



CITY OF FORT LAUDERDALE

**PLANNING AND ZONING BOARD MEETING MINUTES
DEVELOPMENT SERVICES DEPARTMENT
700 NW 19 AVENUE, FORT LAUDERDALE, FL 33311
WEDNESDAY, AUGUST 20, 2025 – 6:00 P.M.**

Board Members	Attendance	Present	Absent
Patrick McTigue, Chair	P	3	0
Shari McCartney, Vice Chair	P	3	0
Kevin Buckley	A	2	1
Brian Donaldson	P	3	0
Whitney Dutton	P	2	1
Steve Ganon	P	3	0
Jacquelyn Scott	P	2	1

Staff

Ella Parker, Acting Deputy Director, Development Services Department
D'Wayne Spence, Interim City Attorney
Karlanne Devonish, Principal Urban Planner
Tyler Laforme, Urban Planner III
Trisha Logan, Principal Urban Planner
N. Day, Recording Clerk, Prototype, Inc.

Communication to City Commission

None.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:01 p.m. and the Pledge of Allegiance was recited. Chair McTigue introduced the Board and Staff members present.

II. DETERMINATION OF QUORUM / APPROVAL OF MINUTES

Motion made by Vice Chair McCartney, seconded by Mr. Donaldson, to approve. In a voice vote, the **motion** passed unanimously.

III. PUBLIC SIGN-IN / SWEARING-IN

Any members of the public wishing to speak at tonight's meeting were sworn in at this time.

~~IV. AGENDA ITEMS~~

Index

Case Number **Applicant**

~~1. UDP S24055** Calvary Chapel of Ft Lauderdale, Inc.~~

~~3. CASE: UDP T25007~~

~~REQUEST: * Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-27.7 to Update Notice Requirements for Historic Designation Applications Submitted by an Eligible Non-Profit Corporation~~

~~APPLICANT: City of Fort Lauderdale~~

~~COMMISSION DISTRICT: City-Wide~~

~~CASE PLANNER: Trisha Logan, AICP~~

~~Trisha Logan, Principal Urban Planner, explained that this Item is a text amendment to the City's historic designation notice requirements, which was requested by the City Commission earlier in 2025. It will require additional notice in items where the applicant is a nonprofit organization.~~

~~Staff has proposed the following changes:~~

- ~~• Require mailed notice 30 days prior to submission of an application to the City~~
- ~~• Require a public participation meeting at least 30 days in advance of the public hearing by the City's Historic Preservation Board (HPB), which is the first public hearing required when a historic designation application is submitted~~
- ~~• Additional text amendments to provide consistency~~

~~At this time Chair McTigue opened the public hearing. As there were no individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.~~

~~Motion made by Ms. Scott, seconded by Mr. Donaldson, to recommend approval of Case Number UDP-T25007, and the Board hereby finds that the text amendments to the ULDR are consistent with the Comprehensive Plan. In a roll call vote, the motion passed 6-0.~~

4. CASE: UDP-T24009

REQUEST: * Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-13.20 – Downtown RAC Review Process and Special Regulations, Section 47-13.30 – Table of Dimensional Requirements for the SRAC Districts, Article XII, Section 47-36.1 – Transfer of Development Rights, and Section 47-37B.5 – Tables of Dimensional Requirements for the Uptown Urban Village Zoning Districts to Update the Transfer of Development Rights (TDR) Ordinance; Allowing Additional Density for Receiving Sites Utilizing the TDR Program; Extending the Expiration Date for Certificates of Eligibility; Providing a Calculation for Available Dwelling Units at Sending Sites; and Incorporating Ability to Retransfer TDR Units or Floor Area.

APPLICANT: City of Fort Lauderdale

COMMISSION DISTRICT: City-Wide

CASE PLANNER: Trisha Logan, AICP

Ms. Logan stated that this proposed text amendment was originally adopted by the City Commission in March 2021 as an incentive for historic preservation. Later on, the HPB sent a communication to the City Commission which encouraged the Commission to make improvements to that Ordinance. In January 2024, the Commission directed City Staff to prepare the requested amendments.

The Transfer of Development Rights (TDR) program allows the owner of a historic resource to transfer their excess development rights in terms of density or floor area to a new development located in an area of the City in which growth is intended. These areas include primary corridors, business districts, and Regional Activity Centers (RACs).

The historically designated property or landmark would apply to the City for a Certificate of Eligibility in order to understand how many development rights can be transferred to a new development. Once the property owner has identified a developer who is interested in purchasing those rights, they apply for a Certificate of Transfer, which is handled administratively. The Certificate of Transfer is also presented at a Development Review Committee (DRC) meeting in order to address any technical aspects of the application.

There are four primary components to the proposed text amendment:

- The ability to transfer dwelling units in accordance with the underlying zoning district: up to 10 units per acre may be transferred from a historic site to a receiving site; Code currently lists unified flexibility zones as receiving areas, which are further defined within Code; some zones, such as the RAC-South Andrews (RAC-SA), and RAC-Uptown Village (RAC-UV), retain the 10-unit limitation
- The incorporation of a calculation to allow properties within RACs to determine their available density: while the current Ordinance requires plans to accompany applications for Certificates of Eligibility, this calculation must clarify what can be developed on the receiving site without the preparation of plans; language is also incorporated to provide a 25% bonus to all historic properties, depending upon the availability of units; the calculation uses a floor area ratio (FAR) of three as well as the existing square footage of the site, acreage, and average unit size of 725 sq. ft., all of which are subtracted from any existing dwelling units and added into the 25% bonus
- The ability to transfer floor area to increase floor plate size at a receiving site: this is applicable within RACs, where form-based Code restricts the size of tower floor plates; the transfer provides a 15% increase to tower floor plate size for either commercial or residential property
- Ability to re-transfer TDRs: at present, once TDRs have been transferred from a sending to a receiving site, the transfer cannot be re-transferred to another receiving site; the amended language would allow the receiving developer to re-transfer by submitting another Certificate of Transfer application; there would be no restriction on the number of transfers

Mr. Donaldson asked if the incentives are intended to encourage and benefit historic preservation by allowing historic property owners to sell their development rights elsewhere. Ms. Logan confirmed this.

Ms. Logan continued that all transfers must be recorded with Broward County and signed by both the sending and receiving parties. At present, only a very few properties have applied for TDRs. Once more properties have completed their Certificates of Eligibility, the City will maintain a list of those properties on its website.

Ms. Scott asked if long-established historic properties such as the Stranahan House would be able to sell their development rights, pointing out that the sale could help pay for the upkeep of those sites. Ms. Logan replied that any property may calculate their development rights for transfer, although she noted that Code is in need of an update for H-1 zoning districts, where some such properties are located. This would require a subsequent text amendment.

Mr. Donaldson asked if there are currently any parameters addressing the value of TDRs, or if the value is determined by the selling and purchasing entities. Ms. Logan clarified that these are private real estate transactions for which the City is only providing enabling legislation and recording.

Ms. Logan reviewed examples of density calculations in RML-25 historic zoning districts, which are determined using lot square footage, acreage, and permitted density, less any existing units and plus the 25% bonus. She also reviewed the floor area calculation, which is determined by developable area and existing buildings, as well as height calculations within specific RACs.

Mr. Dutton asked if there is a maximum allowance for receiving sites. Ms. Logan advised that a Certificate of Eligibility can be used to calculate density, floor area, or both, and both may be transferred at the same time. The maximum is determined by the receiving site's zoning district.

Vice Chair McCartney asked if the purchase of development rights would be subject to Commission approval or denial. Ms. Logan confirmed that this could happen, noting that TDRs may be purchased in advance or the purchase may be contingent upon the transfer. The proposed amendment would allow a developer to sell their purchased development rights if the development is not approved.

Ms. Logan also noted that the text amendment identifies the specific zoning districts eligible to receive TDRs for height, which clarify the amount of height permitted within each district.

