

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

#16-0495

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

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

DATE: April 19, 2016

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

Recommendation

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

Background

On April 7, 2015 the City Commission directed staff to evaluate the criteria by which rezoning requests are approved based on a communication from the Planning and Zoning Board (PZB). Please see Exhibit 1 for more information.

On September 16, 2015 the PZB recommended approval of staff's draft amendment with modified language to the City Commission. Please see Exhibits 2 and 3 for more information.

On February 16, 2016 the City Commission heard the draft amendment on first reading. The City Commission requested the language be revised to address concerns regarding the removal of language that specifically addressed the character of the surrounding area under consideration for a rezoning application.

On March 1, 2016 staff presented alternative draft language and the City Commission approved the ordinance on first reading. The City Commission directed staff to address the term "neighborhood" as it is utilized within the context of the proposed amendment in order to make it clear what is intended by this term prior to second reading.

On March 15, 2016 staff presented revised draft language to the City Commission for consideration on second reading. The City Commission directed to staff to gain feedback from the PZB and the Council of Fort Lauderdale Civic Associations (CFLCA) in regards to comments at the City Commission meeting about the staff recommendation for a 500-foot distance requirement when analyzing proposed rezoning applications as well as any other

comments regarding the proposed language.

The comments brought up at the City Commission meeting (both by neighbors and the City Commission) were generally focused on the 500-foot distance and whether or not that distance was appropriate in all circumstances. At the meeting, one suggestion was to increase the distance to accommodate larger and more impactful rezoning applications, while another comment suggested that a sliding scale would be appropriate with the suggestion that a distance equivalent to four times the length of the longest dimension of the subject site as being appropriate.

On March 16, 2016 staff made a presentation to the PZB regarding the City Commission's direction and comments and received the following responses (responses summarized based on the overall conversation):

- The distance should be based on a sliding scale
- The distance is arbitrary and should be left open to interpretation to accommodate situations not anticipated by the criteria
- Neighborhood compatibility should be addressed
- Keep the existing language

To review the draft minutes from the March 16, 2016 PZB meeting please refer to Exhibit 4.

On March 28, 2016 staff made a presentation to the board members of the CFLCA. The following are the general comments staff received:

- 500-feet should be a minimum distance and there should be no maximum

On April 12, 2016 staff made a presentation at the general meeting of the CFLCA. The following are the comments received by staff:

- Complete Streets should be considered as part of this effort
- 500-foot minimum should be considered
- 1000-foot minimum should be considered
- Public participation requirements should be updated to match the rezoning requirements

Although the comments received from the PZB and the CFLCA did not present a specific consensus in response to the City Commission's request, there was a general trend that any distance selected should be a minimum and there should be no maximum with a comment that 1,000-feet would be suitable. This would allow for the analysis of the impacts of a proposed rezoning application to have a standardized area to be included in the analysis while maintaining the ability to go further from the proposed site for a rezoning if warranted based on the level of impacts anticipated.

Staff has no objection to increasing the standard distance to 1,000-feet and allowing that

distance to be a minimum requirement with the option to increase the distance should the context of the area or the impact of the proposed rezoning application indicate the need for further analysis. However, it should be noted that since consensus was not reached by the PZB or the CFLCA staff has not incorporated this language at this time.

The following draft language reflects the version of the amendment reviewed by City Commission on March 15, 2016:

- D. *Criteria. An application for a rezoning is defined as an application that proposes to change the zoning designation of land on a request to amend the Unified Land Development Regulations to change a zoning district or boundary as depicted upon the Official Zoning Map of the City of Fort Lauderdale. ~~The~~ An application for a rezoning shall be reviewed in accordance for compliance with the following criteria:*
1. *The zoning district proposed is consistent with the City's Comprehensive Plan.*
 2. *~~The rezoning furthers public health, safety and welfare through compliance with Section 47-25, Development Review Criteria. The application for rezoning shall demonstrate that the proposed zoning district does not negatively impact the character of the surrounding area by demonstrating the following:~~*
 - a. *The lists of permitted and conditional uses for the proposed zoning district are similar in intensity and density to the permitted and conditional uses of adjacent zoning districts or represent a logical change in intensity and density based upon the development pattern of the subject area; and,*
 - b. *The proposed zoning district provides a suitable transition between the neighboring zoning districts within five hundred (500) feet of the site proposed to be rezoned; and,*
 - c. *The proposed zoning district is consistent with the established development pattern in the area; and,*
 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. The proposed zoning district complies with Section 47-25, Development Review Criteria.~~*

