



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

#17-1277

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

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

DATE: December 5, 2017

TITLE: Ordinance Amending Unified Land Development Regulations (ULDR) to
Clarify Residential Uses through Revisions and Additions to Existing
Definitions throughout the ULDR - Case T17007

Recommendation

It is recommended the City Commission adopt an ordinance amending the City of Fort Lauderdale, Unified Land Development Regulations (ULDR) to clarify residential uses through revisions and additions to existing definitions throughout the ULDR.

Background

In 2010, the City successfully brought code enforcement cases against residential property owners for renting residential property on a short-term basis. The City took the position that short-term rental of residential properties violated Section 47-34.1.A.1, of the ULDR, which states that no building shall be used for any other purpose other than is permitted in the district in which such building or land is located. The case was appealed to the Seventeenth Judicial Circuit Court, Broward County, Florida, resulting in the reversal of the Special Magistrate's Final Order. *Bianco v. City of Fort Lauderdale*, Case No. 10-029269 (08). The court found that short-term vacation rental is not contrary to the zoning definition of a single-family dwelling, citing that the ULDR's definition only addresses the configuration of the structure and not the nature of its use. The City's petition for writ of certiorari to the District Court of Appeal for the State of Florida, Fourth District, was denied on the merits on June 7, 2012.

Since the circuit court opinion finding that vacation rentals are not contrary to the definition of "One (1) Single Family Dwelling," staff proposes to clarify the types of uses allowed in residential zoning districts by revising existing definitions and adding specific definitions for various categories of residential uses impacted by the *Bianco v. Fort Lauderdale* outcome.

Since the definitions for types of uses allowed in residential zoning districts are being changed or added for various categories of residential uses, additional amendments to the following ULDR Sections are required:

- Section 47-5.10, List Of Permitted And Conditional Uses, Rs-4.4 Residential Single Family/ Low Density District
- Section 47-5.11, List Of Permitted and Conditional Uses, RS-8 And RS-8A Residential Single Family/Low Medium Density District
- Section 47-5.12, List of Permitted and Conditional Uses, RD-15 Residential Single Family/Duplex/Low Medium Density District
- Section 47-5.13, List Of Permitted and Conditional Uses, RDs-15 Residential Single Family Medium Density District
- Section 47-5.14, List Of Permitted and Conditional Uses, RC-15 Residential Single Family/Cluster Dwellings/Low Medium Density District
- Section 47-5.15, List Of Permitted and Conditional Uses, RCs-15 Residential Single Family/Medium Density District
- Section 47-5.16, List Of Permitted and Conditional Uses, RM-15 Residential Low Rise Multifamily/Medium Density District
- Section 47-5.17, List Of Permitted and Conditional Uses, RMs-15 Residential Low Rise Multifamily/Medium Density District
- Section 47-5.18, List of Permitted and Conditional Uses, RML-25 Residential Low Rise Multifamily/Medium High Density District
- Section 47-5.19, List of Permitted and Conditional Uses, RMM-25 Residential Mid Rise Multifamily/Medium High Density District
- Section 47-5.20, List Of Permitted and Conditional Uses, RMH-25 Residential High Rise Multifamily/Medium High Density District
- Section 47-5.21, List Of Permitted and Conditional Uses, RMH-60 Residential High Rise Multifamily/High Density District
- Section 47-5.22, List of Permitted and Conditional Uses, MHP Mobile Home Park District
- Section 47-5.32, Table of Dimensional Requirements for the RD-15 and RDs-15 Districts
- Section 47-5.33, Table of Dimensional Requirements For The RC-15 And Rcs-15 Districts
- Section 47-5.34, Table of Dimensional Requirements for the RM-15 and Rms-15 Districts
- Section 47-5.35, Table Of Dimensional Requirements for the RML-25 District
- Section 47-5.36, Table Of Dimensional Requirements for the RMM-25 District
- Section 47-5.37, Table of Dimensional Requirements for the RMH-25 District
- Section 47-5.38, Table of Dimensional Requirements for the RMH-60 District.
- Section 47-18.9, Cluster Development
- Section 47-18.10, Coach Home
- Section 47-18.28, Rowhouse
- Section 47-18.33, Townhouse
- Section 47-18.38, Zero-lot-line (ZLL) dwelling
- Section 47-18.45, Duplex/two (2) family dwelling
- Section 47-35.1, Definitions

Description

Several definitions that were revised to provide a better description of a residential use were amended in Section 47-35, Definitions, as follows:

