

12/5/2017 Regular Meeting
R-4 Provided for the
Record by Jeff Katims

PLANNING REPORT

CITY OF FORT LAUDERDALE CASE NUMBER R17040, BAHIA MAR – RAHN BAHIA MAR, LLC.

I have reviewed the above-referenced application (“Application”) for compliance with the City of Fort Lauderdale Unified Land Development Regulations (“ULDR”) on behalf of James Brady, Esq. This report details my findings and conclusions.



Jeff Katims, AICP, CNU-A

Summary of Major Conclusions:

1. Application does not comply with ULDR Section 47-23.6.A. (the “Beach Shadow Restrictions”)
2. Application is inconsistent with the stated intent of the applicable South Beach Marina and Hotel Area District (“SBMHA District”) articulated in ULDR Section 47-12.2.A.6.
3. Application exceeds the maximum allowable height in the SBMHA District as set forth in ULDR Section 47-12.5F.2.

Analysis and Findings:

1. The Application does not comply with the beach shadow restrictions of ULDR Section 47-23.6.A.

- a. The Application fails to analyze the applicability of ULDR Subsection 47-23.6.A., which establishes the Beach Shadow Restrictions.

The Application narrative is the part of a site plan application that is required to detail the application’s compliance with each applicable ULDR requirement. The narrative is found in Exhibit 1a of the City Commission agenda packet for the Application. At the bottom of page 26 and top of page 27, the Application narrative acknowledges that, “no portion of a structure in excess of 35 feet shall exceed the prescribed Beach Shadow Ordinance setback.” The treatment given this requirement in the narrative is that, “Building heights meet all requirements of the SBMHA zoning district applicable to the property.” There is no analysis as to how the buildings comply with the Beach Shadow Restrictions, or analysis as to why such requirements would not be applicable.

- b. The staff report does not analyze the applicability of the Beach Shadow Restrictions or their effect on the Application.

- c. ULDR Section 47-23.6.A. requires that a technical determination be made as to the southern extent of the area to which the Beach Shadow Restrictions apply.
- i. Section 47-23.6.A. (attached as **Exhibit "A-1"**) reads as follows:
- "Any portion of a structure in excess of thirty-five (35) feet in height shall provide a setback of at least one (1) foot per one (1) foot of height beginning the measurement at ground level of the western right-of-way line of State Road A-1-A (Fort Lauderdale Beach Boulevard) in the area between Seabreeze Boulevard and N.E. 18th Street. The foregoing is a minimum setback and if in conflict with provisions of other sections of the ULDR requiring greater setback, said other provisions of the other sections shall control."
- ii. The provision restricts building height proximate to State Road A-1-A/ Fort Lauderdale Beach Boulevard in order to prevent buildings from casting shadows over the beach area. The provision establishes a 45-degree plane through which no part of any building over 35 feet in height can pierce. This line is measured from ground level along the western right-of-way line of State Road A-1-A/ Fort Lauderdale Beach Boulevard. However, the provision is not limited to buildings fronting A-1-A/ Fort Lauderdale Beach Boulevard. Rather, it requires that any building or portion thereof located anywhere west of A-1-A/ Fort Lauderdale Beach Boulevard, over 35 feet in height, be set back at least one (1) foot per one (1) foot of height *measured from* the western right-of-way line of A-1-A.
- iii. The provision applies, "in the area between Seabreeze Boulevard and N.E. 18th Street." The described area extends north-to-south. N.E. 18th Street is an east-west street that intersects with A-1-A and provides a readily identifiable northern extent to which the application of the restriction applies. The southern extent to which the provision applies is Seabreeze Boulevard, which is a north-south thoroughfare that runs parallel to A-1-A/ Fort Lauderdale Beach Boulevard north of Bahia Mar before merging with A-1-A/Seabreeze Boulevard in front (east) of Bahia Mar, and then becoming A-1A/Seabreeze Boulevard to the south. **Exhibit "B"** shows the location and relationship of A-1A/Fort Lauderdale Beach Boulevard and Seabreeze Boulevard relative to the Bahia Mar location.
- iv. The southern delimitation of the beach shadow restriction (Seabreeze Boulevard) is the location at which A-1-A/Fort-Lauderdale Beach Boulevard becomes A-1-A Seabreeze Boulevard to the south. The two are coterminous for a few hundred feet as they merge and transition from separate one-way thoroughfares into a single two-way thoroughfare that becomes A-1-A/Seabreeze Boulevard once fully merged.
- v. According to FDOT right-of-way maps included as **Exhibit "C,"** the portion of A-1-A/ Fort Lauderdale Beach Boulevard terminates to the south at A-1-A/Seabreeze Boulevard at a point approximately 250 feet north of the ~~signalized~~ entrance to Bahia Mar. These maps utilize "survey stations" to identify exact locations along state roads for purposes of construction, manhole locations, etc. The maps show the southern terminus of A-1-A/Fort Lauderdale Beach Boulevard at State Road A-1-A Station
- SMC

146+24.08 and Seabreeze Boulevard Station 30+00.00, which are coterminous at a point approximately 250 feet north of said Bahia Mar entrance. The FDOT maps utilize the exact point at which the centerlines of both thoroughfares are identical.

- vi. Many street maps, including Google, Bing and Rand McNally, as well as the Broward County Property Appraiser's aerial maps show A-1-A/Fort Lauderdale Beach Boulevard (formerly named Atlantic Boulevard) terminating at the ~~signalized~~ entrance of Bahia Mar. This is a functional delineation of the southern terminus of A-1-A/Fort Lauderdale Beach Boulevard. This is a logical southern extent of Fort Lauderdale Beach Boulevard since it is at this point that the one-way traffic pairing of Northbound A-1-A/Fort Lauderdale Beach Boulevard and southbound A-1-A/Seabreeze Boulevard commences (northbound) and terminates (southbound). Screen shots taken of these online maps are included as **Exhibit "D."**
- vii. Regardless of whether A-1-A/Fort Lauderdale Beach Boulevard extends southward to the vehicular entrance of Bahia Mar as street maps and property appraiser maps delineate, or 250 feet north of that point as FDOT maps delineate, Buildings 1 and 2 are subject to beach shadow restriction of Section 47-23.6.A, as these buildings are north of both points, situated along that portion of A-1-A/Fort Lauderdale Beach Boulevard that is coterminous with Seabreeze Boulevard. Of these two buildings, Building 2 does not comply with the restrictions, which would impose a 1:1 setback above 35 feet in height.

2. Application is inconsistent with the stated intent of the applicable South Beach Marina and Hotel Area District ("SBMHA District") articulated in ULDR Section 47-12.2.A.6.

- a. Sec. 47-12.2 establishes the intent and purpose of each Central Beach zoning district. Paragraph A.6. establishes the intent and purpose of the SBMHA District, as follows:
"SBMHA - South Beach Marina and Hotel Area District is established for the purpose of promoting high quality destination resort uses including the Swimming Hall of Fame that reflect the character and quality of the Fort Lauderdale Beach, the Intracoastal Waterway and the marinas that have been developed to the north and south of Bahia Mar. The district is intended as a means of providing incentives for quality development and redevelopment along the Intracoastal Waterway and to preserve, protect and enhance the existing character, design and scale of the area along A-1-A." This provision is included as **Exhibit "A-2."**
- b. SBMHA is a zoning district established specifically and exclusively for the area generally extending from the southern boundary of the Bahia Mar Plat, north to a point on Las Olas Boulevard, and from the centerline of the Intracoastal Waterway east to Seabreeze Boulevard and A-1-A. Bahia Mar comprises approximately two-thirds of the SBMHA outside of the Intracoastal Waterway. The remainder of the SBMHA is comprised mainly of the Swimming Hall of Fame, marinas, and water. About 10 percent of the SBMHA is occupied by commercial business uses and a condominium that was constructed prior to establishment of the SBMHA in the late 1960s according to Broward County Property

Appraiser records. In other words, the SBMHA is overwhelmingly characterized by resort and tourist uses.

- c. Permitted uses in SBMHA include hotels, multiple-family dwellings, marinas, museums, amphitheaters, restaurants, and commercial retail uses offering services and goods for sale to tourists. All of these uses are permitted in the redevelopment of Bahia Mar. All but one of the permitted uses are specifically tourist and resort uses. However, the imbalance of the uses proposed in the Application is not consistent with the intent of the SBMHA zoning district.

The proposed commercial floor area, including a 256-room hotel—that replaces the existing hotel and is not an additional hotel space—occupies 176,965 square feet of floor area. The commercial/resort component is overshadowed by 651 dwelling units, occupying 1,163,051 square feet of floor area, or more than 6.5 times the floor area devoted to commercial/resort use. The overwhelming predominance of residential use over resort use is not consistent with the resort character of the area, which the SBMHA is specifically intended to protect and preserve, and is not consistent with the district's stated purpose of redevelopment for "destination resort uses." Preserving the existing character does not mean preserving the status quo. It does, however, mean that any development program must maintain a balance of use and development that favors, "high quality destination resort uses" as cited in the district intent and purpose. The Application is clearly not consistent with the intent of the SBMHA.

3. Application exceeds the maximum allowable height in the SBMHA District as set forth in ULDR Section 47-12.5.F.2.

- a. ULDR Section 47-12.5.F.2 establishes the maximum allowable height in the SBMHA District. The provision reads as follows:

"Height. No structure shall be constructed, remodeled or redeveloped so that any part of the structure exceeds one hundred twenty (120) feet." This Section is included as **Exhibit "A-3"**.

- b. The mechanical equipment and rooftop design-based elements exceed 120 feet on Buildings 1, 2, 4, 6, 8, 10, 14, and 15 by a margin of between 23 ½ feet to 26 feet.
- c. The City Staff has apparently made an interpretation that ULDR Section 47-2.2.I., which reads as follows, takes precedence over 47.12.5.f.2.

"Height. The height of buildings and structures shall be measured from grade to the uppermost part of the roof or structure. Church spires and steeples, chimneys, parapet walls, machine rooms, elevator towers and the like necessary to the design and function of a building but not designed for human occupancy, shall not be included in the measurement of overall height of a building. The height shall be the roof peak for structures with pitched roofs and the roof slab for structures with flat roofs." Section 4702.2 is included as **Exhibit "A-4"**

Pursuant to ULDR Section 47-2.1, this provision applies generally when a height measurement is referenced in the ULDR. The general provision is in direct conflict with the more specific and restrictive language used in SBMHA, which explicitly prohibits any part of a structure from exceeding 120 feet. This explicit language is found in the SBMHA and PRD districts, but is not used throughout the ULDR. Other districts refer to “maximum height” without the explicit limitation that no part of any structure can exceed that elevation.

Given that the height restriction in SBMHA and PRD is in direct conflict with a general provision, it is my professional opinion that the restriction in SBMHA and PRD—which are special, geographically delineated zoning districts—must take precedence over a general provision because the SBMHA restriction is explicit, applies exclusively¹ within the SBMHA and PRD districts, and is consistent with the interpretation and application of the ULDR as the minimum adopted for the promotion of health, safety, morals, comfort, prosperity and general welfare of the community, as set forth in ULDR Section 47-1.2., “Interpretation.”

¹ My review of the ULDR did not find another use of the language in SBMHA and PRD. Allowing for the possibility that there is another instance of its usage does not change the analysis, because of the consistent use of the term “height” throughout the ULDR without any absolute qualifications, e.g., no part of any structure shall exceed “X” feet.

EXHIBIT "A-1"

Sec. 47-23.6. - Beach shadow restrictions.

- A. Any portion of a structure in excess of thirty-five (35) feet in height shall provide a setback of at least one (1) foot per one (1) foot of height beginning the measurement at ground level of the western right-of-way line of State Road A-1-A (Fort Lauderdale Beach Boulevard) in the area between Seabreeze Boulevard and N.E. 18th Street. The foregoing is a minimum setback and if in conflict with provisions of other sections of the ULDR requiring greater setback, said other provisions of the other sections shall control.
- B. From the north boundary line of Holiday Beach, P.B. 27, p. 39, public records of the county, to the Port Everglades Inlet, any portion of a building in excess of thirty-five (35) feet in height shall provide a setback of one (1) foot per one (1) foot of height from the beach building restriction line one hundred (100) feet west of the mean high water line of the Atlantic Ocean as defined in Section 47-2, Measurements.

(Ord. No. C-97-19, § 1(47-23.6), 6-18-97; Ord. No. C-00-26, § 4, 6-6-00)

EXHIBIT "A-2"

Sec. 47-12.2. - Intent and purpose of each district.

A. *Applicability.* The provisions of this section shall apply to all development and reuse of land in the central beach area, except for painting, cleaning and other activities incidental to ordinary maintenance.

1. *PRD - Planned Resort Development District* is established for the purpose of promoting the development and redevelopment of the area immediately north of Las Olas Boulevard, generally between the Atlantic Ocean and the Intracoastal Waterway, as a high quality, public and private mixed use area that is the focal point of the central beach as a destination resort and county-wide asset. The district is intended to permit and facilitate the redevelopment of the area as a world-class resort that is commensurate with the character and value of the Atlantic Ocean and the city's long-time reputation as a tourist destination.
2. *ABA - A-1-A Beachfront Area District* is established for the purpose of promoting high quality destination resort uses that reflect the desired character and quality of the Fort Lauderdale beach and improvements along A-1-A. The district is intended as a means of providing incentives for quality development and redevelopment along a segment of A-1-A and to ensure that such development is responsive to the character, design and planned improvements as described in the revitalization plan.
3. *SLA - Sunrise Lane Area District* is established for the purpose of encouraging the preservation, maintenance and revitalization of existing structures and uses that make up the distinct neighborhood south of Sunrise Boulevard. Existing residential and commercial uses and transient accommodations represent a substantial resource of this central beach area to be protected, preserved and enhanced.
4. *IOA - Intracoastal Overlook Area District* is established for the purpose of encouraging the preservation, maintenance and revitalization of existing structures and uses that front on the eastern Intracoastal Waterway. Existing residential uses and transient accommodations represent a substantial element of the central beach housing stock to be protected, preserved and enhanced.
5. *NBRA - North Beach Residential Area District* is established for the purpose of encouraging the preservation, maintenance and revitalization of existing structures and uses that make up the distinct neighborhood that occurs in the center of the north beach area. Existing residential and transient accommodations represent a substantial resource of the central beach area to be protected, preserved and enhanced.
6. *SBMHA - South Beach Marina and Hotel Area District* is established for the purpose of promoting high quality destination resort uses including the Swimming Hall of Fame that reflect the character and quality of the Fort Lauderdale Beach, the Intracoastal Waterway and the marinas that have been developed to the north and south of Bahia Mar. The district is intended as a means of providing incentives for quality development and redevelopment along the Intracoastal Waterway and to preserve, protect and enhance the existing character, design and scale of the area along A-1-A.

(Ord. No. C-97-19, § 1(47-12.2), 6-18-97)

EXHIBIT "A-3"

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

1. *Setback requirements.*

- a. No structure shall be constructed, remodeled or reconstructed so that any part of the structure is located within twenty (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. In addition, those yards fronting on People Streets must meet the requirements of Section 47-12.4.C.
- b. Yards not abutting A-1-A or Seabreeze Boulevard:
 - i. Side yard: ten (10) feet.
 - ii. Rear yard: twenty (20) feet.
- c. The side and rear yard setbacks are the minimum requirements. 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.* 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).

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.

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 twelve (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 two hundred (200) feet.

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

(Ord. No. C-97-19, § 1(47-12.5), 6-18-97; Ord. No. C-99-31, § 1, 5-4-99; Ord. No. C-00-26, §§ 2, 3, 6-6-00; Ord. No. C-01-10, § 1, 4-5-01; Ord. No. C-04-10, § 1, 4-7-04; Ord. No. C-11-40, § 2, 12-20-11; Ord. No. C-11-41, § 1, 12-20-11; Ord. No. C-15-36, § 8, 10-20-15; Ord. No. C-15-44, § 1, 1-5-16)

EXHIBIT "A-4"

SECTION 47-2. - MEASUREMENTS

Sec. 47-2.1. - Generally.

When any of the distance or measurement requirements listed below are referred to in the ULDR, such distance or measurements will be determined in accordance with the following.

(Ord. No. C-97-19, § 1(47-2.A), 6-18-97)

Sec. 47-2.2. - Measurements.

- A. *Customer service area.* Customer service area is the area of an establishment available for food or beverage service or consumption, or both, calculated by measuring all areas covered by customer tables and bar surfaces and any floor area within five (5) feet of the edge of said tables and bar surfaces, measured in all directions where customer mobility is permitted. Customer service area shall include any outdoor or patio floor area used or designed for food or beverage service or consumption, or both, measured as specified above. Areas between tables or bars which overlap in measurement with another table shall only be counted once.
- B. *Distance requirements.* Unless otherwise provided herein, distances shall be measured in accordance with the following:
 - 1. When the ULDR require a distance between uses or developments on different development sites or there are requirements in the ULDR for a development which is located within a certain distance from another development, the distance shall be measured using airline measurement from property line to property line using the closest property line of the parcels of land involved.
 - 2. When the ULDR imposes requirements on a development which is located within a certain distance of a zoning district, the distance shall be measured using airline measurement from the zoning district line lying closest to the closest property line of the parcel of land involved.
 - 3. When there is a distance requirement between a structure or building on the same development site, the distance shall be measured from the exterior of the buildings or structures, using airline measurement from the closest points between the structures being measured.
 - 4. When a portion of a parcel or development site lies within a certain distance of a zoning district or development and the ULDR imposes requirements or regulations on a development or parcel within such distance, the requirements and regulations shall be applicable to the entire parcel or development site and not just to the portion within the specified distance.
- C. *Floor area, gross.* The sum of the floor areas of all floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, excluding covered parking and loading areas or parking garages for nonresidential uses in all but the area east of the Intracoastal Waterway. Covered parking and loading areas or parking garages shall be included in calculating gross floor area for residential uses and nonresidential uses east of the Intracoastal Waterway. When an entire level of a building or structure is located below ground as measured from floor to floor or ceiling slab to ceiling slab, the floor area of this level shall be excluded from the calculation of gross floor area. In restaurants, gross floor area shall also include any outdoor or patio floor area used or designed for use for customer service. For the purpose of calculating parking spaces, see gross floor area as provided in Sec. 47-20.2.B., Parking and Loading Zone Requirements.

