



Item No. 3a

AGENDA ITEM REQUEST FORM

Town Manager

Connie Hoffmann *CH*

Department Submitting Request

Dept Head's Signature

REGULAR
COMMISSION MTG
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

ROUNDTABLE
MEETING
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

- April 26, 2011
- May 24, 2011
- June 28, 2011
- July 26, 2011

- April 15 (5:00 pm)
- May 13 (5:00 pm)
- June 10 (5:00 pm)
- July 15 (5:00 pm)

- April 12, 2011
- May 10, 2011
- June 14, 2011
- July 12, 2011

- April 1 (5:00 pm)
- April 29 (5:00 pm)
- June 3 (5:00 pm)
- July 1 (5:00 pm)

SUBJECT TITLE: PRESENTATION OF ANALYSIS OF TOWN'S PLANNING & LAND DEVELOPMENT REGULATIONS & RECOMMENDATIONS FOR FURTHER ACTION BY PLANNER CECILIA WARD

EXPLANATION: When we began the Master Plan updating process, I was surprised to learn from Walter Keller, the Town's planning consultant for many years, that the Comprehensive Plan had never been updated to reflect the recommendations contained in the 2004 Master Plan and that only a few changes had been made to the land development regulations (LDRs) after the Master Plan was adopted. This seemed incongruous to me, so we engaged the services of a very experienced planner, Cecilia Ward, to review our primary planning regulations and documents to identify what needs to be changed. In addition, we asked her to draft several amendments to our LDRs as a first step in getting some of the needed work done.

Attached you will find three documents – Cecilia's overview analysis, a recommended "To Do" list for the Town to use in addressing the issues she raised in her analysis, and a sample revision to our LDRs (on the topics of Mixed Use/Live Work Units) she prepared. The latter exhibit relates to one of the items on the To Do list. Cecilia has drafted five other code amendments that address other items on the To Do list, but we have not yet had time to review. Once we have reviewed and discussed all of these proposed revisions with her, we will prepare a NOI for some of them, and go through the normal LDR amendment process. But her works gives us a significant head start on accomplishing several of the tasks she has identified need to be done.

Cecilia will make a summary presentation of her findings and recommendations to you.

EXPECTED OUTCOME: Commission becomes aware of the scope of planning work we need to accomplish. It is anticipated that prioritization of the tasks on the To Do list will occur at a later date when we meet to consider how we will accomplish this, the Master Plan projects, and RMA's economic revitalization recommendations.

- EXHIBITS:**
- Exhibit 1: Comparative Analysis of the Town's Planning & Land Development Regulations**
 - Exhibit 2: Recommended To Do list**
 - Exhibit 3: Draft Amendment to LDRs on Mixed Use/Live Work Units**

Town Manager Initials *CH*

EXHIBIT 1

**COMPARATIVE ANALYSIS
OF THE
TOWN OF LAUDERDALE-BY-THE-SEA
PLANNING & LAND DEVELOPMENT REGULATIONS**

MARCH 10, 2011

PREPARED BY:

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I. ENGAGEMENT

In December 2010, the Town of Lauderdale-By-The-Sea retained JC Consulting Enterprises, Inc. to conduct an objective, comparative analysis of the Town's land use and land development regulations for the purpose of identifying challenges and opportunities that may exist within the Town's regulatory documents and to develop recommendations regarding appropriate actions that may be necessary to address the identified issues.

The process for conducting this comparative analysis included the following:

1. Review of the Adopted 2008 Comprehensive Plan, including pending proposed 2010 amendments.
2. Review of existing Zoning and Land Development Regulations.
3. Review of the 2004 Master Plan.
4. Review of the current Town Charter.
5. Review of other planning-related studies, including the Walter Keller 2010 Master Plan Status Report, and 2004 Goodkin Marketing Study.
6. Conduct a site reconnaissance of the Town and surrounding properties.
7. Conduct interviews with Town staff and Town attorney.
8. Conduct research of industry standards, and examples of other municipal land use and zoning regulations that may be appropriate for addressing similar land use and zoning issues.
9. Based on tasks 1-8 – prepare a report summarizing the results of this study

Report Format

This report begins with a summary of findings and recommendations, followed by an overview of the Town's Comprehensive Plan, Land Development Regulations and Master Plan. A table has been provided at the end of this report providing a detailed description of the findings and recommendations based on this comparative analysis.

II. SUMMARY OF FINDINGS

The following provides a summary of the overriding issues that best describe the findings revealed in the comparative review of the Town's planning and zoning documents:

1. Key principles of the Town's adopted Comprehensive Plan are not fully supported by the Town's Land development Regulations:
 - The Land Development Regulations do not fully address all of the goals, objectives and policies and the guiding principles of the Comprehensive Plan, such as in not providing regulations to discourage the conversion of tourist units to condominiums.
 - The "Pyramidal" format of the code allows uses that may be incompatible, to be located within the same zoning district, such as in allowing single family use in an RM-25 zoning district, where hotels/motels are also permitted. [Pyramidal zoning permits the uses allowed in lower density zoning categories to be carried through to the higher density zoning category.]
 - The Comprehensive Plan supports the preservation of hotel / motel uses in the Town, however, the Land Development Regulations make it difficult to renovate and/ or redevelop existing hotel/ motel buildings.
2. The Comprehensive Plan has not been updated to incorporate desirable goals, objectives and policies provided in the 2004 Master Plan. Additionally, the Land Development regulations have not been updated to include many of the zoning and regulatory provisions recommended by the Master Plan.
3. The Land Development Regulations should be reconciled with respect to building height limitations, rezoning and use limitations incorporated in the Town Charter (2006 Charter amendments).
4. The Land Development Regulations contain out of date provisions and are lacking in content with respect to providing new zoning tools that may be needed to help stimulate quality redevelopment, enhance the Town's tourist accommodations and further protect residential areas of the Town from potential development related impacts.

III. SUMMARY OF RECOMMENDATIONS

In response to these issues, recommendations have been provided and are categorized into the following *six* topic areas:

1. **HOTEL/MOTEL USES**

Preserve, enhance, improve and incentivize the Hotel/ Motel building stock and tourist industry.

2. COMMERCIAL BOULEVARD IMPROVEMENTS

Improve Commercial Boulevard, west of SR AIA, to provide for a pedestrian oriented corridor. Determine if "live / work studios" are an appropriate mixed use for west Commercial Boulevard as a way to create a 'niche' in the commercial market.

3. LAND DEVELOPMENT REGULATIONS - PROCESSES AND CRITERIA

Improve development review processes and criteria to reduce the potential for incompatible uses, to preserve and enhance the existing character of the community, to provide neighborhood compatibility standards, to add "smart growth" planning tools, and to ensure that the demand on services and facilities are adequately reviewed.

