

1 **Section 1:** The foregoing “WHEREAS” clauses are hereby ratified as being true and
2 correct and are hereby made a specific part of this Ordinance upon adoption hereof.

3 **Section 2:** Article 35 of the City’s Unified Land Development Regulations (ULDRs)
4 of the City of Wilton Manors, is amended as follows:

5 **ARTICLE 35. TRADITIONAL NEIGHBORHOOD OVERLAY DISTRICT RESERVED**

6 **Sec. 035-010. Purpose and intent.**

7 It is the purpose of this Article to provide incentives for infill and redevelopment of areas of the City along the
8 lines of traditional neighborhood design. The traditional neighborhood overlay district is available to the owners of
9 property within eligible areas of the City. Eligibility areas are to be established through the legislative powers of the
10 City Commission.

11 (A) — Increased density through the bonus provision is intended to encourage site design compliant with the
12 adopted traditional neighborhood design standards.

13 (B) — *Social objectives.* Traditional neighborhood design achieves certain social objectives:

14 (1) — By reducing the number and length of automobile trips, traffic congestion is minimized, residents
15 gain personal time and the environment is benefited.

16 (2) — By locating most of the needs of daily living within walking distance, the elderly and young gain
17 independence of movement.

18 (3) — By orienting housing towards the street and providing safe, equitable pedestrian and bicycle access
19 to the street, residents come to know each other and watch over their collective security.

20 (4) — By providing a full range of housing types and work places, age and economic class are integrated
21 and the bonds of community formed.

22 (5) — By providing suitable civic buildings, public open space, and recreational opportunities, community
23 participation and democratic initiatives are fostered.

24 **Sec. 035-020. Definitions.**

25 For the purpose of this Article, certain terms and words are hereby defined. Words and terms not defined
26 herein shall be interpreted in accordance with Section 010-020, Rules of general construction.

27 *Attic:* The habitable area within the pitch of a roof.

28 *Block:* The aggregate of lots and alley tracts circumscribed by continuous well defined and fixed boundaries
29 such as streets, and having an assigned number, letter or other designation by which it is identified.

30 *Dwelling single family attached:* Two (2) dwelling units attached or partially attached with a common wall or
31 other structural device, designed with a common front porch to give the appearance of a single residence, and
32 developed upon lots or consolidated lots having a minimum width of two hundred (200) feet and a minimum net
33 area of twenty five thousand (25,000) square feet.

{00619911.2 2976-9201291 }

1 *Dwelling single-family detached:* A building designed for a single-family dwelling surrounded by yards or other
2 open spaces on the same lot (a single-family dwelling as defined in Section 010-030, Terms defined).

3 *Walking distance:* A distance no greater than three thousand (3,000) feet airline measurement.

4 **Sec. 035-030. Permitted uses.**

5 The traditional neighborhood development provisions shall be used within an overlay eligibility area.
6 Permitted uses are established with specific relationship to the underlying zoning district. Permitted uses shall
7 include the use permitted within the schedule of district regulations for the underlying zoning district, as well as the
8 following uses which are specified as additional uses permitted within the underlying zoning district for properties
9 within an overlay eligibility area.

10 (A) Permitted uses within the underlying residential zoning districts RS-5 single-family residential, or RD-10
11 two-family (duplex) residential, or RM-10 multi-family residential, or RM-12 multi-family residential or
12 RM-16 multi-family residential, or ROSC residential office service control shall include the following
13 additional permitted uses for sites designated traditional neighborhood overlay zone:

14 (1) Single-family attached dwelling.

15 (B) Permitted uses within the underlying commercial zoning districts of B-1 limited business district, B-2
16 central business district or B-3 general business district shall include the following additional permitted
17 uses for sites designated traditional neighborhood overlay zone:

18 (1) Mixed use commercial/residential. In accordance with the Broward County 1989 Land Use Plan as
19 may be amended from time to time, residential uses are permitted without the need to amend the
20 City land use plan map, provided that flexibility or reserve units are applied to the parcel
21 designated traditional neighborhood overlay in the following manner:

22 a. The residential floor area of mixed commercial/residential structures does not exceed fifty
23 (50) per cent of the total floor area of the building; and/or

24 b. The first floor of mixed commercial/residential structures is totally confined to commercial
25 uses; and/or

26 c. For parcels five (5) acres in size or less, free-standing multi-family residential uses are
27 permitted; within areas designated on the county plan as urban infill, urban redevelopment,
28 or downtown revitalization areas or Chapter 163 redevelopment areas, free-standing multi-
29 family residential uses are permitted on parcels ten (10) acres in size or less in accordance
30 with the City's certified Future Land Use Element; and/or

31 d. For mixed commercial/residential developments greater than five (5) acres (or ten (10) acres
32 within areas designated on the county plan as urban infill, urban redevelopment or
33 downtown revitalization areas or Chapter 163 redevelopment areas), free-standing multi-
34 family residential uses are permitted provided that the gross residential acreage does not
35 exceed five (5) acres ten (10) acres within areas designated on the county plan as urban infill,
36 urban redevelopment, or downtown revitalization or Chapter 163 redevelopment areas) or
37 forty (40) per cent of the total gross acreage of the commercially designated parcel,
38 whichever is greater, and that the entire mixed commercial/residential development be
39 governed by specific zoning regulations, contained herein, that establish criteria to ensure
40 proper integration and compatibility of land uses within and surrounding the development
41 in accordance with the City's Certified Future Land Use Element; and/or

1 e. ~~Residential units within the same structure as commercial uses for the owner, manager or~~
2 ~~caretaker of the commercial uses may be located in areas designated commercial without~~
3 ~~the application of flexibility or reserve units.~~

4 **~~Sec. 035-040. Traditional neighborhood eligibility areas.~~**

5 ~~(A) The traditional neighborhood overlay zone is available within areas of the City declared eligible through the~~
6 ~~legislative powers of the City Commission, following recommendation by the PZB, and the DRC.~~

7 ~~(B) When determining an area eligible for traditional neighborhood overlay designation the City Commission shall~~
8 ~~make findings that:~~

9 ~~(1) The eligibility area's boundaries are well defined.~~

10 ~~(2) Determine that a variety of streets either serve or can be altered to serve equitably the needs of~~
11 ~~pedestrians, bicycles and automobile traffic.~~

12 ~~(3) Determine that the area is within walking distance of parks, schools, churches, shopping and civic~~
13 ~~buildings.~~

14 ~~(4) Determine that the area is within walking distance of the Wilton Drive Arts and Entertainment District,~~
15 ~~which is the social, civic and cultural center of the City.~~

16 ~~(C) The owners of property located within a traditional neighborhood eligibility area shall have the option of~~
17 ~~developing their property in accordance with the existing underlying zoning district regulations, or applying~~
18 ~~for traditional neighborhood overlay designation.~~

19 ~~(D) The designation of specific sites within an eligibility area as a traditional neighborhood overlay zone and the~~
20 ~~allocation of bonus density shall be a quasi-judicial procedure initiated at the request of the City or of the~~
21 ~~property owner and approved by the City Commission following recommendation by the PZB and the DRC.~~

22 Note: The eligibility area map is available in the Department.

23 **~~Sec. 035-050. Application procedure for site-specific traditional neighborhood overlay~~**
24 **~~designation.~~**

25 The traditional neighborhood overlay zone is available to the owners of all property within an eligibility area.
26 Property owners may develop their property in accordance with the existing zoning district regulations or make
27 application for traditional neighborhood designation and bonus density. Application procedure is as follows:

28 ~~(A) Pre-application conference for design appropriateness:~~

29 ~~(1) A property owner seeking designation of traditional neighborhood overlay zoning for a proposed~~
30 ~~development shall first file an application with the Department for design appropriateness. The~~
31 ~~prospective applicant shall confer with the Director concerning the project design. The Director~~
32 ~~shall advise the applicant as to the nature and detail of the plans, designs, photographs, reports~~
33 ~~and other exhibits required to be submitted with the application. Such advice shall not preclude~~
34 ~~the PZB or the City Council from later requiring additional material prior to making their~~
35 ~~determinations in the case. Following the conference with the Director, a pre-application~~
36 ~~conference shall be held with the PZB for conceptual review of the project design and massing to~~
37 ~~assure that new development enhances the surrounding area and promotes the social objectives~~
38 ~~of traditional neighborhood design. A conceptual site plan, landscape plan, and elevations shall be~~
39 ~~submitted for the pre-application conference with the PZE.~~

{00619911.2 2976-9201291 }

1 ~~(2) Notice of the pre-application conference with the PZB shall be provided to the owners of all~~
2 ~~property within five hundred (500) feet of the proposed project and to any and all homeowners or~~
3 ~~civic associations within the eligibility area, at least fifteen (15) days prior to the conference.~~

4 ~~(3) The pre-application conference shall be conducted in a workshop format, which allows active~~
5 ~~participation by the public, board members, staff and the applicant. The community should view~~
6 ~~itself as a partner with the private and public sector on every project proposed for traditional~~
7 ~~neighborhood designation. At the workshop for design review, staff, board members and~~
8 ~~community members may:~~

9 ~~(a) Raise design issues with development using the design standards as there may be instances~~
10 ~~whereby a developer is willing to change or modify design; and~~

11 ~~(b) Prioritize design elements with developers using community design guidelines.~~

12 ~~(B) Site specific traditional neighborhood overlay designation, design review and preliminary site plan~~
13 ~~approval:~~

14 ~~(1) Following the pre-application conference, the application for traditional neighborhood overlay~~
15 ~~designation and site plan approval shall be initiated by the applicant. The completed application~~
16 ~~and required exhibits shall be submitted to the Department and processed in accordance with the~~
17 ~~requirements set forth in Articles 85, Site Plans, and this Article.~~

