

ORDINANCE NO. C-19-

AN ORDINANCE AMENDING CHAPTER 47 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-3.6, "CHANGE IN STRUCTURE;" AMENDING SECTION 47-16.5, "BUILDING REGULATIONS;" AMENDING SECTION 47-16.6, "CERTIFICATE OF APPROPRIATENESS;" AMENDING SECTION 47-16.23, "PARKING EXEMPTION;" AMENDING SECTION 47-17.4, "APPLICATION FOR ALTERATIONS OR NEW CONSTRUCTION;" AMENDING SECTION 47-17.5, "APPLICATION FOR YARD AND MINIMUM DISTANCE SEPARATION REDUCTION;" AMENDING SECTION 47-17.6, "ALTERATIONS TO NONCONFORMING STRUCTURES" TO RENUMBER SUBSECTIONS; REPEALING ARTICLE XII-PURPOSE AND INTENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 47-24.11 of the Unified Land Development Regulations ("ULDR") pertaining to historic preservation was recently amended; and

WHEREAS, the amendments caused several references to subsections throughout the ULDR to change; and

WHEREAS, the applicable subsections of 47-24.11 cited in other sections of the ULDR are required to be renumbered.

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 this reference.

SECTION 2. Section 47-3.6, entitled "Change in structure" of the City of Fort Lauderdale, Florida, Unified Land Development Regulations ("ULDR") is hereby amended as follows:

Sec. 47-3.6. - Change in structure.

- A. *Generally.* Changes to a nonconforming structure or to a structure which contains a nonconforming use shall be made subject to the following:
1. *Alterations.* Alterations in the supporting members of a building or structure such as load bearing wall, columns, beam or girders shall not be permitted unless required to be made to assure the safety of the building as determined by the city building official. All other alterations, which may include but are not limited to, movement or replacement of non-load-bearing walls or addition of ornamental features, shall be permitted if constructed in accordance with the ULDR.
- B. *Damage, destruction or removal of structure.*
1. When a building or structure which contains a nonconforming use or when a nonconforming structure is damaged or destroyed by fire, explosion, other casualty or public enemy or act of God by not more than fifty percent (50%) of its replacement value or not more than fifty percent (50%) of the total gross floor area of the building or not more than fifty percent (50%) of the total area of the structure, the building or structure may be restored to the condition it was in prior to the damage.
 2. When a building or structure is removed or destroyed by other than an act of God or public enemy by not more than fifty percent (50%) of its replacement value or not more than fifty percent (50%) of the total gross floor area of the building or not more than fifty percent (50%) of the total area of the structure, that portion of the building or structure to be restored must be in compliance with the ULDR.
 3. If more than fifty percent (50%) of the total gross floor area of the building or more than fifty percent (50%) of a structure or more than fifty percent (50%) of its replacement value is damaged, destroyed or removed for any reason the entire building, structure or use thereof shall be required to meet the ULDR.
- C. *Exception to subsections A and B.* A nonconforming structure in an historic district or designated as an historic landmark, may be replaced, altered or an addition made if it meets the following criteria and is approved as part of the issuance of a certificate of appropriateness as provided in Sec. 47-24.11.~~GD~~:

1. The original exterior elevations and materials of a structure are maintained; or proposed exterior elevations and material types of a structure are restored to be compatible with its historic character, according to the guidelines provided by Sec. 47-24.11.
 2. The alteration, replacement or addition will support the continuation of a structure which is determined to be in character with the original historic designation.
- D. *Repair and maintenance.* For any nonconforming structure or portion of a nonconforming structure, or any structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of walls, fixtures, wiring or plumbing or other parts of the structure provided that no changes are made to any supporting members of a building such as load bearing walls columns, beams or girders, unless required to be made to assure the safety of the building as determined by the city building official, and provided that the square footage of floor area and the cubic footage of the nonconforming portion of the structure shall not be increased.

