



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

#16-1056

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

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

DATE: September 7, 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) 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 code criteria. Please see Exhibit 1 for the communications to the City Commission.

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.

To address this request, staff developed a recommendation that was presented to the PZB on September 16, 2015, which was recommended for approval with a modification to remove criterion 2 altogether. Please see Exhibit 2 to review the PZB staff report and minutes from the September 16, 2016 meeting.

On February 16, 2016 the City Commission heard the draft amendment on first reading, however, the Commission felt the language needed to be revised to address their concerns regarding the removal of language that specifically addressed the character of the surrounding area under consideration for a rezoning application. Please see Exhibit 3 to review the February 16, 2016 Commission Agenda Memo (CAM).

On March 1, 2016 staff presented alternative draft language and the City Commission approved the ordinance on first reading. However, 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. Please see Exhibit 4 to review the March 1, 2016 CAM.

On March 15, 2016 staff presented revised draft language to the City Commission for consideration on second reading. The City Commission directed staff to gain feedback from the PZB and the Council of Fort Lauderdale Civic Associations (CFLCA) in regards to comments at the previous City Commission meeting regarding the staff recommendation for a 500-foot distance requirement when analyzing proposed rezoning applications as well as any other comments regarding the proposed language. Please see Exhibit 5 to review the March 15, 2016 CAM.

On April 19, 2016 the City Commission was presented with a summary of the comments from the PZB and the CFLCA regarding the distance measurement proposed. Staff did not have an objection to the recommendation from the CFLCA to increase the distance from 500-feet to 1,000-feet as a minimum with no maximum in order to have the flexibility to analyze a larger area if appropriate to a proposed application for a rezoning in the context of area in which it is located. Please see Exhibit 6 to review the April 19, 2016 CAM.

During this discussion the City Commission made comments regarding the complexity of the new language in comparison to previous versions. Another comment was in regards to going back to the original intent of proposed change and focusing on the 2nd criterion. As a result of that conversation the City Commission directed staff to bring the item back to the PZB for consideration of language that strictly deals with criterion 2 from the original text of Section 47-24.4. Rezoning Criteria, which states:

- 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 language specified in criterion 2 that is the topic of concern specifically applies to the statement "substantial changes in the character" and that when applied to an application for rezoning makes it difficult to address as it implies that changes in character have already occurred. This would necessitate the need for a rezoning in order to promote those changes in the first place. To address the direction of the City Commission staff has drafted the following language in an effort to remain consistent with the original intent of the PZB communication to the City Commission in January 2015:

Substantial ~~The changes anticipated by the proposed rezoning will not adversely impact~~ in the character of development in or near the area under consideration ~~support the proposed rezoning.~~

The item was heard by the PZB under new case number T16002, which was advertised

as a new case, on May 18, 2016. At this meeting the PZB vote 6-0 to recommend approval to the City Commission. To review the May 18, 2016 PZB staff report and PZB meeting minutes please refer to Exhibits 7 and 8.

To review the proposed amendments in their entirety please see Exhibit 9.

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 – PZB Staff Report & Minutes (September 16, 2015)
Exhibit 3 – City Commission CAM (February 16, 2016)
Exhibit 4 – City Commission CAM (March 1, 2016)
Exhibit 5 – City Commission CAM (March 15, 2016)
Exhibit 6 – City Commission CAM (April 19, 2016)
Exhibit 7 – PZB Staff Report (May 18, 2016)
Exhibit 8 – PZB Minutes (May 18, 2016)
Exhibit 9 – Proposed Ordinance

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