

**PLANNING AND ZONING BOARD
SPECIAL MEETING
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
TUESDAY, NOVEMBER 30, 2010 – 6:00 P.M.**

<u>Board Member</u>	<u>Attendance</u>
Patrick McTigue, Chair	P
Rochelle Golub, Vice Chair	P
Maria Freeman	A
Leo Hansen (6:24)	P
Catherine Maus	P
Mike Moskowitz	A
Michelle Tuggle	P
Tom Welch	P
Peter Witschen	A

Staff

Wayne Jessup, Deputy Director of Planning and Zoning
Sharon Miller, Assistant City Attorney
Jenni Morejon, Principal Planner
Anthony Fajardo, Planner III
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

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	<u>Case Number</u>	<u>Applicant</u>
1.	8-T-10	Neighborhood Development Criteria Revisions (NDCR) DRAFT ULDR Modification Plan
2.	Communications to the City Commission	
3.	For the Good of the City	

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.

Chair McTigue called the meeting to order at 6:05 p.m. Roll was called and all stood for the Pledge of Allegiance. The Chair introduced the Board members, and Deputy Director Jessup introduced City Staff.

Deputy Director Jessup recalled that there has been a great deal of public involvement and stakeholder input throughout the Neighborhood Development Criteria Revisions (NDCR) process. The project's consultants received this input before developing a plan to modify the City's zoning regulations in a way to make them accommodate what the community felt would be appropriate and make Code "more user-friendly."

One initial group of stakeholders was an Ad Hoc Committee, which provided a list of revisions they felt were important. Community workshops were held in each of the four districts, and public input was received through these meetings. The consultants ultimately developed an initial draft of modifications, which was responsive to this input. They have since received more comments and suggestions for additional modifications from various stakeholder groups, including the Ad Hoc Committee and members of the public.

Tonight's workshop will include a presentation of the Draft Modification Plan, followed by input from the Board members regarding whether the Plan seems to meet the goals identified by the community, as well as any modifications or suggestions members may want to make. These comments and suggestions will be assimilated into the Plan in a way to make it meet the community's desires as closely as possible. The revised Plan will come back to the Board at a later date for a vote, and will then move on to the City Commission.

He introduced Nore Winter, consultant, at this time.

Ms. Tuggle requested some background on the original intent of the NDCR project. Deputy Director Jessup explained this is "a two-phase project." The initial phase includes developing a Modifications Plan, which will include the consultant's suggestions on modifying the City's zoning regulations to meet the goals of the community. These will include very specific recommendations that take into consideration the character of the community's different zoning districts. Once this plan is approved by the City Commission, codification language will be formally developed so the changes to Code may be implemented in the form of revised ordinances. This will include sketches and legal documentation necessary to implement changes that will replace the residential zoning ordinances currently in the ULDR.

Ms. Tuggle asked if the consultant has been contracted for both phases of the project. Deputy Director Jessup said they had.

Mr. Winter gave a PowerPoint presentation of the Draft Plan, stating that the process has consisted of gathering information, identifying issues, and examining alternative tools and approaches. While he noted that it may appear the Draft Plan is "heading toward Code," the intent is to show how these tools would be used.

Mr. Winter advised that some individuals may feel "upset" that the Draft Plan goes too far or not far enough. He assured those present that if the end results are not "ones that people agree with," he is open to the possibility of modifying the Plan to make it work for the community.

He advised that he would discuss the Draft Plan as it stood in May 2010, although some revisions are already anticipated. These are included in two addenda rather than through another draft.

The initial concerns and issues identified in the Draft Plan came from the public workshops held in various districts, as well as a review of recommendations published by the Fort Lauderdale Council of Neighborhoods in 2007 and individual comments. The issues that "rose to the top" included neighborhood character; predominance of driveways and green space; building scale; transitions between zoning districts; accommodation of improvements to property; supporting Comprehensive Plan goals; building coverage; impacts of parking; privacy; and views, scale, and proportion. Mr. Winter pointed out that these issues were registered in community workshops throughout the City's four districts.

The Draft Plan's second chapter introduces a series of scale models, generated by computer, of various building conditions, different zoning categories, and different building types. The models took setback, stepback, and maximum height requirements into consideration. Recent trends, however, represent that buildings themselves are "much smaller" inside these parameters, particularly in single-family residences, although some attached single-family buildings come close to filling out the maximum building envelope.

Mr. Hansen joined the meeting at 6:24 p.m.

Mr. Winter continued that they also tried to understand the community's diversity, as it is often an issue to apply "a simple set of regulations" to a wide range of conditions. While Code could be applied on a neighborhood-by-neighborhood basis, this would be very labor-intensive and would require much more administration. One consideration was to look at similar patterns of development

among the City's neighborhoods, which helped the consultants to understand the diversity of the City.

The third chapter outlines some specific goals and objectives, and describes potential actions that could be considered. Many of these actions were brought forward later in the document as recommended actions. There are five broad goals, some of which would apply City-wide and some only in specific development conditions. Mr. Winter explained that the reason these goals were identified was to make it clear that for areas intended to change, neighborhood compatibility must be considered differently than for a neighborhood that is intended to remain as it is. As each goal is identified, a list of conceptual actions that could be taken to achieve them is stated as well.

The fourth chapter analyzes potential tools for change, including those suggested by meetings, workshops, and earlier reports. It discusses how some of these tools are presently used, and how these uses could be extended or revised. This provided a greater understanding of "the range of regulations" that currently exist. When evaluating the potential applications of these goals, the consultants considered that some could be applied uniformly throughout the City, such as front landscaping requirements in residential areas; others would apply only in a specific zoning district, or in the combination of a specific zoning district and building type, for example. Linking some regulations to incentives is another option that has been suggested.

Mr. Winter referred the Board to Table 4.7, which matches individual suggested tools to the goals and objectives discussed in Chapter 3. He explained that they were interested in learning whether one tool may be applied to several objectives, which may show greater efficiency. He cited the example of applying the building setback standard to goals including mass and scale, open space views, and light and air, among others. Wall articulation and sculpting can also be used to address concerns about building mass and scale. The consultants ultimately agreed these tools could be very useful in achieving the Plan's goals, while also allowing for variations in setbacks. Mr. Winter added that while a discussion of floor area ratio also occurred in the report, it was not recommended as a universal City-wide tool for implementation.

Another suggestion that has received a good deal of attention is limiting the percentage of front-facing garage doors. Mr. Winter identified this as a recommended requirement, although he noted there has been the suggestion that this be encouraged through incentives rather than required. The consultants' concern was, due to the strong interest in "more green in front" of buildings as expressed in the public workshops, that this was an important consideration.

Mr. Winter moved on to Chapter 5, in which specific recommendations are made. He stated there are four components to implementing the overall strategy:

1. The basic standards of the ULDR would be modified;
2. A "menu" of choices must be provided regarding how some standards may be met;
3. For some building types and districts, the compatibility criteria are applied through a discretionary review process: this process could be "cleaned up" and extended to other areas, and could provide the opportunity for "another level of alternatives" outside the menu of choices;
4. For some areas, a more focused overlay would modify existing standards or apply new standards.

He advised that the best course of action is to use the most directly effective tool when possible: for example, instead of limiting the amount of hard surface paving in front yards to 50%, the requirement could be for 50% green space. Mr. Winter noted this recommendation has since been reduced to 40% following additional public input. Tools must also be easy to understand, so individuals can see what may happen in their neighborhoods, and efficient in terms of administration and cost to the owner. He reiterated that tools should also "enable some flexibility."

Mr. Winter asserted that the Draft Plan attempts to balance "one size fits all" recommendations and "the complexity of tailoring to...every condition." It must be aware of the property owner who seeks to make improvements as well as of the neighbor who will experience these improvements, and should balance individual property rights with the public good.

He showed a chart of the recommended modifications, including those for specific building types and zoning districts. Some of the modifications addressed parking structures, driveway width, curb cuts, stepback requirements, starting wall height, and defined principal entrance.

He also showed examples of modifications applying to different types of structures, including detached duplexes and cluster buildings, as well as ways individuals could meet the proposed standards and requirements under differing conditions.

With regard to Addendum 1, he noted that in some cases the recommended numbers have been changed since the Draft Plan was first put forth in May, such as 40% landscaping in front of a residence instead of 50%. New standards, such as guest parking requirements, have been proposed, and some areas that would be addressed in phase two have been discussed as well. Mr. Winter said the illustrations shown in the presentation "would become part of the Code," with greater detail added.

Other items that have been raised have not been fully discussed, including additions to existing landscape standards, addressing fence height in front yards, dealing with garage encroachment, and shared drives.

Addendum 2 addresses the neighborhood compatibility criteria. Mr. Winter said these criteria are "a blend of things" related to high-rise, mixed use, urban, and higher density residential areas. Because of this diversity, he noted it would be difficult to apply criteria for all these areas to every project. This means the property owner and Staff would need to determine which criteria actually apply. The consultants' suggestion is that all criteria that apply to residential areas be "pulled out and reformatted" for greater clarity. This would also mean the context for criteria must be clarified, criteria must be illustrated, and those criteria that allow some flexibility should be identified. The outcome should be a more orderly process, rather than "what can be, to some people, confusing."

Mr. Winter concluded that there had been concern expressed that insufficient attention had been paid to "earlier materials drafted" by the Council of Fort Lauderdale Civic Associations. He said Staff had prepared a listing of roughly 150 items from the 2007 report, which were organized into categories and examined to determine how they were addressed. Some of these items were addressed directly, with some dimensional changes; others were addressed more indirectly, as the consultants "had the same objective but saw a different means" by which to accomplish it. Other items were considered but not proposed, or were sufficiently technical in nature to be addressed in phase two instead of phase one. Some items were not within the scope of the Draft Plan, or had been addressed by some previous action.

He added that other issues had "come up in comments" but had not been fully addressed, including exceptions for garage and parking requirements on waterfront lots. While these issues are addressed "at the strategy level," they are not discussed in detail, and specific standards are not suggested.

Ms. Maus referred to the duplex model used during the presentation, which showed "an existing small building in the front" and raised the possibility of allowing for another small building in the back. She pointed out that in RC-15 and other districts, there are many lots that would accommodate this model; however, she asked if there might be the unintended effect of "incentivizing the development of those areas," as this change would make it possible to "add one small building and double the income on it." She said this kind of development was likely to be driven by speculation rather than by actual need.

She added that if this is allowed to happen without requirements, there should be "some connection in appearance" between the two buildings, or perhaps a requirement that the existing building in front be brought up to Code, have

modern amenities, or show other types of improvements. Ms. Maus concluded that she had several concerns about this suggestion, as she saw "more potential for harm than good."

Mr. Winter said these were good concerns and would need to be addressed. He noted that it could be the case that existing buildings are "threatened" with demolition, and there may now be the ability to build another unit. Ms. Maus said there are many properties within single-family neighborhoods that house single families and may remain so; because a trend is forecast does not mean it will actually occur.

She continued by referring to the DRC criteria for townhouse units, which requires there to be eight units before a property comes before the City. She wondered how difficult it might be to acquire a parcel of sufficient size for eight units, and suggested that this number be revised downward.

Mr. Hansen said he was concerned with allowing garages in the rear, noting that in some cases garages were installed in this way where there is a dedicated alley to serve the garage. He felt this was a "pretty good approach" for the development of a new neighborhood; however, his concern was with regard to the "mixture of existing versus this new zoning," particularly how it would affect an individual's ability to enjoy his or her back yard. He explained that having structures in the rear setback area would intrude upon the breeze from the southwest. He noted that this could also mean an individual's neighbor could put a garage in the back yard and make the area "less usable," as it would interrupt the air flow.

Mr. Winter noted that the recommendation dealing with backyard garages stipulates that the structure would be "one-storey and detached" to allow for air circulation between the garage and the house. He agreed that this recommendation "may have limited applications" and could require some compatibility review.

Vice Chair Golub pointed out that the recommendations are not substitutions, but are additions to existing options; therefore someone would not be prohibited from putting their garage in front of their house, or on the side with setbacks. She did not think it was realistic to have both a house and "a driveway that's 12 or 14 ft. wide" on a narrow lot with a detached structure in the back, and noted that certain lots will not accommodate this.

She felt while the Draft Plan might include "good architecture" and appropriate drafting for ULDR, it "just might not be Fort Lauderdale." She did not think the proposed plans, such as those for houses with detached garages in back, were "where we want to be" in the City. She concluded that it was possible the City

was "losing a standard of what can be built" without appearing before a review board, such as the DRC or the Planning and Zoning Board.

Ms. Tuggle recalled Mr. Winter had said many people were upset because the plan "goes...too far." She noted there had been a good deal of community input on the Draft Plan, and asked how this input was developed and assimilated. Mr. Winter replied there had been "a series of rational steps," including looking at the issues, how many tools it would take to accomplish objectives, and which ones would be simplest to administer and understand. The consultants ultimately made a professional decision for what they thought would be the best combination for Fort Lauderdale.

Ms. Tuggle asked if the Council of Civic Associations "took the lead" in responding to the requests for community input. Mr. Winter said they had attempted to listen to all comments, but said the Council had provided "one of the more extensive and...detailed" recommendations.

Ms. Tuggle asked what the project's timetable appears to be at this point. Mr. Winter said this depends in part on the direction they receive from the Board at tonight's meeting. Deputy Director Jessup said once the Board makes a recommendation to the City Commission, the Commission is then asked to approve the Draft Plan. The consultants would then move into phase two, where the recommendations are actually codified. He estimated this could take from six to nine months. Mr. Winter observed since more detail has been drafted in this phase, the second phase could be abbreviated.

Ms. Tuggle asked if City Staff has been contacted by the public with regard to the Draft Plan, and what the consensus of this input was. Deputy Director Jessup said some of the input has since been addressed and identified in the addenda to the Draft Plan; in addition, the Council of Civic Associations had wished to know how the document responded to their comments, which has also been addressed. That group will have further input on whether or not they agree with the responses. If further responses are received, they will have to be assimilated by both the consultants and City Staff, and it is possible that a third addendum may be produced, which would be shown to the Board when the Draft Plan comes before them again.

Vice Chair Golub asked if the Draft Plan affects only residential areas and does not address mixed-use districts. Mr. Winter said this was correct. Vice Chair Golub noted that the ULDR is a "living, breathing" document, and it would be short-sighted to assume no changes would be made to it in the future.

She said one issue that has not been fully addressed is "other kinds of accessory buildings," such as windmills or generators. She asked if these would be addressed as part of the Draft Plan. Mr. Winter said they would not.

Ms. Maus recalled she had expressed concern regarding sidewalks, as they are "applied inconsistently" in Code based on the type of housing involved. While sidewalks are included in a different section of Code from the one addressed, she felt it would be a missed opportunity to fail to address these as part of a "big-picture approach" to the City's residential zoning. Mr. Fajardo said his understanding was that unless the Engineering Department receives a letter from a specific neighborhood association, sidewalks are required to be installed. Ms. Maus pointed out that sidewalks are not required for duplexes, for example, and said if the goal is to upgrade the Code and promote consistency and pedestrian activity, they should be required in these residential areas as well. She concluded that "there are holes" in the Code at present, and did not believe the Engineering Department has applied the requirement as stated. She felt the issue deserved further discussion.

Chair McTigue returned to the issue of garages in the back of properties, and asked if the driveway would go "straight to the property line" in these cases or if a landscape buffer would be required. Mr. Winter said there would be a buffer requirement of 3-5 ft., and the driveway is recommended to have a minimum width of 10 ft. Space for cars to turn around rather than back into the street would be required as well.

Chair McTigue asked if there is any evaluation of landscaping to consider when individuals are "putting in big trees versus a lot of little tiny ones." Mr. Winter said this would be a detail to be worked out as part of the landscaping requirement, noting that additional credit should be provided if homeowners opt to put in mature trees. He noted, however, that arborists have said the survival rate for larger trees is lower than the rate for smaller ones.

Mr. Welch asked to know the justification behind the 10 ft. height of fences in the front yard. Mr. Winter said this is part of current Code, which necessitates that the fence be 10 ft. "for a certain percentage of the fence length." Mr. Hansen clarified that this is for buffer fences between commercial and residential properties.

Mr. Hansen advised that a major concern for him was the prescriptive nature of the requirements, which made them easier to interpret for building professionals and City Staff; however, he cautioned if the designs became too prescriptive, the result could be "taking the pencil out of the hand of the designer." Mr. Winter agreed it is necessary to find an appropriate balance of being prescriptive while

offering some flexibility. He suggested a next step could be to convene a focus group comprised of representatives from the building and design communities.