18 ~~(2) The Director shall submit the application and required exhibits to the DRC for review in accordance~~
19 ~~with the standards and review procedures provided in Article 85, Site Plans, and the design review~~
20 ~~provided in this Section. The DRC staff report and recommendations shall be provided to the PZB~~
21 ~~and City Commission. The PZB shall conduct a public hearing concerning the proposed traditional~~
22 ~~neighborhood designation, preliminary site plan approval and design review and make its~~
23 ~~recommendation to City Commission. The City Commission shall conduct a quasi-judicial hearing~~
24 ~~concerning the final approval of the application for traditional neighborhood overlay designation,~~
25 ~~preliminary site plan and design review.~~

26 ~~(3) The City Commission shall consider the information presented by the applicant, the~~
27 ~~recommendations of the DRC and the PZB and viewpoints of the public expressed at the hearing.~~
28 ~~The City Commission shall take formal action by resolution either approving the traditional~~
29 ~~neighborhood designation and preliminary site plan as presented, approving it subject to certain~~
30 ~~conditions or disapproving it. Upon approval, plans and documents shall be filed with the City Clerk~~
31 ~~and recorded in the official records and shall thereby constitute the site-specific traditional~~
32 ~~neighborhood overlay designation. If the traditional neighborhood overlay designation is approved~~
33 ~~with conditions, those changes shall be made by the applicant on all documents and plans prior to~~
34 ~~filing the same with the City Clerk. Such filing shall be completed within sixty (60) calendar days~~
35 ~~from the date the decision becomes final, including all appeals. The approved traditional~~
36 ~~neighborhood overlay designation shall be indicated on the official zoning map. Final site plan~~
37 ~~review will not be initiated until the above requirements are met.~~

38 ~~(4) Final site plan review: Following approval of the traditional neighborhood district and preliminary~~
39 ~~site plan by the City Commission, the applicant shall submit a final site plan conforming with the~~
40 ~~requirements and review procedures set forth in Article 85, Site Plans. Approval by the PZB shall~~
41 ~~become final thirty (30) days following the hearing at which the site plan is considered unless~~
42 ~~appeal is made to the City Commission for review.~~

1 **Sec. 035-060. Design review.**

2 (A) ~~In addition to the site plan approval process required by Article 85, applications for designation as traditional~~
3 ~~neighborhood overlay shall be subject to design review and approval by the City Commission following~~
4 ~~recommendation by the PZB. The community design guidelines for traditional neighborhood development are~~
5 ~~the basis for decisions about design, traditional neighborhood overlay designation, and the allocation of bonus~~
6 ~~density. The City does hereby adopt by reference the publication entitled "Building Plans and Urban Design~~
7 ~~Principles for Towns, Cities and Villages in South Florida," an Eastward Ho Initiative Publication sponsored by~~
8 ~~the Treasure Coast Regional Planning Council and the Florida Department of Community Affairs as the~~
9 ~~community design guidelines for traditional neighborhood overlay designation.~~

10 (B) ~~Criteria for design review:~~

11 (1) ~~Commercial buildings shall have front entrances, windows and comply with Crime Prevention Through~~
12 ~~Environmental Design (CPTED) principles.~~

13 (2) ~~Residential buildings shall form and protect private open space.~~

14 (3) ~~Residential buildings shall have front porches or balconies.~~

15 (4) ~~Residential buildings are to be designed to direct views into the street or into their own lot, not into~~
16 ~~neighboring lots or houses.~~

17 (5) ~~Residential property lines are physically defined by hedges, fences or garden walls. Land should be clearly~~
18 ~~public or private.~~

19 (6) ~~Vehicle storage, garbage receptacles and mechanical equipment is away from the street. Whenever~~
20 ~~possible, access to garages should be from a private rear drive or vehicular alley. Where garages must~~
21 ~~be frontloaded they shall be set back from the front plane of the house.~~

22 (7) ~~Architectural style must conform to one of the following types described within the publication "Building~~
23 ~~Plans and Urban Principles for Towns, Cities and Villages in South Florida" and adopted by reference as~~
24 ~~the design standards for traditional neighborhood overlay designation:~~

25 a. ~~Florida Cracker~~

26 b. ~~Caribbean~~

27 c. ~~Mediterranean~~

28 d. ~~Modern~~

29 (8) ~~Compatibility and visual harmony. All buildings and structures located within a traditional neighborhood~~
30 ~~district shall be designed, sited and landscaped as to be harmonious in architectural scale and character~~
31 ~~with each other and the adjoining properties.~~

32 **Sec. 035-070. Bonus density.**

33 ~~Design bonus density. In connection with the approval of a traditional neighborhood overlay designation and~~
34 ~~site plan, the City Commission may, notwithstanding the density limitation in the land use designation, increase the~~
35 ~~density by up to seventy five (75) per cent over the density limitations in the land use plan designation, subject to~~
36 ~~the limitations on use of the residential flexibility provision in the City of Wilton Manors Comprehensive Plan, for~~
37 ~~development projects which the city commission determines comply with the adopted community design guidelines~~
38 ~~for traditional neighborhoods. This bonus density may be allocated from reserve units or flexibility units, if available,~~
39 ~~in accordance with the provisions of the City's Comprehensive Plan and ULDR. In connection with the approval of a~~

{00619911.2 2976-9201291 }

1 ~~traditional neighborhood overlay designation and site plan, density shall not be limited by the density of the~~
2 ~~underlying zoning districts.~~

3 **Sec. 035-080. Site development standards.**

4 (A) ~~Sidewalks:~~

5 (1) ~~All residential development shall require a sidewalk with an unobstructed clear width of at least thirty-~~
6 ~~six (36) inches.~~

7 (2) ~~All commercial development and mixed-use development shall require a sidewalk with an unobstructed~~
8 ~~clear area of at least five (5) feet.~~

9 (B) ~~Parking: Offstreet parking shall be provided in accordance with Article 135, Off-Street Parking, except as~~
10 ~~specified herein.~~

11 (1) ~~Parking lots shall be located at the rear or at the side of buildings.~~

12 (2) ~~Adjacent parking lots shall have vehicular connections via an alley or cross-over agreement.~~

13 (3) ~~Garages and carports for single-family detached and single-family attached and duplexes shall, whenever~~
14 ~~possible be accessed from a private rear drive or vehicular alley. Where garages must be front-loaded~~
15 ~~they shall be set back from the front plane of the house. Developments with two hundred (200) feet or~~
16 ~~more of street frontage shall locate garages and carports at the rear of residences.~~

17 (4) ~~Garages and carports for townhouse and multi-family buildings shall, whenever possible be located to~~
18 ~~the rear of the building with access through a private drive or vehicular alley. Where garages or carports~~
19 ~~must be front-loaded they shall be set back from the front plane of the building or have a balcony above.~~

20 (C) ~~Maximum building height:~~

21 (1) ~~The maximum height for single-family attached and single-family detached and duplex dwellings shall be~~
22 ~~two (2) story plus attic, not to exceed thirty (30) feet (excluding chimneys).~~

23 (2) ~~The maximum height for townhouse and multi-family apartment buildings shall be three (3) stories, not~~
24 ~~to exceed thirty five (35) feet, excluding elevators and chimneys. However, buildings utilizing the ground~~
25 ~~floor for parking may be four (4) stories, not to exceed forty five (45) feet.~~

26 (3) ~~The maximum height for commercial and commercial mixed-use buildings shall be four (4) stories, not~~
27 ~~to exceed fifty (50) feet, excluding elevators and mechanical equipment rooms.~~

28 (D) ~~Building siting:~~

29 (1) ~~Single-family detached. Single-family detached dwellings shall comply with the site development~~
30 ~~standards for RS-5 dwellings.~~

31 (2) ~~Single-family attached. Single-family attached dwellings shall be constructed upon lots or consolidated~~
32 ~~lots with a minimum area of twenty five thousand (25,000) square feet and a minimum street frontage~~
33 ~~of two hundred (200) feet. Consolidated lots shall be considered as one lot for the purpose of establishing~~
34 ~~setbacks, lot width, lot area, pervious area, and density. A maximum of six (6) lots may be consolidated~~
35 ~~for the development of single-family attached dwellings. Single-family attached dwellings shall comply~~
36 ~~with the following:~~

37 a. ~~Minimum lot width: Two hundred (200) feet.~~

38 b. ~~Minimum lot area: Twenty five thousand (25,000) square feet.~~

{00619911.2 2976-9201291 }

- 1 e. ~~Minimum pervious lot area: Forty five (45) per cent.~~
- 2 d. ~~Minimum front setback: Between fifteen (15) and thirty five (35) feet.~~
- 3 e. ~~Minimum rear setback: Twenty (20) feet.~~
- 4 f. ~~Minimum side setback: Twenty (20) feet.~~
- 5 g. ~~Minimum setback between buildings: Fifteen (15) feet.~~
- 6 h. ~~Maximum height: Two (2) stories, not to exceed thirty (30) feet.~~
- 7 i. ~~Common front porch giving the appearance of a single residence. Garages and carports accessed~~
- 8 ~~from private rear drive or vehicular alley.~~
- 9 ~~(3) Duplex. Two family residential dwellings shall be developed in accordance with the site development~~
- 10 ~~standards for RD 10 two family (duplex) residential districts.~~
- 11 ~~(4) Townhouses. Shall be constructed in accordance with the site development standards for RM 10 multi-~~
- 12 ~~family residential districts. Townhouses shall be developed in accordance with the height regulations as~~
- 13 ~~set forth herein.~~
- 14 ~~(5) Multi family apartment. Multi family apartment dwellings shall be located in RM 12 and RM 16 zoning~~
- 15 ~~districts and developed in accordance with the site development standards for the respective district.~~
- 16 ~~Multi family apartment buildings shall be developed in accordance with the height regulations as set~~
- 17 ~~forth herein.~~
- 18 ~~(6) Commercial buildings and mixed use development. Commercial buildings and mixed use development~~
- 19 ~~shall be developed in accordance with the following site development standards:~~
- 20 a. ~~Minimum lot area: None.~~
- 21 b. ~~Minimum lot width: None.~~
- 22 c. ~~Front setback: None.~~
- 23 d. ~~Rear setback: Ten (10) feet alley.~~
- 24 e. ~~Side setback: None.~~
- 25 f. ~~Abutting residential zoned or used property a ten (10) foot alley plus ten (10) feet landscaped area~~
- 26 ~~and an eight (8) foot hedge, wall or other landscape screen deemed acceptable by the City during~~
- 27 ~~final site plan approval.~~
- 28 g. ~~Maximum building height: Four (4) stories.~~
- 29 h. ~~Minimum pervious area: Twenty (20) per cent.~~
- 30 i. ~~Commercial and mixed use buildings shall have the facade built directly on the front property line~~
- 31 ~~for at least seventy five (75) per cent of the linear frontage.~~
- 32 j. ~~Commercial and mixed use buildings shall incorporate front entrances, windows, doors, awnings,~~
- 33 ~~balconies and/or open colonnades to provide a covered pedestrian walkway adjacent to the street.~~
- 34 ~~Awnings, balconies and colonnades (with a nine [9] foot vertical clearance) may encroach up to ten~~
- 35 ~~(10) feet into the public right of way. Such encroachments shall be protected by easement and~~
- 36 ~~meet building code requirements for fire access.~~

