



REQUEST: Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-24.4, Notice Requirements, to Notify Property Owners within Two-hundred (200) feet and City-Recognized Civic Organization(s) within Three-hundred (300) feet via Mail Notice of a Proposed Development of the Date and Time of the Presentation of a Public Participation Meeting prior the Planning and Zoning Board Meeting

Case Number	T19003
Applicant	City of Fort Lauderdale
ULDR Section	Section 47-27.4 – Notice Requirements
Notification Requirements	10-day legal ad
Action Required	Recommend approval or denial to City Commission
Authored By	Karlanne Grant, Planner III <i>KG</i> <i>EL</i>

BACKGROUND:

At the February 20, 2019, Planning and Zoning Board (PZB) meeting, a motion was made by Ms. Fertig, and seconded by Mr. Cohen, that in the interest of providing additional notification to neighbors regarding development projects, the City Commission direct the City Manager to request staff modify the City's Public Participation ordinance to include mail notice by the applicant to property owners in the immediate proximity of a proposed development; which could be specified as adjacent to, contiguous to, or immediately north, south, east and west of the subject development, to be notified by mail of the date, time and place of the project presentation to the Planning and Zoning Board. The motion passed 9-0.

At the April 17, 2019, Planning and Zoning Board (PZB) meeting, staff presented amended language to address the request, and the Board deferred this item to the May 15, 2019, meeting in order for staff to further define the language as follows: amend ULDR Section 47-24, "Notice Requirements," to notify property owners within 200 feet and homeowner association(s) within 300 feet via mail notice of a proposed development of the date and time of the project presentation at a public participation meeting, prior to the PZB meeting and to require applicants to provide an affidavit as proof that notice was sent. The motion passed 7-0. To review the April 17, 2019, PZB draft meeting minutes, please refer to **Exhibit 1**.

AMENDMENT SUMMARY:

The proposed amendment will require an applicant to send mail notice to all real property owners located within 200 feet and city-recognized civic organization(s) within 300 feet of a proposed development project. The notice will inform the civic association(s) and property owners of the date, time and place of applicant's project presentation at a public participation meeting prior to the PZB meeting.

To review the proposed text amendment, please refer to **Exhibit 2**.

PUBLIC OUTREACH

A communication outlining the proposed amendment was sent to the Council of Fort Lauderdale Civic Associations (CFLCA) on March 22, 2019, attached as **Exhibit 3**.

COMPREHENSIVE PLAN CONSISTENCY:

The proposed amendment is consistent with the City's Comprehensive Plan. Specific Goals, Objectives and Policies are addressed as follows:

- ELEMENT: Future Land Use Element
- GOAL: 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: Objective 1.1: The City shall continue to maintain a comprehensive planning program through the year 2018.
- POLICY: Policy 1.1.5: The City Commission shall adopt public participation procedures for inclusion in the Unified Land Development Regulations (ULDR), and update them as necessary.

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 1: Be an inclusive community made up distinct, complementary, and diverse neighborhoods.
- Objective 2: Evolve and update the land development code to balance neighborhood quality, character, and livability through sustainable development.

PLANNING & ZONING BOARD REVIEW OPTIONS:

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

EXHIBITS:

1. April 17, 2019, PZB Draft Meeting Minutes
2. Proposed Text Amendment
3. March 22, 2019, Communication to CFLCA



CITY OF FORT LAUDERDALE

DRAFT

**CITY OF FORT LAUDERDALE
CITY HALL – CITY COMMISSION CHAMBERS
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, APRIL 17, 2019 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2018-May 2019	
		Present	Absent
Catherine Maus, Chair	A	9	2
Howard Elfman, Vice Chair	P	8	2
John Barranco	A	7	3
Brad Cohen	P	8	3
Mary Fertig	P	9	1
Jacquelyn Scott	P	10	1
Jay Shechtman	P	11	0
Alan Tinter	P	9	2
Michael Weymouth	P	11	0

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

Staff

- Ella Parker, Urban Planning and Design Manager
- D’Wayne Spence, Assistant City Attorney
- Shari Wallen, Assistant City Attorney
- Karlanne Grant, Urban Design and Planning
- Trisha Logan, Urban Design and Planning
- Jamie Opperee, Recording Secretary, Prototype, Inc.

Communications to City Commission

Motion made by Mr. Shechtman, seconded by Ms. Fertig, to communicate to the City Commission a desire to bring up for discussion to the City Commission the Flagler Greenway concept along the east side of the FEC tracks from Sunrise Boulevard to Davie Boulevard. In a roll call vote, the **motion** passed 5-2 (Mr. Tinter and Mr. Weymouth dissenting).

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Vice Chair Elfman called the meeting to order at 6:30 p.m. and all recited the Pledge of Allegiance. The Vice Chair introduced the Board members present, and Urban Design and Planning Manager Ella Parker introduced City Staff.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

Motion made by Mr. Tinter, seconded by Mr. Weymouth, to approve. In a voice vote, the **motion** passed unanimously.

III. PUBLIC SIGN-IN / SWEARING-IN

Individuals wishing to speak on tonight's Agenda Items were sworn in at this time.

IV. AGENDA ITEMS

Index

<u>Case Number</u>	<u>Applicant</u>
1. T19003	City of Fort Lauderdale
2. T19004	City of Fort Lauderdale
3. T19005	City of Fort Lauderdale
4. T19006	City of Fort Lauderdale
5. T19007	City of Fort Lauderdale

Special Notes:

Local Planning Agency (LPA) items (*) – In these cases, the Planning and Zoning Board will act as the Local Planning Agency (LPA). Recommendation of approval will include a finding of consistency with the City's Comprehensive Plan and the criteria for rezoning (in the case of rezoning requests).

Quasi-Judicial items ()** – Board members disclose any communication or site visit they have had pursuant to Section 47-1.13 of the ULDR. All persons speaking on quasi-judicial matters will be sworn in and will be subject to cross-examination.

1. CASE:

T19003

REQUEST:

Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Sections 47-27.4, Notice Requirements to Notify Property Owners within One-Hundred (100) feet via Mail Notice of a Proposed Development of the Date and Time of the Project Presentation to the Planning and Zoning Board

APPLICANT:

City of Fort Lauderdale

GENERAL

LOCATION:

City-Wide

CASE PLANNER:

Karlanne Grant

Karlanne Grant, representing Urban Design and Planning, explained that the proposed Amendment would allow for mail notice to be sent to neighboring properties within 100 ft. to inform them of upcoming Planning and Zoning Board meetings. She noted that

there have been questions regarding whether or not the mail notice should be sent for the public participation meeting or for the Planning and Zoning Board meeting.

Ms. Fertig stated that her intent of raising this issue at a previous meeting was to notify surrounding neighbors of upcoming public participation meetings, as some neighbors have said they were not informed of upcoming cases until they reach the Planning and Zoning Board (PZB). Her intent was to add a requirement that immediate neighbors be notified of public participation meetings.

Motion made by Ms. Fertig to defer [the Item].

Assistant City Attorney Shari Wallen asked if Ms. Fertig would like to propose a revision to the Amendment. She suggested the following change: "In addition, the Applicant shall send notice by regular mail to all civic associations officially recognized by the City and located within 100 ft. of the proposed project and all property owners whose real property is located within 100 ft. of the proposed project at the Applicant's sole expense, notifying the civic association and property owners of the date and time of the project presentation at the public participation meeting prior to the Planning and Zoning Board meeting."

Ms. Scott recalled that the Board had revised the recommended distance to 100 ft. because there had originally been confusion regarding which property owners would be notified if terminology such as "adjacent to" or "across from" were used. Ms. Fertig advised that she would like the distance requirement to encompass more than 100 ft. to make the Amendment as inclusive as possible. She suggested changing the requirement to within 300 ft.

Mr. Tinter pointed out that the proposed language still falls under the section of Code dealing with the PZB, and advised that it could be addressed in another subsection. He also proposed making the distance requirement within 300 ft. for civic associations and 100 ft. for property owners. Ms. Scott asserted, however, that the onus of notifying citizens should not be placed solely on civic associations.

Motion made by Ms. Fertig to homeowners' associations at 300 [ft.] consistently throughout, because it is not consistent, and at 200 ft. for the property owner[s] whose property is located within 200 ft. of the project.

Assistant City Attorney D'Wayne Spence referred the Board members to the original language of Code subsection 2, which states that before an application is submitted to the PZB, a notice from the applicant, via letter or email, shall be provided to official City-recognized civic associations within 300 ft. of the proposed project. This includes notification of the date, time, and place of the applicant's project presentation meeting to take place prior to the Planning and Zoning Board meeting. He concluded that because the intent he heard from the Board was to add a notification to individuals within a certain distance of the project, he would recommend inserting "and," followed by the

criteria the Board wishes to add, prior to the clause beginning "including notification of the date, time, and place..."

Ms. Scott seconded Ms. Fertig's motion.

Ms. Fertig requested that Staff rewrite the proposed Amendment and defer it to a subsequent meeting now that the intent to address the public participation meeting had been clarified.

Mr. Weymouth commented that notice should be sent to the property owners of nearby properties rather than to their tenants or occupants.

Mr. Shechtman also noted that the last sentence of the proposed Amendment, which refers to "failure to receive email or mail notice," is ambiguous and should be clarified. Attorney Wallen pointed out that this is intended to prevent individuals from asserting that a project should be invalidated simply because they did not receive notice of the public participation meeting.

Mr. Tinter seconded Ms. Fertig's earlier motion to defer the Item.

Mr. Cohen asked what would happen if an applicant failed to send notice to the appropriate parties. It was noted that this requirement is already included in another section of Code relating to the PZB. Attorney Spence advised that the intent of the language is to ensure that once a project has been advanced, an individual cannot state after the fact that s/he was never provided with notice and the development should therefore be invalidated. Mr. Cohen pointed out that this would mean two sections of Code address this requirement, but neither includes any means of invalidation or other redress if the Applicant fails to meet the requirement.

Attorney Spence continued that the PZB has traditionally chosen to defer items when members of the public make the Board aware they did not receive notice. He suggested that the development community was likely to feel providing an affidavit, and/or certified sheet of addresses to which notice was sent, to be sufficient proof that notice was provided. Ms. Grant advised that applicants are currently asked to submit an affidavit and list of addresses with their application and exhibits. Attorney Wallen agreed that this would be added to the Amendment.

Mr. Shechtman felt the Amendment could be more clearly stated, and that the burden of proof should be on the applicant to prove notice was sent rather than on an individual to prove notice was not received. Attorney Wallen reiterated that it is not possible for an individual to challenge an application based on his or her failure to receive notice. This provision is consistently applied throughout City Code.

Ms. Scott stated that she would like to see both homeowners and tenants/occupants notified of public participation meetings, as well as a requirement that adjacent property

owners within 200 ft. be notified. Attorney Wallen noted that the City may not be able to identify the tenant of a given property.

Ms. Fertig **amended** her earlier **motion** as follows: **motion** to defer to correct [the Amendment] to 300 ft. for associations, 200 ft. for real property owners, and it's the public participation meeting that [the Board is] talking about, and an affidavit of who received the notice. Ms. Scott **seconded** the **amended motion**.

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

Trisha Logan, representing Urban Design and Planning, advised that her presentation would address the next four Items together, as they are related.

~~2. CASE:~~ **~~T19004~~**

~~REQUEST:~~

~~Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-24.11., Historic Designation of Landmarks, Landmark Site or Buildings and Certificate of Appropriateness, to provide additional definitions that further clarify the text contained within the ordinances; modifications to designation process; proposed language to address administrative review for minor alterations and minor demolition, amendments to work that was previously approved, and after the fact work by the Historic Preservation Board.~~

~~APPLICANT:~~

~~City of Fort Lauderdale~~

~~GENERAL LOCATION:~~

~~City-Wide~~

~~CASE PLANNER:~~

~~Trisha Logan~~

~~3. CASE:~~ **~~T19005~~**

~~REQUEST:~~

~~Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Sections 47-27.7., Historic designation and 47-27.8., Certificate of appropriateness and economic hardship exception to revise the existing notification requirements.~~

~~APPLICANT:~~

~~City of Fort Lauderdale~~

~~GENERAL LOCATION:~~

~~City-Wide~~

~~CASE PLANNER:~~

~~Trisha Logan~~

~~4. CASE:~~ **~~T19006~~**

Greenway concept along the east side of the FEC tracks from Sunrise Boulevard to Davie Boulevard. In a roll call vote, the **motion** passed 5-2 (Mr. Tinter and Mr. Weymouth dissenting).

VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

Ms. Parker noted that Item 1 was deferred to the Board's May 2019 meeting. She added that she forwarded potential dates to the members on which a special meeting for the Board to discuss the Comprehensive Plan could be scheduled. It was determined that the special meeting would be scheduled for Wednesday, June 26, 2019 at 4 p.m.

The liaison and Board members thanked Vice Chair Elfman for his service to the Board.

There being no further business to come before the Board at this time, the meeting was adjourned at 8:15 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.]

Sec. 47-27.4. - Notice for site plan level II, III and level IV, conditional use and plats.

