

Chapter 27

ZONING*

* **Cross References:** Review committee to review proposals submitted to the planning and zoning board, § 2-72; proposal to be presented to the review committee, § 2-73; disposition of fees and fines collected by city, § 2-91; alcoholic beverages, Ch. 3; proximity of alcoholic beverage establishments, § 3-2; proximity of establishments to houses of worship, schools, § 3-3; proximity of alcoholic beverage establishments to child care centers, § 3-4; animals, Ch. 4; buildings and building regulations, Ch. 5; numbering of buildings, § 5-1; fire limits, § 5-2; use of underground cables in new developments, § 5-3; building standards, § 5-41 et seq; utility department and city engineer must approve utility installations and onsite paving and drainage plans on all site plans where design approval is required before a building permit is issued, § 5-44; driveways and parking lots, § 5-151 et seq.; exterior screening of delivery pallets and containers required, § 5-45; code enforcement, Ch. 6; fire prevention, Ch. 8; adoption of fire prevention code, § 8-2; flood prevention, Ch. 9; compliance with flood prevention ordinance mandatory, § 9-8; drainage requirements, § 9-56 et seq.; plats cannot be approved without submission and approval of a drainage plan, § 9-57; accumulations of certain material required to be removed, § 11-7; excessive growth of weeds and brush prohibited, § 11-8; vegetation protruding into rights-of-way prohibited, § 11-9; landscaping, Ch. 13; landscaping requirements for areas adjacent to public rights-of-way, § 13-37; perimeter landscaping of abutting residential property, required, § 13-39; interior landscaping required for parking areas, § 13-40; pedestrian zones along building facades required to have certain landscaping, § 13-41; landscape plan required to be submitted for site plan approval, § 13-42; removal of dead, diseased or damaged trees required, § 13-48; street trees designated, § 13-49; licenses and business regulations, Ch. 14; adolescent recreational centers required to comply with the zoning, building and other regulations, § 14-113; marine structures, wharfs and activities, Ch. 15; seawalls, § 15-51 et seq.; docks, § 15-71 et seq.; lake and canal excavations, § 15-91 et seq.; compliance with zoning regulations required, for lake and canal excavations, § 15-95; restrictions on fishing in residential areas, § 15-117; swimming, wading, bathing prohibited, § 15-118; noises, Ch. 16; hours of operation of certain outdoor amusements, § 16-2; hours of operation for noisy business operations, § 16-3; planning and development, Ch. 19; comprehensive plan, § 19-51; platting, Ch. 20; signs and advertising, Ch. 22; streets, sidewalks, bridges and other public places, Ch. 23; streets, § 23-21 et seq.; numbering and naming of streets prior to issuance of building permit, § 23-22; excavations, § 23-76 et seq.; sidewalks, § 23-121 et seq.; traffic and vehicles, Ch. 25; parking of commercial vehicles prohibited in certain areas, § 25-43; parking of house trailers and mobile homes in certain areas prohibited, § 25-44; parking of boats, boat trailers, airboats, golf carts, horse trailers, swamp buggies and utility trailers prohibited in certain areas, § 25-45; industrial construction or farm equipment prohibited in certain areas, § 25-46; utilities, Ch. 26; community development, Ch. 28.

State Law References: Adoption of zoning changes, F.S. § 166.041; comprehensive planning, F.S. § 163.3161 et seq.

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ARTICLE I.

IN GENERAL

Sec. 27-1. 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:

Accessory. The term applied to a building or use which is clearly incidental or subordinate to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

Agency. As affixed to a business shall mean a representative business as a relationship between a principal and his agent, not engaging in any type of production for the principal.

Alley. A public way dedicated to public use and not more than twenty-five (25) feet in width, unless otherwise officially designated as a street, and which normally provides a secondary means of access to abutting property.

Alteration, structural is any change, removal, replacement, reinforcement or addition of beams, ceiling and floor joists, reinforced concrete slabs (except those on fill), load-bearing partitions, columns, exterior walls, stairways, roofs, corridors or other structural materials used in a building that supports the said beams, ceiling and floor joists, load-bearing partitions, columns, exterior walls, stairways, roofs, or structural materials used in the building or structure. The above defined structural alteration is applicable to any building or structure or any part thereof, whether or not permanent or temporary shoring is used during construction and whether or not additions to or rebuilding the major portion of an existing building is being accomplished.

Apartment building. A building which is used as a residence for three (3) or more families living in separate dwelling units. See definition for row housing.

Apartment hotel. A building containing both dwelling units and rental sleeping units, under resident supervision which maintains an inner lobby through which all tenants must pass to gain access to the units and which may furnish dining room service.

Area and district. The words "area" and "district" may indicate and include the word "zone."

Assigned covered parking. An off-street, covered parking space for a motor vehicle designated for a specific individual or user within a private office development.

Bar. Any place permitting the retailing and drinking of malt, vinous, or other alcoholic beverages, or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtained for consumption on the premises, which is not classified as a nightclub, restaurant bar, restaurant entertainment facility, hotel bar, restaurant, banquet facility, golf course facility, or fraternal, charitable, or membership-only private club.

Beauty salon, (otherwise known as Beauty parlor): A retail service business providing non-surgical/non-medical cosmetic services to the human body, including barber shops, beauty salons, beauty parlors, cosmetologists, electrolysis, nail salons, and hair stylists as licensed by the state.

Board. Board shall mean the Planning and Zoning Board of the City of Plantation.

Building. Any structure having a roof supported by columns or walls, for the housing, shelter or enclosure of persons, animals, chattels or property of any kind.

Building, completely enclosed. 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.

Building, principal. The building and the use of which conforms to the primary use permitted by the

zone classification in which it is located.

Check cashing store shall mean any person, except any financial institution created and regulated pursuant to Chapters 655, 658, 660, 663, 665 and 667 of the Florida Statutes, or created and regulated pursuant to federal law, engaged in the primary and principal business of and providing facilities for cashing checks, drafts, money orders and all other evidences of money for a fee, service charge or other consideration. Nothing in this section shall be held to apply to any person engaged in the business of transporting for hire, bullion, currency, securities, negotiable or non-negotiable documents, jewels or other property of great monetary value, nor to any person engaged in the business of selling tangible personal property at retail, nor to any person licensed to practice a profession or licensed to engage in any business in the city, who in the course of such business or profession, as an incident thereto, cashes checks, drafts, money orders or other evidences of money. Check cashing stores often offer additional services such as deferred deposits, fax services, money wire services, may sell pre-paid phone cards or transit passes, and may accept utility bill payments. Check cashing stores are also known as currency exchanges or community currency exchanges.

Clinic. An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one (1) person or a group of persons practicing any form of healing or health building services to individuals, whether such persons be medical doctors, chiropractors, osteopaths, chiroprodists, naturopaths, optometrists, dentists, or any such profession the practice of which is lawful in the State of Florida.

Club, private. Shall pertain to and include those associations and organizations of a fraternal or social character, not operated or maintained for profit, but the term shall not include casinos, nightclubs, or other institutions operated as a business.

Commercial vehicle. Any vehicle designed, intended or used for transportation of people, goods, or things, other than private passenger vehicles and trailers for private nonprofit transport of goods and boats.

Coverage. See lot coverage.

Day care center. An agency or institution offering or supplying group care to five (5) or more children who have not the same parentage, for a portion or all of a day and on a regular schedule more often than once a week.

District. A portion of the territory of the City of Plantation to which certain uniform regulations and requirements or various combinations thereof apply under the provisions of the comprehensive zoning ordinance.

Dwelling. A building or portion thereof containing one (1) or more dwelling units.

Dwelling, one family. A dwelling containing one (1) dwelling unit.

Dwelling, two family. A dwelling containing two (2) dwelling units.

Dwelling unit. A building or a portion thereof, designed for and occupied by one (1) family for living and sleeping purposes with a single kitchen facility for exclusive use of the one (1) family.

Enforcing official. Shall mean the officers and employees of the City of Plantation to whom the duty of enforcing the terms of the comprehensive zoning ordinance are assigned.

Existing grade shall be determined on any structure with a height limitation (such as, for example, fences or signs) as being the lesser permitted height as measured at the site of installation or as measured from the grade elevation of the crown of the road nearest to the structure to be erected; provided, on parcels having double streets in the front and rear of said parcels or corner street parcels, the existing grade determination shall be uniform in height for said parcel and shall be determined by the side facing the front door of the primary structure of said parcel, if any, or by what the building department determines is the front property line if no such structure exists (based on similar structures in existence on similar parcels located on corner lots or with double street frontage) it being still further provided that any applicant for a permit who feels the application of this existing grade determination would result in a undesirable structure (either aesthetically or functionally) may seek a variance in the form of an exception that may be granted, if deemed justified, by either the plans adjustment committee or the city council (if referred to the council by the plans adjustment committee). All references to permitted height of a structure shall mean from existing grade as herein defined.

Family. An individual or two (2) or more persons related by blood, marriage, adoption or as licensed foster parents or court-appointed guardians and wards or a group of not more than three (3) persons (excluding servants) who need not be related by blood or marriage, living together in a dwelling unit. Where there are foster children residing in the unit, the unit shall be licensed by the department of health and rehabilitative services, and the number of foster children residing therein shall be in compliance with Regulation 10M-6.005(2)(n) of the department of health and rehabilitative services regulations as now in effect or from time to time amended.

Fast food restaurant. An eating establishment whose principal business is the sale of food and beverages in a ready-to-eat state (usually prepared without any reference to a specific menu order) for consumption on premises or for carry out and consumption off-premise, and whose principal method of operation is food which is packaged for delivery in paper, plastic, metallic foil, or disposable containers, and where service is provided over-the-counter with no waiting table service. Usually menus are posted in plain view at the area where the order is taken and this area is different than the area where food is consumed. Drive-through service is common. If a particular restaurant could reasonably be classified as either a fast food restaurant or a high turnover, sit-down restaurant, it shall be deemed a fast food restaurant for purposes of this zoning code.

Floor area. The gross horizontal area, measured from the exterior faces of the exterior walls, or from the centerline of party walls separating two (2) buildings, exclusive of garages, utility rooms, unglazed porches or loggias.

Floor area, minimum. The minimum allowable floor area for a specified unit shall mean the total gross floor area, measured from the interior face of the exterior walls, exclusive of garages, utility rooms, unglazed porches or loggias.

Floor area ratio. The total floor area of the building or building on a lot, divided by the area of the lot. The total floor area for this purpose is the gross horizontal areas of the several floors of all buildings on the lot, measured from the exterior faces of the exterior walls or from the centerline of party walls separating two (2) buildings and shall include fully enclosed porches, breezeways and utility rooms.

Garage, community. A building or part thereof, used for indoor parking or self-propelled private passenger vehicles, for use of residents in the vicinity.

Garage, private. Structure, or part thereof, designed or used for inside parking of self-propelled private passenger vehicles by the occupants of the main building.

Garage, repair. A building, or part thereof, where motor vehicles are received and a charge is made for repairs to any part thereof, but does not include wholesale rebuilding of motor vehicle parts, and paint and body works.

Guest house. A building, or part thereof, intended for intermittent or transient occupancy; such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

Heavy commercial uses. Heavy commercial uses typically have material amounts of inventory, operations, or activity stored or occurring outside of fully enclosed buildings, or stored or occurring in a warehouse environment which have floors that consist of ground concrete as opposed to having finished floor coverings of wood, terrazzo, ceramic tile, or carpet, or stored or occurring in a building or structure that is not air-conditioned. Heavy commercial uses may involve a material amount of site fabrication, or the use of materials or chemicals in making or performing the service or product marketed, and involve the use of motorized machinery. Often, heavy commercial uses have a standard business practice of selling a material amount of inventory or services at wholesale, or at discount to certain industry or business buyers (e.g., "contractor's discount"), or buying or selling a material amount of inventory in bulk. Sometimes, the items sold or leased are large or heavy pieces of equipment or machinery. Additionally, heavy commercial uses often sell materials and equipment used by others in further fabrications. Heavy commercial uses are distinguished from other retail merchandizing and office commercial uses by these attributes, and by the special concerns they present in the nature of noise, fumes, pollution, vibration, and heavy vehicular traffic (including truck traffic) accessing the site.

Height of building. The vertical distance measured from the average established grade of the front of the building to the highest point of the building or main structure or the projection thereof.

High turnover, sit-down restaurant. An eating establishment where average table turnover rates are less than one (1) hour. Except for those specializing in breakfast meals, these restaurants usually have extended operating hours. These restaurants often have portions of meals or entrees pre-prepared without any reference to a particular menu order; however, at least some portion of the meals are prepared as a result of a menu order. Take-out service is usually significant. Entrees are usually moderately priced or inexpensive. The high turnover, sit-down restaurant industry has a significant amount of franchised or "chain" operations, examples of which include Denny's, International House of Pancakes, Kenny Rogers' Roasters, Boston Market, Western Sizzler, Kentucky Fried Chicken, Pizza Hut, Friday's, Ruby Tuesdays, Fuddruckers, Chili's, Olive Garden, Subway, etc. In addition, a significant amount of high turnover, sit-down restaurants are small in size and do not have a broad range of food types offered for consumption, are theme oriented, or offer food items from menus which are standardized throughout the state, southeast region, or the country (for example, Starbucks Coffee, Einstein's or Offerdahl's Bagels, Baskin Robbins Ice Cream). Rarely are tables covered with cloth, and additionally, cloth napkins are rare. If a particular restaurant could reasonably be classified as a high turnover, sit-down restaurant or a low turnover, sit-down restaurant, it shall be presumed to be a high turnover, sit-down restaurant for purposes of this zoning code.

Hospital. An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury and other abnormal physical or mental conditions and requiring overnight care and including, as an integral part of the institution, related facilities, such as laboratories, medical testing facilities, outpatient facilities, training facilities, medical offices, surgery rooms, and staff residences.

Hotel. A building or part thereof, in which rental sleeping units are offered to the public and which maintains an inner lobby through which all occupants must pass to gain access. Most often, hotel sleeping rooms are accessed solely through interior hallways, even on ground floors. It is not unusual for guests to stay more than one (1) night and typically hotels have amenities that cater to longer staying guests such as exercise rooms, spas, restaurants, meeting rooms, ballrooms, convention facilities, reading areas, and limited shopping areas. Hotels cater to transient occupancy, and may have limited kitchenette facilities (i.e., microwave, coffee maker, small sink, miniature refrigerator) for use by the occupants in rooms.

Hotel bar means a bar operated in connection with a hotel, motel, or apartment hotel of more than one hundred (100) hotel rooms or apartments, and operated by the same management, such bar being equipped with adequate and sanitary equipment. The sale of beers, wines and liquors shall be strictly incidental to the principal use as a hotel, motel, or apartment hotel. The sale of beers, wines and liquors shall be prohibited except during the time that the hotel or motel is actually engaged in and open to the public for operation of business. No signs of any kind shall be permitted to be exhibited or displayed to the outside, denoting that alcoholic beverages are obtainable therein.

Kitchen facilities. For the purpose of this ordinance shall include a kitchen sink and cooking facilities.

Land. The word land shall include water surface and land under water.

Lot. A parcel of land considered as a unit occupied or to be occupied by a main building or group of main buildings and accessory buildings, or by a principal use and uses accessory thereto, together with such yards and open spaces as are required by this ordinance. The word lot shall include the words plot, site, tract, and parcel.

Lot area. The total horizontal area within the lot lines of a lot.

Lot area, percentage of. Lot coverage divided by the lot area multiplied by one hundred (100).

Lot, corner. A lot abutting on two (2) or more streets at their intersection, said intersection having an interior angle of less than one hundred thirty-five (135) degrees.

Lot coverage. The percent of the total lot area occupied by the ground floor of all principal and accessory buildings, but not including the unroofed portion of screened pools or patios.

Lot depth. The horizontal distance between the front and rear lot lines measured in the same mean direction of the side lot lines.

Lot, interior. A lot, the side line of which does not abut on any street.

Lot line, front. A line separating the narrowest street frontage of the lot from a street except in those cases where deed restrictions specify another line as the front lot line.

Lot line, rear. A lot line which is opposite and most distance from the front lot line.

Lot line, side. Any lot boundary line not a front lot line or a rear lot line.

Lot width, average. The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Low turnover, sit-down restaurant. An eating establishment of high quality with average table turnover rates of one (1) hour, or longer. Generally, these uses do not serve breakfast, some serve lunch, and all serve dinner; in addition, wait service is provided, usually tables are cloth covered, and usually napkins are cloth as well. These uses do not have drive-through windows, generally do not have a significant amount of moderately priced or inexpensive entrees, do not usually have a significant amount of take-out business, and usually do not have extended early morning (i.e. 2:00 a.m.) operating hours.

Mail order processing shall mean the receipt and administrative processing of customer orders and related documentation to allow for shipment of goods or items to customers from another location. No storage, warehousing, manufacturing, packaging, distribution or any activity other than the processing functions (and office functions directly related to such functions as described above) are permitted.

Medical clinic/ambulatory health care facility. An establishment where patients, who are not lodged overnight, are admitted for examination and medical treatment by one (1) person or a group of persons practicing any form of medicine, whether such persons be medical doctors, chiropractors, osteopaths, orthopedics, podiatrists, radiologists, optometrists, dentists, or any such other medical profession the practice of which is lawful in the State of Florida. Medical clinics/ambulatory care facilities may have medical professionals from many disciplines practicing together, and usually examine and treat persons on a walk-in basis where appointments are not necessary. Minor surgery and bone setting services may be provided. The city has a separate definition for mental health care establishments; consequently, medical clinics/ambulatory care facilities shall not provide mental health care services.

Mental health care establishment means a location at which a licensed professional psychologist, psychiatrist, social worker, hypnotist or any other similarly licensed professional person primarily engages in the rendering of, or practice of, delivering mental health services, such as consultations, evaluations, treatments, therapy or similarly licensed services, to individual patients or clients.

Motel. A building, or series of buildings, being attached, semi-detached, or detached, containing rental sleeping units, and where each unit has convenient exterior access to a parking space for the use of the unit's occupants. Typically, access to sleeping rooms is from the exterior of the building as opposed to through the interior. The rental sleeping units, with the exception of a dwelling unit for the manager or caretaker, are devoted predominantly to the use of motor vehicle transients that typically stay one (1) night. These units may have limited kitchenette facilities (i.e., microwave, coffee maker, small sink, miniature refrigerator) for use by the occupants in rooms.

Nightclub means any commercial establishment that is not a restaurant but may serve food and beverages, and which is determined to be a nightclub by application of the factors set forth in this definition. (Clubhouses, recreation centers, or other buildings used primarily for social gatherings of members of condominiums, cooperatives, homeowner associations, civic, charitable or fraternal organizations which may periodically have dances, stage shows, or music, and alcoholic beverage consumption, and admission fees are not "commercial establishments".) If a commercial establishment could reasonably be classified as either a nightclub or as a restaurant entertainment facility, it shall be deemed a nightclub for purposes of this Code. If a commercial establishment could reasonably be classified as either a nightclub or some different use, it shall be deemed a nightclub for purposes of this Code. Although nightclubs are prohibited in the city, the use is being defined for regulatory purposes (i.e., the city may have nonconforming nightclub uses and the definitions are intended to be consistent with chapter 3 definitions). In determining whether an establishment is a nightclub, the city shall consider the following factors:

- (1) If any one (1) of the following is answered in the affirmative, then the establishment is a nightclub:
 - (a) Whether the establishment charges a cover charge, door charge, or one-time membership fee which is paid at the door; or,
 - (b) Whether there is a minimum drink requirement.
- (2) If none of the factors listed in subsection (1) above are present, then if six (6) of the following are answered in the affirmative, then the establishment is a nightclub:
 - (a) Whether there is a dance floor or other open area used by patrons for dancing;
 - (b) Whether the hours of operations where the use is open to the public include time between 12:00 midnight and 8:00 a.m.;
 - (c) Whether the maximum capacity for the establishment as established by the building official in light of various regulatory provisions is over two hundred (200) persons. [The fact that the facility may restrict its capacity to some number shall not prevent the building official from applying Code provisions that determine a different and increased capacity. The building official may use various Codes for this purpose (i.e., Fire Code provisions)];
 - (d) Whether the establishment has a 4-COP liquor license;
 - (e) Whether the establishment advertises as a nightclub or a cabaret;
 - (f) Whether advertisements for the establishment routinely specify specific entertainment engagements (e.g. "Tony & Trio this Saturday and Sunday night"; special unlimited engagements; "Sally Jones signs tonight");
 - (g) Whether the establishment has a stage show or has a stage or platform used in connection with performances or entertainment;

- (h) Whether the establishment has a high density area that exceeds ten (10) percent of gross square feet of floor area. The definition of "high density area" is set forth within the definition of restaurant entertainment facility, below; or,
- (i) Whether the establishment has an entertainment area that exceeds five (5) percent of gross floor area. The definition of "entertainment area" is set forth within the definition of restaurant entertainment facility, below.

Nonconforming building or structure. A building or structure or portion thereof, existing at the effective date of this ordinance, or any amendment thereto, which was legal, occupied, designed, erected, intended, or structurally altered for a use not permitted at its location by the provisions of this comprehensive zoning ordinance for a new use, and/or which does not conform to all of the regulations applicable to the district in which it is located.

Nonconforming use. The use of a structure or premises legally existing at the effective date of this ordinance from which this section was derived, or any amendment thereto, for any purpose not permitted for a new use in the district in which it is located.

Office support--High density occupation area means that portion of a business or office location which has a high concentration of staff who perform clerical work, customer services, billing functions or any similar services for a profit or non-profit organization, group or business. A "high concentration" shall mean where at least forty (40) percent of the gross leasable square feet of the use has persons who perform tasks at work stations, cubicles, or the like where the planned or actual occupancy is less than or equal to one (1) person for each seventy-five (75) square feet of work space. Work space shall be defined as including only the work stations or cubicle area and that portion of floor space occupied by such person's chair for the usual and customary sitting area within same (work space shall not include aisles or hallways).

Out parcel. This definition is only to be used when trying to calculate how many out parcels can be permitted within a larger project, and is intended to be used for no other purpose. An out parcel is a quantity of real property sufficient in size to completely accommodate within its boundaries all required parking, open space, setbacks, landscaping, and vehicular use areas needed to service a building, when such building is to be separated from other buildings within the project wherein it is located, and where such building is to be used and marketed independently by a single user or for a use different and distinct from other uses within the project. Where no building is proposed, zoning regulations may otherwise fix a minimum parcel size requirement for an out parcel. Out parcels as used within this definition may or may not be reflected on a plat, may or may not be reflected on a site plan, and may or may not be under different ownership or control from other property within the project. The city shall, for zoning purposes and for the purposes set forth in this definition, calculate the required size of the building site proposed to become an out parcel regardless of actual ownership and control of same.

Package store means a location at which a vendor is licensed under Florida law to sell alcoholic beverages, but only in sealed containers, for consumption off-premises.

Park. A tract of land devoted primarily to recreational purposes and the maintenance of open space. Such areas are usually planted and landscaped and may, or may not, include community buildings and

structures or a playground or playfield as defined below.

Parking lot. An off-street open area, the principal use of which is for the parking of automobiles by the public, whether for compensation or not, or an accommodation to clients or customers, or otherwise provided in the comprehensive zoning ordinance.

Pawn shop. A business location at which a pawnbroker conducts business. A pawnbroker is any person who engages in the business of making pawns. A pawn means the advancement of funds on the security of pledged goods (tangible personal property) left in the possession of a pawnbroker by a pledgor of such goods for a stipulated period of time, which goods may be redeemed by the pledgor under terms and conditions as specified in the applicable Florida Statutes.

Personal services. A business primarily engaged in the provision of frequent or recurrent services involving the care of a person and/ or his or her personal goods or apparel. Typical uses include, but are not limited to, beauty and barber shops, day spas, hat or shoe cleaning and repair services, nail studios, reducing salons, seamstress shops, tailor shops, toning and tanning salons, and massage parlors as permitted and regulated under chapter 480 of the Florida Statutes, or its successor.

Playfield. A tract of land devoted to active recreational purposes, primarily for the use of older children and adults. Such areas usually contain facilities for organized sports and accommodations for spectators and may or may not include community buildings or structures.

Playground. A tract of land devoted to active recreational purposes for the primary use of preschool and elementary school age children. Such areas are usually equipped with play apparatus and facilities and may or may not include community buildings and structures.

Premises. Any lot with or without a building or buildings or structures thereon.

Resale boutique. A business engaged in the purchasing, selling, and consigning of qualified, previously owned or used merchandise which is not "second-hand goods" as defined in section 538.03, Florida Statutes (1991), as same may be amended, and which principally deals with buying and selling only one specific type or category of tangible personal property which is not identified as an item of extra value within the definition of "second-hand dealer" in section 14-91 of this Code, as amended, or which is subject to state certificate of title laws where the item is registered and a certificate of title is issued to identify ownership. A resale boutique shall not be defined to include the business of a "secondary dealer" as defined in section 4-91 of this Code of Ordinances, as same may be amended, or a "second-hand dealer" as defined in section 538.03, Florida Statutes (1991), as amended. As used within this definition, "qualified, previously owned or used merchandise" shall be limited to wearing apparel and accessories thereto, which are clean and not stained, abraded, torn, or worn out in any area, and which (but for the sole fact that the item was previously owned) are generally merchantable as "first quality" merchandise. Whenever in this chapter a use is defined sufficiently broad arguably to include the sale of previously owned items, such as "wearing apparel stores," but where the usual and customary connotation of such use would be for the sale of new and unused merchandise, then such use shall not be deemed to include the sale or consignment of previously owned or used merchandise.

Residential. The term "residential" or "residence" is applied herein to any lot or any building used exclusively for human habitation or intended to be used, including accessory uses specified herein.

Restaurant means any establishment where the principal use is the service of food for consumption on the premises. Typically, complete meals are prepared on the premises and served at all times when the establishment is open, for pay and for consumption on the premises at tables with chairs, or booths, or both. There are three (3) kinds of restaurants which are defined in section 27-1, to-wit: fast food restaurants, high turnover sit-down restaurants, and low turnover sit-down restaurants. Restaurants may provide up to fifteen (15) percent of the restaurant or facility seating capacity at a counter located within the interior of the building.

Restaurant bar means a bar housed completely within a low turnover sit down restaurant or high turnover sit down restaurant or a banquet facility (as defined in subsection 27-721(67) of the Code of Ordinances), which bar and food service uses are both operated simultaneously and in conjunction with each other by the same owner, management or both. A restaurant bar must be designed and used primarily to support (i.e., be accessory to) the serving of full-course meals for consumption on the premises by the public in the restaurant or by patrons of a banquet facility. The restaurant bar's principal use is the service of full-course meals for consumption on premises by the public. A "full-course meal" for purposes of this section means that the service of food is provided in courses, including the availability for consumption of appetizers, salads, entrees accompanied by side dishes such as vegetables, rice, pasta or the like, desserts, nonalcoholic and alcoholic beverages, all of which are prepared on the premises by one (1) or more full-time preparers and served to patrons seated at tables, booths or both by waiters, waitresses or both. In order to have a restaurant bar, the restaurant or banquet facility must be designed, equipped and furnished to accommodate the sale and serving of full-course meals to at least two hundred (200) patrons seated at indoor tables, booths or both under the roof of an enclosed building at one time, and further, the restaurant or facility must provide a minimum gross floor area of fully enclosed space under roof of at least four thousand (4,000) square feet. Tables and booths must be continuously and uniformly distributed within the dining areas. The restaurant bar shall only serve or offer for sale alcoholic beverages at such times as food service is fully available. A restaurant bar may have up to five (5) percent of its gross floor area as entertainment areas so long as the restaurant maintains only a SRX restricted alcoholic beverage license as described in § 561.20(2)(a)4, Fla. Stat. (2003), as amended. The definition of "entertainment area" is set forth within the definition of Restaurant Entertainment Facility, below.

Restaurant entertainment facility means a restaurant bar having either a high density area that exceeds ten (10) percent of its gross floor area or an entertainment area that exceeds five (5) percent of its gross floor area. Entertainment area means an area set aside for any one (1) or more, or any combination of the following: dancing, band, orchestra, disc jockey, stage show, or other form of musical or comedy entertainment. High density areas means interior areas [exclusive of areas designed and actually used for kitchen, garbage, food storage, closet, bathrooms, behind the bar service areas, floor areas under tables and chairs, and areas designated for and used exclusively for dining (with such designation to be approved by the director of planning, zoning and economic development or his or her designee)] that could be used for waiting areas, standing areas, and aisles (including aisles around any dance floor or area). If a facility could reasonably be classified as either a restaurant entertainment facility or a restaurant bar, it shall be deemed a restaurant entertainment facility for purposes of this Code.

Retail sale. For the purpose of this ordinance the term retail, retail sale or similar terms, shall mean a sale to the ultimate consumer (i.e., a sale for any purpose other than resale), and including but not limited to all transactions for which there is collected or due by the seller a sales tax pursuant to Chapter 212 of the Florida Statutes, as it may be amended.

Rooming house. A dwelling containing one (1) dwelling unit and not more than five (5) rental sleeping units or suites of rooms, where lodging is provided with or without means, for compensation.

Row housing (also termed town houses). A building consisting of three (3) or more individual residences placed side by side, separated by a party wall or adjoining walls, with each individual unit having a first floor exterior entrance and without an interior or exterior corridor or hall serving more than one (1) unit. For the purpose of this ordinance, row housing is a special classification of multifamily dwelling subject to certain regulations and allowed only as a conditional use.

Saloon. See "Bar."

Screen planting. Screen planting shall mean planting which is sufficiently dense to screen the view from adjacent property and shall consist of planting which, when mature, will reach a height of at least fifteen (15) feet.

Self-storage facility. A self-storage facility is a commercial operation consisting of one (1) or more buildings, which house or contain separate rooms, partitioned areas, cubicles or bays, each with a separate individual entrance, rented to different tenants or users, primarily for the short-term storage of goods or items, excepting and excluding those which require special storage and handling treatment, such as, but not limited to, explosives, chemicals and other similar items which are subject to other laws or regulations imposed by federal, state or local law. A self-storage facility does not provide services of employees in connection with placement, movement or removal of the goods or items stored at the facility.

Servants' quarters. A building, or part thereof, located on the same premises with the main building, used solely for persons employed on the premises; such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

Service station. A retail place of business engaged in supplying goods and services essential to the normal operation of motor vehicles. These goods and services must include the sale and dispensing of motor vehicle fuel. Accessory and ancillary uses include the sale, servicing and minor repairs of such items as tires, batteries and mechanical items; sale and replacement of oil, other fluids and vehicular accessories and other accessory uses, such as the sales of food, beverages and related consumer items and washing and lubrication services.

Setback. The minimum distance between the street line, rear, or side lot lines, and the front, rear, or side of the building.

Small scale school means a place in which instruction or teaching is given to no more than twenty (20) students at one time. "Instruction" or "teaching" means the training or education of persons in the fields of arts, crafts or hobbies (including but not limited to dance, painting, sculpture, ceramics, woodworking), leisure activities (including, but not limited to gymnastics, karate, physical fitness), transportation studies (including but not limited to aviation, automobile driving, boating), clerical skills (including but not limited to secretarial work, bookkeeping) and miscellaneous skills such as computer training, programming or television repair, tailoring or dressmaking. The instruction or teaching shall not involve or provide for any use of heavy equipment, industrial machinery, use of chemicals (other than for photography instruction) manufacturing apparatus or actual vehicles or aircraft. If a particular Master Business Listing pertains to a "school" use, as

defined above, then the specific school provisions, supplemental use regulations or both will prevail (for example, and not by way of limitation, the number of students in an art school in a B-1P district is restricted to a maximum of twelve (12) students, and that regulation will remain prevailing to the extent of the conflict set forth in the above definition, with respect to a maximum of twenty (20) students).

Sportcenter. Any building, room or facility (except any indoor or outdoor stadium, gymnasium or the like, which provides permanent stands for five hundred (500) or more spectators) which is designed and used for one (1) or more active sports activities (such as, but not limited to, weightlifting, indoor running, swimming, racquetball, the martial arts, etc.). The term also includes any exercise or fitness center, health studio, academy or spa, as well as all amenities usually related to, associated with and housed within the use, such as, but not limited to, a locker room, lounge area, juice bar or restaurant.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above, or if there be not a floor above it, then the space between such floor and the ceiling next above it.

Street, mapped. Officially adopted future streets, as shown on the master plan.

Structure. That which is built or constructed (including but not confined to buildings) or any piece of work artificially built up or composed of parts joined together in some definite manner, the use of which requires more or less permanent location on the ground, or which is attached to something having a permanent location on the ground. The term shall be construed as followed by the words or part thereof.

Tavern. See "Bar."

Technology based industry. A business primarily engaged in the research, development, engineering or production of technological advances in hardware or software, limited to the computer and communications (including radio, data transmitting, phone, voice video and internet) industries.

Telemarketing center means a location at which a business or operation is conducted in which unsolicited sales are initiated by personnel to other persons from the location by means of a telephone, computer, facsimile machine or any other similar telecommunications device for the purpose of inducing such other person to directly or indirectly contribute or donate money, goods or services for a charitable, political or educational purpose or to induce persons to purchase or invest in consumer goods, services or both. The term also includes any location at which personnel receive responses via any telecommunication device, which responses are solicited through means of other communication media such as, but not limited to, printed materials, radio, television and computer services.

Thrift shop. A shop wherein the items sold (or given away to the needy) have been obtained through donations or gifts and where the donor receives no value upon the sale (or gift) of such merchandise to a thrift shop customer, where the use is designed to sell donated merchandise at a price below reasonable market value, and where the revenue received from selling same is retained by a charitable, not-for-profit, or religious organization or institution. The term "resale boutique," as used in this chapter, shall not be deemed to include "thrift shops."

Units per acre. Whenever a zoning use district or identifiable land area within a certified flexibility zone has had an allocation of more than one (1) dwelling unit per acre, then and in all such use districts or areas

where the permitted number of multiple dwelling units are defined on a per acre basis such units per acre shall be the maximum number of dwelling units that could be built per acre on such land. To whatever extent a property owner develops at least fifty (50) percent of the parcel or phase thereof then being developed (by the issuance of certificates of occupancy on at least fifty (50) percent of the dwelling units contemplated by the development permits issued for such property or phase thereof) at an actual lower number of dwelling units per acre than the maximum allowed by the zoning in effect on such property, the property owner shall forfeit or release any further right or claim he might have otherwise enjoyed to make improvements on his property for a greater permitted number of dwelling units per acre than the improvements actually requested by the property owner under his existing development approvals. No permitted dwelling units per acre may be transferred from one property owner to another property owner or from one certified flexibility zone to another certified flexibility zone in the city's land use plan, in that it is the stated intent of the city's zoning authority that there shall not be any property rights in and to permitted zoning units per acre not actually utilized by property owners in the development of their property. Nothing herein shall either preclude the city from amending its land use plan and/or reallocating previously permitted units per acre for remaining vacant land within a certified flexibility zone or otherwise preclude a property owner from requesting such reallocation of units so long as such reallocation is approved by the Broward County Planning Council without prejudice to the city's right to an annual amendment request on its certified land use plan.

Use. The purpose for which land or a building is arranged, designed or intended or for which either land or a building is or may be occupied or maintained.

Used or occupied. The words used or occupied shall include arranged, designed, constructed, altered, converted, rented or leased.

Villas. A group of three (3) or more one-story dwelling units per building, located on one (1) or more adjoining lots and having separate outside entrances on the ground floor level for each one (1) family dwelling, designed to provide accommodation for transient or overnight guests.

Variance. A modification of, or deviation from, any regulations, except the land use regulation, for a specified zone district of the comprehensive zoning ordinance which is authorized and approved by the zoning board of adjustment.

Warehouse. A warehouse is a building or structure primarily devoted to the storage of large quantities of commercial goods, products, materials, equipment or apparatus, frequently stored in bulk, which building or structure is ordinarily used as a temporary storage space for subsequent distribution of such items for re-sale, manufacturing or industrial use. A warehouse is staffed by employees who directly perform operations involving the placement, movement and removal of the goods or items stored. Such items or goods are typically delivered to and removed from a warehouse by the use of large commercial vehicles such as trucks, truck tractors and trailers or semi-trailers. A warehouse may provide an office within the building or structure if the office is directly related to the warehouse operation.

Wholesale. For the purpose of this ordinance the term wholesale, wholesaler, or similar terms shall mean a person, firm or corporation regularly engaged in sales which are not retail sales.

Yard. A space on the same lot with a structure or use, open and unobstructed from the ground to the sky.

Zoning ordinance. For the purpose of this ordinance shall mean the City of Plantation Comprehensive Zoning Ordinance.

(Code 1964, App. A, Art. II, §§ 1, 2; Ord. No. 1315, § 1, 4-17-85; Ord. No. 1559, § 1, 6-29-88; Ord. No. 1657, §§ 1, 2, 10-18-89; Ord. No. 1824, § 1, 12-11-91; Ord. No. 1858, § 1, 8-26-92; Ord. No. 2000, § 1, 11-9-94; Ord. No. 2005, § 1, 11-16-94; Ord. No. 2086, § 1, 5-22-96; Ord. No. 2088, § 1, 6-19-96; Ord. No. 2124, § 1, 3-26-97; Ord. No. 2125, § 2, 3-26-97; Ord. No. 2129, § 3, 7-30-97; Ord. No. 2130, § 1, 7-30-97; Ord. No. 2150, § 1, 3-25-98; Ord. No. 2151, § 1, 3-25-98; Ord. No. 2154, § 1, 3-25-98; Ord. No. 2156, § 1, 4-22-98; Ord. No. 2182, § 1, 2-17-99; Ord. No. 2193, § 1, 6-16-99; Ord. No. 2216, § 1, 4-5-2000; Ord. No. 2219, § 1, 4-12-2000; Ord. No. 2221, § 6, 4-26-2000; Ord. No. 2222, § 1, 5-31-2000; Ord. No. 2227, § 1, 7-26-2000; Ord. No. 2231, § 1, 9-13-2000; Ord. No. 2254, § 1, 7-11-2001; Ord. No. 2277, § 1, 2-17-2002; Ord. No. 2294, § 1, 3-12-2003; Ord. No. 2314, § 1, 3-10-2004)

Cross References: Definitions and rules of construction generally, § 1-2.

Sec. 27-2. Purpose.

(a) It is hereby declared that it is the purpose of this comprehensive ordinance to promote the public health, safety, morals, convenience, prosperity and general welfare of the community and to promote a wholesome, serviceable and attractive municipality by having regulations and restrictions that:

- (1) Increase the safety and security of home life;
- (2) Preserve and create a more favorable environment in which to rear children;
- (3) Stabilize and enhance property values;
- (4) Provide for a uniformly just and compatible land use pattern;
- (5) Facilitate adequate provisions for traffic safety and for transportation, vehicular parking, parks, recreation, schools, community buildings, housing, light, air, water supply, sewerage, sanitation, and other public requirements;
- (6) Lessen congestion, disorder and blight which are often inherent in unregulated municipal development;
- (7) Prevent overcrowding of land and undue concentration of population; and
- (8) Provide more reasonable and effective means and methods for protecting and safeguarding the economic structure upon which the good of all depends.

(b) In order to protect and promote the general welfare and to further the objectives and purposes of the comprehensive plan, the city is divided into districts of such number, shape and area, and of such common unity of purpose and compatibility of use, that are deemed most suitable to provide for the best general community development, protect the common rights and interests of the individual, and to promote improved efficient and economical community services, activities and operations; and by further regulations to prescribe minimum standards for the location, height, bulk, area, occupancy and use of buildings and other structures, including the percentage of lot coverage, setback, requirements, size of yards, and other open spaces.

(Code 1964, App. A, Art. I)

Sec. 27-3. Comprehensive zoning ordinance.

This chapter shall be known and cited as the Comprehensive Zoning Ordinance of the City of Plantation, Florida.
(Code 1964, App. A, Art. I, § 1)

Sec. 27-4. Conflicting regulations.

(a) Whenever any provision of this chapter imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law, ordinance or covenant, then the provisions of this chapter shall govern.

(b) Except when otherwise provided, whenever any provision of this chapter conflicts with, or imposes more stringent requirements, regulations, restrictions, or limitations than, another provision of this chapter, the provision imposing the more stringent regulation, restriction, or limitation of property shall control.
(Code 1964, App. A, Art. XVIII, § 1; Ord. No. 2037, § 1, 7-5-95)

Sec. 27-5. Scope.

No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed, or altered and maintained, and no existing use, new use or change of use of any building, structure or land, or part thereof, shall be made, except in conformity with the provisions of this chapter.
(Code 1964, App. A, Art. XVIII, § 2)

Sec. 27-6. Time limits.

- (a) As used within this section, the words "zoning decision" mean final city action on:
- (1) An application for site plan approval, or a modification to a site plan, or a minor adjustment to a site plan;
 - (2) An application for a physical development variance to be considered by the board of adjustment;
 - (3) A board of adjustment administrative review of an order, requirement, decision, or determination of an administrative official;
 - (4) An application for conditional use approval;
 - (5) An application for a special public interest zoning district variation;
 - (6) An application for a waiver of any of the requirements of this chapter which the regulations of this chapter permit the governing body of the city to make; or,
 - (7) An application for a use variance to be considered by the governing body of the city.

The words "zoning decision" do not include an application for a rezoning of property.

- (b) (1) A zoning decision (which is not approved as part of a utilization of flexibility pursuant to chapter 19 of this Code) shall be initially valid for a period of time not to exceed twelve (12) months from the date the decision is made. If the rights granted by the zoning decision are not exercised in the aforesaid twelve-month period of time by an application for a building permit sufficient to meet the requirements of section 302.1 of the South Florida Building Code, the zoning decision shall become null and void. The city council may extend this time period for one (1) additional extension not to exceed six (6) additional months for good cause demonstrated prior to the expiration of the period of initial validity. A zoning decision which is approved as part of a utilization of flexibility pursuant ch. 19 of this Code shall be initially valid for a period of time as set forth in section 19-67(d) of this Code.
- (2) The zoning decision shall also become null and void if, after an application for a building permit sufficient to meet the requirements of Section 302.1 of the South Florida Building Code is made, a building permit is not issued within six (6) months. The city council may extend this time period for one (1) additional extension not to exceed six (6) additional months for good cause demonstrated prior to the expiration of this time period.
- (3) The zoning decision shall become null and void after a building permit is issued when:
 - a. If no work has commenced, when the initial permit expires by virtue of the time limits set forth in Section 304.3 of the South Florida Building Code, as amended; or,
 - b. If work has commenced under the initial permit or a new Section 304.3(e) permit therefor, when the building official requires that any work which has been commenced or completed be removed from the building site; in the alternative, determines not to issue a subsequent, new permit to complete construction under Section 304.3(e) of the South Florida Building Code.
- (4) A conditional use approval and approved use variance shall become null and void if the use is vacated, abandoned, or discontinued for a period of six (6) months.
- (c) (1) When an application for rezoning of property, a use variance, an application for physical development variance, an application for administrative review of an order, requirement, decision, or determination of an administrative official, or an application for conditional use approval is denied, no further request for a rezoning of property or a similar or the same type of zoning decision shall be considered for a one-year period.
- (2) When an application for a special public interest zoning district variation, site plan approval, modification to site plan approval, or minor adjustment to site plan approval is denied, no further request for a similar or the same type of zoning decision shall be considered for a six-month period.
- (3) Nothing in this subsection shall preclude the city from determining that a future identical or similar zoning decision or rezoning should be denied pursuant to the doctrine of administrative

res judicata if a subsequent application is made after the time limits identified above.

- (4) The time periods set forth in this subsection shall not apply if the denial is without prejudice, and all denials shall be deemed with prejudice unless specifically stated otherwise.

(d) An application for a zoning decision or change in zoning may be withdrawn at any time prior to a vote on a motion before the board of adjustment or city council. If two (2) applications including the same lot of land are withdrawn within six (6) months, no other of such application shall be considered within one (1) year of the withdrawal of the second application. When an application for a zoning decision or change in zoning is instituted by a property owner is denied by a review committee or an advisory board of the city, the application shall not proceed to the next committee or board for review unless the applicant requests same in writing or unless the request is reflected in the minutes of the meeting.

(e) Nothing in this section shall prevent the board of city council from instituting a change of zoning (i.e., an amendment to the zoning regulations or a rezoning of property) at any time.
(Code 1964, App. A, Art. XVIII, § 3; Ord. No. 1921, § 1, 5-5-93; Ord. No. 1958, §§ 4--6, 9-8-93; Ord. No. 1979, § 1, 4-27-94; Ord. No. 2407, § 3, 4-30-2008)

Sec. 27-7. Errors and violations.

(a) The issuance or granting of a permit or approval of plans and/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 this chapter. No permit presuming to give the authority to violate or cancel the provisions of this ordinance 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 enforcing officer from thereafter requiring the correction of errors in said plans and specifications or from preventing building operations being carried on thereunder when in violation of this chapter, or any ordinance of the city.
(Code 1964, App. A, Art. XVIII, § 4)

Sec. 27-8. Existing platted lots.

Except in any district where expressly provided otherwise, in all residential districts where a lot of record existed at the time the ordinance from which this chapter was derived was adopted and the lot has less area, less width or less depth than that required by the district in which it is located, the lot may be occupied by a single-family dwelling provided all other requirements are adhered to.
(Code 1964, App. A, Art. XVIII, § 5; Ord. No. 2384, § 12, 2-14-2007)

Sec. 27-9. Zoning regulations for lands annexed into the City of Plantation after July 24, 1973, which had been zoned under Broward County zoning regulations prior to such annexation.

(a) As a specific inducement to property owners considering annexation of their lands into the City of Plantation, the city hereby agrees that all such lands which had been zoned under Broward County zoning regulations prior to annexation into the City of Plantation, shall, during the period commencing July 24, 1973, and terminating December 29, 1978, enjoy a vested right in and to the:

- (1) Permitted uses that section of each county zoning use district entitled *Uses permitted* subject to the limitations and requirements therein set forth for each such use;
- (2) Setbacks, which are the minimum horizontal distances between a structure and property lines or between a structure and another structure or a body of water--including, where appropriate, plot coverage restrictions;
- (3) Density, which is the permitted intensity of development of a parcel of land and, where multifamily residentially zoned, the number of dwelling units permitted to be constructed per acre of gross area;
- (4) Height, which is the total vertical building distance from grade or number of stories by lineal measure;
- (5) Parking, which is the number of parking spaces required, or parking court; and
- (6) Any regulations of the Broward County zoning use district under which such property was zoned prior to its annexation into the City of Plantation.

(b) Nothing herein shall preclude the property owner from waiving the benefits of this chapter as a condition to being annexed into the city when requested to do so by the city prior to such annexation.

(c) Nothing herein shall preclude the property owner from waiving the benefits of this chapter after annexation into the city by requesting full zoning under a city zoning use district.

(d) Nothing herein shall be deemed to be a fixing or a freezing of such vested rights to the permitted uses, setbacks, density, height, and parking regulations of the Broward County zoning use district under which such property was zoned as of the date of the annexation of such property into the city. These five (5) county zoning regulations, as such regulations may have been modified or amended since the date of annexation of such property into the city and as the same exist at the time the property owner requests such development permit, shall be applied to any requested development permit, along with each, every, and all other portions, standards, and limitations of the city comprehensive zoning ordinances, as same also exist when such development permit is sought, which are applicable to the city zoning use district most closely resembling the Broward County zoning use district under which the subject property was previously zoned, and shall be used by the city in determining whether to approve such development plans and plats and whether to issue such permits as requested by the property owner.

(e) Minor adjustments to site plan design approvals and landscape approvals previously approved by a local governmental body other than the city before the affected parcel was annexed into the city, may be authorized without approval of the city council in accordance with section 27-84, as amended. (Code 1964, App. A, Art. XVIII, § 5A; Ord. No. 1379, § 2, 2-19-86)

Sec. 27-10. Interpretation.

In interpreting and applying the provisions of this chapter they shall be held to a minimum requirement for the promotion of the health, safety, and morals and general welfare of the community. It is not intended by

this chapter to interfere with, abrogate or annul any easements, covenants or agreements between parties. However, where the regulations of this chapter are more restrictive than regulations on the same point as contained in any other law or ordinance or restrictions by deed or subdivision, the provisions of this chapter shall govern.

(Code 1964, App. A, Art. XXVII)

Sec. 27-11. Notice for zoning measures.

(a) *Intent.* State statutory, preemptive law provides minimum, mandatory notice requirements for certain types of matters. It is the intent of this section to supplement the preemptive state statutory notice provisions. The provisions of subsections (b)(2) and (c)(3) are directory as opposed to mandatory, and as such, a failure to comply such provisions shall not affect the validity of the measures. While the remaining subsections of this section are not directory, a failure to comply with such provisions shall not affect the validity of the measure if substantial compliance is achieved. The city council, board of adjustment, or planning and zoning board may require additional, reasonable notice prior to completing consideration of a matter.

(b) *City council meetings.*

(1) When the city council considers at public hearing(s) a conditional use, or use variance, then the city clerk shall mail a notice of at least one (1) public hearing by first class mail to the owners of property, as their names and addresses are disclosed by the most recent county ad valorem real property tax roll, within three hundred (300) feet of the property for which the conditional use, or use variance is proposed. This notice shall be placed in the mail at least fourteen (14) calendar days before at least (1) one public hearing at which the item is to be considered. The agenda for the city council meeting at which the conditional use, or use variance is to be considered at a public hearing shall be posted outside of city hall for at least three (3) calendar days prior to at least one (1) public hearing. The city council shall promulgate a resolution approving or denying the conditional use, or use variance. This subsection (1) applies to all applications for a conditional use or use variance, regardless of whether the applications are initiated by the city. The notifications provisions set forth above may be all completed for one (1) public hearing, or some of the provisions may be completed for one public hearing and other provisions may be completed for a different public hearing.

(2) When the city council considers at public hearing(s) an ordinance changing the zoning map designation of a specific parcel of property (as distinguished from amending the actual list of permitted, conditional, or prohibited uses within a zoning category) then the city clerk shall mail a notice of at least one (1) public hearing by first class mail to all owners of property, as their names and addresses are disclosed by the most recent county ad valorem real property tax roll, within three hundred (300) feet of the parcel for which such measure is proposed. This notice shall be mailed by the city clerk at least fourteen (14) calendar days before at least one (1) public hearing at which the item is to be considered. In addition, the city clerk shall post the agenda for the meeting outside of city hall at least three (3) calendar days prior to at least one (1) public hearing at which the item is to be considered. In addition, the sign required in subsection (c)(3) shall be posted for at least one (1) public hearing. The provisions in this subsection (2) apply only to applications that are not initiated by the city. The notifications provisions set forth above may be all completed for one (1) public hearing, or some of the provisions may be completed for

one public hearing and other provisions may be completed for a different public hearing.

- (3) When the city council considers at public hearing(s) an application to approve a site plan or an amendment to a site plan which is not a minor amendment that could be approved by the plans adjustment committee, the city clerk shall advertise a notice of at least one public hearing in a newspaper of general circulation within the city, one (1) time approximately ten (10) calendar days prior to the hearing. In addition, the city clerk shall post the agenda for the meeting at which such site plan or site plan amendment is to be considered for at least three (3) calendar days prior to at least one (1) public hearing. In addition, city personnel shall erect, at least five (5) days before at least one (1) public hearing before the city council, a double-faced four-foot by four-foot (4' × 4') sign within large lettering upon the property in accordance with subsection (c)(2) below. This subsection (3) applies to the applications described above, regardless of whether they are initiated by the city. The notifications provisions set forth above may be all completed for one public hearing, or some of the provisions may be completed for one public hearing and other provisions may be completed for a different public hearing.

(c) *Board of adjustment and planning and zoning board meetings.*

- (1) When the board of adjustment considers at public hearing(s) a physical site development variance, or when the planning and zoning board considers at public hearing(s) a conditional use, notice of at least one (1) public hearing shall be mailed by first class mail to all property owners within three hundred (300) feet of the property for which the aforesaid zoning measures are requested, as their names and addresses appear on the most recent county real property ad valorem tax roll. The city clerk shall mail the notice at least fourteen (14) calendar days before at least one (1) of the appropriate board's public hearing. The agenda for at least one (1) public hearing shall be posted outside of city hall for at least three (3) calendar days prior to the hearing. This subsection applies to the applications described above, regardless of whether they are initiated by the city. The notifications provisions set forth above may be all completed for one public hearing, or some of the provisions may be completed for one public hearing and other provisions may be completed for a different public hearing.
- (2) When the planning and zoning board considers at public hearing(s) a site plan, notice of at least one (1) public hearing shall be given by the city clerk posting the agenda outside city hall for at least three (3) calendar days prior to the public hearing. In addition, a double-faced four-foot by four-foot (4' × 4') sign with large lettering shall be placed upon the property (by city personnel at least five (5) days prior to at least one (1) public hearing before the planning and zoning board), adjacent to each public street or thoroughfare abutting the property. The lettering shall read:

"A site plan approval for this property is under consideration. For information, call City of Plantation City Hall, telephone: (954) 797-2200."

This subsection applies to all applications for site plans, regardless of whether they are initiated by the city. The notifications provisions set forth above may be all completed for one (1) public hearing, or some of the provisions may be completed for one public hearing and other provisions may be completed for a different public hearing.

- (3) When the planning and zoning board (or city council) considers at public hearing(s) an application to change the zoning map designation of a specific parcel of property, one (1) or more double-faced four-foot by four-foot (4' x 4') sign(s) with large lettering shall be placed upon the subject property by city personnel at least five (5) days prior to at least one (1) public hearing before the board and city council, with one (1) sign to be placed adjacent to each street or thoroughfare abutting the property. The message shall state:

"Rezoning of this property is under consideration. For information, call City of Plantation City Hall, telephone: (954) 797-2200."

This subsection applies to a change in a zoning map designation that is not initiated by the city.

(d) "Initiated by the city" means a matter which is considered either (1) as the result of action by the citizens of Plantation pursuant to section 25 of the City Charter, or (2) as the result of an application being signed by the director of planning, zoning and economic development for the improvement of city property or for purposes of economic development or redevelopment, or (3) which is expressly sponsored by the director of planning, zoning and economic development for the improvement of city property or for purposes of economic development or redevelopment where a specific application is not needed.

(Ord. No. 1953, § 1, 9-1-93; Ord. No. 2004, § 3, 11-16-94; Ord. No. 2222, §§ 1, 8, 9, 5-31-2000; Ord. No. 2282, § 2, 9-25-2002)

Secs. 27-12--27-20. Reserved.

ARTICLE II.

PLANNING AND ZONING BOARD*

* **Editors Note:** Ord. No. 2222, § 1, adopted May 31, 2000, provided that the zoning board and comprehensive planning board be consolidated into one planning and zoning board, and that the terms "zoning board", "comprehensive planning board", and "planning board" be changed to read "planning and zoning board" throughout the Code. Such changes will be made as pages are necessarily affected through the supplement service.

Cross References: Boards, commissions and committees, § 2-31 et seq.

Sec. 27-21. Meetings of the planning and zoning board.

The planning and zoning board shall hold its regular meeting on the first Tuesday of the month with a meeting time of 7:30 p.m., unless the board, by a super majority vote of at least five (5) members, agrees to change the regular meeting time and date. Special meetings may be requested by the planning and zoning and economic development director and called by the board chair.

(Code 1964, App. A, Art. XXIII 1/2, § 1; Ord. No. 2163, § 1, 5-13-98; Ord. No. 2222, §§ 1, 5, 5-31-2000)

Sec. 27-22. Proposals; filing date.

(a) Except as provided below, proposals to be presented to the planning and zoning board for action must be submitted to the planning and zoning and economic development department before 10:00 a.m. of the Tuesday which precedes by nine (9) days the date of the planning and zoning board meeting. If the planning and

zoning board meeting is scheduled for a day other than a Thursday, the submission deadline will be 10:00 a.m. of the Tuesday, which is at least ten (10) days before the meeting, but not more than fifteen (15) days before the meeting; provided, however, that applications for change of zoning classification (i.e., rezoning) must be made in the manner prescribed in section 27-24 of this article.

(b) The requirements for notice of hearings before the zoning board appear in section 27-11(c) of this chapter.
(Code 1964, App. A, Art. XXIII 1/2, § 2(c)(4); Ord. No. 2163, § 1, 5-13-98; Ord. No. 2222, § 1, 5-31-2000; Ord. No. 2222, §§ 1, 6, 5-31-2000)

Sec. 27-23. Applications for rezoning authorized; rezoning on motion of board authorized.

(a) An application for the rezoning of lands lying within the corporate limits of the city may be made by any person owning lands sought to be rezoned by such application.

(b) The planning and zoning board may consider the rezoning of any land and make recommendations to the city council respecting same, either upon its own motion or when the matter of rezoning has been referred to it by the city council.
(Code 1964, App. A, Art. XXIII 1/2, § 2(c)(5); Ord. No. 2163, § 1, 5-13-98; Ord. No. 2222, § 1, 5-31-2000)

Sec. 27-24. Manner of making rezoning application.

(a) The planning and zoning and economic development [department] shall furnish application blanks for use in making applications for a change of zoning. The application in proper form must be filed with planning and zoning and economic development [department] prior to noon on the twenty-third day preceding the meeting at which the matter is scheduled to be heard by the planning and zoning board.

(b) The applicant shall establish a cost recovery account with the city, as prescribed by section 27-64 of this chapter.

(c) Reserved.

(d) Each application must be complete in every respect before the same can be received by the secretary, and the secretary shall not accept for filing with the board an incomplete application. The application shall contain a complete legal description of the property sought to be rezoned, which is certified by a licensed Florida land surveyor or Florida civil engineer as being correct within one (1) year of the date of the filing of such application.
(Ord. No. 2163, § 1, 5-13-98; Ord. No. 2222, §§ 1, 7, 8, 5-31-2000)

Sec. 27-25. Hearings; recording actions and recommendations of board.

All hearings shall be public hearings at which the proponent, city staff and members of the public shall be permitted the opportunity to participate. After public hearing the action of the planning and zoning board shall be recorded in its minutes, together with the recommendation of the board and they shall be forwarded to the city council.
(Ord. No. 2163, § 1, 5-13-98; Ord. No. 2222, § 1, 5-31-2000)

Sec. 27-26. Appeals.

If a proponent chooses to appeal a recommendation of the planning and zoning board, such appeal may be heard by the city council. The council will make a decision upon matters appealed and such decision shall be incorporated in the proposal. The proponent must submit a written request appealing such recommendation to the city clerk within fifteen (15) calendar days after the hearing at which the matter was considered, and the city clerk will schedule the matter for consideration by the city council.
(Ord. No. 2163, § 1, 5-13-98; Ord. No. 2222, § 1, 5-31-2000)

Secs. 27-27--27-30. Reserved.

ARTICLE III.

ADMINISTRATIVE RELIEF FROM ZONING REGULATIONS*

* **Editors Note:** Sections 1--3 of Ord. No. 1958, adopted Sept. 8, 1993, amended Ch. 27, Art. III to read as herein set out. Former Ch. 27, Art. III, §§ 27-36--27-45 pertained to the board of adjustment and derived from Code 1964, App. A, Art. XXIII, §§ 1--8 and Ord. No. 1515, § 1, adopted Dec. 2, 1987.

DIVISION 1.

USE VARIANCES

Sec. 27-31. Purpose.

(a) A use variance is a zoning use approval that permits a use on a property-specific basis for nonresidential zoned land where:

- (1) The use is not expressly prohibited in any zoning district;
- (2) The use is not a heavy commercial use as defined in section 27-1 of this Code;
- (3) The use is listed as a permitted use or as a permitted conditional use in any of the following zoning classifications where the property considered for such use does not enjoy any of the following zoning classifications: OB-C, B-1P, B-2L, and CF-P;
- (4) The use is listed as a permitted use or as a permitted conditional use in any of the following zoning classifications and where the property considered for such use enjoys a B-2P zoning classification: OB-C, B-1P, B-2L, and CF-P;
- (5) The use is listed as a permitted use or as a permitted conditional use in any of the following zoning classifications and where the property considered for such use enjoys a B-2L zoning classification: OB-C, B-1P, and CF-P;
- (6) The use is listed as a permitted use or as a permitted conditional use in any of the following

zoning classifications and where the property considered for such use enjoys a B-1P zoning classification: OB-C, and CF-P;

- (7) The use is listed as a permitted use or as a permitted conditional use in any of the following zoning classifications and where the property enjoys an OB-C zoning classification: CF-P;
- (8) The requirements of this division are satisfied; and,
- (9) The city deems it inappropriate to amend its zoning and land development regulations.

Use variances are intended to be granted only in unique and exceptional circumstances on nonresidential zoned land where the proposed use is considered to be necessary for (as distinguished from convenient to) the public's health, safety, or welfare.

(b) Those use variances which are deemed by the city to be of low impact upon the subject property, the surrounding property, and neighborhood, may be granted the following waivers of the measurable standards and criteria contained within this division:

- (1) The preparation of a detailed, binding, buildable site plan;
- (2) The preparation of a traffic impact study; and,
- (3) The preparation of a market study.

A request for such waiver shall be presented to the director of planning, zoning and economic development [uses considered to be of low impact shall be those where the property is developed, minimal exterior alterations to existing structures shall be made to accommodate the use, there is adequate parking on-site to accommodate the use (and all other uses of the subject property), the use does not, in conjunction with the existing, utilized uses of the property, generate trips in excess of the development approved for the property, and the use is clearly harmonious with the present utilization of the property and of the surrounding property]. (Ord. No. 1958, § 1, 9-8-93; Ord. No. 2318, § 1, 4-28-2004)

Sec. 27-32. Application and review process.

(a) After (month) (day), 2004 [the effective date of this article], an application for a use variance shall not be accepted by the director of planning, zoning and economic development unless the governing body of the city promulgates a resolution (or alternatively adopts a motion after vote) by which it determines that it does not wish to enact an amendment to the city's zoning and land development regulations so as to regulate the proposed use in some manner (e.g., to make same prohibited in all zoning districts, or to make same a conditional use, a permitted use, or a contingent use in the zoning district the subject property enjoys). In determining whether to amend the city's zoning and land development regulations so as to regulate a use in some manner, the matter shall be considered a legislative item. Regardless of whether it is sponsored the planning, zoning, and economic development department, or requested by one interested in real property, the legislative item shall be formally reviewed by the director of planning, zoning and economic development who shall issue a written report.

(b) An applicant for a use variance must complete an application therefor at the planning, zoning and economic development department. If the application involves less than four thousand (4,000) square feet of gross leaseable space, the application will be reviewed by the city in accordance with its established procedures for reviewing minor development approvals set forth in section 27-51 of this Code. All other applications shall be subject to advisory review by the review committee, planning and zoning board, and all boards and committees which review site plans, prior to being reviewed and either approved or denied by the city governing body.

- (1) The applicant must submit a copy of a city resolution confirming that the city does not wish to enact amendments to its zoning and land development regulations, a binding and buildable site plan to accompany the application which correctly reflects ingress and egress to the proposed use, the landscaping, parking, buffering, etc. of the subject property, the exterior elevations of any structure to be erected, including the materials to be utilized thereon; a traffic impact study, a market study, a writing addressing each of the applicable decisional criteria, and such other information as the applicant desires.
- (2) The application will be reviewed using the measurable standards and criteria set forth in section 27-33.
- (3) When granting any use variance, the city may attach conditions and safeguards as it determines are appropriate to assure the satisfaction of the measurable standards and criteria set forth in section 27-33.

(Ord. No. 1958, § 1, 9-8-93; Ord. No. 2115, § 1, 1-8-97; Ord. No. 2222, § 1, 5-31-2000; Ord. No. 2318, § 2, 4-28-2004)

Sec. 27-33. Standards for granting use variances.

A use variance shall not be granted by the city unless it determines that:

- (1) The nature of the use variance is such that it is necessary for the health, safety, or welfare of the inhabitants of the city, and is not a mere convenience to such inhabitants;
- (2) A present need for the proposed use exists for service to the population in the area, considering the present availability of similar uses that may serve such population and such area's existing development);
- (3) Special conditions and circumstances exist that are peculiar to the land, structure, or building involved, which are not applicable to other lands, structures, or buildings in the same zoning district, which constitute marked exceptions to other properties in the district, and which prevent the reasonable use of said land, structure, or building;
- (4) The literal application of the zoning and land development regulations under such special conditions and circumstances would create an unnecessary hardship which is not self-created;
- (5) Not granting the use variance would deprive the applicant of a substantial property right that is enjoyed by other property owners within the district and within the surrounding property

(nonconforming use of neighboring lands, structures or buildings, in the district or surrounding property, shall not be grounds for issuing a use variance);

- (6) The requested use variance is of such character, size, and location so as to not change the nature of the principal permitted usage on the property, or will not conflict with the intent and purpose of the zoning district within which the property is located;
- (7) The use variance requested is consistent with the comprehensive plan;
- (8) The use variance is compatible with the general plan for the physical development of the district and surrounding property, and is in harmony with the general character of the existing structures for the subject property, district, and the surrounding property, considering design, scale, and bulk of any new structures, the intensity and character of the proposed use, the use regulations of the district and how the district and subject property has developed, the character of the surrounding property, and traffic and parking conditions;
- (9) The use variance will not create a traffic hazard or traffic nuisance because of its location in relation to similar uses, necessity of turning movements in relation to its access to public roads or intersections, or its location in relation to other buildings or proposed buildings on or near the site or the traffic pattern from such buildings, or by reason of its location near a vehicular or pedestrian entrance or crossing to a public or private school, park, playground or hospital, or other public use or place of public assembly (where such use variance involves heavy vehicular traffic ingressing or egressing from adjacent roadways or on-site, or is deemed a trip generating use, a traffic analysis shall be submitted by the applicant with suggested means of ameliorating such traffic impact);
- (10) The use variance will not be detrimental to the use, peaceful enjoyment, economic value, or development of the subject property, district, surrounding property, or the neighborhood, and will cause no objectionable noise, vibration, fumes, odors, dust, glare, or physical activity;
- (11) The use variance will not adversely affect the health, safety, security, morals, or general welfare of the residents, visitors, or workers of the subject property, the surrounding property, or the neighborhood; and
- (12) The use variance will not, in conjunction with existing development in the neighborhood, or surrounding property, overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public improvements, and will not create a hazard by virtue of its size and location to residents, visitors, or workers in the neighborhood or surrounding property.

(Ord. No. 1958, § 1, 9-8-93; Ord. No. 2318, § 3, 4-28-2004)

Sec. 27-34. Burden of proof.

The applicant for a use variance shall have the burden of proof which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the governing body of the city.

The applicant must establish all questions of fact and the satisfaction of this division's measurable standards and criteria by clear and convincing evidence.

Use variances are zoning decisions which permit uses otherwise not legislatively sanctioned by the city's zoning and land development regulations. It will therefore be presumed that an application for use approval does not satisfy the measurable standards and criteria set forth in section 27-33. (Ord. No. 1958, § 1, 9-8-93; Ord. No. 2318, § 4, 4-28-2004)

Sec. 27-35. Definitions.

Within this division, the words "area," "neighborhood," and "surrounding property" shall have the same definitions as set forth in section 27-766 of the Code of Ordinances. The word "subject property" shall mean the parcel of land on which the use variance is sought. The word "district" shall mean the zoning district category assigned to the subject property (and shall also include authorized variations to such zoning district categories when the subject property also lies within a special public interest overlay zoning district). (Ord. No. 1958, § 1, 9-8-93)

Sec. 27-36. Reserved.

Editors Note: Ord. No. 2318, § 5, adopted Apr. 28, 2004, deleted § 27-36 (notification) as unnecessary since the notice provisions for use variances are now contained in subsection 27-11(c)(1), and derived from Ord. No. 1958, § 1, adopted Sept. 8, 1993.

Sec. 27-37. Time period for expiration of use variances.

Provided a use variance is not vacated, abandoned, or discontinued for a period of six (6) months, and in the absence of any other specific time period for the expiration of such use variance, a use variance shall cease within seven (7) years when there are no buildings employed on the premises in connection with such use variance, or if no modification to the exterior of a building is made, the interior tenant improvements) have a replacement value of two thousand (\$2,000.00) dollars or less. When there are buildings and structures employed on the premises in connection with such use (or when there are interior tenant improvements made where the exterior of the building is not modified) which have a replacement value of two thousand (\$2,000.00) dollars or greater, such use may be continued until the earlier of the following two (2) dates:

- (1) Until such structure is destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction; or
- (2) Six (6) months after the expiration of the respective periods of time set out hereinafter, which periods are hereby established as the reasonable amortization of the normal useful life of each class of building and type of construction being as defined and specified in the Florida Building Code:

a.	Type I. Fire-resistive construction....	30 years
b.	Type II. Heavy timber construction....	25 years
c.	Type III. Ordinary masonry construction....	20 years
d.	Type IV. Metal frame construction....	12 years

e.	Type V. Wood frame construction....	7 years
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The seven (7), twelve (12), twenty (20), twenty-five (25), and thirty (30) year periods set forth in various parts of this section shall commence at the time a certificate of occupancy or completion is issued for the use variance, or if no improvements requiring permits need to be made to accommodate the use, the time it receives its first occupational license.

(Ord. No. 1958, § 1, 9-8-93; Ord. No. 2318, § 6, 4-28-2004)

Sec. 27-38. Reserved.

DIVISION 2.

BOARD OF ADJUSTMENT

Sec. 27-39. Created; appointment.

The board of adjustment is hereby created and shall be composed of seven (7) regular members. Each of the members of the governing body of the city shall appoint one (1) member to the board of adjustment. The seventh member shall be appointed by use of the rotation basis process specified in section 2-32 of the City Code of Ordinances.

(Ord. No. 1958, § 2, 9-8-93; Ord. No. 2162, § 3, 5-13-98)

Sec. 27-40. Term of office of members.

The members appointed shall serve a term of one (1) year. Appointment of board members shall be made in accordance with the provisions of Code section 2-32.

(Ord. No. 1958, § 2, 9-8-93; Ord. No. 2162, § 3, 5-13-98; Ord. No. 2197, § 1, 8-25-99)

Sec. 27-41. Quorum and voting.

Notwithstanding any board of adjustment procedural rule to the contrary, a quorum of the board of adjustment shall be a majority of the members of such board who may be serving from time to time. The concurring vote of a majority of board members present at a meeting of the board of adjustment shall be necessary to reverse any order, requirement, decision or determination of an administrative official or to decide in favor of the applicant on matter upon which said board is required to review under this chapter.

(Ord. No. 1958, § 2, 9-8-93)

Sec. 27-42. Proceedings of the board of adjustment.

(a) The board of adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this article, meetings shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence, the vice-chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

(b) The board of adjustment shall keep minutes of its proceedings showing the vote of each member

upon each question, or if absent or failing to vote indicating such fact. The board shall keep records of its examinations and other official actions. All of which shall be a public record.
(Ord. No. 1958, § 2, 9-8-93)

Sec. 27-43. Hearings; appeal; notices; and filing fees.

Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, board or bureau of the governing body of the city affected any decision of an administrative official. Such appeal shall be taken within thirty (30) days after rendition of the order, requirement, decision or determination appealed from by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof, and paying the city's costs of review and processing in accordance with the cost recovery system. The appeal shall be in the form prescribed by the rules of the board.
(Ord. No. 1958, § 2, 9-8-93; Ord. No. 2411, § 2, 5-28-2008)

Sec. 27-44. Stay of proceedings.

An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the board of adjustment that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the board of adjustment or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.

(Ord. No. 1958, § 2, 9-8-93)

State Law References: Similar provisions, F.S. § 163.240.

Sec. 27-45. Powers and duties.

The board of adjustment shall have the following powers and duties:

- (1) *Administrative review.* To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the administrative official in the enforcement of this chapter.
- (2) *Physical site development variances.* To authorize upon appeal in specific cases such variance from the terms of this chapter concerning physical site development as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship.

Physical site development variances are hereby defined as variances concerning physical development of property such as variances from lot coverage, height, setback, and lot area regulations.

(Ord. No. 1958, § 2, 9-8-93)

Sec. 27-46. Physical site development variances.

- (a) A variance from the terms of this chapter shall not be granted by the board of adjustment unless and until:

- (1) A written appeal for a variance has been submitted demonstrating:
 - a. That special conditions and circumstances exist that are peculiar to the land, structure, or building involved which are not applicable to other lands, structures or buildings in the same district;
 - b. That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;
 - c. That the special conditions and circumstances do not result from the action of the applicant;
 - d. That granting the variance requested will not be detrimental to adjacent property or adversely affect the public welfare;

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of land, structures or buildings in other districts shall be grounds for the issuance of a variance.

- (2) Notice of public hearing has been given and the public hearing has been held.
- (3) The board of adjustment has made findings that the requirements of this section have been met by the applicant, and that the reasons set forth in the appeal justify the granting of a variance, to wit:
 - a. That in fact special conditions and circumstances do exist affecting the land, structure or building involved which prevent the reasonable use of said land, structure or building;
 - b. That the circumstances which cause the hardship are peculiar to the property, or to such a small number of properties that they clearly constitute marked exceptions to other properties in the district;
 - c. That the literal interpretation of the provisions of this chapter would deprive the applicant of a substantial property right that is enjoyed by other property owners in the district. (It is of no moment whatever that the denial of the variance might deny the property owner some opportunity to use the property in a more profitable way, or to sell it at a greater profit than is possible under the terms of this chapter);
 - d. That the hardship is not self-created or the result of mere disregard for, or ignorance of the provisions of this chapter;
 - e. That the variance is the minimum variance that will make possible the reasonable use of the property, and that the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood, or otherwise detrimental to

the public welfare.

(b) In granting a variance the board of adjustment may prescribe appropriate conditions and safeguards as are in its opinion necessary to protect the public interest. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

(c) Under no circumstances shall the board of adjustment grant a variance to permit a use not generally permitted in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in the district.

(Ord. No. 1958, § 2, 9-8-93)

State Law References: Similar provisions, F.S. § 163.225.

Sec. 27-47. Decisions of the board of adjustment.

In exercising the above-mentioned powers, the board of adjustment may, so long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken.

(Ord. No. 1958, § 2, 9-8-93)

Sec. 27-48. Member absences creating vacancy.

(a) Every member of the board of adjustment who shall be absent from three (3) meetings within one (1) year of the anniversary date of his or her appointment or reappointment, without proper medical reason for same, shall be deemed to have resigned his or her appointment and the mayor or councilman who made the original appointment shall fill such vacancy.

(b) The city clerk shall keep meeting attendance records of all appointive members of the board of adjustment and shall make every effort to advise the appointive member and the mayor or the councilman who appointed such member upon the member's having been absent from two (2) meetings during the time period described above so that the member and those responsible for the appointment will realize that any further absences will result in the automatic resignation of such member.

(Ord. No. 1958, § 2, 9-8-93)

Secs. 27-49, 27-50. Reserved.

DIVISION 3.

MINOR DEVELOPMENT APPROVALS

Sec. 27-51. Minor development approvals.

(a) *Minor development approval defined.* Minor site plan approvals or expansions to permitted uses, use variances, conditional uses, and waivers to site design requirements may be authorized using the procedure established below. For purposes of this section, "minor development approval" means a new use or expanded

existing use which will occupy an existing or expanded building space having a gross floor area less than or equal to four thousand (4,000) square feet.

(b) *Criteria for approval.* In addition to other standards and criteria in this Code of Ordinances that apply to the proposed development (e.g., conditional use law as same pertains to conditional uses, use variance law as same pertains to use variances, etc.), the decision maker considering a minor development approval shall consider:

- (1) Whether the minor development approval will or may adversely affect the peaceful enjoyment of the surrounding property;
- (2) Whether there is any probability of an increase of any objectionable noise, vibration, fumes, odor, glare or physical activity;
- (3) Whether insufficient on-site parking will result and whether traffic conditions on-site, off-site or both will be adversely affected;
- (4) Whether the proposed minor development may overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public services or infrastructure; and
- (5) The character of the minor development and the character of the surrounding property.

(c) *Minor development approval matrix.* The minor development consideration and approval matrix is set forth below.

x	Use	Advisor	DM	Fee	CA
x <= 1800	PU	None	DPZED		4
1800 < x <= 2400	PU	DDH	DPZED		7
2400 < x <= 3000	PU	DDH	DPZED		7
3000 < x <= 4000	PU	None	PAC		4
x <= 1800	CU	DDH	DPZED		4
1800 < x <= 2400	CU	DDH	DPZED		7
2400 < x <= 3000	CU	None	PAC		7
3000	CU	DDH	PAC		4
x <= 1800	UV	DDH	DPZED		7
1800	UV	DDH	PAC		4
2400	UV	DDH	PAC		7
3000	UV	RC	PAC		13

x = Gross square feet of new use, regardless of whether it is an expansion.

DM = Decision maker. The person or committee authorized by this section to make the approval, subject to any

elected official's right to require a full review as provided in subsection (e) below.

DPZED = Director of planning, zoning and economic development

RC = Review committee

PAC = Plans adjustment committee

CA = Copies of plans required with application materials

PU = Permitted use

CU - Conditional use

UV = Use variance

DDH = The following development department heads (or their designees): City engineer, city building official, city landscape architect, city fire chief, city utilities director, director of planning, zoning and economic development

Fee = Application fee

(d) *Referral to plans adjustment committee.* If the director of planning, zoning and economic development does not wish to review an application for minor development review, it may be reviewed by the plans adjustment committee.

(e) *Elected official review of director decision.* Any approval of the director of planning, zoning and economic development shall become final fourteen (14) days after it is reduced to writing, sent by facsimile to the elected officers, and placed in the mail as provided in subsection (f) below. Any decision (regardless of an approval or denial) shall be directed to the elected officials by facsimile and by interoffice mail. The director of planning, zoning and economic development may decide to change his or her decision to approve the matter within this fourteen-day period (after which the fourteen-day time period begins to run and re-notice of the decision is required). Additionally, if, during such fourteen-day period, any elected official wishes to toll the time period within which the decision may become final, he or she may do so by requesting the city clerk in writing to agendaize the matter for discussion at the next reasonably available city council meeting as an administrative matter. At such time as the matter is considered by the governing body, the decision to approve may be quashed by a majority vote of the city council. The quashing shall not be a "denial" or "approval" of the development on the merits; instead, the effect of the city council decision will be to require a new and complete staff, and advisory board or committee review of the application as the council may determine.

(f) *Director decisions.* The decision of the director of planning, zoning and economic development is a discretionary administrative decision. No hearing shall be provided for deliberations on the application. The development department head advisory review may take place without a meeting, with each such head (or his or her designee) commenting in memorandum form. Whenever the director of planning, zoning and economic development makes a decision to approve a minor development application involving a conditional use or use variance, he or she shall reduce the approval to writing, and shall notify all property owners as disclosed by the

most recent tax roll within three hundred (300) feet of the property for which the minor approval was granted. In all other cases, the decision shall be reduced to writing, and notice shall be given to all adjacent property owners as disclosed by the most recent tax roll. The notice shall be deemed effective when placed in the U.S. mail, first class, postage prepaid. The notice must advise the property owners of the right of any elected official to require city governing body consideration of the matter if an elected official makes a request during such fourteen-day time period.

(g) *Plans adjustment committee.*

- (1) For applications involving the plans adjustment committee, a meeting shall be called by the plan adjustment committee herein established, which shall be composed of the director of planning, zoning and economic development, the chief building official and a member of the governing body of the city. The president of the city council, with majority approval of the council, may establish a service schedule for the plans adjustment committee. Where none is agreed to, the following "default schedule" shall apply, with each councilman serving for two (2) months in rotation, beginning with group 1. In the event a serving councilmember cannot attend a meeting during his or her rotation period, another available councilmember shall cover the meeting. The covering councilmember shall be selected according to group seat rotations and availability, with the first candidate covering councilperson having the next group seat number in the rotation from the serving councilmember. (For example, if the group seat 3 councilmember is serving on the committee and cannot attend a meeting, the group seat 4 councilmember shall first be contacted to cover the meeting; and if the group seat 4 councilmember is not available, the group seat 5 councilmember shall then be contacted, and so on. Furthermore, if the group seat 3 serving councilmember cannot attend another meeting in his or her two-month service period, the first candidate covering elected official shall be the group seat 4 councilmember, and so on). The plan adjustment committee will be considered properly convened with the attendance of the covering elected official.
- (2) When the committee considers a minor development approval, notice of the meeting shall be given by the planning, zoning and economic development department by first class mail to the owners of property, as their names and addresses are disclosed by the most recent county ad valorem real property tax roll, within three hundred (300) feet of the property for which the conditional use or use variance is to be considered. The notice shall be placed in the mail at least fourteen (14) calendar days before the meeting. The agenda for the meeting at which the conditional use or use variance is to be considered shall be posted outside of the city hall for at least three (3) business days prior to the meeting.
- (3) If all three (3) members of the committee are in agreement, they shall sign the four (4) copies of the plan. No condition imposed by the governing body of the city in connection with the final approval thereof may be eliminated or waived by the plan adjustment committee.
- (4) If any one (1) of the members of the committee is not in agreement with the proposed minor approval, the application shall not be deemed to have been approved.
- (5) The findings and actions of the plan adjustment committee shall be recorded in the minutes of the committee meeting and shall be part of the official records of the city.

- (6) Copies of the signed revised plans shall be distributed as stated below:
- i. One (1) copy shall be returned to the proponent;
 - ii. One (1) copy shall be filed with the final approved building plans;
 - iii. One (1) copy shall be attached to the minutes of the plan adjustment committee;
 - iv. One (1) copy shall be filed with the approved site development plans.
- (7) The members of the governing body of the city shall be notified in memorandum form or by a copy of minutes of any approvals given by the plan adjustment committee.
- (8) Minor development approvals to site plans which are granted by the plan adjustment committee are discretionary administrative decisions that do not meaningfully impact adjacent or nearby landowners or the public at large. Applications which are denied by the plan adjustment committee may be submitted by an applicant for regular review, where notice of the application's hearings at the review committee, planning and zoning board, and city council level are advertised, and where, the city council's administrative quasi-judicial procedural rules apply to the city council hearing. Items may be tabled by the plan adjustment committee, or passed contingent on the city governing body's approval, in either of which event, the matter will be deemed referred directly to the city governing body by the committee for action without regular review to be addressed as an administrative item on the council agenda. If the date of the council meeting is announced at the plan adjustment committee meeting, no additional advertising need be completed before the city council acts on the matter at such announced meeting. If the date of the city council meeting is not so announced, the matter shall be advertised in the same manner as a site plan review. In view of the above, the plan adjustment committee deliberations will be informal, witnesses need not be sworn, and interested persons do not have cross examination privileges. In the event that an application denied by the plan adjustment committee is later submitted by the applicant to the city for regular review, the plan adjustment committee minutes will be made part of the elected officials' agenda material so that the public can ascertain what communications were made at the plan adjustment committee level, and the elected official who sat on the plan adjustment committee when the matter was considered shall disclose whether he or she can recall any *ex parte* communications about the application which may not be reflected in the plan adjustment committee minutes.

(h) *Additional approvals by staff.* The director of planning, zoning and economic development may approve without plan adjustment committee review minor changes to building elevations which result from functional improvements and which do not alter the essential appearance of the building (such as adding, removing, relocating, or changing roof gutters, hurricane panels, doors, vent pipes, dumpsters, building facades, parapet walls, or relocating parking spaces and other similar like items as determined by the director of planning, zoning and economic development), and may also approve color changes where colors were depicted on site plans, and where the change in color substantially matches the color previously approved by the city, or is a less intense color. In addition to the authority that may be granted elsewhere, the director of planning, zoning and economic development may also approve minor encroachments into zoning setback areas, or minor

waivers to the lot coverage, open space, height, parking or other site design requirements for functional improvements to structures. In this case, "minor" shall mean the encroachment is less than ten (10) percent of the setback dimension, less than five (5) percent of the lot coverage, open space, height or other site design requirement.

(Code 1964, App. A, Art. XXIII 1/2, § 9; Ord. No. 1379, § 1, 2-19-86; Ord. No. 1956, § 1, 9-8-93; Ord. No. 1958, § 3, 9-8-93; Ord. No. 2038, § 1, 7-5-95; Ord. No. 2115, § 3, 1-8-97; Ord. No. 2222, § 1, 5-31-2000; Ord. No. 2285, § 1, 10-9-2002; Ord. No. 2411, §§ 1, 3, 5-28-2008)

Editors Note: Section 3 of Ord. No. 1958, adopted Sept. 8, 1993, renumbered § 27-83 as § 27-56. In order to avoid duplicative section numbering, such section has been renumbered as § 27-51 at the discretion of the editor.

Editors Note: Ord. No. 2411, § 3, adopted May 20, 2008 incorporated, by reference, the flat fees formerly in subsection (c), as exhibit "A." These fees shall be subject to adjustment from time to time by resolution of the city governing body, or by adjustments authorized by the administration, in accordance with section 2-421 of this Code. These fees are not set out at length herein but are on file and available for inspection in the office of the city clerk.

Secs. 27-52--27-55. Reserved.

ARTICLE IV.

ADMINISTRATION, ENFORCEMENT, FEES*

* **Cross References:** Buildings and building regulations, Ch. 5; code enforcement, Ch. 6; finance, § 2-266 et seq.

Sec. 27-56. Enforcement.

The building and zoning department, code enforcement, fire department, the police department, and other authorized individuals, shall be authorized to enforce the provisions of the comprehensive zoning ordinance.

(Code 1964, App. A, Art. XXII, § 1; Ord. No. 2186, § 3, 5-12-99)

Sec. 27-57. Building permits required.

No building or structure shall be erected, altered, moved, added to, or repaired unless a building permit shall first have been obtained for such work.

(Code 1964, App. A, Art. XXII, § 2)

Cross References: Building permits, § 5-21 et seq.; building permits required prior to construction, § 27-57.

Sec. 27-58. Certificate of occupancy required.

No building or structure, or part thereof, or premises, which are hereafter erected or altered, or changed in occupancy, or land upon which a new or different use is established, shall be occupied or used until a certificate of occupancy shall have been applied for and issued. A record of all certificates of occupancy issued hereunder shall be kept on file in the office of the issuing department. Certificates of occupancy shall not be issued until the premises have been inspected and found to comply with all the applicable regulations of the city, the county and the state.

(Code 1964, App. A, Art. XXII, § 3)

Cross References: Buildings and building regulations, Ch. 5.

Sec. 27-59. Certificates for accessory buildings.

Buildings or structures accessory to a principal structure may not require separate certificates of occupancy, but may be included in the certificate of occupancy for the principal structure when shown on the plot plan and when completed at the same time as such principal structure.
(Code 1964, App. A, Art. XXII, § 4)

Sec. 27-60. Reserved.

Editors Note: Ord. No. 2186, § 4, adopted May 12, 1999, deleted § 27-60, Procedure on violations, derived from the 1964 Code, App. A, Art. XXII, § 5.

Sec. 27-61. Duties of enforcers.

The building department, through its officers and employees, shall be charged with the duty of making inspections, receiving applications, approving plans and specifications, issuing permits and certificates of occupancy, maintaining records of applications, permits and certificates, and taking any and all steps or actions necessary to enforce the provisions of this chapter.
(Code 1964, App. A, Art. XXII, § 6)

Sec. 27-62. Penalties.

The penalty for a violation of this chapter shall be as provided for in chapter 6 if the violation is being presented to the code enforcement board or as provided for in section 1-13 if the violation is being prosecuted in county court as a municipal offense.
(Ord. No. 2186, § 5, 5-12-99)

Sec. 27-63. Approval by building department of use of site by other governmental permitting authority.

Prior to the building department being requested to advise any other governmental permitting authority on a specific proposed site having zoning compliance for such other permitting authority's intended licensed use, the building department shall first see that the applicant for such use has filed a full and complete application for an local business tax receipt to conduct the business activity at such specific site for which such other governmental permitting authority wishes an acknowledgement of permitted zoning use from the building department and has submitted the site of such intended use to a full and complete code compliance inspection and fire inspection prior to such zoning compliance sign-off by the building department to such other governmental permitting authority.
(Ord. No. 1356, § 1, 10-9-85; Ord. No. 2379, § 9, 12-13-2006)

Sec. 27-64. Recovery of costs of administrative review and processing.

(a) There is hereby imposed an administrative fee, for the various costs of the city's administrative and outside fee consultant processing and review of applications, submissions, or requests concerning proposed matters affecting cable television service within the city (including applications for franchises, franchise renewal proposals, transfer control proposals, and proposals charging rates or service standards) or concerning development, utilization, or improvement of realty in the City of Plantation (including but not limited to review and processing of plat applications, applications for site data records, proposed oversized offsite water distribution/transmission main and sewer collection/force main facilities, installation of utility lines and pipes,

land use plan proposed amendments, planned or existing street, pavement, sidewalk, street marker signs, seawall, bridge installation, culvert or drainage facilities, modifications to site plans, applications for use variances, applications for physical development variances, certain building inspections, applications for and periodic review of development of regional impact orders, document review in developments involving unified control, a change in zoning, pre- and post-permit conferences and project reviews (specifically including but not limited to the development, monitoring, and completion of critical path governmental approval reports and all review and monitoring incident to or in any way related to such reports), and certain building plan, and bridge installation plan reviews and inspections as explained in subsection (e) herein (hereafter, "review requests"), such fee to be equal in amount to the city's costs (determined by city resolution) or actual costs, in terms of staff and outside fee consultants' time expended in such review and processing, and a surcharge for certain requested fast-tracking plan reviews and inspections as provided for in subsection (e), including advertising and similar directly related charges. Notwithstanding subsection (d) below, where the city has promulgated a resolution determining its costs for a portion of a review request, the city staff and various consultants will not be required to maintain records of the various time expended and tasks conducted for that portion of work associated with the review request which is covered by the determined cost, and no additional debit against a cost recovery account for such determined portion shall be made.

(b) Persons who file any review request which necessitates administrative or outside fee consultant review and processing shall pay prior to or at the time the review request is made, an initial preliminary deposit which shall be credited toward the fee charged for such review and processing, and shall pay additional deposits as may be required from time to time.

(c) When the person pays the initial deposit, a financial account for said person's review request (the "project account") will be opened and maintained throughout the entire review process until the person receives a certificate of occupancy or the building and zoning department determines that no further action is necessary for the review and processing of the review request, at either of which time the project account will be closed and any remaining funds therein shall be refunded to the person depositing same, no later than two (2) months after the project account's closing date. The project account will be monitored on a periodic basis. Whenever the account balance is zero or negative, a supplemental deposit will be required before any further review or processing continues. The person making the initial deposit will be notified when a supplemental deposit will be required. The amount of the supplemental deposit will be fifty (50) percent of the initial deposit. Several supplemental deposits may be necessary depending on the complexity of the review request.

(d) The staff of the various departments of the City of Plantation and the city's outside fee consultants who are involved in the review and processing of review requests shall maintain records of the time expended and tasks conducted regarding each such request. A debit based upon the time expended and the applicable hourly rate (plus a surcharge as provided in subsection (e) for certain requested work on fast-tracking projects) shall be charged against the project account. For purposes of this program, the applicable hourly rate shall be equal to a staff person's actual hourly rate of pay (if such person is paid by the hour) or an approximation of his or her hourly compensation (based upon a weekly salary divided by forty (40) hours, together with an additional factor reflecting said person's hourly value of fringe and pension benefits), if said staff person is a person who is compensated on a salary basis. The applicable hourly rate for review and processing by the city's outside fee consultants shall equal their actual hourly charge for such review and processing. A debit against the project account shall also be made which shall reflect the costs of administering this program, which charge shall be based upon the actual effort involved for such administration.

(e) This authorized program shall not replace the imposition and collection of structure permit fees, which building permit fees shall be collected to defray the costs of up to two (2) nonpriority structure plan reviews in a normal single-plan review procedure or up to two (2) nonpriority plan reviews in a fast-tracking plan review procedure, and inspections which are not requested on a priority basis and which are requested when the building and zoning department or engineering department is open during regular hours (or during the regular business hours of any city outside fee consultant engineering firm).

"Fast-tracking" is defined as a method of construction where plans for component parts of a structure are reviewed on an as-being-built (including pre-and post-permit meetings with staff for such multiple plan critiques).

When fast-tracking inspections or plan reviews are requested on a priority basis, or when the same plan for a component part of a structure is reviewed more than twice, the applicable hourly rate for staff and outside fee consultants involved in such review and inspections, together with a surcharge of such applicable hourly rate(s) (such surcharge to be implemented, established, and changed from time to time by resolution), shall be assessed against the project account of the person requesting such work.

When non-fast-tracking inspections or plan reviews are requested on a priority basis, or when the same plan is reviewed more than twice, the applicable hourly rate for staff and outside fee consultants involved in such reviews and inspections shall be assessed against the project account of the person requesting same.

The cost of any inspections for fast-tracking and non-fast-tracking development which are requested when the building and zoning department or engineering department would normally be closed (or outside of the regular business hours of any city outside fee consultant engineering firm) shall be assessed against the project accounts of the person requesting same.

(f) The amount of the initial deposit for the different types of review requests shall be established, and from time to time amended, by resolution of the city council. It is the express intent of the city council and mayor of the City of Plantation, Florida, in enacting this cost recovery program that the city's costs of administrative and outside fee consultant review and processing of review requests, as required or necessitated now or in the future by the city's ordinances, resolutions, policies, or procedures, shall be borne by the person initiating the review request. To the extent that this authorized program is not fully implemented by resolution as provided, the fees and charges provided for elsewhere in the Code of Ordinances immediately before the enactment of Ordinance No. 1426 (as such may be amended) for such unimplemented review and processing, if any, shall be valid as not inconsistent with this program, fully chargeable, levied, and collected.

(g) This program shall not apply to review requests which are originally initiated by or on behalf of the City of Plantation or another governmental entity acting in its governmental capacity; such as, but not limited to, department of transportation highway proposal commentary, reviews of Broward County transportation improvements, review of proposed amendments to the Broward County or local land use plans, and review of developments of regional impact; provided however, that the initiating governmental entity does not charge the City of Plantation for its review, processing, and comment upon Plantation's review requests of a similar type or nature.

(h) The preceding subsection (g) shall not apply to review requests which are initiated by another governmental entity or agency acting in a corporate or proprietary capacity, such action including, but not

limited to, a governmental entity's review requests incident to the erection of buildings or structures within Plantation (such as post offices, libraries, or governmental office buildings).

(i) Except as provided herein, any notification provided in this section for supplemental deposits from the City of Plantation to a person initiating a review request shall be deemed sufficient if made by a telephone call to such person or his or her agent with a confirming certified letter to follow. It shall be the duty of persons initiating review requests to provide on the filed review request a continuously updated address and telephone number where said persons or their agents can be reached for purposes of such notification. If an attempt to notify a person initiating a review request or his or her agent is frustrated because such furnished phone numbers or addresses were not correct or up to date when the notification attempt was made, such frustrated attempt shall be deemed sufficient notice for purposes of this section. (Ord. No. 1426, § 1, 10-15-86; Ord. No. 1451, § 1, 2-11-87; Ord. No. 1461, § 1, 4-8-87; Ord. No. 1523, § 1, 12-16-87; Ord. No. 1958, § 7, 9-8-93; Ord. No. 1965, § 2, 11-10-93; Ord. No. 2397, § 1, 10-10-2007)

Sec. 27-65. Administration of applications for development orders at city council public hearings.