- 1 (B) *FLUM* shall mean the Future Land Use Map.
- 2 (C) *Planned unit development* shall mean land under unified control, planned and developed as a single
3 entity or in approved stages, in conformity with an approved site plan, specific development standards
4 set forth in the PUD document, and development schedule.
- 5 (D) *PUD document* shall mean a document that contains all of the zoning and land development regulations
6 that will govern the development and use of the PUD, including specific development standards (i.e.
7 building height, required setback, density, minimum lot area, landscaping, parking, open space, lot
8 coverage, sign regulations, etc.) and list of permitted, conditional and prohibited uses. The approved site
9 plan may be utilized in conjunction with this document to specify certain development standards
10 through graphical and text representations. The approved PUD Document and site plan shall be exhibits
11 to the ordinance approving the rezoning to PUD.

12 **Sec. 040-030. Permitted uses and maximum density.**

- 13 (A) There are three (3) types of PUD districts, as identified below. All permitted uses are subject to subparagraphs
14 (A), (B) and (C).
- 15 (1) *PUD-R.*
- 16 a. Permitted location. PUD-R is intended for location on a property with a residential FLUM
17 designation.
- 18 b. Permitted uses.
- 19 1) Residential uses, in any arrangement or combination of dwelling types, but not to exceed
20 the total number of units permitted by the underlying residential Future Land Use Plan Map
21 designation(s) of the Comprehensive Plan for the subject parcel;
- 22 2) Public recreation and open space uses.
- 23 (2) *PUD-M.*
- 24 a. Location. PUD-M is intended for location on property with residential, community facilities, Transit
25 Oriented Corridor and/or commercial FLUM designations.
- 26 b. Permitted uses. At least two (2) uses must be proposed. All residential dwelling types, all non-
27 residential uses permitted by the underlying land use plan designations, and public recreation and
28 open space uses, with the number of residential units not to exceed the total number of dwelling
29 units permitted by the underlying residential future land use plan map designation(s), and the
30 amount of commercial acreage not to exceed the acreage of land designated commercial on the
31 FLUM within the PUD. Permitted uses shall be subject to the provisions of subsection (C), below.
32 Use of the flexibility, reserve or redevelopment units may be necessary to achieve a mix of uses,
33 depending upon the type and location of underlying FLUM designations for the subject parcel.
- 34 (3) *PUD-C.*
- 35 a. Permitted location. PUD-C is intended for location on a property with a Transit Oriented Corridor,
36 commercial and/or community facility FLUM designation.
- 37 b. Permitted uses. All non-residential uses permitted by the underlying land use plan designations,
38 and public recreation and open space in any arrangement or combination of uses but not to exceed
39 the total intensity of use that would be permitted in the underlying FLUM designation(s). Permitted
40 uses shall be subject to the provisions of subsection (C), below.

{00619911.2 2976-9201291 }

- 1 (B) Permitted and conditional uses shall be as outlined in the approved PUD document, within the scope of uses
 2 permitted in this Article, and consistent with the Comprehensive Plan. Uses that are incompatible with other
 3 permitted and conditional uses of adjacent zoning districts shall not be permitted unless specific buffering,
 4 locational restrictions or other mitigation is required in the PUD document.
- 5 (C) Future land use plan map designations and flexibility provisions.
- 6 (1) All permitted uses must be consistent with those of the underlying future land use plan map designation.
 7 For example, a PUD-M with underlying commercial and residential FLUM designations must be
 8 developed with commercial uses located within the commercially designated portion of the PUD, and
 9 residential uses located within the residentially designated portion of the PUD.
- 10 (2) Flexibility provisions are a function of the Wilton Manors Comprehensive Plan and Broward County Land
 11 Use Plan, which are fully explained within the implementation requirements portion of the City's Future
 12 Land Use Element and incorporated by reference in these regulations. Flexibility provisions generally,
 13 and within strict limits, allow land designated commercial on the future land use plan map to be used
 14 for residential purposes; for land designated residential to be used for limited commercial purposes; and
 15 for land designated residential to be developed at a higher density than the land use plan map
 16 designation allows. Further clarification is provided, as follows:
- 17 a. A PUD overlaying one or more residential land use plan map designations may be developed with
 18 the total number of residential dwellings allowed by the particular plan designations within the
 19 property. For example, if two (2) acres are designated for five (5) dwellings per acre and one acre
 20 is designated for ten (10) dwellings per acre, the total number of allowable dwelling is twenty (20).
 21 Commercial and office uses, or additional residential units, would only be permitted subject to the
 22 future land use plan element mixed-use and flexibility provisions.
- 23 b. A PUD with an underlying commercial land use plan map designation will not permit residential
 24 uses without the application of the flexibility rules.
- 25 (3) Flexibility, reserve or redevelopment units may be allocated to an urban infill/redevelopment PUD at the
 26 time of rezoning approval in accordance with the provisions of the Comprehensive Plan.

27 **Sec. 040-040. Unified control.**

28 All land included for the purpose of development within a planned unit development district shall be under
 29 the control of the applicant (an individual, partnership, corporation or group of individuals, partnership or
 30 corporations). The applicant shall present satisfactory legal documents to constitute evidence of the unified control
 31 of the entire area within the proposed planned unit development. The applicant in the application for rezoning shall
 32 agree to the following:

- 33 (A) To proceed with the proposed development according to the provisions of these regulations and all
 34 standards outlined in the approved PUD document, approved final site plan, restrictions, covenants, and
 35 agreements and any conditions established as part of the rezoning of the land to planned unit
 36 development.
- 37 (B) To provide agreements, contracts, covenants, deed restrictions and sureties acceptable to the City for
 38 completion of the development according to the plans and development schedule approved at the time
 39 of rezoning to planned unit development and for the continuing operation and maintenance of such
 40 areas and facilities which are not proposed to be provided, maintained or operated at public expense.
- 41 (C) To bind their successors in title to any commitments made under the above. All agreements and evidence
 42 of unified control are to be examined and approved by the Community Development Services Director

{00619911.2 2976-9201291 }

1 or designee, and the City Attorney for certification to the PZB and City Commission that such agreements
2 and evidence of unified control meet the intent of these regulations.

- 3 (D) If the development includes common open space, associations or non-profit corporations conforming to
4 these regulations and the applicable laws of the State of Florida shall be formed to administer the
5 operation and maintenance of these areas and facilities.

6 **Sec. 040-050. Site development standards.**

7 All PUDs shall be subject to the development standards specifically established within the PUD document for
8 the given PUD. The standards approved by the City Commission shall govern all use and development of the PUD.
9 The total number of dwelling units permitted in the PUD shall not exceed the total number of units permitted by the
10 Future Land Use Element of the Wilton Manors Comprehensive Plan for the subject parcel.

- 11 (A) *Access.* All dwelling units and other permitted uses within a planned unit development shall have access
12 to a public street either directly or indirectly via a court, driveway, private road or other area dedicated
13 to public or private use of common easement guaranteeing access. Permitted uses are not required to
14 front on a dedicated road. Areas maintained for use in common to provide access shall be owned and
15 maintained by the homeowners association required by Section 040-060 of this Article. The City shall be
16 allowed access on privately owned roads, easements and common areas to ensure police and fire
17 protection, to meet emergency needs, to conduct City services, to conduct license and code enforcement
18 inspections, and to generally ensure the health and safety of the residents of the planned unit
19 development and neighboring community. Pedestrian circulation shall be provided throughout the
20 planned development. Sidewalks and pedestrian ways shall be constructed of concrete, tile, brick pavers,
21 or other material approved by City Commission in the final site plan.

- 22 (B) *Off-street parking and loading requirements.* Off-street parking and loading requirement shall be as set
23 forth in Article 30, Urban Center Mixed Use Districts for property zoned Urban Center Mixed Use, Article
24 135, Off-Street Parking for properties zoned other than Urban Center Mixed Use, and Article 140, Off-
25 Street Loading, and as further outlined in the PUD document.

- 26 (C) *Landscaping.* All pervious areas shall be landscaped in accordance with Article 150, Landscaping. The
27 required landscaping for a PUD shall be determined by utilizing the requirements of the Article 150.
28 Landscaping, for the uses which most closely resemble the type uses and structures to be developed
29 within the PUD. Where it is not clear which standard is most appropriate in the case of mixed-use
30 structures or proximity of residential and nonresidential structures, the strictest landscaping standard
31 shall apply. The City Commission upon a recommendation of the DRC and PZB may modify the landscape
32 requirements for a PUD in unique situations to provide additional buffering or relief from unnecessary
33 hardship.

- 34 (D) *Traffic.* All public and private streets proposed for the PUD shall conform to applicable state and local
35 construction standards, and shall be adequate to serve the projected traffic conditions. The applicant
36 shall provide a traffic study for the proposed planned unit development.

- 37 (E) *Open space.* Open space shall comprise at least twenty-five (25) ~~per-cent~~ percent of the PUD's net
38 acreage. Areas of significant natural character or quality such as mangroves, shoreline, wetlands and
39 wooded areas shall be identified and included in required open spaces to the fullest extent possible.
40 Open space shall be distributed as proportionately as possible giving consideration to the relation of the
41 open space to the uses they serve. Large open spaces shall be linked by walkways or greenways
42 whenever possible. Open space shall mean plazas, courtyards and any other public space where people
43 can gather, in addition to roof tops.

{00619911.2 2976-9201291 }

- 1 (F) *Underground utilities.* All utilities including telephone, television cable, and electrical systems within the
2 planned unit development shall be installed underground. Large transformers shall be placed on the
3 ground and contained within pad prints, enclosures or vaults with landscape screening.
- 4 (G) *Pedestrian and bicycle circulation.* A pedestrian and bicycle circulation system separate from the
5 vehicular circulation system shall be provided within the planned unit development.
- 6 (H) *Energy conservation.* A planned unit development shall incorporate passive conservation in its site
7 design. Such measures shall include, but not be limited to, the directional orientation of buildings, the
8 location of windows, minimization of radiant heat absorption and the inclusion of energy efficient
9 landscaping. Planned unit developments must adhere to Article 170 City of Wilton Manors' Green
10 Building Program.
- 11 (I) *Buffering and compatibility requirements.*
- 12 (1) The PUD shall be designed for compatibility between proposed and existing land uses. The
13 allocation of land uses within the PUD, perimeter yards and buffering shall be designed to maximize
14 compatibility between the PUD and adjacent land uses.
- 15 (2) Whenever a PUD adjoins an existing detached single-family residential use or district, and the
16 perimeter uses of the PUD are other than detached single-family dwelling units, setbacks shall be
17 equal to the greater of twenty-five (25) feet or height of building where the PUD adjoins the
18 detached single-family residential use or district.
- 19 (3) No portion of a building or other structure shall be erected closer than twenty-five (25) feet to the
20 centerline of any road, street, avenue or public right of way.
- 21 ~~(3)~~ (4) Whenever a PUD adjoins an existing non-residential use or district, the perimeter shall be designed
22 in such a manner as to shield adjacent residential sections of the PUD from such uses through
23 appropriate buffer or screening.
- 24 ~~(4)~~ (5) Within a PUD, mixed uses shall be located and designed to provide compatibility or appropriate
25 buffer or screening.
- 26 ~~(5)~~ (6) Additionally, the applicant shall be required to demonstrate how the planned unit development
27 will be compatible with, and preserve the character and integrity of adjacent neighborhoods. The
28 planned unit development shall include improvements or modifications either on-site or within the
29 public rights-of-way, if permitted, to mitigate adverse impacts, such as traffic, noise, odors,
30 shadow, scale, visual nuisances, or other similar adverse effects to adjacent neighborhoods. Special
31 consideration shall be given to adjoining single family and multi-family residential uses, including,
32 but not limited to, the placement or orientation of buildings and entryways, parking areas, buffer
33 yards, alteration of building mass, and the addition of landscaping, walls, or both, to mitigate such
34 impacts. The applicant must control traffic flow or divert traffic as needed to reduce or eliminate
35 development generated traffic on neighborhood streets.
- 36 (J) *Gross minimum acreage.* A minimum of ~~two (2) acres~~ one (1) gross acre shall be required for PUD
37 rezoning.
- 38 (K) *Height.* Maximum five (5) stories not to exceed sixty (60) feet.
- 39 (A) The integrity of areas owned in common including private roadways, open space, and recreational facilities
40 shall be further guaranteed by restrictive covenants running with the land, describing such space and providing
41 for its use and maintenance. These restrictive covenants shall run to the benefit of, and be enforceable by, the
42 original and succeeding owners of property within the PUD.

{00619911.2 2976-9201291 }

- 1 (B) Where common areas will be provided, the applicant shall file, at the time of approval of the final site plan,
2 legal documents which will guarantee the dedication and maintenance of common areas, and in particular
3 provide for restricting the use of open space to the designated purposes. Such documents shall include but
4 not be limited to, the following provisions:
- 5 (1) An association with a declaration of the covenants and restrictions which will govern it;
- 6 (2) A conveyance to the association of all right title and interest in the open space upon the sale of the final
7 dwelling unit or lot;
- 8 (3) The association must be established before any dwelling unit is sold;
- 9 (4) Membership in the association must be mandatory for each purchaser of a parcel of property subject to
10 individual ownership and any successor in interest.
- 11 (5) The open space restriction must be permanent, and not for a period of time.
- 12 (6) The association must be responsible for liability insurance, local taxes, and the maintenance of common
13 areas including private roadways, open space and recreational facilities.
- 14 (7) All owners must pay their pro rata share of the cost of such maintenance and other activities of the
15 association which are an integral part of its operation. An assessment levied by the association against
16 an owner may become a lien on the property;
- 17 (8) The association must be able to adjust the maintenance assessments to meet changed needs.

18 **Sec. 040-070. Procedures for rezoning to urban infill/redevelopment planned unit**
19 **development (PUD) district.**

- 20 (A) *General process for PUD rezoning:*
- 21 (1) Pre-application process with the ~~Community Development Services Department.~~ Development Review
22 Committee.
- 23 (2) DRC review of rezoning and preliminary site plan applications.
- 24 (3) PZB review of rezoning and preliminary site plan applications.
- 25 (4) City Commission review of rezoning and ~~preliminary~~ final site plan (two [2] readings of ordinance
26 required for rezoning).
- 27 ~~(5) DRC review and approval of final site plan in accordance with any conditions of approval required by City~~
28 ~~Commission.~~
- 29 (B) *Specific procedures for PUD rezoning.*
- 30 (1) A PUD district shall be designated and approved by the City Commission as an amendment to the zoning
31 map pursuant to the provisions of Article 100, Map Amendments, and the requirements of this Section.
- 32 (2) The applicant shall submit the site plan together with a PUD document and completed application for
33 re-zoning to PUD in accordance with the submission and procedural requirements of Article 85, Site
34 Plans, and Article 100, Map Amendments, except that the application shall be agendized and considered
35 as a PUD rezoning request, and the site plan shall be a part of the application. In the event that the
36 proposed development requires the platting or re-platting of property, the application shall be
37 accompanied by an application to plat or re-plat in accordance with Article 90, Plats. The review and
38 approval of an application to rezone to a PUD shall be carried out simultaneously with the site plan

{00619911.2 2976-9201291 }

1 review and any application for platting, unless waived by the Community Development Services
2 Director.

3 a. An applicant may submit a preliminary master site plan for purposes of obtaining rezoning approval
4 to PUD, in which case the ordinance approving the PUD designation shall not take effect until the
5 final site plan is approved.

6 ~~b. The DRC shall be charged with approving the final site plan.~~

7 e.b. The final site plan shall be consistent with the requirements for site plans set forth in Article 85,
8 Site Plans.

9 **Sec. 040-080. Preliminary s Site plan submittal requirements.**

10 ~~Where preliminary site plans are utilized for the rezoning application, the applicant shall have one year from the~~
11 ~~date of approval of the preliminary site plan to obtain approval of the final site plan. In the event that a final site~~
12 ~~plan is not approved within the year following the preliminary site plan approval all approvals previously granted for~~
13 ~~the site plan and rezoning to PUD district are null and void, and the ordinance approving the rezoning and site plan~~
14 ~~applications will not take effect. A preliminary site plan shall provide the following information: The following Items~~
15 ~~shall accompany the site plan, as applicable, in a quantity of three (3) paper copies and one (1) copy in electronic~~
16 ~~format (PDF). The Community Development Services Director may waive particular submittal items upon a~~
17 ~~determination that such items are not applicable to a specific project.~~

18 ~~(A) On-site characteristics:~~

19 ~~(1) Certified property survey.~~

20 ~~(2) Existing natural features, including but not limited to rivers, lakes wetlands and trees.~~

21 ~~(3) Existing buildings, structures, and their current use.~~

22 ~~(4) Nearest existing utility trunk lines.~~

23 ~~(5) Existing streets and canals.~~

24 ~~(6) Easements of record.~~

25 ~~(B) Offsite characteristics:~~

26 ~~(1) A current aerial photo depicting the following offsite features within one thousand (1,000) feet of~~
27 ~~the perimeter of the proposed PUD:~~

28 ~~a. Existing natural features such as lakes and trees;~~

29 ~~b. Existing buildings;~~

30 ~~c. Existing streets and canals; and~~

31 ~~d. Adjoining zoning districts.~~

32 ~~(2) A map showing location of the PUD.~~

33 ~~(3) A statement of the intended overall maximum density of the PUD, expressed in terms of the total~~
34 ~~number of dwelling units and the dwelling units per acre.~~

35 ~~(4) A statement of the number of acres and percentage of total area within the proposed PUD to be~~
36 ~~devoted to:~~

{00619911.2 2976-9201291 }

- 1 a. — Open space;
- 2 b. — Commercial use;
- 3 c. — Office use;
- 4 d. — Streets and utilities;
- 5 e. — Residential uses; and
- 6 f. — Public or quasi-public uses.
- 7 (5) — Proposed buildings and structures and any existing buildings and structures which are to be
8 retained, including but not limited to their use, height and location.
- 9 (6) — The general location of the residential uses, specifying the type of units.
- 10 (7) — The general location of proposed sites for:
- 11 a. — Schools, recreational uses, parks, and other community uses.
- 12 b. — Commercial uses within residential areas.
- 13 c. — Commercial areas other than commercial.
- 14 d. — Office areas.
- 15 (8) — Landscape plan including all existing trees and notation of the trees to be maintained or removed
16 in conformance with Article 150, Landscaping, and all screening buffers required by this Article.
- 17 (9) — Proposed off-street parking and loading areas, vehicular use areas, pedestrian accessways, bike
18 paths and public or private roadways.
- 19 (10) — Proposed systems relating to drainage, water supply, fire hydrant, sewage, and other utility
20 facilities.
- 21 (11) — Proposed solid waste collection facilities location and design.
- 22 (12) — Proposed public transit routes and the proposed layout of rights-of-way, if necessary.
- 23 (13) — A draft of documents required by Section 040-060 for the preservation of common space areas,
24 including the covenant grants of easements or other restrictions to be imposed upon the use of
25 land, buildings, structures and proposed easements for public utilities.
- 26 (14) — A schedule showing the time within which applications for final approval of all parts of the PUD
27 are intended to be filed, where plans call for the phasing of development over a period of years.
- 28 (15) — The proposed beginning and ending dates for construction of the entire project, as well as
29 beginning and ending dates for all phases of the project.
- 30 (16) — Tabular summary:
- 31 a. — Total gross area and total net area.
- 32 b. — Total number of proposed dwelling units, and proposed density, including both net and
33 gross area calculations.
- 34 c. — Proposed non-residential floor area by generalized type of use and square footage.

{00619911.2 2976-9201291 }

- 1 d. ~~Percentages of total gross project area allocated for required open space and impervious~~
2 ~~and pervious areas.~~
- 3 e. ~~Proposed number of off-street parking spaces and loading spaces required and provided.~~
- 4 ~~(17) Isometric or perspective sketches of the proposed development and elevations of proposed~~
5 ~~structures.~~
- 6 ~~(18) Location, type and size of signage.~~
- 7 ~~(19) Traffic study.~~
- 8 ~~(20) Additional information may be required by the Community Development Services Director or~~
9 ~~designee or the DRC such as but not limited to an economic or marketing study.~~
- 10 (A) Application shall comply with the requirements of Article 065 of the ULDR.
- 11 (B) Boundary survey must be certified, signed, and sealed and prepared current to within thirty (30) days;
12 in lieu thereof, the City may accept a boundary survey, certified, signed, and sealed along with an
13 Affidavit from the property owner that there has not been any improvement or alteration to the
14 property as reflected in the survey since the date of the survey;
- 15 (C) A Title Policy, Title Commitment, Opinion of Title or Property Information Report, as mandated by the
16 Community Development Services Director, current to within thirty (30) days must be shown on all
17 Surveys, including date, policy number, issuer's name, address and the disposition of all B-II
18 encumbrances, Title information must be kept current throughout the entire approval process;
- 19 (D) One topographic survey certified by a surveyor and mapper registered in the State of Florida, with
20 elevations provided on a one hundred (100) foot grid, including natural features and improvements
21 and their current use, top of bank and edge of water for all water bodies and water courses, the
22 location of utility lines within and adjacent to the site, right-of-way width and dedication information,
23 pavement location and width, and all easements of record;
- 24 (E) One tree survey;
- 25 (F) One copy of a recorded plat, if the property has been platted. The plat shall be recorded in the official
26 records of Broward County after June 4, 1953, with the following exceptions:
- 27 1. The City by written agreement may allow building permits to be issued after plat approval and
28 before recordation, provided no certificate of occupancy is issued prior to recordation;
- 29 2. Site grading, dredging and filling, and infrastructure construction incidental to new construction
30 shall not require a recorded plat provided the plat has been reviewed and approved by the City
31 Commission and Broward County Commission;
- 32 (G) Draft of any required or proposed restrictive covenants, written sureties, and common area
33 maintenance association documents, including those for the preservation of common open space
34 areas; grants of easement for access, drainage, utilities or other purpose; unity of title; or other
35 restrictions to be imposed upon the use of the land and buildings;
- 36 (H) Site plans shall be folded and bound together in separate plan sets with a cover sheet indicating plan
37 sheet numbers. The overall size of plans shall be eleven (11) inches by seventeen (17) inches drawn at
38 a scale no smaller than one-inch equals twenty (20) feet, except when a smaller scale is approved by
39 the Community Development Services Director. All plans shall be prepared by and signed and sealed
40 by professional land surveyors, engineers, architects, landscape architects, or other appropriate
41 professionals as determined by Florida Law, who are licensed and registered in the State of Florida.
- 42 (I) The applicant shall prove their financial ability to complete the project. This should be demonstrated by
43 the following: An estimate of the overall cost of the project, proposed sources of financing, financial
44 statement of the applicant, banking references, and/or any other information that will enable the City
45 of Wilton Manors to determine that the applicant is financially competent to complete the project.

{00619911.2 2976-9201291 }

1 (J) A signed and sealed flood elevation certificate current to within thirty (30) days.

2 (K) All site plans shall contain the following. The Community Development Services Director may waive
3 particular submittal items upon a determination that such items are not applicable to a specific project:

- 4 1. The proposed title of the project and the name of the professionals who prepared each plan,
5 including engineer, architect, landscape architect and the developer;
- 6 2. The north arrow, scale and date;
- 7 3. Existing zoning of the subject site and adjacent properties;
- 8 4. Proposed changes in zoning to the applicant property, if any;
- 9 5. Adjacent land uses and buildings, including use and number of floors, dimensioned to property line
10 of subject site;
- 11 6. Legal description;
- 12 7. Location sketch of subject property in relation to surrounding area;
- 13 8. Site boundaries clearly identified, dimensioned, and tied to section corners;
- 14 9. Existing features (trees, water, structures) including topography, roadways, and use areas;
- 15 10. Locations and dimensions of all existing and proposed rights-of-way and dedications, including
16 ultimate right-of-way lines (if applicable), easements, property lines, streets, buildings, watercourses
17 and water bodies, pedestrian areas, and other existing physical features in or adjoining the project;
- 18 11. The location and dimensions of proposed setback lines;
- 19 12. The location and dimensions of proposed reservations for parks, playgrounds, open spaces and other
20 common areas;
- 21 13. The location, dimensions and character of construction, including bearings, centerline dimensions
22 and curve data of proposed street alleys, driveways and grading plans;
- 23 14. The location, dimensions and character of construction of proposed curb cuts, entrances and exits,
24 parking and loading areas (including number of parking spaces and loading spaces), pedestrian use
25 areas, and vehicular use areas;
- 26 15. Photometric plan;
- 27 16. Location and dimensions of all proposed buildings, excavations, and structures to lot lines and to
28 each other;
- 29 17. Conceptual preliminary drainage plans and statement of proposed drainage systems and methods;
- 30 18. Typical trash and garbage disposal and recycling system, including typical enclosure details and the
31 location of each;
- 32 19. Separate landscape plan prepared in accordance with Article 150;
- 33 20. Location, character, size, height and orientation of proposed signs, including building signage details
34 shown on plan elevations;
- 35 21. All existing and proposed pedestrian walkways and bicycle paths;
- 36 22. Existing and proposed public transit routes, bus shelter locations and easements for such shelters,
37 and proposed layout of rights-of-way, if necessary;
- 38 23. Proposed building floor plans and architectural elevations, including building height and finished
39 floor elevations;
- 40 24. Type and location of mail receptacles;
- 41 25. Conceptual utilities plan (all utilities must be underground);
- 42 26. The following computations:
 - 43 a. Total gross and net acreage;
 - 44 b. Proposed net and gross density, and number of dwelling units for site plans with residential
45 components;

{00619911.2 2976-9201291 }

- 1 c. Total existing and proposed square footage of buildings and breakdowns by floor, use type, bay
2 or tenant space, and dwelling unit, including required and provided minimum floor areas;
3 d. Area devoted to vehicular use areas (roadways, aisles, parking);
4 e. Gross project area allocated for common open space;
5 f. Plot coverage by roofed structures;
6 g. Pervious and impervious surface area, also expressed as a percentage of the site area;
7 h. Number of required and provided parking spaces including handicapped, and any spaces
8 devoted to attendant parking if permitted;
9 i. Minimum lot area, width and depth required and provided;
10 j. Minimum yard setbacks or specific build-to lines required and provided;
11 k. Maximum and minimum (if applicable) required and proposed building height;
12 l. Minimum floor area required;
13 m. Adjacent zoning and existing land uses.
14 27. Traffic circulation and pavement marking plan (may be shown on site plan sheets);
15 28. Phasing plan, if applicable, with beginning and ending time frames of construction of the entire
16 project and beginning and ending time frames for all phases of the project;
17 29. For properties under consideration for rezoning to planned unit development (PUD), a PUD
18 document detailing development standards and criteria (i.e., building height, setbacks, density, lot
19 area, landscaping, parking, open space, lot coverage, sign regulations, etc.);
20 30. If necessary, written authorization to reproduce any documents accompanying site plan submittals
21 from the applicant, agent, architect, landscape architect, engineer, attorney, etc.
22 31. Shadow Study or Shade Study demonstrating how the proposed development will cast its shadow
23 and demonstrate any potential impacts on neighboring properties, parks, plazas, sidewalks, or other
24 open spaces; and if impacted, how the shadow will be mitigated. Shadow Study must be prepared
25 by professional land surveyors, engineers, architects, landscape architects, or other appropriate
26 professionals. A shadow study or shade study must be provided for proposed buildings of more than
27 three (3) stories.
28 a. Submittal requirements:
29 1) Provide sketch, 2D map, 3D map, aerial photos and/or a combination thereof.
30 2) Analysis shall be conducted for the following dates and times (Eastern standard time) with
31 and without proposed building:
32 3) Winter Solstice — Typically on December 21 (1.5 hours after sunrise, solar noon, 3:00 p.m.,
33 and 1.5 hours before sunset).
34 4) Summer Solstice — Typically on June 21 (1.5 hours after sunrise, solar noon, 3:00 p.m., and
35 1.5 hours before sunset).
36 5) Vernal Equinox — Typically on March 21 (1.5 hours after sunrise, solar noon, 3:00 p.m.,
37 and 1.5 hours before sunset).
38 6) Autumnal Equinox — Typically on September 21 (1.5 hours after sunrise, solar noon, 3:00
39 p.m., and 1.5 hours before sunset).
40 7) A letter prepared by a professional land surveyor, engineer, architect, landscape architect,
41 or other appropriate professional summarizing impacts of proposed development and any
42 measures that will be taken to mitigate these impacts.
43 8) The shadow drawings and analysis shall be prepared by qualified professionals and persons
44 with experience in this field.
45 9) Mitigation options can include the following in addition to recommendations by a
46 professional land surveyor, engineer, architect, landscape architect, or other appropriate
47 professional:

{00619911.2 2976-9201291 }

- i. The reorientation of building and/or structure to avoid long periods of shadows on adjacent residential uses.
 - ii. Orientate building and/or structure to shade pedestrian areas during hottest times of the day.
 - iii. Where possible, reorientation of the sun sensitive uses.
 - iv. Incorporation of architectural design techniques and/or reflective facade materials to increase available light.
 - v. Massing adjustments including but not limited to, additional setbacks and step backs.
 - vi. Building placement and orientation.
32. Traffic Study or Statement assessing the proposed development's vehicular, pedestrian and bicycle access; on-site circulation; parking; any proposed roadway or easement vacations or road closures, whether permanent or temporary for construction purposes; and off-site roadway impacts, including those within adjacent neighborhoods. The Traffic Study or Statement shall also identify proposed mitigation for to the development's vehicular, pedestrian and bicycle access; on-site circulation; parking; any proposed roadway or easement vacations or road closures, whether permanent or temporary for construction purposes; and off-site roadway impacts, including those within adjacent neighborhoods.

