



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#18-1023

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

FROM: Lee Feldman, ICMA-CM, City Manager

DATE: November 20, 2018

TITLE: De Novo Hearing; Quasi-Judicial Consideration of an Ordinance to Rezone
4.85 Acres from Residential Single Family / Medium Density District (RDs-
15) and Residential Low Rise Multifamily / Medium-High Density District
(RML-25) to Residential Single Family Cluster Dwellings / Medium Density
District (RC-15) - Gardenia Park - Development 4Life Partners, LP. - 501
NW 17th Street - Case No. Z17009

Recommendation

It is recommended that the City Commission conduct a de novo hearing and consider adopting an ordinance rejecting the Planning and Zoning Board decision and approving the rezoning of approximately 4.85 acres of land, generally located on the north side of NW 17th Street east of NW 6th Avenue, south of NW 17th Court and west of NW 3rd Avenue, from Residential Single Family / Medium Density District (RDs-15) and Residential Low Rise Multifamily / Medium-High Density District (RML-25) to Residential Single Family Cluster Dwellings / Medium Density District (RC-15).

Background

The applicant, Development 4Life Partners, LP, submitted the subject rezoning application on January 12, 2018 to unify the zoning on the subject property into a single zoning district for a future townhouse development. A Locational Map is provided as Exhibit 1. The Planning and Zoning Board (PZB) voted (4/3) to deny the rezoning request on August 15, 2018. The Planning and Zoning Board Staff Report and Meeting Minutes are provided as Exhibit 3 and Exhibit 4 respectively. On August 31, 2018, the applicant submitted a request to appeal the Planning and Zoning Board denial of the rezoning application and requested that the City Commission set a de novo hearing to review the application. The City Commission set the de novo hearing to review the application on first reading at its November 20, 2018, Regular City Commission meeting.

Historical context of the RDs-15 zoning C-99-27:

In 1998, discussions about preserving the residential single family character in some neighborhoods prompted a study to assess impacts of redevelopment on neighborhood

character. At the April 21, 1998, City Commission conference meeting, staff was directed to study several of these neighborhoods. The ensuing meetings with neighborhood representatives revealed the desire to maintain existing single family neighborhoods and resulted in a recommendation to create zoning districts that limit new development to single family detached residences, while allowing existing duplexes, townhouses and multifamily uses to remain conforming and to be allowed to redevelop in the case of fire or natural disaster. The proposed zoning districts only changed the permitted uses, and all three zoning districts retained the same dimensional requirements of their previous zoning. The three separate zoning districts provided a mechanism to permit existing non-conforming uses to rebuild in accordance with the existing dimensional regulations of their respective zoning district, in the event a natural disaster or fire destroys the existing structure.

On May 4, 1999, the City Commission approved an ordinance that amended the City's Unified Land Development Regulations (ULDR) to create new zoning districts known as RDs-15, RCs-15, and RMs-15 ("s" standing for single family). The ordinance also amended ULDR Section 47-18.38 which would permit all existing duplex, townhouse and multi-family development in RDs-15, RCs-15 and RMs-15 to redevelop to their existing conditions in the occurrence of a fire or an act of God. If more than fifty percent (50%) of the replacement value or of the total gross floor area of an existing unit structure is demolished by other than fire, explosion or other casualty or act of God or public enemy, then such structure may not be restored to the condition it was in prior to the damage, and any use of the property on which such structure was located shall be required to meet all of the requirements of the ULDR. The ordinance is attached for your reference.

In the time that has passed since the ordinance was adopted, we have also recognized that the ordinance has impacted the ability to improve existing non-conforming properties from making certain improvements since many property owners do not wish to lose their non-conforming status and keep the status quo. In addition, there are also underlying inconsistencies between land use and the adopted zoning.

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:

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

The areas designated for residential use on the City's Future Land Use Map are intended primarily for dwellings, but other land uses in support of the residential environment, such as, neighborhood parks and schools, may also be appropriate therein. The property is designated Medium Density Residential on the City's Future Land Use Map. The proposed zoning district, RC-15, is consistent with the underlying land use.

Table 1 includes zoning compatible with the Medium Density Residential Land Use and

the definition of those districts.

TABLE 1: Medium density residential compatible zoning districts

ZONING DISTRICTS COMPATABLE WITH MEDIUM DENSITY RESIDENTIAL LAND USE	
The Medium Residential category permits up to fifteen (15) dwelling units per net acre.	
RD-15 - Residential Single Family Duplex/ Medium Density District.	RD-15 district is intended to provide areas within the city for single family detached dwellings and for duplex units or two family residences where two units are either attached or semi-attached. The RD-15 district permits single family dwelling units including zero lot line dwellings and cluster dwellings designed in a manner that is compatible and complementary to the surrounding area. This provides for a more efficient use of land resources by allowing for a modification of yards to provide for innovative site design and open space on lots which, because of their size and/or configuration, could not be efficiently used otherwise. The RD-15 district has a maximum density of 15 dwelling units per net acre, which is consistent with the density permitted by the residential medium category of the city's comprehensive plan.
RC-15 - Residential Single Family Cluster Dwellings/ Medium Density District.	RC-15 district is intended to provide areas within the city for single family detached and attached residences and accessory uses. The RC-15 district is also intended to provide for a variety of one family residences, such as zero lot line dwellings, townhouses, and the clustering of dwellings, in a manner which provides for a more efficient use of land resources by allowing for a modification of yards, providing for innovative site design and open space on lots which, because of their size and/or configuration, could not be efficiently used otherwise. The RC-15 district has a maximum density of 15 dwelling units per net acre, which is consistent with the density permitted by the residential medium category of the

	city's comprehensive plan.
RDs-15 - Residential Single Family/ Medium Density District	RDs-15, RCs-15, RMs-15 are zoning districts intended to limit new residential development to single family detached residences. Duplex, townhouse and multifamily uses that exist and are located on property that was zoned RD-15, RC-15 or RM-15 on April 21, 1998, can be redeveloped as duplex, townhouse or multifamily uses, subject to the provisions provided in Section 47-18.39.
RCs-15 - Residential Single Family/ Medium Density District.	RDs-15, RCs-15, RMs-15 are zoning districts intended to limit new residential development to single family detached residences. Duplex, townhouse and multifamily uses that exist and are located on property that was zoned RD-15, RC-15 or RM-15 on April 21, 1998, can be redeveloped as duplex, townhouse or multifamily uses, subject to the provisions provided in Section 47-18.39.
RM-15 - Residential Multifamily Low Rise/ Medium Density District.	RM-15 district is intended to provide areas in the city for single family residences and low-rise multifamily residences in a manner which ensures, to the greatest extent possible, compatibility with adjacent development and existing residential neighborhoods. Parcels so designated shall serve as a transition from medium high and high density multifamily housing to single family neighborhoods, and shall be limited to locations on or within reasonable proximity to arterial or collector streets or generally near community facilities, office or commercial development. The RM-15 district has a maximum density of 15 dwelling units per net acre, which is consistent with the residential medium category of the city's comprehensive plan.
RMs-15 - Residential Low Rise Multifamily/Medium Density District.	RDs-15, RCs-15, RMs-15 are zoning districts intended to limit new residential development to single family detached residences. Duplex, townhouse and multifamily uses that exist and are located on property that was zoned RD-15, RC-15

	or RM-15 on April 21, 1998, can be redeveloped as duplex, townhouse or multifamily uses, subject to the provisions provided in Section 47-18.39.
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2. The changes anticipated by the proposed rezoning will not adversely impact the character of development in or near the area under consideration;

The proposed rezoning will not adversely impact the character of development in or around the area under consideration. The proposed rezoning is intended to support targeted redevelopment that is compatible with the character of the surrounding area. The proposed use is consistent with the underlying land use and neighboring zoning districts. The proposed zoning district requirements and design standards will be applied at time of site plan review that will collectively guide the design of the streetscape, open space, and compatible building design. In addition, the proposed rezoning is intended to provide a transition between the commercial business uses along Andrews Avenue and the pattern of existing residential uses within the neighborhood.

