

ORDINANCE NO. C-22-

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-12 ENTITLED "CENTRAL BEACH DISTRICTS", OF THE CITY OF FORT LAUDERDALE, FLORIDA UNIFIED LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND REPEAL; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the City Commission of the City of Fort Lauderdale, Florida desires to amend Section 47-12 entitled "Central Beach Districts" of the City of Fort Lauderdale, Florida Unified Land Development Regulations (ULDR);

WHEREAS, at a special City Commission workshop held November 13, 2018, the City Commission requested that staff initiate an effort to amend the regulations for the Central Beach zoning districts to address unpredictable development outcomes and inconsistent development patterns; and

WHEREAS, the proposed code revisions include form-based design standards that will help to address building scale and mass, and support an active pedestrian environment. In addition, design standards will also focus on open space provisions, more defined building form criteria, setback requirements and streetscape design elements, including promoting active uses along building frontages; and

WHEREAS, the Planning and Zoning Board, acting as the local planning agency, at its meeting of October 20, 2021 (PZ Case No. UDP-T21007) reviewed the proposed text amendments for consistency with the City of Fort Lauderdale Comprehensive Plan and recommended the City Commission adopt the amendments to the ULDR; and

WHEREAS, notice was provided to the public that this ordinance would be considered at the City Commission meeting to be held on Tuesday, January 18, 2022, and Tuesday, February 1, 2022, at 6:00 o'clock P.M., in the City Commission Room, City Hall, Fort Lauderdale, Florida, and;

WHEREAS, at the public hearing scheduled for January 18, 2022, the City Commission announced that the public hearing noticed on this matter would be deferred to February 15, 2022;

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

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

SECTION 2. Section 47-12 – Central Beach Districts, specifically Section 47-12.3 entitled "Definitions" of the City of Fort Lauderdale ULDR is hereby amended as follows:

Sec. 47-12.3. - Definitions.

A. The following words when used in this section shall, for the purposes of this section, have the following meanings:

- 1. ~~Act. Part III of the Community Redevelopment Act of 1969 (F.S. § 163.330 et seq.), as amended.~~
- 2.1. *Allocable capacity trips.* Also referred to as ACTs, the average daily trips on roadway links identified in the interlocal agreement and allocable to development within the central beach area pursuant to the provisions of this section.
- 3.2. *Beach development permit.* An authorization to apply for a building permit to carry out development within the central beach area.
- 4.3. *Central beach area.* Also referred to as the "CBA," the area lying south of Sunrise Boulevard, west of the Atlantic Ocean, east of the Intracoastal Waterway and north of the south boundary of the plat of Bahia Mar lying west of State Road A-1-A.
- 5. ~~*Central beach community redevelopment area.* Also referred to as the "CBCRA," that approximate one hundred twenty five (125) acre area within the CBA which has been determined by the city to be in need of rehabilitation or redevelopment pursuant to the act which area is generally described as lying east of the eastern channel line of the Intracoastal Waterway, west of the mean high water line of the Atlantic Ocean, south of the northern right-of-way line of Alhambra Street east of Birch Road and the northern limit of Sebastian Street West of Birch Road, and north of the southern property line of Bahia Mar extended eastward to the mean high water line of the Atlantic Ocean.~~

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- ~~6.~~ Community redevelopment plan. A plan for redevelopment of that area located within the central beach area in accordance with the provisions of the Fort Lauderdale Urban Renewal Law (Laws of Fla. ch. 61-2165) and F.S. § 163.330 et seq.
- ~~4.~~ Active use. A use designed to encourage human presence, with the intent to create visual engagement between the building façade and the public realm. Active uses can include, but are not limited to residential dwellings, office space, restaurant, retail or commercial uses, lobby or building amenities with the intent to enliven building facades that front a street by creating a sense of human presence, safety, and comfort, especially at the ground floor.
- ~~7.5.~~ County interlocal agreement. The interlocal agreement between the county and the city relating to traffic capacity in the central beach area effective on August 1, 1989.
- ~~8.6.~~ Design Compatibility Point System. A system evaluating a project's design for compatibility and community scale on the basis of points allocated or accumulated in accordance with criteria set forth in the ULDR.
- ~~7.~~ Design guidelines. The private sector design and architectural guidelines provided in this section.
- ~~9.8.~~ Design professional. An architect or landscape architect as defined in the Florida Statutes or a member of the American Institute of Certified Planners, however, such person shall not be required to be licensed to practice in the State of Florida.
- ~~10.9.~~ Development. The use of any structure, the change, expansion or addition to any use, the carrying out of any building activity, or the making of any change in the appearance of any structure, land or water, or the subdividing of land into two or more parcels; provided, however, that building activity that is carried out exclusively within a previously constructed structure or affects only the exterior color of the structure shall not be considered development.
- ~~11.10.~~ Floor area ratio. Also referred to as FAR, the gross floor area of a structure on any parcel divided by the area of that parcel.

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- ~~42.~~11. *High-rise structure.* Any structure greater than four stories.
- ~~43.~~12. *North Beach Area.* Those portions of the "North Beach Area" as defined and bounded by State Road A-1-A on the East, the historic property known as Bonnet House on the North, the Intracoastal Waterway on the West and by Bayshore Drive, inclusive of the remainder of the Fort Lauderdale Surf Club Co-op subdivision #504201PY, more specifically described as Lots 11, 12, 13 and the south 100 feet of Lot 14 of the Birch Estates Plat recorded in PB 24, Page 24 of the public records of Broward County, Florida, on the South.
- ~~44.~~13. *Parcel of land.* Any quantity of land and water capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.
- ~~45.~~14. *Person.* An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest or any other legal entity.
- ~~46.~~15. *Planned resort development district.* Also referred to as the "PRD," the zoning district created and defined within the central beach area as provided in this section.
- ~~47.~~16. *Planning department.* The department of planning, zoning and building of the city under the direction of the head of such department.
17. *Plaza/gathering area.* An area located outside of the right-of-way, typically between a building and a street, or along a pedestrian path which promotes visual and pedestrian access onto the site and provides pedestrian-oriented amenities and landscaping to enhance the public's use of the space for activities such as resting, reading, and outdoor dining.
18. *Podium.* The portion of the building extending from the ground to the shoulder, also referred to as "pedestal".
19. *Primary Street.* Primary streets are characterized by active uses at the ground floor with taller and more intensive buildings fronting the street creating a

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consistent streetwall. Primary Streets typically feature a full complement of pedestrian amenities, including wide sidewalks, on street parking, and a well-developed streetscape, which may include open space for public use. Primary Streets are the principal urban streets and are intended to be well used by vehicles and pedestrians and to be the primary transit routes.

- ~~18-20.~~ *Public right-of-way.* The entire width between the boundary lines of every way or place of whatever nature when any part thereof is or may be opened to the use of the public for purposes of vehicular or pedestrian traffic.
- ~~19-21.~~ *Reserve capacity trips.* Also referred to as RCTs, the average daily trips on each of three roadway links which results from the roadway improvements as identified in the interlocal agreement.
- ~~20-22.~~ *Restaurant.* A building or room where food is prepared and served for pay and for consumption on the premises, and where alcoholic beverages may be served in conjunction with the sale of food.
- ~~21-23.~~ *Reviewing authority.* The planning department, planning and zoning board or city commission authorized to review a development as provided in Section 47-24, Development Permits and Procedures.
- ~~22.~~ *Revitalization plan.* The Fort Lauderdale Central Beach Revitalization Plan for the City of Fort Lauderdale Beach Revitalization approved by the city commission of the City of Fort Lauderdale on July 19, 1988, pursuant to Resolution No. 88-172.
24. *Secondary Street.* Streets other than primary streets which support a smaller scale of compatible uses transitioning from the higher intensity primary streets that are more urban in nature to existing residential and commercial neighborhoods, which are lower in scale and intensity. Secondary streets offer a combination of a mix of uses, but at less intensity and with less vehicular traffic while, maintaining a pedestrian friendly environment.
- ~~23-25.~~ *Setback or yard.* Setbacks and yards shall be defined as provided in Section 47 2, Measurements, except as provided herein. Yards are the distance between the boundary line of a lot and structure measured at ground level. Setbacks are the distance between the boundary line of a lot and structure measured above

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ground level. The distance required for yards and setbacks as provided in this section shall be the same except when a setback or yard requirement is based on the height of a structure, different setbacks for different portions of a structure may be established and shall be based on the distance from the ground to such heights of the structure where a setback is to be determined and measured between the boundary line and the structure at such height.

- 26. Shoulder. The portion of a building below the horizontal stepback between a tower and a pedestal.
- 27. Stepback. The horizontal dimension that defines the distance between the face of the tower and the face of the pedestal, also referred to as “Shoulder stepback” or “Tower Stepback”.
- 28. Streetwall. The building façade adjacent to the street, along and generally parallel to the lot-line.
- 29. Tower. The portion of a building extending upward from the pedestal.

SECTION 3. Section 47-12.4 entitled “Central beach district requirements” of the City of Fort Lauderdale ULDR is hereby amended as follows:

Sec. 47-12.4. - List of permitted, conditional and prohibited uses, Central beach district requirements.

- A. List of permitted and condition uses, Planned Resort (PRD), A-1-A Beachfront Area (ABA); Sunrise Lane (SLA); Intracoastal Overlook Area (IOA); North Beach Residential Area (NBRA); South Beach Marina and Hotel Area (SBMHA).

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<u>Use Type</u>	<u>Zoning District</u>					
	<u>PRD</u>	<u>ABA</u>	<u>SLA</u>	<u>IOA</u>	<u>NBRA</u>	<u>SBMHA</u>
<u>Key:</u>						
<u>P - Permitted</u>						
<u>C - Conditional</u>						

<u>* Permitted as primary use, only in those portions of the ABA and NBRA Districts that are located within the North Beach Area as defined in Section 47-12.3</u>						
<u>Commercial Recreation</u>						
<u>Amphitheater</u>						<u>C</u>
<u>Indoor Motion Picture Theater, less than Five Screens</u>		<u>*P</u>			<u>*P</u>	
<u>Museums</u>	<u>P</u>					<u>P</u>
<u>Performing Arts Theater, less than 300 Seats</u>		<u>*P</u>			<u>*P</u>	<u>P</u>
<u>Aquatic Center</u>						<u>C</u>

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<u>Active and Passive Park, see ULDR, Section 47-18.44</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<b><u>Food and Beverage Sales and Service</u></b>						
<u>Bakery Store</u>	<u>P</u>	<u>*P</u>	<u>P</u>		<u>*P</u>	<u>P</u>
<u>Bar, Cocktail Lounge</u> <u>(See Section 47-12.4.B.1.j)</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>
<u>Candy, Nuts Store</u>	<u>P</u>	<u>*P</u>	<u>P</u>		<u>*P</u>	<u>P</u>
<u>Coffee Shop</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Delicatessen</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>
<u>Food and Beverage Carry-Out, No Drive-Thru</u>		<u>*P</u>			<u>*P</u>	
<u>Fruit and Produce Store</u>		<u>*P</u>			<u>*P</u>	
<u>Seafood Store</u>		<u>*P</u>			<u>*P</u>	
<u>Grocery/Food Store, less than 5,000 square feet</u>		<u>*P</u>			<u>*P</u>	
<u>Ice Cream/Yogurt Store</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

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<u>Meat and Poultry Store</u>		<u>*P</u>			<u>*P</u>	
<u>Restaurant</u> <u>When located in IOA and NBRA zoning districts, restaurants shall be incorporated into a residential structure or hotel. In IOA zoning district, freestanding restaurants permitted only in the portion of the IOA district south of Bayshore Drive provided there is no outdoor dockage and no outdoor service of food or beverage.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<b><u>Retail Sales</u></b>						
<u>Antiques Store</u>		<u>*P</u>			<u>*P</u>	
<u>Apparel/Clothing, Accessories Store</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Arts &amp; Crafts Supplies Store</u>		<u>*P</u>			<u>*P</u>	
<u>Art Gallery, Art Studio</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

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<u>Bicycle Shop</u>		<u>*P</u>			<u>*P</u>	
<u>Book Store</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Camera, Photographic Supplies Store)</u>		<u>*P</u>			<u>*P</u>	
<u>Card &amp; Stationery Store</u>		<u>*P</u>			<u>*P</u>	
<u>Cigar, Tobacco Store</u>		<u>*P</u>			<u>*P</u>	
<u>Computer/Software Store</u>		<u>*P</u>			<u>*P</u>	
<u>Cosmetic, Sundries Store</u>		<u>*P</u>			<u>*P</u>	
<u>Florist Shop</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Furniture Store</u>		<u>*P</u>			<u>*P</u>	
<u>Glassware, China, Pottery Store</u>		<u>*P</u>			<u>*P</u>	
<u>Holiday Merchandise, see 47-18.15</u>		<u>*P</u>			<u>*P</u>	
<u>Jewelry Store</u>		<u>*P</u>			<u>*P</u>	
<u>Linen, Bath, Bedding Store</u>		<u>*P</u>			<u>*P</u>	

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<u>Luggage, Handbags, Leather Goods Store</u>		<u>*P</u>			<u>*P</u>	
<u>Music, Musical Instruments Store</u>		<u>*P</u>			<u>*P</u>	
<u>Newspapers, Magazines Store</u>		<u>*P</u>			<u>*P</u>	
<u>Office Supplies, Equipment Store</u>		<u>*P</u>			<u>*P</u>	
<u>Optical Store</u>		<u>*P</u>			<u>*P</u>	
<u>Party Supply Store</u>		<u>*P</u>			<u>*P</u>	
<u>Pet Store/Pet Grooming, see 47-18.25</u>		<u>*P</u>			<u>*P</u>	
<u>Shoe Store</u>		<u>*P</u>			<u>*P</u>	
<b><u>Service/Office Facilities</u></b>						
<u>Financial Institution, No Drive-Thru Banks</u>	<u>P</u>	<u>*P</u>	<u>P</u>		<u>*P</u>	
<u>Hair Salon</u>	<u>P</u>	<u>*P</u>	<u>P</u>		<u>*P</u>	
<u>Health and Fitness Center / Spa</u>	<u>P</u>	<u>*P</u>	<u>P</u>		<u>*P</u>	

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<u>Instruction: Fine Arts, Sports and Recreation, Dance, Music, Theater</u>	<u>P</u>	<u>*P</u>	<u>P</u>		<u>*P</u>	
<u>Interior Decorator</u>		<u>*P</u>			<u>*P</u>	
<u>Mail, Postage, Fax Service</u>	<u>P</u>	<u>*P</u>	<u>P</u>		<u>*P</u>	
<u>Nail Salon</u>		<u>*P</u>			<u>*P</u>	
<u>Photographic Studio</u>		<u>*P</u>			<u>*P</u>	
<u>Professional Office</u>		<u>*P</u>			<u>*P</u>	
<u>Travel Agency</u>		<u>*P</u>			<u>*P</u>	
<b><u>Residential Uses</u></b>						
<u>Residential</u>	<u>P</u>	<u>See Section 47-12.5.</u>	<u>P</u>	<u>P</u> <u>See Section 47-12.5.</u>	<u>P</u> <u>See Section 47-12.5.</u>	<u>P</u>
<b><u>Mixed Use Development</u></b>						
<u>Mixed Use Development Section 47-18.21, Mixed Development shall not apply</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

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<b><u>Tourist Accommodations and Uses</u></b>						
<u>Bicycle, moped and scooter rental See ULDR, Section 47-24.3.</u>	<u>P</u>		<u>P</u>			<u>P</u>
<u>Commercial retail uses offering services or goods for sale to tourists and visitors such as gifts and souvenirs</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>
<u>Convention or Conference Facility</u>	<u>P</u>					
<u>Other tourist commodities and other uses catering to tourists as approved by the Planning and Zoning Board</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Hotels and suite hotels</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Motels</u>				<u>P</u>	<u>P</u>	

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<b><u>Parking As Principal Use</u></b>						
<u>Parking Garage</u>	<u>P</u>		<u>P</u>			
<u>Parking Lots, permanent or temporary</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>P</u>
<b><u>Accessory Uses, Buildings and Structures (See Section 47-19)</u></b>						
<u>Accessory buildings and structures; improvements outside of the principal structure including but not limited to fences, walls, landscaping, parking, signs and nonstructural alterations to the exterior of structures located on a parcel; and expansion or change of a permitted use within an existing structure.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Automobile rental limited to twelve (12) cars per development site as an accessory to a hotel or marina in an enclosed structure only</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>
<u>Catering Services</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

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<u>Grocery store</u>	<u>P</u>	<u>*P</u>	<u>P</u>	<u>P</u>	<u>*P</u>	<u>P</u>
<u>Outdoor Dining and Sidewalk Cafés, see Section 47-19.9</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>P</u>	<u>P</u>
<u>Uses specially listed in or deemed substantially similar pursuant Section 47-1.14.A of the ULDR to uses list in this Table under the subheadings "Food and Beverage Sales and Service" and "Retail Sales" as an accessory to nonresidential development</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<b><u>Urban Agriculture (See Section 47-18.41)</u></b>						
<u>Urban farms and community gardens See Section 47-18.41</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<b><u>Water-related and Marine Uses</u></b>						
<u>Marinas (See Section 47-24.3)</u>	<u>C</u>					<u>C</u>

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A.B. ~~Limitations on permitted uses in all districts within the central beach area.~~ Prohibited Uses. The following use limitations shall apply to all the districts within the central beach area, notwithstanding the provisions of Section 47-1.14 – Interpretation of permitted and conditional uses regarding prohibited uses:

1. The following nonresidential uses are prohibited uses ~~shall not be permitted:~~
  - a. Fortunetellers, clairvoyants, mind readers, faith healers or other persons claiming to be able to see into the future.
  - b. Headshops or stores supplying paraphernalia primarily used with illicit drugs.
  - c. Service stations, automobile repair or parts sales.
  - d. Motorcycle sales, rental or service.
  - e. Drive-thru food and beverage establishments. ~~Any business establishment selling or dispensing food or beverages for consumption off the premises, unless otherwise approved as a development of significant impact in the PRD, ABA, SLA and SBMHA districts only.~~
  - f. Sales or service of guns, knives, or other weapons.
  - g. Pinball machines, video games and similar games and amusement devices as a principal use.
  - h. Bingo parlors or similar game rooms.
  - i. Bars and nightclubs, except when accessory to a hotel with 100 or more guest rooms or accessory to a commercial retail structure which provides services or goods for sale to tourists and visitors when approved as a Conditional Use approval ~~development of significant impact~~ and shall only be permitted in the PRD, ABA, SLA and SBMHA districts.
  - j. Vending machines which are visible from a public right-of-way except when approved as a development of limited impact. For purposes of this section machines which dispense newspapers shall not be considered a vending machine.
  - k. Social Service Facilities (SSF).

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2. The following residential uses shall not be permitted:
  - a. Trailers and mobile homes.
  - b. Social Service Residential Facilities (SSRF).

**Sec. 47-12.4.1. Table of Dimensional Requirements for the Central Beach Zoning Districts**

<b><u>REQUIREMENTS</u></b> <b><u>(Note A)</u></b>	<b><u>PRD</u></b>	<b><u>ABA</u></b>	<b><u>SLA</u></b>	<b><u>IOA</u></b>	<b><u>NBRA</u></b>	<b><u>SBMHA</u></b>
<b><u>Maximum Density</u></b> <b><u>(Dwelling Units/net</u></b> <b><u>acre)</u></b>	<u>48</u>	See <u>Section</u> <u>47-12.5.A</u>	<u>48</u>	<u>48</u> See <u>Section</u> <u>47-12.5.A</u>	<u>32</u> See <u>Section</u> <u>47-12.5.A</u>	<u>48</u>
<b><u>Maximum Density</u></b> <b><u>(Hotel rooms/net</u></b> <b><u>acre)</u></b>			<u>90</u>	<u>90</u>	<u>50</u>	
<b><u>Maximum Floor Area</u></b> <b><u>Ratio (FAR)</u></b>	<u>6</u>	<u>4</u> See <u>Section</u> <u>47-12.5.D</u>	<u>2</u> (Commerc <u>ial Retail</u> <u>Only)</u>	<u>4</u>	<u>4</u>	<u>5</u>
<b><u>Maximum structure</u></b> <b><u>height</u></b>	<u>200 ft.</u> See <u>Section</u> <u>47-12.5.B</u>	<u>200 ft.</u> See <u>Section</u> <u>47-12.5.B</u>	<u>120 ft.</u>	<u>120 ft.</u>	<u>120 ft.</u>	<u>120 ft.</u>

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<b><u>REQUIREMENTS</u></b> <b>(Note A)</b>	<b><u>PRD</u></b>	<b><u>ABA</u></b>	<b><u>SLA</u></b>	<b><u>IOA</u></b>	<b><u>NBRA</u></b>	<b><u>SBMHA</u></b>
<b><u>Maximum Building (“Streetwall”) Length and width)</u></b>	<u>200 ft.</u>	<u>200 ft.</u>	<u>200 ft.</u>	<u>200 ft.</u>	<u>200 ft.</u>	<u>200 ft.</u>
<b><u>Minimum Front Yard (Note C)</u></b>	<u>20 ft.</u>	<u>20 ft</u>	<u>20 ft.</u>	<u>20 ft.</u>	<u>20 ft.</u>	<u>20 ft.</u>
<b><u>Minimum Corner Yard (Note C)</u></b>	<u>20 ft</u>	<u>20 ft</u>	<u>20 ft</u>	<u>20 ft</u>	<u>20 ft</u>	<u>20 ft.</u>
<b><u>Minimum Side Yard</u></b>	<u>0 ft.</u>	<u>20 ft.</u>	<u>0 ft.</u>	<u>20 ft</u>	<u>20 ft</u>	<u>20 ft.</u>
<b><u>Minimum Rear Yard</u></b>	<u>20 ft.</u>	<u>20 ft</u>	<u>20 ft</u>	<u>20 ft.</u>	<u>20 ft.</u>	<u>20 ft</u>
<b><u>Minimum Distance Between Buildings on Same Development Site (Note B)</u></b>	<u>20 ft. or 20% of the tallest building, which-ever is greater</u>	<u>20 ft. or 20% of the tallest building, which-ever is greater</u>	<u>20 ft. or 20% of the tallest building, which-ever is greater</u>	<u>20 ft. or 20% of the tallest building, whichever is greater</u>	<u>20 ft. or 20% of the tallest building, whichever is greater</u>	<u>20 ft. or 20% of the tallest building, whichever is greater</u>
<b><u>Building Podium Height</u></b>	<u>65 ft</u>	<u>65 ft</u>	<u>65 ft</u>	<u>65 ft.</u>	<u>65 ft.</u>	<u>65ft</u>

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<b><u>REQUIREMENTS</u></b> <b><u>(Note A)</u></b>	<b><u>PRD</u></b>	<b><u>ABA</u></b>	<b><u>SLA</u></b>	<b><u>IOA</u></b>	<b><u>NBRA</u></b>	<b><u>SBMHA</u></b>
<b><u>Tower Stepback</u></b>	<u>15 ft</u>	<u>15 ft</u>	<u>12 ft</u>	<u>12 ft</u>	<u>12 ft</u>	<u>12 ft</u>
<b><u>Tower Separation</u></b> <b><u>(Between Towers and</u></b> <b><u>from Property Line)</u></b>	<u>30 ft</u>	<u>30 ft</u>	<u>30 ft</u>	<u>30 ft</u>	<u>30 ft</u>	<u>30 ft</u>
<b><u>Building Floorplate Size</u></b>						
<b><u>Residential Floorplate</u></b> <b><u>Size Under 65 feet</u></b>	<u>No</u> <u>Maximum</u>	<u>No</u> <u>Maximum</u>	<u>No</u> <u>Maximum</u>	<u>No</u> <u>Maximum</u>	<u>No</u> <u>Maximum</u>	<u>No</u> <u>Maximum</u>
<b><u>Residential Floorplate</u></b> <b><u>Size above 65 feet</u></b>	<u>12,500 SF</u>	<u>12,500 SF</u>	<u>12,500 SF</u>	<u>12,500 SF</u>	<u>12,500 SF</u>	<u>12,500SF</u>
<b><u>Hotel Floorplate Size</u></b> <b><u>Under 65 feet</u></b>	<u>No</u> <u>Maximum</u>	<u>No</u> <u>Maximum</u>	<u>No</u> <u>Maximum</u>	<u>No</u> <u>Maximum</u>	<u>No</u> <u>Maximum</u>	<u>No</u> <u>Maximum</u>
<b><u>Hotel Floorplate Size</u></b> <b><u>Above 65 feet</u></b>	<u>16,000 SF</u>	<u>Fronting</u>  <u>A-1-A /</u> <u>Primary</u> <u>Street:</u> <u>16,000 SF</u>	<u>12,500 SF</u>	<u>Fronting</u>  <u>A-1-A /</u> <u>Primary</u> <u>Street:</u> <u>16,000 SF</u>	<u>Fronting</u>  <u>A1A/Pri-</u> <u>mary</u> <u>Street:</u> <u>16,000 SF</u>	<u>12,500 SF</u>
		<u>Elsewhere</u> <u>:12,500</u> <u>SF</u>		<u>Elsewhere</u> <u>:12,500</u> <u>SF</u>	<u>Elsewhere</u> <u>:12,500</u> <u>SF</u>	

Note A: Dimensional regulations may be subject to additional requirements, see Section 47-23 of the ULDR, Specific Location Requirements, and Section 47-25 of the ULDR, Development Review Criteria.

Note B. For purposes of minimum distances between buildings within this subsection, a parking garage shall be considered a building.

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Note C. Front and corner yard may be reduced in accordance with the minimum design standards set forth in Section 47-12.5.D.

~~B. *Street Treatment.* There are hereby identified streets within the Central Beach Area which are currently accommodating, or are intended to accommodate, intensive pedestrian traffic, or which serve as major pedestrian streets and major vehicular entryways, or major gateways into the Central Beach Area and which will, therefore, require development on said streets to accommodate said pedestrian and vehicular usage aesthetic considerations. The streets are identified below:~~

~~1. People streets:~~

~~a. Southeast 5th Street~~

~~b. Las Olas Boulevard~~

~~c. Cortez Street~~

~~d. Sebastrian Street~~

~~e. Granada Street~~

~~f. Riomar Street~~

~~g. Terramar Street~~

~~h. Vistamar Street~~

~~i. Las Olas Circle Loop~~

~~Special regulations for people streets are provided in this Section 47-12.~~

~~G. Additional requirements for modification of yards fronting on rights of way in the PRD, ABA, SBMHA and SLA zoning districts are as follows:~~

~~a. The development is on a People Street. See Section 47-12.5.B; and~~

- ~~b. There is a cornice at a minimum height of 12 feet and a maximum height of thirty-five (35) feet and is at a height similar to the height of a cornice on adjacent property if applicable; and~~
  - ~~c. At the cornice required in subsection b. there is a setback of at least ten feet; and~~
  - ~~d. At a level between the 4th and 10th floors, an additional setback of at least ten feet, or multiple setbacks which total a minimum of at least ten feet; and~~
  - ~~e. There is fenestration on a minimum of 50 percent of the façade of the first floor of habitable space (windows, doors, openings or other transparent features); and~~
  - ~~f. There is a recess of a minimum of eight inches of all exterior windows and doors and similar architectural features or other architectural features that distinguish the doors and windows from the building shaft; and~~
  - ~~g. Canopies or arcades are located over ground floor windows, doors or other transparent features required in subsection e. of this section. Such features shall be a minimum of ten feet in depth and a height between eight feet and 12 feet and designed as a fixed nonretractable element integral to the building's architectural mass.~~
- ~~C. The provisions of Section 47-23.8, Waterway Use, shall apply to uses on a waterway. All other provisions of the ULDR with general applicability shall apply in the CBA zoning districts to the extent they are not in conflict with the specific provisions of Section 47-12.~~

SECTION 4. Section 47-12.5 entitled "District requirements and limitations" of the City of Fort Lauderdale ULDR is hereby amended as follows:

Sec. 47-12.5. - Central beach district requirements and limitations.

A. Residential Use Requirements

1. ABA Residential. The following requirements shall apply to all developments that incorporate multifamily residential dwelling units or residential dwelling units with non-residential uses within the ABA zoning district:

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- a. Building frontages adjacent to streets, with the exception of alleys, shall include street level architectural details and uses such as residential, restaurant, retail, cultural or recreational uses that encourage public interaction and minimizes visual exposure of parking facilities.
  - b. Building frontages abutting Fort Lauderdale Beach Boulevard (A-1-A) must provide on the ground floor adjacent to A-1-A non-residential uses that offer goods or services to residents and tourists such as restaurants, entertainment, retail, cultural or commercial recreation destinations.
  - c. A minimum of sixty percent (60%) of the total number of dwelling units within any building exceeding 200 feet in height and contains a residential component shall be set aside and designated as hotel rooms.
2. IOA and NBRA Districts. The density permitted in IOA zoning may be transferred to development in the NBRA zoning district as provided in Section 47-12.4.1. An increase in the maximum density may be permitted if approved as part of a Site Plan Level IV development permit if the following conditions are met:
- a. The increased units are transferred from property zoned IOA; and
  - b. The IOA property is within 300 feet of the parcel in NBRA proposed for development; and
  - c. A single development plan is submitted for development of the IOA and NBRA parcels; and
  - d. The transfer of density from IOA to NBRA will result in protection of the view from and to the Intracoastal Waterway; and
  - e. A document executed by the department is recorded in the Public Records of Broward County evidencing the revised density limitations for both development sites.
- B. Design Compatibility and Community Character Scale— PRD and ABA district.

