



DEVELOPMENT APPLICATION FORM

Application Form: All Applications | Rev. 03/29/2024

INSTRUCTIONS: The following information is required pursuant to the City's Unified Land Development Regulations (ULDR), Section 47-24, Development Permits and Procedures, and must be filled out accurately with all applicable sections completed. Only complete the sections indicated for application type with N/A for those items not applicable. Refer to "Specifications for Plan Submittal" by application type for submittal requirements, which can be found on the City's website.

Select the application type and approval level in **SECTION A** and complete the sections specified under each type.

A APPLICATION TYPE AND APPROVAL LEVEL

Select the application type from the list below and check the applicable type.

☐ **LEVEL I**
ADMINISTRATIVE REVIEW
COMMITTEE (ADMIN)

☐ New nonresidential less than 5,000 square feet
☐ Change of use (if same impact or less than existing use)
☐ Plat note or Nonvehicular access line (NVAL) amendment
☐ Administrative site plan
☐ Amendment to site plan*
☐ Affordable Housing per §166.04151 (7) Fla. Stat. (Live Local Act)
☐ Property and right-of-way applications (MOTs, construction staging)
☐ Parking Agreements (separate from site plans)

COMPLETE SECTIONS
B, C, D, G

☐ **LEVEL II**
DEVELOPMENT REVIEW
COMMITTEE (DRC)

☐ New Nonresidential 5,000 square feet or greater
☐ Residential 5 units or more
☐ Nonresidential use within 100 feet of residential property
☐ Redevelopment proposals
☐ Change in use (if greater impact than existing use)
☐ Development in Regional Activity Centers (RAC)*
☐ Development in Uptown Project Area*
☐ Regional Activity Center Signage
☐ Affordable Housing (≥10%)

COMPLETE SECTIONS
B, C, D, E, F

☐ **LEVEL III**
PLANNING AND
ZONING BOARD (PZB)

☐ Conditional Use
☐ Parking Reduction
☐ Flex Allocation
☐ Cluster / Zero Lot Line
☐ Modification of Yards*
☐ Waterway Use
☐ Mixed Use Development
☐ Community Residences*
☐ Social Service Residential Facility (SSRF)
☐ Medical Cannabis Dispensing Facility*
☐ Community Business District for uses greater than 10,000 square feet

COMPLETE SECTIONS
B, C, D, E, F

☒ **LEVEL IV**
CITY
COMMISSION (CC)

☒ Land Use Amendment
☒ Rezoning
☐ Plat
☐ Public Purpose Use
☐ Central Beach Development of Significant Impact*
☐ Vacation of Right-of-Way

City Commission Review
No PZB Review
☐ Vacation of Easement*

COMPLETE SECTIONS
B, C, D, E, F

☐ **MISCELLANEOUS**

☐ Affordable Workforce Housing Tax Reimbursement
☐ Community Residence
☐ Construction Noise Waiver
☐ Design Review Team (DRT)

COMPLETE SECTIONS
B, C, I

☐ **EXTENSION OR DEFERRAL**

☐ Request to defer after an application is scheduled for public hearing
☐ Request extension to previously approved application (request must be within original approval date timeframe)

COMPLETE SECTIONS
B, C, H

☐ **APPEAL**

☐ Appeal decision by approving body and De Novo hearing items

COMPLETE SECTIONS
B, C, H

☐ **PROPERTY AND RIGHT-OF-WAY**

☐ Road Closures
☐ Construction Staging Plan
☐ Revocable licenses

COMPLETE SECTIONS
B, C, H

*Application is subject to specific review and approval process. Levels III and IV are reviewed by Development Review Committee unless otherwise noted.

B APPLICANT INFORMATION

If applicant is the business operator, complete the agent column and provide property owner authorization.

Applicant/
Property Owner

SUNSHINE SHIPYARD LLC (Applicant),
GADDIS PROPERTIES LLC (Property Owner)

Address

221 WEST OAKLAND PARK BLVD.

City, State, Zip

FORT LAUDERDALE, FL 33311

Phone

Email

Proof of Ownership

Applicant Signature:

Signature

Authorized Agent

Stephanie J.Toothaker, Esq.

Address

501 SW 2ND AVENUE

City, State, Zip

FORT LAUDERDALE, FL 33301

Phone

954.648.9376

Email

stephanie@toothaker.org, cc: roya@toothaker.org

Authorization Letter

Yes

Agent Signature:

Signature

C PARCEL INFORMATION

Address/General Location

NW 7th Street

Folio Number(s)

494234077380

Legal Description (Brief)

See Survey.

City Commission District

District 2

Civic Association

Progresso Village Civic Association

D LAND USE INFORMATION

Existing Use

Vacant

Land Use

NWRAC

Zoning District

Industrial

Proposed

Applications requesting land use amendments and rezonings.

Proposed Land Use

NWRAC

Proposed Zoning District

NWRAC-MUe

Development Application Form

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Exhibit 2
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E

PROJECT INFORMATION

Provide project information. Circle yes or no where noted. If item is not applicable, indicate N/A.

Project Name	NW 7 Street Rezoning				
Project Description <small>(Describe in detail)</small>	Rezoning from the Industrial (I) district to Northwest Regional Activity Center—Mixed Use east (NWRAC-MUe) district				
Estimated Project Cost	\$ <small>(Estimated total project cost including land costs for all new development applications only)</small>				
Waterway Use	No				
Flex Units	N/A	Redevelopment Units	N/A		
Flex Acreage	N/A				
Residential Uses					
Single Family	N/A				
Townhouses	N/A				
Multifamily	N/A				
Cluster/Zero Lot Line	N/A				
Other	N/A				
Total <small>(dwelling units)</small>	N/A				
Affordable Housing Units	N/A	% of AMI			
Affordable Unit Mix	Efficiency / Studio		1-Bedroom		
			2-Bedroom		3-Bedroom or More

F

PROJECT DIMENSIONAL STANDARDS

Indicate all required and proposed standards for the project. Circle yes or no where indicated.

	Required Per ULDR for I	Proposed for NWRAC-MUe
Lot Size <small>(Square feet/ acres)</small>	None	-
Lot Density <small>(Units/ acres)</small>	-	None
Lot Width	-	-
Building Height <small>(Feet)</small>	150 feet	120 feet
Structure Length	-	-
Floor Area Ratio <small>(F.A.R.)</small>	None	None
Lot Coverage	-	-
Open Space	-	-
Landscape Area	-	-
Parking Spaces	-	-
SEBACKS <small>(Indicate direction N,S,E,W)</small>	Required Per ULDR	Proposed
Front <input type="checkbox"/>	5 feet;; 30 feet when continuous with a residential property	0 feet; 5 feet Secondary Street & NE 7th Ave; 15 feet abutting residential
Side <input type="checkbox"/>	5 feet;; 30 feet when continuous with a residential property	0 feet; 5 feet Secondary Street & NE 7th Ave; 15 feet abutting residential
Corner / Side <input type="checkbox"/>	5 feet;; 30 feet when continuous with a residential property	0 feet; 5 feet Secondary Street & NE 7th Ave; 15 feet abutting residential
Rear <input type="checkbox"/>	5 feet;; 30 feet when continuous with a residential property	0 feet; 5 feet Secondary Street & NE 7th Ave; 15 feet abutting residential

For projects in Downtown, Northwest, South Andrews, and Uptown Master Plans to be completed in conjunction with the applicable items above.

Tower Stepback	Required Per ULDR	Proposed	Deviation
Front / Primary Street <input type="checkbox"/>	-	-	
Sides / Secondary Street <input type="checkbox"/>	-	-	
Building Height	-	120 feet	
Streetwall Length	-	-	
Podium Height	-	24 feet (2 stories) min; 65 feet (5 stories) max)	
Tower Separation	-	25 foot min	
Tower Floorplate <small>(square feet)</small>	-	8,001—10,000 sf	
Residential Unit Size <small>(minimum)</small>	-	-	

G

AMENDED PROJECT INFORMATION

Provide approved and proposed amendments for project. Circle yes or no where indicated.

Project Name			
Proposed Amendment Description <small>(Describe in detail)</small>			
	Original Approval	Proposed Amendment	Amended
Residential Uses <small>(dwelling units)</small>			
Non-Residential Uses <small>(square feet)</small>			
Lot Size <small>(Square feet/ acres)</small>			
Lot Density <small>(Units/ acres)</small>			
Lot Width			
Building Height <small>(Feet)</small>			
Structure Length			
Floor Area Ratio <small>(F.A.R.)</small>			
Lot Coverage			
Open Space			
Landscape Area			
Parking Spaces			
Tower Stepback			
Building Height			
Streetwall Length			
Podium Height			
Tower Separation			
Tower Floorplate <small>(square feet)</small>			
Residential Unit Size <small>(minimum)</small>			
Does this amendment require a revision to the traffic statement or traffic study completed for the project?			
Does this amendment require a revised water sewer capacity letter?			

May 10, 2024

VIA LAUDERBUILD
 URBAN DESIGN & PLANNING DIVISION
 DEPARTMENT OF SUSTAINABLE DEVELOPMENT
 CITY OF FORT LAUDERDALE
 700 NW 19TH AVE
 FORT LAUDERDALE, FL 33311

**RE: Rezoning from Industrial to NWRAC-MUe
 NW 7th Street Rezoning**

This firm represents SUNSHINE SHIPYARD LLC (“**Applicant**”), contract purchaser of the property located at NW 7th Street, Fort Lauderdale, FL 33311, Folio Nos. 494234077380 (the “**Property**”), as more specifically described in the survey and sketch and legal description included herein. On behalf of the Applicant, we are respectfully requesting to rezone the Property from Industrial (“**I**”) to Northwest Regional Activity Center – Mixed Use East (“**NWRAC-MUe**”).

The request to rezone the 0.08 acre (3,375 square feet) Property from I to NWRAC-MUe is intended to unify the block with the same NWRAC-MUe zoning that the south and west is currently designated and is in furtherance of the urban development pattern consistent with the intent of the NWRAC land use designation and Northwest/Progresso/Flagler Heights Redevelopment Plan. The Property is generally located north of Sistrunk Boulevard, directly east of NW 7th Avenue (Avenue of the Arts), directly west of NW 6th Avenue, and along NW 7th Street.

As outlined herein, the rezoning application satisfies all of the requirements of Unified Land Development Regulations (“**ULDR**”) Section 47-24.4.D, Rezoning Criteria and ULDR Section 47-25.2, Adequacy Requirements.

Sec. 47-24.4.D. – Rezoning Criteria.

1. The zoning district proposed is consistent with the City's Comprehensive Plan.

RESPONSE: Rezoning the Property to NWRAC-MUe is consistent in all respects with its future land use category of NWRAC. The NWRAC is intended to encourage redevelopment and expansion of employment and housing opportunities within the area. Further, the proposed rezoning is consistent with the City’s Comprehensive Plan applicable goals, objectives, and policies, including without limitation Future Land Use Element, Goal 2, Objective 2.4, which encourages revitalization of redevelopment areas and redevelopment to be consistent with the Northwest/Progresso/Flagler Heights Redevelopment Plan. The proposed rezoning is also supported by Future Land Use Element, Goal 2, Objective 2.3, which encourages mixed-use development to help support active and vibrant neighborhoods through well-integrated land use combinations. The expansion of the NWRAC-MUe zoning district will help support the diversification of housing types through the promotion of affordable multifamily development opportunities.

Stephanie J. Toothaker, Esq.

land use development political strategy procurement

Stephanie J. Toothaker, Esq., PA 954.648.9376 stephanie@toothaker.org @stoothaker @toothakerdevelopment
 401 E Las Olas Blvd, Suite 130-154 Fort Lauderdale, FL 33301

2. The changes anticipated by the proposed rezoning will not adversely impact the character of development in or near the area under consideration.

RESPONSE: The proposed rezoning of the Property to NWRAC-MUe will not adversely impact the character of development in or near the area under consideration. The Property is surrounded by properties zoned I to the east and north and NWRAC-MUe to the south and west.

The Northwest/Progresso/Flagler Heights Redevelopment Plan promotes the renovation of existing structures with new infill development to help support local commerce and community revitalization. Rezoning of properties to NWRAC-MUe is in alignment with the neighborhood's goal of supporting redevelopment opportunities and has the potential of increasing housing opportunities and local employment. Housing, especially affordable housing, is needed to support new businesses and ensure higher levels of purchasing power through increases in density, helping to fortify the economic vitality of existing future businesses in the Progresso Village Neighborhood.

The Property is located at the northeast corner of The Arcadian (UDP-S21043), an affordable housing project that is currently under construction. The rezoning of the Property will not negatively interfere with the active construction and is expected to enhance and contribute to the surrounding neighborhood by bringing more mixed-use and affordable housing development opportunities.

3. The character of the area proposed is suitable for the uses permitted in the proposed zoning district and is compatible with surrounding districts and uses.

RESPONSE: The NWRAC Master Plan is intended to promote and enhance the existing mix of uses and character of the NWRAC by providing for a wide range of employment, shopping, services, cultural and residential opportunities with a mix of residential and non-residential uses. The NWRAC area generally includes a higher intensity of uses along the corridors which transition to the lower densities and intensities of the surrounding neighborhoods.

The rezoning of the Property to NWRAC-MUe is compatible with the existing and proposed mix of uses in the surrounding area along NW 7th Avenue (Avenue of the Arts). The Property is surrounded by properties zoned I to the east and north and NWRAC-MUe to the south and west. The proposed rezoning of the Property expands the NWRAC-MUe mixed-use zoning slightly northward, consistent with the underlying NWRAC land use. The rezoning will complete the block that is currently entirely zoned NWRAC-MUe, except for the Property.

Further, pursuant to ULDR Section 47-13.29, future developments are required to meet the Northwest Regional Activity Center Design Standards, which include but are not limited to building orientation, architectural requirements, open space, vehicular and pedestrian access, building materials, active ground floor uses and facades. Additional standards for parking facilities, landscaping, signage, and streetscapes will also be applied during the development review process at the time of site plan application to further ensure neighborhood compatibility.

Sec. 47-25.2. - Adequacy requirements.

- A. *Applicability.* The adequacy requirements set forth herein shall be used by the city to evaluate the demand created on public services and facilities created by a proposed development permit.

RESPONSE: Acknowledged.

- B. *Communications network.* Buildings and structures shall not interfere with the city's communication network. Developments shall be modified to accommodate the needs of the city's communication network, to eliminate any interference a development would create or otherwise accommodate the needs of the city's communication network within the development proposal.

RESPONSE: Rezoning application. The Applicant will comply at time of Site Plan approval.

- C. *Drainage facilities.* Adequacy of stormwater management facilities shall be evaluated based upon the adopted level of service requiring the retention of the first inch of runoff from the entire site or two and one-half (2½) inches of runoff from the impervious surface whichever is greater.

RESPONSE: Rezoning application. The Applicant will comply at time of Site Plan approval.

- D. *Environmentally sensitive lands.*

1. In addition to a finding of adequacy, a development shall be reviewed pursuant to applicable federal, state, regional and local environmental regulations. Specifically, an application for development shall be reviewed in accordance with the following Broward County Ordinances which address environmentally sensitive lands and wellfield protection which ordinances are incorporated herein by reference:

- a. Broward County Ordinance No. 89-6.
- b. Section 5-198(I), Chapter 5, Article IX of the Broward County Code of Ordinances.
- c. Broward County Ordinance No. 84-60.

2. The applicant must demonstrate that impacts of the proposed development to environmentally sensitive lands will be mitigated.

RESPONSE: To Applicants' knowledge, there are no environmentally sensitive lands on the Properties.

