



**PLANNING AND ZONING BOARD MEETING MINUTES
CITY HALL COMMISSION CHAMBERS
100 N. ANDREWS AVE., FORT LAUDERDALE, FLORIDA 33301
WEDNESDAY, JANUARY 18, 2023 – 6:00 P.M.**

CITY OF FORT LAUDERDALE

Board Members	Attendance	Present	Absent
Michael Weymouth, Chair	P	8	0
Brad Cohen, Vice Chair (dep. 7:10)	P	6	2
John Barranco	P	8	0
Mary Fertig	P	7	1
Steve Ganon	P	8	0
Shari McCartney	P	5	3
Patrick McTigue	P	6	0
William Rotella	P	7	1
Jay Shechtman	P	7	1

Staff

Ella Parker, Urban Design and Planning Manager
Patricia Saintvil-Joseph, Assistant City Attorney
D'Wayne Spence, Interim City Attorney
Chris Cooper, Director, Development Services Department
Karlanne Devonish, Urban Design and Planning
Nancy Garcia, Urban Design and Planning
Adam Schnell, Urban Design and Planning
Lorraine Tappen, Urban Design and Planning
Jim Hetzel, Urban Design and Planning
Trisha Logan, Urban Design and Planning
Clarence Woods, CRA Manager
Cija Omengebar, Central City CRA Planner
Leslie Harmon, Recording Secretary, Prototype, Inc.

Communication to City Commission

None.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Weymouth called the meeting to order at 6:01 p.m. and introduced the Board members present. Urban Design and Planning Manager Ella Parker introduced Staff.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

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

~~additional outreach if that is the Board's desire. She requested, however, that any deferral be longer than one month, so that would provide Staff with sufficient time to advertise public meetings and conduct other outreach in multiple languages.~~

~~It was asked if the attendees at previous public meetings were all or mostly owners or renters. Ms. Omengabar stated that outreach has always been made to property owners, but indicated that she was willing to send notice to addresses within the subject area as well. Chair Weymouth strongly disagreed, asserting that these individuals did not have "skin in the game" and could easily move away; his preference was to reach out to the individuals who own and pay taxes on the properties.~~

~~Ms. Fertig reiterated that she would be in favor of notifying both the property owners and the tenants who rent properties, which would constitute broader community outreach. Mr. Ganon stated that due to the imbalance of owners and renters, most renters would be opposed to the changes, as it would likely mean an increase in their rent. He characterized renters as more transient than owners.~~

~~Ms. Fertig continued that the specific intent of her **motion** was to include broad notification to residents and property owners in at least three languages, with the understanding that Staff would explain the changes involved in the proposed rezoning(s).~~

~~Ms. Fertig restated her **motion** as follows: **motion** to defer Item whatever to the April Planning and Zoning meeting, and that during that time Staff notify the impacted neighborhoods, that would be the 41 acres plus anyone within 300 ft. of the proposed change as shown on here, RDS 15 to RM 15 from northwest 9th Avenue to northwest 8th Avenue and RDS 15 to RD 15 from northwest 8th Avenue to northwest 7th Avenue, to the impacted neighborhoods.~~

~~Ms. Parker encouraged all in attendance who wished to hear additional information about the Item to provide their contact information, and to recommend that any interested neighbors contact City and/or CRA Staff as well.~~

~~Ms. McCartney advised that there should not be a majority rule with regard to property rights, and the Board should take care not to suggest that a majority of renters or property owners in the neighborhood should be a criterion of the Item's approval. Chair Weymouth agreed, reiterating that his concern was that many people who expressed opposition or concern with the proposal may not have fully understood it.~~

~~In a roll call vote, the **motion** passed 7-1 (Mr. Shechtman dissenting).~~

3. CASE: UDP-T22011

REQUEST: Amend the City of Fort Lauderdale Unified Land Development Regulations (ULDR) to Comply with Broward County Affordable Housing Policy Updates

APPLICANT: City of Fort Lauderdale

GENERAL LOCATION: Citywide

CASE PLANNER: Adam Schnell

Adam Schnell, representing Urban Design and Planning, recalled that in December 2021, the City Commission adopted a City-wide affordable housing regulation. This was followed by an amendment at the Broward County level to Policy 2.16.4, also known as the Geller Amendment, which provides residential units in exchange for setting aside a portion of units as affordable within Regional Activity Centers (RACs) and areas with a Future Land Use designation of Commerce which front onto state roads and county arterials.