Ms. Scott asked if an individual can purchase rights privately and then market them privately to developers. Ms. Logan explained that the rights would be attached to the land; the transfer must be registered with the City and County.

Additional aspects of the proposed text amendment include updated definitions.

At this time Chair McTigue opened the public hearing.

Jay Adams, private citizen, stated that he has obtained a Certificate of Eligibility and has attempted to sell development rights for two years; however, he pointed out that the receiving sites are limited to very dense areas where additional rights are less necessary. In addition, units available for transfer will expire within 24 months, and a buyer may need most of this time frame to secure approval.

Mr. Adams also suggested that TDRs could be sold to create more green or park space, offering the example of a seller who owns land Downtown. He asserted that when rights are vested and can be traded, they create their own market. He concluded that the proposed amendment would be more successful with further review and adjustment.

Mr. Donaldson recalled that the City Commission had directed Staff to move forward with the additional amendment in January 2024, which was over 18 months ago. He observed that he would prefer to hear which changes the public did not favor rather than the suggestion of starting the process over. Mr. Adams replied that he has invested significant time and money into the effort of selling his development rights, and reiterated that the language of the original Ordinance should be “tweaked” to improve it further.

Mr. Adams also requested clarification of whether TDRs are vested or discretionary, as well as how Broward County’s Geller Amendment would affect the transfer of rights.

Vice Chair McCartney requested additional information on the expiration of rights, including whether they would expire absolutely at the end of the time frame or would be paused in the event of a pending transaction. Ms. Logan replied that a Certificate of Eligibility expires after 24 months, but is renewable upon request. Mr. Adams asserted that a buyer may not be willing to take the chance of renewal, reiterating that rights should be vested forever. He pointed out that zoning, or the number of units available, may change.

Vice Chair McCartney commented that the point of the proposed amendment may be to make TDRs available so development projects may proceed quickly rather than allowing purchasers to retain vested rights forever.

Attorney Spence clarified that in traditional zoning districts, units calculated based on density remain with the property until or unless there is a zoning change. The issue in Fort Lauderdale occurs when districts have pooled units: when a Site Plan is approved, developers have an 18-month time frame to accomplish development of the property. If they fail to do so within this time frame, the development permit expires and the units would return to the pool so other developers within the area may use them.

Attorney Spence continued that the proposed amendment recommends an extension of this time period from 18 to 24 months for historic properties. When units are removed from the pool and designated at a specific property, they remain at that property within the specified time frame. Mr. Adams stated that he was in favor of reserving units forever for the purchaser of rights.

Ms. Scott advised that while the proposed amendment may not be perfect, other issues may arise in the future which lead to further amendments. She did not wish to slow the process further by not passing the work that has already been done to update the existing Ordinance.

Mr. Adams requested clarification of whether rights are vested or discretionary, again citing concerns with the effect of the Geller Amendment on TDRs. He provided the example of planning an additional story on a building which may or may not require DRC, Planning and Zoning Board, or City Commission approval, asking if the right to that additional story is absolute rather than based on approval.

Attorney Spence pointed out that the Geller Amendment has nothing to do with the transfer of rights. He continued that when rights are vested, the owner of the property has the right to develop that site to a certain intensity; the TDR program provides a certificate stating that an owner has a certain amount of development rights that can be transferred to a receiving site within an established time frame. The Ordinance allows a 30-day period in which the owner may inform the City of their continued intent to sell those rights, and Staff evaluates the request to determine whether there have been any changes in the property before issuing an extension to the Certificate of Eligibility.

Mr. Adams asked if the buyer purchasing development rights must then seek a variance in order to construct a building that differs from Code in that receiving area. Attorney Spence stated that a sending site has the right to sell development rights to a receiving site; the developer of the receiving site may take advantage of the transferred rights, but must still comply with the zoning regulations of that receiving site.

Ms. Logan further explained that while floor area rights can be transferred to a receiving site prior to that site's Site Plan approval process, developers may not want to make this transfer before approval, as they may wish to have greater certainty that they can accomplish the project according to their design. They are asked to take their Site Plan proposal to DRC and/or follow other required processes for their proposed development. This does not, however, prevent TDRs from occurring.

