

Project: Las Olas Marina
Owner: City of Fort Lauderdale
Prepared By: Andrew J. Schein, Esq.

ADEQUACY REQUIREMENTS
NARRATIVE

Sec. 47-25.2. Adequacy requirements.

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

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

Response: The maximum height of the Project is 43'. No buildings or structures in the Project are expected to interfere with the City's communication network.

C. *Drainage facilities.* Adequacy of stormwater management facilities shall be evaluated based upon the adopted level of service requiring the retention of the first inch of runoff from the entire site or two and one-half (2 1/2) inches of runoff from the impervious surface whichever is greater.

Response: Application shall be made to Broward County for approval of the Project's stormwater management facilities.

D. *Environmentally sensitive lands.*

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

a. Broward County Ordinance No. 89-6.

Response: N/A. This Ordinance addresses Natural Resource Areas. The Property is not designated as a Natural Resource Area. Therefore, this ordinance is not applicable.

b. Section 5-198(I), Chapter 5, Article IX of the Broward County Code of Ordinances.

Response: N/A. This section of the Broward County Land Development Code addresses Trafficways (not environmentally sensitive lands).

c. Broward County Ordinance No. 84-60.

Response: N/A. This Ordinance addresses potable water supply and wellfield protection. The Property is not designated nor is it located near a wellfield zone.

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

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

Response: Acknowledged and Applicant will comply.

F. Parks and open space

Response: N/A. The Project is not a residential development.

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

Response: Applicant's design incorporates CPTED principles to minimize risk to public safety and assure adequate police protection.

H. Potable water.

1. Adequate potable water service shall be provided for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easements which may be needed for the installation and maintenance of potable water systems in accordance with city engineering standards, the Florida Building Code, and applicable health and environmental regulations. The existing water treatment facilities and systems shall have sufficient capacity to provide for the needs of the proposed development and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which potable water treatment capacity has been reserved. Capital expansion charges for water and sewer facilities shall be paid by the developer in accordance with Resolution 85-265, as it is amended from time to time. Improvements to the potable water service and system shall be made in accordance with city engineering standards and other accepted applicable engineering standards.

2. *Potable water facilities.*

- a. If the system is tied into the city treatment facility, the available capacity shall be determined by subtracting committed capacity and present flow from design capacity. If there is available capacity, the city shall determine the impact of the proposed development utilizing Table 3, Water and Wastewater, on file with the department.
- b. If there is adequate capacity available in the city treatment plant to serve the proposed development, the city shall reserve the necessary capacity to serve the development.
- c. Where the county is the projected service provider, a similar written assurance will be required.

Response: Water mains exist adjacent to the site. See Civil drawings for connection details. Applicant has provided a water and wastewater capacity availability letter from the City's Public Works Department. Applicant will coordinate with the City's Public Works Department to discuss potential responsibilities for any future public infrastructure improvements.

I. *Sanitary sewer.*

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

Response: Applicant has provided a water and wastewater capacity availability letter from the City's Public Works Department. Applicant will coordinate with the City's Public Works Department to discuss potential responsibilities for any future public infrastructure improvements.

J. *Schools.* For all residential plats, the applicant shall contribute to school facilities in accordance with the Broward County Land Development Code and shall provide documentation to the city that such contribution has been satisfied.

Response: N/A/. The Project is not a residential development.

K. *Solid waste.*

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

Response: Applicant has provided a water and wastewater capacity availability letter from the City's Public Works Department. Applicant will coordinate with the City's Public Works Department to discuss potential responsibilities for any future public infrastructure improvements.

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

Response: Stormwater will be retained on site in accordance with the Broward County Department of Environmental Regulations criteria.

M. *Transportation facilities.*

1. The capacity for transportation facilities shall be evaluated based on Table 1, Generalized Daily Level of Service Maximum Volumes, on file with the department. If a development is within a compact deferral area, the available traffic capacity shall be determined in accordance with Table 2, Flowchart, on file with the department.
2. *Regional transportation network.* The regional transportation network shall have the adequate capacity, and safe and efficient traffic circulation to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the adopted

traffic elements of the city and the county comprehensive plans, and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is needed in order to evaluate the impacts of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit such a study to the city which will be considered by the DRC in its review. Roadway improvements needed to upgrade the regional transportation network shall be made in accordance with the city, the county, and Florida Department of Transportation traffic engineering standards and plans as applicable.

3. *Local streets.* Local streets shall have adequate capacity, safe and efficient traffic circulation, and appropriate functional classification to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the city's comprehensive plan and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is required in order to evaluate the impact of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit to the city such a study to be considered as part of the DRC review. Street improvements needed to upgrade the capacity or comply with the functional classification of local streets shall be made in accordance with the city engineering standards and acceptable applicable traffic engineering standards. Local streets are those streets that are not classified as federal, state or county roadways on the functional classification map adopted by the State of Florida.

4. *Traffic impact studies.*

- a. When the proposed development may generate over one thousand (1,000) daily trips; or
- b. When the daily trip generation is less than one thousand (1,000) trips; and (1) when more than twenty percent (20%) of the total daily trips are anticipated to arrive or depart, or both, within one-half (1/2) hour; or (2) when the proposed use creates varying trip generation each day, but has the potential to place more than twenty percent (20%) of its maximum twenty-four (24) hour trip generation onto the adjacent transportation system within a one-half (1/2) hour period; the applicant shall submit to the city a traffic impact analysis prepared by the county or a registered Florida engineer experienced in traffic ways impact analysis which shall:
 - i. Provide an estimate of the number of average and peak hour trips per day generated and directions or routes of travel for all trips with an external end.
 - ii. Estimate how traffic from the proposed development will change traffic volumes, levels of service, and circulation on the existing and programmed traffic ways.
 - iii. If traffic generated by the proposed development requires any modification of existing or programmed components of the regional or local traffic ways, define what city, county or state agencies have programmed the necessary construction and how this programming relates to the proposed development.
 - iv. A further detailed analysis and any other information that the review committee considers relevant.
 - v. The traffic impact study may be reviewed by an independent licensed professional engineer contracted by the city to determine whether it adequately addresses the impact and the study supports its conclusions. The cost of review by city's consultant shall be reimbursed to the city by the applicant.
 - vi. When this subsection M.4.b. applies, the traffic study shall include an analysis of how the peak loading will affect the transportation system including, if necessary, an operational plan showing how the peak trips will be controlled and managed.

Response: Applicant has provided a traffic study with this submission.

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

Response: To the extent any additional right-of-way is needed, Developer will dedicate the same by easement.