To review the entire amendment in strike and underline format, please refer to Exhibit 5.

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.

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

Attachments

Exhibit 1 – City Commission Communication
Exhibit 2 – September 15, 2015 PZB Staff Report
Exhibit 3 – September 15, 2015 PZB Minutes
Exhibit 4 – March 16, 2016 PZB Minutes
Exhibit 5 – Draft Ordinance

Prepared by: Anthony Gregory Fajardo, Zoning Administrator

Department Deputy Director: Al Battle, Sustainable Development

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
TUESDAY, JANUARY 20, 2015 – 5:30 P.M.**

Cumulative

Board Members	Attendance	June 2014-May 2015	
		Present	Absent
Patrick McTigue, Chair	P	8	0
Leo Hansen, Vice Chair	P	8	0
Brad Cohen	P	7	1
Stephanie Desir-Jean (dep. 8:10)	P	6	2
Michael Ferber	P	8	0
Richard Heidelberg	P	1	0
James McCulla	P	8	0
Peter Witschen	P	7	1

It was noted that a quorum was present at the meeting.

Staff

Ella Parker, Urban Design and Planning Manager
D'Wayne Spence, Assistant City Attorney
Eric Engmann, Urban Design and Planning
Tom Lodge, Urban Design and Planning
Yvonne Redding, Urban Design and Planning
Lorraine Tappen, Urban Design and Planning
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

Motion made by Mr. McCulla, seconded by Mr. Cohen, that his suggestion that the City review, improve, or eliminate Condition #2 for rezoning be sent forth to the City Commission for consideration. In a voice vote, the **motion** passed unanimously.

~~I. CALL TO ORDER / PLEDGE OF ALLEGIANCE~~

~~Chair McTigue called the meeting to order at 6:32 p.m. and all stood for the Pledge of Allegiance. He extended a welcome to new Board member Richard Heidelberg. The Chair introduced the Board members, and Urban Design and Planning Manager Ella Parker introduced the Staff members present. Assistant City Attorney D'Wayne Spence explained the quasi-judicial process used by the Board.~~

~~Mr. McCulla requested clarification of the uses allowed on the site. Mr. Lodge replied that the site will be leased for a sports training facility to be operated by Nova Southeastern University.~~

~~There being no further questions from the Board at this time, Chair McTigue opened the public hearing. As there were no members of the public wishing to speak on this item, the Chair closed the public hearing and brought the discussion back to the Board.~~

~~Motion made by Mr. McCulla, seconded by Vice Chair Hansen, to approve. In a roll call vote, the motion passed 7-0.~~

IV. COMMUNICATION TO THE CITY COMMISSION

Mr. McCulla observed that there are three specific criteria that must be met by rezoning requests, including the requirement for a substantial change in the character of an area. He pointed out that this condition is not typically imposed by Staff or the Board, and recommended that it be revised or eliminated.

Motion made by Mr. McCulla, seconded by Mr. Cohen, that his suggestion that the City review, improve, or eliminate Condition #2 for rezoning be sent forth to the City Commission for consideration. In a voice vote, the **motion** passed unanimously.

Vice Chair Hansen returned to the issue of the vacant lot discussed in Item 1, expressing concern that the lot might remain vacant over the long term.

