

ORDINANCE NO. C-19-24

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-27.7, ENTITLED "HISTORIC DESIGNATION" AND SECTION 47-27.8, 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 that the City receives for the historic designation of properties; 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 wishes to provide the public with additional notice of public hearings involving historic preservation to provide the public with a reasonable opportunity to participate in the process; and

WHEREAS, the City Commission finds that providing the public with notice of requests for the historic designation of properties and providing additional notice of public hearings pertaining to historic preservation is in the best interest of the health, safety, and welfare of the citizens and residents of the City of Fort Lauderdale, Florida.

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 made a specific part of this Ordinance.

SECTION 2. Section 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.

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A. *Historic preservation board.*

1. Within ten (10) days of a motion by the HPB to initiate a historic designation application, the Department of Sustainable Development shall send first class mail notice to the property owner(s) of the property that is the subject of the motion for designation. ~~When a designation or change to designation involves less than ten (10) contiguous acres, notice shall be given as follows:~~
 - a. ~~Mail notice. Prior to the public hearing before the historic preservation board, mail notice shall be given to the owners of land under consideration for designation at least thirty (30) days prior to the date set for public hearing.~~
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).
 - i. Landmark, Landmark Site, and Archaeological Site. Certified mail notice shall be given to the owner(s) of real property under consideration for designation.
 - ii. Historic District. First class mail notice shall be given 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 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.

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~~2. When a designation or change to a designation involves more than ten (10) contiguous acres, notice shall be given as follows:~~

~~a. Newspaper notice.~~

~~Newspaper notice shall be given at least seven (7) days prior to the first public hearing and at least five (5) days prior to the second public hearing. The advertisement shall be no less than two (2) columns wide by ten (10) inches long in a standard size or a tabloid size newspaper and the headline shall be in a type no smaller than eighteen (18) point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be in substantially the form provided in F.S. § 166.041(3)(c).~~

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.

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 ~~shall be given~~ 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 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. ~~Mail notice. In the case of an appeal or city commission request for review from the HPB, mail notice shall be given to the owner of land under consideration at least thirty (30) days prior to the date set for public hearing.~~
2. Newspaper notice. Newspaper notice in a newspaper of general circulation in the City of Fort Lauderdale shall be given at least ~~ten (10)~~ 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 3. Section 47-27.8 entitled "Certificate of appropriateness and economic hardship exception" of the City of Fort Lauderdale, Florida, ULDR is hereby amended as follows:

Sec. 47-27.8. - Certificate of appropriateness and economic hardship exception.

- A. Notice of a hearing for all certificates of appropriateness and economic hardship exceptions shall be as follows:
 1. *Historic preservation board.*
 - a. Mail notice for demolition and economic hardship. First class ~~mail~~ 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 an economic hardship exception mail notice shall be given to all persons who presented testimony at the public hearing on the original demolition application.~~ 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. E-mail notice for certificate of appropriateness ~~Sign notice.~~ 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. ~~Sign notice shall be given prior to the date set for public~~

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~~hearing on an application for certificate of appropriateness for demolition and an economic hardship exception.~~

c. Sign notice for demolition, economic hardship, and new construction. Sign notice shall be given at least fifteen (15) days prior to the date set for HPB hearing on an application for certificate of appropriateness for demolition and an economic hardship exception in accordance with the requirements in Section 47-27.2 of the ULDR.

B. *Appeal.* If an appeal of a denial of a certificate of appropriateness or economic hardship exception is accepted by the city commission as provided in ~~Sections 47-24.11.DC 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 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 in full force and effect upon final passage.

PASSED FIRST READING the 20th day of August, 2019.

PASSED SECOND READING the _____ day of _____, 2019.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI

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