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

Response: Sidewalks have been provided along all street frontages and within the development site.

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

Response: Acknowledged.

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

Response: Acknowledged.

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

Response: Applicant has provided street trees along all street frontages. See landscape plan for details.

N. Wastewater.

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

Response: Applicant has provided a water and wastewater capacity availability letter from the City's Public Works Department. Applicant will coordinate with the City's Public Works Department to discuss potential responsibilities for any future public infrastructure improvements.

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

Response: Acknowledged.

P. *Historic and archaeological resources.*

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

Response: This site does not have any known historical or archaeological significance.

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

Response: Applicant has provided a letter from the County's Emergency Management Division with this submission.

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Central Beach District Requirements and Limitations Narrative

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 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.

RESPONSE: The proposed setback from Birch Road is 20’.

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.

RESPONSE: Acknowledged. The maximum height of the proposed restaurant building is 30’ – 6”. The maximum height of the marina services building is 43’. The marina service building will not cast any shadow o the beach.

3. Density. Residential: forty-eight (48) dwelling units per acre.

RESPONSE: N/A, the Project does not include residential uses.

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.

RESPONSE: The Beach CRA Redevelopment Plan explicitly allows for marine-related office uses, marine-related retail uses, and restaurant uses. The proposed uses on the Property are therefore consistent with the Beach CRA Redevelopment Plan (see pages 12 and 13 of the Beach CRA Redevelopment Plan).

5. Floor area ratio. No structure shall be developed or redeveloped on a parcel so that the floor area ratio is greater than six.

RESPONSE: The proposed floor area ratio of the Project is 0.18.

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 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](#).

RESPONSE: Acknowledged. The Project is proposed as a Site Plan Level IV with a conditional use and includes marina uses, commercial retail uses, and restaurant uses.

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.

RESPONSE: The minimum distance between the buildings is 20 feet (20% of the tallest building is 8.6').

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 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.

RESPONSE: The maximum structure length for the proposed Project is 190' – 6".

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Conditional Use Narrative

ULDR Section 47-24.3.E

E. *Criteria.* The following review criteria shall be applied in considering an application for a conditional use permit:

1. Impact on abutting properties as evaluated under the Neighborhood Compatibility Requirements, [Sec. 47-25.3](#).

RESPONSE: Applicant has provided a separate narrative addressing Neighborhood Compatibility.

2. Access, traffic generation and road capacities. Consideration will be given to the design capacity of the adjacent roadways, the particular traffic generation characteristics of the proposed conditional use, including the type of vehicular traffic associated with such uses, and traffic generation characteristics of other uses permitted in particular zoning districts.

RESPONSE: Applicant has provided a traffic impact study and shared parking study conducted by Kimley-Horn.

3. The applicant must show and it must be found by the reviewing body that the following have been met:
 - a. The location of the use or structure is not in conflict with the city's comprehensive plan;

RESPONSE: The Property is located in the Central Beach Regional Activity Center and is consistent with the Beach CRA Redevelopment Plan. The Beach CRA Redevelopment Plan explicitly contemplated an expansion of the Las Olas Marina and permits marine-related retail and office uses, marine uses, and restaurant uses.

- b. Off-site or on-site conditions exist which reduce any impact of permitting the use or structure;

RESPONSE: The Applicant submitted a parking reduction and traffic study detailing how there is adequate transportation infrastructure and parking

facilities to accommodate the Project. The Applicant is providing minimum 12' sidewalks along Birch Road and minimum 9' – 6" sidewalks along Las Olas Circle to accommodate pedestrian traffic through the site. The Applicant is also making significant landscape and streetscape improvements to the site. These improvements not only reduce the impact of permitting the use and structures, but enhance the surrounding area.

- c. On-site improvements have been incorporated into the site plan which minimize any adverse impacts as a result of permitting the use or structure;

RESPONSE: See response to subsection (b) above.

- d. The location of the use in proximity to a similar use does not impact the character of the zoning district in which the use is located;

RESPONSE: The expansion of the Las Olas Marina was explicitly contemplated in the Beach CRA Redevelopment Plan, and the current Project includes only those uses explicitly contemplated in the plan. The contemplation of the expansion of the Las Olas Marina was subject to numerous public hearings, public workshops, and extensive analysis by the City's consultants through the adoption process of the Beach CRA Redevelopment Plan. This Project is bringing one of the main redevelopment objectives to fruition, and as such, the City has already determined that the expansion of the Las Olas Marina will not have an adverse impact to the character of the zoning district.

- e. There are no adverse impacts of the use which effect the health, safety and welfare of adjacent properties.

RESPONSE: Applicant is not aware of any adverse impacts that the Project will have to the health, safety, or welfare of adjacent properties.

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Neighborhood Compatibility Narrative

ULDR Section 47-25.3

A. The neighborhood compatibility requirements are as follows:

1. *Adequacy requirements.* See [Sec. 47-25.2](#)

RESPONSE: Applicant has provided a separate point-by-point narrative addressing the adequacy requirements.

2. *Smoke, odor, emissions of particulate matter and noise.*

- a. Documentation from the Broward County Department of Natural Resource Protection (DNRP) or a report by a certified engineer, licensed in the State of Florida, that the proposed development will not exceed the maximum levels of smoke, odor, emissions of particulate matter and noise as regulated by Chapter 27, Pollution Control, of the Code of Broward County, and that a DNRP permit for such facility is not required.
- b. Where a DNRP license is required in accordance with Chapter 27, Pollution Control, of the Code of Broward County, all supporting documentation and information to obtain such permit shall be submitted to the DRC as part of a site plan review.
- c. Such DNRP licenses shall be required to be issued and copies provided to the city prior to the issuance of a building permit for the proposed development.

RESPONSE: If required, Applicant will obtain all DRNP/DMNP licenses.

3. *Design and performance standards.*

- a. *Lighting.* No lighting shall be directed from a use which is subject to the requirements of this [Sec. 47-25.3](#) in a manner which illuminates abutting residential property and no source of incandescent or mercury vapor illumination shall be directly visible from any abutting residential property. No neon lights inside or outside structures shall be visible from any abutting residential property.
 - i. *Glare.* Any nonresidential operation or activity producing glare shall be conducted so that direct or indirect illumination of light shall not

cause illumination in excess of one (1) footcandle on any abutting residential property except as provided in subsection iii. of this subsection a.