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1. The design of the development may deviate from the maximum requirements of the FAR in the ABA zoning district and height in the PRD and ABA zoning districts when approval is sought through the use of the Design Compatibility Point System. The design compatibility of the proposed development shall be rated in accordance with the following design compatibility and community scale criteria:
  - a. Line parking facility above first floor with habitable space (2 points);
  - b. Provide parking that serves a valid municipal purpose (2 points);
  - c. Implement sustainable practices that include, but are not limited to flood resiliency, additional stormwater storage capacity in flood prone areas, solar access to reduce demands for cooling and lighting, cool roofs, and green roofs (2 points);
  - d. Internalize loading zone (2 points);
  - e. Provide twenty percent (20%) more open space above the minimum standard outlined in Section 47-12.5.C (2 points);
  - f. Seventy-five percent (75%) of the front façade at ground level along a right-of-way is dedicated to active uses (2 points);
  - g. Provide durable exterior materials such as but not limited to stone, masonry, metal paneling, and glass or a combination of, for a minimum of eighty percent (80%) of the building façades (2 points);
  - h. Providing a minimum of four (4) expressive building tower top articulation elements such as, but not limited to: sculpted roof forms, terraced upper levels, integrated vertical architectural elements, viewing decks at upper levels, and expressive tower top design (2 points).
2. Floor area ratio – ABA District. Notwithstanding the floor area ratio limitations of Section 47-12.4.2., a beach development permit may be issued for development that exceeds the floor area ratios set out therein according to the following provisions:

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- a. An increase in the floor area ratio on any parcel of land proposed for development of five percent (5%) if the proposed development has a rating of at least eight (8) points on the design compatibility and community character scale in subsection B.
- b. An increase in the floor area ratio on any parcel of land proposed for development of ten percent (10%) if the proposed development has a rating of at least ten (10) points on the design compatibility and community character scale in subsection B.
- c. An increase in the floor area ratio on any parcel of land proposed for development of twenty percent (20%) if the proposed development has a rating of at least twelve (12) points on the design compatibility and community character scale in subsection B.

3. Height – PRD and ABA District.

- a. No portion of a structure in excess of thirty-five (35) feet in height shall exceed the limitations provided in Section 47-23.6 of the ULDR, Beach Shadow Restrictions.
- b. For PRD zoning notwithstanding the height limitation provided in Section 47-12.4.1 a beach development permit may be issued that exceeds the height limitations set out therein according to the following provisions:
  - i. An increase in the maximum height on any parcel of land proposed for development by five percent (5%) if the proposed development has a rating of at least eight (8) points on the design compatibility and community character scale in subsection B.
  - ii. An increase in the maximum height on any parcel of land proposed for development by ten percent (10%) if the proposed development has a rating of at least ten (10) points on the design compatibility and community character scale in subsection B.
  - iii. An increase in the maximum height on any parcel of land proposed for development of twenty percent (20%) if the proposed development has a

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rating of at least twelve (12) points on the design compatibility and community character scale in subsection B.

C. *Open space.* Open space, for the purposes of this section, shall include all areas on the development site not covered by structures, other than covered arcades, or not covered by vehicular use area. Open spaces can include, but are not limited to public plazas and pocket parks. Covered, double-story arcades with a minimum width of ten (10) feet and at least one side open to a street shall be credited towards open space requirements. The required open space shall be shaded through the use of trees, canopies, trellises or other unenclosed shade structures and may include seating, fountains and other elements that enhance the public realm. A minimum of twenty-five percent (25%) of the required open space at grade shall be in pervious landscaped area. At least forty percent (40%) of the required open space shall be provided at-grade and the remaining open space may be accessible to individual residential units or through common areas, or both. Pervious surface area, for the purposes of this requirement, may include, but not limited to open planting beds, porous paving systems, sand-set pavers, or any combination thereof. The total amount of open space required shall be calculated based on the size and density of the development, as follows:

1. *Open Space for Residential Uses.* For any residential development in the central beach districts, open space shall be required as follows:
  - a. A minimum of two hundred (200) square feet of open space shall be required for each dwelling unit in a development consisting of fifty (50) residential units or less, or a development with a density of 25 dwelling units per net acre or less;
  - b. One hundred fifty (150) square feet of open space shall be required for each dwelling unit in a development consisting of between fifty-one (51) and one hundred fifty (150) residential units, or a development with a density greater than twenty-five (25) dwelling units per acre and up to sixty (60) dwelling units per acre. In no case shall the minimum open space provided pursuant to this subsection be less than ten thousand (10,000) square feet;
  - c. One hundred (100) square feet of open space shall be required for each dwelling unit in a development consisting of more than one hundred fifty (150) residential units, or a development with a density greater than sixty (60) dwelling units per acre. In no case shall the minimum open space provided be less than twenty-two thousand five hundred (22,500) square feet;

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2. Open space for nonresidential uses. Twenty (20) percent of the gross lot area of any development in the central beach districts that does not include residential uses shall be open space. No more than fifty (50) percent of the open space may be provided above grade.
3. Open space for Mixed-use Development. Any mixed-use development in the central beach districts is required to provide open space in accordance with the provisions of either subsection 47-12.5.C.1 for open space for residential uses or Subsection 47-12.5.C.2 open space for nonresidential uses, whichever provides the greater square feet of open space.
4. Open Space General. Up to fifty (50) percent credit towards the required landscaping as defined in Section 47-12.5.C for landscaping improvements proposed in the right-of-way may be applied subject to approval by the agency with jurisdiction over the subject right-of-way.

D. Central Beach Streetscape Design. Streetscape may be required to mitigate, avoid or minimize the impacts caused by the development to surrounding public spaces in a manner that is roughly proportionate to the actual impact of the development. All streetscape improvements shall consider the incorporation of travel lanes, on-street parking, landscape strips, and sidewalks. Alternative streetscape designs may be considered if conflicts with existing utilities prevent placement of street trees. Placement of on-street parking shall be subject to City Engineer review and approval.

Development shall meet the following streetscape design requirements:

1. Streetscape improvements. Streetscape improvements are required to be designed and installed as part of the development of a development site abutting that portion of the right-of-way that is impacted by the proposed development site.
2. Streetscape improvements may deviate from the streetscape design requirements in order to preserve natural barriers, avoid of interference with utility lines or other obstructions or based on an alternative design found to achieve the underlying intent of the streetscape design as approved by the DRC. The DRC shall make best effort to ensure that any approved deviation or modification of the streetscape design requirement are the minimum change necessary to accomplish the intent of this subsection.

3. There are hereby identified streets within the Central Beach Area which are accommodating, or are intended to accommodate, intensive pedestrian traffic, or which serve as major pedestrian streets and major vehicular entryways, or major gateways into the Central Beach Area and which will, therefore, require development on said streets to accommodate said pedestrian and vehicular usage aesthetic considerations. The streets are identified below:

a. Primary streets:

- i. A-1-A
- ii. Seabreeze Boulevard
- iii. Birch Road

b. Secondary streets:

- i. Southeast 5th Street
- ii. Las Olas Boulevard
- iii. Cortez Street
- iv. Sebastian Street
- v. Granada Street
- vi. Riomar Street
- vii. Terramar Street
- viii. Vistamar Street
- ix. Las Olas Circle Loop

4. All other streets not identified in subsection 47-12.5.D.3 are required to meet basic street design cross section as identified within subsection 47-12.5.D.5.

5. Street Design. The design of the streetscape abutting a development site shall provide a minimum width for landscaping, sidewalks and on-street parking as

provided in this section. Alternative designs may be considered based on existing conditions or when there is an identified conflict with infrastructure and shall be subject to approval by the City Engineer. The setback of structures shall be increased to accommodate the minimum landscape, sidewalk and on-street parking requirements through the establishment of an access easement on private property, should the existing right-of-way width prove insufficient to accommodate.

- a. Travel Lane. Travel lanes are required to be a minimum eleven (11) foot width.
- b. On-Street Parking. On-Street Parking shall be designed in accordance with this section or adopted streetscape plans.
- c. Sidewalks.
  - i. Primary Street. Sidewalks are required to be a minimum of twenty (20) foot width.
  - ii. Secondary Streets. Sidewalks are required to be a minimum of seven (7) foot width.
  - iii. Other streets not identified as primary or secondary streets. Sidewalks are required to be a minimum of five (5) feet.
- d. Street Trees. Street trees shall be planted and maintained along the street abutting the property to provide a canopy effect. The trees shall be planted at a minimum height and size in accordance with the requirements of Section 47-21, Landscape and Tree Preservation Requirements. 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.
  - i. Plant selection should be based on the plant's adaptability to the existing coastal conditions and native plant communities, particularly considering appropriate hardiness zone, soil type and moisture conditions, light, mature plant size, desired effect, color, and texture. Plant species are required to be tolerant to salt and able to withstand salt exposure and prevailing winds.
  - ii. In addition to the requirements of Section 47-21, to accommodate proper root growth, street trees shall require the use of a sub-grade soil medium, such as CU Structural Soil® or similar, to be provided to support root growth

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for trees adjacent to pedestrian pavement and the use of a modular sub-grade block system, such as Silva Cell® or similar, to be provided to support root growth for trees adjacent to traffic loads and utilities, and other amenities including but not limited to irrigation, up lighting, porous paving systems.

- iii. Street trees shall be shade trees maintained at a minimum twelve (12) foot horizontal clearance from buildings. Shade trees shall be provided at maximum of every thirty (30) lineal feet on-center along the street frontage. Palm trees may be provided at intersections where streets with street trees converge and spaced to provide maximum visibility. Provide tall palms at the immediate corners to provide a visual marker and to frame the street. Small canopy trees and small palms may be permitted when existing or proposed physical conditions may prevent the proper growth of shade trees or tall palms, as determined by the DRC, at maximum of every fifteen (15) lineal feet along the street frontage. All trees shall satisfy the following standards at the time of planting:
- a) Shade trees: Minimum sixteen (16) feet in height and eight (8) foot spread, with minimum seven (7) foot vertical clearance.
  - b) Palm trees: Minimum eighteen (18) feet in height, with a minimum of eight (8) foot of clear trunk.
  - c) Small canopy tree or small palm trees: Minimum twelve (12) feet in height and six (6) foot spread, with a minimum six (6) foot vertical clearance.
- iv. Landscape Strip with Street Trees. Landscape strip area for street trees does not represent the soil volume requirement for root growth and shall be subject to approval by the Department. Street trees as defined by Section 47-21.2 of the ULDR, Landscaping and Tree Preservation and minimum dimensions for landscape strip to accommodate tree trunk growth shall be provided as follows:
- a) Shade trees having an average mature canopy spread of greater than thirty (30) feet shall be provided with two hundred twenty-five (225)

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square foot planted area, with a minimum nine (9) foot width being the smallest dimension; or

b) Trees having an average mature canopy spread between twenty (20) and thirty (30) feet shall be provided with a ninety (90) square foot planted area, with a minimum seven (7) foot width being the smallest dimension; or

c) Trees having an average mature canopy spread less than twenty (20) feet shall be provided with sixty-four (64) square foot planted area, with a minimum six (6) foot width being the smallest dimension; or

d) Palms shall be provided with a twenty-five (25) square foot planted area and shall provide a minimum five (5) foot width being the smallest dimension except for a sixteen (16) square foot planted area with four (4) foot minimum width being the smallest dimension for *Coccothrinax*, *Thrinax*, *Sabal* and *Ptychosperma spp.*

E. Design Features.

1. Architectural features in central beach zoning districts. Architectural features such as eaves, cornices, unenclosed balconies, open railings, windows, awnings, bay windows, and dormers are permitted to extend into a required yard area a maximum distance of three (3) feet from the face of the building. Unenclosed balconies are permitted to extend into a required yard area a maximum distance of five (5) feet from the face of the building, subject to Section 47-26.A.2, City Commission Request for Review.

