

Attachment A

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE REORGANIZATION OF THE LAND DEVELOPMENT CODE AND ZONING CODE; AMENDING AND RENUMBERING VARIOUS SECTIONS OF CHAPTERS 5 AND 39 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Section 5-182.5 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 5-182.5. Trafficways.

...

(b) *Access to trafficways.* A plat that abuts or contains an existing or proposed trafficway or trafficway corridor shall be designed to facilitate the safe and efficient movement of vehicles between the trafficway and the proposed development and shall comply with the following standards and requirements, except as may be modified by Sections 5-182.5(b)(15) and ~~5-195(d)~~ 5-192(e):

...

- (5) In order to provide for the installation of traffic control equipment, additional right-of-way shall be provided pursuant to Section ~~5-195(b)(3)b~~ 5-192(c)(3)b.

...

- (9) If the development abuts a trafficway or trafficway corridor, a nonvehicular access line shall be delineated along the trafficway and the trafficway

corridor, except at those points of access not in conflict with the standards provided in Section ~~5-195(b)~~ 5-192(c) of this article.

- (10) If the development abuts a trafficway or trafficway corridor, then left-turn, U-turn, or right-turn lanes, and bus pullout bays shall be required pursuant to Sections ~~5-195(b)(8)~~ 5-192(c)(8) and ~~5-195(b)(11)c)6)~~ 5-192(c)(11)c)6). However, in regard to the requirements for turn lanes, if a traffic study acceptable to the Broward County Traffic Engineering Division demonstrates that the absence of such turn lanes will not adversely affect traffic conditions, the County Commission may waive this requirement.
- (11) If the development abuts a trafficway or trafficway corridor, sidewalks adjacent to the development shall be required pursuant to Section ~~5-195(a)(17)~~ 5-192(b)(4).
- (12) If the development abuts a trafficway or a trafficway corridor, ingress and egress easements may be required in order to provide joint-use driveways for adjacent properties, pursuant to Section ~~5-195(b)(11)c)8)~~ 5-192(c)(11)c)8).
- (13) The design of a plat abutting a trafficway or trafficway corridor reflected on the Broward County Trafficways Plan or a road functionally classified as a County road shall be consistent with the provisions of Section ~~5-195(b)~~ 5-192(c).
- (14) If the development abuts a trafficway or trafficway corridor, additional right-of-way shall be conveyed to the public by dedication on the face of the plat by deed or, if acceptable to the County, by grant of easement which is necessary for the ultimate construction of turn lanes, bicycle facilities,

sidewalks, bus pullout bays, bus shelters, or roadway drainage facilities as required pursuant to Section ~~5-195~~ 5-192.

- (15) Alternative standards and criteria may be considered and applied to plats abutting a trafficway or trafficway corridor designated as "Urban Core," "Urban Residential," or "Urban Mainstreet" on the Delineated Trafficways Plan pursuant to Section ~~5-195(d)~~ 5-192(e).
- (16) If the development abuts a trafficway, trafficway corridor, or County jurisdiction roadway, a Traffic Signal Agreement and security may be required pursuant to Section ~~5-195(b)(11)d)~~ 5-192(c)(11)d).
- (17) If the development is for a school and abuts a trafficway, trafficway corridor, or County jurisdiction roadway, provisions for school zone flashers shall be required pursuant to Section ~~5-195(b)(11)e)~~ 5-192(c)(11)e).

(c) *Access to nontrafficway collector roads within the unincorporated area.* If development within the unincorporated area abuts a nontrafficway collector road, a nonvehicular access line shall be placed along the nontrafficway rights-of-way, except in those locations in conflict with the provisions of Sections ~~5-195(a)~~ 5-192(a) and ~~5-195(b)~~ 5-192(c).

Section 2. Section 5-182.8 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 5-182.8. Impact on environmentally sensitive lands, wetlands, and archaeological resources.

(a) Consideration of impact on environmentally sensitive lands and archaeological resources.

...

(2) a) The EIR shall:

...

b) For the purposes of this subsection, the applicant shall not have met the procedural requirements for the submittal of a complete application for a development permit until the applicant has submitted all relevant information required by the Planning and Development Management Division Director to enable the preparation of the environmental impact report. Such information shall include, but is not limited to, a preliminary or final site plan for the proposed development, if available, a Generalized Resource Survey as described in ~~subsection 5-195(a)(14)~~ 5-192(b)(1), and any and all material regarding the environmental sensitivity of the land to be developed that has been prepared by the applicant for submission to federal, State, regional, and local agencies.

...

Section 3. Division 4 of Chapter 5, Article IX, of the Broward County Code of Ordinances is hereby amended to read as follows:

DIVISION 4. ~~SITE PLAN PROCEDURES AND REQUIREMENTS FOR LAND WITHIN THE UNINCORPORATED AREA~~ DEVELOPMENT STANDARDS FOR BROWARD COUNTY JURISDICTIONAL ROADWAYS, RIGHTS-OF-WAY, NATURAL RESOURCE AREAS, AND OTHER EASEMENTS

Section 4. Section 5-191 of the Broward County Code of Ordinances is hereby deleted in its entirety and replaced with the following to read as follows:

Sec. 5-191. Applicability.

Unless otherwise specified, Division 4 shall apply to all County jurisdictional roadways, rights-of-way, natural resource areas, historic and archaeological resources, and other easements granted in favor of the County.

Section 5. Sections 5-192, 5-193, and 5-194 of the Broward County Code of Ordinances are hereby deleted in their entirety.

Section 6. Section 5-195 of the Broward County Code of Ordinances is hereby renumbered and amended to read as follows:

Sec. 5-195 5-192. Site plan pParking, circulation, landscaping, and design requirements right-of-way access, sidewalks, and water and wastewater easements.

~~Development depicted in a site plan shall meet the following requirements, except where such site plan abuts a trafficway or trafficway corridor designated as "Urban Core," "Urban Residential," or "Urban Mainstreet" on the Delineated Trafficways Plan. In the case of such exception, the site plan shall meet all of the following requirements, except to the extent they may be modified pursuant to Section 5-195(d):~~

(a) ~~Site plan design~~ Parking circulation and right-of-way access.

(1) ~~Offstreet parking facilities.~~

...

b) ~~Functional elements of onsite circulation system. Car parking stalls, parking aisles, driveways, reservoir areas, and entrances are the basic functional elements of the onsite circulation system. Additional eElements,~~ including, but not limited to, perimeter roads, rear collector roads, service roads

within the proposed development, left turning lanes, right turning lanes, traffic lights, and frontage roads in the public rights-of-way immediately adjacent to the proposed development may also be required, pursuant to Section ~~5-195(b)~~ 5-192(c) of this ~~d~~Division. Access for emergency fire vehicles shall be in accordance with Fire Protection Standards.

1) ~~*Parking stalls and aisles.*~~

- a. ~~The minimum size (in feet) of a parking stall space shall be as follows:
9' x 18' - standard space
9' x 23' - parallel space
10' x 25' - loading space
12' x 18' - handicap space~~
- b. ~~The design of parking areas and the required number of parking spaces shall be in conformance with Chapter 39, Article XII, Off-Street Parking and Loading, Broward County Code of Ordinances.~~
- c. ~~All required parking stalls shall have direct and unobstructed access from a parking aisle.~~
- d. ~~No parking stall shall directly abut a driveway.~~
- e. ~~Access for emergency fire vehicles shall be in accordance with Fire Protection Standards.~~

f. ~~All off-street parking areas shall be so arranged and marked as to provide for orderly safe loading, unloading, parking and storage of vehicles with individual parking stalls clearly defined with directional arrows and traffic signs provided as necessary for traffic control.~~

~~g. c)~~ Acceptable plans must illustrate that proper consideration has been given to the surrounding street plan, traffic volumes, proposed street improvements, vehicular street capacities, pedestrian movements, and safety. Plans for adequate pedestrian movements shall include sidewalks that are accessible by disabled persons connecting existing or planned bus stops, bus bays, and bus shelters; and the roadway sidewalk adjacent to the project. In addition, there shall be sidewalks that are accessible by disabled persons connecting the roadway sidewalk and the interior street system sidewalk or, in the case of multifamily residential or ~~non-residential~~ nonresidential development, between the roadway aislewalk and doorway entrance(s) to the building(s). Where sidewalks cross streets and driving aisles, proper curb drops and pavement markings delineating the cross walk shall be installed.

h. ~~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 (11th) space shall be a landscaped peninsula a minimum of nine (9) feet in width, excluding curb. Other suitable solutions or innovative designs may be substituted when approved by the Highway Construction and Engineering Division.~~

~~2) *Reserve and overflow parking regulations.* Reserve and overflow parking shall be in conformance with Chapter 39, Article XII, Off-Street Parking and Loading, Broward County Code of Ordinances. Other suitable solutions or innovative designs may be substituted when approved by the Planning and Development Management Division and the Code and Zoning Enforcement Division.~~

3 d) *Driveways in the unincorporated areas.*

a- 1) All parking aisles shall connect to a driveway.

b- 2) A parking lot ~~which~~ that exceeds sixty (60) parking stalls shall be designed with at least one (1) two-way directional driveway loop system connecting the entrance to the parking stalls and the principal building. Other innovative designs may be substituted when approved by the Highway Construction and Engineering Division and Traffic Engineering Division.