(1) When an application for a change of a parcel of property's zoning classification, conditional use approval, use variance, special public interest zoning district variation, change of property's future land use designation, site plan approval, or plat approval (herein, "an application for a development order") has completed all staff, committee, and required advisory board review, the applicant shall certify prior to the development order application being sent to the governing body of the city that such application is "final" (i.e., that the applicant does not intend to further amend the application in any way, and that the applicant does not wish to submit for the governing body of the city's consideration any documentary evidence, written material, oral comment, or other information on the application in its then present form at the governing body of the city's public hearing). When the applicant certifies that the application for the requested development order is final, the applicant shall file a notice to proceed (which shall be such certification), and then such final application shall be agendaized for the next reasonably available meeting of the governing body of the city, which meeting shall be no earlier than three (3) weeks after the notice to proceed is filed.

(2) The city staff and consultants shall then prepare their comments on the application in its then present form and the building official shall file same within the city clerk at least one (1) week before the agendaized city council meeting as part of the final application.

(3) Once a notice to proceed is signed by the applicant, the applicant shall not be permitted to present any evidence which is not wholly contained within the final application (if documentary or written in nature) or which is summarily detailed and included within the application (if such evidence is oral in nature), at the city council meeting wherein the application is considered for approval or rejection, except:

- (a) When the applicant requests permission to proffer new evidence, whereupon, if such request is the first one made by the applicant, same shall be granted and the evidence heard. At the conclusion of the applicant's presentation (including such new evidence), the governing body of the city shall determine whether to continue the advertised hearing to a future meeting in order to permit city staff, consultants, and the public time to review and evaluate the applicant's revised final application, or whether to continue with the hearing at the same meeting. (Any time that a hearing on an application is continued to a future city council meeting because of the applicant's desire to have considered new evidence, the application shall be subject to the review procedures

set forth in subsection (4) below prior to being reagendized at a city council meeting for a continued hearing, absent a specific waiver granted by the governing body of the city which expressly directs that a different review procedure is to be followed.)

- (b) Where, as a result of the progress of the city council hearing on the final application, the applicant wishes to amend his final application and the elected officials permit such new matters to be considered by finding that such new material does not need to be reviewed by city staff or consultants, or that such staff or consultants, or that such staff and consultants as may be attending the hearing can reasonably react to and comment upon such new matters, that the public can reasonably be expected to understand and react to the proposed changes, and that considering such new material would promote governmental efficiency and prevent an unnecessary delay. This finding shall be implied where the governing body of the city does not expressly require the hearing to be continued to a future meeting.
- (c) The governing body of the city may also continue a city council hearing on an application for a development order in order to permit the city staff and consultants an opportunity to review the application again after the applicant has finished its presentation. This continuance may be ordered to clarify, analyze, or explain the presented final application, or to address any issues, matters, impacts or concerns which relate, refer, or pertain to the presented application, or may be ordered for any other reason.

(4) When an application is reagendized for continued city council hearing, whether at the request of the council or the applicant, the city staff and consultants shall have two (2) weeks to review the presented application in its revised form and to file any appropriate staff or consultant comment thereon. The applicant shall have one (1) week thereafter to respond in rebuttal form to any staff or consultant comment submitted on the presented final application. The city staff and consultants shall thereafter have one (1) week to reply to the applicant's rebuttal. After such period, the supplemental review of the presented final application shall be deemed completed and the application shall be reagendized for continued consideration at the first reasonably available city council hearing, at which time (and absent withdrawal by the applicant or further requested supplemental review by the governing body of the city) a decision on the application shall be made. These time deadlines may be shortened or extended by the city council or by agreement between the building official and applicant.

(5) Nothing herein will prevent an applicant for a development order from withdrawing a final application from consideration at a city council meeting should the applicant wish to present any new comment, material, or testimony and the city's governing body refuses to accept same, or for any other reason. If the application is withdrawn, a resubmitted application for a development order shall be deemed a new application for a development order and such application shall be subject to full city staff, committee, and advisory board review absent a specific waiver of this section by the governing body of the city which expressly directs that an abbreviated review procedure is to be followed.

(6) The building official shall file one (1) complete, final application for a development order [including any supplemental material submitted pursuant to paragraph (4) above] with the office of the city clerk at least one (1) week before the agendized city council meeting wherein same will be publicly considered so that members of the public may review the application prior to the scheduled city council hearing. All other material submitted by the applicant, the city staff, members of the public, or the city's consultants in connection

with an application for a development order shall be filed with the building official.

(7) This section is designed to codify an administrative procedure which will enhance local governmental decision making. This procedural section is not intended to affect or change the nature, scope, or substance of the city's review of requests for rezoning, conditional use approval, plat approval, or site plan approval. Therefore, this section shall not be construed to [or] interpreted to make such city reviews quasi-judicial in nature. Whether or not a certain city review or action is legislative, quasi-legislative, or quasi-judicial will depend upon the other substantive ordinances or legislation which apply to such review, and upon case law construing similar local government reviews made in the context of similar substantive ordinances and legislation.

(Ord. No. 1847, § 1, 6-17-92; Ord. No. 1958, § 8, 9-8-93; Ord. No. 2004, § 1, 11-16-94)

Secs. 27-66--27-75. Reserved.

ARTICLE V.

RESERVED*

* **Editors Note:** Ord. No. 2163, § 2, adopted May 13, 1998, repealed §§ 27-77, 27-78, and 27-81, being the substantive sections of Art. V, Administration and rezonings. For derivation of such article, the user's attention is directed to the Code Comparative Tables at the back of this Code. Current provisions pertaining to such subject matter are set forth in §§ 27-21--27-26.

Secs. 27-76--27-95. Reserved.

ARTICLE VI.

ZONING DISTRICTS*

* **Editors Note:** Listed herein are the former district symbols and the new district symbols for the following classifications:

Sec. 27-96. Classes and symbols.

(a) For the purposes of this chapter in regulating use of land, water and buildings, the height, bulk, and area of buildings, and population density and open space, the city is hereby divided into the following districts:

<i>Zoning District Symbol</i>	<i>Classification</i>
RS-1EP	Residential single family (estate)
RS-1A	Residential single family
RS-2B	Residential single family
RS-2K	Residential single family
RS-3C	Residential single family
RS-3D	Residential single family
RS-3F	Residential single family
RS-3G	Residential single family
*RS-3K	Residential single family

RS-3K	Residential single family
RS-4G	Residential single family
RS-4J	Residential single family
RS-4K	Residential single family
RS-5G	Residential single family
RS-5H	Residential single family
RS-5I	Residential single family
RS-5J	Residential single family
RS-5K	Residential single family
*RS-5K	Residential single family
RD-6L	Multifamily (duplex)
RM-10N	Multifamily
RM-10Y	Multifamily
RM-25U	Multifamily
RM-13R	Multifamily
RP-7W	Mobile home park
PRD-Q	Planned residential development
S-CP	City park
S-GC	Golf course

<i>Former Symbol</i>	<i>New Symbol</i>	<i>Classification</i>
E-1	RS-1EP ^{1, 2}	Residential, Single-Family (Estate)
E-1(C)	RS-1EP ^{1, 2}	Residential, Single-Family (Estate)
RA-1	RS-1A	Residential, Single Family
RA-2	RS-2B	Residential, Single Family
RA-3	RS-3C	Residential, Single Family
RA-4	RS-3D	Residential, Single Family
RA-5	RS-3F	Residential, Single Family
RA-6s	RS-3G	Residential, Single Family
RA-6s	RS-5G	Residential, Single Family
RA-7s	RS-5H	Residential, Single Family
RA-8s	RS-5I	Residential, Single Family
RA-6	RS-5J	Residential, Single Family
RA-7	RS-5K	Residential, Single Family
A-1(C)	RS-1EP	Residential, Single Family (Estate)
R-1-A	RS-5K	Residential, Single Family
R-1-B	RS-2K	Residential, Single-Family
	RS-3K	Residential, Single-Family
	RS-5K	Residential, Single-Family
R-1-C	RS-5K	Residential, Single Family
RC-1	RD-6L	Multifamily (Duplex)
RC-2	RM-10N	Multifamily
RC-2X	RM-10Y	Multifamily
RC-3	RM-25U	Multifamily
RC-3X	RM-13R	Multifamily
PCD-R	PRD-25Q ³	Planned Residential Development
D-1	PRD-8Q	Planned Residential Development
R-3	PRD-10Q	Planned Residential Development
R-4	PRD-25Q	Planned Residential Development

R-4A	PRD-25Q	Planned Residential Development
R-4B	PRD-25Q	Planned Residential Development
R-6	PRD-25Q	Planned Residential Development
R-1-T	RP-7W ⁴	Mobile Home Park
T-1	RP-7W	Mobile Home Park
GC	S-GC ⁵	Golf Course
--	S-CP ⁶	City Parks
B-1	B-1P ⁷	Neighborhood Business
B-2	B-2P	Central Business
B-2(C)	B-2P	Central Business
B-3	B-3P	General Business
B-2A(C)	B-2P	Central Business
B-3(C)	B-3P	General Business
B-4	B-4P	Restricted Business
C-1	B-5P	Commercial
I-E	B-6P	Institutional-Educational
B-3X	B-7P	Planned Business
PCD-N	B-7Q	Planned Business
PCD-RN	B-8P	Residential-Office (Special)
RC-X	B-8P	Residential-Office (Special)
RC-X	B-8Q	Planned Residential/Commercial
L-I	I-LP	Light Industrial
L-I-X	I-L2P	Large Light Industrial
--	CF-P	Community Facility
--	OP-P	Office Park (Limited Commercial)
X (Interim Zoning)	--	(No Longer Exists)

<i>Zoning District Symbol</i>	Classification
OP-L	Office park--limited
OP-R	Office park--restricted
OP-P	Office park--plantation
B-1P	Neighborhood business
B-2L	Limited community business
B-2P	Central business
B-3P	General business
B-4P	Restricted business
B-5P	Commercial
B-6P	Institutional-educational
B-7P	Planned business
B-7Q	Planned commercial development
B-8P	Residential office (special)
B-8Q	Planned residential/commercial
I-LP	Light industrial
I-L2P	Large light industrial
CF-P	Community facility
SPI	Special public interest

NOTES:

1. The use of letter suffixes (other than P, Q, GC, CP or W) in this cross-reference table is to limit the permitted residential uses, and to restrict the zoning criteria for the development of land (such as height, setbacks, off-street parking, etc.) to the more restrictive permitted uses and zoning criteria existing under the Plantation Comprehensive Zoning Ordinance as amended and the Plantation Land Use Plan as heretofore certified by the Broward County Planning Council pursuant to the authority given the City of Plantation by the Broward County Charter, which permits local government to be more restrictive in its zoning uses and development criteria than the more permissive uses and criteria adopted and promulgated for the county under the Charter land use provisions.
2. The use of a number following the zoning symbols on the city's zoning map for residential zoning use districts is to designate the maximum permitted dwelling units per gross acre which said land is then allowed under its present zoning; and, thus, different numbers reflecting different permitted dwelling units per gross acre are allowed to be depicted on the city's zoning map for identical residential zoning use districts, and the number so depicted on the zoning map for such parcel shall control and supersede any different permitted dwelling unit per acre number that might otherwise be included within the zoning criteria for such residential use district in the city's comprehensive zoning ordinance as same is then in effect. Such maximum permitted number of dwelling units per gross acre shall be designated when land is zoned for residential usage and same shall then be depicted on the city's zoning map.
3. The use of the suffix "Q" following either residential or nonresidential zoning use districts as herein adopted is intended to further restrict development within said zoning use districts by the limiting use provisions of section IX limiting use standards being herein imposed by reference on all said "Q" zoning use districts, pursuant to the authority given Plantation in the Broward County Charter to have more restrictive zoning limitations than that otherwise obtained under the Broward County Land Use Plan and Zoning Glossary.
4. The suffix "W" is to restrict the zoning criteria for the development of land permitting permanent mobile home parking to the more restrictive permitted uses and criteria herein created under article VI, division 9 than would otherwise apply under the county RP criteria zoning.
5. The suffix "GC" limits the county zoning glossary "S" (open space) to the prior city GC zoning district use limitations as found in article VII, division 10.
6. The suffix "CP" is to limit the county "S" (open space) usage to city park, recreational and ancillary entertainment usage only with limited food and beverage consumption and sale as the city council may grant on a conditional permit basis.
7. The use of the suffix "P" to nonresidential districts is to restrict the zoning criteria for the development of land (such as height, setbacks, off-street parking, etc.) to the more restrictive permitted uses and zoning criteria existing under the Plantation Comprehensive Zoning Ordinance as amended and the Plantation Land Use Plan as heretofore certified by the Broward County Planning Council pursuant to the authority given the City of Plantation by the Broward

County Charter which permits local governments to be more restrictive in their zoning uses and development criteria than the more permissive uses and criteria adopted and promulgated for the county under the Charter land use provisions.

* This district contains lots which were platted under county specifications. These lots are permitted a rear setback of five (5) feet for screen enclosures of pools (screen enclosures without poles will be governed by the normal structural setback lines).

In all RS, RD, RP, RM and PRD zoning districts, the number following the hyphen represents the maximum number of dwelling units permitted per gross acre. In many areas, the map will reflect an individual district with a lower density than the maximum shown on the above chart.

(b) In addition to the former city and county zoning use district classifications depicted on the city's zoning map, the city's land use map as heretofore certified by the Broward County Planning Council depicts "F" (community facilities), "U" (utilities), and "P" (park) usage. Park usage has heretofore been defined in subsection (a) hereof as S-CP.

(Code 1964, App. A, Art. III, § 1(a), (c); Ord. No. 1518, § 1, 12-9-87)

Editors Note: Reference to the "B-2L" district was added by the editor pursuant to Ord. No. 1624, adopted June 7, 1989.

Sec. 27-97. Requests for a lesser density.

(a) As each previously vacant residentially zoned parcel of land receives development permits for less units per acre than the maximum permitted number then depicted on the city's zoning map, the land, once committed to development, fifty (50) percent or more of the dwelling units allowed under such development permits to have had issued their certificates of occupancy, shall be rezoned in accordance with such committed development by the city council upon the advice of the building and zoning department that the land has been so committed to such lesser permitted density of development.

(b) The owner's request for such development permit at a lesser permitted number of dwelling units per acre shall be deemed a binding consent by the owner and his successors or assigns to the rezoning of the land once same is so committed to such less intense development by the issuance of fifty (50) percent of the certificates of occupancy contemplated for the dwelling units allowed under the development permits issued on such land. Henceforth all such development permit request applications shall set forth such "owner consent" to such rezoning once the land is so committed to such requested less intense development.

(c) Once the land is so rezoned, following requisite notice, public hearings and enactment of the rezoning ordinance for such developed lands, the city zoning map shall thereafter have such revised lower number of permitted dwelling units per acre depicted thereon for such land.

(d) When development permits are issued in phases each phase shall be deemed a separate parcel of land for the purpose of implementing the rezoning of lands required herein.

Sec. 27-98. Design approval.

All districts except single-family districts require design approval. Furthermore, all site development plans and development permits shall meet the requirements of chapter 20, entitled "Platting," article III thereof, except for the exemptions provided within the article. Information and applications are available at the building

and zoning department.
(Ord. No. 1742, § 1, 10-10-90)

Sec. 27-99. Zoning district maps.

The areas assigned to these districts, the designation of same and the boundaries of said districts, shown upon the maps on file in the city clerk's office and made a part of this ordinance, are hereby established, said maps being designated as the "Zoning District Maps," and said maps and the proper notations, references and other information shown thereon, shall be as much a part of this chapter as if the matters and information set forth by the maps were fully described herein. The maps are identified by the signatures of the mayor and clerk of the city, together with the number of this chapter and its effective date. Each district shall be subject to the regulations stipulated in this chapter and the areas shown on the zoning district map on file in the city clerk's office be and the same is hereby zoned in accordance with the classifications designated thereon.
(Code 1964, App. A, Art. III, § 2)

Sec. 27-100. Boundaries of districts.

(a) Unless otherwise shown, the district boundaries are street lines, alley lines or the extension thereof, and where the districts designated on maps accompanying and made a part of this chapter are approximately bounded by street lines, alley lines or subdividing lines of recorded plats, such lines or the extensions thereof shall be considered to be the district boundaries.

(b) Where, due to the scale of illegibility of the district map, or due to the absence of a street, alley or recorded subdividing line, there is uncertainty, contradiction or conflict as to intended location of any district boundary. The board shall interpret the district map so as to determine and designate the proper location for such district boundary in accordance with the spirit and purpose of the zoning ordinance.
(Code 1964, App. A, Art. III, § 6)

Secs. 27-101--27-115. Reserved.

ARTICLE VII.

DISTRICT REGULATIONS*

* **Cross References:** Development permits, Ch. 20, art. II.

DIVISION 1.

GENERALLY

Secs. 27-116--27-125. Reserved.

DIVISION 2.

RS-1EP ESTATE DISTRICT

Sec. 27-126. Regulations and definitions.

Special public interest overlay district) shall have the meanings ascribed to them in this section:

Net plot area. The area contained within the boundary lines of a plot excluding easements or fee simple grants or dedications of rights-of-way for public or private roads. This definition will be implemented on March 1, 2007.

From and after March 1, 2007, if either of the following conditions exist such that a plot does not meet an applicable minimum area requirement as a stand alone parcel when applying the definition of "net plot area" in the first sentence above, then "net plot area" shall have a different definition:

- (1) The plot is a lot of record as of March 1, 1989 (as defined in the Broward County Administrative Rules Document and Plan Implementation Requirements of the 1989 Broward County Comprehensive Plan), receives plat or site data record approval by the city council on or before March 1, 2015; or
- (2) The plot is bounded on its sides (or sides and rear if the subject plot is a corner plot) by lots of record (as defined in the Broward County Administrative Rules Document and Plan Implementation Requirements of the 1989 Broward County Comprehensive Plan), platted lots, or approved site data record lots, all under different ownership as of March 1, 2007 and the date of the plot's application for plat or site data record approval; or
- (3) The plot is specifically delineated as a lot on a plat recorded after June 4, 1953 and approved by the city council on or prior to March 1, 2007, where no portion of such plot has been subsequently replatted or received subsequent site data record approvals by the city council; or
- (4) The plot is specifically delineated on a site data record approved by the city council on or before March 1, 2007, where no portion of such plot has been subsequently replatted or has received subsequent site data record approvals by the city council.

In cases where the preceding sentence applies, "net plot area" shall be the area contained within the boundary lines of such plot, increased by that portion of exterior and adjacent easements or fee simple grants or dedications of rights-of-way for public or private roads, electric transmission utilities, or canals or canal maintenance, which were part of the chain of title of the parcel from which the plot is derived at any time between January 1, 1980 and March 1, 2007, and which would, if vacated or released, become owned by the owner of the plot under principles of law.

Specifically delineated. A lot or parcel or site which has been specifically delineated in a Plat or Site Data Record is one which can be described solely by reference to such plat or site data record and one or more identifying numbers such as a lot number or site number. For example, Site 5 of Plantation's Site Data Record is a specifically delineated plot; whereas, a description such as "the north 300 feet of Lot 5" or "the south one-half of Tracts 6 and 7" are examples of plots that are not specifically delineated. This definition is intended to be consistent with the Broward County Administrative Rules Document in effect as of January 1, 2007.

(Ord. No. 2384, § 3, 2-14-2007)

Editors Note: Ord. No. 2384, § 3, adopted Feb. 14, 2007, changed the title of § 27-126 from regulations to regulations and

definitions.

Sec. 27-127. Purpose of district.

The RS-1EP district is intended to permit the incidental harboring of domestic animals for use by the occupants of the dwelling to provide for agriculture, farming and ranching activities on such larger-sized lots. (Code 1964, App. A, Art. IV-A, § 1; Ord. No. 1600, § 1, 1-11-89)

Sec. 27-128. 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 one (1) of the following uses:

- (1) Publicly owned recreation buildings and facilities, playgrounds, playfields, parks and marinas in keeping with the standards of the surrounding facilities.
- (2) Single-family homes.
- (3) Uses accessory to the above when located on the same plot and not involving the conduct of any business, trade, occupation or profession, including:
 - a. Harboring of poultry or fowl, not exceeding twenty-five (25) in total number, provided such poultry or fowl are kept in an enclosure which is located at least fifty (50) feet from any plot line;
 - b. Servants quarters, attached to dwelling;
 - c. Keeping of horses and cows, not exceeding four (4) in total number for a plot of minimum permitted net plot area . Where the plot exceeds thirty-five thousand (35,000) square feet in net plot area, one (1) additional horse or cow may be permitted for each additional fourteen thousand (14,000) square feet of net plot area. Any roofed structure for the shelter of such animals shall be located at least fifty (50) feet from any lot line;
 - d. Racing pigeons.

(Code 1964, App. A, Art. IV-A, § 2; Ord. No. 2384, § 4, 2-14-2007)

Sec. 27-129. Permitted use on plots containing a minimum of seventy thousand square feet.

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 one (1) of the following uses when the net plot area of the subject plot is equal to or exceeds seventy thousand (70,000) square feet:

- (1) All uses and accessory uses permitted in section 27-128.
- (2) Mushroom farm (as a conditional use only).

(Code 1964, App. A, Art. IV-A, § 3; Ord. No. 2384, § 5, 2-14-2007)

Sec. 27-130. Permitted use on plots containing a minimum of one hundred thousand square feet.

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 one (1) of the following uses when the net plot area of the subject plot is equal to or exceeds one hundred thousand (100,000) square feet:

- (1) All uses and accessory uses permitted in section 27-129, and also beekeeping as a conditional accessory use to any primary commercial agricultural use permitted in this section.
- (2) Commercial cattle and stock grazing and raising, training and breeding horses, riding stable, livery stable, boarding stable, not including hog raising. All structures for the housing of animals shall be at least fifty (50) feet from any property line. The number of permitted horses and cows shall be determined by section 27-128(3)c. Any existing prior permitted use designated in this paragraph shall be allowed to continue as a permitted use and any future uses designated in this paragraph shall be allowed to continue as a permitted use and any future uses designated in this paragraph shall be allowed on a conditional use basis only.
- (3) Guest house for gratuitous guests or separate servants' quarters, not on the same acre as the principal dwelling.

(Code 1964, App. A, Art. IV-A, § 4; Ord. No. 2384, § 6, 2-14-2007)

Sec. 27-131. Size of plot.

Every plot shall be not less than one hundred twenty-five (125) feet in width, and not less than thirty-five thousand (35,000) square feet in net plot area.

(Code 1964, App. A, Art. IV-A, § 5; Ord. No. 1604, § 1, 2-8-89; Ord. No. 2384, § 7, 2-14-2007)

Sec. 27-132. Height.

No building or structure shall be erected or altered to a height exceeding forty (40) feet.

(Code 1964, App. A, Art. IV-A, § 6)

Sec. 27-133. Front yard.

Every plot shall have a front yard of not less than thirty-five (35) feet in depth, this measurement to be taken from the property line.

(Code 1964, App. A, Art. IV-A, § 7)

Sec. 27-134. Side yards.

Every plot shall have a side yard on each side, each of which shall not be less than twenty-five (25) feet in depth.

(Code 1964, App. A, Art. IV-A, § 8)

Sec. 27-135. Rear yard.

Every plot shall have a rear yard not less than twenty-five (25) feet in depth.
(Code 1964, App. A, Art. IV-A, § 9)

Sec. 27-136. Minimum floor area.

A one-family dwelling as a principal use shall have a minimum floor area of two thousand (2,000) square feet under roof.
(Code 1964, App. A, Art. IV-A, § 10)

Sec. 27-137. Garage.

Every single-family residence shall have a garage for the storage of at least one (1) automobile. Access to such garage shall be over a driveway connecting to a public and/or private street.
(Code 1964, App. A, Art. IV-A, § 11)

Sec. 27-138. Plot coverage.

The lot coverage for all building and roofed structures shall not exceed twenty (20) percent of the net plot area.
(Code 1964, App. A, Art. IV-A, § 12; Ord. No. 2384, § 8, 2-14-2007)

Secs. 27-139--27-150. Reserved.

DIVISION 3.

RS-1A, RS-2B, RS-2K, RS-3C, RS-3D, RS-3F, RS-3G, RS-3K, RS-4G, RS-4J, RS-4K, RS-5G, RS-5H, RS-5I, RS-5J, RS-5K SINGLE-FAMILY RESIDENTIAL DISTRICTS

Sec. 27-151. Regulations.

The regulations in this division shall apply in all RS-1A, RS-2B, RS-2K, RS-3C, RS-3D, RS-3F, RS-3G, RS-3K, RS-4G, RS-4J, RS-4K, RS-5G, RS-5H, RS-5I, RS-5J, RS-5K districts.
(Code 1964, App. A, Art. IV)

Sec. 27-152. Use regulations.

No building or land shall be used and no building shall be erected, constructed, reconstructed or structurally altered, which is designed, arranged or intended to be occupied or used for any purpose other than one (1) of the following:

- (1) Single-family dwelling;
- (2) Publicly owned recreation buildings and facilities, playgrounds, playfields, parks, marinas;
- (3) The following uses if first approved as a conditional use;

- (4) Privately owned parks and recreation facilities not operated for profit.
- (5) Single-family developments that have a clubhouse, community center, or similar structure within the complex for the use of complex residents shall be permitted the following as an accessory use:
 - a. Business office use such as educational services, banking and financial services, (including but not limited to investment or insurance) including, but not limited to routine preventive well-care medical or dental services (including, but not limited to blood pressure testing, flu shots, mammograms, blood tests, and preliminary laboratory work) and activities customarily related thereto.
 - b. Mobile medical units including laboratory services, which perform diagnostic, therapeutic or other medical procedures of a nonsurgical nature so long as the unit does not present any obstruction to traffic or a safety hazard to vehicles or pedestrians.
 - c. Mobile libraries, voter registration units or similar mobile uses, so long as the unit does not present any obstruction to traffic or a safety hazard to vehicles or pedestrians.

The above uses shall be subject to the following regulations:

- (a) No business shall be conducted longer than eight (8) hours in any twenty-four-hour period nor more than two (2) days in any seven-day period.
- (b) No signs or advertising for such uses shall be displayed on any building or anywhere within the complex unless it is entirely within a building and is not visible from the outside of the building.
- (c) All such uses shall be of such a character and size as to clearly serve only the residents of the development and is located in the development solely for the convenience of the residents living in the development, such services may not be open to members of the general public.
- (d) No structural alterations to any clubhouse shall be made in order to accommodate such use.
- (e) No sales of merchandise or products may take place.
- (f) Such uses shall be conducted entirely within the building or mobile unit and if in a building in an area not to exceed ten (10) percent of the total gross floor area of the building being used.

(Code 1964, App. A, Art. IV, § 1; Ord. No. 1898, § 1, 1-20-93; Ord. No. 2190, § 1, 6-16-99)

Sec. 27-153. Lot area; yard area; average width and depth; minimum floor area.

- (a) All setback dimensions are taken from property lines. On corner lots the street property line with

the least dimension shall be considered the front of the lot and the other street shall be considered the secondary street.

(b) The minimum lot area; front, side and rear yard setbacks, average lot width and minimum floor areas shall be provided in accordance with the following schedule:

SINGLE-FAMILY

District	Minimum lot area in square feet	Minimum floor area	Setbacks in feet			Corners/secondary streets setbacks	Minimum dimensions in feet
	in square feet	in square feet	Front	Side	Rear		
RS-1EP	35,000	2,000	35	25	25	25	125 W
RS-1A	33,000	1,500	35	15	20	25	100 W 125 D
RS-2B	20,000	1,500	35	12.5	20	25	100 W 125 D
*RS-2K	9,000	1,000	25	7.5	20	15	75 W 100 D
RS-3C	15,000	1,500	35	12.5	20	25	100 W 120 D
RS-3D	13,000	1,400	30	10	20	20	100 W 110 D
RS-3F	11,000	1,300	30	10	20	20	100 W 110 D
RS-3G	10,000	1,300	30	10	20	20	80 W 110 D
*RS-3K	7,500	1,000	25	7.5	15	15	75 W 100 D
RS-3K	9,000	1,300	30	7.5	20	15	80 W 110 D
RS-4G	10,300	1,400	30	10	20	20	83 W 125 D
RS-4J	7,500	1,200	30	7.5	20	15	75 W 100 D
RS-4K	7,500	1,600	30	7.5	20	20	75 W 100 D
RS-5G							
	10,000	1,300	30	10	20	20	80 W 110 D
RS-5H	9,000	1,300	30	10	20	20	80 W 110 D
RS-5I	8,400	1,300	30	10	20	20	80 W 105 D
RS-5J	10,000	1,300	30	7.5	20	15	80 W 110 D
RS-5K	9,000	1,300	30	7.5	20	15	80 W 110 D
*RS-5K	7,500	1,000	25	7.5	15	15	75 W 100 D

* This district contains lots which were platted under County specifications. These lots are permitted a rear setback of five (5) feet from screen enclosures of pools. Screen enclosures without pools will be governed by the normal structural setback lines.

The number following the hyphen represents the maximum number of dwelling units permitted per gross acre in the above single-family residential districts.

Setbacks specifically indicated on approved plats supersede the above setback restrictions. (Code 1964, App. A, Art. IV, § 2; Ord. No. 1322, § 1, 5-8-85; Ord. No. 1331, §§ 1, 2, 6-19-85; Ord. No. 1518, § 2, 12-9-87; Ord. No. 2003, § 1, 11-16-94)

Sec. 27-154. Height.

No building or structure, or part thereof, shall be erected or altered to a height exceeding two and one-half (2 1/2) stories or thirty-five (35) feet.

(Code 1964, App. A, Art. IV, § 3)

Sec. 27-155. Lot coverage.

The combined area occupied by all buildings or structures shall not exceed thirty-five (35) percent of the total lot area.

(Code 1964, App. A, Art. IV, § 4)

Sec. 27-156. Auto storage.

Every single-family residence shall have a garage or carport for the storage of at least one (1) automobile, and access to such garage or carport shall be over a hard surfaced driveway connecting with a public street.

(Code 1964, App. A, Art. IV, § 5)

Sec. 27-157. Gazebos.

Where the rear yard of a single-family lot borders a publicly maintained canal easement, or drainage easement, a gazebo may be constructed in any portion of the rear yard; provided, however, that the gazebo is to Type V construction as per the requirements of the South Florida Building Code and same is open-sided and unscreened.

(Code 1964, App. A, Art. IV, § 6)

Secs. 27-158--27-170. Reserved.

DIVISION 4.

RD-6L MULTIFAMILY (DUPLEX) DISTRICT

Sec. 27-171. Regulations.

The regulations in this division shall apply in all RD-6L districts.

(Code 1964, App. A, Art. V)

Sec. 27-172. Use regulations.

No building or land shall be used and no building shall be erected, constructed, reconstructed or structurally altered, which is designed, arranged or intended to be occupied or used for any purpose other than one (1) of the following:

- (1) Single-family dwelling.
- (2) Two-family dwelling (single structure only).
- (3) Publicly owned recreation buildings and facilities, playgrounds, playfields, parks and marinas.

- (4) The following uses if first approved as a conditional use:
- a. Privately owned park and recreation facilities not operated for profit.
 - b. Privately owned parking lots for the purpose of serving adjacent business zoned property, said parking lots not to exceed (1) acre subject to the provisions of sections 27-748 and 27-749.

(Code 1964, App. A, Art. V, § 1; Ord. No. 1898, § 2, 1-20-93)

Sec. 27-173. Lot area, width, depth, and conveyance or encumbrance of either family unit of certain specified duplexes after issuance of certificate of occupancy thereon.

When under single ownership the minimum lot area shall be twelve thousand (12,000) square feet and each lot shall have an average width of not less than one hundred (100) feet and an average depth of not less than one hundred (100) feet; provided however, that after a two-family dwelling (single structure only) duplex with the common wall between the dwelling units being a properly rated fire wall receives its certificate of occupancy the owner thereof shall be free to separately encumber or convey either family dwelling unit (after receiving a current code compliance inspection sign off that the common wall is a properly rated fire wall which extends up to the sheathing of the roof and is constructed in accordance with all South Florida Building Code requirements, a copy of which current code compliance inspection sign off shall be attached to the conveyance or encumbrance instrument that is placed upon the Public Records of Broward County, Florida) in which event the centerline of the common wall between the family dwelling units shall constitute the common boundary and shall extend to the outermost property lines in such manner as to most equally divide the lot areas frontage and width of each such dwelling unit parcel so conveyed or encumbered, having due regard for driveways, sidewalks, entrances and off-street parking considerations for each such dwelling unit.

(Code 1964, App. A, Art. V, § 2; Ord. No. 1748, § 1, 11-7-90)

Sec. 27-174. Floor area.

The minimum floor area for a single family dwelling shall be thirteen hundred (1300) square feet and the minimum floor area for two-family dwelling shall be one thousand (1,000) square feet per unit.

(Code 1964, App. A, Art. V, § 3)

Sec. 27-175. Yard setbacks.

The minimum front, side and rear yard setbacks shall be as follows:

- (1) Front yard setback 30 feet
- (2) Side yard setback 12 1 2 feet
- (3) Rear yard setback 20 feet

(Code 1964, App. A, Art. V, § 4)

Sec. 27-176. Height.

No building or structure, or part thereof, shall be erected or altered to a height exceeding two and one-half (2 1/2) stories or thirty-five (35) feet.
(Code 1964, App. A, Art. V, § 5)

Sec. 2-177. Lot coverage.

The combined area occupied by all buildings and structures shall not exceed thirty (30) percent of the area of the lot.
(Code 1964, App. A, Art. V, § 6)

Secs. 27-178--27-190. Reserved.

DIVISION 5.

RM-10N MULTIFAMILY DISTRICT

Sec. 27-191. Regulations.

The regulations in this division shall apply in all RM-10N districts.
(Code 1964, App. A, Art. VI)

Sec. 27-192. Use regulations.

No building or land shall be used and no building shall be erected, constructed, reconstructed or structurally altered which is designed, arranged or intended to be occupied or used for any purpose other than one (1) of the following:

- (1) Multiple family dwellings not to exceed a maximum number determined by the ratio of thirteen (13) units per acre of net lot area.
- (2) Bungalow or house courts, not to exceed thirteen (13) units per acre of net lot area.
- (3) Uses accessory to the above not including any business, trade, occupation or profession. Multifamily residential complexes that have a clubhouse, community center, or similar structure within the complex for the use of complex residents shall be permitted the following as an accessory use:
 - a. Business office use such as educational services, banking and financial services, (including but not limited to investment or insurance) including, but not limited to routine preventive well-care medical or dental services (including, but not limited to blood pressure testing, flu shots, mammograms, blood tests, and preliminary laboratory work) and activities customarily related thereto.
 - b. Mobile medical units including laboratory services, which perform diagnostic, therapeutic or other medical procedures of a nonsurgical nature so long as the unit does not present any obstruction to traffic or a safety hazard to vehicles or pedestrians.

- c. Mobile libraries, voter registration units or similar mobile uses, so long as the unit does not present any obstruction to traffic or a safety hazard to vehicles or pedestrians.

The above uses shall be subject to the following regulations:

- (a) No business shall be conducted longer than eight (8) hours in any twenty-four-hour period nor more than two (2) days in any seven-day period.
 - (b) No signs or advertising for such uses shall be displayed on any building or anywhere within the complex unless it is entirely within a building and is not visible from the outside of the building.
 - (c) All such uses shall be of such a character and size as to clearly serve only the residents of the development and is located in the development solely for the convenience of the residents living in the development, such services may not be open to members of the general public.
 - (d) No structural alterations to any clubhouse shall be made in order to accommodate such use.
 - (e) No sales of merchandise or products may take place.
 - (f) Such uses shall be conducted entirely within the building or mobile unit and if in a building in an area not to exceed ten (10) of the total gross floor area of the building being used.
- (4) Publicly owned recreation buildings and facilities, playgrounds, playfields, parks and marinas.
 - (5) The following uses, if first approved as a conditional use:
 - a. Commercial parking lots.

- b. Privately owned parks and recreation facilities not operated for profit.

(Code 1964, App. A, Art. VI, § 1; Ord. No. 1898, § 3, 1-20-93; Ord. No. 2190, § 2, 6-16-99)

Sec. 27-193. Lot area, width and depth.

The minimum lot area shall be fourteen thousand five hundred and twenty (14,520) square feet and each lot shall have an average width of not less than one hundred (100) feet and an average depth of not less than one hundred (100) feet.

(Code 1964, App. A, Art. VI, § 2)

Sec. 27-194. Floor area.

The minimum floor area per dwelling unit shall be as follows:

- (1) Efficiency unit 600 square feet
- (2) One bedroom unit 750 square feet
- (3) Two bedroom unit 950 square feet
- (4) Each additional bedroom shall increase the total required floor area by no less than 150 square feet

(Code 1964, App. A, Art. VI, § 3)

Sec. 27-195. Yard setbacks.

The minimum front, side and rear yard setbacks shall be as follows:

(1) *Front yard setback:*

One story building 30 feet

Buildings having two (2) or more stories 35 feet

(2) *Side and rear yard setbacks:*

One story building (or first floor portion of a building having more than one (1) story) 15 feet

Two (2) or more story building plus for each story above the second 20 feet
5 feet

(3) *Open space area.*

- a. A minimum open area for landscaping must be provided to the rear of the building and in addition to any street setback yard area or areas, and such open areas shall be free from driveways and parking.
- b. The open areas shall have a least dimension of not less than forty (40) feet.
- c. In row housing each building shall have such an open area contiguous to its entire length.
- d. An apartment building shall have an equivalent open area, back of or alongside the building in addition to any street setback yard area, but not necessarily contiguous to its length, having a square footage equal to at least forty (40) feet by the length of the building.

(Code 1964, App. A, Art. VI, § 4)

Sec. 27-196. Lot coverage.

The combined area occupied by all buildings and structures shall not exceed thirty (30) percent of the area of the lot.

(Code 1964, App. A, Art. VI, § 5)

Sec. 27-197. Height.

No building or structure, or part thereof, shall be erected or altered to a height exceeding five (5) stories or fifty-five (55) feet.

(Code 1964, App. A, Art. VI, § 6)

Sec. 27-198. Design approval required.

(a) Before any building permit is issued for any use in a RM-10N District, prints of drawings shall be submitted to the planning and zoning board for review and approval.

(b) The board will review the drawings as to acceptable design of site development, buildings, amenities and aesthetic considerations intended by the requirements of this division and those described in article IX, Planned Community Development.

(c) If the approval is granted based on preliminary drawings, the final drawings must be submitted to the board for final approval.

(d) The plan, together with the recommendation of the board, shall then be submitted to the council for their review and approval. After council approval, application may be made to the building department for a building permit.

(Code 1964, App. A, Art. VI, § 7; Ord. No. 2222, § 1, 5-31-2000)

Secs. 27-199--27-210. Reserved.

DIVISION 6.

RM-10Y MULTIFAMILY DISTRICT

Sec. 27-211. Regulations.

The regulations in this division shall apply in all RM-10Y districts.

(Code 1964, App. A, Art. VI-A)

Sec. 27-212. Purpose.

(a) The RM-10Y district shall include single family detached residential uses as well as all uses permitted in RM-10N districts.

(b) The RM-10Y district shall be designated a multifamily district and shall be developed as planned community developments.

(Code 1964, App. A, Art. VI-A, § 1)

Sec. 27-213. Maximum density.

The maximum density in an RM-10Y district shall not exceed a number determined by the ratio of ten (10) dwelling units per net acre of land in the district.

(Code 1964, App. A, Art. VI-A, § 2)

Sec. 27-214. Design approval required.

(1) Before any building permit is issued for any use in an RM-10Y district, prints of drawings shall be submitted to the planning and zoning board for review and approval.

(2) The board will review the drawings as to acceptable design of site development, buildings and aesthetic considerations intended by the requirements of this division and those described in Article IX, planned community development.

(3) If the approval is granted based on preliminary drawings, the final drawings must be submitted to the board for final approval.

(4) The plan, together with the recommendation of the board, shall then be submitted to the council for their review and approval. After council approval, application may be made to the building department for a building permit.

(Code 1964, App. A, Art. VI-A, § 3; Ord. No. 2222, § 1, 5-31-2000)

Secs. 27-215--27-225. Reserved.

DIVISION 7.

RM-25U MULTIFAMILY DISTRICT

Sec. 27-226. Regulations.

The regulations in this division shall apply in all RM-25U districts.

(Code 1964, App. A, Art. VII)

Sec. 27-227. Use regulations.

No building or land shall be used and no building shall be erected, constructed, reconstructed or structurally altered which is designed, arranged or intended to be occupied or used for any purpose other than one of the following:

- (1) Multiple family dwellings.
- (2) Rooming houses.

- (3) Uses accessory to the above, including the following as set forth below:
- a. Business office use such as educational services, banking and financial services, (including but not limited to investment or insurance) including, but not limited to routine preventive well-care medical or dental services (including but not limited to blood pressure testing, flu shots, mammograms, blood tests, and preliminary laboratory work) and activities customarily related thereto.
 - b. Mobile medical units including laboratory services, which perform diagnostic, therapeutic or other medical procedures of a nonsurgical nature so long as the unit does not present any obstruction to traffic or a safety hazard to vehicles or pedestrians.
 - c. Mobile libraries, voter registration units or similar mobile uses, so long as the unit does not present any obstruction to traffic or a safety hazard to vehicles or pedestrians.

The above uses shall be subject to the following regulations:

- (a) No business shall be conducted longer than eight (8) hours in any twenty-four-hour period nor more than two (2) days in any seven-day period.
 - (b) No signs or advertising for such uses shall be displayed on any building or anywhere within the complex unless it is entirely within a building and is not visible from the outside of the building.
 - (c) All such uses shall be of such a character and size as to clearly serve only the residents of the development and is located in the development solely for the convenience of the residents living in the development, such services may not be open to members of the general public.
 - (d) No structural alterations to any clubhouse shall be made in order to accommodate such use.
 - (e) No sales of merchandise or products may take place.
 - (f) Such uses shall be conducted entirely within the building or mobile unit and if in a building in an area not to exceed ten (10) percent of the total gross floor area of the building being used.
- (4) Publicly owned recreation buildings and facilities, playgrounds, playfields, parks and marinas.
- (5) The following uses if first approved as a conditional use:
- a. Commercial parking lots.
 - b. Privately owned parks and recreation facilities not operated for profit.

c. Apartment hotels.

d. Hotels.

e. Motels.

(Code 1964, App. A, Art. VII, § 1; Ord. No. 1898, § 4, 1-20-93; Ord. No. 2190, § 3, 6-16-99)

Sec. 27-228. Lot area, width and depth.

The minimum lot area shall be twenty-five thousand (25,000) square feet. Each lot shall have an average width of not less than one hundred and fifty (150) feet and an average depth of not less than one hundred and fifty (150) feet.

(Code 1964, App. A, Art. VII, § 2)

Sec. 27-229. Floor area.

The minimum floor area per dwelling unit shall be as follows:

(1) Efficiency unit 600 square feet

(2) One bedroom unit 750 square feet

(3) Two bedroom unit 950 square feet

(4) Each additional bedroom shall increase the total required floor area by no less than 150 square feet

(5) Guest room in a hotel or motel, including bath 300 square feet

(Code 1964, App. A, Art. VII, § 3)

Sec. 27-230. Yard setbacks.

The minimum front, side and rear yard setbacks shall be as follows:

(1) *Front yard setback:*

From a street right-of-way of 69 feet or less 35 feet

From a street right-of-way of between 70 and 99 feet 40 feet

From a street right-of-way of 100 feet or more 50 feet

(2) *Side and rear yard setback:*

One story building 25 feet

Two (2) or more story building plus for each story above the second 5 feet

(3) *Open space area:*

- a. A minimum open area for landscaping must be provided to the rear of the building and in addition to any street setback yard area or areas, and such open space areas shall be free from driveways and parking.
- b. The open areas shall have a least dimension of not less than forty (40) feet.
- c. In row housing each building shall have such an open area contiguous to its entire length.
- d. An apartment building shall have an equivalent open area, back of or alongside the building in addition to any street setback yard area, but not necessary contiguous to its length, having a square footage equal to at least forty (40) feet by the length of the building.

(Code 1964, App. A, Art. VII, § 4)

Sec. 27-231. Maximum lot coverage.

The combined ground area occupied by all buildings and structures shall not exceed the following:

Height of building	Minimum lot coverage (percent)
One story	30
Two story	30
Three story	30
Four story	29
Five story	27
Six story	25
Seven story	23
Eight story	21
Nine story	20
Ten story	19
Eleven story	18
Twelve story	17
Thirteen story	17

(Code 1964, App. A, Art. VII, § 5)

Sec. 27-232. Floor area ratio.

- (a) The floor area ratio shall not exceed the following:

Height of building	Floor area ratio
One story	0.30
Two story	0.60
Three story	0.90
Four story	1.00
Five story	1.12
Six story	1.14

Seven story	1.16
Eight story	1.18
Nine story	1.20
Ten story	1.22
Eleven story	1.24
Twelve story	1.26
Thirteen story	1.28

(b) Where buildings of different heights are to be constructed on the same lot, the ground area to be allocated to each building for purposes of computing lot coverage and floor area ratio shall bear the same relationship to the total area of the project as the floor area contained in the various buildings bear to the total floor area in the project.

For example: total land area 100 acres, total floor area in the project 100,000 square feet, distributed as follows:

25,000 sq. ft. in two story buildings;

25,000 sq. ft. in three story buildings; and

50,000 sq. ft. in six story buildings.

Floor area ratio and lot coverage to be computed at 25 acres for all two story buildings, 25 acres for all three story buildings and 50 acres for all six story buildings.

(Code 1964, App. A, Art. VII, § 6)

Sec. 27-233. Height.

No building or structure, or part thereof, shall be erected or altered to a height exceeding five (5) stories or fifty-five (55) feet, the limit of public fire protection capability. Buildings or structures of greater height may be approved only as a conditional use.

(Code 1964, App. A, Art. VII, § 7)

Sec. 27-234. Design approval required.

(a) Before any building permit is issued for any use in an RM-25U district, prints of drawings shall be submitted to the planning and zoning board for review and approval.

(b) The board will review the drawings as to acceptable design of site development, buildings, amenities and aesthetic considerations intended by the requirements of this article and those described in article IX, planned community development.

(c) If the approval is granted based on preliminary drawings, the final drawings must be submitted to the board for final approval.

(d) The plan, together with the recommendation of the board, shall then be submitted to the council for their review and approval. After council approval, application may be made to the building department for a

building permit.
(Code 1964, App. A, Art. VII, § 8; Ord. No. 2222, § 1, 5-31-2000)

Secs. 27-235--27-245. Reserved.

DIVISION 8.

RM-13R MULTIFAMILY DISTRICT

Sec. 27-246. Regulations.

The regulations in this division shall apply in all RM-13R districts.

Sec. 27-247. Purpose.

The RM-13R district shall include single family detached residential uses as well as all uses permitted in RM-25U districts. The district shall be designated RM-13R multi-family district and shall be developed as planned community developments.
(Code 1964, App. A, Art. VII-A, § 1)

Sec. 27-248. Maximum density.

The maximum density in an RM-13R district shall not exceed a number determined by the ratio of twenty (20) dwelling units per net acre of land in the district.
(Code 1964, App. A, Art. VII-A, § 2)

Sec. 27-249. Design approval required.

(a) Before any building permit is issued for any use in an RM-13R district, prints of drawings shall be submitted to the planning and zoning board for review and approval.

(b) The board will review the drawings as to acceptable design of site development, buildings, amenities and aesthetic considerations intended by the requirements of this article and those described in article IX, planned community development.

(c) If the approval is granted based on preliminary drawings, the final drawings must be submitted to the board for final approval.

(d) The plan, together with the recommendation of the board, shall then be submitted to the council for their review and approval. After council approval, application may be made to the building department for a building permit.
(Code 1964, App. A, Art. VII-A, § 3; Ord. No. 2222, § 1, 5-31-2000)

Secs. 27-250--27-260. Reserved.

DIVISION 9.

RP-7W MOBILE HOME PARK DISTRICT

Sec. 27-261. Regulations.

The regulations in this division shall apply in all RP-7W districts.

Sec. 27-262. Uses allowed.

(a) The Plantation zoning use district with the symbol RP-7W is intended to apply to areas to be used for the parking and placement of mobile home trailers containing living quarters intended for permanent occupancy on either individually owned plots or for occupancy on plots under a lease or rental for minimum periods of one (1) year.

(b) In the RP-7W zoning district, 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 the following specified uses:

- (1) One (1) single-family dwelling in the form of a house trailer together with attached appurtenant and accessory structures.
- (2) Sewage and water treatment, pumping and storage plants to serve an RP-7W district.
- (3) Educational, recreational, service and social centers not operated for profit and intended to serve the surrounding neighborhood, or located on a plot having at least ten thousand (10,000) square feet of area and having at least one hundred (100) feet of street frontage. Any building or roofed structure shall be located at least twenty-five (25) feet from any other residentially zoned property.

(Code 1964, App. A, Art. VIII-A, § 1)

Sec. 27-263. Limitations and special requirements.

The following limitations and special requirements shall apply in RP-7W districts:

- (1) Each unit of a mobile home originally moved onto the site as a separate house trailer, shall be currently licensed each year as provided under F.S. section 320.081.
- (2) Attached appurtenant and accessory buildings and structures shall meet all appropriate building code requirements.
- (3) Plumbing fixtures and electrical connections associated with cooking facilities shall not be permitted in any building or structure other than the mobile home itself.
- (4) Each plot shall abut on a road or street at least fifty (50) feet in width; have a pavement width of at least twenty-two (22) feet; and shall be supplied with a driveway extending from the right-of-way pavement to the parking space.

- (5) Any RP district shall be at least five (5) acres in gross area.
 - (6) Each plot shall be supplied with water and sewer facilities meeting the standards of the county health department and approved by that department.
 - (7) No building or structure, or part thereof, shall be erected to a height exceeding twelve (12) feet, provided that this limitation shall not apply to radio and television antennae.
 - (8) Each plot shall not be less than forty (40) feet in width and not less than eighty (80) feet in depth, width to be measured perpendicularly to the side lot line.
 - (9) Every lot shall be provided with side yards no less than four (4) feet in width, except that a noncombustible roofed carport, without enclosure or side walls, may be located not closer than two (2) feet to any interior side lot line. The side of an open carport erected as an addition to a mobile home shall not be deemed to be enclosed by an exterior wall of the mobile home, or by an exterior wall of a storage room; provided, however, south of the south line of Block 1 of the Sunshine City Plat every lot shall be provided with side yards not less than five (5) feet in width, except that a noncombustible roofed carport, without enclosure or side walls, may be located no closer than two (2) feet to any interior side lot line. The side of an open carport erected as an addition to a mobile home shall not be deemed to be enclosed by an exterior wall of the mobile home, or by an exterior wall of a storage room. All roofed carports, without enclosure or side walls, and storage rooms shall be subject to the requirements of the South Florida Building Code.
 - (10) Every lot shall be provided with a front yard not less than six (6) feet in depth; provided, however, that south of the south line of Block 1 of the Sunshine City Plat those lots which front on Commodore Drive shall have front yards of twenty-five (25) feet in depth.
 - (11) Every lot shall be provided with a rear yard not less than eight (8) feet in depth; provided that south of the south line of Block 1 of the Sunshine City Plat, every lot shall be provided with a rear yard not less than five (5) feet in depth.
 - (12) No enclosed or roofed structure shall be located in an required yard or setback area, except as specified in subsection (9) above.
- (Code 1964, App. A, Art. VIII-A, § 2)

Secs. 27-264--27-275. Reserved.

DIVISION 10.

S-GC GOLF COURSE DISTRICT

Sec. 27-276. Regulations.

The regulations in this division shall apply in all S-GC districts.
(Code 1964, App. A, Art. X)

Sec. 27-277. Use regulations.

No building or land shall be used and no building shall be erected, constructed, reconstructed or substantially altered, which is designed, arranged or intended to be occupied or used for any purpose other than one, or more, of the following:

- (1) Golf course.
- (2) The following uses, if first reviewed by the planning and zoning board and approved by the city council as to location and arrangement:
 - a. Club house, including restaurant and bar, and live-in accommodations for caretaker, or night watchman.
 - b. Country club.
 - c. Lodges ancillary or accessory to private golf course or private country clubs having equity membership or substantial initiation fees and annual dues exclusively for the use of out-of-town members and member invitees on the ratio of thirty-six (36) guest rooms or suites for each eighteen (18) holes of golf on a conditional use basis with one such condition to be that the golf course property be perpetually deed-restricted for such golf course usage to assure such conditional lodge usage is and shall remain ancillary in usage to the parcel's intended primary private golf course or private country club usage.
 - d. Snack bar detached from main clubhouse which may serve alcoholic beverages and which is ancillary to the primary golf club use. The operating hours of the facility close no more than two and one-half (2 1/2) hours after play and the use must be located a minimum of three hundred (300) feet from the nearest residential structure.
 - e. Tennis courts.
 - f. Swimming pool and cabanas.
 - g. Pro shops.
 - h. Fencing.
 - i. Handball.
 - j. Volleyball.
 - k. Racquetball.
 - l. Squash.
 - m. Fitness centers within confines of clubhouse.

- n. Croquet.
- o. Badminton.
- p. Frisbee golf.
- q. Miniature golf.
- r. Similar noise-controlled sports and recreational uses to those hereinabove set forth which may be appropriate as in keeping with the City of Plantation land use plan policies, objectives, and uses for commercial recreation land use designation.

(Code 1964, App. A, Art. X, § 1; Ord. No. 1516, § 1, 12-9-87; Ord. No. 2041, § 1, 8-30-95; Ord. No. 2222, § 1, 5-31-2000)

Sec. 27-278. Off-street parking.

Off-street parking shall be provided and maintained in accordance with the minimum requirements for golf courses and related uses of off-street parking space which shall be provided in an amount sufficient to accommodate the patrons, guests and employees of such uses without the necessity of utilizing any parking spaces off the premises.

(Code 1964, App. A, Art. X, § 2)

Sec. 27-279. Fences or walls.

No fences or walls shall be located in the S-GC district without prior approval of the planning and zoning board and the city council.

(Code 1964, App. A, Art. X, § 3; Ord. No. 2222, § 1, 5-31-2000)

Sec. 27-280. Design approval required.

(a) Before any building permit is issued for any use in a S-GC district, prints of drawings shall be first submitted to the review committee for review and approval with such preliminary meetings with the building and zoning director, landscape architect, and city planner as applicant may request.

(b) The landscape planning and review board shall consider the proposed landscape plan on any development.

(c) The planning zoning board shall then review the comments of the review committee and the landscape planning and review board and also review the submitted drawings as to acceptable design of site development, buildings, amenities and aesthetic considerations under the requirements described in Article IX, planned community development, of this comprehensive zoning ordinance.

(d) The plan, together with the recommendation of the committee and the boards, shall then be submitted to the council for their review and approval. After council approval, application may be made to the building and zoning department for a building permit.

(Code 1964, App. A, Art. X, § 4)

DIVISION 10A.

OB-C OFFICE BUSINESS-COMBINED ZONING DISTRICT

Sec. 27-281. Purpose and intent.

The purpose of the Office Business-Combined (OB-C) district is to provide for a limited office and business zoning district within an area of medium to low density residential development and nearby business and community facility developments, with emphasis on protecting the integrity of the residential developments and the lifestyle of the area.

The OB-C district is intended to provide a location for limited business and office uses adjacent to minor and major arterials which meet the business and office needs of nearby residential areas and community facility developments.

The OB-C district is consistent with the city comprehensive plan commercial future land use designation where, at the time the zoning is applied, a low intensity development of property is preferred. This zoning district is not consistent with the city comprehensive plan office park (Limited Commercial Office Park) future land use designation, in view of the significant amount of retail uses permissible in this district.

The regulations of this division shall apply to all Office Business-Combined districts.
(Ord. No. 1985, § 1, 6-22-95; Ord. No. 2076, § 1, 3-20-96)

Sec. 27-282. Use regulations.

(a) *Permission by master list of business uses.* No building or land shall be used and no building shall be erected, constructed, reconstructed or structurally altered which is designed, arranged or intended to be occupied or used for any purpose unless permitted by the master list of business uses, as set forth in Article X. These uses have been classified into two (2) categories: a "retail use component" and an "office use component" in Tables 1 and 2 respectively [following this section].

(b) *Maximum retail use component.* Notwithstanding the preceding paragraph, each parcel of land developed under this zoning classification shall have a maximum retail use component of sixty (60) percent of the parcel's projected gross square feet of use; provided, that this maximum retail use component can be increased up to a limit of seventy-five (75) percent of the parcel's projected gross square feet of use by the governing body of the city when rezoning property to this classification or when site plan approvals are granted (hereafter collectively "zoning approvals"). There is no maximum limit on a subject property's office use component. In evaluating an increase in a property's retail use component, the governing body of the city shall consider each of the following:

- (1) A market study which evaluates the present need for uses which are candidates for the subject property's office use component within the market area defined by such study, and additionally, solely within the city (if such preceding defined market area includes land outside of the city) at the time zoning approvals are granted (if the market study clearly and convincingly demonstrates

that demand for the office use components for the property is less than fifteen (15) percent of the gross leasable square feet, increasing the retail use component may be favored; otherwise, an increase shall not be favored);

- (2) The character of the surrounding property and the intensity of the surrounding property's development (if the surrounding property is primarily residential or community facility zoned, an increase in a property's retail use component shall not be favored);
- (3) Whether an increase in the subject property's retail use component would be consistent with the goals, objectives, and policies of the city comprehensive plan as applied to the subject property (if the property is within the Central Plantation Development District, or the state road 7 SPI-2 overlay zoning district, or in a yet-to-be established Commercial Development District, an increase may be favored; otherwise, a increase will not be favored. Further, if the surrounding property has a Limited Commercial/Office Park Comprehensive Plan Future Land Use designation, an increase will not be favored); and
- (4) The extent to which, if any, increasing the retail use component of the subject property would ameliorate or aggravate existing or anticipated traffic or traffic nuisances in terms of:
 - a. The location of the subject property in relation to adjacent residential, business, office, public buildings, or parks; or
 - b. The necessity of turning movements for the subject property's access to public roads or intersections; and
 - c. The times during which traffic is affected as a result of the requested retail use component increase.

This analysis shall examine both the density of traffic (how many vehicles at what time of day), and the intensity and character of the traffic (the size and weight of such vehicles). (In the event increasing the retail use component, in view of the subject parcel's existing or proposed use make-up, would likely:

- (i) Result in a traffic generation profile which increases the subject property's peak hour accumulation between 7:00 p.m. to 9:00 p.m. without a like corresponding peak hour reduction between the hours of 7:00 am. and 9:00 a.m. or 2:00 p.m. to 4:00 p.m. (where the subject property is located near residential and community facility uses and when school age children are likely to be traveling on and within rights-of-ways), an increase will not be favored;
- (ii) Result in a traffic generation profile which increases traffic volumes for commercial vehicles (as defined by section 25-43 of this Code) between the hours of 6:00 p.m. to 7:00 a.m. an increase will not be favored; or
- (iii) Result in a traffic generation profile which increases traffic volumes between the hours of 9:00 p.m. to 6:00 a.m., an increase will not be favored.)

At the time the city evaluates increasing the subject property's retail use component, a traffic analysis may be obtained from a traffic safety consulting engineering firm.

- (5) For purposes of this division, the subject property's projected gross square feet of use shall be calculated by the subject property's square feet exclusive of setbacks, multiplied by the building coverage factor of thirty (30) percent) times one and one-fourth (1.25). For purposes of this section, a "parcel of land developed under this zoning classification" (herein, "subject property") shall be defined as a parcel under single ownership developed pursuant to this classification, or a parcel or parcels of land developed under a plan of common development and common ownership of said property so as to constitute a single development under unified control.

(Ord. No. 1985, § 1, 6-22-94; Ord. No. 2076, § 1, 3-20-96)

TABLE 1
THE FOLLOWING USES SHALL BE CONSIDERED AS PART OF A PROPERTY'S
RETAIL USE COMPONENT

_____ These use listings are subject to regulations in the Master List of Business Uses, section 27-720, City Code, and the Supplemental Regulations to the Master List, section 27-721, City Code.

•	Alcoholic Beverage Sale
•	Antique Shop
•	Art Studio/Art Gallery
•	Art Supplies
•	Bake Shop (Retail)
•	Banks
•	Beauty Parlor/Barber Shop/Reducing
•	Salon/Tanning Salon/Toning Salon
•	Bicycle Store and Repair Shop
•	Bookstore
•	Building and Loan Association
•	Building Supplies, Retail
•	Camera Shop, Retail and repair only
•	Candy Store, retail
•	Ceramic (Retail)
•	China, Crockery, glassware, crockery
•	(Retail)
•	Cigar Store (Retail)
•	Clothing Store
•	Cocktail Lounge in Restaurant
•	Computer/Electronics
•	Confectionery and Ice Cream Store
•	Corsetieres (Sales and fittings only)
•	Cosmetics (Retail, no manufacturing)
•	Costumers (Rental)
•	Curio Store

•	Dairy Products (Retail)
•	Dance Academies Supplies
•	Day Care Center/Day Nurseries
•	Delicatessen (Retail)
•	Department and Dry Goods Store
•	Discount Stores or Services
•	Dress Shop and Seamstress
•	Drug and Sundries Store
•	Dry Cleaning and Pressing (Pickup and delivery only)
•	Fabric Store
•	Fast Food Restaurant
•	Fish (Retail)
•	Fishing Supplies (Artificial Bait and Tackle only)
•	Florists
•	Food, Take-Out or Deliveries, Retail (no on-premises consumption)
•	Fruit Store (Retail)
•	Furniture Stores (Retail only)/Office Supplies and Furniture Stores (Retail only)
•	Furrier
•	Garden Supplies (Retail)/Lawn and Garden Supplies and Services (Retail)
•	Gift Shop
•	Grocery Store/Supermarket
•	Handbag Store
•	Hardware Store
•	Health and Beauty Aids
•	Hobby Shop
•	Ice Cream (Retail)
•	Interior Decoration Shop (Retail)
•	Interior Decorator
•	Jewelry Store
•	Juice (Retail)
•	Key Shop
•	Lighting Fixtures (Retail)
•	Luggage Shop
•	Marine Supplies
•	Meat Market (Retail)
•	Millinery Shop
•	Modiste, Wearing Apparel, Furrier (Retail)
•	Music and Radio Store (Retail)
•	Newsstand
•	Notions - Variety Stores
•	Novelties (handbags and handicraft) - Retail
•	Offset Copying and Duplicating

•	Service/Photocopying and Printing
•	Optical Stores
•	Package Stores
•	Pet Shop/Pet Grooming and Sale of Pet
•	Accessories and Supplies
•	Photographer (Commercial)
•	Photography Mini-Labs
•	Photograph Galleries
•	Plumbing Fixtures (Retail)
•	Pool Supply Store
•	Prerecorded Video Rentals and Sale Store Self-Service, Automated Video Rental/Retail Center, No On-Premise Viewing
•	Restaurant and Dining Room
•	Schools--Driving, Modeling, Dance, Music
•	Shoe Store
•	Souvenir Store
•	Sporting Goods Store
•	Stationery Store
•	Sundry Store
•	Surgical and Orthopedic Appliances Sales and Accessories (Retail)
•	Tailor Shop
•	Venetian Blind Sales (Retail)
•	Wearing Apparel Store

(Ord. No. 1985, § 1, 6-22-94; Ord. No. 2076, § 1, 3-20-96)

TABLE 2
THE FOLLOWING USES SHALL BE CONSIDERED AS PART OF A PROPERTY'S
OFFICE USE COMPONENT*

*These use listings are subject to regulations in the Master List of Business Uses, section 27-720, City Code, and the Supplemental Regulations to the Master List, section 27-721, City Code.

•	Animal Clinic
•	Animal (Pet) Hospital
•	Associations (Civic, etc.), Eleemosynary Institution
•	Dental Clinic
•	Dental Laboratory
•	Detective Agency
•	Educational Tutoring and College Selection Counseling

•	Government Administrative Offices
•	Insurance Agency
•	Loan Agencies (other than pawnbrokers)
•	Medical Clinic
•	Medical and Dental Offices/Offices for
	Doctors, Dentists, Podiatrists, Optometrists and Related Professions
•	Mental health care establishments
•	Messenger Office/Private Mail Service
•	Office Building
•	Professional Office
•	Real Estate Office
•	Stock Exchange and Brokerage Office
•	Ticket Sales Office for Transportation System
•	Travel Agency/Bureau

(Ord. No. 1985, § 1, 6-22-94; Ord. No. 2076, § 1, 3-20-96; Ord. No. 2150, § 2, 3-25-98)

Sec. 27-283. Subdivisions, ownership and control.

Any area of land proposed for development in an OB-C district will provide documents establishing the management and control of the property in unified control in perpetuity in a form agreeable to the city and which satisfies the measurable standards and criteria of section 27-686 of this Code, where parcels within the development are to be subject to different fee ownerships using common facilities and services.

(Ord. No. 1985, § 1, 6-22-94; Ord. No. 2076, § 1, 3-20-96)

Sec. 27-284. Design approval required.

(a) Before any building permit is issued for any use in an OB-C district, prints of drawings shall be submitted to the planning and zoning board for review and approval.

(b) The board will review the drawings as to acceptable design of site development, building design, signs, and landscaping intended by the requirements of this article, those described in article IX, Planned Community Development, and the requirements of the city's other land development regulations (e.g., landscaping). In view of the purpose and intent of this OB-C district, the city shall consider as part of the site plan approval process the following in addition to all other criteria:

- (1) The site plan shall designate pedestrian or bicycle ways which will accommodate the safe and convenient nonvehicular travel of school children and other members of the public both across OB-C zoned property (so as to provide a route to or from adjacent or nearby parks, schools, or other community facility (public) property or residential property), and on-site;
- (2) Service truck (defined as trucks in excess of one ton) ingress, egress, and on-site circulation shall

be located (and may be further limited to certain times of the day and night) so as to minimize conflicts with pedestrian or bicycle ways which are located on-site and are intended to provide a route to and from adjacent or nearby parks, schools, or other community facility or public property, or residential property.

(c) If the approval is granted based on preliminary drawings, the final drawings must be submitted to the board for final approval.

(d) The plan, together with the recommendation of the board, shall then be submitted to the council for its review and approval in accordance with the same measurable standards and criteria set forth herein for the board's review. After council approval, application may be made in the building department for a building permit.

(Ord. No. 1985, § 1, 6-22-94; Ord. No. 2076, § 1, 3-20-96; Ord. No. 2222, § 1, 5-31-2000)

Sec. 27-285. Building height and setbacks.

(a) In keeping with the purpose of the OB-C district, building heights shall not exceed two (2) stories or a maximum height of thirty (30) feet, exclusive of architectural treatments.

(b) The building setbacks shall be one and one-half (1 1/2) times the height of the building, exclusive of architectural treatment. The minimum building setback from any public right-of-way shall be forty (40) feet. The setback from any adjacent residential property shall be a minimum of twenty-five (25) feet. This area may be used for parking, landscaping, and signage.

(Ord. No. 1985, § 1, 6-22-94; Ord. No. 2076, § 1, 3-20-96)

Sec. 27-286. Required landscaping adjacent to public rights-of-way.

A strip of land a minimum of twenty (20) feet in depth located between the abutting right-of-way and the off-street parking area or other vehicular use area which is exposed to an abutting right-of-way shall be landscaped. All other provisions of Plantation's landscaping and parking requirements shall be met.

(Ord. No. 1985, § 1, 6-22-94; Ord. No. 2076, § 1, 3-20-96)

Sec. 27-287. Perimeter landscaping relating to abutting residential properties.

A large shade tree shall be provided per each thirty (30) feet of a landscape strip contiguous to a property line of residentially zoned land, which strip shall not be less than twenty-five (25) feet in width and shall be required as a landscape strip note on any plat or a designated strip on any site plan of land within the OB-C district, such strip to be deed restricted as to usage and maintenance by the property owner(s) of the site. This strip will be bermed and have a contiguous hedge and irrigation. A wall a minimum of six (6) feet in height shall be constructed along the interior boundary of the aforesaid landscape strip.

Tree height in buffer areas:

Building Height (feet)	Buffer Tree Height (feet)
to 15	15
16 to 25	18
26 to 35	20

(Ord. No. 1985, § 1, 6-22-94; Ord. No. 2076, § 1, 3-20-96)

Sec. 27-288. Enclosure of uses.

All uses, exclusive of outside tellers, drive-thrus and daycare play areas, shall be fully enclosed buildings. There shall be no open, outside storage of materials, supplies, products, equipment or machinery except for the vehicles of occupants, employees and visitors.

(Ord. No. 1985, § 1, 6-22-94; Ord. No. 2076, § 1, 3-20-96)

Sec. 27-289. Compatibility and visual harmony.

All buildings and structures located in the OB-C district shall be so designed, sited and landscaped as to be harmonious in architectural scale and character with each other and with adjoining residential areas including the use of similar roof treatments, building materials, colors and textures. There shall be no visible rooftop equipment. Any windows overlooking adjacent residential property must have the view obscured by landscaping.

(Ord. No. 1985, § 1, 6-22-94; Ord. No. 2076, § 1, 3-20-96)

Sec. 27-290. Maintenance of open space.

Undeveloped property within the OB-C district in cases where an approval site plan provides for phased or sequential development of the parcel, shall be well graded, seeded and maintained in an appropriate condition free from underbrush and objectionable plant growth or litter.

(Ord. No. 1985, § 1, 6-22-94; Ord. No. 2076, § 1, 3-20-96)

Sec. 27-290.5. Compliance with other ordinances.

General application zoning and development ordinances, such as those regulating parking, landscaping, signs and similar ordinances shall apply to this OB-C district unless specifically modified herein, or waived pursuant to section 27-699 of the Code.

(Ord. No. 2076, § 1, 3-20-96)

DIVISION 11.

OP-L OFFICE PARK LIMITED DISTRICT

Sec. 27-291. Purpose.

(a) The primary purpose of the OP-L office park-limited district (hereinafter referred to as the OP-L district) is to encourage the development of small to medium scale planned office complexes under single ownership or control which will contribute to the local economy, improve the city's tax base, provide new jobs for Plantation residents; and, at the same time minimize potential traffic impacts on adjoining streets and traffic and other impacts on nearby areas and be harmonious with adjoining and nearby residential and business areas.

(b) The major objectives to be achieved by this district are to develop such complexes in harmony

with residential areas in a residential-type office environment, to provide freedom for the designer to take a creative approach to development in a residential-type setting and thereby enhance the visual quality of Plantation, and to protect and retain through sensitive design the character and quality of a predominantly residential neighborhood by utilizing the OP-L district as a transition between residential development and more intensive nonresidential land uses.
(Ord. No. 1278, § 1(1), 12-12-84)

Sec. 27-292. Intent.

(a) The intent of these regulations is to provide the minimum requirements by which these districts may be planned, developed and maintained including district size, location and character, allowable primary and accessory uses, building setback, area, yard, height and other requirements, buffering of adjoining areas and use, evaluating and mitigating traffic and other impacts and ensuing architectural and environmental compatibility with adjoining uses and areas.

(b) In the course of review and approval of site and development plans the review committee, planning and zoning board, and landscape board may recommend and the city council may require more restrictive conditions based on site-specific consideration relating to a particular development. In so doing the conditions and the specific reasons therefor shall be made a part of the approval.
(Ord. No. 1278, § 1(2), 12-12-84; Ord. No. 2222, § 1, 5-31-2000)

Sec. 27-293. Permitted uses.

(a) The uses permitted in the OP-L district are those which characteristically require and occupy only office type space for business, and for governmental administration not requiring frequent contact with large numbers of clients, or the rendering of business or business related professional services, or medical services.

(b) The following uses separately or grouped in a unit are permitted:

(1) Business, professional, administrative, including data processing.

(2) Medical and/or dental clinics, laboratories or research facilities.

(3) Medical and/or dental offices provided no more than ten (10) percent of the gross interior floor area of the office park is devoted to such uses.

(4) Professional, business or technical schools incidental to an office use for business, profession, or research.

(c) The following use is permitted on a conditional use basis only:

(1) Hotel.

(Ord. No. 1278, § 1(3), 12-12-84; Ord. No. 1618, § 1, 5-24-89; Ord. No. 2129, § 4, 7-30-97)

Sec. 27-294. Accessory uses.

(a) The following, providing goods and services primarily to the patrons and employees of the principal uses, are permitted as accessory uses.

- (1) Business service such as secretarial, telephone answering service, drafting, reproduction, printing and similar services.
- (2) Stationery, business and office supply.
- (3) Cafeterias and snack bars.
- (4) Newsstand.
- (5) HONOR or similar small computerized banking terminal facilities.

(b) The aggregate gross interior floor area of such accessory uses shall not exceed ten (10) percent of the total gross interior floor area of the office park. No signage or advertising for the above accessory uses shall be permitted outside of or visible beyond principal buildings in which they are located. All such uses shall be of such character and size as to clearly serve primarily the tenants, clients, employees of the principal uses and shall not attract any substantial number of vehicle trips from outside the district.

(Ord. No. 1278, § 1(4), 12-12-84)

Sec. 27-295. Conditional uses.

(a) Other nonresidential uses not listed in section 27-294 above may be permitted as accessory uses separately or grouped in a unit with permitted uses on a city council approved conditional use basis at the time of approval of a site development plan in accordance with the code provisions concerning conditional uses; provided, however, that:

- (1) The accessory use clearly serves primarily the tenants, clients, and employees of the principal use of the building and no signage or advertising of such accessory uses shall be permitted on the outside of the building; and
- (2) No such nonresidential accessory use shall be approved for any building if it, together with all other previously approved nonresidential accessory uses within the building, exceeds or would exceed a maximum of ten (10) percent of the total gross interior floor area of the building.

(b) Nonresidential principal uses other than those listed in section 27-293 above may be permitted as conditional uses upon a lot or parcel of land zoned OP-L, provided that the total gross acreage of the lot on which such principal conditional use is proposed, together with the gross acreage of all other lots with approved nonresidential principal conditional uses under this section, does not exceed ten (10) percent of the gross acreage in the district. At the time any nonresidential principal conditional use under this subsection is approved, the lot or parcel of land for same shall be clearly identified, and shall include, all parking, access, landscape, and open space areas necessary to serve the approved conditional use.

(Ord. No. 1278, § 1(5), 12-12-84; Ord. No. 2071, § 1, 2-7-96)

Sec. 27-296. Ownership and control.

(a) The proponent of OP-L office park limited district shall provide and include with the site plan as required in the following sections, documents establishing in perpetuity the unified ownership, management or control of the district including condominium documents or association agreements.

(b) Such documents shall be reviewed and approved by the city attorney and shall become a part of the approvals of an office park limited district and be filed with the city clerk and/or county recorder other than when placed in condominium usage; ownership may not be divided in parcels less than two (2) acres in size notwithstanding unified control pursuant to Code requirements therefor.
(Ord. No. 1278, § 1(6), 12-12-84)

Sec. 27-297. Site development plan.

(a) The proponent of an office park limited district shall develop and submit for review as a part of the submittal for OP-L designation a site development and landscape plan meeting all the requirements of this code for planned community development, nonresidential and the landscape code.

(b) Any deviation from the approved site development or landscape plan; or failure to either complete in accordance with plan, or bond therefore, or deviation, termination or abrogation of any agreement, including those assuring unified development, management or control shall be grounds from the city council to direct the reversion of both OP-L zoning and land use designation to either the classification that existed immediately prior to rezoning or redesignation or to other appropriate categories assuring sound development in harmony with the surrounding area.
(Ord. No. 1278, § 1(7), 12-12-84)

Sec. 27-298. Traffic and other impact analysis.

The proponent of an OP-L District shall submit with his application for rezoning, traffic and other impact analysis including, at a minimum, the following:

- (1) An estimate of the number of average and peak hour trips per day generated during and post-construction, and directions or routes of travel for all trips with an external end.
- (2) If it is determined as the result of such analysis that one thousand (1,000) or more trips will be generated by the development the impact analysis will also include:
 - a. Identification, on the regional transportation network maps, of existing or proposed generators of more than six thousand (6,000) trips per day within two (2) miles of the perimeter of the proposed development traffic generators.
 - b. An estimation of how traffic from the proposed development will alter traffic volumes and levels of service on the existing and programmed regional transportation system within five (5) miles of the development and/or the local network. Computer oriented methods of analysis shall be used for the large urban area (Broward County Model: TRIPS) and manual methods shall be used for the proposed development.

- (3) If traffic generated by the proposed development requires any modification of existing or programmed components of the regional or local transportation network, identification of the city, county or state agencies which have programmed the necessary construction and how this programming relates to the phasing of the proposed development.
- (4) The proponent shall also submit an economic and market analysis supporting the need for the OP-L district and uses to be permitted therein including, at a minimum the following:
 - a. Analysis of the availability of similarly zoned or designated undeveloped land elsewhere in the community and within five (5) miles.
 - b. Market and demand for the specific uses proposed.
 - c. Impact on provision of public services occasioned by the proposed development.
 - d. Impact on the community's tax and fiscal structure created by the proposed development.

(Ord. No. 1278, § 1(8.1), 12-12-84)

Sec. 27-299. Size of parcel.

Any parcel of land proposed for designation as OP-L district shall be at least six (6) acres in area but not more than twenty-five (25) acres.

(Ord. No. 1278, § 1(8.2), 12-12-84)

Sec. 27-300. Parcel coverage.

The combined ground area coverage of all principal and accessory buildings shall not exceed twenty-five (25) percent of the gross area of the parcel.

(Ord. No. 1278, § 1(8.3), 12-12-84)

Sec. 27-301. Building heights, setback and buffers.

(a) No building shall be erected or altered to a height exceeding two (2) stories or twenty-five (25) feet, and no mechanical appurtenances shall be exposed above the roof level.

(b) No building or roofed structure shall be located less than forty (40) feet or one and one-half (1 1/2) times the building height from any public right-of-way or property line abutting residentially zoned property, nor less than twenty-five (25) feet or one and one-half (1 1/2) times the building height from any property line abutting another.

(c) No parking shall be located less than thirty (30) feet from any property line abutting residentially zoned property, nor less than fifteen (15) feet from any other property line. Where a masonry wall at least six (6) feet in height located at the setback line is used to screen an office park parking area from a residentially zoned area, the thirty (30) foot setback may be reduced to fifteen (15) feet.

(d) All areas lying between the above specified setback lines and residentially zoned property or the above specified setback lines and the right-of-way of a local or collector street abutting residentially zoned property or community facility which are not used for sidewalks or bikeways shall be intensely landscaped so as to provide a visual buffer between buildings or structures in the office park district and adjoining residential areas. Such buffering shall include walls, hedges or other durable landscape barrier material not greater than six (6) feet in height nor less than four (4) feet in height and may include, with the approval of the city landscape architect, an open space water buffer (a canal or other water body) twenty-five (25) feet or more in width along a portion of the perimeter of the office park.
(Ord. No. 1278, § 1(8.4), 12-12-84)

Sec. 27-302. Access.

Any tract or parcel proposed to be developed as an OP-L district in accordance with these regulations shall have direct access, except for emergency purposes, only from streets designated as major or minor arterial streets or collector streets with rights-of-way greater than seventy (70) feet in width.
(Ord. No. 1278, § 1(8.5), 12-12-84)

Sec. 27-303. Signs.

(a) In accordance with the sign ordinance one (1) sign identifying the office park, shall be permitted at each principal entrance to the park. Such sign shall not exceed thirty-two (32) square feet in area nor exceed a height above grade greater than seven (7) feet.

(b) In addition, a kiosk directory sign may be permitted near each principal entrance to the park identifying the tenants of the office park and their location within it by building and suite number. Such signs shall not exceed twenty-four (24) square feet in area nor exceed a height above grade greater than seven (7) feet.

(c) Individual nameplate (owner identification) flat wall signs identifying a business or an office for the practice of a profession and the owner thereof are permitted. Such signs shall not exceed eighteen (18) inches in height or more than six (6) square feet in area and shall be affixed to a wall in a uniform location beside the principal entry to such individual office at a height not exceeding five (5) feet above grade or floor level.
(Ord. No. 1278, § 1(8.6), 12-12-84)

Sec. 27-304. Enclosure of uses.

All uses shall be within fully enclosed buildings. There shall be no open, outside storage of materials, supplies, products, equipment or machinery except for the vehicles of employees and visitors.
(Ord. No. 1278, § 1(8.7), 12-12-84)

Sec. 27-305. Landscaped open space.

A minimum of thirty-five (35) percent of the site shall be developed and preserved as landscaped open space in accordance with the landscape code, chapter 13.
(Ord. No. 1278, § 1(8.8), 12-12-84)

Sec. 27-306. Compatibility and visual harmony.

All buildings and structures located in the OP-L district shall be so designed, sited and landscaped as to be harmonious in architectural scale and character with each other and with adjoining residential areas including the use of similar roof treatment, building materials, colors and textures. There shall be no visible rooftop equipment.

(Ord. No. 1278, § 1(8.9), 12-12-84)

Sec. 27-307. Maintenance of reserve open space.

All undeveloped property within the office park such as in cases when an approved site plan provides for phased or sequential development of the parcel, shall be well graded, seeded and maintained in an appropriate condition free from underbrush and objectionable plant growth or litter.

(Ord. No. 1278, § 1(9), 12-12-84)

Sec. 27-308. Off-street parking.

Off-street parking shall be provided in accordance with the table containing the requirements for areas zoned B-7Q or B-8Q in section 27-688(e), (1).

(Ord. No. 1278, § 1(10), 12-12-84)

Sec. 27-309. Compliance with ordinances.

General application zoning and development ordinances, such as those regulating parking, landscaping, signs and similar ordinances shall apply to this district unless specifically modified herein, or waived or modified by the city council upon a finding that such waiver or modification enhances the utilitarian and aesthetic aspect of a site development plan.

(Ord. No. 1278, § 1(11), 12-12-84)

Secs. 27-310--27-320. Reserved.

DIVISION 12.

OP-R OFFICE PARK RESTRICTED DISTRICT

Sec. 27-321. Purpose.

(a) The primary purpose of the OP-R office park (restricted commercial) district (hereinafter referred to as the OP-R district) is to encourage the development of medium scale planned office complexes under single ownership or unified control, which will contribute to the local economy, improve the city's tax base, provide new jobs for Plantation residents, and at the same time, minimize potential traffic impacts on the adjoining streets and the roadway network, and traffic and other impacts on nearby areas, and be harmonious with the adjoining and nearby residential areas.

(b) The major objectives to be achieved by this district are to develop such complexes in harmony with adjacent or nearby residential areas, to provide freedom for the designer to take a creative approach to

development in a residential type setting and thereby enhance the visual quality of Plantation and to protect and retain through sensitive design the character and quality of adjoining neighborhoods by utilizing the OP-R district as a transition between high intensity commercial development, high volume and impact arterial and express streets, and adjoining low intensity residential and community facility uses.
(Ord. No. 1299, § 1(2), 2-27-85)

Sec. 27-322. Intent.

(a) The intent of these regulations is to provide the minimum requirements by which these districts may be planned, developed and maintained including district size, location and character, allowable principal and accessory uses, building setback, area, yard height and other requirements, buffering of adjoining areas and uses, evaluating and mitigating traffic and other impacts and ensuring architectural and environmental compatibility with adjoining uses and areas.

(b) In the course of review and approval of site and development plans the review committee, planning and zoning board and landscape review committee may recommend and the city council may require more restrictive conditions based on site specific considerations relating to a particular development. In so doing the specific conditions and the reasons therefor shall be made a part of the approval.
(Ord. No. 1299, § 1(2), 2-27-85; Ord. No. 2222, § 1, 5-31-2000)

Sec. 27-323. Permitted uses.

(a) The following general types of uses are permitted so long as adequate off-street parking is provided and no intensification or adverse traffic impact occurs on adjacent residential communities beyond that which would be experienced if the area of the OP-R district were developed under zoning similar to that enjoyed by surrounding residential communities:

- (1) Business, administrative, and professional offices.
- (2) Medical and/or dental clinics, laboratories and research facilities.
- (3) Educational, scientific and industrial research laboratories.
- (b) All of the above uses are subject to the following provisions:
 - (1) All activities shall be conducted entirely within an enclosed building.
 - (2) There shall be no outside storage.
 - (3) No activity shall produce heat, light, glare, fumes, noxious odors, noise, air or water pollution.

(c) Specific uses within the above categories shall be submitted to the planning and zoning board and city council for review and approval in the case of initial site plans or when a building or occupancy permit is applied for in the case of subsequent uses. Such submittal shall include a description of specific activities in sufficient detail, including traffic generating characteristics, as to determine their suitability and their compatibility with the character of the district and with surrounding uses and areas as well as their potential

traffic and environmental impact on the immediately surrounding area.

(d) The following use is permitted on a conditional use basis only:

(1) Hotel.

(Ord. No. 1299, § 1(3), 2-27-85; Ord. No. 1618, § 2, 5-24-89; Ord. No. 2129, § 5, 7-30-97; Ord. No. 2222, § 1, 5-31-2000)

Sec. 27-324. Accessory uses.

(a) The following, providing goods and services primarily to the patrons and employees of the principal uses, are permitted as accessory uses provided a justification of the necessity or desirability for their inclusion can be clearly determined in relation to the composition or character of the district as established by the proposed primary uses, or by the location of the district in relation to other areas of the city where similar facilities or services may be available.

(1) Business services such as secretarial, drafting, reproduction, printing and similar services.

(2) Stationery, business and office supply.

(3) Cafeterias and snack bars.

(4) Children's day care centers approved by state department of health and rehabilitative services for the children of employees of occupants of the district, owned or supervised by the office park management or association.

(5) Other ancillary and accessory uses approved by the city council on an individual conditional use basis.

(b) The aggregate gross interior floor area of such uses does not exceed ten (10) percent of the total gross interior floor area of any building or structure in the office park in which they are located excluding enclosed or structure parking. No signage or advertising for the above accessory uses shall be permitted outside of or visible beyond principal buildings in which they are located. All such uses shall be of such character and size as to clearly serve primarily the tenants, clients employees of the principal uses.

(Ord. No. 1299, § 1(4), 2-27-85)

Sec. 27-325. Conditional uses.

(a) Business accessory uses, other than those listed in section 27-324 above, may be permitted, separately or grouped in a unit with permitted uses, on a city council approved conditional use basis at the time of approval of a site development plan or from time to time in accordance with the provisions of article XII entitled "Conditional Uses"; provided, however, that:

(1) The accessory use clearly serves primarily the tenants, clients, and employees of the principal use of the building and no signage or advertising of such accessory uses shall be permitted on the outside of the building; and

- (2) No such nonresidential accessory use shall be approved for any building if it, together with all other previously approved nonresidential accessory uses within the building, exceeds or would exceed a maximum of ten (10) percent of the total gross interior floor area of the building.

(b) Nonresidential principal uses other than those listed in section 27-323 above may be permitted as conditional uses upon a lot or parcel of land zoned OP-R, provided that the total gross acreage of the lot on which such principal conditional use is proposed, together with the gross area of all other lots with approved nonresidential principal conditional uses under this section, does not exceed ten (10) percent of the gross acreage in the district. At the time any nonresidential principal conditional use under this subsection is approved, the lot or parcel of land for same shall be clearly identified, and shall include, all parking, access, landscape, and open space areas necessary to service the approved conditional use.
(Ord. No. 1299, § 1(5), 2-27-85; Ord. No. 2071, § 2, 2-7-96)

Sec. 27-326. Site development plan.

In addition to compliance with all applicable building and zoning ordinances, the proponent of an OP-R office park restricted district shall also develop and submit for review as a part of the submittal for OP-R designation a site development and landscape plan meeting all the requirements of this code as if zoned as a planned community development, nonresidential.
(Ord. No. 1299, § 1(6), 2-27-85)

Sec. 27-327. Other site development plan requirements.

- (a) The proponent of an OP-R district shall submit with his application for rezoning, traffic and other impact analysis including at a minimum, the following:
 - (1) An estimate of the number of average and peak hour trips per day generated during and post-construction, and directions or routes of travel for all trips with an external end.
 - (2) Identification, on the regional transportation network map, of existing or proposed generators of more than six thousand (6,000) trips per day within two (2) miles of the perimeter of the proposed development traffic generators.
 - (3) An estimation of how traffic from the proposed development will alter traffic volumes and levels of service on the existing and programmed regional transportation system within five (5) miles of the development and/or the local network. Computer oriented methods of analysis may be used for the large urban area (Broward County Model: TRIPS) and manual methods shall be used for the proposed development area.
 - (4) If traffic generated by the proposed development requires any modification of existing or programmed components of the regional or local transportation network, identification of city, county or state agencies which have programmed the necessary construction and how this programming relates to the phasing of the proposed development.
 - (5) A showing that there shall be no additional impact to adjacent residential greater than if the area

of the OP-R district were developed under similar residential zoning.

(b) The city council may require economic and/or market analysis datum to support the need for the OP-R district and uses to be permitted therein when development approvals are requested which analysis may include any or all of the following factors:

(1) Analysis of the availability of similarly zoned or designated undeveloped land elsewhere in the community and within five (5) miles.

(2) Market and demand for the specific uses proposed.

(3) Impact on the community's tax and fiscal structure created by the proposed development.

(Ord. No. 1299, § 1(7), 2-27-85)

Sec. 27-328. Size of parcel.

Any parcel of land proposed for designation as OP-R district shall be at least twenty-five (25) acres in area, but not more than one hundred twenty-five (125) acres; provided, however that when the size of a parcel of land zoned OP-R is developed without unified control with other similar zoned parcels adjacent or contiguous therewith or separated only by dedicated roadways therefrom, that then and in such event, the actual size of the parcel so being developed without such unified control shall determine the zoning use restrictions to be applied thereto (i.e., if such size is less than twenty-five (25) acres, the use restrictions for such development shall be deemed OP-L district restrictions).

(Ord. No. 1299, § 1(7.1), 2-27-85; Ord. No. 1535, § 1, 3-2-88)

Sec. 27-329. Parcel coverage.

The combined ground area coverage of all principal and accessory buildings shall not exceed thirty (30) percent of the gross area of the parcel.

(Ord. No. 1299, § 1(7.2), 2-27-85)

Sec. 27-330. Building heights, setback and buffers.

(a) No building or roofed structure shall be erected or altered to a height exceeding:

(1) Three (3) stories or thirty-four (34) feet for twenty-five (25) to fifty (50) acre OP-R districts;

(2) Four (4) stories or forty-eight (48) feet for fifty (50) to one hundred (100) acre districts; and

(3) Five (5) stories of sixty (60) feet for OP-R districts over one hundred (100) acres in area.

(b) No building or roofed structure located across a local or collector street from a residentially zoned area or community facility shall exceed a height of two (2) stories or twenty-five (25) feet.

(c) No building or roofed structure shall be located closer than one hundred thirty (130) feet from the right-of-way line abutting residentially zoned property of any local street, nor less than eighty (80) feet from

the right-of-way line abutting residentially zoned property of any collector street and twenty-five (25) feet or one and one-half (1 1/2) times building height from any other property line abutting another zoning district or fifty (50) feet or one and one-half (1 1/2) times building height from the right-of-way line of any other street.

(d) No parking shall be located less than fifty (50) feet from any property line abutting residentially zoned property or community facility or the right-of-way of any local or collector street nor less than twenty-five (25) feet from any other property line.

(e) Place identification or activity identification signage shall not be permitted in any setback area abutting residentially zoned property. All existing lighting and signage shall be directed away from adjacent residentially zoned property.

(f) A screening visual barrier at least six (6) feet in height of a type to be specified by the council shall be provided at the above specified setback lines opposite residentially zoned areas or a community facility. All areas between such visual barrier or the above setback lines and the right-of-way of a local or collector street abutting residentially zoned property or community facility not used for sidewalks or bikeways shall be intensely landscaped so as to provide a buffer between buildings or structures in the office park district and adjoining residential areas. Such buffering shall be as designated and required by the landscape architect above and beyond the normal buffering requirements of the landscape chapter.
(Ord. No. 1299, § 1(7.3), 2-27-85)

Sec. 27-331. Access.

Any tract or parcel proposed to be developed as an OP-R district in accordance with these regulations shall have direct access, except for emergency purposes, only from streets designated as major or minor arterials.
(Ord. No. 1299, § 1(7.4), 2-27-85)

Sec. 27-332. Enclosure of uses.

All uses shall be within fully enclosed buildings. There shall be no open, outside storage of materials, supplies, products, equipment or machinery except for the vehicles of employees and visitors.
(Ord. No. 1299, § 1(7.5), 2-27-85)

Sec. 27-333. Landscaped open space.

A minimum of thirty-five (35) percent of the site shall be developed and preserved as landscaped open space in accordance with the landscape chapter.
(Ord. No. 1299, § 1(7.6), 2-27-85)

Cross References: Landscaping, Ch. 13.

Sec. 27-334. Compatibility and visual harmony.

All buildings and structures located in OP-R district shall be so designed, sited and landscaped as to be harmonious in architectural scale and character with each other and with adjoining residential areas including the use of similar roof treatment, building materials, colors, and textures. There shall be no visible rooftop equipment.

(Ord. No. 1299, § 1(7.7), 2-27-85)

Sec. 27-335. Maintenance of reserve open space.

All undeveloped property within the office park such as when an approved site plan provides for phases or sequential development of the parcel, shall be well graded, seeded and maintained in an appropriate condition free from underbrush and objectionable plant growth or litter.

(Ord. No. 1299, § 1(8), 2-27-85)

Sec. 27-336. Off-street parking.

Off-street parking shall be provided in accordance with the table containing the requirements for areas zoned B-7Q or B-8Q in Article 27-688(e)(1).

(Ord. No. 1299, § 1(9), 2-27-85)

Sec. 27-337. Compliance with ordinances.

General application zoning and development ordinances, such as those regulating parking, landscaping, signs and similar ordinances shall apply to this district unless specifically modified herein, or unless waived or modified by the city council upon a finding that such waiver or modification will enhance the utilitarian and aesthetic aspect of a site development plan. Such findings by the council will permit a waiver or modification of the criteria herein set forth.

(Ord. No. 1299, § 1(10), 2-27-85)

Secs. 27-338--27-350. Reserved.

DIVISION 13.

OP-P OFFICE PARK PLANTATION DISTRICT

Sec. 27-351. Purpose and intent.

