

SECTION 47-12. CENTRAL BEACH DISTRICTS

Sec. 47-12.1. List of districts

- A. PRD - Planned Resort.
- B. ABA - A-1-A Beachfront Area.
- C. SLA - Sunrise Lane.
- D. IOA - Intracoastal Overlook Area.
- E. NBRA - North Beach Residential Area.
- F. SBMHA - South Beach Marina and Hotel Area.

Sec. 47-12.2. Intent and Purpose of each District

- A. *Applicability.* The provisions of this section shall apply to all development and reuse of land in the central beach area, except for painting, cleaning and other activities incidental to ordinary maintenance.
 - 1. *PRD - Planned Resort Development District* is established for the purpose of promoting the development and redevelopment of the area immediately north of Las Olas Boulevard, generally between the Atlantic Ocean and the Intracoastal Waterway, as a high quality, public and private mixed use area that is the focal point of the central beach as a destination resort and county-wide asset. The district is intended to permit and facilitate the redevelopment of the area as a world-class resort that is commensurate with the character and value of the Atlantic Ocean and the city's long-time reputation as a tourist destination.
 - 2. *ABA - A-1-A Beachfront Area District* is established for the purpose of promoting high quality destination resort uses that reflect the desired character and quality of the Fort Lauderdale beach and improvements along A-1-A. The district is intended as a means of providing incentives for quality development and redevelopment along a segment of A-1-A and to ensure that such development is responsive to the character, design and planned improvements as described in the revitalization plan.
 - 3. *SLA - Sunrise Lane Area District* is established for the purpose of encouraging the preservation, maintenance and revitalization of existing structures and uses that make up the distinct neighborhood south of Sunrise Boulevard. Existing residential and commercial uses and transient accommodations represent a substantial resource of this central beach area to be protected, preserved and enhanced.
 - 4. *IOA - Intracoastal Overlook Area District* is established for the purpose of encouraging the preservation, maintenance and revitalization of existing structures and uses that front on the eastern Intracoastal Waterway. Existing residential uses and transient accommodations represent a substantial element of the central beach housing stock to be protected, preserved and enhanced.

5. *NBRA - North Beach Residential Area District* is established for the purpose of encouraging the preservation, maintenance and revitalization of existing structures and uses that make up the distinct neighborhood that occurs in the center of the north beach area. Existing residential and transient accommodations represent a substantial resource of the central beach area to be protected, preserved and enhanced.
6. *SBMHA - South Beach Marina and Hotel Area District* is established for the purpose of promoting high quality destination resort uses including the Swimming Hall of Fame that reflect the character and quality of the Fort Lauderdale Beach, the Intracoastal Waterway and the marinas that have been developed to the north and south of Bahia Mar. The district is intended as a means of providing incentives for quality development and redevelopment along the Intracoastal Waterway and to preserve, protect and enhance the existing character, design and scale of the area along A-1-A.

Sec. 47-12.3. - Definitions.

- A. The following words when used in this section shall, for the purposes of this section, have the following meanings:
 1. *Allocable capacity trips*. Also referred to as ACTs, the average daily trips on roadway links identified in the interlocal agreement and allocable to development within the central beach area pursuant to the provisions of this section.
 2. *Beach development permit*. An authorization to apply for a building permit to carry out development within the central beach area.
 3. *Central beach area*. Also referred to as the "CBA," the area lying south of Sunrise Boulevard, west of the Atlantic Ocean, east of the Intracoastal Waterway and north of the south boundary of the plat of Bahia Mar lying west of State Road A-1-A.
 4. *Active use*. A use designed to encourage human presence, with the intent to create visual engagement between the building façade and the public realm. Active uses can include, but are not limited to residential dwellings, office space, restaurant, retail or commercial uses, lobby or building amenities with the intent to enliven building facades that front a street by creating a sense of human presence, safety, and comfort, especially at the ground floor.
 5. *County interlocal agreement*. The interlocal agreement between the county and the city relating to traffic capacity in the central beach area effective on August 1, 1989.

6. *Design Compatibility Point System.* A system evaluating a project's design for compatibility and community scale on the basis of points allocated or accumulated in accordance with criteria set forth in the ULDR.
7. *Design guidelines.* The private sector design and architectural guidelines provided in this section.
8. *Design professional.* An architect or landscape architect as defined in the Florida Statutes or a member of the American Institute of Certified Planners, however, such person shall not be required to be licensed to practice in the State of Florida.
9. *Development.* The use of any structure, the change, expansion or addition to any use, the carrying out of any building activity, or the making of any change in the appearance of any structure, land or water, or the subdividing of land into two or more parcels; provided, however, that building activity that is carried out exclusively within a previously constructed structure or affects only the exterior color of the structure shall not be considered development.
10. *Floor area ratio.* Also referred to as FAR, the gross floor area of a structure on any parcel divided by the area of that parcel.
11. *High-rise structure.* Any structure greater than four stories.
12. *North Beach Area.* Those portions of the "North Beach Area" as defined and bounded by State Road A-1-A on the East, the historic property known as Bonnet House on the North, the Intracoastal Waterway on the West and by Bayshore Drive, inclusive of the remainder of the Fort Lauderdale Surf Club Co-op subdivision #504201PY, more specifically described as Lots 11, 12, 13 and the south 100 feet of Lot 14 of the Birch Estates Plat recorded in PB 24, Page 24 of the public records of Broward County, Florida, on the South.
13. *Parcel of land.* Any quantity of land and water capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.
14. *Person.* An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest or any other legal entity.

15. *Planned resort development district.* Also referred to as the "PRD," the zoning district created and defined within the central beach area as provided in this section.
16. *Planning department.* The department of planning, zoning and building of the city under the direction of the head of such department.
17. *Plaza/gathering area.* An area located outside of the right-of-way, typically between a building and a street, or along a pedestrian path which promotes visual and pedestrian access onto the site and provides pedestrian-oriented amenities and landscaping to enhance the public's use of the space for activities such as resting, reading, and outdoor dining.
18. *Podium.* The portion of the building extending from the ground to the shoulder, also referred to as "pedestal".
19. *Primary Street.* Primary streets are characterized by active uses at the ground floor with taller and more intensive buildings fronting the street creating a consistent streetwall. Primary Streets typically feature a full complement of pedestrian amenities, including wide sidewalks, on street parking, and a well-developed streetscape, which may include open space for public use. Primary Streets are the principal urban streets and are intended to be well used by vehicles and pedestrians and to be the primary transit routes.
20. *Public right-of-way.* The entire width between the boundary lines of every way or place of whatever nature when any part thereof is or may be opened to the use of the public for purposes of vehicular or pedestrian traffic.
21. *Reserve capacity trips.* Also referred to as RCTs, the average daily trips on each of three roadway links which results from the roadway improvements as identified in the interlocal agreement.
22. *Restaurant.* A building or room where food is prepared and served for pay and for consumption on the premises, and where alcoholic beverages may be served in conjunction with the sale of food.
23. *Reviewing authority.* The planning department, planning and zoning board or city commission authorized to review a development as provided in Section 47-24, Development Permits and Procedures.
24. *Secondary Street.* Streets other than primary streets which support a smaller scale of compatible uses transitioning from the higher intensity primary streets

that are more urban in nature to existing residential and commercial neighborhoods, which are lower in scale and intensity. Secondary streets offer a combination of a mix of uses, but at less intensity and with less vehicular traffic while, maintaining a pedestrian friendly environment.

25. *Setback or yard.* Setbacks and yards shall be defined as provided in Section 47-2, Measurements, except as provided herein. Yards are the distance between the boundary line of a lot and structure measured at ground level. Setbacks are the distance between the boundary line of a lot and structure measured above ground level. The distance required for yards and setbacks as provided in this section shall be the same except when a setback or yard requirement is based on the height of a structure, different setbacks for different portions of a structure may be established and shall be based on the distance from the ground to such heights of the structure where a setback is to be determined and measured between the boundary line and the structure at such height.
26. *Shoulder.* The portion of a building below the horizontal stepback between a tower and a pedestal.
27. *Stepback.* The horizontal dimension that defines the distance between the face of the tower and the face of the pedestal, also referred to as “Shoulder stepback” or “Tower Stepback”.
28. *Streetwall.* The building façade adjacent to the street, along and generally parallel to the lot-line.
29. *Tower.* The portion of a building extending upward from the pedestal.

Sec. 47-12.4. - List of permitted, conditional and prohibited uses, Central beach district.

- A. List of permitted and condition uses, Planned Resort (PRD), A-1-A Beachfront Area (ABA); Sunrise Lane (SLA); Intracoastal Overlook Area (IOA); North Beach Residential Area (NBRA); South Beach Marina and Hotel Area (SBMHA).

Use Type	Zoning District					
	PRD	ABA	SLA	IOA	NBRA	SBMHA
Key:						
P - Permitted						
C - Conditional						
* Permitted as primary use, only in those portions of the ABA and NBRA Districts that are located within the North Beach Area as defined in Section 47-12.3						
Commercial Recreation						
Amphitheater						C
Indoor Motion Picture Theater, less than Five Screens		*P			*P	
Museums	P					P
Performing Arts Theater, less than 300 Seats		*P			*P	P
Aquatic Center						C

Use Type	Zoning District					
	PRD	ABA	SLA	IOA	NBRA	SBMHA
Key:						
P - Permitted						
C - Conditional						
* Permitted as primary use, only in those portions of the ABA and NBRA Districts that are located within the North Beach Area as defined in Section 47-12.3						
Active and Passive Park, see ULDR, Section 47-18.44	P	P	P	P	P	P
Food and Beverage Sales and Service						
Bakery Store	P	*P	P		*P	P
Bar, Cocktail Lounge (See Section 47-12.4.B.1.j)	P	P	P			P
Candy, Nuts Store	P	*P	P		*P	P
Coffee Shop	P	P	P	P	P	P
Delicatessen	P	P	P		P	P
Food and Beverage Carry-Out, No Drive-Thru		*P			*P	
Fruit and Produce Store		*P			*P	

Use Type	Zoning District					
	PRD	ABA	SLA	IOA	NBRA	SBMHA
Key:						
P - Permitted						
C - Conditional						
* Permitted as primary use, only in those portions of the ABA and NBRA Districts that are located within the North Beach Area as defined in Section 47-12.3						
Seafood Store		*P			*P	
Grocery/Food Store, less than 5,000 square feet		*P			*P	
Ice Cream/Yogurt Store	P	P	P	P	P	P
Meat and Poultry Store		*P			*P	

Use Type	Zoning District					
	PRD	ABA	SLA	IOA	NBRA	SBMHA
<u>Key:</u>						
P - Permitted						
C - Conditional						
* Permitted as primary use, only in those portions of the ABA and NBRA Districts that are located within the North Beach Area as defined in Section 47-12.3						
Restaurant When located in IOA and NBRA zoning districts, restaurants shall be incorporated into a residential structure or hotel. In IOA zoning district, freestanding restaurants permitted only in the portion of the IOA district south of Bayshore Drive provided there is no outdoor dockage and no outdoor service of food or beverage.	P	P	P	P	P	P
Retail Sales						
Antiques Store		*P			*P	
Apparel/Clothing, Accessories Store	P	P	P	P	P	P

Use Type	Zoning District					
	PRD	ABA	SLA	IOA	NBRA	SBMHA
<u>Key:</u>						
P - Permitted						
C - Conditional						
* Permitted as primary use, only in those portions of the ABA and NBRA Districts that are located within the North Beach Area as defined in Section 47-12.3						
Arts & Crafts Supplies Store		*P			*P	
Art Gallery, Art Studio	P	P	P	P	P	P
Bicycle Shop		*P			*P	
Book Store	P	P	P	P	P	P
Camera, Photographic Supplies Store)		*P			*P	
Card & Stationery Store		*P			*P	
Cigar, Tobacco Store		*P			*P	
Computer/Software Store		*P			*P	
Cosmetic, Sundries Store		*P			*P	
Florist Shop	P	P	P	P	P	P

Use Type	Zoning District					
	PRD	ABA	SLA	IOA	NBRA	SBMHA
<u>Key:</u>						
P - Permitted						
C - Conditional						
* Permitted as primary use, only in those portions of the ABA and NBRA Districts that are located within the North Beach Area as defined in Section 47-12.3						
Furniture Store		*P			*P	
Glassware, China, Pottery Store		*P			*P	
Holiday Merchandise, see 47-18.15		*P			*P	
Jewelry Store		*P			*P	
Linen, Bath, Bedding Store		*P			*P	
Luggage, Handbags, Leather Goods Store		*P			*P	
Music, Musical Instruments Store		*P			*P	
Newspapers, Magazines Store		*P			*P	
Office Supplies, Equipment Store		*P			*P	

Use Type	Zoning District					
	PRD	ABA	SLA	IOA	NBRA	SBMHA
Key:						
P - Permitted						
C - Conditional						
* Permitted as primary use, only in those portions of the ABA and NBRA Districts that are located within the North Beach Area as defined in Section 47-12.3						
Optical Store		*P			*P	
Party Supply Store		*P			*P	
Pet Store/Pet Grooming, see 47-18.25		*P			*P	
Shoe Store		*P			*P	
Service/Office Facilities						
Financial Institution, No Drive-Thru Banks	P	*P	P		*P	
Hair Salon	P	*P	P		*P	
Health and Fitness Center / Spa	P	*P	P		*P	
Instruction: Fine Arts, Sports and Recreation, Dance, Music, Theater	P	*P	P		*P	
Interior Decorator		*P			*P	

Use Type	Zoning District					
	PRD	ABA	SLA	IOA	NBRA	SBMHA
Key:						
P - Permitted						
C - Conditional						
* Permitted as primary use, only in those portions of the ABA and NBRA Districts that are located within the North Beach Area as defined in Section 47-12.3						
Mail, Postage, Fax Service	P	*P	P		*P	
Nail Salon		*P			*P	
Photographic Studio		*P			*P	
Professional Office		*P			*P	
Travel Agency		*P			*P	
Residential Uses						
Residential	P	See Section 47-12.5.	P	P See Section 47-12.5.	P See Section 47-12.5.	P

Use Type	Zoning District					
	PRD	ABA	SLA	IOA	NBRA	SBMHA
Key:						
P - Permitted						
C - Conditional						
* Permitted as primary use, only in those portions of the ABA and NBRA Districts that are located within the North Beach Area as defined in Section 47-12.3						
Mixed Use Development						
Mixed Use Development Section 47-18.21, Mixed Development shall not apply	P	P	P	P	P	P
Tourist Accommodations and Uses						
Bicycle, moped and scooter rental See ULDR, Section 47-24.3.	P		P			P
Commercial retail uses offering services or goods for sale to tourists and visitors such as gifts and souvenirs	P	P	P			P
Convention or Conference Facility	P					

Use Type	Zoning District					
	PRD	ABA	SLA	IOA	NBRA	SBMHA
Key:						
P - Permitted						
C - Conditional						
* Permitted as primary use, only in those portions of the ABA and NBRA Districts that are located within the North Beach Area as defined in Section 47-12.3						
Other tourist commodities and other uses catering to tourists as approved by the Planning and Zoning Board	C	C	C	C	C	C
Hotels and suite hotels	P	P	P	P	P	P
Motels				P	P	
Parking As Principal Use						
Parking Garage	P		P			
Parking Lots, permanent or temporary	C	P	P	C	C	P
Accessory Uses, Buildings and Structures (See Section 47-19)						

Use Type	Zoning District					
	PRD	ABA	SLA	IOA	NBRA	SBMHA
<u>Key:</u>						
P - Permitted						
C - Conditional						
* Permitted as primary use, only in those portions of the ABA and NBRA Districts that are located within the North Beach Area as defined in Section 47-12.3						
Accessory buildings and structures; improvements outside of the principal structure including but not limited to fences, walls, landscaping, parking, signs and nonstructural alterations to the exterior of structures located on a parcel; and expansion or change of a permitted use within an existing structure.	P	P	P	P	P	P
Automobile rental limited to twelve (12) cars per development site as an accessory to a hotel or marina in an enclosed structure only	P	P	P			P
Catering Services	P	P	P	P	P	P
Grocery store	P	*P	P	P	*P	P

Use Type	Zoning District					
	PRD	ABA	SLA	IOA	NBRA	SBMHA
Key:						
P - Permitted						
C - Conditional						
* Permitted as primary use, only in those portions of the ABA and NBRA Districts that are located within the North Beach Area as defined in Section 47-12.3						
Outdoor Dining and Sidewalk Cafés, see Section 47-19.9	P	P	P	C	P	P
Uses specially listed in or deemed substantially similar pursuant Section 47-1.14.A of the ULDR to uses list in this Table under the subheadings "Food and Beverage Sales and Service", "Retail Sales" and "Service/Office Facilities" as an accessory to nonresidential development	P	P	P	P	P	P
Urban Agriculture (See Section 47-18.41)						
Urban farms and community gardens See Section 47-18.41	P	P	P	P	P	P

Use Type	Zoning District					
	PRD	ABA	SLA	IOA	NBRA	SBMHA
Key:						
P - Permitted						
C - Conditional						
* Permitted as primary use, only in those portions of the ABA and NBRA Districts that are located within the North Beach Area as defined in Section 47-12.3						
Water-related and Marine Uses						
Marinas (See Section 47-24.3)	C					C

- B. *Prohibited Uses.* The following use limitations shall apply to all the districts within the central beach area, notwithstanding the provisions of Section 47-1.14 – Interpretation of permitted and conditional uses regarding prohibited uses:
1. The following nonresidential uses are prohibited uses:
 - a. Fortunetellers, clairvoyants, mind readers, faith healers or other persons claiming to be able to see into the future.
 - b. Headshops or stores supplying paraphernalia primarily used with illicit drugs.
 - c. Service stations, automobile repair or parts sales.
 - d. Motorcycle sales, rental or service.
 - e. Drive-thru food and beverage establishments.
 - f. Sales or service of guns, knives, or other weapons.
 - g. Pinball machines, video games and similar games and amusement devices as a principal use.

- h. Bingo parlors or similar game rooms.
 - i. Bars and nightclubs, except when accessory to a hotel with 100 or more guest rooms or accessory to a commercial retail structure which provides services or goods for sale to tourists and visitors when approved as a Conditional Use approval and shall only be permitted in the PRD, ABA, SLA and SBMHA districts.
 - j. Vending machines which are visible from a public right-of-way except when approved as a development of limited impact. For purposes of this section machines which dispense newspapers shall not be considered a vending machine.
 - k. Social Service Facilities (SSF).
2. The following residential uses shall not be permitted:
- a. Trailers and mobile homes.
 - b. Social Service Residential Facilities (SSRF).

Sec. 47-12.4.1. Table of Dimensional Requirements for the Central Beach Zoning Districts

REQUIREMENTS (Note A)	PRD	ABA	SLA	IOA	NBRA	SBMHA
Maximum Density (Dwelling Units/net acre)	70	See Section 47-12.5.A	70	70 See Section 47-12.5.A	70 See Section 47-12.5.A	70
Maximum Density (Hotel rooms/net acre)			90	90	90	
Maximum Floor Area Ratio (FAR)	6	4 See Section 47-12.5.B	2 (Commer- cial Retail Only)			5

REQUIREMENTS (Note A)	PRD	ABA	SLA	IOA	NBRA	SBMHA
Maximum structure height	200 ft. See Section 47-12.5.B	200 ft. See Section 47-12.5.B	120 ft. See Section 47-12.5.F	120 ft. See Section 47-12.5.F	120 ft. See Section 47-12.5. F	120 ft. See Section 47-12.5.F
Maximum Building (“Streetwall”) Length and width)	200 ft.	200 ft.	200 ft.	200 ft.	200 ft.	200 ft.
Minimum Front Yard (Note C)	20 ft.	20 ft	20 ft.	20 ft.	20 ft.	20 ft.
Minimum Corner Yard (Note C)	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft.
Minimum Side Yard	0 ft.	20 ft.	5 ft. See Section 47-12.5.G	20 ft	20 ft	20 ft.
Minimum Rear Yard	20 ft.	20 ft	20 ft	20 ft.	20 ft.	20 ft

REQUIREMENTS (Note A)	PRD	ABA	SLA	IOA	NBRA	SBMHA
Minimum Distance Between Buildings on Same Development Site (Note B)	20 ft. or 20% of the tallest building, whichever is greater	20 ft. or 20% of the tallest building, whichever is greater	20 ft. or 20% of the tallest building, whichever is greater	20 ft. or 20% of the tallest building, whichever is greater	20 ft. or 20% of the tallest building, whichever is greater	20 ft. or 20% of the tallest building, whichever is greater
Building Podium Height	65 ft	65 ft	65 ft	65 ft.	65 ft.	65 ft
Tower Stepback	15 ft	15 ft	12 ft	12 ft	12 ft	12 ft
Tower Separation (Between Towers and from Property Line)	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft
Building Floorplate Size						
Floorplate Size Under 65 feet	No Maximum	No Maximum	No Maximum	No Maximum	No Maximum	No Maximum
Floorplate Size above 65 feet	16,000 SF	16,000 SF	16,000 SF	16,000 SF	16,000 SF	16,000 SF

Note A: Dimensional regulations may be subject to additional requirements, see Section 47-23 of the ULDR, Specific Location Requirements, and Section 47-25 of the ULDR, Development Review Criteria.

Note B. For purposes of minimum distances between buildings within this subsection, a parking garage shall be considered a building.

Note C. Front and corner yard may be reduced in accordance with the minimum design standards set forth in Section 47-12.5.D.

Sec. 47-12.5. - Central beach district requirements and limitations.

A. *Residential Use Requirements*

1. *ABA Residential.* The following requirements shall apply to all developments that incorporate multifamily residential dwelling units or residential dwelling units with non-residential uses within the ABA zoning district:
 - a. Building frontages adjacent to streets, with the exception of alleys, shall include street level architectural details and uses such as residential, restaurant, retail, cultural or recreational uses that encourage public interaction and minimizes visual exposure of parking facilities.
 - b. Building frontages abutting Fort Lauderdale Beach Boulevard (A-1-A) must provide on the ground floor adjacent to A-1-A non-residential uses that offer goods or services to residents and tourists such as restaurants, entertainment, retail, cultural or commercial recreation destinations.
 - c. A minimum of sixty percent (60%) of the total number of dwelling units within any building exceeding 200 feet in height and contains a residential component shall be set aside and designated as hotel rooms.
2. *IOA and NBRA Districts.* The density permitted in IOA zoning may be transferred to development in the NBRA zoning district as provided in Section 47-12.4.1. An increase in the maximum density may be permitted if approved as part of a Site Plan Level IV development permit if the following conditions are met:
 - a. The increased units are transferred from property zoned IOA; and
 - b. The IOA property is within 300 feet of the parcel in NBRA proposed for development; and
 - c. A single development plan is submitted for development of the IOA and NBRA parcels; and
 - d. The transfer of density from IOA to NBRA will result in protection of the view from and to the Intracoastal Waterway; and
 - e. A document executed by the department is recorded in the Public Records of Broward County evidencing the revised density limitations for both development sites.

B. *Design Compatibility and Community Character Scale— PRD and ABA district.*

1. The design of the development may deviate from the maximum requirements of the FAR in the ABA zoning district and height in the PRD and ABA zoning districts when approval is sought through the use of the Design Compatibility Point System. The design compatibility of the proposed development shall be rated in accordance with the following design compatibility and community scale criteria:
 - a. Line parking facility above first floor with habitable space (2 points);
 - b. Provide parking that serves a valid municipal purpose (2 points);
 - c. Implement sustainable practices that include, but are not limited to flood resiliency, additional stormwater storage capacity in flood prone areas, solar access to reduce demands for cooling and lighting, cool roofs, and green roofs (2 points);
 - d. Internalize loading zone (2 points);
 - e. Provide twenty percent (20%) more open space above the minimum standard outlined in Section 47-12.5.C (2 points);
 - f. Seventy-five percent (75%) of the front façade at ground level along a right-of-way is dedicated to active uses (2 points);
 - g. Provide durable exterior materials such as but not limited to stone, masonry, metal paneling, and glass or a combination of, for a minimum of eighty percent (80%) of the building façades (2 points);
 - h. Providing a minimum of four (4) expressive building tower top articulation elements such as, but not limited to: sculpted roof forms, terraced upper levels, integrated vertical architectural elements, viewing decks at upper levels, and expressive tower top design (2 points).
2. *Floor area ratio – ABA District.* Notwithstanding the floor area ratio limitations of Section 47-12.4.2., a beach development permit may be issued for development that exceeds the floor area ratios set out therein according to the following provisions:
 - a. An increase in the floor area ratio on any parcel of land proposed for development of five percent (5%) if the proposed development has a rating of at

least eight (8) points on the design compatibility and community character scale in subsection B.

- b. An increase in the floor area ratio on any parcel of land proposed for development of ten percent (10%) if the proposed development has a rating of at least ten (10) points on the design compatibility and community character scale in subsection B.
- c. An increase in the floor area ratio on any parcel of land proposed for development of twenty percent (20%) if the proposed development has a rating of at least twelve (12) points on the design compatibility and community character scale in subsection B.

3. *Height – PRD and ABA District.*

- a. No portion of a structure in excess of thirty-five (35) feet in height shall exceed the limitations provided in Section 47-23.6 of the ULDR, Beach Shadow Restrictions.
- b. Notwithstanding the height limitation provided in Section 47-12.4.1, a beach development permit may be issued that exceeds the height limitations set out therein according to the following provisions:
 - i. An increase in the maximum height on any parcel of land proposed for development by five percent (5%) if the proposed development has a rating of at least eight (8) points on the design compatibility and community character scale in subsection B.
 - ii. An increase in the maximum height on any parcel of land proposed for development by ten percent (10%) if the proposed development has a rating of at least ten (10) points on the design compatibility and community character scale in subsection B.
 - iii. An increase in the maximum height on any parcel of land proposed for development of twenty percent (20%) if the proposed development has a rating of at least twelve (12) points on the design compatibility and community character scale in subsection B.

- C. *Open space.* Open space, for the purposes of this section, shall include all areas on the development site not covered by structures, other than covered arcades, or not covered by vehicular use area. Open spaces can include, but are not limited to public plazas and pocket parks. Covered, double-story arcades with a minimum width of ten

(10) feet and at least one side open to a street shall be credited towards open space requirements. The required open space shall be shaded through the use of trees, canopies, trellises or other unenclosed shade structures and may include seating, fountains and other elements that enhance the public realm. A minimum of twenty-five percent (25%) of the required open space at grade shall be in pervious landscaped area. At least forty percent (40%) of the required open space shall be provided at-grade and the remaining open space may be accessible to individual residential units or through common areas, or both. Pervious surface area, for the purposes of this requirement, may include, but not limited to open planting beds, porous paving systems, sand-set pavers, or any combination thereof. The total amount of open space required shall be calculated based on the size and density of the development, as follows:

1. *Open Space for Residential Uses.* For any residential development in the central beach districts, open space shall be required as follows:
 - a. A minimum of two hundred (200) square feet of open space shall be required for each dwelling unit in a development consisting of fifty (50) residential units or less;
 - b. One hundred fifty (150) square feet of open space shall be required for each dwelling unit in a development consisting of between fifty-one (51) and one hundred fifty (150) residential units. In no case shall the minimum open space provided pursuant to this subsection be less than ten thousand (10,000) square feet;
 - c. One hundred (100) square feet of open space shall be required for each dwelling unit in a development consisting of more than one hundred fifty (150) residential units. In no case shall the minimum open space provided be less than twenty-two thousand five hundred (22,500) square feet.
2. *Open space for nonresidential uses.* Twenty (20) percent of the gross lot area of any development in the central beach districts that does not include residential uses shall be open space. No more than fifty (50) percent of the open space may be provided above grade.
3. *Open space for Mixed-use Development.* Any mixed-use development in the central beach districts is required to provide open space in accordance with the provisions of either subsection 47-12.5.C.1 for open space for residential uses or Subsection 47-12.5.C.2 open space for nonresidential uses, whichever provides the greater square feet of open space.
4. *Open Space General.* Up to fifty (50) percent credit towards the required landscaping as defined in Section 47-12.5.C for landscaping improvements

proposed in the right-of-way may be applied subject to approval by the agency with jurisdiction over the subject right-of-way.