- e. 3) The minimum distance from a driveway, service drive, parking stall, or parking aisle to a structure or property line shall be nine (9) feet, excluding curb, and except at a drive-in teller or pickup window. The minimum distance to a driveway, service drive, or parking aisle from a right-of-way shall be ten (10) feet where there is no connection between the driveway and the street.
- e. 4) Two-way driveways shall be a minimum of twenty-four (24) feet wide. Required widths shall be increased according to vehicle type or if the number of parking stalls connected or the number of trips generated justifies such increase.
- e. 5) One-way driveways shall be a minimum of fifteen (15) feet wide. Required widths shall be increased according to vehicle type or if the number of parking stalls connected or the number of trips generated justifies such an increase in width.
- f. 6) Any ~~off-street~~ offstreet parking facility shall have either driveway approaches of sufficient width to allow for two-way traffic, or one-way driveways connected to aisles, parking areas, or maneuvering areas in such a manner as to permit traffic to both enter and leave the property, facing forward, at the same time. A driveway

which that is only wide enough for one-way traffic shall not be used for two-way access.

~~g.~~ 7) Driving aisles: Two-way driving aisles shall be a minimum of twenty-four (24) feet wide; one-way driving aisles shall be a minimum of twelve (12) feet wide, and clearly marked for one-way traffic.

~~h.~~ 8) Alternative designs may be substituted when approved by the Highway Construction and Engineering Division.

4 e) *Circulation design.* A parking lot abutting a trafficway shall be designed for full circulation. A parking lot abutting a street other than a trafficway may be designed for partial circulation.

5 f) *Parking and loading areas to be curbed.* Except for one-family and two-family dwellings, all parking and loading areas shall be constructed with a six (6) inch raised curb or bumper blocks located a minimum distance of seven (7) feet behind the street right-of-way line and other property lines along sidewalks, safety islands, driveways, sight distance triangles, and other places as needed; unless determined to be unnecessary by a finding of the County that, given the particular circumstances of the site, such curb can be eliminated in certain areas without creating safety hazards. The raised curb shall be constructed in such a manner as to prevent vehicles from crossing sidewalks or other pedestrian walkways, other than by means of an approved driveway approach.

~~(2)~~ *Loading facilities.*

- ~~a) Truck loading and unloading areas are required for all buildings and establishments which receive and/or ship materials or merchandise by truck. The number of loading spaces required shall be in conformance with Chapter 39, Article XII, Off-Street Parking and Loading, Broward County Code of Ordinances.~~
- ~~b) Off-street truck loading shall be required except as provided in c) below. The off-street loading facility shall be designed to accommodate both the parking of and maneuvering of the design vehicle exclusive of those areas designated for aisles, driveways or parking stalls.~~
- ~~c) On-street loading shall be permitted on a local cul-de-sac street abutting commercial and industrial development. Where permitted such on-street loading areas shall berth the design vehicle exclusive of the public right-of-way.~~

~~(3)~~ (2) *Vehicular reservoir areas.* Adequate reservoir capacity 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 reservoir shall be of sufficient size to ensure that vehicles will not obstruct the adjacent roadway, the sidewalk, and the circulation within the facility. An outbound reservoir shall be required to eliminate backup and delay of vehicles within the development.

...

- c) *Adjacent to ~~non-trafficway~~ nontrafficway street.* All ~~off-street~~ offstreet parking facilities shall provide a reservoir area at the point(s) of connection of a driveway with a public right-of-way. The reservoir area for any residential use other than single family detached, commercial use or industrial use shall accommodate at least one percent (1%) of the number of parking stalls served by the driveway. For parking lots with fewer than one hundred (100) cars, the reservoir area shall be able to accommodate at least one (1) car.

TABLE VI. VEHICLE RESERVOIR AREA REQUIREMENTS

...

Note: ~~1 reservoir space is 12 ft. x 22 ft.~~

- ~~(4) *Stacking spaces for drive-through facilities.* The required number and design of stacking spaces for drive through facilities shall be in conformance with Chapter 39, Article XII, Off-Street Parking and Loading, Broward County Code of Ordinances.~~

- ~~(5)~~ (3) *Access for vehicles other than automobiles.*

...

- ~~(6) *Setbacks.*~~
 - ~~a) Development adjacent to a trafficway shall comply with building setback requirements in subsection 5-195(b).~~
 - ~~b) Any yard abutting a nontrafficway street shall be considered a front yard. The front yard requirement for any building~~

~~construction along a nontrafficway shall be a minimum of five (5) feet in depth measured from the ultimate right-of-way line, or future right-of-way line where applicable.~~

~~e) Any fence or hedge which will cause a sight visibility obstruction within one hundred (100) feet of a driveway or cross street, which is to be installed along a nontrafficway collector street shall be set back a minimum of five (5) feet from the ultimate right-of-way line of the collector.~~

~~(7) (4)~~ *Driveway entrance from public rights-of-way.* If a driveway connects development to a trafficway, or a street within a trafficway corridor, the provisions of ~~sub~~Section 5-195(b) 5-192(c) of this ~~D~~ivision shall apply. The following requirements apply to driveways connecting development to a nontrafficway corridor street.

...

~~(8) (5)~~ *Limitations on improvements in the ultimate right-of-way.* No obstructions of any type ~~which~~ that are deemed unsafe by County standards shall be left in the ultimate right-of-way as a result of any improvements in the ultimate right-of-way.

~~(9) (6)~~ *Sight distance.*

...

~~(10) (7)~~ *Design of trafficway corridors.* A site plan connected to a street at any point within a trafficway or trafficway corridor shall meet the design criteria, requirements, and standards of ~~sub~~Section 5-195(b) 5-192(c) of this division, except where such

site plan abuts a trafficway or trafficway corridor designated as "Urban Core," "Urban Residential," or "Urban Mainstreet" on the Delineated Trafficways Plan. In the case of such exception, the site plan shall meet all of the requirements and standards of ~~sub~~Section 5-195(b) 5-192(c), except to the extent they may be modified pursuant to ~~sub~~Section 5-195(d) 5-192(e).

(11) (8) *Design of nontrafficway corridors.* A site connected to a street ~~which~~ that is not within a trafficway corridor shall meet the design criteria, requirements, and standards of ~~Sub~~section 5-195(e) 5-192(d) of this ~~D~~ivision.

(12) (9) *Pervious area and greenspace.*

a) ~~The area covered by structures and impervious surface shall not exceed seventy-five percent (75%) for industrial, seventy percent (70%) for commercial and sixty percent (60%) for residential uses. For the purposes of this requirement all other uses, such as, but not limited to, utilities, transportation and office park, shall be included in the commercial category. In mixed use developments the most restrictive of the applicable impervious area limitations shall be utilized.~~

1) ~~Pervious areas may be used to satisfy requirements for landscaping and setbacks, buffer strips, drain fields, passive recreation areas, or any other purpose that does not require covering with a material that prevents infiltration of water into the ground.~~

- 2) ~~In the case of the use of an impervious material which does not cover all the surface to which it is applied, credit towards the computation of the pervious area shall be given according to the percentage of pervious area that is retained.~~
 - a. ~~Pervious paving blocks may not be used within major driveways, loading zones, actively used parking stalls in commercial or industrial developments, or any other area that may cause a liability to the property owner.~~
 - b. ~~Pervious paving blocks may be used in overflow parking areas, park and recreation parking facilities, and residential area. In all cases where the pervious paving blocks are used where pedestrian traffic is prevalent, the block voids shall be planted with a nonrunner specie of grass such as, but not limited to, zoysia and bermuda grass.~~
- 3) ~~In those cases where the Broward County Zoning Code allows some required parking stalls to be grassed, no credit towards the computation of pervious area shall be granted for such areas.~~
- 4) ~~Upon demonstration by the applicant that special conditions peculiar to the location or physical~~

~~characteristics of a particular site are present, or special conditions resulting from the design of existing facilities or surrounding land uses are present, the Planning and Development Management Division Director may permit variation from the impervious area standards, subject to the following limitations:~~

- ~~a. Variation from the stated requirements shall be proportional to mitigating design improvements provided in excess of the minimum required engineering and landscaping standards. The impervious area shall not exceed eighty five percent (85%) for industrial, eighty percent (80%) for commercial, and seventy percent (70%) for residential uses.~~
- ~~b. Mitigating design improvements may include the use of curvilinear berms to aid in screening; increased vegetation size and quantity, native species utilization, and preservation of existing significant vegetation to increase the quality of greenspace areas; the use of interlocking paving blocks along pedestrian walkways; and grassed retention basins and swales to aid in the filtration of storm water runoff.~~

- b) ~~Each proposed development shall include provisions for the application of best management practices to enhance retention areas such as grass ponds, grass swales, french drains, or combinations thereof, and shall meet all requirements of the applicable 208 Areawide Wastewater Treatment Management Plan.~~
- e a) *Greenspace.* Where one or more of the nine (9) ecological communities listed in ~~Appendix 17-1~~ of the Broward County Comprehensive Plan, Conservation Element Appendix C-A are present within a proposed development, (except in jurisdictional wetlands as determined by the Broward County Environmental ~~Protection~~ Resilient Environment Department), a minimum of fifty percent (50%) of the pervious area required by ~~this sub~~Section 39-94 shall consist of these ecological communities in preservation areas.

