



CITY OF FORT LAUDERDALE

CITY OF FORT LAUDERDALE  
PLANNING AND ZONING BOARD  
CITY HALL – CITY COMMISSION CHAMBERS  
100 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA  
WEDNESDAY, SEPTEMBER 18, 2019 – 6:00 P.M.

**Cumulative**

<b>Board Members</b>	<b>Attendance</b>	<b>June 2019-May 2020</b>	
		<b>Present</b>	<b>Absent</b>
Catherine Maus, Chair	P	4	0
Mary Fertig, Vice Chair (arr.6:10)	P	3	1
John Barranco	P	3	1
Brad Cohen	P	3	1
Coleman Prewitt	P	4	0
Jacquelyn Scott	P	4	0
Jay Shechtman	P	4	0
Alan Tinter	P	4	0
Michael Weymouth	P	4	0

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  
Jim Hetzel, Principal Planner  
Tyler Laforme, Urban Design and Planning  
Yvonne Redding, Urban Design and Planning  
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

None.

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

Chair Maus called the meeting to order at 6:00 p.m. and the Pledge of Allegiance was recited. The 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. Prewitt, seconded by Mr. Barranco, to approve the minutes of the August 21, 2019 meeting. In a voice vote, the **motion** passed unanimously.

**Motion** made by Mr. Prewitt, seconded by Mr. Barranco, to approve the Special PZ minutes of August 22, 2019. In a voice vote, the **motion** passed unanimously.

**III. PUBLIC SIGN-IN / SWEARING-IN**

**IV. AGENDA ITEMS**

**Index**

<b><u>Case Number</u></b>	<b><u>Applicant</u></b>
1. V19001**	Briland Properties, Incorporated
2. V19005**	Flagler Sixth, LLC
3. R16045EX1	15 Isle of Venice, LLC
4. V19003**	Edward and Betty Kirwin

**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.

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<b>1. CASE:</b>	<b>V19001</b>
<b>REQUEST: **</b>	Vacation of Right-of-Way
<b>APPLICANT:</b>	Briland Properties, Incorporated
<b>PROJECT NAME:</b>	508 SE 32 <sup>nd</sup>
<b>GENERAL LOCATION:</b>	North/South Right-of Way between SE 32 <sup>nd</sup> Court and SE 33 <sup>rd</sup> Street
<b>ABBREVIATED LEGAL DESCRIPTION:</b>	A Portion of a Road Right-of-Way Adjacent to Lots 12 and 13, Block D-3, Dixie Cut-Off Section of Croissant Park, According to the Plat Thereof as Recorded in Plot Book 6, Page 5, Public Records of Broward County, Florida.
<b>ZONING DISTRICT:</b>	Heavy Commercial/Light Industrial Business (B-3)
<b>LAND USE:</b>	Commercial
<b>COMMISSION DISTRICT:</b>	4 - Ben Sorensen
<b>CASE PLANNER:</b>	Nicholas Kalargyros
<b>DEFERRED FROM AUGUST 21, 2019 MEETING</b>	



Disclosures were made at this time, and any members of the public wishing to speak on Items at tonight's meeting were sworn in.

Robert Lochrie, representing the Applicant, stated that the request is for vacation of a portion of right-of-way located on Fort Lauderdale city limits. One condition of approval will require the Applicant to make improvements to the ends of both streets: on the north side, a cul-de-sac will be constructed, and a T-turnaround will be added on the south end. Additional right-of-way dedications will be made by the Applicant to incorporate both improvements, and a fire hydrant will be relocated. A utility easement will be granted to the City along the east side of the right-of-way to accommodate existing infrastructure.

Mr. Lochrie showed graphics of the proposed improvements, noting that the Applicant has communicated with a neighbor to the east regarding the vacation. As a result of these discussions, the Applicant will make additional drainage improvements at the end of both streets, including catch basins and a retention area, which will be incorporated into the record.

**Motion** made by Mr. Tinter, seconded by Mr. Cohen, to have the Staff Report made a part of the minutes. In a voice vote, the **motion** passed unanimously.

There being no further questions from the Board at this time, Chair Maus opened the public hearing. As there were no other individuals wishing to speak on these Items, the Chair closed the public hearing and brought the discussion back to the Board.

