



## **DEVELOPMENT REVIEW REPORT**

### **ORDINANCE NO. 23O-XX-XXX**

The item before the Planning and Zoning Board (Board), sitting as the Local Planning Agency (LPA), is a proposed Ordinance of the City of Lauderhill, Florida; amending the Land Development Regulations (LDR) to amend Article III. Zoning Districts, Section 5.31.1 Rental of a Residential Dwelling Unit and 5.31.2 Minimum dwelling standards, establishing minimum dwelling unit sizes for multi-family dwelling units located in the Transit Oriented Corridor to Provide Regulations, Providing for an effective date.

The Department recommends the Board enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing, adopt the findings and conclusions contained herein, and forward the record to the City Commission with a recommendation the proposed Ordinance be adopted.

#### **I. BACKGROUND**

City staff is requesting an amendment to establish minimum dwelling unit sizes for multi-family units in the Transit Oriented Corridor (TOC). The TOC allows for mixed-use development, however the LDR does not provide development regulations for residential unit sizes.

#### **II. PROPOSED AMENDMENTS**

Below is the proposed Ordinance (Attachment A) amending the LDR Section 5.31.2 Minimum dwelling standards to establish minimum dwelling units sizes for Multifamily dwelling units located in the Transit Oriented Corridor.

#### **Sec. 5.31 Residential dwelling unit**

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5.31.2 *Minimum dwelling unit size.* The following minimum sizes are established for residential dwelling units. Any garage, patio, walkway and similar space shall not count toward meeting the minimum dwelling unit size standard.

1. *Single-family detached and townhouse dwelling unit.* The minimum size for a single-family detached unit and townhouse unit with three (3) bedrooms or less is one thousand four hundred (1,400) square feet. Each additional bedroom shall have a minimum size of one hundred fifty (150) square feet.
2. *Multi-family dwelling unit.* The minimum sizes are:
  - a. *Efficiency.* Seven hundred (700) square feet.
  - b. *One-bedroom.* Nine hundred (900) square feet.
  - c. *Two-bedroom.* One thousand (1,000) square feet.
  - d. *Each additional bedroom.* One hundred fifty (150) square feet.
3. *Multi-family dwelling units located within the Transit Oriented Corridor.* The minimum sizes are:
  - a. *Efficiency.* Four hundred (400) square feet.
  - b. *One-bedroom.* Six hundred (600) square feet.
  - c. *Two-bedroom.* Eight hundred (800) square feet.
  - d. *Three-bedroom.* One thousand (1,000) square feet
  - e. *Each additional bedroom.* One hundred fifty (150) square feet.

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### **III DATA AND ANALYSIS**

Data means factual information used as a basis for reasoning, discussion or calculation. Data must be based upon professionally reliable sources and the most recently available data should be used. Analysis involves an examination of the data, any assumptions, any employed methodologies, any applicable regulations, and deducing findings of facts and conclusions needed in order to make a recommendation.

The Department concludes the applicable Land Development Regulations (LDR) include: Article IV., Part 2.0, Section 2.4., on criteria, Section 2.9 on procedural requirements and Section 2.10 on public notice requirements; and Article III., Part 2.0., Sections 2.3 and 2.4 and Schedule B on permitted and special exception uses.

- A. *Florida statutes.* Section 163.3202, Florida Statutes, requires a local government to adopt land development regulations that implement their adopted Comprehensive Plan. Paragraph 163.3202(2)(b), Florida Statutes, requires the land development regulations contain provisions addressing the use of land and water.

The LDR is one of the documents adopted to implement the Comprehensive Plan.

The proposed Ordinance is a land development regulation that establishes minimum residential unit sizes in the Transit Oriented Corridor within the City of Lauderdale. Thus, the Department concludes the proposed Ordinance is consistent with the above-identified state statutory requirements.

- B. LDR. Land Development Regulations Article IV., Development Review Requirements, Part 2.0., pertains to zoning map amendments and zoning regulation amendments. It requires a zoning regulation amendment be in conformance with the six (6) factors identified in Section 2.4., the procedural requirements of Section 2.9., and the public notice requirements of Section 2.10.

1. **Factors.** Article IV., Part 2.0., Section 2.4 requires the Board to consider and evaluate zoning regulation amendments in relation to all pertinent factors, but with reference to six (6) specific factors. These six (6) factors are addressed below in relation to the proposed Land Development Regulations amendment.

a. *The character of the district and its peculiar suitability for particular uses.*

Staff concludes the proposed Ordinance meets the intent of the above criteria for establishing the minimum dwelling unit sizes located in Transit Oriented Corridor within the City of Lauderhill.

b. *Conservation of the value of buildings and encouraging the most appropriate use of land and water throughout the City.*

The proposed ordinance considers the conservation of the value of building and encourages the most appropriate use of land and water throughout the City.

c. *The applicable portions of the adopted City Comprehensive Plan and programs such as land use, trafficways, recreation, schools, neighborhoods, drainage and housing, and so forth.* The proposed Ordinance is consistent with the following Comprehensive Plan provisions:

Goal 1 Future Land Use Element: The City Commission shall provide for a distribution of land use by type, density, and intensity to meet the needs of the current and future resident and seasonal population in a manner that; promotes compatible development, redevelopment, and urban infill; promotes a land use pattern that supports a multimodal transportation system, with an emphasis on pedestrian-ways and walkability; protects and improves the natural and physical characteristics of the City; and, ensures the timely, cost-effective provision of public facilities and services.

d. *The needs of the City for land areas for specific purposes to serve population and economic activities.*

Mixed-use development in the area is vital for the future development in the TOC. Adding a minimum unit size to the LDR will allow for a mix of unit types to be developed in the Urban corridor of the City.

e. *Whether there have been substantial changes in the character of development of areas in or near an area under consideration for rezoning.*

There have not been changes in the character of development of areas in or near an area under consideration for rezoning.

f. *The facts and opinions presented to the Planning and Zoning Board through hearings.*

This Development Review Report represents the Department's written findings of facts, conclusions and recommendations.

2. **Procedure.** The LDR Article IV., Part 2.0., Section 2.9 addresses the procedure for zoning regulation amendments. It requires the Board to make a recommendation to the City Commission at a duly noticed public hearing on changes to zoning regulations and for the Board to forward its recommendation to the City Commission. The Department has interpreted this provision to apply to LDR amendments consistent with state law.
3. **Public notice.** The LDR Article IV., Part 2.0., Section 2.10 addresses public notice. Subsection 2.10.1 requires a change in zoning be published in a newspaper of general circulation in Broward County at least 10 days prior to the date of hearing. Notice of the proposed Ordinance changing the LDR was advertised in the Sun-Sentinel, a newspaper of general circulation within the County. Proof of publication is provided with the agenda package and is included herein by reference.

#### **IV. ATTACHMENTS**

Exhibit A – Ordinance 23O-XX-XXX

#### **V. FINDINGS AND CONCLUSIONS**

Based upon the information contained in this Development Review Report, the following findings of fact and conclusions of law are offered:

- A. The Department finds the proposed Ordinance is in Compliance with the Goals, Objectives, and Policies of the Futures Land Uses Element of the Comprehensive Plan as it provides for clear land development regulation.
- B. The Department concludes the proposed Ordinance amending the LDR is in conformance with the standards and requirements specified in Land Development Regulations Article IV., Section 2.4., Basis for Recommendations.
- C. The Department finds the proposed Ordinance amending the LDR have been duly noticed and concludes it is in conformance with the public notice requirements.

#### **VI. ALTERNATIVE ACTIONS**

The Board has one of the following alternative actions at its disposal:

- A. Enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing, adopt the findings and conclusions contained herein, and forward the record to the City Commission with a recommendation that the proposed Ordinance be adopted.

- B. Enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing, amend the findings and conclusions contained herein to support the Board's recommendation, and forward the record to the City Commission with a recommendation that the proposed Ordinance be denied.
- C. Enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing, amend the findings and conclusions contained herein to support any necessary conditions, and forward the record to the City Commission with a recommendation that the proposed Ordinance be adopted with conditions.
- D. Enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing and table the proposed Ordinance until the specified information is provided.

**VII. RECOMMENDED ACTION**

- A. Department recommendation. The Department recommends the Board enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing, adopt the findings and conclusions contained herein, and forward the record to the City Commission with a recommendation that the proposed Ordinance amending the LDR be adopted.
- B. Board recommendation. The proposed Ordinance is scheduled for May 30, 2023, Planning and Zoning Board regular meeting.
- C. City Commission action. First reading of the proposed Ordinance is tentatively scheduled for June 12, 2023 and second reading and adoption on June 22, 2023.