

**REQUEST:** Amendment to the City's Unified Land Development Regulations (ULDR); Section 47-18.31. Social Service Facility Use.

<b>Case Number</b>	T14007
<b>Applicant</b>	City of Fort Lauderdale
<b>General Location</b>	City-wide
<b>Applicable ULDR Sections</b>	Section 47-6.13. Heavy Commercial/Light Industrial Zoning District Sections 47-8.10-13. Public Purpose Districts Section 47-13.10 Regional Activity Center Districts Section 47-18.31. Social Service Facility
<b>Notification Requirements</b>	Newspaper ad 10 days prior to meeting
<b>Action Required</b>	Recommend approval or denial of the proposal to the City Commission
<b>Project Planner</b>	Eric Engmann, Planner II

**PROJECT DESCRIPTION / BACKGROUND:**

The proposed amendment modifies the general Social Service Facility (SSF) section of the ULDR in an attempt to better define social service uses, and incorporate a more substantive review process to accommodate the uses in specific areas throughout the City, based on more clearly defined criteria. The social service facility section of the ULDR covers such uses as homeless day shelters, food distribution programs, and addiction treatment centers. The strikethrough and underline version of the proposed ordinance is attached as **Exhibit A**.

The existing SSF section provides only a basic definition of the use and does not include any substantive or objective criteria for approval. This broad definition requires that many of the uses currently considered as Social Service Facilities to be interpreted as a part of this category. It also provides the ability to apply for various social service uses throughout the City, including within close proximity to residential areas, without providing for specifically defined criteria to evaluate potential associated impacts. The attached map (**Exhibit B**) shows the areas of the City where SSF uses are currently allow. There are no regulations for separation, buffering or specific criteria for locating these facilities other than the generic Conditional Use criteria.

The proposed amendment modifies the Social Service Facility section in an attempt to identify areas throughout the City and include specific criteria to accommodate social service facility uses, pursuant to the findings of *Abbott v. City of Fort Lauderdale*, 783 So.2d 1213 (2001). In accordance with the ruling, staff has evaluated the zoning districts where these uses may be permitted and drafted specific criteria for the review and approval of these uses.

The amendment will also expand upon the current definition of the use and provide additional guidelines and regulations based on best practices and regulations implemented in other jurisdictions. The amendment proposes additional zoning districts where the uses are allowed to operate as a site plan level II development permit (Development Review Committee) as well as a conditional use through site plan level III development permit (Planning & Zoning Board), based on the type of services proposed and the zoning district in which they are located. A map indicating where these uses will be permitted when factoring in the proposed buffer distances from residential zoning districts is attached as **Exhibit C**.

The proposed amendment was first presented to the Planning and Zoning Board on July 16, 2014. The Board deferred the item to allow staff to conduct additional outreach for feedback on the proposed amendment. Staff provided background information and requested feedback from the Council of Fort Lauderdale Civic Associations, the Downtown Development Authority, the Greater Fort Lauderdale Chamber of Commerce as well as several potential proprietors for SSF businesses.

In general, the responses were supportive of the ordinance changes. Based on the responses, staff has removed the Community Business (CB), Boulevard Business (B-1) and General Business (B-2) from the zonings where SSF uses could locate. A map indicating how each proposed new zoning district as revised will affect the allowed locations is attached as **Exhibit D**. Staff has also provided additional

clarification to the definitions and added that the applicant must discuss any offsite residential uses provided as a part of the management plan. Also, after updating the GIS maps staff has proposed to reduce the proposed buffer requirements for Addiction Treatment Centers from 1,000 feet to 500 feet to allow for similar buffer distances as the other SSF subcategories.

### **PROPOSED ORDINANCE CRITERIA:**

In order to effectively regulate uses categorized as Social Service Facilities, staff has analyzed criteria to identify ways to balance providing for the ability to locate the facilities in the City and minimize potential negative impacts. A summary of the proposed ordinance changes follows:

#### Definitions

The definition of Social Service Facilities is expanded to provide additional clarity and understanding of the uses. Four subcategories are created to provide additional criteria and regulations for these uses. The subcategories and their proposed definitions are:

1. Addiction Treatment Center - Shall mean any outpatient service, providing diagnostic or therapeutic services for alcoholism, drug abuse, or similar conditions.
2. Food Distribution Center - Shall mean any building or structure, or a portion thereof, of which the interior, or portion of the interior, is used to furnish meals to members of the public without cost or at a very low cost. A food distribution center shall not be considered a restaurant.
3. Outdoor Food Distribution Center - Any location or site temporarily used to furnish meals to members of the public without cost or at a very low cost and is generally providing food distribution services exterior to a building or structure or without permanent facilities on a property.
4. Social Service Facilities – General - All social service facility uses described in this section excluding those uses further defined as an Addiction Treatment Center, Food Distribution Center or an Outdoor Food Distribution Center.

#### Development Standards

Additional criteria and distance separations are added to insure that the facilities are located in areas appropriate for the intensity of each proposed use. Currently, there are no additional requirements for Social Service Facilities in the ULDR other than the Conditional Use Criteria as defined in ULDR Sec. 47-24.3. The provisions call for general standards that limit hours of operation, require an on-site waiting area and specify screening for outdoor uses. A management plan is also required for submittal to ensure that appropriate measures are in place to regulate the uses.

Specific standards are proposed based on the nature of the four (4) subcategories. These standards have been analyzed to ensure that adequate measures have been created to protect public health, safety and welfare. In order to ensure that one area does not become a concentrated location for these facilities, separation requirements between the uses are also proposed, ensuring a general dispersal of the uses throughout the city and providing additional location options for the services. To verify sufficient areas are provided within the City to locate SSF uses, areas have been mapped (attached as **Exhibit C**) indicating where these uses would be permitted when factoring in the proposed buffer distances from residential zoning districts.

Many of the additional criteria have been modeled after best practice examples from other jurisdictions and are intended to create a safe and sanitary environment for those persons utilizing the services. Some of these requirements are listed below:

- A) Addiction Treatment Center (ATC).  
Shall not be any closer than 500 feet from any another Addiction Treatment Center.  
Shall not be any closer than 500 feet from a residential property as defined in the ULDR.  
Shall not be located within five hundred (500) feet of the property line of any an existing House of Worship, an existing public or private school or daycare facility, an existing public park or another Social Service Facility.
- B) Food Distribution Center (FDC).

Must provide an indoor dining area that meets all state, county and city requirements for the proposed use.

Shall not be closer than 500 feet from another Food Distribution Center or Outdoor Food Distribution Center.

Shall not be closer than 500 feet from a residential property as defined in the ULDR.

FDC is permitted as an ancillary use to Houses of Worship, regardless of zoning district, if approved as a conditional use.

C) Outdoor Food Distribution Center- (OFDC).

May provide dining area that meets all state, county and city requirements for the proposed use.

Shall not be closer than 500 feet from another Food Distribution Center.

Shall not be closer than 500 feet from a residential property as defined in the ULDR.

D) Social Service Facility – General (SSF-G).

Shall not be any closer than 500 feet from any another Social Service Facility.

Shall not be any closer than 500 feet from a residential property as defined in the ULDR.

### Zoning Districts

The ordinance also expands the districts where Social Service Facilities are allowed to operate based upon the specific type of use. The current section allows for SSFs to be permitted only as a conditional use within the Heavy Commercial/Light Industrial (B-3), Community Facility (CF), Regional Activity Center-City Center (RAC-CC), Regional Activity Center-Arts and Science (RAC-AS), Regional Activity Center-Urban Village (RAC-UV), Regional Activity Center-Residential Professional Office (RAC-RPO), Regional Activity Center-Transitional Mixed Use (RAC-TMU), and South Regional Activity Center-South Andrews west (SRAC-SAW) districts.

The ordinance provides a table that lists the zoning districts where proposed uses are allowed pursuant to criteria. The list of zoning districts has been expanded to include the Community Facility—House of Worship (CF-H), Community Facility—School (CF-S), Community Facility—House of Worship/School (CF-HS), South Regional Activity Center-South Andrews East (SRAC-SAE), and Innovative Design (ID) districts as potential locations for these facilities. The uses as added to each proposed zoning district are provided in **Exhibit 1**. The intent of expanding into other possible locations pursuant to zoning and criteria is to provide for a range of options to locate the specialized services within the city.

### Level of Review

Proposed revisions will permit certain SSF uses under a Site Plan Level II (DRC) review with additional criteria, rather than solely through the conditional use - Site Plan Level III (Planning and Zoning Board) approval process. The levels of review for the four subcategories are indicated on the Zoning Table as Permitted (P) for Site Plan Level II review, and Conditional (C) for Site Plan Level III review. Proposed exceptions are made to allow these uses to operate on a temporary basis in response to a state of emergency as established by the City. Food distribution centers may be permitted as a conditional use anywhere in the city when ancillary to a house of worship and as approved by the Site Plan Level III (Planning and Zoning Board) review process.

Those uses subject to a Site Plan Level III review will have new standards that provide additional objective criteria for approval beyond the regulations of the Conditional Use Section. The proposed criteria include:

- A. Meet the criteria listed above.
- B. Site plan approval.
- C. Abatement of nuisance. The activities on the property of the facility shall not create or cause a nuisance to adjacent properties or surrounding community or a public nuisance or a violation of City Code by creating adverse conditions such as noise, odor, health hazard, glare or unlawful activities.
- D. Compatibility with the character of the area. The intensity of use of the proposed facility shall not adversely impact upon existing uses or change the character of the area in which it is located. This includes ensuring the use is compatible with the neighborhood within which it is located and that will be impacted by the use and mitigating any adverse impacts which arise in connection with the approval of the use or any continuation thereof. Conditions for approval may relate to any aspect of the development, including but not limited to height, bulk, shadow, mass and design of

any structure, parking, access, public transit and landscaping requirements.

The additional criteria as identified herein in combination with expansion of existing allowable zoning districts to locate the uses, will provide a more defined environment for the uses to operate within the City. The proposed amendment to the SSF section will provide a framework of understanding for the residents, operators of these facilities and City staff.

The proposed amendments are consistent with the City of Fort Lauderdale's Comprehensive Plan in that pursuant to criteria, the uses are permitted in the corresponding land use designations.

This ULDR amendment furthers the *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included in the *Public Places* and *Neighborhood Enhancement* Cylinders of Excellence, specifically advancing:

- Goal 3: Be a community that finds opportunities and leverages partnerships to create unique, inviting, and connected gathering places that highlight our beaches, waterways, urban areas, and parks.
- Objective 5: Work with partners to reduce homelessness by promoting independence and self-worth through advocacy, housing, and comprehensive services.
- Initiative 2: Implement a comprehensive short and long-term strategy with community partners to address Homelessness.
  
- Goal 6: Be an inclusive community made up of distinct, complementary, and diverse neighborhoods.
- Objective 1: Evolve and update the land development code to balance neighborhood quality, character, and livability through sustainable development.

**PLANNING and ZONING BOARD REVIEW OPTIONS:**

The Planning and Zoning Board acting 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.