

ORDINANCE NO. C-26-03

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS ARTICLE IV, DEVELOPMENT PERMITS AND PROCEDURES AMENDING THE 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," 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," 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, TO CODIFY CERTAIN DEVELOPMENT REVIEW PROCESSES, AND PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, Chapter 2021-224 of the Laws of Florida took effect on October 1, 2021, providing in part amendments to s. 166.033, Florida Statutes, revising the requirements for when a municipality may request certain information related to the review of development permits and order; and

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WHEREAS, Chapter 2025-177 of the Laws of Florida took effect on October 1, 2025, further amending s. 166.033, Florida Statutes, requiring municipalities to specify minimum information necessary for certain applications; revising timeframes for processing applications for approval of development permits or development orders; defining the term "substantive change"; providing refund parameters in situations where the municipality fails to meet certain timeframes; and

WHEREAS, the City of Fort Lauderdale, Florida, Unified Land Development Regulations ("ULDR") contains development permit application review procedures that occasionally create a conflict with the timeframes for processing development permit applications set forth in the s. 166.033, Florida Statutes; and

WHEREAS, Section 28 of Chapter 2025-190 of the Laws of Florida provides that from August 1, 2024, each municipality within a county listed in certain Federal Disaster Declaration, may not propose or adopt any moratorium on construction, reconstruction, or redevelopment of any property damaged by such hurricanes; propose or adopt more restrictive or burdensome amendments to its comprehensive plan or land development regulations; or propose or adopt more restrictive or burdensome procedures concerning review, approval, or issuance of a site plan, development permit, or development order, and any such moratorium or restrictive or burdensome comprehensive plan amendment, land development regulation, or procedure shall be null and void ab initio; and

WHEREAS, the City is located in Broward County, Florida, which is listed in Federal Disaster Declaration for Hurricane Milton (DR-4834); and

WHEREAS, the Development Service Department (DSD) implemented certain development permit process, including but not limited to the Design Review Team in 2007, as authorized in Section 47-29 of the ULDR and now proposes that those procedures be codified in the ULDR; and

WHEREAS, the codification of procedures proposed and implemented prior to August 1, 2024, is not violative of Section 28 of Chapter 2025-190 of the Laws of Florida; and

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida, desires to amend Unified Land Development Regulations (ULDR) to bring the ULDR in compliance with state law and to incorporate previously proposed and implemented procedures, specifically 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

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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; and Section 47-26A.2, City Commission Request for Review; and

WHEREAS, the Planning and Zoning Board, acting as the local planning agency, at its meeting of November 19, 2025 (PZ Case No. UDP-T25002), 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, January 6, 2026, at 6:00 o'clock P.M., or as soon thereafter as possible, and on Tuesday, January 20, 2026, 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 5<sup>th</sup> Avenue, Fort Lauderdale, Florida;

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

**SECTION 1.** **ARTICLE IV.** – Development Permits and Procedures of the City of Fort Lauderdale, Florida, Unified Land Development Regulations 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.
- B. No person shall undertake any development in the city as defined herein, nor shall any person use or develop any parcel of land or water for any purpose without first obtaining a development permit from the city in accordance with this section. No building or engineering permit shall be issued for a development which is not in compliance with the development permit issued for such development.

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- C. *List of development permits.* Table 1 provides a list of the types of development, the development order required for each and the department, committee, board or commission with authority to review, approve, or both, the development permit. Table 1 also identifies the review criteria required for a permit, as further described in Section 47-25, Development Review Criteria.
1. ~~*Requirements for a certificate of compliance.* Prior to the issuance of a permit as required by this section, a certificate of compliance (COC) shall be issued by the department when the requirements for a specific development permit have been met. A COC shall also be required for all development which is regulated by the ULDR and which is not otherwise required to obtain one (1) or more of the development permits as provided herein.~~ *Development permit documentation.* A Certificate of Compliance (COC) shall be issued by the department to the applicant at the time of issuance of the development permit. The COC shall identify the type of development permit, approving authority, and if applicable, expiration dates, conditions of approval, and the approving resolution or ordinance associated with the development permit. A COC shall not be issued until there is payment of final application fee as identified in the fee schedule approved by the city commission, as amended from time to time.
- D. *Development review criteria.* In addition to meeting the requirements of the district in which a proposed development is located; the standards for the use and location of the development and the requirements for a development permit as set forth in this section; all development permits shall be subject to Section 47-25, Development Review Criteria, as specified therein.
- E. ~~*Review process.* Table 1 identifies the department, committee, board or commission with authority to review and approve the issuance of a development permit. Table 1 also identifies which permits may be reviewed by the city commission upon city commission request, and the appropriate body to consider an appeal from a denial of a development permit.~~ *Pre-development application meeting.* Applicants may request a pre-development meeting with the department prior to the formal submittal of a development permit application. The purpose of the pre-development meeting is to review the submittal requirements, discuss process, provide feedback, and answer questions. Additional preliminary meetings after the first are subject to a fee as adopted by city commission.
- F. *Application requirements.* An application for a development permit shall be submitted to the department on forms provided by the department. Unless otherwise provided herein, the following is a list of the minimum requirements for an application for a development permit. Additional information necessary in order to determine if the development meets the ULDR may be required as identified on the application form and specifications for plan submittal for a specific the development permit type.

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1. ~~Name(s), address(es), email(s) and telephone number(s) of the applicant(s) or authorized representative for the applicant including signature(s).~~
2. Agent name, address, email, and telephone number authorized to represent the applicant(s). An agent authorization from the property owner(s) must be provided.
23. A statement of ownership of the subject property such as warranty deed or proof of authorization to apply for a development permit from the legal property owner applicant(s) of the parcel proposed for development.
34. Current survey Survey including legal description of the subject property signed and sealed by licensed surveyor in the State of Florida. Current survey shall be completed within six (6) months of application submittal.
45. Legal description of the subject property. Survey shall be based on standard title commitments or opinion of title issued by a licensed title insurer or attorney.
56. A brief description of the proposed development permit being requested.
67. Existing use of the subject property.
78. Proposed use of the subject property
89. Existing zoning of the subject property.
910. Existing land use designation of the subject property.
101. Existing zoning, existing use, and existing land use designation of lands within a seven hundred (700)-feet foot radius of the subject property.
142. ~~A general vicinity map showing the location of the parcel proposed for development or use at a scale of not less than one (1) inch equals five hundred (500) feet~~ An aerial vicinity map depicting the surrounding context within a seven hundred (700) foot radius of the subject property.
123. ~~Such other information as required pursuant to the ULDR and additional information necessary to support the application.~~ Project narratives and documentation that includes the following:
  - a. The project narrative shall include:
    - i. summary of the project,
    - ii. narrative responses to the applicable review criteria,
    - iii. narrative responses to design elements of the applicable master plan, if applicable.

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iv. reference to zoning and comprehensive plan provision(s) the project is consistent with, and

v. Plan sets consistent with applicable specifications by application type.

b. The project documentation shall include:

i. plan sets consistent with applicable specification by application type,

ii. supporting traffic analysis statement or study, if applicable,

iii. water/wastewater capacity letter request, if applicable,

iv. drainage calculations, if applicable, and

v. any other supporting documents.

134. For development permit applications that require public mail notice sent by the City as provided in Section 47-27, Notice Procedures for Public Hearings, the applicant shall provide the following:

a. Property appraiser's tax map showing all properties required to be noticed indicating the required mail notice radius from, and their relation to the subject parcel.

b. List of property owners' names, tax identification number and address and one (1) set of addressed size #10 envelopes, with appropriate prepaid postage affixed and showing the city's department's return address for each property owner required to be noticed.

~~14. For development permits that require public participation notice as provided in Section 47-27, Notice Procedures for Public Hearings, the following:~~

~~a. The applicant shall provide an affidavit documenting that notice was provided at a minimum of ten (10) days prior to both the Development Review Committee and Planning and Zoning Board meetings.~~

~~b. 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 a minimum of thirty (30) days prior to the Planning and Zoning Board hearing. 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 Planning and Zoning Board until this report letter is submitted to the Department.~~

- G. *Applicant.* When used herein an applicant for a development permit shall have the meaning provided as follows:
1. An owner of property shall be the owner in fee simple title of the property proposed to be developed or his or her authorized representative who wishes to develop or use property within the city in a manner which by the ULDR requires a development permit; or
  2. The city, by and through the city manager, city commission or department.
- H. *Fees and costs.* All applications for a development permit shall have an application fee as established by the city commission as set forth in a the most recently adopted resolution, adopting or amending the fee schedule. ~~as amended from time to time.~~ In addition to the application fee, any additional costs incurred by the city including review by a consultant on behalf of the city or special advertising costs shall be paid by the applicant to the department. Any additional costs which are unknown at the time of application but are later incurred by the city shall be paid by the applicant prior to the issuance of a development permit.
- I. *Determination of completeness Review Process.* Development permit applications are subject to completeness determination and review process as provided herein consistent with Florida Statute Section 166.033.
- ~~1. Within five (5) business days of receiving an application for a development permit, the department shall review the application to determine if the information provided is complete. The department shall notify the applicant of any deficiencies in the application.~~
  - ~~2. Upon submittal of additional information, the department will determine if the application is complete.~~
  - ~~3. If an applicant fails to provide additional information as requested by the department within two (2) weeks of the request or respond to the department with a time when the information will be submitted, the application shall be deemed to be withdrawn by the applicant.~~
  - ~~4. At a minimum, an application for a development permit must evidence compliance with the city's adopted land use plan and the minimum standards of the ULDR.~~
  - ~~5. Review of an application by the department shall not commence until the application is determined to be complete.~~
1. *Determination of application completeness.* An application shall be submitted to the department and reviewed for completeness based on compliance with Section 47-24.1.F,

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Application Requirements; and Section 47-24.1.H, Fees and Costs for initial submittal fees. The City shall review the submittal of an application as follows:

- a. Initial Submittal. After submittal of an application, the City shall within five (5) business days after receiving an application to confirm receipt of the application using the contact information provided by the applicant. Within thirty (30) days after receiving an application the City must review the application for completeness and issue a written notification to the applicant indicating if the application is complete or incomplete.
  - b. Request Cycle 1. If an application is determined to be incomplete, the City shall issue a written notification identifying, with particularity, the deficiencies with the submitted application. The applicant has thirty (30) days from the issuance of the City written notification to address the deficiencies in the application submittal.
  - c. Request Cycle 2. After the City's receipt from the applicant of additional information addressing the deficiencies in the application, the City shall have thirty (30) days to review the submitted information. If the application is determined to be deficient, the City shall issue written notification indicating the outstanding deficiencies. The applicant has thirty (30) days from the issuance of the City written notification to address the outstanding deficiencies in the application resubmittal.
  - d. Request Cycle 3. After the City's receipt from the applicant of additional information addressing the outstanding deficiencies in the application, the City shall have ten (10) days to review the submitted information and issue written notification indicating completeness or offer the applicant a meeting to resolve outstanding issues.
  - e. Failure to Submit. If an applicant fails to resubmit deficiencies in the timelines stated herein, the incomplete application will be denied by the department.
  - f. Complete Application. Upon determining the application is complete, the City shall issue a letter to the applicant notifying completeness of the application pursuant to Florida Statutes § 166.033.
2. Application Timeframe. The city must approve, approve with conditions, or deny the application for a development permit or development order within one hundred twenty (120) days after the City deems the application complete or one hundred eighty (180) days after the City deems the application complete for applications requiring a quasi-judicial or public hearing, pursuant to Florida Statute § 166.033.

3. Application Continuance. Applications may be granted one (1) time extension equal to the review timeframe applicable to the application of one hundred twenty (120) days for non-quasi-judicial or one hundred eighty (180) days for quasi-judicial applications. If applicant is unable to complete the review within the extended time, then the applicant must submit and sign the City waiver form to request a continuance. Applications that are granted continuance shall complete the application review and approval process within six (6) months from the date waiver is granted by the City.

4. Application Approval.

- a. A final determination of approval, approval with conditions, or denial must be made by the City prior to the applicable application expiration date.
- b. A denial issued by the City must state the applicable ULDR section(s) for such denial. At a minimum, a denial shall be based on failure to comply with Section 47-24, Development Permits and Procedures.
- c. The denial of an application shall be made by the department, committee, board or commission with authority to review, approve, or both, the development permit application.
- d. Upon application approval, the City shall issue a Certificate of Compliance consistent with Section 47-24.1.C.1.

J. *Burden of proof.* The applicant shall have the burden of showing that all standards, requirements, and criteria of the ULDR have been met.

K. *Public notice and public participation.*

1. Notice procedures. Public notice required for development permits and approvals shall be as provided in Section 47-27, Notice Procedures. Section 47-24.1, Table 2 provides public notice requirements by application type required at time of application submittal.
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:~~
  - a. ~~A public participation meeting is required thirty (30) days prior to preliminary Administrative Review Committee or Development Review Committee~~

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~~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 (5) percent of the existing or approved floor area or height;~~
  - ~~b) any modification to reduce yards or setbacks up to five (5) percent of the existing or approved yard or setback; or~~
  - ~~e) 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 thirty (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.~~

3. Affidavit. Applicants must complete and submit an affidavit for public notices, public sign notices, and public participation meetings prior to the applicable timeframes indicated on the affidavit form. Applicants shall use the affidavit form provided by the City.

L. *Number of votes required for approval.* Approval of a development permit as required by the ULDR shall be by a majority vote 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).

M. *Expiration of site plan and conditional use approvals.*

1. All site plans, conditional use approvals and certificates of appropriateness (hereinafter collectively referred to as "site plan") shall expire unless:

- a. A complete application for a building permit for an above-ground principal structure as shown on the approved site plan has been submitted within eighteen (18) months following the date of approval of the site plan; and
- b. A building permit for such above-ground principal structure is issued within twenty-four (24) months following the date of approval of the site plan; and
- c. Such building permit remains valid and in effect until a certificate of occupancy, or other equivalent approval is granted for such principal structure.

2. An approved site plan that includes more than one (1) principal structure, shall expire unless:

- a. A complete application and building permit and a certificate of occupancy is issued for one of the above-ground principal structures as provided in subsection M.1; and
- b. A complete application for a building permit for any subsequent above-ground principal structure shown on the approved site plan has been submitted within eighteen (18) months following the date of issuance of a certificate of occupancy for the principal structure most recently completed; and
- c. A building permit for such above-ground principal structure is issued within twenty-four (24) months following the date of issuance of a certificate of occupancy for the principal structure most recently completed; and
- d. Such building permit remains valid and in effect until a certificate of occupancy or other equivalent approval is granted for such principal structure; and

- e. A complete application is submitted and building permits are issued for each subsequent principal structure in accordance with subsections 2.a., b., and c. until a certificate of occupancy of its equivalent is issued for all of the principal structures on the approved site plan.
  - f. Notwithstanding the provisions of this subsection 2., a site plan that includes more than one principal structure shall expire if certificates of occupancy for all principal structures have not been issued within seven (7) years of site plan approval.
3. If a building permit for construction of a principal structure as provided herein expires, the site plan shall expire and prior to issuance of any additional building permits, the applicant shall be required to submit an application for and receive approval of a new site plan for such principal structure.
4. If a site plan expires, the allocation of dwelling units granted for any principal structure that has not received a certificate of occupancy or equivalent certification shall expire at the time the site plan expires.
5. Extensions to approved site plans.
  - a. An extension of time for site plan expiration shall be granted by the reviewing body approving the site plan when all applicable building, zoning and engineering regulations remain the same and good cause for the delay has been shown by the applicant. Good cause may include, but shall not be limited to, delay caused by governmental action or inaction or other factors totally beyond the control of the applicant. An extension shall only be granted where an applicant has requested an extension during the effective period of the development permit. If any applicable building, zoning or engineering regulation has been changed during the twenty-four (24) month period, then the proposed development shall be reviewed only to the extent that the changes affect the proposed development.
  - b. An extension of time for expiration of a site plan for development sites located within the Northwest-Progresso-Flagler Heights Community Redevelopment Area ("NPF CRA") may be granted by the Executive Director of the Fort Lauderdale Community Redevelopment Agency based on the conditions provided in subsection 5.a. In no event shall an extension be granted for a period of time greater than twenty-four (24) months. If the executive director denies the extension, applicant may reapply for an extension in accordance with the provisions of subsection 5.a.

- N. *Effect of DRC, planning and zoning board, historic preservation board and city commission review.* Any review and decision by the DRC shall govern and control any department review on all issues addressed and determined by the DRC. Any review and decision by the planning and zoning board shall govern and control any department or DRC review on all issues addressed and determined by the planning and zoning board. Any review and decision of the historic preservation board shall govern and control any department or DRC review on all issues within the authority of the HPB. Any review and decision by the city commission shall govern and control any department, DRC, historic preservation or planning and zoning board review on all issues addressed and determined by the city commission.
- O. *Time for meeting conditions.* Conditions which are imposed in connection with a development permit which do not require a building permit shall be met at the time of issuance of a development permit associated with the site plan, except if the applicant shows that due to factors associated with the site such conditions cannot be met, the department may extend the time. If a condition requires construction of an improvement, such construction shall be commenced at the time of commencement of the part of the development which relates to the condition. All improvements required from the developer as a condition of approval for a development permit shall be installed and completed prior to the issuance of any certificate of occupancy. If conditions are imposed which are required to be met and an applicant fails to meet such conditions, the development permit may be revoked by the same body utilizing the same process as applicable to the issuance of the permit.
- P. *Payment of monies in lieu of installation of required improvements.* In the event that any improvements required to be made by the developer as a condition of approval for a development permit cannot be installed or completed prior to the issuance of any certificate of occupancy, the city may accept payment or a bond in the amount needed to ensure completion of the required improvements. The city will accept such payment or bond from the applicant, when the applicant has demonstrated good cause for its inability to complete the installation of the required improvements, and such delay will not cause risk to public health or safety. Funds in the amount of the cost of the required improvements will be paid to, or a bond in the amount of one hundred twenty-five percent (125%) of the cost of the required improvements shall be posted with the city. Any funds collected or bonds posted pursuant to this subsection shall only be expended upon the improvements for which the money or bond was obtained. Such funds shall be expended within five (5) years of the date such money or bond was collected by the city. If the cost of said improvements is less than the money held by the city, or if it has not been spent or used within the five (5) year time frame, then a refund of any funds held by the city shall be made to the developer or the bond shall be released. However, should any required improvement be budgeted and planned for completion within said five (5) year time frame, but not started or totally completed within said five (5) years, then in that case no refund or release shall be required. A developer shall only be required

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to pay its proportionate share of the cost of required improvements in those cases in which the improvement does not solely benefit the development.

Q. Development Permit Applications Requesting Alternate Design Approval. A development permit application requesting alternate design approval pursuant to Section 47-13 or an alternative design solution pursuant to Section 47-37B.3, shall be reviewed by the Design Review Team (DRT). The DRT process shall be the following:

1. Applicant shall submit a DRT application consistent with the form, checklist, and specifications for submittal as provided by the department a minimum of thirty (30) days prior to the formal submittal of a development permit application for the project.
2. The DRT application shall be reviewed by the DRT within thirty (30) days of submittal to the City.
3. The DRT shall provide a written report that identifies each alternate design or alternative design solution and describing how the design meets the intent of the applicable master plan or design standard.
4. For the purpose of the section, the DRT shall be comprised of the department’s urban design and planning professional staff.

SECTION 47-24.1. - TABLE 1. DEVELOPMENT PERMITS AND PROCEDURES

Permit	Depart ment <u>DSD</u>	Develo pment Review Commit tee <u>DRC</u>	Planning & Zoning Board (Local Planning Agency) <u>PZB</u> (Local Planning Agency)	Historic Preservati on Board <u>HPB</u>	City Commissio n <u>CC</u>	Board of Adjust ment <u>BOA</u>	Criteria for Review
CENTRAL BEACH AREA DISTRICTS - see Section 47-12 and other regulations	—	—	—	—	—	—	1. Adequac y Review Sec. 47- 25.2

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<p>provided in this. Table 1.</p>							<p>2. Neighbor hood Compatib ility Review Sec. 47- 25.3</p>	
<p>SITE PLAN— LEVEL I DEPARTMENT ADMINISTRATIV E APPROVAL</p>								
<p>1.</p>	<p><u>Sidewalk</u> <u>cafe</u> <u>Affordable</u> <u>Housing</u> <u>Developm</u> <u>ent</u> <u>pursuant</u> <u>to Live</u> <u>Local Act</u></p>	<p>DP</p>		<p>A</p>		<p>CRR/PZ</p>		<p>1. Adequac y Review Sec. 47- 25.2 2. <u>Outdoor</u> <u>Uses,</u> <u>Sidewalk</u> <u>Cafe</u> Sec. 47- 49.9<del>Neig</del> <u>hborhood</u> <u>Compatib</u> <u>ility</u> <u>Review</u> Sec. 47- 25.3</p>
<p>2.</p>	<p><u>Mobile</u> <u>vendorPla</u> <u>ts,</u> <u>Replats,</u> <u>Subdivisio</u> <u>ns</u></p>	<p>DP</p>		<p>A</p>		<p>CRR/PZ</p>		<p>1. Adequac y Review Sec. 47- 25.2 2. Mobile Vendor,</p>

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								Sec. 47-18.22 <u>2.</u> <u>Plat/Subd</u> <u>ivision</u> <u>Criteria</u> <u>Sec. 47-</u> <u>24.5</u>
SITE PLAN— LEVEL II DEVELOPMENT REVIEW COMMITTEE APPROVAL								
17.	Redevelopment proposals if existing and proposed improvements together meet the criteria of site plan level II review if proposed as new development and <u>includes</u> <u>meets</u> one (1) or	R	DP	A		CRR/PZ		Adequacy Review Sec. 47-25.2

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	more of the following:							
	17.a.	A modification which alters the site improvements by more than twenty-five percent (25%) of the area of the development site.						

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	17.b.	A new drive or relocation of an existing drive giving vehicular access from a public road to the development site.						
	17.c.	An addition which exc						

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		eed s twe nty- five perc ent (25 %) of the gros s floor area of the exist ing stru ctur e(s) on the dev elop men t site.							
	17.d.	A cha nge in grou p occ upa ncy							

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		cate gory as defi ned by the Flori da Buil ding Cod e, Bro war d Cou nty Editi on whic h incr eas es traffi c gen erati on by mor e than fifty perc ent (50						
--	--	--	--	--	--	--	--	--

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		%) of the traffi c gen erat ed by the exist ing use bas ed on Bro war d Cou nty traffi c gen erati on rate s.						
23.c.	Any Site Plan Level II developm ent within Downtow n RAC	R	<u>R/DRT</u>			DP		Downtow n Master Plan intent

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	that deviates from the requirements of Section 47-13.20.B							
***								
<u>24.d.</u>	<u>Any Site Plan Level II development within SRACR that proposed alternative design solutions from the requirements of Section 47-13.30</u>	<u>R</u>	<u>R/RDT</u>			<u>DP</u>		1. <u>Ad</u> <u>equacy</u> <u>Review</u> <u>w 47-</u> <u>25.2</u> 2. <u>SRAC</u> <u>-SA</u> <u>Design</u> <u>Stand</u> <u>ards</u>
24.de.	SRAC-SA Affordable Housing Density Incentive from fifty (50) dwelling units per acre to one	R	DP	A		CRR		1. Adequacy Review 47-25.2 2. SRAC-SA Design Standards 3.

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	hundred (100) dwelling units per acre.							Affordable Housing Regulations Section 47-23.16.
25.a.	NWRAC-MUe zoning district: Residential development less than five (5) units and nonresidential development less than five thousand (5,000) square feet less than or equal to sixty five (65) feet in height	<u>DPR</u>	<u>DP</u>	A		CRR/PZ		1. Adequacy Review 47-25.2 2. Design Standard Applicability, Sec. 47-13.29.
25.b.	NWRAC-MUw zoning district: Residential	<u>DPR</u>	<u>DP</u>	A		CRR/PZ		1. Adequacy Review 47-25.2 2. Design Standard

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	developm ent less than five (5) units and nonreside ntial developm ent less than five thousand (5,000) square feet less than or equal to forty-five (45) feet in height							Applicabil ity, Sec, 47-13.29.
25.c.	NWRAC- MUne zoning district: Residenti al developm ent less than five (5) units and nonreside ntial developm ent less than five thousand (5,000) square	<del>D</del> PR	<u>DP</u>	A		CRR/PZ		1. Adequac y Review 47-25.2 2. Design Standard Applicabil ity, Sec. 47-13.29.

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	feet							
25.d.	NWRAC-MUe zoning district: Residential development five (5) units or more and nonresidential development five thousand (5,000) square feet or more less than or equal to sixty five (65) feet in height	R	DP	A		CRR/PZ		1. Adequacy Review 47-25.2 2. Design Standard Applicability, Sec. 47-13.29.
25.e.	NWRAC-MUw zoning district: Residential development five (5) units or more and nonreside	R	DP	A		CRR/PZ		1. Adequacy Review 47-25.2 2. Design Standard Applicability, Sec. 47-13.29.

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	ntial developm ent five thousand (5,000) square feet or more less than or equal to forty-five (45) feet in height							
25.f.	NWRAC- MUne or MWRAC- MUE when located east of NW 2 <sup>nd</sup> Avenue: Residenti al developm ent five (5) units or more and nonreside ntial developm ent five thousand (5,000) square feet or more	R	DP	A		CRR/PZ		1. Adequac y Review 47-25.2 2. Design Standard Applicabil ity, Sec. 47-13.29.

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25.g.	NWRAC-MUe zoning district when located west of NW 2 <sup>nd</sup> Avenue greater than sixty five (65) feet in height when in compliance with Sec. 47-13.52 - NWRAC-MU Special Regulations	R	DP	A		CRR		<ol style="list-style-type: none"> <li>1. Adequacy Review 47-25.2</li> <li>2. Design Standard Applicability, Sec. 47-13.29.</li> <li>3. NWRAC-MU Special Regulations, Sec. 47-13.52.</li> </ol>
25.h.	NWRAC-MUw zoning district greater than forty-five (45) feet in height when in compliance with Sec. 47-13.52 -	R	DP	A		CRR		<ol style="list-style-type: none"> <li>1. Adequacy Review 47-25.2</li> <li>2. Design Standard Applicability, Sec. 47-13.29.</li> <li>3. NWRAC-MU Special Regulation</li> </ol>

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	NWRAC-MU Special Regulations							ns, Sec. 47-13.52.
<u>25.i.</u>	<u>Any Site Plan Level II development within NWRAC that alternate design solutions from the requirement of Section 47-13.31</u>	<u>R</u>	<u>R/DRT</u>			<u>DP</u>		1. <u>Ad</u> <u>equacy</u> <u>Review</u> <u>47-</u> <u>25.2</u> 2. <u>De</u> <u>sign</u> <u>Standa</u> <u>rd</u> <u>Applica</u> <u>bility,</u> <u>Sec.</u> <u>47-</u> <u>13.29.</u>
***								
SITE PLAN— LEVEL III APPROVAL								
***								
38.	All development within the SRAC-SA zoning districts greater than one	R	<u>R/DRT</u>	<u>DPR</u>		<u>GRR/ADP</u>		1. Adequacy Review Sec. 47-25.2, and 2. Neighborhood Compatibility

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	hundred and ten (110) feet in height up to one hundred and fifty feet (150) feet in height.							ility Review Sec. 47-25.3 3. RAC Requirement, Section [47-13]
***								

Permit	Department <u>DSD</u>	Development Review Committee <u>DRC</u>	Planning & Zoning Board (Local Planning Agency) <u>PZB</u>	Historic Preservation Board <u>HPB</u>	City Commission <u>CC</u>	Board of Adjustment <u>BOA</u>	Criteria for Review
EXEMPTION FROM ZONING FOR PUBLIC PURPOSE USES	R	R	R		DP		Public Purpose Use Requirements, Sec. 47-18.26
CONDITIONAL USES a. Any use listed as a conditional use within a zoning district. b. Within the RS-4.4 and RS-8 districts, any	R	R	DP		CRR/A		1. Adequacy Review Sec. 47-25.2, and 2. Neighborhood Compatibility Review

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<p>single family lot which is twice the minimum lot size, or greater.                  c. Within the RMH-60 zoning district, any use which is greater than 150 feet in height, up to 300 feet in height.                  d. Any industrial use which is within 300 feet of residential property.</p>						<p>Sec. 47-25.3, and 3.                  Conditional Use Permit                  Sec. 47-24.3                  4. For Industrial Uses—                  Section 47-7</p>
<p>REZONING                  a. Change in zoning designation or change to text of the ULDR.                  *b. Allocation of commercial uses on residential land use parcel.                  *c. Allocation of commercial uses on industrial or employment</p>	<p>R</p>	<p>*R</p>	<p>R/Approval                  DP/Denial</p>		<p>DP/A</p>	<p>1. Adequacy Review                  Sec. 47-25.2, and 2.                  Rezoning Criteria,                  Sec. 47-24.4, and 3.                  For Flex Commercial Acreage                  Section 47-28                  4. For X-Exclusive</p>

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center land use parcel. *d. X-Use District.							Use district Section 47-9
SUBDIVISION APPROVAL/PLAT REQUIREMENTS	R	R	R		<del>DP</del>		1. Adequacy Review Sec. 47-25.2, and 2. Plat/Subdivision Criteria Sec. 47-24.5
VACATION OF RIGHTS-OF-WAY	R	R	R		DP		1. Adequacy Review Sec. 47-25.2, and 2. Vacation of ROW Requirements, Sec. 47-24.6
VACATION OF EASEMENTS	R	R			DP		1. Adequacy Review Sec. 47-25.2, and 2. Vacation of Easements Requirements

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							ents, Sec. 47- 24.7
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Permit	Depart tment <u>DSD</u>	Develöpmen t Review Committee <u>DRC</u>	Planning & Zoning Board (Local Planning Agency) <u>PZB</u>	Historic Preserv ation Board <u>HPB</u>	City Commis sion <u>CC</u>	Board of Adjust ment <u>BOA</u>	Criteria for Review
<p>2-&gt;COMPREHENSIVE PLAN AMENDMENTS</p> <p>a. Text or map amendments to the City's adopted comprehensive plan.</p> <p>b. Increase of residential density on residential land use parcel.</p> <p>c. Allocation of residential units on commercial or office park land use and employment center.</p>	R	R	R		DP		<p>1. Adequacy Review Sec. 47-24.2, and</p> <p>2. Comprehensive Plan Amendments Criteria, F.S. ch. 163 and F.A.C. Rule 9J-5</p>

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<p>2&gt;CONCURRENC Y FINDING OF ADEQUACY</p>	<p>R</p>	<p>DP</p>				<p>1. Adequac y Review Sec. 47- 25.2 2. Concurre ncy Finding of Adequac y Requirem ents, Sec. 47- 24.9</p>
<p>2&gt;DEVELOPMENT OF REGIONAL IMPACT (DRI)</p>	<p>R</p>	<p>R</p>	<p>R</p>		<p>DP</p>	<p>1. Adequac y Review Sec. 47- 25.2, and 2. Develop ment of Regional Impact Review Criteria, F.S. ch. 380</p>
<p>2&gt;HISTORIC DESIGNATION (OF A DISTRICT)</p>	<p>R</p>		<p>R</p>	<p>R</p>	<p>DP</p>	<p>1. Adequac y Review Sec. 47- 25.2, and 2. Historic Designati</p>

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							on Requirements, Sec. 47-24.11
➤HISTORIC DESIGNATION (OF A LANDMARK SITE, BUILDING OR STRUCTURE)	R			R	DP		1. Adequacy Review Sec. 47-25.2, and 2. Historic Designation Requirements, Sec. 47-24.11
➤CERTIFICATE OF APPROPRIATENESS (GENERAL)	R			DP	A		Historic Designation/Certificate of Appropriateness Requirements, Sec. 47-24.11
➤SAILBOAT BEND HISTORIC DISTRICT— CERTIFICATE OF APPROPRIATENESS	<u>DPR</u>			HPBR/DP	CRR/A		Sailboat Bend Historic District, Section 47-17
➤SAILBOAT BEND HISTORIC DISTRICT— MODIFICATION	R			DP	A		Sailboat Bend Historic District,

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OF YARDS							Section 47-17
?>VARIANCE/SPECIAL EXCEPTION	R					DP	1. Adequacy Review Sec. 47-25.2, and 2. Variance/Special Exception Requirements, Sec. 47-24.12
?>INTERPRETATION OF ULDR	DP					A	1. Adequacy Review Sec. 47-25.2, and 2. Interpretation of ULDR Requirements, Sec. 47-24.12

<b>LEGEND:</b>	
DRC	Development Review Committee
BOA	Board of Adjustment
R/DRT	<del>Review and recommendation requirement/Design Review Team review of deviations</del> <u>Design Review Team Review of Alternative Design Solutions</u>
PZB	Planning and Zoning Board
CC	City Commission

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Dept: <u>DSD</u>	Department
DP	Development Permit issued
<u>HPB</u>	<u>Historic Preservation Board</u>
<u>HPBR</u>	<u>Historic Preservation Board Request for Review</u>
R	Review and recommendation requirement
A	Appeal by applicant of a denial
CRR	City commission request for review
CRR/PZ	City commission request for review of planning and zoning board action
CRR/PZ or Dept.	City commission request for review of planning and zoning board action or of department action
CRR/PZ or DRC	City commission request for review of planning and zoning board action or of Development Review Committee action

SECTION 47-24.1. - TABLE 2. PUBLIC NOTICE BY APPLICATION TYPE

<u>DEVELOPMENT PERMIT APPLICATION TYPE</u>	<u>NOTICE*</u>	
	<u>Administrative Review Meeting Notice to Civic Association(s) 21 days before meeting</u>	<u>Development Review Committee Notice to Civic Association(s) 21 days before meeting</u>
<u>Amendments to Site Plan Level III or IV (height, floor area, reduced yard/setback)</u>	<u>Y</u>	<u>N</u>
<u>Amendments to Site Plan Level III or IV requiring PZB or City Commission Approval</u>	<u>Y</u>	<u>N</u>
<u>Site Plan Level II, City-wide</u>	<u>N</u>	<u>Y</u>
<u>Site Plan Level II in Regional Activity Center Zoning District or Land Use</u>	<u>N</u>	<u>Y</u>
<u>Site Plan Level III</u>	<u>N</u>	<u>Y</u>
<u>Conditional Use</u>	<u>N</u>	<u>Y</u>

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<u>Parking Reduction Request</u>	<u>N</u>	<u>Y</u>
<u>Flex Allocation</u>	<u>N</u>	<u>Y</u>
<u>Cluster Development</u>	<u>N</u>	<u>Y</u>
<u>Modification of Yards</u>	<u>N</u>	<u>Y</u>
<u>Waterway Use</u>	<u>N</u>	<u>Y</u>
<u>Rezoning Requests</u>	<u>N</u>	<u>Y</u>
<u>Right-of-way vacation requests</u>	<u>N</u>	<u>Y</u>
<u>Public Purpose Use</u>	<u>N</u>	<u>Y</u>
<u>Land Use Amendments</u>	<u>N</u>	<u>Y</u>
<u>Any Developments in the Regional Activity Center that require PZB or City Commission Approval</u>	<u>N</u>	<u>Y</u>
<u>Plat and Easements Vacation</u>	<u>N</u>	<u>N</u>

<b>LEGEND:</b>	
<u>Y</u>	<u>Yes, notice required</u>
<u>N</u>	<u>No, notice not required</u>
<u>*</u> <u>-</u>	<u>Affidavit shall be submitted verifying notice was provided</u>

**Sec. 47-24.2. – Site plan development permit.**

A. Site plan level I, level II, level III and level IV. All site plans shall be reviewed by the city in accordance with the following.

1. Applicant. The owner of property proposed for development.

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~~2. Application. An application for a site plan level review shall be submitted to the department. The application shall include the information provided in Sec. 47-24.1.F.~~

~~3. Review process.~~

~~a~~2. Site plan level I (department administrative review committee).

~~i. An application for a site plan level I approval shall be submitted to the department for review to determine whether the proposed development meets the standards and requirements of the ULDR and site plan level I criteria.~~

~~ii.a. Within ten (10) business days of submittal of a complete application, the department The administrative review committee (ARC) shall provide to the applicant a written report of the comments and recommendations regarding compliance with the standards, requirements and criteria.~~

~~ii.b. Upon issuance of comments by the ARC, the applicant shall respond and address comments. If the department ARC determines that the proposed development or use meets the standards, requirements and criteria, the department ARC shall approve or approve with conditions necessary to ensure compliance with the criteria for the proposed development or use, the site plan level I development permit and be issued a Certificate of Compliance.~~

~~iv.c. If the department ARC determines that the proposed development or use does not meet the standards, requirements and criteria for the proposed development or use, the department ARC shall deny the site plan level I development permit.~~

~~B~~23. Site plan level II (development review committee).

~~ia. An application for a site plan level II approval shall be submitted to the department and the development review committee (DRC) for review to consider if the application meets the standards and requirements of the ULDR and site plan level II criteria. The DRC shall provide the applicant with a written report of the comments and recommendations regarding compliance with the standards and requirements of the ULDR and criteria for site plan level II.~~

~~ii.b. Within no less than ten (10) business days and not more than twenty two (22) working days of submission of a completed application, the The DRC shall conduct a meeting and provide the applicant an opportunity to meet to consider the application and the applicant shall have an opportunity to be heard in accordance with the rules of procedure adopted by the DRC. The department shall forward its comments for inclusion in the DRC report.~~

- iii. ~~The DRC shall provide the applicant with a written report of the comments and recommendations to be discussed at the meeting regarding compliance with the standards and requirements of the ULDR and criteria for site plan level II.~~
- ivc. Upon the DRC determination that the proposed development or use meets the standards, requirements and criteria of the ULDR the DRC shall approve or approve with conditions necessary to ensure compliance with the standards, requirements and criteria for the proposed development or use, the site plan level II permit and be issued a Certificate of Compliance.
- vd. If the DRC determines that the proposed development or use does not meet the standards, requirements and criteria for the proposed development or use, the DRC shall deny the site plan level II permit.

C34. *Site plan level III (planning and zoning board).*

- ia. ~~An application for a site plan level III shall be submitted to the department and the development review committee (DRC) for review to consider if the application meets the standards and requirements of the ULDR and site plan level III criteria. The review shall be conducted within the time provided for a site plan level II review. The DRC shall provide the applicant with a written report of the comments and recommendations. The DRC shall conduct a meeting and provide the applicant an opportunity to meet to discuss the application at the DRC meeting regarding compliance with the standards and requirements of the ULDR and criteria for the site plane level III.~~
- ii. ~~The department shall forward its and the DRC recommendations to the planning and zoning board for consideration.~~
- iiib. Upon the DRC determination that the proposed development meets the standards and requirements of the ULDR, criteria for site plan level III, and has held the required public participation meetings a minimum of thirty (30) days prior to the Planning and Zoning Board meeting, the applicant application may within sixty (60) business days of the DRC determination, request be heard for planning and zoning board consideration.
- ivc. ~~Within no less than twenty (20) business days and not more than sixty (60) business days of applicant's request for planning and zoning board consideration, the~~ The planning and zoning board shall hold a public meeting to consider the application and the record and recommendations forwarded by the department and DRC and shall hear public comment on the application.

- vd. If the planning and zoning board determines that the proposed development or use meets the standards and requirements of the ULDR and criteria for site plan level III review, the planning and zoning board shall approve or approve with conditions necessary to ensure compliance with the standards and requirements of the ULDR and criteria for the proposed development or use, the issuance of the site plan level III permit.
- vie. If the planning and zoning board determines that the proposed development or use does not meet the standards and requirements of the ULDR and criteria for the proposed development or use, the planning and zoning board shall deny the site plan level III permit.
- viiif. After approval by the planning and zoning board, the application shall be returned to the DRC for review and approval to ensure that the site plan level III conditions as required by the planning and zoning board are incorporated into the site plan in order to receive a Certificate of Compliance.

D45. *Site plan level IV (city commission).*

- ia. The application for a site plan level IV shall be submitted to the department and be reviewed by the development review committee (DRC) to determine for ~~review to consider~~ if the application meets the standards and requirements of the ULDR and site plan level IV criteria.
- iiib. The applicant shall conduct a public participation meeting(s) a minimum of thirty (30) days prior to the Planning and Zoning Board meeting.
- iiic. The department shall forward its and the DRC recommendations to the planning and zoning board for consideration.
- ivd. During a regular public meeting the planning and zoning board shall consider the application and the record and recommendations forwarded by the department and DRC and shall hear public comment on the application.
- ve. The planning and zoning board shall determine whether the proposed development or use meets the standards and requirements of the ULDR and criteria for site plan level IV development and shall forward its recommendation to the city commission.
- vif. During a public meeting the city commission shall consider the application and the record and recommendations forwarded by the department, DRC and planning and zoning board and shall hear public comment on the application.

- viig. If the city commission determines that the proposed development or use meets the standards and requirements of the ULDR and criteria for a site plan level IV development, the city commission shall approve or approve with conditions necessary to ensure compliance with the standards and requirements of the ULDR and criteria for the proposed development or use, the issuance of the site plan level IV permit. If the city commission determines that the proposed development or use does not meet the standards, requirements and criteria, the city commission shall deny the application.
- viih. After approval of the site plan level IV by the city commission, the application shall be returned to the DRC for final review and approval to ensure that the planning and zoning board and city commission conditions for approval are incorporated into the site plan in order to receive a Certificate of Compliance.

4. ~~Criteria~~. The development review criteria as provided in Section 47-25 for site plan levels shall be as follows:

- a. ~~Site Plan Level I Adequacy Requirements, Sec. 47-25.2.~~
- b. ~~Site Plan Level II Adequacy Requirements, Sec. 47-25.2.~~
- c. ~~Site Plan Level III Adequacy Requirements, Sec. 47-25.2.~~
- d. ~~Site Plan Level IV Adequacy Requirements, Sec. 47-25.2.~~

In addition to the adequacy requirements in Sec. 47-25.2, the neighborhood compatibility requirements in Sec. 47-25.3 for specified uses and structures at any site plan level shall apply as follows: See Table 1 of this section.

5-6. *Amendments to site plan.*

- a. If the applicant wishes to change the development from that approved in accordance with this section, the amendment will be required to be reviewed as a new development in accordance with the procedure for such development, except for administrative approval of an amendment in accordance with subsection A.546.b.
- b. *Administrative approval of amendments to site plan level III or IV.*
  - i. Amendment to a site plan level III or level IV permit which has been approved by the planning and zoning board or the city commission pursuant to the ULDR may be approved by the director without further review or approval by such body as follows:
    - a) Any modification to reduce floor area or height of a proposed or existing

building.

- b) Any modification to allow the alteration of the interior of an existing building which does not alter the external appearance of the building.
  - c) Any modification to allow minor cosmetic alteration of the external facade of an existing building, including new or renovated signage, awnings and architectural detailing, provided that the overall architectural character is not changed.
  - d) Any modification increasing yards, setbacks or both, provided that the zoning district does not have a "build to" requirement. If the removal of any portion of a structure results in an increase in yard or setback, the original architectural and site character must be maintained and the department may impose conditions of approval to ensure this requirement is met.
- ii. Amendment to a site plan level III or level IV permit which has been approved by the planning and zoning board or the city commission pursuant to the ULDR may be approved by the director, subject to Commission Request for Review as follows:
- a) Any modification 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.
  - b) Any modification to reduce yards or setbacks up to five percent (5%) of the existing or approved yard or setback, that does not violate the required minimum yard or setback; the building has not already received an approved yard modification; and the original architectural style and site character is maintained.
- iii. More than one (1) modification of an approved development plan as described in i. or ii. above may be approved by the director without review and approval by the planning and zoning board or city commission, provided that the total modifications do not exceed the maximum permitted as provided therein.

iv. Notice of application for modification as provided in subsection ii. shall be provided by the applicant to the presidents of homeowner associations and presidents of condominium associations, or both, representing property within three hundred (300) feet of the applicant's property. Notice shall be in the form provided by the department and mailed on the date the application is accepted by the department. The names and addresses of homeowner associations shall be those on file with the city clerk.

c. Amendments to site plans level I and II. Amendments to approved site plans level I and II permits shall be reviewed administratively for changes as described in A.4.b.i. A.6.b.i Amendments that exceed A.4.b.i A.6.b.i shall be reviewed as a new application. Amendments to site plans level I and II that were originally subject to a commission request for review, shall be subject to commission request for review for amendments.

ed. *Other amendments.* If the applicant wishes to change the development to an extent which exceeds the authority of the department to approve amendments as provided in subsection A.546.b. i or ii, or subsection A.4.e A.6.c. the proposed amendment to the site plan level III or level IV permit will be required to be reviewed by the department and forwarded to the body which gave final approval to the original development permit. All approvals of amendments to a development permit by the Planning and Zoning Board shall be subject to City Commission Request for Review.

6 7. *Effective date of approval.* Site plan level development permits which are not subject to a commission request for review ("CRR") shall take effect upon approval of the development permit. The site plan level permits subject to CRR are shown on Table 1 in Sec. 47-24.1 or other provisions of the ULDR and the process for review is provided in Section 47-26B, Appeals. Except as provided herein, site plan level development permits which are subject to a CRR shall not take effect nor shall any building permit be issued for thirty seven (307) business days and then only if no motion is adopted by the member of the city commission files a statement of intent with the city clerk seeking to review the application. The action of the body approving the development permit shall be final and effective after the expiration of the thirty seven (307) business day period if no member of the city commission files a statement of intent with the city clerk action is taken by the city commission and after the site plan has been reviewed to include all conditions imposed by the reviewing body as a requirement of approval as evidenced by final DRC review and execution. If any member of the city commission files a statement of intent with the city clerk, the action of the body approving the development permit shall be final and effective after the city commission takes no action or denies a motion to set a hearing

~~to review the application pursuant to Section 47-26A.2. For development permits approved under Section 47-24.2.A.5.b the motion shall be considered within fifteen (15) business days of the decision by the lower body. The action of the body approving the development permit shall be final and effective after the expiration of the fifteen (15) business day period if no action is taken by the city commission and after the site plan has been reviewed to include all conditions imposed by the reviewing body as a requirement of approval as evidenced by final department review and execution.~~

~~7~~ 8. *Appeal.* If a site plan level development permit is denied or is approved with conditions unacceptable to the applicant and appeal to a city body is provided in the ULDR as shown on Table 1 in this Section 47-24, the applicant may appeal the decision in accordance with the procedures provided in Section 47-26B, Appeals.

8 9. *Multiple requests for site plan level review.* If a development requires more than one (1) site plan level review, or a site plan level review and a conditional use review, or a site plan and a parking reduction the applications shall be combined and reviewed in accordance with the procedures for the higher level of required review. For example if one (1) site plan requires site plan level II review and a site plan level III review, both requests will be combined and reviewed under the procedures for a site plan level III permit.

**Sec. 47-24.3. - Conditional use permit requirements.**

A. *Generally.* It is the purpose of this section to provide criteria for conditional uses within specified zoning districts, which, because of certain characteristics as evaluated in the review criteria below, may not be appropriate at particular locations within the district, but which may be desirable in other locations for the orderly development of the city and for the public convenience or welfare.

B. *Applicant.* The owner of property proposed for development.

BC. *Application.* An application for a conditional use permit shall meet the application submittal requirement and be submitted to the department. The application shall include the information provided in Sec. 47-24.1.F and the following additional information:

1. A description of the inherent nature of the proposed use;
2. The methods and materials utilized in the operation of the use;
3. The scope of the proposed operation;
4. A description of the economic and environmental impact on the surrounding area by permitting the conditional use.

~~D. *Review process.* The review process for a conditional use permit shall be the same as required for a site plan level III approval, as provided in Sec. 47-24.2, Site Plan Development Permit, subsection A.3.e.~~

E.C.D. *Criteria.* The following review criteria shall be applied in considering an application for a conditional use permit:

1. Impact on abutting properties as evaluated under the Neighborhood Compatibility Requirements, Sec. 47-25.3.
2. Access, traffic generation and road capacities. Consideration will be given to the design capacity of the adjacent roadways, the particular traffic generation characteristics of the proposed conditional use, including the type of vehicular traffic associated with such uses, and traffic generation characteristics of other uses permitted in particular zoning districts.
3. The applicant must show and it must be found by the reviewing body that the following have been met:
  - a. The location of the use or structure is not in conflict with the city's comprehensive plan;
  - b. Off-site or on-site conditions exist which reduce any impact of permitting the use or structure;
  - c. On-site improvements have been incorporated into the site plan which minimize any adverse impacts as a result of permitting the use or structure;
  - d. The location of the use in proximity to a similar use does not impact the character of the zoning district in which the use is located;
  - e. There are no adverse impacts of the use which effect the health, safety and welfare of adjacent properties.

F.D.E. *Effective date of approval.* A conditional use permit shall not take effect nor shall a building permit be issued until ~~thirty seven (307)~~ business days after approval and then only if no member of the city commission files a statement of intent with the city clerk seeking to review the application. The action of the body approving the development permit shall be final and effective after the expiration of the seven (7) business day period if no member of the city commission files a statement of intent with the city clerk and after the site plan has been reviewed to include all conditions imposed by the reviewing body as a requirement of approval as evidence by final DRC review and execution. If any member of the city commission files a statement of intent with the city clerk within the seven (7) business days after approval, the action of the body approving the development permit shall be final and effective after the city

~~commission takes no action or denies a motion set a hearing to review the application pursuant to Section 47- 26A.2. days after approval, and then only if no motion is adopted by the city commission seeking to review the application or no appeal of the planning and zoning board decision is filed by the applicant as provided in Section 47-26B, Appeals. The motion of the planning and zoning board shall be final and effective after the expiration of the thirty (30) day period with no action taken by the city commission, and after the conditional use plans have been revised to include all conditions imposed by the planning and zoning board as a requirement for approval as evidenced by final DRC review and approval.~~

**GEF. Amendment.** If the applicant wishes to change a conditional use development as approved by the planning and zoning board to an extent which exceeds the authority of the director to approve amendments as provided in Sec. 47-24.2.A.546.b.ii, the proposed amendment to the development or use will be required to be reviewed and approved by the planning and zoning board in accordance with the procedures for review and approval of a new conditional use permit.

**HFG. Appeal.** If the planning and zoning board denies or approves with conditions unacceptable to the applicant, or if the city commission wishes to review an application for a conditional use permit, the provisions of Section 47-26B, Appeals, shall apply.

**Sec. 47-24.4. - Rezoning (city commission).**

**A. Applicant.** The owner of the property sought to be rezoned or the city.

~~B. Application. An application for a rezoning shall be made to the department. The application shall include the information provided in Sec. 47-24.1.F.~~

**CAB. Review process.**

1. An application for rezoning shall be submitted to the department for review to consider if the application meets the rezoning criteria and the application is deemed complete.
2. The department shall forward its recommendations to the planning and zoning board for consideration.
3. The planning and zoning board shall hold a public hearing to consider the application and the record and recommendations forwarded by the department and shall hear public comment on the application.
4. If the planning and zoning board determines that the application meets the criteria as provided in this section, the planning and zoning board shall recommend that the rezoning be approved or recommend a rezoning to a more restrictive zoning district than that requested in the application if necessary to ensure compliance with the criteria for the rezoning and if consented to by the applicant.

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5. If the planning and zoning board determines that the application does not meet the criteria provided for rezoning or if the applicant does not consent to a more restrictive zoning district, the planning and zoning board shall deny the application and an appeal to the city commission may be filed by the applicant in accordance with Section 47-26B, Appeals.
6. If the rezoning application is recommended for approval or if an appeal of a denial of an application has been filed by the applicant in accordance with this section, the planning and zoning board shall forward its record and recommendations to the city commission for consideration.
7. The city commission shall hold a public hearing to consider the application and the record and recommendations forwarded by the department and the planning and zoning board and shall hear public comment on the application.
8. If the city commission determines that the rezoning meets the criteria for rezoning the city commission shall approve the change in zoning as requested in the application or approve a change to a more restrictive zoning district than that requested in the application if necessary to meet the criteria provided for rezoning and if consented to by the applicant. If the city commission determines that the proposed rezoning does not meet the criteria in, or if the applicant does not consent to a more restrictive zoning district, the city commission shall deny the application.
9. Approval of a rezoning shall be by ordinance adopted by the city commission.
10. If an application is for rezoning of more than ten (10) contiguous acres, the application shall be considered in accordance with Sec. 47-27.5.B, Notice Procedures for Public Hearings.

DBC. *Criteria*. An application for a rezoning shall be reviewed for compliance with Section 47-25, Development Review Criteria. In addition, an application for a rezoning shall be reviewed in accordance with the following criteria:

1. The zoning district proposed is consistent with the city's comprehensive plan.
2. The changes anticipated by the proposed rezoning will not adversely impact the character of development in or near the area under consideration.
3. The character of the area proposed is suitable for the uses permitted in the proposed zoning district and is compatible with surrounding districts and uses.

EGD. *Effective date of approval*. A rezoning shall take effect at the time provided in the ordinance approving the rezoning.

~~FDE~~. *Withdrawal of an application.* An applicant may withdraw an application for rezoning at any time prior to a vote by the planning and zoning board on the application. If two (2) applications for rezoning of the same parcel of property are withdrawn by the same applicant within one (1) year, no other application to rezone the tract of land shall be considered by the city for at least two (2) years after the date of withdrawal of the second application.

~~GEE~~. *New application after denial.* No application for a rezoning which has been previously denied by the planning and zoning board or by the city commission shall be accepted for at least two (2) years after the date of denial. An application to rezone property to a designation that is different than the designation which was applied for and denied and is different than a designation that was considered and denied as part of an application by the planning and zoning board, city commission or both, will be accepted and considered without consideration of time since a previous application was denied.

~~HEG~~. *Appeal.* If the planning and zoning board or city commission denies the rezoning and the applicant desires to appeal the denial, the provisions of Section 47-26B, Appeals, shall apply.

**Sec. 47-24.6. - Vacation of rights-of-way.**

A. *Vacation of rights-of-way or other public place (city commission).*

1. *Applicant.* The applicant must abut the public street, alley or other publicly dedicated or conveyed place sought to be vacated or the city.

42. *Application.* An application for a vacation of right-of-way, waterway or other public place shall be submitted to the department. ~~The application shall include a legal description of the right-of-way, waterway, public place or portion thereof proposed to be vacated and written consent executed by every utility company with existing utilities or a right to locate such utilities within the public place. A traffic study may be required by the DRC if necessary to determine if the application meets the criteria.~~

23. *Review process.*

- a. An application shall be submitted to the department for review to consider if the application meets the criteria for a vacation of right-of-way and the application is deemed complete.
- b. The department shall prepare a report to be included with the application regarding existing utilities within the right-of-way and whether the criteria have been met.
- c. The department shall forward the DRC recommendations to the planning and zoning board for consideration.

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- d. During a public meeting, the planning and zoning board shall consider the application for vacation of right-of-way, and the record and recommendations forwarded by the DRC and shall hear public comment on the application.
- e. If the planning and zoning board determines that the application meets the criteria for vacation and recommends approval of the vacation, the recommendation shall be forwarded to the city commission for consideration.
- f. If the planning and zoning board determines that the criteria have not been met, the board shall deny the application and the procedures for appeal to the city commission as provided in Section 47-26B, Appeals, shall apply.
- g. If the application is forwarded to the city commission, the city commission shall hold a public hearing to consider the application and the record and recommendations forwarded by the DRC and planning and zoning board and shall hear public comment on the application.
- h. If the city commission determines that the application meets the criteria for vacation the city commission shall approve the vacation.
- i. Approval of a vacation shall be by ordinance adopted by the city commission.
- j. If the city commission determines that the proposed development or use does not meet the criteria, the city commission shall deny the application.

34. *Criteria.* An application for a vacation of a right-of-way or other public place shall be reviewed in accordance with the following criteria:

- a. The right-of-way or other public place is no longer needed for public purposes; and
- b. Alternate routes if needed are available which do not cause adverse impacts to surrounding areas; and
- c. The closure of a right-of-way provides safe areas for vehicles to turn around and exit the area; and
- d. The closure of a right-of-way shall not adversely impact pedestrian traffic; and
- e. All utilities located within the right-of-way or other public place have been or will be relocated pursuant to a relocation plan; and the owner of the utility facilities has consented to the vacation; or a utilities easement has been retained over the right-of-way area or portion thereof; or an easement in a different location has been provided for the utility facilities by the owner to the satisfaction of the city; or any combination of same and utilities maintenance shall not be disrupted.

45. *Appeal*. If an application for vacation is denied by the city commission, the applicant may appeal the decision in accordance with the procedures provided in Section 47-26B, Appeals.

56. *Effect upon approval*. The ordinance approving a vacation of right-of-way or other public place shall be recorded in the public records of the county within thirty (30) days after adoption. The ordinance may provide for the retention of a utility or other type of easement needed by the city, and may have a delayed effective date in order that any necessary conditions relating to the vacation may be met.

**Sec. 47-24.7. - Vacation of easement.**

A. *Vacation of easement (city commission)*.

1. *Applicant*. The applicant shall be the owner of property subject to public easement sought to be vacated or the city.

12. *Application*. An application for a vacation of easement ~~shall be made to the department,~~ and shall include a legal description of the easement or portion thereof proposed to be vacated and written consent executed by every utility company with existing utilities or a right to locate such utilities within the easement.

23. *Review process*.

- a. An application shall be submitted to the development review committee for review to consider if the application meets the criteria for a vacation of easement and deemed complete.
- b. The DRC shall prepare a report to be included with the application regarding existing utilities within the easement and whether the criteria have been met.
- c. The DRC shall forward its recommendation for a vacation of an easement to the city commission.
- d. During a regular public meeting, the city commission consider the application and the record and recommendations forwarded by the DRC and shall hear public comment on the application.
- e. If the city commission determines that the application meets the criteria for vacation, the city commission shall approve the vacation. If the city commission determines that the proposed development or use does not meet the criteria, the city commission shall deny the vacation.
- f. Approval of a vacation of an easement shall be by resolution adopted by the city commission.

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34. *Criteria.* An application for a vacation of an easement shall also be reviewed in accordance with the following criteria:
- a. The easement is no longer needed for public purposes.
  - b. All utilities located within the easement have been or will be relocated pursuant to a relocation plan; and the owner of the utility facilities has consented to the vacation; or a portion of the easement area is maintained; or an easement in a different location has been provided by the utility facilities by the owner to the satisfaction of the city; or any combination of same.
45. *Appeal.* If an application for vacation is denied by the city commission, the applicant may appeal the decision in accordance with the procedures provided in Section 47-26B, Appeals.
56. *Effect upon approval.* The resolution approving a vacation of easement shall be recorded in the public records of the county within thirty (30) days after adoption. The resolution may provide for the retention of a utility or other type of easement needed by the city, and may have a delayed effective date in order that any necessary conditions relating to the vacation may be made.

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SECTION 2. Article I. - General Requirements of the City of Fort Lauderdale, Florida, Unified Land Development Regulations is hereby amended to provide as follows:

**Sec. 47-3.5. - Change in use.**

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- B. If the proposed use does not meet all of the provisions of subsection A, the change in use may be permitted if:
1. The proposed use has the same or less stringent parking requirements as the existing use as provided in the Table of Parking Requirements in Section 47-20, Parking and Loading Requirements; or
  2. A parking reduction is granted which results in the use having the same or less parking requirements as the existing use as provided in the Table of Parking Requirements, Section 47-20, Parking and Loading Requirements; and
  3. The proposed use is permitted within the zoning district where the property is located and conditions imposed on the site or use results in the operational activity having the same or lesser impact on surrounding areas as the existing use determined in accordance with the following:

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- a. If the change of use is within an existing structure, which if proposed as new development would not meet the threshold requiring a site plan level II or higher permit, a determination whether a proposed use has the same or lesser impact shall be made as part of the issuance of a certificate of compliance (Section 47-24.1).
- b. If the change of use is within an existing structure, which if proposed as new development would meet the threshold requiring a site plan level II or higher permit, a determination whether the new use has the same or lesser impact shall require a site plan level II or higher permit in accordance with Section 47-24.2, Site Plan Development Permits, and the criteria provided in Section 47-25.3, Neighborhood Compatibility Requirements, shall apply.
- c. Conditions may be imposed which relate to improvements located outside of the principal structure. Such conditions may include, but shall not be limited to, parking, landscaping, signs, ingress and egress, non-structural alterations to the exterior of the principal structure, but shall not include alterations to load bearing walls, columns or girders. The conditions may include restrictions on operation of the use. In any instance, such conditions may be imposed which do not exceed the ULDR for any change in use which does not meet the provisions of subsection A. Such conditions may exceed the ULDR requirements if necessary to mitigate adverse impacts.
- d. If a determination is made that any adverse impacts of the proposed use will be mitigated after such conditions are imposed without moving or altering load bearing walls, columns or girders, then the change in use will be permitted. If a determination is made that the adverse impacts cannot be mitigated, the change in use will not be permitted without requiring the use, structure or both to meet the requirements of the ULDR.
- e. *Commission request for review.* The approval of a change in use pursuant to this subsection B., by the development review committee (DRC) shall not take effect nor shall a building permit be issued any sooner than ~~thirty seven (307)~~ business days from the date of approval, and then only if no motion is adopted by the city commission seeking to review the application or no appeal is filed by the applicant as provided in Section 47-26B, Appeals. The approval of a change of use by the department as part of a certificate or compliance shall not take effect nor shall a building permit be issued within seven (7) days of the approval, and then only if no statement of intent has been filed by a city commissioner requesting a review of the application pursuant to the criteria provided in Section 47-26A.2.A. If a statement of intent is filed within the seven (7) day period, a

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motion to approve or deny the application, or approve with conditions, shall be scheduled on the next available city commission agenda. Only agenda and posted notice will be required. The approval shall take effect on the eighth (8th) day following the approval by the department if no statement of intent is filed within the seven (7) day period.

- f. *Appeal.* An applicant may appeal a denial of a change in use after site plan level II review to the planning and zoning board in accordance with Section 47-26B, Appeals.

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**Sec. 47-3.8. - Termination of nonconforming status.**

- A. The legal nonconforming status of a nonconforming building or structure or a nonconforming use shall be terminated and the nonconforming use of the building or structure shall no longer be permitted, except in accordance with the ULDR in effect at the time a use is resumed, upon the occurrence of one of the following:
  1. Fifty percent (50%) or more of the replacement value of a nonconforming building or structure is removed, damaged or destroyed or fifty percent (50%) or more of the total area of a building or structure is removed, damaged or destroyed.
  2. a. If a nonconforming building or structure or nonconforming use is discontinued for a continuous period of one hundred and eighty (180) days in accordance with this section, there shall be a presumption of discontinuance of use if any one (1) or more of the following occurs for a continuous period of one hundred and eighty (180) days:
    - i. The goods or services previously provided on the premises are no longer provided;
    - ii. There is no water or electricity provided to the site and this is not due to natural causes;
    - iii. A certificate of occupancy has not been issued for the structures located on the site;
    - iv. Other evidence that the use has been discontinued.
  - b. If the use has been discontinued for more than one hundred and eighty (180) days based on the criteria provided in this subsection A.2, the legal nonconforming status of the building, structure or use is terminated unless an application for continuation of a nonconforming status is approved as provided herein.

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- c. A property owner may apply to the department for continuation of legal nonconforming status if the applicant shows that:
- i. Circumstances such as death of a property owner; revocation of a license necessary to operate the use or results in the discontinuance of the use and there is no determination by the entity which took action to cause the discontinuance that the owner acted wrongfully; foreclosure litigation; bankruptcy, or loss of a tenant; and
  - ii. Continuous good faith efforts to resume the use have been shown. If discontinuance in use is due to the loss of a tenant, the owner must show that reasonable action to obtain a new tenant has continued such as listing the property with a real estate agent, receipt of good faith offers on a regular basis by interested persons, existence of a telephone number which is available to persons interested in the property and evidence of continuous active marketing efforts such as advertisements in appropriate media and current signage on the property.
- d. An application for an extension of nonconforming status shall be filed with the department and shall be reviewed in accordance with the process for site plan level I review in accordance with Sec. 47-24.2, Site Plan Review Development Permit. The application need not include the information in Sec. 47-24.1.F.10. If the department finds that the requirements provided in this section have been met, the application for extension may be granted for a period of time necessary to resume the use as determined by the department based on the information provided by the applicant, but in no case for a period exceeding two (2) years subject to such conditions necessary to ensure that the use is resumed. If the department finds that the criteria have not been met, then the application for continuation shall be denied and the termination of the legal nonconforming status is confirmed.
- e. The order granting the application for continuation of legal nonconforming status shall require the applicant to resume a nonconforming use as permitted by this section within the time provided in the order. If a nonconforming use is not resumed within the time provided in the order, the applicant must submit another application for another continuation prior to the expiration of the time limitation. The application shall be reviewed and an approval considered based on the same criteria as applied to the first application. If an application is not filed before the expiration of the time limitation, then the nonconforming status shall terminate. A property owner must continue to file applications and receive extensions of nonconforming status until such time as a nonconforming use of

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the property is resumed or the nonconforming status shall terminate. Use of the property shall be resumed when the conditions evidencing the discontinuance of the nonconforming operations associated with the use no longer exist.

- f. *Commission request for review.* The order granting an extension of nonconforming status shall not take effect nor shall a building permit be issued any sooner than ~~thirty seven~~ (307) business days after approval and then only if no motion is adopted by the city commission seeking to review the application or no appeal is filed by the applicant as provided in Section 47-26B, Appeals.
- g. *Appeal.* A denial of an application for extension of nonconforming status may be appealed by the property owner to the planning and zoning board in accordance with Section 47-26B, Appeals.

3. There is a change in use which is not approved in accordance with Sec. 47-3.5.

**Sec. 47-3.9. - Reuse of a nonconforming structure.**

- A. A nonconforming structure which has lost its legal nonconforming status may be permitted for a proposed use subject to the following:
  1. The nonconformity is due to yard or height only.
  2. The proposed use of the nonconforming structure is permitted in accordance with all applicable provisions of the ULDR.
  3. The proposed use complies with the development requirements relating to improvements located outside of the principal structure. Such development requirements shall include but are not limited to parking, landscaping, signs, ingress and egress, alterations in the structure which do not effect load bearing walls, columns or girders, and other improvements related to making the existing structure and its use compatible in accordance with the neighborhood compatibility requirements as provided in Sec. 47-25.3. The requirements may also include restrictions on operation of the use. A proposed reuse of a nonconforming structure shall be reviewed in accordance with the procedures for site plan level I review as provided in Sec. 47-24.2. If any adverse impacts due to the nonconformity of the height or yard can be mitigated by such conditions without moving or altering load bearing walls, columns or girders, then the reuse will be permitted. If a determination is made that the adverse impacts due to height or yard cannot be mitigated, the reuse will not be permitted.
  4. *Effective date of approval.* The approval of a reuse of a nonconforming structure application by the department shall not take effect nor shall a building permit be issued any sooner than ~~thirty seven~~ (307) business days after approval and then only if no

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motion is adopted by the city commission seeking to review the application or no appeal is filed by the applicant as provided in Section 47-26B, Appeals.

5. *Appeal.* An applicant may appeal a denial of a reuse of a nonconforming structure application to the planning and zoning board in accordance with Section 47-26B, Appeals.

**SECTION 3.** Article II. - Zoning District Requirements of the City of Fort Lauderdale, Florida, Unified Land Development Regulations is hereby amended to provide as follows:

**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 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 provided in accordance with Section 47.27.4.
  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 seven~~ (307) business 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 seven~~ (307) business day period if no action is taken by the city commission.

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**G. *Development Permit, Density, Effective Date of Approval of Existing Site Plan.***

1. Density and within the Central Beach Regional Activity Center zoning districts is limited in accordance with the number of units and vehicle trips as provided in the City of Fort Lauderdale adopted Comprehensive Plan, as amended from time to time.

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2. Dwelling units and vehicle trips are allocated at the time of development permit approval. Upon expiration of a development permit the dwelling units shall be returned to the allocation pool for future allocation.
3. The allocation of dwelling units and vehicle trips shall be subject to all applicable provisions of the ULDR at the time of development permit approval. Dwelling units and vehicle trips are allocated on a first come, first serve basis.
4. Density may be increased through the allocation of bonus density provisions for affordable housing and shall comply with provisions on limitation as outlined in the City's Comprehensive Plan.
5. Effective Date. The development permit shall not take effect until the ~~thirty seven~~ (307) business day city commission request for review has expired. Effective date shall be the ~~307~~-day expiration, or the day of city commission action.
6. Existing Site Plans in Central Beach Regional Activity Center. Development applications received and pending review by the city or approved by the city on or before May 17, 2022, may be approved, amended and modified through the use of provisions of the zoning regulations in effect at the time the development application was submitted.

**Sec. 47-13.20. - Downtown RAC review process and special regulations.**

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*D. Development Permit, Density, Effective Date of Approval of Existing Site Plans.*

1. Density within the Downtown Regional Activity Center zoning districts is limited in accordance with the number of units as provided in the City of Fort Lauderdale adopted Comprehensive Plan, as amended from time to time, and as per Section 47-28. of the ULDR, Flexibility Rules, or compliance with Broward County Land Use Plan Policy 2.16.4. and Section 47-23.16. of the ULDR, Affordable Housing Regulations, and any other applicable provisions in the Unified Land Development Regulations. Density may be increased as provided for in the City's Comprehensive Plan.
2. With exception to the TDR Program in Section 47-36.1, dwelling units are allocated at the time of development permit approval. Upon expiration of a development permit the dwelling units shall be returned to the density pool for future allocation.
3. For the purposes of the TDR program in Section 47-36.1, Comprehensive Plan Future Land Use (FLU) category density pool units may be allocated from a sending site to a receiving site in perpetuity with the approval and recordation of a Certificate of Transfer in accordance with meeting all requirements under Section 47-36.1.

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4. The allocation of dwelling units shall be subject to all applicable provisions of the ULDR at the time of development permit approval. Dwelling units are allocated on a first come, first serve basis.
5. Density in the RAC-TMU District and RAC-RPO District.
  - a. All development within the TMU (RAC-EMU, RAC-SMU and RAC-WMU) district that is greater in density than twenty-five (25) dwelling units per net acre shall be eligible to apply for additional dwelling units subject to the following. Such approval shall be based upon consideration of the number of additional dwelling units available under the City's Comprehensive Plan, the number of additional dwelling units requested, the impact of the proposed development on abutting residential areas, the proposed residential density of the proposed development, location of the proposed development, sensitivity to adjacent development of the site design and proposed orientation of the proposed development, including proposed setbacks, pedestrian movements associated with the proposed development, proposed landscaping, and traffic and parking impacts of the proposed development on the transportation network. Approval for allocation of any additional dwelling units, hotel rooms or both, for multifamily dwellings, hotels and mixed-use developments shall conform to the City's Comprehensive Plan and may be granted subject to approval of a Site Plan Level II permit, subject to the considerations for such review as prescribed above. A minimum setback of twenty (20) feet from all property lines for every building used exclusively for residential purposes may be required. Such minimum setback may also be required for mixed use buildings in which residential use exceeds fifty-nine percent (59%) of the total floor area, exclusive of parking garages.
  - b. All development within the RAC-RPO district that is greater in density than thirty-five (35) dwelling units per net acre and up to fifty (50) dwelling units per net acre shall be reviewed subject to the requirements of Section 47-24.3., Conditional Use.
6. A development permit requesting the allocation of flex and reserve units shall comply with Section 47-28.1, Flexibility Rules. Density may be increased through the allocation of bonus density provisions for affordable housing or sleeping rooms and shall comply with provisions on limitation as outlined in the City's Comprehensive Plan.
7. Effective date. The development permit shall not take effect until the seven (7) 30-business days city commission request for review has expired. Effective date shall be the seven (7) 30-business days expiration, or the day of city commission action.

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- J. *Review process.* Except as provided in Section 47-24, Table 1. Development Permits and Procedures, development within the following zoning districts shall be reviewed as a Site Plan Level II permit.
1. A Site Plan Level II approval of a development for which a site plan has been approved by the city commission, or which has been the subject of an agreement with the city shall not be final until ~~thirty seven~~ (307) business days after final DRC approval and then only if no motion is adopted 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-day period if no action is taken by the city commission.
  2. Approval of all other Site Plan Level II developments within the RAC shall not be final until ~~thirty seven~~ (307) business days after preliminary DRC approval and then only if no motion is adopted by the city commission seeking to review the application pursuant to the process provided in Section 47-26.A.2 of the ULDR.
  3. In the event the developer of a parcel of land in the Downtown RAC districts desires to deviate from the requirements of Section 47-13.20.B., the developer may submit the design of the proposed development for review and approval by the city commission, if the alternative design meets the overall intent of the Downtown Master Plan.

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**Sec. 47-13.60. - Permit approval.**

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- D. *Effective Date of Approval.* Approval of a Site Plan Level II development within the zoning districts specified in Section 47-13.60.A shall not be final until ~~seven (7)~~ 30 business 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.

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**SECTION 4.** Article III. – Development Requirements of the City of Fort Lauderdale, Florida, Unified Land Development Regulations is hereby amended to provide as follows:

**Sec. 47-18.41. - Urban farms and community gardens.**

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- F. *Review process.* The review process for a community garden or urban farm shall be the same as required for a Site Plan Level I approval, as provided in Section 47-24.2, site plan development permit, subsection A.3.b., subject to a thirty-day commission request for review (CRR). Approval of a Site Plan Level I development permit shall not be final until ~~thirty seven~~ (307) business days after the preliminary 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.

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**Sec. 47-19.2. - Accessory buildings, structures and equipment, general.**

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- GG. *Construction staging areas.* The staging of public purpose construction projects including but not limited to the construction of public rights-of-way, utilities and facilities, may be permitted in all zoning districts as a temporary use, in order to allow for the safe, efficient completion of the project with minimal disruption to existing residents, businesses, and traffic, and to ensure that public services and facilities are available. Construction staging shall include the parking, placing and storing of construction materials, vehicles, equipment and support facilities required for the construction of a public project. Construction staging areas shall be permitted subject to the following review processes and conditions:

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5. *Effective date of approval.* The approval of a temporary construction staging area application by the department shall not take effect nor shall a permit be issued any sooner than ~~thirty seven~~ (307) business days after approval and then only if no motion is adopted by the city commission seeking to review the application or no appeal is filed as provided in Section 47-26B., Appeals.

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**Sec. 47-19.3. - Boat slips, docks, boat davits, hoists and similar mooring structures.**

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- (b) Boat davits, hoists and similar mooring devices may be erected on a seawall or dock subject to the following limitations on the number and location as follows:

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- (1) Except as provided herein, only one (1) mooring device per the first one hundred (100) feet of lot width or portion thereof, and one mooring device for each additional one hundred (100) feet of lot width. A second mooring device may be permitted within the lot area greater than one hundred (100) feet but less than two hundred (200) feet if approved as a Site Plan Level II permit, subject to the following criteria:
- a. The location of the proposed mooring device will not interfere with the view from adjacent properties to a degree greater than the intrusion already permitted as a result of the berthing of a vessel at applicant's property within the setback and extension limitations provided in the Code.
  - b. The type of mooring device is the least intrusive and most compatible with the view from the waterway.
  - c. No conflict with a neighboring property owner's usage of the waterway will be created as a result of the additional mooring device.

Pursuant to Site Plan Level II review, the development review committee ("DRC") shall determine whether the proposed additional mooring device meets the criteria based on its location and the relationship of applicant's property to abutting properties with regard to height, angle of view of the device from abutting properties and the height, width and length of the mooring device proposed.

Approval of a Site Plan Level II development permit for an additional mooring device shall not be final until ~~thirty seven~~ (307) business 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. The denial of an application for an additional mooring device may be appealed to the city commission in accordance with the provisions of Section 47-26.

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### **Sec. 47-20.3. - Reductions and exemptions.**

#### **A. *General parking reduction.***

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7. *Effective date of approval.* The approval of an application for parking reduction shall not be effective nor shall a building permit be issued for a parking facility until ~~thirty seven~~ (307) business days after approval and after the requirements in subsection A.4 are met, and then only if no motion is adopted by the city commission seeking to review the application or no appeal is filed as provided in Section 47-26B, Appeals. If no action is

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taken by the city commission within the thirty-day period, the approval of the parking reduction shall be final.

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10. If there is a failure of any condition contained in the parking reduction order, the owner of the property or agent shall:
  - a. Apply for an amended parking reduction order. The application shall show that although the condition has failed, it does not adversely impact the character and integrity of surrounding properties or that additional conditions will be substituted for any failed condition. The department may require a new parking study as provided in subsection A.1.d to support the application.
  - b. In the event the department agrees with the application, the department may approve the amendment to parking reduction. The approval of the amendment shall not take effect for thirty seven (307) business days during which time the city commission may adopt a motion to review the approval in accordance with Section 47-26B, Appeals. If no motion is adopted the approval shall be final.
  - c. When final, the amended order shall be prepared for execution and recording in the public records of the county at applicant's expense by the applicant.
  - d. If the department determines that failure of the condition adversely impacts the character and integrity of surrounding properties, the owner will be required to comply with the condition or obtain a new parking reduction order in accordance with this section. Failure of a condition of a parking reduction order without approval of an amended or new parking reduction order as provided herein shall be a violation of the ULDR.

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**Sec. 47-22.3. - General regulations.**

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- I. *Message center signs.* Message center signs shall only be permitted in accordance with the following review processes and requirements:

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3. *Review process.*
  - a. Message center signs when located on a development site shall be subject to the following review process:

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- i. Approval of a Site Plan Level I permit as described in Section 47-24.2 and review and approval by the city commission.
- ii. A review of the application from the department shall be forwarded to the city commission and scheduled on a city commission agenda within ~~thirty~~ seven (307) business days of the completion of the department review or such date thereafter as soon as the same may be scheduled.

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SECTION 5. Article VI. – Appeals of the City of Fort Lauderdale, Florida, Unified Land Development Regulations is hereby amended to provide as follows:

**Sec. 47-26A.2. - City commission request for review.**

A. *City commission request for review.* If an application for development permit is approved or denied and the ULDR provides for city commission request for review ("CRR") as shown in Table 1 of Section 47-24, Development Permits and Procedures, or other provision of the ULDR, the city commission may adopt a motion to set a hearing to review the application if it is found that the new project is in an area which due to characteristics of the project and the surrounding area requires additional review in order to ensure that development standards and criteria have been met and to ensure that the area surrounding the development is protected from the impacts of the development. The process shall be the following: ~~for CRR may be initiated by a statement of intent filed by any member of the city commission with the city clerk with a copy to the department. Except as provided herein, the motion shall be considered within thirty (30) days of the decision by the lower body. For development permits approved under Section 47-24.2.A.5.b the motion shall be considered within fifteen (15) business days of the decision by the lower body. If no city commission meeting is to be held within the time frames provided herein, the motion shall be considered at the next regularly scheduled city commission meeting. A motion for city commission request for review shall supersede an application for appeal.~~

1. The CRR may be initiated by a statement of intent filed by any member of the city commission with the city clerk with a copy to the department. The statement of intent shall be provided within seven (7) business days of the decision by the lower body.
2. If no city commission meeting is to be held within the time frames provided herein, the motion shall be considered at the next regularly scheduled city commission meeting.

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- B. The motion approving a CRR shall set a date for consideration of the application no later than ~~sixty-three~~ sixty (60) days from the date the motion is adopted. Notice of the hearing shall be given to the public by posting a sign at least ten (10) days before the hearing in accordance with Section 47-27, Notice Procedures for Public Hearing. Review by the city commission shall be by de novo hearing supplemented by the record below and the same standards and criteria applicable to the development permit shall be applied. At the conclusion of the hearing the city commission shall take action either approving, approving with conditions or denying the application.
- C. The time frames for setting a hearing provided herein may be extended by written request of the applicant.
- D. Appeal from a final decision by the city commission shall be to the circuit court by filing a petition for writ of certiorari within thirty (30) days of the decision.

**SECTION 6.** 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 7.** 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 8.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 9.** That this Ordinance shall be effective immediately upon final passage.

PASSED FIRST READING this 6<sup>th</sup> day of January, 2026.

PASSED SECOND READING this 20<sup>th</sup> day of January, 2026.



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Mayor  
DEAN J. TRANTALIS

ATTEST:



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City Clerk  
DAVID R. SOLOMAN