

The Satori at Lighthouse Point
Major Site Plan Review (MSP-2025-45)
27 Flex Units (FLEX-2025-5)

PROJECT NARRATIVE

August 27, 2025

I. INTRODUCTION

Urbana, on behalf of 4211 N FED, LLC (Owner/Applicant), is requesting a Master Site Plan Review(MSPR) approval to allow a one-hundred and eighty-seven (187) multifamily residential unit with twenty-seven (2)7 flex units development. The development is composed of three (3) parcels for a combined total acreage of 2.718 ac (118,416 SF). The development is under Parcel IDs 484318000401, 484318000380, and 484318000351 and is located at 4211 North Federal Highway, Pompano Beach, Florida, 33064. The existing Land Use Designation is Commercial (C), and the existing Zoning Designation is General Business (B-3). The parcels are not located within the Community Redevelopment Agency (CRA) boundaries, and they are within the Highlands Neighborhood of Pompano Beach. Additionally, this development is utilizing Broward County's Bonus Density Policy 2.16.3 for a 100% residential development with flex units.

II. REQUEST

To allow one hundred and eighty-seven (187) multifamily residential units with 27 Flex units per Broward County Policy 2.16.3.

III. PROPOSED DEVELOPMENT

The property owners are proposing an eight-story (8) multifamily development with 27 flex units composed of the following uses on each level:

Level 1 (Ground Floor): Garage parking, main lobby, domestic pump room, fire pump room, electric room, trash room, mail room, package room, amenities (open to above floors), leasing office (open to above floors), street parking, loading area, and open green space.

Level 2: Garage parking, pool equipment room, 2nd floor lobby, five (5) 1-bedroom units, and six (6) 2-bedroom units.

Level 3: Mechanical + electrical room, multipurpose room, trash chute, pool, barbeque area, open green space, clubhouse, 2 pickleball courts, 3rd floor lobby, nine (9) 1-bedroom units, nineteen (19) 2-bedroom units, and five (5) 3-bedroom units.

Level 4: Mechanical + electrical room, 4th floor lobby, trash chute, nine (9) 1-bedroom units, twenty (20) 2-bedroom units, and four (4) 3-bedroom units.

Level 5: Mechanical + electrical room, 5th floor lobby, trash chute, nine (9) 1-bedroom units, twenty-five (25) 2-bedroom units, and three (3) 3-bedroom units.

Level 6: Mechanical + electrical room, 6th floor lobby, trash chute, nine (9) 1-bedroom units, twenty-five (25) 2-bedroom units, and three (3) 3-bedroom units.

Level 7: Mechanical + electrical room, 7th floor lobby, trash chute, seven (7) 1-bedroom units, twenty-three (23) 2-bedroom units, and five (5) 3-bedroom units.

Level 8 (Rooftop): Mechanical room, mechanical yards, rooftop lobby, bathroom, fitness center, and open green space.

IV. ENTITLEMENT HISTORY

DRC

1975 – Motel (Days Inn) use approved via Building Permit PR-2025-760 with no provided unit count.

1999 – Motel (Days Inn) use approved via Building Permit PR-2025-760 (Amendment) to allow 61 motel units.

V. SURROUNDING PROPERTIES

Below are the subject parcels' adjacent parcel existing uses, future land use designations, zoning designation, and approved uses with corresponding resolutions (where applicable).

Adjacent Property	FLU	Zoning	Existing Land Use
North	C	B-3	Open Space/Neshama Jewish Funeral Services
South	L/LM	RS-4/RM-12	Single Family Homes
East	LHP C	LHP B-3A	Commercial
West	OR	PR	Recreational Open Space

VI. COMPREHENSIVE PLAN | BrowardNext

Policy 2.16.3 | Affordable Housing Bonus Density

(1) Bonus residential density may be allocated to facilitate the development of affordable housing for persons within the following income categories as defined in the Broward County Land Use Plan:

- Moderate-income persons having a total annual anticipated income for the household that does not exceed 120 percent of the median annual income adjusted for family size for households within the county.

Response: Understood. The development shall meet this requirement.

- Low-income persons having a total annual anticipated income for the household that does not exceed 80 percent of the median annual income adjusted for family size for households within the county.

Response: N/A.

- Very-Low income persons having a total annual anticipated income for the household that does not exceed 50 percent of the median annual income adjusted for family size for households within the county.

Response: N/A.

* While occupying a rental unit, annual anticipated gross income may increase to an amount not to exceed 140 percent of the applicable median income adjusted for family size.

Response: Understood.

(2) Bonus Formulas

Moderate-income: Six (6) bonus units per every one (1) "moderate-income" unit (including areas east of the Intracoastal Waterway).

Response: Per Zoning Confirmation Letter 24-02-00-0173, 1 for every 7 units will be required to be deed restrictive to 'moderate income' (up to 120% AMI) for 30 years. Based on 186 units, 27 units ($186/7=26.57=27$ du) will be deed restrictive.

Low-income: Nine (9) bonus units per every one (1) "low-income" unit (including areas east of the Intracoastal Waterway).

Response: N/A.

Very-Low-income: Nineteen (19) bonus units per every

Response: N/A.

(3) Affordable housing density bonuses are conditioned on the developer or purchaser providing, in a manner acceptable to the affected unit of local government, guarantees, as a minimum, through

the use of restrictive covenants, that the affordability of the bonus units for the affordable income groups described above will be maintained for a period of at least thirty (30) years for rental housing and at least thirty (30) years for owner occupied housing.

Response: Understood.

- (4) The total number of units, including affordable and bonus units, on lands designated as “Residential” may not exceed a maximum of 50 dwelling units per acre on the Broward County Land Use Plan. For parcels designated “Commerce” or similar designation on the local land use plan map, these maximum densities shall not be applicable. If the total density, including the affordable and bonus units, exceeds the density permitted by the existing zoning classification, the governing body of the local government shall make a finding of compatibility with existing and future land uses and its local land development regulations at a publicly noticed meeting, consistent with its notification requirements; otherwise, the local planning agency of the local government may make the finding of compatibility at a publicly noticed meeting, consistent with the above.

Response: Understood.

- (5) At the time of allocation of bonus density, the applicable local government must make a finding that adequate public facilities and services are in place or will be in place with completion of project construction, to accommodate all bonus and affordable units.

Response: Understood.

- (6) Allocations of bonus residential density do not require an amendment to the Broward County Land Use Plan or local land use plan.

Response: Understood.

- (7) Units of local government may utilize the Bonus Density provisions regardless of whether such provisions are incorporated within their certified local land use elements. This Policy is discretionary upon the local government and does not create any entitlements to the bonus units. Allocation of the bonus units requires authorization of the local government at a publicly noticed meeting, consistent with its notification requirements, of the governing body or, when the total density, including affordable and bonus units, does not exceed the density permitted by the existing zoning classification, by the local planning agency.

Response: Understood.

- (8) By January 31 of each year, an official of each local government shall transmit to the Planning Council an annual report providing tables reflecting bonus density units allocated.

Response: Understood.

- (9) “Affordable” unit and bonus unit construction is subject to the following, as enforced by the applicable local government:

- a. One hundred percent (100%) of “affordable” units must receive certificates of occupancy before the final fifty percent (50%) of bonus units receive their certificate of occupancy; or

Response: Understood.

- b. The local government must require that “affordable” units are available before or concurrently with bonus units.

Response: Understood.

- (10) This Policy is incentive-based, and units of local government may be more restrictive and are not required to adopt, utilize or implement the above referenced bonus formulas.

Response: Understood.

VII. COMPREHENSIVE PLAN | City of Pompano Beach

Policy 01.07.17

The maximum intensity of development within the following nonresidential land use categories will be determined as follows:

Response: As shown on the below table, the proposed development, although no commercial, meets the requirements of this section of the Code.

CATEGORY: COMMERCIAL (C)	REQUIRED	PROVIDED
Maximum lot coverage	60%	58.9%
Maximum building height (Ft)	105'	90'

VIII. CODE OF ORDINANCE

Sec. 154.61 | Chapter 154 - Planning | Redevelopment and Flexibility Units

- A. In conformance with the Comprehensive Plan, flexibility and redevelopment units as defined in § 154.60 of this chapter, may be allocated to authorize residential projects or mixed use projects on properties with commercial land use designations (limited to 20% of the total lands designated Commerce in the county's 2017 Land Use Plan) or additional units on properties with residential land use designations. Approval of an allocation of flexibility and redevelopment units shall be achieved as outlined below.

Response: Understood. The proposed development possesses a Commercial (C) land use designation and is utilizing Broward County's Bonus Density Policy 2.16.3 for 100% residential development with 27 flex units.

- B. Distribution of flexibility and redevelopment units.

1. Available flexibility and redevelopment units may be utilized by the city to rearrange residential densities consistent with the 2017 Broward County Land Use Plan provisions, as may be amended from time-to-time.

Response: Per Zoning Code Section 155.4202.A, which requires the use of County Policy 2.16.3 (100% residential only) a density of 69 du/ac is allowed, based on 2.718 acres, 188 units can be developed ($2.718 \times 69 = 187.5 = 188$ units).

2. Rearrangement of residential densities utilizing flexibility units will be administered within "flexibility zones." The County Land Use Plan effective as of June, 2017, approved through the BrowardNext process, identifies the entire boundary of Pompano Beach as one flexibility zone. The city can further restrict the area eligible to receive flex units through the adoption of a Residential and Nonresidential Flexibility Receiving Area Map. The rules associated with the allocation of flex units are established within the Broward County Planning Council's "Administrative Rules Document" as referenced in the city's Comprehensive Plan.

Response: Understood.

3. Additional residential density utilizing redevelopment units will be administered within specific redevelopment unit receiving areas as established on the Redevelopment Unit Receiving Area Map, which must be adopted by the city and submitted to the county when the city applies for redevelopment units per the 2017 BrowardNext County Land Use Plan policies.

Response: Understood.

4. The maximum number of dwelling units permitted by the city Future Land Use Plan shall not exceed the number of dwelling units permitted by the Broward County Future Land Use Plan.

Response: Understood. Per Zoning Confirmation Letter 24-02-00-0173, a density of 69 du/ac is allowed, and based on 2.718 acres 188 units can be developed ($2.718 \times 69 = 187.5 = 188$ units).

- C. Procedure for Residential and Nonresidential (Per 5% Rule: Residential to Commercial) Flexibility Allocation

1. Step 1: Application submittal. The applicant shall submit the following:

- a. The application is in the form established by the Development Services Director;

Response: Understood.

- b. The application is accompanied by the application fee as specified in Chapter 155, Appendix C: Fee Schedule;

Response: Understood.

c. The applicant includes a conceptual site plan;

Response: Understood.

d. Sufficient and detailed information in the application in sufficient detail describing any use by the applicant of Broward County Land Use Plan Policy 2.16.3 (Policy 2.16.3) to maximize bonus density opportunities for the development of affordable dwelling units compatible with existing and future land uses; and

Response: Herein is the information required to meet this section of the code.

e. Sufficient and detailed information in the application that complies with the review standards listed in subsection (D) below, including a conceptual site plan.

Response: Herein is the information required to meet this section of the code.

2. Step 2: Staff review. The application is reviewed by DRC, based on the Application Review Standards listed below in subsection (D), and comments are provided to the Development Services Director, who makes recommendations to the decision making body.

Response: Understood.

3. Step 3: Advisory body review and recommendation. Applicable to a review and recommendation shall be accomplished by the Planning and Zoning Board based on the Application Review Standards listed in subsection (D) below.

a. The Planning and Zoning Board hearing shall be noticed as follows:

1. Published notice. Notice of the P&Z public hearing shall be published at least five calendar days before the hearing date.

Response: Understood.

2. Mailed notice. Notice of the P&Z public hearing shall be mailed at least six business days before the hearing date to the following recipients: Applicant; owner(s) of land subject to the application; owners of real property within 500 feet of the parcel(s) subject to the application; and the local planning agency of the county or adjacent municipality, if its jurisdictional boundary lies within 500 feet of the parcel(s) subject to the application.

Response: Understood.

b. Projects using Policy 2.16.3 for density purposes will be reviewed for flex/redevelopment unit allocations by the Planning and Zoning Board concurrently with the project's application for site plan approval. In such instances, the Planning and Zoning Board shall serve as the decision-making body.

Response: Understood.

4. Step 4: Decision-making body review and decision. The final review and decision shall be made by the City Commission, except as provided in subsection (C)(3)(b) above.

a. The City Commission hearing shall be noticed as follows:

1. Published notice. Notice of the City Commission public hearing shall be published at least ten calendar days before the hearing date.

Response: N/A.

2. Mailed notice. Notice of the first City Commission public hearing shall be mailed at least ten calendar days before the hearing date to the following recipients: Applicant; owner(s) of land subject to the application; owners of real property within 500 feet of the parcel(s) subject to the application; and the local planning agency of the county or adjacent municipality, if its jurisdictional boundary lies within 500 feet of the parcel(s) subject to the application.

Response: N/A.

5. The availability of redevelopment and flexibility units will become null and void upon the expiration of the time limits provided in the resolution allocating said flexibility and redevelopment units. Time extensions may be granted for good cause shown if sufficient progress is demonstrated.

Response: Understood.

- D. Application review standards. Flex/ redevelopment units and commercial flexibility shall be issued at the discretion of the City Commission as a legislative action and by the Planning and Zoning Board, where applicable, based upon delegated authority from the City Commission. An application shall only be presented to the decision making body upon a finding that all of the following standards are met:

1. Consistency with applicable goals, objectives and policies of the city's Comprehensive Plan and this chapter.

Response: The proposed residential development is consistent with the goals, objectives, and policies of the city's Comprehensive Plan and this chapter.

2. The use of the redevelopment and flexibility units and/or the establishment of nonresidential development within a residential land use designation will produce a reasonable development pattern. The criteria for reasonableness shall include compatibility of adjacent land uses and suitability of the parcel for various development patterns.

Response: N/A. The proposed development possesses a Commercial (C) land use designation and is utilizing Broward County's Bonus Density Policy for 100% residential developments. It is compatible with all adjacent land use designations and all surrounding development patterns.

3. Any applications for the use of residential flexibility or redevelopment units under this section require a commitment to provide affordable housing units pursuant to subsection (F) below or payment of an in lieu of fee in accordance with § 154.80. Infill properties which are one-acre or less are exempt from this requirement.

Response: This development is proposing to build 27 flex units (affordable housing units).

ARTICLE 1 – GENERAL PROVISIONS

Sec. 155.1201. | Relationship To Comprehensive Plan | Consistency with Comprehensive Plan

This Code is a means of implementing and ensuring consistency with the goals, objectives, and policies in the City of Pompano Beach Comprehensive Plan. Any amendments to this Code shall be consistent with the comprehensive plan.

Response: Understood. The proposed residential development is consistent with the goals, objectives, and policies of the city's Comprehensive Plan. No amendments are proposed.

Sec. 155.1301 | Relationship to Other Laws | Conflicts with Other Laws

- A. Conflicts with other City Regulations

If a provision of this Code is inconsistent with another provision of this Code, or with a provision found in other adopted codes or ordinances of the city, the more restrictive provision shall govern unless the terms of the more restrictive provision specify otherwise. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.

Response: Understood.

- B. Conflicts with State or Federal Law

If a provision of this Code is inconsistent with a provision found in the law or regulations of the state or federal government, the more restrictive provision shall control, to the extent permitted by law.

Response: Understood.

C. Conflicts with Private Agreements

Nothing in this Code is intended to supersede, annul, or interfere with any easement, covenant, deed restriction, or other agreement between private parties, but such private agreements shall not excuse any failure to comply with this Code. The city shall not be responsible for monitoring or enforcing private agreements.

Response: Understood.

ARTICLE 2 – ADMINISTRATION

Sec. 155.2401.C | Application-Specific Review Procedures | Unity of Title Agreement

In conjunction with the submittal of an application for a development permit when it is deemed necessary for compliance with standards in this Code for the owner of adjacent lots or parcels to execute an agreement whereby such lots or parcels shall be considered an undivided parcel for zoning purposes, a "unity of title agreement" or equivalent instrument shall be required to be executed by the owner and recorded in the public records of Broward County. This agreement shall be considered to be a restriction running with the land and shall bind the heirs, successors and assigns of the owner.

Response: Per Broward County Planning Council plat determination letter dated April 1, 2025, a plat will be required per Broward County Land Use Policy 2.13.1.

Sec. 155.2407.E | Application-Specific Review Procedures | Site Plan Review Standards

An application for a **Major Site Plan** or Minor Site Plan shall be approved only on a finding that there is competent substantial evidence in the record that the development, as proposed:

- a. Is consistent with the land use designation in the comprehensive plan:

Response: Yes, the proposed 100% residential development is consistent with the Commercial (C) land use designation in the Comprehensive Plan.

- b. Complies with the applicable district, use, and intensity and dimensional standards of this Code (Articles 3, 4, and 5);

Response: The proposed 100% residential development complies with the General Business (B-3) zoning designation, use, density, and dimensional standards of this code.

- c. Complies with the applicable development standards of this Code (Article 5). While not required to comply with the Sustainable Development Standards in Part 8, Sustainable Development Standards, of Article 5, Development Standards, applications for Minor Site Plan shall be approved only on a finding that there is competent substantial evidence in the record that the proposed development is consistent with the goals and intention found in Section 155.5801, Purpose;

Response: The proposed residential development is proposing sustainable development principles to the best of their abilities.

