



Development Review Report (DRR)

To: Kennie Hobbs, *Interim City Manager*
Via: Daniel T. Keester-O'Mills, AICP, *Development Services Director*
From: Dominic Lindsay, *Planning & Zoning Analyst*
RE: Variance Application No. 25-VA-001 (5940 NW 19 Ct)
Date: April 9, 2025

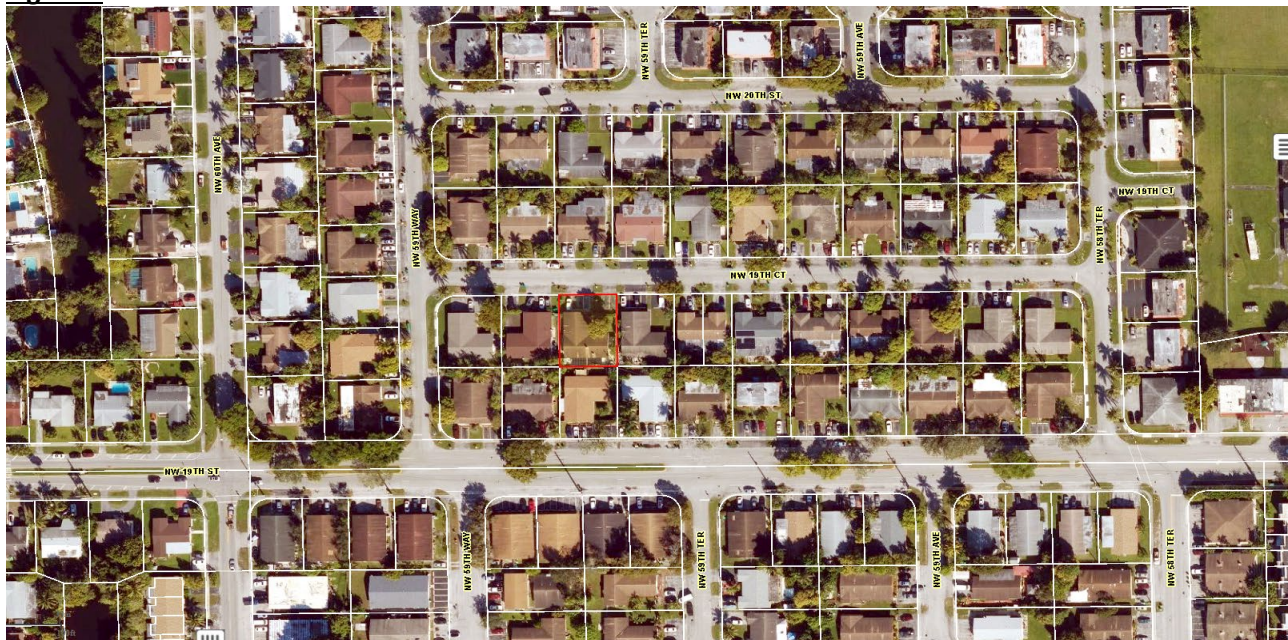
The Petitioner, Hope Calhoun is representing the applicant, Ambassador Investment & Realty LLC, and has filed a variance application. Figure 1, below, provides an aerial of the subject site located on the southern side of NW 19th Ct, east of NW 59th Way. The following information has been prepared for your consideration:

I. BACKGROUND INFORMATION

Requested Action

The Land Development Regulations (LDR) Article III Section 5.36.1 B., requires that all Category 2 Special Residential Facilities (7-14 beds) be located at least 500 feet from any single-family residential property line and require a minimum 1,200 feet separation requirement from any other special residential facility, any family day care home, or any large family day care home. The Petitioner is requesting approval of a variance to allow the continued use of a Special Residential Facility, Category 2 within the RM-18 zoning district, which would not comply with the minimum separation requirement, on an approximately .17± acre site located at 5940 NW 19th Ct, Lauderhill, Florida. The subject site is less than 400 feet away from another special residential facility.

Figure 1



Applicable Land Development Regulations

LDR Article IV., Section 1.3.1. *Pre-application conference*, addresses the pre-application conference

LDR Article IV., Section 1.3.2. *Completeness of application*, provides for the Department to review any land development order application.

LDR Article III, Sections 2.3 Allowable land uses and Schedule B. respectively address allowable uses within each zoning district.

LDR Article III, Sections 5.36 Special residential facilities, addresses the separation requirements for the three categories of special residential facilities.

LDR Article IV., Section 3.1. *Variances*, provides an overview of the requirements and conditions for variance applications.

Article IV., Section 3.1.3., entitled "Requirements for variances," provides 5 conditions the City Commission must consider when approving any application for a variance.

II. SITE INFORMATIONLegal Description

Lot 14, in Block 2, of Lauderhill Manor, according to the map or plat thereof, as recorded in Plat Book 75, Page 43, of the Public Records of Broward County, Florida.

Address

5940 NW 19 Ct, Lauderhill, Florida

Land Use/Zoning:

Existing Use(s):	Multi-Family Residential
Future Land Use Designation:	Medium Residential
Zoning Designation:	RM-18

Adjacent Designations:

	Existing Use	Future Designation	Zoning
North	Multi-Family Residential	Medium Residential	RM-18
South	Multi-Family Residential	Medium Residential	RM-18
East	Multi-Family Residential	Medium Residential	RM-18
West	Multi-Family Residential	Medium Residential	RM-18

III. ZONING HISTORYExisting Special Exceptions

None

Violations

8/29/2025 Lien – CE #: 24050237

Existing Variances

None

Development History

- The multi-family home (~2,442 sq. ft. building) was constructed approximately 1973 with an effective year of 1980.

IV. PLANNING ANALYSIS

The Petitioner is requesting a variance from the 1,200 feet separation distance requirement from another special residential facility. The property is located within the RM-18 (Residential Multi-Family) zoning district and a Special Residential Facility Category 2 is listed as a use permitted by within this zoning district. Article III of the LDR's include additional criteria for Special Residential Facility uses, such as, a Category 2 shall be located at least 500 feet from any single-family residential property line and require a minimum 1,200 feet separation requirement from any other special residential facility, any family day care home, or any large family day care home. A review of the Agency for Health Care Administration (ACHA) database shows that there is a state licensed Special Residential Facility within 1,200 feet of the subject property (Hope Garden Assisted Living Facility: 2011 NW 59th Way).

As stipulated in the Land Development Regulations, Article IV, Section 3.1.3, "*Requirements for variances*" no variance shall be authorized by the City Commission (acting as the "board of adjustment") unless the board finds that **all** of the following facts and conditions exist. The Planning and Development Department has reviewed the proposed request pursuant to the following variance considerations:

- A. That there are unique and special circumstances or conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties in the same district. The matter of economic hardship shall not constitute a basis for the granting of a variance.
- B. That any alleged hardship is not self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions of these regulations or any pertinent Code section.
- C. That strict application of the provisions of these regulations or any pertinent Code section would deprive the property owner of reasonable use of the property for which the variance is sought.
- D. That the variance proposed is the minimum variance that makes possible the reasonable use of the property.
- E. That granting the variance will be in harmony with the general purpose and intent of existing regulations, will not be injurious to the neighborhood or area, or otherwise detrimental to the public welfare.

Staff has reviewed the Applicant's variance request, which sought to address the five criteria, and finds the following:

- A. **That there are unique and special circumstances or conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties in the same district. The matter of economic hardship shall not constitute a basis for the granting of a variance.**

On the subject property a special residential facility operated from 2013 to 2022, under the name Morning Breeze Assisted Living Facility.

The applicant was advised via a zoning confirmation letter dated June 2022, that although there is an existing residential facility within a 1,200 feet radius of the property, a Category 2 assisted living facility would be an allowable use since the location is vested for the use. The applicant was advised that the letter would be valid for 45 calendar days and was further advised to file a certificate of use within this time period. The applicant was reminded again 11 months later in a zoning confirmation letter in May of 2023. Finally, in June of 2024 the City advised the Applicant via a zoning verification later that a Special Residential Facility Category 2 would not be permitted at the location for not meeting the 1,200 feet distance requirement from another similar use. Furthermore, the Applicant was advised that a Special Residential Facility was no longer a vested use based on the Applicant's failure to resume operations within a year of Morning Breeze Assisted Living Facility's closure.

The petitioner indicates a special circumstance is the Applicant's understanding that the use was permitted on the property based on the City's 2022 zoning confirmation letter and therefore the Applicant made plans to reopen the facility after Morning Breeze Assisted Living Facility closed in 2022.

Staff finds that there are no unique or special circumstances or conditions applying to the property that do not generally apply to other properties in the same district.

- B. **That any alleged hardship is not self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions of these regulations or any pertinent Code section.**

The Applicant was issued two zoning confirmation letters that provided tentative approval subject to additional action. The confirmation letters advised the Applicant file a Certificate of Use application with the City, along with a letter of acknowledgement from the state licensing agency, verifying they have received a complete application and that failure to timely file a COU application would result in a subsequent finding that the proposed location is no longer in conformance with the separation standard.

The Petitioner states that the hardship was not self-created nor did it arise from disregard or ignorance of the zoning regulations because the Applicant reasonably relied on the 2022 and 2023 zoning confirmation letters that confirmed a special residential facility would be a permissible use at the property.

Staff finds that the hardship is self-created.

- C. **That strict application of the provisions of these regulations or any pertinent Code section would deprive the property owner of reasonable use of the property for which the variance is sought.**

The subject property located in the RM-18 (residential multi-family) zoning district was originally built to be a residential multi-family home and is surrounded by other multi-family residential homes. The use of the property as a residential multi-family home would be a reasonable use of the land.

The Petitioner indicates that the property was utilized and improved to accommodate a special residential facility, making it uniquely suited for the purpose of a Special Residential Facility and that the distance requirement triggered due to the discontinuation of use, now makes it impossible for the Applicant to use the property for the purpose it was intended for.

Staff finds that strict application of the regulations would not deprive the property owner of reasonable use of the land.

- D. **That the variance proposed is the minimum variance that makes possible the reasonable use of the property.**

The requested variance is to waive the 1,200 feet separation requirement. The Petitioner requests a variance from the distance separation requirement of 1,200 feet to allow the continued use of a Special Residential Facility Category 2 nearby an existing Special Residential Facility, which is less than 400 feet away.

Staff does not find any effort by the Petitioner to minimize the request.

- E. **That granting the variance will be in harmony with the general purpose and intent of existing regulations, will not be injurious to the neighborhood or area, or otherwise detrimental to the public welfare.**

In 2006, the Central Lauderhill Community Redevelopment Agency (CRA) found that the concentration of a relatively unsupervised special needs population, often crammed into tiny triplex units originally designed for retirees, fills the surrounding neighborhood with persons who can create safety and security concerns for themselves and others. The City Commission of Lauderhill created a special overlay for an area in the city ("Cannon Point"), and subsequently eliminated the overlay district (09O-01-100). Part of the rationale to remove the overlay district was the increased service calls to the area (for both police and fire).

The distance standards provided for between special residential facility uses aids in maintaining the residential nature of the community and helps mitigate any negative impact as a result from the high concentration of a special needs population.

Staff finds that the granting of this variance would not be in harmony with the purpose and intent of the existing regulations.

V. RECOMMENDATION/ACTION

Based upon our review, staff finds the proposed use **would not** be generally consistent with the above considerations. As such, staff recommends **denial** of the variance request.

The Petitioner may seek to file a text amendment, with supporting data and analysis, for the City Commission to consider amending the Land Development Regulations to eliminate separation requirements for special residential facility category 2 uses.

VI. ATTACHMENTS

1. June 2022 Zoning Confirmation letter
2. May 2023 Zoning Confirmation letter
3. June 2024 Zoning Verification letter
4. Development Review Report – City Commission December 12, 2005 (Repealing Special Residential Facility Overlay)
5. Map of subject property with nearby special residential facility



June 21, 2022

Mr. Clarence Woods
Ambassador Investment Realty, LLC
1427 NW 159th Street
Pembroke Pines, Florida 33028
clarencewoods@gmail.com

SUBJECT: Assisted Living Facility at 5940 NW 19 Court (22-ZCR-050)

Dear Mr. Woods:

The Planning and Zoning Division is in receipt of your letter requesting zoning confirmation for Morning Breeze Assisted Living Facility (**Change of Ownership**), Special Residential Facility, Category 2, 14 bed facility at the above reference property. Please be advised as follows:

1. The Land Development Regulations (LDR) Schedule A., defines Special Residential Facility as follows:

SPECIAL RESIDENTIAL FACILITIES: A state licensed community care use which provides a living environment for unrelated individuals who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional and social needs of the residents. The residents are limited to the special needs population. The three (3) types of special residential facilities include:

- *Category 1: A special residential facility for six (6) or fewer residents.*
- *Category 2: A special residential facility for seven (7) to fourteen (14) residents.*
- *Category 3: A special residential facility for more than fourteen (14) residents.*

2. The PZD finds that you are proposing to operate a Category 1 or Category 2 assisted living facility at the above referenced address (See attachment 2a). The City's Zoning District Map shows the property is located within a Multi-Family (RM-18) zoning district (see attachment 1). State law provides that within a Multi-Family residential zoning district, such facility be at least 1,000 or 1,200 feet from any other similar facility (See attachment 2b).
3. A review of the Agency for Health Care Administration (ACHA) and the Agency for Persons with Disabilities (APD) databases shows that there is a state licensed facility within a 1,000 & 1,200 feet radius of the proposed location of the assisted living facility (See attachment 3).

4. However, based on the existence of an operating Special Residential Facility Category 2 since 2001, the location is vested for the use. Therefore, a Special Residential Facility Category 1 or Category 2 are allowable Uses.

As of the date of this letter, the Planning and Zoning Division finds that although there is an existing Residential Facility within 1,000 or 1,200 feet radius of the property, a Category 1 and Category 2 Assisted Living Facility is an allowable Use since this location is vested for the Use.

The Planning and Zoning Division finds Special Residential Facility, Category 2 Use, change of ownership permitted. Please be advised that this letter is valid for only 45 calendar days. Within this 45 day period, you must file a Certificate of Use (COU) application with the City, along with a letter of acknowledgement from the state licensing agency, verifying they have received a complete application. Failure to timely file a COU application could result in a subsequent finding that the proposed location is no longer in conformance with the separation standard.

Please be advised that a zoning confirmation letter is not a legal opinion or intended to serve as legal advice. You proceed at your own risk when signing a lease or hiring a contractor or other professional. Your intended use may not be allowed.

I trust that you will find this letter responsive to your request. Thank you.

Dominic Lindsay



Planning & Zoning Department
City of Lauderhill
5581 West Oakland Park Blvd.
Lauderhill, FL 33313

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5924-30
5908-14
5856-62
5832-38
5816-22
5800-06
5708-18

2030-38
2020-24
2010-14
2000-04
2001-09
1950-54
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1920-24
1910-14
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1839-49
1823-37
1878-42

Land Use Category	RS-4	RS-4A	RS-5	RS-5A	RM-5	RM-8	RM-10	RT-15	RM-18	RM-22	RM-40	RM-45	RMH-50	RO
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Miscellaneous:														
Accessory Uses and Structures ¹	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Special Residential Facilities (Category 1) ¹	P	P	P		P	P			P	P		P		
Special Residential Facilities (Category 2) ¹					P	P			P	P		P		

Footnotes:

SE = Special exception use

P = Permitted use

A = Accessory use

SP = Special permit

N = Non-conforming use

L = Promotional license

¹ = See Article III, Zoning Districts, Part 5.0, Special Regulations for Specific Land Use Classifications and Structures for additional requirements.

² = See the specific zoning district regulations in Article III., Part 3.0. for specific regulations regarding this specific land use.

A blank cell indicates the land use is prohibited.

Attachment 2b – Special Residential Facilities

Lauderhill, Florida - Land Development Regulations / Article III - ZONING DISTRICTS / Sec. 5.36. - Special residential facilities.

Sec. 5.36. - Special residential facilities.

5.36.1. Separation requirements.

- A. **Category 1.** A Special Residential Facility, Category 1 shall not be located within a radius of one thousand (1,000) feet of any other similar facility, any adult day care, any family day care home, or any large family day care home.
- B. **Category 2.** A Special Residential Facility, Category 2 shall be located at least five hundred (500) feet from any single-family residential property line and at least one thousand two hundred (1,200) feet from any other special residential facility, any family day care home, or any large family day care home.

Attachment 2c – Special Residential Facilities

Lauderhill, Florida - Land Development Regulations LAND DEVELOPMENT REGULATION SCHEDULES SCHEDULE A. - LAND USE CLASSIFICATIONS

SPECIAL RESIDENTIAL FACILITIES: A state licensed community care use which provides a living environment for unrelated individuals who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional and social needs of the residents. The residents are limited to the special needs population. The three (3) types of special residential facilities include:

- **Category 1:** A special residential facility for six (6) or fewer residents.
- **Category 2:** A special residential facility for seven (7) to fourteen (14) residents.

(Attachment 3 – Agency for Health Care Administration (ACHA))

FloridaHealthFinder.gov
a service of the Agency for Health Care Administration

Compare • Price • Locate

Facility/Provider Locator By Proximity Search Results

Assisted Living Facility locations within 1,000 Feet of
5940 NW 19 CT LAUDERHILL, FL 33313

Map Satellite

Hope Garden Assisted Living

Google

Keyboard shortcuts Map data ©2022 Terms of Use Report a map error

Directions:
View the results below or click a column heading to sort by that column. Click on the facility/provider name to view more details. Click on the automobile icon for driving directions. View the [GLOSSARY](#) for definitions on the facilities/providers.

Export to Excel Print Start Over

Map ID	Name	Type	Street Address	City	State	Zip	Phone Number	Distance in miles	Licensed Beds
1	HOPE GARDEN ASSISTED LIVING AND ECC INC.	Assisted Living Facility	2011 NW 59TH WAY	LAUDERHILL	FL	33313	(954) 440-3854	0.1	12

Export to Excel Print Start Over



May 11, 2023

Mr. Clarence Woods
Ambassador Investment Realty, LLC
1427 NW 159th Street
Pembroke Pines, Florida 33028
woods@ambassadorandassociates.com

SUBJECT: Assisted Living Facility at 5940 NW 19 Court (23-ZCR-009)

Dear Mr. Woods:

The Planning and Zoning Division is in receipt of your letter requesting zoning confirmation for Ambassador Assisted Living Facility, Special Residential Facility, Category 2, (14) bed facility at the above reference property. Please be advised as follows:

1. The Land Development Regulations (LDR) Schedule A., defines Special Residential Facility as follows:

SPECIAL RESIDENTIAL FACILITIES: A state licensed community care use which provides a living environment for unrelated individuals who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional and social needs of the residents. The residents are limited to the special needs population. The three (3) types of special residential facilities include:

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2. The PZD finds that you are proposing to operate a Category 1 or Category 2 assisted living facility at the above referenced address (See attachment 2a). The City's Zoning District Map shows the property is located within a Multi-Family (RM-18) zoning district (see attachment 1). State law provides that within a Multi-Family residential zoning district, such facility be at least 1,000 or 1,200 feet from any other similar facility (See attachment 2b).
3. A review of the Agency for Health Care Administration (ACHA) and the Agency for Persons with Disabilities (APD) databases shows that there is a state licensed facility within a 1,000 & 1,200 feet radius of the proposed location of the assisted living facility (See attachment 3).

4. However, based on the existence of an operating Special Residential Facility Category 2 since 2001, the location is **vested for the use**. Therefore, a Special Residential Facility Category 1 or Category 2 are allowable Uses.

As of the date of this letter, the Planning and Zoning Division finds that although there is an existing Residential Facility within 1,000 or 1,200 feet radius of the property, a Category 1 and Category 2 Assisted Living Facility is an allowable Use since this location is vested for the Use.

The Planning and Zoning Division finds Special Residential Facility, Category 2 Use, change of ownership permitted. Please be advised that this letter is valid for only 45 calendar days. Within this 45 day period, you must file a Certificate of Use (COU) application with the City, along with a letter of acknowledgement from the state licensing agency, verifying they have received a complete application. Failure to timely file a COU application could result in a subsequent finding that the proposed location is no longer in conformance with the separation standard.

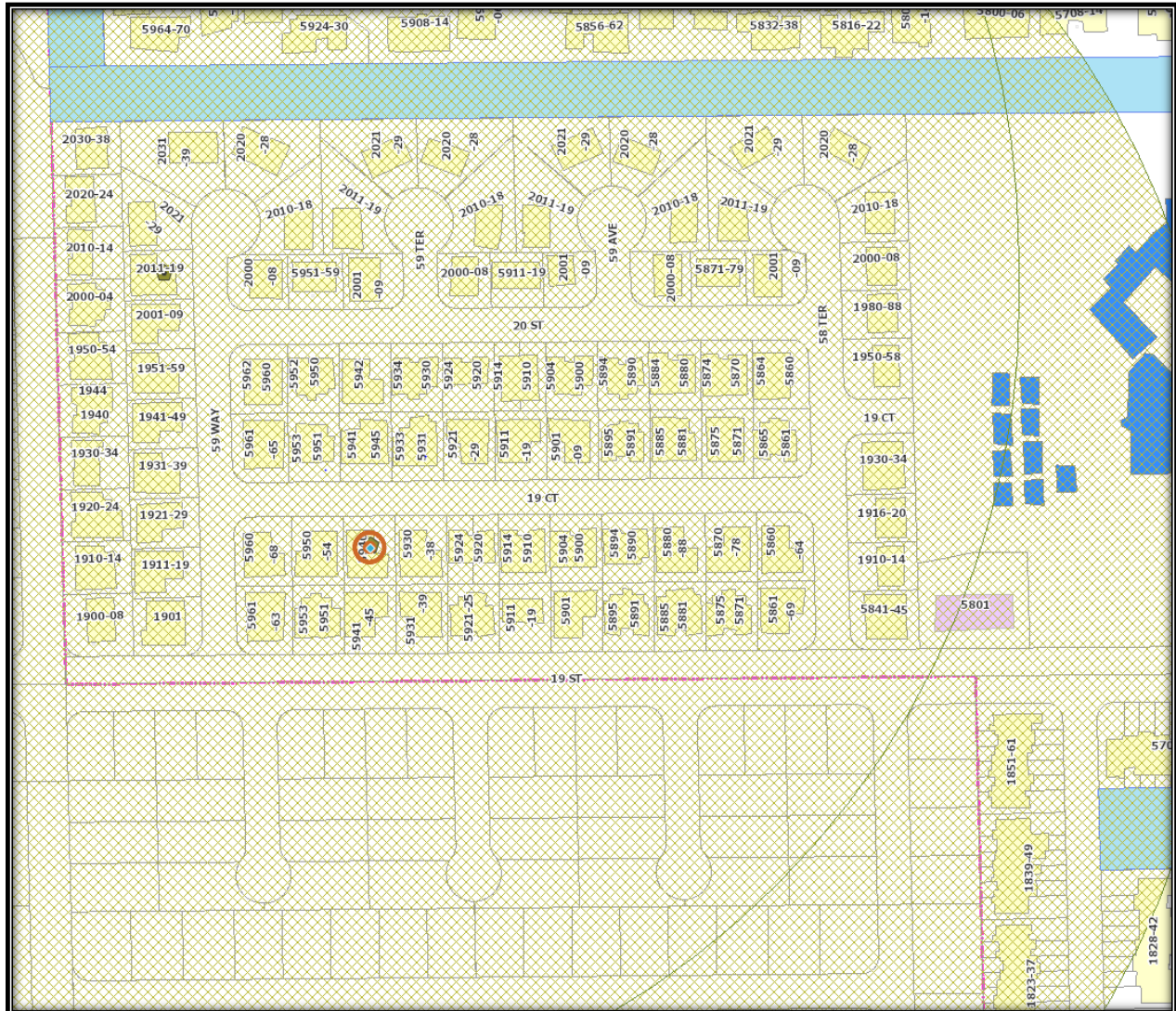
Please be advised that a zoning confirmation letter is not a legal opinion or intended to serve as legal advice. You proceed at your own risk when signing a lease or hiring a contractor or other professional. Your intended use may not be allowed.