- D. *Floor area, net.* The total floor area of all floors of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading and all floors below the first or ground floor, except when such is used or intended to be used for human habitation or service to the public.
- E. *Floor area ratio (FAR).* The floor area ratio is the gross floor area of all buildings or structures on a plot divided by the total plot area.
- F. *Fractional measurements.*
 - 1. When units or measurements result in a requirement of a fraction, any such fraction equal to or greater than exactly fifty percent (50%) shall require the full requirement, unless otherwise provided for in the ULDR.
 - 2. *Density fractional measurements.* When calculating density, any fraction of a unit shall be rounded down to the nearest whole number.
- G. *Grade.*
 - 1. When used to measure habitable structures, grade shall be the greater of:
 - a. The natural elevation of the ground when compared to abutting properties. Natural elevation of the ground when compared to abutting properties, shall be derived by selecting a minimum of two (2) elevation points on each adjoining property line and calculating the average of all the selected elevation points. This calculation will determine the reference plane for calculating the height of habitable structures only;
 - b. The base flood elevation requirement for the lowest floor as shown on the flood insurance rate map published by the Federal Emergency Management Agency (FEMA);
 - c. Eighteen (18) inches above the FEMA base floor elevation requirement for the bottom of the lowest horizontal structural member (LHSM) of the lowest floor;
 - d. Eighteen (18) inches above the State of Florida, Department of Environmental Protection or its successor agency, minimum requirement for the bottom of the LHSM of the lowest floor.
 - e. The Broward County one hundred-year flood elevation map.

For purposes of the definition of grade, the term floor shall be defined as the top of the lowest inside surface of an enclosed area in a building, including the basement. For example, the top of the slab in a concrete slab construction or the top of wood flooring in wood frame construction. The term does not include an unfurnished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area.
 - 2. When used to measure non-habitable accessory structures, grade shall be the finished ground surface at the base of the accessory structure being measured. If a retaining wall elevates the non-habitable accessory structure, grade shall be the finished ground surface at the base of the retaining wall.
- H. *Gross acre.* The unit of land area which comprises an acre, including that portion of land area within public ownership. Public land area shall include public rights-of-way and public waterways. Gross acre is used for the purpose of calculating the maximum density permitted on a parcel when applying flexibility units, as defined in Section 47-28, Flexibility Rules.
- I. *Height.* The height of buildings and structures shall be measured from grade to the uppermost part of the roof or structure. Church spires and steeples, chimneys, parapet walls, machine rooms, elevator towers and the like necessary to the design and function of a building but not designed for human occupancy, shall not be included in the measurement of overall height of a building. The height shall be the roof peak for structures with pitched roofs and the roof slab for structures with flat roofs.
- J. *Lot coverage.* That portion of the lot that is covered by all principal and accessory buildings.

- K. *Lot depth.* The depth of a lot is the distance measured from the mean direction of the side lines of the lot from the midpoint of the street lot line to the midpoint of the opposite main rear line of the lot.
 - L. *Lot width.* The horizontal distance between the side lines of a lot measured at the front building setback line, or at the front property line where no front setback is required.
 - M. *Mean high water.* The mean high water line is defined as elevation +1.25 feet mean sea level, U.S. Coast and Geodetic Datum, as shown on sketch No. 4-45-5, dated July 29th, 1964, on file in the office of the City Engineer.
 - N. *Net acre.* The unit of land area which comprises an acre, less that portion of land area within public ownership. Public land area shall include public rights-of-way and public waterways and other publicly dedicated areas. Net acre is used for the purpose of calculating the maximum density permitted on a parcel by the ULDR and by the LUP.
 - O. *Setback.* A setback is the minimum horizontal distance between a structure and a property line of a lot or plot.
 - P. *Setback, average for fences, walls and planters.* See Note F, Table 1, Section 47-19.5.B.
 - Q. *Sight triangle.* A triangular shaped area of land, as defined in Section 47-35, Definitions, and measured as follows:
 - 1. Ten (10) feet from the intersection point of the edge of a driveway and curb, or in the event that there is no curb, the edge of the alley or street pavement; or
 - 2. Fifteen (15) feet from the intersection point of the extended property lines at an alley and a street; or
 - 3. Twenty-five (25) feet from the intersection point of the extended property lines at a street and a street.
 - 4. The sight triangle requirements may be reduced from twenty-five (25) feet to no less than fifteen (15) feet, for the purpose of retaining existing, mature landscaping, when the following conditions are present:
 - a. The property is located on a local street and intersects with another local street;
 - b. The property is located in a single family zoning district (RS-4.4, RS-8, RD-15, RD's-15, RC-15 and RC's-15) or a Historic Designated District;
 - c. The request for reduction of sight triangle dimensions is subject to review by the City Engineer on a case-by-case basis, shall comply with engineering standards and shall take into consideration neighborhood characteristics such as the location of schools, parks and other community facilities, pedestrian facilities such as adequate sidewalks, street characteristics such as pavement width, width of border (right-of-way line to curb), the curvature of the street, speed limits, and other similar elements.
- Sight triangles located at the intersection of a local street or driveway with a right-of-way under County, State or Federal jurisdictions, may be subject to the sight visibility requirements of those jurisdictions.
- R. *Transparency, as related to fences, walls and hedges:* See Note B, Table 1, Section 47-19.5.B
 - S. *Yard.* Yards shall extend and be measured perpendicular and inward from the respective property lines. When a yard is required along a property line that abuts a waterway, it shall be measured from the face of the seawall in contact with the waterway (wetface), or from the edge of the waterway where no seawall exists.