12/05/2017

CAM 17-1277

- Dwelling: a structural portion thereof that is used exclusively as a residence
- Dwelling unit: a space, area, or portion of a building designed for and to be occupied by one family as a residence, with cooking facilities for exclusive use of such family
- Mobile home or trailer: a vehicle or conveyance that is not self-propelled [or] permanently equipped to travel upon public roads that is used either temporarily or permanently as a dwelling unit
- Multi-family use: the residential use of a multi-family dwelling, consisting of apartments, condominiums, and coach homes
- Multi-family dwelling: a building containing multiple dwelling units and occupied or intended to be occupied by more than two families living separately and with separate kitchens or facilities for cooking on the premises; this term shall not include hotels, motels, or bed-and-breakfast dwellings, townhouse, or cluster dwellings
- Residence: the use of a structure or portion thereof exclusively for human habitation for a period of more than 30 consecutive days
- Residential use: the use of land predominantly for a dwelling unit or dwelling units for a period of more than 30 consecutive days

Additional definitions were added for purposes of clarification. These include:

- Single-family dwelling, cluster: a one-family dwelling unit attached to another one-family dwelling unit by a common vertical wall in which each unit is located on a separate plot (see ULDR, Section 47-18.9, Cluster Development)
- Single-family dwelling, row house: a one-family dwelling unit which is attached to other one-family dwelling units in a row with interior units sharing two side walls, with end units sharing only one side wall (see ULDR, Section 47-18.28, Row House)
- Single-family dwelling, stacked: a one-family dwelling unit in which dwelling units are stacked one above the other and which have a minimum floor area between 400 gross sq. ft. and 750 gross sq. ft. (see ULDR, Section 47-18.39, Existing Dwelling Unit Structures)
- Single-family dwelling, town house: a one-family dwelling attached to another one-family dwelling unit by a common vertical wall in which each unit is located on a separate plot (see Section 47-18.33, Town House)
- Single-family dwelling, zero lot line: a detached single-family dwelling that has one side placed on one of the side lot lines in order to provide for more open space on the other side of the lot (see ULDR, Section 47-18.38, Zero Lot Line Dwelling)

Subsequent to the September 18, 2017, PZB meeting, staff revised the definitions for single family attached dwelling uses stated above. Instead of having individual definitions for the different family attached dwelling uses, the definition now groups these different dwelling uses under one definition, which states the following:

Single family dwelling, attached: A one (1) family dwelling attached to another one family

dwelling by a common vertical wall, and where each unit is located on a separate plot. Single family dwellings that are attached include duplex, cluster, rowhouse and townhouse dwellings.

The uses have since been updated in the list of permitted and conditional uses tables (as an example noted below) to state single family, attached: (and their respective dwelling use category):

Sec. 47-5.14. - List of permitted and conditional uses, RC-15 Residential Single Family/Cluster Dwellings/Low Medium Density District.

District Categories—Residential Dwellings, Public Purpose Facilities, Child Day Care Facilities, and Accessory Uses, Buildings, and Structures.

A.	PERMITTED USES	B.	CONDITIONAL USES: See Section 47-24.3.
1.	<u>Residential Dwellings Uses</u>		
a.	One (1) Single Family Dwelling, Standard.		
b.	<u>Single Family Dwelling, Attached:</u> Cluster Dwellings, see Section 47-18.9.		
c.	<u>Single Family Dwelling:</u> Zero-lot-line Dwelling, see Section 47-18.38.		
d.	<u>Single Family Dwelling, Attached: Duplex/Two (2) Family Dwelling</u> Two Family/Duplex Dwellings. see Section 47-18.45.		
e.	<u>Single Family Dwelling, Attached:</u> Townhouses, see Section 47-18.33.		

In addition, the Specific Use Sections for the different dwelling uses (ULDR, Section 47-18.9, Cluster Development, Section 47-18.28, Rowhouse, Section 47-18.33, Townhouse, and Section 47-18.45, Duplex/two (2) family dwelling) was also updated to reflect the new use terms.

The Planning and Zoning Board (PZB) voted to recommend approval (8-0) of this item at the September 18, 2017, meeting. The staff report and minutes are attached as Exhibits 1 and 2, respectively.

Neighbor Outreach

As part of the process to adopt the current proposed amendments, staff presented to the Council of Fort Lauderdale Civic Associations (CFLCA) on October 10, 2017. The general feedback received from the meeting was very positive.

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 Neighborhood Enhancement Cylinder of Excellence, specifically advancing:

- Goal 6: Be an inclusive community made up of distinct, complementary, and diverse neighborhoods.
- Objective 1: Evolve and update the land development code to balance neighborhood quality, character, and livability through sustainable development.

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

Attachments

- Exhibit 1 – September 18, 2017 PZB Staff Report
- Exhibit 2 – September 18, 2017 PZB Minutes
- Exhibit 3 – Proposed Ordinance

Prepared by: Karlanne Grant, Planner III

Department Director: Anthony Gregory Fajardo, Sustainable Development