



REQUEST:

Amend City of Fort Lauderdale Comprehensive Plan to amend the Future Land Use Element to Incorporate Broward County Land Use Plan Policies and Add a New Property Rights Element.

Case Number	UDP-L21001	
Applicant	City of Fort Lauderdale	
Project Name	Advance Fort Lauderdale Comprehensive Plan Update	
General Location	City-wide	
Applicable ULDR Sections	Sec. 47-27.10 Comprehensive Plan Amendment Sec. 47-24.8 Comprehensive Plan Amendment	
Notification Requirements	Newspaper ad 10 days prior to meeting	
Project Planner	Lorraine Tappen, Principal Urban Planner	LIT ER

BACKGROUND

The City is amending Advance Fort Lauderdale, the City's adopted Comprehensive Plan, to meet Broward County Land Use Plan requirements for certification and to incorporate new statutory requirements. The Advance Fort Lauderdale Comprehensive Plan was adopted by the City Commission on November 18, 2020. The Broward County Planning Council provisionally recertified the Plan's Future Land Use Element on April 26, 2021. According to the Planning Council's Provisional Recertification Report, the Future Land Use Element must be amended to incorporate Broward County Land Use Plan policies outlined in the Provisional Certification Report in order to be in substantial conformity with BrowardNext, the Broward County Land Use Plan.

The policies to be considered for inclusion in the Future Land Use Element for the most part reflect existing city practices and policies already incorporated in other elements of the Comprehensive Plan. The letter from the Broward County Planning Council regarding provisional certification and the provisional certification report is attached as **Exhibit 1**. Additionally, the 2021 Florida Legislature passed an amendment to Chapter 163.3177, Florida Statutes (F.S.) requiring local government comprehensive plans to include a property rights element. According to the statutes, the City must adopt a property rights element with its first proposed plan amendment initiated after July 1, 2021.

Proposed policies to meet substantial conformity with the BrowardNext Land Use Plan are attached as **Exhibit 2**. New policies which are underlined and highlighted, and policies to be struck include the following:

- Proposed Policy FLU 1.1.5 will allow a studio or efficiency housing unit to be counted as 0.5 dwelling units. This policy can also be found in Policy HS 1.3.11 of the existing Housing Element.
- Proposed Policies FLU 1.1.10 and FLU 1.1.11 state that priority shall be given to water-dependent uses and public access to waterways and the beach. Existing Coastal Management, Community Health and Safety Element Policy CM 1.1.1b also states that the City will give priority to water dependent uses and public access to waterways.
- Proposed Policies FLU 2.7.8, FLU 2.7.9 and FLU 2.7.10 promote good water quality by encouraging property owners to connect to central wastewater systems rather than relying on septic systems thereby discouraging stormwater runoff into surface waters. This policy is addressed in the Sanitary Sewer, Water, and Stormwater Element Objective SWS 2.4 and its related policies. Protecting surface waters by addressing stormwater runoff is also found in existing Climate Change Element Policy CC 2.3.3 and Coastal Management, Community Health and Safety Element Policy CM 4.3.2. In regard to water conservation, Proposed Policy FLU 3.3.6 states that the City shall coordinate with Broward County to pursue mandatory water reuse zones. Water reuse is also addressed in Climate Change Element Policy CC 2.3.3.

- Proposed Policies FLU 2.7.12, FLU 2.7.13, FLU 2.7.14 and FLU 2.7.15 state that the City will coordinate with Broward County to protect privately controlled environmentally sensitive lands, beach dunes and vegetation, and marine habitat. These proposed policies reflect existing Coastal Management, Community Health and Safety Element Policies CM 1.1.7, CM 1.2.2 and CM 4.3.7.
- Proposed Policy FLU 3.1.7 outlines procedures for land use plan amendments involving golf courses. Parks, Recreation and Open Space Element 1.1.6 also restates the language in proposed Policy FLU 3.1.7 regarding amending the land use of golf courses.
- Proposed Policy FLU 3.1.8 states that the City's land use plan shall map and maintain a current list of historically, architecturally and archaeologically significant properties and address the protection of these historic resources. The Historic Preservation Element also outlines how the City shall protect historic resources.
- Proposed policies FLU 3.1.9, FLU 3.1.10 and FLU 3.1.11 outline the Broward County Planning Council's recertification process for comprehensive plan amendments. The Administration and Implementation Element also outlines the Comprehensive Plan amendment process including Broward County recertification.
- Redundant policies to be removed from the Future Land Use Element appear in strikethrough. Policies FLU 1.1.10, FLU 1.1.11, FLU 1.1.12 and FLU 1.1.13 are proposed to be removed from the Future Land Use Element since the same policy language can be found in the policies under Objective FLU 1.1.

Proposed policies to meet the requirements of Florida Statutes for a property rights element are included in **Exhibit 2**. New policies, underlined and highlighted, include the following:

- Proposed Property Rights Element Objective PROP 1.1 and related policies reflect language from Florida statutes that the City will respect judicially acknowledged and constitutionally protected private property rights and that the City will consider in its decision-making the right of a property owner to control their interests in their property, develop or improve their property, maintain privacy, or dispose of their property through sale or gift.
- Proposed Objective PROP 1.2 states that the City's planning and development procedures will be transparent so that all people may participate in decisions that affect their lives and property.
- Policies PROP 2.1 and 2.2 state that the land development regulations will provide a framework for public participation in the development review process and notifying citizens about public hearings.

REVIEW CRITERIA

Per ULDR Section 47-24.8, Comprehensive Plan Amendment, an application shall be submitted to the Department of Sustainable Development for review by the Local Planning Agency (Planning and Zoning Board) and for approval and adoption by the City Commission, in accordance with the requirements of Chapter 163, Florida Statutes. The City's Comprehensive Plan must be recertified by the Broward County Planning Council prior to the approval taking effect.

The Comprehensive Plan Amendments were reviewed by the Development Review Committee (DRC) on July 27, 2021.

PLANNING AND ZONING BOARD ACTION

If the Planning and Zoning Board, acting as the Local Planning Agency (LPA), determines that the application meets the criteria for a comprehensive plan amendment, the recommendation shall be forwarded to the City Commission for consideration. The following options may be considered:

1. Recommend the City Commission transmit the amendments to the Broward County Planning Council, Broward County, Florida Department of Economic Opportunity (FDEO) and the agencies that review comprehensive plan amendments, as proposed;

2. Recommend the City Commission transmit the amendments to the Broward County Planning Council, Broward, County, Florida Department of Economic Opportunity (FDEO) and the agencies that review comprehensive plan amendments, with revisions; or
3. Recommend against transmittal of the amendments to the Broward County Planning Council, Broward, County, Florida Department of Economic Opportunity (FDEO) and the agencies that review comprehensive plan amendments

EXHIBITS

1. Letter from the Broward County Planning Council Regarding Recertification, April 26, 2021
2. Draft Amended Comprehensive Plan Volume I Goals, Objectives and Policies