(a) The primary purpose of the OP-P office park (limited commercial) district, referred to in this division as the OP-P district, is to encourage the development of large-scale planned office complexes and accessory facilities under single ownership or control which will contribute to the local economy, improve the city's tax base and provide new jobs for Plantation residents and which will minimize the potential traffic impact on adjoining streets and traffic and other impact on nearby areas.

(b) The major objectives to be achieved by this district are to provide such complexes in an open space campus-like environment in harmony with adjacent and surrounding areas, to provide freedom for the designer to take a creative approach to development in a park-like setting and thereby enhance the visual quality of the city. OP-P districts may consist of a series of separate developments with special effort to coordinate design and development in terms of signage, exterior lighting, landscape and building design and architectural materials.

(c) Districts designated OP-P shall consist entirely of offices and accessory uses in accordance with

the provisions of the county land use plan and the city land use master plan; however, the entire development complex may include other separate but related developments, some with independent function and character but harmonious and integrally related to the office park though they require other zoning designations. (Ord. No. 1357, § 1, 10-16-85)

Sec. 27-352. Permitted uses.

(a) The uses permitted in the OP-P district are those which characteristically require and occupy office-type space for business, governmental administration, the rendering of business or business-related professional services or medical services and industrial, scientific or medical research laboratories.

(b) The following uses are permitted:

(1) General office uses;

(2) Banking and financial institutions including drive-in facilities;

(3) Medical and/or dental office laboratories and research facilities;

(4) Educational, scientific and industrial research facilities and laboratories;

(5) Mental health care establishments. Mental health care establishments are permitted, subject to the following: Mental health care establishments having a single licensed practitioner occupying less than one thousand (1,000) square feet square feet in area are permitted so long as the cumulative square footage of all mental health care establishments within any individual building does not exceed twenty (20) percent of the gross floor area of said building.

(Ord. No. 1357, § 1, 10-16-85; Ord. No. 2129, § 6, 7-30-97; Ord. No. 2359, § 1, 1-25-2006)

Sec. 27-353. Permitted accessory uses.

(a) The following providing goods and services primarily to the patrons and employees of the principal uses are permitted in the OP-P district as accessory uses:

(1) Business services such as secretarial, computer, drafting, reproduction, printing and similar services;

(2) Stationery, business and office supply;

(3) Cafeterias, snack bars;

(4) Barbershop, beauty salon;

(5) Newsstand, tobacconist;

(6) Pharmacies;

- (7) Travel agency;
- (8) Day care centers for the employees of the occupants of the district.

(b) Permitted accessory uses shall not exceed ten (10) percent of total gross interior floor area of any building.
(Ord. No. 1357, § 1, 10-16-85)

Sec. 27-354. Conditional uses.

(a) Nonresidential uses, other than those listed in section 27-353 above, may be permitted in the OP-P district as accessory uses separately or grouped in a unit with permitted uses on a city council approved conditional use basis at the time of approval of a site development plan; provided, however, that:

- (1) The accessory use clearly serves primarily the tenants, clients, and employees of the principal use of the building and no signage or advertising of such accessory uses shall be permitted on the outside of the building; and
- (2) No such nonresidential accessory use shall be approved for any building if it, together with all other previously approved nonresidential accessory uses within the building, exceeds or would exceed a maximum of ten (10) percent of the total gross interior floor area of the building.

(b) Nonresidential principal uses other than those listed in section 27-352 above may be permitted as conditional uses upon a lot or parcel of land zoned OP-P, provided that the total gross acreage of the lot on which such principal conditional use is proposed, together with the gross acreage of all other lots with approved nonresidential principal conditional uses under this section, does not exceed ten (10) percent of the gross acreage in the district. At the time any nonresidential principal conditional use under this subsection is approved, the lot or parcel of land for same shall be clearly identified, and shall include, all parking, access, landscape, and open space areas necessary to serve the approved conditional use;

(c) Mental health care establishments having two (2) or more licensed practitioners, or occupying greater than one thousand (1,000) square feet in area, or causing a cumulative square footage of all mental health care establishments within any individual building that exceeds twenty (20) percent of the gross floor area, shall require conditional use approval, unless such expansion can be otherwise authorized by a provision in this Code.
(Ord. No. 1357, § 1, 10-16-85; Ord. No. 2071, § 3, 2-7-96; Ord. No. 2359, § 2, 1-25-2006)

Sec. 27-355. Subdivision, ownership and control.

(a) Any area of land proposed for development as an OP-P office park (limited commercial) may be subdivided into lots or parcels, no one of which shall be any less than two (2) acres in size.

(b) The proponent of an OP-P office park shall develop and include with the conceptual site plan for the OP-P district for the planning and zoning board and city council review and approval, a concept description of the proposed organization and management of the office park which shall identify and define the responsibilities of any proposed management or owner or occupant association or organization and that of

individual developers, purchasers or tenants.
(Ord. No. 1357, § 1, 10-16-85; Ord. No. 2222, § 1, 5-31-2000)

Sec. 27-356. Application for OP-P zoning.

(a) *Conceptual site development plan.* The proponent of an OP-P district shall develop and submit with his application for zoning a conceptual site development plan of the entire proposed development complex including the OP-P district.

(b) *Traffic and other impact analysis.* The proponent of an OP-P district shall submit with his application for zoning a traffic analysis prepared by an engineer registered in the state with experience in traffic estimation and impact analysis which shall include at the minimum: (1) an estimate of the total number of average daily and peak hour trips to be generated during the various phases of development, (2) the estimated impact such trips will have on the street network, abutting the OP-P and related development and (3) any recommended modification of the existing street network necessitated by the proposed development including the timing thereof.

(c) *Market data and analysis.* The proponent of an OP-P district shall also submit with his application for zoning a statement of the marketability of the proposed development prepared by an economist which shall include at the minimum: (1) the estimated market and demand for the specific type, quantity and mix of uses proposed including uses related to but not within the OP-P district and (2) an estimate of the rate of market absorption of the square foot area proposed in relation to the amount of completed, approved and programmed area for these uses already in the city.

(d) *Size of parcel.* Any parcel of land proposed for designation as an OP-P district shall be at least one hundred twenty-five (125) acres in area; provided, however, that when the size of a parcel of land zoned OP-P is developed without unified control with other similar zoned parcels adjacent or contiguous therewith or separated only by dedicated roadways therefrom, that then and in such event, the actual size of the parcel so being developed without such unified control shall determine the zoning use restrictions to be applied thereto (i.e., if the actual size of the parcel so being developed without unified control is less than one hundred twenty-five (125) acres, but more than twenty-five (25) acres, OP-R district use restrictions shall apply and, in turn, if the actual size of the parcel so being developed without unified control is less than twenty-five (25) acres, OP-L use restrictions shall apply).

(Ord. No. 1357, § 1, 10-16-85; Ord. No. 1535, § 2, 3-2-88)

Sec. 27-357. Perimeter requirements for the OP-P district.

(a) The boundary of an OP-P district shall be landscaped so as to screen parking and similar areas, and at the same time provide views into the office park. Such landscaped areas may include an open space, water feature (a lake or retention basin), in addition to berms, walls, hedges, shrubs, trees, sidewalks and bikeways.

(b) No parking shall be located closer than one hundred (100) feet from the right-of-way of a street which forms part of the boundary of an OP-P district.

(c) No building or roofed structure shall be located closer than one hundred (100) feet plus one and

one-half (1 1/2) times the building height from a street which forms parts of the boundary of an OP-P district.
(Ord. No. 1357, § 1, 10-16-85)

Sec. 27-358. Signs.

A comprehensive, unified system of signage for the office park and its occupants shall be designed and presented to the planning and zoning board and to the city council for review and approval in conjunction with the conceptual site plan for the OP-P district and related area together with details including drawings and plans showing sign dimensions, size, colors, materials, lighting, landscaping and location. The city council may, by resolution, allow exceptions to article II of chapter 22 within the OP-P district based upon (1) the size of the structure or (2) the business requirements of the particular structure and/or occupant.

(Ord. No. 1357, § 1, 10-16-85; Ord. No. 2222, § 1, 5-31-2000)

Sec. 27-359. Enclosure of uses.

There shall be no open outside storage of materials, supplies, products, equipment or machinery in an OP-P district except for the vehicles of employees and visitors.

(Ord. No. 1357, § 1, 10-16-85)

Sec. 27-360. Maintenance of reserve open space.

All undeveloped property within the office park in an OP-P district shall be maintained in an appropriate condition free from underbrush and objectionable plant growth or litter.

(Ord. No. 1357, § 1, 10-16-85)

Sec. 27-361. Off-street parking.

Off-street parking in the OP-P district shall be provided in accordance with the table containing the requirements for areas zoned B-7Q or B-8Q in subsection 27-688(e)(1); however, in the event that the developers of two (2) or more contiguous parcels who are submitted site plans for development simultaneously propose a plan of shared parking including cross-parking agreements wherein the combined developments will provide the parking necessary for their respective use but not necessarily on the same site or parcel, a plan for such shared parking shall be prepared and submitted for planning and zoning board and city council review and approval in conjunction with site plans for the proposed developments. Cross-parking agreements shall be reviewed and approved by the city attorney prior to a building permit being issued.

(Ord. No. 1357, § 1, 10-16-85; Ord. No. 2222, § 1, 5-31-2000)

Sec. 27-362. Compliance with ordinances.

General application zoning and development ordinances, shall apply to the OP-P district. In the course of review and approval of the site and development plans, the city council may require more restrictive conditions based on site specific considerations relating to a particular development. The city council may waive or modify the requirements of any ordinance based upon a finding that such waiver or modification enhances the utilitarian and aesthetic aspect of a site development plan.

(Ord. No. 1357, § 1 10-16-85)

Sec. 27-363. Unified control condition precedent to development approvals.

No city council concept approval or other development approvals are to be sought or issued on yet-to-be-developed OP-P zoned lands until unified control documents are approved as to form acceptable to the city's legal department and recorded against such zoned lands so as to assure that such OP-P zoning will, in fact, be developed under unified control in parcels of at least one hundred twenty-five (125) acres in size so as to assure that such OP-P zoning will meet the stated purposes and intent of such districts as set forth in section 27-351. (Ord. No. 1535, § 3, 3-2-88)

Secs. 27-364--27-370. Reserved.

DIVISION 14.

B-1P NEIGHBORHOOD BUSINESS DISTRICT*

* **Editors Note:** For establishments where alcoholic beverages are sold off premises, see section 3-5.

Sec. 27-371. Regulations.

The regulations in this division shall apply in all B-1P districts. (Code 1964, App. A, Art. XI)

Sec. 27-372. Purpose.

The B-1P neighborhood business district is intended to provide for the concentration of commercial establishments in strategically located centers which will meet the shopping and services needs of the surrounding residential areas. Such an arrangement will permit the joint use of parking and service areas and will provide adequate protection to the adjacent residential areas. The retail stores permitted include primarily convenience goods, fashions, durable goods and the household items that are a daily necessity. (Code 1964, App. A, Art. XI)

Sec. 27-373. Use regulations.

No building or land shall be used and no building shall be erected, constructed, reconstructed or structurally altered which is designed, arranged or intended to be occupied or used for any purpose unless permitted by the master list of business uses as set forth in Article X. (Code 1964, App. A, Art. XI, § 1; Ord. No. 1409, § 1, 8-27-86; Ord. No. 1661, § 1, 11-29-89; Ord. No. 2062, § 1, 12-13-95)

Sec. 27-374. Minimum area.

Except as provided in section 27-378, no B-1P neighborhood business districts shall contain less than five (5) acres, nor have a width or depth of less than two hundred and fifty (250) feet. (Code 1964, App. A, Art. XI, § 2)

Sec. 27-375. Design approval required.

(a) Before any building permit is issued for any use in a B1-P district, prints of drawings shall be submitted to the planning and zoning board for review and approval.

(b) The board will review the drawings as to acceptable design of site development, buildings, exterior and show window lighting and signs intended by the requirements of this article and those described in Article IX planned community development.

(c) If the approval is granted based on preliminary drawings, the final drawings must be submitted to the board for final approval.

(d) The plan, together with the recommendation of the board, shall then be submitted to the council for their review and approval. After council approval, application may be made in the building department for a building permit.

(Code 1964, App. A, Art. XI, § 3; Ord. No. 2222, § 1, 5-31-2000)

Sec. 27-376. Setbacks.

Except as provided in section 27-378 setback for all buildings and structures in B-1P districts shall be as follows:

(1) From a major arterial street (100 feet in width or more) 50 feet

(2) From any other street or property line 25 feet

(Code 1964, App. A, Art. XI, § 4)

Sec. 27-377. Reserved.

Editors Note: Ord. No. 2215, § 2, adopted Apr. 5, 2000, deleted § 27-377, Type of construction and fire zone, derived from the 1964 Code, App. A, Art. XI, § 4. For current similar provisions, see § 27-631.

Sec. 27-378. Exceptions from minimum area and setback requirements.

Where a neighborhood business district existed on the effective date of this ordinance which does not contain the minimum area or provide the minimum building setbacks required herein, but which is zoned B-1P by the terms of this chapter the existing building and uses therein shall not be deemed in violation of this ordinance, nor shall they be classified as nonconforming because of any such deficiency.

(Code 1964, App. A, Art. XI, § 6)

Sec. 27-379. Reserved.

DIVISION 14A.

B-2L LIMITED COMMUNITY BUSINESS ZONING DISTRICT*

* **Editors Note:** Ord. No. 1624, § 1, adopted June 7, 1989, amended the Code by adding a new division under Art. VII of Ch. 27, which has been designated as Div. 14A, §§ 27-380--27-390 by the editor.

Sec. 27-380. Purpose; applicability.

The intent of this article [this division] is to provide for a viable and suitable commercial zoning district within a low density residential area while protecting the integrity of the surrounding neighborhoods, the natural environment, and the lifestyle of the area.

The district is intended to provide for the concentration of commercial establishments to meet the convenience needs of nearby residential areas. The district shall also provide for limited commercial, retail, office, and financial uses.

The regulations in this division shall apply in all B-2L districts.
(Ord. No. 1624, § 1(1), (2), 6-7-89)

Sec. 27-381. Use regulations.

No building or land shall be used and no building shall be erected, constructed, reconstructed or structurally altered which is designed, arranged or intended to be occupied or used for any purpose unless permitted by the master list of business uses, as set forth in Article X.
(Ord. No. 1624, § 1(3), 6-7-89)

Sec. 27-382. Subdivision, ownership and control.

Any area of land proposed for development in a B-2L limited community business district will provide documents establishing the management and control of the property in unified control agreeable to the city attorney.
(Ord. No. 1624, § 1(4), 6-7-89)

Sec. 27-383. Design approval required.

- (a) Before any building permit is issued for any use in a B-2L district, prints of drawings shall be submitted to the planning and zoning board for review and approval.
- (b) The board will review the drawings as to acceptable design of site development, buildings, exterior and show window lighting and signs intended by the requirements of this article and those described in Article IX planned community development.
- (c) If the approval is granted based on preliminary drawings, the final drawings must be submitted to the board for final approval.
- (d) The plan, together with the recommendation of the board, shall then be submitted to the council for their review and approval. After council approval, application may be made in the building department for a building permit.
(Ord. No. 1624, § 1(5), 6-7-89; Ord. No. 2222, § 1, 5-31-2000)

Cross References: Design of buildings, § 5-56 et seq.

Sec. 27-384. Building height and setbacks.

(a) Due to the rural character of the adjacent neighborhoods, building heights shall not exceed thirty-five (35) feet.

(b) The minimum building setback from Sunrise Boulevard shall be seventy-five (75) feet. This area may be used for parking, landscaping, and signage.

The building setbacks on all other sides will be one and one-half (1 1/2) times the height of the building. The setback from adjacent residential property shall be calculated from the twenty-five-foot landscape buffer. (Ord. No. 1624, § 1(6), (7), 6-7-89)

Sec. 27-385. Required landscaping adjacent to public rights-of-way.

A strip of land a minimum of twenty (20) feet in depth located between the abutting right-of-way and the off-street parking area or other vehicular use area which is exposed to an abutting right-of-way shall be landscaped. All other provisions of Plantation's landscaping and parking shall be met. (Ord. No. 1624, § 1(8), 6-7-89)

Cross References: Required landscaping adjacent to public rights-of-way, § 13-37; sight distance for landscaping adjacent to public rights-of-way and points of site access, § 13-38; interior landscaping for parking areas, § 13-40; off-street parking and loading, § 27-741 et seq.; landscaping standards generally, § 13-33 et seq.

Sec. 27-386. Perimeter landscaping relating to abutting residential properties.

A large shade tree shall be provided per each thirty (30) feet of a landscape strip contiguous with a property line of residentially zoned land, which strip shall be not less than twenty-five (25) feet in width and may be required as a landscape easement on any plat of land within the B-2L district. This strip will be bermed and have a contiguous hedge and irrigation.

Tree height in buffer area:

<i>Building Height (feet)</i>	<i>Buffer Tree Height (feet)</i>
to 15	15
16 to 25	18
26 to 35	20
Above 36	Set by council no less than 20

(Ord. No. 1624, § 1(9), 6-7-89)

Cross References: Perimeter landscaping relating to abutting residential properties, § 13-39.

Sec. 27-387. Enclosure of uses.

All uses shall be within fully enclosed buildings. There shall be no open, outside storage of materials, supplies, products, equipment or machinery except for the vehicles of employees and visitors. (Ord. No. 1624, § 1(10), 6-7-89)

Sec. 27-388. Compatibility and visual harmony.

All buildings and structures located in the B-2L district shall be so designed, sited and landscaped as to be harmonious in architectural scale and character with each other and with adjoining residential areas including the use of similar roof treatment, building materials, colors and textures. There shall be no visible rooftop equipment. Any windows overlooking adjacent residential property must have the view obscured by landscaping.

(Ord. No. 1624, § 1(11), 6-7-89)

Sec. 27-389. Maintenance of open space.

Undeveloped property within the B-2L district in cases when an approved site plan provides for phased or sequential development of the parcel, shall be well graded, seeded and maintained in an appropriate condition free from underbrush and objectionable plant growth or litter.

(Ord. No. 1624, § 1(12), 6-7-89)

Sec. 27-390. Compliance with other ordinances.

General application zoning and development ordinances, such as those regulating parking, landscaping, signs and similar ordinances shall apply to this district unless specifically modified herein, or waived or modified by the city council upon a finding that such waiver or modification enhances the utilitarian and aesthetic aspect of a site development plan.

(Ord. No. 1624, § 1(13), 6-7-89)

DIVISION 15.

B-2P CENTRAL BUSINESS DISTRICT

Sec. 27-391. Purpose.

The B-2P central business district is intended to apply to the principal concentration of retail, office, business and financial institutions in the city. The businesses and services of the central business district include many of those supplied in other types of business districts, but in a size, variety and number not generally found elsewhere. It is intended primarily for pedestrian shoppers, and those uses that are not consistent with this principal should be so located as not to interrupt the continuity of retail frontages.

(Code 1964, App. A, Art. XII)

Sec. 27-392. Regulations.

The regulations in this division shall apply in all B-2P districts.

(Code 1964, App. A, Art. XII)

Sec. 27-393. Use regulations.

No building or land shall be used and no building shall be erected, constructed, reconstructed or structurally altered which is designed, arranged or intended to be occupied or used for any purpose unless permitted by the master list of business uses, as set forth in Article X.

(Code 1964, App. A, Art. XII, § 1; Ord. No. 1409, § 2, 8-27-86; Ord. No. 1661, § 1, 11-29-89; Ord. No. 2062, § 2, 12-13-95)

Sec. 27-394. Design approval required.

- (a) Before any building permit is issued for any use in a B-2P district, prints of drawings shall be submitted to the planning and zoning board for review and approval.
 - (b) The board will review the drawings as to acceptable design of site development, buildings, exterior and show window lighting and signs intended by the requirements of this article and those described in Article IX planned community development.
 - (c) If the approval is granted based on preliminary drawings, the final drawings must be submitted to the board for final approval.
 - (d) The plan, together with the recommendation of the board, shall then be submitted to the council for their review and approval. After council approval, application may be made in the building department for a building permit.
- (Code 1964, App. A, Art. XII, § 2; Ord. No. 2222, § 1, 5-31-2000)

Sec. 27-395. Miniature golf.

In all B-2P zoning districts having a minimum of four hundred thousand (400,000) square feet under common ownership, ten (10) percent of the land area may be devoted to miniature golf courses on a city council approved conditional basis and a minimum of forty thousand (40,000) square feet within which the miniature golf course and the off-street parking facilities required thereby to service the employees and invitees thereto shall be located. The off-street parking requirement shall be a minimum of two and one-half (2 1/2) cars for each hold of golf in such miniature golf courses and:

- (1) In addition to whatever other qualifications or conditions the city council may impose on such miniature golf course use permit, the owner or controller of the B-2P district must show a new site plan and landscaping design for all of the B-2P district so owned or controlled which will fully comply with the city's off-street parking requirements and landscaping code as now in force and effect;
- (2) The city's comprehensive sign ordinance as now enacted will be fully complied with throughout all of the B-2P zoning district, other than the minimum golf course, and by virtue of the size of the golf course and its evidence use to the most causal observer, no signage will be allowed to identify the golf course operation proper other than a detached sign similar to the one allowed single establishments, if no portion of the minimum golf course lies closer than four hundred (400) feet to a publicly dedicated road, in which event the owners of the B-2P zoning district property shall be allowed to place such detached pole sign adjacent to such public street with an appropriate arrow on traffic direction language to be included in addition to the identification sign.
- (3) As to the minimum golf course area of the B-2P zoning district where conditionally approved,

the golf course proper shall be allowed one (1) double-faced sixteen (16) square foot detached identification sign to be no higher than ten (10) feet in height and to fully conform with all other landscaped criteria for detached signs within the Code.

(Ord. No. 1305, § 1, 3-13-85)

Secs. 27-396--27-410. Reserved.

Editors Note: Ord. No. 2215, § 2, adopted Apr. 5, 2000, deleted § 27-396, Type of construction and fire zone, derived from the 1964 Code, App. A, Art. XII, § 3. For current similar provisions, see § 27-631.

DIVISION 16.

B-3P GENERAL BUSINESS DISTRICT*

* **Editors Note:** For establishments where alcoholic beverages are sold off premises, see section 3-5.

Sec. 27-411. Regulations.

The regulations in this division shall apply in all B3-P districts.
(Code 1964, App. A, Art. XIII)

Sec. 27-412. Purpose.

The B-3P general business district is intended to apply to certain arterial streets where business establishments, primarily not of a neighborhood or community service type may locate to serve large sections of the city and adjacent areas. Such businesses generally require considerable ground area, do not cater directly to pedestrians and need a conspicuous and accessible location convenient for motorists.
(Code 1964, App. A, Art. XIII)

Sec. 27-413. Use regulations.

No building or land shall be used and no building shall be erected, constructed, reconstructed or structurally altered which is designed, arranged or intended to be occupied or used for any purpose unless permitted by the master list of business uses as set forth in Article X.

- (1) Apartments for residential use may be constructed if first approved as a conditional use. Conditional uses shall be subject to approval of the council after recommendation by the planning and zoning board, and no conditional use shall be approved until after a public hearing at which time all interested parties shall have an opportunity to be heard.
- (2) The council shall not approve a conditional use for an apartment in B-3P, except on the following conditions:
 - a. The apartment shall have a minimum area of thirteen hundred (1,300) square feet.
 - b. The conditional use shall be limited to one (1) apartment for each individual business.

- c. The apartments shall be for the exclusive occupancy of the operator of the individual business or owner of building.
 - d. The apartment shall include landscaped outdoor, roof terraces, patios, balconies or similar area for passive recreational activities adequately screened from business activities, and for the use of apartment occupants.
- (3) When granting approval for a conditional use, the board may attach conditions and safeguards, in addition to those prescribed in the district regulations as they determine are necessary for the protection of the surrounding area and to preserve the spirit and intent of this ordinance.

(Code 1964, App. A, Art. XIII, § 1; Ord. No. 2222, § 1, 5-31-2000)

Sec. 27-414. Setbacks.

The minimum setbacks for all buildings and structures in B-3P districts shall be as follows:

- (1) From the west right-of-way line of State Road No. 7 between Broward Blvd. and Sunrise Blvd 90 feet

The 90-foot setback shall be utilized as follows:

- a. The first 10 feet abutting the west right-of-way line shall be a buffer zone.
- b. The next 20 feet shall be devoted to parking.
- c. The next 30 feet shall be a two way road to provide vehicular traffic.
- d. The next 20 feet shall be devoted to parking.
- e. The next 10 feet shall be used as a cement sidewalk which shall be continuous across the property.

A cantilevered construction may project from a building over the full width of the sidewalk if the vertical clearance is not less than 12 feet. Cantilevered projection with vertical clearance from 9 to 12 feet is permitted provided the projection is a minimum of 3 feet from the road edge of the sidewalk.

Except that the setback for the first 585 feet north from the north right-of-way line of Broward Blvd. shall be 73 feet.

- (2) From the east right-of-way line of State Road 7, between Broward Blvd. and 38th Way 35 feet

From east right-of-way of State Road No. 7 between Broward Blvd. and Sunrise Blvd. 40 feet

- (3) From east and west right-of-way lines of State Road 7 as located by the State Road Department, between Broward Blvd. and Peters Road 40 feet

The 40-foot setback shall be utilized as follows:

- a. 20 feet of the 40 feet shall be used for a marginal road which must be located adjacent to the setback line where it enters an intersecting side street in order to allow sufficient turning radius into the side street. The marginal road shall be designed to allow a uniform location within each block and subject to approval of the building department which shall require either parallel, angle, or 90-degree parking on the state road side of the marginal road. Parking provided on the other side of the marginal road shall be approved by the building department. Auto service station paving requires an exception to the above and requires approval and coordination with the stated marginal road and parking locations.
 - b. Sidewalks may be provided but are not required within the 40 feet of setback area.
- (4) From the north right-of-way line of Broward Blvd. 50 feet
 - (5) From the south right-of-way of Broward Blvd. 40 feet
 - (6) From the east right-of-way line of N.W. 42nd Ave. for a distance of 582.10 feet north from the north right-of-way line of Broward Blvd. 10 feet
 - (7) From the south, southwest and west right-of-way line of that public street in section 6, T50S, R42E, which is N.W. 38th Way at intersection with Broward Blvd. and N.W. 3rd Street at intersection with Broward Blvd. and N.W. 3rd Street at intersection with State Road No. 7 40 feet
 - (8) No building or structure shall be erected within 40 feet of a property line of any area zoned for residential use, or within 45 feet of a street line where such street separates B-3P zoned property zoned for residential use. Screen planting is required along such property lines.
 - (9) Setbacks required by (2), (4), (5), (7) are for the purpose of vehicular movement and/or off-street parking and plans for their use are subject to approval and requirements by the building department.
 - (10) Parking in setback areas facing marginal access roads, such as provided in (1) and (3), shall be primarily for customer use and shall not be considered as the exclusive parking area of any individual property and shall not be used for service parking except for temporary loading and unloading.
 - (11) The setback line from Broward Boulevard front property lines of Lot 1, Block 6, Country Club Estates, shall not be required to be greater than 40 feet, and because of the shape and location of the property, shall be subject to approval on application to the planning and zoning board for a special ruling on front, side and rear setbacks, which will not unreasonably obstruct the use of the property but which will protect the city's interest.

- (12) The location of ingress and egress paving connecting from a marginal access road to State Road No. 7 must be approved by the planning and zoning board and is also subject to approval by the Florida Department of Transportation.

(Code 1964, App. A, Art. XIII, § 2; Ord. No. 2222, § 1, 5-31-2000)

Sec. 27-415. Area planning.

Advance specific or general area planning shall be as required by the board.

(Code 1964, App. A, Art. XIII, § 3)

Sec. 27-416. Design approval required.

(a) Before any building permit is issued for any use in a B-3P district, prints of preliminary or final drawings shall be submitted to the planning and zoning board for review and approval.

(b) The board will review the drawings as to acceptable design of site development, buildings, exterior and show window lighting and signs intended by the requirements of this article and those described in Article IX planned community development.

(c) If the approval is granted based on preliminary drawings, the final drawings must be submitted to the board for final approval.

(d) The plan, together with the recommendation of the board, shall then be submitted to the council for their review and approval. After council approval, application may be made in the building department for a building permit.

(Code 1964, App. A, Art. XIII, § 3A; Ord. No. 2222, § 1, 5-31-2000)

Sec. 27-417. Reserved.

Editors Note: Ord. No. 2215, § 2, adopted Apr. 5, 2000, deleted § 27-417, Type of construction and fire zone, derived from the 1964 Code, App. A, Art. XIII, § 4. For current similar provisions, see § 27-631.

Sec. 27-418. Access to rear or side.

(a) No property zoned B-3P shall be used for any purpose unless a paved street is provided in the front of the property; a paved street on the front and side of a corner property; and where rear access is needed for proper service and accessibility, an alley or street not less than twenty-four (24) feet in width may be required.

(b) No dead-end streets or alleys shall be permitted unless provided with a dedicated turning radius of one hundred (100) feet at dead end.

(Code 1964, App. A, Art. XIII, § 5)

Sec. 27-419. Minimum lot size.

No lot in a B-3P district shall be less than fifty (50) feet in width, nor less than one hundred (100) feet in depth, provided, however, where a lot of record existed at the effective date of this ordinance which has a less

width or less depth than required by this section, said lot may be occupied by any use permitted in the B-3P district, subject to all other limitations and restrictions.
(Code 1964, App. A, Art. XIII, § 6)

Sec. 27-420. Setbacks; automobile service stations on corner lots.

Automobile service stations in all B-3P districts shall comply with the setback requirement in the same manner as all other buildings and structures, except that when located on a corner lot, pump islands, canopies, and the like may be located within the setback area, provided their location and arrangement has been approved by the board as part of the site plan approval required by this chapter.
(Code 1964, App. A, Art. XIII, § 7)

Secs. 27-421--27-430. Reserved.

DIVISION 17.

B-4P RESTRICTED BUSINESS DISTRICT

Sec. 27-431. Regulations.

The regulations in this division shall apply in the B-4P district.
(Code 1964, App. A, Art. XIV)

Sec. 27-432. Purpose.

The B-4P restricted business district is intended primarily for these areas of the city that are appropriate for a limited type of business uses but which, for various reasons are not suitable for a full range of business activities. The business and service uses permitted are primarily those nonretail establishments which are necessary for the public convenience but which are not generally compatible with concentrated retail shopping.
(Code 1964, App. A, Art. XIV)

Sec. 27-433. Use regulations.

No building or land shall be used and no building shall be erected, constructed, reconstructed or structurally altered which is designed, arranged or intended to be occupied or used for any purpose unless permitted by the master list of business uses as set forth in Article X.
(Code 1964, App. A, Art. XIV, § 1)

Sec. 27-434. Minimum area.

Every lot in a B-4P district shall have a street frontage of not less than fifty (50) feet and shall contain not less than five thousand (5,000) feet.
(Code 1964, App. A, Art. XIV, § 2)

Sec. 27-435. Setbacks.

Building setback requirements shall be determined by the board as the uses, locations and desired subdividing of the land is submitted. Preliminary information must be submitted at least two (2) weeks prior to a regular meeting of the board if setbacks have not been previously established for an area in a B-4P district. (Code 1964, App. A, Art. XIV, § 3)

Sec. 27-436. Accessory uses.

(a) Work accessory to the operation of a professional office which is not objectionable, such as incidental dental and medical laboratory work, and architectural or engineering drafting, shall be permitted.

(b) Retail shops, not visible from outside a building, and having no sign or other indications visible from outside a building, and being primarily accessory uses for tenants of the building, may be permitted if approved by the board.

(Code 1964, App. A, Art. XIV, § 4)

Sec. 27-437. Type of construction and fire zone.

All buildings in B-4P districts shall be constructed in accordance with type I, type II, or type III protected as set forth in the South Florida Building Code.

(Code 1964, App. A, Art. XIV, § 5)

Cross References: Fire-resistive construction required, § 5-2; adoption of building code, § 5-41.

Sec. 27-438. Design approval required.

(a) Before any building permit is issued for any use in a B-4P district, prints of drawings shall be submitted to the planning and zoning board for review and approval.

(b) The board will review the drawings as to acceptable design of site development, buildings, exterior and show window lighting and signs intended by the requirements of this article and those described in Article IX planned community development.

(c) If the approval is granted based on preliminary drawings, the final drawings must be submitted to the board for final approval.

(d) The plan, together with the recommendation of the board, shall then be submitted to the council for their review and approval. After council approval, application may be made in the building department for a building permit.

(Code 1964, App. A, Art. XIV, § 6; Ord. No. 2222, § 1, 5-31-2000)

Secs. 27-439--27-450. Reserved.

DIVISION 18.

B-5P COMMERCIAL DISTRICT

Sec. 27-451. Regulations.

The regulations in this division shall apply in the B-5P district.
(Code 1964, App. A, Art. XV)

Sec. 27-452. Purpose.

The B-5P commercial district is intended primarily for those heavier type commercial uses and services which are not compatible with general retail activities, but which are desirable for public convenience and sound community development, and for wholesale, warehouse and repair establishments as well as certain manufacturing uses involving only limited processing or assembly.
(Code 1964, App. A, Art. XV)

Sec. 27-453. Use regulations.

No building or land shall be used and no building shall be erected, constructed, reconstructed or structurally altered which is designed, arranged or intended to be occupied or used for any purpose unless permitted by the master list of business uses as set forth in Article X. The storage, distribution and wholesaling of any article that may be sold at retail in any business district shall be permitted in a B-5P district regardless of whether or not such storage, distribution or wholesaling is specifically listed as a permitted use.
(Code 1964, App. A, Art. XV, § 1)

Sec. 27-454. Minimum area.

Every lot in a B-5P district shall have a street frontage of not less than fifty (50) feet and shall contain not less than five thousand (5,000) square feet.
(Code 1964, App. A, Art. XV, § 2)

Sec. 27-455. Setbacks.

All buildings in a B-5P district shall be set back at least ten (10) feet from any street right-of-way line, except that no building shall be closer than seventy-five (75) feet to the right-of-way line of any street having a right-of-way width of one hundred (100) feet or more.
(Code 1964, App. A, Art. XV, § 3)

Sec. 27-456. Lot coverage.

The combined area occupied by all buildings and structures shall not exceed fifty (50) percent of the lot area in any B-5P district.
(Code 1964, App. A, Art. XV, § 4)

Sec. 27-457. Type of construction and fire zone.

All buildings in B-5P districts shall be constructed in accordance with type I, type II, or type III protected as set forth in the South Florida Building Code. All areas zoned B-5P shall be in fire zone 2 as set forth in the South Florida Building Code.
(Code 1964, App. A, Art. XV, § 6)

Cross References: Fire-resistive construction required, § 5-2; adoption of building code, § 5-41.

Sec. 27-458. Design approval required.

(a) Before any building permit is issued for any use in a B-5P district, prints of drawings shall be submitted to the planning and zoning board for review and approval.

(b) The board will review the drawings as to acceptable design of site development, buildings, exterior and show window lighting and signs intended by the requirements of this division and those described in the landscape chapter.

(c) If the approval is granted based on preliminary drawings, the final drawings must be submitted to the board for final approval.

(d) The plan, together with the recommendation of the board, shall then be submitted to the council for their review and approval. After council approval, application may be made in the building department for a building permit.

(Code 1964, App. A, Art. XV, § 7; Ord. No. 2222, § 1, 5-31-2000)

Secs. 27-459--27-470. Reserved.

DIVISION 19.

B-6P INSTITUTIONAL EDUCATIONAL DISTRICT

Sec. 27-471. Regulations.

The regulations in this division shall apply i the B-6P district.

(Code 1964, App. A, Art. IX)

Sec. 27-472. Purpose.

The B-6P district is intended primarily for office, institutional and certain restricted commercial activities, having only limited contact with the general public, not involving the sale of merchandise at retail, except incidentally and which may be carried on with no offensive noise, smoke, odors, fumes or other objectionable conditions in structures surrounded by ample open space for yards and for the off-street parking and loading of vehicles.

(Code 1964, App. A, Art. IX)

Sec. 27-473. Use regulations.

No building or land shall be used and no building shall be erected, constructed, reconstructed or structurally altered which is designed, arranged or intended to be occupied or used for any purpose other than one (1) or more of the following:

- (1) Associations (trade, civic, etc.).
- (2) Art galleries, libraries, museums.

- (3) Auditoriums.
- (4) Broadcasting studios (no towers).
- (5) Houses of worship, Sunday school, convents, parish house, rectory minimum area two (2) acres.
- (6) Clubs and lodges (civic, fraternal, nonprofit).
- (7) Conservatories (arts and music).
- (8) Dance academies.
- (9) Day nurseries minimum area forty thousand (40,000) square feet.
- (10)
 - a. Hospitals, sanitariums: minimum area five (5) acres; nursing and convalescent homes: minimum forty thousand square feet; (none of the foregoing include correctional or mental institutions nor institutions for the care of drug abuse or alcohol abuse patients).
 - b. Mental health care establishments which provide individual treatment, group therapy treatment or both, if the use is located on property lying within one thousand (1,000) feet of any hospital located in the city and, additionally, is separated by at least one thousand (1,000) feet from any residential use, school use or day care center/day nursing establishment. All such measurements shall be made by airline measurement, from property line to property line. Any such establishment lawfully established and operating in the city as of the effective date of Ordinance No. 2150 that does not meet the requirements of this regulation shall be permitted to expand only if conditional use approval is granted for such expansion. Additionally, any lawful use in existence as of the effective date of Ordinance No. 2150 that does not meet the requirements of this regulation which is later destroyed for any reason or abandoned may be re-established at the same location, subject to conditional use approval.
- (11) Laboratories; chemical, medical, testing, research.
- (12) Medical and dental clinics.
- (13) Office buildings, including offices for the conduct of a business or profession not involving the sale or handling of merchandise on the premises.
- (14) Schools; public and private, including the following:
 - a. Kindergarten minimum area forty thousand (40,000) square feet.
 - b. Primary, secondary minimum area five (5) acres; colleges and universities minimum area twenty (20) acres.

- c. Trade and industrial.
 - d. Business.
 - e. Modeling.
 - f. Driving.
 - g. Military, prep, or boarding minimum area five (5) acres.
- (15) Stock exchange and brokerage office.
- (16) Travel bureau.
- (17) Uses accessory to the above regulated by section 27-641, and including those business uses authorized and regulated by section 27-642, thereof.
- (18) The following uses if first approved as a conditional use:
- a. Indoor sit-down restaurants wherein a minimum of two hundred (200) people are accommodated in enclosed rooms or room.
 - b. Nurseries (plant).
 - c. Golf driving ranges or pitch and putt course.
 - d. Indoor amusement enterprises.
 - e. Ambulance service.
 - f. Animal clinic, pet hospital.

All activities to be within a completely enclosed soundproof building, and no boarding of animals shall be permitted except as incidental to treatment.

- g. Eleemosynary institutions.
- h. Funeral homes.
- i. Cosmetology.
- j. Helistops, with the council being able to place parameters on the type of helicopter, to be considered by the city council on an individual basis, having due regard to the safety of the citizenry, and to the avoidance of undue noise pollution of the environment. Nothing in this paragraph shall prohibit the emergency landing of helicopters in any open space or the occasional landing of a helicopter in any nonresidential use district so long as such landing occurs at least three hundred (300) feet from the nearest residential structure and

one hundred fifty (150) feet from any other structure; rather this paragraph is to govern the granting of conditional use permits for the regular landings of helicopters at helistops.

- k. Hotel with or without restaurant facilities (if within the Central Plantation Development District).

- l. A mobile medical laboratory which is defined as performing diagnostic or therapeutic medical procedures of a nonsurgical nature and which may include, but are not limited to, the following type of medical laboratories: Nuclear medicine units, CAT scans, MRI units, cardiac catheterization units, or extracorporeal shockwave lithotripsy units or the performing of similar medical procedures (hereafter "mobile lab") may be allowed as a conditional use subject to compliance with the following minimum conditions, namely, the applicant must be a state-licensed hospital and only one mobile lab pad may be approved for any one (1) period of time for any state licensed hospital. Site plan approval for a mobile lab may only be granted for a period up to five (5) years and at the end of such site plan approval period the state licensed hospital must either remove the mobile lab or apply to the city for an extension of time for the original site plan approval and give due reason for why such procedures as have previously been performed within such mobile lab are not now incorporated within the permanent hospital environment of said state licensed hospital. Site plans for a mobile medical lab must conform to the following minimum requirements:
 - 1. The location and type of pad for such mobile lab must be shown.
 - 2. The utilities needed to serve the medical mobile lab must be established and available.
 - 3. A landscape buffer must be designed and erected to screen the mobile lab (if the mobile lab can generally be reviewed from a public roadway adjacent to the hospital) with all such landscaping to be irrigated and maintained by the hospital.
 - 4. Any construction required to accommodate the mobile lab must meet the South Florida Building Code.

Additionally, when any in-house medical laboratories or procedures heretofore defined as subject to conditional use approval for a mobile lab breaks down and can not be immediately repaired, then and in such event such hospital may apply directly to the city administration for approval of a temporary mobile lab for a period of no more than sixty (60) days while such broken in-house unit is being repaired, the intent being solely that such administration issued temporary permit would cover emergency situations so that the hospital may continue to provide quality medical services at its location without the necessity of transporting patients out of the hospital to other locations while its in-house laboratory is being repaired.

(Code 1964, App. A, Art. IX, § 1; Ord. No. 1743, § 1, 10-17-90; Ord. No. 2129, § 7, 7-30-97; Ord. No. 2150, § 3, 3-25-98)

Sec. 27-474. Lot area, width and depth.

Unless a greater area is required in section 27-473, the minimum lot area shall be twenty thousand (20,000) square feet, and each lot shall have an average width of not less than one hundred twenty-five (125) feet and an average depth of not less than one hundred and twenty-five (125) feet.
(Code 1964, App. A, Art. IX, § 2)

Sec. 27-475. Design approval required.

(a) Before any building permit is issued for any use in a B-6P district, prints of drawings shall be submitted to the planning and zoning board for review and approval.

(b) The board will review the drawings as to acceptable design of site development, buildings, exterior and show windows lighting and signs intended by the requirements of this article and those described in the landscape chapters.

(c) If the approval is granted based on preliminary drawings, the final drawings must be submitted to the board for final approval.

(d) The plan, together with the recommendation of the board, shall then be submitted to the council for their review and approval. After council approval, application may be made in the building department for a building permit.
(Code 1964, App. A, Art. IX, § 3; Ord. No. 2222, § 1, 5-31-2000)

Sec. 27-476. Yard setbacks.

(a) The minimum front side, and rear yard setback shall be as follows:

- (1) For those uses requiring a minimum lot area of 20,000 square feet 25 feet
- (2) For those uses requiring a minimum lot area of 40,000 square feet 35 feet
- (3) For those uses requiring a minimum lot area of 2 acres or more 50 feet

(b) Side and rear yard setbacks shall be increased by five (5) feet for each story above the second story.
(Code 1964, App. A, Art. IX, § 4)

Sec. 27-477. Lot coverage.

The combined ground area occupied by all buildings and structures shall not exceed the following:

Height of building	Minimum lot coverage (percent)
One story	30
Two story	30
Three story	30

Four story	29
Five story	27
Six story	25
Seven story	23
Eight story	21
Nine story	20
Ten story	19
Eleven story	18
Twelve story	17
Thirteen story	17

(Code 1964, App. A, Art. VII, § 5)

Sec. 27-478. Floor area ratio.

(a) The floor area ratio shall not exceed the following:

Height of building	Floor area ratio
One story	0.30
Two story	0.60
Three story	0.90
Four story	1.00
Five story	1.12
Six story	1.14
Seven story	1.16
Eight story	1.18
Nine story	1.20
Ten story	1.22
Eleven story	1.24
Twelve story	1.26
Thirteen story	1.28

(b) Where buildings of different heights are to be constructed on the same lot, the ground area to be allocated to each building for purposes of computing lot coverage and floor area ratio shall bear the same relationship to the total area of the project as the color area contained in the various buildings bears to the total floor area in the project.

(For example--total land area one hundred (100) acres, total floor area in the project one hundred thousand (100,000) square feet distributed as follows:

25,000 square feet in two-story buildings

25,000 square feet in three-story buildings

50,000 square feet in six-story buildings

Floor area ratio and lot coverage to be computed at twenty-five (25) acres for all two-story buildings; twenty-five (25) acres for all three-story buildings and fifty (50) acres for all six-story buildings.)

(Code 1964, App. A, Art. IX, § 6)

Sec. 27-479. Screen planting.

Wherever B-6P zoned property adjoins property zoned B-1P, B-2P, B-3P, B-4P, B-5P or I-LP, a screen planting strip at least fifteen (15) feet wide shall be provided on the B-6P zoned property, which strip shall be planted and maintained to provide continuous visual protection of not less than twenty (20) feet in height within three (3) years of the date of occupancy.

(Code 1964, App. A, Art. IX, § 7)

Sec. 27-480. Height.

No building or structure, or part thereof, shall be erected or altered to a height exceeding five (5) stories or fifty-five (55) feet, the limit of public fire protection capability. Buildings or structures of greater height may be approved only as conditional use.

(Code 1964, App. A, Art. IX, § 8)

Secs. 27-481--27-490. Reserved.

DIVISION 20.

B-7P PLANNED BUSINESS DISTRICT

Sec. 27-491. Uses.

All uses permitted in the general business zoning district (B-3P) are permitted in the planned business zoning district (B-7P), with the exception of the following:

- (1) Automobiles--new car agency, paint and body shop; contiguous operation;
- (2) Auto service station;
- (3) Auto storage, sales, cars for hire;
- (4) Bicycle stores and repair shops, including motor scooters and motorcycles;
- (5) Community garage;
- (6) Curb and auto service restaurants;
- (7) Dog and pet hospitals;
- (8) Engines, diesel or gasoline, sales and service;
- (9) Farms, truck gardens, nurseries, groves and incidental buildings;
- (10) Fish, retail;

- (11) Garage, including mechanical service;
 - (12) Internal-combustion engines, sales;
 - (13) Internal-combustion engines, repair;
 - (14) Millwork, retail;
 - (15) Pet shops;
 - (16) Shoe repair shop;
 - (17) Sign painting, car lettering;
 - (18) Taxi service establishment.
- (Code 1964, App. A, Art. XIII-A, § 1)

Sec. 27-492. Setbacks at common property line with residential districts.

(a) Where B-7P district property lines are common with residential district property lines, the minimum setback for all buildings and structures over eight (8) feet in height in B-7P districts shall be forty (40) feet.

(b) A strip of land at least seven (7) feet wide, abutting and contiguous with the common property line between a residential district and this B-7P district, shall be landscaped to provide a barrier between districts:

- (1) The barriers shall not be less than four (4) feet in height nor greater than eight (8) feet in height, excepting trees, which shall be a minimum of ten (10) to twelve (12) feet overall height immediately after planting and shall have no maximum limitation, to form a continuous screen between districts.
 - (2) The barrier shall prevent easy passage from one district to the other; shall prevent lights from shining from one district to the other; shall muffle noises; and shall present a neat, orderly and aesthetically pleasing aspect, especially from the residential district.
 - (3) The landscaping, consisting of dense planting of trees shrubs, hedges and other materials, shall conform to the applicable requirements of section 27-748 landscaping requirements for off-street parking and vehicular use areas. All landscaping shall be in arrangements and in combinations to provide the barrier functions and be approved by the planning and zoning board. All landscaping shall be maintained and watered by a sprinkler system.
 - (4) Only nonilluminated traffic signs, each not exceeding two (2) square feet in area and the top of which is not more than eight (8) feet above the ground, shall be permitted in the setback area.
- (Code 1964, App. A, Art. XIII-A, § 2; Ord. No. 2222, § 1, 5-31-2000)

Sec. 27-493. Trash and waste receptacles.

Trash and waste receptacles shall be enclosed in a structure not exceeding eight (8) feet in height to screen from view refuse and debris and to prevent the escape of objectionable odors. Garbage enclosures shall be air conditioned.

(Code 1964, App. A, Art. XIII-A, § 3)

Sec. 27-494. Lighting.

Lights in B-7P districts shall be reflected, shaded and focused away from residential districts.

(Code 1964, App. A, Art. XIII-A, § 4)

Sec. 27-495. Design approval required.

(a) Before any building permit is issued for any use in a B-7P district, prints of drawings shall be submitted to the zoning board of review and approval.

(b) The board will review the drawings as to acceptable design of site development, buildings, exterior and show window lighting and signs intended by the requirements of this article and those described in Article IX planned community development.

(c) If the approval is granted based on preliminary drawings, the final drawings must be submitted to the board for final approval.

(d) The plan, together with the recommendation of the board, shall then be submitted to the council for their review and approval. After council approval, application may be made in the building department for a building permit.

(Code 1964, App. A, Art. XIII-A, § 5)

Secs. 27-496, 27-497. Reserved.

DIVISION 21.

B-7Q PLANNED COMMUNITY DEVELOPMENT DISTRICT*

* **Cross References:** Planned community developments generally, § 27-681 et seq.; uses permitted in B-7Q districts, § 27-687(b).

Sec. 27-498. Regulations.

(a) Any property zoned B-7Q Planned Community Development, shall be allowed only those uses which the city council deems appropriate for the specific geographic area in which property is located on a conditional use basis as established in article XII and as provided for in section 27-687(b) of this Code. The determination of appropriate uses shall be made at the time of the property owners request conditional use approval for same.

(b) The site plan must meet the requirements of article IX, Planned Community Development. (Ord. No. 2050, § 1, 10-11-95; Ord. No. 2254, § 2, 7-11-2001)

Cross References: Uses permitted in B-7Q districts, § 27-687(b).

Secs. 27-499--27-510. Reserved.

DIVISION 22.

B-8P RESIDENTIAL OFFICE DISTRICT

Sec. 27-511. Regulations.

The regulations in this division shall apply in the B-8P district.
(Code 1964, App. A, Art. VIII)

Sec. 27-512. Purpose.

The B-8P district is an exceptional classification that permits various types of residential structures as well as certain professional offices. It is intended to be restricted and applied only to a two-block area which is unique and set apart from other areas of the city because of the unusual conditions existing at the time of annexation.

(Code 1964, App. A, Art. VIII)

Sec. 27-513. Use regulations.

No building or land shall be used and no building shall be erected, constructed, reconstructed or structurally altered which is designed, arranged or intended to be occupied or used for any purpose other than one of the following:

- (1) One-and two-family dwellings.
- (2) Multiple-family dwellings.
- (3) Offices for the conduct of a business or profession not involving sales or handling of merchandise on the premises.
- (4) Beauty shops in conjunction with a residential use provided that at least one (1) bona fide resident operator, and not more than one (1) nonresident operator be employed as beauticians in each such permitted beauty shop.
- (5) Hotel, apartment hotels if within the Central Plantation Development District or the State Road 7-SPI-2 District).
- (6) Motels (if within the State Road 7, SPI-2 District).
- (7) Day care centers shall be only allowed within the State Road 7 SPI-2 District subject to conditional use approval and the following:

- a. No day care center shall be established within one-quarter of a mile (1,320 feet) from any other day care center. Measurement shall be made by airline measurement, from the nearest point of one property line to the nearest point of the other property line in a straight line.
- b. All licensing requirements of other governmental agencies on the minimum square feet per enrollee of indoor space and exterior play areas shall be observed and established with the application for such conditional use and, further, the play areas shall be fully enclosed with an appropriate form of structure so as to assure that ingress and egress to and from such play areas may only be from the structure in which the day care center is being operated.
- c. All enrollees in the day care center shall be required to be delivered by their parents or guardians who shall stop and park their vehicle in the provided off-street parking facility and shall walk such enrollees into the main entrance where a sign-in procedure with a receptionist behind a locked door shall be followed so as to deliver the enrollees to the receptionist behind such locked door, so as to preclude the enrollees from leaving the day care center and wandering into the parking lot area. Similarly, a sign-out procedure and delivery of the enrollees to the parents or guardians of such enrollees shall be followed by the receptionist who shall deliver the enrollees from behind a locked door to the parent or guardian accepting delivery of such enrollees within the day care center at the conclusion of their stay at the day care center and such parent or guardian shall then walk such enrollees to the parked vehicles of the parents or guardian.
- d. Each, every and all other requirement of other licensing authorities for day care centers shall be established and proven by the applicant and the number of students or enrollees in the day care center shall be limited as is deemed appropriate by the peculiar characteristics of the zoning district in which such conditional use request is made as well as the surrounding area. The applicant for such conditional use shall have the full burden of proof of establishing the need for such conditional use permit at such zoning district.
- e. A day care center that meets all of the above requirements and is less than seventeen hundred (1700) square feet in size may request the city to waive conditional use approval so as to be treated as a permitted use. In considering such waivers, the city council shall consider:
 1. Proximity of the use to residential areas;
 2. Character of the surroundings or nearby properties;
 3. The anticipated hours of operation; and
 4. Probable traffic impacts.

A site plan shall accompany the waiver request. The waiver request shall be considered at

the duly advertised city council hearing on the site plan.

(Code 1964, App. A, Art. VIII, § 1; Ord. No. 2129, § 8, 7-30-97; Ord. No 2230, § 1, 8-30-2000)

Sec. 27-514. Lot area, width and depth.

The minimum lot area shall be seventy-five hundred (7500) square feet, and each lot shall have an average width of not less than seventy-five (75) feet and an average depth of not less than one hundred (100) feet.

(Code 1964, App. A, Art. VIII, § 2)

Sec. 27-515. Floor area.

The minimum floor area shall be as follows:

- (1) Single-family dwelling 1300 sq. ft.
- (2) Two-family dwelling (each unit) 1000 sq. ft.
- (3) Efficiency unit 600 sq. ft.
- (4) One-bedroom unit 700 sq. ft.
- (5) Two-bedroom unit 950 sq. ft.
- (6) Each additional bedroom (no less than) 150 sq. ft.
- (7) Guest room in a hotel or motel, including bath 300 sq. ft.

(Code 1964, App. A, Art. VIII, § 3)

Sec. 27-516. Yard setbacks.

The minimum front, side and rear yard setbacks shall be as follows:

- (1) Front yard setback 25 feet
- (2) Side yard setback 10 feet
- (3) Rear yard setback 20 feet

(Code 1964, App. A, Art. VIII, § 4)

Sec. 27-517. Lot coverage.

The combined area occupied by all buildings and structures shall not exceed forty (40) percent of the total lot area.

(Code 1964, App. A, Art. VIII, § 5)

Sec. 27-518. Design approval required.

- (a) Before any building permit is issued for any use in a B-8P district, prints of drawings shall be submitted to the planning and zoning board for review and approval.
- (b) The board will review the drawings as to acceptable design of site development, buildings, exterior and show window lighting intended by the requirements of this article and those described in Article IX planned community development.
- (c) If the approval is granted based on preliminary drawings, the final drawings must be submitted to the board for final approval.
- (d) The plan, together with the recommendation of the board, shall then be submitted to the council for their review and approval. After council approval, application may be made in the building department for a building permit.

(Code 1964, App. A, Art. VIII, § 6; Ord. No. 2222, § 1, 5-31-2000)

Secs. 27-519--27-530. Reserved.

DIVISION 23.

I-LP LIGHT INDUSTRIAL DISTRICT

Sec. 27-531. Regulations.

The regulations in this division shall apply in the I-LP district.
(Code 1964, App. A, Art. XVI)

Sec. 27-532. Purpose.

The I-LP light industrial district is intended primarily for the manufacture, processing and assembly of articles and products not involving the use of any materials, processes or machinery likely to cause undesirable effects upon nearby or adjacent property. Technology based industry, including research and development, with office use is encouraged. The I-LP district may abut a residential or business district and the activities permitted are intended to be such as may be compatible with such neighboring districts under the yard and separation regulations provided. In order to minimize conflict and preserve the I-LP districts for their primary purposes, residential, institutional, and retail business uses are generally not permitted.
(Code 1964, App. A, Art. XVI; Ord. No. 2217, § 1, 4-5-2000)

Sec. 27-533. Use regulations.

- (a) Before a building permit will be issued for any use permitted in an I-LP district, plan showing the location and arrangement of such use shall have first been approved by the city council.
- (b) Before a certificate of occupancy will be issued for any use permitted in the I-LP district, the use must conform with applicable codes, inspections, and regulations including, but not limited to, the South

Florida Building Code.

(c) No building or land shall be used and no building shall be erected, constructed, reconstructed or structurally altered which is designed arranged, or intended to be occupied or used for any purpose other than one or more of the following:

- (1) The manufacture or processing of such products as bakery goods, candies, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toiletries (except soap), and food products excluding sauerkraut, vinegar, yeast, and the rendering or refining of fats and oils.
- (2) The manufacturing, compounding, assembling, treatment, or assembling combined with painting or finishing, of articles of merchandise from the following previously prepared materials: Bone, cellophane, canvas, cloth, cork, feathers, fur, felt, fiber, glass, horn, hair, leather, plastics, precious and semi-precious metals, non-precious metals or stones, shells, textile, tobacco, wood (except planing mills), yarns and paint not involving a boiling press, and fiberglass; provided, however, that any waste material placed in the sanitary sewers, either public or private must be biodegradable. Provided further, that painting or finishing previously prepared non-precious metal products shall only be permitted as part of a wholesale industrial business involving substantial assembly and iron phosphate coating, dipping or other equivalent processes.
- (3) The manufacture of pottery and figurines or other ceramic products using only previously pulverized clay and kiln-fired only by electricity or gas.
- (4) Manufacture or assembly of metal products.
- (5) Manufacture of musical instruments or toys, novelties, and rubber and metal stamps.
- (6) Machine shops.
- (7) Assembly, servicing, and repairing of electrical appliances, electronic equipment, and electrical or electronic instruments and devices, including but not limited to, radios, televisions, computers, and phonographs, including the manufacturing of small parts such as coils, condensers, transformers, crystal holders, and the like. In the event greater than twenty (20) percent of the work conducted on-site is received or picked up on-site directly from or by the ultimate customer, then the use (to the extent of such excess) shall be a conditional use.
- (8) Plastic manufacturing (except pyroxylin).
- (9) Ice manufacturing and distributing.
- (10) Laundry and dry cleaning plants.
- (11) Warehouses, distribution centers.
- (12) Accessory uses and structures.

- (13) Showrooms for wholesale sales and limited retail sales of finished products utilized in conjunction with warehousing or manufacturing establishments having a minimum gross floor space of five thousand (5,000) square feet. The showroom shall occupy no more than twenty (20) percent of the gross floor area of the establishment and shall have no exterior retail advertising whatsoever.
- (14) Laboratories, chemical, medical, dental, testing, and research, excluding testing on live animals.
- (15) Printing facilities where, in addition to other criteria for such use approval contained within this Code, the noise or other impact of the machinery process used for such facilities not likely to cause undesirable effects upon nearby or adjacent property.
- (16) (Reserved).
- (17) Pest control business which does not include any on-site insecticide manufacturing and which will include limited storage of insecticide chemicals which are approved by the fire department.
- (18) Inside overnight vehicle storage as an accessory use to permitted warehouse usage or light industrial manufacturing usage otherwise allowed in this zoning district.
- (19) Technology based industry, including research and development, internet or computer related industries.
- (20) Office, so long as the total area of the use(s) does not consume more than fifty (50) percent of the site-specific building floor area, and as long as the location of the use(s) does not preclude or adversely affect the future use of the subject property, or the surrounding properties for industrial uses.
- (21) Dog and pet kennels with interior runs that are soundproofed to such a degree that no noise from within the building shall be audible to any person within ten (10) feet of the building.
- (22) Catering without on-site banquet facilities.
- (23) Television and broadcasting stations without exterior telecommunication apparatus.
- (24) Recording or motion picture studios without exterior telecommunication apparatus.
- (25) Wholesale uses.
- (26) Self-storage facility.
- (27) The following subject to prior approval as a conditional use:
 - a. Concrete and cement products manufacturing.
 - b. Brick, tile or terra cotta manufacturing.

- c. Rock, gravel or sand distribution.
- d. Restaurants, coffee shops or delicatessens, providing for on-premises or off-premises consumption, located primarily for the convenience of executives and employees of industries in the I-LP district.
- e. Helistops, with the council being able to place parameters on the type of helicopter, to be considered by the city council on an individual basis, having due regard to the safety of the citizenry, and to the avoidance of undue noise pollution of the environment. Nothing in this paragraph shall prohibit the emergency landing of helicopters in any open space or the occasional landing of a helicopter in any nonresidential use district so long as such landing occurs at least three hundred (300) feet from the nearest residential structure and one hundred fifty (150) feet from any other structure; rather this paragraph is to govern the granting of conditional use permits for the regular landings of helicopters at helistops.
- f. Art, trade, vocational or industrial schools and colleges.
- g. Bulk storage of oxygen or non-toxic non-flammable gases as defined by the National Fire Protection Association (NFPA) within an area surrounded by a wall, fence, hedge, or other device which will effectively screen such storage from public view.
- h. Manufacturing of custom pest control spray equipment, with the ancillary use of installation, maintenance and repair of custom pest control spray equipment and modification, repair, and maintenance of service vehicles for the installation of the custom pest control spray equipment only.
- i. Television and broadcasting stations with exterior telecommunication apparatus, such as microwave dish antennas, broadcasting, or cellular communication towers.
- j. Recording or motion picture studios with exterior telecommunication apparatus, such as microwave dish antennas, broadcasting, or cellular communication towers.
- k. Dog and pet kennels with exterior runs.
- l. Office, exceeding more than fifty (50) percent of the site-specific building floor area, so long as the location of the use(s) does not preclude or adversely affect the future use of the subject property, or the surrounding properties for industrial uses.
- m. Boat building.
- n. Contractors, subcontractors plants or storage yards. The storage of vehicles, equipment, materials, and supplies shall be within a completely enclosed building or within an area surrounded by a wall, fence, hedge, or other device which will effectively screen such storage from public view.

- o. Wholesale storage and sale of in-bag inorganic fertilizer.
- p. Automobile painting top and body work, conducted indoors only. No repair maintenance or servicing of any kind and of any motor vehicle, whether such activity is considered to be minor or otherwise, is permitted unless wholly confined within a building or structure designed for such activities.

(Code 1964, App. A, Art. XVI, § 1; Ord. No. 1403, § 1, 7-9-86; Ord. No. 1435, § 1, 11-19-86; Ord. No. 1717, § 1, 7-25-90; Ord. No. 1819, §§ 1, 2, 11-20-91; Ord. No. 1829, §§ 1, 2, 2-19-92; Ord. No. 1833, § 1, 4-22-92; Ord. No. 1960, §§ 1, 2, 9-22-93; Ord. No. 1968, § 1, 1-19-94; Ord. No. 1988, § 1, 8-17-94; Ord. No. 2007, § 1, 11-16-94; Ord. No. 2009, § 1, 11-30-94; Ord. No. 2042, § 1, 8-30-95; Ord. No. 2129, § 9, 7-30-97; Ord. No. 2130, § 4, 7-30-97; Ord. No. 2217, § 2, 4-5-2000; Ord. No. 2353, § 1, 10-5-2005)

Sec. 27-534. Prohibited uses.

The following uses shall not be permitted in the I-LP districts:

- (1) Insecticide manufacturing.
- (2) Storage, sale, salvage, transfer, or disposal of junk, scrap, garbage or used parts.
- (3) Manufacture or storage of explosives and or ammunition.
- (4) Retail stores, sales or service unless specifically listed as a permitted use.
- (5) Commercial advertising signs (which do not apply to the business located on the property).
- (6) Billboards.
- (7) Amusement enterprises.
- (8) Sale of automobiles, trucks, boats, or recreational vehicles.
- (9) Automobile, truck, boat, or recreational vehicle repair.
- (10) Restaurant or hotel bars, entertainment facilities, night clubs, and bars.
- (11) Grocery store and meat markets.
- (12) Sawmills, pulpmills or papermills.
- (13) Fertilizer manufacturing or storage, except wholesale storage and sale of in-bag inorganic fertilizer.
- (14) Breweries or distilleries.
- (15) Wholesale storage, refining or distribution of petroleum products except the storage of petroleum

products in prepackaged single use containers.

- (16) Soap manufacturing.
- (17) Mining, quarrying.
- (18) Foundries.
- (19) Rock and sand crushing plants.
- (20) Notwithstanding anything to the contrary, the manufacture of hazardous substances as defined by the National Fire Protection Association.
- (21) Tannery and slaughterhouse.

(Code 1964, App. A, Art. XVI, § 1; Ord. No. 1403, § 1, 7-9-86; Ord. No. 1717, § 2, 7-25-90; Ord. No 2217, § 3, 4-5-2000; Ord. No. 2353, § 2, 10-5-2005)

Sec. 27-535. Setbacks and minimum sizes.

(a) That area of Section 34-49-41 lying south of N.W. 16th Street, east of N.W. 66th Avenue, north of the center line of N.W. 12th Street as shown on the plat of Plantation Sunrise Heights 3rd Addition, P.B. 50 p. 19, as extended eastward, and west of the Holloway Canal, shall have the following setback and size requirements:

- (1) No part of any building shall be erected closer than twenty-five (25) feet to a right-of-way line of a street or alley, or to a rear lot line and no closer than twelve and one-half (12 1/2) feet from the east-west canal in this area and no less than twenty-five (25) feet from O.P.W.C.D. East Holloway Canal west right-of-way line.
- (2) No lot or tract shall have a street frontage of less than one hundred (100) feet in the area herein covered by (1).

(b) Except as provided in (a) above, no building or part thereof shall be closer than seventy-five (75) feet to a right-of-way line of any street having a right-of-way of one hundred (100) feet or more, or closer than fifty (50) feet from a right-of-way line of any other street, or closer than twenty-five (25) feet from an interior property side or rear line, or canal right-of-way or canal easement line. No lot or tract shall have a street frontage of less than one hundred fifty (150) feet except as provided in (a)(2) herein.

(Code 1964, App. A, Art. XVI, § 2)

Sec. 27-536. Access and parking restrictions.

No additional vehicular access shall be after January 1, 2000, permitted to any property from Sunrise Boulevard or the extension thereof.

(Code 1964, App. A, Art. XV, § 5; Ord. No 2217, § 4, 4-5-2000)

Sec. 27-537. Lot coverage.

The combined area occupied by all roofed buildings and structures shall not exceed fifty (50) percent of a lot area in any I-LP district.

(Code 1964, App. A, Art. XVI, § 3)

Sec. 27-538. Street dedication required.

No property in the I-LP district shall be separated or changed in ownership, and no further subdivision of property shall be made unless the street rights-of-way on portions thereof affecting the property in question, as shown on the master plan, shall have been dedicated to the city.

(Code 1964, App. A, Art. XVI, § 7)

Sec. 27-539. Authority to defer requirements.

The city council may defer or modify the requirements of paving streets and building sidewalks of this division provided the owner of the property executes an agreement which guarantees that the streets will be paved and sidewalks will be built at such time as the city council determines it necessary. Such agreement shall be legally binding on any subsequent owners and shall be an advance consent authorizing the city to construct the paving and sidewalk and assess the cost of same against the property in the event the owner refuses to comply with the agreement, regardless of whether or not a special assessment relates to construction on private property. The agreement shall be capable of recordation and be satisfactory to the city attorney.

(Code 1964, App. A, Art. XVI, § 8)

Sec. 27-540. Drainage.

Plans submitted for improvement or building permit shall include a plot plan showing finished elevations including street paving, drainage areas and such other information as may be required.

(Code 1964, App. A, Art. XVI, § 9)

Sec. 27-541. Fences and walls.

Subject to section 27-637, any part of a property may be enclosed by fences or walls which are not unsightly and which do not interfere with traffic sight lines.

(Code 1964, App. A, Art. XVI, § 10; Ord. No. 1420, § 2, 9-3-86)

Sec. 27-542. Type of construction and fire zone.

All buildings in I-LP district shall be constructed in accordance with type I, type II or type III as set forth in the South Florida Building Code. All areas zoned I-LP shall be in fire zone 2 as set forth in the South Florida Building Code.

(Code 1964, App. A, Art. XVI, § 11)

Cross References: Fire-resistive construction required, § 5-2; adoption of building code, § 5-41.

Sec. 27-543. Design approval required.

(a) Before any building permit is issued for any use in all districts except single family I-LP district, prints of drawings shall be submitted to the planning and zoning board for review and approval.

(b) The board will review the drawings as to acceptable design of site development, buildings, exterior and show window lighting intended by the requirements of this article and those described in the landscaping chapter.

(c) If the approval is granted based on preliminary drawings, the final drawings must be submitted to the board for final approval.

(d) The plan, together with the recommendation of the board, shall then be submitted to the council for their review and approval. After council approval, application may be made in the building department for a building permit.

(Code 1964, App. A, Art. XVI, § 12; Ord. No. 2222, § 1, 5-31-2000)

Secs. 27-544--27-555. Reserved.

DIVISION 24.

I-L2P LARGE LIGHT INDUSTRIAL DISTRICT

Sec. 27-556. Regulations.

The regulations in this division shall apply in the I-L2P district.

Sec. 27-557. Purpose.

The I-L2P large light industry district is the classification intended for individual, industrial establishments for the manufacture, processing and assembly of articles and products not involving the use of any materials, processes or machinery likely to cause undesirable effects upon nearby or adjacent property and whose individual industries require forty (40) acres or more each to accommodate their plant sites.

(Code 1964, App. A, Art. XVI-A)

Sec. 27-558. Use regulations.

(a) *Permitted uses.* No building or land shall be used and no building shall be erected, constructed, reconstructed or structurally altered which is designed, arranged, or intended to be occupied or used for any purpose other than one (1) or more of the following:

- (1) All uses permitted in I-LP districts.
- (2) Cabinet making, carpentry shops.
- (3) Nursery-growing trees, plants, flowers, shrubs; but must have building or buildings for tools and equipment and office.
- (4) Similar uses which are not more obnoxious or detrimental by reason of noise, odors, noxious fumes, smoke, provided, however, that any waste material placed in the sanitary sewers, either

public or private, is biodegradable. Manufacture of small items incidental to a product, such as batteries, coils, hardware and the like are also permitted.

(b) *Prohibited uses.* The uses prohibited in I-LP districts are not permitted in I-L2P districts, with the exception of the uses set forth in the foregoing list of permitted uses.
(Code 1964, App. A, Art. XVI-A, § 1)

Sec. 27-559. Setbacks and minimum sizes.

No part of any building shall be closer than seventy-five (75) feet to a right-of-way line of any street having a right-of-way of one hundred (100) feet or more, or closer than fifty (50) feet from a right-of-way line of any other street, or closer than twenty-five (25) feet from an interior property side or rear line, or canal right-of-way or canal easement line. No lot or tract shall have an area of less than forty (40) acres and a street frontage of less than one hundred fifty (150) feet.
(Code 1964, App. A, Art. XVI-A, § 2)

Sec. 27-560. Design approval required.

(a) Before any building permit is issued for any use in an I-LP district, prints of drawings shall be submitted to the planning and zoning board for review and approval.

(b) The board will review the drawings as to acceptable design of site development, building, exterior and show window lighting and signs intended by the requirements of this article and those described in the landscaping chapter.

(c) If the approval is granted based on preliminary drawings, the final drawings must be submitted to the board for final approval.

(d) The plan, together with the recommendation of the board, shall then be submitted to the council for their review and approval. After council approval, application may be made in the building department for a building permit.
(Code 1964, App. A, Art. XVI-A, § 3; Ord. No. 2222, § 1, 5-31-2000)

Sec. 27-561. Type of construction and fire zone.

All buildings in I-L2P district shall be constructed in accordance with type I, type II or type III as set forth in the South Florida Building Code. All areas zoned I-L2P shall be in the fire zone 2 as set forth in the South Florida Building Code.

(Code 1964, App. A, Art. XVI-A, § 6)

Cross References: Fire-resistive construction required, § 5-2; adoption of building code, § 5-41.

Sec. 27-562. Remote service terminals of financial institutions permitted.

Remove service terminals, fully automated in nature, may be placed within structures for the exclusive use of employees of firms occupying said structures within I-L2P zoning use districts, for the convenience of such employees by financial institutions interested in so placing such remove service terminals for such use.
(Code 1964, App. A, Art. XVI-A, § 7)

Secs. 27-563--27-567. Reserved.

DIVISION 25.

CF-P ZONING USE DISTRICT

Sec. 27-568. Creation.

There is herewith created a new Plantation symbol for a new zoning use district with the designation "CF-P."

(Code 1964, App. A, Art. III, § 1(c))

Sec. 27-569. Permitted uses.

All CF-P zoning use districts shall be limited to the following permitted usages, which usages are to be equally permitted whether subject to public or private ownership, which shall in each case be a conditional use subject to the use limitations imposed by Article XII:

- (1) Art galleries;
- (2) Cemeteries;
- (3) Cultural facilities;
- (4) Day care centers;
- (5) Dish-type or functionally equivalent antennas or satellite receiving stations for cable television and other closed interstation communication systems;
- (6) Government administration services and maintenance facilities;
- (7) Houses of worship; (A "house of worship" is defined to include a property which is used on a periodic basis for prayer groups where participants exceed twenty (20) in number--any of whom are unrelated by blood or marriage. A "house of worship" use shall be presumed as allowed use only for the owner of the property in view of the increased use impact which would be created if another or several different religious associations or other organizations used the site's house of worship use facilities so as to subject the site to its fullest capacity use more frequently than [than] the normal and customary use of house of worship property [which customarily results in the site's use to its fullest capacity on a single weekly worship day, and the site's use on a decreased capacity basis on other days considering customary attendance at other worship services (if any), school calendars, and periodic sponsored activities for members of the house of worship]. Therefore, and in the absence of an express finding to the contrary, any conditional use approval for house of worship use shall not extend to and include use of the property by more than one (1) religious association or other organization which would increase the frequency of the site's expected and customary house of worship use as defined above. In order to be used by

more than one (1) religious association or by another association, the additional house of worship usage would be required to undergo conditional use approval (so as to enable the city to consider any necessary site or infrastructure improvements required to accommodate the additional usage; the impact upon the surrounding property, neighborhood, and area; the need for the additional usage on the site; and any other matter relevant for consideration pursuant to the city's conditional use ordinance, as amended;

- (8) Libraries;
- (9) Mausoleums;
- (10) Monasteries, convents or retreats;
- (11) Museums;
- (12) Parking lots and garages related to other allowed CF-P uses;
- (13) Parks;
- (14) Police and fire protection facilities;
- (15) Public utilities;
- (16) Schools. A mobile home, or house trailer, may be permitted as a conditional accessory use to a public elementary, middle, or high school, provided however, that:
 - a. Such dwelling is occupied by a law enforcement officer (and his immediate family) who is participating in the Broward County School Board Resident on Campus Security program;
 - b. Such dwelling is designed, located, buffered, maintained, and used so that it will not have any aesthetic adverse impact on the surrounding property, and so as to not present any risk or detriment to the public's health, safety and welfare. (To such end a site plan minimally detailing the proposed location of the dwelling on the school property (when possible out of the view of adjacent property), landscape buffering, elevations, driveways, and proposed infrastructure service connections (i.e., sewer, water, electrical and gas availability, and location of fire hydrants, etc.) shall be presented to the city review committee, planning and zoning board and city council approval for evaluation prior to the conditional accessory use being allowed.)

(Code 1964, App. A, Art. III, § 1(c); Ord. No. 1828, § 1, 2-5-92; Ord. No. 1898, § 6, 1-20-93; Ord. No. 2222, § 1, 5-31-2000)

Sec. 27-570. Development criteria standards.

All CF-P zoning use districts shall have B-6P development criteria standards.
(Code 1964, App. A, Art. III, § 1(c))

Sec. 27-571. Reverting to previous zoning use.

From and after march 17, 1984, all land rezoned under Community Facility use (CF-P zoning district designation), which upon the cessation or abandonment of such uses as are allowed under CF-P zoning district use as set forth in this division, shall revert to the zoning use district previously attributable to said land prior title receiving station CF-P. The city planner is instructed to then forthwith initiate such reverter zoning and any necessary land use changes through appropriate ordinance enactments as to correctly reflect such reverted land use and zoning on the then official city land use master plan element and map and the then official city zoning map.

(Code 1964, App. Art. III, § 1(c))

Secs. 27-572--27-575. Reserved.

DIVISION 26.

SPI SPECIAL PUBLIC INTEREST DISTRICTS

Subdivision A.

Generally

Sec. 27-576. Special public interest districts SPI.

- (a) Special public interest districts may be created, if:
 - (1) In general areas officially designated as having special and substantial public interest in protection of existing or proposed character, or of principal views of the area, of planned growth from dependency to self-sufficiency in a range and a manner befitting its structure over time;
 - (2) The structure of a neighborhood built upon areas that are unique for environmental reasons (floodplain, high water table, water resources affecting the public health, safety and welfare); or
 - (3) In other cases where special and substantial public interest requires modification of otherwise applicable zoning regulations, or amendment of such regulations in a particular case, for the accomplishment of the special public purposes for which the special public interest district is established.

(b) It is the intention that special public interest districts and the regulations adopted for them shall be in accord with, and promote the purposes set out in, the Plantation Comprehensive Plan and other officially adopted ordinances and plans in accordance with it, and shall encourage that land use and development are in substantial accord with the physical design set out therein.

(c) Such SPI districts may either supplant districts or portions of districts existing at the time that the specific SPI is created; or have the effect of modifying requirements, regulations, and procedures applying in existing districts or districts hereafter created and remaining after the SPI districts are superimposed to the

extent indicated in the particular SPI amendment.

(d) Preparation of recommendations for specific SPI zoning districts shall be prepared by the planning department and the planning and zoning board, on their own motions or at the direction of the city council. Each recommendation shall identify the proposed zoning by the SPI prefix and a number identifying the specific district, together with whatever other identification appears appropriate, and shall contain information and proposals as follows below:

- (1) Statement of intent shall be included in application for SPI zoning, specifying the nature of the special and substantial public interest involved and the objectives to be promoted by special regulations and/or procedures within the district as a whole, or within sub areas of the district, if division into such sub areas is reasonably necessary for achievement of regulatory purposes;
- (2) Definition of district boundaries shall include a map or maps and pertinent supplementary material indicating as applicable:
 - a. The boundaries of the SPI district and any sub areas, if any, established within the district for purposes of SPI regulations;
 - b. The zoning designations of all portions of the underlying districts, if any, which will remain after the SPI zoning is superimposed and the general regulations which will be affected by the superimposed SPI zoning. When it is proposed to change boundaries or zoning designation of remaining underlying districts affected in the same action by which SPI zoning applies, the map shall show the nature and location of such change.
 - c. The location and zoning designation of districts, if any, to be supplanted by SPI.
- (3) Proposed regulations shall be included to promote the special purposes of the district as described in the statement of intent. Such regulations may require submission of detailed site plans, building plans, and elevations, and maps indicating the relations of proposed development to surrounding or otherwise affected property in terms of location, amount, character, and continuity of open space; protection of desirable principal views; convenience of access through and between buildings or in other locations where appropriate for public purposes and where such access will reduce pedestrian congestion on public streets; separation of pedestrian, equestrian and vehicular traffic; signs; lighting; mixtures of proposed uses; and other matters as appropriate for determining the relationship to the special public interest of the district and the objectives to be promoted.
- (4) Regulations may require special review of development plans by the planning department, the review committee, the city council, or other officials or agencies of the city that are within the SPI district or in designated portions of the district and generally for all development or for specific classes of development. Where approval or special permit is required, no building permit, or certificate of occupancy, or use shall be issued until after written approval, or for development, unless in accord with approved plans and instruments involved.
- (5) Provisions for variations in connection with special plan or special permit review requirements,

regulations for a particular SPI district for special classes of SPI districts may also authorize or require variations from regulations applying generally within such districts.

- (6) Variations shall be authorized by that body or bodies, officials, or agencies charged with the responsibility for the special plan or special permit review in SPI districts. Variations from regulations generally applying in such districts shall be authorized only upon written findings that: (1) plan proposed, while not strictly in accord with regulations applying generally within the district, meets public purposes, and provides public protection to an equivalent or greater degree; or in the particular circumstances of the case, strict application of the regulations or regulations is not necessary for the accomplishment of public purposes or the provision of public protection, at the time or under foreseeable circumstances.
- (7) Required variations from those generally applying in such district may be required by that body or bodies, officials, or agencies charged with responsibility for such special plan or special permit review in SPI districts on written findings in a particular case that for reasons specifically set forth, such variations are especially necessary for the public protection on the environs of particular buildings, premises, or conditions. Among other things, such variations may require relocations of or increase in yards or other open spaces generally permitted; additional limitations on uses, signs, illumination; and buffering and screening to a greater degree than generally required. No such variation shall increase the population density or maximum floor/land area ratio generally permitted in the districts.
- (8) Recording of authorized or required variation shall be made, including appropriate identification of the property, the instrument involved, and the date of the action.
- (9) The building and zoning department shall be responsible for maintaining a record of all required and authorized variations.
- (10) Variations in provisions for zoning districts in SPI districts must not be confused with variances from the terms of zoning districts. Both variations and variances will not be contrary to the public interest. Variations are defined for the SPI district, but variances are granted by the board of adjustment according to article III. The board of adjustment evaluation of the requested variances shall be limited by sections 27-42 and 27-43, powers and duties, to terms in a zoning district as will not be contrary to the public interest, but, owing to special conditions, the literal enforcement of the terms would result in unnecessary hardship to the landowner. Variations in terms in a zoning district in SPI districts are authorized differences in the zoning districts in certain SPI districts where the public interest is the reason for the variations and is applicable to all landowners. Variations in this section are not the variances as defined in section 27-1. The two (2) differences are not synonymous, because variations in this section are already determined appropriate for the conditions of the particular SPI district authorized by the city council.

(Code 1964, App. A, Art. III, § 7; Ord. No. 2222, § 1, 5-31-2000)

Secs. 27-577--27-590. Reserved.

Subdivision B.

SPI-1 Plantation Acres, Rural District

Sec. 27-591. Intent.

(a) The SPI-1 district is of special and substantial public interest because of the need to develop and redevelop Plantation Acres by reason of its environmental constraints, its intended rural development under Broward County criteria prior to its annexation to the City of Plantation, and its life-style unique in the City of Plantation. This district has attributes which should be preserved while protecting the health, safety and welfare of the residents of Plantation Acres.

(b) The intent of this article is to coordinate the Plantation Acres Improvement District (PAID) development of drainage with the existing and proposed road network appropriate for access to the land uses, public purposes, unique requirements of vehicular and equestrian traffic, and the required health, sanitary and fire protection systems; yet the purposed intent is to protect the amenities of broad open spaces, natural landscape and rural characteristics of the Acres, the only city district in which the predevelopment environment of the land can be discerned and appreciated.

(Code 1964, App. A, Art. IV-B, § 1)

Sec. 27-592. Boundaries.

Plantation Acres, the rural SPI-1 district is bounded on the east by Hiatus Road West, on the south by the North New River Canal, on the west by Flamingo Road, and on the north by the city limits of Plantation and the City of Sunrise. The SPI-1 district consist of three (3) sub areas:

- (1) Sub area A is the area of the SPI-1 district lying north of Northwest 21st Court;
- (2) Sub area B is the area of the SPI-1 district lying between Northwest 21st Court and Southwest 3rd Street; and
- (3) Sub area C is the area of the SPI-1 district lying south of Southwest 3rd Street.

(Code 1964, App. A, Art. IV-B, § 2)

Sec. 27-593. Principal uses, structures and accessory buildings.

The uses and structures, requirements and limitations permitted generally shall be as for zoning districts on the zoning map, except for the modifications and additions indicated below, such modifications also appearing in the referenced sections of this chapter:

- (1) For sub area B of the SPI-1 district, the district regulations for the RS-IEP estate district, section 27-130 permitted uses on plots containing a minimum of one hundred thousand (100,000) square feet of net plot area, shall be modified to read:
 - a. No building or structure, or part thereof, shall be erected, altered or used, or land and water used, in whole or in part for other than one or more of the following uses:
 1. All uses and accessory uses in section 27-129 as modified above, and as a

conditional accessory use, uses accessory to any agricultural use permitted in this section 27-130 and appropriate for the provisions of low intensity open space and rural character of the intended development of Plantation Acres SPI-1 district.

2. Harboring of poultry and fowl for noncommercial purpose only, limited to the provisions in subsection 27-128(3)a. applied to each area.
3. Guest house for gratuitous guests or separate servants' quarters, not on the same acre as the principal dwelling.
4. Commercial farming and ranching for cattle and stock raising, training and breeding horses, riding stable, livery stable, boarding stable, but not including hog raising or butchering whether for commercial sale or own consumption. All structures for the housing of animals and poultry and fowl shall be fifty (50) feet from any property line. Number of poultry and fowl permitted per acre and the number of horses and cows shall be determined according to subsection 27-128(3)a. and subsection 27-128(3)c. Expansion from these number limits will be permitted as conditional use or uses when such expansion of uses are in harmony with the rural character of the Acres, its floodplain function and its protection against intense development in the sub area B, SPI-1 district.
5. For plots of two hundred thousand (200,000) square feet or more of net plot area, commercial grove, beekeeping, produce farm, truck garden, floriculture, plant nursery, sod farm, hydroponic garden, greenhouse, slat house, aviary and raising of pigeons and fowl, provided the conditional uses are in harmony with the rural character of the Acres, its floodplain function and its protection against intense development in sub area B, SPI-1 district.

(2) For sub area B, where the B-2P zoning district is indicated on the zoning map, the following commercial uses in addition to those listed in "article X, Master List of Business and Commercial Uses" (section 27-720, master list of business uses, in column B-2P central) are permissible, but such uses shall be limited to commercial zoning districts in sub area B, Plantation Acres, the rural SPI-1 district and be conditional use only:

- a. Farm equipment, sales and service.
- b. Farmers' market.
- c. Feed and seed supplies.
- d. Fertilizer stores, retail and wholesale.
- e. Fences, storage and sale.
- f. Food products.

- g. Fruit, flowers or vegetables from trucks, wagons, vacant property or open stands.
- h. Garage, storage and mechanical service.
- i. Pumps and wells, retail and wholesale.
- j. Sprinkler systems shop, storage, sales and service.
- k. Water treatment, pool equipment and chemical.
- l. Veterinary office and large animal hospital.

(3) Fast food restaurants shall not be permitted in this special public interest sPI-1 Plantation Acres, Rural District.

(Code 1964, App. A, Art. IV-B, § 3; Ord. No. 2154, § 9, 3-25-98; Ord. No. 2384, § 9, 2-14-2007)

Sec. 27-594. Drainage system.

The building and zoning director shall, within one (1) business day after receipt of any application for a proposed site plan (except site plan minor adjustments which are authorized pursuant to section 27-51 of this Code), conditional use, special public interest district variation, use variance, site data record, or plat, in this section only collectively referred to as "development reviews", in the SPI-1 district, forward a copy of such application to the Plantation Acres Improvement District Engineer, and shall advise such engineer of the review committee meeting date at which the application is initially scheduled for consideration. The Plantation Acres Improvement District Engineer shall provide written comment upon the application to the building and zoning director prior to the date of the review committee meeting. Review comments received from the Plantation Acres Improvement District Engineer shall be incorporated in and made a part of the review committee comments on the application. In the event the Plantation Acres Improvement District Engineer does not provide written comment on the application for development review prior to the review committee meeting, the committee shall note that "no comment" was received. The application shall then proceed through the city review process with the Plantation Acres Improvement District Engineer being able to submit whatever comment such engineer desires prior to any agenda closing deadline. Before a building permit is issued for any development reviews the building and zoning director shall obtain evidence of final approval for permit issuance from the Plantation Acres Improvement District Engineer which evidence shall consist of the engineer's "approved for permit" stamp on the plans or signatures on the plat linen or site data record mylar, whichever is appropriate.

(Code 1964, App. A, Art. IV-B, § 4; Ord. No. 2074, § 12, 3-6-96)

Sec. 27-595. Traffic circulation.

(a) The regional transportation network shall be determined by Broward County as designated on the Broward County Trafficways Plan, and shall be developed as described in the sections 20-46 through 20-50.

(b) Existing, local paved streets having pavement eighteen (18) feet or more in width are acceptable, but all new pavement shall follow current standards.

(c) Local streets in sub area A and sub area C shall conform to the approved transportation network, and shall be constructed to the appropriate standards described in Chapters 23 and 20, Article IV of the Code of Ordinances of the City of Plantation.

(d) In sub area B, the land owners, or unified control agencies organized as described in section 27-686, unified control may construct private roads according to the provisions of section 23-107, Plantation Acres roadway standards, for the Code of Ordinances of the City of Plantation.

(e) Road maintenance program for public roads and streets is the responsibility of the appropriate governmental agency.

(f) Road maintenance for private roads on easements is the responsibility of the owners or unified control agencies, as the case may be.

(g) Every lot or parcel shall be served from a publicly dedicated street; provided, however, that a developer may retain as private a local street or a collector nontraffic way street if the following conditions are met:

- (1) Public right-of-way is not required in order to serve adjacent development that is existing or projected on the master land use plan.
- (2) That unified control is established according to the provisions stated in section 27-686 unified control.
- (3) Public collector streets comply with all regulations for the public collectors.

(h) Where the development borders on or contains a right-of-way for an expressway, drainage canal or waterway, a street may be required approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land.

(i) Reserve strips, controlling access to streets, shall be prohibited unless dedicated to the public.

(j) New half or partial streets or roads shall not be permitted unless the half or partial street constitutes adequate public access to the development as determined by the city council. Whenever a tract borders on an existing half or partial street or road, the other part of the street or road shall be dedicated within such tract.

(k) A developer shall be required to construct or bond for the construction of those roadway and drainage improvements on property adjacent to the proposed development necessary to adequately connect the new development to the existing adjacent street system, as determine by the appropriate agency, whether Planation Acres Improvement District, the City of Plantation, or both.

(l) Lighting shall be placed according to criteria and recommendation of "Manual of Uniform Standards for Design, Construction and Maintenance for Streets and Highways," July 13, 1981. Roadway and street lighting shall be provided at intersections of public roadways and streets at those places on public roadways and streets determined by established criteria for lighting based upon the frequency of congestion of

vehicular and/or pedestrian traffic, pedestrian crossings or schools, churches, bus stops or other such pedestrian or bicycle generators, high density land use and business areas; criteria based upon analysis and investigation; and based upon accident history; according to the determination of the city department of public works or other department as part of the capital improvement program of the city department of public works. Where intersections already exist, impact fees shall fund the program, if applicable, or, where the intersection is part of a proposed development, the developer will pay for the installation of the lighting.

(m) Lighting of public and private roads and streets may be installed by any property owner or unified control agency for purposes of roadway safety or illumination for crime reduction if the following conditions are met:

- (1) That proposed lighting plan is prepared by a Florida registered engineer experienced in street lighting.
- (2) That the proposed lighting is compatible with the existing lighting installations to those of other streets in the area and the street lighting contemplated in the rest of Plantation.
- (3) That the city department of public works has reviewed and approved the plan for building.
- (4) That fees for review, construction permit and inspections be paid by the proponent.
- (5) The cost of the installation shall be paid by the proponent. At the discretion of the city such lighting may be connected to the public system of street lighting, when such lighting is near public street rights-of-way, and the cost of electricity paid by the city.

(n) The requirements of chapter 11 for mowed yards in the city shall not be enforced in sub area B. Here, the city will mow weeds and growth objectionable to visibility and appearance along the public street rights-of-way (within rights-of-way) and to distance approved in chapter 23. Weeds and objectionable growth will be mowed along private streets and roads by the owners or unified control agencies as the case may be. Where there is failure to mow private streets and roads, the city will mow the rights-of-way and intersections and back-charge owners of the private roads or unified control agencies as the case may be. The owners of the private road may contract mowing service from the city.

(Code 1964, App. A, Art. IV-B, § 5)

Sec. 27-596. Water, sewer and fire protection.

(a) Since Plantation Acres is a floodplain area, there will always be a risk for self-sufficient developments where water resources and waste water disposal occupy the floodplain. It is prudent for the city to exercise rigid control of potable resources and distribution.

- (1) Only in sub area B will the use of onsite wells and septic tanks with drainage fields be permitted on the site and only if the site is used by a single family and is at least thirty-five thousand (35,000) square feet in net plot area. Both potable water and waste water must be approved by the county health department before the city will issue a building permit.
- (2) Potable water in sub area A and sub area C shall be made a part of the public water distribution

systems expeditiously when feasible as a continuing capital improvement program, following Map 5-1, Recommended Water System Improvements, Water and Wastewater Master Plan, January, 1978, and funded as described in sections 26-46 et seq. and 26-146, in which those who benefit and pay for water distribution capacity, contribute-in-aid-of-construction with reimbursement for contributors who pay for oversized facilities in the construction.

- (3) Waste water disposal in sub areas A and C shall be made into public systems according to the Municipal Code as soon as the development of the Broward County System becomes usable, and if and when required by the Broward County Health Department.

(b) Along with the distribution of potable water is the simultaneous provision of water for fire protection. In sub areas A and C the size of water supply mains shall be adequate for the fire flow and hydrant spacing described in chapter 26 of this Code. In sub area B, where water supply mains are not available, adequate water sources shall be provided, by the owner or owners of the properties to be served, having assured adequate fire flow based on the flow described in chapter 26, in accessible locations approved by the city fire department.

(Code 1964, App. A, Art. IV-B, § 6; Ord. No. 2384, § 10, 2-14-2007)

Cross References: Fire protection, Ch. 8; utilities, Ch. 26.

Sec. 27-597. Subdivisions and Plantation Acres.

Unless specifically stated in the preceding sections of this division all requirements in chapter 20, article IV are applicable for sub areas A, B and C of the SPI-1 district provided, however, that the city council may in its discretion and by resolution, require or permit the construction of various municipal and developmental features to support the intent of the SPI-1 district.

(Code 1964, App. A, Art. IV-B, § 7)

Sec. 27-598. Vehicle screening in Sub area B of the SPI-1, Plantation Acres Rural District.

Horse trailers located on property zoned RS-1EP and located in Sub area B of the SPI-1, Plantation Acres Rural District, may be parked in side or rear yard areas, without being reasonably screened or obscured from view as otherwise required by section 25-45(b) of this Code. In addition, owners of horse trailers located on property zoned RS-1EP and located in Sub area B of the SPI-1, Plantation Acres Rural District, that exceed fourteen (14) feet in height need not apply for and receive a screening permit as otherwise required by section 25-45(c) of this Code. A horse trailer is any trailer or vehicle that is utilized to transport horses which is equipped with vents in the top, windows, feed doors, feeding troughs and hay buckets, and which has a floor made of wood or made of metal with mats. Horse trailers generally have gates within the trailer or vehicle.

(Ord. No. 2252, § 5, 6-6-2001)

Sec. 27-599. Definitions.