~~Motion made by Vice Chair Hansen to recommend to the Commission to negotiate with the County to make landscaping improvements on that lot. The motion died for lack of second.~~

V. 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 9:38 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.]

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, MARCH 18, 2015 – 5:30 P.M.**

Cumulative

Board Members	Attendance	June 2014-May 2015	
		Present	Absent
Patrick McTigue, Chair	P	9	1
Leo Hansen, Vice Chair	P	10	0
Brad Cohen	P	9	1
Stephanie Desir-Jean (arr. 6:37)	P	8	2
Michael Ferber	P	10	0
Richard Heidelberg	P	3	0
James McCulla	P	10	0
Peter Witschen (arr. 6:40)	P	9	1

It was noted that a quorum was present at the meeting.

Staff

Ella Parker, Urban Design and Planning Manager

D'Wayne Spence, Assistant City Attorney

Thomas Lodge, Urban Design and Planning

Yvonne Redding, Urban Design and Planning

Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to the City Commission

Motion made by Mr. McCulla, seconded by Vice Chair Hansen, that the Ordinance regarding rezoning be reworded to require that the applicant meet two of the following three criteria, not all of them:

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.

In a roll call vote, the **motion** passed 8-0.

~~I. CALL TO ORDER / PLEDGE OF ALLEGIANCE~~

IV. COMMUNICATION TO THE CITY COMMISSION

Ms. Parker advised that the City Clerk's Office had requested clarification of a communication to the City Commission submitted in January 2015, including the wording of the motion as well as confirmation of how many Board members voted in favor of it. The motion suggested that Staff review, improve, or eliminate Condition 2 for rezoning. She requested that the motion and communication be restated with greater clarity.

Motion made by Mr. McCulla to communicate to the City Commission that they consider removing Criterion 2 from the list of code criteria for rezoning a parcel in the City.

Mr. McCulla explained that this criterion states substantial changes must have occurred the subject neighborhood or area to warrant rezoning of a parcel. He pointed out that the Board has often approved or recommended the requested zoning changes even when substantial change is not demonstrated by applicants. Code states that the following three criteria for rezoning must be met:

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.

He pointed out that any changes required under Condition 2 would also be met by either Condition 1 or 3, and concluded that Condition 2 could be removed from the three required criteria or the Ordinance could be modified to require that two of the three criteria must be met.

Mr. McCulla restated his **motion** as follows: **motion** that the Ordinance regarding rezoning be reworded to require that the applicant meet two of the three presently stated criteria, not all of them.

Vice Chair Hansen **seconded** the **motion**. In a roll call vote, the **motion** passed 8-0.

~~V. 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 7:49 p.m.~~

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

REQUEST: Amendment to the City's Unified Land Development Regulations ("ULDR");
Proposed revision to Section 47-24.4, Rezoning

Case Number	T15003
Applicant	City of Fort Lauderdale
ULDR Sections	47-24.4. Rezoning (City Commission)
Notification Requirements	10-day legal ad
Action Required	Recommend approval or denial to City Commission
Authored By	Anthony Gregory Fajardo, Zoning Administrator

BACKGROUND/DESCRIPTION:

At the January 20, 2015 Planning and Zoning Board (PZB) hearing, the PZB communicated to the City Commission a desire to amend the City's Unified Land Development Regulations (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 code criteria. Please 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 Board 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 Board 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 Board that the second criterion is difficult to address as a separate requirement. Therefore, the Board concluded that 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 the PZB communication, on April 7, 2015 the City Commission directed staff 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.

Accordingly, staff has drafted an amendment to Section 47-24.4., Rezoning to address the request. The following is a summary of the proposed draft amendment language:

- 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 ~~be reviewed for~~ compliance with Section 47-25, Development Review Criteria. ~~In addition, an application for a rezoning shall be reviewed in accordance and on conjunction with one of the~~ following criteria:

~~1. The zoning district proposed is consistent with the city's comprehensive plan.~~

21. Substantial changes in the character of development in or near the area under consideration supports the proposed rezoning.

32. 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 proposed amendments please see the draft amendment attached as Exhibit 2.

This ULDR amendment is part of the *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included in 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.

PLANNING & ZONING BOARD REVIEW OPTIONS:

The Planning and Zoning Board, in its capacity as the Local Planning Agency, shall determine whether the proposed change is consistent with the City of Fort Lauderdale's Comprehensive Plan and whether the Planning and Zoning Board recommends approval of the proposed amendments to the City Commission.

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I. ~~CALL TO ORDER / PLEDGE OF ALLEGIANCE~~

~~Chair McTigue called the meeting to order at 6:32 p.m. and all stood for the Pledge of Allegiance. He extended a welcome to new Board member Richard Heidelberg. The Chair introduced the Board members, and Urban Design and Planning Manager Ella Parker introduced the Staff members present. Assistant City Attorney D'Wayne Spence explained the quasi-judicial process used by the Board.~~

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~~There being no further questions from the Board at this time, Chair McTigue opened the public hearing. As there were no members of the public wishing to speak on this item, the Chair closed the public hearing and brought the discussion back to the Board.~~

~~Motion made by Mr. McCulla, seconded by Vice Chair Hansen, to approve. In a roll call vote, the motion passed 7-0.~~

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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.

In a roll call vote, the **motion** passed 8-0.

~~I. CALL TO ORDER / PLEDGE OF ALLEGIANCE~~

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Mr. McCulla explained that this criterion states substantial changes must have occurred the subject neighborhood or area to warrant rezoning of a parcel. He pointed out that the Board has often approved or recommended the requested zoning changes even when substantial change is not demonstrated by applicants. Code states that the following three criteria for rezoning must be met:

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.

He pointed out that any changes required under Condition 2 would also be met by either Condition 1 or 3, and concluded that Condition 2 could be removed from the three required criteria or the Ordinance could be modified to require that two of the three criteria must be met.

Mr. McCulla restated his **motion** as follows: **motion** that the Ordinance regarding rezoning be reworded to require that the applicant meet two of the three presently stated criteria, not all of them.

Vice Chair Hansen **seconded** the **motion**. In a roll call vote, the **motion** passed 8-0.

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

Sec. 47-24.4. - Rezoning (city commission).

- A. *Applicant.* The owner of the property sought to be rezoned or the city.
- B. *Application.* An application for a rezoning shall be made to the department. The application shall include the information provided in Sec. 47-24.1.F.
- C. *Review process.*
 - 1. An application for rezoning shall be submitted to the department for review to consider if the application meets the rezoning criteria.
 - 2. The department shall forward its recommendations to the planning and zoning board for consideration.
 - 3. The planning and zoning board shall hold a public hearing to consider the application and the record and recommendations forwarded by the department and shall hear public comment on the application.
 - 4. If the planning and zoning board determines that the application meets the criteria as provided in this section, the planning and zoning board shall recommend that the rezoning be approved or recommend a rezoning to a more restrictive zoning district than that requested in the application if necessary to ensure compliance with the criteria for the rezoning and if consented to by the applicant.
 - 5. If the planning and zoning board determines that the application does not meet the criteria provided for rezoning or if the applicant does not consent to a more restrictive zoning district, the planning and zoning board shall deny the application and an appeal to the city commission may be filed by the applicant in accordance with Section 47-26B, Appeals.
 - 6. If the rezoning application is recommended for approval or if an appeal of a denial of an application has been filed by the applicant in accordance with this section, the planning and zoning board shall forward its record and recommendations to the city commission for consideration.
 - 7. The city commission shall hold a public hearing to consider the application and the record and recommendations forwarded by the department and the planning and zoning board and shall hear public comment on the application.
 - 8. If the city commission determines that the rezoning meets the criteria for rezoning the city commission shall approve the change in zoning as requested in the application or approve a change to a more restrictive zoning district than that requested in the application if necessary to meet the criteria provided for rezoning and if consented to by the applicant. If the city commission determines that the proposed rezoning does not meet the criteria in, or if the applicant does not consent to a more restrictive zoning district, the city commission shall deny the application.

