

# **City of Margate Comprehensive Plan**



## **Element I Future Land Use Element Goals, Objectives, & Policies October 2024 (Recertified: January 23, 2025)**

MARGATE COMPREHENSIVE PLAN

Element I

Future Land Use Element

Volume I of II

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## Future Land Use Element

### TABLE OF CONTENTS

	Page Number
PART 1: GOALS, OBJECTIVES, AND POLICIES	4
PART 2: PLAN IMPLEMENTATION	25
a) Monitoring Procedures	25
b) Density Calculation, Generally	25
c) Dashed-Line Areas	25
d) Density Calculation Exceptions	26
e) Flexibility Units and Redevelopment Units	28
f) Development Review Requirements Platting Requirements	28
g) Platting Requirements	29
h) Plan Amendments	30
i) Definitions	32

## PART 1: GOALS, OBJECTIVES, AND POLICIES

**GOAL 1:** *ENSURE THAT THE CHARACTER AND LOCATION OF LAND USES MAXIMIZE THE POTENTIAL FOR ECONOMIC BENEFIT AND THE ENJOYMENT OF NATURAL AND MAN-MADE RESOURCES BY CITIZENS WHILE MINIMIZING THE THREAT TO HEALTH, SAFETY AND WELFARE POSED BY HAZARDS, NUISANCES, INCOMPATIBLE LAND USES, AND ENVIRONMENTAL DEGRADATION.*

OBJECTIVE 1.1 Future development and redevelopment shall be managed through the preparation, adoption, and implementation of land development regulations, and shall be consistent with the requirements of Sec:163.3202 (1), Florida Statutes.

Policy 1.1.1 Land use regulations shall contain specific and detailed provisions required to implement this Comprehensive Plan, and at a minimum shall accomplish the following:

- a. Regulate the subdivision and re-subdivision of parcels;
- b. Regulate the use of land and water consistent with this Element and ensure the compatibility of adjacent land uses and provide for open space;
- c. Protect those areas designated as "Conservation" on the Future Land Use Map;
- d. Regulate areas subject to periodic flooding and provide for drainage and stormwater management;
- e. Protect potable water wellfield cones of influence and aquifer recharge areas;
- f. Regulate signage;
- g. Ensure safe and adequate off-street parking and loading and controlled ingress and egress; and
- h. Provide that development orders and permits shall meet level of service standards for the affected facilities and services as specified in this Comprehensive Plan.
- i. Protect surface water bodies and minimize soil erosion on new construction site by requiring treatments and other measures consistent with Chapter 27 of the Broward County Code. [BCLIP 2.24.4]

Policy 1.1.2 The permitted uses, densities and intensities contained in the land development regulations shall not exceed those listed below for each land use category found on the Future Land Use Map. The City's land development regulations with respect to uses, densities and intensities may be more restrictive than those shown in this section.

a) Residential

The Residential land use category is intended to provide land primarily for dwellings but also allows recreation, open space and compatible community

facilities related to a residential environment.

1. Dwelling units and accessory structures and uses, subject to the limitations upon density expressed by the Future Land Use Map. Permitted residential development and densities shall be consistent with the implementation provisions for density calculations
2. Parks, golf courses and other outdoor recreational facilities. Recreational, civic, or other cultural buildings ancillary to primary outdoor recreational use of the site.
3. Community facilities designed to serve the residential area limited to public schools, places of worship, local governmental administration, police and fire stations, libraries and civic centers.
4. Public utilities, including water, and wastewater treatment plants, pumping stations, and electric transmission facilities.
5. Special Residential Facilities Category (1) and (2) as defined in the "Definitions" subsection of the Plan Implementation Requirements of the City of Margate Comprehensive Plan.
6. Recreational vehicle park sites in the R-10 through R-14 residential density ranges. The maximum number of recreational vehicle park sites permitted is equal to the maximum number of dwelling units designated for that parcel on the City's Future Land Use Map.
7. Municipal buildings, parks, and playgrounds.

b) Commercial

The Commercial land use category is intended to provide land area primarily for retail, consumer services, dining, entertainment, and office enterprises that support the residents, workforce and visitors of the City.

1. Neighborhood, community, and regional retail uses.
2. Office and business uses.
3. Commercial uses, including wholesale, storage, light fabricating and warehousing.
4. Hotels, motels, and other tourist accommodations.
5. Parks, recreation, and commercial recreation uses.
6. Community facilities.
7. Medical facilities, specifically doctors' offices, clinics, surgery centers, and hospitals.
8. Municipal buildings, parks, and playgrounds.

c) Office Park

The Office land use category is intended to provide land area for offices and

supporting uses in a planned campus-like setting.

1. Administrative, business, and professional offices.
2. Banking and financial institutions.
3. Medical and dental laboratories, research laboratories.
4. Restaurants and personal services that are accessory to a primary office use.
5. Community facilities.
6. Parks and recreation facilities.
7. Municipal buildings, parks, and playgrounds.

d) Industrial

The Industrial land use category is intended to provide land area primarily for manufacturing, warehousing, research and development, and heavy commercial uses.

1. Industrial uses.
2. Heavy commercial uses including new and used automobile, truck, motorcycle, boat and trailer display, sales, and service; newspaper, magazine, and printing plants; bakeries, carpentry and other trade shops; ice houses; chemical sales, and repair shops.
3. Scientific and industrial applied research and/or educational facilities; medical or dental laboratories.
4. Offices.
5. Recreation and open space, and commercial recreation uses, as long as the location of these uses does not preclude or adversely affect the future use of surrounding areas for industry.
6. Community facilities, as long as the location of these uses does not preclude or adversely affect the future use of surrounding areas for industry.
7. Ancillary commercial uses within buildings devoted to primary industrial uses.
8. Municipal buildings, parks, and playgrounds.

e) Commercial Recreation

The Commercial Recreation land use category is intended to provide land area for public and private recreation facilities that were conceived as profit-making enterprises.

1. Outdoor and indoor recreation facilities including, but not limited to, golf courses, tennis clubs, parks, playgrounds, and marinas.
2. Accessory facilities that are an integral part of and supportive to the primary recreation facility (excluding residential uses).

3. Hotels, that are ancillary to the primary recreation use.

f) Parks and Recreation

The Parks and Recreation land use category is intended to provide land to serve the recreation, cultural and civic needs of city residents.

1. Public parks.
2. Outdoor cultural, educational and civic facilities, including, but not limited to: animal exhibits, habitats, band shells and outdoor classrooms.
3. Boat ramps and docks.
4. Active recreational uses, including, but not limited to: tennis courts, playgrounds, swimming pools, athletic fields and courts, and bikeways.
5. Passive recreational uses, including but not limited to: nature centers and trails, scenic areas, wildlife sanctuaries and feeding stations, aquatic preserves, and picnic areas.
6. Concessions only when accessory to the above uses. Examples of such concessions are refreshment stands, souvenir shops and rental facilities.
7. Civic and cultural buildings ancillary to the primary recreation use of the site.

g) Open Space

The Open Space land use category is intended to provide open, maintained and kempt land with minimal structural and other man-made improvements to serve the passive recreation needs of city residents.

1. Open water areas.
2. Maintained open land areas.
3. Accessory parking lots to serve the open space use.

h) Conservation

The Conservation land use category is intended for land that is to be kept primarily in its natural state.

1. Storm water retention areas.
2. Natural preserves.
3. Passive public parks.

i) Community Facilities

The Community Facilities land use category is intended to ensure the availability of land necessary to provide primarily for a range of civic, cultural, religious,

educational, and municipal facilities and services to meet the needs of city residents.

1. Educational facilities
2. Special Residential Facilities Categories (1), (2), and (3) as defined in the “Definitions” subsection of the Plan Implementation Requirements section of the City of Margate Comprehensive Plan.
3. Governmental administration, police and fire stations, libraries, and civic centers.
4. Places of worship including parochial schools.
5. Municipal buildings, parks, and playgrounds.

j) Utilities

The Utilities land use category is intended primarily for utility infrastructure that occupies land as a principal use.

1. Utilities such as water and wastewater treatment plants, pumping stations, electric power plants and substations, solid waste disposal and transfer stations.
2. Other uses determined to be ancillary to the primary uses described in (1).
3. Recreation and open space uses.
4. Communication facilities.
5. Municipal buildings, parks, and playgrounds.

k) Activity Center

The Activity Center land use category is intended to facilitate a balanced and interconnected mix of land uses, provide incentives for quality development and redevelopment, and give definition to the urban form. Development patterns shall generally reflect planning and design principles that integrate housing, employment, retail, recreation and local and regional community facilities within the Activity Center.

1. All uses listed in a-j above, in accordance with the Activity Center Master Plan.
2. Existing and proposed residential development shall be designed to be integrated into the existing neighborhoods created through the implementation of the Activity Center. Compatibility and appropriate transitional design elements will be reviewed at time of site plan review, consistent with the land development regulations adopted to implement the Activity Center land use category.

Policy 1.1.3 Land development regulations shall ensure that the minimum floor elevation of all structures is above the base flood elevation of the “Flood Insurance Rate Map”.

Policy 1.1.4 Redevelopment within identified floodplains shall address existing flooding problems.

Policy 1.1.5 Development on flood-prone soils shall be regulated, as defined by the U.S. Soil Conservation Service, shall be regulated consistent with the criteria and mapping of the Federal Emergency Management Administration and the relevant policies included in Broward-Next.

Policy 1.1.6 Adopted land development regulations shall continue to require that facilities and services meet the level of service standards as specified within the elements of this adopted Comprehensive Plan.

Policy 1.1.7 Facilities and services shall be available concurrent with the impacts of development, while traffic circulation shall meet the level of service standards as specified within the adopted Transportation Element.

Policy 1.1.8 Broward County's tourist population and the seasonal demands placed upon the County's infrastructure shall be taken into consideration to ensure the adequate provision of public services and facilities.

Policy 1.1.9 Land development regulations shall include procedures that identify both the individual and the cumulative impacts of proposed development on public services and facilities before approving a land use plan amendment or rezoning, or issuing a development permit is issued. [BCLUP 2.14.7]

Policy 1.1.10 Adopted land development regulations shall continue to provide conditions that must be met by all proposed development prior to platting or site plan approval. Such regulations shall include minimum standards for first floor elevations, soil compatibility, drainage and storm water management, open space and parks, signage, on-site parking, internal traffic flow and traffic circulation as specified within the adopted Transportation Element.

Policy 1.1.11 Subdivision regulations shall provide for both the timely completion and regular maintenance of all required capital improvements and amenities.

Policy 1.1.12 Where conflict exists between elements of this Comprehensive Plan, Element I (Future Land Use) shall prevail.

OBJECTIVE 1.2 Develop and implement land use programs to encourage the elimination or reduction of existing incompatible land uses and prevent future incompatible land uses.

Policy 1.2.1 Expansion or replacement of land uses, which are incompatible with the Future Land Use Plan Map or this Element shall be prohibited.

Policy 1.2.2 The compatibility of existing and future land uses and the established character or predominantly developed areas shall be a primary consideration in the review and approval of amendments to the Future Land Use Plan in order to prevent

incompatible uses. It is recognized that approved redevelopment plans aimed at eliminating or reducing blighted and deteriorating areas may appropriately promote the introduction of land use patterns in variance with existing land use patterns [BLUP 2.10.2, 2.10.3].

Policy 1.2.3 To ensure compatibility among uses, “spot zoning,” as defined in the “Definitions” subsection of the Plan Implementation section of the City of Margate Comprehensive Plan, is prohibited.

Policy 1.2.4 Commercial and industrial land use plan designations shall be located in a manner that does not adversely affect existing and future land use designated residential areas.

Policy 1.2.5 Impacts of existing incompatible land uses shall be minimized through the requirements of the land use regulations, including requirements such as landscape buffering and setbacks.

Policy 1.2.6 For areas that are circumscribed with a dashed line to indicate an irregular density, the City may approve a rearrangement of uses or densities pursuant to the City’s land use plan amendment processes.

The maximum permitted development and approximate acreage within each dashed line area is as follows:

**DASHED LINE AREA “A”**

Total Acreage:	636.18
Average Density Permitted:	7.0
Map Designation	Acreage
R(25)	34.17
R(20)	24.58
R(12)	35.34
R(10)	74.9
R(7)	182.62
R(5)	42.04
Commercial	22.83
Office Park	3.57
Commercial Recreation	150.38
Parks	17.27
Open Space	47.48
Conservation	1

**DASHED LINE AREA “B”**

Total Acreage:	237.58
Average Density Permitted:	7.0
Map Designation	Acreage
R(20)	45.38
R(16)	36.54
R(10)	24.78
R(7)	6.79

R(5)	42.56
Parks	8.58
Open Space	70.26
Conservation	1.69

#### **DASHED LINE AREA “C”**

Total Acreage:	282.75
Average Density Permitted:	8.7
Map Designation	Acreage
R(20)	42.05
R(17)	36.41
R(16)	45.75
R(14)	30.08
Parks	1.23
Office Park	0.95
Commercial Recreation	126.28

#### **DASHED LINE AREA “D”**

Total Acreage:	104.4
Average Density Permitted:	8.38
Map Designation	Acreage
R(17)	35.85
R(7)	32.86
R(4)	28.79
Commercial	5.2
Parks	1.7

**OBJECTIVE 1.3** Incorporate the relevant Objectives and Policies of the Broward County Land Use Plan into the City’s Future Land Use Element.