4. COMPREHENSIVE PLAN

Develop Plan amendments, possibly as part of the 2012 EAR-Based Amendment process, to reflect current goals and conditions including, but not limited to, provisions included in the 2006 Charter, the preservation of annexed multifamily residential areas, and incorporation of desired goals, objectives and policies contained within the 2004 Master Plan.

5. MASTER PLAN

Implement desirable provisions of the Master Plan through the Town's Comprehensive Plan and Land Development Regulations.

6. ARCHITECTURAL DESIGN

Prepare an architectural assessment of existing buildings to define the existing architectural style of the Town and, if practical, develop criteria to preserve and enhance the architectural fabric of the community through the development review process.

Conclusion:

A complete listing of the findings and recommended actions are detailed in **TABLE I - FINDINGS AND RECOMMENDATIONS**, beginning on Page 10 of this report.

These recommendations are meant to serve a variety of purposes, including, but not limited to, providing a foundation for changes to the Town's Comprehensive Plan and Land Development Regulations. It should be noted that all of the recommendations are consistent with and in recognition of the zoning regulations in the Town's Charter.

It is highly recommended that the Town work towards addressing the issues noted in this report to ensure consistency with the Town's Comprehensive Plan, implement desirable provisions of the Master Plan, and update processes and criteria contained within its Land Development Regulations.

IV. REVIEW OF PLANNING AND ZONING DOCUMENTS

A. Comprehensive Plan - State Statute

The role of the Town's adopted Comprehensive Plan ["the Plan"] is to be the Town's policy and decision making guide for future development and the planning of its capital improvements. It is also to be utilized as a way of examining aspects of the current Land Development Regulations and whether or not these regulations implement the Plan.

The requirement for municipalities to do comprehensive planning in Florida derives from Part II of Chapter 163, Florida Statutes. In 1985, the State Legislature amended Chapter 163 through the adoption of the Local Government Comprehensive Planning and Land Development Regulation Act. This Act specified the minimum requirements for local comprehensive plans and their associated infrastructure and other plan elements. The Act also mandates that local governments adopt land development regulations (in the Code of Ordinances) to implement the goals, objectives and policies of the local comprehensive plan.

The Town's Comprehensive Plan is organized into elements (chapters). The Data, Inventory, and Analysis (DIA) of each element is used to provide supporting data and conclusions and serve as a foundation for development of the goals, objectives, and policies contained within that portion of the Plan that is officially adopted by the Town Commission. The DIA section of each element of the Comprehensive Plan is not formally adopted by the Town Commission.

B. Determining Appropriate Future Land Use Needs

The Land Use Needs Analysis is provided in the DIA section of the Plan, which includes a description of existing conditions, and is the basis on which the Future Land Use Plan (FLUP) and all other elements of the Plan are established, including the goals, objectives and policies contained therein.

The importance of the land use needs analysis cannot be underestimated. It is a mandated, integral and fundamental part of the comprehensive planning process because all other parts of the planning process are driven by this analysis. It is also the basis upon which the FLUP has derived its future land use principles.

The FLUP guides the Town's decisions about where and how to respond to future growth and change. The FLUP contains the official Future Land Use Map (FLUM), and provides specific definitions for the future land use categories referenced therein. The Town's official Zoning Map and Land Development Regulations (LDRs) must be consistent with the FLUP.

The FLUP follows the guiding principles contained within the DIA section of the Plan providing for more detailed goals, objectives and policies. It also considers the potential for long-term change in certain areas of the Town.

In order to better understand the relationship between goals, objectives and policies, the Plan provides for the following definitions:

"Goal" means the long term end toward which programs and activities are ultimately directed.

"Objective" means a specific, measurable, intermediate end that is achievable and marks progress towards a goal.

"Policy" means the way in which programs and activities are conducted to achieve an identified goal.

C. Summary of Plan Guiding Principles

Following is a summary of the Plan's guiding principles. Examples and/or clarifications have been provided to assist in the understanding of the applicability of these guiding principles.

Guiding Principle: The future pattern of development in the Town has been determined by the pattern of existing land uses.

[For example, the Plan does not support replacing existing smaller scale hotel/motel uses with 5-star hotel resorts, which would dramatically change the pattern of existing tourist accommodations.]

Guiding Principle: The character of the western area of the Town is defined and future land uses should generally fill in the few vacant lots with types of development which are compatible to the surrounding uses.

[For example, a new "townhouse" development may be allowed within a Low Residential Land Use category, however, the Plan also requires that this type of infill development is to be designed in a manner that is compatible with the surrounding existing development, such as one story detached single family homes.]

Guiding Principle: Development of the commercial area along Commercial Boulevard should continue.

[In that Commercial Boulevard is "developed" - this principle applies to redevelopment of property abutting Commercial Boulevard, which should continue to support the primary function of this boulevard as a commercial use corridor.]

Guiding Principle: Approximately half of the housing and tourist units located in the eastern portion of the Town are nearly forty years old.

[Renovation of the existing "older" buildings within the Town needs to be addressed.]

Guiding Principle: While redevelopment may occur due to the Town's prime coastal location, alternative means to foster this activity may be explored in greater detail.

[Small parcel sizes are one example of current conditions that could potentially hinder redevelopment activity. The Town should evaluate ways to foster quality redevelopment of these properties, while still maintaining the "smaller scale" historical pattern of existing development.]

The Town's Future Land Use Plan also provides the following *overarching set of guiding principles* that work together to guide policy in the Town:

"Irrespective of future redevelopment efforts, the Town Land Use Plan provides for":

- *Discouraging the conversion of tourist units to condominiums;*
- *Encouraging quality commercial development along Commercial Boulevard; and*
- *Protecting its single-family neighborhoods.*

D. Adopted Elements

In addition to the Future Land Use Plan, the Town's Comprehensive Plan also contains "elements" that address housing, transportation, infrastructure, coastal management, conservation, recreation and open space, intergovernmental coordination, and capital improvements. The Plan also contains an Economic Development element, which is optional under the State Statute.

E. Land Development Regulations - Required Consistency

Together, the Plan and implementing land development regulations are intended to ensure that the development patterns for future land uses within the Town match the community vision and quality-of-life expectations of its residents.

With the Comprehensive Plan in place, the Town provides advance knowledge of its "growth management and land development" intentions. Thus, land development regulations are stronger and less susceptible to legal challenges when they are based upon the Plan.

Land Development Regulations are required to implement the goals, objectives, and policies of the Town's Comprehensive Plan.

Chapter 163 defines Land Development Regulations as

"ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or ***any other regulations controlling the development of land...***"[emphasis added].