Sec. 040-090. Recording of documents.

Upon approval of a final site plan for a planned unit development, all required covenants, maintenance association documents, grants of easements or other restrictions shall be recorded in the public records of Broward County. The provisions thereof as to land use shall bind the property covered thereby, as provided in this Article, with the full force and effect of specific zoning regulations.

No building permits shall be issued prior to approval of all required PUD documents, restrictions and covenants and subsequent recording. All building permits must be in conformance with the approved final site plan.

Sec. 040-100. ~~Changes~~ Amendments in the approved final site plan and/or PUD document.

~~Any substantial changes to an approved final site plan or changes to the PUD document shall require amendment of the PUD through the rezoning process as outlined herein. "Substantial change" shall mean an increase in floor area by more than five (5) percent of the approved floor area on the approved site plan; changes that alter specific conditions of approval; or changes in use provisions or site development standards outlined in the approved PUD document~~

The following are procedures regarding the amendment of a site plan approved in conjunction with a PUD and or a PUD document.

(A) Submittal requirements:

1. Applications shall comply with the requirements of Article 065 of the ULDR.
2. Applications shall be accompanied by submittal requirements described in Section 040-080 of this Article. The Community Development Services Director may waive particular submittal items upon a determination that such items are not applicable to the amended site plan approved in conjunction with a PUD and or PUD document.

(B) Determination of process to amend site plan and or PUD document. Applications shall be submitted to the Community Development Services Department. The Community Development Services Director shall review applications to determine if they are considered a major, minor or administrative amendment to the site plan approved in conjunction with a PUD and or PUD document. Such

{00619911.2 2976-9201291 }

1 determination shall be provided, in writing, to the applicant within four (4) business days after receipt
2 of a completed application. The determination of the Community Development Services Director shall
3 be based on the following criteria:
4

- 5 1. Major amendment includes the following:
 - 6 a. An increase in floor area by more than five (5) percent of the approved floor area on the
7 approved site plan;
 - 8 b. Changes that alter specific conditions of approval;
 - 9 c. Changes in use provisions; and
 - 10 d. Landscape modification to a site plan approved in conjunction with a PUD and or a PUD
11 document as determined by the Community Development Services Director with a deviation
12 of greater than five (5) percent of the site plan approved in conjunction with a PUD and or
13 a PUD document,
 - 14 e. Increase to the square footage of a building of greater than five (5) percent.
 - 15 f. Changes to setbacks of greater than five (5) percent.
- 16 2. Minor amendment includes the following:
 - 17 a. Elevation changes that have been determined to be part of a site plan approved in
18 conjunction with a PUD and or PUD document, excluding windows and/or doors, as
19 determined by the Community Development Services Director.
 - 20 b. Landscape modification to a site plan approved in conjunction with a PUD and or a PUD
21 document as determined by the Community Development Services Director with a deviation
22 of five (5) percent or less of the site plan approved in conjunction with a PUD and or a PUD
23 document,
 - 24 c. Addition or relocation of dumpster and/or dumpster enclosure for commercial, multi-
25 family, industrial or mixed-use properties.
 - 26 d. Increase to the square footage of a building of five (5) percent or less.
 - 27 e. Changes to setbacks of five (5) percent or less.
 - 28 f. Any amendment to a site plan approved in conjunction with a PUD and or a PUD document
29 that is deemed by the Community Development Services Director, to be a minor
30 amendment.
 - 31 g. Notwithstanding anything contained herein to the contrary, any change to a condition of
32 approval or exception granted by the City Commission shall not be deemed a minor
33 development.
- 34 3. Administrative amendment shall include all amendments to site plans approved in conjunction
35 with a PUD and or a PUD document which is not determined to be a major or minor amendment,
36 but requires additional administrative review including, but not limited to, the following:
 - 37 a. Improvements which include, but are not limited to, adding awnings or canopies for
38 commercial, industrial, or mixed-use properties, or multi-family development.
 - 39 b. Addition or elimination of a door and/or window opening to commercial, industrial or
40 mixed-use properties.
 - 41 c. Minor elevation changes to a site plan approved in conjunction with a PUD and or a
42 PUD document as determined by the Community Development Services Director.
 - 43 d. Minor landscape modification to a site plan approved in conjunction with a PUD and or
44 a PUD document as determined by the Community Development Services Director.
 - 45 e. Decreases to the square footage of a building of no more than five (5) percent.
 - 46 f. Changes to fence material and design.
 - 47

{00619911.2 2976-9201291 }

- 1 g. Changes to signage that was part of a site plan approved in conjunction with a PUD and
2 or a PUD document that is consistent with the signage regulations in Article 145 and
3 Article 30 of the City's ULDRs.
4 h. Changes to roof material that were approved as part of a site plan approved in
5 conjunction with a PUD and or included in the PUD document.
6 i. Changes to paint color that were approved as part of a site plan approved in conjunction
7 with a PUD and or included in the PUD document.
8 j. Changes to site plan that were approved in conjunction with PUD and or PUD document
9 to promote energy efficiency that are not considered a major or minor amendment.
10 k. Any amendment that is deemed by the Community Development Services Director to
11 require an administrative review.

12 (C) Site plan review procedures.

13 1. Minor site plan.

- 14 a. The Community Development Services Director, or the Community Development
15 Services Director's designee, shall review the application and all support documents for
16 completeness. The Community Development Services Director, or the Community
17 Development Services Director's designee, shall notify the applicant within four (4)
18 business days of any deficiencies in the application or support documents and specify
19 what additional requirements are to be met. Once the Community Development
20 Services Director, or the Community Development Services Director's designee, has
21 determined that the application and support documents are complete, the application
22 and support documents shall be distributed to the Development Review Committee.
- 23 b. Mail notice requirements for minor site plans. The owners of all lands under
24 consideration for approval of a minor site plan and the owners of all lands within the
25 City lying within three hundred (300) feet of the exterior boundaries of the application
26 subject site shall be notified by the applicant, at the applicant's cost, of the application
27 and of the Development Review Committee meeting at which the application will be
28 considered. In addition, if any property within the three hundred (300) foot radius is
29 within an adjacent municipality, the clerk of such municipality shall receive similar
30 notice of the application. In the event the notification area includes land declared to be
31 a condominium under F.S. Ch. 718, as may be amended from time to time, then notice
32 to the condominium association shall constitute sufficient notice. Such notices shall be
33 sent by regular first-class mail, to the persons shown upon the current tax rolls of
34 Broward County to be the respective owners. Proof of mailing through a "certificate of
35 mailing", or other means acceptable to the Community Development Services Director,
36 shall be provided prior to the Development Review Committee meeting.
- 37 c. If the Community Development Services Director, or designee, determines that the
38 application requires a minor review, the application shall be forwarded to the
39 Development Review Committee pursuant to Article 130, Division 3 of the ULDR's. The
40 Community Development Services Director shall consider and act on site plan review
41 applications for minor developments following review by the City's Development
42 Review Committee. The Community Development Services Director may either
43 approve; approve with any conditions, limitations or requirements; deny; or postpone
44 consideration of any application pending submittal of additional information which may

{00619911.2 2976-9201291 }

1 be required to make a determination based upon the recommendation of the
2 Development Review Committee. The Community Development Services Director shall
3 issue a written decision which shall be attached to the application for site plan approval.
4 Each consideration substantiating the action of the Development Review Committee
5 shall be included in the decision.

6 d. Appeal of the Development Review Committee/Community Development Services
7 Director for a minor site plan. An Adversely Affected Party may appeal a final order of
8 the Development Review Committee/Community Development Services Director
9 approving, approving with conditions, or denying a minor site plan to the Planning and
10 Zoning Board. Any appeal to the Planning and Zoning Board shall be filed within thirty
11 (30) calendar days of the date of written determination of the Community Development
12 Services Director.

13 e. Once an applicant is scheduled for a Development Review Committee meeting,
14 responses to comments provided by the Development Review Committee members
15 shall be submitted no later than sixty (60) days after the date of the Development
16 Review Committee meeting. Responses to comments include addressing each
17 comment provided in writing and revised plans. Once the responses to comments have
18 been submitted to the Community Development Services Department, a Development
19 Review Committee meeting will be scheduled. If there is no activity or response to
20 Development Review Committee comments after sixty-one (61) days from the date of
21 the prior Development Review Committee meeting, the application is deemed to be
22 withdrawn. The Community Development Services Director, or the Community
23 Development Services Director's designee, shall provide a written confirmation to the
24 applicant.

25 2. Administrative Site Plan Review Procedures.

26 a. The Community Development Services Director, or designee, shall review the
27 application and all support documents for completeness. The Community Development
28 Services Director, or designee, shall notify the applicant within four (4) business days of
29 any deficiencies in the application or support documents and specify what additional
30 requirements are to be met.