(Ord. No. C-97-19, § 1(47-2.B), 6-18-97; Ord. No. C-98-19, § 1, 4-7-98; Ord. No. C-00-15, § 1, 2-15-00; Ord. No. C-01-15, § 1, 5-1-01; Ord. No. C-03-19, § 1, 4-22-03; Ord. No. C-04-2, § 1, 1-12-04; Ord. No. C-04-3, § 1, 2-3-04)

Exhibit "A-5"

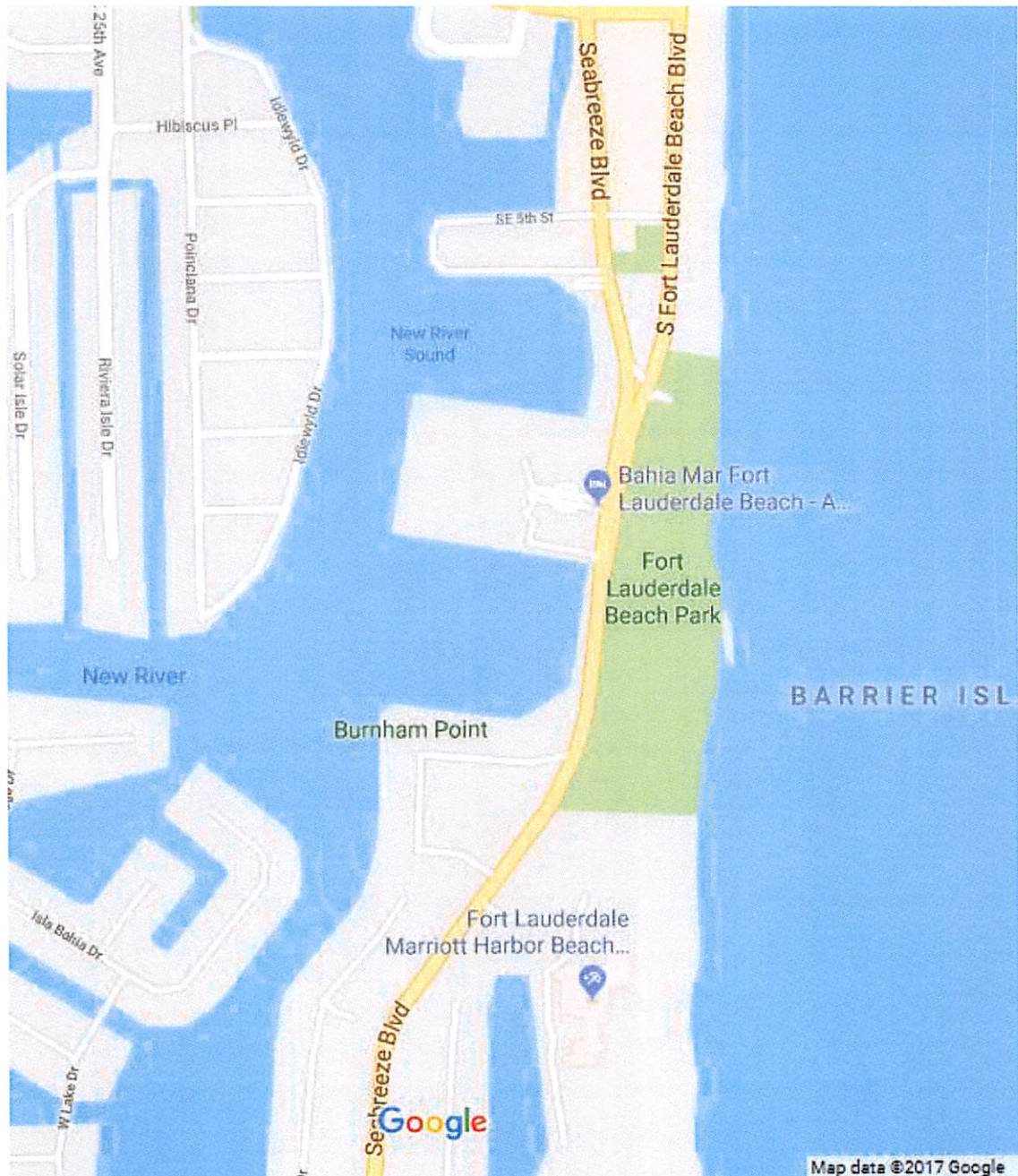
Sec. 47-1.2. - Interpretation.

In the interpretation and application of the ULDR, the provisions herein shall be the minimum adopted for the promotion of health, safety, morals, comfort, prosperity and general welfare of the community. It is not intended by the ULDR to repeal, abrogate, annul or in any way impair or interfere with any easements, covenants or other agreements between parties, or any private restrictions placed upon property by covenant, deed or recorded plat; provided, however, where the ULDR impose a greater restriction upon the use or development of property than are imposed or required by such existing provisions of law, ordinance or resolution or by such rules, regulations or permits or easements, covenants or agreements, the provisions of the ULDR shall control. Requirements in the ULDR are cumulative and a provision in one section shall not be interpreted as the only provision applicable to development.

(Ord. No. C-97-19, § 1(47-1.2), 6-18-97)

EXHIBIT "B"

Location of S.R. A-1-A as Seabreeze Boulevard and Fort Lauderdale Beach Boulevard.



FDOT Right-of-Way Maps

[illegible]

RIGHT OF WAY MAP

Scale 1"=100'

SEC. 12
SEC. 13
SEC. 14
SEC. 15

TWP. 50S.
R. 1E.