Existing character is a variation of dwelling single family homes, duplexes, multifamily apartments not unlike other neighborhoods in the City like Victoria Park and Middle River.

Table 2 includes a comparison of dimensional requirements as required under existing zoning and proposed zoning.

TABLE 2. Comparison of Dimensional Requirements

	Proposed (RC-15) Townhouse	Required (RDs-15) Single Family	Required (RML-25) Townhouse
Maximum density	15 du/net acre	15 du/net acre	25 du/net acre
Minimum lot size	7,500 square feet group	6,000 square feet	7,500 square feet group
Maximum structure height	35 feet	35 feet	35 feet
Maximum structure length	200 feet	None	200 feet
Minimum lot width	50 feet	50 feet	50 feet
Maximum Number of Units Able To Be Constructed	72	35 Single Family	72

Due To Dimensional Requirements	Townhouses	70 with Accessory Unit	Townhouses
Setbacks/Yards	Proposed (RC-15)	Required (RDs-15)	Required (RML-25)
Front	25 feet	25 feet	25 feet
Corner	25% of lot width but not less than 10 feet nor greater than 25 feet.	25% of lot width but not less than 10 feet nor greater than 25 feet.	25% of lot width but not less than 10 feet nor greater than 25 feet.
Side	See Section 47-18.9	5 feet - up to 22 feet in height Where a building exceeds 22 feet in height that portion of the building above 22 feet shall be set back an additional 1 foot per foot of additional height	See Section 47-18.33
Rear	See Section 47-18.9	15 feet	20 feet

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.

The surrounding properties have a land use designation of Medium Density Residential to the north, east, south, and west of the property, a Medium-High Density Residential designation to the northeast, and Parks designation to the northwest of the property. The zoning classifications to the north, south and west of the property is RDs-15, to the east of the property is Residential Mid Rise Multifamily/Medium High Density (RML-25) and Residential Single Family / Medium Density District (RDs-15), and to the northeast of the property is and Park (P). Adjacent uses include existing residential duplexes and multifamily residential buildings to the north, east and west of the property and single family residential homes to the south.

The proposed rezoning introduces townhouses, which is a permitted use in the RC-15 zoning district, in order to provide for a transition to the higher density areas to the north, thereby bridging the lower medium density of single family homes and duplexes to the higher density of multifamily residential uses. Additional permitted uses include new cluster dwellings,

zero-lot-line dwellings, and two family/duplex dwellings. The applicant has indicated that a townhouse project is anticipated to be developed on the site and the concurrent plat application contains a restrictive note for 46 townhouse units.

Table 3 below provides a comparison of uses permitted under the existing zoning and proposed zoning district.

TABLE 3. Comparison of Uses

Use Type P=Permitted C=Conditional	Proposed (RC-15)	Required (RDs-15)	Required (RML-25)
Residential Use			
Single Family Dwelling	P	P	P
Single Family Dwelling, Attached: Cluster, see Section 47-18.9.	P	-	P
Single Family Dwelling: Zero-lot-line, see Section 47-18.38.	P	-	P
Single Family Dwelling, Attached: Duplex/Two (2) Family Dwelling, see Section 47-18.45.	P	-	P
Single Family Dwelling, Attached: Townhouses, see Section 47-18.33.	P	-	P
Multifamily Dwelling: Coach Home, see Section 47-18.10.	-	-	P
Multifamily Use.	-	-	P
Existing Dwelling Unit Structures, see Section 47-18.39.	P	P	-
Existing Multifamily Dwelling, see Section 47-18.39.	-	-	P
Community Residence, 3 residents maximum. See Sec. 47-18.47.	P	P	P
Family Community Residence, 4 to 10 residents; 1,000' distance separation. See Sec. 47-18.47.	P	P	P
Family Community Residence, less than 1,000' distance separation. See Sec. 47-18.47.	C	C	C

