

ORDINANCE NO. C-20-

AN ORDINANCE AMENDING SECTION 47-3.2, ENTITLED "NONCONFORMING STRUCTURE" AND SECTION 47-24.11 ENTITLED "HISTORIC DESIGNATION OF LANDMARKS, LANDMARK SITE OR BUILDINGS AND CERTIFICATE OF APPROPRIATENESS" OF THE CITY OF FORT LAUDERDALE, FLORIDA, UNIFIED LAND DEVELOPMENT REGULATIONS; TO PROVIDE FOR WAIVERS FOR SETBACK REQUIREMENTS AND WAIVERS FOR REQUIREMENTS FOR DISTANCE SEPARATION BETWEEN BUILDINGS AND STRUCTURES FOR DESIGNATED HISTORIC LANDMARKS AND CONTRIBUTING PROPERTIES LOCATED WITHIN A HISTORIC DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Whereas, historic landmarks and historic districts help the city to preserve its heritage, architecture, and strong sense of community; and

Whereas, the City Commission wishes to provide incentives for the designation of historic landmarks and districts within the City of Fort Lauderdale; and

Whereas, providing an opportunity for historic landmarks and contributing properties in historic districts to obtain waivers for setback requirements and waivers for distance separation requirements helps to promote investment and assists property owners and applicants with reconstruction, rehabilitation, repairs and restoration of historic properties; and

Whereas, the City Commission finds that authorizing waivers for setback requirements and distance separation requirements is in the best interest of the health, safety and welfare of the residents of the City of Fort Lauderdale.

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

SECTION 1. The foregoing "WHEREAS," clauses are hereby ratified as being true and correct and are incorporated herein by reference.

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

SECTION 2. That Section 47-3.2 entitled “Nonconforming structure” of the City of Fort Lauderdale, Florida, Unified Land Development Regulations (“ULDR”) is hereby amended as follows:

**Sec. 47-3.2. - Nonconforming structure.**

- A. *Generally.* A nonconforming structure is any structure which is in compliance with the zoning regulations applicable at the time the structure was established, and for which all required permits were issued, which structure would be prohibited, restricted, or would otherwise not conform to the ULDR. Nonconforming structures shall include those structures which do not comply with the yard, lot coverage, height or any other structural restrictions of the ULDR with the exception of regulations relating to parking facilities or vehicular use areas.
- B. *Continuation of a nonconforming structure.* A nonconforming structure may continue in existence subject to the following:
1. A nonconforming structure may not be enlarged or altered in a way which increases its nonconformity, but a nonconforming structure may be altered to decrease its nonconformity.
  2. An addition may be made to a nonconforming structure provided that the addition meets all current ULDR requirements except an addition described in Sec. 47-3.2.B.3.
  3. In R-zoned districts where the minimum side yard requirement for an existing building is less than specified for the district, but not less than five (5) feet, and where the building is designed and the foundation is built for additional floors, additional floors may be added with the same yard provided that the total height does not exceed the height permitted in the zoning district and all other provisions of the ULDR are met.
- C. Designated historic landmarks and contributing properties located in historic districts are eligible for waivers in accordance with Section 47-24.11.H of the ULDR.

SECTION 3. That 47-24.11 entitled “Historic designation of landmarks, landmark site or buildings and certificate of appropriateness” of the City of Fort Lauderdale, Florida, ULDR is hereby amended as follows:

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**Sec. 47-24.11. - Historic designation of landmarks, landmark site or buildings and certificate of appropriateness.**

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H. Waivers for historic preservation.

1. Intent. In an effort to promote and encourage the preservation and adaptive reuse of locally designated historic landmarks and contributing structures in a locally designated historic district, the HPB may grant a waiver provided that it will result in the preservation of a locally designated historic landmark or a contributing property in a historic district. However, the HPB shall not have the authority to grant any waivers for density, floor area ratio ("FAR"), and building height requirements.
2. Waivers. The HPB may only authorize waivers for setback requirements and waivers of requirements for distance separation between buildings or structures for the following:
  - a. New additions; or
  - b. Construction of a new or existing accessory structure; or
  - c. Reconstruction of a portion of a structure.
3. Criteria for approval of a waiver. A waiver request must comply with the following criteria:
  - a. The application must demonstrate that granting the waiver will further the preservation of the historic and architectural character of the designated historic landmark or of the historic district in which the proposal is located and
  - b. The application must demonstrate that granting the waiver will be compatible with and will preserve the character and integrity of the site and surrounding neighborhood; and
  - c. The property that is the subject of the waiver application, must be a designated historic landmark or a contributing property located in a historic district.

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4. Review process for waivers.
  - a. An application for a waiver shall be submitted simultaneously with an application for a Certificate of Appropriateness in accordance with the provisions of Section 47-24.11. of the ULDR. The application shall contain a written statement justifying the requested waiver and provide evidence that the application meets the criteria in Section 47-24.11.H.3. of the ULDR. Applications for reconstruction of a portion of a structure must contain historic documentation of the structure.
  - b. An application shall be submitted by the department to the HPB for review.
  - c. The HPB must determine whether the application complies with Section 47-24.11.H.3. of the ULDR.
  - d. Notice shall be given in accordance with Section 47-27.8. of the ULDR.
5. Conditions and safeguards. In granting any waiver the HPB may prescribe appropriate conditions and safeguards necessary to protect and further the interest of the area and abutting properties, including, but not limited to the installation of walls, and fences as required buffering; modifications of the orientation of any openings; and modification of site arrangements.
6. Historic Properties that are Ineligible for Waivers. Historic Designations that exclude the entire site upon which the structure or building is located, are not eligible for waivers.
7. If the HPB determines that the application for a waiver does not meet the criteria, the HPB shall deny the application and an appeal may be filed in accordance with Section 47-26B of the ULDR, Appeals.

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.

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SECTION 6. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING the \_\_\_\_ day of \_\_\_\_\_, 2020.

PASSED SECOND READING the \_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

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Mayor  
DEAN J. TRANTALIS

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City Clerk  
JEFFREY A. MODARELLI

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