



**TO:** Honorable Mayor & Members of the  
Fort Lauderdale City Commission

**FROM:** Lee R. Feldman, ICMA-CM, City Manager

**DATE:** December 17, 2014

**TITLE:** PUBLIC HEARING - FIRST READING OF ORDINANCE - Amending the Unified Land Development Regulations to create new zoning districts specified as the Northwest Regional Activity Center-Mixed Use NWRAC-MU<sub>ne</sub> (northeast), NWRAC-MU<sub>e</sub> (east) and NWRAC-MU<sub>w</sub> (west); providing for each new district the purpose and intent; list of permitted and conditional uses, dimensional requirements and other applicable design standards and development regulations – Case T14012. (This CAM is associated with CAM 14-1618 regarding rezoning Case 3Z13)

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**Recommendation**

It is recommended that the City Commission hold public hearings and introduce an ordinance on first reading amending Sections 47-13. Regional Activity Center Districts, 47-20. Parking and Loading Requirements, and Section 47-24. Development Permits and Procedures of the Unified Land Development Regulations (ULDR), creating new zoning districts known as NWRAC-MU<sub>ne</sub> (northeast), NWRAC-MU<sub>e</sub> (east) and NWRAC-MU<sub>w</sub> (west).

**Background**

City Staff proposes the adoption of two ordinances to establish three new zoning districts along the Sistrunk Boulevard and NW 7<sup>th</sup> Avenue corridors. The first ordinance amends the Unified Land Development Regulations (ULDR) to create the Northwest Regional Activity Center – Mixed Use northeast (NWRAC-MU<sub>ne</sub>), Northwest Regional Activity Center – Mixed Use east (NWRAC-MU<sub>e</sub>) and Northwest Regional Activity Center – Mixed Use west (NWRAC-MU<sub>w</sub>) zoning districts, attached as Exhibit 4 & 5. The second ordinance rezones property to the new zoning districts, attached as Exhibit 1. The second rezoning ordinance is attached to associated CAM 14-1618. The proposed changes will enhance the area and meet the vision and goals of the community as indicated in the 2006 Sistrunk Boulevard Urban Design Improvement Plan and the 2008 Northwest/Progresso/Flagler Heights Implementation Plan.

A significant amount of analysis of the area took place in the development of these plans. In 2006, a study of the area resulting in the Sistrunk Boulevard Urban Design

Improvement Plan, which provides suggestions as to the appropriate land uses and development types for the Sistrunk Boulevard corridor. As a result, the study recommends amending the ULDR to help implement associated changes to the study area identified through the community input .

In 2008 the Northwest/Progresso /Flagler Heights Implementation Plan (“NPF CRA”) was created with the intent of being an agent for change in the target area. This area included the boundaries of the community redevelopment area (“CRA”), which is included within the Northwest Regional Activity Center (“NWRAC”) land use. The NPF CRA plan set goals to accomplish positive redevelopment opportunities through revitalization of the area, recognition of history and enhancing the general image of the area.

These plans envision a vibrant community, with a successful mix of business and residential uses defined with walkable streets and quality buildings through the creation of guidelines that would enhance the pedestrian realm and give clear intent for an active street level and an exceptional public realm experience.

The new zoning districts will establish the basis for appropriate uses that will enhance development and redevelopment efforts in the study area, as well as require development sites to meet specific design standards, through implementation of design standards intended to promote an active urban area, while allowing flexibility and creative design solutions to meet the intent of the ordinance, as has been successfully realized with development projects subject to the Downtown Master Plan area, as well as the South Andrews Avenue Master Plan.

The approach to the Sistrunk Boulevard/NW 6<sup>th</sup> Street planning process was built on a strategy of consensus involving extensive public outreach. The strategy was designed with three major goals in mind:

- To elicit community input & sustain participation throughout the planning process;
- To inform all stakeholders about the steps, progress, and outcomes of the process;
- To achieve community consensus and buy-in regarding the proposed improvements and initiatives.

As part of the implementation process to date, the City has taken action to address some of the issues of concern for the area. Through the CRA, the City has established programs for improvements to certain existing sites. In 2013, the City revised the ULDR to prohibit new liquor and convenience stores within the Northwest Regional Activity Center (“NWRAC”) land use, based on crime statistics that indicated these uses have had a negative impact on the area. In addition, the Fort Lauderdale Housing Authority has recently completed several quality projects in the general area furthering goals of livability, sustainability and sense of community, with additional projects planned in the future.