Mr. Adams pointed out that this meant the transferred rights would still be subject to the normal approval process involving DRC, the Planning and Zoning Board, and/or the City Commission. Attorney Spence advised that this does not mean there are additional processes, as projects are only subject to the normal development review process.

As there were no other individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

Mr. Ganon characterized the proposed amendment as a positive step forward, but noted that there may be issues related to the Geller Amendment or Florida's Live Local Act which will still require more work in the future, possibly including additional incentives. He emphasized that the City should encourage historic preservation.

Mr. Dutton asked if any future proposed changes would go through the normal channels of communication to the City Commission. Attorney Spence confirmed this.

Motion made by Mr. Donaldson, seconded by Ms. Scott, to recommend approval of Case UDP-T24009, the Board hereby finds the text amendments to the ULDR consistent with the Comprehensive Plan and recommend approval of the changes as brought forward by the City Staff. In a roll call vote, the **motion** passed 6-0.

~~5. CASE: UDP-T25008~~

~~**REQUEST:** * Amend City of Fort Lauderdale Unified Land Development Regulations Section 47-24.12, Variances, Special Exceptions and Interpretation of Unified Land Development Regulations and Section 47-33, Board of Adjustment; To Update Board of Adjustment Process and Procedures~~

~~**APPLICANT:** City of Fort Lauderdale~~

~~**COMMISSION DISTRICT:** City-Wide~~

~~**CASE PLANNER:** Karlanne Devonish, AICP~~

~~Principal Urban Planner, Karlanne Devonish explained that this text amendment addresses the approval and appeal processes for the Board of Adjustment. Items affected would include administrative variances, Board of Adjustment voting requirements, and the Board of Adjustment appeal process.~~

~~Ms. Devonish explained that this discussion point was brought to the City Commission's attention in September 2024 with respect to implementation of an administrative variance process. An individual brought the item forward when she was almost required to go through the variance process for approval of a simple gated installation on an existing legal nonconforming wall; when the application was submitted, the individual was informed that the installation would require a variance. After meeting with Staff to discuss the variance process, the individual determined that the process was too burdensome and costly, and requested that the City Commission consider adding an administrative variance process to the Unified Land Development Regulations (ULDR).~~

~~The City Commission requested that Staff research the issue further and provide recommendations. Through this research, Staff found that several municipalities have administrative variances within their zoning regulations. These administrative variances typically consider reductions of between 10% and 25% and allow for elements such as~~

~~Motion made by Mr. Ganon to recommend approval of Case Number UDP-T25008, and the Board hereby finds that the text amendment ULDR are consistent with the Comprehensive Plan.~~

~~Mr. Ganon confirmed that his motion also accepts the amendments proposed by the Interim City Attorney.~~

~~Mr. Donaldson seconded the motion. In a roll call vote, the motion passed 6-0.~~

~~V. COMMUNICATION TO THE CITY COMMISSION~~

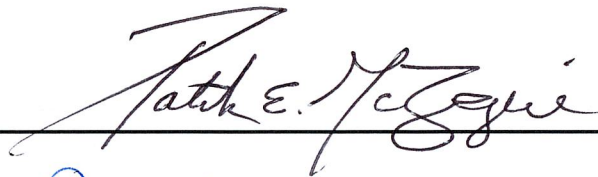
~~None.~~

~~VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE~~

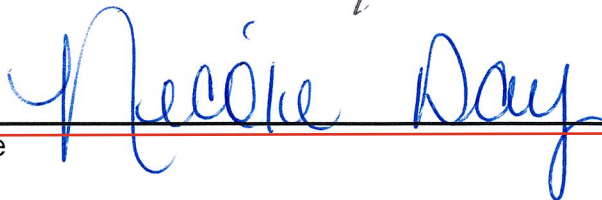
There being no further business to come before the Board at this time, the meeting was adjourned at 7:36 p.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

Chair



Prototype



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