

ORDINANCE NO. 2025-

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 32, ZONING AND LAND DEVELOPMENT CODE TO REPEAL AND RESCIND REGULATIONS RELATED TO THE CENTRAL CITY BUSINESS (CCB) ZONING DISTRICT AND PLANNED REDEVELOPMENT OVERLAY (RDO) DISTRICT; AMENDING ARTICLE III – “ZONING”, DIVISION 2, “ZONING DISTRICTS AND OVERLAYS”, SUBDIVISION I, “CONVENTIONAL ZONING DISTRICTS”, BY REPEALING SECTION 32-159, “CCB CENTRAL CITY BUSINESS DISTRICT” IN ITS ENTIRETY; AMENDING SUBDIVISION III “MAPPED OVERLAYS”, BY REPEALING SECTION 32-181 “RDO REDEVELOPMENT OVERLAY” IN ITS ENTIRETY; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Hallandale Beach (“City”) Comprehensive Plan calls for the City to direct development and redevelopment to areas adjacent to major transportation corridors within the designated Regional Activity Center (RAC), such as US 1, Dixie Highway, Hallandale Beach Boulevard, Pembroke Road, and Foster Road; and

WHEREAS, the Regional Activity Center (RAC) land use designation was adopted by the City Commission of the City of Hallandale Beach (“City Commission”) on July 21, 2010; and

WHEREAS, the Central RAC district is a Form-Based Zoning District within the RAC designation; and

WHEREAS, on November 5, 2014, the City Commission of the City of Hallandale Beach (“City Commission”) adopted Ordinance No. 2014-30, thereby removing the RDO overlay from all properties within the RAC and rezoning such properties to Central RAC; and

WHEREAS, on March 17, 2021, the City Commission adopted Ordinance No. 2021-004, thereby rezoning areas outside the RAC that had an RDO Overlay from Central City Business District (CCB) and RDO Overlay to the Hallandale Beach Blvd (HBB) zoning district; and

WHEREAS, due to the adoption of the aforementioned ordinances, there are no remaining properties in the City zoned within the RDO Overlay or CCB zoning district; and

WHEREAS, City staff has recommended that the remaining provisions in the Code related to RDO Overlay regulations, (Section 32-181) and the CCB zoning district regulations, (Section 32-159) should be repealed and stricken from the Land Development Code as the regulations do not presently apply to any property in the City; and

WHEREAS, the Mayor and City Commission have determined that it is in the best interest of the residents to amend the Zoning and Land Development Code by repealing the above-referenced sections.

**NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION
OF HALLANDALE BEACH, FLORIDA:**

SECTION 1. Incorporation of Recitals. The foregoing “Whereas” clauses are confirmed as true and incorporated herein.

SECTION 2. **Amendment.** The following sections within Chapter 32, Article III of the City of Hallandale Beach Code of Ordinances, Sections 32-159 and 32-181 are hereby repealed respectively in their entirety as follows:

Chapter 32 – ZONING AND LAND DEVELOPMENT CODE

ARTICLE III. – ZONING

DIVISION 2 – ZONING DISTRICTS AND OVERLAYS

Subdivision I – Conventional Zoning Districts

~~**Sec. 32-159. CCB central city business district.**~~

~~(a) Purpose and intent.~~

~~(1) — The central city business district (CCB) is of special and substantial public interest because of its unique distinction as "The Wall Street of the South" and its high concentration of financial institutions located along the East Hallandale Beach Boulevard Corridor.~~

~~(2) It is the intent of this section to:~~

~~a. Encourage commercial and office uses which enhance and support financial and upscale office professional based industries;~~

~~b. Promote the development of mixed use projects with an emphasis placed on upscale office and commercial projects combined with upper floor residential;~~

~~c. Promote the creation of a pedestrian friendly environment; and~~

d. ~~Encourage more compact vertical development instead of sprawling horizontal development within the district.~~

74 Since the fostering of public/private partnerships is essential, it is intended that the city
75 commission will exercise the ability to maximize redevelopment potential and provide for high-
76 quality development by setting standards that are site-specific when appropriate. Through
77 this site-specific approach to site redevelopment, the city can work with developers to
78 consider specific constraints and opportunities relative to their parcels. Ultimately
79 opportunities can be created for the further enhancement and fulfillment of the district goals
80 and objectives.

