



REQUEST: Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-24.12, Variances, Special Exceptions and Interpretation of Unified Land Development Regulations and Section 47-33, Board of Adjustment; To Update Board of Adjustment Process and Procedures.

CASE NUMBER	UDP-T25008
APPLICANT	City of Fort Lauderdale
GENERAL LOCATION	City-Wide
ULDR SECTIONS	Section 47-24.12; 47-33
NOTIFICATION REQUIREMENTS	10-day legal ad
ACTION REQUIRED	Recommend approval or denial to City Commission
PROJECT PLANNER	Karlanne Devonish, AICP, Principal Urban Planner

BACKGROUND:

At the September 3, 2024, City Commission Conference Meeting, the City Commission directed staff to develop recommendations for administrative variances to zoning regulations. Staff conducted research and reviewed variance regulations for several municipalities throughout the State of Florida, including the cities of Miami, Jacksonville, Orlando, Port St. Lucie, and Punta Gorda. These municipalities generally provide administrative variances for dimensional requirements such as reductions for setbacks, lot area, lot coverage, height, parking spaces, and landscaping requirements. The reductions generally range from ten to twenty-five percent of the existing requirement. The variance regulations research from other municipalities is attached as Exhibit 1.

At the May 6, 2025, City Commission Conference meeting, the City Commission directed staff to process text amendments to revise the process and procedures for Board of Adjustment (BOA). The proposed amendments will establish regulations for an administrative variance process and revise the voting and appeal requirements. Staff presented the proposed amendments to the BOA on July 9, 2025, requesting feedback for amendments to successive applications.

PROPOSED ULDR AMENDMENTS

The proposed amendments are attached as Exhibit 2 and are summarized below:

1. Establish regulations for an administrative variance process;

Amend ULDR Section 47-24.12

Description: The purpose of the proposed amendment is to revise the process and procedures for BOA. The BOA is a quasi-judicial body established under ULDR Section 47-33 to hear and decide appeals from any administrative decision in the enforcement of the City's ULDR and to grant special exceptions and variances when strict adherence to the ordinance would produce a unique or special hardship on a property owner.

Intent: Establish regulations for an applicant to request an administrative variance for yards, setbacks, or height that does not exceed twenty-five (25) percent or three (3) feet of the dimensional requirements, whichever is less.

2. Revise successive application requirements;

Amend ULDR Section 47-24.12

Description: Pursuant to ULDR Section 47-24.12.A.2.c.v and Section 47-24.12.A.11, upon denial of an application for special exception or variance there is a two (2) year waiting period before any applicant may submit an application for the same or substantially similar application as that which was initially denied. Some applicants have expressed that two years is an unreasonable amount of time to wait to resubmit.

Intent: The proposed amendments will allow an applicant to submit an additional application within two years for the same or substantially the same relief for consideration by either the Board of Adjustment or the Zoning Administrator or designee upon showing any new evidence or information not considered by the board when the application was denied and why the new evidence or information must not have been known to the applicant nor discoverable or obtainable through reasonable diligence on the part of the applicant, prior to the hearing at which the application was denied.

3. Revise voting requirements for BOA;

Amend ULDR Section 47-24.12 and Section 47-33

Description: Pursuant to ULDR Section 47-33.7, Quorum, the concurring vote of a majority plus one of those members of the BOA present and voting is necessary to validate any final order of the Board. Some applicants have expressed that the super majority requirement is overly burdensome. The BOA reviews variances, special exceptions and the Zoning Administrator's interpretation of the ULDR. Variances and special exceptions are held to a higher approval threshold due to a high burden of proof. This vote threshold aligns with other significant decisions that are also subject to a higher vote threshold pursuant to the City's Charter and ULDR, including the sale or lease of public property, and requests for rezoning to the Planned Development District (PDD) zoning district.

Intent: The proposed amendment will revise the voting requirements from supermajority to majority vote.

4. Revise the appeal process for BOA;

Amend ULDR Section 47-24.12

Description: Pursuant to ULDR Section 47-24.12.B.8, Appeal, an applicant aggrieved by a decision of the BOA may seek review of the decision in the Circuit Court by filing a petition for a writ of certiorari within the time prescribed by court rules. This language is likely a carry-over from the former Section 163.175, Florida Statutes (1977) that provided for the review of decisions of the Board of Adjustment in the circuit court. There is presently no statute mandating what entity is authorized to hear appeals from the Board of Adjustment.

Intent: The proposed amendments revise the appeal process from writ of certiorari in the circuit court within the time prescribed by court rules to appeal to City Commission.

COMPREHENSIVE PLAN CONSISTENCY:

The proposed amendments are consistent with the City's Comprehensive Plan Goals, Objectives and Policies, including the Urban Design Element, Goal 1, Objective UD 1.1, Policy FLU 1.1.2, Enhance the quality of development throughout the city over time through the review and application of design standards and guidelines. Update and implement design standards and guidelines to ensure the quality of development throughout the city is enhanced over time and is responsive to changing conditions; and Policy UD 1.1.3, Base design standards and land development regulations on area context, with distinct characteristics considered for different areas, i.e. regional activity centers, transit-oriented corridors, lower density neighborhoods, etc.

PLANNING & ZONING BOARD REVIEW OPTIONS:

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

EXHIBITS:

1. Administrative Variance Regulations Research
2. Proposed Amendments, BOA Process and Procedures