

ORDINANCE NO. C-25-41

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SUBSECTION 47-33.7, "QUORUM," SUBSECTION 47-24.12, "VARIANCES, SPECIAL EXCEPTIONS AND INTERPRETATION OF UNIFIED LAND DEVELOPMENT REGULATIONS," AND SUBSECTION 47-24.1, "GENERALLY," OF THE CITY OF FORT LAUDERDALE, FLORIDA, UNIFIED LAND DEVELOPMENT REGULATIONS, BY REVISING THE BOARD OF ADJUSTMENT'S VOTING REQUIREMENT FROM A MAJORITY PLUS ONE OF MEMBER PRESENT TO A SIMPLE MAJORITY FOR FINAL ORDERS AND ALL MOTIONS, AND PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida, desires to amend Subsection 47-33.7, "Quorum," Subsection 47-24.12, "Variances, special exceptions - and interpretation of Unified Land Development Regulation" and Subsection 47-24.1, "Generally," of the City of Fort Lauderdale, Florida, Unified Land Development Regulations (ULDR) to change the Board of Adjustment's voting requirements from a majority plus one of members present to a simple majority for final orders and all motions; and

WHEREAS, the Planning and Zoning Board, acting as the local planning agency, at its meeting of August 20, 2025 (PZ Case No. UDP-T25008), reviewed the proposed text amendments for consistency with the City of Fort Lauderdale Comprehensive Plan and recommended the City Commission adopt the amendments to the ULDR; and

WHEREAS, notice was provided to the public that this ordinance would be considered at the City Commission meeting to be held on Tuesday, October 7, 2025, at 6:00 o'clock P.M., or as soon thereafter as possible, and on Thursday, October 23, 2025, at 6:00 o'clock P.M., or as soon thereafter as possible, at the Broward Center for the Performing Arts - Mary N. Porter Riverview Ballroom, 201 SW 5th Avenue, Fort Lauderdale, Florida;

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

SECTION 1. Subsection 47-33.7. of the City of Fort Lauderdale, Florida ULDR, is hereby amended to provide as follows:

Sec. 47-33.7. – Quorum.

Five (5) members shall constitute a quorum. The concurring vote of a majority with a quorum ~~plus one (1) of those the~~ members of the board of adjustment present and voting shall be necessary to give validity to any final order and any preliminary or procedural motion of the board. ~~The board may adopt preliminary and procedural motions by a simple majority vote of those present and voting.~~

SECTION 2. Subsection 47-24.12. of the City of Fort Lauderdale, Florida, ULDR, is hereby amended to provide as follows:

Sec. 47-24.12. – Variances, special exceptions and interpretation of Unified Land Development Regulations.

A. *Variance, special exception (board of adjustment).*

1. *Applicant.* The property owner of record who wishes to develop his property not in compliance with the requirements of the ULDR.
2. *Application.*
 - a. An application for a variance or special exception shall be made to the department on forms promulgated by the department and the application shall include a statement by the applicant of the facts that show how the criteria for a variance or special exception have been met. The application shall include such additional material in support of the application as determined by the department to be appropriate to the relief requested for the property in question.
 - b. The application shall be accompanied by a copy of the deed by which the record owner of the property claims title and a current survey. If the applicant is other than the owner of record, then the applicant must identify the relationship of the applicant to the owner of record. A sworn and acknowledged power of attorney from the owner of record to the applicant must accompany the application affirming that the owner of record has granted full power and authority to the applicant to apply for the relief requested in the application. Such power of attorney shall recite that the owner of record acknowledges that the city will be relying on the power of attorney in the processing of the application for the relief requested and that revocation of the delegated authority shall not be effective until written revocation, in the same form and dignity as the original power of attorney, is delivered to the

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department. If the owner of record or applicant is other than an individual, then the application must identify whether the owner of record or applicant is a partnership, corporation, trust, proprietorship or other legal entity and the application and power of attorney, where applicable, must be executed by a general partner, officer, trustee, or other person with authority to bind the applicant or owner of record and such individual must affirm that he has the authority to bind the applicant or owner of record. If the applicant is an attorney who is a member of the Florida Bar who is acting on behalf of the owner of record, no power of attorney from the owner of record shall be required, but the application shall be signed by the attorney who shall indicate his representative capacity and Florida Bar number on the face of the application.

- c. The application will not be deemed complete until the owner of record and applicant files an affidavit with the department indicating the owner of record and applicant is aware of the following:
 - i. That in order to be entitled to the relief requested in the application an affirmative vote of a majority with a quorum, ~~plus one~~ of the board of adjustment is required;

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SECTION 3. Subsection 47-24.1. of the City of Fort Lauderdale, Florida, ULDR is hereby amended to provide as follows:

Sec. 47-24.1. – Generally

- A. No application for a development permit issued by the city for the development of land within the city shall be reviewed or development permit issued, unless in compliance with the requirements and in accordance with the procedures set forth in this Section 47-24.

...

- L. *Number of votes required for approval.* Approval of a development permit as required by the ULDR shall be by a majority vote with ~~of~~ a quorum of the members of the board, committee or commission present and voting on such permit, ~~except as follows:~~

- ~~1. Board of adjustment approval of a variance or special exception, motion for rehearing or an interpretation of the ULDR shall be by a vote of a majority plus one (1).~~

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SECTION 4. At the direction of the City Attorney, the publisher of the Code of Ordinances of the City of Fort Lauderdale, Florida, is authorized to conform chapter, article, section, subsection, clause numbers and letters, and capitalization, as set forth in the Code of Ordinances of the City of Fort Lauderdale, Florida, and to correct any non-substantive scrivener's errors in the codification of this Ordinance.

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 effective immediately upon final passage.

PASSED FIRST READING this 7th day of October, 2025.

PASSED SECOND READING this _____ day of _____, 2025.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN