



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

**#22-0311**

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

**FROM:** Chris Lagerbloom, ICMA-CM, City Manager

**DATE:** April 5, 2022

**TITLE:** Second Reading – Ordinance Amending the City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-12, Central Beach Zoning Districts to Revise the Process and Procedures for Uses in the Central Beach Zoning Districts, Revise and Adopt Dimensional Requirements Including Open Space and Streetscape Design Requirements and Adopt Prescriptive Criteria for the Design and Compatibility Point System - **(Commission District 2) – Requesting Deferment to May 17, 2022**

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**Recommendation**

Staff recommends the City Commission consider an ordinance amending the City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-12, Central Beach Districts to revise the process and procedures for uses in the Central Beach zoning districts, revise and adopt dimensional requirements including open space and streetscape design requirements and adopt prescriptive criteria for the design and compatibility point system.

**Request to Deferment**

At the February 15, 2022, City Commission meeting, the Commission directed staff to consider amendments, prior to Second Reading, regarding density, height, open space, and setbacks. This was in addition to amendments that addressed floor area ratio for the Intracoastal Overlook Area (IOA) and North Beach Residential Area (NBRA) zoning districts, a floorplate size increase for residential uses, and the sidewalk width for Birch Street and Seabreeze Boulevard. In the interest of vetting the additional topics of density, height, and open space, staff is requesting a deferral to the May 17, 2022, City Commission meeting to allow time to discuss the proposed changes with stakeholders and the Central Beach Alliance at their April meeting.

**Background**

At a special City Commission Workshop on November 13, 2018, the City Commission requested that staff initiate an effort to amend the regulations for the Central Beach zoning districts to address unpredictable development outcomes and inconsistent development patterns. The proposed code revisions include design standards that will help to address

building scale and mass and support an active pedestrian environment. Additionally, design standards will also focus on open space provisions, more defined building form criteria, setback requirements and streetscape design elements, including promoting active uses along building frontages. Minutes from the November 13, 2018, City Commission Workshop are provided as Exhibit 1.

### **ULDR Amendments**

The intent of the ULDR amendments is to adopt code language that is easy to understand for residents and applicants and that promotes a better understanding of development expectations and outcomes. The proposed amendments will promote quantitative design standards that will help guide the form of buildings and design of streets, while providing an opportunity for creative design solutions based on the context of each development site. Below is a summary of each proposed ULDR amendment section, including intent and a description of section content.

#### ***Section 47-12.3, Definitions***

Intent: Add new definitions based on proposed regulations and remove terms that are no longer applicable.

Description: The terms *Act*, *Central Beach Community Redevelopment Area*, *Community Redevelopment Plan*, and *Revitalization Plan* have been removed since the Central Beach Community Redevelopment Area has sunset and the terms are no longer applicable. New terms such as *Active Use*, *Building Podium*, *Building Shoulder*, *Plaza/gathering area*, *Primary Street*, *Secondary Street*, *Stepback*, *Streetwall*, and *Building Tower* are added to define the new design standards.

#### ***Section 47-12.4, Central Beach District Requirements and Limitations***

Intent: Add dimensional requirement tables for permitted and conditional uses in the Central Beach Zoning Districts.

Description: This section provides a list of permitted uses and their respective dimensional requirements in a table format, similar to the formatting of other sections of the ULDR, to better define regulations for the Central Beach zoning districts. New and revised dimensional standards include yard requirements, building podium height, building tower stepback, building tower separation, and building floorplate size. Floor area ratio (FAR) for the Intracoastal Overlook Area (IOA) and North Beach Residential Area (NBRA) zoning districts have also been added. Table 1 herein provides the proposed dimensional standards.

#### **Table 1: Table of Dimensional Requirements for the Central Beach Zoning Districts**

<b>REQUIREMENTS</b> (Note A)	<b>PRD</b>	<b>ABA</b>	<b>SLA</b>	<b>IOA</b>	<b>NBRA</b>	<b>SBMHA</b>
<b>Maximum Density</b> (Units/net acre)	48	See Section 47-12.5.A	48	48 See Section 47-12.5.A	32 See Section 47-12.5.A	48
<b>Maximum Density</b> (Hotel Rooms/net acre)			90	90	50	
<b>Maximum Floor Area Ratio (FAR)</b>	6	4 See Section 47-12.5.D	2 (Commercial Retail Only)	4	4	5
<b>Maximum structure height</b>	200 ft. See Section 47-12.5.B	200 ft. See Section 47-12.5.B	120 ft.	120 ft.	120 ft.	120 ft.
<b>Maximum Building "Streetwall" Length and Width</b>	200 ft.	200 ft.	200 ft.	200 ft.	200 ft.	200 ft.
<b>Minimum Front Yard</b> (Note C)	20 ft.	20 ft	20 ft.	20 ft.	20 ft.	20 ft.
<b>Minimum Corner Yard</b> (Note C)	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft.
<b>Minimum Side Yard</b>	0 ft.	20 ft.	0 ft.	20 ft	20 ft	20 ft.
<b>Minimum Rear Yard</b>	20 ft.	20 ft	20 ft	20 ft.	20 ft.	20 ft
	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.

<b>REQUIREMENTS</b> (Note A)	<b>PRD</b>	<b>ABA</b>	<b>SLA</b>	<b>IOA</b>	<b>NBRA</b>	<b>SBMHA</b>
<b>Minimum Distance Between Buildings on Same Development Site</b> (Note D)	or 20% of the tallest building, whichever is greater	or 20% of the tallest building, whichever is greater	or 20% of the tallest building, whichever is greater	or 20% of the tallest building, whichever is greater	or 20% of the tallest building, whichever is greater	or 20% of the tallest building, whichever is greater
<b>Building Podium Height</b>	65 ft	65 ft	65 ft	65 ft.	65 ft.	65ft
<b>Tower Stepback</b>	15 ft	15 ft	12 ft	12 ft	12 ft	12 ft
<b>Tower Separation</b> (Between Towers and from Property Line)	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft
<b>BUILDING FLOORPLATE SIZE</b>						
<b>Residential Floorplate Size</b> Under 65 feet	No Maximum	No Maximum	No Maximum	No Maximum	No Maximum	No Maximum
<b>Residential Floorplate Size</b> Above 65 feet	12,500 SF	12,500 SF	12,500 SF	12,500 SF	12,500 SF	12,500 SF
<b>Hotel</b> Under 65 feet	No Maximum	No Maximum	No Maximum	No Maximum	No Maximum	No Maximum
<b>Hotel Floorplate Size</b> Under 65 feet	No Maximum	No Maximum	No Maximum	No Maximum	No Maximum	No Maximum
<b>Hotel Floorplate Size</b> Above 65 feet	16,000 SF	Fronting A-1-A / Primary Street:  Elsewhere: 12,500 SF	12,500 SF	Fronting A-1-A / Primary Street:  Elsewhere: 12,500 SF	Fronting A1A/Primary Street:  Elsewhere: 12,500 SF	12,500 SF

**Section 47-12.5, Central Beach Limitations**

Intent: Identify specific requirements and limitations for each zoning district, provide proposed revisions to the Design Compatibility Point and Community Character Scale point system, and establish open space and streetscape design regulations.

Description: This section has been revised to breakdown uses and zoning district

requirements within one section of the ULDR.

*Design Compatibility and Community Character Scale:* The regulations for the Design Compatibility and Community Character Scale point system were amended to provide more prescriptive criteria that are tangible and provide more substantial improvements due to the existing subjective criteria such as:

- Distinctive design that reflects positively on the overall character of the city: one point;
- Architectural character that reflects a particular sensitivity to the history and culture of south Florida: one point;
- Color and composition that reflects the natural colors and composition of south Florida: one point.

Examples of the proposed design compatibility and community scale criteria are:

- Line parking facility above first floor with habitable space (2 points);
- Provide parking that serves a valid municipal purpose (2 points);
- Implement sustainable practices that include, but are not limited to flood resiliency, additional stormwater storage capacity in flood prone areas, solar access to reduce demands for cooling and lighting, cool roofs, and green roofs (2 points).

