



REQUEST: Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-27, Notice Procedures for Public Hearings to Revise the Public Participation Requirements for Site Plan Level II Development Permits.

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

BACKGROUND

On April 18, 2023, the City Commission directed staff to process an amendment to the Unified Land Development Regulations (ULDR) regarding notice requirements for projects requesting Site Plan Level II Development Permit. The proposed amendment to ULDR, Section 47-27, Notice Procedures for Public Hearings will require applicants processing a Site Plan Level II Development Permit to provide a notice via regular mail or email to the officially recognized civic association(s) within three hundred (300) feet of the proposed project site notifying of the date, time and place of the Development Review Committee (DRC) a minimum of twenty-one (21) days prior to the DRC meeting. The proposed amendment will also require applicants processing a Site Plan Level II Development Permit in a Regional Activity Center zoning district or land use to 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. The public participation requirements will give residents the opportunity to ask questions and provide feedback to the applicant regarding the project. The proposed amendments are attached as **Exhibit 1**.

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. Proposed ULDR Amendment

SECTION 47-27.
NOTICE PROCEDURES FOR PUBLIC HEARINGS

Sec. 47-27.1. Intent.

It is the intent of this section to provide the citizens of the city with notice of public hearing before city boards and the city commission to effect public participation in the decision-making process and meet the requirements of Florida Statutes.

Sec. 47-27.2. Types of public notices.

- A. When referred to in the ULDR, the different types of public notices set out below shall be given the meaning and conform with the provisions as follows:
1. *Mail notice.*
 - a. Mail notice shall consist of mailing a notice of a public hearing to real property owners within the city as specified herein as each is listed in the latest ad valorem tax records of the county. Each owner of a condominium or cooperative unit whose address is known by reference to the latest ad valorem tax records shall be sent notice as a real property owner.
 - b. In addition to the requirements provided in this section, the notice shall state the date, time and place of the meeting or public hearing, the title of the proposed ordinance or a description of the action to be considered and the place or places within the city where such proposed ordinance or information may be inspected by the public.
 - c. The notice shall advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance or action to be considered.
 - d. Unless otherwise provided by law, mail notice may be provided by bulk mail, first-class mail or other type of mail made available by the U.S. Postal Service if the mail is sent in a timely manner as required by the ULDR.
 - e. A copy of the notice mailed shall be made available for public inspection during the regular business hours of the city clerk.
 - f. Mail notice shall be deemed given when a notice has been properly addressed, stamped and deposited in a U.S. Postal Service depository.
 - g. Failure to receive notice shall not be grounds to invalidate the hearing as this provision is directory and not mandatory.
 2. *Newspaper notice.*
 - a. Newspaper notice shall consist of publication in a newspaper of general paid circulation and of general interest and readership in the city, not one (1) of limited subject matter.
 - b. Whenever possible, the advertisement shall appear in a newspaper that is published at least five (5) days a week.
 - c. In addition to the requirements provided in this section, the notice shall state the date, time and place of the meeting or public hearing; the title or titles of the proposed ordinance or a description of the action to be considered and the place or places within the city where the proposed ordinance or information may be inspected by the public.
 - d. The notice shall advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance or action to be considered.
 3. *Sign notice.*
 - a. Sign notice shall be given by the applicant by posting a sign provided by the city stating the time, date and place of the public hearing on such matter on the property which is the subject of an application for a development permit. If more than one (1) public hearing is held on a matter, the date, time and place shall be stated on the sign or changed as applicable.
 - b. Signs shall be posted in the following timeframes:
 - i. The sign for site plan level III or IV shall be posted at least fifteen (15) days prior to the date of the public hearing.
 - ii. The sign for site plan level II shall be posted at least ten (10) days prior to the date of the Development Review Committee (DRC) meeting.

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- c. The sign shall be visible from adjacent rights-of-way, including waterways, but excepting alleys.
 - d. If the subject property is on more than one (1) right-of-way as described in subsection A.3.c, a sign shall be posted facing each right-of-way.
 - e. If the applicant is not the owner of the property that is the subject of the application, the applicant shall post the sign on or as near to the subject property as possible subject to the permission of the owner of the property where the sign is located or, in a location in the right-of-way if approved by the city.
 - f. Development applications for more than one (1) contiguous development site shall be required to have sign notice by posting one (1) sign in each geographic direction, (north, south, east and west) on the public right-of-way at the perimeter of the area under consideration.
 - g. If the sign is destroyed or removed from the property, the applicant is responsible for obtaining another sign from the city and posting the sign on the property.
 - h. The sign shall remain on the property until final disposition of the application. This shall include any deferral, rehearing, appeal, request for review or hearings by another body. The sign information shall be changed as provided in subsection A.3.a.
 - i. The applicant shall, five (5) days prior to the public hearing, execute and submit to the department an affidavit of proof of the posting of the public notice sign according to this section. If the applicant fails to submit the affidavit, the public hearing will be postponed until the next public hearing after the affidavit has been supplied.
 - j. The applicant shall pay a deposit at the time application is made. All signs shall be removed by the applicant within five (5) days after final disposition of the application. If the applicant fails to remove the sign and return it to the city within this time, city shall have the right to remove same which will result in the applicant forfeiting the deposit fee. If a sign is lost or stolen, an affidavit by the applicant of such fact shall be submitted prior to return of the deposit to applicant.
4. Public Participation Notice. A public participation notice shall be given by applicant via regular mail or email to official city-recognized civic organization(s) within three hundred (300) feet of the proposed project, notifying of the date, time, and place of the Development Review Committee (DRC) meeting and notice shall be given by applicant via regular mail to the real property owners within three hundred (300) feet of a proposed project indicating the date, time and place of the applicant's project presentation meeting.
45. Agenda publication. Agenda publication shall apply to publication of the agenda of the planning and zoning board or board of adjustment at least five (5) days before the meeting of the body that is considering development approvals and permits.
56. Agenda posting. Agenda posting shall mean posting of the agenda of all boards reviewing development permits at a public place on a wall outside City Hall identified for that purpose at least three (3) days prior to the public hearing.
67. Additional and optional notice. The city commission may direct that additional notice be given as the city commission may deem as proper for the circumstances involved for a particular hearing.
78. Failure to provide notice. While sign notice, agenda publication and posting and additional and optional notice is required, failure to provide these types of notice in accordance with these provisions shall not be grounds to invalidate the hearing.

