



BOARD OF ADJUSTMENT VIRTUAL MEETING NOTICE: BOARD OF ADJUSTMENT

August 28, 2020

A Public Hearing will be held before the Board of Adjustment on: Wednesday, September 9, 2020 at 6:30 P.M.

This meeting will be held virtually, to determine whether the following application should be granted. To view more information about this item, please visit: www.fortlauderdale.gov/government/BOA.

CASE: PLN-BOA-20050002
OWNER: TOWN DEVELOPMENT CO
AGENT: GINA PENNEY
ADDRESS: 333 E SUNRISE BLVD., FORT LAUDERDALE, FL 33304
LEGAL DESCRIPTION: PROGRESSO 2-18 D A POR OF LOTS 14 THRU 25 INCLUSIVE, ALL OF LOTS 26 THRU 34 INCLUSIVE, & A POR OF LOT 35, BLK 183 DESC AS: COMM AT SW COR OF SAID LOT 25, N ALG W/L 15 TO POB, CONT N 249 TO INTERS OF A LN LYING 11 S OF & PARA TO N/L OF LOTS 35 & 14, ELY ALG SAID PARA LN 260 TO INTERS WITH A LN LYING 10 W OF & PARA TO E/L OF SAID BLK 183, S 229.50 TO P/C, SLY & WLY ALG CUR 30.63, WLY 240.50 TO POB
ZONING: B-2 and CB
COMMISSION DISTRICT: 2
REQUESTING: **Sec. 47-22.4. - Maximum number of signs at one location and special requirements in zoning districts.**

1. Requesting a variance to increase the total number of signs per lot from the maximum of four (4) signs with no more than one being a freestanding sign, to a total of Five (5) signs, a total increase of one (1) free standing sign.

Sec. 47-22.3. G - General regulations

2. Requesting a variance to allow a ground sign at a total height of 10 feet from natural grade whereas the code allows a maximum of 8 feet a total increase in height of 2 feet.

3. Requesting a variance to allow a total sign height of 7 feet 11 ¼ inches whereas the code allows a maximum height of 5 feet a total variance request of 2 feet 11 ¼ inches.

The virtual meeting will be accessible through the City's local government access channel FLTV at: www.fortlauderdale.gov/FLTV.

Should you desire to speak on this item, please fill out the speaker form available at this link on the City's website: www.fortlauderdale.gov/government/BOA.

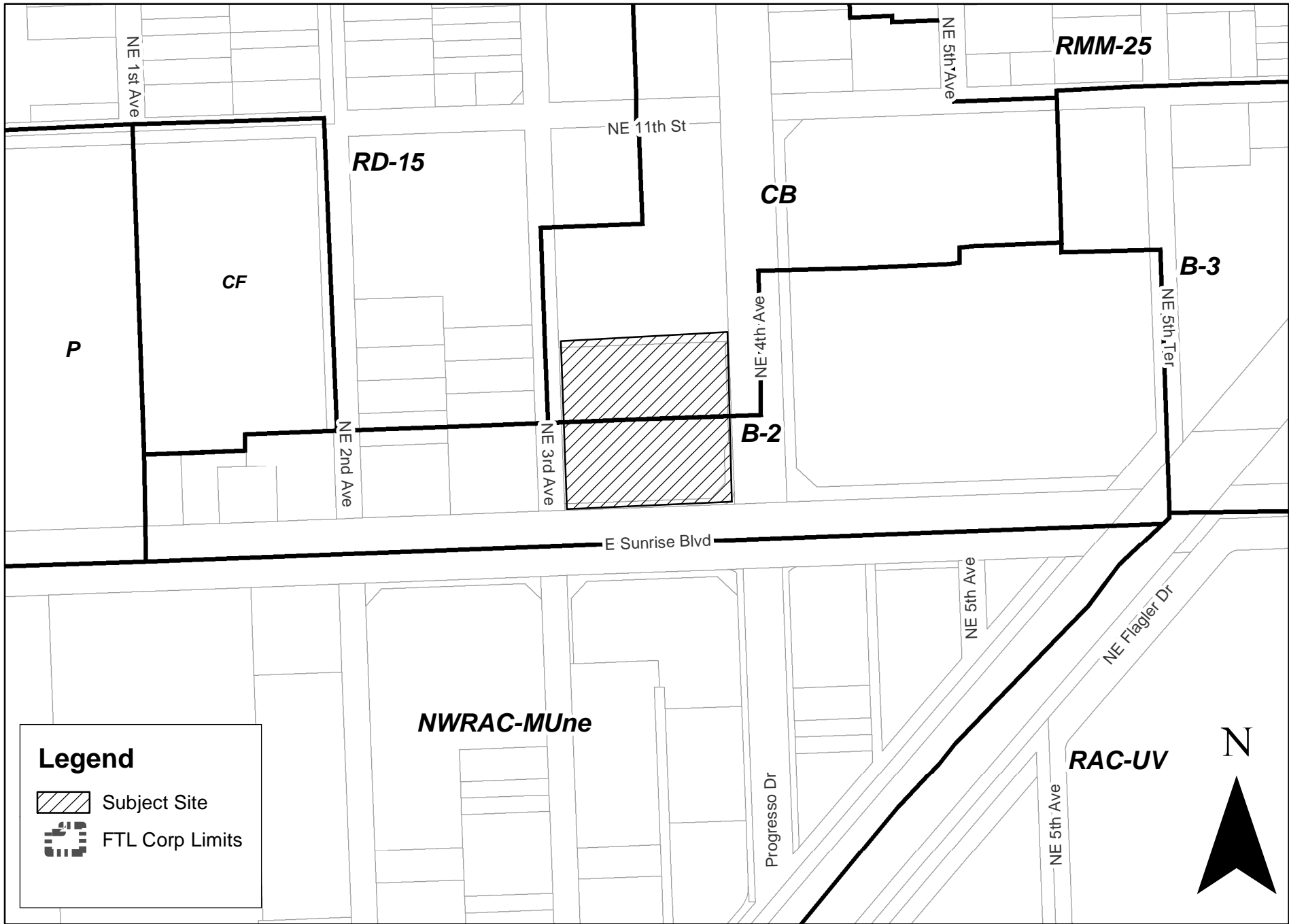
You may also email comments to: Chakila Crawford-Williams regarding Case: **PLN-BOA- 20050002**
Send email to: chcrawfordl@fortlauderdale.gov.





**MOHAMMED MALIK
ZONING ADMINISTRATOR**

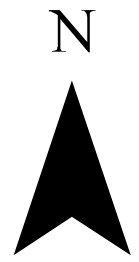
Florida Statutes, Sec. 286.0105

NOTE: If any person decides to appeal any decision made with respect to any matter considered at this public meeting or hearing, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

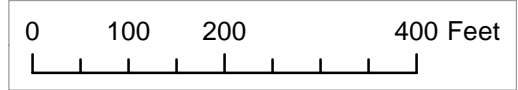


Legend

-  Subject Site
-  FTL Corp Limits



PLN-BOA-20050002



Graphic Scale



CITY OF FORT LAUDERDALE
PUBLIC NOTICE

BOARD OF ADJUSTMENT VIRTUAL MEETING

DATE: SEPTEMBER 9, 2020

TIME: 6:30 PM

CASE: PLN-BOA-20050002

Request: Sec. 47-22.4. - Maximum number of signs at one location and special requirements in zoning districts.

1. Requesting a variance to increase the total number of signs per lot from the maximum of four (4) signs with no more than one being a freestanding sign, to a total of Five (5) signs, a total increase of one (1) free standing sign.

Request: Sec. 47-22.3. G - General regulations.

2. Requesting a variance to allow a ground sign at a total height of 10 feet from natural grade whereas the code allows a maximum of 8 feet a total increase in height of 2 feet.

3. Requesting a variance to allow a total sign height of 7 feet 11 ¼ inches whereas the code allows a maximum height of 5 feet a total variance request of 2 feet 11 ¼ inches.

VIRTUAL MEETING INSTRUCTIONS:


Visit www.fortlauderdale.gov/fltv to watch and listen to the meeting.

Visit <https://www.fortlauderdale.gov/government/BOA> to sign up to speak.



This Notice is the property of the City of Fort Lauderdale. In accordance with City Code Section 16-29, It shall be unlawful for any person to injure, cut, break or destroy in any manner any building or other thing belonging to or under the control of the City. Persons marring or removing the Notice may be subject to fine and/or imprisonment.
In accordance with City Code Section 47-27.2A. H The sign shall remain on the property until final disposition of the application. This shall include any deferral, rehearing, appeal, request for review or hearing by another body. The sign information shall be changed as provided in subsection A.3.a



 CITY OF FORT LAUDERDALE
PUBLIC NOTICE

BOARD OF ADJUSTMENT VIRTUAL MEETING
DATE: SEPTEMBER 9, 2020 TIME: 6:30 PM CASE: PLN-BOA-20050002

Request: Sec. 47-22.4 - Maximum number of signs at one location and special requirements in zoning districts.

1. Requesting a variance to increase the total number of signs per lot from the maximum of four (4) signs with no more than one being a freestanding sign, to a total of five (5) signs, a total increase of one (1) free standing sign.

Request: Sec. 47-22.3.G - General regulations.

2. Requesting a variance to allow a ground sign at a total height of 10 feet from natural grade whereas the code allows a maximum of 8 feet a total increase in height of 2 feet.
3. Requesting a variance to allow a total sign height of 7 feet 11 1/4 inches whereas the code allows a maximum height of 5 feet a total variance request of 2 feet 11 1/4 inches.

VIRTUAL MEETING INSTRUCTIONS:
Visit www.fortlauderdale.gov/bo to watch and listen to the meeting.
Visit <http://www.fortlauderdale.gov/government/boa> to sign up to speak.



SIDEWALK
CLOSED

PUBLIC NOTICE
BOARD OF ADJUSTMENT VIRTUAL MEETING
DATE: SEPTEMBER 1, 2020 TIME: 6:00PM - 7:00PM (6:30AM-7:00PM)
AGENDA: 1. Call to Order 2. Public Hearing 3. Board Report 4. Board Decision 5. Adjourn
The Board of Adjustment will hold a virtual meeting on the above date and time to hear public comments on the following applications:
1. Application for a Special Use Permit for a Community Center, located at 1234 Main Street, City of Miami, Florida.
2. Application for a Conditional Use Permit for a Residential Development, located at 5678 Ocean Drive, City of Miami, Florida.
3. Application for a Variance for a Residential Development, located at 9010 Sunset Blvd, City of Miami, Florida.
The meeting will be held via Zoom. The meeting link and password will be provided to the public via email and posted on the City of Miami website. The meeting will be open to the public and anyone interested in providing comments should contact the City of Miami Planning Department at (305) 375-3000.

DEERE



E SUNRISE BLVD
NE 3 AVE



PUBLIC NOTICE
BOARD OF ADJUSTMENT VIRTUAL MEETING





SUSTAINABLE DEVELOPMENT – URBAN DESIGN & PLANNING

BOARD OF ADJUSTMENT (BOA) APPLICATION

Rev: 1 | Revision Date: 7/25/2019 | Print Date: 7/25/2019
I.D. Number: Z&L-BOA

BOARD OF ADJUSTMENT (BOA) Application

- Cover:** Deadline, Notes, and Fees
- Page 1:** Applicant Information Sheet
- Page 2:** Variance Request Criteria
- Page 3:** Required Documentation & Mail Notice Requirements
- Page 4:** Sign Notice Requirements & Affidavit
- Page 5:** Technical Specifications

DEADLINE: Submittals must be received prior to 4:00 PM each business day. Pursuant to Section 47-24.12, the Department will review all applications to determine completeness within five (5) business days. Applicants will be notified via e-mail, if plans do not meet the submittal requirements and if changes are required.

NOTES: Prior to formal submittal of applications, applicants are encouraged to schedule an appointment with Urban Design & Planning Division staff to obtain feedback regarding proposals. The meetings provide an opportunity for applicants to obtain feedback and general direction, prior to expending significant effort on preparation of submittal documents.

FEES: All applications for development permits are established by the City Commission, as set forth by resolution and amended from time to time. In addition to the application fee, any additional costs incurred by the City including review by a consultant on behalf of the City, or special advertising costs shall be paid by the applicant. Any additional costs, which are unknown at the time of application, but are later incurred by the City, shall be paid by the applicant prior to the issuance of a development permit.

<input checked="" type="checkbox"/>	Variance / Interpretation: Before	\$ 480.00
<input type="checkbox"/>	Variance / Interpretation: After	\$ 600.00
<input type="checkbox"/>	Parking Variance (per space)	\$ 530.00
<input type="checkbox"/>	Request for Continuance	\$ 190.00
<input type="checkbox"/>	Rehearing before the Board	\$ 70.00
<input type="checkbox"/>	Request for Rehearing	\$ 240.00

Page 1: BOA - Applicant Information Sheet

INSTRUCTIONS: The following information is requested pursuant to the City's Unified Land Development Regulations (ULDR). While the information requested in this application is the minimum required to proceed please be aware additional information may be required to fully address the variance requested. The application must be filled out accurately and completely. Please print or type and answer all questions. Indicate N/A if does not apply.

NOTE: To be filled out by Department

Case Number	
Date of complete submittal	

NOTE: For purpose of identification, the **PROPERTY OWNER** is the **APPLICANT**

Property Owner's Name	Town Development Co
Property Owner's Signature	<i>[Signature]</i> <small>If a signed agent letter is provided, no signature is required on the application by the owner.</small>
Address, City, State, Zip	2649 NE 26 Place Fort Lauderdale, FL 33306
E-mail Address	jgreenbaum@gmail.com
Phone Number	954.465.7923
Proof of Ownership	<input type="checkbox"/> Warranty Deed or <input type="checkbox"/> Tax Record

NOTE: If **AGENT** is to represent **OWNER**, notarized letter of consent is required

Applicant / Agent's Name	Gina Penney
Applicant / Agent's Signature	<i>[Signature]</i>
Address, City, State, Zip	1077 W. Blue Heron Blvd.
E-mail Address	gina.p@atlasbtw.com
Phone Number	561-720-6936
Letter of Consent Submitted	

Development / Project Name	Cumberland Farms
Existing / New	<input type="checkbox"/> Existing <input checked="" type="checkbox"/> New
Project Address	Address: 333 E. Sunrise BLVD.
Legal Description	See Attached
Tax ID Folio Numbers (For all parcels in development)	494234048490
Request / Description of Project	Convenience Store with fuel pumps
Applicable ULDR Sections	ULDR Sec. 47-22.4 and ULDR Sec. 47-22.3G

Current Land Use Designation	Commercial
Current Zoning Designation	B-2 General Business
Current Use of Property	Vacant Commercial
Site Adjacent to Waterway	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Setbacks (indicate direction N,S,E,W)	Required	Proposed
Front [S]		242.75
Side [E]		11.63
Side [W]		248.37
Rear [N]		6.25

Page 2: Board of Adjustment (BOA) Criteria for Variance Request

This page must be filled in. An attached narrative may be included if additional space is required.

SPECIFIC REQUEST: State the specific request according to the ULDR or other provisions of the Code.

Request for an exception on ULDR Sec. 47-22.4: No more than 4 sign allowed with 1 being a freestanding sign, and ULDR Sec. 47-22.3G: ground sign height may not exceed 5' in height or be installed in such a manner that a total of 8' feet above natural grade is exceeded.

Cumberland Farms is requesting a 10' LED Pricer Monument. The property has an entrance on each road. NE 3rd Ave., NE 4th Avenue(State Road 11) and East Sunrise Blvd

CRITERIA: Applicant must demonstrate a unique hardship attributable to the land by proving by a preponderance of the evidence for all of the following criteria. Please answer the following criteria completely. While some criteria may seem duplicative the response should be tailored specifically to each. Per section 47-24.12.A.4,

a. Special conditions and circumstances affect the property at issue which prevent the reasonable use of such property; and
Cumberland farms is utilizing 3 lots, Gross area of 1.483 acres. They have frontage and entrances on three elevations of the property but code restricts them to one ground sign per lot. An additional ground sign would be beneficial to both Cumberland Farms and to potential customers by providing pricing information to the heavy traffic area on NE 4th Street.

b. Circumstances which cause the special conditions are peculiar to the property at issue, or to such a small number of properties that they clearly constitute marked exceptions to other properties in the same zoning district; and:
This is a large property that is utilizing three separate lots. We have frontage and entrances on three separate elevations. Because of the extensive size of the property and the code restrictions we are concerned with potential customers not being able to identify the business.

c. Literal application of the provisions of the ULDR would deprive the applicant of a substantial property right that is enjoyed by other property owners in the same zoning district. (It shall be of no importance to this criterion that a denial of the variance sought might deny to the owner a more profitable use of the property, provided the provisions of the ULDR still allow a reasonable use of the property; and

The enforcement of the code for this location will create an unnecessary hardship to my client. They have limited branding, especially with traffic on NE 4th street. This will make it difficult for vehicular traffic to identify Cumberland Farms in enough time to access property from that road front.

d. The unique hardship is not self-created by the applicant or his predecessors, nor is it the result of mere disregard for, or ignorance of, the provisions of the ULDR or antecedent zoning regulations; and


Code states that you can have 4 signs per lot. my client has 3 lots...based off the literal interpretation of the code we were under the impression that we could have the sign we are proposing. The request for an increase in over all height is to provide better visibility and ease of access.

e. The variance is the minimum variance that will make possible a reasonable use of the property and that the variance will be in harmony with the general purposes and intent of the ULDR and the use as varied will not be incompatible with adjoining properties or the surrounding neighborhood or otherwise detrimental to the public welfare.

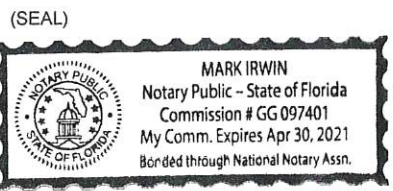
We are requesting the minimum possible variance to make the property more efficient. We are requesting one additional ground sign, the ground sign will be located on a different road and is 250' away from the other ground sign. The height increase is to give better visibility.

AFFIDAVIT: I, Justin Greenbaum the Owner/Agent of said property ATTEST that I am aware of the following:

- 1. In order to be entitled to the relief requested in the application an affirmative vote of a majority plus one of the Board of Adjustment is required;
- 2. That in granting the relief requested, the Board of Adjustment is limited to the authority vested in the Board by the ULDR and that the Board may not grant the relief requested unless the applicant proves all the criteria specified in the ULDR have been met;
- 3. That the granting of relief by the Board does not exempt the applicant or owner of record from the responsibilities of obtaining all applicable permits or approvals as may be required by law for both new and existing structures;
- 4. That if the relief requested is granted by the Board, the applicant must secure a building permit to implement the relief requested within one hundred eighty (180) days of the entry of the final order or the Board, or within such lesser time as the Board may proscribe and that failure to procure the necessary permits within the time so proscribed shall render the variance or special exception null and void;
- 5. That if the Board denies the request for relief, then no additional application for the same or substantially the same relief may be entertained by the Board within two (2) years of the date of entry of the final order of denial.


(Signature)

SWORN TO AND SUBSCRIBED before me in the County and State above aforesaid this 14 day of January, 2020




NOTARY PUBLIC
MY COMMISSION EXPIRES:

Page 4: Sign Notification Requirements and Affidavit

SIGN NOTICE

Applicant must **POST SIGNS** (for Board of Adjustment) according to Sec. 47-27.2 Types of Public Notice and 47-27.9 Variance, Special Exception, Temporary Non-Conforming Use. Interpretation requires the following notice:

- Sign Notice shall be given by the applicant by posting a sign provided by the City stating the time, date and place of the Public Hearing on such matter on the property which is the subject of an application for a development permit. If more than one (1) public hearing is held on a matter, the date, time and place shall be stated on the sign or changed as applicable.
- The sign shall be posted at least fifteen (15) days prior to the date of the public hearing.
- The sign shall be visible from adjacent rights-of-way, including waterways, but excepting alleys.
- If the subject property is on more than one (1) right-of-way, as described above, a sign shall be posted facing each right-of-way.
- If the applicant is not the owner of the property that is subject of the application, the applicant shall post the sign on or as near to the subject property as possible subject to the permission of the owner of the property where the sign is located or, in a location in the right-of-way if approved by the City.
- If the sign is destroyed or removed from the property, the applicant is responsible for obtaining another sign from the City and posting the sign on the property.
- The sign shall remain on the property until final disposition of the application. This shall include any deferral, rehearing, appeal, request for review or hearings by another body. The sign information shall be changed as above to reflect any new dates.
- The applicant shall, five (5) days prior to the public hearing, execute and submit to the department an affidavit of proof of posting of the public notice sign according to this section. If the applicant fails to submit the affidavit the public hearing will be postponed until the next hearing after the affidavit has been supplied.

AFFIDAVIT OF POSTING SIGNS

STATE OF FLORIDA

BROWARD COUNTY

BOA CASE NO. _____

APPLICANT: Gina Penney

PROPERTY: 333 E. Sunrise Blvd. Fort Lauderdale, FL.

PUBLIC HEARING DATE: _____

BEFORE ME, the undersigned authority, personally appeared _____, who upon being duly sworn and cautioned, under oath deposes and says:

1. Affiant is the Applicant in the above cited City of Fort Lauderdale **Board or Commission** Case.
2. The Affiant/Applicant has posted or has caused to be posted on the Property the signage provided by the City of Fort Lauderdale, which such signage notifies the public of the time, date and place of the Public Hearing on the application for relief before the **Board or Commission**.
3. That the sign(s) referenced in Paragraph two (2) above was posted on the Property in such manner as to be visible from adjacent streets and waterways and was posted at least **fifteen (15)** days prior to the date of the Public Hearing cited above and has remained continuously posted until the date of execution and filing of this Affidavit. Said sign(s) shall be visible from and within twenty (20) feet of streets and waterways, and shall be securely fastened to a stake, fence, or building.
4. Affiant acknowledges that the sign must remain posted on the property until the final disposition of the case before the **Board or Commission**. Should the application be continued, deferred or re-heard, the sign shall be amended to reflect the **new dates**.
5. Affiant acknowledges that this Affidavit must be executed and filed with the City's Urban Design & Development **five (5)** calendar days prior to the date of Public Hearing and if the Affidavit is not submitted, the Public Hearing on this case shall be cancelled.
6. Affiant is familiar with the nature of an oath or affirmation and is familiar with the laws of perjury in the State of Florida and the penalties therefore.

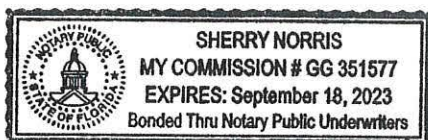
NOTE: I understand that if my sign is not returned within the prescribed time limit as noted in Sec. 47.27.2.j of the City of Fort Lauderdale ULDR, I will forfeit my sign deposit. _____ (initial here)

[Signature]
Affiant

SWORN TO AND SUBSCRIBED before me in the County and State above aforesaid this 27th day of January, 2020

(SEAL)

[Signature]
NOTARY PUBLIC
MY COMMISSION EXPIRES:



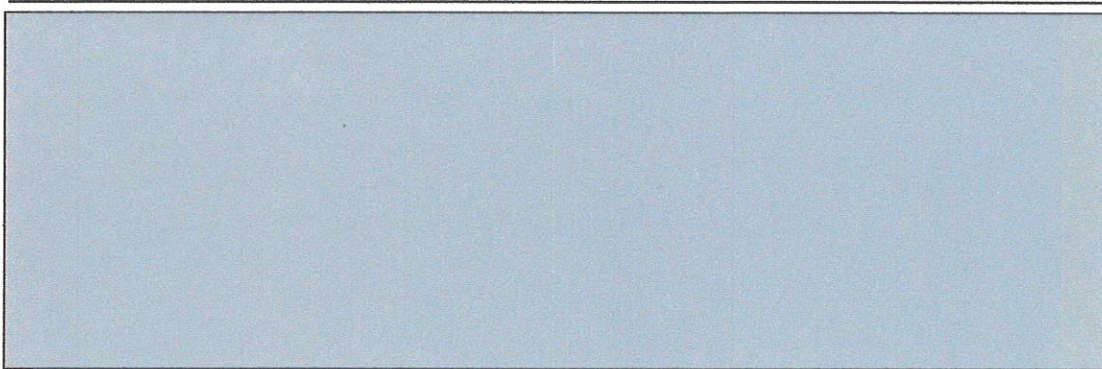
Page 3: Required Documentation & Mail Notice Requirements

One (1) original set, signed and sealed, with plans at 24" x 36"
One (1) electronic version (CD or USB) of complete application and plans in PDF format
Fourteen (14) copy sets of each item below and plans at half-size scale 11" x 17"

- Completed application** (all pages must be filled out where applicable)
- Mail notification documents** (mail notification instructions at bottom of page)
- Proof of ownership** (warranty deed or tax record), including corporation documents if applicable
- Property owners notarized signature** and/or notarized agent letter signed by the property owner (if applicable).
- Color photographs** of the entire property and all surrounding properties, dated and labeled and identified as to orientation.
- Narrative** describing specific request and outlining ULDR sections that are applicable. Narratives must be on letterhead, dated, and with author indicated.
- Cover sheet** on plan set to state project name and table of contents.
- Current survey(s)** of property, signed and sealed, showing existing conditions; survey must be As-Built with Right-of-Way and Easement Vacations Excluded. The survey should consist of the proposed project site alone. Do not include adjacent properties or portions of lands not included in the proposed project unless specifically requested by the City. If the survey is not signed and sealed, a zoning affidavit is required and shall only be used for the structures listed in the affidavit.
- Aerial photo** indicating all properties within 700 ft. of the subject property. Must be clear and current with site highlighted.
- Site Plan** (a survey may be substituted if the requested variance is clearly indicated)
 - Landscape Plan** (if applicable)
 - Elevations** (if applicable)
 - Additional plan details as needed**

Note: All copy sets must be clear and legible.

Note: Plans must be folded to 8 1/2" x 11". All non-plan documents should be 8 1/2" x 11".



MAIL NOTIFICATION: Pursuant to Section 47-27.2 Types of Public Notice and 47-27.9 Variance, Special Exception, Temporary Non-Conforming Use, Interpretation requires the following notice:

- **MAIL NOTICE:** Mail notice shall be given to owners of land within three hundred (300) feet of the subject site ten (10) days prior to the date set for the public hearing.
 - **TAX MAP:** Applicant shall provide a tax map from the Broward County Property Appraiser of all property within a three hundred (300) foot radius, with each property clearly shown and delineated. Each property within the notice area must be numbered (by Folio ID) on the map to cross-reference with property owners notice list.
 - **PROPERTY OWNERS NOTICE LIST:** Applicant shall provide a property owners notice list with the names, property control numbers (Folio ID) and complete addresses for all property owners within the required three hundred (300) foot radius. The list shall also include all homeowners associations, condominium associations, municipalities and counties noticed, as indicated on the tax roll.
 - **ENVELOPES:** The applicant shall provide business size (#10) envelopes with first class postage attached (stamps only, metered mail will not be accepted). Envelopes must be addressed to all property owners within the required three hundred (300) foot radius, and mailing addresses must be typed or labeled; no handwritten addresses will be accepted. The return address shall be listed on all envelopes as follows:

City of Fort Lauderdale
Urban Design & Development
700 NW 19th Avenue, Fort Lauderdale, FL 33311.
 - **DISTRIBUTION:** The City of Fort Lauderdale, Urban Design & Development will mail all notices prior to the public hearing meeting date, as outlined in Section 47-27.

Page 5: Technical Specifications

A. SITE PLAN

1. Title Block including project name and design professional's address and phone number
2. Scale (1" = 30' min., must be engineer's scale)
3. North indicator
4. Location map showing relationship to major arterials
5. Drawing and revision dates, as applicable
6. Full legal description
7. Site Plan Data Table
 - Current use of property
 - Land Use designation
 - Zoning designation
 - Site area (sq. ft. and acres)
 - Setback table (required vs. provided)
 - Open space
8. Site Plan Features (graphically indicated)
 - Setbacks and building separations (dimensioned)
 - Project signage (if applicable)
 - Easements (as applicable)

(Please note additional site plan information may be necessary to fully address the requested variance)

B. BUILDING ELEVATIONS (as applicable)

1. All building facades with directional labels (ie. North, South) and building names if more than one building
2. Dimensions, including height and width of all structures
3. Dimensions of setbacks and required setbacks from property lines
4. Dimension grade at crown of road, at curb, sidewalk, building entrance, and finished floor
5. Include proposed signage

(2)

THIS INSTRUMENT PREPARED BY
AND RETURN TO:

Justin Greenbaum
2649 NE 26th Place
Fort Lauderdale, FL 33306

QUITCLAIM DEED

This quitclaim deed made on May 22, 2017, between JUSTIN GREENBAUM, INC., whose post office address is 2649 NE 26 PL, Fort Lauderdale, FL 33306, grantor, and TOWN DEVELOPMENT CO., whose post office address is 2649 NE 26 PL, Fort Lauderdale, FL 33306, grantee.

Witnesseth, that said grantor, for and in the consideration of the sum of TEN AND NO/100 DOLLARS, (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt of which is hereby acknowledged, grantor does hereby release, remise and forever quitclaim unto grantee of its interest, if any, in that certain real property located in the City of Fort Lauderdale, County of Broward, State of Florida, described as follows:

Lots 3 thru 20 inclusive, less the East 10 feet; and Lots 28 thru 35 inclusive, Block 183, PROGRESSO, according to the Plat thereof, recorded in Plat Book 2, Page 18, of the Public Records of Broward County, Florida.

Parcel Identification Number: 494234-04-8471

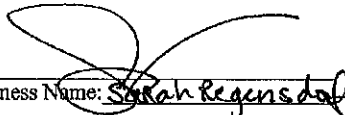
Together with all the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining.

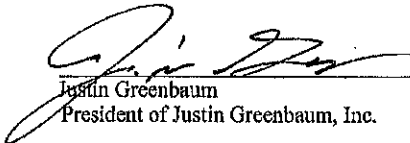
To Have and to Hold, all and singular the premises, with the appurtenances, unto grantee and its heirs and assigns forever.

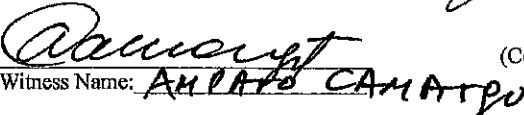
In Witnesseth Whereof, grantor has hereunto set grantor's hand and seal this day and year as set forth above written.

(2)

Signed, sealed and delivered in our presence:


Witness Name: Sarah Regensdal


Justin Greenbaum
President of Justin Greenbaum, Inc.

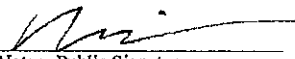

Witness Name: AMANDA CAMARGO (Corporate Seal)

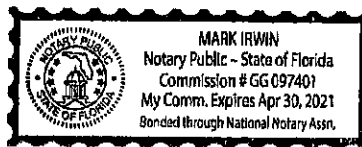
STATE OF FLORIDA)
COUNTY OF BROWARD)

Subscribed and sworn before me this the 22 day of May, 2017.

WITNESS my hand and official seal.

My commission expires:


Notary Public Signature



MARK IRWIN
Notary Public Printed Name

(3)

THIS INSTRUMENT PREPARED BY
AND RETURN TO:

Justin Greenbaum
2649 NE 26th Place
Fort Lauderdale, FL 33306

QUITCLAIM DEED

This quitclaim deed made on May 22, 2017, between **JUSTIN GREENBAUM, INC.**, whose post office address is 2649 NE 26 PL, Fort Lauderdale, FL 33306, grantor, and **TOWN DEVELOPMENT CO.**, whose post office address is 2649 NE 26 PL, Fort Lauderdale, FL 33306, grantee.

Witnesseth, that said grantor, for and in the consideration of the sum of TEN AND NO/100 DOLLARS, (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt of which is hereby acknowledged, grantor does hereby release, remise and forever quitclaim unto grantee of its interest, if any, in that certain real property commonly known as **301 and 317 NE 10 Street**, located in the City of Fort Lauderdale, County of Broward, State of Florida, described as follows:

Lots 21, 22, 23, 24 of Block 183 of PROGRESSO, according to the Plat thereof, recorded in Plat Book 2, Page 18, of the Public Records of Dade County, Florida, said land situate, lying and being in Broward County, Florida, less the East 10 feet thereof of Lots 21, 22, 23, and 24 and less the South 15 feet of Lot 24. Said land being further described as:

Commencing at the Northwest corner of the intersection of Sunrise Boulevard and Northeast 4th Avenue and running then South 88° 16' 00" West along the North right-of-way line of Sunrise Boulevard a distance of 125 feet to a point; thence North 01° 45' 30" West and parallel to the West right-of-way line of Northeast 4th Avenue, a distance of 85 feet to a point; then North 88° 16' 00" East and parallel to the North right-of-way line of Sunrise Boulevard a distance of 125' to a point on the West right-of-way of Northeast 4th Avenue; then South 01° 45' 30" East along said West right-of-way line of Northeast 4th Avenue a distance of 85 feet to the Point of Beginning.

Also Lot 25 less the South 15 feet thereof and all of Lots 26 and 27 of Block 183 of PROGRESSO according to the Plat thereof recorded in Plat Book 2, Page 18, of the Public Records of Dade County, Florida, said land situate, lying and being in Broward County, Florida.

Parcel Identification Number: 494234-04-8490

Parcel Identification Number: 494234-04-8500

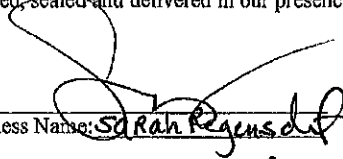
Together with all the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining.

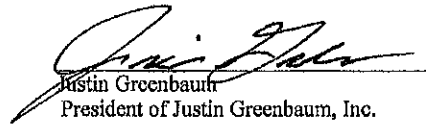
(2)

To Have and to Hold, all and singular the premises, with the appurtenances, unto grantee and its heirs and assigns forever.

In Witnesseth Whereof, grantor has hereunto set grantor's hand and seal this day and year as set forth above written.

Signed, sealed and delivered in our presence:


Witness Name: SARAH REGUS


Justin Greenbaum
President of Justin Greenbaum, Inc.


Witness Name: AMPARO CAMARGO (Corporate Seal)

STATE OF FLORIDA)
COUNTY OF BROWARD)

Subscribed and sworn before me this the 22 day of May, 2017.

WITNESS my hand and official seal.

My commission expires:


Notary Public Signature



MARK IRWIN
Notary Public Printed Name

PARAMOUNT TITLE SERVICES, INC.
7501 W. Oakland Park Boulevard, Suite 303-East
Fort Lauderdale, Florida 33319
Phone: (954) 467-6607 – Fax (954) 467-3280

TITLE SEARCH REPORT

Search No.: 19-822-4

THE UNDERSIGNED does hereby certify that a search has been made of the Public Records of Broward County, State of Florida for:

State of Florida Department of Transportation

As to the following described property to wit:

SEE EXHIBIT "A" ATTACHED

Said records reflect the following ownership and encumbrances:

TITLE HOLDER:	Town Development Co.
ACQUIRED BY:	See Page 3 of 6.
ENCUMBRANCES:	See Page 3 of 6
TITF DOCS, EDD & RELEASES:	See Page 3 of 6
RIGHT-OF WAY DOCUMENTS:	See Page 4 of 6
CORPORATE STATUS:	See Page 4 of 6
NAME SEARCH:	See Page 5 of 6
TITLE HISTORY:	See Page 5 of 6
TAX INFORMATION:	See Page 6 of 6

THE UNDERSIGNED hereby certifies that the foregoing Title Report reflects a comprehensive search of the Public Records of Broward County, Florida, showing the present ownership of the herein described real property, together with all interests affecting said real property. I further certify that a complete chain of title beginning from the earliest public record has been examined. Additionally, the results of a 20-year name search for every respective record title owner for said parcel are reflected in this report. This report is NOT to be construed as an opinion of title.

CERTIFIED through the 11th day of November 2019, at 11:00 O'clock P.M.
Report Date: December 6, 2019

Paramount Title Services, Inc.

Eliana Leal
Eliana Leal
President

PARAMOUNT TITLE SERVICES, INC.
7501 W. Oakland Park Boulevard, Suite 303-East
Fort Lauderdale, Florida 33319
Phone: (954) 467-6607 – Fax (954) 467-3280

TITLE SEARCH REPORT

Search No.: 19-822-4

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

THE EAST 5 FEET OF LOT 14, LESS THE NORTH 11 FEET, THE WEST 5 FEET OF LOTS 15 THROUGH 19, INCLUSIVE, A PORTION OF LOTS 20 THROUGH 24, INCLUSIVE, AND THE NORTH 10 FEET OF LOT 25, IN BLOCK 183 OF "PROGRESSO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 25; THENCE NORTH 87°53'35" EAST ALONG THE NORTH LINE OF SAID LOTS 25 AND 24, LYING 10.00 FEET NORTH OF AND PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF EAST SUNRISE BOULEVARD (STATE ROAD NO. 838) (NE 10th STREET) 225.00 FEET; THENCE NORTH 42°53'13" EAST 31.39 FEET; THENCE NORTH 02°07'10" WEST ALONG A LINE LYING 12.8 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID BLOCK 183, ALSO BEING THE WEST RIGHT-OF-WAY LINE OF NE 4th AVENUE (STATE ROAD NO. 811) FOR 51.06 FEET; THENCE NORTH 24°27'08" EAST 17.44 FEET; THENCE NORTH 02°07'10" WEST ALONG A LINE LYING 5.00 FEET WEST OF AND PARALLEL TO SAID EAST LINE AND WEST RIGHT-OF-WAY LINE 150.14 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 11 FEET OF SAID LOT 14; THENCE NORTH 87°53'35" EAST ALONG SAID SOUTH LINE 5.00 FEET TO A POINT ON THE AFOREMENTIONED EAST LINE AND WEST RIGHT-OF-WAY LINE; THENCE SOUTH 02°07'10" EAST ALONG SAID EAST LINE AND WEST RIGHT-OF-WAY LINE 229.50 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE NORTHWESTERLY; THENCE SOUTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 19.50 FEET, A CENTRAL ANGLE OF 90°00'45", FOR AN ARC DISTANCE OF 30.63 FEET TO A POINT OF TANGENCY ON THE AFOREMENTIONED NORTH RIGHT-OF-WAY LINE; THENCE SOUTH 87°53'35" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE 240.50 FEET TO A POINT ON THE WEST LINE OF SAID BLOCK 183, ALSO BEING THE EAST RIGHT-OF-WAY LINE OF NE 3rd AVENUE; THENCE NORTH 02°07'10" WEST ALONG SAID WEST LINE AND SAID EAST RIGHT-OF-WAY LINE 10.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA AND CONTAINING 4,592 SQUARE FEET (0.1054 ACRES), MORE OR LESS.

PARAMOUNT TITLE SERVICES, INC.
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Fort Lauderdale, Florida 33319
Phone: (954) 467-6607 – Fax (954) 467-3280

TITLE SEARCH REPORT

Search No.: 19-822-4

ACQUIRED BY:

QUIT CLAIM DEED: Justin Greenbaum, Inc. TO Town Development Co., dated May 22, 2017, filed May 25, 2017, Under Instrument No. 114406080.

QUIT CLAIM DEED: Justin Greenbaum, Inc. TO Town Development Co., dated May 22, 2017, filed May 25, 2017, Under Instrument No. 114406081.

ENCUMBRANCES:

EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS AND CONDITIONS SET FORTH ON PLAT OF Map of Progresso, Florida, Plat Book 2, Page 18, Public records Miami-Dade County, Florida.

RESOLUTION: City Commission of the City of Fort Lauderdale, Florida TO the Public, dated December 2, 1954, filed December 2, 1954 in O.R. Book 255, Page 290. (#5875)

RESOLUTION: Board of County Commissioners of Broward County, Florida TO the Public, dated May 15, 1962, filed June 12, 1962 in O.R. Book 2408, Page 952.

RESOLUTION: City Commission of the City of Fort Lauderdale, Florida TO the Public, dated September 21, 1971, filed October 15, 1971 in O.R. Book 4640, Page 967. (A-71-64)

ORDINANCE: City Commission of the City of Fort Lauderdale, Florida TO the Public, dated July 19, 1983, filed August 15, 1983, in O.R. Book 11066, Page 50. (#C-83-77)

ORDINANCE: City Commission of the City of Fort Lauderdale, Florida TO the Public, dated March 20, 1984, filed April 19, 1984 in O.R. Book 11637, Page 691. (#C-84-17)

ORDINANCE: Board of County Commissioners of Broward County, Florida TO the Public, dated November 18, 2002, filed November 21, 2002 in O.R. Book 34145, Page 1891.

RESOLUTION: City Commission of the City of Fort Lauderdale, Florida TO the Public, dated April 2, 2019, filed May 14, 2019, Under Instrument No. 115801007. (#19-67)

NOTICE OF COMMENCEMENT: Town Development Co. TO Atlas Sign Holdings, LLC, dated June 6, 2019, filed August 22, 2019, Under Instrument No. 116009502.

TITF DOCS, EDD & RELEASES:

DEED: Trustees of the Internal Improvement Fund of the State of Florida TO Florida Coast Line Canal and Transportation Company, dated September 24, 1890, filed December 2, 1890 in Deed Book D, Page 362. (#14273)

PARAMOUNT TITLE SERVICES, INC.
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TITLE SEARCH REPORT

Search No.: 19-822-4

RIGHT-OF WAY DOCUMENTS:

EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS AND CONDITIONS SET FORTH ON PLAT OF Map of Progresso, Florida, Plat Book 2, Page 18, Public records Miami-Dade County, Florida.

RIGHT OF WAY MAP: Book 7, Page 20, Public Records Broward County, Florida

RIGHT OF WAY MONUMENTATION MAP: Book 13, Page 169

LOCATION AND SURVEY MAP: Book 6, Page 39, Public Records Broward County, Florida.

RIGHT OF WAY DEED: Ida W. Wilson, a widow, individually and as sole beneficiary under the Will of W. Roy Wilson, deceased TO City of Fort Lauderdale, a Florida municipal corporation, dated October 26, 1954, filed November 5, 1954 in O.R. Book 237, Page 37.

RIGHT OF WAY DEED: Ida W. Wilson, a widow, individually and as sole beneficiary under the Will of W. Roy Wilson, deceased TO City of Fort Lauderdale, a Florida municipal corporation, dated October 26, 1954, filed November 5, 1954 in O.R. Book 237, Page 38.

RIGHT OF WAY DEED: P. G. Wilson, a single man TO City of Fort Lauderdale, a Florida municipal corporation, dated July 7, 1965, filed August 9, 1955 in O.R. Book 432, Page 455.

RIGHT OF WAY DEED: Jack E. Dalton, also known as J. E. Dalton and Bertha E. Dalton, his wife TO City of Fort Lauderdale, a Florida municipal corporation, dated July 15, 1965, filed August 11, 1955 in O.R. Book 432, Page 481.

RIGHT OF WAY DEED: Thomas W. Kerr and Cecelia M. Kerr, husband and wife TO City of Fort Lauderdale, a Florida municipal corporation, dated July 12, 1955, filed August 11, 1955 in O.R. Book 432, Page 482.

RIGHT OF WAY DEED: Gulf Oil Corporation, a Pennsylvania corporation TO City of Fort Lauderdale, a Florida municipal corporation, dated August 25, 1955, filed in O.R. Book 468, Page 216. (referenced deed not applicable)

COUNTY DEED: Broward County, Florida TO State of Florida for the use and benefit of the State Road Department of Florida, dated September 10, 1968, filed September 19, 1968 in O.R. Book 3750, Page 457.

WARRANTY DEED: Florence Jean Brewer, joined by her husband William C. Brewer TO City of Fort Lauderdale, a Florida municipal corporation, dated September 19, 1968, filed October 18, 1968 in O.R. Book 3770, Page 627.

CITY DEED: City of Fort Lauderdale, a Florida municipal corporation TO State of Florida for the use and benefit of the State Road Department of Florida, dated December 6, 1968, filed December 18, 1968 in O.R. Book 3815, Page 774. (contains other property)

RIGHT OF WAY RESOLUTION: State of Florida Department of Transportation TO the Public, dated August 1, 1998, filed August 31, 1988 in O.R. Book 15742, Page 965.

CORPORATE STATUS:

Town Development Co., a Florida corporation (active)

PARAMOUNT TITLE SERVICES, INC.
7501 W. Oakland Park Boulevard, Suite 303-East
Fort Lauderdale, Florida 33319
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TITLE SEARCH REPORT

Search No.: 19-822-4

NAME SEARCH

Justin Greenbaum, Inc.	Nothing of Record
Town Development Co.	Nothing of Record
Trustees of the Internal Improvement Fund of the State of Florida	No Search Made

Florence J. Brewer

DEATH CERTIFICATE: State of Florida Office of Vital Statistics TO the Public, dated November 4, 2010, filed January 6, 2011 in O.R. Book 47636, Page 1646. (RE: Florence Jean Brewer, deceased)

William C. Brewer, Jr.

TRUST AFFIDAVIT: Linda S. Roessinger TO the Public, dated October 19, 2012, filed November 2, 2012 in O.R. Book 49214, Page 475.

ACCEPTANCE OF TRUST: Linda S. Roessinger TO the Public, dated December 2, 2010, filed January 6, 2011 in O.R. Book 47636, Page 1647.

Linda S. Roessinger, as Trustee a/k/a Linda Roessinger

ACCEPTANCE OF TRUST: Linda S. Roessinger TO the Public, dated December 2, 2010, filed January 6, 2011 in O.R. Book 47636, Page 1647.

TITLE HISTORY:

QUIT CLAIM DEED: Board of Trustees of the Internal Improvement Fund of the State of Florida TO Justin Greenbaum, Inc., a Florida corporation, dated October 18, 2013, filed January 15, 2014 in O.R. Book 50478, Page 74.

WARRANTY DEED: Linda S. Roessinger, as successor Trustee of the William C. Brewer, Jr. and Florence J. Brewer Living Trust dated February 2, 2003, dated October 19, 2012, filed November 2, 2012 in O.R. Book 49214, Page 473.

TAX ID. NO.	494234048471
YEAR	2019
EXEMPTION	NONE
EXEMPTION AMOUNT:	\$0.00
DELINQUENT STATUS:	N/A
AMOUNT:	\$20,501.00
STATUS:	UNPAID
CERT. NO:	N/A

TAX ID. NO.	494234048500
YEAR	2019
EXEMPTION	NONE
EXEMPTION AMOUNT:	\$0.00

PARAMOUNT TITLE SERVICES, INC.
7501 W. Oakland Park Boulevard, Suite 303-East
Fort Lauderdale, Florida 33319
Phone: (954) 467-6607 – Fax (954) 467-3280

TITLE SEARCH REPORT

Search No.: 19-822-4

DELINQUENT STATUS:	NONE
AMOUNT:	\$4,059.26
STATUS:	UNPAID
CERT. NO:	N/A

TAX ID. NO.	494234048490
YEAR	2019
EXEMPTION	NONE
EXEMPTION AMOUNT:	\$0.00
DELINQUENT STATUS:	NONE
AMOUNT:	\$4,632.27
STATUS:	UNPAID
CERT. NO:	N/A



January 31, 2020

Jeff Modarelli
City Clerk
100 N. Andrews Avenue
FORT LAUDERDALE, FL 33301

Re: Property Located at 333 E. Sunrise Blvd - Parcel ID: 494234048490

Dear Mr. Modarelli:

Atlas Signs/Gina Penny are authorized to represent Town Development Co., to process a variance application on the property.

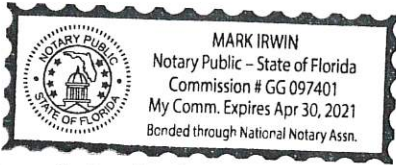
Sincerely,



Justin Greenbaum, President

Date: 1/31/20

STATE OF FLORIDA)
) SS
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this 31th day of January, 2020, by Justin Greenbaum, as Owner of the property. He is personally known to me and who did not take an oath.




Notary Public

My Commission Expires:

Sec. 47-22.4. - Maximum number of signs at one location and special requirements in zoning districts.

A. *Business, General Aviation, and RMH-60 zoning districts.* The following regulations shall apply in all business, general aviation, and RMH-60 zoning districts:

1. *Single business buildings.* The total number of signs on any one (1) lot or plot shall not exceed four (4). The signs shall be limited and oriented to be viewed from the streets and vehicle travelways abutting the lot or plot as follows (streets and vehicle trafficways that are located parallel to one (1) another are considered separate):

Number of Streets or Vehicle Travelways	Maximum Number of Signs
One (1) street or one (1) travelway	Two (2) signs, no more than one (1) being a freestanding sign
One (1) street and one (1) or more vehicle travelways	Three (3) signs, no more than one (1) being a freestanding sign
Two (2) streets and no vehicle travelways	Three (3) signs, no more than one (1) being a freestanding sign
Two (2) streets and one (1) vehicle travelway	Three (3) signs, no more than one (1) being a freestanding sign
Two (2) streets and two (2) or more vehicle travelways	Four (4) signs, no more than one (1) being a freestanding sign
Three (3) streets and no vehicle travelways	Four (4) signs, no more than two (2) being freestanding signs
Four (4) streets and no vehicle travelways	Four (4) signs, no more than two (2) being freestanding signs
Four (4) streets and one (1) or more vehicle travelways	Four (4) signs, no more than two (2) being freestanding signs
Five (5) streets and no vehicle travelways	Four (4) signs, no more than two (2) being freestanding signs

2. *Multiple tenant office buildings.* Any building which contains two (2) or more office tenants will be permitted one (1) building identification flat sign on each street frontage and only one (1)

building identification ground sign. However, when located on three (3) street fronts then two (2) building identification ground signs shall be permitted. Ground signs may contain street number and street name. A wall directory sign will be permitted at each building entrance provided that such directory sign may not exceed a total of eight (8) square feet.

3. *Multiple tenant office buildings with ground level stores.* Any building as defined in subsection A.2, which contains ground level store(s), shop(s) or bay tenant(s) shall be permitted one (1) sign for each individual store, shop or bay per street front or vehicular travelway. Such signs shall not extend beyond the ground floor level. All such signs shall be identical in color and installed at a uniform height above ground level. Letters for all signs shall not exceed twenty-four (24) inches in height and shall be identical in physical design.
- B. *Residential zones.* As used in this section, the term "location" means that area for which a site plan has previously been filed with the city.
1. The maximum number of signs for any one (1) location in multi-residential zones shall be as follows:
 - a. RM-15: one (1) sign.
 - b. RML-25: one (1) sign.
 - c. RMM-25: one (1) sign.
 - d. RMH-25: one (1) sign.
 2. However, if any location has more than one (1) street frontage, one (1) sign shall be permitted on each street frontage not exceeding a total of four (4) signs, three (3) of which must be placed and situated on the existing building at any such location.
- C. *Special regulations.* The following special regulations shall apply in the zoning districts indicated and shall prevail over any conflicting regulations contained in the ULDR:
1. In the RM-15, RML-25 and RMM-25 districts, only on-premise signs are permitted.
 2. In the RMH-25 district, the location, size, character, height and orientation of signs shall be included in a development plan subject to department Permits and Procedures, site plan level I, as provided in Section 47-24.2.
 3. In the RMH-60 and RMH-25 districts, signs relating to uses which are accessory to hotels or motels located on the same lot or plot shall be limited as follows:
 - a. For each street front, one (1) sign, not to exceed fifteen (15) square feet in area shall be allowed for each one hundred (100) feet of street frontage or fraction thereof, but in no case shall the total number of such signs exceed two (2) signs per street frontage.
 4. In the RMH-60 district, the location, size, character, height and orientation of signs shall be included in a development plan subject to department Permits and Procedures, site plan level I, as provided in Section 47-24.2.
 5. In the RO and ROA districts, no roof sign, projecting sign, marquee sign, billboard sign, banner sign or animated sign shall be permitted; each building occupied by a permitted use as a principal use may have one (1) wall sign not exceeding two (2) feet in width or ten (10) feet in length; each building site occupied by a permitted use may have one (1) ground sign not exceeding three (3) feet in width or five (5) feet in length, the top of which shall not be over five (5) feet above the ground; and each building site may have directional signs each not over two (2) square feet in area and not extending over three (3) feet above the ground.
 6. In the ROC district, the location, size, character, height and orientation of all signs shall be included in a development plan in accordance with the site plan subject to department Permits and Procedures, site plan level I, as provided in Section 47-24.2.
 7. In any zoning district abutting those trafficways subject to the requirements for Specific Location Requirements, Interdistrict Corridor Requirements as specified in Section 47-23.9, ground signs

and directional signs as described in this section may be permitted in the setback area, but in no case closer than five (5) feet from a property line.

8. If a sign is part of an overall development which requires a development permit the location, size, character, height, and orientation of such sign(s) shall be included in the development plan and approved pursuant to the same provisions as that which apply to the overall development.
9. AIP district. Signs located in the AIP zoning district shall be limited to ground signs. Any such ground sign shall not exceed one hundred twenty (120) square feet in area, nor shall it extend more than five (5) feet above the finished street level of the nearest street. One (1) flat sign for each business may be attached to the main structure. This provision shall not be interpreted to include signs painted directly on the wall, but are to be constructed with, or constructed and placed on, the structure. Such flat sign shall not extend above roof level of the wall upon which it is placed, and in no event shall exceed sixty (60) square feet in size. Signs shall not be illuminated by exposed tubes, bulbs or similar light sources, nor may they be of the flashing, rotating, or animated type. Signs may, however, be illuminated by shielded spotlighting. All signage in the AIP zoning district must first be approved by the department as a site plan level I, as being consistent with the purpose and intent of the AIP district.
10. GAA district. All signs must first be approved by the department as a site plan level I, as being consistent with the purposes and intent of the GAA district.
11. H-1 district. All signs located within the H-1 district shall comply with the requirements set out in Section 47-16, Historic Preservation District.
12. In any parking lot located in a residential zoning district, all signs shall be nonilluminated ground signs, each not exceeding six (6) square feet in area and four (4) feet in overall height above the ground. Such signs shall be of the caution, directional or owner-identification type.
13. In the Central Beach Districts, as described in Section 47-12, and in the Regional Activity Center (RAC) Districts, as described in Section 47-13, all signs shall comply with the following:
 - a. Freestanding detached signs, pylon signs, projecting signs, roof signs, billboards, window signs, message center signs and time and temperature units shall be prohibited. Notwithstanding this prohibition, ground signs shall be permitted in accordance with the requirements of this section.
 - b. Marquee signs shall be limited to an area of ten percent (10%) of the marquee area upon which the sign is to be erected or sixty (60) square feet, whichever is less.
 - c. Ground signs shall be permitted and shall be limited to five (5) feet in height and thirty-two (32) square feet in surface area and shall be set back five (5) feet from any property line if both sides of such a sign have copy. If copy appears only on a single side of such sign, then two (2) such signs of sixteen (16) square feet each shall be permitted on either side of an entranceway and said signs shall be setback five (5) feet from property line and not within five (5) feet of the edge of any pavement or sidewalk.
 - d. Flat signs shall be permitted and shall be limited as follows:
 - i. If such sign is to be located within sixty (60) feet of ground level, then such sign shall be no larger than ten percent (10%) of the wall area upon which it is to be erected or one hundred twenty (120) square feet, whichever is less.
 - ii. If such a sign is to be located between sixty-one (61) feet and one hundred (100) feet above ground level, then such a sign shall be no larger than ten percent (10%) of the wall area upon which it is to be erected or two hundred (200) square feet, whichever is less.
 - iii. If such sign is to be located over one hundred (100) feet above ground level, then such a sign shall be no larger than ten percent (10%) of the wall area upon which it is to be erected or three hundred (300) square feet, whichever is less.

- iv. A flat sign is a painted sign or any sign erected flat against the face of, or not more than eighteen (18) inches from the face of the outside wall of any building and not extending more than eighteen (18) inches above the wall upon which it is placed and supported throughout its length by such wall. No protruding portion of such sign shall be nearer than nine (9) feet to a walk or any area where there is pedestrian traffic; nor shall it extend beyond the wall in a horizontal direction; provided, however, that a sign placed on a mansard fascia shall be permitted to be erected vertically if the bottom section of this sign does not extend more than eighteen (18) inches from the mansard fascia.
 - e. Accessory use signs shall be permitted in accordance with subsection C.3.
 - f. Undercanopy signs shall be permitted in the ABA zoning district and within the RAC districts. Signs shall be limited to one (1) sign per separate entranceway for a business and such signs shall not exceed eight (8) square feet in total area.
 - g. Directional signs shall be permitted and shall be limited to four (4) square feet in total, two (2) square feet per side, four (4) feet in height.
 - h. Flags shall be permitted and shall be limited in number to one (1) flag for each fifteen (15) lineal feet of street frontage per building site.
 - i. Boat docking facilities having no supporting facilities shall be permitted to erect one (1) ground sign per facility which sign shall be limited to thirty-two (32) square feet. Each boat or boat slip shall be permitted a sign of four (4) square feet that shall not exceed five (5) feet in height above the top of the seawall.
 - j. Awning signs shall be permitted and shall be limited to sixteen (16) square feet and shall be erected in accordance with the provisions of Section 47-22.3.B.
 - k. The number of signs at each site shall be limited in accordance with the provisions of this section.
 - l. When any sign is proposed to be constructed or erected which does not comply in all respects with the requirements for signs in the Central Beach Districts and in the Regional Activity Center (RAC) Districts, then such signs shall only be permitted when reviewed as a Site Plan Level II permit subject to a fifteen (15) day period for Commission Request for Review (CRR).
14. Shopping Center or strip stores shall be permitted additional ground signs in accordance with the following:
- a. An outparcel associated with a shopping center shall be permitted one (1) ground sign per right-of-way up to a maximum of two (2) ground signs when abutting two (2) or more rights-of-way.
 - b. An outparcel permitted to have two (2) ground signs shall locate each sign abutting each respective right-of-way.

(Ord. No. C-97-19, § 1(47-22.4), 6-18-97; [Ord. No. C-13-17, § 1, 6-4-13](#); Ord. No. [C-18-05](#), § 9, 3-6-18)

Sec. 47-22.3.G - General regulations.

3. Landscaping requirements.

G. *Ground sign.* Ground signs may be used in any zoning district, except RS-4.4, RS-8 and RD-15, where permitted by ordinance. Such signs may not exceed five (5) feet in height and may not be installed in such a manner that a total height of eight (8) feet above natural grade is exceeded. Ground signs shall conform to size specifications as shown in subsection E.1. Ground signs shall have a minimum setback of five (5) feet from the front property line and a minimum of five (5) feet from interior side property line. Such signs in RC-15, RM-15, RML-25, RMM-25 and RMH-25 zones shall not exceed twenty-four (24) square feet. Such signs shall not be located within the twenty-five-foot sight triangle as described in this section.

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #:	CS/CS/HB 1021	FINAL HOUSE FLOOR ACTION:	
SUBJECT/SHORT TITLE	Construction	116	Y's 0 N's
SPONSOR(S):	Commerce Committee, Appropriations Committee and Avila	GOVERNOR'S ACTION:	Approved
COMPANION BILLS:	CS/CS/SB 1312		

SUMMARY ANALYSIS

CS/CS/HB 1021 passed the House on April 19, 2017. The bill was amended in the Senate on May 5, 2017, and was returned to the House. The House concurred in the Senate amendment and subsequently passed the bill on May 5, 2017.

The bill:

- Revises the process by which the Florida Building Code (Code) is updated by: requiring the Florida Building Commission (FBC) to review and determine which parts of the international and national codes to adopt instead of automatically adopting the international and national codes; requiring the FBC to adopt any provision necessary to maintain eligibility for federal funding from national programs and agencies; providing that certain amendments to the Code are not rendered void when the Code is updated; and requiring the FBC to adopt the Code by a two-thirds vote.
- Provides that professional engineers may certify solar energy systems.
- Prohibits a political subdivision from adopting or enforcing ordinances or building permit requirements that conflict with corporate trademarks, logos, color patterns or branding of business activities related to the sale of liquid fuels or other franchises.
- Prohibits special or independent districts from requiring payment of additional fees, charges, or expenses, related to providing proof of licensure and insurance coverage.
- Prohibits local jurisdictions from requiring homeowners to pay for painting permits, separate water connections for fire sprinkler systems, and larger water meters.
- Requires local jurisdictions to calculate their cost savings when owners or contractors hire private providers for inspection services in lieu of local building inspectors and to reduce the fees accordingly.
- Includes municipal gas utilities in the exemption from construction contracting licensure requirements for public utilities.
- Allows certified electrical and alarm system contractors to act as a prime contractor provided the majority of the work is within the scope of the contractor's license.
- Allows a person to take the plans examiner or inspector exam after completing a four year internship.
- Revises definitions to authorize local governments and state agencies to contract with certain persons to perform building inspections or supervise building code activities.
- Allows building officials to provide building official services in jurisdictions with a population of 50,000 or less under interagency agreements, and allows building officials to act as private providers.
- Adopts certain recommendations made by the Construction Industry Workforce Taskforce (CIWT).

The bill has an insignificant positive fiscal impact on state government. The fiscal impact on local governments is also likely to be insignificant. The bill has a positive fiscal impact on the private sector.

The bill was approved by the Governor on June 23, 2017, ch. 2017-149, L.O.F., and became effective on July 1, 2017.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1021z1.CCS

DATE: May 8, 2017

- Comply with the ANSI/WMA 100.

The bill prohibits the FBC from adopting Section 9.4.1.1(g) of Standard 90 of the ASHRAE related to automatic lighting. The bill also prohibits the FBC from requiring that doors between residences and garages be equipped with a self-closing device.

Local Ordinances, Building Permits and Sign Requirements – Current Situation

Florida has adopted a uniform building code in accordance with s. 553.⁶² Section 553.79, F.S., as part of the Florida Building Codes Act, has provisions relating to permits, applications, issuance, and inspections pertaining to the Code. Local jurisdictions ensure compliance with the Code.

Local jurisdictions may set requirements for signs, and sign placement for local businesses by local ordinance.

The Florida Department of Agriculture and Consumer Services regulates gasoline service stations in accordance with ch. 526. There are approximately 9,000 gasoline stations within Florida.

Federal franchise laws give prospective purchasers of franchises material information needed to weigh risks and benefits of such investments. The Federal Trade Commission's regulations, 16 C.F.R. ss. 436.1, et. seq., require franchisors to provide all potential franchisees with a disclosure document containing 23 specific items of information about the offered franchise, its officers, and other franchisees. The Florida Franchise Act, s. 817.416, F.S., provides a private right of action to a civil litigant when a person makes certain misrepresentations related to franchises. Florida does not currently regulate private rights to contract related to franchising. Florida limits franchise regulation to antifraud, unfair trade practices, and creating rights for violations of federal franchise disclosure laws.

Local Ordinances, Building Permits and Sign Requirements - Effect of the Bill

The bill amends s. 553.79, F.S., creating s. 553.79(20), specifying that political subdivisions of the state, except historical districts, may not adopt or enforce ordinances, or impose building permits or other development order requirements that:

- Contain any building, construction, or aesthetic requirement or condition that conflicts with or impairs corporate trademarks, service marks, trade dress, logos, color patterns, design scheme insignia, image standards, or other features of corporate branding identity on real property or improvements thereon used in activities conducted under ch. 526, related to the sale of liquid fuels, or in carrying out business franchise activities, as defined by Federal Trade Commission regulations in 16 C.F.R. ss. 436.1, et. Seq.; or
- Impose requirements related to the design, construction or location of signage that advertises the retail price of gasoline in accordance with the requirements of ss. 526.111 and 526.121, F.S.

The bill specifies that s. 553.79(20), F.S., doesn't affect design and construction requirements contained in the Code. Additionally, the bill specifies that all local ordinances and requirements prohibited by s. 553.79(20), F.S., are preempted and superseded and that s. 553.79(20), F.S., shall apply retroactively.

Local Government Fees – Current Situation

Section 553.80, F.S., provides that, except for construction regarding correctional and mental health facilities, elevators, storage facilities, educational institutions, and toll collection facilities, each local government and each legally constituted enforcement district with statutory authority shall regulate building construction. Section 553.80(7), F.S., authorizes local governments to provide a schedule of consistent reasonable fees to be used solely for carrying out the local government's responsibilities in

⁶² s. 553.72, F.S.



Memorandum

IMMEDIATE ACTION REQUIRED

TO: Municipal Managers and Attorneys
FROM: David Cruz, Assistant General Counsel
Rebecca O'Hara, Assistant General Counsel
SUBJ: 2017 Legislation on Construction Preemptions
DATE: June 28, 2017

Despite a veto request submitted by the Florida League of Cities, on June 23, 2017 the Governor signed Enrolled **CS/CS/HB 1021** relating to construction, Chapter 2017-149 Laws of Florida. The bill's effective date is July 1, 2017. To facilitate compliance with the various provisions of the new law, we bring this memorandum to your immediate attention.

The bill revises various provisions of law concerning the Florida Building Code, contracting and construction. The bill includes six different preemptions of municipal home rule authority.

- Section 3 preempts municipal regulation of specified development, construction or improvements on property associated with a franchise or the sale of liquid fuel.
- Section 3 preempts municipal regulation of signage relating to the retail price of gasoline.
- Section 7 preempts municipal authority regarding plans review and building inspection and mandates municipalities to calculate cost savings and reduce fees when a permittee uses a private provider for plan review and inspection.
- Section 14 preempts municipal authority to require a fee or payment when one-family or two-family dwellings choose to install a separate water connection for a fire sprinkler system.
- Section 14 preempts municipal authority to impose appropriate water and sewer rates when a one-family or two-family dwelling unit chooses to install a larger water meter to accommodate a fire sprinkler system.
- Section 15 preempts municipal authority to require permits for painting residential structures.

With approximately 9,000 gasoline stations in Florida, municipalities should take note of language in Section 3 of CS/CS/HB 1021 preempting local government regulation relating to the design, construction or location of signage advertising the retail price of gasoline

that would prevent the signage from being "clearly visible" and "legible" from a roadway abutting the gas station premises.

Section 3 of CS/CS/HB 1021 also creates subsection 553.79(20), Florida Statutes, which restricts municipal regulation of signage and other uses of real property associated with the business activity of a "franchise" as defined in federal law, or used for the sale of liquid fuel. The language prohibits municipalities from imposing requirements on the siting, construction, design and location of buildings and improvements on real property used for carrying out the business activities of a franchise or used for the sale of liquid fuel. Specifically, the bill prohibits any requirement, including the requirement to obtain a development order, that "conflicts with" or "impairs" corporate trademarks, image standards, or other features of corporate branding identity. The terms "conflicts with" or "impairs" are not defined in the legislation.

A more detailed review of the Act follows; however, as you begin to work on regulations to implement this new law, please rely solely on the language in the Enrolled Bill or the Chapter Law. If you have any questions, please feel free to contact Rebecca O'Hara or David Cruz at (850) 222-9684.

Construction/Preemptions
Enrolled CS/CS/HB 1021
Chapter 2017-149 Laws of Florida

The bill broadly relates to various construction activities and includes numerous preemptions of local government authority.

- The bill amends section 489.103, Florida Statutes, relating to exemptions under construction contracting, to provide public utilities, including municipal gas utilities, are exempted from the provisions relating to construction contracting.
- Section 3 of CS/CS/HB 1021 creates subsection 553.79(20), Florida Statutes, which restricts a political subdivision (including counties and municipalities) from adopting or enforcing any ordinance or imposing any building permit or other development order requirement that contains any building, construction, or aesthetic requirement or condition that conflicts with or impairs corporate trademarks, service marks, trade dress, logos, color patterns, design scheme insignia, image standards, or other features of cooperate branding identity on real property or improvements thereon used in activities conducted under chapter 526 (sale of liquid fuels) or in carrying out business activities defined as a franchise by the Federal Trade Commission.
- A political subdivision (including counties and municipalities) may not adopt or enforce any ordinance or impose any building permit or other development order requirement that imposes any requirement on the design, construction or location of signage advertising the retail price of gasoline that are in accordance with the requirements (under sale of liquid fuels statutes), which prevents the signage from

being clearly visible and legible to drivers of approaching motor vehicles from a vantage point on any lane of traffic in either direction of a roadway abutting the gas station premises and meets specified height, width and spacing standards.

- The above two preemptions do not affect any requirement for design and construction in the Florida Building Code. All ordinances and requirements are hereby preempted and superseded by 553.79(20), F.S., and the preemption applies retroactively. The preemptions do not apply to property located in a designated historic district.
- A “building code administrator,” “building official,” or “building code inspector” may be a person who is on contract with a municipality or a county. The bill also modifies the requirements for a person to take the examination for certification as a building code inspector or plans examiner.
- The Building Code Administrators and Inspectors Board must by rule establish: reciprocity of certification with any other state that requires an examination administered by the International Code Council; that an applicant for certification as a building code inspector or plans examiner may apply for a provisional certificate valid for the duration of an internship period; various other provisions relating to persons in an internship program; and that a building code inspector or plans examiner who has a standard certification may seek an additional certification in another category by completing a specified internship program.
- Under the current law alternative plans review and inspection process, a “private provider” may include a person licensed as a building code administrator.
- The bill provides it is the intent of the Legislature that owners and contractors not be required to pay extra costs related to building permit requirements when hiring a private provider for plans review and building inspections. A local jurisdiction must calculate the cost savings to the local enforcement agency, based on a fee owner or contractor hiring a private provider to perform plans reviews and building inspections in lieu of the local building official, and reduce the permit fees accordingly.
- A technical amendment to the Florida Building Code related to water conservation practices or design criteria adopted by a local government is not rendered void when the code is updated if the technical amendment is necessary to protect or provide for more efficient use of water resources as provided in section 373.621, Florida Statutes. Any such technical amendment carried forward into the next edition of the code is subject to review or modification.
- The Florida Building Commission must adopt any updates to specified codes or any other code to maintain eligibility for federal funding and discounts from the National Flood Insurance Program, the Federal Emergency Management Agency, and the U. S. Department of Housing and Urban Development. The commission must adopt updated codes by rule.
- The bill amends provisions of current law relating to amendments or modifications to the Florida Building Code.
- The Florida Building Commission may not: adopt the 2016 version of the American Society of Heating, Refrigerating and Air-Conditioning Engineers Standard; or adopt any provision that requires a door located in the opening between a garage and a single-family residence to be equipped with a self-closing devise.

- The Florida Building Commission must adopt the Florida Building Code, and amendments thereto, by at least a two-thirds vote of the members present at a meeting.
- The Florida Building Commission must amend the Florida Building Code-Energy Conservation to eliminate duplicative commissioning reporting requirements for HVAC and electrical systems; and authorize commissioning reports to be provided by a licensed design professional, electrical engineer, or mechanical engineer.
- A county, municipality, special taxing district, public utility, or private utility may not require an impact fee or payment for a separate water connection for a one-family or two-family dwelling fire sprinkler system if the capacity required is hydraulically available at the property line. The account holder of the one-family or two-family dwelling must notify the county, municipality, special district, public utility, or private utility of the installation of the separate water connection in the applicable permit. The separate water connection may only be used for one-family or two-family dwelling fire sprinkler systems and if used for other purposes, full base and volume charges may be applied.
- A county, municipality, special district, public utility, or private utility may not charge a water or sewer rate to a one-family or two-family dwelling that requires a larger water meter solely due to the installation of fire sprinklers above that which is charged to a one-family and two-family dwelling with a base meter. If the installation of fire sprinklers in a one-family or two-family dwelling requires the installation of a larger water meter, only the difference in actual cost between the base water meter and the larger water meter may be charged by the water utility provider.
- A local government may not require an owner of a residence to obtain a permit to paint such residence, regardless of whether the residence is owned by a limited liability company.

Effective date: July 1, 2017.

Select Year:

The 2017 Florida Statutes

Title XXXIII
REGULATION OF TRADE, COMMERCE, INVESTMENTS,
AND SOLICITATIONS

Chapter 553
BUILDING CONSTRUCTION
STANDARDS

View Entire
Chapter

553.79 Permits; applications; issuance; inspections.—

(1)(a) After the effective date of the Florida Building Code adopted as herein provided, it shall be unlawful for any person, firm, corporation, or governmental entity to construct, erect, alter, modify, repair, or demolish any building within this state without first obtaining a permit therefor from the appropriate enforcing agency or from such persons as may, by appropriate resolution or regulation of the authorized state or local enforcing agency, be delegated authority to issue such permits, upon the payment of such reasonable fees adopted by the enforcing agency. The enforcing agency is empowered to revoke any such permit upon a determination by the agency that the construction, erection, alteration, modification, repair, or demolition of the building for which the permit was issued is in violation of, or not in conformity with, the provisions of the Florida Building Code. Whenever a permit required under this section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the local enforcing agency to be not in compliance with the Florida Building Code, the local enforcing agency shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the permit applicant. A plans reviewer or building code administrator who is responsible for issuing a denial, revocation, or modification request but fails to provide to the permit applicant a reason for denying, revoking, or requesting a modification, based on compliance with the Florida Building Code or local ordinance, is subject to disciplinary action against his or her license pursuant to s. [468.621\(1\)\(i\)](#). Installation, replacement, removal, or metering of any load management control device is exempt from and shall not be subject to the permit process and fees otherwise required by this section.

(b) A local enforcement agency shall post each type of building permit application on its website. Completed applications must be able to be submitted electronically to the appropriate building department. Accepted methods of electronic submission include, but are not limited to, e-mail submission of applications in portable document format or submission of applications through an electronic fill-in form available on the building department's website or through a third-party submission management software. Payments, attachments, or drawings required as part of the permit application may be submitted in person in a nonelectronic format, at the discretion of the building official.

(2) Except as provided in subsection (6), an enforcing agency may not issue any permit for construction, erection, alteration, modification, repair, or demolition of any building or structure until the local building code administrator or inspector has reviewed the plans and specifications required by the Florida Building Code, or local amendment thereto, for such proposal and found the plans to be in compliance with the Florida Building Code. If the local building code administrator or inspector finds that the plans are not in compliance with the Florida Building Code, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the local enforcing agency. The local enforcing agency shall provide this information to the permit applicant. In addition, an enforcing agency may not issue any permit for construction, erection, alteration, modification, repair, or demolition of any building until the appropriate firesafety inspector certified pursuant to s. [633.216](#) has reviewed the plans and specifications required by the Florida Building Code, or

local amendment thereto, for such proposal and found that the plans comply with the Florida Fire Prevention Code and the Life Safety Code. Any building or structure which is not subject to a firesafety code shall not be required to have its plans reviewed by the firesafety inspector. Any building or structure that is exempt from the local building permit process may not be required to have its plans reviewed by the local building code administrator. Industrial construction on sites where design, construction, and firesafety are supervised by appropriate design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to local government option, from review of plans and inspections, providing owners certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and firesafety inspectors. The enforcing agency shall issue a permit to construct, erect, alter, modify, repair, or demolish any building or structure when the plans and specifications for such proposal comply with the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code as determined by the local authority in accordance with this chapter and chapter 633.

(3) Except as provided in this chapter, the Florida Building Code, after the effective date of adoption pursuant to the provisions of this part, shall supersede all other building construction codes or ordinances in the state, whether at the local or state level and whether adopted by administrative regulation or by legislative enactment. However, this subsection does not apply to the construction of manufactured homes as defined by federal law. Nothing contained in this subsection shall be construed as nullifying or divesting appropriate state or local agencies of authority to make inspections or to enforce the codes within their respective areas of jurisdiction.

(4) The Florida Building Code, after the effective date of adoption pursuant to the provisions of this part, may be modified by local governments to require more stringent standards than those specified in the Florida Building Code, provided the conditions of s. 553.73(4) are met.

(5)(a) The enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to and approved by the enforcing agency before the issuance of a building permit for the construction of a threshold building. The purpose of the structural inspection plan is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents. The special inspector may not serve as a surrogate in carrying out the responsibilities of the building official, the architect, or the engineer of record. The contractor's contractual or statutory obligations are not relieved by any action of the special inspector. The special inspector shall determine that a professional engineer who specializes in shoring design has inspected the shoring and reshoring for conformance with the shoring and reshoring plans submitted to the enforcing agency. A fee simple title owner of a building, which does not meet the minimum size, height, occupancy, occupancy classification, or number-of-stories criteria which would result in classification as a threshold building under s. 553.71(12), may designate such building as a threshold building, subject to more than the minimum number of inspections required by the Florida Building Code.

(b) The fee owner of a threshold building shall select and pay all costs of employing a special inspector, but the special inspector shall be responsible to the enforcement agency. The inspector shall be a person certified, licensed, or registered under chapter 471 as an engineer or under chapter 481 as an architect.

(c) The architect or engineer of record may act as the special inspector provided she or he is on the Board of Professional Engineers' or the Board of Architecture and Interior Design's list of persons qualified to be special inspectors. School boards may utilize employees as special inspectors provided such employees are on one of the professional licensing board's list of persons qualified to be special inspectors.

(d) The licensed architect or registered engineer serving as the special inspector shall be permitted to send her or his duly authorized representative to the job site to perform the necessary inspections provided all required written reports are prepared by and bear the seal of the special inspector and are submitted to the enforcement agency.

(6) A permit may not be issued for any building construction, erection, alteration, modification, repair, or addition unless the applicant for such permit complies with the requirements for plan review established by the Florida Building Commission within the Florida Building Code. However, the code shall set standards and criteria to authorize preliminary construction before completion of all building plans review, including, but not limited to,

special permits for the foundation only, and such standards shall take effect concurrent with the first effective date of the Florida Building Code. After submittal of the appropriate construction documents, the building official may issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the entire building or structure have been submitted. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk and without assurance that a permit for the entire structure will be granted. Corrections may be required to meet the requirements of the technical codes.

(7) Each enforcement agency shall require that, on every threshold building:

(a) The special inspector, upon completion of the building and prior to the issuance of a certificate of occupancy, file a signed and sealed statement with the enforcement agency in substantially the following form: To the best of my knowledge and belief, the construction of all structural load-bearing components described in the threshold inspection plan complies with the permitted documents, and the specialty shoring design professional engineer has ascertained that the shoring and reshoring conforms with the shoring and reshoring plans submitted to the enforcement agency.

(b) Any proposal to install an alternate structural product or system to which building codes apply be submitted to the enforcement agency for review for compliance with the codes and made part of the enforcement agency's recorded set of permit documents.

(c) All shoring and reshoring procedures, plans, and details be submitted to the enforcement agency for recordkeeping. Each shoring and reshoring installation shall be supervised, inspected, and certified to be in compliance with the shoring documents by the contractor.

(d) All plans for the building which are required to be signed and sealed by the architect or engineer of record contain a statement that, to the best of the architect's or engineer's knowledge, the plans and specifications comply with the applicable minimum building codes and the applicable firesafety standards as determined by the local authority in accordance with this chapter and chapter 633.

(8) No enforcing agency may issue a building permit for construction of any threshold building except to a licensed general contractor, as defined ins. [489.105\(3\)\(a\)](#), or to a licensed building contractor, as defined ins. [489.105\(3\)\(b\)](#), within the scope of her or his license. The named contractor to whom the building permit is issued shall have the responsibility for supervision, direction, management, and control of the construction activities on the project for which the building permit was issued.

(9) Any state agency whose enabling legislation authorizes it to enforce provisions of the Florida Building Code may enter into an agreement with any other unit of government to delegate its responsibility to enforce those provisions and may expend public funds for permit and inspection fees, which fees may be no greater than the fees charged others. Inspection services that are not required to be performed by a state agency under a federal delegation of responsibility or by a state agency under the Florida Building Code must be performed under the alternative plans review and inspection process created in s. [553.791](#) or by a local governmental entity having authority to enforce the Florida Building Code.

(10) An enforcing authority may not issue a building permit for any building construction, erection, alteration, modification, repair, or addition unless the permit either includes on its face or there is attached to the permit the following statement: "NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies."

(11) The local enforcing agency may not issue a building permit to construct, develop, or modify a public swimming pool without proof of application, whether complete or incomplete, for an operating permit pursuant to s. [514.031](#). A certificate of completion or occupancy may not be issued until such operating permit is issued. The local enforcing agency shall conduct its review of the building permit application upon filing and in accordance with this chapter. The local enforcing agency may confer with the Department of Health, if necessary, but may not delay the building permit application review while awaiting comment from the Department of Health.

(12) Nothing in this section shall be construed to alter or supplement the provisions of part I of this chapter relating to manufactured buildings.

(13) One-family and two-family detached residential dwelling units are not subject to plan review by the local fire official as described in this section or inspection by the local fire official as described ins. 633.216, unless expressly made subject to the plan review or inspection by local ordinance.

(14) A building permit for a single-family residential dwelling must be issued within 30 working days of application therefor unless unusual circumstances require a longer time for processing the application or unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.

(15) Certifications by contractors authorized under the provisions of s. 489.115(4)(b) shall be considered equivalent to sealed plans and specifications by a person licensed under chapter 471 or chapter 481 by local enforcement agencies for plans review for permitting purposes relating to compliance with the wind resistance provisions of the code or alternate methodologies approved by the commission for one and two family dwellings. Local enforcement agencies may rely upon such certification by contractors that the plans and specifications submitted conform to the requirements of the code for wind resistance. Upon good cause shown, local government code enforcement agencies may accept or reject plans sealed by persons licensed under chapter 471, chapter 481, or chapter 489. A truss-placement plan is not required to be signed and sealed by an engineer or architect unless prepared by an engineer or architect or specifically required by the Florida Building Code.

(16)(a) The Florida Building Commission shall establish, within the Florida Building Code adopted by rule, standards for permitting residential buildings or structures moved into or within a county or municipality when such structures do not or cannot comply with the code. However, such buildings or structures shall not be required to be brought into compliance with the building code in force at the time the building or structure is moved, provided:

1. The building or structure is structurally sound and in occupiable condition for its intended use;
2. The occupancy use classification for the building or structure is not changed as a result of the move;
3. The building is not substantially remodeled;
4. Current fire code requirements for ingress and egress are met;
5. Electrical, gas, and plumbing systems meet the codes in force at the time of construction and are operational and safe for reconnection; and
6. Foundation plans are sealed by a professional engineer or architect licensed to practice in this state, if required by the building code for all residential buildings or structures of the same occupancy class;

(b) The building official shall apply the same standard to a moved residential building or structure as that applied to the remodeling of any comparable residential building or structure to determine whether the moved structure is substantially remodeled. The cost of moving the building and the cost of the foundation on which the moved building or structure is placed shall not be included in the cost of remodeling for purposes of determining whether a moved building or structure has been substantially remodeled.

(17) Notwithstanding any other provision of law, state agencies responsible for the construction, erection, alteration, modification, repair, or demolition of public buildings, or the regulation of public and private buildings, structures, and facilities, shall be subject to enforcement of the Florida Building Code by local jurisdictions. This subsection applies in addition to the jurisdiction and authority of the Department of Financial Services to inspect state-owned buildings. This subsection does not apply to the jurisdiction and authority of the Department of Agriculture and Consumer Services to inspect amusement rides or the Department of Financial Services to inspect state-owned buildings and boilers.

(18)(a) A local enforcing agency, and any local building code administrator, inspector, or other official or entity, may not require as a condition of issuance of a one- or two-family residential building permit the inspection of any portion of a building, structure, or real property that is not directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the permit is sought.

(b) This subsection does not apply to a building permit sought for:

1. A substantial improvement as defined in s. 161.54 or as defined in the Florida Building Code.

2. A change of occupancy as defined in the Florida Building Code.
3. A conversion from residential to nonresidential or mixed use pursuant to s. [553.507\(3\)](#) or as defined in the Florida Building Code.
4. A historic building as defined in the Florida Building Code.

(c) This subsection does not prohibit a local enforcing agency, or any local building code administrator, inspector, or other official or entity, from:

1. Citing any violation inadvertently observed in plain view during the ordinary course of an inspection conducted in accordance with the prohibition in paragraph (a).
2. Inspecting a physically nonadjacent portion of a building, structure, or real property that is directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the permit is sought in accordance with the prohibition in paragraph (a).
3. Inspecting any portion of a building, structure, or real property for which the owner or other person having control of the building, structure, or real property has voluntarily consented to the inspection of that portion of the building, structure, or real property in accordance with the prohibition in paragraph (a).
4. Inspecting any portion of a building, structure, or real property pursuant to an inspection warrant issued in accordance with ss. [933.20-933.30](#).

(d) This subsection is repealed upon receipt by the Secretary of State of the written certification by the chair of the Florida Building Commission that the commission has adopted an amendment to the Florida Building Code which substantially incorporates this subsection, including the prohibition in paragraph (a), as part of the code and such amendment has taken effect.

(19) For the purpose of inspection and record retention, site plans or building permits may be maintained in the original form or in the form of an electronic copy at the worksite. These plans and permits must be open to inspection by the building official or a duly authorized representative, as required by the Florida Building Code.

(20)(a) A political subdivision of this state may not adopt or enforce any ordinance or impose any building permit or other development order requirement that:

1. Contains any building, construction, or aesthetic requirement or condition that conflicts with or impairs corporate trademarks, service marks, trade dress, logos, color patterns, design scheme insignia, image standards, or other features of corporate branding identity on real property or improvements thereon used in activities conducted under chapter 526 or in carrying out business activities defined as a franchise by Federal Trade Commission regulations in 16 C.F.R. ss. 436.1, et. seq.; or
2. Imposes any requirement on the design, construction, or location of signage advertising the retail price of gasoline in accordance with the requirements of ss. [526.111](#) and [526.121](#) which prevents the signage from being clearly visible and legible to drivers of approaching motor vehicles from a vantage point on any lane of traffic in either direction on a roadway abutting the gas station premises and meets height, width, and spacing standards for Series C, D, or E signs, as applicable, published in the latest edition of Standard Alphabets for Highway Signs published by the United States Department of Commerce, Bureau of Public Roads, Office of Highway Safety.

(b) This subsection does not affect any requirement for design and construction in the Florida Building Code.

(c) All such ordinances and requirements are hereby preempted and superseded by general law. This subsection shall apply retroactively.

(d) This subsection does not apply to property located in a designated historic district.

History.—s. 10, ch. 74-167; s. 4, ch. 77-365; s. 10, ch. 83-160; s. 1, ch. 83-352; s. 2, ch. 84-24; s. 3, ch. 84-365; s. 2, ch. 85-97; s. 2, ch. 86-135; s. 2, ch. 87-287; s. 5, ch. 87-349; s. 2, ch. 88-142; s. 1, ch. 88-378; s. 1, ch. 91-7; s. 4, ch. 93-249; ss. 57, 260, ch. 94-119; s. 7, ch. 94-284; s. 461, ch. 94-356; s. 72, ch. 95-144; s. 2, ch. 95-379; s. 14, ch. 96-298; s. 73, ch. 96-388; s. 1175, ch. 97-103; ss. 48, 49, ch. 98-287; ss. 82, 83, 84, 135, ch. 2000-141; ss. 27, 34, 35, 37, ch. 2001-186; ss. 2, 3, 4, 6, ch. 2001-372; s. 666, ch. 2003-261; s. 10, ch. 2005-147; s. 36, ch. 2010-176; s. 1, ch. 2011-82; s. 73, ch. 2012-5; s. 15, ch. 2012-13; s. 150, ch. 2013-183; s. 16, ch. 2013-193; s. 126, ch. 2014-17; s. 22, ch. 2014-154; ss. 19, 39, ch. 2016-129; s. 36, ch. 2017-3; s. 3, ch. 2017-149.



national headquarters

1077 West Blue Heron Blvd.

West Palm Beach, FL 33404

800.772.7932

www.atlasbtw.com

May 5, 2020

City of Fort Lauderdale
Urban Design & Development
700 NW 19th Avenue
Fort Lauderdale, FL. 33311

RE: Cumberland Farms – 301 E. Sunrise Blvd. – Permit: 19082197
Narrative for Variance

Cumberland Farms is asking for three variances on one sign at the above location.

- Request for one additional sign
- Request for an exception to the sign area height
- Request for an exception to the overall height of the sign.

First variance is an exception to ULDR Sec. 47-22.4. No more than 4 signs allowed ~ one being a freestanding sign.

Second and Third variance are exceptions to ULDR Sec. 47-22.3.G Ground signs may be used in any zoning district...Such signs shall not exceed 5' in height and may not be installed in such a manner that a total of 8' above natural grade.

In regards to ULDR Sec 47-22.4 and ULDR Sec. 47-22.3.G
Cumberland Farms is asking for one additional Ground sign at 10' OAH on the East side of the property.

Referenced code states the following:

Single business buildings. The total number of signs on any one (1) lot or plot shall not exceed four (4). The signs shall be limited and oriented to be viewed from the streets and vehicle travelways abutting the lot or plot as follows (streets and vehicle trafficways that are located parallel to one (1) another are considered separate):

Cumberland farms will be occupying several lots. Per code they should be allowed (4) four signs per lot. They are asking for (1) one additional ground sign. They currently have approved permits for (2) two wall sign, (1) one canopy sign and (1) ground sign. The additional ground sign Cumberland Farms is requesting will be at the entrance facing State Road 811. The proposed sign will be located over 250' from the approved sign on East Sunrise Blvd. I understand the unspoken code is development lot and that according to the reviewers this site is one lot. I bring this up only to emphasize the size of the property.

I have also attached the House of Representatives Final Bill Analysis...Bill # CS/CS/HB 1021, the Florida League of Cities, Inc. Memorandum, and The 2017 Florida Statutes. Based on my interpretation of the attachments, Cumberland Farms can have additional signage due to lack of visibility from a vantage point on any lane of traffic. Please read (20)(a) 1 and 2 below.

(20)(a) A political subdivision of this state may not adopt or enforce any ordinance or impose any building permit or other development order requirement that:

1. 1. Contains any building, construction, or aesthetic requirement or condition that conflicts with or impairs corporate trademarks, service marks, trade dress, logos, color patterns, design scheme insignia, image standards, or other features of corporate branding identity on real property or improvements thereon used in activities conducted under chapter 526 or in carrying out business activities defined as a franchise by Federal Trade Commission regulations in 16 C.F.R. ss. 436.1, et. seq.; or
2. 2. Imposes any requirement on the design, construction, or location of signage advertising the retail price of gasoline in accordance with the requirements of ss. 526.111 and 526.121 which prevents the signage from being clearly visible and legible to drivers of approaching motor vehicles from a vantage point on any lane of traffic in either direction on a roadway abutting the gas station premises and meets height, width, and spacing standards for Series C, D, or E signs, as applicable, published in the latest edition of Standard Alphabets for Highway Signs published by the United States Department of Commerce, Bureau of Public Roads, Office of Highway Safety.

In addition to the points stated, there is a definite hardship for Cumberland farms.

When traveling south on State road 811 the only branding they have to alert oncoming traffic is an 11 square foot canopy sign that is set back over 100' from the entrance and blocked by landscaping and light poles. The proposed ground sign will alert potential customers to turn into the gas station. Without this sign, there will be heavy congestion at the entrance off East Sunrise Blvd during rush hour traffic. The entrance will be used by West bound traffic and all the traffic from customers who could not identify the other entrance on State Road 811.

The proposed ground sign has a 1.7' base and 8.3' sign, overall height is 10'. The allowable sign height per published code is; 5' feet in height and may not be installed in such a manner that the total height of (8) feet above natural grade is exceeded. Cumberland Farms is asking for an exception to the allowable for the same reasons listed above. The sign will need to be visible from a distance in order to alert southbound traffic of the approaching entrance. The location of the proposed sign is past the entrance, we want to give oncoming traffic plenty of time to turn. There are also several big trees along that road the will cause visible obstructions.

The goal is to avert a possible situation before it happens, to be proactive and attack traffic issues that will arise. Customers appreciate easy flowing access to a business. The approval of this variance will make customers happy and help promote the success of a new business going into your city.

Thank you for your consideration!

Sincerely,



Gina Penney | Permitting Manager
Atlas | One Source...Many Solutions

t: 561 863 6659 x1913 | m: 561 779 9165

Toll Free 800 772 7932

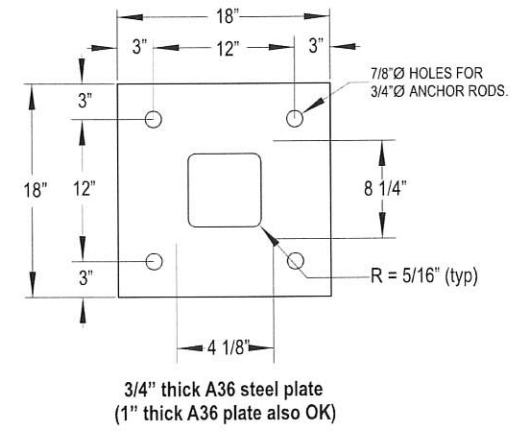
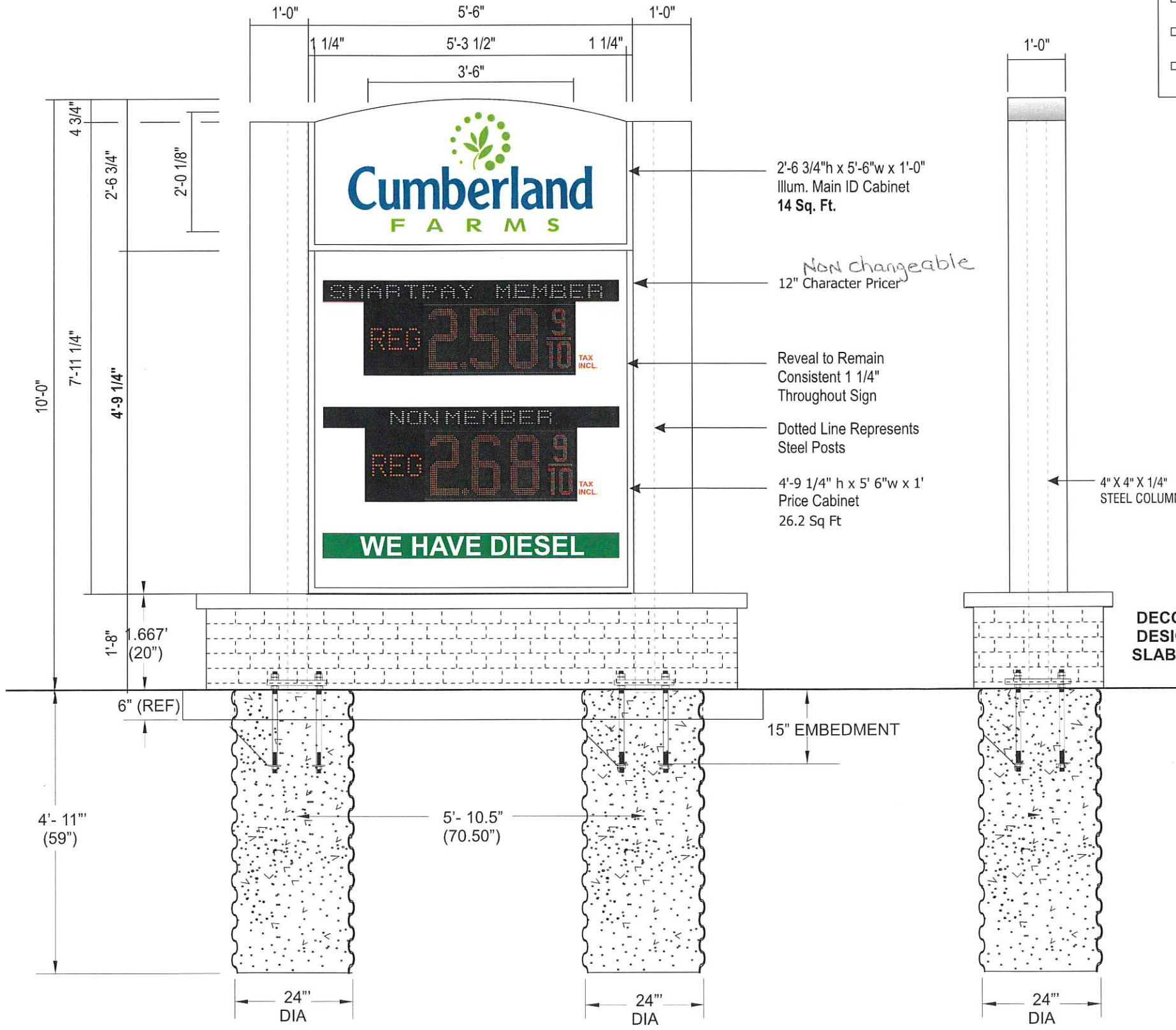
e: gina.p@atlasbtw.com | w: www.atlasbtw.com

VARIANCE REQUIRED

APPROVED

STRUCTURAL STEEL SPECIFICATIONS:

- **SUPPORT MEMBERS** SHALL BE FREE FROM DEFECTS. TUBE SHALL MEET ASTM A500 GRADE B, WITH A MINIMUM YIELD STRENGTH OF 46000 PSI. PIPE SHALL MEET ASTM A53 GRADE B, WITH A MINIMUM YIELD STRENGTH OF 35000 PSI. PLATE AND ANGLE SHALL MEET ASTM A36.
- **STRUCTURAL BOLTS** SHALL BE ZINC COATED A325 UNLESS OTHERWISE NOTED.
- **WELDS** SHALL BE MADE WITH E70XX ELECTRODES BY PERSONS QUALIFIED IN ACCORDANCE WITH AWS STANDARDS WITHIN THE PAST TWO YEARS.
- **REINFORCING BARS** SHALL CONFORM TO ASTM A615 GRADE 60 WITH DEFORMATIONS IN ACCORDANCE WITH ASTM A-305. WELDING OF REINFORCING BARS IS PROHIBITED.
- **ANCHOR BOLTS** SHALL BE ASTM F1554-07 GRADE 55 ROUND STOCK. EXPOSED SURFACES SHALL BE GALVANIZED OR HAVE BITUMINOUS COATING TO PREVENT CORROSION.



THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF SIGN.

DESIGN LOADS:
170 MPH WIND LOAD
RISK CATEGORY II, EXPOSURE C.
2017 FLORIDA BUILDING CODE
6TH EDITION

THIS SIGN TO BEAR THIS MARK

ELECTRICAL	
AMPS:	7 AMPS
V.A.:	120 VOLTS WATTS: 840
CIRCUITS:	2-20 amp CIRCUIT

NOTE: EMU TO HAVE A DEDICATED 20 AMP CIRCUIT

AREA/WEIGHT
SIGN SQUARE FOOTAGE
80 SQ. FT.
ESTIMATED SIGN WEIGHT
840 LBS.

DECORATIVE WALL IS INDEPENDENT OF THE SIGN STRUCTURE. DESIGN & CONSTRUCTION OF MASONRY WALL AND SUPPORTING SLAB BY OTHERS

CONCRETE: 2,500 psi @ 28 days
Approximately 1.2 c.y. required for both foundations
Sleeve in 24" dia. 16 ga corrugated aluminum culvert pipe; no rebar required.

SOIL: Paragravelly sand (Ref. NRCS Soil Map)



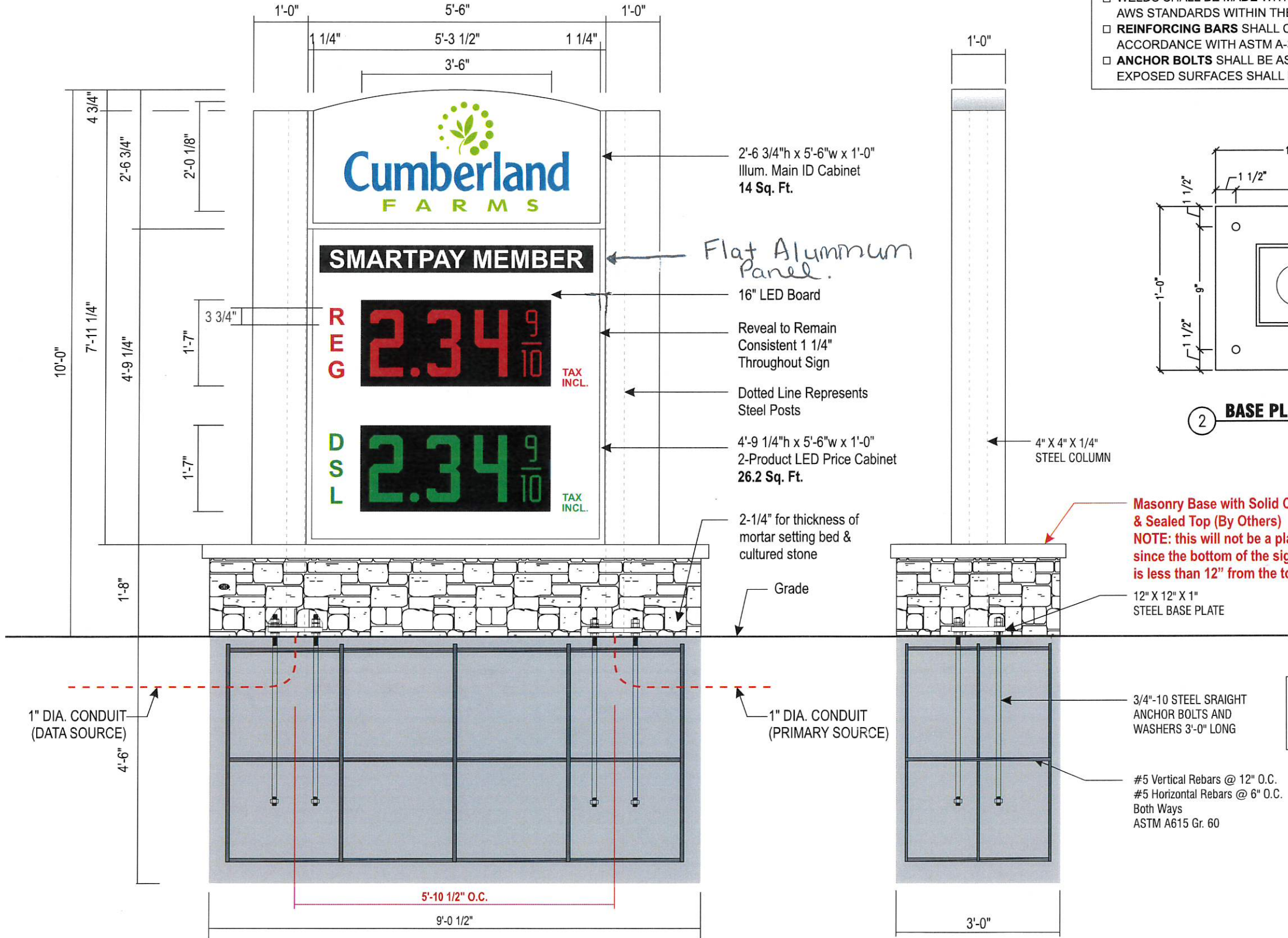
National Headquarters: 1077 West Blue Heron Blvd.
West Palm Beach, Florida 33404
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www.atlasbtw.com

Revisions:		
Revised footer 02.06.2020 TLD
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S01

PM: K.V	Address: Sunrise Blvd & NE 4th Ave
Drawn By: TLD	City State: Ft. Lauderdale, FL
Date: 01.28.2020	Drawing Number: 99674-S01

VARIANCE REQUIRED



STRUCTURAL STEEL SPECIFICATIONS:

- **SUPPORT MEMBERS** SHALL BE FREE FROM DEFECTS. TUBE SHALL MEET ASTM A500 GRADE B, WITH A MINIMUM YIELD STRENGTH OF 46000 PSI. PIPE SHALL MEET ASTM A53 GRADE B, WITH A MINIMUM YIELD STRENGTH OF 35000 PSI. PLATE AND ANGLE SHALL MEET ASTM A36.
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DESIGN LOADS:
 170 MPH WIND LOAD
 RISK CATEGORY II, EXPOSURE C.
 2017 FLORIDA BUILDING CODE
 6TH EDITION

FOUNDATION NOTE:
 3000 PSI CONCRETE @ 28 DAYS
 2000 PSF SOIL BEARING
 150 PSF/FT SOIL LATERAL BEARING
 UNDISTURBED SOIL

THIS SIGN TO BEAR THIS MARK

ELECTRICAL		
AMPS:	7	AMPS
V.A.:	120	VOLTS WATTS: 840
CIRCUITS:	2-20 amp CIRCUIT	

NOTE: EMU TO HAVE A DEDICATED 20 AMP CIRCUIT

AREA/WEIGHT
SIGN SQUARE FOOTAGE
80 SQ. FT.
ESTIMATED SIGN WEIGHT
840 LBS.

