



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#19-0326

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: May 7, 2019

TITLE: **REVISED OSR-1** - Ordinance Amending the Unified Land Development Regulations (ULDR) Revising the Innovative Development (ID) District Incorporating Recommendations by the Innovative Development (ID) District Advisory Committee - (**Commission Districts 1, 2, 3 and 4**)

Recommendation

It is recommended the City Commission adopt an ordinance amending the City of Fort Lauderdale Unified Land Development Regulations (ULDR) incorporating revisions to Section 47-37A, Innovative Development (ID) District as recommended by the Innovative Development (ID) District Advisory Committee.

Background

The Planned Unit Development (PUD) District was established in 2002 and was intended to allow development that incorporated planning initiatives that achieve unique or innovative development that was not otherwise permitted under traditional zoning districts. This language was adopted as Section 47-37.1 of the City's ULDR.

The Innovative Development District was created as a result of public concerns that the former PUD District Ordinance did not contain appropriate criteria for rezoning properties to a PUD when such requests would not otherwise be permitted under the City's existing code. As a result, the City Commission approved Ordinance No. C-13-42 on October 1, 2013, adopting ULDR Section 47-37A, Innovative Development (ID) District.

Since the adoption of the ID Ordinance, there have been two Development Review Applications requesting a rezoning to an ID District. The applications included the "Live Galleria" project and the "Bahia Mar" project. The "Bahia Mar" project proceeded to the City Commission for approval, but the applicant withdrew the application prior to the City Commission taking final action. The "Live Galleria" project was formally withdrawn, at the request of the applicant.

Both ID applications initiated concerns from various members of the public relative to the implementation of the ID zoning regulations and ID criteria. There was concern that ID zoning applications were not being analyzed to recognize the full impacts to the community and that further evaluation of the ID Ordinance was needed.

In response, the City Commission recommended that the former PUD Advisory Committee be re-established as the Innovative Development (ID) District Advisory Committee to review current ID zoning regulations and suggest recommendations to the City Commission. On November 1, 2016, the City Commission adopted Resolution No. 16-192 establishing the ID District Advisory Committee, providing for membership qualifications, length of term, and purpose and duties as follows:

- To review existing provisions of the ID zoning district and analyze the application of its provisions to development and identify any impacts that may not have been in the best interest of the City; and
- To review and analyze other cities' zoning regulations permitting development similar to the ID zoning district; and
- To receive input from members of the public interested in development in the ID zoning district regulations; and
- To provide recommendations to the City Commission regarding proposed amendments to the ID zoning district.

Comprised of seven members, the ID District Advisory Committee conducted its first meeting on January 27, 2017 and held its last meeting on July 27, 2018. Over the course of eighteen months, the ID District Advisory Committee worked extensively to evaluate the ID Ordinance and discussed numerous options to revise the existing ID Ordinance. In addition, the ID District Advisory Committee held two public meetings, during evening hours, to ensure there was opportunity for the public to provide input. The first public meeting was held on October 25, 2017, with 20 neighbors in attendance. Several attendees completed a questionnaire form designed to gauge public support for providing flexibility in the ULDR and what type of elements should be considered a public benefit (i.e. pedestrian improvements, landscaped promenades and open space, infrastructure and transportation improvements, etc.). The majority of the attendees supported flexibility in the ULDR and concurred with the elements identified for public benefit. The second public meeting was held on May 8, 2018, at which time the ID District Advisory Committee presented proposed revisions to the ID Ordinance. Five attendees were present at the meeting.

On June 1, 2018, the ID District Advisory Committee finalized their recommendations and voted to approve proposed revisions to the ID Ordinance. In summary, the revisions propose the following:

- Name change from Innovative Development (ID) District to Planned Development District (PDD). The word "planned" is less subjective than "innovative" and is more commonly used by other cities that have these types of regulations;
- Requirement for a public meeting with the community post the Development Review Committee (DRC) meeting. Added clarification that PDD applications are subject to Public Participation requirements as provided in Section 47-27.4;
- Limitations on residential density to a maximum fifty dwelling units per acre and nonresidential intensity of three times the parcel size or floor area ratio (FAR) of three (3);

- Building height may be increased by an additional amount equivalent to one hundred twenty five percent (125%) of the existing height identified in the underlying zoning district but in no case shall it exceed three hundred (300) feet;
- Recognized public improvements were expanded to include off-site infrastructure improvements and other improvements proposed by the applicant that are not otherwise specified in the code;
- Inclusion of the City's Unified Flex Map for PDD applications requesting flex units, requiring that a proposed PDD site must be located within the boundaries of the Unified Flex Map; and
- The requirement for an affirmative super majority vote by the Planning and Zoning Board (PZB) has been removed but remains for the City Commission.

Staff conducted a building height analysis for each zoning district in the City comparing the maximum building height permitted to the proposed building height for the PDD, which is additional building height in the amount equivalent to 125% of the permitted building height not to exceed 300-feet. The analysis identifies eleven zoning districts where the building height would exceed 300-feet. The PDD Building Height Analysis is attached as Exhibit 1.

The ID District Advisory Committee discussed building height extensively and expressed that a limitation of 300-feet was reasonable given the ULDR, Section 47-5.12, Permitted and Conditional Uses for the Residential High Rise Multifamily/High Density District (RMH-60) allows building heights up to 300-feet as a conditional use. The ID District Advisory Committee approved (3-1) the proposed PDD building height language.

The proposed revisions were presented to the City Commission on September 4, 2018, during the Commission Conference Meeting. The Commission directed staff to proceed with an amendment to the ULDR as recommended by the ID District Advisory Committee. Staff presented the amendment to the PZB on November 13, 2018, where the amendment was approved (6-2) with the following conditions:

- Add the requirement for an affirmative super majority vote by the PZB; and
- Amend the maximum building height permitted from three hundred (300) feet to two hundred forty (240) feet.

At the January 22, 2019 City Commission meeting, the City ~~Commission~~ Commission discussed the recommendations made by the Planning and Zoning Board (PZB) in comparison to the recommendations by the ID District Advisory Committee. The motion of the City Commission did not incorporate the PZB recommendations and it is, therefore, presented unamended in this second reading.

Subsequent to the January 22, 2019 City Commission meeting, the item was deferred at the February 5, 2019 City Commission meeting to the March 19, 2019 City Commission meeting where the City Manager requested a deferral to May 7, 2019 to allow staff to present the proposed revisions to the Central Beach Alliance (CBA). Staff presented the proposed revisions to the CBA Board on Sunday, March 24, 2019, and then to the CBA General ~~Membership~~ Membership on Thursday, March 28, 2019. The CBA provided the

following recommendations to be considered by the City ~~Commission~~ Commission:

- Increase off-site public improvements to a distance of .5 mile not to exceed 1 mile from the development project; and
- Require ~~not~~ not only a super majority of the City Commission, but also require super majority of the Planning and Zoning Board (this is consistent with the current PZB recommendation as indicated above).

The September 4, 2018, City Commission Conference minutes are attached as Exhibit 2. The November 13, 2018, PZB staff report and meeting minutes are attached as Exhibit 3 and Exhibit 4, respectively.

The proposed text amendment to Section 47-37A, Innovative Development (ID) District, incorporating the PZB recommendations, is attached as Exhibit 5. Note, the PZB recommendations are double underlined in the text.

The motion of the City Commission at the January 22, 2019 meeting did not incorporate the PZB recommendations and therefore, the ordinance is presented unamended at this second reading attached hereto as Exhibit 6.

COMPREHENSIVE PLAN CONSISTENCY:

The proposed amendments are consistent with the City's Comprehensive Plan Goals, Objectives and Policies, including the Future Land Use Element:

- Goal 1: Promote the distribution of land uses that will preserve and enhance the character of Fort Lauderdale by establishing land development guides designed to promote environmental protection, meet social and economic needs, provide for adequate services and facilities, conserve natural resources, and ensure compatibility of land uses;
- Objective 1.21: Encourage mixed-use developments to enhance the livability of the City through encouragement of an attractive and functional mix of living, working, shopping, and recreational activities;
- Objective 1.22: Encourage high quality development and redevelopment; and,
- Objective 1.36: Utilize the flexibility rules and irregular densities established by the Broward County Land Use Plan in order to facilitate the arrangement of residential densities and commercial acreage to allow the City to respond to changing conditions.

Resource Impact

There is no fiscal impact associated with this item.

Strategic Connections

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Neighborhood Enhancement Cylinder of Excellence, specially 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 sustainability 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, changes of use and reuse, etc.

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

Attachments

Exhibit 1 – PDD Building Height Analysis

Exhibit 2 – September 4, 2018 City Commission Conference Minutes

Exhibit 3 – November 13, 2018 PZB Staff Report

Exhibit 4 – November 13, 2018 PZB Meeting Minutes

Exhibit 5 – Section 47-37A, Innovative Development (ID) District – Text Amendment
Incorporating PZB Recommendations

Exhibit 6 – Ordinance

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