


REQUEST: Amendment to the City's Unified Land Development Regulations (ULDR); Revising Section 47-5.60 amending the development review and approval process within the Residential Office zoning districts (RO/ROC/ROA) subject to the requirements of Section 47-24, Table 1, Development Permit and Procedures and to remove the requirement to provide the standard bufferyard and wall requirement when adjacent to residential property, but as may be required under the general requirements of Section 47-25.3.A to mitigate adverse impacts of the non-residential use adjacent to residential uses.

Case Number:	5T13
Applicant:	City of Fort Lauderdale
ULDR Sections:	47-5.60 RESIDENTIAL OFFICE ZONING DISTRICTS
Notification Requirements:	Newspaper notice 10 days prior to meeting date.
Action Required:	Recommend Approval or Denial of the proposal to the City Commission.
Written By:	Anthony Greg Fajardo, Zoning Administrator 

BACKGROUND/DESCRIPTION:

The Residential Office (RO) zoning districts (including Residential Office (RO), Residential Limited Office (ROA), and Residential Planned Office (ROC) Districts) were created to permit certain commercial uses such as professional office and limited retail to be located within existing residential areas and allow new construction that is compatible with the residential character of the areas in which they are located. However, the current ULDR language requires Planning and Zoning Board (PZB) approval of residential uses as well as commercial uses in these districts as a site plan level III review. This requirement appears to be an unintended scrivener's error and the site plan review approval as a level III appears is inconsistent between the various RO districts.

To address this issue staff is proposing an amendment to Section 47-5.60, *Residential Office Zoning Districts*, which would clarify this discrepancy and permit the construction of residential and non-residential uses as is provided for in all other areas of the City subject to the current thresholds for development as stated in Section 47-24, *Development Permits and Procedures*. This would include Site Plan Level I (Administrative) review for single family homes, multi-family dwellings up to 4 units and commercial (non-residential) development less than 5,000 gross square feet in size and Site Plan Level II (Development Review Committee) review and higher for all developments that exceed those thresholds in addition to the other site plan review and approval procedures as indicated in the ULDR.

Staff is also proposing an amendment that would allow for an alternative to the requirement for a standard bufferyard when a RO district use is proposed adjacent to a residential use be revised. The current requirement for a 10-foot buffer yard is difficult to provide in many situations as lots in RO districts tend to be fairly narrow (i.e. approximately 50-feet in width in some case) making the effective width of the lot when adjacent to residential on both sides approximately 30-feet. This may have the effect of limiting the development potential of these sites as this requirement can come into conflict when designing supporting parking areas (vehicular use areas). The proposed amendment will not remove the requirement for a bufferyard as it relates to the principal or accessory structures. Staff is proposing allowing parking areas associated with RO uses to be permitted to encroach into the bufferyard. In addition, the recommended amendment to the bufferyard requirements would allow for alternatives to the standard wall requirement. The current requirement calls for a 5-foot high concrete block wall. The proposed amendment would allow for alternatives to a wall, such as a wood fence, as is permitted in residential areas. This will allow these areas to have a certain amount of flexibility for adaptive reuse of existing sites and will allow for the residential character of these established areas to remain intact when RO uses are proposed in these zoning districts.

Staff has determined the proposed amendments are consistent with the City of Fort Lauderdale's Comprehensive Plan.

The draft ordinance amendments are attached as Exhibit 1.

PUBLIC OUTREACH:

Staff attended the Council of Fort Lauderdale Civic Associations on April 9, 2013 to present the proposed amendment. While the overall membership did not vote to express a recommendation for approval or denial, the general comments included concern with removing the bufferyard requirements that help to mitigate non-residential uses adjacent to residential uses. However, staff also heard from members who supported the amendment. In addition, staff is also attended the Poinciana Park Civic Association meeting on April 10, 2013. Based on the input by members of these organizations staff revised the proposed amendment from its original recommendation to remove the requirements for a bufferyard to the stated recommendation above that maintains the bufferyard requirements for principal and accessory structures, but would permit parking areas to encroach into the bufferyard.

PLANNING & 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.

Sec. 47-5.60. - Residential office zoning districts.

A. *List of districts.*

1. RO: Residential Office District.
2. ROA: Limited Residential Office District.
3. ROC: Planned Residential Office Districts.