- D. Central Beach Streetscape Design. Streetscape may be required to mitigate, avoid or minimize the impacts caused by the development to surrounding public spaces in a manner that is roughly proportionate to the actual impact of the development. All streetscape improvements shall consider the incorporation of travel lanes, on-street parking, landscape strips, and sidewalks. Alternative streetscape designs may be considered if conflicts with existing utilities prevent placement of street trees. Placement of on-street parking shall be subject to City Engineer review and approval.

Development shall meet the following streetscape design requirements:

1. Streetscape improvements. Streetscape improvements are required to be designed and installed as part of the development of a development site abutting that portion of the right-of-way that is impacted by the proposed development site.
2. Streetscape improvements may deviate from the streetscape design requirements in order to preserve natural barriers, avoid of interference with utility lines or other obstructions or based on an alternative design found to achieve the underlying intent of the streetscape design as approved by the DRC. The DRC shall make best effort to ensure that any approved deviation or modification of the streetscape design requirement are the minimum change necessary to accomplish the intent of this subsection.
3. There are hereby identified streets within the Central Beach Area which are accommodating, or are intended to accommodate, intensive pedestrian traffic, or which serve as major pedestrian streets and major vehicular entryways, or major gateways into the Central Beach Area and which will, therefore, require development on said streets to accommodate said pedestrian and vehicular usage aesthetic considerations. The streets are identified below:
 - a. Primary streets:
 - i. A-1-A
 - b. Secondary streets:
 - i. Southeast 5th Street
 - ii. Las Olas Boulevard
 - iii. Cortez Street

- iv. Sebastian Street
- v. Granada Street
- vi. Riomar Street
- vii. Terramar Street
- viii. Vistamar Street
- ix. Las Olas Circle Loop
- x. Seabreeze Boulevard
- xi. Birch Road

4. All other streets not identified in subsection 47-12.5.D.3 are required to meet basic street design cross section as identified within subsection 47-12.5.D.5.
5. *Street Design*. The design of the streetscape abutting a development site shall provide a minimum width for landscaping, sidewalks and on-street parking as provided in this section. Alternative designs may be considered based on existing conditions or when there is an identified conflict with infrastructure and shall be subject to approval by the City Engineer. The setback of structures shall be increased to accommodate the minimum landscape, sidewalk and on-street parking requirements through the establishment of an access easement on private property, should the existing right-of-way width prove insufficient to accommodate.
 - a. *Travel Lane*. Travel lanes are required to be a minimum eleven (11) foot width.
 - b. *On-Street Parking*. On-Street Parking shall be designed in accordance with this section or adopted streetscape plans.
 - c. Sidewalks.
 - i. *Primary Street*. Sidewalks are required to be a minimum of twenty (20) foot width.
 - ii. *Secondary Streets*. Sidewalks are required to be a minimum of seven (7) foot width.
 - iii. *Other streets not identified as primary or secondary streets*. Sidewalks are required to be a minimum of five (5) feet.

- d. **Street Trees.** Street trees shall be planted and maintained along the street abutting the property to provide a canopy effect. The trees shall be planted at a minimum height and size in accordance with the requirements of Section 47-21, Landscape and Tree Preservation Requirements. The requirements for street trees, as provided herein, may be located within the public right-of-way, as approved by the entity with jurisdiction over the abutting right-of-way.
- i. Plant selection should be based on the plant's adaptability to the existing coastal conditions and native plant communities, particularly considering appropriate hardiness zone, soil type and moisture conditions, light, mature plant size, desired effect, color, and texture. Plant species are required to be tolerant to salt and able to withstand salt exposure and prevailing winds.
 - ii. In addition to the requirements of Section 47-21, to accommodate proper root growth, street trees shall require the use of a sub-grade soil medium, such as CU Structural Soil® or similar, to be provided to support root growth for trees adjacent to pedestrian pavement and the use of a modular sub-grade block system, such as Silva Cell® or similar, to be provided to support root growth for trees adjacent to traffic loads and utilities, and other amenities including but not limited to irrigation, up lighting, porous paving systems.
 - iii. Street trees shall be shade trees maintained at a minimum twelve (12) foot horizontal clearance from buildings. Shade trees shall be provided at maximum of every thirty (30) lineal feet on-center along the street frontage. Palm trees may be provided at intersections where streets with street trees converge and spaced to provide maximum visibility. Provide tall palms at the immediate corners to provide a visual marker and to frame the street. Small canopy trees and small palms may be permitted when existing or proposed physical conditions may prevent the proper growth of shade trees or tall palms, as determined by the DRC, at maximum of every fifteen (15) lineal feet along the street frontage. All trees shall satisfy the following standards at the time of planting:
 - a) Shade trees: Minimum sixteen (16) feet in height and eight (8) foot spread, with minimum seven (7) foot vertical clearance.
 - b) Palm trees: Minimum eighteen (18) feet in height, with a minimum of eight (8) foot of clear trunk.

- c) Small canopy tree or small palm trees: Minimum twelve (12) feet in height and six (6) foot spread, with a minimum six (6) foot vertical clearance.
- iv. Landscape Strip with Street Trees. Landscape strip area for street trees does not represent the soil volume requirement for root growth and shall be subject to approval by the Department. Street trees as defined by Section 47-21.2 of the ULDR, Landscaping and Tree Preservation and minimum dimensions for landscape strip to accommodate tree trunk growth shall be provided as follows:
 - a) Shade trees having an average mature canopy spread of greater than thirty (30) feet shall be provided with two hundred twenty-five (225) square foot planted area, with a minimum nine (9) foot width being the smallest dimension; or
 - b) Trees having an average mature canopy spread between twenty (20) and thirty (30) feet shall be provided with a ninety (90) square foot planted area, with a minimum seven (7) foot width being the smallest dimension; or
 - c) Trees having an average mature canopy spread less than twenty (20) feet shall be provided with sixty-four (64) square foot planted area, with a minimum six (6) foot width being the smallest dimension; or
 - d) Palms shall be provided with a twenty-five (25) square foot planted area and shall provide a minimum five (5) foot width being the smallest dimension except for a sixteen (16) square foot planted area with four (4) foot minimum width being the smallest dimension for *Coccothrinax*, *Thrinax*, *Sabal* and *Ptychosperma spp.*

E. Design Features.

1. Architectural features in central beach zoning districts. Architectural features such as eaves, cornices, unenclosed balconies, open railings, windows, awnings, bay windows, and dormers are permitted to extend into a required yard area a maximum distance of three (3) feet from the face of the building. Unenclosed balconies are permitted to extend into a required yard area a maximum distance of five (5) feet from the face of the building, subject to Section 47-26.A.2, City Commission Request for Review.

2. Non-habitable lobby entry features such as porte-cochère are exempt from yard requirements.

F. Height – SLA, IOA, NBRA, SBMHA

1. Notwithstanding the maximum structure height as provided in Section 47-12.4.1, a beach development permit may be issued for a development with a height that exceeds the maximum structure height as provided in Section 47-12.4.1 by up to twenty percent (20%) but not exceeding a height of 144 feet, provided that the structure has a maximum floorplate of 16,000 square feet and the development permit is subject to City Commission approval pursuant to Section 47-12.6

G. SLA Side Yard

1. Notwithstanding the minimum side yard setback provided in Section 47-12.4.1, a beach development permit may be issued for a development with a side yard setback of zero (0) feet if:
 - a) The development site is located adjacent to and abutting Sunrise Boulevard; and
 - b) The development site is located west of Breakers Avenue; and
 - c) The maximum building height of the development is 80 feet; and
 - d) The development is subject to Site Plan Level IV approval

Sec. 47-12.6. - Central beach development permitting and approval.

Applications for development permit in Central Beach District shall be reviewed consistent with process identified in Table 1. Table 1 identifies the department, committee, board or commission with authority to review and approve the issuance of a Central beach development permit. Table 1 also identifies which permits may be reviewed by the city commission upon city commission request, and the appropriate body to consider an appeal from a denial of a development permit.

Table 1 Central Beach Development Permits and Procedures

Development Type	Department	Development Review Committee	Planning and Zoning Board	City Commission	Criteria for Review	
SITE PLAN LEVEL I						
1.	Active and passive park	DP		A	CRR/PZ	1. Adequacy Review Sec. 47-25.2 2. Active and passive park Sec. 47-18.44
2.	Accessory buildings and structures; improvements outside of the principal structure including but not limited to fences, walls, landscaping, parking, signs and nonstructural alteration to the exterior of structures located on a parcel; and expansion or change of a permitted use	DP		A	CRR/PZ	1. Adequacy Review Sec. 47-25.2

	within an existing structure.					
3.	Automobile rental limited to twelve (12) cars per development site as an accessory to a hotel or marina and Section 47-18.3 shall not be applicable.	DP		A	CRR/PZ	1. Adequacy Review Sec. 47-25.2
4.	Expansion or change of a permitted use within an existing structure.	DP		A	CRR/PZ	1. Adequacy Review Sec. 47-25.2
5.	Parking lots in the ABA, SLA, and SBMHA zoning districts.	DP		A	CRR/PZ	1. Adequacy Review Sec. 47-25.2
6.	Site Plan Level I with City Commission Approval in that portion of the IOA district within the North Beach Area defined in section 47-12.3, Definitions,	DP		A	CRR/PZ	1. Adequacy Review Sec. 47-25.2

	see Section 47-12.10, North Beach Area Interim Uses for permitted uses					
7.	Permitted uses within the North Beach Area defined in Section 47-12.3, Definitions, see section 47-12.4, North Beach for permitted uses less than 2,500 square feet.	DP		A	CRR/PZ	1. Adequacy Review Sec. 47-25.2
SITE PLAN LEVEL II						
8.	All development that meets the dimensional standards.	R	DP	A	CRR/PZ or DRC	1. Adequacy Review Sec. 47-25.2
9.	All development seeking to apply alternative dimensional standards pursuant to Note C of Section 47-12.4.1. Table of Dimensional Requirements	R	DP	A	CRR/PZ or DRC	1. Adequacy Review Sec. 47-25.2

	for the Central Beach zoning districts.					
10.	Approval in that portion of the ABA and NBRA district within the North Beach Area defined in Section 47-12.3, Definitions for permitted uses more than 2,500 square feet.	R	DP	A	CRR/PZ or DRC	1. Adequacy Review Sec. 47-25.2
11.	Moped/Scooter Rental	R	DP	A	CRR/PZ or DRC	1. Adequacy Review Sec. 47-25.2
12.	SLA, IOA, NBRA, SBMHA zoning districts: Height increase up to 20% above maximum height.	R	R		DP	1. Adequacy Review Sec. 47-25.2 2. Central Beach District Requirements and Limitations 47-12.5.F
SITE PLAN LEVEL III						
13.	IOA zoning district:	R	R	DP	CRR/PZ	1. Adequacy