The following words when used in division 2 and in this subdivision B of division 26 of this chapter (the SPI-1 Plantation Acres, Rural District Special Public Interest District) shall have the meanings ascribed to them in this Section:

Net plot area. The area contained within the boundary lines of a plot excluding easements or fee simple grants or dedications of rights-of-way for public or private roads. This definition will be implemented on March

1, 2007.

From and after March 1, 2007, if either of the following conditions exist such that a plot does not meet an applicable minimum area requirement as a stand alone parcel when applying the definition of "net plot area" in the first sentence above, then "net plot area" shall have a different definition:

- (1) The plot is a lot of record as of March 1, 1989 (as defined in the Broward County Administrative Rules Document and Plan Implementation Requirements of the 1989 Broward County Comprehensive Plan), receives plat or site data record approval by the city council on or before March 1, 2015; or
- (2) The plot is bounded on its sides (or sides and rear if the subject plot is a corner plot) by lots of record (as defined in the Broward County Administrative Rules Document and Plan Implementation Requirements of the 1989 Broward County Comprehensive Plan), platted lots, or approved site data record lots, all under different ownership as of March 1, 2007 and the date of the plot's application for plat or site data record approval; or
- (3) The plot is specifically delineated as a lot on a plat recorded after June 4, 1953 and approved by the city council on or prior to March 1, 2007, where no portion of such plot has been subsequently replatted or received subsequent site data record approvals by the city council; or
- (4) The plot is specifically delineated on a site data record approved by the city council on or before March 1, 2007, where no portion of such plot has been subsequently replatted or has received subsequent site data record approvals by the city council.

In cases where the preceding sentence applies, "net plot area" shall be the area contained within the boundary lines of such plot, increased by that portion of exterior and adjacent easements or fee simple grants or dedications of rights-of-way for public or private roads, electric transmission utilities, or canals or canal maintenance, which were part of the chain of title of the parcel from which the plot is derived at any time between January 1, 1980 and March 1, 2007, and which would, if vacated or released, become owned by the owner of the plot under principles of law.

Specifically delineated. A lot or parcel or site which has been specifically delineated in a plat or site data record is one which can be described solely by reference to such plat or site data record and one (1) or more identifying numbers such as a lot number or site number. For example, site 5 of Plantation's site data record is a specifically delineated plot; whereas, a description such as "the north 300 feet of lot 5" or "the south one-half of tracts 6 and 7" are examples of plots that are not specifically delineated. This definition is intended to be consistent with the Broward County Administrative Rules Document in effect as of March 1, 2007. (Ord. No. 2384, § 11, 2-14-2007)

Secs. 27-600--27-610. Reserved.

Subdivision C.

State Road 7 SPI-2 District

Sec. 27-611. Purpose and intent.

The State Road 7 SPI-2 District is of special and substantial public interest because of the need to develop and redevelop the State Road 7 area. This area shall serve as a principal entry into the city, and as an important community service and business area. The use of subdistrict regulations for this district is intended to stabilize and improve property values while at the same time, protecting the capacity of State Road 7 as a major carrier of large volumes of both regional and local traffic. The SPI-2 District includes lands enjoying a commercial and community facility comprehensive plan future land use designation. Subdistricts within the SPI-2 District will create zoning regulations to promote the goals and purposes set out in the City of Plantation Comprehensive Plan, the Carr Smith Corradino Concept Plan approved by the city governing body on February 24, 1999, and other ordinances and plans adopted to promote the development and redevelopment of the State Road 7 area. Coordination of the efforts of public agencies such as the Florida Department of Transportation, Broward County or the City of Plantation and private enterprise in the improvement and renewal of the State Road 7 SPI-2 area is encouraged and desired.

(Ord. No. 1290, § 1, 1-16-85; Ord. No. 2218, § 1, 4-5-2000)

Sec. 27-612. Boundaries.

(a) The boundaries of the State Road 7 District, SPI-2, are hereby confirmed as set forth on Exhibit "1", which has been on file in the city clerk's office since the enactment of Ordinance No. 2290, and are generally described as follows:

Generally bounded on the north by municipal boundaries of the City of Plantation less properties lying within the West Broward Church of God Plat, according to the plat thereof, recorded in Broward County Plat Book 138 at Page 73, the Lauderhill Sunrise East Plat, according to the plat thereof, recorded in Broward County Plat Book 61 at Page 44; and the Universal Tract Plat, according to the plat thereof, recorded in Broward County Plat Book 78 at Page 18; on the east and the south by the municipal boundaries of the City of Plantation; and on the west, north of Sunrise Boulevard, by Northwest 47th Avenue and including the property lying within the Shell Sub No. 2 Plat, according to the plat thereof, recorded in Broward County Plat Book 71 at Page 40, on the West, South of Sunrise Boulevard by Northwest 9th Drive to the South line of the Lisa Plat, according to the plat thereof, recorded in Broward County Plat Book 71 at Page 43, and the extension Eastward of said line to the South line of the Jacqueline Plat, according to the plat thereof, recorded in Broward County Plat Book 102 at Page 12, by Northwest 46th Avenue to Northwest 8th Street, on the West, South of Northwest 8th Street by the West lines of the 2300 Plat, according to the plat thereof recorded in Broward County Plat Book 144 at Page 18, the Plantation East Plat, according to the plat thereof, recorded in Broward County Plat Book 167 at Page 21, the Landmark Plat, according to the plat thereof, recorded in Broward County Plat Book 70 at Page 14, the Kingston Towers First Addition Plat, according to the plat thereof, recorded in Broward County Plat Book 63 at Page 14, the Replat of a portion of Kingston Towers, according to the plat thereof, recorded in Broward County Plat Book 65 at Page 46, the Plantation Medical Center Plat, according to the plat thereof, recorded in Plat Book 61 at Page 13, the Plantation Professional Properties Plat, according to the plat thereof, recorded in Broward County Plat Book 62 at Page 10, and by Northwest 42nd Avenue to Broward Boulevard, and on the west, south of Broward Boulevard, by the commercial property fronting on Broward Boulevard between Southwest 44th Avenue and Bryan Boulevard, and including property fronting on State Road 7 between Broward Boulevard and Peters Road, and fronting on Peters Road between State Road 7 and Southwest 46th Avenue (in matters of

district boundary interpretations the map shall prevail).

(b) There are hereby created six (6) zoning subdistricts within the State Road 7 SPI-2 District. The subdistricts will be entitled as follows:

- (1) Subdistrict 1--Auto Mall (AM).
- (2) Subdistrict 2--Healthcare Services (HCS).
- (3) Subdistrict 3--Professional Office (PO).
- (4) Subdistrict 4--Hybrid Commercial (HC).
- (5) Subdistrict 5--Four Corners Commercial (FCC).
- (6) Subdistrict 6--Artisan Commerce (AC).

(c) The subdistrict boundaries are as follows:

- (1) Subdistrict 1--Auto Mall (AM).

a. The auto mall (AM) subdistrict consists of a parcel of property which is:

- (i) Bounded on the North by the South right-of-way line of Sunrise Boulevard;
- (ii) Bounded on the East by the Eastern City limits;
- (iii) Bounded on the South by the South line of Tract "A" of the Swindells Sub. No. 3 Plat, according to the plat thereof as recorded in Broward County Plat Book 68 at Page 45, a straight line from the Southeastern most point of the intersection of N.W. 6th Court and State Road 7 to the Northwestern most point of the intersection of N.W. 5th Street and State Road 7, the North right-of-way line of N.W. 5th Street, the North line of the Brons Plat, according to the plat thereof, as recorded in Broward County Plat Book 73, at Page 14, the North line of the B.B.S.F. Plat, according to the plat thereof, as recorded in Broward County Plat Book 133, at Page 26, the North line of the B.B.S.F.-2 Plat, according to the plat thereof, as recorded in Broward County Plat Book 136, at Page 12, the South line of the Plantation Business Park III Plat, according to the plat thereof, as recorded in Broward County Plat Book 131, at Page 49; and
- (iv) Bounded on the West by the East right-of-way line of State Road 7, by the West right-of-way line of State Road 7, the West right-of-way line of N.W. 42nd Avenue and the West line of the Plantation Business Park III Plat, according to the Plat thereof, as recorded in Broward County Plat Book 131, at Page 49.

- (2) Subdistrict 2--Healthcare Services (HCS).

- a. The healthcare services (HCS) subdistrict consists of three (3) parcels of property which are generally described as follows:
- (i) Parcel 1 is generally bounded on the North by the North right-of-way line of N.W. 5th Street, the North line of the Brons Plat, according to the plat thereof, as recorded in Broward County Plat Book 73, at Page 14, the North line of the B.B.S.F. Plat, according to the plat thereof, as recorded in Broward County Plat Book 133, at Page 26, the North line of the B.B.S.F.-2 Plat, according to the plat thereof, as recorded in Broward County Plat Book 136, at Page 12, and the North right-of-way line of N.W. 5th Street East of the Brons Plat, according to the plat thereof, recorded in Plat Book 73, at Page 14 to the West right-of-way line of State Road 7; bounded on the East by the West right-of-way line of State Road 7; bounded on the South by the South line of the Plantation Plaza Plat, according to the plat thereof, as recorded in Broward County Plat Book 68, at Page 25 and the South line of the Plantation Professional Properties Plat, according to the plat thereof, as recorded in Broward County Plat Book 62, at Page 10; and bounded on the West by the West line of the Plantation Plaza Plat, according to the plat thereof, as recorded in Broward County Plat Book 68, at Page 25, the West line of the Swindell's Subdivision No. 2 Plat, according to the plat thereof, as recorded in Broward County Plat Book 68, at Page 32, the West line of Tract "A" of the Plantation Professional Properties Plat, according to the plat thereof, as recorded in Broward County Plat Book 62, at Page 10, the West line of the Plantation Medical Center Plat, according to the plat thereof, as recorded in Broward County Plat Book 67, at Page 13, by the West line of the replat of a portion of Kingston Towers Plat, according to the plat thereof, as recorded in Broward County Plat Book 65, at Page 46; and West line of the B.B.S.F.-2 Plat, according to the plat thereof, as recorded in Broward County Plat Book 136, at Page 12.
 - (ii) Parcel 2 is generally bounded on the North by the South right-of-way line of Sunrise Boulevard and the South line of the Plantation Business Park II Plat, according to the plat thereof, recorded in Broward County Plat Book 131 at Page 49; on the East by the West line of Plantation Business Park II Plat, according to the plat thereof, recorded in Broward County Plat Book 131 at Page 49, the West right-of-way line of Northwest 42nd Avenue and; on the South by the North right-of-way line of Northwest 5th Street and the South line of the Plantation Business Park Plat, according to the plat thereof, recorded in Broward County Plat Book 125 at Page 40; and on the West by the West line of the Plantation Business Park Plat, according to the plat thereof, recorded in Broward County Plat Book 125 at page 40; the West line of 2300 Plat, according to the plat thereof, recorded in Broward County Plat Book 144 at Page 18, the West Plat line of Plantation East Plat, according to the plat thereof, recorded in Broward County Plat Book 167 at Page 21, the West line of Landmark Plat, according to the plat thereof, recorded in Broward County Plat Book 70 at Page 14, the West Plat line of the Kingston Towers First Addition Plat, according to the plat thereof, recorded in Broward County Plat Book 63 at Page 14;

- (iii) Parcel 3 consists of Tracts B, C, D, E, F and G of Plantation Professional Properties Plat, according to the plat thereof, recorded in Broward County Plat Book 62 at Page 10.

(3) Subdistrict 3--Professional Office (PO).

a. The professional office (PO) subdistrict consists of a parcel of property which is:

- (i) Bounded on the North by S.W. 8th Street;
- (ii) Bounded on the East by the East City limits;
- (iii) Bounded on the South by the South lot line of Lot 34, Block 11, of Melrose Park Section 7 Plat, according to the plat thereof, as recorded in Broward County Plat Book 39, at Page 35; and
- (iv) Bounded on the West by the East right-of-way line of State Road 7.

(4) Subdistrict 4--Hybrid Commercial (HC).

a. The hybrid commercial (HC) subdistrict consists of eleven (11) parcels:

- (i) Parcel 1 is bounded on the North by the South line of Tract "A" of the Swindells Sub. No. 3 Plat, according to the plat thereof as recorded in Broward County Plat Book 68 at Page 45; on the East by the East City limits; on the South by N.W. 3rd Street; and on the West by the East right-of-way line of State Road 7;
- (ii) Parcel 2 is bounded on the North by the South line of the Jerome J. Stedelin Estates Plat, according to the plat thereof, as recorded in Broward County Plat Book 71, at Page 48; on the East by the West right-of-way line of State Road 7; on the South by the South lot line of Lot 1, Block 18 of the Country Club Estates Unit "C" Plat, according to the plat thereof, as recorded in Broward County Plat Book 26, at Page 20; and on the West by the West boundary of the State Road 7 State Road 7 SPI-2 District (the same being in such area the Western limits of the plantation Gateway District);
- (iii) Parcel 3 is bounded on the North by S.W. 2nd Court; on the East by the East City limits; on the South by S.W. 8th Street; and on the West by the East right-of-way line of State Road 7;
- (iv) Parcel 4 is that part of Plantation that is South of Peters Road and West of and within 1000 feet of State Road 7;
- (v) Parcel 5 is bounded on the North by the North boundary of the State Road 7 SPI-2 District (the same being in such area the North limits of the Plantation Gateway

District) that lies between S.W. 45th Avenue and S.W. 42nd Avenue and within approximately 500 feet North of the North right-of-way line of Peters Road; on the East by the West right-of-way line of S.W. 42nd Avenue; on the South by the North right-of-way line of Peters Road; and on the West by the East right-of-way line of S.W. 45th Avenue;

- (vi) Parcel 6 is bounded on the North by the South right-of-way line of Broward Boulevard; on the East by Bryan Boulevard; on the South by the South line of Lots 1-10, Block 1 of the Amended Country Club Estates Unit "A" Plat, according to the plat thereof, as recorded in Broward County Plat Book 27, at Page 34; and on the West by the West lot line of Lot 10, Block 1 of the Amended Country Club Estates Unit "A" Plat, according to the Plat thereof, as recorded in Broward County Plat Book 27, at Page 34;
- (vii) Parcel 7 is bounded on the North by the South right-of-way line of Broward Boulevard; on the East by the East line of Tract "1A" of the Melrose Park Section 6 Plat, according to the plat thereof, recorded in Broward County Plat Book 36, at Page 24; on the South by the South line of Parcel "F" of the Melrose Park Section 6 Plat, according to the plat thereof, recorded in Broward County Plat Book 36, at Page 24; and on the West by S.W. 38th Avenue;
- (viii) Parcel 8 is bounded on the North beginning at the point of beginning being the Northeast corner of the Universal Tract Plat, according to the plat thereof, recorded in the Broward County Plat Book 78 at Page 18, by the South right-of-way line of Northwest 10th Court, including the extension thereof across Northwest 43rd Avenue to the Southwestern most point of the West Broward Church of God Plat, according to the plat thereof, recorded in Broward County Plat Book 138 at Page 13 by the South line of the West Broward Church of God Plat, according to the Plat thereof, recorded in Broward County Plat Book 138 at Page 13 and by the North city limits from the Northeastern most point of the West Broward Church of God Plat, according to the plat thereof, recorded at Broward Plat Book 138 at Page 13, to the Northeastern most point of the city limits; on the East by the East city limits; on the South by the North right-of-way line of Sunrise Boulevard; and, on the West by the East line of the Universal Tract Plat, according to the Plat thereof, recorded in Broward County Plat Book 78 at Page 18;
- (ix) Parcel 9 is bounded on the North by the South line of the C-12 canal right-of-way; on the East by the East line of the Jacqueline Plat, according to the plat thereof recorded in Broward County Plat Book 102 at Page 12; on the South by the South line of the Jacqueline Plat, according to the plat thereof, recorded in Broward County Plat Book 102 at Page 12, a continuation of said line approximately 618.4 feet extending Westward to the South line of the Lisa Plat, according to the plat thereof, recorded in Broward County Plat Book 71 at Page 43, and the South line of the Lisa Plat, according to the plat thereof, recorded in Broward County Plat Book 71, Page 43; and on the West by the East right-of-way line of Northwest 9th

Drive;

- (x) Parcel 10 is bounded on the North by the North right-of-way line of Northwest 10th Court; on the east by West line of Northwest 45th Avenue; on the south by the North row line of Sunrise Boulevard; on the West by the West right-of-way line of Northwest 47th Avenue;
- (xi) Parcel 11 consists of the property lying within Shell Sub No. 2 Plat, according to the plat thereof, recorded in Broward County Plat Book 71 at Page 40.

(5) Subdistrict 5--Four Corners Commercial (FCC).

- a. The Four Corners commercial (FCC) subdistrict consists of five (5) [four (4)] parcels of property described as follows:
 - (i) *Parcel One*: Tract Y, of Broward Estates, Section Two, according to the plat thereof, as recorded in Broward County Plat Book 34 at Page 19;
 - (ii) *Parcel Two*: Bounded on the South by West Broward Boulevard, on the East by State Road 7, on the West by N.W. 42nd Way, and on the North by the South lot line of Lot 1, Block 2, of Westgate Lake Manor, according to the plat thereof, as recorded in Broward County Plat Book 35 at Page 13, and the South lot line of Tract A, Plantation Plaza, according to the plat thereof, as recorded in Broward County Plat Book 68 at Page 25;
 - (iii) *Parcel Three*: Tract 1, and all of Lots 8, 9, 10, and 11 of Block 7, of Melrose Park Section 8, according to the plat thereof, as recorded in Broward County Plat Book 39 at Page 36;
 - (iv) *Parcel Four*: Lot 1 of Block 6, of Country Club Estates Unit A, according to the plat thereof, as recorded in Broward County Plat Book 23 at Page 4; together with the S.B.T. Plat, according to the plat thereof, as recorded in Broward County Plat Book 71 at Page 39; together with Jerome J. Stedelin Estates, according to the plat thereof, as recorded in Broward County Plat Book 7 at Page 48; and together with so much of Block 1 of the aforesaid Country Club Estates Unit A Plat as is bounded by West Broward Boulevard on the North, State Road 7 on the East, and on the South and West by Jerome J. Stedelin Estates, according to the plat thereof, as recorded in Broward County Plat Book 7 at Page 48.

(v) [Reserved.]

(6) Subdistrict 6--Artisan Commerce (AC): The Artisan Commerce Subdistrict consists of two (2) parcels of property.

a. *Parcel One* is:

- (i) Bounded on the West by a line the point of beginning of which is at the Southwest corner of Parcel "A" of the Plantation 7 Plat, according to the plat thereof, recorded in Broward County Plat Book 151, Page 20, thence continuing North along the Western boundary of the aforesaid Parcel "A" to the Northwest corner of Parcel "A" of the Plantation 7 Plat, thence continuing North on a direct line which is the shortest distance to the Southeast corner of Block 4 of the Golfview Heights Plat, according to the plat thereof, recorded in Broward County Plat Book 32, Page 30, thence continuing North along the East line of the aforesaid Block 4 to the Northeast corner of the aforesaid Block 4, thence continuing Northward along an extension of the East boundary of the aforesaid Block 4 and ending at the intersection of the South boundary line of Lot 3 of Block 18 of the Country Club Estates Unit C Plat, according to the plat thereof, recorded in Broward County Plat Book 26, Page 20;
- (ii) Bounded on the North by the South boundary of Block 18 of the County Club Estates Unit C Plat, according to the plat thereof, recorded in Broward County Plat Book 26, Page 20;
- (iii) Bounded on the East by the West right-of-way line of State Road 7; and
- (iv) Bounded on the South by the South boundary of Parcel "A" of the Plantation 7 Plat, according to the plat thereof, recorded in Broward County Plat Book 151, Page 20;

b. Parcel Two is:

- (i) Bounded on the North by the North line of the Ostrander Plat, according to the Plat thereof, as recorded in Broward County Plat Book 117, at Page 40, the North line of the Ide Plat, according to the Plat thereof, as recorded in Broward County Plat Book 135, at Page 69, the South line of the Plantation Seven Plat, according to the plat thereof, as recorded in Broward County Plat Book 151, at Page 20;
- (ii) On the East by the West right-of-way line of State Road 7;
- (iii) On the South by the North right-of-way line of Peters Road; and
- (iv) On the West by the East right-of-way line of S.W. 42nd Avenue.

(c) [Reserved.]

(d) Any property lying within the general boundaries of the State Road 7 SPI-2 District and its subdistrict, which is not lying within the municipal boundaries of the City of Plantation at the time of the adoption of Ordinance No. 2287, shall upon the property's subsequent annexation to the City of Plantation, be immediately zoned State Road 7 SPI-2 and in accordance with the subdistrict boundaries in which it is located. (Ord. No. 1290, § 2, 1-16-85; Ord. No. 2078, § 2, 3-20-96; Ord. No. 2218, § 4, 4-5-2000; Ord. No. 2221, § 2, 4-26-2000; Ord. No. 2287, §§ 6, 13, 10-16-2002; Ord. No. 2290, §§ 3--5, 1-15-2003)

Sec. 27-613A. State Road 7 SPI-2 regulations.

- (a) *[District variations.]* In order to promote the special purpose and intent of the State Road 7 SPI-2 District, the following variations as defined in section 27-576 special public interest district are permitted:
- (1) The following regulations apply only to properties located within the State Road 7 SPI-2 District.
 - (2) In an effort to encourage redevelopment in the State Road 7 SPI-2 District, the city wishes to establish parking deviations. All property in the district shall enjoy the deviation set forth in (i) below. Then an applicant may apply for an increased deviation in (ii) or (iii) below. The deviations in (i), (ii), and (iii) shall not be available for uses listed in (iv) (unless otherwise provided in subsection (iv) and shall not be available for properties, which received a variation as part of a timely received, executed, confirmed as effective and implemented certificate of conformity in accordance with Ordinance Nos. 2022 and 2187
 - (i) The parking requirement for uses is established elsewhere in this Code. When such uses locate in the State Road 7 SPI-2 District, the parking requirement shall be reduced by fifteen (15) percent. This is a fifteen (15) percent reduction in the Code requirement, not a fifteen (15) percent reduction in site specific applications, since some sites have been previously given waivers or variations, or deviations.
 - (ii) The city recognizes that the market conditions sometimes cause actual use of property to deviate from planned use. Occasionally, a particular use mix is such that there exists actual, excess onsite off-street parking in mixed use sites which can accommodate a new use or a use expansion though such new use or use expansion would be otherwise prohibited by the parking formula set forth above in this subsection. The building and zoning director may approve an application for a parking deviation so as to permit a new use or use expansion otherwise prohibited by the applicable parking formula without adding any additional onsite, off-street parking for such use; pursuant to the following:
 1. The actual number of permitted spaces on the property shall be calculated.
 2. A site specific parking independent analysis shall be submitted by the applicant which identifies the site's average parking space utilization during relevant periods of time for the property. The city may have same evaluated by its own consultant.
 3. When the actual number of spaces permitted on site exceeds the average utilization, the excess is called the site's "average number of unused spaces."
 4. A use expansion or new use may be permitted utilizing up to fifty (50) percent of the site average number of unused spaces for the proposed new use or use expansion's parking requirement. The parking requirement for the new use or use expansion shall be calculated in accordance with (i) above;

5. The new use or use expansion must be commenced without alteration of exterior elevations or the size of the structures on the site (except for minor elevation alterations) and the utilization of this formula shall not justify a decrease in lot or site area.
 6. The property's off-street parking requirement before and after the use expansion must be entirely satisfied by onsite, off-street parking;
 7. The new use or use expansion is permitted by the City Code without city council use approval;
 8. The property must be improved in order to qualify for this deviation; and
 9. If the building official does not wish to approve an application for a parking deviation pursuant to this section, the applicant may seek a review of that decision to the city council as if the property was receiving site plan approval, and it shall be reviewed and evaluated as a site plan review.
- (iii) The city planning, zoning and economic development director may allow up to a twenty (20) percent reduction in the parking requirement for uses located in the State Road 7 SPI-2 District under the following circumstances:
1. The property must be improved;
 2. The deviation permitted herein must not be used to justify a change to the structure increasing its floor area or a decrease in lot, area or site;
 3. The parking requirement before the twenty (20) percent deviation must not be calculated using either of the deviations authorized in (i) or (ii) above and must not be calculated using any other site specific, previously authorized waivers (put differently, it must be calculated according to the parking formula set forth elsewhere in this Code);
 4. The planning, zoning and economic development director must determine that no parking study is needed to conclude that there are more than sufficient spaces on-site and off-street to accommodate a proposed use for the property when giving between the fifteen (15) percent and a twenty (20) percent deviation, and that such deviation would seemingly create no congestion;
 5. The property's total required parking is both on-site and off-street before and after any deviation is granted;
 6. For each space waived above fifteen (15) percent of the required, the applicant shall contribute one thousand five hundred dollars (\$1,500.00) to the city. The contribution above is a fraction of the cost to provide a parking space and include the estimated cost of pavement, a parking stop, limerock base, pavement striping,

and an approximate value for the land comprising a space. All fees collected shall be deposited into an account designated for the provision of parking spaces in the State Road 7 SPI-2 District and such funds shall only be used for such purposes. The city may transfer these fees to the Gateway 7 development district, a local government safe neighborhood improvement district, or to a community redevelopment agency, created pursuant to chapter 163, Florida Statutes, if such local governmental entity or local government safe neighborhood improvement district undertakes to improve land for public parking within the State Road 7 SPI-2 District boundaries. 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 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.

- (iv) The following uses will not be allowed to take advantage of the parking deviations set forth in (i), (ii), or (iii) above:
- a. Amusement enterprise
 - b. Animal clinics
 - c. Auto tag agency
 - d. Convenience store
 - e. Employment agencies
 - f. Fast food restaurant
 - g. Garage, repair
 - h. Hardware stores or do-it-yourself home warehouse (i.e., Home Depot) which are in excess of ten thousand (10,000) square feet in size
 - i. High turnover sit-down restaurant
 - j. Laundries, coin-operated
 - k. Medical and dental offices and clinics (only get the fifteen (15) percent reduction in (i) above)
 - l. Office support high density occupation areas

- m. Package stores
- n. Pawn shops
- o. Restaurant bar
- p. Restaurant entertainment facilities
- q. Sale and lease of used motor vehicles
- r. Service stations
- s. Sports center

- (3) The reduction in parking provided for in (2) above shall not result in an increase in gross square feet of building area above that permitted.
- (4) When parking is reduced in accordance with the above and overflow parking is permitted within the public easement or dedication, the design and construction of parking and service drives shall provide continuity of circulation and cross-access easements to adjoining property to assure smooth flow for internal traffic movement within the block. In order to provide adequate, continuous cross-flow circulation between parcels or blocks in accordance with the above, the location of parking and service drives described in section 27-414(1) and (2) may be modified by the council in accordance with the plan for the State Road 7 SPI-2 District provided for under this subdivision.
- (5) Signs as permitted in the State Road 7 SPI-2 District (Plantation Gateway) zoning district, in accordance with Article IV, may be located up to one (1) foot from the edge of pavement of the State Road 7 sidewalk, closest to and parallel with the property line, but shall be subject to the required license or permit agreement from the city for the use and occupancy of the dedication or easement area.
- (6) The uses which may be permitted in the dedication or easement area are limited to overflow parking, marginal service roads, cross-access roads, entry drives, nonessential landscaping, drainage facilities and structures, and signs as described in (8) above. The revocable license or permit agreement form shall be approved by city resolution. Once the form is approved, no separate resolution is required each time the form permit or license agreement is used. The essential terms of the license or permit agreement will be that the items installed pursuant thereto will be subject to removal by the private property owner (if the land within the trafficways corridor where the use is desired is owned by such owner), owner of the servient estate (if the land where the use is desired is subject to a governmental easement within the trafficways corridor), or the abutting private property owner (if the land where the use is desired is owned by a governmental agency or entity, is within the trafficways corridor, is not presently configured for public use, and the governmental owner consents to the desired interim use,) with no compensation once the dedication or easement area is taken or otherwise converted or configured for its intended purpose.

- (7) For the purposes of this subdivision and the application of other sections of this chapter within the State Road 7 SPI-2 District (Plantation Gateway) zoning district, the following definitions shall be controlling:
- a. Building setback is that area measured from the ultimate right-of-way line as determined by the Broward County Trafficways Plans or for those properties served by a frontage road, the edge of the dedication or easement area associated with the frontage road, and the front of a building or structure and any projections therefrom, exclusive of uncovered stairways.
 - b. State Road 7 right-of-way is defined as that area contained within a line drawn sixty (60) feet from each side of the center line of State Road 7.
 - c. Trafficways corridor is defined as that area so depicted and described on the Broward County Trafficways Plan.
 - d. Dedication or easement area is defined as those areas abutting State Road 7 right-of-way owned by the Florida Department of Transportation, which abutting area is not owned by the Florida Department of Transportation but is within the trafficways corridor as same is modified from time to time for State Road 7 as reflected in the Broward County Land Use Plan.
- (8) Accessory uses and structures: An accessory building or structure shall not be of greater height than a principle building on the same lot or parcel.
- (9) Building design: All buildings that front on State Road 7 shall be designed in scale and appearance similar to commercial or retail buildings. No roll down doors shall be visible from the street and buildings shall have architectural treatments and facades that result in building elevations that are not box in nature.
- (10) Corner lot yard regulations: Corner lots shall provide the minimum front yard requirements for each abutting street.
- (11) Exclusions from height limits:
- a. Cupolas, steeples and domes not exceeding in gross area at maximum horizontal section thirty (30) percent of the roof area, and flagpoles or chimneys may exceed the permissible height limit in any district by twenty-five (25) percent.
 - b. Parapet walls may extend not more than five (5) feet above the allowable height of a building.
- (12) Property that directly abuts a residentially zoned property or district or lot designated for residential use on the comprehensive plan shall be separated by a continuous unpierced masonry or concrete wall six (6) feet high finished on both sides.

- (13) Off-street loading and unloading facilities should be located in areas that will create the least adverse impact on adjacent land uses, particularly residential, in terms of noise, air and visual pollution. Loading activities shall not commence before 6:00 a.m., nor continue past 9:00 p.m. any day of the week.
- (14) a. Cornices, eaves or gutters may project over one-third (1/3) of the required yard with a maximum of five (5) feet; provided, that where the yard is less than five (5) feet in width, such projections shall not exceed one-half (1/2) the width of the yard.
- b. Chimneys, fireplaces or pilasters may project no more than two (2) feet into a required yard.
- c. Movable awnings may be placed over doors or windows in any required yard, but such awning shall not project closer than three (3) feet to any plot line or not over five (5) feet into the setback area.
- (15) Outdoor retail displays are permitted subject to the following:
- a. Outdoor retail displays must be located adjacent to the building containing the main use on property owned or leased by the business conducting the main use. No display is permitted on public rights-of-way, except when part of an approved special event.
- b. The area occupied for outdoor displays may not exceed five (5) percent of the square footage of the interior tenant space that contains the main use.
- c. The city may require the removal or modification of outdoor displays upon written order, when such displays prevent or impede adequate ingress and egress for emergency purposes.
- d. The plan adjustment committee shall approve the area occupied for outdoor displays, the type of materials displayed, and the manner in which the materials are displayed.

(b) *[Design theme for the buildings and building sites.]* In order to promote the special purpose and intent of the city's State Road 7 SPI-2 District, the city has created building and site development theme regulations. The general design theme for the buildings and building sites for the subdistricts is that of "Plantation Tropical". The design of buildings shall emphasize a blend of traditional Colonial architectural elements influenced by the tropical climate of the area. Rooflines shall be sloped and varied in elevation. Pedestrian orientation and safety shall be emphasized through the use of walkways, lighting and high visibility areas. Design standards, which include signage, lighting, fencing, site improvements and building facades, are set forth in the Plantation Tropical Design Manual. The Plantation Tropical Design Manual, attached to Ordinance [No. 2270] as Exhibit "A" is hereby adopted. This manual was developed to supplement the applicable site development regulations and to apply to the design and construction of new structures as well as the rehabilitation of existing structures. All new or improved structures, site improvements, and appurtenances must comply with the design theme standards in the Plantation Tropical Design Manual. In the event a proposed improvement is denied by the planning, zoning and economic development director as being inconsistent with

the adopted manual (as same may be amended as provided below), an applicant for a building permit or other development permit may seek review of the decision by the city governing body, in which event the matter will be noticed and advertised in the same manner as the city governing body's consideration of site plans and the city's quasi-judicial procedural rules shall apply to the city governing body's hearing. The Exhibit "A" design manual may be amended by resolution of the city governing body.

(Ord. No. 1290, § 3, 1-16-85; Ord. No. 1302, § 1, 3-13-85; Ord. No. 1324, § 1, 5-15-85; Ord. No. 1359, § 1, 10-16-85; Ord. No. 1389, §§ 1, 2, 4-16-86; Ord. No. 1597, § 3, 1-11-89; Ord. No. 1918, § 1, 5-5-93; Ord. No. 1986, §§ 1, 2, 7-20-94; Ord. No. 2171, §§ 1, 2, 1-6-99; Ord. No. 2194, § 1, 7-14-99; Ord. No. 2218, § 2, 4-5-2000; Ord. No. 2247, § 1, 2-21-2001; Ord. No. 2270, § 2, 4-10-2002; Ord. No. 2287, § 7, 10-16-2002)

Sec. 27-613B. Reserved.

Editors Note: Ord. No. 2287, § 8, adopted Oct. 16, 2002, deleted § 27-613B, Overlay use regulations in its entirety. Such section had derived from Ord. No. 1848, § 1, adopted July 1, 1992, as amended by numerous ordinances. See the Code Comparative Table at the back of this volume for a complete derivation of such section.

Part I.

Zoning Regulations for State Road 7 SPI-2 Subdistricts*

* **Editors Note:** Ord. No. 2218, § 5, adopted Apr. 5, 2000, provided that Part I, Zoning Regulations for State Road 7 SPI-2 Subdistricts, §§ 27-613.1--27-613.50 be created to read as herein set out.

Sec. 27-613.1. Intent and application.

(a) It is the intent of this part to provide in tabular form a listing (herein called the master list) of the uses that shall be permitted or prohibited in the various subdistricts of the State Road 7 SPI-2 District as they exist from time to time as shown on the zoning district maps.

(b) Where an "X" appears on the same line as a listed use, the use shall be permitted in the subdistrict as indicated by the column heading in which the "X" appears.

(c) Where no "X" appears on the same line as a listed use, the use shall be prohibited in the subdistrict as indicated by the column heading in the same manner.

(d) Where a listed use is not permitted in any of the business or commercial subdistricts an "X" appears in the column headed "prohibited".

(e) Where an "X" is followed by a number, the listed use shall be subject to the limitations and restrictions set forth in the corresponding supplemental regulations contained in section 27-613.3 of this Code.

(f) Where an "X" is followed by an asterisk (*) the listed use shall be subject to, or modified by, the regulation set forth in the column on the right.

(g) Where a commercial or business use is not expressly permitted or prohibited on such master list of business and commercial uses, it shall be deemed permissive and shall require an ordinance defining such permissive use, placing such restrictions thereon as are deemed appropriate, and otherwise identifying the commercial or business zoning use subdistricts wherein such permissive use will be permitted; it being the

expressed intent of the city governing body that all such permissive (nonidentified) uses on the master list of the State Road 7 SPI-2 Subdistrict uses are prohibited until so defined and included.
 (Ord. No. 2218, § 6, 4-5-2000; Ord. No. 2287, § 9, 10-16-2002)

Sec. 27-613.2. Master list of State Road 7 SPI-2 Subdistrict uses.

BUSINESS LISTINGS	Prohibited	AM: Auto Mall	HCS: Healthcare Services	Professional Office (PO)	HC: Hybrid Commercial	FCC: Four Corners Commercial	AC: Artisan Commerce
Air cond. equipment, mfg.							x(28)
Air cond. equipment, retail repairs					x		x
Air cond. equipment, retail sales only					x	x	x
Air cond. equipment, wholesale							x(29)
Airports, hangars repair shops	x						x(29)
Alcoholic beverages, sales subject to Chapter 3 of Code of Ordinances		x(40)	x(40)		x(40)	x(40)	x(40)
Ambulance service	x						
Amusement arcades Conditional use only*					x*	x*	x*
Animal clinics, pet hospitals			x(2)		x(2)	x(2)	x(2)
Antique shops					x	x	x
Art galleries					x	x	x
Art schools					x(9)	x(9)	x
Art supplies					x(13)	x(13)	x(13)
Artists' studios					x	x	x
Associations (civic, etc.)			x	x	x	x	x
Astrologists	x						
Auctioneer							x
Auditorium			x			x	x
Auto sales, new car agency		x(59)					
Auto sales, used car agency		x(60)					
Auto painting	x						
Auto parts, from used cars	x						
Auto parts, new retail		x(53)			x(53)		x(53)

Auto rental agency - no trucks or utility trailer		x(57)					
Auto repair garage, including mechanical service		x(53)			x(53) (56)		
Auto storage	x						
Auto tag agency		x	x	x	x	x	x
Auto tires, new - retail		x(53)			x(53) (56)		
Auto wash facility, self-serve only		x(58)					
Auto wash, wax, or finishing		x(53)					
Awning stores, retail sales only					x		x
Awning stores, wholesale sales only							x(29)
Bakery - wholesale							x(29)
Bakery - retail sales only			x		x	x	x
Banks		x	x	x	x	x	x
Banquet facility - conditional use only*					x*(21)	x* (21)	x*(21)
Bar	x						
Bicycle stores and repair shops		x			x	x	x
Billboards	x						
Blacksmith, gas, steamfitting shops	x						
Boat building and repair	x						
Boat sales, new - outside display		x					
Boat sales, new - enclosed showroom		x					
Book store			x		x	x	x
Bottled gas	x						
Bowling alleys					x(3)	x(3)	x(3)
Brewery	x						
Broadcasting studios - no towers		x	x	x	x	x	x
Building and loan associations		x	x	x	x	x	x

Building supplies, retail sales from buildings only - conditional use only*					x	x*	x*
Building supplies, wholesale from enclosed buildings							x(29)
Burglar alarms, retail sales, monitoring and maintenance					x(12)	x(12)	x(12)
Bus terminal	x						
Cabinet making - carpentry shops							x
Camera shops, retail sales and repair only					x	x	x
Camera shops - wholesale and repair only *Conditional use only							x*(28)
Candy manufacturing							x(28)
Candy stores - retail sales only			x		x	x	x
Carpets, rugs, floor coverings - retail sales only					x	x	x
Caterers - conditional use only*			x*		x*		x*
Cemeteries	x						
Ceramic bldg. prod. storage and sales, including floor tile - from enclosed buildings only*							x*
Ceramic, retail sales only					x(13)	x(13)	x(13)
China, crockery, glassware, earthenware, retail sales only					x	x	x
Cigar making (and cigarettes)							x(28)
Cloth awning mfg. and sales							x(28)
Clothing stores					x	x	x

Coin-operated machines, sales of					x		x
Computer/electronics - retail sales only		x(22)	x(22)		x(22)	x(22)	x(22)
Conservatories (arts and music) soundproofed for music*					x(9)	x(9)	x(9)
Contractors - office only		x	x	x	x	x	x
Contractors plants or storage yards	x						
Convenience store		x(63)			x		x
Cosmetics - retail and incidental compounding, no manufacturing			x		x	x	x
Costumers - rental and sales					x	x	x
Crematories	x						
Cultural facilities *Conditional use only		x*	x*	x*	x*	x*	x*
Curio stores					x	x	x
Dairy products, retail sales only			x		x	x	x
Dairy products - storage and wholesale							x(29)
Dairy products, mfg.							x(28)
Dance academies must be soundproofed					x(13)	x(13)	x(13)
Dance halls	x						
Day care centers - conditional use only*		x*(15)	x*(15)	x*(15)	x*(15)	x*(15)	x*(15)
Day nurseries		x(4)	x(4)	x(4)	x(4)	x(4)	x 4)
Dental clinic			x		x	x	x(37)
Dental laboratories			x(50)		x(50)		x(50)
Department and dry goods stores					x	x	x
Designing and making of clothing					x		x(28)

Designing, making and assembling of art and craft products					x		x(28)
Dress and seamstress shops					x	x	x
Detective agencies		x	x	x	x	x	x
Discount stores or services					x	x	x
Displays - mfg. and material sales							x(28)
Drug and sundries stores			x		x	x	x
Dry cleaning and pressing - pickup and delivery only					x	x	x
Dry cleaning and dyeing plant	x						
Dynamite storage	x						
Educational tutoring and college selection counseling		x	x	x	x	x	x
Electrical appliances - retail and incidental repairs					x	x	x
Electrical appliances - wholesale and storage							x(29)
Eleemosynary institutions			x	x	x	x	x
Employment agencies		x(1)	x(1)	x(1)	x(1)	x(1)	x(1)
Engines, diesel or gasoline, sales and service		x(53)					
Express delivery companies		x	x		x		x
Fabric store					x	x	x
Farms, nurseries, groves	x						
Farm or contractors equipment sales	x						
Fast food restaurant		x(14), (41)	x(14), (41)		x(14), (41)	x(14), (41)	x(14), (41)

Fertilizer manufacturing	x				2		
Federal and state buildings	x						
Fence sales - from buildings only*					x*		x*
Fertilizer manufacturing	x						
Fertilizer stores - retail sales only					x(25)		x(25), (8)
Fertilizer stores - wholesale only							x (25), (29)
Festival equipment and supplies					x		x
Fish - retail sales only					x(5)	x(5)	x(5)
Fish - wholesale distributors, wholesale only, no processing*							x*(5)
Fishing supplies, bait, tackle - artificial bait only					x		x
Florists			x		x	x	x
Food, take-out or deliveries, no on-premises consumption			x(14)		x(14)	x(14)	x(14)
Foundries	x						
Fraternal, charitable, civic, or membership-only private club					x(42)		x(42)
Freight service	x						
Fruit or vegetables from trucks, wagons, vacant property or open stands	x						
Fruit packing or preserving							x(29)
Fruit stores - retail sales only					x	x	x
Funeral homes					x		
Furniture manufacturing							x(28)
Furniture stores - retail sales only					x	x	x
Garbage disposal	x						
Garment manufacturing							x(28)

Gift shops			x		x	x(13)	x
Golf courses (miniature) - conditional use only*					x*		
Governmental administrative offices - conditional use only*		x(16)	x(16)	x(16)	x(16)	x*(16)	x(16)
Grocery store					x(6), (7)	x(6), (7)	x(6), (7)
Grocery, meat, poultry - wholesale							x(6), (7), (29)
Gun club, shooting range	x						
Gymnasium			x(13)		x(13)	x(13)	x(13)
Handbag store					x	x	x
Hardware - wholesale							x(29)
Hardware store					x(43)	x(43)	x(28)
Hat manufacturing							x(28)
Health and beauty aids			x		x	x	x
Heating equipment - retail sales and repair service					x	x	x
Heating equipment - wholesale							x(29)
Helistop - conditional use only*		x*(61)	x*(61)		x*(61)	x*(61)	x*(61)
Hobby shop					x(13)	x(13)	x
Home improvement center					x		x
Homes, aged, children, convalescent			x				
Hospital			x				
Hotel bar - subject to chapter 3, this Code - conditional use only*			x*		x*	x*	
Hotels - conditional use only*			x*(8)		x*(8)	x*(8)	
Ice cream - mfg. or wholesale							x(28), (29)
Ice cream - retail sales only			x		x	x	x
Ice manufacturing plant	x						

Insect and rodent exterminating agencies					x(52)		
Insurance agencies		x	x	x	x	x	x
Interior decorating materials - manufacturing							x(28)
Interior decoration shop - retail sales only					x	x	x
Interior decoration shop - wholesale							x(29)
Intermodal transfer station			x			x	
Jalousies - retail sales and repairs					x		x
Jewelers exchange - conditional use only*					x*(11)	x*(11)	x*(11)
Jewelry manufacturing							x(28)
Jewelry store, watch repairs					x	x	x
Junk dealers	x						
Kennels, animal	x						
Key shop			x		x	x	x
Laboratories, medical including dental, optical (no animal testing) - conditional use only*			x(50)		x*(50)		x*(50)
Laundries - coin-operated with dry cleaning services					x(36)	x(36)	x(36)
Laundry plants	x						
Lawn and garden supplies					x(44)	x(44)	x(44)
Leather goods store - retail sales only					x	x	x
Leather goods, mfg. (except tanning)							x (28)
Library		x	x	x	x	x	x
Lighting fixtures - retail					x	x	x

Lighting fixtures distributors - wholesale							x(29)
Linen service (pickup & delivery)			x		x	x	x
Loan agencies (other than pawnbrokers or check cashing stores)		x	x	x	x	x	x
Lubrication and oil service		x(53)			x(53), (56)		
Luggage shops					x	x	x
Lumber yards, material storage yards	x						
Mail order processing					x		x
Manufacture of: Explosives, ammunition, insecticides, fertilizer, dangerous or obnoxious chemicals	x						
Marine supplies - retail sales only		x			x	x	x
Marine supplies - wholesale only							x(29)
Meat - wholesale, including storage							x(29), (6), (7)
Meat market, retail					x(6), (7)	x(6), (7)	x(6), (7)
Medical clinic/ambulatory care facility conditional use only*			x		x*(51)	x*(51)	x*(37)
Mental health care establishment		x(23)	x(23)	x(23)	x(23)		x(23)
Messenger office		x	x	x	x	x	x
Motels - conditional use only*			x*(8)		x*(8)	x*(8)	
Motorcycle sales - conditional use only*		x*(65)			x*(65)		x(65)
Motor vehicle storage	x						
Movie theaters - conditional use only*					x*	x*	

Multi-independent vendor market	x(35)						
Municipal bldgs, parks, playgrounds, parking		x	x	x	x	x	x
Museum		x	x		x	x	x
Music instruction - soundproofed only*					x*	x*	x*
Newsstand		x	x	x	x	x	x
Nightclub	x						
Novelties (handicraft) - mfg.							x(28)
Novelties (handicraft) - retail sales only					x	x	x
Office, general or professional		x	x	x	x	x(49)	x
Office supplies and furniture store - retail sales only		x	x		x	x	x
Offices for doctors, dentists, podiatrists and related professions		x	x	x	x	x	x
Offices for public and private utilities		x(45)	x(45)	x(45)	x(45)	x(45)	x(45)
Oils - fuel, lubricating and petroleum - wholesale	x						
Optical stores			x		x	x	x
Ornamental iron and metalworking shops							x
Package stores - subject to chapter 3 of this Code - conditional use only*					x*	x*	x*
Paint - wholesale and storage							x(29)
Paint manufacturing	x						
Paint stores - retail sales only					x	x	x

Palmistry, psychic, fortune telling, astrology	x						
Parking lots or parking garages - conditional use only*		x*	x*	x*	x*	x*	x*
Patios - retail sales and installation					x		x
Pawnshops	x(47), (64)						
Personal services			x(17), (48), (55)		x(17), (48), (55)	x(17), (48), (55)	x(17), (48), (55)
Pet grooming and sale of pet accessories and supplies					x(2)	x(2)	x(2)
Pet shops					x(2)	x(2)	x(2)
Photocopying, printing and express services		x	x	x	x	x	x
Photograph galleries					x	x	x
Photograph, developing and printing			x(10)		x(10)	x(10)	x(10)
Photographers - commercial					x	x	x(28)
Plastic articles - retail					x	x	x
Plumbing - wholesale							x(29)
Plumbing fixtures, retail sales only					x	x	x
Police and fire protective facilities						x (47)	
Pool supply store*					x(33), (34)	x*(33), (34)	x*(33), (34)
Poultry market - live	x						
Post office - conditional use only*		x*	x*	x*	x*	x*	x*
Power or steam laundries	x						
Printing presses, blue printing business, newspaper printing					x		x
Private employment agencies		x(1)	x(1)	x(1)	x(1)	x(1)	x(1)
Private mail service					x(20)	x(20)	x(20)

Pumps and wells - retail sales only					x		x
Pumps and wells - wholesale sales only							x(29)
Quarrying	x						
Race tracks	x						
Radios, televisions - retail sales and repair					x	x	x
Real estate offices		x	x	x	x	x	x
Real estate schools, licensing and further education		x	x	x(9)	x(9)	x(9)	x(9)
Recreational centers, adolescent	x						
Resale boutique - conditional use only*					x(54)	x(54)	x(54)
Residences - single-family or duplex			x(62)				
Residences - multifamily			x(62)		x(62)	x(62)	x(62)
Restaurant bar - conditional use only*		x*	x*		x*	x*	x*
Restaurant entertainment facility	x						
Restaurant, high turnover, sit-down - conditional use only*		x(14), (30), (18)	x*(14), (30), (18)		x*(14), (30), (18)	x*(14), (30), (18)	x*(14), (30), (18)
Restaurant, low turnover, sit-down		x(14), (18)	x(14), (18)		x(14), (18)	x(14), (18)	x(14), (18)
Riding academy	x						
Rock and sand crushing	x						
Rock and sand yards	x						
Rugs, carpets - manufacturing							x(28)
Rugs, carpets - retail sales only					x	x	x
Rugs, carpets - wholesale only							x(29)
Sanitarium	x						
Schools, business		x(9)	x(9)	x(9)	x(9)	x(9)	x(9)

Schools, driving		x(9)	x(9)	x(9)	x(9)	x(9)	x(9)
Schools, modeling		x(9)	x(9)	x(9)	x(9)	x(9)	x(9)
Schools, small scale		x(9)	x(9)	x(9)	x(9)	x(9)	x(9)
Schools, trade, vocational or industrial (public or private)		x(9)	x(9)	x(9)	x(9)	x(9)	x(9)
Schools, traffic		x(24)	x(24)	x(24)	x(24)	x(24)	x(24)
Self-storage facility	x						
Service station - conditional use only*		x*(26)				x* (26)	
Shipyards	x						
Shoe stores			x		x	x	x
Skating rinks - conditional use only*					x*	x*	
Slaughterhouse	x						
Soap manufacturing							x(28)
Souvenir stores					x	x	x
Sportcenters			x(54)		x(54)	x(54)	x(54)
Sporting goods store					x	x	x
Sprinkler systems - shop, storage and service					x		x
Stationery stores			x		x	x	x
Stock exchange and brokerage office		x	x	x	x	x	x
Surgical and orthopedic appliances, sales and accessories - retail sales only			x		x		x
Taxi service establishment		x					
Telemarketing center			x	x	x	x	x
Textile hosiery and weaving mills							x(28)
Theater drive-in, open air type	x						
Tile - builders' supplies							x
Tinsmiths							x
Tobacco shop, retail			x (19)		x (19)	x (19)	x (19)
Travel bureau		x	x	x	x	x	x

Upholstery shop					x		x
Venetian blind - mfg.							x(28)
Venetian blinds - retail					x	x	x
Video store - sales and rental - no pornographic or adult materials					x	x	x
Warehouses							x(29)
Water conditioning equipment sales - residential and commercial					x		x
Wearing apparel - retail			x		x	x	x
Wearing apparel, mfg.							x(28)
Wearing apparel - wholesale							x(29)
Wholesale sale of prepackaged oils, fuel, lubricating and petroleum products - conditional use only*							x*
Wholesale salesroom and storage rooms							x
Woodworking machinery - retail sales only					x		x
Wreckers - Bldg. and auto	x						

(Ord. No. 2218, § 7, 4-5-2000; Ord. No. 2221, § 3, 4-26-2000; Ord. No. 2287, § 10, 10-16-2002; Ord. No. 2361, § 6, 4-19-2006; Ord. No. 2394, § 1, 9-5-2007)

Sec. 27-613.3. Supplemental regulations to the Master List of State Road 7 Subdistrict Uses.

Reference numbers used in the Master List of State Road 7 SPI-2 Subdistrict Uses refer to the following regulations and restrictions:

- (1) Not to include employment agencies providing "day labor" for construction related industries.
- (2) All areas used for animal storage, care, or grooming shall be enclosed and soundproofed to such a degree that no noise from within the area shall be plainly audible to any person who is exterior to and no closer than ten (10) feet of the area. No exterior (outdoor) runs.
- (3) Where permitted, must be air conditioned, and so insulated that the transmission of sound from

the interior to the exterior of the building will be reduced not less than fifty (50) percent when standing exterior to the building and no closer than ten (10) feet.

- (4) Day nurseries or play areas for children are permitted, to take care of or entertain children on a temporary basis, for the accommodation of shoppers.
- (5) The sale of seafood and fish shall be permitted under the condition that there is no odor detectable from the exterior of the building from sales, preparation or garbage.
- (6) No live poultry shall be kept or sold.
- (7) No slaughtering of meat or poultry.
- (8) Any hotel or motel use shall be subject to the same regulations and restrictions as are provided for such uses in the RM-25U district. Accessory uses shall be permitted, subject to the same regulations and restrictions as are provided in the RM-25U district. Any hotel or motel lawfully established and operating in the city as of August 1, 1997, shall be permitted to continue business as a conditional use and may be expanded if conditional use approval is obtained for such expansion. Any such lawful use, which is later destroyed for any reason or abandoned, may be reestablished at the same location, subject to conditional use approval. If a hotel or motel wishes to have a hotel bar, compliance with chapter 3 of this Code and conditional use approval will be required.
- (9) Business, driving, modeling, small scale, trade, vocational, industrial, or similar schools having twenty (20) or fewer students are permitted within the district. Business, driving, modeling, small scale, trade, vocational, industrial, or similar schools having more than twenty (20) students require conditional use approval within the district.
- (10) Photography mini-labs are limited to retail places of business engaged in the rapid photo processing on site of photographic film. The chemical materials used in the photo-processing shall be bio-degradable and not hazardous. Prior to issuance of a building permit, an industrial waste pre-treatment permit shall be required.
- (11) Jeweler's exchange:
 - i. Shall be no larger than five thousand (5,000) feet of leasable area.
 - ii. A minimum of two hundred forty (240) square feet must be available for each subtenant of the exchange.
 - iii. Each subtenant shall be licensed as a retailer, wholesaler, manufacturer or repairer of jewelry, or any combination of such jewelry sales or services.
 - iv. Signage and interior design, layout and decorating of the exchange must be uniform, and harmonious, in addition to satisfying the requirements of the sign code.

- v. All merchandise shall remain on the premises during non-business hours and all subleased areas shall be open for business during business hours, as are established by a responsible representative of the exchange, who shall otherwise be designated the responsible person for all code and license compliance pertaining to the use and occupancy of the exchange by its prime subtenants.
 - vi. The exchange and all subleased space shall comply with all appropriate building and fire code regulations and shall have all of the amenities, including air-conditioning, offered to other let space within said shopping center.
 - vii. A representative of the exchange shall be available during business hours for handling consumer complaints and each subtenant within the exchange shall agree to be bound by the decisions of such representative in his disposition of such consumer complaint. Said representative of the exchange shall be the responsible person for the exchange and shall supervise custodial maintenance and compliance with all pertinent regulations of the shopping center and of the city and other governmental agencies having jurisdiction over such let premises.
 - viii. All subtenants of the exchange shall offer uniform consumer credit by accredited financial organizations.
 - ix. No provision hereof may be waived, except upon application to and approval of the city governing body.
- (12) No antennas or towers are permitted in connection with the use. The part of any premises used for monitoring may be hidden from public view and the general public may be prevented from accessing such areas.
- (13) As an accessory use to the primary retail use listed, "indoor" enclosed parties, birthdays and theme events are allowed, provided the South Florida Building Code's assembly/classroom occupancy load and bathroom facilities requirements are satisfied in addition to all other requirements and conditions in such Code.
- (14) Any high turnover, sit-down restaurant or fast food restaurant may engage in retail food, take-out or delivery service as an accessory use. Any low turnover, sit-down restaurant may engage in the incidental retail food, take-out service (no delivery) as an accessory use. In-line fast food restaurants located with the principal structure of the overall center shall not require conditional use approval.
- (15) Permitted on a conditional use basis subject to the following minimum conditions and such additional conditions and restrictions as may be deemed appropriate by the city governing body:
- a. All licensing requirements of other governmental agencies on the minimum square feet per enrollee of indoor space and exterior play areas shall be observed and established with the application for such conditional use and, further, the play areas shall be fully enclosed with an appropriate form of structure so as to assure that ingress and egress to

and from such play areas may only be from the structure in which the day care center is being operated.

- b. All enrollees in the day care center shall be required to be delivered by their parents or guardians who shall stop and park their vehicle in the provided off-street parking facility and shall walk such enrollees into the main entrance where a sign-in procedure with a receptionist behind a locked door shall be followed so as to deliver the enrollees to the receptionist behind such locked door, so as to preclude the enrollees from leaving the day care center and wandering into the parking lot area. Similarly, a sign-out procedure and delivery of the enrollees to the parents or guardians of such enrollees shall be followed by the receptionist who shall deliver the enrollees from behind a locked door to the parent or guardian accepting delivery of such enrollees within the day care center at the conclusion of their stay at the day care center and such parent or guardian shall then walk such enrollees to the parked vehicles of the parents or guardian.
 - c. Each, every and all other requirements of other licensing authorities for day care centers shall be established and proven by the applicant and the number of students or enrollees in the day care center shall be limited as is deemed appropriate by the peculiar characteristics of the zoning districts in which such conditional use request is made as well as the surrounding area.
- (16) A "government administrative office" use is defined as an office use for government functions which is not oriented to providing mental health, healthcare, rehabilitative, counseling, treatment, law enforcement, correctional or detentional services, nor which is oriented to providing or supervising any kind of structured living, working, or social environment. For example, a real property document recording office would be a government administrative office. By further example, a parole facility involving any onsite parolee monitoring interviews, etc. would not constitute a "government administrative office".
- (17) Body wrapping is a permitted accessory use to a beauty parlor and to a toning salon. Body wrapping is defined as a weight loss, and skin reconditioning and toning technique, which involves wrapping a subject with an elastic material, by a licensed physician, nurse, physical therapist, masseuse, or beautician.
- (18) A. Open-air cafe or outside seating for a low turnover, sit-down restaurant or a high turnover, sit-down restaurant may be approved by the zoning department as an accessory use subject to the following additional regulations:
- i. Architectural plans shall be submitted with an application, which shall show the floor plan, elevation of any structure, setbacks, types of ground covering, proposed landscaping, all proposed signs and lighting, layout of all tables, chairs, benches and other furniture, and pedestrian ingress and egress.
 - ii. The operation of such open-air cafe or outdoor seating area shall be conducted in such a way as to not interfere with the circulation of pedestrian or vehicular traffic on the adjoining streets or sidewalks. There shall be a minimum of four (4) feet of

clearance or fifty (50) percent of the sidewalk width (clear path) whichever is greater free of all obstructions, in order to allow adequate pedestrian movement. In no event may recesses in the low turnover, sit-down restaurant or high turnover, sit-down restaurant frontage be used to satisfy this unobstructed width requirement. The corner of the open-air cafe or outdoor seating area may be rounded or mitered; in which event the required minimum clearance shall still be maintained around the open-air cafe or outdoor seating area. For the purpose of the minimum clear path, traffic signs and trees, which have gratings flush to grade, without fences or guards, shall not count as obstructions.

- iii. The service of patrons of the open-air cafe or outdoor seating area shall be at tables only and all service shall be through waiters or waitresses. Counter service, self-service or pass-through windows shall be permitted.
- iv. The open-air cafe or outdoor seating area shall not occupy an area of more than thirty (30) percent of the total area of the primary low turnover, sit-down restaurant or high turnover, sit-down restaurant use. In the event the open-air cafe or outdoor seating area is larger than ten (10) percent of the total area of the primary low turnover, sit-down restaurant or high turnover, sit-down restaurant use, the restaurant parking requirement set forth in section 27-743(24), Plantation City Code, shall be applicable to the open-air cafe or outdoor seating area.
- v. The open-air cafe or outdoor seating area shall not be enclosed except that it may be covered with a canvas cover, or covered with the existing walkway covering (where the area is within the walkway areas).
- vi. All kitchen and other equipment (e.g. bus service stations, remote menu computer stations, hostess stations) and refuse containers used to service the open-air cafe or outdoor seating area shall be located within the restaurant.
- vii. The open-air cafe or outdoor seating area shall be kept in a neat and orderly appearance and shall be kept free from refuse and debris.
- viii. In approving an open-air cafe or outdoor seating area, the zoning department may prescribe additional appropriate conditions and safeguards.

B. Outdoor live playing of musical instruments may be permitted by the plans adjustment committee in conjunction with meals served in an open air cafe or in an outdoor seating area subject to the following:

- i. The player must be located adjacent to the building containing the main use on property owned or leased by the business conducting the main use.
- ii. No signage is permitted.
- iii. Dancing shall not be permitted or promoted.

- iv. The area occupied for the entertainer(s), his or her instruments, and his or her equipment shall not exceed thirty (30) square feet.
- v. The city police department may require the removal or modification of the outside entertainment upon notice when the accessory use results in crowds that prevent or impede safe pedestrian or vehicular ingress, egress or circulation, or use of sidewalk areas, or result in crowds that may affect occupancy load, or responses to emergencies, or upon receipt of noise complaints, or for citations or prosecutions of people associated with the activity.
- vi. All outdoor music shall end at 10:00 p.m. as required by section 16-2(7) of this Code.

- (19) These uses shall meet the mechanical code ventilation requirements for smoking lounges contained in the state building code unless smoking is at all times prohibited within the establishment and the owner executes local business tax receipt (and accepts tax receipt) which contains a restriction that smoking will not be permitted within such establishment unless and until such mechanical ventilation is provided.

A retail tobacco shop is defined as a retail establishment that sells pipes, pipe tobacco, cigars, cigarettes, and other tobacco-related items. The sale, transfer, use, or display within a retail tobacco shop of drug paraphernalia (as defined in F.S. § 893.145) is prohibited.

- (20) Private mail service as a principle or accessory use shall comply with the disclosure requirements contained in the "mail box centers" classification listed in section 14-39 of this Code and shall provide sufficient secretarial, copying, telephone, storage, and meeting conference room facilities (herein "service amenities") for lessees of spaces (mailboxes) who are using such mailbox addresses as their business addresses. The planning and zoning director shall require the following amenities whenever a private mailbox center use has at least one (1) mailbox lessee who uses the mailbox address as a business address and where such mailbox lessee does not have a Plantation local business tax receipt issued which has a nonmailbox business address:

A restroom facility, a copy machine, a conference room consisting of a minimum of one hundred twenty (120) square feet, and a minimum of one hundred (100) square feet of clerical space to accommodate and provide secretarial services.

- (21) For purposes of this business listing, a "banquet facility" is defined as a building which is primarily devoted to providing sit down food and beverage service at one sitting simultaneously for guests assembled in one (1) or more large rooms for the common purpose of attending a private meal, or honoring one (1) or more persons or in celebration of a special occasion, day, event or holiday, may include as an incidental aspect only to sit down meal service sufficient to accommodate all of the guests and invitees of the banquet facility, live music, entertainment, or dancing. This definition does not include banquet rooms or halls which are clearly incidental or accessory to a restaurant or hotel (motel) primary use where the restaurant and hotel functions remain on-going during the incidental banquet function. Moreover, live entertainment, dancing,

and music at a banquet facility is not permitted without sit down meal service sufficient to accommodate all of the guests and invitees at the banquet facility. In this subdistrict, banquet facilities shall not have a restaurant bar. No outside storage of materials, equipment, supplies or goods of any kind is permitted at any time. There will be no music, dancing, or live entertainment allowed after the following hours:

- a. For banquet facilities in excess of four hundred (400) feet by airline measurement between the nearest point of the banquet facility structure and the nearest point of any residential, habitable structure, after 11:00 p.m. Sunday through Thursday nights or 12:00 midnight on Friday and Saturday nights, excepting only banquets on Friday and Saturday night held in celebration of religious sacraments (such as weddings, bar mitzvahs, etc.) which sacramental celebrations shall have no music, dancing or entertainment after 4:00 a.m. on Saturday and Sunday morning.
 - b. For banquet facilities which are less than or equal to four hundred (400) feet by airline measurement between the nearest point of the banquet facility structure and the nearest point of any residential, habitable structure, after 9:00 p.m. Sunday, 10:00 p.m. Monday through Thursday, and 11:00 p.m. on Friday and Saturday nights, excepting on Friday and Saturday night held in celebration of religious sacraments (such as weddings, bar mitzvahs, etc.) which sacramental celebrations shall have no music, dancing or entertainment after 1:00 a.m. Saturday or Sunday.
 - c. Furthermore, for any live entertainment, music, or dancing for any event after 11:00 p.m., the facility will notify the police department which may require the facility to have special duty police officers in attendance at the event as an additional requirement.
- (22) For the purposes of this business listing, the category "computer/electronics-retail" is defined to mean an establishment which sells personal computers, software, programs, peripherals, other related hardware and related electronic equipment, at retail. Installation on the premises of computer components for retail customers shall be permitted. Further, computer training classes, limited to no more than six hundred (600) square feet or area and no more than eight (8) computer work stations, shall be permitted to be conducted on the premises.
- (23) Mental health care establishments are permitted, subject to the following:
- Mental health care establishments having a single licensed practitioner occupying less than one thousand (1,000) square feet in area are permitted so long as the cumulative square footage of all mental health care establishments within any individual building does not exceed twenty (20) percent of the gross floor area of said building. Mental health care establishments having two (2) or more licensed practitioners, occupying greater than one thousand (1,000) square feet in area, or causing a cumulative square footage of all mental health care establishments within any individual building that exceeds twenty (20) percent of the gross floor area shall require conditional use approval, unless such expansion can be otherwise authorized by a provision in this Code.
- (24) For the purpose of this business listing, a "traffic school" is defined as an establishment primarily devoted to providing remedial courses to drivers of motor vehicles who have been cited for

moving traffic violations, or courses devoted to preparation for obtaining a driver's license, or both. The courses shall be limited to classroom instruction only, shall not involve any on-road driving instruction, and are limited to a maximum of thirty-five (35) students per class. No classes shall be offered for drug or alcohol-related moving citations. Classroom hours shall be limited to 8:00 a.m. to 10:00 p.m., weekdays and Saturdays, or to the normal operating hours of the center in which the school is located, whichever hours are more restrictive.

- (25) In bag inorganic materials only.
- (26) Service station. The following regulations of this subsection are intended to recognize that service stations are a special class of land use, distinguished by unique characteristics related to their physical appearances, their need for specialized structures, their hours of operation and both the noise and traffic they generate. While recognizing the need for such use, the city intends to preserve its community appearance, to safeguard and enhance property values of surrounding residential, commercial and industrial areas and to reduce potential safety conflicts which arise between motorists and pedestrians in connection with such use. In addition, the purpose and intent of these regulations are predicated on the following:
- a. A survey of existing gasoline service stations within the city reveals an even distribution of service station sites throughout the city, with an apparent locational emphasis on accessibility to motorists.
 - b. The city has many arterial roadways which divide the city and, because of continuing development surrounding the city such roadways are used by an increasingly significant number of persons who do not live or work in the city, but instead commute through the city.
 - c. Gasoline service stations select potential sites based primarily on roadway passerby traffic patterns and the number of existing stations serving same, and consequently, have an increasing number of customers who do not live or work in the city, and thus they do not provide a service to the city's residents or satisfy a community need within the city.
 - d. The city does not wish to encourage traffic congestion on roadways within the city by allowing additional gasoline stations to be located thereon for the use and benefit of drive-through commuters.
 - e. Despite significant advances in construction which minimizes the likelihood of environmental damage from gasoline stations, a significant number of sites within Plantation have been identified by the Broward County Department of Natural Resources protection as known "contaminated" sites which are in varying degrees of cleanup and monitoring, and further, the Florida Department of Environmental Regulation has reported that the average costs of removing underground storage tanks and contaminated soil, hauling in clean fill, and installing pollution monitoring equipment is between two hundred fifty thousand dollars (\$250,000.00) and three hundred thousand dollars (\$300,000.00) per site.

The following provisions are, therefore, established for service stations to ensure that such uses are compatible with other uses in the same district and to protect the public health, safety and general welfare:

- a. An application to erect, redesign, rebuild, enlarge or change a site plan of a service station must first be filed with the planning, zoning and economic development department, which application shall be evaluated in accordance with the requirements of this supplemental regulation, article XII, chapter 27 of this Code (the conditional use ordinance) and such other Code requirements for review as may otherwise apply (for example, the site design regulations applicable in the zoning district in which the conditional use is proposed to be located).
- b. A building permit shall not be granted by the city building department without the approval of the city engineering department, and the state department of transportation where it has jurisdiction with respect to drainage, paved areas, driveways and curb cuts, and such other matters as are elsewhere set forth in this Code, or in other regulations, or in development order requirements.
- c. The following accessory uses may be permitted in conjunction with the conditionally approved use, provided they are fully disclosed in and approved as part of the application:
 1. Minor repairs, which only include simple or minor preservation operations and the replacement of small parts, not involving any complex assembly operations;
 2. Auto wash racks;
 3. The incidental sale of food and beverages from a self-service or full-service service station;
- d. No luggage racks, trailers for sale or other rental may be stored or parked on the property.
- e. Signs shall comply with section 22-62 of the Code.
- f. Strings or pennants, whirling devices, large pyramids of tires, temporary signs and displays, or other unsightly contrivances are not permitted at any time.
- g. The city governing body may require the erection of a screening wall at the rear or sides, or both rear and sides of the property.
- h. The minimum setback requirements for service stations located at street intersections shall be fifty (50) feet from street right-of-way to walls of buildings, but canopies over pump service areas may extend into setback areas provided canopy supports are minimized to avoid blocking vision of traffic at intersections. Setbacks at other than street intersections shall be determined by the requirements of the particular site based on public safety, convenience, and the rights of adjoining property. If greater setback

requirements are set forth elsewhere in the Code, such greater setback requirements shall apply.

- i. No service station shall be established within one-quarter of a mile (1,320 feet) from any other service station which has ceased business operations and which has not been converted to a use which is presently in operation (i.e., an abandoned service station site). Additionally, no service station shall be established within one-half mile (2,460 feet) from another service station. Measurement shall be made by airline measurement, from the nearest point of one property line to the nearest property line of the other use. No service station existing as of the effective date of Ordinance No. 2130 shall become nonconforming solely as a result of being in violation of the distance limitations herein.
 - j. Every service station must ensure that a station attendant is readily available to assist any disabled person with fueling of such person's vehicle.
- (27) Resale specialty shops limited in size to no more than two thousand (2,000) square feet shall be a permitted use. Any increase in size over two thousand (2,000) square feet must be approved by the city as a conditional use. Regardless of whether the use is permitted or conditional, a resale specialty shop shall be no closer than one thousand (1,000) feet to another resale specialty shop, measured from property line to property line. No outside storage of any inventory or items shall be permitted at any time.

Resale specialty shop shall mean a business engaged in the purchasing, selling, and consigning of qualified, previously owned or used merchandise which is not subject to state certificate of title laws where the item is registered and a certificate of title is issued to identify ownership, excluding pawn transactions as defined in F.S. § 538.03(d), (Supp. 1998) as amended from time to time. As used within this definition, "qualified, previously owned or used merchandise" shall be limited to ordinary and customary household items including wearing apparel and accessories thereto, which are clean and not stained, abraded, torn or worn out in any area, and which (but for the sole fact that the item was previously owned) are generally merchantable as "first quality" merchandise. Specifically excluded from this definition of ordinary and customary household items are the following: guns, firearms, knives not considered to be cutlery, weapons, power lawn and landscape equipment, exercise equipment and large appliances such as refrigerators, washer and dryers, freezers and similar types of appliances or household equipment.

- (28) Assembly of pre-manufactured materials is permitted. Manufacturing of materials is only permitted inside of buildings and in conjunction with retail sales or office uses which non-manufacturing usage shall occupy no less than twenty (20) percent of the gross floor area of the buildings. For purposes of this section, manufacturing shall mean the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. The manufacturing of any chemicals or environmentally hazardous products shall be excluded from this definition and shall not be permitted. Also excluded, and therefore not permitted, is any manufacturing business that would produce excessive traffic, noise, odor, or vibrations that would be obnoxious to or produce negative impacts upon adjacent

properties.

- (29) Warehouse use is only permitted inside of buildings and in conjunction with retail sales or office uses which non-warehouse usage shall occupy no less than twenty (20) percent of the gross floor area of the building.
- (30) This supplemental regulation applies to high turnover sit-down restaurants that are conditional uses. Conditional use approval shall not be required if the proposed high turnover sit-down restaurant is:
 - a. Not a freestanding building, but instead is in line or part of a multi-tenant structure;
 - b. Does not have a drive-through facility;
 - c. The leasable floor area of the use when added to the remaining gross leasable square footage of all types of restaurants on the site result in less than ten (10) percent of the gross leasable floor area of the site being devoted to all types of restaurant use; and
 - d. The proposed use is less than three thousand eight hundred (3,800) square feet in size.
- (31) Petroleum products in prepackaged single use containers only.
- (32) Not to exceed fifty (50) percent of the gross leasable floor area of the tenant space and must have manufacturing, wholesale, retail or office uses in conjunction with warehouse or storage use.
- (33) Pool supply stores are permitted subject to the following:
 - a. Sales of pool supplies and related furniture and merchandise are restricted to retail.
 - b. Pool chemicals shall be kept in pre-packaged sealed containers from the manufacturer.
- (34) Bulk storage of pool chemicals may only be utilized in conjunction with a pool supply store and are permitted on a conditional use basis subject to the following:
 - a. Tanks for the storage of bulk chemicals are restricted to chlorine (sodium hydrochloride) or muriatic acid only and may not exceed a total capacity of eight hundred (800) gallons.
 - b. Tanks for the storage of bulk chemicals must meet all applicable fire, building and environmental codes and regulations, and requirements of the fire department which the fire chief may determine reasonably necessary under the circumstances.
 - c. Bulk chemicals may be transferred into containers no larger than three (3) gallons in size for retail sale.
 - d. All sales activities shall take place inside an enclosed building (this excludes the transfer of chemicals into containers, which shall be carried out by appropriately trained

employees of the business. Customers shall not fill containers themselves).

- e. All businesses must file a contingency emergency plan with the city fire department. The emergency plan should address the following areas of concern:
 - i. Chemical emergency prevention and mitigation;
 - ii. Emergency notification(s);
 - iii. Protective actions for the public;
 - iv. Protective equipment, actions and response of employees;
 - v. Spill containment;
 - vi. Reaction of chemical mixtures;
 - vii. Cleanup;
 - viii. Reporting;
 - ix. Plan evaluation and revision;
 - x. Employee education.
 - f. Bulk pool chemicals consist of chlorine (sodium hypo chlorite), tri-clor eighty-nine (89) percent granular chlorine, bromine, muriatic acid, and cyanuric acid (stabilizer).
- (35) Multi-independent vendor markets are those businesses in which more than two (2) independent vendors, tenants, subtenants or franchises (hereinafter called "vendors") offer to sell, service, fabricate or repair varying types of goods, merchandise, produce or foodstuffs (hereinafter called "goods") from the same site or location where either more than ten (10) percent of such vendors offering their goods do so from selling areas of spaces less than five hundred (500) square feet in size or where more than ten (10) percent of such vendors are not separated from each other with complete solid partitions up to fire rated roof assemblies with separate access ways and entrances for the use of customers and the stocking or restocking of goods offered to such customers.
- (36) Coin-operated laundries are permitted in the district shown, subject to the following:
- a. Dry cleaning and pressing services must be provided as an ancillary use.
 - b. All activities shall be conducted within a completely enclosed building.
 - c. Conditional use approval is required for those facilities having a gross leasable floor area greater than ten thousand (10,000) square feet or having operating hours before 6:30 a.m. or after 11:00 p.m..

- d. Lint may not be discharged to the exterior of the building.
 - e. All vents and/or exhaust outlets for removing fumes and/or heat from cleaners, washers, or dryers shall be confined either to the roof top area of a building, or to the portion of the exterior wall if the location is approved by the building department where it will not adversely affect exterior spaces, buildings, or pedestrians. No such wall exhaust outlet shall be permitted which is less than eight (8) feet above ground and which does not discharge upward vertically.
- (37) Medical or dental clinics/ambulatory care facilities are permitted in the district shown, subject to conditional use approval and subject to the following:
- a. The facility shall operate as a single business entity.
 - b. The facility shall be the sole occupant of a freestanding building.
- (38), (39) Reserved.
- (40) The sale of alcoholic beverages shall be regulated by chapter 3 in addition to chapter 27 of this Code. The sale of alcoholic beverages for on-premises consumption shall be limited to restaurants, restaurant bars, and fraternal, charitable, or membership-only private clubs as set forth in chapter 3 of the city's Code of Ordinances, and in nonconforming bars, hotel bars, restaurant entertainment facilities, and nightclub uses; additionally, the sale of alcoholic beverages for such uses are regulated by such uses' zoning regulations (if any). For example, if a restaurant bar is a conditional use, then the sale of alcoholic beverages in a restaurant bar is also a conditional use.
- (41) Fast food restaurants (as defined by section 27-1) shall be a permitted use only when located as an interior establishment within a multi-tenant structure (so as to preclude any exterior drive-through facility being created on an outer wall); otherwise, they shall be approved on a conditional use basis. Fast food restaurants may have an exterior pedestrian walk-up service window for food and beverage order, pick-up for consumption of food and beverages at a counter, and take-out only provided such area is at least twenty-five (25) feet from any vehicular driveway area. Fast food restaurants in this subdistrict may be freestanding establishments (and may have a drive-through facility) only when such freestanding establishment (and such drive-through facility) are approved as a conditional use.
- (42) If such membership-only private club is not a civic, charitable, or fraternal organization and wishes to serve alcoholic beverages for consumption on the premises, conditional use approval will be required.
- (43) Only when less than ten thousand (10,000) square feet in size. No outside storage or display of inventory, equipment, or supplies.
- (44) Lawn and garden supplies are only permitted when less than ten thousand (10,000) square feet in

size and only when they are restricted to retail only. No outside storage or display of inventory, equipment, or supplies is permitted; additionally the property line of the use must be at least one hundred (100) feet by airline measurement from the nearest property line of any residentially zoned property.

- (45) No outside storage of equipment, materials, or commercial vehicles.
- (46) Any pawnshop lawfully established and operating in the city as of August 1, 1997, shall be permitted to continue business as a conditional use subject to the following conditions:
 - a. The owner or operator of any such existing use may be permitted to expand such use at the existing location if conditional use permission is granted for such expansion. Such owner or operator shall submit with his application for conditional use approval a floor plan at a scale of not less than one-quarter (1/4) inch equals one (1) foot showing the location of entries and exits, storage and similar principal use areas and features.
 - b. Each such establishment shall be equipped with a security alarm system approved by the city police department.
 - c. The owner or operator of the proposed pawn shop shall provide evidence of compliance with all applicable state and federal laws regarding the sale of gold, firearms and other similar regulated merchandise.
 - d. Copies of all applications for licenses and certifications of approval, and copies of approvals thereof by appropriate state or federal agencies, shall be submitted to the city police department, for its permanent records.
 - e. Any lawful use in existence which is later destroyed for any reason or discontinued for at least thirty (30) days may be re-established at the same location, subject to conditional use approval.
- (47) The following are not considered a police facility and are hereby specifically excluded: parole offices, jails, correctional facilities, or detention facilities, and convict or prisoner rehabilitation or societal re-introduction facilities (e.g. "halfway houses", or supervised or structured living, working, or educational facilities).
- (48) As used herein the term "toning salon" shall apply to any facility located in an office complex which is a passive exercise salon which by use of electrically operated tables, subjects the recipient to a course of physical and isometric, highly repetitive movements designed to restore tone and elasticity to muscle fiber. The following conditions shall apply: (1) off-street parking shall be provided on the ratio of one (1) parking space for each seventy-five (75) square feet of gross floor area utilized.
- (49) No government office building usage allowed under this listing see other listings.
- (50) As used herein the term "laboratories, medical including dental" shall apply to and cover any

facility whether located in an office complex or not, which has as its principal purpose to conduct tests for diagnosis or treatment of human conditions or illnesses (not experimental), or the manufacturing of small medical and dental devices.

- a. There shall be no more than fifteen (15) employees.
 - b. Off-street parking shall be provided on the ratio of one (1) space per one hundred fifty (150) square feet of gross floor area occupied by the dental laboratory.
- (51) Conditional use approval shall be required when the medical clinic/ambulatory care facility exceeds two thousand (2,000) square feet in size.
- (52) Overnight vehicle storage associated with this use requires conditional use approval.
- (53) No repair, maintenance or servicing of any kind of any motor vehicle, whether such activity is considered to be minor or otherwise, is permitted unless wholly confined within a building or structure designed for such activities.

Neither the use or any structure used in connection with the vehicle maintenance/repair facility use shall be permitted to expand or enlarge; however, the use or structure(s) used in connection therewith may be altered to comply with the requirements of this section.

If any structure(s) used in connection with such a vehicle maintenance or repair facility use is (are) damaged or destroyed to an extent of more than fifty percent (50) of its (their) replacement cost, the structure(s) may not be rebuilt and the site shall be made to comply with all existing code requirements.

- (54) If the total floor area devoted to the use is greater than two thousand five hundred (2,500) square feet of gross floor area, the use is permitted only as a conditional use.
- (55) Body wrapping is a permitted accessory use to a beauty parlor and to a toning salon. Body wrapping is defined as a weight loss and skin reconditioning and toning technique, which involves wrapping a subject with an elastic material, by a licensed physician, nurse, physical therapist, masseuse, or beautician.
- (56) No repair garage shall be established within one-quarter of a mile (1,320 feet) from any other repair garage which has ceased business operations, within two (2) years of the date of the request to establish the new repair garage use. Additionally, no such repair garage shall be established within one-half (1/2) mile (2,640 feet) from an existing repair garage. Measurement shall be made by airline measurement from the nearest point of one property line to the nearest property line of the other use. No repair garage existing as of the effective date of Ordinance 2287 [October 16, 2002] shall become nonconforming solely as a result of being in violation of the distance limitations herein.
- (57) No more than fifteen (15) cars stored on the premises at any one time.

- (58) Must be self-service.
- (59) In connection with a new car agency offering a full range of services, all servicing and repairs shall be conducted within a completely enclosed building with windows and doors, constructed so as to prevent said servicing and repairs from becoming a public or private nuisance to adjoining property. Paint spray booths and dip tanks shall operate only in accordance with the Florida Building and Fire Codes. Damaged automobiles must be stored either within a building or stored in an area surrounded by solid walls at least six (6) feet high arranged so that damaged autos are not visible other than from the new car agency premises.
- (60) The sale and lease of used motor vehicles is permitted only in the State Road 7 SPI-2 auto mall subdistrict. For purposes of this use listing, the words "sale and lease of used motor vehicles" shall mean a use that sells or leases used operable cars as a complete working unit in substantially the same or better condition than they were in when they arrived on the site. A use principally selling boats or motorcycles or large trucks or recreational vehicles (see section 27-721(74)(c)(viii)) is not included within this definition. Similarly, a new car or truck dealership that engages in or has on-site accessory selling or leasing of used cars or trucks is also not intended to be included in this definition. Unlike the used car lots in the city, new car dealerships have significant accessory repair, body shop, showroom, and office activities conducted as part of the use and are a different type of business. The sale and lease of motorcycles within the city warrants different parking requirements because of the fact that a significant number of customers drive motorcycles and because all of the use takes place indoors (see "motorcycle dealer"). Finally, the city also regulates, boat related activities by other use regulations (see "boats" generally in the master list of business uses.) It is important to note that the definition requires that cars be "operable" and that they be sold "as a complete working unit in substantially the same or better condition than they were in when they arrived on the site". This language would prevent used car lots from bringing "junk" motor vehicles on the site, or from allowing inventory to be used for parts--which activity would make the use a junkyard and the proprietor a junkyard dealer--which latter use is presently not permitted in the master list of business uses.
- a. All lawful uses made nonconforming as a result of not being located within the State Road 7 SPI-2 auto mall subdistrict zoned property may continue, subject to the following:
1. If the property is used for another purpose, it cannot thereafter be used again for the sale and lease of used motor vehicles.
 2. If any structure(s) used in connection with the nonconforming use is (are) damaged or destroyed to an extent of more than fifty (50) percent of its (their) replacement cost, it (they) can be replaced or rebuilt provided the site, as rebuilt, complies with all setback, lot coverage, height, landscaping, parking, fire safety, and other site development requirements;
 3. Neither the nonconforming use nor any structure used in connection therewith shall be permitted to expand; however, the use or structures used in connection therewith may be able to be altered to comply with the requirements of this section; and

4. All nonconforming uses must continuously comply with the operating requirements set forth in subsection (c) below.
- b. All existing establishments engaged in the sale and lease of used motor vehicles shall comply with the following provisions of this supplemental regulation:
1. The sale and lease of used motor vehicles shall not include as accessory uses motor vehicle repair (which shall be allowed only as a principal use and which shall be regulated under the use listings for "garages") nor shall paint and body work be permitted as an accessory use. Headlight aiming, minor tune-ups, and other minor repair or maintenance associated with selling motor vehicles, and degreasing shall only be conducted within a building interior. Service bays shall not be oriented towards any adjacent residential property or towards the front street. This subsection 1 shall not be read to require buildings existing on the effective date of Ordinance No. 2287 [October 16, 2202,] where access to service bays is not oriented as required to be rebuilt or reconfigured.
 2. Motor vehicle storage for bulk sales, export, or other purposes shall not be permitted.
 3. The outside display areas for the sale or lease of vehicles shall be consistent with approved display and parking plans approved by the planning, zoning and economic development department. The outdoor display area must be landscaped in keeping with the city landscape ordinance and must meet the city's development standards for parking lots accessory to uses, except that interior landscape islands and striping are not necessary for the outside display "bull pen areas". Bull pen areas are those areas on the site, if any, where vehicles may be stored on an approved parking surface without reference to parking stalls, stall striping, or wheel stops. This parking is only for used motor vehicle inventory, and is not to be used for employee, customer, or visitor parking, which is subject to the parking requirements set forth below. The outside edge of bull pen parking areas shall comply with the city's perimeter landscape requirements if it adjoins the outside edge of the property.
 4. The outside display area is permitted within the front setback area, provided that it does not conflict with the Gateway 7 development district concept plan, and provided further that it is no closer than four (4) feet from the right-of-way.
 5. No bull pen parking will be permitted in the front street setback area, and between the front of the building and the front street (if the building is further from the street than the required setback). If bull pen parking is permitted in a side street setback area, then a hedge of a minimum height of four (4) feet shall be required along the property line.
 6. The parking requirement for customers, owners, and employees shall be the

greater of:

- (a) One (1) parking space for each three thousand (3,000) gross square feet of lot size or portion thereof, or
- (b) Four (4) spaces.

"Bull pen" parking shall not be counted towards meeting the parking requirements of customer, employee or visitor parking, and further, shall not be located, arranged, or used in such a manner as to interfere with access to the site or ingress and egress.

- 7. Any fencing material visible from an adjacent public right-of-way must be black metal picket in style, and shall comply with any special height requirements approved for the district. Fencing material which is not visible from a public right-of-way, shall be black vinyl coated or painted chain link with landscaping in the rear. The planning, zoning and economic development director may approve a different wall or fence after considering the extent to which the proposed wall or fence is compatible or similar to walls or fences of adjacent properties, the aesthetic attributes of the proposal, and the consistency of the proposed fence or wall with the district improvement plans or plan of redevelopment for the plantation community redevelopment agency. Fences shall not be used to visually screen. If bollards are installed, they must be screened by a landscape hedge in the front and must be painted a uniform color.
- 8. Except for automobiles, trucks, pickup trucks, vans, jeeps, motorcycles and recreational vehicles, no other outdoor sales or display of any materials, products, or goods shall be permitted. Each site shall be limited to no more than two (2) of the following on the site per calendar year quarter for a maximum of sixty (60) days: motorcycles, recreational vehicles, or trucks equal to or larger than a one-ton pickup in payload capacity size. No industrial equipment shall be sold, leased, rented, or otherwise stored. However, wherever reasonably possible as determined by the city, trucks (other than pickup trucks smaller than one (1) ton in payload capacity size) and recreational vehicles (which recreational vehicles are in excess of a passenger van in size) shall be displayed in areas which are separated from a street and from any residential areas by an outdoor display area for other permitted vehicles, customer or employee parking areas, or buildings.
- 9. Vehicles shall not be parked in any right-of-way, driveway, fire lane, or access area. Within any outdoor sales display or bull pen area, motor vehicles will be permitted to be advertised for sale or lease. Except as provided in this subsection 9, no motor vehicle repair or painting will be permitted in the motor vehicle display area, and vehicles shall not be parked with the hood or trunk open. Vehicles may be waxed or detailed in the rear setback area or in the rear of the building. Battery inspections, charging, and replacement, as well as flat tire replugging and patching may be made in the vehicle display area without moving

the afflicted vehicle and the hood or trunk may be left open for an amount of time needed for such purposes. Except between the hours of 7:00 a.m. to 10:00 a.m., all vehicular exterior cleaning will be conducted in the rear setback area or in the rear of any building. During 7:00 a.m. and 10:00 a.m., vehicle cleaning may be conducted within any portion of the vehicle display area.

10. Except for existing areas designated for off-loading, any areas designated for the off-loading of vehicles or for loading and deliveries shall be located to the rear of buildings. Every effort shall be made to locate these areas at least one hundred (100) feet from any residentially zoned lot, and these areas shall be appropriately designated, marked, and signed.
 11. Each used motor vehicle establishment must have a parking layout plan approved by the zoning director demonstrating where customer and employee parking, inventory, fire lanes and driveways are located, and the property shall be used in accordance therewith.
 12. Lighting restrictions: Exterior lighting shall not exceed twenty-five (25) feet in height; shall be directed away from adjacent properties; shall be a sharp cutoff, luminary; shall confine light to the site only; and shall not exceed when measured at ten (10) feet inside any property line, the following illumination:
 - (a) One hundred (100) footcandles within display areas;
 - (b) Forty (40) footcandles within all other areas;
 - (c) After 11:00 p.m., the illumination in display areas shall be reduced to fifty (50) footcandles. Lights installed in the rear or side portion of the site where the rear or side portion is adjacent to residential property shall have reflectors or shall be designed to minimize light spillage onto the residential areas. The city planning, zoning and economic development department, in conjunction with the police department, may authorize deviations from the candle power illumination standards contained herein to achieve an appropriate site-specific balance between the interest of promoting security and the interest of reducing any adverse secondary negative effects that lighting may have on the residential areas adjoining a site's side or rear property line.
- (61) Helistops may hereafter be approved by a conditional use permit in all use districts other than residential districts, with the council being able to place parameters on the type of helicopter, to be considered by the city council on an individual basis having due regard to the safety of the citizenry, and to the avoidance of undue noise pollution of the environment.

Nothing in this subsection shall prohibit the emergency landing of helicopters in any open space or the occasional landing of a helicopter in any nonresidential use district so long as such landing occurs at least three hundred (300) feet from the nearest residential structure and one hundred

fifty (150) feet from any other structure; rather this subsection is to govern the granting of conditional use permits for the regular landings of helicopters at helistops.

- (62) Mixed uses of commercial, office, and residential are encouraged in the State Road 7 SPI-2 District. Residential uses will be allocated in land use districts through the utilization of reserve units or flexibility pursuant to the Broward County and City of Plantation Land Use Plans.
- (63) Convenience stores with ancillary sales of gasoline and diesel fuel dispersed from a fully detached pump island are permitted as a conditional use in the State Road 7 SPI-2 District auto mall subdistrict on a lot or parcel containing a minimum of thirty thousand (30,000) square feet subject to the following conditions in addition to those contained herein below:
- a. The lot or parcel shall be located on the corner of the Express Street (State Road 7) and an intersecting arterial, collector, or local street and affords access from both the Express Street and the intersecting side street, and no such facility shall be located closer than two thousand six hundred forty (2,640) feet from a similar facility.
 - b. The site shall have a minimum frontage of one hundred seventy-five (175) feet on the express street.
 - c. As used herein the term "convenience store" shall apply only to convenience stores having a minimum gross floor area of two thousand five hundred (2,500) square feet and no such sales of motor vehicle fuels from smaller sized convenience stores shall be allowed (as no longer being deemed ancillary in nature to such primary convenience store use).
 - d. Building area coverage shall not exceed ten (10) percent of the lot or parcel including, the additional right-of-way in the State Road 7 trafficways corridor which is dedicated or granted to the public as an easement.
 - e. Buildings or structures shall not exceed one (1) story in height.
 - f. There shall be no more than one (1) gasoline/diesel fuel service island with a maximum of two (2) multiple dispensing pumps. The island shall be located at least forty (40) feet from the principal entrance of the convenience store.
 - g. There shall be a permanent landscaped buffer at least five (5) feet in width, and forty (40) feet in length separating the gasoline/diesel fuel service island from the convenience store and such service island shall be curbed.
 - h. The site shall be designed in such a way that fuel service and delivery trucks can enter, exit and maneuver easily without entering the side street or obstructing the side street or sidewalk; and when parked and delivering fuel will not obstruct free entry/exit, maneuvering and parking of passenger vehicles.
 - i. Fuel pumps and storage shall be located a minimum of one hundred fifty (150) feet from

any residential structure and fuel pumps shall be fully operated from within the convenience store.

- j. There shall be no outside display, storage or sale of motor oil, additives or other automotive products or accessories.
- (64) Within State Road 7 SPI-2 hybrid commercial subdistrict, the city council may authorize a variation in the two thousand six hundred forty-foot distance separation requirement for pawn shops as contained in section 27-721(39.1) of this Code of Ordinances; provided however, that such variations will be available only for pawn shop businesses which were in existence as of January 1, 1993, which do not presently satisfy said distance separation requirement, and which are relocating so as to increase the existing distance between it and the other pawn shops with which it presently violates the distance separation requirement, and where the relocation does not otherwise create a new violation of the said distance requirement.
- (65) Within the State Road 7 SPI-2 hybrid commercial, auto mall and artisan commerce subdistricts, motorcycle dealerships are permitted on a conditional use basis, subject to the following criteria:
- a. Sales of motorcycles which are new, used or both shall be permitted.
 - b. The total square footage authorized for such use, which use must be housed within a completely enclosed building, shall not exceed three thousand five hundred (3,500) gross square feet.
 - c. All repairs of any kind whatsoever, including all testing of such vehicles, shall be conducted within the completed enclosed building; provided, however, that the total gross square footage of area devoted to such repair use shall not exceed twenty (20) percent of the total gross square footage of the use and provided, further, that no portion of the building devoted to such accessory use shall be closer than one hundred (100) feet to the nearest property line of any residentially zoned district.
 - d. The parking required for such use shall be calculated as eight-tenths (0.8) parking space per employee, rounded to the next higher integer and one (1) space for each two hundred (200) gross square feet of showroom or display area of the dealership. Parking spaces for at least six (6) motorcycles must also be provided on the site. Such spaces shall be the equivalent of spaces associated with three (3) vehicle parking spaces, but each such space shall be divided in half, so that each such space can accommodate two (2) parked motorcycles. Signage and striping of the parking spaces shall also be provided to identify them as restricted to the parking of such vehicles.
 - e. A distance separation between such uses of one-half (1/2) mile (2,640 feet) is required. Measurement shall be made by airline measure, from the nearest point of one property line to the nearest point of one property line to the nearest point of the property line of the other use.
 - f. The requirements set forth in subsections b. through e. above may be waived or reduced

by the city governing body. Any waivers or reductions are not favored. Any such waiver or reduction request would be to the minimum extent necessary and would be designed to protect to the greatest degree possible the public interest in ensuring that these uses would have minimal adverse secondary effects to the surrounding property and neighborhood. The following criteria shall be considered in any waiver or reduction request in addition to the standards and criteria that the city governing body must also consider when evaluating conditional uses:

1. The type of other uses lying within the separation limitation and their location (if that is the subject of the waiver or reduction request) and any complaints or adverse impacts caused by such other uses.
2. The zoning district in which the proposed motorcycle dealership is to be located, and the character of the surrounding property and neighborhood (as such terms are defined in the city conditional use ordinance).
3. The vehicular traffic patterns surrounding the proposed motorcycle dealership and the method by which such traffic enters and exits the site.
4. The hours of operation for the proposed motorcycle dealership, including the days of operation.
5. The testing procedures and proposed testing route for motorcycles.
6. The extent of soundproofing of structures.
7. Any enhancements to the site in terms of landscaping, buffering or structural enhancements that would be above and beyond that required by code.
8. Whether the applicant is willing to record a covenant incorporating conditions of approval so as to be binding upon and run with the property.

(Ord. No. 2218, § 8, 4-5-2000; Ord. No. 2221, § 4, 4-26-2000; Ord. No. 2287, § 11, 10-16-2002; Ord. No. 2359, § 3, 1-25-2006; Ord. No. 2361, § 7, 4-19-2006; Ord. No. 2379, § 9, 12-13-2006; Ord. No. 2394, § 2, 9-5-2007)

Sec. 27-613.4. Subdistrict-specific development standards.

In order to promote the special purpose and intent of the State Road 7 SPI-2 District, the following development standards shall apply:

- (a) Subdistrict 1--Auto Mall.

Minimum lot area: 5,000 square feet

Minimum lot frontage: 50 feet

Minimum lot depth: 100 feet

Minimum front yard setback: 10 feet on the east side of State Road 7 and 80 feet on the west side of State Road 7. For those properties located adjacent to west side of State Road 7, the first 10 feet abutting the west right-of-way line shall be a buffer zone, the next 20 feet shall be devoted to parking, the next 30 feet shall be a two-way road to provide vehicular traffic, the next 20 feet shall be devoted to parking, and the next 10 feet shall be used as a cement sidewalk which shall be continuous across the property. Cantilevered construction may project from a building over the full width of the sidewalk if the vertical clearance is not less than 12 feet. Cantilevered projection with vertical clearance from 9 to 12 feet is permitted provided the projection is a minimum of 3 feet from the road edge of the sidewalk. If the building is not placed at the setback line, a kneewall or edge treatment must be installed at the setback line.

Minimum side yard setback: 10 feet

Minimum rear yard setback: 25 feet

Maximum height: 42 feet (3 stories)

Maximum building coverage: 40%

Minimum open space: 30%

Minimum building separation: 10 feet

(b) Subdistrict 2--Healthcare Services.

Minimum lot area: 20,000 square feet

Minimum lot frontage: 125 feet

Minimum lot depth: 125 feet

Minimum front yard setback: 10 feet, except 80 feet for those properties located adjacent to State Road 7. For those properties located adjacent to State Road 7, the first 10 feet abutting the west right-of-way line shall be a buffer zone, the next 20 feet shall be devoted to parking, the next 30 feet shall be a two way road to provide vehicular traffic, the next 20 feet shall be devoted to parking, and the next 10 feet shall be used as a cement sidewalk which shall be continuous across the property. Cantilevered construction may project from a building over the full width of the sidewalk if the vertical clearance is not less than 12 feet. Cantilevered projection with vertical clearance from 9 to 12 feet is permitted provided the projection is a minimum of 3 feet from the road edge of the sidewalk.

Minimum side yard setback: 10 feet

Minimum rear yard setback: 25 feet

Maximum height: 75 feet (5 stories)

Maximum building coverage: 40%

Minimum open space: 30%

Minimum building separation: 10 feet

(c) Subdistrict 3--Professional Office.

Minimum lot area: 5,000 square feet

Minimum lot frontage: 50 feet

Minimum lot depth: 100 feet

Minimum front yard setback: 10 feet. If the building is not placed at the setback line, a kneewall or edge treatment must be installed at the setback line.

Minimum side yard setback: 10 feet

Minimum rear yard setback: 25 feet

Maximum height: 42 feet (3 stories)

Maximum building coverage: 40%

Minimum open space: 30%

Minimum building separation: 10 feet

(d) Subdistrict 4--Hybrid Commercial.

Minimum lot area: 5,000 square feet

Minimum lot frontage: 50 feet

Minimum lot depth: 100 feet

Minimum front yard setback: 10 feet. If the building is not placed at the setback line, a kneewall or edge treatment must be installed at the setback line.

Minimum side yard setback: 10 feet

Minimum rear yard setback: 25 feet

Maximum height: 42 feet (3 stories)

Maximum building coverage: 40%

Minimum open space: 30%

Minimum building separation: 10 feet

(e) Subdistrict 5--Four Corners Commercial.

(1) *Southwest Corner and all out parcels within Subdistrict 5:*

Minimum lot area: 43,560 square feet

Minimum lot frontage: 250 feet

Minimum lot depth: 200 feet

Minimum front yard setback: 10 feet, except 15 feet for out parcels. If the building is not placed at the setback line, a kneewall or edge treatment must be installed at the setback line.

Minimum side yard setback: 15 feet

Minimum rear yard setback: 20 feet

Maximum height: 42 feet (3 stories)

Maximum building coverage: 40%

Minimum open space: 30%

Minimum building separation: 20 feet

(2) *Northeast, Northwest and Southeast Corners within subdistrict 5:*

Minimum lot area: 5 acres

Minimum lot frontage: 500 feet

Minimum lot depth: 500 feet

Minimum front yard setback: 15 feet, except 50 feet on the northwest corner adjacent to State Road 7. If the building is not placed at the setback line, a kneewall or edge treatment must be installed at the setback line.

Minimum side yard setback: 15 feet

Minimum rear yard setback: 20 feet

Maximum height: 98 feet (7 stories)

Maximum building coverage: 40%

Minimum open space: 30%

Minimum building separation: 20 feet

(f) Subdistrict 6--Artisan Commerce.:

(1) *Properties fronting State Road 7 within subdistrict 6:*

Minimum lot area: 2 acres

Minimum lot frontage: 100 feet

Minimum lot depth: 250 feet

Minimum front yard setback: 10 feet. If the building is not placed at the setback line, a kneewall or edge treatment must be installed at the setback line.

Minimum side yard setback: 10 feet

Minimum rear yard setback: 25 feet

Maximum height: 42 feet (3 stories)

Maximum building coverage: 40%

Minimum open space: 30%

Minimum building separation: 10 feet

(2) *Properties fronting Peters Road within Subdistrict 6:*

Minimum lot area: 5,000 square feet

Minimum lot frontage: 50 feet

Minimum lot depth: 100 feet

Minimum front yard setback: 10 feet. If the building is not placed at the setback line, a kneewall or edge treatment must be installed at the setback line.

Minimum side yard setback: 10 feet

Minimum rear yard setback: 25 feet

Maximum building coverage: 40%

Minimum open space: 30%

Minimum building separation: 10 feet

(Ord. No. 2218, § 9, 4-5-2000; Ord. No. 2221, § 5, 4-26-2000; Ord. No. 2287, § 12, 10-16-2002)

Sec. 27-613.5. Site development regulations which shall apply to all subdistricts.

(a) The site development regulations in this section apply to all subdistricts.

(b) Out parcel buildings within the same overall development shall have a minimum building separation of two hundred (200) feet straight-line measurement from structure to structure. Development of out parcels created pursuant to the regulations contained herein shall be evaluated in terms of the overall development within which it is located. Access to the out parcel shall be provided from the overall development. All landscaping, parking, and open space requirements of the applicable subdistrict shall be satisfied on-site unless otherwise provided for within the overall development; the developer shall submit appropriate documents ensuring compliance.

(c) Permitted improvements in front setbacks shall be limited to:

- i. Open pedestrian plazas, pedestrian furniture;
- ii. Landscaping, potted plants, planter boxes;
- iii. Driveways and sidewalks (crossing the setback area);
- iv. Lighting;
- v. Ground signs;
- vi. Bike racks;
- vii. Bus shelters;
- viii. Drive aisles providing for north-south access at the northwest corner only;

(d) In an effort to encourage redevelopment in the State Road 7 SPI-2 District, the city wishes to establish parking deviations. All property in the district shall enjoy the deviation set forth in (i) below. An

applicant may apply for an increased deviation in (ii) or (iii) below. The deviations in (i), (ii), and (iii) shall not be available for uses listed in (iv) (unless otherwise provided in paragraph (iv)), and shall not be available for property which received a variation pursuant to section 27-617, City Code, pertaining to nonconformities associated with the expansion of state roads within the State Road 7 SPI-2 District).

- i. The parking requirement for uses is established elsewhere in this Code. When such uses locate in the State Road 7 SPI-2 District, the parking requirement shall be reduced by fifteen (15) percent. This is a fifteen (15) percent reduction in the Code requirement, not a fifteen (15) percent reduction in site specific applications, since some sites have been previously given waivers or variations, or deviations.
- ii. The city recognizes that the market conditions sometimes cause actual use of property to deviate from planned use. Occasionally, a particular use mix is such that there exists actual, excess onsite off-street parking in mixed use sites which can accommodate a new use or a use expansion though such new use or use expansion would be otherwise prohibited by the parking formula set forth above in this subsection. The director of planning, zoning and economic development may approve an application for a parking deviation so as to permit a new use or use expansion otherwise prohibited by the applicable parking formula without adding any additional on-site, off-street parking for such use; pursuant to the following:
 - a. The actual number of permitted spaces on the property shall be calculated,
 - b. A site specific parking independent analysis shall be submitted by the applicant which identifies the site's average parking space utilization during relevant periods of time for the property. The city may have same evaluated by its own consultant;
 - c. When the actual number of spaces permitted on site exceeds the average utilization, the excess is called the site's "average number of unused spaces";
 - d. A use expansion or new use may be permitted utilizing up to fifty (50) percent of the site average number of unused spaces for the proposed new use or use expansion's parking requirement. The parking requirement for the new use or use expansion shall be calculated in accordance with (i) above;
 - e. The new use or use expansion must be commenced without alteration of exterior elevations or the size of the structures on the site (except for minor elevation alterations) and the utilization of this formula shall not justify a decrease in lot or site area;
 - f. The property's off-street parking requirement before and after the use expansion must be entirely satisfied by onsite, off-street parking;
 - g. The new use or use expansion is permitted by the City Code without city governing body use approval;
 - h. The property must be improved in order to qualify for this deviation; and

- i. If the director of planning, zoning and economic development does not wish to approve an application for a parking deviation pursuant to this section, the applicant may seek a review of that decision to the city governing body as if the property was receiving site plan approval, and it shall be reviewed and evaluated as a site plan review.
- iii. The director of planning, zoning and economic development may allow up to a twenty (20) percent reduction in the parking requirement for uses located in the State Road 7 SP1-2 District under the following circumstances:
 - a. The property must be improved;
 - b. The deviation permitted herein must not be used to justify a change to the structured increasing its floor area or a decrease in lot, area or site;
 - c. The parking requirement before the twenty (20) percent deviation must not be calculated using either of the deviations authorized in (i) or (ii) above and must not be calculated using any other site specific, previously authorized waivers (put differently, it must be calculated according to the parking formula set forth elsewhere in this Code);
 - d. The director of planning, zoning and economic development must determine that no parking study is needed to conclude that there are more than sufficient spaces onsite and off-street to accommodate a proposed use for the property when giving between the fifteen (15) percent and a twenty (20) percent deviation, and that such deviation would seemingly create no congestion;
 - e. The property's total required parking is both onsite and off-street before and after any deviation is granted; and
 - f. For each space waived above fifteen (15) percent of the required, the applicant shall contribute one thousand five hundred dollars (\$1,500.00) to the city. The contribution above is a fraction of the cost to provide a parking space and include the estimated cost of pavement, a parking stop, limerock base, pavement striping, and an approximate value for the land comprising a space. All fees collected shall be deposited into an account designated for the provision of parking spaces in the State Road 7 SP1-2 District and such funds shall only be used for such purposes. The city may transfer these fees to the Gateway 7 Development District, a local government safe neighborhood improvement district, or to a community redevelopment agency, created pursuant to Chapter 163, Florida Statutes, if such local governmental entity or local government safe neighborhood improvement district undertakes to improve land for public parking within the State Road 7 SPI-2 District boundaries. 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 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.

- iv. The following uses will not be allowed to take advantage of the parking deviations set forth in (i), (ii), or (iii) above:
 - a. Fast food restaurant;
 - b. Restaurant bar;
 - c. High turnover sit down restaurant;
 - d. Sports center;
 - e. Office support high density occupation areas as defined in section 27-743;
 - f. Amusement arcade;
 - g. Auto tag agency;
 - h. Laundries, coin-operated;
 - i. Bar;
 - j. Offices for doctors, dentists, podiatrists, and other related professions, and medical clinics/ambulatory care facilities (only get the fifteen (15) percent reduction in (i) above)
 - k. Package stores;
 - l. Service stations.

(e) The general design theme for the buildings and building sites for the subdistricts is that of "Plantation Tropical". The design of buildings shall emphasize a blend of traditional Colonial architectural elements influenced by the tropical climate of the area. Rooflines shall be sloped and varied in elevation. Pedestrian orientation and safety shall be emphasized through the use of walkways, lighting and high visibility areas. Design standards, which include signage, lighting, fencing, site improvements and building facades, are set forth in the Plantation Tropical Design Manual. The Plantation Tropical Design Manual, attached to Ordinance [No. 2270] as Exhibit "A" is hereby adopted. This manual was developed to supplement the applicable site development regulations and to apply to the design and construction of new structures as well as the rehabilitation of existing structures. All new or improved structures, site improvements, and appurtenances must comply with the design theme standards in the Plantation Tropical Design Manual. In the event a proposed improvement is denied by the planning, zoning and economic development director as being inconsistent with the adopted manual (as same may be amended as provided below), an applicant for a building permit or other development permit may seek review of the decision by the city governing body, in which event the matter will be noticed and advertised in the same manner as the city governing body's consideration of site plans and the city's quasi-judicial procedural rules shall apply to the city governing body's hearing. The Exhibit "A" design manual may be amended by resolution of the city governing body.
(Ord. No. 2218, § 10, 4-5-2000; Ord. No. 2270, § 1, 4-10-2002)

Secs. 27-613.6--27-613.50. Reserved.

Sec. 27-614. Permitting procedures.

(a) All requests for variation based on the above shall include the submittal, review and approval by the planning and zoning board, the landscape review committee and the city council of specific site plans showing the variations requested and describing and/or depicting the reasons therefor.

(b) The following procedures shall be followed in request for and authorization of variations from the strict application of underlying zoning in the State Road 7 SPI-2 District.

- (1) Proponent shall make application for variation at the time site plan is submitted for review and approval. Applicant shall state in his application the specific variation requested, the reasons for the request and shall include any surveys, drawings, descriptions or other information necessary to fully explain the reasons therefor.
- (2) Such application shall be accompanied by letters from the Broward County Engineer and Traffic Engineer and Florida Department of Transportation approving the proposed utilization of the forty-foot dedication or easement area.
- (3) The application shall be accompanied by a standard revocable license agreement in a form approved by the city attorney, signed by the applicant and notarized.
- (4) The city council shall hold a duly advertised and noticed public hearing on the request and may approve or deny the request and attach such conditions as it deems necessary to protect the public health, and general welfare and to effectuate the purpose and intent of this ordinance. No such variation shall increase the population density or maximum floor/land area ratio generally permitted in the districts.
- (5) The revocable license including the variations approved, the appropriate identification of the property, the property owner of record, the instrument involved and the date of the action shall be recorded in the office of the city clerk and a copy shall be submitted to the building department with application for permit if requested. The building and zoning department shall be responsible for maintaining a record of all required and authorized variations and licenses and for enforcing same.
- (6) Applicant shall, prior to the hearing and action by the city council pay all fees including legal, review and filing fees to city clerk.

(Ord. No. 1290, § 4, 1-16-85; Ord. No. 2222, § 1, 5-31-2000)

Sec. 27-615. Compliance.

Any items or code requirements not varied by this subdivision or specified herein shall be as required in this chapter and all other ordinances of the city.

(Ord. No. 1290, § 5, 1-16-85; Ord. No. 2247, § 4, 2-21-2001)

Sec. 27-616. Signs.*

* **Editors Note:** The attachments referenced in this section are not set out herein, but are on file and available for inspection in the offices of the city clerk and the zoning department.

(a) The intent of this section is to regulate signage as a means to achieve the goals for the improvement of the SPI-2 State Road 7 district (Plantation Gateway); to promote pedestrian and traffic safety in the district by preventing visual distractions, and to enhance the aesthetic environment and the effectiveness of signs in indexing business and services in the district.

(b) The following principles shall apply to any sign located in the SPI-2 State Road 7 district (Plantation Gateway):

- (1) New signs, including sign replacements and alterations to existing signs, with the exception of a change of copy on an existing sign face, shall comply with the standards of this section.
- (2) All signs shall comply with the applicable provisions of chapter 22, Signs and Advertising, and with the standards of this section.
- (3) In cases where the standards of this section conflict with chapter 22, this section shall prevail.
- (c) All detached signs shall conform to the following structural design types:
 - (1) *Monument sign:* A monument sign shall be a sign supported by a single pylon structure such that the bottom of the sign is elevated to a height not to exceed three (3) feet.
 - (2) *Ground profile monument sign:* A ground profile monument sign shall be a sign erected such that the entire bottom of the sign is either in contact with the ground or is in contact with a sign base. The sign base supporting a ground profile monument sign shall not exceed a height of twelve (12) inches.
- (d) The type, size and height of signs shall comply with the following standards:
 - (1) *Single establishments:* All detached place identification signs for single establishments shall comply with the monument (Type A) and ground profile monument (Type B) design illustrations in Attachment No. 1 attached hereto and incorporated herein.
 - (a) Single occupant establishments with property frontage up to and including one hundred fifty (150) lineal feet shall be allowed the following:
 - (i) One (1) ground profile monument (Type B), not to exceed thirty-two (32) square feet each face; or
 - (ii) One (1) flat sign to conform with section 22-53(1)a and b.

- (b) Single occupant establishments with property frontage over one hundred fifty (150) lineal feet shall be allowed the following:
 - (i) One (1) monument (Type A), not to exceed thirty-two (32) square feet each face; or
 - (ii) One (1) flat sign to conform with section 22-53(1)a and b; or
 - (iii) One (1) ground profile monument (Type B) double-faced detached place identification sign not to exceed thirty-two (32) square feet each face; or
 - (iv) One (1) ground profile monument (Type B), not to exceed thirty-two (32) square each face, together with one (1) flat sign to conform with section 22-53(1)a and b.
- (2) *Service stations:* All detached place identification signs for service stations shall comply with the ground profile monument (Type C) and monument (Type D) design illustrations in Attachment No. 2 attached hereto and incorporated herein.
- (3) *Linear development centers and major centers:* All detached place identification signs for linear development centers and major centers shall comply with the monument (Type E) and ground profile monument (Type F) design illustrations in Attachment No. 3 attached hereto and incorporated herein.
 - (a) Linear development centers which contain two (2) businesses may have a ground profile monument (Type F) sign showing two (2) business names.
 - (b) Linear development centers which contain more than two (2) businesses or major centers may have two (2) monument (Type E) signs, provided that the signs are separated by a minimum distance of five hundred (500) feet.
- (4) *Car dealerships:* All major detached place identification signs for car dealerships shall comply with the monument (Type G or Type H) design illustrations in Attachment No. 4 attached hereto and incorporated herein. All secondary detached place identification signs for car dealerships shall comply with the monument (Type A) and ground profile monument (Type B) design illustrations in Attachment No. 1 attached hereto and incorporated herein.
 - (e) All business establishments within the district are encouraged to display a street address number on their detached place identification signs. Numbers shall be six (6) inches in height and in contrasting color.
 - (f) No sign may be located in an easement unless otherwise approved by those agencies having functional jurisdiction. No sign may be located in a sight line setback or obstruct sight distance areas at entrances and intersections, as determined by the engineering department.
 - (g) All detached place identification sign structures must compliment the style and architectural design of the building in which the business being advertised is located. All sign designs shall be reviewed and approved by the city landscape architect or other designated staff person to insure appropriate design. In

reviewing said design, staff shall consider whether the proposed sign design is compatible with the style and design of the buildings located on the property; whether it is compatible with existing signs on the site and whether the graphic elements are the minimum necessary to convey the signs message. An applicant whose sign structure design has been rejected by the city staff reviewer may appeal such determination to the city council by filing a written request to appeal the determination within thirty (30) days of receiving written notification that the sign structure design has been rejected by the staff designee.

(h) Neon signs shall not be permitted within the SPI-2 State Road 7 District (Plantation Gateway).

(i) For multi-tenant building within the SPI-2 State Road 7 District (Plantation Gateway), master sign plans must be submitted whenever there is a sign altering the exterior elevation of the building. No sign may be emplaced, painted, affixed or in any manner attached to the exterior elevation of a multi-tenant structure without the approval of the three (3) member committee authorized to make minor site plan variations as provided in section 27-84 or the majority of the full city governing body if said three-person committee cannot achieve a unanimity of approval for such sign on said exterior elevation of the structure.

(Ord. No. 1961, § 1, 9-29-93; Ord. No. 2247, § 2, 2-21-2001)

Attachment No. 1

Single Establishment - Section 22-52(1)and (2)

GRAPHIC UNAVAILABLE: [Click here](#)

Attachment No. 2

Service Stations (Gasoline) - Section 22-62

GRAPHIC UNAVAILABLE: [Click here](#)

Attachment No. 3

Linear Development Centers - Section 22-52(3)
and Major Centers
Section 22-52(3) Section 22-52(4)

GRAPHIC UNAVAILABLE: [Click here](#)

Attachment No. 4

Car Dealerships - section 22-52(13) - Major Sign

GRAPHIC UNAVAILABLE: Click here

Attachment No. 5

Car Dealerships - section 22-52(13)- Secondary Sign

GRAPHIC UNAVAILABLE: Click here

Attachment No. 6

GRAPHIC UNAVAILABLE: Click here

Attachment No. 7

Location/positioning

Freestanding Signs. The sign may not obstruct sight distance area at entrances and intersections, as required by the engineering department. No structure is to be erected within an easement or obstruct traffic.

GRAPHIC UNAVAILABLE: Click here

Sec. 27-617. Nonconformities within Plantation Gateway.

(a) *Purpose and intent.* Within Plantation Gateway (a Local Government Safe Neighborhood Improvement District, established by city ordinance, herein, the "district") are properties which have conforming uses (i.e., uses that are listed as a permitted use or as a permitted conditional use in the zoning regulations that apply to the property) but nevertheless do not conform with existing physical site development regulations such as open space, landscaping, setbacks, lot coverage, or parking (herein, "nonconforming property"). Some of these properties became nonconforming property after additional right-of-way was acquired by the Florida Department of Transportation for the State Road 7 corridor and some of the properties are nonconforming property because of other reasons. This section establishes provisions that regulate the conditions under which these nonconforming properties may be used and occupied, and which regulate the conditions under which properties which have nonconforming uses may be used and occupied.

(b) *General rules.*

(i) In enacting City Ordinance Nos. 2022 and 2187, the city established a procedure within which

persons interested in nonconforming property within the district could apply for, receive, and implement a certificate of conformity so as to obtain authorized deviations from the city's otherwise applicable, then existing regulations pertaining to setbacks, landscape buffer width along State Road 7, business sign locations, off-street on-site parking requirements for the existing use at the time of application, and building coverage requirements. If a certificate of conformity has not been timely received, executed, confirmed as effective, and implemented, then those nonconforming properties which lost land area as a result of the State Road 7 corridor expansion have expanded or enlarged or increased the extent of their nonconformity with city law and are thereby and hereby no longer permitted to continue to be used and occupied unless compliance is obtained with this section, as required by this section.

- (ii) All nonconforming property within the district which has timely received, executed, had confirmed as effective, and implemented (or still may implement) a certificate of conformity is hereby no longer permitted to be used and occupied unless compliance is obtained with this section, as required by this section.
 - (iii) All nonconforming property within the district which was not made nonconforming as a result of the expansion of State Road 7 or which could not apply for a certificate of conformity pursuant to City Ordinance Nos. 2022 and 2187, is hereby no longer permitted to be used and occupied unless compliance is obtained with this section, as required by this section.
 - (iv) Except as provided in paragraph (b)(v) below, all property in the district which does not meet the requirements set forth in this section, is hereby no longer permitted to continue to be used and occupied unless compliance is obtained with this section as required by this section.
 - (v) Property used for the sale and lease of used motor vehicles, as defined in City Ordinance No. 2165, shall continue to be subject to such ordinance and shall not be required to comply with this section, unless the condition specified in paragraph (c)(i)a. occurs, or there is a change in a building's classified group of occupancy pursuant to the South Florida Building (or successor) Code, or the use of the property for the sale and lease of used motor vehicles is no longer the site's principal use or is discontinued.
- (c) *Applicability of law.*
- (i) This section applies to property which is "redeveloped" within the district. For purposes of this section, the word "redeveloped" means:
 - a. A change in specific use, regardless of whether the new use is a permitted use within the applicable zoning classification; or,
 - b. A change in tenant or ownership with no change in specific use, but where permits are required pursuant to the South Florida Building Code, or successor code, for interior alterations to a building to accommodate a new tenant or owner, where such permits (individually or cumulatively after the effective date of the ordinance creating this section) affect or occur within floor space of more than thirty (30) percent of the gross leasable square feet of the building; or,

- c. Construction or reconstruction to a building site where the construction does not involve a change of the gross square feet of the building by adding stories or a change to the building footprint (such as, for example, repaving and marking drive aisles and parking areas, creation of new landscape areas, changing means of site ingress and egress, or doing other work not specified in the preceding but which has a value or cost in excess of five thousand dollars (\$5,000.00)); or,
 - d. Any construction or reconstruction of a building's exterior elevations which does not change the gross square feet of the building by adding stories or altering the building footprint; or,
 - e. Any construction or reconstruction of a building which does change the gross square feet of a building or alter a building footprint but which is approved by the city as undertaken pursuant to implementing a valid, not expired, certificate of conformity; or,
 - f. The passage of time such that the date is after January 1, 2002 (or such later date as is established by a specific city resolution extending such date) for all parcels of property within the district which have decreased in size after January 1, 1994 as a result of the widening of State Road 7 or the intersections thereof with Sunrise Boulevard, Broward Boulevard, Peters Road, or Davie Boulevard; or,
 - g. The passage of time such that the date is after January 1, 2004 (or such later date as is established by a city resolution specifically extending such date).
- (ii) Regardless of whether a property is "redeveloped" as defined above, in the event any building on a property is altered so as to change gross square feet of the building by adding stories or change the building footprint, except such alterations as are undertaken pursuant to city approval as implementing a valid and not expired certificate of conformity for a use which is not a nonconforming use, then the city's other land development regulations will apply and the required enhancements as set forth in this section shall not apply.
- (iii) Nonconforming uses of property are defined for purposes of this section as a principal use maintained on the property which is not listed as a permitted use or a conditional use in the zoning district use regulations that apply to the property, or which, for some reason other than the building site not complying with applicable physical site development regulations, could not be newly commenced on the property (e.g., a distance limitation from a similar use). Except as provided in the next sentence, whenever a property being used for a nonconforming use experiences redevelopment as defined in subsection (c)(i) above, the building site must be made to conform with the requirements set forth in paragraph (e)(ii) below. For nonconforming uses, in the event any building is altered to change the gross square feet of the building or change the gross square feet of the building footprint, including such alterations as are undertaken pursuant to city approval as implementing a valid and not expired certificate of conformity, then the city's other land development regulations will apply and the required enhancements as set forth in this section shall not apply.

(d) *Code violation.* It shall be a violation of this Code for redevelopment as defined above to occur without the required enhancements being constructed as set forth in this section. No property shall be used, occupied, maintained, or redeveloped in violation of this section.

(e) *Enhancement requirements/authorized waivers.*

(i) In general. All nonconforming property within the district upon which redevelopment as defined in this section has occurred shall comply with the following minimum enhancement requirements (thereby receiving a waiver of otherwise applicable lot dimension, lot coverage, setbacks, open space, landscaping, parking, and physical site development requirements) and shall install improvements upon such property so as to comply with such enhancements, upon the city finding that the measurable standards and criteria in subsection (f)(v) have been met. The required enhancements and deviations are set forth in subparagraphs (a) and (b) of this paragraph.

a. Required enhancements for nonconforming properties:

Right-of-way landscape buffer	10' along State Road 7 except in the FCC subdistrict, 15' along State Road 7 and Broward Blvd. within the FCC subdistrict; or an equivalent square footage of green area with a minimum width of 5' located adjacent to the street frontage
Perimeter landscape buffer	5' with a 3' clear zone allowing for a maximum vehicular overhang of 2'
Landscape island	10' wide; and
Landscape median	8' wide; and
Island count	1 island for every 9 parking spaces; or a green area within the vehicular use area that encompasses 15% of the vehicular use area and maintains a minimum clear width of 8'

Landscape pedestrian zone	10' in the front and 5' on the side and rear (provided, however, that in areas where existing parking abuts primary pedestrian access (sidewalk) to a building the landscape pedestrian zone may be omitted); or an equivalent square footage of green area with a minimum width of 5' located adjacent to the building and generally located in that part of the site most visible to the public from the adjacent right-of-way
Parking counts	15 [to] 20% reduction as provided for by section 27-613 of this Code
Parking stall size	9' x 16' with 2' overhang
Drive aisle width	24', except 22' in certain conditions with engineering department approval
Signage	as determined by section 27-613
Wall/fence	For properties located south of SW 2 nd Court and North of NW 3 rd Street, black vinyl-coated or painted chain link with landscape in the rear and black metal picket style in the front, if visible from the adjacent right-of-way. The director may approve a different wall or fence after considering the extent to which the proposed wall or fence is compatible or similar to walls or fences of adjacent properties, the aesthetic attributes of the proposal, and the consistency of the proposed fence or wall with the district improvement plans or plan of redevelopment for the Plantation Community Redevelopment Agency.

- b. Special rules for enhancements for nonconforming property seeking to implement a certificate of conformity: The city will to the greatest extent reasonably possible, seek to allow implementation of improvements reflected in the certificate of conformity and consistent with the city's approval thereof between the building (as same may be altered as demonstrated by such certificate) and State Road 7, or in areas of the site where access cuts to other adjacent right-of-way were planned or approved. All other areas of the site, however, shall comply with the enhancement requirements set forth above.
- (ii) Nonconforming uses. All property in the district which is used for a nonconforming use and upon which redevelopment occurs shall not be able to utilize the enhancements set forth in paragraph (i) above. Any property in the district which is used for a nonconforming use and upon which redevelopment occurs shall comply with the city's then existing development regulations for right-of-way landscape buffer requirements, perimeter landscape buffer requirements, vehicular use area landscape island requirements, vehicular use area landscape island count requirements, landscape pedestrian zone requirements, drive island width requirements, signage requirements, and perimeter wall requirements, if any. Compliance with the foregoing requirements shall be the required enhancements for these properties. When complying with these required enhancements, off-street parking may not be reduced unless such parking is in excess of Code required minimums and the plan otherwise is determined by the city to meet the factors set forth in paragraph (f)(v) below. Installing the required enhancements as required by this section shall not affect the status of the use as a nonconforming use or create any vested rights or otherwise constitute or form the basis of an equitable estoppel to future, additional site improvements being required of these types of uses. The provisions of subsection (f) shall be applicable to these properties.
- (f) *Procedure to obtain deviations and enhancements permits.*
- (i) Submission of application. A property owner whose property has been redeveloped or who proposes to redevelop his property shall submit an application requesting site plan review under the Plantation Gateway Enhancement Guidelines to the planning, zoning and economic development department. Review of the application shall be conducted in accordance with the city's cost recovery system, and the amount of the initial cost recovery deposit will be determined by the director of the planning, zoning and economic development department (hereinafter, the "director").
- (ii) Contents of application. The application shall include the following:
 - a. A survey of the building site (or accurate drawings acceptable to staff) at a scale of not less than 1" = 30', showing the existing location of all structures and improvements (including landscaping and parking areas) on the building site; and,
 - b. A site plan at a scale of not less than 1" = 30', showing the location of all structures and improvements proposed (including landscape areas and parking); and,
 - c. The name and mailing address of the owner of the remaining property and such owner's authorized representative, and the name and address of lessees of the remaining property

and business owners in possession of any portion thereof; and,

- d. A cost recovery account number; and
 - e. Any other information the city reasonably determines is necessary to evaluate the application.
- (iii) Determination of sufficiency. The director shall determine if the application is complete.
- a. If the director determines the application is not complete, a written notice shall be mailed to the applicant specifying the deficiencies. No further action shall be taken on the application until the deficiencies are remedied. If the deficiencies are not remedied within twenty (20) working days of the date of the director's letter, the application shall be considered withdrawn.
 - b. If the application is determined complete, the director shall notify the applicant that the application is ready for review pursuant to the procedures and standards of this section.
- (iv) Development review committee/affected discipline advisory review. The city development review committee shall review the application in accordance with this section and all other applicable standards and criteria in this Code. The director shall require review and comment from any affected discipline on the development review committee prior to administrative approval of any site plan requesting utilization of the Plantation Gateway Enhancement Guidelines. After receiving the development review committee and other affected discipline advisory comment, the director shall then approve or deny the site plan. The director (only with the joint approval of the city landscape architect) shall have the power to waive landscaping enhancements set forth in paragraph (e)(i) above after considering criteria set forth in paragraph f(v) below, provided however, that the director and landscape architect shall not have the authority to waive more than thirty (30) percent of the landscape enhancement guidelines as measured on a square foot basis. The director (only with the joint approval of the city landscape architect) shall have the power to waive landscaping enhancements set forth in paragraph (e)(ii) above after considering criteria set forth in paragraph f(v) below, provided however, that the director and landscape architect shall not have the authority to waive more than ten (10) percent of the landscape requirements set forth in paragraph (e)(ii) as measured on a square foot basis, and provided further, that in no event will such waiver result in less landscaping than is depicted in (or required by) the most recent development order for the site.
- (v) Factors to consider in issuing administrative approval of any site plan utilizing the Plantation Gateway Enhancements. The site plan shall be evaluated in accordance with each of the following measurable standards and criteria in addition to any other applicable Code provision:
- a. Can the structure or lot as planned function adequately for its actual or intended land use?
 - b. Will the plan proposed create a traffic hazard or traffic nuisance because of turning movements in relation to its access to public roads or intersections or inadequacy of off-street parking (as used herein, inadequacy of off-street parking shall refer to a usual

condition for the subject site where off-street parking is insufficient to accommodate the existing site needs (regardless of whether the provision of such parking meets the Code-required minimum) and where, as a result, customer, employee, or invitee vehicles regularly park off-site in places not approved and reserved for off-site, off-street parking for the subject site)?

- c. Will the site plan be detrimental to the development of surrounding properties with respect to impacts of noise, pedestrian movement or any other potential negative secondary effect of the intended business operations?
 - d. Does the plan proposed, while not strictly in accord with the regulations applying generally within the district, meet public purposes in minimizing nonconformities and conflict with the Plantation Gateway Plan?
 - e. In the particular circumstances of the case, is strict application of the city's other development regulations necessary for the accomplishment of public purposes or the provision of public protection services at the time or under foreseeable circumstances?
 - f. Does the proposed site plan appear to function without significant risk of any unsafe site conditions being created? (The director may make additional waivers of the enhancements or requirements of this section, or of the Code, which may improve public safety and do not materially and detrimentally affect the site or surrounding property.)
- (vi) Implementing the administrative approval of a site plan utilizing the Plantation Gateway Enhancement Guidelines.
- a. Administrative approval of a site plan utilizing the Plantation Gateway Enhancement Guidelines shall be valid for twelve (12) months from the date the decision is made. The planning and zoning director may grant an extension of the approval period for a time not to exceed six (6) additional months based on an applicant's request and demonstration of good cause, which request must be received prior to the expiration of the initial period of validity.
 - b. All required enhancements shall be constructed and completed no later than:
 - i. The completion of any construction activity which is described in paragraphs (c)(i)b, c, d, or e;
 - ii. Six (6) months after the issuance of a local business tax receipt for a change in the use described in paragraph (c)(i)a, unless an extension of time limited to a second six-month period is granted by the director upon a showing of good cause; or,
 - iii. January 1, 2003, in cases where paragraph (c)(i)f applies (or June 30, 2003 where the director extends a site plan approval for six (6) months as provided in paragraph a above); or,

iv. January 1, 2005, in cases where paragraph (c)(i)g applies, or such later date as is established by city resolution (or six (6) months after such date where the director extends a site plan approval for six (6) months as provided in paragraph a above).

(vii) *Notice/review.* The authorized waivers and required enhancements set forth in this section when property is redeveloped are hereby determined to be minor in nature and such that they do not meaningfully impact adjacent or nearby landowners or the public at large. Accordingly, in view of the legislative determination that the enhancements have little, if any, detrimental impact, that they only serve to improve the appearance and functionality of redeveloped properties as defined herein, and that the enhancements available are defined and circumscribed by this section, there is no requirement for notice or a hearing before an application is reviewed by the development review committee, reviewed by any other affected development discipline, or reviewed, approved, or denied by the director (the process, for example, being similar to the building official's review of building plans and such official's determination that the plans comply or do not comply with the South Florida Building Code). In the event a proposed enhancement site plan is denied by the director, an applicant may seek review of the decision by the city governing body, in which event the matter will be noticed and advertised in the same manner as the city governing body's consideration of site plans and the city's quasi-judicial procedural rules shall apply to the city governing body's hearing.

(g) *Conflicts.* Should any subsection, paragraph, sentence, clause, phrase, or other part of this section conflict expressly, implicitly, or by effect with any city ordinance, or City Code section, paragraph, sentence, clause, or phrase, which was in existence prior to January 31, 2001, then the provisions of this section shall control to the extent of such conflict.

(Ord. No. 2022, § 1, 3-8-95; Ord. No. 2187, §§ 1--3, 5-19-99; Ord. No. 2222, § 1, 5-31-2000; Ord. No. 2244, §§ 1, 2, 1-31-2001; Ord. No. 2379, § 9, 12-13-2006)

Secs. 27-618, 27-619. Reserved.

Subdivision D.

SPI-3 Plantation Midtown District

Sec. 27-620. Intent.

The SPI-3 Plantation Midtown Code (herein also referred to as "this Code,") will provide development standards for Plantation Midtown to promote an orderly transformation of the district from a predominantly suburban development pattern to a denser and more active mixed-use activity center characteristic of traditional town center environments. To that end, this Code is based on the following general principles:

- (a) Land uses should be more tightly integrated within an urbanized, mixed-use development pattern.
- (b) Classification of various development types within the district is based on classifying the fronting streets rather than the blocks themselves.

- (c) Development should emphasize pedestrian-friendly streetscapes with smaller, subdivided blocks and an expanded, more interconnected street network.
- (d) Building forms and massing should address the fronting streets directly with minimal setbacks and active occupied frontages that support enhanced pedestrian activity.
- (e) The design of the streets, parking areas, and the public realm should reinforce principles of safe neighborhood design and promote the objectives of crime prevention through environmental design.
- (f) Parking should be de-emphasized by locating it at the interior of blocks and by several strategies designed to reduce the overall quantity of parking required.
- (g) The architecture should reinforce the pedestrian experience and respond to the human scale by such devices as facade modulation, differentiation of the base zone, and provision of such elements as display windows, balconies, arcades, awnings, etc.
- (h) Landscaping should concentrate on enhancing the streetscape experience and shading the pedestrian, with larger consolidation of green space into usable parks and plaza areas.
- (i) Signage and graphics should be more active and prominent in selective areas where a more vital commercial environment is desired.
- (j) Incentives are included to promote the advancement of the principles listed above.

(Ord. No. 2320, § 1, 5-12-2004)

Sec. 27-621. General provisions.

(a) *District.* This Code applies to Plantation Midtown, an area generally bounded on the west by Pine Island Road, on the east by University Drive, on the north by Cleary Boulevard, and on the south by the north right-of-way line of the North New River Canal, and including the following additional properties:

- (1) The plat of American Convalescent Center, according to the plat thereof, recorded in Broward County Plat Book 69, at page 15;
- (2) The plat of Barry-Smith of Broward, according to the plat thereof, recorded in Broward County Plat Book 90, at page 23;
- (3) The plat of FRAM/EJD Plantation, according to the plat thereof, recorded in Broward County Plat Book 138, at page 38;
- (4) The plat of ISOM Subdivision, according to the plat thereof, recorded in Broward County Plat Book 74, at page 4;
- (5) The plat of Jacaranda Parcel 675, according to the plat thereof, recorded in Broward County Plat Book 105, at page 19;

(6) The plat of Jacaranda Parcel 813, according to the plat thereof, recorded in Broward County Plat Book 100, at page 2;

(7) The plat of Jacaranda Parcel 950, according to the plat thereof, recorded in Broward County Plat Book 95, at page 27. A map of the midtown district is depicted in figure 27-623.

(b) *Language conventions.*

(1) Provisions activated by certain auxiliary verbs are to be read as follows:

Shall indicates a mandatory provision.

Should indicates a recommended provision.

May indicates an optional provision.

(2) Certain terms may be abbreviated as follows:

Director means the Director of Planning, Zoning, and Economic Development.

District means the SPI-3 Plantation Midtown District.

Plantation Code means the City of Plantation Code of Ordinances.

PZED means the Department of Planning, Zoning, and Economic Development.

(c) *Definitions.* Terms requiring interpretation specific to this Code are defined below. These definitions are supplemental to those in the City of Plantation Code of Ordinances, chapter 27, article I, section 27-1, and take precedence in the event of conflict.

Architectural feature means a structural or ornamental feature of a building or structure, including but not limited to chimneys, bay windows, cornices, coping, parapets, steps, staircases, screened utilities, and tower structures other than telecommunications towers.

Build-to line means that line to which the placement of the building frontage is mandatory.

GRAPHIC UNAVAILABLE: [Click here](#)

Build-to-zone means a specified area within which the placement of the building frontage is mandatory. This shall be measured from the primary building face to the back edge of the sidewalk or the property line, whichever is closer.

GRAPHIC UNAVAILABLE: [Click here](#)

Building footprint means the area of land covered by the building foundation to the outside of the

exterior walls, including exterior space if it contains occupied space on an upper level.

GRAPHIC UNAVAILABLE: [Click here](#)

Building frontage means that portion of a building's facade that fronts on a street and encompasses the ground floor elevation as well as any other floors forming a pedestal.

GRAPHIC UNAVAILABLE: [Click here](#)

Bulb-out means a curbed area extending into the zone otherwise occupied by curbside parking. Bulb-outs are intended to break up the length of the curbside parking lane and to provide opportunities for pedestrian crossovers or landscape beds.

GRAPHIC UNAVAILABLE: [Click here](#)

Elevated building means a building that is partially or wholly constructed over a parking area. A building that is elevated not more than four (4) feet shall not be considered an "elevated building" for purposes of this Code.

GRAPHIC UNAVAILABLE: [Click here](#)

Equivalent site area means that portion of a site occupied by residential uses when the site accommodates several different uses in separate geographic locations.

Facade means an exterior wall of a building.

Live/work unit means a residential unit that incorporates a separate space, accessible from street level, intended for use by a business. All parts of the unit must be under common ownership and occupancy. Live/work units are not considered a residential use for purposes of density calculations.

Lot coverage means the total area covered by buildings expressed as a percentage of the total lot area. It does not include open roofed spaces such as porches, balconies, arcades, and porte-cocheres, unless those have occupied space above them.

Lot frontage means the portion of the lot abutting a public right-of-way. Where more than one (1) side of a property abuts a public right-of-way, one (1) frontage shall be designated as the primary lot frontage; generally, this will be the frontage on the highest ranked street.

GRAPHIC UNAVAILABLE: [Click here](#)

Lot Frontage and Building Frontage.

Mixed-use building means a building containing two (2) or more of any permitted uses, stacked vertically. An example of a mixed-use building is one that contains ground floor retail and upper floor offices or residential or both.

Passageway means a pedestrian walkway that allows access between the front and rear of the building.

Pedestal means the lower volume of the building envelope that includes the ground floor and defines the street frontage(s.)

GRAPHIC UNAVAILABLE: [Click here](#)

Public courtyard means a landscaped space or plaza on private property that has at least one side open to a public street, and is intended for public use. Building facades that face onto a public courtyard are subject to the same requirements as if facing a street.

Residential floor area means the floor space of a building that is used primarily as a dwelling unit for human habitation.

Setback means the required minimum front, side, or rear yard distance between a building or structure and the property line or private street easement line.

Story means an occupied floor or parking garage level within a building, measured vertically from its finished floor elevation to the finished floor or roof elevation immediately above.

Stoop means a set of steps and landing that lead to a building entrance.

GRAPHIC UNAVAILABLE: [Click here](#)

Tower means the upper volume of the building envelope, above the pedestal.

Townhouse means any unit of a group of two (2) or more residential units built next to each other with a common party wall.

(d) *Administrative provisions.*

- (1) Administration. The provisions of this Code shall be administered and enforced by the director in accordance with the application and approval procedures defined in this chapter.
- (2) Applicability. This Code applies to any new development in Plantation Midtown as well as any redevelopment or remodeling that alters the existing building footprint or massing on an A or B street. Interior remodeling or exterior modifications of a largely cosmetic nature need not comply with the provisions of this Code.
- (3) Design approval required.
 - a. Before a building permit is issued for a new or expanded building in an SPI-3 district, prints of drawings shall be submitted to the planning and zoning board for review and approval.

- b. The board will review the drawings as to acceptable design of site development, buildings and aesthetic considerations intended by the requirements of this division and those described in article IX of this chapter.
- c. If the approval is granted based on preliminary drawings, the final drawings must be submitted to the board for final approval.
- d. The plan, together with the recommendation of the board, shall then be submitted to the council for their review and approval.

After council approval, application may be made to the building department for a building permit.

- (4) Submittals. In addition to the normally required submittals for development approval, the developer shall include documentation for the incentives and bonuses requested along with any supporting data and calculations.
- (e) Nonconforming uses.
- (1) Notwithstanding anything in the City Code of Ordinances to the contrary, development constructed in accordance with a site plan approved prior to the date of adoption of this Plantation Midtown Code that is destroyed by fire, act of God, or other involuntary act may be reconstructed in accordance with that approved plan.

(Ord. No. 2320, § 1, 5-12-2004; Ord. No. 2361, § 1, 4-19-2006; Ord. No. 2417, § 3, 8-20-2008)

Sec. 27-622. Permitted uses.

(a) *Intent.* Plantation Midtown envisions a tightly integrated mix of uses throughout the district, mainly commercial, but with a significant residential component. Uses are not allocated to specific blocks as in traditional zoning practice, but rather, are permitted throughout the district, subject to the development and performance standards established in this Code.

(b) *Master list of uses.* The use regulations for the district designated SPI-3 are found in article X of this chapter, entitled "master list of business and commercial uses". No building or land shall be used, and no building shall be erected, constructed, reconstructed or structurally altered which is designed, arranged, or intended to be occupied or used for any other purpose unless permitted by the provisions of article X of this chapter.

(c) *Additional permitted uses.* Certain uses are not currently included in the Master List of Business Uses of the Plantation Code, but are permitted in the district.

- (1) Houses of worship and other related facilities such as Sunday school, rectory, parish house, etc. provided that the facilities are housed in a dedicated building or campus on land owned by the same institution.

- (2) Police and public safety facilities.
- (3) Drive-through lanes not associated with a food-service establishment are permitted as a conditional use.

(Ord. No. 2320, § 1, 5-12-2004; Ord. No. 2361, § 2, 4-19-2006)

Sec. 27-623. Streets.

(a) *Intent.* This Code classifies the streets in Plantation Midtown according to their suitability for human-scaled, pedestrian-friendly street life. The primary focus of this Code is to promote development that reinforces the character of various streets according to the role they play in the urban whole. The type of development that occurs on any given street is determined by the street classification; this also encourages the development of both sides of the street in a consistent manner.

A central goal of the master plan is to establish a better, more coherent internal street network within the district. Many of the streets proposed in the ultimate projection of the master plan are either not existent to day or are re-aligned from their present location. Incentives are included in this Code to encourage the creation of more pedestrian-friendly streets and to break up larger redevelopment tracts into smaller blocks.

(b) *Street classification.* All streets, excluding undesignated streets, are classified according as A, B, C, or D streets. The classification of all designated existing streets in Plantation Midtown is indicated in figure 27-623 (b).

GRAPHIC UNAVAILABLE: [Click here](#)

(c) *General characteristics.* This Code establishes development provisions intended to reinforce the qualities described below. For each street type, the right-of-way width and particular street section may vary depending on available space and other existing constraints.

- (1) A streets. A streets are characterized by minimal setbacks, active commercial frontage at the ground floor, taller and more intensive buildings fronting the street, and a consistent streetwall. A streets typically feature a number of traffic calming measures as well as a full complement of pedestrian amenities, including wide sidewalks, onstreet parking, and well-developed streetscape. A streets are the principal "town center" streets and are intended to be well used by pedestrians, slow moving traffic, and will be the primary transit routes.

GRAPHIC UNAVAILABLE: [Click here](#)

- (2) B streets. B streets are similar to A streets, although less intensively developed, but still urban in terms of pedestrian traffic, characterized by a small setback and a relatively consistent streetwall. B streets are more residential in nature, but might also have smaller scale commercial uses.

GRAPHIC UNAVAILABLE: [Click here](#)

- (3) C streets. C streets are the large, regional arterials bounding the district, as well as Broward Boulevard and Peters Road. They are intended primarily for efficient vehicular movement. They are characterized by large setbacks with landscape buffers, although they should also be able to accommodate access points with enhanced signage and gateway elements.
- (4) D streets. D streets are more suburban in nature, characterized by larger setbacks and less building frontage. D streets are located in quieter areas, but are also used as the "back streets" for the town center areas, where elements such as surface parking, loading docks, etc. are located.

(d) *Design standards.* The following design standards apply to all streets within the district. They shall be used for any repaving, realignment, or other modifications, as well as for any new street segments constructed as part of a development or redevelopment project. These standards are not meant to be exhaustive; rather, they are intended to establish minimum requirements to achieve an overall design consistency. Dimensions are measured to the face of curb or to the centerline of lane, as appropriate.

- (1) Roadways.
 - (i) Posted speed, for any street other than the existing C streets, shall be a maximum of thirty (30) miles per hour.
 - (ii) Maximum width of any vehicular moving or turning lane shall be eleven (11) feet.
 - (iii) Width of any curbside parallel parking lane shall be eight (8) feet. Angled head-in parking and ninety (90) degree parking shall not be used within a street right-of-way.
 - (iv) Where bicycle lanes are desired, they should occur between the curb and the right-of-way line in a manner that allocates sufficient space for pedestrians, landscaping, and bicycles with minimal conflicts.
 - (v) Center medians, where provided, shall be a minimum of twelve (12) feet wide. Center medians are encouraged when feasible.
 - (vi) Pavement radii shall be a minimum of fifteen (15) feet. Designs should endeavor to provide the minimum pavement radii possible.
- (2) Sidewalks. Sidewalks shall be provided at all lot frontages.
 - (i) Minimum sidewalk width shall be eight (8) feet. For A streets, minimum sidewalk width shall be ten (10) feet where possible. When a sidewalk is intended as a multi-use path, the minimum width shall be twelve (12) feet.
 - (ii) On A and B street frontages with predominantly retail uses at the ground level, the sidewalk width should increase as needed to abut the building face directly.

- (3) Curbside parking. Curbside parking should be provided wherever possible on A and B streets.
 - (i) Curbside parking lane shall be designated as a dedicated use zone by the use of bulb-outs that clearly distinguish the parking from the moving lanes.
 - (ii) Minimum length of any bulb-out, measured parallel to the right-of-way line, shall be twenty (20) feet when occurring at mid-block, or forty (40) feet at street intersections. The measured length of a bulb-out may include any angled curb segments, if provided.
 - (iii) Parallel parking spaces shall be grouped together between bulb-outs. There shall be a minimum of two (2) and a maximum of six (6) spaces in any one (1) group. Angled parking shall be grouped a minimum of three (3) and a maximum of eight (8) spaces between bulb-outs.
 - (iv) Grouping of spaces should be based on achieving a deliberate rhythm along the block face, so that, for example, bulb-outs occur at mid block, or at the third points, or some other discernable rationale. Where a rhythm has already been established on the opposite side of the street, the parking pattern, shall, to the greatest practical extent, mirror the established rhythm.
- (4) Right-of-way landscaping. The area between the curb and the sidewalk shall be landscaped in accordance with the following guidelines:
 - (i) The type of landscaping shall be appropriate to the width available between the curb and the edge of sidewalk:
 - a. Less than six (6) feet: low ground cover, may be augmented by small scale trees. In general, landscape strips of less than five (5) feet in width are discouraged.
 - b. Over six (6) feet: low ground cover, augmented by larger scale trees.
 - c. Placement of any landscape materials shall maintain all required sight distances and comply with the appropriate visibility standards.
 - (ii) In general, landscaping along A and B streets, or along other principal pedestrian walks, shall leave a relatively unobstructed horizontal view from normal vantage points. Dense ground covers shall remain low, and tree canopies should be well above head height.

GRAPHIC UNAVAILABLE: [Click here](#)

- (iii) Linear landscape elements along A and B streets should exhibit regular spacing and consistent size. Trees should be selected for their ability to shade the sidewalk.

- (iv) The amount of landscape elements should relate to the development context. Along A streets in a fairly urban commercial setting with minimal setbacks, a predominance of paving with regularly spaced trees would be appropriate, while in more residential areas with larger setbacks, larger landscape beds with more planting would be called for.
- (v) The linear elements should be augmented by accent landscaping at special features such as street intersections, entry courts, bulb-outs between parking lanes, and other such areas where opportunities for larger landscaped areas present themselves. These areas may incorporate a number of enhancements, including beds for seasonal color, benches, fountains, or public art.
- (vi) Where curbside parking abuts a landscape strip, the following should be provided:
 - a. A continuous paving strip abutting the back of curb, minimum two (2) feet wide, for the convenience of persons exiting the passenger side of a parked vehicle.
 - b. Regularly spaced paved crossovers connecting the curb and the sidewalk. Spacing should be coordinated with the specific streetscape design, but should generally not exceed forty (40) feet.

(Ord. No. 2320, § 1, 5-12-2004; Ord. No. 2417, § 2, 8-20-2008)

Sec. 27-624. Development intensity.

- (a) Residential density.
 - (1) Allowable density. The baseline maximum density for residential uses is twenty-five (25) dwelling units/acre.
 - (2) Density calculation. In general, density is calculated by dividing the total number of proposed units by the number of acres of site area. In cases where a large site under unified ownership is to be developed as several uses allocated to different areas of the site, the density calculation may be subject to an alternate method that determines the actual site area impacted by only the residential use. This calculation shall be performed as follows:
 - (i) Place the actual building footprint on a site assumed to extend twenty (20) feet beyond the edges of the building on all sides. The assumed site may "fill in" irregularities in the building footprint to allow for amenity courts.
 - (ii) Add site area for provided parking at the rate of four hundred (400) square feet per car, provided that no more than four (4) floors of building shall be parked on any one (1) level, e.g., eight (8) stories of residential development must be parked on at least two (2) levels of parking;
 - (iii) The resulting equivalent site area to be used for density calculation is the sum of the areas determined in steps (i) and (ii) above.

- (iv) The governing density, for purposes of this Code, shall be calculated by using the lesser of the actual site area or the equivalent site area.
- (v) For sites proposing to redevelop existing structures where at least sixty (60) percent of the existing building footprint(s) will be demolished, the density calculation according to the equivalent site area is waived.

Alternative Density Calculation. The equivalent site area is the sum of the area needed for the building footprint plus its associated parking.

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If the proposed building has more than four (4) stories, the site area for parking shall assume that the parking is structured. Thus, the calculated area required for parking shall be divided by the appropriate number of parking levels (minimum of one (1) level for every four (4) floors of building) to yield the equivalent site area attributable to parking.

- (3) Density increases. For sites where the equivalent site area calculation governs, the density may be increased above the baseline, up to a maximum of fifty (50) units/acre, provided that the density does not exceed the maximum gross density permitted by the City of Plantation Comprehensive Plan. The impact of the added density must be compensated by one (1) or more of the following means:
 - (i) Paying a Midtown Infrastructure Fee per added unit over twenty-five (25) units/acre.
 - (ii) Dedicating public open space of five hundred (500) square feet per added unit over twenty-five (25) units/acre, provided:
 - a. Two thousand (2,000) square feet of open space is the minimum dedication (corresponding to four (4) added units).
 - b. The open space must be in addition to that required by any setback and lot coverage requirements.
 - c. The space must be for general public use, and shall be located so that it enhances the public realm of the streets.
 - d. The space must be contiguous, well-proportioned, and landscaped in accordance with section 27-627 of this Code.
 - (iii) For buildings that integrate mixed uses vertically within the same structure:
 - a. Live/work units that consist of flexible office space at ground level need not be counted as units for purposes of density calculations.
 - b. Residential buildings that include nonresidential uses intended for independent

occupancy (not related to the residential use) for at least fifty (50) percent of the ground floor area are permitted a maximum baseline density of thirty (30) units/acre. Density may be increased above thirty (30), to a maximum of fifty (50), by the methods described in items (i) and (ii) above.

(b) *Lot dimensions.*

(1) Minimum lot area.

(i) Residential uses (including live/work units): two thousand (2,000) square feet.

(ii) Nonresidential uses: Five thousand (5,000) square feet.

(2) Minimum lot width. Width as used here refers to the width of the lot at the front property line.

(i) Residential uses (including live/work units): Twenty (20) feet.

(ii) Nonresidential uses: Fifty (50) feet.

(c) *Bulk and massing regulations.*

(1) Building placement and frontage.

(i) Buildings shall have their primary orientation towards the highest classified street (A is classified higher than B, and so on.)

(ii) Building massing shall be distributed to define the block faces. A minimum width of the building, defined as a percentage of the corresponding lot frontage, shall be placed within a specified build-to zone as follows:

a. A streets: minimum seventy-five (75) percent of lot width.

b. B streets: minimum fifty (50) percent of lot width.

c. C and D streets: no minimum requirement.

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(iii) A minimum percentage of the lineal width of the ground floor frontage on A and B streets shall be open or glazed. Reflective or strongly tinted glazing is not permitted. The minimum aggregate width of openings is as follows:

a. A streets: minimum fifty (50) percent of building frontage. For residential uses, including live/work units, the minimum width of glazing may be reduced to thirty

(30) percent of the building frontage.

b. B streets: minimum thirty (30) percent of building frontage.

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(iv) A maximum of twenty-five (25) percent of the required frontage may be set back to form an open courtyard or plaza space. Such spaces must be continuously open to the public, and building faces defining the court space shall be considered as frontage for purposes of the minimum opening requirements stipulated above. The concentration of glazing on the courtyard elevations does not reduce the minimum glazing requirements for the street elevations.

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(2) Setbacks and build-to zones.

(i) Front:

a. A street: Build-to zone of between five (5) and ten (10) feet.

b. B street: Build-to zone of between ten (10) and twenty (20) feet.

c. C street: Setback of forty (40) feet minimum. Provided however, a minimum one hundred-foot setback shall be provided on the west side of "C Street" University Drive north of SW 10th Street and south of Broward Boulevard.

d. D street: Setback of twenty (20) feet minimum.

e. Undesignated street: Setback of twenty (20) feet minimum.

(ii) Side: Same as front, based on the classification of the enfronting side street. Side setbacks for adjacent lots on the same block may be zero (0) feet, subject to respecting any existing easements or life safety code requirements. If at least one (1) other enfronting street of equal or higher classification is designated as the primary frontage, the build-to requirement for the street designated as the side street is waived.

(iii) Rear: Same as front, except that if at least one (1) other enfronting street of equal or higher classification is designated as the primary frontage, the build-to requirement for the street designated as the rear street is waived.

(iv) Notwithstanding the above, the minimum building setback for buildings abutting single family homes or a single family zoning district shall be one and one-half (1 1/2) times maximum building height. For the purposes of this subsection, buildings separated by a

canal or local street from single family homes or a single family zoning district shall be equivalent to abutting the single family homes or single family zoning district.

If the frontage requirement for the A street is satisfied (hatched.) Then the B street frontage requirement (dashed) is waived.

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- (d) *Lot coverage and floor area ratio.*
- (1) The baseline maximum for lot coverage and floor area ratio (FAR) for development of a single building on a parcel of land shall be as specified in Table 27-624 (d) below.

Table 27-624(d)
Allowable lot coverage and
floor area ratio

Number of Stories	Coverage	Floor-Area Ratio
1	0.30	0.30
2	0.30	0.60
3	0.30	0.90
4	0.29	1.00
5	0.27	1.12
6	0.25	1.14
7	0.23	1.15
8	0.21	1.18
9	0.20	1.20
10	0.19	1.22
11	0.18	1.24
12	0.17	1.26

- (2) The baseline maximum for lot coverage and floor area ratio (FAR) for development of multiple buildings on a parcel of land shall be as specified in Table 27-624 (e) below.

Number of Stories	Coverage	Floor-Area Ratio
Varying Height	0.30	0.85

- (3) Allowable increases. New or redeveloped projects may increase the baseline allowable coverage and FAR in accordance with the incentives listed in section 27-624(f) below, provided that the proposed development meets all requirements for the appropriate street frontages as specified in this code.
- (4) In no case shall the combined coverage of buildings and parking structures on any site exceed eighty (80) percent of the site area.

(5) The minimum floor area per dwelling unit shall be as follows:

(a) Efficiency unit square feet	600
(b) One bedroom unit square feet	750
(c) Two bedroom unit square feet	950
(d) Each additional bedroom shall increase the total required floor area by no less than square feet	150

(e) *Height.*

- (1) Overall building height in the district is limited to twelve (12) stories, but may not exceed one hundred fifty (150) feet.
- (2) For purposes of the height calculation, any minor appurtenances set back at least twenty (20) feet from the edge of the main building mass, e.g., elevator penthouses or roof-mounted equipment, need not be counted.
- (3) On A streets, that portion of the building face within the required build-to zone (the street facade) shall not exceed five (5) stories or sixty-five (65) feet. Any portion of the building that exceeds this height shall be set back a minimum of twenty (20) feet from the street facade.
- (4) On B streets, that portion of the building face within the required build-to zone (the street facade) shall not exceed three (3) stories or forty-five (45) feet in height. Any portion of the building that exceeds this height must be set back a minimum of twenty (20) feet from the street facade.
- (5) Where a building occupies a corner at the intersection of an A and B street, the five (5) story/sixty-five-foot limit may wrap the corner along the B street for a maximum of fifty (50) feet.

A building on the corner of A and B streets. The tower must be set back twenty (20) feet from the building faces on both streets.

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(f) *Incentives.* Incentives in the form of additional allowable lot coverage and floor area ratio shall be granted based on the criteria listed below.

- (1) *Frontage bonus.* Each development parcel shall calculate the percentage of the parcel perimeter

that fronts on either A or B streets. Total allowable lot coverage and FAR may be increased by that same percentage. In cases where more than one side of the lot fronts on an A or B street, the build-to requirements for the lower ranked street may be waived, but the waived frontage would not be eligible for the frontage bonus.

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Example: A tract has twelve hundred (1,200) feet of perimeter, of which six hundred (600) feet front on streets classified as A or B. This tract is entitled to a fifty (50) percent increase in allowable coverage and FAR (600'/1200'.)

If the developer elects to waive the B street build-to requirement, only twenty-five (25) percent bonus (300'/1200') is granted.

- (2) Grid bonus. Large, contiguous tracts are encouraged to be subdivided into multiple blocks, subject to the following standards:
 - (i) The new street shall connect to the existing street network at both ends. No bonus is granted for cul-de-sacs.
 - (ii) The new street need not be deeded to the city, but it must remain accessible to the public at all times, and shall not have any access control devices.
 - (iii) The minimum width of the new street right-of-way shall be sixty (60) feet.
 - (iv) The minimum length of any new street segment, measured from the right-of-way lines of the intersecting streets, shall be two hundred fifty (250) feet.
 - (v) The new street segments shall be reasonably straight, and shall intersect existing streets at a right angle.
 - (vi) The new street segment may be classified according to the city's discretion.
 - (vii) The re-alignment of an existing street segment that is considered a priority segment by the master plan shall be considered a new segment for purposes of calculating this bonus. The re-aligned segment must maintain or increase the current street classification.
 - (viii) The grid bonus is calculated as follows: all new A and B street frontage created may be added to the perimeter A and B frontage and the resulting sum divided by the original parcel perimeter to determine the allowable percentage increase in coverage and FAR.

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Example: A square tract six hundred sixty (660) feet on a side is subdivided into four (4) smaller square blocks three hundred (300) feet on a side by introducing two (2) new streets that bisect the tract in both directions. The original perimeter is two thousand six hundred forty (2,640) feet. The subdivided blocks create an additional twenty-four hundred (2,400) feet of street frontage. If the new streets are classified as A or B, the allowable increase in coverage and FAR is 2400/2640, or ninety-one (91) percent. The frontage and grid bonuses are cumulative, that is, if twelve hundred (1,200) feet of the original perimeter fronts on streets classified A or B, the total percentage increase would be (1200+2400)/2640, or one hundred thirty-six (136) percent.

- (3) Eligibility for bonuses. The frontage and grid bonuses shall only be calculated for that portion of the frontage that is developed in compliance with the standards of this Code. In the grid bonus example cited above, the new blocks would be overly well endowed with A and B frontage. It would be difficult - but not impossible - to develop the entire frontage to the standards of this Code. For this reason, the setback requirements may be waived for A and B frontages designated as side or rear facades. (Subsection 27-624(c)(2) above.) In such cases, these side or rear frontages are not eligible to be included in the bonus calculation.
- (4) Open space bonus. The allowable floor area may be increased by dedicating public open space on a two-for-one basis, i.e., the amount of allowable area increase is equal to two (2) times the area of open space dedicated. The minimum amount of open space dedication per project to be eligible for this bonus is two thousand (2,000) square feet. Open space shall comply with the design standards listed in subsection 27-627(b) of this Code.

If a developer grants open space in exchange for additional density according to the provisions of subsection 27-624(a)(3), that open space may not be applied toward additional floor area.

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The allowable building area may be increased by twice the area of open space created.
(Ord. No. 2320, § 1, 5-12-2004; Ord. No. 2361, § 4, 4-19-2006; Ord. No. 2417, § 3, 8-20-2008)

Sec. 27-625. Parking.

- (a) *Required on-site parking.* All new development in the district shall provide on-site parking in accordance with the provisions of section 27-743 of the Plantation Code. When calculating the required parking, fractional spaces shall be rounded up or down to the nearest whole number.
- (b) *Allowable reductions in required on-site parking.* The required amount of on-site parking may be reduced in accordance with any of the following provisions. These provisions may be applied cumulatively.
 - (1) Curbside parking. The developer may provide curbside parallel parking spaces for any A and B street frontage abutting the site. This parking may count towards the required amount of on-site

parking in a two (2) to one (1) ratio, e.g., ten (10) curbside parking spaces would reduce the on-site parking requirement by twenty (20) spaces. A minimum of four (4) curbside parking spaces must be provided to be eligible for this reduction.

- (2) Parking ratio buy-down. The developer may buy down the required amount of parking by paying a stipulated sum per reduced space as a Plantation Midtown Infrastructure Fee. The parking may only be bought down to a required minimum ratio as specified in Table 27-625.
 - (i) Payment per space reduced: Sixty-five hundred dollars (\$6,500.00).

Table 27-625a. Allowable Parking Ratios

Use	Parking Ratio		Notes
	Plantation Code	SPI-3 Midtown	
Residential MFD - Efficiency	1.5 per unit	1 per unit	Multi-family
Residential MFD - 1 Bedroom	1.75 per unit	1.33 per unit	Multi-family
Residential MFD - 2 Bedroom	2.25 per unit	1.66 per unit	Multi-family
Residential MFD - 3 Bedroom	2.5 per unit	2 per unit	Multi-family
Residential - SFD	1 per unit	1 per unit	in garage
Live/work unit - same as			
Residential MFD			
Movie Theatre	1 per 3 seats	1 per 4 seats	
Hotel	1.1 per room	1 per room	-
Office	1 per 200 SF*	1 per 300 SF*	-
Office - Medical	1 per 150 SF*	1 per 200 SF*	-
Retail	1 per 300 SF*	1 per 300 SF*	-
Retail - Grocery	1 per 150 SF*	1 per 200 SF*	-
Restaurant, Bar	1 per 4 seats**	1 per 100 SF*	-
Gross Floor Area			
**If detailed floor and seating plans are not provided at the time of site plan approval, one parking space shall be provided for each 85 square feet of gross floor area.			
All other uses per section 27-743 of the Plantation Code.			

Example: A ten thousand (10,000) square foot office building would require fifty (50) parking spaces under the Plantation Code. The total required parking for this building in Midtown could be "bought-down" to thirty-three (33) spaces (or any number between thirty-three (33) and fifty (50)) by paying the specified amount for each space reduced.

- (3) Shared parking. For mixed uses on the same site, the parking may be shared among the uses in accordance with the following provisions:
 - (i) Calculate parking required for each use separately.

- (ii) Refer to Table 27-625b for the permissible shared parking divisor for any two (2) uses. The minimum shared parking requirement is determined by dividing the sum of the parking required for each use independently by the divisor indicated for that particular combination of uses.

Table 27-625b

Shared Parking Divisors

	Residential	Office	Retail	Lodging	Recreational	Institutional
Residential	1.0					
Office	1.4	1.0				
Retail	1.2	1.2	1.0			
Lodging	1.1	1.6	1.3	1.0		
Civic (recreational)	1.1	1.5	1.2	1.2	1.0	
Civic (institutional)	1.3	1.1	1.2	1.4	1.4	1.0

Example: A mixed use development combines residential and retail uses on one (1) site. Calculated separately, the residential requires one hundred twenty (120) spaces and the retail requires forty (40) spaces. The permissible minimum parking for both uses combined is one hundred thirty-three (133) spaces $(120+40)/1.2$.

- (iii) For developments that mix three (3) or more uses on a site, a shared parking reduction shall only be permitted for one (1) combination of uses. The developer may use whichever combination yields the largest reduction in required parking, and then add the parking required for the other uses.
 - (iv) The shared parking benefit is intended for uses that are well integrated and in close proximity. For larger sites with different uses physically and geographically separated, the director may reduce or deny the allowable shared parking benefit.
 - (v) Regardless of the result of the shared parking calculation, the total parking on a site shall not be reduced to an amount less than that required for any use by itself.
- (4) Connections to adjacent parking. Parking areas of adjacent properties are encouraged to interconnect to facilitate cross access and traffic flow through parking lots. Parking areas designed to connect to adjoining or future adjoining lots shall be granted a five (5) percent reduction in the amount of required parking. This five (5) percent reduction shall be deducted from the final calculated parking requirement, after all other eligible reductions are taken into consideration.
- (c) *Design of surface parking areas.*
- (1) Surface parking areas shall be set back a minimum of fifty (50) feet from any A or B street frontage and shall, to the greatest extent practicable, be located behind the principal building face. In cases where the build-to requirements for a secondary frontage are waived (refer

tosubsection 27-624(c)(2)), the fifty-foot parking setback may be reduced to a fifteen-foot landscape buffer.

- (2) Surface parking areas shall be separated from public rights-of-way by landscape buffers and shall have internal landscaping in accordance with the provisions of section 27-627 of this Code.
- (3) Requirements for other elements such as paving materials, lighting, drainage, etc. shall be as required by the Plantation Code. Landscaping shall comply with section 27-627 of this Code.
- (d) *Design of parking garages.*
 - (1) Parking garages are encouraged to be located at the interiors of blocks and screened from view from the street rights-of-way by being placed behind or within the principal building form.
 - (2) A and B streets shall have no parking garage frontage on the ground floor. For any parking garage fronting on an A or B street, the ground floor street frontage must be enclosed and occupied by some commercial use other than parking for a minimum depth of twenty (20) feet. A parking access drive may be located along such frontages, but is limited to a width not to exceed thirty (30) feet, including any associated attendant booths, ticket pedestals, etc., and may occur only once for any two hundred (200) feet of frontage.

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Parking garage fronting on A or B streets shall have occupied space at the ground floor for a minimum depth of twenty (20) feet.

- (3) Elevated buildings, i.e., buildings where the occupied space is located above a ground floor parking area, shall have occupied ground floor space on A and B street frontages as described in Item (2) above.
- (4) Upper floor elevations of parking garages fronting on A or B streets shall be treated with a high-quality architectural design and finish intended to mitigate the appearance of an open parking garage. No sloping ramps, spandrel elements, etc., shall be visible at such frontages.

(Ord. No. 2320, § 1, 5-12-2004; Ord. No. 2417, § 4, 8-20-2008)

Sec. 27-626. Architectural requirements.

(a) *Intent.* Buildings shall be of substantial design and construction using high quality materials and workmanship, be site responsive, recognize local character, and have architectural features and patterns that provide visual interest from the perspective of the pedestrian.

(b) *Design standards.*

- (1) Principal building frontage. The primary building facade must address the enfronting street, particularly when fronting on an A or B street.
 - (i) A minimum percentage of the lineal frontage shall be open or glazed with clear or lightly tinted glass, as specified in subsection 27-624(c)(iii) of this Code.
 - (ii) Storefronts and display windows are encouraged along A frontages. There should be at least one (1) entrance accessible to the public for every one hundred (100) feet of frontage.
 - (iii) Building entrances shall be architecturally emphasized.
 - (iv) Residential uses occurring at ground level shall have front porches or stoops when fronting on an A or B street. Units containing ground floor space shall have a principal entrance facing the street.
 - (v) The ground floor along street frontages shall be architecturally distinguished from the upper floors by such means as a change in material, scale of openings, change of plane, string courses, etc.
 - (vi) A continuous building frontage in excess of two hundred fifty (250) feet long shall include a public pedestrian passageway between the street frontage and the rear of the building, a minimum of ten (10) feet wide and located no closer than one hundred (100) feet to either end of the building.

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- (vii) Arcades may be used as a means of sheltering the pedestrian way.
 - (viii) The height of the frontage elevation is limited as specified in subsection 27-624(e) of this Code.
- (2) Massing and composition.
 - (i) Buildings should be composed of simple rectilinear forms. Overly complex or fragmented volumes should be avoided. Elements such as side wings, porticos, etc., should be clearly expressed as subordinate to the main building volume.
 - (ii) Roofs may be composed of a variety of pitched roof designs, or may be flat. Flat roofs shall be screened by parapets at all street elevations. Variations in roof form and profile are encouraged for large roof areas.
 - (iii) Large, blank, undifferentiated wall surfaces should be avoided. At least twenty-five (25)

percent of the overall wall area should contain openings or some other means of architectural embellishment.

- (iv) Overly repetitive or monotonous facade design is discouraged. No horizontal length or uninterrupted curve of a facade should exceed one hundred (100) feet without a change in plane, material, rhythm, or scale.
- (v) Unsightly service and support elements such as loading docks, mechanical equipment, waste containers, etc., shall be located at the sides or rear of buildings and shall be screened from public view by appropriate means.
- (vi) All buildings shall incorporate a minimum of five of the following design elements:
 - a. Pitched roof forms.
 - b. Architecturally significant roof overhangs or cornices.
 - c. Arcades.
 - d. Porches.
 - e. Stoops.
 - f. Balconies.
 - g. Display windows.
 - h. Pilasters, string courses, character lines, or other such means of subdividing the facade.
 - i. Structural or ornamental details clearly distinct from the primary wall surface, for example, lintels, sills, door and window surrounds, decorative panels, etc.
 - j. Clock or bell towers.
 - k. Accent elements such as porticos, cupolas, domes, or belvederes.
 - l. Decorative planters or planting areas a minimum of five (5) feet in width, integrated into the building design.
 - m. At least two (2) wall surface materials or colors.
 - n. Unit masonry in at least two (2) contrasting tones or textures, accomplished by a change in material or coursing.
- (vii) In special situations, architectural requirements may be waived for artistic merit, subject

to the review of an independent peer group. A request for such a waiver must be made in writing to the director, stating the reasons for the request.

(3) Materials and finishes.

(i) Exterior walls may be finished in any of the following:

- a. Stucco and EIFS. EIFS should be used as a subordinate element for certain accent purposes and shall not be used at the ground floor of A or B frontages.
- b. Modular unit masonry, either brick, concrete block, or cut stone.
- c. Cement siding.
- d. Architectural precast concrete panels.
- e. Stone panels.
- f. Curtain wall systems, provided that at least two (2) panel materials are included.
- g. Wood siding should be limited to smaller residential buildings and should be used as a secondary material.

(ii) Roofs may be constructed of any of the following materials:

- a. Clay or cement barrel, s-shaped, or mission tiles.
- b. Galvanized metal and prefinished metal panels, in standing seam, batten seam, or bermuda pattern.
- c. Flat roofs may be any built-up or membrane roofing system.

(iii) Windows and doors in a wide variety of materials and styles are permitted.

- a. Curtain wall systems shall contain at least two (2) different panel materials.
- b. Mirrored and reflective glass is not permitted.
- c. Residential sliding glass doors are not permitted on street facades.
- d. Glass block may be used for architectural accents only.

(iv) Paving and sidewalks. Sidewalks on A and B street frontages shall consist of enhanced paving materials to be selected from the following list:

- a. Concrete with integral color tone.

- b. Stamped patterned concrete.
- c. Brick or concrete pavers.
- d. Clay tile.
- e. Cut stone with an appropriately abrasive finish.
- f. Washed terrazzo.
- g. Plain concrete is acceptable when arranged in panels framed by other materials such as brick.

(4) Accessory buildings.

- (i) Buildings that are subordinate to the principal use on the site shall not be placed on the primary (highest ranked) frontage.
- (ii) Accessory buildings shall be architecturally compatible with the principal building.

(5) Fencing. Fencing may be used to define yard areas subject to the following provisions:

- (i) Fencing on A frontages is limited to courtyards, parking entrances, and other special conditions. In general, no fencing is permitted between the building face and the sidewalk, although ground floor residential occupancies may be fenced.
- (ii) Fencing on B frontages is permitted at ground floor residential occupancies. These fences may not be opaque.
- (iii) Opaque fencing is permitted only to screen unsightly elements such as loading zones, mechanical equipment or dumpsters and shall occur only on side or rear exposures.
- (iv) No fence shall exceed six (6) feet in height. Street frontage fencing for all-residential uses shall not exceed forty-eight (48) inches in height.
- (v) Preferred fencing material is painted metal picket fencing. Ornamental wrought iron panels and accents are also permissible. Fence panels may be separated by solid piers of brick, stone, or stucco spaced at regular intervals.
- (vi) Prohibited fence materials include chain link, wire mesh, barbed wire, plastic, and corrugated metal panels.

(Ord. No. 2320, § 1, 5-12-2004; Ord. No. 2417, § 5, 8-20-2008)

Sec. 27-627. Landscaping.

(a) *Intent.* Landscaping should be appropriate for an urban context, emphasizing the built environment rather than camouflaging it. Landscaping does play an important supporting role, however, in providing shade, visual and textural relief, and recreational opportunities. Landscape design should adhere to the following principles:

- (1) Landscaping at A street frontages is intended primarily to enhance the pedestrian experience and should consist of regularly spaced shade trees and low ground cover plantings. For retail frontages, no or minimal landscaping should occur between the sidewalk and the building face. In general, pedestrians should have a clear line of sight at eye level between building faces on either side of the street.
- (2) On A and B streets, landscaping should play a supporting role, and help to accent and enhance the architecture. The screening of the building face with planting is neither appropriate nor desirable.
- (3) For C and D streets, or for unsightly service and support functions, landscaping may be used as buffer and screen elements.
- (4) Open space should be consolidated into usable park and green spaces.

(b) *Design standards.* These design standards are to be used in conjunction with the requirements of chapter 13 of the Plantation Code. In general, this Code provides for an alternative standard that may be used in lieu of the existing standard.

- (1) Landscape elements. Broadly defined, landscaping features are grouped into the following functional categories:
 - (i) Screens and hedges. Dense and closely spaced plantings in a linear arrangement intended to form a visual barrier and a deterrent to access.
 - (ii) Lawns. Low horizontal planting consisting of any of various species of grasses or low ground covers intended to define the ground plane.
 - (iii) Trees and arbors. Trees or other plants intended to provide shade. Along streets, arbors generally take the form of a regularly spaced row of trees. In special circumstances, certain creeping or climbing plants trained onto a structure may also be used as an arbor.
 - (iv) Beds. Defined areas of planting used for accent purposes that may contain a wide variety of plantings, including seasonal color. Beds may be very formal, requiring a high degree of maintenance, or may be natural areas of native species requiring minimal maintenance.
 - (v) Hardscape. Any of a variety of manmade elements, including pavement, benches, lighting, waste receptacles, shade structures, public art, fountains, etc.
 - (vi) Gardens. Landscaped areas containing several of the above elements arranged in a thoughtful and useful manner and suitable for passive or active use and enjoyment.

- (2) Public open space. This Code is designed to place buildings close to public streets, rather than to surround buildings with yard areas. This will allow for the consolidation of the required open space into usable areas. While this open space may be in the form of private courtyards, incentives are granted in section 27-624 to provide public open space as a community amenity. The following standards apply to public open space:
- (i) Access. The space must be for general public use at all times, with no restrictions to access. At least one (1) side shall front on a public way.
 - (ii) Size. Surface area shall be a minimum of two thousand (2,000) square feet, with a minimum dimension of twenty (20) feet along any side. The area classified as open space must be open from the ground to the sky, except that up to ten (10) percent of the area may be covered by shade structures or service buildings.
 - (iii) Location. Open space is most effective when contrasted against an urban context, and when defined by buildings on several sides. Open space should not be located near other open spaces. Open spaces should also be used to mark significant intersections or as forecourts for civic buildings or other buildings with a high degree of public access.
 - (iv) Frontage. Any building face that fronts on a public open space shall be treated as if it fronted on an A or B street, as appropriate for the particular situation.
 - (v) Design. Wide latitude is afforded the designer, but the design should be sensitive to local conditions and context. Whatever the design, the open space should be usable, people-friendly, and responsive to the local climate. Large, undifferentiated expanses of pavement or landscape areas intended primarily for ornamental use should be avoided.
 - (vi) Only areas exceeding the minimum previous area of twenty (20) percent requirement of the net lot area can be considered for calculation of open space bonuses.
- (3) Buffers. Landscape buffers shall be provided as described below:
- (i) The minimum width of the landscaped strip of land located between surface parking areas and an abutting public right-of-way shall be fifteen (15) feet. These buffer strips shall be planted as screens. Where they occur adjacent to a public sidewalk, they should also include an arbor.
 - (ii) The width of the landscaped strip of land located between parking areas and abutting private property shall be five (5) feet. Depending on the abutting use, this buffer may be planted as a screen, lawn, arbor, or bed.
 - (iii) The area between the building face and the sidewalk shall be landscaped in a manner appropriate for its use. In general, a combination of lawns and beds should be used, accented by trees, if space permits. Hardscape may also be used.

(4) Landscaping of parking lots.

- (i) At least forty (40) square feet of landscaping shall be provided for each on-site parking space. This landscaping is in addition to any buffer strips around the perimeter of the parking area, and shall be located within the overall parking lot footprint.

Landscape islands should be distributed evenly throughout the parking lot. The corner areas indicated by asterisks (*) are considered part of the perimeter buffer and may not be counted toward the required area of parking lot landscaping.

GRAPHIC UNAVAILABLE: [Click here](#)

- (ii) Landscaping and onsite water retention shall be located in such a manner as to divide and break up the expanse of paving and provide a measure of shade and visual relief.
- (iii) The minimum width of any island shall be nine (9) feet and the minimum depth shall be the equal to the depth of the adjoining parking space(s).
- (iv) Landscaping shall be located so as to enable the interconnection of parking aisles on abutting properties.
- (v) Landscape elements are generally lawns punctuated by trees, although beds may also be used. Trees used for parking lot landscaping shall be shade trees and must be a minimum of twelve (12) feet in height at the time of planting.
- (vi) The front of a vehicle may encroach upon a lawn area where the area is at least ten (10) feet in depth, immediately abuts a parking space, and is protected by wheel stops or curbing. Two (2) feet of such lawn area may be part of the required depth of each abutting parking space.

- (5) Renovations. In the case of renovation development as described in this Code where the location of required landscaping is precluded by existing buildings or permanent site improvements, the placement of landscaping may occur off-site, in planters, in openings within paved areas, or in other locations as determined by the City of Plantation.

(6) The minimum previous area requirement of the net lot area shall be twenty (20) percent. (Ord. No. 2320, § 1, 5-12-2004; Ord. No. 2417, § 6, 8-20-2008)

ARTICLE VIII.

SUPPLEMENTAL DISTRICT REGULATIONS*

* **Cross References:** Buildings and building regulations, Ch. 5; fire prevention, Ch. 8; certain noise prohibited, §§ 16-4, 16-5; landscaping requirements for certain yard areas, off-street parking and other vehicle use areas, § 13-38.

Sec. 27-631. Type of construction and fire zone.

All buildings hereafter erected within the geographic areas of the city designated on the official city fire zones map as being within a fire zone shall be constructed in accordance with the provisions for Fire Zone 2 in the South Florida Building Code, section 1603.1. The official city fire zones map shall be signed by the fire chief, dated, and attested to and sealed by the city clerk, and maintained in the fire department administration building. The fire chief may change the map provided it is resigned, attested, and sealed. Until so changed, the Exhibit "1" Fire Zone Map shall constitute the official city fire zone map.
(Code 1964, App. A, Art. III, § 8; Ord. No. 1653, § 1, 10-11-89; Ord. No. 2215, § 1, 4-5-2000)

Editors Note: Exhibit 1, Fire Zone Map, referenced in § 27-631 is not set out in this Code, but is on file and available for inspection in the offices of the city clerk and fire department administration.

Sec. 27-632. Water area.

(a) The water surface and the land under the surface of all canals, waterways, ponds, lakes and other water areas in the city are hereby placed in the same zoning district as the land which they abut. Where the zoning districts are different on opposite sides of the water area, then the zoning district on either side shall extend to the center line or midpoint of the water area.

(b) For convenience and clarity, the zoning of water areas is not shown on the zoning district maps, but is determined by the provisions of this section.
(Code 1964, App. A, Art. III, § 4)

Sec. 27-633. Vacating public rights-of-way.

Where a street or alley is hereafter officially vacated the land formerly in such a street or alley right-of-way shall be included in the zoning district of adjoining property on either side. In the event such street or alley was a district boundary between two (2) or more different zoning districts, the new district boundary shall be the center line of such vacated street or alley.

Sec. 27-634. Use of premises without buildings.

Where a lot is to be occupied for a permitted use without buildings, the side setback and front setback required for such lot shall be provided and maintained unless otherwise stipulated in the ordinance, except that side setback shall not be required on lots used for public recreation areas.
(Code 1964, Art. XVIII, § 10)

Sec. 27-635. Group housing other than planned community developments.

(a) Where two (2) or more separate buildings used for dwelling purposes are erected or placed on the same lot, minimum front, side and rear yards and open spaces shall be provided and maintained as required by this section.

(b) The minimum space between buildings on the same property shall be as follows:

(1) Where blank exterior end walls of buildings face each other the minimum distance between such walls shall be thirty (30) feet. Apartment buildings end to end not exceeding three (3) stories may be connected by open balcony treatment across this thirty-foot minimum separation may

incorporate doors from corridors to connecting balconies, and may erect an open stairway in the separation space, provided the treatment keeps the space between buildings open in character.

- (2) Where windows or doors in a room of a dwelling unit face a blank wall in another building--thirty (30) feet.
- (3) Where windows or doors in a room of a dwelling unit look into windows or doors or open corridors or usable decks or balconies, or another wing of the same building, or of another building--fifty (50) feet for one (1) or two (2) stories, plus five (5) feet additional for each floor above the second until seventy-five (75) feet is attained.
- (4) All dimensions shall be measured at a ninety (90) degree angle from the window, door, or wall in question.
- (5) The total length of an apartment building shall not exceed two hundred seventy-five (275) feet unless approved as a part of a planned community development.

(c) In all existing multiple family zoning districts within the city, clusters or other distinguishable cohesive groupings of four (4) or more single or multiple family dwellings or mixture of same may be permitted at the discretion of the city council, subject to the following:

- (1) In order that a building permit may be issued for such developments, final site and landscaping plans shall be submitted to the planning and zoning board for review and recommendation to the city council. No building permit shall be issued unless the plan is approved in final form by the city council.
- (2) In considering whether to grant approval, the city council shall review such plans, amenities and aesthetic considerations intended by the requirements of this section and shall otherwise utilize and be guided by those described in article IX planned community developments; provided, however, that any development requirement including building setback lines, minimum lot sizes, etc., may be partially or totally waived by the council where space and orientation of the proposed buildings and the aesthetic consideration of architecturally harmonizing this contemplated group or cluster development with other buildings in the same neighborhood dictates the waiver of such requirements; provided further that no plan shall be approved or permit allowed to issue which would not conform with and be in compliance with the then existing terms of the South Florida Building Code and the city fire prevention code and master land use plan.

(Code 1964, App. A, Art. XVIII, § 11; Ord. No. 2222, § 1, 5-31-2000)

Sec. 27-636. Yard encroachments.

Every part of every required yard shall be open and unobstructed from the ground upward, except as hereinafter provided:

- (1) Cornices, covers and gutters, sills or belt courses may project not over two (2) feet into a required yard's building setback line, except where such setback line in ten (10) or more feet

then, such sills, belt courses, cornices, roof covers and gutters may project not over four (4) feet into such required building setback lines.

- (2) Chimneys, fireplaces, or pilasters may project not over two (2) feet into a required yard.
- (3) Movable awnings may be placed over doors and windows in any required yard, but no awning shall be vertically supported.
- (4) Bay windows may project not over two and one-half (2 1/2) feet into setback areas where such setback areas are less than or equal to seven and one-half (7 1/2) feet and may project not more than three and one-half (3 1/2) feet into setback areas where such setback areas are greater than seven and one-half (7 1/2) feet.

In no case shall any encroachment be permitted over utilities or drainage easements.
(Code 1964, App. A, Art. XVIII, § 13; Ord. No. 1925, § 1, 6-16-93)

Sec. 27-637. Fences, walls and gates.

Regulations pertaining to materials and heights for fences, walls and gates, which do not support other construction, are as follows:

- (1) No fences or walls shall be erected or installed unless the building department has issued a permit for same.
- (2) No fences or walls shall be erected or installed in a public right-of-way and permits may be refused for fences or walls in easement areas.
- (3) Barbed wire strands or strands of materials of similar character, such as but not limited to, glass, nails, and spikes shall be prohibited except as noted in subsection (18) below. A fence made completely of barbed or razor wire strands shall not be permitted in the city.
- (4) Razor wire components and electrically charged components of fences, walls and gates shall be prohibited in the city.
- (5) Plan adjustment committee approval may be required for any fence or wall in a nonresidential zoning district at the discretion of the planning and zoning director.
- (6) Subject to subsection (8), where walls or fences are located at property lines they shall be adjacent to them unless the adjoining property owners apply jointly for a permit giving their mutual assent to the erection of the wall or fence on their common property line.
- (7) a. Walls may be of concrete masonry, tile or similar permanent materials, and fences may be of wood or galvanized steel, or similar materials, provided any design used is properly constructed and maintained; provided, further, however, that in RS-1EP districts any wall or fence erected within two-thirds (2/3) of the building setback line adjacent to the outer boundaries of said parcel may not have more than forty (40) percent of its surface area visually

obstructed with the remainder of said surface area to be open and unobstructed; provided still further, however, that if more than forty (40) percent of such fence or wall is visually obstructed, there shall be a minimum five-foot landscaped area between such adjacent boundary line and said fence or wall with such landscaping to be approved by the city's landscape architect; provided, still further, that to the extent either such fence, wall or landscaped buffering between the outer adjacent boundary and said fence or wall may fall within a drainage easement of the Plantation Acres Improvement District (PAID), the approval of PAID will be required prior to the issuance of a permit therefore by the city.

- b. All surfaces of masonry walls, wood and metal fences shall be finished in the same manner with the same materials on both sides to have an equal or better quality appearance when seen from adjoining properties or a public right-of-way. The structural supports for wood and metal fences, walls and gates shall face inward toward the property.
- (8)
- a. In residential districts, the maximum height for a wall or fence in a front street setback area shall be four (4) feet. The front street setback area extends the full width of the lot for all interior and corner lots. On interior lots in residential districts, the maximum height for a wall or fence in the side setback areas (exclusive of the front setback area as defined above) and in the rear setback area shall be six (6) feet. On corner lots, all fences or walls may be a maximum height of six (6) feet, extending to and along the property lines, except in the front street setback areas as defined above; however, in secondary street setback areas, a six-foot height is permitted only: (1) within that portion of the yard area bounded by a line perpendicular to the side of the house and extended from the rear corner of the house (where the rear one-half (1/2) portion of such side of the house has no exterior equipment, fixture, bathroom window or bedroom window areas where for aesthetic or privacy reasons visual screening would be appropriate) to the secondary street property line, thence to the rear property line and around the rear perimeter of the lot; or, (2) within that portion of the yard area bounded by a line perpendicular to the side of the house and extended from that closest one-half (1/2) rear portion of the side of the house to the rear corner of same which is determined by the building and zoning director to be necessary to visually screen exterior equipment fixtures, bathroom windows or bedroom window areas to the secondary street property line, thence to the rear property line and around the rear perimeter of the lot. On corner lots in residential districts, all fences and walls in the secondary street setback area are limited to a height of four (4) feet except where a six-foot height limitation is permitted within a portion of such secondary street setback area by virtue of the preceding sentence.
 - b. Whenever a property line in a residential district abuts or is within one (1) foot of an existing or proposed sidewalk, bikeway or street right-of-way line, the property owner or occupant will be permitted to put along or within five (5) feet of said property line an open weave chain link fence (which does not contain plastic or other types of "slats"), an open rail fence, or such other type of fence which does not present a visual barrier by having more than twenty (20) percent of its surface area visually obstructed; any other type of fence or wall shall not be permitted within five (5) feet of the property line. If any other type of fence or wall is located a distance of five (5) feet or more from the property line, decorative live greenery shall be planted between such other type of fence or wall

and the property line, with such plant species, planting intervals, and irrigation as deemed appropriate by the city landscape architect. The owner or occupant shall have the duty of maintaining the irrigation and live greenery required by this subsection and shall be liable to the city for costs that the city incurs with regard to removing, moving tearing down, or reconstructing any wall or fence located on property which is subject to an easement in the city's favor.

c. Whenever a property line in a planned residential or residential district abuts a public or private golf course, the property owner or occupant will be permitted to put along or within five (5) feet of said property line one of the following fence types as determined by the golf course abutting said property:

1. Emory Z Rail (aluminum black or white)
2. Scalloped picket (PVC)
3. Three rail ranch fence (PVC)
4. Traditional (wood)
5. Split rail (wood)

Any other type of fence or wall shall not be permitted within five (5) feet of the property line. If any other type of fence or wall is located a distance of five (5) feet or more from the property line, decorative live greenery shall be planted between such other type of fence or wall and the property line, with such plant species, planting intervals, and irrigation as deemed appropriate by the city landscape architect. The owner or occupant shall have the duty of maintaining the irrigation and live greenery required by this subsection. If applicable, the owner or occupant shall be liable to the city for costs that the city incurs with regard to removing, moving, tearing down, or reconstructing any wall or fence located on property which is subject to an easement in the city's favor.

- (9) Notwithstanding the subsection above, the city council may grant conditional use permits for multifamily residential developments where the council holds a public hearing on such requested permits and affirmatively finds that the vision clearance requirements for unobstructed vision for traffic safety as codified in section 27-638 are met and such higher fences or walls facing streets or in front setback areas are not dangerous, but rather, create a more aesthetically pleasing screen or barrier to off-street parking areas servicing said multifamily residential districts without unduly interfering with or blocking the light, air and vision of the first floor residences of said multifamily residential districts; provided that such conditional use permits shall not, under any circumstances, allow a wall or fence exceeding six (6) feet in height in any residential area facing a street.
- (10) All permissive heights set forth herein are subject to meeting the vision clearance requirements of section 27-638.

- (11) The height of all fences and walls shall be measured from existing grade (as such term is defined in section 27-1 at the site of said fence or wall; provided, however that on RS-1EP zoned property where horses are harbored, such fence or wall shall be erected to a height of five (5) feet at the site of said fence or wall (so as to hinder horses jumping same).
- (12) Chapter 5, article IV provides for fences or walls as a safety barrier where swimming pools exist. If such walls or fences are placed in setback areas where they form an obstruction to access for fire protection of a building, they shall not exceed four (4) feet in height and have no projections or surfaces damaging to fire hose use; otherwise walls or fences built within setback areas shall not block access for fire protection.
- (13) No fence or wall shall be erected, placed or maintained along or adjacent to a lot line on any nonresidentially zoned property to a height exceeding eight (8) feet.
- (14) Where property in a business, commercial or industrial, or B-6P district abuts, either directly or across an alley, street, drainage ditch or waterway, property in a residential district, a concrete or masonry wall shall be constructed on the side or rear of the property so abutting. Such wall shall not be less than five (5) feet nor more than six (6) feet in height.
- (15) Requirements of this section may be superseded on projects subject to design approval by the review committee or the city council.
- (16) When in considering any subdivision plat or site plan the review committee may recommend and the city council may require that a fence or wall be constructed for screening purposes and may fix the height of said wall or fence, and material which height may exceed the limitations set forth in this section when said fence or wall is required for screening purposes. The city council, in requiring a fence or wall be constructed for screening purposes, may take into consideration the following:
 - a. Design of the fence or wall for appearance.
 - b. Location of the wall, whether on private or public property.
 - c. Impairment of visibility at street or driveway intersections.
- (17) Privacy walls or fences shall be permitted in side or rear setback areas or in front yard areas provided that:
 - a. They are not higher than six (6) feet from the floor elevation of the house;
 - b. They protrude into the required setback no more than one-third (1/3) of the width of the required setback from the outside wall of the house;
 - c. They do not extend beyond the dimension of the home; and
 - d. Such privacy walls or fences are designed to shield from view from the first floor of

adjacent structures or streets, bathrooms and bedrooms which incorporate open atrium or garden landscaped areas adjacent to such bedrooms or bathrooms where transparent glass separates said planted areas from said rooms where privacy from outside view is dictated by such room's normal usage.

- (18) In the SPI-2, B-5P, I-LP, and I-L2P districts where a substantial portion of merchandise or equipment, associated with an allowable permitted use and structure, is stored outside the main structure within the side or rear yards, barbed wire strands or strands of material of similar character may be permitted on a fence or wall as provided herein:
- a. Upon the finding by the planning and zoning director that a barbed wire strand fence should be allowed in consideration of the character of adjacent property, the orientation of a building, the need for outdoor security, the subject property's use, proposed visual screening measures, or criminal activity perpetrated against the subject property (as evidenced by police reports, insurance claims, or other justification), the property owner shall obtain the required building permits from the building department. The following regulations shall apply to the installation of barbed wire strands or strands of material of similar character:
 1. The height of barbed wire or similar material shall be no less than seven (7) feet in height from grade with the combined height of fence, wall or gate and associated barbed wire not exceeding nine (9) feet from grade;
 2. A maximum of three (3) strands of barbed wire are permitted with each strand to be mounted six (6) inches from the adjacent strand;
 3. Barbed wire or similar material must be mounted on the fence so as to not exceed the height of the fence to which it is connected;
 4. Barbed wire may not be associated with any fence, wall or gate that faces a public right-of-way, except when abutting an alley, as defined in section 27-1 of this Code, entitled definitions, where the alley and fence, wall or gate are located in the rear or side yard of the subject property.
 5. Barbed wire strands or fencing along property lines adjacent to residential uses shall be discouraged and may be allowed by the planning and zoning director when the criminal activity remains persistent notwithstanding prior fencing efforts of the subject property owner.
 - b. Upon the finding by the planning and zoning director that a barbed wire strand fence should not be allowed on a property, the property owner may appeal the decision to the governing body of the city.
 - c. Any barbed wire installation installed pursuant to a permit of the city as of the date of adoption of Ordinance No. 2274 shall be permitted to remain until such material is destroyed or removed for any reason and may only be re-established according to the

requirements of this section.

- d. Any barbed wire not installed pursuant to a permit of the city as of the date of adoption of Ordinance No. 2274 shall be permitted to remain only upon approval according to the requirements of this section together with the issuance of a building permit.
- e. Governmental facilities essential to public health and welfare or which present significant risks of being terrorism targets of opportunity (as determined by the police chief, fire chief, or utilities director) may be exempted by the planning and zoning director from some or all of the regulations and restrictions of this section.

(Code 1964, App. A, Art. XVIII, § 14; Ord. No. 1420, § 1, 9-3-86; Ord. No. 1615, § 1, 4-26-89; Ord. No. 1718, § 1, 7-25-90; Ord. No. 1822, 12-11-91; Ord. No. 1823, § 1, 12-11-91; Ord. No. 1834, § 1, 4-22-92; Ord. No. 2274, § 1, 5-15-2002; Ord. No. 2344, § 1, 7-13-2005)

Sec. 27-638. Vision clearance.

(a) *Residential districts.*

- (1) Unobstructed vision for traffic safety at all intersections shall be maintained between two and one-half (2 1/2) feet and eight (8) feet above the street grade level on all corner lots within an area formed by a line connecting two (2) points on and twenty-five (25) feet from the intersection of the front and side property lines, or extensions thereof, and the front and side property lines.
- (2) If the rear and side property lines of a corner lot abut an intersection, unobstructed vision for traffic safety at that intersection shall be maintained between two and one-half (2 1/2) feet and eight (8) feet above the street grade level on that corner lot within an area formed by a line connecting two (2) points on and twenty-five (25) feet from the intersection of the rear and side property lines, or extensions thereof, and the rear and side property lines.

(b) *Nonresidential districts.*

- (1) Unobstructed vision for traffic safety at all street intersections shall be maintained between two and one-half (2 1/2) feet and eight (8) feet above street grade level on all corner lots within an area formed by a line connecting two (2) points on, and ten (10) feet from the intersection of the front and side property lines, or extensions thereof, and the front and side property lines.
- (2) If the rear and side property lines of a corner lot abut an intersection, unobstructed vision for traffic safety at that intersection shall be maintained between two and one-half (2 1/2) feet and eight (8) feet above the street grade level on that corner lot within an area formed by a line connecting two (2) points on and ten (10) feet from the intersection of the rear and side property lines, or extensions thereof, and the rear and side property lines.

(Code 1964, App. A, Art. XVIII, § 15; Ord. No. 1361, § 1, 10-23-85)

Cross References: Sight distance for public rights-of-way, § 13-38; traffic and vehicles, Ch. 25.

Sec. 27-639. Accessory uses and structures.

(a) In all districts accessory buildings such as garages, servants' quarters, cabanas or similar structures, where permitted as accessory to the main structure, shall comply with the setback and other restrictions for the district in which they are located.

(b) No accessory building shall be erected previous to the principal building or exceed the height of such principal building.

(Code 1964, App. A, Art. XVIII, § 16)

Sec. 27-640. Commercial uses in conjunction with hotels, motels, apartments, apartment hotels and office buildings.

In all B-7Q, B-8Q and B-6P districts, newsstands, coffee shops, restaurants, package stores, bars, valet service, and similar convenience establishments, may be operated in conjunction with a motel, hotel, apartment, or apartment hotel, containing fifty (50) or more guest rooms and/or apartment units; and further, in all B-6P districts the above-mentioned uses may be operated in conjunction with a club or lodge and, with the exception of bars and package stores, in conjunction with office buildings containing at least twenty thousand (20,000) square feet devoted to, and maintained for, office space. It is intended that the aforesaid commercial uses be operated primarily for the convenience of the guests or tenants of the principal building, and such uses shall be subject to the following restrictions:

- (1) Access to such use shall be from the lobby or other interior portion of the building, and no outside entrance shall be permitted, except that a service entrance shall be permitted where the same opens into an enclosed courtyard or patio secluded from, and not visible from, a street.
- (2) Only those outside exits that may be required by other laws or ordinances shall be permitted and they shall be equipped with panic door hardware and locks and shall be maintained in a locked position except in an emergency.
- (3) No sign or advertisement pertaining to such uses shall be visible from any street or sidewalk, and there shall be no indication whatsoever on the exterior of the building that such use is contained therein, except to indicate a lounge in a hotel or motel located in a B-3P general business district.

(Code 1964, App. A, Art. XVIII, § 17)

Sec. 27-641. Exclusion from height limits.

(a) Scenery lofts, towers, cupolas, steeples and domes, not exceeding in gross area at the maximum horizontal section thirty (30) percent of the roof area, and flagpoles, airplane beacons, broadcasting towers, antennas, chimneys, stacks, tanks and roof structures, used only for ornamental or mechanical purposes, may exceed the permissible height limit in any district. Parapet walls may extend not more than five (5) feet above the allowable height of the building.

(b) In all residential districts where development is not subject to site plan review, lights and landscape supporting ornamental features placed on walls, or which are an integral part of fences, shall not be subject to the height restrictions for fences or walls; provided, that such light fixtures shall not exceed two and one-half (2 1/2) feet in height above the height of the fence or wall upon which same are situate; and provided further, that such landscape supporting ornamental features shall not exceed the lesser height of eight (8) feet

measured from grade, or the anticipated growth height of the planting material such ornamental feature supports.

(Code 1964, App. A, Art. XVIII, § 18; Ord. No. 1967, § 1, 11-17-93)

Sec. 27-642. Variation on setback requirements.

(a) All front setbacks shall be provided as required by the district regulations, except that the board may vary the front yard setback requirement in order to encourage a more diversified building alignment on small residential lots, such variation, however, shall not exceed five (5) feet and shall be accomplished only by the establishment of a building setback line on a plat of proposed subdivision at such time as said plat is submitted to the board for review.

(b) Where the rear of a lot in a single family residential district abuts a public or private canal, lake or waterway right-of-way of less than seventy (70) feet in width, the depth of the required rear yard setback may be reduced in accordance with the following schedule:

Average lot depth	Minimum rear yard setbacks
100'	10% of net depth of lot
100' to 105'	11% of net depth of lot
105' to 110'	12% of net depth of lot
110' to 115'	13% of net depth of lot
115' to 120'	15% of net depth of lot
120' or over	20 feet

(c) Where the public or private canal, lake or waterway right-of-way is seventy (70) feet or more in width the depth of the required rear yard setback may be reduced in accordance with the following schedule:

Average lot depth	Minimum rear yard setbacks
100'	10% of net depth of lot
100' to 105'	11% of net depth of lot
105' to 110'	12% of net depth of lot
110' to 115'	13% of net depth of lot
115' or over	15 feet

(d) Where the rear of a lot in a residential district is contiguous to a public park, or playground or a public or private golf course, or to a public right-of-way, the depth of the required rear yard may be reduced in accordance with the following schedule:

Average lot depth	Minimum rear yard setbacks
100'	14% of net depth of lot
100' to 110'	13% of net depth of lot
110' to 120'	12% of net depth of lot
120' to 130'	11% of net depth of lot
130' or over	15 feet

(e) Where the rear of a lot in a residential district is contiguous to a utility easement in excess of one hundred thirty-five (135) feet in width, the rear setback shall be six (6) feet.

(f) The minimum side yard setback on the side street of corner lots in all residential districts shall be twenty (20) feet except where a greater width is required for buildings in excess of two (2) stories. For the purpose of the following regulations a waterway shall mean any drainage ditch twenty (20) feet or more in width, canal, lake or waterway.

(1) All lots are herewith established as conforming as to dimensional and area requirements of their zoning waterways established as platted easements in the following subdivisions in Section 11, Township 50S, Range 41E, of Broward County; Plantation Park 4th, 8th and 10th Additions; and in Section 14, Township 50S, Range 41E, of Broward County; Plantation Isles Section One, Two, Three, Four and Five.

(2) Where a rear or side line of a lot in a single family zoned district extends into a private waterway established by platted easement, the line which separates the lot from the easement shall become the rear line (or side line as the case may be) of the lot for the purpose of establishing minimum setbacks, and (except as provided in (f)(1) herein) for establishing the dimensional and area requirements of zoning classifications. The minimum rear setbacks shall be as set forth in subsection (b) herein. The minimum side setback from a waterway easement line shall be ten (10) feet.

(g) The front setback on single family lots fronting on a cul-de-sac may be reduced to a minimum of twenty (20) feet where the front line of the lot forms a portion of the circular line of the turning circle of the cul-de-sac, and the setback lines shall be shown on the plat.

(h) (1) The rear setback for swimming pools on lots in single family residential or PRD residential zoning districts shall be ten (10) feet from the rear of the lot to the nearest water's edge on an open swimming pool without a screen enclosure. The rear setback for screen enclosures with screen roofs (regardless of whether the screen enclosure contains a swimming pool) on lots in single family residential or PRD residential zoning districts shall be ten (10) feet from the lot's rear property line to the enclosure's nearest structural point. Nothing herein shall change the rear building setback lines otherwise set forth in this comprehensive zoning ordinance; however, an enclosure with a screen roof shall not be hereafter deemed part of the building structure for the purpose of measuring the rear building setback line. A screen enclosure (regardless of whether the enclosure contains a swimming pool) which has a nonscreen, overhanging roof shall be deemed part of the building structure so that the rear building setback line, as otherwise established in this comprehensive zoning ordinance, shall control.

This paragraph (1) shall be subject to those rear setbacks established in City of Plantation Ordinance No. 1322 [section 27-153], adopted on second reading and signature by the mayor on May 8, 1985, as amended, pertaining to clarification of smaller rear setbacks for screen enclosed pools in single family residential areas platted under Broward County zoning standards.

(2) The side setback for swimming pools on lots in single family residential zoning districts shall be seven (7) feet from the side of the lot to the nearest water's edge for an open swimming pool;

however, in the undersized residential lots in the RS-3K and RS-5K zoning districts which were platted under Broward County zoning prior to being annexed into the City of Plantation (such areas being identified by a dotted line on the City of Plantation Official Zoning Map), the side setback for open swimming pools shall be five (5) feet from the side property line to the water's nearest edge.

(i) Whenever more than fifty (50) percent of rear property lines on lots in single-family residential districts abut public or private canals, lakes, or waterway rights-of-way, public parks, playgrounds, or utility easements having a right-of-way or public easement in excess of forty (40) feet, then and in such event open swimming pools or screened enclosures having screened roofs on such abutting lots may be permitted to encroach within up to ten (10) feet of any portion of such property's rear boundary line. Nothing herein shall change the rear building setback lines otherwise set forth in this comprehensive zoning ordinance, nor shall any screened structure with screened roof be hereafter deemed part of the building structure for the purpose of measuring the rear building setback line.

(j) Whenever more than fifty (50) percent of rear property lines on lots in a single-family residential district abut public or private golf courses with open space distances in excess of forty (40) feet, then and in such event open swimming pools on such abutting lots may be permitted to encroach within ten (10) feet of any portion of such property's rear boundary line (as measured from the nearest water's edge), and screened enclosures or patios having screened or nonscreened (i.e., covered) roofs on such abutting lots may be permitted to encroach within up to five (5) feet of any portion of such property's rear boundary line. Nothing herein shall change the rear building setback lines otherwise set forth in this comprehensive zoning ordinance. (Code 1964, App. A, Art. XVIII, § 19; Ord. No. 1418, § 1, 9-3-86; Ord. No. 1570, § 1, 8-24-88; Ord. No. 1856, § 1, 7-25-92)

Sec. 27-643. Use of residential zoned property for access.

No land which is residentially zoned shall be used for driveway, walkway or access purpose to any land which is nonresidentially zoned and used for any purpose not permitted in a residential district. (Code 1964, App. A, Art. XVIII, § 20)

Sec. 27-644. Public utilities.

Utilities necessary to the public health and convenience such as gas, electric, and telephone lines and mains may be located in any district. (Code 1964, App. A, Art. XVIII, § 21)

Sec. 27-645. Municipal uses.

The provisions of this chapter are not intended and shall not be construed, to preclude the use of any property owned by the city for any municipal function or purpose, provided, however, that said use is established upon recommendation of the board and approval of the city council. (Code 1964, App. A, Art. XVIII, § 22)

Sec. 27-646. Animals and commercial farming as permitted nonconforming uses of land.

In that the grazing of livestock and the commercial farming of vacant land is a desirable method of utilizing unimproved land and keeping same sightly and free from obnoxious overgrowth which could otherwise occur if said vacant land were left unkempt and unattended, the city council finds as a declared exception to the ordinance specifying the three-year period of limitation in which nonconforming uses of land are to be made conforming that it is in the public interest to permit commercial farming, agriculture and grazing of livestock on vacant land, regardless of its zoning, on a temporary basis, in areas designated by the city council, until the land is developed under its permitted zoning uses or the character of the surrounding land so changes as to render the continued grazing of livestock or commercial farming of said land to be or constitute obnoxious or detrimental usage of the land in view of the changes to its surrounding environs. The council herewith designates all land on which livestock was permitted to graze or commercial farming was being conducted as of November 30, 1978 as permitted areas for temporary grazing of livestock and commercial farming activities. Such wells, irrigation systems, feed bins, or fencing as may be needed to efficiently continue such temporary usage shall not be deemed an expansion or an extension of a nonconforming use of land. The council may terminate any such temporary usage upon the finding of a sufficient change in the surrounding area as would render the continuance thereof detrimental to the environs (and the then user shall be given sixty (60) days to remove any grazing livestock or shall be permitted to harvest the then crop in the ground as the case may be). Other than in the RS-1EP zoning districts of the City of Plantation and the aforescribed council-designated areas of vacant land where commercial farming and grazing of livestock are permitted on a temporary basis as a nonconforming use of land (as herein defined and set forth), no animals, livestock, poultry or barnyard fowl of any kind shall be raised, kept, or harbored; except that dogs, cats and other household pets may be kept, provided they are not kept, bred or maintained for commercial purposes. Nothing contained in this section shall be deemed a prohibition of pony rides or other places of amusement or exhibition employing or displaying animals or animal clinics or veterinarianian places of business or similar uses where such activities are permitted and comply with all other regulations or conditions imposed by the city.
(Code 1964, App. A, Art. XVIII, § 23)

Sec. 27-647. Service areas.

(a) Service areas or yards, in all residential districts, shall be located and arranged so that clothes lines, garbage containers and similar items are hidden from the street and reasonable protection is afforded adjoining properties.

(b) In all districts, outdoor equipment such as air condition/heating units, swimming pool equipment, and stationary emergency generators with enclosures no higher then five and one-half (5.5) feet above grade, shall not be placed in any front yard and shall provide a minimum setback of two and one-half (2.5) feet from any side or rear property line and a minimum setback of seven and one-half (7.5) feet from a sidewalk, bikeway, or street right-of-way line. The outdoor equipment shall be enclosed by a wall, fence, hedge or other device that will effectively screen such equipment from public view.

(c) In all districts, outdoor equipment such as air condition/heating units, swimming pool equipment, and stationary emergency generators with enclosures exceeding five and one-half (5.5) feet in height from grade, shall not be placed in any front yard and shall comply with the side and rear setback requirements for the district in which it is located. The outdoor equipment shall be enclosed by a wall, fence, hedge or other device that will effectively screen such equipment from public view.

(d) Utilities companies regulated by the state public service commission are exempt from screening

and setback requirements in subsections (b) and (c) when in utility easements or utility right-of-ways. (Code 1964, App. Art. XVIII, § 24; Ord. No. 2402, § 2, 1-9-2008)

Sec. 27-648. Temporary building or trailers.

(a) No temporary building or trailers shall be permitted within the city except that a temporary building or trailer may be used for model, display, demonstration and office purposes only after a permit is issued therefor. Any such temporary building or trailer shall be torn down and/or removed, or in the alternative insofar as a temporary building is concerned, made to comply with the South Florida Building Code and all other applicable city ordinances prior to the issuance of any certificate of occupancy, at the time of the expiration or revocation of the temporary permit contemplated herein. Prior to the issuance of a temporary permit for the emplacement of a trailer for one of the aforesignated uses on private property, such trailer shall have Florida Trailer Standards Code seal or decal displayed thereon. No temporary permit shall be issued for any of the aforesignated purposes or uses for either a trailer or temporary building until a landscaping and temporary parking plan is submitted for the landscaping that will be planted upon the parcel on which a temporary permit is sought for such temporary building or trailer. The temporary permits to be issued shall be for a period of one (1) year from the date of issuance for temporary buildings, and six (6) months from the date of issuance for temporary trailers. Prior to the issuance of such temporary permit, the building official shall require the deposit of a sum in cash or its equivalent equal to the amount he deems necessary to remove or demolish the temporary trailer or building, and any specified permitted landscaping which the building official also deems necessary or advisable to remove. Such temporary permits may be extended as hereinafter provided by the city council for up to, but not to exceed, a total of two (2) years.

(b) Upon failure of the owner or the permittee to abide by the provisions of this section and the temporary permit issued regarding the removal or destruction of the temporary trailer or building and specified permitted landscaping the city is authorized to enter upon the premises where the temporary trailer or building is located to secure such removal or destruction. In the event such monies prove to be insufficient to defray the cost of such removal or destruction, the city may institute suit against the owner or permittee for the difference between the deposited monies and the cost of removal or destruction. Any amounts so reduced to judgment by the city shall constitute a lien against property upon which the temporary building or trailer was situated. However, temporary buildings ordinarily used by a contractor or builder during construction, such as tool sheds and water closets, shall be permitted during the course of construction without the necessity of any special permit; but the buildings shall be removed when construction has been substantially completed.

(c) However, the city council may, in its discretion, and subject to such additional conditions as it deems necessary, extend the temporary permit for temporary buildings or trailers beyond their initially stipulated term, but in no event shall temporary buildings or trailers be allowed to remain more than two (2) years from the date of issuance of the permit therefor unless made to comply with the South Florida Building Code and all other applicable city ordinances as a permanent permitted usage of the land on which same is located or emplaced.

(Code 1964, App. A, Art. XVIII, § 25)

Sec. 27-649. Nuisance.

Nothing shall be permitted or maintained in any district that shall in any way be offensive or noxious by reason of the emission of odors, gases, dust, smoke, light, vibration or noise including the crowing of cocks,

barking of dogs, or any noises or odors emanating from any animal, fish or fowl; nor shall anything be constructed or maintained that would in any way constitute an eyesore or nuisance to adjacent property owners or residents of the community.

(Code 1964, App. A, Art. XVIII, § 26)

Sec. 27-650. Establishments dealing in alcoholic beverages.

The sale of alcoholic beverages for consumption on or off the premises shall be governed by the provisions of chapter 3 as amended except that one (1), but not more than one (1), package store where alcoholic beverages are sold for consumption off the premises shall be permitted in a B-1P neighborhood business district, or in a shopping center containing at least five (5) acres in a B-3P district, without regard to its location in relation to other uses. With this exception, the distance requirements and all other provisions of chapter 3 as amended shall apply.

(Code 1964, App. A, Art. XVIII, § 27)

Sec. 27-651. Duplication of exterior design.

The exterior design and functional plan of all buildings and structures shall conform to the provisions of regulations of chapter 5, article III, division 2 of this Code.

(Code 1964, App. A, Art. XVIII, § 28)

Sec. 27-652. Open storage, garbage and refuse.

In all business, commercial and industrial districts the storage of vehicles, equipment, materials and supplies shall be within a building or within an area enclosed by a wall, fence, hedge or other device which will effectively screen such storage from public view. Garbage or refuse shall be stored only within a building, or within a fully enclosed container, including top, and that such storage area shall be equipped with an approved automatic sprinkler device.

(Code 1964, App. A, Art. XVIII, § 29)

Cross References: Garbage and refuse, Ch. 10.

Sec. 27-653. Screening of rooftop equipment other than solar energy collectors; ground placement and requirements for disk or dish antennas.

(a) *Enclosures.* To minimize the bulky, boxy shape of such rooftop equipment, air-cooled condensing and/or compressor equipment, water cooling towers, air conditioning equipment, fans, blowers and any other mechanical or service equipment or apparatus installed on roofs of buildings other than attic vents shall be screened from view by a parapet, masonry wall or other architectural feature of the building. Such enclosure shall be as high as or higher than the highest portion of the equipment or apparatus being screened.

(b) *Existing structures.* All existing structures for which design approval is required as a result of proposed changes to existing development shall screen rooftop equipment in accordance with (a) above. Such screening shall be of the same or similar material to that which exists on the exterior of the building.

(c) *Rod or spike antennas.* Subject to appropriate safety, lighting and Federal Aviation Authority approval as to height, where needed, rod or spike type antenna having a circumference at the base, where affixed to the roof, of no more than four (4) feet, are permitted on roofs without screening in that the rods or

spikes do not present a bulky, boxy shape which would detract from the aesthetics of the structure or be otherwise objectionable in appearance to adjacent property owners.

(d) *Dish antennas in single-family residential districts.* Dish or disk antennas, designed to receive transmissions of television signals from communications satellites located at premises in a single-family residential district (or for detached single-family residences in planned residential districts where the owner of such residence also owns the dish satellite antenna site) are allowable on the requirements and conditions set forth within this subsection. These requirements, which are continuing requirements, and conditions are as follows:

- (1) The dish antenna must meet all setbacks for the zoning district in which it is installed.
- (2) Installation will meet all requirements of the South Florida Building Code, and all requirements set by the city's chief building official, pursuant to his duties under the South Florida Building Code and in conformance with the intent and goals thereof.
- (3) No dish antenna will be located in any front or side yard.
- (4) The maximum diameter of dishes will be as set from time to time by resolution of the council, taking into consideration any improvements in technology which reduce the size of the dish required to receive a reasonable signal, provided that, however, maximum diameter will be twelve (12) feet until January 1, 1986, and the maximum diameter will be ten (10) feet thereafter until the maximum diameter is changed by resolution of the council. When the technology is available such that a dish with a maximum diameter of six (6) feet can receive a reasonable signal, as determined by resolution of council, all dishes with a diameter greater than six (6) feet shall be nonconforming structures and shall be removed by the owner thereof within three (3) years of passage of such resolution. The chief building official shall notify all owners of permitted nonconforming dish structures upon passage of such resolution.
- (5) Dishes will be installed to minimize the height thereof, and in no case will any portion of a dish be as high as the roof line of the building which is adjacent to it, or twelve (12) feet, whichever is lower.
- (6) All dishes and dish installations must be color coordinated to match the surroundings.
- (7) All dishes must be screened from view from adjacent property by either landscaping or a fence or fence-type structure erected in conformance with the zoning code and the South Florida Building Code. Any landscaping used as screening must be such so as to totally hide from view all of the dish from any point five (5) feet outside of the property line of the property on which the dish is installed. These landscaping requirements must be permanently maintained by the applicant. If the landscaping is not adequately maintained and is not corrected within sixty (60) days of being notified to do so by the city, the dish shall be in violation and shall be removed. If not so removed by the applicant and the owner of the dish has not shown cause at a hearing before the code enforcement board why the dish should not be removed, the dish may be removed by the city.

- (8) In addition to the plans which must be submitted to the building department for the erection of a structure under the South Florida Building Code, a plan detailing the proposed installation of a dish showing dish site, neighboring structures, adjacent streets, and landscaping must be submitted to and approved by the plans adjustment committee. The plans adjustment committee will determine whether or not the proposed installation meets the requirements of this subsection. The plans adjustment committee may approve plans which contain minor deviations from the requirements stated in this subsection if the following criteria are met: a) aesthetics will be at least equally served; and b) the minor deviation is justified taking into consideration surrounding residences, streets, landscaping, and other features. The chief building official will mail notice to adjacent property owners informing them of the time and place of the meeting of the plans adjustment committee to approve or disapprove a dish installation application, which notice will be mailed at least seven (7) days prior to the meeting by first class mail.
- (9) All applications for the installation of a dish must be accompanied by an application fee of one hundred dollars (\$100.00), which fee may be revised by resolution of the city council at any time hereafter.
- (10) This subsection (d) shall apply to temporary or moveable dish antennas; however, the dish antenna visual screening requirements set forth in paragraph (7) above shall not apply to temporary, moveable, or fixed dish antennas which are designed and continually maintained so as to look the same as umbrella-covered circular outdoor patio tables, having a maximum diameter of eight (8) feet, and having no portion thereof exceed a maximum height of twelve (12) feet when extended in any position for signal reception. Any temporary or moveable dish antennas once removed must be reinstalled in the approved location after a permit has been received so that the building department can ensure compliance with all Code requirements. In addition to reviewing installation plans, the plan adjustment committee shall determine whether a given, proposed dish antenna looks the same as an umbrella-covered circular patio table.

(e) *Dish antennas serving more than one single-family residence.* Disk or dish antennas designed to receive transmission of television signals from communications satellites and to transmit such signals to more than one (1) single-family residences by signal distribution facilities which do not use any public right-of-way are allowable on a conditional use basis and on requirements set forth within this subsection. Within this section, "public right-of-way" means any right-of-way granted to the public or to any governmental body by way of conveyance, dedication, restriction, or by easement. Developers within the city have been permitted to request the waiver of dedication of rights-of-way giving access to their proposed dwellings either by means of plat dedications or conveyances, when site plan approvals are sought, when such developers will grant easements for governmental purposes. Because these easements are substitutes for dedications of right-of-way, "public right-of-way" shall include any area within an easement given for governmental purposes as a condition of the city council waiving, at developer's request, the dedication of public right-of-way to such proposed dwellings from the nearest available public road(s). These requirements, which are continuing requirements, and conditions are as follows:

- (1) The dish antenna must meet all requirements and conditions of subsection (d).
- (2) All related structures and signal distribution facilities and equipment will meet all requirements set by the city's chief building official, pursuant to his duties under the south Florida Building

Code and in conformance with the intent and goals thereof.

- (3) In addition to the plans which must be submitted to the building department for the erection of a structure under the South Florida Building Code, a plan detailing the proposed installation of signal distribution facilities and equipment showing sites and location of said signal distribution facilities equipment shall be submitted. The city council may approve plans which contain minor deviations from the requirements herein stated if the following criteria are met: (a) aesthetics will be at least equally served; and (b) the minor deviation is justified taking into consideration surrounding residences, streets, landscaping, and other features.
- (4) The methods of construction, installation, and maintenance of the signal distribution facilities and equipment shall comply with all rules, regulations, and technical guidelines of the National Electrical Safety Code, the National Electrical Code and the Federal Communications Commission which are applied to cable television systems. All towers shall conform with the requirements and standards of the Electronic Industries Association, the Federal Aviation Administration, the city's building code, and all other controlling regulations, and shall be constructed to withstand sustained one hundred fifty (150) miles per hour winds.
- (5) All services rendered and all rules, regulations and rates adopted by the operator of the signal distribution facility shall have general applicability throughout the service area and said operator shall give no preference or advantage to any person or subject any person to prejudice or disadvantage.
- (6) The operator of the signal distribution facility shall maintain a business office reasonably accessible to residents of its service area during reasonable business hours. Said operator will provide adequately trained personnel to ensure that subscriber complaints and requests for repair may be received on a twenty-four-hour per day basis.
- (7) Said operator shall file with the city a schedule of all rates, terms and conditions and shall promptly update said schedule with any changes.
- (8) The operator shall preserve the privacy rights of subscribers to the same extent as required by cable television operators under section 631 of the Cable Communications Policy Act of 1984.
- (9) The operator shall not pay or agree to pay to any developer, any homeowners' association or any other person or entity any fees or consideration of any kind for the privilege of providing television signals in the area. The operator shall further provide to the city a written representation that it has not agreed to pay nor has it paid any such fees or consideration. Any violation of this paragraph shall be cause for termination of the conditional use approval for the dish antenna.
- (10) The operator shall enter into a license agreement with the city reflecting these continuing requirements and conditions, and such other requirements as may be required for the public health, safety and welfare and agreed to by the operator.
- (f) *Dish antennas in commercial (nonresidential) zoning districts.* Disk or dish antennas, designed

to receive transmissions of television signals from communications satellites, located at premises in commercial (nonresidential) zoning districts are allowable on a conditional use basis and on the requirements and conditions set forth within this subsection. These requirements, which are continuing requirements, and conditions are as follows:

- (1) The applicant must establish a need for the dish antenna which is ancillary to the applicant's primary use of the premises and which need cannot be fulfilled or provided by otherwise existing and available methods of receiving television (satellite) signals.
- (2) The dish antenna shall not transmit signals.
- (3) Installation will meet all requirements of the South Florida Building Code, and all requirements set by the city's chief building official, pursuant to his duties under the South Florida Building Code and in conformance with the intent and goals thereof.
- (4) No dish antenna will be located in any front or side yard and must meet all setbacks for the zoning districts.
- (5) The maximum diameter of dishes will be fifteen (15) feet or such lesser diameter as may be established when the conditional use is granted.
- (6) Dishes will be installed to minimize the height thereof, and in no case will any portion of a dish be as high as the roof line of the building which is adjacent to it, or twenty (20) feet, whichever is lower.
- (7) All dishes must be screened from view from adjacent property by either landscaping or a fence or fence-type structure erected in conformance with the zoning code and the South Florida Building Code. Any landscaping used as screening must be such so as to totally hide from view all of the dish from any point five (5) feet outside of the property line of the property on which the dish is installed. These landscaping requirements must be permanently maintained by the applicant. If the landscaping is not adequately maintained and is not corrected within sixty (60) days of being notified to do so by the city, the dish shall be in violation and shall be removed. If not so removed by the applicant and the owner of the dish has not shown cause at a hearing before the code enforcement board why the dish should not be removed, the dish may be removed by the city.
- (8) In addition to the plans which must be submitted to the building department for the erection of a structure under the South Florida Building Code, a plan detailing the proposed installation of a dish showing dish site, the height and dimensions of the dish, neighboring structures, adjacent streets, and landscaping must be submitted to and approved by the city council. The city council will determine whether or not the proposed installation meets the requirements of this subsection. The city council may approve plans which contain minor deviations from the requirements herein stated if the following criteria are met: (a) aesthetics will be at least equally served; and (b) the minor deviation is justified taking into consideration surrounding residences, streets, landscaping, and other features.

- (9) All applications for the installation of a dish must be accompanied by an application fee of one hundred dollars (\$100.00), which fee may be revised by resolution of the city council at any time hereafter.

(Code 1964, App. A, Art. XVIII, § 36; Ord. No. 1350, §§ 1--3, 9-11-85; Ord. No. 1394, § 1, 5-14-86; Ord. No. 1532, § 1, 2-3-88; Ord. No. 1638, § 1, 7-19-89; Ord. No. 1662, § 1, 11-29-89; Ord. No. 1920, § 1, 5-5-93)

Cross References: Cable television franchises, Ch. 5A.

Sec. 27-654. Solar energy collectors.

(a) Wherever possible, solar energy collectors shall be installed in such locations as to be effectively and permanently screened from view from adjacent property owners or pedestrians upon adjacent sidewalks or road rights-of-way. When screened from such view, permits may be issued by the building department upon submission of plans disclosing such permanent visual screening and an attachment of such collectors to structures or premises in full compliance with the South Florida Building Code and the Plantation Code of Ordinances.

(b) Whenever it is not possible to fully screen such solar energy collectors from the view of adjacent property owners and adjacent sidewalks and road rights-of-way, the building department may only issue a permit upon submission of plans showing that such solar energy collectors are either of a flat plate type to be installed flush with the pitch of the roof to give the appearance of a skylight. In the absence of a properly pitched roof to permit such flush installation of flat type solar energy collector or if a solar energy collector of a type other than a flat plate roof collector is to be installed, then all sides and supports for such solar energy collector other than the collecting surface proper shall be fully skirted with roof material identical to that used on the remaining portion of the adjacent roof to create the impression of a chimney or dormer to minimize the amount of such solar energy collector not being screened from view to the collecting surface proper. If such skirt or screen creates such visual screening impression and effectively screens additional solar energy collectors mounted behind or adjacent thereto such additional collectors need not be similarly skirted or screened where such additional screening or skirting would not accomplish any further visual screening of such collectors.

(Code 1964, App. A, Art. XVIII, § 37)

Sec. 27-655. Principal arterials.

Any site plan which has direct frontage on any street designated, "principal arterial--120' R.O.W." by the city land use master map shall be subject to the following limitations:

- (1) A forty-foot strip of land beyond the right-of-way shall remain unencumbered by buildings or any type of principal building.
- (2) This strip of land may be deeded to the city, conveyed to the city as an easement, retained by the owner of the subject parcel, or may become part of the common area of any condominium association which may be established in accordance with the statutes of the State of Florida.
- (3) This area may be used for amenities, including but not limited to sidewalks, bikeway, frontage or access roads, bus turnoffs, bus benches, bus shelters, landscaping, screening or fences.
- (4) This section is not applicable for those parcels of land which were platted and recorded before

August 15, 1979.

- (5) The forty-foot strip shall be designed and developed as a functional part of the development, and the amenities provided shall complement the intended use.
- (6) Where the zoning district designation for the parcel in question end in "Q," the requirements of this section shall become a part of the review process established in Article IX.
- (7) The final determination for the amenities permitted in the forty-foot strip shall be made by the city council.

(Code 1964, App. A, Art. XVIII, § 39)

Sec. 27-656. Access to streets of one hundred feet or more.

No access shall be permitted from any property onto any street which either has or is intended to have a right-of-way width of one hundred (100) feet or more unless such access shall have been approved by council.
(Code 1964, App. A, Art. XVIII, § 30)

Sec. 27-657. Access and parking restrictions.

No parking shall be allowed closer than forty (40) feet from the right-of-way of Sunrise Boulevard, N.W. 70th Avenue or Broward Boulevard east of Hiatus Road. No direct access shall be allowed to any property from Sunrise Boulevard, N.W. 70th Avenue or Broward Boulevard east of Hiatus Road. However, the parking and direct access restrictions may be waived by the city council where it deems these restrictions impractical for the proper and effective development of a parcel of land.
(Code 1964, App. A, Art. XVIII, § 40)

Sec. 27-658. Restriction of hours of retail sales by commercial establishments on commercially zoned property for sales on a wholesale or more limited basis.

Whenever requested by the applicant operator of a commercial establishment and the city council deems it desirable on such conditions as are imposed by the council, any commercially zoned property may restrict its hours of sale of the service or product offered to the public on a retail basis and provide for the sale of such services and products during the remaining operating hours of such commercial enterprise on a wholesale or more limited basis than retail to the general public.
(Code 1964, App. A, Art. XVIII, § 42)

Sec. 27-659. Coin-operated video and pinball amusement games and machines.

(a) For purposes of this section, pinball machines (defined as coin-operated games or devices which propel steel marbles or balls by virtue of a hand-activated plunger or lever, or both, with point totals tallied on each play, with or without free games or replay rewards shall be considered a type of "coin-operated video amusement game." Furthermore, the license fee payable for a video amusement game shall be payable for a pinball machine.

- (b) All coin-operated video amusement games located in commercial or business zoning use districts

shall be licensed with the city clerk and shall have a numbered decal identifying such games as being so licensed, affixed to the upper left front of the game in a prominent position where easily viewed by zoning inspectors, fire inspectors and members of the city clerk and the police. All such coin-operated games so placed in commercial or business zoning use districts, must be found to be a permitted ancillary amusement use to the primary licensed onsite use of such establishment as an amusement or leisure-time business activity. The income realized from such coin-operated machines shall be reported, along with the income received from the primary licensed use, to the city clerk, at least annually on the renewal of such video amusement game machines' licenses and whenever the income realized from such games is not ancillary in amount, to the primary income received under the primary (i.e., exceeds thirty (30) percent of the overall gross income realized on said licensed site from its primary licensed use), such coin-operated machines shall be further restricted in number until they are shown to be ancillary in use by virtue of a comparison of gross receipts from such machines not exceeding forty (40) percent of the overall gross receipts of the primary licensed use.

(c) All licenses of coin-operated video amusement games shall be deemed conditional in nature and shall be subject to forfeiture (and removal) upon the police department advising the city clerk that the machines are creating law enforcement problems or are constituting public nuisance. It shall require at least three (3) separate incident reports or complaints of unlawful assemblies, disturbances, or nuisances to be filed with the police department, before such advice can be transmitted by the police department to the city clerk. All applicants for licenses hereunder shall accept the aforestated condition that the machines shall not constitute nuisances or create undue incidents or complaints or, if so found as herein stated, shall agree to the removal of the machines by city employees and the forfeiture of any remaining portion of the then license period on such removed machines.

(d) Whenever a licensed coin-operated video amusement game is in need of repair or replacement, the licensee shall first obtain a substitute decal at no additional cost from the city clerk to be affixed to such substitute coin-operated machine and shall surrender the original licensed decal on the machine on which such repairs are being effectuated until such time as the machine is ready to be reinstalled at which time the substitute machine shall be removed and the substitute decal surrendered to the city clerk in return for the decal license being returned and replaced on the original repaired coin-operated machine.

(e) As used herein, bars or cocktail lounges, either freestanding or in conjunction with a motel or restaurant operation, shall be deemed a primary onsite amusement or leisure-time area of activity as well as lobbies for larger-sized motels or hotels having a minimum of two hundred (200) rental rooms in which coin-operated video amusement games are conditionally permitted hereunder; however, restaurants, per se, and lobbies of smaller sized motels or hotels shall be deemed primarily a service or commercial area and not an amusement or leisure-time area. No coin-operated video amusement games shall be permitted within restaurants or motel or hotel lobby areas. Other instances of onsite primary amusement or leisure-time businesses with local business tax licenses illustrative only of permitted areas for such conditional installations of coin-operated video amusement games would be permitted on a conditional basis would be bowling alleys, civic noncommercial clubs, theater and motion picture houses, indoor shooting ranges, skating rinks.
(Code 1964, App. A, Art. XVIII, § 43; Ord. No. 1456, § 2, 3-18-87; Ord. No. 2379, § 9, 12-13-2006)

Sec. 27-660. Storage of airplanes or airplane parts in residential districts.

There shall be no open storage of airplanes or airplane parts in any residentially zoned district of the city.

(Code 1964, § 17-27)

Sec. 27-661. Garage sales in residentially zoned areas.

(a) No more than two (2) garage sales herein defined as the offering of sale of moveable personal property located on any portion of residentially zoned property shall be permitted or allowed in any calendar year without obtaining the prior conditional use permit of the city council. With a condition precedent of such use permit being satisfying to the city council all such prior sales, together with additional sales so requested of the council, constitute solely and exclusively the personal property of the occupant of such residentially zoned property. As used herein, each successive day that such personal property is offered for sale shall be deemed an additional sale, so as to limit to four (4) days per year the offering of personal property for sale by the occupant of residentially zoned property without prior city council conditional use approval as herein required.

(b) The city clerk shall be charged with the reviewing of all advertised garage sales in the city and the keeping of a list of such advertised sales by residential common address. Employees of the city who frequent or patrol the residential districts of the city, including, but not necessarily limited to, police personnel, building department personnel, and contract utility meter personnel, shall report their list weekly to the city clerk on residentially zoned property by common street address where obvious sales or offering of personal property is being conducted by the occupants thereof. The city clerk shall issue citations to any occupant of residentially zoned property on which in excess of four (4) days of sale offerings of personal property in any calendar year are held and advertised in the paper or reported by representatives of the city traveling the streets of the city as hereinabove set forth. Should the citation be referred to the city's code enforcement board or the city prosecutor as the city clerk determines or as he may from time to time be instructed by the city council, it shall be subject to a mandatory inspection. To the extent that mandatory injunctions may be sought hereunder, excessive garage-type sales as herein defined on residentially zoned property are herein legislatively declared to be nuisances and the injunctive relief is herein designed to abate such nuisances. The full cost of any attorney's fees and courts incurred by the city in such injunctive relief are herein declared assessable against the violator of this section.

(c) The goods or products to be offered for sale at a garage sale in a residentially zoned area shall be used goods or products normally found in a residential home such as, but not limited to, household clothing, furniture, fixtures, appliances, and toys, bikes, etc. No new unused products, clothing furniture, appliances, etc., normally found in a household shall be offered for sale at any garage sale in residentially zoned property.

(d) Should the occupant of residentially zoned property be found in violation of any portion of section 27-661, garage sales in residentially zoned areas, such occupants shall thereafter be barred from applying for or obtaining licenses for future garage sales and no further garage sales may be held from the home occupied by the occupant found in violation of this ordinance for a period of one year for each such violation.

(Code 1964, § 17-5.01; Ord. No. 1784, § 1, 5-22-91)

Sec. 27-662. Regulation of greenhouses and shadehouses in residential districts.

- (a) This section shall apply in all single family residential or PRD residential zoning districts.
- (b) Definitions.

(1) A "greenhouse" is a building made chiefly of glass or other suitable material in which the temperature is maintained naturally or artificially within a desired range for cultivating or growing plants.

(2) A "shadehouse" is a building made chiefly of wood, metal, plastic, or other suitable materials, with wood slats or shade cloth, which is designed or used merely to shade plants without "natural" or artificial temperature maintenance.

(c) No greenhouse shall be permitted within a building setback area. Shadehouses with a screen roof and with screen sides shall not be deemed part of a building structure for purposes of measuring the rear building setback area; consequently, such shadehouses shall enjoy the same rear setback requirements as screen enclosures with screen roofs, which requirement is currently contained in subsection 27-642(h), as the same may be amended. Shadehouses which do not have a screen roof and screen sides shall be deemed part of a building structure for measuring all setback areas and no such shadehouse shall be permitted within a building setback area.

(d) All greenhouses and shadehouses must be screened from view from adjacent property by either landscaping or a fence or fence-type structure erected in conformance with the zoning code and the South Florida Building Code. Any landscaping used as screening must be such so as to hide from view the greenhouse or shadehouse from five (5) feet above grade up to sixty (60) percent of the greenhouse's or shadehouse's height from any point five (5) feet outside of the property line of the property upon which the greenhouse or shadehouse is located. These visual screening requirements must be permanently maintained by the owner or occupant of the property where the greenhouse or shadehouse is maintained. If such visual screening requirements are not adequately maintained and are not corrected within sixty (60) days of being notified to do so by the city, the greenhouse or shadehouse shall be in violation of this Code of Ordinances, and the provisions of chapter 6 of this Code of Ordinances shall then apply.

(e) No greenhouse or shadehouse shall be built upon property such that the area of the greenhouse or shadehouse, together with the area of all other buildings and structures located upon the lot, exceeds the applicable percentage lot coverage limitation otherwise established in this Code of Ordinances.

(f) Notwithstanding the previous subsection (e), no greenhouse or shadehouse located upon a lot shall exceed four hundred (400) square feet in size and ten (10) feet in height. Size or height increases may be approved by the plan adjustment committee if the following criteria are met: (a) that the proposed greenhouse or shadehouse meets all other requirements of this section; (b) that aesthetics will be at least equally served; and (c) that the size or height increase is justified taking into consideration surrounding residences, streets, landscaping, and other features. The plan adjustment application fee for such purposes shall be fifty dollars (\$50.00). The chief building official will mail notice to adjacent property owners informing them of the time and place of the plan adjustment committee meeting at which such area, size or height increase request will be considered, which notice will be mailed at least seven (7) days prior to such meeting by first class mail. If such area, size or height increase is not approved by the plans adjustment committee, such refusal shall not prejudice the affected owner or proponent when seeking a variance from the board of adjustment.

(Ord. No. 1497, § 1, 9-30-87)

Cross References: Landscaping, Ch. 13.

Sec. 27-663. Vending machines in residentially zoned areas.

Subject to the limitations of this section, up to two (2) coin-operated vending machines are permitted to be placed in or about a clubhouse facility or similar common use amenity which is intended to serve the inhabitants of a residential area. If the area consists of three hundred (300) or more dwelling units, up to a maximum of four (4) such machines are permitted. Such machines shall be installed at locations which are not readily accessible or visible from public roadways. They shall also be installed at locations which do not interfere with ingress to or egress from the clubhouse or amenity, in a manner which complies with all applicable fire safety standards, and in a manner which discourages or eliminates use of the vending machine area as a congregating place for nonresidents, trespassers, or gang members, including, but not limited to, securing the area where the machines are located during times determined appropriate by the director of building and zoning. The director of building and zoning or designee shall review and approve each such proposed location, after a determination is made that the location meets the limitations set forth in this section. Such machines shall be confined to those which vend snacks, foods and nonalcoholic beverages, and the director of building and zoning shall have the right at any time to order the removal of machines that engender a congregation of nonresidents, trespassers, or gang members, after reasonable steps to prevent such congregations have proved inadequate.

(Ord. No. 2053, § 1, 10-18-95)

Sec. 27-664. Home occupations.

(a) *Intent.* It is the intent of the city to allow homes to be used for business purposes under very limited circumstances. It is intended that this section will permit persons to use their homes to conduct business only by telephone, Internet and by mail and for the production of correspondence, reports and other documents.

This section shall not be construed to permit the production, assembly or repair of any product, the storage of any products or equipment, or on-premises sales. All other business use of the home shall continue to be prohibited.

It is further intended that the occasional, perhaps even frequent, taking of office work home and completing same, by a person having a business address other than their residence, shall not be considered a home occupation and shall continue to be permitted without compliance with this section and shall continue to be permitted in conjunction with a residential use.

(b) *Criteria for home occupations.* Home occupation shall mean any activity for which local business tax receipt of the city is required by law and which is conducted within a dwelling unit in a residential district.

In a residentially zoned district, a home local business tax receipt may be issued when the home is used only as a location for a business telephone, an address for business correspondence, and a storage place for business records in conjunction with a principal residential use.

Home occupations are permitted in residential zones provided the following criteria are met:

- (1) No person, other than a member of the family residing on the premises, shall be engaged in such occupation.
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate

to its use for residential purposes by its occupants, and not more than ten (10) percent of the floor area, not to exceed two hundred (200) square feet of the dwelling unit, shall be used in the conduct of all of the home occupations licensed for the home. Garages shall not be used for the conduct of the business.

- (3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, including outside storage or signs pertaining to the home occupation.
- (4) No home occupation shall be conducted in any accessory building, or other structure detached from the residence.
- (5) No stock-in-trade shall be displayed, stored, shipped to or from, or sold on the premises.
- (6) No equipment shall be permitted except that which is of quantity and configuration normally used for purely home/office purposes.
- (7) No clients, customers, purchasers or pedestrian traffic of any kind related to the business shall be permitted. Provided, however, that for music lessons and other tutorial services, teachers and tutors may conduct such activities within their residence so long as no more than two (2) students are at the residence at any one time and adequate parking is provided on site to accommodate a minimum of two (2) vehicles in addition to the number of vehicles normally parked at the residence.
- (8) Home mailing address shall not be used in any advertisements.
- (9) No vehicular traffic, with the exception of mail delivery services (i.e. postal service, overnight service by Federal Express or a similar carrier, and the like), shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. No commercial type vehicle shall be used in connection with the home occupation, including commercial vehicles for delivery to or from the premises.
- (10) The use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the applicable zoning district.

(c) *Licensing requirements.* The requirements for issuance of local business tax receipt contained in sections 14-18 and 14-38 of this Code shall apply to home occupations.

Additionally, an applicant for a home local business tax receipt or tax receipt renewal shall be made by obtaining an application form for home occupations from the city. The following information shall be required of all persons making application for a home local business tax receipt:

- (1) Name and address of applicant; name and address of the homeowner if different than the applicant (or property management company if rental);
- (2) Post office box address, if applicable;

- (3) Address of property where home occupation is to be conducted;
- (4) Room, including square footage, to be utilized to conduct the home occupation;
- (5) Nature and type of business to be conducted;
- (6) A signed, notarized statement completed by the applicant certifying compliance with the requirements of this section and granting city inspectors the right to enter into the house to inspect the premises when there is a probable cause to believe a violation of this section exists, and agreeing to reimburse the city for all legal fees, costs, and expenses incurred by the city in an effort to get a court order permitting an inspection of the premises and incurred in connection with any other enforcement activity concerning the tax receipt (and cancellation thereof) or the use of the premises.
- (7) If the residence is located within an actively operating condominium or homeowners' association, then for each such association, the applicant shall provide a letter from the legal counsel to the association, or from the president if there be no such legal counsel, stating that the prospective business use does not violate any association rule or deed restriction or restrictive covenant provision.
- (8) All other requirements contained in this chapter shall apply to home occupations.

(d) *Processing fee.* The completed application shall be either mailed or hand delivered to the city clerk's office, along with payment of a local business tax receipt processing fee in the amount of fifteen dollars (\$15.00) and the applicable local business tax as provided for in the local business tax schedule.

(e) *Other business uses; tax receipt cancellation.* There shall be no other business use of the residence except as otherwise provided in this article, and as disclosed on the application, and as approved by the governing association (where there is a governing association). The city may cancel the tax receipt at any time after same is issued in the event the city determines that a violation of the regulations pertaining to home occupations has occurred. This finding may be made by either the city council or the city code enforcement board, using the reasonable notice and an opportunity to be heard, and hearing procedures utilized by the code enforcement board in determining that violations of this Code exist. When a tax receipt has been canceled, all business activity at the residence shall cease. Further, the city clerk shall not issue any tax receipts for a residence where the same applicant or owner of the premises had a tax receipt previously canceled (regardless of whether the canceled tax receipt was for the same or a different occupational classification) unless authorized by the city council.

(Ord. No. 2089, § 1, 6-19-96; Ord. No. 2113, § 1, 12-11-96; Ord. No. 2284, § 1, 10-9-2002; Ord. No. 2379, § 9, 12-13-2006)

Editors Note: Ord. No. 2089, § 1, adopted June 19, 1996, enacted provisions re home occupations designated as § 27-663. Such provisions were redesignated, by the editor, as § 27-664 in order to avoid duplicate section numbers.

Secs. 27-665--27-680. Reserved.

ARTICLE IX.

PLANNED COMMUNITY DEVELOPMENTS

Sec. 27-681. Purpose.

The primary purpose of planned community developments (PCD) zoning is to permit land under unified control to be planned and developed as a whole (as a single operation or an approved series of operations) with a greater amount of flexibility by removing some of the detailed restrictions of conventional zoning. This flexibility provides an opportunity and incentive to the developer to strive for excellence in physical, social and economic planning. To achieve this comprehensive planning in an orderly manner, the developer-applicant will give appropriate consideration throughout all his planning, design and development to the following:

- (1) The reservation of adequate areas of permanent open spaces;
- (2) The location of buildings to take maximum advantage of the natural and man-made environments.
- (3) A variety of types, spacing and location of housing to achieve a harmonious community;
- (4) Separation, delineation, or other effective control of pedestrian and vehicular traffic systems for achieving traffic safety;
- (5) The provision of cultural, educational, medical and recreational facilities available in the City of Plantation and the general area of the PCD;
- (6) An orderly and creative arrangement of all land uses with respect to each other and to the entire community, in relation to existing or planned residential, commercial, light industrial and institutional facilities, schools, parks, playgrounds and recreational areas, parking areas and other open spaces; and
- (7) The aesthetic qualities of the PCD.

(Code 1964, App. A, Art. XXXI, § 1)

Sec. 27-682. Intent.

(a) The intent of this article is to promote the planned growth of viable communities, to allow greater freedom of design, to improve the opportunity for variety and creativity in land development, to schedule the expenditure of public funds, and to achieve the intent of land use as described in the city land use master plan and land use regulations. It is the intent to advance the public benefit through the process of planning and zoning board review and city council action on comprehensive plans, prepared and submitted by the developer-applicant according to this section, for planned community developments of residential or commercial, or institutional or light industrial facilities and related uses and structures including:

- (1) Principal and accessory uses and structures substantially related to the function and the character of the development itself and the surrounding area of which it is a part;
- (2) Development plan specifying and clearly indicating the location, relationship, design, nature and

character of all primary and secondary uses, public and private easements, public and private utilities, structures, public and private roads, parking areas and common open spaces with their respective landscape schemes, and

- (3) A program for full provision, maintenance, and operation of such private improvement areas, facilities and services for exclusive common use by the occupants of the planned community development, which will not be provided, operated or maintained at public expense.

(b) Because planned community developments are equally adaptable to new development, redevelopment, and conservation of land, water and other city resources, it is the intent of these regulations for planning community developments to accomplish not only unified planning, but also to the extent not inconsistent with the intent and objectives of this chapter the purposes of zoning and other applicable city regulations to the same degree that they are intended to control development on a lot-by-lot basis.

(c) Because of the substantial public advantage of planned community development, it is the intent of PCD regulations to promote and encourage development in this form where tracts are suitable in size, location and character for the uses and structures proposed are to be planned and developed as unified and coordinated communities.

(Code 1964, App. A, Art. XXXI, § 2; Ord. No. 2222, § 1, 5-31-2000)

Sec. 27-683. Planned community developments defined.

Planned community development under this provision is defined as land under unified control, planned and developed as a whole; a single development operation or a definitely programmed series of development operations, including all lands and buildings; principal and accessory structures and uses substantially related to the character of the district; comprehensive and detailed plans which include not only streets, utilities, building sites and the like, but also site plans, floor plans and elevations for all buildings as intended to be located, constructed, used and related to each other, and detailed plans for other uses and improvements on the land as related to the buildings; and a program for provision, operation and maintenance of such areas, improvements, facilities and services as will be for common use by some or all of the occupants of the project, but will not be provided, operated or maintained at general public expense.

(Code 1964, App. A, Art. XVIII, § 12(1))

Sec. 27-684. Requirements.

(a) Planned community developments shall be in harmony with the land use master plan of the city and may be approved as a method of providing greater flexibility of development than otherwise allowed by other zoning classifications.

(b) The approval of the grant of PCD rezoning shall include as an enforceable condition thereto all plans, specifications, agreements, and requirements as herein set out, together with an enforceable agreement on the part of the developer that the land so rezoned shall not be developed in any other way except in substantial accord with the said plans, specifications, agreements and requirements, unless otherwise approved as hereinafter provided.

(Code 1964, App. A, Art. XXXI, § 3)

Sec. 27-685. Reserved.

Sec. 27-686. Unified control.

All land included within an application to the city council for a development permit where any requirement of the zoning or subdivision ordinances of the City of Plantation is sought to be waived (such as, but not limited to, the dedication or deeding of public road rights-of-way; deviations of building setback lines, etc.), shall be under a plan of common development and common ownership of said property (either through common ownership associations, condominium declarations, or other forms of ownership where unity of title does not exist for all lands covered by the requested development permits). The applicant shall agree to:

- (1) Proceed with the proposed development according to the provisions of this ordinance and conditions attached by the city council when such development permits are granted (approval of site plan, elevations and locations of buildings depicted thereon, landscape and parking plans, exterior finishes, etc.).
- (2) The applicant shall submit to the city's legal department at least three (3) weeks prior to any request for a building permit for a primary structure pursuant to the development approval granted by the city council under subsection (1) hereof, the applicant shall submit to the city's legal department such unified control agreements, contracts, deed restrictions or other documentation as necessary in connection with the development, together with such financial assurances as may be required for review as to the legal sufficiency of same, so as to assure the development will comply with requirements respecting public elements servicing the property on which such development approvals are obtained; as well as to assure the continuing operation and maintenance of those private roadways and other areas and facilities of development which, pursuant to the requested development approvals given by the city council under subsection (1) hereof are not to be operated or maintained at public expense. In reviewing such unified control documents, the legal department shall see that the following minimum criteria are met:
 - a. That valid governmental access is provided for the servicing of the development, both during and after construction of same.
 - b. That if the project is being built in phases, an adequate traffic circulation plan is depicted through the use of temporary culs-de-sac at the end of each phase of on-site road construction, so as to assure reasonable traffic flow through each phase (even if future phased constructions are not built).
 - c. That no encroachment may be made into any common-owned land which would affect the outward elevations of any primary structure without prior approval by either the city council or its plan adjustment committee and that all such encroachments be uniform as to applicability between the developer or future unit owners under a delineated procedure approved by the building department which procedure shall minimally require prior approval of the owner(s) of such land of such intended encroachments and a hold harmless agreement from such owner(s) to the city for granting permits for such requested encroachments (it being understood that the council can delegate to the building department approval of any elevation changes occasioned by such

encroachments within the common areas of such developments). As used within this subsection c, the word "owner(s)" shall mean those owners having beneficial use of the area wherein the encroachment is contemplated or their representative (such that, for example, if an encroachment is permissible pursuant to condominium documents in a limited common area, then the encroachment may be permitted with the approval of the beneficial unit owner together with a representative of the other owners (i.e., the association) without requiring the consent and approval of all owners of the limited common area).

- d. That the amendatory provisions of such unified control documents require approval of amendments by the city council or its legal department before same are deemed effective.
- e. That the developer and subsequent owners of property within the proposed development must agree to utilize, where offered, all municipal franchised services and may not independently contract for such services without prior approval of the city council (presently included within franchised services of the city are garbage collection and cable television).
- f. That no provision is included within the unified control documents which would permit a conflict with the ordinances of the City of Plantation or the regulations of other governmental agencies having any jurisdiction over the property covered by such development and affirmative assurances of compliance with such ordinances and governmental regulations are to be contained within the unified control documents (illustrious of such compliance with ordinances would be a requirement that the city's comprehensive sign ordinance be fully complied with within the development; that no less restrictive signs be permitted within the development; that no traffic regulation, directional signs or efforts to control flow of traffic or speed of traffic be allowed to be erected, emplaced or otherwise installed upon or adjacent to any private road system within the development which would conflict with the ordinances of the City of Plantation or other duly enacted governmental regulations concerning traffic, signage and control; that no surface water drainage be permitted that would conflict with the requirements of the city's ordinances for subdivision improvements or the regulations of any drainage district having jurisdictional authority over the property covered by said development, etc.)
- g. That a proper method of assessment for maintenance of commonly and/or privately owned property and improvements with lien rights and enforcement rights be created within the unified control documents so as to give the city reasonable assurance that the future maintenance of such private facilities and land will not be at public expense and that the developer bear his fair share of such expenses during the development of the property covered by such unified control documents.
- h. That all state disclosure requirements to prospective purchasers of condominium units are fairly made.
- i. That such additional requirements as are imposed by the city council in its review of the

applicant's requested development approvals, as well as such additional requirements as the administration deems proper to adequately protect the health, safety and welfare of the future occupants of primary structures within said development be included in legally enforceable form within such unified control documents.

- (3) Bind his successors in title to any commitments made in (1) and (2) above within the land parcel owned by each successor. Nothing herein contained shall preclude the divesting of ownership or control by the applicant of all or part of the land within the area of such development approval request after approval of same is obtained from the city.
- (4) Reimburse the building department for all fees charged by the legal department reviewing such unified control documents and no primary structure building permits shall issue until the legal department has submitted to the building department an approved set of unified control documents, together with its advice letter on the fees charged the city for which such reimbursement is to be made by the applicant to the building department.

(Code 1964, App. A, Art. XXXI, § 5; Ord. No. 2161, § 1, 5-6-98)

Sec. 27-687. Uses permitted.

(a) *Planned residential (PRD-Q) districts.* Since the concept of a planned community development is that the land in question shall be developed under unified control and planned and developed as a whole, and since a land owner/developer cannot plan for the development of his neighbor's property without his neighbor's consent, all development requests for land zoned planned residential districts (PRD-Q lands) shall be reviewed solely on the basis of the land owned by the developer seeking a development approval. All planned residential developments should be not less than seventy thousand (70,000) square feet in area and may be developed on a conditional use basis as determined by the city council after review by the planning and zoning board for one (1) or more of the following uses:

- (1) Single-family dwellings; provided, however, that should a single-family development be granted, no other use may be made [granted] in said development order other than recreational uses for the exclusive use of the owner/occupants of such single-family dwelling development;
- (2) Two-family dwellings or duplexes;
- (3) Multifamily dwellings, townhouses, garden apartments, cluster or zero lot line housing, multi-story residential structures;
- (4) Buildings and structures accessory to multiple-family planned residential developments such as recreation halls, pool cabanas, laundries and similar facilities;
- (5) Medical facilities of the type usually associated with ancillary nursing care facilities in convalescent or resident care facilities which are expressly limited to the exclusive use of the owners/occupant thereof;
- (6) Group homes for the physically handicapped in accordance with the standards and licensing conditions provided by the State of Florida and by section 27-688(g) hereof;

- (7) Active and passive recreational facilities for the exclusive use of the owners/occupants and their invitees;
- (8) Developments that have a clubhouse, community center, or similar structure within the complex for the use of complex residents shall be permitted the following as an accessory use:
 - a. Business office use such as educational services, banking and financial services, (including but not limited to) investment or insurance) including, but not limited to routine preventive well-care medical or dental services including, but not limited to blood pressure testing, flu shots, mammograms, blood tests, and preliminary laboratory work) and activities customarily related thereto.
 - b. Mobile medical units including laboratory services, which perform diagnostic, therapeutic or other medical procedures of a nonsurgical nature so long as the unit does not present any obstruction to traffic or a safety hazard to vehicles or pedestrians.
 - c. Mobile libraries, voter registration units or similar mobile uses, so long as the unit does not present any obstruction to traffic or a safety hazard to vehicles or pedestrians.

The above uses shall be subject to the following regulations:

- i. No business shall be conducted longer than eight (8) hours in any twenty-four-hour period nor more than two (2) days in any seven-day period.
- ii. No signs or advertising for such uses shall be displayed on any building or anywhere within the complex unless it is entirely within a building and is not visible from the outside of the building.
- iii. All such uses shall be of such a character and size as to clearly serve only the residents of the development and is located in the development solely for the convenience of the residents living in the development, such services may not be open to members of the general public.
- iv. No structural alterations to any clubhouse shall be made in order to accommodate such use.
- v. No sales of merchandise or products may take place.
- vi. Such uses shall be conducted entirely within the building or mobile unit and if in a building in an area not to exceed ten (10) percent of the total gross floor area of the building being used.

(b) *Planned community development (B-7Q) districts.* Planned community development (B-7Q) districts should not be less than ten (10) acres in area. Planned community development (B-7Q) districts shall not have residential structures or usage other than hotels and motels, except within Central Plantation, as

defined in the adopted city comprehensive plan, which may have residential uses developed on parcels ten (10) acres in size or less. All uses shall require conditional use approval of the city governing body after review by its planning and zoning board, review committee, and other development advisory boards and committees as may be from time to time given jurisdiction for such purposes by the city governing body. Except as may be provided in this subsection (b), heavy commercial uses as defined by section 27-1 of this Code shall not be permitted in the B-7Q zoning district. All uses listed in the B-5P zoning district business use listings in section 27-720 of this Code entitled "Master list of business uses" (regardless of whether they are listed in another zoning district) shall not be permitted in the B-7Q zoning district. Notwithstanding the above, the following business use listings shall continue to be candidate conditional uses for B-7Q zoned property: Bicycle stores and repair shops; camera shops; carpet, rugs, floor covering--retail; electrical appliances--retail and incidental repairs; food takeout or delivery--retail; self-storage facility (only outside of the Central Plantation Business District); and schools (both business schools and small scale schools). Except as may be limited or prohibited elsewhere in this Code, any use which from time to time is listed in the aforesaid city master list of business uses is a candidate conditional use for B-7Q zoned property which may be applied for and evaluated in accordance with the measurable standards and criteria set forth in article XII of this Code (entitled "Conditional uses") and which shall require approval by the city governing body, after it specifically finds, among other things, that the candidate conditional use is appropriate and desirable for development in such planned business district having due regard and concern of such commercial development in relation to any surrounding and already developed areas or neighborhoods.

(c) *Planned community development B-7Q conditional uses.* Planned community development B-7Q candidate conditional uses are subject to the city development regulations that apply to the use's business use listings in section 27-720, entitled "Master list of business uses", and section 27-721, entitled "Supplemental regulations to the master list of business uses". Planned community development B-7Q candidate conditional uses are also subject to the development regulations that may exist in the city's overlay special public interest (SPI) districts for such uses when a planned community development (B-7Q) district is located in an overlay SPI district. Additionally, planned community development B-7Q candidate conditional uses are subject to the development regulations that appear in articles VIII, IX, XI, XII, and XIII of this chapter 27. (Code 1964, App. A, Art. XXXI, § 6; Ord. No. 1297, § 2, 2-20-85; Ord. No. 1310, § 1, 4-10-85; Ord. No. 1511, §§ 1--3, 11-18-87; Ord. No. 1898, § 5, 1-20-93; Ord. No. 2002, §§ 1, 2, 11-16-94; Ord. No. 2190, § 4, 6-16-99; Ord. No. 2222, § 1, 2000; Ord. No. 2254, §§ 3--5, 7-11-2001; Ord. No. 2298, § 1, 4-23-2003)

Sec. 27-687.1. Implementation of designated uses on specific B-7Q zoned properties.

Except as provided in this section, all existing provisions in the City of Plantation Code of Ordinances, prior uncodified ordinances, or prior *de jure* or *de facto* resolutions in conflict with Ordinance No. 2254 are hereby superseded by Ordinance 2254 and are hereby repealed to the extent of such conflict and are of no further force and effect. Where the city has enacted a property specific ordinance applicable to B-7Q zoned property approving a use as a permitted use (as distinguished from approving certain uses as being allowed only as conditional uses (i.e. requiring conditional use approval in order to be employed on the property)), and where such property has received certificates of occupancy prior to the effective date of Ordinance No. 2254 [July 12, 2001] for structures that could readily accommodate such permitted use without material alterations, the property affected shall be able to employ such use as a permitted use in such structures after the effective date of Ordinance No. 2254 [July 12, 2001]. Where the city has enacted a property specific ordinance applicable to B-7Q zoned property approving a use as a permitted use, and where such property has not received certificates of occupancy prior to the effective date of Ordinance No. 2254 [July 12, 2001] but has received site plan

approval prior to the effective date of Ordinance No. 2254 for structures that could readily accommodate such permitted use, the property affected shall be able to employ such use as a permitted use in such designed structures after the effective date of Ordinance No. 2254 [July 12, 2001] unless and until the site plan approval expires (see, for example, section 27-6 of the Code of Ordinances). Where the city has promulgated a property specific *de jure* or *de facto* resolution (a *de facto* resolution being an approval of the governing body by motion and vote) applicable to B-7Q zoned property approving a conditional use application, and where such property has received certificates of occupancy prior to the effective date of Ordinance No. 2254 [July 12, 2001] for structures that could readily accommodate such approved conditional use without material alterations, then the property affected shall be able to employ such use in such structures as an approved conditional use after the effective date of Ordinance No. 2254. Where the city has promulgated a property specific *de jure* or *de facto* resolution applicable to B-7Q zoned property approving a conditional use application, and where such property has not received certificates of occupancy prior to the effective date of Ordinance No. 2254 [July 12, 2001] but has received site plan approval prior to the effective date of Ordinance 2254 for structures that could readily accommodate such approved conditional use without material alterations, then the property affected shall be able to employ such use in such designed structures as an approved conditional use after the effective date of Ordinance No. 2254 unless and until the site plan approval or conditional use approval expires (see, for example, section 27-6 of the Code of Ordinances). (Ord. No. 2254, § 5, 7-11-2001)

Editors Note: Ord. No. 2254, § 6, adopted July 11, 2001, did not specify manner of codification, but was included in the Code at the request of the city, and designated by the editor as § 27-687.1.

Sec. 27-688. Internal PCD standards.

- (a) *Access; vehicular and pedestrian.*
 - (1) Every dwelling unit, or other use permitted in the PCD, shall have access to a public street either directly or via an approved private road, court, or other areas maintained for use in common, which shall be owned and maintained under unified control as required in section 27-686 above.
 - (2) Streets shall not occupy more land than necessary to provide safe and convenient access. Direct vehicular access to streets is permitted only where the street serves fifty (50) or less dwelling units. Vehicular access to other streets shall be so combined, limited, located, designed and controlled as to channel traffic as predicted in the massive plan and in a manner to minimize marginal friction at the boundaries of the project.
 - (3) Ways for pedestrians shall be a logical, safe and convenient system. Walkways that are likely to be used by large numbers of children shall be located to avoid contacts with normal automotive traffic, with street crossing held to a minimum and, where unavoidable at heavy traffic arterials, pedestrian overpasses shall be provided. Use of interior block walkways, designed as integral parts of common open spaces, are encouraged in lieu of conventional sidewalks. Pedestrian ways, appropriately located, designed and constructed, may be combined with other easements and used by emergency or service vehicles, but not by other automotive traffic.
- (b) *Internal road system and pedestrian ways.*
 - (1) Permitted uses shall not be required to front on a dedicated public street; however, all structures regardless of use, shall be readily and easily accessible to fire, ambulance or other emergency

and public service vehicles. If a private roadway system is used within the PCD it shall comply with the criteria for private roadways set forth in section 23-44 of the City of Plantation's Code of Ordinances; and further, if the PCD is built in phases, a temporary cul-de-sac shall be provided at the end of every roadway within said phase (which said temporary cul-de-sac shall be for fire, ambulance, or other emergency and public service vehicular use until the said private roadway is extended in to the next succeeding phase of development, at which time said temporary cul-de-sac shall be removed).

- (2) Pedestrian ways that are incorporated in the plan and that are likely to be used by many persons (especially children) shall be located to reduce street crossings to a minimum and to avoid exposure to automotive traffic. Pedestrian ways, appropriately located, designed and constructed, may be integral elements of common open spaces and may be combined with other easements and used as bicycle paths, access for emergency and service vehicles (but not by other automotive traffic).
- (3) The quality of subbase, base and wearing surfaces for private streets, access aisles for parking areas, and driveways shall conform to city standards for streets and off-street parking. The wearing surface, if approved with the PCD, may be grass/block units, brick, tile, flocks, boulders (embedded in concrete), terrazzo, concrete, or other paving material with wearing qualities comparable to asphaltic concrete surfacing required by city standards.

(c) *Internal lot areas and requirements.* At the time of site development plan approval, as stated in section 27-691, minimum lot size, percentage of lot coverage, front, rear and side yard requirements, setbacks and limits on the heights of the buildings within the PCD shall be determined on each application by the city council within its sole discretion under the purview of this article. The interior perimeter of the PCD shall be developed in harmony with adjacent development, providing, where uses are not compatible, a friction-free transition by using buffering techniques to screen noise, night-lighting, intense activities and similar friction producing characteristics. Within the PCD, the adjacency of uses shall be designed compatibly, providing appropriate buffers and screening between dissimilar uses.

(d) *Buffering adjoining single-family districts.* Where the planned community development adjoins a single-family residential district without intervening permanent open space at least one hundred (100) feet in width to serve as a separation for buildable areas, the portion of the perimeter of the planned community development so adjoining shall be planned and developed only for uses permitted in the adjoining residential district and in accordance with all other requirements of such district, provided however, that in lieu of construction, common open space for public park use shall be permitted. No noisy nor intensive recreational use nor off-street parking shall be permitted within seventy-five (75) feet of the district boundary in such circumstances.

(e) *Off-street parking and off-street loading requirements.*

(1) All uses permitted under this article, off-street parking and off-street loading, shall be designated as set out in article XI. In a nonresidential PCD devoted to office and approved accessory retail uses, of which no more than ten (10) percent of the leasable square footage may be devoted to accessory retail uses, and where no more than twenty-five (25) percent of the leasable square footage shall consist of medical and associated uses, the parking requirements for such usages shall be reduced from whatever would otherwise be required as

follows:

<i>Gross floor area</i>	<i>Parking requirements</i>
For the first 75,000 sq. ft. of space or any portion thereof	One car space per each 250 gross sq. ft.
For the next additional 75,000 sq. ft. or any portion thereof	One car space per each 300 gross sq. ft.
For the next additional 75,000 sq. ft. or any portion thereof	One car space per each 325 gross sq. ft.
For all additional square footage thereof	One car space per each 350 gross sq. ft.

- (2) Where such development as described herein shall be developed in phases, then the city council of the City of Plantation may, with other approved adjacent developments, utilize the formula as described herein in the first phase or subsequent phases based on total size of such approved developments to modify or lessen the initial number of parking spaces and more reasonably allocate and locate same in relation to the total approved phased development and such uses permitted therein with such safeguards and provisions as the city council may reasonably deem appropriate to adopt at the times of approval of the various phases of such development.

(f) *Landscaping.*

Editors Note: See Chapter 13.

- (1) Landscaping shall be provided for practical and aesthetic functions. Landscaping required hereunder should be related to the general landscaping for the PCD, practical and aesthetically functional. Plant material should be used to accomplish the design objectives of the PCD (defining and intensifying spaces and routes of movement, identifying places); be appropriate for the climate; and functionally appropriate for shade, shelter, height and mass, texture, color and form. Major areas should have distinctive planting schemes using unique type trees, ground cover and paving to give identity to these areas.
- (2) In nonresidential PCD's, a minimum of ten (10) percent of the total area of the site, excluding water, shall be landscaped; provided however, that for each floor of each building on said site which is higher than three (3) floors, an additional one (1) percent of landscaped area shall be added to the basic ten (10) percent requirement. Further, the landscaping required in off-street parking and vehicular use areas shall not be included in this required ten (10) percent open space. At the city council's discretion, art work, art forms, fountains, plazas and sitting areas may be included in the required ten (10) percent open space.
- (g) *Group homes for the physically disabled.*
- (1) Group homes, licensed or approved by the State Department of Health and Human Services, for not more than sixteen (16) physically handicapped persons are permitted on a conditional use basis only with city council review and approval in residential planned community development districts (PCD) designated PRD-10Q through PRD-25Q when located on lots or parcels one and

one-half (1 1/2) acres in area or greater. The design of such facility shall be residential in character, harmonious with adjacent and surrounding areas including structure, height and profile, building materials, colors and landscaping. Parking shall be provided in street side or rear yards only on the ratio of one (1) space for each four (4) occupants of the group home. Site plans and floor plans for the proposed group home shall be submitted to the planning and zoning board, the landscape review committee and the city council prior to the issuance of a building permit.

(h) *Reserved.*

(i) *Usable open space requirement.* Usable open space requirement is recognized as consisting of both open space that generally is located on site or in the immediate vicinity of a development site which said open space is of direct benefit to the proposed residents, guests and invitees, of the proposed development (hereafter called development requirements), and of additional park sites, the need for which is largely generated by the future residents to be added to a community by such proposed development (hereafter referred to as park requirements). These two (2) forms of open space requirements are not alternative but supplemental in nature.

(1) *Development open space requirements.* Development open space requirements for residential PCD may be public or private, but shall be not less than thirty (30) percent of the total gross acreage of the PCD. Where the application for PCD approval is a portion of a larger PCD previously approved by the city council and the application for PCD approval complies strictly with the purpose and intent of the larger previously approved PCD, the required useable open space may lie outside the boundaries of the small PCD upon sufficient assurance, acceptable to the city, that such lands shall be so utilized. (Conversely, should any PCD be approved with an excess of required open space, in conformity to the purpose and intent of the concept development plan for a larger previously approved PCD, then the city may allow credit for all or a portion of such excess open space to be applied toward the open space requirement for a PCD within the larger previously approved PCD. In calculating useable open space, land areas for structures, public and private street right-of-way, driveways, off-street parking and loading zones, alleys, fire protection vehicular access and yards and spaces between single-family residential buildings shall not be included, and not more than forty (40) percent of the required open space may consist of lakes, streams, lagoons or other waterways (except that useable open space developed as water-oriented parks, acceptable to and deeded to the city) may have a greater percentage of water surface.

(2) *Park requirements.* The park requirement for each development shall consist of the greater or larger land area (to be dedicated or deeded to the city upon the earlier happening of either the platting, if any, or the final site plan approval of the proposed development by the city council):

- a. Four (4) acres of land per each one thousand (1,000) persons of predicted population of the proposed PCD;
- b. The acreage required for park purposes by a development order of regional impact issued by government on land located within the City of Plantation; or

c. The land area that would be called for by section 20-126.

The areas devoted to park usage shall be maintained and operated to generally conform to the objectives of the city's master park plan. In that regard, active recreation (such as softball, football, tennis and similar noisy and vigorous sports) shall be balanced with tot lots, and passive recreation--such as trails, walks and benches in open spaces enhanced by landscaping and linked in a greenway system, ornamental and wading pools, fountains and vistas, sandboxes, game tables and similar quiet and less vigorous activities.

(j) *Density.* All PCD usage shall be based on dwelling unit densities per gross acre and shall conform to the overall land use master plan for the city and its density criteria. When application for PCD is for a portion of a developer-applicant's larger holdings, the applicant may elect to allocate densities within such tract consistent with the density objectives of the approved city land use master plan and the standards and criteria set forth therein.

(k) *Utilities.* Planned community developments shall be designed in relation to sanitary sewers, storm and surface drainage systems, and other utility systems and installations that neither extension nor enlargement of such systems shall be required in the manner, form, character, location, degree, scale or timing resulting in high net public costs or earlier incursion of public costs than would for projects in forms anticipated by the master plan for the area, unless provisions are made to include the required facilities, utilities and services in the project development. In such case the costs shall be borne by the project for private facilities, utilities and services approved by the city engineer, utilities and services approved by the city engineer, or for off-setting any added net public cost or early commitment of public funds. Insofar as possible, utilities shall be underground.

(l) *Underground utilities and services.* Within a PCD, all utilities and services, including telephone, television cable, and electrical systems except for primary electrical installation, shall be installed underground. Appurtenances other than fire hydrants and approved electric poles to these systems, which require above ground installation, must be effectively screened to be excepted from this requirement. (Code 1964, App. A, Art. XXXI, § 7; Ord. No. 1297, § 2, 2-20-85; Ord. No. 1310, § 2, 4-10-85; Ord. No. 1511, § 3, 11-18-87; Ord. No. 2222, § 1, 5-31-2000)

Cross References: Landscaping, Ch. 13.

Sec. 27-689. Other development requirements.

(a) *Ground area coverage, building height and floor area ratio.* The ground area occupied by any building or structure shall not exceed the following:

<i>Height of building</i>	<i>Maximum ground coverage</i>
One story	30%
Two story	30%
Three story	30%
Four story	29%
Five story	27%
Six story	25%
Seven story	23%
Eight story	21%
Nine story	20%
Ten story	19%

Eleven story	18%
Twelve story	17%
Thirteen story	17%

(b) *Floor area ratio.* The floor area ratio shall not exceed the following:

<i>Height of building</i>	Floor area ratio
One story	0.30
Two story	0.60
Three story	0.90
Four story	1.00
Five story	1.12
Six story	1.14
Seven story	1.16
Eight story	1.18
Nine story	1.20
Ten story	1.22
Eleven story	1.24
Twelve story	1.26
Thirteen story	1.28

Where buildings of different heights are to be constructed in the same project the ground area to be allocated to each building for purposes of computing ground coverage and floor area ratio shall bear the same relationship to the total area of the project as the floor area contained in the various buildings bear to the total floor area in the project. For example: Total land area one hundred (100) acres, total floor area in the project one hundred thousand (100,000) square feet distributed as follows: Twenty-five thousand (25,000) square feet in two-story buildings, twenty-five thousand (25,000) square feet in three-story buildings and fifty thousand (50,000) square feet in six-story buildings. Floor area ratio and ground coverage to be computed at twenty-five (25) acres for all two-story buildings, twenty-five (25) acres, for all three-story buildings and fifty (50) acres for all six-story buildings.

(c) *Yards and building setbacks.* No building or structure shall be closer to an exterior property line than a distance equal to one and one-half (1 1/2) times the height of the building, excepting where the property line abuts public park, playground, public or private golf course, public parking lot, all having no existing swimming pool or existing habitable building within the one and one-half (1 1/2) times the height of the highest of the two (2) buildings; or where the property line abuts a public or private canal, lake or waterway. Where the property line abuts a public right-of-way or utility easement having a width of forty (40) feet or more, the building shall not be closer to an exterior property line than a distance equal to one and one-half (1 1/2) times the height of the building, except when such requirement is deemed to be unnecessary by the city council after consideration and review by the planning and zoning board because of the particular characteristics of the property requiring that it be given individual consideration with respect to location and relationship to adjoining property.

(d) *Minimum floor area.* The minimum floor area per dwelling unit shall be as follows:

- (1) Single-family dwelling 1,300 square feet
- (2) Two-family dwelling (each unit) 1,000 square feet

- (3) Efficiency unit 600 square feet
- (4) One-bedroom unit 750 square feet
- (5) Two-bedroom unit 950 square feet
- (6) Each additional bedroom shall increase the total required floor area by no less than 150 square feet
- (7) Guest room in a hotel or motel, including bath 300 square feet

(e) *Minimum lot area--single-family dwellings.* The minimum lot area and minimum lot dimensions of detached single-family dwelling lots established within the development shall not be less than two-thirds (2/3) of the normal minimum lot area and minimum lot dimensions of the single-family residential district of equal density in which the lot is located and in the adjacent districts contiguous to the developments boundary lines.

(f) *Water area as a part of a PCD.*

- (1) Whenever a body of water is determined to be fit for recreational usage by having a depth of at least four (4) feet (and said water does not have an approved bulkhead wall installed) a bank slope not greater than one (1) foot vertical to each four (4) feet horizontal above either four (4) feet above mean sea level or the actual water line, whichever is higher, and two and one-half (2 1/2) feet horizontal to one (1) foot vertical to a depth of two (2) feet below mean sea level or at least six (6) feet below the actual water line shall be maintained (beyond which depth any slope may be maintained which the natural angle of repose of the soil conditions will bear). In not event may more than forty (40) percent of the parcel's net open space (not built upon by any permanent improvement including but not limited to buildings, paved parking lots, driveways or interior street systems) be such water areas committed to recreational usage.
- (2) In calculating the area of such bodies of water to be submitted for recreational usage, the water surface area shall be determined at either four (4) feet above mean sea level or the actual water line, whichever calculation produces the greater water surface area.
- (3) Before any body of water is determined to be fit for recreational usage and is permitted to be calculated as a portion of the required open space area for multi-family dwelling of more than five (5) residential units, evidence must be submitted to the council that such body of water will be under unified control, will be maintained so as to curtail the growth of noxious surface aquatic weeds and slime, and will otherwise be submitted to a specific recreational usage either for the benefit of the residents of the contemplated development (a private recreational usage) or for the public (a public recreational usage).

(g) Within the city's planned residential development zoning classifications which enjoy a density greater than five (5) units per acre and within the RM-10N, RM-10Y, RM-25U, and RM-13R zoning districts (which are the city's multifamily zoning districts which require design approval in accordance with the city

planned community development district regulations), where detached one-family dwellings are solely proposed for development, the following site development regulations shall apply, which shall be supplemental to other site development regulations applicable in such districts and which shall control in the event of direct conflict with other site development regulations applicable in such districts:

- (1) The minimum setbacks shall be as follows:
 - (a) If the property is developed on a "zero" lot line basis, the minimum side setback for the side other than the zero lot line side shall be fifteen (15) feet. The minimum side setback for development if not developed on a zero lot line basis shall be ten (10) feet.
 - (b) The rear setback shall be twenty-five (25) feet.
 - (c) The front setback shall be twenty (20) feet.
- (2) Garages will be required with no conversions, and the unified control for the property, or a restrictive covenant in the event there is no unified control, will prohibit garage conversions and will allow any property owner within the development to enforce such covenant.

(3) The parking requirement shall be based in part on the number of bedrooms in the dwelling unit according to the schedule below [with the same definitions for "habitable room", and "bedroom" as set forth in section 27-743(2)a.1., City Code]:

Unit Type	Number of Spaces/Unit
1-bedroom	2.0
2-bedroom	2.0
3-bedroom or more	3.0 ¹

¹NOTE: Two spaces must be located on the dwelling site and one space located in the parking area(s).

In addition, there shall be a one-half (1/2) parking space requirement per unit. Spaces derived from this requirement shall be located within a convenient distance [not to exceed two hundred (200) feet] of the units from which the spaces were calculated.

(Code 1964, App. A, Art. XVIII, § 12(7)(1(a)--(d), (o); Ord. No. 1996, § 1, 11-2-94; Ord. No. 2031, § 1, 6-7-95; Ord. No. 2222, § 1, 5-31-2000)

Sec. 27-690. Procedure for application and review of PCD.

(a) Prior to initiating a petition for rezoning to (or submitting an application for a development permit in an existing) planned community development zoning use district, a preapplication conference with the city landscape architect, the city planner and director of building and zoning and the fire chief or his designee, may be held upon the request of the developer-applicant or his designated agent. The purpose of such preapplication conference shall be to assist in bringing the overall petition as nearly as possible into conformity with these and other regulations applying generally to the land involved and/or to define specially those variations from the requirements of general regulations which appear justified in view of equivalent service of the public purposes of such regulations.

(b) Applications with required supporting data should be filed with the city for processing in the same manner as any other request for a public hearing by the planning and zoning board and the city council.

(c) The following shall be submitted with an application for a planned community development:

(1) Identification of all property owners within the proposed development and an agreement of such owners to proceed with the development.

(2) An outline master association agreement or other evidence of unified control of the entire area to be developed and documentation satisfactory to the city attorney that the area will remain under a unified control after development.

(3) Such other data and material as the board may require.

(d) A concept development plan shall accompany the application and shall contain the following information:

(1) The title of the project, the name of the required professional planner (a person qualified for full membership in the American Institute of Planners or person registered by the State of Florida as an architect, landscape architect or professional engineer with a degree in planning), and the developer applicant;

(2) Scale, date, north arrow, and general location map;

(3) Boundaries of the property involved, all existing streets, buildings, watercourses, easements, section lines, and other existing important physical features in and adjoining the property, as shown on a suitable current aerial photograph;

(4) Plan locations of the different uses proposed by dwelling types, open spaces designations, recreational facilities, commercial uses, other permitted uses, and major pedestrian and vehicular circulation patterns;

(5) Tabulations of total gross acreage in the PCD and the percentage thereof proposed to be devoted to the several dwelling types, other permitted uses, open spaces, recreational facilities, streets, parks, schools and other reservations;

(6) Tabulations of calculated density by dwelling types and the overall estimated population;

(7) In addition, the planning and zoning board or city council may require reasonable additional material such as plans, maps and studies which are needed to make findings and determinations that the applicable standards and guidelines have been fully met.

(e) Application and supporting data shall be submitted to the review committee for report and recommendations. If the review committee recommends denial or modification of the proposal based on public health or safety concerns as described in ordinance number 1171, development review requirements, the

application shall be submitted directly to the city council for determination prior to submittal to the planning and zoning board.

(f) After public hearing for rezoning to a PCD usage, the planning and zoning board shall make its recommendations and suggested conditions and limitations (if any) to the city council. In ensuing public hearings, the council shall consider but not be limited to the following factors:

- (1) That the project is so located with respect to arterials or major streets as to provide direct access to said thoroughfares, without encouraging excessive traffic along minor streets in residential districts or areas outside the PCD; that the streets proposed within the project are suitable and adequate to carry anticipated traffic; that pedestrian and vehicular traffic have been suitably separated whenever practicable with the project;
- (2) That the proposed PCD is not incompatible with the surrounding area;
- (3) That the proposed PCD meets all general requirements of the subdivision regulations required of any zoning district of comparable usage as to utility services such as sanitary sewers, water lines, storm and surface drainage systems, and other utility systems and installations, including those required for fire fighting services, that extension or enlargement of such systems to comply with the PCD uses will require no higher public costs than for projects generally permitted under existing residential zoning classifications in the city, unless the developer applicant provides equivalent private facilities;
- (4) That any waiver of standard zoning requirements serves public purposes to a degree at least equivalent to the general provisions of the ordinance establishing comprehensive zoning regulations and other applicable city ordinances and regulations or the actions, design and solutions proposed, and although not in accord with a literal interpretation with the zoning and other applicable regulations and ordinances, satisfy public purposes to at least an equivalent degree;
- (5) That open space is being provided for the occupants of the PCD according to this article, that desirable natural features are preserved, that open space linkage from one (1) project to another project is encouraged in accordance with city programs and criteria.

The plans for the project, together with the recommendation of the board, shall be submitted to the council for their review and approval. After council approval, application may be made for a building permit.

(g) In recommending approval for a PCD, the planning and zoning board may recommend and the city council may attach reasonable conditions, safeguards, and stipulations made at the time of approval, which shall be binding upon the applicant or any successors in interest.

(h) The planning and zoning board in recommending approval of a planned community development shall also recommend to the council for their approval a schedule of construction. No permits for construction shall be issued except in accord with the adopted schedule. In the case of mixed dwelling types, the schedule shall require that lower density dwellings and higher density dwellings be constructed concurrently, or that at least fifty (50) percent of lower density dwellings be constructed or partly constructed before construction of

higher density dwellings is started. Where nonresidential uses are part of the development, the schedule may require that a minimum percentage of residential be completed before construction of nonresidential uses is started.

