



**CITY OF FORT LAUDERDALE  
City Commission Agenda Memo  
REGULAR MEETING**

**#16-0175**

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

**FROM:** Lee R. Feldman, ICMA-CM, City Manager

**DATE:** February 16, 2016

**TITLE:** Ordinance Amending the Unified Land Development Regulations Revising  
the Criteria for Reviewing and Approving Rezoning Requests

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**Recommendation**

It is recommended that the City Commission adopt an ordinance amending the Unified Land Development Regulations ( ULDR) revising the criteria by which rezoning requests are reviewed and approved.

**Background**

At the January 20, 2015 Planning and Zoning Board (PZB) hearing, the PZB communicated to the City Commission a desire to amend the City of Fort Lauderdale's (City) ULDR relative to rezoning application criteria. The PZB clarified the request at the March 18, 2015 PZB hearing recommending that "criterion 2" be made either optional or removed from the list of criteria (see Exhibit 1 for the communications to the City Commission). The City's ULDR currently includes the following three criteria that must be considered when reviewing rezoning applications:

- 1) The zoning district proposed is consistent with the City's Comprehensive Plan;
- 2) Substantial changes in the character of development in or near the area under consideration support the proposed rezoning;
- 3) The character of the area proposed is suitable for the uses permitted in the zoning district and is compatible with surrounding districts and uses.

The PZB discussed the second criterion, which references a need to define how substantial changes in a subject neighborhood or area where the rezoning is proposed support rezoning the parcel. The PZB discussed that any changes required under the second criterion could be met by fulfilling either the first or third criterion. It was the opinion of the PZB that the second criterion is difficult to address as a separate requirement. Therefore, the PZB concluded the second criterion should either be removed or the ULDR language modified to require that two of the three criteria be met.

As a result of this communication by the PZB, the City Commission directed staff on April 7, 2015 to evaluate the criteria and how the language could be improved.

The criteria for a rezoning request are intended to acknowledge the character of an area and protect it from the impacts of more intensive zoning districts that are inconsistent with the surrounding uses. Most of the specific impacts associated with a proposed use are typically addressed through site layout and design, and measures put in place to address any specific issues. In addition, most zoning districts, which fall within the same general category, only differ in the types of uses and not in the dimensional requirements for setbacks and height.

To address this request, staff developed the following recommendation that was presented to the PZB on September 16, 2015:

*Section 47-24.4.*

*D. Criteria. An application for a rezoning, defined as a proposed amendment to the Unified Land Development Regulations, shall be consistent with the City's Comprehensive Plan. An application for rezoning that proposes changes to the zoning designation of land on the Official Zoning Map of the City of Fort Lauderdale shall also demonstrate the rezoning is in furtherance of public health, safety and welfare by demonstrating compliance with Section 47-25, Development Review Criteria and on conjunction with one of the following criteria:*

- 1. Substantial changes in the character of development in or near the area under consideration supports the proposed rezoning.*
- 2. The character of the area proposed is suitable for the uses permitted in the proposed zoning district and is compatible with surrounding districts and uses.*

However, at the PZB meeting the board members made an alternative recommendation to the City Commission. The PZB indicated the criteria which states "*Substantial changes in the character of development in or near the area under consideration supports the proposed rezoning*" should be removed with the two remaining criterion as requirements. The PZB motion initially sought to include all criteria as part of the body of subsection D of the ULDR, however it was amended to allow staff, in coordination with the City Attorney's Office, to determine the appropriate method for incorporation of the criteria. Staff believes having the criteria in an outline format is easier to read, understand, and apply.

Based on that recommendation staff developed the following revised draft language:

Section 47-24.4.

- D. *Criteria. An application for a rezoning is a request to amend the Unified Land Development Regulation to change a zoning district or boundary as depicted upon Official Zoning Map of the City of Fort Lauderdale. The rezoning application shall be reviewed for compliance with the following criteria:*
1. *The zoning district proposed is consistent with the city's comprehensive plan.*
  2. *The rezoning furthers the public health, safety and welfare through compliance with Section 47-25, Development Review Criteria.*
  3. *The character of the area proposed is suitable for the uses permitted in the proposed zoning district and is compatible with surrounding districts and uses.*

To review the PZB staff report and the subsequent minutes from the September 16, 2015 meeting please refer to Exhibits 2 and 3.

As part of the process to move forward with recommendations to the City Commission for amendments to the City's ULDR, staff informs the Council of Fort Lauderdale Civic Associations (Council). Staff made a presentation to the Council at its September 8, 2015 regular meeting. At this meeting the Council asked for additional time to review the proposed request in order to make comments. Staff brought the item forward to the PZB, as indicated above, however staff delayed moving forward in order to allow time to hear back from the Council before presenting the item to the City Commission. On December 29, 2015, Marilyn Mammano, President of the Council, transmitted the following to staff with the request that it be forwarded to the City Commission as part of this presentation:

*"Regarding the City's proposal to amend the criteria for approving zoning changes item #T15003. As we have discussed in our Consensus Statement on Density, we generally support new development in areas with appropriate infrastructure and not in other areas. Therefore rezoning areas where the infrastructure is already stressed and no new capacity is anticipated should be discouraged. We respectfully request that the Commission in considering this proposed amendment determines that it would support that view".*

To review the entire amendment in strike and underline format, please refer to Exhibit 4.

As stated above, staff does not oppose the recommendation to amend the rezoning criteria as most of the specific impacts associated with a proposed use are typically addressed through site layout and design, and any additional measures put in place to address specific issues in the context of the proposed development.

Staff recommends approval of the revised rezoning criteria based on the recommendation from the PZB.

**Resource Impact**

There is no fiscal impact associated with this action.

**Strategic Connections**

This item is a Press Play Fort Lauderdale Strategic Plan 2018 initiative, included within the Neighborhood Enhancement Cylinder of Excellence, specifically advancing:

- Goal 6: Be an inclusive community made up of distinct, complementary, and diverse neighborhoods.
- Objective 1: Evolve and update the land development code to balance neighborhood quality, character, and livability through sustainable development.
- Initiative 1: Examine land use patterns and neighborhood development trends to recommend changes to the Unified Land Development Regulations (ULDR) for Optimal neighborhood growth, including parking, landscaping, setbacks, change of use and reuse, etc.

**Attachments**

Exhibit 1 – City Commission Communication

Exhibit 2 – PZB Staff Report

Exhibit 3 – PZB Minutes

Exhibit 4 – Draft Ordinance

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