

ORDINANCE NO. C-19-

AN ORDINANCE AMENDING SECTION 47-27.4 OF THE CITY OF FORT LAUDERDALE, FLORIDA, UNIFIED LAND DEVELOPMENT REGULATIONS, ENTITLED "NOTICE FOR SITE PLAN LEVEL II, III AND LEVEL IV, CONDITIONAL USE AND PLATS," BY AMENDING THE NOTICE REQUIREMENTS FOR DEVELOPMENT PERMIT APPLICATIONS THAT REQUIRE APPROVAL BY THE PLANNING AND ZONING BOARD OR THE CITY COMMISSION, WITH THE EXCEPTION OF PLAT AND EASEMENT VACATION REQUESTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission wishes to require applicants to provide notice of the applicant's development permit project presentation meeting, that takes place prior to the Planning and Zoning Board meeting; and

WHEREAS, the City Commission finds that additional notice requirements for development permit applications are in the best interests of the citizens and residents of the City of Fort Lauderdale.

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

SECTION 1. That Section 47-27.4, Notice for site plan level II, III and level IV, conditional use and plats, of the ULDR of the City of Fort Lauderdale, Florida, is hereby amended as follows:

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

- 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.

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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 ~~sue~~, 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 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), ~~a~~ notice from the applicant via ~~letter or 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 two hundred (200) 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.

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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. 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.

SECTION 2. 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 3. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 4. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING the _____ day of _____, 2019.

PASSED SECOND READING the _____ day of _____, 2019.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI

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