

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, JUNE 17, 2015 – 5:30 P.M.**

Cumulative

Board Members	Attendance	June 2015-May 2016	
		Present	Absent
Patrick McTigue, Chair	P	1	0
Leo Hansen, Vice Chair	P	1	0
Stephanie Desir-Jean	P	1	0
Steven Glassman	P	1	0
Rochelle Golub	P	1	0
Richard Heidelberger	A	0	1
Catherine Maus	P	1	0
James McCulla	P	1	0

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

Staff

Ella Parker, Urban Design and Planning Manager
D'Wayne Spence, Assistant City Attorney
Anthony Fajardo, Chief Zoning Administrator
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to the City Commission

None.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair McTigue called the meeting to order at 6:35 p.m. and all recited the Pledge of Allegiance. The Chair introduced the Board members, including new members Steve Glassman, Rochelle Golub, and Catherine Maus. Urban Design and Planning Manager Ella Parker introduced the Staff members present.

II. APPROVAL OF MINUTES

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

III. ELECTION OF CHAIR AND VICE CHAIR

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

Motion made by Ms. Golub, seconded by Mr. McCulla, to close nominations. In a voice vote, Chair McTigue was unanimously reelected.

Motion made by Mr. McCulla, seconded by Ms. Golub, to nominate Vice Chair Hansen to continue as Vice Chair. [**Motion** passed by consent.]

Motion made by Ms. Golub, seconded by Mr. Glassman, to close nominations. In a voice vote, Vice Chair Hansen was unanimously reelected.

IV. AGENDA ITEMS

Index

<u>Case Number</u>	<u>Applicant</u>
1. T15001	City of Fort Lauderdale

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.

1. **Applicant / Project:**

City of Fort Lauderdale

Request: *

Amending the ULDR to add Active and Passive Park use to the following sections of the ULDR: 47-5. Residential Zoning Districts and Residential Office Zoning Districts; 47-6. Business Zoning Districts; 47-7. Industrial Zoning Districts; 47-8. Public Purpose Districts; 47-9. X-Exclusive Use District; 47-10. Commerce Center District; 47-11. Commercial Recreation District; 47-12. Central Beach Districts; 47-13. Regional Activity Center Districts; 47-14 General Aviation Districts; and, 47-16. Port Everglades Development District

Amending the ULDR to add cultural and educational facilities to the following section of the ULDR: 47-8.14 – List of permitted and conditional uses, Parks, Recreation, and Open Space (P) District

Amending the ULDR to clearly define active and passive park uses by adding the following section to the ULDR: 47-18.44. Active and Passive Park

Amending the ULDR to reduce parking requirements for active and passive park uses amending the following section of the ULDR: 47-20.2. Parking and Loading Zone Requirements Table 1. Parking and Loading Zone Requirements to revise the parking requirements for certain park uses

Amending the ULDR to permit on-street parking to count towards required parking on a one-for-one basis by adding the following section to the ULDR: 47-20.3.H. *Active and Passive Park Use*.

Case Number: T15001
General Location: City-wide
Case Planner: Anthony Greg Fajardo

Commission District: All Districts

Anthony Fajardo, Chief Zoning Administrator, explained that the proposed Amendment would allow both active and passive parks as a discrete use within all zoning districts. At present they may only be located in Parks, Recreation, and Open Space (P), Regional Activity Center-City Center (RAC-CC), and Regional Activity Center-Urban Village District (RAC-UV). Parks located outside these districts are currently subject to rezoning, which requires not only Planning and Zoning Board approval but two public readings by the City Commission.

Mr. Fajardo noted that the Amendment is seen as an opportunity to streamline the process and allow greater flexibility. There is currently a request by the Northwest Progresso-Flagler Heights Community Redevelopment Agency (CRA) to convert vacant properties in this area into pocket parks; the Amendment would allow both active and passive parks in all zoning districts within the City. Mr. Fajardo clarified that while the Parks zoning district may offer concessions and activities, this Amendment would allow only park uses in other districts.

The Amendment would also allow cultural and educational facilities within the Parks zoning district. It will also clarify active and passive park uses, which are currently not defined by Code. Mr. Fajardo read the proposed definitions into the record, noting that they would be part of Section 47-18.44, Definition of Active and Passive Park Use:

- Park: land used primarily for recreation or the maintenance of open space
- Active Park: a park developed for active recreation, such as sporting events and playgrounds, that may require or include administrations, scheduled programs, organized events, equipment rental, or similar activities as part of its standard operations
- Passive Park: a low-intensity park that requires minimal development of land area, such as but not limited to nature preserves, picnic areas, and open space.
- Active and passive parks may include exercise equipment or exercise areas, play equipment or play areas, shade structures, picnic tables, bathrooms, sculptures, or similar structures commonly associated with park use.

