



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

**#17-0966**

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

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

**DATE:** September 19, 2017

**TITLE:** Quasi-Judicial - Ordinance Amending Unified Land Development  
Regulations (ULDR) Section 47-13.20, Downtown Regional Activity Center;  
and Section 47-38C, Education Mitigation - Case T17009

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**Recommendation**

It is recommended the City Commission adopt an ordinance amending the City of Fort Lauderdale, Florida, Unified Land Development Regulations (ULDR) to amend Section 47-13.20, Downtown Regional Activity Center, to identify process of approval for 5,000 residential units approved as part of the City's 2017 land use amendment, and Section 47-38C, Education Mitigation to identify education mitigation fees for the 5,000 residential units.

**Background**

The Downtown Regional Activity Center (RAC) is a land use category intended to encourage development and redevelopment in the City's Downtown urban center, which is an area of regional significance.

The maximum allowable residential density in the Downtown RAC is outlined in the City's Comprehensive Plan. The initial base density as identified in the City's 1989 Comprehensive Plan was established at 5,100 residential dwelling units. In 2003 and 2006, amendments to the Downtown RAC increased the allowable density from 5,100 dwelling units to 11,060 dwelling units. In 2008, as the economy began to improve, an influx of new development resulted in the allocation of the remaining dwelling units from the density pool. In order to address the availability of density, the City initiated a Land Use Plan Amendment (LUPA) application in 2014 to add 5,000 new residential units to the Downtown RAC. The LUPA was approved by Broward County in December 2015 and the City Commission held an adoption hearing to conduct final approval in January 2016.

As part of the LUPA approval, Broward County enacted conditions which included updating the Interlocal Agreement with Broward County, School Board of Broward County, and the City regarding education mitigation related to the impacts of the new 5,000 units. The City has an existing agreement reflecting previous LUPAs and worked extensively with the other agencies to amend the existing agreement, which was completed and recorded on March 31, 2017. With the agreement completed, staff is proposing text

amendments to the ULDR for consistency in Downtown RAC dwelling unit allocation requirements.

### **Description of ULDR Amendments**

#### *Section 47-13.20, Downtown Regional Activity Center Review Process and Special Regulations:*

The proposed language includes a new section regarding residential density to provide better clarity to the various amendments that have added dwelling units to the Downtown RAC. Essentially, the proposed language divides the density into the 1989 original base and Post 2003 Units, which includes any LUPAs from 2003 forward. The amendment language proposes a 30-day City Commission Request for Review for approving unit allocation.

#### *Section 47-38C, Education Mitigation*

The proposed language includes revisions that align the ULDR language with the amendments to the Interlocal Agreement between Broward County, School Board of Broward County, and the City regarding education mitigation. Specifically, the language separates mitigation fee amounts for dwelling units associated with previously approved LUPAs and the new 5,000 units.

The Planning and Zoning Board (PZB) heard the request on July 19, 2017. The Board voted 4-2 denying the proposed amendment to Section 47-13.20 and voted 4-2 in favor of the proposed amendment to Section 47-38C.

The amendment language to Section 47-13.20 included a 15-day City Commission Request for Review as an effort to promote expedited approval for downtown development that meets the Downtown Master Plan. The PZB expressed concerns that a 15-day period did not allow the public the opportunity to comment on a downtown project and that the current approval process, which conducted as a City Commission Action Item should remain. However, the PZB denied the entire amendment to Section 47-13.20 rather than only the 15-day City Commission Request for Review line item language. The City must amend this section to account for the new 5,000 units and such denial prevents the City from meeting obligations, as outlined in the City's Comprehensive Plan, to amend the ULDR accounting for the new 5,000 units. In order to address this concern, staff is presenting the same proposed amendment language to the City Commission and staff has modified the 15-day City Commission Request for Review period to 30-day period consistent with how flex units have been allocated in the Downtown RAC.

The July 19, 2017 Planning and Zoning Board Staff report and minutes are attached as Exhibits 1 and 2, respectively.

### **Comprehensive Plan Consistency**

The proposed amendments are consistent with the City's Comprehensive Plan. Staff has determined that the proposed amendment is generally consistent with the City's Comprehensive Plan Goals, Objectives and Policies, including the Future Land Use Element, Goal 1, Objective 1.14: Continue to utilize design guidelines and land development standards unique and specific to the Downtown Regional Activity Center

(Downtown-RAC) area to promote quality development of a desirable nature in the City's Downtown.

### **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 Business Development Cylinder of Excellence, specifically advancing:

- Goal 6: Be a well-positioned City within the global economic and tourism markets of the South Florida region, leveraging our airports, port and rail connections.
- Objective 2: Facilitate a responsive and proactive business climate.

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

### **Attachments**

Exhibit 1 – July 19, 2017 PZB Staff Report

Exhibit 2 – July 19, 2017 PZB Minutes

Exhibit 3 – Proposed Ordinance

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