It should also be noted that the Town's adopted Comprehensive Plan includes this definition as well in its Plan.

F. 2004 Master Plan

The Town hired Peter J. Smith & Company, Inc. to prepare a Master Plan in 2004, the purpose of which was to gain additional community input in key components of the Master Plan including community outreach, a physical component, an economic component, and implementation strategies.

The Town's Master Plan was adopted by the Town Commission in 2004 and incorporates a detailed listing of suggested changes to the zoning code needed to implement design recommendations contained within the Master Plan.

In 2010, the firm of Walter H. Keller, Inc. prepared a report evaluating the status of the strategies proposed within the Master Plan and identifying what aspects were implemented, those that remain to be implemented and those that will not be implemented by the Town. According to that report, because of some concerns with the suggestions, the Town's LDRs have not been revised to incorporate the Master Plan recommendations, and neither the Town's adopted Comprehensive Plan nor the 2010 updates includes any of the goals, objectives and policies included in the Master Plan.

While the Master Plan proposed revisions to the Town's zoning code relative to building heights, streetscape design and standards, to date, the Town has only adopted those recommended Land Development Regulations which assimilated the Broward County zoning code for areas annexed into the Town and included new landscaping standards.

With respect to height, the Master Plan proposed heights that were implemented in the Beach Overlay District. However in 2008, the Town repealed all overlay districts, concluding that the building heights were not consistent with the 2006 amendments to the Town Charter.

V. FINDINGS AND RECOMMENDATIONS

The results of this study are detailed in **TABLE I - FINDING AND RECOMMENDATIONS**.

[Underlined Goals, Objectives and Policies are pending 2010 proposed Comprehensive Plan amendments.]

TABLE I - FINDINGS AND RECOMMENDATIONS		
CATEGORY	PLANNING SUPPORT DOCUMENTATION	FINDINGS AND RECOMMENDATIONS
<p>#1</p> <p>HOTEL/ MOTEL USES</p>	<p><i>Guiding Principle "Irrespective of future redevelopment efforts, the Town Land Use Plan provides for":</i></p> <ul style="list-style-type: none"> <i>Discouraging the conversion of tourist units to condominiums;</i> <p><i>Goal 1.0 Future Land Use Plan</i> To maintain a coastal, resort oriented residential community characterized by a land use mix which reflects a balancing of year round, seasonal and tourist population needs with minimal disruption to natural systems <u>that discourages urban sprawl, is energy efficient and reduces greenhouse gas emissions.</u></p> <p><i>Objective 2.3 Housing</i> Provide for redevelopment of selected multi-family and tourist residential areas in a manner sensitive to existing residents and the Town's historical resources.</p> <p><i>Goal 10.0 Economic Development</i> To promote the continued economic vitality of the Town's seasonal residential and business areas in a manner sensitive to the overall best interests of existing Town residents.</p> <p><i>Objective 10.3.</i> To broaden the tourist market base by encouraging innovation and modernization in the type, character and appearance of local tourist residential and business uses.</p> <p><i>Policy 10.5.2</i> The Town shall emphasize the siting of new beachfront hotels landward of the coastal control building line wherever possible.</p>	<p>A. One of the three guiding principles contained within the Comprehensive is to discourage the conversion of tourist units to condominiums. However, two major condominium developments have replaced existing hotels in the RM-25 zoned area.</p> <p>The current Land Development Regulations (LDRs) make "this principle" difficult to enforce. For example, RM-25 zoning allows residential multifamily as well as motel/ hotel uses. [LDR § 30-241 (a)].</p> <p>Additionally, as noted in the 2004 Goodkin Market study [pg II-12] competition with other Broward County tourist areas, such as Fort Lauderdale, is difficult. This is even truer in the current difficult economic times.</p> <p>B. The Comprehensive Plan discourages the conversion of tourist units for residential uses and recognizes that the renovation and redevelopment of existing motels and hotels are key to the economic vitality of the Town.</p> <p>Current LDR provisions, however, do not provide incentives to otherwise encourage the renovation of existing hotels/ motels, such as in providing a "fast track" site plan review process for renovation of tourist accommodations. The LDRs also limit the ability to renovate existing motels, which would potentially lose grandfathering rights for parking and landscaping as a result of certain renovations.</p>

CATEGORY	PLANNING SUPPORT DOCUMENTATION	FINDINGS AND RECOMMENDATIONS
<p>#1</p> <p>HOTEL/ MOTEL USES</p> <p>Cont...</p>		<p>Revisions to the LDRs are recommended to provide incentives for renovation and preservation of existing tourist units as a means of "discouraging" the replacement of the Town's tourist facilities to residential uses. These incentives may include:</p> <ul style="list-style-type: none"> • Reduced off -street parking requirements, coupled with alternative modes of transportation, such as bike paths, pedestrian paths, shuttle services, shared parking agreements, valet parking and the like. [LDR § 30-318 (c) , 30-321] • Reductions in setback requirements and landscape regulations may also be used as a means to allow for on-site improvement of existing tourist facilities. [LDR § 30-242 (b)] • Renovation of the exterior and interior of existing buildings should be allowed to a greater extent {more than 25% of assessed value/ 50% of replacement cost - LDR § 30-21} without losing grandfathered rights that are currently enjoyed by existing tourist units. • The LDRs prohibit restaurants in small hotels. Allowing restaurants in smaller sized hotels [less than 100 rooms- LDR § 30-241 (b)] would also allow smaller sized hotels to provide food and beverage services for its guests, which may attract a broader market. • The Town should perform a comprehensive analysis of its hotel/ motel accommodations to determine what other types of incentives may be developed to help improve the overall marketability of the existing motel/ hotel stock. [i.e. - LDR § 30-241 (l) re limitations on hotel open areas]. <p>C. In order to preserve the existing character of the Town's hotel/ motel buildings, the Town should also identify opportunities for creating design standards that support the existing architectural style of these buildings, which appears to have "Miami Modern" architectural design characteristics. This would require revisiting the current mandatory "Mediterranean" architectural requirements of the LDRs [§ 30-9 (c) , 30-124 (15)]</p>