~~(13) *Functional landscaping and tree preservation.* Compliance with the applicable provisions of Chapter 39, Article VII, Functional Landscaping and Xeriscaping and Chapter 27, Article XI, Aquatic and Wetland Resources Protection, Tree Preservation, Broward County Code of Ordinances are required prior to site plan approval.~~

(b) Natural resource areas, historic resources, sidewalks, and easements for water and wastewater.

~~(14)~~ (1) *Natural Resource Areas.* If a proposed development includes all or any part of any lands identified as a Natural Resource Area, or any

lands for which a notice of public hearing for designation as a Natural Resource Area has been given, the proposed development shall incorporate the Natural Resource Area in such a fashion as to significantly conserve the integrity of the area as appropriate to the affected resource. The proposed development shall be subject to the following requirements:

...

- c) *Resource Management Plan.* Any proposed development activity ~~which~~ that would negatively impact the Resource Management Area must be mitigated through a long-term Resource Management Plan, ~~approvable~~ approved by the ~~Planning and Development Management Division~~ County, which significantly improves the viability of the remainder of the resource. Said Resource Management Plan must be based upon the Generalized Resource Survey and provide for the enhancement and/or the restoration of the ecological value of the remainder of the Natural Resource Area through the proposed mitigation.

...

- (15) (2) *Lands designated as archaeologically significant.* If the proposed site plan includes any land designated as an archeological site in the Broward County Land Use Plan or in the Florida Site File, or designated as an Archaeological Cultural Resource Site, then site plan approval shall include requirements for management of the

archaeological site. Those requirements shall be based upon an archaeological report prepared by a professional archaeologist and submitted by the applicant prior to final site plan application. The report shall include a brief history of the area, the field survey methods, the results of the field survey, an assessment of the archaeological significance, and a proposed plan for management. The requirements for management shall be approved by the Urban Planning and Development Management Division Director after consultation with any other agencies deemed appropriate. It shall be the purpose of the management plan to provide for protection and preservation of the site to the extent feasible and to allow salvage excavation only where other methods of preservation would not permit reasonable development of the site. The decision of the Urban Planning and Development Management Division Director may be appealed to the County Commission, and the Commission may uphold the decision of the Urban Planning and Development Management Division Director or impose alternate requirements for site management.

~~(16)~~ (3) *Bicycle Facilities.*

- a) Location. Bicycle facilities shall be indicated by site on plans in accord with the Bicycle Facilities Network Plan adopted by the County Commission. Proposed bicycle facilities that are not identified in the adopted Plan shall be reviewed by the Planning and Development Management Highway

Construction and Engineering Division Director to determine if they meet the intent of said Plan.

...

~~(17)~~ (4) *Sidewalks.* Sidewalks shall be constructed adjacent to unincorporated local roads, trafficways delineated on the Broward County Trafficways Plan, as amended, and all unincorporated and functionally classified county collector roads, as follows:

a) *Unincorporated local roads.* A minimum five (5) foot wide sidewalk shall be constructed on both sides of all local roadways as specified in Tables IX, X, and XI of Section ~~5-195(c)(2)~~ 5-192(d)(2). If conditions warrant, sidewalk construction adjacent to local roads may be waived, in whole or in part, by the ~~Planning and Development Management~~ Highway Construction and Engineering Division Director. Generally, waivers are intended for infill development where all of the conditions below apply:

...

b) *Trafficways.* A minimum five (5) foot wide sidewalk shall be constructed on both sides of all trafficways, except expressways and limited access highways. If conditions warrant, sidewalk construction adjacent to trafficways may be waived, in whole or in part, by the ~~Planning and Development Management~~ Highway Construction and Engineering Division

Director. A waiver may be granted if all of the conditions below apply:

...

- c) ~~Non-trafficway~~ Nontrafficway collector roads. A minimum five (5) foot wide sidewalk shall be constructed on both sides of all ~~non-trafficway~~ nontrafficway collector roads as specified in Tables IX, X, and XI of ~~s~~Section 5-195(c)(2) 5-192(d)(2). If conditions warrant, sidewalk construction adjacent to collector roads may be waived, in whole or in part, by the ~~Planning and Development Management~~ Highway Construction and Engineering Division Director. A waiver may be granted if all of the conditions below apply:

...

- d) *Waivers.*
- 1) Sidewalk construction may be waived, in whole or in part, by the ~~Planning and Development Management~~ Highway Construction and Engineering Division Director if construction of sidewalks would not be feasible due to physical site constraints, including, but not limited to, existing paralleling canals, or lakes; or if construction of sidewalks would compromise public safety.
 - 2) If a request for a sidewalk waiver fails to meet one (1) or more of the conditions required for waiver by the

~~Planning and Development Management~~ Highway Construction and Engineering Division Director, the County Commission may waive sidewalk construction upon finding that such a waiver would not jeopardize public health and safety.

...

- g) *Pedestrian barriers.* The ~~Development Manager~~ Highway Construction and Engineering Division Director may require that a site plan indicate fences, hedges, berms, other landscaping, or other barriers on site plans, in order to discourage pedestrians from crossing hazardous streets at unsafe points or at numerous points. When possible, sites shall be designed so as to promote pedestrian street crossings only at traffic control signals, crosswalks, or intersections.

- (18) (5) *Water and wastewater easements.* If a water or wastewater line to be maintained by Broward County Water and Wastewater Services is to be installed, it shall be installed within a dedicated easement or a dedicated right-of-way approved by the County Water and Wastewater Services. Said easement must meet the following standards:

...

- (19) ~~*Wireless communication towers.*~~ Each application for a development permit for a wireless communications tower, as defined in

~~Section 39-4 of the Broward County Zoning Code, shall include a certified statement, by a radio frequency engineer, that the construction and placement of the tower will not unnecessarily interfere with public safety communications and the usual and customary transmission or reception of radio and television service enjoyed by adjacent properties. The statement shall also identify any interference that may result from the proposed construction and placement of the tower, and must certify that he or she has complied with Chapter 22, Part XXIV, Long Range Radio Communications Plan of the Broward County Administrative Code.~~

(b) (c) *Access to trafficway corridors.* In order to provide safe and adequate access between proposed development and trafficways, a trafficway corridor shall meet the following requirements, except for trafficways designated as "Urban Core," "Urban Residential," or "Urban Mainstreet" on the Delineated Trafficways Plan. In the case of such exception, all of the following requirements shall be met, except to the extent they may be modified pursuant to Section ~~5-195(d)~~ 5-192(e):

(1) *General street design and construction standards.*

...

(2) *Design Criteria and Street Characteristics Within a Trafficway Corridor.*

...

c) Local streets within a trafficway corridor shall conform to the criteria and characteristics of the following Table VII and the provisions of this section:

TABLE VII. DESIGN CRITERIA FOR CONSTRUCTION OF STREETS
WITHIN TRAFFICWAY CORRIDORS

Trafficway Roadways

<i>Design Factor</i>	<i>6-Lane Arterial</i>	<i>4-Lane Arterial</i>	<i>2-Lane (i) Arterial</i>	<i>4-Lane Collector</i>	<i>2-Lane (i) Collector</i>
...					
Vehicular Access	Pursuant to provisions of subsection 5-195(b)(11) <u>Section 5-192(c)(11)</u>				
Design Speed (f)	45 mph	45 mph	45 mph	40 mph	40 mph
Typical Streets Spacing	Pursuant to provisions of subsection 5-195(b)(3) <u>Section 5-192(c)(3)</u>				
...					

...

(h) Or alternative pursuant to ~~sub~~Section 5-195(b)(11)c 5-192(c)(11)c

...

Nontrafficway Roadways

Design Factor	4-Lane Local Collector	2-Lane (i) Local Collector	2-Lane Local	2-Lane Local Cul-De-Sac
...				
Vehicular Access	Pursuant to provisions of sub <u>Section 5-195(b)(11)</u> <u>5-192(c)(11)</u>			
...				

Typical Streets Spacing	Pursuant to provisions of sub Section 5-195(b)(3) <u>5-192(c)(3)</u>
-------------------------	--

...

(h) Or alternative pursuant to ~~sub~~Section ~~5-195(b)(11)c)~~ 5-192(c)(11)c)

...

(4) *Median openings.* To assure traffic safety, capacity, and control, median openings located within a trafficway corridor shall conform to the following criteria:

...

b) *Design criteria.*

...

2) Final design of median openings must be approved by the Broward County Traffic Engineering Division for compliance with the standards set forth in ~~paragraph 5-195(b)(1)c)~~ Section 5-192(c)(1)c) of this ~~D~~ivision.

