



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

**#23-0122**

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

**FROM:** Greg Chavarria, City Manager

**DATE:** April 18, 2023

**TITLE:** Public Hearing – Quasi-Judicial Ordinance Approving a Rezoning from  
Regional Activity Center – Arts and Sciences (RAC-AS) District to Parks,  
Recreation and Open Space (P) District – 400 SW 2<sup>nd</sup> Street – City of Fort  
Lauderdale– Case No. UDP-Z22022 – (**Commission District 2**)

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**Recommendation**

Staff recommends the City Commission consider an ordinance rezoning 57,066 square feet (1.31) acres of land, located at 400 SW 2<sup>nd</sup> Street from Regional Activity Center – Arts and Sciences (RAC-AS) District to Parks, Recreation and Open Space (P) District.

**Background**

The City of Fort Lauderdale is requesting to rezone the land located at 400 SW 2<sup>nd</sup> Street from RAC-AS District to Parks District, which is the existing *Esplanade Park*. A location map of the subject site is provided as Exhibit 1. The application and narrative responses to criteria are attached as Exhibit 2, and the sketch and legal description of the property is attached as Exhibit 3.

The rezoning of City owned properties that are used and maintained as public park space protects those properties in three significant ways. First, by rezoning a property to Parks, Recreation, and Open space it creates a record of the City's intended use for the property. Second, the zoning limits the use of the property to those uses typically associated with public parks and open spaces. Lastly, Section 8.21. of the City's Charter provides protection to lands zoned Park, Recreation, and Open Space by limiting the sale, transfer, or lease of such properties for more than (1) year without a unanimous vote of the entire City Commission.

**Review Criteria:**

Pursuant to the City's Unified Land Development Regulations (ULDR) Section 47-24.4.D, Rezoning Criteria, an application for a rezoning shall be reviewed in accordance with the following criteria:

1. The zoning district proposed is consistent with the City's Comprehensive Plan.

*The property is currently zoned RAC-AS and has an underlying land use designation of Downtown Regional Activity Center which is intended to encourage development of areas that have regional significance and facilitate a mix of uses, encourage mass transit, reduce the need for automobile travel, and encourage a strong definition of the urban form, promoting a “live, work, play” environment. The proposed Parks, Recreation and Open Space zoning district is consistent with this land use designation. Please refer to the Comprehensive Plan Consistency section within this report for additional information.*

2. The changes anticipated by the proposed rezoning will not adversely impact the character of development in or near the area under consideration.

*The property where the proposed rezoning is to take place is an existing park. Moving forward with the proposed rezoning will make the current park use consistent with its zoning designation. The character of development of the parcel supports the proposed rezoning. If approved, the rezoning will be consistent with the character of development in the area under consideration.*

3. The character of the area proposed is suitable for the uses permitted in the proposed zoning district and is compatible with surrounding districts and uses.

*Since the current use of the site is a park, the proposed rezoning will ensure the zoning district is compatible with the existing use. Furthermore, the proposed rezoning will enhance the existing surrounding mix of uses by providing park and open space for residents and visitors to enjoy. The character of the surrounding area supports the proposed park use.*

The Planning and Zoning Board (PZB) reviewed the application on December 21, 2022, and recommended approval by a vote of 8-0. The PZB meeting minutes and staff report are attached as Exhibit 4 and Exhibit 5, respectively. In addition, the public sign notice and affidavit for the December 21, 2022, PZB meeting are attached as Exhibit 6.

The City Commission shall consider the application and the record and recommendations forwarded by the Department and PZB and public comments on the application to determine whether the application meets the criteria for a rezoning. If the City Commission determines that the rezoning meets the criteria for rezoning, the City Commission shall approve the change in zoning as requested in the application, or approve a change to a more restrictive zoning district than that requested in the application if necessary to meet the criteria provided for rezoning and if consented to by

the applicant. If the City Commission determines that the proposed rezoning does not meet the criteria in, or if the applicant does not consent to a more restrictive zoning district, the City Commission shall deny the application.

### **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:

- Neighborhood Enhancement
- Goal 4: Build a thriving and inclusive community of neighborhoods
- Objective: Ensure a range of affordable housing options

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

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

- The Neighborhood Enhancement Focus Area
- The Future Land Use Element
- Goal 2: The City shall encourage sustainable, smart growth which designates areas for future growth, promotes connectivity, social equity, preservation of neighborhood character and compatible uses.
- The Urban Design Element
- Goal 1: Promote high-quality and sustainable building design elements which complement the public realm.

### **Attachments**

Exhibit 1 – Location Map

Exhibit 2 – Application and Narrative Responses to Criteria

Exhibit 3 – Sketch and Legal Description of the Property

Exhibit 4 – December 21, 2022, PZB Meeting Minutes

Exhibit 5 – December 21, 2022, PZB Staff Report

Exhibit 6 – PZB Public Sign Notice and Affidavit

Exhibit 7 – Ordinance

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