**Motion** made by Ms. Scott, seconded by Mr. Cohen, to approve subject to Staff recommendations. In a roll call vote, the **motion** passed 8-0.

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<b>2. CASE:</b>	<b>V19005</b>
<b>REQUEST: **</b>	Vacation of Right-of-Way
<b>APPLICANT:</b>	Flagler Sixth, LLC.
<b>PROJECT NAME:</b>	NE 5 <sup>th</sup> Terrace Partial ROW Vacation
<b>GENERAL LOCATION:</b>	A Portion of North/South Right-of-Way between NE 6 <sup>th</sup> Street and NE 7 <sup>th</sup> Street
<b>ABBREVIATED LEGAL DESCRIPTION:</b>	That certain 40.00 foot wide right-of-way in Block 314, Progresso, according to the plat thereof as recorded in Plat Book 2, Page 18, of the public records of Dade County, Florida. Said lands lying in the City of Fort Lauderdale, Broward County, Florida, and containing 12,000 square feet (0.275 acres) more or less.
<b>ZONING DISTRICT:</b>	Regional Activity Center – Urban Village (RAC-UV)
<b>LAND USE:</b>	Downtown Regional Activity Center (DRAC)
<b>COMMISSION</b>	2 - Steve Glassman

**DISTRICT:**

**CASE PLANNER:** Yvonne Redding

Disclosures were made at this time.

Robert Lochrie, representing the Applicant, advised that the request is to vacate a portion of a street in the Flagler Village area. This is consistent with changes north and south of this area along Federal Highway in cases where an entire block is not controlled by a single entity.

Mr. Lochrie showed renderings of the area, stating that a condition of approval would dedicate a new vehicular and pedestrian accessway, which will connect to an existing right-of-way to the south and ultimately to the north as well. The Applicant has agreed to this proposed condition.

The overall project, which is making its way through the City's approval process, will maintain a two-way driveway to the north and south, offset to the west. This is because lots along Federal Highway are very narrow; in order to encourage pedestrian traffic, the City has asked that the subject streets be relocated to the west.

**Motion** made by Ms. Scott, seconded by Mr. Cohen, to make the Staff Report part of the record. In a voice vote, the **motion** passed unanimously.

Vice Chair Fertig arrived at 6:10 p.m.

There being no further questions from the Board at this time, Chair Maus opened the public hearing. As there were no other individuals wishing to speak on these items, the Chair closed the public hearing and brought the discussion back to the Board.

Ms. Parker noted a correction to the Staff Report: the words "is also" should be removed from the last sentence under Project Description.

**Motion** made by Mr. Cohen, seconded by Mr. Tinter, to approve, subject to Staff conditions and the condition that Mr. Lochrie offered, [a] temporary easement over 5<sup>th</sup> Terrace. In a roll call vote, the **motion** passed 8-0 (Vice Chair Fertig not voting).

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<b>3. CASE:</b>	<b>R16045EX1</b>
<b>REQUEST:</b>	Site Plan Extension Request (12 months) for a Previously Approved Site Plan Level III Review of a Waterway Use and Modification of Required Yards for 7 Multifamily Residential Units
<b>APPLICANT:</b>	15 Isle of Venice, LLC.
<b>PROJECT NAME:</b>	15 Isle of Venice
<b>GENERAL</b>	15 Isle of Venice



**LOCATION:**  
**ABBREVIATED LEGAL DESCRIPTION:** Nurmi Isles Island No. 4, Plat Book 24 Page 43 B, LOTS 3 and 4  
**ZONING DISTRICT:** Residential Multifamily Mid Rise/ Medium High Density (RMM-25)  
**LAND USE:** Medium-High Residential  
**COMMISSION DISTRICT:** 2 - Steve Glassman  
**CASE PLANNER:** Yvonne Redding

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Robert Lochrie, representing the Applicant, stated that this Item requests extension of a Site Plan Approval Application for a seven-unit residential project on Isle of Venice. The project was approved by the Planning and Zoning Board in January 2018 and received technical Development Review Committee (DRC) approval with a starting date of February 17, 2018. The requested expiration date is for one year from the previous date of August 17, 2020.

**Motion** made by Mr. Tinter, seconded by Mr. Prewitt, that the Staff Report be made part of the record. In a voice vote, the **motion** passed unanimously.