...

(8) *Bus bay requirements.* If the development abuts a trafficway or a trafficway corridor with a proposed bus route, upon a finding of a rational relationship between the required dedication and the anticipated needs of the community, taking into account the immediate and direct impact of the proposed development and the long-term impact of continued approval of additional developments on bus services, additional right-of-way shall be dedicated to provide for bus pullout bays in suitable locations as determined by the Mass Transit Division. If the development abuts a trafficway or a

trafficway corridor with an existing bus route, upon a finding of a rational relationship between the required dedication and the anticipated needs of the community, taking into account the immediate and direct impact of the proposed development and the long-term impact of continued approval of additional developments on bus services, additional right-of-way shall be dedicated and construction shall be required to provide for bus pullout bays in suitable locations as determined by the ~~Mass~~ Transit Division. The cost of constructing a bus bay shall be creditable against road impact fees provided that the construction of the bus bay is not a required improvement pursuant to an Action Plan agreement. Bus pullout bays shall be consistent with the following standards:

...

- (9) *Bus shelter easement requirement.* If the development abuts a trafficway or trafficway corridor with an existing or proposed bus route, upon a finding of a rational relationship between the required dedication and the anticipated needs of the community, taking into account the immediate and direct impact of the proposed development and the long-term impact of continued approval of additional developments on bus services, bus shelter easements may be required in suitable locations, as determined by the ~~Mass~~ Transit Division, pursuant to the following standards:

...

- c) At bus shelter easements, sidewalk connections to the road surface or curb shall be constructed to provide accessibility to

disabled persons as specified in ~~section 5-195(b)(8)a3)~~
Section 5-192(c)(8)a3).

...

- (10) *Nonvehicular access line.* If development abuts a street within a trafficway corridor, a nonvehicular access line shall be delineated along the ultimate rights-of-way line(s), except at those points of access provided in conformance with the standards of this division.

In order to amend a nonvehicular access line reflected on the face of a recorded plat or an approved unrecorded plat, the applicant shall file an application with the Urban Planning and ~~Development Management~~ Division for submittal to the County Commission. Unless an existing nonvehicular access line may be amended administratively pursuant to Section 5-180(c), the application shall be subject to the development review process set out in Section 5-181. If accepted, the application shall be scheduled for a County Commission meeting in accordance with the "Filing Deadline" schedule published by the Urban Planning and ~~Development Management~~ Division and shall be distributed for review to the Highway Construction and Engineering Division, Traffic Engineering Division, Mass Transit Division, and any other reviewing agency deemed necessary by the Urban Planning and ~~Development Management~~ Division Director. The application shall be subject to the design standards of Section ~~5-195(b)~~ 5-192(c). If the plat is within a municipality, a written response from the municipality regarding the proposed change in the nonvehicular access line shall be submitted with the application. If the plat abuts a trafficway that is

functionally classified as a state road and the proposed change in the nonvehicular access line will create or amend vehicular access on the state road, a valid preapplication approval letter from FDOT issued pursuant to the "State Highway System Access Management Classification System and Standards" shall be submitted with the application. The effective period of a development order granting approval of a request to amend a nonvehicular access line on an approved but unrecorded plat shall run concurrently with the development order approving the plat. ~~The effective period of a development order granting approval of a request to amend a nonvehicular access line on an approved but unrecorded plat shall run concurrently with the development order approving the plat.~~ The effective period of a development order granting approval of a request to amend a nonvehicular access line on a recorded plat shall be eighteen (18) months after the date of approval. During the effective period of a development order granting approval of a request to amend a nonvehicular access line, the applicant shall fulfill all of the conditions required for approval by the County Commission. Any change in the nonvehicular access line approved by the County Commission shall become effective by the recordation of a document in the public records of Broward County, Florida, which document shall be in a form acceptable to the County.

- (11) *Vehicular access to trafficways.* Nondedicated or dedicated vehicular access to a street within a trafficway corridor shall conform to the following standards.

...

c) *Number and location of driveways.* The number and location of driveways shall be determined as follows:

...

3) *Driveway centerline spacing requirements within trafficway corridor.* The minimum distance between centerlines of two-way driveways shall conform to Table C. For those driveways with left turn movements, median opening spacing requirements shall have precedence.

...

In carrying out the intent of ~~section 5-195(b)(8)a)1)c.~~ Section 5-192(c)(8)a)1)c., driveway centerline spacing may be modified in order to coordinate the implementation of bus bay and turn lane requirements.

...

6) *Turning lanes.*

...

a. *Left turn lane requirements immediately adjacent to the development.* A left turn lane with two hundred (200) feet of storage with fifty (50) feet of transition shall be provided at each driveway that meets the minimum spacing requirements of Section ~~5-195(b)(4)~~ 5-192(c)(4), when the speed limit equals or exceeds thirty-five (35) miles per hour or, if the ADT of the driveway is one thousand (1,000) vehicles or more, or

the average peak hour inbound left turn volume is twenty-five (25) vehicles or more.

...

- d. Required storage and transition lengths may be modified where conditions warrant and are acceptable to the Broward County Highway Construction and Engineering and Traffic Engineering Divisions. When storage and transition lengths are so modified, the minimum distances set forth in Section ~~5-195(b)(11)c3)~~ 5-192(c)(11)c3), Table B, may be correspondingly adjusted if appropriate.
- e. In carrying out the intent of Section ~~5-195(b)(8)a1)c.~~ 5-192(c)(8)a1)c., required storage and transition lengths may be modified in order to coordinate the implementation of bus bay and driveway spacing requirements.

...

~~(e) (d)~~ *Design Standards and Requirements for Traffic Control of Local Streets.*

...

- (2) *Design Criteria for Local Streets by Development Type.* The design of local streets shall comply with the requirements of the provisions and Tables below, depending on the type of development proposed. Deviations from the numerical standards of Tables VIII, IX, X, and XI may be allowed but

only where approved by the Broward County Traffic Engineering Division and Highway Construction and Engineering Division upon a finding that substantially equivalent protection of the public safety can be achieved by alternative standards; provided, however, that no alternative standard having more than a ten percent (10%) deviation from the numerical standard stated below shall be permitted. If a proposed development includes more than one (1) type of use, the highest criteria shall apply.

a) *Residential development.* Residential streets shall be adequate to permit neighborhood traffic circulation to flow from the highest element of the hierarchical classification, the expressway, arterial, or collector, to the lowest element, the local residential street. Circulation within a residential development shall be adequate when the criteria of the Tables below are met and when collectors and local streets are provided which meet the standards below:

...

2) *Residential collector street.* The residential collector street serves as the principal circulation facility within the residential neighborhood unit. Its function is to collect traffic from the interior and deliver it to the closest perimeter intra-neighborhood transportation between the residential units and the local centers of attraction such as neighborhood shopping centers, schools, and neighborhood parks.

a. Collectors shall penetrate residential development without forming a continuous network, thus

discouraging through traffic. When discontinuity of local collectors is obtained by offsetting the intersections with the arterials or other collector streets, such offsetting shall comply with the requirements of ~~s~~Section 5-195(b)(3)a) 5-192(c)(3)a) above.

...

~~(d)~~ (e) *Exceptions for Plats and Unincorporated Area Site Plans Abutting Trafficway or Trafficway Corridors Designated as "Urban Core," "Urban Residential," or "Urban Main Street" on Delineated Trafficways Plan of Broward County.* ~~Alternative Roadway Sections and~~ Optional Trafficway Corridor Criteria: Table XII provides optional criteria that reflect the Countywide Community Design Guidebook recommendations. County staff may recommend these optional criteria for plats and site plans abutting trafficway or trafficway corridor segments designated as "Urban Core," "Urban Residential," or "Urban Main Street." The criteria in Table XII shall not be recommended when, in the professional judgment of the County staff, the criteria compromise public safety.

TABLE XII. OPTIONAL TRAFFICWAYS CORRIDORS CRITERIA

<i>Design Factor</i>	<i>URBAN CORE</i>					<i>URBAN MAIN STREET</i>			<i>URBAN RESIDENTIAL</i>
	...								
...									

Vehicular Access	Section 5-195(b)(11) 5-192(c)(11)	Section 5-195(b)(11) 5-192(c)(11)	Section 5-195(b)(11) 5-192(c)(11)	Section 5-195(b)(11) 5-192(c)(11)	Section 5-195(b)(11) 5-192(c)(11)	Section 5-195(b)(11) 5-192(c)(11)	Section 5-195(b)(11) 5-192(c)(11)	Section 5-195(b)(11) 5-192(c)(11)	Section 5-195(b)(11) 5-192(c)(11)
...									
Typical Street Spacing	Section 5-195(b)(3) 5-192(c)(3)	Section 5-195(b)(3) 5-192(c)(3)	Section 5-195(b)(3) 5-192(c)(3)	Section 5-195(b)(3) 5-192(c)(3)	Section 5-195(b)(3) 5-192(c)(3)	Section 5-195(b)(3) 5-192(c)(3)	Section 5-195(b)(3) 5-192(c)(3)	Section 5-195(b)(3) 5-192(c)(3)	Section 5-195(b)(3) 5-192(c)(3)
...									