- d. Complies with all other applicable standards in this Code;

Response: The proposed development shall comply with all applicable standards of this code.

- e. Complies with all requirements or conditions of any prior applicable development orders or prior applicable approved plans on record;

Response: There were no development records on city record, however, as mentioned herein, 1975 and 1999 permits confirmed the Motel use for 61 units.

- f. The concurrency review has been completed in accordance with Chapter 154 (Planning) of the Code of Ordinances;

Response: Yes, the proposed development shall meet the concurrency requirements of this chapter.

- g. Is designed to provide safe, adequate, paved vehicular access between buildings within the development and streets as identified on the Broward County Trafficways Plan;

Response: Yes, the proposed development has been designed to provide safe, adequate, paved vehicular access between buildings within the development and streets as identified on the Broward County Trafficways Plan.

- h. Complies with any applicable hazardous material licensing requirements in the Broward County Wellfield Protection Ordinance;

Response: The proposed development shall meet the requirements of this code.

- i. Complies with crime prevention security strengthening and standards for natural surveillance, natural access control, territorial reinforcement, maintenance, and activity support;

Response: The proposed development shall meet the CPTED standards. Please refer to the CPTED statement.

- j. Complies with adopted Fire Codes and Standards per City Code Section 95.02;

Response: The proposed development shall comply with adopted Fire Codes and Standards per City Code Section 95.02.

- k. Considers and mitigates any potential adverse impacts on environmentally sensitive lands identified by the city Comprehensive Plan or Broward County Land Use Plan; and

Response: Not applicable, as these parcels are not considered sensitive, and no native and non-native fauna and flora are present on them.

- l. Complies with the approved Transportation Corridor Study, unless in direct conflict with another zoning code provision.

Response: This requirement is not applicable to this development.

Sec. 155.2410 | Application-Specific Review Procedures | Plat

A. Purpose. The purpose of this section is to provide a review procedure to conform to the Broward County Land Use Plan's requirement that local governments require compliance with the county's platting requirements and to ensure subdivisions of land within the city:

1. Provide for the orderly growth and development of the city;
2. Coordinate proposed streets with existing and planned streets in the city's street system, and with other public facilities;
3. Provide rights-of-way for streets and utility easements;
4. Avoid congestion and overcrowding of streets;
5. Ensure there is adequate access to development.
6. Ensure there are adequate utility facilities to serve development;
7. Ensure there is adequate open space and recreation facilities to serve development; and
8. Ensure there is proper recordation of land ownership or property owner association records, where applicable.

Response: Per Broward County Planning Council plat determination letter dated April 1, 2025, a plat will be required per Broward County Land Use Policy 2.13.1.

B. Applicability.

1. Unless exempted in accordance with subsection 2 below, approval of a Plat in accordance with this section is required before any plat of a subdivision (as defined in Part 5 (Terms and Uses Defined) of Article 9: Definitions and Interpretation) may be recorded or any development associated with the subdivision may occur, and before any Zoning Compliance Permit may be approved for construction of a principal building on a lot or parcel of land.

Response: Per Broward County Planning Council plat determination letter dated April 1, 2025, a plat will be required per Broward County Land Use Policy 2.13.1.

2. Plat Exemption. The requirement that a Plat be approved in accordance with this section before approval of a Zoning Compliance Permit shall not apply where expressly exempted from such requirement by the Broward County Land Use Plan.

Response: Per Broward County Planning Council plat determination letter dated April 1, 2025, a plat will be required per Broward County Land Use Policy 2.13.1.

C. Procedure.

1. Step 1: Pre-Application Meeting. Applicable.

2. Step 2: Neighborhood Meeting. Optional.
3. Step 3: Application Submittal and Acceptance. Applicable.
4. Step 4: Staff Review and Action. Applicable to a recommendation by the Development Services Director following DRC review and comment
5. Step 5: Public Hearing Scheduling and Notice. Applicable.
6. Step 6: Advisory Body Review and Recommendation. Applicable to a recommendation by the P&Z, following a quasi-judicial public hearing on the application conducted in accordance with Section 155.2307.B, Public Hearing.
7. Step 5: Decision-Making Body. Applicable to a final decision by the City Commission.

Response: Understood.

D. Plat Review Standards

An application for a Plat shall be approved only on a finding that the proposed subdivision or development on the lots proposed to be platted meets all of the following standards:

1. The development complies with the applicable standards in Part 7 (Lots) of Article 5: Development Standards;

Response: Understood.

2. The development complies with all other applicable standards in this Code;

Response: Understood.

3. The development complies with all requirements or conditions of any applicable development orders (e.g., Planned Development);

Response: Understood.

4. Any land within the platted lot(s) that is necessary to comply with the Broward County Trafficways Plan has been conveyed to public by deed or grant of easement;

Response: Understood.

5. The development complies with any applicable hazardous material licensing requirements in the Broward County Wellfield Protection Ordinance; and

Response: Understood.

6. All facilities for the distribution of electricity, telephone, cable television, and similar utilities, shall be placed underground.

Response: Understood.

E. Effect of Plat.

1. A development order for a Plat from the city allows submittal and review of an application for approval of the same plat by the Broward County Commission in accordance with the Broward County Land Development Code.

Response: Understood.

2. On obtaining a development order approving the same plat from Broward County in accordance with the Broward County Land Development Code, and recording the plat in accordance with Broward County platting regulations, the landowner is authorized to submit an application for a Zoning Compliance Permit in accordance with Section 155.2413, Zoning Compliance Permit, for development of the land.

Response: Understood.

F. Expiration.

A Plat approved in accordance with this section shall automatically expire and be null and void if an application for approval of the same plat is not approved by the Broward County Commission within two years after the date of the city's approval of the Plat, or an extension of this time period authorized in accordance with Section 155.2308.B.2, Extension of Expiration Time Period.

Response: Understood.

G. Deviations to/from Approved Plat

An approved Plat may be revised to include—and subsequent applications for a Zoning Compliance Permit for development authorized by a development order for a Plat may include—amendments from the approved Plat, conditions of approval, and plat notes.

Response: Understood.

H. Amendment

Any modifications of an approved Plat other than the deviations authorized in Section 155.2410.G, Minor Deviations to/from Approved Plat, shall require amendment of the Plat approval in accordance with Section 155.2308.C, Modification or Amendment of Development Order.

Response: Understood.

ARTICLE 3 – ZONING DISTRICTS

Sec. 155.3211. | Commercial Base Zoning Districts | B-3 Use Standards

	B-3 REQ	PROV
Min. Lot Area (SF)	10,000 SF	118,416 SF
Min. Lot Width (SF)	100'	137.25'
Max. Density (du/ac)	69 du/ac	69 du/ac
Max. Lot Coverage (% of lot area)	60% (71,050 SF)	44% (52,165 SF)
Min. Pervious Area (% of lot area)	20% (23,683 SF)	28% (32,846 SF)
Max. Height (Ft.)	105'	90'
Min. Front Yard Setback (Ft.) (E)	0'	32.1'
Min. Interior Side Yard Setback (Ft.) (N)	0'	17.9'
Min. Interior Side Yard Setback (Ft.) (S)	0'	10'
Min. Rear Yard Setback (Ft.) (W)	10'	10'

Sec. 155.3304. | Commercial Base Zoning Districts | General Business (B-3)

The General Business (B-3) district is established and intended to accommodate a diverse range of moderate-intensity retail, service, office, recreation/ entertainment, visitor accommodation, and institutional uses that serve the residents and businesses in the community at large (e.g., most retail sales and service uses, restaurants, offices, banks, restaurants, gasoline filling stations, marinas, auto and boat sales and service uses, theaters, hotels, child care facilities, vocational or trade schools, health care facilities, places of worship). It also accommodates complementary residential uses (e.g., live-work and upper-story dwellings) and moderate- to high-density multifamily development (either stand-alone or mixed with commercial development), community residences, and recovery communities.

3. Residential development on land classified as Commercial by the Land Use Plan is subject to allocation of flex or reserve units in accordance with Chapter 154, Planning or the allocation of residential units in accordance with County Affordable Housing Policy 2.16.3 (if less than 10-acres) or Policy 2.16.4 and Article 3, Use Standards.

Response: The proposed development is less than 10 acres (2.718 acres) and as such, it is utilizing the Broward County Bonus Density Policy 2.16.3 for a 100% residential development with flex units.

4. Structures within the Air Park Overlay (APO) zoning district must also comply with the height limits in Section 155.3707.

Response: N/A.

5. Those portions of a structure extending above a height of 50 feet shall be set back an additional 1 ft for each 4 ft (or major fraction thereof) the height of the portion of the structure exceeds 50 ft.

Response: Yes, the proposed development meets this section of the code. The proposed building height is 90 feet, therefore the new required setback is 10 feet ($90 - 50 = 40/4 = 10$).

ARTICLE 4 – USE STANDARDS

Sec. 155.4202. | Principal Uses and Structures | Residential Household Living Uses

A. Mixed Income Residential and Mixed Use Density Bonus Policies

A. Mixed Income and Mixed Use Residential Density Bonuses are intended to encourage economic revitalization through redevelopment that is mixed use/mixed income, transit/pedestrian oriented, compatible with adjacent uses, and encourages corridor beautification. Further, such bonuses are conditioned on the developer or purchaser providing, in a manner acceptable to the city, guarantees, as a minimum, through the use of restrictive covenants, that the affordability of the bonus units will be maintained for a period of at least 30 years for rental housing and at least 30 years for owner-occupied housing. The following policies may be utilized:

a. Broward County Affordable Housing Density Bonus Policies 2.16.3 and 2.16.4.

Response: The proposed development is utilizing Broward County Affordable Housing Density Bonus Policy 2.16.3 for a 100% residential development with flex units.

b. Section 154.61 Redevelopment and Flexibility Units.

Response: The proposed development possesses a Commercial (C) land use designation and is utilizing Broward County's Bonus Density Policy 2.16.3 for 100% residential development with 27 flex units.

c. Section 166.04151(7), Florida Statutes, as amended. The development of residential and mixed-use affordable housing developments pursuant to the provisions of Section 166.04151(7), Florida Statutes ("Live Local Act projects") involves a combination of residential and non-residential components, and a combination of dwelling units, at least 40% of which must qualify as affordable housing units, as defined in Section 420.0004, Florida Statutes, to accomplish the following purposes:

1. Protect and promote the public health, safety, and general welfare of the residents of the city;
2. Facilitate the orderly and efficient development of affordable housing in the city pursuant to the Act;
3. Acknowledge the statutory preemptions regarding use, height, density, FAR and parking under the Act;
4. Provide the minimum non-residential floor area for mixed use developments under the Act are the same as for other mixed-use projects in the city; and
5. Establish an administrative approval process for qualifying developments under the Act.
6. The Act does not apply to airport-impacted areas such as the Airport Overlay District as defined in Section 155.3707, and as provided in Section 333.03, Florida Statutes
7. Applications for a Live Local Act project must be deemed complete prior to October 1, 2033. No applications for such projects shall be accepted after October 1, 2033 unless the Florida Legislature extends or reenacts Section 166.04151(7), Florida Statutes.

Response: N/A.

B. Development Standards Applicable to all Density Bonus Policies

a. Height

1. All developments greater than 35' in height must result in an effective transition of heights from abutting low-density residential (20 units per acre or less) development to the tallest portion of the development. The effective transition of heights is intended to demonstrate compatibility of heights with abutting low-density residential development and to demonstrate that the tallest portions of the development are appropriately located including a gradual and incremental increase in height that is proportionally tiered and reasonably distributed.

Response: Understood. The proposed building height is 90 feet where the South side of the building is adjacent to single-family homes, therefore, an effective transition of height has been provided on that side of the development.

2. Live Local Act projects may have the highest height of any commercial, residential or mixed-use zoning district within one mile of the proposed development site or as otherwise limited by the Act, when adjacent to single-family homes on two sides. Allowable height, therefore, will be determined on a site-specific basis for Live Local Act projects. The highest height allowed does not include the height of any building that has received any bonus, variance, or other special exception for density provided in the city's land development regulations as an incentive for development.

Response: N/A.

3. If the Live Local Act project is adjacent to, on two or more sides, a parcel zoned for single-family residential use that is within a single-family residential development with at least 25 contiguous single-family homes, the height of the proposed development is limited to 150% of the tallest building on any property adjacent to the Live Local Act project, the highest currently allowed height for the property provided in the city's land development regulations, or three stories, whichever is higher. For the purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point of a property line, but does not include properties separated by a public road.

Response: N/A.

b. Density

1. Development parcels with two or more density area designations shall unify for development purposes and may cluster units within the most intense density area of the development parcel.

Response: N/A.

2. Live Local Act projects may have up to the highest density allowed in any residential or mixed-use zoning district under the city's land development regulations. The highest density allowed does not include the density of any building that has received any bonus, variance, or other special exception for density provided in the city's land development regulations as an incentive for development.

Response: N/A.

c. Floor Area Per Dwelling Unit: Table 155.4202.A.2.c.: Floor area per dwelling unit, minimum (square feet)

1. Efficiency Units = 450
2. 1 Bedroom = 575
3. 2 Bedroom = 750

4. 3 Bedroom = 850
5. Additional Bedroom = 100

Response: Please see below the proposed floor area per dwelling unit.

1. Efficiency units = Not proposed.
2. 1 Bedroom = 814
3. 2 Bedroom = 1,141
4. 3 Bedroom = 1,719
5. Additional Bedroom = Not proposed.

- d. Maximum Lot Coverage. Multi-family and mixed-use development that incorporates mixed income residential may increase lot coverage by up to 20%.

Response: N/A. The proposed development meets the standards of Section 155.3304.C.

- e. Minimum Pervious Area. Multi-family and mixed-use development that incorporates mixed income residential may reduce the pervious area requirement to 10% of the total lot area. Landscaping and stormwater retention requirements still apply.

Response: N/A.

- f. Setbacks and Building Placement.

1. Front/Street Side Setback: Minimum = 0ft, Maximum = 20 ft
2. Build-to Zone (minimum): 60%
3. Interior Side Setback (minimum): 0ft
4. Rear (minimum): 10

Response: Please see below the proposed setbacks.

1. Front/Street Side Setback (East): 32.1 ft.
2. Build-to Zone (minimum): N/A
3. Interior Side Setback (minimum)(North): 17.9 ft.
4. Interior Side Setback (minimum)(South): 10 ft.
5. Rear (minimum)(West): 10 ft.

C. Incentives and Reporting Requirements:

a. Incentives:

1. All development projects in a commercial land use category that utilize Broward County Policy 2.16.3 or 2.16.4 shall receive up to a 50% zoning density bonus. They may also apply for minor variations, or adjustments, to certain dimensional or numerical standards of this Code based on specific criteria as detailed in Section 155.2421., Administrative Adjustment.

Response: The proposed development is utilizing Broward County Affordable Housing Density Bonus Policy 2.16.3 for a 100% residential development with flex units. After applying the 50% additional density bonus, the total allowable number of units is 188 units (46 (B-3) + 23 (50% of B-3) = 69 x 2.718 acres = 187.5 = 188 du).

Sec. 155.4302. | Accessory Uses and Structures | Required Setbacks, Maximum Height and other dimensional standards.

Unless otherwise provided for in Section 155.4303 (Standards for Specific Accessory Uses and Structures), accessory uses and structures shall comply with the zoning district's minimum setback standards, maximum height limitations, and all other dimensional standards applicable for a principal dwelling unit structure.

Response: No accessory uses are proposed.

ARTICLE 5 – DEVELOPMENT STANDARDS

Sec. 155.5102.D.1. | Access, Circulation, Parking, and Loading | Minimum Number of Off-Street Parking Spaces

Per this section of the Code, 1.5 parking space (PS) is required for every multifamily dwelling unit with 1 or 2 bedrooms and 2 parking spaces (PS) for 3 bedrooms. Since the residential development is proposing 187 multifamily dwelling units of 1,2, and 3 bedrooms, the total required number of parking spaces is 344 PS and the provided is 336 PS. Out of the 347 PS, a total of 8 PS have been assigned as ADA PS with the required 5' ramp as requested by the City of Pompano Beach Fire Department. Please refer to the below table for a more detailed breakdown of the uses, required, and provided parking spaces.

USE	CODE REQ	REQUIRED	PROVIDED
Multifamily – 1 BD Units (47 units)	1.5 PS/DU	69 PS	69 PS
Multifamily – 2 BD Units (121 units)	1.5 PS/DU	176 PS	176 PS
Multifamily – 3 BD Units (20 units)	2.0 PS/DU	48 PS	48 PS
Office (2,000 SF)	1.0 PS/400 SF	5 PS	5 PS
Guest	1 PS/5 DU	38 PS	40 PS
ADA (included in total)	(301-400)/8 PS	8 PS	8 PS
Total Required PS		336 PS	
Total Provided PS			336 PS

Sec. 155.5203 | Landscaping and Tree Preservation | Landscaping

A. Applicability.

1. New Development. Except where expressly provided otherwise in this Code, the requirements in this section shall apply to all new development in the city.

Response: The proposed development is considered a new development in the city and shall comply with the requirements in this section.

2. Existing Development.

Response: N/A. The project is not considered to be an existing development.

- a. Development Without a Prior Landscape Plan Approved on Record, or Existing Prior to 1974

- i. Any development, other than a single-family dwelling, without an approved landscape plan on record, or that was existing prior to 1974 shall comply with the following retroactive standards.