I trust that you will find this letter responsive to your request. Thank you.

Nadine Fearon



Planning & Zoning Department
City of Lauderdale
5581 West Oakland Park Blvd.
Lauderhill, FL 33313

Attachment 1 - (Special Residential Facility Map)**Attachment 2a – Schedule B-1 – Allowable Uses**

Lauderhill, Florida - Land Development Regulations / LAND DEVELOPMENT REGULATION
SCHEDULES / SCHEDULE B. - ALLOWABLE USES

SCHEDULE B. - ALLOWABLE USES

B-1. *Uses Allowed in Residential Districts.*

Land Use Category	RS-4	RS-4A	RS-5	RS-5A	RM-5	RM-8	RM-10	RT-15	RM-18	RM-22	RM-40	RM-45	RMH-50	RO
Miscellaneous:														
Accessory Uses and Structures ¹	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Special Residential Facilities (Category 1) ¹	P	P	P		P	P			P	P		P		
Special Residential Facilities (Category 2) ¹					P	P			P	P		P		

Footnotes:

SE = Special exception use

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Lauderhill, Florida - Land Development Regulations / Article III - ZONING DISTRICTS / Sec. 5.36. - Special residential facilities.

Sec. 5.36. - Special residential facilities.

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Attachment 3 – Agency for Health Care Administration (ACHA)

FloridaHealthFinder.gov
a service of the Agency for Health Care Administration

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Facility/Provider Locator By Proximity Search Results

Assisted Living Facility locations within 1,000 Feet of
5940 NW 19 CT LAUDERHILL, FL 33313

Map Satellite

Hope Garden Assisted Living

Google

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Directions:
View the results below or click a column heading to sort by that column. Click on the facility/provider name to view more details. Click on the automobile icon for driving directions. View the [GLOSSARY](#) for definitions on the facilities/providers.

Export to Excel Print Start Over

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Export to Excel Print Start Over

Date 00/00/2024Application # 24-ZVR-232

City of Lauderhill
Planning and Zoning Division
 5581 West Oakland Park Blvd.
 Phone (954) 730-3050 / Fax (954) 730-2991

DUPLICATE RECEIPT
 CITY OF LAUDERHILL
 RECVD BY: CLAIRE 01000495795
 PAYOR: AMBASSADOR ASSISTED
 TODAY'S DATE: 06/17/24
 REGISTER DATE: 06/17/24 TIME: 11:40
 DESCRIPTION AMOUNT
 CUST ID: 24-ZVR-232
 DEVELOPMENT REVENUE FE \$250.00
 TOTAL DUE: \$250.00
 TENDERED: \$300.00
 CHANGE: \$50.00
 CASH : \$300.00
 REF NUM:
 CHANGE : -\$50.00
 REF NUM:

(CUST ID) / NAME
 Application # Ambassador Assisted Living Facility
 Address 5940 NW 19 CT
 Telephone # (954) 258-1100

DEVELOPMENT REVIEW FEES	PERMIT ACCT'S	CODE	AMOUNT
SITE PLAN (\$1000 Minimum or \$250 per acre, to a maximum of \$5000 – whichever is greater)	001-322-061	682	
SITE PLAN MODIFICATION	001-322-061	682	
SITE PLAN MODIFICATION / DEVELOPMENT REVIEW	001-322-061	682	
VARIANCE FILING FEE	001-341-065	682	
SIGN VARIANCE FILING FEE	001-321-032	682	
SPECIAL EXCEPTION FEE	001-341-065	682	
REZONING FILING FEE	001-341-065	682	
ZONING CONFIRMATION (\$100 Minimum plus \$89 per each additional staff hour)	001-341-065	682	
ZONING VERIFICATION REQUEST (Commercial Certificate of Use (COU)) Expedited	001-341-065	682	\$ 250.00
PLATTING (\$800 Minimum or \$150 per acre, to a maximum of \$3000 – whichever is greater)	001-322-061	682	
LAND-USE AMENDMENT (\$3000 Minimum or \$500 per acre, to a max. of \$10,000 – whichever is greater)	001-322-061	682	
MODIFICATION / LANDSCAPE PLAN	001-322-061	682	
SIGN PERMIT	001-321-032	682	
CAC REVIEW (SINGLE-FAMILY & DUPLEX)	001-322-061	682	
CAC REVIEW (MULTI-FAMILY & NON-RESIDENTIAL)	001-222-3110	222	
ALCOHOLIC BEVERAGE REVIEW	001-322-061	682	
PROF. SERVICES / DESIGN REVIEW	001-222-3110	222	
TREE PRESERVATION	001-247-116	655	
TREE REMOVAL PROCESSING FEE ONLY – ADDITIONAL FEES MAYBE CHARGED BASED ON CANOPY COVERAGE.	001-247-116	655	
NOTARY SERVICE	001-349-076	135	
OTHER:			

TOTAL **\$ 250.00**



PLANNING & ZONING DIVISION

24-ZR-232
JUN 17 2024

RECEIVED

City of Lauderhill
Planning & Zoning Department
5581 W. Oakland Park Blvd., Lauderhill, FL 33313
Phone: 954.730.3050

Zoning Verification Request Form

Certificate of Use (COU) Zoning Verification Requests require seven (7) business days for processing and must be accompanied by a \$50.00 fee at submittal for verifications. **This reduced fee is only for COU Zoning verifications associated with the submittal of a Certificate of Use application.** Per Chapter 6 Article I Section 6-10.III. (x)(2) of the City Code of Ordinances, an additional fee of \$89.00 per staff hour shall apply for any additional determinations. The applicant will be notified in advance in the event additional fees need to be assessed. *Shared Space Users and Virtual address users are exempt from obtaining a Certificate of Use Zoning verification.*

Expedited Service (two [2] day turnaround): \$250.00 + \$89.00 per additional staff hours (if applicable).

Describe ALL ACTIVITIES TO BE CONDUCTED AT THE PROPOSED BUSINESS (The business' land use classification is based on the description provided below. Failure to provide a complete business description may result in the immediate revocation of an issued COU): *Applicants are encourage to submit a Business Plan or additional attachments that provide a more comprehensive explanation of the business operations. Include: hours of operation, any licensing requirements, & size of the building area that the business will occupy (both inside a building & outside).*

This is a 14 Bed Assisted Living Facility that will offer Comprehensive Care services to include Assisting with Activities of Daily Living, Scheduling of medical appointments, providing meals, Housekeeping, Laundry & Activities program. The facility is open 24 hours a day x 7 days a week.

Address of the proposed business:	3333	State License Required:	Business Area (Sq. Ft.)		
5940 NW 19th Ct. Lauderhill, FL		Yes - License Acquired	2442		
Applicant Information		Business Information			
Business Name (if applicable):	Business Name: Ambassador Investment & Realty LLC DBA: Ambassador Assisted Living Facility Lauderhill				
Name and Title:	Name and Title: Marchel D. Woods / owner / Administrator (Signature: Marchel D. Woods)				
Signature:	Signature: Marchel D. Woods				
Date:	Date: 6/17/24				
Mailing Address:	Mailing Address: 18459 Pines Blvd. #306				
City, State & Zip:	City, State & Zip Code: Pembroke Pines, FL 33029				
Phone Number:	Phone Number: (C) 954-258-1100 Office 954 807-8148				
Email:	Email: Woods@ambassadorandassociates.com				



City of Lauderhill
 Planning & Zoning Department
 5581 W. Oakland Park Blvd., Lauderhill, FL 33313
 Phone: 954.730.3050

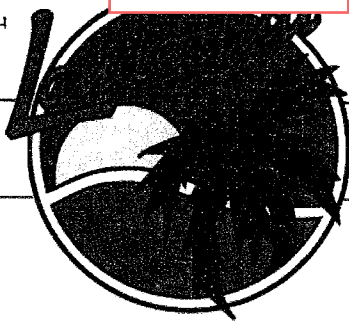
Zoning Verification Request Form

Application #: 24-ZVR-232

STAFF REVIEW														
ZONING DISTRICTS														
CO	CN	CG	CC	CW	CE	IL	PO	PL	PR	CR	S-1	CF	UT	Other
☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	RM-18
☐ APPROVED					☒ DENIED					☐ ENTITLEMENTS REQUIRED				
USE CLASSIFICATION: SPECIAL RESIDENTIAL FACILITIES (CATEGORY 2)														
STAFF COMMENTS / COU CONDITIONS:														
Denial based on not meeting the 1,200 feet separation distance from another special residential facility. Previous operator ceased operations at this location January 5, 2022; when the license was revoked by AHCA (License #: 12455). A new operator had a year to resume operations from the date of the approved Certificate of Use (COU). The license issued by AHCA (13864) became effective 2/27/2024.														
ENTITLEMENT REQUIREMENT: (IF APPLICABLE)														
REVIEWED BY:								APPROVED BY:						
D.Lindsay 6/18/2024								D.t.KoM 6/25/2024						

Please be advised that the issuance of a Commercial Certificate of Use Zoning Verification establishes that the business you intend to conduct is a use permitted by the City Zoning Code for the location at which you intend to operate. The issuance of a Commercial Certificate of Use Zoning Verification in no way certifies that the property located at this address is in compliance with other provisions of the City Code of Ordinances.

The issuance of an approved COU Zoning Verification DOES NOT allow for a business to start operating. All businesses operating in the City of Lauderhill must have a valid Certificate of Use license. Any business found to be operating without a valid and current Certificate of Use shall be subject to a fine as well as a closure.



City of Lauderdale

Planning and Zoning Department

Agenda Item No. 17

DEVELOPMENT REVIEW REPORT

The matter before the City Commission is a Zoning District Map amendment for Cannon Point, a 17+ acre area located on the west side of NW 56th Avenue and 2,000+ feet south of Oakland Park Boulevard. The amendment would repeal the Special Residential Facility Overlay zoning district thereby leaving in place the base or underlying Residential Multi-family at 18 dwelling units per gross acre (RM-18) zoning district. The matter is before the City Commission because consistent with Land Development Regulations Article IV., Part 2.0., and Article VI., Section 4., the Planning and Zoning Board recommended the City Commission adopt the Ordinance. *The Planning and Zoning Department recommends the City Commission determine that the zoning district map amendment is in compliance with the Land Development Regulations applicable standards and minimum requirements and that an Ordinance be adopted amending the Zoning District Map by removing the Special Residential Facility Overlay zoning district from a 17.34 acre area legally described as Cannon Point, Block 1, Lots 1 through 19 inclusive and Block 2, Lots 1 through 15 inclusive, according to the plat thereof, as recorded in Plat Book 75, Page 1 of the official public records of Broward County, Florida, together with Cannon Point 1st Addition, Block 1, Lots 20 through 23 inclusive, Block 2, Lots 16 through 31 inclusive, and Block 3, Lots 1 through 15 inclusive, according to the plat thereof, as recorded in Plat Book 78, Page 30 of the official public records of Broward County, Florida, more commonly known as Cannon Point in the City of Lauderdale, Florida.*

I. BACKGROUND

On April 11th, 2005, the City Commission adopted Resolution No. 05R-05-113 (See Attachment A). That resolution established a Notice of Zoning in Progress for special residential facility uses and development within the Cannon Point area. The Notice of Zoning in Progress provides the Planning and Zoning Department (Department) with 180

days to review and make recommendations on whether the existing Land Development Regulations (LDR) governing special residential facilities and Cannon Point should be amended. This Development Review Report reviews LDR provisions and development within Cannon Point and makes recommendations concerning that area.

The Land Development Regulations (LDR) pertaining to allowable land uses, including special residential facility uses, within Cannon Point are codified in six (6) places. First, LDR Article I, Part 1.0., Section 1.5 provides definitions for Category 1, 2 and 3 special residential facilities. Second, LDR Schedule B, Permitted and Special Exception Uses, Section 1, Residential Districts, lists those land uses that are allowable within the residential zoning districts. This includes the allowable land uses within the Residential Multi-family at 18 dwelling units per gross acre (RM-18) zoning district, the base or underlying zoning district that applies to Cannon Point. Third, LDR Schedule C is entitled General Requirements for Building Parcels, Building Setbacks, and Yards, and Area Dimension Regulations for Lot and Tract. This schedule sets for each zoning district the general standards and requirements or development controls that apply to allowable land uses. Fourth, LDR Article III., Part 5.0., Section 5.36 establishes special regulations for special residential facility uses. These special regulations address separation or distance standards, density standards, and appearance standards. Fifth, LDR Schedule U establishes the Special Residential Facility Overlay zoning district, a second zoning district that was applied to Cannon Point in addition to the base or underlying residential zoning district. An overlay zoning district is a district that applies additional standards and requirements or development controls above that required by the underlying zoning district. Sixth, LDR Article III., Part 2.0., Section 2.2 establishes the City's Zoning District Map and the map shows the areas where the Special Residential Facility Overlay District has been applied.

- A. LDR Article I, Part 1.0., Section 1.5, Definitions. A special residential facility use can generally be defined as a dwelling unit that provides a living environment for unrelated persons and such supervision and supportive staff as may be necessary to meet the physical, emotional and social needs of the residents. Special residential facilities may include, but are not limited to adult family care home, assisted living facilities, community residential or group homes, home for special services, residential treatment facilities, and transitional living facilities. The Land Development Regulations (LDR) distinguish between three types of special residential facilities based upon the number of residents. A dwelling with 6 residents or less is defined as a Category 1 facility or group home. A facility with between 7 and 14 residents is defined as a Category 2 facility or community residential facility. A facility with 15 or more residents is a Category 3 facility or community care facility. The LDR definition limits residents to clients of the Florida Department of Health and Rehabilitative Service. Further, the residents are limited to children, the aged, handicapped, developmentally disabled, and mentally ill, none of whom constitute a potential threat to the health, property and safety of the

surrounding neighborhood. Attachment B is a copy of the LDR definition for special residential facilities.

- B. LDR Schedule B., Permitted and Special Exception Uses. LDR Schedule B, Section 1, lists those land uses within the residential zoning districts that either are allowable or prohibited uses (See Attachment C). Allowable uses include permitted uses, displayed in Schedule B with the symbol "P," and special exception uses, displayed with the symbol "SE." A listed land use in Schedule B without a symbol is a prohibited use, while an unlisted land use may be a prohibited use if it is not similar to any other listed land use.

A permitted use is any land use allowed in a zoning district subject to the standards and requirements or development controls applicable to that district and subject to any special regulations governing the specific land use. For example, LDR Schedule B, Section 1 shows that within the RM-18 zoning district, a multi-family dwelling is a permitted use. Development controls can include such factors as minimum lot size and maximum building height. Special regulations can include such factors as separation or distance standards between land uses, such as a minimum distance between an elementary school and an adult entertainment establishment.

A special exception use is a land use that may be appropriate at a specific location in a zoning district if conditions can be imposed on the land use that mitigate the potential adverse impacts caused by that land use. For example, a house of religious worship may or may not be desirable in a residential area. Its desirability in a specific location depends on whether conditions or controls over parking, circulation, building setbacks, landscaping, hours of operation and other factors are sufficient to mitigate any adverse impacts upon the residential area. The LDR imposes other requirements on a special exception use, including public notice requirements, a public hearing on the land use, and approval by a super-majority vote.

LDR Schedule B, Section 1 shows that within the RM-18 zoning district, special residential facility (SRF) Category 1 and Category 2 uses are a permitted use. SRF Category III uses are prohibited in all residential zoning districts. LDR Schedule B, Section 2, shows that special residential facility category 3 uses are allowable as a special exception use in only two non-residential zoning districts (See Attachment D).

- C. LDR Schedule C., General Requirements for Building Parcels, Building Setbacks, and Yards, and Area Dimension Regulations for Lot and Tract. LDR Schedule C establishes the applicable standards and requirements or development controls for each base or underlying zoning district (See Attachment E). A permit cannot be issued for an allowable land use unless it complies with the district regulations. Schedule C, Section 1, establishes within the residential zoning districts seven (7)

applicable development controls. These include minimum parcel area, minimum parcel area street frontage, minimum building size, setbacks, maximum lot coverage, maximum building height, and maximum density. For example, within the RM-18 zoning district, the maximum building height is eight stories or 100 feet. Thus, although a multi-family dwelling is a permitted use in the RM-18 zoning district, a permit will not be issued for that use if the maximum building height exceeds eight stories or 100 feet.

- D. LDR Article III., Part 5.0., Section 5.0., Section 5.36, Special residential facility uses. The purpose of LDR Article III., Part 5.0 is to establish special regulations for specific land use classifications and features. Section 5.36 includes three subsections that establish separation, density and design or appearance standards and requirements for special residential facility uses (See Attachment F). In practice, the Department has not applied these special regulations to special residential facility uses within a Special Residential Facility Overlay zoning district.

Subsection 5.36.1 addresses the separation between and among special residential facilities. The separation standards are intended to implement the theory that the special needs populations should be integrated into residential neighborhoods instead of congregated into institutional settings. Paragraph A provides that a group home shall not be located within a radius of one thousand (1,000) feet of any other group home. Paragraph B provides a Category 2 property line shall be located at least five hundred (500) feet from any single-family residential property line and at least one thousand two hundred (1,200) feet from any other community residential facility. Paragraph C provides that community care facilities shall be located no closer than two thousand five hundred (2,500) feet from any other community care facility. This distance is to be measured by a straight line from the nearest point of one establishment to the nearest point of the other establishment. The Department has interpreted the terms "group home", "community residential facility", and "community care facility" as a special residential facility category 1, 2 and 3 respectively.

The separation standards in LDR Article III, Part 5.0, Subsection 5.36.1 are modeled after the separation standards in Chapter 419, Florida Statutes (FS), Community Residential Homes (See Attachment G). Paragraph 419.001(1)(a), FS, defines the term community residential home as a dwelling unit licensed to serve the clients of the Department of Children and Family Services which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and supportive staff as may be necessary to meet the physical, emotional and social needs of the residents. The Department concludes this definition is essentially the same as a SRF Category 2. Subsection 419.001(2), FS, provides that a home of six or fewer residents which otherwise meet the definition of a community residential home (i.e., a SRF Category

1), shall not be located within a radius of 1,000 feet of another existing home with six or fewer residents. Sub-paragraph 419.001(3)(c)3., FS, provides that a local government can deny the siting of a community residential home in a multi-family zoning district if the nature and character of the area would be substantially altered. A community residential home that is located within a radius of 1,200 feet of another existing community residential home or located within a radius of 500 feet of a single-family zoning district are conditions that substantially alters the nature and character of the area. Subsection 419.001(4), FS, provides that all distance requirements shall be measured from the nearest point of the existing home or area of single-family zoning to the nearest point of the proposed home.

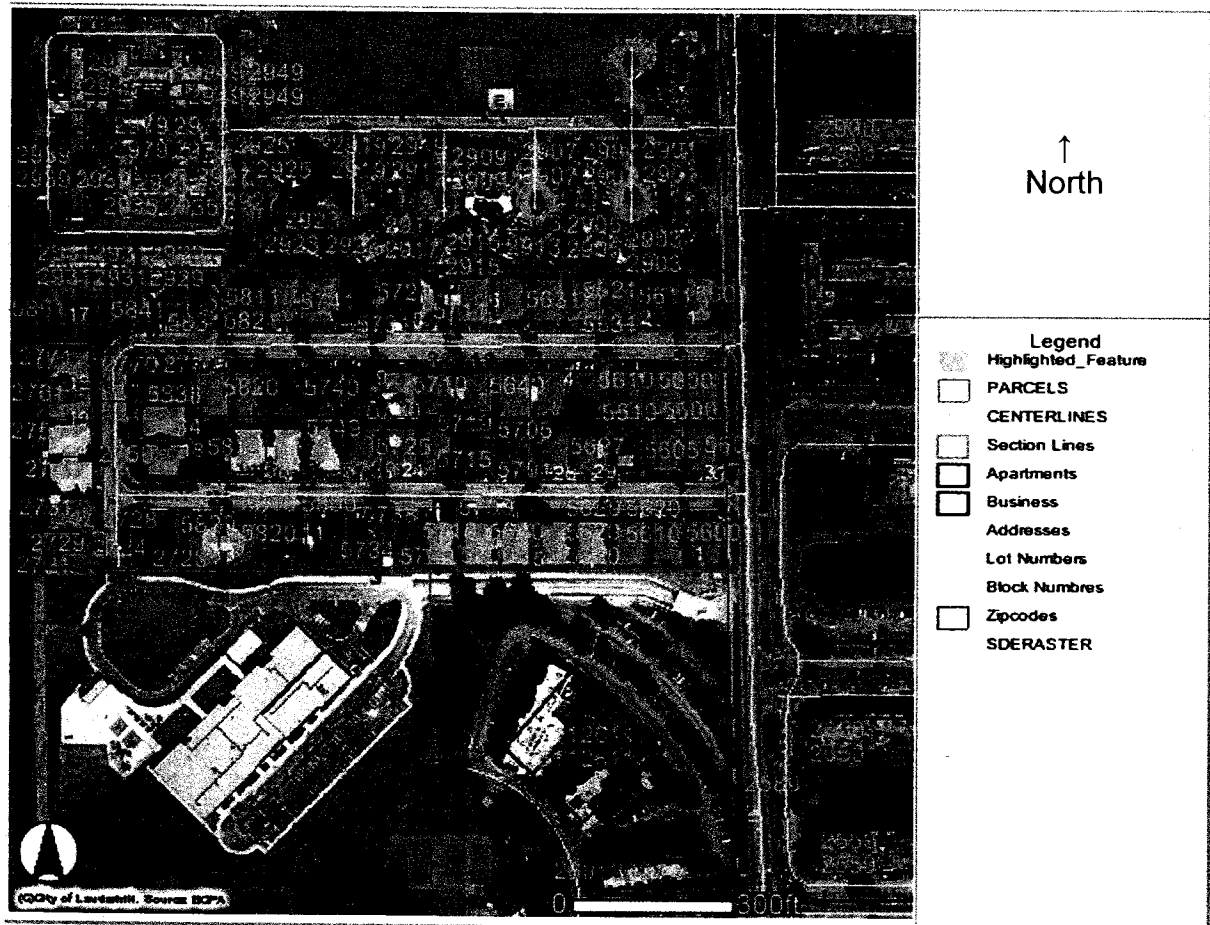
Subsection 5.36.2 addresses density and provides that no community care facility shall accommodate more than ten (10) dwelling units per acre.

Subsection 5.36.3 addresses the design or appearance of all special residential facility uses. It provides the parcel shall be residential in character and shall be in harmony with surrounding land uses, including structures, height, profile, building materials, colors and landscaping.

- E. LDR Schedule U., Special Residential Facility Overlay District. On September 26th, 1995, the City Commission adopted Ordinance No. 95O-154, which Ordinance amended the Land Development Regulations (LDR) by enacting Schedule U, Special Residential Facility Overlay zone (See Attachment H). The purpose of the Ordinance, as stated in Section 1, was to apply this zoning district to special residential enclaves or neighborhoods. Section 5 established a minimum district size of ten acres and Section 2 allowed as permitted uses category 1, 2 and 3 special residential facilities. In addition to allowing special residential facilities as permitted uses, Section 2 allowed as permitted uses a number of land uses that support special residential facilities. These permitted uses include such land uses as pharmacies, medical and dental offices, food or other commodity retail sales and restaurants. By allowing all these supporting land uses within an enclave or neighborhood, a special residential facility resident need not leave the confines of the enclave or neighborhood to meet their daily needs.
- F. LDR Article III., Part 2.0., Section 2.2., the Zoning District Map. LDR Article III., Part 2.0., Section 2.2 establishes a Zoning District Map that shows the geographic boundaries of the zoning districts. The Zoning District Map shows the SRF Overlay zoning district has been applied in three areas.
1. **Cannon Point.** Cannon Point is generally located on the west side of NW 56th Avenue about 2,000 feet south of West Oakland Park Boulevard. A canal separating the City of Lauderhill from the City of Sunrise is its western boundary while its eastern boundary is the NW 56th Avenue right-of-way. Its

southern boundary is the newly constructed Endeavor School while its northern boundary is the Inverrary Village Condominium. Roadways internal to Cannon Point include NW 28th Street, NW 59th Way and NW 27th Court. Figure 1 is an aerial photograph displaying the location of the Cannon Point area in relation to the surrounding street network and land uses.

**Figure 1
Cannon Point**



Cannon Point consists of two platted areas: Cannon Point and Cannon Point 1st Addition. Recorded in January 1972, the Cannon Point plat provides for 34 lots (See Attachment I). These lots have typical dimensions of 70 linear feet of frontage and 115 linear feet of depth or a lot size of 8,050 square feet. The Cannon Point 1st Addition plat was recorded in March 1973 and has 35 lots (See Attachment J). These lots also have typical dimensions of 70 linear feet of frontage by 115 linear feet of depth but three of the lots in Block 3 have 80 linear feet of frontage.

The majority of the lots within Cannon Point originally were developed with triplexes. By 1995, Cannon Point had become a crime-infested neighborhood with deteriorating buildings and physical improvements. Consequently, the City and the property owners worked together to create a plan to redevelop the neighborhood. The plan envisioned Cannon Point as a neighborhood predominantly developed with assisted living facilities that would be available to middle-income families. The property owners would create the assisted living facilities through the conversion of their triplexes. The City would amend its Land Development Regulations to create an overlay zoning district to allow assisted living facilities to be congregated within an area, would apply the overlay zoning district to Cannon Point, would make public improvements to enhance the appearance of the neighborhood, and would provide more public safety services.

As stated earlier, on September 26th, 1995, the City Commission adopted the LDR amendments creating the SRF Overlay zoning district. Then on May 28th, 1996, the City Commission adopted Ordinance No. 96O-120, which Ordinance amended the Zoning District Map by applying the Special Residential Facility Overlay zoning district to Cannon Point (See Attachment K).

In 1998, the City completed the physical improvements to the neighborhood at a cost of more than \$400,000. The neighborhood improvements included street, drainage, water, and sewer enhancements, new sidewalks, street lighting, landscaping and irrigation.

The Department concludes that the Ordinance applying the Special Residential Facility Overlay zoning district to Cannon Point is defective. First, the Department finds that the legal description in the Ordinance references the Cannon Point plat but not the plat for Cannon Point 1st Addition. Second, the reference in the Ordinance to the Cannon Point plat identifies the correct plat book but the wrong page number. Third, the size of the area to be rezoned is larger than the area identified in the legal description. Notwithstanding the above, in practice the City has consistently treated properties within Cannon Point as if they were zoned SRF-O district. Consequently, the Department concludes that any Ordinance removing the SRF-Overlay zoning district should include in its legal description both plats. Table 1 displays the land uses within Cannon Point based on the state land use code.

Table 1
Land Uses within the Cannon Point SRF-O zoning district

USE CODE	LAND USE CODE DESCRIPTION	NUMBER	PERCENT
00	Vacant residential	2	3.08
08	Multi-family – less than 10 units	38	58.46
73	Privately-owned hospital	21	32.31
74	Homes for the aged	4	6.15
	Total: 4 land uses	65	100.00

Source: Broward County Property Appraiser (July 2005); Compiled by City of Lauderhill Planning and Zoning Department.

Table 1 shows that over 38 percent of the lots are classified as institutional land uses. Stated another way, since Cannon Point was rezoned to SRF-O district in 1996, 25 properties have been converted for institutional use, that is, as a special residential facility.

Attachment L is a table displaying for each lot within Cannon Point as of the year 2004, the property owner, the assessed values, the real estate taxes and sales information. It shows the total land assessment is almost \$4 million while the total building assessment is almost \$12 million, for a total assessment of nearly \$16 million. This represents an average assessed land value of \$57,332, an average assessed building value of \$171,660 and an average total assessed value of \$228,992. In 2004, these properties generated almost \$350,000 in real estate taxes or an average \$5,047 per lot.

Table 2 consolidates some of the property owner information contained in Attachment L

Table 2
The Seven Major Cannon Point Property Owners

Property Owner	Lots	Total Assessment	2004 Taxes
Spaw Family Holdings, Inc.	6	1,384,460	19,318.59
H & C Retirement Center	6	1,498,210	45,482.06
Henderson Mental Health	6	1,748,680	2,376.00
Ibrahim, Andria Rev Living Trust	5	1,148,280	27,457.70
Judah, Robert	4	902,640	23,524.00
Nova SE University	4	1,067,490	0
Yetti's Outreach	4	800,300	24,720.57
Seven property owners	35	8,550,060	144,882.92
Percentage of Cannon Point	50.72	57.07	44.07

Source: Broward County Property Appraiser (July 2005); Compiled by City of Lauderhill Planning and Zoning Department.

It shows that seven property owners control 35 of the 69 lots or more than 50 percent of the total lots. Notwithstanding the above, the greater the number of property owners the more difficult it is for the property owners to work together to further the intent of the SRF-O zoning district.

The Department finds that on January 3rd, 1974, a Declaration of Restrictive Covenants and Reservations for Cannon Point was recorded in the public records of Broward County, Florida (See Attachment M). It provides that the restrictions run with the land until December 31, 1993, at which time it is automatically extended for successive 20 year periods, unless such is changed by vote of the majority of the owners. The third paragraph provides that no lot shall be used for any purpose other than residential, except for Lot 17, Block 1. That lot was reserved as the recreation area and pool for Cannon Point. The document also established the Cannon Point Maintenance Association, which allowed the association to assess the lots for garbage and trash collection and for the maintenance and operation of the recreation and common areas. The Association further had the right to determine the number and location of dumpster enclosures.

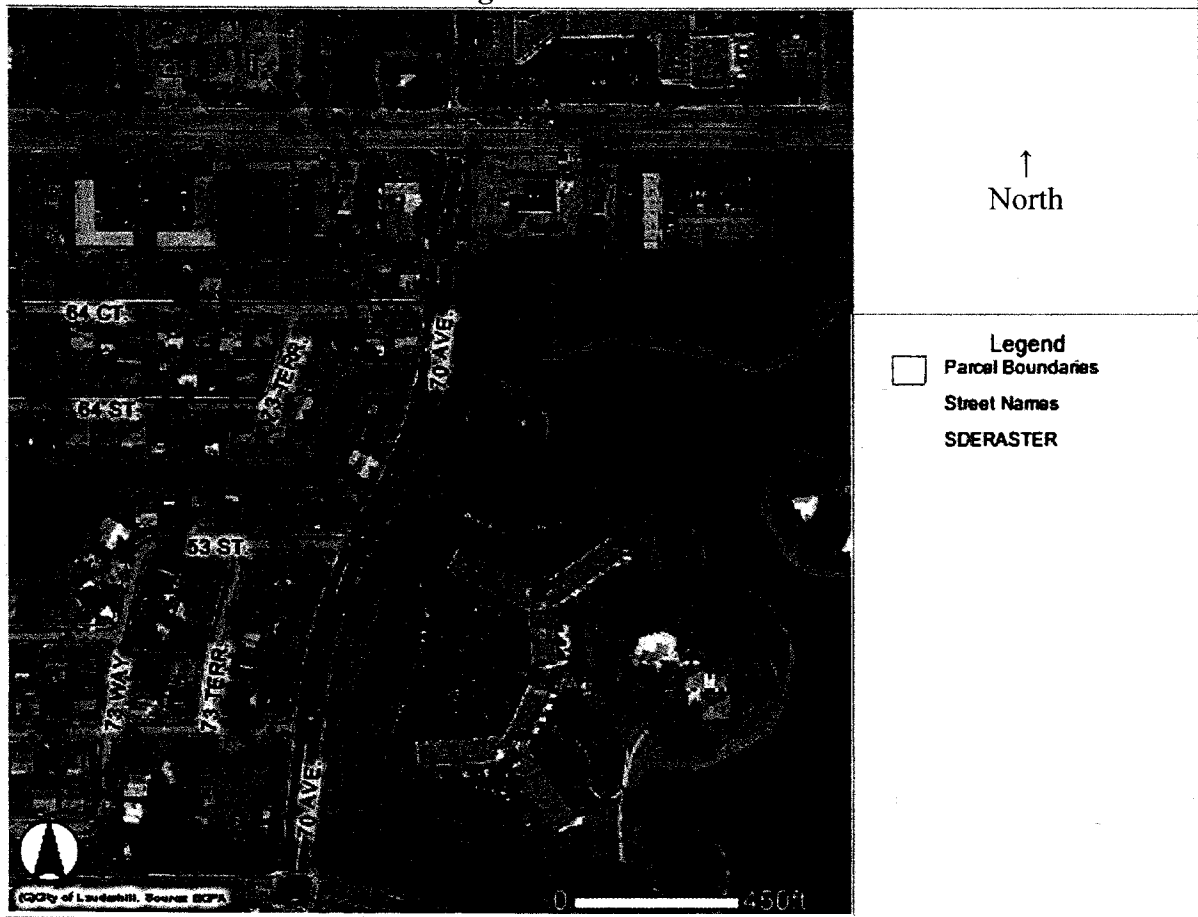
On September 29th, 1992, the Declaration of Restrictive Covenants and Reservations for Cannon Point was amended (See Attachment N). It repealed the provision allowing Lot 17, Block 1 to be used for recreation purposes. It also allowed for the assessments to be used for the maintenance of swales and the subdivision entranceway and for entry onto lots to trim trees. Another change was that a lot could not be transferred unless the Association issued a certificate certifying that all assessments have been paid.

2. **Forest Trace.** Forest Trace encompasses a 78+ acre site generally located east of NW 70th Avenue/Inverrary Boulevard and south of Commercial Boulevard (See Figure 2). Forest Trace is one of three developments within the boundaries of the Boulevard Forest plat, which plat also includes the residential single-family developments of Cypress Hollow and Forest Lake Estates. On February 24th, 1997, the City Commission adopted Ordinance No. 97O-106, which Ordinance amended the Zoning District Map by applying the Special Residential Facility Overlay zoning district to the westerly 78.2 acres of the plat (See Attachment O).

Forest Trace is an assisted living facility primarily developed with 322 dwelling units in two high rise buildings. It includes 15 assisted living units and 307 independent living units. Other land uses include administrative and maintenance offices, a central dining area where two meals are provided

daily to residents, an auditorium where entertainment is provided, a beauty salon/barber, in-house financial services on a bi-weekly basis,

Figure 2: Forest Trace



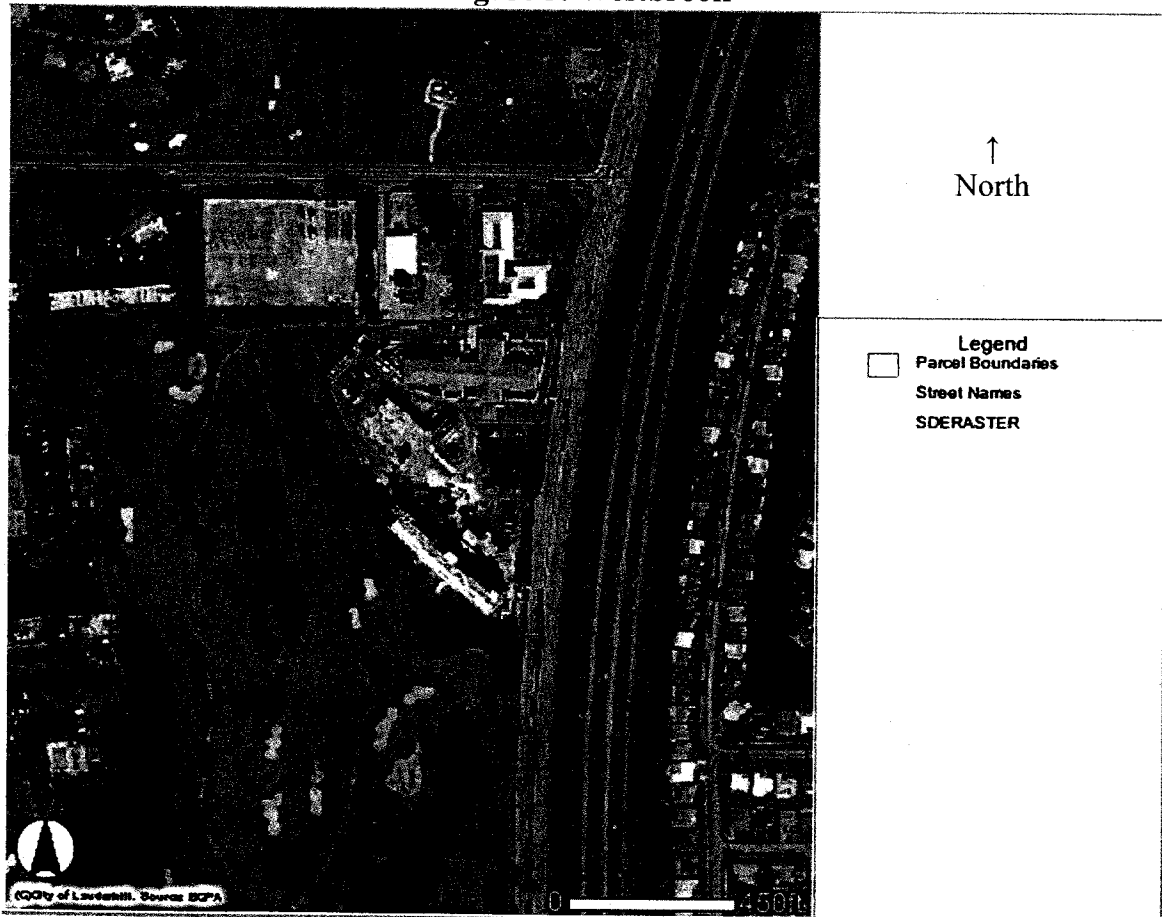
3. **Westbrook at Inverrary.** Westbrook at Inverrary is a 10.61 gross acre site generally located on the west side of Rock Island Road and about 300 linear feet south of NW 44th Street. The site has an irregular shape with approximately 855 linear feet of frontage along the west side of Rock Island Road and about 700 linear feet of depth.

On December 13th, 1999, the City Commission adopted Ordinance No. 99O-11-158. That Ordinance amended the Zoning District Map by applying the Special Residential Facility Overlay zoning district to the area encompassed by Tract A of the Executive House of Inverrary plat (See Attachment P).

It is developed with: an eight-story independent living facility with 186 units and 192 beds attached to a one-story building with dining and kitchen

facilities; a two-story building with a 99 bed skilled nursing center, a 20 bed Alzheimer's facility, a physical therapy unit, and administrative space; and a four-story building with a 100 bed assisted living facility. This facility was under single-ownership for many years but now has two owners.

Figure 3: Westbrook



Consistent with the Notice of Zoning in Progress, this Development Review Report focuses on potential Land Development Regulations affecting the Cannon Point area.

- G. Potential Cannon Point amendments. The Notice of Zoning in Progress applies to all special residential facilities within the City and all development within Cannon Point (See Attachment A). This Development Review Report addresses development within Cannon Point. A companion Development Review Report addresses all special residential facilities.

The Department has identified three alternative strategies that can be applied to

Cannon Point. The first strategy is the "do nothing" or maintaining the "status quo" alternative. The second strategy is to abandon the plan for an "assisted living facility" neighborhood and to transition the neighborhood back to residential use by removing the SRF-O zoning district. The third strategy is to continue implementing the plan by take a more active approach in its redevelopment.

1. **Maintaining the status quo.** The Department concludes that the plan to redevelop Cannon Point as a neighborhood of assisted living facilities has not materialized. Although the plan has only been in effect since 1998 or seven (7) years, the Department concludes that maintaining the status quo would not lead to the establishment of the envisioned assisted living facility neighborhood. The Department has identified several factors that would inhibit the status quo from achieving the Cannon Point redevelopment plan.

First, Cannon Point has a large number of property owners. The large number of property owners makes it difficult to work cooperatively together to implement the redevelopment plan. Further, some property owners are absentee owners with little desire to make investments in their property or to participate in the implementation of the plan. In contrast, one and two property owners control the properties within the other two SRF-O zoning districts. The limited number of property owners allows unified or substantial control over land uses, neighborhood aesthetics, operational matters and other factors. Notwithstanding the above, a strong neighborhood association can assist the multiple owners in working in unison.

Second, the Cannon Point Maintenance Association is weak. It does not have the authority to require the property owners to use their property in furtherance of the redevelopment plan. Thus, more than 50 percent of the Cannon Point properties are still used for residential purposes. Persons that loiter the streets occupy some of these residential properties. These persons create an unfavorable perception of the neighborhood, especially for persons considering investing or living in assisted living facilities.

Third, a comprehensive package of resources were not identified and made available to assist Cannon Point property owners in implementing the redevelopment plan. Converting triplexes to assisted living facilities and managing these facilities requires, at a minimum, financial, marketing and management resources. Financial resources would assist property owners in paying for physical improvements needed to convert a triplex to an assisted living facility. These improvements include the removal of interior walls between units, the removal of kitchens and the creation of one larger central kitchen, the creation of administrative space and other improvements. Marketing resources could assist property owners in selling or leasing their

building to reputable firms that operate assisted living facilities. Management resources could assist those property owners that chose to enter the assisted living facility business in successfully operating their facility.

Fourth, the LDR definition of special residential facility provides for a list of clients that is too broad. Although the SRF-O zoning district was primarily intended for assisted living facilities to serve the elderly, the allowable clients include children, the developmentally disabled and mentally ill. Consequently, some of the converted triplexes were occupied by troubled youth, male and female, that loitered the neighborhood streets. These youths created an unfavorable perception of the neighborhood, especially for persons considering investing or living in assisted living facilities.

Fifth, it appears economic or market factors are not favorable for the siting of those land uses that support an assisted living facilities enclave. The SRF-O zoning district allowed assisted living facilities and their supporting land uses as permitted uses in order to create a neighborhood where the daily needs of the elderly could be met without leaving the enclave. Attempts at providing these supportive land uses have all failed. It appears that Cannon Point does not have the population or resources to provide the supporting land uses needed to create a self-contained assisted living facility enclave or neighborhood.

Further, the Department concludes that maintaining the status quo would have a disproportionate impact on the delivery of public safety services as documented below.

- a. *Police service calls.* Attachment Q compares for the years 2001 – 2004 and through June 2005 Police Department Service Calls by type of incidence among the City and the three areas zoned SRF-O district. It shows that the City Police Department receives between 59,800+ and 63,600+ calls annually. It also shows that Cannon Point receives between 1,560+ and 1,940 calls annually. In comparison, the greatest number of annual calls in any of the two other SRF-O zoning district was 466. Thus, Cannon Point generates more than 300 percent the number of Police Department calls than the other two areas.

Attachment Q also displays those 13 type of incidences with more than 1,000 citywide service calls and (4) four other incidences. It shows that within Cannon Point, between three to five types of citywide incidences generated a higher percentage of calls than the average percentage. For example, in 2001, Cannon Point generated

an average 2.62 percent of all Police Department Service Calls. Suspicious incident, other medical and assist other agencies calls averaged 3.15 percent, 6.60 percent, and 4.45 percent respectively. Cannon Point consistently had a greater number of incidences with above average percentages than the two other areas.

