

March 3, 2021

**Rezoning Criteria Narrative for X-P District, Sec. 47-9.20 and 47-9.21  
First Presbyterian Church of Fort Lauderdale, Inc.  
401 SE 15<sup>th</sup> Avenue, Fort Lauderdale, Florida 33301**

**SECTION 47-9.20  
(REZONING TO X-P DISTRICT)**

*A. Application. Rezoning to an X district may only be initiated by application of the owner(s) of the property proposed to be rezoned and when the property to be rezoned will be used for business uses with the owner of the business property as co-applicant. The application shall include the following:*

*1. All information required for an application for a site plan level II permit pursuant to [Section 47-24](#), Development Permits and Procedures, and for a rezoning development permit.*

**Response: The City has previously approved site plans and building permits. Construction is substantially complete. The site plan case number R19042 was approved earlier this year. Please reference case number R19042 for the approved site plan.**

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*2. Identification of the permitted use or uses proposed for the property to be rezoned.*

**Response: The site will be used for a parking lot**

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*3. A general vicinity map consisting of an eight and one-half (8½) inch by 11 inch street map at a scale of not less than one inch equals 500 feet identifying the parcel proposed to be rezoned and, if business is proposed, the business property to which the exclusive use property is to be joined, and all lots located within a 700 foot radius of the parcel to be rezoned. The map shall show existing zoning, all residential uses and the heights of all structures in the 700 foot area.*

**Response: A map has been included with this submittal**

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*4. An area map showing the parcel proposed for rezoning and all new, existing or proposed redevelopment. If the parcel to be rezoned exclusive use is to be used as a parking facility which will serve a particular use, the area map shall show all new, existing or proposed redevelopment on the site which the parking is intended to serve. If the parcel is to be used for a business use, the area map shall show the business property to which the property proposed for exclusive use will be joined.*

**Response: A map has been included with this submittal.**

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*5. A site plan for the proposed use which shows how the proposed use will meet the performance criteria provided herein including if applicable, elevations, surrounding commercial and residential areas, location and sizes of signs, location of landscaping and other buffers, and vehicular and pedestrian movement between the proposed parcel to be rezoned and the surrounding areas.*

**Response: The City has previously approved site plans and building permits. Construction is substantially complete. The site plan case number R19042 was approved earlier this year. Please reference case number R19042 for the approved site plan.**

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*6. All studies required to be submitted as provided in this section.*

**Response: The City has previously approved site plans and building permits. Construction is substantially complete. The site plan case number R19042 was approved earlier this year. Please reference case number R19042 for the approved site plan.**

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*B. The review process for a rezoning to exclusive use shall be as provided in [Section 47-24.4](#) and shall include a site plan review as part of the rezoning review.*

**Response: The City has previously approved site plans and building permits. Construction is substantially complete. The site plan case number R19042 was approved earlier this year. Please reference case number R19042 for the approved site plan.**

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*C. Criteria. In addition to the criteria provided for a rezoning approval, the following criteria shall apply:*

*1. The proposed site and use meet the conditions and performance criteria provided in this section.*

**Response: Concur.**

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*2. The height, bulk, shadow, mass and design of any structure located on the site is compatible with surrounding properties and is consistent with the goals and objectives for the location of the property as provided in the comprehensive plan.*

**Response: There are no structures on the site. The site will be used as a parking lot. This is consistent with the comprehensive plan and the approved site plan.**

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*3. If the application is for rezoning to exclusive use district/business, the city commission may include conditions on the business property which are a part of the application in addition to the conditions on the property proposed to be rezoned to exclusive use. All such conditions shall relate to the preservation of the character and integrity of the neighboring property and mitigate adverse impacts which arise in connection with the approval of the rezoning. Conditions for approval may relate to any aspect of the site plan including the property proposed to be rezoned and the business property, including but not limited to height, bulk, shadow, mass and design of any structure and parking and landscaping requirements.*  
(Ord. No. C-97-19, § 1(47-9.4), 6-18-97)

**Response: NA**

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## SECTION 47-9.21 (PERFORMANCE STANDARDS FOR PERMITTED USES)

*A. Applicability. The design and performance standards shall apply to the uses identified herein and such uses shall comply with the performance standards as a condition for approval of an X district.*

*B. Parking lot. The following performance standards shall apply to parking lots.*

*1. Parking lots must meet the requirements for parking lots provided in Section 47-20, Parking and Loading Requirements.*

**Response: The City has previously approved site plans and building permits. The parking lot complies with code requirements for parking lots. Construction is substantially complete. The site plan case number R19042 was approved earlier this year. Please reference case number R19042 for the approved site plan.**

## 2. Access.

a. *Pedestrian. When a parking lot parcel does not abut the parcel which it is intended to serve the principal pedestrian access to the X district property shall be along a safe pedestrian path as defined in Section 47-20.4, from the uses it is intended to serve. Off-site public pedestrian amenities may be required as a condition to rezoning in order to provide a safe pedestrian path.*

**Response:** The site has safe pedestrian access along Tarpon Drive and along internal pedestrian walkways. Parking lot requirements were previously reviewed and approved by the City, as set forth in site plan approval and building permit. Please refer to case number R19042 for more details.

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b. *Vehicular. Shall comply with Section 47-20, Parking and Loading Requirements.*

**Response:** Parking lot requirements were previously reviewed and approved by the City through site plan approval and building permit. Please refer to case number R19042 for more details.

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3. *Landscape and bufferyards. A parking lot shall comply with the landscape and buffering provisions of Section 47-21, Landscape and Tree Preservation Requirements, and Section 47-25.3, Development Review Criteria, for parking lots. Parking lots which are part of an X-P-OR or X-P-R rezoning shall be required to meet the provisions of subsection E or F as applicable.*

**Response:** Parking lot requirements, including landscaping, were previously reviewed and approved by the City through the site plan approval and building permit. Please refer to case number R19042 for more details.

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4. *Lighting. Lighting of a parking lot shall comply with the requirements of Section 47-20, Parking and Loading Requirements.*

**Response:** Parking lot requirements, including site lighting, were previously reviewed and approved by the City through the site plan approval and building permit. Please refer to case number R19042 for more details.

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5. *Noise. Noise levels shall conform to the performance standards provided in Section 47-9.22.B.*

**Response: Noise levels confirm to performance standards.**

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*6. Signage. Signage shall comply with the requirements in Section 47-22, Sign Requirements.*

**Response: Signage complies with ULDR standards.**

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*7. Pedestrian enhancements shall be provided in accordance with Section 47-9.22.C.*

**Response: Pedestrian enhancements conform to ULDR standards.**

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*8. Waterway use. When located on a waterway, a parking lot shall be required to meet the requirements of Section 47-23.8, Waterway Use.*

**Response: The project is not located on a waterway.**

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*9. Lighting. Lighting shall comply with the requirements of Section 47-20, Parking and Loading Requirements.*

**Response: Parking lot requirements, including site lighting, were previously reviewed and approved by the City through the site plan approval and building permit. Please refer to case number R19042 for more details.**

June 22, 2020

**EXHIBIT 1**

**Adequacy Requirements Narrative for Rezoning, Sec. 47-25.2  
First Presbyterian Church of Fort Lauderdale, Inc.  
401 SE 15<sup>th</sup> Avenue, Fort Lauderdale, Florida 33301**

The following narrative is a written description of the Adequacy Requirements as required by the City of Fort Lauderdale's Unified Land Development Regulations (ULDR), Sec. 47-24-2, for the rezoning of a portion of the First Presbyterian Church of Fort Lauderdale, Inc.'s (the "Applicant") property located on Taron Drive ("Property").

Sec. 47-25.2 Adequacy Requirements.

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

**Response:** *Acknowledged.*

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

**Response:** *Based on the approved use for a parking lot, there will be no interference with the City's Communication Network.*

- C. Drainage facilities. Adequacy of storm water 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:** *Existing drainage facilities comply with ULDR and code standards.*

- D. Environmentally sensitive lands.

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

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

**Response:** *The development does not impact environmentally sensitive lands.*

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

**Response:** *The development does not impact environmentally sensitive lands.*

- 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:** *The existing fire protection system is designed to comply with all applicable fire and building codes.*

- F. Parks and open space.

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

**Response:** *Not applicable; the proposed Rezoning does not include new dwelling units or hotel/motel rooms, and thus will not incur any park impact fees required by Section 47-38A.*

- 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:** *The project is designed to comply with all applicable Florida Building Codes and ULDR standards.*

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.

**Response:** *The existing development complies with all potable water service requirements, and no new buildings are proposed.*

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:** *There is adequate potable water capacity to service the existing development, and no new buildings are proposed.*

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:** *There is adequate sewer capacity to service the existing development, and no new buildings are proposed.*

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

**Response:** *Not applicable, the proposed rezoning does not include residential units.*

- 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:** *There are adequate solid waste facilities to service the existing development, and no new buildings are proposed.*

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

**Response:** *The existing civil drawings comply with all applicable Florida Building Codes and ULDR standards.*

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.

**Response:** *Informational and requires no response.*

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.