...

Secs. 5-193 – 5-195. Reserved.

Section 7. Section 39-77 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 39-77. Applicability.

(a) All development of land requiring a site plan review in accordance with ~~Chapter 5, Article IX, of the Broward County Code of Ordinances~~ this chapter shall require submittal of a landscape plan that complies with the provisions of this article. Where required by Chapter 481, Florida Statutes, landscape plans shall be prepared by a

registered landscape architect, or other person authorized pursuant to Sections 481.301 through 481.329, Florida Statutes.

...

(b) *Exemptions:* In addition to the exemptions provided for in Section ~~5-193~~ of the ~~Broward County Code of Ordinances~~ (b), the following shall be exempted from the provisions of this article:

...

Section 8. Section 39-94 of the Broward County Code of Ordinances is hereby created to read as follows:

[Underlining omitted]

Sec. 39-94. Pervious area.

(a) The area covered by structures and impervious surface shall not exceed seventy-five percent (75%) for industrial, seventy percent (70%) for commercial, and sixty percent (60%) for residential uses. For the purposes of this requirement, all other uses, such as, but not limited to, utilities, transportation, and office park, shall be included in the commercial category. In mixed use developments, the most restrictive of the applicable impervious area limitations shall be utilized.

- (1) Landscaping and setbacks, buffer strips, drain fields, passive recreation areas, or any other areas not covered with a material that prevents infiltration of water into the ground may satisfy the requirement for pervious area.
- (2) When impervious material does not cover all the surface to which it is applied, credit towards the computation of the pervious area shall

be given according to the percentage of pervious area that is retained.

- a. Pervious paving blocks may not be used within major driveways, loading zones, actively used parking stalls in commercial or industrial developments, or any other area that may cause a liability to the property owner.
- b. Pervious paving blocks may be used in overflow parking areas, park and recreation parking facilities, and residential areas. Where pedestrian traffic is prevalent, the voids in pervious paving blocks shall be planted with a nonrunner species of grass including, but not limited to, zoysia and bermuda grass.

(3) Where this Zoning Code allows some required parking stalls to be grassed, the grassed parking stalls shall not be counted towards the computation of pervious area.

(4) Upon demonstration by the applicant that special conditions peculiar to the location or physical characteristics of a particular site are present, or special conditions resulting from the design of existing facilities or surrounding land uses are present, the Urban Planning Division Director may permit variation from the impervious area standards, subject to the following limitations:

- a. Variation from the stated requirements shall be proportional to mitigating design improvements provided in excess of the minimum required engineering and landscaping

standards. The impervious area shall not exceed eighty-five percent (85%) for industrial, eighty percent (80%) for commercial, and seventy percent (70%) for residential uses.

- b. Mitigating design improvements may include the use of curvilinear berms to aid in screening; increased vegetation size and quantity, native species utilization, and preservation of existing significant vegetation to increase the quality of greenspace areas; the use of interlocking paving blocks along pedestrian walkways; and grassed retention basins and swales to aid in the filtration of storm water runoff.

(b) Each proposed development shall include provisions for the application of best management practices to enhance retention areas such as grass ponds, grass swales, french drains, or combinations thereof.

Section 9. Section 39-220 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 39-220. Parking Plans.

(a) Plans as required by ~~s~~Section 39-17, ~~Site Plans and Surveys~~, and ~~e~~Chapter 5, ~~a~~Article IX, of the Broward County Land Development Code, shall be submitted with every application for a permit or development order 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 offstreet parking under this article, which plan shall clearly and accurately designate the required parking spaces, access aisles and driveways, and relation to the uses or structures these offstreet parking facilities are intended to serve. An offstreet

parking data box on the site plan shall list the project's offstreet parking provided in reference to the satisfaction of all offstreet parking regulations of this article, including proposed building and site usage and parking totals showing required versus provided.

(b) Parking plans shall comply with the following:

(1) All required parking stalls shall have direct and unobstructed access from a parking aisle; and

(2) All parking areas shall be arranged so that there are no more than ten (10) contiguous parking stalls along the same parking aisle without an interior landscape island. A terminal landscape island shall be required at each end of the parking isle. The landscaped island shall be a minimum of nine (9) feet in width, excluding curb. If the end of a parking aisle is located next to a landscape area, a five (5) foot terminal island shall be provided. Other suitable solutions or innovative designs may be substituted when approved by the Highway Construction and Engineering Division.

Section 10. Section 39-227 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 39-227. 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~~ that require revisions. All such spaces shall be a minimum of 12' x 18', unless provided otherwise by federal law or the Florida Building Code.

Section 11. Section 39-229 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 39-229. Offstreet loading.

(a) On the same plot with every structure or use specified herein ~~which~~ that 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 offstreet parking areas by pedestrians and vehicles. The offstreet loading facility shall be designed to accommodate both the parking and maneuvering of the design vehicle exclusive of those areas designated for aisles, driveways, or parking stalls. On-street loading shall be permitted on a local cul-de-sac street abutting commercial and industrial development. Where permitted, such on-street loading areas shall berth the design vehicle exclusive of the public right-of-way.

...

Section 12. Section 39-230 of the Broward County Code of Ordinances is hereby created to read as follows:

[Underlining omitted]

Sec. 39-230. Reserved Parking Offsets and Reductions.

Businesses that cannot meet the minimum required offstreet parking may apply parking offsets and reductions included in this Section. Parking offsets and reductions do not count toward the parking required to meet standards of the Americans with Disabilities Act. Parking offsets and reductions shall only be approved for uses designated as Permitted in the Master Business List. Use of the following parking offsets and reductions is at the option of the applicant for a Certificate of Use. It is the

responsibility of the applicant to demonstrate that adequate offstreet parking is being provided for business operations, safe and efficient ingress/egress, and internal traffic circulation.

(a) *Bicycle racks.* A permanent bicycle rack, located within twenty (20) feet of the main door and that accommodates at least four (4) bicycles, may be counted as one (1) required offstreet parking space. No more than three (3) required spaces may be offset by bicycle racks. At no time shall the offset equal twenty-five percent (25%) of the required parking.

(b) *On-street public parking.* On-street public parking, if permitted by the Highway Construction and Engineering Division, may count as required offstreet parking to serve the adjacent property as follows:

- (1) When one (1) whole on-street parking space is located between the two (2) property lines that are perpendicular to the street, the whole on-street parking space shall count as one (1) required offstreet parking space; and
- (2) When fifty percent (50%) or more of an on-street parking space is located adjacent to the street-side property boundary, that parking space shall count toward that street-side property's parking requirement.

(c) *Retail or service businesses.* A retail or service business, with a floor area devoted to retail or service activities under six hundred (600) square feet, shall not be required to meet minimum offstreet parking requirements.

Section 13. Section 39-231 of the Broward County Code of Ordinances is hereby created to read as follows:

[Underlining omitted]

Sec. 39-231. Parking location.

Businesses that cannot meet the minimum required offstreet parking requirements may locate the required parking off-site, provided the offsite parking is located within four hundred (400) feet of the site. The four hundred (400) foot distance shall be measured by the shortest path of pedestrian travel, using designated sidewalks and pedestrian walkways. The off-site parking shall be joined to the principal site by a unity of title or a shared parking agreement. The business may not count parking that is separated from the site by an arterial roadway towards its required parking. The off-site parking must be designated on an approved site plan and clearly marked by signage that indicates the business(es) it serves.

Section 14. Section 39-232 of the Broward County Code of Ordinances is hereby created to read as follows:

[Underlining omitted]

Sec. 39-232. Parking determined by the zoning official.

The zoning official may reduce the number of parking spaces required for uses allowed within commercially zoned districts. Such a reduction shall be limited by the Certificate of Use to a specific business and site. When making such a determination, the following shall be considered:

- (a) Whether the applicant has utilized the parking reductions identified in Sections 39-230 or 39-231;
- (b) Whether the proposed business involves redevelopment or revitalization of an existing site;
- (c) Whether any variances are pending or have been issued;
- (d) Whether the applicant has outstanding code enforcement violations;

(e) Whether the parking reduction negatively impacts the safe movement of traffic, bicycles, and pedestrians; and

(f) Whether the applicant has submitted a parking study or other documentation certified by a licensed engineer to validate that the use does not demand the amount of parking required in Section 39-228.

Section 15. Section 39-301 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 39-301. Special regulations for B-4 commercial redevelopment overlay districts.

...

(e) *Redevelopment requirements.* Development permits issued pursuant to the development incentives set forth in ~~Sub~~section (d) shall be subject to the limitations on permitted uses in the B-4 district, as set forth below:

...

(5) Conceptual site plan review. A design review committee is hereby established to review the conceptual site plan for conformity with the requirements of this section. Each member of the committee shall submit written comments to the zoning official, or designee, who shall review the comments and make final recommendations. Any changes recommended or required by the zoning official shall be incorporated into the approved conceptual site plan. The design review committee shall be comprised of one (1) staff member from each of the following offices or divisions of Broward County, which shall be persons who are regularly involved in the review process for plats and site plans:

...

Within six (6) months following approval of the conceptual site plan by the zoning official, the property owner shall attend a pre-application conference with the design review committee and submit a final site plan in the same form prescribed in Section ~~5-193 of the Broward County Land Development Code~~ 39-411(b). In addition to submittal requirements therein, the applicant shall also submit preliminary elevation and landscape plans, including colors and materials for building finishes, and at least four (4) different eight (8) inch by ten (10) inch color photographs of the property indicating its current condition. A copy of the application shall also be transmitted to the Office of Economic and Small Business Development, or successor agency, and the Department to serve as notice that the applicant is authorized for and is interested in participating in any available programs relating to grants, funding, or economic development incentives.

Section 16. Section 39-335 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 39-335. Definitions.

(a) *Master Development Plan*: The ordinance rezoning land to a PDD or PUD, together with the site plan for the PDD or PUD drawn in conformity with the conceptual site plan requirements of Section ~~5-192 of the Broward County Land Development Code~~ 39-413, a development schedule, provisions for the method of administration of all common open space, and a statement that appropriate covenants shall be included in all conveyances requiring the maintenance of private open space for the purposes intended.

...

Section 17. Chapter 39 of the Broward County Code of Ordinances is hereby amended to create Article XXVI, Sections 39-411 through 39-414, to read as follows:

[Underlining omitted]

ARTICLE XXVI. SITE PLAN PROCEDURES AND REQUIREMENTS

Sec. 39-411. Site plan review.

(a) *Intent.* It is the intent of these provisions to provide for an orderly site plan review process that ensures all applicable projects conform to the required development regulations. The procedures, standards, and required information are intended to provide a consistent and uniform method of review to ensure full compliance with the regulations and standards contained in this Code and other applicable ordinances and laws, to achieve efficient use of land, to protect natural resources, and to prevent adverse impact on adjoining or nearby properties. It is the intent of these site plan review requirements to encourage cooperation and consultation between the County and the applicant to facilitate development in accordance with the Broward County Comprehensive Plan.

(b) *Applicability.* Except as otherwise exempted below, this review procedure shall apply to all developments. Projects exempt from this article shall still be required to comply with all applicable development regulations.

(1) The following activities shall not require site plan approval unless the development will occur within an area delineated on any of the Broward County Land Use Plan map identified at Section (2) below:

- a. Maintenance or improvements of runways, taxiways, and aprons by an airport agency;
- b. Construction of bus stop shelters;

- c. Construction of sculptures, fountains, and other landscaping improvements, unless within or abutting the rights-of-way of a trafficway;
- d. Construction of signs;
- e. Demolition of structures;
- f. Canal maintenance activities;
- g. Construction of one (1) single-family home on an existing single family lot;
- h. Construction of one (1) duplex on an existing lot;
- i. Site improvements such as restriping/repaving that do not include major modifications or requirements for traffic circulation (based on agency review of development permit application, site plan review may be required);
- j. Equipment or facilities proposed by the Broward County Aviation Department or the FAA at the Fort Lauderdale-Hollywood International Airport (Airport) within the boundaries of the Airport, as legally described in the Development Order issued by Broward County dated July 8, 1998, relating to the Airport's Development of Regional Impact, including airfield pavement, air navigational aids, visual aids and facilities that are unstaffed, or any other unstaffed facilities or equipment that may be required by the FAA to be used exclusively by the FAA for the guidance or movements of aircraft, which equipment or facilities are designed, constructed, and inspected pursuant to and in strict compliance with FAA Advisory

Circulars, orders, and regulations, and for which no specifications or criteria are set forth in the Florida Building Code or the Broward County Land Development Code. This exemption is strictly limited to equipment and facilities that are not occupied by people on a regular basis;

- k. Commercial economic development projects funded through the County for facade improvements only;
- l. All Florida Department of Transportation projects that occur within the right-of-way; or
- m. All County projects that occur within the right-of-way.

(2) Lands located on a Broward County Land Use Plan map identified below shall require site plan review. The maps are as follows:

- a. Environmentally Sensitive Lands;
- b. Existing and Planned Waterwells and Zones of Influence;
- c. Wetlands;
- d. Archaeological Sites;
- e. Historic Sites;
- f. Floodplains, Flood Prone Areas and Coastal Storm Area;
- g. Priority Planning Areas; and
- h. Potential Greenways System.

(c) Prevailing Regulations. All applications for site plan approval shall comply with the following:

- (1) The applicable provisions of this article and Chapter 5, Article IX, Division 2, of the Broward County Code of Ordinances;

- (2) The applicable provisions of the Broward County Code of Ordinances, inclusive of this chapter, and the Florida Building Code;
- (3) The applicable provisions of the Broward County Comprehensive Plan and Broward County Land Use Plan; and
- (4) The applicable requirements of any previously recorded plat or plat note.
- (d) Submittals. Conceptual Review and Site Plan Application.
- (1) *Submitted Plans.* Submittals for Conceptual Site Plan are recommended and do not need to be submitted in advance of meeting. Submittals for site plan application are required at the time of application. Unless submitted electronically, applications shall include drawings, the overall size of which shall be 24" x 36", drawn at a scale not less than 1" = 50'.
- (2) Table of Submission Requirements are as follows:

Table 1. Submission Requirements

<i>Requirements</i>	<i>Conceptual Site Plan</i>	<i>Site Plan Application</i>
Completed application on form approved by the UPD, accompanied by the required fee		✓
Letter of Intent describing the proposed development, inclusive of a statement of objectives, relative to the proposed development type		✓
Legal description, including the section, township, and range	✓	✓
Signed and sealed survey	✓	
Draft schematic representation of proposed use	✓	

Draft schematic representation of major vehicular circulation within the site	✓	
Conceptual building design	✓	
Draft schematic representation of points of connection of public rights-of-way	✓	
Draft schematic representation of access for vehicles	✓	
Signed sealed survey (within 6 months of application) by a Florida licensed surveyor and mapper reflecting existing features, such as topography, vegetation, existing paving, utilities, drainage, water and wastewater lines, existing structures, and water bodies		✓
Site plan drawings shall include:		✓
a. Location sketch, including section, township, and range, and zoning district categories of property and surrounding properties		✓
b. All dimensions including, but not limited to, building/structure location, setbacks, distance separations, building separations, building elevations, finished floor height, parking, landscape areas/impervious areas, open space calculations, decks, amenities, and other structures		✓
c. Fully dimensioned location(s) for pedestrians, parking, bicycle facilities, loading, and service areas (dumpsters, etc.)		✓
d. Fully dimensioned vehicular circulation system for cars, bicycles, and other required vehicle types, with indication of connection to public rights-of-way; and location of all parking and		✓

loading areas, including ADA spaces and curbside pick-up, as applicable		
e. Location of trash and garbage disposal facilities, provisions for accessibility, and related dimensions for garbage trucks, if applicable		✓
f. All adjacent rights-of-way, with names; and indication of ultimate rights-of-way line(s), centerline(s), width, paving width, existing median cuts and intersections, streetlight poles, and other utility facilities and easements		✓
g. The location and dimensions of all existing and proposed easements		✓
h. The location of lines indicating timing of all applicable construction phases		✓
i. A data box(s) with the following computations:		
1. Gross acreage		✓
2. Net acreage: Gross acreage covered by the property, excluding road easements and rights-of-way, if any		✓
3. Gross floor area of building(s)/structure(s) for nonresidential use and indication of total Floor to Area Ratio and lot coverage, as applicable		✓
4. Number of dwelling units and density for residential uses only		✓
5. Square footage of ground covered by buildings or structures and designation of use		✓