- ii. Control of effects of lights from automobiles or other sources. Where the site plan indicates potential adverse effects of parking or of other sources on the lot on which the nonresidential use is to be located, such effects shall be eliminated or at a minimum prevented so that lights do not illuminate adjacent residential property below a height of five (5) feet at the residential lot line, or from shining into any residential window if there is to be nonresidential parking on the premises after dark.
- iii. In addition to the above, parking lots and garages will be subject to the provisions of Sections [47-20.14](#) and if in conflict with the provisions of this section, the more restrictive provisions shall apply.

RESPONSE: N/A. The Project does not abut residential property as defined in the ULDR.

b. *Control of appearance.* The following design standards are provided to protect the character of abutting residential areas from the visual impact which may result from a use which is subject to the requirements of this [Sec. 47-25.3](#).

- i. *Architectural features.* The facade of any side of a nonresidential building facing the residential property shall be constructed to compliment a residential structure and shall include the following:
 - a. Fenestration such as windows, doors and openings in the building wall; and
 - b. Shall contain a minimum of one (1) feature from each of the following architectural feature groups with a total of four (4) architectural features from the following list:
 - i. Detail and embellishments:
 - 1. Balconies,
 - 2. Color and material banding,
 - 3. Decorative metal grates over windows,
 - 4. Uniform cornice heights,
 - 5. Awnings.
 - ii. Form and mass:
 - 1. Building mass changes including projection and recession,
 - 2. Multiple types and angles of roofline, or any combination thereof.
 - c. The above required facade treatment shall be required to continue around the corner onto the adjoining wall for a distance of twenty (20) feet.

RESPONSE: N/A. The Project does not abut residential property as defined in the ULDR.

- ii. *Loading facilities.* Loading and service facilities shall be screened so as not to be visible from abutting residential uses or vacant residential zoned property.

RESPONSE: Applicant will appropriately screen loading and service facilities from the abutting residential use.

- iii. *Screening of rooftop mechanical equipment.* All rooftop mechanical equipment, stair and elevator towers shall be designed as an integral part of the building volume and shall be required to be screened with material that matches the material used for the principal structure and shall be at least as high as six (6) inches above the top most surface of the roof mounted structure.

RESPONSE: All rooftop equipment will be adequately screened.

c. *Setback regulations.* When a nonresidential use which is subject to the requirements of this [Sec. 47-25.3](#) is contiguous to any residential property, there shall be an additional setback required for any yard of that use which is contiguous to the residential property, as follows:

- i. When any side of a structure greater in height than forty (40) feet is contiguous to residential property, that portion of the structure shall be set back one (1) foot for each one (1) foot of building height over forty (40) feet up to a maximum width equal to one-half (½) the height of the building, in addition to the required setback, as provided in the district in which the proposed nonresidential use is located.

RESPONSE: N/A. The Project is not contiguous to residential property as defined in the ULDR.

d. *Bufferyard requirements.* Excluding parks, open space and conservation areas, when a use which is subject to the requirements of this [Sec. 47-25.3](#) is contiguous to any residential property, the property where the use is located shall be required to have a landscaped strip area and a physical barrier between it and the residential property. Such landscape strip shall meet the following requirements:

- i. *Landscape strip requirements.* A ten (10) foot landscape strip shall be required to be located along all property lines which are adjacent to residential property. Such landscape strip shall include trees, shrubs and ground cover as provided in the landscape provisions of [Section 47-21](#), Landscape and Tree Preservation Requirements.

The width of the landscape area shall extend to the property line. All required landscaping shall be protected from vehicular encroachment. When walls are required on nonresidential property abutting an alley, required shrubbery shall be installed and located within the landscape area on the exterior of the wall.

- ii. *Parking restrictions.* No parking shall be located within twelve (12) feet of the property line, within the yard area required by the district in which the proposed nonresidential use is located, when such yard is contiguous to residential property.
- iii. *Dumpster regulations.* All solid waste refuse containers (dumpsters) shall be set back a minimum of twelve (12) feet from any property line which is contiguous to residential property, and shall be screened in accordance with the Dumpster requirements, as provided in [Section 47-19](#), Accessory Uses, Buildings and Structures.
- iv. *Wall requirements.* A wall shall be required on the nonresidential property, a minimum of five (5) feet in height, constructed in accordance with [Section 47-19.5](#) and subject to the following:
 - a. Decorative features shall be incorporated on the residential side of such wall according to the requirements of [Section 47-19.5](#),
 - b. Shall be located within, and along the length of the property line which abuts the residential property,
 - c. When the nonresidential property is located adjacent to an alley such wall shall be located at least five (5) feet from the right-of-way line located closest to the nonresidential property,
 - d. When a utility, or other public purpose easement, on the nonresidential property precludes the construction of a wall, then an opaque fence, constructed in accordance with the standards described in [Section 47-19.5](#), may be erected in lieu of the wall required by subsection iv. above. The use of an opaque fence as a physical barrier between nonresidential and residential property shall be reviewed and recommended by the city engineer.
- v. *Application to existing uses.* Within five (5) years from the effective date of subsections A.3.c and d (effective date: September 19, 1989), all nonconforming uses of land which were in existence prior to such date shall comply with the requirements of subsections A.3.c and d

unless compliance would cause one (1) or more of the following to occur:

- a. Demolition of any load-bearing portion of a building as it exists on September 19, 1989, the effective date of subsections A.3.c and d;
- b. Reduction of required parking spaces;
- c. A reduction in the number of parking spaces provided for use of a parcel which would be required if based on the parking requirements of [Section 47-20](#), Parking and Loading Requirements in effect on and applicable to such use on March 6, 1990;
- d. Relocation of an existing wall which complied with the Code prior to September 19, 1989, the effective date of subsections A.3.c and d;
- e. Access to the land would be substantially impaired;
- f. Installation of the wall as provided in subsection iv. would require a modification of the existing vehicular use area, which would impair traffic circulation on the site and a minimum five (5) foot high hedge, fence or other physical barrier is in place along the length of the nonresidential property line which abuts the residential property;
- g. In such cases, the use shall otherwise comply with the requirements of this section to the maximum possible extent; however, the requirement of subsections A.3.d.i to install a landscape strip shall be met if an abutting residential property owner agrees in writing that the landscape strip may be placed on his or her property. An agreement in form provided by the department must be executed by the applicant and the abutting property owner. If the abutting property owner removes the landscape strip after it has been installed, there shall be no further requirement to install another landscape strip on the abutting property in connection with the commercial use which existed at the time of the initial installation.

