

ORDINANCE NO. C-22-57

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SUBSECTION 47-27.7, ENTITLED "HISTORIC DESIGNATION" OF THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, MODIFYING NOTICE PROCEDURES FOR PUBLIC HEARINGS TO PROVIDE FOR SIGN NOTICE TO THE PUBLIC AND MAIL NOTICE TO REGISTERED AGENTS REGARDING APPLICATIONS FOR HISTORIC DESIGNATION AND APPLICATIONS FOR CHANGES TO HISTORIC DESIGNATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Lauderdale wishes to provide additional notice of historic designation applications to members of the public and businesses; and

WHEREAS, the addition of the sign notice regulations for historic designation applications are consistent with existing notice requirements for other development permit applications; and

WHEREAS, the City Commission of the City of Fort Lauderdale has deemed it to be in the best interest of the residents of the City of Fort Lauderdale to amend the notice requirements for Historic Designation applications.

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

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby incorporated in this Ordinance.

SECTION 2. Subsection 47-27.7, entitled "Historic Designation" of the City of Fort Lauderdale, Florida, Unified Land Development Regulations ("ULDR") is hereby amended as follows:

Sec. 47-27.7. - Historic designation.

A. *Historic preservation board.*

1. Within ten (10) days of a motion by the HPB to initiate a historic designation application, the ~~department of~~ Development Services Department ~~sustainable~~

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~~development~~ shall send first class mail notice to the property owner(s) of the property that is the subject of the motion for designation.

2. After a complete application for designation or change to designation application has been received by the city, notice shall be given as follows:
 - a. *Mail notice.* After a complete application for historic designation has been received by the historic preservation board liaison or his/her designee, the city shall send mail notice to the property owner(s) of the property that is the subject of an application for designation or a change to designation in accordance with Section 47-27.2 of the ULDR. Mail notice shall be sent by the city thirty (30) days prior to the date of the first public hearing before the historic preservation board. The applicant shall be responsible for all costs of mailing(s). If the real property that is the subject of the application is owned by a limited liability company or corporation that is registered to transact business in the State of Florida, the city shall send mail notice of an application for designation or a change to designation in accordance with Section 47-27.2 of the ULDR, to the registered agent of the corporation or limited liability company, thirty (30) days prior to the date of the first public hearing before the historic preservation board and the applicant is responsible for the cost of mailing.
 - i. Mail Notice Requirements for Applications for Landmark(s), landmark site(s), and archaeological site(s): Certified mail notice shall be sent by the city given to the owner(s) of real property under consideration for designation. If the property under consideration for designation is owned by a limited liability company or corporation that is registered to transact business in the State of Florida, certified mail notice shall be sent by the city to the registered agent of a limited liability or corporation.
 - ii. Mail Notice Requirements for Historic district(s). First class mail notice shall be given sent to the owner(s) of land under consideration for designation and the president of the civic association(s) that is officially recognized by the City of Fort Lauderdale where properties are located.
 - iii. A property owner may waive the mail notice requirement in subsection a. above, by sending a signed and notarized affidavit signed by each property owner, expressly stating that each property owner hereby waives

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the mail notice. The affidavit must include the property address, the historic preservation board case number, a description of the request in the application, and the date of the historic preservation board meeting.

- b. Newspaper notice shall be given at least twelve (12) days prior to the date set for the first public hearing before the historic preservation board. Newspaper notice shall comply with requirements in 47-27.2 of the ULDR.
- c. Failure to receive mail notice shall not invalidate the hearing as notice shall also be given by publication in a newspaper of general circulation within the City of Fort Lauderdale as described in subsection b. above and sign notice is also provided.
- d. Sign notice. Sign notice shall be provided in accordance with Section 47-27.2 of the ULDR prior to each public hearing before the Historic Preservation Board. Sign notice shall be posted at least fifteen (15) days prior to the date set for the historic preservation board meeting to consider historic designation.

B. *Planning and zoning board.*

1. For designation of an historic district which involves less than ten (10) contiguous acres, the city shall send mail notice to the owner of the property proposed for designation and owners within three hundred (300) feet of those lands, at least ten (10) days prior to the date set for the first public hearing. This notice may be included in the mail notice of the historic preservation board public hearing. The applicant is responsible for all costs associated with mail notice. Failure to receive mail notice shall not invalidate the hearing.
2. For designation of an historic district involving ten (10) contiguous acres or more, newspaper notice shall be given at least ten (10) days prior to the date set for public hearing.

C. *City commission.*

1. Sign notice. Sign notice shall be provided in accordance with Section 47-27.2 of the ULDR prior to the public hearing before the city commission. Sign notice shall be

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given at least fifteen (15) days prior to the date set for the city commission meeting to consider historic designation or a change in historic designation.

- 2. *Newspaper notice.* Newspaper notice in a newspaper of general circulation in the City of Fort Lauderdale shall be given at least twelve (12) days prior to the date set for public hearing to consider designation or change to a landmark, landmark site, historic district or historic building. The newspaper notice shall comply with requirements in 47-27.2 of the ULDR.

SECTION 4. 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 5. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. That this Ordinance shall be effective immediately upon its passage and adoption.

PASSED FIRST READING this 20th day of December, 2022.

PASSED SECOND READING this _____ day of _____, 2022.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN

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