Sec. 47-27.3. Public notice required, general.

- A. In addition to the public notice required as provided in the ULDR, public notice in connection with an application for development approval shall be provided as follows:
 - 1. For all development permits reviewed or issued by any board or the city commission, notice shall be given by agenda posting.

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2. For all development permits reviewed or issued by the planning and zoning board or board of adjustment, notice by agenda publication shall be provided.

Sec. 47-27.4. ~~Notice for site plan level II, III and level IV, conditional use and plats.~~ Public Participation Notice Requirements.

- A. ~~Notice for site plan level III and level IV development approvals, site plan level II approval, in the SRAC SAe and SRAC SAw zoning districts conditional use approvals, and plats shall be as follows:~~
 1. *Sign notice.* Sign notice for site plan level III and level IV shall be required prior to a public hearing by the planning and zoning board and city commission.
 2. *Additional notice.*
 - a. For consideration of an application for alternative screening of a dumpster as provided in Section 47-19.4.H, notice shall be given to the civic or neighborhood association which represents the area within which the subject property is located of the public hearing before the planning and zoning board. The notice shall be mailed to the address on file for the association in the city clerk's office at least ten (10) days prior to the date of hearing. Failure of the notice shall not be grounds to invalidate the hearing as this provision is directory and not mandatory.
 - b. For consideration of an application for a conditional use when no portion of a parcel abuts a right-of-way, prior to the planning and zoning board meeting mail notice shall be given to the owners of the land being considered and the owners of land within three hundred (300) feet of the right-of-way closest to the parcel being considered.
 - c. For consideration of site plan level III, site plan level IV, conditional use approvals, parking reduction requests, flex allocation, cluster developments, modification of yards, waterway use approvals, ~~rezoning requests, right-of-way vacation requests,~~ public purpose use, land use amendments, any development in the Regional Activity Centers that require approval by the planning and zoning board or the city commission, and excludes plat and easement vacation requests:
 - i. A minimum of twenty-one (21) days prior to the ~~first~~ scheduled development review committee (DRC) meeting, a notice from the applicant via ~~letter~~ regular mail or e-mail shall be provided to official city-recognized civic organizations(s) within three hundred (300) feet of the proposed project, notifying of the date, time and place of the DRC meeting.
 - ii. Prior to the submittal of an application to the planning and zoning board (PZB), notice from the applicant via e-mail and regular mail shall be provided to official city-recognized civic organization(s) within three hundred (300) feet of the proposed project and by regular mail to property owners whose real property is located within three hundred (300) feet of the proposed project, notifying of the date, time and place of the applicant's project presentation meeting to take place prior to the PZB meeting. Regular mail notice shall be provided at the applicant's expense. The applicant shall provide a signed and notarized affidavit to the city attesting that notice has been sent in accordance with this section. The affidavit shall be prima facie evidence that the applicant has complied with the requirements of this section and failure to receive email or mail notice shall not be grounds to invalidate the hearing.
 3. For consideration of a Site Plan level II approval shall be as follows:
 - a. A minimum of twenty-one (21) days prior to the prior to the scheduled Development Review Committee (DRC) meeting, the applicant shall provide written notice via regular mail or email to official City-recognized civic organization(s) within three hundred (300) feet of the proposed project, notifying of the date, time, and place of the DRC meeting. The written notice shall be provided by the applicant at its sole cost and expense.
 - b. For a Site Plan Level II in a RAC zoning district or land use, in addition to notice to the DRC notice herein, the applicant shall provide written notice no later than thirty (30) days prior to preliminary DRC approval via regular mail and email to official City-recognized civic organization(s) within three hundred (300) feet of the proposed project and by regular mail to property owners whose real property is located within three hundred (300)

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feet of the proposed project, notifying of the date, time and place of the applicant's project presentation meeting. Regular mail notice shall be provided at the applicant's sole cost and expense. The following requirements must be met:

- i. The applicant shall provide a signed and notarized affidavit to the City attesting that notice has been sent in accordance with this section. The affidavit shall be prima facie evidence that the applicant has complied with the requirements of this section.
- ii. The applicant shall provide a written report letter to the DSD, 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. 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 the City Commission Request for Review until this report letter is submitted to the Department.

~~Sign notice for site plan level II development located within the SRAC SAe and SRAC SAw zoning districts shall be required prior to the date of a Development Review Committee (DRC) meeting.~~

- B. *Appeal.* Sign notice shall be required prior to a public hearing by the planning and zoning board or city commission of an appeal or request for review of a site plan or conditional use.

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