



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#15-0887

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

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: October 6, 2015

TITLE: Ordinance Amending the Unified Land Development Regulations to Permit Park Uses in All Zoning Districts; Adding Cultural and Educational Facilities to the Parks, Recreation, and Open Space (P) District; Adding a New Section to Define Active and Passive Park Use and Associated Accessory Uses; and Reducing the Number of Parking Space Requirements for Park Use

Recommendation

It is recommended the City Commission adopt an ordinance to permit park uses in all zoning districts. The ordinance includes the following amendments to accompany park use by adding active and passive park as a permitted use within all zoning districts, adding a definition of active and passive park use, adding cultural and educational facilities as a permitted use within the Park (P) zoning district, and reducing the number of required parking spaces for park use.

Background

In the City's Vision Plan, *Fast Forward Fort Lauderdale: Our City, Our Vision 2035*, neighbors expressed a desire for a community whose parks and public places are abundant and located within walking distance. The City's Unified Land Development Regulations (ULDR) currently only permits active or passive park uses in Parks, Recreation and Open Space (P), Regional Activity Center - City Center (RAC-CC) and Regional Activity Center - Urban Village (RAC-UV) Zoning Districts. In order for park uses to occur in areas outside these zoning districts a rezoning of each property is required.

In an effort to modernize the City's zoning code the subject amendments seeks to allow more flexibility in locating park uses, streamline the process by which parks are established and address associated parking requirements.

As an example, the Northwest-Progresso-Flagler Heights Community Redevelopment Agency (NFP-CRA) has been approached by neighbors in the portion of the redevelopment area west of the Florida East Coast Railway (FEC) to construct a park on certain vacant properties. The proposed initiative would utilize vacant properties by turning them into active and passive park areas.

Based on the current zoning standards each proposed site will need a separate application for a rezoning to one of the districts listed above. These proposed amendments, if adopted, will allow the City to react quickly to these types of requests.

The complete language of the proposed draft ordinance is attached as Exhibit 1. Please note any changes made between the Planning and Zoning Board meeting held on June 17, 2015 and the City Commission meeting for first reading are indicated with strike and double underline.

The following is a summary of the proposed amendment.

Permitting Park Use in all Zoning Districts

As indicated above, current ULDR regulations allow active and passive park uses when located within the Park (P) zoning district, Regional Activity Center – City Center (RAC-CC) and Regional Activity Center – Urban Village (RAC-UV) zoning districts. For any proposed park use outside of those three zoning districts, a rezoning of the subject site is required, resulting in a process that involves a recommendation by the Planning and Zoning Board to the City Commission and two readings by the City Commission prior to adoption.

This amendment seeks to add active and passive park use to all zoning districts without the need to apply for rezoning as these uses are generally benign in nature with minimal impacts to surrounding properties while giving the City options as to possible locations of future parks. This portion of the proposed amendment will 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;
- 47-15. Port Everglades Development District; and,
- 47-16. Port Everglades Development District

It should be noted that all other uses that are permitted in the Park (P) zoning district would still require a rezoning in order to be allowed.

Inclusion of Cultural and Educational Use within Park (P) Zoning

This portion of the proposed amendment seeks to add cultural and educational facilities to the current list of permitted uses within the Park (P) Zoning District.

The inclusion of these uses will add additional suitable permitted uses to the Park (P) Zoning District that are consistent with the intent and purpose of the district and are consistent with the permitted uses listed in the City's Comprehensive Plan.

This amendment will add the following language to section 47-8.14. List of Permitted and Conditional Uses, Parks, Recreation and Open Space (P) District of the ULDR (47-8.14.A.c):

- Cultural Facilities, Educational Facilities

Clarification of Active and Passive Park Uses

This portion of the amendment seeks to clarify active and passive park uses by adding a new section to the ULDR proposed as Section 47-18.44, Active and Passive Park. The addition of this section to the ULDR will define active and passive park where no definition exists today and includes language that will clarify what associated accessory uses may be placed within park areas.

Subsequent to the Planning and Zoning Board meeting on June 17, 2015, staff in conjunction with the Parks and Recreation Department, has further refined the definitions and is proposing the following changes, which are indicated through strike and underline format. In addition, staff met with the City of Fort Lauderdale's Parks, Recreation and Beaches Advisory Board to present this item for their consideration at the August 27, 2015 meeting. At this meeting the board made a recommendation that parks should only be permitted when in conjunction with a governmental entity (local, county, state, or federal). As a result staff has also added language that will clarify park uses for governmental entities only.

The proposed language consists of the following:

A. Definition.

1. Park – Land used primarily for recreation or the maintenance of open space.
 - a. Active Park – A park use developed for active recreation, such as athletic fields and courts ~~sporting events, swimming pools, community centers or similar activities and/or structures and playgrounds~~ that may require or necessitate ~~include~~ administration, scheduled programs, organized events, equipment rental or similar activities as part of its standard operations.
 - b. Passive Park – A park use that may include playgrounds, walking trails, exercise equipment or other ~~low intensity park uses that requires minimal development of land area~~, such as, but not limited to nature preserves, picnic areas and open space.

B. 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.

C. Park uses shall only be permitted when such use fulfills a governmental purpose and is located on public controlled lands.

Parking Requirements for Park use

Current ULDR parking requirements call for parking spaces equivalent to 1% of the total land area. However, once on-site circulation is taken into consideration a disproportionate amount of land can be taken up by vehicular use areas. Further, many parks are located in residential settings and are intended to function as neighborhood serving parks where many people walk or ride a bike to visit. To address this and to add flexibility to the design of park areas this portion of the amendment seeks to permit the following:

- No parking requirements for parks that are located within Regional Activity Centers (including the Central Beach-RAC, the Downtown-RAC, the South-RAC, and the Northwest-RAC);
- No parking requirements for parks that are one half acre or less in size; and
- On-street parking abutting the site can count towards the overall parking requirements on a one-for-one basis.

On June 17, 2015 the Planning and Zoning Board (PZB), acting as the Local Planning Agency (LPA), conducted a review of the proposed amendments and, upon finding they are consistent with the adopted comprehensive plan, unanimously recommended approval of the proposed amendments (case T15001) with the following recommended change.

- That any park use proposed in residential zoning be reviewed and approved as a conditional use approval through a site plan level III development permit (approval at the Planning and Zoning Board level with a 30-day request for review period by the City Commission).

The comments from the PZB centered on a concern that allowing parks as a permitted use in residential zoning districts would invite people from outside of the neighborhoods to loiter creating safety issues that could only be addressed by code enforcement or the nonemergency police number. In addition, the board members felt that reducing the parking requirements could result in unintended parking impacts.

However, it should be noted that existing neighborhood compatibility requirements (required when a non-residential use is within 100-feet of a residential use) can address these concerns as a proposed park that meets this threshold will have to be reviewed at the Development Review Committee level.

As such, staff is maintaining the recommendation as originally presented to the PZB and as outlined above in this Commission Agenda Memo including the refined definition of active and passive park and the inclusion of the Parks, Recreation, and Beaches Board recommendation to only permit parks in association with a governmental entity.

The PZB staff report and June 17, 2015 PZB minutes are attached as Exhibit 2 and Exhibit 3, respectively.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Public Places Cylinder of Excellence, specifically advancing:

- Goal 3: Be a community that finds opportunities and leverages partnerships to create unique, inviting, and connected gathering places that highlight our beaches, waterways, urban areas, and parks.
- Objective 1: Improve access to and enjoyment of our beach, Riverwalk, waterways, parks, and open spaces for everyone.

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

Attachments

Exhibit 1 – Draft Ordinance

Exhibit 2 – Staff Report

Exhibit 3 – PZB Meeting Minutes

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