	Restaurants abutting Intracoastal Waterway with outdoor service of food or beverage on the Intracoastal Waterway side of the parcel.					Review Sec. 47-25.2 2. Conditional Use Permit, Sec. 47-24.3
14.	Modification of building length or width, floorplate size, stepbacks, tower separation or yards or combination of the preceding requirements in any of the Central Beach zoning districts	R	R	DP	CRR/PZ	1. Adequacy Review Sec. 47-25.2 2. Modifications to Central Beach Zoning Districts Dimensional Requirements, Section 47-12.6.C
15.	Permitted uses within the North Beach Area defined in Section 47-12.3, Definitions, more than	R	R	DP	CRR/PZ	1. Adequacy Review Sec. 47-25.2

	2,500 square feet.					
16.	PRD zoning district: Parking lots, temporary or permanent.	R	R	DP	CRR/PZ	1. Adequacy Review Sec. 47-25.2
17.	SLA zoning district: Restaurants abutting Intracoastal Waterway with outdoor service of food or beverage abutting	R	R	DP	CRR/PZ	1. Adequacy Review Sec. 47-25.2 2. Conditional Use Permit, Sec. 47-24.3
18.	Uses listed as conditional use in Section 47-12.4	R	R	DP	CRR/PZ	1. Adequacy Review Sec. 47-25.2
SITE PLAN LEVEL IV						
19.	Amphitheatres, conference centers, performance centers, or tourist attraction uses and museums	R	R	R	DP/A	1. Adequacy Review Sec. 47-25.2
20.	Aquatic centers	R	R	R	DP/A	

21.	Developments utilizing the Design Compatibility Point System	R	R	R	DP/A	1. Adequacy Review Sec. 47-25.2
22.	Marinas	R	R	R	DP/A	1. Adequacy Review Sec. 47-25.2
23.	SBMHA zoning district: Parking structures and garages; freestanding	R	R	R	DP/A	1. Adequacy Review Sec. 47-25.2
24.	SLA zoning district: zero side yard setback	R	R	R	DP/A	1. Adequacy Review Sec. 47-25.2 2. Central Beach District Requirements and Limitations 47-12.5.G

LEGEND:

DRC Development Review Committee

PZ Planning and Zoning Board

Dept.	Department
DP	Development Permit issued
R	Review and recommendation requirement
A	Appeal by applicant of a denial
CRR	City commission request for review
CRR/PZ	City commission request for review of planning and zoning board action
CRR/PZ or Dept.	City commission request for review of planning and zoning board action or of department action
CRR/PZ or DRC	City commission request for review of planning and zoning board action or of Development Review Committee action

- A. *Beach development permit required.* No person shall carry out any development nor shall any person use any parcel of land for any purpose in the central beach area without first obtaining a beach development permit from the city in accordance with the provisions and requirements of the ULDR. All development within the Central Beach Area zoning districts shall be subject to all of the provisions of the ULDR and development permits shall be issued in accordance with Section 47-24 and this Section 47-12 of the ULDR. The reviewing authority shall determine if the proposed development is consistent with the development standards for the proposed development under the provisions of the zoning district in which the development is located. In addition to the criteria for review provided in Section 47-24 and Section 47-12, applications for development in the Central Beach Area zoning districts shall be subject to the design and community compatibility criteria provided in Section 47-25.3.

The purpose of the design and community compatibility criteria is to provide criteria for the review of a development application to determine:

1. Whether the architectural design of the proposed development is compatible with the design guidelines provided in Section 47-25.3; and

2. Whether the proposed development incorporates design or architectural elements which address and mitigate the impact, if any, of the proposed development or use upon existing uses in the immediate vicinity of the proposed use.

B. Site Plan Level II with City Commission Request for Review.

1. Criteria.

- a. Uses identified in the table of Permitted and Conditional uses in Section 47-12.4.A shall be reviewed as a Site Plan Level II subject to City Commission Request for Review and Public Participation Requirements outlined herein.
- b. An application for a Site Plan Level II approval shall be reviewed for compliance with the standard dimensional requirements of Section 47-12.4.1 and applicable requirements to the proposed development as provided in the ULDR.

2. Notice for Site Plan Level II with City Commission Request for Review shall be as follows:

- a. A minimum of twenty-one (21) days prior to the first scheduled development review committee (DRC) meeting, a notice from the applicant via letter or e-mail shall be provided to official city-recognized civic organizations(s) within three hundred (300) feet of the proposed project, notifying of the date, time and place of the DRC meeting. The applicant shall provide an affidavit to the department, a minimum of ten (10) days prior to DRC meeting, documenting that notice was provided.
- b. No later than thirty (30) days prior to preliminary DRC approval, notice from the applicant via e-mail and regular mail shall be provided to official city-recognized civic organization(s) within three hundred (300) feet of the proposed project and by regular mail to property owners whose real property is located within three hundred (300) feet of the proposed project, notifying of the date, time and place of the applicant's project presentation meeting. Regular mail notice shall be provided at the applicant's expense. The following requirements must be met:
 - i. The applicant shall provide a signed and notarized affidavit to the city attesting that notice has been sent in accordance with this section. The affidavit shall be prima facie evidence that the applicant has complied with the requirements of this section.
 - ii. The applicant shall provide a written report letter to the Department of Sustainable Development, with copy to subject association(s), documenting

the date(s), time(s), location(s), number of participants, presentation material and general summary of the discussion after a public participation meeting(s) has taken place. The report letter shall summarize the substance of comments expressed during the process and shall be made a part of the administrative case file record. An application for a development permit that is subject to this section cannot proceed to the City Commission Request for Review until this report letter is submitted to the Department.

3. Effective Date of Approval. Approval of a Site Plan Level II with City Commission Request for Review development shall not be final until 30 days after preliminary DRC approval and then only if no motion is approved by the City Commission seeking to review the application pursuant to the process provided in Section 47-26.A.2 of the ULDR. The action of the DRC shall be final and effective after the expiration of the thirty (30) day period if no action is taken by the City Commission.

C. Modifications to Central Beach Zoning Districts Dimensional Requirements.

1. Criteria for modification of dimensional requirements. The planning and zoning board shall upon written application for site plan level III approval, as provided in Section 47-12.6, Central Beach Development Permitting and Approval, consider a request to approve a development plan with modifications to the following dimensional requirements: building length and width, tower setback, floorplate size, tower separation, and yards as specified in the Table of Dimensional Regulations within the Central Beach zoning districts. An application for modification of dimensional requirements shall be reviewed in accordance with the following criteria:
 - a. *Modification of Building Length or Width.* Modification of Building Length or Width may be approved if the proposed development plan demonstrates that:
 - i. The modification of building length or width results in a lower podium profile and the building façade plane is articulated through incorporation of design elements that break up the building to mitigate the extended length or width; or
 - ii. The modification of building length or width results in a development that better harmonizes with buildings located on neighboring properties through incorporation of elements that divide the building façade planes, and create a visual play of light and shadow. Long, uninterrupted horizontal elements are discouraged. Building articulation shall be accomplished with façade projections and recesses as well as design elements such as changes in building materials and distinctive window and balcony patterns that correspond

to a change in building plane, including changes in roofline by alternating parapet heights; and,

- iii. Building corner frontages abutting the intersection of streets shall incorporate special corner treatments, both vertically and horizontally, to emphasize the building corner and provide a notch or curved façade at the ground level, setting the building back with a generous space for pedestrians; and,
 - iv. The ground floor of building façades along primary and secondary streets includes windows or doors that allow views into and out of the interior of the buildings. No less than 50% of the ground floor of buildings along primary streets shall include a double-story height, especially for lobby entries and commercial space. Blank walls shall not be visible from a public street or public plaza or open space.
- b. *Modification of Tower Stepback.* The stepback requirement may be modified if the applicant demonstrates that compliance with the stepback requirement of Section 47-12 is not feasible due to site constraints, such as a small or irregularly shaped lot, and that the proposed development plan demonstrates the following:
- i. Vertical articulation is used to moderate the scale and bulk of buildings; and,
 - ii. The design considers the overall height of the building in respect to the width of the street and does not negatively impact light and air passing through to the street; and,
 - iii. The design of the building shall emphasize corner features and ground-level elements and include a double-story height along primary streets to offset the stepback modification; and,
 - iv. Proposed development is harmonized with buildings on neighboring properties by maintaining compatibility of scale with neighboring properties.
- c. *Modification of Floorplate Size.* The floorplate size requirement may be modified if the development plan demonstrates the following:
- i. The proposed development is designed, sited and massed in a manner sensitive to, proportional with and fits harmoniously within the surrounding context and skyline; and,
 - ii. The building shall incorporate creative design features such as sculpting, variation in tower shape, orientation and architectural expression, and should

avoid boxy, dominant massing so the towers remain slender in appearance to offset the floorplate size modification; or,

- iii. The average size of all floorplates above 65 feet cannot exceed the maximum floorplate size outlined in Section 47-12.4.1.
- d. *Modification of Tower Separation.* The tower separation requirement may be reduced to a minimum of 20 feet subject to the following:
 - i. The tower portion of the building is designed to maximize the distance and architectural differentiation from any nearby tower; and,
 - ii. Towers shall be located to ensure the reduced tower separation does not negatively impact light and air between the subject towers and maximizes access to views while maintaining privacy for the users of each building.
- e. *Modification of Yards.*
 - i. *Definitions.* For purposes of this subsection, 47-12.6.C.1.e, the following words shall have the following meanings:
 - a) *Adjacent properties.* Shall mean buildings located on the same side of and fronting the same right-of-way as the proposed development and within a six-hundred-foot distance on one (1) side or three hundred-foot distance on both sides of the proposed development.
 - b) *Continuity.* Shall mean that the same setback or feature exists on adjacent properties to an extent which furthers a sense of order and harmony along the street front.
 - ii. The required yards may be modified under the following conditions:
 - a) It is demonstrated by an architectural and/or engineering study that graphically represents that a superior site development as relating to shadows will result from the proposed adjustment to the location of the structure on the site; or
 - b) It is demonstrated that the adjustment of the location of the structure on a site abutting the Intracoastal Waterway or other permanent public open space, land or water is compatible with adjacent properties, as defined in this section; or
 - c) The adjustment of yards:

1. Creates a continuity of yards between the proposed development and adjacent properties; and
2. Creates continuity of architectural features with adjacent properties designed to encourage public pedestrian interaction between the proposed development and the public street; or instead of subsections 47-12.6.C.1.e.ii.c).1. and 2, it is found that;
3. There is continuity of urban scale with adjacent properties. Urban scale includes height, proximity to street front and relationship of building size to the lot size;
4. In addition to the reduction in minimum yards meeting subsections 47-12.6. C.1.e.ii.c).1 and 2 or subsection 47-12.6.C.1.e.ii.c).3, the development includes a minimum of four (4) of the following architectural features: Terracing; variation in rooflines; cantilevering; angling; balconies; arcades; uniform cornice heights; color and material banding; building mass changes; courtyards; plazas and landscaped areas which encourage pedestrian interaction between the development site and a public street.
5. A structure with a required yard proposed to be modified that is located on a development site abutting or separated only by a right-of-way from the Intracoastal Waterway or other permanent public open space, land or water shall not cast a shadow that exceeds fifty percent (50%) of such public water or land area at any time between the hours of 9:00 a.m. and 5:00 p.m. on March 21 (vernal equinox). For sites along the Atlantic Ocean, the public area subject to review shall be the sandy beach westward of the mean high water line as defined in Section 47-2, Measurements. The public open space, land or water as described in this section shall be measured by extending a line from the points where the property lines intersect at the corners of the development site abutting the public area or separated from the area by a right-of-way, and extending those lines across the public area perpendicular to the development site.

- D. *Effect of other ULDR provisions.* Unless otherwise provided in this Section 47-12, the provisions of the ULDR with general applicability to development within the City shall apply as requirements of the development of property within the CBA districts described in this Section 47-12. However, any provision of this Section 47-12 of the ULDR shall prevail when any provision elsewhere in the ULDR shall conflict.
- E. *Application for plat approval or beach development permit outside of the PRD district but within the central beach area (CBA).*

1. No plat of property or beach development permit for development of property located outside of the PRD district but within the CBA shall be approved nor ACTs designated for development of property unless a finding of adequacy that traffic capacity is adequate to support the proposed development is made. Upon submission of an application for development, a concurrency evaluation shall be conducted and a finding of adequacy made in accordance with the Adequacy Requirements, Section 47-25.2. In the event that the impact of a proposed development necessitates the designation of ACTs, upon issuance of a finding of adequacy, ACTs will be reserved for the proposed development. The ACTs will continue to be reserved as long as the finding of adequacy and beach development permit are valid.
2. Upon issuance by the city of a certificate of occupancy within the time provided in Section 47-12.8, the city will designate the ACTs, the county shall be advised of the designation of the ACTs to the development and the designated ACTs shall be subtracted from the total ACTs available for development.
3. The city may designate RCTs for development outside of the PRD, but within the CBA and may designate ACTs within the PRD district if such designation is found to promote the revitalization and redevelopment goals of the city.

F. *Development and permitting for PRD districts.*

1. *Application for plat approval within the PRD district.*
 - a. No plat of property located within the PRD district which requires the use of Reserve Capacity Trips (RCTs) to meet traffic concurrency requirements shall be approved nor RCTs designated for development of property to be platted unless development of the property is proposed and completed in accordance with a beach development permit issued in accordance with the provisions of this section and the provisions of this regulation. RCTs shall be allocated in connection with the approval of a plat of property located within the PRD district in accordance with the following procedure:
 - i. An applicant for approval of a plat of property located within the PRD district shall submit, simultaneously with the submission of an application for plat approval, an application for a beach development permit.
 - ii. The application shall include a proposal for development of the property proposed to be platted and shall include all information as required pursuant to this section.

- iii. An applicant shall submit an application for concurrency evaluation in accordance with Adequacy Requirements, Section 47-25.2. Upon review of the application it will be determined whether RCTs will be required in order for the proposed development to meet traffic concurrency requirements. If RCTs are required, a finding of concurrency will be made in conjunction with the reservation of RCTs as provided in this section.
 - iv. A plat shall only be approved by the city simultaneously with the issuance of a beach development permit. Upon initial DRC approval of the application for plat and beach development permit approval, RCTs will be reserved for the proposed development. The RCTs will continue to be reserved until the expiration of the time for approval or recordation of the plat as provided by Broward County Code or expiration of the beach development permit, whichever occurs first.
 - v. Upon recordation of the plat or issuance of a certificate of occupancy, whichever occurs later, the RCTs shall be finally deducted from the RCT total.
 - vi. If a plat is not approved or recorded within the time provided in accordance with the Broward County Code, or a beach development permit expires for a proposed development, the RCTs reserved for such development shall be voided, added back to available RCT total and a new application for plat approval, beach development permit and concurrency evaluation must be submitted and approved by the authorized city agency prior to the applicant commencing or continuing development.
2. Application for a beach development permit within the PRD district.
- a. RCTs shall be allocated in connection with the approval of a beach development permit for development of property located within the PRD district in accordance with the following procedures:
 - i. An applicant for approval of a beach development permit shall submit an application for a beach development permit in accordance with the provisions of this section.
 - ii. An applicant shall submit an application for concurrency evaluation in accordance with Section 47-25.2, Adequacy Requirements. Upon review of the application it will be determined whether RCTs will be required in order for the proposed development to meet traffic concurrency requirements. If RCTs are required, a finding of concurrency will be made in conjunction with the reservation of RCTs as provided in this section.
 - iii. Upon issuance of a beach development permit, RCTs will be reserved for the proposed development. The RCTs will continue to

be reserved as long as the development is completed in accordance with the beach development permit and within the time provided in this section.

- iv. Upon issuance by the city of a certificate of occupancy within the time provided in this section, the city will designate the RCTs, the county shall be advised of the designation of the RCTs to the development and the designated RCTs shall be subtracted from the total RCTs available for development.
- v. If a beach development permit expires for a proposed development, the RCTs reserved for such development shall be voided, added back to available RCT total and a new application for beach development permit and concurrency evaluation must be submitted and approved by the authorized city agency prior to the applicant commencing or continuing development.

G. Development Permit, Density, Effective Date of Approval of Existing Site Plan

1. Density and within the Central Beach Regional Activity Center zoning districts is limited in accordance with the number of units and vehicle trips as provided in the City of Fort Lauderdale adopted Comprehensive Plan, as amended from time to time.
2. Dwelling units and vehicle trips are allocated at the time of development permit approval. Upon expiration of a development permit the dwelling units shall be returned to the allocation pool for future allocation.
3. The allocation of dwelling units and vehicle trips shall be subject to all applicable provisions of the ULDR at the time of development permit approval. Dwelling units and vehicle trips are allocated on a first come, first serve basis.
4. Density may be increased through the allocation of bonus density provisions for affordable housing and shall comply with provisions on limitation as outlined in the City's Comprehensive Plan.
5. Effective date. The development permit shall not take effect until the 30-day city commission request for review has expired. Effective date shall be the 30-day expiration, or the day of City Commission action.
6. Existing Site Plans in Central Beach Regional Activity Center. Development applications received and pending review by the City or approved by the City on or before May 17, 2022, may be approved, amended and modified through the use of

provisions of the zoning regulations in effect at the time the development application was submitted.

Sec. 47-12.7. – Central beach parking facility fee.