81 (b) ~~District boundaries.~~ There is designated as the central city business district those
82 lands generally and approximately bounded by all properties which front on East Hallandale
83 Beach Boulevard (including properties fronting on NE First Street between Federal Highway
84 and NE Eighth Avenue) to the north, all properties which front on East Hallandale Beach
85 Boulevard (excluding the residential property at 1333 East Hallandale Beach Boulevard) to
86 the south, to the Intracoastal Waterway to the east and to Federal Highway to the west, all as
87 more particularly described in exhibit "1" attached to Ordinance No. 1999-2.

88 (c) ~~Uses permitted.~~ Uses permitted are as follows:

89 (1) ~~Office uses, limited to:~~

90 a. ~~Brokerage office; stocks, commodities, real estate and like services.~~

91 b. ~~Employment services.~~

92 c. ~~Banks and financial institutions.~~

93 d. ~~Insurance agencies.~~

94 e. ~~Investment counselors.~~

95 f. ~~Doctors, dentists, optometrists and other similar licensed medical practitioners.~~

96 g. ~~Professional services, including accountants, architects, engineers, lawyers and other
97 similar professions.~~

98 h. ~~Secretarial and stenographic services.~~

99 i. ~~Studio schools; art, sculpture, dance, drama and like instruction.~~

100 j. ~~Bonding companies.~~

101 (2) ~~Retail and service establishments, as follows:~~

102 a. ~~Abstract and title services.~~

103 b. ~~Alcoholic beverage establishments.~~

104 c. ~~Antique shops.~~

105 d. ~~Appliance stores (limited to small appliances).~~

106 e. ~~Art galleries (private).~~

107 f. ~~Art and graphic supplies.~~

108 g. ~~Auction galleries.~~

109 h. ~~Bakeries.~~

110 i. ~~Barber, beauty and skin care services.~~

111 j. ~~Bath shops.~~

112 k. ~~Bicycle shops.~~

113 l. ~~Book and stationery stores.~~

114 m. ~~Camera shops.~~

115 n. ~~Candy and ice cream stores.~~

116 o. ~~Catalog sales.~~

117 p. ~~China and flatware stores.~~

118 q. ~~Copy and duplication services.~~
 119 r. ~~Delicatessens.~~
 120 s. ~~Drapery stores.~~
 121 t. ~~Dry goods stores.~~
 122 u. ~~Florists.~~
 123 v. ~~Food stores.~~
 124 w. ~~Fruit stores.~~
 125 x. ~~Furniture stores.~~
 126 y. ~~Gift shops.~~
 127 z. ~~Health and exercise studios.~~
 128 aa. ~~Hobby and handicraft shops.~~
 129 bb. ~~Hotels and motels.~~
 130 cc. ~~Interior decorators.~~
 131 dd. ~~Jewelry stores.~~
 132 ee. ~~Laundry and dry clean pickup station.~~
 133 ff. ~~Leather goods shops.~~
 134 gg. ~~Liquor package stores.~~
 135 hh. ~~Locksmith.~~
 136 ii. ~~Luggage shops.~~
 137 jj. ~~Medical marijuana treatment center dispensing facilities.~~
 138 kk. ~~Messenger and delivery services.~~
 139 ll. ~~Reserved.~~
 140 mm. ~~Movie theaters (indoor).~~
 141 nn. ~~Music and record shops.~~
 142 oo. ~~Newsstands.~~
 143 pp. ~~Office supply stores.~~
 144 qq. ~~Paint stores.~~
 145 rr. ~~Pharmacies.~~
 146 ss. ~~Pet shops.~~
 147 tt. ~~Photographic studios.~~
 148 uu. ~~Shoe repair shops.~~
 149 vv. ~~Souvenir and novelty shops.~~
 150 ww. ~~Specialty shops; clothing, shoes and similar apparel.~~
 151 xx. ~~Sporting goods stores.~~
 152 yy. ~~Tailors and seamstresses.~~
 153 zz. ~~Telegraph offices.~~
 154 aaa. ~~Tobacco shops.~~
 155 bbb. ~~Travel agencies.~~
 156 ccc. ~~Massage therapy services establishment holding a valid certificate for massage~~
 157 ~~therapy services in accordance with section 7-451.~~
 158 (3) ~~Restaurants (any size) provided freestanding restaurants located east of Federal~~
 159 ~~Highway must have a minimum of 2,000 square feet of gross floor area and, if located on the~~