**Response:** *Informational and requires no response.*

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.

**Response:** *Informational and requires no response.*

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 trafficways impact analysis which shall:
    - (i) Provide an estimate of the number of average and peak hour trips per day generated and directions or routes of travel for all trips with an external end.
    - (ii) Estimate how traffic from the proposed development will change traffic volumes, levels of service, and circulation on the existing and programmed trafficways.
    - (iii) If traffic generated by the proposed development requires any modification of existing or programmed components of the regional or local trafficways, define what city, county or state agencies have programmed the necessary construction and how this programming relates to the proposed development.
    - (iv) A further detailed analysis and any other information that the review committee considers relevant.
    - (v) The traffic impact study may be reviewed by an independent licensed professional engineer contracted by the city to determine whether it adequately addresses the impact and the study supports its conclusions. The cost of review by city's consultant shall be reimbursed to the city by the applicant.
    - (vi) When this subsection M.4.b. applies, the traffic study shall include an analysis of how the peak loading will affect the transportation system including, if necessary, an operational plan showing how the peak trips will be controlled and managed.

**Response:** *Informational and requires no response.*

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:** *The Property complies with the Broward County Trafficways Plan, the city's comprehensive plan, subdivisions regulations and accepted applicable traffic engineering standards.*

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:** *The pedestrian facilities are designed and installed in accordance with the city engineering standards.*

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 non-access 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:** *The proposed rezoning complies with all ULDR requirements.*

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:** *The proposed rezoning complies with all ULDR requirements.*

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:** *The proposed rezoning complies with all ULDR requirements.*

June 22, 2020

**EXHIBIT 2**

**Neighborhood Compatibility Requirements Narrative for Rezoning, Sec. 47-25.3  
First Presbyterian Church of Fort Lauderdale, Inc.  
401 SE 15<sup>th</sup> Avenue, Fort Lauderdale, Florida 33301**

The following narrative is a written description of the Neighborhood Compatibility Requirements as required by the City of Fort Lauderdale's Unified Land Development Regulations (ULDR), Sec. 47-25.3, for the rezoning of a portion of the First Presbyterian Church of Fort Lauderdale, Inc.'s (the "Applicant") property located on Tarpon Drive ("Property").

Sec. 47-25.3.A Neighborhood compatibility requirements.

1. Adequacy requirements. See Sec. 47-25.2.

**Response:** *Please see enclosed adequacy requirement responses.*

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:** *The permitted facility does not generate smoke, odor, emissions of particulate matter or noise.*

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) foot-candle 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:** *All lighting at the Property complies with the requirements of 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:

(1) Detail and embellishments:

- a) Balconies,
  - b) Color and material banding,
  - c) Decorative metal grates over windows,
  - d) Uniform cornice heights,
  - e) Awnings.
- (2) Form and mass:
- a) Building mass changes including projection and recession,
  - b) 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:** *The architectural features of the Property are in compliance with 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:** *The loading facilities at the Property are in compliance with the ULDR.*

- (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:** *The proposed rezoning does not contemplate rooftop equipment.*

- 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 (1/2) 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:** *The proposed rezoning does not contemplate any changes to the existing permitted building setbacks.*

d. Buffer yard 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. 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.

**Response:** *The permitted facility complies with all landscape requirements under the ULDR.*

(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.

**Response:** *The permitted facility complies with all parking requirements under the ULDR.*

(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 Accessory Use Requirements Section 47-19.

**Response:** *The permitted facility complies with all dumpster regulations under the ULDR.*



- (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 (such as capstones, bands or tile, stucco finishes),
  - (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.

**Response:** *This application involves a rezoning with no proposed change of use.*

- (v) Application of 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:** *The permitted facility complies with the requirements of 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.
  - (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 Property is an existing parking lot. All improvements within the site are compatible with the integrity of the surrounding neighborhood. No new buildings are proposed.*

(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:** *Not applicable.*

(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:

(1) 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 therefore, 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:** *Not applicable.*

(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:

- (1) Protect the investment of public funds in public corridor improvements.
- (2) Improve the visual and functional quality of both public and private development by coordinating the transition between these areas.
- (3) 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:** *This section, including The Community Compatibility Criteria, and all subparts, does not apply to the Property as it does not lie east of the Intracoastal Waterway.*

- N. 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:** *Adequate wastewater services are provided for the needs of the existing buildings.*

- 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:** *The Applicant's trash management plan complies with ULDR requirements.*

- P. Historic and archaeological resources. 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:** *The Property does not include any identified historic buildings.*

- 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:** *The Property is located west of the Intracoastal Waterway and therefore requires no additional response.*