

ORDINANCE NO. C-20-08

AN ORDINANCE AMENDING SECTION 47-27.8 OF THE CITY OF FORT LAUDERDALE, FLORIDA, UNIFIED LAND DEVELOPMENT REGULATIONS, ENTITLED "CERTIFICATE OF APPROPRIATENESS AND ECONOMIC HARDSHIP EXCEPTION;" MODIFYING THE NOTICE PROCEDURES FOR PUBLIC HEARINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission wishes to provide the public with more opportunities to learn of requests for waivers of setback requirements and distance separation requirements for historic resources, economic hardship applications, demolition, and new construction applications; and

WHEREAS, Section 286.0114(2), Florida Statutes provides that "members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission;" and

WHEREAS, the City Commission finds that additional notice of public hearings of the Historic Preservation Board provides greater transparency for property owners, city residents, and visitors who wish to know more about government actions and participate in the process; and

WHEREAS, the City Commission finds that providing notice of requests for waivers for historic resources, economic hardship, demolition, and new construction applications is in the best interest of the health, safety, and welfare of the residents of the City of Fort Lauderdale, Florida.

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

SECTION 1. That Section 47-27.8 entitled "Certificate of appropriateness and economic hardship exception" of the City of Fort Lauderdale, Florida, Unified Land Development Regulations ("ULDR") is hereby amended as follows:

Sec. 47-27.8. – Notice requirements for applications for ~~c~~Certificates of appropriateness, waivers, and economic hardship exception.

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A. Notice of a hearing for all applications for certificates of appropriateness, waivers, and economic hardship exceptions shall be as follows:

1. *Historic preservation board.*

- a. E-mail notice is required for all applications for certificates of appropriateness and waivers. E-mail notice shall be sent by the City to the property owner or authorized agent representing the owner for all applications for certificates of appropriateness and waivers at least five (5) days prior to the date set for the first HPB hearing. Failure to receive e-mail notice shall not invalidate the hearing. ~~Mail notice for demolition and economic hardship.~~ First class mail notice shall be given to the property owner whose property is under consideration for a certificate of appropriateness for demolition or economic hardship exception at least fifteen (15) days prior to the date set for the first public hearing. For demolitions, mail notice shall be given to all property owners within three hundred (300) feet of the property to be demolished. The applicant shall be responsible for all costs of mailing(s).
- b. Mail notice is required for all applications for demolition and economic hardship. First class mail notice shall be given to the property owner whose property is under consideration for a certificate of appropriateness for demolition or economic hardship at least fifteen (15) days prior to the date set for the first public hearing before the HPB. For demolitions, mail notice shall be given to all property owners within three hundred (300) feet of the property that is the subject of the application for demolition. The applicant shall be responsible for all costs of mailing(s). ~~E-mail notice for certificate of appropriateness.~~ E-mail notice shall be sent by the City to the property owner or authorized agent representing the owner for applications for a certificate of appropriateness at least five (5) days prior to the date set for HPB hearing. Failure to receive e-mail notice shall not invalidate the hearing.
- c. Sign notice is required for all applications for demolition, economic hardship, and new construction. Sign notice shall be given at least fifteen (15) days prior to the date set for the first HPB hearing on an application for certificate of appropriateness for demolition, and an economic hardship, and new construction ~~exception~~ in accordance with the requirements in Section 47-27.2 of the ULDR.

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B. *Appeal.* If an appeal of a denial of an application for a certificate of appropriateness, application for a waiver, or application for economic hardship exception is accepted by the city commission as provided in Sections ~~47-24.11.D~~ and 47-26B of the ULDR, first class mail notice shall be given to the same persons who were noticed of the public hearing before the historic preservation board on the matter being appealed at least thirty (30) days prior to the date set for public hearing. The applicant shall be responsible for all costs of mailing(s).

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, 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 18th day of February, 2020.

PASSED SECOND READING the ____ day of _____, 2020.

ATTEST:

Mayor
DEAN J. TRANTALIS

City Clerk
JEFFREY A. MODARELLI

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