Policy 1.3.1 The Future Land Use Element includes by reference the following other Comprehensive Plan Objectives and Policies: Transportation (Policies 1.2.3, 2.1.2, 2.1.4, 2.1.5, 3.5.1, and 6.3.2); Housing (Policies 1.5, 2.1, 2.2, 2.3, and 2.7 through 2.14); Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater, Aquifer Recharge (Policy 2.4.1, Objective 3.1, Policies 3.1.2, 3.1.3, 3.1.5, 3.2.1, 3.3.1, Objective 3.4, Policies 3.4.2, 4.1.2, Objective 5.1, Policies 5.1.1 and 5.2.1); Recreation and Open Space (Objective 1, Policies 1.1, 1.6, Objective 2, Policies 2.2, 2.3 and 2.4); Conservation (Policies 1.1, 1.3, 1.4, 1.6, Objective 3, Policies 3.1, 3.2, 3.4, Objective 4, Policies 4.1, 4.2, 4.3, 4.7, 4.8, Objective 5, Policy 5.2, Objective 6 and Policy 6.1); Public School Facilities (Policies 2.1.1, 2.1.2 and 2.1.6); and Intergovernmental Coordination (Objective 1).

Policy 1.3.1.1. The City shall continue to participate in the State Housing Initiative Program (SHIP) and First Time Homebuyers program as a means of preserving the integrity of the existing affordable housing stock and addressing the affordability gap and safe and sanitary housing needs in the City. [BCLUP 2.16.1]

Policy 1.3.1.2 The City shall consider new and innovative housing programs and partnerships with other agencies and private entities for the provision of affordable housing and shall implement those deemed advantageous and feasible. Such programs shall include, but not be limited to, financing/ mortgage programs, density bonuses, public-private housing partnerships, and employer-generated programs. [BCLUP 2.16.1]

Policy 1.3.1.3 The City shall participate in any county-wide or regional program developed that provides a mechanism through which municipalities can participate directly or indirectly in the provision of low-income housing within the region. [BCLUP 2.16.1]

Policy 1.3.2 The City's utilization of the Broward County Land Use Plan "Flexibility Rules" shall be subject to the implementation provisions in this element and the rules and requirements in the Broward County Land Use Plan, inclusive of Policy 2.10.1, and the "Administrative Rules Document: Broward County Land Use Plan." [BCLUP 2.2.3, 2.2.4, 2.3.3, 2.3.4, 2.10.1]

Policy 1.3.3 The City's utilization of the Broward County Land Use Plan "Redevelopment Units" shall be subject to the implementation provisions in this element and the rules and requirements in the Broward County Land Use Plan, inclusive of Policy 2.35.1, and the "Administrative Rules Document: Broward County Land Use Plan."

Policy 1.3.4 The maximum number of dwelling units permitted in a flexibility zone by the Margate Future Land Use Map shall not exceed the number of dwelling units permitted in the flexibility zone by the Broward County Land Use Plan.

Policy 1.3.5 Prior to allocating Flexibility Units, the City Commission shall determine that such allocation is compatible with adjacent land uses, and that impacts on public school facilities have been adequately considered. [BCLUP 2.2.3]

Policy 1.3.6 Flexibility/Redevelopment Units – The land development code shall provide the process for the allocation of flexibility and/or redevelopment units.

Policy 1.3.7 The City shall cooperate with Broward County's efforts to pursue the establishment of mandatory reclaimed water reuse zones when source water is available, with the goal of reducing demands on the Biscayne Aquifer. [BCLUP 2.11.3]

Policy 1.3.8 The City shall develop and implement post-disaster redevelopment and hazard mitigation land use controls and development regulations including strong preventative measures, to protect the health, safety and welfare of the City's current and future residents. [BCLUP 2.12.1]

Policy 1.3.9 The City shall cooperate with Broward County efforts to adopt a countywide post-disaster long-term recovery and redevelopment strategy plan. [BCLUP 2.12.2]

OBJECTIVE 1.4 Recognize the importance of maintaining the industrial land use designation for long term economic prosperity.

Policy 1.4.1 New residential and general commercial uses on properties with an Industrial land use designation are prohibited.

Policy 1.4.2 Prioritize industrial development and uses on land designated Industrial to accommodate industries such as manufacturing, fabrication, assembly, research and development, and warehousing.

Policy 1.4.3 Mining and fracturing shall not be permitted. [BCLUP 2.9.2, 2.9.3]

**GOAL 2: ENCOURAGE THE HIGHEST STANDARDS OF DEVELOPMENT DESIGN AND LANDSCAPING FOR THE CITY, AS A WHOLE, INCLUDING DISTRICTS WITHIN THE CITY, AND INDIVIDUAL SITE PLANS.**

OBJECTIVE 2.1 Future development and redevelopment activities shall be directed to appropriate locations as designated on the Future Land Use Map, consistent with sound planning principles, natural limitations, and the goals, objectives, and policies contained within this plan, consistent with the requirements of S.163.3202 (1), Florida Statutes.

Policy 2.1.1 Residential neighborhoods should be preserved and protected by rezoning existing districts that conflict with adopted land use categories. New residential districts should not be permitted adjacent to an existing non-compatible use district, nor should a new non-compatible use district be permitted adjacent to an existing residential district.

Policy 2.1.2 Developments with a density in excess of 25 units per acre should only be permitted if they are designed around a permanent open space and recreational feature that is of a size and scale appropriate for the development that it serves, or along an east-west arterial roadway as designated by the Broward Metropolitan Planning Organization's Broward County Highway Functional Classifications Map, and within a one-quarter mile radius of a transit facility.

Policy 2.1.3 Increased residential density shall be promoted within the Activity Center land use category, and such development shall provide pedestrian access and connectivity to transit facilities.

Policy 2.1.4 The Planned Unit Development (PUD) zoning regulations should incentivize private investment in varied and diverse projects, public infrastructure improvements, and the provision of open space, and other amenities.

Policy 2.1.5 Adopted land development regulations shall include provisions to encourage the implementation of innovative land planning and site design to encourage commercial areas that are large enough to be economically competitive and that are designed with controlled access to trafficways, adequate off-street parking and circulation, attractive landscaping with an emphasis on xeriscaping techniques, and cross access with neighboring commercial parcels. Commercial developments adjacent to residential areas should be planned with generous

setbacks, buffer landscaping, architectural amenities (e.g. high parapet walls to screen rooftop mechanical equipment), and traffic patterns, which minimize the impact on neighborhoods. [BCLUP 2.3.1, 2.3.2]

Policy 2.1.6 The land development regulations shall continue to maintain commercial and industrial zoning districts with differing permitted intensities of development and corresponding setback and buffering standards, that together are designed to ensure compatibility with adjacent and surrounding land uses. [BCLUP 2.3.1, 2.3.2]

Policy 2.1.7 Commercial zoning categories shall distinguish between neighborhood and community commercial developments within respective service areas.

Policy 2.1.8 Office Park developments shall feature buildings with interesting architectural design, use of high-quality building materials and abundant fenestration; extensive landscaping that exceeds standards typical for shopping centers and other commercial development; and attractive, coordinated development identification and internal wayfinding signage that harmonizes with building design and materials.

Policy 2.1.9 Industrial land uses should be buffered from residential areas by canals and lakes, setbacks, landscaping, and architectural design.

Policy 2.1.10 Future industrial land uses shall be located with access to major transportation facilities including highways, airports, railroads and seaports.

Policy 2.1.11 Regulations shall be implemented that address the potentially adverse impacts of industry, including noise, vibration, air pollution, glare, heat, solid wastes, fire and explosion. [BCLUP 2.25.1]

Policy 2.1.12 All commercial and industrial development shall be serviced by centralized wastewater systems.

Policy 2.1.13 Land uses currently on septic systems shall be connected to central wastewater treatment facilities within ninety (90) days after the date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line (Ordinance 78-37). [BCLUP 2.11.6]

Policy 2.1.14 New, and expansions or additions to existing, nonresidential development, shall provide pre-treatment for storm-water runoff through grassy swales, wetlands filtration, exfiltration trenches or other means consistent with the Best Management Practices of the SFWMD.

Policy 2.1.15 New, and expansions or additions to existing, development adjacent to or in the vicinity of surface waters shall be designed to minimize the direct discharge of stormwater runoff into such bodies of water.

Policy 2.1.16 Land development regulations shall contain performance standards that address the compatibility of proposed development with the future land uses and zoning designations of neighboring properties, which, at a minimum shall include:

- a. Intensity standards such as height, floor area ratio, lot coverage, or similar controls. [BCLUP 2.3.2]
- b. Address any detrimental effects of the proposed development on living and/or working conditions in proximity thereto.
- c. Address internal and external vehicular and pedestrian traffic flow.
- d. Address the location, placement, orientation and design of buildings, structures, and parking and loading facilities, with particular reference to their interrelation with neighboring properties.
- e. Address the adequacy of setbacks and buffers from rights-of-way and neighboring properties.
- f. Address safety by incorporating principles that reduce the incidence of crime by utilizing Crime Prevention Through Environmental Design.

Policy 2.1.17 Landfills and resource recovery facilities shall be prohibited in all land use categories. [BCLUP 2.11.8]

Policy 2.1.18 Land development regulations adopted and amended from time to time shall ensure that all developments provide landscaping, with an emphasis placed on the preservation of existing trees, the use of native species, and berming along street perimeters.

Policy 2.1.19 In order to assess the development potential and public facilities impact of a site, the following maximum intensity standards shall be applicable for land use categories:

- a. Activity Center – The mix of land uses within the Activity Center shall not exceed the maximum intensities provided in Policy 7.1.2 of this element, as indicated below.

Commercial	4,454,894 sq. ft.
Office	1,371,159 sq. ft.
Industrial	1,830,884 sq. ft.
Residential	3,565 units*
Hotel	555 rooms
Recreation & Open Space	35 acre min.

\*includes 277 affordable housing units

Policy 2.1.20 The Development Services Department, Building Department, Department of Environmental and Engineering Services, Code Compliance Division of the Police Department and CRA shall coordinate with one another to ensure cohesion in the design, construction and maintenance of property standards within the City.

Such coordination shall provide for a commitment to the protection of existing and future neighborhoods from blighting conditions by enforcing existing property maintenance standards and proposing new regulations to combat any negative

influences that may arise.

**GOAL 3: THE COST OF PUBLIC INFRASTRUCTURE TO SERVICE NEW DEVELOPMENTS AND REDEVELOPMENTS SHALL BE BORN BY SAME, THEREBY MAINTAINING A COMPARATIVELY LOW RATE OF LOCAL TAXATION AND PUBLIC INDEBTEDNESS.**

OBJECTIVE 3.1 Land development regulations shall ensure that future land uses will only be permitted provided that the accommodation is demonstrated for soils, topography and natural resources and the availability of facilities concurrently with the impact of new development or redevelopment.

Policy 3.1.1 Land development regulations shall require platting in at least those circumstances set forth in the Implementation Provisions of this Element. Additionally, land development regulations shall require that no application for a new building or an addition to an existing building be issued without its being erected upon a lot, tract, or parcel shown on a plat which has been duly accepted and approved by the City Commission and recorded in the Public Records of Broward County. [BCLUP 2.13.3]

Policy 3.1.2 A development permit shall only be issued upon finding that:

- a. The proposed development is consistent with the Future Land Use Map and the permitted uses of Policy 1.1.2 of this Element.
- b. That the City has reviewed the proposed development pursuant to the concurrency management provisions of the land development regulations and determined that adequate capacity will be available at the adopted level standards established in this Comprehensive Plan for the following: community parks; transportation; public schools; surface water management; solid waste collection and disposal; potable water supply, distribution and treatment; and wastewater collection, treatment and disposal. [BCLUP 2.15.1]
- c. That fire protection is adequate to serve the needs of the proposed development.
- d. That police protection is adequate to serve the needs of the proposed development.
- e. That floor elevations are at or above the minimum prescribed by the National Flood Insurance Program.
- f. That safe, adequate access is provided from adjacent streets and within the development.
- g. That a surface water management system meeting or exceeding the design criteria of the South Florida Water Management District is provided by the proposed development.
- h. That adequate areas for local parks and recreation have been provided to meet the needs of the proposed development.
- i. That the proposed development is consistent with the design criteria

specified in the land development regulations of the City of Margate.

- j. Development does not include a structure, or alteration thereof, that is subject to the notice requirements of Federal Aviation Regulations (FAR), Part 77, Subpart B, unless the Federal Aviation Administration issues, or has issued within the previous ninety (90) days, a written acknowledgement that said structure or alteration would not constitute a hazard to air navigation and does not require increases to minimum obstruction clearance altitudes, or any other operational modifications at any existing airport or heliport or any planned or proposed airport as described in FAR Part 77.2(c)(2).

**OBJECTIVE 3.2** Land development regulations shall be adopted that ensure that land uses found to be inconsistent with the community character shall not be permitted.

**Policy 3.2.1** All existing zoning districts that are not in conformance with adopted land use categories shall be rezoned within one year of Plan adoption.

**Policy 3.2.2** All proposed development, shall be compatible with adjacent land uses. Compatibility determination shall include consideration of factors such as, but not limited to, operational characteristics and intensity of use (ex: hours of business, indoor vs outdoor activities, traffic generation, etc.), noise, glare, odor and other externalities, and adequacy of buffering.

**GOAL 4: *PRESERVE, PROTECT AND ENHANCE RECREATION AND OPEN SPACES, ENVIRONMENTALLY SENSITIVE AREAS, AND HISTORIC RESOURCES.***

**OBJECTIVE 4.1** Land development regulations shall ensure the protection of natural and historic resources.

**Policy 4.1.1** Areas identified as Local Areas of Particular Concern and wetlands shall be protected in accordance with the provisions of adopted Broward County and City of Margate ordinances.

**Policy 4.1.2** Land development regulations shall address mitigation of wetlands when alternative strategies have been unsuccessful.

**Policy 4.1.3** No proposed development located within an identified public potable water wellfield cone of influence shall be permitted that is in conflict with the Broward County Wellfield Protection Ordinance.

**Policy 4.1.4** Land or property identified as historically significant by the City of Margate and the Broward County Commission, together with the Broward County Historic Preservation Board, Florida Department of State, Division of Historical Resources, or listed within the National Register of Historic Places, shall be protected by ordinance from excavation, demolition or major alteration.

**Policy 4.1.5** A current list of historically, architecturally and archaeologically significant properties shall be mapped and maintained, and these historic resources shall be protected. Prior to the development or redevelopment of any of these

properties, an archaeological survey shall be conducted to verify if any historic artifacts or data exist. A map depicting these sites is included in Volume II of this element.

Policy 4.1.6 The impacts of land use plan amendments on historic, archaeological and paleontological resources shall be considered in the approval process. [BCLUP 2.30.2]

OBJECTIVE 4.2 Provide recreation and open spaces that meet the needs of residents and that are compatible with the character of the City.

Policy 4.2.1 Land development regulations shall be adopted to ensure that adequate open spaces and parks are available for residents to enjoy.

Policy 4.2.2 Level of service standards for parks shall be established to ensure adequate facilities exist to provide Margate's present and future population with a diversified and balanced parks and recreation system, as provided in the Recreation and Open Space element.

**GOAL 5: UTILIZE IMPACT ANALYSIS AND RELATED FACTORS IN MAKING DECISIONS FOR PROPOSALS TO DEVELOP LAND IN MARGATE IN A MANNER THAT IS CONSISTENT WITH THE FUTURE LAND USE MAP AND THE OTHER RECOMMENDATIONS WITHIN THIS COMPREHENSIVE PLAN.**

OBJECTIVE 5.1 The Future Land Use Map shall distribute future land use categories in a manner that concentrates more dense or intense uses and acknowledges a hierarchy of intensities.

Policy 5.1.1 Prior to approving increases in density or intensity of land uses, including amendments to the Future Land Use Map and Zoning maps, approvals of plats, and issuance of development orders, there shall be a finding that existing public facilities and services are available to serve the needs of the proposed development. [BCLUP 2.14.2, 2.14.3]

Policy 5.1.2 New development shall provide water storage capacity equal to that which existed under pre-development conditions consistent with the water management regulations and plans of the SFWMD, Broward County and independent drainage districts.

OBJECTIVE 5.2 Land identified as utility within the land use inventory section shall be reserved for utility facilities necessary to support future development.

Policy 5.2.1 The need for future utility services and facilities as identified within the Potable Water and Sanitary Sewer Elements shall dictate the need for the reservation of land identified within the Future Land Use Map for the future development and expansion of utility facilities.

OBJECTIVE 5.3 Discourage urban sprawl by directing new development into areas

where necessary regional and community facilities and services exist.

Policy 5.3.1 Except for schools, regional and community facilities shall be located close to major traffic corridors and mass transit routes adequate to carry the volume of traffic generated by such facilities.

Policy 5.3.2 The City's concurrency management system will ensure that the necessary facilities and services are available concurrent with the impacts of development. The City of Margate shall conduct its concurrency review for local facilities at the time of plat approval. The City of Margate shall review all plats of land within the City and continue to participate in the countywide development review committee plat review and approval process.

The City and County plat approval process will require that necessary regional and local facilities and services be available concurrent with the impacts of development through any of the following situations:

- The necessary facilities are in place at the time a plat approval is issued, or a plat approval is issued subject to the condition that the necessary facilities will be in place when the impacts of the development occur.
- The necessary facilities are under construction at the time a plat approval is issued.
- The necessary facilities are the subject of a binding contract executed for the construction of those necessary facilities at the time a plat approval is issued.
- The necessary facilities have been included in the Broward County or City of Margate annual budget at the time a plat approval is issued although the facilities are not yet the subject of a binding contract for their construction. The City of Margate shall make a determination that it will not remove the budgetary provision for the necessary facilities from the budget. [BCLUP 2.14.3]

OBJECTIVE 5.4 Coordinate transportation and land use planning activities with Broward County to ensure that the regional roadway network levels of service standards established within the Broward County Comprehensive Plan are met.

Policy 5.4.1 For those portions of the regional roadway network within the City's jurisdiction, the City of Margate shall adopt levels of service and concurrency management systems consistent with the Broward County Traffic Circulation Element. [BCLUP 2.14.5]

Policy 5.4.2 The City shall utilize the highway capacity methodology endorsed by the Metropolitan Planning Organization and approved by the Broward County Commissioners to determine the capacities and levels of service on the regional roadway network. [BCLUP 2.14.6]

Policy 5.4.3 The individual and cumulative impacts of land use plan amendments on the existing and planned transportation facilities within the County shall be considered. [BCLUP 2.14.7]

Policy 5.4.4 The land development regulations shall provide for the reservation and acquisition of rights-of-way sufficient to meet the requirements of the Broward Trafficways Plan [BCLUP 2.17.5]

**GOAL 6: PROVIDE A HIGH QUALITY OF LIFE FOR ALL RESIDENTS, USE COMMUNITY PLANNING EFFORTS TO PREVENT NEIGHBORHOOD DECLINE, AND MAINTAIN OR RESTORE THE HOMETOWN ATMOSPHERE THAT ALLOWS RESIDENTS TO THRIVE SOCIALLY AND ECONOMICALLY.**

OBJECTIVE 6.1 Identify the unique needs and conditions of city neighborhood by developing and adopting neighborhood action plans that identify planning strategies and improvement projects to implement the vision of residents in the neighborhood. The term, “neighborhood,” as used in this objective and implementing policies, means a residential area that is fully accessible to the public via publicly dedicated and maintained streets, and that is distinguished from other residential areas by recognizable boundaries, defining characteristics, or both.

Policy 6.1.1 Identify the existing residential neighborhoods in the City and establish a plan and process for developing neighborhood action plans.

Policy 6.1.2 Prioritize the creation of neighborhood action plans for Margate neighborhoods that are presenting signs of physical decline.

Policy 6.1.3 Prioritize the creation of neighborhood action plans for Margate neighborhoods containing golf courses.

Policy 6.1.4 Amend all applicable regulations, plans and design guidelines to implement adopted neighborhood action plans.

Policy 6.1.5 Approve implementing standards and regulations of neighborhood action plans within eighteen months of adopting the action plans.

OBJECTIVE 6.2 Provide attractive neighborhood settings to enhance resident experience and interaction.

Policy 6.2.1 Engage in and support programs to help maintain and rehabilitate the City’s existing housing stock.

Policy 6.2.2 Develop residential design guidelines to create a distinct sense of place and human scale in existing neighborhoods.

OBJECTIVE 6.3 Encourage and activate neighborhood or property owners’ associations as leaders of grass roots efforts for neighborhood betterment.

Policy 6.3.1 Collaborate with community organizations to establish branding and signage for neighborhood entries.

Policy 6.3.2 Continue and expand community celebrations by collaborating with

community organizations to develop memorable events that enhance the sense to community pride.

Policy 6.3.3 Use neighborhood action plans to guide development approvals.

Policy 6.3.4 Interconnect neighborhoods and their components with a network of paths, sidewalks, and streets that discourage high speeds or cut-through traffic.

**GOAL 7: DESIGN AREAS ACCORDING TO A PLAN THAT SKILLFULLY ASSIGNS USES TO AREAS TO CREATE A SENSE OF IDENTITY AND APPEAL.**

**OBJECTIVE 7.1** The City shall maintain an Activity Center (AC) designation for the State Road 7 corridor between Sample Road to the north and the City of North Lauderdale to the south.

Policy 7.1.1 Within one year of the adoption of this Element, the City shall create and adopt an Activity Center Master Plan that will serve as a guide for future development and redevelopment. The Master Plan shall include, at a minimum, the general location and hierarchy of uses; circulation patterns; public hardscape and softscape improvements; and, color and material palettes.

Policy 7.1.2 The Activity Center land use category shall facilitate a mix of uses with access to transit stations or stops along existing and planned high performance transit service corridors (such as rapid bus) designated in the Broward County Comprehensive Plan Transportation Element, the Broward County Transit Master Plan and Broward County Metropolitan Planning Organization's (MPO) Long Range Transportation Plan, Broward County Transit Development Plan, or locally adopted financially feasible transportation or transit plan.

Policy 7.1.3 Within the Activity Center land use category, the following mix of uses shall be included within the designated land. Office, Industrial and Residential uses shall be the principal uses. In addition, the maximum intensity allowed within the Activity Center is as indicated below:

	<b>AC Max. Intensity</b>
Commercial:	4,454,894 sq. ft.
Office	1,371,159 sq. ft.
Industrial	1,830,884 sq. ft.
Residential:	3,565 units*
Hotel:	555 rooms
Rec & Open	35 acres, minimum

\*includes 277 units reserved for affordable housing

Policy 7.1.4 Residential use is required as a principal component within an Activity Center. The location of residential uses shall be consistent with the adopted Activity Center Master Plan.

Policy 7.1.5 Exclusively residential buildings shall be discouraged unless supporting commercial and office is within 1000' linear feet. The Activity Center

through implementing regulations or agreements shall ensure that an appropriate balance of residential and non-residential uses occur in a manner to support each other.

Policy 7.1.6 A total of 15 percent of all residential units within the Activity Center shall be provided as affordable housing. Affordable housing shall be encouraged as bonus density as authorized by the Broward County Planning Council Administrative Rules Document. The City shall create a mechanism to ensure that affordable housing, required as part of this land use category shall remain affordable in the future. The intent of the affordable housing is to ensure that those affordable units are integrated into a development proposal and not easily identified by location or design within the overall community. The City will work with the CRA to develop programs to develop a land trust, streamlined permitting, programs to work with major employers and agencies to construct workforce housing units as part of the master redevelopment plan, and other programs and policies that will promote the affordability of housing units. [BCLUP 2.16.1]

Policy 7.1.7 Residential density shall be distributed in a manner consistent with the Activity Center Master Plan.

OBJECTIVE 7.2 Integrate Activity Center components through design, pedestrian connections, landscaping and appropriate building scale.

Policy 7.2.1 Until such a time that the Activity Center Master Plan is adopted, the following guidelines shall apply to development within the Activity Center.

1. The most intense development should be concentrated around the points of major intersections of State Road 7 with arterial roadways as well as within the Central Business District (CBD).
2. Development shall incorporate principles of human-scaled architecture through appropriate building scale, massing, setbacks, upper-story step-backs, and a particular emphasis on the façade treatment at the ground-level.
3. Connectivity between adjacent sites should be encouraged where land uses are compatible and multi-modal access is appropriate.
4. Pedestrian and multi-modal pathways should be provided to connect residential developments to adjacent non-residential development where appropriate.
5. High-quality landscaping shall be incorporated into proposed site designs, providing an integrated and connected network of shaded pedestrian/multi-modal paths and open spaces throughout the Activity Center.
6. High-quality perimeter landscape buffers shall be incorporated into site design, to buffer development from adjacent rights-of-way and to buffer residential uses from non-residential uses.