B. *Restrictions on future rezonings.*

1. No rezoning to RO, ROA or ROC shall be permitted unless such rezoning is in compliance with the mixed use regulations of Sec. 47-18.21 and Section 47-28, Flexibility Rules, except when located in a Regional Activity Center (RAC) land use designation.

C. Compatibility Requirements

1. All non-residential uses permitted in the Residential Office (RO), Limited Residential Office (ROA) and Planned Residential Office (ROC) Zoning Districts are permitted to allow vehicular use areas to encroach into the bufferyard requirements subject to the standard setback requirements for the zoning district in which it is located and may provide a fence in lieu of a wall as indicated in Section 47-25.3.A.3.d., Bufferyard Requirements, of Section 47-25.3, Neighborhood Compatibility Requirements of the Unified Land Development Regulations.

D. Residential Office (RO) District.

1. *Uses permitted.* No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than any use hereinafter set out:
 - a. Any use permitted in R-4 district of the zoning code in effect on the date immediately prior to the effective date (June 28, 1997) of the ULDR.
 - b. Professional, business and financial offices, not including sale, display, storage or handling of merchandise on the premises.

- c. Office and headquarters of trade, business, labor, political, social, religious, economic or other similar organization, not including sale, display, storage or handling of merchandise on the premises.
 - d. Retail and service facilities within an office building which may include barbershops, beauty shops, newsstands, and retail stores for sale of books, gifts, flowers, tobacco, drugs and sundries. Such uses shall occupy no more than twenty-five percent (25%) of the floor space of the building.
 - e. Medical and dental clinics and hospitals.
 - f. Bed and breakfast dwellings.
2. *Uses prohibited.* The permissible uses enumerated above shall not be construed to include, either as a principal or accessory use, any of the following, which are listed for emphasis:
- a. Sale, display, storage or handling of merchandise on the premises, except as permitted in subsection C.1.d.
 - b. Trade or vocational schools.
 - c. Trade or personal service shops, including appliance repair or service, pest control, animal hospital, shoe repair, tailor, dressmaker, milliner, jewelry repair.
 - d. Mortuaries.
 - e. Employment agencies.
3. *Limitations on permitted uses.* The limitations on permitted uses are as follows:
- a. Except for accessory parking, all uses permitted under this section shall be conducted entirely within a completely enclosed building.
 - b. Signs accessory to a permitted use shall be limited as follows:
 - i. No roof sign, projecting sign, marquee sign, billboard sign, banner sign or animated sign shall be permitted.

- ii. Each building occupied by such use as a principal use may have one (1) wall sign not exceeding two (2) feet in width or ten (10) feet in length.
 - iii. Each building site occupied by such use may have one (1) ground sign not exceeding three (3) feet in width or five (5) feet in length, the top of which shall not be over five (5) feet above the ground.
 - iv. Each building site may have directional signs each not over two (2) square feet in area and not extending over three (3) feet above the ground.
 - c. There shall be no show windows or display windows, nor shall any door or window be used for display purposes in any occupied building.
- 4. *Building height limits.* No building shall exceed fifty-five (55) feet in height, or thirty-three (33) feet in height when the plot is adjacent to or separated only by an alley from residential property zoned more restrictive than RMM-25.
- 5. *Building site requirements.* Every building erected or structurally altered shall provide a land area not less than the following:
 - a. Per dwelling unit: The same as in RMM-25 district.
 - b. Total site:
 - i. Residential buildings: Five thousand (5,000) square feet in area and fifty (50) feet in width.
 - ii. Business, professional or financial offices: Five thousand (5,000) square feet in area or fifty (50) feet in width.
 - iii. Other uses: Ten thousand (10,000) square feet in area and one hundred (100) feet in width.
- 6. *Yards.*
 - a. *Front yard:* Shall be a minimum of twenty-five (25) feet in depth measured from the property line. Where a corner parcel is involved the twenty-five-foot regulation shall apply only to the front yard and the side street yard

shall be fifteen (15) feet or half the height of the tallest building, whichever is greater. On a plot occupied by a one or two-family dwelling, the street side yard may be reduced to one-quarter of the parcel width, but shall not be less than ten (10) feet. No accessory buildings shall be located in front or street side yards. Such yards may be used for refuse containers only at locations authorized by the city sanitation department.