There being no further questions from the Board at this time, Chair Maus opened the public hearing. As there were no other individuals wishing to speak on these Items, the Chair closed the public hearing and brought the discussion back to the Board.

**Motion** made by Mr. Cohen, seconded by Mr. Tinter, to approve subject to Staff conditions. In a roll call vote, the **motion** passed 9-0.

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**4. CASE:** **V19003**  
**REQUEST: \*\*** Vacation of Right-of-Way  
**APPLICANT:** Edward and Betty Kirwin  
**PROJECT NAME:** 800 and 811 SW 6<sup>th</sup> Street  
**GENERAL LOCATION:** East/West Right-of-Way between SW 8<sup>th</sup> Ave and Tarpon River

**ABBREVIATED LEGAL DESCRIPTION:** That portion of the north ½ (20') of SW 6<sup>th</sup> Street lying south of and adjacent to lots 7, 8 and 9, lying east of the canal known as Tarpon River as recorded in plat book 7, page 37 of the public records of Broward County, Florida; and that portion of the south ½ (20') of SE 6<sup>th</sup> street lying north of and adjacent to the replatted lot 10, as recorded in plat book 3, page 25 of

the public records of Broward County, Florida. Said lands lying in the City of Fort Lauderdale containing 5,100 square feet (0.117 acres) more or less.

<b>ZONING</b>	Residential Single Family/Low Medium Density (RS-8)
<b>DISTRICT:</b>	and Residential Single Family and Duplex/Medium
<b>LAND USE:</b>	Density (RD-15)
<b>COMMISSION</b>	Low-Medium Residential and Medium Residential
<b>DISTRICT:</b>	4 – Ben Sorensen
<b>CASE PLANNER:</b>	Tyler Laforme

Disclosures were made at this time. Mr. Shechtman recused himself from voting upon the Item, as he is a member of the Board of the Tarpon River Club.

Greg McAloon, representing the Applicant, stated that the request is for vacation of a right-of-way. The Applicant owns both the north and south sites. The intent is to prevent unwanted activity on the Applicant's property, including vagrancy and trespassing, most of which occurs in an alley.

If the vacation of right-of-way is permitted, the Applicant plans to bring his seawall up to current Code standards, as flooding is a major concern within the community. Existing conditions do not allow access or views of the river, which is obstructed by foliage and landscaping. Mr. McAloon showed renderings of the subject area, pointing out that dead ends on SW 8 Street and another roadway contribute to a "path to nowhere," resulting in unsafe traffic conditions. Because the Tarpon River is only 30 ft. wide and has a very shallow depth in the subject area, it is impractical to construct a boat ramp or other structure there.

Mr. McAloon also showed the locations of previous vacations that affect the current request, including vacation of a portion of SW 6 Street by the Tarpon River Club in 1991 to construct a community tennis court and pool. The president of the Tarpon River Club has provided a letter of support to the Applicant. The closure of a portion of SW 6 Street also served to enhance security.

The future land use of this area is Medium/High Residential and its zoning is RD-15. A neighboring RM-15 district is the result of a rezoning in 1991 which coincided with the vacation of right-of-way on SW 6 Street. Although cluster dwellings of up to 15 units per acre are permitted within the zoning district, the subject parcel would have a single-family home.

The Applicant feels the request meets many of the specific criteria associated with a vacation of right-of-way request, including the following:



- No alternative routes
- Safe area for vehicles to turn and exit is provided
- No pedestrian traffic is adversely affected
- Utilities will be relocated at the Applicant's expense.

Regarding public purpose use, Mr. McAloon stated that the public purpose in this case is related to the purpose of the dedication. He pointed out that the public has an easement right for use of the original dedication, which provided use of the former SW 2 Street for use as a public thoroughfare. The 1991 vacation of right-of-way relieved the need to use this street as a thoroughfare. Mr. McAloon characterized it instead as an appendage following the 1991 vacation.

In addition to vacation criteria, practical considerations include improvement of the seawall at no cost to the City as a condition of approval. There is no allocation of funding or specific design for this area contemplated in local documents such as the Parks Master Plan or the Tarpon River Mobility Plan. The vacation would preserve low residential density by allowing construction of a single-family home rather than a cluster dwelling, subject to the approval of the vacation request.

The property in question would be returned to the tax rolls, and property values would improve as a result of the addition of a single-family home to the neighborhood. Mr. McAloon concluded that the vacation would result in safer living and driving conditions in the area. Letters of support from nearby neighbors were provided by the Applicant.

Chair Maus asked if the public is currently using the subject property, pointing out that the presentation referred to "noxious uses." Mr. McAloon explained that the public is not currently using the area as a thoroughfare, noting that this public purpose use was part of the area's original dedication.

Assistant City Attorney D'Wayne Spence advised that he did not agree with this argument, which he felt confused the purpose of dedication of the right-of-way with general public purpose. He felt it was incorrect to narrow the term "public purpose" as the Applicant's representative had done.

Chair Maus requested clarification that if the Application is granted, the Applicant would then take possession of the property and build a single-family home there. Mr. McAloon confirmed that the Applicant would make the subject property his homestead. The Applicant also owns the vacant land north of the subject parcel as well as the property to its south. The area to be vacated is 20 ft. by 40 ft. in size. No structure will be built on this lot, as there is an underlying drainage easement beneath it. A driveway will be constructed on this lot.

Mr. Tinter requested clarification of the condition of the seawalls to the north and south of the subject property, which are also owned by the Applicant. Mr. McAloon replied that the vacant land to the north has a new seawall that meets current Code standards. If

the vacation is approved, the Applicant plans to extend the improvements beginning in the north through to the south parcel, bringing the entire seawall for the three properties to current standards.

Mr. Tinter asked if the Applicant would be willing to commit to building only a single-family home on his lot as a condition of approval. Mr. McAloon replied that while the Applicant was willing to accept this condition, he was not certain it was enforceable. Attorney Spence confirmed that the condition could not be enforced.

Ms. Scott asked how the street is currently being used. Mr. McAloon stated that a letter of support from a neighboring family refers to nearby Lewis Landing as a better location from which to enter the waterway. At present, neighbors may walk on the existing roadway, but there is no access or use of the water at that point.

Mr. Barranco commented that the right-of-way goes through the Applicant's property, as he is the owner of both lots. He proposed that the Board consider recording a restrictive covenant limiting construction on the subject property to a single-family home.

Mr. Cohen asked if the Applicant has plans for the house located south of his vacant lot. Mr. McAloon replied that the house would remain on the property. Mr. Cohen observed that an easement could be dedicated back to the City on the south side of the southern property. Mr. McAloon replied that giving the easement back would defeat the purpose of the vacation request, which is intended to allow the Applicant to place a gate on the property to limit noxious activity. The easement proposed by Mr. Cohen could allow individuals to trespass and/or park on the Applicant's property.

Mr. McAloon continued that the public has the right to traverse a neighboring property owner's land for the purpose of the dedication. He added that he did not agree with Attorney Spence's estimation of the public purpose use, as the original purpose of the dedication was to provide a thoroughfare. Once the area cannot be used as a thoroughfare, he felt it was considered abandoned and will revert to the original owner.

There being no further questions from the Board at this time, Chair Maus opened the public hearing.

Allison Foster, President of the Tarpon River Civic Association, advised that a position statement was submitted on behalf of this Association. They are not in favor of the proposed vacation, as the Fort Lauderdale Master Plan indicates efforts to increase access for various waterway uses. The vacation would directly undermine these efforts. The City's parks bond, which could affect the subject space, would also be negatively affected by the vacation.

Ms. Foster continued that the vacation negates a major aspect of the Tarpon River Mobility Master Plan, which focuses on improving walkability and bicycle access in the public realm. She felt removal of access to views in the area would have a detrimental



effect on public life. She concluded that during her time as a member of the Tarpon River Civic Association, she has not been aware of public safety issues in the subject area, although there is a regular Police presence at Association meetings.

It was noted that the position statement to which Ms. Foster had referred was not included in all members' backup materials. Ms. Foster provided a copy of the document at this time.

Ms. Scott asked if nearby Lewis Landing would still provide public waterway access. Ms. Foster replied that this area is not readily accessible on foot from the neighborhood.

Kulbeer Sanghera, private citizen, stated that he owns 616 and 620 SW 8 Avenue in the subject neighborhood. He noted that he has not seen members of the community use the subject space for waterway access. He expressed concern with speeding traffic and litter in the neighborhood.