CATEGORY	PLANNING SUPPORT DOCUMENTATION	FINDINGS AND RECOMMENDATIONS
<p>#1</p> <p>HOTEL/ MOTEL USES</p> <p>Cont...</p>		<p>This would help to create a more distinctive image for the hotel industry within the Town building on the unique characteristics of the community, and creating a sense of place different from other beachfront communities, the results of which can also be used in marketing the Town for tourism.</p> <p>D. The Charter provides that existing buildings that are legal nonconforming (taller) may be replaced by a new building at the same height that exists. The renovation and/ or replacement of such buildings would also be subject to compliance with other governing limitations, such as the restrictions under the State's "Coastal Construction Line- CCL" regulations.</p> <p>The Town should identify which hotels are legal non-conforming that because of their location and size could be redeveloped at their current height and square footage, consistent with the Charter, to help anchor the hotel industry in the Town. The Town should also proactively work with those hotel property owners to make sure that they are aware of these redevelopment opportunities.</p> <p>E. The Town LDRs permit the rental/ lease of single family and townhouse dwellings as vacation rentals, requiring a business tax receipt. [LDR§ 30-327]. The Town should continue to monitor the legal environment regarding the potential to further regulate vacation rentals of single family homes in single family neighborhoods and the potential impact that this existing practice may have on motels competing for the same tourist business within the community</p>

CATEGORY	PLANNING SUPPORT DOCUMENTATION	FINDINGS AND RECOMMENDATIONS
<p>#2</p> <p>COMMERCIAL BOULEVARD IMPROVEMENTS</p>	<p><i>Guiding Principle "Irrespective of future redevelopment efforts, the Town Land Use Plan provides for":</i></p> <ul style="list-style-type: none"> • <i>Encouraging quality commercial development along Commercial Boulevard; and</i> <p><i>Objective 1.3 Future Land Use Plan</i> To provide for local year round, seasonal and tourist resident needs by maintaining business land uses.</p> <p><i>Policy 1.3.1</i> Support ongoing efforts to maintain and improve existing local retail or other business establishments.</p> <p><i>Policy 1.3.2</i> Continue to evaluate and adopt revisions to planning or regulatory means to improve the appearance of the Town's business areas. Efforts could include local signage regulations, provision or requirement for increased property landscaping and open space.</p> <p><i>Objective 1.6</i> To improve the overall physical appearance of the Town's business and seasonal residential areas.</p> <p><i>Policy 1.6.1</i> Within three years the Town will initiate a Study to develop a set of community development guidelines which, at a minimum, govern signage, color, and facade treatments.</p>	<p>A. The Charter allows development of three habitable stories over a non-habitable first story [see 2006 Town Charter - also see LDRs § 30-30-20 General Provisions - Terms Defined (4) Building Height].</p> <p>If more than 3 stories above grade, up to a maximum of 44 ft in height.</p> <ul style="list-style-type: none"> • First floor must be parking or other supporting uses (storage, lobby, etc.) • If in B district, first floor may also be used for commercial uses if specific parking requirements are met (off street parking provided or no backing onto the street from the parking) • Can have one or more stories below grade <p>However, the LDRs limit the height of commercial uses to 2 stories on 25 ft lot / 3 stories on 50 ft lots. The Comprehensive Plan also contains this same height limiting language [see <i>Policy 1.5.12</i> Commercial land uses shall be limited to 2 stories for 25 foot lots and 3 stories for 50 foot lots.]</p> <p>The Plan and the LDRs should be modified to be consistent with the height maximums permitted by the Charter for commercial zoning districts.</p> <p>B. The Comprehensive Plan calls for continued improvements to provide quality commercial development. The Town should clarify the disposition of areas currently being used for public parking that are fronting the businesses on Commercial Boulevard, to determine if such areas can be improved to encourage and support pedestrian activity. [LDRs 30-124 (c) (2) (b)].</p> <p>If possible, then a coordinated landscape and pedestrian improvement plan should be developed for Commercial Boulevard, in concert with the adjacent property owners, to provide for a uniform, attractive and pedestrian oriented redesign of the parking areas.</p> <p>Awnings, pedestrian arcades, landscaping, and other elements may be used to improve the pedestrian experience in this area, creating a pedestrian promenade that invites customers to park and walk.</p>

CATEGORY	PLANNING SUPPORT DOCUMENTATION	FINDINGS AND RECOMMENDATIONS
<p>#2</p> <p>COMMERCIAL BOULEVARD IMPROVEMENTS</p> <p><i>Cont...</i></p>		<p>Restrictions imposed the design of sidewalks and limitations regarding the placement of awnings and canopies as per LDR § 30-273 (c) and (d) 30-326 (k), should be reviewed and revised to accommodate such improvements.</p> <p>Facade improvements of the businesses may also be achieved through the development of a facade improvement program. Such improvements may be accomplished through the creation and implementation of a business improvement plan supported by grants or other programs where there is a sharing of costs through matching funds to assist property owners in the renovation of existing commercial buildings.</p> <p>C. Adding live work units, such as artists' studios, above retail shops on west Commercial Boulevard, may also be a way of creating a 'niche' market for Commercial Boulevard, as discussed in the "Goodkin Report," [see pg II-9 of that study] and a way of creating commercial destination area for local residents and visitors alike.</p> <p>The LDRs [LDR§ 30-261 (b) (4) and 30-271 ((d))] should be revised to conform with Broward County requirements and limitations on how residential units may be allocated to commercial land use areas. [Note: The Broward County Flexibility Rules permit the Town to revise and rearrange land uses and permit additional residential dwelling units in commercial land use areas without requiring an amendment to the City and Broward County Land Use Plans. The intent of these provisions is support "mixed residential /commercial uses."]</p>

CATEGORY	PLANNING SUPPORT DOCUMENTATION	FINDINGS AND RECOMMENDATIONS
<p>#3</p> <p>LAND DEVELOPMENT REGULATIONS</p> <p>PROCESSES & CRITERIA</p>	<p><i>Guiding Principles: "Irrespective of future redevelopment efforts, the Town Land Use Plan provides for":</i></p> <ul style="list-style-type: none"> • <i>Discouraging the conversion of tourist units to condominiums;</i> • <i>Encouraging quality commercial development along Commercial Boulevard; and</i> • <i>Protecting its single-family neighborhoods</i> <p><i>Objective 1.2. Future Land Use</i> To maintain the Town's year round residential character, with particular emphasis on preserving the single family areas.</p> <p><i>Policy 1.2.1</i> Perpetuate the existing pattern of segregating single family areas from higher density multi-family and tourist oriented land uses.</p> <p><i>Objective 1.4</i> To develop or modify existing local land development regulations to be consistent with the Town's adopted Comprehensive Plan.</p> <p><i>Policy 1.4.1</i> Where necessary, modify all zoning and subdivision regulations to be consistent with the Comprehensive Plan</p> <p><i>Policy 1.4.3</i> Subdivision regulations shall provide for both the timely completion and regular maintenance of required improvements.</p> <p><i>Policy 1.4.4</i> Develop and implement land use programs to encourage the elimination or reduction of existing and the prevention of future incompatible land uses and prevent future incompatible land uses.</p> <p><i>Objective 1.6</i> To improve the overall physical appearance of the Town's business and seasonal residential areas.</p> <p><i>Policy 1.6.1</i> Within three years the Town will initiate a Study to develop a set of community development guidelines which, at a minimum, govern signage, color, and facade treatments.</p>	<p>A. The current structure of the code is "pyramidal" which results in allowing incompatible uses to be located in the same zoning district. Pyramidal zoning is when the uses allowed in lower density zoning category are carried through to the higher density zoning category. For example, Single Family use is permitted in the RM-25 Zoning, which also allows Motel use [LDR§ 30-241 (a)].</p> <p>In trying to prevent a conflict between land uses and to preserve the integrity of zoning districts, especially those established to support and preserve the Town's tourist accommodations, it is suggested that the Town amend its code to classify and segregate the different types of uses by specifically listing in each zone the uses permitted, and allowing only certain uses [i.e. single family in RM-25} as conditional uses. This listing may duplicate previous lists or could be converted to a table of uses for ease of reference. All revisions would need to be reviewed in terms of compliance with the provisions of the Charter regarding changes in uses in residential zoning districts.</p> <p>B. The purpose and intent provisions of each zoning district contained within the LDRs § 30-182 (b) should be improved to provide a greater foundation for and distinction of the different zoning districts. By improving the purpose and intent of each zoning district, the Town will improve the basis the regulations applicable to each district, and thus help the Town in defending itself against legal challenges.</p> <p>C. Consider developing neighborhood compatibility standards (i.e. buffers) for review of certain types of development permitted within areas of the Town that are in close proximity to single family residential neighborhoods. Such standards should be as clear as possible, but also retain some discretion in the application of these standards. [LDRs § 30-241 (c), LDRs - Division 2. Development Review Requirements]</p>

