



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

**13-0680**

---

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

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

**DATE:** June 4, 2013

**TITLE:** Ordinance – Amending Section 47-5.60, Residential Office Zoning Districts.

---

**Recommendation**

It is recommended that the City Commission adopt an ordinance on second reading amending Section 47-5.60, Residential Office Zoning Districts, of the Unified Land Development Regulations (ULDR) to revise the development review and approval process to remain consistent with Section 47-24, Table 1, Development Permit and Procedures and to revise the requirements for a bufferyard and wall to allow vehicular use areas to encroach into the bufferyard up to the standard requirements for vehicular use areas and allow alternatives to the standard wall requirement.

**Background**

The Residential Office (RO) zoning districts (Residential Office (RO), Residential Limited Office (ROA), and Residential Planned Office (ROC) Districts) were created to allow single-family homes to be re-purposed as a commercial use (including professional office and limited retail) and allow new non-residential construction in certain areas of the City that is compatible with existing residential character. However, current ULDR language requires approval from the Planning and Zoning Board (PZB) for all uses (residential and commercial) in the ROC zoning district. These requirements are inconsistent between the three RO zoning districts. Staff recommends a revision to the Unified Land Development Regulations (ULDR) that would provide for a review and approval process that is in keeping with the existing process found in all other standard zoning districts in the City. This recommendation is in response to a communication sent to the City Commission by the Planning & Zoning Board (PZB) in October 2012.

Staff is also proposing to revise the requirements for a bufferyard when a RO district use is proposed adjacent to a residential use. The current requirements for a 10-foot buffer yard is difficult to provide in many situations as lots in RO districts tend to be around 50-feet in width, making the effective width of the lot when adjacent to residential on both sides 30-feet. This can come into conflict with parking areas as well as limit the development potential of these sites. The proposed amendment will not remove the requirement for a bufferyard, but will allow the parking area to encroach into

the bufferyard up to the distance requirements for vehicular use areas in other parts of the City as indicated in Section 47-21.9, Landscape requirements for vehicular use areas of the ULDR. All structures will still be required to meet the bufferyard distance of ten (10) feet. As part of this amendment staff is also recommending a revision that would allow for alternatives to the standard wall requirements. Staff believes the standard wall requirement adds a non-residential element to these established residential areas. This recommendation would allow for alternatives such as a wood fence that is residential in look and feel and consistent with existing residential fences. It is important to note that any fence that may be proposed as an alternative to a wall would still be required to remain opaque and will be required to maintain a minimum height of five (5) feet.

On April 17, 2013, the PZB recommended approval of the proposed amendment to the City Commission by a vote of 9-0. Please see the PZB minutes attached as Exhibit 1 and the PZB staff report attached as Exhibit 2 for more information.

On May 21, 2013, the City Commission approved the ordinance on 1<sup>st</sup> reading to revise the development review and approval process for the RO Zoning Districts to remain consistent with Section 47-24, Table 1, Development Permit and Procedures and to revise the requirements for a bufferyard and wall to allow vehicular use areas to encroach into the bufferyard up to the standard requirements for vehicular use areas and allow alternatives to the standard wall requirement.

At this meeting the City Commission requested staff look at options for additional notification to surrounding residents when development/redevelopment within the RO zoning districts is approved at the Development Review Committee (DRC) level (site plan level II). Staff believes there may be three options the Commission should consider: 1) Mail Notice, 2) Sign Notice, or 3) Maintain current notice requirements.

Before determining which option, if any, should be chosen, the following information outlines the current ULDR requirements regarding public notice and advertising:

- Sign notice is required for all public hearing items (those heard at Planning & Zoning Board meetings and City Commission meetings);
- Mail notice is required for all rezoning applications and Board of Adjustment applications;
- Newspaper advertising is required for most rezonings, comprehensive plan amendments, and public right-of-way vacations;
- Posting of the DRC agenda on the City website and at City Hall is required for DRC site plan level II applications, which are generally considered a “by-right” approval subject to compliance with the ULDR. In addition, staff distributes the DRC agenda via email as a courtesy notice to all officially recognized neighborhood and civic associations, and strongly encourages the applicant to meet with those associations within 300 feet of the project site.

If additional notice is recommended for RO zoning district applications, staff recommends that sign notice should apply to all DRC site plan level II applications and

not only to those located within the RO zoning district. However, there may be unanticipated consequences of such an amendment. These include, but are not limited to the following:

- **Sign notice clutter** - Last year there were more than 80 DRC cases and this year there are already 54, which would result in at least the same amount of, if not more, signs located throughout the City;
- **Financial impacts** - Currently an applicant pays a fixed deposit (\$50) for notice signs regardless of how many are required by the ULDR (signs are required along every right-of-way, and waterway) and the deposit is returned to the applicant once the signs are returned. The minor deposit fee does not recover the staff time or cost of material;
- **Staff resource impacts** - Staff has to draft the signs and ensure they are properly posted subject to ULDR requirements as well as distribute and accept returns on the signs; and
- **Code Enforcement issues** - Code enforcement may be required to cite property owners who do not remove the signs in a timely manner.

While staff has attempted to examine the potential impacts to the City if sign notice would be required for all DRC site plan level II applications, we believe additional research is required in order to give the City Commission all the relevant information necessary to make an informed decision. In addition, the proposed Public Participation Ordinance is currently under discussion (CAM 13-0475 on the June 4, 2013 City Commission Conference Agenda) and may assist in providing better clarification as to amended notification requirements.

Therefore, staff recommends the proposed amendment to the RO zoning districts move forward as written at this time. Based upon the discussion and outcome of the Public Participation Ordinance, staff offers to conduct a more comprehensive analysis of public notice amendments to address potential impacts to the City, examine what other municipalities are doing in this regard and develop best practices based on those findings for consideration by the City Commission.

To review the draft ordinance, please see Exhibit 3.

### **Resource Impact**

There is no fiscal impact associated with this action.

#### Attachments

Exhibit 1 – 04/17/13 PZB Minutes

Exhibit 2 – PZB Staff Report

Exhibit 3 – DRAFT Ordinance

---

Prepared By: Anthony Greg Fajardo, Zoning Administrator

Department Director: Greg Brewton, Sustainable Development