Josh Podler, private citizen, commented that the subject area is visible from his home in the neighborhood. He agreed with Mr. Sanghera's comments regarding activity on the street, including vagrancy and unwanted parking. He was in favor of the proposed vacation.

Andy Ziffer, private citizen, stated that the subject area is not used by the public.

Mr. Barranco asked if the subject property would come before the Planning and Zoning Board in the future if the owner wished to develop it with up to 15 multi-family units per acre, which is permitted by Code. Tyler Laforme, representing Urban Design and Planning, replied that RD-15 zoning allows cluster development with Site Plan Level III approval, which would bring any such project before the Board.

Attorney Spence advised once again that he did not agree with the Applicant's interpretation of public purpose. He explained that the Applicant's representative argued that a right-of-way dedication could not be used by a city for any purpose other than that for which it was originally dedicated. This is not the same argument as public purpose use. The Staff Report states that the public continues to use the area for access. He concluded that he stands by his earlier guidance to the Board.

Mr. Prewitt asked if the current dedication of the subject property would permit its use as a pocket park. Attorney Spence replied that the property may only be used as a right-of-way under its current dedication.

Ms. Parker addressed the issue of Ms. Foster's communication, stating that it is part of the file regarding this Application and will be submitted to the City Commission as such after this Item has been reviewed by the Board.

Vice Chair Fertig requested further information regarding the drainage easement on the parcel. Mr. McAloon replied that the Applicant has no plans to build any structure on top of this easement, although a driveway may be constructed there. Attorney Spence noted that he was unaware of the location of the drainage easement on the property. Mr. McAloon replied that the parcel has been vetted by the City's Engineering Department. He reiterated the Applicant's agreement to grant easements for any known or unknown utilities.

Mr. Tinter advised that the Application referred to providing the "last quarter of a turnaround" and dedicating the right-of-way accordingly. Mr. McAloon replied that the Applicant wished to provide an easement for the necessary space for emergency vehicles to turn around. He added, however, that the specific offer of an easement has not been vetted by Staff. Attorney Spence confirmed that he was not opposed to the proposal of an easement as a legal mechanism in this case.

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

**Motion** made by Ms. Scott, seconded by Vice Chair Fertig, to approve subject to Staff conditions.

Mr. Tinter asked if the Board agreed to require a right-of-way dedication or easement as stated in the fourth condition. Ms. Scott agreed to accept this modification.

In a roll call vote, the **motion** passed 7-1 (Chair Maus dissenting). [Mr. Shechtman recused himself from the Item. A memorandum of voting conflict is attached to these minutes.]

## V. COMMUNICATION TO THE CITY COMMISSION

None.

## VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

Ms. Parker recalled that at the August 2019 meeting, Staff had discussed providing a brief introduction to the Downtown Master Plan before Code Amendments to that Plan are presented at the next Board meeting.

Jim Hetzel, Principal Planner, showed a PowerPoint presentation of the Downtown Master Plan, which was adopted in 2003 following an extensive public participation and approval process. The Plan was updated in 2007 and remained mindful of the "live, work, play" mixed-use environment promoted by the City.

One element of the Downtown Master Plan is the identification of different character areas based on their conditions and goals. These areas define the built form within



them. While it can be difficult to prescribe an element as subjective as architecture, Staff considers design intent, such as the durable quality of materials, façade treatments, transparency, and other features that contribute to quality architecture. A sense of place is created by building upon an area's character, and includes built form, architecture, transparency, and park space. Skyline design and building illumination also contribute to a sense of place.

Mr. Hetzel referred to a "fifth façade," which is the active treatment of the rooftops of buildings through amenities or park space. This helps the upper façade resemble what can be seen at the ground level. Streetscape design contributes to a sense of walkability and safety in both residential and commercial areas.

The Code Amendments to be presented at a subsequent meeting address elements such as floor plates, tower separation requirements, building length, open space, and building height transition. These are intended to help maintain a built environment that reflects the character area.

The Downtown Master Plan proposes transition zones on certain edges of the Downtown Regional Activity Center (RAC) where it abuts residential development. Transition zones allow for the limitations of a character area to be reduced so they are more compatible with the residential neighborhood. Staff proposes changes to transition zones regarding how they are applied, including application of transition zones in new areas, such as the Rio Vista and Tarpon River communities.

Mr. Hetzel continued that current open space requirements are applicable to residential projects built before 1989, and do not include the current pool of residential units that is allocated to projects. There is no open space requirement for non-residential development, nor is it required in the City Center. Staff proposes codifying an open space requirement for both residential and non-residential development Downtown.

Mr. Tinter recalled that at the August 21 meeting, the Board had extensively discussed open space in an urban environment, including what can be considered open space within the public realm. He asked if the definitions of parks and open space in the amended Downtown Master Plan would be consistent with the definitions in the Comprehensive Plan.

Ms. Parker replied that the Amendment to be presented next month is specific to Downtown and is separate from the City-wide approach to open space. Mr. Hetzel added that for the Downtown area, open space is provided through a spatial requirement rather than a dedication intended to meet the City's level of service (LOS) for park space. Mr. Tinter stated that if a developer is required to include a certain amount of green space, this space should be counted toward the developer's parks requirement.



Mr. Hetzel advised that because Fort Lauderdale does not have jurisdiction over all City streets, the Amendments will codify a streetscape cross-section for local streets only. This cross-section already exists in the Downtown Master Plan. While there may be conflicts, such as the existence of utilities, design solutions are not intended to preclude developers from including features such as street trees.

Staff is also seeking policy direction from the City Commission regarding their process. Mr. Hetzel expected that the notification criteria for the "call-up" process will be amended, as this has been requested by the Commission. There is also expected to be greater flexibility with regard to allowing an applicant relief from dimensional requirements. The Amendments will come before the Board in October 2019, after which they will be presented to the City Commission for adoption.

Chair Maus advised that she felt there are mistakes in the current transition zones. She pointed out that the most recent census information prior to drafting the Downtown Master Plan shows a decline in residential growth, which has contributed to more intense zoning districts abutting established residential neighborhoods. She did not feel this represented the development pattern residents expect in the Downtown area.

Mr. Hetzel confirmed that Staff has addressed this issue regarding transition zones, character areas, and boundaries. Additional analysis would need to be done in order to update the character areas. Chair Maus also expressed concern that the original Downtown Master Plan was not created with input from civic associations, but from professionals who did not consult the neighborhoods directly.

Vice Chair Fertig stated that she would like to see proof that every neighborhood affected by the Downtown Master Plan saw a presentation on the proposed changes. Ms. Parker confirmed that Staff presented the Amendments to all associations that requested meetings, as well as the Council of Fort Lauderdale Civic Associations. Chair Maus pointed out that not all affected neighborhoods may have anticipated the Downtown Master Plan would have any impact on them.

Vice Chair Fertig further addressed open space, recalling that it has been an issue at three consecutive Board meetings. She hoped to see very specific guidelines addressing how much open space currently exists in Downtown and how it is provided.

There being no further business to come before the Board at this time, the meeting was adjourned at 7:26 p.m.

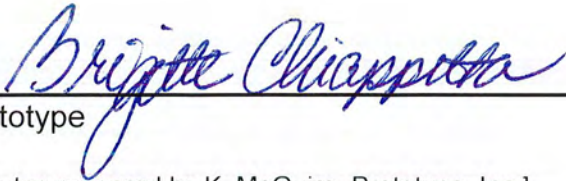
Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

  
Catherine Maus

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Chair

A handwritten signature in blue ink that reads "Brigitte Chiappetta". The signature is written in a cursive style and is positioned above a horizontal line.

Prototype

[Minutes prepared by K. McGuire, Prototype, Inc.]





# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Shechtman, Jay	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE Planning and Zoning Board
MAILING ADDRESS 811 SW 7th Avenue	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY Fort Lauderdale	COUNTY Broward
DATE ON WHICH VOTE OCCURRED 9/18/2019	NAME OF POLITICAL SUBDIVISION  MY POSITION IS <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

### APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency
- The form must be read publicly at the next meeting after the form is filed

#### IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

### DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Jay Shechtman, hereby disclose that on September 18th, 20 19

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained, or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

In order to ensure a fair hearing for the applicant, I had to abstain from voting on this particular matter. I am a board member of the Civic Association, and I had already taken part in voting matters pertaining to this project when it was discussed at the civic association meeting.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

9/23/2019

Date Filed



Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.