CATEGORY	PLANNING SUPPORT DOCUMENTATION	FINDINGS AND RECOMMENDATIONS
<p>#3</p> <p>LAND DEVELOPMENT REGULATIONS</p> <p>PROCESSES & CRITERIA</p> <p>Cont...</p>	<p><i>Objective 1.8</i> Identify, conserve and protect the Town's historic resources.</p> <p><i>Policy 1.8.1</i> The Town will seek funding to conduct an archaeological and historic survey. If funding is obtained, this survey will be completed within one year of receiving funding.</p> <p><i>Policy 1.8.2</i> Review and investigate revising the Town's Land Development Code to promote the conservation and preservation of historic resources in coordination with state and federal law.</p> <p><i>Objective 1.10</i> <u>The Town will promote "Smart Growth" type initiatives providing for energy efficient development and land use patterns which also account for existing and future electrical power generation and transmission systems in an effort to discourage urban sprawl and reduce greenhouse gasses.</u></p> <p><i>Policy 1.10.01</i> <u>The Town shall emphasize re-development and infill, which concentrates the growth and intensifies the land uses consistent with the availability of existing urban services and infrastructure in order to conserve natural and man-made resources.</u></p> <p><i>Policy 1.10.02</i> <u>The Town will encourage and implement the use of compact building design principles which preserve more open space, contain mixed use, support multimodal transportation options, make public transportation viable, reduce infrastructure costs and take advantage of recycled building materials.</u></p> <p><i>Policy 1.10.03</i> <u>The Town will encourage and implement energy conservation and the reduction of greenhouse gasses by encouraging land developers and builders to implement the Florida Green Building Coalition, US Green Building Council Leadership in Energy and Environmental Design (LEED) which generally include the following:</u> <u>Use of compact building design; energy efficient street lighting; energy efficient automobiles/transit;</u> <ul style="list-style-type: none"> • <u>Priority use of small properties in urban areas; use of "brownfield" lands that can be cleaned; use of lands close to sewer and power lines; mass transit or green space;</u> • <u>Use of very efficient clothes washers; Low-flow toilets or waterless urinals; use of reclaimed water; innovative irrigation or drought tolerant plants; use of rain gardens.</u> </p>	<p>D. Modify and/or remove levels of review, and streamline all development review procedures, especially for development that maintain the scale of existing development. Encourage upgrades to older buildings by reducing the time it takes to obtain site plan approval. (i. e requiring staff level site plan review -within certain parameters - as provided to a degree in Minor Review - LDRs § 30-54 (h).</p> <p>E. The Town should review current development procedures to ensure that proper time periods are also established for applicants to respond to development review comments and provide for expiration of applications that are not amended within a certain period of time (i.e. 60-days from development review by the Town). Time limits are provided in LDRs § 30-54, for review of development applications. However, there does not appear to be a "time limit" on the submission of revised/ amended application. This can result in projects pending/ and lagging over a period of years, which may no longer be deemed appropriate or may not be subject to new regulations imposed by the Town.</p> <p>F. Consider "fast track" permitting [i.e. expedited building permit reviews] for certain types of renovation and redevelopment. Develop a cost recovery program to assist the Town in recapturing the cost of "fast track" development review.</p> <p>G. Review development processes and fees in an effort to reduce costs for housing improvements.</p> <p>H. The LDRs should be revised to also include and /or provide for greater detail regarding development standards that support smart growth design principles, best management construction techniques, environmental protection, reduction of greenhouse gas emissions, green building design (i.e. green roofs), CPTED, etc., as part of the site plan review process. [LDRs § 30-241(d) (2) should be reviewed to encourage green roof treatments - - Article VII. Landscape Code §30-471 mentions CPTED but does not expound on how these principles can be properly addressed].</p>