*Open Space:* As proposed, open space is required for development that contains residential and nonresidential uses, including mixed use development. Residential use is calculated based on total square footage and number of units and is broken down as follows:

- 50 units or less: minimum 200 square feet of open space per unit
- Between 51-150 residential units: Minimum 150 square feet of open space per unit, in no case shall the minimum requirement be less than the maximum calculation shown above.
- Over 150 residential units: Minimum 100 square feet of open space per units, in no case shall the minimum requirement be less than the maximum calculation shown above.

For nonresidential uses, a twenty percent of gross lot area requirement is proposed. Up to fifty percent of the open space requirement can be provided above grade and a credit for landscaping improvements proposed in the right-of-way may be applied if approved by the agency with jurisdictional control of the subject right-of-way. In no case, can the total square footage provided be less than the maximum square footage of the tiered category that precedes it.

For mixed-used development, open space is required in accordance with the requirements of either the residential or nonresidential requirement, whichever provides the greater square footage of open space.

Streetscape Design: Streetscape improvements are proposed for the portion of right-of-way abutting the parcel proposed for redevelopment. The proposed regulations guide streetscape design with the intent to create and achieve a consistent public realm experience. Modification from the standard yard requirements may be permitted if the proposed streetscape design can be achieved. Other modifications may be permitted based on the preservation of natural barriers or avoidance of interference with utility lines.

### **Section 47-12.6, Central Beach Development Permitting and Approval**

Intent: Create a table that captures the review and approval process for development applications proposed in the Central Beach.

Description: This section breaks down the review process and procedures by development permit type. Development applications that apply the standard dimensional requirements and prescribed streetscape design will be processed as a Site Plan Level II (DRC) process, subject to City Commission Request for Review and a public participation requirement. The public participation regulations will require applicants to notify the officially recognized civic organization within 300 feet of the proposed project 21 days before the Development Review Committee (DRC) meeting. Additionally, within 60 days of the DRC meeting, the applicant will have to provide notice to property owners and officially recognized civic organization(s) within 300 feet of the proposed project, via mail notice, notifying of the date, time, and place of the applicant's project presentation meeting. A signed and notarized affidavit attesting that the notice was sent is required to be submitted to the Development Services Department (DSD). Additionally, the applicant will be required to provide a written report letter to DSD, with copy to subject association(s), documenting the date(s), time(s), location(s), number of participants, presentation material and general summary of the discussion after a public participation meeting(s) has taken place.

Development applications that deviate from the dimensional standards will be subject to a Site Plan Level III development permit, which requires DRC and Planning and Zoning Board (PZB) approval.

### **Section 47-12.10, North Beach Area**

Intent: Remove the expiration for interim uses and authorize the City Commission to approve Interim Uses by Resolution.

Description: The section was amended to remove the expiration date for interim uses and allow the City Commission to approve the type of interim uses and their time limitations at the discretion of the City Commission by way of a Resolution.

### **Public Outreach Efforts**

To date, staff has presented the proposed changes to various stakeholders, including the Central Beach Alliance, Greater Fort Lauderdale Chamber of Commerce - Beach Council Board, and Council of Fort Lauderdale Civic Associations. An initial Open House was held

on October 21, 2019, to present the proposed amendments and obtain public input. Comments received from the Open House varied and focused on regulations that are more predictable and that will allow for creative design solutions, allowing design variations that encourage small scale projects.

Table 2 below provides a summary of the public participation that has occurred to date. In addition, pursuant to the ULDR, a newspaper advertisement was published ten days prior to the PZB meeting, providing the general public notice of the proposed amendments. The comments provided were considered as part of the proposed amendments.

**Table 2 Summary of Public Participation and Meetings**

<b>Date</b>	<b>Stakeholder meeting</b>	<b>Location</b>
October 21, 2019	Community Open House	City Hall
October 24, 2019	Central Beach alliance	B Ocean Hotel
January 14, 2020	Council of Fort Lauderdale Civic Association	City Hall
November 12, 2020	Central Beach Alliance	Virtual
November 19, 2020	Central Beach Alliance	Virtual
December 10, 2020	Workshop	Virtual
December 17, 2021	Workshop	Virtual
January 15, 2021	Greater Fort Lauderdale Chambers of Commerce Beach Board	Virtual
March 17, 2021	Planning and Zoning Board	City Hall
July 21, 2021	Planning and Zoning Board	City Hall
October 20, 2021	Planning and Zoning Board	City Hall