- b. *Side yard:* Shall be a minimum of ten (10) feet in width or half the height of the tallest building, whichever is greater.
- c. *Rear yard:* Shall be a minimum of twenty (20) feet.
- d. Yard dimensions are the minimum requirements. In no case shall the requirement be less than an amount equal to one-half the height of the building, when this is greater than the above minimum.
- e. The minimum distance between buildings on the same plot shall be twenty-five (25) feet or the height of the tallest building, whichever is greater, except for permitted accessory buildings.
- f. All yards shall be measured at ground level and be unoccupied and unobstructed from the ground upward except for parking structures and other encroachments specifically authorized.

7. *Minimum floor area.*

- a. Single family dwellings shall have a minimum floor area of seven hundred fifty (750) square feet exclusive of porches, terraces, carports and garages.
- b. Two family and multiple-family dwellings shall have a minimum floor area of four hundred (400) square feet per dwelling unit exclusive of porches, terraces, carports and garages.
- c. Sleeping rooms for rental purposes shall have a minimum floor area of one hundred twenty (120) square feet exclusive of bathrooms, toilets, closets or similar appurtenances.

8. *Lot coverage.* Total ground coverage of all principal and accessory buildings shall not exceed the percentages given on the following chart:

Height of Building	Percent Coverage
1—11 feet	50
12—22 feet	45
23—33 feet	40
34—44 feet	35
45—55 feet	30

9. *Property line wall.* A six (6) foot, six (6) inch high masonry block or concrete wall shall be erected and maintained on any property line abutting RS-4.4 or RS-8 zoned property, if the RO zoned property is used for other than a single family or two family dwelling.
10. *Existing buildings.* Existing buildings not conforming to required setbacks, height limits or ground coverage may be used for offices or bed and breakfast dwellings but may not be enlarged if this increases the extent of the violation. The amount of outdoor living space and landscaping may be reduced below thirty percent (30%) if necessary in such cases.

DE. *Limited Residential Office (ROA) District.*

1. *Uses permitted.*
 - a. Professional, business and financial offices, not including sale, display, storage or handling of merchandise on the premises.
 - b. Single family dwellings.
 - c. Public buildings and land uses and those of public utilities, subject to the provisions of, as provided in Public Purpose Uses, Sec. 47-18.26
 - d. House of worship, subject to the requirements of Sec. 47-18.17

e. Flower and vegetable gardens.

f. Public and parochial schools.

2. *Uses prohibited.* The permissible uses enumerated above shall not be construed to include, either as a principal or accessory use, any of the following, which are listed for emphasis:

a. Sale, display, storage or handling of merchandise on the premises, except as permitted in subsection D.1.e.

b. Trade or vocational schools.

c. Trade or personal service shops, including appliance repair or service, pest control, animal hospital, shoe repair, tailor, dressmaker, milliner, jewelry repair.

d. Mortuaries.

e. Employment agencies.

3. *Limitations on permitted uses.*

a. Signs for each building with a nonresidential principal use shall be limited to one (1) wall sign not exceeding two (2) feet in width or five (5) feet in length.

b. Signs for each development site occupied by a nonresidential use shall be limited as follows:

i. One (1) ground sign not exceeding three (3) feet in width or five (5) feet in length, the top of which shall not be over five (5) feet above the ground.

ii. Directional signs each not over two (2) square feet in area, and not extending over three (3) feet above the ground.

c. Nonresidential building design shall be by an architect registered under the laws of Florida and such that the building substantially resembles a house in the opinion of the director.

4. *Building requirements.*

- a. The maximum height of a building shall be two (2) stories and not exceed thirty-five (35) feet.
- b. The maximum length of a building shall not exceed eighty (80) feet.
- c. The maximum gross floor area of a nonresidential building shall not exceed five thousand (5,000) square feet.
- d. Use of existing nonresidential buildings shall be limited to five thousand (5,000) square feet of floor area for a nonresidential use.