Mr. Fajardo clarified that the primary difference between active and passive parks are scheduled programming.

The final component of the Amendment would reduce the overall parking requirement for park space. The current requirement uses a percentage of the land area to calculate

parking needs; however, when considered with on-site circulation requirements for smaller parks, the requirement typically takes up a disproportionate land area. Staff proposes the following changes to Code:

- No parking requirements for any parks located within any of the Regional Activity Centers (RACs);
- Allow for parking adjacent to those parks that retain a parking requirement to be counted on a one-for-one basis;
- Parks with a size of 0.5 acre or less would not require parking.

Mr. Fajardo added that the Council of Fort Lauderdale Civic Associations has already heard the Item, and the Parks, Recreation, and Beaches Board (PRBB) will hear it during the last full week of June. He noted that the Council seemed to be supportive of the proposed Amendment.

Mr. Glassman asked if the Amendment would mean developers could identify small undeveloped parcels as parks without rezoning them. Mr. Fajardo clarified that parks are intended for public use and must function as such. He pointed out, however, that Code makes no distinction between public and private parks. Park impact fees will not be affected by the Amendment. Placement and/or maintenance of items such as sculptures or other structures will be the responsibility of the Parks and Recreation Department. Part of the Amendment's goal would be to allow the creation of pocket parks in small areas without the necessity of rezoning them.

Vice Chair Hansen observed that the Amendment could allow creation of pocket parks in a low-density residential neighborhood without providing an adjacent property owner a forum in which to express opinions or concerns about the park parcel. He asked if it might be possible to restrict access to a neighborhood park to the residents of that neighborhood rather than the general public. Mr. Fajardo advised that parks are a non-residential use, which means they would still be subject to neighborhood compatibility requirements in residential areas. He also clarified that park hours are determined according to their uses: some parks are open 24 hours per day, while others are open during designated times.

Vice Chair Hansen asked if it would be possible for the Board to impose time restrictions on parks in residential neighborhoods. Mr. Fajardo replied that he would defer to the PRBB and the Parks and Recreation Department to address different operational aspects of different parks, regardless of their zoning districts.

Ms. Golub expressed concern that the definitions of active and passive parks are insufficient, as they imply that a private individual could establish a park on a parcel of his land. She recommended that the definitions clarify that parks are owned and operated by the City. Mr. Fajardo explained that Staff had not made this distinction because a developer could develop, manage, and maintain a park; in addition, private operators may lease space within existing parks. It was clarified that concerns such as the ones Ms. Golub had raised could be discussed by the Development Review

Committee (DRC), which would have jurisdiction over non-residential uses within 100 ft. of a residential use.

Mr. Fajardo advised that in the past, parks have been allowed in all zoning districts, and this is not uncommon in other cities. He noted that any agreement between a developer and the City, particularly in a district such as an RAC, will have an enforcement aspect requiring the developer to maintain his property. A development featuring a park must still meet all other requirements, which are typically minimal within RACs.

Ms. Golub asked what might become of a park on private land if its owner wishes to sell that parcel and build on it instead, as there is nothing to prevent the owner for doing so. This could also occur on any City-owned land if the City decides to sell it and change its use, although Mr. Fajardo cautioned that this was not likely.

Ms. Maus requested clarification of the owner(s) of the vacant properties in which the Northwest CRA has expressed interest in using as pocket parks. Mr. Fajardo replied that he did not know who owned these specific parcels. He clarified that any applicant wishing to create a park on a parcel of land must be the owner of that land, the owner's agent, or a tenant with sufficient authority.

Ms. Maus asked what recourse residents might have if a nearby park becomes a problem. Mr. Fajardo said individuals may contact Code Enforcement or the Police Department. Ms. Maus asserted that this was not an adequate safeguard for residential neighborhoods. She also expressed concern with the lack of notice requirement for nearby property owners at DRC level, although it was noted that the City sends courtesy notices to affected homeowners' associations that are registered with the City. It was also clarified that the Amendment does not require the private owner of a park to carry insurance.

With regard to parking, Mr. Fajardo further explained that if on-street parking is installed in a location directly adjacent to a park boundary, these spaces may be counted on a one-for-one basis toward the parking requirement. This would not include any parking allowed in swales. He noted that neighborhood parks of less than 0.5 acre may currently allow on-street overflow parking.

Mr. McCulla requested further clarification of the distinction between an active and a passive park, which Mr. Fajardo had defined as being the presence of scheduled events. Mr. Fajardo explained that active parks include scheduled programming, such as classes, while there is no such programming for passive parks. He confirmed that a group would be able to use passive park space for unscheduled recreational events if they wish. He also noted that the design of a passive park is determined with neighborhood input: neighborhoods may wish parks to be designed for quiet enjoyment or with play structures, depending upon the residents' wishes. DRC approval of neighborhood compatibility could address concerns such as impromptu sporting events or congregation.

Chair McTigue asked if an individual could offer a parcel of land from a development to serve as a temporary park, and if this would affect the tax rate applied to the parcel. Mr. Fajardo replied that he was not certain if this would result in a lower tax rate for the park; if the space is redeveloped for another use at a later time, that parcel would be subject to the approval process once more. He reminded the Board that there is currently no distinction between public and private parks, which means a private owner could purchase property and rezone it to Parks, Recreation, and Open Space.

Ms. Golub asked if there would be an appeal process for a resident who does not like a park proposed by the City for his or her neighborhood. Mr. Fajardo stated that members of the public may come to DRC or Planning and Zoning Board meetings and make their case. He concluded that Staff takes all neighborhood recommendations seriously. Ms. Golub did not agree, asserting that providing DRC agendas to neighborhood associations was not sufficient notice.

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

Robert Lochrie, private citizen, stated that he understood some members' concerns with placing parks in certain zoning districts, such as single-family neighborhoods. He suggested that there may be greater sensitivity to this proposal within specific districts, for which the Amendment could be modified. Mr. Fajardo proposed that the Board could recommend to the City Commission that the Amendment not take effect within certain zoning districts.

Motion made by Mr. McCulla to recommend approval of the Amendments to the City Commission with the exception of Section 47-5.10 and Section 47-5.11, of which 47-5.10 applies to RS-4.4, residential single-family low-density districts, and [47-5.]11 applies to RS 8 and RS 8A, single-family low/medium density districts.

It was clarified that if the **motion** were adopted, the zoning districts cited by Mr. McCulla would still have to go through the rezoning process.

Ms. Maus pointed out that the **motion** leaves out a number of alternative residential districts, including multi-family as well as single-family districts. She reiterated that Code Enforcement and Police responses were insufficient to provide these neighborhoods with an adequate comfort level when a new park opens there, and concluded that she was not comfortable with approval of a park within 100 ft. of a residential property being subject only to Site Plan Level II approval, with no formal notice to adjacent residential homes.

Mr. McCulla **withdrew his motion.**

Motion made by Mr. McCulla that this Ordinance, the way it is written, only apply to parks owned by the City or the County, and/or if someone is applying to put a park, whether it is a City, a County, a State, or benevolent developer, in any zoning district, that Staff raise the level of scrutiny to at least this Board.

Mr. Fajardo noted that the Board had expressed the most concern with the possibility of private developers constructing parks. He advised that when parks are proposed for certain areas, the Parks and Recreation Department reaches out to the surrounding neighborhood and residents. If the Board recommends that this process only apply to County and City parks, this process would remain the same, while all other parks would be subject to rezoning or other approval.

Mr. McCulla restated his **motion** as follows: **motion** that the Board approve this Amendment as stated, but adding the condition that this permitted use is subject to Planning and Zoning Board review and approval.

Mr. Fajardo clarified that the **motion** would require conditional use approval, which requires approval by the Planning and Zoning Board but would allow the City Commission the option of calling up the Item within 30 days.

Ms. Desir-Jean **seconded** the **motion**.

In a roll call vote, the **motion** passed 7-0.

V. COMMUNICATION TO THE CITY COMMISSION

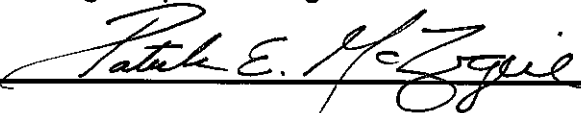
None.

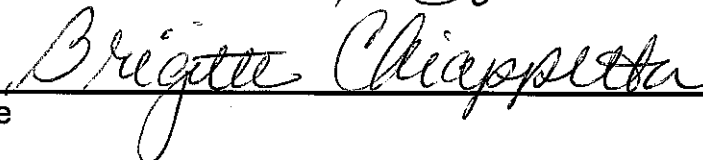
VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

Ms. Golub advised that she would not be present at the July Board meeting.

There being no further business to come before the Board at this time, the meeting was adjourned at 7:43 p.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.


Chair


Prototype

[Minutes prepared by K. McGuire, Prototype, Inc.]