



**REQUEST:** Update Public Participation Requirements by Amending City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-12, Central Beach Districts, 47-24, Development Permits and Procedures, and Section 47-27, Notice Procedures for Public Hearings

<b>CASE NUMBER</b>	UDP-T23007
<b>APPLICANT</b>	City of Fort Lauderdale
<b>GENERAL LOCATION</b>	City-Wide
<b>UNIFIED LAND DEVELOPMENT REGULATIONS (ULDR) SECTIONS</b>	Section 47-12, Central Beach Districts Section 47-24, Development Permits and Procedures Section 47-27, Notice Procedures for Public Hearings
<b>NOTIFICATION REQUIREMENTS</b>	10-day legal ad
<b>SECTION 166.033, FLORIDA STATUES</b>	N/A
<b>ACTION REQUIRED</b>	Recommend approval or denial to City Commission
<b>PROJECT PLANNER</b>	Karlanne Devonish, Principal Urban Planner <i>KD</i> <i>CP</i>

**BACKGROUND**

The intent of adopting public participation requirements is to ensure that applicants and neighbors have adequate opportunities, early in the planning process, to understand and comment on proposed development projects. The proposed text amendment is intended to address public participation in the development review process for Site Plan Level II (Development Review Committee) applications as well as proposed administrative amendments to Site Plan Level III (Planning and Zoning Board review) and Site Plan Level IV (City Commission review) applications for amendments which require review and approval by the last approving body.

On April 18, 2023, the City Commission directed staff to process an amendment to the ULDR regarding notice requirements for development applications processed under Site Plan Level II, which are reviewed by the Development Review Committee (DRC). Staff prepared language addressing the request and on September 20, 2023, the Planning and Zoning Board (PZB) recommended approval of the amendment by a vote of 9-0. At the PZB meeting, discussion ensued regarding whether public participation notice should also apply to other types of requests, including rezoning and right-of-way vacation applications. Subsequent to the meeting, staff reevaluated the text amendment and revised the proposed language to provide additional clarity.

The existing ULDR language requires applicants to provide notice about the DRC meeting and hold a public participation meeting as part of the review process for Site Plan Level III and Site Plan Level IV applications. The proposed language will also require notice about the Administrative Review meeting and holding a public participation meeting for application requests to amend Site Plan level III or Site Plan level IV, specifically to increase floor area or height of an approved development that does not exceed five (5%) percent of the approved floor area or height, any modification to reduce yards or setbacks up to five (5%) percent of the approved yard or setback, or other amendments that exceed the authority of the Department to approve and require review and approval by the body which gave the final approval for the original development, either PZB or City Commission.

In addition, staff also added a provision that the notice for the public participation meeting be sent out a minimum of 10 days before the meeting, and included Section 47-12, Central Beach Districts, within this ordinance to address uniformity with all the public participation requirements and referenced sections. The proposed text is substantially similar to the amendments that were

presented to the PZB on September 20, 2023, with the exception of adding public meeting requirements for aforementioned amendments to Site Plan Level III and Site Plan Level IV projects, requiring that notice regarding the meeting be sent out a minimum of 10 days before the meeting, and including amendments to Section 47-12, Central Beach Districts.

**ULDR AMENDMENTS:**

Below is a detailed summary of each proposed ULDR amendment section, including a description of section content.

*Section 47-12, Central Beach Districts:*

Purpose and Intent: Moving notice requirements from Section 47-12 to Section 47-27 for uniformity.

Applicability: The public participation requirements for projects within a Regional Activity Center (RAC) land use will apply to projects within the Central Beach RAC, excluding plat and easement vacation requests.

Notice Requirements: A minimum of 21 days prior to the scheduled DRC meeting, the applicant is required to provide a notice of the upcoming meeting to any official city-recognized civic association(s) within 300 feet of the project, notifying the date, time, and location of the DRC meeting. A minimum of 10 days prior to the DRC meeting, the applicant will then submit an affidavit documenting that notice was provided to the applicable civic associations.