same parcel as a shopping center, shall be compatible with the architectural features of the shopping center.

(4) ~~Home occupations.~~

(5) ~~Drive-through windows serving financial, office or other permitted uses may be approved by staff provided each drive-through lane shall be screened from public view by a minimum of four feet in height opaque hedge or wall and dense landscaping to effectively screen the lane, and further, be designed in a manner which does not negatively impact pedestrian circulation.~~

(6) ~~Other uses which are similar in nature to the uses permitted in this subsection and by permitted reasonable implication.~~

(d) ~~Uses permitted conditionally. Uses permitted conditionally are as follows:~~

(1) ~~Nightclubs, dancehalls and discotheques.~~

(2) ~~Clubs organized for either religious, social, educational, charitable or cultural purposes.~~

(3) ~~Parking garages and lots. In a parking garage, the portion of the first floor that is directly adjacent to the street should be utilized for commercial space. Parking lots shall contain no sales, sales display or service activity of any kind.~~

(4) ~~Medium and high-density residential uses in conjunction with a mixed use project subject to the provisions for residential and mixed uses set forth in the neighborhood commercial category of the city's comprehensive plan.~~

(5) ~~Retail on-premises dry cleaning operations, provided that such operations do not exceed 2,000 square feet of gross floor area, that only self-contained dry cleaning units using nonflammable solvents are used and that such operations shall not service drops made outside the city limits or any commercial accounts. Such other conditions as may be necessary to ensure that the proposed use shall be operated in a manner not creating adverse effects on abutting and neighboring properties may also be imposed.~~

(e) ~~Prohibited uses. This section lists permitted uses as provided in subsection (c) of this section, and all uses not listed as permitted are prohibited.~~

(1) ~~Establishments dealing with sale or repair of major appliances.~~

(2) ~~Establishments dealing with secondhand merchandise other than verifiable antique dealers.~~

(3) ~~Restaurants (fast food) with drive-through facilities and drive-in restaurants.~~

(f) ~~Site development standards.~~

(1) ~~No minimum lot area is required; however, the assemblage of land parcels is encouraged for redevelopment.~~

(2) ~~Minimum lot width shall be 75 feet.~~

(3) ~~Minimum yard setbacks are as follows:~~

~~Yard setbacks~~

a. ~~Front:~~

1. ~~Minimum 5 feet~~

2. ~~Maximum, for first floors unless otherwise determined by the commission 15 feet~~

b. ~~Rear, minimum 15 feet~~

~~Adjoining a residential zoned property or use 25 feet~~

c. ~~Side:~~

1. ~~Interior 0 feet~~

2. ~~Corner, adjoining commercial~~ 15 feet

(4) ~~Height:~~

a. ~~Minimum~~ 2 ~~stories~~

~~..... or 30 feet~~

b. ~~Maximum~~ 200 feet

~~Uses may exceed the prescribed maximum height by up to 50 percent above the average intensity for property within a quarter-mile radius of the site in question.~~

(5) ~~Minimum landscape area percentage~~ 15

(6) ~~Minimum floor area for residential uses in conjunction with a mixed use project:~~

a. ~~One~~ ~~bedroom~~ 1,000

~~..... square feet~~

b. ~~Two~~ ~~bedrooms~~ 1,100

~~..... square feet~~

c. ~~Three~~ ~~or~~ ~~more~~ ~~bedrooms~~ 1,200

~~..... square feet~~

(g) ~~Development review and approval.~~

(1) ~~Development proposals within the business district may be reviewed under three alternate procedures: the standard method as required pursuant to article V of this chapter; as a PDO planned development overlay; and under the quality development incentive program. Each alternative is further described below.~~

a. ~~The standard method permits the applicant to undertake development under the major/minor development review process pursuant to article V of this chapter. This method is only applicable to those projects that meet all standards listed in this district.~~

b. ~~The PDO planned development overlay method permits the applicant to negotiate development details through a development agreement pursuant to section 32-186(d). The applicant must rezone the applicable property to the PDO planned development overlay designation.~~

c. ~~The quality development incentive program adopted by the design guidelines manual shall permit the applicant to negotiate for greater densities or modified minimum standards in exchange for certain amenities or maintenance and/or improvements to public facilities. Such negotiation shall be filed with the city manager, who shall transmit the request to the city commission accompanied by a staff recommendation. Such requests shall be advertised, posted and noticed in conformity with the requirements of section 32-967 as to variances. Modifications to density or development standards are limited by the city's comprehensive plan. This procedure is more expeditious and less expensive since the property is not required to be rezoned PDO. The application fee for quality development incentive program shall be the same as the city's fee schedule for variances for business districts.~~

(2) ~~Properties currently under PDO development agreements will not be subject to the business district requirements unless their agreements are renegotiated based upon major changes.~~

(h) ~~Supplemental standards.~~

(1) ~~Nightclubs, dance halls and discotheques, including those with entertainment, shall be located at least 100 horizontal feet from any residential use or district.~~

(2) ~~Existing nonconforming development within the financial district may only expand or redevelop in conformance with section 32-921 or through the quality development incentive program.~~

~~(3) — If a property cannot adequately support a two-story building, the commission may waive this requirement or other applicable requirements in CCB upon making a finding that:~~

~~a. — The proposal by the applicant meets the purpose and intent of the CCB and makes provision to comply with district regulations on an equivalent or greater basis.~~

~~b. — In the particular circumstance, strict application of a CCB regulation or regulations is not necessary for the accomplishment of stated district purposes.~~

~~(4) — Awnings, marquees, arcades or other architectural features which provide pedestrian protection from sun and inclement weather are encouraged. These elements should be designed so as to not interfere with pedestrian movement through the area.~~

~~(5) — Upon submission of a development application within the CCB, the applicant shall focus on open space opportunities in areas with existing or projected peak pedestrian activity. The applicant shall coordinate open space plans with adjoining property owners. Such open spaces should include natural or artificially shaded areas.~~

~~(6) — Site design for new structures and redevelopment projects shall review possible streetscape improvements and consider the following elements:~~

~~a. — Open space/mini-parks;~~

~~b. — Pedestrian scale site amenities;~~

~~c. — Seating (benches/low walls/wide planter edges);~~

~~d. — Signage;~~

~~e. — Trash receptacles, bollards and bus shelters;~~

~~f. — Brick and decorative concrete paving patterns;~~

~~g. — Fountains and public art;~~

~~h. — Enhanced pedestrian crosswalks; and~~

~~i. — Wider sidewalks.~~

~~(7) — When practicable and appropriate, developments which have parking in front of the building line and which exceed the property's off-street parking requirement will be encouraged to reduce the extent of the setback nonconformity when expansion or changes of use are proposed. The altered parking/setback area can be converted to landscape area, public/private open space or reserved for building expansion if applicable.~~