5. *Site requirements.* Every building erected or structurally altered shall provide a land area not less than the following:

- a. Single family dwellings: Six thousand (6,000) square feet and fifty (50) feet in width.
- b. Office buildings: Six thousand (6,000) square feet and fifty (50) feet in width.
- c. Other uses: Ten thousand (10,000) square feet in area and one hundred (100) feet in width.

6. *Yards.*

- a. Front yard: Shall be a minimum of twenty-five (25) feet in depth measured from the property line. Where a corner parcel is involved the twenty-five-foot regulation shall apply only to the front yard and the side street yard shall be fifteen (15) feet or half the height of the tallest building, whichever is greater. On a plot occupied by a one or two-family dwelling, the street side yard may be reduced to one-quarter ($\frac{1}{4}$) of the parcel width, but shall not be less than ten (10) feet. No accessory buildings shall be located in front or street side yards. Such yards may be used for refuse containers only at locations authorized by the city sanitation department.
- b. Side yard: Shall be a minimum of ten (10) feet in width or half the height of the tallest building, whichever is greater.

- c. Rear yard: Shall be a minimum of fifteen (15) feet or one-half (½) the height of the tallest building, whichever is greater.
 - d. The minimum distance between buildings shall be ten (10) feet or one-half (½) the height of the tallest building, whichever is greater.
 - e. All yards shall be measured at ground level and be unoccupied and unobstructed from the ground upward.
7. *Minimum floor area.* All residential and office buildings shall have a minimum floor area of one thousand two hundred (1,200) square feet.
8. *Lot coverage.*
- a. Total lot coverage of all principal and accessory buildings shall not exceed the following percentages:

Height of Building	Percent Coverage
1—11 feet	40
12—22 feet	35
23—35 feet	30

- b. No parking areas or driveways shall be permitted within ten (10) feet of a property line abutting RS-4.4, RS-8, or RD-15 property.
9. *Property line wall.*
- a. A six (6) foot, six (6) inch high masonry wall shall be erected and maintained on any property abutting RS-4.4 or RS-8 zoned property, if the property is used for office buildings.
 - b. Existing fences and walls or landscaping which the department considers adequate may be approved in lieu of the wall.

10. *Existing buildings.* Existing buildings not conforming to required setbacks, height limits or lot coverage may be used for offices but may not be enlarged if this increases the extent of the violation.

EF. *Planned Residential Office (ROC) District.*

1. *Purpose of district.* The ROC district is a planned office and residential district. It is intended for tracts which due to relationship to low density residential areas, traffic and transportation facilities and availability of community facilities require special provisions to be used for office use and insure a development consistent with the zoning pattern and present and probable future land use in the area. These provisions depend on the details of site and building design and include the use, appearance, height, bulk and location of principal and accessory buildings, and the location and design of landscaping, open space, land and water areas, recreational areas, parking areas, roadways and other features. Review and approval of a development plan are required to insure such provisions will be provided.
2. *Uses permitted.* ~~No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than any use hereinafter set out. Any use permitted in RO, if approved by the planning and zoning board. Uses shall be consistent with those uses as permitted or prohibited in the Residential Office (RO) zoning district.~~
3. *Building height limit.* No building or structure or part thereof shall be erected or altered to a height exceeding that permitted in the RO district or as shown on the approved development plan.
4. *Building site requirements.* Every building erected or structurally altered shall provide a land area not less than required in the RO district, or a greater building site requirement as shown on the approved development plan.
5. *Yards.* Yards shall meet the minimum requirements specified in the RO district or a greater setback as shown on the approved development plan. Accessory buildings or structures may encroach on these yards only where authorized by the board.
6. *Existing buildings.* Existing buildings not conforming to these regulations may be approved for use by the planning and zoning board but may not be enlarged if this increases the extent of the violation.

7. *Minimum floor area.* Shall be the same as for the RO district.
8. *Lot coverage.* Lot coverage shall be as specified by the planning and zoning board and not less than required in the RO district.
9. *Approval of development plan.* No building or structure, or part thereof, shall be erected, or used, or land or water used, or any change of use consummated, nor shall any building permit be issued therefor, unless a development plan for such building, structure or use has been reviewed in accordance with Sec. 47-24.1. TABLE 1, Development Permits and Procedures and ~~approved by the planning and zoning board, site plan level III,~~ as provided in Sec. 47-24.2. Site Plan Development Permit.