6. Required number of parking spaces, including disabled spaces		✓
7. Number of parking spaces provided, including provisions for disabled spaces		✓
8. Pervious, impervious, and paved surface areas, in square footage and percentage		✓
j. Indication of use(s) for each building/structure		✓
k. Indication of Zoning District and Future Land Use designations on the subject property and all adjacent properties		✓
Design Review shall include:		✓
a. Color renderings providing visualization for proposed design, texture, and proportion of buildings and structures (The Director may waive this requirement for smaller scale development applications)		✓
b. Color architectural elevations of each facade fronting a public right-of-way		✓
c. Paint chips and an identification of each building element to be painted with the color indicated on each paint chip		✓
d. Photographs and description of materials to be used for each building element (walls, roof, trim, accents, window frames, etc.)		✓
Landscape Plans shall include:		
a. All landscape areas, including swale and abutting properties to be landscaped		✓

b. Indication of existing native vegetation that will be preserved, as required		✓
c. Proposed landscaping including:		✓
1. Complete planting schematics of all planted material inclusive of native species, heights, sizes, caliper, etc.		✓
2. Totals of each planting type and amount required		✓
3. Planting typical(s) for each planting type		✓
4. Demonstration of compliance with irrigation requirements in all vegetative and planting areas		✓
5. Green Building: Where applicable, Green Building practices shall be listed		✓
Engineering and other site geometry related plans shall include:		
a. Indication of type of water and sewage disposal to be used		✓
b. Identification of site boundaries and ties-to-section corners		✓
c. Geometry of all paved areas, including centerlines, dimensions, radii, and elevations		✓
d. Provider of water and wastewater facilities		✓
e. Existing and proposed fire hydrant locations		✓
f. Areas for emergency vehicles and fire engines, provisions for accessibility to vehicles of the required type, and related dimensional requirements		✓
g. Location of all drainage features and retention areas, if any		✓

h. Schematic water and sewer plan, including the location and size of all mains and lift stations (Note: final engineering plans must be submitted and approved prior to the issuance of a building permit)		✓
i. Location of septic tank and drain field, if applicable		✓
Other plans and submittal requirements shall include:		
Crime Prevention Through Environmental Design (CPTED): include a minimum of five (5) CPTED practices on the site plan		✓
Conceptual or final lighting plan as required by Article XII, Offstreet Parking and Loading, of the Zoning Code		✓
Development phasing plan with schedule showing order of construction; proposed date for the beginning of construction and completion of the project as a whole, and any phases thereof; and construction staging areas		✓
Street names and addresses, or a range of addresses, for any proposed building within the site plan, in conformity with County standards		✓
Mailing information and clear depiction of front entrance		✓
Where the property abuts a trafficway that is functionally classified as a state road, and that proposes direct vehicle access to the state road, Florida Department of Transportation issued approval letter pursuant to the "State Highway System Access Management Classification System and Standards"		✓

<p>For nonresidential use, written documentation demonstrating specific measures that will be taken to prevent or minimize impacts upon adjacent residential property within three hundred (300) feet of boundary of the site plan. Impacts shall include, but are not limited to, the effects of excessive noise, objectionable odors, visible emissions, particulate matter (including dust, smoke, soot, and aerosols), solid waste, hazardous waste, fire, and explosion. Specific measures shall include, but are not limited to, the provision of setbacks, buffers, landscaping, fencing, walls, or other measures as required by the Code. Such documentation must be submitted in order for the application to be deemed complete and accepted pursuant to this section</p>		<p>✓</p>
<p>Additional and relevant information, which is deemed to be appropriate by the Director, or designee, to ensure consideration and review of all relevant issues, including, but not be limited to, parking studies and analysis, traffic studies and analysis, environmental reports, etc.</p>		<p>✓</p>

Sec. 39-412. Courtesy conceptual site plan meeting.

(a) Depending on the location, design, size, impact, or other factor of a proposed development, the Urban Planning Division Director may require an applicant to file an application for a conceptual site plan meeting prior to filing a site plan application. The conceptual site plan review is not a replacement for the full site plan application review procedure and does not qualify as a Preapplication meeting.

- (1) Review for completeness of a Conceptual Review application shall not be required as the review is merely conceptual. However, insufficient information may result in additional requests.
 - (2) When applicable, the Director shall forward the application for Conceptual Review consistent with Section 39-413(a)(3).
 - (3) The Urban Planning Division shall schedule a meeting with the applicant and the selected review agencies to discuss the conceptual site plans.
 - (4) When not required, an applicant has the option to file an application for conceptual site plan review prior requesting a preapplication consultation.
- (b) No formal comments, interpretation of the Code, or order shall be issued in conjunction with a Conceptual Review application.

Sec. 39-413. Site plan review procedures.

(a) Application Procedure. The following procedures shall govern the review of applications:

- (1) Preapplication Required. Prior to the filing of a site plan application, the applicant shall attend a preapplication meeting with the Urban Planning Division staff to discuss filing requirements, including the submission requirements in Table 1 above, municipal and neighborhood notification procedures, application fee, sign posting procedures, and any other issues that may affect the application. A site plan application shall not be accepted or deemed complete until this meeting has occurred.
- (2) Completeness of application. The Urban Planning Division shall review the application to determine the completeness of required submittals based on

Table 1 above. Within seven (7) days after receipt, the Urban and Planning Division shall either:

- a. Find that the application is complete and initiate the review process commencing on the eighth (8th) day after filing; or
- b. Reject the application and forward to the applicant with a notice of incompleteness specifying the information missing from the application. The applicant shall resubmit the application with the information required within ten (10) days after the transmittal of the notice of incompleteness, or the application shall be deemed withdrawn. The Urban Planning Division shall review the resubmitted application in the manner provided in this section for the original application.

(3) Agency Review.

- a. The Director shall determine to which agencies the application shall be routed based upon the type of application submitted, the intensity/density of the proposed development, and whether the application is relevant to that reviewing agency. Each agency shall review the plan in accordance with their applicable laws, rules, and procedures. The reviewing agencies are as follows:
 1. School Board of Broward County, Florida;
 2. Building Code Division;
 3. Parks and Recreation Division;
 4. Aviation Department;
 5. Broward Sheriff's Office Fire Marshal's Bureau;

6. Broward County Health Department (BCHD);
 7. Water and Wastewater Services Division;
 8. Urban Planning Division;
 9. Consumer Protection Division;
 10. Environmental Resources Division;
 11. Environmental Permitting Division;
 12. Broward County Transportation Department;
 13. Traffic Engineering Division;
 14. Highway Construction and Engineering Division; and
 15. Florida Department of Transportation (FDOT), for applications where the property abuts a trafficway that is functionally classified as a state road, and propose direct vehicle access to a state road.
- b. The Director may waive agency review, in whole or in part, under this section upon a determination that such a review has already been made regarding the same land and no change in circumstances has occurred that necessitates further review, or upon a determination by the Director that further review is not necessary.
- c. Additional matters to be addressed with an application for site plan:
1. The Broward County Health Department (BCHD) assesses availability of facilities by applying a gallons-per-day design flow demand rate to the proposed development and then determining whether the proposed development's demand will exceed the licensed capacity of the treatment plant,

considering the existing utilized and "committed" capacity. The BCHD uses potable water design flow rates set forth in the Water Management Element of the Broward County Comprehensive Plan to assess adequacy of service at the time of site plan application for those properties that are not required to be platted. If the proposed land use does not have a potable water demand rate set forth in the Water Management Element, the BCHD is authorized to assign the most suitable rate.

2. Site plan applications involving residential uses shall be forwarded to the School Board of Broward County, Florida, for a determination as to whether the project is exempt from the requirements of public school concurrency, consistent with the Chapter 5 of Broward County's Land Development Code, and the Public School Facilities Interlocal Agreement.
3. If a site plan application includes all or any part of any lands identified as a site recommended for inclusion in the Urban Wilderness Inventory by the Urban Wilderness Advisory Board pursuant to Chapter 25½ of the Code, which recommendation has been approved by the County Commission; or a site designated as a Native Vegetative Communities Category Local Area of Particular Concern within the Broward County Land Use Plan; or subject to notice of a public hearing regarding designation as a Native

Vegetative Communities Category Local Area of Particular Concern or inclusion in the Urban Wilderness Inventory, which is mailed any time before a site plan application is filed, then the Urban Planning Division Director shall provide for the preparation of an environmental impact report (EIR) consistent with Section 5-182.8 of the Land Development Code.

4. If the Broward County Aviation Department determines that the site plan application includes property that is or may be subject to the notice requirements of Federal Aviation Regulations (FAR) Part 77, Subpart B, the applicant must obtain and submit an FAA determination that it does not constitute a hazard to air navigation or require operational modifications to the airport to avoid such a hazard.
- (4) Municipal Notification. Upon acceptance of a site plan application for public or regional facilities, such as highway rest stations, transit infrastructure, landfills, government facilities, or similar uses, a copy of the application, including all attachments and drawings, shall be forwarded by the Urban Planning Division Director, electronically or by hard copy, to any municipality within a four (4) mile radius of a boundary of the site plan and to any unincorporated area neighborhood/civic organizations within a one (1) mile radius of the site plan boundary, as listed on the "Neighborhood Association/Civic Representatives List for the Broward Municipal Services District" and as delineated on the "Broward Municipal Services District

Map." Municipalities and neighborhood/civic organizations shall have the same time limits as reviewing agencies to provide written comments to the Director, as specified in Section 39-413(b). Comments received from municipalities and neighborhood/civic organizations shall be attached to the compilation of comments forwarded to the applicant in accordance with Section 39-413(b) and shall be considered by the Urban Planning Division Director only as they relate to compliance with the Code.

- (5) **Posted Notice.** Notice of submittal of a site plan application must be provided by the applicant by posting, in accordance with this section. The applicant must securely post the sign(s) on the property in a visible location on each street frontage and shall submit to the Urban Planning Division an affidavit, including date-stamped photographic proof, of posting of the sign(s) in accordance with this section. If the applicant fails to submit the affidavit, processing of the application shall cease and any required action by the Director shall be postponed until such affidavit is received. The following requirements must be followed by the applicant for signage posting:

Public Notification - Signage Posting for Site Plan Approval

Number of signs	One (1) at the center of each property line of the project site that fronts on a public roadway.
Signage size requirements	No less than three (3) feet wide by two (2) feet high, with white background and black letters, and Arial font size no less than three (3) inches in height per letter.

Sign Updated	Posted sign shall be updated by the applicant in the event the application is scheduled for quasi-judicial hearing. The update shall reflect the date, time, and location of the quasi-judicial hearing.
Removal, if administrative	Within five (5) business days after issuance of agency approvals.
Removal, if referred to County Commission	Within five (5) business days after final disposition of the application by the County Commission.

*If the applicant fails to remove the sign(s) within the time frames above, the County shall have the right to remove the sign(s).

(6) Public Participation Plan. For site plans located within an enclave identified within the BMSD Land Use Plan, that consist of four (4) or more residential units, new commercial, mixed use, and industrial uses shall include a plan for citizen participation. Commercial and industrial renovations or changes of use requiring a site plan that increase required parking by less five (5) spaces or less than fifty percent (50%), whichever is greater, are exempt from this provision. A citizen participation plan must be approved by the Director, or designee, prior to its execution by the applicant. The Director shall not issue a notice of the application's status pursuant to Section (c) below until after the applicant implements the citizen participation plan and submits to the Director a written report setting forth the results of the citizen participation plan as provided below.

a. All citizen participation plans shall include, at a minimum, the neighborhood civic association the development is located in or to

which it is adjacent. Projects within the central county neighborhoods shall include the Central County Community Advisory Board. A minimum of one (1) meeting shall be held with the affected community.

b. A citizen participation report shall be provided to the Director and include:

1. A written summary of the results of the citizen participation effort prior to the first public meeting in which the application is heard;
2. Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal;
3. The names, dates, addresses, and number of people that participated in the process; and
4. A written summary of the issues and/or concerns raised by residents and how the applicant proposes to resolve these issues and/or concerns. If the applicant is unable or unwilling to resolve the issues, the summary should state the reason why these issues cannot be resolved.

(b) Review responsibilities. Each review agency shall submit written comments and recommendations to the Urban Planning Division within twenty-eight (28) calendar days after acceptance of the application by the Urban Planning Division. If any reviewing agency report does not respond within said time frame, it shall be presumed that the agency has no comments or objection.

(c) Reviewing agency reports; comments; required action. The Urban Planning Division Director shall review the application, the citizen participation report, and the reports of the reviewing agencies.

(1) Within seven (7) days after receiving the reviewing comments and recommendations, the Urban Planning Division shall prepare a report and issue a notice of the status of the application.

a. For a site plan application found to be in compliance or conditionally in compliance, the notice shall state the application complies with the applicable standards and the minimum requirements of this article and that a development order will be granted, inclusive of any applicable conditions identified in the compiled report. The Urban Planning Division Director shall forward the compilation of such reviewing agency reports and the notice to the applicant and the County Commission. Each County Commissioner shall have fourteen (14) days after the date of transmittal of the notification to request that the application be placed on the County Commission quasi-judicial agenda. Absent such request, the Urban Planning Division Director shall issue an order consistent with the notice.

b. For a site plan application found not to be in compliance with this article, the notice shall state the reason for noncompliance. The applicant shall have sixty (60) days after the date of the notice to address any noncompliance items identified by the review agencies. The resubmitted plan shall be routed pursuant to Section 39-413(a)(3) and ensuing reviews to be noticed and so

ordered pursuant to Section 39-413(c). Failure to submit corrections curing deficiencies identified in notice shall result in issuance of a notice, together with the site plan report, to the applicant and the County Commission stating the intent to deny the site plan application. A County Commissioner shall have fourteen (14) days after the date of transmittal of the notification to request that the application be placed on the County Commission quasi-judicial agenda. Absent such request, the Urban Planning Division Director shall issue an order consistent with the notice. Any further request will require a new site plan application submittal and may not be submitted any sooner than six (6) months after the date of the notice of noncompliance.

- (2) All site plan applications shall be issued final orders consistent with the most recent notice within one hundred eighty (180) days after the application being deemed complete as set forth in Section 39-413(a)(2) above. Applicant may submit a written request for one (1) extension, not to exceed one hundred eighty (180) days, provided the applicant agrees to waive Section 163.3184, Florida Statutes.
- (3) Notwithstanding the Section 39-413(c), if the Director believes that there is a substantial question regarding the interpretation of this article as it applies to the application, the Director may place the matter on the County Commission quasi-judicial agenda for consideration within one hundred eighty (180) days after the application was deemed complete, as set forth in Section 39-413(a)(1) above. If the application generates significant public interest, the Director may place the matter on the County

Commission quasi-judicial agenda for consideration within one hundred eighty (180) days after the application was deemed complete, as set forth in Section 39-413(a)(1) above.

(d) *Amendments; revised/changed site plan.* Revisions to development plans after issuance of site plan approval/development order, shall require the applicant to file an application with the Director.

(1) New site plan requests shall be deemed a new application and the procedures of this article shall be repeated with required time limitations beginning anew.

(2) Significant revisions to an approved site plan shall be deemed a new application and the procedures of this article shall be repeated with the required time limitations beginning anew. The following shall be considered a significant revision:

- a. Any reduction in the approved setbacks;
- b. One (1) or more new buildings, structures, or additions;
- c. Deletion of one (1) or more buildings or structures;
- d. Relocation of one (1) or more principal buildings or structures by more than ten percent (10%) from the location shown on the approved site plan;
- e. Any increase in residential density;
- f. Any increase in building size exceeding one thousand (1,000) square feet or one percent (1%), whichever is less;
- g. Major landscape revisions that change the mixture of hardwood, palm, native and nonnative plantings, or reduce the approved canopy;

- h. Reconfiguration of parking areas that significantly alter site circulation and access; and
- j. Any increase in height of one (1) or more principal buildings or structures.

Significant revisions to a site plan application that deviate from the approved plan shall be documented in the "Justification Statement" of the application.

- (3) Minor deviations from an approved site plan may be approved by the Director. Minor deviations shall be considered modifications that do not qualify for Sections (1) or (2) above. Minor deviations may also include, but are not limited to, parking lot revisions that do not significantly alter the internal on-site circulation or alter approved landscaped areas; minor architectural elevation changes and upgrades; dumpster enclosure revisions; generators; minor substitutions to landscaping, provided that the changes reflect an upgrading to the original approved plan; and engineering revisions (drainage, water, sewer, etc.) of a technical nature that do not impact any other aspects of the approved plans. Minor revisions to a site plan application that deviate from the approved plan shall be documented in the "Justification Statement" of the application.

(e) *Effective period of site plan approval.* A site plan approval shall expire within one (1) year if a building permit for the identified improvements is not issued, or if an issued building permit expires and is not in effect for a period of ninety (90) days. In such cases, the development order granting approval shall be null and void.

(f) Whenever the Urban Planning Division Director has denied a site plan application or condition thereto, the Director shall not accept the same or substantially

similar request unless the Director determines that such action is permitted due to changed circumstances; to prevent an injustice; or to facilitate the proper development of the County based upon evidence provided by the applicant.

Sec. 39-414. Site plan parking, circulation, landscaping, and design requirements.

(a) All parking, loading, and circulation shall comply with Chapter 39, Article XII, Offstreet Parking and Loading, and Chapter 5, Article IX, Division 4, Development Standards for Broward County Jurisdictional Roadways, Rights-of-Way, Natural Resource Areas, and Other Easements.

(b) *Functional landscaping and tree preservation.* Compliance with the applicable provisions of Chapter 39, Article VIII, and Chapter 27, Article XI, of the Broward County Code of Ordinances are required for site plan approval.

(c) *Natural Resource Areas.* If a proposed development includes all or any part of any lands identified as a Natural Resource Area, or any lands for which a notice of public hearing for designation as a Natural Resource Area has been given, the proposed development shall comply with Section 5-192(b).

(d) *Bicycle Facilities' Location.* Bicycle facilities shall be indicated by site plans when such facilities are voluntarily supplied or supplied in accordance with Section 39-321.

(e) *Sidewalks.* Sidewalks shall comply with Section 5-192(b)(4).

(f) *Water and Wastewater infrastructure.* Water and Wastewater infrastructure shall comply with Section 5-192(b)(5).

Section 18. Severability.

If any portion of this Ordinance is determined by any court to be invalid, the invalid portion will be stricken, and such striking will not affect the validity of the remainder of this

Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be legally applied to any individual, group, entity, property, or circumstance, such determination will not affect the applicability of this Ordinance to any other individual, group, entity, property, or circumstance.

Section 19. Inclusion in the Broward County Code of Ordinances.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance become part of the Broward County Code of Ordinances as of the effective date. The sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase to the extent necessary in order to accomplish such intention.

Section 20. Effective Date.

This Ordinance is effective as of the date provided by law.

ENACTED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By /s/ _____ 02/00/2022
Alexis Marrero Koratich (date)
Assistant County Attorney

By /s/ _____ 02/00/2022
Maite Azcoitia (date)
Deputy County Attorney

AIK/gmb
Chapter 5 and Ch 39 Reorganization Ordinance
02/25/2022
#60049-0196