7. Vehicular use areas shall be well landscaped, emphasizing the use of canopy trees to provide shade to large surface parking lots.
8. To encourage and preserve the desired “hometown” atmosphere, sufficient front yard setbacks should be established adjacent to arterial and collector roads.
9. Residential development may be approved if balanced with sufficient non-residential uses. Residential uses may be developed as needed to support adjacent and nearby non-residential uses.
10. Areas of single-family development should be preserved to the extent possible. Single-family and townhouse style development is preferred over more intense multifamily development.
11. Industrial uses should be preserved and encouraged to redevelop in a compact core within high-quality buffers adjacent to non-industrial uses. Industrial developments should be designed and located to have access to arterial roads without passing through residentially designated areas.
12. Excessive or unnecessary curb-cuts should be avoided along arterial and collector roadways.
13. Existing shopping centers should be renovated and/or redeveloped with enhanced landscaping and façade enhancements. Pedestrian pathways and shared common spaces for outdoor dining and gathering should be incorporated as feasible. Additional landscape buffers and interior vehicular use area landscaping should be provided, encouraging the use of canopy trees.
14. New commercial development should incorporate landscaping and other design elements that reduce or eliminate the appearance of one large surface lot.
15. Linear strip commercial development shall be discouraged.
16. Multi-building sites shall demonstrate integrated and thoughtful building placement and orientation.
17. Areas nearby the existing hospital development should be redeveloped in a campus-like manner. Encouraging the integration of compatible institutional, commercial, office, and residential uses.
18. The Central Business District within the Activity Center shall be designed as a destination for both local residents and regional visitors by providing a mix of uses organized around a series of open spaces and civic spaces; designed with distinct features, architectural quality, and elements so that a sense of place is established.

- a. Both daytime and nighttime activities should be provided by establishing a mix of uses.

Policy 7.2.2 The designation of land within the Activity Center and the increase in residential density is part of a planned growth management strategy to stimulate pedestrian oriented development in connection with planned public transit investment.

Policy 7.2.3 Additional or expanded stand-alone automobile oriented uses such as: large surface parking lots, gas stations/auto repair/car washes; auto dealers; self/equipment storage; “big box”/warehouse; and drive-through facilities should be designed to encourage pedestrian and transit usage.

Policy 7.2.4 The redevelopment and development within the Activity Center shall ensure that all parcels of land have pedestrian connections leading to transit stops. Such connections shall be required as part of the land development regulations adopted to implement the Activity Center land use category. Street connections and pedestrian connection locations shall, at a minimum, be consistent with the Activity Center Master Plan.

Policy 7.2.5 The City shall continue to provide an inner city community shuttle bus within the Activity Center to provide mobility to and from the State Road 7 Corridor. Development within the Activity Center is encouraged to provide amenities to support transit stops and riders. [BCLUP 2.4.11]

Policy 7.2.6 New development shall incorporate internal pedestrian and transit amenities to serve residents and employees within the area designated as a Activity Center (such as benches or planter ledges, shade, light fixtures, trash receptacles, information kiosks, bicycle parking) or other amenities that could be incorporated into adjacent publicly accessible areas and plazas (such as clocks, fountains, sculpture, drinking fountains, banners, flags and food refreshment vendor areas.) [BCLUP 2.4.16]

Policy 7.2.7 Historic buildings within the Activity Center shall be preserved, rehabilitated and used in a manner that is compatible with the historic nature of the building. [BCLUP 2.4.8]

OBJECTIVE 7.3 Develop and implement land use controls through land development regulations, which promote developments that are attractive and well-maintained.

Policy 7.3.1 Existing and proposed residential development shall be designed to be integrated into the existing neighborhoods created through the implementation of this Plan. Compatibility and appropriate transitional design elements will be reviewed at time of site plan review, consistent with the land development regulations adopted to implement the Activity Center land use category.

Policy 7.3.2 Land development regulations shall ensure that existing industrial uses do not become incompatible with new development and that new development shall

provide buffers and site design to enhance compatibility with industrial uses.

Policy 7.3.3 New development shall protect areas that may be located within a wellfield protection zone.

Policy 7.3.4 Public plazas, urban open space or green space/pocket parks uses that are accessible to the public shall be provided as an integrated component within the Activity Center. The location of such open areas shall be consistent with the required amount of Park and Recreation space identified in the permitted uses section of the land use plan. The design of such areas shall be reviewed through the site plan review process and shall be consistent with the land development regulations adopted to implement the Activity Center land use category and with the design established through the Activity Center Master Plan.

Policy 7.3.5 Consistent with the intent of the Activity Center land use category, land development regulations shall include design features that promotes and enhance pedestrian mobility, including connectivity to transit, and alternative modes of transportation.

Policy 7.3.6 The City shall update land development regulations to implement the Activity Center land use category no later than one-year from adoption of this Element.

**OBJECTIVE 7.4** Continue intergovernmental coordination efforts to assist in implementing the Activity Center land use designation.

Policy 7.4.1 Recognizing the goal of the Activity Center land use category is to promote transit usage and other methods of reducing single-occupancy vehicles upon overcapacity roadways, any required transportation impact analysis shall consider the modal shift provided through the provision of transit. In addition, the transportation impact analysis shall consider the effects of internal capture.

Policy 7.4.2 The City shall continue to coordinate with the Utilities Department to ensure that adequate water and wastewater facilities are available for all future development.

Policy 7.4.3 The City shall participate in the Broward County School Board Staff Working Group, School Design Subcommittee to ensure that adequate school facilities are provided within the service area. The City and the CRA shall continue to work with the Broward County School Board staff to investigate the possibility of locating a school site within the Activity Center area.

Policy 7.4.4 Consistent with the executed Interlocal Agreement between the City and Broward County required for activity centers, the City shall continue to monitor development activity and enforce the permitted densities and intensities.

Policy 7.4.5 The City shall coordinate with the CRA in the implementation of the Activity Center and its master plan.

## **PART 2: PLAN IMPLEMENTATION**

### **a) Monitoring Procedures**

The Development Services Department and the Development Review Committee, together with the Planning and Zoning Board of the City of Margate are responsible for implementing the future land use element through the processing and monitoring of land use plan amendments, rezoning petitions, site plans and development approvals.

The Development Review Committee (DRC) reviews, approves and makes recommendations on land use amendments, rezoning, platting, re-subdivision, and site plans for compliance with the adopted land use plan. The DRC, through Chapter 31 of Code of Ordinances of the City of Margate, makes determinations that adequate services will be available to serve the needs of the proposed development prior to approval of a development permit. All approvals are conditioned upon the provision of facility and infrastructures concurrent with the development of land.

Pursuant to Section 163.3191 F.S., as may be amended from time to time, the City of Margate shall prepare an Evaluation and Appraisal Report which will measure the Plan's consistency with changes to State law, and may measure the achievement levels of the adopted Goals, Objectives and Policies of the Future Land Use Element.

### **b) Density Calculation, Generally**

All references to density within the City Land Use Plan means gross density. Gross density means the number of dwelling units constructed or proposed within an area, divided by the gross acreage of the area. Gross acreage means the total number of acres in the area, including acreage used or proposed for streets, lakes, waterways, and other proposed land uses permitted in residential areas by the Land Use Plan, but excluding primary drainage facilities as identified in BrowardNext, the Broward County Land Use Plan.

Calculations of acreage covered by different land use categories on the Future Land Use Plan Map will necessarily be approximate, due to the scale of the map. Where edges of land use categories are close to property lines, streets, transmission lines or other existing lines, edges should be construed to follow those lines. A lake or canal should be construed as having been assigned the same land use category as that assigned to adjacent un-submerged land.

### **c) Dashed-line Areas**

Selected Developments of Regional Impact, Planned Unit Developments and partially completed large-scale developments, are identified on the Future Land Use Map by dashed lines circumscribing their edges. For each of these areas, the maximum overall density in dwelling units per acre is the number, which appears in the circle inside the dashed line. That number can be multiplied by the number of acres inside the dashed line, including areas not designated for residential use, to ascertain the

maximum number of dwelling units allowable within the dashed line however, dwelling units are not permitted on parcels designated for residential use. The dwelling units that are permitted within areas circumscribed by a dashed line may only be applied within the boundaries of the circumscribed area and may not be transferred. Additional dashed-line areas may be designated on the Future Land Use Plan Map through amendments to the plan consistent with the provision of this section.

#### d) Density Calculation Exceptions

- 1) Small apartments. A studio dwelling unit, or efficiency dwelling unit, or similar housing unit, no greater than 500 square feet in size may be counted as 0.5 dwelling units for residential density calculations.  
[BCLUP 2.2.3 \*\* OPTIONAL POLICY]
- 2) SPECIAL RESIDENTIAL FACILITIES are defined by category in the Broward County Land Use Plan for the purpose of determining permitted locations and density standards. Special Residential Facilities such as group homes and foster care facilities are defined by category type and are subject when applicable, to the Special Residential provisions and allocation of reserve units, flexibility units or “bonus” sleeping rooms as contained in the “Administrative Rules Document” of the Broward County Planning Council. Under County regulations, the City may permit a maximum of one hundred (100) “bonus”-sleeping rooms that are permanently dedicated to Special Residential use without allocating density.

#### Density Provisions:

- a. Special Residential Facility Category (1) development shall count as one (1) dwelling unit each.
- b. Special Residential Facility Category (2) development shall count as two (2) units each.
- c. Special Residential Facility Category (3) development shall count as one (1) dwelling unit per every two (2) sleeping rooms regardless of the number of kitchen or baths.

Special Residential Facilities are not specifically designated on the Broward County Future Land Use Plan Map or on the City Land Use Plan Map as a separate land use category. Special residential facilities are permitted within limitations as stated in the Permitted Uses section of the Plan in the following land use categories:

- a. Residential
- b. Community facilities

## e) Flexibility Units and Redevelopment Units

### 1. Flexibility Units

- 1.1 “Flexibility Units” means the difference between the number of dwelling units permitted within a flexibility zone by the Broward County Land Use Plan within the flexibility zone by the City’s certified land use map.
- 1.2 Since the certified City land use map may be more restrictive than the Broward County Land Use map, available flexibility units may be utilized by the City of Margate to rearrange residential densities consistent with the County land use provisions.
- 1.3 Rearrangement of residential densities utilizing flexibility units will be administered within flexibility zones. The boundaries of and rules governing flexibility zones and rearrangement of residential densities therein, are as referenced in the Broward County Land Use Plan Administrative Rule Document.
- 1.4 The maximum number of dwelling units permitted in a flexibility zone by the City’s future land use plan map shall not exceed the number of dwelling units permitted in the flexibility zone by the Broward County Future Land Use Plan map.

### 2. Redevelopment Units

- 2.1 Redevelopment units are defined as additional permitted dwelling units equal to three percent (3%) of the total number of dwelling units as established by the adoption of the 2017 Broward Next Broward County Land Use Plan.
- 2.2 The City may apply to the Broward County Planning Council for the allocation of “redevelopment units” in allocations of 500 dwelling units, or 10% of the number of dwelling units permitted by the certified future land use element, whichever is less, provided the allocation may be increased to 750 dwelling units, or 15% of the permitted units upon committing at least 10% of the redevelopment units for very-low or low affordable housing, with a legally enforceable mechanism for a minimum period of 15 years. Applications for redevelopment units are subject to the following:
  - The City must identify areas that are appropriate and not appropriate for allocations of “redevelopment units” consistent with an adopted plan, which may include the Comprehensive Plan, redevelopment plans, vision plans, or similar plans that have been the subject of public participation and input.
  - There must be fewer than 250 combined “flexibility units” or “redevelopment units” available.

- Sufficient public facilities and services capacity must exist, including public schools, to accommodate the impact of the units.
  - The Planning Council and County Commission must hold one public hearing with “due public notice” to approve the allocation.
- 2.3 Subsequent requests for “redevelopment units” after the first allotment are subject to one Planning Council public hearing with “due public notice” at such time that 5% or fewer “redevelopment units” remain, subject to a review of a report prepared by the City regarding the status of the previously allocated units.
- 2.4 Site specific allocations are permitted within the Activity Center, Commercial, Industrial, Office Park, and Residential land use designations subject to the City’s determination of the following:
- 2.4.1 The development will be compatible with adjacent land uses, provided that a county compatibility review is required for allocations that are for:
- Sites contiguous to another municipality upon request of the contiguous municipality;
  - Sites adjacent to an Environmentally Sensitive Land, as defined in this Element, or a Broward County or regional park, including sites which are attached, located within 500 feet, or separated only by streets and highways, canals and rivers or easements, upon request of the Broward County Commission;
  - More than 150 redevelopment units to a project or combined project except that allocations within the Activity Center, “redevelopment areas,” and within a ¼ mile of a limited transit stop, shall not be subject to such review.
- 2.4.2 Sufficient public facilities and services capacity are available to accommodate the impacts of the redevelopment units.
- 2.5 The City shall ensure compliance with Broward County Land Use Plan policies regarding affordable housing.
- 2.6 The maximum number of combined “flexibility units” and “redevelopment units” within the City shall not exceed 5,000.

#### f) Development Review Requirements

##### 1. Satisfaction of Broward County Impact Fee Requirements

- 1.1 The City shall not accept a building permit application, nor issue a building permit, unless the applicant presents evidence from Broward

County either that the impact of the proposed development on the regional transportation network has been mitigated by payment of road impact fees or transit impact fees, based on the appropriate provisions of the Broward County Land Development Code, or that no such payment is due. [BCLUP 2.14.8]

- 1.2 The City shall not accept a building permit application, nor issue a building permit, for new or additional residential units, unless the applicant presents evidence from Broward County that the impact of the proposed development on public educational sites and facilities has been mitigated by payment of school impact fees, based on the fee schedule and accompanying provisions of the Broward County Land Development Code. [BCLUP 2.15.3]

#### g) Platting Requirements

1. The City of Margate may not grant an application for building permit for the construction of a principal building on a parcel of land unless a plat including the parcel or parcels of land has been approved by the City of Margate and the Broward County Commission and recorded in the official records of Broward County subsequent to June 4, 1953. This section will not apply to an application for a building permit, which meets any of the following criteria:
  - 1.1 Construction of two or fewer residential dwelling units. Applications for two or fewer residential dwelling units on property under the same ownership, within 500 feet of property exempted within the past twelve (12) months, shall not be exempt.
  - 1.2 Construction on any multi-family or non-residential lot or parcel that is less than ten (10) acres in size and the majority of which is specifically delineated on a plat recorded on or before May 30, 1955;
  - 1.3 The building permit may be issued for a parcel of land for which plat approval has been given by the Board of County Commissioners although the plat has not yet been recorded, provided such authorization is granted in an agreement among the developer, the affected unit of local government, and the County. Such agreements shall at a minimum require compliance with the applicable provisions of plat approval and shall prohibit the issuance of a certificate of occupancy until the plat is recorded. The municipality and county shall be required to make a finding that facilities and services will be available at the adopted level of service standards concurrent with the issuance of the building permit; or
  - 1.4 A building permit may be issued for an essential governmental facility after preliminary plat review where the Broward County Commission finds that immediate construction of the governmental facility is

essential to the health, safety, or welfare of the public and where the Board determines that public facilities and services will be available at the adopted level of service standards concurrent with the impact of the development of the governmental facility. Such a finding shall be made in a resolution if Broward County is the government seeking to construct the facility and issue the permit; and by agreement with the affects units of local government in other circumstances. A certificate of occupancy shall not be issued until the plat is recorded.

2. Provided that in addition to meeting the above criteria, the issuance of the building permit shall be subject to all of the following:
  - 2.1 Compliance with this Comprehensive Plan
  - 2.2 Compliance with the City's Land Development Regulations
  - 2.3 Conveyance to the Public of any land within the parcel necessary to comply with the Broward County Trafficways Plan. Conveyance may be by deed or grant of easement. [BCLUP 2.17.4]

#### h) Plan Amendments

1. County Land Use Plan

Any person may request the City to submit to the Planning Council a proposal for an amendment to the County Land Use Plan. The City shall submit such a proposal in writing to the Planning Council and shall include the City's recommendation regarding the proposal and the reasons therefore. The amendments shall be scheduled for transmittal and adoption in a convenient time frame according to the requirements of Chapter 163, Florida Statutes.

2. Recertification of City Land Use Plan

- 2.1 The City shall submit amendments to the Future Land Use Plan Map and Future Land Use Element to the Planning Council for recertification pursuant to the procedures and requirements set forth in the "Administrative Rule Document: BrowardNext."
- 2.2 An amendment must successfully complete the Florida Statutes Ch. 163 plan amendment process prior to recertification. [BCLUP 2.33.3]
- 2.3 All amendments to the Land Use Plan shall be adopted in the manner prescribed by the Community Planning Act and other applicable provisions of law.

3. Required Land Use Plan Amendment Considerations

- 3.1 The availability of sanitary sewer service, or plans to expand or provide such service within a financially feasible capital plan, adopted by the

City, shall be a primary consideration when amendments to the Land Use Plan for increased densities are intensities are proposed. [BCLUP 2.11.4]

- 3.2 Prior to adopting and land use plan amendment, the City shall determine whether adequate public facilities and services will be available when needed to serve the amendment site. [BCLUP 2.14.2]
- 3.3 The City shall determine the consistency of land use plan amendments with the Public School Facilities Element. The consistency finding shall address whether sufficient capacity is available, or anticipated within the short or long range planning horizon of the Element, to accommodate the projected student impact or proposed amendments. As provided for within the Amended Interlocal Agreement for Public Schools Facilities Planning (ILA), the School Board of Broward County shall advise the County and local governments regarding the projected student impact of amendments and the availability of capacity at impacted schools. [BCLUP 2.15.2]
- 3.4 Amendments to the Land Use Plan containing golf courses, including closed golf courses, shall analyze and address the following impacts of golf course development:
  - i. The impact of the loss of open space on the surrounding residential areas. The loss of open space must be mitigated through provision of parks and open space to serve the surrounding neighborhood.
  - ii. Management of storm water retention taking into account the extent to which the golf course provided storm water retention for the surrounding development and how this will be mitigated, along with any additional storm water impacts created by the new development.
  - iii. Minimization of the impact on natural resources including wetlands, lakes, aquifer recharge areas and the tree canopy, including any historic trees on site.
  - iv. Mitigation of environmental contamination. The level of environmental contamination must be determined by conducting a Phase 1 environmental assessment. A Phase 2 environmental assessment may be required based upon the findings of the Phase 1 assessment.
  - v. Integration of the proposed development with the surrounding areas including how the development will tie into the existing neighborhoods through roads, sidewalks, parks/open space and greenways. [BCLUP 2.5.5]
- 3.5 Amendments that propose to add 100 or more residential dwelling units

to the existing densities approved by Land Use Plan are subject to BCLUP Policy 2.16.2, which requires that the City and applicant coordinate and cooperate to implement the City's policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing. [BCLUP 2.16.2]

3.6 The City shall consider the impacts of land use plan amendments on wetland resources and minimize those impacts to the maximum extent practicable. [BCLUP 2.22.2]

3.7 The impacts of land use plan amendments on historic, archeological and paleontological resources shall be considered in the approval process. [BCLUP 2.30.2]

i. Definitions

**ACCESSORY DWELLING UNIT** - means an ancillary or secondary living unit, that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary single-family dwelling unit.

**ACCESSORY USE** - means a use naturally and customarily incidental, subservient or subordinate to the principal use.

**ACCOMMODATIONS** - means any apartment, condominium or cooperative unit, cabin, lodge, hotel or motel room, campground, or other private or commercial structure which is situated on real property and designed for occupancy or use by one or more individuals.

**ADAPTATION ACTION AREAS** - means a designation in the coastal management element of a local government's comprehensive plan which identifies one or more areas that experience coastal flooding due to extreme high tides and storm surge, and that are vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure needs and adaptation planning.

**ADJACENT** - means next to or adjoining; having a common side or point; separated only by a street or canal right-of-way, not including the Florida Intrastate Highway System.

**ADMINISTRATIVE RULES DOCUMENT** - means a publication containing rules, guidelines, procedures, and methodologies reviewed, revised, adopted and amended by the Broward County Planning Council and Board of County Commissioners for the purpose of providing assistance and guidance to local governments and providing direction to Council staff in implementing the Broward County Land Use Plan.

**AFFECTED PERSONS** - includes the affected local government; persons owning property, residing, or owning or operating a business within the boundaries of the local government whose plan is the subject of the review; owners of real property abutting real property that is the subject of a proposed change to the future land use map; and

adjoining local governments that can demonstrate that the plan or plan amendment would produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment within their jurisdictions. Each person, other than an adjoining local government, in order to qualify under this definition, shall also have submitted oral or written comments, recommendations or objections to the local government during the period of time beginning with the transmittal hearing for the plan or plan amendment and ending with the adoption of the plan or plan amendment.

**AFFORDABLE HOUSING** - means housing for which monthly rents or monthly mortgage payments (including taxes, utilities and insurance) do not exceed 30 percent of an amount representing the percentage (very low = 50%; low = 80%; moderate = 120%) of the median income limits adjusted for family size for the households.

**AGRICULTURAL USES** - means activities within land areas which are predominantly used for the cultivation of crops and livestock including: cropland; pastureland; orchards; vineyards; nurseries; ornamental horticulture areas; groves; confined feeding operations; specialty farms; and silviculture areas.

**AMENDMENT** - means any change to an adopted comprehensive plan except for corrections, updates and modifications of the capital improvements element concerning costs, revenue services, acceptance of facilities or facility construction dates consistent with the plan as provided in Subsection 163.3177(3)(b), Florida Statutes, and corrections, updates or modifications of current costs in other elements, as provided in Section 163.3187(4), Florida Statutes.

**ANCILLARY** – means of secondary importance; subordinate; aiding; supplementary.

**ANNEXATION** - means the adding of real property to the boundaries of an incorporated municipality, such addition making such real property in every way a part of the municipality.

**ARTERIAL ROAD** - means a roadway providing service which is relatively continuous and of relatively high traffic volume, long average trip length (i.e. more than one mile), high operating speed and high mobility importance (i.e. serves not only automobiles, but other transportation modes such as bus, rapid bus, light rail and/or rail). In addition, every United States numbered highway is an arterial road.

**BEACH** - means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to line of permanent vegetation, usually the affective limit of storm waves. “Beach,” as used in the coastal management element requirements, is limited to oceanic and estuarine shorelines.

**BICYCLE AND PEDESTRIAN WAYS** - means any road, path or way which is open to bicycle travel and traffic afoot and from which motor vehicles are excluded.

**BROWARD COMPLETE STREETS GUIDELINES** - means a document endorsed by the Broward Metropolitan Planning Organization in July, 2012, which is based on the *Los Angeles County Design Manual for Living Streets*.

**BROWARD COUNTY COASTAL AREA** - means the land and water eastward of U.S. 1/Federal Highway to the Atlantic Ocean.

**BROWARDNEXT - BROWARD COUNTY LAND USE PLAN** - means the future land use plan element for all of Broward County adopted by the Broward County Commission in conformance with the requirements of the Broward County Charter and Florida Statutes Chapter 163.

**BROWARD COUNTY TRAFFICWAYS PLAN** - means the plan promulgated by the Broward County Planning Council pursuant to Chapter 59-1154, Laws of Florida, as amended, and the Broward County Charter, which depicts a network of Trafficways for Broward County.

**BUILDING** - means any structure having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind.

**BUILDING PERMIT** - means:

- (1) Any permit for the erection or construction of a new building or structure required by the Florida Building Code and Broward County Administrative Provisions, as amended.
- (2) Any permit for an addition or renovation to an existing building which would:
  - a. create one or more additional dwelling units,
  - b. be required for renovations necessary for a change in the occupancy of a building as described in the Florida Building Code and Broward County Administrative Provisions, as amended, or
  - c. be required for the nonresidential operations included in the Florida Building Code and Broward County Administrative Provisions, as amended.

**CAPITAL IMPROVEMENT** - means physical assets constructed or purchased to provide, improve or replace a public facility and which are large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multi-year financing.

For the purpose of this rule, physical assets which have been identified as existing or projected needs in the individual comprehensive plan elements shall be considered capital improvements.

**CERTIFIED LAND USE PLAN** - means a local land use plan which has been certified by the Broward County Planning Council as being in substantial conformity with the

Broward County Land Use Plan and which has been adopted by a unit of local government in conformance with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

**CERTIFIED LOCAL GOVERNMENT** - means municipal and county governments which have made historic preservation a public policy through the passage of a historic preservation ordinance, consistent with State Statutes, and the creation of a historic preservation advisory board, making them eligible for state- and federally-funded historic preservation grants to assist their historic preservation programs.

**CLIMATE CHANGE** - means a change in global or regional climate patterns, in particular a change apparent from the mid to late 20th century onwards and attributed largely to the increased levels of atmospheric carbon dioxide produced by the use of fossil fuels.

**COASTAL CONSTRUCTION CONTROL LINE** - means the line established by the Florida Department of Natural Resources after a determination, through comprehensive engineering study and topographic survey, that the establishment of such control line is necessary for the protection of upland properties and the control of beach erosion, pursuant to Section 161.053, Florida Statutes.

**COASTAL PLANNING AREA** - means all land and water eastward of the westward right-of-way line of Federal Highway/U.S.1.

**COLLECTOR ROAD** - means a roadway providing service which is of relatively moderate traffic volume, moderate trip length, and moderate operating speed. These roadways collect and distribute traffic between local roads or arterial roads and serve as a linkage between land access and mobility needs.

**COMMERCIAL USES** - means activities within land areas which are predominantly connected with the sale, rental and distribution of products, or performance of services.

**COMMUNITY CULTURAL FACILITY** - means a facility that is readily accessible to all segments of the community for cultural activities (performing, visual and literary arts). The center should include classroom and workshop space, exhibit and performance space and cultural programming by professional artists for all age groups.

**COMMUNITY PARK** - means acreage as described in the "Community and Regional Parks" subsection of the Implementation Requirements and Procedures Section of the Broward County Land Use Plan that is utilized by local governments to meet the community level parks requirement of the Broward County Land Use Plan.

**COMPATIBILITY** - means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

**COMPLETE STREET** - means a street where the entire right-of-way is planned, designed, and operated for all modes of transportation and all users regardless of age or ability. Pedestrians, bicyclists, transit riders, and motorists of all ages and abilities

must be able to safely move along and across a Complete Street. Complete Streets make it easy to cross the street, walk to shops, catch the bus, bike to work, and enjoy many other healthy activities.

COMPREHENSIVE PLAN - means a plan that meets the requirements of Sections 163.3177 and 163.3178, Florida Statutes, as amended.

CONCURRENCY - means public facilities and services needed to support development will be provided in order to achieve and maintain the adopted level of service standards, per Section 163.3180, Florida Statutes, as amended.

CONCURRENCY MANAGEMENT SYSTEM - means the provisions in the local government comprehensive plan including implementation regulations, encompassing the restrictions, methods, resources, timing and solutions intended to be compatible with and further compliance with the statutory requirement to provide public facilities and services needed to support development consistent with concurrency requirements and Section 163.3180, Florida Statutes (1993).

CONDO-HOTEL - means hotel units that function in the same manner as a conventional hotel, with the exception that units may be purchased and accessed by the owner a minority of days per year. The units must be available to hotel guests a majority of days per year.

CONSERVATION USES - means activities within land areas designated for the purpose of conserving or protecting natural resources or environmental quality and includes areas designated for such purposes as flood control, protection of quality or quantity of groundwater or surface water, floodplain management, fisheries management, or protection of vegetative communities or wildlife habitats.

CONSISTENT - means compatible with and furthers. Compatible with - means not in conflict with. Furthers - means to take action in the direction of realizing the goals and policies. As applied to the local plan, a local plan shall be consistent with the state plan and the regional plan.

CONTEXT SENSITIVE ROADWAYS - means roadways that are planned and developed with improvements that are considerate of the character and environment of the corridor and the surrounding neighborhood, are responsive to multiple transportation modes, and maintain safety and mobility.

CONTIGUOUS - means touching or adjacent.

COST-BURDENED – means the extent to which gross housing costs, including utility costs, exceed 30 percent of gross income, based on data available from the U.S. Census Bureau.

COUNTY COMMISSION - means the Board of County Commissioners of Broward County.

**DASHED-LINE AREA** - means an area on the Future Broward County Land Use Plan Map (Series) bordered by a dashed line and designated as having a particular maximum overall density of dwelling units for all land and land uses within the area, and/or a particular total number of dwelling units permitted within the area. The density within a Dashed-Line Area may be an irregular density.

**DEVELOPER** - means any person, including a governmental agency, undertaking any development.

**DEVELOPMENT** - The term “development” means: The carrying out of any construction activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels. The following activities or uses shall be taken for the purposes of this Plan to involve “development,” as defined in this section:

- A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.
- A change in the intensity of use of land, such as an increase or decrease in the number of dwelling units in a structure or on land or a material increase or decrease in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
- Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any “coastal construction” as defined in Section 161.021, Florida Statutes. Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.
- Demolition of a structure.
- Clearing of land as an adjunct of construction.
- Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

The following operations or uses shall not be taken for the purpose of this Plan to involve “development” as defined herein:

- Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad tract, if the work is carried out on land within the boundaries of the right-of-way.
- Work by any utility and other persons engaged in the distribution or transmission of gas, electricity or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, powerlines, towers, poles, tracks, or the like. This provision conveys no property interests and does not eliminate any applicable notice requirements to affected landowners.

- Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.
- The use of any structure or land devoted to dwelling uses or any purpose customarily incidental to enjoyment of the dwelling.
- The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products; raising livestock; or for other agricultural purposes.
- A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class.
- A change in the ownership or form of ownership of any parcel or structure.
- The creation or termination of rights of access, riparian rights, easements, distribution and transmission corridors, covenants concerning development of land, or other rights in land.
- “Development,” as designated in an ordinance, rule, or development rule includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, “development” refers to the act of developing to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of the above.

**DEVELOPMENT ORDER** - means any order granting, denying, or granting with conditions an application for a development permit.

**DEVELOPMENT PERMIT** - includes any building permit, zoning permit, subdivision or plat approval, rezoning, certification, special exception, variance, or any other official action having the effect of permitting the development of land.

**DISASTER** - means a sudden event, such as an accident or a natural catastrophe, that causes great damage or loss of life.

**DRAINAGE FACILITIES** - means a system of man-made structures designed to collect, convey, hold, divert or discharge storm water, and includes storm water sewers, canals, detention structures, and retention structures.

**DUNE** - means a mound or ridge of loose sediments, usually sand-sized sediments, lying landward of the beach and extending inland to the landward toe of the dune which intercepts the 100-year storm surge.

**DWELLING UNIT** - means any building or portion thereof that is designed, occupied, or intended for occupancy as complete independent living facilities for one (1) or more

persons with direct access from the outside of the building or through a common hall and with permanent provisions for living, sleeping, eating, cooking and sanitation, including rental units contained in a multi-unit structure or complex which are licensed by the State Department of Business and Professional Regulation, or live aboard vessels located in multi-family “Residential” designated areas which are required to hookup to marine sanitation systems.

**EASEMENT** - means any strip of land created by a sub divider for public or private utilities, drainage, sanitation, or other specified uses having limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the reservation of the servitude.

**ECOLOGICAL COMMUNITY** - means a distinctive combination of two or more ecologically related species, living together and interacting with each other in a characteristic natural habitat.

**EDUCATIONAL USES** - means activities and facilities of public or private primary or secondary schools, vocational and technical schools, and colleges and universities licensed by the Florida Department of Education, including the areas of buildings, campus open space, dormitories, recreational facilities or parking.

**EFFICIENCY OR STUDIO DWELLING UNIT** - means an apartment in which one room typically contains the kitchen, living and sleeping quarters, with a separate bathroom. Such units no greater than 500 square feet in size are counted as 0.5 dwelling units for residential density calculations.

**ELECTRICAL POWER PLANT** - means an electrical generating facility where electricity is produced for the purpose of supplying twenty-five megawatts (MW) or more to utility power distribution systems, including any associated facility that directly supports the operation of the electrical power plant.

**ENVIRONMENTAL JUSTICE** - means the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with respect to development to avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including interrelated social and economic effects, on vulnerable populations.

**ENVIRONMENTALLY SENSITIVE LAND** - means those areas containing Natural Resources, as depicted in the Natural Resource Map Series of the Broward County Land Use Plan, which have been determined to be environmentally sensitive by the Broward County Board of County Commissioners. The criteria for designation of Environmentally Sensitive Lands are contained within the Implementation Requirements and Procedures section of the Broward County Land Use Plan. Policies which ensure the protection of Environmentally Sensitive Lands are contained within the Broward County Land Use Plan.

**ESTUARY** - means a semi-enclosed, naturally existing coastal body of water in which saltwater is naturally diluted by freshwater and which has an open connection with oceanic waters. “Estuaries” include bays, lagoons, sounds and tidal streams.

**EVACUATION ROUTES** - means routes designated by county emergency management authorities or the regional evacuation plan, for the movement of persons to safety, in the event of a hurricane.

**EXTREMELY-LOW INCOME PERSONS** - means one or more natural persons or a family, that has a total annual household income that does not exceed 30 percent of the area median income for households as defined by the most recent Housing and Urban Development data for Broward County and as adjusted for household size.

**FABRICATION AND ASSEMBLY** - means the manufacturing from standardized parts of a distinct object differing from the individual components involving materials with form and substance (as opposed to liquid or gas), with a physical, as opposed to chemical, mating or joining of the individual parts.

**FLEXIBILITY UNITS** - shall equal the difference between the number of dwelling units permitted within a flexibility zone by the Broward County Land Use Plan and the number of dwelling units permitted within the local government's certified future land use plan map, plus additional remaining permitted dwelling units, fixed at the adoption date of the 2017 Broward County Land Use Plan and formerly defined as "Reserve Units" which were equal to two percent (2%) of the total number of dwelling units permitted by the local government's certified future land use plan map. Flexibility units are allocated at the discretion of the City.

**FLEXIBILITY ZONE** - corresponds to the municipal boundaries upon the adoption of BrowardNext and the completion of the administrative flexibility zone unification by the City.

**FLOODPLAINS** - means areas susceptible to being inundated during an identified flood event or identified by the National Flood Insurance Program as A Zones or V Zones on Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

**FLOOR AREA** - generally means the total square footage of all floors measured to the outside surface of the building or portion of the building. This may include hallways, stairways, elevators, storage and mechanical rooms whether internal or external to the structure. Floor area may also be limited to what is considered leasable space. The specific definitions are determined by local government land use plans and local land development regulations.

**FLOOR AREA RATIO (FAR)** - means the square footage of the floor area of a building divided by the square footage of the lot (net site area) on which the building is located. Figure 1, illustrates how a FAR of 1.0 can be calculated. The first example is a one story building covering the entire lot; the second is a two story building covering 50% of the lot and the third, a four story building covering 25% of the lot.

**Figure 1**

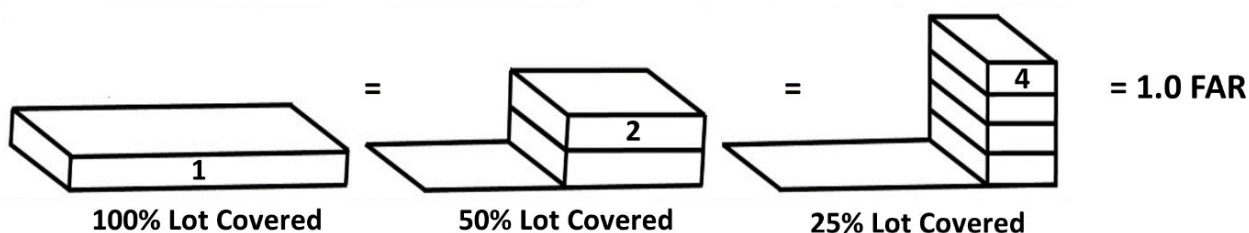
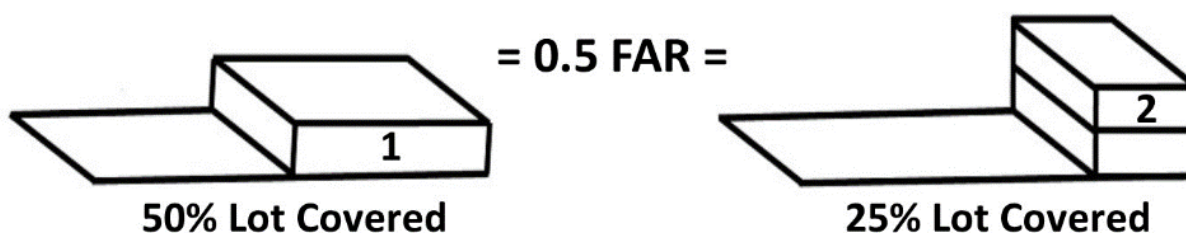


Figure 2 illustrates how a lot with FAR of 0.5 can be calculated. The building is limited to 50% of the square footage of the lot (net site area). The first example is a one story building covering 50% of the lot; the second is a two story building covering 25% of the lot.

**Figure 2**



The illustrations above represent a net site area of 39,204 square feet of floor area (0.9 gross acres) a FAR of 1.0 will allow a 39,204 square foot building. If the same lot has a 0.5 FAR, then it will yield a building of 19,602 square feet.

**FRESHWATER MARSH** - means a wetland having more than 25 percent vegetative cover by terrestrial herbs, but 40 percent or less cover by woody plants, occasionally or regularly flooded by fresh water (e.g., sawgrass).

**FRESHWATER SWAMP** - means a wetland having more than 40 percent cover by woody plans and that is occasionally or regularly flooded by freshwater (e.g., cypress swamp).

**FUTURE BROWARD COUNTY LAND USE PLAN MAP (SERIES)** - means the series of maps adopted by the Broward County Board of County Commissioners as part of the Broward County Land Use Plan. These include the Broward County Land Use Plan Map, Cultural Resources Map Series and Natural Resources Map Series.

**GREENHOUSE GAS EMISSIONS** - means any of the atmospheric gases that contribute to the greenhouse effect by absorbing infrared radiation produced by solar warming of the Earth's surface. They include carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (NO<sub>2</sub>), and water vapor.

**GROSS ACREAGE** - means the total number of acres in an area, including acreage used or proposed for streets, lakes, and/or waterways, not including the rivers and canals of the primary drainage system identified within the Plan.

**GROUP HOME** - means a facility which provides a living environment for unrelated residents who operate as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents. Assisted Living Facilities comparable in size to group homes are included in this definition. It shall not include rooming or boarding homes, clubs, fraternities, sororities, monasteries or convents, hotels, residential treatment facilities, nursing homes, or emergency shelters.

**HAMMOCK** - means a dense growth of broad-leaved trees on a slight elevation; not considered wet enough to be a swamp.

**HAZARDOUS WASTE** - means solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed.

**HISTORIC RESOURCES** - means areas, districts, sites, buildings, structures, or objects significant in the history, architecture, engineering, archeology, or culture of the state, its communities, or the nation and listed on the Florida Master Site File, the National Register of Historic Places, or designated by a local government as historically, architecturally, or archaeologically significant.

**HISTORIC TREES** - includes a tree or group of trees designated by the Broward County Board of County Commission pursuant to Chapter 27 of the Broward County Code which are (1) located on historically significant property and related to an historic event; (2) uniquely related to the heritage of Broward County; or (3) at least seventy-five (75) years old. Requests for designation can be made by State, County, Municipality, Historical Preservation Group, or by the Property Owner. Removal of a tree designated as “Historic” requires the approval of the County Commission.

**HURRICANE SHELTER** - means a structure designated by local officials as a place of safe refuge during a storm or hurricane or an interior room, space within a building, or an entirely separate building, designated and constructed to protect its occupants from hurricanes or tornados. Shelters are intended to provide protection against both wind forces and the impact of windborne debris.

**HURRICANE VULNERABILITY ZONE** (also “areas subject to coastal flooding”) - means the areas delineated by the regional or local hurricane evacuation plan as requiring evacuation.

**IMPROVEMENTS** - may include, but are not limited to, street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, signs, landscaping, permanent reference monuments, permanent control points, or any other improvement required by a governing body.

**INDUSTRIAL USES** - means the activities within land areas predominantly connected with manufacturing, assembly, processing, or storage of products.

**INFRASTRUCTURE** - means those man-made structures which serve the common needs of the population, such as: sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; storm water systems; utilities; piers; docks; wharves; breakwaters; bulkheads; seawalls; bulwarks; revetments; causeways; marinas; navigation channels; bridges; roadways; railroads; sidewalks; and, bikeways.

**IRREGULAR DENSITY** - means a Residential Future Land Use Map designation or Dashed Line Area, as defined herein, that has a maximum permitted density that does not coincide with that of a standard Residential Future Land Use category. For example, residential development on a parcel designated Irregular 18 is limited to 18 dwelling units per gross acre, which is greater than the density permitted by the next lowest-density category (Medium 16 Residential) and lower than the next highest density category (Medium-High 25 Residential).

**LAKE** - means a large body of water surrounded by land, and too deep to permit the growth of rooted plants from shore to shore.

**LAND** - means the earth, water, and air above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

**LAND DEVELOPMENT CODE** - means the various types of regulations for the development of land within the jurisdiction of a unit of local government when combined into a single document.

**LAND DEVELOPMENT REGULATION** - means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land.

**LAND USE** - means the development that has occurred on the land, the development that is proposed by a developer on the land, or the use that is permitted or permissible on the land under an adopted comprehensive plan or element or portion thereof, land development regulations, or a land development code, as the context may indicate.

**LEVEL OF SERVICE** - means an indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

**LIGHT MANUFACTURING** - means a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

**LIMITED ACCESS FACILITY** - means a roadway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no greater than a limited right or easement of access.

**LIVE-ABOARD VESSEL** - means any vessel which is a habitable vessel on which habitation is occurring and which is used as a person's primary legal residence or temporary or seasonal residence even though it is not used solely as a residence but is also used for other purposes. A person's primary legal residence is a vessel where a person is presently living with the present intention of making it his or her permanent abode. A temporary or seasonal residence means habitation aboard a floating home or a vessel occupied by one (1) or more persons, while the home or vessel is moored or docked. Habitable vessel means a vessel that is equipped with an on-board toilet. The term live-aboard vessel shall not include commercial fishing boats. Nothing within this definition shall be construed to prohibit or regulate the anchorage of non-live aboard vessels engaged in the exercise of rights of navigation.

**LOCAL AREA OF PARTICULAR CONCERN** - means an area designated on the Natural Resource Map Series of the Broward County Land Use Plan which has been declared to be culturally or environmentally sensitive. Those areas are subject to environmental impact report provisions of the Broward County Land Development Code and the criteria for Local Areas of Particular Concern contained in the Implementation Requirements and Procedures Section of the BrowardNext – Broward County Land Use Plan.

**LOCAL GOVERNMENT** - means a unit of government or any officially designated public agency or authority of a unit of government with less than statewide jurisdiction, or any officially designated public agency or authority of such a government. The term includes a county, an incorporated municipality, a consolidated city-county government, a metropolitan planning organization, an expressway or transportation authority, a turnpike project, a regional planning council, or a school board or other special district.

**LOCAL PLANNING AGENCY** - means the agency designated to prepare the comprehensive plan required by Chapter 163, Florida Statutes.

**LOCAL ROAD** - means a roadway providing service which is of relatively low traffic volume, short average trip length or minimal through traffic movements, and high volume land access for abutting property.

**LOT** - includes tract or parcel - means the least fractional part of subdivided lands having limited fixed boundaries, and an assigned number, letter, or other name through which it may be identified.

**LOW INCOME FAMILIES** - means "lower income families" as defined under the Section 8 Assisted Housing Program, or families whose annual income does not exceed 80 percent of the median income for the area. The term "families" includes "households."

**LOW-INCOME PERSON** - means one or more natural persons or a family, that has a total annual household income between 50 and 80 percent of the area median income for households as defined by the most recent Housing and Urban Development data for Broward County and as adjusted for household size.

**MAJOR TRIP GENERATORS OR ATTRACTORS** - means concentrated areas of intense land use or activity that produces or attracts a significant number of local trip ends.

**MANUFACTURED HOME** – means a home built in the controlled environment of a manufacturing plant and transported in one or more sections on a permanent chassis. Each section bears a red U.S. Department of Housing and Urban Development label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards.

**MARINE HABITAT** - means areas where living marine resources naturally occur, such as mangroves, seagrass beds, algae beds, salt marshes, transitional wetlands, marine wetlands, rocky shore communities, hard bottom communities, oyster bars or flats, mud flats, coral reefs, worm reefs, artificial reefs, offshore springs, nearshore mineral deposits, and offshore sand deposits.

**MARINE RESOURCES** - means living oceanic or estuarine plants or animals, such as mangroves, seagrasses, algae, coral reefs, and living marine habitat; fish, shellfish, crustacea and fisheries; and sea turtles and marine mammals.

**MARINE WETLANDS** - means areas with a water regime determined primarily by tides and the dominant vegetation plant species that have adapted to survive and reproduce in the marine environment.

**MASS TRANSIT** - means passenger services provided by public, private or non-profit entities such as the following surface transit modes: commuter rail, rail rapid transit, light rail transit, light guideway transit, express bus, and local fixed route bus.

**MEAN HIGH WATER** - means the average height of the high waters over a 19-year period. For shorter periods of observation, “mean high water” means the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value.

**MEAN HIGH WATER LINE** - means the intersection of the tidal plane of mean high water with the shore.

**MEAN LOW WATER** - means the average height of the low waters over a 19-year period. For shorter periods of observation, “mean low water” means the average height of low waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of mean 19-year value.

**MEAN LOW-WATER LINE** - means the intersection of the tidal plane of mean low water with the shore.

**MINERALS** - means all solid minerals, including clay, gravel, phosphate rock, lime, shells (excluding live shellfish), stone, sand, heavy minerals, and any rare earths, which are contained in the soils or waters of the state.

**MINERALS** - means all solid minerals, including, but not limited to, clay, gravel,

phosphate rock, lime, shells (excluding live shellfish), stone, sand, heavy minerals, and any rare earths that have heretofore been discovered or may be discovered in the future, which are contained in the soils or waters of the state.

**MOBILE HOME** - means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, and which is built on an integral chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained herein.

**MODERATE-INCOME PERSON** - means one or more natural persons or a family, that has a total annual household income between 80 and 120 percent of the area median income for households as defined by the most recent Housing and Urban Development data for Broward County and as adjusted for household size.

**MODULAR HOME** – means a home built in the controlled environment of a manufacturing plant, transported to a building site and professionally assembled on a permanent foundation. Modular homes meet or exceed Florida Building Code standards.

**MUNICIPALITY** - means any incorporated city, town, or village.

**NATURAL RESOURCES** - means water, existing and planned water wells and cones of influence; water recharge areas; beaches and shores, including estuarine systems; rivers, bays, lakes, floodplains, springs, groundwaters and harbors; wetlands; minerals and soils; forests; wildlife; fisheries; marine habitat; and air.

**NATURAL RESOURCES** - means water, existing and planned water wells and cones of influence; water recharge areas; beaches and shores, including estuarine systems; rivers, bays, lakes, floodplains, springs, groundwaters and harbors; wetlands; minerals and soils; forests; wildlife; fisheries; marine habitat; and air.

**NEIGHBORHOOD PARK** - means a park which serves the population of a neighborhood and is generally accessible by bicycle or pedestrian ways.

**NET SITE AREA** - means the entire acreage of the site located inside the parcel boundary.

**OCEAN WATERS** - means waters of the Atlantic Ocean, Gulf of Mexico, or Straits of Florida, but does not include bays, lagoons, or harbors.

**OPEN SPACES** - means undeveloped lands suitable for passive recreation or conservation uses.

**PARCEL OF LAND** - means any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

**PARK** - means a public or private area of land, with or without buildings, primarily used for active or passive recreation purposes.

**PERSON** - means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

**PHASE 1 ENVIRONMENTAL ASSESSMENT** - means a thorough evaluation of the present and past uses and environmental condition of a property. It includes a database search, review of property history, site inspection, interviews and comprehensive report (no collection of physical samples).

**PHASE 2 ENVIRONMENTAL ASSESSMENT** – means a thorough evaluation and report of the present environmental condition of a property based on physical samples used for various evaluations. This may include evaluation of soil, ground water, underground tanks, and material samples that can be used to check for asbestos, lead, hazardous chemicals and biological agents, such as bird droppings, mold and bacteria.

**PLANNING COUNCIL** - means the Broward County Planning Council.

**PLAT** - means a map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirements of the Broward County Land Development Code and of any local ordinances, and may include the terms “replat,” “amended Plat,” or “revised Plat.”

**POLICY** - means the way in which programs and activities are conducted to achieve an identified goal.

**POLLUTION** - is the presence in the outdoor atmosphere, ground or water of any substances, contaminants, noise, or man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water, in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property.

**POND** - means a small, quiet body of standing water, usually sufficiently shallow to permit the potential growth of rooted plants from shore to shore.

**PORT FACILITY** - means harbor or shipping improvements used predominantly for commercial purposes including channels, turning basins, jetties, breakwaters, landings, wharves, docks, markets, structures, buildings, piers, storage facilities, plazas, anchorages, utilities, bridges, tunnels, roads, causeways, and all other property or facilities necessary or useful in connection with commercial shipping.

**POTABLE WATER FACILITIES** - means a system of structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, reservoirs, and distribution mains.

**PRINCIPAL BUILDING** - means a building which is occupied by, or devoted to, a principal use or an addition to an existing principal building which is larger than the original existing building. In determining whether a building is of primary importance, the use of the entire parcel shall be considered. There may be more than one principal building on a parcel.

**PRINCIPAL USE** - means the primary or main use of a parcel of land as distinguished from an ancillary or accessory use. There may be more than one principal or main use on a parcel of land.

**PUBLIC ACCESS** - means the ability of the public to physically reach, enter or use recreation sites including beaches and shores.

**PUBLIC FACILITIES** - means major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities.

**PUBLIC NOTICE OR DUE PUBLIC NOTICE** as used in connection with the phrase “public hearing” or “hearing to be held after due public notice” - means publication of notice of the time, place, and purpose of such hearing in a newspaper of general circulation in the area not less than 7 days prior to the date of the hearing.

**PUBLIC RECREATION SITES** - means sites owned or leased on a long-term basis by a federal, state, regional or local government agency for purposes of recreational use.

**PUBLIC UTILITY** - includes any public or private utility, such as, but not limited to, storm drainage, sanitary sewers, electric power, water service, gas service, or telephone line, whether underground or overhead.

**RECERTIFICATION** - means a local land use plan which has previously been certified by the Broward County Planning Council, but because of amendments, decertification, or amendment to the Broward County Land Use Plan, is no longer in conformity, and must be recertified by the Broward County Planning Council as being in substantial conformity with the Broward County Land Use Plan.