9. Approval of a rezoning shall be by ordinance adopted by the city commission.
10. If an application is for rezoning of more than ten (10) contiguous acres, the application shall be considered in accordance with Sec. 47-27.5.B, Notice Procedures for Public Hearings.
- 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 ~~be reviewed for compliance with Section 47-25, Development Review Criteria. In addition, an application for a rezoning shall be reviewed in accordance and in conjunction with one of the following criteria:~~
1. ~~The zoning district proposed is consistent with the city's comprehensive plan.~~
- ~~1.2.~~ Substantial changes in the character of development in or near the area under consideration supports the proposed rezoning- or
- ~~2.3.~~ 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.
- E. *Effective date of approval.* A rezoning shall take effect at the time provided in the ordinance approving the rezoning.
- F. *Withdrawal of an application.* An applicant may withdraw an application for rezoning at any time prior to a vote by the planning and zoning board on the application. If two (2) applications for rezoning of the same parcel of property are withdrawn by the same applicant within one (1) year, no other application to rezone the tract of land shall be considered by the city for at least two (2) years after the date of withdrawal of the second application.
- G. *New application after denial.* No application for a rezoning which has been previously denied by the planning and zoning board or by the city commission shall be accepted for at least two (2) years after the date of denial. An application to rezone property to a designation that is different than the designation which was applied for and denied and is different than a designation that was considered and denied as part of an application by the planning and zoning board, city commission or both, will be accepted and considered without consideration of time since a previous application was denied.
- H. *Appeal.* If the planning and zoning board or city commission denies the rezoning and the applicant desires to appeal the denial, the provisions of Section 47-26B, Appeals, shall apply.

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Cumulative

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Leo Hansen, Vice Chair	P	3	1
Theron Clark	P	1	0
Stephanie Desir-Jean (arr. 8:04)	P	4	0
Steven Glassman	A	3	1
Rochelle Golub	P	3	1
Richard Heidelberger	A	1	3
Catherine Maus	P	3	1
James McCulla	P	4	0

It was noted that a quorum was present at the meeting.

Staff

D'Wayne Spence, Assistant City Attorney
Eric Engmann, Urban Design and Planning
Karlanne Grant, Urban Design and Planning
Florentina Hutt, Urban Design and Planning
Randall Robinson, Urban Design and Planning
Lorraine Tappen, Urban Design and Planning
Anthony Fajardo, Chief Zoning Administrator
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to the City Commission

~~None.~~

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

~~Chair McTigue called the meeting to order at 6:30 p.m. and all recited the Pledge of Allegiance. The Chair introduced the Board members, and Chief Zoning Administrator Anthony Fajardo introduced the Staff members present. Assistant City Attorney D'Wayne Spence explained the quasi-judicial process used by the Board.~~

~~Mr. McCulla commented that the zoning of the subject area, which has been in place for approximately 30 years, was intended to provide intense resort oriented development, and the question was whether or not the Application meets the spirit and the letter of that zoning, without consideration of whether or not this zoning may change the character of the area.~~

~~Ms. Maus pointed out that ABA zoning encourages high density intense development, but also requires setbacks that are half the proposed height of a building, which is not the case with the Application. She requested an update from Staff regarding similar developments on the beach and whether they meet the setback requirement in Code. Mr. Fajardo replied that setback reductions are not an unusual request, and cited examples of developments that received these reductions.~~

~~Motion made by Ms. Maus, seconded by Mr. McCulla, to approve. In a roll call vote, the motion passed 5-2 (Ms. Golub and Ms. Maus dissenting).~~

~~Chair McTigue advised that the Application would now move forward to the City Commission for approval, which could provide individuals who could not be present at tonight's meeting with an opportunity to be heard.~~

5. **Applicant / Project:** City of Fort Lauderdale
- Request:** * Section 47-24.4.D. Criteria.
Amending the Unified Land Development Regulations to revise the rezoning criteria requirements of Section 47-24.4.D to permit the existing language as stated in criterion 2 as optional where it is currently non-optional as part of the requirements for a rezoning of property within the City for Fort Lauderdale.
- Case Number:** T15003
- General Location:** City-wide
- Case Planner:** Anthony Gregory Fajardo
- Commission District:** All Districts

Mr. Fajardo advised that this Item is a request for an amendment to the ULDR Section 47-24.4, Rezoning Criteria. He recalled that at the January 20, 2015 Planning and Zoning Board meeting, the Board sent a communication to the City Commission requesting that Staff be directed to look at the three criteria currently written into this Ordinance. He read the following three criteria into the record at this time:

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 the surrounding districts and uses.

Staff arrived at the determination that criterion #2 could be made optional, which is the decision before the Board. Mr. Fajardo explained that Staff rewrote the language of the standard requirements in order to allow the Applicant to select one criterion and submit an application under this guideline.

Ms. Golub stated that there should not be an issue with a developer fulfilling one of the two criteria, as they require different analysis. Ms. McCulla added that developers did not seem to be complying with criterion #2, which led to the Board's recommendation that it be removed. Ms. Desir-Jean agreed that this had been the Board's original intent when their communication had been sent to the City Commission.

Motion made by Mr. McCulla, seconded by Ms. Maus, to pass on to the Commission Staff's proposed rewording of the rezoning criteria, with the following amendment: that the Board amend their proposed wording to exclude what is now identified as criterion #1, that being "substantial changes have occurred in the area," and that criterion #2 would now be included within the body of D criterion.

Mr. Fajardo suggested that the Board ask to have the language of criterion #1 removed, and Staff will work with the City Attorney's Office to determine the appropriate method of incorporating it into the criteria before recommending approval to the City Commission. Mr. McCulla and Ms. Maus agreed to **amend** their **motion** and **second** to use the language recommended by Mr. Fajardo.

In a roll call vote, the **motion** passed 7-0.

~~IV. COMMUNICATION TO THE CITY COMMISSION~~

~~None.~~

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

~~Mr. Fajardo read an email from Pamela Adams into the record, noting that as part of the public participation process regarding the City's Parks and Recreation Master Plan update, the consulting team will conduct focus groups and encourage the participation of the City's advisory board members. The Planning and Zoning Board is asked to attend a focus group meeting on September 23, 2015 at 9 a.m. at City Hall in the 8th Floor Conference Room. He concluded that the members are not required to attend this focus group, as it is an attempt to seek input from the Board on the master planning process.~~

~~Ms. Golub stated that she would be willing to participate on a more convenient date when another board is meeting, and requested that the consultant publicize other dates when Planning and Zoning Board members might attend.~~

DRAFT
PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL – CITY COMMISSION CHAMBERS
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, MARCH 16, 2016 – 6:30 P.M.

Cumulative

Board Members	Attendance	June 2015-May 2016	
		Present	Absent
Patrick McTigue, Chair	P	10	0
Leo Hansen, Vice Chair	P	8	2
Theron Clark	P	6	1
Stephanie Desir-Jean	P	9	1
Steven Glassman	P	9	1
Rochelle Golub (dep. 8:01)	P	9	1
Richard Heidelberger	P	7	3
Catherine Maus (dep. 8:02)	P	8	2
James McCulla	P	8	2

It was noted that a quorum was present at the meeting.