Response: Understood.

- a. Sod shall be provided within the right-of-way swale to the edge of the paved travel lane except where in areas the Development Service Director finds are developed as a loading area or provide necessary access to loading or parking areas. One street tree per 40 lineal feet of sodded swale area shall be provided. Placement of street trees is subject to prior approval of the City Engineer.

Response: Understood. Please refer to landscape plan or landscape plan site data.

- b. A landscaped area at least five feet wide and containing a continuous hedge or one tree per 40 lineal feet of frontage shall be provided adjacent to a building wall facing a public street, except those parts of such wall providing necessary access to building entrances, loading docks, overhead doors, garages or parking spaces.

Response: Understood. Please refer to landscape plan or landscape plan site data.

c. A landscape strip with an average width of five feet shall be provided between any parking area or driveway and a front or street side lot line. The development shall provide the following landscaping within the planting strip:

a. A continuous hedge at least 24 inches in height at planting along the length of the landscape strip.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

b. One tree per 30 lineal feet along the length of the landscape strip.

Response: Understood. Please refer to landscape plan or the landscape plan site data table.

c. Grass or other ground cover in the remaining area of the landscape strip.

Response: Understood. Please refer to landscape plan or the landscape plan site data table.

b. All Existing Development. Irrespective of the special requirements applicable to development existing before October 30, 1973, the landscaping requirements in this section may apply to existing development in accordance with the following.

Response: N/A. The project is not considered to be an existing development.

i. Expansion. Except as otherwise provided in subsection iii below, if an existing structure or use is expanded or enlarged (in terms of the number of dwelling units, floor area, number of employees, seating capacity, or other size unit), additional landscaping shall be provided in accordance with the requirements of this section to serve the expanded or enlarged part of the structure or use.

Response: N/A. The proposed development does not include the expansion of an existing structure.

ii. Upgrading Of Nonconforming Landscaping. Nonconforming landscaping on the site of an expanded structure or use area shall comply with the requirements of this section in accordance with the standards of Part 5 (Nonconforming Site Features) of Article 7: Nonconformities.

Response: N/A. The proposed development does not include the expansion of an existing structure.

iii. Minor or Major Site Plan Approval. Any proposed development subject to the review of a Minor or Major Site Plan approval shall demonstrate compliance with the approved Landscape Plan on file, in addition to any requirements necessitated by this code.

Response: Understood. The proposed development and accompanying landscape plan shall demonstrate compliance with this section of the code.

3. Demolition Sites

a. If all or any existing structures on a lot are being, or have been, totally demolished drought-resistant sod or drought-resistant ground cover shall be installed on the entire demolition and/or disturbed areas before close-out of the demolition Building Permit and thereafter maintained. All asphalt, rock, and other non-natural materials shall be removed and refilled to the undisturbed lot level with clean soil before any planting or installation of the required drought-resistant sod or ground cover. Such vegetative restoration of a demolition site shall be subject to the standards of this section if conditions stated above are met; or

Response: Understood. Please refer to the landscape plan and landscape plan site data table.

- b. If any or all existing structures on a lot are being, or have been, demolished in preparation for new development in accordance with a valid Development Order and Building Permit, and the construction of a principal structure will commence within 30 days after the demolition has been completed, the owner of the lot shall restore the lot to its pre-demolition elevation, brush-cut the lot, and keep the lot free of debris, trash, and invasive plant materials until start of the permitted construction. A nonliving material adequate to avoid the shifting, blowing, or other dissemination of dust, soil, gravel, or fill may be used until start of the permitted construction. A perimeter berm no more than four feet high and planted with ground cover in accordance with Section 155.5203.B.2.e, Groundcover, may be installed and used during the construction period; and

Response: Understood. The proposed development shall comply with these requirements.

- c. If demolition activity is proposed to occur in the drip-line of an existing tree, a Tree Permit is required in accordance with Section 155.5204.B.1.b before start of the demolition activity.

Response: Understood. Demolition activity shall not occur in the drip-line of an existing tree.

4. Conflict with CPTED Guidelines. The Development Services Director may waive all or part of the standards in this section, 155.5203, if it is demonstrated that the implementation of the standard result in a conflict with the city's adopted CPTED guidelines.

Response: Understood.

5. Landscape Plan Required. Uses subject to the standards in this section shall include a landscape plan as a part of any application for a Special Exception (Section 155.2406), Site Plan Approval (Section 155.2407), or Zoning Compliance Permit (Section 155.2413), as appropriate. Landscape plans shall be prepared by a Landscape Architect registered in Florida and shall show replacements trees for any trees missing from previously approved landscape plans.

Response: Understood. The required landscape plan will be prepared by a Landscape Architect registered in Florida and shall show replacements trees for any trees missing from previously approved landscape plans.

B. General Requirements for Landscaping

1. Plant Material

a. General

- i. All required plant materials shall be Florida Grade # 1 or better, in accordance with Grades and Standards for Nursery Plants (Florida Division of Plant Industry).

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- ii. All plant materials shall, to the greatest extent possible:

- a. Be based on the plant's adaptability to the landscape area, desired effect, color, texture, and ultimate plant size;
- b. Be frost and drought tolerant, and grouped in accordance with their respective water and maintenance needs;
- c. Be appropriate for the ecological setting in which the materials are to be planted, including the shielding of buildings from the sun (where possible) and from radiating surfaces such as parking areas, and as a screen for noise abatement;
- d. Be commercially available;
- e. Not have invasive growth habits, as identified in List of Invasive Plant Species (Florida Exotic Pest Plant Council); and
- f. Comply with crime prevention through design (CPTED) principles.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

b. Native Vegetation and Diversity.

- i. All landscaped areas shall include placement of native vegetation in substantial conformity with the principles outlined in The Florida-Friendly Landscaping Guide to Plant Selection & Landscape Design (University of Florida) and the Administrative Manual.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- ii. Where 20 or more trees are required on a site, at least 50 percent of the required trees shall be native species, no more than 20 percent of the required trees shall be palm trees, and the required trees shall consist of at least four different species.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- iii. Plant species identified as invasive species in List of Invasive Plant Species (Florida Exotic Pest Plant Council) are prohibited.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

2. Installation.

- a. General. All required landscaping and landscape areas shall be installed in a sound, workmanlike manner and in accordance with landscaping BMPs, Florida-friendly landscaping principles, and the standards in this section.

Response: Understood. All required landscaping and landscape areas shall be installed in a sound, workmanlike manner and in accordance with landscaping BMPs, Florida-friendly landscaping principles, and the standards in this section.

b. Planting Soil.

- a. Planting soil shall be clean and reasonably free of construction debris, weeds, rocks, noxious pests, and diseases.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- b. Planting soil for all planting areas shall be amended with horticulturally acceptable organic material.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

c. Turf Grass.

- a. Turf grass shall be drought tolerant, as described in the Administrative Manual.
- b. Turf grass shall not be treated as fill-in material, but consolidated and placed so it can be irrigated separately from other types of landscape plants.
- c. Use of turf grass shall be limited to use as a design unifier and in areas that receive pedestrian traffic, provide for practical or recreational use, or provide soil erosion control (e.g., on slopes or in swales).
- d. The Development Services Director may authorize large grassed areas not subject to soil erosion, such as playfields, to be grassed by other methods.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- d. Groundcover. At the time of planting, groundcover shall cover at least 50 percent of the intended groundcover area. Groundcover shall cover 100 percent of the intended groundcover area within one year after installation.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- e. Vines. At the time of planting, vines shall have at least four runners, each of which is at least two feet long.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- f. Shrubs and Hedges. At the time of planting, shrubs shall be upright in nature, be at least two feet in height above ground level, and have a spread of at least 24 inches. Shrubs designed to form a continuous hedge shall be spaced a maximum average of 24 inches on center.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

g. Trees.

a. General.

- i. Planting activities, including site preparation, shall not unnecessarily damage any other trees to remain on the property.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- ii. Trees shall be planted into an area with adequate space for development of their root system and canopy. A minimum area for planting a tree shall be 120 square feet, with a minimum dimension of eight feet.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- iii. Trees shall be planted at least 15 feet from any light fixture mounted on a pole.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- iv. Before, during, and following planting, the root ball and trunk of the tree shall be protected and the root ball shall be kept moist.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- v. All newly planted trees shall be properly guyed and staked at the time of planting to ensure establishment and erect growth, in accordance with the specifications as set forth in the Administrative Manual. Trees shall be restaked in the event of blow-overs or other failure of the staking and guying. A tree shall remain braced for at least one year after its planting.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- vi. A newly planted tree shall be fertilized as appropriate and shall be watered sufficiently until tree growth is established. Written proof of temporary irrigation may be required as a condition of approval of a Tree Permit.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

b. Height.

i. Canopy Trees.