- A. A person who applies for and receives a beach development permit which includes a requirement for the provision of parking may, as an alternative to providing all or a portion of the required parking, pay a parking facility fee as follows:
1. The applicant may provide up to one hundred percent (100%) of the total required parking by payment of the fee provided in this subsection A.1 when:
 - a. The number of parking spaces required in connection with the beach development permit does not exceed 50; or
 - b. The number of parking spaces required in connection with the beach development permit added to the number of required parking spaces existing on the parcel(s) at the time the application for a beach development permit is submitted does not exceed 50.
 2. The applicant may provide up to 50 parking spaces and up to fifty percent (50%) of the required parking spaces over 50 spaces by payment of the fee provided in this subsection A.2 when:
 - a. The number of parking spaces required as a result of the beach development permit exceeds 50; or
 - b. The number of parking spaces required as a result of the beach development permit added to the number of required parking spaces existing on the parcel(s) at the time the application for a beach development permit is submitted exceeds 50.
 3. This subsection shall not be applicable to beach development permits for residential development.
 4. The amount of the fee that may be paid as an alternative to providing required parking shall be established by resolution. The amount of this fee shall be reviewed on a yearly basis by the planning, zoning and building department and may be adjusted by the city commission based on estimates of the actual cost of providing parking spaces in the central beach area.
 5. The fee shall be paid at the time of issuance of the certificate of occupancy for the development.
 6. All fees collected shall be deposited into an account designated for the provision of parking spaces in the central beach area and such funds shall only be used for such purposes. These purposes may include, but not be limited to, the cost of all labor and materials; the cost of land, leases, rights, easements and franchises; financing

charges; interest prior to and during construction; discount on the sale of municipal bonds; cost of plans and specifications; cost of engineering and legal services and all other expenses necessary or incidental to determining the feasibility or practicability of such construction, reconstruction or use, administrative expenses and such other expense as may be necessary or incidental to the provision of public parking spaces.

7. The city may, within its sole discretion, accept an interest in land in lieu of accepting all or a portion of the parking facility fee provided in this section. In making a determination whether to accept land as an alternative to the fee the city may consider the size of the land and the feasibility of constructing a parking facility on the land; the location of the land and its proximity to the parking needs on the central beach area; and the value of the land which shall be at least equal to the parking facility fee that would be assessed. The land may only be accepted if utilized in connection with the provision of parking in the central beach area. Acceptance of an interest in land in lieu of payment of the parking facility fee shall be by resolution adopted by the city commission.

Sec. 47-12.8. - Central beach area trip designation regulations.

- A. *Definitions.* For the purpose of this Section 47-12, the following terms and words shall have the meaning herein prescribed unless the context clearly requires otherwise:
 1. *Act.* Part III of the Community Redevelopment Act of 1969 (F.S. § 163.330 et seq.), as amended.
 2. *Allocable capacity trips.* Also referred to as ACTs, the average daily trips on roadway links identified in the interlocal agreement and allocable to development within the central beach area pursuant to the provisions of this section.
 3. *Beach development permit.* An authorization to apply for a building permit to carry out development within the central beach area as provided in this Section 47-12.
 4. *Central beach area.* Also referred to as the "CBA," the area lying south of Sunrise Boulevard, west of the Atlantic Ocean, east of the Intracoastal Waterway and north of the south boundary of the plat of Bahia Mar lying west of State Road A-1-A.
 5. *Central beach community redevelopment area.* Also referred to as the "CBCRA," that approximate one hundred twenty-five (125) acre area within the CBA which has been determined by the city to be in need of rehabilitation or redevelopment pursuant to the act which area is generally described as lying east of the eastern channel line of the Intracoastal Waterway, west of the mean high water line of the Atlantic Ocean, south of the northern right-of-way line of Alhambra Street east of Birch Road and the northern limit of Sebastian Street West of Birch Road, and north

of the southern property line of Bahia Mar extended eastward to the mean high water line of the Atlantic Ocean.

6. *County interlocal agreement.* The interlocal agreement between the county and the city relating to traffic capacity in the central beach area effective on August 1, 1989.
7. *Planned resort development district.* Also referred to as the "PRD," the zoning district created and defined within the central beach area as provided in this Section 47-12.
8. *Reserve capacity trips.* Also referred to as RCTs, the average daily trips on each of three roadway links which results from the roadway improvements as identified in the interlocal agreement.

B. Designation of reserve capacity trips.

1. Application for plat approval within the PRD district.
 - a. No plat of property located within the PRD district which requires the use of RCTs to meet traffic concurrency requirements shall be approved nor RCTs designated for development of property to be platted unless development of the property is proposed and completed in accordance with a beach development permit in accordance with this Section 47-12.
 - b. RCTs shall be allocated in connection with the approval of a plat of property located within the PRD district in accordance with the following procedure:
 - i. An applicant for approval of a plat of property located within the PRD district shall submit, simultaneous with the submission of an application for plat approval, an application for a beach development permit.
 - ii. The application shall include a proposal for development of the property proposed to be platted and shall include all information as required pursuant to this Section 47-12.
 - iii. Upon review of the application in accordance with the Adequacy Requirements, Section 47-25.2, it will be determined whether RCTs will be required in order for the proposed development to meet traffic concurrency requirements. If RCTs are required, a finding of concurrency will be made in conjunction with the reservation of RCTs as provided in this section.
 - iv. A plat shall only be approved by the city simultaneous with the issuance of a beach development permit. Upon initial DRC approval of the application for plat and beach development permit approval, RCTs will be reserved for the proposed development. The RCTs will continue to be reserved until the expiration of the time for approval or recordation of the plat as provided by

Broward County Code or expiration of the beach development permit, whichever occurs first.

- v. Upon recordation of the plat or issuance of a certificate of occupancy, whichever occurs later, the RCTs shall be finally deducted from the RCT total.
- vi. If a plat is not approved or recorded within the time provided in accordance with the Broward County Code, or a beach development permit expires for a proposed development, the RCTs reserved for such development shall be voided, added back to available RCT total and a new application for plat approval, beach development permit and concurrency evaluation must be submitted and approved by the authorized city agency prior to the applicant commencing or continuing development.

C. Application for a beach development permit within the PRD district.

1. RCTs shall be allocated in connection with the approval of a beach development permit for development of property located within the PRD district in accordance with the following procedures:
 - a. An applicant for approval of a beach development permit shall submit an application for a beach development permit in accordance with the provisions of this Section 47-12.
 - b. Upon review of the application in accordance with Adequacy Requirements, Section 47-25.2, it will be determined whether RCTs will be required in order for the proposed development to meet traffic concurrency requirements. If RCTs are required, a finding of concurrency will be made in conjunction with the reservation of RCTs as provided in this section.
 - c. Upon issuance of a beach development permit, RCTs will be reserved for the proposed development. The RCTs will continue to be reserved as long as the development is completed in accordance with the beach development permit and within the time provided in this Section 47-12.
 - d. Upon issuance by the city of a certificate of occupancy, the city will designate the RCTs, the county shall be advised of the designation of the RCTs to the development and the designated RCTs shall be subtracted from the total RCTs available for development.
 - e. If a beach development permit expires for a proposed development, the RCTs reserved for such development shall be voided, added back to available RCT total and a new application for beach development permit and concurrency evaluation must be submitted and approved by the authorized city agency prior to the applicant commencing or continuing development.

- D. *Designation of allocable trips for development within the central beach revitalization.*
1. *Application for plat approval or beach development permit outside of the PRD district but within the CBA.*
 - a. No plat of property or beach development permit for development of property located outside of the PRD district but within the CBA shall be approved nor ACTs designated for development of property unless a finding of adequacy that traffic capacity is adequate to support the proposed development is made. An application shall be subject to the requirements of Adequacy Requirements, Section 47-25.2. In the event that the impact of a proposed development necessitates the designation of ACTs, upon issuance of a finding of adequacy, ACTs will be reserved for the proposed development. The ACTs will continue to be reserved as long as the finding of adequacy and beach development permit are valid.
 - b. Upon issuance by the city of a certificate of occupancy, the city will designate the ACTs, the county shall be advised of the designation of the ACTs to the development and the designated ACTs shall be subtracted from the total ACTs available for development.

Sec. 47-12.9. - Reserved.

Sec. 47-12.10. - North Beach Area Interim Uses.

Sec. 47-10.12.1 North Beach interim uses purpose and intent.

- A. Purpose and intent. The North Beach interim uses ("interim use") are intended to provide property owners with the opportunity to develop vacant properties in the North Beach Area for uses serving the neighborhood on a temporary basis prior to development of a more permanent type. The North Beach Area is one geographical area including three zoning districts which contain and permit a mixture of types of residential as well as nonresidential uses. The purpose of permitting interim uses within the North Beach Area is to foster an active pedestrian friendly environment while maintaining the established character and atmosphere of the area.

To this end, the zoning districts lying within the North Beach Area will allow plaza areas and other openly accessible space to serve the high quality destination resorts in that portion of the ABA zoning district within the North Beach Area and to revitalize and serve the residents and visitors occupying the existing structures in that portion of the IOA zoning

district within the North Beach Area. This will be accomplished by requiring that an interim use development meet the following:

1. Site improvements with hardscape and landscape must be consistent with the color palate and architectural resources present in the North Beach Area.
2. The development site must provide accessibility to those using the open space.
3. Site fixtures including tables, chairs, shade structures and other seating must be consistent with the North Beach Area character.
4. The City ULDR lighting and noise regulations shall apply.
5. Maintenance plans must be provided to ensure the health and safety of the interim use development.
6. Size limitations shall apply to the area where amenities and accessory structures will be permitted in order to ensure adequate open areas.
7. Interim uses shall be permitted on a temporary basis ensuring that long term development as permitted by the underlying zoning district is not impeded when the economic circumstances supporting long term investment are reestablished as determined by the City Commission.

Permitting interim uses as defined herein, will serve the hotels and the neighborhoods within the North Beach Area, support the activation and revitalization of the Central Beach Area and afford the public greater opportunities to enjoy the natural outdoor beauty that is part of the City of Fort Lauderdale's beach amenities.

The interim uses are intended to activate and improve the character and aesthetics of vacant properties, while also providing desirable community amenities to portions of the North Beach neighborhood.

Further, it is recognized that encouraging increased pedestrian accessible activities and amenities within certain areas of the beach stimulates the economic growth and revitalization of the City.