A. Notice for site plan level III and level IV development approvals, site plan level II approval in the SRAC-SAe and SRAC-SAw zoning districts conditional use approvals and plats shall be as follows:

1. *Sign notice.* Sign notice for site plan level III and level IV shall be required prior to a public hearing by the planning and zoning board and city commission.
2. *Additional notice.*
 - a. For consideration of an application for alternative screening of a dumpster as provided in Section 47-19.4.H, notice shall be given to the civic or neighborhood association which represents the area within which the subject property is located of the public hearing before the planning and zoning board. The notice shall be mailed to the address on file for the association in the city clerk's office at least ten (10) days prior to the date of hearing. Failure of the notice shall not be grounds to invalidate the hearing as this provision is directory and not mandatory.
 - b. For consideration of an application for a conditional use when no portion of a parcel abuts a right-of-way, prior to the planning and zoning board meeting mail notice shall be given to the owners of the land being considered and the owners of land within three hundred (300) feet of the right-of-way closest to the parcel being considered.
 - c. For consideration of site plan level III, site plan level IV, conditional use approvals, parking reduction requests, flex allocation, cluster developments, modification of yards, waterway use approvals, rezoning requests, right-of-way vacation requests, public purpose sue, land use amendments, any development in the Regional Activity Centers that require approval by the planning and zoning board or the city commission, and excludes plat and easement vacation requests:
 - i. A minimum of twenty-one (21) days prior to the first scheduled development review committee (DRC) meeting, a notice from the applicant via letter or e-mail shall be provided to official city-recognized civic organizations(s) within three hundred (300) feet of the proposed project, notifying of the date, time and place of the DRC meeting.

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions;

- ii. Prior to submittal of application to the planning and zoning board (PZB), a notice from the applicant via ~~letter or~~ e-mail and regular mail shall be provided to official city-recognized civic organization(s) within three hundred (300) feet of the proposed project and by regular mail to property owners whose real property is located within two hundred (200) feet of the of the proposed project, notifying of the date, time and place of applicant's project presentation meeting to take place prior to the PZB meeting. Regular Mail notice shall be provided at the applicant's expense. The applicant shall provide a signed and notarized affidavit to the City attesting that notice has been sent in accordance with this section. The affidavit shall be prima facie evidence that the applicant has complied with the requirements of this section and failure to receive email or mail notice allow shall not be grounds to invalidate the hearing.
- 3. Sign notice for site plan level II development located within the SRAC-SAe and SRAC-SAw zoning districts shall be required prior to the date of a Development Review Committee (DRC) meeting.
- B. *Appeal.* Sign notice shall be required prior to a public hearing by the planning and zoning board or city commission of an appeal or request for review of a site plan or conditional use.

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions;

From: Karlanne Grant
To: [Colleen Lockwood \(colleenlockwood1@icloud.com\)](mailto:Colleen.Lockwood@icloud.com)
Cc: [Anthony Fajardo](#); [Christopher Cooper](#); [Ella Parker](#)
Subject: Proposed Public Participation Text Amendment and Planning and Zoning Board Time Change
Date: Friday, March 22, 2019 4:49:00 PM
Attachments: [image001.png](#)

Good afternoon, Ms. Lockwood.

Please disregard the previous email sent for this subject matter.

This memo intends to provide an update to the Council of Fort Lauderdale Civic Associations regarding current code amendments undertaken by the Department of Sustainable Development. The City welcomes any comments or suggestions you may have.

Proposed Text Amendment: Update the Public Participation ordinance to include mail notice by the applicant to the civic association(s) and property owners in the immediate proximity of a proposed development informing the public of the date, time and place of the Planning and Zoning Board (PZB) meeting.

Background

At the February 20, 2019, PZB meeting, motions were passed for Communication to the City Commission. A motion was made by Ms. Fertig, seconded by Mr. Cohen, that in the interest of providing additional notification to neighbors, the City Commission direct staff to modify the Public Participation ordinance to include mail notice by the applicant to property owners in the immediate proximity of a proposed development; which could be specified as adjacent to, contiguous to, or immediately north, south, east and west of the subject development, to be notified by mail of the date, time and place of the development presentation to the Planning and Zoning Board. The motion passed 9-0.

A Motion was also made by Mr. Weymouth, seconded by Mr. Elfman for the City Commission to direct staff to modify the time of PZB meetings, which currently commence at 6:30 P.M., to begin at 6 P.M. since they often run later into the evening. In a roll call vote, the motion passed 9-0.

Amendment Summary

Section 47-24.4. – Notice for site plan level II, III and level IV, conditional use and plats.

The proposed amendment will require an applicant to send mail notice to all real property owners located within one-hundred (100) feet of a proposed project. The notice will inform the civic association(s) and property owners of the date, time and place of applicant's project presentation meeting to take place prior to the PZB meeting.

Next Steps

The Public Participation text amendment is proposed to be heard at the April 17, 2019, PZB meeting and a resolution to address the PZB meeting time change is proposed to be heard at the April 16, 2019, City Commission meeting.

Karlanne Grant, Planner III

City of Fort Lauderdale | Urban Design and Planning Division

700 NW 19th Avenue | Fort Lauderdale FL 33311

P: (954) 828-6162 | E: kgrant@fortlauderdale.gov



DEPARTMENT OF
**Sustainable
Development**

Under Florida law, most e-mail messages to or from City of Fort Lauderdale employees or officials are public records and may be subject to public disclosure. Please consider the environment before printing this e-mail. Thank you.

CITY OF FORT LAUDERDALE
PLANNING AND ZONING BOARD ACTING AS THE LOCAL PLANNING AGENCY
(LPA)
NOTICE OF PUBLIC HEARING
AMENDMENTS TO THE UNIFIED LAND DEVELOPMENT REGULATIONS (ULDR)

NOTICE IS HEREBY GIVEN that the Planning and Zoning Board acting as the Local Planning Agency (LPA) of the City of Fort Lauderdale, as well as the Planning and Zoning Board, shall hold a public hearing on Wednesday, MAY 15, 2019 at 6:00 PM or as soon thereafter as the same may be heard in the City Commission Chambers, City Hall, 1st floor, 100 North Andrews Avenue, Fort Lauderdale, Florida to amend the City of Fort Lauderdale Unified Land Development Regulations, (ULDR) as follows:

Case T19003 is an amendment to revise the public participation ordinance to include mail notice by the applicant to civic association(s) within 300 feet of the proposed development and mail notice for property owners within 200 feet of the proposed project notifying of the date time and place of the applicant's project's presentation meeting prior to Planning and Zoning Board.

Specifically:

AMENDING, SECTION 47-27.4. ENTITLED "NOTICE FOR SITE PLAN LEVEL II, III, AND LEVEL IV, CONDITIONAL USE AND PLATS," TO REQUIRE APPLICANTS AT THEIR EXPENSE, TO SEND MAIL NOTICE OF THE DATE, TIME, AND PLACE OF THE PROJECT PRESENTATION MEETING PRIOR TO THE PLANNING AND ZONING BOARD MEETING, TO CIVIC ASSOCIATIONS WITHIN 300 FEET OF THE PROPOSED PROJECT AND PROPERTY OWNERS WITHIN 200 FEET OF THE PROPOSED PROJECT PERTAINING TO SITE PLAN LEVEL III, SITE PLAN LEVEL IV, CONDITIONAL USE APPROVALS, PARKING REDUCTION REQUESTS, FLEX ALLOCATION, CLUSTER DEVELOPMENTS, MODIFICATION OF YARDS, WATERWAY USE APPROVALS, REZONING REQUESTS, RIGHT-OF-WAY VACATION REQUESTS, PUBLIC PURPOSE SUE, LAND USE AMENDMENTS, AND ANY DEVELOPMENT IN THE REGIONAL ACTIVITY CENTERS THAT REQUIRE APPROVAL BY THE PLANNING AND ZONING BOARD OR THE CITY COMMISSION.

All interested persons may appear at said meeting and be heard with respect to the proposed amendments. Information on this amendment may be obtained from the Department of Sustainable Development, Urban Design & Planning division, 700 N.W. 19 Avenue, Fort Lauderdale, Florida, during normal business hours.

Jeff Modarelli, City Clerk
City of Fort Lauderdale

If any person decides to appeal any decision made with respect to any matter considered at this public meeting or

hearing, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you desire auxiliary services to assist in viewing or hearing the meetings or reading agendas and minutes for the meetings, please contact the City Clerk at 954-828-5002, and arrangements will be made to provide these services for you. A turnkey video system is also available for your use during this meeting.

Publish on **April 26, 2019** as a legal classified ad.

Please provide proof to nmartin@fortlauderdale.gov

And Affidavit of Publication to: City of Ft. Lauderdale
100 N. Andrews Ave.
Fort Lauderdale, FL 33301

cc: City Clerk
Finance AIP
Planner
Case File