



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#22-0039

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: February 15, 2022

TITLE: Public Hearing - Ordinance Amending City of Fort Lauderdale
Comprehensive Plan Future Land Use Element Incorporating Broward
County Land Use Plan Policies and Adding a New Property Rights Element
- Case No. UDP-L21001 - **(Commission Districts 1, 2, 3 and 4)**

Recommendation

Staff recommends the City Commission adopt an ordinance amending the City of Fort Lauderdale Comprehensive Plan to incorporate certain Broward County Land Use Plan Policies into the Future Land Use Element and to create a new Property Rights Element.

Background

The City is amending Advance Fort Lauderdale, the City's adopted Comprehensive Plan, to bring the City's Future Land Use Element into substantial conformity with Broward County Land Use Plan requirements for certification and to create a new Property Rights Element to comply with new statutory requirements.

The Advance Fort Lauderdale Comprehensive Plan (the "Comp. Plan") was approved by the City Commission through the adoption of Ordinance No. C-20-05 on November 17, 2020. The Broward County Planning Council provisionally recertified the City's Comprehensive Plan on April 26, 2021, however required additional amendments to bring the City's Future Land Use Element into substantial conformity with BrowardNext - Broward County Land Use Plan. The letter from the Broward County Planning Council regarding provisional certification is attached as Exhibit 1. 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 2021 Florida Legislature passed Laws of Florida Chapter No. 2021-195 which amended Chapter 163.3177, Florida Statutes (F.S.) to require local governments adopt a property rights element in their comprehensive plan. According to the statutes, the City must adopt a property rights element with its first proposed plan amendment initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan, whichever occurs first. The required amendment to the Future Land Use Plan Element therefore triggers the requirement to adopt a property rights element.

The Planning and Zoning Board (PZB), functioning as the local planning agency, recommended (7-0) that the City Commission approve the amendments for transmittal to the Florida Department of Economic Opportunity (DEO) at their meeting on August 18, 2021. The August 18, 2021, PZB staff report and meeting minutes are attached as Exhibit 2 and Exhibit 3, respectively. The City Commission adopted the amendments on first reading on November 2, 2021.

The amendments were transmitted to DEO and the agencies that review comprehensive plan amendments. The DEO commented in their response letter that proposed amendment language must be revised to consider private property rights in all local decision making. Proposed Property Rights Element Goal 1 was updated to reflect this change. The letter from DEO and proposed amended Comprehensive Plan Volume I Goals, Objectives, and Policies are attached as Exhibit 4 and Exhibit 5, respectively.

New and revised policies, which are underlined and highlighted, as well as language and policies to be removed, which appear in strikethrough format, include the following:

- Proposed Policy FLU 1.1.5 will allow a studio or efficiency housing units 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 Policy 2.1.5 states that the City shall review all proposed development with respect to the potential for related impacts to the regional air quality. Air quality is also addressed in the existing Conservation Element Objective 2.1 and related policies.
- 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. Protecting surface waters by addressing stormwater runoff is also found in the existing Sanitary Sewer, Water, and Stormwater Element, Objective SWS 2.4 and related policies, Climate Change Element Policy CC 2.3.3, and Coastal Management, Community Health and Safety Element Policy CM 4.3.2. Regarding water conservation, Proposed Policy FLU 3.3.6 states that the City shall coordinate with Broward County to pursue mandatory water reuse zones.
- 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 which can also be found in Parks, Recreation and Open Space Element Policy 1.1.6.
- 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 existing Administration and Implementation Element also outlines the Comprehensive Plan amendment process, including Broward County recertification.
- 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 Property Rights Element GOAL 1, Objective PROP 1.1 and related policies reflect language from Florida statutes that the City shall consider private property rights in all local decision-making and consider the right of a property owner to control their interests, use or improve, or sell their property. Changes to GOAL 1 based upon comments from DEO are shown in double underline and double strikethrough.
- Proposed Objective PROP 2.1 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 notify citizens about public hearings.

The City Commission shall consider adopting the ordinance amending the Comprehensive Plan and approving transmittal of the adopted amendments to the Florida Department of Economic Opportunity and the agencies that review comprehensive plan amendments, such as the Florida Department of Environmental Protection, Florida Department of State, Florida Department of Transportation, and the South Florida Water Management District. Furthermore, City staff will forward the adopted Future Land Use Element to the Broward County Planning Council for certification that the Comp. Plan is in substantial conformity with BrowardNext - Broward County Land Use Plan.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item is a *2021 Commission* Top Priority, advancing the Infrastructure, Public Places, and Neighborhood Enhancement initiatives.

This item supports the *Press Play Fort Lauderdale 2024 Strategic Plan*, specifically advancing:

- The Infrastructure Focus Area
- Goal 1: Build a sustainable and resilient community.
- Objective: Proactively maintain our water, wastewater, stormwater, road, and bridge infrastructure
- The Public Places Focus Area
- Goal 3: Build a healthy and engaging community.
- Objective: Improve access to and enjoyment of our beach, waterways, parks, and open spaces for everyone
- The Neighborhood Enhancement Focus Area
- Goal 4: Build a thriving and inclusive community of neighborhoods.
- Objective: Ensure a range of affordable housing options

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Community and We Are Ready*

This item supports the *Advance Fort Lauderdale 2040 Comprehensive Plan*, specifically advancing:

- The Neighborhood Enhancement Focus Area
- Future Land Use Element
- Goal 3: Promote the advancement of great neighborhoods throughout the implementation of the Goals, Objectives and Policies of this plan in compliance with the Broward County Land Use Plan and State Regulations Compliance with Broward County Land Use Plan

Attachments

Exhibit 1 – Letter from the Broward County Planning Council Regarding Recertification

Exhibit 2 – August 18, 2021 PZB Staff Report

Exhibit 3 – August 18, 2021 PZB Meeting Minutes

Exhibit 4 – Letter from the Department of Economic Opportunity

Exhibit 5 – Draft Amended Comprehensive Plan Volume I Goals, Objectives, and Policies

Exhibit 6 – Ordinance Approving

Prepared by: Lorraine Tappen, Principal Urban Planner, Development Service Department

Department Director: Anthony Greg Fajardo, Director, Development Services Department