraction thereof over 290,000 sf</td>
<td>1 additional Type II zone</td>
</tr>
</tbody>
</table>

### Area of Free Standing Office Use Building

<table>
<thead>
<tr>
<th>Use Building</th>
<th>Number and Type of Loading Zones Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equal to 20,000 sf but not greater than 50,000 sf</td>
<td>1 Type I</td>
</tr>
<tr>
<td>More than 50,000 sf</td>
<td>1 Type II</td>
</tr>
</tbody>
</table>

### Loading Zone Requirements for Multi-Tenant Commercial Buildings

| More than 20,000 sf but less than 50,000 sf | 1 Type I |
| More than 50,000 sf but less than 75,000 sf | 1 Type II |
| More than 75,000 sf but less than 120,000 sf | 2 Type II |
| More than 120,000 sf but less than 200,000 sf | 3 Type II |
| More than 200,000 sf but less than 290,000 sf | 4 Type II |
| For each additional 90,000 sf or fraction thereof over 290,000 sf | 1 additional Type II |

### TABLE 3. PARKING AND LOADING ZONE REQUIREMENTS—RAC DISTRICTS

#### Regional Activity Center—City Center District

<table>
<thead>
<tr>
<th>Use</th>
<th>Standard Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking Space Requirements</td>
<td></td>
</tr>
<tr>
<td>Loading Zone Requirements</td>
<td></td>
</tr>
<tr>
<td>Residential uses</td>
<td>Exempt</td>
</tr>
<tr>
<td>NA</td>
<td></td>
</tr>
</tbody>
</table>
### Nonresidential uses

<table>
<thead>
<tr>
<th>Use</th>
<th>Parking Space Requirements</th>
<th>Loading Zone Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential uses</td>
<td>Exempt</td>
<td>NA</td>
</tr>
<tr>
<td>Nonresidential uses</td>
<td>Exempt, except for development located within 100 feet of RAC-UV, RAC-RPO, RAC-TMU, that is greater than 2,500 square feet in gross floor area, which shall be calculated at 60% of the parking space requirements for uses as provided in Table 1.</td>
<td>See Loading requirements for uses as provided in Table 2.</td>
</tr>
</tbody>
</table>

### Regional Activity Center—Arts and Science District

<table>
<thead>
<tr>
<th>Use</th>
<th>Parking Space Requirements</th>
<th>Loading Zone Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential uses</td>
<td>Exempt</td>
<td>NA</td>
</tr>
<tr>
<td>Nonresidential uses</td>
<td>Exempt, except for development located within 100 feet of RAC-UV, RAC-RPO, RAC-TMU that is greater than 2,500 square feet in gross floor area, which shall be calculated at 60% of the parking space requirements for uses as provided in Table 1.</td>
<td>See Loading requirements for uses as provided in Table 2.</td>
</tr>
</tbody>
</table>

### Regional Activity Center—Urban Village District

<table>
<thead>
<tr>
<th>Use</th>
<th>Parking Space Requirements</th>
<th>Loading Zone Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential uses</td>
<td>1.2/du</td>
<td>NA</td>
</tr>
<tr>
<td>Nonresidential uses</td>
<td>See parking space requirements for uses as provided in Table 1.</td>
<td>See Loading requirements for uses as provided in Table 2.</td>
</tr>
</tbody>
</table>

### Regional Activity Center—Residential and Professional Office District
UNIFIED LAND DEVELOPMENT REGULATIONS
Chapter 47 - UNIFIED LAND DEVELOPMENT REGULATIONS
ARTICLE XV. - ANNEXED AREAS
SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

<table>
<thead>
<tr>
<th>Standard Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use</strong></td>
</tr>
<tr>
<td>Residential uses</td>
</tr>
<tr>
<td>Nonresidential uses</td>
</tr>
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</table>

**Regional Activity Center—Transitional Mixed Use District**

<table>
<thead>
<tr>
<th>Standard Requirements</th>
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<tr>
<td><strong>Use</strong></td>
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<tr>
<td>Residential uses</td>
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<tr>
<td>Nonresidential uses</td>
</tr>
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**South Regional Activity Center—SA(e) and (w) Districts**

<table>
<thead>
<tr>
<th>Standard Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use</strong></td>
</tr>
<tr>
<td>Residential Use</td>
</tr>
</tbody>
</table>
Nonresidential Use | Exempt for development between 0 and 2,500 gross square feet in area. All development greater than 2,500 gross square feet shall be required to provide 60% of the parking space requirements for uses as provided in Table 1. | See Loading requirements for uses as provided in Table 2.

D. **Combined off-street parking.** Nothing in this section shall be construed to prevent collective provision of, or joint use of, off-street parking facilities for two (2) or more buildings or uses by two (2) or more owners or operators, provided that, absent an approved parking reduction order as provided in this section, the total of such parking spaces when combined or used together shall be equal to the sum of the requirements of the individual uses computed separately in accordance with this Section 47-20.

E. **Multiple uses.** In the case of multiple uses, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately, and off-street parking spaces for one (1) use shall not be considered as providing the required off-street parking for any other use.

F. Parking spaces, required or optional, shall not be permitted, erected, altered or used in whole or in part without meeting the requirements of this Section 47-20.

G. In stadiums, sport arenas, houses of worship, and other places of assembly in which occupants utilize benches, pews or other similar seating facilities, each twenty (20) lineal inches of such seating facilities shall be counted as one (1) seat for the purpose of computing off-street parking requirements.

H. Notwithstanding the off-street parking requirements provided in this Section 47-20, a development permit may be issued for development in the CR zoning district that requires more than the required off-street parking if it is shown that additional parking is necessary to support the proposed use and reduce impacts of the development on adjacent properties.


**Sec. 47-20.3. - Reductions and exemptions.**

A. **General parking reduction.**

1. Notwithstanding the off-street parking requirements provided in this Section 47-20, a parking reduction may be approved in accordance with the provisions of this section.

2. **Restrictions.** A parking reduction shall not be permitted for a residential use, except when located in an area with an RAC zoning designation.

3. **Application.** An application to approve a parking reduction shall be submitted to the department and approved as provided herein. An application for parking reduction shall be submitted on forms provided by the department. The application shall include the information required for a site plan level III application as provided in Sec. 47-24.2, and shall in addition
include the following:

a. An eight and one-half (8½) inch by eleven (11) inch general vicinity map scale of not less than one (1) inch equals five hundred (500) feet, identifying the parcel proposed for the parking reduction and, if at a different location, the parcel that the parking will serve and all lots located within a seven hundred (700) foot radius of the parcel to be served by the proposed parking facility and the parcel which will be used for parking. The map shall identify existing zoning and residential uses within the seven hundred (700) foot area.

b. A site plan at a scale of not less than one (1) inch equals forty (40) feet showing the parcel that the parking facilities are intended to serve and if parking is off-site, the parcel which will be used for parking; all existing and proposed improvements on the parcels including buildings, landscaped and paved areas; and an ingress and egress plan showing all walkways and drives that will be used for pedestrian and vehicular access in the development.

c. Identification of one or more of the criteria provided in this Sec. 47-20.3, which the applicant submits as the basis for a parking reduction.

d. A parking study which documents and supports the criteria submitted by the applicant for a parking reduction. The parking study shall be certified by a state licensed engineer, architect or landscape architect or American Institute of Certified Planners certified planner and shall document the existence of certain facts related to the projected use of the parking facility and its relationship to surrounding rights-of-way and properties. The methodology for conducting the study shall be submitted for review and approval by the city engineer and shall include, but not be limited to the week and day the study will be conducted, the number of days and duration of the study, and the time intervals and locations for data collection.

e. A report by the city engineer, city's director of parking services and director regarding the parking reduction application when required in accordance with the provisions of this section.

f. The application may be forwarded for review by an independent licensed professional engineer contracted by the city to determine whether the parking study supports the basis for the parking reduction request. The cost of review by the city's consultant shall be reimbursed to the city by the applicant.

4. **Review process.**

a. Except as provided in subsection b., the application shall be reviewed in accordance with the review process applicable to a site plan level III, as provided in Sec. 47-24.2

b. An application for a parking reduction on property located within the Northwest-Progresso-Flagler Heights Community Redevelopment Area as defined in Resolution No. 95-86 as may be amended, adopted on June 20, 1995, shall require Site Plan Level II approval as provided in Section 47-24.2

5. **Criteria.** An applicant must show that the request meets the following criteria and the reviewing body shall consider the application for parking reduction based on the criteria provided as follows:
a. Adequacy requirements, as provided in Sec. 47-25.2; and

b. The use, site, structure or any combination of same, evidences characteristics which support a determination that the need for parking for the development is less than that required by the ULDR for similar uses; or

c. There is a public parking facility within seven hundred (700) feet of the parcel which the parking is intended to serve along a safe pedestrian path as defined by Sec. 47-20.4, which spaces may be used to provide parking for applicant's property without conflict with the need for public parking based on a report by the department which includes a report by the city's director of parking services and city engineer. This criteria shall not be available for a parking reduction in the central beach district; or

d. If the application is based on two (2) or more different users sharing the same parking spaces at different hours, that the peak hour(s) for each use will be at different hours; or

e. If the application is based on two (2) or more different users sharing the same parking spaces at the same time because one use derives a portion of its customers as walk-in traffic from the other use, that the two (2) or more uses will share the same users; or

f. Restrictions will be placed on the use of the property or actions will be taken such as providing company vans for car pooling of employees and patrons, or consistent use of mass transit will reduce the need for required parking and there are sufficient safeguards to ensure the restriction, action, or both, will take place; or

g. Any combination of subsections A.5.a through e; and

h. In addition to the criteria provided above, that any alternative parking arrangement proposed will be adequate to meet the needs of the use the parking will serve and that reducing the required parking will be compatible with and not adversely impact the character and integrity of surrounding properties.

6. Conditions may be required on the site where the parking facility is to be located and the site which the parking facility is intended to serve, if such conditions are necessary to preserve the character and integrity of the neighborhood affected by the proposed reduction and mitigate any adverse impacts which arise in connection with the approval of a parking reduction.

7. Effective date of approval. The approval of an application for parking reduction shall not be effective nor shall a building permit be issued for a parking facility until thirty (30) days after approval and after the requirements in subsection A.4 are met, and then only if no motion is adopted by the city commission seeking to review the application or no appeal is filed as provided in Sec. 47-26B, Appeals. If no action is taken by the City Commission within the thirty (30) day period, the approval of the parking reduction shall be final.

8. Parking reduction order. If an application for parking reduction is approved, such approval shall be evidenced in an order executed by the department and a consent to order executed by the applicant. The order shall state the number of parking spaces required to be provided, a legal description of the property where the parking is to be provided and the property served by the parking area and the conditions upon which the parking reduction is approved. The parking reduction order shall only take effect upon the recordation of the order in the public records of Broward County at the expense of the applicant and filed with the department by applicant.
9. The parking reduction order shall act as a restrictive covenant running with the land and be binding on any successors in interest or assigns of the property owner.

10. If there is a failure of any condition contained in the parking reduction order, the owner of the property or agent shall:
   
   a. Apply for an amended parking reduction order. The application shall show that although the condition has failed, it does not adversely impact the character and integrity of surrounding properties or that additional conditions will be substituted for any failed condition. The department may require a new parking study as provided in subsection A.1.d to support the application.
   
   b. In the event the department agrees with the application, the department may approve the amendment to parking reduction. The approval of the amendment shall not take effect for thirty (30) days during which time the city commission may adopt a motion to review the approval in accordance with Section 47-26B, Appeals. If no motion is adopted the approval shall be final.
   
   c. When final, the amended order shall be prepared for execution and recording in the public records of the county at applicant's expense by the applicant.
   
   d. If the department determines that failure of the condition adversely impacts the character and integrity of surrounding properties, the owner will be required to comply with the condition or obtain a new parking reduction order in accordance with this section. Failure of a condition of a parking reduction order without approval of an amended or new parking reduction order as provided herein shall be a violation of the ULDR.

11. If a parking reduction application includes the use of an off-site parcel owned by other than the applicant for parking or purposes related to parking, an off-site parking agreement in accordance with Sec. 47-20.18 will be required.

12. A parking reduction order may be terminated by application of the owner of the property affected by the order to the department if it is shown that parking has been provided which meets the requirements of Sec. 47-20.2 and the use no longer needs a parking reduction. A termination of the parking reduction order shall be executed by the department and recorded in the public records of the county at the applicant's expense. A copy of the recorded order shall be filed with the department by the applicant.

13. **Appeal.** If a parking reduction application is denied or approved with conditions unacceptable to the applicant, the applicant may appeal to the appropriate City body in accordance with the provisions of Section 47-26, Appeals and Request for Review, as provided on Table 1 in section 47-24, Development Permits and Procedures.

B. **Central beach parking facility fee.** Parking reductions in the central beach area may be granted by the payment of a parking facility fee in accordance with Sec. 47-12.9

C. **Downtown Regional Activity Center.** Uses located within the RAC-CC and RAC-AS districts shall be exempt from the parking required as provided in Sec. 47-20.2. Parking for all other RAC districts shall be required as provided in Table 3 of this Section 47-20

D. **Galt Ocean Mile.** All permitted uses except apartments shall receive an exemption of one (1)
Section 47-39. Development Regulations for Annexed Areas

A. Melrose Park and Riverland Road

1. The lots in the Galt Ocean Mile business area fronting on both sides of N.E. 32nd Street and N.E. 33rd Street from N.E. 32nd Avenue to State Road A-1-A.

2. Those lots bounded on the west by the Intracoastal Waterway; on the east by a line one hundred thirty (130) feet east of N.E. 33rd Avenue; on the north by Oakland Park Boulevard; and on the south by Sailfish Lake, the north line of Lot 10, Block 25, and the south line of Lot 1, Block 23; both of Lauderdale Beach Ext. Unit "B," P.B.29, P.32.

E. H-1 district. The following legally described land, zoned H-1, is exempt from the parking requirements as provided for in this section:

1. An area in Section 10, Township 50 South, Range 42 East, City of Fort Lauderdale, Broward County, Florida, said area bounded on the north by a line 120 feet north of and parallel with the centerline of S.W. 2nd Street; on the east by S.W. 2nd Street; on the east by S.W. 2nd Avenue; on the south by New River; and on the west by S.W. 5th Avenue.

F. Northwest-Progresso-Flagler Heights Community Redevelopment Area. The number of required parking spaces for development within the Northwest-Progresso-Flagler Heights Community Redevelopment Area, may be reduced by the number of on-street parking spaces provided in accordance with the following criteria:

1. The on-street parking space abuts the development site.

2. The on-street parking space is located between the extended property lines of the property applying for the reduction, except, if a parking space straddles two (2) properties owned by different property owners each property may count the space towards required parking.

3. There is a minimum five (5) foot sidewalk along the side of the property abutting the on-street parking spaces which meets City Engineering standards. A sidewalk wider than five (5) feet may be required by the City Engineer if necessary to provide a sidewalk consistent with abutting properties or if necessary to meet Engineering standards.

4. The on-street parking spaces must meet the geometric, drainage and site clearance standards provided in Section 47-20 and such other standards determined to be necessary to provide adequate and safe parking as determined by the City Engineer.

5. The right-of-way abutting the on-street parking spaces has sufficient width as determined by the City Engineer to maintain the on-street parking spaces safely.

6. The on-street parking spaces remain open for use by the public.

7. Street trees are in place along the property abutting the on-street parking spaces in accordance with the requirements of Section 47-21

Sec. 47-20.4. Location of parking facilities and loading zones.

A. Parking restrictions on-site.
1. Parking shall not be permitted in the landscape buffer as required pursuant to Sec. 47-25.3, Neighborhood Compatibility Requirements.

2. No parking except driveways providing access to a right-of-way facility shall be permitted in any yard which fronts on a trafficway which is subject to the Specific Location Requirements, Interdistrict Corridor Requirements as specified in Sec. 47-23.9

B. Distance from use served.

1. The off-street parking facilities required by the ULDR shall be located on the same lot or parcel of land that such facilities are intended to serve, except as provided in this subsection.

2. All or a portion of required parking may be located upon an off-site parcel of land as follows:
   a. For a house of worship the off-street parking facility may be located within four hundred (400) feet measured along a safe pedestrian path, as defined in subsection B.2.d from the nearest property line of the parcel it is intended to serve.
   b. For self parking except a house of worship, the off-street parking area may be located within seven hundred (700) feet measured along a safe pedestrian path, as defined in subsection B.2.d, from the nearest property line of the parcel it is intended to serve.
   c. For valet parking the off-street parking may be located within seven hundred (700) feet as measured by airline measurement of the nearest property line of the premises it is intended to serve but may not cross a right-of-way with a paved area of six (6) lanes or more, except State Road A-1-A, nor a waterway more than seventy-five (75) feet in width.
   d. As used in the ULDR, a safe pedestrian path shall be defined as a path which follows public sidewalks or walkways with a minimum four (4) foot width; includes either designated crosswalks or street crossings with stop signs or traffic signals at street intersection crossings; if there is a waterway, railroad track or other barrier along the path and has a pedestrian overpass crossing same; and is uninterrupted by a right-of-way with a paved area of six (6) lanes or more, except State Road A-1-A.
   e. Approval of an off-site, off-street parking facility may be granted by the department subject to the following conditions:
      i. Parking is located upon property where it is a permissible use under the ULDR;
      ii. Parking shall be designed and maintained in accordance with all provisions of the ULDR; and
      iii. An agreement is entered into in accordance with Sec. 47-20.18
   f. The approval of an off-site parking agreement by the department shall not be effective nor shall a building permit be issued for a use or parking facility until thirty (30) days after approval, and then only if no motion is adopted by the city commission seeking to review the approval as provided in Section 47-26B, Appeals.
   g. Denial of an off-street parking agreement may be appealed by the applicant within the thirty (30) day period in accordance with Section 47-26B, Appeals.
C. **Zoning and land use areas where parking is permitted.**

1. Required or permitted parking for residential uses shall be located as follows:
   
   a. On an area with the same zoning designation as the parcel of land that the parking is intended to serve; or
   
   b. On an area with a zoning designation which permits a residential density greater than that permitted on the parcel which the parking is intended to serve; or
   
   c. On an area zoned for commercial or industrial uses.

2. Required or permitted parking for all uses other than residential shall be located on a parcel of land as follows:

   a. On an area with the same designation as shown on the land use plan as the parcel of land that the parking is intended to serve; or

   b. On an area with a different land use designation than the parcel intended to be served if the parcel to be used for parking is not designated residential in the plan and not residentially zoned, is contiguous to the parcel it will serve and said parcel does not extend more than one hundred fifty (150) feet into the different land use designated area or is located within the Downtown RAC. If the area proposed for parking is contiguous to residential property then the proposed parking facility must meet the criteria and be reviewed in accordance with the process provided for an exclusive use parking facility as provided in Section 47-9, X-Exclusive Use District; or

   c. On an area zoned exclusive use for parking.

D. **Disabled/handicapped parking location.**

1. The provision, reservation and location of vehicular use disabled/handicapped parking spaces and handicapped passenger loading zones shall be governed by F.S. §§ 316.1955, 316.1956 and 553.48 and the "Florida Accessibility Code for Building Construction," which requirements shall be available from the department.

2. Disabled/handicapped parking space requirements shall not be in addition to the number of required spaces, but shall be counted as spaces which satisfy required parking.

3. All required signs which identify disabled/handicapped parking spaces shall indicate the amount of fine assessed for illegal parking in the disabled/handicapped space.

E. **Loading zones.**

1. Loading zones shall be provided as required in Sec. 47-20.2, Table of Parking and Loading Zone Requirements, and located on the same parcel of land that the loading zone is intended to serve, whether parking is provided on-site or off-site.

(Ord. No. C-97-19, § 1(47-20.4), 6-18-97)
Sec. 47-20.5. - General design of parking facilities.

A. **Design plan.** An application for approval of a parking facility shall include a site plan prepared by a licensed architect, licensed landscape architect or licensed engineer. The site plan shall show plans drawn to an accurate scale and dimension (minimum one (1) inch equals thirty (30) feet) and shall show the layout of the area, including entrances and exits, all sight triangles and supporting calculations, drainage provisions and supporting calculations, signs and pavement markings, surfacing, curbs or barriers and location and type of landscaping, and a table showing how the proposed parking area meets the minimum requirements in this section.

B. **Access to and from parking facilities.**

1. Entry and exit to and from off-street parking facilities and spaces, circulation within off-street parking facilities, and exit from off-street parking facilities shall conform with engineering standards which assure the safety and convenience of pedestrians and motorists.

2. Entries and exits must be from or to an improved right-of-way a minimum of twenty (20) feet in width or an improved right-of-way designated by the city as one-way. For purposes of this section, "improved" shall mean paved and provided with drainage in accordance with engineering standards as defined in Section 47-35, Definitions.

3. **Entrances and exits.**

   a. **General.** The location, size and number of entrances and exits shall conform with engineering standards which assure avoidance of congestion, confusion and conflicts between pedestrian and vehicular traffic. The design of entrances and exits shall be coordinated with the design of the vehicular use area landscape requirements provided in Section 47-21, Landscape and Tree Preservation Requirements.

   b. **Exclusive use parking.** When a parcel is to be zoned to exclusive use, all entrances and exits to the parking facility shall be located on property designated for commercial use by the LUP, except where the city engineer determines that access from the commercial parcel is undesirable or unsafe, or an existing structure prevents access, or the commercial parcel is not under common ownership with the exclusive use parcel. If the entry or exit must be located on the parcel designated for residential use by the LUP based on one (1) of the reasons identified above, then the driveway must be located as near to the commercial parcel as possible while ensuring safety, and signs may be required which direct traffic away from surrounding residential neighborhoods.

4. All vehicular use areas shall be designed to meet the requirements of the Florida Building Code (Broward County Edition).

C. **Site circulation.**

1. If use of the parking area requires access or maneuvering on property other than the parcel where the parking area is located, a permanent cross-access easement over the other property must be provided to the city, approved as to form by the city attorney and recorded in the public records of the county at the expense of the applicant.

2. Internal circulation within the parking area must be maintained on site and shall not be blocked by parking spaces.
3. On-site access drives that do not directly abut parking spaces shall be provided as follows:

   a. For two-way travel:
      
      i. For all development except for multi-family, townhouse, or cluster development:
         
         A minimum of twenty (20) feet in width shall be provided, except as provided in c. below, and sections of the two-way access drive may be reduced to eighteen (18) feet in width if necessary to preserve an existing tree classified as C or higher with a minimum diameter measurement of eight (8) inches as determined by the City Landscape Inspector.

      ii. For multi-family, townhouse, or cluster development:
         
         Eighteen (18) feet in width shall be provided except as provided in c. below and sections of the two-way access drive may be increased to twenty (20) feet in width if necessary to provide adequate and safe vehicular circulation as determined by the city engineer. Access drives may be increased to twenty-four (24) feet where the drive is perpendicular to another access drive and requires additional width sufficient to maintain a safe turning radius as determined by the city engineer.

   b. For one-way travel:
      
      i. For all development except for multi-family, townhouse, or cluster development:
         
         A minimum of twelve (12) feet in width shall be provided, except as provided in c. below. Sections of the one-way access drive may be referenced to ten (10) feet in width if necessary to preserve an existing tree classified as C or higher with a minimum diameter measurement of eight (8) inches as determined by the City Landscape Inspector.

      ii. For multi-family, townhouse, or cluster development:
         
         Ten (10) feet in width shall be provided except as provided in c. below and sections of the one-way access drive may be increased to twelve (12) feet in width if necessary to provide adequate and safe vehicular circulation as determined by the city engineer.

   c. Access drives for one- or two-way travel:
      
      May be reduced to no less than ten (10) feet in width for access to ten (10) parking spaces or less, if:

      a) necessary to preserve an existing tree classified as C or higher by the City Landscape Inspector; with a minimum diameter measurement of eight (8) inches, or

      b) There is an existing principal building proposed to be used, and requiring a wider drive would necessitate removal of a portion of such existing building.

4. Dead-end parking areas shall be prohibited, except where the number of parking spaces in the dead end area is less than twenty-one (21) and a turnaround area is provided which will accommodate a two (2) point turn around by a standard passenger car or where the number of
parking spaces in the dead end is ten (10) or less (AASHTO "P" Design Vehicle).

5. A sight triangle shall be provided in a parking area that abuts the intersection of two (2) streets or where a street intersects with a driveway on the parking area.

6. Minimum stacking distance. Adequate stacking distance shall be required for both inbound and outbound vehicles to facilitate the safe and efficient movement between the public right-of-way and the development. An inbound stacking area shall be of sufficient size to insure that vehicles will not obstruct the adjacent roadway, the sidewalk and the circulation within the facility. An outbound stacking area shall be required to eliminate backup and delay of vehicles within the development. The minimum number of stacking spaces shall be provided on site inclusive of the vehicle being served as applicable, except as provided for outbound vehicles.

   a. Design. A stacking area shall be designed to include a space of twelve (12) feet wide by twenty-two (22) feet long for each vehicle to be accommodated within the stacking area and so that vehicles within the stacking area do not block parking stalls, parking aisles or driveways of off-street parking facilities.

   b. Adjacent to non-trafficway. All off-street parking facilities shall provide a stacking area at the point(s) of connection of a driveway with a public right-of-way. The stacking area for any residential use other than single family detached, shall accommodate at least one percent (1%) of the number of parking stalls served by the driveway up to a maximum of five (5) spaces. For parking lots with fewer than one hundred (100) cars, the stacking area shall be able to accommodate a minimum of one (1) car.

   c. Adjacent to trafficway. The number of vehicles required to be accommodated within a stacking area adjacent to a trafficway shall be in conformance with the stacking requirements as follows:

<table>
<thead>
<tr>
<th>Type of Parking Facility</th>
<th>Inbound Vehicles</th>
<th>Outbound Vehicles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential: Attendant parking</td>
<td>10% of the total parking capacity of the facility up to a maximum of 5 spaces</td>
<td>1 space</td>
</tr>
<tr>
<td>Self-parking (residential)</td>
<td>2 spaces or 1% of the total parking capacity, whichever is greater, up to a maximum of 5 spaces</td>
<td>1 space</td>
</tr>
<tr>
<td>Gatehouse (residential): Attended</td>
<td>5 spaces</td>
<td>1 space</td>
</tr>
<tr>
<td>Nonresidential: Attendant parking</td>
<td>10% of the total parking capacity of the facility, up to a maximum of 8 spaces</td>
<td>1 space</td>
</tr>
<tr>
<td>Self-parking (nonresidential)</td>
<td>2 spaces or 1% of the total parking capacity, whichever is greater, up to a maximum of 5</td>
<td>1 space</td>
</tr>
</tbody>
</table>
### ANNEXED AREAS

**SECTION 47.39. DEVELOPMENT REGULATIONS FOR ANNEXED AREAS**

**SECTION 47.39.A. MELROSE PARK AND RIVERLAND ROAD**

<table>
<thead>
<tr>
<th>spaces</th>
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<tbody>
<tr>
<td>Ticket gate (ticket dispensing machine)</td>
</tr>
<tr>
<td>3 spaces minimum</td>
</tr>
<tr>
<td>1 space</td>
</tr>
<tr>
<td>Cashier booth (tickets dispensed manually)</td>
</tr>
<tr>
<td>5 spaces</td>
</tr>
<tr>
<td>minimum 1 space</td>
</tr>
<tr>
<td>Gatehouse (commercial):</td>
</tr>
<tr>
<td>Attended</td>
</tr>
<tr>
<td>5 spaces or 1% of the total parking capacity, whichever is greater, up to a maximum of 8 spaces</td>
</tr>
<tr>
<td>2 spaces</td>
</tr>
</tbody>
</table>

d. For a development which generates less than five hundred (500) trips per day, a lesser number of stacking spaces may be authorized by the reviewing authority based on a traffic impact statement prepared by a licensed engineer, architect or landscape architect or American Institute of Certified Planners certified planner which indicates that characteristics of the proposed use or abutting right-of-way support a determination that the need for stacking spaces is less than that required by the ULDR. These characteristics may include, but are not limited to, the following:

i. A deceleration lane will be located at the driveway, or

ii. The peak hour directional traffic volumes on the abutting right-of-way do not coincide or conflict with peak hour usage on the site, or

iii. Characteristics of the proposed use such as low traffic generation or low turnover of parking spaces support a finding that the number of stacking spaces provided will be sufficient to protect the safety of those traveling on and off site.

**D. Drive aisles.**

1. **Duplex.** All duplex units shall have frontage on a street or paved driveway serving the units. Vehicular access for parking shall be from public streets. An easement, satisfactory to the city attorney, shall be granted over the driveway for all public utilities and for use by both unit owners when one (1) single driveway for both units is to be utilized. The easement shall be recorded in the public records of the county at applicant’s expense and a copy filed with the department. For dimensional requirements, refer to Sec. 47-20.5.C.3.

2. **Townhouses.** All units in a group of townhouses shall have frontage on a street or paved driveway serving the group. Such private driveway shall be ten (10) feet in width and may be increased to twelve (12) feet in width if necessary to provide adequate and safe vehicular circulation as determined by the city engineer. An easement satisfactory to the city attorney shall be granted over the driveway for all public utilities and for use by all owners of units within the group. The easement shall be recorded in the public records of the county at applicant’s expense and a copy filed with the department. For dimensional requirements, refer to Sec. 47-20.5.C.3.

**E. Parking facility on a waterway.** All parking facilities located on a waterway shall meet the
requirements of and be approved in accordance with the provisions of Sec. 47-23.8, Waterway Uses, except parking facilities located within the Downtown RAC districts. Parking facilities on the New River within the RAC districts shall meet the requirements provided in Section 47-13, Downtown RAC Districts.


Sec. 47-20.6. - Design of loading zones.

A. A "Type I" off-street loading zone, as required in the Table of Parking and Loading Zone Requirements in this section, may be located in a drive aisle, on parking spaces which have been provided in excess of the minimum spaces required by the Table of Parking and Loading Zone Requirements, or in a specifically designated loading area. Maneuvers required to access Type I loading zones such as backing out into public rights-of-way may be permitted based on a review of existing and projected traffic and pedestrian conditions and a determination by the city engineer that functioning of the loading zone is safe. Turning geometries utilized in the design of Type I loading zone access shall be sufficient to accommodate a standard single unit truck (AASHTO "SU" Design Vehicle).

B. A "Type II" off-street loading zone, as required in the Table of Parking and Loading Zone Requirements shall be a minimum twelve (12) feet by forty-five (45) feet. A Type II off-street loading zone shall only be located in a specifically designated loading area which is marked by pavement markings and signage on the site. The location of a Type II loading zone shall be drawn on the parking facility site plan. No backing into a public right-of-way shall be permitted for Type II loading zones. Access to and from Type II loading zones shall be clearly indicated on the site plan. Turning geometries utilized in the design of Type II loading zones shall be sufficient to accommodate a standard, intermediate-sized semi-trailer vehicle (AASHTO "WB-40" design vehicle).

C. Type I and Type II loading zones shall have a minimum vertical clearance of fourteen (14) feet.

D. Loading zones may not be placed where they obstruct required fire lanes and access to hydrants. Loading zones shall be located on a parcel in a place which insures convenient and safe entry and exit for the users of the loading zone, and the convenience and safety of pedestrians and motorists using the parcel.

(Ord. No. C-97-19, § 1(47-20.6), 6-18-97)

Sec. 47-20.7. - Curbing, wheelstops and vehicular overhang.

A. All parking spaces headed into landscaping or waterways shall be provided with a wheelstop or continuous curbing acting as a wheelstop of no more than five and one-half (5½) inches high.

B. Vehicular overhang areas shall be no more than two and one-half (2½) feet and shall not be credited toward required sidewalk or landscape areas.

(Ord. No. C-97-19, § 1(47-20.7), 6-18-97)

Sec. 47-20.8. - Signage and pavement markings.

Pavement markings for parking facilities shall be provided in conformance with the Manual on Uniform Traffic Control Devices, latest edition.
Sec. 47-20.9. - Parking garages.
A. Parking garages shall be designed in accordance with engineering standards including the following requirements:

1. Sloping floor grades shall not exceed five percent (5%) for ninety (90) degree parking, four percent (4%) for angle parking.
2. Angle parking on sloping floors shall be sixty (60) degrees, minimum.
3. Ramps in parking garages where the ramp does not directly access a parking space shall have twelve percent (12%) maximum slope.
4. Accessory parking garages shall be required to meet the regulations provided in Sec. 47-19.1

Sec. 47-20.10. - Tandem parking.
A. **Tandem parking.** A tandem parking space is defined as two (2) parking spaces with one (1) space abutting behind the other. Tandem parking shall only be allowed in connection with single family, duplex and townhouse dwelling units. A tandem parking space shall not be allowed adjacent to another tandem parking space without a peninsular or island area as defined in Section 47-21, Landscape and Tree Preservation Requirements, between each tandem space.

B. Each tandem parking area may only be allowed to be counted toward the parking requirement for a single dwelling unit within a development.

Sec. 47-20.11. - Geometric standards.
A. A standard parking space shall be a minimum of eight (8) feet, eight (8) inches in width and the length shall meet the parking geometric layout by parking angle (30, 45, 60 or 90 degrees) as shown on the Table of Parking Geometrics as follows:

<table>
<thead>
<tr>
<th>PARKING GEOMETRICS—PARALLEL SELF-PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle Size</td>
</tr>
<tr>
<td>Standard</td>
</tr>
</tbody>
</table>

*IMAGE NOT FOUND:\file1.municode.com07877-20-11.jpg
*Parking Diagram*
A

<table>
<thead>
<tr>
<th>Parking Angle</th>
<th>Stall Width</th>
<th>Stall Depth</th>
<th>Curb Length</th>
<th>Overall</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 degree</td>
<td>8&quot;-8?</td>
<td>12&quot;-0?</td>
<td>16&quot;-9½?</td>
<td>18&quot;-0?</td>
</tr>
<tr>
<td>45 degree</td>
<td>8&quot;-8?</td>
<td>13&quot;-0?</td>
<td>19&quot;-1??</td>
<td>12&quot;-8½?</td>
</tr>
<tr>
<td>60 degree</td>
<td>8&quot;-8?</td>
<td>18&quot;-0?</td>
<td>20&quot;-1??</td>
<td>10&quot;-4½?</td>
</tr>
<tr>
<td>90 degree</td>
<td>8&quot;-8?</td>
<td>24&quot;-0?</td>
<td>18&quot;-0?</td>
<td>9&quot;-0?</td>
</tr>
</tbody>
</table>

Parking geometrics for all other parking angles shall be calculated in proportion to the geometrics shown on the Table.

B. Parking garages permitted to be constructed with compact parking spaces seven and one-half (7½) feet by fifteen (15) feet and located within a parking exempt area of the RAC-CC or RAC-AS zoning districts may be expanded by the addition of one (1) or more floors of parking and include compact sized spaces on the new floors provided the following requirements are met:

1. The existing garage proposed to be expanded is built to structurally support the proposed addition as certified by a structural engineer; and

2. The additional floor(s) shall be built on the same footprint of the existing garage; and

3. The number of compact parking spaces on each additional floor shall not exceed the maximum number of compact spaces on the existing floor(s) with the most compact spaces; and

4. The total number of compact spaces provided in the parking garage shall not exceed thirty-five percent (35%) of the total number of spaces provided in the garage.

C. Stalls for parking for the disabled/handicapped shall be designed in accordance with the requirements of the regulatory authorities with jurisdiction over disabled/handicapped parking.

(Ord. No. C-97-19, § 1(47-20.11), 6-18-97; Ord. No. C-97-51, § 8, 11-4-97)


Landscaping and buffering of parking facilities shall be provided in accordance with the requirements of
Section 47-21, Landscape and Tree Preservation Requirements, and Sec. 47-25.3, Neighborhood Compatibility Requirements.

(Ord. No. C-97-19, § 1(47-20.12), 6-18-97)

Sec. 47-20.13. - Paving and drainage.

A. Paving. Except as provided in subsections B and C, off-street parking facilities and spaces, including aisles and driveways, shall at a minimum be surfaced with a hard, dust free material, at least one (1) inch thick asphaltic cement on at least six (6) inch compacted limerock base course compacted to an average density not less than ninety-eight percent (98%) of the maximum density obtainable under the test provided pursuant to engineering standard (AASHTO T-180) or an equivalent test. The minimum density which will be acceptable at any location within the base shall be ninety-six percent (96%) of such maximum density and, in the determination of average density, the maximum density which shall be used in the calculation shall be one hundred two percent (102%). Other equivalent pavement systems which will support the intended use may be approved by the city engineer. All pavement systems shall be maintained in a smooth, well-graded condition.

B. Parking spaces and facilities for single family uses may have a gravel surface.

C. Parking facilities and spaces for public and private schools offering academic courses, houses of worship, and public recreational uses when use of the lots is limited to three (3) days of the week or less may be grass over a compacted subsurface. Grass parking surfaces shall consist of at least a six (6) inch course of natural limerock, surfaced with a species of grass acceptable for high-traffic use. Other equivalent surfaces may be approved by the city engineer. The parking area shall have adequate drainage as provided herein. All requirements for landscaping vehicular use areas shall be met as well as all required interior landscaping requirements for parking areas. Grass parking areas shall not count toward satisfying any landscaping area required by Section 47-21, Landscape and Tree Preservation Requirements.

D. Drainage. On-site stormwater retention shall be provided in accordance with the requirements of the regulatory authority with jurisdiction over stormwater retention.

E. Whenever the total pavement area in the swale area frontage on public right-of-way is fifty percent (50%) or more of the total frontage on that public right-of-way a french drain stormwater system in the swale area in accordance with city construction standards and specifications will be required. When the adequacy of the existing storm drain facilities can be certified by a licensed engineer this requirement may be waived by the city engineer.

(Ord. No. C-97-19, § 1(47-20.13), 6-18-97)


A. A parking lot for a nonresidential use shall provide an average maintained horizontal footcandle illumination of a minimum of 2.0, with a minimum horizontal maintained footcandle illumination of 1.0. A 12 to 1 maximum to minimum uniformity ratio shall be maintained. The average maintained horizontal footcandle measurement shall be measured using a ten (10) foot by ten (10) foot grid. A vehicular use area for a residential use shall provide an average maintained horizontal footcandle illumination of a minimum of 1.0, with a minimum horizontal maintained footcandle illumination of .5. A 12 to 1 maximum to minimum uniformity ratio shall be maintained. The average maintained horizontal footcandle measurement shall be measured using a ten (10) foot by ten (10) foot grid.
B. When lighting fixtures greater than ten (10) feet in height are used, they shall be located a minimum of fifteen (15) feet away from shade trees.

C. Parking garage facilities shall provide an average intensity of illumination of fifty (50) footcandles at the entrance, ten (10) footcandles in traffic lanes and five (5) footcandles where vehicles are parked.

D. Parking garage facilities shall be designed and arranged so that no direct source of lighting is visible from any residential property or residentially used property. All parking garages not in full compliance with this subsection D. shall be removed or made to comply with its provisions no later than November 17, 2001, one year from the effective date of this subsection D.

E. Lighting fixtures shall be shielded, angled, or both, so that direct or indirect light shall not cause illumination in excess of one-half (½) footcandle onto any residential property or residentially used property surrounding the parking facility, measured at the residential property line.

(Ord. No. C-97-19, § 1(47-20.14), 6-18-97; Ord. No. C-00-3, § 1, 1-19-00; Ord. No. C-00-65, § 1, 11-7-00)

Sec. 47-20.15. - Backout parking.

Backout parking into public rights-of-way shall be prohibited except as follows:

1. Backout parking shall be permitted in connection with residential or commercial uses into improved alleys. For purposes of this section, improved alleys are defined as a right-of-way twenty (20) feet in width or less surfaced with a hard, dust-free material and provided with drainage in accordance with city construction standards.

2. Residential uses and hotels and motels located on residentially zoned property shall be permitted to have back out parking into any public right-of-way if found not to cause a traffic hazard as determined by the city engineer.

3. Backout parking may not be located on or require vehicular movement over bufferyards, as required by Neighborhood Compatibility Requirements, Sec. 47-25.3. The design of backout parking shall conform with this Section 47-20, and all backout parking spaces shall be provided entirely on-site. Backout parking spaces for residential uses and hotels shall have one (1) peninsular landscape area for every two (2) spaces. For all other uses there shall be one (1) peninsular landscape area for every four (4) spaces.

4. Backout parking may be constructed on properties in an RO, ROA, and ROC zoning district, subject to the following:

   a. The backout parking is on a roadway not classified as an arterial or collector as defined by the Transportation Element of the City's Comprehensive Plan.

   b. The backout parking is permitted on a development site with a maximum area of 12,500 square feet, with the exception of a historic structure as defined in Section 47-35 which may have a greater area.

   c. Landscape islands meeting the requirements of section 47-21.9.A.4.c. and d. shall be provided for every six (6) parking spaces or fraction thereof. Perimeter landscape areas meeting the requirements of Section 47-21.9.A.2.b. shall be provided. If required landscape
islands and perimeter landscape areas reduce the number of parking spaces available for the use, the parking requirement shall be reduced on a one (1) parking space to one (1) equivalent area of landscaping basis.

d. Submission of a traffic statement demonstrating that backout parking for the use will not create a traffic hazard. The traffic statement shall be certified by a state-licensed engineer, architect or landscape architect or American Institute of certified Planners certified planner.

e. A minimum five-foot wide sidewalk is located along the side of the property abutting the street where the backout parking is located, which sidewalk meets City Engineering standards. The sidewalk requirement may be eliminated or a sidewalk wider than five (5) feet may be required by the City Engineer if necessary for consistency with abutting properties or to meet engineering standards.

f. Brick decorative pavers or similar paving material covering one hundred (100) percent of the parking surface shall be installed.

g. The backout parking spaces must meet the geometric, drainage and site clearance standards provided in Section 47-20 and such other standards determined to be necessary to provide adequate and safe parking as determined by the City Engineer.

Backout parking pursuant to this subsection shall require a Site Plan Level II permit. Existing backout parking in RO, ROA and ROC zoning districts that meets the requirements of subsections a., b., c., e., f., and g. of this subsection 4. shall be legal and conforming and not required to apply for or receive a Site Plan Level II permit.

5. Existing legal nonconforming backout parking may be permitted to meet required parking for existing non-residential uses that are changing to another permitted non-residential use, subject to the following:

a. Compliance with the ULDR parking requirements of Section 47-20 requires the moving or altering of load bearing walls, columns or girders of a structure on the development site.

b. The backout parking is existing and was previously legally permitted. Expansion of backout parking will not be permitted.

c. No residential uses are present between the extended property lines across the right-of-way where the backout parking is located.

d. The backout parking is on a roadway not classified as an arterial or collector as defined by the Transportation Element of the Comprehensive Plan.

e. Landscape islands meeting the requirements of Section 47-21.9.A.4.c. and d. shall be provided for every six (6) parking spaces or fraction thereof. Perimeter landscape areas meeting the requirements of Section 47-21.9.A.2.b. shall be provided. If required landscape islands and perimeter landscape areas reduce the number of parking spaces available for the use, the parking requirement shall be reduced on a one (1) parking space to one (1) equivalent area of landscaping basis.

f. Submission of a traffic statement demonstrating that backout parking for the use will not create a traffic hazard. The traffic statement shall be certified by a state-licensed engineer,
g. A minimum five-foot wide sidewalk is located along the side of the property abutting the street where the backout parking is located, which sidewalk meets City Engineering standards. The sidewalk requirement may be eliminated or a sidewalk wider than five (5) feet may be required by the City Engineer if necessary for consistency with abutting properties to meet engineering standards.

h. Brick decorative pavers or similar paving material covering one hundred (100) percent of the parking surface shall be installed.

i. The backout parking spaces must meet the geometric, drainage and site clearance standards provided in Section 47-20 and such other standards determined to be necessary to provide adequate and safe parking as determined by the City Engineer.

Backout parking pursuant to this subsection shall require a Site Plan Level II permit.

(Ord. No. C-97-19, § 1(47-20.15), 6-18-97; Ord. No. C-00-11, § 1, 3-7-00)

Sec. 47-20.16. - Valet parking.

A. A parking facility which meets all other requirements of this section and which provides attendants to receive, park and deliver the automobiles of occupants, tenants, customers and visitors one hundred percent (100%) of the operating hours of the parking facility may be excepted from certain provisions of the parking facilities design requirements provided in this Section 47-20 as follows:

1. Parking spaces need not be delineated with pavement markings. Stall and aisle dimensions shall be shown on the site plan;

2. Stalls shall be a minimum eight and one-half (8½) feet by eighteen (18) feet;

3. Parking spaces need not be immediately accessible provided spaces are arranged so that no more than two (2) parking spaces would be crossed in parking any vehicle; and

4. Interior, peninsular and island landscape areas required by Section 47-21, Landscape and Tree Preservation Requirements, shall not be required if landscape requirements which would otherwise have been installed on the interior of the parking lot are evenly distributed along the perimeter of the parking area to a location in public view.

B. No person shall be permitted to provide valet parking in accordance with this section until a valet parking agreement is executed by the owner and the city in accordance with Sec. 47-20.18

(Ord. No. C-97-19, § 1(47-20.16), 6-18-97)

Sec. 47-20.17. - Vehicular reservoir spaces for drive-thru facilities.

A. A vehicular reservoir space ("VRS") is a space within a vehicular use area for the temporary stopping of a vehicle awaiting service as provided in this section. A VRS shall be twenty (20) feet long by ten (10) feet wide. A VRS shall be located in an area within a parking facility which is not used for any other vehicular use such as access, parking, site circulation or loading.

B. The minimum number of VRSs shall be provided on-site inclusive of the vehicle being served as
C. Each VRS shall be clearly defined on the site plan and shall be in a location that does not conflict or interfere with other traffic entering, using or leaving the site. Design configuration shall be such that there shall be no backing into the street permitted.

D. Reservoir spaces shall be measured from the front of the service position to the rear of the VRS.

(Ord. No. C-97-19, § 1(47-20.17), 6-18-97)

**Sec. 47-20.18. - Parking agreements.**

A. **Off-site parking agreement.**

1. When the required off-street parking is to be provided on a site at a location different from the site which will be served by the parking as provided in Sec. 47-20.4.B, the owner of the off-site parcel of land and the owner of the land intended to be served by such off-site parking (if different than the owner of the parcel to be used for parking) shall enter into an agreement with the city. The off-site parking area shall never be sold or transferred except in conjunction with the sale of the parcel served by the off-site parking facilities unless:

   a. The parcel to be sold will continue to be used as provided in the off-site parking agreement and the new owner executes a consent to assume and be bound by the obligations of the owner of the parcel used for parking as provided in the agreement. The consent shall be in a form approved and executed by the department and recorded in the public records of the county at the expense of the owner. A copy of the recorded document shall be provided by owner to the department; or

   b. A different parcel complying with the provisions of the ULDR and subject to a recorded

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**Table: Development Regulations for Annexed Areas**

<table>
<thead>
<tr>
<th>Type of Parking Facility</th>
<th>Inbound Vehicles</th>
<th>Outbound Vehicles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drive-thru bank tellers</td>
<td>6 VRSs per service position</td>
<td>1</td>
</tr>
<tr>
<td>Drive-thru bank, automatic tellers</td>
<td>3 VRSs per service position</td>
<td>1</td>
</tr>
<tr>
<td>Drive-thru restaurant (measured from pickup window)</td>
<td>6 VRSs per service position</td>
<td>1</td>
</tr>
<tr>
<td>Drive-thru pharmacy or convenience goods</td>
<td>4 VRSs per service position</td>
<td>1</td>
</tr>
<tr>
<td>Drive-thru coffee/espresso stand</td>
<td>3 VRSs per service position</td>
<td>1</td>
</tr>
<tr>
<td>Valet parking, 50 spaces or more</td>
<td>6 VRSs</td>
<td>N/A</td>
</tr>
<tr>
<td>Valet parking, less than 50 spaces</td>
<td>4 VRSs</td>
<td>N/A</td>
</tr>
<tr>
<td>Automotive service station</td>
<td>2 VRSs per pump island located at the entrance and exit of each island</td>
<td>N/A</td>
</tr>
<tr>
<td>Self-service car wash</td>
<td>2 VRSs per wash station</td>
<td>1 per wash station</td>
</tr>
<tr>
<td>Car wash as an accessory to a principal use</td>
<td>3 VRSs per wash station</td>
<td>1 per wash station</td>
</tr>
<tr>
<td>Car wash as a principal use</td>
<td>4 VRSs per wash station</td>
<td>1 per wash station</td>
</tr>
<tr>
<td>Drive-thru oil change</td>
<td>3 VRSs per service bay</td>
<td>1</td>
</tr>
</tbody>
</table>
off-site parking agreement as specified herein may be substituted for the parcel of land subject to the off-site parking agreement; or

c. The parcel being served by the off-site parking no longer requires the parking as evidenced by a written statement executed by the parties executing the off-site parking agreement and as approved by the department and a termination of the off-site parking agreement is executed by the department and recorded in the public records of the county at owner’s expense.

B. Valet parking agreement. When an owner of a parcel wishes to provide valet parking services and use the parking design requirements provided in this Section 47-20, the owner must enter into an agreement with the city which includes a legal description of the parcel where parking will be located and states the number of parking spaces which must be provided and that attendants will be provided one hundred percent (100%) of the operating hours of the use. If the parcel to be used for valet parking is different than the parcel the parking serves, the provisions for off-site parking must be met.

C. An off-site parking and valet parking agreement shall be executed on behalf of the city by the department and approved as to form by the office of the city attorney. The agreement shall be recorded in the public records of the county at owner’s expense. The agreement shall be considered a restriction running with the land and shall bind the heirs, successors and assigns of said owner.

D. For purposes of this section, “owner” shall be deemed to include lessees of property under long term leases wherein the lessee’s right to possession of the property is for a period of not less than fifty (50) years from the date of the off-street parking agreement and where the fee simple owner has joined in the execution of the owner’s agreement for the purposes of consenting to the terms of the agreement. Owner shall also include the owner of an exclusive easement for parking purposes as long as the fee simple owner of the property consents to the parking agreement.

(Ord. No. C-97-19, § 1(47-20.18), 6-18-97)

Sec. 47-20.19. - Nonconforming parking and loading.

A. Any parking facility which is in existence on the effective date of this ordinance which is in compliance with the zoning regulations applicable at the time the parking facility was established and for which all permits were issued which parking facility would be prohibited, restricted or would otherwise not conform to the ULDR may continue in existence as a nonconforming parking facility in accordance with the provisions of this section.

B. Except as provided in this section, a structure or use with nonconforming parking may not be enlarged, increased in floor area, use extended or changed to a use which is not approved in accordance with the provisions of Sec. 47-3.5

C. A nonconforming use, structure, site or parking facility which has lost its nonconforming status for termination of use as provided in Sec. 47-3.8 may not be reopened without the structure, use or site and the parking facility meeting the requirements of the zoning regulations in effect at the time a use is restored.

D. Except as provided in subsection E, a structure or use with nonconforming parking or as permitted in subsection K may be enlarged in floor area or space occupied in conformance with this Section 47-20, if off-street parking and loading as specified by the ULDR is provided and maintained for the additional floor area, volume, capacity or space so created or occupied subject to the provisions of
Section 47-21, Landscape and Tree Preservation Requirements.

E. If a structure or use with nonconforming parking is reconstructed or enlarged to the extent that more than fifty percent (50%) of the volume of the building is replaced, or alterations or improvements exceed fifty percent (50%) of the replacement value of the structure, the full amount of off-street parking and loading spaces shall be supplied and maintained for the structure or use in its enlarged or extended size.

F. Except as provided in subsections C and D, a structure or use with nonconforming parking may be altered or repaired in accordance with the provisions of Section 47-3, Nonconforming Uses, Structures and Lots, provided there is no increase in floor area or use extended, and there is no change in use.

G. When the use of a nonconforming building or a nonconforming use changes to a use which is not approved in accordance with the provisions of Sec. 47-3.5, the full parking and loading requirements for the entire building or use shall be provided in compliance with the requirements of this section at the time the change in use occurs.

H. Except as provided herein, a nonconforming parking facility may be maintained or repaired if the parking facility has not lost its nonconforming status.

I. A nonconforming parking facility may increase the number of parking spaces up to fifty percent (50%) of its existing spaces without losing its nonconforming status if the additional spaces conform to the provisions of the section in effect at the time a permit is issued for construction of the additional spaces subject to the provisions of Section 47-21, Landscape and Tree Preservation Requirements.

J. Where any nonconforming parking facility is reconstructed or enlarged to the extent that greater than fifty percent (50%) of the number of parking spaces is provided, or alterations or improvements exceed fifty percent (50%) of the replacement value of the parking facility, the full amount of off-street parking and loading spaces shall be supplied and maintained for the structure or use.

K. Pedestrian preservation.

1. Notwithstanding the provisions of Sec. 47-20.19 and Section 47-3, Nonconforming Uses, Structures and Lots, parking lots legally permitted at the time of their establishment and existing on the effective date (June 28, 1997) of the ULDR serving a permitted use which use fronts on a right-of-way where:

   a. There are buildings fronting on both sides of the same right-of-way; and
   
   b. There are no private parking facilities between the building and the right-of-way; and

   c. The building which the parking serves is located on one (1) of a minimum of three (3) contiguous blocks, or blocks that are separated by no more than a sixty (60) foot right-of-way and each block has a minimum of three (3) uses fronting on the same side of the right-of-way; shall be deemed to be conforming parking lots for purposes of a change of use as regulated by this Section 47-20 and Section 47-3, Nonconforming Uses, Structures and Lots, and such uses and parking lots shall be subject to the provisions of subsection K.2.

2. Uses served by parking lots described in subsection K.1 or building(s) located as set forth in subsection K.1 (provided such building(s) are not voluntarily demolished by more than fifty percent (50%)), may be changed and required off-street parking may be provided only to the extent that
the off-street parking required by this Section 47-20 for the new use exceeds the off-street parking which would have been required for the previous use had the regulations of this Section 47-20 been applicable thereto.

b. Existing parking spaces within parking lots which meet the requirements of subsection K.1 may be used to meet required parking without meeting the design requirements provided in this Section 47-20

c. All off-street parking agreements approved by the city and in existence on the date of the ULDR shall remain valid and lots shall be deemed conforming with the off-street parking requirements for a change of use as provided in Section 47-3, Nonconforming Uses, Structures and Lots, and this Section 47-20

d. Notwithstanding the provisions of Sections 47-21, Landscape and Tree Preservation Requirements, and 47-13, Downtown Regional Activity Center Districts, if compliance with the VUA retroactive landscape requirements set forth in the landscape requirements of Section 47-21, Landscape and Tree Preservation Requirements, or if a change in use would require landscaping which would result in a loss of parking spaces or a rearrangement of any parking spaces existing on the date of adoption of the ULDR, then an existing VUA may meet the requirements set forth in Section 47-21, Landscape and Tree Preservation Requirements, by providing an equal amount of landscaping either on or off site at the option of the applicant as shown on a landscape mitigation plan which is certified by a landscape architect and accepted by the department (pursuant to site plan level I review).

e. An application for subsection K.2.a, b, c or d shall be exempt from the application requirements of Sec. 47-24.1.F.3.10 and 11.

(Ord. No. C-97-19, § 1(47-20.19), 6-18-97)

Sec. 47-20.20. - Compliance.

A. No building, use or structure shall be erected, altered or used or land or water used in whole or in part without providing required parking and loading spaces in accordance with the ULDR.

B. No parking spaces, whether required or optional, shall be erected, altered or used without meeting the requirements of the ULDR.

C. All required parking facilities shall be maintained and continued as long as the use which the parking serves is continued.

D. Except as provided herein, parking facilities shall not be used for the storage or sale of merchandise, nor shall they be used for the storage, display, washing, sale or repair of vehicles or equipment. Parking facilities may be used for the sale of merchandise on a temporary basis for special events when approved as provided by Volume I of this Code.

E. Except as otherwise provided herein, parking facilities shall only be used for the parking of motor vehicles by occupants, employees, visitors or patrons of the use or structure which the parking facility is serving.

F. Required parking facilities shall not be used by commercial vehicles owned, operated or used in the business of such owner during regular hours of business.
G. Except as provided herein, required parking may not be used for storage of vehicles. Storage of vehicles shall mean the placement of a vehicle in a parking space for the purpose of sale, lease, rent, repair or display of the vehicle or placement while waiting service for a period of time which exceeds twenty-four (24) consecutive hours or for a purpose unconnected with the use which the parking serves.

H. Parking facilities shall be kept in good operating condition. All parking lots and spaces shall be maintained so as not to create a hazard or nuisance. Such maintenance includes, but is not limited to, removing glass and litter; pruning, nourishing, and watering vegetation; resurfacing and restriping surface markings; reanchoring or replacing loose and broken wheelstops; and replacing or painting signs.

I. Maintenance of approved parking facilities, including restriping, shall conform with the plans submitted to the city upon which a building permit was issued.

J. It shall be unlawful for an owner or operator of any building or structure or use to discontinue, change or dispense with, or to cause the discontinuance or reduction of the required parking facilities apart from the discontinuance, sale, or transfer of such structure or use, without establishing alternative parking facilities which meet the requirements of the ULDR.

K. It shall be unlawful for any person, firm, or corporation to utilize a building, structure, or use without providing and maintaining the off-street parking facilities meeting the requirements of and being in compliance with the ULDR.

L. It shall be unlawful for the owner or operator of a building provided with valet parking to cause or permit such parking area to be operated or used without providing the service of attendants. Each day that such attendant service is not provided for or maintained shall be a new offense.

M. Termination of an off-street parking agreement or valet parking agreement without a release of the department recorded in the public records of the county shall constitute a violation of Sec. 47-20.2 which provides for required parking in accordance with the ULDR.

(Ord. No. C-97-19, § 1(47-20.20), 6-18-97)

**Sec. 47-20.21. - Interpretation.**

The requirements for parking and loading spaces for any uses not specifically listed in the ULDR shall be the same as provided in the ULDR for the use most similar to the use proposed.

(Ord. No. C-97-19, § 1(47-20.21), 6-18-97)

**Sec. 47-20.22. - Temporary parking lots.**

A. Temporary parking lots which do not conform to the requirements of Secs. 47-20.7, 47-20.8, 47-20.12, and 47-20.13.A, may be permitted for the following purposes:

1. To provide temporary parking limited to use by the users of an existing development which is undergoing redevelopment or persons working on the redevelopment project and the use is continuing to operate while redevelopment is underway;

2. To provide temporary parking which is limited to use by persons working on a redevelopment project which is not continuing to operate while the redevelopment project is underway;
3. To allow the temporary use of a cleared redevelopment site for parking while an application for a new use on the site has been submitted to the city and is undergoing review; and

4. To provide temporary parking which is limited to use by persons visiting or working in a temporary sales trailer or sales office serving a site under construction.

B. A temporary parking lot shall not be permitted on property in any residential zoning district, except for the purpose provided in subsection A.4.

C. Temporary parking lots may be permitted, subject to the following:

1. Approval is subject to issuance of a site plan level IV permit as described in Sec. 47-24.2

2. Application. An application shall, in addition to the requirements provided in Section 47-24, Development Permits and Procedures, include the following:
   a. The temporary parking plan shall identify the layout of parking spaces, aisles and all points of vehicular ingress and egress.
   b. When the proposed temporary parking lot is not located on the same site as the site it is intended to serve, the temporary parking plan shall include a vicinity map at a scale of not less than one (1) inch equal to five hundred (500) feet, showing the parcel or parcels to be served, the temporary parking site, and a safe pedestrian path connecting the temporary parking site to the use or uses proposed to be served.
   c. The plan shall include a landscape plan prepared in accordance with the standards as provided herein.

3. Standards. A temporary parking lot shall be required to meet the following standards:
   a. The design of the parking plan shall comply with the standards of this Section 47-20, except Secs. 47-20.7, 47-20.8, 47-20.12 and 47-20.13.A.
   b. The parking surface shall consist of compacted gravel, compacted limerock with a calcium chloride additive, or similar hard and dustless surface material approved by the city engineer and capable of being continuously maintained in a clean and level condition.
   c. Landscape materials shall be installed and continuously maintained around the entire perimeter of the lot except for points of ingress and egress, and in accordance with sight triangle regulations provided in the ULDR.
   d. The landscape area shall have a minimum depth of five (5) feet and an average depth of ten (10) feet along all perimeters adjacent to rights-of-way, with a tree planted every thirty (30) linear feet and shrubs installed eighteen (18) inches in height, to be maintained at a thirty (30) inch height, planted on thirty (30) inch centers.
   e. Surface water/drainage plans shall be in accordance with the requirements of the Broward County Department of Natural Resource Protection permitting requirements.
   f. Signage shall be limited to one (1) ground sign not exceeding five (5) feet in height above the grade of the street closest to the sign, shall not exceed sixteen (16) square feet in size, and shall contain the words "Temporary Parking Lot," along with a name and telephone
UNIFIED LAND DEVELOPMENT REGULATIONS
Chapter 47 - UNIFIED LAND DEVELOPMENT REGULATIONS
ARTICLE XV. - ANNEXED AREAS
SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

number of the person or agency responsible for operating and maintaining the temporary parking lot.

g. Any temporary parking lot which will be in operation at any time during the period of one-half (½) hour after dusk to one-half (½) hour before dawn shall provide a minimum maintained footcandle illumination of two (2) footcandles throughout the lot during this period of time; however, such illumination shall not shine on adjacent properties.

h. All temporary parking lots shall be designed to comply with the requirements of neighborhood compatibility as provided in Section 47-25, Development Review Criteria. In addition, the city commission may impose limited hours of operation for temporary parking lots located adjacent to or abutting residentially used or vacant residentially zoned property.

i. Other improvements proposed to be made on the site of the temporary parking lot such as fences shall comply with the applicable sections of the Code.

j. All temporary parking lot submissions shall contain a maintenance plan documenting the manner in which the parking lot surface shall be continuously maintained in a level and clean condition, and the manner in which perimeter landscaping shall be continuously maintained.

k. The issuance of a development permit for a temporary parking lot shall be subject to the city's receipt of approval by the Broward County Department of Natural Resource Protection if required by law.

4. Review criteria. In addition to the review criteria for site plan level IV the following shall apply:

   a. The proposed plan meets the standards provided herein; and

   b. The establishment, maintenance, or operation of the temporary parking lot shall not be detrimental to or endanger the public health, safety or general welfare; and

   c. The temporary parking lot use shall not impede the normal and orderly development, redevelopment and improvement of surrounding properties for uses permitted in the district; and

   d. The temporary parking lot shall be consistent with the character of the surrounding neighborhood in accordance with Sec. 47-25.3; and

   e. The temporary parking lot use is consistent with the land use plan.

D. Duration of approval. Temporary parking lots shall be approved for operation for a period of eighteen (18) months. An extension may be granted by motion of the city commission for demonstrated exceptional circumstances such as acts of God, storm damage, death of a general partner in the redevelopment effort and events of similar nature not due to the fault of the applicant for the temporary parking lot.

SECTION 47-21. - LANDSCAPE AND TREE PRESERVATION REQUIREMENTS

Sec. 47-21.1. - Intent and purpose.
A. The intent of these regulations is to protect, preserve and enhance the natural environment and beauty of the city and promote better air quality by providing for landscaped areas containing trees and other plants and arranging them in a pleasing manner in relation to paved areas and structures. The installation of drought-resistant, locally adapted and native plant materials is highly desirable and preferred.

B. These objectives are defined in general terms and their realization can only be attained by proper design.


Sec. 47-21.2. - Definitions.
A. For the purpose of this section, the following terms and words shall have the meanings herein prescribed unless the context clearly requires otherwise:

1. Berm. A mound of earth configured in a manner which supports landscaping.

2. Bufferyard. An area or areas located on nonresidential property which extend the full length of the property lines abutting residential property which meet the requirements for a bufferyard as provided in Sec. 47-25.3


4. Conspicuous flowering. A plant which exhibits a contrasting display of reproductive parts of size, quantity and duration.

5. Diameter. The diameter of a dicot or conifer tree trunk as measured six (6) inches above grade, if no more than three (3) inches in diameter; or at twelve (12) inches above grade, if no more than five (5) inches in diameter, and for anything greater than five (5) inches in diameter measured four and one-half (4½) feet above grade. The diameter of a monocot is the diameter of the tree trunk measured one (1) foot above the ground.
6. Dripline. The natural outside end of the branches of a tree or shrub projected vertically to the ground.

7. Equivalent replacement. A tree (or trees) which due to its classification (based on the table of tree evaluation of the department) in the case of dicot or conifer, condition, size and location, is determined by the department to be the equivalent to the tree (or trees) which it replaces. In making this determination, the department shall be guided by the standards established by the International Society of Arboriculture.

8. Equivalent value. An amount of money, which reflects the cost of replacing a dicot or conifer tree, determined by multiplying the cross-sectional diameter of the tree (measured in square inches) by the following values (based on the cost of obtaining an equivalent replacement according to classification of the tree as listed in the table of tree evaluation of the department):
   a. Class A—Twenty-five dollars ($25.00) per square inch.
   b. Class B—Twenty dollars ($20.00) per square inch.
   c. Class C—Fifteen dollars ($15.00) per square inch.
   d. Class D—Ten dollars ($10.00) per square inch.
   e. Class E—Five dollars ($5.00) per square inch.
   f. Class F—Zero dollars per square inch.
   g. Equivalent value of a monocot is determined by multiplying the number of trunk feet to the terminal bud by thirty dollars ($30.00) per foot.

9. Excavation. To make a hole, unearth, scrape, or dig out for the purpose of construction, demolition, or removal with specific relation to a tree drip line and root system.

10. Ground cover. A planting of low growing plants that covers the ground in place of turf. Within the dripline of a tree, two (2) inches of mulch may be used instead of plants.

11. Hatracking. To flat-cut the top of a tree, severing the leader or leaders; or pruning a tree by stubbing off mature wood; or reducing the total circumference or canopy spread not in conformance with the American National Standards Institute, A-300 standards or other accepted standards as published.

12. Hedge. A close planting of shrubs which forms a compact, dense, visually opaque, living barrier when mature.

13. Interior landscape area. That landscape area located within a vehicular use area further than twenty-eight (28) feet from the perimeter and not attached to the perimeter landscape area.


15. Irrigation. To supply with water by a mechanical sprinkler system.

16. Landscape area. An area where landscaping has been or shall be installed.
17. **Landscape area, required.** Landscape areas that are directly permeable to the subgrade through a natural drainage system unless otherwise specifically permitted by the ULDR.

18. **Landscaping.** Living plant material purposely installed for functional or aesthetic reasons at ground level and open to the sky.


20. **Monocotyledonous (monocot) tree.** A tree having fronds with parallel veination and an indistinct, tightly held trunk surface.

21. **Net lot area.** The total square footage of a parcel of land after subtracting the square footage area of any vehicular use area including the VUA required landscaping, building footprint, walls, walks and swimming pools or any other impervious area.

22. **Mulch.** An organic soil additive or topping such as compost, wood chips, wood shavings, seasoned sawdust, bark, leaves or straw, used to reduce evaporation, prevent erosion, control weeds, enrich the soil and lower soil temperature.

23. **One-family residence.** A building and its surrounding lot intended to be occupied by one (1) family only.

24. **Ornamental shrub.** A multi-stemmed woody plant with several permanent stems used for ornamental purposes.

25. **Peninsular or island landscape area.** A pervious area set aside for landscaping, located at the end of a parking row where it abuts an aisle or driveway, and also intermittently located within parking rows.

26. **Perimeter.** The boundary line separating one (1) parcel of land from another or a parcel of land from a right-of-way. If the property is on a waterway, the perimeter shall be the bulkhead line.

27. **Perimeter landscape area.** The landscape area directly abutting the perimeter of a VUA and within twenty-eight (28) feet of the property line.

28. **Perimeter parking.** Parking spaces contiguous to or directly abutting a perimeter landscape area.

29. **Parking structure.** Any structure which contains two (2) or more levels of vehicular use.

30. **Pervious area.** That noncompacted land located at ground level, open to the sky allowing passage of air and water to the subsurface and used or set aside for landscaping.

31. **Protected tree.** A tree which due to its size, shape, character, age, aesthetic value, species, historical value or any combination thereof declared by the city commission to be a locally unique example of the species.

32. **Protective barrier.** Fences or like structures at least four (4) feet in height that are conspicuously colored and prevent or obstruct passage.

33. **Prune.** To remove, cut off, or cut back parts of a tree or plant which will alter the natural shape.
34. **Right-of-way.** Land provided by dedication, deed or easement which is devoted to, required for or intended for the use by the public as a means of public traverse.

35. **Shock.** A state of retarded growth or degeneration of the vital processes resulting from, but not limited to, root damage, wounds, impact, partial or total girdling, or improper cutting.

36. **Shade tree.** A single-trunked dicot or conifer tree which by virtue of its natural shape provides at maturity a minimum shade canopy thirty (30) feet in diameter as listed in the table of tree evaluation.

37. **Shrub.** A multistemmed woody plant with several permanent stems.

38. **Specimen tree.** Any tree which has a diameter of eighteen (18) inches or greater and is well shaped and in good health. Exceptions are the following trees which are not specimen trees:
   a. Fruit trees that are capable of producing potentially edible fruit, including, but not limited to: mangos, avocados, or species of citrus;
   b. Species of the genus Ficus except F. aurea (strangler fig), F. citrifolia (short leaf fig), F. lyrata (fiddle leaf fig), F. rubiginosa (patio fig or rustyleaf fig);
   c. Acoelorrhaphe wrightii (paurotis palm) and Phoenix reclinata (Senegal date palm) which have less than eight (8) feet of wood height;
   d. All other multi-trunked palms not mentioned above;
   e. Australian pine, Brazilian pepper, melaleuca, pencil tree and poison wood; and
   f. Trees which are "Class D" or lower.

39. **Standard.** A woody perennial plant with a number of stout stems, all but one (1) of which has been removed. The remaining stem then has been trained into an upright, small, tree-like form having a rounded crown usually supported by a stake.

40. **Street.** The term street includes any road, highway and other ways greater than twenty (20) feet in width which are open to travel by the public including the roadbed, right-of-way, sidewalk and other land devoted, required or intended for general circulation which affords a primary means of access to abutting property.

41. **Street tree.** A tree which is located within twelve (12) feet of the edge of pavement or curb of a street or such other distance as determined by the department in accordance with this section.

42. **Table of tree evaluation.** A table prepared by the city and amended from time to time listing tree species and information pertinent to such species, on file with the department.

43. **Tree.** A woody perennial plant, possibly shrubby when young, with one (1) main stem or trunk which naturally develops diameter and height characteristics of a particular species.

44. **Tree abuse.** Any action or inaction which does not follow acceptable trimming practices as established by the American National Standards Institute, A-300 standards or other accepted standards as published. Abuse also includes, but is not limited to, damage inflicted upon the roots by machinery, changing the natural grade within the drip line, destruction of the natural shape or
any action which causes infection, infestation or decay.

45. *Tree canopy trust fund.* The fund maintained by the city to which funds received by the city for the equivalent value of trees removed shall be deposited. Money from the fund shall only be used to purchase non-required trees which are then planted on public lands.

46. *Tree service/arborist.* Any person, company, corporation or service which does regularly, for compensation or fee, transplant, remove, prune, trim, repair, inject, or perform surgery upon a tree.

47. *Tree removal.* To change the location of a tree, or to cause damage to or destruction of a tree or root system so as to cause a tree to die.

48. *Trim.* To reduce, shorten or gradually diminish the size of a plant by removal of parts of a plant without altering the natural shape.

49. *Vehicular use area (also referred to as VUA).* Any area used by vehicles including, but not limited to, areas for parking, display, storage or traverse of any and all types of motor vehicles, bicycles, watercraft, trailers, airplanes or construction equipment, but shall not include areas used exclusively as an airport ramp or apron.


51. *Xeriscape.* Techniques or methods utilized for water conservation by the proper selection and arrangement of plantings and site drainage.


**Sec. 47-21.3. - Landscaping required.**

No person shall carry out any development or use any parcel of land for any purpose, nor shall any permit for building or paving be issued unless landscaping is installed in accordance with the requirements of this section.

(Ord. No. C-97-19, § 1(47-21.3), 6-18-97)

**Sec. 47-21.4. - Permit required.**

A landscaping permit shall be required for the installation, removal, or replacement of any required landscaping in accordance with the provisions of this section.

(Ord. No. C-97-19, § 1(47-21.4), 6-18-97)

**Sec. 47-21.5. - Landscape plan required.**

A. Prior to the issuance of a landscape permit, a landscape plan shall be submitted to the department. The landscape plan shall include, but not be limited to, the following:

1. Name, address and telephone number of the person who has prepared the landscape plan. Landscape plans submitted for approval must be prepared by a registered landscape architect, dated, signed and stamped with his seal. A property owner may prepare plans or drawings for his
own property. A nurseryman or nursery stock dealer may also prepare plans or drawings but only as an adjunct to merchandising his products.

2. A landscape plan drawn at a scale no less than one (1) inch equal to thirty (30) feet showing the location, size, description and specifications of materials, grade of plantings, mulch specifications, protective structures such as curbs, the number of interior parking spaces and the square foot area of the VUA, and perimeter and interior landscape area. New trees shown shall be spaced so as not to conflict with normal canopy development. An existing desirable tree proposed to be retained on site shall be left with a root pervious area surrounding it sufficient to support the species and canopy.

3. The landscape plan shall be designed so that landscaping shall not be adversely affected by factors such as salt exposure, prevailing winds, overhead obstructions, utility services, deep shadows, unusual soil conditions and shall identify and show location of existing trees on and adjacent to the development site.

4. If an irrigation plan is provided, it shall be drawn at a scale of not less than one (1) inch equal to thirty (30) feet showing the location, size and type of automatic shutoff switches, zoners and backflow devices.

5. A site plan drawn at a scale of not less than one (1) inch equal to thirty (30) feet showing the property boundaries and dimensions, existing and proposed structures, pools, walks, walls, patios, VUA's, lot orientation, utility services, light poles, pad-mounted transformer locations, fire hydrants, siamese connections, existing and proposed elevations and any other factor affecting the proposed use of the property, including the use and zoning of adjacent property.

6. A current survey when construction or alteration to a structure, or change of use or construction related to a VUA is proposed. The survey shall depict site utilization and improvements thereon and may be submitted in place of the landscape plan and site plan described in this section when the survey provides sufficient information to determine compliance with the requirements of this section.

(Ord. No. C-97-19, § 1(47-21.5), 6-18-97)

Sec. 47-21.6. - Installation.

A. All landscaping shall be installed in accordance with the requirements of this section within ninety (90) days of issuance of the landscape permit in accordance with the landscape plan approved by the department and the requirements of this section and prior to the issuance of a certificate of occupancy or final use approval.

B. All landscape material shall be installed in accordance with sound landscaping practices, and xeriscaping shall be encouraged. All landscape materials shall be graded at least Florida Number One. Xeriscaping may include the use of soil amendments to increase the water holding capacity of sandy soils or improve the drainage of heavy soils, or other applicable principles or techniques. The use of turf that does not need supplemental irrigation, such as Bahia, is recommended. Alternatives to the use of turf are also encouraged, such as drought resistant shrubs and ground cover. Codominant (V-crotchted) trees are not acceptable.

C. Unless stated otherwise, required tress shall be a species designated class "C" or higher, as defined in the table of tree evaluation compiled by the department. Existing trees which are healthy,
well maintained and are in class "C" or higher may be used to meet tree planting requirements and no approval shall be given for trees in poor or damaged condition regardless of classification.

D. New trees required to be installed shall be planted so normal growth and aesthetic appearance will not be impaired nor shall potentially large trees be planted under utility lines or lighting, too close to structures or in an area where they will obstruct emergency vehicle access.

E. Except as otherwise required for VUA's, dicot trees shall have a minimum of ten (10) feet of height. Monocots shall have a minimum of eight (8) feet of wood, except Coconut, Thrinax, Phoenix robellini, Sago, and Livingstonia palms which shall have a minimum of three (3) feet of wood when planted.

F. Trees shall be installed as follows:

1. Shade trees shall be located a minimum of fifteen (15) feet away from structures and thirty (30) feet from other shade trees.

2. Nonshade trees and palms shall be located a minimum of seven and one-half (7½) feet away from structures, fifteen (15) feet from other nonshade trees, and twenty-two and one-half (22½) feet from shade trees. Palms may be planted closer to each other to form multiples or clusters.

3. Trees shall be planted no closer to an impervious area than half of the minimum size of the required planting area for the particular tree species.

4. Trees which are in excess of the minimum number required by the ULDR may be spaced closer to each other. The species and distance of such trees shall be determined by the director.

5. Where a conflict in spacing or canopy spread occurs between required trees and existing offsite or onsite trees, the requirements of this section may be modified as determined by the director.

G. Each tree shall have pervious area surrounding it sufficient to support the species, as determined by the department. The minimum planting area shall be for:

1. Shade species with a minimum caliper of three (3) inches, two hundred twenty-five (225) square feet within fifteen (15) feet the smallest dimension.

2. Shade species with a minimum caliper of two (2) inches, ninety (90) square feet with eight (8) feet the smallest dimension.

3. Other dicot tree species, sixty-four (64) square feet with eight (8) feet the smallest dimension.

4. Palm types, twenty-five (25) square feet with five (5) feet the smallest dimension, except Areca, Carpentaria, Cocothrinax, Phychosperma, Rhapis, Sabal and Washingtonia, nine (9) square feet with three (3) feet the smallest dimension.

H. Trees when braced shall be braced in such a fashion as to not girdle, scar, perforate or otherwise inflict damage to the tree.

I. Shrubbery, when installed to screen a VUA, shall be a minimum of twenty-four (24) inches high, be full to base, and be spaced a maximum of thirty (30) inches on center. Shrubbery shall be permitted to grow and shall be maintained at a minimum height of thirty (30) inches. Vines used in conjunction
with wire fences to screen a VUA shall be a minimum of thirty (30) inches in height immediately after planting, have a minimum of three (3) runners with plants spaced a maximum of six (6) feet on center.

J. All plant beds shall be excavated to a minimum depth of twenty-four (24) inches and back-filled with a suitable soil consisting of fifty percent (50%) composted organic matter, well-mixed with native soil. Backfill material shall be free from rock, construction debris, or other extraneous material. Planting beds shall be free from construction debris and planted with ground cover or lawn or when not otherwise provided in these regulations, mulched with an appropriate organic material to a minimum depth of two (2) inches. Decorative stone or gravel may be utilized up to a maximum of ten percent (10%) of the total landscape area where the stone or gravel is to be used for decorative or other approved purpose as an adjunct to planting beds.

K. Finished grade of landscape areas shall be at or below the grade of adjacent VUA or public sidewalks, except for mounding or other surface aesthetics. Grade shall be designed to receive roof and surface runoff and to assist xeriscape plantings and then any overflow routed as necessary underground. Mounding or other surface aesthetics shall not inhibit or defeat intended rainwater capture, retention or percolation from a VUA.

L. All undeveloped portions of a parcel of land shall be left undisturbed or planted with ground cover or lawn so as to leave no exposed soil in order to prevent dust or soil erosion.


Sec. 47-21.7. - Irrigation.

Sufficient irrigation, as determined by the director in accordance with the design of the landscaped area and the requirements of the plant material to be used, shall be supplied to all landscaped areas. When required, irrigation systems shall be installed to provide coverage to target areas, minimizing spray upon public sidewalks, streets or adjacent properties. Irrigation systems compatible with xeriscaping principles shall be encouraged. This may include the use of low volume, low pressure, subsurface irrigation systems, and other such methods which encourage water conservation. All automatic lawn or landscape irrigation systems shall be equipped with and operate a moisture sensor or approved automatic switch which overrides the irrigation cycle when adequate rainfall has occurred.


Sec. 47-21.8. - Maintenance.

A. The owner, tenant and their agent, if any, shall be jointly and severally responsible for the proper maintenance and protection of landscaping and irrigation systems existing or hereafter installed. Maintenance shall include watering, weeding, mowing, fertilizing, treating, mulching, trimming, removal or replacement of dead or diseased plants and removal of refuse and debris on a regular basis so as to continue a healthy growing condition and present a neat and well-kept appearance at all times.

B. Shade trees shall be maintained at a minimum canopy diameter of thirty (30) feet in accordance with the American National Standards Institute, A-300 standards or similar accepted standards as published.

C. A landscaped sight triangle shall be provided and visibility maintained as provided in Section 47-2.2
D. Plant materials which block visibility shall be removed by the property owner or maintained so as to allow clear visibility of oncoming traffic.

E. Landscaping shall be inspected periodically by the department to insure proper maintenance. The owner, tenant or their agent shall be notified in writing, of any areas which are not being properly maintained and shall provide corrective action within thirty (30) calendar days from the time of notification.

(Ord. No. C-97-19, § 1(47-21.8), 6-18-97)

Sec. 47-21.9. - Landscape requirements for vehicular use areas.

A. In order to improve the appearance of VUA’s and to protect and preserve the appearance, character and value of the surrounding neighborhoods, promote better air quality and thereby promote the general welfare by providing for installation and maintenance of landscaping, screening and aesthetic qualities, the following minimum VUA landscape requirements are established. This section is not applicable to underground or building enclosed VUA’s. A landscape permit shall be issued before or in conjunction with a paving or resurfacing permit, but shall not include the application of a liquid coating for the purpose of preserving the existing pavement.

1. Vehicular use areas. On the site of a building or structure or on an open lot providing a VUA, landscaping shall be provided in a square footage area equal to a minimum of twenty percent (20%) of the gross VUA. This square footage shall abut and extend no further than ten (10) feet away from a VUA. The landscape area required from a VUA shall consist of perimeter, peninsular and interior landscape areas as follows.

2. Perimeter landscape area.

   a. Along the perimeter of a parcel of land which abuts a street, exclusive of vehicular access points, a perimeter landscape area shall be provided. The depth of the perimeter landscape area shall be a minimum of five (5) feet, a maximum of twenty-eight (28) feet, and an average of ten (10) feet. The ten (10) feet of perimeter landscape area closest to the VUA may be counted as part of the twenty percent (20%) minimum VUA landscape requirement.

   b. Along the perimeter of a parcel of land which does not abut a street the minimum depth of the landscape area shall be two and one-half (2½) feet. Parcels of land with less than one hundred (100) foot front width may provide a perimeter masonry wall at least thirty (30) inches in height between the VUA and the abutting property in lieu of the perimeter landscape area.

   c. When a perimeter landscape area is required pursuant to other provisions of this Code or as a condition of plat, site plan or other development approval, the greatest depth required shall prevail.

3. Interior landscape area. At least thirty (30) square feet of interior landscape area shall be provided for every interior parking and loading space and shall not be part of any perimeter landscape area.

4. Peninsular and island landscape areas.

   a. Peninsular and island areas shall be located at the end of a row of more than two (2)
consecutive parking spaces where the row terminates at an aisle or driveway and either:

   i. Intermittently at least every ten (10) parking spaces in a row; or

   ii. Intermittently at no more than a maximum of every twenty (20) parking spaces in a row when a minimum width of eight (8) feet plus one (1) foot for every extra parking space over ten (10) is added to one or both of the adjacent islands in the row.

b. When a row of parking spaces is located in a manner where motor vehicles back out directly onto a public right-of-way or alley, as allowed by Section 47-20, Parking and Loading Requirements, backout parking spaces for residential uses and motels and hotels shall have one (1) peninsular landscape area for every two (2) spaces. For all other uses there shall be one (1) peninsular landscape area for every four (4) spaces.

c. Peninsular and island areas shall be a minimum of three-quarters (¾) the length of the adjacent parking space by a minimum of eight (8) feet in width.

d. All peninsular and island landscape areas shall be planted with at least one (1) tree.

e. Peninsular and island landscape areas placed intermittently every ten (10) parking spaces are not necessary when the landscape area adjacent to the front of the parking spaces is fifteen (15) feet or more in depth.

5. Storage and loading areas. When portions of a VUA are utilized for storage, loading dock, tractor/trailer truck maneuvering, or aircraft maneuvering, and when it is shown that relocation of required landscaping does not defeat the purpose of the VUA landscape and parking requirements, the department may permit the relocation of peninsular and island landscape areas and other interior landscape areas to a location in public view adjacent to the internal buildings. When there are no buildings, the relocated landscape area shall be added to the minimum depth of the perimeter landscape area.

B. VUA criteria.

1. VUAs shall be visually separated from streets, waterways and abutting properties. A continuous visual barrier a minimum of thirty (30) inches in height is required. Visual barriers may consist of any of the following or combination thereof: a masonry wall, mounding, berm, and groupings of shrub plants.

2. When a cross-easement agreement to operate abutting properties as essentially one (1) contiguous VUA is in force, the screening requirements between the two (2) properties shall be waived until the agreement is terminated. However, other minimum perimeter and interior landscape requirements of all parcels of land involved shall be provided.

3. Utilities and site amenities such as walkways, flagpoles, transformers, fire hydrants, sewer and water supply lines, trash enclosures, and similar items located on the site shall not be placed in or under required tree planting areas. Lighting fixtures with an overall height of more than ten (10) feet shall be located a minimum of fifteen (15) feet away from shade trees.

4. All landscape areas shall be protected from vehicle encroachment, including the nose of peninsular and island landscape areas.
5. Vehicle overhangs do not count toward minimum landscape area requirements.

6. Every effort shall be made to design around existing, large desirable trees. Parking spaces which are lost because of saved trees and supporting root system pervious area may be counted as spaces installed by the director, up to ten percent (10%) of the required parking count.

7. Parts or all of the requirements of this section may be waived by the department if the VUA is only periodically or intermittently used for vehicular parking such as parking lots at houses of worship or recreational facilities.

C. **VUA planting requirements.**

1. One (1) tree and six (6) shrubs shall be required for every one thousand (1,000) square feet, or fraction thereof, of VUA.
   
   a. The first twenty-five percent (25%), or fraction thereof, of the required trees shall be shade species with a three (3) inch minimum trunk diameter at four and one-half (4½) feet above the ground, and shall be evenly distributed between interior and perimeter landscape areas.

   b. Twenty-five percent (25%) of the required trees shall be shade species with a two (2) inch minimum trunk diameter at four and one-half (4½) feet above the ground.

   c. Twenty percent (20%) of the required trees shall be conspicuously flowering species.

   d. Twenty percent (20%) of the required trees shall be palm species.

   e. Ten percent (10%) of the required trees shall be optional species.

2. The types of trees and the percentage requirements provided in this subsection C may be varied by the department if it is found that installation of a different type of tree would create a more compatible image with trees located on adjacent sites.

3. Where a business uses a VUA as display area, the first twenty-five percent (25%) of the width of the VUA along the major street may be considered as display area. Shade trees are not required to be placed in this first twenty-five percent (25%), but if not planted in the first twenty-five percent (25%) these trees shall be redistributed to the other seventy-five percent (75%) of the site.

D. **Failure to install.** It shall be unlawful to occupy or use, or cause to be occupied or used, any VUA unless the required landscaping has been installed and approval has been obtained for the use of such VUA. Approval for use of a VUA shall be by certificate of occupancy or use approval by the director. When a VUA is used without first having obtained approval, the director shall notify the owner or occupier of the land, in writing, to stop the use. If this notice is not complied with by the owner or occupier of the land, the VUA shall be barricaded and remain unoccupied and barricaded until the required landscaping is installed and use approval issued.

E. **Exceptions.** The board of adjustment may approve VUA's which do not comply with the provisions of this section for a specified length of time, not to exceed one (1) year, when the board finds that such approval is necessary to relieve hardship and would not violate the intent and purpose of these regulations. Prior to the expiration of the approved time period, the board may approve an extension of the time not to exceed one (1) year.
F. **Existing vehicular use areas.** Existing VUA’s shall be considered as new and brought into conformity with the minimum requirements of this section upon the occurrence of any one (1) of the following conditions:

1. When a vehicular use area is expanded or enlarged by a cross easement agreement or by additional paving resulting in an increase of twenty-five percent (25%) or more of the existing vehicular use area square footage.

2. When there is an addition which increases the total ground floor area of all existing buildings on the property more than twenty-five percent (25%).

3. When a building or use has lost its nonconforming status in accordance with Section 47-3, Nonconforming Uses, Structures and Lots.

4. When there has been a denial of a change of use, pursuant to Sec. 47-3.5 and the change of use will result in a use, structure or both being required to meet the ULDR requirements.

G. **Retroactive VUA landscaping.**

1. Any owner of a parcel of land upon which there is located a vehicular use area which existed prior to July 7, 1977 shall meet at least fifty percent (50%) of the requirements of new vehicular use areas. If a vehicular use area cannot be redesigned and the owner is unable to meet this fifty percent (50%) requirement without reducing the number of required parking spaces or reducing the number of parking spaces provided for use of the parcel which would be required if based on the minimum off-street parking requirements for such use in effect on March 6, 1990, the owner shall comply to the maximum extent possible without reducing the number of required parking spaces.

2. The department shall be authorized to inspect each VUA and provide, as necessary, written notification to the owner, tenant or agent, if any, of the terms and provisions of these regulations. The owner shall submit a landscape plan to the department and obtain any required permits within thirty (30) days from receipt of notification. Installation shall be completed within ninety (90) days from receipt of the initial notification.


**Sec. 47-21.10. - Landscape requirements for all zoned districts.**

A. The following is a chart which provides the landscape requirements for each zoning district:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Landscape Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS-4.4, RS-8</td>
<td>1, 10</td>
</tr>
<tr>
<td>RC-15, RD-15</td>
<td>1, 2, 10, 15</td>
</tr>
<tr>
<td>RM-15, RML-25, RMM-25, RMH-25, RMH-60, MHP</td>
<td>1, 2, 3, 10, 15</td>
</tr>
<tr>
<td>R-O, R-O-C</td>
<td>1, 2, 3, 4, 10</td>
</tr>
<tr>
<td>R-O-A</td>
<td>1, 2, 5, 10</td>
</tr>
<tr>
<td>CB, X-Use</td>
<td>1, 2, 7, 8, 10</td>
</tr>
<tr>
<td>B-1, B-2, B-3, I, CF, CF-H, CF-S, CF-HS, P, T, U, I</td>
<td>1, 2, 6, 7, 8, 10</td>
</tr>
</tbody>
</table>
B. Landscape requirements.

1. Yards and other portions of a parcel of land not utilized for structures, required walks, vehicular use area including VUA required landscaping, decking, pool and other impervious areas, shall be covered with a lawn or ground cover and shall comply with the following:

   a. There shall be at least one (1) tree for each one thousand (1,000) square feet of net lot area or portion thereof. This tree planting requirement is in addition to the VUA landscaping requirements. Twenty (20) percent of the trees shall be shade trees.

   b. For a one-family residence a minimum of four (4) trees are required. At least three (3) of the four (4) required trees shall be located in the front yard, one (1) of which must be a shade tree. At least one (1) tree shall be located in the back yard. If palms are used to meet this requirement, a cluster of three (3) palms, one of which must have at least eight (8) foot of trunk wood height, shall equal one (1) required tree.

   c. The director may revise the shade tree requirement provided in subsection a. and the requirements of subsection b. if it is found that the applicant is unable to meet the planting requirements for reasons such as constraints of the planting area, inconsistency with existing desirable trees, building design, existing utilities that would be compromised, safety considerations or other factors exist that support a modification of the requirements because it would further the overall purpose of the landscape regulations.

2. When the parcel of land includes offstreet parking for other than a one family dwelling, VUA landscaping shall be required in accordance with this section.

3. A minimum of thirty-five percent (35%) of the gross lot square footage shall be in landscaping, maintained by an irrigation system. The minimum twenty percent (20%) VUA landscaping may be used toward fulfilling the gross thirty-five percent (35%) minimum. Sandy beach on oceanfront parcels of land may be included in the gross minimum, but need not be planted nor maintained by an irrigation system.

4. When no parking areas or circle driveways are between the front property line and front building setback line, the minimum gross lot landscape requirement may be reduced to twenty-five percent (25%) of the parcel of land.

5. A minimum of forty percent (40%) of the gross lot square footage shall be in landscaping, maintained by an irrigation system. The minimum twenty percent (20%) VUA landscaping may be used toward fulfilling the gross forty percent (40%) minimum. Sandy beach on oceanfront parcels of land shall be included in the gross minimum, but need not be planted nor maintained by an irrigation system. When no fences, walls or planter boxes having an overall height of more than thirty-six (36) inches, walks wider than five (5) feet, or parking areas or circle driveways are
between the front property line and the front building setback line, the minimum gross lot landscape requirement may be reduced to thirty percent (30%) of the total square footage of the parcel of land.

6. The first twenty (20) feet of the yard fronting on those streets subject to the Interdistrict corridor requirements as provided in Sec. 47-23.9 shall be in landscaping. No paving, parking, or walkway shall be allowed in said twenty (20) foot area, other than necessary access from a right-of-way, unless otherwise specifically permitted in Section 47-23.9, Interdistrict corridor requirements.

7. For parcels on a waterway, the first twenty (20) feet of the yard fronting on the waterway shall be landscaping. Measurement shall be from the existing bulkhead line. When the parcel is used for marina or yacht club purposes or for other businesses which are established primarily to repair or service watercraft, the waterway landscape area setback is not required.

8. When a parcel of land is used for residential purposes, a minimum amount of open space and landscaping shall be provided as required by Sec. 47-18.21.H.2, Mixed Use Development. When the minimum twenty percent (20%) VUA landscaping is provided, such landscape area may be used toward fulfilling the minimum requirement. Sandy beach on oceanfront parcels of land may be included in the gross minimum, but need not be planted nor maintained by an irrigation system.

9. Location of landscaping on G-A-A zoned parcels shall be subject to restrictions of the Federal Aviation Administration.

10. To reduce exposure to epidemic tree loss and maximize genetic diversity, a wide variety of trees should be planted in the urban forest. Variety also minimizes the number of trees having the same growth speed and ultimate mature age. This diversity or tree mix is based on the overall number of trees required with not more than one-half (½) of the required tree count being in one (1) genus. At least forty percent (40%) of all required trees shall consist of native species. In nonresidential zoning districts lying east of the Intracoastal Waterway, if any portion of a development site is across a right-of-way from a development site with residential zoning or a residential use, shade trees shall be required along the right-of-way abutting the side of the development site across from the residential zoned or used site. The location and number of the shade trees shall be determined by the department based on the height, bulk, mass and design of the structures on the site and the proposed development's compatibility to surrounding properties. The requirement for shade trees, as provided herein, may be located within the public right-of-way as approved by the entity with jurisdiction over the abutting right-of-way. This requirement may be varied as approved by the department based on existing or proposed physical conditions which may prevent the ability to comply with the requirements of this subsection. This requirement shall be in addition to the requirements provided in Section 47-25.2., Adequacy Requirements.

11. In the PEDD zoning district, when a fence or wall is located adjacent to a street, the setback area between the property line and the fence or wall shall be landscaped with one (1) vine, shrub, standard, or flowering tree placed at least every nine (9) running feet or portion thereof along such fence or wall.

12. The requirements for PEDD may be modified by Section 47-15, Port Everglades Development District.
13. The first one-half (½) of the required setback abutting the street shall be in landscaping and permanently maintained by the owner or occupant in such a manner as to provide a park-like setting for the industrial buildings. No paving, parking or walkways shall be allowed in said area other than necessary access from a right-of-way.

14. A minimum of twenty-five percent (25%) pervious area is required for single and multiple family development.

15. For multi-family, townhouse or cluster development, there shall be at least twelve (12) ornamental shrubs for each one thousand (1,000) square feet of net lot area or portion thereof. Shrub planting requirements are in addition to the VUA requirements. At least forty (40) percent of all required shrubs shall consist of native species.


Sec. 47-21.11. - Additional landscape requirements for special uses and districts.

A. In addition to the requirements for land zoned in certain districts, additional landscaping shall be required for certain special districts and uses as follows:

1. Downtown Regional Activity Center (RAC).
   a. Within the RAC districts newly planted street trees shall be limited to the following species:

<table>
<thead>
<tr>
<th>RAC Street</th>
<th>Tree Species*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Broward Boulevard</td>
<td>Royal Palm (Roystonia elata)</td>
</tr>
<tr>
<td>Andrews Avenue</td>
<td>Sabal Palm (Sabal palmetto)</td>
</tr>
<tr>
<td></td>
<td>Carpentaria Palm (Carpentaria acuminata)</td>
</tr>
<tr>
<td>Federal Highway</td>
<td>Sabal Palm (Sabal palmetto)</td>
</tr>
<tr>
<td></td>
<td>Gumbo Limbo (Bursera simarouba)</td>
</tr>
<tr>
<td></td>
<td>Silver Trumpet (Tabebuia argentea)</td>
</tr>
<tr>
<td></td>
<td>Live Oak (Quercus virginiana)</td>
</tr>
<tr>
<td></td>
<td>Weeping Wild Tamarind (Lysiloma sabicu)</td>
</tr>
<tr>
<td>East 8th Avenue</td>
<td>No designated tree</td>
</tr>
<tr>
<td>East 3rd Avenue</td>
<td>Royal Palm (Roystonia elata)</td>
</tr>
<tr>
<td></td>
<td>Live Oak (Quercus virginiana)</td>
</tr>
<tr>
<td></td>
<td>Carpentaria Palm (Carpentaria acuminata)</td>
</tr>
<tr>
<td></td>
<td>Washington Palm (Washingtonia robusta)</td>
</tr>
<tr>
<td>East 1st Avenue</td>
<td>Gumbo Limbo (Bursera simarouba)</td>
</tr>
<tr>
<td>West 1st Avenue</td>
<td>No designated tree</td>
</tr>
<tr>
<td>West 3rd Avenue</td>
<td>No designated tree</td>
</tr>
<tr>
<td>Flagler</td>
<td>Silver Trumpet Tree (Tabebuia argentea)</td>
</tr>
<tr>
<td></td>
<td>Live Oak (Quercus virginiana)</td>
</tr>
<tr>
<td>West 2nd Avenue</td>
<td>Little Leaf Calophyllum (Calophyllum antillarum)</td>
</tr>
<tr>
<td>West 4th Avenue</td>
<td>Live Oak (Quercus virginiana)</td>
</tr>
</tbody>
</table>
West 5th Avenue & Live Oak (Quercus virginiana)
South 7th Street & No designated tree
East South 6th Street & Royal Palm (Roystonia elata) Yellow Elder (Tecoma stans)
West South 6th Street & No designated tree
South 5 Street & Florida Orchid Tree (Bauhinia variegata) Yellow Elder (Tecoma Stans)
S.E. 5th Court & Gumbo Limbo (Bursera simarouba) Maypan Palm (Cocos nucifera var. Maypan)
S.E. 4th Street & Weeping Wild Tamarind (Lysiloma sabicu)
Las Olas Boulevard & Sabal Palm (Sabal palmetto) Washington Palm (Washingtonia robusta) Live Oak (Quercus virginiana) Maypan Palm (Cocos nucifera var. Maypan) Carpentaria Palm (Carpentaria acuminata)
South 2nd Street, east of city parking garage & Royal Poinciana (Delonix regia) Silver Trumpet Tree (Tabebuia argentea) Live Oak (Quercus virginiana)
South 2nd Street, west of city parking garage & Weeping Wild Tamarind (Lysiloma sabicu) Sabal Palm (Sabal palmetto)
South 1st Street & No designated tree
North 1st Street & No designated tree
North 2nd Street & Live Oak (Quercus virginiana) Washington Palm (Washingtonia robusta)
North 3rd Street & Weeping Wild Tamarind (Lysiloma sabicu)
North 4th Street & Gumbo Limbo (Bursera simarouba) Carrotwood (Cupaniopsis anacardiodes)
North 5th Street & No designated tree

*Black Olive (Bucida buceras) trees existing as street trees prior to March 26, 1999 are legal and their existence shall not cause a development to be nonconforming, and shall be considered to meet the street tree requirements for any redevelopment or reconstruction of existing structures adjacent to or in front of said Black Olive trees, but such trees shall not be permitted to be planted or replaced with Black Olive subsequent to this date.

b. When planted in nonpervious areas, dicot street trees shall be accompanied by expandable tree grates which are at least five (5) feet square, with three-eighths (?) inch slot openings.

c. All newly planted dicot street trees shall have a minimum diameter of two (2) inches.

d. All newly planted monocot street trees shall have a minimum height of twelve (12) feet.

e. Planting plans shall obtain the approval of the department. The necessity for installation of an irrigation system for street trees and the type and kind to be used shall be determined by the city based on tree species requirements.
The RAC requirements may be appealed by written request to the department. Such appeal shall be accompanied by a plan which shows the location, size, description and species of landscape improvements proposed. The department may find that the applicant is unable to observe planting requirements for reasons such as the lack of available plant material, constraints of the planting area or inconsistency with existing street trees or building design. In the department’s discretion, when the appeal provides landscaping which is harmonious with adjacent landscaping and uses and is otherwise consistent with the intent and purpose of this subsection, they may approve modifications to Code requirements.

2. **Signs.** The landscape area required by the sign regulations of this chapter shall be planted with shrubs or ground cover. Asphalt and rock shall be removed and the area refilled with clean, fertile soil, as necessary, before planting. The area shall be protected from vehicle encroachment by a barrier placed around the outside edge of the required landscape area.

3. **Townhouse developments/zero-lot-line homes/cluster dwellings.** Land which is common area for a townhouse complex or cluster complex shall have the same open space and planting requirements as the district in which it is located. Individual lots owned in fee simple by individual owners in a townhouse development, zero-lot-line development or cluster development shall have the same planting requirements as in the RS-4.4 district.

4. **Parking garages.**
   
a. Structures which enclose parking shall provide a landscape area between the street and that portion of structure enclosing the parking utilizing trees and ground cover. The minimum square footage of the landscape area to be provided shall be determined by multiplying by five (5) the lineal street frontage of the parcel of land upon which the parking structure is located, and adding four hundred (400) square feet for each corner of the parcels adjacent to a street.

   b. Parking garages constructed in residentially-zoned districts shall meet the landscape requirement of the district in which the garage is located. No paving or walkways shall be allowed in the yard fronting on the principal street other than necessary access from that right-of-way.

5. **House of worship.** The landscaping requirements for a house of worship shall be the same as the zoning district in which the house of worship is located. VUA landscaping shall be required. A landscaping irrigation system shall be installed.

6. **Backout parking.** Except when used for a single family dwelling, when a parcel of land has a VUA designed to permit motor vehicles to back directly out onto a public right-of-way, including an alley, a landscape area at the front of the parking spaces unobstructed by a fence or wall shall be provided. The landscape area shall be a minimum of five (5) feet in width and shall contain not less than ten (10) square feet for each linear foot of VUA fronting on the street. The landscaping for this area shall consist of hedges and trees. There shall be no more than two (2) parking spaces in a row without a tree island when the parking serves a residential or hotel/motel use, and no more than four (4) parking spaces in a row without a tree island when the parking serves any other use. A poured six (6) inch high concrete curb shall be placed across the nose of tree islands.

7. **Noncontiguous parking lots.**
a. Freestanding, noncontiguous, or remote VUAs shall be landscaped according to minimum VUA requirements and maintained by an irrigation system.

b. The parcel shall contain no dumpster or structures other than fences, walls or lights poles. If a dumpster or structure is located on the property, the requirements of the zoning district where the VUA is located shall apply.

8. **Fences and walls.** On a parcel of land in a non-residential district, when a fence or wall is located adjacent to a street, it shall be subject to the requirements of Section 47-19.5

9. **Bufferyard requirement.** The landscape area required by bufferyard requirement as provided in Sec. 47-25.3, Neighborhood Compatibility Requirements, is intended to provide a heavily-vegetated view from the residential parcel. The tree requirements for the bufferyard are in addition to trees required to be installed to comply with general tree planting requirements and trees required for a VUA and include a minimum of one (1) tree for every three hundred (300) square feet or fraction thereof of bufferyard area. Trees shall be dicot types obtaining a fifteen (15) foot minimum height at maturity as listed in the table of tree evaluation and monocots obtaining a twelve (12) foot minimum height at maturity. The species mix shall be at least two-thirds (2/3) dicots.

10. **Self storage/mini warehouse facility.** The twenty (20) foot yard required as provided in Sec. 47-18.29 shall be in landscaping. A vehicular use area may also be located between the structure and street and may divide the landscape area as long as there is a total of twenty (20) feet in landscape area. This twenty (20) feet landscape area may be used to meet the landscape area required pursuant to Sec. 47-18.29


**Sec. 47-21.12. - Tree preservation.**

**A. Tree removal.**

1. It shall be unlawful to remove a tree described as follows without first obtaining a tree removal permit:

a. a dicot or conifer tree having a diameter of three (3) inches or more or a monocot having eight (8) feet or more of wood, on other than a developed one family residential lot;

b. on a developed one family residential lot, if:

i. the tree is to be removed in anticipation of redevelopment and it is a dicot or conifer tree having a diameter of three (3) inches or more or a monocot having eight (8) feet or more of wood;

ii. no redevelopment is anticipated and the tree to be removed is a dicot or conifer having a diameter of twelve (12) inches or more measured four and one-half (4½) feet above grade; or

iii. a palm in the genus of Roystonea and Phoenix (except roebellini) with eight (8) feet or more of wood.
For the purposes of this section, redevelopment is defined as a change of use, an added use such as an additional living unit or an office, or remodeling or demolition of more than fifty (50) percent of the existing interior. Room additions to a structure, which will continue as a one family use do not constitute redevelopment. An application for a building permit to redevelop a one family property within twelve (12) months of previously unpermitted tree removal shall be construed as anticipation of redevelopment and will require tree removal permits and equivalent replacement.

2. Application for a tree removal permit shall be made to the department. Upon receipt of an application for tree removal, the department shall determine the equivalent replacement or equivalent value of each tree to be removed. No permit nor replacements shall be required for removal of Schinus spp. (Pepper Trees, Florida Holly), Metopium toxiferum (Poison Wood), Casuarinas spp. (Australian Pine, Beefwood), Melaleuca spp. quinquinervia and M. leucadendron (Paper Bark Trees), Euphorbia tirucalli (Pencil Tree), Bischofia javanica (Bischofia, Bishopwood), Acacia auriculaeformis (Earleaf Acacia), Araucaria excelsia (Norfolk Island Pine), or Brassia actinophylla (Schefflera).

3. Effort shall be made to design around existing, large, desirable trees. If, as determined by the department, there are large desirable existing tree(s) and the proposed placement of the site plan elements will not save such tree(s) and sufficient root system to support the tree(s), and such tree(s) are capable of being protected by a reasonable modification of said plan, then a tree removal permit may be denied by the department. In addition, if a permit is sought to remove an existing, large, desirable tree because its root system is causing damage to the associated sidewalks, paved areas, or septic systems, or if falling tree debris is staining nearby surface area, then the tree removal permit may be denied by the department if alternatives such as sidewalk bridging, canopy reduction, or trimming have not been considered or attempted, and such action would address the problem while preserving the tree. An alternative or redesigned site plan shall then be submitted.

4. The department shall issue a tree removal permit when the applicant for such permit has agreed to fulfill one (1) of the following requirements:

a. That the tree, if transplanted, will be moved by the applicant following the American National Standards Institute A-300 standards or similar accepted standards as published, to another location within the city and guaranteed by the permit holder for ninety (90) days.

b. That the tree, if destroyed, will be replaced by trees of equivalent replacement, as determined by the department, planted on the site from which the tree was removed. Sufficient room shall remain on the site to allow replacements to establish a mature canopy spread, based on usual growth characteristics of the species. A replacement planting plan may be required.

c. That the tree, if destroyed, will be replaced by new trees of equivalent replacement upon public lands and guaranteed by the donor for three hundred sixty-five (365) days. The replacement species, size and planting location shall be determined by the department.

d. That a tree, if destroyed, will be replaced by a container grown tree or trees of equivalent replacement delivered to the city nursery or other location. The delivery location, as well as the replacement species and size, shall be determined by the department.
e. That the tree, if destroyed, will be replaced by the applicant by providing the equivalent value to the city's tree canopy trust fund.

f. That a specimen tree having a caliper measurement of eighteen (18) inches or more shall be limited to the option of providing equivalent value by cash only deposited to the tree canopy trust fund at the time the removal permit is issued.

5. Any tree removed without a permit having first been issued by the department shall be replaced by equivalent replacement or equivalent value. If the tree removed was a tree required by ordinance, the equivalent replacement shall be made by planting the largest tree reasonably available upon the site. Any remainder of equivalent replacement shall be planted on public property by the violator, at a location determined by the department and guaranteed for three hundred sixty-five (365) days. If the tree removed was a nonrequired tree, equivalent replacement or value shall be provided in accordance with subsection A.4.

6. In the event that insufficient trunk remains of the removed tree so that equivalency cannot be determined thereby, size and equivalency shall be estimated based upon trees of the same species existing in the vicinity, considering, among other things, aerial photographic records and other available data relative to the area.

7. Failure of an applicant to replace a removed tree within sixty (60) days after being notified by the department shall be a violation of this section. Removals necessitated by permitted construction may be replaced after the sixty-day limit, but prior to the issuance of a certificate of occupancy or final use approval.

8. Trees which have been planted and are being grown in a state-certified plant nursery or botanical garden for sale to the general public and are being transplanted in order to be utilized as landscape material do not require tree removal permits.

9. A monetary guarantee may be required to insure compliance with requirements. This bond, cash, letter of credit, or certificate of deposit in favor of the city shall be computed based upon the equivalent value of the tree or trees in question. The subsequent deposit of this monetary guarantee into the tree canopy trust fund shall immediately fulfill tree replacement requirements. Otherwise, when tree planting is used to fulfill the tree replacement conditions, the security shall be held by the city and the guarantee period shall extend at least three hundred sixty-five (365) days past the replacement planting date. The monetary guarantee shall be in addition to any bond required by any other governmental entity.

10. In the event of storms, accidents or other acts of God of an emergency nature by reason of which life, limb or property is in immediate jeopardy, or for trees which have died due to lightning, disease, storm damage, or other natural causes, part or all of the terms and provisions of this section may be waived by the department.

B. Tree services and arborists.

1. All tree services shall register with the department and obtain a certificate of competency before beginning work.

2. Vehicles used by a tree service/arborist operating within the city shall be clearly marked with the name of the tree service/arborist. Certified arborists shall display the certified logo and registration number, if any.
3. A photocopy of the current business tax receipt and city registration shall be available for inspection at each job site.

4. Standards for cutting on or repair to dicotyledonous species shall be in accordance with the American National Standards Institute A-300 standards or similar accepted standards as published.

5. Persons engaged in business as a tree service in the city shall adhere to the American National Standards Institute, A-300 standards or similar accepted standards as published, except for service to the following tree species:
   a. Australian Pine.
   b. Bishopwood.
   c. Brazilian Pepper.
   d. Earleaf Acacia.
   e. Melaleuca.
   f. Norfolk Island Pine.
   g. Pencil Tree.
   h. Poison Wood.
   i. Schefflera.

C. Tree protection.

1. Trees retained on a site shall be protectively barricaded before and during construction activities as approved by the department. A monetary performance assurance instead of or in addition to a protective barricade may be required to ensure protection of a tree or trees or to guarantee restoration of an equivalency. The amount of said assurance shall be based upon the equivalent value of the tree or trees specifically covered. Any assurance required for a "protected tree" shall be four (4) times the equivalent value for that tree.

2. Underground utility lines shall be routed around existing trees to the outside of the dripline. If this is not possible, as determined by the department, a tunnel made by a power-driven soil auger may be used under the tree.

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

4. Any tree which has been declared by resolution of the city commission to be a "protected tree" shall not be removed unless such removal has been approved by resolution of the city commission. When a protected tree is on or adjacent to a site to be developed or redeveloped, the owner, developer or contractor shall take all reasonable measures to prevent damage to the tree and root system out to the natural dripline. The extent of the dripline will be based on diameter and...
species without respect to previous pruning activities.

5. Any owner, tenant, contractor or agent thereof who fails to provide tree protection as stated herein shall be guilty of tree abuse.

D. Tree abuse.

1. Tree abuse is prohibited. Abused trees may not be counted toward fulfilling landscape requirements. Tree abuse shall include:
   
   a. Damage inflicted upon any part of a tree, including the root system, by machinery, storage of materials, soil compaction, excavation, vehicle accidents, chemical application or change to the natural grade.
   
   b. Damage inflicted to or cutting upon a tree which permits infection or pest infestation.
   
   c. Cutting upon any tree which permanently reduces the function of the tree or causes it to go into shock;
   
   d. Cutting upon a tree which alters the natural shape.
   
   e. Hatracking.
   
   f. Bark removal of more than one-third (1/3) of the tree diameter.
   
   g. Tears and splitting of limb ends or peeling and stripping of bark.
   
   h. Use of climbing spikes on any species of tree for any purpose other than total tree removal.
   
   i. Severe neglect of tree nutrition or adequate irrigation necessary for continued growth.
   
   j. Pruning of live palm fronds, which initiate above the horizontal plane.

2. Trees shall be cut in the following manner:

   a. All cuts shall be clean and at junctions, laterals or crotches. Tunneling or drop crotch trimming for overhead utility lines shall be followed.
   
   b. Removal of dead wood, crossing branches, weak or insignificant branches, and suckers shall be accomplished simultaneously with any reduction in crown.

3. An owner of a parcel of land upon which tree abuse has occurred may be required to replant an equivalent replacement upon such parcel, or at a different location selected by the department, within sixty (60) days after being notified by the department.


Sec. 47-21.13. - Removal of trees and dead trees constituting a public nuisance.

A. The existence of any tree, dead tree or stump upon any parcel of land within the city which threatens or endangers the public health, safety or welfare, or which could foreseeably cause the
spread of disease or infestation to surrounding plant life, is hereby prohibited and declared to be a public nuisance.

B. The department shall give notice to the owner upon whose parcel of land such nuisance is located, advising the owner of the same.

C. Such notice shall be served by personal service or certified mail. In the event that the address of the owner is unknown or such certified mail is returned unclaimed or refused, such notice may be served by posting the same in a conspicuous place on the premises upon which the nuisance is located.

D. Such notice shall command the owner to forthwith remove such tree, dead tree or stump no later than thirty (30) days after receipt or posting of the aforementioned notice, whichever is applicable. In the event that such nuisance is not removed by the owner, the city may remove the same or have the same removed and the cost thereof shall constitute a charge and lien against the owner's property to the same extent and character as the lien now granted by law for special assessments for the cost of local improvements.

E. Liens shall be forthwith due and payable, unless the time for payment thereof shall be extended by the city commission, and there shall be applicable thereto the same penalties and rights for sale and forfeiture as may be provided by law for special assessments for the cost of local improvements.

F. Each day any such violation exists shall constitute a separate offense.


Sec. 47-21.14. - Street tree planting.

A. There are many reasons to plant street trees. Depending on canopy density, trees reduce temperatures. They provide shade and visual interest by leaf and bloom color, bark texture, profile and scaffold architecture. They also provide protection and security to the ever increasing pedestrian traffic.

1. Sidewalk and swale tree planting. These are usually individual trees planted at or near the street curb line for aesthetic, environmental and security reasons. Many sidewalk trees are planted and/or maintained by adjacent property owners. It is their voluntary contribution to the city tree canopy.

2. Median tree planting. Street medians form a special area of public park land. Proximity and speed of vehicular traffic influence the tree size category and placement. Tree species classification and size selection is in inverse correlation with proximity and speed of roadway traffic. As speed of traffic increases and median width narrows, size of tree selected should decrease or be moved farther into the center of the median. Median tree plantings serve to provide:

   a. Security to pedestrians crossings wide streets.
   b. A screen for drivers from headlight glare of oncoming traffic.
   c. Blockage of direct sun into the eyes of drivers, especially commuters traveling east and west. An indication of the course of the roadway in the distance.
   d. A protective barricade to head-on collisions with out-of-control vehicles which cross into
the median.

3. *Arbor streets.* The majority of the property owners abutting any street may request establishment of an arbor street. An arbor street is one (1) determined by the city to be suitable for extensive planting of trees. Requests shall be in writing and submitted to the department. The request shall:

   a. Be on a standard form obtainable from the city;
   b. Designate areas to be improved by tree planting;
   c. Contain names of all owners wishing trees to be planted adjacent to or upon their properties;
   d. Evidence a commitment to contribute to the cost of and provide subsequent care, feeding and maintenance of such plantings; and
   e. Contain a proposed planting plan.

B. The department shall coordinate with and obtain recommendations from the appropriate city departments reviewing the arbor street application. Review shall take into consideration the general safety and welfare of the public, the interests of affected property owners, utilities, and municipal services, present and future and shall include but not be limited to onsite inspections of the proposed planting area.

C. When the arbor street request has been reviewed by all departments concerned, the representative of the city shall submit any objections and amendments to the applicants. Should the area be determined by the city to be unsuitable for arbor street purposes, the applicants will be notified of the unsuitability.

D. The application shall constitute an agreement between the city and the applicants. The city commission must approve the application by resolution. The arbor street project shall be implemented in accordance with provisions of the approved plan, and as city resources may permit. The applicants shall supply the planting labor, the city shall supply the trees, or vice versa as the approved plan provides.

E. Trimming of arbor street plantings by adjacent property owners is permitted and all such work shall adhere to the American National Standards Institute, A-300 standards or similar accepted standards as published. Trees existing within an area designated in an arbor street agreement are not to be removed without permit.


**Sec. 47-21.15. - Prohibited landscaping.**

It shall be unlawful to install or relocate Melaleuca spp., Casuarina spp., Schinus spp., or tree type Ficus spp., class "C" or lower.

(Ord. No. C-99-15, § 10, 3-16-99)
SECTION 47-22. - SIGN REQUIREMENTS

Sec. 47-22.1. - General.

A. All signs in the city shall be limited to point of purchase sign, business identification sign, and directional sign. No other kind of advertising sign of any type shall be permitted, except as otherwise provided herein. Any sign authorized by this section shall be allowed to contain noncommercial copy in lieu of commercial or other copy.

B. Purpose of section. This section is intended to regulate signs according to the type of zone in which they are located, and in doing so, to enhance the efficiency of land use and land use planning in the city. In general, this ordinance seeks to regulate on-premise business signs and to allow reasonable advertising area to business establishments. It is meant to eliminate conspicuous excesses in urban advertising but not to destroy the right to advertise. This section regulates signs intended to be viewed from public rights-of-way, vehicular travelways, and waterways. This control extends to advertising signs on boats in canals in the city.

C. Scope of section. This section does not in any manner regulate the written or depicted copy on any individual sign, but only the height, area, location, and other similar aspects of signs and sign structures; nor does this section regulate in any manner purely graphic material as herein defined; noncommercial holiday signs and decorations; signs on products, product containers, or product dispensers; public informational and safety signs; or signs required by local, state, or federal law; window displays or building designs, exclusive of any commercial signage or other commercial communication.

(Ord. No. C-97-19, § 1(47-22.1), 6-18-97)

Sec. 47-22.2. - Definitions.

A. For the purposes of this section, the following terms are defined as follows:

1. Advertising bench: A bench, such as a bus or park bench, for the use of the public and bearing a commercial message.

2. Area of a freestanding sign: The area of that square or rectangle which would enclose all parts of the sign excepting the supporting columns, and strictly decorative design features or embellishment such as mansard roofs, lanterns, clocks, unless such features contain copy or logo or other advertising matter. Area of a sign shall be aggregate of both sides, unless otherwise
provided herein.

3. **Area of a flat/wall sign:** The total area of each square or rectangle which would enclose all parts of each letter, character, or logo which make up a sign as defined herein.

4. **Banner sign:** Any sign possessing characters, letters, illustrations, or ornamentations, or designed so as to attract attention by scenic effect, with or without characters; streamers, and wind-driven whirligigs, or other devices applied to cloth, paper, fabric, or like kind of material either with or without frame and which is not of permanent construction.

5. **Boat dock and docking facility:** A group of commercial boat docks with no support structures (excluding a ticket booth), wherein fishing boats, charter boats, boat rentals, boat dealers, yacht brokers, and other similar commercial boating operations, utilize water frontage and are supplied with common parking.

6. **Business identification sign:** A sign bearing the name, trademark, or symbol of the business located on the property.

7. **Central beach area zoning districts:** Lands zoned into the following zoning categories: Sunrise Lane Area (SLA), North Beach Residential Area (NBRA), A-1-A Beachfront Area (ABA), Planned Resort Development Area (PRD), Intracoastal Overlook Area (IOA), South Beach Hotel and Marina District (SBHMA).

8. **Detached or free-standing sign:** A single or multifaced sign erected on one (1) or more poles which is wholly independent of any building for support.

9. **Directional sign:** A sign within the property designed for the guidance of traffic, that is, entrance and exit signs.

10. **Flat sign:** A sign parallel to the face of any building.

11. **Ground sign:** A detached sign installed at ground level in low profile.

12. **Marquee sign:** A sign attached to a marquee as is customarily used by a theater or hotel. A marquee is recognized as being an integral part of the building and of like material.

13. **Message center sign:** An electronically controlled changeable message sign.

14. **Noncommercial copy:** Any language, wording or expression not related to the economic interests of the speaker and its audience, such speech generally considered to be ideological, political or of a public interest nature.

15. **Outdoor advertising display:** An off-premise, outdoor advertising sign, such sign being commonly referred to as a billboard, poster board, or outdoor advertising board.

16. **Point of purchase sign:** Any sign used for advertising a product or service offered for sale and/or delivered on the premises that is the primary purpose of the business.

17. **Pylon sign:** Any sign structure that is an integral part of the building.

18. **Projecting sign:** A sign projecting at any angle from an outside wall of any building.
19. **Roof signs:** A sign erected entirely above the roof of any building.

20. **Scintillating sign:** A sign with moving parts and/or lights, excepting message center signs. A scintillating sign shall also include a sign which has "chasing action" or "scintillating action." "Chasing action" is the action of a row of lights commonly used to create the appearance of motion, the effect of which is obtained by turning a sequence of lights off at timed intervals so that a group of shadows appear to flow in one (1) direction. "Scintillating action" is that effect which gives the appearance of twinkling lights with such lights blinking on and off in a random or patterned manner.

21. **Shopping center:** A group of commercial establishments planned and designed with common parking and/or using a common name.

22. **Sidewalk or sandwich sign:** Any movable sign not secured or attached to the ground or a structure.

23. **Sign:** Any display of characters, ornamentation, letters, or other display such as, but not limited to, a symbol, logo, picture, or other device used to attract attention, or to identify, or as an advertisement, announcement, or to indicate directions, including the structure or frame used in their display.

24. **Snipe sign:** Any sign or any material including, but not limited to, paper, paint, cardboard, plastic, wood and metal when such sign is attached in any way to trees, motor vehicles, trailers, or waterborne craft or other objects used for advertising purposes.

25. **Strip stores:** A group of commercial establishments in single or multiple buildings utilizing common parking.

26. **Supergraphics sign:** A design or pictorial representation that contains no lettering or business identification or logo used as a sign as defined herein.

27. **Temporary builders sign:** A sign used temporarily solely for the purpose of information concerning improvements on the property where the sign is placed.

28. **Temporary real estate sign:** A sign used for the purpose of temporarily offering the property on which the sign is placed for sale, rent or lease.

29. **Under-canopy sign:** A sign attached to the cantilevered portion of a building whether it be on the same plane as the roof line or not.

30. **Vehicle travelway:** Any alley or parking space way twenty (20) feet or more in width.

31. **Window sign:** Any sign or illustrations or symbols attached to, painted on or affixed by any method directly to the interior or exterior of the glass of any door or window, or within six (6) inches of a window.

(Ord. No. C-97-19, § 1(47-22.2), 6-18-97; Ord. No. C-10-45, § 1, 12-7-10)

**Sec. 47-22.3. - General regulations.**

A. **Advertising benches.** Advertising benches may be permitted subject to regulations established by agreement with the city commission.
B. Awning, canopy, roller curtain or umbrella signs. Awning, canopy, roller curtain or umbrella signs shall be limited to one (1) owner per identification sign, and the total lettering area shall not be over sixteen (16) inches in height nor cover more than half the surface to which applied. Such signs in RM-15, RML-25, RMM-25 and RMH-25 zones shall not exceed twenty-four (24) square feet, and in RMH-60 zones such signs shall not exceed thirty-two (32) square feet. Lettering on awnings eight (8) inches or less in height shall not count in total number of signs located on a property, but shall comply with all other requirements of this Section 47-22.

C. Banner signs. Banner signs are prohibited, except as provided in this section. City-sponsored or co-sponsored events may be advertised provided that such display shall only be permitted as follows:

1. City-sponsored events. Events sponsored solely by the city need not make application.

2. City co-sponsored events.

   a. An application for the display of a banner sign for any such event shall be filed with the department; such application may only be filed by or on behalf of a nonprofit organization or city recognized civic association. The application submitted for display of a banner sign shall include a drawing indicating the utility poles or highway trusses proposed to be used for displaying banners, and a letter or letters of permission from the owner or owners of the poles or highway trusses. Banners may not be displayed on any other structure. If a banner is proposed to be placed upon a utility pole and the owner of the utility pole is not the State of Florida, then the letter granting permission shall also indemnify and hold harmless the city for any damage or injury that occurs as a result of such display. No banners shall be permitted in medians unless there are no utility poles abutting the applicant's property. When banners are proposed to be placed in median areas they shall be placed on utility poles and a site plan must be reviewed and approved by the department. No roadway banner shall be located over a railroad crossing or on an Intracoastal bridge. Banners shall be prohibited from display in medians or swales except as provided for herein.

   b. When display space is available on highway trusses as determined by the appropriate city department, a refundable deposit of one hundred dollars ($100.00) shall be paid to the department to guarantee the removal of the banner within seventy-two (72) hours of the expiration of the permit. Display space shall be allocated on a first-come first-serve basis. A maximum of two (2) banners may be displayed on highway trusses. Each applicant shall only display one (1) banner on a highway truss.

   c. If more than one (1) banner is proposed, the amount of the refundable deposit shall be paid according to the following schedule:

<table>
<thead>
<tr>
<th>Number of Banners</th>
<th>Amount of Deposit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1—10</td>
<td>$100.00</td>
</tr>
<tr>
<td>11—25</td>
<td>300.00</td>
</tr>
<tr>
<td>26—35</td>
<td>500.00</td>
</tr>
<tr>
<td>36—50</td>
<td>700.00</td>
</tr>
<tr>
<td>More than 50</td>
<td>900.00</td>
</tr>
</tbody>
</table>

   d. A non-refundable permit processing and application fee of ten dollars ($10.00) per
e. Any event to be advertised must be physically conducted within the corporate limits of the city.

3. Reserved.

4. Any banner sign permitted to be displayed shall be subject to the following limitations:

a. Display will be limited to a maximum of fourteen (14) days, or longer as approved by the city commission for events lasting more than fourteen (14) days.

b. When a banner sign is to be placed on a highway truss, display shall be limited to one (1) sign per side at any one (1) location.

c. Banners on highway trusses shall be limited in size to three (3) feet by thirty (30) feet and the minimum height clearance of the sign and any appurtenances above the roadway shall be sixteen (16) feet; banners not displayed on highway trusses shall be limited to a maximum size of eight (8) feet by three (3) feet, must be fifteen (15) feet above a roadway, and shall be suspended lengthwise from a utility pole and attached to such pole at each end.

d. The text of a banner shall include the name of the special event, the date or dates of the event and the name or logo of the city and the name or logo of the association or organization co-sponsoring the event. If lettering is used to identify the city and co-sponsoring organizations by name, the lettering shall be uniform and shall not exceed six (6) inches in height. When the logos of the city and co-sponsoring organization are displayed, each shall be no more than eight (8) inches in height. The text of the banner shall not contain product or company logos. The name of a company or product sponsoring such an event may be included in the text of the banner only if it is a part of the name of the event.

e. Display of banners shall be limited to the commercially zoned areas of the following roadway corridors:

   i. Cypress Creek Rd. from corporate limit east to Federal Highway.
   
   ii. Commercial Boulevard from corporate limit east to Intracoastal Waterway.
   
   iii. Oakland Park Boulevard from corporate limit east to Intracoastal Waterway.
   
   iv. Sunrise Boulevard from corporate limit east to State Road A-1-A.
   
   v. Broward Boulevard from corporate limit east to Federal Highway.
   
   vi. Las Olas Boulevard from S.W. 7th Avenue to Intracoastal Waterway.
   
   vii. 17th Street from Federal Highway to Intracoastal Waterway.
   
   viii. Davie Boulevard from corporate limit east to Federal Highway.
   
   ix. Andrews Avenue from 6th Street on the South to 6th Street on the North.
x. Federal Highway from State Road 84 north to N.E. 6th Street.

xi. State Road A-1-A from Oakland Park Boulevard to south Holiday Drive.

xii. Powerline Road.

xiii. State Road 7.

xiv. State Road 84.

xv. Sistrunk Boulevard from Andrews Avenue west to the corporate limit.

xvi. S.W./N.W. 7th Avenue from Las Olas Boulevard north to Sunrise Boulevard.

xvii. S.E./N.E. 3rd Avenue from 17th Street north to Flagler Drive.

xviii. N.E. 4th Avenue from Sunrise Boulevard north to corporate limit.

xix. S.W./N.W. 27th Avenue from Davie Boulevard north to Sunrise Boulevard.

5. This does not exclude the use of authentic flags (national, state, city) or others approved by the department.

6. The restrictions in this subsection C shall not affect the number of American flags displayed at any location for a period of seventy-two (72) hours encompassing any legal holiday, or any other event of a patriotic, memorial or celebratory nature as determined by federal, state, county or municipal policy.

7. Use of all American flags must be in accordance with federal law and the rules established for display of the flag.

D. **Boat dock and docking facility sign.** Boat dock and docking facility signs shall be limited to one (1) detached, freestanding sign as regulated by this section. Such signs may bear the name of the boat docking facility or a directory of tenants, or a combination of the boat docking facility and a directory of tenants. No tenant may occupy more space on the sign than any other tenant. In addition, each boat or dock tenant shall be permitted one (1) sign not more than five hundred seventy-six (576) square inches and not over five (5) feet above the top of the seawall. All such signs shall be the same height above the seawall. In addition, one (1) flat sign may be placed on concession booths subject to the provisions of this section.

E. **Detached freestanding signs and pylon signs.** The leading edge of a detached freestanding sign located in any zoning district shall be located a minimum of five (5) feet from the property line of the lot or plot on which the sign is located. Detached signs located within any zoning district abutting those trafficways subject to the Specific Location Requirements, Interdistrict Corridor Requirements as specified in Section 47-23.9 shall be located a minimum of twenty (20) feet from the property line of the lot or plot on which the sign is located, except for ground signs which shall have a five (5) foot setback, and shall not be located in the sight triangle.

1. **Business zones.** Size and height of freestanding, detached signs. A sign with multiple surfaces shall be limited to an aggregate size of one (1) square foot for each lineal foot of the designated frontage abutting the right-of-way with an aggregate maximum of three hundred (300) square feet and each surface of identical size. A single-face, detached, freestanding sign shall be
limited to one (1) square foot of surface for each two (2) lineal feet of the designated frontage abutting the right-of-way with a maximum size of one hundred fifty (150) square feet. No more than one (1) detached, freestanding sign on any one (1) lot or plot shall be permitted, unless otherwise specifically provided in this section. Except as provided herein, a detached, freestanding sign shall not exceed a height of ten (10) feet above the grade of the street closest to the sign, except a fourteen (14) foot height similarly measured shall be permitted on the following streets:

a. Broward Boulevard, east and west;
b. Commercial Boulevard, east and west;
c. Federal Highway, north and south;
d. Oakland Park Boulevard;
e. Sunrise Boulevard, east and west;
f. State Road 84.

No sign shall exceed a 10:1 ratio of width to height. Notwithstanding any provision to the contrary, signs to be located on a site where development of such site requires approval by the development review committee site plan level II or by the planning and zoning board by site plan level III, or conditional use permit as provided in Section 47-24, Development Permits and Procedures, signs may be permitted at a height or ratio less than the maximum height or ratio permitted by this Section 47-22, but in no instance shall the height or ratio of a sign be permitted to exceed the maximum height or ratio provided in this subsection.

2. Residential zones. Detached, freestanding signs shall not exceed a height of ten (10) feet above the grade of the street closest to the sign. Such signs shall not exceed thirty-two (32) square feet in size, unless a more restrictive limitation is specified in this section. No more than one (1) such sign shall be permitted on any one (1) lot or plot.

3. Landscaping requirements.

a. All detached freestanding signs shall be landscaped underneath the sign. The landscaping shall consist of suitable vegetation and a sufficient irrigation system acceptable to the department. The dimensions of the landscaping shall be at least three (3) feet in width and extend at least the same length as the greatest dimension of the sign when measured parallel to the surface of the ground below the sign.

b. Where the required landscaping area reduces the number of parking spaces required by applicable city regulations for existing buildings, the landscaping area shall be reduced to the extent necessary to accommodate the required parking spaces.

c. The upper surface of the sign foundation shall be located at least eighteen (18) inches below the surface of the ground; provided, that a portion of the foundation may be exposed a maximum of four (4) inches above the surface of the ground in order to expose anchor bolts. The sign structure shall be surrounded by a curb, railroad ties, fencing or other vehicular barrier when determined by the department to be necessary to protect the sign structure and adjacent landscaping.
4. No detached, freestanding sign shall be permitted if a building has incorporated a pylon sign into the structure, and there shall be no pylon sign permitted in conjunction with a detached, freestanding sign.

5. A pylon sign with multiple surfaces shall be limited to an aggregate size of one (1) square foot for each lineal foot of the designated frontage abutting the right-of-way with an aggregate maximum of three hundred (300) square feet and each surface of identical size. A single-face pylon sign shall be limited to one (1) square foot of surface for each two (2) lineal feet of the designated frontage abutting the right-of-way with a maximum size of one hundred fifty (150) feet. A pylon sign shall not exceed a height of thirty (30) feet.

6. Detached freestanding and pylon signs in RM-15, RML-25, RMM-25 and RMH-25 districts shall be limited to twenty-four (24) square feet.

F. Directional signs. In residentially zoned districts, directional signs shall not exceed four (4) square feet in area nor four (4) feet in height. Such signs may be directional, caution or identification and may be illuminated. In business zoned districts directional signs shall not exceed eight (8) square feet in area nor four (4) feet in height. Such signs may be illuminated. No advertising shall be permitted except that no more than twenty-five percent (25%) of each face may be the owner’s name or logo. All such signs shall be located on the property served, and the number shall not be greater than two (2) per curb cut or vehicular access point.

G. Flat signs/wall signs. A flat sign is a painted sign or any sign erected flat against the face of, or not more than eighteen (18) inches from the face of the outside wall of any building and not extending more than eighteen (18) inches above the wall upon which it is placed and supported throughout its length by such wall. No protruding portion of such sign shall be nearer than nine (9) feet to a walk or any area where there is pedestrian traffic; nor shall it extend beyond the wall in a horizontal direction, nor shall it exceed twenty-five percent (25%) of the size of the wall or a maximum of three hundred (300) square feet; providing, however, that a sign placed on a mansard fascia shall be permitted to be erected vertically if the bottom section of this sign does not extend more than eighteen (18) inches from the mansard fascia. Such signs in RM-15, RML-25, RMM-25 and RMH-25 zones shall not exceed twenty-four (24) square feet.

H. Ground sign. Ground signs may be used in any zoning district, except RS-4.4, RS-8 and RD-15, where permitted by ordinance. Such signs may not exceed five (5) feet in height and may not be installed in such a manner that a total height of eight (8) feet above natural grade is exceeded. Ground signs shall conform to size specifications as shown in subsection E.1. Ground signs shall have a minimum setback of five (5) feet from the front property line and a minimum of five (5) feet from interior side property line. Such signs in RC-15, RM-15, RML-25, RMM-25 and RMH-25 zones shall not exceed twenty-four (24) square feet. Such signs shall not be located within the twenty-five (25) foot sight triangle as described in this section.

I. Marquee sign. Marquee signs shall be attached to any face of a marquee but no closer than two (2) feet from the edge of the curb or sidewalk. Such signs shall not extend above or below the face of the marquee. No portion of such sign shall be nearer than nine (9) feet to a walk or any area where there is pedestrian traffic.

J. Message center signs. Message center signs shall only be permitted in accordance with the following review processes and requirements:
1. **Application.** An application to construct a message center sign shall, in addition to the requirements provided in section 47-24, Development permits and procedures, include the following:

   a. A description of each of the characteristics provided in subsection J.4. and how the proposed message center sign addresses each of these criteria.

   b. Provide an opinion from an expert in message center signs describing how the proposed message center sign and its characteristics will protect the public health, safety and welfare. City may have its own message sign consultant analyze a proposed message center sign at the cost of applicant.

2. **Standards.** Message center signs shall meet the following minimum and maximum requirements, but are subject to additional criteria provided in subparagraph 4. below.

2.1.1. **Purpose:** Message center signs may only be permitted on a development site that meets the following:

   a. A building or facility primarily used for public assembly, the presentation of entertainment or athletic events or the holding of public expositions, fairs and conventions, or some combination thereof is located on the development site; and

   b. The building or facility seats at least twelve thousand (12,000) persons and has two hundred thousand (200,000) square feet in floor area; or

   c. The development site is at least seventy (70) acres; and

      ii. There are at least three (3) buildings or facilities on site that in total, seat at least four thousand (4,000) persons; and

      iii. The buildings or facilities in total have a minimum square foot floor area of one hundred thousand (100,000) square feet; and

      iv. The building or facilities are used for the purposes provided in 2.1.1.a.

   d. For both 2.1.1.b. or c., messages on a message center sign shall be limited to providing information for on-premise events.

2.1.2. **Location.** The location of a message center sign shall be as follows:

   a. A message center sign may only be located on a development site that abuts a regional right-of-way with a minimum width of one hundred (100) feet as shown on the Broward County Trafficways Plan; and

   b. A message center sign shall not be permitted in a residentially zoned district nor be within three hundred (300) feet of any residentially zoned property. The measurement shall be taken from the outer-most edge of the sign closest to the residential property to the closest point located along the residential property line. In measuring the 300 foot distance, an intervening public right-of-way or waterway shall not be included in the measurement.

2.1.3. **Dimensional requirements.** The setbacks, height and size of the sign shall be as follows:
a. Maximum ten (10) feet in height above natural elevation of the ground adjacent to the sign;

b. Maximum twelve (12) feet in width;

c. Maximum one hundred twenty (120) square feet of sign face per side; and,

d. Seventy-five (75) square feet of digital display area per side.

e. Notwithstanding the dimensional limitations of subsection 47-22.J.2.1.3.a, message center signs may exceed the maximum dimensional requirements if located on Broward Boulevard, east and west; 17th Street Causeway; State Road 84 west of I-95 and U.S. 1/Federal Highway subject to the following:

i. Maximum of twenty (20) feet in height above natural elevation; and

ii. Maximum of twenty (20) feet in width; and

iii. Maximum of three hundred (300) square feet of sign face per side; and

iv. Maximum of one hundred twenty (120) square feet of digital display area per side.

f. The supporting structure of a message center sign shall be subject to the following:

i. Support structure(s) shall not exceed six (6) feet in height; and,

ii. Support structure(s) shall have a decorative finish and design.

g. Yard Setbacks for message center signs shall be subject to the following:

i. Minimum of a ten-foot yard setback measured from the closest point of the sign to the property line or measured from the closest point of the sign and a paved walkway for public use, whichever setback is greater; and,

ii. Message center signs shall not be placed in the required sight triangle.

2.1.4. **Display characteristics.** The display portion on a face of a message center sign shall comply with the following:

a. Sequencing, or the rate at which frames of information change, shall be a minimum rate of one and one-half (1½) and shall not exceed the rate of three (3) seconds.

b. Delay time at the end of a sequence of frames shall be a minimum of one and one-half (1½) and shall not exceed three (3) seconds.

c. There shall be no exposed incandescent light bulbs. All lamps or bulbs shall be covered.

d. In no case shall any incandescent bulb exceed four (4) watts.

e. Letters may scroll only from left to right, from top to bottom or from bottom to top. Letters may also "coalesce" or fade in and out. No flashing, zooming, twinkling, sparkling, scintillating or revolving sequencing may be displayed. No delivery method that resembles
flashing shall be permitted. No display or illumination resembling traffic signals or implying the need or requirement to stop may be displayed. Streaming video shall not be permitted.

f. Messages shall be limited to providing information for on-premise events.

g. No message center sign shall incorporate into the graphic display any use of colors identical to or similar to colors used for traffic signalization or used by police, and no message shall include graphics and words which are identical to or similar to signage used for traffic direction and control.

h. Illumination shall be limited to a level no greater than 0.3 foot candles above the ambient light levels at the given location. Foot candle readings shall be taken at the ground level at a maximum of one hundred fifty (150) feet from the face of the sign.

i. Signs shall be equipped with both a dimmer control and a photocell, which will automatically adjust the display's intensity according to the natural ambient lighting conditions and maintain the display within the illumination intensity as described in this section.

j. Signs shall not produce noise such as audio tracks, sound effects, etc. Noise emitting from the operation of the sign itself shall be minimal.

k. Signs shall contain a default mechanism that shall automatically freeze the image or turn the sign off in the case of a malfunction or the sign shall be turned off within twenty-four (24) hours of a malfunction.

l. Applicant shall submit a certificate issued by a recognized sign professional certifying that all of the requirements provided in this subsection (a) through (k) have been met.

2.1.5. Additional requirements.

a. Freestanding message center signs shall comply with the landscaping requirements of section 47-22.3.E.3.

b. Message center signs shall be constructed of materials that are compatible with the principal structure, and of similar, compatible architectural design as the principal structure.

c. Message center signs located at government owned or government operated facilities may provide public service messages about governmental, public service, cultural or educational activities, sponsored by the same governmental entity, scheduled to take place either at the location where the sign is located or at governmental facilities of the same governmental entity other than the facility where the message center sign is located.

d. Message center signs, time, and temperature units in existence at the time this regulation is adopted (July 16, 1996) shall have nine (9) years from the date of adoption to meet the colored letters requirement provided in this subsection J.

3. Review process.

a. Approval of a site plan level I permit as described in section 47-24.2 and review and approval by the city commission.

b. A review of the application from the department shall be forwarded to the city
commission and scheduled on a city commission agenda within thirty (30) days of the completion of department review or such date thereafter as soon as the same may be scheduled.

4. **Criteria.** An applicant must show that the request for approval of a message center sign meets the following criteria and the reviewing body shall consider the application based on such criteria:

   a. The proposed sign meets the standards provided in this section 47-22, subject to modification in accordance with the following:

   b. As applicable to the display portion of the sign:

      i. The duration of the message change interval is controlled so that the interval is not obtrusive.

      ii. No message shall appear to be written on or erased from the display piecemeal unless required by the technology in which case the maximum time limit shall be set for the complete message change so that passing motorists cannot read the message during the change.

      iii. The driver is given sufficient time to read the complete message and can be reassured that he has seen the entire display.

      iv. The brightness and contrast does not cause a motorist disabling or discomforting glare or lead to the inability of the driver to read nearby official signs or negatively impact night vision.

      v. The size of the lettering spacing and typeface message is conveyed to the motorist quickly, clearly and unambiguously given the constraints imposed by vehicle speed and vibration, changing lighting and weather conditions.

   Signs that display not more than four (4) lines of text with letters at one (1) time, with all letters at least six (6) inches high, shall be deemed to have met the criteria in subsections i. through v. above.

   c. Design features are added that minimize contrast between the message center sign, the building on the development site, the natural environment surrounding the development site and adjacent development. Additional landscaping, modification of location, height and size, color and shape and other elements of the sign, and the display including the lettering, are all examples of what may be varied in a development order approving a message center sign.

   d. Section 47-25.3.A.e. Neighborhood compatibility and preservation shall apply.

5. **Effective date of approval.** The approval of a message center sign shall take effect on the date a resolution is adopted by the city commission approving such sign with whatever conditions necessary to ensure that the requirements of this subsection J. have been met.

K. **Outdoor advertising display signs.** Reserved.

L. **Point of purchase signs.** Point of purchase signs may be any type of sign permitted by ordinance, but such signs shall be restricted to advertising the primary purpose of the business operation located
on the same property. Point of purchase signs do not include business identification or directional signs as permitted by this ordinance. No more than two (2) products or services provided on the lot or plot where the sign is located may be advertised on the sign. Business identification or directional signs are not point of purchase signs for purposes of this section. Area of point of purchase signs are to be calculated as part of the allowed flat/wall sign.

M.  **Pylon signs.** Pylon signs may be used in any zoning district where permitted by ordinance as specified in this section.

N.  **Projecting signs.** Projecting signs shall be permitted to project no more than three (3) feet from the building wall and no more than eighteen (18) inches above the roof or parapet. Such signs shall be no closer than two (2) feet from the curb or edge of the sidewalk, and no closer than nine (9) feet to the walkway below. All projecting signs shall be installed or erected in such a manner that there shall be no visible support structures such as angle irons, guy wires or braces.

O.  **Roof signs.** Roof signs are hereby prohibited.

P.  **Shopping center or strip store signs.** Shopping center or strip store signs shall be limited to one (1) detached, freestanding sign for each street front as regulated by this section. The maximum number of detached, freestanding signs shall be two (2) for any single lot or plot. Such signs may bear the name of the shopping center or a directory of occupants, or a combination of the shopping center name and a directory of occupants. No occupant may occupy more space on the sign than any other occupant. In addition, each store, office or place of business shall be permitted no more than one (1) flat sign (excluding freestanding detached signs and eight-inch lettering on awning signs), except when a store, office or place of business faces two (2) street fronts or vehicle travelways, then one (1) flat sign facing on each street front shall be permitted. If two (2) flat signs are to be erected, then the total aggregate area of the two (2) flat signs shall not exceed three hundred (300) square feet. No sign will be permitted above the ground floor level where the structure exceeds one (1) level in a shopping center or strip store.

Q.  **Scintillating signs.** Scintillating signs are hereby prohibited.

R.  **Sidewalk, sandwich or movable signs.** Sidewalk, sandwich or movable signs are hereby prohibited.

S.  **Snipe signs.** Snipe signs are hereby prohibited.

T.  **Supergraphics signs.** Supergraphics signs are a special permitted use on building walls in any zone; provided, however, the design for the supergraphics has been reviewed and approved by the building and zoning department under the criteria as follows:

1.  The proposed general design, arrangement, texture, material, colors, lighting, placement, and the appropriateness of the proposed sign in relationship to other signs and the other structures both on the premises and in the surrounding areas, and only approve signs which are consistent with the intent, purposes, standards, and criteria of the sign regulations.

2.  The number of items (scenes, symbols, shapes) shall be consistent with the amount of information which can be comprehended by the viewer and avoid visual clutter.

3.  The shape of the sign shall not create visual clutter.
4. The size, style, and location of the sign shall be appropriate to the activity of the message.

5. The sign shall complement the building and adjacent buildings by being designed and placed to enhance the architecture.

6. The sign should be consolidated into a minimum number of elements.

U. Temporary builders signs. Temporary builders signs will be permitted anywhere in the city, subject to the following restrictions and conditions:

1. In all residentially zoned districts, except RO, ROA and ROC, such signs shall not exceed four hundred eighty (480) square inches in area, where the building plot abuts only one (1) street and not more than two (2) of such signs facing on different streets, except where a sign is installed on a tool house, and then the total area of such sign shall not exceed sixteen (16) square feet. No other temporary building sign shall be allowed on the plot.

2. In RO, ROA and ROC zones and all other districts, a single sign of not more than sixteen (16) square feet of advertising surface will be permitted.

3. Such signs may not be erected more than ninety (90) days prior to the beginning of actual construction of the project and must be removed when construction is completed, except that renewal permits may be granted for ninety (90) day periods.

4. A permit for a temporary builders sign shall be secured prior to the placing of the same, and if project construction is not commenced within ninety (90) days after a sign permit is issued, or if such construction should not be continuous after the issuance of such permit and the commencement of construction, said sign shall forthwith be removed.

5. All advertising connected with any project shall be included only on temporary builders signs.

6. No permit may be issued to re-erect a temporary builders sign until the building permit has been reissued or a new building permit secured.

V. Temporary real estate signs. In all residential districts, no permit shall be required for temporary real estate signs. In all residential districts in the city, no temporary real estate sign ("For Sale," "For Rent" or "For Lease") shall be permitted except those erected by the property owner or the owner's agent, and such signs shall be subject to the following conditions:

1. The wording on such signs shall be limited to the phrases, "For Sale by Owner," "For Rent by Owner," "For Lease by Owner," "For Sale by Owner's Agent" and "For Rent by Owner's Agent," and may carry the telephone number of the owner or the owner's agent or the phrase, "Inquire Within," or "See Your Broker" or any other information relating to the premises except that said sign shall contain the registered name of the selling broker and the term "Broker" or "Realtor" as the case may be.

2. In residentially zoned districts, except in RO, ROA and ROC, the size of each sign shall be limited to an area of not more than four hundred eighty (480) square inches per side, and may permit lettering on both front and rear. In RO, ROA, ROC, and all other districts, such signs shall be limited to sixteen (16) square feet. No more than two (2) accessory signs may be placed on a temporary real estate sign and their area shall be included within the four hundred eighty (480) square inches allowed.
3. One (1) temporary real estate sign for each street front shall be permitted on a property and shall relate only to the premises on which it is erected. The word "property" is defined as one (1) or more lots, part of a lot or parts of lots as may constitute the extent of the property being offered for sale, rent or lease. This shall not exclude the temporary use of an "open house" sign not to exceed four hundred eighty (480) square inches in area, to be used only when the owner or agent is on the premises. In addition, one (1) off premise "open house," self-sustaining directional sign, located on one (1) parcel of property, will be permitted between the hours of 9:00 a.m. to 6:00 p.m., provided the sign is located on private property with the written permission of the property owner. Wording of the sign shall be limited to the words "open house" and shall contain the name of the sign owner or the name of the real estate agency. The sign shall neither exceed four hundred eighty (480) square inches in area nor be erected to exceed a height of three (3) feet above ground level. In addition to any penalty for violation of the foregoing provisions regulating "open house" signs, any such sign which does not comply with the provisions will be removed by the city and will not be returned to its owner until a retrieval fee of five dollars ($5.00) per sign is paid.

4. In all business areas in the city, no temporary real estate signs ("For Sale," "For Rent" or "For Lease") will be allowed having more than sixteen (16) square feet in area. No fees shall be charged for such signs nor shall a permit be required therefor.

W. Under-canopy sign. The bottom of any sign installed under a canopy shall not be less than seven (7) feet six (6) inches above grade over public property, nor shall such sign extend beyond the outside edge of the canopy nor be closer than eighteen (18) inches to the outside edge of the curb or sidewalk. Under-canopy signs in a shopping center or a group of strip stores shall be a minimum of seven (7) feet six (6) inches from the bottom of the sign to the private sidewalk or other surface below. No sign shall be permitted on the upper surface of any canopy. No under-canopy signs shall exceed eight (8) square feet and all such signs shall be perpendicular to the face of the building. Under-canopy signs shall not be counted in determining the maximum number of signs permitted at a location pursuant to this Section 47-22

X. Window signs.

1. No window signs shall exceed twenty percent (20%) of the glass surface to which it is directly applied.

Y. Sandwich signs. Sandwich signs, including sidewalk, sandwich and movable signs, shall only be permitted in accordance with the following review process and requirements:

1. Location. The location of a sandwich sign must comply with the following requirements:

   a. Located in a place associated with an on-site permitted retail sales, service use or both; and

   b. Located on a paved private walkway in a manner that a minimum five-foot clear pedestrian path on the walkway is maintained at all times and the walkway continues to meet minimum ADA requirements; and

   c. Removed and brought inside a building when there are storm warnings so as not to become a hazard during a storm event; and
d. Not located within a parking facility, within required landscaping or on public right-of-way or public sidewalk; and

e. Placed in a location directly abutting the tenant or business for which it is associated; and

f. Is removed and brought indoors during the hours the business is closed.

2. **Dimensional requirements.** The setbacks, height and size of a sandwich sign shall be as follows:

   a. Maximum of forty-three (43) inches in height; and

   b. Maximum of thirty-six (36) inches in width.

3. **Display characteristics:**

   a. No sandwich sign shall display or incorporate into the graphic display colors identical to or similar to colors used for traffic signalization, direction or control; and

   b. All information advertised must directly relate to the business being conducted in the tenant space for which the sign is associated.

4. **Number.** One (1) sandwich sign shall be permitted per tenant or business located on a development site.

5. **Review process:**

   a. Approval of a site plan level I permit as described in section 47-24.2

Z. **Banner signs.** Banner signs shall only be permitted in accordance with the following review process and requirements:

1. **Standards.** Banner signs shall only be permitted within a shopping center that meets the following criteria:

   a. The development site on which a shopping center is located is no closer than 250 feet from any public right-of-way that is seventy feet or more in width measured at the closest points of the development site and the right-of-way; and

   b. The development site on which the shopping center is located has a minimum of fifteen (15) acres; and

   c. There are at least ten (10) different tenants or businesses within the shopping center.

2. **Location.** Banner signs shall be located on the development site in accordance with the following:

   a. Minimum twenty (20) feet from all property lines; and

   b. Shall be attached to an existing light pole contained wholly within the on-site parking facility associated with the development site; and
c. No banner sign shall be visible from adjacent residential property.

3. **Number.** No more than four (4) light poles per one (1) acre of on-site surface parking lot shall be utilized for the display of banner signs.

4. **Dimensional requirements.** The setbacks, height and size of a banner sign shall be as follows:
   a. Maximum of forty-eight (48) inches in height; and
   b. Maximum of thirty (30) inches in width.

5. **Display characteristics:**
   a. No banner sign shall display or incorporate into the graphic display colors identical to or similar to colors used for traffic signalization, direction or control; and
   b. All information advertised must directly relate to the businesses being conducted by the tenants of the shopping center for which the sign is associated. This does not prohibit decorative banners such as banners with a holiday theme.

6. **Additional criteria:**
   a. Banner signs may not be illuminated through any means other than existing lighting approved for the development site; and
   b. Material must consist of vinyl or a similar material designed for prolonged exposure to the elements; and
   c. Banner signs shall be kept in good condition. Any banner sign that is torn, faded or damaged in any way shall be removed.

7. **Review process.**
   a. Approval of a site plan level I permit as described in Section 47-24.2

(Ord. No. C-97-19, § 1(47-22.3), 6-18-97; Ord. No. C-04-3, § 7, 2-3-04; Ord. No. C-04-61, § 1, 11-16-04; Ord. No. C-06-04, § 1, 2-7-06; Ord. No. C-10-45, § 2, 12-7-10; Ord. No. C-10-46, § 3, 12-7-10)

Editor's note—It should be noted that § 4 of Ord. No. C-10-46 provides, "That at the end of the twenty-month period described in Section 2 of this Ordinance, the Pilot Program shall end and the regulations provided herein permitting banner and sandwich signs will terminate and be of no further force and effect."

Sec. 47-22.4. - Maximum number of signs at one location and special requirements in zoning districts.

A. **Business and RMH-60 zones.** The following regulations shall apply in all business zoning districts and in and RMH-60 zoning districts:

   1. **Single business buildings.** The total number of signs on any one (1) lot or plot shall not exceed four (4). The signs shall be limited and oriented to be viewed from the streets and vehicle travelways abutting the lot or plot as follows (streets and vehicle trafficways that are located
### DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

#### SECTION 47.39.

#### A.

**MELROSE PARK AND RIVERLAND ROAD**

<table>
<thead>
<tr>
<th>Number of Streets or Vehicle Travelways</th>
<th>Maximum Number of Signs</th>
</tr>
</thead>
<tbody>
<tr>
<td>One (1) street or one (1) travelway</td>
<td>Two (2) signs, no more than one (1) being a freestanding sign</td>
</tr>
<tr>
<td>One (1) street and one (1) or more vehicle travelways</td>
<td>Three (3) signs, no more than one (1) being a freestanding sign</td>
</tr>
<tr>
<td>Two (2) streets and no vehicle travelways</td>
<td>Three (3) signs, no more than one (1) being a freestanding sign</td>
</tr>
<tr>
<td>Two (2) streets and one (1) vehicle travelway</td>
<td>Three (3) signs, no more than one (1) being a freestanding sign</td>
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<tr>
<td>Two (2) streets and two (2) or more vehicle travelways</td>
<td>Four (4) signs, no more than one (1) being a freestanding sign</td>
</tr>
<tr>
<td>Three (3) streets and no vehicle travelways</td>
<td>Four (4) signs, no more than two (2) being freestanding signs</td>
</tr>
<tr>
<td>Four (4) streets and no vehicle travelways</td>
<td>Four (4) signs, no more than two (2) being freestanding signs</td>
</tr>
<tr>
<td>Four (4) streets and one (1) or more vehicle travelways</td>
<td>Four (4) signs, no more than two (2) being freestanding signs</td>
</tr>
<tr>
<td>Five (5) streets and no vehicle travelways</td>
<td>Four (4) signs, no more than two (2) being freestanding signs</td>
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</tbody>
</table>

2. **Multiple tenant office buildings.** Any building which contains two (2) or more office tenants will be permitted one (1) building identification flat sign on each street frontage and only one (1) building identification ground sign. However, when located on three (3) street fronts then two (2) building identification ground signs shall be permitted. Ground signs may contain street number and street name. A wall directory sign will be permitted at each building entrance provided that such directory sign may not exceed a total of eight (8) square feet.

3. **Multiple tenant office buildings with ground level stores.** Any building as defined in subsection A.2, which contains ground level store(s), shop(s) or bay tenant(s) shall be permitted one (1) sign for each individual store, shop or bay per street front or vehicular travelway. Such signs shall not extend beyond the ground floor level. All such signs shall be identical in color and installed at a uniform height above ground level. Letters for all signs shall not exceed twenty-four (24) inches in height and shall be identical in physical design.

**B. Residential zones.** As used in this section, the term "location" means that area for which a site plan has previously been filed with the city.

1. The maximum number of signs for any one (1) location in multi-residential zones shall be as follows:
   - a. **RM-15:** one (1) sign.
b. RML-25: one (1) sign.

c. RMM-25: one (1) sign.

d. RMH-25: one (1) sign.

2. However, if any location has more than one (1) street frontage, one (1) sign shall be permitted on each street frontage not exceeding a total of four (4) signs, three (3) of which must be placed and situated on the existing building at any such location.

C. Special regulations. The following special regulations shall apply in the zoning districts indicated and shall prevail over any conflicting regulations contained in the ULDR:

1. In the RM-15, RML-25 and RMM-25 districts, signs shall contain only the name of the business, building or establishment located on the same lot or plot.

2. In the RMH-25 district, the location, size, character, height and orientation of signs shall be included in a development plan subject to department Permits and Procedures, site plan level I, as provided in Sec. 47-24.2

3. In the RMH-60 and RMH-25 districts, signs advertising restaurants, dining rooms and cocktail lounges which are accessory to hotels or motels located on the same lot or plot shall be limited as follows:

   a. For each street front, one (1) sign, not to exceed fifteen (15) square feet in area shall be allowed for each one hundred (100) feet of street frontage or fraction thereof, but in no case shall the total number of such signs exceed two (2) signs per street frontage.

4. In the RMH-60 district, the location, size, character, height and orientation of signs shall be included in a development plan subject to department Permits and Procedures, site plan level I, as provided in Sec. 47-24.2

5. In the RO and ROA districts, no roof sign, projecting sign, marquee sign, billboard sign, banner sign or animated sign shall be permitted; each building occupied by a permitted use as a principal use may have one (1) wall sign not exceeding two (2) feet in width or ten (10) feet in length; each building site occupied by a permitted use may have one (1) ground sign not exceeding three (3) feet in width or five (5) feet in length, the top of which shall not be over five (5) feet above the ground; and each building site may have directional signs each not over two (2) square feet in area and not extending over three (3) feet above the ground.

6. In the ROC district, the location, size, character, height and orientation of all signs shall be included in a development plan in accordance with the site plan subject to department Permits and Procedures, site plan level I, as provided in Sec. 47-24.2

7. In any zoning district abutting those trafficways subject to the requirements for Specific Location Requirements, Interdistrict Corridor Requirements as specified in Sec. 47-23.9, ground signs and directional signs as described in this section may be permitted in the setback area, but in no case closer than five (5) feet from a property line.

8. If a sign is part of an overall development which requires a development permit the location, size, character, height, and orientation of such sign(s) shall be included in the development plan.
UNIFIED LAND DEVELOPMENT REGULATIONS
Chapter 47 - UNIFIED LAND DEVELOPMENT REGULATIONS
ARTICLE XV. - ANNEXED AREAS
SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

and approved pursuant to the same provisions as that which apply to the overall development.

9. In the AIP district, there shall be no ground signs other than a single one facing a public street announcing the name and/or insignia of the business building or establishment located on the same lot or plot. Such sign shall not exceed one hundred twenty (120) square feet in area, nor shall it extend more than five (5) feet above the finished street level of the nearest street. One (1) additional identification sign may be attached to the main structure to announce the name and/or insignia of the business. This provision shall not be interpreted to include signs painted directly on the wall, but are to be constructed with, or constructed and placed on, the structure. Such sign shall not extend above roof level nor exceed one percent (1%) of the wall space upon which it is placed, and in no event shall exceed sixty (60) square feet in size. Signs shall not be illuminated by exposed tubes, bulbs or similar light sources, nor may they be of the flashing, rotating, or animated type. Signs may, however, be illuminated by shielded spotlighting.

10. In the GAA district, all identification and/or insignia signs must first be approved by the department as a site plan level I, as being consistent with the purposes and intent of the GAA district.

11. In the H-1 district, the signs shall comply with the requirements set out in Section 47-16, Historic Preservation District.

12. In any parking lot located in a residential zoning district, all signs shall be nonilluminated ground signs, each not exceeding six (6) square feet in area and four (4) feet in overall height above the ground. Such signs shall be of the caution, directional or owner-identification type.