SECTION 3. Section 47-16.5, entitled "Building regulations," of the City of Fort Lauderdale, Florida, ULDR is hereby amended as follows:

Sec. 47-16.5. - Building regulations.

- A. Building regulations shall be applicable to and commensurate with the permitted uses as specified in Section 47-16.10. For the purpose of this district, each building shall be identified as belonging to only one of the three use categories: residential, business or other.
1. *Building height and length.*
 - a. No building in any use category shall exceed two stories or 25 feet in height.
 - b. No building in any use category shall exceed 100 feet in any dimension.
 2. *Building site.*
 - a. *Residential uses.* Every building erected, relocated, structurally altered or converted for residential use shall provide a minimum lot size of five thousand

(5,000) square feet and 50 foot in width. The maximum number of dwelling units per net acre of plot area shall not exceed15.

- b. *Business uses.* No minimum requirements for a building site area.
 - c. *Other uses.* The historic preservation board shall determine the minimum site area by considering the use and structural bulk in relation to site area and surrounding area while providing parking, landscaping and appurtenant elements for the safety and welfare of the general public. All required or non-required parking must meet the parking requirements of Section 47-20, Parking and Loading, and is subject to the criteria and guidelines provided in Section 47-24.11.~~ED~~.
3. *Yards, lot coverage and open space.* Existing buildings not conforming to required setbacks, height limits or ground coverage may be used for any permitted use but shall not be enlarged without the approval of the historic preservation board.
- a. Residential uses shall provide yards as specified below:
 - i. Front yard: 25 feet.
 - ii. Corner yard: one-fourth ($\frac{1}{4}$) of the lot width but not less than ten feet for single family and duplex;20 feet all other residential uses.
 - iii. Side yard: ten feet.
 - iv. Rear yard: 20 feet.
 - v. Distance between buildings: ten feet.
 - vi. Accessory buildings shall not be located in front or street side yards. Such yards may be used for refuse containers only at locations authorized by the city public services department.
 - b. Residential uses shall abide by lot coverage and open space as specified below:
 - i. Maximum percent of total nonpermeable area: sixty-five percent (65%).

- c. Business uses shall provide yards as specified below:
 - i. Front yard: five feet for any portion of the structure less than nine feet in height; zero (0) feet above nine feet in height.
 - ii. Corner yard: five feet.
 - iii. Side yard when abutting nonresidential uses: none.
 - iv. Side yard abutting residential uses: ten feet.
 - v. Rear yard when abutting nonresidential uses: none.
 - vi. Rear yard abutting residential uses: 15 feet.
- d. Other uses shall provide yards and landscaped open space that enhance and promote the peculiar characteristics and aesthetic qualities of the site, its use and the purpose of the historic district as approved by the historic preservation board.
- e. *Modification of yards.* The historic preservation board may reduce any of the specified yard or setback requirements provided that such modifications shall not increase the lot coverage or decrease the open space and would be in keeping with the visual continuity, character, setting and appearance of adjacent and surrounding properties.

4. *Minimum floor area.*

- a. Residential uses shall provide minimum floor area of:
 - i. Single family: seven hundred fifty (750) square feet.
 - ii. Duplex: 400 square feet each dwelling unit.
 - iii. Townhouse: seven hundred fifty (750) square feet each dwelling unit.
 - iv. Multifamily: 400 square feet each dwelling unit.

- b. Business uses: no requirements for minimum floor area.
- c. Other uses: shall provide minimum floor area relative to its use and the health and safety of the public as approved by the historic preservation board.

SECTION 4. Section 47-16.6, entitled "Certificate of appropriateness" of the City of Fort Lauderdale, Florida, ULDR is hereby amended as follows:

Sec. 47-16.6. - Certificate of appropriateness.