CATEGORY	PLANNING SUPPORT DOCUMENTATION	FINDINGS AND RECOMMENDATIONS
<p>#3</p> <p>LAND DEVELOPMENT REGULATIONS</p> <p>PROCESSES & CRITERIA</p> <p><i>Cont...</i></p>	<p><u>bioswales and cisterns;</u> <u>•Use of light-colored exterior walls; buildings shaded on the east and west by trees; properly sized air-conditioners; use of ceiling fans; energy efficient appliances and indoor lighting; efficient well-pumping; use of alternate electrical grids, and/or use of wind/solar/natural gas energy;</u> <u>• Use of building materials with recycled content; eco-friendly insulation; lumber from sustainable sources; or locally produced materials; and</u> <u>• Use of detached garage; carbon monoxide alarm; central dehumidification systems; energy efficient bathroom exhaust fans with timer; humidistat whole house filtration.</u></p> <p><i>Goal 2.0 Housing</i> <i>To ensure that structurally safe and adequate residential shelter is available to all residents and visitors of the Town using energy efficient design and construction principles and renewable energy resources.</i></p> <p><i>Objective 2.3</i> Provide for redevelopment of selected multi-family and tourist residential areas in a manner sensitive to existing residents and the Town's historical resources.</p> <p><i>Policy 2.3.1 Housing Element</i> Support redevelopment proposals, which maintain the overall scale of the Town through proper height and bulk designs.</p> <p><i>Policy 2.3.2</i> Require appropriate perimeter buffers or landscape treatments in all residential development proposals.</p> <p><i>Policy 2.3.3</i> Modify local subdivision regulations so as to preclude back-out parking on the Town's arterial or collector roadways.</p> <p><i>Policy 2.3.4</i> Require all redevelopment proposals provide a summary of impacts on adjacent local historical resources.</p> <p><i>Policy 2.4.4</i> Amend the Zoning regulations to provide criteria for siting group homes and foster care facilities consistent with F.S. 419 as defined and described as special residential facilities in the Plan Implementation Section of this Comprehensive Plan</p> <p><i>Policy 2.4.5</i> Review existing regulatory procedures which establish the procedures, applications, permits and fees required for constructing or</p>	<p>I. Include LDR standards to provide for protection of archaeological and historic resources as part of site plan review process. [Should add to adequacy review criteria - LDRs § 30-71 (3)].</p> <p>J. Group & foster care homes are included residential categories as per Florida Statutes is addressed in LDRs. Should consider revising Housing Element of Plan to reflect compliance with these provisions.</p> <p>K. Provide for open space definitions and standards. LDRs Article VII Landscape Code should be reviewed by the Town to determine if such definitions and standards have been adequately addressed.</p> <p>L. School concurrency is addressed in LDRs § 30-71 (h), however, this section should also be revised to incorporate the new provisions of Plan, once adopted by the Town.</p> <p>M. Develop community design standards re business signage, color, facade improvements and address backout parking issues, other minimum design standards (i.e. lot coverage, floor area, etc.) that more appropriately reflect the existing architectural style and development pattern of the Town. This would require revisiting the current mandatory "Mediterranean" architectural requirements of the LDRs [§ 30-9 (c), 30-124 (15)].</p> <p>It is recommended that the Town revisit the Mediterranean style requirements of the LDRs in light of the GOPs of the Plan which encourage preservation of the existing character of the Town.</p> <p>Additionally, whatever style is determined to be appropriate and desirable, clearly defined standards/architectural guidelines should be developed, which do not exist in the current LDRs.</p> <p>N. Other LDR provisions that should be reviewed:</p> <ul style="list-style-type: none"> • § 30-11 Procedures and requirements for rezoning - should be revisited in relation to the limitations imposed for rezonings in the 2006 Charter. • § 30-446 - re size of PUD sites (min. 5 acres)

CATEGORY	PLANNING SUPPORT DOCUMENTATION	FINDINGS AND RECOMMENDATIONS
<p>#3</p> <p>LAND DEVELOPMENT REGULATIONS</p> <p>PROCESSES & CRITERIA</p> <p>Cont...</p>	<p>modifying housing units and eliminate those procedures, applications, permits and fees which unnecessarily add to the cost of housing.</p> <p><i>Policy 3.3.6 Recreation and Open Space</i> Amend the Land Development Regulations to provide specific open space definitions and standards.</p> <p><i>Policy 5.1.2 Coastal Management</i> Review and, where necessary, modify local development regulations to ensure that development projects utilize best management construction techniques</p> <p><i>Objective 8.6 Capital Improvements</i> <u>The Town of Lauderdale-By-The-Sea, in collaboration with the School Board, Broward County and non-exempt municipalities shall ensure that public school facilities are available for current and future students consistent with available financial resources and the adopted level of service (LOS).</u></p> <p><i>Objective 10.3.Economic Development</i> To broaden the tourist market base by encouraging innovation and modernization in the type, character and appearance of local tourist residential and business uses.</p> <p><i>Policy 10.3.2</i> In conjunction with Community Design efforts, the Town's Planning and Zoning Board shall undertake a review of the local Zoning Code oriented to potential revisions in the following areas:</p> <p>a. on-site parking with regard to limiting back-out parking on arterial and main collector roadways;</p> <p>b. improvements to landscape requirements;</p> <p>c. implement recent Charter amendments on height;</p> <p>d. address finished floor requirements east of El Mar Drive;</p> <p>e. maximum lot coverage, minimum floor area, per unit lot area and parcel size requirements;</p> <p><i>Policy 10.3.3</i> Working with the local business community and based in part on the Design Guidelines study, the Town shall continue to modify the Land Development Regulations and consider enacting 'amortization' Ordinances for landscaping, building facade and signage modifications on existing hotel and business properties.</p>	<p>does not appear to be a realistic minimum. As such, the Town should revisit the concept of PUD to determine if this type of zoning tool should be modified to permit a smaller site size application to allow for desirable uses. These provisions should also be revisited in terms of the 2006 Charter limitations on rezonings.</p> <ul style="list-style-type: none"> • Article IX - Notice of Pending Land Development Regulations - this section of the LDRs should be revisited in terms of the 2006 Charter limitations on changes to the LDRs. <p>O. The Town is in the process of reviewing its parking regulations with respect to restaurants. It is recommended that a comprehensive analysis of the parking regulations and the demand for parking for all business related uses also be performed in order to identify changes to the Land Development Regulations with respect to shared parking, valet parking, parking reductions for alternative modes of transportation (i.e. shuttle services), etc . [LDRs § 30-314].</p>

CATEGORY	PLANNING SUPPORT DOCUMENTATION	FINDINGS AND RECOMMENDATIONS
<p>#4</p> <p>COMPREHENSIVE PLAN</p>	<p>Policy 1.2.3 Approve density increases or mixed use designations only after determining the proposal will have minimal negative impacts to existing residential areas and are consistent with the Comprehensive Plan and the Town Charter.</p> <p><i>Policy 1.5.2</i> Within the Town, maintain the Town's low rise, pedestrian scale in the review of future development and redevelopment considerations consistent with the Town Charter.</p> <p><i>Policy 1.5.4</i> Utilize the Flexibility provisions of the Broward County Land Use Plan to develop zoning overlays for proposed redevelopment areas. Initiate a review of the Hospitality Zoning Overlay District, the Town Village Overlay District and the Marina Village Overlay District and identify needed changes and or revisions.</p> <p><i>Policy 1.5.12</i> Commercial land uses shall be limited to 2 stories for 25 foot lots and 3 stories for 50 foot lots.</p> <p><i>Policy 10.3.4 Economic Development</i> Implement the Block 15 Planning Study providing additional density for tourist units in the area bounded on the east by El Mar Drive, on the south by Datura Avenue, on the West by SR A1A and on the north by the alley separating the Business and RM-25 Zoning District. The additional density will provide for sixty (60) hotel motel units per net acre to encourage the construction of new tourist units in the Town. Note the 60 hotel – motel units per net acre is consistent with the Broward County 50 hotel – motel units per gross acre. This provision does not increase the existing residential density of 25 units per acre.</p> <p><i>Objective 10.6</i> Provide for the perpetuation of the overall low-rise, pedestrian oriented atmosphere of the southern portion of the Town consistent with the Charter.</p> <p><i>Policy 10.6.1</i> Maintain Plan land use designations and current building height limitation consistent with the Charter</p>	<p>A. The Town is mandated to evaluate its adopted Comprehensive Plan in 2012. Every seven years, local governments must prepare an evaluation and appraisal report (EAR) assessing progress in implementing their comprehensive plan. This evaluation is a significant event in a community's planning program. It provides a formal occasion for the community to assess progress in attaining the adopted goals, objectives and policies and an opportunity to review them for continuing relevance.</p> <p>B. Provisions should be included in the 2012 update of the Comprehensive Plan to add guiding principles regarding protection and preservation of the established multi-family residential neighborhoods located within the Town.</p> <p>C. The EAR-based process also provides an <i>opportunity</i> and an appropriate venue for the Town to solicit public input in determining if any of the goals, objectives, policies, or other recommendations contained within the Master Plan should be incorporated into Town's Comprehensive Plan.</p> <p>D. The Town should evaluate whether to delete Policy 1.5.4 "Utilize the Flexibility provisions of the Broward County Land Use Plan to develop zoning overlays..." if it no longer reflects the desired approach of the Town.</p> <p>E. The Town should also determine if it is appropriate to modify the Plan so that it is "not so specific" in terms of standards that are otherwise provided for in the Charter and Land Development Regulations. (i.e. Policy 1.5.4)</p> <p>F. Amendments to the Charter in 2006 also warrant a review of the Goals, Objectives and Policies of the Plan to coordinate with these recent changes to the Charter. Policies 1.2.3, 1.5.2, 1.5.13, 10.3.2, Objective 10.6, and Policy 10.6.1, also need to be re-visited, so as to ensure optimal reflection of the new language contained within the 2006 Charter.</p>

CATEGORY	PLANNING SUPPORT DOCUMENTATION	FINDINGS AND RECOMMENDATIONS
<p>#5</p> <p>MASTER PLAN</p>	<p>The 2004 Master Plan is a long range plan that was intended to guide growth and development within the Town.</p> <p>It includes analysis, recommendations, and strategies for addressing the Town's economy, housing, transportation, community facilities, and land use. It is based on public input, surveys, planning initiatives, existing development, physical characteristics, and social and economic conditions.</p>	<p>A. The Master Plan is not a zoning document, and therefore the recommendations in this plan are only for guidance. As such, the Master Plan cannot be used for regulatory purposes. This can only be achieved through language provided the Comprehensive Plan and the Land Development Regulations.</p> <p>B. A review of the 2004 Master Plan reveals that a significant amount of public input and community involvement was solicited and that input was, for the most part, the basis for the goals, objectives and policies and other recommendations contained therein.</p> <p>In light of the above, the Town is in the process of revisiting the goals, objectives, policies, and recommended design guidelines contained in the Master Plan to determine which provisions are still appropriate and applicable to the Town's present circumstances, and to determine if the recommendations contained therein are supported by the community. The Town is not re-reviewing anything that is in conflict with the Charter.</p> <p>Once this process is complete, it is recommended that the accepted provisions of the Master Plan be incorporated into the Town's Comprehensive Plan and Land Development Regulations, as deemed appropriate, to ensure compliance with the provisions.</p>

CATEGORY	PLANNING SUPPORT DOCUMENTATION	FINDINGS AND RECOMMENDATIONS
<p>#6</p> <p>ARCHITECTURAL DESIGN CRITERIA</p>	<p>The Town has a very unique character that is evident in the existing architectural elements of its residential and nonresidential buildings.</p>	<p>A. The Land Development Regulations call for a "Mediterranean" style of architecture for new development and renovations to existing buildings. LDRs [§ 30-9 (c), 30-124 (15)].</p> <p>B. This mandated architectural style may be contributing to a reduction in the preservation of the established architectural characteristics of the Town that is reflected in its older buildings, which is in conflict with the Town's Comprehensive Plan.</p> <p>C. The Town should consider having an architectural assessment prepared to define the existing architectural style of the Town and, if practical, preserve and enhance the architectural fabric of the community through the development review process.</p> <p>D. In order to preserve the existing character of the Town's hotel/ motel buildings, the Town should also identify opportunities for creating design standards that support the existing architectural style of these buildings, which appears to have "Miami Modern" architectural design characteristics.</p>

Footnotes:

- 1) All references to the Town's Adopted Comprehensive Plan, 2004 Master Plan, 2006 Town Charter, Goodkin Report, Walter Keller 2010 review of Master Plan, and Adopted Land Development Regulations are public records, copies of which are on file with the Town.
- 2) All references to the Town Zoning Map and Future Land Use map are public records, copies of which are on file with the Town.
- 3) Ordinances recently enacted or under consideration by the Town Commission, regarding outdoor dining, parking regulations for restaurants, and specific uses permitted in the business zoning districts, as provided by the Town's Development Services Director, are public records, copies of which are on file with the Town.

EXHIBIT 2

TOWN OF LAUDERDALE -BY-THE - SEA COMPARATIVE ANALYSIS

RECOMMENDED "TO DO LIST"

HOTEL / MOTEL USES

1. Perform Existing Conditions Analysis to:
 - a. Determine appropriate LDR incentives for renovation and preservation of existing tourist units.
 - b. Identify opportunities for creating design standards that support the existing architectural style of these buildings.
 - c. Identify which hotels are legal non-conforming that because of their location and size could be redeveloped at their current height and square footage, consistent with the Charter.
 - d. Proactively work with hotel property owners to make sure that they are aware of these redevelopment opportunities.

2. Other actions:
 - a. Monitor the legal environment regarding the potential to further regulate vacation rentals of single family homes.

COMMERCIAL BOULEVARD

3. Clarify the disposition of areas currently being used for public parking that are fronting the businesses on Commercial Boulevard to determine if such areas can be improved to include pedestrian amenities.

4. Develop a coordinated landscape and pedestrian improvement plan for Commercial Boulevard.

5. Review LDR restrictions imposed on the design of sidewalks and limitations regarding the placement of awnings and canopies.

6. Develop a facade improvement program for business fronting on Commercial Boulevard.

7. Adding live-work units as a permitted use in commercial zoning, limited to businesses fronting on Commercial Boulevard.

8. Add mixed use provision to the LDRs to conform to Broward County Flexibility Rules regarding mixed use development.

GENERAL LDR RECOMMENDED CHANGES

9. Amend LDRs to remove pyramidal zoning by classifying and segregating the different types of uses to be permitted in each zone.
10. Require conditional use review and approval for uses that may not be appropriate in all locations within the district. Provide for conditional use standards.
11. Revise the purpose and intent provisions of each zoning district to provide a greater foundation for and distinction of the different zoning districts.
12. Provide neighborhood compatibility standards for review of certain types of development applications (i.e. Major Site Plan) and for development that is in close proximity to single family residential neighborhoods.
13. Modify and/or remove levels of review, and streamline all development review procedures, especially for projects that maintain the scale of existing development.
14. Review current development procedures to ensure that proper time periods are also established for applicants to respond to development review comments and provide for expiration of applications that are not amended within a certain period of time (i.e. 60-days from development review by the Town).
15. Provide for "fast track" building permit reviews for certain types of renovation and redevelopment (i.e. single family renovations, hotel/ motel renovations, etc.).
16. Review development processes and fees in an effort to reduce costs for housing improvements.
17. Revise LDR standards to include and /or provide for greater detail of the following elements as part of the site plan review process:
 - smart growth design,
 - best management construction techniques,
 - environmental protection,
 - reduction of greenhouse gas emissions,
 - green building design (i.e. green roofs),
 - Crime Prevention Through Environmental Design
 - Preservation of archaeological and historic resources.
18. Review LDRs to determine if amendments are needed to the Landscape Code to provide for open space definitions and standards.
19. Revise LDRs to expound on new school concurrency provisions, as required in the City's amended Comprehensive Plan.
20. Revise the LDRs to include desirable provisions contained within the Master Plan.

LDR REVIEW RELATED TO 2006 CHARTER

21. Review LDRs to ensure that the following provisions adequately reflect the limitations/and allowances imposed by the 2006 Charter:
 - Height maximums permitted by the Charter.
 - LDR procedures and requirements for rezoning.
 - PUD provisions of the code.
 - Notice of Pending Land Development Regulations.

ARCHITECTURAL DESIGN ANALYSIS

DEVELOPMENT OF ARCHITECTURAL AND DEVELOPMENT DESIGN STANDARDS

22. Perform an analysis of the existing architectural characteristics of the community.
23. Based on the results of this analysis, develop architectural and community design standards (i.e. business signage, color, facade improvements, lot coverage, floor area, etc.) to preserve and enhance the existing architectural character and site design standards.

PARKING NEEDS ANALYSIS

24. Conduct a comprehensive analysis of the parking regulations and the demand for parking for all business related uses.
25. Include smart growth principles, such as shared parking, parking reductions for alternative modes of transportation (i.e. shuttle services), as well as other ways to reduce parking requirements through valet parking alternatives.

COMPREHENSIVE PLAN REVISIONS

26. Revise Housing Element of the Comprehensive Plan to reflect compliance with Florida Statutes regarding providing for group and foster care homes.
27. Revise GOPs that are inconsistent with the 2006 Charter.
28. Revise the Plan to include desirable GOPs of the Master Plan.
29. Revise GOPs to reflect updated provisions of the LDRs.

EXHIBIT 3

BACKGROUND - MIXED USE/LIVE WORK UNITS

Live-work units are a type of mixed-use development, combining commercial space within the same structure as a residential living space for the business owner. They have similar benefits to mixed use development and eliminate altogether the need to commute to work. In addition, they can provide affordable work and housing space, meet the needs of special groups such as artists, and serve to incubate new businesses. Both large and small cities have provided for live-work housing and some are proactively recruiting artists to the community as a part of its economic development strategy.

A. Mixed use development. The following Mixed Use provisions permit a vertical mix of commercial and residential uses within the same building within the B-1 zoning district, limited to commercial uses fronting on Commercial Boulevard, west of State Road AIA.

B. The purposes of encouraging MXU development on Commercial Boulevard is to:

- (1) Accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor and residential units above the nonresidential space;
- (2) Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets; and
- (3) Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

C. *Definitions.*

1. "Mixed-use Building" means a building that contains at least one floor devoted to allowed nonresidential uses and at least one devoted to allowed residential uses.

D. *Mixed use development on commercial land use designated parcels.* The Town may permit a mixed use development when the development site has a commercial land use designation, subject to the following:

1. Approval of an allocation of available flexibility units, without the need to amend the city's land use plan or rezone land, as per Section *[TBD]* Flexibility Rules.
2. The residential floor area of the MXU does not exceed fifty percent (50%) of the gross floor area of the building;
3. Business uses shall be limited to the floor(s) below the residential use;
4. Locational Limitation: Limited to properties fronting on Commercial Boulevard, west of State Road AIA.

D. *Permitted uses.*

1. Live/Work Space located above the ground floor.
2. Work/ Sales Space located on the ground floor.
3. Dwelling Units located above the ground floor, up to a maximum of *[TBD]* unit per MXU building du/ac and not to exceed a maximum density of *[TBD]*, whichever is less.
4. Any neighborhood commercial use permitted in B-1 zoning district.

E. *Parking requirements.* The total number of required off-street parking spaces for a MXU shall be equal to the sum of the required parking for each use as if provided separately. For Live / Work MXU the total required parking will be equal to the parking required for the nonresidential commercial use only. See Section 30-314, Off-Street Parking Requirements.

H. *Landscaping and open space requirements.* MXU Developments shall be required to meet the vehicular use area requirements as provided in Article VII. Landscape Code, for the non-residential commercial use only.

K. *Town Commission Review Required for Allocation of Flexibility Units.* A Major Site Plan is required for a MXU in accordance with Article IV. Site Plan Procedures and Requirements. In addition to the requirements contained herein, the Town shall verify that the conditions set forth in Section [TBD] Flexibility Rules of the LDRs, have also been met.

Flexibility Rules

A. *Flexibility rules.* Flexibility rules permit the Town to revise and rearrange land uses and permit residential dwelling units on commercial land use designated properties without requiring an amendment to the Broward County Land Use Plan (BCLUP).

B. *Definitions.*

1. *Flexibility zones:* Flexibility zones (FZ) are fixed geographic areas within the Town, designated on the BCLUP which provide limits on the number of additional dwelling units and additional commercial acreage which may be permitted by the Town's plan.
2. *Flexibility units:* Flexibility units are the total number of additional dwelling units permitted by the BCLUP above the total number of dwelling units allowed within the same FZ by the Town's LUP.

C. *Determination by the Town of available residential dwelling units*

1. If a sufficient number of units are available to allocate flexibility units to a parcel, the Town may allocate the units for mixed use development, as provided in Section [TBD] Mixed Use Development, provided that the FZ and regulations of the LDRs are met.
2. The Town shall maintain a log of the number of available flexibility units, the number of flexibility units assigned to parcels and the reason for assigning units to a parcel.