In addition, as part of the process to adopt the current proposed amendments, the

following outreach efforts were incorporated to date:

- March 2013 to November 2013 - completed over 11 Neighborhood Outreach Meetings that included various community workshops, which were attended by residents of the community, stakeholders representing the Midtown Business Association, developers, and realtors.
- January 2014 – Completed Downtown Update: Adoption of Transit Oriented Development (“TOD”) Guidelines, where some stakeholders within the “triangle” area, located west of the FEC tracks and just south of Sunrise Boulevard within the NWRAC Land Use indicated they wanted to be included in the TOD Guidelines, which encourage reduction in parking standards to promote alternative means of transit and support mixed-use development. As a result, the City Commission asked staff to include this area as part of the NWRAC Master Plan initiatives.
- June 19, 2014 – The Urban Land Institute (“ULI”) hosted a Technical Assistance Panel (“TAP”) to review and comment on the Sistrunk Corridor Zoning Code changes.
- September 25, 2014 – Open House Meeting at the Department of Sustainable Development to present final recommended Zoning Code changes for the NWRAC Master Plan to the community and stakeholders prior to presenting to the Planning and Zoning Board and City Commission.
- October 22, 2014 - Presented to the CRA Advisory Board
- November 4, 2014 – Presented to the Chamber’s Government Affairs Committee

Staff has also been in contact with numerous local churches and other community members on various occasions, offering opportunities for comments and questions. A mailer was provided to all property owners impacted by the proposal within the study area, as well as to those outside the study area within 300-feet, and information is provided on the City’s website regarding the proposed amendments.

In summary, this on-going 12-year effort, which has to date included a significant amount of community outreach and input, is primed for implementation of changes to the built environment that will result in enriched sense of place and successful overall environment. While the proposed recommendations attempt to accurately capture the preferences of both the development community and residents not all voiced requests can always be accommodated. However, staff strongly believes the proposed recommendations strike a suitable balance for all parties, while addressing sound planning principles to meet the larger goals.

The following is a summary of the proposed amendments to the ULDR:

1. **Permitted Uses:** The permitted and conditional uses included in the current zoning districts consist of CB, B-2, B-3, I and RM-15 (please see the existing and proposed Zoning Map in the PZB report that is attached as Exhibit 2). Some of the uses currently allowed in some of these zoning districts are not conducive to the redevelopment of the area. Therefore, in an effort to promote redevelopment

of the study area with active urban uses, the proposed zoning districts will include uses as indicated in the CB zoning district, as well as some low-intensity B-2 zoning district uses. All other intensive (quasi-industrial and industrial) uses that are currently permitting in the B-2, B-3 and I zoning districts will be restricted to promote a livable and active urban environment. In addition Pawn Shop will not be permitted within the new zoning districts. Any current use that will become non-conforming may remain subject to Section 47-3, *Nonconforming Uses, Structures and Lots*.

2. **Development Standards:** The recommended criterion includes the following:

a. **Reduced Parking:** The recent streetscape improvements along Sistrunk Boulevard created additional on-street parking that adds to the existing parking supply. In addition, the area has struggled with redevelopment due to current parking requirements that can stifle adaptive reuse of existing buildings when additional parking is required. Staff is proposing a reduced parking standard in the area as was successfully done in the South-RAC. For instance, the proposed parking reduction, exempts non-residential development between 0 and 2,500 gross square feet in area. And, all non-residential development greater than 2,500 gross square feet will be required to provide 60% of the existing parking space requirements for uses as provided in the parking requirements in the ULDR. These recommendations are consistent with parking requirements for the Downtown-RAC Transitional Mixed Use ("TMU") zoning districts as well. The intent of this recommendation is to encourage existing properties that may not have adequate land area to meet current parking requirements to redevelop and also serves as a redevelopment incentive to focus more on the pedestrian and public realm experience while promoting alternative means of transit.

b. **Dimensional Requirements:**

The proposed NWRAC-MU zoning districts are intended to standardize dimensional requirements to achieve a consistent form of pedestrian-oriented development within the study area. The intent of these standardized dimensional requirements is as follows:

- Provide a consistent build-to-line (street-edge) to enhance the pedestrian experience.
- Providing delineation of a street-edge through the limitation of space between buildings along the street.
- Enhancing the pedestrian experience through regulation of sidewalk width.
- Providing sufficient light and air through stepback regulations and address transition zones between non-residential abutting residential.