A significant finding is that Cannon Point generated more than 25 percent of Citywide Police Department calls for two types of incidences: the mentally ill and missing persons. Thus, Attachment Q confirms the disproportionate impact Cannon Point has on Police Department Services Calls.

- b. *Fire Rescue Department service calls.* Attachment R compares for the years 2001 – 2004 and through June 2005 Fire Rescue Department Service Calls Citywide against Cannon Point. It shows that over the period, calls fro Cannon Point represent between 6 and 7.2 percent of all Citywide calls.

In summation, the Department concludes that the “do nothing” or “status quo” approach will not implement the plan to transform Cannon Point into an assisted living facility enclave where the daily needs of the elderly can be provided within the neighborhood. This conclusion is based on the five constraints identified above. Further, the “do nothing” or “status quo” approach creates a disproportionate impact on public safety services. Although the City could adopt an Ordinance imposing a fee to recover the cost of providing public safety services, it still would not implement the plan for the area.

- 2. **Removing the overlay.** A second alternative is to conclude that the Cannon Point redevelopment plan to create an institutional enclave of assisted living facilities is no longer feasible and should not be pursued. Instead, existing conditions favor redevelopment of Cannon Point as a residential area. This alternative calls for amending the Zoning District Map to remove the SRF-Overlay zoning district from Cannon Point. The Cannon Point Maintenance Association, through their attorney, sent a letter to Mayor Richard J. Kaplan expressing their opposition to this alternative and suggesting that such action could lead to costly litigation (See Attachment S).

- a. *Justification.* There are several justifications for removing the SRF-O overlay from Cannon Point is changed conditions. First, the purpose of the SRF-O zoning district has not been achieved. The purpose of the SRF-O zoning district is to create a special residential facility enclave. Although the City Commission has applied the SRF-O

zoning district in three areas, Cannon Point is the only area where a special residential facility enclave has not been successfully established. Further, numerous factors have been identified that would inhibit Cannon Point from becoming a successful special residential facility enclave. Thus, given the limited probability of success, a different land use strategy should be pursued.

Second, the land use abutting Cannon Point has changed. When the SRF-O zoning district was adopted, a condominium was located south of Cannon Point. Today, the School Board for Broward County, Florida has developed the land south of Cannon Point with the Endeavor School, a prototype Kindergarten through Grade 3 public school. As stated earlier, the SRF-O district allows troubled youth homes, a land use that is not particularly compatible with young students. In contrast, residential multi-family uses allow families to be located within walking distance of the school. Thus, the change in land use makes residential use more suitable than the institutional uses.

Third, the City has undergone demographic changes. The change generally can be described as the replacement of the elderly white persons with young black families. Thus, the need for assisted living facilities to serve the local elderly population has decreased.

Fourth, the regulatory environment for special residential facilities has changed. Regulatory changes have increased the cost of operating special residential facilities. These include state insurance regulations and the imposition of City Fire-Rescue Department fees.

- b. *Effects of removal.* The Department concludes that removing the SRF-Overlay zoning district would have the following effects. First, the underlying Residential Multi-family at 18 dwelling units per gross acre zoning district would be the effective zoning district. The Department finds the LDR Schedule C, addresses General Requirements for Building Parcels, Building Setbacks, and Yards and Area Dimensional Regulations for Lot and Tract. It provides that within the RM-18 zoning district, the minimum parcel area is 12,000 square feet and the minimum street frontage is 100 linear feet. Since each lot within Cannon Point has a size of less than 12,000 square feet and less than 100 linear feet of street frontage, this means that each lot is a non-conforming as to its size and street frontage.

LDR Schedule H, Non-conforming Land Use Provisions, Section 1.9

addresses nonconformity other than use. It provides that any additions, extensions or alterations to existing buildings or structures shall comply with all applicable provisions of this code and the Land Development Regulations. Thus, this section would effectively prohibit any changes to many existing buildings because it would not be possible for a single lot to meet the minimum lot area and street frontage standards. Further, it would prohibit development on any vacant lots. A court of competent jurisdiction would conclude that the inability to develop on a vacant lot is a taking of private property without just compensation.

LDR Schedule H, Section 1.4 generally provides that if a non-conforming structure is destroyed such that the reconstruction would exceed 75 percent of the replacement cost, it shall not be reconstructed except in full conformity with the applicable district regulations. The Department concludes that this section would not prohibit the replacement of a destroyed structure within Cannon Point.

The Department reaches this conclusion because it is the lot and not the structure that is non-conforming. Thus, the removal of the SRF-O district within Cannon Point will require either that the RM-18 zoning district provisions be amended or that Cannon Point be rezoned to an appropriate zoning district. The LDR amendments should assure that lots within Cannon Point are conforming as to minimum lot size and street frontage.

Second, removing the overlay would not cause existing special residential facilities to become eliminated. Instead, it would cause such facilities to become non-conforming uses. LDR Schedule H, Non-conforming Land Use Provisions, allows active non-conforming uses to continue in perpetuity. Thus, removing the overlay may not result in the reduction of public safety service calls.

Third, removing the overlay would not necessarily prohibit the siting of additional special residential facilities within Cannon Point, even though such use would become non-conforming. This is because Cannon Point has several vacant special residential facilities that have not been abandoned for more than one year. Under LDR Schedule H., Section 1.6, a non-conforming building or use may be continued if the building is re-occupied or the use is re-instated.

Fourth, removing the overlay would prohibit the conversion of any additional dwelling units within Cannon Point to a special residential facility. This is because the converted facility could not comply with

the separation standards.

Removing the overlay, however, would not necessarily return Cannon Point to a residential area. The City most likely would need to actively intervene. Cannon Point is located within the Central Lauderhill Community Redevelopment Area and a redevelopment plan is currently being prepared for this area. The Central Lauderhill community redevelopment plan should identify the most appropriate strategies for Cannon Point. One possibility is to acquire and demolish all the dwellings along the canal and to replace them with townhouses, which would improve the appearance and taxable value of the neighborhood.

3. **City takes a more active role in implementing the plan.** This third alternative requires the City to take a more active role in implementing the redevelopment plan.

In Paragraph I.F.1 of this Development Review Report, the Department identified five factors that have inhibited the implementation of the redevelopment plan. The City's role then would focus on minimizing the effects of these factors.

The most active and ambitious role would provide for the City to acquire the properties and to convert or rehabilitate the buildings for use as assisted facility uses. The City could accomplish this with minimal local funding by seeking federal grant funds to purchase and fix the buildings. The City could then hire either City staff or contract with a management company to operate the facilities. The money to operate the facilities would come from the residents. After a sufficient number of these facilities are acquired and operating, the City could provide the supporting land uses to meet the daily needs of the residents. The advantage of this alternative is that federal funds can pay up to 100 percent of the purchase and rehabilitation of the property. Further, it would allow the City to establish some restrictions on the persons allowed to reside in the facility. Moreover, many grants typically include a covenant requiring the facility to operate for 20 years but after the 20 year period, the City would own the properties free and clear.

A less ambitious role would be for the City to provide property owners with direct assistance in establishing and operating assisted living facilities. This could include:

- Financial assistance to convert and rehabilitate buildings, to reduce City assessments, fees and licenses (such as waste management

and annual fire-rescue assessments), to assist in the payment of state fees and assessments, and to operate supporting land uses;

- Marketing assistance to attract reputable assisted living facility operators to purchase, rehabilitate and operate such facilities within Cannon Point; and
- Management training and assistance in operating assisted living facilities and in screening potential clients.

II. ZONING DISTRICT MAP AMENDMENT

A zoning district map amendment application initiated by the Planning and Zoning Department requesting the Zoning District Map be amended by removing the Special Residential Facility Overlay (SRF-O) zoning district from a 17.34± acre area legally described as Cannon Point, Block 1, Lots 1 through 19 inclusive and Block 2, Lots 1 through 15 inclusive, according to the plat thereof, as recorded in Plat Book 75, Page 1 of the official public records of Broward County, Florida, together with Cannon Point 1st Addition, Block 1, Lots 20 through 23 inclusive, Block 2, Lots 16 through 31 inclusive, and Block 3, Lots 1 through 15 inclusive, according to the plat thereof, as recorded in Plat Book 78, Page 30 of the official public records of Broward County, Florida, and more commonly known as Cannon Point in the City of Lauderhill, Florida. Attachment T is the proposed Ordinance.

III. DATA & ANALYSIS

The Land Development Regulations (LDR) applicable to this zoning district map amendment include: Article IV., Development Review Requirements, Part 1.0., on administrative processing of land development order applications; Part 2.0., on zoning district map amendments; and Article VI on the Planning and Zoning Board.

- A. Article IV., Part 1.0. Requirements. LDR Article IV generally addresses provisions on a pre-application conference for persons proposing to submit land development order and permit applications, the review of land development order applications for technical completeness, and the application review period deadlines.
1. **Pre-application conference.** Land Development Regulations Article IV, Part 1.0., subsection 1.3.1 provides for an optional pre-application process. It provides for the Owner and their agents to meet with Department staff to discuss the development review process, the type of review required

(whether major or minor), and to be informed of which other City staff members to confer with about the application.

The Planning and Zoning Department is initiating this zoning district map amendment and, therefore, a pre-application conference is not necessary. This amendment is based upon Resolution No. 05R-05-113, which established a Notice of Zoning in Progress for six months to address special residential facilities in general and all development within Cannon Point.

2. **Application filing and acceptance dates.** Land Development Regulations Article IV., Part 1.0., subsection 1.3.2 provides for the Department to review any land development order application to determine its completeness and to issue a letter within five (5) working days determining whether or not the application is complete. If the land development order application is complete, then the Department must accept the application. If the land development order application is incomplete, the Department is required to reject the application and forward to the Applicant a notice of incompleteness specifying the data missing from the submitted application. In the event the Department fails to review the application within the required time, the Land Development Regulations provide for the Department to accept the application for processing.

The Department concludes the application filing and acceptance dates are not applicable to a City-initiated amendment.

3. **Application review period.** Land Development Regulations Article IV., Part 1.0., subsection 1.4.4. provides that within 45 days from the acceptance of the application for development subject to major review, the City Planner shall compile the individual staff reports, prepare a written development review report with proposed findings and a recommendation, and notify the Applicant of the date the application will be presented to the Development Review Committee, Beautification Committee, Planning and Zoning Board, and City Commission, or any combination of the above.

The Department concludes the application review period is not applicable to a City-initiated amendment.

- B. Article IV, Part 2.0. standards. Article IV., Part 2.0., addresses zoning district map amendments. Section 2.2 deals with zoning district boundaries, Section 2.4 pertains to those factors to be considered when reviewing a zoning district map amendment, Section 2.6 addresses minimum parcel sizes, Section 2.7 addresses timing limitations, and Sections 2.9 and 2.10 focus respectively on procedural and notice requirements.

1. **Zoning district boundaries.** Section 2.2 requires the Planning and Zoning Board, when reviewing a zoning district map amendment application, to consider whether the area described should be enlarged in order to reflect the interests of the City and to correspond to the Future Land Use Map Series. Table A displays the Future Land Use Map Series designations, zoning districts, and existing uses for the site and adjacent areas. Figure 1 is an aerial photograph showing the surrounding uses.

Table A
Future Land Use, Zoning and Existing Uses

Direction	Future Land Use	Zoning District	Existing uses
Site	Medium (20) Residential	Special Residential Facility Overlay with underlying Residential Multi-family at 18 dwelling units per gross acre (SRF-O/RM-18)	Special residential facilities and residential multi-family uses
North	Medium (20) Residential	Residential Multi-family at 18 dwelling units per gross acre (RM-18)	Inverrary Village, a 279 unit condominium that has been completely converted to rental apartments.
East	Medium High (25) Residential	Residential Multi-family at 22 dwelling units per gross acre (RM-22)	NW 56 th Avenue, then Brookfield Square and 2500 Club Apartments
South	Medium (20) Residential	Residential Multi-family at 18 dwelling units per gross acre (RM-18)	Endeavor School
West	Medium (16) Residential in the City of Sunrise	Residential Multi-family at 16 dwelling units per gross acre (RM-18) in the City of Sunrise	Canal, then multi-family residential uses in the City of Sunrise

Sources: City of Lauderhill and Sunrise Future Land Use Map Series, City of Lauderhill and Sunrise Zoning District Map, and Department site and vicinity windshield survey, Planning and Zoning Department (September 2005).

The Department concludes the area undergoing the zoning district map amendment should not be enlarged to reflect the interests of the City and to correspond to the Future Land Use Map Series. The Notice of Zoning in Progress, which specifically identifies Cannon Point, supports this conclusion.

2. **Basis for recommendations.** Section 2.4 requires the Planning and Zoning Board to consider and evaluate the zoning changes 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 zoning district map amendment.

- a. *The character of the district and its peculiar suitability for particular uses.* The City Zoning District Map shows Cannon Point is zoned Special Residential Facility Overlay district with a base or underlying Residential Multi-family at 18 dwelling units per gross acre (SRF-O/RM-18 zoning district). As discussed earlier, there is a legal issue as to whether the zoning district map is accurate since the legal description on the Ordinance rezoning Cannon Point only referenced the Cannon Point plat. Notwithstanding the above, for purposes of this Development Review Report, the Department assumes that the Zoning District Map is correct.

LDR Schedule U, Section 1 provides that the character or purpose of the SRF-O zoning district is to allow the creation of special residential facility enclaves. Thus, special residential facilities and their supporting land uses are particularly suitable in this zoning district. Although residential multi-family uses are allowed within the SRF-O zoning district, they are not a particularly suitable use.

The LDR does not contain any section addressing the character or purpose of the RM-18 zoning district. Notwithstanding, planning practice would suggest that the purpose or character of the district is to provide for residential multi-family uses at a density of 18 dwelling units per gross acre. The RM-18 zoning district is the base or underlying zoning district for Cannon Point. Thus, residential multi-family uses would be particularly suitable within this district. Although special residential facilities, Category 1 and 2, are allowed within this zoning district, state and local separation requirements would effectively prevent the establishment of new special residential facility uses within Cannon Point. Thus, special residential facilities are not particularly suitable within this district.

Earlier, it was shown that more than 50 percent of the lots within Cannon Point are developed with residential multi-family uses. Consequently, the removal of the SRF-O zoning district from Cannon Point would leave in place the RM-18 zoning district, which district was found to be particularly suitable for residential multi-family use.

- b. *Conservation of the value of buildings and encouraging the most appropriate use of land and water throughout the City.* The Department concludes the proposed Ordinance would conserve the value of existing buildings. Existing residential multi-family uses would not be affected. Although existing special residential facility uses would become non-conforming uses, the LDR allows non-conforming uses to continue in perpetuity unless vacated or abandoned for one year or more or unless the premises are substantially damaged. Further, the LDR allows non-conforming uses to be maintained and such use may be transferred.

The proposed Ordinance may encourage the most appropriate use of land by allowing housing market forces to redevelop the area with townhouses. Further, this is one strategy being considered in the preparation of a Community Redevelopment Plan for Central Lauderhill.

- 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.* Consistency and applicability with the Comprehensive Plan is addressed in Part IV. of this report below.
- c. *The needs of the City for land areas for specific purposes to serve population and economic activities.* The Department concludes that land areas are necessary to serve the special needs populations and the economic activities associated with such populations. Consistent with state law and the City's LDR, a number of special residential facilities are distributed throughout the City to serve the special needs population.

The City of Lauderhill is one of a few, if any, jurisdictions that have gone beyond the minimum requirements of federal and state law by adopting a special zoning district tailored to encourage special residential facility enclaves. It demonstrates the City Commission's resolve toward providing areas for the special needs population. Specifically, the Department finds that the City Commission has adopted Ordinances that applied the SRF-O zoning district in three areas: Cannon Point, Forest Trace and Westbrook. The Department concludes that the desired special residential facility enclave has been successfully established at Forest Trace and Westbrook but not at Cannon Point. The Department concludes that various factors, especially multiple property owners and a weak property owner

association, inhibit the successful establishment of a special residential facility enclave in Cannon Point. The Department further concludes that given the poor probability of establishing a successfully special residential facility enclave in Cannon Point, the SRF-O zoning district should be repealed.

- d. *Whether there have been substantial changes in the character of development of areas in or near an area under consideration for a zoning district map amendment.* The main change in the character of the area around Cannon Point is the development and operation of the Endeavor School, which abuts the Cannon Point south property line. The Endeavor School is a pre-K to grade 4 school. Many if not most students walk to the school and this juvenile population may be especially vulnerable to abuse from certain special needs populations such as the mentally ill and troubled juveniles.
- f. *The facts and opinions presented to the Planning and Zoning Board through hearings.* This Development Review Report represents the Department's facts, conclusions and recommendations. The Planning and Zoning Board is scheduled to consider this zoning district map amendment application at its duly noticed October 25th, 2005 public hearing.

- 4. **Minimum parcel size.** Section 2.6 provides that when a parcel of land has less than 200 feet of frontage and less than 40,000 square feet of area, no amendment shall be enacted to change the zoning classification, except to an existing zoning classification of a property adjoining said parcel.

The Department finds that the area undergoing a zoning district map amendment exceeds 17 acres.

- 5. **Time requirements.** Section 2.7, Subsection 2.7.1 provides that the Planning and Zoning Board cannot consider a zoning district map amendment application for a site if the site, or any portion of the site, had been reviewed by the Planning and Zoning Board for a zoning district map amendment within the past year and the Planning and Zoning Board recommended denial of the zoning district map amendment. The Department, after reviewing the Planning and Zoning Board agenda for the previous year, finds the Planning and Zoning Board has not considered a zoning district map amendment for Cannon Point within the last year.

Subsection 2.7.2 provides the Planning and Zoning Board cannot consider a zoning district map amendment application for a site if the City Commission

has approved a zoning district map amendment for the site within the last six (6) months. The Department has confirmed, through reviewing the City Commission agendas, that the City Commission has not approved a zoning district map amendment for Cannon Point within the last six (6) months.

5. **Procedure.** Section 2.9 addresses the procedure for amendments. It requires the Planning and Zoning Board to make a recommendation on the zoning district map amendment to the City Commission at a duly noticed public hearing and for the Planning and Zoning Board to forward its recommendation to the City Commission. It also requires, in the case of a zoning district map amendment for a site with improvements, at least one (1) photograph be submitted. The Board is scheduled to make its recommendation to the City Commission on the amendment at its October 25th, 2005 public meeting. The Department finds the site is improved. Figure 1 is an aerial photograph of the area.
6. **Public notice.** 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 change in zoning was published in the Sun-Sentinel on October 12th, 2005 and is incorporated herein by reference.

Subsection 2.10.2 requires the applicant or petitioner be given notice of hearing by letter mailed at least 10 ten days prior to the hearing date. A copy of the letters or e-mail transmitting the reports is on file with the Department and is incorporated herein by reference.

Subsection 2.10.3 requires all owners of land within 300 feet of the site be given notice of hearing by letter mailed at least 10 ten days before the hearing date. The Department provided to those property owners within 300 feet of the site a mailed letter providing written notice at least 10 days before the public hearing. The list is on file with the Department and is incorporated herein by reference.

Subsection 2.10.3 also requires a sign be posted on the property advising of the proposed zoning district map amendment. In addition, a notarized affidavit must be provided stating the sign was posted on the appropriate date and that the sign remained posted for the duration of the time required for posting. Further, a photograph of the sign in place on the property must be provided. The Director has provided a notarized affidavit and photographs of the posted signs, which are on file with the Department and incorporated herein by reference.

- C. Article VI. LDR Article VI addresses the Planning and Zoning Board. Section 15 designates the Planning and Zoning Board as the Local Planning Agency and Section 4 provides for the Planning and Zoning Board to recommend to the City Commission amendments relating to the boundaries of the various zoning districts and regulations. The Planning and Zoning Board is scheduled to consider this zoning district map amendment on October 25th, 2005.

IV. REVIEW BY OTHERS

Land Development Regulations Article IV., Part 1.0., Subsection 1.3.3 requires a development application be reviewed by a number of other agencies, as applicable.

The Department finds the Police Department and Fire Rescue Department have reviewed and provided data to support the amendment.

V. CONSISTENCY

Subsection 163.3202(1), Florida Statutes, requires each municipality to adopt or amend and enforce land development regulations that are consistent with and implement the adopted comprehensive plan. The Department finds and concludes the proposed Ordinance is generally consistent with the following Comprehensive Plan provisions.

- A. Future Land Use Element Objective 2.13, which provides "Promote the elimination or reduction of uses inconsistent with the community's character and Future Land Use Map Series."

VI. ATTACHMENTS

- Attachment A: Resolution No. 05R-05-113, Notice of Zoning in Progress
- Attachment B: LDR Article I, Part 1.0., Section 1.5, Definitions, Special Residential Facility Use
- Attachment C: LDR Schedule B, Permitted and Special Exception Uses, Section 1, Residential Districts
- Attachment D: LDR Schedule B, Permitted and Special Exception Uses, Section 2, Non-residential Districts

- Attachment E: LDR Schedule C, General Requirements for Building Parcels, Building Setbacks, and Yards, and Area Dimension Regulations for Lot and Tract, Section 1, Residential Districts
- Attachment F: LDR Article III., Part 5.0., Section 5.36, Special residential facility use
- Attachment G: Chapter 419, Florida Statutes, Community Residential Homes
- Attachment H: Ordinance No. 95O-154, creating Schedule U
- Attachment I: Plat for Cannon Point
- Attachment J: Plat for Cannon Point 1st Addition
- Attachment K: Ordinance No. 96O-120
- Attachment L: Summary of Property Assessments, Taxes and Sales within Cannon Point
- Attachment M: Declaration of Restrictive Covenants and Reservations for Cannon Point recorded on June 3rd, 1974.
- Attachment N: Amendment to the Declaration of Restrictive Covenants and Reservations of the Cannon Point Maintenance Association recorded on September 29th, 1992.
- Attachment O: Ordinance No. 97O-106
- Attachment P: Ordinance No. 99O-11-158
- Attachment Q: Police Department Services Calls: Comparison among City, Cannon Point, Forest Trace and Westbrooke (2001 – 2005)
- Attachment R: Fire Rescue Department Service Calls
- Attachment S: July 14, 2005 letter from James C. Brady, Attorney, to Mayor Richard J. Kaplan
- Attachment T: Proposed Ordinance

VII. 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. Personal jurisdiction. The Cannon Point area consists of two platted areas with 69 lots located within the City of Lauderhill. Cannon Point is zoned Special Residential Facility Overlay district with a base or underlying Residential Multi-family at 18 dwelling units per gross acre (SRF-O/RM-18) district. The City Commission adopted a resolution establishing a Notice of Zoning in Progress, which directed the Planning and Zoning Department to investigate whether Cannon Point should undergo LDR amendments. The City of Lauderhill Planning and Zoning Department is proposing an amendment to the Zoning District Map that would remove the Special Residential Facility Overlay zoning district from Cannon Point. Thus, the Department concludes that personal jurisdiction is available based on the finding that the area subject to the amendment is located within the City of Lauderhill.
- B. Subject matter jurisdiction. LDR Articles IV and VI, provides for the Planning and Zoning Board to review and forward to the City Commission a recommendation on zoning district map amendments, including whether or not the area should be enlarged. The Department finds a zoning district map amendment is being proposed. Thus, the Department concludes that both the Board and Commission have subject matter jurisdiction.
- C. Expansion of area. The LDR also requires the Board to consider whether the area subject to the zoning district map amendment should be enlarged. The Department finds the City Commission adopted a resolution establishing a Notice of Zoning in Progress, which directed the Planning and Zoning Department to investigate whether Cannon Point should undergo LDR amendments. Thus, the Department concludes the area should not be enlarged because only the Cannon Point area was specifically identified in the Notice of Zoning in Progress.
- D. Amendment justification. The justifications for the zoning district map amendment to remove the Special Residential Facility Overlay zoning district are that the purpose of the SRF-O zoning district has not been achieved, that there has been a change in the character of the area, that there has been a change in demographics, and regulatory changes.
- E. Applicable Land Development Regulations provisions. LDR provisions governing the issuance of a zoning district map amendment development order include: Article IV., Part 1.0. on administrative processing of land development order and permit applications; Article IV., Part 2.0, on zoning district map amendments; and Article VI on the Planning and Zoning Board. The Planning and Zoning Department concludes the zoning district map amendment is in conformance with the applicable LDR standards and requirements.

- F. Comprehensive Plan consistency. The Department finds the zoning district map amendment is consistent with the Comprehensive Plan.
- G. Public notification. The Department provided all owners of property within 300 feet of the subject property with written notice of the public hearing by regular mail and posted notice of public hearing on the bulletin boards on the first and third floors of City Hall at least ten (10) days prior to the Planning and Zoning Board. In addition, a picture has been provided showing notice of the hearing has been posted on the property and an affidavit has been provided stating the property will remain posted through the application process.

VIII. ALTERNATIVE ACTIONS

Land Development Regulation Article IV., Development Review Requirements, Part 1.0., Subsection 1.4.5., requires the Planning and Zoning Board to act upon the application and make one of the following determinations:

- A. That the application is in compliance with the LDR applicable standards and minimum requirements or that vested rights exist with regard to any non-compliance and that a development order be issued granting approval of the application.
- B. That the application is not in compliance with the LDR applicable standards and minimum requirements and that a development order be issued denying the application.
- C. That the application is not in compliance with the LDR applicable standards and minimum requirements but conditions have been determined to be reasonably necessary to ensure compliance with the applicable standards and minimum requirements of the Land Development Regulations, and or that vested rights exist with regard to any non-compliance and that a development order be issued granting approval of the application with said conditions.

IX. RECOMMENDED ACTION

- A. Department recommendation. The Department recommends that the Planning and Zoning Board determine the zoning district map amendment application is in compliance with the LDR applicable standards and minimum requirements and that the Board forward to the City Commission a recommendation that an Ordinance rezoning Cannon Point be adopted.

- B. Planning and Zoning Board recommendation. The Planning and Zoning Board (Board) did not consider the zoning district map amendment at its October 25th, 2005 public hearing because Hurricane Wilma caused the hearing to be canceled. At the November 28th, 2005 Board hearing, Planning and Zoning Department Director Earl R. Hahn, AICP, made the staff presentation and answered Board questions about the proposed Ordinance. The Board subsequently requested public comments.

Mr. Bruce McGee testified that he was the President of the Cannon Point Maintenance Association. He drew comparison of the proposed Ordinance to pre-civil right's ordinances prohibiting certain races and nationalities from voting in political elections. He expressed that the real purpose of the ordinance was to restrict the location where the special needs populations can be housed.

Ms. Linda Guitierrez stated she and her husband are the owner's of Andre's Retirement Home. She expressed opposition to the proposed Ordinance.

Mr. Hansram Ramruf stated he and his son operate a Special Residential Facility in Cannon Point and that he was opposed to the proposed Ordinance.

Mr. David Freedman, representing Broward County, stated they operate a facility in Cannon Point. He acknowledged the proposed Ordinance would not affect their operations but wanted confirmation of such.

There not being any further public comments, the Board began their deliberations. Mr. Jones recommended the proposed Ordinance be approved, which motion was seconded by Mr. Seigler. The motion was approved 4-2, with members Mr. Chairou and Chairman Greenblatt dissenting.

- C. City Commission action. The City Commission is scheduled to consider the proposed Ordinance on first reading on October 31st, 2005 and on second reading on November 14th, 2005.

ATTACHMENT A

RESOLUTION NO. 05R-05-113

INSTR # 105137450
OR BK 39968 Pages 490 - 494
RECORDED 06/29/05 16:02:19
BROWARD COUNTY COMMISSION
DEPUTY CLERK 3055
#1, 5 Pages

(space reserved for
recording purposes)

A RESOLUTION OF THE CITY OF LAUDERHILL ADVISING ALL PERSONS APPLYING FOR DEVELOPMENT ORDERS AND PERMITS OF THE NOTICE OF ZONING IN PROGRESS FOR A 180-DAY PERIOD PERTAINING TO ALL SPECIAL RESIDENTIAL FACILITIES LOCATED WITHIN THE BOUNDARIES OF THE CITY OF LAUDERHILL AND PERTAINING TO ALL DEVELOPMENT WITHIN THE CANNON POINT SPECIAL RESIDENTIAL FACILITIES OVERLAY ZONING DISTRICT, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Staff needs time to research and bring forth amendments to Land Development Regulations (LDR) Article I, Section 1.5, which provides definitions for Category 1, 2 and 3 special residential facilities; LDR Article III., Part 5.0., Section 5.36 which establishes design, density and separation distance standards for special residential facilities; LDR Schedule B., which shows those zoning districts where special residential facilities are allowed; Schedule U: Special Residential Facility Overlay Zone, which provides a zoning district permitting special residential facilities; and the City's Zoning District Map, which shows three areas that are zoned Special Residential Facility Overlay district;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

SECTION 1. All persons applying for development permits or orders, including building permits, site plans and site plan modifications, plats and re-plats, zoning district map amendments, special exception uses and variances, and Future Land Use Map Series amendments, and all persons or entities who may be considering buying, purchasing, renting, leasing, or otherwise acquiring property in any Special Residential Facility within the City of Lauderhill's boundaries or any property in the Cannon Point area described below, are hereby advised that over the next 180-day period, a Notice of Zoning in Progress is being adopted regarding all Special Residential Facilities located within the boundaries of the City of Lauderhill, and pertaining to all development within the Cannon Point Special Residential Facilities Overlay Zoning District, as described in the map attached hereto and incorporated herein and as more particularly

described in Section 2 below. The City of Lauderhill will be reviewing the Land Development Regulations ("LDR") with regard to these areas in order to determine what modifications, if any, are deemed necessary and the revisions may be substantial. All persons during this 180-day period are advised that any application for a development order or permit shall be subject to the final outcome of the revisions of the LDR or that such provisions shall be reviewed according to a time table which would permit application of the revisions to the LDR to apply to any application for a development permit or development order of any kind which has not been filed as of the date of the adoption of this Notice of Zoning in Progress resolution.

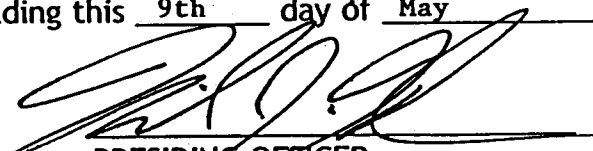
SECTION 2. This Zoning in Progress shall apply to all Special Residential Facilities located within the defined boundaries of the City of Lauderhill. In addition, this Zoning in Progress shall apply specifically to the Cannon Point Special Residential Facilities Overlay Zoning District located on Cannon Point, Block 1, Lots 1 through 19 inclusive and Block 2, Lots 1 through 15 inclusive, according to the Plat thereof, as recorded in Plat Book 75, Page 1, of the Official Public Records of Broward County, Florida, together with Cannon Point 1st Addition, Block 1, Lots 20 through 23 inclusive, Block 2, Lots 16 through 31 inclusive, and Block 3, Lots 1 through 15 inclusive, according to the Plat thereof, as recorded in Plat Book 78, Page 30, of the Official Public Records of Broward County, Florida.

SECTION 3. This Notice of Zoning in Progress resolution shall be advertised in a newspaper of general circulation by the City Clerk within two (2) weeks of its adoption via a one-quarter (¼) page advertisement in a type no smaller than 18 point, which shall contain a geographic location map which clearly indicates the area covered by this Notice of Zoning in Progress. The failure to timely advertise this resolution shall in no way impact its effectiveness and validity. A copy of the Notice shall also be placed in the Planning and Zoning Department at the City of Lauderhill.

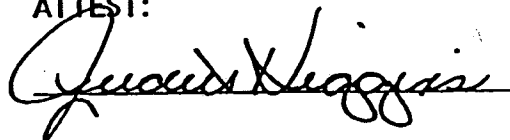
SECTION 4. This Resolution shall take effect immediately upon its passage and adoption.

DATED this 9th day of May, 2005.

PASSED AND ADOPTED on first reading this 9th day of May, 2005.

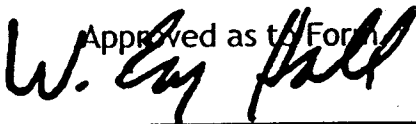

PRESIDING OFFICER

ATTEST:



CITY CLERK

MOTION	<u>Bates</u>
SECOND	<u>Holness</u>
M. BATES	<u>Yes</u>
H. BERGER	<u>Yes</u>
D. HOLNESS	<u>Yes</u>
L. MIRSKY	<u>Yes</u>
R. KAPLAN	<u>Yes</u>

Approved as to Form


W. Earl Hall
City Attorney

ATTACHMENT B**GENERAL PROVISIONS**

Art. I, § 1.5

Special exception: A special authorization granted by the City Commission to conduct a particular use as further set forth in Schedule B, which may be further defined in these regulations.

** Special residential facilities:*

Category 1, six (6) or fewer residents: Group home is a dwelling unit licensed to serve clients of HRS which provides a living environment for six (6) or fewer unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional and social needs of residents. The clients are limited to children, the aged, handicapped, developmentally disabled, and mentally ill, none of whom constitute a potential threat to the health, property and safety of the surrounding neighborhood.

Category 2, seven (7) to fourteen (14) residents: Community residential facility is a dwelling unit licensed by HRS which provides a living environment for seven (7) to fourteen (14) unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional and social needs of residents. The clients are limited to children, the aged, handicapped, developmentally disabled, and mentally ill, none of whom constitute a potential threat to the health, property and safety of the surrounding neighborhood.

Category 3, over fourteen (14) residents: Community care facility [is] adult congregate living facilities, nursing homes with more than fourteen (14) residents, convalescent homes and similar facilities.

Speed bump: A raised section of a paved surface or roadway designed to interfere with and deter speeding traffic.

Staff: The Community Development Department of the City of Lauderdale, and other City departments as may be required.

State land planning agency: The Department of Community Affairs. May be referred to as "DCA."

Street: A public thoroughfare greater than twenty-four (24) feet in width which affords principal means of access to abutting property, including the distance between applicable right-of-way lines. Street shall include land dedicated to or condemned for use as a public thoroughfare for public travel, whether or not utilized, but shall not include an alley as defined herein.

Street, arterial: A street used primarily for fast and heavy traffic traveling considerable distances. All arterials in Broward County are designated on the Broward County Trafficways Plan.

Street, expressway: A street or highway intended for fast and heavy traffic traveling considerable distances on which points of ingress and egress are limited and crossings are separated, and completed according to Broward County engineering standards.

ATTACHMENT C

SCHEDULES

Sch. B

SCHEDULE B. PERMITTED AND SPECIAL EXCEPTION USES

B-1. Uses Permitted in Residential Districts.

Land Use Category	RS-4	RS-5	RM-5	RM-8	RM-10	RM-18	RM-22	RM-45	RMH-50
Miscellaneous:									
Accessory Uses and Structures	*	*	*	*		*	*	*	
Community Facilities	P	P	P	P		P	P	P	
Educational Facilities	SE	SE	SE	SE		SE	SE		
Family Home Day Care	P	P	P	P		SE	SE	SE	
Home Occupation (See section 12-9 of Code)	P	P	P	P		P	P	P	
Hotel, Motel									P*
House of Religious Worship	SE*	SE*	SE	SE		SE	SE	SE	
Live entertainment (Indoors)			P*	P*	P*	P*	P*	P*	
Live entertainment (Outdoors)	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*
Nursery School and Day Care Center			SE	SE		SE	SE	SE	
Public Parks and Buildings	P	P	P	P		P	P	P	P
Refuse area	A	A	A	A	A	A	A	A	A
Special Residential Facilities (Category 1)	P	P	P	P		P	P	P	
Special Residential Facilities (Category 2)			P	P		P	P	P	
Streets and Transportation Corridors	P	P	P	P		P	P	P	P
Utilities	P	P	P	P		P	P	P	P
Residential:									
Mixed Use						SE	SE		
Multi-Family Dwelling					P	P	P	P	
One-Family Dwelling	P	P		P	P	P	P		
Two-Family Dwelling			P	P	P				
Townhouses, rowhouses or connected units					P	SE			
Parking structures to serve principal uses					P				
Connected units						SE*			

Footnotes:

SE = Special exception

P = Permitted use

A = Accessory use

SP = Special permit

* = See Article III, Zoning Districts, Part 5.0, Special Regulations for Specific Land Use Classifications and Structures for additional requirements.

Where no designation appears (SE or P), no use shall be permitted.

B-2. Uses Permitted in Nonresidential Districts.

Land Use Category	CO-1	C-2	C-3	C-4	I-1	CR	S-1	CF	U-1	CN
Accessory Use										
Adult Entertainment		SE	SE*		P*					
Amusement Room, Game Room or Recreation Center*		SE	SE*	SE						

ATTACHMENT D

SCHEDULES

Sch. B

Land Use Category	CO-1	C-2	C-3	C-4	I-1	CR	S-1	CF	U-1	CN
Government Administration Services, Maintenance Building and Outdoor Storage of Equipment and Vehicles	P	SE	P	SE	P		P	P	P	
Helipad*					SE			SE		
Helipoint*					SE			SE		
Holiday Sales*		SE	SE	SE						
Hospitals								SE		
Hotel or Motel and Similar Uses	SE	SE	SE							
House of Religious Worship*	P*		SE*	P*				P*		
Junkyards					SE*					
Laboratories, Research, Film or Testing					P					
Libraries	P		P					P		
Live entertainment (Indoors)		SE*	SE*	SE*		P*		P*		
Live entertainment (Outdoors)	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	
Manufacture, Compounding, Processing and Storage			SE*		*					
Manufacturing, Assembly, and Repair of Furniture				P	P					
Manufacturing, Assembly, Repair of Precision or Electrical Instruments and Appliances				P						
Mixed Use	P	P	P							
Motion Picture Studio			SE		P					
Museums, Art Galleries (Retail)	SE	P	P							
Nursery Schools and Day Care Centers	SE	SE	SE	SE	SE					
Parking Facility		SE	SE							
Pattern Making					P					
Personal Services		*	*							
Police, Fire Stations	P	P	P	P	P	P		P		
Private Club, Lodge Hall, Fraternal Organizations	SE	SE	SE							
Public Parks and Buildings	P	P	P	P	A-1	P	P	P		
Public/Private Primary and Secondary Schools	SE	SE	SE	SE	SE			P		
Public, Private Utilities	P	P	P	P	P	P		P		
Publishing, Lithography, Engraving Shop				P	P					
Refuse area	A	A	A	A	A	A	A	A	A	A
Restaurants	SE	P	P	SE		P*				
Retail (Indoors)		P	P							
Self-service storage facility			SE		SE					
Small appliance repair			P	P						P
Small engine repair			P	P						
Special Residential Facilities (Category 3)			SE					SE		
Stadium, Swimming Pool, Tennis, Racquetball Court, Bowling Alley, Waterslide	P	P	P*	P		P	P			
Stadiums								P		
Stamping, Dyeing, Shearing, Punching of Metal not over 1/8 Inch of Thickness				P	P					
Street and Transportation Corridors	P	P	P	P	P	P	P	P		
Supermarkets			P*							
Tattoo Parlors				P						

ATTACHMENT E

SCHEDULES

Sch. C

**SCHEDULE C. GENERAL REQUIREMENTS FOR BUILDING PARCELS, BUILDING SETBACKS, AND YARDS,
AND AREA DIMENSION REGULATIONS FOR LOT AND TRACT**

(a) Residential Districts.

Land Use Category:	RS-4	RS-5	RM-5	RM-8	RM-10	RM-18	RM-22	RM-45	RMH-50	Unit of Measurement
Minimum Parcel Area; Requirement (1)	7,500	7,000	12,000	12,000	6,500 single family 12,000 multi-family	12,000	12,000	12,000	12,000	Sq. Feet
Minimum Parcel Frontage on a Street	(1) 75	(1) 70	100	100	60 single family 100 multi-family	100	100	100	20	Feet
Minimum Building Size (11), (12):										
Single-Family Detached	1,400	1,400	N/A	1,400	1,400	1,400	N/A	N/A	N/A	
Multi-family, Townhouses and Connected Units										
Efficiency	N/A	N/A	700	700	700	700	700	700	N/A	
One Bedroom	N/A	N/A	900	900	900	900	900	900	900	
Two Bedroom	N/A	N/A	1,100	1,100	1,100	1,100	1,100	1,100	1,100	
Each Additional Bedroom	N/A	N/A	150	150	150	150	150	150	150	
Setbacks:										
Front	25	25	30	30	30	(2) 30	(2) 30	(2) 30	(2) 40	Feet
Side	7.5	7.5	20	20	7.5 single family 25 multi-family (8)	(2)	(2)	(2)	(2)	Feet
Rear	15(14)	15(14)	15	15	15 single family 25 multi-family	(2)	(2)	(2)	(2)	Feet

Sch. C

LAND DEVELOPMENT REGULATIONS

	RS-4	RS-5	RM-5	RM-8	RM-10	RM-18	RM-22	RM-45	RMH-50	Unit of Measurement
Maximum Lot Coverage	40(7)	40(7)	(4)	(7)	(9)(7)	(5)	(5)	(5)	(5)	% of Area Parcel
Maximum Building Height	2 Story 30	2 Story 30	2 Story 30	3 Story 35	2 Story 30	8 Story 100	8 Story 100	8 Story 100	8 Story 100	Stories Feet
Density-Maximum	4	5	5	8	10	18	22	45	(6)	Units Per Acre

SCHEDULES

Sch. C

1. Area and Dimension Regulation Footnotes:

- (1) Within residential areas subdivided before June 11, 1990, the effective date of these Land Development Regulations, a lot of record may be developed with a single-family dwelling unit.
- (2) One times the building height or greater.
- (3) 35% for 2 story buildings;
40% for 1 story buildings.
- (4) 1 Story = 35%;
2 Story = 30%;
3 Story = 30%;
4 Story = 27%.
- (5) 1—4 Story = 40%;
5—8 Story = 35%.
- (6) One hundred (100) sleeping units per acre or double the maximum density as permitted by the City Future Land Use Map.
- (7) The maximum lot coverage may be exceeded in cases where an on-site retention system is provided for any runoff generated by the impervious area which is in excess of the maximum allowed in the preceding table. In order to exceed the maximum lot coverage, sealed drawings which set forth the on-site drainage retention must be submitted by an architect, engineer, or landscape architect registered in the State of Florida. The plans must be approved by the city engineer prior to the issuance of a building permit for the use which causes the need for the on-site retention system. The system must be designed to retain on-site the twenty-five (25) year, three (3) year storm event. In no case shall any lot exceed sixty-five (65) percent lot coverage even when an on-site drainage system is provided.
- (8) On all corner plots, there shall be a front setback as specified and a side yard at least fifteen (15) feet in width on the side which abuts the side street or dedicated waterway. The front and side of the plot shall be determined from the plat.
- (9) 1 Story = 40%;
2 Story = 35%.
- (10) Single family minimum setbacks of 15 feet rear, 25 feet front and 7.5 feet side should be applied to single family development in RM-8 zoning districts.
- (11) The minimum building size refers to living area; it excludes garages, patios, etc.
- (12) The minimum building size set out above is not applicable to hotels, motels, hospitals, assisted living facilities, dormitories, or special residential facility overlay zones as more particularly described in Schedule U.
- (13) On all corner plots, there shall be a front setback as specified and a side yard at least ten (10) feet in width on the side that abuts the side street or dedicated walkway. The front and side plot shall be determined from the plat.
- (14) The rear building setback is five (5) feet when the rear property line abuts a canal or lake with a minimum right-of-way width of twenty-five (25) feet.

ATTACHMENT F

Art. III, § 5.35

LAND DEVELOPMENT REGULATIONS

be continuous and unpierced, except that on an alley line there may be a three-foot opening which is closed by a substantial gate when the opening is not in use. The above-described wall or fence shall not be required where the plot abuts non-residentially zoned property, provided a proper waste receptacle is maintained and used which effectively conceals refuse and rubbish from public view.

5.35.6. *Driveways.* There shall be not more than two (2) driveways or entrance and exit to a service station for each one hundred (100) feet or major fraction thereof, of plot frontage on any street. Driveways shall be not over forty-two (42) feet in width at the street line and there shall be at least ten (10) feet of landscaped area between any two (2) driveways. Measured along the street line, driveways shall be at least ten (10) feet from a private property line or alley line. On a corner plot, all driveways shall be at least twenty-five (25) feet from the intersection of the street lines or from the intersection of the street lines produced.

5.35.7. *Lighting.* All lights on a service station shall be so designed and arranged as to not cause a direct glare into residentially zoned property or abutting streets.

(Ord. No. 010-01-03, § 12, 1-29-01; Ord. No. 010-01-05, § 6, 1-29-01)

Editor's note—Formerly Schedule B, § 2, § 2, note (12).

Sec. 5.36. Special residential facility uses.

5.36.1. Separation requirements.

Category 1. A group home shall not be located within a radius of one thousand (1,000) feet of any other group home.

Category 2. Category 2 property line shall be located at least five hundred (500) feet from any single-family residential property line and at least one thousand two hundred (1,200) feet from any other community residential facility.

Category 3. Community care facilities shall be located no closer than two thousand five hundred (2,500) feet from any other community care facility, as measured by a straight line from the nearest point of one establishment to the nearest point of the other establishment.

5.36.2. No community care facility shall accommodate more than ten (10) dwelling units per acre.

ZONING DISTRICTS

Art. III, § 5.38

5.36.3. The design of all special residential facility parcels shall be residential in character and shall be in harmony with surrounding land uses, including structures, height, profile, building materials, colors and landscaping.

(Ord. No. 01O-01-05, § 4, 1-29-01)

Editor's note—Formerly Schedule E, § 1.5.

Sec. 5.37. Stadium, swimming pool, tennis, racquetball court, waterslide.

In C-3 zones where any portion of the property adjacent to RS-4, RS-5, RM-5, RM-8, RM-10, RM-18, and RM-22 zoning districts is equal to or less than three hundred fifty (350) feet from the front property line to the back property line of the C-3 zoned property, these uses are not permitted. Also, when any property line of any property zoned C-3 is 350 feet or less from, and does not run perpendicular to, a property zoned RS-4, RS-5, RM-5, RM-8, RM-10, RM-18, or RM-22, these uses are not permitted.

(Ord. No. 01O-01-03, § 12, 1-29-01)

Editor's note—Formerly Schedule B, § 2, note (12).

Sec. 5.38. Storage buildings, utility buildings, greenhouses.

5.38.1. No accessory buildings used for industrial storage of hazardous, incendiary, noxious, or pernicious materials shall be located nearer than one hundred (100) feet from any property line.

5.38.2. Storage buildings, greenhouses, and the like shall be permitted only in compliance with standards for distance between buildings, and setbacks, if any, from property lines.

5.38.3. Storage and other buildings regulated by this section shall be permitted only in side and rear yards, and shall not encroach into any required building setback from an abutting right-of-way.

5.38.4. Storage and other buildings regulated by this section shall be included in calculations for impervious surface, floor area ratio, or any other site design requirements applying to the principal use of the lot.

5.38.5. Vehicles, including manufactured housing and mobile homes, shall not be used as storage buildings, utility buildings, or other such uses.

5.38.6. Storage and other buildings regulated by this section shall comply with minimum fire requirements for such structure.

5.38.7. Storage and other buildings regulated by this section shall be anchored with a concrete slab and meet South Florida Building Code requirements for such structure.

5.38.8. When a storage shed is applied for in an RS-4, RS-5, RM-5, RM-8 or RM-10 zoning district and it does not meet the minimum setback requirements of paragraph 5.12.C., the following standards shall apply:

A. One storage shed shall be permitted per principal building.

ATTACHMENT G

Select Year: 2005 The 2005 Florida Statutes

CHAPTER 419

COMMUNITY RESIDENTIAL HOMES

419.001 Site selection of community residential homes.

419.001 Site selection of community residential homes.--

(1) For the purposes of this section, the following definitions shall apply:

(a) "Community residential home" means a dwelling unit licensed to serve clients of the Department of Children and Family Services, which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

(b) "Department" means the Department of Children and Family Services.

(c) "Local government" means a county as set forth in chapter 7 or a municipality incorporated under the provisions of chapter 165.

(d) "Resident" means any of the following: a frail elder as defined in s. 400.618; a physically disabled or handicapped person as defined in s. 760.22(7)(a); a developmentally disabled person as defined in s. 393.063; a nondangerous mentally ill person as defined in s. 394.455(18); or a child as defined in s. 39.01(14), s. 984.03(9) or (12), or s. 985.03(8).

(e) "Sponsoring agency" means an agency or unit of government, a profit or nonprofit agency, or any other person or organization which intends to establish or operate a community residential home.

(2) Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be deemed a single-family unit and a noncommercial, residential use for the purpose of local laws and ordinances. Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be allowed in single-family or multifamily zoning without approval by the local government, provided that such homes shall not be located within a radius of 1,000 feet of another existing such home with six or fewer residents. Such homes with six or fewer residents shall not be required to comply with the notification provisions of this section; provided, however, that the sponsoring agency or the department notifies the local government at the time of home occupancy that the home is licensed by the department.

(3)(a) When a site for a community residential home has been selected by a sponsoring agency in an area zoned for

multifamily, the agency shall notify the chief executive officer of the local government in writing and include in such notice the specific address of the site, the residential licensing category, the number of residents, and the community support requirements of the program. Such notice shall also contain a statement from the district administrator of the department indicating the need for and the licensing status of the proposed community residential home and specifying how the home meets applicable licensing criteria for the safe care and supervision of the clients in the home. The district administrator shall also provide to the local government the most recently published data compiled that identifies all community residential homes in the district in which the proposed site is to be located. The local government shall review the notification of the sponsoring agency in accordance with the zoning ordinance of the jurisdiction.

(b) Pursuant to such review, the local government may:

1. Determine that the siting of the community residential home is in accordance with local zoning and approve the siting. If the siting is approved, the sponsoring agency may establish the home at the site selected.
2. Fail to respond within 60 days. If the local government fails to respond within such time, the sponsoring agency may establish the home at the site selected.
3. Deny the siting of the home.

(c) The local government shall not deny the siting of a community residential home unless the local government establishes that the siting of the home at the site selected:

1. Does not otherwise conform to existing zoning regulations applicable to other multifamily uses in the area.
 2. Does not meet applicable licensing criteria established and determined by the department, including requirements that the home be located to assure the safe care and supervision of all clients in the home.
 3. Would result in such a concentration of community residential homes in the area in proximity to the site selected, or would result in a combination of such homes with other residences in the community, such that the nature and character of the area would be substantially altered. A home that is located within a radius of 1,200 feet of another existing community residential home in a multifamily zone shall be an overconcentration of such homes that substantially alters the nature and character of the area. A home that is located within a radius of 500 feet of an area of single-family zoning substantially alters the nature and character of the area.
- (4) All distance requirements in this section shall be measured from the nearest point of the existing home or area of single-family zoning to the nearest point of the proposed home.
- (5) If agreed to by both the local government and the sponsoring agency, a conflict may be resolved through informal mediation. The local government shall arrange for the services of an independent mediator or may utilize the dispute resolution process established by a regional planning council pursuant to s. 186.509. Mediation shall be concluded within 45 days of a request therefor. The resolution of any issue through the mediation process shall not alter any person's right to a judicial determination of any issue if that person is entitled to such a determination under statutory or common law.
- (6) The department shall not issue a license to a sponsoring agency for operation of a community residential home if the

6-2

sponsoring agency does not notify the local government of its intention to establish a program, as required by subsection

(3). A license issued without compliance with the provisions of this section shall be considered null and void, and continued operation of the home may be enjoined.

(7) A dwelling unit housing a community residential home established pursuant to this section shall be subject to the same local laws and ordinances applicable to other noncommercial, residential family units in the area in which it is established.

(8) Nothing in this section shall be deemed to affect the authority of any community residential home lawfully established prior to October 1, 1989, to continue to operate.

(9) Nothing in this section shall permit persons to occupy a community residential home who would constitute a direct threat to the health and safety of other persons or whose residency would result in substantial physical damage to the property of others.

(10) The siting of community residential homes in areas zoned for single family shall be governed by local zoning ordinances. Nothing in this section prohibits a local government from authorizing the development of community residential homes in areas zoned for single family.

(11) Nothing in this section requires any local government to adopt a new ordinance if it has in place an ordinance governing the placement of community residential homes that meet the criteria of this section. State law on community residential homes controls over local ordinances, but nothing in this section prohibits a local government from adopting more liberal standards for siting such homes.

History.---s. 1, ch. 89-372; s. 1, ch. 90-192; s. 4, ch. 91-429; s. 36, ch. 93-206; s. 6, ch. 95-152; s. 42, ch. 96-169; s. 222, ch. 97-101; s. 46, ch. 98-280; s. 14, ch. 98-338; s. 53, ch. 99-193; s. 23, ch. 99-284; s. 7, ch. 2000-135; s. 93, ch. 2004-267.

ATTACHMENT H**ORDINANCE NO. 950-154**

AN ORDINANCE ENACTING SCHEDULE U OF THE LAND DEVELOPMENT REGULATIONS, CREATING THE SPECIAL RESIDENTIAL FACILITY OVERLAY ZONE, AND DEFINING THE CONDITIONS WHICH SHALL BE REQUIRED WITHIN THAT OVERLAY ZONE.

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

SECTION 1. That a new schedule, Schedule U, is enacted to be included in the Land Development Regulations of the City of Lauderhill, said Schedule to read as follows:

SCHEDULE U. SPECIAL RESIDENTIAL FACILITY OVERLAY ZONE.

Sec. 1. Purpose and creation. A Special Residential Facility Overlay Zone is hereby created and is to be implemented in areas as determined to be special residential enclaves or neighborhoods. If there is a conflict between the provisions of this Schedule and other provisions of the Code or the Land Development Regulations, the provisions of this Schedule shall prevail. Any item not specified in this Schedule shall be subject to the other provisions of the Code or the Land Development Regulations.

Sec. 2. Permitted uses. Special residential facilities, Category 1, 2 or 3 as defined in Article I of the Land Development Regulations shall be permitted in this zone. There may also be the following uses which support these facilities if they are located within the licensed facility and occupy less than one thousand (1,000) feet or ten (10%) percent of the total square footage of the facility, whichever is less. They may serve only the residents of the facility, and not the general public.

- a) Drug store or pharmacy
- b) Medical or dental office
- c) Food or other commodity retail sales (There shall be no sale of alcoholic beverages)
- d) Auditorium
- e) Library
- f) Restaurant (There shall be no sale of alcoholic beverages)
- g) Athletic facilities

Sec. 3. Development standards.

a) **Parking.** There shall be one parking space per employee, calculated based upon the employment shift with the greatest number of employees. Additionally, there shall be one parking space for every four (4) resident beds. If the facility is a non-conforming use, the requirements of Schedule G of the Land Development Regulations, multiple family residential, shall apply.

b) **Lighting.** Article III of the Land Development Regulations, Section 3.3(c)7

shall apply. If the facility is a non-conforming use, Article III Section 3.3 shall apply to that facility.

c) Landscaping. Schedule J of the Land Development Regulations applies to all properties in the zone. Landscaping upgrades to comply with this section shall be completed on or before April 1, 1997. However, non-conforming uses shall be in compliance with all applicable sections of Schedule J on or before April 1, 1996. Landscaping in right of ways shall be maintained by the property owner.

d) Maximum lot coverage. Maximum building area shall be forty (40%) percent of the total property.

e) Maximum dwelling units per acre. When the underlying zone is residential or commercial, units per acre shall be calculated as follows:

1. Category 1. The entire facility is one dwelling unit.
2. Category 2. A Category 2 facility shall constitute two dwelling units.
3. Category 3. Every two (2) sleeping rooms shall constitute a dwelling unit.

In commercial zones, residential flex units must be used.

f) The requirements of Schedule C of the Land Development Regulations, based upon the underlying zoning district, shall apply.

Sec. 4. Non-conforming uses.

Existing non-conforming facilities may continue to operate in the zone under the following conditions:

- a) The non-conforming use must remain in continuous operation;
- b) All code violations, current or occurring in the future, must be brought into compliance within a time to be determined by the Code Enforcement Division;
- c) A non-conforming use cannot be conveyed in a manner;
- d) Development standards must be met as set forth in this Schedule.

Sec. 5. Minimum district size. Minimum district size for any district in this zone shall be ten (10) acres.

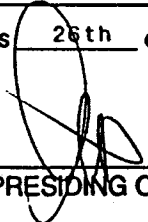
SECTION 2. That all ordinances or parts of ordinances, all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed as to the extent of such conflict.

SECTION 3. This ordinance shall take effect immediately upon its passage.

DATED this 26th day of September, 1995.

PASSED on first reading this 11th day of September, 1995.

PASSED AND ADOPTED on second reading this 26th day of September, 1995.


PRESIDING OFFICER

Doree Leherman
MAYOR

ATTEST:
Judith Higgins
CITY CLERK

MOTION
SECOND
G. MYLES
W. ELFERS
T. JONES
R. KAPLAN
A. REITER

FIRST READING
Kaplan
Elfers
Yes
Yes
Yes
Yes
Yes

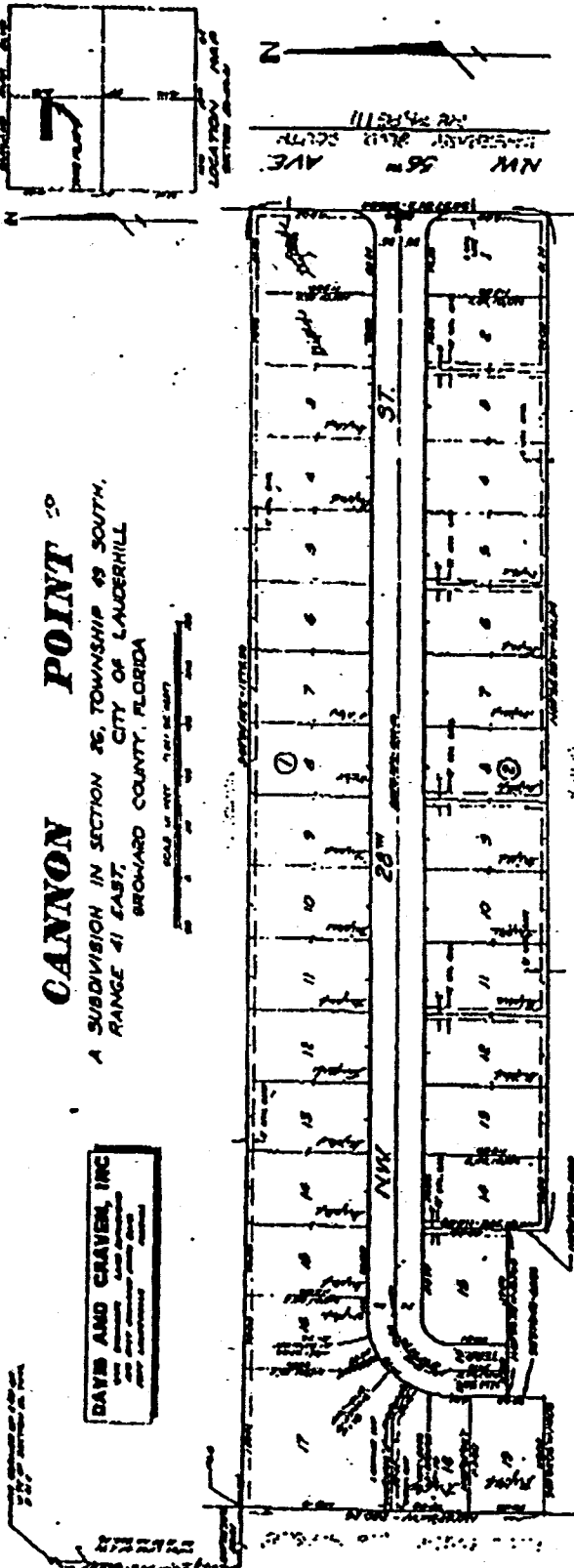
SECOND READING
Kaplan
Myles
Yes
Yes
Yes
Yes
Yes

H-3

PLAY BOOK 15. Page 1

CANNON POINT
A SUBDIVISION IN SECTION 26, TOWNSHIP 43 SOUTH,
RANGE 41 EAST, CITY OF LAUDERHILL
SHERMAN COUNTY, FLORIDA

DAVIS AND CLAYTON, INC.



NOTES:

MORTGAGE STATEMENT

065091870A

14-00000

AREA PLANNING BOARD:

AREA PLANNING BOARD:
This is to certify that the following County Area Planning Board members were elected at the Annual Meeting of April 12, 1974, and the Public Hearing for the following members was held on April 12, 1974.

COUNTY ENGINEER:

COUNTY ENGINEER:
This job of "County Engineer" is hereby awarded and accepted as stated

SUPERVISOR'S CERTIFICATE:

SURVEYOR'S CERTIFICATE.
I hereby certify that in the case of the Ambridge and South
West of London on the 10th instant above is a first class passenger train
on the 10th instant above is a first class passenger train on the 10th instant

EDUCATION:

DEDICATION: *Prayer of Mrs. J. J. Jones, president, First Christian Church, Chicago, at service for dedication of new building at Chicago, 1926.*

ACKNOWLEDGEMENT:

[illegible]

CLERK OF THE CIRCUIT COURT.

[illegible]

ATTACHMENT J

09/19/2005 16:18

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DEFS

PAGE 03

PLAT BOOK 79 PAGE 30
SHEET 1 OF 2

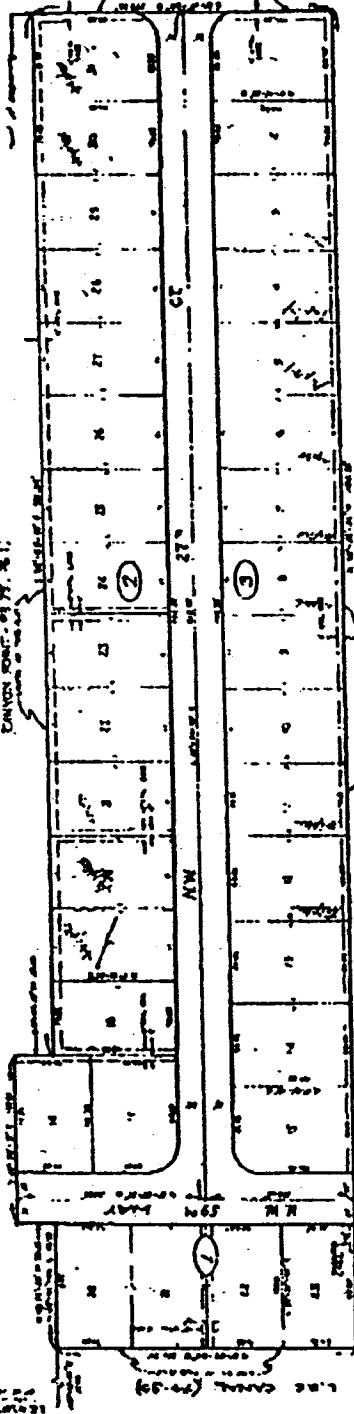
Cannon Point First Addition

A SUBDIVISION IN SECTION 26, T24S, R10E, E1E
CITY OF LAUDERHILL, BROWARD COUNTY, FLORIDA

DAVIS AND CRAVEN INC.
10000 W. 10th Avenue
Fort Lauderdale, FL 33304
Phone: (954) 551-1111
Fax: (954) 551-1112

SCALE: 1" = 100' (10' = 100')

CANNON POINT, 09.77, N.E. 1



DESCRIPTION:

This plat shows the first addition to the Cannon Point subdivision, located in Section 26, T24S, R10E, E1E, Broward County, Florida. The subdivision is bounded by the Cannon Point Canal to the north and the Cannon Point Canal to the south. The subdivision is divided into 100 lots, each of which is 1/4 acre in area. The lots are numbered 1 through 100. The map also shows the Cannon Point Canal and the Cannon Point Canal.

COUNTY COMPTROLLER:

The County Comptroller has reviewed the plat and has determined that it is in accordance with the provisions of the Florida Statutes. The County Comptroller has also determined that the plat is in accordance with the provisions of the Broward County Ordinance. The County Comptroller has also determined that the plat is in accordance with the provisions of the Broward County Ordinance.

CITY OF LAUDERHILL:

The City of Lauderdale has reviewed the plat and has determined that it is in accordance with the provisions of the Florida Statutes. The City of Lauderdale has also determined that the plat is in accordance with the provisions of the Broward County Ordinance. The City of Lauderdale has also determined that the plat is in accordance with the provisions of the Broward County Ordinance.

COUNTY PLAT:

The County Plat has been reviewed and has determined that it is in accordance with the provisions of the Florida Statutes. The County Plat has also determined that the plat is in accordance with the provisions of the Broward County Ordinance. The County Plat has also determined that the plat is in accordance with the provisions of the Broward County Ordinance.

NOTES:

The plat is subject to the provisions of the Florida Statutes. The plat is also subject to the provisions of the Broward County Ordinance. The plat is also subject to the provisions of the Broward County Ordinance.

REMARKS:

The plat is subject to the provisions of the Florida Statutes. The plat is also subject to the provisions of the Broward County Ordinance. The plat is also subject to the provisions of the Broward County Ordinance.

ATTACHMENT K
ORDINANCE NO. 96O-120

AN ORDINANCE APPROVING THE APPLICATION OF THE CITY OF LAUDERHILL TO CHANGE THE ZONING FROM RM-18 TO RM-18 WITH A SPECIAL RESIDENTIAL FACILITY OVERLAY ZONE PURSUANT TO SCHEDULE U OF THE LAND DEVELOPMENT REGULATIONS FOR A 16.37 ACRE PARCEL LOCATED ON ALL OF CANNON POINT, AS RECORDED IN PLAT BOOK 75, PAGE 3, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; MORE COMMONLY KNOWN AS CANNON POINT.

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

SECTION 1. The application of the City of Lauderhill to change the zoning from RM-18 to RM-18 with a Special Residential Facility Overlay Zone pursuant to Schedule U of the Land Development Regulations for a 16.37 acre parcel located on all of CANNON POINT, as recorded in Plat Book 75, Page 3, of the Public Records of Broward County, Florida; more commonly known as Cannon Point, is approved.

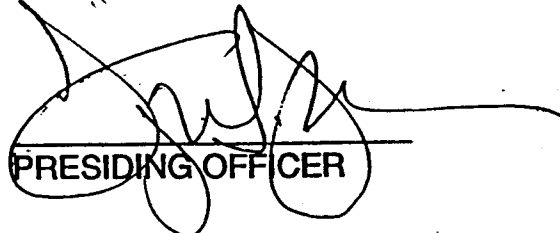
SECTION 2. That all ordinances or parts of ordinances, all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed as to the extent of such conflict.

SECTION 3. This ordinance shall take effect immediately upon its passage.

DATED this 28th day of May, 1996.

PASSED on first reading this 13th day of May, 1996.

PASSED AND ADOPTED on second reading this 28th day of May, 1996.


PRESIDING OFFICER

ATTEST:

Dean Leberman
MAYOR

Judith Higgins
CITY CLERK

MOTION
SECOND
W. ELFERS
R. KAPLAN
G. MYLES
A. REITER
T. JONES

FIRST READING

Kaplan
Reiter
Yes
Yes
Yes
Yes
Yes

SECOND READING

Kaplan
Myles
Yes
Yes
Yes
Yes
Yes

ATTACHMENT L
SUMMARY OF PROPERTY ASSESSMENTS, TAXES AND SALES WITHIN CANNON POINT

STREET ADDRESS	OWNER NAME	LAND ASSESSMENT	BUILDING ASSESSMENT	TOTAL ASSESSMENT	2004 TAXES IN DOLLARS	LAST SALE DATE	SALES PRICE (1)
<i>Cannon Point Plat</i>							
5601 NW 28 Street	Costa, John J.	58,890	103,760	162,650	4,369.08	04/93	100
5611 NW 28 Street	Costa, John J.	46,280	95,730	142,010	3,966.35	05/91	34,000
5621 NW 28 Street	A. J. Subachan II, Inc.	46,280	179,390	225,670	5,881.39	04/03	700,000
5631 NW 28 Street	A. J. Subachan II, Inc.	46,280	178,910	225,190	5,869.39	04/03	700,000
5641 NW 28 Street	Ramrup, Hansram Sr.	46,280	178,910	225,190	5,869.39	08/02	49,700
5701 NW 28 Street	Penta LLC	46,280	171,010	217,290	5,585.46	03/04	252,500
5711 NW 28 Street	Gutierrez, Luis & Linda	62,940	172,090	235,030	6,590.47	01/97	145,000
5721 NW 28 Street	Renee's Inc.	62,940	170,220	233,160	6,543.82	12/02	100
5731 NW 28 Street	Spaw Family Holdings	62,940	178,910	241,850	8,083.32	02/04	725,000
5741 NW 28 Street	Spaw Family Holdings	46,280	178,910	225,190	5,869.39	02/04	725,000
5801 NW 28 Street	Spaw Family Holdings	46,280	178,910	225,190	5,869.39	02/04	725,000
5811 NW 28 Street	Spaw Family Holdings	62,940	178,910	241,850	7,579.81	02/04	725,000
5821 NW 28 Street	Spaw Family Holdings	46,280	178,910	225,190	5,869.39	08/04	500,000
5831 NW 28 Street	Spaw Family Holdings	46,280	178,910	225,190	5,869.39	08/04	500,000
5841 NW 28 Street	Master, Neil B. Tr	46,280	178,910	225,190	5,869.39		0
5851 NW 28 Street	Master, Neil B. Tr	46,700	178,910	225,610	5,882.88		0
No address Lot 17	Wachovia Mtg Funding	40,950	0	40,950	1,021.76	07/04	500,000
2771 NW 58 Terrace	Shalom Manor Retire	63,440	202,200	265,640	7,350.50	07/81	132,500
2761 NW 58 Terrace	Shalom Manor Retire	62,940	196,010	258,950	7,187.32	07/81	132,500
<i>Block 1 Subtotal</i>		<i>987,480</i>	<i>3,079,510</i>	<i>4,066,990</i>	<i>111,127.89</i>		<i>6,546,400</i>
5600 NW 28 Street	H & C Retirement Ctr	76,270	199,560	275,830	7,958.31	08/99	100
5610 NW 28 Street	H & C Retirement Ctr	62,940	181,070	244,010	7,645.42	08/99	100
5620 NW 28 Street	Judah, Robert	46,280	178,910	225,190	5,869.39		0
5630 NW 28 Street	Judah, Robert	46,280	178,910	225,190	5,869.39		0
5640 NW 28 Street	H & C Retirement Ctr	62,940	178,910	241,850	7,579.81	08/99	100
5700 NW 28 Street	H & C Retirement Ctr	62,940	178,910	241,850	7,579.81	08/99	100
5710 NW 28 Street	Judah, Robert	46,280	179,850	226,130	5,892.61		0
5720 NW 28 Street	Judah, Robert	46,280	179,850	226,130	5,892.61		0
5730 NW 28 Street	Nova SE University	62,940	215,080	278,020	0		0
5740 NW 28 Street	Nova SE University	62,940	200,870	263,810	0		0

ATTACHMENT L
SUMMARY OF PROPERTY ASSESSMENTS, TAXES AND SALES WITHIN CANNON POINT

STREET ADDRESS	OWNER NAME	LAND ASSESSMENT	BUILDING ASSESSMENT	TOTAL ASSESSMENT	2004 TAXES IN DOLLARS	LAST SALE DATE	SALES PRICE (1)
5800 NW 28 Street	Nova SE University	62,940	200,390	263,330	0		0
5810 NW 28 Street	Nova SE University	62,940	200,390	262,330	0		0
5820 NW 28 Street	Ibrahim, Andria & RLT	46,280	181,680	227,960	5,142.56	04/00	100
5830 NW 28 Street	Ibrahim, Andria & RLT	46,280	178,910	225,190	5,869.39	04/00	100
No address Lot 15	Jacques, P M Bernard	76,880	178,910	255,790	7,907.17	12/99	100
Block 2 Subtotal		871,410	2,812,200	3,682,610	73,206.47		700
Total		1,858,890	5,891,710	7,749,600	184,334.36		6,547,100
Cannon Pt 1st Add Plat							
2751 NW 58 Terrace	Shand, Dave & Avery	44,430	177,440	221,870	7,177.33	03/04	440,000
2741 NW 58 Terrace	Shand, Dave & Avery	53,690	177,440	231,130	5,469.19	03/04	440,00
2731 NW 58 Terrace	Allen, Victoria C	44,430	177,440	221,870	7,177.33	07/92	89,600
2721 NW 58 Terrace	Fleishman, Douglas	54,360	191,600	245,960	5,672.79	06/97	136,000
Block 1 Subtotal		196,910	723,920	920,830	25,496.64		666,040
2760 NW 58 Terrace	Megee, Bruce Tr	54,030	177,440	231,470	5,476.44	12/94	100
2750 NW 58 Terrace	Megee, Bruce Tr	65,180	177,440	242,620	5,706.46	12/94	100
5831 NW 27 Court	Yetti's Outreach	46,280	153,910	200,190	6,183.01	06/02	100
5821 NW 27 Court	Yetti's Outreach	46,280	153,450	199,730	6,171.54	06/02	100
5811 NW 27 Court	Yetti's Outreach	46,280	153,910	200,190	6,183.01	06/02	100
5801 NW 27 Court	Yetties's Outreach	46,280	153,910	200,190	6,183.01	06/02	100
5741 NW 27 Court	Ibrahim, Andria RLT	53,690	177,440	231,130	5,469.19	04/00	100
5731 NW 27 Court	Ibrahim, Andria RLT	53,690	177,440	231,130	5,469.19	04/00	100
5721 NW 27 Court	Salmon, Joy	53,690	177,440	231,130	5,469.19	11/02	100
5711 NW 27 Court	Salmon, Joy	53,690	177,440	231,130	5,469.19	01/95	0
5701 NW 27 Court	Ahrendts, Nadege B	53,690	168,720	222,410	4,360.36	02/05	240,000
5641 NW 27 Court	Chevelon, Nerubin	53,690	184,720	238,410	5,630.13	04/05	353,000
5631 NW 27 Court	Levy, Yuval	53,690	179,180	232,870	5,507.37	05/99	175,000
5627 NW 27 Court	Levy, Yuval	24,070	0	24,070	600.59	05/99	175,000
5611 NW 27 Court	H & C Retirement Ctr	44,430	197,450	241,880	7,223.24	08/99	100
5601 NW 27 Court	H & C Retirement Ctr	55,340	197,450	252,790	7,495.47	08/99	100
Block 2 Subtotal		804,000	2,607,340	3,411,340	88,597.39		944,100
5600 NW 27 Court	McLarty, George & Y.	66,660	46,180	112,840	2,828.57	06/99	100

ATTACHMENT L
SUMMARY OF PROPERTY ASSESSMENTS, TAXES AND SALES WITHIN CANNON POINT

STREET ADDRESS	OWNER NAME	LAND ASSESSMENT	BUILDING ASSESSMENT	TOTAL ASSESSMENT	2004 TAXES IN DOLLARS	LAST SALE DATE	SALES PRICE (1)
5610 NW 27 Court	Ibrahim, Andria RLT	53,690	179,180	232,870	5,507.37	04/00	100
5620 NW 27 Court	Ibrahim, Andria RLT	53,690	184,660	238,350	5,585.50	04/00	100
5630 NW 27 Court	Salmon, James & Joy	53,690	179,180	232,870	5,507.37	08/82	100,000
5640 NW 27 Court	Henderson Mti Health	370,250	806,040	1,176,290	1,188.00	04/99	910,000
5640 NW 27 Court	Henderson Mti Health	0	0	0	0		0
5640 NW 27 Court	Henderson Mti Health	0	0	0	0		0
5640 NW 27 Court	Henderson Mti Health	0	0	0	0		0
5730 NW 27 Court	Weber, Dennis E.	53,690	177,440	231,130	5,469.19	06/74	139,800
5740 NW 27 Court	Weber, Dennis E.	53,690	177,440	231,130	5,469.19		0
5800 NW 27 Court	Henderson Mti Health	198,340	374,050	572,390	1,188.00	06/85	0
5800 NW 27 Court	Henderson Mti Health	0	0	0	0		0
5820 NW 27 Court	Buchanan, Neville & P	61,350	177,380	238,730	5,625.89	04/98	243,000
5830 NW 27 Court	Buchanan, Neville & P	61,350	177,440	238,790	5,627.38	04/98	243,000
2720 NW 58 Terrace	Costa, John J.	69,690	142,600	212,290	5,792.31	10/85	90,100
Block 3 Subtotal		1,096,090	2,621,590	3,717,680	49,788.77		1,726,200
Total Cannon Pt 1 st Add		2,097,000	5,952,850	8,049,850	163,882.80		3,236,040
Grand total both plats		3,955,890	11,844,560	15,800,450	348,217.16		9,783.140

Source: Broward County Property Appraiser, Online parcel search (July 2005).

Notes: (1) The Department has entered the number zero (0) in the Sales Price Column when the Broward County Property Appraiser's record for the parcel did not reveal a sales price.

AND RESERVATIONS

74 JUN 3 AM 10:43

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REC.

124

In order to maintain facilities for garbage and trash collection and for the maintenance of the recreation area and pool located on Lot 17, Block 1, according to the Plat thereof recorded in Plat Book 75, Page 1, of the Public Records of Broward County, Florida, each lot owner agrees to belong to and to be subject to the rules and regulations regarding participation in and responsibility for his pro-rata share of the benefits and expenses incident to garbage and trash collection and the maintenance of the aforesaid pool and recreation area. In order to maintain the recreation area and to provide the aforesaid services, each of the aforesaid lots are hereby subject to an annual assessment commencing with the year 1974, which assessment shall be secured by a lien upon each lot until the same is paid. Said assessments shall be equally pro-rated among each of the aforesaid lots and shall be paid to the aforesaid Cannon Point Maintenance Association.

The aforesaid Cannon Point Maintenance Association shall have the power to do all things reasonable and necessary for the maintenance of the aforesaid improvements on Lot 17, Block 1, and garbage and trash collection, including the payment of taxes and insurance as well as operating expenses for the common facilities attributable to the said Lot 17, Block 1, CANNON POINT, as recorded in Plat Book 75, Page 1, of the Public Records of Broward County, Florida. The said assessment shall be made annually, quarterly, or monthly, as said Maintenance Association shall determine, and shall be payable when due. A lien for failure to pay said assessment may be

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REC: 5756 PAGE 914

recorded by said association on or after ten (10) days from the date said assessment becomes past due.

All lot owners agree to be bound by and to abide by the terms of any and all provisions of any insurance policies upon the aforesaid common area.

The aforesaid maintenance association shall have the right for itself and its assigns to make rules and regulations relative to the aforesaid common area affecting the use of the said premises, including the swimming pool and recreation building together with the right to establish the number of and location of dumpsters for garbage collection purposes. and all lot owners agree to comply with said rules and regulations and to require such compliance by their tenants and guests.

The aforesaid maintenance association may enforce the correction of any delinquent assessments as provided for above by suit at law or by foreclosure of the lien securing the assessment, in which event it shall be entitled, in the event of a judgment in its favor, to recover all reasonable attorneys' fees incurred plus interest at the legal rate from the date said assessment is due.

A majority of the aforesaid lots shall be required for, and be sufficient for, a determination of the form said association shall take and the establishment of by-laws and procedures of the aforesaid maintenance association for operation thereof and in the operation and establishment thereof, each of the aforesaid lots shall be entitled to one (1) vote. The owner of such lots shall be entitled to vote by proxy provided that no such proxies shall be valid for a period of

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REC.

more than one (1) year. nor shall such proxy be binding upon any subsequent owner of such lot in the event it is transferred during the course of such year without his consent.

Nothing contained herein shall affect the rights of any bank or savings and loan association or similar institution-
al local lender owning a first mortgage on any of the aforesaid subject property, and such mortgage lender shall have an absolute and unrestricted right to take title to any of the aforesaid properties in accordance with the terms and provisions of their mortgage.

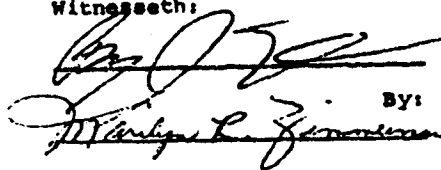
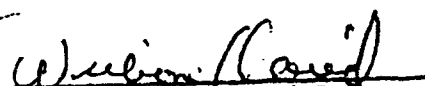
These restrictive covenants may be amended by the affirmative vote of a majority of the owners of the aforesaid lots on the basis of one (1) vote for each such lot in the manner otherwise provided for by law.

In the event of the violation of the covenants provided for herein or any amendments hereof, this document may be enforced by the prosecution of proceedings at law or in equity against any person so in violation for the prevention of such acts or for the recovering of damages from such violation.

Invalidation of any of the aforesaid covenants shall not affect the validity of any of the remaining covenants which shall remain in full force and effect.

Witnesseth:

CANNON POINT LTD.

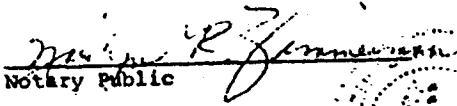
 By: 
William David, General Partner

Dated this 30th day of May, 1974.

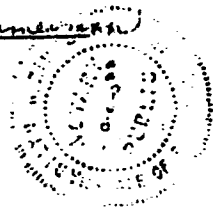
STATE OF FLORIDA
COUNTY OF BROWARD

Before me personally appeared WILLIAM DAVID, General Partner of CANNON POINT LTD. to me well known and known to me to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that he executed the said instrument for the purposes therein expressed.

WITNESS my hand and official seal, this 30th day of May, 1974.


Notary Public

My commission expires:



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92414548 ATTACHMENT N

AMENDMENT TO THE
DECLARATION OF RESTRICTIVE COVENANTS
AND RESERVATIONS OF THE
CANNON POINT MAINTENANCE ASSOCIATION

2285 E. OAKLAND AVE., FL 3306
FT. LAUDERDALE, FL 3306

CANNON POINT MAINTENANCE ASSOCIATION, INC., a Florida not-for-profit corporation, incorporated for the purpose of carrying out the provisions required of the Cannon Point Maintenance Association as set forth in the Declaration of Restrictive Covenants and Reservations, dated May 30, 1974, and recorded in Official Records Book 5786, Page 913, of the Public Records of Broward County, Florida, pertaining to the following described property:

Lots 1 through 19, Block 1; and Lots 1 through 15, Block 2, of the Plat of CANNON POINT, recorded in Plat Book 75, Page 1, of the Public Records of Broward County, Florida; and

Lots 20 through 23, Block 1; Lots 16 through 31, Block 2; and Lots 1 through 15, Block 3, of the Plat of CANNON POINT FIRST ADDITION, recorded in Plat Book 78, page 30, of the Public Records of Broward County, Florida;

by the affirmative vote of a majority of the owners of the above-referenced lots, on the basis of one vote for each such lot, adopted the following amendment to the Declaration of Restrictive Covenants and Reservations, recorded in Official Records Book 5786, Page 913, of the Public Records of Broward County, Florida:
(Additions indicated by underlining, deletions by ~~strikeouts~~.)

1. Third paragraph of page one:

No lot embraced on said plat shall be used for any purpose other than residential purpose, ~~except for lot 17, Block 1, referred to elsewhere herein.~~

2. First paragraph of page two:

SEP 23 12:42 PM '92

BK 1991060445

2/20
11/21

In order to maintain facilities for garbage and trash collection and for the maintenance of the swales and subdivision entranceway recreation area and pool located on Lot 17, Block 1, according to the Plat thereof recorded in Plat Book 75, Page 1, of the Public Records of Broward County, Florida, each lot owner agrees to belong and to be subject to the rules and regulations regarding participation in and responsibility for his pro-rata share of the benefits and expenses incident to garbage and trash collection and the maintenance of the aforesaid swales and subdivision entranceway pool and recreation area. The Cannon Point Maintenance Association shall have the authority, through its designated agent, to enter onto lots for the purpose of trimming trees at the expense of the maintenance association, providing the lot owner consents and approves such entry prior thereto, and furnishes the maintenance association with an appropriate release, holding the Cannon Point Maintenance Association harmless, from any and all damages surrounding such entry. In order to maintain the recreation area and to provide the aforesaid services, each of the aforesaid lots are hereby subject to an annual assessment commencing with the year 1974 which assessment shall be secured by a lien upon each lot until the same is paid. Said assessments shall be equally pro-rated among each of the aforesaid lots and shall be paid to the aforesaid Cannon Point Maintenance Association.

3. Second paragraph of page two:

The aforesaid Cannon Point Maintenance Association shall have

the power to do all things reasonable and necessary for the maintenance of the ~~swales and subdivision entranceway~~ ~~aforsaid~~ ~~improvements on lot 17, Block 1, and garbage and trash collection.~~ ~~including the payment of taxes and insurance as well as operating expenses for the common facilities attributable to the said lot 17, Block 1, CANNON POINT, as recorded in Plat Book 76, Page 1, of the Public Records of Broward County, Florida.~~ The said assessment shall be made annually, quarterly, or monthly, as said Maintenance Association shall determine, and shall be payable when due. A lien for failure to pay said assessment may be recorded by said association on or after ten (10) days from the date said assessment becomes past due.

A lot owner intending to make a sale or transfer of a lot shall, prior to the recording of the deed of conveyance, obtain a certificate of good standing from the Cannon Point Maintenance Association, certifying that all assessments with respect to the lot have been paid in full. The certificate shall be executed by the president or vice president and any director of the Cannon Point Maintenance Association, in recordable form, and shall be delivered to the lot owner and shall be recorded in the Public Record of Broward County.

4. First paragraph of page three:

~~All lot owners agree to be bound by and to abide by the terms of any and all provisions of any insurance policies upon the aforsaid common area.~~

5. Second paragraph of page three:

The aforesaid maintenance association shall have the right for itself and its assigns to make rules and regulations relative to the aforesaid common area affecting the use of the said premises, including the swimming pool and recreation building together with the right to establish the number of and location of dumpsters for garbage collection purposes and all lot owners agree to comply with said rules and regulations and to require such compliance by their tenants and guests.

WITNESS the execution hereof, the 28 day of May, 1992.

CANNON POINT MAINTENANCE
ASSOCIATION, INC.

(CORPORATE SEAL)

By: [Signature]
President

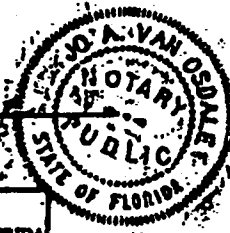
Attest: [Signature]
Secretary

STATE OF FLORIDA
COUNTY OF BROWARD

THIS IS TO CERTIFY that on the 28 day of May, 1992, before me, an officer duly authorized in the State and County of Broward, aforesaid to take acknowledgements, personally appeared, [Signature] (90) [Signature], and [Signature], well known to me to be the President and Secretary of the Cannon Point Maintenance Association, Inc., respectively, named in the foregoing instrument, and that they severally acknowledged executing the same on behalf of the corporation under the authority duly vested in them by the corporation. They are personally known to me or have produced

their Florida driver's licenses for identification. They did not take an oath.

Jo A. Van Orsdale
Notary Public



OFFICIAL NOTARY SEAL
JO A. VAN ORSDALE
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC15788
MY COMMISSION EXPI. JAN. 18, 1996

EX 79910P60449

5

RECORDED IN THE OFFICIAL RECORDS BOOK
OF BROWARD COUNTY, FLORIDA
COUNTY ADMINISTRATOR

N-5

ATTACHMENT O

ORDINANCE NO. 970-106

AN ORDINANCE GRANTING A ZONING CHANGE FROM RM-5 TO RM-5 WITH A SPECIAL RESIDENTIAL FACILITY OVERLAY ZONE PURSUANT TO SCHEDULE U OF THE LAND DEVELOPMENT REGULATIONS FOR A 78.2 ACRE PARCEL LOCATED ON THE WESTERLY PORTION OF TRACT A, BOULEVARD FOREST, AS RECORDED IN PLAT BOOK 113, PAGE 39, OF THE PUBLIC RECORDS OF BROWARD COUNTY, MORE COMMONLY KNOWN AS 550 N.W. 69TH AVENUE, LAUDERHILL, FLORIDA

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

Section 1. A zoning change is granted to change the zoning from RM5 to RM5 with a special residential facility overlay zone pursuant to Schedule U of the Land Development Regulations for a 78.2 acre parcel located in the westerly portion of Tract A, Boulevard Forest, as recorded in Plat Book 113, Page 39 of the Public Records of Broward County, more commonly known as 550 N. W. 69th Avenue, Lauderhill, Florida.

Section 2. FINDINGS. That the findings of fact which were prepared by the Community Development Director are incorporated herein and are hereby adopted as the findings of fact as to the zoning change.

Section 3. CONFLICT. That all ordinances or parts of ordinances, all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed as to the extent of such conflict.

Section 4. EFFECTIVE DATE. This Ordinance take effect immediately upon its adoption.

DATED this 24th day of February, 1997.

ATTACHMENT P

ORDINANCE NO. 990-11-158

AN ORDINANCE GRANTING A ZONING CHANGE FROM MULTIFAMILY RESIDENTIAL (RM-45) TO RM-45 WITH A SPECIAL RESIDENTIAL FACILITY OVERLAY ZONE (RM-45/SRFOZ) FOR A 10.61 GROSS ACRE SITE LOCATED ON TRACT "A" OF "THE EXECUTIVE HOUSE OF INVERRARY" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 83, PAGE 14 OF THE PUBLIC RECORDS OF BROWARD COUNTY FLORIDA, MORE COMMONLY KNOWN AS WESTBROOKE OF INVERRARY; PROVIDING FOR AN EFFECTIVE DATE

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

Section 1. The zoning change from Multifamily Residential (RM-45) to RM-45 with a Special Residential Facility Overlay Zone (RM-45/SRFOZ) for a 10.61 gross acre parcel located on Tract "A" of "The Executive House of Inverrary" according to the Plat thereof as Recorded in Plat Book 83, Page 14, of the Public Records of Broward County, more commonly known as Westbrooke of Inverrary, is hereby approved.

Section 2. That the findings of fact which were prepared by the City staff are attached hereto, incorporated herein and are hereby adopted as the findings of fact as to the zoning change.

Section 3. That all ordinances or parts of ordinances, all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed as to the extent of such conflict.

Section 4. This Ordinance take effect immediately upon its adoption.

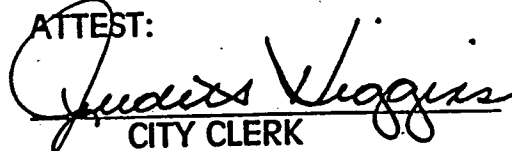
DATED this 13th day of December, 1999.

PASSED AND ADOPTED on first reading this 29th day of November, 1999.

PASSED AND ADOPTED on second reading this 13th day of December, 1999.


PRESIDING OFFICER

ATTEST:


CITY CLERK

MOTION
SECOND

M. BATES
W. ELFERS
T. JONES
L. MIRSKY
R. KAPLAN

FIRST READING

Bates
Mirsky
Yes
Yes
Yes
Yes
Yes

SECOND READING

Jones
Bates
Yes
Yes
Yes
Yes
Yes

ATTACHMENT Q
POLICE DEPARTMENT SERVICES CALLS (2001)
COMPARISON AMONG CITY, CANNON POINT, FOREST TRACE, AND WESTBROOKE

SERVICE CALLS BY TYPE OF INCIDENT	CITY OF LAUDERHILL		CANNON POINT		FOREST TRACE		WESTBROOKE	
	NUMBER	PERCENT	NUMBER	PERCENT ¹	NUMBER	PERCENT ¹	NUMBER	PERCENT ¹
Total calls	59,833	100	1,565	2.62	300	0.50	234	0.39
Suspicious incident	2,065	100	65	3.15	6	0.29	1	0.05
Suspicious person	1,536	100	19	1.24	0	0.00	3	0.20
Information	5,117	100	125	2.44	4	0.08	5	0.10
Disturbance	4,349	100	119	2.74	1	0.02	1	0.02
Disturbance/Domestic	2,019	100	13	0.64	0	0.00	0	0.00
Accident	1,983	100	2	0.10	6	0.30	3	0.15
Alarm/Audible	5,219	100	13	0.25	0	0.00	10	0.19
Civil matter	1,321	100	20	1.51	1	0.08	0	0.00
Other medical	1,280	100	87	6.80	62	4.84	55	4.30
Police Service	6,632	100	86	1.30	6	0.09	11	0.17
Traffic	1,777	100	2	0.11	1	0.06	1	0.06
Assist other agencies	1,394	100	62	4.45	5	0.36	6	0.43
911 Calls	4,409	100	80	1.81	16	0.36	19	0.43
Mentally ill	596	100	166	27.85	0	0.00	1	0.17
Disturbance/Juvenile	1,029	100	34	3.30	0	0.00	0	0.00
Trespassing	342	100	20	5.85	0	0.00	0	0.00
Missing person	589	100	136	23.09	1	0.17	0	0.00

Sources: City of Lauderhill Police Department; City of Lauderhill Planning and Zoning Department (Aug. 2005).

Notes: Percent 1 means percent within area as based on total within the City.

Methodology: Total incidences (Row 3) and incidences with more than 1,000 citywide service calls (Rows 5 - 17) were selected for comparison. In addition, other incidences were selected (Rows 19 - 22).

ATTACHMENT Q
POLICE DEPARTMENT SERVICES CALLS (2002)
COMPARISON AMONG CITY, CANNON POINT, FOREST TRACE, AND WESTBROOKE

SERVICE CALLS BY TYPE OF INCIDENT	CITY OF LAUDERHILL		CANNON POINT		FOREST TRACE		WESTBROOKE	
	NUMBER	PERCENT	NUMBER	PERCENT ¹	NUMBER	PERCENT ¹	NUMBER	PERCENT ¹
Total calls	63,605	100	1,940	3.05	407	0.64	236	0.37
Suspicious incident	2,378	100	100	4.21	2	0.08	2	0.08
Suspicious person	1,917	100	27	1.41	1	0.05	1	0.05
Information	5,378	100	149	2.77	18	0.33	5	0.09
Disturbance	4,359	100	181	4.15	1	0.02	7	0.16
Disturbance/Domestic	2,180	100	20	0.92	0	0.00	0	0.00
Accident	2,040	100	1	0.05	6	0.29	0	0.00
Alarm/Audible	5,342	100	9	0.17	0	0.00	2	0.04
Civil matter	1,570	100	39	2.48	0	0.00	0	0.00
Other medical	1,471	100	93	6.32	89	6.05	54	3.67
Police Service	5,815	100	105	1.81	3	0.05	13	0.22
Traffic	2,229	100	5	0.22	0	0.00	0	0.00
Assist other agencies	1,610	100	58	3.60	2	0.12	1	0.06
911 Calls	4,821	100	98	2.03	16	0.33	9	0.19
Mentally ill	640	100	184	28.75	3	0.47	5	0.78
Disturbance/Juvenile	906	100	22	2.43	0	0.00	0	0.00
Trespassing	422	100	26	6.16	0	0.00	0	0.00
Missing person	645	100	206	31.94	0	0.00	0	0.00

Sources: City of Lauderhill Police Department; City of Lauderhill Planning and Zoning Department (Aug. 2005).

Notes: Percent 1 means percent within area as based on total within the City.

Methodology: Total incidences (Row 3) and incidences with more than 1,000 citywide service calls (Rows 5 - 17) were selected for comparison. In addition, other incidences were selected (Rows 19 - 22).

ATTACHMENT Q **POLICE DEPARTMENT SERVICES CALLS (2003)** **COMPARISON AMONG CITY, CANNON POINT, FOREST TRACE, AND WESTBROOKE**

SERVICE CALLS BY TYPE OF INCIDENT	CITY OF LAUDERHILL		CANNON POINT		FOREST TRACE		WESTBROOKE	
	NUMBER	PERCENT	NUMBER	PERCENT ¹	NUMBER	PERCENT ¹	NUMBER	PERCENT ¹
Total calls	62,789	100	1,694	2.70	466	0.74	106	0.17
Suspicious incident	2,742	100	93	3.39	2	0.07	1	0.04
Suspicious person	1,960	100	35	1.79	0	0.00	0	0.00
Information	5,271	100	155	2.94	7	0.13	3	0.06
Disturbance	4,656	100	173	3.72	2	0.04	3	0.06
Disturbance/Domestic	2,141	100	28	1.31	0	0.00	0	0.00
Accident	2,006	100	5	0.25	3	0.15	1	0.05
Alarm/Audible	5,016	100	10	0.20	1	0.02	0	0.00
Civil matter	1,547	100	21	1.36	0	0.00	1	0.06
Other medical	1,505	100	81	5.38	142	9.44	18	1.20
Police Service	5,873	100	100	1.70	2	0.03	3	0.05
Traffic	2,664	100	4	0.15	0	0.00	1	0.04
Assist other agencies	1,793	100	58	3.23	12	0.67	3	0.17
911 Calls	4,315	100	75	1.74	15	0.35	5	0.12
Mentally ill	546	100	140	25.64	0	0.00	3	0.55
Disturbance/Juvenile	887	100	38	4.28	0	0.00	0	0.00
Trespassing	486	100	20	4.12	0	0.00	0	0.00
Missing person	549	100	144	26.23	0	0.00	0	0.00

Sources: City of Lauderhill Police Department; City of Lauderhill Planning and Zoning Department (Aug. 2005).

Notes: Percent 1 means percent within area as based on total within the City.

Methodology: Total incidences (Row 3) and incidences with more than 1,000 citywide service calls (Rows 5 - 17) were selected for comparison. In addition, other incidences were selected (Rows 19 - 22).

ATTACHMENT Q
POLICE DEPARTMENT SERVICES CALLS (2004)
COMPARISON AMONG CITY, CANNON POINT, FOREST TRACE, AND WESTBROOKE

SERVICE CALLS BY TYPE OF INCIDENT	CITY OF LAUDERHILL		CANNON POINT		FOREST TRACE		WESTBROOKE	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
Total calls	59,052	100	1,682	2.85	393	0.67	106	0.18
Suspicious incident	2,587	100	80	3.09	7	0.27	2	0.08
Suspicious person	1,758	100	24	1.37	0	0.00	1	0.06
Information	5,034	100	144	2.86	5	0.10	4	0.08
Disturbance	4,250	100	190	4.47	1	0.02	0	0.00
Disturbance/Domestic	2,087	100	17	0.81	0	0.00	0	0.00
Accident	2,006	100	2	0.10	2	0.10	1	0.05
Alarm/Audible	4,748	100	21	0.44	0	0.00	0	0.00
Civil matter	1,625	100	12	0.74	1	0.06	1	0.06
Other medical	1,403	100	90	6.41	95	6.77	21	1.50
Police Service	5,198	100	78	1.50	5	0.10	11	0.21
Traffic	2,460	100	1	0.04	0	0.00	1	0.04
Assist other agencies	1,855	100	70	3.77	16	0.86	5	0.27
911 Calls	3,593	100	70	1.95	11	0.31	0	0.00
Mentally ill	640	100	176	27.50	2	0.31	1	0.00
Disturbance/Juvenile	685	100	31	4.53	0	0.00	0	0.00
Trespassing	505	100	32	6.34	1	0.20	0	0.00
Missing person	493	100	138	27.99	0	0.00	0	0.00

Sources: City of Lauderhill Police Department; City of Lauderhill Planning and Zoning Department (Aug. 2005).

Notes: Percent 1 means percent within area as based on total within the City.

Methodology: Total incidences (Row 3) and incidences with more than 1,000 citywide service calls (Rows 5 - 17) were selected for comparison. In addition, other incidences were selected (Rows 19 - 22).

ATTACHMENT Q
POLICE DEPARTMENT SERVICES CALLS (JAN. -- JUNE 2005)
COMPARISON AMONG CITY, CANNON POINT, FOREST TRACE, AND WESTBROOKE

SERVICE TYPE OF INCIDENT	CALLS BY	CITY OF LAUDERHILL		CANNON POINT		FOREST TRACE		WESTBROOKE	
		NUMBER	PERCENT	NUMBER	PERCENT ¹	NUMBER	PERCENT ¹	NUMBER	PERCENT ¹
Total calls		30,284	100	992	3.28	172	0.57	59	0.19
Suspicious incident		1,344	100	57	4.24	1	0.07	2	0.00
Suspicious person		851	100	10	1.18	0	0.00	0	0.11
Information		2,690	100	62	2.30	1	0.04	3	0.09
Disturbance		2,231	100	108	4.84	0	0.00	2	0.00
Disturbance/Domestic		1,070	100	10	0.93	0	0.00	0	0.00
Accident		1,008	100	0	0.00	2	0.20	0	0.00
Alarm/Audible		1,975	100	16	0.81	0	0.00	0	0.00
Civil matter		857	100	17	1.98	2	0.23	2	0.23
Other medical		830	100	52	6.27	40	4.82	8	0.96
Police Service		2,739	100	48	1.75	2	0.07	4	0.15
Traffic		1,266	100	1	0.08	1	0.08	0	0.00
Assist other agencies		834	100	27	3.24	5	0.60	0	0.00
911 Calls		1,625	100	50	3.08	4	0.25	6	0.37
Mentally ill		414	100	127	30.68	0	0.00	0	0.00
Disturbance/Juvenile		445	100	8	1.80	0	0.00	0	0.00
Trespassing		252	100	5	1.98	0	0.00	0	0.00
Missing person		285	100	74	25.96	0	0.00	0	0.00

Sources: City of Lauderhill Police Department; City of Lauderhill Planning and Zoning Department (Aug. 2005).

Notes: Percent 1 means percent within area as based on total within the City.

Methodology: Total incidences (Row 3) and incidences with more than 1,000 citywide service calls (Rows 5 - 17) were selected for comparison. In addition, other incidences were selected (Rows 19 - 22).

ATTACHMENT R
Cannon Point Activity Report
2001 to 2005 (08/08/05)

Total # of Calls for 2001:	10195
Cannon Point Calls:	612
Percent of Total number of calls:	6.00%

Total # of Calls for 2002:	10,403
Cannon Point Calls:	751
Percent of Total number of calls:	7.20%

Total # of Calls for 2003:	9621
Cannon Point Calls:	584
Percent of Total number of calls:	6.07%

Total # of Calls for 2004:	9847
Cannon Point Calls:	685
Percent of Total number of calls:	6.95%

Total # of Calls for 2005(08/08/05):	6413
Cannon Point Calls:	461
Percent of Total number of calls:	7.10%

Calls are based on a calendar year.

See attached call Type break down and back up for report figures. Data was taken from SunPro reporting system which is used in tracking Lauderhill Fire-Rescue reports.

Calls were broken down into three categories and by address:

MED: All medical classified type calls.

FA: All reported False Alarms

Other Fire: All calls including reported structure fires other then false calls and Medical.

A number of the addresses listed have gone from ALF to Rentals and at certain times vacant which explains why an address may have large number of calls one year and no calls the next.

Even with the current occupancy of the buildings in the two block area at one of its lowest points call volume compared to the entire city is over 7%.

LAW OFFICES
JAMES C. BRADY & ASSOCIATES
501 NORTHEAST 8th STREET
FORT LAUDERDALE, FLORIDA 33304
Telephone (954) 761-1404
Telefax (954) 761-1489

JAMES C. BRADY, P.A.
JAMES C. BRADY*
*Also Member: Virginia Bar &
Bar of the District of Columbia

SONJA KNIGHTON DICKENS

July 14, 2005

Mayor Richard J. Kaplan
City of Lauderhill
2000 City Hall Drive
Lauderhill, Florida 33313

Re: Cannon Pointe Maintenance Association, Inc.

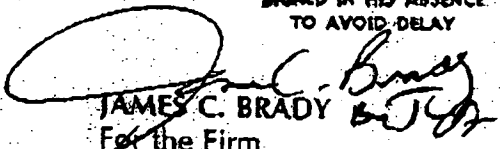
Dear Mayor Kaplan:

I represent Cannon Pointe Maintenance Association, Inc., and it is my understanding that the Lauderhill Commission has directed its staff to take steps whereby the existing special overlay district would be removed and the City's single-family zoning district would be applied to the properties under Cannon Pointe's oversight. In my opinion, such an action would be mistaken. It would create extraordinary burdens on all of the owners of the properties, including Broward Partnership for the Homeless and the Henderson Clinic, both of which are public, non-profit institutions providing valuable services to the entire community of Broward County. Moreover, the small business owners will suffer a great deal, including the extraordinary de-valuation of their properties, as well as the loss of the value of their businesses. We believe that cooperation among all involved would be a better option.

I trust that your persuasive powers will bear down on the issue, and it can be resolved without unnecessary and costly litigation.

Cordially,

SIGNED IN HIS ABSENCE
TO AVOID DELAY



JAMES C. BRADY

For the Firm

JCB:jla

cc: Client

ATTACHMENT T**ORDINANCE NO. 050-09-187**

AN ORDINANCE OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA AMENDING THE ZONING DISTRICT MAP IDENTIFIED IN LAND DEVELOPMENT REGULATIONS, ARTICLE III., ZONING DISTRICTS, PART 2.0., DISTRICT REGULATIONS, SUBSECTION 2.2.1., ADOPTION OF ZONING DISTRICT MAP; REVOKING THE SPECIAL RESIDENTIAL FACILITY OVERLAY ZONING DISTRICT ON A 17.34 ACRE SITE FOR PROPERTY LOCATED ON CANNON POINT, BLOCK 1, LOTS 1 THROUGH 19 INCLUSIVE AND BLOCK 2, LOTS 1 THROUGH 15 INCLUSIVE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 75, PAGE 1 OF THE OFFICIAL PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA TOGETHER WITH CANNON POINT 1st ADDITION, BLOCK 1 LOTS 20 THROUGH 23 INCLUSIVE, BLOCK 2, LOTS 16 THROUGH 31 INCLUSIVE, AND BLOCK 3, LOTS 1 THROUGH 15 INCLUSIVE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK NUMBER 78, PAGE 30, OF THE OFFICIAL PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS THE CANNON POINT AREA IN THE CITY OF LAUDERHILL, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA)

WHEREAS, the City Commission has adopted a Comprehensive Plan as is required by the Local Government Comprehensive Planning and Land Development Regulation Act (Act), which Comprehensive Plan was subsequently determined to be in-compliance with said Act; and

WHEREAS, Section 163.3202, Florida Statutes, requires each municipality to adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan; and

WHEREAS, on June 11th, 1990, the City Commission implemented its adopted Comprehensive Plan as is required by Section 163.3202, Florida Statutes, by adopting the City of Lauderhill Land Development Regulations; and

WHEREAS, on October 13th, 1992, the City Commission adopted a Zoning District Map by enacting Ordinance No. 0920-185; and

WHEREAS, the Zoning District Map shows that the property subject to this zoning map amendment is zoned Special Residential Facility Overlay District; and

WHEREAS, on June 25th, 2001, the City Commission adopted the Future Land Use Element, including the Future Land Use Map Series; and

WHEREAS, the Future Land Use Map Series shows that the property subject to this Ordinance is designated Special Residential Facility Overlay District; and

WHEREAS, the City Commission desires to allow the subject parcel to undergo a zoning district map amendment to revoke the Special Residential Facility Overlay zoning district; and

WHEREAS, at their duly noticed meeting and public hearing of September 20, 2005, the City's Planning and Zoning Board, sitting as the Local Planning Agency (LPA), entered the Development Review Report on the proposed Ordinance into the record, adopted the findings and conclusions supporting the Ordinance's adoption, and recommended the City Commission adopt the Ordinance and incorporate it into the Land Development Regulations; and

WHEREAS, at their duly noticed meeting and public hearing of September 26, 2005, the City Commission considered the record, adopted findings and conclusions, and approved the proposed Ordinance on first reading; and

WHEREAS, at their duly noticed meeting and public hearing of October 31, 2005 the City Commission on second reading adopted the Ordinance incorporating revisions to the Land Development Regulations;

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

SECTION 1. Property Description. The property subject to this zoning district map amendment is legally described as the 17.34 acre site located on Cannon Point, Block 1, Lots 1 through 19 inclusive and Block 2, Lots 1 through 15 inclusive, according to the plat thereof, as recorded in Plat Book 75, Page 1 of the Official Public Records of Broward County, Florida, together with Cannon Point 1st Addition, Block 1, Lots 20 through 23 inclusive, Block 2, Lots

16 through 31 inclusive, and Block 3, Lots 1 through 15 inclusive, according to the Plat thereof, as recorded in Plat Book number 78, Page 30, of the Official Public Records of Broward County, Florida, more commonly known as the Cannon Point area in the City of Lauderhill, Florida.

SECTION 2. Zoning District Map Amendment. The zoning district of Special Residential Facility Overlay for the real property described in Section 1 of this Ordinance is hereby revoked. The Planning and Zoning Department is hereby directed to amend the official Zoning District Map identified in Land Development Regulations Article III., Zoning Districts, Part 2.0., District Regulations, Subsection 2.2.1., Adoption of Zoning District Map, accordingly.

SECTION 3. Findings and Conclusions. The Development Review Report prepared by the Planning and Zoning Department is attached hereto, is incorporated herein, and are hereby adopted as the findings of fact and conclusions of law to support the Ordinance amending Land Development Regulations.

SECTION 4. Conflict. All ordinances or parts of ordinances, all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed as to the extent of such conflict.

SECTION 5. Effective Date. This Ordinance shall take effect immediately upon its passage and adoption.

DATED this _____ day of _____, 2005.

PASSED on first reading this _____ day of _____, 2005.

PASSED AND ADOPTED on second reading this _____ day of _____, 2005.

PRESIDING OFFICER

ATTEST:

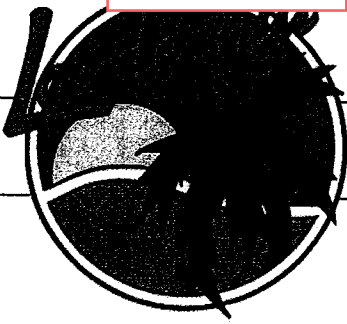
CITY CLERK

MOTION
SECOND

FIRST READING

SECOND READING

M. BATES
H. BERGER
D. HOLNESS
L. MIRSKY
R. KAPLAN



City of Lauderhill

February 16, 2006

MUNICIPAL CODE CORPORATION
1700 Capital Circle, S.W.
P.O. Box 2235
Tallahassee, FL 32304

Dear Sir:

Please find copy of Ordinance numbered 05R-09-187 , passed and adopted by the Commission of the City of Lauderhill on January 30, 2006.

If you have any questions, please do not hesitate to contact me.

Yours very truly,
CITY OF LAUDERHILL

Judith Higgins
City Clerk

enc.

"Celebrating 40 Years of Excellence"

2000 City Hall Drive • Lauderhill, Florida 33313 • (954) 730-3010 • Fax (954) 730-3062

(Special Residential Facility Map)