Sec. 47-12.10.2. - Definitions.

- A. The following words when used in this section shall, for the purposes of this section, have the following meanings:
 1. *Interim use.* A use permitted in accordance with this Section 47-12.10.

Sec. 47-12.10.3. - Permitted uses.

- A. The following uses shall be permitted on properties zoned ABA or IOA and located within the North Beach Area:

1. *Site Plan Level I with City Commission approval.*

- a. Open space for public congregation accessible and visible from the abutting public right-of-way. The open space may include the following amenities:

fountains, including interactive fountains

waterfalls

sculptures

trellises

arbors

seating facilities

landscape features

tables, chairs and umbrellas

other site furnishings consistent with passive outdoor recreational uses

Passive recreation

- b. The open space use identified in subsection a. may be used as a gathering space for passive recreation uses and for the daily use as a place of congregation and relaxation.
- c. *Accessory structures and uses.* The following accessory structures and uses shall be permitted in association with the open space use provided in subsection a.
- i. Take out restaurant that may be located within a permanent or mobile structure.
 - ii. Docks are permitted as an accessory to a principal open space use if located on the Intracoastal Waterway in accordance with the regulations contained in Section 47-19.3 and Section 8-91 of the Code. Only 50 percent of the linear water frontage of a development site shall be available to dock vessels. Jet skis or live-aboard vessels are prohibited.

- d. Parking lots serving existing permitted uses within 700 feet of such use and within the North Beach Area in accordance with Section 47-20.22, Temporary parking lots.
2. Other uses not listed as approved as a Site plan Level IV development permit.

Sec. 47-12.10.4. - Conditions for interim use.

- A. An interim use or uses may be permitted if the development site meets the following conditions:
 1. The development site is a minimum of ten thousand (10,000) square feet. A development site in excess of ten thousand (10,000) square feet may be considered if adequate parking is provided as recommended by the Director and approved by the City Commission.
 2. The development site is located in the North Beach Area as defined in Section 47-12.3.A.13. and zoned either ABA or IOA.
 3. The applicant acknowledges and agrees that the permitted interim use approval is for a limited period of time as provided in section 47-12.10.5.D. and that by approval of an interim use permit the applicant has no vested interest in the use of the property for the interim use nor shall the owner claim such interest or claim that the City is estopped from terminating the use in accordance with the applicable provisions.

Sec. 47-12.10.5. - Interim use approval.

- A. *Application.* Approval of an interim use may only be initiated by application of the owner(s) of the property proposed to be used. The application shall include the following:
 1. All information required for an application for site plan level I permit pursuant to Section 47-24, Development Permits and Procedures;
 2. Identification of the permitted interim use or uses proposed for the property to be used;
 3. A drawing (minimum scale of one-fourth ($\frac{1}{4}$) inch equals one foot) showing the layout and dimensions of the property, proposed location, size and number of passive recreation fixtures, tables, chairs, umbrellas, aesthetic amenities, location of trees, parking meters, trash receptacles, landscaping, utility boxes, poles, guidelines and any other proposed amenities;

4. Photographs, drawings or manufacturers' brochures fully describing the appearance of all proposed passive recreation fixtures, tables, chairs, umbrellas or other objects relating to the interim use;
5. A programming plan describing programmed activities which may include activities such as artists, performance, art, solo musicians and background music with amplification having a limited decibel level and limited low frequency sound amplitude levels. Such programming plan shall specify days and hours of each proposed programmed activity;
6. A plan for the maintenance and cleaning of the interim use including but not limited to the development site, the passive recreation fixtures, tables and chairs; and where and when any trash or food on or about the passive recreation fixtures, tables and chairs and development site will be disposed. If the proposed interim use is adjacent to a commonly owned permanent development then a plan outlining common maintenance may be presented. The maintenance plan shall provide that the parcel owner shall clean and remove debris from the property on a daily basis, and shall collect trash daily. This maintenance shall apply to any City sidewalks located adjacent to the interim use parcel;
7. A lighting plan showing the proposed location and type and intensity of lighting;
8. A narrative describing the treatment of any structure or fixture and its consistency with the architectural design and style of the North Beach Area;
9. Hours of operation (maximum allowed: 7:00 a.m. to 12:00 a.m.);
10. Any permits or approvals required from any other governmental agency necessary to operate an interim use. This may be submitted after interim use approval;
11. A copy of a valid business tax license for food and beverage service in conjunction with the interim use which is the subject of the application. This may be submitted after interim use approval;
12. Applications shall be accompanied by a non-refundable application fee of one thousand three hundred fifty dollars (\$1,350.00); and
13. A declaration of restrictions executed by the applicant acknowledging that approval of an interim use is for a limited period of time as provided in subsection d. of Section 47-12.10.5. and that the interim use permit terminates in accordance with the regulations provided herein. Further, that by approval of an interim use permit the applicant has no vested interest in the use of the property for the interim use nor shall the owner claim such interest or claim that the City is estopped from terminating the use in accordance with the applicable provisions. As a condition of the approval of an interim use, the declaration must be executed by the applicant, approved as to form by the City Attorney and recorded in the public records of Broward County at applicant's expense.

B. Review process.

1. An application for a development permit for an interim use shall be submitted to the department and undergo the same review as applicable to a Site Plan Level I development permit. A recommendation whether the application meets the criteria provided in the section shall be prepared by the department and forwarded to the City Commission for consideration at a regular meeting. An application for an interim use that is recommended for approval by the department shall be placed on that portion of the City Commission agenda known as the consent agenda where items are approved by a single motion. If any City Commissioner or member of the public requests removal of the application for an interim use from the consent agenda for further review and discussion by the City Commission, the application shall be removed and public comment and discussion on the application shall occur.
2. If the City Commission approves the application by consent motion, the development permit shall be issued with such conditions as recommended by the department. If the City Commission considers the application after removal from the consent agenda, and if the City Commission determines that the proposed interim use meets the standards and requirements of the ULDR for an interim use, the City Commission may approve the interim use or approve with conditions necessary to ensure compliance with the standards and requirements of the ULDR. If the City Commission determines that the proposed interim use does not meet the standards, requirements and criteria, the City Commission shall deny the application.

C. *Standards and criteria.*

1. The following standards and criteria shall apply to the interim uses and such uses shall comply with the standards and criteria as a condition for approval of an Interim Use.
2. *Open space.* The open space shall comply with Section 47-25.3.A_3.e.iv.g Pedestrian Circulation: Urban Open Spaces/Plazas.
3. *Open space uses.*
 - a. Only passive recreation or relaxation uses will be permitted.
 - b. Programmed activities may only be permitted as part of a permitted interim use or as part of a special event permit. Music may be permitted at any time if there is no amplification or speakers. Amplified music or speakers may be permitted during hours specified in the development permit as identified and approved in the programming plan. Any programmed activities that are approved by the City Commission as part of the interim use may be modified by the City Commission if it is found not to be compatible with surrounding uses.

4. *Amenities.* The open space amenities provided therein shall comply with Section 47-25.3. A.3.e.iv.i, Site Furnishings.
5. *Accessory structures.* Accessory structures, mobile or permanent are subject to the following standards:
 - a. Only one accessory structure shall be permitted on a ten thousand (10,000) square foot development site. Each additional ten thousand (10,000) square feet may have one additional structure meeting the requirements of this section.
 - b. The height of a structure shall not exceed 11 feet. The length shall not exceed twenty-seven (27) feet.
 - c. The design of the exterior façade of the structure shall incorporate architectural design consistent with the character and style of the North Beach Area in accordance with the following:
 - i. The color and composition reflect the natural colors and location of the North Beach Area;
 - ii. The character reflects a sensitivity to the history and culture of the North Beach Area which has been in the Central Beach Master Plan.
 - iii. Awnings or other window treatments are used which reflect this color, composition and character of the North Beach Area.
 - d. In lieu of façade enhancements, the side or sides of a structure that are not accessed by the public shall be screened with landscaping that fully buffers the façade. Any proposed structure shall be reviewed for material composition and aesthetics in keeping with the Private Sector Design Guidelines set forth in Section 47-25.3.A.3.e.iv.g of the ULDR.
6. Hours of operation shall be provided and shall not exceed 8:00 a.m. to 12:00 a.m. or such earlier hours as approved in the development plan; and
7. *Music.* Any music provided is permitted and if amplified shall be required to direct amplification internal to the property and shall comply with the conditions of the development plan approval and noise ordinances of the City as to hours of music and decibel level.
8. *Parking.* Parking: An interim use parcel less than one-half ($\frac{1}{2}$) an acre or less shall be exempt from the parking requirements set forth in the ULDR.

9. *Maintenance.* Property shall be maintained in a clean and attractive manner. Daily cleaning and trash removal on the property consistent with the standards implemented by the City's Business Improvement District (BID) and in accordance with the approved maintenance plan.
10. *Paving.* Notwithstanding anything herein to the contrary, improvement of an interim use site shall not include asphalt as part of any hardscape.
11. *Signage.* Signage on any interim use parcel shall be limited to one flat sign located on a permitted structure, not to exceed one and one-half (1.5) feet in width and four feet in length; and one freestanding ground sign, not to exceed four feet in height and four feet in width.

D. *Interim Use Approval.* An authorization to issue an interim use permit shall be approved by the City Commission by resolution containing the following:

1. Legal Description of the location
2. Name of Applicant to whom authorization is provided.
3. Hours of operation
4. Duration of the interim use period
5. A statement that by approval of an interim use permit the applicant has no vested interest in the use of the property for the interim use nor shall the owner claim such interest or claim that the City is estopped from terminating the use in accordance with the applicable provision.