13. In the Central Beach Districts, as described in Section 47-12, and in the Downtown Regional Activity Center (RAC) Districts, as described in Section 47-13, all signs shall comply with the following:

   a. Freestanding detached signs, pylon signs, projecting signs, roof signs, billboards, window signs, message center signs and time and temperature units shall be prohibited. Notwithstanding this prohibition, ground signs shall be permitted in accordance with the requirements of this section.

   b. Marquee signs shall be permitted and will be approved under the procedures for developments of limited impact in accordance with the provisions of Section 47-12, Central Beach Districts. Such signs shall be limited to an area of ten percent (10%) of the marquee area upon which the sign is to be erected or sixty (60) square feet, whichever is less. When a marquee sign is proposed to be larger than set out above, then such sign shall only be permitted in the central beach area zoning districts if approved as a development of intermediate impact in accordance with the provisions of Section 47-12, Central Beach Districts, and in the RAC districts if it receives a site plan level III permit.

   c. Ground signs shall be permitted and shall be limited to five (5) feet in height and thirty-two (32) square feet in surface area and shall be set back five (5) feet from any property line if both sides of such a sign have copy. If copy appears only on a single side of such sign, then two (2) such signs of sixteen (16) square feet each shall be permitted on either side of an entranceway and said signs shall be setback five (5) feet from property line and not within five (5) feet of the edge of any pavement or sidewalk.
d. Flat signs shall be permitted and shall be limited as follows:
   
   i. If such sign is to be located within sixty (60) feet of ground level, then such sign shall be no larger than ten percent (10%) of the wall area upon which it is to be erected or one hundred twenty (120) square feet, whichever is less.

   ii. If such a sign is to be located between sixty-one (61) feet and one hundred (100) feet above ground level, then such a sign shall be no larger than ten percent (10%) of the wall area upon which it is to be erected or two hundred (200) square feet, whichever is less.

   iii. If such sign is to be located over one hundred (100) feet above ground level, then such a sign shall be no larger than ten percent (10%) of the wall area upon which it is to be erected or three hundred (300) square feet, whichever is less.

   iv. A flat sign is a painted sign or any sign erected flat against the face of, or not more than eighteen (18) inches from the face of the outside wall of any building and not extending more than eighteen (18) inches above the wall upon which it is placed and supported throughout its length by such wall. No protruding portion of such sign shall be nearer than nine (9) feet to a walk or any area where there is pedestrian traffic; nor shall it extend beyond the wall in a horizontal direction; provided, however, that a sign placed on a mansard fascia shall be permitted to be erected vertically if the bottom section of this sign does not extend more than eighteen (18) inches from the mansard fascia.

   e. Accessory use signs shall be permitted in accordance with subsection C.3.

   f. Undercanopy signs shall be permitted in the ABA zoning district and within the RAC districts along pedestrian priority designated streets only and shall be limited to one (1) sign per separate entranceway for a business and such signs shall not exceed eight (8) square feet in total area.

   g. Directional signs shall be permitted and shall be limited to four (4) square feet in total, two (2) square feet per side, four (4) feet in height.

   h. Flags shall be permitted and shall be limited in number to one (1) flag for each fifteen (15) lineal feet of street frontage per building site.

   i. Boat docking facilities having no supporting facilities shall be permitted to erect one (1) ground sign per facility which sign shall be limited to thirty-two (32) square feet. Each boat or boat slip shall be permitted a sign of four (4) square feet that shall not exceed five (5) feet in height above the top of the seawall.

   j. Awning signs shall be permitted and shall be limited to sixteen (16) square feet and shall be erected in accordance with the provisions of Sec. 47-22.3.B.

   k. The number of signs at each site shall be limited in accordance with the provisions of this section.

   l. When any sign is proposed to be constructed or erected which does not comply in all respects with the requirements for signs in the central beach zoning districts and in the downtown RAC districts, then such signs shall only be permitted in the central beach zoning
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m. Amortization period. All signs in the central beach zoning districts shall comply with the requirements of this section by October 11, 1996. All signs in the downtown RAC districts shall comply with the requirements of this section by June 28, 2002.

(Ord. No. C-97-19, § 1(47-22.4), 6-18-97)

Sec. 47-22.5 - Political campaign signs.

A. A political campaign sign is any sign urging the election or defeat of any candidate seeking any political office or urging the passage or defeat of any ballot measure.

B. Political campaign signs may be displayed in show windows of all business establishments. All other political campaign signs shall be erected or placed only upon private property and shall comply with all requirements of this chapter applicable to commercial signage, except the requirements of Sec. 47-22.10.

C. Each candidate for municipal office shall make a good faith effort to remove all of his political campaign signs within thirty (30) days after withdrawal of his candidacy, having been eliminated as a candidate, or being elected to office, whichever occurs first.

D. If any political campaign sign is erected or placed upon public property or is not removed within the time periods specified in subsection C, the city shall have the authority to remove such sign and may charge the candidate the actual cost for such removal.

E. The provisions of the ULDR shall not apply to political campaign signs placed on motor vehicles.

F. Political campaign signs shall not exceed four hundred eighty (480) square inches in residential districts except in RO, ROA and ROC. In RO, ROA and ROC and all other districts, political signs shall not exceed sixteen (16) square feet. Lettering is permitted on both sides of the sign. The number of political campaign signs permitted shall be calculated in the same manner as other signs and political campaign signs shall be permitted in addition to all other signage.

(Ord. No. C-97-19, § 1(47-22.5), 6-18-97)

Sec. 47-22.6 - Detailed requirements governing signs and advertising displays.

A. Not to interfere with public. Any sign or advertising display or any item, device, seating arrangement, structure or any movable object shall not create a traffic or fire hazard, or be dangerous to the general welfare or interfere with the free use of public streets or sidewalks.

B. Avoidance of fire hazard. There shall be no weeds within a radius of ten (10) feet of any sign or advertising display or billboard, and no rubbish or debris shall be permitted so near thereto that the same shall constitute a fire hazard.

C. Imprint of owner's name or maker's name. All signs and advertising displays shall be marked with the maker's name, registry number of permit and, for incandescent lamp signs, the number of lamp holders; and for electric discharge signs with an indication of the input amperes at full load and input voltage. All transformers shall be marked with the maker's name and the input rating in amperes or volt amperes, the input voltage, and the open circuit high tension voltage. All such markings for any sign or
advertising display shall be visible for inspection after installation.

D. **Obstruction of doors, windows and fire escapes.** No sign or advertising display shall be attached to or placed against a building in such a manner as to prevent ingress or egress through any door or window, nor shall any sign or advertising display obstruct or be attached to a fire escape.

E. **Posting or tacking notices and signs.**

   1. No person shall paint, paste, print, nail or fasten in any manner whatsoever any banner, sign, paper, flag or any advertisement or notice of any kind, on any curbstone, flagstone, pavement or any other portion or part of a sidewalk or street, or upon any trees, lamppost, parking meter post, telephone or telegraph pole, hydrant, traffic sign, fence, bridge, workshop or tool shed, or upon any structure within the boundaries of any streets within the city unless otherwise permitted hereunder. The posting or tacking of any banner, sign, handbill, advertisement, flag or notice of any kind upon any private wall, window, door, gate, fence, electric light post, telephone pole or upon any other private structure or building, other than flags on flag poles, is hereby prohibited. Legal notices required by law to be so posted are hereby excepted.

   2. An exception to this prohibition is made for banners erected in accordance with the provisions of Sec. 47-22.3.C and holiday decorations erected in accordance with the provisions of Sec. 47-22.7.A.4. No person shall cause any act prohibited under this Sec. 47-22.6 to be attempted or accomplished by any other person.

F. **Kept in good repair.** All signs and advertising displays must be kept in good condition and a good state of repair and must further be well painted and neatly maintained. Any sign or advertising display which becomes or has become at least fifty percent (50%) destroyed shall be deemed a public nuisance and shall be removed by the owner of the sign or advertising display or the owner of the premises upon which the same is situated in accordance with the procedures outlined in subsection H.

G. **Vacated buildings.**

   1. Any nonconforming sign shall be removed immediately upon a change of tenancy. All signs in conformance with this section shall be removed, altered or resurfaced not later than sixty (60) days after any tenancy ceases. In the event of noncompliance with the aforesaid terms and provisions, the city shall remove such signs at the expense of the property owner.

   2. Except as otherwise provided in this Section 47-22, any on premise sign which is located on property which becomes vacant and unoccupied for a period of at least three (3) months, or any sign which pertains to a time, event or purpose which is no longer imminent or pending shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management shall not be deemed abandoned unless the property remains vacant for a period of six (6) months. Abandoned signs are prohibited and shall be removed by the owner of the sign or the owner of the premises in accordance with the procedures outlined in subsection H.

H. **Removal of signs.** The city reserves the right to remove any sign or advertising display which is being maintained contrary to any of the terms and provisions of the Code, and any such sign or advertising display is hereby deemed a public nuisance. The building official shall give notice to the person owning such sign or advertising display and to the owner or lessee of the property upon which the same is located specifying the location of such sign or advertising display and the nature of the
violation being committed by the maintenance or keeping of the same. Such notice shall also specify what is required in order to conform such sign or advertising display to the requirements and provisions of this Code. Such notice shall further specify that in the event such sign or advertising display is not in conformity to the provisions of this Code, the city will take any and all action necessary in order to accomplish such result, all at the cost and expense of both the person owning such sign or advertising display and the owner or lessee of the property upon which the same is situated. Notice shall be served by personal service or by certified mail, return receipt requested. Service by mail shall be deemed complete upon delivery. In the event that the address of the person to be notified is unknown or the certified mail is returned either unclaimed or refused, such notice may be served by posting the same on in a conspicuous place on the premises upon which the offending sign or advertising display is located, in which event service shall be deemed complete as of the moment of posting. The person owning the offending sign or advertising display and/or the owner or lessee of the property upon which the same is situated, within fifteen (15) days after the receipt or the posting of the aforementioned notice, whichever is applicable, shall take whatever action is necessary in order to remedy and cure the defects pointed out in the notice given by the building official. In the event of a sign or advertising display which has been at least fifty percent (50%) destroyed, however, a new permit shall be secured before any remedial action is undertaken with regard to any such sign or advertising display. If the owner of the offending advertising display and/or the owner or lessee of the property upon which the same is situated shall fail to remedy the defects pointed out in the notice given by the building official within the aforementioned fifteen (15) day period, the building official may cause such sign or advertising display to be removed at the expense of both the owner of said sign or advertising display and/or the owner or lessee of the property upon which the same is located, or the building official may effect repairs to such sign or advertising display and/or the owner or lessee of the property upon which the same is located, or the building official may effect repairs to such sign or advertising display in order to cause the same to conform to the terms and provisions of the Code, again at the expense of the person owning such sign or advertising display and the owner and/or lessee of the property upon which the same is situated. Notwithstanding anything hereinabove to the contrary, the building official may forthwith remove any sign or advertising display where the same is imminently dangerous to the general health, safety and welfare of the public or where the same poses an immediate threat thereto.

I. Credit card signs (special privilege). One (1) credit card sign per place of business may be installed. Installation shall be flush on the face of the building and the size of such sign shall be limited to eighteen (18) inches by twenty-four (24) inches or, in the alternative, shall be an integral part of any other sign permitted by the ULDR. The provisions of this subsection I shall be applicable to hotels and motels as well as other business establishments.

J. Illuminated signs and other lighting effects.

1. Illuminated and other lighting effects shall not create a nuisance to adjacent property or create a traffic hazard, and all illuminated signs or other lighting effects must be disconnected or turned off when hurricane warnings are in effect. Lighting, including neon tubing or other similar devices other than indirect lighting, may be used in sign design or to outline any building.

2. Building outlining with neon tubing or other special lighting effects will be restricted to two (2) linear feet of neon tubing to each foot of street frontage. Display of neon tubing or other special lighting effects will be limited to the maximum of two (2) parallel lines of neon tubing. Neon tubing or other special lighting effects when used in sign design will be restricted to two (2) linear feet of neon tubing or the like for each foot of street frontage.

K. Signs or advertising displays. Signs or advertising displays shall not be erected or maintained
under, over or adjacent to any power lines unless the following clearances are met:

1. Under six hundred (600) volts: Three (3) feet.
2. Over six hundred (600) volts: Eight (8) feet.

L. *Special requirements for service stations.* All lights and lighting upon or from a service station building or upon or from a service station sign shall be designed and arranged so as not to cause a direct glare into residentially zoned property. Price signs shall be an integral part of the maximum size permitted but may not exceed fifteen (15) square feet of that maximum size per side, and shall be immediately adjacent to each sign permitted in the group.

M. *Lighting requirements.*

1. The provisions of this section shall apply to the erection, installation and construction of both on- and off-premise electric signs.

2. All electric signs constructed, erected, altered, repaired or installed under the jurisdiction of the ULDR, all exterior stationary electric lighting or illumination systems or any interior lighting or illumination systems which may be viewed from a public street, highway or other public thoroughfare used by vehicular traffic, and any signs and lighting installations which may be viewed from a main thoroughfare or a freeway, shall be installed in conformance with the applicable provisions set forth herein.

3. No person shall construct, establish or create, and no person shall maintain any stationary exterior lighting or illumination system or any interior system which may be viewed from a public street, highway or other public thoroughfare used by vehicular traffic, which contains or utilizes the following:

   a. Any exposed incandescent lamp with a wattage in excess of forty (40) watts when the same is located within fifteen (15) feet of a street.

   b. Any exposed incandescent lamp with an internal metallic reflector.

   c. Any exposed incandescent lamp with an external reflector.

   d. Any revolving beacon light.

N. *Special promotions.*

1. Upon payment of proper permit fees, special promotions may be conducted for a period of not more than thirty (30) days. Inflatables or banners may be used as special promotions. Special promotions signs will be permitted in show windows, in lieu of a banner or inflatable. For service stations, one (1) eighteen (18) inch by twenty-four (24) inch sign may be affixed to the top of each pump, in addition to a banner or inflatable. Special promotions displays shall be limited to one (1) per location per calendar year. Inflatables are not permitted on roof tops.

2. Upon payment of proper permit fees, promotions of the "grand opening" type will be permitted at any place of a newly licensed business for a thirty (30) day period. Signs for such promotion must be securely anchored and may not exceed an aggregate total of five hundred (500) square feet. No whirligigs, streamers or sandwich signs will be permitted. Inflatables or banners may be used as "grand opening" type signs. However, inflatable or banner type signs
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shall not be permitted on rooftops.

(Ord. No. C-97-19, § 1(47-22.6), 6-18-97)

Sec. 47-22.7. - Exempt signs.

A. The following signs shall be exempt from the provisions of this Section 47-22 except as otherwise stated as follows:

1. Instructional signs. Signs which provide instructions and are located entirely on the property to which they pertain and do not in any way advertise a business and do not exceed eight (8) square feet in area.

2. Flags. The flags, emblems or insignia of any nation or political subdivision, or the flag, emblem or insignia of any duly registered and undissolved corporation; provided, however, all flags, emblems or insignia are not exempt from the provisions of Sec. 47-22.6.

3. Governmental signs. Governmental signs for control of traffic or other regulatory purposes, street signs, danger signs, railroad crossing signs and signs of public service companies indicating danger and aids to service or safety which are erected by or on the order of a public officer in the performance of his duty.

4. Holiday decorations. Signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local or religious holiday; provided that such signs shall be displayed for a period of not more than forty-five (45) consecutive days nor more than sixty (60) days in any one (1) year. Such signs may be of any type, number, area, height, illumination or animation; and shall be set back ten (10) feet from all lot boundary lines, provided that a clear area must be maintained within twenty-five (25) feet of the intersection of two (2) streets. However, the ten (10) foot setback from all boundary lines shall not apply to holiday decorations when displayed on a utility pole, but such display must comply with the other provisions of Sec. 47-22.6.E. When holiday decorations are displayed on a utility pole, a letter or letters of permission from the owners of the utility poles must be obtained and filed with the city. Said letter or letters shall indemnify and hold harmless the city for any damage or injury that occurs as a result of the display of holiday decorations. Holiday decorations displayed on utility poles shall only be permitted on utility poles within ten (10) feet of a property line of an entity displaying the holiday decorations on the same side of the street as that property or, where utility poles are only located in the median, display shall be in accordance with a site plan approved by the department.

5. House numbers and nameplates. House numbers and nameplates not exceeding two (2) square feet in area for each building.

6. Interior signs. Signs located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and signs for and located within the inner or outer lobby, court or entrance of any theater that are not visible from the public right-of-way. This does not, however, exempt such signs from any structural, electrical or material specifications set out in the ULDR.

7. Memorial signs. Memorial signs or tablets, names of buildings and date of erection when cut into masonry surface or inlaid so as to be a part of the building or when constructed of bronze or other incombustible material.
8. **Notice bulletin boards.** Notice bulletin boards not over twenty-four (24) square feet in area for medical, public, charitable or religious institutions where the same are located on the premises of said institution.

9. **No trespassing or no dumping signs.** No trespassing or no dumping signs not to exceed one and one-half (1 1/2) square feet in area per sign and not exceeding four (4) in number per lot, except that special permission may be obtained from the director for additional signs under proven special circumstances.

10. **Occupant signs.** One (1) sign for each dwelling unit not to exceed two (2) square feet in area indicating the name of the occupant, location or identification of a home professional office.

11. **Plaques.** Plaques or nameplate signs not more than two and one-half (2 1/2) square feet in area which are fastened directly to the building.

12. **Public notices.** Official notices posted by public officers or employees in the performance of their duties.

13. **Public signs.** Signs required or specifically authorized for a public purpose by any law, statute or ordinance. Such signs may be of any type, number, area, height above grade, location, illumination or animation, required by the applicable law, statute or ordinance under which such signs are erected.

14. **Symbols or insignia.** Religious symbols, commemorative plaques of recognized historical agencies or identification emblems of religious orders or historical agencies, provided that no such symbol, plaque or identification emblem shall exceed four (4) square feet in area; and provided further that all such symbols, plaques and identification emblems shall be placed flat against a building.

15. **Government pennants.** For purposes of this subsection, government pennants are defined as signs erected by a governmental body, which signs are made from a vinyl, cloth or canvas material, and which are suspended lengthwise from a pole and attached at each end to the pole. Such pennants shall be limited in their display to a governmental logo, emblem or insignia and, if applicable, the name of the governmental body or the name of the donor of the pennant. If the name of the donor is displayed, it shall be displayed in uniform lettering which shall be no more than three (3) inches in height.

16. **Warning signs.** Signs warning the public of the existence of danger, but containing no advertising material, to be removed upon subsidence of the danger for which warning is being given.

(Ord. No. C-97-19, § 1(47-22.7), 6-18-97)

**Sec. 47-22.8. - Special sign districts.**

Merchants occupying sixty percent (60%) or more of the street frontage of properties on both sides of a street in any area defined by such merchants may petition for the formation of a special sign district for such area. A committee of property owners or persons having the right of possession shall be chosen by such merchants to represent them, such committee to be limited to ten (10) members. Such committee shall comprise the governing body of the sign district and shall establish criteria for signs in the district, such criteria to be no less restrictive than the terms and conditions established by the
ULDR. Such criteria may be recommended to the city commission for incorporation into the ULDR, and shall have no force or effect unless so incorporated. The city clerk shall give ten (10) days' notice to all owners or persons having the right of possession within the boundaries of such district that such criteria will be submitted to the city commission for incorporation into the ULDR. The city commission may, however, totally or partially reject any such criteria.

(Ord. No. C-97-19, § 1(47-22.8), 6-18-97)

Sec. 47-22.9. - Permits.

Permits must be obtained before any sign is erected. A plot plan showing location, type, size and copy of all existing signs shall be submitted, and all signs not complying fully with this ULDR shall be removed before a permit for a new sign is issued. All provisions of Chapter 42 of the Florida Building Code, Broward Edition, shall be observed.

(Ord. No. C-97-19, § 1(47-22.9), 6-18-97; Ord. No. C-03-23, § 2, 7-1-03)

Sec. 47-22.10. - Nonconforming signs.

A. All signs not in full compliance with this section shall be removed or made to comply with its provisions no later than eighteen (18) months from the effective date of the re-enactment of Ordinance No. C-87-57 (July 31, 1987), except as follows:

1. Any freestanding, detached sign which exceeds the height limitation specified by Sec. 47-22.3.E by not more than thirty-three percent (33%) shall be considered as conforming to this section, provided all other requirements are met.

2. Any wall or freestanding, detached sign which exceeds the size limitation specified by Sec. 47-22.3.E by not more than thirty-three percent (33%) shall be considered as conforming to this section, provided all other requirements are met.

3. In the event an existing freestanding, detached sign qualifies under subsections A.1 and 2, the setback requirements stated in Sec. 47-22.3.E shall be waived.

B. The eighteen (18) month amortization period provided for in subsection A, shall not be applicable to outdoor advertising display signs. A nonconforming outdoor advertising display sign may be continued and shall be maintained in good condition as required by Sec. 47-22.6, but it shall not be:

1. Structurally changed to another nonconforming sign, but its pictorial content may be changed.

2. Structurally altered to prolong the life of a sign, except to meet safety requirements.

3. Altered in any manner that increases the degree of nonconformity.

4. Expanded.

5. Continued in use after cessation for a period of sixty (60) days.

6. Re-established after destruction.

7. Continued in use when a conforming sign is erected on the same premises or the premise
upon which the sign is erected is developed for use which consists of other than a sign use only.

(Ord. No. C-97-19, § 1(47-22.10), 6-18-97)

Sec. 47-22.11. - Outdoor advertising display signs; landscaping and non-point of purchase signs.

A. Definitions. Outdoor advertising display shall mean an off-premises detached outdoor advertising sign consisting of fabricated sign and structure, with posters, pictures, trademark, reading matter, illuminated device, panels, etc., thereon intended to attract the attention of the public to the matter displayed thereon for advertising purposes; such outdoor advertising display sign being commonly referred to as a billboard, poster board, display board, or outdoor advertising board.

B. The objective of this section is to improve the appearance of legally erected billboards and to protect and preserve the appearance, character and value of the surrounding neighborhoods and thereby promote the general welfare by providing for installation and maintenance of landscaping and/or screening and aesthetic qualities, since the city commission finds that the peculiar characteristics and qualities of the city justify regulations and to perpetuate its aesthetic appeal and all billboards shall be in compliance with this section not less than one (1) year from date of passage.

C. Landscaping requirements.

1. A landscape strip two and one-half (2½) feet in depth located immediately adjoining the supporting structure of the billboards and extending five (5) feet beyond each end.

2. A hedge or other durable planting of at least two and one-half (2½) feet in height, attaining at maturity a minimum of six (6) feet, to extend the entire length of the two-and-one-half-foot landscaping strip.

3. A tree shall be placed at each end of the billboard with a minimum of eight (8) feet—ten (10) feet overall height.

4. Single-faced billboards with the rear viewable from residentially zoned areas shall have three (3) equally spaced eight (8) foot overall trees planted in the rear of the billboard.

D. Option to landscaping. All landscape plans shall be subject to the approval of the department; however, due to the nature of billboard leasing and locations whereby landscaping required by subsection C would create a hardship, a committee consisting of one (1) member of the park division, building department, planning department and a representative of the outdoor advertising industry is authorized to grant a reduction in landscaping or to accept other ornamental screening techniques compatible with the opening paragraph of this section. In cases where landscaping or ornamental screening is impossible because of area conditions, the committee may waive all requirements of this section.

E. Prohibited signs. The following types of signs are prohibited within the city limits:

1. Outdoor advertising display signs and billboards.

2. Non-point of purchase signs except as expressely permitted herein.

F. Noncommercial copy. Any sign authorized in this section is allowed to contain noncommercial copy in lieu of other copy.
G. **Requirement.** All point of purchase signs shall be located only on the premises to which the subject matter of the sign relates.

(Ord. No. C-97-19, § 1(47-22.11), 6-18-97)

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**SECTION 47-23. - SPECIFIC LOCATION REQUIREMENTS**

- Sec. 47-23.1. - Generally.
- Sec. 47-23.2. - Height and distance limits of structures near airports.
- Sec. 47-23.3. - Setback requirements at rear of business building abutting an alley.
- Sec. 47-23.4. - Beach building restriction line.
- Sec. 47-23.5. - Business and industrial districts.
- Sec. 47-23.6. - Beach shadow restrictions.
- Sec. 47-23.7. - Watercraft rental concessions on the beach.
- Sec. 47-23.8. - Waterway use.
- Sec. 47-23.9. - Interdistrict corridor requirements.
- Sec. 47-23.10. - Modification of waterway lot width requirements.
- Sec. 47-23.11. - Modification of required yards.
- Sec. 47-23.12. - Bonus density in the RML-25, RMM-25 and RMH-25 districts with residential high land use designation.
- Sec. 47-23.13. - Building length modifications for multifamily and other buildings.
- Sec. 47-23.14. - Planned Commerce Center permitted use restrictions.
- Sec. 47-23.15. - Location of buildings and structures in a sight triangle.

**Sec. 47-23.1. - Generally.**

The provisions of this section shall apply when applicable to the locations set forth herein.

(Ord. No. C-97-19, § 1(47-23.1), 6-18-97)

**Sec. 47-23.2. - Height and distance limits of structures near airports.**

It shall be unlawful for any person to build, construct, establish or maintain any building, smokestack, chimney, flag pole, tower, derrick, or other structure or appurtenance thereto, of any kind or character unless it complies with height and distance standards as established by the Federal Aviation Authority. The height of any such building or structure shall be deemed to be the vertical distance from the topmost part thereof, including any appurtenance thereto, to the average level of the surface of the ground immediately adjacent to any such building or structure.

(Ord. No. C-97-19, § 1(47-23.2), 6-18-97)

**Sec. 47-23.3. - Setback requirements at rear of business building abutting an alley.**

Where the rear of a business building abuts on an alley or other public right-of-way, the building setback line shall be three (3) feet from the property line.

(Ord. No. C-97-19, § 1(47-23.3), 6-18-97)
Sec. 47-23.4. - Beach building restriction line.

All buildings and structures requiring a building permit shall have a setback of a minimum of one hundred (100) feet from the mean high water line of the Atlantic Ocean in the section of the beach bounded by the Port Everglades Inlet on the south and the north boundary line of the subdivision of Holiday Beach, PB 27, p. 39, public records of Broward County, Florida, and its extension, on the north. The mean high water line is defined in Section 47-2, Measurements.

(Ord. No. C-97-19, § 1(47-23.4), 6-18-97)

Sec. 47-23.5. - Business and industrial districts.

No buildings or structures shall be located closer than thirty (30) feet to the centerline of an abutting street.

(Ord. No. C-97-19, § 1(47-23.5), 6-18-97)

Sec. 47-23.6. - Beach shadow restrictions.

A. Any portion of a structure in excess of thirty-five (35) feet in height shall provide a setback of at least one (1) foot per one (1) foot of height beginning the measurement at ground level of the western right-of-way line of State Road A-1-A (Fort Lauderdale Beach Boulevard) in the area between Seabreeze Boulevard and N.E. 18th Street. The foregoing is a minimum setback and if in conflict with provisions of other sections of the ULDR requiring greater setback, said other provisions of the other sections shall control.

B. From the north boundary line of Holiday Beach, P.B. 27, p. 39, public records of the county, to the Port Everglades Inlet, any portion of a building in excess of thirty-five (35) feet in height shall provide a setback of one (1) foot per one (1) foot of height from the beach building restriction line one hundred (100) feet west of the mean high water line of the Atlantic Ocean as defined in Section 47-2, Measurements.

(Ord. No. C-97-19, § 1(47-23.6), 6-18-97; Ord. No. C-00-26, § 4, 6-6-00)

Sec. 47-23.7. - Watercraft rental concessions on the beach.

Watercraft rental concession(s) on the beach shall be subject to the requirements of Chapter 8, Article V, Division 3, of Volume I of the Code.

(Ord. No. C-97-19, § 1(47-23.7), 6-18-97)

Sec. 47-23.8. - Waterway use.

A. Buildings and land uses on parcels abutting waterways in nonresidential districts and in multifamily districts shall be designed to preserve the character of the city and neighborhood in which they are located, harmonize with other development in the area, and protect and enhance the scenic quality and tranquility of the waterways. Special provisions are needed to realize these objectives, which can be stated only in general terms, and at the same time permit a reasonable use of land and depend on details of design of the buildings, appurtenances, yards and landscaping and their relation to the waterway and other uses on the waterway.

B. For purposes of this Sec. 47-23.8, "on a waterway" means a development site which abuts a
waterway. This section shall not apply to development within the downtown RAC, except for development within the RAC-RPO district, and shall not apply to the central beach area districts. Any proposed nonresidential or multifamily use on a waterway shall require a site plan level III development permit, as provided in Section 47-24, Development Permits and Procedures. The application shall include all elevations visible from the waterfront. A use on a waterway shall, in addition to all other requirements of the ULDR, meet the requirements as follows:

1. A twenty (20) foot landscaped yard is required adjacent to the existing bulkhead line. The required twenty (20) foot yard shall not be used or developed for any purpose other than landscaping and the minimum amount of driveways or walkways reasonably necessary to serve permitted nonresidential or multifamily waterfront uses, unless specifically approved by the planning and zoning board. The twenty (20) foot yard shall not apply to marinas or yacht clubs.

2. Review of Neighborhood Compatibility, Scale, Bulk and Mass, as provided in Sec. 47-25.3.A.3.e.i.

C. Any property zoned B-2, B-3 or I which abuts a waterway shall be used for a marina, a hotel marina, or a shipyard, where such uses are permitted within the B-2, B-3 or I zoning districts.

(Ord. No. C-97-19, § 1(47-23.8), 6-18-97)

Sec. 47-23.9. - Interdistrict corridor requirements.

This section provides additional development regulations for property fronting on certain corridors within the city. These additional requirements are based on a recognition that certain corridors are currently accommodating, or are intended to accommodate, intensive pedestrian traffic or which serve as major pedestrian streets and major vehicular entryways, or major gateways into the city, and will, therefore, require adjacent development to accommodate said pedestrian and vehicular usage and aesthetic considerations. It is also the intent of these requirements to maintain a uniform streetscape within each corridor, regardless of the underlying zoning district requirements.

A. A twenty (20) foot yard shall be required for any development on property which abuts one of the following rights-of-way. No parking shall be permitted within the required yard unless specified herein.

2. East Sunrise Boulevard—between Federal Highway and one hundred (100) feet east of Bayview Drive.
3. S.E. 17th Street—between Federal Highway and Eisenhower Boulevard.

B. The following shall apply to development on property abutting State Road 84 lying between the west line of Federal Highway and the east line of Interstate 95.

1. Definitions. For the purpose of this section, the following terms and words shall have the meanings herein prescribed unless the context clearly requires otherwise:
   a. Building line. Shall mean a line along the face of the building wall closest to and facing State Road 84 and extending to the side property lines.
   b. Curb line. Shall mean a line on the edge of a curb closest to the roadway.
pavement or where no curb exists, from the edge of the roadway pavement closest to the development site.

2. Requirements:

a. **Build-to line.** A minimum of seventy-five percent (75%) of the linear frontage of a development site along State Road 84 shall be occupied by a ground floor building wall located twenty (20) feet from the curb line. The department can approve a modification to the seventy-five percent (75%) requirement to permit one (1) two-way drive aisle with a single row of parking perpendicular to State Road 84, the parking to be at least twenty (20) feet from curbline; the dimension of such parking spaces to be no greater than those specified in the Table of Parking Geometrics listed in Section 47-20.11.A.

b. **First floor transparency.** A minimum of thirty-five percent (35%) of the first floor facade of a building facing State Road 84 shall utilize transparent elements such as windows, doors and other fenestration.

c. **Awnings, canopies, arcades.** Awnings, canopies or arcades shall be provided over all doors, windows and other transparent elements required pursuant to subsection b. of this section.

d. **Sidewalk.** A minimum five (5) foot wide unobstructed sidewalk shall be installed between the curb line and building line at least four (4) feet from the curbline. The sidewalk shall run parallel to State Road 84, along the entire length of the development site and connect to an existing sidewalk, if any, on the abutting properties. If a sidewalk exists that meets all the requirements provided herein except the width requirement or is located closer than four (4) feet from the curbline, it may be used to meet the requirements of this section provided it is in good condition as determined by the city engineer.

e. **Pedestrian connection.** Pedestrian access shall be provided between the principal entrance of a building and the sidewalk required pursuant to subsection d. of this subsection B.2. of a type and location approved by the department.

f. **Fencing.** A fence may be located between a building line and State Road 84 but shall not exceed a maximum of six (6) feet, six (6) inches in height, at least seventy-five percent (75%) of the fence shall be non-opaque and shall be subject to all other requirements of Section 47-19.5, Fences, walls and hedges. A wall shall not be permitted between the building line and State Road 84.

g. **Street trees.** Street trees as defined by Section 47-21.2, Landscaping and tree preservation, shall be provided along the development site fronting on State Road 84 in accordance with the following:

i. Shade or flowering canopy trees shall be installed to create a continuous canopy at maturity, spaced at intervals approved by the landscape plans examiner based upon the species so that normal growth and aesthetic appearance shall not be impaired. At the time of installation shade or flowering canopy trees shall be at least fourteen (14) feet in height, have an eight (8) foot spread and a minimum six (6) foot ground clearance and installed, within twelve (12) feet from the curbline
fronting State Road 84 or as otherwise directed by FDOT and in accordance with Section 47-21.6. If existing or proposed physical conditions such as existing overhead power lines could impair the proper growth of the shade tree or canopy as determined by the landscape plans examiner, non-shade or ornamental trees may be planted in accordance with the provisions herein.

ii. If non-shade or ornamental trees are permitted to be planted as approved by the landscape plans examiner the trees shall be spaced at twenty-five (25) foot intervals. At the time of installation, non-shade or ornamental trees shall be at least ten (10) feet in height, have a six (6) foot spread and a minimum of six (6) foot ground clearance and installed twelve (12) feet from the curb line fronting State Road 84, or as otherwise directed by FDOT and in accordance with Section 47-21.6

iii. The location of the trees may be modified by the landscape plans examiner based on the location and size of an existing sidewalk that is not required to be replaced as described in subsection d.

h. Landscaping. Landscaping consisting of a combination of hedges and groundcover of varying species shall be provided in front of all opaque building wall sections of the first floor facade facing State Road 84.

i. VUA. No parking or vehicular use area except driveways providing access to a right-of-way shall be permitted on the development site within twenty (20) feet of the curb line.

3. Exception to State Road 84 Interdistrict Corridor requirements.

a. Development sites located on State Road 84 proposed to be developed with the front of a building facing and having access onto Federal Highway are exempt from the requirements of subsection B.2.a, b, c and e. The landscape plans examiner may modify the requirements of B.2.g to permit non-shade trees in certain locations to maintain visibility and promote safety.

b. Double-fronted, triangular shaped parcels located on State Road 84 are exempt from B.2.a, b, c and i, but must provide the following:

i. A minimum average fifteen (15) foot wide landscape area no less than three (3) foot wide at any one point shall be installed along the entire State Road 84 street frontage between the building line and the sidewalk required pursuant to B.2.d consisting of a variety of planting materials; and

ii. In addition to the street trees required as provided in B.2.g., an additional row of trees shall be installed and evenly distributed in the landscape area required in subsection B.3.b.i. so that the trees are installed on both sides of the sidewalk. When the site plan configuration, FDOT standards or other regulations preclude these trees from being located entirely along State Road 84, they shall be located around the perimeter of the development site, with the maximum number of trees possible located along State Road 84, as determined by the department.

c. Developments located on State Road 84 west of S.W. 9th Avenue shall have an
ARTICLE XV. - ANNEXED AREAS

SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

SECTION 47-39.39.

i. A minimum average fifteen (15) foot wide landscape area no less than three (3) foot wide at any one point shall be installed along the State Road 84 street frontage between the building and sidewalk required pursuant to B.2.d. consisting of a variety of planting materials; and

ii. In addition to the street trees required as provided in B-2.g., an additional row of trees shall be installed and evenly distributed in the landscape area required in subsection B.3.c.ii. so that the trees are installed on both sides of the sidewalk. When the site plan configuration, FDOT standards or other regulations preclude these trees from being located entirely along State Road 84, they shall be located around the perimeter of the development site, with the maximum number of trees possible located along State Road 84, as determined by the department; and

iii. An additional minimum three (3) foot wide meandering pedestrian pathway shall be provided in the landscaped area pursuant to B.3.c.i.

4. **Non-conforming structure.** If a structure on a development site is non-conforming based solely on the regulations provided in this Section 47-23.9., notwithstanding the provisions of Section 47-3.5, Change in use, the use of such structure may be changed to a use that has a greater operational activity or requires greater parking requirements if such use is permitted within the zoning district where the property is located and otherwise meets all other ULDR requirements, subject to applicant complying with the regulations provided herein to the greatest extent possible without requiring structural alteration to the principal structure. The regulations provided in this subsection 47-23.9.B. shall be applied to the development site in the following order of priority; street trees, sidewalk improvements, landscape area and architectural elements. Approval of the changed use as described in this subsection 4 shall be subject to a site plan level I review.

(Ord. No. C-97-19, § 1(47-23.9), 6-18-97; Ord. No. C-02-32, § 1, 10-15-02)

**Sec. 47-23.10. - Modification of waterway lot width requirements.**

A. The department may authorize a reduction in the minimum lot width of a lot which is contiguous to or separated from a waterway by a street within the following residential zoning districts, subject to site plan level I review, in accordance with Sec. 47-24.2

1. **RS-4.4:** From a minimum lot width of one hundred (100) feet to a minimum lot width of seventy-five (75) feet when it is found that: At least eighty percent (80%) of the single family residences lying adjacent to the subject building site have been developed on parcels less than one hundred (100) feet in width.

2. **RS-8:** From a minimum lot width of less than seventy-five (75) feet to a minimum lot width of fifty (50) feet when it is found that:

   a. At least eighty percent (80%) of the single family residences lying adjacent to the subject building site have been developed on parcels less than seventy-five (75) feet in width. For purposes of determining this percentage, adjacent residential properties shall be those properties located on a waterway along each side of the same street for a distance of three hundred (300) feet; or
b. A multifamily use is located on the same street within three hundred (300) feet of the subject building site and all intervening single family residences have been constructed on building sites less than one hundred (100) feet in width; or

c. That at the time this ordinance is adopted (March 6, 1990), a single family dwelling is located on a building site consisting of at least two (2) fifty (50) foot lots of record; and:

i. The subject building site is located on a street not used exclusively for single family homes. For purposes of this subsection A.2, a street shall be defined as a public thoroughfare between two (2) cross streets or between a cross street and cul-de-sac or dead end; and

ii. There are at least three (3) single family homes on fifty (50) foot building sites located within a one hundred (100) foot radius of the applicant's building site, which single family homes were constructed after the applicant acquired the building site.

(Ord. No. C-97-19, § 1(47-23.10), 6-18-97)

Sec. 47-23.11. - Modification of required yards.

A. Criteria for modification of required yards. The planning and zoning board shall upon written application for site plan level III approval, as provided in Sec. 47-24.2, Development Permits and Procedures, consider a request to modify the required yards as specified in the Table of Dimensional Regulations within the RMM-25, RMH-25 and RMH-60 residential zoning districts, and may change such minimum yard requirements, provided, however, that the following additional criteria for such approval are met:

1. By adjusting the location of the structure on the site, an architectural and/or engineering study can graphically prove that a superior site development as relating to shadows will result from such adjustment; or

2. By adjusting the location of the structure on the site when the site abuts the Intracoastal Waterway or other permanent public open space, land or water and it is found that allowing a reduction is compatible with adjacent properties, as defined in this section; or

3. By adjustment of yards it is found that:

   a. There is continuity of yards between the proposed development and adjacent properties; and

   b. There is continuity of architectural features with adjacent properties which encourages public pedestrian interaction between the proposed development and the public street; or instead of subsections A.3.a and b, it is found that;

   c. There is continuity of architectural features with adjacent properties. Architectural features include but are not limited to those listed in subsection A.3.e; and

   d. There is continuity of urban scale with adjacent properties. Urban scale includes height, proximity to street front and relationship of building size to the lot size;

   e. In addition to the reduction in minimum yards meeting subsections A.3.a and b or subsections A.3.c and d, the development includes a minimum of four (4) of the following
architectural features: Terracing; variation in rooflines; cantilevering; angling; balconies; arcades; uniform cornice heights; color and material banding; building mass changes; courtyards; plazas and landscaped areas which encourage pedestrian interaction between the development site and a public street.

4. In addition to subsection A.1, 2, or 3 the following shall be met:

a. The applicable minimums pertaining to all other zoning requirements applicable to the development are met.

b. A structure with a required yard proposed to be modified that is located on a development site abutting or separated only by a right-of-way from the Intracoastal Waterway or other permanent public open space, land or water shall not cast a shadow that exceeds fifty percent (50%) of such public water or land area at any time between the hours of 9:00 a.m. and 5:00 p.m. on March 21 (vernal equinox). For sites along the Atlantic Ocean, the public area subject to review shall be the sandy beach westward of the mean high water line as defined in Section 47-2, Measurements. The public open space, land or water as described in this section shall be measured by extending a line from the points where the property lines intersect at the corners of the development site abutting the public area or separated from the area by a right-of-way, and extending those lines across the public area perpendicular to the development site.

c. That the intent and spirit of the dimensional regulations, of the applicable district concerning yards as relating to air, light and shadow is maintained.

5. Definitions. For the purpose of this subsection:

a. Adjacent properties. Shall mean buildings located on the same side of and fronting the same right-of-way as the proposed development and within a six hundred (600) foot distance on one (1) side or three hundred (300) foot distance on both sides of the proposed development.

b. Continuity. Shall mean that the same setback or feature exists on adjacent properties to an extent which furthers a sense of order and harmony along the street front.

(Ord. No. C-97-19, § 1(47-23.11), 6-18-97; Ord. No. C-98-30, § 1, 6-2-98)

Sec. 47-23.12. - Bonus density in the RML-25, RMM-25 and RMH-25 districts with residential high land use designation.

A. An increase of one (1) residential dwelling unit per net acre of parcel area may be permitted in the RML-25, RMM-25 or RMH-25 districts subject to the approval of a site plan level III permit, as provided in Sec. 47-24.2, for each two and one-half percent (2½%) of parcel area if the landscaped green area is increased beyond the required thirty-five percent (35%) percent minimum provided that such density does not exceed the maximum density permitted by the city’s adopted future land use element (FLUE) for such parcel, and provided that:

1. The additional landscaped area provided results in a development which improves the character of the area, provides active or passive recreation areas, increases the light and air circulation in the area, lessens noise and friction between people and land uses, tends to enhance the value of adjacent and nearby properties, acts as a deterrent to development of blight and
slums, increases the tree canopy of the area, provides increased area for groundwater percolation or otherwise has a beneficial effect on the health, welfare and safety of the community.

2. A maximum of ten (10) additional residential dwelling units per net acre of parcel area may be permitted, if sixty percent (60%) of the parcel is to be landscaped green area.

3. It is found that the additional dwelling units authorized will not create traffic problems, strain on community facilities in the area or be detrimental to adjacent or nearby properties.

4. Additional authorized units shall have two (2) or less bedrooms.

5. Such landscaped green area shall be at ground level and unobstructed to the sky.

6. Measurement of building height may be allowed from the second floor where more than one-half (½) of the ground floor is used for parking and the landscaped area increased.

(Ord. No. C-97-19, § 1(47-23.12), 6-18-97)

Sec. 47-23.13. - Building length modifications for multifamily and other buildings.

A. The two hundred (200) foot building length limitation for multifamily dwellings and other buildings previously permitted and constructed to be up to three hundred (300) feet in length, may be modified to allow a maximum length equal to the length of the existing building, but in no event greater than three hundred (300) feet for the purpose of constructing additional floors if it is found that:

1. The existing building proposed for additional floors was legally permitted; and

2. The additional floors are to be built on the same footprint as the existing structure; and

3. The existing building proposed to be expanded is built to structurally support the additional floors as certified by a structural engineer.

(Ord. No. C-99-21, § 2, 3-16-99)

Sec. 47-23.14. - Planned Commerce Center permitted use restrictions.

A. Apparel/accessories retail and wholesale sales permitted within a PCC district shall be limited to the following uses: uniform supply.

B. Contractors yards permitted within a PCC district shall be limited to the following uses: sale and leasing of contractor's equipment with no outdoor storage; electrical contractor when wholly enclosed within a building; facia board preparation and gutter preparation when wholly enclosed within a building; welding and custom fabrication of small metal components.

C. Furniture retail and wholesale stores permitted within a PCC district shall be limited to the following uses: furniture manufacture, furniture repair, furniture refinishing.

D. Hobby items, toys, games retail and wholesale stores permitted within a PCC district shall be limited to the following uses: radio and communication equipment sale and service; and satellite equipment sales and service.

E. Home improvement centers permitted within a PCC district shall be limited to the following uses:
bathroom remodeling, cabinet maker, flooring sales and supplies, closet designer, manufacturer and sales, door sales and installation, glass and mirrors, hurricane shutter sales and installation, kitchen remodeling, paint and wallpaper, window sales and installation.

F. Household appliance uses permitted within a PCC district shall be limited to: repair of small appliances and electronic equipment.

G. Lawn and garden supplies, furniture uses permitted within a PCC district shall be limited to: sale and repair of lawn equipment, machinery and furniture.

H. Medical supply retail and wholesale uses permitted within a PCC district shall be limited to: medical and prosthetic equipment and supply sales, leasing and service.

I. Office equipment retail and wholesale uses permitted within a PCC district shall be limited to: sale, service and installation of office machinery, including photocopiers, office furniture and communications equipment, including telephone equipment sales and installation and vending machine supply.

J. Sporting goods retail and wholesale store uses permitted within a PCC district shall be limited to: sale and service of barbecues, camping equipment and supplies, exercise equipment, golf equipment and supplies, pool tables and scuba equipment and supplies.

K. Auto detailing and alarm system services permitted within a PCC district shall be limited to: installation and servicing of auto stereos, radios, tape players, CD players, directional systems and alarm systems. Automobile washing and painting are prohibited. Such uses listed in this subsection shall not exceed twenty percent (20%) of the gross floor area of the development.

L. Mail, postage and fax services permitted within a PCC district shall be limited to: packaging service. Such uses listed in this subsection shall not exceed twenty percent (20%) of the gross floor area of the development.

(Ord. No. C-99-38, § 2, 5-18-99)

**Sec. 47-23.15. - Location of buildings and structures in a sight triangle.**

No building or structure shall be permitted within a sight triangle as provided in Section 25 and Section 47 of the Code of Ordinances.

(Ord. No. C-04-3, § 8, 2-3-04)
Section 47-24. - Development Permits and Procedures

Sec. 47-24.1. - Generally.
Sec. 47-24.2. - Site plan development permit.
Sec. 47-24.3. - Conditional use permit requirements.
Sec. 47-24.4. - Rezoning (city commission).
Sec. 47-24.5. - Subdivision regulations.
Sec. 47-24.6. - Vacation of rights-of-way.
Sec. 47-24.7. - Vacation of easement.
Sec. 47-24.8. - Comprehensive plan amendment.
Sec. 47-24.9. - Concurrency review finding of adequacy.
Sec. 47-24.10. - Development of regional impact (DRI) (city commission).
Sec. 47-24.11. - Historic designation of landmarks, landmark site or buildings and certificate of appropriateness.

Sec. 47-24.1. - Generally.

A. No application for a development permit issued by the city for the development of land within the city shall be reviewed or development permit issued, unless in compliance with the requirements and in accordance with the procedures set forth in this Section 47-24.

B. No person shall undertake any development in the city as defined herein, nor shall any person use or develop any parcel of land or water for any purpose without first obtaining a development permit from the city in accordance with this section. No building or engineering permit shall be issued for a development which is not in compliance with the development permit issued for such development.

C. List of development permits. Table 1 provides a list of the types of development, the development order required for each and the department, committee, board or commission with authority to review, approve, or both, the development permit. Table 1 also identifies the review criteria required for a permit, as further described in Section 47-25, Development Review Criteria.

1. Requirements for a certificate of compliance. Prior to the issuance of a permit as required by this section, a certificate of compliance (COC) shall be issued by the department when the requirements for a specific development permit have been met. A COC shall also be required for all development which is regulated by the ULDR and which is not otherwise required to obtain one (1) or more of the development permits as provided herein.

D. Development review criteria. In addition to meeting the requirements of the district in which a proposed development is located; the standards for the use and location of the development and the requirements for a development permit as set forth in this section; all development permits shall be subject to Section 47-25, Development Review Criteria, as specified therein.

E. Review process. Table 1 identifies the department, committee, board or commission with authority to review and approve the issuance of a development permit. Table 1 also identifies which permits may be reviewed by the city commission upon city commission request, and the appropriate body to consider an appeal from a denial of a development permit.

F. Application requirements. An application for a development permit shall be submitted to the department on forms provided by the department. Unless otherwise provided herein, the following is a list of the minimum requirements for an application for a development permit. Additional information necessary in order to determine if the development meets the ULDR may be required as identified on the application form for a specific development permit.
1. Name, address and telephone number of the applicant or authorized representative for the applicant.

2. A statement of ownership of the subject property or proof of authorization to apply for a development permit from the legal property owner of the parcel proposed for development.

3. Survey of the subject property.

4. Legal description of the subject property.

5. A brief description of the development permit request.

6. Existing use of the subject property.

7. Proposed use of the subject property.

8. Existing zoning of the subject property.

9. Existing land use designation of the subject property.

10. Existing zoning, existing use, and existing land use designation of lands within seven hundred (700) feet of the subject property.

11. A general vicinity map showing the location of the parcel proposed for development or use at a scale of not less than one (1) inch equals five hundred (500) feet.

12. Such other information as required pursuant to the ULDR and additional information necessary to support the application.

13. For development permits that require public notice as provided in Section 47-27, Notice Procedures for Public Hearings, the following:

   a. Property appraiser's tax map showing all properties required to be noticed, and their relation to the subject parcel.

   b. List of property owners' names, tax identification number and address and one (1) set of addressed size #10 envelopes, with appropriate postage affixed and showing the city's return address for each property owner required to be noticed.

G. **Applicant.** When used herein an applicant for a development permit shall have the meaning provided as follows:

   1. An owner of property shall be the owner in fee simple title of the property proposed to be developed or his or her authorized representative who wishes to develop or use property within the city in a manner which by the ULDR requires a development permit; or

   2. The city, by and through the city manager, city commission or department.

H. **Fees and costs.** All applications for a development permit shall have an application fee as established by the city commission as set forth in a resolution, as amended from time to time. In addition to the application fee, any additional costs incurred by the city including review by a consultant on behalf of the city or special advertising costs shall be paid by the applicant. Any additional costs
which are unknown at the time of application but are later incurred by the city shall be paid by the applicant prior to the issuance of a development permit.

I. **Determination of completeness.**

1. Within five (5) business days of receiving an application for a development permit, the department shall review the application to determine if the information provided is complete. The department shall notify the applicant of any deficiencies in the application.

2. Upon submittal of additional information, the department will determine if the application is complete.

3. If an applicant fails to provide additional information as requested by the department within two (2) weeks of the request or respond to the department with a time when the information will be submitted, the application shall be deemed to be withdrawn by the applicant.

4. At a minimum, an application for a development permit must evidence compliance with the city's adopted land use plan and the minimum standards of the ULDR.

5. Review of an application by the department shall not commence until the application is determined to be complete.

J. **Burden of proof.** The applicant shall have the burden of showing that all standards, requirements, and criteria of the ULDR have been met.

K. **Notice procedures for public hearings.** Public notice required for development permits and approvals shall be as provided in Section 47-27, Notice Procedures for Public Hearings.

L. **Number of votes required for approval.** Approval of a development permit as required by the ULDR shall be by a majority vote of a quorum of the members of the board, committee or commission present and voting on such permit, except as follows:

1. Board of adjustment approval of a variance or special exception, motion for rehearing or an interpretation of the ULDR shall be by a vote of a majority plus one (1).

M. **Expiration of site plan and conditional use approvals.**

1. All site plans, conditional use approvals and certificates of appropriateness (hereinafter collectively referred to as "site plan") shall expire unless:

   a. A complete application for a building permit for an above-ground principal structure as shown on the approved site plan has been submitted within eighteen (18) months following the date of approval of the site plan; and

   b. A building permit for such above-ground principal structure is issued within twenty-four (24) months following the date of approval of the site plan; and

   c. Such building permit remains valid and in effect until a certificate of occupancy, or other equivalent approval is granted for such principal structure.

2. An approved site plan that includes more than one (1) principal structure, shall expire unless:
a. A complete application and building permit and a certificate of occupancy is issued for one of the above-ground principal structures as provided in subsection M.1; and

b. A complete application for a building permit for any subsequent above-ground principal structure shown on the approved site plan has been submitted within eighteen (18) months following the date of issuance of a certificate of occupancy for the principal structure most recently completed; and

c. A building permit for such above-ground principal structure is issued within twenty-four (24) months following the date of issuance of a certificate of occupancy for the principal structure most recently completed; and

d. Such building permit remains valid and in effect until a certificate of occupancy or other equivalent approval is granted for such principal structure; and

e. A complete application is submitted and building permits are issued for each subsequent principal structure in accordance with subsections 2.a., b., and c. until a certificate of occupancy of its equivalent is issued for all of the principal structures on the approved site plan.

f. Notwithstanding the provisions of this subsection 2., a site plan that includes more than one principal structure shall expire if certificates of occupancy for all principal structures have not been issued within seven (7) years of site plan approval.

3. If a building permit for construction of a principal structure as provided herein expires, the site plan shall expire and prior to issuance of any additional building permits, the applicant shall be required to submit an application for and receive approval of a new site plan for such principal structure.

4. If a site plan expires, the allocation of dwelling units granted for any principal structure that has not received a certificate of occupancy or equivalent certification shall expire at the time the site plan expires.

5. An extension of time for site plan expiration shall be granted by the reviewing body approving the site plan when all applicable building, zoning and engineering regulations remain the same and good cause for the delay has been shown by the applicant. Good cause may include, but shall not be limited to, delay caused by governmental action or inaction or other factors totally beyond the control of the applicant. An extension shall only be granted where an applicant has requested an extension during the effective period of the development permit. If any applicable building, zoning or engineering regulation has been changed during the twenty-four (24) month period, then the proposed development shall be reviewed only to the extent that the changes affect the proposed development.

b. An extension of time for expiration of a site plan for development sites located within the Northwest-Progresso-Flagler Heights Community Redevelopment Area ("NPFCRA") may be granted by the Executive Director of the Fort Lauderdale Community Redevelopment Agency based on the conditions provided in subsection 5.a. In no event shall an extension be granted for a period of time greater than twenty-four (24) months. If the executive director denies the extension, applicant may reapply for an extension in accordance with the provisions of subsection 5.a.
N. Effect of DRC, planning and zoning board, historic preservation board and city commission review. Any review and decision by the DRC shall govern and control any department review on all issues addressed and determined by the DRC. Any review and decision by the planning and zoning board shall govern and control any department or DRC review on all issues addressed and determined by the planning and zoning board. Any review and decision of the historic preservation board shall govern and control any department or DRC review on all issues within the authority of the HPB. Any review and decision by the city commission shall govern and control any department, DRC, historic preservation or planning and zoning board review on all issues addressed and determined by the city commission.

O. Time for meeting conditions. Conditions which are imposed in connection with a development permit which do not require a building permit shall be met at the time of issuance of a development permit associated with the site plan, except if the applicant shows that due to factors associated with the site such conditions cannot be met, the department may extend the time. If a condition requires construction of an improvement, such construction shall be commenced at the time of commencement of the part of the development which relates to the condition. All improvements required from the developer as a condition of approval for a development permit shall be installed and completed prior to the issuance of any certificate of occupancy. If conditions are imposed which are required to be met and an applicant fails to meet such conditions, the development permit may be revoked by the same body utilizing the same process as applicable to the issuance of the permit.

P. Payment of monies in lieu of installation of required improvements. In the event that any improvements required to be made by the developer as a condition of approval for a development permit cannot be installed or completed prior to the issuance of any certificate of occupancy, the city may accept payment or a bond in the amount needed to ensure completion of the required improvements. The city will accept such payment or bond from the applicant, when the applicant has demonstrated good cause for its inability to complete the installation of the required improvements, and such delay will not cause risk to public health or safety. Funds in the amount of the cost of the required improvements will be paid to, or a bond in the amount of one hundred twenty-five percent (125%) of the cost of the required improvements shall be posted with the city. Any funds collected or bonds posted pursuant to this subsection shall only be expended upon the improvements for which the money or bond was obtained. Such funds shall be expended within five (5) years of the date such money or bond was collected by the city. If the cost of said improvements is less than the money held by the city, or if it has not been spent or used within the five (5) year time frame, then a refund of any funds held by the city shall be made to the developer or the bond shall be released. However, should any required improvement be budgeted and planned for completion within said five (5) year time frame, but not started or totally completed within said five (5) years, then in that case no refund or release shall be required. A developer shall only be required to pay its proportionate share of the cost of required improvements in those cases in which the improvement does not solely benefit the development.

<table>
<thead>
<tr>
<th>Permit</th>
<th>Criteria for Review</th>
<th>Board of Adjustment</th>
<th>City Commission</th>
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<th>Planning &amp; Zoning Board</th>
<th>Devel. Plan</th>
<th>Table 1. DEVELOPMENT PERMITS AND PROCEDURES</th>
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### Section 47.39.A - Melrose Park and Riverland Road

#### Development Regulations for Annexed Areas

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<th>Site Plan—Level I Department</th>
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<th>A</th>
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<tbody>
<tr>
<td>Sidewalk cafe</td>
<td>1</td>
<td>Adequacy Review Sec. 47-25.2; Outdoor Uses, Sidewalk Cafe Sec. 47-19.9</td>
<td></td>
<td></td>
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</tbody>
</table>

**Central Beach Area Districts** - See Section 47-12 and other regulations provided in this Table 1.

- Adequacy Review Sec. 47-25.2
- Neighborhood Compatibility Review Sec. 47-25.3
**UNIFIED LAND DEVELOPMENT REGULATIONS**  
Chapter 47 - UNIFIED LAND DEVELOPMENT REGULATIONS  
**ARTICLE XV. - ANNEXED AREAS**  
**SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS**  
**SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD**

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<th>Section</th>
<th>Description</th>
<th>Zoning</th>
<th>Review Type</th>
<th>Notes</th>
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</thead>
<tbody>
<tr>
<td>2</td>
<td>Mobile vendor</td>
<td>D P A</td>
<td>CRR/P Z</td>
<td>1. Adequacy Review Sec. 47-25.2; Mobile Vendor, Sec. 47-18.2; Adequacy Review Sec. 47-25.2</td>
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<tr>
<td>3</td>
<td>Residential—less than 5 units</td>
<td>D P A</td>
<td>CRR/P Z</td>
<td>Adequacy Review Sec. 47-25.2</td>
</tr>
<tr>
<td>3.a</td>
<td>In SRAC-SA zoning districts</td>
<td>D P A</td>
<td>CRR/P Z</td>
<td>1. Adequacy Review Sec. 47-25.2; SRAC-SA Design Standards; Adequacy Review Sec. 47-25.2</td>
</tr>
<tr>
<td>3.b</td>
<td>Less than 5 units and equal to or less than 110 ft. in height</td>
<td>D P A</td>
<td>CRR/P Z</td>
<td>1. Adequacy Review Sec. 47-25.2; SRAC-SA Design Standards; Adequacy Review Sec. 47-25.2</td>
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<tr>
<td>4</td>
<td>New nonresidential construction—5,000 square feet or less</td>
<td>D P A</td>
<td>CRR/P Z</td>
<td>Adequacy Review Sec. 47-25.2; SRAC-SA Design Standards; Adequacy Review Sec. 47-25.2</td>
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<tr>
<td>4.a</td>
<td>In SRAC-SA zoning districts</td>
<td>D P A</td>
<td>CRR/P Z</td>
<td>1. Adequacy Review Sec. 47-25.2; SRAC-SA Design Standards; Adequacy Review Sec. 47-25.2</td>
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<tr>
<td>4.b</td>
<td>Less than 5,000 square feet and equal to or less than 110 feet in height</td>
<td>D P A</td>
<td>CRR/P Z</td>
<td>1. Adequacy Review Sec. 47-25.2; SRAC-SA Design Standards; Adequacy Review Sec. 47-25.2</td>
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<tr>
<td>5</td>
<td>Modification of waterway lot widths in RS-4.4 &amp; RS-8 Districts</td>
<td>D P A</td>
<td>CRR/P Z</td>
<td>1. Adequacy Review Sec. 47-25.2; SRAC-SA Design Standards; Adequacy Review Sec. 47-25.2</td>
</tr>
<tr>
<td></td>
<td>Change of use—different operation but does not involve development which requires a Site Plan Level II or higher permit—See Sec. 47-3.5.B.a</td>
<td>D</td>
<td>P</td>
<td>A</td>
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</tr>
<tr>
<td>6.</td>
<td>Reuse of nonconforming structure</td>
<td>D</td>
<td>P</td>
<td>A</td>
</tr>
<tr>
<td>7.</td>
<td>Continuation of nonconforming status</td>
<td>D</td>
<td>P</td>
<td>A</td>
</tr>
<tr>
<td>8.</td>
<td>Approval of off-site parking</td>
<td>D</td>
<td>P</td>
<td>A</td>
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## Section 47-39
### Development Regulations for Annexed Areas
#### Article XV - Annexed Areas

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<tr>
<td>1</td>
<td>DP</td>
<td>CRR/A</td>
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### Site Plan—Level II
#### Development Review Committee

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<th>New Nonresidential Construction—Greater Than 5,000 Sq. Ft.</th>
<th>Adequacy Review Sec. 47-25.2</th>
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<tbody>
<tr>
<td>1</td>
<td>DP A CRR/P Z</td>
<td>Adequacy Review Sec. 47-25.2</td>
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<thead>
<tr>
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<th>When Communication Towers Are Permitted</th>
<th>Adequacy Review Sec. 47-25.2 &amp; 47-18.11</th>
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<tbody>
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<td>DP A CRR/P Z</td>
<td>Adequacy Review Sec. 47-25.2 &amp; 47-18.11</td>
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<tr>
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<th>Adequacy Review Sec. 47-25.2 &amp; 47-18.11</th>
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<tr>
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<td>Adequacy Review Sec. 47-25.2 &amp; 47-18.11</td>
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<table>
<thead>
<tr>
<th></th>
<th>Nonresidential Use Within 100 Feet of Residential Property</th>
<th>Adequacy Review Sec. 47-25.2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>DP A CRR/P Z</td>
<td>Adequacy Review Sec. 47-25.2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Residential—5 Units or More</th>
<th>Adequacy Review Sec. 47-25.2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>DP A CRR/P Z</td>
<td>Adequacy Review Sec. 47-25.2</td>
</tr>
<tr>
<td></td>
<td>Multifamily residential development at a higher density than the density of any abutting existing residential property or vacant residentially zoned property that is outside of the Multifamily Residential Zoning District</td>
<td>R DP A</td>
</tr>
<tr>
<td>---</td>
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<td>---</td>
</tr>
<tr>
<td>1</td>
<td>Redevelopment proposals if existing and proposed improvements together meet the criteria of site plan level II review if proposed as new development and includes one (1) or more of the following:</td>
<td>R DP A</td>
</tr>
<tr>
<td>a</td>
<td>A modification which alters the site improvements by more than twenty-five percent (25%) of the area of the development site.</td>
<td></td>
</tr>
<tr>
<td>b</td>
<td>A new drive or relocation of an existing drive giving vehicular access from a public road to the development site.</td>
<td></td>
</tr>
</tbody>
</table>
### Development Regulations for Annexed Areas

**Section 47-39.**

**A.** Melrose Park and Riverland Road

- **c.** An addition which exceeds twenty-five percent (25%) of the gross floor area of the existing structure(s) on the development site.

- **d.** A change in group occupancy category as defined by the Florida Building Code, Broward County Edition which increases traffic generation by more than fifty percent (50%) of the traffic generated by the existing use based on Broward County traffic generation rates.

**1.** Allocation of reserve units (maximum of 2 dwelling units)

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<tr>
<td>R</td>
<td>DP</td>
<td>A</td>
</tr>
</tbody>
</table>

1. Adequacy Review Sec. 47-25.2, and 2. Neighborhood Compatibility Review Sec. 47-25.3, and
1. Change in use—See Sec. 47-3.5.B.b - Site Plan Level II threshold is met.

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<tr>
<td>1</td>
<td>R</td>
<td>DP</td>
<td>A</td>
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<tr>
<td>2</td>
<td>CRR/P Z or DRC</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Adequacy Review Sec. 47-25.2, and
2. Neighborhood Compatibility Review Sec. 47-25.3;
3. Nonconforming Use, Section 47-3;xhg;

1. For any use in the Downtown RAC which is within 100 feet of residential property outside of the RAC, or within the RAC-TMU(EMU,SMU,WMU) except on the New River waterfront as provided in 32, or on the New River waterfront corridor within RAC-CC and RAC-AS as provided in 33, below

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<tbody>
<tr>
<td>1</td>
<td>R</td>
<td>DP</td>
<td>A</td>
</tr>
<tr>
<td>2</td>
<td>CRR/P Z</td>
<td></td>
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</tbody>
</table>

1. Adequacy Review Sec. 47-25.2, and
2. Neighborhood Compatibility Review Sec. 47-25.3;
3. Nonconforming Use,
<table>
<thead>
<tr>
<th>Section 47-3;x</th>
<th>Adequacy Review Sec. 47-25.2, and ;xmg;2. Neighborhood Compatibility Review Sec. 47-25.3 ;xmg;3. RAC Requirement, Section 47-13;xmg;</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. All development within the RAC-TMU (EMU, SMU, WMU) that is greater in density than 25 dwelling units per net acre</td>
<td>R</td>
</tr>
<tr>
<td>2. Any use within the</td>
<td>R</td>
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</tbody>
</table>
|   | 2. downtown RAC which is contiguous to residential property outside of the RAC  
|   | a. |   |   |   | Adequacy Review Sec. 47-25.2 and Sec. 47-13.20.M.1  
|   | b. Any Site Plan Level II development within Downtown RAC which has previously been approved by or subject of an agreement with the City Commission (See Sec. 47-25.3)  
|   | c. Any Site Plan Level II development within Downtown RAC where one or more requirements |   |   | Z or DRC | 1. Adequacy Review Sec. 47-25.2 and Sec. 47-13.20.M.1  

Fort Lauderdale, Florida, Code of Ordinances  
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of the ULDR or City's Comprehensive Plan misapplied or failed to apply. See Sec. 47-13.20.M.2.

| 2  | Residential development 5 units or more and nonresidential development greater than 5,000 square feet within the SRAC-SA zoning districts less than or equal to one hundred and ten (110) feet in height. | R | DP | A | CRR |
| 3  | a. | Residential development 5 units or more and nonresidential development greater than 5,000 square feet within the SRAC-SA zoning districts greater than one hundred ten (110) feet in height up to one hundred fifty (150) feet in height | R | R | DP |

### SITE PLAN—LEVEL III

| 2  | Parking reduction | R | R | DP | CRR or A |
| 4  | a. | . | . | . | 1. Adequacy Review Sec. 47-25.2 |
### Section 47-39. Development Regulations for Annexed Areas

#### Section 47-39.A. Melrose Park and Riverland Road

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<th>Development Requirements</th>
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<td>DP</td>
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<td></td>
<td></td>
<td>A</td>
<td></td>
<td>2. Parking and Loading Requirements, Section 47-20; xhgl:</td>
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<tr>
<td>2</td>
<td>Modification of yards in RMM-25, RMH-25 and RMH-60 Districts</td>
<td>R</td>
<td>R</td>
<td>DP</td>
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<tr>
<td>5</td>
<td></td>
<td>CRR or A</td>
<td>1. Adequacy Review, Sec. 47-25.2; xhgl; 2. See Modification of Yards, Sec. 47-23.11; xhgl;</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Any use within the CF, CF-H, CF-S, CH-HS, P, T and U districts which is greater in height, FAR, gross floor area of the maximum within the specific zoning district (except for the T district when located within an airport boundary at which time the height of any use shall be regulated by FAA standards)</td>
<td>R</td>
<td>R</td>
<td>DP</td>
</tr>
<tr>
<td>6</td>
<td></td>
<td>CRR or A</td>
<td>1. Adequacy Review, Sec. 47-25.2; xhgl; 2. Neighborhood Compatibility Review, Sec. 47-25.3; xhgl;</td>
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<tr>
<td>2</td>
<td>Waterway uses, except for uses in the RAC-CC, RAC-UV, RAC-AS, RAC-TMU and all Central Beach Districts</td>
<td>R</td>
<td>R</td>
<td>DP</td>
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<tr>
<td>7</td>
<td></td>
<td>CRR or A</td>
<td>1. Adequacy Review Sec. 47-25.2, and xhgl; 2. Neighborhood Compatibility Review, Sec. 47-25.3; xhgl;</td>
<td></td>
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<tr>
<td>Section</td>
<td>Neighboring District</td>
<td>Use</td>
<td>Planning Review, Section</td>
<td>Adequacy Review, Section</td>
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<tr>
<td>2</td>
<td>R R DP</td>
<td>1</td>
<td>Adequacy Review Sec. 47-25.2</td>
<td>Adequacy Review Sec. 47-25.3</td>
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<tr>
<td>3</td>
<td>R D</td>
<td>1</td>
<td>Adequacy Review Sec. 47-25.2</td>
<td>Adequacy Review Sec. 47-25.3</td>
</tr>
</tbody>
</table>

### Notes
- **Allocation of flexibility units to residential land use to allow bonus density for affordable housing on residential land use parcels or for special residential facilities**
- **Any use within the Community Business (CB) District which is greater than 10,000 square feet in gross floor area**
- **Within the RMH-60 District, a hotel with greater than 87 sleeping rooms per net acre, up to a maximum of 120 sleeping rooms per net**
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<tbody>
<tr>
<td>acre</td>
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<tr>
<td>3</td>
<td>Density bonus in RML-25, RMM-25, RMH-25 Districts</td>
<td>R</td>
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<td>DP</td>
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<tr>
<td>3</td>
<td>Zero lot line and cluster residential development</td>
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<td>R</td>
<td>DP</td>
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</table>

1. Adequacy Review Sec. 47-25.2, and  ;xhg;2. Neighborhood Compatibility Review Sec. 47-25.3 ;xhg;3. Density Bonus Requirements, Sec. 47-23.1 2;xhg;

CRR/A
### DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

#### SECTION 47-39.A. MELROSE PARK AND RIVERLAND ROAD

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<tbody>
<tr>
<td>3</td>
<td>Within the RS-4.4 and RS-8 Districts—for greater FAR or lot coverage than as limited by Section 47-5</td>
<td>R</td>
<td>R</td>
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<tr>
<td>4</td>
<td>Any use within the RAC-TMU (EMU, SMU, WMU) on land abutting the New River</td>
<td>R</td>
<td>R</td>
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1. Adequacy Review Sec. 47-25.2, and
2. Neighborhood Compatibility Review Sec. 47-25.3; xhg:3. RAC Require
### Development Regulations for Annexed Areas

**Section 47-39.A. - Melrose Park and Riverland Road**

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<td>EXEMPTION FROM ZONING FOR</td>
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### Development Regulations

1. Adequacy Review Sec. 47-25.2
2. Neighborhood Compatibility Review Sec. 47-25.3
3. Adequacy Review 47-25.2
4. SRAC-SA Design Standards

### Development Permits

- **Section 47-13:**
- **Section 47-13:**

### Annexed Areas

3. Any use within the RAC-CC or RAC-AS on the New River which deviates from the New River Corridor Requirements, as provided in Section 47-13, Downtown RAC districts.

4. All development within the SRAC-SA zoning districts greater than one hundred and ten (110) feet in height up to one hundred and fifty feet (150) feet in height.
## PUBLIC PURPOSE USES

<table>
<thead>
<tr>
<th>CONDITIONAL USES</th>
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</thead>
</table>
a. Any use listed as a conditional use within a zoning district.
b. Within the RS-4.4 and RS-8 districts, any single family lot which is twice the minimum lot size, or greater.
c. Within the RMH-60 zoning district, any use which is greater than 150 feet in height, up to 300 feet in height.
d. Any industrial use which is within 300 feet of residential property.

<table>
<thead>
<tr>
<th>REZONING</th>
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a. Change in zoning designation or change to text of the ULDR.
b. Allocation of commercial uses on residential land use parcel.
c. Allocation of commercial uses on industrial or employment center land use parcel.

### X-Use District.

<table>
<thead>
<tr>
<th>X-Use District.</th>
<th>R</th>
<th>*R</th>
<th>R/Approval</th>
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## DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

### SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

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<th>Permit Department</th>
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<th>Historic Preservation Board</th>
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<th>Board of Adjustment</th>
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<tr>
<td>Allocation of residential</td>
<td>R</td>
<td>R</td>
<td>R</td>
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<td>DP</td>
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</table>

### COMPREHENSIVE PLAN AMENDMENTS

a. Text or map amendments to the City's adopted comprehensive plan.

b. Increase of residential density on residential land use parcel.

c.
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<th>Development Regulations for Annexed Areas</th>
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**Units on Commercial or Office Park Land Use and Employment Center.**

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UNIFIED LAND DEVELOPMENT REGULATIONS
Chapter 47 - UNIFIED LAND DEVELOPMENT REGULATIONS
ARTICLE XV. - ANNEXED AREAS
SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

| R | Review and recommendation requirement |
| A | Appeal by applicant of a denial |
| CRR | City commission request for review |
| CRR/P Z or Dept. | City commission request for review of planning and zoning board action or of department action |
| CRR/P Z | City commission request for review of planning and zoning board action |
| CRR/P DRC | City commission request for review of planning and zoning board action or of Development Review Committee action |


Sec. 47-24.2. - Site plan development permit.

A. Site plan level I, level II, level III and level IV.

1. Applicant. The owner of property proposed for development.

2. Application. An application for a site plan level review shall be submitted to the department. The application shall include the information provided in Sec. 47-24.1.F.

3. Review process.

a. Site plan level I (department).

i. An application for a site plan level I approval shall be submitted to the department for review to determine whether the proposed development meets the standards and requirements of the ULDR and site plan level I criteria.

ii. Within ten (10) business days of submittal of a complete application, the department shall provide to the applicant a written report of the comments and recommendations regarding compliance with the standards, requirements and criteria.

iii. If the department determines that the proposed development or use meets the standards, requirements and criteria, the department shall approve or approve with conditions necessary to ensure compliance with the criteria for the proposed development or use, the site plan level I development permit.

iv. If the department determines that the proposed development or use does not meet the standards, requirements and criteria for the proposed development or use, the department shall deny the site plan level I development permit.

b. Site plan level II (development review committee).
i. An application for a site plan level II approval shall be submitted to the department and the development review committee (DRC) for review to consider if the application meets the standards and requirements of the ULDR and site plan level II criteria.

ii. Within no less than ten (10) business days and not more than twenty-two (22) working days of submission of a completed application, the DRC shall conduct a meeting to consider the application and the applicant shall have an opportunity to be heard in accordance with the rules of procedure adopted by the DRC. The department shall forward its comments for inclusion in the DRC report.

iii. The DRC shall provide the applicant with a written report of the comments and recommendations to be discussed at the meeting regarding compliance with the standards and requirements of the ULDR and criteria for site plan level II.

iv. Upon the DRC determination that the proposed development or use meets the standards, requirements and criteria of the ULDR the DRC shall approve or approve with conditions necessary to ensure compliance with the standards, requirements and criteria for the proposed development or use, the site plan level II permit.

v. If the DRC determines that the proposed development or use does not meet the standards, requirements and criteria for the proposed development or use, the DRC shall deny the site plan level II permit.

c. Site plan level III (planning and zoning board).

i. An application for a site plan level III shall be submitted to the department and the development review committee (DRC) for review to consider if the application meets the standards and requirements of the ULDR and site plan level III criteria. The review shall be conducted within the time provided for a site plan level II review.

ii. The department shall forward its and the DRC recommendations to the planning and zoning board for consideration.

iii. Upon the DRC determination that the proposed development meets the standards and requirements of the ULDR and criteria for site plan level III, the applicant may within sixty (60) business days of the DRC determination, request planning and zoning board consideration.

iv. Within no less than twenty (20) business days and not more than sixty (60) business days of applicant's request for planning and zoning board consideration, the planning and zoning board shall hold a public meeting to consider the application and the record and recommendations forwarded by the department and DRC and shall hear public comment on the application.

v. If the planning and zoning board determines that the proposed development or use meets the standards and requirements of the ULDR and criteria for site plan level III review, the planning and zoning board shall approve or approve with conditions necessary to ensure compliance with the standards and requirements of the ULDR and criteria for the proposed development or use, the issuance of the site plan level III permit.
vi. If the planning and zoning board determines that the proposed development or use does not meet the standards and requirements of the ULDR and criteria for the proposed development or use, the planning and zoning board shall deny the site plan level III permit.

vii. After approval by the planning and zoning board, the application shall be returned to the DRC for review and approval to ensure that the site plan level III conditions as required by the planning and zoning board are incorporated into the site plan.

d. **Site plan level IV (city commission).**

i. The application for a site plan level IV shall be submitted to the department and development review committee (DRC) for review to consider if the application meets the standards and requirements of the ULDR and site plan level IV criteria.

ii. The department shall forward its and the DRC recommendations to the planning and zoning board for consideration.

iii. During a regular public meeting the planning and zoning board shall consider the application and the record and recommendations forwarded by the department and DRC and shall hear public comment on the application.

iv. The planning and zoning board shall determine whether the proposed development or use meets the standards and requirements of the ULDR and criteria for site plan level IV development and shall forward its recommendation to the city commission.

v. During a public meeting the city commission shall consider the application and the record and recommendations forwarded by the department, DRC and planning and zoning board and shall hear public comment on the application.

vi. If the city commission determines that the proposed development or use meets the standards and requirements of the ULDR and criteria for a site plan level IV development, the city commission shall approve or approve with conditions necessary to ensure compliance with the standards and requirements of the ULDR and criteria for the proposed development or use, the issuance of the site plan level IV permit. If the city commission determines that the proposed development or use does not meet the standards, requirements and criteria, the city commission shall deny the application.

vii. After approval of the site plan level IV by the city commission, the application shall be returned to the DRC for final review and approval to ensure that the planning and zoning board and city commission conditions for approval are incorporated into the site plan.

4. **Criteria.** The development review criteria as provided in Section 47-25 for site plan levels shall be as follows:

   a. Site Plan Level I Adequacy Requirements, Sec. 47-25.2

   b. Site Plan Level II Adequacy Requirements, Sec. 47-25.2
c. Site Plan Level III Adequacy Requirements, Sec. 47-25.2

d. Site Plan Level IV Adequacy Requirements, Sec. 47-25.2

In addition to the adequacy requirements in Sec. 47-25.2, the neighborhood compatibility requirements in Sec. 47-25.3 for specified uses and structures at any site plan level shall apply as follows: See Table 1 of this section.

5. **Amendments to site plan.**

   a. If the applicant wishes to change the development from that approved in accordance with this section, the amendment will be required to be reviewed as a new development in accordance with the procedure for such development, except for administrative approval of an amendment in accordance with subsection A.5.b.

   b. **Administrative approval of amendments to site plan level III or IV.**

      i. Amendment to a site plan level III or level IV permit which has been approved by the planning and zoning board or the city commission pursuant to the ULDR may be approved by the director without further review or approval by such body as follows:

         a) Any modification to reduce floor area or height of a proposed or existing building.

         b) Any modification to allow the alteration of the interior of an existing building which does not alter the external appearance of the building.

         c) Any modification to allow minor cosmetic alteration of the external facade of an existing building, including new or renovated signage, awnings and architectural detailing, provided that the overall architectural character is not changed.

         d) Any modification increasing yards, setbacks or both, provided that the zoning district does not have a "build to" requirement. If the removal of any portion of a structure results in an increase in yard or setback, the original architectural and site character must be maintained and the department may impose conditions of approval to ensure this requirement is met.

      ii. Amendment to a site plan level III or level IV permit which has been approved by the planning and zoning board or the city commission pursuant to the ULDR may be approved by the director, subject to Commission Request for Review as follows:

         a) Any modification to increase floor area or height to a proposed or existing building, that does not exceed five percent (5%) of the existing or approved floor area or height.

         b) Any modification to reduce yards or setbacks up to five percent (5%) of the existing or approved yard or setback; the building has not already received an approved yard modification; and the original architectural style and site character is maintained.

      iii. More than one (1) modification of an approved development plan as described in i. or ii. above may be approved by the director without review and approval by the
planning and zoning board or city commission, provided that the total modifications do not exceed the maximum permitted as provided therein.

iv. Notice of application for modification as provided in subsection ii. shall be provided by the applicant to the presidents of homeowner associations and presidents of condominium associations, or both, representing property within three hundred (300) feet of the applicant’s property. Notice shall be in the form provided by the department and mailed on the date the application is accepted by the department. The names and addresses of homeowner associations shall be those on file with the city clerk.

c. Other amendments. If the applicant wishes to change the development to an extent which exceeds the authority of the department to approve amendments as provided in subsection A.5.b. i or ii, the proposed amendment to the site plan level III or level IV permit will be required to be reviewed by the department and forwarded to the body which gave final approval to the original development permit. All approvals of amendments to a development permit by the Planning and Zoning Board shall be subject to City Commission Request for Review.

6. Effective date of approval. Site plan level development permits which are not subject to a commission request for review ("CRR") shall take effect upon approval of the development permit. The site plan level permits subject to CRR are shown on Table 1 in Sec. 47-24.1 or other provisions of the ULDR and the process for review is provided in Section 47-26B, Appeals. Except as provided herein, site plan level development permits which are subject to a CRR shall not take effect nor shall any building permit be issued for thirty (30) days and then only if no motion is adopted by the city commission seeking to review the application. The action of the body approving the development permit shall be final and effective after the expiration of the thirty (30) day period if no action is taken by the city commission and after the site plan has been reviewed to include all conditions imposed by the reviewing body as a requirement of approval as evidenced by final DRC review and execution. For development permits approved under Section 47-24.2.A.5.b the motion shall be considered within fifteen (15) business days of the decision by the lower body. The action of the body approving the development permit shall be final and effective after the expiration of the fifteen (15) business day period if no action is taken by the city commission and after the site plan has been reviewed to include all conditions imposed by the reviewing body as a requirement of approval as evidenced by final department review and execution.

7. Appeal. If a site plan level development permit is denied or is approved with conditions unacceptable to the applicant and appeal to a city body is provided in the ULDR as shown on Table 1 in this Section 47-24, the applicant may appeal the decision in accordance with the procedures provided in Section 47-26B, Appeals.

8. Multiple requests for site plan level review. If a development requires more than one (1) site plan level review, or a site plan level review and a conditional use review, the applications shall be combined and reviewed in accordance with the procedures for the higher level of required review. For example if one (1) site plan requires site plan level II review and a site plan level III review, both requests will be combined and reviewed under the procedures for a site plan level III permit.

(Ord. No. C-97-19, § 1(47-24.2), 6-18-97; Ord. No. C-02-45, § 1, 1-7-03)
Sec. 47-24.3. - Conditional use permit requirements.

A. Generally. It is the purpose of this section to provide criteria for conditional uses within specified zoning districts, which, because of certain characteristics as evaluated in the review criteria below, may not be appropriate at particular locations within the district, but which may be desirable in other locations for the orderly development of the city and for the public convenience or welfare.

B. Applicant. The owner of property proposed for development.

C. Application. An application for a conditional use permit shall be submitted to the department. The application shall include the information provided in Sec. 47-24.1.F and the following:

1. A description of the inherent nature of the proposed use;
2. The methods and materials utilized in the operation of the use;
3. The scope of the proposed operation;
4. A description of the economic and environmental impact on the surrounding area by permitting the conditional use.

D. Review process. The review process for a conditional use permit shall be the same as required for a site plan level III approval, as provided in Sec. 47-24.2, Site Plan Development Permit, subsection A.3.c.

E. Criteria. The following review criteria shall be applied in considering an application for a conditional use permit:

1. Impact on abutting properties as evaluated under the Neighborhood Compatibility Requirements, Sec. 47-25.3

2. Access, traffic generation and road capacities. Consideration will be given to the design capacity of the adjacent roadways, the particular traffic generation characteristics of the proposed conditional use, including the type of vehicular traffic associated with such uses, and traffic generation characteristics of other uses permitted in particular zoning districts.

3. The applicant must show and it must be found by the reviewing body that the following have been met:

   a. The location of the use or structure is not in conflict with the city’s comprehensive plan;
   b. Off-site or on-site conditions exist which reduce any impact of permitting the use or structure;
   c. On-site improvements have been incorporated into the site plan which minimize any adverse impacts as a result of permitting the use or structure;
   d. The location of the use in proximity to a similar use does not impact the character of the zoning district in which the use is located;
   e. There are no adverse impacts of the use which effect the health, safety and welfare of adjacent properties.
F. **Effective date of approval.** A conditional use permit shall not take effect nor shall a building permit be issued until thirty (30) days after approval, and then only if no motion is adopted by the city commission seeking to review the application or no appeal of the planning and zoning board decision is filed by the applicant as provided in Section 47-26B, Appeals. The motion of the planning and zoning board shall be final and effective after the expiration of the thirty (30) day period with no action taken by the city commission, and after the conditional use plans have been revised to include all conditions imposed by the planning and zoning board as a requirement for approval as evidenced by final DRC review and approval.

G. **Amendment.** If the applicant wishes to change a conditional use development as approved by the planning and zoning board to an extent which exceeds the authority of the director to approve amendments as provided in Sec. 47-24.2.A.5.b.ii, the proposed amendment to the development or use will be required to be reviewed and approved by the planning and zoning board in accordance with the procedures for review and approval of a new conditional use permit.

H. **Appeal.** If the planning and zoning board denies or approves with conditions unacceptable to the applicant, or if the city commission wishes to review an application for a conditional use permit, the provisions of Section 47-26B, Appeals, shall apply.

(Ord. No. C-97-19, § 1(47-24.3), 6-18-97)

**Sec. 47-24.4. - Rezoning (city commission).**

A. **Applicant.** The owner of the property sought to be rezoned or the city.

B. **Application.** An application for a rezoning shall be made to the department. The application shall include the information provided in Sec. 47-24.1.F.

C. **Review process.**

1. An application for rezoning shall be submitted to the department for review to consider if the application meets the rezoning criteria.

2. The department shall forward its recommendations to the planning and zoning board for consideration.

3. The planning and zoning board shall hold a public hearing to consider the application and the record and recommendations forwarded by the department and shall hear public comment on the application.

4. If the planning and zoning board determines that the application meets the criteria as provided in this section, the planning and zoning board shall recommend that the rezoning be approved or recommend a rezoning to a more restrictive zoning district than that requested in the application if necessary to ensure compliance with the criteria for the rezoning and if consented to by the applicant.

5. If the planning and zoning board determines that the application does not meet the criteria provided for rezoning or if the applicant does not consent to a more restrictive zoning district, the planning and zoning board shall deny the application and an appeal to the city commission may be filed by the applicant in accordance with Section 47-26B, Appeals.
If the rezoning application is recommended for approval or if an appeal of a denial of an application has been filed by the applicant in accordance with this section, the planning and zoning board shall forward its record and recommendations to the city commission for consideration.

The city commission shall hold a public hearing to consider the application and the record and recommendations forwarded by the department and the planning and zoning board and shall hear public comment on the application.

If the city commission determines that the rezoning meets the criteria for rezoning the city commission shall approve the change in zoning as requested in the application or approve a change to a more restrictive zoning district than that requested in the application if necessary to meet the criteria provided for rezoning and if consented to by the applicant. If the city commission determines that the proposed rezoning does not meet the criteria in, or if the applicant does not consent to a more restrictive zoning district, the city commission shall deny the application.

Approval of a rezoning shall be by ordinance adopted by the city commission.

If an application is for rezoning of more than ten (10) contiguous acres, the application shall be considered in accordance with Sec. 47-27.5.B, Notice Procedures for Public Hearings.

Criteria. An application for a rezoning shall be reviewed for compliance with Section 47-25, Development Review Criteria. In addition, an application for a rezoning shall be reviewed in accordance with the following criteria:

1. The zoning district proposed is consistent with the city's comprehensive plan.
2. Substantial changes in the character of development in or near the area under consideration supports the proposed rezoning.
3. The character of the area proposed is suitable for the uses permitted in the proposed zoning district and is compatible with surrounding districts and uses.

Effective date of approval. A rezoning shall take effect at the time provided in the ordinance approving the rezoning.

Withdrawal of an application. An applicant may withdraw an application for rezoning at any time prior to a vote by the planning and zoning board on the application. If two (2) applications for rezoning of the same parcel of property are withdrawn by the same applicant within one (1) year, no other application to rezone the tract of land shall be considered by the city for at least two (2) years after the date of withdrawal of the second application.

No application for a rezoning which has been previously denied by the planning and zoning board or by the city commission shall be accepted for at least two (2) years after the date of denial. An application to rezone property to a designation that is different than the designation which was applied for and denied and is different than a designation that was considered and denied as part of an application by the planning and zoning board, city commission or both, will be accepted and considered without consideration of time since a previous application was denied.

Appeal. If the planning and zoning board or city commission denies the rezoning and the applicant desires to appeal the denial, the provisions of Section 47-26B, Appeals, shall apply.
Sec. 47-24.5. - Subdivision regulations.

A. Subdivision approval.

1. Applicability of subdivision regulations. No person shall create a subdivision of land nor develop land in the city unless it conforms to these regulations. A subdivision shall be defined as the division of land into two (2) or more lots, sites, tracts, parcels or other designations whether by recorded plat, unrecorded plat, or by metes and bounds description.

2. Platting required. No building permit shall be issued nor shall a certificate of occupancy be issued for the construction of a principal building on a parcel of land unless a plat including the parcel or parcels of land has been recorded in the public records of Broward County subsequent to June 4, 1953 (Commencing at P.B.32, p.15), except as provided herein.

3. Exceptions to platting. The requirements in subsection A.2, shall not apply to an application for a building permit which meets any one (1) or more of the following criteria:

   a. Construction of one (1) single family dwelling unit or duplex on a lot or parcel which lot or parcel was of record as such in the official records of the county as of March 1, 1989;

   b. Construction of any principal structure for a multifamily or nonresidential use on a lot or parcel which is less than five (5) acres in size and specifically delineated on a plat recorded on or before June 4, 1953;

   c. A building permit may be issued for a parcel of land for which plat approval has been given by the city commission and the county although the plat has not yet been recorded, provided such authorization is granted in an agreement among the developer, the city and the county. Such agreements shall, at a minimum, require compliance with the applicable provisions of plat approval and shall prohibit the issuance of a certificate of occupancy until the plat is recorded. The city and the county shall be required to make a finding that facilities and services will be available at the adopted level of service standards, concurrent with the issuance of the building permit;

   d. A building permit may be issued for an essential governmental facility after plat review by the city where the city and county finds that immediate construction of the governmental facility is essential to the health, safety, or welfare of the public and where the city and county determines that public facilities and service standards will be available concurrent with the impact of the development of the governmental facility. Such a finding of adequacy shall be made by agreement between the city and the county. A certificate of occupancy shall not be issued until the plat is recorded. In addition to meeting the above criteria, the issuance of the building permit shall be subject to all of the following:

      i. Compliance with the applicable land development regulations; and

      ii. Any land within the lot or parcel which is necessary to comply with the Broward County Trafficways Plan and the city's street width provisions provided in this section has been conveyed to the public by deed or grant of easement.

4. Resubdivision of lots of record. Division of lots in a subdivision of record shall be permitted as
follows:

a. **Lands platted before June 4, 1953.** A lot or parcel specifically delineated in a plat recorded on or before June 4, 1953, which is less than five (5) acres in size and is reduced in size in combination with enlarging an abutting specifically delineated lot or parcel provided the resulting lots satisfy the dimensional requirements of the zoning district in which they are located, as well as these subdivision regulations. In addition, any land within the lot or parcel which is necessary to comply with the Broward County Trafficways Plan must have been conveyed to the public by deed or grant of easement. In addition:

i. In the RS-4.4, RS-8 and RD-15 districts lots or parcels may be recombined without replatting provided the resulting lots are not reduced in size below that in the original subdivision of record, except that each unit of a duplex in an RD-15 district may be on a separate lot of three thousand (3,000) square feet.

ii. In all other districts, lots may be recombined without replatting if no additional building lots or parcels are created.

b. **Lands platted after June 4, 1953.** A lot or parcel specifically delineated in a plat recorded after June 4, 1953 which is less than five (5) acres in size and is reduced in size in combination with enlarging an abutting specifically delineated lot or parcel provided the resulting lots satisfy the dimensional requirements of the zoning district in which they are located, as well as these subdivision regulations. In addition, any land within the lot or parcel which is necessary to comply with the Broward County Trafficways Plan must have been conveyed to the public by deed or grant of easement. In addition:

i. In the RS-4.4, RS-8 and RD-15 districts lots or parcels may be recombined without replatting provided the resulting lots are not reduced in size below that in the original subdivision of record, except that each unit of a duplex in an RD-15 district may be on a separate lot of three thousand (3,000) square feet.

ii. In all other districts, lots may be divided or recombined without replatting.

c. **Lots of record redivided prior to April 6, 1976.** Lots in the RS-4.4, RS-8 and RD-15 districts consisting of portions or combinations of portions of lots in a subdivision plat of record redivided prior to April 6, 1976, shall be considered as conforming to these regulations provided they meet the building site requirements of the zoning district. Redivided prior to the above date shall mean: (1) Record ownership of the redivided lots, or portions thereof, was vested prior to said date in two (2) or more individuals; or (2) A building permit was applied for prior to said date on a portion of the redivided lots; provided, however, that not more than two (2) additional permits shall be issued pursuant to this section.

d. **Building permits prior to April 6, 1976.** All building permits issued in accordance with the provisions of subsections A.4.a, b, and c, prior to April 6, 1976 are hereby confirmed, ratified and approved.

B. **Procedure for preparation and filing of plats.** Plats shall be reviewed and approved by the city prior to or concurrent with review and approval by the county. The requirements for the preparation of and the procedure for filing of a plat shall be as follows:

1. **Applicant.** The owner of property proposed to be platted.
2. Application to Development Review Committee (DRC).

   a. An application for plat review shall first be submitted to the department. The department shall forward the application to the DRC for review pursuant to subsection B.4.

   b. The proposed plat shall be presumed to have the maximum impact on necessary services and facilities permitted under the city's land use plan, as amended. An applicant for a development permit for plat approval may apply for review of a plat at less than the presumed maximum impact and the city shall review that application for impact on services and facilities at the development level requested. The face of each recorded plat shall bear a notation indicating the developmental level at which the plat was reviewed for adequacy of services pursuant to this section. All future development shall be limited to the restrictions indicated by the notation.

3. Application to planning and zoning board. An application for plat review and approval by the planning and zoning board and city commission shall be made to the department, upon determination by the DRC of plat conformity with applicable regulations, pursuant to subsection B.5.

4. DRC review process.

   a. An application for plat review shall be submitted to the department for review by the DRC.

   b. The DRC shall conduct a meeting to consider the application and the applicant shall have an opportunity to be heard in accordance with the rules of procedure which the DRC shall adopt.

   c. The DRC shall forward to the applicant a written report of the comments and recommendations discussed at the meeting regarding compliance with the provisions of this section and applicable land development regulations.

5. Planning and zoning board/city commission review process.

   a. Upon determination by the DRC of the plat's conformity with applicable regulations, an application for plat review and approval shall be submitted to the department for submittal to the planning and zoning board for review.

   b. The DRC and the department shall forward its recommendation(s) to the planning and zoning board for consideration.

   c. During a regular public meeting the planning and zoning board shall consider the application and the record and recommendations forwarded by the DRC and the department and shall hear public comment on the application.

   d. The planning and zoning board shall determine whether the proposed plat meets the provisions of this section and other applicable land development regulations and shall forward its recommendation to the city commission.

   e. During a regular public meeting the city commission shall consider the application and the record and recommendations forwarded by the DRC, the department, and the planning
f. If the city commission determines that the proposed plat satisfies the provisions of this section and other applicable land development regulations, it shall approve the plat by resolution, with or without modification. If the city commission determines that the plat does not satisfy all applicable regulations, it shall deny the plat.

6. City engineer sign-off.
   
   a. The city engineer shall sign the plat after it has been formally approved by the city commission and immediately prior to transmission to the county for recording.

C. Plat technical specifications.
   
   1. The plat submitted for approval shall be clearly and legibly drawn in black waterproof drawing ink upon tracing cloth or an approved drafting film.

   2. Plats shall be on sheets twenty-four (24) inches by thirty-six (36) inches overall, with one (1) inch borders on three (3) sides and a three (3) inch border on the left. When the size or shape of the subdivision necessitates more than one (1) sheet, each sheet shall be clearly marked as near as possible to the upper right corner "Sheet No. (____________) of (total) Sheets." All multiple sheet plats shall be clearly cross-referenced to the proper sheet numbers at the match lines and a reasonable portion of the overlapping area shall be shown in outline form. In addition, every plat sheet shall have placed in the upper right corner outside the border "Plat Book Page" for the use of the recorder.

   3. The plat shall be at a scale of not more than one hundred (100) feet to the inch and shall include the following information:
      
      a. Subdivision name or identifying title including the section(s), township(s), range(s), city, county, and state.

      b. Location sketch showing location of subdivision with respect to section lines and surrounding streets and landmarks.

      c. North point, graphic scale and month and year plat drawn.

      d. Corporate limits when in or adjacent to subdivision.

      e. Boundary lines of the tract with accurate distances to hundredths of a foot and angles to half minutes. These boundaries shall be determined by accurate survey in the field, which shall be balanced and closed with error closures not to exceed one (1) foot to five thousand (5,000) feet. Surveys shall be coordinated and tied into the nearest established section corner or quarter section corner by angle and distance.

      f. The exact names, locations and widths along the property lines of all existing or recorded streets intersecting or paralleling the boundaries of the tract.

      g. The accurate location of all permanent reference monuments.

      h. The exact layout including: street and alley lines, street names, bearings, angles of intersection and widths (including widths along the lines of any obliquely intersecting streets);
lengths of area and radius, points of curvature and tangent bearings; all easements owned by or rights-of-way provided for public utilities; all lot lines with dimensions in feet and hundredths, and with bearings or angles if other than right angles to the street and alley lines.

i. Lots numbered in numerical order within each block or lettered in alphabetical order within each block, and blocks numbered in numerical order or lettered in alphabetical order.

j. The accurate outline of all property which is to be dedicated or proposed for public use including open drainage courses and suitable easements, and all property that may be reserved by covenants in deeds for the common use of the property owners in the subdivision with the purposes indicated thereon.

k. A complete description of land intended to be subdivided, and the extent and boundaries of the platted area shall be graphically indicated in a clear and understandable manner.

l. Names and locations of adjoining subdivisions, the adjacent portions of which shall be shown in outline form.

m. Acknowledgment by the owner or owners and all mortgage lienholders of lands included within the plat of the execution of same and the dedication to public use of all streets, alleys, parks, easements and other public places shown upon same.

n. The certificate of the surveyor attesting to the accuracy of the survey and that the permanent reference monuments have been established according to law.

o. Space and forms for the following necessary approvals:
   i. City commission.
   ii. City planning and zoning board.
   iii. City engineer.
   iv. County commission.
   v. County engineer.

p. Dedication. The plat shall contain upon the face thereof an unreserved dedication to the public of all streets, highways, alleys, parks, parkways, easements, commons or other public places included within the plat, such dedication to be subscribed to by the legal and equitable owners of such lands and by all persons holding mortgages against such lands, which dedication shall be acknowledged before an officer authorized to take acknowledgments of deeds. Such plat containing such dedication, when properly recorded, shall constitute a sufficient, unrevokable conveyance to vested in the city fee title to the parcel of land dedicated for public use, to be held by the city in trust for the uses and purposes intended, and the approval of the plat by the city commission shall have the force and effect of an acceptance.

q. Payment of taxes. No plat shall be accepted by the city or approved by the city commission unless and until all taxes and improvement liens levied against the lands included in such plat have been paid and discharged.
D. Subdivision layout.

1. Streets and alleys.
   a. Conformity to trafficways plan. The location, direction and width of all streets, roads and highways shall conform to the official city plan, and to ordinances of city.
   b. Relation to existing street system. The arrangement of streets in new subdivisions shall make provision for the proper extension of existing dedicated streets in existing subdivisions, where such extension is appropriate. Streets shall bear numerical names, unless waived by the board.
   c. Provision for platting adjoining unplatted areas. The arrangement of streets in new subdivisions shall be such as to facilitate, and coordinate with the desirable future platting of adjoining unplatted property, and to provide for local circulation and convenient access to neighborhood facilities.
   d. Protection from through traffic. Minor and collector residential streets shall be laid out and arranged so as to discourage their use by through traffic.
   e. Primary arterial street frontage. Where a residential subdivision abuts a primary arterial street either existing or proposed in the trafficways plan, the board may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with or without rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to assure separation of through and local traffic.
   f. Plats adjacent to railroad or expressway right-of-way. Where a subdivision borders on or contains a right-of-way for a railroad, expressway, drainage canal or waterway, the board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades for future bridges.
   g. Reserve strips. Reserve strips controlling access to streets shall be prohibited, except where deemed desirable by the board to prevent use of a residential street by business or industrial traffic.
   h. Private streets. There shall be no private streets platted in any subdivision. Every subdivided lot or property shall be served from a publicly dedicated street. This requirement may be waived by the board in special situations where the board finds public safety, convenience and welfare can be adequately served.
   i. Half streets. New half or partial streets shall not be permitted, except where it appears reasonable that the owner of adjacent lands will provide the balance of the needed right-of-way upon development of such adjacent lands. Wherever a tract to be subdivided borders on dedicated existing half or partial street the other part of the street shall be taken into consideration in meeting requirements.
   j. Dead-end streets. Dead-end streets shall be prohibited, except where appropriate as stubs to permit future street extension into adjoining unsubdivided tracts, or when designed as cul-de-sacs.
k. **Cul-de-sac streets.**

i. Cul-de-sacs, permanently designed as such, shall not exceed four hundred (400) feet in length, except on finger islands.

ii. Cul-de-sacs shall be provided at the closed end with a circular dedicated area not less than seventy (70) feet in diameter for turnaround purposes.

l. **Street rights-of-way.**

i. Street rights-of-way for expressways, primary arterials, major thoroughfares and secondary thoroughfares shall conform to the Broward County Trafficways Plan. Other street rights-of-way shall be not less than the following, except when a greater right-of-way is specified in the Broward County Trafficways Plan:

<table>
<thead>
<tr>
<th>Street Type</th>
<th>Right-of-Way (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collector</td>
<td>60</td>
</tr>
<tr>
<td>Minor, for business, industrial, high density residential</td>
<td>60</td>
</tr>
<tr>
<td>Minor, for low and medium density residential</td>
<td>50</td>
</tr>
<tr>
<td>Marginal access</td>
<td>50</td>
</tr>
</tbody>
</table>

ii. Additional right-of-way width may be required to promote public safety and convenience, or to assure adequate access, circulation and parking in high density residential areas, commercial areas, industrial areas, and at intersections with arterial streets, pursuant to DRC review.

iii. Where a subdivision abuts or contains an existing street of inadequate right-of-way width, additional right-of-way in conformance with the above standards may be required, pursuant to DRC review.

m. **Alleys.**

i. Alleys shall be provided to serve multiple dwelling, business, commercial and industrial areas, except that the board may waive this requirement where other definite and assured provision is made for service access, off-street loading, unloading and parking consistent with and adequate for the uses permissible on the property involved.

ii. The width of an alley shall be a minimum of twenty (20) feet for two-way travel, and may be less for one-way travel.

iii. Changes in alignment of alleys shall be made on a center line radius of not less than thirty-seven (37) feet.

iv. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities for service trucks and other vehicles at the dead-end, with a minimum external diameter of ninety-four (94) feet, or as determined to be adequate by the board.
n. **Easements.**

i. Dedicated easements across lots or centered on rear or side lot lines shall be provided for public utilities where necessary and shall be at least ten (10) feet in width.

ii. Where a subdivision is traversed by a presently existing functional watercourse, drainage way, canal or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourses and such further width as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith where necessary for service or maintenance.

iii. Easements may be required for drainage purposes of such size and location as may be determined by the city engineer.

o. **Street alignment.**

i. Curvilinear streets are recommended for residential minor and collector streets in order to discourage excessive vehicular speeds and to provide attractive vistas, where practicable.

ii. Whenever a street changes direction, or connecting street lines deflect from each other, by more than ten (10) degrees, that shall be a horizontal curve.

iii. To insure adequate sight distance, minimum center line radii for horizontal curves shall be as follows:

   a) Minor streets: one hundred fifty (150) feet.

   b) Collector streets: three hundred (300) feet.

   c) Secondary arterial streets and section line roads: five hundred (500) feet.

   d) Major arterial thoroughfares: seven hundred fifty (750) feet.

iv. A tangent at least one hundred (100) feet long shall be provided between reverse curves on collector streets, and at least two hundred fifty (250) feet long on major and secondary arterial thoroughfares and section line roads.

p. **Street intersections.**

i. Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than sixty (60) degrees, except at a "Y" intersection of two (2) minor streets.

ii. Multiple intersections involving junction of more than two (2) streets shall be prohibited except where found to be unavoidable by the board.

iii. "T" intersections of minor and collector streets are to be encouraged.

iv. As far as possible, intersections with arterial streets shall be located not less than eight hundred (800) feet apart, measured from center line to center line.
v. Streets entering opposite sides of another street shall be laid out directly opposite each other or with a minimum offset of one hundred twenty-five (125) feet between their center lines.

vi. Right-of-way lines at street intersections shall be in conformance with the following minimum criteria:

   a) The right-of-way line shall be the chord of a twenty (20) foot radius for the intersection of two (2) minor streets.

   b) The right-of-way line shall be the chord of a twenty-five (25) foot radius for the intersection of a minor and a major street.

   c) The right-of-way line shall be the chord of a thirty (30) foot radius for the intersection of two (2) major streets.

Where the angle of intersection is less than sixty (60) degrees, the chord of a greater radius may be required by the board. The board may waive the requirement for a chord at the intersection of two (2) minor streets when that requirement has also been waived by the city engineer; however, the minimum radius of the right-of-way shall be twenty (20) feet.

q. Excessive street widths. Streets shall not be platted to a width more than one hundred fifty percent (150%) of the minimum width specified in these regulations for the type of street involved. No street shall be platted for center median development except where such center median may be desirable or necessary for traffic separation and safety, and aesthetics as determined by the board.

2. Blocks.

   a. The lengths, widths, and shapes of blocks shall be determined with due regard to:

      i. Provision of adequate building sites, suitable to the special needs of the type of use contemplated.

      ii. Zoning requirements as to lot sizes and dimensions.

      iii. Needs for convenient and safe access, circulation, control of pedestrian and vehicular traffic.

      iv. Limitations and opportunities of topographic features.

   b. Block lengths shall not exceed one thousand three hundred twenty (1,320) feet nor be less than five hundred (500) feet, unless found unavoidable by the board.

   c. Pedestrian crosswalks, not less than ten (10) feet in width, may be required through blocks over one thousand (1,000) feet in length, where necessary in the judgment of the board to provide safe and convenient access to schools, playgrounds, shopping centers, transportation or other community facilities.

3. Lots.
a. The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and to the character of surrounding development.

b. Lot dimensions and areas shall be not less than specified by applicable provisions of the zoning regulations in effect, and shall further conform to these regulations.

c. Lots for detached single family and duplex dwellings shall provide lot sizes not less than the following:

   i. In the RS-4.4 district, lot area of ten thousand (10,000) square feet and width of one hundred (100) feet.

   ii. In the RS-8 district, lot area of seven thousand five hundred (7,500) square feet and width of seventy-five (75) feet.

   iii. In the RD-15, RC-15, RM-15, RML-25, RMM-25, RMH-25 and RMH-60 districts, lot area of seven thousand five hundred (7,500) square feet and width of seventy-five (75) feet.

d. It is recommended that corner lots for residential use have such additional width, greater than a corresponding interior lot, as may be necessary to provide appropriate building setbacks and orientation to both streets.

e. Side lot lines shall be substantially at right angles or radial to street lines.

f. Double frontage and reverse frontage lots for residential use shall be avoided, except where essential to provide separation of residential development from traffic arteries or to overcome specific handicaps of topography and orientation. A planting strip of at least ten (10) feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous situation.

g. Street frontage. Every lot shall abut upon and have permanent access to a public street.

h. Lot arrangement and design shall be properly related to topography, to nature of contiguous property and to the character of surrounding development. Where existing lots are replatted or the size and shape of a tract to be platted makes conformance with the provisions of these subdivision regulations unreasonable and impracticable in the judgment of the planning and zoning board, the board is hereby authorized to vary the requirement in appropriate cases in such manner as to carry out the spirit and purpose of the subdivision regulations.

4. Canals. Canals and waterways, other than drainage ditches, shall be dedicated to public use. Canals shall be not less than sixty (60) feet in width. Canals which connect to navigable waterways shall have a center line water depth of at least nine (9) feet at mean high tide, or if not subject to tidal flow shall have a center line water depth of at least six and one-half (6½) feet at all times.

E. Required subdivision improvements.

1. Preparation of plans. Receipt of the signed copy of the approved preliminary plat is
authorization for the subdivider to proceed with the plans and specifications for the minimum improvements required under this section and with the preparation of the final plat. Prior to the construction of any improvements required or to the submission of a bond in lieu thereof, the subdivider shall furnish the city engineer all plans, information, and data necessary to determine the character of said improvements and compliance with city standards and specifications. These plans shall be examined by the city engineer and will be approved if in accordance with all requirements. Following this approval, construction can be started or the amount of a bond determined. Construction shall be subject to supervision of the city engineer.

2. **Subdivision improvements bond.** No final plat of any subdivision shall be approved unless the subdivider shall file with the city a surety bond executed by a surety company authorized to do business in the state and having a resident agent in the county, conditioned to secure the construction of the improvements required under this section, in a satisfactory manner and within a time period specified by the city commission, such period not to exceed two (2) years. No such bond shall be accepted unless it is enforceable by or payable to the city in a sum at least equal to one and one-half (1½) times the cost of constructing the improvements as estimated by the city engineer and in form with surety and conditions approved by the city attorney. In lieu of a bond, cash deposit or other acceptable security may be made. In case of forfeiture, the city shall proceed with the improvements to the extent of the available money realized from such forfeiture.

3. **Subdivision improvements required.** The following minimum subdivision improvements shall be provided and installed by the subdivider, provided that the city commission may waive the provision or installation of such portions of these improvements by the subdivider on or in streets on the exterior boundary or perimeter of the subdivision, under one (1) of the following circumstances: Where the city commission finds that it would be unreasonable and inequitable to require the subdivider to be responsible for the entire cost of such improvements and the commission finds there is a reasonable probability that the remainder portion of such improvements will be provided through the subdividing of the contiguous property, or where the city commission finds that such improvements can be reasonably and satisfactorily provided through special assessments for local improvements:

   a. **Monuments.** The subdivider shall provide and install monuments as follows:

      i. At intersection of center lines of all streets install a one-inch pipe, three (3) feet long, embedded in concrete, top flush with finished pavement.

      ii. Permanent reference monuments as required by Florida Plat Law.

   b. **Grading.** All streets, crosswalks and alleys shall be graded to their full width by the subdivider in accordance with city specifications. Due to special topographical conditions, deviation from the above will be allowed only with special approval of the city engineer.

   c. **Storm drainage.** An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided by the subdivider for the proper drainage of all surface water. In cases where a subdivision is located at such a distance from waterways, main drains or drainage canals that the board finds a complete storm drainage system for the subdivision to be impracticable and unreasonable, the board may waive or reduce this requirement.

   d. **Paving.**
i. All streets of a subdivision shall be paved by the subdivider in full accordance with specifications of the city.

ii. **Minimum widths.** All minor and collector streets in residential areas shall be paved to a minimum width of thirty (30) feet and provided with concrete curbs and gutters where storm drainage is required. Where storm drainage is waived by the board, the minimum pavement width shall be twenty-four (24) feet and there shall be no curbs and gutters. On primary arterials, major thoroughfares, and secondary thoroughfares where storm drainage is required the subdivider shall have the option of providing the minimum twenty-four-foot pavement without curbs and gutters, or providing curbs and gutters with a pavement in excess of thirty (30) feet as determined by the city engineer.

e. **Sidewalks.**

i. Sidewalks shall be installed on both sides of all streets designated as primary arterials, major thoroughfares and secondary arterials, and for streets zoned or intended for business or industrial development, unless deemed unnecessary for pedestrian travel by the board.

ii. Sidewalks shall be installed on both sides of all streets in residential areas, except that the board may modify this requirement where it can be shown that they are not needed for the protection of pedestrians and school children.

iii. All sidewalks shall be at least five (5) feet in width, constructed of portland cement concrete, and constructed to the specifications of the city. Sidewalks of greater width may be required on major streets and heavy pedestrian travel areas as provided for in this section.

iv. The board, upon recommendation of the city engineer, may waive the requirement for sidewalks on streets where the average width of lots is two hundred (200) feet or more, or where a park, railroad, canal, or other use on one (1) side of a street makes a sidewalk not essential for safety of pedestrians, or where the requirement for sidewalks would cause a storm drainage problem in a location where the requirement for storm drainage has been found impracticable by the board, or on finger islands where they are deemed impracticable by the board.

v. Where it appears that a previously dedicated street forms a boundary of a subdivision, the subdivider must dedicate proper sidewalk areas upon the side of the street abutting the lands subdivided.

f. **Water supply system.** Water mains properly connected with the city water supply system shall be provided by the subdivider in such a manner as to adequately serve all lots shown on the subdivision plat for both domestic use and fire protection. Water mains shall be designed and installed by or under the supervision of the city engineer.

g. **Sanitary sewers.** Sanitary sewers shall be installed by the subdivider in areas where a sanitary sewerage system is available or has been authorized and financed. Such sanitary sewers, mains and laterals shall be properly connected to a city sewage disposal system or arranged for suitable future connection, and shall be designed by a registered engineer, subject to the approval of the city engineer. The installation shall be made under the
supervision and inspection of the city engineer. Expense of design, supervision and inspection of the sewage disposal system shall be borne by the developer. In addition to sewer mains, laterals shall be installed to each platted lot and stubbed off at the property line for future connection. The sanitary sewer system shall also be subject to the approval of the state board of health. The use of individual septic tanks in lieu of a sanitary sewer system shall not be permitted without county health department approval, and only in cases where connection to the sanitary sewerage system is impracticable.

h. **Canals and waterways.** All canals and other dedicated waterways shall be excavated by the subdivider to the width and length shown on the plat, and to the minimum depth specified in this section.

F. **Recordation and expiration of plat.** Proof must be submitted to the city commission prior to the adoption of a resolution approving the plat that the persons signing the plat and executing the dedication are all of the owners of all of the property platted or replatted. The approval of all persons holding mortgage liens against any property platted or replatted shall appear upon the plat. Such plat or replat must be recorded in the official records of the county within three (3) years after the adoption of the resolution approving same; otherwise the approval is automatically rescinded and canceled, and the plat shall become null and void.

(Ord. No. C-97-19, § 1(47-24.5), 6-18-97)

**Sec. 47-24.6. - Vacation of rights-of-way.**

A. **Vacation of rights-of-way or other public place (city commission).**

1. **Applicant.** The applicant must abut the public street, alley or other publicly dedicated or conveyed place sought to be vacated or the city.

2. **Application.** An application for a vacation of right-of-way, waterway or other public place shall be submitted to the department. The application shall include a legal description of the right-of-way, waterway, public place or portion thereof proposed to be vacated and written consent executed by every utility company with existing utilities or a right to locate such utilities within the public place. A traffic study may be required by the DRC if necessary to determine if the application meets the criteria.

3. **Review process.**

   a. An application shall be submitted to the department for review to consider if the application meets the criteria for a vacation of right-of-way.

   b. The department shall prepare a report to be included with the application regarding existing utilities within the right-of-way and whether the criteria have been met.

   c. The department shall forward the DRC recommendations to the planning and zoning board for consideration.

   d. During a public meeting, the planning and zoning board shall consider the application for vacation of right-of-way, and the record and recommendations forwarded by the DRC and shall hear public comment on the application.
e. If the planning and zoning board determines that the application meets the criteria for vacation and recommends approval of the vacation, the recommendation shall be forwarded to the city commission for consideration.

f. If the planning and zoning board determines that the criteria have not been met, the board shall deny the application and the procedures for appeal to the city commission as provided in Section 47-26B, Appeals, shall apply.

g. If the application is forwarded to the city commission, the city commission shall hold a public hearing to consider the application and the record and recommendations forwarded by the DRC and planning and zoning board and shall hear public comment on the application.

h. If the city commission determines that the application meets the criteria for vacation the city commission shall approve the vacation.

i. Approval of a vacation shall be by ordinance adopted by the city commission.

j. If the city commission determines that the proposed development or use does not meet the criteria, the city commission shall deny the application.

4. **Criteria.** An application for a vacation of a right-of-way or other public place shall be reviewed in accordance with the following criteria:

   a. The right-of-way or other public place is no longer needed for public purposes; and

   b. Alternate routes if needed are available which do not cause adverse impacts to surrounding areas; and

   c. The closure of a right-of-way provides safe areas for vehicles to turn around and exit the area; and

   d. The closure of a right-of-way shall not adversely impact pedestrian traffic; and

   e. All utilities located within the right-of-way or other public place have been or will be relocated pursuant to a relocation plan; and the owner of the utility facilities has consented to the vacation; or a utilities easement has been retained over the right-of-way area or portion thereof; or an easement in a different location has been provided for the utility facilities by the owner to the satisfaction of the city; or any combination of same and utilities maintenance shall not be disrupted.

5. **Appeal.** If an application for vacation is denied by the city commission, the applicant may appeal the decision in accordance with the procedures provided in Section 47-26B, Appeals.

6. **Effect upon approval.** The ordinance approving a vacation of right-of-way or other public place shall be recorded in the public records of the county within thirty (30) days after adoption. The ordinance may provide for the retention of a utility or other type of easement needed by the city, and may have a delayed effective date in order that any necessary conditions relating to the vacation may be met.

(Ord. No. C-97-19, § 1(47-24.6), 6-18-97)
Sec. 47-24.7. - Vacation of easement.

A. Vacation of easement (city commission).

1. Applicant. The applicant shall be the owner of property subject to public easement sought to be vacated or the city.

2. Application. An application for a vacation of easement shall be made to the department, and shall include a legal description of the easement or portion thereof proposed to be vacated and written consent executed by every utility company with existing utilities or a right to locate such utilities within the easement.

3. Review process.

   a. An application shall be submitted to the development review committee for review to consider if the application meets the criteria for a vacation of easement.

   b. The DRC shall prepare a report to be included with the application regarding existing utilities within the easement and whether the criteria have been met.

   c. The DRC shall forward its recommendation for a vacation of an easement to the city commission.

   d. During a regular public meeting, the city commission consider the application and the record and recommendations forwarded by the DRC and shall hear public comment on the application.

   e. If the city commission determines that the application meets the criteria for vacation, the city commission shall approve the vacation. If the city commission determines that the proposed development or use does not meet the criteria, the city commission shall deny the vacation.

   f. Approval of a vacation of an easement shall be by resolution adopted by the city commission.

4. Criteria. An application for a vacation of an easement shall also be reviewed in accordance with the following criteria:

   a. The easement is no longer needed for public purposes.

   b. All utilities located within the easement have been or will be relocated pursuant to a relocation plan; and the owner of the utility facilities has consented to the vacation; or a portion of the easement area is maintained; or an easement in a different location has been provided by the utility facilities by the owner to the satisfaction of the city; or any combination of same.

5. Appeal. If an application for vacation is denied by the city commission, the applicant may appeal the decision in accordance with the procedures provided in Section 47-26B, Appeals.

6. Effect upon approval. The resolution approving a vacation of easement shall be recorded in the public records of the county within thirty (30) days after adoption. The resolution may provide for the retention of a utility or other type of easement needed by the city, and may have a delayed
Sec. 47-24.8. - Comprehensive plan amendment.

A. Comprehensive plan amendment (city commission).

1. When application is required. Any person requesting a proposed change to the city’s adopted land use plan map or to any text within the city’s adopted comprehensive plan shall be required to submit a comprehensive plan amendment application.

2. Application requirements, review process, criteria and appeal. An application for a comprehensive plan amendment shall be submitted to the department for review by the planning and zoning board (local planning agency) and for approval and adoption by the city commission, in accordance with the requirements of F.S. ch. 163 and F.A.C. Rule 9J-

3. Recertification by Broward County Planning Council. Amendment to the city’s comprehensive plan must be recertified by the Broward County Planning Council prior to the approval taking effect.

Sec. 47-24.9. - Concurrency review finding of adequacy.

A. Concurrency review finding of adequacy. For a proposed development requiring review by the development review committee (DRC), a finding of adequacy for all facilities except drainage and traffic shall be required. The department shall review and issue the finding based on the requirements set out herein. A finding for drainage and traffic shall be issued at the time initial DRC review is approved.

1. Exemption. The following developments will be exempt from the requirements of this section:

a. The construction of public transportation, potable water, sanitary sewer, solid waste, drainage, parks and recreation facilities or a development or construction project which is being undertaken for the protection of the public health, safety or welfare.

b. Maintenance, renewal, improvement, alteration of any structure where the work affects only the interior or color of the structure or the decoration of the exterior of the structure.

c. Permits for accessory structures to established residential structures.

d. Any development order consistent with a development of regional impact pursuant to F.S. § 380.06, approved prior to January 1, 1990.

e. Any development which has been determined to be vested as determined by the zoning administrator.

f. Construction of one (1) single family house or duplex on one (1) platted lot or parcel of record as of January 1, 1990 and is in an in-fill area as defined by the Broward County Land Development Code.

g. Expansion of a single family house or duplex.

(Ord. No. C-97-19, § 1(47-24.7), 6-18-97)
2. **Finding of adequacy.** An application for concurrency evaluation shall be submitted to the DRC prior to or simultaneous with an application for a development permit. Upon review of an application for concurrency evaluation, a finding of adequacy or inadequacy for those facilities as provided below shall be issued by the department and shall remain valid provided an application for development permit consistent with the application for concurrency evaluation is submitted within sixty (60) days of issuance of the finding and shall remain valid as follows:

a. For a proposed development requiring review by the development review committee (DRC), a finding of adequacy for all facilities except drainage and traffic shall be issued. A finding for drainage and traffic shall be issued at the time initial DRC review is approved.

b. For a proposed development requiring site plan level I approval and not DRC approval, a finding of adequacy for all facilities except drainage shall be issued. A finding of adequacy for drainage shall be issued at the time a complete application for a building permit is submitted. A finding of adequacy shall remain valid as long as the site plan is approved within six (6) months of submission of an application for site plan approval and shall remain valid as long as the site plan approval is valid.

c. For a proposed development requiring a building permit, a finding of adequacy for all facilities except drainage shall be issued. A finding of adequacy of drainage shall be issued at the time a complete application for a building permit is submitted. A finding of adequacy shall remain valid as long as the building application is under review and if a building permit is issued, shall remain valid as long as the building permit is valid.

d. For all proposed developments requiring a development permit, a finding of adequacy shall be valid for as long as the development permit is valid.

e. An application for a development permit must be consistent with the information on which the concurrency evaluation was based. If the applicant increases the intensity or density of the development proposal during the development review process, a new concurrency evaluation will be required.

3. **Criteria.** The criteria for review of an application for a finding of adequacy, is provided in Sec. 47-25.2, Adequacy Requirements.

4. **Conditional finding of adequacy.**

a. If it is found that a proposed development shall cause or contribute to the increase in a deficiency in the adopted level of service of existing facilities for potable water, sanitary sewer, solid waste, drainage, parks and recreation and transportation, a conditional finding of adequacy may be issued by the department based on the following:

i. The necessary facilities or services are in place at the time the impacts of development occur; or
UNIFIED LAND DEVELOPMENT REGULATIONS
Chapter 47 - UNIFIED LAND DEVELOPMENT REGULATIONS
ARTICLE XV. - ANNEXED AREAS
SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

ii. The necessary facilities are under construction at the time a development permit is issued; or

iii. The applicant has entered into an enforceable development agreement that provides for the construction of the necessary facilities to be in place when the impacts of development occur.

b. If it is found that a proposed development shall cause or contribute to an increase in a deficiency in the adopted level of service of existing facilities for parks and open space and transportation, a conditional finding of adequacy may be issued by the department based on the following:

   i. At the time the development permit is issued, the necessary facilities and services are the subject of a binding executed contract which provides for the commencement of the actual construction of the required facilities or the provision of services within one (1) year of the issuance of the development permit; or

   ii. The necessary facilities and services are guaranteed in an enforceable development agreement which requires the commencement of the actual construction of the facilities or the provision of services within one (1) year of the issuance of the applicable development permit.

c. It is found that a proposed development shall cause or contribute to an increase in a deficiency in the adopted level of service of existing facilities for transportation, a conditional finding of adequacy may be issued by the department based on the following:

   i. The necessary improvement to the transportation facilities is one (1) which complies with the requirements provided in F.A.C. Rule 9J-5.055(2)(c).

d. There is an approved action plan to accommodate the traffic impact of the development.

   i. An action plan is a program of transportation improvements designed to accommodate the net traffic impact of development. Action plans shall be submitted to and reviewed by the development review committee. Final approval of an action plan shall be by an agreement with the city commission.

   ii. The proposed development is located within an existing urban service area where public facilities are already in place, and:

      a) For proposed development on vacant land, the residential density shall not exceed an average of four (4) dwelling units per gross acre and the nonresidential floor area shall not exceed ten percent (10%) of the gross land area; or

      b) For proposed redevelopment of developed property, the number of proposed dwelling units shall not exceed twice the number of existing dwelling units, and the proposed gross floor area for nonresidential use shall not exceed twice the existing floor area.

e. In addition, the proposed development or redevelopment shall meet the following criteria:
i. The traffic generated by the proposed development on the overcapacity link does not exceed one-tenth of one percent (0.1%) of the capacity of that link at the adopted level of service; and

ii. The cumulative impact of the exemptions provided in this subsection A.4 shall not exceed three percent (3%) of the maximum capacity of any overcapacity link at its adopted level of service; and

iii. The total traffic generated by the proposed development shall not exceed five hundred (500) trips per day.

f. A notation shall be placed on the face of the plat, or recorded against the property via a separate document if the application is not for a plat, stating: "If a building permit for a principal building is not issued on the subject property within three (3) years of the issuance of the development order approving the plat, the finding of adequacy of the regional road network shall expire, and no additional building permits shall be issued unless a new finding, that the application satisfied the adequacy requirements for the regional road network, can be made."

5. Installation of required improvements. All improvements required from the developer as a condition of approval for a development permit shall be installed and completed prior to the issuance of any certificate of occupancy.

6. Payment of monies in lieu of installation of required improvements.

   a. In the event that any improvements required to be made by the developer as a condition of approval for a development permit cannot be installed or completed prior to the issuance of any certificate of occupancy, the city may accept payment or a bond in the amount needed to ensure completion of the required improvements.

   b. The city will accept such payment or bond from the applicant, when the applicant has demonstrated good cause for its inability to complete the installation of the required improvements, and such delay will not cause risk to public health or safety.

   c. Funds in the amount of the cost of the required improvements will be paid to, or a bond in the amount of one hundred twenty-five percent (125%) of the cost of the required improvements shall be posted with the city.

   d. Any funds collected or bonds posted pursuant to this subsection shall only be expended within five (5) years of the date such money or bond was collected by the city.

   e. If the cost of said improvements is less than the money held by the city, or if the money has not been spent or used within the five (5) year time frame, then a refund of any funds held by the city shall be made to the developer or the bond shall be released.

   f. However, should any required improvement be budgeted and planned for completion within said five (5) year time frame, but not started or totally completed within said five (5) years, then in that case no refund or release shall be allowed.

   g. A developer shall only be required to pay its proportionate share of the cost of required improvements in those cases in which the improvement does not solely benefit the
development.

(Ord. No. C-97-19, § 1(47-24.9), 6-18-97; Ord. No. C-03-23, § 2, 7-1-03)

Sec. 47-24.10. - Development of regional impact (DRI) (city commission).

A. When permit is required. Any proposed development which exceeds the thresholds for development as established by F.S. ch. 380 shall be required to receive a DRI approval from the city.

B. Application requirements, review process, criteria and appeal. An application for a DRI shall be submitted to the development review committee (DRC) for review by the DRC, the planning and zoning board and for approval and adoption by the city commission, in accordance with the requirements of F.S. ch. 380.

(Ord. No. C-97-19, § 1(47-24.10), 6-18-97)

Sec. 47-24.11. - Historic designation of landmarks, landmark site or buildings and certificate of appropriateness.

A. Definitions. The following words when used in this Sec. 47-24.11 shall have the following meanings:

1. Adaptive reuse. Any act or process that converts a structure to a use other than that for which it was designed, e.g., changing a bank into a restaurant, such may be accomplished with a varying degree of alteration to a structure or may vary from extensive remodeling to a slight alteration or change in use.

2. Alteration. Any act or process that changes any exterior architectural appearance or feature of a designated property or certain designated interior features of designated landmarks.

3. Architecturally worthy. An architectural design which represents either a significant aspect of the history of the city, architectural history in general or a significant design of an architect of historical importance.

4. Board. The Fort Lauderdale Historic Preservation Board.

5. Certificate of appropriateness. A certificate issued by the historic preservation board indicating its approval of plans for alteration, construction, removal, or demolition of a landmark, landmark site or of a structure within a historic district.

6. Comprehensive plan. The city's comprehensive plan as adopted by the city pursuant to F.S. ch. 163, pt. II.

7. Decision or recommendation. When referring to the board, the executive action taken by the board on an application for a designation or a certificate of appropriateness regardless of whether that decision or recommendation is immediately reduced to writing.

8. Demolition. Any act that destroys in whole or in part a landmark, landmark site or a building or structure designated historic or if it exists in a designated historic district or exists on a landmark site.

9. Exterior architectural appearance. The architectural character and general composition of the
exterior of a structure, including but not limited to the kind, color, and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements.

10. **Historic district.** An area designated as a "historic district" by ordinance of the city commission and which may contain within definable geographic boundaries, one (1) or more landmarks and which may have within its boundaries other properties or structures that, while not of such historic significance, architectural significance, or both, to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district.

11. **Historically worthy.** To have a special historical interest or value because it represents one (1) or more periods of styles of architecture typical of the city or because it has value as a part of the development, heritage or cultural characteristics of the city.

12. **Landmark.** A property or structure designated as a "landmark" by resolution of the city commission, pursuant to procedures prescribed herein, that is worthy of rehabilitation, restoration and preservation because of its historic significance, its architectural significance, or both, to the city.

13. **Landmark site.** The land on which a landmark and related buildings and structures are located and the land that provides the grounds, the premises or the setting for the landmark. A landmark site shall include the location of significant archeological features or of a historical event, and shall include all significant trees, landscaping and vegetation as determined by the board.

**B. Historic designation.**

1. **Applicant.** For the purpose of this section, an applicant may be the property owner, any person residing in the city or any legal entity in the city, including the city.

2. **Application.** An application for an historic designation shall be made to the department which shall also include the following information:

   a. A written description of the architectural, historical, or archeological significance of the proposed landmark and landmark site, or buildings in the proposed historic district, and specifically addressing and documenting those items contained in this section;

   b. Date of construction of the structure(s) on the property, and the names of its current and all past owners and, if possible, their dates of ownership;

   c. Photographs of the property;

   d. Legal description as a landmark, landmark site, historic building or historic district;

   e. Applications for the designation of historic district shall contain a written description of the boundaries of the district.

3. **Review process—Historic preservation board.**

   a. An application for an historic designation shall be submitted to the historic preservation board for review.
b. Within sixty (60) days of submission of a complete application, after notice given in accordance with Sec. 47-27.7, Notice Procedures for Public Hearings, the board shall hold a public hearing to consider the application and the record and recommendations forwarded by the department and shall hear public comment on the application.

c. The board shall review the application and decide if it meets the criteria for designation as provided in this section.

d. The board shall forward its record and recommendations to the city commission for consideration.

e. The board may vote to defer its decision for an additional thirty (30) days based on a need for further information or other grounds relevant to making a proper decision.

f. If the board recommends a designation, it shall explain how the proposed landmark or historic district qualifies for designation under the criteria contained in this section. This evaluation may include references to other buildings and areas in the city and shall identify the significant features of the proposed landmark, historic buildings or historic district. The board evaluation shall include a discussion on the relationship between the proposed designation and existing and future plans for the development of the city.

4. Review process—Planning and zoning board. If the application is for designation of an historic district, the application shall be forwarded to the planning and zoning board for review simultaneous with review by the historic board and the recommendation of the planning and zoning board shall be forwarded to the city commission for consideration.

5. Review process—City commission.

a. Within ninety (90) days of the historic preservation board and planning and zoning board recommendation, where required, the department shall forward the board's recommendation to the city commission. The city commission shall hold a public hearing to consider the application and the record and recommendations of the planning and zoning board and historic preservation board, and shall hear public comment on the application.

b. If the city commission determines that the proposed designation meets the criteria for designation as provided in this section, the city commission shall approve the designation as requested in the application or approve a designation with conditions necessary to ensure that the criteria will be met. If the city commission determines that the proposed designation does not meet the criteria for designation, the city commission shall deny the designation application.

c. Approval of a designation for individual landmarks, specific interiors, landmark sites and buildings as historic shall be by resolution adopted by the city commission.

d. Approval of a designation for an historic district shall be by adoption of an ordinance.

6. Criteria. The criteria for the designation of property as a landmark, landmark site or historic district shall be based on one (1) or more of the following criteria:

   a. Its value as a significant reminder of the cultural or archeological heritage of the city, state, or nation,
b. Its location as a site of a significant local, state or national event,

c. Its identification with a person or persons who significantly contributed to the development of the city, state, or nation,

d. Its identification as the work of a master builder, designer, or architect whose individual work has influenced the development of the city, state, or nation,

e. Its value as a building recognized for the quality of its architecture, and sufficient elements showing its architectural significance,

f. Its distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials,

g. Its character as a geographically definable area possessing a significant concentration, or continuity of sites, buildings, objects or structures united in past events or aesthetically by plan or physical development, or

h. Its character as an established and geographically definable neighborhood, united in culture, architectural style or physical plan and development.

7. Approval. Each designation of a landmark shall automatically include the designation of the site upon which the landmark exists as a landmark site. The provisions of this section shall not relieve the property owner of the duty to comply with the zoning district regulations in which the designated property is located. If the designation is made, the supporting documents of the comprehensive plan shall be amended to contain the designation. The city clerk shall notify each applicant and property owner of the decision relating to his property within thirty (30) days of the city commission action, and shall arrange that the designation of a property as a landmark or as a part of a historic district be recorded in the public records of the county.

8. Successive applications. Upon denial of the application for designation, there shall be a twelve (12) month waiting period before any applicant may resubmit the proposal. An applicant shall be required to submit new evidence in his application, unless the application is accepted pursuant to this section.

9. Amendments and rescissions. The designation of any landmark and landmark site, historic building or historic district may be amended or rescinded through the same procedure utilized for the original designation.

10. Appeal. Appeal of a denial of an application for designation by the city commission shall be by writ of certiorari to the circuit court.

C. Certificate of appropriateness.

1. When permit is required.

   a. No person may undertake any of the following actions affecting a designated landmark, a designated landmark site, or a property in a designated historic district without first obtaining a certificate of appropriateness from the historic preservation board:

      i. Alteration of an archeological site, or
ii. New construction, or

iii. Demolition, or

iv. Relocation.

v. Alteration of the exterior part of a building or a structure or designated interior or portion thereof of a building or structure; however, ordinary repairs and maintenance that are otherwise permitted by law may be undertaken without a certificate of appropriateness, provided this work on a designated landmark, a designated landmark site, or a property in a designated historic district does not alter the exterior appearance of the building, structure or archeological site, or alter elements significant to its architectural or historic integrity.

vi. When located within a designated historic district, uses of land such as those including but not limited to, furniture placed outdoors, pushcarts, mobile or non-mobile vending machines and trolley cars placed on private property.

b. Whenever any alteration, new construction, demolition or relocation is undertaken on a property in a designated historic district without a certificate of appropriateness, the building official shall issue a stop work order.

c. Review of new construction and alterations to designated buildings and structures shall be limited to exterior features of the structure, except for designated interior portions. Whenever any alteration, new construction, demolition or relocation is undertaken on a designated landmark, a designated landmark site, or buildings or structures within a district without a certificate of appropriateness, the building director shall issue a stop work order.

d. A certificate of appropriateness shall be a prerequisite and in addition to any other permits required by law. The issuance of a certificate of appropriateness by the board shall not relieve the property owner of the duty to comply with other state and local laws and regulations.

2. Applicant. An owner of property historically designated who wishes to carry out the activities described in subsection C.1.a.

3. Alterations, new construction or relocation.

a. Application for alterations, new construction or relocation. An application for a certificate of appropriateness for alterations, new construction or relocation shall be made to the department and shall include the following information, in addition to the general application requirements described in Sec. 47-24.1

i. Drawings, or plans or specifications of sufficient detail to show the proposed exterior alterations, additions, changes or new construction as are reasonably required for decisions to be made by the historic preservation board and the department. Such drawings, plans or specifications shall include exterior elevations, architectural design of buildings and structures, including proposed materials, textures and colors, including all improvements such as walls, walks, terraces, plantings, accessory buildings, signs and lights and other appurtenant elements.
ii. Applications for relocation must also comply with Chapter 9, Article IV, House Moving, of Volume I of the Code.

b. Review process for alterations, new construction or relocation.

i. An application shall be submitted to the historic preservation board for review to consider if the application meets the criteria for a certificate of appropriateness for alteration, new construction or relocation.

ii. The department shall forward its recommendations to the historic preservation board for consideration.

iii. Within forty-five (45) days of submission of a complete application, the historic preservation board shall hold a public hearing to consider the application and the record and recommendations forwarded by the department and shall hear public comment on the application.

iv. If the board determines that the application meets the criteria for a certificate of appropriateness as provided in this section, the board shall approve the certificate subject to such conditions necessary to ensure compliance with the criteria.

v. If the board determines that the application for certificate of appropriateness does not meet the criteria the board shall deny the certificate and an appeal may be filed in accordance with Section 47-26B, Appeals.

vi. The board shall render its decision within sixty (60) days after the public hearing. If the board fails to make a decision upon an application within the specified time period, the application shall be deemed approved.

c. Criteria.

i. General. In approving or denying applications for certificates of appropriateness for alterations, new construction, demolition or relocation, the historic preservation board shall use the following general criteria and additional guidelines for alterations, new construction, relocations and demolitions as provided in subsections C.3.c.ii, iii, and iv, and C.4:

   a) The effect of the proposed work on the landmark or the property upon which such work is to be done;

   b) The relationship between such work and other structures on the landmark site or other property in the historic district;

   c) The extent to which the historic, architectural, or archeological significance, architectural style, design, arrangement, texture, materials and color of the landmark or the property will be affected;

   d) Whether the denial of a certificate of appropriateness would deprive the property owner of all reasonable beneficial use of his property;

   e) Whether the plans may be reasonably carried out by the applicant;
ii. Additional guidelines; alterations. In approving or denying applications for certificates of appropriateness for alterations, the board shall also consider whether and the extent to which the following additional guidelines, which are based on the United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, will be met:

a) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose;

b) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible;

c) All buildings, structures, and sites shall be recognized as products of their own time. Alterations which have no historical basis and which seek to create an earlier appearance shall be discouraged;

d) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected;

e) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site, shall be treated with sensitivity;

f) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence, rather than on conjectural designs or the availability or different architectural elements from other buildings or structures;

g) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken; and

h) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any acquisition, protection, stabilization, preservation, rehabilitation, restoration, or reconstruction project.

iii. Additional guidelines; new construction. Review of new construction and alterations to designated buildings and structures shall be limited to exterior features of the structure, except for designated interior portions. In approving or denying applications for certificates of appropriateness for new construction, the board shall also use the following additional guidelines. Where new construction is required to be visually related to or compatible with adjacent buildings, adjacent buildings shall mean
buildings which exhibit the character and features of designated or identified historic structures on the site or in the designated historic district where the site is located.

a) The height of the proposed building shall be visually compatible with adjacent buildings.

b) The relationship of the width of the building to the height of the front elevation shall be visually compatible to buildings and places to which it is visually related.

c) The relationship of the width of the windows to height of windows in a building shall be visually compatible with buildings and places to which the building is visually related.

d) The relationship of solids to voids in the front facade of a building shall be visually compatible with buildings and places to which it is visually related.

e) The relationship of a building to open space between it and adjoining buildings shall be visually compatible to the buildings and places to which it is visually related.

f) The relationship of the materials, texture and color of the facade of a building shall be visually compatible with the predominant materials used in the buildings to which it is visually related.

g) The roof and shape of a building shall be visually compatible with the buildings to which it is visually related.

h) Appurtenances of a building such as walls, wrought iron, fences, evergreen, landscape masses and, building facades, shall, if necessary, form cohesive walls of enclosures along a street, to insure visual compatibility of the building to the buildings and places to which it is visually related.

i) The size of a building, the mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible with the buildings and places to which it is visually related.

j) A building shall be visually compatible with the buildings and places to which it is visually related in its directional character, whether this be vertical character, horizontal character or nondirectional character.

iv. Additional guidelines; relocation. When an applicant seeks a certificate of appropriateness for the relocation of a landmark, a building or structure on a landmark site, or a building or structure in a historic district, or wishes to relocate a building or structure to a landmark site or to a property in a historic district, the board shall also consider the following:

a) The contribution the building or structure makes to its present setting;

b) Whether there are definite plans for the site to be vacated;

c) Whether the building or structure can be moved without significant damage to its physical integrity; and
4. **Demolition.**

a. **Application for demolition.** An application for a certificate of appropriateness for demolition shall be made to the department on forms provided by the department. In addition to the requirements provided in subsection C.3 the application shall include the following information and documents:

i. Owner of record;

ii. Site plan showing all buildings and structures on the property;

iii. Recent photographs of the structure(s) proposed for demolition;

iv. Reasons for the demolition;

v. Method of demolition; and

vi. Proposed future uses of the site and of the materials from the demolished structures.

b. **Review process—Demolition.**

i. An application shall be submitted to the historic preservation board for review in accordance with criteria provided in subsection C.4.c.

ii. The board shall within thirty (30) days of submission of a complete application, after notice given as provided in Section 47-27, Notice Procedures for Public Hearings, hold a public hearing to consider the application and the record and recommendations forwarded by the department and shall hear public comment on the application.

iii. If the board determines that the application meets the criteria for a certificate of appropriateness for demolition, the board shall approve the certificate or approve the certificate subject to such conditions necessary to ensure compliance with the criteria. The board may grant a certificate of appropriateness for demolition, which may provide a delayed effective date of up to ninety (90) days. The effective date shall be determined by the board based on the significance of the structure and the estimated time required to arrange a possible alternative to demolition. During the demolition delay period, the board may take such steps as it deems necessary to preserve the structure. Such steps may include, but are not limited to, consultations with community groups, public agencies and interested citizens; recommendations for acquisition of the property by public or private bodies, or agencies; and exploration of the possibility of moving the resource.

iv. If the board determines that the application for demolition does not meet the criteria, the board shall deny the certificate and an appeal may be filed in accordance with Section 47-26B, Appeals.

v. The board shall render its decision within twenty (20) days after the public hearing. The period may be extended, and its length established, by mutual consent of the board.
and applicant.

c. **Criteria—Demolition.**

i. The designated landmark, landmark site or property within the historic district no longer contributes to a historic district; or

ii. The property or building no longer has significance as a historic architectural or archeological landmark; or

iii. The demolition or redevelopment project is of major benefit to a historic district.

5. **Economic hardship.**

a. **Application—Economic hardship.** If the board denies an application for demolition of a structure(s), the applicant may within thirty (30) days apply to the board for an economic hardship exception. An application for economic hardship exception shall include the following information and documents:

i. Amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship, whether business or familial, if any, between the owner and the person from whom the property was purchased;

ii. Assessed value of the land and improvements thereon according to the most recent assessment;

iii. For depreciable properties, a pro forma financial statement prepared by an accountant or broker of record;

iv. All appraisals obtained by the owner in connection with the purchase or financing of the property or during his ownership of the property;

v. Bona fide offers of the property for sale or rent, price asked, and offers received, if any; and

vi. Any consideration by the owner as to profitable, adaptive uses for the property.

b. **Review process—Economic hardship.**

i. The application shall be submitted to the department for consideration, which shall be reviewed in accordance with the criteria for an economic hardship provided in subsection C.5.c.

ii. Within thirty (30) days of submission of a complete application, after notice given as provided in Sec. 47-27.8, Notice Procedures for Public Hearings, the board shall hold a public hearing to consider the application and the record and recommendations forwarded by the department and shall hear public comment on the application.

iii. If the board determines that the application meets the criteria for an economic hardship as provided in subsection C.5.c, the board shall approve the certificate or approve the certificate with such conditions necessary to ensure compliance with the criteria.
iv. If the board determines that the application for economic hardship does not meet the criteria, the board shall deny the certificate and an appeal may be filed in accordance with Section 47-26B, Appeals. The board shall render its decision within ninety (90) days after the public hearing.

c. **Criteria—Economic hardship.** In approving or denying applications for economic hardship exception, the board shall consider the following general criteria:

i. The denial of a certificate of appropriateness to demolish the structure(s) will result in the loss of all reasonable and beneficial use of or return from the property, or

ii. Even though the designated landmark, designated landmark site, or property within the designated historic district has reasonable beneficial use, the property no longer contributes to a historic district, or no longer has significance as a historic architectural or archeological landmark or the demolition or the redevelopment project is of major benefit to a historic district.

6. **Effective date.** The decision of the board pertaining to a certificate of appropriateness shall not take effect nor shall a building permit be issued until thirty (30) days after approval, and then only if no motion is adopted by the city commission seeking to review the application or no appeal of the historic preservation board decision is filed by the applicant as provided in Section 47-26B, Appeals. The action of the historic preservation board shall be final and effective after the expiration of the thirty (30) days period with no action taken by the city commission.

7. **Emergency conditions; designated properties.** In any case where it is determined that there are emergency conditions dangerous to life, health or property affecting a landmark, a landmark site, or a property in a historic district, an order to remedy these conditions without the approval of the board or issuance of a required certificate of appropriateness may be issued, provided that the chairman of the board has been notified.

8. **Emergency actions; nondesignated properties.** The city commission may call an emergency meeting to review a threat to a property that has not yet been designated by the city, but appears to be eligible for designation. The city commission may direct the person with authority to issue building permits in the city to issue a stop work order for a thirty (30) day period in order to provide time to negotiate with the property owner to remove the threat to the property. The board shall then seek alternatives that will remove the threat to the property. During the thirty (30) day period, the city commission may initiate steps to designate the property under the provisions of this Sec. 47-24.11.

9. **Conformity with the certificate of appropriateness.**

a. **Conformity with requirements.** All work performed pursuant to a certificate of appropriateness shall conform to all provisions of such certificate. It shall be the responsibility of the person with authority to issue building permits in the city to inspect from time to time any work being performed, to assure such compliance. In the event work is being performed not in accordance with such certificate, the building official is authorized to issue a stop work order. No additional work shall be undertaken as long as such stop work order shall continue in effect.

b. **Maintenance and repair requirements.**
Every owner of a landmark, a landmark site, historic building, or a property in a historic district shall keep in good repair:

a) All of the exterior portions of such buildings or structures;

b) All interior portions thereof which, if not so maintained, may cause such buildings or structures to deteriorate or to become damaged or otherwise to fall into a state of disrepair; and

c) In addition, where the landmark is an archeological site, the owner shall be required to maintain his property in such a manner so as not to adversely affect the archeological integrity of the site.

ii. The board may refer violations of this section for enforcement proceedings on any building or structure designated under this Sec. 47-24.11 in order to preserve such building or structure in accordance with the purposes of this Sec. 47-24.11

iii. The provisions of this section shall be in addition to the provisions of the building code requiring buildings and structures to be kept in good repair.

c. Penalty. Any person or persons, owner or owner's agent, or member or employee of any firm, company or corporation who shall violate or permit to be violated, or cause to be violated any provision of this Sec. 47-24.11 shall, upon conviction, be punished as provided in Section 47-34, Enforcement, Violation and Penalties. Each day the violation is continued shall constitute a separate offense.

d. Injunctive relief. In addition to any other remedies provided in this Sec. 47-24.11, the city may seek injunctive relief in the appropriate court to enforce the provisions of the ULDR.

D. City historic property tax exemption code.

1. Definitions.

a. For purposes of subsections D.1 through D.7, the following terms shall have the meanings indicated below:

i. Ad valorem tax means a tax based upon the assessed value of property.

ii. Assessed value of property means an annual determination of the just or fair market value of an item or property or, if a property is assessed solely on the basis of character or use or at a specified percentage of its value, pursuant to Section 4(a) or 4(b), Article VII of the State Constitution, its classified use value or fractional value.

iii. Commission or city commission means the city commissioners of the City of Fort Lauderdale.

iv. City means the City of Fort Lauderdale, Florida.

v. Property appraiser means the Broward County Property Appraiser, a county officer charged with determining the value of all property within the county, with maintaining certain records connected therewith, and with determining the tax on taxable property after taxes have been levied.
b. The following words and phrases shall have the same meaning as specified in the rules of the Department of State, Division of Historical Resources, F.A.C. ch. 1A-38, as may be amended from time to time:

i. \textit{Contributing property} means a building, site, structure, or object which adds to the historical architectural qualities, historic associations, or archaeological values for which a district is significant because:

a) It was present during the period of significance of the district and possesses historic integrity reflecting its character at that time;

b) Is capable of yielding important information about the period; or

c) It independently meets the National Register of Historic Places criteria for evaluation set forth in 36 CFR Part 60.4, incorporated by reference.

ii. \textit{Division} means the Division of Historical Resources of the Department of State.

iii. \textit{Historic property} means a building site, structure, or object which is means:

a) Individually listed in the National Register of Historic Places;

b) A contributing property in a National Register listed historic district;

c) Designated as a historic property or landmark; or

d) A contributing property in a historic district.

iv. \textit{Improvements} means changes in the condition of real property brought about by the expenditure of labor or money for the restoration, renovation, or rehabilitation of such property. Improvements include additions and accessory structures (i.e., a garage) necessary for efficient contemporary use.

v. \textit{Historic preservation board} means the city created and appointed board as set out in Section 47-32, Historic Preservation Board, which shall be certified by the Division of Historical Resources, Florida Department of State, as qualified to review applications for property tax exemptions pursuant to F.S. §§ 196.1997 and 196.1998.

vi. \textit{National Register of Historic Places} means the list of historic properties significant in American history, architecture, archaeology, engineering, and culture, maintained by the Secretary of the Interior, as established by the National Historic Preservation Act of 1966 (Public Law 89-665; 80 STAT. 915; 16 U.S.C. 470), as amended.

vii. \textit{Preservation exemption covenant} or \textit{covenant} means the Historic Preservation Property Tax Exemption Covenant, in substantially similar form to the Florida DOS Form No. HR3E111292, indicating that the owner agrees to maintain and repair the property so as to preserve the architectural, historical, or archaeological integrity of the property during the exemption period.

viii. \textit{Renovation} or \textit{rehabilitation} means the act or process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions or features of the property which are
significant to its historical, architectural, cultural, and archaeological values. For historic properties or portions thereof which are of archaeological significance or are severely deteriorated, "renovation" or "rehabilitation" means the act or process of applying measures designed to sustain and protect the existing form and integrity of a property, or reestablish the stability of an unsafe or deteriorated property while maintaining the essential form of the property as it presently exists.

ix. **Restoration** means the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

x. **Useable space** means that portion of the space within a building which is available for assignment or rental to an occupant, including every type of space available for use of the occupant.

2. **Exemption from ad valorem taxes—General.**

   a. **Exemption for improvements to historic property** (per F.S. § 196.1997). The city commission may authorize an ad valorem tax exemption of one hundred percent (100%) of the assessed value of all improvements to historic properties which result from the restoration, renovation, or rehabilitation of such properties.

   b. **Exemption for historic properties open to the public** (per F.S. § 196.1998). If an improvement qualifies a historic property for an exemption, as set out herein, and the property is used for nonprofit or governmental purposes and is regularly and frequently open for the public's visitation, use, and benefit, the city commission may authorize the exemption from ad valorem taxation of one hundred percent (100%) of the assessed value of the property, as improved, if all other provisions herein are complied with; provided, however, that the assessed value of the improvement must be equal to at least fifty percent (50%) of the total assessed value of the property as improved. The exemption applies only to real property to which improvements are made by or for the use of the existing owner.

   c. **Application for review.** This exemption shall only apply to improvements to real property that are made on or after the day that this Sec. 47-24.11 authorizing ad valorem tax exemption for historic properties is adopted. Such exemption shall apply only to taxes levied by the city, and does not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to Sections 9(b) or 12, Article VII of the State Constitution.

   d. **Duration of exemption.** Any exemption granted shall remain in effect for up to ten (10) years with respect to any particular property, regardless of any change in the authority of the city to grant such exemptions or any change in ownership of the property. However, for purposes of the exemption under F.S. § 196.1998, a property shall be removed from eligibility for the exemption if the property no longer qualifies as historic property open to the public in accordance with the requirements herein.

In order to retain the exemption, the historic character of the property, and the improvements which qualified the property for exemption, must be maintained over the period for which the exemption is granted. Such exemption shall take effect on January 1 following substantial completion of the improvement.
3. **Designation of type and location of historic property qualified for exemption.**
   
a. **Type—General.** Property is qualified for an exemption if:
   
   i. **At the time the exemption is granted, the property:**
      
      a) Is individually listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended; or
      
      b) Is a contributing property to a national register-listed district; or
      
      c) Is designated as a historic property, as defined herein, landmark or landmark site, as defined herein, or is a contributing property located within a historic district.
   
   ii. **In order for an improvement to a historic property to qualify the property for an exemption, the improvement must:**
      
      a) Be consistent with the United States Secretary of Interior's Standards for Rehabilitation; or
      
      b) Be determined by the historic preservation board to meet criteria established in the rules adopted by the department of state.
   
   b. **Type—Property open to the public.** For purposes of the exemption under F.S. § 196.1998, a property is being used for "government or non-profit purposes" if the occupant or user of at least sixty-five percent (65%) of the useable space of a historic building or of the upland component of an archaeological site is an agency of the federal, state, or local government, or a non-profit corporation whose articles of incorporation have been filed by the department of state in accordance with F.S. § 617.0125. Additionally, a property is considered "regularly and frequently open to the public" if public access to the property is provided not less than fifty-two (52) days a year on an equitably spaced basis, and at other times by appointment.
   
   c. **Location.** Property is qualified for an exemption only if it is located within the jurisdictional boundaries of the city.
   
4. **Designation of a local historic preservation office.**
   
a. **The department is hereby designated as the coordinating office for application and covenant submittals, receipt, and processing for city commission review of recommendations made by the city's historic preservation board, and shall in addition perform any and all administrative functions which may be deemed necessary to accomplish the purpose herein set forth.**
   
5. **Application process.**
   
a. **Applicant.** The applicant shall be the owner of a qualifying property or the authorized agent of the owner.
   
   b. **Application form.** Application for the property tax exemption shall be made on the two-part Historic Preservation Tax Exemption Application Form as prescribed by the Division of Historical Resources, Florida Department of State. Part 1, the Preconstruction Application,
shall be submitted before improvements are initiated. Part 2, the Request for Review of Completed Work, shall be submitted upon completion of the improvements. The application fee for Part 1 shall be fifty dollars ($50.00). This fee shall be applied to the building permit fee when a building permit is obtained for the improvement. There shall be no application fee for Part 2.

c. **Part 1—Preconstruction application.** Any person, firm, or corporation that desires an ad valorem tax exemption for the improvement of a historic property must, in the year the exemption is desired to take effect, submit to the department a written preconstruction application describing the proposed work and receive preliminary approval prior to the start of construction. The form shall include the following information:

   i. The name of the property owner and the location of the historic property.
   
   ii. A description of the improvements to the real property for which an exemption is requested and the date of commencement of construction of such improvements.
   
   iii. Documentation supporting that the property that is to be rehabilitated or renovated is a historic property as defined herein.
   
   iv. Documentation supporting that the improvements to the property will be consistent with the United States Secretary of Interior's Standards for Rehabilitation and will be made in accordance with guidelines developed by Division.
   
   v. Any other information deemed necessary by the city or the historic preservation board.

d. **Part 2—Request for review of completed work.** A request for review of completed work application shall be submitted through the department to the historic preservation board upon completion of the improvements. The form of said application shall be prescribed by the board and include all information referenced in subsection D.5.c. In addition, no request for review of completed work shall be reviewed by the historic preservation board unless accompanied by a covenant executed by the property owner.

6. **Method of application review.**

   a. **Review.** The city's historic preservation board shall recommend that the city commission grant or deny the exemption. Such reviews must be conducted in accordance with the rules adopted by the department of state. The recommendation, and the reasons therefor, must be provided to the applicant and the city commission before consideration of the application at a meeting of the city commission. The historic preservation board and the city commission shall first approve Part 1 of the application and then Part 2. The exemption shall not be final until Part 2 has been reviewed and approved by the city commission.

   b. **Delivery of application to the property appraiser.** The city shall deliver a copy of each application for a historic preservation ad valorem tax exemption to the property appraiser. Upon certification of the assessment roll, or recertification, if applicable, pursuant to F.S. § 193.122, for each fiscal year during which this tax exemption provision is in effect, the property appraiser shall report the following information to the city commission:

      i. The total taxable value of all property within the city for the current fiscal year.
ii. The total exempted value of all property in the city which has been approved to receive historic preservation ad valorem tax exemption for the current fiscal year.

c. **Approval by city commission.** A majority vote of the city commission shall be required to approve a written application for exemption. The city commission shall, by resolution, approve the Part 2 written application for final exemption. In addition, the following information shall be included in the resolution:

i. The name of the owner and the address of the historic property for which the exemption is granted.

ii. The period of time for which the exemption will remain in effect and the expiration date of the exemption.

iii. A finding that the historic property meets the requirements herein.

7. **Covenant with applicant.**

a. **Term of preservation exemption covenant.** To qualify for an exemption, the property owner must enter into a preservation exemption covenant ("covenant") with the city for the term for which the exemption is granted. Such covenant must be executed before a final application for exemption can be approved by the city commission.

b. **Form of covenant.** The form of covenant shall be established by the division and shall require that the character of the property, and the qualifying improvements to the property, be maintained during the period that the exemption is granted. The covenant shall be binding on the current property owner, transferees, and their heirs, successors, or assigns. The city manager, or designee, is hereby authorized to execute such covenant with each applicant on behalf of the city.

c. **Violations of covenant.** Any violations of the covenant shall result in the property owner being subject to the payment of the differences between the total amount of taxes which would have been due in March in each of the previous years in which the covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in F.S. § 212.12(3).


**Sec. 47-24.12. - Variances, special exceptions and interpretation of Unified Land Development Regulations.**

A. **Variance, special exception (board of adjustment).**

1. **Applicant.** The property owner of record who wishes to develop his property not in compliance with the requirements of the ULDR.

2. **Application.**

   a. An application for a variance or special exception shall be made to the department on forms promulgated by the department and the application shall include a statement by the applicant of the facts that show how the criteria for a variance or special exception have been
met. The application shall include such additional material in support of the application as determined by the department to be appropriate to the relief requested for the property in question.

b. The application shall be accompanied by a copy of the deed by which the record owner of the property claims title and a current survey. If the applicant is other than the owner of record, then the applicant must identify the relationship of the applicant to the owner of record. A sworn and acknowledged power of attorney from the owner of record to the applicant must accompany the application affirming that the owner of record has granted full power and authority to the applicant to apply for the relief requested in the application. Such power of attorney shall recite that the owner of record acknowledges that the city will be relying on the power of attorney in the processing of the application for the relief requested and that revocation of the delegated authority shall not be effective until written revocation, in the same form and dignity as the original power of attorney, is delivered to the department. If the owner of record or applicant is other than an individual, then the application must identify whether the owner of record or applicant is a partnership, corporation, trust, proprietorship or other legal entity and the application and power of attorney, where applicable, must be executed by a general partner, officer, trustee, or other person with authority to bind the applicant or owner of record and such individual must affirm that he has the authority to bind the applicant or owner of record. If the applicant is an attorney who is a member of the Florida Bar who is acting on behalf of the owner of record, no power of attorney from the owner of record shall be required, but the application shall be signed by the attorney who shall indicate his representative capacity and Florida Bar number on the face of the application.

c. The application will not be deemed complete until the owner of record and applicant files an affidavit with the department indicating the owner of record and applicant is aware of the following:

i. That in order to be entitled to the relief requested in the application an affirmative vote of a majority, plus one of the board of adjustment is required;

ii. That in granting the relief requested the board of adjustment is limited to the authority vested in the board by the ULDR and that the board may not grant the relief requested unless the applicant proves all the criteria specified in the ULDR have been met;

iii. That the granting of relief by the board does not exempt the applicant or owner of record from the responsibilities of obtaining all applicable permits or approvals as may be required by law for both new and existing structures;

iv. That if the relief requested is granted by the board, the applicant must secure a building permit to implement the relief requested within one hundred eighty (180) days of the entry of the final order of the board, or within such lesser time as the board may proscribe and that failure to procure the necessary permits within the time so proscribed shall render the variance or special exception null and void;

v. That if the board denies the request for relief, then no additional application for the same or substantially the same relief may be entertained by the board within two (2) years of the date of entry of the final order of denial.
3. Review process.

a. An application shall be submitted to the department on forms promulgated by the department.

b. Consideration of an application shall not be heard sooner than twenty (20) days from the date of submission of a complete application together with supporting materials thereto as required by the department.

c. The board of adjustment shall consider the application and the evidence adduced in support of and in opposition to the application at a public hearing and may receive public comment thereon.

d. The burden shall be upon the applicant to demonstrate by a preponderance of the evidence that the application meets the criteria specified in the ULDR. If the board of adjustment determines that the proposed application for a temporary nonconforming use permit, variance or special exception meets the criteria specified herein, the board of adjustment shall approve the application by entering a final order granting such relief and imposing such conditions or safeguards as are appropriate under the ULDR. The final order granting a variance or special exception shall include a time period, not to exceed one hundred eighty (180) days, within which a building permit shall be secured to implement the improvements authorized by the variance or special exception as granted. The variance or special exception shall expire if the building permit to implement the improvements authorized by the variance or special exception is not secured within the time frame specified in the final order. Violation of any other condition of a final order granting a temporary nonconforming use permit, variance or special exception shall be a violation of the ULDR. In granting a variance or special exception, the board may proscribe appropriate conditions and safeguards as are in their opinion necessary to protect the public interest and ensure harmony with the purposes and intent of the ULDR.

e. If the board of adjustment determines that the applicant failed to meet the burden of demonstrating by a preponderance of the evidence that the application meets the criteria specified in the ULDR, the board of adjustment shall enter a final order denying the application.

f. The board of adjustment shall not be required to make findings of fact in the entry of any final order.

4. Criteria—Variance. A variance from the terms of the ULDR shall be granted only upon demonstrating a unique hardship attributable to the land by proving by a preponderance of the evidence all of the following criteria:

a. That special conditions and circumstances affect the property at issue which prevent the reasonable use of such property; and

b. That the circumstances which cause the special conditions are peculiar to the property at issue, or to such a small number of properties that they clearly constitute marked exceptions to other properties in the same zoning district; and

c. That the literal application of the provisions of the ULDR would deprive the applicant of a substantial property right that is enjoyed by other property owners in the same zoning district.
district. It shall be of no importance to this criterion that a denial of the variance sought might deny to the owner a more profitable use of the property, provided the provisions of the ULDR still allow a reasonable use of the property; and

d. That the unique hardship is not self-created by the applicant or his predecessors, nor is it the result of mere disregard for, or ignorance of, the provisions of the ULDR or antecedent zoning regulations; and

e. That the variance is the minimum variance that will make possible a reasonable use of the property and that the variance will be in harmony with the general purposes and intent of the ULDR and the use as varied will not be incompatible with adjoining properties or the surrounding neighborhood or otherwise detrimental to the public welfare.

5. **Criteria—Special exceptions.** A special exception shall be granted upon demonstration by a preponderance of the evidence of all of the following criteria:

   a. Whether the proposed development or use meets the requirements for a special exception as provided by the ULDR; and

   b. Granting of the special exception shall not be incompatible with adjoining properties or the surrounding neighborhood or otherwise contrary to the public interest.

6. **Criteria—Temporary nonconforming use permit.** A temporary nonconforming use permit may be granted upon demonstration by a preponderance of the evidence of the following criteria:

   a. Granting of the temporary nonconforming use permit shall not be incompatible with adjoining properties or the surrounding neighborhood or otherwise contrary to the public interest.

7. **Rehearing.** If an application for any temporary nonconforming use permit, variance or special exception has been denied by the board of adjustment, the board may grant a rehearing to an applicant in accordance with the following:

   a. Applicant files a written request for such rehearing with the department within thirty (30) days after the board denies the application. The written request shall include:

      i. A detailed statement of the nature of any alleged error on the part of the board; or

      ii. The substance of any new evidence or information not considered by the board when the application was denied and why such new evidence or information must neither have been known to the applicant nor discoverable or obtainable through reasonable diligence on the part of the applicant prior to the hearing at which the application was denied.

   b. The board shall consider the request for a rehearing at a public hearing. At the hearing the board shall only consider reasons why a rehearing should be granted, which reasons shall be limited to the following:

      i. That a rehearing is necessary in order to correct an error; or

      ii. That a rehearing is necessary in order for the board to consider new evidence or information not considered by the board when the application for a variance or special
exception was denied, such evidence or information having been neither known to the applicant nor discoverable or obtainable through reasonable diligence on the part of the applicant prior to the hearing at which the application was denied.

c. The request for rehearing shall be granted by motion if approved by the affirmative vote of five (5) members of the board.

d. If a request for rehearing is granted, the director shall place the application for a temporary nonconforming use permit, variance or special exception upon the agenda of the board for rehearing and notice shall be given as provided in Section 47-27, Notice Procedures for Public Hearings.

8. **Order.** If the temporary nonconforming use permit, variance or special exception is granted, a final order shall be entered by the board, executed by the chairperson or vice-chairperson, which such final order shall include a description of the relief granted, including conditions approved by the board, a legal description of the property affected and the time within which the building permit to implement the improvements authorized by the variance or exception must be secured, which such period shall not exceed one hundred eighty (180) days from the date of the effective date of approval. All final orders granting or denying the relief requested shall be recorded in the public records of the county by the department at owner's expense, which such cost of recording shall accompany the application fee. A final order granting a temporary nonconforming use permit shall specify that such temporary nonconforming use permit shall expire within the time specified in the final order, which such time may not exceed one (1) year from the date of entry of the final order.

9. **Effective date of approval.** The final order of the board of adjustment shall take effect when such order has been written and signed by the chair or vice-chair of the board, or at such other date as may be proscribed in such order.

10. **Expiration of approval.** The variance shall expire and become null and void unless a building permit to implement the improvements authorized by the variance or special exception is secured within one hundred eighty (180) days from the effective date of approval, or within such lesser time as the board may proscribe, which such lesser period of time shall not be less than thirty (30) days from the effective date of approval. Upon a motion for extension of time being filed by an applicant, for good cause shown, the board may grant an additional extension of time beyond the time initially proscribed in the final order, such additional extension of time not to exceed one hundred eighty (180) days, within which the building permit must be secured.

11. **Successive applications.** Upon denial of an application for special exception or variance, there shall be a two (2) year waiting period before any applicant may submit an application for the same or substantially similar application as that which was initially denied.

12. **Amendment.**

   a. If the applicant wishes to amend a variance or special exception for a variance or special exception, the proposed amendment will be required to be reviewed and approved by the board of adjustment as a new application for variance or special exception in accordance with the procedures in this section.

   b. If the applicant wishes to amend or modify a condition to a variance, special exception or temporary nonconforming use permit, for good cause shown, the board may grant such
relief, provided the variance, special exception or temporary nonconforming use permit, with the amended or modified condition, still meets the criteria necessary for the initial granting of the variance, special exception or temporary nonconforming use permit.

13. **Appeal.** An appeal of a final order of the board of adjustment shall be by petition for writ of certiorari filed in the circuit court within the time proscribed by court rules.

**B. Appeal of interpretation or application of Unified Land Development Regulations (board of adjustment).**

1. **Applicant.**

   a. Any person who has been adversely affected by a decision of the department in the interpretation and application of the ULDR may file an appeal under this section. For purposes of this section an adversely affected person shall include:

   i. An owner of property who has been denied a permit by the department or has received a permit from the department with conditions which the property owner does not believe are required in accordance with the ULDR; or

   ii. A property owner within three hundred (300) feet of the property which has been the subject of an application for a development permit and who believes there has been a misinterpretation of law or fact with regard to that application by an administrative official in the enforcement of the ULDR; or

   iii. A person which the board finds has been adversely affected by a decision of the department.

   As used herein, the term "adversely affected" means a person who can show he or she has been affected in a way different in kind or different in degree than the public in general.

   b. No application for interpretation shall be permitted with regard to an application which is pending before or has been before the planning and zoning board or city commission for review, it being the intent of these appeal provisions that this process not be used as a substitute for review of decisions made by the planning and zoning board or the city commission.

   c. No appeal may be considered under subsection B.1.a.i where the appeal is filed more than sixty (60) days after issuance or denial of the permit in question. No appeal may be considered under subsection B.1.a.ii or iii where the appeal is filed more than sixty (60) days from the date the applicant knew or with reasonable diligence should have known of the decision which forms the basis of the appeal.

2. **Application.** An application for an appeal from an interpretation, application or determination made by an administrative official in the enforcement of the ULDR shall include:

   a. A statement as to each provision of the ULDR which is in question;

   b. The interpretation, application or determination made by the department from which the applicant appeals;
3. **Review process.**
   
a. An application for an appeal under this section shall be reviewed by the department and the department shall prepare a report which shall include:
   
   i. The department's agreement or disagreement with the applicant's statement of the law or fact in question;
   
   ii. The interpretation of the department with regard to the law or fact in question;
   
   iii. The basis for the department's interpretation; and
   
   iv. The reason why the department believes its interpretation, application or determination was correct in law or fact.
   
   b. The department shall forward the application and report to the board of adjustment for consideration. The department shall furnish copies of the application and report to the city manager, city engineer, city attorney, and members of the city commission at least five (5) days prior to the meeting at which the appeal will be considered by the board.
   
   c. During a public hearing the board of adjustment shall consider the application and report forwarded by the department, together with argument and evidence, if necessary, pertaining thereto and shall hear public comment on the application.
   
   d. If the board of adjustment determines that the interpretation contained in the application is correct in law or in fact in accordance with the criteria set forth herein it shall approve the interpretation of the applicant.
   
   e. If the board of adjustment determines that the application is not correct in law or in fact in accordance with the criteria set forth herein it shall approve the interpretation of the department.
   
4. **Criteria.** The criteria for review of an application for appeal from an interpretation, application or determination made by an administrative official in the enforcement of the ULDR is whether the interpretation, application or determination at issue is clearly erroneous.
   
5. **Order.** At the conclusion of the hearing on the appeal the board shall enter a final order either affirming, in whole or in part, the interpretation, application or determination made by the administrative official as is correct in accordance with the above criteria, or reversing, in whole or in part, the interpretation, application or determination made by the administrative official as is incorrect in accordance with the above criteria.
   
6. **Effective date of order.** The final order of the board shall take effect on the date of entry of such order.
   
7. **Effect of order.** Upon entry of a final order on an appeal from an interpretation, application or determination made by an administrative official in the administration of the ULDR, the law or fact as interpreted by the board shall be applicable to all applications for a development permit:
UNIFIED LAND DEVELOPMENT REGULATIONS
Chapter 47 - UNIFIED LAND DEVELOPMENT REGULATIONS
ARTICLE XV. - ANNEXED AREAS
SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

a. Which have not been reviewed by the planning and zoning board or city commission; and

b. Any other development proposal, not within subsection B.7.a, which has received a development permit, but upon which no development has commenced.

8. Appeal. Any person who is a party to the appeal under this section and who is aggrieved by the decision of the board of adjustment therein may seek review of such decision in the circuit court by filing a petition for a writ of certiorari within the time prescribed by court rules.


ARTICLE V. - DEVELOPMENT REVIEW CRITERIA
SECTION 47-25. - DEVELOPMENT REVIEW CRITERIA

SECTION 47-25. - DEVELOPMENT REVIEW CRITERIA

Sec. 47-25.1. - Generally.
Sec. 47-25.2. - Adequacy requirements.
Sec. 47-25.3. - Neighborhood compatibility requirements.

Sec. 47-25.1. - Generally.

A. The development review criteria contained herein are intended to implement the goals, objectives and policies of the city's plan by providing a mechanism and substantive requirements for the review of development permits and to ensure that new developments are compatible with surrounding land use and include improvements which provide for adequate municipal services to mitigate development related impacts.

B. Applicability of the requirements of this Section 47-25, as further described in Section 47-24, Development Permits and Procedures, shall be subject to the following requirements as applicable.

1. All development permits shall be subject to the Adequacy Requirements, as provided in Sec. 47-25.2

2. In addition to meeting the Adequacy Requirements, as provided in Sec. 47-25.2, the following developments shall also be subject to the Neighborhood Compatibility Requirements, as provided in Sec. 47-25.3. Except as otherwise provided for herein, the following neighborhood compatibility requirements shall not apply to the Central Beach Districts, as described in Section 47-12 and to the Downtown Regional Activity Center Districts, as described in Section 47-13. See Table 1 of Section 47-24, Development Permits and Procedures.
Sec. 47-25.2. - Adequacy requirements.

A. **Applicability.** The adequacy requirements set forth herein shall be used by the city to evaluate the demand created on public services and facilities created by a proposed development permit.

B. **Communications network.** Buildings and structures shall not interfere with the city's communication network. Developments shall be modified to accommodate the needs of the city's communication network, to eliminate any interference a development would create or otherwise accommodate the needs of the city's communication network within the development proposal.

C. **Drainage facilities.** Adequacy of stormwater management facilities shall be evaluated based upon the adopted level of service requiring the retention of the first inch of runoff from the entire site or two and one-half (2½) inches of runoff from the impervious surface whichever is greater.

D. **Environmentally sensitive lands.**

1. In addition to a finding of adequacy, a development shall be reviewed pursuant to applicable federal, state, regional and local environmental regulations. Specifically, an application for development shall be reviewed in accordance with the following Broward County Ordinances which address environmentally sensitive lands and wellfield protection which ordinances are incorporated herein by reference:
   a. Broward County Ordinance No. 89-6.
   b. Section 5-198(I), Chapter 5, Article IX of the Broward County Code of Ordinances.
   c. Broward County Ordinance No. 84-60.

2. The applicant must demonstrate that impacts of the proposed development to environmentally sensitive lands will be mitigated.

E. **Fire protection.** Fire protection service shall be adequate to protect people and property in the proposed development. Adequate water supply, fire hydrants, fire apparatus and facilities shall be provided in accordance with the Florida Building Code, South Florida Fire Code and other accepted applicable fire and safety standards.

F. **Parks and open space.**

1. The manner and amount of providing park and open space is as provided in Section 47-38A, Park Impact Fees, of the ULDR.

2. No building permit shall be issued until the park impact fee required by Section 47-38A of the ULDR has been paid in full by the applicant.

G. **Police protection.** Police protection service shall be adequate to protect people and property in the proposed development. The development shall provide improvements which are consistent with Crime Prevention Through Environmental Design (CPTED) to minimize the risk to public safety and assure adequate police protection.

H. **Potable water.**
1. Adequate potable water service shall be provided for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easements which may be needed for the installation and maintenance of potable water systems in accordance with city engineering standards, the Florida Building Code, and applicable health and environmental regulations. The existing water treatment facilities and systems shall have sufficient capacity to provide for the needs of the proposed development and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which potable water treatment capacity has been reserved. Capital expansion charges for water and sewer facilities shall be paid by the developer in accordance with Resolution 85-265, as it is amended from time to time. Improvements to the potable water service and system shall be made in accordance with city engineering standards and other accepted applicable engineering standards.

2. **Potable water facilities.**

   a. If the system is tied into the city treatment facility, the available capacity shall be determined by subtracting committed capacity and present flow from design capacity. If there is available capacity, the city shall determine the impact of the proposed development utilizing Table 3, Water and Wastewater, on file with the department.

   b. If there is adequate capacity available in the city treatment plant to serve the proposed development, the city shall reserve the necessary capacity to serve the development.

   c. Where the county is the projected service provider, a similar written assurance will be required.

I. **Sanitary sewer.**

   1. If the system is tied into the city treatment facility, the available capacity shall be determined by subtracting committed capacity and present flow from the design capacity. If there is available capacity, the city shall determine the impact of the proposed development utilizing Table 3, Water and Wastewater, on file with the department.

   2. If there is adequate capacity available in the city treatment plant to serve the proposed development, the city shall reserve the necessary capacity to serve the proposed development.

   3. Where the county is the projected service provider, a written assurance will be required.

   4. Where septic tanks will be utilized, the applicant shall secure and submit to the city a certificate from the Broward County Health Unit that certifies that the site is or can be made suitable for an on-site sewage disposal system for the proposed use.

J. **Schools.** For all development including residential units, the applicant shall be required to mitigate the impact of such development on public school facilities in accordance with the Broward County Land Development Code or section 47-38C. Educational Mitigation, as applicable and shall provide documentation to the city that such education mitigation requirement has been satisfied.

K. **Solid waste.**

   1. Adequate solid waste collection facilities and service shall be obtained by the applicant in connection with the proposed development and evidence shall be provided to the city
demonstrating that all solid waste will be disposed of in a manner that complies with all governmental requirements.

2. **Solid waste facilities.** Where the city provides solid waste collection service and adequate service can be provided, an adequacy finding shall be issued. Where there is another service provider, a written assurance will be required. The impacts of the proposed development will be determined based on Table 4, Solid Waste, on file with the department.

L. **Stormwater.** Adequate stormwater facilities and systems shall be provided so that the removal of stormwater will not adversely affect adjacent streets and properties or the public stormwater facilities and systems in accordance with the Florida Building Code, city engineering standards and other accepted applicable engineering standards.

M. **Transportation facilities.**

1. The capacity for transportation facilities shall be evaluated based on Table 1, Generalized Daily Level of Service Maximum Volumes, on file with the department. If a development is within a compact deferral area, the available traffic capacity shall be determined in accordance with Table 2, Flowchart, on file with the department.

2. **Regional transportation network.** The regional transportation network shall have the adequate capacity, and safe and efficient traffic circulation to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the adopted traffic elements of the city and the county comprehensive plans, and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is needed in order to evaluate the impacts of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit such a study to the city which will be considered by the DRC in its review. Roadway improvements needed to upgrade the regional transportation network shall be made in accordance with the city, the county, and Florida Department of Transportation traffic engineering standards and plans as applicable.

3. **Local streets.** Local streets shall have adequate capacity, safe and efficient traffic circulation, and appropriate functional classification to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the city's comprehensive plan and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is required in order to evaluate the impact of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit to the city such a study to be considered as part of the DRC review. Street improvements needed to upgrade the capacity or comply with the functional classification of local streets shall be made in accordance with the city engineering standards and acceptable applicable traffic engineering standards. Local streets are those streets that are not classified as federal, state or county roadways on the functional classification map adopted by the State of Florida.

4. **Traffic impact studies.**

   a. When the proposed development may generate over one thousand (1,000) daily trips; or
b. When the daily trip generation is less than one thousand (1,000) trips; and (1) when more than twenty percent (20%) of the total daily trips are anticipated to arrive or depart, or both, within one-half (½) hour; or (2) when the proposed use creates varying trip generation each day, but has the potential to place more than twenty percent (20%) of its maximum twenty-four (24) hour trip generation onto the adjacent transportation system within a one-half (½) hour period; the applicant shall submit to the city a traffic impact analysis prepared by the county or a registered Florida engineer experienced in trafficways impact analysis which shall:

i. Provide an estimate of the number of average and peak hour trips per day generated and directions or routes of travel for all trips with an external end.

ii. Estimate how traffic from the proposed development will change traffic volumes, levels of service, and circulation on the existing and programmed trafficways.

iii. If traffic generated by the proposed development requires any modification of existing or programmed components of the regional or local trafficways, define what city, county or state agencies have programmed the necessary construction and how this programming relates to the proposed development.

iv. A further detailed analysis and any other information that the review committee considers relevant.

v. The traffic impact study may be reviewed by an independent licensed professional engineer contracted by the city to determine whether it adequately addresses the impact and the study supports its conclusions. The cost of review by city's consultant shall be reimbursed to the city by the applicant.

vi. When this subsection M.4.b. applies, the traffic study shall include an analysis of how the peak loading will affect the transportation system including, if necessary, an operational plan showing how the peak trips will be controlled and managed.

5. **Dedication of rights-of-way.** Property shall be conveyed to the public by plat, deed or grant of easement as needed in accordance with the Broward County Trafficways Plan, the city's comprehensive plan, subdivision regulations and accepted applicable traffic engineering standards.

6. **Pedestrian facilities.** Sidewalks, pedestrian crossing and other pedestrian facilities shall be provided to encourage safe and adequate pedestrian movement on-site and along roadways to adjacent properties. Transit service facilities shall be provided for as required by the city and Broward County Transit. Pedestrian facilities shall be designed and installed in accordance with city engineering standards and accepted applicable engineering standards.

7. **Primary arterial street frontage.** Where a proposed development abuts a primary arterial street either existing or proposed in the trafficways plan, the development review committee (DRC) may require marginal access street, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with or without rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to assure separation of through and level traffic.

8. **Other roadway improvements.** Roadways adjustments, traffic control devices, mechanisms,
and access restrictions may be required to control traffic flow or divert traffic, as needed to reduce or eliminate development generated traffic.

9. **Street trees.** In order to provide for adequate landscaping along streets within the city, street trees shall be required along the length of the property abutting a street. A minimum of fifty percent (50%) of the required street trees shall be shade trees, and the remaining street trees may be provided as flowering or palm trees. These percentages may be varied based on existing or proposed physical conditions which may prevent the ability to comply with the street tree requirements of this subsection. The street trees shall be planted at a minimum height and size in accordance with the requirements of Section 47-21, Landscape and Tree Preservation Requirements, except in the downtown RAC districts the requirements of Sec. 47-13.20.H.8 shall apply. The location and number of street trees shall be determined by the department based on the height, bulk, mass and design of the structures on the site and the proposed development's compatibility to surrounding properties. The requirements for street trees, as provided herein, may be located within the public right-of-way as approved by the entity with jurisdiction over the abutting right-of-way.

N. **Wastewater.**

1. **Wastewater.** Adequate wastewater services shall be provided for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easements which may be needed for the installation and maintenance of a wastewater and disposal system in accordance with applicable health, environmental and engineering regulations and standards. The existing wastewater treatment facilities and systems shall have adequate capacity to provide for the needs of the proposed development and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which wastewater treatment or disposal capacity has been reserved. Capital expansion charges for water and sewer facilities shall be paid by the developer in accordance with Resolution 85-265, as it is amended for time to time. Improvements to the wastewater facilities and system shall be made in accordance with the city engineering and accepted applicable engineering standards.

O. **Trash management requirements.** A trash management plan shall be required in connection with non-residential uses that provide prepackaged food or beverages for off-site consumption. Existing non-residential uses of this type shall adopt a trash management plan within six (6) months of the effective date of this provision.

P. **Historic and archaeological resources.**

1. If a structure or site has been identified as having archaeological or historical significance by any entity within the State of Florida authorized by law to do same, the applicant shall be responsible for requesting this information from the state, county, local governmental or other entity with jurisdiction over historic or archaeological matters and submitting this information to the city at the time of, and together with, a development permit application. The reviewing entity shall include this information in its comments.

Q. **Hurricane evacuation.** If a structure or site is located east of the Intracoastal Waterway, the applicant shall submit documentation from Broward County or such agency with jurisdiction over hurricane evacuation analysis either indicating that acceptable level of service of hurricane evacuation routes and hurricane emergency shelter capacity shall be maintained without impairment resulting from
a proposed development or describing actions or development modifications necessary to be implemented in order to maintain level of service and capacity.


Sec. 47-25.3. - Neighborhood compatibility requirements.

A. The neighborhood compatibility requirements are as follows:

1. Adequacy requirements. See Sec. 47-25.2

2. Smoke, odor, emissions of particulate matter and noise.
   a. Documentation from the Broward County Department of Natural Resource Protection (DNRP) or a report by a certified engineer, licensed in the State of Florida, that the proposed development will not exceed the maximum levels of smoke, odor, emissions of particulate matter and noise as regulated by Chapter 27, Pollution Control, of the Code of Broward County, and that a DNRP permit for such facility is not required.
   b. Where a DNRP license is required in accordance with Chapter 27, Pollution Control, of the Code of Broward County, all supporting documentation and information to obtain such permit shall be submitted to the DRC as part of a site plan review.
   c. Such DNRP licenses shall be required to be issued and copies provided to the city prior to the issuance of a building permit for the proposed development.

3. Design and performance standards.
   a. Lighting. No lighting shall be directed from a use which is subject to the requirements of this Sec. 47-25.3 in a manner which illuminates abutting residential property and no source of incandescent or mercury vapor illumination shall be directly visible from any abutting residential property. No neon lights inside or outside structures shall be visible from any abutting residential property.
      i. Glare. Any nonresidential operation or activity producing glare shall be conducted so that direct or indirect illumination of light shall not cause illumination in excess of one (1) footcandle on any abutting residential property except as provided in subsection iii. of this subsection a.
      ii. Control of effects of lights from automobiles or other sources. Where the site plan indicates potential adverse effects of parking or other sources on the lot on which the nonresidential use is to be located, such effects shall be eliminated or at a minimum prevented so that lights do not illuminate adjacent residential property below a height of five (5) feet at the residential lot line, or from shining into any residential window if there is to be nonresidential parking on the premises after dark.
      iii. In addition to the above, parking lots and garages will be subject to the provisions of Sections 47-20.14 and if in conflict with the provisions of this section, the more restrictive provisions shall apply.
b. **Control of appearance.** The following design standards are provided to protect the character of abutting residential areas from the visual impact which may result from a use which is subject to the requirements of this Sec. 47-25.3

   i. **Architectural features.** The facade of any side of a nonresidential building facing the residential property shall be constructed to compliment a residential structure and shall include the following:

      a) Fenestration such as windows, doors and openings in the building wall; and

      b) Shall contain a minimum of one (1) feature from each of the following architectural feature groups with a total of four (4) architectural features from the following list:

         1. Detail and embellishments:

            a. Balconies,

            b. Color and material banding,

            c. Decorative metal grates over windows,

            d. Uniform cornice heights,

            e. Awnings.

         2. Form and mass:

            a. Building mass changes including projection and recession,

            b. Multiple types and angles of roofline, or any combination thereof.

      c) The above required facade treatment shall be required to continue around the corner onto the adjoining wall for a distance of twenty (20) feet.

   ii. **Loading facilities.** Loading and service facilities shall be screened so as not to be visible from abutting residential uses or vacant residential zoned property.

   iii. **Screening of rooftop mechanical equipment.** All rooftop mechanical equipment, stair and elevator towers shall be designed as an integral part of the building volume and shall be required to be screened with material that matches the material used for the principal structure and shall be at least as high as six (6) inches above the top most surface of the roof mounted structure.

   c. **Setback regulations.** When a nonresidential use which is subject to the requirements of this Sec. 47-25.3 is contiguous to any residential property, there shall be an additional setback required for any yard of that use which is contiguous to the residential property, as follows:

      i. When any side of a structure greater in height than forty (40) feet is contiguous to residential property, that portion of the structure shall be set back one (1) foot for each one (1) foot of building height over forty (40) feet up to a maximum width equal to
d. Bufferyard requirements. When a use which is subject to the requirements of this Sec. 47-25.3 is contiguous to any residential property, the property where the use is located shall be required to have a landscaped strip area and a physical barrier between it and the residential property. Such landscape strip shall meet the following requirements:

i. Landscape strip requirements. A ten (10) foot landscape strip shall be required to be located along all property lines which are adjacent to residential property. Such landscape strip shall include trees, shrubs and ground cover as provided in the landscape provisions of Section 47-21, Landscape and Tree Preservation Requirements. The width of the landscape area shall extend to the property line. All required landscaping shall be protected from vehicular encroachment. When walls are required on nonresidential property abutting an alley, required shrubbery shall be installed and located within the landscape area on the exterior of the wall.

ii. Parking restrictions. No parking shall be located within twelve (12) feet of the property line, within the yard area required by the district in which the proposed nonresidential use is located, when such yard is contiguous to residential property.

iii. Dumpster regulations. All solid waste refuse containers (dumpsters) shall be set back a minimum of twelve (12) feet from any property line which is contiguous to residential property, and shall be screened in accordance with the Dumpster requirements, as provided in Section 47-19, Accessory Uses, Buildings and Structures.

iv. Wall requirements. A wall shall be required on the nonresidential property, a minimum of five (5) feet in height, constructed in accordance with Section 47-19.5 and subject to the following:

a) Decorative features shall be incorporated on the residential side of such wall according to the requirements of Section 47-19.5

b) Shall be located within, and along the length of the property line which abuts the residential property,

c) When the nonresidential property is located adjacent to an alley such wall shall be located at least five (5) feet from the right-of-way line located closest to the nonresidential property,

d) When a utility, or other public purpose easement, on the nonresidential property precludes the construction of a wall, then an opaque fence, constructed in accordance with the standards described in Section 47-19.5, may be erected in lieu of the wall required by subsection iv. above. The use of an opaque fence as a physical barrier between nonresidential and residential property shall be reviewed and recommended by the city engineer.

v. Application to existing uses. Within five (5) years from the effective date of subsections A.3.c and d (effective date: September 19, 1989), all nonconforming uses of land which were in existence prior to such date shall comply with the requirements of subsections A.3.c and d unless compliance would cause one (1) or more of the
following to occur:

a) Demolition of any load-bearing portion of a building as it exists on September 19, 1989, the effective date of subsections A.3.c and d;

b) Reduction of required parking spaces;

c) A reduction in the number of parking spaces provided for use of a parcel which would be required if based on the parking requirements of Section 47-20, Parking and Loading Requirements in effect on and applicable to such use on March 6, 1990;

d) Relocation of an existing wall which complied with the Code prior to September 19, 1989, the effective date of subsections A.3.c and d;

e) Access to the land would be substantially impaired;

f) Installation of the wall as provided in subsection iv. would require a modification of the existing vehicular use area, which would impair traffic circulation on the site and a minimum five (5) foot high hedge, fence or other physical barrier is in place along the length of the nonresidential property line which abuts the residential property;

g) In such cases, the use shall otherwise comply with the requirements of this section to the maximum possible extent; however, the requirement of subsections A.3.d.i to install a landscape strip shall be met if an abutting residential property owner agrees in writing that the landscape strip may be placed on his or her property. An agreement in form provided by the department must be executed by the applicant and the abutting property owner. If the abutting property owner removes the landscape strip after it has been installed, there shall be no further requirement to install another landscape strip on the abutting property in connection with the commercial use which existed at the time of the initial installation.

e. Neighborhood compatibility and preservation. In addition to the review requirements provided in subsections A.1, A.2 and A.3.a, b, c, and d, the following review criteria shall also apply as provided below:

i. All developments subject to this Sec. 47-25.3 shall comply with the following:

a) Development will be compatible with, and preserve the character and integrity of adjacent neighborhoods, the development shall include improvements or modifications either on-site or within the public rights-of-way to mitigate adverse impacts, such as traffic, noise, odors, shadow, scale, visual nuisances, or other similar adverse effects to adjacent neighborhoods. These improvements or modifications may include, but shall not be limited to, the placement or orientation of buildings and entryways, parking areas, bufferyards, alteration of building mass, and the addition of landscaping, walls, or both, to ameliorate such impacts. Roadway adjustments, traffic control devices or mechanisms, and access restrictions may be required to control traffic flow or divert traffic as needed to reduce or eliminate development generated traffic on neighborhood streets.
b) Consideration shall be given to the recommendations of the adopted neighborhood master plan in which the proposed development is to be located, or which it abuts, although such neighborhood master plan shall not be considered to have the force and effect of law. When recommended improvements for the mitigation of impacts to any neighborhood, conflicts with any applicable ULDR provision, then the provisions of the ULDR shall prevail. In order to ensure that a development will be compatible with, and preserve the character and integrity of adjacent neighborhoods, the development shall include improvements or modifications either on-site or within the public rights-of-way to mitigate adverse impacts, such as traffic, noise, odors, shadow, scale, visual nuisances, or other similar adverse effects to adjacent neighborhoods. These improvements or modifications may include, but shall not be limited to, the placement or orientation of buildings and entryways, parking areas, bufferyards, alteration of building mass, and the addition of landscaping, walls, or both, to ameliorate such impacts. Roadway adjustments, traffic control devices or mechanisms, and access restrictions may be required to control traffic flow or divert traffic as needed to reduce or eliminate development generated traffic on neighborhood streets.

ii. All development within the RAC-TMU (RAC-EMU, RAC-SMU and RAC-WMU) district that is greater in density than twenty-five (25) dwelling units per net acre:

a) In addition to meeting the review requirements of subsection A.3.e.i, building sites within the RAC-TMU (RAC-EMU, RAC-SMU and RAC-WMU) district shall be eligible to apply for additional dwelling units over and above twenty-five (25) dwelling units per net acre, provided such additional dwelling units are available for distribution in the downtown regional activity center. However, in order to obtain such additional dwelling units, a site plan level II permit must be approved. Such approval shall be based upon consideration of the number of additional dwelling units available under the city land use plan, the number of additional dwelling units requested, the impact of the proposed development on abutting residential areas, the proposed residential density of the proposed development, location of the proposed development, the sensitivity to adjacent development of the site design and proposed orientation of the proposed development (including proposed setbacks), pedestrian movements associated with the proposed development, proposed landscaping, and traffic and parking impacts of the proposed development on the transportation network. Approval for allocations of any additional dwelling units, hotel rooms or both, for multifamily dwellings, hotels and mixed-use developments shall conform to the city's land use plan and may be granted subject to approval of a site plan level II permit, subject to the considerations for such review as prescribed above. A minimum setback of twenty (20) feet from all property lines for every building used exclusively for residential purposes may be required. Such minimum setback may also be required for mixed use buildings in which residential use exceeds fifty-nine percent (59%) of the total floor area, exclusive of parking garages.

iii. All development within any downtown RAC district that is within one hundred (100) feet of residential property that is located outside of any downtown RAC district and all development within the RAC-TMU (RAC-EMU, RAC-SMU and RAC-WMU) district; and all development that is located on land adjacent to the New River within the RAC-AS
In addition to meeting the review requirements of subsection A.3.e.i, the setbacks imposed for a development plan may be modified subject to the requirements provided as follows:

1. No structure, or part thereof, shall be erected or used, or land or water used, or any change of use consummated, nor shall any building permit or certificate of occupancy be issued therefor, unless a development plan for such structure or use shall have been reviewed and approved, where applicable, after development review as prescribed in subsection A.3.e.i. In approving such development plan, consideration shall be given to the location, size, height, design, character and ground floor utilization of any structure or use, including appurtenances; access and circulation for vehicles and pedestrians, streets, open spaces, relationship to adjacent property, proximity to New River and other factors conducive to development and preservation of a high quality downtown regional activity center district. No approval shall be given to the setbacks shown on the development plan unless a determination is made that the setbacks conform to all applicable provisions of the ULDR, including the requirements of Section 47-13, Downtown Regional Activity Center Districts, that the safety and convenience of the public are properly provided for and that adequate protection and separation are provided for contiguous property and other property in the vicinity. Approval of the setbacks of a development plan may be conditioned by imposing one (1) or more setback requirements exceeding the minimum requirements.

iv. All development that is located on land within the CBA zoning districts;

AND

All development that is zoned RMM-25, RMH-25 and RMH-60 east of the Intracoastal Waterway;

AND

All nonresidential development lying east of the Intracoastal Waterway.

a) In addition to meeting the other applicable review requirements of this subsection 3., it shall be determined if a development meets the Design and Community Compatibility Criteria.

The purpose of the Community Compatibility Criteria is to define objectives for private sector development which either abuts or is readily visible from public corridors. The relationship between private and public sector development must be carefully planned to avoid negative impacts of one upon the other. The city's intent in implementing these objectives is to:

i. Protect the investment of public funds in public corridor improvements.
UNIFIED LAND DEVELOPMENT REGULATIONS
Chapter 47 - UNIFIED LAND DEVELOPMENT REGULATIONS
ARTICLE XV. - ANNEXED AREAS
SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD
ii. Improve the visual and functional quality of both public and private
development by coordinating the transition between these areas.

iii. The ultimate goal of these objectives is to integrate buildings, vehicular
circulation, pedestrian circulation, open space and site elements into a
unique, pedestrian sensitive environment which stimulates revitalization.

The Community Compatibility Criteria that are required to be met are as follows:

b) Bulk Controls:

Density:

Building density should be consistent with the proposed use, adjacent
development, and as required under the Central Beach Area, RMM-25,
RMH-25 and RMH-60 zoning districts.

Floor Area Ratio:

Building floor area ratio (F.A.R.) should be consistent with the proposed use,
and as required under the Central Beach Area.

Maximum Height:

Building height should be consistent with the proposed use, adjacent
development, and as required under the Central Beach Area, and RMM-25,
RMH-25 and RMH-60 zoning districts. No portion of a structure in excess of
thirty-five (35) feet in height shall exceed the prescribed Beach Shadow
Ordinance setback.

Yards:

Building yards should be consistent with the proposed use, adjacent
development, and as required under the Central Beach Area, RMM-25,
RMH-25 and RMH-60 zoning districts. Building yards are in addition to any
easements or reserve right-of-way which may be required by the city, county
or state. Portions of a structure, up to thirty-five (35) feet in height, may
encroach within the A1A setback if the building’s street level use is
predominantly pedestrian active (pedestrian-oriented retail, sidewalk cafes,
etc.). No portion of any structure is permitted to extend, however, into the
future right-of-way.

In the PRD, ABA and SBMHA zoning districts, to insure continuity of the
ocean front streetscape "edge" a minimum seventy-five (75%) percent of the
northbound A1A frontage must be built to the setback line (or approved
encroachment limit). In the Planned Resort Development (PRD) district the
entire northbound A1A frontage should be built to the future right-of-way line
unless otherwise approved under that district's community redevelopment
plan.

c) Massing Guidelines:
Overall Height:

Buildings should be encouraged to vary in overall height and not be contained in a single volume of continuous height.

Vertical Plane Moderation:

Buildings exceeding thirty-five (35) feet in height should be encouraged to maintain no more than three (3) stories without horizontal moderation in vertical surface plane. This moderation should consist of a minimum four feet horizontal variation in surface plane such as brise soleil, balconies, building projections, etc. Repetitive moderations should be discouraged.

Cornice Height:

All buildings should be encouraged to display a uniform cornice height of a maximum of thirty-five (35) feet in height. This cornice height should consist of a uniform alteration to the building massing for a minimum of twenty (20) feet perpendicular to the vertical surface.

Facade Treatment:

The first thirty-five (35) feet of exterior facade vertical plane should be encouraged to enhance the pedestrian environment by incorporating appropriate architectural features. Such features include cornice detailing, belt courses, corbelling, molding, stringcourses, ornamentation, changes in material or color, and other sculpting of the architectural surface which add special interest and are compatible with public sector site elements.

Overstreet Connections:

Connections between structures which pass over public right-of-way may be permitted providing those connections have secured legitimate air rights over the public corridor and meet all applicable codes. Connections over A1A to the beach should be limited to select locations where significant amounts of above grade pedestrian traffic will be generated. Where possible, overstreet connections should access the promenade/beach at or near major beach portal features. All overstreet connections should be of exceptional design, which enhances the visual and functional quality of the streetscape and should be compatible with public sector site elements.

d) Street Level Guidelines:

Active Use:

The first floor of all buildings, including structured parking, should be designed to encourage pedestrian scale activity. To stimulate pedestrian activity, buildings which front on A1A northbound should devote a majority of their first floor area to retail activities such as restaurants, shops, galleries and similar active uses. Street level retail uses should have direct access to the adjoining public sector sidewalk in addition to any other access which
Structured parking facilities should be designed with street level frontages consisting of either occupied retail space or an architecturally articulated facade which screens the parking area of the structure. Street level openings to parking structures should occur only on sidestreets and be minimized to accommodate necessary vehicle entrances and pedestrian access only.

Buildings which provide pedestrian active retail uses along a majority of their A1A northbound street level frontage may be permitted to exceed setbacks established under the Central Beach Area Zoning Districts (Section 47-12). In addition, street level retail and restaurant uses may be permitted to use a portion of the public sector sidewalk for sidewalk displays and/or outdoor dining areas. Private use of public sector sidewalks must be temporary only and subject to all applicable codes and lease arrangements. All displays, furnishings and other elements associated with these active street level uses should be designed and maintained to enhance the visual and functional quality of the streetscape and should be compatible with public sector site elements.

*Fenestration:*

To complement pedestrian scale activity on A1A and all People Streets, a majority of the first floor facade on these frontages should be windows, doors or other transparent architectural features. Expanses of solid wall should be minimized. Reflective surfaces on windows or doors should be discouraged. Street level windows and doors should be recessed or receive special design detailing which distinguish them from the building shaft and add variety to the streetscape.

*Arcades/Canopies:*

Buildings which border directly on A1A northbound or Las Olas Boulevard within the Planned Resort Development (PRD) district should incorporate an arcade or continuous architectural canopy along these frontages, unless otherwise approved under a community redevelopment plan. Buildings in other districts should be encouraged to incorporate an arcade or continuous canopy along their A1A northbound frontage providing the feature is consistent with the proposed use, adjacent development and meets all applicable codes. Arcades or continuous canopies should be a minimum of ten feet wide and maintain acceptable minimum clear height. Arcades and canopies should be designed as a fixed non-retractable element integral to the building's architectural mass and compatible with public sector site elements.

Non-continuous canopies, awnings and marquees should also be provided over street level window treatments and building entrances. Such features may be constructed of either rigid or flexible material but should complement the visual and functional quality of the streetscape and be compatible with public sector site elements. No arcade, canopy, awning or marquee should
extend into the future public right-of-way nor interfere with street light fixtures or the growth and maintenance of street trees.

Trash>Loading Facilities:

All building facilities for loading, trash and service should be incorporated within building volume and screened so as not to be visible from the street and pedestrian circulation areas. Trash/loading facilities should be discouraged on A1A and People Street frontages. Where buildings are of inadequate volume to accommodate these facilities, trash/loading facilities should be architecturally treated as part of the building mass and screened by solid walls, fences, planting or architectural devices which are compatible with public sector site elements. Trash/loading facilities must be of sufficient size and design to accommodate access by large vehicles.

e) Other Guidelines:

Energy Conservation:

Buildings should be oriented to take advantage of southeasterly breezes for summer cooling and interrupt occasionally strong northeasterly winds. Exterior glass surfaces should be shaded to improve energy efficiently. Roof and exterior wall finishes should be light in color to encourage maximum reflection/minimum transmission of heat loadings.

Building Separation:

Buildings should allow adequate space between structural masses for the passage of natural breezes. New building masses should be sited to the extent feasible so they maintain reasonable views to the ocean and Intracoastal Waterway from existing structures.

Rooftop Design:

Where possible, rooftops should be designed to accommodate various forms of human activity such as sun decks, tennis courts, outdoor cafes, etc. Roof surfaces not allocated to human activity should be finished with a surface material that does not effect the quality of views from surrounding buildings.

All rooftop mechanical equipment, stair and elevator towers should be designed as an integral part of the building volume and/or adequately screened.

f) Vehicular Circulation:

Ingress/Egress:

For the CBA zoning districts, access drives to individual parcels should be limited to those necessary for the adequate function of the use contained therein. Direct vehicular access from A1A northbound should be discouraged unless otherwise approved under the Planned Resort Development (PRD)
district community redevelopment plan. Direct vehicular access from A1A southbound should be limited to minimize traffic impacts on the state roadway. Direct vehicular access from sidestreets should be encouraged. Smaller parcels should be encouraged to share common access with adjacent parcels keeping curb cuts to a minimum.

**Arrival/Drop-off Areas:**

Major arrival/drop-off areas should only be encouraged along sidestreets, especially those designated as People Streets. Arrival/drop-off areas should be encouraged to provide sufficient room for vehicle stacking, loading, unloading, and other main entrance functions. Pedestrian entries for all residential, hotel and commercial structures should be located the maximum possible distance from loading and service areas.

**Other:**

Individual parcels should be encouraged to accommodate transit stops for the county bus service, the proposed water taxi and other transit systems. Fire access lanes and other emergency vehicular accessways may be designated by the appropriate public agency. Uses that require service by large vehicles should be designed to allow large vehicle access without blockage of adjoining vehicular or pedestrian circulation.

g) **Pedestrian Circulation:**

**Urban Open Spaces/Plazas:**

Open spaces for public congregation and recreation should be encouraged to the extent that these spaces do not substantially interrupt the streetscape edge at the building line. Open spaces should be permitted both within and behind building yards in proportion to the bulk of the adjacent building. The streetscape edge should be maintained by architectural features (arcades) site furnishings (flagpoles, light standards) for landscape elements (palms, etc.) which provide continuity between the building line of adjoining structures.

All urban open spaces should be accessible and visible from the adjoining public sector corridor while providing for the safety and security of patrons. Severe elevation change and walls should be discouraged between the adjoining public corridor and the open space. Entryways and steps to these open spaces should be kept wide and welcoming in character. All urban open space must be kept handicap accessible.

The following amenities should be encouraged within urban open spaces: ornamental fountains, waterfalls, sculpture, trellises, arbors, seating facilities, landscape features, etc. Design features of these open spaces should serve to enhance the visual and functional quality of the adjoining corridor and be compatible with public sector site elements.

**Pedestrian Corridors:**
Private sector pedestrian corridors, which supplement public sector pedestrian facilities and improve access to the beach and/or Intracoastal Waterway should be encouraged. These corridors should be of a width and design which encourages pedestrian use and whenever possible allows for emergency vehicle access. The corridors may pass through open air or enclosed portions of surrounding buildings providing the pedestrian experience is largely uninterrupted.

**Parking:**

Parking should be provided consistent with the proposed use, adjacent development and as required under Section 47-20. Access drives to parking should be limited to those necessary for the function of the facility and comply with vehicular ingress/egress guidelines outlined herein. Direct backout or "head-in" parking should be expressly prohibited.

Parking facilities should be located in close proximity to the building they serve with direct pedestrian access from parking to building which does not impact public pedestrian facilities. Vehicular circulation within parking areas should remain internal to the parking facility and public roads should not be utilized as part of the parking circulation system. Structure parking should be encouraged subject to the street level building guidelines outlined herein. Covered parking should also be encouraged providing the overhead structures are compatible with adjoining architecture/site elements and comply with the building rooftop design guidelines outlined herein. Grade level parking must be adequately screened so parked cars are not visible from adjoining public corridors, and landscaped to moderate views from surrounding buildings.

Parking perimeters may incorporate walls, fencing, mounds and/or landscape treatments to meet the screening requirement providing these elements are compatible with adjoining public sector site elements and allow safe and secure use of parking facilities. Trash, storage and mechanical equipment located within parking facilities should also comply with the screening requirements outlined herein.

**h) Perimeter Treatments:**

**Screening:**

All exterior trash, loading and equipment storage facilities should be screened so as not to be visible from adjoining public corridors and landscaped to moderate views from surrounding buildings. Mechanical equipment including all handling units, exhaust outlets, transformer boxes, electric switching units, etc. should be appropriately screened by planting and/or low walls wherever it cannot be concealed within the building volume.

Grade level parking lots should be appropriately screened from adjacent pedestrian areas with walls, fencing and/or planting. Shrubs surrounding ground level parking lots should be of sufficient height to hide automobile grill
work. Landscape material used to meet the above requirements should provide 100% screening within one growing season, and must be provided with an automatic irrigation system.

Any lot that becomes vacant through removal of a structure should be screened from the abutting public corridor. Vacant lot screening should utilize the elements described above and additional treatments as necessary to protect the visual and functional quality of the adjoining public corridor. Screening design, materials and maintenance should be compatible with public sector site elements.

Paving:

Public sector paving should be as shown on the approved Beach Revitalization streetscape plans or as specified in other sections of these guidelines. Paving systems used on private plazas and walkways should be compatible in pattern and scale to public sector paving. Private paving systems which immediately abut and are readily visible from adjoining public corridors should reflect the same color, material and texture as the public sector paving and provide a cohesive visual and functional transition without interruption.

While private paving systems should be of outstanding design and character, they should be encouraged to fit within the overall fabric of the streetscape and not dominate the visual experience. Private paving should be sensitive to the needs of the beach-going public and be handicap accessible. Paving design, materials and maintenance should be compatible with public sector site elements.

Landscape:

Private sector landscape planting should be consistent with the proposed use, adjacent development, and as required under Section 47-12 of the ULDR. Existing trees should be preserved or otherwise mitigated as outlined in the ordinance. Plant material should be used in a contemporary urban context, acknowledging the limitations of the beach environment, and creating a lush tropical environment in keeping with the visual quality of the beach and adjoining public corridors. Plant massings should be rich in material, with special attention given to the ground plane treatment. Color should be used in bold, massive statements where appropriate.

Private sector plant material which immediately abuts and is readily visible from adjoining public corridors should reflect the species, size, and spacing of the public sector landscape and provide a cohesive visual and functional transition without interruption. Landscape design and maintenance should be compatible with public sector site elements. Private sector landscape planting should be consistent with the proposed use, adjacent development, and as required under Section 47-12. Existing trees should be preserved or otherwise mitigated as outlined in Section 47-12. Plant material should be used in a contemporary urban context, acknowledging the limitations of the
beach environment, and creating a lush tropical environment in keeping with the visual quality of the beach and adjoining public corridors. Plant massings should be rich in material, with special attention given to the ground plane treatment. Color should be used in bold, massive statements at intersections and where appropriate.

Private sector plant material which immediately abuts and is readily visible from adjoining public corridors should reflect the species, size, and spacing of the public sector landscape and provide a cohesive visual and functional transition without interruption. This street frontage landscaping should not be blocked visually by fences or other architectural treatments. All street frontages should have palms and shade trees. One half of the trees on these frontages should be shade trees. Property abutting the Intracoastal Waterway should have trees and palms planted along this water frontage. Landscape design and maintenance should be compatible with public sector site elements.

i) Site Furnishings:

Private sector site furnishings should be consistent with the proposed use, adjacent development, and as required by applicable codes. Site furnishings should be considered an integral component of the urban streetscape and designed/located accordingly. Emphasis should be given to maximizing passive relaxation opportunities in locations which allow varying degrees of interaction with adjacent pedestrian corridors. Visual clutter and haphazard distribution of site furnishings should be discouraged. Site furnishing design, materials, and maintenance should be compatible with public sector site elements.

Vending machines visible from public rights-of-way should be located and/or designed to be compatible with the adjacent development and public sector site elements. The location of these vending machines shall be compatible with adjacent architectural color and style; uniform in style, material, height and color when located next to other vending machines and must not interfere with public automobile or pedestrian access.

j) Signage:

Private sector signage should be consistent with the proposed use, adjacent development, and as required under Section 47-12. Signage should be considered an integral component of the urban streetscape and designed/located accordingly. Signage should be restrained in character and no larger than necessary for adequate identification. Wherever possible, signage should be integrated with the building architecture, arcades or canopies. Private signage which improves the pedestrian's orientation to adjoining pedestrian and vehicular circulation systems should be encouraged.

Building signage should be discouraged above the building's second floor elevation except on hotels which may be permitted to display a single discrete sign on both the north and south faces of the main building mass. Roof signs
and billboards should be expressly prohibited. Freestanding signs should be located and sized so they do not obstruct views to/from adjoining parcels or impede clear view of pedestrian and vehicular traffic and traffic control devices.

The intensity and type of signage illumination should not be offensive to surrounding parcels or the uses therein. Signage style and character should enhance the visual and functional quality of the adjoining public corridor. Signage design, material and maintenance should be compatible with public sector site elements.

k) **Lighting:**

Private sector site lighting should be consistent with the proposed use, adjacent development, and as required under applicable codes. Site lighting should be considered an integral component of the urban streetscape and designed/located accordingly. Emphasis should be placed on both the nighttime effects of illumination quality and the daytime impact of the standard's appearance.

Site lighting should be consistent with the theme of the immediate context and compatible with the lighting of adjacent parcels. Light distributions should be relatively uniform and appropriate foot-candle levels should be provided for various uses. (Refer to adopted Public Sector Site Lighting Guidelines for average maintained foot-candle recommendations). All exterior private sector spaces should be sufficiently lit to allow police and citizen surveillance, enhance personal security, and discourage undesirable activities. Exterior lighting should be controlled by an automatic timer or photocell to insure regular activation.

Site lighting which immediately abuts and is readily visible from adjoining public corridors should reflect the fixture style, light source and illumination intensity of adjoining public lighting and provide a cohesive visual and functional transition without interruption. Site lighting design, materials and maintenance should be compatible with public sector site elements.

l) **Utilities:**

Private sector utilities should be consistent with the proposed use, adjacent development, and as required under applicable codes. Above-grade utilities should be integrated with surrounding uses and carefully located to minimize visual and functional impact on the adjoining streetscape.

New development should be encouraged to provide underground utility lines. Existing or renovated development should be encouraged to relocate overhead utility lines underground.

Any above-grade utility elements should be consistent in placement, orientation, mounting and material. All above-grade utility elements should be painted one unobtrusive color which allows the elements to blend with their
surroundings. All above-grade utilities should be screened by planting and/or low walls so they are not visible from the street and pedestrian circulation areas.

m) **Site Plan Objectives:**

The following Site Plan Objectives shall be incorporated in all development proposals for the Central Beach Revitalization Area and RMM-25, RMH-25 and RMH-60 zoning districts. This section provides an outline on how and what outdoor spaces need to be provided as part of development proposals. The intent is to ensure that development is more than buildings and structures. The quality of the Central Beach Revitalization area will be enhanced with the addition of planned outdoor spaces.

n) **Usable Outdoor Spaces:**

Hotel and residential development shall provide usable outdoor recreation spaces designated to accommodate passive areas (sitting, etc.) and active areas (pools, etc.). Commercial development shall provide usable outdoor sitting and gathering spaces designed to furnish a place for pedestrians to view, use or consume the goods and services offered.

There shall be a variety in the sizes of outdoor spaces and the level of detail shall be such as ornamental fountains, waterfalls, sculptures, trellises, arbors, seating facilities and landscape features.

The total size required for the outdoor spaces will be evaluated on the size and use of the proposed development.

**Pedestrian Accessible Spaces:**

Hotel and commercial development shall provide direct access to adjoining public sidewalks in order to stimulate pedestrian activity. These spaces shall supplement public sector walkways and improve access to the beach and the Intracoastal Waterway, or both.

o) **Defensible Space:**

All projects shall promote a secure environment. This is to be accomplished by designing with CPTED (Crime Prevention Through Environmental Design) principles.

In addition to the above requirements, the following may be required based on the site specifics of each project:

- Provide plant material in the adjacent right-of-way.
- Provide foundation/entry plantings to the development.
- All sites should exhibit lush tropical landscaping.
- Provide large trees/shrubs (mature plantings). This may be required in order
to mitigate certain objectionable uses or needed to assist in the neighborhood compatibility of the proposed development.

Preserve view corridors. The City recognizes that existing and new views to and from the Intracoastal Waterway, Atlantic Ocean, Bonnet House and public parks are important to maintain.

(Ord. No. C-97-19, § 1(47-25.3), 6-18-97; Ord. No. C-98-72, § 2, 12-15-98; Ord. No. C-99-19, § 1, 3-16-99; Ord. No. C-00-26, § 7, 6-6-00; Ord. No. C-00-65, § 5, 11-7-00; Ord. No. C-01-10, § 4, 4-5-01; Ord. No. C-03-19, § 11, 4-22-03; Ord. No. C-08-54, § 6, 12-2-08)

ARTICLE VI. - APPEALS

SECTION 47-26A. - FINAL DEVELOPMENT DETERMINATION

Sec. 47-26A.1. - Request for application of prior zoning regulation.

A. If a new project as defined herein, is not permitted based on an amendment to a zoning regulation in effect on or after September 4, 1996 (hereinafter referred to as the "adoption date") approval may be granted for application of the zoning regulation in effect immediately prior to the amendment in order to permit a new project in accordance with the provisions of this section.

B. For purposes of this Section 47-26A, a new project shall be defined as a project which requires construction of a building or structure on a vacant parcel of property or reconstruction of a building which has been or proposed to be destroyed by more than fifty percent (50%) of its replacement value, or more than fifty percent (50%) of the total gross floor area of the building, or more than fifty percent (50%) of the area of a structure.

C. This section does not apply to a new project undertaken by a government, school, religious, philanthropic or other not for profit organization.

D. A property owner who cannot construct a new project because of an amendment to a zoning regulation adopted on or after the adoption date, may make application for approval of the application of the zoning regulation in effect immediately prior to the amendment in order to permit the new project.

E. In order to apply for approval under this Section 47-26A the following requirements must be met:
1. A complete application for a development permit for the new project shall be submitted to the department. The application shall meet all the requirements for a site plan level IV permit as provided in Section 47-24, Development Permits and Procedures.

2. The new project must meet all regulations of the ULDR except for the zoning regulation which has been amended on or after the adoption date and but for the amendment of such zoning regulations, the new project would meet all provisions of the ULDR.

F. Review process. The review process under this section is as follows:

1. The property owner shall submit a request for application of a prior zoning regulation to the department. The department shall review same and within ten (10) days of the date of submittal, the department shall provide in writing its response to the request and shall state whether the new project meets the provisions of the ULDR except a zoning regulation in effect immediately prior to the adoption date.

2. If the new project meets all of the ULDR except a zoning regulation in effect immediately prior to the adoption date, the property owner shall be notified in writing of same by the department and the property owner shall file additional information with regard to its request including the following:
   a. A statement regarding the existing use of the subject property,
   b. Whether a vested right to a specific use of real property exists,
   c. A description regarding how the new project meets the criteria in subsection G and any information supporting same, and
   d. Any other information deemed necessary by the department to review the request.

3. Within no less than twenty (20) business days and not more than sixty (60) business days from submittal of the applicant’s complete request, the planning and zoning board shall hold a public meeting to consider the application and the record and recommendation forwarded by the department and shall hear public comment on the application.

4. The planning and zoning board shall determine whether the request meets the criteria provided in subsection G, and shall forward its recommendation to the city commission.

5. During a public meeting, the city commission shall consider the request and the record and recommendation forwarded by the department and planning and zoning board and shall hear public comment on the request.

6. If the city commission determines that the request meets the criteria provided in subsection G, it shall take action required to approve the request with such conditions necessary to ensure compliance with the criteria provided herein. If the city commission determines that the request does not meet the criteria, the city commission shall deny the request.

G. Criteria. The review criteria for approving a request is as follows:

1. The new project is consistent with the city's comprehensive plan.

2. The new project meets all of the requirements of the ULDR except for the zoning regulation
which has been amended on or after the adoption date and, but for the amendment of such zoning regulation, the project would meet all the provisions of the ULDR.

3. The new project is suitable for the property and meets the Neighborhood Compatibility Criteria as provided in Sec. 47-25.3

4. Restricting the property from being used for the proposed new project as a result of the new zoning regulation unreasonably restricts the use of the property such that the property owner bears a disproportionate share of a burden imposed for the good of the public which in fairness should be borne by the public at large.

5. The new project if approved protects the public interest served by the regulation at issue and is the appropriate relief necessary to prevent the governmental regulation from unreasonably restricting the use of the real property.

6. No action of the city which prohibits a new project from being built based on an amendment to the ULDR on or after the adoption date and which project is eligible to be reviewed under this section shall be deemed final until a denial of an application under this section.

H. If a request meets the criteria provided herein, the city commission may approve the request in accordance with the following:

1. Approval shall be of a site plan which meets all of the zoning regulations of the ULDR except a zoning regulation in effect immediately prior to the adoption date.

2. Approval shall be by ordinance adopted and noticed in accordance with the process for a rezoning of property as provided in Sec. 47-24.4

3. Approval shall be contingent upon and subject to a development agreement to be executed by the city and the property owner. The development agreement shall specify the development standards applicable to the property, any conditions imposed as a part of the approval and shall reference the approved site plan. Such agreement shall be recorded in the public records of the county and shall act as a restrictive covenant running with the land.

I. A change to a project approved pursuant to this section which meets the requirements of the ULDR may be approved subject to the provisions of a site plan level IV permit as provided in Section 47-24, Development Permits and Procedures. A change to an approved development which is not permitted based on the application of a new zoning regulation which was not considered as part of an approved request shall be considered as a new request and reviewed in accordance with the provisions of this section.


Sec. 47-26A.2. - City commission request for review.

A. City commission request for review. If an application for development permit is approved or denied and the ULDR provides for city commission request for review ("CRR") as shown in Table 1 of Section 47-24, Development Permits and Procedures, or other provision of the ULDR, the city commission may adopt a motion to set a hearing to review the application if it is found that the new project is in an area which due to characteristics of the project and the surrounding area requires additional review in order to ensure that development standards and criteria have been met and to ensure that the area
surrounding the development is protected from the impacts of the development. The process for CRR may be initiated by a statement of intent filed by any member of the city commission with the city clerk with a copy to the department. Except as provided herein, the motion shall be considered within thirty (30) days of the decision by the lower body. For development permits approved under Section 47-24.2.A.5.b the motion shall be considered within fifteen (15) business days of the decision by the lower body. If no city commission meeting is to be held within the time frames provided herein, the motion shall be considered at the next regularly scheduled city commission meeting. A motion for city commission request for review shall supersede an application for appeal.

B. The motion approving a CRR shall set a date for consideration of the application no later than sixty (60) days from the date the motion is adopted. Notice of the hearing shall be given to the public by posting a sign at least ten (10) days before the hearing in accordance with Section 47-27, Notice Procedures for Public Hearing. Review by the city commission shall be by de novo hearing supplemented by the record below and the same standards and criteria applicable to the development permit shall be applied. At the conclusion of the hearing the city commission shall take action either approving, approving with conditions or denying the application.

C. The time frames for setting a hearing provided herein may be extended by written request of the applicant.

D. Appeal from a final decision by the city commission shall be to the circuit court by filing a petition for writ of certiorari within thirty (30) days of the decision.


**SECTION 47-26B. - APPEALS**

Sec. 47-26B.1. - Procedure.

A. Appeal. If an application for a development permit is denied or is approved with conditions unacceptable to the applicant by the department, DRC or planning and zoning board and the ULDR provides for an appeal as provided in Table 1 of Section 47-24, Development Permits and Procedures, the applicant may, within thirty (30) days of the decision, appeal to the body provided in the ULDR for review of the decision. The appeal shall be made by letter to the city clerk and a copy filed with the department. If the department, DRC, historic preservation board or planning and zoning board denies an application for development permit filed by the city, which denial may be appealed under the ULDR such denial shall act as a recommendation and the application shall automatically be placed on the agenda of the reviewing body to which an appeal may be made and will be considered in a de novo proceeding.

1. Appeal of planning and zoning board or historic board decision. If an appeal is from a planning and zoning board or historic preservation board decision to the city commission, the record compiled by the department, DRC, HPB and planning and zoning board shall be forwarded to the city commission for review. The city commission shall hold a public meeting on the record
and shall determine if:

a. There was a departure from the essential requirements of law in the proceedings appealed; or

b. Competent substantial evidence does not exist to support the decision.

If the city commission determines that there was not a departure from the essential requirements of law or that competent substantial evidence exists to support the decision then the decision will be upheld. If the city commission finds either subsection A.1.a or b, then the city commission shall conduct a de novo hearing which may be immediately held or shall be set by resolution no later than sixty (60) days from the date of adoption of the resolution. At the conclusion of the hearing the city commission may reject, approve or amend the decision of the planning and zoning board.

2. Appeal of department or DRC decision. If the appeal is from a department or DRC decision to the planning and zoning board the appeal shall be automatic and scheduled for a de novo hearing in front of the planning and zoning board no sooner than thirty (30) days or later than sixty (60) days from the date of request for appeal and the planning and zoning board may reject, approve or amend the decision of the DRC.

3. The time frames provided herein may be extended by written request of the applicant.

4. When the city commission conducts a meeting to determine if a new hearing will be granted based on their review of the record below, argument may be made and public input may be heard during the meeting limited solely to whether the record supports the decision of the body from which an appeal has been taken.

5. Appeal from a final decision by the city commission shall be to the circuit court by filing a petition for writ of certiorari within thirty (30) days of the decision.


ARTICLE VII. - NOTICE PROCEDURES

SECTION 47-27. - NOTICE PROCEDURES FOR PUBLIC HEARINGS

SECTION 47-27. - NOTICE PROCEDURES FOR PUBLIC HEARINGS

Sec. 47-27.1. - Intent.
Sec. 47-27.2. - Types of public notices.
Sec. 47-27.3. - Public notice required, general.
Sec. 47-27.4. - Notice for site plan level II, III and level IV, conditional use and plats.
UNIFIED LAND DEVELOPMENT REGULATIONS
Chapter 47 - UNIFIED LAND DEVELOPMENT REGULATIONS
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SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

Sec. 47-27.1. - Intent.

It is the intent of this section to provide the citizens of the city with notice of public hearing before city boards and the city commission to effect public participation in the decision-making process and meet the requirements of Florida Statutes.

(Ord. No. C-97-19, § 1(47-27.1), 6-18-97)

Sec. 47-27.2. - Types of public notices.

A. When referred to in the ULDR, the different types of public notices set out below shall be given the meaning and conform with the provisions as follows:

1. Mail notice.
   a. Mail notice shall consist of mailing a notice of a public hearing to real property owners within the city as specified herein as each is listed in the latest ad valorem tax records of the county. Each owner of a condominium or cooperative unit whose address is known by reference to the latest ad valorem tax records shall be sent notice as a real property owner.
   b. In addition to the requirements provided in this section, the notice shall state the date, time and place of the meeting or public hearing, the title of the proposed ordinance or a description of the action to be considered and the place or places within the city where such proposed ordinance or information may be inspected by the public.
   c. The notice shall advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance or action to be considered.
   d. Unless otherwise provided by law, mail notice may be provided by bulk mail, first-class mail or other type of mail made available by the U.S. Postal Service if the mail is sent in a timely manner as required by the ULDR.
   e. A copy of the notice mailed shall be made available for public inspection during the regular business hours of the city clerk.
   f. Mail notice shall be deemed given when a notice has been properly addressed, stamped and deposited in a U.S. Postal Service depository.
   g. Failure to receive notice shall not be grounds to invalidate the hearing as this provision is directory and not mandatory.

2. Newspaper notice.
   a. Newspaper notice shall consist of publication in a newspaper of general paid circulation.
b. Whenever possible, the advertisement shall appear in a newspaper that is published at least five (5) days a week.

c. In addition to the requirements provided in this section, the notice shall state the date, time and place of the meeting or public hearing; the title or titles of the proposed ordinance or a description of the action to be considered and the place or places within the city where the proposed ordinance or information may be inspected by the public.

d. The notice shall advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance or action to be considered.

3. Sign notice.

a. Sign notice shall be given by the applicant by posting a sign provided by the city stating the time, date and place of the public hearing on such matter on the property which is the subject of an application for a development permit. If more than one (1) public hearing is held on a matter, the date, time and place shall be stated on the sign or changed as applicable.

b. (i) The sign for site plan level III or IV shall be posted at least fifteen (15) days prior to the date of the public hearing.

(ii) The sign for site plan level II shall be posted at least ten (10) days prior to the date of the Development Review Committee (DRC) meeting.

c. The sign shall be visible from adjacent rights-of-way, including waterways, but excepting alleys.

d. If the subject property is on more than one (1) right-of-way as described in subsection A.3.c, a sign shall be posted facing each right-of-way.

e. If the applicant is not the owner of the property that is the subject of the application, the applicant shall post the sign on or as near to the subject property as possible subject to the permission of the owner of the property where the sign is located or, in a location in the right-of-way if approved by the city.

f. Development applications for more than one (1) contiguous development site shall be required to have sign notice by posting one (1) sign in each geographic direction, (north, south, east and west) on the public right-of-way at the perimeter of the area under consideration.

g. If the sign is destroyed or removed from the property, the applicant is responsible for obtaining another sign from the city and posting the sign on the property.

h. The sign shall remain on the property until final disposition of the application. This shall include any deferral, rehearing, appeal, request for review or hearings by another body. The sign information shall be changed as provided in subsection A.3.a.

i. The applicant shall, five (5) days prior to the public hearing, execute and submit to the department an affidavit of proof of the posting of the public notice sign according to this section. If the applicant fails to submit the affidavit, the public hearing will be postponed until
j. The applicant shall pay a deposit at the time application is made. All signs shall be removed by the applicant within five (5) days after final disposition of the application. If the applicant fails to remove the sign and return it to the city within this time, city shall have the right to remove same which will result in the applicant forfeiting the deposit fee. If a sign is lost or stolen, an affidavit by the applicant of such fact shall be submitted prior to return of the deposit to applicant.

4. **Agenda publication.** Agenda publication shall apply to publication of the agenda of the planning and zoning board or board of adjustment at least five (5) days before the meeting of the body that is considering development approvals and permits.

5. **Agenda posting.** Agenda posting shall mean posting of the agenda of all boards reviewing development permits at a public place on a wall outside City Hall identified for that purpose at least three (3) days prior to the public hearing.

6. **Additional and optional notice.** The city commission may direct that additional notice be given as the city commission may deem as proper for the circumstances involved for a particular hearing.

7. **Failure to provide notice.** While sign notice, agenda publication and posting and additional and optional notice is required, failure to provide these types of notice in accordance with these provisions shall not be grounds to invalidate the hearing.


**Sec. 47-27.3. - Public notice required, general.**

A. In addition to the public notice required as provided in the ULDR, public notice in connection with an application for development approval shall be provided as follows:

1. For all development permits reviewed or issued by any board or the city commission, notice shall be given by agenda posting.

2. For all development permits reviewed or issued by the planning and zoning board or board of adjustment, notice by agenda publication shall be provided.

(Ord. No. C-97-19, § 1(47-27.3), 6-18-97)

**Sec. 47-27.4. - Notice for site plan level II, III and level IV, conditional use and plats.**

A. Notice for site plan level III and level IV development approvals, site plan level II approval in the SRAC-SAe and SRAC-SAw zoning districts conditional use approvals and plats shall be as follows:

1. **Sign notice.** Sign notice for site plan level III and level IV shall be required prior to a public hearing by the planning and zoning board and city commission.

2. **Additional notice.**

   a. For consideration of an application for alternative screening of a dumpster as provided
in Section 47-19.4.H, notice shall be given to the civic or neighborhood association which represents the area within which the subject property is located of the public hearing before the planning and zoning board. The notice shall be mailed to the address on file for the association in the city clerk's office at least ten (10) days prior to the date of hearing. Failure of the notice shall not be grounds to invalidate the hearing as this provision is directory and not mandatory.

b. For consideration of an application for a conditional use when no portion of a parcel abuts a right-of-way, prior to the planning and zoning board meeting mail notice shall be given to the owners of the land being considered and the owners of land within three hundred (300) feet of the right-of-way closest to the parcel being considered.

3. Sign notice for site plan level II development located within the SRAC-SAe and SRAC-SA w zoning districts shall be required prior to the date of a Development Review Committee (DRC) meeting.

B. Appeal. Sign notice shall be required prior to a public hearing by the planning and zoning board or city commission of an appeal or request for review of a site plan or conditional use.


Sec. 47-27.5. - Rezoning and change in uses.

A. Type 1. When the change in zoning is initiated by the city and involves a change in the actual zoning map designation for a parcel or parcels of land involving less than ten (10) contiguous acres, notice shall be given as follows:

1. Mail notice.
   a. Planning and zoning board. Prior to the public hearing before the planning and zoning board mail notice shall be given to the owners of lands under consideration for a change in the zoning map designation and the owners of lands within three hundred (300) feet of those lands at least ten (10) days prior to the date set for public hearing.
   b. City commission. Prior to a public hearing by the city commission mail notice shall be given to the owners of lands under consideration for a change in the zoning map designation at least thirty (30) days prior to the date set for public hearing.

2. Newspaper notice. Newspaper notice shall be given at least ten (10) days prior to adoption of the ordinance by the city commission changing the zoning map designation.

3. Sign notice. Sign notice shall be given prior to the planning and zoning board public hearing.

B. Type 2. When the change in zoning is initiated by the city and involves a change in the actual zoning map designation for a parcel or parcels of land involving ten (10) contiguous acres or more or changes the actual list of permitted, conditional, or prohibited uses within a zoning category notice shall be given as follows:

1. Newspaper notice.
   a. City commission. Newspaper notice shall be given at least seven (7) days prior to the
first public hearing and at least five (5) days prior to the second public hearing. The 
advertisement shall be no less than two (2) columns wide by ten (10) inches long in a 
standard size or a tabloid size newspaper and the headline shall be in a type no smaller than 
eighteen (18) point. The advertisement shall not be placed in that portion of the newspaper 
where legal notices and classified advertisements appear. The advertisement shall be in 
substantially the form provided in F.S. § 166.041(3)(c).

2. **Sign notice.** Sign notice shall be given only for a change in zoning map designation.

3. **Mail notice.**

   a. **Planning and zoning board.** Prior to the public hearing before the planning and zoning 
      board mail notice shall be given to the owners of lands under consideration for a change in 
      the zoning map designation and the owners of lands within three hundred (300) feet of those 
      lands at least ten (10) days prior to the date set for public hearing.

C. **Type 3.** When the change in zoning is initiated by other than the city and is a change to the actual 
zoning map designation of a parcel or parcels of land, notice shall be given as follows:

   1. **Mail notice.**

      a. **Planning and zoning board.** Prior to the public hearing before the planning and zoning 
         board mail notice shall be given to the owners of lands under consideration for a change in 
         the zoning map designation and the owners of lands within three hundred (300) feet of those 
         lands at least ten (10) days prior to the date set for public hearing.

   2. **Newspaper notice.**

      a. **City commission.** Newspaper notice shall be given at least ten (10) days prior to 
         adoption of the ordinance changing the zoning map designation.

   3. **Sign notice.** Sign notice shall be given prior to the planning and zoning board public hearing.

D. **Type 4.** When a change in zoning regulations does not involve a change in the actual zoning map 
designation for a parcel or parcels of land and does not involve a change in the actual list of permitted, 
conditional, or prohibited uses with a zoning category, notice shall be given as follows:

   1. **Newspaper notice.**

      a. **Planning and zoning board.** Newspaper notice shall be given at least ten (10) days prior 
         to the date set for public hearing.

      b. **City commission.** Newspaper notice shall be given at least ten (10) days prior to 
         adoption of the ordinance by the city commission.

E. **Appeal of a denial of a rezoning.** If the city commission accepts an appeal of a denial by the 
planning and zoning board of an application for rezoning filed by other than the city, notice shall be 
given prior to the city commission meeting in the same manner as notice prior to the planning and 
zoning board.

(Ord. No. C-97-19, § 1(47-27.5), 6-18-97; Ord. No. C-99-30, § 2, 5-4-99)
Sec. 47-27.6. - Vacation of public rights-of-way.

A. Notice of a vacation of a right-of-way shall be given as follows:

1. Mail notice.
   
a. Planning and zoning board. Prior to the public hearing before the planning and zoning board mail notice shall be given to the owners of lands abutting a street or public place to be vacated and the owners of lands within three hundred (300) feet of those lands at least ten (10) days prior to the date set for public hearing.

2. Newspaper notice.
   
a. City commission. Newspaper notice shall be given at least ten (10) days prior to the public hearing to consider adoption of the ordinance by the city commission vacating a right-of-way.

3. Sign notice. Sign notice shall be given prior to the public hearing before the planning and zoning board.

B. Appeal of denial of vacation. If the city commission accepts an appeal of a denial by the planning and zoning board of an application for vacation of right-of-way, notice shall be given as follows:

1. Mail notice. Prior to the public hearing before the city commission, mail notice shall be given to the owners of lands abutting a street or public place to be vacated and the owners of lands within three hundred (300) feet of those lands at least ten (10) days prior to the date set for public hearing.

C. Vacation of public easements. Notice shall be given by agenda posting.

(Ord. No. C-97-19, § 1(47-27.6), 6-18-97)

Sec. 47-27.7. - Historic designation.

A. Historic preservation board.

1. When a designation or change to designation involves less than ten (10) contiguous acres, notice shall be given as follows:

a. Mail notice. Prior to the public hearing before the historic preservation board, mail notice shall be given to the owners of land under consideration for designation at least thirty (30) days prior to the date set for public hearing.

2. When a designation or change to a designation involves more than ten (10) contiguous acres, notice shall be given as follows:

a. Newspaper notice. Newspaper notice shall be given at least seven (7) days prior to the first public hearing and at least five (5) days prior to the second public hearing. The advertisement shall be no less than two (2) columns wide by ten (10) inches long in a standard size or a tabloid size newspaper and the headline shall be in a type no smaller than eighteen (18) point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be in
B. Planning and zoning board.

1. For designation of an historic district which involves less than ten (10) contiguous acres, mail notice shall be given to the owner of the property proposed for designation and owners within three hundred (300) feet of those lands, at least ten (10) days prior to the date set for public hearing. This notice may be included in the mail notice of the historic preservation board public hearing.

2. For designation of an historic district involving ten (10) contiguous acres or more, newspaper notice shall be given at least ten (10) days prior to the date set for public hearing.

C. City commission.

1. Mail notice. In the case of an appeal or city commission request for review from the HPB, mail notice shall be given to the owner of land under consideration at least thirty (30) days prior to the date set for public hearing.

2. Newspaper notice. Newspaper notice shall be given at least ten (10) days prior to the date set for public hearing to consider designation or change to a landmark, landmark site, historic district or historic building.

(Ord. No. C-97-19, § 1(47-27.7), 6-18-97; Ord. No. C-99-14, § 16, 3-16-99)

Sec. 47-27.8. - Certificate of appropriateness and economic hardship exception.

A. Notice of a hearing for all certificates of appropriateness shall be as follows:

1. Historic preservation board.

   a. Mail notice. Mail notice shall be given to the property owner whose property is under consideration at least fifteen (15) days prior to the date set for public hearing. For an economic hardship exception mail notice shall be given to all persons who presented testimony at the public hearing on the original demolition application. For demolitions, mail notice shall be given to all property owners within three hundred (300) feet of the property to be demolished.

   b. Sign notice. Sign notice shall be given prior to the date set for public hearing on an application for certificate of appropriateness for demolition and an economic hardship exception.

B. Appeal. If an appeal of a denial of a certificate of appropriateness or economic hardship exception is accepted by the city commission as provided in Sec. 47-24.11.C, mail notice shall be given to the same persons who were noticed of the public hearing before the historic preservation board on the matter being appealed at least thirty (30) days prior to the date set for public hearing.

(Ord. No. C-97-19, § 1(47-27.8), 6-18-97; Ord. No. C-99-14, § 17, 3-16-99)

Sec. 47-27.9. - Variance, special exception, temporary nonconforming use, interpretation.

A. Notice of hearing before the board of adjustment on a variance, special exception, temporary...
nonconforming use or interpretation shall be as follows:

1. Mail notice. Mail notice shall be given to the owners of lands under consideration and the owners of lands within three hundred (300) feet of those lands at least ten (10) days prior to the date set for public hearing.

2. Sign notice. Sign notice shall be given prior to the date set for public hearing.

B. Notice of rehearing before the board of adjustment shall be as follows:

1. Mail notice. Mail notice for any rehearing of a variance or special exception shall be given to the same persons who were noticed for the original public hearing at least ten (10) days prior to the date set for public hearing.

(Ord. No. C-97-19, § 1(47-27.9), 6-18-97)

Sec. 47-27.10. - Comprehensive plan amendment.

A. When a new comprehensive plan or comprehensive plan amendment changes the actual list of permitted, conditional or prohibited uses within a future land use category or changes the actual future land use map designation of a parcel or parcels of land, notice shall be given as follows:

1. Newspaper notice.
   a. Local planning agency. Newspaper notice shall be given at least ten (10) days prior to the date set for public hearing.
   b. City commission. Newspaper notice shall be given at least ten (10) days prior to the first public hearing at the transmittal stage and the second public hearing at the adoption stage. The newspaper advertisement shall be in the format prescribed by F.S. § 166.041(3)(c)2b.

B. When a comprehensive plan or comprehensive plan amendment does not effect a change in the actual list of permitted, conditional or prohibited uses or change the actual future land use map designation of a parcel, notice shall be given as follows:

1. Local planning agency. Newspaper notice shall be given at least ten (10) days prior to the public hearing.

2. Planning and zoning board and city commission.
   a. Newspaper notice. Newspaper notice shall be given at least ten (10) days prior to the public hearing before the planning and zoning board and at least ten (10) days prior to the public hearing to consider adoption of the ordinance approving the text amendment.

(Ord. No. C-97-19, § 1(47-27.10), 6-18-97)

Sec. 47-27.11. - Development of regional impact (DRI).

Notice shall be given in accordance with F.S. ch. 380.

(Ord. No. C-97-19, § 1(47-27.11), 6-18-97)
ARTICLE VIII. - DENSITY AND FLEXIBILITY RULES

SECTION 47-28. - FLEXIBILITY RULES

Sec. 47-28.1. - Applicability; conditions.

A. Density. The maximum density permitted on a development parcel is limited by the maximum density permitted by the city's land use plan (LUP). Density of a development parcel may be increased, subject to flexibility rules (FR).

B. Flexibility rules. Flexibility rules permit the city to revise and rearrange land uses and permit additional residential dwelling units without requiring an amendment to the Broward County Land Use Plan (BCLUP).

C. Definitions.

1. Flexibility zones: Flexibility zones (FZ) are fixed geographic areas within the city, designated on the BCLUP which provide limits on the number of additional dwelling units and additional commercial acreage which may be permitted by the city's plan.

2. Flexibility units: Flexibility units are the total number of additional dwelling units permitted by the BCLUP above the total number of dwelling units allowed within the same FZ by the city's LUP.

3. Reserve units: Reserve units are dwelling units permitted in addition to the flexibility units by the BCLUP, which equal a maximum of two percent (2%) of the total number of dwelling units permitted within a FZ by the BCLUP.

4. Commercial flex acreage: Commercial flex acreage is the total percentage of residential acres permitted by the BCLUP to be converted to commercial use within a FZ without a LUP amendment.

D. Determination by the city of available residential dwelling units or available commercial acreage.

1. If a sufficient number of units are available to allocate reserve units or flexibility units to a parcel, or if sufficient commercial flex acreage is available to be applied to a parcel, the city may allocate the units or commercial flex acreage, provided that the FZ and regulations of the ULDR are met.

2. The city shall maintain a log of the number of available reserve or flexibility units, the number of reserve or flexibility units assigned to parcels, and the reason for assigning units to a parcel. The city shall also maintain a log of the number of flex commercial acreage assigned to parcels.
E. Increase of residential densities on residential land use designated parcels.

1. Additional dwelling units may be allocated to a development site with a residential land use designation by applying available flexibility units or reserve units. Flexibility units or reserve units may be allocated subject to the following conditions:

   a. **Flexibility units applied to a residential land use designated parcel.**

      i. Amendment to the city’s land use plan; and

      ii. Criteria:

         a) Demonstration that the use of flexibility units supports and implements the specific goals, objectives and policies of the city’s LUP.

         b) Rezoning in accordance with Sec. 47-24.4, Development Permits and Procedures.

         c) Site plan approval level III in accordance with Sec. 47-24.2, Development Permits and Procedures.

   b. **Reserve units.**

      i. Site plan approval (level II); and

      ii. Maximum density shall not exceed fifty (50) dwelling units per gross acre; and may not exceed one hundred percent (100%) of the maximum density of the development site; and

      iii. The maximum number of reserve units applied to the development site shall not be greater than two (2) units, or two (2) units per net acre, whichever is less. This restriction shall not apply to a mixed use development that is subject to the provisions of Sec. 47-18.21, or, Section 47-9, X-Exclusive Use District;

      iv. Criteria:

         a) Site plan approval level II in accordance with Sec. 47-24.2, Development Permits and Procedures.

         b) Expiration of allocation of reserve units. If the allocation of reserve units is permitted in connection with site plan approval, the allocation shall expire and terminate upon the expiration of the site plan approval.

F. Allocation of residential units on commercial or office park land use designated parcels.

1. The city may allocate flexibility units to a development parcel with a commercial or office park land use designation subject to the following conditions:

   a. Criteria:

      i. Flexibility units, see subsection E.1.a.
ii. No more than twenty percent (20%) of the total acreage within the flexibility zone which is designated commercial or office park, may be used for residential uses.

2. For mixed-use development, see subsection K.

G. **Allocation of commercial uses on residential land use designated parcels.**

1. The city may permit commercial uses on a parcel with a residential land use designation subject to the following conditions:
   a. Rezoning of the development site to community business (CB) only, or to exclusive use (X-Use); and
   b. No more than five percent (5%) of the total area within a flexibility zone which is designated residential on the city's plan, may be rezoned to CB or X-Use; and
   c. The parcel proposed for CB or X-Use use shall not be greater than ten (10) contiguous acres;
   d. Criteria:
      i. Demonstration that the use of commercial flex acreage supports and implements the specific goals, objectives and policies of the city's LUP.
      ii. Rezoning application in accordance with Sec. 47-24.2, Development Permits and Procedures.
      iii. Site plan approval level III in accordance with Sec. 47-24.2, Development Permits and Procedures.

2. For mixed-use development, see subsection K.

H. **Allocation of bonus density for affordable housing on parcels with a residential land use designation.**

1. The city may allocate flexibility units or reserve units to provide for affordable housing units (AFU's) by applying bonus density, through site plan approval (level III), subject to the following:
   a. The total number of reserve units applied to the development parcel shall not be greater than one hundred percent (100%) of the density permitted by the city's land use plan for the development parcel.
   b. The residential density of the parcel shall be greater than five (5) dwelling units/per gross acre.
   c. The affordable housing development shall meet requirements for affordable housing as established by the BCLUP.
   d. Criteria: Site plan approval level III in accordance with Sec. 47-24.2, Development Permits and Procedures.

I. **Allocation of bonus sleeping rooms for special residential housing, group homes, foster care**
facilities, etc.

1. The city may permit an increase in the number of sleeping rooms permitted by the city's land use plan, by applying bonus sleeping rooms to a special residential facility by site plan approval (level III) without allocating additional density by applying flexibility units or reserve units. For the purpose of calculating density, sleeping rooms shall be counted as one-half (½) a dwelling unit.

2. Subject to the requirements for social service residential facilities (SSRF), see Sec. 47-18.32

3. Criteria: Site plan approval level III in accordance with Sec. 47-24.2, Development Permits and Procedures.

J. Allocation of commercial uses within areas designated industrial land use or employment center land use.

1. The city may permit a development to be used for commercial business uses within lands designated employment center or industrial on the city's land use plan, by rezoning the parcel to a business zoning district, subject to the following restrictions:

   a. No more than twenty percent (20%) of the total land use area within the flexibility zone that is designated for industrial land use or U.C. employment center land use may be rezoned to a business zoning district.

   b. Criteria:

      i. Rezoning application in accordance with Sec. 47-24.2, Development Permits and Procedures.

      ii. Site plan approval level III in accordance with Sec. 47-24.2, Development Permits and Procedures.

K. Allocation of flex for mixed use development.

1. The city may allocate flexibility units for mixed use development through approval of a mixed use development, as provided in Sec. 47-18.21, Mixed Use Development. This applies to both the allocation of residential flexibility units on a commercial land use designated parcel and for allocation of commercial flex acreage on a residential land use designated parcel.

L. Allocation of reserve units in the Downtown Regional Activity Center.

1. Additional dwelling units may be allocated to a development site in the Downtown Regional Activity Center area as provided in the City's Land Use Plan by applying available reserve units, subject to the following conditions:

   a. Demonstration that the use of reserve dwelling units supports and implements the specific goals, objectives and policies of the city's Land Use Plan.

   b. A Site Plan Level II approval is required in accordance with Section 47-24. An approval by DRC is subject to a City Commission request for review, under the provisions of Section 47-26A.2.

   c. Expiration of allocation of reserve units. The allocation of reserve units shall expire and
termine upon the expiration of the site plan approval.

(Ord. No. C-97-19, § 1(47-28), 6-18-97; Ord. No. C-97-51, § 9, 11-4-97; Ord. No. C-01-17, § 1, 5-1-01)

ARTICLE IX. - ADMINISTRATION AND BOARDS

SECTION 47-29. - ADMINISTRATION AND BOARDS, GENERAL

Sec. 47-29.1. - Establishment.

The following positions, agencies and boards have been created and established as described in this section to perform the duties provided herein in relation to the issuance of development permits and approvals.

(Ord. No. C-97-19, § 1(47-29.1), 6-18-97)

Sec. 47-29.2. - Director of department.

There shall be a director of the department in the unclassified service who shall meet with the city planning and zoning board in the capacity of advisor and shall serve as executive secretary of the board. He or she shall aid and assist in carrying out any city comprehensive plan which may be in effect from time to time and perform such other duties as may be required of him or her by ordinance or administrative rules and regulations. He or she shall make recommendations for the land use plan for the development of the city. He or she or his or her designee shall be the person who has the authority to make determination on behalf of the department in those matters specified in the ULDR.

(Ord. No. C-97-19, § 1(47-29.2), 6-18-97)

Sec. 47-29.3. - Zoning administrator.

There shall be a zoning administrator in the department or such person or persons appointed by the director who will be responsible for answering all questions of interpretation and enforcement of the ULDR.
Sec. 47-29.4. - Development review committee.

There is hereby established a development review committee (hereinafter "DRC") having the responsibility to review and approve applications for a development permit as set forth in this section, and other related duties as assigned by the city manager. The department is hereby assigned the responsibility to coordinate the duties of the DRC. The membership of the DRC shall include representatives from the fire-rescue and building department, planning and economic development department, public services department, police department and parks and recreation department. When the circumstances of a proposed development necessitate review by additional city staff members, the city manager may add such members to the committee as deemed necessary for the implementation of this section, in accordance with their respective areas of concern within the city administration.

(Ord. No. C-97-19, § 1(47-29.3), 6-18-97)

SECTION 47-30. - PLANNING AND ZONING BOARD

Sec. 47-30.1. - Powers and duties.

A. The duties of the city planning and zoning board shall be as follows:

1. To act in an advisory capacity to the city commission, to conduct investigations and hold public hearings upon all proposals to change zoning regulations of the city or to vacate and abandon streets and alleys, and to report its findings and recommendations upon any such proposals to the city commission.

2. To study any existing city plans with the view to improving same so as to provide for the development, general improvement, and probable future growth of the city, and from time to time make recommendations to the city commission for changes in the existing city comprehensive plan so as to omit portions of such comprehensive plan not deemed advisable and to incorporate new sections which recognize changing conditions in the city.

3. To review and recommend for approval or disapproval all plats intended to be presented to the city commission for approval.

4. To perform such other duties as may from time to time be assigned to such board by the city commission or prescribed by ordinance.

(Ord. No. C-97-19, § 1(47-30.1), 6-18-97)
Sec. 47-30.2. - Membership.

A. The city planning and zoning board shall consist of nine (9) members.

B. The term of office of each member shall be three (3) years except for the filling of vacancies. The term of office in each instance shall begin on June 1.

C. Vacancies on the board shall be filled for the balance of any unexpired term.

D. Members of the board shall receive no compensation for their service on the board.

E. The provisions of Section 2-217 of the Code of Ordinances applicable to advisory boards including but not limited to removal of board members shall apply to the planning and zoning board as provided therein when such provisions are not in conflict with this section of the Code. (Located in Section 2-217 of the Code.) In the event of conflict the provisions in this Section 47-30 shall prevail.


Sec. 47-30.3. - Qualifications.

Members of the board shall be appointed by resolution of the city commission and each shall be a resident of the city.


Sec. 47-30.4. - Meetings and procedures.

A. The regular meeting of the board shall be held on the third Wednesday of each month at city hall so long as the board has business to conduct, except when:

1. this day is a legal holiday observed by the city; or

2. the regular meeting is rescheduled on an intermittent basis to a date and time as may be designated by the board and announced at the regularly scheduled meeting immediately preceding the rescheduled meeting, or

3. is canceled by the chairperson or zoning administrator because of emergency.

If the regularly scheduled meeting falls on a legal holiday observed by the city, that meeting shall be held on the following day. In addition to the regularly scheduled or re-scheduled meeting date(s), the board may meet at such other times as agreed upon during the regularly scheduled monthly meeting. In addition to the regularly scheduled or re-scheduled meetings, the chairperson may designate special meetings at other times after ten (10) days’ advance notice to the members. Nothing herein with regard to regularly scheduled, re-scheduled or special meetings of the board shall be deemed a waiver of the notice procedures set forth in Section 47-27 hereof.

In the computation of any time period involved in planning and zoning board proceedings, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday recognized pursuant to Florida Statutes Chapter 683 or the city, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday nor legal holiday. When the period
of time prescribed or allowed is less than seven (7) days, the intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

B. The planning and zoning board shall elect from its members a chairperson and a vice-chairperson at an annual election held in June of each year who shall serve for terms of one (1) year and who shall be eligible for reelection.

C. The department shall provide all clerical services needed by the board. This shall include the keeping of records, receiving of applications, collecting of fees, preparing the agenda, sending out notices of meetings, preparing the minutes of the board's meetings, answering correspondence and doing whatever clerical tasks as are necessary for the operation of the board.


**Sec. 47-30.5. - Quorum.**

Except for the provisions of the charter in regard to the adoption of changes in the city comprehensive plan, a quorum of this board shall be five (5) members, and a majority vote of a quorum shall be required for a decision on any matter before the board. If a quorum is not present no meeting shall be held and any items of business shall be continued to the next regular meeting of the board.

(Ord. No. C-97-19, § 1(47-30.5), 6-18-97)

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**SECTION 47-31. - LOCAL PLANNING AGENCY**

- **Sec. 47-31.1. - Establishment.**
- **Sec. 47-31.2. - Powers and duties.**
- **Sec. 47-31.3. - Membership, meetings and procedures.**

**Sec. 47-31.1. - Establishment.**

The planning and zoning board shall be the Local Planning Agency for the city in accordance with Laws of Fla. ch. 75-257 (F.S. § 163.3174), commonly known as the Local Government Comprehensive Planning Act of 1975.

(Ord. No. C-97-19, § 1(47-31.1), 6-18-97)

**Sec. 47-31.2. - Powers and duties.**

A. The duties of the local planning agency shall be as follows:

1. The local planning agency shall be responsible for the preparation of the comprehensive plan or comprehensive plan amendment or shall designate the department to prepare the comprehensive plan or comprehensive plan amendment.

2. To review and hold public hearings upon the adoption of the comprehensive plan or amendments to the comprehensive plan.
3. Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the city commission such changes to the comprehensive plan as may from time to time be required, including preparation of the periodic reports required by F.S. § 163.3191.

4. Review proposed land development regulations, land development codes, or amendments thereto and make recommendations to the city commission as to the consistency of the proposal with the adopted comprehensive plan, or element or portion thereof.

5. Perform any other functions, duties and responsibilities assigned to it by the city commission or by general or special law.

(Ord. No. C-97-19, § 1(47-31.2), 6-18-97)

Sec. 47-31.3. - Membership, meetings and procedures.

A. The local planning agency shall be the planning and zoning board and for certain matters, an additional member as provided in subsection B. The provisions of Section 47-30, Planning and Zoning Board, shall be applicable to the planning and zoning board acting as the local planning agency.

B. To the extent required by Section 163.3174, Florida Statutes, as may be amended from time to time, a representative appointed by The School Board of Broward County shall serve as an ex officio, non-voting member on the local planning agency ("School Board LPA member") to consider only the following matters:

1. City Comprehensive Plan amendments and rezonings that would, if approved, increase residential density for the property that is the subject of the development permit application.

2. Developments of regional impact and other residential or mixed use developments with a residential component that if approved, may increase residential density and affect student enrollment, projections or school facilities.

Participation by the School Board LPA member shall be limited to providing information in accordance with Chapters 163 and 1013, Florida Statutes, as may be amended from time to time, which information may include the impact of increased residential density on public school facilities, the coordination of the City's Plan with the plans of the School Board and the process for collaborative planning and decision making on population projections and public school siting.

(Ord. No. C-97-19, § 1(47-31.3), 6-18-97; Ord. No. C-05-15, § 1, 7-6-05)
Sec. 47-32.1. - Purpose.

The purpose of the historic preservation board is to implement the city's historic preservation regulations which promote the cultural, economic, educational and general welfare of the people of the city and of the public generally through the preservation and protection of historically or architecturally worthy structures.

(Ord. No. C-97-19, § 1(47-32.1), 6-18-97)

Sec. 47-32.2. - Definitions.

The definitions provided in Sec. 47-24.11 shall apply to this Section 47-32.

(Ord. No. C-97-19, § 1(47-32.2), 6-18-97)

Sec. 47-32.3. - Powers and duties.

A. To take action necessary and appropriate to accomplish the purpose of this board. These actions may include, but are not limited to:

1. Continuing the survey and inventory of historic buildings and areas and archeological sites and the plan for their preservation.
2. Recommending the designation of historic districts and individual landmarks and landmark sites.
3. Regulating any alterations, demolitions, relocations, adaptive use and new construction to designated property by issuing certificates of appropriateness.
4. Applying the "United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" as guidelines for changes to designated property.
5. Working with and advising the federal, state and county governments and other boards and departments of the city.
6. Advising and assisting property owners and other persons and groups, including neighborhood organizations which are interested in historic preservation.
7. Initiating plans for the preservation and rehabilitation of individual historic buildings.
8. Undertaking education programs including the preparation of publications and the placing of historic markers.
9. Review National Register nominations and provide comments to the appropriate entities.

B. The board shall have the power to conduct public hearings to consider historic preservation issues. A simple majority of the membership shall be required for decisions involving landmarks, landmark sites, and historic districts. Applicants shall be given written notification of the board's decisions. The board shall prepare and keep on file available for public inspection a written annual report of its historic preservation activities, cases, decisions, qualifications of members and other historic preservation work.
Sec. 47-32.4. - Membership.

A. The historic preservation board shall consist of eleven (11) members to be appointed by the city commission.

B. Members shall serve for a period of three (3) years from date of appointment.

C. In the event of a vacancy, the city commission shall appoint a successor to fill the unexpired term within sixty (60) days of the vacancy.

D. Any member may be removed from the board by the city commission.

E. Members shall serve without compensation.

Sec. 47-32.5. - Qualifications.

A. Members shall be residents of the city and shall have knowledge of historical or architectural development within the city and have deep concern for the preservation, development and enhancement of the historic buildings in the city.

B. To the extent possible, one (1) member shall be a registered architect, four (4) members shall be from one (1) of the following occupations: architect, historian, real estate agent, real property appraiser, planner, engineer, building contractor, lawyer, landscape architect and banker or financial institution officer, and the remaining members shall be from other segments of the community.

Sec. 47-32.6. - Meetings and procedures.

A. The board shall hold regular monthly meetings unless there is no business to be brought before the board. The board shall adopt rules for the time and place of such meetings.

B. The calling of special meetings may be done by the chairperson when warranted by extraordinary circumstances.

C. The historic preservation board shall elect from its members a chair and a vice-chair at an annual election held in June of each year, who shall serve for terms of one (1) year and who shall be eligible for reelection.

D. The board shall receive assistance in the performance of its historic preservation responsibilities from the department. Other city staff members or consultants may be asked to assist the board by providing technical advice or help in the administration of the historic preservation regulations.

Sec. 47-32.7. - Quorum.

A majority of the members shall constitute a quorum. A majority vote of a quorum shall be required for a decision on any matter before the board.
UNIFIED LAND DEVELOPMENT REGULATIONS
Chapter 47 - UNIFIED LAND DEVELOPMENT REGULATIONS
ARTICLE XV. - ANNEXED AREAS
SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

SECTION 47-33. - BOARD OF ADJUSTMENT

Sec. 47-33.1. - Purpose.
The board of adjustment shall receive and hear appeals in cases involving the ULDR, to hear applications for temporary nonconforming use permits, special exceptions and variances to the terms of the ULDR, and grant relief where authorized under the ULDR. The board of adjustment shall also hear, determine and decide appeals from reviewable interpretations, applications or determinations made by an administrative official in the enforcement of the ULDR, as provided herein.

(Ord. No. C-97-19, § 1(47-33.1), 6-18-97)

Sec. 47-33.2. - Powers and duties.

A. The board of adjustment shall have exclusive jurisdiction to perform the following duties:

1. To grant temporary permits for nonconforming use of buildings or lands in the city for short periods of time, not exceeding one (1) year from the date of entry of the final order granting such relief and for which no extensions or additional nonconforming permits may be granted.

2. To hear and decide appeals by proper parties where it is alleged that there is error in any reviewable interpretation, application or determination made by an administrative official in the enforcement of the ULDR and to modify or reverse such ruling upon finding the interpretation of facts or interpretation of law clearly erroneous or to affirm such ruling upon interpretation of facts or law by such administrative official which is not clearly erroneous.

3. To hear and decide special exceptions, to decide such questions as are involved in determining whether special exceptions should be granted and to grant such special exceptions with conditions and safeguards as are appropriate under the ULDR.

4. To authorize upon application in specific cases such variances from the ULDR as are authorized under the ULDR, and to decide such questions as are involved in determining whether a variance should be granted and to grant such variances with conditions and safeguards as are appropriate under the ULDR.

B. The board of adjustment shall not have jurisdiction to grant any relief that does not conform to the city's comprehensive plan.
Sec. 47-33.3. - Membership.

A. The board of adjustment shall consist of seven (7) regular members and three (3) alternate members.
B. Such members shall be appointed by resolution of the city commission.
C. Regular and alternate members shall serve two (2) year terms.
D. Vacancies occurring during a membership term shall be filled by appointment for the balance of the existing term.
E. Members of said board shall serve without compensation.

Sec. 47-33.4. - Qualifications.

Each member of the board of adjustment including alternate members shall be a resident of the city and shall have previously served as a member of the planning and zoning board for at least one (1) year, or be otherwise equally qualified.

Sec. 47-33.5. - Alternate members.

In case of temporary absence or disqualification of any regular member of the board of adjustment, the chairperson of the board of adjustment shall have the right and authority to designate any alternate member of the board to serve on the board during the continuance of such absence or disqualification, but no more than two (2) alternates shall serve on the board of adjustment at any time. While serving alternates shall have the same powers as regular members. Alternate members shall attend all meetings of the board until such time as it has been determined by the chair that all regular members are in attendance and that there are no conflicts of interest which would prohibit a regular member from hearing an appeal.

Sec. 47-33.6. - Meetings and procedure.

A. The board shall meet regularly on the second Wednesday of each month at city hall so long as the board has business to conduct, except when:
   1. This day is a legal holiday observed by the city, or
   2. Re-scheduled on an intermittent basis to a date and time as may be designated by the board and announced at the regularly scheduled meeting immediately preceding the re-scheduled meeting, or
   3. Cancelled by the chairperson or zoning administrator because of emergency.

If the regularly scheduled meeting falls on a legal holiday, that meeting shall be held on the following
day. In addition to the regularly scheduled or re-scheduled meeting date(s), the board may meet at such other times as agreed upon during the regularly scheduled monthly meeting. In addition to the regularly scheduled or re-scheduled meetings, the chairperson may designate special meetings at other times after ten (10) days' advance notice to the members. Nothing herein with regard to regularly scheduled, re-scheduled or special meetings of the board shall be deemed a waiver of the notice procedures set forth in Section 47-27 hereof.

B. The board shall elect from its members a chairperson and vice-chairperson at an annual election held in June of each year who shall serve for terms of one (1) year and who shall be eligible for reelection.

C. The city commission, by resolution, shall fix and determine the rules and procedures of the board of adjustment.

D. In the computation of any time period involved in board of adjustment proceedings, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday recognized pursuant to F.S. ch. 683 or the city, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday nor legal holiday. When the period of time prescribed or allowed is less than seven (7) days, the intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

(Ord. No. C-97-19, § 1(47-33.6), 6-18-97; Ord. No. C-04-49, § 1, 10-5-04)

Sec. 47-33.7. - Quorum.

Five (5) members shall constitute a quorum. The concurring vote of a majority plus one (1) of those members of the board of adjustment present and voting shall be necessary to give validity to any final order of the board. The board may adopt preliminary and procedural motions by a simple majority vote of those present and voting.

(Ord. No. C-97-19, § 1(47-33.7), 6-18-97)
Sec. 47-34.1. - Compliance with ULDR.

A. Except as provided in the ULDR:

1. No building shall be erected, reconstructed or structurally altered, nor shall any building, land or water be used for any purpose other than is permitted in the district in which such building or land is located.

2. No building shall be erected, reconstructed or structurally altered to exceed the height or bulk limit herein established for the district in which such building is located.

3. No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by the ULDR, nor shall the density of population be increased in any manner except in conformity with the area regulations established by the ULDR.

4. No yard or other open space provided about any building for the purpose of complying with the provisions of the ULDR shall be considered as providing a yard or open space for any other building; provided further, that no yard or open space on an adjoining property shall be considered as providing a yard or open space on a lot whereon a building is to be erected.

5. Every building erected shall be located on a lot as defined in the ULDR.


(Ord. No. C-97-19, § 1(47-34.1), 6-18-97)

Sec. 47-34.2. - Enforcement, violations and penalties.

A. The director, the building official, the chief of police and such city employees as they shall designate are hereby designated and authorized to enforce the ULDR.

B. It shall be unlawful to use any property within the city in violation of the requirements of the ULDR.

C. Any person or persons, owner or owner’s agent, or member or employee of any firm, company or corporation who shall violate or permit to be violated, or cause to be violated any provision of the ULDR shall, upon conviction, be punished as provided in Section 1-6 of Volume I of the Code.

D. It shall be unlawful to use property, or erect, alter or use any building or structure or part thereof, or land or water, in a manner which violates the terms and conditions of a development permit or order issued by the city commission, planning and zoning board, development review committee, board of adjustment, historic preservation board or director of the department, or his designee. As used in this subsection D, a development permit or order shall mean any permit or order which authorizes the use or development of property and shall include, but not be limited to, a beach development permit, development plan approval, development review committee development permit, variance, special exception, plat approval, land use amendment, parking reduction approval, certificate of appropriateness, conditional use approval, development of regional impact or rezoning.
Sec. 47-34.3. - Permit not to authorize violation of chapter; correction of errors in plans and specifications; evidence of engaging in business.

A. The issuance or granting of a permit or approval of plans or specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of the ULDR. No permit presuming to give the authority to violate or cancel the provisions of the Code shall be valid except insofar as the work or use which it authorizes is lawful.

B. The issuance of a permit upon plans and specifications shall not prevent the building inspector from thereafter requiring the correction of errors in such plans and specifications, or preventing building operations being carried on thereunder when in violation of the ULDR or any ordinances of the city.

C. If any person displays a sign or advertisement indicating the conduct of a business or profession at a given location, or advertises a business or profession in the classified section of the newspaper, telephone directory or city directory or other media, or otherwise represents himself as being engaged in a business, occupation or profession at a particular location, such activities shall constitute evidence that such business, occupation or profession is being conducted at that location and that such person is holding himself out as being engaged in such business, occupation or profession.

Sec. 47-34.4. - Prohibited parking or storage of commercial vehicles or commercial watercraft.

A. Parking or storage in residential rights-of-way.

1. No person shall park, store, or knowingly permit another person to park or store, any of the vehicles or commercial watercraft described below in or upon any right-of-way or waterway at any time within any residentially zoned district. The provisions of this section do not apply if the person having custody of a commercial vehicle, or a trailer coupled to it, or both, or a commercial watercraft as described below, is actively and temporarily engaged in rendering a business or commercial service to the residential property next to the right-of-way or waterway.

2. The vehicles or commercial watercraft which shall not be parked or stored in or upon any such right-of-way or waterway are described as follows:

   a. Any "commercial vehicle," which is a vehicle self-propelled by a motor, having more than four (4) tires, and:

      i. Which bears any sign or marking which advertises or identifies any business or commercial venture; or

      ii. Which is used or designed for a business or commercial purpose.

   b. Any "mobile home," which is a nonmotorized vehicle designed to be used either temporarily or permanently as a residence or living quarters.

   c. Any "trailer," which is any wheeled device or vehicle upon or within which persons or property may be transported over a road, if coupled to or capable of being drawn by a motor vehicle.
d. Any "bus," which is any motor vehicle used or originally designed for transporting ten (10) or more passengers, whether or not such transportation is for compensation.

e. Any "recreational vehicle unit," which is any vehicle designed or primarily used for recreational, camping or travel use, which either has its own motor power, or which is mounted upon or drawn by another vehicle and used or designed to be used as temporary living or sleeping quarters.

f. Any "inoperable vehicle," which is any vehicle, whether motorized or nonmotorized, in, upon or by which any person or property is or may be transported or drawn upon a road, which is inoperable because it is wrecked, derelict or partially dismantled. Any vehicle which does not display a current license tag is presumed to be inoperable.

g. Any commercial watercraft used primarily as a work platform for the construction of improvements to the upland property where it is positioned.

3. Any vehicles parked in a right-of-way in violation of this subsection may be towed and the charges for towing and storage shall constitute a lien against such vehicle, as provided by state law. Enforcement personnel shall, as soon as practicable, give notice to the vehicle owner or operator of such removal and information as to its location.

4. The owner of the upland property abutting a waterway where any commercial vessel as described above is positioned in violation of this section shall be subject to the penalties specified in the ULDR.

B. Overnight parking of specified vehicles, boats and trailers in residential districts.

1. No person shall park, store or knowingly permit another person to park or store any of the vehicles described in subsection B.3 upon any residentially zoned property at any time between the hours of 9:00 p.m. and 6:00 a.m. unless it is:

   a. Parked or stored within a garage or carport which is enclosed on any side of a property abutting residential property and is concealed or screened from view from any street abutting the parcel where the vehicle is located; or

   b. Concealed or screened from view from any street abutting the parcel where the vehicle is located and from any contiguous residential property by landscaping or fencing. Screening shall be provided in accordance with subsection B.5.

2. On property which is zoned RS-4.4, the following additional restrictions shall apply:

   a. A recreational vehicle unit, exceeding twenty-one (21) feet in length or ten (10) feet in height must be parked in a side or rear yard of a property, shall not extend beyond the front face of the residential structure, must be able to directly access abutting right-of-way and must be screened from view from abutting right-of-way and contiguous residential property. Screening shall be provided in accordance with subsection B.5.

   b. A boat, a boat on a trailer, a boat trailer or any combination of same in excess of twenty-one (21) feet in length or ten (10) feet in height must be parked in a side or rear yard of a property, shall not extend beyond the front face of the residential structure, must be able to directly access abutting right-of-way and must be screened from view from abutting right-of-way.
right-of-way and contiguous residential property. Screening shall be provided in accordance with subsection B.5.

c. No boat, a boat on a trailer, boat trailer, or recreational vehicle which exceeds thirty-five (35) feet can be parked on RS-4.4 zoned property.

3. The vehicles which shall not be parked or stored upon such property during such hours as provided in subsection B.1 and the boats or trailers regulated as provided in subsection B.2 are described as follows:

a. Any "commercial vehicle," which is a vehicle self propelled by a motor, having more than four (4) tires, and:
   i. Which bears any sign or marking which advertises or identifies any business or commercial venture; or
   ii. Which is used or designed for a business or commercial purpose.

b. Any "mobile home," which is a nonmotorized vehicle designed to be used either temporarily or permanently as a residence or living quarters.

c. Any "bus," which is any motor vehicle used or originally designed for transporting ten (10) or more passengers, whether or not such transportation is for compensation.

d. Any "inoperable vehicle," which is any vehicle, whether motorized or nonmotorized, including watercraft, and including any vehicle on a trailer, in, upon or by which any person or property is or may be transported or drawn upon a road, which is inoperable because it is wrecked, derelict or partially dismantled. Any vehicle which does not display a current license tag is presumed to be inoperable.

e. On property zoned RS-4.4, any recreational vehicle unit as defined in Sec. 47-34.4.A.2.e.

f. On property zoned RS-4.4, any boat, boat on trailer or boat trailer. A boat is defined as a vessel propelled by oars, wind or machinery and capable of being used as a means of transportation on water, but not to include a personal watercraft as defined by F.S. ch. 327.

4. The provisions of this section do not apply to a mobile home park or stored on property located in a mobile home park or to a bus or to a bus owned or operated by a church, educational institution or governmental entity parked upon lands owned or operated by the church, institution or entity.

5. When a vehicle, boat or trailer is required to be screened from view as required by this Sec. 47-34.4, such screening by landscaping shall be by installation of a hedge to screen the vehicle only. Hedge material shall be thirty-six (36) inches high when first planted, shall increase in height at a rate of one (1) foot per year and shall be maintained at a height equal to the roofline of any vehicle, boat or trailer which is less than eight (8) feet in height, and to a maximum of eight (8) feet in height for any vehicle, boat or trailer greater than eight (8) feet in height. If a fence is used for screening, the fence shall be a minimum of six (6) feet in height and must be opaque.

C. Use of vehicle for living or sleeping prohibited.
1. It shall be unlawful for any owner, operator or person having custody of any vehicle described below to use, or permit the use of, any such vehicle for living or sleeping purposes while the vehicle is parked or stored within the city. It shall also be unlawful for an owner or occupant of land to knowingly permit such a vehicle to be parked or stored on property owned or occupied by him and used by another for such purposes in violation of this subsection. The provisions of this subsection do not apply to mobile homes located in a mobile home park.

2. Any "mobile home," which is a nonmotorized vehicle designed to be used either temporarily or permanently as a residence or living quarters.
   a. Any "trailer," which is any wheeled device or vehicle upon or within which persons or property may be transported over a road, if coupled to or capable of being drawn by a motor vehicle.
   b. Any "bus," which is any motor vehicle used or originally designed for transporting ten (10) or more passengers, whether or not such transportation is for compensation.
   c. Any "recreational vehicle unit," which is any vehicle designed or primarily used for recreational, camping or travel use, which either has its own motor power, or which is mounted upon or drawn by another vehicle and used or designed to be used as temporary living or sleeping quarters.
   d. Any "inoperable vehicle," which is any vehicle, whether motorized or nonmotorized, in, upon or by which any person or property is or may be transported or drawn upon a road, which is inoperable because it is wrecked, derelict or partially dismantled. Any vehicle which does not display a current license tag is presumed to be inoperable.

(Ord. No. C-97-19, § 1(47-34.4), 6-18-97; Ord. No. C-98-6, § 1, 2-3-98; Ord. No. C-99-39, § 1, 5-18-99)

Sec. 47-34.5. - Refusal to issue permit when building may be changed to violate district regulations.

When plans and specifications are submitted to the department for a permit to erect a residential use in any zoning district, and should such plans and specifications, in the opinion of the director be of a structure which might be used contrary to the issued permit, or could easily be modified to serve such purpose, or that the plumbing, gas lines or electric wiring, other than that installed in the kitchen, may be used for purposes other than for the use as issued, then the director shall have the right to refuse to issue a building permit therefor; provided, further, that all appeals from the decision of the building inspector shall be made to the board of adjustment for final disposition.

(Ord. No. C-97-19, § 1(47-34.5), 6-18-97)
SECTION 47-35. - DEFINITIONS

Sec. 47-35.1. - Definitions.

For the purpose of the ULDR certain terms and words are herein defined. Words used in the present tense include the future; the words "used for" include the meaning "designed for"; the word "structure" includes the word "building"; the word "lot" includes the words "plot" and "tract." The words "area" and "district" may indicate and include the meaning "zone"; the word "unit" shall mean "dwelling unit." Words in the singular include the plural and those in the plural include the singular. The word "person" includes a corporation, unincorporated association and a partnership or other legal entity, as well as an individual. The word "street" includes avenue, boulevard, parkway, court, highway, lane, road, terrace, causeway, way and expressway. The word "watercourse" includes channel, creek, ditch, drain, dry run, spring, stream and canal, but does not include a lake, pond or pool without outlet. The word "may" is permissive; the words "shall" and "will" are mandatory and not merely directory. Other definitions appear in specific sections of the ULDR and are applicable only to those sections.

AASHTO: American Association of State Highway and Transportation Officials, an organization which prepares recommendations for highway and street engineering policies and standards.

Abut: A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

Accessory building: An "accessory building" is a subordinate building which is located on the same development site as the principal building, the use of which building is clearly incidental to the use of the principal building.

Accessory uses: Uses customarily incidental and subordinate to the principal uses as permitted and located on the same development site as the principal use.

Alley: Any roadway, place or public way dedicated for use by the public and twenty (20) feet or less in width.

Apartment: Apartment is a building occupied or intended to be occupied by more than two (2) families, living separately and with separate kitchens or facilities for doing their own cooking on the premises, or by more than two (2) families, individuals or groups of individuals. Apartments shall not include townhouses, cluster dwellings, coach homes or duplex units.

Automotive repair: An establishment which provides automobile repair service. See Sec. 47-18.4.

Automotive sales: An establishment which provides for the sale of cars, vans, jeeps, pick-up trucks, not including those vehicles listed in truck sales.

Automotive service station: An establishment where fuels, oils or greases are supplied and dispensed to motor vehicles.

Automotive wrecking or salvage yard: An area used for the dismantling or wrecking of used vehicles and the storage and sale of used automotive parts.
Awning: A roof-like cover designed and intended for protection from weather or as a decorative embellishment that projects from a wall of a building over a walk, window, door or the like. Awnings shall be entirely supported from a building and constructed and erected in a manner that will readily permit removal, or may be easily rolled or folded back to a position flat against the building.

Bar: An establishment devoted primarily to the retailing and drinking of malt, vinous or other alcoholic beverages.

Bed and breakfast dwelling: A bed and breakfast dwelling is a lodging facility which provides overnight accommodations and morning meals to overnight guests for compensation.

Broward County (or county): A political subdivision of the State of Florida.

Bufferyard: An area or areas located on nonresidential or residential property which extend the full length of the property lines abutting residential property which meet the requirements for a bufferyard as provided in Sec. 47-25.3, Neighborhood Compatibility Requirements.

Building: A roofed and walled structure that is completely enclosed, except as otherwise provided in the ULDR, the use of which demands a permanent location on the land.

Business property: Any property designated for commercial use on the adopted city future land use plan map or zoned CB, B-1, B-2 or B-3.

Business zoning district: Property zoned CB, B-1, B-2 or B-3.

Canopy: A permanently roofed shelter projecting over a walk, driveway, entry or similar area, which may be wholly supported by a building or wholly or partially supported by columns, poles or braces extending from the ground. Such a structure must be open on three sides, and if ground-supported, supports must be confined in number and cross-section area to the minimum necessary for actual support of the canopy.

Car wash, automatic: An establishment where the exterior of motor vehicles is washed within a completely enclosed building with entrances and exits of appropriate size to accommodate motor vehicles. The movement of motor vehicles within such establishment shall be along a conveyor belt, moving track or the like, with washing solely by mechanical means. The cleaning of the interior of motor vehicles, waxing of the exterior detail work of motor vehicles, drying and exterior detail work of motor vehicles if any, may be permitted.

Carport: A roofed structure providing space for the parking of vehicles and enclosed on not more than three (3) sides.

Central beach area zoning districts: Properties zoned: Sunrise Lane Area (SLA), North Beach Residential Area (NBRA), A-1-A Beachfront Area (ABA), Planned Resort Development Area (PRD), Intracoastal Overlook Area (IOA), South Beach Hotel and Marina District (SBHMA).

City: The City of Fort Lauderdale.

City commission: The city commission of the City of Fort Lauderdale.

Code: The Code of Ordinances of the City of Fort Lauderdale, Florida which includes Volumes I and II.

Compact deferral area: The geographic area which is a two (2) mile band having a centerline which is
coincident with the centerline of the congested link, extending parallel to the congested link for a
distance of one-half (½) mile beyond each end point of the congested link as shown on those maps
produced by the county.

*Comprehensive plan or plan:* The plan adopted by the city in accordance with the requirements of F.S.
ch. 163.

*Concurrency evaluation:* An evaluation whether facilities and services needed to support approved
development are available concurrent with the impacts of such development.

*Contiguous:* Contiguous shall be abutting or separated by no more than a twenty (20) foot wide
right-of-way.

*Convenience kiosk:* A retail establishment with a maximum of one thousand (1,000) square feet of
gross floor area that may have drive-through facilities and offers for sale prepackaged food or
beverages for off-site consumption and may offer for sale automotive fuel, but offers no automotive
repair. Other prepackaged goods, newspapers, magazines, household items and automotive cleaning
supplies, oils, waxes, windshield fluid and wiper blades may also be sold. A convenience kiosk which
offers automotive fuel for sale shall also be considered an automotive service station and shall be
required to meet the requirements for that use.

*Convenience store:* A retail establishment with a maximum of five thousand (5,000) square feet of
gross floor area that offers for sale prepackaged food or beverages for off-site consumption and may
offer for sale automotive fuel, but offers no automotive repair. Other prepackaged goods, household
items, automotive fluids and wiper blades, automotive cleaning supplies, oils, waxes and windshield
fluids, newspapers, magazines may also be sold. A convenience store dispensing automotive fuels
shall also be considered an automotive service station and shall be required to meet the requirements
for that use. A retail establishment as described herein that is greater than five thousand (5,000) square
feet of gross floor area and does not sell automotive fuel shall be considered a grocery store.

*Convenience store, multi-purpose:* A retail establishment with a maximum of six thousand (6,000)
square feet of gross floor area that may have drive-through facilities, where food or beverages are
prepared and served for pay for on or off-site consumption; and where automotive fuel is sold, but
offers no automotive repair. Other prepackaged goods, household items, automotive fluids and wiper
blades, automotive cleaning supplies, oils, waxes and windshield fluids, newspapers, magazines may
also be sold. A multi-purpose convenience store dispensing automotive fuels shall also be considered
an automotive service station and shall meet the requirements for that use.

*Corner lot:* A lot located at the intersection of two (2) or more streets, with a boundary line bordering on
at least two (2) of the streets.

*Cul-de-sac:* A minor street intersecting another street at one (1) end and terminated at the other end by
a vehicular turnaround.

*Department:* The planning and economic development department or such department which has the
responsibility for the administration of the planning and zoning requirements of the city as designated
by the city manager.

*Developer:* Any person, or his agent, who undertakes development regulated by the ULDR.

*Development:* The use of any structure, land or water, the change, expansion or addition to any use,
land or water, the carrying out of any building activity, or the making of any change in the appearance of any structure, land or water, or the subdividing of land into two (2) or more parcels; provided, however, that building activity that is carried out exclusively within a previously constructed structure which does not affect the intensity of use or affects only the exterior color of the structure shall not be considered development.

**Development permit:** Any use approval, plat approval, site plan approval, development review committee order, zoning permit or rezoning, special exception, variance, certificate of appropriateness, historic designation or other official action having the effect of permitting the development as defined in the ULDR.

**Development site:** A lot or parcel of land or combination of lots or parcels of land proposed for development. If a development site has more than one (1) parcel or lot with different owners, all property owners will be required to sign the application for development permit, and shall be required to execute and record in the public records a declaration on a form provided by the department, stating that the parcels have been developed as a single unit for purposes of meeting the ULDR. The declaration shall include a legal description of each parcel and shall state that no parcel may be developed separate from the other parcel unless each parcel standing alone meets the requirements of the ULDR.

**Director:** The director of the department or his or her designee.

**Docking facility:** A group of commercial boat docks with no support structures (excluding a ticket booth), wherein fishing boats, excursion boats, charter boats, boat rentals, boat dealers, yacht brokers, and other similar commercial boating operations, utilize waterfront and are supplied with common parking.

**Drive-thru facility:** An establishment which allows customers to receive products or services while remaining in their motor vehicle.

**Driveway:** An area on a site for ingress and egress of vehicles to and from a site.

**Dry cleaning:** A process of removing dirt, grease, paint and other stains from wearing apparel, textiles, fabrics, rugs, and similar materials by one (1) or more of the following methods:

1. Immersion and agitation in a liquid solvent in open vessels.
2. Immersion and agitation in a liquid solvent in closed machines.
3. Spotting of local applications of liquid solvents and other cleansing preparations to spots of dirt, grease, paints and stains not removed by immersion and agitation processes.

**Duplex or two family dwelling:** A building containing two single family dwelling units, totally separated from each other by one (1) dividing partition common to each unit, and contained entirely under one (1) roof and designed for or occupied by two (2) single family housekeeping units. A two family dwelling is a building on a single lot. A duplex is a building where one unit is on one lot and the other attached unit is on an abutting lot.

**Dwelling:** A structure or portion thereof that is used exclusively for human habitation.

**Dwelling unit:** A space, area or portion of a building designed for and to be occupied by one family as a
dwelling, with cooking facilities for the exclusive use of such family.

_Easement_: A right of use acquired to use or control property of another for a designated purpose.

_Employment agency_: An establishment which seeks to place people in specific job positions, locate people to fill specific job positions, or both, for either permanent or temporary employment to businesses that are listed with the agency by its clients.

_Engineering standards_: Standards related to the design and construction of streets open to travel by the public and associated sidewalks, culverts, drains, traffic control devices and other structures associated with the movement of traffic. Engineering standards shall be administered by the city engineer.

_Excavation_: To make a hole, unearth, scrape, or dig out for the purpose of construction, demolition, or removal with specific relation to a tree drip line and root system.

_Existing urban service area_: A built-up area where public facilities and services such as sewage treatment systems, roads, schools, and recreation areas are already in place.

_Ex parte communication_: Any written or oral communication from any person to a public official or an investigation or inspection by a public official of a site which is the subject of a matter to be considered in a quasi-judicial hearing by such public official.

_Family_: One (1) or more persons living together in a single housekeeping unit, supplied with a kitchen or facilities for doing their cooking on the premises.

_Fence_: A fabricated vertical physical barrier extending above grade and anchored below it, but not constructed as a wall.

_Film processing facility_: Self-contained processing units ("mini-labs") capable of processing film and predeveloped negatives into finished prints in one (1) hour or less for retail customers bringing film to the premises.

_Floor area, gross_: See Section 47-2, Measurements.

_Floor area, net_: See Section 47-2, Measurements.

_Floor area ratio_: See Section 47-2, Measurements.

_Garage, private residential_: A portion of a residential dwelling that is one (1) level, and which is used or intended to be used for the parking and storage of vehicles.

_Grade_: See Section 47-2, Measurements.

_Grocery store_: Any retail establishment offering for sale prepackaged food products, including fresh raw meat and fish, produce, household items, and other goods commonly associated with the same, that is not a convenience kiosk or store as defined herein.

_Ground cover_: A planting of low growing plants that covers the ground in place of turf. Within the dripline of a tree, two (2) inches of mulch may be used instead of plants.

_Half or partial street_: A street, generally parallel and adjacent to the boundary line of a tract, having a lesser right-of-way width than that required for full development of the type of street involved.
Health recreation facility: An indoor facility including uses such as game courts, exercise equipment, locker rooms and pro shop.

Hedge: A close planting of shrubs which forms a compact, dense, visually opaque, living barrier when mature.

Height: See Section 47-2, Measurements.

Heliport: Any land area used by helicopters which, in addition, includes all necessary passenger and cargo facilities, maintenance and overhaul, fueling, service storage, tie-down areas, hangars, and other necessary buildings and open spaces.

Helistop: Any landing area for the purpose of taking off or landing of private helicopters for the purpose of picking up and discharging passengers or cargo. This facility is not open to use by any helicopter without prior permission having been obtained from the city.

Historic building: A building designated as historic by resolution of the city commission in accordance with Sec. 47-24.11, Historic Designation of Landmarks.

Home furnishings store: A retail establishment which merchandises a specified category of home furnishings, such as kitchenware and housewares, or a combination of home accessories, such as draperies, linens, glassware, bric-a-brac, etc.

Hotel: A facility licensed by the State of Florida offering transient lodging accommodations for the general public for a fee and which contains ten (10) or more sleeping rooms and which may include restaurants, meeting rooms, entertainment and recreational facilities as regulated by the ULDR. Sleeping rooms must be a minimum floor area of one hundred twenty (120) square feet exclusive of bathrooms, toilets, closets or similar appurtenances. When a hotel is listed as a permitted use, a hotel suite or motel may also be permitted, as defined herein. A facility with less than ten (10) sleeping rooms is considered a bed and breakfast dwelling and shall meet the requirements of Sec. 47-18.6. A time share facility shall be considered a hotel.

Hotel marina: A hotel with a marina, as further defined herein.

Hotel room: A room for the use of transient or permanent guests or tenants, having a separate entrance so it can be rented separately from, and independent of, any apartment or other room on the same premises.

Hotel suite: An area within an establishment licensed as a hotel or motel by the State of Florida, which area provides a sleeping accommodation and kitchen or cooking facilities for the use of one (1) or more transient guests registered under one (1) entry with the establishment. A hotel suite shall: consist of a minimum net floor area of four hundred fifty (450) square feet (exclusive of bathroom, closet and balcony areas); have maid service provided by the establishment; be fully furnished (furniture, linens, dishware and cookware); and be served by a central switchboard telephone system. When hotel suites are listed as a permitted use, the licensed establishment must provide and operate a minimum of eighty-five (85) such suites or any combination of hotel suites, hotel rooms, or motel rooms providing a net area (exclusive of bathrooms, closets, balcony areas, or common areas) of not less than thirty-eight thousand two hundred fifty (38,250) square feet.

Improvements, public: Any of the following, constructed on public right-of-way, which may include, but not be limited to: street pavement, curbs, gutters, sidewalks, alley pavement, water mains, sanitary
sewers, storm drains, street name signs, street trees.

*Inflammable liquid*: A liquid which, under operating conditions, gives off vapor which, when mixed with air, is combustible and explosive.

*Interior parking*: Parking spaces not contiguous to, nor directly abutting a perimeter.

*Labor pool*: An establishment which provides employment for persons required to personally appear at the site on the day of employment in order to obtain such employment.

*Land use plan (LUP)*: The city future land use element which is a part of the comprehensive plan.

*Landscape area*: An area where landscaping has been or shall be installed.

*Landscaping*: Living plant material purposely installed for functional or aesthetic reasons at ground level and open to the sky.

*Light manufacturing*: The manufacture and processing and assembly of articles and products from other finished products.

*Lot*: A parcel of land fronting on a street which is or may be occupied by a building and its accessory buildings, including the open spaces required under the ULDR, and which lot is a matter of record in the county.

*Lot, corner*: A lot abutting on two (2) or more streets or waterways at their intersection.

*Lot, depth*: See Section 47-2, Measurements.

*Lot, interior*: A lot other than a corner lot.

*Lot lines*: The lines bounding a lot as defined herein.

*Lot, reverse frontage*: A lot extending between and having frontage on a major traffic street and a minor street and with no vehicular access from the major traffic street.

*Lot, through*: An interior lot having frontage on two (2) streets.

*Lot width*: See Section 47-2, Measurements.

*Marina*: A waterfront facility providing for any one (1) or more of the following uses for marine craft: uncovered dockage, covered dockage, wet storage, dry storage, service and repair, sales and charter; sales of marine supplies, parts and fuel. A marina may also include the following accessory uses: liveaboard facilities, restaurant, gift shop, offices, vending machines, water transportation dockage and commercial fishing.

*Medical office*: Offices used by a physician or dentist.

*Mixed occupancy*: The occupancy of a building or land for more than one (1) use.

*Mobile home (trailer)*: A vehicle or conveyance that is not self-propelled, permanently equipped to travel upon the public highways, that is used either temporarily or permanently as a residence or living quarters.
Motel: A building or group of two (2) or more buildings designed to provide sleeping accommodations for transient or overnight guests with no common entrance or lobby. Each building shall contain a minimum of ten (10) residential units or rooms, which generally have direct private openings to a street, drive, court, patio, etc.

Multifamily dwelling: A building occupied or intended to be occupied by more than two (2) families, living separately and with separate kitchens or facilities for cooking on the premises. This term shall not include hotels, motels or bed and breakfast dwellings, townhouse or cluster dwellings.

Multifamily use: Apartments, condominiums and coach home.

Multifamily zoned property: Any property which is zoned RM-15, RML-25, RMM-25, RMH-25 or RMH-60.

Net acre: See Section 47-2, Measurements.

Net lot area: The total square footage of a parcel of land after subtracting the square footage area of any vehicular use area, building footprint, walls, walks and swimming pool.

Nightclub: Pertains to and includes restaurants, dining rooms or other similar establishments where floor shows or other forms of lawful entertainment are provided for guests.

Nonconforming use: A building or land occupied by a use that does not conform with the regulations of the zoning district in which it is situated.

Nonresidential property: All property which is not residential property, as defined herein.

Nonresidential use: Any use which is not a residential use, as defined herein.

Off-site: Located outside of the development site of the principal use or structure or on a development site that is different from the site which is the subject of an application for development.

On-site: Located on a development site that is the subject of an application for development.

Open space: Space which is unoccupied by any vehicular use area or by any structure, except structures such as fountains, open gazebos, trellises and similar open accessory structures which enhance the use of the open space.

Outdoor dining: "Outdoor dining" is in an area not within an enclosed building which is accessory to a licensed and operating restaurant where food and beverage are served and consumed for pay. Outdoor dining shall not include the preparation of food or beverages, cooking, storage or placement of equipment of any kind, except the temporary placement of implements associated with the service of food.

Outdoor display: The location of finished products or merchandise in and unroofed area which is available for sale or lease.

Outdoor storage: The location in an outdoor unroofed area of any goods, material, merchandise or vehicles. Outdoor storage shall not be deemed to include a junkyard as designated in these ULDR.

Owner/builder: Owner of the subject property to whom a building permit has been issued under Chapter 9 of Volume I of the Code.
Package liquor store: An establishment where alcoholic beverages are dispensed or sold in containers for consumption off the premises.

Pain management clinic. As defined in section 15-250 of the Code.

Parcel: Any abutting lots or parcels of land, water or both, capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

Parking area: Any area under, over, within or outside of a building or structure designed and used for parking vehicles including parking lots, garages and driveways.

Parking facilities: A parking lot or garage or other area or structure for the parking of vehicles including drive aisles and loading zones.

Parking garage: A building or structure consisting of more than one (1) level and used to park vehicles.

Parking lot: An off-street, ground-level open area for the parking of vehicles.

Parking space: A space for the parking of a vehicle.

Peninsular or island landscape area: A pervious area set aside for landscaping, located at the end of a parking row where it abuts an aisle or driveway, and also intermittently located within parking rows.

Perimeter: The boundary line separating one (1) parcel of land from another or a parcel of land from a right-of-way. If the property is on a waterway, the perimeter shall be the bulkhead line.

Perimeter landscape area: The landscape area directly abutting the perimeter of a vehicle use area and within twenty-eight (28) feet of the property line.

Perimeter parking: Parking spaces contiguous to or directly abutting a perimeter landscape area.

Person: An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest or any other legal entity.

Pervious area: That noncompacted land located at ground level, open to the sky allowing passage of air and water to the subsurface and used or set aside for landscaping.

Pharmacy. A retail establishment that includes a community pharmacy, an institutional pharmacy, a nuclear pharmacy or a special pharmacy as defined by F.S. § 465.003 as amended from time to time.

1. The term "community pharmacy" includes every location where medicinal drugs are compounded, dispensed, stored or sold or where prescriptions are filled or dispensed on an outpatient basis.

2. The term "institutional pharmacy" includes every location in a hospital, clinic, nursing home, dispensary, sanitarium, extended care facility or other facility, hereinafter referred to as "health care institutions," where medicinal drugs are compounded, dispensed, stored or sold.

3. The term "nuclear pharmacy" includes every location where radioactive drugs and chemicals within the classification of medicinal drugs are compounded, dispensed, stored or sold. The term "nuclear pharmacy" does not include hospitals licensed under F.S. Ch. 395 or the nuclear
medicine facilities of such hospitals.

(4) The term "special pharmacy" includes every location where medicinal drugs are compounded, dispensed, stored or sold if such locations are not otherwise defined in this subsection.

**Place of business:** A "place of business" is any building, structure, yard, lot, premises or part thereof, or any other place in which one (1) or more persons are engaged in gainful occupation.

**Plan or comprehensive plan:** The plan adopted by the city in accordance with requirements of F.S. ch. 163.

**Planter:** A three-dimensional structure either elevated or partially recessed into the ground which is created by retaining walls or other perimeter materials that define the shape.

**Plot:** A parcel of ground containing more than one (1) lot upon which a building and its accessory buildings have been or may be erected.

**Processing:** A system of operations undertaken in the manufacturing and production of consumer or business products.

**Professional office:** Office space designed to provide suitable space for use by those having great skill and experience in a particular field or activity, such as but not limited to architects, engineers, real estate agents, accountants, attorneys, and the like.

**Porch:** A roofed space attached to the outside of any outer wall of a building, one (1) or two (2) stories in height, open on one (1) or more sides, which may have railings, screen or glass enclosure. An open or unenclosed porch is one without railing, glass, canvas, screen or similar materials on the open sides.

**Principal building:** A building that is occupied by, devoted to, a principal use on the development site and shall include any addition or alteration to an existing principal building. In determining whether a building is of primary importance, the use of the entire parcel shall be considered. There may be more than one (1) principal building on a parcel.

**Principal structure:** A structure, the use of which is the primary use of the land. A principal structure may consist of a building or an unmanned or uninhabited structure such as a communication tower, utility substation, parking facility or other similar construction. There may be more than one (1) principal structure on a parcel.

**Private parking facility:** Parking which is owned or operated by a private entity, available for use by the public with or without a fee and not designated for the exclusive use of any person.

**Property line:** When used in the ULDR, unless otherwise provided herein, a property line shall mean the boundary line of a parcel.

**Property owner:** Person or persons who have legal ownership of the property to be developed or their authorized representative.

**Public official:** Any elected or appointed public official of the city who recommends or takes quasi-judicial action.

**Public parking facility:** Parking which is owned or operated by a public entity, available for use by the
public with or without a fee and not designated for the exclusive use of any person.

Residence: A "residence" is a building occupied or intended to be occupied by one (1) or more families living separately.

Residential property: Property which is zoned RS-4.4, RS-8, RD-15, RC-15, RM-15, RML-25, RMM-25, RMH-25, RMH-60 or MHP and which is used for a residential use or which is vacant.

Residential use: Single family, duplex and multiple family dwellings and level I and level II SSRF's, not including hotels or motels.

Residential zoning districts: Includes the following zoning districts: RS-4.4, RS-8, RD-15, RC-15, RM-15, RML-25, RMM-25, RMH-25, RMH-60 or MHP.


Restaurant: A building or room where food is prepared and served for pay and for consumption on the premises, and where alcoholic beverages may be served in conjunction with the sale of food.

Retaining wall: A wall designed to prevent the lateral displacement of soil or other material.

Reviewing authority or body: The planning and economic development department, development review committee, planning and zoning board, historic preservation board, board of adjustment, city commission or such other authorities authorized by law to review a development as provided in the ULDR.

Right-of-way: Land conveyed or dedicated by plat, deed, easement or other conveyance which is devoted to, required for or intended for the use by the public as a means of public traverse and other public purposes.

School: Any building or group of buildings with classrooms the use of which meet state requirements for elementary, middle or higher education, or a preschool which has a regularly scheduled curriculum for its attendees. A school may also include as accessory uses, but not be limited to gymnasiuems, auditorium stage, kitchen facilities, recreation facilities, offices and meeting rooms for school officials, child care facilities and the like.

Secondary use: A second principal use which supports a principal use and which is only permitted in connection with the principal use.

Self storage facility: A structure containing separate storage spaces which may be of varying sizes and are available for lease or rental by individuals with no individual storage unit within a facility having a floor area exceeding four hundred (400) square feet. A storage facility with individual storage units which exceeds four hundred (400) square feet shall be considered a warehouse.

Setback: See Section 47-2, Measurements.

Shipyard: A waterfront facility providing for the manufacturing of watercraft and which may also include marina uses, as defined herein.

Shopping center: A group of commercial establishments, planned, developed, owned and managed as a unit, with common off-street parking meeting the total requirements of Section 47-20, Parking and
Loading Requirements, on the property, related in its location, size and type of shops to the trade area it serves, and using a common name.

Sight distance: The length of unobstructed roadway (in a horizontal plane) along a street located at any given point on the street.

Sight triangle: A triangular shaped portion of land established for unobstructed visibility of motorists entering or leaving a street or driveway intersection in which nothing, whether stationary or moveable (i.e., vehicles, vehicular maneuvering area, signs, landscaping or objects of any kind) is permitted to be located between a height of two and one-half (2½) and eight (8) feet above the elevation of the adjoining edge of pavement. An exception to the prohibition is a tree with clear trunk between two and one-half (2½) and eight (8) feet. Sight triangles shall be provided at the following locations:

1. The intersection of an alley or street and a driveway, or
2. The intersection of an alley and a street, or
3. The intersection of a street and a street.

Sign: Any display of characters, ornamentation, letters, or other display such as, but not limited to, a symbol, logo, picture, or other device used to attract attention, or to identify, or as an advertisement, announcement, or to indicate directions, including the structure or frame used in their display.

Single family dwelling: A dwelling unit designed for or occupied by one (1) family and includes standard, detached and attached dwellings.

Single family dwelling, attached: A one (1) family dwelling attached to another one family dwelling by a common vertical wall, and where each unit is located on a separate plot. Single family dwellings that are attached include duplex, cluster and townhouse dwellings.

Single family dwelling, detached: A building containing one dwelling unit. Single family dwellings that are detached include standard single family dwellings and zero-lot-line dwellings.

Single family dwelling, standard: A building containing one dwelling unit that is not attached to any other dwelling by any means and is surrounded by open space or yards.

Single family zoned property: A property which is zoned RS-4.4, RS-8, RD-15 or RC-15.

Sleeping rooms: A room in a hotel, motel, or bed and breakfast dwelling used for sleeping accommodations. For the purpose of density, sleeping rooms shall be counted as half a dwelling unit.

State: The State of Florida or such agency authorized by the state.

Street: The term street includes any road, highway and other ways greater than twenty (20) feet in width which are open to travel by the public including the roadbed, right-of-way, sidewalk and other land devoted, required or intended for general circulation which affords a primary means of access to abutting property.

Street, collector: A street, which in addition to giving access to abutting properties, carries traffic from minor streets to the major system of arterial streets of a residential development and streets for circulation within such a development.
**Street, expressway**: A street designated as such in the trafficways plan section of the comprehensive plan of the city. See Sec. 47-24.5, Subdivision Regulations.

**Street, major thoroughfare**: A street designated as such in the trafficways plan section of the comprehensive plan of the city. See Sec. 47-24.5, Subdivision Regulations.

**Street, marginal access**: A minor street parallel and adjacent to a primary arterial, major thoroughfare, secondary thoroughfare or expressway for service to abutting property and adjacent areas, and to control access to the major streets.

**Street, minor**: A street used primarily for access to abutting properties and carrying minor volumes of traffic.

**Street, primary arterial**: A street designated as such in the trafficways plan section of the comprehensive plan of the city. See Sec. 47-24.5, Subdivision Regulations.

**Street, secondary thoroughfare**: A street designated as such in the trafficways plan section of the comprehensive plan of the city. See Sec. 47-24.5, Subdivision Regulations.

**Street tree**: A tree which is located within twelve (12) feet of the edge of pavement or curb of a street or such other distance as determined by the department in accordance with the ULDR.

**Structural alterations**: Structural alterations are any changes in the supporting members of a building, such as bearing walls, columns, beams or girders.

**Structure**: Anything built or constructed or erected, the use of which requires more or less permanent location on the land, or attached to something having a permanent location on the land, or any composition, artificially built up or composed of parts joined together in some definite manner or any rooflike structure or storage apparatus whether movable or nonmovable which may or may not be self-supporting or may or may not be affixed to a "structure," as defined herein, or to a building.

**Subdivision**: See Sec. 47-24.5, Subdivision Regulations.

**Take-out restaurant**: Restaurants with on-site cooking facilities that have no seating for customers or patrons.

**Trafficway**: A right-of-way designated as a trafficway on the Broward County Trafficways Plan.

**Tree**: A woody perennial plant, possibly shrubby when young, with one (1) main stem or trunk which naturally develops diameter and height characteristics of a particular species.

**Truck sales**: An establishment which provides for the sale of trailers, hauling trucks, dump trucks, concrete trucks and equipment and other similar heavy duty trucks.

**Vehicular use area (also referred to as VUA)**: Any area used by vehicles including, but not limited to, areas for parking, display, storage or traverse of any and all types of motor vehicles, bicycles, watercraft, trailers, airplanes or construction equipment.

**Walkways**: A right-of-way intended primarily for pedestrians, excluding self-propelled vehicles.

**Warehouse**: A structure for the storage, distribution or transfer of goods and materials which is not a self storage facility.
**Waterway:** Any navigable waterway which provides access for a watercraft to the Intracoastal Waterway and including the Intracoastal Waterway.

Yard: A yard is a ground level open area on a development site on which is located or proposed to be located a structure, and which area is unoccupied and unobstructed by any structure from the ground upward except as otherwise provided in the ULDR. Yards shall be provided as required in the ULDR. When more than one (1) structure is on a parcel, the yard shall only be required between the outer perimeter of the buildings on the parcel which are closest to the property lines.

Yard, corner: A side yard abutting upon a street or waterway.

Yard, front: A yard extending across the full width of the development site perpendicular to the front property line between the side property lines.

Yard, rear: A yard extending across the full width of the development site perpendicular to the rear property line between side property lines.

Yard, side: A yard extending perpendicular to the side property lines between the front yard and rear yards.


**ARTICLE XII. - PURPOSE AND INTENT**

**SECTION 47-36. - PURPOSE AND INTENT**

Sec. 47-36.1. - General.
Sec. 47-36.2. - Purpose and declaration of public policy for historic preservation regulations of Sec. 47-24.11.

Sec. 47-36.1. - General.

The following sections provide a purpose and intent statement for particular sections in the ULDR as referenced therein.

(Ord. No. C-97-19, § 1(47-36.1), 6-18-97)
Sec. 47-36.2. - Purpose and declaration of public policy for historic preservation regulations of Sec. 47-24.11.

A. **Purpose.** The purpose of these historic preservation regulations is to promote the cultural, economic, educational and general welfare of the people of the city and of the public generally, through the preservation and protection of historically or architecturally worthy structures. These regulations are intended to insure a harmonious outward appearance of structures and premises, to insure the protection of historically or architecturally worthy interiors, to encourage uses which will lead to their continuance, conservation and improvement in a manner appropriate to the preservation of the cultural and historic heritage of the city, to protect against destruction of the city, to protect against destruction of or encroachment upon such area, structure or premise, to prevent creation of environmental influences adverse to such purposes, and to assure that new structures, uses and premises within historic districts or upon landmarks, landmark sites, and historic buildings will be in keeping with the character to be preserved and enhanced.

B. **Declaration of public policy.** It is the policy of the city that the preservation, protection, perpetuation or the adapted reuse of landmarks, landmark sites and historic buildings and districts is a public necessity because they have a special historic, architectural, archeological, aesthetic or cultural interest and value and thus serve as visible reminders of the history and heritage of the city, state and nation. The city commission hereby finds that the ULDR benefits the residents and property owners of the city and declares as a matter of public policy that the ULDR is required in the interest of the health, safety, general welfare and economic well-being of its residents.

(Ord. No. C-97-19, § 1(47-36.2), 6-18-97)

**ARTICLE. XIII. - ADDITIONAL ZONING DISTRICTS**

**SECTION 47-37. - PLANNED UNIT DEVELOPMENT (PUD) DISTRICT**

**SECTION 47-37. - PLANNED UNIT DEVELOPMENT (PUD) DISTRICT**

- **Sec. 47-37.1. - Intent and purpose.**
- **Sec. 47-37.2. - Definitions.**
- **Sec. 47-37.3. - Conditions for PUD rezoning.**
- **Sec. 47-37.4. - Uses permitted.**
- **Sec. 47-37.5. - Application requirements.**
- **Sec. 47-37.6. - Performance standards for permitted uses.**
- **Sec. 47-37.7. - Criteria.**
- **Sec. 47-37.8. - Review process.**
- **Sec. 47-37.9. - Building permits.**
- **Sec. 47-37.10. - Flexibility units.**
- **Sec. 47-37.11. - Agreements.**
- **Sec. 47-37.12. - Effect of PUD zoning.**
- **Sec. 47-37.13. - Amendments to approved PUD development plans.**
Sec. 47-37.1. - Intent and purpose.

The planned unit development (PUD) zoning district is intended to provide locations that allow development incorporating planning initiatives that achieve unique or innovative development that is not otherwise permitted under traditional zoning districts and development standards. These planning initiatives may include (a) efforts to reintegrate the components of modern life including housing, workplace, shopping and recreation into compact, pedestrian-friendly, mixed-use neighborhoods linked by transit or pedestrian linkages or both set in a larger regional open space framework; (b) promotion of development that (1) encourages interaction with the street and with neighboring properties; (2) uses land resources more efficiently through compact building forms, infill development, and moderation in street and parking standards in order to lessen land consumption and preserve natural resources; (3) supports the location of stores, offices, residences, schools, recreation spaces, and other public facilities within walking distance of each other in compact neighborhoods that are designed to provide alternate opportunities for easier movement and interaction; (4) provides a variety of housing choices to create a diverse community; (5) supports walking, cycling, and transit as attractive alternatives to driving; provides alternative routes that disperse, rather than concentrate, traffic congestion; and lowers traffic speeds in neighborhoods; (6) connects infrastructure and development decisions to minimize future costs by creating neighborhoods where more people use existing services and facilities; and by integrating development and land use with transit routes and stations; and (7) improves the development standards review process and development standards so that developers are encouraged to apply the principles stated above.

The standards and procedures of this district are intended to promote flexibility of design and permit planned diversification and integration of uses and structures, while at the same time establishing limitations and regulations as deemed necessary to be consistent with the city's comprehensive plan and to protect the health, safety and general welfare of the public.

(Ord. No. C-02-35, § 1, 11-19-02)

Sec. 47-37.2. - Definitions.

For the purpose of this section, the following definitions shall apply:

A.  *City plan.* Shall mean City of Fort Lauderdale Comprehensive Plan.

B.  *Development plan.* Shall mean the site plan, design plan and any and all conditions approved by ordinance rezoning to a PUD.

C.  *NPF CRA.* Shall mean the Northwest Progresso Community Redevelopment Area established by Resolution 95-86 as amended.

D.  *Redevelopment plan.* Shall mean the community redevelopment plan for the NPF CRA as approved by Resolution 95-170 as amended.

E.  *PUD (planned unit development).* Shall mean a development on land under unified control that meets the criteria for a planned unit development as described in this Section 47-37. Upon adoption of an ordinance approving the site plan and design characteristics that become the zoning regulations for the property on which the PUD is located, the area designated as a PUD
zoning district.

(Ord. No. C-02-35, § 1, 11-19-02)

Sec. 47-37.3. - Conditions for PUD rezoning.

In addition to the criteria provided in Sec. 47-24.4.D for a rezoning approval, the following conditions shall apply:

A. **Minimum area for a PUD zoning district.** Except for properties located in the NPF CRA, the minimum land area required for an application to a PUD district shall be two (2) acres. There shall be no minimum area requirement for properties in the NPF CRA. The minimum area requirement may be modified by the city commission after recommendation of the planning and zoning board based on the following criteria:

   1. Based on the dedication of a minimum of twenty percent (20%) of the total area of the property to public open space, the net area of the property is less than two (2) acres, or
   2. At least twenty percent (20%) of the total number of proposed housing units is to be developed for affordable housing, or
   3. The proposed development is located near, and is designed to integrate bus or rail transit lines or both.

B. **Consistency with the NPF CRA goals and objectives.** For properties located in the NPF CRA, the proposed development shall be consistent with the redevelopment plan for the NPF CRA.

C. **Configuration of the PUD zoning district.** The tracts of land which comprise the PUD zoning district shall be abutting, with the exception of intervening minor streets or alleys.

D. **Entire tract under unified control.** An applicant must be the owner or owners of the property with fee simple title or his or her authorized representative.

(Ord. No. C-02-35, § 1, 11-19-02)

Sec. 47-37.4. - Uses permitted.

The uses permitted within the PUD district shall be established at the time of rezoning to PUD and shall be consistent with the city's comprehensive plan.

(Ord. No. C-02-35, § 1, 11-19-02)

Sec. 47-37.5. - Application requirements.

A. In addition to the application requirements for a rezoning and a site plan level IV permit in accordance with 47-24.2 and 47-24.4, the following shall be submitted as a part of an application for PUD:

   1. A PUD narrative describing the proposed PUD, which includes:

      a. The general design concept for the PUD including but not limited to the proposed site design, how it integrates and relates to the proposed uses and existing development in the
surrounding area; and

b. The unique design aspects of the proposed PUD, how the PUD complies with the intent and purpose of the PUD district described in paragraph 47-37.1 and identification of the traditional zoning district that could apply to the PUD but for the proposed PUD's unique characteristics and identification of those aspects the PUD that make it not feasible to develop under a traditional zoning district.

2. The number of acres proposed to be developed in the various use categories shown on the site plan.

3. The number and type of dwelling units proposed for the overall site and each proposed building, including dwelling unit per net acre calculations.

4. A description of how the proposed PUD meets adequacy requirements as provided in Sec. 47-25.2

5. A description of the proposed phasing of construction of the PUD, if applicable and an estimated completion date.

6. A map showing the zoning districts in the surrounding area and photographs or depictions of development in the surrounding area and a description of how the proposed PUD is compatible with the use, height, size, yards and other aspects of the surrounding development or what aspects of the proposed PUD will mitigate any difference between the PUD and the development in the surrounding area.

(Ord. No. C-02-35, § 1, 11-19-02)

Sec. 47-37.6. - Performance standards for permitted uses.

A. The permitted principal and accessory uses, height, bulk, shadow, open space, yards, setbacks, separation between building, floor area ratio, density, design concept and standards, signs, landscaping, parking bufferyards, fences and all other development standards for the PUD shall be as established by ordinance approving a PUD based on the criteria provided in this Section 47-37

B. Off-street parking requirements shall meet the requirements provided in Sec. 47-20.2 unless a lesser parking requirement is approved. A reduction of the parking requirement may be approved for any use proposed in the PUD.

(Ord. No. C-02-35, § 1, 11-19-02)

Sec. 47-37.7. - Criteria.

In addition to the criteria provided for a rezoning approval as provided in Section 47-24.4 and the site plan level IV criteria provided in Section 47-24.2 the following additional development criteria shall apply:

A. There are unique aspects of the proposed PUD that achieve the intent and purpose of a PUD as described in paragraph 47-37.1 of this section and a clear reason why the proposed development could not be developed under a traditional zoning district.

B. The proposed site and use meet the conditions and criteria provided in this Section 47-37
C. The site design, including yards, setbacks, landscaping and open space shall be compatible with the surrounding area in accordance with Section 47-25.3 A.3.e.i.

D. The height, bulk, shadow, mass and design of any structure located on the site shall be compatible with surrounding area in accordance with Section 47-25.3.A.3.e.i.

E. Land uses within the development shall be appropriate in their proposed location, compatible with their relationship to each other, and in their relationship with uses and activities on abutting and nearby properties.

F. The development shall have a long-term beneficial effect both upon the area of the city in which it is proposed to be established and upon the city as a whole. Long-term benefits shall include but are not limited to improvements to vehicular and pedestrian circulation, implementation of the goals, policies and objectives of the city plan, and to city adopted redevelopment and neighborhood master plans. The applicant shall provide a narrative describing these benefits, together with supporting documentation, to document the stated benefits.

G. The criteria provided in Section 47-20.3.A.5., Reductions and Exemptions, shall be applicable to a request to reduce the parking requirement as provided in Sec. 47-37.6.B.

H. Areas proposed for common ownership shall be subject to a maintenance agreement.

(Ord. No. C-02-35, § 1, 11-19-02)

Sec. 47-37.8. - Review process.

A. The review process for a rezoning to PUD district is as follows:

1. A pre-application conference with the department shall be required prior to submitting a PUD rezoning application. The purpose of the pre-application conference is to allow the applicant and staff to discuss the PUD review process, the proposed design concept of the development plan and how it complies with the conditions and criteria specified in this section, and the goals, objectives and policies of the city plan, as they relate to the proposed development.

2. Rezoning application review. The PUD rezoning application shall be reviewed in accordance with Sec. 47-24.4.C. As part of the approval of the rezoning, offsite and on-site conditions may be imposed if the condition is necessary to ensure that the development meets the requirements of Section 47-37; ensures that the PUD is compatible with the neighborhood within which it is located and that will be impacted by the PUD; mitigates any adverse impacts which arise in connection with the approval of the rezoning or any continuation thereof. Conditions for approval may relate to any aspect of the development, including but not limited to height, bulk, shadow, mass and design of any structure, parking, access, public transit and landscaping requirements. Any decision or action by a lower body such as the development review committee, historic preservation board or planning and zoning board with regard to development of a PUD which decision or action could be appealed or be subject to city commission request for review shall act as a recommendation and the decision or action shall be considered by the city commission as part of the review of the PUD zoning district.

(Ord. No. C-02-35, § 1, 11-19-02)
Sec. 47-37.9 - Building permits.

No building permits shall be issued prior to the recording of the ordinance rezoning to PUD. All building permits issued must be in conformance with the approved PUD zoning district.

(Ord. No. C-02-35, § 1, 11-19-02)

Sec. 47-37.10 - Flexibility units.

Flexibility and reserve units may be allocated to a PUD at the time of the PUD rezoning approval.

(Ord. No. C-02-35, § 1, 11-19-02)

Sec. 47-37.11 - Agreements.

The applicant shall execute such agreements, easements and other documents necessary with regard to the implementation of any conditions imposed with regard to the PUD. Such documents may include but are not limited to contracts, covenants, deed restrictions and sureties acceptable to the city for completion of the development according to the plans approved at the time of rezoning to PUD and for continuing operation and maintenance of such areas, functions, and facilities which are not proposed to be provided, operated or maintained at public expenses.

(Ord. No. C-02-35, § 1, 11-19-02)

Sec. 47-37.12 - Effect of PUD zoning.

The PUD site plan and design narrative as provided in Section 47-37.5.A.1.a. and b. as approved by the city commission including such conditions as necessary to ensure that the development meets the criteria of this section, shall, upon adoption by ordinance, be the specific zoning regulations for the property rezoned thereby and bind the property with the full force and effect of specific zoning regulations. The ordinance rezoning to PUD shall be recorded in the public records of Broward County at applicants expense. Unless otherwise provided in the approved PUD zoning district ordinance, the provisions of the ULDR with general applicability to development within the city shall apply as requirements of the development of property rezoned to PUD. Any provision of an approved PUD zoning district shall prevail when any provision elsewhere in the ULDR shall conflict.

(Ord. No. C-02-35, § 1, 11-19-02)

Sec. 47-37.13 - Amendments to approved PUD development plans.

If the applicant wishes to change to a use that was not approved as part of the PUD zoning district, a new application for rezoning must be approved in accordance with the provisions of this section. If the applicant wishes to amend a site plan or design narrative or any other aspect PUD previously approved as part of a rezoning to PUD, such amendment shall be done in accordance with the provisions for amending a site plan level IV as provided in Sec. 47-24.2.A.5, Development permits and procedures.

(Ord. No. C-02-35, § 1, 11-19-02)

Sec. 47-37.14 - Expiration and extension.

If building permits have not been issued in accordance with Section 47-24.1.M, Expiration of site plan and conditional use approvals, the approved PUD development plan shall expire and become null and
void. Upon expiration of the PUD development plan, the city commission may initiate a rezoning application for the property to the zoning classification applicable to the property prior to rezoning to planned unit development.

(Ord. No. C-02-35, § 1, 11-19-02)

ARTICLE XIV. - ADDITIONAL DEVELOPMENT REQUIREMENTS

SECTION 47-38. - FEES.

SECTION 47-38A. - PARK IMPACT FEES.
SECTION 47-38C. - EDUCATION MITIGATION.

SEC. 47-38A.1 - Findings and purpose.
(a) The City Commission of the City of Fort Lauderdale finds and determines that growth and development activity within the city will create additional demand and need for parks, open space and recreational facilities within the city.

(b) The city commission finds that growth and development activity should pay a proportionate share of the cost of such facilities needed to serve the growth and development activity.

(c) The city commission finds that established case law authorizes cities to impose and collect impact fees to partially fund public facilities to accommodate new growth.

(d) The city commission adopts this section to impose park impact fees for parks, open space and
recreational facilities.

(e) The city commission finds that the proposed amendment is consistent with and furthers the objectives and policies of the City of Fort Lauderdale Comprehensive Plan, Recreation and Open Space Element, as follows:

Objective 1.2: The city shall ensure that parks and recreation facilities meet the level of service standards established within the City of Fort Lauderdale’s Recreation and Open Space Element.

Policy 1.2.1: To maintain the levels of service standards identified within the Recreation and Open Space Element of the City of Fort Lauderdale’s Comprehensive Plan, the City shall determine whether adequate Parks and Recreation Facilities will be available when needed to serve proposed development.

Policy 1.2.2: Prior to site plan approval, the City of Fort Lauderdale shall ensure that Parks and Recreation Facilities necessary to meet the level of service standards established within the City of Fort Lauderdale’s Comprehensive Plan will be available consistent with state concurrency requirements (Subsection 163.3180(2)(b) Florida Statutes and Subsection 9J-5.0055(3)(b), Florida Administrative Code). Site plan approval that is granted consistent with Subsection 9-J5.0055(3)(b) shall meet design standards of the City of Fort Lauderdale.

Policy 1.2.3: The City of Fort Lauderdale shall continue to review and revise, where necessary, its land development codes and regulations to ensure that all new development in the City of Fort Lauderdale meets the level of service standards established within the City of Fort Lauderdale’s Comprehensive Plan.

Policy 1.2.4: In order to ensure that land development contributes a proportionate share of the cost of Parks and Recreation Facilities, the City of Fort Lauderdale shall continue to implement the improvement, dedication and impact fee requirements contained within the Code of Ordinances of the City of Fort Lauderdale’s Unified Land Development Regulations.

(f) The provisions of this section shall be liberally construed in order to carry out the purposes of the commission in establishing park impact fees.

(Ord. No. C-06-14, § 2, 6-20-06)

Sec. 47-38A.2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building permit. Includes a building permit, or any written authorization from the city which authorizes the commencement of development.

Commencement date. The ninetieth (90th) day from the date this Section 47-38A is in effect, which date shall be September 28, 2006.

Development. As provided in Section 47-35 of the ULDR.

Impact fee administrator. The city manager of the City of Fort Lauderdale, or his or her designee.

Park impact fee study. The Fort Lauderdale Park Impact Fee Study prepared by Duncan and
Associates in December 2005 or a subsequent similar study.

*Park system.* Land, facilities and improvements to city-owned or maintained land used for recreational purposes, and recreational facilities and improvements made or installed by the city on non-city property and available for public use.

*Park system improvements.* Capital improvements that result in a net expansion of the capacity of the park system to serve new development. Remodeling, replacement or maintenance of existing equipment or facilities does not constitute park system improvements. Examples of park system improvements include the acquisition of park land, the development of new parks, and the installation of new equipment, additional landscaping or new paved trails in existing parks.

(Ord. No. C-06-14, § 2, 6-20-06)

**Sec. 47-38A.3. - Fee imposed, applicability.**

(a) There is imposed, and shall be collected, from every person who applies for a building permit for each new dwelling unit and hotel/motel room proposed in the following amounts:

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Dwelling Unit</td>
<td></td>
</tr>
<tr>
<td>(single or multi-family)</td>
<td></td>
</tr>
<tr>
<td>Less than 500 sq. ft.</td>
<td>$1,650.00</td>
</tr>
<tr>
<td>501 to 1,000 sq. ft.</td>
<td>1,875.00</td>
</tr>
<tr>
<td>1,001 to 1,500 sq. ft.</td>
<td>2,175.00</td>
</tr>
<tr>
<td>1,501 to 2,000 sq. ft.</td>
<td>2,375.00</td>
</tr>
<tr>
<td>2,001 to 2,500 sq. ft.</td>
<td>2,525.00</td>
</tr>
<tr>
<td>2,501 to 3,000 sq. ft.</td>
<td>2,625.00</td>
</tr>
<tr>
<td>3,001 to 3,500 sq. ft.</td>
<td>2,725.00</td>
</tr>
</tbody>
</table>
3,501 to 4,000 sq. ft.  |  2,825.00  
More than 4,000 sq. ft.  |  2,900.00  
Hotel/Motel Room  |  1,250.00  

(b) The full fee amount set forth in subsection (a) above will be assessed commencing on September 28, 2006, the ninetieth (90th) day after the effective date of this Section 47-38A.

(c) The provisions of this section apply to all applications for building permits made on and after the commencement date of the ordinance, as provided in subsection (b) codified in this section.

(d) Square feet, as used in this section, refers to enclosed, gross floor area excluding parking garages, screened enclosures and unfinished attics.

(e) Redevelopment or replacement of existing development shall be assessed for the net increase in impact for the new development as compared to the previous existing development on the site no longer than three (3) years prior to the current application for building permit.

(f) In computing the fee applicable to a given development, the fee shall be reduced by the amount of applicable credits, pursuant to Section 47-38A.8, Credits.

(g) The city is entitled to retain the actual cost of administering this section to offset the costs but in no event more than three (3) percent of the park impact fee collected.

(h) Park impact fees may be paid under protest in order to obtain a building permit. If a protest is filed, the provisions of Section 47-38A.10., Appeals, shall be applicable.

(Ord. No. C-06-14, § 2, 6-20-06)

Sec. 47-38A.4. - Exemptions.

The following developments are exempt from the requirements of this chapter:

(a) An addition to or renovation of an existing residential dwelling unit, provided no additional dwelling units are created.

(b) A development involving a change of use, structure, or both, that has no greater impact than the existing use.

(c) A development for which a complete building permit application was submitted prior to the commencement date of this ordinance, provided that the project is completed according to the terms of the building permit and the building permit does not expire.

(d) A development for which an applicant has signed an agreement prior to the commencement date of this ordinance to pay a fee that is equal to or greater than the fee imposed herein.
(e) A development that proposes affordable housing for very low, low or moderate income persons if approved by the city commission and upon identification on the record of the source of funds that will be used to pay for the fee that would otherwise be due.

(Ord. No. C-06-14, § 2, 6-20-06)

Sec. 47-38A.5. - Independent fee calculation.

(a) The park impact fee may be computed by the use of an independent fee calculation study at the election of the applicant.

(b) The preparation of the independent fee calculation study shall be the sole responsibility and cost of the applicant.

(c) Any person who requests to perform an independent fee calculation study shall pay an application fee for administrative costs associated with the review and decision on such study.

(d) The independent fee calculation study shall be based on the same service standards and unit costs for facilities used in the park impact fee study, and shall document the methodologies and assumptions used.

(e) The impact fee administrator will review the independent fee calculation study and determine whether it warrants an adjustment of the park impact fee for the project, based on the quality of the data and analysis presented and consistency with the methodology, service standards and unit costs used in the park impact fee study.

(Ord. No. C-06-14, § 2, 6-20-06)

Sec. 47-38A.6. - Park impact fee accounts.

(a) Park impact fee receipts shall be earmarked specifically and retained in a special interest bearing account established by the city solely for park impact fees. All interest shall be retained in the account and expended for the purpose or purposes for which said fees were imposed. Annually, the city shall prepare a report on the source and amount of all park impact fees collected, interest earned, and the park and recreational facilities that were financed in whole or in part by said fees.

(b) Park impact fees shall be expended for park system improvements as that term is defined in Section 47-38A.2. Impact fees may be spent to retire debt for existing facilities, provided that those facilities have not been included in determining the existing level of service on which the park impact fees were calculated.

(c) Park impact fees shall be expended or encumbered by the city for a permissible use within six (6) years of receipt by the city. Fees shall be considered expended on a first-in, first-out basis.

(Ord. No. C-06-14, § 2, 6-20-06)

Sec. 47-38A.7. - Refunds.

(a) The current owner of property on which a park impact fee has been paid may receive a refund of such fees if the city fails to expend or encumber the fees within six (6) years of receipt of the fees. The city shall notify potential claimants by first-class mail deposited with the United States postal service at the last known address of the claimants.
(b) An owner’s request for a refund must be submitted to the City in writing within one (1) year of the date the right to claim the refund arises or the date that notice is given, whichever date is later. Any park impact fees that are not expended or encumbered by the city within these time limitations, and for which no application for a refund has been made within this one-year period, shall be retained and expended consistent with the provisions of this section. Refunds of park impact fees shall include interest earned on such fees.

(c) Should the city seek to terminate any or all park impact fee requirements, all unexpended, unencumbered funds or funds not planned to be expended for a particular development, including interest earned, shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the city shall place notice of such termination and availability of refunds in a newspaper of general circulation at least two (2) times and shall notify all potential claimants by first-class mail to the last known address of claimants. All funds available for refund shall be retained for a period of one (1) year. At the end of one (1) year, any remaining funds shall be retained by the city, and must be expended by the city consistent with the provisions of this chapter. The notice requirements set forth above shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.

(d) An applicant may request and shall receive a refund, including interest earned on park impact fees, when (1) the applicant does not proceed to finalize the development; and (2) no impact on the city has resulted. "Impact" shall be deemed to include cases where the city has expended or encumbered park impact fees in good faith prior to the application for refund. In the event that the city has expended or encumbered the fees in good faith, no refund shall be forthcoming. However if, within a period of three (3) years, the same or subsequent owner of the property proceeds with the same or substantially similar development activity, the owner shall be eligible for a credit.

(e) Interest due upon the refund of park impact fees required by this chapter shall be calculated according to the average rate received by the city on invested funds throughout the period during which the fees were retained.

(Ord. No. C-06-14, § 2, 6-20-06)

Sec. 47-38A.8. - Credits.

(a) Credits against park impact fees shall be provided for reimbursements from impact fees collected by the city and shall be provided for contributions toward the cost of system improvements for the same type of facility subject to the provisions herein. Approved credits shall generally become effective when a dedication of land, construction of improvements or monetary payments have been accepted by the city.

(b) Applicants may obtain credits for park system improvements completed or monetary payments made prior to the commencement date of this section. Application for such credits must be made, on forms provided by the city, within one (1) year after the commencement date of this section. In the event that the development for which the credits are claimed is partially completed, the amount of the credits shall be reduced by the amount of the impact fees that would have been charged for the completed portion of the development had this section been in effect. In the event that the impact-generating development project has been fully completed, no credits shall be issued. If some credits are warranted, the developer shall enter into an agreement with the city as specified above. In no event shall excess credits be provided for pre-ordinance contributions.
(c) Generally, land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield or other recreation purposes, and shall be relatively level and dry. A recreation site shall generally have a total frontage on one (1) or more streets of at least one hundred (100) feet, and no other dimension of the site shall be less than two hundred (200) feet or as approved by the parks and recreation department. The parks and recreation department may refer any subsection proposed to contain a dedicated park to the appropriate neighborhood association for its recommendation. All land to be reserved for dedication to the city for park purposes shall have prior approval of the parks and recreation department.

(d) In order to receive credit for system improvements, the developer shall submit complete engineering drawings, specifications, and construction cost estimates or property appraisals to the impact fee administrator. The impact fee administrator shall determine the amount of credit due based on the information submitted, or where such information is inaccurate or unreliable, then on alternative engineering or construction costs acceptable to the impact fee administrator. The impact fee administrator may independently determine the amount of credit to be approved for land dedication by securing other property appraisals.

(e) To qualify for an impact fee credit, the developer must enter into an agreement with the city. At a minimum, the developer agreement shall specify the amount of the credit, and how the fees within the development project for which the contribution was made will be reduced. If the amount of the credit exceeds the impact fees that would otherwise be due from the development, the agreement shall specify how the developer will be reimbursed for the amount of excess credit.

(f) Credits provided pursuant to this section shall be valid from the commencement date of such credits until ten (10) years after such date.

(Ord. No. C-06-14, § 2, 6-20-06)

Sec. 47-38A.9. - Miscellaneous provisions.

(a) The impact fee administrator shall maintain accurate records of the park impact fees paid, including the name of the person paying such fees, the project for which the fees were paid, the date of payment of each fee, the amounts received in payment for each fee, and any other matters that the city deems appropriate or necessary to the accurate accounting of such fees. Records shall be available for review by the public during normal business hours and with reasonable advance notice.

(b) Annually, the impact fee administrator shall present to the City Commission a proposed capital improvements program that shall assign monies from the park impact fee fund to specific projects and related expenses for eligible park system improvements.

(c) If an impact fee has been calculated and paid based on a mistake or misrepresentation, it shall be recalculated.

(1) Any amounts overpaid by an applicant shall be refunded by the impact fee administrator to the applicant within thirty (30) days after the acceptance of the recalculated amount, with interest since the date of such overpayment.

(2) Any amounts underpaid by the applicant shall be paid to the impact fee administrator within thirty (30) days after the acceptance of the recalculated amount, with interest since the date of such underpayment.
(3) In the case of an underpayment to the impact fee administrator, the city shall not issue any additional permits or approvals for the project for which the impact fee was previously underpaid until such underpayment is corrected, and if amounts owed to the city are not paid within such thirty-day period, the city may also rescind any permits issued in reliance on the previous payment of such impact fee.

(d) The impact fees and the administrative procedures established by this section shall be reviewed at least once every three (3) years.

(Ord. No. C-06-14, § 2, 6-20-06)

Sec. 47-38.A.10. - Appeals.

Any determination made by the impact fee administrator charged with the administration of any part of this section may be appealed to the city commission within thirty (30) days from the date of the decision appealed, pursuant to the procedural provisions of Section 47-26B.1.

(Ord. No. C-06-14, § 2, 6-20-06)

SECTION 47-38C. - EDUCATION MITIGATION.

Sec. 47-38C.1. - Findings and purpose.

(a) The City Commission of the City of Fort Lauderdale finds and determines that residential development activity within the city will create additional demand and need for school facilities within the city; and

(b) The city commission finds that because new residential development creates a need for public school facilities it should be subject to a fee representing its proportionate share of the cost of school facilities needed to service the growth and development activity.

(c) The city commission adopts this section 47-38C. to impose education mitigation fees for public school facilities.

(d) The city commission finds that the proposed amendment is consistent with and furthers the goals, objectives and policies of the Intergovernmental Element and Public Facilities School Element of the City of Fort Lauderdale Comprehensive Plan.

(e) Pursuant to the Public School Facilities Element of the City Comprehensive Plan (PSFE) and the Amended Interlocal Agreement for Public School Facility Planning (ILA), the city, in collaboration with Broward County and the School Board of Broward County (school board), shall ensure that public school facilities will be available for current and future students consistent with available financial resources and adopted level of service standards and that such facilities are available concurrent with the impact of proposed residential development.
Sec. 47-38C.2. - Fee imposed, applicability.

(a) Educational mitigation requirement for residential development. Any application for a building permit for one (1) or more new residential units is subject to educational mitigation requirements as provided herein. The location and cost to be imposed on specified units is as follows:

(1) Downtown RAC.

A. The three thousand (3,000) dwelling units as certified by Broward County and approved for allocation for development by the city commission to be provided in section 47-13 of the ULDR (hereinafter referred to as the DRAC 06/3000 du's.)

B. Amount. The student station costs for units in the DRAC shall be an amount equivalent to the amounts shown on the student station cost factor as the same is amended, per residential unit. The amount shall be determined by the state of Florida's cost per student station schedule in effect at the time of application for building permit, but not less than one thousand one hundred ninety-five dollars ($1,195.00) as determined by the school board's evaluation of the impact of the transferred units on over-capacity schools.

C. On or before the issuance of a building permit by city for any of the dwelling units referenced in subsection (1) of this section, the applicant shall pay to the school board an amount equal to the cost per dwelling unit (regardless of residential types or bedroom mix) as derived from the cost per student station for each RAC dwelling unit, as provided below.

D. County determination of adequacy required. The applicant shall present documentation of the payment and notice to the city prior to submission of an application for a building permit. The city shall not issue a building permit or certificate of occupancy for residential development within the Downtown RAC, without first receiving proof that Broward County has determined that the student station cost was paid as required and that the payment was adequate.

E. Notice to school board. The city shall notify the superintendent of the school board or his or her designee of approval of any site plan or plat for residential development within the Downtown RAC, which notice shall include the location of the project and the number and type of dwelling units.

(2) Other areas except Downtown RAC.

A. Applications subject to a public school concurrency determination. The city shall not approve an application for a plat, replat, plat note amendment, findings of adequacy or any development plan (an "application"), that generates one (1) or more students or is not exempt or vested from the requirements of public school concurrency (hereinafter referred to as a "residential development"), until the school board has reported that the school concurrency requirement has been satisfied.

B. Exemptions and vested development.

1) The following residential applications shall be exempt from the requirements of public school concurrency:
a. An application which generates less than one (1) student at each level in the relevant concurrency service area (CSA). Such development shall be subject to the payment of school impact fees.

b. An application for age restricted communities with no permanent residents under the age of eighteen (18). Exemption for an aged restricted community shall only be available subject to a recorded restrictive covenant prohibiting the residence of school aged children in a manner not inconsistent with federal, state or local law or regulations.

c. A Development of Regional Impact (DRI) with a development order issued before the effective date of Senate Bill 360 (July 1, 2005) or an application submitted before May 1, 2005.

d. As may otherwise be exempted by Florida Statutes.

2) The following residential applications shall be vested from the requirements of public school concurrency:

a. An application located within a previously approved comprehensive plan amendment or rezoning which is subject to a mitigation agreement in accordance with the following:

1. The mitigation to address the impact of the new students anticipated from the development has been accepted by the school board consistent with School Board Policy 1161, entitled "Growth Management", as may be amended from time to time; and

2. A declaration of restrictive covenant has been properly executed and recorded by the developer, or the development is located within a boundary area that is subject to an executed and recorded tri-party agreement consistent with School Board Policy 1161, as may be amended from time to time; and

3. The applicant provides a letter from the school board or other evidence acceptable to the county verifying 1. and 2. above. Other evidence may include documentation as specified in the tri-party agreement.

b. An application which includes property located within a plat or is the subject of a development agreement for which school impacts have been satisfied for the dwelling units included in the proposed application. This includes any application approved between February 2, 1979 and the effective date of the Public School Facilities Element of the Comprehensive Plan and this section, which have not expired. In the transmittal of an application to the school board, the city shall include written information indicating that the units in the application are vested.

c. An application that has received final approval, and which has not expired, prior to the effective date of the Public School Facilities Element of the city's Comprehensive Plan.

3) To be exempt or vested from the requirements of public school concurrency, an
applicant seeking such a determination shall be required to submit documentation with the application which shall include written evidence sufficient to verify that the subject development meets the exemptions stated herein, and as such, is exempt from the requirements of public school concurrency.

C. **Level of service standards.** The level of service standard (LOS) shall be one hundred ten (110) percent of the permanent Florida Inventory of School Housing (FISH) capacity for each Concurrency Service Area (CSA). The LOS shall be achieved and maintained within the period covered by the five-year schedule of capital improvements contained in the effective School Board Five-Year Adopted District Educational Facilities Plan (DEFP).

D. **Concurrency service areas (CSA’s).** The areas for the implementation of public school concurrency in Broward County shall be known as concurrency service areas (CSA), and such CSA’s shall be the approved school boundaries for elementary, middle and high schools as annually adopted by the school board. For the purposes of public school concurrency, such CSA’s shall be effective on the first day of the school year, and end on the last day before the beginning of the next school year.

E. **Student generation rates.** The Broward County adopted student generation rate(s) contained in the Broward County Land Development Code Section 5-182(m)(6) “Student Generation Rates,” as amended, shall be utilized to determine the potential student impact anticipated from the residential development proposed in submitted applications.

F. **Review Procedure.**

1. **Public School Impact Application (PSIA).** Any applicant submitting a development application with a residential component, that is not exempt or vested, is subject to public school concurrency and shall be required to submit a public school impact application (PSIA) for review by the school board. Evidence of acceptance of the PSIA and payment of the applicable application fee to the school board shall be required prior to acceptance of the development application by the city.

2. **School Capacity Availability Determination Letter (SCAD).**

   a. No application for a residential development or amendments thereto shall be approved by the city, unless the residential development is exempt or vested from the requirements of public school concurrency, until a school capacity availability determination (SCAD) Letter has been received from the school board confirming that capacity is available, or if capacity is not available, that proportionate share mitigation has been accepted by the school board. The school board shall send the SCAD Letter to the applicant, the Broward County Development Management Division if the application relates to a plat, and the city, no later than forty-five (45) days after acceptance of the completed PSIA.

   b. The school board shall determine the potential student impact from proposed residential development on the applicable CSA by performing the review procedure specified in School Board Policy 1161, as amended.

   c. If the school board reviews an application and determines that sufficient permanent capacity is available at the adopted LOS standard to accommodate
students anticipated from the development, the school board shall issue a SCAD Letter indicating that adequate school facilities exist to accommodate the student impact and that the proposed development satisfies public school concurrency requirements.

d. If the SCAD Letter states that the development has not satisfied public school concurrency requirements, the SCAD Letter shall state the basis for such determination, and the applicant shall have thirty (30) days to propose proportionate share mitigation to the school board.

e. If the applicant proposes proportionate share mitigation within the thirty-day (30) deadline, upon the subsequent acceptance of the proposed mitigation by the school board, and upon the execution of a legally binding document among the school board, the city, and the applicant, an amended SCAD Letter shall state that adequate capacity anticipated from the accepted proportionate share mitigation will be available to accommodate the student impact anticipated from the proposed development and that the proposed development satisfies public school concurrency requirements. The total amount committed for any mitigation option shall not be less than the school impact fees due for the proposed units as calculated based upon the adopted school impact fee schedule provided in section 5-182(m)(3) of the Broward County Code of Ordinances, as amended. The school impact fee for the development shall be considered included in the total proportionate share mitigation amount due or paid. If the school board does not accept the proportionate share mitigation, the amended SCAD Letter shall state the basis upon which the mitigation proposal(s) was rejected and why the development is not in compliance with public school concurrency requirements.

f. An applicant adversely impacted by a SCAD determination may appeal such determination by written request to the school board within the designated thirty-day (30) time period. A timely request for an appeal shall stay the requirement for an applicant to propose proportionate share mitigation until the appeal has been resolved.

g. If an application or approval expires, the SCAD Letter will no longer be valid.

G. Expiration of concurrency/vesting.

1. The public school concurrency approval for a residential development plan which shall be considered vested, unless the site plan approval expires as provided for within the City Code.

2. The public school concurrency approval for a plat shall be considered vested for up to five (5) years beginning from the date the developer received approval from Broward County. Vesting of a residential application beyond the five (5) years requires that one (1) of the following conditions are met within the five-year (5) period: 1) the issuance of a building permit for a principal building and first inspection approval or 2) substantial completion of project water lines, sewer lines and the rock base for internal roads. If the development was denied, the board shall deduct students associated with the development from its database.
ARTICLE XV. - ANNEXED AREAS

SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

(104) Note— Melrose Park and Riverland Road are the areas described in Chapter 2001-322, Laws of Florida (Riverland Road) and Chapter 2001-291, Laws of Florida (Melrose Park).

Sec. 47-39.A.6. - Dimensional requirements.
Sec. 47-39.A.7. - RS-6.85A (previously known as Broward County RS-5 and R-1C).
Sec. 47-39.A.8. - RS-3.52 (previously known as Broward County RS-3).
Sec. 47-39.A.10. - RD-12.22 (previously known as Broward County RD-10).
Sec. 47-39.A.11. - RS-6.70 (previously known as Broward County RS-4 and RD-9).
Sec. 47-39.2. - Effect of other ULDR Regulations.


A. Residential zoning districts.

RS-3.52
RS-6.70
RS-6.85A
RS-6.85B
RD-12.22
RM-12.67
RM-16
RM-33.5

B. *Non-residential zoning districts.*

- **CB** - Community Business. (see section 47-6)
- **B-1** - Boulevard Business. (see section 47-6)
- **CF-H** - Community Facility—House of Worship (see section 47-8)
- **CF-HS** - Community Facility—House of Worship and School (see section 47-8)
- **CF-S** - Community Facility—School (see section 47-8)
- **CF** - Community Facility. (see section 47-8)
- **U** - Utility. (see section 47-8)
- **P** - Parks, Recreation and Open Space. (see section 47-8)

(Ord. No. C-09-27, § 1, 10-20-09)

**Sec. 47-39.A.1.b. - General provisions.**

The following general provisions shall apply to all property located in the Melrose Park and Riverland Road areas, as defined by this section, except as specified herein. Where certain provisions do not appear in this section and appear in other sections of the ULDR, the ULDR shall apply.

1. **Easements.** No permanent structure except a wood or chain link fence shall encroach upon or into any easement of record. No structure or use shall encroach upon or obstruct access through any easement specifically granted for ingress or egress purposes.

2. **Double frontage.** Where a plot is bounded on two (2) opposite sides by public or private rights-of-way or streets with no platted nonvehicular access line or landscape easement on one (1) of the two (2) sides, front yards shall be provided on both such sides. Accessory buildings shall not be located in either front yard.

3. **Yard encroachments.** All required yards shall be open and unobstructed from ground to sky except as follows or as otherwise permitted in this article for zero lot line developments:

   a. Sills, columns, ornamental features, chimneys, eaves, and awnings may project thirty-six (36) inches into a required yard.
(b) Fire escapes, stairways, balconies or canopies which are unenclosed, and air conditioning units may project three (3) feet eight (8) inches into a required side or rear yard.

(c) An unenclosed and unroofed patio or deck not higher than the first floor level of the principal building may be located in any required yard which is not contiguous to a street to within five (5) feet of a plot line. A ground-level slab or patio may be located within fifteen (15) feet of a front plot line. For unenclosed and unroofed patios and decks located in RS-6.85B, Section 47-19.2.G shall apply.

(d) On a plot containing a one-family detached or two-family dwelling, side and rear yards not abutting a street may be reduced to five (5) feet for accessory uses and buildings.

(e) Accessory buildings may not exceed one (1) story on any plot containing a one-family detached dwelling.

(f) Accessory buildings shall not exceed half the height of any principal building on plots containing two-family or multiple-family dwellings. On any plot containing grouped dwellings of varying heights, accessory buildings shall not exceed half the height of the lowest building on the plot.

(g) One-story accessory buildings shall be at least ten (10) feet from any other accessory building and from any principal building on the same plot. The distance between any principal and accessory buildings on the same plot, where the accessory building is higher than one-story, shall be half the height of the highest principal building.

(h) The aggregate floor area of all accessory buildings shall not exceed five (5) percent of the plot area.

(i) No accessory building shall contain more than fifty (50) percent of the floor area of the principal building.

(4) **Fences, walls and hedges.** Fences, walls, or hedges may be erected, planted, and maintained upon any plot line and in required yards of residentially-zoned property to a maximum height of six (6) feet, except as follows:

(a) On a lot line not at a corner, where a residential plot abuts commercial or industrially-zoned property, a fence, wall, or hedge may be a maximum height of eight (8) feet.

(b) On a corner lot, no opaque fence, wall or hedge may exceed thirty (30) inches within twenty-five (25) feet of the intersection of the front and side street property lines.

(c) Barbed wire, electrified or razor wire fences, or barbed, electrified or razor wire-topped fences or walls are prohibited on any residentially-zoned property.

(d) Fence height shall be measured from the established grade.

(5) **Swimming pools and spas.** All residential swimming pools and spas shall be constructed in conformity with the following requirements:

(a) All swimming pools and spas shall be completely enclosed by either an open-mesh screen enclosure or a fence or wall a minimum five (5) feet in height above the ground,
measured from the outside of the fence. Fences or walls shall be of such design and material as will prevent unauthorized access to the pool area. All screen doors and fence gates must be equipped with self-closing, self-latching mechanisms.

(b) On plots containing a one- or two-family dwelling, swimming pools and spas may be placed in required side or rear yards subject to the limitations of Section 47-39.A.1.b.(3)(d). For purposes of this subsection, the minimum setback from a plot line shall be measured beginning three (3) feet from the outermost edge of the waterline of the swimming pool or spa for fenced pools and spas, and from the exterior of the screen enclosure for screen enclosed swimming pools and spas.

(c) Swimming pools or spas on plots which directly abut a waterway or other water area shall not require enclosure along such waterway or water area.

(d) For swimming pools and spas located in RS-6.85B, Section 47-19.2.BB shall apply, except that such swimming pools and spas shall not be located in the required front yard.

(6) Storage on residential property.

(a) Residentially-zoned land shall not be used for the storage of building materials or construction equipment except during active construction on the plot where the materials or equipment are located, and provided that a valid permit is in effect for the construction project, and the materials and equipment stored on the plot are necessary for the permitted construction project.

(b) The open air storage of any item is prohibited in residential zoning districts with the exception of usable lawn, garden or pool furniture or equipment, barbecues, toys, bicycles, or trash cans being used by the residents of the dwelling on the plot where such items are stored.

(c) Storage or parking of private passenger vehicles in residential zoning districts shall be in accordance with Section 47-39.A.14, Off-street Parking and Loading.

(7) Commercial vehicles.

(a) It shall be unlawful to park or store any commercial vehicle or equipment on public or private property in all residential zoning districts, except for the following:

1. One (1) commercial vehicle weighing five thousand (5,000) pounds or less may be parked or stored in a carport or garage, or in a side or rear yard if completely hidden from view of all adjacent properties.

2. Nothing shall prohibit the temporary parking of any commercial vehicle or equipment while its owner or operator is performing lawful and authorized public or private work as follows:

   a. Tradesmen performing service or construction work or making deliveries of merchandise or household items;

   b. Public utility service work or emergency vehicles, including law enforcement vehicles.
(8) **Dumpsters and dumpster enclosures.**

(a) Dumpsters and dumpster enclosures shall be required on all residential plots containing four (4) or more dwelling units unless:

1. There is a carport, garage, or other enclosed area suitable for storage of waste containers, attached to each individual dwelling unit on the plot; and

2. That such carport, garage, or other enclosed area is used by the residents of the dwelling to store their waste containers when not being made available for trash pick-up.

(b) Dumpsters shall be maintained free of jagged or sharp edges or inside parts which could prevent the free discharge of their contents.

(c) Dumpsters shall be emptied by a licensed collector at intervals which will preclude overflow.

(d) Dumpsters and the area around the dumpster and dumpster enclosure shall not be used for disposal of furniture and major appliances, except during a scheduled bulk pick-up by a licensed collector.

(e) All dumpster pads shall be at least two (2) feet larger than the dumpster on all sides. Wheel stops or posts shall be permanently affixed to the pad at least one (1) foot inside the perimeter of the enclosure to prevent the dumpster from striking the enclosure during collection.

(f) The dumpster, dumpster enclosure, and all surrounding areas shall be maintained by the property owner in accordance with this section, and shall be kept free of overflowing refuse at all times, except on a scheduled pick-up date. If a continuous problem of insufficient dumpster capacity is proven to exist, additional or larger capacity dumpsters and enclosures or increased frequency of pick-up shall be required in order to eliminate the overflow problem.

(g) Dumpsters and dumpster enclosures shall be located in a position accessible for collection by the equipment of the collector.

(h) Dumpsters may be placed in the ground, provided the floor and walls of the enclosure are constructed of an impervious material. Any portion of the dumpster which is visible above the ground shall be screened with landscape material.

(i) Dumpsters not placed in the ground shall be stored on a concrete pad, in accordance with the South Florida Building Code, at all times except twelve (12) hours before or after scheduled refuse collection and twenty-four (24) hours before or after special bulk waste collection.

(j) The perimeter of the dumpster pad shall be enclosed on three (3) sides by an enclosure no less than the height of the dumpster plus six (6) inches. The enclosure shall be of translucent material allowing the detection of movement from one (1) side to the other side of the enclosure. The remaining side of the dumpster enclosure shall be enclosed with gates constructed in accordance with Section 47-39.A.1.b.(8)(k) below.
The gates of the enclosure shall be constructed of a frame with translucent walls affixed thereto, and shall be of a material of sufficient strength to withstand normal use. Gates shall be attached to metal posts at least three (3) inches in diameter with at least two (2) hinges. Each gate shall have a wheel at the bottom to prevent sagging and shall have drop pins or rods to hold the gates in place in both open and closed positions.

All dumpster enclosures consisting of living plants shall conform to the requirements of Section 47-39.A.13 Functional Landscaping and Xeriscaping.

On residential plots developed prior to June 16, 1995, where no other suitable location exists, upon application and receipt of a permit from the City of Fort Lauderdale, a residential dumpster and dumpster enclosure may be located within a required parking space or yard area.

Recreational vehicles and boats. In all residential zoning districts currently licensed recreational vehicles and boats may be parked or stored on plots containing a dwelling, subject to the following:

- Parking or storage of recreational vehicles or boats shall be limited to vehicles or boats owned by the occupants of the property or their guests.
- Maintenance of recreational vehicles or boats shall not be permitted in a residential zoning district with the exception of cleaning or replacement of tires, batteries, spark plugs or other minor repairs which do not involve the exchange of engine parts or paint or body work.
- At no time while parked or stored in a residential zoning district shall sewer or electrical service connections be attached to a recreational vehicle or boat, except that electrical service connections may be attached for a maximum of forty-eight (48) hours prior to and in preparation for departure from the property.
- All boats, except canoes and boats less than twelve (12) feet in length, must be on a currently licensed boat trailer.
- In addition to the limitations in Section 47-39.A.1.b.(9) (a), (b), (c) and (d) above, on a plot containing a one- or two-family dwelling:
  1. Not more than one (1) boat and one (1) recreational vehicle may be parked or stored outside of a carport or fully enclosed building.
  2. No recreational vehicle or boat shall be parked or stored in a location, which causes the recreational vehicle or boat to encroach onto a street or in any location which visually obstructs vehicle egress from contiguous properties.
- In addition to the limitations in Section 47-39.A.1.b.(9) (a), (b), (c), (d) and (e) above, on a plot containing three (3) or more dwelling units:
  1. One (1) recreational vehicle and one (1) boat per dwelling unit may be parked or stored on the plot outside of a carport or fully enclosed building, if an area specifically designated for such use is provided.
  2. No part of any required off-street parking facility or required landscape area may
(10) **Repair and maintenance of vehicles.**

(a) Mechanical repairs to private passenger vehicles belonging to occupants of a dwelling shall be permitted inside a residential garage.

(b) Only minor repairs limited to tire, battery, sparkplug, or oil replacement may be performed in a carport or in the open air.

(c) No storage of parts or equipment shall be permitted at any time outside of a garage.

(d) Auto body work and painting shall be prohibited in any residential area.

(e) Any repair or maintenance of vehicles conducted pursuant to this section shall conform to all other provisions of the ULDR.

(11) **Boathouses, boat slips and boat lifts.** The following regulations shall apply to boathouses, boat slips and boat lifts in residential districts:

(a) No boathouse or boat lift shall exceed a height of fifteen (15) feet.

(b) No boathouse shall be built less than five (5) feet from the established bulkhead or waterway line or less than ten (10) feet from any side plot line.

(c) No boathouse shall exceed twenty (20) feet in width and forty (40) feet in depth.

(d) No boathouse, boat slip or boat lift shall be constructed or altered to be less than ten (10) feet from any side plot line.

(e) No boathouse, boat slip or boat lift may extend more than thirty-three (33) percent of the width of the waterway, or twenty-five (25) feet into the waterway, whichever is less, as measured from the recorded property line along the waterway.

[f] Nighttime reflectors shall be affixed to any boathouse or boat lift extending more than five (5) feet into any waterway.

(g) For boatlifts located in RS-6.70, Section 47-19.3 shall apply.

(12) **Docks and moorings.** Docks and moorings for pleasure boats, yachts and other noncommercial watercraft shall be permitted in residential zoning districts on any waterway or water area as an accessory use to a permitted residential occupancy of a plot, subject to the following:

(a) No dock shall project more than five (5) feet into any waterway beyond the property line along the waterway or the established bulkhead line. No dock shall extend closer than ten (10) feet to the plot line of any other residentially-zoned property.

(b) Mooring pilings shall be permitted, provided they do not project into any waterway more than thirty-three (33) percent of the width of the waterway, or twenty-five (25) feet, whichever is less, as measured from the recorded property line. No mooring piling shall be situated closer than ten (10) feet to any lot line of contiguous property.
(c) Nighttime reflectors shall be affixed to any mooring piling extending more than five (5) feet into any waterway.

(d) Vessels docked at or moored to private docks or by mooring pilings shall not extend into a waterway more than thirty-three (33) percent of the width of the waterway measured from the recorded property line.

(e) No vessel of any kind shall dock at, moor to, or tie up to a private seawall, dock or mooring piling or be beached upon private property without the permission of the owner or legal occupant of the residence immediately adjacent to the private seawall, dock, mooring piling, or beach. Nothing, however, shall prohibit vessels or persons in distress from mooring to, tying up to, or beaching on private property, in an emergency situation, for a maximum of seventy-two (72) hours from the time the vessel is initially moored, docked, tied up to, or beached on the private property. At the end of the seventy-two (72) hour period, the owner or occupant of such private property may request the City of Fort Lauderdale to initiate the appropriate procedures to remove the vessel.

(f) The owner of the property or person in charge of or occupying a vessel shall at all times keep the docks, seawalls and premises adjacent to such vessel in a neat and orderly manner and free from litter, repair parts, machinery, equipment and debris of any kind.

(g) [Reserved.]

(h) No vessel shall be docked, moored or anchored adjacent to residential property in such a manner that it extends across the property line of contiguous property. For vessels located in RS-6.85B, Section 47-19.3 shall apply.

(i) For docks located in RS-6.85B and RD-12.22, and for moorings located in RS-6.85B, Section 47-19.3 shall apply.

(13) Groins, seawalls and breakwaters. 

(a) The approval of the U.S. Army Corp of Engineers must be obtained for any encroachment into the waters of the Atlantic Ocean or any other navigable waterway.

(b) Seawalls shall be of the sloping, high energy-absorbing type, or of a vertical type with high energy-absorbing, rubble mound on the ocean or waterway side of the vertical wall. The toe or bottom of a sloping seawall shall not be located closer than one hundred (100) feet from mean low water shoreline.

(14) Household pets. Livestock such as horses, cattle, sheep, goats, hogs, pigs, and poultry shall not be permitted as pets.

(15) Grouped housing. Where two (2) or more separate buildings for dwelling purposes are erected on the same plot, minimum front, side and rear yards shall be provided around the perimeter of the plot as required by this code. The distance between such buildings shall be at least half the height of the higher of the two (2) buildings, but not less than ten (10) feet.

(16) Minimum space and basic facility requirements for dwelling units. No person shall occupy or allow occupancy of any dwelling unit which does not comply with the minimum standards specified herein.
(a) **Requirements for space.**

1. Each dwelling unit shall have a minimum gross floor area of not less than one hundred fifty (150) square feet for the first occupant and not less than one hundred twenty (120) square feet for each additional occupant, of which forty (40) square feet shall be bedroom area, thirty (30) square feet shall be dining area, and fifty (50) square feet shall be living area.

2. Every room in a dwelling unit shall have a gross floor area of not less than seventy (70) square feet and, when occupied by more than one occupant, shall have a gross floor area of at least (50) square feet for each occupant. Every room shall have a minimum width of eight (8) feet.

3. Every dwelling unit shall have a minimum of twelve (12) square feet of floor area of closet space for the first bedroom and six (6) square feet of floor area for closet space for each additional bedroom. Kitchen closet space shall not be considered as meeting this requirement. All clothes closets must have a shelf and rod.

(b) **Basic sanitary facility requirements.**

1. Each dwelling unit shall have not less than one (1) flush water closet, one (1) lavatory basin, and one (1) bathtub or shower for each six (6) persons, or fraction thereof, residing in the dwelling unit.

2. Urinals shall not be substituted for water closets.

3. All toilet and bath facilities shall be accessible from the interior of the dwelling unit.

(17) **Temporary sales offices.**

(a) A temporary sales office may be erected and used on the plot of a residential development during construction of the dwelling units in the project. The sales office shall be removed upon completion of the phase of the project utilizing the sales office, or three (3) years from the date of issuance of the Development Order for Building Permit for the first dwelling unit, whichever occurs first.

(b) In no case shall any temporary sales office be permitted to remain on the plot of the residential development if the Development Order or any permit for construction of the dwelling units in the project becomes invalid for more than a thirty-day time period.

(c) Any permit application for a temporary sales office shall be accompanied by a copy of an approved plat or site plan specifically delineating the boundaries of the phase of the project the sales office is to serve.

(d) Only one (1) sales office shall be permitted to serve the area delineated in the project area.

(18) **Signs.** Signs in any residential zoning district shall be subject to Section 47-39.A.15.

(19) **Definitions.** Terms used in this article are defined in Section 47-39.A.2., Definitions and Measurements, of this Code.
Landscaping. All properties


The following definitions shall apply to all property located in the Melrose Park and Riverland Road areas as defined in Section 47-39.A. Where certain definitions and measurements do not appear in this section and are defined in Section 47-35.1 or Section 47-2.2, Section 47-35.1 and Section 47-2.2 shall apply.

A. General construction of terms. For the purpose of this code, certain terms used herein are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural and words in the plural number include the singular number. The word "shall" is always mandatory and not merely directory. The word "building" shall include the word "structure." The word "used" shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used. The word "land" shall include water surface and land water.

B. Terms defined. (Defined in Sec. 47-35.1)

Adult Day Care Center: An establishment, which provides day care and activities for adolescents or adults who require supervision due to physical or mental limitations.

Alley: A public thoroughfare or way, not more than thirty (30) feet in width, and which normally provides a secondary means of access to abutting property.

Alter: "Alter", "altered" or "alteration" shall mean any change in size, occupancy or use of a building or structure; any repair or modification to a nonconforming building, structure or use; the erection or placement of any sign; the addition, removal or modification of any paving or landscaping.

Antenna: A transmitting and/or receiving device and/or relays used for personal wireless services, that radiates or captures electromagnetic waves, including directional antennas, such as panel and microwave dish antennas, and omni-directional antennas, such as whips, excluding radar antennas, amateur radio antennas and satellite earth stations.

Arterial: A street having that meaning given in F.S. § 334.03(1), (Arterials in Broward County are shown on the Broward County Trafficways Plan.)

Auditorium: A building or complex of buildings that has facilities for cultural, entertainment, recreational, athletic and convention activities or performances.

Building: Any structure having a solid roof and solid walls on all sides and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind.

Child Care Center: A place for the day care and instruction of children not remaining overnight.

Club, Private: Shall pertain to and include those associations and organizations of a fraternal or social character, not operated or maintained for profit. The term "private club" shall not include casinos, night clubs or other institutions operated as a business.
**Combined Parking:** An off-street parking facility originally designed, approved and permitted as a single site plan, but which was subsequently subdivided and sold to two (2) or more persons as separate plots.

**Commercial Vehicle:** Any vehicle designed, intended or used for transportation of people, goods or things, other than private passenger vehicles and recreational vehicles. The term "commercial vehicle" shall include, but is not limited to, the following:

1. **Semitrailer:** All two- or more wheeled vehicles designed to be coupled to and drawn by a motor vehicle.

2. **Truck:** A motor vehicle designed with or modified to contain a bed, platform, cabinet, rack or other equipment for the purpose of carrying items or things or performing commercial activities and weighing four thousand (4,000) pounds or more. This term includes, but is not limited to, wreckers, tow trucks, dump trucks, utility or service vehicles, and moving vans.

3. **Truck-tractor:** A motor vehicle having four (4) or more wheels and equipped with a fifth wheel for the purpose of drawing a semitrailer.

4. **Bus:** Any vehicle designed or modified for transportation of ten (10) or more people in seats permanently placed in the vehicle.

5. **Business vehicle:** Any vehicle upon which a business name is displayed. This term includes, but is not limited to, taxis, limousines, ambulances, and vans, but excludes police and security vehicles, which are providing security services to the area where the vehicle is parked.

**Common Open Space:** Any area designated on a recorded plat or approved site development plan, not including private or public streets, for joint use by the residents of the development as parking, drives, service areas, tennis courts, recreational buildings, preservation of natural areas, landscaping, drainage areas, and water areas.

**Common Party Wall:** A solid wall, without any openings, which separates two (2) dwelling units, with no open space between the two (2) units.

**Community Residential Facility:** A residential building or buildings designed or altered to provide housing, food service, and personal services to persons unrelated to the owner or manager of the facility, and which is licensed by the State of Florida or other government agency for such purposes.

**Completely Enclosed Building:** A building separated on all sides from adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

**Contiguous:** Directly adjoining; immediately adjacent to; contiguous plots have at least one (1) side of each plot which touches one (1) side of the other plot or plots with no separator between the plots such as a public right-of-way, canal, river, or railroad.

**Coverage:** The percentage of the plot area covered or occupied by buildings or roofed structures or portions thereof. Shuffleboard courts, swimming pools, barbecue pits, terraces and other appurtenances not roofed over shall not be included in computing coverage.
Density: The maximum number of dwelling units permitted on one (1) net acre of property.

Developed: Land or water upon which a permitted building, structure, other improvement or use has been constructed or established, excluding solely underground utilities, pipes, wires, cable, culverts, conduits or other similar underground improvements and excluding structure bearing overhead power transmission lines that carry at least five hundred (500) kilovolts of electrical power, provided such lands contain no other buildings or structures.

Dumpster: A watertight container constructed of impervious material and provided with a cover or covers of like material which is intended and designed to be used for the retention or storage of garbage, refuse or recyclable materials. This term shall not include containers having a maximum capacity of forty (40) gallons or less.

Dwelling, Detached: A single dwelling unit physically detached from other buildings, dwelling units or structures.

Dwelling, Group: A building, or part thereof, in which several unrelated persons or families permanently reside, but in which individual cooking facilities are not provided for the persons or families. "Group dwelling" may include a rooming house, fraternity house, sorority house, convent, monastery or private club in which one (1) or more members have a permanent residence. "Group dwelling" shall not be deemed to include a hotel, motel, tourist home, trailer camp.

Dwelling, One-Family: A building with one (1) or more rooms providing complete living facilities for one (1) family, including equipment for cooking or provisions for cooking, and including a room or rooms for living, sleeping and eating, and having all areas within the building accessible from the interior of the building. One-family dwellings shall not include group homes, adult congregate living facilities, rooming or boarding houses, or dormitory, fraternity or sorority buildings or facilities.

Dwelling, Two-Family: A building containing two (2) one-family dwellings within a single building. Two-family dwellings shall not include group homes, adult congregate living facilities, rooming or boarding houses, or dormitory, fraternity or sorority buildings or facilities.

Dwelling Unit: A room or group of rooms not less than four hundred (400) square feet in total floor area, which include a kitchen and sanitary facilities designed to provide complete, long-term living accommodations for one (1) family, with no access to adjoining dwelling units.

Dwelling Unit, Adult Congregate Living Facility: One (1) room or connected rooms, with kitchen and bathroom facilities, which have access from a common area and constitute a separate independent housekeeping establishment.

Environmentally Sensitive Lands: Those lands defined as environmentally sensitive in the 1989 Broward County Land Use Plan.

Erected: Built, constructed, reconstructed or moved on or upon any property.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers,
pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, transformer substations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.

Established Grade: The average elevation of the streets abutting the plot.

Family: Any number of persons living together as a single housekeeping unit, whether legally related to each other or not. The persons constituting a family may also include gratuitous guests and domestic servants, but shall not include paying guests.

Family Day Care Home: An occupied residence in which child day care is regularly provided for no more than five (5) preschool children from more than one (1) unrelated family and which receives a payment, fee or grant for any of the children receiving care, whether or not operated for profit. The maximum number of five (5) preschool children includes preschool children living in the home and preschool children received for day care who are not related to the resident caregiver. Elementary school siblings of the preschool children received for day care may also be cared for outside of school hours provided the total number of children, including the caregiver's own and those related to the caregiver, does not exceed ten (10).

First Floor Level: The lowest habitable floor area of a building. This definition shall not include parking garages or floor areas devoted exclusively to mechanical equipment used to energize, heat, cool, or otherwise service the building in which it is located. (Defined in Sec. 47-2.2)

Foster Care Home: A home licensed by the Florida Department of Health and Rehabilitative Services (HRS) or other government agency which provides residential services and supervision for no more than eight (8) individuals who are unrelated to the resident houseparent. Foster care homes with three (3) or less children age two (2) or under shall be excluded from the ordinance.

Frontage of a Building: Shall mean the side or wall of a building approximately parallel and nearest to a street.

Frontage of Property: Shall mean the plot line, which abuts a street or separates the plot from a street.

Garage, Private: An accessory structure designed or used for inside parking of self-propelled private passenger vehicles by the occupants of the main building.

Grouped Buildings: Two (2) or more buildings for dwelling purposes erected or placed on the same plot.

Habitable Room Area: The total floor area of a dwelling unit excluding closets, bathrooms, garages, utility rooms, storage areas, and rooms not accessible from the interior of the dwelling unit.

Height of Building: The vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface for a flat roof, to the deck line for a mansard roof and to the mean height level between eaves and ridge for gable, hip and
gambrel roofs.

*Home Office:* An office designed for and operated as a business location in a dwelling unit, and carried on by persons residing in the dwelling unit involving only written correspondence, phones, computers, or other common office equipment, and which is clearly incidental and secondary to the use of the dwelling for residential purposes. Home offices shall preclude any business operation, which requires or permits customers or patrons to visit the dwelling. Home offices shall be permitted in all residential zoning districts subject to the following limitations:

1. Not more than ten (10) percent of any dwelling unit may be used for a home office.
2. No merchandise or equipment related to the home office shall be stored at, delivered to or dispensed from the dwelling unit, or from any accessory building or structure on the property, except office equipment or supplies required for daily office operations.
3. Commercial vehicles associated with the home office in all residential districts shall be subject to Section 47-39.A.1.b.(7) General Provisions.
4. No sign or any other evidence of the existence of the home office shall be visible from the exterior of the dwelling unit.
5. A certificate of use shall be obtained for any home office. In addition to the requirements of Section 47-19.7, certificates of use for home offices shall comply with the following:
   a. A floor plan of the dwelling unit, drawn to scale, shall be submitted with an application for a certificate of use for a home office, designating the room or rooms to be occupied by the home business.
   b. Any certificate of use issued for a home.

*Household Pet:* An animal kept for pleasure, rather than for utility, by a family, within the family’s dwelling unit or on the same plot as the family’s dwelling unit. The term shall include one (1) non-breeding Vietnamese pot-bellied pig on a plot of land, which is at least thirty-five thousand (35,000) square feet.

*Impervious:* Any non-organic material, which prohibits penetration by liquids or other soluble materials.

*Lot:* A parcel or tract of land designated and identified as a single unit of area in a subdivision plat officially recorded in the Broward County Circuit Court Clerk’s office.

*Nonprofit Neighborhood Social and Recreational Facility:* A building or plot of land devoted entirely to providing social activities and services only for the residents, and their guests, of the subdivision or neighborhood where the building or plot is located.

*Occupied:* The word “occupied” includes arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.

*Opaque:* Any nontranslucent, nontransparent, nonliving material, which provides a visual barrier from one (1) side to the other.
**Off-street Parking:** The temporary, transient storage of operable private passenger vehicles used for personal transportation, while their operators are engaged in other activities, in an area designated for such purposes, not on a street or other thoroughfare. It shall not include storage of new or used cars for sale, service, rental or any other purpose than specified above.

**Off-site Parking Lots:** Location, Character and Size, for off-street parking facilities, a plot within five hundred (500) feet of a nonresidentially used plot may be used to supply twenty-five (25) percent of the required off-street parking for the nonresidentially used plot. Such off-site facilities shall be permitted in all zoning districts except open space and conservation districts subject to the following conditions:

1. Except as provided herein this definition, the minimum plot size for off-site parking lots shall be ten thousand (10,000) square feet of net area with a minimum street frontage of one hundred (100) feet on a public right-of-way at least sixty (60) feet in width which is designated as a collector or arterial road on the Broward County Trafficways Plan.

2. Except as provided in subparagraph (8) of this definition, access to the parking lot shall only be from the designated collector or arterial road.

3. A landscape buffer at least ten (10) feet in depth shall be provided on all sides of the plot in accordance with Article VIII, Functional Landscaping and Xeriscaping.

4. A decorative, translucent visual barrier shall be provided at least two and one-half (2½) feet inside the perimeter of the required landscape buffer on any side which is contiguous to a residential district. The minimum height of such visual barrier shall be four (4) feet and the maximum height shall be eight (8) feet measured from the established grade. The visual barrier shall be in one (1) of the following forms:
   a. A translucent fence or wall; or
   b. Landscape material dense enough to provide only translucent visibility.

5. The off-site parking facility must comply with all requirements of Article XII, Off-Street Parking and Loading.

6. No signs shall be permitted except entrance or exit signs or signs identifying the purpose of the off-site parking lot. Such signs shall be no larger than six (6) square feet and not higher than four (4) feet above the ground unless affixed flush on the required visual barrier. No exterior illumination of such signs shall be permitted.

7. Off-site parking lots shall be used only for the temporary parking of operable, currently licensed private passenger vehicles of patrons of the nonresidentially used property which the parking lot serves.

8. Where a residentially zoned plot used for off-site parking is contiguous to or separated from the nonresidentially used property it serves by a dedicated alley, such plot may be used for all or any portion of required parking for the nonresidentially used plot it serves. The provisions of paragraphs (1) and (2) of this definition shall not be applicable, provided the off-site parking is accessed only from the dedicated alley or from the nonresidential plot it serves.
Open Area: A portion of the total site, lot or parcel not including the area covered by buildings and structures.

Outdoor Event: A carnival, circus, concert or festival shall be classified as an outdoor event if it has mechanical rides or amplified music or sounds. Commercial promotions, shows, sales and other similar types of events providing entertainment and/or food service shall also be classified as outdoor events. Advertised religious events held outdoors involving mechanical rides, amplified music or sounds or food service shall also be classified as outdoor events. Permits for certain outdoor events may be issued subject to compliance with this section. The following outdoor events may be permitted in the zoning districts designated:

<table>
<thead>
<tr>
<th>Event</th>
<th>Permitted Zoning Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Carnival or circus</td>
<td>Commercial, industrial, and commercial recreation. Residential, rural, agricultural, and institutional if sponsored by non-profit organization</td>
</tr>
<tr>
<td>(b) Concerts, festivals</td>
<td>Commercial, industrial, and commercial recreation</td>
</tr>
<tr>
<td>(c) Commercial promotions, shows, sales, events</td>
<td>Commercial and industrial</td>
</tr>
</tbody>
</table>

(1) Minimum site requirements. All outdoor events shall require a minimum of one (1) net acre of open space with not less than two hundred (200) feet of street frontage on a public street having a right-of-way width of at least seventy (70) feet.

(2) Setbacks. No activity, temporary tent, mechanical device, temporary sanitary facility, or animal associated with any outdoor event shall be closer than one hundred (100) feet from any residentially zoned plot, nor closer than one hundred (100) feet from a public or private street line, and not less than three hundred (300) feet from any privately owned property in agricultural, estate, and rural districts.

(3) Access. Vehicular access onto any plot used for an outdoor event shall be from a public street which provides the minimum required street frontage specified above. No vehicular traffic shall be allowed ingress to or from the plot through any other residential street.

(4) Parking. Off-street parking shall comply with requirements of Section 47-39.A.14 insofar as the amount of spaces required, minimum parking space size, and minimum aisle widths. All parking spaces may be on an unpaved surface. Temporary barriers, guides, signs, and other temporary markings shall be erected and placed around and within the parking area to facilitate safe and efficient vehicular traffic flow on site.

(5) Lighting. Temporary lighting used to illuminate the outdoor event after dusk shall be designed and arranged to reflect away from adjacent properties and away from any street or other vehicular use area.

(6) Temporary structures, exhibits, and mechanical riding devices. Temporary structures,
exhibits, and mechanical riding devices shall be permitted in conjunction with outdoor events subject to permit and inspection requirements of all applicable county and state agencies. No temporary structure shall be used for living quarters. All such structures, exhibits, and mechanical riding devices shall be removed from the premises within seven (7) days after the conclusion of the event.

(7) **Signs.** One (1) temporary sign advertising the event may be erected on the plot where the event will be held not more than fourteen (14) days prior to the event. Such signs shall be no larger than twenty-four (24) square feet in sign area and no higher than ten (10) feet above the ground. The sign shall be set back at least ten (10) feet from the front plot line and shall not be located within twenty-five (25) feet of the intersection of any two (2) public or private streets. The sign shall be removed by the permit holder at the conclusion of the outdoor event.

**Panel Antenna:** An array of antennas designed to concentrate a radio signal in a particular area.

**Place of Worship:** A building, or part thereof, designed and arranged for religious services, on land held in fee simple ownership or on a long-term lease, a minimum of five (5) years duration, by a chartered religious organization, which utilizes the building for regular, continuing religious services.

**Plot:** Land occupied or to be occupied by a building or use, and their accessory buildings and accessory uses, together with such yards and open spaces as are required by this code. A plot may consist of one (1), or more, or portions of a platted lot and/or unplatted land.

**Plot, Corner:** A corner plot is a plot of which at least two (2) adjacent sides abut for their full length upon a street, provided that such two (2) sides intersect at an interior angle of not more than one hundred thirty-five (135) degrees. Where a plot is on a curve, if tangents through the intersections of the lot lines with the street lines make an interior angle of not more than one hundred thirty-five (135) degrees, such a plot is a corner plot. In the case of a corner plot with a curved street line, the corner shall be considered to be that point on the street line nearest to the point of intersection of the tangents herein described.

**Plot, Interior:** A plot other than a corner plot.

**Plot, Through:** A plot abutting on two (2) streets, not at their intersection, if any, which may be either a corner or interior plot.

**Plot Depth:** The mean horizontal distance between the front and rear plot lines.

**Plot Width:** The horizontal distance between the side plot lines at the depth of the required front yard.

**Plot Line, Front:** The line dividing a plot from a street or base building line, whichever will result in a lesser depth of plot. On a corner plot the shorter of the two (2) front lines as above defined shall be considered to be the front plot line for the purposes of determining required plot width and required front yard depth. On a corner plot where both front plot lines as above defined are equal or within five (5) feet of the same length, both such lines shall be considered to be front plot lines for the purposes of determining required street yard depth. On through lots, both front plot lines as above defined shall be considered to be front plot...
lines for the purpose of determining required yards.

Plot Line, Rear: The plot line opposite and most distant from the front plot line. In the case of a triangular or gore-shaped lot wherein the two (2) side plot lines converge in the rear, the rear plot line shall be considered to be a line ten (10) feet in length within the plot parallel to and at the maximum distance from the front plot line.

Plot Line, Side: Any plot line other than a front or rear plot line. A side plot line separating a plot from a street is called a side street plot line. A side plot line separating a plot from another plot or plots is called an interior or side plot line.

Plot Line, Street or Alley: A plot line separating the plot from a street or alley.

Porch: A roofed-over space attached to the outside of an exterior wall of a building, which has no enclosure other than the exterior walls of such building. Open mesh screening shall not be considered an enclosure.

Private Property: All lands and water areas owned by other than a municipality, county, state or federal government or any of its subdivisions.

Recreational Vehicle: shall mean one (1) of the following:

1. Camping trailer: A vehicular, portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle, and unfolded at the site to provide temporary living quarters for recreational, camping or travel use.

2. Truck camper: A truck equipped with a portable unit, designed to be loaded onto, or affixed to, the bed or chassis of the truck and constructed to provide temporary living quarters for recreational, camping or travel use.

3. Motor home: A vehicular unit which does not exceed the length and width limitations provided in F.S. § 316.515, is built on a self-propelled motor vehicle chassis, and is primarily designed to provide temporary living quarters for recreational, camping or travel use.

4. Park trailer: A transportable unit in a travel trailer park which has a body width not exceeding twelve (12) feet and is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior walls at the level of maximum dimensions and including any bay window that extends to the floor line, does not exceed five hundred (500) square feet. The length of a park trailer means the distance from the exterior of the front of the body (nearest the drawbar and coupling mechanism) to the exterior of the rear body (at the opposite end of the body), including any protrusions.

5. Off-road vehicle: A motorized vehicle designed and intended solely for recreational activities and not as a means of transportation on public streets.

6. Travel trailer, including fifth-wheel travel trailer: A vehicular, portable unit mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreational, camping or travel use. It has a body width of no more than
eight and one-half (8.5) feet and an overall body length of no more than forty (40) feet when factory-equipped for the road.

**Residentially Zoned District:** Includes the following zoning districts: RS-3.52, RS-6.86, RS-6.70 and RD-12.22.

**Roof Line:** The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

**Room:** An unsubdivided portion of the interior of a building, having a floor area of eighty (80) square feet or more, intended or adapted for living, sleeping, working or storage purposes.

**Side Yard, Street:** A yard extending between a front and rear yard which directly abuts a street.

**Story:** A habitable area of a building horizontally enclosed by the exterior walls of the building, with a vertical clearance between the floor and ceiling of at least seven and one-half (7½) feet. Any upper story which does not exceed two-thirds (2/3) of the area of the first floor level shall not be considered a story except for determining the height of the building. For the purposes of determining the height of a building, a story shall be considered to be every ten (10) feet of building height above first floor level measured from the exterior elevation. For purposes of determining the height of a structure other than a building, a story shall be each ten (10) feet in height of the structure above the established grade.

**Street:** A public thoroughfare or any other vehicular accessway recorded in the public records of Broward County, Florida, for the sole purpose of providing access to and from abutting properties, and which is at least fifty (50) feet in total width.

**Street Line:** Shall mean the right-of-way line of a street or the base building line, whichever will provide for a greater width of street.

**Structural Alteration:** Any change, except for repair or replacement, in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

**Structure:** Anything constructed or erected, which requires location on the ground or attached to something having location on the ground.

**Townhouse:** A one-family dwelling constructed as part of a series or group of attached dwellings with a common party wall or fire separation wall connecting each dwelling unit and with a property line running through the center of the common party wall or fire separation wall. Dwellings attached only by an open breezeway; or other unroofed wall or fence are not included in this definition. Section 47-18.33 does not apply to townhouse developments located in Section 47-39.A, Areas.

**Trailer:** A manufactured structure inspected, approved and licensed by the State of Florida Department of Motor Vehicles, constructed so as to permit occupancy thereof as sleeping or living quarters, or use for storage or conveyance for tools, equipment or machinery on a construction site, and so designed that it is or may be mounted on wheels and conveyed on highways and streets, propelled or drawn by other motive power from one (1) location to another.
Translucent: Any material, which allows the passage of light, but does not permit a clear view of any object or person.

Use: The purpose of which land or a structure thereon is designed, arranged or intended to be occupied or utilized, or for which it is occupied or maintained.

Use (v.): "Use" or "used" shall mean the establishment of a new use, or any expansion or change of an existing use, of a building, structure or part thereof, or of any land or water area.

Use of Land: Includes use of water surfaces and land under water to be the extent covered by zoning districts, and over which the City of Fort Lauderdale has jurisdiction.

Vessel: Shall mean every kind, type and description of boat, ship, watercraft or airboat, used or capable of being used as a means of transportation on water, other than seaplanes.

Waterway: A stream, canal or body of water, dedicated to public use, publicly owned, or used and available for public travel by boats, not including privately owned bodies of water or drainage ditches.

Yard, Required: Shall mean the minimum yard required by the zoning resolution. Any yard space supplied in excess of the minimum amount specified shall not be deemed to be a required yard.

Yard, Side: A yard extending from the front yard to the rear yard, between the side plot line and the nearest line of any building or use on the plot. The width of a side yard shall be the shortest distance between the side plot line and the nearest use or building on the plot.

Yard Sale: The sale of a residential occupant's personal or household belongings to the public from the occupant's residence, either inside or outside of the building. On any plot used for residential purposes two (2) yard sales may be held in a calendar year by the residents of the plot to sell their personal belongings to the public. Each yard sale may be for a maximum of three (3) consecutive days. Signs may not exceed two (2) square feet in size and shall be exempt from permit requirements. The signs may not be displayed more than one (1) day prior to the yard sale. Signs must be removed at the end of the yard sale.

(Ord. No. C-09-27, § 1, 10-20-09)


The provisions of these districts are intended to provide a variety of residences and complimentary uses which conform to the density requirements, policies, and objectives of the City of Fort Lauderdale Land Use Plan.

(Ord. No. C-09-27, § 1, 10-20-09)


The following shall constitute residential zoning districts for the purposes of this Section:

District
UNIFIED LAND DEVELOPMENT REGULATIONS
Chapter 47 - UNIFIED LAND DEVELOPMENT REGULATIONS
ARTICLE XV. - ANNEXED AREAS
SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

<table>
<thead>
<tr>
<th>Title</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>RS-3.52 RS-6.70, RS-6.85A and RS-6.85B</td>
<td>One-family detached dwelling districts</td>
</tr>
<tr>
<td>RD-12.22</td>
<td>Duplex and attached one-family dwelling districts</td>
</tr>
<tr>
<td>RM-12.67 through RM-33.5</td>
<td>Multiple-family dwelling districts</td>
</tr>
</tbody>
</table>

(Ord. No. C-09-27, § 1, 10-20-09)


No residentially-zoned property shall be developed to a net density exceeding the following maximum limits:

**Density Limits:**

<table>
<thead>
<tr>
<th>District</th>
<th>Permitted Dwelling Units per Net Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1-Family detached</td>
</tr>
<tr>
<td>RS-3.52 .....</td>
<td>3.52</td>
</tr>
<tr>
<td>RS-6.70 .....</td>
<td>6.70</td>
</tr>
<tr>
<td>RS-6.85 .....</td>
<td>6.85</td>
</tr>
<tr>
<td>RD-12.22 .....</td>
<td>12.22</td>
</tr>
<tr>
<td>RM-12.67 .....</td>
<td>12.67</td>
</tr>
<tr>
<td>RM-6 .....</td>
<td>16.0</td>
</tr>
</tbody>
</table>

(Ord. No. C-09-27, § 1, 10-20-09)

Sec. 47-39.A.6. - Dimensional requirements.

A. Plot size.

(1) The minimum plot area per dwelling unit in residential zoning districts shall be as follows, provided common open space is provided in compliance with Section 47-39.A.6.C. of this Code:

<table>
<thead>
<tr>
<th>Min. plot area per unit</th>
<th>in square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS-3.52 .....</td>
<td>10,000</td>
</tr>
<tr>
<td>RS-6.70 .....</td>
<td>7,500</td>
</tr>
<tr>
<td>RS-6.85 .....</td>
<td>6,000</td>
</tr>
<tr>
<td>RD-12.22 .....</td>
<td>3,300</td>
</tr>
<tr>
<td>RM-12.67 .....</td>
<td>3,300</td>
</tr>
</tbody>
</table>
Every individual plot shall have at least one (1) side, which has a minimum dimension of sixty (60) feet. The plot line, which provides access to the plot must be a minimum of nineteen (19) feet.

(2) The minimum plot size for all permitted nonresidential uses shall be one (1) net acre, with a minimum street frontage of one hundred fifty (150) feet, except that existing nonresidential buildings on plots which are less than one (1) net acre may be expanded provided the expansion meets all requirements for setbacks, off-street parking, landscaping, and all other development standards in effect at the time of site plan submittal for the expansion.

B. Plot coverage. The combined area occupied by all buildings and roofed structures shall not exceed the following maximum percentages of any individual plot:

<table>
<thead>
<tr>
<th>District</th>
<th>Maximum Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS-3.52, RS-6.70, RS-6.85A and RS-6.85B</td>
<td>40%</td>
</tr>
<tr>
<td>RD-12.22, RM-12.67 to RM-33.5</td>
<td>65% for 1-family detached, 40% for all other uses</td>
</tr>
</tbody>
</table>

C. Common open space.

(1) For each net acre of property reflected in a subdivision plat or site plan for construction of one-family, two-family or townhouse dwellings in RS-3.52, RS-6.70, RS-6.85A and RS-6.85B and RM-12.67 to RM-33.5 submitted for plat review after the effective date of this article, common open space for active or passive recreation areas or water retention areas shall be reserved and supplied as follows:

(a) For each net acre of property reflected in a subdivision plat or site plan, a minimum of thirteen thousand five hundred sixty (13,560) square feet of plot area;

(b) For plots containing less than one (1) net acre, a minimum of twenty (20) percent of the plot area;

(c) For lots platted prior to the effective date of this article or recorded in the public records as an individual plot, no common open space shall be required, provided the lots are not further subdivided.

(2) A reduction in the size of such reserved areas shall be permitted for one-family, two-family or townhouse dwelling developments if one (1) or more individual plots are increased above minimum plot area at a ratio of one (1) square foot increase in residential plot area to one (1) square foot decrease in common open space area.
Such areas must be specifically delineated on the recorded subdivision plat or approved site plan and shall be conveyed by any of the following procedures:

(a) The acceptance of a deed to such land by the City of Fort Lauderdale.

(b) The sale, lease or other disposition of such property to a nonprofit corporation, such as a homeowners association, chartered under the laws of Florida, to administer and maintain the facilities and land or water areas.

(c) The inclusion of a portion of said property in the deeded lots or descriptions of individual purchasers subject to an acceptable deed restriction limiting that portion to the use outlined in the approved site plan and recorded in the public records. Access rights for all residents within the development shall be guaranteed.

D. Height. No building or structure, or part thereof, shall be erected or altered to exceed the maximum height of two (2) stories: scenery lofts, towers, cupolas, steeples and domes, not exceeding in gross area, at a maximum horizontal section, thirty (30) percent of the roof area, and flag poles, airplane beacons, broadcasting towers, antenna, chimneys, stacks, tanks and roof structures used for ornamental or mechanical purposes, may exceed the permissible height limit in any district by not more than twenty-five (25) percent. Parapet walls may extend not more than five (5) feet above the allowable height of a building. (Inserted from Broward County Code 39-103 entitled "Exclusions from height limits").

<table>
<thead>
<tr>
<th>District</th>
<th>Front Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>RM-12.67 to RM-33.5</td>
<td>4 stories</td>
</tr>
</tbody>
</table>

E. Front yard.

(1) Every individual plot shall maintain a front yard as follows:

<table>
<thead>
<tr>
<th>District</th>
<th>Front Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS-3.52, RS-6.70, RS-6.85A and RS-6.85B</td>
<td>25 feet</td>
</tr>
<tr>
<td>RD-12.22</td>
<td>Eighteen (18) feet for one-family or two-family dwellings, twenty-five (25) feet along all street sides for multiple-family dwellings consisting of three (3) or more dwelling units</td>
</tr>
<tr>
<td>RM-12.67 to RM-33.5</td>
<td>18 feet</td>
</tr>
</tbody>
</table>

(2) Every individual plot used for nonresidential uses shall maintain a setback along any street side of at least thirty (30) feet in all residential zoning districts.

(3) Every individual plot used for multiple-family dwellings consisting of three (3) or more dwelling units shall maintain a setback along all street sides of at least twenty-five (25) feet.

F. Side yards.
(1) Every individual plot used for one-family or two-family dwellings shall maintain side yards as follows:

<table>
<thead>
<tr>
<th>District</th>
<th>Side Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS-3.52, RS-6.70, RS-6.85A and RS-6.85B</td>
<td>7.5 feet</td>
</tr>
<tr>
<td>RD-12.22, RM-12.67 to RM-33.5</td>
<td>5 feet</td>
</tr>
</tbody>
</table>

(a) **Street side yards:**

<table>
<thead>
<tr>
<th>District</th>
<th>Street Side Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS-3.52, RS-6.70, RS-6.85A and RS-6.85B</td>
<td>15 feet</td>
</tr>
<tr>
<td>RD-12.22, RM-12.67 to RM-33.5</td>
<td>10 feet</td>
</tr>
</tbody>
</table>

(b) **Zero lot line developments:**

1. On any two (2) or more plots which meet the minimum area stated in this article, one-family detached dwellings and accessory buildings may be located on a side plot line, provided the sum of both required side yards exists on the opposite side plot line.

2. No openings of any kind shall be permitted on the side of any building directly abutting and running parallel to the zero yard side of the plot. No encroachments of any kind, including roof overhangs, shall be permitted on any adjoining property.

3. Zero lot line development shall require submission, approval and recordation of a subdivision plat indicating the area and dimension of each lot and specifically indicating that a minimum five (5) feet wide maintenance easement, in favor of the adjoining property owner, shall be provided on each lot adjacent to the zero lot line side of each lot. The subservient property owner shall not place any landscaping or other obstruction in the maintenance easement which would interfere with reasonable access to the easement for maintenance purposes. Such subdivision plats shall also meet all applicable requirements of the ULDR.

4. At no time shall a zero lot line development be approved which would allow a residential structure to be placed on a plot line that directly abuts land held in separate ownership, which is not developed or intended to be developed utilizing the zero lot line concept.

(c) **Townhouses:** Side yards shall not be required on any common party wall plot line.

(2) All individual plots used for multiple-family dwellings consisting of three (3) more dwelling
units, or nonresidential uses shall maintain a side yard on each side of the plot not contiguous to a public or private street of at least twenty (20) feet.

G. *Rear yard.*

(1) All individual plots used for one-family or two-family dwellings shall maintain a rear yard as follows:

<table>
<thead>
<tr>
<th>District</th>
<th>Rear Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS-3.52, RS-6.70, RS-6.85A and RS-6.85B</td>
<td>15 feet</td>
</tr>
<tr>
<td>RD-12.22, RM-12.67 to RM-33.5</td>
<td>5 feet</td>
</tr>
</tbody>
</table>

H. *Minimum floor area of dwelling units.* The following minimum floor areas per dwelling unit shall be provided:

<table>
<thead>
<tr>
<th>District</th>
<th>Minimum Floor Area per Dwelling Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS-6.70</td>
<td>1,000 square feet (City RS-8 Requirements)</td>
</tr>
<tr>
<td>RS-3.52, RS-6.85A, RS-6.85B, RD-12.22</td>
<td>800 square feet</td>
</tr>
<tr>
<td>RM-12.67 to RM-33.5</td>
<td>800 square feet (1-family)</td>
</tr>
<tr>
<td></td>
<td>600 square feet (multiple-family)</td>
</tr>
<tr>
<td></td>
<td>400 square feet (efficiency apt.)</td>
</tr>
</tbody>
</table>

(Ord. No. C-09-27, § 1, 10-20-09)

**Sec. 47-39.A.7. - RS-6.85A (previously known as Broward County RS-5 and R-1C).**

A. *Permitted Uses.* Buildings, structures, land or water in residential zoning districts may only be used for one (1) or more of the uses as designated in the following table:

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-family detached dwelling</td>
</tr>
<tr>
<td>Two-family</td>
</tr>
<tr>
<td>Dwelling Type</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Townhouse or Villa</td>
</tr>
<tr>
<td>Multi-family dwelling (three (3) or more dwelling units)</td>
</tr>
<tr>
<td>Community residential facility with adult day care permitted as an accessory use</td>
</tr>
<tr>
<td>Nursing home, convalescent</td>
</tr>
<tr>
<td>or rehabilitation home</td>
</tr>
<tr>
<td>------------------------</td>
</tr>
<tr>
<td>Hotel, motel, or time share apt.</td>
</tr>
<tr>
<td>Non profit neighborhood social and recreational facilities</td>
</tr>
<tr>
<td>Golf course</td>
</tr>
<tr>
<td>Places of worship</td>
</tr>
<tr>
<td>Family day care home</td>
</tr>
<tr>
<td>Home office subj</td>
</tr>
<tr>
<td>Activity</td>
</tr>
<tr>
<td>------------------------------</td>
</tr>
<tr>
<td>Child care facility</td>
</tr>
<tr>
<td>Temporary sales offices</td>
</tr>
<tr>
<td>Yard sales</td>
</tr>
<tr>
<td>Accessory uses and structures</td>
</tr>
<tr>
<td>Essential services</td>
</tr>
<tr>
<td>Bed and breakfast</td>
</tr>
<tr>
<td>Off-site parking lots</td>
</tr>
<tr>
<td>Outdoor event</td>
</tr>
<tr>
<td>Wire</td>
</tr>
</tbody>
</table>
(Ord. No. C-09-27, § 1, 10-20-09)

Sec. 47-39.A.8. - RS-3.52 (previously known as Broward County RS-3).

A. Permitted Uses. Buildings, structures, land or water in residential zoning districts may only be used for one (1) or more of the uses as designated in the following table:

<table>
<thead>
<tr>
<th>Use</th>
<th>Permitted Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-family detached dwelling</td>
<td>P</td>
</tr>
<tr>
<td>Two-family dwelling</td>
<td>NP</td>
</tr>
<tr>
<td>Townhouse or villa</td>
<td>NP</td>
</tr>
<tr>
<td>Multi-family dwelling (three (3) or more dwelling units)</td>
<td>NP</td>
</tr>
<tr>
<td>Community residential facility with adult day care permitted as an accessory use</td>
<td>P</td>
</tr>
<tr>
<td>Nursing home, convalescent or rehabilitation home</td>
<td>NP</td>
</tr>
<tr>
<td>Hotel, motel, or timeshare apt.</td>
<td>NP</td>
</tr>
<tr>
<td>Nonprofit neighborhood</td>
<td>P</td>
</tr>
<tr>
<td>Facility Type</td>
<td>Zoning</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>Hood social and recreational facilities</td>
<td></td>
</tr>
<tr>
<td>Golf course</td>
<td>NP</td>
</tr>
<tr>
<td>Places of worship</td>
<td>NP</td>
</tr>
<tr>
<td>Family day care home</td>
<td>P</td>
</tr>
<tr>
<td>Home office</td>
<td>P</td>
</tr>
<tr>
<td>Child care facility</td>
<td>NP</td>
</tr>
<tr>
<td>Temporary sales offices</td>
<td>NP</td>
</tr>
<tr>
<td>Yard sales</td>
<td>P</td>
</tr>
<tr>
<td>Accessory uses and structures</td>
<td>P</td>
</tr>
</tbody>
</table>
### DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

#### SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
<th>NP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Essential services</td>
<td>P</td>
<td>NP</td>
</tr>
<tr>
<td>Bed and breakfast</td>
<td>NP</td>
<td></td>
</tr>
<tr>
<td>Off-site parking lots</td>
<td>NP</td>
<td></td>
</tr>
<tr>
<td>Outdoor event</td>
<td>NP</td>
<td></td>
</tr>
<tr>
<td>Wireless communication facilities</td>
<td>NP</td>
<td></td>
</tr>
</tbody>
</table>

(Ord. No. C-09-27, § 1, 10-20-09)

**Sec. 47-39.A.9. - RS-6.85B (previously known as Broward County RS-5).**

**A. Permitted Uses.** Buildings, structures, land or water in residential zoning districts may only be used for one (1) or more of the uses as designated in the following table:

<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
<th>NP</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-family detached dwelling</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Two-family</td>
<td>NP</td>
<td></td>
</tr>
</tbody>
</table>
## DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

### SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

<table>
<thead>
<tr>
<th>Dwelling Type</th>
<th>Zoning Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Townhouse or Villa</td>
<td>NP</td>
</tr>
<tr>
<td>Multi-family dwelling (three (3) or more dwelling units)</td>
<td>NP</td>
</tr>
<tr>
<td>Community residential facility with adult day care permitted as an accessory use</td>
<td>P</td>
</tr>
<tr>
<td>Nursing home, convalescent</td>
<td>NP</td>
</tr>
<tr>
<td>Cent or rehabilitation home</td>
<td>NP</td>
</tr>
<tr>
<td>----------------------------</td>
<td>----</td>
</tr>
<tr>
<td>Hotel, motel, or timeshare apt.</td>
<td>P</td>
</tr>
<tr>
<td>Nonprofit neighborhood social and recreational facilities</td>
<td>P</td>
</tr>
<tr>
<td>Golf course</td>
<td>P</td>
</tr>
<tr>
<td>Places of worship</td>
<td>P</td>
</tr>
<tr>
<td>Family day care home</td>
<td>P</td>
</tr>
<tr>
<td>Home office</td>
<td>P</td>
</tr>
<tr>
<td>Activity</td>
<td>Code</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>Child care facility</td>
<td>NP</td>
</tr>
<tr>
<td>Temporary sales offices</td>
<td>NP</td>
</tr>
<tr>
<td>Yard sales</td>
<td>P</td>
</tr>
<tr>
<td>Accessory uses and structures</td>
<td>P</td>
</tr>
<tr>
<td>Essential services</td>
<td>P</td>
</tr>
<tr>
<td>Bed and breakfast</td>
<td>NP</td>
</tr>
<tr>
<td>Off-site parking lots</td>
<td>NP</td>
</tr>
<tr>
<td>Outdoor event (need to provide definition)</td>
<td>P</td>
</tr>
<tr>
<td>Wire</td>
<td>NP</td>
</tr>
</tbody>
</table>
(Ord. No. C-09-27, § 1, 10-20-09)

Sec. 47-39.A.10. - RD-12.22 (previously known as Broward County RD-10).

A. Permitted Uses. Buildings, structures, land or water in residential zoning districts may only be used for one (1) or more of the uses as designated in the following table:

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>One-family detached dwelling</td>
<td>P</td>
</tr>
<tr>
<td>Two-family dwelling</td>
<td>P</td>
</tr>
<tr>
<td>Townhouse or villa</td>
<td>P</td>
</tr>
<tr>
<td>Multi-family dwelling (three (3) or more dwelling units)</td>
<td>NP</td>
</tr>
<tr>
<td>Use</td>
<td>Code</td>
</tr>
<tr>
<td>-----</td>
<td>------</td>
</tr>
<tr>
<td>Community residential facility with adult day care permitted as an accessory use</td>
<td>P</td>
</tr>
<tr>
<td>Nursing home, convalescent or rehabilitation home</td>
<td>NP</td>
</tr>
<tr>
<td>Hotel, motel, or timeshare apt.</td>
<td>NP</td>
</tr>
<tr>
<td>Nonprofit neighbor</td>
<td>P</td>
</tr>
<tr>
<td>Activity</td>
<td>P</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>---</td>
</tr>
<tr>
<td>Hood social and recreational facilities</td>
<td></td>
</tr>
<tr>
<td>Golf course</td>
<td>P</td>
</tr>
<tr>
<td>Places of worship</td>
<td>P</td>
</tr>
<tr>
<td>Family day care home</td>
<td>P</td>
</tr>
<tr>
<td>Home office</td>
<td>P</td>
</tr>
<tr>
<td>Child care facility</td>
<td>NP</td>
</tr>
<tr>
<td>Temporary sales offices</td>
<td>P</td>
</tr>
<tr>
<td>Yard sales</td>
<td>P</td>
</tr>
<tr>
<td>Accessory uses and structures</td>
<td>P</td>
</tr>
</tbody>
</table>
(Ord. No. C-09-27, § 1, 10-20-09)

Sec. 47-39.A.11. - RS-6.70 (previously known as Broward County RS-4 and RD-9).

A. Permitted Uses. Buildings, structures, land or water in residential zoning districts may only be used for one (1) or more of the uses as designated in the following table:

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>One-family detached dwelling</td>
<td>P</td>
</tr>
<tr>
<td>Two-family</td>
<td>NP</td>
</tr>
<tr>
<td>Type of Development</td>
<td>Allowance</td>
</tr>
<tr>
<td>---------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>Townhouse or villa</td>
<td>NP</td>
</tr>
<tr>
<td>Multi-family dwelling (three (3) or more dwelling units)</td>
<td>NP</td>
</tr>
<tr>
<td>Community residential facility with adult day care permitted as an accessory use</td>
<td>P</td>
</tr>
<tr>
<td>Nursing home, convalescents</td>
<td>NP</td>
</tr>
</tbody>
</table>
UNIFIED LAND DEVELOPMENT REGULATIONS
Chapter 47 - UNIFIED LAND DEVELOPMENT REGULATIONS
ARTICLE XV. - ANNEXED AREAS
SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

<p>| Cent or rehabilitation home | NP |
| Hotel, motel, or timeshare apt. | P |
| Nonprofit neighborhood social and recreational facilities | P |
| Golf course | P |
| Places of worship | P |
| Family day care home | P |
| Home office | P |</p>
<table>
<thead>
<tr>
<th><strong>Child care facility</strong></th>
<th>NP</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Temporary sales office</strong></td>
<td>NP</td>
</tr>
<tr>
<td><strong>Yard sales</strong></td>
<td>P</td>
</tr>
<tr>
<td><strong>Accessory uses and structures</strong></td>
<td>P</td>
</tr>
<tr>
<td><strong>Essential services</strong></td>
<td>P</td>
</tr>
<tr>
<td><strong>Bed and breakfast</strong></td>
<td>NP</td>
</tr>
<tr>
<td><strong>Off-site parking lots</strong></td>
<td>NP</td>
</tr>
<tr>
<td><strong>Outdoor event</strong></td>
<td>P</td>
</tr>
<tr>
<td><strong>Wireless communication facility</strong></td>
<td>NP</td>
</tr>
</tbody>
</table>
ties

(Ord. No. C-09-27, § 1, 10-20-09)


A. Permitted Uses. Buildings, structures, land or water in residential zoning districts may only be used for one (1) or more of the uses as designated in the following table:

<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-family detached dwelling</td>
<td></td>
</tr>
<tr>
<td>Two-family dwelling</td>
<td></td>
</tr>
<tr>
<td>Townhouse or villa</td>
<td>P</td>
</tr>
<tr>
<td>Multi-family dwelling (three (3) or more dwelling units)</td>
<td>P</td>
</tr>
<tr>
<td>Community residence</td>
<td></td>
</tr>
<tr>
<td>Essential facility with adult day care permitted as an accessory use</td>
<td>NP</td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
<td>----</td>
</tr>
<tr>
<td>Nursing home, convalescent or rehabilitation home</td>
<td>NP</td>
</tr>
<tr>
<td>Hotel, motel, or time share apt.</td>
<td>P</td>
</tr>
<tr>
<td>Nonprofit neighborhood social and</td>
<td></td>
</tr>
<tr>
<td>Recreational Facilities</td>
<td>P</td>
</tr>
<tr>
<td>-------------------------</td>
<td>---</td>
</tr>
<tr>
<td>Golf Course</td>
<td>P</td>
</tr>
<tr>
<td>Places of Worship</td>
<td>P</td>
</tr>
<tr>
<td>Family Day Care Home</td>
<td>P</td>
</tr>
<tr>
<td>Home Office Subject to Sec. 47-19.7</td>
<td>P</td>
</tr>
<tr>
<td>Child Care Facility</td>
<td>NP</td>
</tr>
<tr>
<td>Temporary Sales Offices</td>
<td>P</td>
</tr>
<tr>
<td>Yard Sales</td>
<td>P</td>
</tr>
<tr>
<td>Accessory Uses and</td>
<td>P</td>
</tr>
<tr>
<td>Structures</td>
<td>P</td>
</tr>
<tr>
<td>Essential services</td>
<td>P*</td>
</tr>
<tr>
<td>Bed and breakfast</td>
<td>P</td>
</tr>
<tr>
<td>Off-site parking lots</td>
<td>P</td>
</tr>
<tr>
<td>Outdoor events</td>
<td>P</td>
</tr>
<tr>
<td>Wireless communication facilities</td>
<td>P</td>
</tr>
</tbody>
</table>

*Not permitted in RM-12.67

(Ord. No. C-09-27, § 1, 10-20-09)

**Sec. 47-39.A.13. - Functional landscaping and xeriscaping.**

A. *Purpose and intent.* The general purposes of this section are as follows:

   (a) To promote the establishment of a functional landscape on property located in Section 47-39.A;

   (b) To protect and enhance the aesthetic character of property located in Section 47-39.A;

   (c) To provide the physical benefits of using plant material as a function and integral part of property located in Section 47-39.A;

   (d) To provide minimum standards for landscaping new developments or for redevelopment; and

   (e) To promote water conservation and vegetation protection objectives by providing for:
(1) The preservation of existing plant communities pursuant to the requirements of Section 47-21.12, Tree Preservation;

(2) The reestablishment of native plant communities;

(3) The use of site-specific plant materials; and

(4) The implementation of xeriscape principles as identified in South Florida Water Management District's Xeriscape Plant Guide II, as amended, and as provided by law.

