

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, OCTOBER 17, 2012 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2012-May 2013	
		Present	Absent
Patrick McTigue, Chair	P	4	1
Leo Hansen, Vice Chair	P	4	1
Brad Cohen	P	2	0
Stephanie Desir-Jean	P	4	1
Michael Ferber	A	4	1
James McCulla	P	4	1
Michelle Tuggle	P	5	0
Tom Welch	P	4	1
Peter Witschen	P	4	1

It was noted that a quorum was present at the meeting.

Staff

Ella Parker, Acting Urban Design and Planning Manager
D'Wayne Spence, Assistant City Attorney
Anthony Fajardo, Urban Design and Development
Tom Lodge, Urban Design and Development
Yvonne Redding, Urban Design and Development
Mohammed Malik, Chief Zoning Examiner
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

Motion made by Mr. Witschen, seconded by Ms. Desir-Jean, to request that Staff develop a process that would not require Items such as 17R12A and 18R12A, both of which relate to sign approval, to come before the Planning and Zoning Board (and also streamline the review process for residential uses in the residential office districts, which currently require the Board's review). Staff has prepared revised code language that will streamline the review process for signage in the Regional Activity Centers and anticipates making additional code improvements in the near future to address the communication in full.

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Case Number **Applicant**

1. 17R12A** 1 E Broward Boulevard
2. 18R12A** 200 E Broward Boulevard
3. 41R11** Las Olas Property Management, LLC
4. 50R12** Certain Properties, LLC
5. 12Z12** * Key Village Charter School
6. 1P12** St. Jerome Catholic Church and School
7. 10P12** Ninth Street Property, LLC / French Village
8. 11P12** Ninth Street Property, LLC / French Village
9. 4T12* Neighborhood Compatibility
10. 5T12* Adult Gaming Centers
11. 11T12* Photovoltaic Solar Systems
12. Communication to the City Commission
13. For the Good of the City

Special Notes:

Local Planning Agency (LPA) items (*) – In these cases, the Planning and Zoning Board will act as the Local Planning Agency (LPA). Recommendation of approval will include a finding of consistency with the City's Comprehensive Plan and the criteria for rezoning (in the case of rezoning requests).

Quasi-Judicial items ()** – Board members disclose any communication or site visit they have had pursuant to Section 47-1.13 of the ULDR. All persons speaking on quasi-judicial matters will be sworn in and will be subject to cross-examination.

Chair McTigue called the meeting to order at 6:32 p.m. and all stood for the Pledge of Allegiance. The Chair introduced the Board members, and Acting Urban Design and Planning Manager Ella Parker introduced the Staff members present. Attorney Spence explained the quasi-judicial process used by the Board.

It was noted that Items 1 and 2 were inadvertently mislabeled, and were not quasi-judicial Items.

Motion made by Mr. Welch, seconded by Ms. Tuggle, to approve the minutes of the September 19, 2012 meeting. In a voice vote, the **motion** passed unanimously.

Attorney Spence noted a correction to the July 18, 2012 minutes: p.3, Item 2 should state "Ms. Parker clarified that the 40 ft. easement noted by Mr. Lochrie would actually be a 27 ft. easement." He requested that the Board move to approve this correction to the previously adopted minutes.

Motion made by Vice Chair Hansen, seconded by Mr. McCulla, to approve. In a voice vote, the **motion** passed unanimously.

~~looks like. Mr. Fajardo cited Holiday Park as an example of this, pointing out that most of the fencing around this park was built on private property.~~

~~Chair McTigue asked if Staff will have the flexibility to determine whether a required wall must be a block wall, a chain-link fence, or another type of structure. Mr. Fajardo said they would have this flexibility if this particular subsection of Code is removed.~~

~~There being no further questions from the Board at this time, Chair McTigue opened the public hearing. As there were no members of the public wishing to speak on this Item, Chair McTigue closed the public hearing and brought the discussion back to the Board.~~

~~**Motion** made by Mr. Witschen, seconded by Mr. Welch, to approve. In a roll call vote, the **motion** passed 8-0.~~

10. Adult Gaming Centers

Anthony Greg Fajardo

5T12

Request: *	Revision to Chapter 15 of the Code of Ordinances, Sections 47-6, 47-18 and 47-20 of the Unified Land Development Regulations to establish Adult Gaming Centers as a use subject to specific criteria
General Location:	City Wide
District:	All Commission Districts

Mr. Fajardo stated that this Item would define Adult Gaming Centers as a new use within the City. These centers have requested to establish themselves within the City limits in recent years and at various locations. They use sweepstakes, governed by Florida State Statute 849.094, which regulates game promotion in connection with the sale of consumer products or services as a method to allow these centers.

