

SUNRISE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA, AMENDING CHAPTER 16 “LAND DEVELOPMENT CODE” ARTICLE III “DEVELOPMENT REVIEW PROCEDURES” BY AMENDING SECTION 16-31 “SITE PLAN” TO CREATE SMALL-SCALE SITE PLANS AND PROCEDURES; BY AMENDING SECTION 16-32 “SITE PLAN ADJUSTMENTS AND REVISIONS” TO AMEND SITE PLAN REVISION REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida law provides that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City recognizes that the ability to process development applications in an efficient manner is an important factor in attracting and maintaining economic development throughout the City; and

WHEREAS, the Land Development Code regulates site plan applications, as well as site plan adjustments and revisions, including review procedures; and

WHEREAS, the City has reviewed its site plan and site plan revision procedures and would like to streamline the process for elevation changes to encourage investment and business development into existing buildings by creating small-scale site plans; and

WHEREAS, the City supports streamlining site plan procedures for smaller scope projects, as well as office buildings in the Western Sunrise Area and incorporating them into small-scale site plans; and

WHEREAS, the City’s Local Planning Agency has reviewed this Ordinance and recommended its approval to the City Commission; and

WHEREAS, the City Commission held a public hearing, at which all members of the public so desiring had an opportunity to be heard; and

WHEREAS, the City Commission finds that adopting this Ordinance as set forth herein is consistent with and furthers the City’s Comprehensive Plan and other applicable

law relating to land use planning and development and growth management, and is necessary for the preservation of the public health, safety and welfare of the City's residents.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNRISE, FLORIDA:

Section 1. Incorporation of Recitals. The foregoing recitals are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. That section 16-31 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Section 16-31. – Site plan.

(a) *Purpose.* The site plan is the key land development review mechanism for all development permits other than a single-family dwelling on a lot in single and separate ownership. It is intended to assure adequate site design and relationship to adjacent development and public facilities. This includes any major landscaping, walls or entrance features being added to an existing project. If a single tract is to be site planned in phases, a master development plan shall be prepared in accordance with section 16-39. A site plan must be submitted to the department for all development.

(b) *Types of site plan.* A site plan shall be categorized per the following:

(1) *Small-scale site plan.*

a) A site plan shall be processed as per the small-scale site plan procedures if the site plan complies with the following:

1. A net land area of one (1) acre or less; and
2. Fewer than fifty (50) dwelling units or fewer than twenty thousand (20,000) square feet of non-residential use; and
3. Does not include both residential and non-residential uses; and
4. Does not include an additional application that requires City Commission action.

b) An exterior elevation change that does not include any changes to the site plan or includes administrative revision(s) to a site plan shall be processed as per the small-scale site plan procedures.

c) A new office building and associated parking garage(s) located within the Western Sunrise Area and does not include an additional application that requires City Commission action shall be processed as per the small-scale site plan procedures.

(2) *Large-scale site plan.* All site plans that do not qualify as a small-scale site plan shall be considered a large-scale site plan.

(3) Exclusions. The following shall be exempt from site plan review.

- a) Construction of, and additions to, a single-family dwelling on a lot fronting an existing, paved street.
- b) Interior renovations to a building.
- c) Demolition of a structure.
- d) Roadway improvements performed or funded by the City, County, or State.

(b~~c~~) Review criteria. The city shall evaluate the site plan as for compliance with the city's codes and ordinances, and conformance to the other requirements of this chapter. Any outparcels, if included, must meet all provisions of this section. If the specific user of an outparcel is undetermined, said outparcel's site plan shall not be reviewed until the plans are definite. The following standards shall be utilized in the review and evaluation of required site plans, which shall contain adequate information to permit such reviews:

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~~(c) General site plan filing procedure.~~

- ~~(1) Staff review: A site plan must be submitted to the department for all new development except a single-family home on a single lot. The site plan will be reviewed by the staff who will prepare and submit the application to the planning and zoning board, providing all of the staff's comments have been adequately addressed by the applicant. Revisions to approved site plans may be reviewed by the department and transmitted directly to the board. Such revised site plans must demonstrate conformance to all current City Code requirements.~~
- ~~(2) Planning and zoning board: Will review all site plans for conformance with the requirements of this chapter and other applicable city regulations and make recommendations to the staff.~~
- ~~(3) City commission: Must approve all site plans prior to the issuance of a building permit.~~
- ~~(4) Development authorization letter: The issuance of the letter will be approved by the department following approval of the site plan by the city commission.~~

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(f) Small-scale site plan review procedures.