Staff

Ella Parker, Urban Design and Planning Manager
D'Wayne Spence, Assistant City Attorney
Eric Engmann, Urban Design & Planning
Anthony Fajardo, Chief Zoning Administrator
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to the City Commission

~~None.~~

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

~~Chair McTigue called the meeting to order at 6:30 p.m. and all recited the Pledge of Allegiance. The Chair introduced the Board members, and Urban Design and Planning Manager Ella Parker introduced the Staff members present. Assistant City Attorney D'Wayne Spence explained the quasi-judicial process used by the Board.~~

~~Chair McTigue advised that Applicants and their agents are allowed 15 minutes for presentations; representatives of associations and groups are allowed five minutes, and individuals are allowed three minutes.~~

~~Patricia McDonnell, private citizen, stated that her office is located in the same center as Zuckerello's. She pointed out that the area includes another vacant two-story office building, as well as an office building occupied by attorneys on its ground floor. She characterized parking in the area as very difficult, pointing out the number of restaurants in the area.~~

~~Bruce Wolczanski, private citizen, stated that he lives to the north of the property. While he did not take issue with the building renovation or parking reduction, he expressed concern with traffic that is likely to cut through a lot to the west, which has 31 spaces. It was clarified that this lot is owned by a separate entity.~~

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

~~**Motion** made by Mr. McCulla, seconded by Mr. Clark, to move all three items for approval, adding the condition to the parking reduction that the owner must leave the rezoned parking area open to the public when they are not open for business. In a roll call vote, the **motion** passed 8-1 (Ms. Golub dissenting).~~

~~**IV. COMMUNICATION TO THE CITY COMMISSION**~~

~~None.~~

V. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

Chief Zoning Examiner Anthony Fajardo recalled that new rezoning criteria were presented to the Board some months ago. This Item has since changed from what was originally recommended by the Board. It has gone before the City Commission for a first reading, after which the Commission requested additional changes. A second reading with these further amendments was planned for March 15, 2016. The City Commission has deferred the Item's second reading until April 19 so they may hear feedback from the Planning and Zoning Board and the Council of Fort Lauderdale Civic Associations.

Mr. Fajardo distributed copies of the rezoning criteria, including a brief summary of changes made. He noted that the Board originally sent a communication to the City Commission to address rezoning criterion #2 by either eliminating this element or making it optional. The City Commission, however, expressed concern with removal of language referring to the character of neighborhoods.

He continued that language was added, including a list of permitted and conditional uses for the proposed zoning district that are similar in density and intensity to these uses for adjacent zoning districts, based upon the development pattern of the subject area. The proposed zoning district must also provide a suitable transition between itself and the neighboring zoning districts. This was later amended to require a suitable

transition within 500 ft. The proposed zoning district must also be consistent with the established development pattern of the area.

At the March 15 City Commission meeting, there was opposition to the proposed distance, with varying alternatives proposed. The Commission ultimately directed Staff to come back to the Planning and Zoning Board to seek additional input on this issue before it is brought before the City for an official second reading.

Mr. McCulla asked if the City Commission understood that this issue was raised because many rezoning requests did not adequately address criterion #2. Mr. Fajardo replied that the Commission was provided with all applicable backup materials, and that this issue was discussed in Staff's presentation. The Council of Fort Lauderdale Civic Associations also gave Staff feedback and raised concerns on this issue. Ultimately, however, the Commission determined that removing the word "character" was not how they wished to proceed.

Vice Chair Hansen advised that the term "suitable transition" should not be accompanied by a particular number or distance, but should be left open to interpretation. Mr. McCulla pointed out that there is nothing in the current language that recommends a transition, and stated that the criteria should be left alone.

Mr. Clark asked how the criteria would be interpreted if the subject area is undeveloped or blighted. Mr. Fajardo replied that the intent is to establish rezoning that is consistent with an existing pattern of development while allowing different uses and intensities. He offered the example of placing a CB zoning district beside a B-1 district, pointing out that a B-1 district allows a broader variety of uses at a similar height to the CB district.

Ms. Golub asked if the impact of transition would not be considered if it were more than 500 ft. away, pointing out that only those neighbors within 300 ft. of a property are required to be sent notice. She agreed with Mr. McCulla that defining the issue is more important than assigning a specific distance, advising that establishing a distance would limit the impact and effectiveness of the proposed Ordinance.

Mr. Fajardo noted that there had also been discussion of 1000 ft. as the appropriate distance. He added that there was also discussion of natural barriers, such as rivers, canals, or major rights-of-way. Ms. Golub suggested that neighborhood compatibility may be more important than consistency within plans.