2. Non-habitable lobby entry features such as porte-cochère are exempt from yard requirements.

A. Planned Resort (PRD) District.

~~1. Setbacks. No structure shall be constructed, remodeled or reconstructed so that any part of the structure is located within 20 feet of the proposed public right-of-way along A-1-A as shown in the revitalization plan, and within 20 feet of any other public right-of-way, unless the development or redevelopment of the structure is approved~~

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~~as if it were a development of significant impact. In addition, those yards fronting on People Streets must meet the requirements of Section 47-12.4.C.~~

2. ~~*Height.* No structure shall be constructed, remodeled or redeveloped so that any part of the structure exceeds the following height standards:~~
  - a. ~~Within 20 feet of the proposed public right-of-way along A-1-A as shown in the revitalization plan and along any other public right-of-way, thirty-five (35) feet.~~
  - b. ~~No portion of a structure in excess of thirty five (35) feet in height shall exceed the height limitations provided in Section 47-23.6, Beach Shadow Restrictions.~~
  - c. ~~No structure shall exceed 200 feet in height, except a beach development permit may be issued that exceeds the height limitations set out herein if it meets the criteria provided in Section 47-12.5.B.2.b.~~
3. ~~*Density.* Residential: forty-eight (48) dwelling units per acre.~~
4. ~~*Minimum lot size.* No development or redevelopment shall be carried out nor shall any land be used in the PRD district on a parcel of land that is smaller than ten acres, unless the development, redevelopment or use is consistent with a community redevelopment plan for the entire PRD district.~~
5. ~~*Floor area ratio.* No structure shall be developed or redeveloped on a parcel so that the floor area ratio is greater than six.~~
6. ~~*List of permitted uses—PRD district.*~~
  - a. ~~Site Plan Level IV Development.~~
    - i. ~~Hotels and suite hotels.~~
    - ii. ~~Conference centers and other public meeting or performance facilities or tourist attractions.~~
    - iii. ~~Commercial retail uses offering services or goods for sale to tourists and visitors such as gifts, souvenirs, clothes and other tourist commodities, including restaurants as a part of a hotel, a conference center complex or a~~

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- ~~shopping arcade or mall with at least fifty thousand (50,000) square feet of gross floor area.~~
- ~~iv. Residential.~~
  - ~~v. Parking structures.~~
  - ~~vi. Other uses catering to tourists as approved by the planning and zoning board.~~
  - ~~vii. Marinas as a conditional use. See Section 47-24.3.~~
  - ~~viii. Moped/scooter rental as a conditional use. See Section 47-24.3.~~
- ~~b. Site Plan Level III Development. Parking lots and temporary parking lots.~~
  - ~~c. Site Plan Level I Development.~~
    - ~~i. Accessory buildings and structures.~~
    - ~~ii. Improvements outside of the principal structure including but not limited to fences, walls, landscaping, parking, signs and nonstructural alterations to the exterior of structures located on a parcel.~~
    - ~~iii. Expansion or change of a permitted use within an existing structure.~~
    - ~~iv. Automobile rental limited to 12 cars per development site as an accessory to a hotel or marina and Section 47-18.3 shall not be applicable.~~
    - ~~v. Active and Passive Park, see Section 47-18.44.~~
- ~~7. *Minimum distance between buildings.* The minimum distance between buildings on a development site shall be 20 feet or 20 percent of the tallest building whichever is greater. For purposes of this subsection, a parking garage shall be considered a building.~~
- ~~8. *Length and width.* The maximum length of a structure shall be 200 feet and the maximum width of a structure shall be 200 feet. The maximum width, length or both~~

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~~may be greater if a Site Plan Level IV development permit is approved. Modification of the length or width of a structure pursuant to this subsection shall not an approval of a reduction of yards. If a reduction of yards is required, it must be approved separately in accordance with the provisions of Section 47-12 of the ULDR.~~

~~B. A-1-A Beachfront Area (ABA) District.~~

~~1. Setbacks.~~

- ~~a. No structure shall be constructed, remodeled or reconstructed so that any part of the structure is located within 20 feet of the proposed public right-of-way along A-1-A as shown in the revitalization plan, and within 20 feet of any other public right-of-way, unless the development or redevelopment of the structure is approved as if it were a development of significant impact. In addition, those yards fronting on People Streets must meet the requirements of Section 47-12.4.C.~~
- ~~b. Yards not abutting a public right-of-way.
 
  - ~~i. Side yard: ten feet.~~
  - ~~ii. Rear yard: 20 feet.~~~~
- ~~c. The side and rear yard setbacks are the minimum Unless otherwise approved as a development of significant impact, in no case shall the yard setback requirements be less than an amount equal to one-half the height of the building when this is greater than the above minimums.~~

~~2. Height.~~

- ~~a. Except as expressly provided for in subsection B.2.b, no structure shall be constructed, remodeled or redeveloped so that any part of the structure exceeds the following height standards
 
  - ~~i. Within 20 feet of the proposed public right-of-way along A-1-A as shown in the revitalization plan and along any other public right-of-way, thirty-five (35) feet;~~~~

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- ii. ~~No structure shall exceed 200 feet in height.~~
- b. ~~Notwithstanding the height limitation set out in Section 47-12.6, subsection B.2.a, a beach development permit may be issued that exceeds the height limitations set out therein according to the following provisions:~~
  - i. ~~An increase in the maximum height on any parcel of land proposed for development of five percent (5%) if the proposed development has a rating of at least a five on the design compatibility and community character scale in subsection B.6.~~
  - ii. ~~An increase in the maximum height on any parcel of land proposed for development of ten percent (10%) if the proposed development has a rating of at least a seven on the design compatibility and community character scale in subsection B.6.~~
  - iii. ~~An increase in the maximum height on any parcel of land proposed for development of twenty percent (20%) if the proposed development has a rating of at least nine on the design compatibility and community character scale in subsection B.6.~~
- c. ~~No structure shall exceed two hundred forty (240) feet in height.~~
- d. ~~No portion of a structure in excess of thirty-five (35) feet in height shall exceed the height limitations provided in Section 47-23.6, Beach Shadow Restrictions.~~
- 3. ~~*Floor area ratio.*~~
  - a. ~~Except as expressly provided in subsections B.3.b, no structure shall be developed or redeveloped so that the floor area ratio is more than four.~~
  - b. ~~Notwithstanding the floor area ratio limitations of subsection B.3.a Section 47-12.6., a beach development permit may be issued for development that exceeds the floor area ratios set out herein according to the following provisions:~~
    - i. ~~An increase in the floor area ratio on any parcel of land proposed for development of five percent (5%) if the proposed development has a rating~~

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- ~~of at least a five on the design compatibility and community character scale in subsection B.6 of this district.~~
- ~~ii. An increase in the floor area ratio on any parcel of land proposed for development of ten percent (10%) if the proposed development has a rating of at least a seven on the design compatibility and community character scale in subsection B.6 of this district.~~
  - ~~iii. An increase in the floor area ratio on any parcel of land proposed for development of twenty percent (20%) if the proposed development has a rating of at least a nine on the design compatibility and community character scale in subsection B.6 of this district.~~
- ~~4. *Required parking.* Except as expressly provided in Section 47-20, Parking and Loading Requirements, no structure shall be developed or redeveloped so that the off-street parking available to service the parcel proposed for development is less than that required pursuant to Section 47-20, Parking and Loading Requirements.~~
- ~~5. *List of permitted uses—ABA district.*~~
- ~~a. Site Plan Level IV Development.~~
    - ~~i. Hotels and suite hotels.~~
    - ~~ii. Restaurants.~~
    - ~~iii. Moped/scooter rental as a conditional use. See Section 47-24.3.~~
  - ~~b. Site Plan Level III Development.~~
    - ~~i. Commercial retail uses offering services or goods for sale to tourists and visitors such as gifts, souvenirs, clothes and other tourist commodities.~~
    - ~~ii. Parking garages.~~
    - ~~iii. Other uses catering to tourists as approved by the planning and zoning board.~~

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- iv. ~~Residential units, in association with multifamily use, alone or together with non-residential uses subject to the following:~~
  - a) ~~A development with residential units shall have on the side of the building facing the street at street level architectural detail and uses such as residential, restaurant, cultural or recreational uses that attract interaction with the public and minimize visual exposure of parking facilities.~~
  - b) ~~A development with residential units abutting Fort Lauderdale Beach Boulevard (A-1-A) must have on the ground floor facing A-1-A non-residential uses that offer goods or services to residents and tourists seeking, restaurant, entertainment, cultural or commercial recreation destinations.~~
  - c) ~~In addition to meeting the requirements of a) and b), development with residential units that exceeds 200 feet in height by meeting the provisions of Section 47-12.5.B.6. must include hotel units comprising a minimum of sixty percent (60%) of the total number of units.~~
- e. ~~Site Plan Level II Development with City Commission Request for Review subject to Section 47-26.A.2.~~
  - i. ~~In that portion of the ABA district located within the North Beach Area as defined in Section 47-12.3, Definitions,~~
    - a) ~~uses provided in Section 47-12.5.1.~~
- d. ~~Site Plan Level I Development with City Commission approval.~~
  - i. ~~In that portion of the ABA district within the North Beach Area as defined in Section 47-12.3, Definitions, see Section 47-12.10, North Beach for permitted uses.~~
- e. ~~Site Plan Level I Development.~~
  - i. ~~Parking lots.~~

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- ii. ~~Accessory buildings and structures; improvements outside of the principal structure including but not limited to fences, walls, landscaping, parking, signs and nonstructural alterations to the exterior of structures located on a parcel; and expansion or change of a permitted use within an existing structure.~~
- iii. ~~Automobile rental limited to 12 cars per development site as an accessory to a hotel or marina and Section 47-18.3 shall not be applicable.~~
- iv. ~~Active and Passive Park, see Section 47-18.44.~~

6. ~~Design compatibility and community character scale—ABA district.~~

- a. ~~In the event the developer of a parcel of land in the ABA district desires to deviate from the maximum requirements of this district, for height or FAR the developer may submit the design of the proposed development for rating according to the following design compatibility and community scale:~~
  - i. ~~Distinctive design that reflects positively on the overall character of the city: one point;~~
  - ii. ~~Architectural character that reflects a particular sensitivity to the history and culture of south Florida: one point;~~
  - iii. ~~Color and composition that reflects the natural colors and composition of south Florida: one point;~~
  - iv. ~~Architectural design that represents a deviation from "sameness": one point;~~
  - v. ~~Building orientation that relieves the monotony of building massing and scale along A-1-A: one point;~~
  - vi. ~~Accessible pedestrian spaces that are integrated into public pedestrian spaces and corridors along A-1-A: one to three points depending on the area of the pedestrian area according to the following:~~
    - a) ~~Up to five thousand (5,000) square feet of pedestrian area: one point; and~~

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- b) ~~Greater than five thousand (5,000) square feet of pedestrian area: one-tenth (0.1) point for each additional two thousand (2,000) square feet of pedestrian area above five thousand (5,000) square feet up to a maximum of two points;~~
- vii. ~~Distinctive public facilities that contribute to the destination resort character of the central beach area including plazas, courtyards and parks: one-tenth (0.1) point for each 1,000 square feet of distinctive public facilities up to a maximum of two points;~~
- viii. ~~Lot aggregation: one-tenth (0.1) point for each 1,000 square feet of land area proposed for development above twenty-five thousand (25,000) square feet up to a maximum of two points; and~~
- ix. ~~Consolidation of previously parcelized land: five-tenths (0.5) point for each five thousand (5,000) square feet of land that is assembled into the parcel of land proposed for development up to a maximum of two points.~~
- b. ~~The determination of a design compatibility and community character rating shall be available only as a part of a beach development permit for a development of significant impact.~~
7. ~~*Minimum distance between buildings.* The minimum distance between buildings on a development site shall be ten percent of the tallest building, whichever is greater. For purposes of this subsection, a parking garage shall be considered a building.~~
8. ~~*Length and width.* The maximum length of a structure shall be 200 feet and the maximum width of a structure shall be 200 feet. However, on the east and west side of a hotel structure an unenclosed balcony not exceeding an eight foot extension into the setback area is permitted. A greater dimension of a structure in the east/west direction only for the portion of a structure up to fifty-five (55) feet in height may be approved pursuant to Site Plan Level IV development permit only if the structure does not exceed two hundred fifty (250) feet in height. Modification of the length or width of a structure pursuant to this subsection shall not be an approval of a reduction of yards. If a reduction of yards is required, it must be approved separately in accordance with the provisions of Section 47-12 of the ULDR.~~

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~~C. Sunrise Lane (SLA) District.~~

~~1. Setbacks.~~

~~a. Front yard:~~

~~i. Twenty (20) feet; or~~

~~ii. Ten (10) feet if:~~

~~a) Shade trees are planted along the right-of-way where the reduction is granted; and~~

~~b) Any building on the development site is set back at least 20 feet from the edge of the vehicular travel lane closest to the development; and~~

~~c) The development is east of Breakers Avenue; and~~

~~d) Site Plan Level IV approval.~~

~~iii. Zero (0) feet if:~~

~~a) The development parcel is on State Road A-1-A, N.E. 9th Street or Sunrise Lane; and~~

~~b) The development is east of Breakers Avenue; and~~

~~c) Site Plan Level IV approval.~~

~~iv. Zero (0) feet if:~~

~~a) The development is on Sunrise Boulevard; and~~

~~b) The development lies west of Breakers Avenue; and~~

~~c) The maximum building height is 80 feet; and~~

- d) ~~The yard is on a right-of-way. If the right-of-way is a People Street the development must meet the requirements of Section 47-12.4.C; and~~
- e) ~~Site Plan Level IV approval.~~

b. ~~Side yard:~~

- i. ~~Ten (10) feet; or~~
- ii. ~~Zero (0) feet if a building on an abutting parcel is built to the front property line, and the side property line is shared with the proposed development, and if the front line of the proposed building continues the same line as the front line of the abutting building or deviates from the front line of the abutting building by no more than ten feet and the development lies east of Breakers Avenue.~~
- iii. ~~Zero (0) feet if:~~
  - a) ~~The development is on Sunrise Boulevard; and~~
  - b) ~~The development lies west of Breakers Avenue; and~~
  - c) ~~The maximum building height is 80 feet; and~~
  - d) ~~The yard is on a right-of-way. If the right-of-way is a People Street the development must meet the requirements of Section 47-12.4.C.~~

c. ~~Rear yard:~~

- i. ~~Twenty (20) feet; or~~
- ii. ~~Zero (0) feet if:~~
  - a) ~~A building on an abutting parcel is built to the rear property line, and the side property line is shared with the proposed development, and if the rear line of the proposed building continues the same line as the rear line of the abutting building or deviates from the rear line of the abutting building by no more than ten feet; or~~

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- b) ~~The modification of rear yard is required to accommodate a parking garage with 90 degree parking spaces on both sides of drive aisles in the garage; and~~
- e) ~~In either ii. or iii., the development lies east of Breakers Avenue; or~~
- iii. ~~Zero (0) feet if:~~
  - a) ~~The development is on Sunrise Boulevard; and~~
  - b) ~~The development lies west of Breakers Avenue; and~~
  - c) ~~The maximum building height is 80 feet; and~~
  - d) ~~The yard is on a right of way. If the right of way is a People Street the development must meet the requirements of Section 47-12.4.C.~~
- d. ~~The side and rear yard setbacks are the minimum requirements. Unless otherwise approved as a Site Plan Level IV development, in no case shall the yard setback requirements be less than an amount equal to one-half the height of the building when this is greater than the above minimums. In no instance shall yard modifications below the 20 foot front yard, ten foot side yard or 20 foot rear yard be permitted for properties that do not meet the conditions for modification of yards below these minimums as provided herein.~~
- e. ~~If a development is located on Sunrise Boulevard, any yard on such development site abutting a street may be reduced to zero (0) if approved as a Site Plan Level IV. If the yard to be modified is on a People Street, it must also meet the requirements of Section 47-12.4.C. Except as provided herein, in no instance shall yard modifications below the 20 foot front yard, ten foot side yard or 20 foot rear yard be permitted for properties lying west of the centerline of Breakers Avenue.~~
- f. ~~Length and width. The maximum length and width of a structure shall be 200 feet.~~
- g. ~~Minimum distance between buildings. The minimum distance between buildings on a development site shall be 20 feet or 20 percent of the tallest building,~~

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~~whichever is greater. For purposes of this subsection, a parking garage shall be considered a building.~~