- (1) Staff review: The site plan shall be reviewed by the appropriate departments for compliance with all applicable provisions of the City Code. The staff may withhold transmittal in order to seek additional data relative to the review criteria. The community development department will expedite affordable housing applications by prioritizing the applications and assigning a specific planner to the project.

- (2) Fee: A fee will be charged in accordance with the Community Development Department fee schedule for site plan review.
- (3) Community Development Director action. The Community Development Director shall administratively approve or deny an application classified as a small-scale site plan under section 16-31(b)(1).
- (4) Within five (5) days of the approval or denial of the small-scale site plan application, the director shall provide mail notice of the decision pursuant to this section. The applicant shall have fifteen (15) days to submit an appeal in writing to the director. Such appeal shall be processed in accordance with section 16-48(d).
- (5) Approval Period. A small-scale site plan which has been approved pursuant to the provisions of this chapter shall be effective for a period of eighteen (18) months, during which time an active city-issued development permit must be issued for the project, in order for the site plan approval and public facilities capacity reservation to remain effective. For the purpose of this subsection, city-issued development permits shall include engineering permits (including permits for site preparation and landscaping), building permits for a permanent structure or use, and demolition permits. The department may grant, in writing, two (2) extensions of one (1) year each for good cause. Thereafter, the applicant must reapply. Staff may deny an extension due to any changes to this Code or the comprehensive plan adopted since the initial site plan approval, if that change renders the initial site plan approval inconsistent with the comprehensive plan or Code, or incompatible with surrounding properties.

(fg) Large-scale site plan review procedures.

- (1) Staff review: The site plan shall be reviewed by the appropriate departments for compliance with all applicable provisions of the City Code. The staff may withhold transmittal in order to seek additional data relative to the review criteria. The community development department will expedite affordable housing applications by prioritizing the applications and assigning a specific planner to the project.
- (2) Reserved.
- (3) Notification and publication requirements: Notification shall be required in accordance with the provisions of section 16-51.
- (4) Fee: A fee will be charged in accordance with the Community Development Department ~~development code~~ fee schedule for site plan review.
- (5) Staff report: The staff shall prepare a report which contains the staff findings and transmit said report to the applicant who will respond in writing to all staff comments and revise the plans accordingly.
- (6) Planning and zoning board: The planning and zoning board shall place the site plan on the agenda of a regularly scheduled meeting providing all of the staff's comments have been adequately addressed by the applicant. The

planning and zoning board will review all site plans for conformance with the requirements of this chapter and other applicable city regulations and make recommendations to staff.

- (7) *Sign on-site:* Signage shall be placed on the property in accordance with the provisions of section 16-51.
- (8) *Board action:* After a staff presentation, recommendations of the planning and zoning board may be submitted to the staff for consideration. The recommendation shall be based upon the review criteria. The board is authorized to table the plan in order to seek additional information relative to the review criteria. Any board recommendations will be made part of the staff report to the city commission.
- (9) *City commission:* After a hearing, the city commission must either approve, approve with conditions, or deny the site plan. The director of community development shall require compliance with conditions prior to issuance of the development authorization letter. The city commission must approve all site plans prior to the issuance of a building permit.
- (10) *Development Authorization Letter.* The issuance of the development authorization letter will be approved by the department following approval of the site plan by the city commission.
- (10~~1~~) *Approval period:* A large-scale site plan which has been approved pursuant to the provisions of this chapter shall be effective for a period of eighteen (18) months, during which time an active city-issued development permit must be issued for the project, in order for the site plan approval and public facilities capacity reservation to remain effective. For the purpose of this subsection, city-issued development permits shall include engineering permits (including permits for site preparation and landscaping), building permits for a permanent structure or use, and demolition permits. The department may grant, in writing, two (2) extensions of one (1) year each for good cause. Thereafter, the applicant must reapply. Staff may deny an extension due to any changes to this Code or the comprehensive plan adopted since the initial site plan approval, if that change renders the initial site plan approval inconsistent with the comprehensive plan or Code, or incompatible with surrounding properties.
- (14~~2~~) *Denial:* If site plan is denied, the applicant must wait six (6) months before reapplying for the same site.
- (gh) *Conformity required.* No certificate of occupancy shall be issued for any development unless the development as completed is in conformance with the approved site plan, rendering, landscape plan and building elevations and floor plans. Any deviations from the approved site plan, including conditions attached thereto and paint colors, shall be considered a violation of this Code. However, minor adjustments may be authorized by the department in conformance with section 16-32 below.

