



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#14-0889

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

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

DATE: October 21, 2014

TITLE: Second Reading of Ordinance – Amending Section 47-18.31, Social Service Facility

Recommendation

It is recommended that the City Commission adopt an ordinance on second reading amending Section 47-18.31. Social Service Facility (SSF) of the Unified Land Development Regulations (ULDR) to better define social service facility uses and incorporate a more substantive review process by providing additional criteria for approval.

Background

The proposed amendment to the City's zoning code modifies the Social Service Facility section to provide more defined regulations for the uses to be able to operate within the City. The revisions also bring the City into full compliance with the Court's Final Judgment of June 14th, 2000 in the case of Abbott v. City of Fort Lauderdale, 783 So.2d 1213, and thereby permitting the resumption of the enforcement of Park Rule 2.2.¹

The proposed amendment has four main components:

1. **Definitions:** The definition of Social Service Facilities is revised to clarify the types of uses associated with SSFs. Four subcategories are created with additional criteria and regulations developed for each of the use types. The subcategories are Addiction Treatment Center, Food Distribution Center, Outdoor Food Distribution Center, and Social Service Facilities-General.
2. **Locations:** The proposed amendment prohibits SSFs to be located closer than 500 feet to residentially zoned property.

¹ Social Services. Parks shall be used for recreation and relaxation, ornament, light and air for the general public. Parks shall not be used for business or social service purposes unless authorized pursuant to a written agreement with City.

As used herein, social services shall include, but not be limited to, the provision of food, clothing, shelter or medical care to persons in order to meet their physical needs.

In applying this buffer, the map attached as **Exhibit 1** identifies how the proposed ordinance will change the possible locations where SSFs will be permitted within the City. The light red color identifies areas where social service facilities are currently allowed but will no longer be permitted if the amendment is adopted. The area in green will remain as possible locations for social service facilities uses, subject to the criteria proposed within the amendment. Additional criteria to limit a concentration of these uses in a particular area has been developed. Addiction Treatment Centers cannot be located within 500 feet of another SSF, and cannot be located closer than 500 feet from a church, school or park. In addition, only one SSF can be permitted on each city block, even if the two proposed locations are more than 500 feet apart.

3. **Development Standards:** Currently, there are no specific requirements for Social Service Facilities in the ULDR other than the standard Conditional Use Criteria as defined in ULDR Sec. 47-24.3. The additional criteria recommended include 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, focusing on licensing requirements, and safe and sanitary conditions on site.

Specifically, food distribution centers (FDC) will be subject to the following conditions:

- i. Must provide an indoor dining area that meets all state, county and city requirements for food service establishments or similar uses.
- ii. Shall not be closer than 500 feet from another Food Distribution Center or Outdoor Food Distribution Center.
- iii. Shall not be any closer than 500 feet from a residential property as defined in Sec. 47-35 of the ULDR.
- iv. FDC is permitted as an ancillary use to Houses of Worship, regardless of zoning district, if approved as a conditional use.
- v. Shall provide restroom facilities or other similar facilities for persons preparing and serving food as well as for the persons being served food.
- vi. Shall provide equipment and procedures for the lawful disposal of waste and wastewater at the property.
- vii. Shall provide equipment and procedures at the property for hand washing.
- viii. Shall have one person, who will be present at the location at all times that food is being prepared and served, who has received Food Service Manager Certification under Section 509.039, Florida Statutes.
- ix. Shall have adequate storage of food at a temperature of:
 - a. 41° F or below or
 - b. 135° F or above.
- x. Shall provide service of food within four (4) hours of preparation.

Outdoor food distribution centers (OFDC) will be subject to the following conditions:

- i. If a dining area is provided, it shall meet all state, county and city requirements for food service establishments or similar uses.
- ii. Shall not be closer than 500 feet from another Food Distribution Center or Outdoor Food Distribution Center.
- iii. Shall not be any closer than 500 feet from a residential property as defined in Sec. 47-35 of the ULDR.
- iv. Shall provide restroom facilities, portable toilets or other similar facilities for persons preparing and serving food, as well as for the persons being served food.
- v. Shall provide equipment and procedures for the lawful disposal of waste and wastewater at the location.
- vi. Shall provide equipment and procedures at the location for hand washing.
- vii. Shall provide written consent from the property owner to conduct that activity on the property.
- viii. Shall have one person, who will be present at the location at all times that food is being prepared and served, who has received Food Service Manager Certification under Section 509.039, Florida Statutes.
- ix. Shall have adequate storage of food at a temperature of:
 - a. 41 ° F or below or
 - b. 135°F or above.
- x. Shall provide transportation of food in a clean conveyance.
- xi. Shall provide service of food within four (4) hours of preparation.
- xii. Where non-prepackaged food is served, a convenient hand washing facility for persons preparing and serving the food; which hand washing facility must at a minimum include:

4. **Review Process:** The required level of review and approval for each of the four subcategories of SSF uses is dependent upon which zoning district the proposed SSF is located in. The approval process would be either Permitted (P) which allows for a Site Plan Level II review (Development Review Committee only), or Conditional (C) which requires a Site Plan Level III review (Planning & Zoning Board).

On August 20, 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, unanimously recommended approval of the proposed amendments (case T14007) with the added condition that there be no more than one facility allowed per city block. The PZB staff report and August 20, 2014 PZB minutes are attached as **Exhibit 2** and **Exhibit 3** respectively. The proposed ordinance is attached as **Exhibit 4**.

Staff has solicited neighbor input on this amendment, presenting to the Council of Fort Lauderdale Civic Associations on September 9, 2014, and providing draft copies of the proposed ordinance to the Greater Fort Lauderdale Chamber of Commerce and the Downtown Development Authority.

On October 07, 2014 the City Commission approved the item on first reading.

Between first and second reading staff in consultation with the City Attorney's Office made small revisions to the text that are consistent with and better convey the intent of the draft of the ordinance recommended for approval by the PZB. These are indicated within **Exhibit 4** with a double strike and underline and include the following:

Page 3 – Exhibit 4:

Addiction Treatment Center: Any outpatient service, providing diagnostic or therapeutic services for alcoholism, drug abuse, or similar conditions. Clinics, professional offices or similar uses that provide addiction treatment counseling to individuals as part of a larger practice are not Addiction Treatment Centers.

Food Distribution Center: 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 as a social service as defined herein. A food distribution center shall not be considered a restaurant.

Social services: Any service provided to the public to address public welfare and health such as, but not limited to, the provision of food,; hygiene care; group rehabilitative or recovery assistance ~~from any physical, mental, emotional or legal infirmity,~~ or any combination thereof; rehabilitative or recovery programs utilizing counseling, self-help or other treatment or assistance; and day shelter or any combination of same.

Page 3 – Exhibit 4:

Social Service Facility-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. Medical uses such as physical therapy or similar uses are not Social Service Facility-General uses.

On-site Waiting Areas. Any waiting areas shall be located on the premise where services are provided. The owner ~~or~~ operator must ensure that persons receiving service do not block public access to sidewalks, right-of-ways or private property, and that emergency access points are clearly identified and maintained. The ~~applicant~~ owner or operator must demonstrate that adequate space is available to accommodate the expected number of persons using the facility.

Outdoor Uses. All exterior waiting areas and exterior activity areas associated with the Social Service Facility shall be adequately buffered from abutting properties and streets with a fence, wall, or hedge which that meets all ULDR requirements.

Page 8 – Exhibit 4:

Table 1 - Allowable Uses by Zoning District was revised to remove the conditional use approvals in the Community Business (CB), Boulevard Business (B-1) and General Business (B-2) zoning districts to reflect that these uses are not permitted in these districts. It should be noted that this is not a change from what was recommended for approval by the Planning and Zoning Board. When the item was presented to the City Commission at first reading there was an inconsistency between the version recommended for approval by the PZB and the version reviewed by the City Commission. This revision will correct the inconsistency.

In addition to the above the City Commission directed staff to address Food Distribution Centers (FDC) when located within a house of worship. The staff recommendation presented at first reading included language that permitted FDC as an ancillary use to houses of worship regardless of the zoning district in which they are located. This language read as follows:

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

However, the City Commission directed staff to amend the language to permit FDC as an ancillary use to houses of worship as a permitted use. The new language reads as follows:

FDC is permitted as an ancillary use to Houses of Worship within any zoning district in which Houses of Worship are permitted as a principal use. A FDC permitted as an ancillary use to Houses of Worship is not subject to the separation requirements of Section 47-18.31 of the ULDR.

The revision indicated above can be reviewed on Page 6 of **Exhibit 4**.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item corresponds to *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within 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 district, complementary, and diverse neighborhoods.
- **Objective 1:** Evolve and update the land development code to balance neighborhood quality, character, and livability through sustainable development.

This item advances the *Fast Forward Fort Lauderdale Vision Plan 2035: We Are Here*.

Attachments:

Exhibit 1– Location Map

Exhibit 2 – PZB Staff Report

Exhibit 3 – August 20, 2014 PZB Minutes

Exhibit 4 – Track Change Ordinance

Exhibit 5 – Proposed Ordinance

Prepared by: Eric Engmann, Planner II

Department Director: Greg Brewton, Sustainable Development
Jenni Morejon, Director Designee