Because the County has amended its policy, the City is required to make changes to its Unified Land Development Regulations (ULDR). The first proposed amendment is to the Downtown RAC and informs developers that if they construct affordable housing units within the Downtown RAC zoning district, they have access to units under the Geller Amendment as long as both County Policy 2.16.4 and ULDR requirements are met.

The second amendment addresses mixed-use development regulations, which require that at least 50% of first-floor frontage should consist of office space or other commercial uses. This amendment would also prohibit first-floor residential units along state roads or county arterial frontages, but would permit these residential units if they front onto secondary streets.

Mr. Schnell advised that while these are County measures, the City supports the proposed amendments, which support residential units on commercial corridors as well as the inclusion of commercial uses, such as office, retail, and restaurant uses. These commercial uses help support nearby residential communities.

Mr. Schnell continued that the next proposed amendment provides language specifying that single-use residential buildings are permitted within mixed-use development sites as long as these are not located along state roads or county arterials. The City's current regulations stipulate that single-use residential buildings are permitted on mixed-use sites; however, the development community has indicated that this language is not sufficiently clear. It has been modified to prevent any future miscommunication.

The next modification addresses the City's affordable housing regulations, ensuring that affordable units may not be more than 10% smaller than the same market-rate units. This means, for example, a development with market-rate two-bedroom units of 1000 sq. ft. cannot include an affordable two-bedroom unit smaller than 900 sq. ft. 50% of first-floor frontages along state roads and county arterials must be office or commercial uses, and first-floor residential units are prohibited along these same frontages.

The final modification updates the City's payment in lieu program, which creates a flat rate of \$10,000 per unit within each development project that is applied to both market-

rate and affordable units. A development with 100 dwelling units, for example, would carry a \$1 million payment in lieu fee, with 50% of this money going into the County's Affordable Housing Trust Fund and the remaining 50% into the City's Affordable Housing Trust Fund. These monies will be used to construct additional affordable housing in the future.

Mr. Schnell advised that outreach was made to local attorneys, stakeholders, and neighborhood associations. Most feedback the City has received was for purposes of clarification; thus far, there has been no negative feedback.

Mr. Shechtman asked how often the \$10,000 per unit payment in lieu fee would be reevaluated. Mr. Schnell replied that this amount will increase by 3% annually.

Mr. Shechtman also addressed the requirements for the interiors of affordable units, asking if these must be consistent with those of market-rate units. Mr. Schnell stated that the materials used must be similar in nature, although not exactly the same. He added that most developers have indicated it is less expensive to build all the units using the same materials, as this allows for economies of scale when purchasing items.

Ms. McCartney asked if the proposed City amendments are an obligation to ensure compliance with County regulations. Mr. Schnell explained that the City's regulations may only deviate from the County's in certain ways: the City is required to make specific adoptions in order to have access to Geller Amendment residential units released from the County. All the changes he has reviewed must be adopted.

There being no further questions from the Board at this time, Chair Weymouth opened the public hearing.

Nectaria Chakas, land use attorney, supported the proposed text amendment. She pointed out that developers have struggled with ways to create affordable housing in Fort Lauderdale, and the amendment would result in more affordable housing either alongside market-rate units or through payment in lieu.

Courtney Crush, land use attorney, also supported the text amendment, as existing regulations do not allow for affordable units as part of projects within the City's urban corridors. It allows Fort Lauderdale the ability to apply for more units when both Downtown and flex units are almost gone.

Mr. Shechtman asked what might happen if a developer has taken advantage of the ability to build affordable units alongside market-rate units, and then more flex units are allocated to the City. He pointed out that some developers may wish to swap affordable units for flex units and avoid the affordable housing inclusion requirement. It was clarified that the City may not be able to be allocated more residential flex units, as there is a difference between the flex allocation maps adopted by the City and the County in the 1980s. Once the City has allocated all of its residential flex units, there will

be no more of these units available in the future. RAC units are not the same as residential flex units.

Assistant City Attorney D'Wayne Spence added that in order for more flex units to be created, the City and County Land Use Maps would need to be updated to allow for greater densities.