Transitional Community Residence, 4 to 10 residents; 1,000' distance separation. See Sec. 47-18.47.	C	C	P
Transitional Community Residence, more than 4 residents/Family Community Residence, more than 10 residents/Community Residence, no license or certification available. See Sec. 47-18.47.	C	C	C
Lodging			
Bed and Breakfast Dwelling, see Section 47-18.6.	-	-	C
Hotel, see Section 47-18.16.	-	-	C
Mixed Use Development			
Mixed Use Development, see Section 47-18.21.	-	-	C
Public Purpose Facilities			
Active and Passive Park, see Section 47-18.44.	P	P	-
Social Service Residential Facility, Level I, see Section 47-18.32.	P	P	-
House of Worship, see Section 47-18.17.	-	-	C
School.	-	-	C
Social Service Residential Facility, Level II, see Section 47-18.32.	-	-	C
Child Day Care Facilities			
Family Day Care Home, see Section 47-18.8.	P	P	P
Accessory Uses, Buildings and Structures (See Section 47-19)*			
Urban Agriculture (See Section 47-18.41)			

*Accessory Dwellings Permitted in the RDs-15 zoning district

Comprehensive Plan Consistency:

The rezoning is also generally consistent with the City's Comprehensive Plan Goals, Objectives and Policies, including the Future Land Use Element, Goal 1, Objective 1.19: continue to evaluate and revise existing zoning in established single family neighborhoods to be consistent with existing density, scale and intensity. The proposed

zoning district is consistent with the existing density, scale and intensity in that the proposed district maintains the same density, scale and intensity as the current zoning district.

The property is designated Medium Density Residential on the City's Future Land Use Map. The proposed zoning district, RC-15, is consistent with the underlying land use. The existing zoning RDs-15 and proposed zoning district of RC-15 both have a maximum density of 15 dwelling units per acre. Although the majority of the site is zoned RDs-15, a small portion is zoned RML-25; however, the underlying land use remains the same with medium density residential land use, which has a maximum density of 15 units per acre. The proposed rezoning will bring this portion of the site into compliance with the underlying land use.

The applicant has provided narrative responses to all criteria, which are attached to the plan sets as part of Exhibit 2. Staff concurs with applicant's assessment.

Public Participation

The rezoning request is subject to the public participation requirements established in ULDR Section 47-27.4. According to the applicant, they held multiple public participation meetings on April 25, 2017, October 24, 2017, November 8, 2017, March 14, 2018, May 9, 2018 and June 26, 2018 providing neighbors an opportunity to learn and comment on the proposed project.

The applicant's public participation summary and affidavits are provided as Exhibit 5.

Pursuant to ULDR Section 47-26B, Review by the City Commission shall be by de novo hearing supplemented by the application record and the same standards and criteria applicable to the development permit shall be applied. At the conclusion of the hearing the City Commission shall take action either approving, approving with conditions or denying the application.

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 Business Development Cylinder of Excellence, specifically advancing:

- Goal 7: Be a well-positioned City within the global economic and tourism markets of the South Florida region, leveraging our airports, port and rail connections.
- Objective 2: Facilitate a responsive and proactive business climate.

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

Attachments

Exhibit 1 - Location Map

Exhibit 2 - Applicant's Narratives

Exhibit 3 - Planning and Zoning Board Staff Report from August 15, 2018

Exhibit 4 - Planning and Zoning Board Meeting Minutes from August 15, 2018

Exhibit 5 - Public Participation Meeting Summary and Affidavit

Exhibit 6 - Ordinance

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