Electrical



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Revisions:	By:	Date:

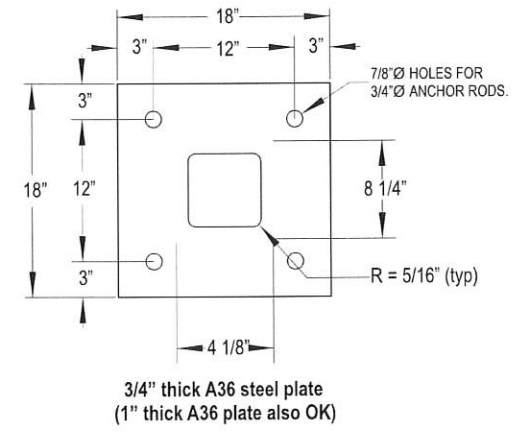
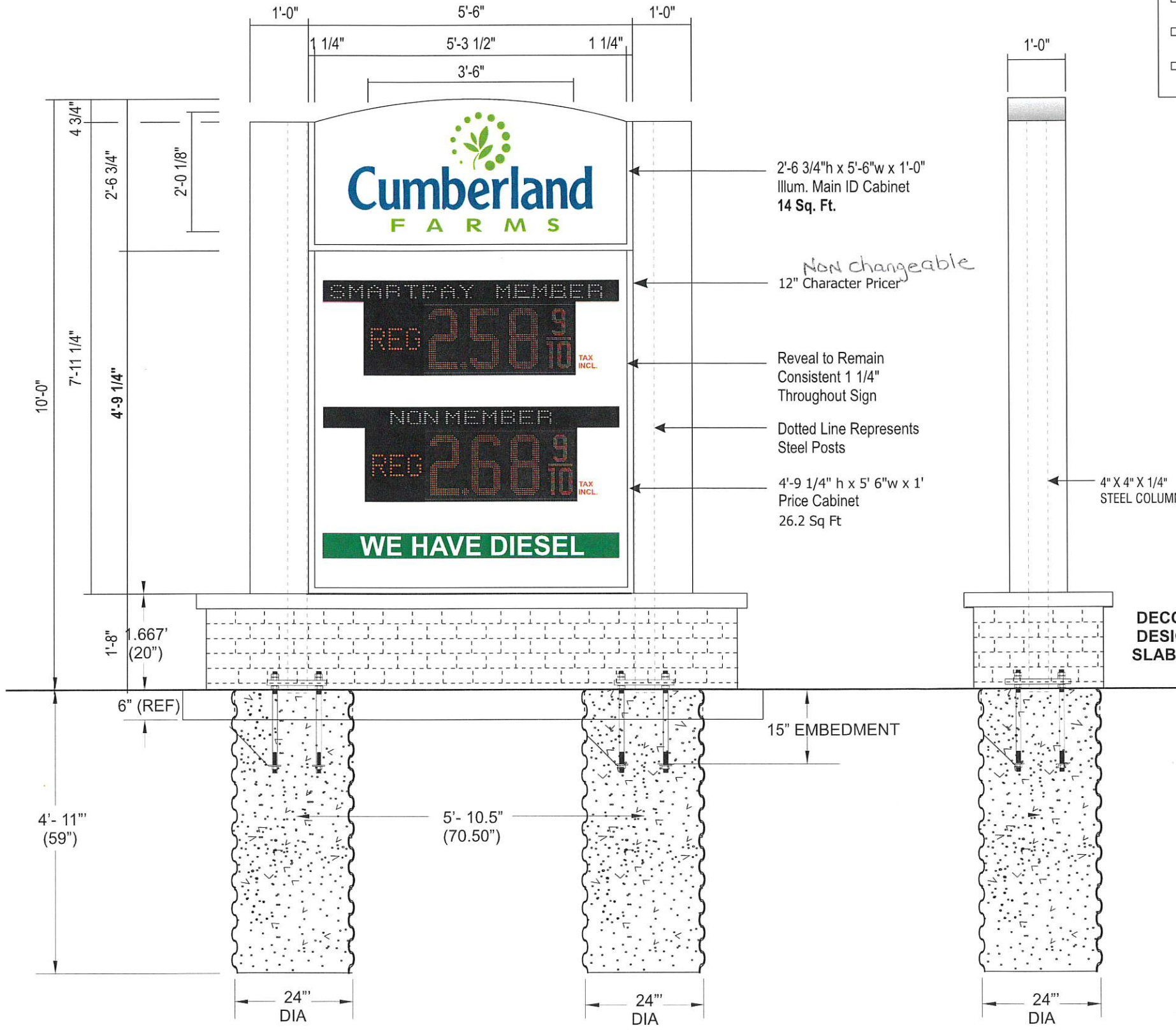
S01

PM: K.V
 Drawn By: TLD
 Date: 01.28.2020
 Address: Sunrise Blvd & NE 4th Ave
 City State: Ft. Lauderdale, FL
 Drawing Number: 99674-S01

VARIANCE REQUIRED

APPROVED

- STRUCTURAL STEEL SPECIFICATIONS:**
- **SUPPORT MEMBERS** SHALL BE FREE FROM DEFECTS. TUBE SHALL MEET ASTM A500 GRADE B, WITH A MINIMUM YIELD STRENGTH OF 46000 PSI. PIPE SHALL MEET ASTM A53 GRADE B, WITH A MINIMUM YIELD STRENGTH OF 35000 PSI. PLATE AND ANGLE SHALL MEET ASTM A36.
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RISK CATEGORY II, EXPOSURE C.
2017 FLORIDA BUILDING CODE
6TH EDITION

THIS SIGN TO BEAR THIS MARK

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AMPS:	7	AMPS
V.A.:	120	VOLTS WATTS: 840
CIRCUITS:	2-20 amp CIRCUIT	

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AREA/WEIGHT
SIGN SQUARE FOOTAGE
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ESTIMATED SIGN WEIGHT
840 LBS.

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CONCRETE: 2,500 psi @ 28 days
Approximately 1.2 c.y. required for both foundations
Sleeve in 24" dia. 16 ga corrugated aluminum culvert pipe; no rebar required.

SOIL: Paragravelly sand
(Ref. NRCS Soil Map)



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Revisions:

Revised footer 02.06.2020 TLD	...
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S01

PM: K.V	Address: Sunrise Blvd & NE 4th Ave
Drawn By: TLD	City State: Ft. Lauderdale, FL
Date: 01.28.2020	Drawing Number: 99674-S01

**PHOTOS OF SITE CUMBERLAND
FARMS FT. LAUDERDALE**



**Looking at the property from across the street
and closer to the side street NE 3rd Street**



**Looking at the property from across the street
and closer to NE 4th Avenue State Road 81 I**



Looking at the property from across the street
at the intersection of NE 4th Avenue and
Sunset Blvd



Looking out from property on NE 4th Ave
State Rd 811 across to Home Depot (East side
of Property)



The property is across the street from
McDonalds



Looking at the front of property on E Sunrise
Blvd



Looking down south of property along NE 4th Ave towards E Sunset Blvd



Looking at the property from across the street and closer to NE 4th Avenue State Road 81 I

Looking at the lot from the corner of E Sunset Blvd and NE 3rd Ave



Jan 20, 2020 at 12:15:15 PM
301 E Sunrise Blvd
Fort Lauderdale FL 33304
United States

Looking at the property on NE 3rd Ave from the Midas parking lot.



Looking at the lot from the corner of E Sunset
Blvd and NE 3rd Ave



Looking at the property from the corner of
NE 3rd Ave and NE 11 street





Location # 1534
Sunrise Blvd & NE 4th
Ave Ft. Lauderdale, FL



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West Palm Beach, Florida 33404
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Variance Request

Cumberland Farms is requesting 3 variances on the same sign.

1. Request is for one additional sign
2. Request is for an exception to the sign area height
3. Request is for an exception to the overall height of the sign

1st Request for one additional sign.

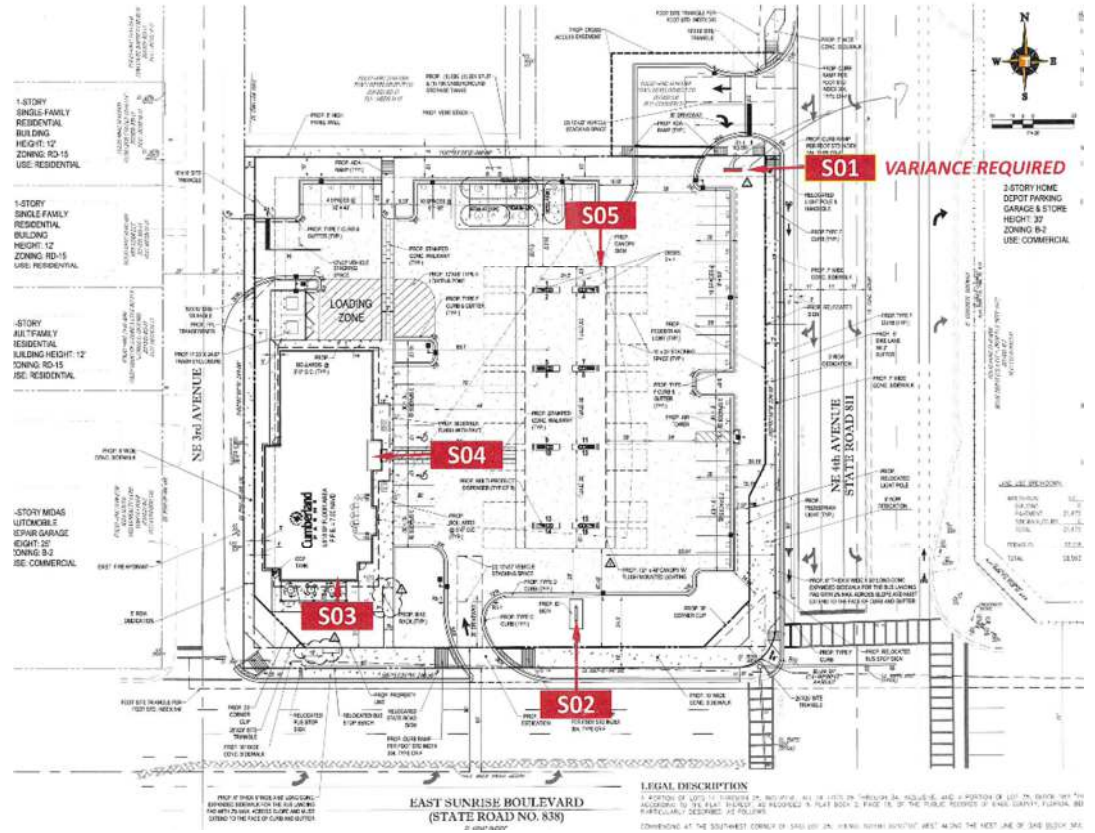
Code allows four total signs per lot ~one being a freestanding sign.

Cumberland Farms will be occupying several lots; 14-25 fronting NE 4th Avenue and lots 26-35 fronting NE 3rd Avenue.

The Property is just shy of one and a half acres and they have road frontage with entrances on three elevations.

The Proposed sign location is over 250' from the approved sign on E Sunrise Blvd.

Our request for one additional sign will greatly assist in capturing the attention of the customers traveling North and South on NE 4th Ave.



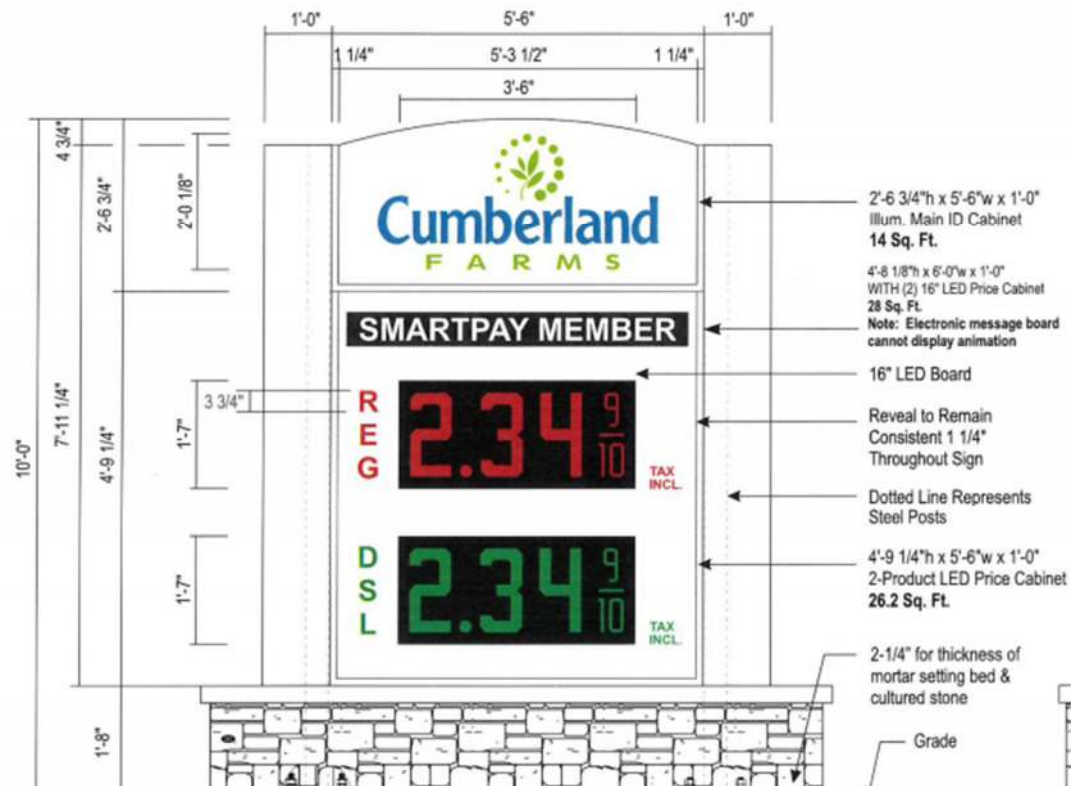
The 2nd and 3rd Request are for an exception to the sign area height and the overall height.

Code allows sign area of 5' in height and the sign may not be installed in such a way to exceed 8' in height above natural grade.

We are proposing an overall sign height of 10' above natural grade with a sign area height of 7'-11 1/4".

The sign placement is just after the entrance creating more visibility challenges. The requested height will make the sign visible from a greater distance which will alert southbound traffic on NE 4th Avenue of the upcoming turn. By increasing the height of the sign we feel it will alert customers in time to safely make the turn onto the property.

VARIANCE REQUIRED



The photo below shows the visibility challenges when traveling south on NE 4th Ave. There are trees and light poles that will block visibility to the approved building and canopy signs. The proposed ground sign will be the main visible identification for Cumberland Farms on this road front. It was determined by city staff and Cumberland Farms that the best orientation for the building would be facing NE 4th Ave.



In conclusion:

This is a large property with frontage and entrances on three elevations. An additional ground sign will be beneficial to all parties. It will providing identification and gas pricing on a heavy traffic area. Our goal is to avert a possible traffic situation before it happens.

Due to code restrictions we are concerned that without the requested sign, Cumberland Farms will not have enough visible identification. This will impact the success of the new business. We feel the addition of the 2nd ground sign will be consistent with other retailers utilizing corner lots in this city. Cumberland farms wants to be allowed the same exceptions as competitors such as the Wawa at 2620 W. Broward Blvd.

The enforcement of the code will create an unnecessary hardship. They have limited visible branding off NE 4th Ave making it difficult to identify the business in time to access the property safely from that road front.

Cumberland farms occupies several lots facing 3 elevations. It is typical in other municipalities to afford a business that occupies a corner lot a freestanding sign on at least two elevations with entrances.

This is a minimal request within reason to make the property more efficient. The approval of this variance will help the flow of traffic and the success of a new business in this city.

Thank you for your consideration.