Mr. Barranco requested clarification of the rationale behind the \$10,000 figure. Mr. Schnell explained that there was an original calculation used by the Florida Housing Finance Corporation to determine the average cost of development for high-rise, mid-rise, and garden apartment units, which came to approximately \$42,000 per unit; however, the development community asserted that no viable projects could be afforded at that cost. Following further discussion at the County level, the \$10,000 figure was determined to be appropriate.

Michael Weiner, land use attorney, stated that he is a member of Palm Beach County's Housing Leadership Council. He pointed out that while the creation of affordable housing is a community responsibility, the greatest burden of providing this housing is placed on the development community. He felt the County and proposed City policies are as fair as possible.

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. Shechtman asked what percentage of median family income (MFI) would be served by the 10% affordable unit requirement. Mr. Schnell replied that this is a sliding scale based upon income categories: for example, 14% units would need to be priced at 120% of MFI, while there would be a requirement for a 10% set-aside for units at 80% of MFI. At 50% of MFI, the requirement drops to 5% of all units. Additional policies exist in the City's South or Northwest RACs and apply to additional height or density calculations.

Mr. Shechtman asked for the lowest percentage of area median income (AMI) that is applicable to the proposed amendment. Mr. Schnell stated that this is 50% of MFI.

Mr. Shechtman commented that providing 10% of units as affordable at the 80% MFI level is a good step for Fort Lauderdale, and he felt this would encourage the development of affordable housing.

Motion made by Mr. Shechtman, seconded by Ms. Fertig, to approve. In a roll call vote, the **motion** passed unanimously (8-0).

V. COMMUNICATION TO THE CITY COMMISSION

None.

~~historic properties within Fort Lauderdale, which would give a better understanding of what is necessary to protect these properties.~~

~~For the goal of Architectural Resource Surveys, the City has attempted for several years to assess all properties and identify significant properties within those neighborhoods. Another aspect of this goal was an application for grant funds for the Sailboat Bend Civic Association to digitize that organization's archives.~~

~~Ms. Logan noted that the goal of Policies would affect the Planning and Zoning Board and would come before them. One item currently being addressed is an amendment to the Sailboat Bend Historic District Ordinance, which will go before the Historic Preservation Board (HPB) and then the Planning and Zoning Board.~~

~~The fourth and final goal, Education, would include support of school curricula through the Fort Lauderdale Historical Society. Information can be shared with students and presented to the HPB members regarding various topics. These can be presented by subject matter experts, representatives of City agencies, or Staff-prepared presentations. A special event is being planned for Archaeology Month in March 2023.~~

~~Ms. Logan concluded that presentations on the Strategic Historic Preservation Plan have been shared with the HPB and the Planning and Zoning Board (PZB), and will eventually go before the City Commission for approval. Staff will monitor progress and provide an annual report on the Plan as its action items are achieved.~~

~~Mr. Shechtman recalled that the Board has previously approved transferable development rights, which incentivized historic preservation. Ms. Logan replied that there has only been one application for a Certificate of Eligibility thus far, and no transfers have occurred yet.~~

There being no further business to come before the Board at this time, the meeting was adjourned at 7:59 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.]

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME BARRANCO JOHN	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE PLANNING & ZONING
MAILING ADDRESS 3324 NE 42ND COURT	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY FORT LAUDERDALE	COUNTY BROWARD
DATE ON WHICH VOTE OCCURRED 2-15-23	NAME OF POLITICAL SUBDIVISION FORT LAUDERDALE
	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained), to the special private gain or loss of a relative, or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting, and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency
- The form must be read publicly at the next meeting after the form is filed

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING

- You must disclose orally the nature of your conflict in the measure before participating
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, John Barranco, hereby disclose that on 2.15, 2023

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss.
- _____ inured to the special gain or loss of my business associate, _____
- _____ inured to the special gain or loss of my relative, _____
- _____ inured to the special gain or loss of _____ by
whom I am retained; or
- _____ inured to the special gain or loss of _____, which
is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows

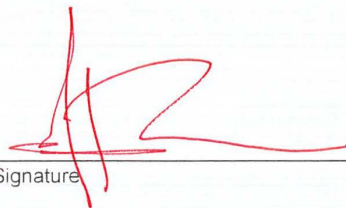
THE APPLICANT / LAND OWNER IS A CURRENT CLIENT.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

2.15.23

Signature



NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.