

REQUEST: Amendment to the City’s Unified Land Development Regulations (ULDR);

New Section 47-19.12. *Bus Shelters*, adding criteria that defines bus shelter and associated elements, and includes provisions for the location and placement of bus shelters on private property when associated with mass transit, providing for yard/setback requirements, and establishing a process for review and approval.

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| Case Number | T14005 |
| Applicant | City of Fort Lauderdale |
| General Location | City-wide |
| Applicable ULDR Sections | 47-19.12 <i>Bus Shelters</i> |
| Notification Requirements | Newspaper ad 10 days prior to meeting |
| Action Required | Recommend approval or denial of the proposal to the City Commission |
| Project Planner | Anthony Greg Fajardo, Zoning Administrator |

PROJECT DESCRIPTION / BACKGROUND:

This proposed amendment to the City’s Unified Land Development Regulations (ULDR) will add Section 47-19.12, *Bus Shelters* to address the location of proposed Bus Shelters on private property when associated with a mass transit authority.

Through a recent effort involving the Broward County Transit Shelters & Amenities Program the City will be a recipient of multiple new bus shelters as part of broader improvements and upgrades to over 160 bus stops within the City’s boundaries. These shelters are designed to provide an area where mass transit riders can sit in the shade while waiting to board and may include such associated amenities as bike racks and waste receptacles. Generally these shelters will be located entirely within a public right-of-way. However, in certain locations where the existing public right-of-way is not sufficient to accommodate the public sidewalk as well as a bus shelter, the amendment will provide for an option to place the bus shelters on private property subject to property owner’s agreement and specific criteria. This provision will allow for bus shelters in locations that would be difficult or impossible to otherwise accommodate.

To address location requirements for bus shelters as a permitted use on private property the proposed amendment will allow placement of bus shelters subject to the following criteria:

- Bus Shelters may be permitted on private property as an accessory or principal structure, subject to the written consent of the private property owner;
- Bus Shelters may be located in conjunction with an existing bus stop on an approved mass transit route;
- Bus Shelters may be placed directly adjacent to the property line and located within the yard requirements of the zoning district in which they are proposed, provided sufficient pedestrian access and sidewalk width is maintained;
- Applications for bus shelter locations are subject to a Site Plan Level I (Administrative) development approval.

For specific code language please see the proposed amendments to Section 47-18.4 attached as **Exhibit 1**.

This item corresponds to the *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the **Neighborhood Enhancement Cylinder of Excellence**, specifically advancing:

- **Goal 6:** Be an inclusive community made up of district, complementary, and diverse neighborhoods.
- **Objective 3:** 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.

CONSISTENCY with COMPREHENSIVE PLAN:

The proposed amendments described herein are consistent with the City's Comprehensive Plan. This amendment generally furthers the following Comprehensive Plan goals, objectives and policies by continuing to evaluate and revise existing zoning to be consistent with existing density, scale and intensity of uses:

ELEMENT: Future Land Use Element
GOAL: Goal 1
OBJECTIVE: Objective 1.19
POLICY: Policy 1.19.4

PLANNING and ZONING BOARD REVIEW OPTIONS:

The Planning and Zoning Board, in its capacity as the Local Planning Agency, shall determine whether the proposed change is consistent with the City of Fort Lauderdale's Comprehensive Plan and whether the Planning and Zoning Board recommends approval of the proposed amendments to the City Commission.

EXHIBIT 1

47-19.12 **Bus Shelters.**

1. A Bus Shelter is any shade structure including a bench/seating area and any related elements, such as bike racks, waste/recycling receptacles and the like that is located at a designated bus stop associated with and for the purposes of mass transit and is designed to accommodate passengers waiting for the arrival of mass transit for the purposes of boarding or alighting.
2. A Bus Shelter may be permitted on occupied land as an accessory structure or on vacant land as a principal structure.
3. A Bus Shelter shall be permitted on private property subject to the following criteria:
 - a. The location of the Bus Shelter shall be in conjunction with an existing bus stop associated with a recognized mass transit system and an approved mass transit route with approved mass transit stop locations along a public right-of-way; and,
 - b. A Bus Shelter may be placed directly adjacent to the property line abutting the public right-of-way regardless of the yard requirements for the zoning district in which the Bus Shelter is proposed; and,
 - c. Applicant shall provide property owner consent in written form; and,
 - d. Bus Shelters proposed on City owned or controlled property shall be subject to the following additional criteria:
 - i. As a condition of the permit and license agreement the applicant must agree to indemnify, hold harmless and defend the city its representatives, employees, and elected and appointed officials, from and against all liability, claims, damages, suits, losses, and expenses of any kind, including reasonable attorney's fees and costs for appeal, associated with or arising out of or from the permit and license agreement; and,
 - ii. The managing agent shall provide and maintain such public liability and property damage insurance to protect the city from all claims and damage to property or bodily injury including death; and,
 - iii. Such insurance, shall be provided from an insurance company with an A.M. Best rating of not less than "A" and a financial strength rating of not less than "VII," acceptable to the city's risk management division, and shall provide coverage of not less than one million dollars (\$1,000,000.00) for bodily injury, and property damage respectively per occurrence. Such insurance shall be without prejudice to coverage otherwise existing and shall name as additional insured the City of Fort Lauderdale, and city commission, its officers and employees, and shall further provide that the policy shall not terminate or be canceled prior to the termination of the permit and license agreement without thirty (30) days' written notice prior to the termination to the city's risk management division and the director at the address shown in the license.
4. All Bus Shelters proposed on private property shall be approved subject to site plan level I development permit.