~~2. *Height.* No structure shall exceed one hundred twenty (120) feet.~~

~~3. *Density.*~~

~~a. Residential: forty eight (48) dwelling units per acre.~~

~~b. Hotels: 90 rooms per acre.~~

~~c. Commercial retail: floor area ratio of two.~~

~~4. *List of permitted uses—SLA district.*~~

~~a. Site Plan Level IV Development.~~

~~i. Residential.~~

~~ii. Hotels, suite hotels.~~

~~iii. Parking garages.~~

~~iv. Moped/scooter rental as a conditional use. See Section 47-24.3.~~

~~b. Site Plan Level III Development.~~

~~i. Commercial retail uses offering services or goods for sale to tourists and visitors such as gifts, souvenirs, clothes and other tourist commodities.~~

~~ii. Restaurants, provided that any restaurant located on a parcel abutting the Intracoastal Waterway shall have no outdoor service of food or beverage on the Intracoastal Waterway side of the parcel.~~

~~c. Site Plan Level I Development.~~

~~i. Parking lots.~~

~~ii. Accessory buildings and structures; improvements outside of the principal structure including but not limited to fences, walls, landscaping, parking,~~

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~~signs and nonstructural alterations to the exterior of structures located on a parcel; and expansion or change of a permitted use within an existing structure.~~

iii. ~~Automobile rental limited to 12 cars per development site as an accessory to a hotel or marina and Section 47-18.3 shall not be applicable.~~

iv. ~~Active and Passive Park, see Section 47-18.44.~~

D. ~~Intracoastal Overlook Area (IOA) District.~~

1. ~~Setbacks.~~

a. ~~Front yard: 20 feet.~~

b. ~~Side yard: one-half (1/2) the height of the building.~~

c. ~~Rear yard: one-half (1/2) the height of the building.~~

d. ~~If a development is approved as a development of significant impact Site Plan Level IV development, the side and rear yard requirements may be reduced as follows:~~

i. ~~Side yard. For structures greater than one hundred fifteen (115) feet in height: 40 feet; for structures greater than seventy-five (75) feet in height: 30 feet; for structures greater than thirty-five (35) feet in height: 20 feet; for structures up to thirty-five (35) feet in height: ten feet.~~

ii. ~~Rear yard: 20 feet.~~

e. ~~The final reviewing authority may permit the minimum side yard setbacks to be reduced to ten feet when the side of the property where the setback is proposed to be reduced is adjacent to a waterway or dedicated open space and it is found that allowing a reduction is compatible with the Design and Community Compatibility Criteria provided in Section 47-12.7.~~

2. ~~Height. No structure shall exceed one hundred twenty (120) feet.~~

3. ~~Density.~~

- a. ~~Residential: forty eight (48) dwelling units per acre.~~
- b. ~~Hotels: 90 rooms per acre.~~
- c. ~~The density permitted herein may be transferred to development in the NBRA zoning district as provided in Section 47-12.5.E.3.~~

4. ~~List of permitted uses IOA district.~~

a. ~~Site Plan Level IV Development.~~

- i. ~~Restaurants located within a residential high-rise structure or hotel provided there is no outdoor service of food or beverage.~~
- ii. ~~Freestanding restaurants permitted only in the portion of the IOA district south of Bayshore Drive provided there is:~~
  - a) ~~No outdoor dockage;~~
  - b) ~~No outdoor service of food or beverage;~~
  - c) ~~Notice of public hearings of the city commission to consider an ADP for such use shall be as for a Rezoning, as provided in Section 47-27, Notice Procedures for Public Hearings.~~

iii. ~~Hotels and suite hotels.~~

iv. ~~Motels.~~

b. ~~Site Plan Level III Development.~~

- i. ~~Residential.~~
- ii. ~~Parking lots.~~
- iii. ~~Commercial retail uses offering services or goods for sale to tourists and visitors such as gifts, souvenirs, clothes and other tourist commodities, as a part of a hotel or high rise residential structure.~~

c. ~~Site Plan Level I Development.~~

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- i. ~~Accessory buildings and structures; improvements outside of the principal structure including but not limited to fences, walls, landscaping, parking, signs and nonstructural alterations to the exterior of structures located on a parcel; and expansion or change of a permitted use within an existing structure.~~
- ii. ~~Active and Passive Park, see Section 47-18.44.~~
- d. ~~Site Plan Level I Development with City Commission approval.~~
  - i. ~~In that portion of the IOA district within the North Beach Area defined in Section 47-12.3, Definitions, see Section 47-12.10, North Beach for permitted uses.~~

~~5. *Length and width.* The maximum length and width of a structure shall be 200 feet.~~

~~6. *Minimum distance between buildings.* The minimum distance between buildings on a development site shall be 20 feet or 20 percent of the tallest building, whichever is greater. For purposes of this subsection, a parking garage shall be considered a building.~~

~~E. *North Beach Residential Area (NBRA) District.*~~

~~1. *Setbacks.*~~

~~a. *Front yard:* 20 feet.~~

~~b. *Side yard:* one-half (1/2) the height of the building.~~

~~c. *Rear yard:* one-half (1/2) the height of the building.~~

~~d. If a development is approved as a Site Plan Level IV development of significant impact, the side and rear yard requirements may be reduced as follows:~~

~~i. *Side yard.* For structures greater than one hundred fifteen (115) feet in height: 40 feet; for structures greater than seventy five (75) feet in height: 30 feet; for structures greater than thirty five (35) feet in height: 20 feet; for structures up to thirty five (35) feet in height: ten feet.~~

~~ii. *Rear yard:* 20 feet.~~

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- e. ~~The final reviewing authority may permit the minimum side yard setbacks to be reduced to ten feet when the side of the property where the setback is proposed to be reduced is adjacent to a waterway or dedicated open space and it is found that allowing a reduction is compatible with the Design and Community Compatibility Criteria provided in Section 47-12.7.~~
2. ~~Height.~~ No structure shall exceed one hundred twenty (120) feet.
3. ~~Density.~~
- a. ~~Residential: thirty-two (32) dwelling units per acre.~~
  - b. ~~Hotels: 50 rooms per acre.~~
  - c. ~~An increase in the maximum density may be permitted if approved as part of a Site Plan Level IV development permit if the following conditions are met:~~
    - i. ~~The increased units are transferred from property zoned IOA; and~~
    - ii. ~~The IOA property is within 300 feet of the parcel in NBRA proposed for development; and~~
    - iii. ~~A single development plan is submitted for development of the IOA and NBRA parcels; and~~
    - iv. ~~The transfer of density from IOA to NBRA will result in protection of the view from and to the Intracoastal Waterway.~~
    - v. ~~A document executed by the department is recorded in the Public Records of Broward County evidencing the revised density limitations for both development sites.~~
4. ~~List of permitted uses—NBRA district.~~
- a. ~~Site Plan Level IV Development.~~
    - i. ~~Hotels, suite hotels.~~
    - ii. ~~Motels.~~

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~~iii. Restaurants located within a residential high rise structure or hotel.~~

~~b. Site Plan Level III Development.~~

~~i. Residential.~~

~~ii. Accessory commercial retail uses fully confined in a building.~~

~~c. Site Plan Level II Development with City Commission Request for Review pursuant to Section 47-26.A.2.~~

~~i. Uses provided in Section 47-12.5.1.~~

~~d. Site Plan Level I Development.~~

~~i. Accessory buildings and structures; improvements outside of the principal structure including but not limited to fences, walls, landscaping, parking, signs and nonstructural alterations to the exterior of structures located on a parcel; and expansion or change of a permitted use within an existing structure.~~

~~ii. Active and Passive Park, see Section 47-18.44.~~

~~5. *Length and width.* The maximum length and width of a structure shall be 200 feet.~~

~~6. *Minimum distance between buildings.* The minimum distance between buildings on a development site shall be 20 feet or 20 percent of the tallest building, whichever is greater. For purposes of this subsection, a parking garage shall be considered a building.~~

~~F. *South Beach Marina and Hotel Area (SBMHA) District.*~~

~~4. *Setback requirements.*~~

~~a. No structure shall be constructed, remodeled or reconstructed so that any part of the structure is located within 20 feet of the proposed public right-of-way along Seabreeze Boulevard or State Road A-1-A unless otherwise approved as a development of significant impact Site Plan Level IV. In addition, those yards fronting on People Secondary Streets must meet the requirements of Section 47-12.4.C.~~

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- b. ~~Yards not abutting A-1-A or Seabreeze Boulevard:~~
  - i. ~~Side yard: ten feet.~~
  - ii. ~~Rear yard: 20 feet.~~
- c. ~~The side and rear yard setbacks are the minimum requirements. Unless otherwise approved as a Site Plan Level IV development of significant impact in no case shall the yard setback requirements be less than an amount equal to one-half the height of the building when this is greater than the above minimums.~~
- 2. ~~Height. No structure shall be constructed, remodeled or redeveloped so that any part of the structure exceeds one hundred twenty (120) feet.~~
- 3. ~~Density: Residential: forty-eight (48) dwelling units per acre.~~
- 4. ~~Floor area ratio. No structure shall be developed or redeveloped so that the floor area ratio is greater than five.~~
- 5. ~~List of permitted uses—SBMHA district.~~
  - a. ~~Site Plan Level IV Development.~~
    - i. ~~Hotels and suite hotels.~~
    - ii. ~~Multiple-family dwellings and apartments.~~
    - iii. ~~Marinas as a conditional use. See Section 47-24.3.~~
    - iv. ~~Museums.~~
    - v. ~~Swimming pools.~~
    - vi. ~~Parking garages.~~
    - vii. ~~Amphitheaters.~~
    - viii. ~~Restaurants.~~
    - ix. ~~Moped/scooter rental as a conditional use.~~

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~~b. Site Plan Level III Development.~~

- ~~i. Commercial retail uses offering services or goods for sale to tourists and visitors such as gifts, souvenirs, clothes and other tourist commodities.~~

~~c. Site Plan Level I Development.~~

- ~~i. Parking lots.~~
- ~~ii. Accessory buildings and structures; improvements outside of the principal structure including but not limited to fences, walls, landscaping, parking, signs and nonstructural alterations to the exterior of structures located on a parcel; and expansion or change of a permitted use within an existing structure.~~
- ~~iii. Automobile rental limited to 12 cars per development site as an accessory to a hotel or marina and Section 47-18.3 shall not be applicable.~~
- ~~iv. Active and Passive Park, see Section 47-18.44.~~

~~6. Length and width. The maximum length and width of a structure shall be 200 feet.~~

~~7. Minimum distance between buildings. The minimum distance between buildings on a development site shall be 20 feet or 20 percent of the tallest building, whichever is greater. For purposes of this subsection, a parking garage shall be considered a building.~~

**Sec. 47-12.5.1. - List of permitted uses; ABA and NBRA Districts in the North Beach Area.**

The following neighborhood serving uses are permitted to serve the existing residential and tourist population of the North Beach Area. These uses are intended to provide services and amenities consistent with the quaint neighborhood character.

Permitted Uses (unless otherwise stated herein, the following uses are limited to 2,500 square feet or less. Uses exceeding 2,500 square feet may be approved as a Site Plan Level III).

**1. COMMERCIAL RECREATION**

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a. Indoor Motion Picture Theater (Less than Five Screens)
b. Performing Arts Theater (Less than 300 Seats)
<b>2. FOOD &amp; BEVERAGE SERVICE</b>
a. Bakery Store
b. Bar, Cocktail Lounge
c. Candy, Nuts Store
d. Coffee Shop
e. Delicatessen
f. Food and Beverage Carry-Out, No Drive-Thru
g. Fruit and Produce Store
h. Grocery/Food Store/Gourmet Market (less than 5000 square feet)
i. Ice Cream/Yogurt Store
j. Liquor Store
k. Meat and Poultry Store
l. Restaurant (no limitation in size)
m. Seafood Store

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<b>3. RETAIL SALES</b>
<del>a. Antiques Store</del>
<del>b. Apparel/Clothing, Accessories Store</del>
<del>c. Arts &amp; Crafts Supplies Store</del>
<del>d. Art Gallery, Art Studio</del>
<del>e. Bicycle Shop</del>
<del>f. Book Store</del>
<del>g. Camera, Photographic Supplies Store</del>
<del>h. Card &amp; Stationery Store</del>
<del>i. Cigar, Tobacco Store</del>
<del>j. Computer/Software Store</del>
<del>k. Cosmetic, Sundries Store</del>
<del>l. Florist Shop</del>
<del>m. Furniture Store</del>
<del>n. Gifts, Novelties, Souvenirs Store</del>
<del>o. Glassware, China, Pottery Store</del>

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<del>p. Hobby Items, Toys, Games Store</del>
<del>q. Holiday Merchandise</del>
<del>r. Jewelry Store</del>
<del>s. Linen, Bath, Bedding Store</del>
<del>t. Luggage, Handbags, Leather Goods Store</del>
<del>u. Music, Musical Instruments Store</del>
<del>v. Newspapers, Magazines Store</del>
<del>w. Office Supplies, Equipment Store</del>
<del>x. Optical Store</del>
<del>y. Party Supply Store</del>
<del>z. Pet Store/Pet Grooming</del>
<del>aa. Shoe Store</del>
<b>4. SERVICES / OFFICE FACILITIES</b>
<del>a. Financial Institution, No Drive-Thru Banks</del>
<del>b. Hair Salon</del>
<del>c. Health and Fitness Center / Spa</del>

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d. Instruction: Fine Arts, Sports and Recreation, Dance, Music, Theater
e. Interior Decorator
f. Mail, Postage, Fax Service
g. Nail Salon
h. Photographic Studio
i. Professional Office
j. Travel Agency
<b>5. RESIDENTIAL USES</b>
a. Multifamily Dwelling
<b>6. ACCESSORY USES (See also Section 47-19)</b>
a. Catering Services
b. Outdoor Dining and Sidewalk Cafés (See Section 47-19.9)
<b>7. URBAN AGRICULTURE See Section 47-18.41.</b>

SECTION 5. Section 47-12.6. entitled “Central beach development permitting and approval” of the City of Fort Lauderdale ULDR is hereby amended as follows:

Sec. 47-12.6. - Central beach development permitting and approval.

Applications for development permit in Central Beach District shall be reviewed consistent with process identified in Table 1. Table 1 identifies the department, committee, board or commission

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with authority to review and approve the issuance of a Central beach development permit. Table 1 also identifies which permits may be reviewed by the city commission upon city commission request, and the appropriate body to consider an appeal from a denial of a development permit.

