

ORDINANCE NO. C-14-

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTIONS 47-18.31, SOCIAL SERVICE FACILITY (SSF), 47-6.13 HEAVY COMMERCIAL/LIGHT INDUSTRIAL (B-3), 47-8.10 COMMUNITY FACILITY (CF), 47-8.11 COMMUNITY FACILITY-HOUSE OF WORSHIP (CF-H), 47-8.12 COMMUNITY FACILITY-SCHOOL (CF-S), 47-8.13 COMMUNITY FACILITY-HOUSE OF WORSHIP/SCHOOL (CF-HS), 47-13.10 LIST OF PERMITTED AND CONDITIONAL USES, REGIONAL ACTIVITY CENTER-CITY CENTER (RAC-CC), REGIONAL ACTIVITY CENTER-ARTS AND SCIENCE (RAC-AS), REGIONAL ACTIVITY CENTER-URBAN VILLAGE (RAC-UV), REGIONAL ACTIVITY CENTER- RESIDENTIAL PROFESSIONAL OFFICE (RAC-RPO), REGIONAL ACTIVITY CENTER-TRANSITIONAL MIXED USE (RAC-TMU), SOUTH REGIONAL ACTIVITY CENTER-SOUTH ANDREWS EAST (SRAC-SAe), SOUTH REGIONAL ACTIVITY CENTER-SOUTH ANDREWS WEST (SRAC-SAw) TO REVISE.

WHEREAS, it is the purpose of this ordinance to regulate social service facilities in order to promote the health, safety, morals, and general welfare of the residents of the city; and

WHEREAS, to establish reasonable and uniform regulations to prevent the deleterious secondary effects of social service facilities within the city; and

WHEREAS, the provisions of this ordinance have neither the purpose nor effect of restricting or denying any individuals freedom of speech or association.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 47-18.31, Social Service Facility (SSF), of the Unified Land Development Regulations (hereinafter referred to as "ULDR") of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

Sec. 47-18.31. Social service facility (SSF).

~~A facility providing personal services described herein by an eleemosynary or philanthropic entity. Personal services include the provision of food, hygiene care and day shelter or any combination of same. In addition to personal services, secondary services such as counseling, education and referral, training, indoor recreational facilities and similar supportive services during the day and evening hours may be provided, but does not include overnight accommodations. Senior citizen centers and child day care facilities may be accessory to an SSF, in which case such use must meet the applicable requirements of the ULDR.~~

A. Purpose.

[Generally.] In the development and execution of this section it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable characteristics, and that may result in adverse secondary effects on adjacent properties, particularly when several are concentrated together or are located in proximity to businesses of a community nature, residential areas, houses of worship and schools, or both thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that the location and concentration of these uses will have a minimal negative impact on the surrounding neighborhood. These regulations are intended to establish criteria by which their use will have a minimum adverse impact on the surrounding properties.

B. Definitions.

1. Addiction Treatment Center- Shall mean any outpatient service, providing diagnostic or therapeutic services for alcoholism, drug abuse, or similar conditions.
2. Food Distribution Center- Shall mean any building or structure, or a portion thereof, of which the interior, or portion of the interior, is used to furnish meals to members of the public without cost or at a very low cost. A food distribution center shall not be considered a restaurant.
3. Outdoor Food Distribution Center- Any location or site temporarily used to furnish meals to members of the public without cost or at a very low cost and is generally providing food distribution services exterior to a building or structure or without permanent facilities on a property.
4. Secondary social services – shall mean social service such as counseling, education and referral, training, indoor recreational facilities and similar service supportive to the primary

social services offered at a Social Service Facility. Secondary social services may only be provided during day and evening hours and shall not include overnight accommodations.

5. Social services - Shall mean any service provided to the public to address such as, but not limited to, the provision of food, hygiene care; rehabilitative or recovery assistance from any physical, mental, emotional or legal infirmity, or any combination thereof; rehabilitative or recovery programs utilizing counseling, self-help or other treatment or assistance; and day shelter or any combination of same.
6. Social Service Facility (SSF)- a facility that provides social services as defined herein.
7. Social Service Facility-General- All social service facility uses described in this section excluding those uses further defined as an Addiction Treatment Center, Food Distribution Center or an Outdoor Food Distribution Center.