~~(8) — Prior to submitting a development application with the city, the developer should consult with the growth management department for input concerning design guidelines and possible amenities and public facilities during negotiation under the quality development incentive program.~~

~~(i) — *General regulations.* Applicable general regulations are as follows:~~

~~(1) — Supplemental regulations, section 32-331 et seq.~~

~~(2) — Development review procedure, section 32-781 et seq.~~

~~(3) — Off-street parking and loading regulations, section 32-451 et seq.~~

~~a. — Parking requirements for standard development within this district will follow section 32-451 et seq. To accommodate limited speculation within multiuse buildings, parking requirements will be based on the expected use. Additional parking or parking mitigation will only be required if actual parking requirements continually exceed proposed parking.~~

~~b. — To better accommodate the actual needs of development, the city commission may permit the deferral of parking for larger or multiuse projects under a parking deferral program. For a parking deferral to be considered, a developer must demonstrate one or more of the following:~~

1. ~~Through transmittal of a parking study, evidence that the parking requirement for the particular project is less than the requirement per this Code. The parking study shall be prepared by a licensed traffic engineer.~~
2. ~~Public transportation satisfies transportation demand for a portion of the users of the facility that correspond to the amount of parking sought to be deferred.~~
3. ~~The developer has established or will establish an alternative means of access to the use that will justify deferring the number of parking spaces sought to be deferred. Alternative programs that may be considered include, but are not limited to:~~
- ~~i. Private shuttles and public car pools and van pools;~~
 - ~~ii. Provision of parking elsewhere in the district;~~
 - ~~iii. Flexible work hour scheduling;~~
 - ~~iv. Capital improvement for transit services;~~
 - ~~v. Ride sharing; and~~
 - ~~vi. Any other alternative program proposed by the developer that meets the consideration of the city.~~
- ~~(4) Landscaping regulations, section 32-381 et seq.~~
- ~~(5) Sign regulations, section 32-601 et seq.~~
- ~~(6) PDO planned development overlay regulations, section 32-186.~~
- ~~(7) Design guidelines manual.~~

Chapter 32 – ZONING AND LAND DEVELOPMENT CODE

ARTICLE III. – ZONING

DIVISION 2 – ZONING DISTRICTS AND OVERLAYS

Subdivision III – Mapped Overlays

Sec. 32-181. RDO redevelopment overlay.

~~(a) *District boundaries.* For the purpose of defining the boundaries, the RDO redevelopment overlay area is divided into three sectors: the Hallandale Beach Boulevard, the North Federal Highway, and the South Federal Highway sectors. The Hallandale Beach Boulevard sector is bounded by I-95 to the west, SW 1 Street, SE 1 Street, Church Drive, and Diana Drive to the south; NW 1 Street and NE 1 Street to the north; and the Intracoastal Waterway to the east. The boundaries of the North Federal Highway sector are: Pembroke Road to the north, NE 3 Avenue to the west, NE 8 Avenue to the east and Hallandale Beach Boulevard to the south. The South Federal Highway sector is all properties which front on South Federal Highway, excluding properties zoned Community Facilities District. All more particularly described in Exhibit A, attached hereto and on file in the office of the city clerk.~~

~~Note(s) — Exhibit A is not set out herein.~~

~~All uses within the RDO redevelopment overlay shall comply with both the otherwise applicable regulations, these supplemental regulations and the city's design guidelines.~~

Where the regulations for this overlay district conflict with other overlay district regulations or otherwise application regulations, these provisions shall control.

~~(b) — Permitted uses. All uses specifically permitted by this article and the underlying zoning district shall be permitted within the overlay district except as prohibited herein. Other uses, similar in nature to the uses permitted in the underlying zoning district but not specifically permitted therein, may be permitted within the overlay district if not prohibited by this article.~~

~~Retail and service establishments limited to:~~

~~(1) — Restaurants provided that freestanding restaurants must have a minimum of 2,000 square feet of G.F.A.~~

~~(c) — Prohibited uses.~~

~~(1) — The following uses are prohibited within the Hallandale Beach Boulevard Corridor:~~

~~a. — Automobile parts and accessory sales.~~

~~b. — Automobile sales and display.~~

~~c. — Automobile repair and service.~~

~~d. — Boat sales and display.~~

~~e. — Service stations including convenience stores with accessory gas sales.~~

~~f. — Bus terminals.~~

~~g. — Car washes.~~

~~h. — Automobile rental agencies.~~

~~i. — Taxi and limousine services.~~

~~j. — Funeral supply and display stores.~~

~~(2) — The following uses are prohibited within the Federal Highway Corridor:~~

~~a. — Automobile parts and accessory sales.~~

~~b. — Automobile repairs and service.~~

~~c. — Boat sales and display.~~

~~d. — Service stations including convenience stores with accessory gas sales.~~

~~e. — Bus terminals.~~

~~f. — Car washes.~~

~~g. — Automobile rental agencies.~~

~~h. — Taxi and limousine services.~~

~~i. — Funeral supply and display stores.~~

~~(d) — Uses permitted conditionally.~~

~~(1) — All uses specifically permitted by the underlying zoning districts as a conditional use are permitted in accordance with established procedures for a conditional use permit, unless the use is prohibited within these provisions.~~

~~(2) — Multi-family residential uses on commercial land use designated and zoned land on sites of not less than one acre including mixed residential uses on sites of not less than one acre, including mixed residential and commercial in the same structure subject to the density limitations established by the city's comprehensive plan future land use element and availability and assignment by the city commission of flexibility units pursuant to section 32-796 and the county flexibility rules contained in the administrative rules document of the county land use plan.~~

~~(e) — Nonconforming uses.~~

~~(1) — Any previously lawful use status made nonconforming by the provisions of this section shall be rendered null and void if the nonconforming use is abandoned or discontinued for a period of 90 consecutive days.~~

~~In determining whether a nonconforming use has been abandoned or discontinued, the standards contained in article VII, section 32-925 of the zoning and land development code shall be applied.~~

~~(2) — All property existing on January 2, 1979, which is not in compliance with the provisions of article IV, division 8, "Landscaping," and article IV, division 11, "Parking," shall be required to conform to the provisions of said articles. However, where nonconforming existing development does not meet the minimum perimeter and interior landscaping requirements of section 32-384(e)(f) said sections shall take priority over the provisions of section 32-452 relative to parking.~~

~~(3) — Nonconforming lots, structures or uses located within this district, except as provided above, shall be subject to the provisions of article VII, §§ 32-924 through 32-928 of the zoning and land development code.~~

~~(f) — *Supplemental standards.* Within the RDO redevelopment overlay, the site development standards, landscaping, signage and parking requirements shall be those specified by the underlying zoning district, except as otherwise set forth herein.~~

~~(g) — *Site development standards.* Commercial designated properties:~~

~~(1) — Minimum lot area: 7,500 square feet.~~

~~(2) — Minimum lot width: 75 feet.~~

~~(3) — Minimum pervious lot area: 15 percent.~~

~~(4) — Maximum building height: 350 feet.~~

~~(5) — Yard setbacks:~~

~~a. — *Front:* A street definition line shall be provided along the street frontage of Hallandale Beach Boulevard and Federal Highway Corridors at a maximum of 15 feet front yard setback from the street. The street definition line shall consist of a principal building structure, trees or pergola as further specified by subsection (j) of this section.~~

~~b. — *Side yard:*~~

~~Interior adjoining commercial zoned property: 0 feet~~

~~Corner adjoining commercial zoned property: 15 feet*~~

~~Adjoining a residentially zoned property: 25 feet~~

~~c. — *Rear yard:* The minimum setback is ten feet. Property adjoining or separated by a right-of-way from residentially zoned property shall be set back a minimum of 25 feet.~~

~~* Subject to a 25-foot visibility triangle per section 32-332 provided at intersections.~~

~~(h) — *Site development standards.* Residential designated properties:~~

~~(1) — As specified by the underlying zoning district.~~

~~(2) — Townhouse development shall comply with the standards specified in section 32-731.~~

~~(3) — Maximum building height: 100 feet.~~

~~(i) — *Awnings:*~~

~~(1) — Projecting canvas, fabric or metal awnings may be placed over doors or windows but shall not project closer than two feet to any property line.~~

~~(2) — On East Hallandale Beach Boulevard between N.E./S.E. 1 Avenue and Federal Highway, awnings may be placed over doors and windows and may project up to four feet over a public right-of-way provided such structure is located not less than seven and one-half feet above grade. All awnings encroaching into a public right-of-way are subject to the city manager's approval as to location and structure.~~

~~(3) — Awnings projecting over a public right-of-way are erected at the risk of the property owner. If the city or other governmental entity determines that the awning must be removed or modified, it shall be the duty of the property owner to remove or modify same, and bear all costs associated therewith.~~

~~(4) — Awning signage shall be maintained in good condition, free from fading, peeling, or any other condition which renders the signage unreadable, either partially or totally. Additionally, all awnings installed in storefronts shall be maintained in good condition, free from tears, holes, fading or peeling, inclusive of all supporting structures. Repairs of awnings or awning signage shall be with the same or comparable materials.~~

~~(5) — Any awning which will abut into the public right-of-way may be constructed only after a permit from the city has been obtained for such encroachment into the public right-of-way.~~

~~(j) — Sidewalks, fences, walls, and street trees:~~

~~(1) — Walls: No barbed wire extensions shall be permitted on any wall or fences within the overlay district. Chain link and privacy wood fences are prohibited along the corridors.~~

~~(2) — Street trees: The planting of street trees shall be required within the RDO overlay district. The following criteria shall apply to the planting of street trees within the overlay district in the required landscaped perimeter buffer strips:~~

~~a. — Street trees may not be counted for credit towards the minimum number of trees required by article IV, division 8, "landscaping requirements," of the zoning and land development code.~~

~~b. — Street trees shall be a minimum of 20 feet in height with a minimum diameter of three inches at a point four feet above ground level at the time of planting, and shall have trunks which can be maintained in a clean condition for over six feet of clear wood measured from ground level.~~

~~c. — Street trees shall be spaced, center to center, at a maximum of one tree per 25 linear feet of street frontage, exclusive of accessways.~~

~~d. — Street trees shall be of noninvasive root species. Street trees shall be a canopy species, planted in the right-of-way directly in front of the property line(s). The street trees shall be a species enumerated in the city's Design Guidelines Manual or South Florida Water Management Publication, Waterwise. Palm varieties may be used at corners, crosswalks or to accent building entrances and may be permitted in lieu of shade trees when physical conditions may prevent the proper growth of shade trees, as determined by the director of development services. Consistency in street species shall be established on both sides of the street along a block face. The first to develop shall establish the species for the entire block.~~

~~e. — The minimum height required herein for street trees may be modified by the director of development services, without penalty, in instances where the installation of trees would interfere with overhead utilities; so long as the minimum number and spacing of the trees is maintained.~~

~~(3) — Sidewalk: A minimum of a five-foot sidewalk shall be provided along any street right-of-way or on private property by easement dedication if the right-of-way is of insufficient width.~~

~~(4) — New commercial buildings: Facades shall occupy at least 60 percent but not more than 80 percent of the street frontage on any individual block. In addition, no more than 40 percent of the facade of any individual building nor any more than 1,000 square feet shall be a blank wall with no window or decoration treatment.~~

~~(5) — Existing commercial buildings: Site redevelopment or expansions where existing development is such that a built to line at a maximum of 15 feet from the front property line is not provided, same shall be required to include street treatment such as trees or landscaped pergolas to create a sense of boundary. Trees installed to meet this requirement shall be in accordance with the designated tree for the subject street.~~

~~(6) — Density bonus residentially designated properties: In the RDO redevelopment overlay, the base density permitted by the underlying residential zoning district may be~~

increased up to the prescribed maximum density permitted by the city's comprehensive plan in certain cases where the additional density is determined to promote redevelopment efforts while ensuring compatibility of land uses and structures within the proposed development and adjacent areas. In making such determination it shall be found additional densities as prescribed on the city's comprehensive plan may be permitted by taking the following into consideration:

a. — The proposed development is on a parcel of land at least one acre in size.

b. — For projects involving assembly of land, up to an additional 50 percent of the density permitted by the underlying residential district shall be permitted on project sites of one and one-half acres.

c. — An additional 75 percent of the density permitted by the underlying residential district shall be permitted on a project site of three acres or more.

d. — Additional density is subject to and conditioned upon availability and apportionment of flexibility or reserve units under the Broward County flexibility rules in Article 2 of the Broward County Land Use Plan. It is further provided that density of any such development shall be subject to approval by the city commission, and the city shall not be required to allow flexibility units to permit the maximum prescribed by the comprehensive plan.

(7) — *Commercial designated properties:* In the RDO redevelopment overlay, the density permitted for residential or commercial/residential mixed land use properties on commercial land use designated and zoned property shall be permitted subject to assignment of residential flexibility or reserve units and subject to the following criteria:

a. — Projects on a parcel of land at least one acre in size are allowed up to a maximum density of 25 dwelling units per acre.

b. — Projects on a parcel of land at least one and one-half acres in size are allowed a maximum density of 35 units per acre.

c. — Projects on a parcel of land at least two acres in size are allowed a maximum density of 50 units per acre as permitted by the city's comprehensive plan future land use element.

d. — Permitted density is subject to and conditioned upon availability and apportionment of flexibility or reserve units under the Broward County flexibility rules in Article 2 of the Broward County Land Use Plan. It is further provided that density of any such development shall be subject to approval by the city commission and the city shall not be required to allow flexibility units to permit the maximum prescribed by the comprehensive plan.

(8) — *Redevelopment area modifications:* The provisions of article V, section 14, of the zoning and land development code shall apply within the RDO redevelopment overlay, except as may be modified by the following:

a. — The city commission may modify any zoning and land development code or RDO redevelopment overlay regulation or requirement throughout the redevelopment area modification process if it is determined to significantly inhibit redevelopment improvement efforts.

b. — The transmittal of a redevelopment area modification waiver:

1. — Request for properties within the RDO redevelopment overlay shall not be subject to the 30-day deadline, but shall coincide with transmittal of the corresponding major development review application, if applicable.

(k) — *Redevelopment area modifications:* The provisions of article III, section 32-177, of the zoning and land development code shall apply within the RDO redevelopment overlay, except as may be modified by the following:

(1) — The city commission may modify underlying zoning and land development code or any RDO redevelopment overlay supplemental standard and site development standards

through the redevelopment area modification process all the criteria of article III, section 32-177 of this chapter is met.
(2) The modification request for properties within the RDO redevelopment overlay shall coincide with transmittal of the corresponding major development review application, if applicable.

SECTION 3. Conflict. All ordinances, parts of ordinances, resolutions, or parts of resolutions in conflict herewith are hereby repealed, to the extent of the conflict.

SECTION 4. Severability. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof, other than the part that is declared to be invalid.

SECTION 5. Codification. It is the intention of the Mayor and City Commission that the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such intention the words "ordinance" or "section" may be changed to other appropriate words.

SECTION 6. Effective Date. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED on 1st reading on _____, 20__.

PASSED AND ADOPTED on 2nd reading on _____, 20__.

JOY F. COOPER
MAYOR

SPONSORED BY: CITY ADMINISTRATION
ATTEST:

JENORGEN GUILLEN
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY
FORM

JENNIFER MERINO
CITY ATTORNEY