- A. No person shall undertake any of the following actions affecting property in an H-1 district without first obtaining a certificate of appropriateness from the historic preservation board in accordance with Section 47-24.11.~~GD~~, Certificate of Appropriateness:
 - 1. Alteration of an archeological site or the exterior part of a building or a structure or designated interior portion of a building or structure,
 - 2. New construction,
 - 3. Demolition,
 - 4. Relocation,
 - 5. Ordinary repairs and maintenance that are otherwise permitted by law may be undertaken without a certificate of appropriateness, provided this work on a designated landmark, a designated landmark site, or a property in a designated historic district does not alter the exterior appearance of the building, structure or archeological site, or alter elements significant to its architectural or historic integrity.
- B. All provisions of Section 47-24.11.~~GD~~, Certificate of Appropriateness, shall apply in the H-1 district.
- C. After a certificate of appropriateness is issued in accordance with Section 47-24.11.~~GD~~, Development Permits and Procedures, all other applicable permits, licenses and certificates of compliance must be obtained before any use of the land occurs.

SECTION 5. Section 47-16.23, entitled "Parking exemption" of the City of Fort Lauderdale, Florida, ULDR is hereby amended to read as follows:

Sec. 47-16.23. - Parking exemption.

The H-1 district, as described in Section 47-20.3.E., is exempt from the ULDR's parking & loading requirements, however, all non-required parking spaces shall meet the requirements of Section 47-20, Parking and Loading Requirements, and is subject to the criteria and guidelines provided in Section 47-24.11.GD.

SECTION 6. Section 47-17.4, entitled "Application for alterations or new construction" of the City of Fort Lauderdale, Florida, ULDR is hereby amended as follows:

Sec. 47-17.4. - Application for alterations or new construction.

- A. The provisions of Section 47-24.11.GD as they apply to an application for alteration or new construction of structures or buildings located in the SBHD shall be revised as follows:
1. An application for a certificate of appropriateness for alteration or new construction shall be reviewed by the department. If such application meets the criteria provided in Section 47-24.11.GD and the material and design guidelines as provided in Section 47-17.7, the department may approve the application. If the department determines that the application does not meet existing guidelines provided in Section 47-24.11.GD, Certificate of Appropriateness; and the material and design guidelines, the application shall be submitted and reviewed by the historic preservation board as a new application for a certificate of appropriateness in accordance with the provisions of Section 47-24.11.GD, but no additional fee will be required.
 2. No certificate of appropriateness for alteration or new construction granted by the department shall be effective for a period of 15 days subsequent to the department's decision. The department shall, within five days after its grant of a certificate of appropriateness, advise the members of the historic preservation board and city commission of its decision. If during that 15 day period the historic preservation board or city commission wishes the application to be reviewed, the decision of the department shall automatically be stayed and the application shall be reviewed by the historic preservation board as a new application for a certificate

of appropriateness in accordance with the procedures provided in Section 47-24.11.~~CD~~, Certificate of Appropriateness, but no additional fee will be required.

SECTION 7. Section 47-17.5 entitled "Application for yard and minimum distance separation reduction" of the City of Fort Lauderdale, Florida, ULDR is hereby amended as follows:

Sec. 47-17.5. - Application for yard and minimum distance separation reduction.

- A. *Yards.* The historic preservation board may authorize a reduction in yards and minimum distance separation requirements for residences located in RS-8, RML-25 and other residential zoning districts located within the SBHD when the historic preservation board finds a reduction in yards does not interfere with the light, air and view of adjacent properties and:
1. Reducing the required yard is compatible with the yards or abutting properties, and yards across from the yard proposed for reduction;
 2. The yards proposed to be reduced are consistent with the yards existing in connection with contributing structures in SBHD; or
 3. A reduction in the required yard is necessary to preserve a structural or landscaping feature found by the historic preservation board to contribute to the historical character of the SBHD; or
 4. In other residential zoning districts within the SBHD, the board may authorize yard reductions subject to criteria in subsections A.1 through 3 if the proposed use and dimensions of a development are the same as those permitted in RS-8 and RML-25 zoning districts. Once a yard reduction or minimum distance separation requirement is approved, uses and structures in these zoning districts may not be altered without the issuance of a certificate of appropriateness.
- B. Reduction of yards may be permitted as follows:
1. *RS-8 zoning district.* Principal residential structures: Front yard: 15 feet.
 2. *RML-25 zoning district.* Principal residential structures: Front yard: 15 feet, side yard: five feet, rear yard: 15 feet.

3. *RS-8 and RML-25 zoning district.* Accessory structures: Rear yard: five feet.
 4. Minimum distance between principal residential and accessory structures: five feet, unless otherwise required by the Florida Building Code.
 5. In other residential districts, when the use and dimensions meet the requirements of subsection A.4, the yards may be reduced to the dimensions provided in subsections B.1 through 4.
- C. An application for a reduction in yard requirements shall be made to the historic preservation board in the same manner, subject to the same procedures as an application for a certificate of appropriateness as provided in Section 47-24.11.~~GD~~.

SECTION 8. Section 47-17.6 entitled "Alterations to nonconforming structures" of the City of Fort Lauderdale, Florida, ULDR is hereby amended as follows:

Sec. 47-17.6. - Alterations to nonconforming structures.

- A. Notwithstanding the provisions of Section 47-3, Nonconforming Uses, Structures and Lots, alterations to non-conforming structures which exceed fifty percent (50%) of the replacement value of the structure may be permitted by the historic preservation board if it is found that:
1. Present exterior elevations and material types are maintained; or
 2. Present exterior elevations and material types are proposed to be changed in accordance with the SBHD material and design guidelines as provided in Section 47-17.7.
- B. An application for alterations which exceed fifty percent (50%) of the replacement value of the property shall be made to the historic preservation board in the same manner, and subject to the same procedures as an application for a certificate of appropriateness as provided in Section 47-24.11.~~GD~~.

SECTION 9. Article XII.-"Purpose and Intent" of the City of Fort Lauderdale, Florida, ULDR is hereby repealed.

ARTICLE XII. -- PURPOSE AND INTENT**SECTION 47-36. -- PURPOSE AND INTENT****Sec. 47-36.1. -- General.**

The following sections provide a purpose and intent statement for particular sections in the ULDR as referenced therein.

Sec. 47-36.2. -- Purpose and declaration of public policy for historic preservation regulations of Sec. 47-24.11.

- A. ~~*Purpose.*~~ The purpose of these historic preservation regulations is to promote the cultural, economic, educational and general welfare of the people of the city and of the public generally, through the preservation and protection of historically or architecturally worthy structures. These regulations are intended to insure a harmonious outward appearance of structures and premises, to insure the protection of historically or architecturally worthy interiors, to encourage uses which will lead to their continuance, conservation and improvement in a manner appropriate to the preservation of the cultural and historic heritage of the city, to protect against destruction heritage of the city, to protect against destruction of or encroachment upon such area, structure or premise, to prevent creation of environmental influences adverse to such purposes, and to assure that new structures, uses and premises within historic districts or upon landmarks, landmark sites, and historic buildings will be in keeping with the character to be preserved and enhanced.
- B. ~~*Declaration of public policy.*~~ It is the policy of the city that the preservation, protection, perpetuation or the adapted reuse of landmarks, landmark sites and historic buildings and districts is a public necessity because they have a special historic, architectural, archeological, aesthetic or cultural interest and value and thus serve as visible reminders of the history and heritage of the city, state and nation. The city commission hereby finds that the ULDR benefits the residents and property owners of the city and declares as a matter of public policy that the ULDR is required in the interest of the health, safety, general welfare and economic well-being of its residents.

SECTION 10. 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 11. That all ordinances or parts of ordinances in conflict herewith, are hereby repealed to the extent of such conflict.

SECTION 12. 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