C. Development Standards

1. General Standards.

- a. Hours of Operation. An SSF shall only operate between the hours of 7:00 am and 7:00 pm. For Food Distribution Centers and Outdoor Food Distribution Centers.
- b. Onsite Waiting Areas. Any waiting areas shall be located on the premise where services are provided. The owner/operator must ensure that persons receiving service do not block public access to sidewalks, right-of-ways or private property, and that emergency access points are clearly identified and maintained. The applicant must demonstrate that adequate space is available to accommodate the expected number of persons using the facility.
- c. Outdoor Uses. All exterior waiting areas and exterior activity areas associated with the Social Service Facility shall be adequately buffered from abutting properties and streets with a fence, wall, or hedge which meets all ULDR requirements.
- d. Management Plan.
All Social Service Facilities will provide a management plan indicating compliance with Section F, Special Standards, as well as including but not limited to the following.

i. Description of Services Provided

ii. Facility Capacity

- iii. Staff on Premises
- iv. Residential Provisions
- v. Security Plan
- vi. Transportation Provided
- vii. Restroom Facilities
- viii. Trash Receptacles
- ix. Lighting

2. Specific Standards

Each type of SSF use shall be subject to the following specific standards:

a. Addiction Treatment Center (ATC). Shall be subject to the following:

- i. Shall not be any closer than 500 feet from any another Addiction Treatment Center.
- ii. Shall not be any closer than 500 feet from a residential property as defined in the ULDR.
- iii. Shall not be located within 500 feet of the property line of any an existing House of Worship, an existing public or private school or daycare facility, an existing public park or another Social Service Facility;

b. Food Distribution Center (FDC). Shall be subject to the following:

- i. Must provide an indoor dining area that meets all state, county and city requirements for the proposed use.
- ii. Shall not be closer than 500 feet from another Food Distribution Center or Outdoor Food Distribution Center.
- iii. Shall not be closer than 500 feet from a residential property as defined in the ULDR.
- iv. FDC is permitted as an ancillary use to Houses of Worship, regardless of zoning district, if approved as a conditional use.
- v. Shall provide restroom facilities or other similar facilities for persons preparing and serving food as well as for the persons being served food.
- vi. Shall provide equipment and procedures for the lawful disposal of waste and wastewater at the property.
- vii. Shall provide equipment and procedures at the property for hand washing.
- viii. Shall have one person, who will be present at the location at all times that food is being prepared and served, who has received Food Service Manager Certification under Section 509.039, Florida Statutes.
- ix. Shall have adequate storage of food at a temperature of:

- a. 41 °F or below or
 - b. 135 °F or above.
 - x. Shall provide service of food within four (4) hours of preparation.
- c. Outdoor Food Distribution Center- (OFDC). Shall be subject to the following:
 - i. If a dining area is provided, it shall meet all state, county and city requirements for the proposed use.
 - ii. Shall not be closer than 500 feet from another Food Distribution Center.
 - iii. Shall not be closer than 500 feet from a residential property as defined in the ULDR.
 - iv. Shall provide restroom facilities, portable toilets or other similar facilities for persons preparing and serving food as well as for the persons being served food.
 - v. Shall provide equipment and procedures for the lawful disposal of waste and wastewater at the location.
 - vi. Shall provide equipment and procedures at the location for hand washing.
 - vii. Shall provide written consent from the property owner to conduct that activity on the property.
 - viii. Shall have one person, who will be present at the location at all times that food is being prepared and served, who has received Food Service Manager Certification under Section 509.039, Florida Statutes.
 - ix. Shall have adequate storage of food at a temperature of:
 - a. 41 °F or below or
 - b. 135 °F or above.
 - x. Shall provide transportation of food in a clean conveyance
 - xi. Shall provide service of food within four (4) hours of preparation.
 - xii. Where non-prepackaged food is served, a convenient hand washing facility for persons preparing and serving the food; which hand washing facility must at a minimum include:
 - a. A five (5) gallon container with a spigot that provides free-flowing water and a catch bucket to collect wastewater from hand washing.
 - b. Soap and individual paper towels.
 - xiii. Any wastewater generated at a location (including, but not limited to wastewater from hand washing, utensil washing, sinks, and steam tables) must be placed in a container approved by the director until properly disposed of into a sanitary sewer system or in a manner that is consistent with federal, state, and local regulations and requirements relating to liquid waste disposal.
- d. Social Service Facility – General (SSF-G). Shall be subject to the following:
 - i. Shall not be any closer than 500 feet from any another Social Service Facility.
 - ii. Shall not be any closer than 500 feet from a residential property as defined in the ULDR.

3. Exceptions to Regulations.

Social services may be provided in response to a Declaration of a State of Emergency by the City and such provisions of service shall not be subject to these requirements.

4. State Agency Approval. When one is required, evidence of preliminary state agency approval, such as a temporary license, probationary license, provisional license, interim license, conditional license, or a current state agency license.