- a. At the time of planting, canopy trees shall be at least twelve feet in height above ground level.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- b. At least 50 percent of required canopy trees shall be 14 feet high if the principal structure on the lot is between 15 and 25 feet high, and feet high if the principal structure on the lot is more than 25 feet high.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- ii. Ornamental Trees. At the time of planting, ornamental trees shall be at least eight feet in height above ground level.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- iii. Understory Trees. At the time of planting, understory trees shall be at least ten feet in height above ground level.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

iv. Palm Trees.

- a. At the time of planting, palm trees shall be at least 14 feet in height above ground level.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- b. At least 50 percent of required palm trees shall be 18 feet high if the principal structure on the lot is between 15 and 25 feet high, and 22 feet if the principal structure on the lot is more than 25 feet high.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- c. No more than 50 percent of the total number of required trees shall be palm trees.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

h. Berms.

- a. Berms shall have a slope not exceeding a ratio of three horizontal feet to one vertical foot and a top width at least one-half the berm height.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- b. Berms proposed to be placed along street rights-of-way shall be designed and constructed to provide adequate sight distances at intersections and shall not impair safe operation of vehicles.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- c. In no case shall berms be located or designed so they damage the roots or trunks of existing healthy vegetation designated to be preserved.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

5. Irrigation System Required.

- a. Wherever landscaping is required by this Code, it shall be kept in a healthy growing condition through appropriate irrigation by an automatic underground irrigation system installed in accordance with requirements of the Building Code.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- b. The irrigation system shall include a rain-sensing cutoff device that shall be located and installed so that building eaves, balconies, and similar overhangs do not interfere with effective operation of the device.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- c. The irrigation system shall be properly maintained in good working order and provide a minimum coverage of 100 percent with 50 percent overlap.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- d. Water used for irrigation shall be rust-free except where deemed unnecessary by the Development Services Director.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- e. Water used for irrigation shall be reuse water wherever practicable.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- C. Minimum Development Site Landscaping. New developments shall provide plantings within pervious areas of the development site in accordance with the standards in Table 155.5203.C below for the base zoning district in which the development is located and the size of the lot contain the development.

1. B-3 District: 1 tree and 5 shrubs per 3,000 sq ft of lot area or major fraction thereof.
Response: Understood. Please refer to the landscape plan or landscape plan site data table.

D. Vehicular Use Area Landscaping.

2. General.

- a. Required landscaped planting areas and canopy trees shall be distributed and sited within and around the vehicular use area so as to maximize heat abatement.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- b. Non-landscaping features such as walkways, light or utility poles, fire hydrants, and stormwater management facilities may be located in required landscaped areas only to the maximum extent necessary to comply with other provisions of this Code and provided the minimum landscaping width and planting standards for vehicular use areas are met.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

3. Perimeter Landscaping Strips.

Perimeter landscaping strips shall be provided and maintained around the perimeter of a vehicular use area to screen view of it from any abutting public right-of-way, private roadway, alley, property, or waterway in accordance with the following standards, except where such screening is provided by an intervening on-site building or other structure and on land crossed by an authorized vehicular, bicycle, or pedestrian accessway or easement for an underground utility line.

i. Location and Configuration.

1. Except as provided in ii below, perimeter landscaping strips shall be located on the same property as the vehicular use area and placed to assure visibility and safety of bicyclists and pedestrians within the vehicular use area and on adjacent accessways.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

2. Where abutting properties are subject to the same perimeter landscaping strip requirement along a common property line, a single perimeter landscaping strip meeting these standards may be provided along either or both sides of the common property line through joint written agreement by the owners of the abutting properties.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

ii. Composition. Perimeter landscaping strips shall be comprised of:

1. Canopy trees spaced a maximum average of 30 feet on center, except that:

- a. Canopy trees may be spaced a maximum average of 40 feet on center within perimeter landscaping strips screening a vehicular use area from an abutting property or waterway;

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- b. Where more than ten canopy trees are required, large palm trees may be substituted for 50 percent of required canopy trees, and shall be spaced a maximum average of 20 feet on center where used along an entire side of the vehicular use area ; and

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- c. Understory trees spaced a maximum average of 20 feet on center may be substituted for canopy trees in areas beneath overhead utility lines; and

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

2. Shrubs planted to form a continuous, opaque hedge along the perimeter of the vehicular use area , provided that:
 - a. To allow security surveillance of parking areas, the shrubs shall be maintained at a maximum height of three feet above the elevation of the adjacent vehicular use area ; and

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- b. A solid masonry wall up to three feet high may be substituted for all or part of the required shrub hedge provided that shrubs or vines spaced a maximum average of five feet on center shall be planted between the wall and any adjacent vehicular use area ; and

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

3. Ground cover or grass planted in all areas not occupied by trees, shrubs, or walls.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- iii. Width. The minimum width of the perimeter landscaping strip shall be:

1. Twenty feet in industrial developments abutting a major arterial, minor arterial, or collector street;

Response: N/A. The proposed development will not include any industrial uses.

2. Ten feet in all other developments on lots greater than 100 feet wide; and;

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

3. Five feet in all other developments on lots no more than 100 feet wide.

Response: N/A. The proposed development will be more than 100 feet wide.

- iv. Credit towards Perimeter Buffers. Perimeter landscaping strips associated with a vehicular use area may be credited towards compliance with perimeter buffer standards. (See Section 155.5203.F, Perimeter Buffers.)

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

4. Interior Landscaping Standards.

- a. Applicability.

- i. General.

1. Except as otherwise provided in subsection ii below, landscaped planting areas making up at least 15 percent of the total area of a vehicular use area shall be provided and maintained within the interior of a vehicular use area in accordance with the following standards.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- ii. Landscaped Islands in Parking Bays.

1. A landscaped island shall be provided at each end of every row of parking spaces. Where a row of parking spaces contains ten or more parking spaces, additional landscaped islands shall be provided at a spacing no greater than one every ten parking spaces.

Response: Understood. Please refer to the landscape plan or site plan.

2. Each landscaped island shall be at least eight feet wide and at least as long as the adjacent parking spaces, with the long axis of the landscaped

island running approximately parallel to that of the adjacent parking spaces.

Response: Understood. Please refer to the landscape plan or site plan.

3. Each landscaped island shall contain at least one canopy tree. Understory trees may be substituted for canopy trees in areas beneath overhead utility lines. Trees shall be maintained to provide maximum canopy crown.

Response: Understood. Please refer to the landscape plan or site plan.

- iii. Landscaped Areas Between Parking Bays. A landscaped area at least eight feet wide shall be provided between abutting parallel parking bays. The landscaped area shall contain canopy trees spaced no more than 40 feet apart, a continuous hedge, and grass or groundcover throughout the remaining area.

Response: Understood. Please refer to the landscape plan or site plan.

- iv. Landscaped Driveway Medians. Driveways within vehicular use areas may include a center landscaped median provided the median:

1. Is at least eight feet wide;
2. Is maintained in grass, groundcover, shrubs , ornamental trees, or understory trees ; and
3. Is protected from vehicular encroachment by.

Response: Understood. Please refer to the landscape plan or site plan.

5. Landscaping Between Vehicular Use Areas and Buildings

A landscaped area shall be provided between a vehicular use area and an abutting building in accordance with the following standards. No landscaped area is required along those parts of an abutting building facade containing building entrances, driveways into garages or carports, or loading docks.

- a. The minimum width of the landscaped area shall be a minimum of eight feet for each 15 feet of height of the abutting building facade. For structures taller than 15 feet, the landscaped area shall be a minimum of one additional foot for every two feet (or major fraction thereof) of height, up to a maximum of 24 feet of landscaped area.

Response: Understood. Please refer to the site plan and site data table.

- b. The landscaped area shall include landscaping meeting the foundation planting standards in Section 155.5203.E.3.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- c. The Development Services Director may grant modifications to the required landscaping between vehicular use areas and buildings for development that provide at least 50% of the required width, subject to providing superior landscape design that includes a minimum of trees or palms as follows within the subject area and must include one or more of the following elements:

- i. Palms must be provided in multiples (doubles or triples);
- ii. If palms and trees are combined, one row of shrubs can be provided;
- iii. If palms or trees are provided, shrubs must be included in layering or height tiering with a minimum of 2 layers or tiers;
- iv. If trees are provided, design must include a minimum of 2 species;
- v. Trees or palms must be a minimum of 14 feet in height;
- vi. Layered or height tiered shrubs are provided in variety with a minimum of 2 species;
- vii. Suspended pavements systems are provided for the adjacent vehicular use area.

Response: Understood.