**RECREATION** - means the pursuit of leisure time activities occurring in an indoor or outdoor setting.

**RECREATION FACILITY** - means a component of a recreation site used by the public such as a trail, court, athletic field or swimming pool.

**RECREATIONAL USES** - means activities within areas where recreation occurs.

**RECREATIONAL VEHICLE PARK** - means a place set aside and offered by a person or public body, for either direct or indirect remuneration of the owners, lessor or operator of such place, for the parking and accommodation of six or more recreational vehicles (as defined in Section 320.01(1)(b), Florida Statutes) or tents utilized for sleeping or

eating; and the term also includes buildings and sites set aside for group camping and similar recreational facilities.

**REDEVELOPMENT UNITS** - means additional permitted dwelling units equal to three percent (3%) of the total number of dwelling units as established by the adoption of the 2017 BrowardNext Broward County Land Use Plan.

**REGIONAL PARK** - means acreage as described in the “Community and Regional Parks” subsection of the Implementation Requirements and Procedures Section of the Broward County Land Use Plan that is utilized by the Broward County Board of County Commissioners to meet the regional level parks requirement of the Broward County Land Use Plan.

**REGIONAL TRANSPORTATION NETWORK** - means the facilities contained within the Broward Metropolitan Planning Organization’s adopted long range plan and roadway capacity tables, except for those roads functionally classified as city collector roads, but not excluding other modes and networks such as corridors, transit, greenways and freight.

**REGIONAL SHOPPING CENTER** - means a shopping center which typically ranges from approximately 300,000 square feet to 1,000,000 square feet or more of gross leasable area and provides a full range of shopping goods, general merchandise, apparel, furniture and home furnishings. Such center is usually built around a full-line department store as the major drawing power. Regional shopping centers are approximately 30 acres in size or larger and generally require a minimum market support population in excess of 150,000 people and a trade area extending 10 to 15 miles or more modified by such factors as competitive facilities and travel time over access highways.

**REMNANT NATURAL RIVER** - means a naturally occurring watercourse or riverine system, or a portion or segment thereof, whose channel has remained unaltered over time as evidenced by historical surveys or other appropriate documentation. Examples of remnant natural rivers in Broward County include portions of the following: South Fork of the Middle River, North Fork of the New River, New River, Tarpon Creek, South Fork of the New River and Whiskey Creek.

**REPETITIVE LOSS PROPERTY** - means any insurable property for which two or more claims of more than \$1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling ten-year period, since 1978.

**RESIDENT POPULATION** - means inhabitants counted in the same manner utilized by the United States Bureau of the Census, in the category of total population. Resident population does not include seasonal population.

**RESIDENTIAL USES** - means activities within land areas used predominantly for housing.

**RESEARCH LABORATORY** - means an establishment or other facility for carrying on investigation in the natural, physical, or social sciences, which may include engineering and product development.

**RIGHT-OF-WAY** - means land dedicated, deeded, used, or to be used for a street, alley, walkway, boulevard, drainage facility, access or ingress and egress, or other purpose by the public, certain designated individuals, or governing bodies.

**ROADWAY CAPACITY** - means the maximum volume of traffic which can be accommodated on a roadway at a given level of service.

**ROADWAY FUNCTIONAL CLASSIFICATION** - means the assignment of roads into systems according to the character of service they provide in relation to the total road network using procedures developed by the Federal Highway Administration. Basic functional categories include limited access facilities, principal and minor arterial roads, collector roads and local roads.

**RURAL CHARACTER** - means an area that is characterized by natural, agricultural, equestrian, pastoral or rustic uses.

**RURAL PURPOSES** - means that land is used as a resource for agricultural, equestrian, managed forests or mining uses, or maintained in a natural state as wetlands, fields or forests.

**SALTWATER MARSH** - means a wetland having saline (including brackish) soils with 40 percent or less cover by woody plants and 25 percent or more cover by terrestrial herbs that is occasionally or regularly flooded by brackish or saline water (e.g., smooth cordgrass marshes).

**SALTWATER SWAMP** - means a wetland having saline (including brackish) soils with 40 percent or more cover by woody plants and occasionally or regularly flooded by brackish or saline water (e.g., mangrove swamps).

**SANITARY SEWER FACILITIES** - means structures or systems designed for the collection, transmission, treatment, or disposal of sewage and includes trunk mains, interceptors, treatment plants and disposal systems.

**SEASONAL POPULATION** - means part-time inhabitants who utilize, or may be expected to utilize, public facilities or services, but are not residents. Seasonal population shall include tourists, migrant farmworkers, and other short-term and long-term visitors.

**SEPTIC TANK** - means an on-site sewage disposal system, consisting of a watertight receptacle constructed to promote separation of solid and liquid components of wastewater, to provide limited digestion of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal in a soil absorption system.

**SEVERELY COST BURDENED** – means the extent to which housing costs, including utility costs, exceed 50 percent of income, based on data available from the U.S. Census Bureau.

**SHORELINE OR SHORE** - means the interface of land and water and, as used in the coastal management element requirements, is limited to oceanic and estuarine interfaces.

**SOLID WASTE** - means sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

**SOLID WASTE FACILITIES** – means lands, structures or systems designed for the treatment, storage, collection, processing or disposal of solid wastes, including hazardous wastes, and includes transfer stations, processing plants, recycling plants, and disposal systems.

**SOLID WASTE PROCESSING PLANT** - means a facility for incineration, resource recovery, or recycling of solid waste prior to its final disposal.

**SPECIAL RESIDENTIAL FACILITY, CATEGORY (1)** - means a housing facility, which is licensed by the State of Florida for no more than eight (8) individuals who require treatment, care, rehabilitation or education. The facility is usually referred to as a group home. This includes individuals who are elderly, dependent children, physically disabled, developmentally disabled or individuals not overtly of harm to themselves or others. The facility provides a family living environment including supervision and care necessary to meet the physical, emotional and social needs of the individuals. It may or may not provide education or training. There may be more than one (1) kitchen within the housing facility. There may be more than one (1) Special Residential Facility Category (1) development on a parcel.

**SPECIAL RESIDENTIAL FACILITY, CATEGORY (2)** - means a housing facility, which is licensed by the State of Florida for nine (9) to sixteen (16) non-elderly individuals who require treatment, care, rehabilitation or education. This includes individuals who are dependent children, physically disabled, developmentally disabled or individuals not overtly of harm to themselves or others. The facility provides a family living environment including supervision and care necessary to meet the physical, emotional and social needs of the individuals. It may or may not provide education or training. There may be more than one (1) kitchen within the housing facility. There may be more than one (1) Special Residential Facility Category (2) development on a parcel.

**SPECIAL RESIDENTIAL FACILITY, CATEGORY (3) - means:**

- a. Any housing facility licensed by the State of Florida for more than sixteen (16) non-elderly individuals who require treatment, care, rehabilitation, or education. This includes individuals who are dependent children, physically disabled, developmentally disabled or individuals not overtly of harm to themselves or others; or
- b. Any housing facility licensed by the State of Florida for more than eight (8) unrelated elderly individuals; or
- c. Governmentally subsidized housing facilities entirely devoted to the care of the elderly, dependent children, the physically handicapped, developmentally disabled or individuals not overtly of harm to themselves or others; or
- d. Any not-for-profit housing facility for unrelated elderly individuals; or
- e. Any housing facility, which provides a life-care environment, a life-care environment shall include, but is not limited to, creation of a life estate in the facility itself and provision of off-site or on-site medical care.

**SPOT ZONING** – means rezoning a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive plan.

**STATE COMPREHENSIVE PLAN** - means the goals and policies contained within the state comprehensive plan, Section 187.201, Florida Statutes.

**STORMWATER** - means the flow of water which results from a rainfall event.

**STREET** - includes any access way such as a street, road, lane, highway, avenue, boulevard, alley, parkway, viaduct, circle, court, terrace, place, or cul-de-sac, and also includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved, but shall not include those access ways such as easements and rights of-way intended solely for limited utility purposes, such as for electric power lines, gas lines, telephone lines, water lines, drainage and sanitary sewers, and easements of ingress and egress.

**STRUCTURE** - means anything constructed, installed or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently. "Structure" also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks, and freestanding signs.

**STUDIO HOUSING UNIT** – see, "EFFICIENCY OR STUDIO DWELLING UNIT."

**SUBDIVISION** - means the platting of real property into two or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land; and includes establishment of new

streets and alleys, additions, and resubdivisions; and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.

**SUBSTANTIAL CONFORMITY** - refers to the Broward County Charter requirement contained in Article VIII, Section 8.05 D & E that local governmental future land use plans shall be materially and pertinently compatible with and further the Broward County Land Use Plan in order to be certified or recertified.

**SURFACE WATERS** - means lakes or ponds excavated to generate fill material for a development and/or to provide recreational and aesthetic amenities. Publicly owned waters upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused.

**THREATENED SPECIES** - means any species of fish and wildlife naturally occurring in Florida which may not be in immediate danger of extinction, but which exists in such small populations as to become endangered if it is subjected to increased stress as a result of further modification to its environment.

**TIDALLY-INFLUENCED AREAS** – means a waterway with water level changes in response to the daily tide.

**TIDE** - means the periodic rising and falling of the waters of the earth that result from the gravitational attraction of the moon and the sun acting upon the rotating earth.

**TIME-SHARE PERIOD** - means that period of time when a purchaser of a time-share plan is entitled to the possession and use of the accommodations or facilities, or both, of a time-share plan.

**TIME-SHARE PLAN** - means any arrangement, plan, scheme, or similar device, other than an exchange program, whether by membership, agreement, tenancy in common, sale, lease, deed, rental agreement, license, or right-to-use agreement or by any other means, whereby a purchaser, in exchange for a consideration, receives ownership rights in or a right to use accommodations or facilities, or both, for a period of time less than a full year during any given year, but not necessarily for consecutive years and which extends for a period of more than 3 years.

**TIME-SHARE PROPERTY** - means one or more time-share units subject to the same time-share instrument, together with any other property or rights to property appurtenant to those units.

**TIME-SHARE UNIT** - means an accommodation of a time-share plan which is divided into time-share periods.

**TOURIST UNIT** - a house, an apartment, a group of rooms or a single room occupied or intended for occupancy as a separate living quarter which is licensed, or intended for license as a “hotel” or “motel” by the State Department of Business Regulation, Division of Hotels and Restaurants.

**TRANSFER OF DEVELOPMENT RIGHTS** - means a voluntary market based technique which seeks to preserve landowners' asset value by moving the right to build from a location where development is discouraged (e.g., for environmental reasons) to a location where development is encouraged.

**URBAN AGRICULTURE** - means urban agriculture or urban farming is the practice of cultivating, processing, and distributing food in or around a village, town, or city. Urban agriculture can also involve animal husbandry, aquaculture, agroforestry, urban beekeeping, and horticulture.

**URBAN CHARACTER** - means an area used intensively for residential, urban recreational, commercial, industrial, institutional, or governmental purposes or an area undergoing development for any of these purposes.

**VERY LOW-INCOME PERSON** - means one or more natural persons or a family, that has a total annual household income that does not exceed 50 percent of the area median income for households as defined by the most recent Housing and Urban Development data for Broward County and as adjusted for household size.

**VESTED RIGHTS** - means rights to undertake and complete the development and use of property which have so completely and definitely accrued to or settled in a person, which it is right and equitable that government should recognize and protect, as being lawful in themselves, and settled according to then current law.

**WATER CONSERVATION AREA** - means designated Conservation areas on the Future Broward County Land Use Plan Map (Series) including reserve water supply areas such as the 790 square miles of Broward County west of Levees 33, 35A, 36, L-37 and L-35 and includes the natural reservations.

**WATER-DEPENDENT USES OR ACTIVITIES** - means uses or activities which can be carried out only on, in, over or adjacent to water areas because the use or activity requires direct access to the water body or sovereign submerged lands for: waterborne transportation including ports or marinas; recreation; electrical generating facilities; or water supply, and where the use of the water body or sovereign submerged lands is an integral part of the use or activity.

**WATER RECHARGE AREAS** - means land or water areas through which groundwater is replenished.

**WATER-RELATED USES** - means activities which are not directly dependent upon access to a water body, but which provide goods and services that are directly associated with water dependent or waterway uses.

**WATER-WELLS** - means wells excavated, drilled, dug, or driven for the supply of industrial, agricultural or potable water for general public consumption.

**WETLANDS** - means those areas which are inundated or saturated by water, with sufficient frequency and duration to support, and normally do support an assemblage of organisms that is adapted to saturated or seasonally saturated soil conditions for growth

and reproduction including, but not necessarily limited to, swamps, marshes, bogs, sloughs, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps, flood plains, wet prairies, and other similar areas.

**WORKFORCE-INCOME PERSON** - means one or more natural persons or a family, that has a total annual household income that does not exceed 140 percent of the area median income for households as defined by the most recent Housing and Urban Development data for Broward County and as adjusted for household size.