Mr. Glassman observed that the City Commission had seemed to feel the Board's recommendation was not sufficiently specific. He recalled that there had been discussion of the scale of a project in relation to the size of a parcel. Mr. Fajardo explained that there was a proposal that 500 ft. may be sufficient distance for a small site, while the distance for larger sites could be established in relation to the longest length of the site. He advised that Staff has not yet determined a rational formula to determine these distances.

Mr. Glassman commented that he was more in favor of the City Commission's approach to the rezoning criteria than of the recommendation submitted to them by the Board. He requested clarification of the intent in removing language referring to the character of an area. Mr. Fajardo replied that Staff sought to meet the intent of the Board's recommendation by removing this statement and having sub-areas A, B, and C clearly address intent through development pattern and suitable uses. Mr. Glassman concluded that he would like to see Staff flesh out the issue of scale.

Ms. Maus stated that the intent of the proposed Statute is not helped by imposing an arbitrary number upon it to constitute suitable transition. She pointed out that the number would not take very tall buildings or large development parcels into account.

Ms. Golub asked if the change would apply to Innovative Design (ID) zoning. Attorney Spence clarified that the change would apply to ID zoning in addition to the other criteria that make up this zoning district. Mr. Fajardo observed that while ID zoning does apply the standard criteria for rezoning, there are additional criteria that must be met. Attorney Spence added that the ID process establishes criteria for a new zoning district, rezones a parcel to that new district, and approves a Site Plan that will serve as zoning Code for the new district.

Ms. Desir-Jean asked if the City Commission's issue appeared to be with assignment of a specific number or the idea of a sliding scale. Mr. Fajardo replied that the City Commission hoped the Board would give them greater guidance on its thoughts.

Ms. Golub left the meeting at 8:01 p.m.

Ms. Maus left the meeting at 8:02 p.m.

Ms. Desir-Jean asked if there has been consideration of adding "and/or" to the proposal in an attempt to develop a sliding scale. Mr. Fajardo noted that Staff did not feel "and/or" would be the best way to fulfill the Board's intent. He recalled that the Board had not felt it was appropriate to make the language dealing with the character of an area optional, but had been more in favor of eliminating this language altogether.

Mr. Fajardo concluded that there did not seem to be consensus among the Board members, as some members were in favor of establishing a specific distance, while others felt this would be an arbitrary figure.

Vice Chair Hansen proposed that the Board agree on eliminating the 500 ft. distance while allowing for the establishment of a sliding scale. Mr. McCulla did not agree with this suggestion. Ms. Desir-Jean advised that the Board should have additional time to consider this issue, and noted that the full Board was no longer present to provide consensus.

Mr. Fajardo also recalled that a Neighborhood Development Criteria Revision (NDCR) project was undertaken in 2007 by the Council of Fort Lauderdale Civic Associations. This large project deals with development impacts on the character of existing neighborhoods, and addresses the mass and scale of buildings, site layout, driveways, and maintenance of single-family residential neighborhoods.

The City's consultant developed a presentation that was brought before the Board some time ago. Because there was little agreement between neighborhoods and developers on many of its issues, the project was placed on hold. Since that time, Staff has been directed to proceed with simple changes that can have a large impact on existing Code, such as building façades, driveways, entrances, landscaping, and public rights-of-way that help maintain a residential feel in existing neighborhoods.

Mr. Fajardo distributed a notice that was sent to the Council of Fort Lauderdale Civic Associations as well as to members of the development community. He explained that the goal is for Staff to bring this issue before the City Commission prior to its August 2016 break, which means it should be presented to the Planning and Zoning Board by May. While there is nothing for the Board to review at this time, language will be sent to the Council and the development community as it is created and will be presented to the Board at its May meeting. Information will also be updated on the City's website.

VI. ADJOURNMENT

There being no further business to come before the Board at this time, the meeting was adjourned at 8:11 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.]