Under the direction of the City Commission, Staff has drafted specific criteria in order to take a proactive approach to this use, as only minimal regulation exists under current Code. The proposed Ordinance would define Adult Gaming Centers and establish definitions for owners, operators, permittees, electronic gaming devices, and existing adult gaming centers. The use would be permitted under conditional use approval in the CB, B-1, B-2, and B-3 zoning districts.

A distance separation of 1000 ft. would be required between each adult gaming center, with a 750 ft. separation between these centers and establishments selling alcohol and a 500 ft. separation between these facilities and schools, residences, houses of worship, parks, libraries, or day care facilities. The facilities would be restricted to use by adults 18 years of age or over, and would be permitted to operate between the hours of 9 a.m. and 11 p.m., seven days per week.

In addition to these criteria, the existing adult gaming facilities already in use within the City would be required to submit under new application and fee requirements. They would also be subject to inspection requirements, specific signage criteria, and all operational standards as stated in the Ordinance. Parking requirements are proposed for stand-alone adult gaming centers, with one space per two gaming devices; if the facility is part of a strip mall, the same requirement applies, although no more than 10% of overall parking could be dedicated to this use.

Mr. Witschen asked if Adult Gaming Center is currently a permitted use within the cited districts. Mr. Fajardo confirmed this, explaining that there are presently no specific criteria for this use.

Vice Chair Hansen requested further clarification of what would be considered an adult gaming center. Mr. Fajardo explained that these facilities are similar to an internet café: users purchase an allotted amount of time on the computer, as well as a number or code to be scanned that is associated with a prize. Users may or may not win. He added that many of the regulations developed for this use are based upon outreach to other municipalities to learn how the facilities are regulated elsewhere.

Mr. McCulla asked if these regulations would apply to another business, such as a convenience store or newsstand, that installs a gaming machine. Mr. Fajardo said the business would have to meet State regulations and requirements, as well as all requirements of the proposed Ordinance, such as parking and distance regulations.

Mr. Cohen requested clarification of a restriction on window tinting at these facilities. Mr. Fajardo replied that this would allow the activities inside the facilities to be visible from the outside, as there have been crime-related issues at these locations in some parts of the country. Hours of operation were also based on the regulation of this use in other municipalities.

Ms. Tuggle asked if the gaming devices would be monitored even if they are added to another use, such as a convenience store. Mr. Fajardo confirmed this, pointing out that the facility would need to meet both State and City criteria. An attendant must be on duty and annual permit renewal and inspection would be required.

Ms. Desir-Jean asked which other municipalities were contacted with regard to their regulation of this use. Mr. Fajardo said these included West Palm Beach and other municipalities within south Florida.

There being no further questions from the Board at this time, Chair McTigue opened the public hearing.

Charles King, private citizen, stated that this Item was recently discussed at a City Commission meeting as a use in rural areas, where it has attracted concern at the State level. He added that sweepstakes and gambling are defined as two separate terms by the State of Florida.

As there were no other members of the public wishing to speak on this Item, Chair McTigue closed the public hearing and brought the discussion back to the Board.

Motion made by Vice Chair Hansen, seconded by Mr. Witschen, to approve. In a roll call vote, the **motion** passed 6-2 (Mr. Cohen and Mr. McCulla dissenting).

~~11. **Photovoltaic Solar Systems** Anthony Greg Fajardo 11T12~~

~~**Request: *** Revision to Chapter 9 of the Code of Ordinances and Sections 47-19, 47-21 and 47-35 to allow the installation of Photovoltaic Solar Systems subject to specific permitting and zoning criteria~~

~~**General Location:** City-Wide~~

~~**District:** All-Commission Districts~~

~~Mr. Fajardo explained that this initiative is based upon a grant from the Department of Energy. It will establish standardized criteria by which photovoltaic solar systems may be installed in both residential and non-residential structures. Part of the initiative includes an interlocal agreement, which was entered into in September 2012, that establishes permitting for these systems.~~

~~The intent is to make photovoltaic systems comparable to other forms of energy by the end of the present decade. The grant proposes standard criteria so individuals may go through a web-based permitting process to install these systems. Broward County has developed a model ordinance to be adopted by Fort Lauderdale and other participating municipalities.~~

~~The proposed amendment would define rooftop photovoltaic systems, establish these systems as a permitted accessory structure in all zoning categories, and limit height to 5 ft. for flat roofs and no higher than the roof peak for pitched roofs. The amendment also includes permitting fees, maintenance, and landscape criteria.~~

~~Ms. Desir Jean asked if consideration would be given to the appearance of the systems, perhaps on a case-by-case basis. Mr. Fajardo said there is no such consideration in Broward County's model ordinance, nor in the proposed ordinance presented today. He explained that he was not certain how this~~