RESPONSE: N/A. The Project is neither contiguous to nor abutting residential property as defined in the ULDR.

e. Neighborhood compatibility and preservation. In addition to the review requirements provided in subsections A.1, A.2 and A.3.a, b, c, and d, the following review criteria shall also apply as provided below:

- i. All developments subject to this [Sec. 47-25.3](#) shall comply with the following:

- a. Development will be compatible with, and preserve the character and integrity of adjacent neighborhoods, the development shall include improvements or modifications either on-site or within the public rights-of-way to mitigate adverse impacts, such as traffic, noise, odors, shadow, scale, visual nuisances, or other similar adverse effects to adjacent neighborhoods. These improvements or modifications may include, but shall not be limited to, the placement or orientation of buildings and entryways, parking areas, bufferyards, alteration of building mass, and the addition of landscaping, walls, or both, to ameliorate such impacts. Roadway adjustments, traffic control devices or mechanisms, and access restrictions may be required to control traffic flow or divert traffic as needed to reduce or eliminate development generated traffic on neighborhood streets.

RESPONSE: The Project is an expansion to the Las Olas Marina as contemplated in the Beach CRA Redevelopment Plan. The entryways of the buildings are oriented towards the middle of the development site. The Project includes significant landscaping, streetscape, and sidewalk improvements along Las Olas Circle and Birch Road to ameliorate any perceived negative impacts on the surrounding area and to improve pedestrian traffic flow around the site and adjacent rights-of-way. The public pedestrian promenade through the site will provide a significantly improved pedestrian connection from Las Olas Circle to Birch Road.

- b. Consideration shall be given to the recommendations of the adopted neighborhood master plan in which the proposed development is to be located, or which it abuts, although such neighborhood master plan shall not be considered to have the force and effect of law. When recommended improvements for the mitigation of impacts to any neighborhood, conflicts with any applicable ULDR provision, then the provisions of the ULDR shall prevail. In order to ensure that a development will be compatible with, and preserve the character and integrity of adjacent neighborhoods, the development shall include improvements or modifications either on-site or within the public rights-of-way to mitigate adverse impacts, such as traffic, noise, odors, shadow, scale, visual nuisances, or other similar adverse effects to adjacent neighborhoods. These improvements or modifications may include, but shall not be limited to, the placement or orientation of buildings and entryways, parking areas, bufferyards, alteration of building

mass, and the addition of landscaping, walls, or both, to ameliorate such impacts. Roadway adjustments, traffic control devices or mechanisms, and access restrictions may be required to control traffic flow or divert traffic as needed to reduce or eliminate development generated traffic on neighborhood streets.

RESPONSE: The proposed expansion of the Las Olas Marina is a product of neighborhood involvement, the input of the Marine Advisory Board and the subject of a lease with the City. It also was explicitly considered in the Beach CRA Redevelopment Plan. The Beach CRA Redevelopment Plan contemplated marine-related retail uses, office uses, and restaurant uses, in addition to the Intracoastal waterfront promenade, all of which are included in the Project.

- ii. All development within the RAC-TMU (RAC-EMU, RAC-SMU and RAC-WMU) district that is greater in density than twenty-five (25) dwelling units per net acre:
 - a. In addition to meeting the review requirements of subsection A.3.e.i, building sites within the RAC-TMU (RAC-EMU, RAC-SMU and RAC-WMU) district shall be eligible to apply for additional dwelling units over and above twenty-five (25) dwelling units per net acre, provided such additional dwelling units are available for distribution in the downtown regional activity center. However, in order to obtain such additional dwelling units, a site plan level II permit must be approved. Such approval shall be based upon consideration of the number of additional dwelling units available under the city land use plan, the number of additional dwelling units requested, the impact of the proposed development on abutting residential areas, the proposed residential density of the proposed development, location of the proposed development, the sensitivity to adjacent development of the site design and proposed orientation of the proposed development (including proposed setbacks), pedestrian movements associated with the proposed development, proposed landscaping, and traffic and parking impacts of the proposed development on the transportation network. Approval for allocations of any additional dwelling units, hotel rooms or both, for multifamily dwellings, hotels and mixed-use developments shall conform to the city's land use plan and may be granted subject to approval of a site plan level II permit, subject to the considerations for such review as prescribed above. A

minimum setback of twenty (20) feet from all property lines for every building used exclusively for residential purposes may be required. Such minimum setback may also be required for mixed use buildings in which residential use exceeds fifty-nine percent (59%) of the total floor area, exclusive of parking garages.

RESPONSE: N/A. The Project is not located in the RAC-TMU zoning district.

iii. All development within any downtown RAC district that is within one hundred (100) feet of residential property that is located outside of any downtown RAC district and all development within the RAC-TMU (RAC-EMU, RAC-SMU and RAC-WMU) district; and all development that is located on land adjacent to the New River within the RAC-AS and RAC-CC which deviates from the New River corridor requirements as provided in [Section 47-13](#), Downtown Regional Activity Center:

a. In addition to meeting the review requirements of subsection A.3.e.i, the setbacks imposed for a development plan may be modified subject to the requirements provided as follows:

i. No structure, or part thereof, shall be erected or used, or land or water used, or any change of use consummated, nor shall any building permit or certificate of occupancy be issued therefor, unless a development plan for such structure or use shall have been reviewed and approved, where applicable, after development review as prescribed in subsection A.3.e.i. In approving such development plan, consideration shall be given to the location, size, height, design, character and ground floor utilization of any structure or use, including appurtenances; access and circulation for vehicles and pedestrians, streets, open spaces, relationship to adjacent property, proximity to New River and other factors conducive to development and preservation of a high quality downtown regional activity center district. No approval shall be given to the setbacks shown on the development plan unless a determination is made that the setbacks conform to all applicable provisions of the ULDR, including the requirements of [Section 47-13](#), Downtown Regional Activity Center Districts, that the safety and convenience of the public are properly provided for and that adequate

protection and separation are provided for contiguous property and other property in the vicinity. Approval of the setbacks of a development plan may be conditioned by imposing one (1) or more setback requirements exceeding the minimum requirements.

RESPONSE: N/A. The Project is not located in the Downtown RAC.

- iv. All development that is located on land within the CBA zoning districts;

AND

All development that is zoned RMM-25, RMH-25 and RMH-60 east of the Intracoastal Waterway;

AND

All nonresidential development lying east of the Intracoastal Waterway.

- a. In addition to meeting the other applicable review requirements of this subsection 3., it shall be determined if a development meets the Design and Community Compatibility Criteria.