Additionally, Site Plan Level II Development Permit in a RAC zoning district or land use shall provide a written notice no later than thirty (30) days prior to the Preliminary DRC approval via regular mail and email to officially recognized civic association(s) within three hundred (300) feet of the proposed project and by regular mail to property owners within three hundred (300) feet of the proposed project notifying the date, time, and place of the applicant's project presentation meeting. An affidavit documenting that the notice was delivered must be provided.

*Section 47-24, Development Permit and Procedures:*

Purpose & Intent: Add provisions to Section 47-24 for public participation requirements for applicable development permit applications subject to review by DRC in a Regional Activity Center zoning district or land use, or development permit applications subject to review by the Planning and Zoning Board or the City Commission.

Section 47-24.1.K was retitled from "Notice Procedures for Public Hearings" to "Public Notice and Public Participation" since additional meetings are included that are not public hearings.

Applicability: The requirement to host a public participation meeting will apply to development permits subject to DRC review in a RAC zoning district or land use, or development permit applications subject to review by the Planning and Zoning Board or the City Commission, except for plats or vacations of easements. These applications include requests for conditional use approvals, parking reductions, flex allocation, cluster developments, modification of yards, waterway use approvals, rezoning and right-of-way vacation requests, public purpose use, land use amendments and beach development permits.

*Section 47-27, Notice Procedures for Public Hearings:*

Purpose & Intent: Add provisions to Section 47-27 for public participation requirements for applicable development permit applications subject to the review of DRC and to aforementioned amendments to Site Plan Level III and Site Plan Level IV projects. Section 47-27 was retitled from "Notice Procedures for Public Hearings" to "Notice Procedures" since additional meetings are included that are not public hearings.

Applicability: The ordinance will apply to Site Plan Level II development applications and ones that are subject to "City Commission Request for Review" as part of the process, excluding plat and easement vacation requests as well as amendments to Site Plan Level III and Site Plan Level IV amendments that are subject to "City Commission request for Review" or by the body which gave the final approval for the original development, either PZB or City Commission.

Notice Requirements: A minimum of 21 days prior to the scheduled DRC or Administrative Review meeting, the applicant is required to provide a notice of the upcoming meeting to any official city-recognized civic association(s) within 300 feet of the project, notifying the date, time, and location of the DRC meeting. A minimum of 10 days prior to the DRC meeting, the applicant will then submit an affidavit documenting that notice was provided to the applicable civic associations.

Additionally, Site Plan Level II Development Permit in a RAC zoning district or land use and amendments to a Site Plan Level III or Site Plan Level IV which have been approved by the PZB or the City Commission, specifically to increase floor area or height of an approved development that does not exceed five (5%) percent of the approved floor area or height, any modification to reduce yards or setbacks up to five (5%) percent of the approved yard or setback, or other amendments that exceed the authority of the Department to approve and require review and approval by the body which gave the final approval for the original development, either PZB or City Commission, shall provide a written notice no later than thirty (30) days prior to the Preliminary DRC and Administrative Review approval respectively, via regular mail and email to officially recognized civic association(s) within three hundred (300) feet of the proposed project and by regular mail to property owners within three hundred (300) feet of the proposed project notifying the date, time, and place of the applicant's project presentation meeting. An affidavit documenting that the notice was delivered must be provided.

The previously proposed amendments as presented to the PZB on September 20, 2023, are attached as **Exhibit 1**. A table outlining the public participation requirements is attached as **Exhibit 2**. The current proposed amendments are attached as **Exhibit 3**.

#### **PLANNING & ZONING BOARD REVIEW OPTIONS**

The Planning and Zoning Board, in its capacity as the Local Planning Agency, shall determine whether the proposed amendment is consistent with the City of Fort Lauderdale's Comprehensive Plan and whether the Planning and Zoning Board recommends approval or denial of the proposed amendment to the City Commission.

#### **EXHIBITS:**

1. September 20, 2023, Proposed Amendments Presented to PZB
2. Public Participation Requirements Table
3. Proposed Public Participation Text Amendment