Staff presented the proposed amendments to the PZB on July 21, 2021. The Board expressed general support, but suggested staff address comments made by individuals who represent the development community and deferred the item to the October 20, 2021, PZB meeting. Subsequently, staff met with and obtained further input from the speakers, analyzed the requested changes, and made the following revisions to the proposed language:

- Added nonconforming regulations for existing sites. This change will allow applicants to amend or modify site plans through the use of provisions of the zoning regulations in effect at the time the approved application was submitted subject to the existing limits of legal non-conformities already established in the ULDR;
- Increased the floorplate size for residential uses by amending the maximum building floorplate size from 10,000 square feet to 12,500 square feet;
- Added provisions for modifications to building length or width, floorplate size, tower setback, tower separation, and yards and added a process to request the specified dimensional standards be modified subject to design criteria and a Site Plan Level III (PZB) review and approval process;
- Clarified review process for residential uses; and,

- Added food and beverage, retail, and service uses to be allowed as accessory uses to nonresidential development.

The PZB reviewed the amendments on October 20, 2021, and recommended approval by a vote of 5-4 with a condition for staff to review minutes from the July 21, 2021, and October 20, 2021, PZB minutes to ensure all board recommendations are included in the proposed amendments. Staff reviewed the minutes from both meetings, analyzed the recommendations and made additional changes to the proposed ordinance.

Board members recommended that staff work with Ms. Courtney Crush and Ms. Nectaria Chakas, who spoke at both meetings, to address concerns raised and modify the proposed language as appropriate. Staff has made the following modifications:

1. An allowance for the *Modification of Building Length or Width* was incorporated into the ordinance, with the following criteria:
  - i. The modification of building length or width results in a lower podium profile and the building façade plane is articulated through incorporation of design elements that break up the building to mitigate the extended length or width; or
  - ii. The modification of building length or width results in a development that better harmonizes with buildings located on abutting neighboring properties through incorporation of elements that divide the building façade planes, and create a visual play of light and shadow.

The proposed criteria can be found on the bottom of page 70 of Exhibit 6.

2. An allowance for the *Modification of Tower Stepback* was incorporated into the ordinance, with the following criteria:
  - ii. The design considers the overall height of the building in respect to the width of the street and clearly demonstrated that with the reduced stepback ~~there is no~~ does not negatively impact light and air passing through to the street; and,
  - iii. The design of the building shall emphasize corner features and ground-level elements and include a double-story height along primary streets to offset the stepback modification; and,
  - iv. Proposed development is harmonized with buildings on adjacent neighboring properties by maintaining compatibility of scale with neighboring ~~structures~~ properties.

The proposed ordinance amendments can be found on page 71 of Exhibit 6.

In response to concerns raised about a larger floorplate size and making a distinction



between hotel and residential floorplate sizes and open space requirements, staff clarified that the proposed floorplate sizes encourage slender towers and discourage massive, bulky buildings which impact the amount of light and air, the skyline, and nearby buildings. The distinction between residential and hotel is based on the design and program needs of each use. Staff also added a provision to allow for unenclosed balconies to extend five feet into a required yard, subject to City Commission Request for Review, as follows:

Architectural features such as eaves, cornices, unenclosed balconies, open railings, windows, awnings, bay windows, and dormers are permitted to extend into a required yard area a maximum distance of three (3) feet from the face of the building. Unenclosed balconies are permitted to extend into a required yard area a maximum distance of five (5) feet from the face of the building, subject to Section 47-26.A.2, City Commission Request for Review.

A Board member requested additional information about zero side and rear yard setbacks in the PRD and SLA zoning districts. Staff noted that the existing development pattern has zero setbacks throughout the districts and determined that the zero side yard setback is consistent with development patterns for the PRD and SLA zoning districts. In addition, the PRD zoning is one of the more intense zoning districts in the Central Beach and the existing code already permits a zero setback request through a Site Plan Level IV process. The intent of the PRD zoning district states that PRD “is the focal point of the central beach as a destination resort...the district in intended to permit and facilitate the redevelopment of the areas as a world-class resort that is commensurate with the character and value of the Atlantic Ocean and the city's long-time reputation as a tourist destination.” The intent of the SLA zoning district is to “encourage the preservation, maintenance and revitalization of existing structures that make up the distinct neighborhood south of Sunrise Boulevard.” A Board member expressed concerns about floor plates requirements and lack of relief from the provisions. Staff increased the floor plate size from 10,000 square feet to 12, 500 square feet and proposed provisions to request modifications from the standard requirements.