The provisions of this Section 47-39.A.13. shall be a minimum standard and shall apply to property located in Section 47-39.A.

B. Definitions. In addition to the definitions set forth in Section 47-39.A.2, the following definitions shall apply to this section:

(a) Accessway: A private vehicular roadway intersecting a public right-of-way.

(b) Applicant: The owner or the authorized agent of the subject property.

(c) Berm: A linear earthen mound.

(d) CPTED: Acronym for Crime Prevention Through Environmental Design; design approach to reduce crime and fear of crime by creating a safe climate within a building environment.

(e) Canopy: The upper portion of a tree consisting of limbs, branches and leaves.

(f) Clear Trunk: The distance between the top of the root ball along the vertical trunk or trunks of a tree to the point at which lateral branching or fronds begin.

(g) Clear Wood ("Gray Wood"): The portion of the palm trunk which is mature hardwood measured from the top of the root ball to the base of green terminal growth or fronds.

(h) County: The department or division of Broward County government that the County Administrator has designated to enforce this functional landscape code.

(i) Diameter Breast Height (DBH): The diameter of the tree trunk(s) measured at four and one-half (4½) feet above grade.

(j) Disturbed Land/Ground: Any land where the original natural vegetation has been removed, displaced, overtaken or raked.

(k) Ecological Community: Any one (1) of the native vegetative plant communities as same may be determined by the Department.

(l) Functional Landscaping: The combination of living and nonliving materials that, when installed or planted, creates an ongoing system providing aesthetic and environmental enhancement to a particular site and surrounding area.

(m) Groundcover: A low-growing plant that, by the nature of its growth characteristics, completely covers the ground and does not usually exceed two (2) feet in height.

(n) Hedge: A row of evenly spaced shrubs planted to form a continuous, unbroken visual screen.
(o) **Irrigation**: The method of supplying plant materials with water other than by natural rainfall.

(p) **Landscape/Landscaping**:

1. When used as a noun, this term shall mean living plant materials such as grasses, groundcover, shrubs, vines, trees or palms and nonliving durable materials commonly used in environmental design such as, but not limited to, rocks, pebbles, sand, walls or fences, aesthetic grading or mounding, but excluding paving and structures.

2. When used as a verb, this term shall mean the process of installing or planting materials commonly used in landscaping or environmental design.

(q) **Mulch**: Organic material such as wood chips, pinestraw or bark placed on the soil to reduce evaporation, prevent soil erosion, control weeds and enrich the soil.

(r) **Native Plant Species**: For the purpose of this Article, native plant species shall be those plant species indigenous to the ecological communities of South Florida, as indicated on lists provided by Broward County, or that can be scientifically documented to be native to South Florida.

(s) **Nonvehicular Use Open Space**: All areas, excluding areas defined as vehicular use areas, areas preserved as ecological communities, required landscaping adjacent to public rights-of-way and abutting property, existing structures to remain, and proposed structures. This definition includes areas permanently covered with water.

(t) **Planting Soil**: A medium composed of thirty (30) percent muck or horticulturally acceptable organic material, including solid waste compost.

(u) **Shrub**: A woody plant with several stems produced from the base which could be maintained in a healthy state at approximately a ten- to twelve-foot height.

(v) **Site-Specific Plant Materials**: The use of plant species selected to minimize supplemental irrigation, fertilization and pest control.

(w) **Tree**: A self-supporting, woody perennial plant, usually with one (1) vertical stem or main trunk, which naturally develops a distinct, elevated crown and provides, at maturity, natural characteristics of the species.

(x) **Turf**: The upper layer of soil matted with roots of grass and covered by viable grass blades.

(y) **Vegetation**: Angiosperms, gymnosperms, ferns and mosses.

(z) **Vehicular Encroachment**: Any protrusion of a motor vehicle outside of the boundaries of a vehicular use area into a landscape area.

(aa) **Vehicular Use Area**: Areas used for the display or parking of any type of vehicle, boat or construction equipment, whether self-propelled or not, and all land upon which such vehicles traverse.

(bb) **Vine**: Any plant with a long, slender stem that trails or creeps on the ground or climbs by winding itself on a support.

(cc) **Xeriscape**: A landscaping method that maximizes the conservation of water by use of
DEVELOPMENT REGULATIONS FOR ANNEXED AREAS

C. Landscape plans.

(1) All buildings, structures and changes of use requiring a Development Permit in accordance with Section 47-24 shall require submittal of a landscape plan. Landscape plans shall be prepared by a landscape architect, or other person authorized pursuant to F.S. Ch. 481, pt. II, (F.S. § 481.201, et seq.), as amended. Landscape plans for single-family and duplex dwellings may be prepared by the owner of the property. The landscape plan shall meet the following requirements:

(a) A minimum scale of one (1) inch equals fifty (50) feet.

(b) Location of all trees, vegetation, or ecological communities to be preserved, or tree survey as approved by the Department, if applicable.

(c) Location and outline of existing buildings and site improvements to remain.

(d) Location and outline of proposed buildings, site improvements, and water bodies.

(e) Location of all landscape material to be used.

(f) Landscape material schedule listing all plants being used with their botanical and common name, their quantity and size, and degree of drought tolerance (as determined by the South Florida Water Management District Xeriscape Plant Guide II, as amended) and indication of whether native to South Florida.

(g) Spacing of plant material (where appropriate).

(2) The irrigation plan shall meet the following requirements:

(a) A minimum scale of one (1) inch equals fifty (50) feet.

(b) Location of existing trees, vegetation and ecological communities to remain, if applicable.

(c) Location of existing buildings, paving, and site improvements to remain.

(d) Location of proposed buildings, paving, site improvements, and water bodies.

(e) Main location, size and specifications.

(f) Valve location, size and specifications.

(g) Pump location, size and specifications or water source.

(h) Backflow prevention device type and specifications.

(i) Controller locations and specifications.

(j) Zone layout plan (minimum scale one (1) inch equals twenty (20) feet):

1. Indicating headtype, specifications and spacing; and
D. **Installation of landscaping and irrigation.**

(1) All landscaping and irrigation shall be installed according to accepted planting procedures with the quality of plant materials as hereinafter described.

(a) Topsoil shall be of the minimum quality as specified in the plant materials section of this Article. Excluding palm trees, all trees and shrubs shall be planted with a minimum of six (6) inches of topsoil around and beneath the root ball. A minimum of three (3) inches of shredded, approved organic mulch or groundcover shall be installed around each tree planting for a minimum of eighteen (18) inches beyond its trunk in all directions, including palms, and throughout all hedge and shrub planting. The use of mulch obtained from Melaleuca, Eucalyptus, or other invasive plant species is encouraged in order to reduce their impact on the environment and to preserve the remaining native plant communities.

(b) All trees shall be properly guyed and staked at the time of planting until establishment. The use of nails, wire or rope, or any other method, which damages the trees or palm, is prohibited. All plants shall be installed so that the top of the root ball remains even with the soil grade.

(c) All parking islands and landscape strips shall be installed with continuous curbing or landscape timbers to prevent damage to the plant material and the displacement of topsoil and mulch.

(d) All landscape areas, excluding single-family residences and duplex dwellings, shall be provided with an automatically operating, underground irrigation system designed to have one hundred (100) percent coverage with one hundred (100) percent overlap. Drip, trickle or other low-volume irrigation systems shall be permitted if designated on approved landscape plans. Irrigation systems shall be designed to minimize application of water to impervious areas.

(1) Pursuant to F.S. § 373.62, any irrigation system installed after May 1, 1991, shall install a rain sensor device or switch which will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred.

(2) Use of nonpotable water, including, but not limited to, water from a canal, lake or a treated water source, in the irrigation of landscaped areas is required when determined to be available and safe.

(3) Automatic controlling devices shall be used on all irrigation systems.

(4) Preserved ecological communities shall not be irrigated unless required by the Broward County Environmental Protection Department.

(5) On non-conforming lots under five thousand (5,000) square feet in size requiring landscape upgrades, irrigation may be accomplished by the installation and use of hose bibs.

(e) Inspections of site for landscape installation:
(1) A pre-inspection of the site will be required to determine site conditions and appropriate use and selection of landscape material prior to installation.

(2) A final landscape inspection will be required upon completion.

E. Maintenance of landscaped areas.

(1) An owner of land subject to this Article shall be responsible for the maintenance of said land and landscaping so as to present a healthy, vigorous and neat appearance free from refuse and debris. All landscaped areas shall be sufficiently fertilized and irrigated to maintain the plant material in a healthy condition.

(2) Three (3) inches of clean, weed-free, organic mulch shall be maintained over all areas originally mulched at all times. Turfgrass shall be mowed regularly.

(3) Irrigation systems shall be maintained to eliminate water loss due to damaged, missing or improperly operating sprinkler heads, emitters, pipes and all other portions of the irrigation system.

(4) Preserved and created ecological communities shall be maintained in a natural state without the use of mechanical equipment.

(5) An owner is responsible to ensure that landscaping that has been required to be planted pursuant to this Article, or installed in compliance with the landscape requirements previously in effect, be maintained in Florida Grade One condition, including, but not limited to single-family residences, multifamily, commercial or industrial sites. If landscaping is found to be in a state of decline, dead or missing, it must be replaced with equivalent landscape material. If total replacement is required, species conforming to this Article shall be used. If any preserved vegetation dies, which is being used to satisfy current landscape code requirements, such vegetation shall be replaced with the same landscape material selected from nursery-grown native stock only.

F. Plant material.

(1) Quality: Plant materials used in accordance with this Section shall conform to the standards for Florida Grade One, or better, as provided for in the most current edition of Grades and Standards for Nursery Plants, 2nd edition, Feb. 1998, State of Florida Department of Agriculture and Consumer Services, as amended. Sod shall be clean and visibly free of weeds, noxious pests and diseases. Grass seed shall be delivered to the job site in sealed bags with Florida Department of Agriculture tags attached.

(2) Native Vegetation: The following percentage of all vegetation, excluding all turfgrass, required to be planted by this code shall be indigenous to South Florida. In order to facilitate growers who may need to reassess field stock, the following dates are established to institute minimum percentages:

   (a) Forty (40) percent as of June 1, 1999;

   (b) Fifty (50) percent as of January 1, 2001.

(3) Preserved/Created Ecological Communities: Ecological communities shall be preserved or created as required by this section. Sites which consist of five acres or more, where there is no
viable ecological community, the applicant shall show on the landscape plan an area or areas equivalent to two and one-half (2½) percent of the site to be planted and preserved as an ecological community, pursuant to the conservation goals, objectives and policies of the City of Fort Lauderdale Comprehensive Plan. Sites, which consist of two (2) to five (5) acres may incorporate an ecological community into the landscape buffer or interior landscaping requirements. For sites of five (5) acres or more, this shall constitute an additional requirement.

(4) Trees:

(a) Trees shall be of a species having an average mature crown of greater than twenty (20) feet and having trunk(s) which can be maintained with over six (6) feet of clear wood. Trees or palms having an average mature crown spread of less than twenty (20) feet may be substituted by grouping the same so as to create the equivalent of a twenty (20)-foot crown spread. Such a grouping shall count as one (1) tree towards meeting tree requirements for any provision herein. If palms are used, they shall constitute no more than twenty (20) percent of the total tree requirements for any provision herein, and shall have a minimum of six (6) feet of clear wood. On projects requiring more than ten (10) trees, a minimum of two (2) species shall be used.

(b) Non-conforming sites with lots under three thousand (3,000) square feet or with less than five (5) feet of nonvehicular planting space for required buffers may use canopy trees with a twelve (12) to fifteen (15) foot maturity, with canopy equivalent at such height.

(c) Trees used in the required landscaping adjacent to a public street are subject to approval by Broward County so that the character of the public street can be maintained.

(d) The following plant species shall not be planted as required or optional landscaping and, in addition, these species shall be removed from the construction sites:

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Acacia auriculiformis</em></td>
<td>Earleaf Acasia Ficus</td>
</tr>
<tr>
<td><em>Ficus spp.</em></td>
<td>Ficus</td>
</tr>
<tr>
<td><em>Bischofia javanica</em></td>
<td>Bischofia, Toog</td>
</tr>
<tr>
<td><em>Casuarina spp.</em></td>
<td>Australian Pine</td>
</tr>
<tr>
<td><em>Melaleuca quinquenervia</em></td>
<td>Melaleuca, Punk Tree, Paperbark</td>
</tr>
<tr>
<td><em>Schinus terebinthifolius</em></td>
<td>Brazilian Pepper, Florida Holly</td>
</tr>
<tr>
<td><em>Rhodomyrtus tomentosa</em></td>
<td>Downy Rose Myrtle</td>
</tr>
<tr>
<td><em>Leucaena leucocephala</em></td>
<td>Lead Tree, Jumbie Bean</td>
</tr>
<tr>
<td><em>Ardisia solanacea</em></td>
<td>Shoebutton Ardisia</td>
</tr>
</tbody>
</table>

(e) The following species shall not be used as required landscaping, and shall not, in the aggregate, constitute more than ten (10) percent of the total number of trees to be installed.

1. Brittle Species List.
2. **Species with invasive root systems list:** The following, and other species whose roots are known to cause damage to pavement or utilities, shall not be planted closer than twenty-five (25) feet to a public right-of-way, public easement or public improvement, or any structure:

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Araucaria heterophylla</td>
<td>Norfolk Island Pine</td>
</tr>
<tr>
<td>Dalbergia sissoo</td>
<td>Indian Rosewood</td>
</tr>
<tr>
<td>Grevillea robusta</td>
<td>Silk Oak</td>
</tr>
</tbody>
</table>

(f) The Department shall maintain a list of plant material known to be invasive of South Florida's native ecological communities or disturbed areas, which shall not be used to meet any requirements of this Article.

(g) Tree species shall be a minimum overall height of ten (10) to twelve (12) feet, Florida Grade One material, with a minimum trunk diameter at breast height (DBH) of two and one-half (2½) inches and a minimum of four and one-half (4½) feet of clear trunk immediately after installation. Minimum canopy spread shall be characteristic of the species at such height and DBH requirements. Credit for existing trees preserved on a site shall be granted toward meeting the tree requirements of any landscaping provisions of this Article. No credit shall be granted for preserved trees, which are in extremely poor condition or declining health.

(h) No more than thirty (30) percent of required trees shall be of the same species.

(5) **Shrubs and Hedges.**

(a) Shrubs shall be a minimum of two (2) feet, full to base, and planted two (2) feet on center when measured immediately after planting. When shrubs are used as a screen around vehicular open space areas, said shrubs shall be a minimum of two (2) feet in height above the vehicular open space pavement surface that directly abuts the shrubs at time of planting.

(b) Required buffer hedges shall be planted and maintained so as to form a continuous, unbroken solid, visual screen, with a maximum height of three (3) feet, to be attained within one (1) year after planting.

(c) Ficus spp., when planted as a hedge, may be used to meet the requirements of dumpster enclosure, mechanical equipment and electrical transformer screening only.
(6) **Vines.** Vines shall be a minimum of thirty (30) inches in supported height immediately after planting, and may be used in conjunction with fences, visual screens or walls, planted at ten (10)-foot intervals, to meet landscape buffer requirements as specified.

(7) **Groundcover.** Groundcovers shall be planted with a minimum of fifty (50) percent coverage with one hundred (100) percent coverage occurring within six (6) months of installation.

(8) **Turf.**

   (a) All turf areas shall be sodded using species suitable as permanent lawns in Broward County, including St. Augustine, Bahia, and their cultivars. Large turf areas not subject to erosion, such as playfields, may be grassed with methods other than sod using permanent species suitable for Broward County.

   (b) Turf shall not be treated as a fill-in material, but rather as a major planned element of the landscape and shall be placed so that it can be irrigated separately from planting beds.

   (c) Turfgrass areas shall be consolidated and limited to those areas on the site that require pedestrian traffic, provide for recreation use or provide soil erosion control such as on slopes or in swales, or surface water management areas, and where turf is used as a design unifier, or other similar practice use. Turf areas shall be identified on the landscape plan.

   (d) The following percentages shall apply to turf areas:

      1. No more than eighty (80) percent of the required landscape area for single-family and duplex dwellings may be in turfgrass.

      2. No more than sixty (60) percent of the required landscape area for multifamily dwellings may be in turfgrass.

      3. No more than fifty (50) percent of the required landscape area for other development uses may be in turfgrass.

(9) **Xeriscape.**

   (a) A minimum of twenty (20) percent of the pervious area on single-family and duplex dwellings must be in xeriscape landscape.

   (b) A minimum of forty (40) percent of the pervious area of multifamily dwellings must be in xeriscape landscape.

   (c) A minimum of fifty (50) percent of the pervious area of all other development uses must be in xeriscape landscape.

(10) **Topsoil.** Topsoil shall be clear and reasonably free of construction debris, weeds and rocks. The topsoil for all planting areas shall be composed of a minimum of thirty (30) percent muck or horticulturally acceptable organic material.

G. **Landscape requirements for vehicular use areas.**

   (1) **Applicability.** All vehicular use areas serving nonresidential uses shall conform to the minimum landscaping requirements hereinafter provided, except areas used for parking or other
vehicular uses on, under or within buildings and parking areas serving single- or two-family dwellings.

(2) **Required Landscaping Adjacent to Streets and Abutting Properties.** On the site of a building or open lot providing a vehicular use area for a nonresidential use where such area will not be entirely screened visually by an intervening building or structure from any abutting street(s) and property lines, including dedicated alleys, landscaping shall be provided between such area and such perimeters as follows:

(a) Except for Office Park “OP” Districts, a strip of land at least five (5) feet in depth, located between the abutting street(s) and the vehicular use area; and between the abutting property line(s) and vehicular use area shall be landscaped. Office Park “OP” Districts shall require at least ten (10) feet to be landscaped. Such landscaping shall include one (1) tree for each thirty (30) lineal feet or fraction thereof. The first tree shall be set back ten (10) feet from the intersection of the ingress/egress and the street, which setback shall be limited to groundcover only. Such tree shall be between the abutting street and the abutting property lines and vehicular use areas. In addition, a hedge, berm, wall or other durable landscape barrier, to begin after the first ten (10) feet shall be placed along the inside perimeter of such landscape strip and shall be maintained at a maximum height of three (3) feet, if contiguous to a pedestrian walkway, to meet Crime Prevention Through Environmental Design (CPTED) principles. If such durable barrier is of nonliving material, for each ten (10) feet thereof, one (1) shrub or vine shall be planted along the street side of such barrier. The remainder of the required landscape area shall be landscaped with turfgrass, groundcover or other landscape treatment, excluding paving, turfgrass not to exceed the maximum amount allowable in the xeriscape requirements. This buffer may not be counted toward meeting the interior landscape requirements.

(b) All property other than the required landscaped strip lying between the street and vehicular use areas shall be landscaped with turfgrass or other groundcover; if turfgrass is used, it shall not exceed the xeriscape requirements.

(c) Necessary accessways from the public street through all such landscaping shall be permitted to service the vehicular use areas, and such accessways may be subtracted from the lineal dimension used to determine the number of trees required.

(3) **Parking Area Interior Landscaping.** An area, or a combination of areas, equal to ten (10) percent of the total vehicular use area exclusive of perimeter landscape buffers required under this subsection shall be devoted to interior landscaping. Any perimeter landscaping provided in excess of that required by this section shall be counted as part of the interior landscaping requirements, as long as such landscaping is contiguous to the vehicular use area and fulfills the objective of this subsection. All parking areas shall be so arranged so that if there are ten (10) or more contiguous parking stalls along the same parking aisle, the eleventh space shall be a landscaped peninsula a minimum of five (5) feet in width. Other suitable solutions or innovative designs may be substituted when approved by the Department. In addition, there shall be a minimum of one (1) tree planted for every landscaped area, and in no instance shall there be less than one (1) tree and three (3) shrubs for each two hundred (200) square feet, or fraction thereof, of required interior landscaped areas of the parking stalls in that aisle. In addition, all approved grass parking areas will meet the same requirements as paved parking, and will not be calculated in the pervious space requirements. Landscaped areas, walls, structures and walks shall require protection from vehicular encroachment through appropriate wheel stops or curbs located a minimum of two and
H. **Sight distance for landscaping adjacent to street intersections and points of access.** When the subject property abuts the intersection of two (2) or more streets, all landscaping within the triangular area located within twenty-five (25) feet of the intersection of the front and side street property lines shall provide unobstructed cross-visibility at a level between thirty (30) inches and eight (8) feet, with the exception of tree trunks that do not create a traffic hazard. The property owner shall be responsible for maintaining all landscaping within the cross-visibility triangle. Landscaping, except required turf and groundcover, shall not be located closer than five (5) feet from the edge of any roadway and three (3) feet from the edge of any alley or pavement.

I. **Nonvehicular open space.**

(1) All nonvehicular open space on any site shall conform to the following requirements:

(a) **General Landscape Treatment:**

(1) Groundcover, shrubs and other landscape materials shall be installed to cover all nonvehicular open space areas not covered by paving or structures, using the required percentages specified in Section 47-39.A.13.F.(8)(d), above. No substance, which prevents water percolation shall be used in areas not approved for paving or structures. Planting practices shall comply with xeriscape requirements.

(2) Each structure shall be treated with landscaping to enhance the appearance of the structure and to screen any unattractive or unsightly appearance, with a minimum of twenty (20) percent of the front of the structure being planted with shrubs at a minimum of two (2) feet in height.

(b) **Shrub and Tree Requirements:** Shrubs and trees shall be planted in the nonvehicular open spaces to meet the following requirements:

<table>
<thead>
<tr>
<th>Percent of Site in Nonvehicular Open Space (NOS)</th>
<th>Tree and Shrub Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 30%</td>
<td>1 tree and 10 shrubs per 2,000 square feet</td>
</tr>
<tr>
<td>30—39%</td>
<td>1 tree and 8 shrubs per 2,500 square feet</td>
</tr>
<tr>
<td>40—49%</td>
<td>1 tree and 6 shrubs per 3,000 square feet</td>
</tr>
<tr>
<td>50% or more</td>
<td>1 tree and 6 shrubs per 3,500 square feet</td>
</tr>
</tbody>
</table>

(c) **Screening of Equipment:** Dumpsters, mechanical equipment and electrical transformers shall be screened on at least three (3) sides by landscape material that is a minimum of thirty (30) inches in height. Such screening shall not interfere with normal operation of equipment. In addition, bus shelters, which are located within property lines shall be screened with plant material a minimum of two (2) feet in height on three (3) sides, and one (1) canopy tree, ten (10) feet in height.

(d) **Signs:** All freestanding sign installations require the installation and establishment of
plant material to enhance the structure, at a minimum of one (1) shrub for every two (2) feet of lineal width of the sign structure on each side; and ground cover, a minimum of five (5) feet around the perimeter of the sign base, designed in such a manner so as to not block the message on the sign.

(e) Minimum Landscape Credits and Adjustments: An owner shall receive credit against the minimum landscape code requirements of this Section for preservation, replacement or relocation of existing trees as set forth under Section 47-21 other than preserved ecological communities, on a one-for-one basis.

J. Buffers between residential and nonresidential properties. Where any plot zoned or used for nonresidential uses, except industrial uses, is separated by a street, alley, canal or public open space from a residential plot, any such nonresidential plot adjacent to such separator shall be provided with a landscape buffer at least ten (10) feet in depth. Any plot zoned or used for industrial uses shall provide a landscape buffer at least fifteen (15) feet in depth. The landscape buffer shall meet the landscaping requirements for vehicular use areas or general open space, whichever is applicable in total or in part.

K. Single-family and two-family dwellings landscape requirements.

(1) All new single-family and duplex dwellings shall conform to the following minimum landscaping requirements:

(a) Landscape Plans: Detached single-family residences and duplex dwellings may submit landscape plans in the form of a landscape permit application, which includes acceptable plant material choices, to be chosen by the applicant, from a list provided by the Department, stating quantity, size, and quality of plant material, including planting specifications, as required by this Section. Actual landscape drawings are not required for single-family and duplex dwellings.

(b) General Landscape Treatment: Trees, turfgrass, groundcover, shrubs and other decorative landscape material shall be used to cover all disturbed ground not covered by building and paving; with xeriscape to be a minimum of twenty (20) percent of the open space of the site.

(c) Shrub and Tree Requirements:

(1) A minimum of three (3) trees of two (2) different species and ten (10) shrubs shall be planted per lot. For all lots larger than eight thousand (8,000) square feet in area, additional shrubs and trees shall be provided at the rate of one (1) tree and three (3) shrubs per three thousand (3,000) square feet of lot area; however, there shall be no more than ten (10) trees and thirty (30) shrubs required per acre.

(2) Where possible, a minimum of two (2) trees shall be required in the front of the lot. Shrubs shall be incorporated in a manner on the site so as to be a visual screen for mechanical equipment or other accessories to the residence.

(3) Trees required in this subsection shall have a minimum overall height of ten (10) feet to twelve (12) feet with a minimum canopy spread characteristic of the species at such height and DBH requirements.

L. Nonconforming properties.
(a) Any property developed prior to November 23, 1993, regardless of the use, which was not brought into compliance with at least fifty (50) percent compliance with Broward County Ordinance No. 93-43 within the required five-year period, shall meet at least fifty (50) percent of the requirements of this Section by October 1, 1999. Any property developed prior to November 23, 1993, which was brought into compliance with Broward County Ordinance No. 93-43 shall meet at least fifty (50) percent of this Section by October 1, 2004. In order to encourage compliance with this Section, if a vehicular use area cannot be redesigned and the owner is unable to meet this fifty (50) percent requirement, the owner, after demonstrating the maximum extent to which the vehicular use area can be brought into compliance with this Section, shall be permitted to:

(1) Reduce the number of required parking spaces by a maximum of twenty (20) percent to accommodate the additional landscaping. Sites with limited pervious area shall install only native plant material to assist in achieving the fifty (50) percent compliance; or

(2) Permits issued to attain compliance to the landscape code requirements, including parking lot reconfiguration, will be valid for ninety (90) days from date of issuance.

(Ord. No. C-09-27, § 1, 10-20-09)


A. Off-street parking required.

(1) Every building, use or structure, except buildings and structures on portions of plots occupied by a farm, shall be provided with off-street parking facilities in accordance with the provisions of this article for the use of occupants, employees, visitors or patrons.

(2) All existing off-street parking facilities and all off-street parking facilities instituted after the effective date of this article shall be maintained and continued as an accessory use as long as the building with which the off-street parking facilities are associated continues to exist.

(3) When any building is modernized, altered or repaired, and provided there is no increase in floor area, capacity, density or change of occupancy, no additional parking space shall be required.

(4) When any building or use, is changed in use or occupancy, or is increased in capacity, floor area or density, the minimum amount of off-street parking spaces required by this article shall be provided for the gross floor area occupied by any new use or occupancy and for any increased floor area or capacity or overall density. Any such change in use or occupancy or increase in floor area, capacity or density shall also comply with requirements of Section 47-39.A.13, Functional Landscaping and Xeriscaping. For the purpose of this section, a change of use or occupancy shall mean a change from one (1) category of off-street parking requirements to another such category under this section.

(5) Any change of use or occupancy or any increase in floor area, capacity or density which would result in more than a fifty (50) percent increase of parking spaces to the existing off-street parking facilities shall require the entire premises to be brought into full conformance with the requirements of this article, as a condition of the issuance of any site plan approval or permit required for such changes.

(6) Maintenance: It shall be unlawful for any owner or operator of any building, structure or use
affected by this article to discontinue, change or dispense with the required parking facilities, apart from the discontinuance, sale or transfer of such structure or use, without establishing alternative vehicle parking facilities which meet the requirements of this article. It shall be unlawful for any person, firm or corporation to occupy such building, or structure, for any purpose without providing the off-street parking facilities to meet the requirements of and be in compliance with this article. Failure to maintain the required off-street parking facilities in accordance with this article shall constitute grounds for revocation of any certificate of use issued for use of the premises.

(7) It shall be unlawful to use any part of private or public property for off-street parking or storage of vehicles which is not constructed, designated and maintained in compliance with this article, except that in one-family detached dwelling residential zoning districts the temporary parking of operable, currently licensed private passenger vehicles shall be permitted in the swale area of rights-of-way sixty (60) feet or less in width which are not designated as a collector or arterial by the Broward County Trafficways Plan or non-trafficway collector roads.

B. Nonconforming uses. In cases of a building occupied by a use which is not permitted as a new use in the district in which such building is located, where repairs, alterations or refurbishing are carried out in accordance with Section 47-3, Nonconforming Uses and Structures, the existing off-street parking facilities shall also be repaired and refurbished and landscaping installed to the maximum extent possible without reducing the amount of existing parking spaces on site by more than twenty (20) percent.

C. Location, character and size.

(1) Location: The off-street parking facilities required by this article shall be located on the same plot or parcel of land such facilities are intended to service, except as provided in Section 47-39.1.A.2, Off-Site Parking Lots. All off-street parking facilities shall be designed, developed and maintained in accordance with all applicable provisions of this article. When the required off-street parking is to be provided upon an additional plot of land, the owner of such additional plot of land and the owner of the land intended to be served by such off-street parking facilities shall enter into an agreement with the City, whereby the land providing the additional parking area shall never be sold or disposed of except in conjunction with the sale of the building or the use which the additional parking area serves, so long as such parking facilities are required; and said agreement shall comply with Section 47-20.18

(2) Size: Each parking space and aisle width shall not be less than the parking dimension standards depicted in the Minimum Space Requirements, at Various Parking Angles for Self-Parking Facilities. If a parking aisle requires access for emergency vehicles, garbage trucks or trucks moving to or from a loading area, that parking aisle shall be at least 24 feet wide.

(3) Access: All required parking spaces shall be directly accessible from a public or private street, alley or recorded ingress and egress easement. All off-street parking areas shall be designed to permit safe maneuvering of vehicles, and each space shall be accessible without driving over or through any other parking space, except for one-family detached dwellings, two-family dwellings and townhouses having a carport or garage as part of the dwelling unit. No parking space shall be designed to permit backout parking onto a street or alley, nor shall parking spaces be located so as to require backing onto or across a sidewalk, pedestrian crosswalk or other area of high pedestrian concentration except for one-family detached and two-family dwellings and townhouses which have an attached carport or garage as part of the townhouse unit. Backout parking shall not be permitted in any case, on any street or highway designated on
the Broward County Trafficways Plan or as a non-trafficway collector road.

(4) **Parking space designation:** All required off-street parking spaces shall be clearly delineated by four-inch wide, yellow or white, painted striping, except for one-family detached and two-family dwellings and townhouse dwellings which have an attached carport or garage as part of the townhouse unit, and except for nonresidential uses in rural and agricultural districts which shall require bumper guards or wheel stops in lieu of striping. Parking stalls which abut landscaped areas, sidewalks, structures or property lines shall be designed with bumper guards, wheel stops or contiguous curbing. The required bumper guards, wheel stops or curbing shall be located a minimum of two and one-half (2½) feet from any landscaped area, sidewalk or property line.

(5) **Overhead garage doors:** No required off-street parking space may be located in front of any overhead garage door or other loading area in a nonresidential building, except self-storage warehouses. Such area may, however, be used to satisfy the requirements of this section, providing sufficient driveway or aisle width according to Table I is provided adjacent to such off-street loading area.

(6) **Composition:** Unless otherwise specifically permitted herein the required off-street parking areas, access aisles and driveways shall be constructed of at least a six-inch course of native limerock, surfaced with asphaltic concrete or Portland concrete. Brick or interlocking pavers may be utilized for one-family and two-family dwellings, and townhouses with attached carports or garages as parking and driveway facilities. The permitted paving surface shall be maintained in a smooth and well-graded condition. Off-street parking areas shall be designed to ensure safe and efficient traffic circulation. The parking facilities shall be of sufficient size to allow necessary functions for loading, unloading and parking maneuvers to be carried out on private property, and completely off the street right-of-way.

(7) **Grass parking:**

(a) Twenty-five (25) percent of the required off-street parking facilities may be provided through the use of grass parking for the following specific uses:

1. Theaters and convention centers.
2. Schools.
3. Religious facilities.
4. Hospitals.

(b) Fifty (50) percent of the required off-street parking facilities may be provided through the use of grass parking for the following specified uses:

1. Stadiums and sports arenas.
2. Racetracks, fairgrounds, circus grounds.
3. Outdoor recreation establishments.
4. Funeral homes, mortuaries, cemeteries.
5. Outdoor flea market or swap meet.
(c) Required off-street parking facilities for buildings and uses in agricultural, estate and rural zoning districts may be provided through the use of grass parking.

(d) Grass parking surfaces shall conform to county specifications, which includes at least a six (6) inch course of natural limerock, surfaced with a species of grass acceptable for high-traffic use. All requirements for landscaping vehicular use areas shall be met as well as all required interior landscaping requirements for parking areas. Grass parking areas shall not count toward satisfying any landscaping area required by Section 47-39.A.13.

(8) **Setbacks:**

(a) **Nonresidential uses:**

1. Pedestrian walkways shall be at least ten (10) feet from any building wall, which provides less than twenty (20) percent visibility at eye level, from the interior to the exterior of the building, through windows or doors. Pedestrian walkways shall remain free of obstructions, including, but not limited to, tables and chairs, displays of merchandise, and vending machines.

2. All driveways and parking aisles shall be at least five (5) feet from any main or accessory building or structure.

(b) **Residential uses:** All driveways and parking spaces for one-family attached and detached dwellings on separate plots or lots of record shall be set back at least two and one-half (2½) feet from any side property line.

(9) **Drainage:** All off-street parking facilities required by this article shall be drained so as not to cause any nuisances on adjacent or public property and shall be in accordance with the requirements of the appropriate enforcing agency.

(10) **Identification of parking lots:** All off-street parking areas required by this article shall be provided with identification as to purpose and location in the form of signage visible to vehicular traffic when such parking areas are not clearly evident from a street or alley. Signage shall comply with all requirements of this chapter for location, size and permitting.

D. **Additional and overflow parking.** Every building, use or structure, which complies with the off-street parking requirements of this article may provide additional parking spaces. Such parking spaces may be designed as tandem if attendant parking is utilized.

E. **Drive-through facilities.**

1. Businesses that provide a drive-through service are required to provide drive-through service lanes or stacking spaces for stacking or queuing, as separate and distinct lanes from the circulation lanes necessary for entering or exiting the plot.

2. Each drive-through lane or stacking space shall be separated from other on-site lanes or aisles. Each such drive-through lane or stacking space shall be curbed, striped, marked or otherwise distinctly delineated.

3. Drive-through lanes leading to or from gasoline pumps or pump islands shall provide a minimum width of twelve (12) feet for one-way entrance and exit. All drive-through lanes, which
lead to two (2) gasoline pump islands shall provide a minimum of twenty-four (24) feet from curb to curb, between pumps or pump islands.

(4) All drive-in bank facilities shall provide a minimum eight (8) feet wide vehicular service position between each drive-in teller facility.

(5) A separate and distinct escape lane shall be provided, unless the drive-through lane and stacking spaces adjoin and are parallel to a parking aisle at least twenty-four (24) feet in width. A public street or alley shall not be counted as an escape lane.

(6) Drive-through lanes or stacking spaces shall not conflict or otherwise hamper access to or from any parking space.

(7) Pedestrian walkways shall be clearly separated from drive-through lanes or stacking spaces.

(8) Except for drive-in teller facilities at banks and gasoline pump island drive-through lanes as specified above, any other drive-through lane or stacking space is hereby defined as being nine (9) feet wide by twenty-two (22) feet in length.

(9) Inbound drive-through lanes or stacking spaces shall be counted from the first stopping point. Outbound drive-through lanes or stacking spaces shall be counted from the last stopping point.

(10) The required amount of stacking spaces shall be as described in this Section. Any business not listed in this Section shall have the same requirements as the most similar use described therein as determined by the zoning director.

F. Plans. Development permits as required by Section 47-24.2, Site Plan Development Permit, shall be submitted for a new building, an addition to an existing building, or for a change in the use of any existing building or plot of land required to provide off-street parking under this Section, which plan shall clearly and accurately designate the required parking spaces, access aisles and driveways, and relation to the uses or structures these off-street parking facilities are intended to serve. An off-street parking data box on the site plan shall list the project's off-street parking provided in reference to the satisfaction of all off-street parking regulations of this article including proposed building and site usage and parking totals showing required versus provided.

G. Calculating required parking.

(1) Uses not specifically mentioned. The parking requirements for uses not specifically mentioned shall be the same as provided in this article for the most similar use as determined by the zoning official.

(2) Fractional spaces. When units or measurements determining the total number of required off-street parking spaces result in a fractional space, any such fraction shall require a full off-street parking space.

(3) Mixed uses.

(a) In the case of mixed uses, the total requirement for off-street parking spaces shall be the sum of the various uses computed separately and off-street parking for any other use, except for shopping centers, general industrial complexes and storage or distribution warehouses as specified in this Section.
(b) **Shared usage**: This Section designates the requirements for time of operation differences between uses.

(4) **Measurements.** Gross floor area shall mean the gross floor area inside the exterior walls. In stadiums, sports arenas, religious facilities, bars and other places of assembly in which occupants utilize benches, pews, stools or other similar seating facilities, every twenty (20) lineal inches of such seating shall be counted as one (1) seat for the purpose of computing off-street parking requirements.

(5) **Open air seating.** Open air seating shall mean any seating area without a heating or cooling system and where a minimum of two (2) sides are open and unenclosed by walls other than canvas or mesh screening.

(6) **Full service restaurant.** A full service restaurant shall mean a restaurant, which functions for the purpose of serving complete meals, prepared and cooked in a kitchen within the restaurant to people seated at tables on the premises, and within which no entertainment is provided other than recorded or live music during the service of meals.

(7) **Fast food restaurant.** A fast food restaurant shall mean a restaurant which functions for the purpose of serving either meals or individual food items, prepared and cooked in a kitchen within the restaurant to people either seated at tables on the premises or for consumption off the premises.

H. **Shared usage.** Required parking spaces may be permitted to be utilized for meeting the parking requirements of two (2) separate permitted uses when it is clearly established by the applicant that the two (2) uses will utilize the spaces at different times of the day, week, month or year, such as a church sharing spaces with a retail store. A recordable covenant, with the correct legal description, shall be submitted by the owners of the property and the two (2) businesses or tenants involved in a form acceptable to the office of the county attorney. The covenant shall be recorded in the public records of Broward County at the applicant's expense, and shall run with the land. The covenant shall provide that the use or portion of a use, that requires the shared parking in order to obtain the necessary permits or licenses, shall cease and terminate upon any change in their respective schedules of operation that results in conflicting or overlapping usage of the parking facilities, and no nonresidential use may be made of that portion of the property until the required parking facilities are available and provided. The covenant shall also provide that the county may collect attorneys' fees if litigation is necessary to enforce the requirements of this section.

I. **Combined off-street parking.** Nothing in this article shall be construed to prevent collective provision for, or joint use of, off-street parking facilities for two (2) or more buildings or uses by two (2) or more owners or operations, provided that the total of such parking spaces when combined or used together shall not be less than the sum of the requirements of the several individual uses computed separately in accordance with this article. In such cases, a recorded agreement shall be executed in the same manner as provided for in this Section.

J. **Use of off-street parking facilities.** Parking spaces approved in conformance with this article may be used only for parking of vehicles of owners, tenants, employees and customers utilizing the building or site served by such required parking space. The following uses and activities shall not be permitted in required off-street parking facilities:

   (1) Parking to serve an off-site building;
(2) Storage, repair or commercial display of any vehicles, equipment or merchandise;

(3) Parking or storage of commercial vehicles owned, operated or used in the business of a commercial occupant of a building between the hours of 8:00 a.m. and 5:00 p.m.;

(4) Parking of recreational vehicles, boats and accessory equipment on nonresidentially zoned or used property; and

(5) Parking of any vehicle, which due to its size, shape, contents or location, creates an obstruction or public safety hazard or which cannot be contained within a single designated parking space.

K. Storage lots for vehicles, boats and equipment. All open air storage lots for vehicles, boats or trucks located in a commercial zoning district shall be surfaced with asphalt or concrete. All open air storage lots for commercial vehicles, heavy equipment or other motor-driven equipment in an industrial zoning district may be on a non-paved surface, provided same is compacted, stabilized and dust-free.

L. Lighting. All off-street parking facilities serving multiple-family residential developments containing eight (8) or more dwelling units and serving all non-residentially zoned or used properties shall be illuminated in accordance with the following standards within five (5) years from the effective date of this article.

(1) For the purpose of this section, open-air parking areas shall include the parking surface of open parking lots and accessways thereto at grade level. Enclosed parking facilities shall include multi-level parking garages and enclosed grade level parking facilities.

(2) Intensity of illumination:

   (a) Open-air parking areas shall provide an average illumination intensity of one (1) footcandle equal to one (1) lumen per square foot, and shall be well distributed on the pavement areas and pedestrian walkways; however, at no point shall illumination be less than one-quarter (¼) footcandle.

   (b) Enclosed parking areas shall provide an average illumination intensity of fifty (50) footcandles at the entrance, ten (10) footcandles in traffic lanes and five (5) footcandles in vehicle parking areas.

   (c) Automatic teller machines (ATM) shall be provided with a maintained minimum of three (3) footcandles of light measured at grade level. Parking areas that serve the ATM must also meet the three (3) footcandle standard.

   (d) The current edition of the IES Lighting Handbook, published by the Illuminating Engineers Society, 345 East 47 Street, New York, New York, 10017, is the standard to be used by the architect or engineer as a guide for the design and testing of parking area lighting.

   (e) Overspill of lighting onto adjacent properties or rights-of-way shall not exceed three (3) footcandles vertical and shall not exceed one (1) footcandle horizontal illumination measured at grade level. All lighting must be shaded or screened and positioned in such a manner as to minimize offensiveness to persons on neighboring properties and temporary blinding of drivers of vehicles passing illuminated property.
UNIFIED LAND DEVELOPMENT REGULATIONS
Chapter 47 - UNIFIED LAND DEVELOPMENT REGULATIONS
ARTICLE XV. - ANNEXED AREAS
SECTION 47-39. - DEVELOPMENT REGULATIONS FOR ANNEXED AREAS
SECTION 47-39.A. - MELROSE PARK AND RIVERLAND ROAD

(f) All required illumination shall be controlled by automatic devices. The required illumination for open-air parking areas shall operate from dusk to dawn with one-half (½) light levels permitted from midnight to dawn. Enclosed parking areas shall maintain the lighting levels specified in this section twenty-four (24) hours a day either by operating lighting at all times, or at all such times as would be required to maintain the required lighting levels.

(3) Compliance requirements:

(a) A conceptual parking facility lighting plan, showing the general location and type of lighting proposed, shall be submitted with any application for final site plan approval. Prior to the issuance of a development order for a building permit, a parking facility lighting plan prepared by a registered architect or engineer shall be submitted for new construction, additions to existing buildings, changes of use, or expansion or reconfiguration of parking areas. The lighting plan shall be certified by the registered architect or engineer as providing illumination in accordance with the minimum standards set forth in this section.

(b) Subsequent construction must comply with the lighting plan.

(c) As a prerequisite to the issuance of final approval of any parking facility and of the lighting installation, and further, prior to the lighting installation being placed in permanent use, a letter of compliance from a registered professional engineer shall be provided to the zoning official or designee stating that the installation has been field checked and meets the requirements of this section.

(4) Maintenance requirements: All lighting installations required by this article shall be maintained in compliance with the minimum illumination requirements specified herein by the owners and occupants of the property.

M. Parking for disabled persons. All applicable state and federal laws relating to parking spaces for certain disabled persons in all public and private parking areas, including minimum dimensions, requirements, location and posting of signs shall be adhered to on all proposed developments and parking facilities which require revisions.

N. Amount of off-street parking.

(1) The following minimum amounts of off-street parking shall be provided for all residential buildings and uses:

<table>
<thead>
<tr>
<th>Types of Building and Uses</th>
<th>Min. Number of Parking Spaces</th>
<th>Unit of Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-family detached dwelling</td>
<td>2.0</td>
<td>Per each dwelling unit</td>
</tr>
<tr>
<td></td>
<td>Description</td>
<td>Rate</td>
</tr>
<tr>
<td>---</td>
<td>-----------------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>2</td>
<td>Two-family dwelling</td>
<td>2.0</td>
</tr>
<tr>
<td>3</td>
<td>Townhouse or villa</td>
<td>2.0</td>
</tr>
<tr>
<td></td>
<td>Plus</td>
<td>1.0</td>
</tr>
<tr>
<td>4</td>
<td>Multiple-family dwelling</td>
<td>1.5</td>
</tr>
<tr>
<td></td>
<td>Plus</td>
<td>2.0</td>
</tr>
<tr>
<td></td>
<td>Plus</td>
<td>2.5</td>
</tr>
<tr>
<td>5</td>
<td>Group dwelling</td>
<td>1.0</td>
</tr>
<tr>
<td></td>
<td>Plus</td>
<td>2.0</td>
</tr>
<tr>
<td>6</td>
<td>Community residential facility</td>
<td>1.0</td>
</tr>
<tr>
<td></td>
<td>Plus</td>
<td>1.0</td>
</tr>
<tr>
<td>7</td>
<td>Clubhouse or recreation building for residential development</td>
<td>1.0</td>
</tr>
<tr>
<td>8</td>
<td>Golf course</td>
<td>4.0</td>
</tr>
<tr>
<td></td>
<td>Plus</td>
<td>1.0</td>
</tr>
<tr>
<td>9</td>
<td>Miniature golf course</td>
<td>2.0</td>
</tr>
<tr>
<td></td>
<td>Plus</td>
<td>4.0</td>
</tr>
<tr>
<td></td>
<td>Plus</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Nonprofit community centers (i.e. child or adolescent activity centers, athletic facilities, etc.)</td>
<td>1.0</td>
</tr>
<tr>
<td></td>
<td>Plus</td>
<td>1.0</td>
</tr>
</tbody>
</table>
O. **Off-street loading.**

(1) On the same plot with every structure or use specified herein which is hereafter erected or created, there shall be provided and maintained adequate space for loading and unloading of materials, goods or things, and for delivery and shipping, so that vehicles for these services may use this space without interfering with the public use of streets, alleys and off-street parking areas by pedestrians and vehicles.

(2) Where any structure is enlarged or any use is extended so that the size of the resulting occupancy comes within the scope of this section, the full amount of off-street loading space shall be supplied and maintained for the structure or use in its enlarged or extended size. Where the use of a structure or land or any part thereof is changed to a use requiring off-street loading space under this section, the full amount of off-street loading space shall be supplied and maintained to comply with this section.

(3) For the purposes of this section, an off-street loading space shall be an area at the grade level at least twelve (12) feet wide by forty-five (45) feet long with a fourteen-foot vertical clearance, except that for plots containing an aggregate amount of less than ten thousand (10,000) square feet of gross floor area of buildings, and except for office buildings and banks, an off-street loading space may be ten (10) feet in width by twenty-five (25) feet long. Each off-street loading space shall be directly accessible from a street, alley or driveway without crossing or entering any other required off-street loading space, shall be clearly marked as to purpose, and shall be arranged for convenient and safe ingress and egress by motor truck and/or trailer combination. Off-street loading spaces shall not be located in a parking aisle and shall not be more than thirty (30) feet from the building, which the off-street loading space serves. Any pedestrian walkway crossing ingress and egress to an off-street loading space shall be clearly marked.

(4) Off-street loading spaces shall be provided and maintained in accordance with the following schedule:

(a) For each retail complex, storage warehouse excluding self-storage warehouses, wholesale establishment, industrial plant, factory, freight terminal, restaurant, mortuary, laundry, office building, dry cleaning establishment or similar use which has an aggregate gross floor area of:

<table>
<thead>
<tr>
<th>Over 2,000 sq. ft. but not over 20,000</th>
<th>1 space</th>
</tr>
</thead>
</table>

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<table>
<thead>
<tr>
<th>sq. ft.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Over 20,000 sq. ft. but not over 60,000 sq. ft.</td>
<td>2 spaces</td>
</tr>
<tr>
<td>Over 60,000 sq. ft. but not over 120,000 sq. ft.</td>
<td>3 spaces</td>
</tr>
<tr>
<td>Over 120,000 sq. ft. but not over 200,000 sq. ft.</td>
<td>4 spaces</td>
</tr>
<tr>
<td>Over 200,000 sq. ft. but not over 290,000 sq. ft.</td>
<td>5 spaces</td>
</tr>
<tr>
<td>Plus, for each additional 90,000 sq. ft. over 290,000 sq. ft. or major fraction thereof</td>
<td>1 space</td>
</tr>
</tbody>
</table>

(b) For each auditorium, convention hall, exhibition hall, museum, sports arena, stadium, hospital, or similar use which has an aggregate gross floor area of:

<table>
<thead>
<tr>
<th>sq. ft.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Over 20,000 sq. ft. but not over 40,000 sq. ft.</td>
<td>1 space</td>
</tr>
<tr>
<td>Plus, for each additional 40,000 sq. ft. over 40,000 sq. ft. or major fraction thereof</td>
<td>1 space</td>
</tr>
</tbody>
</table>
For any use not specifically mentioned in this section, the requirements for off-street parking for a use, which is so mentioned and to which the unmentioned use is similar shall apply. One-family and two-family dwellings and multiple-family dwellings shall not require off-street loading facilities.

(5) Off-street loading facilities supplied to meet the needs of one (1) use shall not be considered as meeting off-street loading needs of any other use.

(6) No area or facilities supplied to meet the required off-street parking facilities for a use shall be utilized for or be deemed to meet the requirements of this article for off-street loading facilities.

(7) Nothing in this section shall prevent the collective, joint or combined provision of off-street loading facilities for two (2) or more buildings or uses on the same site, provided that such off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are so located and arranged as to be usable thereby.

(8) Plans for buildings or uses requiring off-street loading facilities under the provisions of this section shall clearly indicate the location, dimensions, clearances and access of all such required off-street loading facilities.

(9) All off-street loading facilities shall be located on the plot which they are intended to serve.

(Ord. No. C-09-27, § 1, 10-20-09)


A. Purpose, intent and scope. The purpose of this article is to create the framework for a comprehensive but balanced system of sign control for property located in Section 47-39.A. It is the intention of this section to develop specific sign criteria which:

(1) Are compatible with their surroundings;

(2) Are legible under circumstances in which they are seen;

(3) Are expressive of the identity of individual businesses or organizations or the community as a whole;

(4) Promote the aesthetic appearance of the community.

B. Definitions. In addition to terms defined in article II of this chapter, the following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Abandoned sign: Any sign, except a billboard sign, which no longer pertains to any person, organization, product, service, activity or business located on or available at the premises where such sign is displayed; any sign, except a billboard sign, which no longer contains a message and/or any sign in a state of disrepair.

Aggregate frontage:

(1) Interior plots: The actual lineal street frontage;
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(2) Through plots: The total actual lineal street frontage on both streets;

(3) Corner plots: The sum of the straight line lineal distances along both streets extended beyond corner chords, radius and turn lanes to the point of intersection;

(4) Interrupted corner plots: The sum of the actual street frontages exclusive of outparcels.

Area of sign: The total area of each sign face, which may be used to display copy, including background, but not including the frame and structural supporting elements. Where a sign is composed of individual letters, characters or symbols applied directly to a building, canopy, marquee, mansard, fascia, facade, parapet, awning, wall or fence, the area of the sign shall be the smallest rectangle, triangle or circle which will enclose all of the letters, characters or symbols. The area of a double-faced sign shall be the total area of each sign face.

Awning or umbrella: A shelter made of fabric, plastic, vinyl or other non-rigid material supported by a metal frame.

Awning sign: A sign that is painted, stitched, stamped, perforated, painted or otherwise affixed to an awning or umbrella.

Building frontage: The wall extending the length of the building or lease lines of any building, the legal use of which is one (1) of commercial or industrial enterprise and including the location of public entrance(s) to the establishment.

Building identification sign: A sign listing at least the numerical prefix of the street address and, in certain cases, the bay, suite or unit number, and/or the name of a building or complex.

Building wall sign: A sign where its entire area is displayed upon or attached to any part of the exterior of a building wall, facade or parapet, approximately parallel to and not more than twelve (12) inches from the face of the wall upon which it is displayed or attached.

Canopy or marquee: A permanent, unenclosed shelter attached to and extending from a building or a freestanding permanent shelter.

Canopy sign: A sign that is painted on or otherwise affixed to the fascia of a canopy, marquee or mansard roof.

Changeable copy sign: A sign upon which the copy can be changed either manually, electronically or by any other method through the use of attachable letters, numbers, symbols or changeable pictorial panels, and other similar characters, or through internal rotating or moveable parts which can change the visual message without altering the sign face.

Contractor sign: A temporary sign identifying those engaged in construction or remodeling on a building site, including the developer, contractor, subcontractor, architect, engineer or artisans involved in the project.

Copy: The linguistic or graphic content of a sign, either in permanent or removable form.

Directional sign: An identification sign, with or without a directional arrow, designed to direct the public to a facility or service or to direct and control traffic, such as entrance and exit signs, and which does not contain any other commercial advertising.
Disrepair (sign): A state of neglect or dilapidation to the extent that: (1) the message of the sign has become obliterated, unreadable or indiscernible and has remained in such a state for at least one hundred twenty (120) days; or (2) approximately twenty-five (25) percent or more of the structural components of the sign are in a visibly bent, broken, leaning or otherwise dilapidated condition.

Double-faced sign: A sign with two (2) sign faces which are parallel to each other and back to back.

Election sign: A sign indicating the name, cause or affiliation of any person seeking office or which indicates any issue or referendum question for which any election is scheduled to be held. This includes, but is not limited to, signs advertising candidates, referendums or any campaign information.

Embellishment: An extension of the sign face which contains a portion of the message or informative content and which is added, modified or removed when the message is changed.

Facade: That portion of any exterior building elevation extending from grade to the top of the parapet wall or eaves along the entire width of the business establishment building frontage.

Fascia: The flat, outside horizontal member of a cornice, roof, soffit, canopy or marquee.

Fence or freestanding wall sign: A sign attached to and erected parallel to the face of or painted on a fence or freestanding wall and supported solely by such fence or freestanding wall.

Flag: A piece of fabric, often attached to a staff, containing distinctive colors, patterns or symbols, identifying a government or political subdivision.

Freestanding sign: Any self-supported sign not attached or affixed in any way to a building or other structure.

Frontage: The total distance along any plot line abutting a street.

Garage sale sign: A sign to indicate the sale of personal property by the person or family conducting the sale in, at or upon residentially zoned or residentially used property. Garage sale signs shall include lawn sales, yard sales or any similar designation.

General information sign: A sign providing information on the location of facilities or a warning to the public regarding the premises where the sign is located, such as entrance or exit signs, caution, no trespassing, no parking, tow-away zone, parking in rear, disabled parking, restrooms, etc., and containing no commercial advertising.

Graphic sign: A sign, which is an integral part of the building facade in that it is carved in, or otherwise permanently embedded in the facade.

Hanging sign: A sign hung or suspended from a freestanding wood or metal frame, such frame being not higher than five (5) feet, nor wider than three (3) feet.

Height of sign: All other freestanding signs: Height shall be measured from the elevation of the sidewalk adjacent to the sign location to the top of the sign. In the event no sidewalk exists, height shall be measured from the crown of the right-of-way at its closest point to the sign location.

Holiday or seasonal sign: Temporary lighting, garlands, wreaths or other decorations relating to a particular regional or nationally recognized holiday and containing no advertising.
Identification sign: A sign indicating the name, owner, address, use, and/or service of a particular activity located on the premises where such sign is displayed.

Illuminated sign: Any sign having characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes designed for that purpose, whether or not said lights or tubes are physically attached to the sign.

Individual letter sign: A sign made of self-contained letters that are mounted on the face of a building, parapet, canopy, marquee or secured to a freestanding wall, fence or other structure.

Interior sign: Any sign inside a building which is not clearly visible from and not intended to be seen from the exterior of the building.

Internal illumination: A light source concealed or contained within the sign which becomes visible by shining through a translucent surface.

Item of information: Each syllable, symbol, abbreviation, broken plane or discontinued odd shape located in any one (1) sign, excluding logos or religious signs.

Logo: A sign consisting only of a symbol used to signify or represent an organization, corporation, business, service or product, whether registered or not.

Mansard roof (or wall): A false roof projecting over the front of a building; a sloping section of an exterior wall above the roof line of a building at an angle with the exterior wall from which it extends. It may be covered with roofing material to simulate a roof, but serves as an aesthetic rather than functional purpose.

Model sign: A sign which designates a particular dwelling unit design which is not for sale, but rather represents other units of a similar design that are for sale.

Monument: A freestanding, self-supporting structure, other than a pole, which is placed directly on the ground, with no visible means of support, the primary purpose of which is to display a sign.

Monument sign: A sign attached to, painted on, or otherwise made part of a monument.

Mural: A graphic, artistic representation painted on a wall, not including graffiti, which contains no advertisement or relationship to any product, service or activity provided, offered or available on the premises.

Nameplate sign: A sign indicating the name, profession, and/or address of a person or persons residing on the premise or legally occupying the premises.

Neon sign: A sign formed by luminous or gaseous tubes in any configuration.

Nonconforming sign: A sign or advertising structure which was lawfully erected and maintained prior to the current provisions of this code regulating signs, which by its height, type, square foot area, location, use or structural support does not conform to the requirements of this article.

Nonilluminated sign: A sign, which has no source of artificial or person-made illumination either directly or indirectly.

Off-premises sign: A sign, which directs attention to a business, commodity, service, product or activity
not conducted, sold, offered or available on the premises where such sign is located.

Opinion sign: A sign containing language, wording or an expression not related to the economic interests of the speaker and its audience, such speech generally considered to be ideological, political or of a public interest nature; or a sign indicating belief concerning an issue, name, cause or affiliation which is not scheduled for an election including, but not limited to, signs advertising political parties or any political information.

Outdoor event sign: A temporary sign identifying an outdoor event, which is of general interest to the community.

Panel sign: A sign having the sign face or faces supported between two (2) columns or poles, with no open area between such columns or poles and the sign face(s).

Parapet: A false front or wall extension above the roof line of a building.

Pennant sign: (see banner or pennant sign).

Permanent sign: Any sign which, when installed, is intended for permanent use. For the purposes of this article, any sign with an intended use in excess of six (6) months from the date of installation shall be deemed a permanent sign.

Pole sign: A freestanding sign erected upon a pole or poles which are visible and wholly independent of any building or other structure for support.

Primary or principal frontage: That building frontage designated by the owner/occupant to be the primary use when the business frontage is on more than one (1) street.

Project sign: A temporary sign announcing a project to be under construction or an intended use of the premises, upon which such sign is located, in the immediate future.

Projecting sign: A sign attached to and supported by a building or other structure and which extends at any angle therefrom.

Public service sign: A sign erected by a governmental authority, within or immediately adjacent to a right-of-way, indicating the location of public or governmentally owned facilities, such as airports, public transportation, hospitals, schools, parks or indicating street names or other messages of public concern.

Pylon: An enclosed, tower-like structure, which is erected as an extension above or an addition to a building primarily for non-functional or decorative purposes.

Pylon sign: A sign affixed to a pylon.

Real estate sign: A temporary sign erected by the owner or his or her agent indicating property which is for rent, sale or lease, including signs pointing to a property which is open for inspection by a potential purchaser (open house sign) or a sign indicating "shown by appointment only" or "sold."

Religious sign: A shape symbolizing a religion or religious belief.

Roof sign: A sign erected or placed over or on a roof, which is dependent upon the roof, parapet or upper walls of any building for support and which does not extend above the roof line.
Sales office sign: A sign identifying a construction project sales office.

Sandwich or sidewalk sign: A movable sign not permanently secured or attached to the ground or to a structure and which may have two (2) faces, usually hinged at the top.

Sign: Every device, frame, letter, figure, graphic, character, mark, permanently fixed object, ornamentation, plane, point, design, picture, logo, stroke, stripe, symbol, trademark, reading matter or other representation for visual communication that is used for the purpose of bringing the subject thereof to the attention of others.

Sign face: The part of a sign encompassed within a border, frame or cabinet and pertaining to a specific topic, visible from one (1) direction, that is or can be used for communication purposes, including any background material, panel, trim, color or direct or self-illumination that differentiates the sign from the building, structure, backdrop surface or other object, or other sign upon, beside, beneath, above or against which it is placed.

Sign label: A label issued by the Code and Zoning Enforcement Division bearing the number of the permit issued for a specifically identified sign.

Sign width: The horizontal distance, in lineal feet, measured along the lower edge of a sign cabinet, box, frame or other surface containing a sign face.

Sign structure: Any structure erected for the purpose of supporting a sign, including decorative cover and/or frame.

Snipe sign: A sign of any material, including paper, cardboard, wood or metal, which is tacked, nailed, pasted, glued or otherwise affixed to a pole, tree, stake, fence, structure, building, trailer, dumpster or other object, with the message thereon not applicable to the present use of the premises upon which the sign is located.

Strip lighting: Lighting in the form of luminous or gaseous tubes used to draw attention to a building or structure, usually outlining a building, or portion thereof, or a sign.

Subdivision sign: A sign indicating the name of a subdivision, neighborhood, cluster of buildings or other subdivision of real property.

Temporary sign: Any sign, other than a snipe sign, with an intended use of six (6) months or less.

Traffic control sign: Any sign used to control traffic on public streets or private property, such as speed limit, stop, caution, one-way, do not enter, tow-away zone or no parking signs.

Trailer sign: A sign which is designed to be transported, as a trailer is transported, on its own wheels, even though the wheels of such signs may be removed and the remaining chassis placed on or attached to the ground.

Under canopy sign: A sign permanently affixed to and suspended from the underside of a canopy or marquee.

Use-related informational sign: A sign pertaining to goods, products, services or facilities which are available on the premises where the sign is located, but which are incidental to the main activities therein, including a credit card insignia.
Vehicle sign: A sign affixed to or painted on a transportation vehicle including automobiles, trucks, boats, trailers, and campers for the purpose of identification or advertisement. Vehicle signs required by law signifying licensing information shall not be included in this definition.

C. Prohibited signs. Any sign not specifically permitted is prohibited, including, but not limited to the following signs:

   (1) Animated signs;
   (2) Banner or pennant signs;
   (3) Balloon signs;
   (4) Bench signs on privately owned property;
   (5) Flags, except as permitted by this Section;
   (6) Pole signs, except as expressly permitted;
   (7) Projecting signs;
   (8) Roof signs, extending above the roof line;
   (9) Sandwich or sidewalk signs;
   (10) Snipe signs;
   (11) Trailer signs; and
   (12) Vehicle signs.

D. Nonconforming signs.

   (1) Any legally erected permanent sign, which does not conform to all of the provisions of this article may remain for five (5) years after the date such sign fails to conform to this article, or until any of the following events transpire, whichever occurs first.

      (a) Any change of copy on a sign pertaining to a single entity or a change of more than fifty (50) percent of copy on a directory sign or other multi-tenant sign within a ninety (90) day period;
      (b) Abandonment of a sign, as defined by this Section;
      (c) Repair or reconstruction of a sign in disrepair, regardless of the reason for the deteriorated condition of the sign;
      (d) Relocation of any sign for any reason; or
      (e) Expiration of any temporary sign permit.

   (2) At the end of the five (5) year period, all signs, shall comply with the provisions of this code, including the master sign plan requirements in this Section, "Master Sign Plans."
(3) Nonconforming signs, may be refurbished or repaired, provided no structural alterations are involved.

(4) Signs or sign structures which were never lawfully permitted shall not be determined as legally nonconforming signs and shall be subject to immediate removal without the benefit of any amortization period.

E. **Sign permits.**

(1) **Permit applications.** Sign permit applications shall comply with Section 47-22

(2) **Exempt signs.** Permits shall not be required for the following signs, provided the sign area is six (6) square feet or less and the sign is non-illuminated:

   (a) Building identification signs;
   (b) On-premises directional signs;
   (c) Flags, as permitted by this Section;
   (d) Garage sale signs;
   (e) General information signs;
   (f) Hanging signs;
   (g) Interior signs;
   (h) Model signs;
   (i) Nameplate signs;
   (j) Real estate signs;
   (k) Religious signs;
   (l) Use-related informational signs; and
   (m) Window signs.

(3) **Permits shall not be required for the following signs:**

   (a) Holiday or seasonal signs;
   (b) Murals;
   (c) Opinion signs;
   (d) Public service signs;
   (e) Traffic control signs; and
   (f) Any sign on a plot, or portion of a plot, used as a farm and pertaining to farm activities.
F. Maintenance and removal.

(1) All permitted signs and sign structures shall be maintained in good condition and not allowed to remain in a state of disrepair. Any such sign shall either be removed or repaired within thirty (30) days of notice to the sign owner and/or property owner.

(2) Any abandoned sign shall be removed by the sign owner or by the property owner, if the sign owner cannot be verified or located, within thirty (30) days of notice to the sign owner and/or property owner.

G. General sign requirements for permanent signs.

(1) Changeable copy signs. Such signs shall not exceed fifty (50) percent of the maximum permitted area of a sign.

(2) Directional and general information signs. Such signs may be double-faced, may be monument, pole or building wall signs, shall be adjacent to paths of vehicular or pedestrian traffic, and shall be no larger than six (6) square feet in sign area and four (4) feet in height, except for building wall signs which may be incorporated into the aggregate permitted sign area for such signs. Such signs may be off-premises signs, provided they are not located more than five hundred (500) feet from the facilities referenced on the sign and are not less than five hundred (500) feet apart; except that directional signs for shopping center out parcels shall not be subject to distance limitations. Off-premises directional and general information signs are subject to permit requirements.

(3) Illumination of signs: Where permitted, sign illumination shall be provided by one (1) of the following methods:

   (a) Internally illuminated message. The sign face is made of an opaque material and the copy is cut out of the material and replaced with translucent material. The sign's light source is inside the sign.

   (b) Internally illuminated sign. The sign face is made of translucent material with an internal light source.

   (c) Back lighting. The copy is raised beyond the sign face and the lighting illuminates the copy from behind in the form of back lighting or reversed channel lighting.

   (d) Shielded spotlight. The sign face and copy are lighted by spotlights specifically directed at it. Such spotlights shall be fully shielded so that they are not visible from streets or adjoining property and so that there is no light spillage beyond the sign face.

   (e) Neon. The copy is conveyed through the use of neon tubing or the sign face is outlined by neon tubing.

(4) Landscaping. All developed nonresidential properties shall provide landscaping at the base of any freestanding sign on the plot in accordance with Section 47-39.A.13, Functional Landscaping and Xeriscaping.

(5) Logos and religious signs. Logos and religious signs shall not exceed fifty (50) percent of any sign area.
(6) **Monument signs.**

(a) **Sign structure.** The supporting structure of a monument sign shall not be less in width than twenty (20) percent of the width of the sign face, inclusive of any box, cabinet or frame. The supporting structure for sign faces, inclusive of any box, cabinet or frame, which are less than nine (9) feet in width, may be less than twenty (20) percent of the width of the sign face but not less than eighteen (18) inches. No copy shall be permitted on the supporting structure other than the building address.

(b) **Minimum clearance.** All monument signs having a supporting structure less in width than the sign face, inclusive of any box, cabinet, border or frame, shall maintain a minimum vertical clearance of eight (8) feet, except that such signs eight (8) feet in height or less shall maintain a maximum vertical clearance of three (3) feet. Vertical clearance shall be measured from the sidewalk adjacent to the sign or, in the absence of sidewalks, measured from the crown of the right-of-way adjacent to the sign, to the bottom of the box, cabinet, border or frame of the sign face.

(7) **Opinion signs.** Opinion signs may constitute all or any part of the total area of any sign permitted in this article. Such signs may only be illuminated in business, commercial or industrial districts.

(8) **Setbacks.** Freestanding signs of any type shall not be subject to front yard or street side setbacks specified in any zoning district, but shall be located no closer than five (5) feet from any dedicated right-of-way or recorded road easement and shall not be closer than three (3) feet from any other privately owned property and, in nonresidential districts, not closer than twenty-five (25) feet from any residentially zoned property. Setbacks shall be measured from the edge of the sign face, cabinet, border or the outermost portion of the sign structure, whichever is closer to the plot line.

(9) **Sight distance triangle.** No sign structure of any type shall be located within twenty-five (25) feet of the intersection of any two (2) public or private streets or within an area of property on both sides of an access way or driveway formed by the intersection of each side of the access way and the public right-of-way line with both sides of the triangle being fifteen (15) feet in length from the point of intersection and the third side being a line connecting the ends of the other two (2) sides. The sign face of a monument sign may extend into the sight triangle to the minimum setback.

(10) **Strip lighting.** Strip lighting shall be permitted solely to outline a building, window or door area of commercial and industrial establishments, and shall be limited to a total footage equivalent to twice the building frontage. The size of the tubing shall not exceed forty (40) millimeters and transformers for strip lighting shall not be larger than thirty (30) milliamperes. Strip lighting shall not extend above the roof line of any building.

(11) **Under canopy signs.** Such signs shall have a minimum vertical clearance of eight (8) feet and shall not exceed six (6) square feet in sign area. Copy shall be limited to the name or the main character of the establishment the sign serves.

(12) **Use-related informational signs.** Such signs shall not exceed fifty (50) percent of the total permitted sign area, except that they may constitute one hundred (100) percent of any changeable copy sign.
(13) **Window signs.** Window signs, including neon signs, shall not cover more than twenty (20) percent of any individual window or door area.

H. **Basic design schedule for nonresidential signs.** All permitted permanent signs shall comply with the following limitations and requirements unless otherwise specified.

(1) **Building wall signs, graphic signs, canopy signs, marquee signs, pylon signs or roof signs.**

   (a) Letters, cabinets or borders shall not exceed the height of any canopy or marquee upon which the sign is affixed;

   (b) The maximum length shall not exceed eighty (80) percent of the building frontage; and

   (c) The total area of any building wall sign, graphic sign, pylon sign or roof sign shall not exceed twenty (20) percent of the building frontage.

(2) **Awning or umbrella signs.** The sign copy may only be located on the portion of the awning or umbrella which is parallel to the building to which it is affixed or at a ninety (90) degree angle to the ground.

(3) **Directory signs, fence or freestanding wall signs, freestanding signs, identification signs, monument signs, panel signs.** The maximum height of all such signs shall be in accordance with the following, unless otherwise specified in Section 47-39.A.15.:

<table>
<thead>
<tr>
<th>Right-of-Way Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>(in Feet)</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>0—50</td>
</tr>
<tr>
<td>51—80</td>
</tr>
<tr>
<td>81—100</td>
</tr>
<tr>
<td>101—120</td>
</tr>
<tr>
<td>Over 120</td>
</tr>
</tbody>
</table>

(a) Where a sign is proposed to be erected within one hundred (100) feet of the intersection of two (2) streets where the right-of-way widths differ, and will be visible from both such streets, the maximum height of the sign shall be determined using the narrower of the two (2) rights-of-way.

(b) The maximum area of any such sign shall be in accordance with the following:

<table>
<thead>
<tr>
<th>Aggregate Frontage</th>
</tr>
</thead>
<tbody>
<tr>
<td>(in Feet)</td>
</tr>
</tbody>
</table>

Fort Lauderdale, Florida, Code of Ordinances
I. Permitted permanent signs. Signs specified in Figure 1 in this subsection I. shall be permitted subject to limitations contained in Section 47-39.A.15. and subject to the following additional limitations and requirements:

(1) Multiple family residences. The following signs shall be permitted for all multiple family residences:

(a) Two (2) building identification signs for each building on a multiple family plot, which shall be building wall signs, monument signs or hanging signs, and which shall not exceed five (5) square feet in sign area per sign. Monument signs shall not be higher than five (5) feet;

(b) One (1) nameplate sign per dwelling unit, not to exceed one and one-half (1½) square feet in sign area;

(c) Directional and general information signs;

(d) Opinion signs, not larger than five (5) square feet in sign area;

(e) Garage sale signs; and

(f) Building identifications may be illuminated by shielded spotlights or internal illumination.

(2) Freestanding schools, places of worship, community facilities, and hospitals. The following identification signs, which may include logos or religious signs, shall be permitted for freestanding schools, places of worship, community facilities, and hospitals:

(a) One (1) freestanding identification sign, which may be double-faced and which may be a monument sign, fence or freestanding wall sign or panel sign along the frontage. If there is frontage on more than one (1) street, one (1) sign shall be permitted along the primary or principal frontage, and one (1) additional sign shall be permitted along one (1) additional frontage, not larger than three-quarters (¾) the permissible height and one-half (½) the permissible area of the primary frontage sign. Box or cabinet signs may be internally illuminated. Painted or graphic signs may be illuminated by shielded spotlights. Individual letter signs may be illuminated either by internal illumination or by shielded spotlights;

(b) One (1) identification sign in the form of a building wall sign, graphic sign, canopy sign,
marquee sign or pylon sign on each building frontage. Such signs may be box or cabinet or individual letter signs. Signs may be illuminated by internal illumination or shielded spotlights;

(c) Changeable copy signs and use-related information signs;

(d) Directional and general information signs;

(e) Building identification signs;

(f) Opinion signs; and

(g) Outdoor event signs as permitted by Chapter 15, Article V, Outdoor Event.

(3) Single-family residences. The following signs shall be permitted for all single-family residences:

(a) One (1) identification sign or nameplate or religious sign, not larger than three (3) square feet in area, which shall be a building wall sign, a fence or freestanding wall sign or a hanging sign;

(b) Opinion sign;

(c) General information signs not exceeding a total of three (3) square feet in area for all such signs;

(d) Garage sale signs; and

(e) No sign shall be illuminated.

(4) Subdivision signs. Subdivision signs shall be permitted in all residential zoning districts subject to the following limitations:

(a) Two (2) signs shall be permitted at the primary entrance to a subdivision, neighborhood or multiple family complex, a maximum of thirty-two (32) square feet in sign area per sign and not exceeding eight (8) feet in height. One (1) additional sign shall be permitted at any other entrance, one-half (½) the permissible area and three-fourths (¾) the permissible height of a primary sign;

(b) Subdivision signs shall be monument signs or fence or freestanding wall signs; and

(c) Signs may be illuminated by any means specified in Section 47-39.A.15.G.

**Figure 1.**

**Key to Zoning Districts**

<table>
<thead>
<tr>
<th>R</th>
<th>Detached One-Family Residential District</th>
</tr>
</thead>
<tbody>
<tr>
<td>M</td>
<td>Multiple-Family Residential District</td>
</tr>
</tbody>
</table>
### SIGN TYPE/FUNCTION PERMISSIBILITY BY ZONING CATEGORY

**X = Affirmative**

**Negative**

**C = Conditional**

<table>
<thead>
<tr>
<th>Zoning Categories</th>
<th>RS</th>
<th>RM</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FUNCTIONAL SIGNS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Billboard Sign</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Building Identification Sign</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Changeable Copy Sign</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Contractor Sign</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Directional Sign</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Election Sign</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Flags</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Garage Sale Sign</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>General Information Sign</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Grand Opening Sign</td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>Holiday or Seasonal Sign</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Identification Sign</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Logo</td>
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<td>X</td>
</tr>
<tr>
<td>Model Sign</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Nameplate Sign</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Opinion Sign</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Outdoor Event Sign</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Project Sign</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Public Service Sign</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Real Estate Sign</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Religious Sign</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
J. **Master sign plans.**

(1) For all plots having more than two (2) tenants displaying signs, a master sign plan shall be approved by the Building Code Services Division.

(2) No sign permits shall be issued contrary to the master sign plan.

(3) The master sign plan shall meet all of the provisions of this article and shall include the following:

   (a) An elevation plan, drawn to scale, depicting all signs placed or to be placed on the buildings on the plot;

   (b) A site plan, drawn to scale, indicating the location of all freestanding signs erected or to be erected on the plot, including setbacks;

   (c) A scale drawing of all freestanding signs depicting the sign type, height, dimensions and sign area, including the sign structures;

   (d) For directory signs or other signs providing for more than one (1) tenant, the amount of sign area allocated for each tenant shall be indicated;

   (e) The standards for letter styles, letter colors, letter heights, and background colors to be used for the various types of signs on the plot. The size and type of items of information may be varied for major or anchor tenants in a shopping center;
(f) The types of illumination to be used for each type of sign; and

(g) A statement indicating how many anchor tenants will be on the site and sign criteria for same insofar as letter styles, colors, letter heights.

(4) For new projects, the master sign plan shall be submitted at the time of final site plan submittal.

(5) For existing buildings, the property owner(s) or their agent shall submit a master sign plan which complies with all of the provisions of this article within five (5) years of the effective date of this article. If a master sign plan has not been approved within the five (5) year period, no sign permits shall be issued until such master plan has been submitted and approved.

(6) Once the master sign plan has been approved for a plot, the criteria shall apply to the entire plot shown on the master sign plan, as well as each individual tenant or occupant, and shall remain as long as the building(s) exist, regardless of change of ownership, management or occupancy, or until a complete new master sign plan has been submitted and approved.

(7) No part of an approved master sign plan may be waived by the hearing officer.

(8) All existing signs on the plot must conform to the master sign plan within a period of one (1) year from approval of the plan.

K. Temporary signs.

(1) The provisions of this section shall pertain to the erection, placement, and maintenance of all temporary signs, other than those specified in Article XIII, Conditional Uses, of this Code.

(2) Temporary signs shall be permitted in addition to any other permitted sign on private property and shall be exempt from all other provisions of this Article, provided such signs fully comply with this section.

(3) The following types of signs may be erected as temporary signs:

   (a) Contractor signs
   (b) Election signs
   (c) Model signs
   (d) Project signs
   (e) Real estate signs
   (f) Sales office signs

(4) A permit as required in Section 47-22, shall be obtained for any temporary sign six (6) square feet or larger in size.

(5) Temporary signs on developed plots shall not be larger or higher than any permanent sign permitted on the premises where the sign will be located.

(6) Temporary signs on undeveloped plots shall not exceed the following:
(a) For parcels less than one (1) acre in area, a maximum of twelve (12) square feet in sign area and six (6) feet in height above the ground;

(b) For parcels between one (1) and ten (10) acres in area, a maximum of sixteen (16) square feet in area and six (6) feet in height above the ground; and

(c) For parcels over ten (10) acres in area, a maximum of twenty-four (24) square feet in sign area and eight (8) feet in height above the ground.

(7) Temporary signs shall be limited to one (1) sign of each type specified herein for each one thousand (1,000) lineal feet of street or waterway frontage of a plot, except that:

(a) One (1) model sign shall be permitted at the location of each model on a residential development under construction not to exceed three (3) square feet in sign area per sign and three (3) feet in height above the ground; and

(b) One (1) election sign shall be permitted for each street frontage per plot for each candidate and issue.

Such signs may be double-faced and may be a hanging sign, a building wall sign, pole sign or window sign. All freestanding signs shall be set back a minimum of five (5) feet from any plot line.

(8) Where two (2) or more types of temporary signs are combined on one (1) sign face or sign structure, then the sign area may be increased by twenty (20) percent.

(9) No temporary sign shall be placed on public property or property owned or used by Broward County or any other governmental entity. Signs placed in violation of this provision shall be subject to removal without notice by Broward County.

(10) A real estate sign in a residential area may be increased in size by a maximum of fifty (50) percent of the permitted sign size to accommodate additional information such as "By Appointment Only," "Sold" or "Open House." "Open House" signs:

(a) May only be displayed while the premises are actually available for inspection by a prospective buyer or tenant;

(b) May be off-premises signs, provided they are not less than four hundred (400) feet apart, are not more than three (3) square feet in area, are not more than three (3) feet in height; and

(c) May only be displayed on private property; and

(d) Information boxes shall not be considered a sign.

(11) All temporary signs shall be removed within ten (10) days after the conclusion of the election, to which any temporary sign pertains, or the development, construction or sale of any building or property to which any temporary sign pertains, or shall be removed after the expiration of six (6) months from the erection of the sign, whichever occurs first.

(Ord. No. C-09-27, § 1, 10-20-09)
Sec. 47-39.2. - Effect of other ULDR Regulations.

Unless otherwise provided in this Section 47-39, the provisions of the ULDR with general applicability to development and use of property within the city shall apply as requirements of the development and use of property within the districts described in this Section 47-39. Such requirements shall include, but not be limited to, the provisions of Sections 47-24, Development Permits and Procedures, and 47-25, Development Review Criteria. However, any provision of this Section 47-39 in conflict with any other provision of the ULDR shall prevail to the extent of such conflict.

(Ord. No. C-09-27, § 1, 10-20-09)