

ORDINANCE NO. C-24-37

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING ARTICLE II – ZONING DISTRICT REQUIREMENTS, SECTION 47-12 – CENTRAL BEACH DISTRICTS; ARTICLE IV, SECTION 47-24 – DEVELOPMENT PERMITS AND PROCEDURES; AND ARTICLE VII, SECTION 47-27 – NOTICE PROCEDURES FOR PUBLIC HEARINGS, TO REVISE THE PUBLIC PARTICIPATION REQUIREMENTS; PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, CODIFICATION AND CORRECTION OF SCRIVENER’S ERRORS, AND FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida, desires to amend Article II – “Zoning District Requirements”, Section 47-12 “Central Beach Districts”; Article IV – Development Permits and Procedures, Section 47-24 – “Development Permits and Procedures; and Article VII – Notice Procedures, Section 47-27 – “Notice Procedures for Public Hearings” of the City of Fort Lauderdale, Florida Unified Land Development Regulations (“ULDR”) to revise the public participation requirements; and

WHEREAS, the Planning and Zoning Board, acting as the local planning agency, at its meeting of June 19, 2024 (PZ Case UDP-T23007), found that the proposed text amendments for Sections 47-12, 47-24 and 47-27 of the ULDR are consistent with the City’s Comprehensive Plan and the Planning and Zoning Board recommended approval of said proposed text amendments to the City Commission; and

WHEREAS, the City Clerk notified the public of a public hearing to be held before the City of Fort Lauderdale City Commission on Tuesday, August 20, 2024, at 6:00 P.M., or as soon thereafter as possible, and on Tuesday, September 3, 2024, at 6:00 P.M., or as soon thereafter as possible, at the Broward Center for the Performing Arts, Mary N. Porter Riverview Ballroom, located at 201 S.W. 5th Avenue, Fort Lauderdale, Florida, for the purpose of hearing any public comment to said amendments to the ULDR; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Article II – “Zoning District Requirements”, Section 47-12 – “Central Beach Districts”, specifically Section 47-12.6. – “Central beach development permitting and approval” of the ULDR is hereby amended as follows:

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Sec. 47-12.6 Central beach development permitting and approval.

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B. Site Plan Level II with City Commission Request for Review.

1. Criteria.
 - a. Uses identified in the table of Permitted and Conditional uses in Section 47-12.4.A shall be reviewed as a Site Plan Level II subject to City Commission Request for Review pursuant to Section 47-26A.2 and Public Participation Meeting Requirements in accordance with outlined herein Section 47-24.1.K.2.
 - b. An application for a Site Plan Level II approval shall be reviewed for compliance with the standard dimensional requirements of Section 47-12.4.1 and applicable requirements to the proposed development as provided in the ULDR.
2. The Public Participation Notice for Site Plan Level II with City Commission Request for Review shall be as follows: provided in accordance with Section 47.27.4
 - ~~a. 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. The applicant shall provide an affidavit to the department, a minimum of ten (10) days prior to DRC meeting, documenting that notice was provided.~~
 - ~~b. No later than thirty (30) days prior to preliminary DRC approval, notice from the applicant via 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 three hundred (300) feet of the proposed project, notifying of the date, time and place of the applicant's project presentation meeting. Regular mail notice shall be provided at the applicant's expense. The following requirements must be met:~~
 - ~~i. 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.~~

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~~ii. The applicant shall provide a written report letter to the Department of Sustainable Development, with copy to subject association(s), documenting the date(s), time(s), location(s), number of participants, presentation material and general summary of the discussion after a public participation meeting(s) has taken place. The report letter shall summarize the substance of comments expressed during the process and shall be made a part of the administrative case file record. An application for a development permit that is subject to this section cannot proceed to the City Commission Request for Review until this report letter is submitted to the Department.~~

3. Effective Date of Approval. Approval of a Site Plan Level II with City Commission Request for Review development shall not be final until thirty (30) days after preliminary DRC approval and then only if no motion is approved by the city commission seeking to review the application pursuant to the process provided in Section 47-26.A.2 of the ULDR. The action of the DRC shall be final and effective after the expiration of the thirty (30) day period if no action is taken by the city commission.

SECTION 2. That Article IV – Development Permits and Procedures, Section 47-24 – “Development Permits and Procedures, specifically Section 47-24.1 of the ULDR is hereby amended as follows:

Sec. 47-24.1 - Generally

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K. Public Notice and Public Participation

1. ~~Notice procedures for public hearings.~~ Public notice required for development permits and approvals shall be as provided in Section 47-27, Notice Procedures for ~~Public Hearings~~.
2. Public Participation Meeting. The applicant for a development permit application specified in this subsection are required to host a public participation meeting that is open to the public at which a presentation on the proposed development that is subject of the development permit application. The applicant shall make their best effort to provide members of the public an opportunity to be informed about projects subject to development permit application review prior to a final decision is made on whether to grant or deny the application. The following are the minimum requirements for public participation meeting:

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a. A public participation meeting is required 30 days prior to preliminary Administrative Review Committee or Development Review Committee whichever is applicable for the following development permit application review types:

i. Development permit applications for an amendment to a site plan level III or site plan level IV development permit that proposes:

a) an increase of the floor area or height to a proposed or existing building, that does not exceed five percent (5%) of the existing or approved floor area or height;

b) any modification to reduce yards or setbacks up to five percent (5%) of the existing or approved yard or setback; or

c) other amendments that exceed the approval authority of the department and requires review and approval as new development, in accordance with the procedure for such development, by the body which gave final approval to the original development permit.

ii. Site plan level II development permit in a RAC zoning district or RAC land use.

b. A public participation meeting is required 30 days prior to public hearings before Planning and Zoning Board or the City Commission, whichever is applicable, for a development permit application for a site plan level III review, site plan level IV review, conditional use request, parking reduction request, flex allocation, cluster development, modification of yards, waterway use request, public purpose use application, land use amendments, any development in the Regional Activity Centers that requires approval by the Planning and Zoning Board or the City Commission, excluding plat and easement vacation requests.

c. Public participation meetings shall be noticed as provided in Section 47-27, Notice Procedures for Public Hearings and Public Meetings.

d. The applicant shall provide a written report ("Public Participation Report") to the Department and send a copy to official city-recognized civic organization(s) within three hundred (300) feet of the development site for the proposed project. The Public Participation Report must contain the date(s), time(s), and location(s) of the public participation meeting(s); the number of participants who attended the public participation

meeting; enclosure a copy of all presentation material and provided a general summary of the discussion held at the public participation meeting(s) that includes the substance of comments expressed during the meeting. The Public Participation Report shall be made a part of the administrative case file record.

SECTION 3. That Article VII.- Notice Procedures, Section 47-27 – “Notice Procedures for Public Hearings” of the ULDR is hereby amended as follows:

~~SECTION 47-27. – NOTICE PROCEDURES FOR PUBLIC HEARINGS~~

Sec. 47-27.1. Intent.

It is the intent of this section to provide the citizens of the city with notice of ~~public hearing~~ certain development permits applications under review before city boards and the city commission to effect public participation in the decision-making process and meet the requirements of Florida Statutes.

Sec. 47-27.2. Types of public notices.

A. When referred to in the ULDR, the different types of public notices set out below shall be given the meaning and conform with the provisions as follows:

1. *Mail notice.*

- a. Mail notice shall consist of mailing a notice of a public hearing to real property owners within the city as specified herein as each is listed in the latest ad valorem tax records of the county. Each owner of a condominium or cooperative unit whose address is known by reference to the latest ad valorem tax records shall be sent notice as a real property owner.
- b. In addition to the requirements provided in this section, the notice shall state the date, time and place of the meeting or public hearing, the title of the proposed ordinance or a description of the action to be considered and the place or places within the city where such proposed ordinance or information may be inspected by the public.
- c. The notice shall advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance or action to be considered.

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- d. Unless otherwise provided by law, mail notice may be provided by bulk mail, first-class mail or other type of mail made available by the U.S. Postal Service if the mail is sent in a timely manner as required by the ULDR.
- e. A copy of the notice mailed shall be made available for public inspection during the regular business hours of the city clerk.
- f. Mail notice shall be deemed given when a notice has been properly addressed, stamped and deposited in a U.S. Postal Service depository.
- g. Failure to receive notice shall not be grounds to invalidate the hearing as this provision is directory and not mandatory.

2. *Newspaper notice.*

- a. Newspaper notice shall consist of publication in a newspaper of general paid circulation and of general interest and readership in the city, not one (1) of limited subject matter.
- b. Whenever possible, the advertisement shall appear in a newspaper that is published at least five (5) days a week.
- c. In addition to the requirements provided in this section, the notice shall state the date, time and place of the meeting or public hearing; the title or titles of the proposed ordinance or a description of the action to be considered and the place or places within the city where the proposed ordinance or information may be inspected by the public.
- d. The notice shall advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance or action to be considered.

3. *Sign notice.*

- a. Sign notice shall be given by the applicant by posting a sign provided by the city stating the time, date and place of the public hearing on such matter on the property which is the subject of an application for a development permit. If more than one (1) public hearing is held on a matter, the date, time and place shall be stated on the sign or changed as applicable.
- b. Signs shall be posted per the following timeframes:

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- i. The sign for site plan level III or IV shall be posted at least fifteen (15) days prior to the date of the public hearing.
- ii. The sign for site plan level II shall be posted at least ten (10) days prior to the date of the Development Review Committee (DRC) meeting.
- c. The sign shall be visible from adjacent rights-of-way, including waterways, but excepting alleys.
- d. If the subject property is on more than one (1) right-of-way as described in subsection A.3.c, a sign shall be posted facing each right-of-way.
- e. If the applicant is not the owner of the property that is the subject of the application, the applicant shall post the sign on or as near to the subject property as possible subject to the permission of the owner of the property where the sign is located or, in a location in the right-of-way if approved by the city.
- f. Development applications for more than one (1) contiguous development site shall be required to have sign notice by posting one (1) sign in each geographic direction, (north, south, east and west) on the public right-of-way at the perimeter of the area under consideration.
- g. If the sign is destroyed or removed from the property, the applicant is responsible for obtaining another sign from the city and posting the sign on the property.
- h. The sign shall remain on the property until final disposition of the application. This shall include any deferral, rehearing, appeal, request for review or hearings by another body. The sign information shall be changed as provided in subsection A.3.a.
- i. The applicant shall, five (5) days prior to the public hearing, execute and submit to the department an affidavit of proof of the posting of the public notice sign according to this section. If the applicant fails to submit the affidavit, the public hearing will be postponed until the next public hearing after the affidavit has been supplied.
- j. The applicant shall pay a deposit at the time application is made. All signs shall be removed by the applicant within five (5) days after final disposition of the application. If

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the applicant fails to remove the sign and return it to the city within this time, city shall have the right to remove same which will result in the applicant forfeiting the deposit fee. If a sign is lost or stolen, an affidavit by the applicant of such fact shall be submitted prior to return of the deposit to applicant.

4. *Agenda publication.* Agenda publication shall apply to publication of the agenda of the planning and zoning board or board of adjustment at least five (5) days before the meeting of the body that is considering development approvals and permits.
5. *Agenda posting.* Agenda posting shall mean posting of the agenda of all boards reviewing development permits at a public place on a wall outside City Hall identified for that purpose at least three (3) days prior to the public hearing.
6. *Additional and optional notice.* The city commission may direct that additional notice be given as the city commission may deem as proper for the circumstances involved for a particular hearing.
7. *Public participation notice.* Public participation notice shall mean notice provided by the applicant via the method provided for mail notice in this Section 47-27 or electronic mail to City officially recognized neighborhood association(s) within three hundred (300) feet of the proposed development at a mailing address or email address provided to the City's Neighborhood Recognition Program. The notice must at a minimum contain the DSD case number; the proposed development's name; location of the proposed development site; name of the applicant; name of the applicant's agent if any, the date, time, and place of the public participation meeting when applicable.