**Table 1 Central Beach Development Permits and Procedures**

<u>Development Type</u>	<u>Department</u>	<u>Development Review Committee</u>	<u>Planning and Zoning Board</u>	<u>City Commission</u>	<u>Criteria for Review</u>
<b>SITE PLAN LEVEL I</b>					
1. <u>Active and passive park</u>	<u>DP</u>		<u>A</u>	<u>CRR/PZ</u>	1. <u>Adequacy Review Sec. 47-25.2</u>  2. <u>Active and passive park Sec.47-18.44</u>
2. <u>Accessory buildings and structures; improvements outside of the principal structure including but not limited to fences, walls, landscaping, parking, signs and nonstructural</u>	<u>DP</u>		<u>A</u>	<u>CRR/PZ</u>	1. <u>Adequacy Review Sec. 47-25.2</u>

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	<u>alteration to the exterior of structures located on a parcel; and expansion or change of a permitted use within an existing structure.</u>					
<u>3.</u>	<u>Automobile rental limited to twelve (12) cars per development site as an accessory to a hotel or marina and Section 47-18.3 shall not be applicable.</u>	<u>DP</u>		<u>A</u>	<u>CRR/PZ</u>	<u>1. Adequacy Review Sec. 47-25.2</u>
<u>4.</u>	<u>Expansion or change of a permitted use within an existing structure.</u>	<u>DP</u>		<u>A</u>	<u>CRR/PZ</u>	<u>1. Adequacy Review Sec. 47-25.2</u>
<u>5.</u>	<u>Parking lots in the ABA, SLA, and SBMHA zoning districts.</u>	<u>DP</u>		<u>A</u>	<u>CRR/PZ</u>	<u>1. Adequacy Review Sec. 47-25.2</u>

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6.	<u>Site Plan Level I with City Commission Approval in that portion of the IOA district within the North Beach Area defined in section 47-12.3, Definitions, see Section 47-12.10, North Beach Area Interim Uses for permitted uses</u>	<u>DP</u>		<u>A</u>	<u>CRR/PZ</u>	<u>1. Adequacy Review Sec. 47-25.2</u>
7.	<u>Permitted uses within the North Beach Area defined in Section 47-12.3, Definitions, see section 47-12.4, North Beach for permitted uses less than 2,500 square feet.</u>	<u>DP</u>		<u>A</u>	<u>CRR/PZ</u>	<u>1. Adequacy Review Sec. 47-25.2</u>
<b><u>SITE PLAN LEVEL II</u></b>						
8.	<u>All development that meets the</u>	<u>R</u>	<u>DP</u>	<u>A</u>	<u>CRR/PZ or DRC</u>	<u>1. Adequacy Review</u>

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	<u>dimensional standards.</u>					<u>Sec. 47-25.2</u>
<u>9.</u>	<u>All development seeking to apply alternative dimensional standards pursuant to Note C of Section 47-12.4.1. Table of Dimensional Requirements for the Central Beach zoning districts.</u>	<u>R</u>	<u>DP</u>	<u>A</u>	<u>CRR/PZ or DRC</u>	<u>1. Adequacy Review Sec. 47-25.2</u>
<u>10.</u>	<u>Approval in that portion of the ABA and NBRA district within the North Beach Area defined in Section 47-12.3, Definitions for permitted uses more than 2,500 square feet.</u>	<u>R</u>	<u>DP</u>	<u>A</u>	<u>CRR/PZ or DRC</u>	<u>1. Adequacy Review Sec. 47-25.2</u>
<u>11.</u>	<u>Moped/Scooter Rental</u>	<u>R</u>	<u>DP</u>	<u>A</u>	<u>CRR/PZ or DRC</u>	<u>1. Adequacy Review</u>

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						<u>Sec. 47-25.2</u>
<b>SITE PLAN LEVEL III</b>						
<u>12.</u>	<u>IOA zoning district: Restaurants abutting Intracoastal Waterway with outdoor service of food or beverage on the Intracoastal Waterway side of the parcel.</u>	<u>R</u>	<u>R</u>	<u>DP</u>	<u>CRR/PZ</u>	<u>1. Adequacy Review Sec. 47-25.2</u> <u>2. Conditional Use Permit, Sec. 47-24.3</u>
<u>13</u>	<u>Modification of building length or width, floorplate size, stepbacks, tower separation or yards or combination of the preceding requirements in any of the Central Beach zoning districts</u>	<u>R</u>	<u>R</u>	<u>DP</u>	<u>CRR/PZ</u>	<u>1. Adequacy Review Sec. 47-25.2</u> <u>2. Modifications to Central Beach Zoning Districts Dimensional Requirements, Section 47-12.6.C</u>

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<u>14.</u>	<u>Permitted uses within the North Beach Area defined in Section 47-12.3, Definitions, more than 2,500 square feet.</u>	<u>R</u>	<u>R</u>	<u>DP</u>	<u>CRR/PZ</u>	<u>1. Adequacy Review Sec. 47-25.2</u>
<u>15.</u>	<u>PRD zoning district: Parking lots, temporary or permanent.</u>	<u>R</u>	<u>R</u>	<u>DP</u>	<u>CRR/PZ</u>	<u>1. Adequacy Review Sec. 47-25.2</u>
<u>16.</u>	<u>SLA zoning district: Restaurants abutting Intracoastal Waterway with outdoor service of food or beverage abutting</u>	<u>R</u>	<u>R</u>	<u>DP</u>	<u>CRR/PZ</u>	<u>1. Adequacy Review Sec. 47-25.2</u> <u>2. Conditional Use Permit, Sec. 47-24.3</u>
<u>17.</u>	<u>Uses listed as conditional use in Section 47-12.4</u>	<u>R</u>	<u>R</u>	<u>DP</u>	<u>CRR/PZ</u>	<u>1. Adequacy Review Sec. 47-25.2</u>
<b>SITE PLAN LEVEL IV</b>						
<u>18.</u>	<u>Amphitheaters,</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>DP/A</u>	<u>1. Adequacy</u>

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	<u>conference centers, performance centers, or tourist attraction uses and museums</u>					<u>Review Sec. 47-25.2</u>
19.	<u>Aquatic centers</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>DP/A</u>	
20.	<u>Developments utilizing the Design Compatibility Point System</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>DP/A</u>	<u>1. Adequacy Review Sec. 47-25.2</u>
21.	<u>Marinas</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>DP/A</u>	<u>1. Adequacy Review Sec. 47-25.2</u>
22.	<u>SBMHA zoning district: Parking structures and garages; freestanding</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>DP/A</u>	<u>1. Adequacy Review Sec. 47-25.2</u>

**LEGEND:**

DRC      Development Review Committee

PZ        Planning and Zoning Board

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<u>Dept.</u>	<u>Department</u>
<u>DP</u>	<u>Development Permit issued</u>
<u>R</u>	<u>Review and recommendation requirement</u>
<u>A</u>	<u>Appeal by applicant of a denial</u>
<u>CRR</u>	<u>City commission request for review</u>
<u>CRR/PZ</u>	<u>City commission request for review of planning and zoning board action</u>
<u>CRR/PZ or Dept.</u>	<u>City commission request for review of planning and zoning board action or of department action</u>
<u>CRR/PZ or DRC</u>	<u>City commission request for review of planning and zoning board action or of Development Review Committee action</u>

- A. *Beach development permit required.* No person shall carry out any development nor shall any person use any parcel of land for any purpose in the central beach area without first obtaining a beach development permit from the city in accordance with the provisions and requirements of the ULDR. All development within the Central Beach Area zoning districts shall be subject to all of the provisions of the ULDR and development permits shall be issued in accordance with Section 47-24 and this Section 47-12 of the ULDR. The reviewing authority shall determine if the proposed development is consistent with the development standards for the proposed development under the provisions of the zoning district in which the development is located. In addition to the criteria for review provided in Section 47-24 and Section 47-12, applications for development in the Central Beach Area zoning districts shall be subject to the design and community compatibility criteria provided in Section 47-25.3.

The purpose of the design and community compatibility criteria is to provide criteria for the review of a development application to determine:

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- ~~1. Whether the proposed use or the architectural design of the proposed development is compatible with the character of the overall plan of development contemplated by the revitalization plan for the central beach area; and~~
2. 1. Whether the architectural design of the proposed development is compatible with the design guidelines provided in Section 47-25.3; and
3. 2. Whether the proposed development incorporates design or architectural elements which address and mitigate the impact, if any, of the proposed development or use upon existing uses in the immediate vicinity of the proposed use, ~~or the architectural design of the proposed development is compatible with the character of the overall plan of development contemplated by the revitalization plan for the central beach area; and~~
4. ~~The private sector design guidelines adopted as part of the revitalization plan, which shall be incorporated into this ordinance and shall be utilized as provided in this section.~~

B. Site Plan Level II with City Commission Request for Review.

1. Criteria.

- a. Uses identified in the table of Permitted and Conditional uses in Section 47-12.4.A shall be reviewed as a Site Plan Level II subject to City Commission Request for Review and Public Participation Requirements outlined herein.
- b. An application for a Site Plan Level II approval shall be reviewed for compliance with the standard dimensional requirements of Section 47-12.4.1 and applicable requirements to the proposed development as provided in the ULDR.

2. Notice for Site Plan Level II with City Commission Request for Review shall be as follows:

- a. A minimum of twenty-one (21) days prior to the first scheduled development review committee (DRC) meeting, a notice from the applicant via letter or e-mail shall be provided to official city-recognized civic organizations(s) within three hundred (300) feet of the proposed project, notifying of the date, time and place of the DRC meeting. The applicant shall provide an affidavit to the department,

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a minimum of ten (10) days prior to DRC meeting, documenting that notice was provided.

b. No later than thirty (30) days prior to preliminary DRC approval, notice from the applicant via e-mail and regular mail shall be provided to official city-recognized civic organization(s) within three hundred (300) feet of the proposed project and by regular mail to property owners whose real property is located within three hundred (300) feet of the proposed project, notifying of the date, time and place of the applicant's project presentation meeting. Regular mail notice shall be provided at the applicant's expense. The following requirements must be met:

i. The applicant shall provide a signed and notarized affidavit to the city attesting that notice has been sent in accordance with this section. The affidavit shall be prima facie evidence that the applicant has complied with the requirements of this section.

ii. The applicant shall provide a written report letter to the Department of Sustainable Development, with copy to subject association(s), documenting the date(s), time(s), location(s), number of participants, presentation material and general summary of the discussion after a public participation meeting(s) has taken place. The report letter shall summarize the substance of comments expressed during the process and shall be made a part of the administrative case file record. An application for a development permit that is subject to this section cannot proceed to the City Commission Request for Review until this report letter is submitted to the Department.

3. Effective Date of Approval. Approval of a Site Plan Level II with City Commission Request for Review development shall not be final until 30 days after preliminary DRC approval and then only if no motion is approved by the City Commission seeking to review the application pursuant to the process provided in Section 47-26.A.2 of the ULDR. The action of the DRC shall be final and effective after the expiration of the thirty (30) day period if no action is taken by the City Commission.

C. Modifications to Central Beach Zoning Districts Dimensional Requirements.

1. Criteria for modification of dimensional requirements. The planning and zoning board shall upon written application for site plan level III approval, as provided in Section 47-12.6, Central Beach Development Permitting and Approval, consider a

request to approve a development plan with modifications to the following dimensional requirements: building length and width, tower setback, floorplate size, tower separation, and yards as specified in the Table of Dimensional Regulations within the Central Beach zoning districts. An application for modification of dimensional requirements shall be reviewed in accordance with the following criteria:

- a. Modification of Building Length or Width. Modification of Building Length or Width may be approved if the proposed development plan demonstrates that:
  - i. The modification of building length or width results in a lower podium profile and the building façade plane is articulated through incorporation of design elements that break up the building to mitigate the extended length or width; or
  - ii. The modification of building length or width results in a development that better harmonizes with buildings located on neighboring properties through incorporation of elements that divide the building façade planes, and create a visual play of light and shadow. Long, uninterrupted horizontal elements are discouraged. Building articulation shall be accomplished with façade projections and recesses as well as design elements such as changes in building materials and distinctive window and balcony patterns that correspond to a change in building plane, including changes in roofline by alternating parapet heights; and,
  - iii. Building corner frontages abutting the intersection of streets shall incorporate special corner treatments, both vertically and horizontally, to emphasize the building corner and provide a notch or curved façade at the ground level, setting the building back with a generous space for pedestrians; and,
  - iv. The ground floor of building façades along primary and secondary streets includes windows or doors that allow views into and out of the interior of the buildings. No less than 50% of the ground floor of buildings along primary streets shall include a double-story height, especially for lobby entries and commercial space. Blank walls shall not be visible from a public street or public plaza or open space
- b. Modification of Tower Setback. The setback requirement may be modified if the applicant demonstrates that compliance with the setback requirement of Section

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47-12 is not feasible due to site constraints, such as a small or irregularly shaped lot, and that the proposed development plan demonstrates the following:

- i. Vertical articulation is used to moderate the scale and bulk of buildings; and,
  - ii. The design considers the overall height of the building in respect to the width of the street and does not negatively impact light and air passing through to the street; and,
  - iii. The design of the building shall emphasize corner features and ground-level elements and include a double-story height along primary streets to offset the stepback modification; and,
  - iv. Proposed development is harmonized with buildings on neighboring properties by maintaining compatibility of scale with neighboring properties.
- c. Modification of Floorplate Size. The floorplate size requirement may be modified if the development plan demonstrates the following:
- i. The proposed development is designed, sited and massed in a manner sensitive to, proportional with and fits harmoniously within the surrounding context and skyline; and,
  - ii. The building shall incorporate creative design features such as sculpting, variation in tower shape, orientation and architectural expression, and should avoid boxy, dominant massing so the towers remain slender in appearance to offset the floorplate size modification; or,
  - iii. The average size of all floorplates above 65 feet cannot exceed the maximum floorplate size outlined in Section 47-12.4.1.
- d. Modification of Tower Separation. The tower separation requirement may be reduced to a minimum of 20 feet subject to the following:
- i. The tower portion of the building is designed to maximize the distance and architectural differentiation from any nearby tower; and,

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- ii. Towers shall be located to ensure the reduced tower separation does not negatively impact light and air between the subject towers and maximizes access to views while maintaining privacy for the users of each building.

e. Modification of Yards.