Section 3. That section 16-32 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Section 16-32. – Site plan adjustments and revisions.

(a) *Administrative revisions prior to issuance of a certificate of occupancy:*

- (1) The director of community development, or his/her designee, shall have jurisdiction to make minor adjustments to site plans previously approved by the city commission without reconsideration by the city commission. Examples of minor adjustments that can be approved administratively include, but are not limited to: Parking lot configurations; minor architectural elevation changes and upgrades; revisions that affect internal on-site circulation only; dumpster enclosure revisions; generators; minor substitutions to landscaping, providing that the changes reflect an upgrading to the original approved plan; and engineering revisions (drainage, water, sewer, etc.) of a technical nature that do not impact any other aspects of the approved plans. Examples of revisions that require city commission approval include but are not limited to: Significant or substantial architectural elevation changes, any change that would result in an architectural downgrade from a site plan previously approved by the city commission, any increase in building size of more than seven hundred fifty (750) square feet or one (1) percent, whichever is less, major ingress/egress revisions that affect traffic movements or the location of driveways, and major landscape revisions that tend to alter the appearance of the project substantially from the landscaping plan approved by city.
- (2) Administrative approval of a revised site plan prior to issuance of a certificate of occupancy shall not cause the site plan approval period provided in subsection 16-31(f)(10) to change.

(b) *Site plan revisions following issuance of a certificate of occupancy.* Where adjustments or revisions are proposed to an approved site plan for a development project that has been constructed and received a certificate of occupancy, the following shall apply:

- (1) The director of community development, or his/her designee, shall have jurisdiction to make minor adjustments to a site plan previously approved by the city commission without reconsideration by the city commission, in accordance with subsection (a)(1), unless categorized as a small-scale site plan.
- ~~(2) The director of community development, or his/her designee, shall also have jurisdiction to make adjustments to the exterior elevations of a regional shopping center, as defined in section 16-277, provided that no primary building entrance shall face any parking areas, without reconsideration by the city commission.~~

(23) Any revisions to nonconforming uses and structures shall comply with Article XIII of this Land Development Code.

(34) Where no site plan is on file with the city, for a development that has previously received a certificate of occupancy, the director of community development, or his/her designee, may authorize minor adjustments to be shown on a current land survey drawing that is not more than one (1) year old and accurately depicts all on-site improvements. The submittal shall include all the information normally required with a site plan submittal in accordance with subsection 16-31(d), to the greatest extent possible. Approval of such an adjustment shall not be deemed to render conforming any otherwise nonconforming aspects of the site.

(45) An administrative revision to an approved site plan that has already received a certificate of occupancy, approved pursuant to this subsection, shall be effective for a period of eighteen (18) months, during which time an active city-issued development permit must be issued for the work included on the administrative revision. For the purpose of this subsection, city-issued development permits shall include engineering permits (including permits for site preparation and landscaping), building permits for a permanent structure or use, and demolition permits.

(56) The director of community development, or his/her designee, shall have jurisdiction to approve the installation of mechanical equipment, in compliance with section 16-130, without amendment to the site plan previously approved by the city commission where such installation does not substantially affect the appearance of the project or negatively impact parking and on-site circulation.

(67) The director of community development, or designee, shall have jurisdiction to approve the revision of roof material for a single-family home without an amendment to the site plan previously approved by the City Commission.

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Section 4. Conflict. All ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5. Severability. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 6. Inclusion in the Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Sunrise, Florida.

Section 7. Effective Date. This Ordinance shall be effective immediately upon its passage.

PASSED AND ADOPTED upon this first reading this _____ DAY
OF _____, 2024.

PASSED AND ADOPTED upon this second reading this _____ DAY
OF _____, 2024.

Mayor Michael J. Ryan

Authentication:

Felicia M. Bravo
City Clerk

FIRST READING

MOTION: _____
SECOND: _____

DOUGLAS: _____
GUZMAN: _____
KERCH: _____
SCUOTTO: _____
RYAN: _____

Approved by the City Attorney
as to Form and Legal Sufficiency

SECOND READING

MOTION: _____
SECOND: _____

DOUGLAS: _____
GUZMAN: _____
KERCH: _____
SCUOTTO: _____
RYAN: _____

Thomas P. Moss