The purpose of the Community Compatibility Criteria is to define objectives for private sector development which either abuts or is readily visible from public corridors. The relationship between private and public sector development must be carefully planned to avoid negative impacts of one upon the other. The city's intent in implementing these objectives is to:

- i. Protect the investment of public funds in public corridor improvements.
- ii. Improve the visual and functional quality of both public and private development by coordinating the transition between these areas.
- iii. The ultimate goal of these objectives is to integrate buildings, vehicular circulation, pedestrian circulation, open space and site elements into a unique, pedestrian sensitive environment which stimulates revitalization.

RESPONSE: Acknowledged.

The Community Compatibility Criteria that are required to be met are as follows:

b. *Bulk Controls:*

Density:

Building density should be consistent with the proposed use, adjacent development, and as required under the Central Beach Area, RMM-25, RMH-25 and RMH-60 zoning districts.

RESPONSE: N/A. The Project does not include residential uses.

Floor Area Ratio:

Building floor area ratio (F.A.R.) should be consistent with the proposed use, and as required under the Central Beach Area.

RESPONSE: Acknowledged. The Project's FAR is 0.18.

Maximum Height:

Building height should be consistent with the proposed use, adjacent development, and as required under the Central Beach Area, and RMM-25, RMH-25 and RMH-60 zoning districts. No portion of a structure in excess of thirty-five (35) feet in height shall exceed the prescribed Beach Shadow Ordinance setback.

RESPONSE: Acknowledged. None of the buildings in the proposed Project will exceed the prescribed Beach Shadow Ordinance setbacks.

Yards:

Building yards should be consistent with the proposed use, adjacent development, and as required under the Central Beach Area, RMM-25, RMH-25 and RMH-60 zoning districts. Building yards are in addition to any easements or reserve right-of-way which may be required by the city, county or state. Portions of a structure, up to thirty-five (35) feet in height, may encroach within the A1A setback if the building's street level use is predominantly pedestrian active (pedestrian-oriented retail, sidewalk cafes, etc.). No portion of any structure is permitted to extend, however, into the future right-of-way.

In the PRD, ABA and SBMHA zoning districts, to insure continuity of the ocean front streetscape "edge" a minimum seventy-five (75%) percent of the northbound A1A frontage must be built to the setback line (or approved encroachment limit). In the Planned Resort Development (PRD) district the entire northbound A1A frontage should be built to the future right-of-way line unless otherwise approved under that district's community redevelopment plan.

RESPONSE: N/A. The Project does not abut A1A. The minimum setback provided in the Project along Birch Road is 20 feet.

c. Massing Guidelines:

Overall Height:

Buildings should be encouraged to vary in overall height and not be contained in a single volume of continuous height.

RESPONSE: Acknowledged. The buildings in the proposed Project are 43' and 30' – 6" in height.

Vertical Plane Moderation:

Buildings exceeding thirty-five (35) feet in height should be encouraged to maintain no more than three (3) stories without horizontal moderation in vertical surface plane. This moderation should consist of a minimum four feet horizontal variation in surface plane such as brise soleil, balconies, building projections, etc. Repetitive moderations should be discouraged.

RESPONSE: Acknowledged. The marine services building, which exceeds thirty-five (35) feet in height, includes horizontal moderation in the vertical surface plane consisting of balconies and building recessions.

Cornice Height:

All buildings should be encouraged to display a uniform cornice height of a maximum of thirty-five (35) feet in height. This cornice height should consist of a uniform alteration to the building massing for a minimum of twenty (20) feet perpendicular to the vertical surface.

RESPONSE: Acknowledged. The marine services building, which exceeds thirty-five (35) feet in height, has a uniform cornice height at 29' above finished floor for the entire length and width of the structure.

Facade Treatment:

The first thirty-five (35) feet of exterior facade vertical plane should be encouraged to enhance the pedestrian environment by incorporating appropriate architectural features. Such features include cornice detailing, belt courses, corbelling, molding, stringcourses, ornamentation, changes in material or color, and other sculpting of the architectural surface which add special interest and are compatible with public sector site elements.

RESPONSE: Acknowledged. Both buildings include the significant use of glass for nearly the entire length and width of the structures, creating active uses on all floors of the buildings and adding to the pedestrian environment.

Overstreet Connections:

Connections between structures which pass over public right-of-way may be permitted providing those connections have secured legitimate air rights over the public corridor and meet all applicable codes. Connections over A1A to the beach should be limited to select locations where significant amounts of above grade pedestrian traffic will be generated. Where possible, overstreet connections should access the promenade/beach at or near major beach portal features. All overstreet connections should be of exceptional design, which enhances the visual and functional quality of the streetscape and should be compatible with public sector site elements.

RESPONSE: N/A. None of the structures pass over public right-of-way.

d. Street Level Guidelines:

Active Use:

The first floor of all buildings, including structured parking, should be designed to encourage pedestrian scale activity. To stimulate pedestrian activity, buildings which front on A1A northbound should devote a majority of their first floor area to retail activities such as restaurants, shops, galleries and similar active uses. Street level retail uses should have direct access to the adjoining public sector sidewalk in addition to any other access which may be provided.

Structured parking facilities should be designed with street level frontages consisting of either occupied retail space or an architecturally articulated facade which screens the parking area of the structure. Street level openings to parking structures should occur only on sidestreets and be minimized to accommodate necessary vehicle entrances and pedestrian access only.

Buildings which provide pedestrian active retail uses along a majority of their A1A northbound street level frontage may be permitted to exceed setbacks established under the Central Beach Area Zoning Districts (Section [47-12](#)). In addition, street level retail and restaurant uses may be permitted to use a portion of the public sector sidewalk for sidewalk displays and/or

outdoor dining areas. Private use of public sector sidewalks must be temporary only and subject to all applicable codes and lease arrangements. All displays, furnishings and other elements associated with these active street level uses should be designed and maintained to enhance the visual and functional quality of the streetscape and should be compatible with public sector site elements.

RESPONSE: N/A. The Project does not front A1A. Nevertheless, both buildings in the Project include active uses on the ground floor.

Fenestration:

To complement pedestrian scale activity on A1A and all People Streets, a majority of the first floor facade on these frontages should be windows, doors or other transparent architectural features. Expanses of solid wall should be minimized. Reflective surfaces on windows or doors should be discouraged. Street level windows and doors should be recessed or receive special design detailing which distinguish them from the building shaft and add variety to the streetscape.

RESPONSE: Acknowledged. The majority of the first floor of both buildings includes windows, doors, and other transparent architectural features.