- i. Definitions. For purposes of this subsection, 47-12.6.C.1.e, the following words shall have the following meanings:
  - a) Adjacent properties. Shall mean buildings located on the same side of and fronting the same right-of-way as the proposed development and within a six-hundred-foot distance on one (1) side or three hundred-foot distance on both sides of the proposed development.
  - b) Continuity. Shall mean that the same setback or feature exists on adjacent properties to an extent which furthers a sense of order and harmony along the street front.
- ii. The required yards may be modified under the following conditions:
  - a) It is demonstrated by an architectural and/or engineering study that graphically represents that a superior site development as relating to shadows will result from the proposed adjustment to the location of the structure on the site; or
  - b) It is demonstrated that the adjustment of the location of the structure on a site abutting the Intracoastal Waterway or other permanent public open space, land or water is compatible with adjacent properties, as defined in this section; or
  - c) The adjustment of yards:
    - 1. Creates a continuity of yards between the proposed development and adjacent properties; and
    - 2. Creates continuity of architectural features with adjacent properties designed to encourage public pedestrian interaction between the proposed development and the public street; or instead of subsections 47-12.6.C.1.e.ii.c).1. and 2, it is found that;

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3. There is continuity of urban scale with adjacent properties. Urban scale includes height, proximity to street front and relationship of building size to the lot size;
4. In addition to the reduction in minimum yards meeting subsections 47-12.6. C.1.e.ii.c).1 and 2 or subsection 47-12.6.C.1.e.ii.c).3, the development includes a minimum of four (4) of the following architectural features: Terracing; variation in rooflines; cantilevering; angling; balconies; arcades; uniform cornice heights; color and material banding; building mass changes; courtyards; plazas and landscaped areas which encourage pedestrian interaction between the development site and a public street.
5. A structure with a required yard proposed to be modified that is located on a development site abutting or separated only by a right-of-way from the Intracoastal Waterway or other permanent public open space, land or water shall not cast a shadow that exceeds fifty percent (50%) of such public water or land area at any time between the hours of 9:00 a.m. and 5:00 p.m. on March 21 (vernal equinox). For sites along the Atlantic Ocean, the public area subject to review shall be the sandy beach westward of the mean high water line as defined in Section 47-2, Measurements. The public open space, land or water as described in this section shall be measured by extending a line from the points where the property lines intersect at the corners of the development site abutting the public area or separated from the area by a right-of-way, and extending those lines across the public area perpendicular to the development site.

B. *Design criteria.*

1. ~~It shall first be determined whether the proposed development or use is compatible with the character of the overall plan of development contemplated by the revitalization plan for the central beach area.~~
2. ~~It shall then be determined whether the architectural design of the proposed development is compatible with the design guidelines provided in Section 47-25.3. The design guidelines provided in Section 47-25.3 are intended to provide a framework for design review of proposed developments and outline the design elements which have been determined to be compatible with the revitalization plan.~~

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- ~~3. The design guidelines provided in this section are not intended to be exclusive. Alternative architectural and design concepts outlined in the development application will be considered during review of the development application. It shall be the applicant's burden to show that the proposed alternative architectural and design concepts are compatible with the character of the overall plan of development contemplated by the revitalization plan for the central beach area and not incompatible with the design guidelines provided in this section.~~
- ~~4. It shall then be determined whether the proposed development incorporates design or architectural elements which mitigate the development's impacts, if any, on existing uses in the immediate vicinity of the proposed development.~~
- ~~5. The goal of the city in the adoption of the revitalization plan is to facilitate development of the central beach area as a world-class destination resort. The primary objective of the design review shall be to implement the overall plan of development and to foster redevelopment as contemplated in the revitalization plan.~~

~~G. *Design arbitration.*~~

- ~~1. In the event the reviewing authority determines that the proposed development or the proposed use may not be compatible in accordance with the design and community compatibility criteria provided in this section, the applicant shall have 15 days from the date notice is received of such determination to request that the development application be referred to the design arbitration coordinator for review as provided in this section. In the event the applicant does not invoke design arbitration procedures within 15 days after receipt of a determination that the development or use may not be compatible, the reviewing authority shall take such action as provided in this section.~~
- ~~2. The director of the department shall designate one of the professional planners in the employ of the department to serve as the design arbitration coordinator.~~
- ~~3. The design arbitration coordinator shall maintain a current list of not less than ten design professionals which list includes at least five architects and five landscape architects who have been selected and appointed in accordance with procedures approved by the city commission and are willing to serve as design arbiters where the department, the planning and zoning board or the city commission determines that the architectural design of the proposed development or the proposed use in~~

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~~the central beach area may not be compatible in accordance with the design and community compatibility criteria provided in this section.~~

- ~~4. Within 15 days after the receipt of a reference of an development application where the department, the planning and zoning board or the city commission has determined that the architectural design of the proposed development or the proposed use may not be compatible in accordance with the design and community compatibility criteria provided in this section, the design arbitration coordinator shall by random selection, select a design arbiter from the list of available architects or landscape architects, based on the type of expertise necessary to review the development. The design arbitration coordinator may select an architect and a landscape architect if both types of professionals are needed to review the development, in which event the provisions herein shall apply to each design professional. The design arbitration coordinator shall notify the selected design professional and confirm the professional's availability and willingness to serve as a design arbiter and to advise the design professional of the identity of the applicant and his professional team including the design professionals in order to ascertain whether there are any personal or professional relationships with the applicant and his professional team.~~
- ~~5. In the event the selected design professional advises the design arbitration coordinator that he or she is unavailable or unwilling to serve as a design arbiter or there is an existing or past professional relationship that prevents the design professional from serving as an independent arbiter, the design arbitration coordinator shall select another design professional in the same manner the first design professional was selected and shall repeat the procedures described herein until an available and willing design professional is selected. As soon as the design arbitration coordinator confirms the selection of a design arbiter, the coordinator shall advise the applicant of the selection and the applicant shall select from the list of available and willing professionals maintained by the design arbitration coordinator a second design professional to serve with the selected design professional.~~
- ~~6. The design professional randomly selected by the design arbitration coordinator and the design professional selected by the applicant shall select a third design professional from the list of available and willing professionals maintained by the design arbitration coordinator.~~

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- ~~7. Within 30 days after the selection of the design arbitration panel, the panel shall meet and shall consider the development application, the report and recommendation of the department, the recommendation of the planning and zoning board and city commission, if any and shall make a determination by majority vote of the panel as to whether the architectural design of the proposed development or the proposed use is compatible in accordance with the design and community compatibility criteria provided in this section. If the design arbitration panel finds the development to be incompatible, it shall recommend modifications to the development necessary to support a finding that the development is compatible.~~
- ~~8. If the developer agrees with the recommended modifications, the development as modified shall be re-reviewed by the same reviewing authorities initially reviewing the development. If the developer does not agree with the recommended modifications, or the panel finds the development to be compatible, the determination of the design arbitration panel shall be forwarded to the authority initially referring the development application for a final determination that the architectural design of the proposed development or the proposed use is compatible in accordance with the design and community compatibility criteria provided in this section. If the decision making authority determines that the proposed development is compatible, that determination shall entitle the applicant to a beach development permit subject to whatever conditions may have been specified by such decision making authority. If the decision making authority determines that the proposed development or use is not compatible, the authority shall take such action as provided in this section. A developer may not initiate the design arbitration process more than once for a development application unless a reviewing authority finding the project incompatible consents to an additional review of the proposed development.~~

~~D. *Applications for development approval.*~~

- ~~1. In addition to all other requirements for a development application pursuant to Section 47-24, an application for development for the Central Beach area shall include but not be limited to the following:~~
- ~~a. A narrative description of the proposed development and use and an explanation of how the proposed development or use is consistent and compatible with the goals, policies, objectives and strategies of the central beach area revitalization plan.~~

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- ~~b. An ingress and egress plan at a scale of not less than one inch equals 100 feet showing all walkways and drives that will be used for pedestrian and vehicular access to the proposed development or use. The ingress and egress plan shall indicate the number of pedestrian and vehicular trips that are anticipated for each point of ingress and egress on a peak hour basis and on an average daily basis, and shall extend to at least the centerline of all rights-of-way and shall include the first 20 feet of each adjacent parcel of land. The plan shall also show all curb cuts, driveways, parking areas, loading areas and shall describe the surfacing materials of same.~~
- ~~c. A narrative description of the proposed architectural theme and character of the proposed development or use including an explanation of how the proposed architectural theme and character relates to the goals, policies, objectives and strategies of the central beach revitalization plan. This requirement may be combined with subsection D.1.a.~~
- ~~d. Graphic illustrations of the architectural theme and character of the proposed development or use, including building elevations, floor plans and illustrations that show that the proposed development or use is compatible with the Design and Community Compatibility Criteria provided in Section 47-12.7 and Section 47-25.3 in terms of materials, signage, height, mass, color, composition and lines.~~
- ~~e. A parking plan showing the location, number and accessibility of parking that will serve the proposed development or use and delineating the area to be provided for employee and guest parking.~~
- ~~f. An off-site improvement plan sufficient in area, extent and detail to describe each and every off-site improvement that is proposed to be constructed in conjunction with the proposed development.~~
- ~~g. A plan showing the location of all pedestrian walks, malls, yards and open spaces.~~
- ~~h. A plan and elevation showing the location, character, size, height and orientation of all signs on the development parcel proposed for development or use.~~
- ~~i. A management plan for collection and disposal of refuse generated by service of food and beverages for consumption off premises, if proposed.~~

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- ~~j.~~ Any information, studies, models or projections such as traffic projections, shadow studies and studies related to the adequacy of parking deemed necessary due to the nature and complexity of the proposed development or use.

E.D. *Effect of other ULDR provisions.* Unless otherwise provided in this Section 47-12, the provisions of the ULDR with general applicability to development within the City shall apply as requirements of the development of property within the CBA districts described in this Section 47-12. However, any provision of this Section 47-12 of the ULDR shall prevail when any provision elsewhere in the ULDR shall conflict.

F.E. *Application for plat approval or beach development permit outside of the PRD district but within the central beach area (CBA).*

1. No plat of property or beach development permit for development of property located outside of the PRD district but within the CBA shall be approved nor ACTs designated for development of property unless a finding of adequacy that traffic capacity is adequate to support the proposed development is made. Upon submission of an application for development, a concurrency evaluation shall be conducted and a finding of adequacy made in accordance with the Adequacy Requirements, Section 47-25.2. In the event that the impact of a proposed development necessitates the designation of ACTs, upon issuance of a finding of adequacy, ACTs will be reserved for the proposed development. The ACTs will continue to be reserved as long as the finding of adequacy and beach development permit are valid.
2. Upon issuance by the city of a certificate of occupancy within the time provided in Section 47-12.8, the city will designate the ACTs, the county shall be advised of the designation of the ACTs to the development and the designated ACTs shall be subtracted from the total ACTs available for development.
3. The city may designate RCTs for development outside of the PRD, but within the CBA and may designate ACTs within the PRD district if such designation is found to promote the revitalization and redevelopment goals of the city.

G.F. *Development and permitting for PRD districts.*

1. *Application for plat approval within the PRD district.*

...

G. Development Permit, Density, Effective Date of Approval of Existing Site Plan

1. Density and within the Central Beach Regional Activity Center zoning districts is limited in accordance with the number of units and vehicle trips as provided in the City of Fort Lauderdale adopted Comprehensive Plan, as amended from time to time.
2. Dwelling units and vehicle trips are allocated at the time of development permit approval. Upon expiration of a development permit the dwelling units shall be returned to the allocation pool for future allocation.
3. The allocation of dwelling units and vehicle trips shall be subject to all applicable provisions of the ULDR at the time of development permit approval. Dwelling units and vehicle trips are allocated on a first come, first serve basis.
4. Density may be increased through the allocation of bonus density provisions for affordable housing and shall comply with provisions on limitation as outlined in the City's Comprehensive Plan.
5. Effective date. The development permit shall not take effect until the 30-day city commission request for review has expired. Effective date shall be the 30-day expiration, or the day of City Commission action.
6. Existing Site Plans in Central Beach Regional Activity Center. Development applications received and pending review by the City or approved by the City on or before March 1, 2022, may be approved, amended and modified through the use of provisions of the zoning regulations in effect at the time the development application was submitted.

...

SECTION 6. Section 47-12.8. entitled "Central beach area trip designation regulations" of the City of Fort Lauderdale ULDR is hereby amended as follows:

Sec. 47-12.8. - Central beach area trip designation regulations.

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- A. *Definitions.* For the purpose of this Section 47-12, the following terms and words shall have the meaning herein prescribed unless the context clearly requires otherwise:
1. *Act.* Part III of the Community Redevelopment Act of 1969 (F.S. § 163.330 et seq.), as amended.
  2. *Allocable capacity trips.* Also referred to as ACTs, the average daily trips on roadway links identified in the interlocal agreement and allocable to development within the central beach area pursuant to the provisions of this section.
  3. *Beach development permit.* An authorization to apply for a building permit to carry out development within the central beach area as provided in this Section 47-12.
  4. *Central beach area.* Also referred to as the "CBA," the area lying south of Sunrise Boulevard, west of the Atlantic Ocean, east of the Intracoastal Waterway and north of the south boundary of the plat of Bahia Mar lying west of State Road A-1-A.
  5. *Central beach community redevelopment area.* Also referred to as the "CBCRA," that approximate one hundred twenty-five (125) acre area within the CBA which has been determined by the city to be in need of rehabilitation or redevelopment pursuant to the act which area is generally described as lying east of the eastern channel line of the Intracoastal Waterway, west of the mean high water line of the Atlantic Ocean, south of the northern right-of-way line of Alhambra Street east of Birch Road and the northern limit of Sebastian Street West of Birch Road, and north of the southern property line of Bahia Mar extended eastward to the mean high water line of the Atlantic Ocean.
  6. ~~*Community redevelopment plan.* A plan for the redevelopment of an area within the CBA in accordance with the provisions of the Act.~~
  - 7.6. *County interlocal agreement.* The interlocal agreement between the county and the city relating to traffic capacity in the central beach area effective on August 1, 1989.
  - ~~8.7.~~ *Planned resort development district.* Also referred to as the "PRD," the zoning district created and defined within the central beach area as provided in this Section 47-12.

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~~9.8.~~ *Reserve capacity trips.* Also referred to as RCTs, the average daily trips on each of three roadway links which results from the roadway improvements as identified in the interlocal agreement.

...

D. *Designation of allocable trips for development within the central beach revitalization.*

1. *Application for plat approval or beach development permit outside of the PRD district but within the CBA.*

a. No plat of property or beach development permit for development of property located outside of the PRD district but within the CBA shall be approved nor ACTs designated for development of property unless a finding of adequacy that traffic capacity is adequate to support the proposed development is made. An application shall be subject to the requirements of Adequacy Requirements, Section 47-25.2. In the event that the impact of a proposed development necessitates the designation of ACTs, upon issuance of a finding of adequacy, ACTs will be reserved for the proposed development. The ACTs will continue to be reserved as long as the finding of adequacy and beach development permit are valid.

b. Upon issuance by the city of a certificate of occupancy, the city will designate the ACTs, the county shall be advised of the designation of the ACTs to the development and the designated ACTs shall be subtracted from the total ACTs available for development.

~~e. The city may designate RCTs for development outside of the PRD, but within the CBA and may designate ACTs within the PRD district if such designation is found to promote the revitalization and redevelopment goals of the city.~~

~~E. *Nonconforming uses and structures.* Any structure which is in existence on the effective date of this ordinance and in compliance with the zoning regulations in effect immediately prior to the effective date of this ordinance may continue in existence as a nonconforming structure. Any use which is in existence on the effective date of this ordinance and in compliance with the zoning regulations in effect immediately prior to the effective date of this ordinance but not a permitted use as provided in this ordinance may continue in effect as a nonconforming use. Except as provided in this section a nonconforming structure or use may not be enlarged, increased in size or be~~

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~~discontinued in use for a period of more than one hundred eighty (180) days. This regulation shall not be interpreted to legalize any structure or use existing at the time this regulation is adopted which structure or use is in violation of the zoning regulations prior to enactment of this regulation.~~

SECTION 7. Section 47-12.9. entitled "Nonconforming use" of the City of Fort Lauderdale ULDR is hereby amended as follows:

Sec. 47-12.9. - ~~Nonconforming use.~~Reserved.

- A. ~~Nonconforming use.~~ An owner or developer may change a nonconforming use or add an additional use to an existing nonconforming use subject to the following:
1. ~~A nonconforming use is any use not in violation of the Code prior to the enactment of this ordinance which use is not permitted as provided in this Section 47-12 in the district where the parcel is located.~~
  2. ~~The proposed additional use must be permitted in the zoning district in which the property is located.~~
  3. ~~The owner must submit an ADP as provided in Section 47-12.6 but need only include such information as determined by the planning department related to the impact such use may have on parking, vehicular and pedestrian traffic and circulation, and existing uses or developments in the immediate area.~~
  4. ~~An ADP for a change or addition to a nonconforming use shall be reviewed in accordance with the procedures applicable to a similar proposed development or use which conforms to the provisions of Section 47-12.7, Central Beach Districts.~~
  5. ~~The applicant shall be required to comply with those development standards and requirements related to improvements located outside of the principal structure. Such development standards and requirements shall include but not be limited to parking, landscaping, signs, ingress and egress, nonstructural alterations to the exterior of the principal structure and other improvements related to making the existing principal structure located on the parcel and its use compatible with the revitalization plan but which do not require structural alteration to the principal structure.~~

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6. ~~The provisions of this Section 47-12.11 shall apply to a change, addition or expansion of a conforming use within a nonconforming structure.~~
- B. ~~*Nonconforming structure.* An owner or developer of a nonconforming structure may make alterations to a nonconforming structure or construct accessory conforming structures and improvements such as fences, walls, signs and nonstructural alteration to the exterior of the principal structure subject to the following:~~
1. ~~A nonconforming structure is any structure which has not been approved as a part of an ADP.~~
  2. ~~An alteration or improvement permitted under this section shall only include improvements related to making the principal structure and its use more compatible with the revitalization plan but shall not include alterations or improvements which exceed fifty percent (50%) of the replacement value of the principal structure. Alterations or improvements to a nonconforming principal structure may exceed fifty percent (50%) of the replacement value of any building or structure designated as historic by the historic preservation board pursuant to the provisions of Section 47-27.7 if such alterations and improvements are initially approved by the historic preservation board.~~
  3. ~~The owner or developer must submit an ADP as provided in Section 47-12.6 but need only include such information related to the alteration or improvement and how such alteration or improvement shall mitigate the nonconformity and cause the principal structure or use to be more compatible with the revitalization plan.~~
  4. ~~An ADP for an alteration or improvement to a nonconforming structure shall be reviewed in accordance with the procedures applicable to a similar proposed development or use which conforms to the provisions of Section 47-12.6.~~
- G. ~~*Effect of a beach development permit for a nonconforming use or structure.*~~
1. ~~The grant of an ADP permitting a change or addition of a use to an existing nonconforming use or an alteration or improvement to an existing nonconforming structure shall not be considered a determination that the existing or additional use or structure is conforming. Any ordinance applicable to nonconforming uses and structures shall continue to apply to the nonconforming use, structure or both.~~

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- 2. ~~Any nonconforming use or structure which has been changed to a conforming use or structure pursuant to a beach development permit shall not be permitted to be changed to a nonconforming use or structure.~~

SECTION 8. Section 47-12.10. entitled "North Beach Area" of the City of Fort Lauderdale ULDR is hereby amended as follows:

Sec. 47-12.10. - North Beach Area Interim Uses.

...

Sec. 47-12.10.2. - Definitions.

- A. The following words when used in this section shall, for the purposes of this section, have the following meanings:
  - 1. *Interim use.* A use permitted in accordance with this Section 47-12.10.
  - 2. ~~Central Beach Master Plan. The 2009 Master Plan prepared by Sasaki and Associates which includes, but is not limited to, architectural styles within the North Beach Area such as Mid Century Modern.~~

Sec. 47-12.10.3. - Permitted uses.

- A. The following uses shall be permitted on properties zoned ABA or IOA and located within the North Beach Area:
  - 1. *Site Plan Level I with City Commission approval.*
    - a. Open space for public congregation accessible and visible from the abutting public right-of-way. The open space may include the following amenities:
      - fountains, including interactive fountains
      - waterfalls
      - ~~sculpture~~ sculptures
      - trellises

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arbors

seating facilities

landscape features

tables, chairs and umbrellas

other site furnishings consistent with passive outdoor activity recreational uses

Passive recreation

- b. The open space use identified in subsection a. may be used as a gathering space for passive recreation uses and for the daily use as a place of congregation and relaxation. ~~Games such as bocce and croquet where the instruments used to play the game remain below eye level and the game is played within an identified restricted boundary within the open space use. Water based games or activities; human propelled wheeled devices including skateboards, scooters, and rollerblades and similar active uses shall be prohibited.~~
- c. *Accessory structures and uses.* The following accessory structures and uses shall be permitted in association with the open space use provided in subsection a.
  - i. ~~Take out restaurant that may be located within a permanent or mobile structure. Only preparation and sale of food and beverages to persons using the open space is permitted.~~
  - ii. ~~The development site may, but is not required to have, restrooms located in existing permitted buildings located on a different development site either commonly owned by or pursuant to an agreement with the applicant for use by users of the open space.~~ Docks are permitted as an accessory to a principal open space use if located on the Intracoastal Waterway in accordance with the regulations contained in Section 47-19.3 and Section 8-91 of the Code. Only 50 percent of the linear water frontage of a development site shall be available to dock vessels. Jet skis or live-aboard vessels are prohibited.

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d. Parking lots serving existing permitted uses within 700 feet of such use and within the North Beach Area in accordance with Section 47-20.22, Temporary parking lots. ~~A sign meeting the provisions of this section shall be posted stating that parking is only for the use of the development(s) identified on the sign.~~

2. Other uses not listed as approved as a Site plan Level IV development permit.

Sec. 47-12.10.4. - Conditions for interim use.

A. An interim use or uses may be permitted if the development site meets the following conditions:

~~1. The development site is vacant.~~

2.1. The development site is a minimum of ten thousand (10,000) square feet. A development site in excess of ten thousand (10,000) square feet may be considered if adequate parking is provided as recommended by the Director and approved by the City Commission.

~~3.2.~~ The development site is located in the North Beach Area as defined in Section 47-12.3.A.13. and zoned either ABA or IOA.

4.3. The applicant acknowledges and agrees that the permitted interim use approval is for a limited period of time as provided in section 47-12.10.5.D. and that by approval of an interim use permit the applicant has no vested interest in the use of the property for the interim use nor shall the owner claim such interest or claim that the City is estopped from terminating the use in accordance with the applicable provisions.

Sec. 47-12.10.5. - Interim use approval.

A. *Application.* Approval of an interim use may only be initiated by application of the owner(s) of the property proposed to be used. The application shall include the following:

...

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C. *Standards and criteria.*

1. The following standards and criteria shall apply to the interim uses and such uses shall comply with the standards and criteria as a condition for approval of an Interim Use.
2. *Open space.* The open space shall comply with Section 47-25.3 A.3.e.iv.g Pedestrian Circulation: Urban Open Spaces/Plazas.
3. *Open space uses.*
  - a. Only passive recreation or relaxation uses will be permitted. ~~No recreation activities that incorporate balls, frisbees or similar objects that are thrown above eye-level as part of the recreation activity shall be permitted. No slides, water or regular, no monkey bars, jump houses, or racing competitions unless permitted to be used temporarily in association with a special event shall be permitted.~~
  - b. Programmed activities may only be permitted as part of a permitted interim use or as part of a special event permit. Music may be permitted at any time if there is no amplification or speakers. Amplified music or speakers may be permitted during hours specified in the development permit as identified and approved in the programming plan. Any programmed activities that are approved by the City Commission as part of the interim use may be modified by the City Commission if it is found not to be compatible with surrounding uses. ~~If at least five complaints from persons within an area impacted by noise from a programmed activity are received by City, the Director or his designee shall review the complaints. If based on this review the Director determines that a programmed activity is negatively impacting a surrounding area, the Director shall provide written notice to the applicant identifying the programmed activity that is the subject of the complaint. Upon receipt of written notice, applicant may either agree to cease or modify the identified programmed activities or applicant may give written notice denying the incompatibility and the claim will be placed before the City Commission at a regular meeting for consideration and written notice of the meeting shall be provided to the applicant. If the City Commission finds that any programmed activities are incompatible with surrounding neighborhoods, the development plan shall be amended to withdraw approval of or modify the programmed activities and such programmed activities shall be modified or will not be permitted.~~

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4. *Amenities*. The open space amenities provided therein shall comply with Section 47-25.3. A.3.e.iv.i, Site Furnishings.
5. *Accessory structures*. Accessory structures, mobile or permanent are subject to the following standards:
  - ~~a.~~ ~~The take out restaurant structure may have wheels and be able to be moved, but shall remain in one location during the time the interim use permit is in effect.~~
  - b.a. Only one accessory structure shall be permitted on a ten thousand (10,000) square foot development site. Each additional ten thousand (10,000) square feet may have one additional structure meeting the requirements of this section.
  - e.b. The height of a structure shall not exceed 11 feet. The length shall not exceed twenty-seven (27) feet.
  - d.c. The design of the exterior façade of the structure shall incorporate architectural design consistent with the character and style of the North Beach Area in accordance with the following:
    - i. The color and composition reflect the natural colors and location of the North Beach Area;
    - ii. The character reflects a sensitivity to the history and culture of the North Beach Area which has been in the Central Beach Master Plan.
    - iii. Awnings or other window treatments are used which reflect this color, composition and character of the North Beach Area.
  - e.d. In lieu of façade enhancements, the side or sides of a structure that are not accessed by the public shall ~~may~~ be screened with landscaping that fully buffers the façade. Any proposed structure shall be reviewed for material composition and aesthetics in keeping with the Private Sector Design Guidelines set forth in Section 47-25.3.A.3.e.iv.g of the ULDR.
6. Hours of operation shall be provided and shall not exceed 8:00 a.m. to 12:00 a.m. or such earlier hours as approved in the development plan; and

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7. *Music.* Any music provided is permitted and if amplified shall be required to direct amplification internal to the property and shall comply with the conditions of the development plan approval and noise ordinances of the City as to hours of music and decibel level.
- ~~8. *Landscaping.* Landscaping will be required pursuant to Section 47-24.10 B. 1.~~
- 9.8. *Parking.* Parking: An interim use parcel less than one-half (½) an acre or less shall be exempt from the parking requirements set forth in the ULDR.
- 10.9. *Maintenance.* Property shall be maintained in a clean and attractive manner. Daily cleaning and trash removal on the property consistent with the standards implemented by the City's Business Improvement District (BID) and in accordance with the approved maintenance plan.
- 14.10. *Paving.* Notwithstanding anything herein to the contrary, improvement of an interim use site shall not include asphalt as part of any hardscape.
- 12.11. *Signage.* Signage on any interim use parcel shall be limited to one flat sign located on a permitted structure, not to exceed one and one-half (1.5) feet in width and four feet in length; and one freestanding ground sign, not to exceed four feet in height and four feet in width.
- D. ~~*Interim use.* An interim use permitted in accordance with this Section 47-12.10 is permitted for a period of up to two years as approved by the City Commission, and for an additional period up to an additional two years if it is found by the Department that the approved interim use development has been maintained in accordance with the approved development plan, and the approved structures have been maintained and are of a similar quality and appearance as existed when first opened to the public. The provisions of Section 47-24.1M. for extensions of site plans approval shall not apply to an interim use permit. An application for variance in accordance with 47-24.12 of the ULDR permitting an interim use that is not in accordance with this Section 47-10 shall not be permitted. Upon expiration of the permit period, the permit shall terminate and applicant shall have 60 days to remove any structures and amenities on the site excluding the removal of paving, benches or such other amenities identified by the Department as not required to be removed. Unless otherwise extended by Ordinance adopted by the City Commission, the provisions of this Section 47-12.10 shall terminate and be of no effect four years after the adoption date of this ordinance and an application for an interim use shall not be accepted or permitted by the City and all~~

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~~existing interim uses shall, upon the termination of their approval as provided in the interim use permit, cease and no longer be permitted and all accessory structures and amenities shall be removed in accordance with the provisions of this section.~~Interim Use Approval. An authorization to issue an interim use permit shall be approved by the City Commission by resolution containing the following:

1. Legal Description of the location
2. Name of Applicant to whom authorization is provided.
3. Hours of operation
4. Duration of the interim use period
5. A statement that by approval of an interim use permit the applicant has no vested interest in the use of the property for the interim use nor shall the owner claim such interest or claim that the City is estopped from terminating the use in accordance with the applicable provision.

SECTION 9. CODIFICATION AND SCRIVENER'S ERRORS. The City intends that this Ordinance will be made part of the Code of Ordinance; that sections of this Ordinance can be re-numbered or re-lettered to accomplish codification and, regardless of whether this Ordinance is ever codified, the Ordinance can be re-numbered or re-lettered, and typographical errors that do not affect the intent can be corrected with the authorization of the City Manager, or his designee, without the need for a public hearing.

SECTION 10. That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 11. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 12. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING this \_\_\_\_ day of \_\_\_\_\_, 2022.

PASSED SECOND READING this \_\_\_\_ day of \_\_\_\_\_, 2022.

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Mayor  
DEAN J. TRANTALIS

ATTEST:

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City Clerk  
DAVID R. SOLOMAN