D. Table 1 – Allowable Uses by Zoning District.

Permitted and conditional uses, by category. The location of all Social Service Facilities shall be determined as designated below:

Zoning District	ATC	FDC	OFDC	SSF-G
RS-4.4	N	N	N	N
RS-8	N	N	N	N
RC-15	N	N	N	N
RD-15	N	N	N	N
RM-15	N	N	N	N
RML-25	N	N	N	N
RMM-25	N	N	N	N
RMH-25	N	N	N	N
RMH-60	N	N	N	N
MHP	N	N	N	N
RO	N	N	N	N
ROA	N	N	N	N
ROC	N	N	N	N
CB	N	N	N	N
B-1	N	N	N	N
B-2	N	N	N	N
B-3	C	P	P	C
I	N	N	N	N
CF	C	P	C	P
CF-H	C	P	C	P
CF-S	N	C	C	C
CF-HS	N	P	C	P
P	N	N	N	N

T	N	N	N	N
U	N	N	N	N
PRD	N	N	N	N
ABA	N	N	N	N
SLA	N	N	N	N
IOA	N	N	N	N
NBRA	N	N	N	N
SBMH	N	N	N	N
RAC-CC	C	C	C	C
RAC-AS	C	C	C	C
RAC-UV	C	C	C	C
RAC-RPO	C	C	C	C
RAC-TMU	C	C	C	C
SRAC-SAe	C	C	C	C
SRAC-SAw	C	P	C	P
ID	C	C	C	C
GAA	N	N	N	N
AIP	N	N	N	N
PEDD	N	N	N	N
CR	N	N	N	N
CC	N	N	N	N
H-1	N	N	N	N
X-Use	N	N	N	N

Legend:

P: Permitted.

C: Conditional Approval Required. See Sec. 47-24.3, Conditional Use Permit.

N: Not Permitted.

E. Level of Review.

1. Permitted Use SSF. Those SSF facilities listed as a permitted use in the zoning district as indicated in Table 1 shall be subject to review by the Development Review Committee in accordance with the standards of ULDR Sec. 47-24.2.

2. Conditional Use SSF. The review process for a conditional use permit for a SSF shall be the same as required for a site plan level III approval, as provided in Section 47-24.2, Site Plan

Development Permit, subsection A.3.c. The general conditional use criteria as stated in 47-24.3, Conditional use permit requirements shall not apply to SSF. The following review criteria shall be applied in considering an application for a conditional use permit for any SSF.

No conditional use SSF shall be approved unless it is demonstrated that each proposed facility or use has met all of the requirements of this section, including those requirements in the specific zoning district in which the proposed SSF is to be located, in addition to the following:

- a. *Meet the criteria listed above.*
- b. *Site plan approval.*
- c. *Abatement of nuisance.* The activities on the property of the facility shall not create or cause a nuisance to adjacent properties or surrounding community or a public nuisance or a violation of City Code by creating adverse conditions such as noise, odor, health hazard, glare or unlawful activities.
- d. *Compatibility with the character of the area.* The intensity of use of the proposed facility shall not adversely impact upon existing uses or change the character of the area in which it is located. This includes ensuring the use is compatible with the neighborhood within which it is located and that will be impacted by the use and mitigating any adverse impacts which arise in connection with the approval of the use or any continuation thereof. Conditions for approval may relate to any aspect of the development, including but not limited to height, bulk, shadow, mass and design of any structure, parking, access, public transit and landscaping requirements.

SECTION 2. Those Sections 47-6.13 Heavy Commercial/Light Industrial (B-3), 47-8.10 Community Facility (CF), 47-8.11 Community Facility—House of Worship (CF-H), 47-8.12 Community Facility—School (CF-S), 47-8.13 Community Facility—House of Worship/School (CF-HS), 47-13.10 List of permitted and conditional uses, Regional Activity Center-City Center (RAC-CC); Regional Activity Center-Arts and Science (RAC-AS); Regional Activity Center-Urban Village (RAC-UV); Regional Activity Center-Residential Professional Office (RAC-RPO); Regional Activity Center-Transitional Mixed Use (RAC-TMU); South Regional Activity Center-South Andrews east (SRAC-SAE); South Regional Activity Center-South Andrews west (SRAC-SAW), of the Unified Land Development Regulations (hereinafter referred to as “ULDR”) of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

Sec. 47-6.13. - List of permitted and conditional uses, Heavy Commercial/Light Industrial (B-3) District.

District Categories—Automotive, Boats, Watercraft and Marinas, Commercial Recreation, Food and Beverage Sales and Service, Light Manufacturing, Lodging, Public Purpose Facilities, Retail Sales, Services/Office Facilities, Wholesale Trade, Storage and Warehousing, and Accessory Uses, Buildings and Structures.

A.		REQUIRED USES	
		...	
B.	PERMITTED USES	C.	CONDITIONAL USES: See <u>Sec. 47-24.3</u>
1.	...		
7.	<i>Public Purpose Facilities</i>		
...		...	
	<u>i. Food Distribution Center, see Sec. Sec. 47-18.31</u>		<u>c. Addiction Treatment Center, see Sec. Sec. 47-18.31</u>
	<u>j. Outdoor Food Distribution Center, see Sec. Sec. 47-18.31</u>		<u>d. Social Service Facility- General, see Sec. 47-18.31</u>
8.	...		