~~78.~~ *Failure to provide notice.* While sign notice, agenda publication and posting and additional and optional notice is required, failure to provide these types of notice in accordance with these provisions shall not be grounds to invalidate the hearing.

Sec. 47-27.3. Public notice required, general.

- A. In addition to the public notice required as provided in the ULDR, public notice in connection with an application for development approval shall be provided as follows:
 1. For all development permits reviewed or issued by any board or the city commission, notice shall be given by agenda posting.

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- 2. For all development permits reviewed or issued by the planning and zoning board or board of adjustment, notice by agenda publication shall be provided.

Sec. 47-27.4. Notice for site plan level I, II, III and level IV, conditional use, and plats, and amendments to Site Plan Level III and IV.

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

- 1. Sign notice. 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. 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. Public Participation notice. Public participation notice is required to be provided by the applicant as follows:

- a. Development permit applications for an amendment to a site plan level III or site plan level IV development permit to increase floor area or height to a proposed or existing building, that does not exceed five percent (5%) of the existing or approved floor area or height, any modification to reduce yards or setbacks up to five percent (5%) of the existing or approved yard or setback, or other amendments which exceeds the authority of the department to approve amendments and is required to be reviewed and approved by Planning and Zoning Board (PZB) or City Commission which gave the final approval for the original development, notice shall be as follows:

- i. Public participation notice shall be provided a minimum of twenty-one (21) days prior to the first scheduled Administrative Review Committee meeting.

- ii. Public participation notice of the applicant's public participation meeting. Such notice shall be given at least ten (10) days prior to the public participation meeting which must be held to no later than thirty (30) days prior to preliminary Administrative Review Committee approval. Additional mail notice, via the method provided for mail notice in this Section 47-27, shall be sent by the applicant and at the applicant's expense to property owners whose real property is located within three hundred (300) feet of the

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development site that is the subject of the application at least ten (10) days prior to the public participation meeting.

- iii. The applicant of a development that exceeds the authority of the department to approve the amendments shall provide a public participation notice of the applicant's public participation meeting prior to the submittal of a development permit application for review before the PZB or City Commission and shall be given at least ten (10) days prior to the public participation meeting which must be held at least 30 days prior to the PZB or City Commission meeting. Additional mail notice, via the method provided for mail notice in this Section 47-27, shall be sent by the applicant and at the applicant's expense to property owners whose real property is located within three hundred (300) feet of the development site that is the subject of the application at least ten (10) days prior to the public participation meeting.
- b. A development permit application for a site plan level II review requires notice be provided as follows:

 - i. The applicant, at the applicant's expense, shall provide notice of the first Development Review Committee (DRC) meeting at which the development application will be reviewed a minimum of twenty-one (21) days prior to the first scheduled Development Review Committee (DRC) meeting.
 - ii. The applicant of a development permit application for a Site Plan Level II review in a RAC zoning district or RAC land use, shall provide a public participation notice of the applicant's public participation meeting. Such notice shall be given at least ten (10) days prior to the public participation meeting which must be held to no later than thirty (30) days prior to preliminary DRC approval. Additional mail notice, via the method provided for mail notice in this Section 47-27, shall be sent by the applicant and at the applicant's expense to property owners whose real property is located within three hundred (300) feet of the development site that is the subject of the application at least ten (10) days prior to the public participation meeting.
- c. A development permit application for a site plan level III review, site plan level IV review, conditional use request, parking reduction request, flex allocation, cluster development, modification of yards, waterway use request, public purpose use application, land use amendments, any development in the Regional Activity

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Centers that requires approval by the Planning and Zoning Board or the City Commission, excluding plat and easement vacation requests, notice shall be as follows:

- i. The applicant, at the applicant's expense, shall provide notice of the first Development Review Committee (DRC) meeting at which the development application will be reviewed a minimum of twenty-one (21) days prior to the scheduled Development Review Committee (DRC) meeting.
- ii. Public participation notice is required prior to the submittal of an application to the Planning and Zoning Board (PZB) and shall be given at least ten (10) days prior to the public participation meeting which must be held at least 30 days prior to the PZB meeting. Additional mail notice, via the method provided for mail notice in this Section 47-27, shall be sent by the applicant and at the applicant's expense to property owners whose real property is located within three hundred (300) feet of the development site that is the subject of the application at least ten (10) days prior to the public participation meeting.

2. 3. *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. A development permit application for an amendment to a site plan level I or II III or IV or site plan level II review requires notice of the first Administrative Review meeting or Development Review Committee (DRC) meeting be provided at the applicant's expense, to the Officially-City Recognized Civic Organizations within 300 feet of the proposed projection a minimum of twenty-one (21) days prior to the first scheduled

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~~meeting. 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 use, 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 organization(s) within three hundred (300) feet of the proposed project, notifying of the date, time and place of the DRC meeting.~~
- ~~ii. Prior to the submittal of an application to the planning and zoning board (PZB), notice from the applicant via 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 three hundred (300) feet of the proposed project, notifying of the date, time and place of the 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 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.

Sec. 47-27.5. Rezoning and change in uses.

A. *Type 1.* When the change in zoning is initiated by the city and involves a change in the actual zoning map designation for a parcel or parcels of land involving less than ten (10) contiguous acres, notice shall be given as follows:

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1. *Mail notice.*

- a. *Planning and zoning board.* Prior to the public hearing before the planning and zoning board mail notice shall be given to the owners of lands under consideration for a change in the zoning map designation and the owners of lands within three hundred (300) feet of those lands at least ten (10) days prior to the date set for public hearing.
- b. *City commission.* Prior to a public hearing by the city commission mail notice shall be given to the owners of lands under consideration for a change in the zoning map designation at least thirty (30) days prior to the date set for public hearing.

2. *Newspaper notice.* Newspaper notice shall be given at least ten (10) days prior to adoption of the ordinance by the city commission changing the zoning map designation.

3. *Sign notice.* Sign notice shall be given prior to the planning and zoning board public hearing.

4. *Public Participation notice.* Public participation notice is required prior to the submittal of an application to the Planning and Zoning Board (PZB) and shall be given at least ten (10) days prior to the public participation meeting which must be held at least 30 days prior to the PZB meeting. Additional mail notice, via the method provided for mail notice in this Section 47-27, shall be sent by the applicant and at the applicant's expense to property owners whose real property is located within three hundred (300) feet of the development site that is the subject of the application at least ten (10) days prior to the public participation meeting.

B. *Type 2.* When the change in zoning is initiated by the city and involves a change in the actual zoning map designation for a parcel or parcels of land involving ten (10) contiguous acres or more or changes the actual list of permitted, conditional, or prohibited uses within a zoning category notice shall be given as follows:

1. *Newspaper notice.*

- a. *City commission.* Newspaper notice shall be given at least seven (7) days prior to the first public hearing and at least five (5) days prior to the second public hearing. The advertisement shall be no less than two (2) columns wide by ten (10) inches long in a standard size or a tabloid size newspaper and the headline shall be in a type no smaller than eighteen (18) point. The advertisement shall not be placed in

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that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be in substantially the form provided in F.S. § 166.041(3)(c).

2. *Sign notice.* Sign notice shall be given only for a change in zoning map designation.

3. *Mail notice.*

a. *Planning and zoning board.* Prior to the public hearing before the planning and zoning board mail notice shall be given to the owners of lands under consideration for a change in the zoning map designation and the owners of lands within three hundred (300) feet of those lands at least ten (10) days prior to the date set for public hearing.

4. *Public Participation notice.* Public participation notice is required prior to the submittal of an application to the Planning and Zoning Board (PZB) and shall be given at least ten (10) days prior to the public participation meeting which must be held at least 30 days prior to the PZB meeting. Additional mail notice, via the method provided for mail notice in this Section 47-27, shall be sent by the applicant and at the applicant's expense to property owners whose real property is located within three hundred (300) feet of the development site that is the subject of the application at least ten (10) days prior to the public participation meeting.

C. *Type 3.* When the change in zoning is initiated by other than the city and is a change to the actual zoning map designation of a parcel or parcels of land, notice shall be given as follows:

1. *Mail notice.*

a. *Planning and zoning board.* Prior to the public hearing before the planning and zoning board mail notice shall be given to the owners of lands under consideration for a change in the zoning map designation and the owners of lands within three hundred (300) feet of those lands at least ten (10) days prior to the date set for public hearing.

2. *Newspaper notice.*

a. *City commission.* Newspaper notice shall be given at least ten (10) days prior to adoption of the ordinance changing the zoning map designation.

3. *Sign notice.* Sign notice shall be given prior to the planning and zoning board public hearing.

4. *Public Participation notice.* Prior to the submittal of an application to the Planning and Zoning Board (PZB). Public participation notice is required prior to the submittal of an application to the Planning and Zoning Board (PZB) and shall be given at least ten (10) days prior to the public participation meeting which must be held at least 30 days prior to the PZB meeting. Additional mail notice, via the method provided for mail notice in this Section 47-27, shall be sent by the applicant and at the applicant's expense to property owners whose real property is located within three hundred (300) feet of the development site that is the subject of the application at least ten (10) days prior to the public participation meeting.

D. *Type 4.* When a change in zoning regulations does not involve a change in the actual zoning map designation for a parcel or parcels of land and does not involve a change in the actual list of permitted, conditional, or prohibited uses with a zoning category, notice shall be given as follows:

1. *Newspaper notice.*

a. *Planning and zoning board.* Newspaper notice shall be given at least ten (10) days prior to the date set for public hearing.

b. *City commission.* Newspaper notice shall be given at least ten (10) days prior to adoption of the ordinance by the city commission.

E. *Appeal of a denial of a rezoning.* If the city commission accepts an appeal of a denial by the planning and zoning board of an application for rezoning filed by other than the city, notice shall be given prior to the city commission meeting in the same manner as notice prior to the planning and zoning board.

Sec. 47-27.6. Vacation of public rights-of-way.

A. Notice of a vacation of a right-of-way shall be given as follows:

1. *Mail notice.*

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- a. *Planning and zoning board.* Prior to the public hearing before the planning and zoning board mail notice shall be given to the owners of lands abutting a street or public place to be vacated and the owners of lands within three hundred (300) feet of those lands at least ten (10) days prior to the date set for public hearing.

2. *Newspaper notice.*

- a. *City commission.* Newspaper notice shall be given at least ten (10) days prior to the public hearing to consider adoption of the ordinance by the city commission vacating a right-of-way.

3. *Sign notice.* Sign notice shall be given prior to the public hearing before the planning and zoning board.

4. *Public Participation notice.* Public participation notice is required prior to the submittal of an application to the Planning and Zoning Board (PZB) and shall be given at least ten (10) days prior to the public participation meeting which must be held at least 30 days prior to the PZB meeting. Additional mail notice, via the method provided for mail notice in this Section 47-27, shall be sent by the applicant and at the applicant's expense to property owners whose real property is located within three hundred (300) feet of the development site that is the subject of the application at least ten (10) days prior to the public participation meeting.

B. *Appeal of denial of vacation.* If the city commission accepts an appeal of a denial by the planning and zoning board of an application for vacation of right-of-way, notice shall be given as follows:

- 1. *Mail notice.* Prior to the public hearing before the city commission, mail notice shall be given to the owners of lands abutting a street or public place to be vacated and the owners of lands within three hundred (300) feet of those lands at least ten (10) days prior to the date set for public hearing.

C. *Vacation of public easements.* Notice shall be given by agenda posting.

SECTION 4. CODIFICATION AND SCRIVENER'S ERRORS. The City intends that this Ordinance will be made part of the Code of Ordinance; that sections of this Ordinance can be re-numbered or re-lettered to accomplish codification and, regardless of whether this Ordinance is ever codified, the Ordinance can be re-numbered or re-lettered, and typographical errors that

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do not affect the intent can be corrected with the authorization of the City Manager, or his designee, without the need for a public hearing.

SECTION 5. That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 6. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7. That this Ordinance shall be in full force and effect immediately after final passage and adoption.

PASSED FIRST READING this 20th day of August, 2024.

PASSED SECOND READING this _____ day of _____, 2024.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN

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