(i) After granting approval for the PCD the boundaries of the land rezoned to PCD designation shall be recorded on the official city zoning map as provided hereinbefore.
(Code 1964, App. A, Art. XXXI, §§ 4, 8; Ord. No. 1511, § 3, 11-18-87; Ord. No. 2222, § 1, 5-31-2000)

Sec. 27-691. Site development plan.

(a) Before an application for a building permit is filed for any proposed development in an area zoned for PCD usage, with the exception of developments for nonclustered single-family residences on platted lots, site development plans for all or portions of the designated areas within the concept plan (previously approved by the city) then to be developed, shall be submitted to the review committee and to the planning and zoning board for review and for further processing for the city council in accordance with development standards and regulations then in effect, providing same does not adversely affect the density allowed when such PCD usage was rezoned. Such site plans, other than the master landscape plan for nonclustered single-family residential lots, shall clearly describe the proposed development and shall be in substantial conformity to the previously approved concept development plan and the applicable conditions incumbent upon the zoning to PCD usage in which the development is to be done.

(b) Contents of site development plan. The application for approval of site development plan within a planned community development shall be accompanied by a site development plan prepared by an architect licensed to practice in the State of Florida which shall show:

- (1) Proposed circulation system--pedestrian and vehicular.
 - (2) Proposed reservations for parks, parkways, playgrounds and other open spaces.
 - (3) Topography and proposed drainage.
 - (4) Location, type and extent of all buildings and parking areas.
 - (5) A tabulation of the total number of acres in the proposed project and the percentage thereof designated for each building type.
 - (6) A tabulation of floor area by building type and as a percent of the total floor area, and the overall dwelling unit density per net acre.
 - (7) Preliminary plans and elevations of the various building types.
- (c) In addition to the above, the proponent shall provide with his application the following:
- (1) Identification of all property owners within the proposed development and an agreement of such owners to proceed with the development.

(2) Evidence of unified control of the entire area to be developed and documentation satisfactory to the city attorney that the area will remain under a unified control after development.

(d) Where necessary to fully describe the proposed development, the board may require the following additional information:

- (1) Plans showing proposed streets, lots, parking, curb cuts, all pedestrian ways, placement of buildings on lots, community facilities, open space location and development, and paving materials.
- (2) Drawings or models delineating the three-dimensional character of the proposal in an accurate way. Drawings may be perspectives, sections, elevations, axonometric or isometric pictures in any combination or at any scale that is suitable for communicating the materials and character of the proposal. Color, texture and materials for exterior finishes shall be indicated and once exterior elevations are approved, no structure changes may be made in same without prior city council approval.
- (3) Master landscape plan depicting existing and proposed vegetation, their locations, types, initial and mature sizes, and the fences, walls, planting screens, locations, heights and materials, indicating the system for the irrigation of landscaping.
- (4) Tabulations analyzing the number of total gross acres in the site development plan and the percentages thereof proposed to be devoted to the several dwelling types, nonresidential uses, off-street parking, off-street loading, streets, usable open space, recreation areas, parks, schools and other reservations.
- (5) Tabulations of total number of dwelling units in the project by type and the calculated population for each type, and the calculations for the overall population per gross acre.

(e) The board shall hold a public hearing and review the plans as to compliance with the conditions incumbent on the land by the zoning to PCD usage, site planning, buildings, amenities, landscaping and aesthetic considerations intended by the requirements of this section. The plans with the recommendations of the board shall be submitted to the council for its review and approval.

(f) Prior to recording a final plat, pursuant to the subdivision regulations, the developer shall file, as specified at the time of approval of the PCD, deeds for land dedicated to the city and a legally constituted maintenance association agreement, when appropriate, for improving, perpetually operating, and maintaining the common facilities, including private streets, private drives, parking area, private open spaces and private recreation facilities together with certificates of public liability insurance to defend, indemnify and save harmless the city from any and all claims, liability, losses and causes of action because of bodily injury or death occurring on private common facilities with coverage amounts not less than five hundred thousand dollars (\$500,000.00) for injuries, including accidental death to any one (1) person and subject to the same limits for each person, and in amounts not less than one million dollars (\$1,000,000.00) on account of one (1) occurrence; or he shall file such documents as are necessary to show how the said common areas are to be improved, operated and maintained. Such documents shall be subject to the approval of the city attorney. (Code 1964, App. A, Art. XVIII, § 12(7)(3)(a), (b), Art. XXXI, § 9; Ord. No. 2222, § 1, 5-31-2000)

Sec. 27-692. Phasing of construction.

Public improvements and required usable open space which are shown on the approved site development plan, or the final plat for nonclustered single-family lots, must proceed proportionately to the construction of residential uses as established as a condition of approval. The developer-applicant shall furnish a performance bond, or meet such other conditions established by the city, sufficient to secure to the city the satisfactory construction, installation and dedication of all uncompleted required public improvements and private common facilities. Where the developer-applicant wishes to develop and record the final plat in portions according to the phasing of construction, performance bonds, or other conditions established by the city, for each portion are applicable and shall be in such form and terms as approved by the city attorney.

(Code 1964, App. A, Art. XXXI, § 10)

Sec. 27-693. Change in plans.

Approved site development plans for approved PCD may be changed subject to the same procedures as required for new applications. The city council may, without requiring a new application, authorize through the plans adjustment committee minor changes to approved site development plans that pertain to location, types and configuration of buildings, landscaping and similar changes when the full character and intent of the approved site plan is not violated.

(Code 1964, App. A, Art. XXXI, § 11)

Sec. 27-694. Nonavailability of equitable estoppel.

In reviewing applications for approvals contemplated herein for planned community developments, the planning and zoning board and city council shall determine each such application on its own merits, under the then existing criteria set forth herein; having due regard to the impact of such development upon the then existing master land use plan of the City of Plantation and the then existent community of Plantation. However, at the time of approval of any PCD that is to be developed in phases, the city shall designate which phase or phases shall be subject to automatic subsequent review by the city. As to those such phases subject to automatic reviews, the defense of equitable estoppel shall not be available to the applicant or his successor in interest as to those phases until such time as such reviews has been concluded. As to those phases not designated as subject to such reviews, the owner may avail himself of any appropriate defense in law or equity as to which he may be otherwise entitled.

(Code 1964, App. A, Art. XXXI, § 12; Ord. No. 2222, § 1, 2000)

Sec. 27-695. Reserved.

Editors Note: Section 3 of Ord. No. 1921, adopted May 5, 1993, repealed § 27-695, which pertained to failure to construct PCD and derived from Code 1964, App. A, Art. XXXI, § 13.

Sec. 27-696. Building permits.

No building permit or certificate of occupancy or zoning compliance shall be issued in or for development in a PCD except in conformity with all provisions of the approved PCD and plans submitted under these zoning regulations and under such conditions as to assure access to such permitted construction to all governmental inspections.

(Code 1964, App. A, Art. XXXI, § 14)

Sec. 27-697. Commonly owned and maintained facilities.

The city council shall be entitled on a conditional use basis to permit the common ownership and maintenance of private roads, off-street parking facilities, kiosks, guardhouses and other similar commonly owned and maintained facilities identifiable to a business development neighborhood or community on a conditional use basis where the council deems same appropriate, without requiring the rezoning of the underlying land to a Planned Community Development, so long as the landowner submits to all of the review procedures, site development plan requirements and unified control documents to assure the maintenance of such private facilities as set forth and codified within this article.
(Code 1964, App. A, Art. XXXI, § 15)

Sec. 27-698. Compliance with ordinances.

General application zoning ordinances, and all regulations regarding parking, landscaping, signs and similar regulations, shall apply to PCD districts unless specifically excepted by this article.
(Code 1964, App. A, Art. XXXI, § 16)

Sec. 27-699. Conflicting provisions.

Other than the mandatory regulations such as the South Florida Building Code and the City of Plantation Fire Prevention Code which directly relate to the health and safety of the city's citizenry (as, for example, but not by way of limitation, those portions of the city's fire prevention code and ordinances pertaining to the location of fire hydrants and the distribution and flow of water for fire fighting), the city council has the prerogative of waiving any mandatory provision contained in any of its ordinances or comprehensive zoning Ordinance No. 305, as amended, which do not directly relate to the health or safety of the citizenry of Plantation (as, for example, but not by way of limitation, a mandatory landscape buffer zone contained within the city's comprehensive landscape ordinance or a building setback line contained within a specific zoning use district, both of which are codified in the city's comprehensive zoning ordinance, or a subdivision requirement specifying the type of material to be included within a sidewalk as codified in the city's Code of Ordinances) whenever the city council is specifically requested to waive such mandatory ordinance and the city council makes a specific finding that the ordinance for which a waiver is sought is not one directly relating to the health or safety of its citizenry and the requested waiver would be, not only desirable for the proposed development, but not detrimental or injurious to the surrounding area and, further, that the city council would thereafter be willing to entertain similar requested waivers on a conditional use basis, with the same specific findings, as herein set forth, to be made by the city council as a condition precedent to such similar requested waivers of otherwise mandatory portions of the city's Code of Ordinances or comprehensive zoning ordinance, as aforesaid.

(Code 1964, App. A, Art. XXXI, § 17)

Secs. 27-700--27-715. Reserved.

ARTICLE X.

MASTER LIST OF BUSINESS AND COMMERCIAL USES

Sec. 27-716. Intent and application.

(a) It is the intent of this article to provide in tabular form a listing (herein called the master list) of the uses that shall be permitted or prohibited in the various business and commercial districts as they exist from time to time as shown on the zoning district maps.

(b) Where an "X" appears on the same line as a listed use, the use shall be permitted in the district as indicated by the column heading in which the "X" appears.

(c) Where no "X" appears on the same line as a listed use, the use shall be prohibited in the district as indicated by the column heading in the same manner.

(d) Where a listed use is not permitted in any of the business or commercial districts an "X" appears in the column headed "prohibited."

(e) Where an "X" is followed by a number, the listed use shall be subject to the limitations and restrictions set forth in the corresponding supplemental regulations.

(f) Where an "X" is followed by an asterisk (*) the listed use shall be subject to, or modified by, the regulation set forth in the column on the right.

(g) Where a commercial or business use is not expressly permitted or prohibited on such master list of business and commercial uses, it shall be deemed permissive and shall require an ordinance defining such permissive use, placing such restrictions thereon as are deemed appropriate, and otherwise identifying the commercial or business zoning use districts wherein such permissive use will be permitted; it being the expressed intent of the city council that all such permissive (nonidentified) uses on the master list of business and commercial uses are prohibited until so defined and included.

(Code 1964, App. A, Art. XVII, § 1)

Sec. 27-717. Wholesale and storage in B-5P districts, general.

The storage, distribution and wholesaling of any article that may be sold at retail in any business district shall be permitted in any B-5P district regardless of whether or not such storage, distribution or wholesaling is specifically listed as a permitted use.

(Code 1964, App. A, Art. XVII, § 2)

Sec. 27-718. Validity of master list.

Where a use is permitted or prohibited by the master list as set forth in section 27-716 of this article, such indication shall have the same validity as if the use were listed as permitted or prohibited in the district regulations of this chapter.

(Code 1964, App. A, Art. XVII, § 3)

Sec. 27-719. Amendments to the master list.

The master list may be amended in the same manner as any other section of this article.

(Code 1964, App. A, Art. XVII, § 4)

Sec. 27-720. Master list of business uses.

BUSINESS LISTINGS	Prohibited	OB-C	B-1P	B-2P	B-3P	B-4P	B-5P	B-7P	B-2L	SPI-3
Advertising, signs (display only)			x	x	x	x	x			x
Airports, hangars repair shops	x									
Air cond. equipment, retail only			x	x	x				x	x
Air cond. equipment, retail repairs			x		x		x			
Air cond. equipment, wholesale							x			
Air cond. equipment, mfg.	x									
Alcoholic beverages, sales		x 75	x 75	x 75	x 75	x 75			x 75	x 75
Ambulance service					x		x			x
Amusement arcades					x					x
Amusement enterprises				x 1	x 1	x 1	x 1			x 1
Animal clinics, pet hospitals		x 2, 38		x 2, 38	x 2		x 2		x*	x 2, 38
Animal hospitals		x 2, 38		x 2, 39					x*	x 2, 38
Antique shops		x	x	x	x				x	x
Apartments					x 22	x 22				x 22
Armory--arsenal							x			
Art galleries		x	x	x	x	x			x	x
Art supplies		x	x 49	x 49	x 49				x	x
Art schools			x 28		x	x			x	x
Artists' studios		x	x	x	x	x			x	x
Associations (civic, etc.)		x*	x	x	x	x			x	x

Bicycle stores and repair shops		x	x	x	x		x		x	x
Billboards	x									
Blacksmith, gas, steamfitting shops	x									
Boat building and repairing							x 8			
Boat sales display in open					x		x			
Boat sales showroom enclosed, accessories					x	x	x			
Boats-- Carrying passengers	x									
Boat liveries	x									
Boat slips for repairs	x									
Book store		x	x	x	x	x			x	x
Bottled gas							x			
Bottling beverages							x			
Bowling alleys					x 9	x 9	x 9			x 9
Brewery	x									
Broadcasting studios, no towers				x	x	x			x	x
Building and loan associations		x	x	x	x	x			x	x
Building and home supply yard, retail and wholesale							x			
Building supplies, retail From buildings only*		x* 55			x		x			
Burglar alarms, retail, monitoring, and maintenance				x 45	x 45		x 45			x 45

Bus terminals					x	x	x			x
Bus barn and storage yard							x			
Cabinet making--Carpentry shops							x			
Camera shops Wholesale and repair only*				x	x		x x*		x*	x
Camera shops, retail and repair only Conditional use only*		x*								x
Candy manufacturing										
Candy stores retail		x	x	x	x				x	x
Canning factories							x 14			
Carpet cleaning							x			
Carpets, rugs, floor covering, retail Wholesale only*			x	x	x		x*			x
Caterers Conditional use only*			x*	x*	x*	x*	x*	x*	x*	x*
Cement prod., conc. block, tile, etc. No manufacturing*							x*			
Cement roof tile and floor tile No manufacturing*							x*			
Cemeteries	x									
Ceramic bldg. prod. storage and sales From bldgs. only*					x*		x			

Ceramic-- Retail-- Other than bldg.		x 49	x 49	x 49	x 49				x	x
China, crockery, glassware, earthenwar e, retail		x	x	x	x				x	x
Cigar making (and cigarettes)	x									
Chemicals- -Retail-- Laboratori es							x 15			
Cloth awning-- Mfg. and sales							x			
Clothing stores		x	x 49	x 49	x 49				x	x
Coin- operated machines-- Sales of							x			
Cold storage warehouse							x			
Communit y garage No repairs*			x*		x	x*	x			x*
Computer/ electronics --Retail		x 69	x 69	x 69	x 69					x 69
Confection ery manufactur e							x 15			
Conservato ries (arts and music) Soundproo fed for music*			x* 49			x*				x*
Contractor s plants and/or storage yards							x			
Corsetieres (sales and fittings only)		x	x	x	x				x	x

Cosmetics--Retail and incidental compounding, no manufacturing		x	x	x	x				x	x
Costumers, rental Conditional use only*		x*		x	x				x	x
Crematories	x									
Curio stores		x	x	x	x				x	x
Dairy products--Mfg.							x 15			
Dairy products--Retail		x	x	x	x				x	x
Dairy products--Storage and wholesale							x			
Dance halls Soundproofed*					x*					x*
Dance academies Soundproofed*		x* 49	x* 49	x* 49	x* 49	x*			x*	x*
Day care centers Conditional use only*		x* 51	x* 51	x* 51		x* 51				x* 51
Day nurseries		x 10	x* 10	x 10						x 10
Designing and making of clothing							x 15			x 15
Designing, making and assembling of art and craft products							x 20			
Department and dry goods stores Conditional use only*		x*	x	x	x				x	x
Detective agencies		x	x	x	x	x			x	x

Discount stores or services		59								
Display materials, sales					x		x			x
Displays, mfg.							x			
Dog and pet hospitals					x 2		x			x 2, 38
Dredging base-- Storage-- Repairs Dredges or supplies Conditional use only*							x*			
Drug and sundries stores Pharmacy only*		x	x	x	x	x*			x*	x
Dry cleaning and dyeing plant							x			
Dry cleaning and pressing-- Pickup and delivery only		x	x	x	x	x			x	x
Dry cleaning plants (limited) Conditional use only			x* 11	x 11	x 11					
Dynamite storage	x									
Educational tutoring and college selection counseling , conditional use only*		x*	x*	x*	x*	x*				x
Electrical appliances--Retail and incidental repairs			x	x	x		x		x	x

Electrical appliances wholesale and storage							x			
Eleemosynary institutions		x	x	x	x	x			x	x
Employment agencies			x	x	x	x				x
Engines, diesel or gasoline, sales and service Conditional use only*			x* 65		x 65		x 65			
Express companies					x	x	x			x
Fabric store		x	x							x
Fabric venetian blind assembly							x			
Farm equipment							x			
Farmer's market							x			
Farms, truck gardens, nurseries, groves and incidental buildings Nurseries only*					x*					
Fast food restaurant Conditional use only*		x* 53, 50		x* 53, 50	x* 50, 53					x* 50, 82
Federal and state buildings	x									
Feed and seed suppliers					x		x			
Fertilizer manufacturing	x									
Fertilizer stores--Retail					x 16		x			
Fertilizer stores--Wholesale							x			
Fences--Storage or sale							x			

Multi-Independent vendor market	x 36									
Insecticides manufacturing	x									
Insect and rodent exterminating agencies					x		x			
Insurance agencies		x	x							x
Interior decoration shop--Retail		x	x	x	x				x	x
Interior decoration shop--Wholesale							x			
Interior decoration materials--Manufacturing							x 20			
Interior decorator		x	x							x
Internal combustion engines--Sales					x 65		x 65			
Internal combustion engine--Repairs					x 65		x 65			
Jalousies--Retail, wholesale repairs Retail only*					x*		x 20			x* 20
Jewelers exchange					x 34					x 34
Jewelry store--Watch repairs		x	x	x	x				x	x
Jewelry manufacturing					x 19		x			x 19
Juice--Retail sales		x	x	x	x				x	x
Junk dealers	x									
Kennels							x 2			
Key shop		x	x	x	x				x	x

Laboratories: Chemical, or physical (non- medical)							x*			
Laboratories, medical including dental Conditional use only*		x* 40		x* 40	x* 40	x* 40				x* 40
Laundries- -Coin operated			x 27	x 27	x 27				x	x* 27
Laundry agencies			x	x	x	x			x	x
Laundry plants	x									
Lawn and garden supplies and services-- Retail only Conditional use only*		x* 16	x*						x*	x*
Lawn maintenan ce service							x			
Leather goods manufactur ing (except tanning)							x 15			
Leather goods store-- Retail			x	x	x				x	x
Library			x	x	x	x			x	x
Lighting fixtures distributors Wholesale and retail							x			
Lighting fixture-- Retail		x	x	x	x				x	x
Linen service							x			
Loan agencies (other than pawnbroke rs)		x	x	x	x	x			x	x
Lodge halls					x	x	x 38			x 77

Lubrication and oil service, drive-in facility					x 65, 35					x 65, 85
Luggage shops		x	x	x	x				x	x
Lumber yards							x			
Machine shops							x 15			
Mail order processing		x	x	x	x	x	x	x	x	x
Mail order storage and business No manufacturing*							x*			
Manufacture of: Explosives, ammunition, insecticides, fertilizer, dangerous or obnoxious chemicals	x									
Marine supplies--Retail		x			x		x		x	x
Marine warehouses--Wholesale							x			
Material storage yards							x			
Mattress factories, manufacturing or renovating							x 15			
Meat market--Retail Conditional use only*		x* 17, 18	x 17	x 17	x 17		x 18		x	x* 17, 18
Meat--Wholesale, including storage							x			

Medical clinic/ambulatory care facility Conditional use only*		x*	x*	x*	x 79	x 79			x*	x* 83
Mental health care establishment		x 73		x 73	x 73					x 73
Messenger office		x	x	x	x	x			x	x
Metalizing processes	x									
Milk distributing plant							x			
Millinery shop		x	x	x	x				x	x
Millinery--Wholesale, mfg.							x 10			
Millwork--Retail					x		x			x
Millwork--Mfg. and wholesale							x 23			
Mobile auto repair, at home site Conditional use only; police registration, fingerprinting and ID cards required*					x* 32		x*			
Mobile medical (including dental) lab examination, at home site Conditional use only*; police registration, fingerprinting and ID cards required*					x*		x*			

Museum			x*	x*	x	x			x	x
Newsstand		x	x	x	x	x	x		x	x
Nightclub	x									
Notions-- Variety stores		x	x	x	x				x	x
Notions-- Wholesale and mfg.							x 20			
Novelties (handbags and handicraft) --Retail Also wholesale* Conditiona l use only		x	x	x	x		x*		x*	x
Novelties manufactur ing							x 15			
Offices for doctors, dentists, podiatrists and related professions		x	x	x	x	x			x	x
Office supplies and furniture store Wholesale only*		x 58	x	x	x		x*		x	x
Offset copying and duplicating services Conditiona l use only*		x		x* 41		x* 41			x*	x
Oils--Fuel, lubricating and petroleum- -Wholesale	x									
Optical stores		x	x	x	x				x	x
Optometris t		x	x	x	x	x			x	x
Ornamenta l iron and metal working shops							x 23			

Office building (no governmental office building usage)		x	x	x	x	x			x	x
Paint manufacturing	x									
Package stores Subject to chapter 3, Code of Ordinances Conditional use only*			x* 71	x* 71	x* 71					x*
Paint stores-- Retail only			x	x	x				x	x
Paint-- Wholesale and storage Conditional use only*					x*		x			
Palmistry, fortune telling, astrology	x									
Parking-- Commercial				x 65	x 65	x 65	x 65			x 65
Parking garage-- Commercial				x 65	x 65	x 65	x 65			x 65
Patios-- Manufacturing, wholesale, retail, installation							x 20			
Pawnshops	x 39.1									
Personal services		x 3, 42, 55	x 3, 42, 55	x 3, 42, 55	x 3, 42, 55	x 3, 42, 55			x 3, 42, 55	x 3, 42, 55
Pet grooming and sale of pet accessories and supplies		x 2, 38	x	x	x				x	x
Pet shops Conditional use only*		x 2, 38		x* 2, 38	x				x	x 2, 38

Photocopying, printing and express services for same		x	x	x	x	x	x			x
Photograph, developing and printing for others							x			x
Photograph galleries		x	x	x	x	x			x	x
Photographers-- Commercial		x	x	x	x	x			x	x
Photography mini-labs Conditional use only*		x*		x 33	x 33					x 33
Photostating					x	x	x			x
Plasterers							x			
Plastic articles-- Retail			x	x	x				x	x
Plastic articles-- Wholesale mfg.							x 20			
Plumbing fixtures-- Retail		x 56		x	x		x			x
Plumbing-- Wholesale, repair shop							x			
Pool supply store (not to include bulk storage of chemicals) Conditional use only*		x* 56	x* 47	x* 47	x 47		x 47			x 47
Water conditioning equipment sales, bottled water sales residential and commercial					x		x			x

Pool chemicals - Bulk storage (chlorine and muriatic acid, only) Conditional use only*			48 x*	48 x*	48 x*		x* 48			
Post office Conditional use only*			x	x	x	x	x		x*	x*
Poultry market--Live	x									
Power or steam laundries	x									
Prerecorded video rental and sale store		x	x	x	x					x
Printing shops, blue printing business, newspapers					x	x	x			x
Private employment agencies									x	x
Private mail service		x 64	x 64	x 64					x 64	x
Professional offices		x	x	x	x	x			x	x
Pumps and wells, retail, wholesale							x			
Quarrying	x									
Race tracks	x									
Radios, televisions --Sales, incidental repairs Full repairs*			x	x	x		x*		x*	x*
Real estate offices		x	x	x	x	x			x	x
Real estate schools, licensing and further education Conditional use only*			x*		x*				x*	x

Self-storage facility Conditional use only*					x* 31		x	x* 31		
Trade, vocational industrial schools public or private not listed below			x 46		x		x			x
Schools-- Business Conditional use only*			x* 46		x	x	x			x
Schools-- Driving		x	x 46		x	x	x			x
Schools-- Modeling		x	x 46		x	x				x
Schools, small scale		x	x	x	x	x	x	x	x	x
Schools-- Traffic Conditional use only*				x* 68						x
Secondhand stores					x					
Self-service, automated video rental/retail center-- No on-premises viewing Conditional use only*		x*		x*	x*					x
Sheet metal shop							x			
Ship chandlery							x			
Shipyards	x									
Shoe repair shop			x	x	x	x			x	x
Shoe stores		x	x	x	x				x	x
Shooting ranges, indoor				x 29	x 29					
Sign painting-- Car-- Lettering					x		x			
Skating rinks Conditional use only*					x*					x

Slaughterhouse	x									
Small scale neighborhood tavern				x 89						
Soap manufacturing	x									
Soft drink stands			x	x	x				x	x
Souvenir stores		x	x	x	x				x	x
Sporting goods store		x	x	x	x				x	x
Sportscenters			x 66	x 66	x					x 87
Spray painting business							x			
Sprinkler systems; shop, storage and service							x			
Stationery stores		x	x	x	x				x	x
Stock exchange and brokerage office		x	x	x	x	x			x	x
Stone cutting							x			
Storage warehouses							x			
Sundry stores		x	x	x	x				x	x
Service station Conditional use only*			x* 5	x* 5	x* 5				x* 5	x* 5
Supermarkets Conditional use only*		x*	x	x	x				x	x
Surgical and orthopedic appliances, sales and accessories Wholesale only*		x		x	x		x*		x	x

Swimming pools; builders supplies and accessories							x			
Taxi service establishment Conditional use only*				x 65	x* 65	x 65	x 65			x*
Telemarketing center		x		x	x					x
T.V. sales and incidental repairs Full repairs*			x	x	x		x*		x*	x*
Textile hosiery and weaving mills	x									
Theater and motion picture houses			x	x	x	x				x
Theater and motion picture houses -- open air type	x									
Ticket sales offices for transportation system		x								x
Tinsmiths								x		
Tile-- Builders supplies							x			
Tire-- Vulcanizing or retreading							x			
Tire store, new-retail Conditional use only				x 65	x 65		x 65		x* 65	x* 65, 85
Tobacco store-- Retail		x 88b	x 88b	x 88b	x 88b				x 88b	x 88

Trailers of all kinds, campers, mobile homes-- Storage and sales							x			
Transfer companies --Building and equipment							x			
Travel bureau		x	x	x	x	x			x	x
Upholstery shop			x		x		x			
Utilities, public offices	x		x	x	x				x	x
Telephone exchange building			x	x	x	x	x		x	x
Venetian blind manufacturing							x 20			
Venetian blind sales, retail Also wholesale*		x	x	x	x		x*		x*	x
Waiting rooms and ticket offices for transportation system				x	x	x	x			x
Warehouses (31)							x			
Water conditioning sales-- Residential and commercial					x		x			
Wearing apparel stores		x	x	x	x				x	x
Wearing apparel-- Wholesale							x			
Wearing apparel-- Manufacturing							x 15			
Welding shop							x			

Wholesale salesroom and storage rooms Salesroom only*					x	x*	x			
Woodworking machinery--Sales					x		x			
Wood and coal yards							x			
Wreckers--Bldg. and auto	x									
Yacht and boat storage--Repairs							x			

(Code 1964, App. A, Art. XVII, § 5; Ord. No. 1279, § 1, 12-12-84; Ord. No. 1285, § 1, 1-16-85; Ord. No. 1298, § 2, 2-20-85; Ord. No. 1340, § 1, 7-24-85; Ord. No. 1396, § 1, 5-28-86; Ord. No. 1405, § 1, 7-23-86; Ord. No. 1409, § 3, 8-27-86; Ord. No. 1466, § 1, 4-29-87; Ord. No. 1468, § 1, 5-20-87; Ord. No. 1474, § 1, 7-8-87; Ord. No. 1505, § 1, 10-14-87; Ord. No. 1526, § 1, 1-6-88; Ord. No. 1529, § 1, 1-13-88; Ord. No. 1544, §§ 1, 2, 4-6-88; Ord. No. 1557, § 1, 6-8-88; Ord. No. 1589, § 2, 11-30-88; Ord. No. 1597, § 1, 1-11-89; Ord. No. 1610, § 1, 4-5-89; Ord. No. 1624, Attach. A, 6-7-89; Ord. No. 1628, § 1, 6-21-89; Ord. No. 1632, § 1, 6-21-89; Ord. No. 1633, § 1, 6-21-89; Ord. No. 1636, § 1, 7-5-89; Ord. No. 1656, § 1, 10-18-89; Ord. No. 1657, §§ 1--4, 6, 10-18-89; Ord. No. 1673, § 1, 1-10-90; Ord. No. 1677, § 1, 1-17-90; Ord. No. 1692, § 1, 3-21-90; Ord. No. 1720, § 1, 8-22-90; Ord. No. 1753, § 1, 12-5-90; Ord. No. 1765, § 1, 3-20-91; Ord. No. 1767, § 1, 3-27-91; Ord. No. 1773, § 1, 4-17-91; Ord. No. 1785, § 1, 6-12-91; Ord. No. 1684, 6-7-89; Ord. No. 1845, § 1, 6-17-92; Ord. No. 1858, § 1, 8-26-92; Ord. No. 1864, § 1, 9-2-92; Ord. No. 1884, § 1, 10-21-92; Ord. No. 1888, § 1, 11-12-92; Ord. No. 1933, § 2, 8-11-93; Ord. No. 1985, § 2, 6-22-94; Ord. No. 1989, § 1, 8-17-94; Ord. No. 2029, § 1, 5-31-95; Ord. No. 2040, § 1, 8-30-95; Ord. No. 2043, § 1, 8-30-95; Ord. No. 2062, § 3, 12-13-95; Ord. No. 2063, § 1, 12-13-95; Ord. No. 2085, § 1, 5-22-96; Ord. No. 2086, §§ 2, 5, 5-22-96; Ord. No. 2088, §§ 2--4, 6-19-96; Ord. No. 2103, § 1, 9-11-96; Ord. No. 2108, § 1, 9-25-96; Ord. No. 2124, § 2, 3-26-97; Ord. No. 2125, § 2, 3-26-97; Ord. No. 2129, § 11, 7-30-97; Ord. No. 2130, § 2, 7-30-97; Ord. No. 2134, § 1, 8-27-97; Ord. No. 2150, § 4, 3-25-98; Ord. No. 2151, § 2, 3-25-98; Ord. No. 2154, § 2, 3-25-98; Ord. No. 2156, § 2, 4-22-98; Ord. No. 2161, § 1, 5-6-98; Ord. No. 2165, § 1, 6-10-98; Ord. No. 2175, § 1, 2-3-99; Ord. No. 2182, § 2, 2-17-99; Ord. No. 2191, § 1, 6-16-99; Ord. No. 2192, § 1, 6-16-99; Ord. No. 2219, § 2, 4-12-2000; Ord. No. 2220, § 1, 4-26-2000; Ord. No. 2231, § 2, 9-13-2000; Ord. No. 2245, § 1, 2-21-2001; Ord. No. 2251, § 1, 5-31-2001; Ord. No. 2253, §§ 1--3, 6-20-2001; Ord. No. 2269, § 1, 3-13-2002; Ord. No. 2334, § 1, 10-13-2004; Ord. No. 2353, § 3, 10-5-2005; Ord. No. 2361, § 3, 4-19-2006; Ord. No. 2413, § 4, 7-23-2008; Ord. No. 2417, § 7, 8-20-2008)

Sec. 27-721. Supplemental regulations to the master list of business uses.

Reference numbers used in the master list of business uses refer to the following regulations and restrictions:

- (1) Applications to be made to planning and zoning board with full description of the project on

pedestrian and vehicular traffic; before making recommendation to the council. The board or the council, or both, may require a public hearing.

- (2) All buildings used for the animals shall be soundproofed to such a degree that no noise from within the building shall be audible to any person who is within ten (10) feet of the building. Application is to be made to the planning and zoning board with full description of the project, and the board shall consider the effect on neighboring uses, safety and general welfare of the community before making recommendations to the council.
- (3) Massage parlors, permitted and regulated under chapter 480 of the Florida Statutes, or its successor, are permitted on a conditional use basis. As used herein, the term massage parlor shall apply to a business primarily engaged in the activity of massage, defined as any method of pressure on or friction against the external parts of the body with the hands or with the aid of any mechanical or electrical apparatus, with or without such supplementary aids as rubbing alcohol, oils, powders, creams or lotions, performed by a certified massage therapist, medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state.
- (4) In B-4P zoning, permitted only in connection with and incidental to a new car sales agency.
- (5) Service station. The following regulations of this subsection are intended to recognize that service stations are a special class of land use, distinguished by unique characteristics related to their physical appearances, their need for specialized structures, their hours of operation and both the noise and traffic they generate. While recognizing the need for such use, the city intends to preserve its community appearance, to safeguard and enhance property values of surrounding residential, commercial and industrial areas and to reduce potential safety conflicts which arise between motorists and pedestrians in connection with such use. In addition, the purpose and intent of these regulations are predicated on the following:
 - a. A survey of existing gasoline service stations within the city reveals an even distribution of service station sites throughout the city, with an apparent locational emphasis on accessibility to motorists.
 - b. The city has many arterial roadways which divide the city and, because of continuing development surrounding the city (especially to the west of Plantation where the Sawgrass Mills Mall is being expanded and the new Florida Panthers Sports Arena complex is being erected), such roadways are used by an increasingly significant number of persons who do not live or work in the city, but instead commute through the city.
 - c. Gasoline service stations select potential sites based primarily on roadway passerby traffic patterns and the number of existing stations serving same, and consequently, have an increasing number of customers who do not live or work in the city, and thus they do not provide a service to the city's residents or satisfy a community need within the city.
 - d. The city does not wish to encourage traffic congestion on roadways within the city by allowing additional gasoline stations to be located thereon for the use and benefit of

drive-through commuters.

- e. Despite significant advances in construction which minimizes the likelihood of environmental damage from gasoline stations, a significant number of sites within Plantation have been identified by the Broward County Department of Natural Resources Protection as known "contaminated" sites which are in varying degrees of cleanup and monitoring, and further, the Florida Department of Environmental Regulation has reported that the average costs of removing underground storage tanks and contaminated soil, hauling in clean fill, and installing pollution monitoring equipment is between two hundred fifty thousand dollars (\$250,000.00) and three hundred thousand dollars (\$300,000.00) per site.

The following provisions are, therefore, established for service stations to ensure that such uses are compatible with other uses in the same district and to protect the public health, safety and general welfare.

- a. An application to erect, redesign, rebuild, enlarge or change a site plan of a service station must first be filed with the building and zoning department, which application shall be reviewed by the city review committee, planning and zoning board and city governing body. The review committee, planning and zoning board and city governing body shall evaluate the application in accordance with the requirements of this supplemental regulation, article XII, chapter 27 of this Code (the conditional use ordinance) and such other Code requirements for review as may otherwise apply (for example, the site design regulations applicable in the zoning district in which the conditional use is proposed to be located).
- b. A building permit shall not be granted by the city building department without the approval of the city engineering department, and the state department of transportation where it has jurisdiction with respect to drainage, paved areas, driveways and curb cuts, and such other matters as are elsewhere set forth in this Code, or in other regulations, or in development order requirements.
- c. Such use shall be permitted on a conditional use basis.
- d. The following accessory uses may be permitted in conjunction with the conditionally approved use, provided they are fully disclosed in and approved as part of the application:
 - 1. Minor repairs, which only include simple or minor preservation operations and the replacement of small parts, not involving any complex assembly operations;
 - 2. Auto wash racks;
 - 3. The incidental sale of food and beverages from a self-service or full-service service station;

- e. No luggage racks, trailers for sale or other rental may be stored or parked on the property.
 - f. Signs shall comply with section 22-62 of the Code.
 - g. Strings or pennants, whirling devices, large pyramids of tires, temporary signs and displays, or other unsightly contrivances are not permitted at any time.
 - h. The city council may require the erection of a screening wall at the rear or sides, or both rear and sides of the property.
 - i. The minimum setback requirements for service stations located at street intersections shall be fifty (50) feet from street right-of-way to walls of buildings, but canopies over pump service areas may extend into setback areas provided canopy supports are minimized to avoid blocking vision of traffic at intersections. Setbacks at other than street intersections shall be determined by the requirements of the particular site based on public safety, convenience, and the rights of adjoining property. If greater setback requirements are set forth elsewhere in the Code, such greater setback requirements shall apply.
 - j. No service station shall be established within one-quarter of a mile (1,320 feet) from any other service station which has ceased business operations and which has not been converted to a use which is presently in operation (i.e., an abandoned service station site). Additionally, no service station shall be established within one-half mile (2,640 feet) from another service station. Measurement shall be made by airline measurement, from the nearest point of one property line to the nearest property line of the other use. No service station existing as of the effective date of Ordinance No. 2130 shall become nonconforming solely as a result of being in violation of the distance limitations herein.
 - k. Every service station must insure that a station attendant is readily available to assist any disabled person with fueling of such person's vehicle.
- (6) Miscellaneous uses.
- a. New automobiles may be exhibited and sold in the open or in a showroom but no repairs whatsoever may be made at sales locations. No used car lots permitted in B-2P or B-4P.
 - b. In B-2P zone automobile storage other than parking is not permitted in the open and automobile storage or parking garages must be so located that they will not extend pedestrian retail shopping travel.
 - c. Cars for hire are permitted in B-2P and B-4P, but in B-2P cars are not to preempt the most convenient parking areas provided for retail customers.
- (7) Sales from the shop only, no deliveries. Not over a total of five (5) persons to be engaged in sales and preparation.

- (8) Not more than ten (10) persons employed on the premises. No manufacturing of fiberglass or plastic boats.
- (9) Where permitted must be air conditioned, and so insulated that the transmission of sound from the interior to the exterior of the building will be reduced not less than fifty (50) percent.
- (10) Day nurseries, or play areas for children are permitted to take care of, or entertain children on a temporary basis for the accommodation of shoppers.
- (11) Using noninflammable solvents in self-contained dry cleaning units. Total boiler capacity in such use shall meet and comply with the requirements of the South Florida Building Code. Not more than five (5) persons employed on the premises. Such use in a B-1P neighborhood district shall be a "conditional use" as defined by article XII.
- (12) Dynamite shall not be stored for sale but may be kept in small quantities for temporary storage for individual jobs. Temporary storage shall be in a securely locked area protected from fire hazards. A city permit must be secured and the storage area shall be approved by the fire department or other city departments having jurisdiction.
- (13) The sale of seafood and fish shall be permitted under the condition that there is no odor on the exterior of a building from sales, preparation or garbage.
- (14) Includes grinding, cooking, roasting, canning, preserving, drying, smoking or airing of meats, fruits or vegetables where not more than five (5) persons are employed on the premises. Larger operations of this kind are assigned to industrial classification. No objectionable smoke or odors are permitted to the exterior.
- (15) Limited to not more than five (5) persons employed on the premises.
- (16) Sales are restricted to retail, and such items as insecticides, manure, and fertilizer must be packaged to be easily handled and free from objectionable odors. In OB-C districts only, all on-site service shall be conducted indoors, and all machinery, equipment, etc. used in connection with on-or off-site service shall be stored indoors; furthermore, vehicles used in connection with such service if parked on-site shall be visually screened from view from any public right-of-way and from adjacent residential property.
- (17) No live poultry shall be kept or sold.
- (18) No slaughtering of meat or poultry.
- (19) Storage unlimited but manufacturing limited to not more than five (5) persons employed on the premises.
- (20) There is no limitation unless there is actual manufacturing of materials, in which case not over five (5) persons shall be employed on the premises in this type of work. Unlimited assembly of premanufactured materials is permitted.

- (21) Storage tanks in B-5P zoning are limited to tanks which do not extend above grade more than ten (10) feet. No single tank shall have a capacity of more than ten thousand (10,000) gallons and total storage shall not exceed thirty thousand (30,000) gallons. Tanks and installation shall meet the requirements of National Board of Fire Underwriters and any other requirements of the building department.
- (22) One (1) accessory efficiency apartment may be allowed in conjunction with those uses which customarily have a night watchman or on-call attendant. The apartment shall be for the exclusive use of said night watchman or an on-call attendant and shall be clearly incidental to the principal use.
- (23) Manufacturing of large quantities of a special item, or items, for statewide, national or international markets employing more than five (5) persons on the premises in this type of work shall require location in industrial zoning. For local millwork there is no limitation of size or number of persons employed.
- (24) Hotels are permitted in the B-2P or B-3P district, if such districts lie within the Central Plantation Development district. Any hotel use shall be subject to the same regulations and restrictions as are provided for such uses in the RM-25U district (including that hotels are conditional uses). Accessory uses described in subsection 27-227(3) of this Code shall be permitted in hotels, subject to the same regulations and restrictions as are provided in the RM-25U district.

Any hotel or motel lawfully established and operating in the city zoning districts regulated by this master list of business uses as of August 1, 1997, shall be permitted to continue business as a conditional use and may be expanded if conditional use approval is obtained for such expansion. Any such lawful use which is later destroyed for any reason or abandoned may be re-established at the same location, subject to conditional use approval.

If a hotel or motel wishes to have a hotel bar, compliance with chapter 3 of this Code and conditional use approval will be required for the hotel bar. Hotel bars shall only be allowed as conditional uses.

- (25) In connection with a new car agency offering a full range of services, all servicing and repairs shall be conducted within a completely enclosed building with windows and doors, constructed so as to prevent said servicing and repairs from becoming a public or private nuisance to adjoining property. Paint spray booths and dip tanks shall operate only in accordance with the City of Plantation Building and Fire Code. Damaged automobiles must be stored either within a building or stored in an area surrounded by solid walls at least six (6) feet high, and either solid gate or passageways or buildings so arranged that damaged autos are not visible from other than the new car agency premises.
- (26) A permit may be issued by the building department of the City of Plantation, after recommendation by the planning and zoning board and approval by the city council, authorizing the installation of an underground storage tank and gasoline pump as a conditional or accessory

use to the sale of used automobiles. Said permit shall be automatically canceled and the pump removed and the tank removed or rendered unusable by filling with inert material at the expense of the owner or lessee of the property, if the property is used or attempted to be used for any other use other than for auto storage, sales, cars for hire or if gasoline is made available for public sale. All underground storage tanks and their attachments, including but not limited to pumps, shall meet the requirements of the National Board of Fire Underwriters and any other requirements of the building department of the City of Plantation, and shall be operated only in accordance with the City of Plantation building and fire codes.

- (27) Coin operating laundries are permitted in the districts shown, subject to the following:
- a. They shall be entirely within an enclosed building and may include self-service dry cleaning machines.
 - b. In a B-2P district the use is a conditional use and can only be permitted if approved by the board in an area peripheral to the central shopping area.
 - c. Self-service laundry machines shall not exceed, for all washing units combined, a total rated capacity of five hundred (500) pounds; and provided further, that no machine shall exceed a rated capacity of twenty-five (25) pounds.
 - d. Self-service dry cleaning machines shall not exceed, for all dry cleaning units combined, a total capacity of forty (40) pounds and provided further that no machine shall exceed a rated capacity of ten (10) pounds and shall be classified as Class IV System, as defined by Florida Fire Prevention Code, 1958, Sec. 80, 3d.
 - e. Lint may not be discharged to the exterior of the building.
 - f. All vents and exhaust outlets for removing fumes and/or heat from cleaners, washers, or dryers shall be confined either to the roof area of a building, or to the portion of an exterior wall if the location is approved by the building department where it will not adversely affect exterior spaces, buildings, or pedestrians. No such wall exhaust outlet shall be permitted which is less than eight (8) feet above grade and which does not discharge upward vertically.
- (28) Art schools permitted in B-1P use districts shall be limited to no more than twelve (12) students.
- (29) The operation of an indoor shooting range business may be permitted as a conditional use in B-2P and B-3P use districts; provided that:
- a. Applications for this conditional use shall be made to the planning and zoning board with public hearing thereon and with the board's recommendations and conditions or limitations to be transmitted to the city council for consideration.
 - b. The application shall include, but not be limited to detailed specifications on the construction of the proposed indoor facility, including a certification by the applicant that

the facility shall be constructed in accordance with the prevailing standards and specifications of the National Rifle Association and in accordance with all of the requirements and recommendations of the manufacturer of the equipment to be installed within the facility, with adequate sound insulation, ventilation, and safety controls as may from time to time be suggested by the city building department or police department.

- c. The employer shall have all employees of the business (and such employees shall be required to apply for a police identification card and to otherwise submit to fingerprinting and a background investigation showing no prior felony convictions, within forty-eight (48) hours of commencing employment, said investigation to be conducted by the police department while such employee continues on a temporary probationary basis pending satisfactory investigation and issuance of such police identification card.
- d. The business shall not be conducted between the hours of 12:01 a.m. to 8:00 a.m. and there shall be an absolute prohibition on the bringing of or consumption of any alcoholic beverages upon the premises or loitering by any person or persons on or about the premises. Access to the indoor shooting range is to be controlled and monitored by the proprietor and his employees.
- e. The business shall obtain, prior to issuance of its local business receipt, a public liability policy in an amount not less than five hundred thousand dollars (\$500,000.00) per person or one million dollars (\$1,000,000.00) per occurrence and shall maintain such coverage at all times.
- f. The continuous operation of the business shall be contingent upon compliance with the approved application for conditional use and subject to the periodic inspection (at least semi-annually) of the business by the building department and the police department.
- g. Any violation of this subsection shall cause the suspension of the local business tax receipt of the indoor shooting range after a finding of such violation by the city council following notice and due public hearing before the city council, for a minimum of thirty (30) days or until the violation is corrected, whichever shall later occur, and shall otherwise be deemed a misdemeanor punishable by up to a fine of five hundred dollars (\$500.00) or thirty (30) days imprisonment, or both.

(30) Helistops.

- a. Helistops may hereafter be approved by a conditional use permit in all use districts other than residential districts, with the council being able to place parameters on the type of helicopter, to be considered by the city council on an individual basis having due regard to the safety of the citizenry, and to the avoidance of undue noise pollution of the environment.
- b. Nothing in this subsection (30) shall prohibit the emergency landing of helicopters in any open space or the occasional landing of a helicopter in any nonresidential use district so long as such landing occurs at least three hundred (300) feet from the nearest residential

structure and one hundred fifty (150) feet from any other structure; rather this subsection is to govern the granting of conditional use permits for the regular landings of helicopters at helistops.

- (31) *Self-storage facility; warehouse.* A self-storage facility is permitted as a conditional use in B-3P and B-7P districts, if such districts lie within the State Road 7 SPI-2 District. Any self-storage facility or warehouse which has been lawfully established and is operating in the city as of August 1, 1997, shall be permitted to continue business as a conditional use. Any such lawful use which is in existence which is later destroyed for any reason or abandoned may be re-established at the same location, subject to conditional use approval. The owner or operator of any such existing use may be permitted to expand such use at the existing location if conditional use permission is granted for such expansion.
- (32) Such use shall be limited to minor automobile repairs and none other to include:
- a. Brake service;
 - b. Starters;
 - c. Carburetor;
 - d. Tuneups;
 - e. Air conditioning;
 - f. Batteries;
 - g. Alternators;
 - h. Water pumps.
- (33) Photography mini-labs are limited to retail places of business engaged in the rapid photo-processing on site of photographic film. Such business shall be located within a retail establishment of a shopping center or mall and not in its own freestanding structure. The business shall not occupy a space in excess of one thousand five hundred (1,500) square feet of floor area. The chemical materials used in the photo-processing shall be bio-degradable and not hazardous under O.S.H.A. standards and so certified to the utility department and building department prior to the issuance of a certificate of occupancy therefor and annually thereafter upon issuance of local business tax receipts therefor. Photography mini-labs will meet the same offstreet parking requirements as those generally applied to other retail establishments within such center or mall.
- (34) Jeweler's exchange:
- a. Shall be an integral part of a shopping center of not less than fifty thousand (50,000) square feet of leasable space and may not be a freestanding structure; nor shall more than

one (1) exchange be permitted in a shopping center. All exchanges shall be permitted on conditional use basis by the council, having due regard for the then other tenants within such shopping center, the location of such shopping center, and the desirability of offering a jeweler's exchange within such shopping center for the business invitees of such center.

- b. Shall be no larger than five thousand (5,000) feet of leasable area.
 - c. A minimum of two hundred forty (240) square feet must be available for each subtenant of the exchange.
 - d. Each subtenant shall be licensed as either a retailer, wholesaler, manufacturer or repairer of jewelry, or any combination of such jewelry sales or services.
 - e. Signage and interior design, layout and decorating of the exchange must be uniform, harmonious, in good taste and approved by the city council.
 - f. All merchandise shall remain on the premises during nonbusiness hours and all subleased areas shall be open for business during business hours, as are established by a responsible representative of the exchange, who shall otherwise be designated the responsible person for all code and license compliances pertaining to the use and occupancy of the exchange by its prime subtenants.
 - g. The exchange and all subleased space shall comply with all appropriate building and fire code regulations and shall have all of the amenities, including air-conditioning, offered to other let space within said shopping center.
 - h. All media advertising shall identify exchange subtenants as members of such exchange and shall comply with applicable laws of the City of Plantation.
 - i. A representative of the exchange shall be available during business hours for handling consumer complaints and each subtenant within the exchange shall agree to be bound by the decisions of such representative in his disposition of such consumer complaint. Said representative of the exchange shall be the responsible person for the exchange and shall supervise custodial maintenance and compliance with all pertinent regulations of the shopping center and of the City of Plantation and other governmental agencies having jurisdiction over such let premises.
 - j. All subtenants of the exchange shall offer uniform consumer credit by accredited financial organizations.
 - k. No provision hereof may be waived, except upon application to and approval of the city council of the City of Plantation.
- (35) Lubrication and oil services may include visual inspections only (i.e. inspection of tires, windshield wipers, belts). Automotive repairs and sales shall not be permitted with this use other

than oil products. All such uses shall be a "conditional use" as defined by article XII.

- (36) "Multi-independent vendor markets" are those businesses in which more than two (2) independent vendors, tenants, subtenants or franchisees (hereinafter called "vendors") offer to sell, service, fabricate or repair varying types of goods, merchandise, produce or foodstuffs (hereinafter called "goods") from the same site or location where either more than ten (10) percent of such vendors offering their goods do so from selling areas or spaces less than five hundred (500) square feet in size or where more than ten (10) percent of such vendors are not separated from each other with complete solid partitions up to fire rated roof assemblies with separate accessways and entrances for the use of customers and for the stocking or restocking of goods offered to such customers. Nothing hereinabove set forth shall be deemed to prohibit pedestrian malls where at least ninety (90) percent of the independent vendors have separate establishments (in excess of five hundred (500) square feet in size) with complete solid partitions up to fire rated roof assemblies between each such vendor establishment with all customer entrances to be from common pedestrian mall areas and with all goods stored on site with a separate accessway to the rear of each such establishment (not open to the public) to be used for the purpose of restocking the vendor's goods within his establishment from approved exterior loading/unloading zones or separately partitioned storage areas. Further, nothing herein shall be deemed to prohibit the subletting or franchising of space to vendors of specialized goods within a department store where the primary operator, lessor or franchisor (hereinafter called "department store operator") controls the establishment and all goods offered therefrom including, without limitation, that such department store operator not only offers goods to the public but also makes the majority dollar volume of customer sales of goods from such establishment and regulates the hours the establishment and all goods offered therein will be open and available to the public; controls the stocking or restocking of goods and requires that same remain on the premises during nonbusiness hours; assumes responsibility to the customer for all goods sold from the premises by providing a common form of sales receipt under the name or logo of the department store and also a common form of charging purchases of goods and of the giving of credit memoranda or cash refunds for all returned goods previously sold customers from such establishments through a single customer service center under the direct and exclusive control of the department store operator; and otherwise controls all media advertising of all goods offered therein as well as all on-site signage, design, layout and decorating of such department store establishment.
- (37) Auto wash racks are permitted in B-4P use districts on a conditional use basis. Such auto wash racks must be self-service and must be operated in conjunction with an auto service station at the same location.
- (38) Permitted on a conditional use basis only.
- (39) Animal hospitals are permitted in B-2P zoning districts on a conditional use basis.
- (39.1) Any pawnshop lawfully established and operating in the city as of August 1, 1997, shall be permitted to continue business as a conditional use subject to the following conditions:
- a. The owner or operator of any such existing use may be permitted to expand such use at

the existing location if conditional use permission is granted for such expansion. Such owner or operator shall submit with his application for conditional use approval a floor plan at a scale of not less than one-quarter inch equals one (1) foot showing the location of entries and exits, storage and similar principal use areas and features.

- b. Each such establishment shall be equipped with a security alarm system approved by the city police department.
 - c. The owner or operator of the proposed pawn shop shall provide evidence of compliance with all applicable state and federal laws regarding the sale or acceptance for sale of gold, firearms and other similar regulated merchandise.
 - d. Copies of all applications for licenses and certifications of approval, and copies of approvals thereof by appropriate state or federal agencies, shall be submitted to the city police department, for its permanent records.
 - e. Any lawful use in existence which is later destroyed for any reason or abandoned may be re-established at the same location, subject to conditional use approval.
- (40) As used herein the term "laboratories, medical including dental" shall apply to and cover any facility whether located in an office complex or not, which has as its principal purpose to conduct tests for diagnosis or treatment of human conditions or illnesses (not experimental), or the manufacturing of small medical and dental devices.
- a. There shall be no more than fifteen (15) employees.
 - b. Off-street parking shall be provided on the ratio of one (1) space per one hundred fifty (150) square feet of gross floor area occupied by the dental laboratory.
- (41) With machines not to exceed one-half horsepower, with such soundproofing and location of such machinery on site as the city council might deem appropriate should such conditionally allowed use be permitted.
- (42) As used herein the term "toning salon" shall apply to any facility located in an office complex which is a passive exercise salon which by use of electrically operated tables, subjects the recipient to a course of physical and isometric, highly repetitive movements designed to restore tone and elasticity to muscle fiber. The following conditions shall apply: Off-street parking shall be provided on the ratio of one (1) parking space for each seventy-five (75) square feet of gross floor area utilized.
- (43) All sales shall take place in an enclosed building and no more than fifteen (15) percent of the items sold shall be used merchandise.
- (44) These "Automobile uses" have been conditionally expanded to include nonself-propelled recreational vehicles and campers when the B-3P use is located in the State Road 7 Special Public Interest District, as more fully detailed in subsection 27-613(12) of this Code.

- (45) No antennas or towers; the part of any premises used for monitoring may be hidden from public view and the general public may be prevented from accessing such areas.
- (46) Permitted in B-1P districts on a conditional use basis subject to the following conditions:
- a. Night classes shall be permitted only if the shopping center lighting meets the current requirements for lighting in effect at the time that such classes are to be first initiated.
 - b. The capacity of the number of students shall be limited to the maximum permitted by the South Florida Building Code and/or the parking requirement for said use in accordance to the space site plan submitted together with the application for conditional use approval.
- (47) Permitted in B-1P and B-2P districts on a conditional use basis subject to the following conditions:
- a. Sales of pool supplies and related furniture and merchandise are restricted to retail.
 - b. Pool chemicals shall be kept in prepackaged sealed containers from the manufacturer.
- Permitted in the B-3P and B-5P districts as a permitted use, subject to the following conditions:
- a. Sales of pool supplies and related furniture and merchandise are restricted to wholesale and retail.
 - b. Pool chemicals shall be kept in and sold in prepackaged sealed containers from the manufacturer.
- (48) Bulk storage of pool chemicals may only be utilized in conjunction with a pool supply store and is only allowed in the B-1P, B-2P, B-3P, and B-5P districts on a conditional use basis subject to the following:
- a. Tanks for the storage of bulk chemicals are restricted to chlorine (sodium hypochlorite) or muriatic acid only and may not exceed a total capacity of eight hundred (800) gallons.
 - b. Tanks for the storage of bulk chemicals must meet all applicable fire, building and environmental codes and regulations, and requirements of the fire department which the fire chief may determine reasonably necessary under the circumstances.
 - c. Bulk chemicals may be transferred into containers no larger than three (3) gallons in size for retail sale.
 - d. All sales activities shall take place in an enclosed building (this excludes transfer of chemicals into three (3) gallon containers, which shall be carried out by appropriately trained employees of the business. Customers shall not fill containers themselves).

- e. All businesses must file a contingency emergency plan with the city fire department. The emergency plan should address the following areas of concern:
 - i. Chemical emergency prevention and mitigation;
 - ii. Emergency notification(s);
 - iii. Protective actions for the public;
 - iv. Protective equipment, actions and response of employees;
 - v. Spill containment;
 - vi. Reaction of chemical mixtures;
 - vii. Cleanup reporting;
 - viii. Plan evaluation and revision;
 - ix. Employee education.
 - f. Bulk pool chemicals consist of chlorine (sodium hypo chlorite). Tri-clor eighty-nine (89) percent granular chlorine, bromine, muriatic acid, and cyanuric acid (stabilizer). It should be noted, however, that the storage of these chemicals are still subject to all other Codes, ordinances, and laws (one of which, for example, would not permit bulk storage of muriatic acid and chlorine bleach at the same site or location).
- (49) As an ancillary use to the primary retail use listed, a conditional use of "indoor, enclosed parties, birthdays and theme events" may be allowed pursuant to section 27-766 of this Code and provided the South Florida Building Code's assembly/classroom occupancy load and bathroom facilities requirements are continually satisfied in addition to whatever parking requirements and other conditions for use approval are imposed.
- (50) Any high turnover, sit-down restaurant or fast food restaurant may engage in retail food, take-out or delivery service as an accessory use. Any low turnover, sit-down restaurant may engage in the incidental retail food, take-out service (no delivery) as an accessory use.
- (51) Permitted in B-1P, B-2P, B-4P, and OB-C districts on a conditional use basis subject to the following minimum conditions and such additional conditions and restrictions as may be deemed appropriate by the city council:
- a. All licensing requirements of other governmental agencies on the minimum square feet per enrollee of indoor space and exterior play areas shall be observed and established with the application for such conditional use and, further, the play areas shall be fully enclosed with an appropriate form of structure so as to assure that ingress and egress to and from such play areas may only be from the structure in which the day care center is

being operated.

- b. All enrollees in the day care center shall be required to be delivered by their parents or guardians who shall stop and park their vehicle in the provided off-street parking facility and shall walk such enrollees into the main entrance where a sign-in procedure with a receptionist behind a locked door shall be followed so as to deliver the enrollees to the receptionist behind such locked door, so as to preclude the enrollees from leaving the day care center and wandering into the parking lot area of a B-1P, B-2P, B-4P, or OB-C zoning districts. Similarly, a sign-out procedure and delivery of the enrollees to the parents or guardians of such enrollees shall be followed by the receptionist who shall deliver the enrollees from behind a locked door to the parent or guardian accepting delivery of such enrollees within the day care center at the conclusion of their stay at the day care center and such parent or guardian shall then walk such enrollees to the parked vehicles of the parents or guardian.
 - c. Each, every and all other requirements of other licensing authorities for day care centers shall be established and proven by the applicant and the number of students or enrollees in the day care center shall be limited as is deemed appropriate by the peculiar characteristics of the B-1P, B-2P, B-4P, or OB-C zoning districts in which such conditional use request is made as well as the surrounding area. The applicant for such conditional use shall have the full burden of proof of establishing the need for such conditional use permit at such B-1P, B-2P, B-4P, or OB-C zoning districts.
- (52) Permitted in a B-3P zoning district on a conditional use basis, subject to the following minimum conditions and such additional conditions and restrictions as may be deemed appropriate by the city council:
- a. All work is to be done under roof and either exceptional landscaped or enclosed within a structure so as to screen such activity from adjacent roadways, whether public or private, with the hours of operation and signage to be expressly approved and limited by the city council when an applicant submits a site plan for such use and the requested conditional use ordinance allowing such use.
- (53) Except as provided below for the SPI-2 overlay district and the Central Plantation Development District, fast food restaurants (as defined by section 27-1 of the Code of Ordinances of the City of Plantation, entitled "Definitions") within B-7Q and OB-C office zoning districts shall not be freestanding establishments; nor shall such fast food restaurant have a drive-through facility; instead they shall be located only as an interior establishment within a multi-tenant structure (so as to preclude any exterior walk-up counter or drive-through facility being created on an outer-wall of such multi-tenant structure). Notwithstanding the use listing set forth in the master list of business uses, fast food restaurants shall be prohibited within the area of the city located in the city's comprehensive plan Flex Zone 68. Additionally, fast food restaurants shall be prohibited in any B-7Q zoned property which is outside the Central Plantation Business District or outside the State Road 7 SPI-2 District. Fast food restaurants located in the SPI-2 overlay district and in the Central Plantation Development District may be freestanding establishments and may have a drive-through facility if approved as part of the conditional use application. All fast food

restaurants located in the Central Plantation Development District shall be located at a distance of one thousand (1,000) feet or more from another fast food restaurant. Distance shall be by airline measurement from property line to property line, using the closest property line 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.

- (54) A "government administrative office" use is defined as an office use for government functions which is not oriented to providing a government service to general or limited visiting members of the public and which will not necessitate the regular or periodic visitation of the premises by members of the public which are not government employees working at the site.

For example, an office for governmental investigative services with no on-site contact with the public or with the subjects of investigation, or a licensing office where, by virtue of the license on the office, licensees may only occasionally visit the premises in an irregular, nonperiodic manner, would be considered "government administrative offices."

By further example, a parole facility involving any onsite parolee monitoring interviews, etc. would not constitute a "government administrative office" since such use would be oriented to providing a governmental service to periodically visiting general or limited members of the public.

- (55) Body wrapping is a permitted accessory use to a beauty parlor and to a toning salon. Body wrapping is defined as a weight loss, and skin reconditioning and toning technique, which involves wrapping a subject with an elastic material, by a licensed physician, nurse, physical therapist, masseuse, or beautician.
- (56) In the OB-C Office Business-Combined District, building supplies, retail only, from buildings, hardware stores, plumbing fixtures--retail, and pool supply stores shall be conditional uses, and shall collectively not exceed twenty (20) percent of gross leasable space on-site.
- (57) Furniture stores in an OB-C Office Business-Combined District are limited to retail sales only and shall be approved on a conditional use basis.
- (58) Office supplies and furniture stores in an OB-C Office Business-Combined District are limited to retail sales only and shall collectively contain no more than ten (10) percent of gross leasable space on-site.
- (59) This supplemental regulation applies to high turnover sit-down restaurants that are conditional uses in zoning districts subject to this supplemental regulation. Conditional use approval shall not be required if a proposed high turnover sit-down restaurant is:
- a. Not a free-standing building, but instead is in line or part of a multitenant structure;
 - b. Does not have a drive-through facility;

- c. Has no exterior walk-up counter or service area;
 - d. The gross leasable floor area of the use when added to the remaining gross leasable square footage of all types of restaurants on the site results in less than ten (10) percent of the gross leasable floor area of the site being devoted to all types of restaurant uses; and
 - e. The proposed use is less than three thousand eight hundred (3,800) square feet in size.
- (60) Property zoned OB-C shall not be used for and no owner, lessee, or occupant of said zoned property shall conduct any business or service thereon which is in the nature of a fire sale, auction, or bankruptcy sale use, a wholesale or factory outlet store, a cooperative store, a secondhand store, a home improvement do-it-yourself building, materials center, wholesale/retail membership store, or a surplus store, and further, no owner, lessee, or occupant of land enjoying OB-C zoning shall advertise the improvements thereon as a discount center, and provided further, no signs on said property may contain the words "discount," "wholesale," "factory outlet," or "cooperative."
- (61) Open air cafe or outside seating (herein, "outdoor cafe") for a low turnover, sit-down restaurant or a high turnover, sit-down restaurant may be approved by the building and planning zoning and economic development department as an accessory use subject to the following additional regulations:
- a. No person shall establish or operate an outdoor cafe within the city without obtaining a permit approved by the planning, zoning and economic development department. The review costs of the permit shall be charged and paid through the city cost recovery system. The permit application shall include the name, address, and telephone number of the applicant: The name and address of the restaurant; and a copy of a valid city local business tax receipt to operate a low turnover sit-down restaurant or high turnover sit-down restaurant. Architectural plans, drawn to scale, which accurately depict the layout and dimensions of the proposed outdoor cafe shall be submitted with the application and shall include a cafe layout plan, interior floor plan of the primary restaurant establishment to which the outdoor cafe is accessory, use of the adjacent business or property, proposed location, size, design, and number of tables, chairs, planters, umbrellas, and any other allowable object relating to the operation of the outdoor cafe, types of proposed landscaping, and pedestrian ingress and egress routes. The plan must meet all applicable access standards. A copy of the site plan, as approved in conjunction with the outdoor cafe permit, shall be maintained on the applicant's premises and shall be available for inspection by city personnel at all times.
 - b. Outdoor cafes shall be restricted to the frontage of the licensed primary restaurant use to which the permit is issued: except however, that the area of the permit may also extend from each side of the primary restaurant use to a maximum of fifty (50) feet of adjacent businesses' frontage during time period when the adjacent business is closed and only with written permission from the property owner and the affected businesses, and except for corner restaurants "frontage" may encompass the lineal footage of both external

corners. When such written permission is cancelled in writing for the utilization of adjacent business frontage, the extended area shall no longer be permitted.

- c. Outdoor cafes shall be conducted operated in such a way as to not interfere with the circulation of pedestrian or vehicular traffic on the adjoining streets, or sidewalks, or breezeways. There shall a minimum of four (4) feet of clear distance or fifty (50) percent of the sidewalk width (clear path) whichever is greater, free of all obstructions, in order to allow adequate pedestrian movement. In no event may recesses in the building frontage be used to satisfy this unobstructed width requirement. The outdoor cafe table corners may be rounded or mitered, in which event the required minimum clearance shall still be maintained. No tables, chairs, or umbrellas shall ever be placed within seven and one-half (7 1/2) feet of a fire hydrant or standpipe, or within five (5) feet of a pedestrian crosswalk, curb cut, street, alleyway, utility pole, utility box, bike rack, bus bench, bus shelter, street furniture of any type, or in any other restricted area required by the approved permit and reflected in the approved plans. For purposes of minimum clear path, any object, regardless of whether it is associated with the outdoor cafe, shall be considered an obstruction, such as but not limited to: trees, sign poles, bus benches, etc. No area of an outdoor cafe shall be permitted upon city right-of-way, nor shall the design or layout of the outdoor cafe obstruct or interfere with sight triangles, vehicle recovery areas, or encouraged pedestrian access to and from the right-of-way, or to and from public right-of-way street furniture or transportation facilities.

[d, e. Reserved.]

- f. The consumption of food by patrons of the outdoor cafe shall be at tables only. Customers may be served by waiters or waitresses, or from counter service or self-service where the point of sale takes place inside the existing business. Point of sale food service from a pass-through window shall not be permitted. Outdoor menu boards and sandwich signs are prohibited.
- g. The outdoor cafe shall not occupy an area of more than one hundred (100) percent of the total area of the restaurant to which it is accessory (regardless of whether the area is greater than the primary restaurant use frontage as conditionally permitted in subsection b. above. No additional parking is required for the accessory use; provided, however, that in the event the outside cafe area is larger than ten (10) percent of the area of the primary restaurant use, the restaurant parking requirement set forth in section 27-743(24), of this Code, shall be applicable to the area of the outside cafe.
- h. Tables, chairs, and umbrellas shall be of high quality design, material and workmanship for aesthetics. They shall be made of metal or weather resistant and finished wood. Use of plastic products shall be discouraged. Photographs, drawings or manufacturers' brochures describing the appearance and dimensions of all proposed tables, chairs, and umbrellas shall be submitted with the application for review and approval by the city.

Clear knee space under tables: Twenty-seven (27) inches in height, thirty (30) inches in width, nineteen (19) inches in depth. Tables shall have a maximum height of thirty-four

(34) inches to the top of the table. Alternative equivalent seating accessible to disabled persons shall be provided when required by the city. In reviewing the design of proposed outdoor furniture for outdoor cafes, the director of planning, zoning and economic development, or his or her designee, shall consider the following factors:

- (i) The weight (i.e., gauge and construction) of the furniture, with particular emphasis regarding the extent to which it may be knocked down or blown around by wind exceeding thirty (30) miles per hour (given the summer storm and hurricane season);
- (ii) Whether the color and design of the proposed furniture is uniform with other existing furniture;
- (iii) Whether the external colors are painted or otherwise applied in a manner that the color of the furniture may, through ordinary wear and tear, become "chipped" in appearance;
- (iv) The proposed furniture's durability of construction and the extent to which it may become subject to wear, tear and breakage;
- (v) The proposed furniture's strength. Chairs should be able to support significant weight (i.e., 250 to 350 pounds) and tables should likewise be rigid and not flimsy or easily flexible; and
- (vi) The design of the street furniture should not appear to reflect minimal capital investment in terms of aesthetics.

Only outdoor cafe equipment specifically shown on the approved plan, and not otherwise prohibited, shall be allowed in the permit area. The estimated chair count per table may vary within the prescribed area, provided that the overall number of chairs remains as approved.

Umbrellas and other decorative material shall be fire retardant or manufactured of fire resistant material. All umbrellas shall be reviewed and approved on a case-by-case basis by the planning, zoning and economic development director based on compatibility with the surrounding area, and the number and proposed location of such umbrellas. Cafe names may be printed on umbrellas. Letter and logos may not exceed six (6) inches in height. Minimum height for umbrellas shall be eighty (80) inches.

- i. Fire sprinklers and extinguishers may be required within the permit area at the discretion of the fire department.
- j. The outdoor cafe shall not be enclosed except that it may be covered with a canvas cover, or covered with the existing walkway covering (where the area is within walkway areas).
- k. All kitchen and other equipment (e.g., bus service stations, remote menu computer stations, hostess stations) used to service the open air outdoor cafe area shall be located within the primary restaurant use. Only items reflected in the approved plan shall be

permitted in the outdoor cafe area.

- l. After the close of business of the primary restaurant use, outdoor cafe equipment shall not be allowed in the permit area or outside the structural confines of the building in which the primary restaurant use is located unless the primary restaurant use opens for business in the morning at the same hour as adjacent business or unless the restaurant is the sole occupant of a building, in which event the tables, closed umbrellas, and chairs may be permitted in the outdoor cafe area so long as they are arranged in an orderly manner and secured and stored so as to not interfere with the use of the walkway. During any period of a hurricane, tornado, or severe thunderstorm warning or watch, these items shall be brought inside the primary restaurant use. The plans submitted with the outdoor cafe permit application shall disclose adequate storage area within the primary restaurant use (or elsewhere within two hundred (200) feet of same) for these items.
 - m. The outdoor cafe shall be kept in a neat and orderly appearance and shall be kept free from refuse and debris. No food or drink preparation, storage, displays, including plastic, refrigeration apparatus, fire or fire apparatus or equipment (unless required by the fire department) shall be allowed outside the main licensed restaurant. No dirty dishes, garbage or food shall be stored outside of the primary restaurant use area. All refuse associated with the outdoor cafe shall be handled indoors at all times.
 - n. In approving an outdoor cafe, the planning, zoning and economic development department may prescribe additional appropriate conditions and safeguards which are designed to minimize noise, clutter, pedestrian congestion, and vehicular congestion.
 - o. A failure to comply at all times with the operating and permit requirements of this subsection may result in the revocation of the permit without an opportunity to come into compliance by the planning, zoning and economic development director. An outdoor cafe operating without a permit is a violation of this Code with each day constituting a separate offense.
- (62) For purposes of this business listing, "food mart/convenience store" is defined as a neighborhood-oriented sundries store, which is not associated with a gasoline station, which is usually a free standing facility or a facility located within an in line shopping center having exterior frontage, which has extended operating hours and which sells convenience items such as dairy products, essential sundries, prepackaged food for immediate consumption, beverages and auto supplies. Sales of items are usually dependent upon the convenience of the location, and are not reliant or dependent upon comparison shopping or pedestrian traffic within the site or on an adjoining site. Examples of convenience stores or food marts are "7-Eleven Markets", "Lil' General" stores, etc. As thus defined, food marts/convenience stores are not permitted or conditional uses in the OB-C (Office Business Limited) zoning district or the B-4P (Restricted Business) zoning district (whereas food, take-out or deliveries are permitted as a conditional use in such districts). In addition, and except for those B-3P (General Business) zoning districts located within the city's State Road 7 SPI-2 overlay zoning district, food marts/convenience stores will not be permitted uses or permitted conditional uses on property developed as a regional center (as defined in chapter 22, of this Code), or on property which is improved as a

regional-oriented mall not having a grocery store as an anchor tenant.

- (63) The building and zoning director shall, with the advice of the city engineer or traffic safety consulting engineering firm, require such reasonable physical improvements to the property as may be necessary to alleviate any anticipated adverse site impacts pertaining to vehicle or pedestrian traffic circulation, vehicle parking, or vehicle stacking. The improvements required shall be tailored to cure the anticipated adverse impact and may include, but not be limited to, installation of extra turn or drive lanes, reconfiguration of driveways and parking lots, erection of low profile walls or dense planting material to channel and control pedestrian movement, installation of pavement striping, installation of a drive through drop-off box, or installation of special directional signage. In addition, the building and zoning director may review each of the required improvements every year during a Code compliance review, either prior to the issuance of local business tax receipt for the premises or at some other time, and shall be able to require new and different improvements to address continued adverse impacts. In the event the applicant for this permitted use or for local business tax receipt disagrees with a determination of the building and zoning director, the matter shall be considered by the city plan adjustment committee as a minor adjustment to a site plan.
- (64) Private mail service as a principal or accessory use shall comply with the disclosure requirements contained in the "mail box centers" classification listed in section 14-39 of this Code and shall provide sufficient secretarial, copying, telephone, storage, and meeting conference room facilities (herein, "service amenities") for lessees of spaces (mailboxes) who are using such mailbox addresses as their business addresses. The planning and zoning director shall require the following amenities whenever a private mailbox center use has at least one (1) mailbox lessee who use the mailbox address as a business address and where such mailbox lessee does not have a Plantation local business tax receipt issued which has a nonmailbox business address:

A restroom facility, a copy machine, a conference room consisting of a minimum of one hundred twenty (120) square feet, and a minimum of one hundred (100) square feet of clerical space to accommodate and provide secretarial services.

Private mail services may engage in express services.

- (65) No repair, maintenance or servicing of any kind of any motor vehicle, whether such activity is considered to be minor or otherwise, if permitted unless wholly confined within a building or structure designed for such activities. All outdoor vehicle maintenance/repair facilities which were in existence as of January 1, 1999, including vehicle lifts shall be allowed to remain for a period of two (2) years from the date this Ordinance [No. 2192] is adopted provided they are in compliance or are made compliant with the requirements of the South Florida Building Code, are visually screened from adjacent residential property by landscaping, fencing, or other improvements in a manner acceptable to the building and zoning director, and are made compliant with other applicable regulations within a reasonable period of time from the date of adoption of this Ordinance [No. 2191, adopted June 16, 1999].

The use of an existing outdoor vehicle maintenance/repair facility shall not be reestablished once its use has ceased for a period of one hundred eighty days (180) days.

Neither the use or any structure used in connection with the vehicle maintenance/repair facility use shall be permitted to expand or enlarge; however, the use or structure(s) used in connection therewith may be altered to comply with the requirements of this section.

If any structure(s) used in connection with such a vehicle maintenance/repair facility use is (are) damaged or destroyed to an extent of more than fifty percent (50) of its (their) replacement cost, the structure(s) may not be rebuilt and the site shall be made to comply with all existing code requirements.

- (66) Sportscenters are permitted in the city's B-1P or B-2P zoning classifications as a permitted use if the total area devoted to the use is less than or equal to two thousand five hundred (2,500) square feet. If the total floor area devoted to the use is greater than two thousand five hundred (2,500) square feet of gross floor area, the use is permitted in the B-1P and B-2P zoning classifications only as a conditional use. In the event a sportscenter is a permitted use, then prior to issuing building permits for such a use, the building and zoning director shall ensure that the use is adequately soundproofed from adjacent uses. In all other cases, the city council shall review the adequacy of soundproofing from adjacent uses as part of the conditional use approval process.
- (67) For purposes of this business listing, a "banquet facility" is defined as a building which is primarily devoted to providing sit down food and beverage service at one sitting simultaneously for guests assembled in one (1) or more large rooms for the common purpose of attending a private meal, or honoring one (1) or more persons or in celebration of a special occasion, day, event or holiday, may include as an incidental aspect only to sit down meal service sufficient to accommodate all of the guest and invitees of the banquet facility, live music, entertainment, or dancing. This definition does not include banquet rooms or halls which are clearly incidental or accessory to a restaurant or hotel (motel) primary use where the restaurant and hotel functions remain on going during the incidental banquet function. Moreover, live entertainment, dancing and music at a banquet facility is not permitted without sit down meal service sufficient to accommodate all of the guests and invitees at the banquet facility. A banquet facility is permitted as a conditional use in the city's B-2P zoning classification. No outside storage of materials, equipment, supplies or goods of any kind is permitted at any time. There will be no music, dancing, or live entertainment allowed after the following hours:
- a. For banquet facilities in excess of four hundred (400) feet by airline measurement between the nearest point of the banquet facility structure and the nearest point of any residential, habitable structure, after 11:00 p.m. Sunday through Thursday nights or 12:00 midnight on Friday and Saturday nights, excepting only banquets on Friday and Saturday nights held in celebration of religious sacraments (such as weddings, bar mitzvahs, etc.) which sacramental celebrations shall have no music, dancing or entertainment after 4:00 a.m. on Saturday and Sunday morning.
 - b. For banquet facilities which are less than or equal to four hundred (400) feet by airline measurement between the nearest point of the banquet facility structure and the nearest point of any residential, habitable structure, after 9:00 p.m. Sunday, 10:00 p.m. Monday through Thursday, and 11:00 p.m. on Friday and Saturday nights, excepting on Friday

and Saturday nights for banquets held in celebration of religious sacraments (such as weddings, bar mitzvahs, etc.) which sacramental celebrations shall have no music, dancing, or entertainment after 1:00 a.m. Saturday or Sunday.

- c. Furthermore, for any live entertainment, music, or dancing for any event after 11:00 p.m., the facility will notify the police department which may require the facility to have special duty police officers in attendance at the event as an additional requirement.

In addition the regulations set forth above and those regulations contained in the city's conditional use ordinance, and regardless of the distance limitations set forth above, the city shall review the banquet facility's soundproofing at the time the use is initially approved, any time local business tax receipt is requested or renewed, any time a building inspection is required, and at any other reasonably appropriate time as determined by the building official, so as to ensure as much as reasonably possible that the usual and customary types of sounds which are expected to be generated, or are generated, by the banquet facility are contained within the structure. Failure to install soundproofing as required by the city shall, in and of itself, constitute a violation of this Code, and in addition to all other remedies afforded to the city, the banquet facility shall be deemed a nuisance abatable as provided by law.

When a banquet facility wishes to have a restaurant bar, conditional use approval shall be required, and additionally, a banquet facility with a restaurant bar shall only be allowed in any B-7Q or B4-P zoning district when such B7-Q or B4-P district is located within the city's Central Plantation Development District as identified in Figure 6 of the neighborhood design element of the comprehensive plan.

- (68) For the purpose of this business listing, a "traffic school" is defined as an establishment primarily devoted to providing remedial courses to drivers of motor vehicles who have been cited for moving traffic violations, or courses devoted to preparation for obtaining a driver's license, or both. The courses shall be limited to classroom instruction only; shall not involve any on-road driving instruction, and are limited to a maximum of thirty-five (35) students per class. No classes shall be offered for drug or alcohol-related moving citations. Classroom hours shall be limited to 8:00 a.m. to 10:00 p.m., weekdays and Saturdays, or to the normal operating hours of the shopping center in which the school may be located, whichever hours are more restrictive.
- (69) For the purposes of this business listing, the category "computer/electronics--retail" is defined to mean an establishment which sells personal computers, software programs, peripherals, other related hardware and related electronic equipment, at retail. Installation on the premises of computer components for retail customers shall be permitted. Further, computer training classes, limited to no more than six hundred (600) square feet of area and no more than eight (8) computer work stations, shall be permitted to be conducted on the premises.
- (70) This supplemental regulation applies to low turnover, sit-down restaurants that are a conditional use in zoning districts subject to this supplemental regulation, and to B-7Q zoned property. Conditional use approval shall not be needed for any low turnover, sit-down restaurant that is less than six thousand (6,000) gross square feet in size, and no closer than one thousand (1,000) feet to another low turnover, sit-down restaurant (the distance being by airline measurement from

nearest property line to nearest property line).

- (71) Package stores are prohibited in the SPI-1, Plantation Acres, Rural District, as well as within any property lying west of Flamingo Road.
- (72) In addition to being permitted in B-5P districts, repair garages are only permitted to be located in B-3P districts which are located in the State Road 7 SPI-2 District. No repair garage in the latter district shall be established within one-quarter of a mile (1,320 feet) from any other repair garage which has ceased business operations. Additionally, in such latter district, no such garage shall be established within one-half mile (2,640 feet) from another such garage. Measurement shall be made by airline measurement, from the nearest point of one property line to the nearest property line of the other use.
- (73) Mental health care establishments are permitted, subject to the following: Mental health care establishments having a single licensed practitioner occupying less than one thousand (1,000) square feet square feet in area are permitted so long as the cumulative square footage of all mental health care establishments within any individual building does not exceed twenty (20) percent of the gross floor area of said building. Mental health care establishments having two (2) or more licensed practitioners, or occupying greater than one thousand (1,000) square feet in area, or causing a cumulative square footage of all mental health care establishments within any individual building that exceeds twenty (20) percent of the gross floor area, shall require conditional use approval, unless such expansion can be otherwise authorized by a provision in this Code. Any mental health care establishment lawfully established and operating in the city as of the effective date of Ordinance No. 2150, which does not meet the requirements of this supplemental regulation shall be permitted to expand as a permitted use; however if same was approved previously as a conditional use, it shall be permitted to expand only if conditional use approval is granted for such expansion unless such expansion can be otherwise authorized by a provision in this Code. Additionally, any lawful use in existence as of the effective date of Ordinance No. 2150 that does not meet the requirements of this supplemental regulation which is later destroyed for any reason or abandoned may be re-established at the same location, subject to conditional use approval.
- (74) a. The sale and lease of used motor vehicles is permitted only in those B-3P zoning districts located north of Broward Boulevard within the city's State Road 7 SPI-2 overlay zoning district. For purposes of this use listing, the words "sale and lease of used motor vehicles" shall mean a use that sells or leases used operable cars or used operable trucks as a complete working unit in substantially the same or better condition than they were in when they arrived on the site. A use principally selling boats or motorcycles or large trucks, or recreational vehicles (see section 27-721(74)c.8) is not included within this definition. Similarly, a new car or truck dealership that engages in or has on-site accessory selling or leasing of used cars or trucks is also not intended to be included in this definition. Unlike the used car lots in the city, new car dealerships have significant accessory repair, body shop, showroom, and office activities conducted as part of the use and are a different type of business. The sale and lease of motorcycles within the city warrants different parking requirements because of the fact that a significant number of customers drive motorcycles and because all of the use takes place indoors (see "motorcycle dealer"). Finally, the city also regulates boat related activities by other use regulations (see

"boats" generally in the Master List of Business Uses.) It is important to note that the definition requires that trucks and cars be "operable" and that they be sold "as a complete working unit in substantially the same or better condition than they were in when they arrived on the site". This language would prevent used car lots from bringing "junk" motor vehicles on the site, or from allowing inventory to be used for parts--which activity would make the use a junkyard and the proprietor a junk dealer--which latter use is presently not permitted in the Master List of Business Uses.

- b. All lawful uses made nonconforming as a result of not being located within B-3P zoned property north of Broward Boulevard within the State Road 7 SPI-2 overlay zoning district may continue, subject to the following:
 1. If the property is used for another purpose, it cannot thereafter be used again for the sale and lease of used motor vehicles.
 2. If the nonconforming use stops all significant business activity and is effectively vacant, it will not be deemed abandoned unless the use is not operating on the property by June 1, 2001, provided the property owner can demonstrate that throughout the period of time prior to June 1, 2001, that significant business activity stopped and the property was effectively vacant, or that the property was continuously listed for sale or lease for a business concerning the sale and leasing of used motor vehicles in a newspaper or with a real estate broker;
 3. If any structure(s) used in connection with the nonconforming use is (are) damaged or destroyed to an extent of more than fifty (50) percent of its (their) replacement cost, it (they) can be replaced or rebuilt provided the site, as rebuilt, complies with all setback, lot coverage, height, landscaping, parking, fire safety, and other site development requirements;
 4. Neither the nonconforming use nor any structure used in connection therewith shall be permitted to expand; however, the use or structures used in connection therewith may be able to be altered to comply with the requirements of this section; and,
 5. All nonconforming uses must continuously comply with the operating requirements set forth in subsection (c) below.
- c. All existing establishments engaged in the sale and lease of used motor vehicles shall comply with the following provisions of this supplemental regulation immediately upon the Ordinance's effective date, except for section 27-721(74)c.11 and 12 which shall be complied with no later than September 1, 2001:
 1. The sale and lease of used motor vehicles shall not include as accessory uses motor vehicle repair (which shall be allowed only as a principal use and which shall be regulated under the use listings for "garages") nor shall paint and body work be permitted as an accessory use. Headlight aiming, minor tune-ups, and

other minor repair or maintenance associated with selling motor vehicles, and degreasing shall be conducted within a building interior. Service bays shall not be oriented towards any adjacent residential property or towards the front street. This subsection 1 shall not be read to require buildings existing on the effective date of Ordinance No. 2253 where access to service bays is not oriented as required to be rebuilt or reconfigured.

2. Motor vehicle storage for bulk sales, export, or other purposes shall not be permitted.
3. The outside display areas for the sale or lease of vehicles shall be consistent with approved display and parking plans approved by the planning, zoning and economic development department. The outdoor display area must be landscaped in keeping with the city landscape ordinance and must meet the city's development standards for parking lots accessory to uses, except that interior landscape islands and striping are not necessary for the outside display "bull pen areas". Bull pen areas are those areas on the site, if any, where vehicles may be stored on an approved parking surface without reference to parking stalls, stall striping, or wheel stops. This parking is only for used motor vehicle inventory, and is not to be used for employee, customer, or visitor parking, which is subject to the parking requirements set forth below. The outside edge of bull pen parking areas shall comply with the city's perimeter landscape requirements if it adjoins the outside edge of the property.
4. The outside display area is permitted within the front setback area, provided that it does not conflict with the Gateway 7 Development District Concept Plan, and provided further that it is no closer than four (4) feet from the right-of-way.
5. No bull pen parking will be permitted in the front street setback area, and between the front of the building and the front street (if the building is further from the street than the required setback). If bull pen parking is permitted in a side street setback area, then a hedge of a minimum height of four (4) feet shall be required along the property line.
6. The parking requirement for customers, owners, and employees shall be the greater of:
 - i. One (1) parking space for each three thousand (3,000) gross square feet of lot size or portion thereof; or
 - ii. Four (4) spaces.

"Bull pen" parking shall not be counted towards meeting the parking requirements of customer, employee or visitor parking, and further, shall not be located, arranged, or used in such a manner as to interfere with access to the site or ingress and egress.

7. As of September 1, 2001 any fencing material visible from an adjacent public right-of-way must be black metal picket in style, and shall comply with any special height requirements approved for the district. Fencing material which is not visible from an adjacent right-of-way, shall be black vinyl coated or painted chain link with landscape in the rear. The director may approve a different wall or fence after considering the extent to which the proposed wall or fence is compatible or similar to walls or fences of adjacent properties, the aesthetic attributes of the proposal, and the consistency of the proposed fence or wall with the district improvement plans or plan of redevelopment for the Plantation Community Redevelopment Agency. Fences shall not be used to visually screen. If bollards are installed, they must be screened by a landscape hedge in the front and must be painted a uniform color.
8. Except for automobiles, trucks, pickup trucks, vans, jeeps, motorcycles and recreational vehicles, no other outdoor sales or display of any materials, products, or goods shall be permitted. Each site shall be limited to no more than two (2) of the following on the site per calendar year quarter for a maximum of sixty (60) days: motorcycles, recreational vehicles, or trucks equal to or larger than a one (1) ton pickup in payload capacity size. No industrial equipment shall be sold, leased, rented, or otherwise stored. However, wherever reasonably possible as determined by the city, trucks (other than pickup trucks smaller than one (1) ton in payload capacity size) and recreational vehicles (which recreational vehicles are in excess of a passenger van in size) shall be displayed in areas which are separated from a street and from any residential areas by an outdoor display area for other permitted vehicles, customer or employee parking areas, or buildings.
9. Vehicles shall not be parked in any right-of-way, driveway, fire lane, or access area. Within any outdoor sales display or bull pen area, motor vehicles will be permitted to be advertised for sale or lease. Except as provided in this subsection 9, no motor vehicle repair or painting will be permitted in the motor vehicle display area, and vehicles shall not be parked with the hood or trunk open. Vehicles may be waxed or detailed in the rear setback area or in the rear of the building. Battery inspections, charging, and replacement, as well as flat tire replugging and patching may be made in the vehicle display area without moving the afflicted vehicle and the hood or trunk may be left open for an amount of time needed for such purposes. Except between the hours of 7:00 a.m. to 10:00 a.m., all vehicular exterior cleaning will be conducted in the rear setback area or in the rear of any building. During 7:00 a.m. and 10:00 a.m., vehicle cleaning may be conducted within any portion of the vehicle display area.
10. Except for existing areas designated for off-loading, any areas designated for the off-loading of vehicles or for loading and deliveries shall be located to the rear of buildings. Every effort shall be made to locate these areas at least one hundred (100) feet from any residentially zoned lot, and these areas shall be appropriately designated, marked, and signed.

11. Each used motor vehicle establishment must have a parking layout plan approved by the director of planning, zoning and economic development demonstrating where customer and employee parking, inventory, fire lanes and driveways are located, and the property shall be used in accordance therewith.
12. Lighting restrictions: Exterior lighting shall not exceed twenty-five (25) feet in height; shall be directed away from adjacent properties; shall be a sharp cutoff, luminary; shall confine light to the site only; and shall not exceed when measured at ten (10) feet inside any property line, the following illumination:
 - i. One hundred (100) footcandles within display areas;
 - ii. Forty (40) footcandles within all other areas;
 - iii. After 11:00 p.m., the illumination in display areas shall be reduced to fifty (50) footcandles.

Lights installed in the rear or side portion of the site where the rear or side portion is adjacent to residential property shall have reflectors or shall be designed to minimize light spillage onto the residential areas. The city planning, zoning and economic development department, in conjunction with the police department, may authorize deviations from the candle power illumination standards contained herein to achieve an appropriate site-specific balance between the interest of promoting security and the interest of reducing any adverse secondary negative effects that lighting may have on the residential areas adjoining a site's side or rear property line.

- (75) The sale of alcoholic beverages shall be regulated by chapter 3 in addition to chapter 27 of this Code. The sale of alcoholic beverages for onpremises consumption shall be limited to restaurants, restaurant bars, restaurant entertainment facilities, hotel bars, golf course facilities, banquet facilities, bars (only in the SPI-3 district), retail tobacco shops (only in the SPI-3 district), and fraternal, charitable, or membership-only private clubs as set forth in chapter 3 of this Code, and in nonconforming nightclub and nonconforming bar uses. In any stand alone bar also meeting the requirements of F.S. § 386.203(1) the establishment shall meet the mechanical code ventilation requirements for smoking lounges contained in the Florida Building Code unless smoking is prohibited at all times and the owner executes an local business tax receipt application (and accepts an tax receipt) which contains a restriction that smoking will not be permitted within such establishment unless and until such ventilation is provided.
- (76) Restaurant bars are allowed as a conditional use in the city's B-2P and B-3P zoning districts; provided however, that within comprehensive plan flex zone 68, restaurant bars shall only be available as a conditional use and only if they are within a low turnover sit-down restaurant. Restaurant bars shall also be an available conditional use in the city's B-7Q and B4-P zoning districts, only when such B-7Q or B4-P zoning districts are located within the City's Central Plantation Development District as identified in Figure 6 of the neighborhood design element of

the comprehensive plan.

- (77) If such membership-only private club that is not a civic, charitable, or fraternal organization wishes to serve regularly or periodically alcoholic beverages for consumption on premises, conditional use approval will be required.
- (78) Restaurant entertainment facilities are allowed as a conditional use only:
- i. When they are in the city's B-2P, B-3P, B-4P, and B-7Q zoning districts, and additionally, when such districts are located within the city's Central Plantation Development District as identified in Figure 6 of the neighborhood design element of the comprehensive plan; and
 - ii. When the restaurant entertainment facility is four hundred (400) feet from any residential district, measured from the nearest point of the restaurant entertainment facility property line to the nearest residential property line. The city recognizes that it is possible that a restaurant entertainment facility may locate in a shopping center or on other property where the facility owner may not own fee simple title to the parking, driveways, landscape areas, open space, setback areas, and other areas required by the city's zoning laws to support the use. In these cases, the building and zoning director shall be able to define a hypothetical property boundary for the restaurant entertainment facility so that all required parking, driveways, open space, setback areas, and other zoning infrastructure is included within such site, and the boundaries of the hypothetical site will be used for the distance measurements set forth above.
- (79) When a medical clinic/ambulatory care facility is located in a B-3P or B-4P zoning district and does not occupy a whole building which constitutes a single building site, conditional use approval shall be required when the medical clinic/ambulatory care facility exceeds two thousand (2,000) square feet in size.
- (80) High turnover, sit-down restaurants are only allowed in B-4P restricted zoning districts on properties located in the Central Plantation Development District consistent with this business listing and in no other B-4P restricted zoning districts within the city.
- (81) Stand alone bars as defined in F.S. § 386.203(11) are permitted in the Plantation Midtown zoning district, provided that they comply with the following provisions:
- a. The maximum floor area is four thousand (4,000) feet;
 - b. The maximum entertainment area (as set forth in the definition of restaurant entertainment facility) is limited to no more than five (5) percent of the total floor area of the establishment; and,
 - c. Food must be offered for consumption at all times;
 - d. The sale or consumption of alcoholic beverages shall not be allowed between the hours of

2:00 a.m. and 8:00 a.m.; provided however, that on Christmas Day and Easter Sunday, the sale or consumption of alcoholic beverages will not be allowed between the hours of 2:00 a.m. and 12:00 noon;

- e. The sale and consumption of alcoholic beverages shall occur within a totally enclosed air conditioned indoor space; and
 - f. Except to the extent provided otherwise above, the sale of alcoholic beverages shall also be regulated by chapter 3 of this Code.
 - g. A stand alone bar shall meet the mechanical code ventilation requirements for smoking lounges contained in the Florida Building Code unless smoking is prohibited at all times and the owner executes local business tax receipt application (and accepts tax receipt) which contains a restriction that smoking will not be permitted within such establishment unless and until such mechanical ventilation is provided.
- (82) Fast food restaurants shall not be freestanding establishments, but shall be located only as an interior establishment within a multi-tenant structure. A drive through lane is permitted subject to the following provisions:
- a. The drive-through shall not be located along the principal road frontage, and in no case can face an A or B street.
 - b. The entire length of the drive through between the ordering and pick-up points must be screened from view by architectural or landscape elements. Integrating the lane into the overall massing of the structure is preferable to "add-on" designs.
 - c. The drive-through is limited to one (1) lane in width.
- (83) When a medical clinic/ambulatory care facility is located in the SPI-3 district, and does not occupy a whole building which constitutes a single building site, conditional use approval shall be required when the medical clinic/ambulatory care facility exceeds two thousand (2,000) square feet in size.
- (84) Note 24 regarding regulations for motels and hotels shall also apply to the SPI-3 district.
- (85) The presence of limited auto repair services such as tire and battery service, lubrication and oil change, tune-ups, and auto washing and detailing are recognized as desirable conveniences in a busy and active mixed-use district such as Midtown. However, the negative visual and operational impacts of these facilities are also recognized. Such uses will be permitted as a conditional use in Midtown subject to compliance with the following provisions:
- a. All work must take place in enclosed service bays.
 - b. The facility shall not front on an A or B street.

- c. Free-standing facilities of a standardized prototype are not permitted. Such facilities should preferably be housed within a multi-tenant building, or shall be in a custom designed building sensitive to the context and architectural character of the area.
 - d. Parking and storage of cars scheduled for service shall be in a parking lot visually screened from adjacent uses.
 - e. Facility must be staffed during all hours of operation. Automated, self-service facilities are not permitted.
 - f. Exterior storage of inventory, parts, and supplies are not permitted.
 - g. The director may add additional provisions as a condition for approval.
- (86) Sales of new automobiles is permitted in Midtown on a limited basis, subject to the following provisions:
- a. This use is not intended to allow a full-service dealership, rather, it will allow for such a dealership to establish a small satellite presence within a traditional retail environment. The facility must function essentially as an in-line retail tenant.
 - b. The facility is limited to an enclosed showroom. All vehicles on display shall be limited to the showroom floor. No other inventory may be housed on-site.
 - c. Sales offices and supporting uses such as restrooms and break rooms may occupy no more than twenty (20) percent of the overall floor area of the facility.
 - d. The showroom may front on an A or B street, subject to meeting the glazing/fenestration requirements for such frontages and presenting an attractive display environment.
 - e. The facility must be staffed and open to the public during reasonable daytime hours of operation.
 - f. No service work, test drives, vehicle make-ready, or delivery may occur at the facility.
 - g. The director may add additional provisions as a condition for approval.
- (87) Note 66 regarding sportscenters shall also apply to the SPI-3 district.
- (88) a. Retail tobacco shops, within the SPI-3 zoning district, may offer alcoholic beverages for onsite consumption so long as the retail sale of tobacco constitutes eighty (80) percent or more of the gross retail sales. Food (i.e. customary bar snacks/nonperishable snack food items (as defined in the department of business and professional regulation rule #61AER03-1), etc.) must be available for consumption at all times alcohol consumption is allowed. The sales of alcoholic beverages shall be regulated by chapter 3 in addition to chapter 27 of this Code, except that the sale or consumption of alcoholic beverages shall not be allowed between the hours of 2:00 a.m.

and 8:00 a.m.; provided however, that on Christmas Day and Easter Sunday, the sale or consumption of alcoholic beverages will not be allowed between the hours of 2:00 a.m. and 12:00 noon, and the sale and consumption of alcoholic beverages shall occur only in a totally enclosed indoor air conditioned space.

- b. These uses shall meet the mechanical code ventilation requirements for smoking lounges contained in the Florida Building Code unless smoking is at all times prohibited within the establishment and the owner executes local business tax receipt (and accepts tax receipt) which contains a restriction that smoking will not be permitted within such establishment unless and until such mechanical ventilation is provided.
- c. A retail tobacco shop is defined as a retail establishment that sells pipes, pipe tobacco, cigars, cigarettes, and other tobacco-related items. The sale, transfer, use, or display within a retail tobacco shop of drug paraphernalia (as defined in F.S. § 893.145) is prohibited.

(89) Reserved.

(90) Low turnover, sit-down restaurants in the SPI-3 zoning district may serve alcoholic beverages on the premises provided they comply with the following provisions:

- a. The restaurant shall be designed and used primarily to support the serving of fullcourse meals for consumption on the premises by the public;
- b. If outdoor seating is allowed pursuant to other procedures, outdoor seating shall be allowed only between the hours of 12:00 noon and 11:00 pm.;
- c. Total occupancy area shall contain at least forty (40) seats;
- d. Total (gross) floor area shall not exceed four thousand (4,000) square feet;
- e. Maximum combined total linear feet of bar counter top shall not exceed twenty (20) feet;
- f. A take-out window shall be prohibited;
- g. There shall be no separation between the portion of the facility where the bar is located from the portion of the facility intended primarily for restaurant patronage;
- h. Tables or booths must be continuously and uniformly distributed within the dining areas;
- i. The maximum entertainment area (as set forth in the definition of restaurant entertainment facility) shall be fifty (50) square feet;
- j. The restaurant bar shall only serve or offer for sale alcoholic beverages at such times as food service is fully available; and

- k. Except to the extent provided otherwise above, the sale of alcoholic beverages shall also be regulated by chapter 3 of this Code.

(Code 1964, App. A, Art. XVII, § 6; Ord. No. 1279, § 2, 12-12-84; Ord. No. 1298, § 3, 2-20-85; Ord. No. 1340, § 2, 7-24-85; Ord. No. 1396, § 1, 5-28-86; Ord. No. 1402, § 1, 7-9-86; Ord. No. 1513, § 1, 12-2-87; Ord. No. 1524, § 1, 12-16-87; Ord. No. 1526, § 2, 1-6-88; Ord. No. 1529, § 2, 1-13-88; Ord. No. 1589, § 1, 11-30-88; Ord. No. 1597, § 2, 1-11-89; Ord. No. 1610, § 2, 4-5-89; Ord. No. 1628, § 2, 6-21-89; Ord. No. 1632, § 2, 6-21-89; Ord. No. 1633, §§ 2, 3, 6-21-89; Ord. No. 1657, § 5, 10-18-89; Ord. No. 1678, § 1, 1-17-90; Ord. No. 1720, § 2, 8-22-90; Ord. No. 1723, § 1, 8-22-90; Ord. No. 1745, § 1, 10-24-90; Ord. No. 1753, § 2, 12-5-90; Ord. No. 1767, § 2, 3-27-91; Ord. No. 1773, § 2, 4-17-91; Ord. No. 1803, § 2, 9-4-91; Ord. No. 1845, § 2, 6-17-92; Ord. No. 1888, § 2, 11-12-92; Ord. No. 1933, § 3, 8-11-93; Ord. No. 1985, §§ 3--5, 6-22-94; Ord. No. 1989, § 2, 8-17-94; Ord. No. 2029, § 2, 5-31-95; Ord. No. 2040, § 2, 8-30-95; Ord. No. 2043, § 2, 8-30-95; Ord. No. 2054, § 1, 10-25-95; Ord. No. 2085, § 2, 5-22-96; Ord. No. 2086, §§ 3, 5, 5-22-96; Ord. No. 2103, § 1, 9-11-96; Ord. No. 2108, § 2, 9-25-96; Ord. No. 2109, § 2, 10-9-96; Ord. No. 2129, § 12, 7-30-97; Ord. No. 2130, § 3, 7-30-97; Ord. No. 2150, § 1, 3-25-98; Ord. No. 2151, § 3, 3-25-98; Ord. No. 2154, §§ 3--7, 3-25-98; Ord. No. 2165, § 2, 6-10-98; Ord. No. 2175, § 2, 2-3-99; Ord. No. 2182, § 3, 2-17-99; Ord. No. 2191, § 2, 6-16-99; Ord. No. 2192, § 2, 6-16-99; Ord. No. 2219, §§ 3--5, 4-12-2000; Ord. No. 2220, § 2, 4-26-2000; Ord. No. 2231, § 3, 9-13-2000; Ord. No. 2245, § 2, 2-21-2001; Ord. No. 2251, § 2, 5-31-01; Ord. No. 2253, § 4, 6-20-01; Ord. No. 2269, § 2, 3-13-2002; Ord. No. 2273, § 1, 5-15-2002; Ord. No. 2314, § 2, 3-10-2004; Ord. No. 2334, § 2, 10-13-2004; Ord. No. 2335, § 1, 10-27-2004; Ord. No. 2353, § 3, 10-5-2005; Ord. No. 2361, § 5, 4-19-2006; Ord. No. 2379, § 9, 12-13-2006; Ord. No. 2417, § 8, 8-20-2008)

Editors Note: Certain subsection designations within § 27-721 have been renumbered by the editor so as to eliminate inconsistencies with § 27-720 created during the recodification of this Code.

Secs. 27-722--27-740. Reserved.

ARTICLE XI.

OFF-STREET PARKING AND LOADING*

* **Cross References:** Interior landscaping required for parking areas, § 13-40; streets, sidewalks, bridges and other public places, Ch. 23; traffic and vehicles, Ch. 25; marking, signage requirements, etc., for disabled persons only parking spaces, § 25-37(d).

Sec. 27-741. Off-street parking required.

(a) Every use or structure instituted or erected after the effective date of the ordinance from which this section was derived shall be provided with off-street parking facilities in accordance with provisions of this article for the use of occupants, employees, visitors, or patrons.

(b) Such off-street parking facilities shall be maintained and continued as long as the main use is continued.

(c) Any building or structure may be modernized, altered or repaired provided there is no increase in floor area or capacity and there is no change of use without providing additional off-street parking facilities.

(d) Where any building or use is enlarged in floor area, volume or capacity, such additional space so created or occupied shall be provided with additional off-street parking facilities in accordance with

requirements of this article.

(e) Where any building or use is changed in use, additional off-street parking facilities shall be provided to the extent that the off-street parking required by this ordinance for the new use or occupancy exceed the off-street parking which was provided for the previous use or occupancy.

(f) It shall be unlawful for an owner or operator of any structure or use affected by this article to discontinue, change or dispense with, or cause the discontinuance or reduction of the required parking facilities apart from the discontinuance, sale or transfer of such structure or use, without establishing vehicular parking facilities which meets the requirements of this article. It shall be unlawful for any person, firm or corporation to utilize such structure or use without providing the off-street parking facilities to meet the requirements of and be in compliance with, this article.

(g) In B-6P districts and residential districts, any street setback yard or yards, all open areas for landscaping and/or recreation shall not be used for driveways and/or parking, and shall be landscaped and maintained as required in chapter 13, excepting that paved access driveways may cross the yard from a public street.

(h) In B-6P districts and residential districts RM-10N, RM-25U, B-8Q, and planned community developments, side and rear setback yards which are not a street setback yard may be used for parking spaces and driveways, which are landscaped as required in chapter 13, only if an area of landscaped open area equivalent to the area of the side and rear setback yards is provided elsewhere on the site.

(Code 1964, App. A, Art. XIX, § 1)

Sec. 27-742. Location, character and size.

(a) The off-street parking facilities required by this article shall be located on the same lot or parcel of land that they are intended to serve, or within three hundred (300) feet of said property if first approved by the board.

(b) Each parking space required or provided in all zoning districts requiring review and approval of site plans shall not be less than the following:

- (1) *Ninety (90) degree angle parking not adjacent to landscape medians or other pervious areas:* Nine (9) feet in width and eighteen (18) feet in length.
- (2) *Sixty (60) degree angle parking or less not adjacent to landscape medians or other pervious areas:* Nine (9) feet in width and eighteen (18) feet in length.
- (3) *Ninety (90), sixty (60), forty-five (45), and thirty (30) degree angled parking adjacent to landscape medians and other pervious areas:* These spaces may be reduced in paved depth from eighteen (18) feet to sixteen (16) feet; provided however, that the required curb shall be placed at the sixteen-foot line, and that the area resulting solely from the two-foot depth reduction (called the "vehicle overhang area") be added to the required width of the adjacent landscape median or pervious area on the other side the curb. The vehicle overhang area shall be irrigated, and sodded or otherwise preserved in a green ground cover acceptable to the city's landscape architect. The

vehicle overhang area shall be calculated as a separate line item on the site plan, and shall not count towards satisfying landscape, pervious, or open space requirements. Wheel stops may not be used in spaces with a paved depth of sixteen (16) feet reduced in accordance with this subsection. The paved width of these parking spaces shall not be less than nine (9) feet.

(4) *Parallel parking.* Nine (9) feet in width and twenty-three (23) feet in length.

(c) An increase in the width of spaces from nine (9) to ten (10) feet may be required for high turnover uses such as banks, post offices, super markets, grocery stores, convenient marts, liquor stores, take-out foods and similar uses. The number and location of such spaces shall be determined by the building and zoning department.

(d) Parking spaces in residential planned community developments are required to have a paved dimension of ten (10) feet by twenty (20) feet. When a parking waiver is granted to reduce this dimension to any lesser dimension, as provided for above, the total amount of space saved shall be retained in landscaped area as reserve parking, except as provided in the next sentence. For spaces which are adjacent to landscape medians or other pervious areas that are reduced in size in accordance with section (b)(3) above, the vehicle overhang area shall not be counted towards or otherwise devoted to reserve parking areas.

(e) Each parking space shall be accessible from a street or alley, or from an adequate aisle or driveway leading to a street or alley. Two-way access aisles shall be a minimum of twenty-five (25) feet for ninety (90) degree angle parking twenty (20) feet for sixty (60) degree angle parking. Access aisles for forty-five (45) degree or thirty (30) degree parking shall be one way only and shall be a minimum of twelve (12) feet in width.

(f) The required off-street parking facilities shall be identified as to purpose and location when not clearly evident from a street or alley. Off-street parking facilities including access aisles and driveways shall be surfaced and marked according to city standards.

(g) All off-street parking facilities required by this article shall be drained so as not to cause any nuisance to adjacent property and any lighting thereon shall be so arranged and designed as to prevent any glare or excessive light on adjacent property. Such facilities shall be arranged for convenient access and safety of pedestrians and vehicles.

(h) A plan shall be submitted to and approved by the building department of the City of Plantation before issuance of a building permit for any use or structure required to provide off-street parking under this article, which plan shall clearly and accurately designate the required parking spaces, access aisles, driveway ribbons and driveways and relation to the uses of structures these off-street parking facilities are intended to serve. The plan shall also include off-street landscaping as required by chapter 13. The plan shall include the lighting of parking facilities as required by section 27-749.

(i) In the event a frontage or service roadway is provided to serve a use requiring off-street parking by the terms of this ordinance and on-street parking is provided in conjunction with such a roadway, the parking spaces thus provided shall be considered as supplying the required off-street parking to the extent that they meet such requirements. Credit shall only be given for those parking spaces which are contained between the extension of the side property lines of the parcel on which the use is located.

(j) Parking facilities for the handicapped shall be included in the parking requirements for all groups of occupancies except group E (Hazardous) and group 1 (single family residences) according to the standards set forth by the American National Standards Institute in publication ANSI A-117.1, shall otherwise conform with all applicable standards or criteria of Florida state statutes where no such statutory criteria or standards are set forth for the groups of occupancies or zoning use districts where public invitee or guest parking is offered. There shall be the greater of one (1) percent of overall required parking spaces or two (2) parking spaces provided for the use of the handicapped with each such handicapped parking space to be twelve (12) feet wide and reserved for the use of the handicapped by approved signs or other approved markings as if such parking spaces were for a group of occupancies or zoning use district where the parking so offered the public invitees or guests did fall within the criteria and standards for the Florida state statutes and the American National Standards Institute in publication ANSI A-117.1.

(k) For buildings having more than fourteen thousand (14,000) gross square feet area and/or more than seventy (70) feet deep or two hundred (200) feet long, and for buildings having two (2) or more retail stores in depth, the required off-street parking spaces for theater, office, restaurant, and retail store uses shall not be located adjacent to both the front and rear of the buildings. The front or rear of such stores shall be designated to provide accessibility for firefighting apparatus with such fire access lanes to be located where approved by the fire chief and with such access lanes to be marked as provided in the Plantation Fire Protection Code. Nothing herein shall preclude the temporary loading or unloading or attended vehicles. Yellow painting, striping, or marking of curbs and roadway between each fire lane signs shall be provided. Fire lane signs are to be eighteen (18) inches by twenty-four (24) inches, white background with red letters stating "No Parking Fire Lane By Order of Plantation Fire and Police Departments." These signs shall be metal signs with metal posts and shall be a maximum of seven (7) feet in height from the roadway to the bottom part of the fire lane's signs. Such signs shall face the traffic flow, and be no further than seventy-five (75) feet apart. (Code 1964, App. A, Art. XIX, § 2; Ord. No. 2188, § 1, 5-19-99)

Sec. 27-743. Amount of off-street parking.

The off-street parking required by this article shall be provided and maintained on the basis of the following minimum requirements:

- (1) *Dwelling; single-family and two-family:* One (1) parking space for each dwelling unit.
- (2) *Multiple family dwellings:*
 - a. *Generally:*

1. The parking requirement for multiple family dwellings shall be the sum of all required spaces for each dwelling unit in the multiple family dwelling, as modified by the site specific considerations set forth in subparagraph 2, below. For each dwelling unit in a multiple family dwelling, the required parking shall be as follows:

Unit Type	Number of Spaces/Units
Efficiency	1.5
1-bedroom	1.75
2-bedroom	2.25

For purposes of this subparagraph 1, an "efficiency" shall consist of not more than one (1) structurally unsubdivided habitable room, together with a kitchen or kitchenette and sanitary facilities. A "habitable room" is any room useable for living purposes which includes working, sleeping, eating, cooking, or recreation, or any combination thereof. A room only designed and used for storage purposes is not a "habitable room." A "room" is any enclosed division of a building containing over seventy (70) square feet of floor space. An "enclosed division" is an area in a dwelling unit bounded along more than seventy-five (75) percent of its perimeter by vertical walls or partitions or by other types of structural dividers which serve to define the boundaries of the division. For all dwelling units, when a room such as a den, study, or sewing room is provided (except for a kitchen or kitchenette and bathroom), and such room meets the definition of a "habitable room," such room shall be considered a "bedroom" for the purposes of determining the appropriate parking requirements.

2. If the parking spaces used in meeting the subparagraph 1 requirement are located in a garage, driveway, or in any other manner which would imply exclusive use by a resident or dwelling unit, a minimum .25 additional parking spaces per unit shall be provided with a convenient distance [not to exceed two hundred (200) feet] of the units from which the spaces were calculated.
- b. *Landscaped reserve parking.* When the application of the general multiple family parking formula contained in paragraph a, above, results in a average of less than two (2) spaces per individual dwelling unit being required, additional reserve parking together with adequate access thereto (hereinafter called "landscaped reserve parking") shall be set aside within the development for the difference. The landscaped reserve parking area(s) shall be landscaped and irrigated, and will not count toward the development's open space or landscape requirements. The landscaped reserve parking area(s) shall be clearly depicted on the site plan and the number of such reserve parking spaces shall be separately indicated. Whenever this paragraph b applies to a development, it shall be a condition of such development's approval that the elected officials may require at any time in the future the paving of all or a portion of landscaped reserve parking by a duly promulgated city resolution.
 - c. *Location of parking.* Required parking spaces including unassigned parking spaces and landscaped reserve parking shall be located a reasonable distance from the units they are intended to serve, based upon commonly accepted professional design standards.
- (3) *Rooming houses, lodging houses, boardinghouses:* One (1) parking space for each rental sleeping unit.
 - (4) *Dormitories, sororities, fraternities:* One (1) parking space for each two (2) beds.
 - (5) *Hotels and apartment hotels:* One (1) parking space for each dwelling unit and/or guest room. If

in addition to dwelling units and/or guest rooms, there are other uses located within and operated in conjunction with the hotel or apartment hotel portion of a building, additional off-street parking spaces shall be provided for such other uses as would be required by this section if such uses were separated from the hotel or the apartment hotel.

- (6) *Motels; tourist homes; guest cabins; villas; courts:* One (1) parking space for each guest room, cabin or rental unit. The above provision for additional parking for other uses shall also apply.
- (7) *Hospitals:* Two (2) parking spaces for each bed for patients, but not including bassinets.
- (8) *Sanitariums; convalescent homes; rest homes; nursing homes; homes for the aged; asylums; orphanages and similar welfare institutions:* One (1) parking space for each two (2) beds.
- (9) *Community centers; libraries; museums; post office; civic clubs; philanthropic and eleemosynary institutions:* One (1) parking space for every four hundred (400) feet of gross floor area.
- (10) *Private clubs; lodges; fraternal buildings; union buildings:* One (1) parking space for each four hundred (400) square feet of gross floor area, plus the required parking for rooms used for public assembly as set forth in (11) below.
- (11) *Auditoriums and assembly halls:* One (1) parking space for each four (4) seats where seats are fixed, and one (1) parking space for each forty (40) square feet of floor area for movable seats.
- (12) *Convention halls; exhibition halls; gymnasiums; race tracks, frontons; skating rinks; stadiums; sports areas:* One (1) parking space for each four (4) seats provided for patrons' use, or one parking space for each two hundred (200) square feet of gross floor area; whichever may be greater.
- (13) *Commercial; recreational and amusement establishments involving the assembling of persons and not governed by any other provision:* One (1) parking space for every two hundred (200) square feet of area involved in such use.
- (14) *Dance halls:* One (1) parking space for each fifty (50) square feet of dance floor area.
- (15) *Theaters:* One (1) parking space for each three (3) seats.
- (16) *Bowling alleys:* Four (4) parking spaces for each alley.
- (17) *Churches:* One (1) parking space for each four (4) seats, plus one (1) parking space for each fifty (50) square feet of floor area in assembly rooms with movable seats. These requirements shall apply only to auditoriums and chapels and not to rooms used only for Sunday school classes. Parking areas for churches which are not used more than three (3) times per week may be grassed for parking areas and parking lanes, but not for general access roads or circulation roads, provided the grass is planted on soil prepared and maintained according to the city's specifications.

- (18) *Elementary schools, public, private or parochial:* One (1) parking space for each classroom plus one fourth of the additional parking spaces otherwise required by this section for rooms used for public assembly.
- (19) *Junior and senior high schools and colleges:* One (1) parking space for each classroom plus one (1) parking space for each ten (10) students, or one-half of the additional parking spaces otherwise required by this section for rooms used for public assembly, whichever may be the greater.
- (20) *Business; vocational and trade schools:* One (1) parking space for each one hundred (100) square feet of gross floor area in the building.
- (21) *Medical and dental office buildings and/or clinics or dental laboratories:* One (1) parking space for each one hundred fifty (150) square feet of gross floor area.
- (22) *Funeral homes:* One (1) parking space for each four (4) seats, but in no event shall there be less than twenty-five (25) parking spaces provided.
- (23) *Business or government administrative offices:* One (1) parking space for each two hundred (200) square feet of gross floor area, (except as provided under section 27-688).
- (24) *Hotel, restaurant bars, etc.:* The parking requirements for hotel bars, bars, restaurant bars, fast food restaurants, high turnover, sit-down restaurants, and low turnover, sit-down restaurants shall be one (1) parking space per each four (4) seats, which parking requirement shall apply regardless of any otherwise available alternative formula such as the planned shopping center parking formula set forth in subsection (35), or a shared parking formula set forth in subsection (36) below.
- (25) *Grocery stores:* One (1) parking space for each one hundred fifty (150) square feet of gross floor area.
- (26) *Other retail stores:* One (1) parking space for each three hundred (300) square feet of gross floor area.
- (27) *Wholesale, warehouses and storage buildings:* One (1) parking space for each one thousand (1,000) square feet of gross floor area.
- (28) *Self-storage facilities:* One (1) parking space for each two thousand (2,000) square feet of gross floor area (dry storage only). Such facilities are authorized to allocated, devote and use up to thirty (30) percent of the parking area otherwise required for the use for the parking and outdoor storage of motor vehicles, watercraft and similar transportation conveyances, provided, however, that all items so stored shall be totally screened, concealed or obscured from view from any location lying outside the facilities' grounds, by landscaping, the facilities' buildings, walls, fences or any combination of the foregoing.

- (29) *Manufacturing and industrial uses; research and testing laboratories; bottling establishments; printing and engraving shops; laundries and dry cleaning establishments:* One (1) parking space for each five hundred (500) square feet of gross floor area.
- (30) *Terminal facilities including airports; docks; railroad passenger and freight terminals; motor bus depots; truck terminals; bathing beaches; swimming pools; and the like:* Parking spaces in amount determined by the board to be reasonably adequate to serve the public as customers, patrons and visitors.
- (31) *Uses not specifically mentioned:* For any use not specifically mentioned in this article, the requirements for off-street parking for a use which is so mentioned and to which the said use is similar, shall apply.
- (32) *Fractional measurements:* When units or measurements determining number of required off-street parking spaces result in requirements of a fractional space, any such fraction equal to or greater than one-half shall require a full off-street parking space.
- (33) *Mixed uses:* In the case of mixed 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 space for one use shall not be considered as providing the required off-street parking for any other use.
- (34) *Measurement:* For the purpose of this article floor areas shall mean the gross floor area inside of the interior walls. In hospitals, bassinets shall not be counted as beds. In stadiums, sports arenas, churches 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 computed as one (1) seat for the purpose of computing off-street parking requirements.
- (35) *Planned shopping centers:*

a. When shopping centers are planned as integral units of retail stores, and when the overall master plan for such planned shopping centers is first submitted to the planning and zoning board for its review for compliance with all other provisions of this ordinance, and if the master plan for such centers is approved by the board, the following graduated scale shall be used to determine total off-street parking requirements:

Gross floor area	Parking requirements
25,000 sq. ft. and under	The sum of the various use parking requirements as set forth in this section, computed separately, parking space for one use shall not be considered as providing the required parking for any other use.
Over 25,000 sq. ft. to 50,000 sq. ft.	One parking space for each 225 gross sq. ft. of floor area.
Over 50,000 sq. ft. to 100,000 sq. ft.	One parking space for each 225 gross sq. ft. of floor area.

Over 100,000 sq. ft.	One parking space for each 250 gross sq. ft. of floor area.
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Use	Mixed Uses
Over 10% of the gross floor area of the planned shopping center dedicated to office use	The parking required for a planned shopping center set forth above less the area dedicated to office space plus the parking required for the individual office use as set forth in this section based on the gross floor area dedicated to office use.
Theaters and cinemas	The parking required for a planned shopping center set forth above less the area dedicated to theaters or cinemas plus one (1) parking space for each three (3) seats.
Food sales	The parking required for a planned shopping center set forth above less the gross floor area of buildings used for food sales plus one (1) parking space for each one hundred fifty (150) square feet of gross floor area of buildings used for food sales.

- b. Up to a maximum area equal to ten (10) percent of the required parking spaces, if first approved by the city council, may be landscaped, but not counted toward the open green landscape area. Compliance with subsection (36) below will be required.
- c. Out-parcels, not adjacent to a common pedestrian way or common wall of a planned shopping center, and improvements thereon shall satisfy those parking requirements set forth in this section for the specific use to be made of the out-parcel.
- d. For purposes of this subsection, "food sales" shall include grocery stores, food markets and supermarkets, but shall not include restaurants and specialty markets.
- e. The city recognizes that the market conditions sometimes cause actual use of shopping centers to deviate from planned use of shopping centers. Occasionally, a particular use mix is such that there exists actual, excess onsite off-street parking which can accommodate use expansion though such use expansion would be otherwise prohibited by the parking formula set forth above in this subsection. The plans adjustment committee may approve an application for a parking deviation so as to permit use expansion otherwise prohibited by the parking formula set forth in this subsection

without adding any additional onsite, off-street parking for such use; provided however, that the following conditions are met:

1. The use expansion must be accomplished without alteration of exterior elevations or the size of the structures on the site (or with only minor alterations);
2. The onsite, off-street parking for the center must be regularly utilized at less than eighty-five (85) percent capacity during peak capacity periods for the center;
3. The amount of a use expansion permitted will be that equivalent to ten (10) percent of the off-street parking requirement originally assigned to such use, provided however, that such expansion will not be permitted when the parking count associated with the expansion plus the actual amount of spaces on average used during the center's peak periods exceed ninety-five (95) percent of the center's parking capacity;
4. The shopping center off-street parking requirement before and after the use expansion must be entirely satisfied by onsite, off-street parking;
5. The use expansion is permitted by the City Code without city council approval; and,
6. The manner in which the center's parking is being utilized is such that the off-street parking for the center can easily absorb the contemplated use expansion without any negative impact on traffic circulation, public safety, or convenience.

The city council may approve a use expansion applying the criteria set forth above when, as a result of the requirements of paragraphs 1 or 5, the plan adjustment committee cannot approve an application for a shopping center parking deviation.

(36) *Shared parking:*

- a. As an alternative to the above section 27-743(35), development within nonresidential planned community development districts designated B-7Q which is in single ownership or under unified control and which is a mixed-use development may use a shared parking formula to determine its required parking in lieu of the listed individual requirements in subsections (1) through (31) of this section or the provisions in subsection (35), above, or section 27-688(e) pertaining to parking in nonresidential planned community developments (PCD's).

* **Editors Note:** In accordance with the provisions of Ordinance No. 1511, § 3, the phrase "Development within nonresidential or residential/nonresidential planned community development districts" in paragraph (36)a, as enacted by Ordinance No. 1423, has been edited so as to delete the term "residential/nonresidential" PCD districts, at the editor's discretion.

The optional use of the shared parking formula shall be at the discretion of city council and shall be requested at the time of submittal of an application for site plan approval.

- b. Calculation of shared parking requirement: When any land, building, or buildings are used for two (2) or more distinguishable uses or purposes, the minimum total number of required parking spaces may be determined by the following formula:
1. Multiply the minimum parking requirement for each individual use as provided in subsection (1) through (31) of this section by the appropriate percentage listed in Table 1 for each of the five (5) designated time periods.
 2. Add the resulting sum for each of the five (5) vertical columns for the table.
 3. The minimum parking requirement is given by the highest sum resulting from step 2.
 4. The table resulting from the above calculations shall be submitted with the application for site plan approval of a mixed use development proposing to use the shared parking formula.
 5. The table shall be updated from time to time on recommendation of the city planner and by resolution of the city council.

TABLE 1

Uses	Weekday			Weekend	
	Night Midnight-- 6 a.m.	Day 9 a.m.-- 4 p.m.	Eve 6 p.m.-- Midnight	Day 9 a.m.-- 4 p.m.	Eve. 6 p.m.-- Midnight
Office	5%	100%	10%	10%	5%
Comm.-Retail (non-office)	5%	70%	90%	100%	70%
Hotel	70%	70%	100%	70%	100%
Restaurant (no take-out)	10%	50%	100%	50%	100%
Ent./Recr. (theaters, bowling alleys, etc.)	10%	40%	100%	80%	100%
Conference Facil. (auditoriums, assembly halls)	0%	100%	80%	70%	0%

- c. Parking spaces which are reserved for use by specified individuals or classes of individuals such as the handicapped shall not be counted toward meeting parking requirements.
- d. The provisions in this subsection shall not result in a reduction by more than twenty (20) percent of the requirement which would apply in the absence of this subsection.
- e. The use of any land area saved by the use of the shared parking formula shall not result in an increase in ground area coverage or intensity of site development.

- f. The use of any land area saved as a result of the use of the shared parking formula may be added to landscaping, open space, green reserved parking, or any use thereof may be waived at the discretion of city council.
 - g. Alternate method of determining shared parking requirement: The applicant may request or the city may request a more detailed analysis than the above table, using currently acceptable methodology, to determine the shared parking requirement. Such detailed analysis shall be prepared by an engineer registered in the State of Florida, qualified and experienced in traffic and parking analysis, and shall be presented to the city review committee, the planning and zoning board and to the city council as a part of the submittal for site plan review.
- (37) *Auctioneers*: One (1) parking space for each two seats.
- (38) *Sportscenters*: If housed in a shopping center which has received an approved mixed-use, planned or shared parking formula, the requirements shall be those as prescribed by the formula. However if the use exceeds twenty (20) percent of the total floor area of the shopping center or two thousand five hundred (2,500) square feet (whichever is less), or if the sportscenter exists as a separate free-standing facility, then one (1) parking space for each one hundred twenty (120) square feet of gross floor area shall be provided. If a sportscenter includes a juice bar, restaurant or similar amenity, the sportscenter shall provide the number of parking spaces otherwise required for each such amenity based on the gross floor area devoted to such use, and any such use shall then be excluded from the parking calculation for the sportscenter use.
- (39) *Conditional waiver of paving a portion of required off-street parking sites*: Whenever an applicant for a development permit, which requires the installation of off-street parking as a condition to the issuance of such development permit, wishes to have a portion of said off-street parking landscaped, such applicant for such development permit shall submit to the review committee, planning and zoning board and the city council a plan reflecting the percentage of off-street parking on which the paving will be waived, as well as the delineated method of subsurface support to be placed within such landscaped area where needed to facilitate the movement of fire-fighting equipment, emergency and police vehicles. All such waivers of paving by the city council shall be on a temporary basis with the applicant to record an instrument, in form approved by the legal department, among the public records of Broward County, Florida, imposing the affirmative obligation, as a covenant running with the land, of paving any such waived off-street parking area when deemed necessary by the city council at the expense of the then owner of the land, with all costs of enforcement of such covenant by the city, including attorney fees and court costs, to be borne by the owner of the lands. Such covenant shall be so recorded before the building official issues the pavement permit on said development.
- (40) *Nightclub or restaurant entertainment facilities*: The parking requirement for nightclubs shall be one (1) parking space for each thirty-five (35) feet of gross floor area or the maximum capacity of the facility divided by one and six-tenths (1.6), whichever is greater (the city is defining a parking requirement for a nightclub in case the zoning law is amended in the future to permit them or in case a nightclub is proposed as a use variance). The parking requirement for a restaurant entertainment facility shall be one (1) parking space for each sixty (60) square feet of

gross floor area or the maximum capacity of the facility divided by two and three-quarters (2.75), whichever is greater.

- (41) Technology based industry, including research and development, internet or computer related industries: One (1) parking space for each five hundred (500) square feet of gross floor area.
- (42) *Day care facilities*: One (1) parking space for every four hundred (400) square feet of gross floor area.
- (43) *Repair garage or service station with or without accessory truck rental*: One (1) parking space for each two hundred (200) square feet for enclosed showroom/display/waiting area and office; one (1) parking space for each two hundred (200) square feet of outside exhibition/display area; one (1) parking space for each five hundred (500) square feet of storage area within a fenced-in area; two and one-half (2.5) parking spaces for each bay used for auto repairs.
- (44) *Motorcycle dealerships*: One (1) space for each two hundred (200) gross square feet of showroom or display area of the dealership. Parking spaces for at least six (6) motorcycles must also be provided on the site. Such spaces shall be the equivalent of spaces associated with three (3) vehicle parking spaces, but each such space shall be divided in half, so that each such space can accommodate two (2) parked motorcycles. Signage and striping of the parking spaces shall also be provided to identify them as restricted to the parking of such vehicles.

(Code 1964, App. A, Art. XIX, § 3; Ord. No. 1279, § 3, 12-12-84; Ord. No. 1368, § 1, 12-4-85; Ord. No. 1423, §§ 1, 2, 9-24-86; Ord. No. 1511, § 3, 11-18-87; Ord. No. 1572, § 1, 9-7-88; Ord. No. 1589, § 3, 11-30-88; Ord. No. 1598, § 1, 1-11-89; Ord. No. 1954, § 1, 9-8-93; Ord. No. 2086, § 4, 5-22-96; Ord. No. 2133, § 1, 8-27-97; Ord. No. 2154, § 8, 3-25-98; Ord. No. 2182, §§ 4, 5, 2-17-99; Ord. No. 2193, § 3, 6-16-99; Ord. No. 2222, § 1, 5-31-2000; Ord. No. 2221, § 7, 4-26-2000; Ord. No. 2227, § 2, 7-26-2000; Ord. No. 2277, § 3, 7-17-2002; Ord. No. 2290, § 7, 1-15-2003)

Editors Note: Ord. No. 1589, § 3, adopted Nov. 30, 1988, added provisions designated as § 27-743(36); said provisions have been redesignated as § 27-743(37) at the editor's discretion. Ord. No. 1598, § 1, adopted Jan. 11, 1989, added provisions designated as § 27-743 (37); said provisions have been redesignated as § 27-743(38) by the editor. Former § 27-743(37) hereof has been redesignated as § 27-743(39).

Sec. 27-744. Combined off-street parking.

Nothing in this article shall be construed to prevent collective provisions for or joint use of off-street parking facilities for two (2) or more buildings or used by two (2) or more owners or operators, provided that the total of such parking space when combined or used together shall not be less than sum of the requirements for the several individual uses computed separately in accordance with this article.

(Code 1964, App. A, Art. XIX, § 4)

Sec. 27-745. Use of required off-street parking by another building.

No part of an off-street parking area required for any building or use by this article shall be included as a part of an off-street parking area similarly required for another building or use, unless the type of use indicates that the periods of usage will not overlap or be concurrent with each other as determined by the board.

(Code 1964, App. A, Art. XIX, § 5)

Sec. 27-746. Parking of commercial vehicles.

(a) No off-street parking facilities required by this article and supplied by or for a use to meet the requirements of this article shall be utilized for the parking or storage of commercial vehicles owned by or utilized by such use during the time such use is in operation.

(b) Every use shall provide and maintain adequate and sufficient off-street parking facilities to accommodate the vehicles utilized by such use at the site of its operation independent of and in addition to the facilities otherwise required by this article during the time the off-street parking facilities specified by this article are needed and/or are being utilized in conformity with this article.

(Code 1964, App. A, Art. XIX, § 6)

Sec. 27-747. Off-street loading.

(a) On the same lot 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 those services may use this space without encroachment on or interfering with the public use of street and alleys by pedestrians and vehicles. In I-LP districts no off-street loading space shall be located within fifty (50) feet of any street row line.

(b) 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 article, the full amount of off-street loading space shall be supplied and maintained to comply with this article.

(c) For the purpose of this section, an off-street loading space shall be in an area at least twelve (12) feet wide by forty-five (45) feet long with fourteen and one-half 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/or trailer combination. Such loading space shall also be accessible from the interior of any building it is intended to serve.

(d) Off-street loading space shall be provided and maintained in accordance with the following schedule:

(1) For each retail store, storage warehouse, wholesale establishment, industrial plant, factory, freight terminal, market, restaurant, mortuary, laundry, dry cleaning establishment, or similar use which has an aggregate floor area of:

- a. Over 5,000 sq. ft. but not over 25,000 sq. ft. 1 space
- b. Over 25,000 sq. ft. but not over 60,000 sq. ft. 2 spaces
- c. Over 60,000 sq. ft. but not over 120,000 sq. ft. 3 spaces
- d. Over 120,000 sq. ft., but not over 200,000 sq. ft. 4 spaces

- e. Over 200,000 sq. ft., but not over 290,000 sq. ft. 5 spaces
 - f. For each additional 90,000 sq. ft. over 290,000 sq. ft. or fraction thereof 1 space
- (2) For each multiple dwelling or apartment-hotel having at least twenty (20) dwelling units, but not over fifty (50) dwelling units 1 space

For each multiple dwelling having over fifty (50) dwelling units--for the first 50 units 1 space

Plus one (1) space for each additional fifty (50) dwelling units or major fraction thereof.

- (3) 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:

- a. Over 10,000 sq. ft., but not over 40,000 sq. ft. 1 space
- b. For each additional 60,000 sq. ft. over 40,000 sq. ft. or major fraction thereof 1 space

- (4) For any use not specifically mentioned in this section the requirements for off-street parking for use which is so mentioned and to which the unmentioned use is similar, shall apply.
- (5) Notwithstanding the above set forth schedules, no off-street loading space requirement will apply to multitenant, single-story buildings in I-LP zoning districts.

(e) Off-street loading facilities supplied to meet the needs of one use shall not be considered as meeting the off-street loading needs of any other use.

(f) No area or facility supplied to meet the required off-street parking facilities for a use shall be utilized for or deemed to meet the requirements of this article for off-street loading facilities.

(g) 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.

(h) The board may grant a reduction of off-street loading space to not less than thirty (30) feet and the required minimum vertical clearance to not less than eight (8) feet when the board finds that the size, character and operation of a particular building or use will not normally involve service by motor vehicles requiring the length or vertical clearance of an off-street loading space specified in (c) of this section.

(i) Plans for buildings or uses requiring off-street loading facilities under the provisions of this article shall clearly indicate the location, dimensions, clearance and access of all such required off-street loading

facilities, such plans shall be submitted to and approved by the building department of the City of Plantation, as to location of ingress and egress from such off-street loading spaces in relation to the public streets and alleys, in order to assure the safe, orderly and expeditious movement of traffic.

(Code 1964, App. A, Art. XIX, § 7)

Sec. 27-748. Special exception permits for off-site parking.

(a) The city council may approve the issuance of special exception permits for the use of off-site parking to supplement existing parking on a commercial site where the total spaces available on-site and off-site equal the required number of parking spaces for the proposed use and where the subject site cannot accommodate sufficient parking spaces on-site to meet the parking requirements, in accordance with the procedure and limitations in this section.

(b) Where special exception permits are requested by an applicant, the city council may issue the permits only after holding a hearing to determine that the requirements of this section have been satisfied.

(c) The owners of all property and the operators of all businesses affected by the issuance of a special exception permit on the properties involved or other commercial properties having off-street common access to such involved properties' parking lying within three hundred (300) feet of the involved properties shall be notified of the hearing on the application for the special exception permit and shall have the right to present evidence and testimony at the hearing. The applicant for the special exception permit shall pay expenses incurred in notifying the affected property owners and businesses.

(d) Special exception permits for parking may be issued only after the city council finds that all of the following requirements have been satisfied:

- (1) The issuance of the permit will not adversely affect the public interest;
- (2) The location of the proposed off-site parking is sufficiently near to the site as to be available for the use of the site;
- (3) The use of the proposed off-site parking will not interfere with nor adversely impact the present use of the off-site parking;
- (4) Specific objective evidence, such as parking surveys or counts, has been presented which demonstrates that the use of the off-site parking by the proposed user will both adequately serve the subject site and will not adversely impact the available parking needs where the off-site parking is located;
- (5) Evidence has been presented that the proposed off-site parking will satisfy the parking needs of the subject site in conjunction with its on-site parking.

(e) Special exception permits for parking may be issued regardless if the proposed off-site parking is located within a nonconforming use, and shall not be deemed to be an expansion of a nonconforming use, since these special exception permits may only be issued upon a finding that the permits will not adversely affect the off-site location.

(f) Special exception permits for parking are personal to the use on which such permit is sought and may be used only for the specific use approved by the city council. Therefore, the special exception permit may not be utilized for any other use.

(g) These special exception permits are conditional permits and should the right to use any of the off-site parking spaces cease, then the special exception permit shall also cease.

(h) Where a special exception permit for parking is necessary for a city local business tax receipt, such local business tax receipt shall be a conditional license conditional upon the continued validity of the special exception permit. When the special exception permit ceases, the local business tax receipt shall also cease. Thus, the applicant for a special exception permit shall agree that the city local business tax receipt for his business shall be conditioned upon the continued validity of the special exception permit.
(Ord. No. 1371, §§ 1--8, 12-18-85; Ord. No. 2379, § 9, 12-13-2006)

Sec. 27-749. Off-street parking lots in residential districts.

Open parking lots for the parking of self-propelled passenger vehicles accessory to a permitted use in residential districts shall be arranged, maintained, and used in accordance with the following requirements:

- (1) The lot shall provide a front yard not less than thirty (30) feet in depth nor less than the front yard of an existing residential structure immediately adjacent and on either side of the lot.
- (2) The required front yard shall be planted and kept in lawn that is maintained so as to present a healthy, neat and orderly appearance. The required yard shall be kept free from refuse and debris.
- (3) No signs shall be permitted other than unlighted entrance and exit markers, each not exceeding two (2) square feet in area located within the parking area.
- (4) The parking area shall be paved with an asphaltic or Portland cement binder and graded so as to prevent dust and surface water accumulation.
- (5) If lighting is provided for the parking area, all lights shall be reflected, shaded and focused away from all residentially-zoned property.

(6) No charges shall be made for parking.
(Code 1964, App. A, Art. XIX, § 8)

Sec. 27-750. Lighting of parking facilities.

All parking facilities to be developed in the future that serve Group E, F, G, H, and I occupancies (as described in the South Florida Building Code) which are not illuminated by Florida Power and Light Company in a form acceptable to the city shall be illuminated according to standards contained herein by the developer of such parking facilities.

- (1) For the purposes of this section, parking facilities shall include the parking surface of open

parking lots and access thereto, and parking areas and other non-enclosed areas at grade level that abut or lie under buildings for which the parking facilities are a requirement.

- (2) The intensity of illumination shall provide no less than one (1) footcandle (fc) equal to one (1) lumen per square foot nor more than fifteen (15) footcandles at any point on the parking areas. The current edition of the *IES Lighting Handbook*, published by the Illuminating Engineers Society, 345 East 47th Street, New York, New York, 10017, is hereby adopted by reference. This standard shall be used as a guide for the design and testing of parking facility lighting and the standards contained therein shall apply unless standards developed and adopted by this ordinance or subsequent amendments are more restrictive, in which case the more restrictive standards shall apply.
- (3) Prior to the time a parking facility lighting system is accepted, an appropriate test report shall be submitted to the city building department that shows compliance with this section of the ordinance.
- (4) All required illumination shall be controlled by automatic timing devices which will assure that the required illumination shall be provided at dusk until at least 9:00 p.m. each day and at least one-half (1/2) the required illumination from 9:00 p.m. to 11:00 p.m. or thirty (30) minutes after the closing time of the establishment served by the parking facility, if later than 11:00 p.m., after which the illumination will be required in areas adjacent to buildings of the establishment and at driveways where needed for security.
- (5) All lighting shall be shaded, screened or aimed in such a manner that it will not be a nuisance to any residential unit. Furthermore, any device or fixture commonly known as a wall pack lighting fixture shall be installed at a height not exceeding ten (10) feet above the existing grade of the surface lying immediately below the fixture, if the fixture lies within a distance of one hundred (100) feet from any building or structure used for residential purposes.

(Code 1964, App. A, Art. XIX, § 10; Ord. No. 2126, § 1, 5-2-97)

Sec. 27-751. Assigned covered parking spaces in certain office park developments.

In an effort to allow for amenities within office park developments, the city wishes to establish parking deviations to allow for assigned covered parking spaces where permitted office use is located. Those uses shall enjoy the deviation set forth below:

- (a) The parking requirement for uses is established elsewhere in this Code. When the exclusive use of the site is for office, the covered parking spaces may count for up to fifteen (15) percent of the required parking.
- (b) Assigned covered parking spaces shall not be available for properties which received a parking variation as part of a timely received, executed, confirmed as effective and implemented certificate of conformity in accordance with Ordinances Nos. 2022 and 2187, property which received a parking variation pursuant to section 27-617, of the City Code, pertaining to nonconformities associated with the expansion of state roads within the State Road 7 SPI-2 district, or properties which have been granted waivers, variations, or deviations which allowed

for a reduction in required parking greater than five (5) percent of the existing parking requirement.

- (c) Uses other than office use will not be allowed to take advantage of the parking deviations set forth above.
- (d) Pole signage indicating said assigned covered parking is reserved or designated for specific users is prohibited; however, painted wheel stops or curbs are permitted.
- (e) Covered parking shall be located in a manner, which does not unreasonably restrict the use of the off-street parking facilities by occupants, employees, visitors, or patrons.
- (f) The location and structures associated with assigned covered parking may be reviewed at the time of initial site plan approval or by the plan adjustment committee for offices which desire assigned covered parking.
- (g) Design approval required.
 - 1. Before any building permit is issued for assigned covered parking structures, drawings shall be submitted to city council or the plan adjustment committee for review and approval
 - 2. The drawings will be reviewed for acceptable design of site layout and building material.
 - 3. If the approval is granted the building permit must be in accord with conditions imposed by the PAC or city council.

(Ord. No. 2294, § 2, 3-12-2003)

Secs. 27-752--27-765. Reserved.

ARTICLE XII.

CONDITIONAL USES*

* **Editors Note:** Former Art. XII, § 27-766, was amended in its entirety by § 1 of Ord. No. 1686, adopted Feb. 14, 1990, to read as set out in §§ 27-766--27-771. Prior to amendment, Art. XII pertained to similar subject matter and derived from Code 1964, App. A, Art. XXI.

Sec. 27-766. Definitions.

The following definitions shall be applicable to conditional use permit reviews:

Area: Area is described as that portion of the City of Plantation and surrounding communities lying within a two-mile radius of a circle having the conditional use permit at its center (an overall four-mile diameter with the conditional use permit in the center of such diameter).

District: District shall be the predominant zoning district within the neighborhood, (i.e., residential, commercial, parks and recreation, etc.)

Existing development: Existing development includes the developments in being and development approvals granted and still in effect within the area.

Neighborhood: A neighborhood shall be the area within one (1) square mile of the site on which a conditional use permit is sought.

Surrounding property: Surrounding property shall be the properties and zoning surrounding the tract or parcel of land within which such conditional use permit is sought, (i.e., residential surrounding a commercially zoned tract within which a conditional commercial use request is sought).
(Ord. No. 1686, § 1, 2-14-90)

Sec. 27-767. Purpose.

The council shall make provisions for those uses which are found essential or desirable for the orderly development of the city and for the public convenience or welfare, which because of their particular characteristics or requirements should be given individual consideration with respect to their location and their relationship to surrounding property, the neighborhood, and the area which are or may be affected by such uses by defining such use as conditional. Except as provided by this article, such conditional uses shall be confined to those specifically listed as permitted conditional uses elsewhere in the Code of Ordinances and shall also be subject to the conditions and limitations prescribed therein. In addition to the uses listed in the Code of Ordinances as conditional uses, public utility uses and structures, such as transformer stations, telephone exchanges, pumping stations, or other essential components of a utility system may be permitted in any district as a conditional use. Those conditional uses which are deemed by the council to be of low impact upon the surrounding property, neighborhood and area may be granted a waiver by the council of the standards for granting conditional use approval permits as set forth in section 27-768 below.
(Ord. No. 1686, § 1, 2-14-90)

Sec. 27-768. Standards for granting of conditional use approval permits.

The city council shall grant conditional use approvals upon finding that a preponderance of the evidence of record supports such proposed use where:

- (1) The applicant/developer submits a site plan for the parcel on or within which the conditional use permit is sought which correctly reflects ingress and egress to such use, the landscaping, parking, buffering, etc. of the surrounding property from such use and depicts the exterior elevations of any structure to be erected, including the materials to be utilized thereon, so as to establish same to be architecturally in harmony with the surrounding property. Unless waived by the city council, no conditional use approval shall be considered without such binding and buildable site plan accompanying same to allow the council to determine the architectural features and buffering needed to protect the surrounding property and so as to allow the city council to evaluate the proposed use's compliance with the remaining criteria hereafter set forth.
- (2) The proposed conditional use will be consistent with the general plan for the physical

development of the district including any master land use plan or portion thereof adopted by the council.

- (3) The proposed conditional use will be in harmony with the general character of the neighborhood, considering population density, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions, and number of similar uses. The council must find from a preponderance of the evidence of record that for the public convenience and service a present need exists for the proposed conditional use for service to the population in the area considering the present availability of such uses to that area and such area's existing development. Further, the use at the proposed location must be found to not create a traffic hazard or traffic nuisance because of its location in relation to similar uses, necessity of turning movements in relation to its access to public roads or intersections or its location in relation to other buildings or proposed buildings on or near the site within the neighborhood and the traffic pattern from such buildings or by reason of its location near a vehicular or pedestrian entrance or crossing to a public or private school, park, playground or hospital or other public use or place of public assembly. Where such use involves heavy on-site vehicular traffic ingressing or egressing from adjacent roadways or is deemed a trip generating use, a traffic analysis shall be submitted by the applicant with suggested means of ameliorating such traffic impact on the surrounding property and the neighborhood.
- (4) The proposed conditional use will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding property, or the neighborhood and will cause no objectionable noise, vibration, fumes, odors, dust, glare or physical activity.
- (5) The proposed conditional use will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the neighborhood.
- (6) The proposed conditional use will not, in conjunction with existing development in the area and development permitted under existing zoning, overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public improvements and will not create a hazard by virtue of its site and location to residents, visitors, or workers in the neighborhood.
- (7) The proposed conditional use shall meet all other specific standards which may be set forth elsewhere in the Code of Ordinances for such use.
- (8) The proposed conditional use shall disclose the square feet of use sought for approval so that an adequate evaluation can be made of the conditional use in keeping with the standards and criteria of this article. Should any conditional use seek to expand in size, the extent of expansion shall undergo conditional use review as provided in this article XII, except as otherwise provided by the provisions of article III, division 3 of this chapter.

(Ord. No. 1686, § 1, 2-14-90; Ord. No. 1814, § 1, 11-6-91; Ord. No. 2004, § 2, 11-16-94; Ord. No. 2115, § 2, 1-8-97)

Sec. 27-769. Burden of proof.

The applicant for a conditional use permit shall have the burden of proof which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the city council.

(Ord. No. 1686, § 1, 2-14-90)

Sec. 27-770. Additional conditions and standards.

When granting approval for a conditional use, the city council may attach conditions and safeguards, in addition to those prescribed herein and elsewhere in the Code of Ordinances governing such conditional use as the council determines are necessary for the protection of the surrounding property, the neighborhood, the area of the city where such use is to be granted.

(Ord. No. 1686, § 1, 2-14-90)

Sec. 27-771. Hotels, apartment hotels, motels.

Hotels, apartment hotels, and motels are permitted only as a conditional use in RM-25U (multiple-family residential) District, B-8Q (planned residential commercial) District and B-3P (general business) districts. The sale of alcoholic beverages in such conditional use shall be limited to a restaurant bar/lounge as defined in the Code, wholly within the hotel, apartment hotel or motel, and no night club acts or shows involving partial or total nudity or obscene, profane language shall be permitted as an accessory use in such hotel, apartment hotel or motel operation, including but not limited to areas where alcoholic beverages may be sold.

(Ord. No. 1686, § 1, 2-14-90)

Secs. 27-772--27-780. Reserved.

ARTICLE XIII.

NONCONFORMING USES

Sec. 27-781. Intent.

(a) Within the districts established by this chapter, there exist structures and uses of land and structures which were lawful at the time this chapter or subsequent amendment becomes effective, but which would have been prohibited under the terms of this chapter or future amendment, such structures or uses of land and structures shall be designated as nonconforming. Such uses and structures are declared by this chapter to be incompatible with permitted uses in the districts involved, and it is the intent of this ordinance to permit these nonconformities to continue subject to the terms of this article, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged, expanded nor extended, nor be grounds for adding other structures or uses prohibited elsewhere in the same district.

(b) A nonconforming structure, a nonconforming use of land, or a nonconforming use of a structure shall not be extended or enlarged by attachment of additional signs to a building, or the placement of additional signs or display devices on the land, or by the addition of other uses, if such additions are of a nature which would be prohibited generally in the district involved.

(Code 1964, App. A, Art. XX, § 1)

Sec. 27-782. Nonconforming use of land.

(a) The nonconforming use of land shall be discontinued and cease within three (3) years from the date such use becomes nonconforming, in each of the following cases:

- (1) Where no buildings are employed on the premises in connection with such use.
- (2) Where the only buildings employed are accessory to such use and have a replacement value of two thousand dollars (\$2,000.00) or less.
- (3) Where such use is accessory to and maintained in connection with a building conforming as to use, provided that this requirement shall not apply to off-street parking accessory to a building conforming as to use.

(b) The nonconforming use of land which is accessory or incidental to the nonconforming use of a building shall be discontinued on the same date that the nonconforming use of the building is discontinued.

(c) A nonconforming use of land which has in connection therewith incidental or accessory buildings have a value in excess of two thousand dollars (\$2,000.00) shall be deemed to be a nonconforming structure and shall be subject to the appropriate provisions of this article.

(Code 1964, App. A, Art. XX, § 2; Ord. No. 2151, § 1, 3-25-98)

Sec. 27-783. Nonconforming use of land as a pet cemetery.

(a) The pet cemetery and animal carcass crematorium now existing within the Plantation Acres area of Plantation as a nonconforming use by virtue of the annexation of the Plantation Acres into the city, shall continue as a nonconforming use but shall be henceforth operated and controlled in accordance with the provisions of this chapter.

(b) All existing records of animal interment and the location of said animal remains shall be delivered to the office of the city clerk of Plantation upon application for renewal of existing local business tax receipt for said pet cemetery and crematorium, and on each successive application for local business tax receipt the licensee shall submit additional records of additional interment of animal remains within the said pet cemetery, being specific as to the name and address of the owner of said deceased animal, the location of the burial site of the deceased animal and such other particulars, including the monies paid licensee for burial and perpetual care of such burial sites by such deceased animals' owners.

(c) The local business tax receipt for the conducting of this nonconforming use of land shall neither be assignable or transferable without the prior consent of the city council which shall in part be dependent upon submission of sufficient financial reports and information as needed to satisfy the city council that such applicant for transfer or assignment of the local business tax receipt has the ability to properly maintain said nonconforming use of land as a pet cemetery and pet crematorium.

(d) Upon the sale and disposition or abandonment of this property with the cessation of its continuing use as a pet cemetery and a pet crematorium, the then owner shall be required prior to the approval

of such sale and any license or permit for the use of the land or the erection of any structure or renovation permit thereon which would bring the use of the land into conformity with the then permitted uses under the zoning use district then in effect for the land, such owner shall have all animal remains which have been previously interred within the pet cemetery, removed and reburied in a location as close as possible to the present nonconforming use location within South Florida where pet cemeteries are permitted at the expense of the owner who shall otherwise assign such perpetual care payments or other financial arrangements which he or his predecessors had made with the owners of the animal remains to the operator of the substitute pet cemetery. It being understood that the owner shall first attempt to contact the owners of the animal remains and offer to reassign any such perpetual care financial arrangements or consideration to the pet cemetery of the owner's choice within South Florida and remove the remains from where now buried and cause same to be reinterred at such pet cemetery of the owner's choice within South Florida at no additional cost or expense to the owner. As used in this portion of this article, the term "South Florida" applies to a land south of an imaginary line running from east to west across the State of Florida, parallel to the nearest latitude which would intersect the northernmost edge of Lake Okeechobee.

(e) During the continued operation of the pet cemetery and pet crematorium as a nonconforming use of land, the licensee shall maintain same in a neat, attractive appearance, so as to minimize any emotional stress on the owners of the animal remains which have given financial consideration for the perpetual care of their deceased pets in the cemetery as well as to avoid said cemetery lapsing into such disrepair as to create a vexatious nuisance or threat to the health, safety and welfare of the adjacent homes within Plantation Acres and further the pet crematorium shall be operated as a continuing nonconforming use of land in such a manner as to not create any undue noxious odors, smoke emissions or air pollution of adjacent residences with the pet crematorium to be used only and exclusively for the cremation of animal carcass remains. Failing to so maintain the premises, the city shall have the same privilege of enforcing these restrictions or undertaking such maintenance of said premises with attendance lien rights for the costs therein incurred as now exist generally for the clearance and assessment by the city for the removal of weeds and brushes and garbage and trash in codified form in chapter 10, which section, as to the assessment and maintenance procedures and standards followed by the city, is fully incorporated herein by reference as if set forth verbatim deleting only therefrom the requirements that such land be located within five hundred (500) feet of a dwelling house, commercial or public structure.

(Code 1964, App. A, Art. XX, § 2A; Ord. No. 2379, § 9, 12-13-2006)

Sec. 27-784. Nonconforming structures.

Structures that are nonconforming under the terms of this article by reason of restrictions on area, lot coverage, height, yards, design or other characteristics or the structure or its location on the lot may be continued except as provided in section 27-785, so long as they remain otherwise lawful, subject to the following provisions:

- (1) No nonconforming structure shall be enlarged or structurally altered unless such structure shall, after enlargement or alteration, conform to the provision of the ordinance. A single family dwelling which is nonconforming only as to setbacks may be enlarged provided such addition conforms to the setback requirement established by this chapter and provided the total ground area covered does not exceed the maximum lot coverage established by this chapter.
- (2) Should such structure be destroyed by any means to an extent of more than fifty (50) percent of

its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.

- (3) Should such structure be moved for any reason, for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Code 1964, App. A, Art. XX, § 3)

Sec. 27-785. Nonconforming uses in nonconforming structures in residential districts.

In all residential districts ("R" districts), any nonconforming building or structure, all, or substantially all of which is designed, arranged or intended for a use permitted only in a nonresidential zoning district (i.e., business, commercial, industrial, office park, institutional educational, community facility, golf course, etc.) or for a use permitted in a residential district different than that assigned to the land on which the nonconforming building or structure is located, shall be removed or it shall be altered and converted to a conforming building or structure designed for a use permitted in the district in which it is located within six (6) months after the expiration of the respective periods of time set out hereinafter, which periods are hereby established as the reasonable amortization of the normal useful life of each class of building and type of construction being as defined and specified in the South Florida Building Code:

- (1) Type I. Fire-resistive construction 30 years
- (2) Type II. Heavy timber construction 25 years
- (3) Type III. Ordinary masonry construction 20 years
- (4) Type IV. Metal frame construction 12 years
- (5) Type V. Wood frame construction 7 years

(Code 1964, App. A, Art. XX, § 4; Ord. No. 1910, § 1, 4-21-93; Ord. No. 2152, § 2, 3-25-98)

Sec. 27-785.5. Nonconforming accessory buildings and structures in residential districts.

(a) In all single-family residential districts ("R" districts), any accessory building or structure which is found to be in violation under the terms of the city's zoning ordinance by reason of restrictions on, height, or setbacks, may be retained if it meets the following criteria:

- (1) It has existed on the property for five (5) years or more, no violation or complaint has been discovered by, related to or filed with the city as to its existence within that period and the owner has presented competent and substantial evidence to the city showing the duration of such existence;
- (2) It does not exceed the coverage square footage limits for the following zoning districts:

District	Maximum Coverage
RS-1EP	600
RS-1A	500
RS-2B	400

RS-2K	144
RS-3C	168
RS-3D	168
RS-3F	168
RS-3G	168
*RS-3K	120
RS-3K	144
RS-4G	168
RS-4J	120
RS-4K	120
RS-5G	168
RS-5H	144
RS-5I	120
RS-5J	168
RS-5K	144
*RS-5K	120
Planned Residential	Two (2) percent or less of the square foot portion of the lot or parcel which is otherwise not occupied by buildings or structures

*This district contains lots which were platted under county specifications. These lots are permitted a rear setback of five (5) feet from screen enclosure of pools. Screen enclosures without pools will be governed by the normal structural setback lines.

- (3) The combined area occupied by all buildings and structures does not exceed the applicable maximum lot coverage requirement for the district wherein the property is located; and,
- (4) It meets (or can with little expense, be made to comply) with the otherwise applicable requirements of the South Florida Building Code Edition in effect when the accessory building or structure was built or the South Florida Building Code Edition dated five (5) years from the date the determination is made, whichever edition is most current.

Any such building or structure shall be deemed to be nonconforming, subject, however, to the requirements of section 27-784 (1), (2), and (3), governing enlargement or alteration, destruction and relocation, respectively of a structure, which provisions shall apply to both residential accessory buildings as well as residential accessory structures for purposes of this section.

(b) The owner of any such building or structure which qualifies to remain shall, however, be obligated to obtain a building permit, pay the permit fee otherwise applicable, and have such building or structure approved pursuant to the appropriate South Florida Building Code Edition. A building or structure for which a permit cannot be issued under the appropriate edition of the South Florida Building Code, or which cannot be approved, shall not qualify for the relief afforded in this section.

(c) Despite any provision to the contrary in this section, the city reserves the right to require any unlawful residential accessory building or structure to be removed or otherwise brought into compliance with all applicable codes, subject to the right of the owner to exhaust available administrative remedies, such as the filing of a request for a variance.

(d) The provisions of this section shall apply to any accessory building or structure which exists and otherwise qualifies for retention under this section as of the date of adoption of this section.
(Ord. No. 2023, § 1, 3-15-95)

Sec. 27-786. Extending a nonconforming use to other parts of a building or land.

(a) The nonconforming use of a building may be extended throughout any part of a building manifestly arranged or designed for such use, but not so used on February 10, 1966.

(b) Any conforming use which occupies a portion of a building not originally designed or intended for such use shall not be extended to any other part of the building, nor may it be extended to occupy any land outside the building, nor any additional building on the same plot not used for such use February 10, 1966.

(c) The nonconforming use of land shall not be extended to any additional land not so used on February 10, 1966.

(d) No conforming structure used for a nonconforming use shall be enlarged, extended, reconstructed or structurally altered, unless the use is changed to one which complies with the provisions of this chapter.
(Code 1964, App. A, Art. XX, § 5; Ord. No. 2152, § 3, 3-25-98)

Sec. 27-787. Nonconforming use in residential districts.

In any residential district ("R" districts), any nonconforming use of a conforming building, which use is permissible only in a nonresidential zoning district (i.e., business, commercial, industrial, office park, institutional educational, community facility, golf course, etc.) or for a use permissible in a residential district different than that assigned to the land on which the building or structure is located, shall be discontinued within five (5) years of February 10, 1966, or within five (5) years of the date the use became nonconforming by reason of amendment to the chapter. This five-year time limitation shall be extended for fifteen (15) years (for a total of twenty (20) years) for the following types of nonconforming uses of conforming buildings: daycare centers, day nurseries, private elementary schools, after school care for children up to twelve (12) years of age, and summer camps.

(Code 1964, App. A, Art. XX, § 6; Ord. No. 1910, § 2, 4-21-93; Ord. No. 2152, § 4, 3-25-98)

Sec. 27-788. Change of nonconforming use.

(a) In any residential district ("R" districts) any change in a nonconforming use shall be to a conforming use.

(b) In a nonresidential district a nonconforming use, where no structural alterations are involved, may be replaced by a new use permitted in the same zoning district as the original use or in a more restricted district provided the board of adjustment, after public hearing and the same notice as is required for variances, finds that the new or different use will be less detrimental to the surrounding neighborhood than the old use, and approves the new use as being in accordance with the spirit and purpose of this chapter.

(c) There may be a change of tenancy, ownership or management of a nonconforming use provided

there is no change in the nature of character of such use except as may be permitted by this chapter.

(d) Any change of a nonconforming use of land shall be to a conforming use.
(Code 1964, App. A, Art. XX, § 7; Ord. No. 2152, § 5, 3-25-98)

Sec. 27-789. Discontinuance or abandonment of nonconforming use.

(a) If for any reason a nonconforming use of land ceases or is discontinued for a period of thirty (30) days or more, the land shall thereafter be used only for a conforming use.

(b) If, for any reason, a nonconforming use of a conforming or nonconforming building ceases or is discontinued for a period of six (6) months or more, it shall be considered abandoned, and such building shall not again be occupied by a nonconforming use.

(c) Any part of a building or land occupied by a nonconforming use which is changed to or occupied by a conforming use shall not thereafter be used or occupied by a nonconforming use.
(Code 1964, App. A, Art. XX, § 8; Ord. No. 2152, § 6, 3-25-98)

Sec. 27-790. District or regulation change.

The provisions of this article shall also apply to buildings, structures, land, premises or uses which hereafter become nonconforming due to a change or reclassifications of a district, or due to a change in district regulations. Where a period of time is specified in this article, such period shall be computed from February 10, 1966, for those building structures and uses made nonconforming by the provisions of this chapter, and from the effective date of the amendment for those buildings, structures or uses made nonconforming by any subsequent change in these regulations.
(Code 1964, App. A, Art. XX, § 9)

Sec. 27-791. Illegal use.

The casual, temporary or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use or to create any rights in the continuance of such use.
(Code 1964, App. A, Art. XX, § 10)

Sec. 27-792. Other authorized uses.

Where a building or use exists on nonresidentially zoned land adjacent to arterial roads which are in excess of one hundred (100) feet in width and which by virtue of annexation of the lands within Plantation would otherwise be deemed nonconforming, the city council may authorize improvements to be made on such use or buildings which would be in full compliance with the present conditions of this comprehensive zoning ordinance, except for the comprehensive landscape ordinance, chapter 13 and, in such event, the city council may impose such additional landscape requirements upon said land for which conforming development permits or zoning was sought by the property user as the city council finds proper, reasonable and economically justified by the desired improvements, alterations or changes sought by the property user to otherwise bring said use or building into full conformity with the city's comprehensive zoning ordinance, and based on such city council authorization and waiver of remaining landscape requirements, such building or use shall no longer be

classified as nonconforming and may continue to exist so long as it remains otherwise lawful and complies with the terms of such authorization.

(Code 1964, App. A, Art. XX, § 11)

Sec. 27-793. Normal maintenance.

(a) On any building devoted in whole or in part to any nonconforming use, work may be done in ordinary repairs or maintenance, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, provided that no structural repairs shall be made that would extend the life of the building and provided that the cubical content or area of the building shall not be increased.

(b) Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition any building or part thereof declared to be unsafe by any city official charged with protecting the public safety, upon order of such official.

(Code 1964, App. A, Art. XX, § 12)

ARTICLE XIV.

AIRPORT ZONING REGULATIONS

Sec. 27-794. Adoption of Airport Zoning Regulations.

The city, pursuant to Chapter 333, Florida Statutes, adopts and incorporates by reference Chapter 39, Article LXXI, Sections 39-1164 to and including 39-1176 of the Broward County Airport Zoning Code into the City Code of Ordinances, as amended from time to time, to be applicable to that area of the city which lies within a transition zone of the Fort Lauderdale/Hollywood International Airport.

(Ord. No. 2028, § 1, 5-31-95)

Secs. 27-795--27-799. Reserved.

ARTICLE XV.

ADULT ENTERTAINMENT

DIVISION 1.

GENERALLY

Sec. 27-800. Findings, intent and purpose.

(a) Based on the findings incorporated in the United States Attorney General's Commission on Pornography (1986); "A Summary of a National Survey of Real Estate Appraisers Regarding the Effect of Adult Bookstores on Property Values, " conducted by the Division of Planning, Department of Metropolitan Development, City of Indianapolis, January, 1984; the "Study of the Effects of Concentration of Adult Entertainment Establishments in the City of Los Angeles, " conducted by the Planning Committee for the Los Angeles City Council, June, 1977; the study conducted by the City of Austin, Texas; the Metropolitan Bureau

of Investigation (MBI) for the Ninth Judicial Circuit (Orlando area); and information from Tampa, Florida, detailing the effects of adult entertainment establishments in the Tampa area, and based upon such other information as is known to the city, the city hereby finds:

- (1) Establishments exist or may exist or may want to open within the city where books, magazines, motion pictures, prints, photographs, periodicals, records, novelties and/or devices which depict, illustrate, describe or relate to specified sexual activities are possessed, displayed, exhibited, distributed or sold.
- (2) Establishments exist or may exist or may want to exist within the city:
 - a. Where the superficial tissues of one person are manipulated, rubbed, stroked, kneaded, or tapped by a second person, who is not a licensed medical professional, accompanied by the display or exposure of specified anatomical areas (as defined herein);
 - b. Where dancers, entertainers, performers or other individuals, who, for any form of commercial gain, perform or are presented while displaying or exposing any specified anatomical areas;
 - c. Where lap dancing occurs.
- (3) The activities described in subsections (1) and (2) are subject to regulation by the city in the interest of the health, safety, morals and general welfare of the people of the city.
- (4) The competitive commercial exploitation of such nudity and semi-nudity is adverse to the public's interest and the quality of life, tone of commerce, and total community environment of the city.
- (5) The commercial exploitation of nudity and semi-nudity consists of the use of nude and semi-nude entertainment in connection with or for the promotion of the sale of goods or services, and the receipt of money by the person engaging in nude or semi-nude entertainment in exchange for or as consideration for nude or semi-nude performance by such individuals.
- (6) The commercial exploitation of nude and semi-nude acts, exhibitions, and nude entertainment frequently occurs at commercial establishments either selling or allowing consumption of alcoholic beverages on the premises.
- (7) There is a direct relationship between the consumption of alcoholic beverages and the nude and semi-nude activities mentioned above, and an increase in criminal activities, moral degradation, and the disturbances of the peace and the good order of the community. The concurrences of these activities is hazardous to the health and the safety of those persons in attendance and tends to depreciate the value of adjoining property and harm the economic welfare of the community as a whole.
- (8) The combination of the sale and consumption of alcoholic beverages with the performance of nude and semi-nude acts, exhibitions and entertainment is adverse to the public's interest and the

quality of life, tone of commerce and total community environment in the city.

- (9) In order to promote and preserve the public peace and good order and to safeguard the health, safety, morals and welfare of the community and the citizens thereof, it is necessary and advisable for the city to prohibit certain forms of nude and semi-nude acts, exhibitions, entertainment and commercial establishments at which alcoholic beverages are, or are available to be, sold or consumed.
- (10) In order to preserve the public peace and good order, and to safeguard the health, safety, morals and welfare of the community and citizens thereof, it is necessary and advisable to regulate and restrict the conduct of owners, operators, agents, employees, entertainers, performers, patrons, spectators and persons on the premises of the commercial establishments subject to this article.
- (11) There is a direct relationship between the display or depiction of specified anatomical areas in subsections (1) and (2) and an increase in criminal activities, moral degradation and disturbances of the peace and good order of the community, and the concurrences of these activities is hazardous to the health and safety of those persons in attendance and tends to depreciate the value of adjoining property and harm the economic welfare of the community as a whole. These secondary effects are adverse to the public's interest and quality of life, tone of commerce and total community environment in the city.
- (12) When the activities described in subsections (1) or (2) are (or may be) presented in establishments within the city, other activities which are illegal, immoral or unhealthful tend (or may tend) to accompany them, concentrate around them, and be aggravated by them. Such other activities include but are not limited to prostitution, solicitation for prostitution, lewd and lascivious behavior, possession, distribution and transportation of obscene materials, sale or possession of controlled substances, and violent crimes against persons and property.
- (13) When the activities described in subsections (1) or (2) are (or may be) present in establishments within the city, they tend (or will tend) to blight neighborhoods, adversely affect neighboring businesses, lower property values, foster an atmosphere which promotes crime, and ultimately lead residents and businesses to move to other locations.
- (14) Physical contact within establishments at which the activities described in subsections (1) or (2) occur between employees exhibiting specified anatomical areas and customers poses a threat to the health of both and may lead to the spread of communicable and social diseases.
- (15) In order to preserve and safeguard the health, safety, morals and general welfare of the people of the city, it is necessary and advisable for the city to regulate the conduct of owners, managers, operators, agents, employees, entertainers, performers and customers at establishments where the activities described in subsections (1) or (2) occur.
- (16) The potential dangers to the health, safety, morals and general welfare of the people of the city from the activities described in subsections (1) or (2) occurring at establishments without first obtaining a permit under this article are so great as to require the licensure of such establishments prior to their being permitted to operate.

- (17) "Lap dancing" does not contain any element of communication, and is therefore conduct rather than expression.
- (18) "Lap dancing" in establishments poses a threat to the health of the participants and promotes the spread of communicable and social diseases.
- (19) The city finds that sexually oriented business is frequently used for unlawful and unhealthy sexual activities, including prostitution and sexual liaison of a casual nature.
- (20) The concern over sexually transmitted diseases is a legitimate health concern of the city which demands reasonable regulations of sexually oriented businesses in order to protect the health and well-being of the citizens.
- (21) Licensing is a legitimate reasonable means of accountability to ensure that operators of sexually oriented businesses comply with the reasonable regulations within this article and the locational requirements of the zoning code, and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.

(Ord. No. 2132, § 1, 8-13-97)

Sec. 27-801. Definitions.

As used in this article, the following terms shall have the respective meanings ascribed to them:

Adult store. An establishment having a significant portion of its stock in trade, books, magazines, periodicals, still or motion pictures, sexual prosthetic devices, or other materials which are distinguished or characterized by their emphasis on matters depicting, ascribing or relating to "specified sexual activities, " or "specified anatomical areas, " as defined herein, or an establishment which advertises or otherwise indicates that such materials, or a segment or section devoted to such materials, are open to and available for examination or purchase only by persons eighteen (18) years of age or older. For the purpose of this paragraph, a "significant portion" of its stock in trade means more than two (2) percent of its books, magazines, periodicals, still or motion pictures, or other illustrative materials, or more than two (2) percent of all of the foregoing, which are distinguished or characterized by their emphasis on depicting, describing, or relating to "specified anatomical areas" or "specified sexual activities" as defined herein.

Adult cabaret or theater. An establishment having any performance or other live activity having as a dominant theme or distinguished or characterized by an emphasis on matters depicting, describing, or relating to any of the "specified sexual activities" or "specified anatomical areas, " as defined herein for observation by patrons therein.

Adult entertainment establishment. Any body rub or bath house establishment, adult store, adult motion picture theater, adult mini-motion picture theater, adult cabaret or theater, escort service, body painting studio, encounter parlor, sex consultation business (except for consultations with a licensed medical professional), nude photography studio, nude modeling business, nude dancing studio, dating service, as defined in this article, or any other similar adult entertainment establishment.

Adult mini-motion picture theater. An enclosed building or portion thereof, used for presenting any material having as a dominant theme or presenting any material distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified anatomical areas" or "specified sexual activities," as defined herein, for observation by patrons therein.

Adult motionpicture theater. An enclosed building or portion thereof with a seating capacity of fifty (50) or more persons, or an open air drive-in facility of any size or capacity, used for presenting any material having as a dominant theme or presenting any material distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons therein.

Alcoholic beverage. A beverage containing more than one (1) percent of alcohol by weight, including but not limited to beer and wine.

- (a) It shall be prima facie evidence that a beverage is an alcoholic beverage if proof exists:
 - (1) The beverage in question was or is known as whiskey, moonshine whiskey, shine, rum, gin, tequila, vodka, scotch, scotch whiskey, brandy, beer, malt liquor, or by any other similar name or names; or
 - (2) The beverage was contained in a bottle or can labeled as any of the above names, or a name similar thereto, and the bottle or can bears the manufacturer's insignia, name or trademark.
- (b) Any person who, by experience in the handling of alcoholic beverages, or who by taste, smell/or drinking of such alcoholic beverages has knowledge of the alcoholic nature thereof, may testify as to his opinion about whether such beverage is an alcoholic beverage.

Body rub or bath house establishment. Any establishment having a fixed place of business, other than a massage establishment permitted and regulated under Chapter 480, Florida Statutes, or its successor, which advertises or administers, a substantial or significant portion of its business activity, without limitation, baths, showers, sauna baths, steam baths or similar devices except for those establishments regulated pursuant to F.S. sections 501.012 to F.S. 501.019 or their successors.

Dating service, escort service, body painting studio, encounter parlor, sex consultation business, nude photography studio, nude modeling business, nude dancing studio, or any other similar adult entertainment establishment, however styled. Without limitation, any establishment which advertises or conducts activities for compensation, that are designed or intended to establish a sexual communication, engagement or relationship, whether on-premises or off-premises, between its clients and its employees.

Specified anatomical areas.

- (1) Less than completely and opaquely covered:
 - a. Human genitals, pubic regions;

- b. Buttock; and
 - c. Female breast below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities.

- (1) Human genitals in a state of sexual stimulation or arousal;
 - (2) Acts of human masturbation, sexual intercourse or sodomy;
 - (3) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.
- (Ord. No. 2132, § 1, 8-13-97)

DIVISION 2.

PROHIBITION CONCERNING ESTABLISHMENTS

Sec. 27-802. Prohibited operations.

(a) The city finds that those individuals who desire to purchase, lease or sell those items and services enumerated in section 27-800 findings (a)(1) and (2) have reasonable alternative avenues available to purchase, lease, sell or otherwise obtain those items and services including, but not limited to, (1) access to these items and services within the immediate vicinity of the city, including locations in incorporated and unincorporated Broward, Dade and Palm Beach counties, which permit the sale and distribution of these types of items and services; (2) access to cable television, including premium channels, pay-per-view channels and adult channels; (3) access to satellite dish transmissions; (4) Internet access; (5) telephone access; (6) access to on-line computer services; and (7) access to these materials via mail and other delivery services.

(b) Notwithstanding the remaining sections of this article, the city expressly prohibits the establishment and operation anywhere within the city limits of adult entertainment establishments as defined herein including, but not limited to, adult stores; adult cabaret or theaters; adult mini-motion picture theaters; adult motion picture theaters; body rub or bath house establishments; dating services; escort services; body painting studios; encounter parlors; sex consultation businesses, except by a licensed medical professional; nude photography studios; nude modeling businesses; nude dancing studios; and other similar adult entertainment establishments. This section will control regardless of any conflict with any other section of this division, except section 27-803 (and section 2 of Ordinance No. 2132 which created this regulation).

(Ord. No. 2132, § 1, 8-13-97)

Sec. 27-803. Severability.

In the event section 27-802 of the City Code, is declared by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining divisions and sections of this article.

(Ord. No. 2132, § 1, 8-13-97)

Sec. 27-804. Prohibited activities.

(a) Prohibition.

- (1) No person or employee shall expose to public view his or her human genitals, pubic region, or opening between the human buttocks, female breast below a point immediately above the top of the areola, or any simulation thereof in any establishment selling, serving or allowing the consumption of alcoholic beverages.
- (2) No person maintaining, owning or operating an establishment serving alcoholic beverages shall suffer or permit any person or employee to expose to public view his or her human genitals, pubic region, or opening between the human buttocks, female breast below a point immediately above the top of the areola, or any simulation thereof within the establishment selling, serving or allowing the consumption of alcoholic beverages.
- (3) No person or employee anywhere in an establishment selling, serving or allowing consumption of alcoholic beverages, shall display those specified anatomical areas, as defined herein.
- (4) No person in or employee of an adult entertainment establishment shall, while exposing to public view his or her human genitals, pubic region, opening between the human buttocks, or female breast below a point immediately above the top of the areola, or any simulation thereof touch anywhere any patron or customer of the premises.
- (5) No person in or employee of an adult entertainment establishment shall, while exposing to public view his or her human genitals, pubic region, opening between the human buttocks, or female breast below a point immediately above the top of the areola, or any simulation thereof, touch the aforesaid specified anatomical areas of any other employee or person who is exposing to public view his or her human genitals, pubic region, opening between the human buttocks, or female breast below a point immediately above the top of the areola, or any simulation thereof.

(Ord. No. 2132, § 1, 8-13-97)

DIVISION 3.

ZONING REGULATIONS

Sec. 27-805. Rules of construction.

This article shall be liberally construed to accomplish its purpose of permitting, regulating and dispersing adult entertainment establishments.

(Ord. No. 2132, § 1, 8-13-97)

Sec. 27-806. Purpose.

It is the intent of the city's governing body in adopting this article to establish reasonable and uniform regulations that will reduce the adverse secondary effects adult entertainment establishments have upon the residents of the city and protect the health, safety, morals and general welfare of the people of the city.

(Ord. No. 2132, § 1, 8-13-97)

Sec. 27-807. Zoning district and distance limitations.

(a) Adult entertainment establishments shall be permitted uses in the I-LP zoning district; provided that no such use shall be located where the property line of the site of the adult entertainment establishment is closer than seven hundred (700) feet by airline measurement from the nearest property line of any site wherein a residential use, house of worship use, hospital use, public or private school use, day care center use, or public park use is situated. Neither the board of adjustment nor the city council shall be able to grant waivers or variances of the requirements of this section. An adult entertainment establishment shall not be allowed anywhere in the city as a use variance.

(b) The property line of any site wherein a house of worship use, public or private school use, residential use, day care center use, or public park use is intended to be situated shall not be closer than seven hundred (700) feet by airline measurement to the nearest property line of any adult entertainment establishment. Neither the board of adjustment nor the city council shall be able to grant waivers to, or variances of, the requirements of this section.

(Ord. No. 2132, § 1, 8-13-97)

Sec. 27-808. Performance standards.

(a) All building openings, entries, windows, doors or other apertures for adult bookstores, adult motion picture theaters and adult mini-motion picture theaters shall be located, covered or screened in such a manner as to prevent a view into the interior except the entryway from the exterior of the building; provided, however, that such openings shall not be painted out, blacked out or otherwise obscured in a garish manner.

(b) The entire interior of an adult bookstore or an adult mini-motion picture theater which has separate projection illumination of at least two (2) watts per square foot of floor area while open, and every portion of such interior shall be readily visible at all times to the clerk or other supervisory personnel from the counter or other regular station.

(c) If separate booths, rooms, cubicles or other similar areas are provided for use by clients of the adult entertainment establishment, such areas may not have doors or other solid enclosures, but may only have a thin, opaque cloth curtain which may be opened from the exterior at all times and which does not extend any closer than three (3) feet to the surface of the floor.

(d) Off-street parking requirements for adult entertainment establishments shall be those specified in city ordinances for the nature of the use apart from its adult entertainment characteristics (such as retail and service stores, theaters, and so forth), where applicable. With respect to adult mini-motion picture theaters which provide booths, rooms, cubicles or other separate areas for viewing, the parking standard shall be one (1) space for each one hundred (100) square feet of gross floor area, or one (1) space for each one hundred (100) square feet of gross floor area excluding such separate areas together with one (1) space for each such separate area, whichever is greater.

(Ord. No. 2132, § 1, 8-13-97)

Sec. 27-809. Waiver or modification of restrictions and special provisions concerning nonconformities.

The governing body of the city, after proper application and public hearing in the same manner that site plan applications are reviewed and approved, may waive or modify any of the restrictions of section 27-808 upon finding, in addition to other required findings set forth elsewhere in this Code:

- (1) That the requested waiver modification will not enlarge or encourage the development of a "skid row" area or "neighborhood blight" area; and
- (2) That the requested waiver modification will not be contrary to any program of neighborhood conservation, crime prevention, redevelopment or improvement, either residential or nonresidential; and
- (3) That all other applicable regulations of this division and any other ordinance or law will be observed.

In granting any such waiver or modification, the governing body of the city may prescribe any conditions that it deems necessary in the public interest.

All such waivers or modifications shall be applicable only to the person receiving them, and shall be valid for five (5) years and then shall expire, such that the use will become nonconforming. Any use which conformed to the regulations in effect in this division when such use was established and that becomes nonconforming as a result of a change in the regulations or the expiration of the variance, shall be discontinued within five (5) years of the date the use first becomes nonconforming.

(Ord. No. 2132, § 1, 8-13-97)

DIVISION 4.

ADDITIONAL PERMITTING.

Sec. 27-810. Permit requirements.

No person may operate an "adult entertainment establishment," as defined herein without first applying for and receiving an "adult entertainment permit" to engage in such activity from the city. The permit required by this section shall be in addition to and not satisfied by any other local business tax receipt or zoning permit which may be held, obtained or required of such persons, nor shall it be satisfied by any other state or county permit. Any transfer of stock, assets, ownership or management control shall require the building and zoning director to review same based on the standards set forth in this division and shall be subject to all other applicable permit requirements as well.

(Ord. No. 2132, § 1, 8-13-97; Ord. No. 2379, § 9, 12-13-2006)

Sec. 27-811. Application; granting.

Applications for a permit to operate an adult entertainment establishment shall be made to the city upon such form and in such manner as shall be prescribed by the city, such form to elicit the following information:

- (1) *Identification; interests.* The name of the applicant for a permit under this section, if an

individual, or in the case of a firm, corporation, partnership, association or organization, any person having managerial control or a material interest therein. For the purposes of this article a material interest means direct or indirect ownership of more than five (5) percent of the total assets or capital stock of any business entity. If one (1) or more of the stockholders having a material interest in the applicant business entity is itself a corporation, such requirement shall extend to any officer, director or shareholder owning a material interest in such business entity. All such persons must include their business address and name on the application form.

- (2) *Penal history.* The criminal record, if any, other than misdemeanor traffic violations of the applicant or any person specified in subsection (1) above. The same information shall be provided for all employees of the applicant on a continuing basis during the life of its adult entertainment establishment permit.
- (3) *Business history.* Whether the applicant has operated or applied to operate an adult entertainment type of business in this or any other state and, if so, whether the franchise, or permit for such business has ever been denied, revoked or suspended, and if so, the reasons therefor, and the business activity or occupation of the applicant subsequent to such denial, revocation or suspension.
- (4) *Existence of business entity.* If the applicant is a corporation, the applicant shall submit proof of incorporation in good standing in the state of incorporation and, if a foreign corporation, the applicant shall provide information certifying that the applicant is qualified to do business in this state. If the applicant is operating under a fictitious name, the applicant shall submit proof that it has registered such fictitious name and is entitled to its use.
- (5) *Prior occupation.* The business, occupation or employment of the applicant, if an individual, or any other individual specified in subsection (1) above, for the three (3) years immediately preceding the date of application.
- (6) *Statement of the specific and exact nature of the business to be conducted.* The applicant for a permit shall provide a statement clearly specifying the type of business to be conducted and if merchandise is to be sold, a description of such merchandise. The applicant must further provide such other information as to its business intent and purpose as the city may require to properly process the application.
- (7) *Signature on application and manner of submission; fee.* An application for a permit for an adult entertainment establishment shall be signed by the individual submitting the application; and, in the case of a corporation, by the president and secretary thereof; and, in the case of a partnership or other association, by all members of the partnership or association. The completed application shall be submitted to building and zoning director and shall be accompanied by a fee of twenty-five dollars (\$25.00).
- (8) *Standards for issuance.* Based upon the information obtained by the city in the processing of the application, the building and zoning director shall either grant or deny the permit based upon compliance with the following standards:

- a. That, upon the information available, it appears that the applicant will conduct the business in accordance with the ordinances of the city and county, and the laws of Florida and the United States of America.
- b. That, upon information available, it appears that no material false statement or information has been provided by the applicant.
- c. Prior convictions. That, upon information available, it appears that no individual, or any of the other persons specified in subsection (1) above, has been convicted, pleaded guilty, pleaded nolo contendere, or suffered a forfeiture for any criminal offense directly related to the nature of the occupation, profession or business for which the permit is sought; provided, however, that any such persons who have had their civil rights restored shall only be denied a permit if such crime was a felony or a first degree misdemeanor.

These requirements shall be continuously satisfied and if any of these requirements are not met (regardless of whether the city knew or had reason to know of same), then the permit shall be subject to revocation.

(Ord. No. 2132, § 1, 8-13-97)

Sec. 27-812. Denial.

The building and zoning director shall accept or deny the application within thirty (30) days of receiving all information required by section 27-811. Should the building and zoning director deny an application for an adult entertainment permit, the applicant shall be notified of such denial by certified mail not later than ten (10) days after taking such action. The notice of denial shall contain a statement of the reasons the application was denied.

(Ord. No. 2132, § 1, 8-13-97)

Sec. 27-813. Appeal from denial.

An applicant for an adult entertainment permit may appeal the denial of such permit to the board of adjustment. Should an applicant seek an appeal from the denial of the permit, the applicant shall furnish a written request for an appeal to the city clerk not later than ten (10) days after the date of the registered letter advising applicant of the denial of the permit. Upon receipt of a written request for an appeal, the city clerk shall fix the date, and time at which the city commission shall hear the appeal, such hearing to be held not less than ten (10) nor more than sixty (60) days subsequent to the date upon which the request for appeal was filed with the city clerk. On setting the matter for hearing, the city clerk shall notify the applicant of the date and time of such hearing. At the conclusion of the hearing, the board of adjustment shall either sustain the decision of the building and zoning director or direct the building and zoning director to issue a permit.

(Ord. No. 2132, § 1, 8-13-97)

Sec. 27-814. Regulatory fee.

Each permittee shall pay an annual regulatory fee in the amount of twenty-five dollars (\$25.00). Such regulatory fee shall [be] in addition to any required occupational permits.

(Ord. No. 2132, § 1, 8-13-97)

Sec. 27-815. Transfer.

An adult entertainment permit issued under the provisions of this division may not be assigned or transferred without the consent of the city after a determination that the new permittee meets the initial requirements for issuing a new permit. Any appeal and hearing thereon shall be conducted in accordance with the procedures set forth for the denial of a permit.

(Ord. No. 2132, § 1, 8-13-97)

Sec. 27-816. Information to be filed monthly with the city.

Each month during the term of a permit each permittee shall supply the building and zoning department with the following information, such information to be provided on the form and in the manner prescribed by the city:

- (1) A statement as to whether any arrests have occurred upon the permitted premises and, if so, the dates of such arrests, the persons arrested and the offense with which each of those persons was charged.
- (2) Any material change in any of the information required pursuant to the original application for the permit.

(Ord. No. 2132, § 1, 8-13-97)

Sec. 27-817. Revocation.

The violation of any of the terms and conditions of this article or the violation of any ordinance of the city or county, or the violation of any of the laws of the state or the United States of America as they pertain to the conduct of the permitted business shall be cause for revocation of the permit. If at any time during the period for which the permit is issued it is determined that any statement contained in the application, or otherwise provided by the applicant upon which the permit was issued, is untrue or in the event the person to whom such permit is issued or an employee of such person has violated the ordinances of the city or county, or the laws of the state or the United States of America in the practice of the business for which the permit was issued, the permit shall be subject to revocation. The building and zoning director will give ten (10) days' notice that the permit is being revoked because of the violation of the aforementioned. Upon such decision, the permittee shall have ten (10) days to cease all operations and shall be considered as having forfeited such permit and the rights acquired thereunder after ten (10) days. Should the building and zoning director decide to revoke a permit, the permittee shall be provided with notice of such revocation and the reasons therefor. Upon receipt of such notice, the permittee shall have ten (10) days to appeal such revocation to the board of adjustment, and the appeal and hearing thereon shall be conducted in accordance with the procedures set forth for the denial of a permit. The revocation of the permit shall be stayed pending such appeal unless the board of adjustment, after hearing, determines that the public health, safety, and welfare would be threatened by a stay of such revocation pending full hearing. If the permit holder cures the violation(s) after notice from the building and zoning director, the permit holder may use such cure(s) as part of the basis for its appeal. If the board of adjustment upholds the building and zoning director's decision to revoke the permit, then the permit will be deemed revoked and the adult entertainment establishment must close within forty-eight (48) hours of the notice of such decision.

(Ord. No. 2132, § 1, 8-13-97)

Sec. 27-818. Unlawful to operate without a permit.

It shall be unlawful for any person to conduct an adult entertainment establishment within the city without obtaining a permit for such business pursuant to this division.

(Ord. No. 2132, § 1, 8-13-97)