Mr. Hansen proposed a solution could be to put the issue "in the hands of the neighborhoods...or even allow parts of neighborhoods to adopt certain regulations," as some areas within neighborhoods may be able to easily allow rear parking. Mr. Winter said in some cases, proposals would only be required within a defined area, or as an overlay rather than with universal application.

Mr. Welch said during the most recent building boom, developers had gone into "mature" residential neighborhoods and torn down long-standing homes because "it wouldn't fit their need;" they had then built new structures to the maximum of the envelope, with no consideration for neighboring homes. He said the intent of the NDCR process was to come up with "some different tools," such as design overlay, to provide alternatives for individuals who want to develop their properties. He added that there should also be incentives for developers to save trees on their properties.

He continued that there should be greater focus on how residential neighborhoods may abut commercial or mixed-use zones, as this is where a good deal of conflict currently exists.

Mr. Hansen asked Mr. Welch what he felt the neighborhoods' greatest concerns were. Mr. Welch said he felt these included massing of structures, as described above, particularly in older neighborhoods. Other concerns include good streetscapes, keeping sidewalks in good condition, preserving trees and landscaping, and parking issues.

Vice Chair Golub said while it is good to encourage developers and property owners to do the right thing, encouragement did not guarantee that this would happen. She said in the next phase, she would prefer to see Code "take some hard lines:" if professionals do not believe certain features should exist, they should not be permitted, and the individual who wants to build these features outside the standard should have to justify it before a review body and show how it is compatible. She concluded that she liked the addendum addressing neighborhood compatibility, as it moves "farther along in a direction we've wanted to go."

Vice Chair Golub continued that it is currently possible to build townhouses without appearing before the Planning and Zoning Board; the Draft Plan changes this with respect to the number of townhouses on contiguous lots. She noted, however, that cluster homes cannot be built without appearing before the Board, and added that "duplexes should be in there too." She felt attached single-family

housing has the most potential for concern, and perhaps developers of these structures should have to justify compatibility.

Ms. Tuggle asked if there has been further review or comments on the addenda of the Draft Plan by the Council of Civic Associations. Deputy Director Jessup replied that some representatives of the Council met with Staff roughly one week ago and made further comments, which are being taken into consideration.

Ms. Tuggle asked if Staff felt the Draft Plan was "a good, workable document," if it was considered "a good start," and if more work was necessary before moving on to the next step. Deputy Director Jessup said the comments made by the Board, the Council of Civic Associations, and previous comments will be reviewed, and it will be determined what is necessary to modify the document appropriately. He said it would be helpful to know if the Board concurred with Staff that the document was workable.

Vice Chair Golub concluded that the Draft Plan was "almost there," and that it provided an excellent framework to build on.

Mr. Hansen said his preference was for the Board to take the input they had heard tonight and discuss the issues with others involved before taking any action at this point. At the next scheduled meeting, he felt they might be able to address the question.

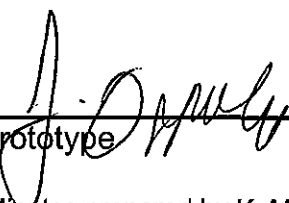
Ms. Maus stated that Staff would process the input from tonight's meeting and come back to the Board with a revised document. She did not believe the Board should "slow things down," and pointed out that Staff and the consultants have met to discuss the input they have received. Mr. Hansen explained that his suggestion was because he has spoken to many people who are "not particularly in favor" of the Draft Plan, and he would like to do further research regarding whether other cities have adopted similar Codes. He did not feel certain the City would be improved "as the Codes get more and more elaborate," and felt this should be considered before the City proceeds into the next phase.

Deputy Director Jessup said Staff and the consultants would need to work together to assimilate the information they had received tonight. He felt when Staff puts this together, they could assess "what sort of effort would be necessary to accommodate that information" and produce revisions to the document. It could then be presented at a public meeting, and the Board could determine what course of action they wished to take.

Mr. Welch asked what time frame Staff felt was realistic to bring the revisions back to the Board. Deputy Director Jessup said he would have an answer at the next scheduled Board meeting.

There being no further business to come before the Board at this time, the meeting was adjourned at 8:02 p.m.


Chair


Prototype

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