BATTIA MAR
HARBOR DRIVE
OCEAN HARBOR DRIVE
SEABREEZE DIVD.
SPRINGER-CHAMBER

Atlantic Ocean

Detail A
Detail B

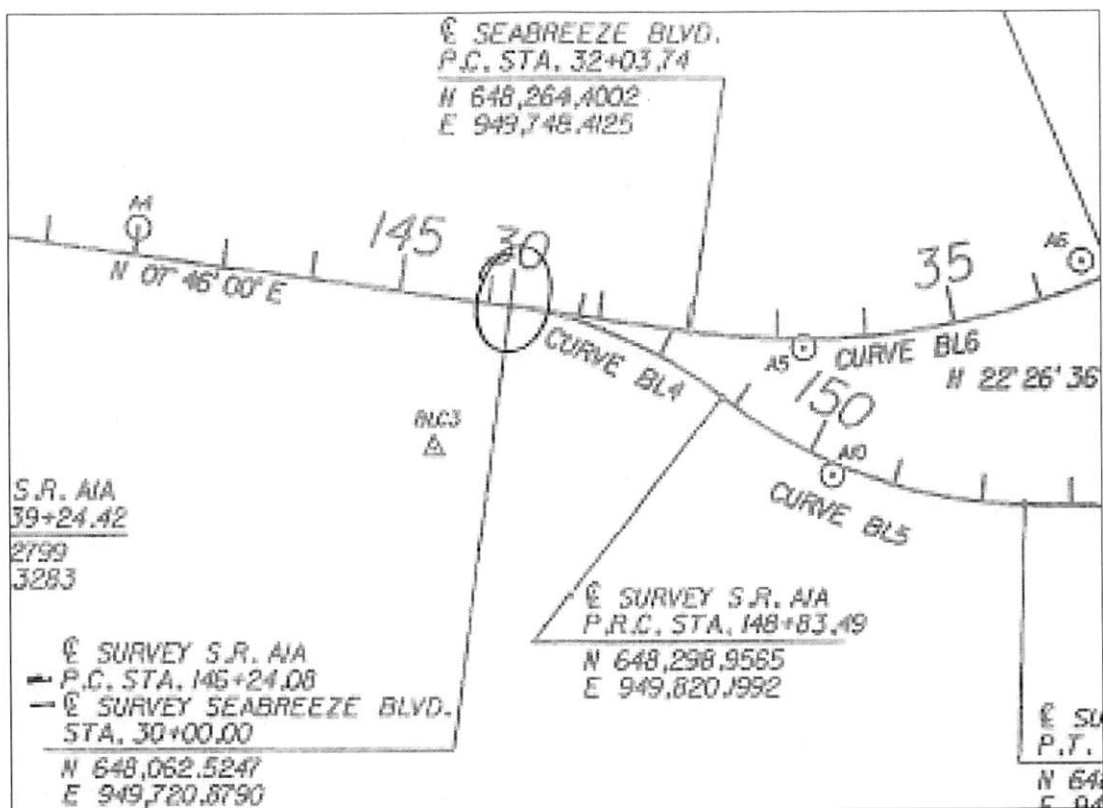
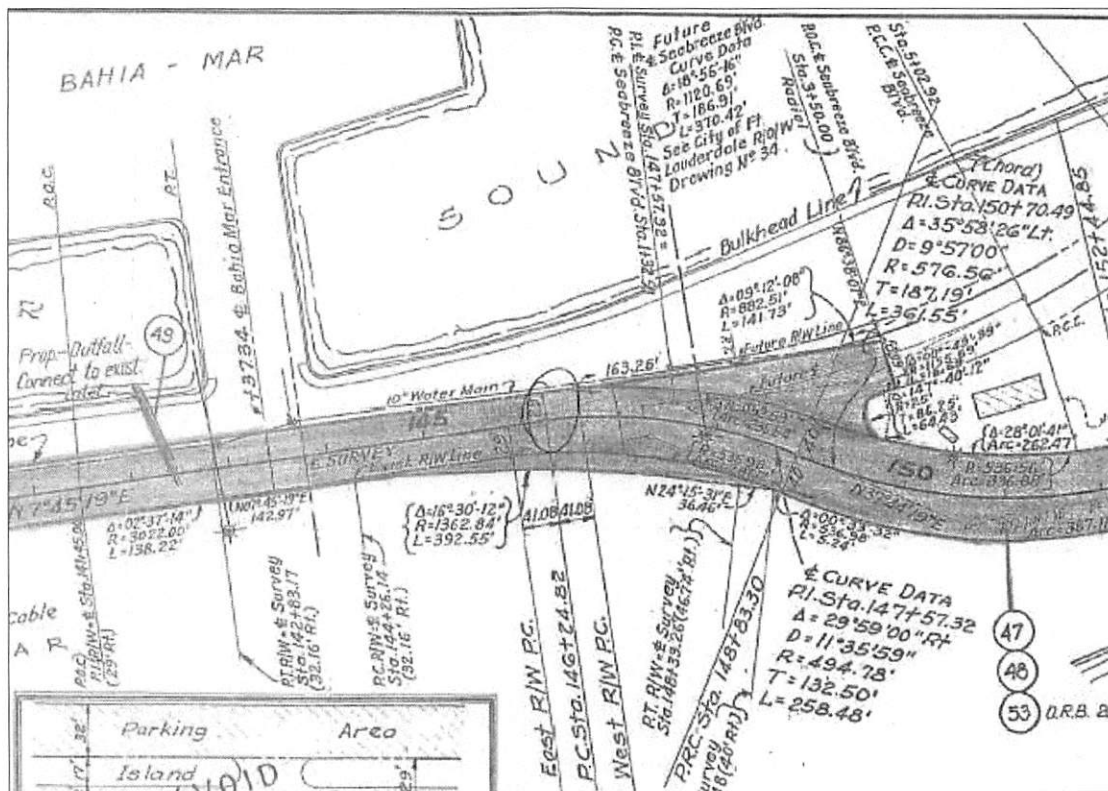
Note: Right of Way Map Property from Sec. 12 & 13 to Sec. 14 & 15. Bearings are Old Bearings (C.S.C. 63). Distances are not Old Distances. Detail of gridline on this sheet.