Sec. 47-8.10. - List of permitted and conditional uses, Community Facility (CF) District.

District Categories—Public Facilities, Utilities, and Accessory Uses, Buildings and Structures.

A.	PERMITTED USES	B.	CONDITIONAL USES: See <u>Sec. 47-24.3</u>
1.	<i>Public Facilities</i>		
...		...	
	<u>s. Food Distribution Center, see Sec. Sec. 47-18.31</u>		h.
	<u>t. Social Service Facility- General, see Sec. 47-18.31</u>		<u>Social Service Facility, see Sec. 47-18.31</u>
			<u>i-h. Social Service Residential Facility, see Sec. 47-18.32.</u>
			<u>i. Addiction Treatment Center, see Sec. Sec. 47-18.31</u>
			<u>j. Outdoor Food Distribution Center, see Sec. Sec. 47-18.31</u>
2.	...		

Sec. 47-8.11. - List of permitted and conditional uses, Community Facility—House of Worship (CF-H) District.

A.	PERMITTED USES	B.	CONDITIONAL USES: See <u>Sec. 47-24.3</u>
1.	<i>House of Worship</i>		
2.	<i>Secondary Uses</i>		
a.	...	a.	<u>Addiction Treatment Center, see Sec. Sec. 47-18.31</u>
b.	<u>Food Distribution Center, see Sec. Sec. 47-18.31</u>	b.	<u>Outdoor Food Distribution Center, see Sec. Sec. 47-18.31</u>

c.	<u>Social Service Facility- General, see Sec. 47-18.31</u>		
3.	...		

Sec. 47-8.12. - List of permitted and conditional uses, Community Facility—School (CF-S) District.

A.	PERMITTED USES	B.	CONDITIONAL USES: See <u>Sec. 47-24.3</u>
1.	<i>Schools</i>		
2.	<i>Secondary Uses</i>		
a.	...	<u>a.</u>	<u>Food Distribution Center, see Sec. Sec. 47-18.31</u>
		<u>b.</u>	<u>Outdoor Food Distribution Center, see Sec. Sec. 47-18.31</u>
		<u>c.</u>	<u>Social Service Facility- General, see Sec. 47-18.31</u>
3.	...		

Sec. 47-8.13. - List of permitted and conditional uses, Community Facility—House of Worship/School (CF-HS) District.

A.	PERMITTED USES	B.	CONDITIONAL USES: See <u>Sec. 47-24.3</u>
1.	<i>House of Worship</i>		
a.	...		
3.	<i>Secondary Uses</i>		
a.	...	<u>a.</u>	<u>Outdoor Food Distribution Center, see Sec. Sec. 47-18.31</u>
<u>b.</u>	<u>Food Distribution Center, see Sec. Sec. 47-18.31</u>		
<u>c.</u>	<u>Social Service Facility- General, see Sec. 47-18.31</u>		
4	...		

Sec. 47-13.10. - List of permitted and conditional uses, Regional Activity Center-City Center (RAC-CC); Regional Activity Center-Arts and Science (RAC-AS); Regional Activity Center-Urban Village (RAC-UV); Regional Activity Center-Residential Professional Office (RAC-RPO); Regional Activity Center-Transitional Mixed Use (RAC-TMU); South Regional Activity Center-South Andrews east (SRAC-SAE); South Regional Activity Center-South Andrews west (SRAC-SAW).

District Categories—Automotive; Boats, Watercraft and Marinas; Commercial Recreation; Food and Beverage Sales and Service; Light Manufacturing; Lodging; Manufacturing; Public Purpose Facilities; Residential Uses; Retail Sales; Services/Office

Facilities, Including Wholesale Service; Services/Office Facilities; Storage Facilities; Wholesale Sales; and Accessory Uses, Buildings and Structures.

Use Type	Zoning District						
	RAC-CC	RAC-AS	RAC-UV	RAC-RPO	RAC-TMU	SRAC-SAe	SRAC-SAw
Key:							
P Permitted							
C Conditional							
...							
Public Purpose Facilities							
...							
<u>Social Service Facilities, see Sec. 47-18.31</u>	€	€	€	€	€		€
<u>Addiction Treatment Center, see Sec. Sec. 47-18.31</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Food Distribution Center, see Sec. Sec. 47-18.31</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>
<u>Outdoor Food Distribution Center, see Sec. Sec. 47-18.31</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Social Service Facility- General, see Sec. 47-18.31</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>
...							
Residential Uses							
...							

SECTION 3. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 4. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 5. That this Ordinance shall be in full force and effect ten days from the date of final passage.

PASSED FIRST READING this the _____ day of _____, 2014.
 PASSED SECOND READING this the _____ day of _____, 2014.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH