



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#25-0875

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Rickelle Williams, City Manager

DATE: October 23, 2025

TITLE: Second Reading - Ordinance Amending the City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-24.1, Generally, Section 47-24.12, Variances, Special Exceptions and Interpretation of Unified Land Development Regulations, Section 47-26B.1, Procedure, Section 47-29.3, Zoning Administrator, and Section 47-33, Board of Adjustment, to Update Board of Adjustment Procedures and Allow for Administrative Review of De Minimis Variances – Case No. UDP-T25008 - **(Commission Districts 1, 2, 3 and 4)**

Recommendation

Staff recommends the City Commission consider an ordinance amending the City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-24.1, Generally, Section 47-24.12, Variances, Special Exceptions and Interpretation of Unified Land Development Regulations, Section 47-26B.1, Procedure, Section 47-29.3, Zoning Administrator, and Section 47-33, Board of Adjustment, to update Board of Adjustment procedures and allow for administrative review of de minimis variances.

Background

On September 3, 2024, during the 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 range from ten (10) to twenty-five (25) percent of the existing requirement. The research document summarizing variance regulations 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 the Board of Adjustment (BOA). The proposed amendments will establish regulations for an administrative variance process, revise successive applications requirements, and revise the appeal requirements. Staff presented the proposed amendments to the BOA on July

9, 2025. The BOA members were generally supportive about the establishment of the administrative review process and suggested mail notice requirements to adjacent property owners. The BOA provided feedback on successive applications and recommended allowing one (1) subsequent request. The Board also expressed concerns with changing the process to allow applicants to appeal to the City Commission instead of Circuit Court with members stating that appeals should go to Special Magistrate rather than the City Commission. The July 9, 2025, BOA meeting minutes are attached as Exhibit 2.

On August 20, 2025, the Planning and Zoning Board (PZB), acting as the local planning agency ("LPA") reviewed the proposed ordinance change and recommended approval with modifications (by a vote of 6-0). The modifications consist of the following:

- Clarification that the administrative variance process is approved by the Zoning Administrator and is not a hearing process; the Zoning Administrator reviews the application and makes a determination based upon that review.
- Change to language stating that failure to receive mail notice shall not be grounds for invalidating the hearing, as there is no hearing; replacement of the word "hearing" with "review and decision on the administrative variance application" is recommended.
- Change to Subsection 6 reference to adjacent property owners submitting opposition to the variance application carrying automatic denial of the application; the addition of a time frame of seven (7) business days for the receipt of objection letters is recommended, as well as modification of the response from denial to forwarding the objection to the Board of Adjustment.

The PZB found the proposed modifications consistent with the City of Fort Lauderdale Comprehensive Plan. The August 20, 2025, PZB Report, and meeting minutes are attached as Exhibit 3 and Exhibit 4, respectively.

The first reading of the ordinance was held by the City Commission on October 7, 2025. The City Commission made modifications to the ordinance on first reading to revise the waiting period for successive applications from two (2) years to one (1) year. The changes have been incorporated into the proposed ordinance on second reading.

In addition, at the October 8, 2025, BOA meeting, the BOA issued a Communication to the City Commission expressing concern that the proposed language for the administrative variance process could be clearer in that the process does not apply to new construction, and recommending reconsideration of the proposed appeal process due to the anticipated high volume of appeals to the City Commission. The proposed recommendation to address the BOA's concerns regarding the administrative variance process within the ordinance is highlighted and provided in Exhibit 5."

Proposed ULDR Amendments

The proposed amendments are summarized below:

1. Establish regulations for an administrative variance process;

Amend ULDR Section 47-24.1, Section 47-24.12, Section 47-29.3 and Section 47-33

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 for an existing single-family dwelling or an existing accessory structure to an existing single-family dwelling.

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 (2) years is an unreasonable amount of time to wait to resubmit.

Intent: The proposed amendments will reduce the waiting period for successive applications that were denied by BOA for the same request from two (2) years to one (1) year. Note, on October 7, 2025. The City Commission made modifications to the ordinance on first reading to revise the waiting period for successive applications from two (2) years to one (1) year. The changes have been incorporated into the proposed ordinance on second reading. The proposed amendments will also allow an applicant to submit an additional application within one (1) year for the same or substantially the same relief for consideration by either the BOA 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 the appeal process for BOA;

Amend ULDR Section 47-24.1 and Section 47-24.12

Description: Pursuant to ULDR *Section 47-24.1 and 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 163.250, Florida Statutes (1977) that provided for the review of decisions of the Board of Adjustment in the circuit court.

Intent: The proposed amendments revise the appeal process for BOA decisions by allowing applicants to appeal orders by the BOA to the City Commission prior to an applicant seeking a writ of certiorari from the circuit court.

The proposed ordinance is attached as Exhibit 6.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item supports the *Press Play Fort Lauderdale 2029* Strategic Plan, specifically advancing:

- The Public Area.
- Goal 5: Build a beautiful and welcoming community.

This item advances the *Fast Forward Fort Lauderdale 2035* Vision Plan: We Are Community.

This item supports the *Advance Fort Lauderdale 2040* Comprehensive Plan, specifically advancing:

- The Neighborhood Enhancement Focus Area
- Future Land Use Element
- Goal 2 – Sustainable Development: The City shall encourage sustainable, smart growth which designates areas for future growth, promotes connectively, social equity, preservation of neighborhood character and compatibility.

Related CAM

25-0941

Attachments

Exhibit 1 – Administrative Variance Regulations Research Document

Exhibit 2 – July 9, 2025, BOA Meeting Minutes

Exhibit 3 – August 20, 2025, PZB Staff Report

Exhibit 4 – August 20, 2025, PZB Meeting Minutes

Exhibit 5 – Proposed Revisions to Administrative Variance

Exhibit 6 – Ordinance

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