STATE ROAD DEPARTMENT
SECTION NO. 8618-171
ROAD NO. 64
BRADY COUNTY

DATE: 1937
BY: J.M. GILLEN
CHECKED BY: J.M. GILLEN
APPROVED BY: J.M. GILLEN

62,000 - 2177 3.86

Enlargement of FDOT Right-of-Way Maps Adjacent to Bahia Mar Showing Terminus of A-1-A/Fort Lauderdale Beach Boulevard (circled)



Approximate Location of Buildings 1, 2 and 3 Juxtaposed onto FDOT Map

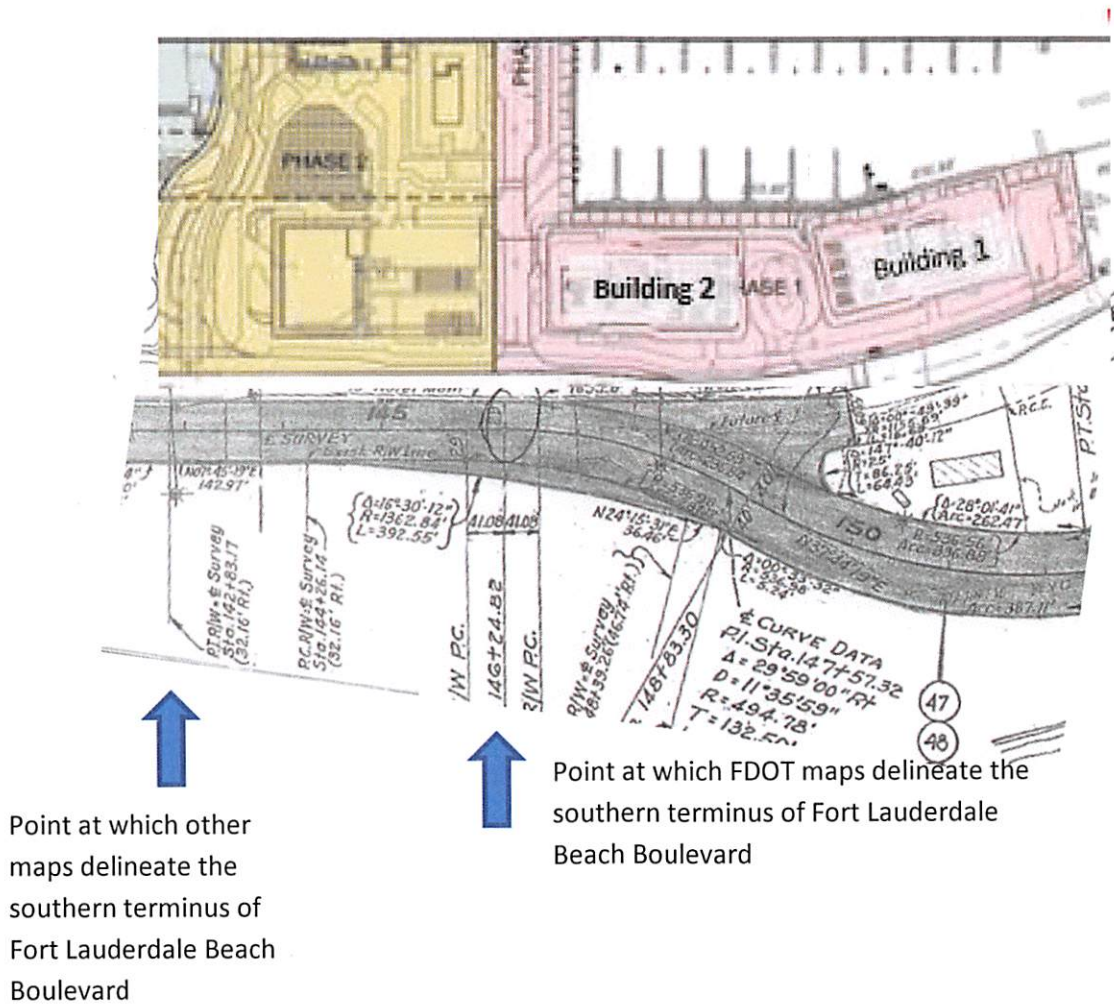
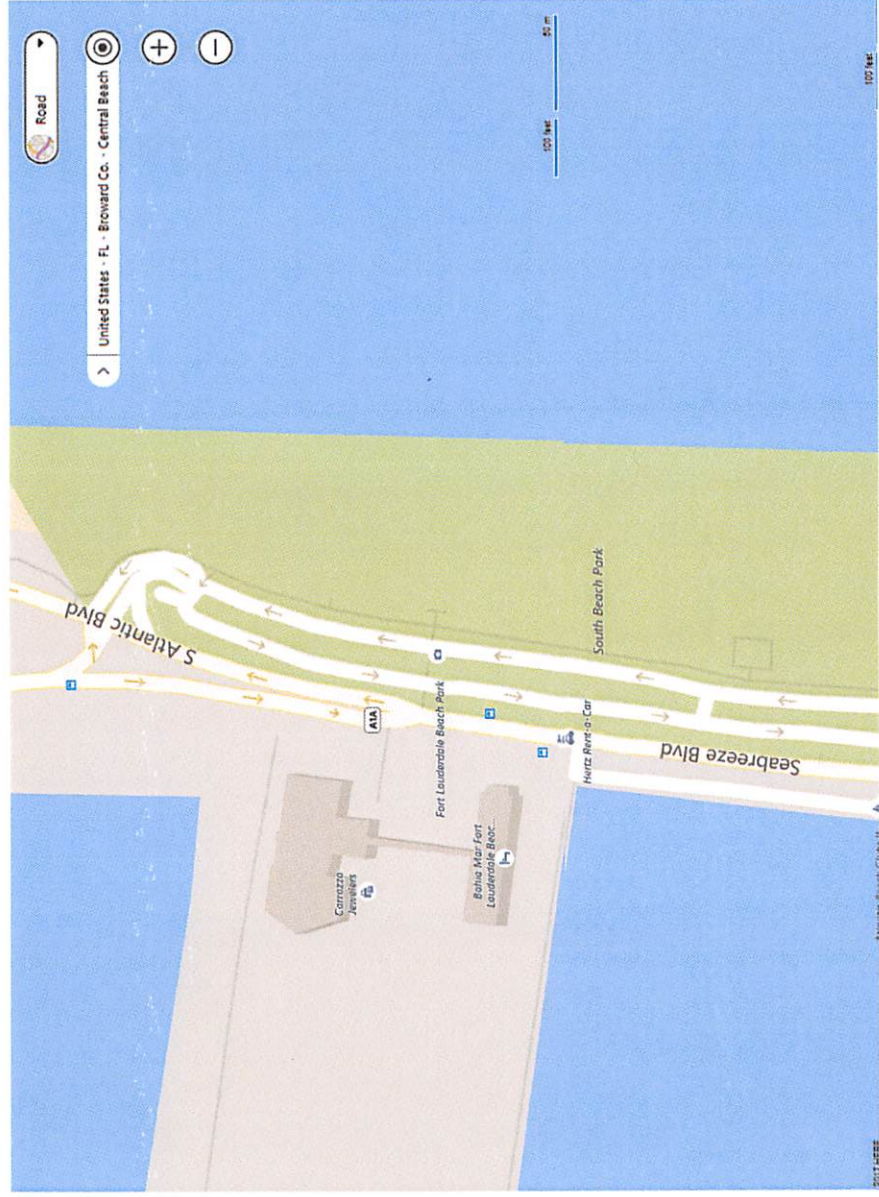