Arcades/Canopies:

Buildings which border directly on A1A northbound or Las Olas Boulevard within the Planned Resort Development (PRD) district should incorporate an arcade or continuous architectural canopy along these frontages, unless otherwise approved under a community redevelopment plan. Buildings in other districts should be encouraged to incorporate an arcade or continuous canopy along their A1A northbound frontage providing the feature is consistent with the proposed use, adjacent development and meets all applicable codes. Arcades or continuous canopies should be a minimum of ten feet wide and maintain acceptable minimum clear height. Arcades and canopies should be designed as a fixed non-retractable element integral to the building's architectural mass and compatible with public sector site elements.

Non-continuous canopies, awnings and marquees should also be provided over street level window treatments and building entrances. Such features may be constructed of either rigid or flexible material but should complement the visual and

functional quality of the streetscape and be compatible with public sector site elements. No arcade, canopy, awning or marquee should extend into the future public right-of-way nor interfere with street light fixtures or the growth and maintenance of street trees.

RESPONSE: N/A. None of the proposed buildings in the Project front A1A or Las Olas Boulevard.

Trash/Loading Facilities:

All building facilities for loading, trash and service should be incorporated within building volume and screened so as not to be visible from the street and pedestrian circulation areas. Trash/loading facilities should be discouraged on A1A and People Street frontages. Where buildings are of inadequate volume to accommodate these facilities, trash/loading facilities should be architecturally treated as part of the building mass and screened by solid walls, fences, planting or architectural devices which are compatible with public sector site elements. Trash/loading facilities must be of sufficient size and design to accommodate access by large vehicles.

RESPONSE: The buildings of the Project are of inadequate volume to accommodate these facilities within the building mass itself. The Applicant is proposing separate ancillary facilities for trash and storage which will be adequately screened from the public rights-of-way.

e. *Other Guidelines:*

Energy Conservation:

Buildings should be oriented to take advantage of southeasterly breezes for summer cooling and interrupt occasionally strong northeasterly winds. Exterior glass surfaces should be shaded to improve energy efficiency. Roof and exterior wall finishes should be light in color to encourage maximum reflection/minimum transmission of heat loadings.

RESPONSE: The roof and exterior wall finished of the buildings in the Project are light in color to encourage maximum reflection/minimum transmission of heat loadings.

Building Separation:

Buildings should allow adequate space between structural masses for the passage of natural breezes. New building masses should be sited to the extent feasible so they maintain reasonable

views to the ocean and Intracoastal Waterway from existing structures.

RESPONSE: The Project includes a breezeway on the first floor of the marine-services building. The Project also includes a 20' separation between the two buildings to maintain reasonable views to the Intracoastal Waterway and to provide an additional breezeway between the two buildings.

Rooftop Design:

Where possible, rooftops should be designed to accommodate various forms of human activity such as sun decks, tennis courts, outdoor cafes, etc. Roof surfaces not allocated to human activity should be finished with a surface material that does not effect the quality of views from surrounding buildings.

All rooftop mechanical equipment, stair and elevator towers should be designed as an integral part of the building volume and/or adequately screened.

RESPONSE: All rooftop equipment will be adequately screened and the roof surfaces will not affect the quality of views from surrounding buildings.

f. *Vehicular Circulation:*

Ingress/Egress:

For the CBA zoning districts, access drives to individual parcels should be limited to those necessary for the adequate function of the use contained therein. Direct vehicular access from A1A northbound should be discouraged unless otherwise approved under the Planned Resort Development (PRD) district community redevelopment plan. Direct vehicular access from A1A southbound should be limited to minimize traffic impacts on the state roadway. Direct vehicular access from sidestreets should be encouraged. Smaller parcels should be encouraged to share common access with adjacent parcels keeping curb cuts to a minimum.

RESPONSE: The Project does not front A1A. Access to the Project is provided via Las Olas Circle and Birch Road.

Arrival/Drop-off Areas:

Major arrival/drop-off areas should only be encouraged along sidestreets, especially those designated as People Streets. Arrival/drop-off areas should be encouraged to provide sufficient room for vehicle stacking, loading, unloading, and

other main entrance functions. Pedestrian entries for all residential, hotel and commercial structures should be located the maximum possible distance from loading and service areas.

RESPONSE: All arrival/drop off areas are contained within the site.

Other:

Individual parcels should be encouraged to accommodate transit stops for the county bus service, the proposed water taxi and other transit systems. Fire access lanes and other emergency vehicular accessways may be designated by the appropriate public agency. Uses that require service by large vehicles should be designed to allow large vehicle access without blockage of adjoining vehicular or pedestrian circulation.

RESPONSE: There are no planned transit stops on Birch Road or Las Olas Circle adjacent to the development site. The Project includes adequate circulation for fire access and other emergency vehicles.

g. *Pedestrian Circulation:*

Urban Open Spaces/Plazas:

Open spaces for public congregation and recreation should be encouraged to the extent that these spaces do not substantially interrupt the streetscape edge at the building line. Open spaces should be permitted both within and behind building yards in proportion to the bulk of the adjacent building. The streetscape edge should be maintained by architectural features (arcades) site furnishings (flagpoles, light standards) for landscape elements (palms, etc.) which provide continuity between the building line of adjoining structures.

All urban open spaces should be accessible and visible from the adjoining public sector corridor while providing for the safety and security of patrons. Severe elevation change and walls should be discouraged between the adjoining public corridor and the open space. Entryways and steps to these open spaces should be kept wide and welcoming in character. All urban open space must be kept handicap accessible.

The following amenities should be encouraged within urban open spaces: ornamental fountains, waterfalls, sculpture, trellises, arbors, seating facilities, landscape features, etc. Design features of these open spaces should serve to enhance the

visual and functional quality of the adjoining corridor and be compatible with public sector site elements.

RESPONSE: The Project includes open spaces and a waterfront promenade. Seating facilities are provided along the waterfront and along Birch Road.

Pedestrian Corridors:

Private sector pedestrian corridors, which supplement public sector pedestrian facilities and improve access to the beach and/or Intracoastal Waterway should be encouraged. These corridors should be of a width and design which encourages pedestrian use and whenever possible allows for emergency vehicle access. The corridors may pass through open air or enclosed portions of surrounding buildings providing the pedestrian experience is largely uninterrupted.

RESPONSE: Applicant is providing a public promenade around the majority of the site, including a public pedestrian promenade along the majority of the Intracoastal waterway, designed to complement and complete the Intracoastal waterfront promenade that was explicitly contemplated in the Beach CRA Redevelopment Plan.

Parking:

Parking should be provided consistent with the proposed use, adjacent development and as required under [Section 47-20](#). Access drives to parking should be limited to those necessary for the function of the facility and comply with vehicular ingress/egress guidelines outlined herein. Direct backout or "head-in" parking should be expressly prohibited.

Parking facilities should be located in close proximity to the building they serve with direct pedestrian access from parking to building which does not impact public pedestrian facilities. Vehicular circulation within parking areas should remain internal to the parking facility and public roads should not be utilized as part of the parking circulation system. Structure parking should be encouraged subject to the street level building guidelines outlined herein. Covered parking should also be encouraged providing the overhead structures are compatible with adjoining architecture/ site elements and comply with the building rooftop design guidelines outlined herein. Grade level parking must be adequately screened so parked cars are not visible from adjoining public corridors, and landscaped to moderate views from surrounding buildings.

Parking perimeters may incorporate walls, fencing, mounds and/or landscape treatments to meet the screening requirement providing these elements are compatible with adjoining public sector site elements and allow safe and secure use of parking facilities. Trash, storage and mechanical equipment located within parking facilities should also comply with the screening requirements outlined herein.

RESPONSE: Parking is provided on-site. See shared parking study included with this submission.

h. *Perimeter Treatments:*

Screening:

All exterior trash, loading and equipment storage facilities should be screened so as not to be visible from adjoining public corridors and landscaped to moderate views from surrounding buildings. Mechanical equipment including all handling units, exhaust outlets, transformer boxes, electric switching units, etc. should be appropriately screened by planting and/or low walls wherever it cannot be concealed within the building volume.

Grade level parking lots should be appropriately screened from adjacent pedestrian areas with walls, fencing and/or planting. Shrubs surrounding ground level parking lots should be of sufficient height to hide automobile grill work. Landscape material used to meet the above requirements should provide 100% screening within one growing season, and must be provided with an automatic irrigation system.

Any lot that becomes vacant through removal of a structure should be screened from the abutting public corridor. Vacant lot screening should utilize the elements described above and additional treatments as necessary to protect the visual and functional quality of the adjoining public corridor. Screening design, materials and maintenance should be compatible with public sector site elements.

RESPONSE: All exterior trash, loading and equipment storage facilities will be adequately screened. All rooftop mechanical equipment will be adequately screened. Grade level parking will be appropriately screened. See landscape plan for details.

Paving:

Public sector paving should be as shown on the approved Beach Revitalization streetscape plans or as specified in other sections

of these guidelines. Paving systems used on private plazas and walkways should be compatible in pattern and scale to public sector paving. Private paving systems which immediately abut and are readily visible from adjoining public corridors should reflect the same color, material and texture as the public sector paving and provide a cohesive visual and functional transition without interruption.

While private paving systems should be of outstanding design and character, they should be encouraged to fit within the overall fabric of the streetscape and not dominate the visual experience. Private paving should be sensitive to the needs of the beach-going public and be handicap accessible. Paving design, materials and maintenance should be compatible with public sector site elements.

RESPONSE: See sheet L2-0.00 for hardscape paving details.

Landscape:

Private sector landscape planting should be consistent with the proposed use, adjacent development, and as required under [Section 47-12](#) of the ULDR. Existing trees should be preserved or otherwise mitigated as outlined in the ordinance. Plant material should be used in a contemporary urban context, acknowledging the limitations of the beach environment, and creating a lush tropical environment in keeping with the visual quality of the beach and adjoining public corridors. Plant massings should be rich in material, with special attention given to the ground plane treatment. Color should be used in bold, massive statements where appropriate.

Private sector plant material which immediately abuts and is readily visible from adjoining public corridors should reflect the species, size, and spacing of the public sector landscape and provide a cohesive visual and functional transition without interruption. Landscape design and maintenance should be compatible with public sector site elements. Private sector landscape planting should be consistent with the proposed use, adjacent development, and as required under [Section 47-12](#). Existing trees should be preserved or otherwise mitigated as outlined in [Section 47-12](#). Plant material should be used in a contemporary urban context, acknowledging the limitations of the beach environment, and creating a lush tropical environment in keeping with the visual quality of the beach and adjoining

public corridors. Plant massings should be rich in material, with special attention given to the ground plane treatment. Color should be used in bold, massive statements at intersections and where appropriate.

Private sector plant material which immediately abuts and is readily visible from adjoining public corridors should reflect the species, size, and spacing of the public sector landscape and provide a cohesive visual and functional transition without interruption. This street frontage landscaping should not be blocked visually by fences or other architectural treatments. All street frontages should have palms and shade trees. One half of the trees on these frontages should be shade trees. Property abutting the Intracoastal Waterway should have trees and palms planted along this water frontage. Landscape design and maintenance should be compatible with public sector site elements.

RESPONSE: Applicant is providing a significant amount of landscaping on all street frontages and within the site. See sheets L5-1.01 through L5-2.02 for details.

i. *Site Furnishings:*

Private sector site furnishings should be consistent with the proposed use, adjacent development, and as required by applicable codes. Site furnishings should be considered an integral component of the urban streetscape and designed/located accordingly. Emphasis should be given to maximizing passive relaxation opportunities in locations which allow varying degrees of interaction with adjacent pedestrian corridors. Visual clutter and haphazard distribution of site furnishings should be discouraged. Site furnishing design, materials, and maintenance should be compatible with public sector site elements.

Vending machines visible from public rights-of-way should be located and/or designed to be compatible with the adjacent development and public sector site elements. The location of these vending machines shall be compatible with adjacent architectural color and style; uniform in style, material, height and color when located next to other vending machines and must not interfere with public automobile or pedestrian access.

RESPONSE: Applicant is providing site furnishing along the waterway in such areas that will be open to the public. See site plan for details.

j. *Signage:*

Private sector signage should be consistent with the proposed use, adjacent development, and as required under [Section 47-12](#). Signage should be considered an integral component of the urban streetscape and designed/located accordingly. Signage should be restrained in character and no larger than necessary for adequate identification. Wherever possible, signage should be integrated with the building architecture, arcades or canopies. Private signage which improves the pedestrian's orientation to adjoining pedestrian and vehicular circulation systems should be encouraged.

Building signage should be discouraged above the building's second floor elevation except on hotels which may be permitted to display a single discrete sign on both the north and south faces of the main building mass. Roof signs and billboards should be expressly prohibited. Freestanding signs should be located and sized so they do not obstruct views to/from adjoining parcels or impede clear view of pedestrian and vehicular traffic and traffic control devices.