E. Building Base Plantings.

1. Purpose and Intent. Building base plantings are intended to soften the visual impact of building foundations and provide for the even dispersal of shrubs along the bases

of building facades that face streets. They consist of shrubs planted around the base of a building to help soften its appearance.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

2. Building Base Planting Required. Except for single-family dwellings, shrubs shall be planted along the base of any building facade facing a street. This requirement shall not apply to a building facade constructed along or within one foot of the street right-of-way boundary, or along those parts of a building facade containing building entrances, driveways into garages or carports, or loading docks.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

3. Building Base Planting Standards

- a. Required shrubs shall be planted within three feet of the base of the building. If a street sidewalk is located between the base of the building and the street, required shrubs may be planted up to 15 feet from the base of the building.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- b. Required shrubs shall maintain a maximum average on-center spacing of six feet, and be evenly-distributed along the building facade.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

F. Perimeter Buffers.

- a. Development required to obtain Major Site Plan or Minor Site Plan approval shall provide a perimeter buffer to separate it from abutting property zoned for a less intensive or inconsistent zoning district, including developed and vacant property, in accordance with Table 155.5203.F.3, Required Buffer Types and Standards.

Response: Understood. The proposed development shall provide adequate perimeter buffers.

- b. Except as noted in subsection d below, when required by a Use-Specific standard in Article 4, development required to obtain Major Site Plan approval shall provide the specified perimeter buffer type along all property lines, regardless of the zoning district of the abutting property.

Response: Understood. The proposed development shall provide adequate perimeter buffers.

2. Required Buffer Types and Standards. Table 155.5203.F.3, Required Buffer Types and Standards, describes each of three different types of perimeter buffers in terms of where it is required, function, and optional combinations of width and screening standards.

Response: The required buffer type for the proposed development is Type A buffer and Type C buffer, we are using option 1 for both Type A and Type C buffer.

WHERE REQUIRED	REQUIRED BUFFER TYPE BY FUNCTION	
Between a proposed multifamily dwelling and land zoned RS-1, RS-2, RS-3, RS-4, RS-L, RD-1, or MH-12, or as required per use-specific standards in Article 4.	TYPE A BUFFER	
	This perimeter buffer functions as an intermittent visual obstruction from the ground to a height of at least 20 feet and creates an impression of spatial separation without eliminating visual contact between uses.	
	Option 1	Option 2
	At least 10 feet wide + 1 canopy tree per 30 linear feet + A continuous hedge at least 4 feet high	At least 20 feet wide + 1 canopy tree per 50 linear feet + 1 understory three per 30 linear feet + 1 shrub per 10 linear feet
WHERE REQUIRED	REQUIRED BUFFER TYPE BY FUNCTION	
	TYPE C BUFFER	

Between a proposed industrial use and land within a non-industrial zoning district , or as required per a use-specific standard in Article 4 .	This perimeter buffer functions as an opaque screen from the ground to a height of at least six feet. This type of buffer prevents visual contact between uses and creates a strong impression of total separation.	
	Option 1	Option 2
	At least 10 feet wide + An opaque masonry wall at least 8 feet high + 1 canopy tree per 30 linear feet + a continuous hedge at least 5 feet high on the exterior side of the wall or fence + 1 canopy tree per 30 feet on the interior side of the wall or fence	At least 25 feet wide + A wall or opaque fence at least 4 feet high atop a berm at least 4 feet high + 1 understory tree per 15 linear feet on the exterior side of the wall or fence + 1 canopy tree per 30 linear feet on the interior side of the wall or fence

3. Location of Perimeter Buffers. Perimeters buffers required by this subsection shall be located along the outer perimeter of the lot of which it is required, just inside its boundary with the lot being buffered or inside any access or utility easement running along that boundary that precludes or restricts provision of required screening.

Response: Understood. Please refer to the site plan or landscape plan.

- a. The required buffer shall not contain any development, impervious surfaces, or site features (except fences or walls) that do not function to meet the standards of this section or that require removal of existing vegetation, unless otherwise permitted in this Code.

Response: Understood. Please refer to the landscape plan or site plan.

- b. Sidewalks, trails, and other elements associated with passive recreation may be placed in perimeter buffers if all required landscaping is provided and damage to existing vegetation is minimized to the maximum extent practicable.

Response: Understood. Please refer to the landscape plan or site plan.

- c. Overhead and underground utility lines required or allowed by the city are permitted to cross perimeter buffers , but shall minimize the impact to vegetation to the maximum extent practicable. Where required landscaping material is damaged or removed due to utility activity within a required buffer, the landowner shall be responsible for replanting all damaged or removed vegetation necessary to ensure the buffer meets the standards in this Code.

Response: Understood. The proposed development shall comply with this section of the code.

G. Street Trees.

1. Street Tree Plan. A Street Tree Plan is established to depict the species of trees that shall be planted along arterial and collector streets in the city. The Street Tree Plan shall be kept on file in the Development Services Department and is incorporated into and made part of the Administrative Manual by reference.

Response: Understood.

2. Street Trees Required of New Development.

- a. New development shall provide street trees along any street except an alley.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- b. Required street trees shall be planted in a planting strip that is located between the roadway and the property line and is at least five feet wide. Where such a planting strip does not exist or is impractical to provide, street trees may be located in a vehicle use area's perimeter landscaping strip (See Section 155.5203.D.3, Perimeter Landscaping Strips.) where the perimeter landscaping strip adjoins the street right-of-way.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- c. Street trees shall be provided at a ratio of one street tree per 40 feet of street frontage. Required street trees shall be spaced no closer than 15 feet apart and no farther than 60 feet apart.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- d. Required street trees shall be understory trees to accommodate overhead utility lines.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- e. The variety and species of required street trees shall be in accordance with the Street Tree Plan.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- f. Installation and maintenance of required street trees shall be the responsibility of the adjoining property owner.

Response: Understood. Please refer to the landscape plan or landscape plan site data table.

- g. Overhead Utilities

- h. Pursuant to Code Section 155.5509: Provide evidence that all overhead utilities will be buried for this project in accordance with the referenced code section. In addition, provide a note on the site and landscape plans and in a narrative stating the following: All overhead utilities shall be buried for this project.

Response: A note has been added to the site and landscape plan stating that overhead shall be buried along the property frontage.

H. Irrigation Plan

- 1. Pursuant to Code Section 155.5203.B.5.a: Provide a scaled Irrigation Plan prepared, in accordance with the referenced code section.

Response: An irrigation plan has been provided.

I. Tree Height Based on Building Height

- 1. Pursuant to Code Section 155.5203.B.2.g.ii.(A)(2) & 155.5203.B.2.g.ii.(D)(2): Based on the height of the new building, half of all required canopy trees are to be 16' tall and palms to be 22' OA. Adjust the heights on the plant list in accordance with the referenced code section.

Response: At least half of the canopy trees and palms have been provided at the required height. Please see landscape code compliance chart for calculations on sheet L-4.

J. Minimum Development Site Landscaping

- 1. Code Section 155.5203.C & Table 155.5203.C Minimum Development Site Landscaping: Provide Minimum Development Site Landscaping in accordance with the referenced code sections. In addition, clarify where this is being met and provide this information in a data table format on the landscape plan.

Response: This calculation has been provided on the landscape code compliance chart on sheet L-4.

K. Tree Appraisal Submittal

- 1. Pursuant to Code Section 155.5204.C. Per Code Section 155.5204.C. Submit a Tree Appraisal using FS Rule 14-10.057 for all palms, and specimen canopy trees

18 inch DBH and great and 60% health condition and greater by an ISA Certified Arborist.

Response: Tree Appraisals have been provided.

L. Non-landscaping Feature Location

1. Pursuant to Code Section 155.5203.D.2.b: Non-landscaping features such as walkways, light or utility poles, fire hydrants, and stormwater management facilities may be located in required landscaped areas only to the maximum extent necessary to comply with other provisions of this Code and provided the minimum landscaping width and planting standards for vehicular use areas are met. Light poles shall be a minimum of 15' from a required tree location not 12'. Correct note on sheet L-5.

Response: Note 27 has been corrected.

M. Building Base Planting

1. Pursuant to Code Section 155.5203.E.2: Show how Building Base Planting requirements are being met in accordance with the referenced code section along the east side of the building facing Federal Hwy.

Response: Building base plantings have been provided. See landscape plan and Section 5 on sheet SP-1.2.

N. Tree Species Change

1. Pursuant to Code Section 155.5203.D.4.b.i: Change proposed Royal palms in parking row end islands to 16' tall Live Oaks.

Response: Royal Palms in parking islands have been changed to Live Oaks.

O. VUA Landscape Area

1. Pursuant to Code Section 155.5203.D.5.a: Show how landscaping requirements between VUA and buildings are being met. Provide 24.0' of landscape areas in accordance with the referenced code sections.

Response: An exhibit has been provided on sheet L-4 showing how landscaping between the VUA and building are being met.