- E. *Fire protection.* Fire protection service shall be adequate to protect people and property in the proposed development. Adequate water supply, fire hydrants, fire apparatus and facilities shall be provided in accordance with the Florida Building Code, South Florida Fire Code and other accepted applicable fire and safety standards.

RESPONSE: Rezoning application. The Applicant will comply at time of Site Plan approval.

- F. *Parks and open space.*

1. The manner and amount of providing park and open space is as provided in Section 47-38A, Park Impact Fees, of the ULDR.
2. No building permit shall be issued until the park impact fee required by Section 47-38A of the ULDR has been paid in full by the applicant.

RESPONSE: Rezoning application. The Applicant will comply at time of Site Plan approval.

- G. *Police protection.* Police protection service shall be adequate to protect people and property in the proposed development. The development shall provide improvements which are consistent with Crime Prevention Through Environmental Design (CPTED) to minimize the risk to public safety and assure adequate police protection.

RESPONSE: Rezoning application. The Applicant will comply at time of Site Plan approval.

H. *Potable water.*

1. Adequate potable water service shall be provided for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easements which may be needed for the installation and maintenance of potable water systems in accordance with city engineering standards, the Florida Building Code, and applicable health and environmental regulations. The existing water treatment facilities and systems shall have sufficient capacity to provide for the needs of the proposed development and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which potable water treatment capacity has been reserved. Capital expansion charges for water and sewer facilities shall be paid by the developer in accordance with Resolution 85-265, as it is amended from time to time. Improvements to the potable water service and system shall be made in accordance with city engineering standards and other accepted applicable engineering standards.
2. *Potable water facilities.*
 - a. If the system is tied into the city treatment facility, the available capacity shall be determined by subtracting committed capacity and present flow from design capacity. If there is available capacity, the city shall determine the impact of the proposed development utilizing Table 3, Water and Wastewater, on file with the department.
 - b. If there is adequate capacity available in the city treatment plant to serve the proposed development, the city shall reserve the necessary capacity to serve the development.
 - c. Where the county is the projected service provider, a similar written assurance will be required.

RESPONSE: Rezoning application. The Properties are currently served by existing water and wastewater facilities. A detailed analysis of water and wastewater demand will be provided at time of Site Plan approval.

I. *Sanitary sewer.*

1. If the system is tied into the city treatment facility, the available capacity shall be determined by subtracting committed capacity and present flow from the design capacity. If there is available capacity, the city shall determine the impact of the proposed development utilizing Table 3, Water and Wastewater, on file with the department.
2. If there is adequate capacity available in the city treatment plant to serve the proposed development, the city shall reserve the necessary capacity to serve the proposed development.
3. Where the county is the projected service provider, a written assurance will be required.
4. Where septic tanks will be utilized, the applicant shall secure and submit to the city a certificate from the Broward County Health Unit that certifies that the site is or can be made suitable for an on-site sewage disposal system for the proposed use.

RESPONSE: Rezoning application. The Properties are currently served by existing water and wastewater facilities. A detailed analysis of water and wastewater demand will be provided at time of Site Plan approval.

- J. *Schools.* For all development including residential units, the applicant shall be required to mitigate the impact of such development on public school facilities in accordance with the Broward County Land Development Code or section 47-38C. Educational Mitigation, as applicable and shall provide documentation to the city that such education mitigation requirement has been satisfied.

RESPONSE: Rezoning application. The Applicant will comply at time of Site Plan approval as applicable.

- K. *Solid waste.*

1. Adequate solid waste collection facilities and service shall be obtained by the applicant in connection with the proposed development and evidence shall be provided to the city demonstrating that all solid waste will be disposed of in a manner that complies with all governmental requirements.
2. *Solid waste facilities.* Where the city provides solid waste collection service and adequate service can be provided, an adequacy finding shall be issued. Where there is another service provider, a written assurance will be required. The impacts of the proposed development will be determined based on Table 4, Solid Waste, on file with the department.

RESPONSE: Rezoning application. The Properties are currently served by existing solid waste collection service. A detailed analysis of additional demand will be provided at time of Site Plan application.

- L. *Stormwater.* Adequate stormwater facilities and systems shall be provided so that the removal of stormwater will not adversely affect adjacent streets and properties or the public stormwater facilities and systems in accordance with the Florida Building Code, city engineering standards and other accepted applicable engineering standards.

RESPONSE: Rezoning application. The Properties are currently served by existing stormwater facilities. A detailed analysis of additional demand will be provided at time of Site Plan application.

- M. *Transportation facilities.*

1. The capacity for transportation facilities shall be evaluated based on Table 1, Generalized Daily Level of Service Maximum Volumes, on file with the department. If a development is within a compact deferral area, the available traffic capacity shall be determined in accordance with Table 2, Flowchart, on file with the department.
2. *Regional transportation network.* The regional transportation network shall have the adequate capacity, and safe and efficient traffic circulation to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the adopted traffic elements of the city and the county comprehensive plans, and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is needed in order to evaluate the impacts of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit such a study to the city which will be considered by the DRC in its review. Roadway improvements needed to upgrade the regional transportation network shall

be made in accordance with the city, the county, and Florida Department of Transportation traffic engineering standards and plans as applicable.

3. *Local streets.* Local streets shall have adequate capacity, safe and efficient traffic circulation, and appropriate functional classification to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the city's comprehensive plan and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is required in order to evaluate the impact of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit to the city such a study to be considered as part of the DRC review. Street improvements needed to upgrade the capacity or comply with the functional classification of local streets shall be made in accordance with the city engineering standards and acceptable applicable traffic engineering standards. Local streets are those streets that are not classified as federal, state or county roadways on the functional classification map adopted by the State of Florida.
4. *Traffic impact studies.*
 - a. When the proposed development may generate over one thousand (1,000) daily trips; or
 - b. When the daily trip generation is less than one thousand (1,000) trips; and (1) when more than twenty percent (20%) of the total daily trips are anticipated to arrive or depart, or both, within one-half ($\frac{1}{2}$) hour; or (2) when the proposed use creates varying trip generation each day, but has the potential to place more than twenty percent (20%) of its maximum twenty-four (24) hour trip generation onto the adjacent transportation system within a one-half ($\frac{1}{2}$) hour period; the applicant shall submit to the city a traffic impact analysis prepared by the county or a registered Florida engineer experienced in trafficways impact analysis which shall:
 - i. Provide an estimate of the number of average and peak hour trips per day generated and directions or routes of travel for all trips with an external end.
 - ii. Estimate how traffic from the proposed development will change traffic volumes, levels of service, and circulation on the existing and programmed trafficways.
 - iii. If traffic generated by the proposed development requires any modification of existing or programmed components of the regional or local trafficways, define what city, county or state agencies have programmed the necessary construction and how this programming relates to the proposed development.
 - iv. A further detailed analysis and any other information that the review committee considers relevant.
 - v. The traffic impact study may be reviewed by an independent licensed professional engineer contracted by the city to determine whether it adequately addresses the impact and the study supports its conclusions. The cost of review by city's consultant shall be reimbursed to the city by the applicant.
 - vi. When this subsection M.4.b. applies, the traffic study shall include an analysis of how the peak loading will affect the transportation system including, if necessary, an operational plan showing how the peak trips will be controlled and managed.

RESPONSE: Rezoning application. The Applicant will comply at time of Site Plan application.

5. *Dedication of rights-of-way.* Property shall be conveyed to the public by plat, deed or grant of easement as needed in accordance with the Broward County Trafficways Plan, the city's comprehensive plan, subdivision regulations and accepted applicable traffic engineering standards.

RESPONSE: Rezoning application. The Applicant will comply at time of Site Plan application.

6. *Pedestrian facilities.* Sidewalks, pedestrian crossing and other pedestrian facilities shall be provided to encourage safe and adequate pedestrian movement on-site and along roadways to adjacent properties. Transit service facilities shall be provided for as required by the city and Broward County Transit. Pedestrian facilities shall be designed and installed in accordance with city engineering standards and accepted applicable engineering standards.

RESPONSE: Rezoning application. The Applicant will comply at time of Site Plan application.

7. *Primary arterial street frontage.* Where a proposed development abuts a primary arterial street either existing or proposed in the trafficways plan, the development review committee (DRC) may require marginal access street, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with or without rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to assure separation of through and level traffic.

RESPONSE: Rezoning application. The Applicant will comply at time of Site Plan application.

8. *Other roadway improvements.* Roadways adjustments, traffic control devices, mechanisms, and access restrictions may be required to control traffic flow or divert traffic, as needed to reduce or eliminate development generated traffic.

RESPONSE: Rezoning application. The Applicant will comply at time of Site Plan application.

9. *Street trees.* In order to provide for adequate landscaping along streets within the city, street trees shall be required along the length of the property abutting a street. A minimum of fifty percent (50%) of the required street trees shall be shade trees, and the remaining street trees may be provided as flowering or palm trees. These percentages may be varied based on existing or proposed physical conditions which may prevent the ability to comply with the street tree requirements of this subsection. The street trees shall be planted at a minimum height and size in accordance with the requirements of Section 47-21, Landscape and Tree Preservation Requirements, except in the downtown RAC districts the requirements of Sec. 47-13.20.H.8 shall apply. The location and number of street trees shall be determined by the department based on the height, bulk, mass and design of the structures on the site and the proposed development's compatibility to surrounding properties. The requirements for street trees, as provided herein, may be located within the public right-of-way as approved by the entity with jurisdiction over the abutting right-of-way.

RESPONSE: Rezoning application. The Applicant will comply at time of Site Plan application.

N. *Wastewater.*

1. *Wastewater.* Adequate wastewater services shall be provided for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easements which may be needed for the installation and maintenance of a wastewater and

disposal system in accordance with applicable health, environmental and engineering regulations and standards. The existing wastewater treatment facilities and systems shall have adequate capacity to provide for the needs of the proposed development and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which wastewater treatment or disposal capacity has been reserved. Capital expansion charges for water and sewer facilities shall be paid by the developer in accordance with Resolution 85-265, as it is amended for time to time. Improvements to the wastewater facilities and system shall be made in accordance with the city engineering and accepted applicable engineering standards.

RESPONSE: Rezoning application. The Properties are currently served by existing water and wastewater facilities. A detailed analysis of water and wastewater demand will be provided at time of Site Plan application.

- O. *Trash management requirements.* A trash management plan shall be required in connection with non-residential uses that provide prepackaged food or beverages for off-site consumption. Existing non-residential uses of this type shall adopt a trash management plan within six (6) months of the effective date of this provision.

RESPONSE: Rezoning application. The Applicant will comply at time of Site Plan application, as applicable.

- P. *Historic and archaeological resources.*

1. If a structure or site has been identified as having archaeological or historical significance by any entity within the State of Florida authorized by law to do same, the applicant shall be responsible for requesting this information from the state, county, local governmental or other entity with jurisdiction over historic or archaeological matters and submitting this information to the city at the time of, and together with, a development permit application. The reviewing entity shall include this information in its comments.

RESPONSE: No structures have been identified on the Property as having archaeological or historical significance within the State of Florida authorized by law to do the same.

- Q. *Hurricane evacuation.* If a structure or site is located east of the Intracoastal Waterway, the applicant shall submit documentation from Broward County or such agency with jurisdiction over hurricane evacuation analysis either indicating that acceptable level of service of hurricane evacuation routes and hurricane emergency shelter capacity shall be maintained without impairment resulting from a proposed development or describing actions or development modifications necessary to be implemented in order to maintain level of service and capacity.

RESPONSE: Not applicable. The Properties are not located east of the Intracoastal Waterway.

Respectfully submitted,

/s/ Stephanie J. Toothaker

Stephanie J. Toothaker, Esq.