The July 21, 2021, PZB Staff Report, and Meeting Minutes are provided as Exhibit 2 and 3 respectively. The October 20, 2021, PZB Staff Report, and Meeting Minutes are attached as Exhibit 4 and Exhibit 5, respectively.

Prior to First Reading, staff met with stakeholders regarding Open Space, Floor Area Ratio, Floor Plates and Sidewalk Width. Staff did not oppose these recommendations and during the City Commission meeting the Commission agreed that these changes are acceptable.

As a result, staff has amended the ordinance to reflect the following:

- Open space - Removed the density portion but leave the number units as a threshold for square feet.
- Floor Area Ratio – Removed the proposed FAR of 4 for the NBRA and IOA zoning

district.

- Floorplate – Made the non-residential and residential floor plates consistent at 16,000 square feet.
- Sidewalk Width – Revised sidewalk width of Birch Road and Seabreeze Boulevard to the secondary streets category at 7-feet.
- Side Yard Setbacks – The City Commission asked staff to look at setbacks in PRD and SLA. Staff has revised the setback recommendation for SLA to provide 10-feet on the side yards. However, since PRD did not have side yard setbacks in the current version of the ordinance, staff recommends no change to this setback requirement.

During the discussion at the City Commission a member of the CBA spoke about concerns for fire access if there are no setback requirements for structures. Staff worked with Fort Lauderdale Fire on the issue and the Fire Marshal provided this response:

“Today’s buildings have fire protection systems in place that keep the fire at its incipient phase until we arrive and smoke control systems that assist in removing the smoke and heat. The fire codes require access from the street within 450 feet of a door when fully sprinklered. The building codes regulate the fire ratings for the sides when near or against another building.”

The proposed ordinance amendments are provided as Exhibit 6.

In addition, the City Commission directed staff to explore changes to density and height for the Central Beach between 1<sup>st</sup> and 2<sup>nd</sup> reading. Staff reached out to the CBA to get feedback on the issues of density and height at the February 17, 2022, Board meeting. While the conversation was productive it did not result in a final conclusion that increases in density and height would be acceptable to the CBA. Further, staff has reached out to the development community for input on maximum densities and height and are actively working on a suitable recommendation. At this time staff recommends moving the existing amendment forward for consideration and adoption under 2<sup>nd</sup> reading and continuing to explore increases in density and height as a separate effort to be brought back to the City Commission later this year. Staff anticipates that an additional meeting with the CBA could occur in May of 2022 for feedback once a cohesive proposal addressing these items is completed. This would require a separate amendment that would include PZB and two readings at the City Commission.

### **Resource Impact**

There is no fiscal impact associated with this action.

### **Strategic Connections**

This item is a *2022 Commission Priority*, advancing the Smart Growth initiative.

This item supports the *Press Play Fort Lauderdale 2024 Strategic Plan*, specifically advancing:

- The Public Places Focus Area
- Goal 3: Build a healthy and engaging community.
- Objective: Improve access to and enjoyment of our beach, waterways, parks, and open spaces for everyone

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

This item supports the *Advance Fort Lauderdale 2040 Comprehensive Plan*, specifically advancing:

- The Neighborhood Enhancement Focus Area
- Urban Design Element
- Goal 1: Promote high-quality and sustainable building design elements which complement the public realm.

### **Attachments**

Exhibit 1 – November 13, 2018, City Commission Workshop Meeting Minutes

Exhibit 2 – July 21, 2021, PZB Staff Report

Exhibit 3 – July 21, 2021, PZB Meeting Minutes

Exhibit 4 – October 20, 2021, PZB Staff Report

Exhibit 5 – October 20, 2021, PZB Meeting Minutes

Exhibit 6 – Ordinance

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