P. Tree Permit Application

1. Pursuant to Code Section 155.2411.B: A Tree Permit Application for all proposed tree work will be required at the time of permitting in accordance with the referenced code section.

Response: A tree permit has been applied for by the developer as part of the demolition permit.

Q. Large Canopy Trees

1. Pursuant to Code Section 155.5203: All trees are to be large canopy trees unless utilities or overhead wires dictate otherwise

Response: All required trees are canopy trees. Understory trees and palms have been provided as allowed by the landscape code.

R. Mechanical Equipment Screen

1. Pursuant to Code Section 155.5301.A.1.a & 2.b: All ground mounted mechanical equipment is to be screened from view using an approved hedge, fence, or wall and labeled as such on plans and provide detail.

Response: Mechanical equipment is either located on the roof or interior to the building. Any ground mounted outdoor mechanical or utility equipment has been screened from view.

S. Sod In Open Areas

1. Code Section 155.5203: Identify sod in all open areas including ROW swales and provide total sqft.

Response: Sod has been identified on the landscape plan and quantity provided in the plant schedule on sheet L-4.

T. Underground

1. As per 155.5204.F.3.d; All underground utility lines shall be routed around the tree protection area where possible. If this is not possible, a tunnel made by a power-driven soil auger may be used under the tree.

Response: Acknowledged, however there are no tree protection areas on this project

U. Landscaping Between Vehicular Use Areas and Buildings

As per 155.5203.D.5 VUA in part, the Development Services Director may grant modifications to the required landscaping between vehicular use areas and buildings for development that provide at least 50% of the required width, subject to providing superior landscape design that includes a minimum of trees or palms as follows within the subject area and must include one or more of the following elements:

- i. Palms must be provided in multiples (doubles or triples);
- ii. If palms and trees are combined, one row of shrubs can be provided;
- iii. If palms or trees are provided, shrubs must be included in layering or height tiering with a minimum of 2 layers or tiers;
- iv. If trees are provided, design must include a minimum of 2 species;
- v. Trees or palms must be a minimum of 14 feet in height;
- vi. Layered or height tiered shrubs are provided in variety with a minimum of two (2) species;
- vii. Suspended pavements systems are provided for the adjacent vehicular use area

Response: An exhibit has been provided on sheet L-4 showing how landscaping between the VUA and building are being met outlining this code criteria.

Sec. 155.5601 | Design Standards | Multifamily Residential Design Standards

V. Purpose. These multifamily residential design standards are intended to:

1. Establish a minimum level of design quality for multifamily residential development to foster sustained value and stability within developments and neighborhoods; and

Response: Complied. Please refer to project schematic design PAM submittal.

2. Promote greater compatibility between multifamily residential development and other allowable uses in the city through standards addressing building massing, facade appearance, as well as the location and configuration of site features like parking and outdoor activity areas.

Response: Complied. Please refer to project schematic design. .

W. Applicability.

1. General.

- a. All new multifamily dwelling development.

Response: Confirmed, the proposed residential development requires Major Design Approval.

- b. Any expansion or alteration of an existing multifamily residential development if the expansion increases the development's gross floor area by 50 percent or more or the alteration involves 50 percent or more of the development's gross floor area.

Response: N/A.

- c. Development required to obtain Major Building Design approval.

Response: Confirmed, the proposed residential development requires Major Design Approval.

X. Multifamily Residential Design Standards

All multifamily development subject to this section shall comply with the following standards:

1. Building Orientation and Configuration

- a. Multi-Building Development

Multifamily residential developments with more than one building shall be configured so that primary building entrances are oriented towards external streets, internal streets, or open space areas (like courtyards). Buildings may be oriented towards off-street parking lots only in cases where no other practical alternative exists.

Response: Complied. Please refer to project schematic design PAM submittal.

- b. Building Configuration

- i. Multifamily residential developments with six or fewer dwelling units shall be configured through massing, door placement, centralized parking location, and use of exterior materials to give each building the appearance of a large, single-family home.

Response: N/A. The proposed development will have more than six dwelling units.

- ii. Ground-floor dwelling units shall be accessed via internal corridors or from individual exterior porches or stoops served by a sidewalk or other designated walkway.

Response: Complied. Please refer to project schematic design PAM submittal.

2. Maximum Building Size

- a. Individual structure footprints shall not exceed a maximum of 20,000 square feet.

Response: Further discussions with staff will be necessary to properly address the above requirement response.

- b. The maximum length of any multifamily residential structure shall be 180 linear feet, regardless of the number of units.

Response: Further discussions with staff will be necessary to properly address the above requirement response.

3. Building Facades

- a. Facades of multifamily residential development facing a public street shall incorporate wall offsets, in the form of projections or recesses in the facade plane, spaced no more than 30 feet apart.

Response: Complied. Please refer to project schematic design PAM submittal.

- b. Wall offsets shall have a minimum depth of two feet.

Response: Complied. Please refer to project schematic design PAM submittal.

- c. In addition to wall offsets, front facades shall provide a minimum of three of the following design features for each residential unit fronting onto a public street.

- i. A recessed entrance;
- ii. A covered porch ;
- iii. Pillars, posts, or columns adjacent to the doorway;
- iv. One or more bay windows projecting at least twelve inches from the facade plane;
- v. Eaves projecting at least six inches from the facade plane;
- vi. Raised corniced parapets over the entrance door;
- vii. Multiple windows with a minimum four-inch-wide trim; or;
- viii. Integrated planters that incorporate landscaped areas or places for sitting.

Response: Complied. The proposed development will include the following design features: (ii.) a covered porch; (iii.) pillars, posts, or columns adjacent to the doorway; and (v.) eaves projecting at least six inches from the facade plane.

4. Architectural Variability

Repetitive "look-alike" multi-building developments shall be prohibited. Multi-building developments subject to these standards shall ensure that each structure is distinguished from others through the use of two or more of the following features:

- a. A variation in structure length of 30 percent or more;
- b. A variation in the structure footprint size of 30 percent or more;
- c. A distinct variation in color and use of materials;
- d. A variation in the type of dwelling unit contained in the structure that results in a significantly different scale and mass (e.g., garden apartments vs. townhomes);
- e. A variation in structure height by at least ten percent; or
- f. A variation in roof form.

Response: Complied. Please refer to project schematic design.

5. Roofs

- a. Sloped roofs on principal buildings shall include two or more different sloping roof planes, each with a minimum pitch between 3:12 and 12:12.

Response: N/A.

- b. Flat roofs on principal buildings shall be concealed by parapet walls that extend at least three feet above the roof level and have three-dimensional cornice treatments that project at least eight inches outward from the parapet facade plane.

Response: Complied. Please refer to project schematic design PAM submittal.

- c. Alternative roof forms or pitches may be allowed for small roof sections over porches, entryways, or similar features.

Response: Complied. Please refer to project schematic design PAM submittal.

- d. All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (except chimneys), shall be located on the rear elevations or otherwise be configured, to the maximum extent practicable, to have a minimal visual impact as seen from the street.

Response: Complied. Please refer to project schematic design PAM submittal.

6. Materials

- a. Materials changes shall occur along a horizontal line or where two forms meet. It is acceptable, however, that changes of materials occur as accents around windows, doors, cornices, at corners, or as a repetitive pattern.

Response: Complied. Please refer to project schematic design PAM submittal. Further details will be developed in the next project phase.

- b. Where two or more materials are proposed to be combined on a facade, the heavier and more massive elements shall be located below the lighter elements (i.e., brick shall be located below stucco). It is acceptable to provide the heavier material as a detail on the corner of a building or along cornices or windows.

Response: Complied. Please refer to project schematic design.

7. Location of Off-Street Parking

- a. No more than two single-loaded bays of off-street surface parking may be located between a multifamily building and the street it faces unless the parking bays are screened from view from the street by another building. Interior structures within a multi-building development served by a central, private driveway are exempt from this requirement.

Response: Complied. Please refer to the provided site plan.

- b. Guest and overflow parking associated with a townhouse unit within a multifamily residential development shall be located to the side or rear of the building containing the townhouse unit, to the maximum extent practicable.

Response: Complied. Please refer to provided site plan.

- c. Off-street surface parking located beside a building shall not occupy more than 25 percent of the parcel's street frontage. Associated driving areas shall be included as part of such off-street surface parking.

Response: Complied. No parking spaces provided on street frontage.

8. Outdoor Activity Areas

- a. Ground-level outdoor activity areas, porches, decks, vending areas, and other similar site attributes shall be screened from adjacent single-family dwellings with a type B perimeter buffer in accordance with Section 155.5203.F, Perimeter Buffers.

Response: N/A. The proposed development will include no ground-level outdoor activity areas.

- b. Upper-story balconies serving individual dwelling units located within 100 feet of a single-family dwelling shall be oriented or configured to prevent direct views into the dwelling's rear yard.

Response: Complied. Please refer to project schematic design.