




**REQUEST:** Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Article IV, Development Permits and Procedures, Section 47-24.1, Generally; Section 47-24.2, Site Plan Development Permits; Section 47-24.3, Conditional Use Permits; Section 47-24.4, Rezoning (City Commission); Section 47-24.6, Vacation of Right-of-Ways; Section 47-24.7, Vacation of Easements; To Align Development Review Timeframes with Florida Statutes, Section 166.033, and Amend Section 47-3.5, Change in Use; Section 47-3.8, Termination of Nonconforming Status; Section 47-3.9, Reuse of Nonconforming Structure; Section 47-12.6, Central Beach Development Permitting and Approval; Section 47-13.20, Downtown RAC Review Process; Section 47-13.60, Permit Approval SRAC and NWRAC; Section 47-18.41, Urban Farms and Community Gardens; Section 47-19.2, Accessory Buildings, Structures and Equipment, General; Section 47-19.3, Boat Slips, Docks, Boat Davits, Hoist, and Similar Mooring Structures; Section 47-20.3, Parking and Exemptions; Section 47-22.3, General Regulations, Signs; Section 47-23.6, Affordable Housing Regulations; and Section 47-26A.2, City Commission Request for Review: To Revise the City Commission Request for Review Period to Align Development Review Timeframes with Florida Statutes, Section 166.033.

<b>CASE NUMBER</b>	UDP-T25002
<b>APPLICANT</b>	City of Fort Lauderdale
<b>GENERAL LOCATION</b>	Citywide
<b>ULDR SECTIONS</b>	Section 47-24.1, Development Permits and Procedures Section 47-24.2, Site Plan Development Permits Section 47-24.3, Conditional Use Permits Section 47-24.4, Rezoning (City Commission) Section 47-24.6, Vacation of Right-of-Ways Section 47-24.7, Vacation of Easements Section 47-3.5, Change in Use Section 47-3.8, Termination of Nonconforming Status Section 47-3.9, Reuse of Nonconforming Structure Section 47-12.6, Central Beach Development Permitting and Approval Section 47-13.20, Downtown RAC Review Process Section 47-13.60, Permit Approval SRAC and NWRAC Section 47-18.41, Urban Farms and Community Gardens Section 47-19.2, Accessory Buildings, Structures and Equipment, General Section 47-19.3, Boat Slips, Docks, Boat Davits, Hoist, and Similar Mooring Structures Section 47-20.3, Parking and Exemptions Section 47-22.3, General Regulations, Signs Section 47-23.6, Affordable Housing Regulations Section 47-26A.2, City Commission Request for Review
<b>NOTIFICATION REQUIREMENTS</b>	10-day legal ad
<b>ACTION REQUIRED</b>	Recommend approval or denial to City Commission
<b>PROJECT PLANNER</b>	Jim Hetzel, AICP, Principal Urban Planner 

**BACKGROUND:**

In 2019, Florida Statute 166.033, which is part of the State's regulations on development permits and orders, was amended to require municipalities to approve, approve with conditions, or deny a non-quasi-judicial development application within 120 days of deeming it complete, or 180 days or applications that require final action through a quasi-judicial hearing or a public hearing.

The Statute requires every municipality to review the initial submittal of a development application in 30 days, and limits the number of times a municipality may ask for additional information to determine completeness of a development application. The Statute also states that a municipality and an applicant may extend the statutory deadlines upon a mutually agreed upon extension.

Development applications reviewed and approved by the Development Review Committee (DRC), as well as applications reviewed administratively by staff, fall within the 120-day statutory review requirement. Other development applications are considered quasi-judicial and require review and approval by the City's Planning and Zoning Board (PZB) or the City Commission, with some applications approved by the PZB being contingent on City Commission Request for Review (CCRR), also referred to as "*Commission Call-up*". These applications fall within the 180-day statutory review requirement.

At the City Commission Conference Meeting on October 24, 2024, staff provided a presentation summarizing the DRC development review process and associated review steps for quasi-judicial applications, which are subject to PZB and City Commission approval, as required in the City's Unified Land Development Regulations (ULDR). Staff presented information on existing challenges with the ULDR timeframes and deadlines related to the Statute, as well as potential amendments for consideration. The City Commission provided feedback so staff could proceed with updating the City's ULDR. Subsequently, staff prepared the following proposed amendments, and refined language throughout other sections, to be consistent with these changes:

- Require a pre-development Meeting for quasi-judicial applications prior to DRC application submittal.
- Amend completeness review from five (5) to thirty (30) days, consistent with Florida Statute 166.033 (application may be deemed incomplete up to three times).
- Amend CCRR timeframes; Seven (7) business days to call up an application, with thirty (30) days to set a *DeNovo* hearing (If no City Commission meeting is held within time frames provided, motion to consider is at next regularly scheduled meeting).
- The completeness notice issued by the City will state the start date and expiration date.

In addition, staff incorporated the following application process improvements:

- Created a "Development Review Schedule" for internal use and for applicants identifying key dates to ensure the application review process is completed within the statutory timeframes.
- Updated DRC Standard Operating Procedure to require Public Participation Notice (21 Days Prior to DRC) as part of Completeness Review.
- Created a "Development Review Schedule" for internal use and for applicants identifying key dates to achieve approval within the statutory timeframes.
- Allow draft minutes for Commission agenda items.

#### **ULDR AMENDMENTS:**

Below is a detailed summary of each proposed ULDR amendment section including intent and a description of section content. The Proposed ULDR Text Amendments are attached as Exhibit 1.

#### ***Section 47-24.1 – Development Permits and Procedures***

Intent: Align the submittal and review process with Florida Statute 166.033.

Description: Amendments to this section include:

- *Preliminary Meetings.* New text identifying the purpose of the preliminary meeting which is to review the submittal requirements, discuss process, provide feedback, and answer questions.

- *Application Submittal Requirements.* Revised text to provide clarification on submittal requirements including items such as agent authorization letters, current survey timeframe and based on title search, project narratives, other pertinent information to determine application completeness.
- *Review Process.* Revised text to align to the specific timeframe in the statute. This amendment addresses: (1) the completeness process; (2) codifies the state review timeframes; (3) provides for a one-time extension or continuance; and (4) the requirement for written approval or denial based on the Unified Land Development Regulations.

The completeness process identifies the amount of time the City has to determine completeness and request additional information, as well as the amount of time the applicant has to address the deficiencies. Upon determining completeness, the City is required to notify the applicant within the applicable review timeframes.

The specific statutory review timeframes of 120 days for non-quasi-judicial applications and 180 days for quasi-judicial applications are identified consistent with State law.

A one-time extension is proposed equal to the applicable development application review timeframes (120 days or 180 days). If the applicant is unable to complete the approval process within the extended time, then continuance in the form of a waiver is required.

The approval and denial of a development application is identified in order to provide clarity on the notice requirements. The form in which the City notifies applicants of approval is through a Certificate of Compliance. Denial will be in the form of a written notice.

- *Public Notice and Public Participation.* Majority of the existing text was removed and replaced with a new informational table (Table 2). Public notice is specified by application type for the purpose of making it easier to view and understand.
- *Affidavits.* Revised text to provide clarification on the applications that require an affidavit to use the City's affidavit form.
- *Development Permits Seeking Alternate Design Solutions.* New text added regarding the Design Review Team's role in reviewing applications that deviate from master plan design requirements. The Design Review Team (DRT) process is identified with submittal requirements, review timeframe, the manner in which the DRT determines a conclusion in the review.
- *Table 1, List of Development Permits and Procedures.* Modifications were added throughout the table to provide minor corrections and add application types, including Live Local Act projects and Plat Review applications, which are now subject to Administrative Review threshold (Site Plan Level 1).

## **Section 47-24.2 – Site Plan Development Permits**

Intent: Clarify the approval steps for site plan development permits.

Description: Amendments to this section include minor adjustments to provide clarity during the approval steps for site plan review. Specifically, new text was included for amendments to approved Site Plan Level I and Level II applications.

In addition, the effective date of approval was adjusted for applications subject to City Commission Request for Review, where the timeframe for the effective date of approval cannot be issued for seven business days unless the City Commission notifies an intent to call an item up.

### **Section 47-24.3 – Conditional Use Permits**

Intent: Remove repetitive code language.

Description: Amendments include removing text already provided in Section 47-24.1, Development Permits and Procedures.

In addition, the effective date of approval was adjusted for applications subject to Commission Request for Review, where the timeframe for the effective date of approval cannot be issued for seven (7) business days unless the City Commission provides an intent to review an application.

### **Section 47-24.4 – Rezoning (City Commission)**

### **Section 47-24.6 – Vacation of Rights-of-Way**

### **Section 47-24.7 – Vacation of Easement**

Intent: Remove repetitive code language.

Description: Amendments include removing text already provided in Section 47-24.1, Development Permits and Procedures.

### **Section 47-3.5, Change in Uses**

### **Section 47-3.8, Termination of Nonconforming Status**

### **Section 47-3.9, Reuse of Nonconforming Structure**

### **Section 47-12.6, Central Beach Development Permitting and Approval**

### **Section 47-13.20, Downtown RAC Review Process**

### **Section 47-13.60, Permit Approval SRAC and NWRAC**

### **Section 47-18.41, Urban Farms and Community Gardens**

### **Section 47-19.2, Accessory Buildings, Structures and Equipment, General**

### **Section 47-19.3, Boat Slips, Docks, Boat Davits, Hoist, and Similar Mooring Structures**

### **Section 47-20.3, Parking and Exemptions**

### **Section 47-22.3, General Regulations, Signs**

### **Section 47-23.6, Affordable Housing Regulations**

### **Section 47-26A.2, City Commission Request for Review**

Intent: Consistency with Commission Request for Review timeframes

Description: Amendments include removing text already provided in Section 47-24.1, Development Permits and Procedures.

In addition, staff updated the standard operating procedures for development review applications, which include the development review flowchart, development review schedule, and notice templates to align these with statutory requirements. The collective benefit of the ULDR amendments and updates to the standard operating procedure will also improve efficiency of the City's development review process, provide more predictability for applicants, and ensure the City Commission has the ability to review applications under the call-up provision, if requested. The updated development review process flowchart is attached as Exhibit 2, for informational purposes.

### **PUBLIC NOTICE REQUIREMENTS:**

pursuant to the ULDR, Section 47-24.8, a newspaper advertisement was published ten days prior to the Planning and Zoning Board meeting.

**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. Proposed ULDR Text Amendments
2. Development Review Flowchart