31 b. Notice requirements for administrative review of site plan. Applicant must provide
32 letters from abutting properties owners of the parcel subject to administrative site plan
33 review.

34 c. Once the Community Development Services Director, or designee, has determined that
35 the application and support documents are complete, the Community Development
36 Services Director will review the application to determine whether the application is a
37 major, minor, or requires an administrative site plan review.

38 d. If the Community Development Services Director determines that the application
39 requires an administrative site plan review, the application will be reviewed by the
40 Community Development Services Director for consistency with the ULDR within
41 sixteen (16) business days.

- 1 e. The Community Development Services Director may either approve; approve with any
2 conditions, limitations or requirements; deny; or refer the application to the
3 Development Review Committee and/or the Planning and Zoning Board.
- 4 f. Appeal of the Community Development Services Director administrative site plan
5 review. An Adversely Affected Party may appeal a final order of the Community
6 Development Services Director approving, approving with conditions, or denying
7 administrative site plan review to the Planning and Zoning Board. Any appeal to the
8 Planning and Zoning Board shall be filed within thirty (30) calendar days of the date of
9 written determination of the Community Development Services Director along with
10 applicable fees as provided for in the Community Development Services Fee Schedule,
11 as amended from time to time.

12 **Sec. 040-110. Performance bonds and other guarantees.**

- 13 (A) The applicant shall post a performance bond sufficient to secure to the City the satisfactory construction,
14 installation and dedication of all required public improvements prior to the issuance of the first building permit.
15 The performance bond shall be in the amount of one hundred ten (110) percent of the cost of the public
16 improvements based on the final estimated cost of construction of all required improvements, including but
17 not limited to roads, drainage, curb and gutter, sidewalks, and water and sewer utilities as determined by a
18 licensed engineer. The final estimated cost of construction shall be submitted and approved by the Community
19 Development Services Director and the Emergency Management/Utilities Director. The performance bond
20 shall be subject to approval of the City Attorney. In addition to the performance bond, there shall be an
21 administrative fee of ~~two hundred dollars (\$200.00)~~ four hundred dollars (\$400.00) per bond.
- 22 (B) Building permits and certificate of occupancy. The Building Official shall issue permits for buildings and
23 structures within the PUD only if they are in conformance with the approved final site plan. The construction
24 of public improvements and the provision of required open space which are shown on the final site plan shall
25 proceed at the same rate as the construction of residential units or commercial uses. The Building Official shall
26 not issue building permits or certificates of occupancy if the rate of construction of residential units and
27 commercial units exceeds the rate at which open space and public improvements have been constructed and
28 provided.

29 **Sec. 040-120. Failure to begin or continue planned unit development.**

- 30 (1) If no building permit has been issued within one year from approval of the final site plan, the approval of the
31 final site plan and rezoning shall lapse and become null and void. Approval of any flexibility provisions within
32 the PUD as part of the rezoning shall also become null and void. The City shall then initiate a rezoning of the
33 property from PUD to the prior zoning of such property.
- 34 (2) ~~The City Commission~~ Community Development Services Director upon request by the applicant for good cause
35 shown may extend for no more than one additional year the period for beginning construction or establishing
36 a use.
- 37 (3) If after construction has commenced the building permits expire from inactivity as provided for in the Florida
38 Building Code, and remain expired for a period of eighteen (18) months, the final site plan shall be re-reviewed
39 by the DRC for compliance with applicable codes before any further building permits are issued. The DRC shall
40 re-approve the final site plan if it is in conformance with applicable codes at the time of re-review.

1 **Sec. 040-130. Exceptions.**

2 The City Commission may waive certain requirements contained herein when such requirements are not
3 feasible or applicable to a particular property or proposed development. The applicant must submit a detailed
4 justification describing how the specific section of the Code of Ordinances or Unified Land Development Regulations
5 is not feasible or applicable to the project from which the applicant is requesting an exception from. For example,
6 the requirement for an on-site pedestrian and bicycle circulation system would not be feasible if the proposed PUD
7 rezoning involves one single-family dwelling on a lot too small to accommodate such a circulation system. In addition,
8 it would not be feasible to require loading areas or creation of a homeowner's association for a proposed PUD
9 rezoning that involves one single-family dwelling.

10 **Section 4:** Article 145 of the City’s Unified Land Development Regulations
11 (ULDRs) of the City of Wilton Manors, is amended as follows:

12 **ARTICLE 145. - SIGNAGE REGULATIONS**
13 **PART II. GENERAL SIGNAGE REGULATIONS**

14 **Sec. 145-050. General signage regulations.**

- 15 (A) *Substitution of noncommercial speech for commercial speech.* Notwithstanding anything contained herein to
16 the contrary, any permanent sign erected pursuant to the provisions of this Article may, at the option of the
17 owner, contain either a non-commercial message unrelated to the business located on the premises where
18 the sign is erected or a lawful commercial message (i.e. On-Premises). The noncommercial message may
19 occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to
20 noncommercial messages, or from one noncommercial message to another, as frequently as desired by the
21 owner of the sign and without the need for City approval unless otherwise required by the Florida Building
22 Code, provided the sign conforms to all regulations herein, including permitted sign type, size, and design
23 criteria.
- 24 (B) *Content neutrality as to sign message (viewpoint).* Notwithstanding anything to the contrary contained in this
25 Article, no sign or sign structure shall be subject to any limitation based upon the content (viewpoint) of the
26 message contained on such sign or displayed on such sign structure.
- 27 (C) *Use of land without principal building.* Where there is no principal building on a site, the maximum total sign
28 area limitation in nonresidential districts is ten (10) square feet.
- 29 (D) *Single-occupant commercial and industrial uses.* Such uses of a lot utilizing both wall and monument signage
30 are entitled to eighty-five (85) percent of the combined signage allowance for monument and wall signage.
31 The fifteen (15) percent reduction in allowable sign area may be applied to the monument sign allowance, wall
32 sign allowance, or both. This provision does not apply if either wall or monument signage, not both, is utilized.
- 33 (E) *Accessory structure signage* is limited to identification of the accessory use only. No accessory structure
34 signage is permitted within RS, RD, RO and ROSC districts. Accessory structure signage in all other districts is
35 limited to 0.5 square feet of signage per linear foot of the accessory structure surface to which the sign is
36 attached, not to exceed ten (10) square feet.
- 37 (F) *Alley signage.* Signs fronting on an alley are prohibited except for lots with a parking lot or garage abutting or
38 adjacent to the alley, or where the alley provides a means of public vehicular entrance to a business, in which

{00619911.2 2976-9201291 }

CODING: Words in ~~strike through~~ type are deletions from existing law;
Words in underlined type are additions.

- 1 case additional signage is permitted along the alley, and the permitted signage area shall be the same as if the
2 sign fronted on a street.
- 3 (G) *Governmental sign posting.* Nothing in this Article shall limit the posting of signs by a governmental agency
4 with copy relating to legal notices, warnings, traffic or safety, nor any signage posted by the City of Wilton
5 Manors upon any right-of-way or other public property.
- 6 (H) *Clear site distance triangle.* No sign shall be located within the clear site distance triangle required in Section
7 155-070, Site distance triangle.
- 8 (I) *Permitted characteristics.* The characteristics of the sign shall conform to the limitations of Table 145-1, and
9 with any additional limitations on characteristics listed in this Section.
- 10 (1) "N" in a column indicates that a characteristic is not permitted in that zoning district under any
11 circumstances.
- 12 (2) "P" in a column indicates that a characteristic is allowed on an attached sign or freestanding sign.
- 13 (3) "C" in a column indicates that a characteristic is not generally allowed on a wall sign or ground sign, but
14 is allowed under certain conditions specified in this Section, Section 145-090, General signage
15 regulations, and the subsequent sections regulating signage by zoning district.

Table 145-1. Permitted Sign Characteristics				
Sign Types	All RS & RD	All RM & RO/ROSC	All COMMERCIAL & CF	IL
Animated	N	N	N	N
Changeable Copy	C	C	C	N
Illumination, Internal	N	N	P	P
Illumination, External	N	N	P	P

- 16
- 17 (J) *Illumination.* Lighting for signage may be accomplished by either internal or external sources or as otherwise
18 permitted in this Article. The source of illumination may not cause direct glare onto another property, or into
19 the eyes of passing motorists or pedestrians.
- 20 (K) *Materials, installation, and maintenance.*
- 21 (1) *Code compliance.* All signs, including but not limited to portable, permanent and temporary signs, shall
22 at all times, comply with the applicable provisions of the Florida Building Code, as revised.
- 23 (2) *Permanent installation required.* Except for permitted banners, flags, temporary signs, portable signs,
24 and window signs conforming in all respects with the requirements of this Article, all signs shall be
25 constructed of permanent materials and shall be permanently attached to the ground, a building, or
26 another structure by direct attachment to a rigid wall, frame, or structure.
- 27 (3) *Maintenance.* All signs shall be maintained in good structural condition, in compliance with all Florida
28 Building Code, as revised, and in conformance with this Article, at all times. Specifically:
- 29 a. A sign shall have no more than twenty (20) percent of its surface area covered with disfigured,
30 cracked, ripped or peeling paint, poster paper or other material for a period of more than thirty
31 (30) successive days.

{00619911.2 2976-9201291 }

- 1 b. A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages
 2 or struts, or more than fifteen (15) degrees from vertical for a period of no more than ten (10)
 3 successive days.
- 4 c. A sign shall not have weeds, trees, vines, or other vegetation growing upon it, or obscuring the
 5 view of the sign from the street or right-of-way from which it is to be viewed, for a period of no
 6 more than thirty (30) successive days.
- 7 d. An internally or externally illuminated sign shall be allowed to stand with only partial illumination
 8 for a period of no more than ten (10) successive days.
- 9 e. The owner of any property upon which a business is located upon which signs have been placed
 10 must, within fifteen (15) days of the business ceasing its operations, remove all signs at the
 11 business.
- 12 (L) *Signs not to constitute traffic hazard.* No signs shall be erected, and there shall be no lighting of signs or
 13 premises, in such a manner or in such location as to obstruct the view of, or be confused with, any authorized
 14 traffic signal, notice or control device, or with lights on any emergency vehicle, or to create hazards or
 15 distractions to drivers because of direct or reflected natural or artificial light, flashing, intermittent or flickering
 16 lighting, or real or apparent movement. No flashing or animated sign shall extend over a public right-of-way.
 17 Any such signs or light sources shall be removed at the direction of the City. If not removed by owners or
 18 occupants of the property within ten (10) days of notice, the City shall cause the signs to be otherwise removed
 19 and the cost of removal shall become a lien against the property until satisfied.
- 20 (M) *Address signs* are required on all properties in the City, except vacant lots.
- 21 (N) *Properties zoned PUD ~~or TNOB~~.* Development within mixed-use zoning regulations shall be subject to the
 22 signage standards herein applicable to each type of use within a development. For example, the regulations
 23 applicable to the RS and RD Districts would be applicable to single-family and duplex residences and
 24 regulations applicable to commercial zoning districts would be applicable to retail uses, offices and other uses
 25 principally permitted in the City's commercial zoning districts.
- 26 (O) *Business identifying signs.* Signs which identify a business shall identify the legal name of the business, a
 27 registered fictitious name of the business or a registered trademark of the business.

28 **Section 5: Codification.** It is the intention of the City Commission of the City
 29 of Wilton Manors, and it is hereby ordained that the provisions of this Ordinance shall become and
 30 be made a part of the Code and Ordinances of the City of Wilton Manors, Florida, and that Sections
 31 of this Ordinance may be renumbered, re-lettered and the word “Ordinance” may be changed to
 32 “Section,” “Article,” or such other word or phrase in order to accomplish such intention.

33 **Section 6: Severability.** If any clause, section, or other part of this Ordinance
 34 shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such

1 unconstitutional or invalid part shall be considered as eliminated and in no way affecting the
2 validity of the other provisions of this Ordinance.

3 **Section 7: Conflicts.** That all Ordinances or parts of Ordinances, Resolutions, or
4 parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

5 **Section 8. Effective Date.** That this Ordinance shall take effect immediately
6 upon adoption.

7

8

(Signature Page to Follow)

9

1 PASSED ON FIRST READING BY THE CITY COMMISSION OF THE CITY OF WILTON
2 MANORS, FLORIDA, THIS 10th DAY OF SEPTEMBER, 2024.

3
4 PASSED AND ADOPTED ON SECOND AND FINAL READING BY THE CITY
5 COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA THIS 21 DAY OF
6 September, 2024.

7
8 CITY OF WILTON MANORS, FLORIDA

9
10
11 By: 
12 SCOTT NEWTON, MAYOR.

13
14 ATTEST:

RECORD OF COMMISSION VOTE: 1ST Reading

15
16 
17 FAITH LOMBARDO, J.D., CMC
18 CITY CLERK

19 MAYOR NEWTON
20 VICE MAYOR BRACCHI aye
21 COMMISSIONER CAPUTO absent
22 COMMISSIONER D'ARMINIO aye
23 COMMISSIONER ROLLI aye

24 I HEREBY CERTIFY that I have
25 approved the form of this Ordinance.

26 /s/ Kerry L. Ezrol
27 KERRY L. EZROL, ESQ.
28 CITY ATTORNEY

29 RECORD OF COMMISSION VOTE: 2ND
30 Reading

31 MAYOR NEWTON aye
32 VICE MAYOR BRACCHI aye
33 COMMISSIONER CAPUTO aye
34 COMMISSIONER D'ARMINIO aye
35 COMMISSIONER ROLLI aye



COMMUNITY DEVELOPMENT SERVICES

(954) 390-2180 FAX: (954) 567-6069

Life's Just Better Here

TO: Mayor and City Commission

THRU: Leigh Ann Henderson, City Manager

FROM: Roberta Moore, Community Development Services Director

CC: Gary Blocker, Chief of Police
Abel Alberro, Code Compliance Supervisor

DATE: June 12, 2024 / July 10, 2024 / September 12, 2024

RE: Amendments to Chapter 2 of the City's Code of Ordinances entitled "Administration", Section 2-25 entitled "Lien Reduction Procedures".

The City Commission gave direction to City staff at the May 14, 2024 City Commission meeting to amend the lien reduction procedures as outlined in Section 2-25 of the City of Wilton Manors Code of Ordinances.

The following outlines the proposed changes.

Section 2-25. Lien reduction procedures

- Subsection (1)a. Ordinance page 2 of 6, lines 2-4. Requires written consent for an applicant who is not the property owner to apply for the lien reduction.
- Subsection (1)e. Ordinance page 2 of 6, lines 11-13. New subsection. Requires supporting documentation be submitted that identifies any and all code violations and code liens on all real property owned by the property owner within the City boundaries within the past five (5) years.
- Renumber subsections (1)e – k based on the addition of subsection (1)e. Ordinance page 2 of 6, lines 11-29.
- New subsection (1)g. Ordinance page 2 of 6, lines 18-19. Adds the requirement for a reason why the lien should be reduced.
- Subsection (8). Ordinance page 4 of 6, lines 5-6. Requires the Special Magistrate set forth the reason(s) for granting the lien reduction in the lien reduction order.
- Subsection (11). Ordinance page 4 of 6, lines 18-20. Requires the applicant's notice of appeal to include the reasons why the applicant believes the Special Magistrate's order should be overturned and all supporting documentation.

June 25, 2024 City Commission

Motion made by Commissioner Caputo and Seconded by Commissioner D'Arminio. A requested amendment to Ordinance No. 2024-004 between First and Second Reading was to clarify what the Special Magistrate has to provide to the City Commission relating to their findings for granting the lien reduction. Motion passed 5-0.

Amendment can be found on Page 4 of 6 of Ordinance No. 2024-004, lines 6-8. Addition of language “based upon the factors set forth in subsection (5) above and, the specific reasons for a reduction if based upon a hardship as set forth in subparagraph (10) below.”

July 23, 2024 City Commission

Motion made by Commissioner Caputo and seconded by Commissioner D’Arminio to table Ordinance No. 2024-004 to the September 24, 2024 City Commission meeting. Motion passed 5-0.

Changes from the July 23, 2024 City Commission meeting

Section 2-25(1)(h): Added language that requires the financial affidavit and supporting documentation that is submitted will be by the property owner and any tenant that caused the violation that resulted in the lien. Page 2 of 7, lines 23-25 of Ordinance No. 2024-004.

Section 2-25(5): Added language requiring public notice provided by the applicant for all properties within 300 feet of the property that is requesting a lien reduction. This notice is required to be provided at least ten (10) days prior to the scheduled hearing date. The applicant will be required to provide a “certificate of mailing” or other means acceptable to the City prior to the public meeting date. Page 3 of 7, lines 22-31 of Ordinance No. 2024-004.



City of Wilton Manors
Business Impact Estimate

Note: The business impact estimate must be posted on the City's website no later than the date the notice of proposed enactment is published per Section 166.041(4) Florida Statutes. This business impact estimate may be revised following its initial posting.

Ordinance title/reference:

Amendments to Chapter 2 of the City of Wilton Manors Code of Ordinances entitled "Administration", Section 2-25 entitled "Lien Reduction Procedures".

Does any of the following exceptions to the Business Impact Estimate requirement apply? If so, check the applicable box and leave the remainder of the form blank.

- The ordinance is required for compliance with federal or state law or regulation;
- The ordinance relates to the issuance or refinancing of debt;
- The ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The ordinance is required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by the County;
- The ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;
 - b. Sections 190.005 and 190.046, regarding community development districts;
 - c. Section 553.73, relating to the Florida Building Code; or
 - d. Section 633.202, relating to the Florida Fire Prevention Code.

Business Impact:

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Wilton Manors (each is required):
 - 2.1 An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted

 - 2.2 Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible

 - 2.3 An estimate of the City's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs:

3. A good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

4. Additional information (if any):



Life's Just Better Here

Amendments to Section 2-25 entitled
“Lien Reduction Procedures”
of the City’s Code of Ordinances

September 24, 2024

City Commission

Changes from the July 23, 2024 City Commission meeting

Section 2-25. Lien reduction procedures

- Section 2-25(1)(h): Added language that requires the financial affidavit and supporting documentation that is submitted will be by the property owner and any tenant that caused the violation that resulted in the lien. Page 2 of 7, lines 23-25 of Ordinance No. 2024-004.
- Section 2-25(5): Added language requiring public notice provided by the applicant for all properties within 300 feet of the property that is requesting a lien reduction. This notice is required to be provided at least ten (10) days prior to the scheduled hearing date. The applicant will be required to provide a “certificate of mailing” or other means acceptable to the City prior to the public meeting date. Page 3 of 7, lines 22-31 of Ordinance No. 2024-004.



Section 2-25 “Lien Reduction Procedures”

Section 2-25. Lien reduction procedures

- Subsection (1)a. Ordinance page 2 of 6, lines 2-4. Requires written consent for an applicant who is not the property owner to apply for the lien reduction.
- Subsection (1)e. Ordinance page 2 of 6, lines 11-13. New subsection. Requires supporting documentation be submitted that identifies any and all code violations and code liens on all real property owned by the property owner within the City boundaries within the past five (5) years.
- Renumber subsections (1)e – k based on the addition of subsection (1)e. Ordinance page 2 of 6, lines 11-29.
- New subsection (1)g. Ordinance page 2 of 6, lines 18-19. Adds the requirement for a reason why the lien should be reduced.
- Subsection (8). Ordinance page 4 of 6, lines 5-6. Requires the Special Magistrate set forth the reason(s) for granting the lien reduction in the lien reduction order.
- Subsection (11). Ordinance page 4 of 6, lines 18-20. Requires the applicant’s notice of appeal to include the reasons why the applicant believes the Special Magistrate’s order should be overturned and all supporting documentation.



Questions

THANK YOU
FOR YOUR SERVICE
TO THE
ISLAND CITY