The proposed NWRAC-MU<sub>ne</sub> (FEC tracks west to mid-block of Andrews Avenue, south of Sunrise Blvd.) & NWRAC-MU<sub>e</sub> (located east of NW 7<sup>th</sup> Avenue) will allow a maximum height of sixty-five (65) feet by right and up to ten (10) stories or one hundred ten (110) feet as a Site Plan Level II

review with City Commission approval. This allows for more intensive development to occur within Sistrunk Boulevard and NW 7<sup>th</sup> Avenue, which connects the study area to Broward Boulevard, the Downtown and the Arts and Entertainment District (please see Study Area Map attached as Exhibit 1).

The proposed NWRAC-MUw (located west of NW 7<sup>th</sup> Avenue) will be lower in height by allowing a maximum height of forty-five (45) feet by right sixty-five (65) feet as a Site Plan Level II review with City Commission approval (please see Study Area Map attached as Exhibit 1).

The height recommendations for this design proposal have been previously studied in the 2008 NPF CRA Implementation Plan, which references the same recommendations in reports by the Marjorie Davis Charrette (1999) and the Wallace, Roberts and Todd Study (2005).

- 3. Design Standards:** To further implement the proposed NWRAC-MU zoning districts, the proposal includes design standards for the area consisting of clearly-defined graphic examples of what proposed development within the NWRAC-MU districts should consist of. This document is titled the NWRAC-MU: Illustration of Design Standards (“NWRAC-MU Design Standards”) and it provides clear and specific standards for any proposed development within the area through the use of form-based codes and examples of successful design elements. The design standards will offer more certainty in the review and approval process than current requirements. In effect, this will provide a means by which to address “neighborhood compatibility” by offering clear and specific standards that property owners and developers can successfully address, providing for a mix of uses while maintaining the character of neighboring areas.

The proposed design standards for the study area are consistent with principles established by existing master planned areas within the City (Downtown RAC; South RAC; Beach RAC). In addition, they are consistent with the recommendations of the 2006 Sistrunk Boulevard Urban Design Improvement Plan and the 2008 NPF CRA Implementation Plan.

The design standards address such issues as transition zones between proposed development within the study area and existing residential development abutting and outside the study area, by providing criteria for additional yard setback, lower shoulder height and additional tower setback that addresses compatibility; establishes a street cross-section to provide for a consistent street edge through a build-to-line; suitable pedestal and shoulder heights, as well as tower regulations (if towers are proposed where applicable); requirements for on-street parking and street trees; examples of street furniture; and provisions for open space requirements among others.

Please see the NWRAC-MU: Illustration of Design Standards attached hereto as

Exhibit 6.

4. **Additional Amendments:** Related amendments are being proposed to Section 47-13, Regional Activity Center Districts to incorporate the NWRAC-MU zoning districts. These include amendments to the use tables to include the new zoning districts and a consolidation of text regarding the existing South Regional Activity Center – South Andrews (SRAC-SA) zoning districts. While these amendments require revisions to the SRAC-SA language, the SRAC-SA intent, content and dimensional requirements have not been changed and remain the same as adopted previously. In addition, to further streamline the listed uses, the RAC use tables have been revised to eliminate redundancy. However, none of the previous uses for the existing zoning districts have been removed or altered in any way.

These include the following:

- General consolidation of Automotive Uses;
- Consolidation of Trade/Business School with School in the Public Purpose category;
- Relocation of Pharmacy to remain consistent with alphabetization;
- General consolidation of Dry Cleaner, Laundering Plant.

For more information, please see the draft NWRAC-MU text amendment Ordinance, attached as Exhibit 4.

5. **Development Review Process:** While the creation of form-based codes and design standards offers a more predictable built environment for developers and the broader community, a streamlined development review process is being proposed to further encourage quality development and redevelopment.