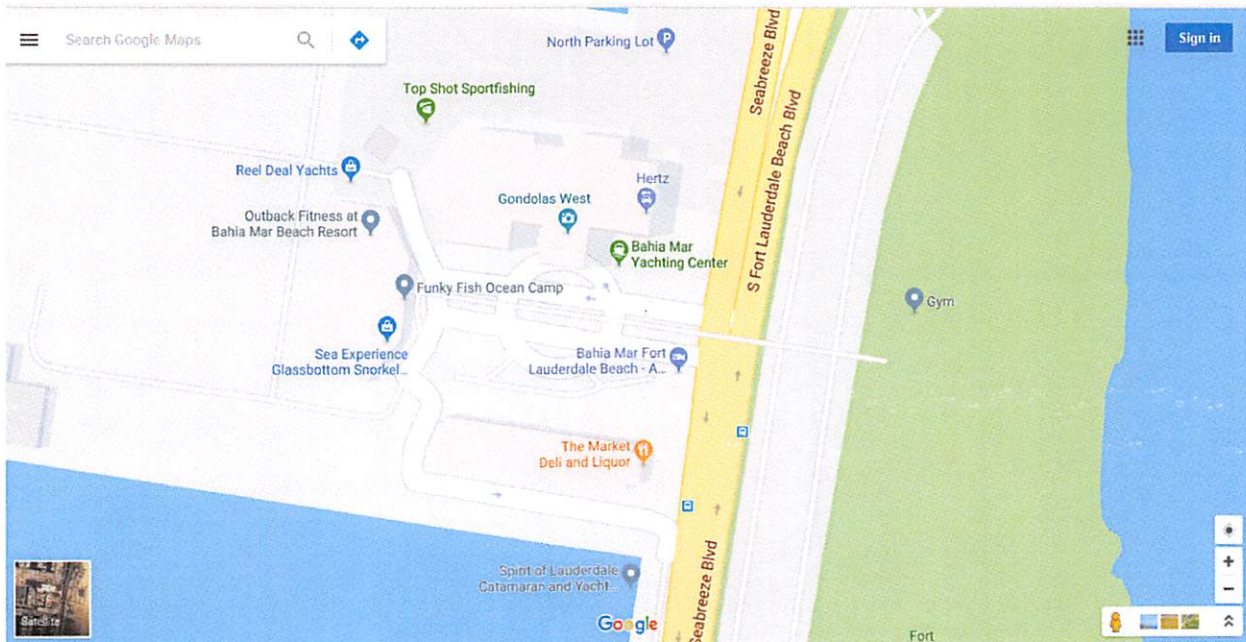
EXHIBIT "D"

Street Maps

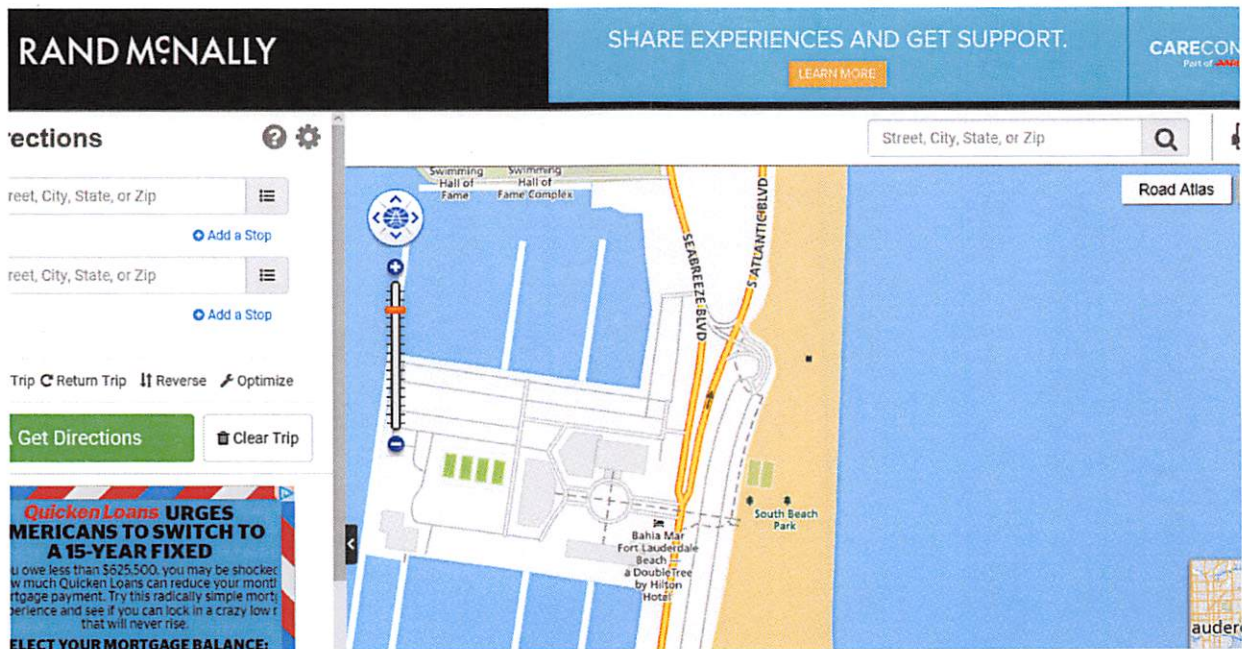
Microsoft Bing Map



Close-up of Exhibit "B" Map



Rand McNally Map



Broward County Property Appraiser Map

