



## **DEVELOPMENT REVIEW REPORT**

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

The item before the Planning and Zoning Board (Board), sitting as the Local Planning Agency (LPA), is a proposed Ordinance of the City of Lauderhill, Florida; amending the Land Development Regulations (LDR) to amend Article III. Zoning Districts, Section 3.1 Residential Zoning Districts and Section 3.8 Mixed Use Development; Amending Article IV. Development Review Requirements, Section 5.3 Site Plan Review Process and Section 5.9 Crime Prevention Through Environmental Design (CPTED) review requirements; Amending Schedule C. Zoning District Development Standards to Provide Regulations; Providing for an effective date.

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

#### **I. BACKGROUND**

City staff is requesting amendments to various sections of the land development regulations (LDR) for multi-family and mixed-use developments. The LDR did not provide for regulations on the following areas:

- Recreational amenities and open space requirements in all multifamily zoning districts
- Buffers for multifamily and mixed-use developments in commercial and Industrial Zoning Districts
- Requiring a public safety and security plan for multi-family and mixed-use developments

Staff is also requesting miscellaneous clean-ups in Schedule C and the Mixed-Use Development regulations.

## **II. PROPOSED AMENDMENTS**

Below are the proposed amendments to be included in Ordinance XXXX (Attachment A) amending the following :

- Article III. Zoning Districts, Section 3.1 Residential Zoning Districts
- Article III. Zoning Districts, Section 3.8 Mixed Use Development
- Article IV. Development Review Requirements, Section 5.3 Site Plan Review Process
- Article IV. Development Review Requirements, Section 5.9 Crime Prevention Through Environmental Design (CPTED) review requirements
- Schedule C. Zoning District Development Standards

### **Sec. 3.1 Residential Zoning Districts**

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~~Recreation and open space. Common open space may be used for amenity or recreation purposes and must be suitably improved for its intended use.~~

- a. ~~At least three (3) acres of recreational land shall be set aside for each projected one thousand (1,000) resident and guest population.~~
- b. ~~Only one half (½) the size of a man-made surface water body may count toward meeting the recreation and open space level of service, provided the water body is deed restricted for open space and passive recreation use.~~
- c. ~~Tot lots with playground equipment shall be provided and incorporated into the overall design scheme of the development.~~

7. Recreational Amenities and open space. Common open space may be used for amenity or recreation purposes and must be suitably improved for its intended use. Recreational amenities must be ten (10) percent or more of the total square feet dedicated to residential uses. The following amenities shall be provided:
- a. Swimming pool and associated canopy or recreational water feature if a pool cannot be accommodated; and
  - b. Air-conditioned club house with community conference/meeting room and with restrooms; and
  - c. Playground with playground equipment and canopy shall be provided and incorporated into the overall design scheme of the development; and
  - d. Barbeque areas with canopy; and
  - e. Community gym equipped with weights and cardio equipment;

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### **Sec. 3.8 Mixed use development**

#### **3.8.1 Mixed use development**

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*B. Principal uses and structures permitted.* The following uses are allowed within the MU development:

- 1. Residential and commercial uses permitted within a MU development as provided by the zoning district where the MU development is located.
- 2. The commercial uses permitted per Schedule B of the LDR are allowed within MU Development as follows:
  - a. ~~The aggregate of the commercial use or uses shall be no greater than an aggregate five thousand (5,000) square feet in gross floor area or ten (10) percent of the total development site, whichever is less and includes the~~ The following uses are allowed:
    - 1. Retail.
    - 2. Restaurant.
    - 3. Personal services.
    - 4. Business and professional offices.
    - 5. Fitness center, gym, health and wellness spa.

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#### *Landscaping and open space requirements.*

- a. Street trees shall be planted and maintained along the street abutting the property where the MU is located in a manner to provide a canopy effect.
- b. The type of street trees may include shade tree, flowering tree and palms. The trees shall be planted at a minimum height and size in accordance with the requirements of Schedule J., Landscape Installation, Irrigation and Maintenance Standards and

Requirements of the LDR. Open space and landscaping shall be required in conjunction with residential uses in a MU development.

- c. MU developments abutting residential zoning districts shall install a 10-ft buffer wall completely screening the property.
- d. MU developments located in commercial and industrial zoning districts shall install a 10-ft buffer wall screening the property. For developments located on Commercial Boulevard an 8-ft buffer wall shall be installed.

~~d-e.~~ The buffer shall be fully landscaped on the interior side of the subject property.

- 3. *Internal roadways requirements.* Internal roadways shall be "pedestrian friendly" including the use of pavers, wide sidewalks, narrow vehicular lanes and parallel parking within the MU development, pedestrian movement and safety shall be given priority. Major parking areas shall be located to encourage walking and discourage internal vehicle trips among the various buildings and uses.
- 4. *Outdoor use requirement.* Outdoor uses and public places shall be designed to connect various buildings and promote pedestrian activity.
- 5. ~~*Recreational amenities.* MU shall be required to provide recreational amenities within the development. Recreational amenities must be ten (10) percent or more of the total acreage dedicated to residential uses. Each MU may consist and other amenities including (but not limited to):~~
  - ~~a. Clubhouse with related parking facilities;~~
  - ~~b. Cabana;~~
  - ~~c. Pool with accessory structures;~~
  - ~~d. tot lot Playground;~~
  - ~~e. Basketball and tennis courts;~~
  - ~~f. Open recreational space with any accessory structures and landscaping~~
  - 5. *Recreational Amenities and open space.* Common open space may be used for amenity or recreation purposes and must be suitably improved for its intended use. Recreational amenities must be ten (10) percent or more of the total square feet dedicated to residential uses. The following amenities shall be provided:
    - a. Swimming pool and associated canopy or recreational water feature if a pool cannot be accommodated; and
    - b. Air-conditioned club house with community conference/meeting room and with restrooms; and
    - c. Playground with playground equipment and canopy shall be provided and incorporated into the overall design scheme of the development; and
    - d. Barbeque areas with canopy; and
    - f. Community gym equipped with weights and cardio equipment;

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### Sec. 5.3 Site plan review process

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G. Public Safety and Security Plan. Each multi-family and mixed used development shall be required to submit a public safety and security plan as part of the final site plan submittal. Said plan shall include graphic and textual materials addressing the following public safety and security issues required by CPTED and provide a plan that includes securing the property and a gated entrance.

1. Provision of natural surveillance.

- a. The placement and design of physical features to maximize visibility. This will include building orientation, windows, entrances and exits, parking lots, walkways, guard gates, landscape trees and shrubs, fences or walls, signage and any other physical obstructions.
- b. The placement of persons and/or activities to maximize surveillance possibilities.
- c. Lighting that provides for nighttime illumination of parking lots, sidewalks, walkways, entrances, exits and pay phones.

2. Provision for natural access control.

- a. The use of sidewalks, pavement, lighting and landscaping to clearly guide the public to and from entrances and exits.
- b. The use of fences, walls or landscaping to prevent and/or discourage public access to or from dark and/or unmonitored areas.

3. Provision of territorial reinforcement. The use of pavement treatments, landscape, art, signage, screening and fences to define and outline ownership of property.

4. Maintenance. The use of low-maintenance landscaping and lighting treatment to facilitate the CPTED principles of natural surveillance, natural access control and territorial reinforcement.

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### Sec. 5.9. Crime Prevention Through Environmental Design (CPTED) review requirements.

5.9.1. A CPTED review for special exception uses, site plans, site plan modifications, landscape plan modifications and sign applications is required. The CPTED site plan review must be completed and signed by one (1) Law Enforcement Officer and one (1) CPTED trained Planner or Building Official and shall be required to respond to all concerns noted by the CPTED reviewers before being scheduled for review before the Development Review Committee or Planning and Zoning Board.

5.9.2. All residential and mixed used developments shall be required to submit a public safety and security plan as part of the final site plan submittal. Said plan shall include graphic and textual materials addressing the following public safety and security issues required by CPTED and provide a plan that includes securing the property and a gated entrance.

### **III DATA AND ANALYSIS**

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

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

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

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

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

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

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

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

Staff concludes the proposed Ordinance meets the intent of the above criteria for amendments to various sections of the land development regulations (LDR) for multi-family and mixed-use developments within the City of Lauderhill.

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

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

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

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

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

The proposed amendment is vital for the future development of mixed-use and multi-family development in the City.

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

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

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

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

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

#### **IV. ATTACHMENTS**

Exhibit A – Ordinance 230-XX-XXX

## **V. FINDINGS AND CONCLUSIONS**

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

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

## **VI. ALTERNATIVE ACTIONS**

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

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

## **VII. RECOMMENDED ACTION**

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



- B. Board recommendation. The proposed Ordinance is scheduled for May 30, 2023, Planning and Zoning Board regular meeting.
- C. City Commission action. First reading of the proposed Ordinance is tentatively scheduled for June 12, 2023 and second reading and adoption on June 22, 2023.

AMENDED 6/12/23