The current requirements for development review, depends on a variety of thresholds, which may require a review and approval by various entities. These can include site plan level I, site plan level II (Development Review Committee), site plan level III (Planning and Zoning Board); and site plan level IV (City Commission), depending on the type of development proposed. The requirements add to the uncertainty of development within the City, as well as adding cost and time to the review process. In order to provide a level of certainty to the development review process, as well as streamline it where appropriate, staff is recommending a similar approach to the Downtown-RAC and the South-RAC, which has proven to be successful.

On November 19, 2014, the Planning and Zoning Board (PZB), acting as the Local Planning Agency (LPA), conducted a review of the proposed amendments and upon finding they are consistent with the adopted comprehensive plan, recommended approval by a vote of 8-1 for the proposed amendments (case T14012) with the added condition that staff establish guidelines/criteria for developments that need City

Commission approval for the additional height request above the “by-right” height limit and to include staff’s addendum, which describes the level of the development review process. They also approved the rezoning (case 3Z13) by a vote of 7-2. The PZB staff report and November 19, 2014, draft PZB minutes are attached as Exhibit 2 and Exhibit 3 respectively. The proposed text amendment ordinance with the added performance criteria for the additional height bonus, are attached as Exhibit 4. The added text is highlighted with a double underline and can be found on page 27 through 32 of Exhibit 4. The final text amendment ordinance is attached as Exhibit 5.

The following is a summary of staff’s proposed performance standards and criteria for the additional height bonus:

1. Affordable Housing height incentive:  
Any development requesting additional height pursuant to section 47.13.52.B. shall include at least 10 percent of all units in a development as affordable housing.

The purpose for this requirement is to maintain a balanced community that provides housing for people of all income levels and to ensure the opportunity of affordable housing for employees of businesses that are located or will located in the community.

2. While a mix of uses is encouraged, uses that create an inherent negative impact, such as excessive noise, odors, pollution, dust, or similar effects on adjacent uses shall be avoided.
3. Street and alley vacations shall not be considered unless the applicant demonstrates no decrease to the pedestrian and functional connectivity previously provided and increases options for pedestrian and/or multimodal connectivity;
4. Development that demonstrates substantial, significant and recognizable improvements and long-term beneficial effect to the community and city. Such as:
  - Preservation/adaptive-reuse of historically significant structures not otherwise protected;
  - Superior architectural design, placement and orientation of buildings and attainment of Leadership in Energy and Environmental Design - Neighborhood Development (“LEED ND”) certification for the development or LEED certification of individual buildings and/or other similar state, national or city-recognized programs;
  - Provision of public facilities and public usable open space such as plazas and amenities where the quality and programming of the space are emphasized over quantity;
  - Landscaping that is provided in a manner which maximizes tree canopy, emphasizes native vegetation, improves the aesthetic appearance, and provides opportunities for storm water infiltration,

including innovative design usage such as Low Impact Development (“LID”), which is an ecologically-based stormwater management approach favoring soft engineering to manage rainfall on site through a vegetated treatment network.

### **Resource Impact**

There is no fiscal impact associated with this action.

### **Strategic Connections**

This ULDR amendment and rezoning is part of the *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included in the *Infrastructure and Neighborhood Enhancement* Cylinders of Excellence, specifically advancing:

- Goal 6:** Be an inclusive community made up of district, complementary, and diverse neighborhoods.
- Objective 1:** Evolve and update the land development code to balance neighborhood quality, character, and livability through sustainable development.
- Initiative 1:** Examine land-use patterns and neighborhood development trends to recommend changes to the Unified Land Development Regulations (ULDR) for optimal neighborhood growth, including parking, landscaping, setbacks, change of use and reuse, etc.
- Initiative 6:** Amend the Northwest Regional Activity Center (NWRAC) zoning regulations and implement design guidelines.

#### Attachments:

- Exhibit 1 – Location Map
- Exhibit 2 – PZB Staff Report
- Exhibit 3 – PZB Draft Minutes
- Exhibit 4 – Draft Text Amendment Ordinance (Case T14012)
- Exhibit 5 – Text Amendment Ordinance
- Exhibit 6 – NWRAC-MU: Illustration of Design Standards

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