The intensity and type of signage illumination should not be offensive to surrounding parcels or the uses therein. Signage style and character should enhance the visual and functional quality of the adjoining public corridor. Signage design, material and maintenance should be compatible with public sector site elements.

RESPONSE: Acknowledged. Signage will be applied for under separate permit.

k. *Lighting:*

Private sector site lighting should be consistent with the proposed use, adjacent development, and as required under applicable codes. Site lighting should be considered an integral component of the urban streetscape and designed/located accordingly. Emphasis should be placed on both the nighttime effects of illumination quality and the daytime impact of the standard's appearance.

Site lighting should be consistent with the theme of the immediate context and compatible with the lighting of adjacent parcels. Light distributions should be relatively uniform and appropriate foot-candle levels should be provided for various uses. (Refer to adopted Public Sector Site Lighting Guidelines

for average maintained foot-candle recommendations). All exterior private sector spaces should be sufficiently lit to allow police and citizen surveillance, enhance personal security, and discourage undesirable activities. Exterior lighting should be controlled by an automatic timer or photocell to insure regular activation.

Site lighting which immediately abuts and is readily visible from adjoining public corridors should reflect the fixture style, light source and illumination intensity of adjoining public lighting and provide a cohesive visual and functional transition without interruption. Site lighting design, materials and maintenance should be compatible with public sector site elements.

RESPONSE: Acknowledged. Applicant is providing a variety of lighting around the site. See sheet E-8.01 for the lighting fixture schedule and sheets E-1.01 and E-1.02 for the photometric plans.

1. *Utilities:*

Private sector utilities should be consistent with the proposed use, adjacent development, and as required under applicable codes. Above-grade utilities should be integrated with surrounding uses and carefully located to minimize visual and functional impact on the adjoining streetscape.

New development should be encouraged to provide underground utility lines. Existing or renovated development should be encouraged to relocate overhead utility lines underground.

Any above-grade utility elements should be consistent in placement, orientation, mounting and material. All above-grade utility elements should be painted one unobtrusive color which allows the elements to blend with their surroundings. All above-grade utilities should be screened by planting and/or low walls so they are not visible from the street and pedestrian circulation areas.

RESPONSE: Acknowledged. See sheets C2-1.01 and C2-1.02 for utility plan details.

m. *Site Plan Objectives:*

The following Site Plan Objectives shall be incorporated in all development proposals for the Central Beach Revitalization Area and RMM-25, RMH-25 and RMH-60 zoning districts. This section provides an outline on how and what outdoor spaces

need to be provided as part of development proposals. The intent is to ensure that development is more than buildings and structures. The quality of the Central Beach Revitalization area will be enhanced with the addition of planned outdoor spaces.

n. *Usable Outdoor Spaces:*

Hotel and residential development shall provide usable outdoor recreation spaces designated to accommodate passive areas (sitting, etc.) and active areas (pools, etc.). Commercial development shall provide usable outdoor sitting and gathering spaces designed to furnish a place for pedestrians to view, use or consume the goods and services offered.

There shall be a variety in the sizes of outdoor spaces and the level of detail shall be such as ornamental fountains, waterfalls, sculptures, trellises, arbors, seating facilities and landscape features.

The total size required for the outdoor spaces will be evaluated on the size and use of the proposed development.

Pedestrian Accessible Spaces:

Hotel and commercial development shall provide direct access to adjoining public sidewalks in order to stimulate pedestrian activity. These spaces shall supplement public sector walkways and improve access to the beach and the Intracoastal Waterway, or both.

RESPONSE: The Project is not a hotel or residential development. Nevertheless, Applicant is providing a significant amount of pedestrian accessible space with outdoor seating and wide sidewalks to accommodate pedestrian circulation and provide for a welcoming pedestrian environment.

o. *Defensible Space:*

All projects shall promote a secure environment. This is to be accomplished by designing with CPTED (Crime Prevention Through Environmental Design) principles.

In addition to the above requirements, the following may be required based on the site specifics of each project:

Provide plant material in the adjacent right-of-way.

Provide foundation/entry plantings to the development.

All sites should exhibit lush tropical landscaping.

Provide large trees/shrubs (mature plantings). This may be required in order to mitigate certain objectionable uses or needed to assist in the neighborhood compatibility of the proposed development.

Preserve view corridors. The City recognizes that existing and new views to and from the Intracoastal Waterway, Atlantic Ocean, Bonnet House and public parks are important to maintain.

RESPONSE: Acknowledged. Applicant has incorporated CPTED principles into the design of the Project and is providing plant material adjacent to the right-of-way.

Project: Las Olas Marina
Owner: City of Fort Lauderdale
Prepared By: Andrew J. Schein, Esq.

Waterway Use Narrative

- A. Buildings and land uses on parcels abutting waterways in nonresidential districts and in multifamily districts shall be designed to preserve the character of the city and neighborhood in which they are located, harmonize with other development in the area, and protect and enhance the scenic quality and tranquility of the waterways. Special provisions are needed to realize these objectives, which can be stated only in general terms, and at the same time permit a reasonable use of land and depend on details of design of the buildings, appurtenances, yards and landscaping and their relation to the waterway and other uses on the waterway.

RESPONSE: Acknowledged.

- B. For purposes of this [Section 47-23.8](#), "on a waterway" means a development site which abuts a waterway. This section shall not apply to development within the downtown RAC, except for development within the RAC-RPO district, and shall not apply to the central beach area districts. Any proposed nonresidential or multifamily use on a waterway shall require a site plan level III development permit, as provided in [Section 47-24](#), Development Permits and Procedures. The application shall include all elevations visible from the waterfront. A use on a waterway shall, in addition to all other requirements of the ULDR, meet the requirements as follows:

- a. A twenty-foot landscaped yard is required adjacent to the existing bulkhead line. The required twenty-foot yard shall not be used or developed for any purpose other than landscaping and the minimum amount of driveways or walkways reasonably necessary to serve permitted nonresidential or multifamily waterfront uses, unless specifically approved by the planning and zoning board. The twenty-foot yard shall not apply to marinas or yacht clubs.

RESPONSE: N/A. The Property is used as a marina.

- b. Review of Neighborhood Compatibility, Scale, Bulk and Mass, as provided in Section 47-25.3.A.3.e.i.

RESPONSE: Applicant has provided a separate narrative addressing neighborhood compatibility.

- C. Any property zoned B-2, B-3 or I which abuts a waterway shall be used for a marina, a hotel marina, or a shipyard, where such uses are permitted within the B-2, B-3 or I zoning districts.

RESPONSE: N/A, the Property is zoned PRD.