

ORDINANCE NO. C-26-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-16, "HISTORIC PRESERVATION DISTRICT", OF THE CITY OF FORT LAUDERDALE, FLORIDA, UNIFIED LAND DEVELOPMENT REGULATIONS, TO UPDATE THE LIST AND LIMITATIONS OF PERMITTED USES; PROVIDING FOR CODIFICATION AND CORRECTION OF SCRIVENER'S ERRORS, AND FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with Penn Cent. Transp. Co. v. City of New York, 438 U.S. 104 (1978), cities may enact land-use restrictions to encourage or require the preservation of buildings and areas with historic importance; and

WHEREAS, the City Commission of the City of Fort Lauderdale wishes to preserve properties located within the Historic Preservation District zoning district; and

WHEREAS, the City Commission of the City of Fort Lauderdale wishes to amend the Historic Preservation District zoning district; and

WHEREAS, regulations herein are consistent with the City's Comprehensive Plan; and

WHEREAS, the City Commission finds that the preservation of historic properties is a public purpose; and

WHEREAS, the Historic Preservation Board has recommended that the City Commission adopt the proposed amendments to the ordinance; and

WHEREAS, the Planning and Zoning Board recommended that the City Commission adopt the proposed amendments to the ordinance;

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

SECTION 1. That Section 47-16. of the City of Fort Lauderdale, Florida, Unified Land Development Regulations, is hereby amended as follows:

~~Sec. 47-16.5 – 47-16.6 – Reserved~~

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

Sec. 47-16.5. - List of Permitted Uses.

District categories – Residential, Commercial Recreation, Food and Beverage Service, Lodging, Retail Sales, Services/Office Facilities, and Mixed-Use Building.

<u>A.</u>	<u>PERMITTED USES</u>
<u>Permitted Uses</u>	
<u>1.</u>	<u>Residential (only permitted on SW 2nd Avenue and SW 3rd Avenue)</u>
<u>a.</u>	<u>Single Family Dwelling.</u>
<u>b.</u>	<u>Single Family Dwelling, Attached: Duplex/Two (2) Family Dwelling.</u>
<u>c.</u>	<u>Multifamily Use.</u>
<u>2.</u>	<u>Commercial Recreation</u>
<u>a.</u>	<u>Indoor Motion Picture Theater, less than Five Screens.</u>
<u>b.</u>	<u>Performing Arts Theater, less than 300 Seats.</u>
<u>3.</u>	<u>Food and Beverage Service</u>
<u>a.</u>	<u>Bakery Store.</u>
<u>b.</u>	<u>Bar, Cocktail Lounge, Nightclub.</u>
<u>c.</u>	<u>Candy, Nuts Store.</u>
<u>d.</u>	<u>Delicatessen.</u>
<u>e.</u>	<u>Fruit and Produce Store.</u>

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<u>f.</u>	<u>Grocery/Food Store.</u>
<u>g.</u>	<u>Ice Cream/Yogurt Store.</u>
<u>h.</u>	<u>Refreshment Stand.</u>
<u>i.</u>	<u>Restaurant, except carry-out only or drive-thru restaurants.</u>
<u>j.</u>	<u>Tearoom</u>
<u>4.</u>	<u>Lodging</u>
<u>a.</u>	<u>Bed and Breakfast Dwelling, see Section 47-18.6 of the ULDR.</u>
<u>b.</u>	<u>Hotel, no greater than 100 sleeping rooms, see Section 47-18.16 of the ULDR.</u>
<u>5.</u>	<u>Public Purpose Facilities</u>
<u>a.</u>	<u>Civic and Private Club Facility.</u>
<u>b.</u>	<u>Government Administration.</u>
<u>c.</u>	<u>Museum.</u>
<u>d.</u>	<u>Post Office Substation.</u>
<u>e.</u>	<u>Active and Passive Park, see Section 47-18.44 of the ULDR.</u>
<u>f.</u>	<u>Public/Private Recreation.</u>
<u>g.</u>	<u>Public Purpose Use, see Section 47-18.26 of the ULDR.</u>
<u>h.</u>	<u>Public dock and landing wharf excluding launching, storage and overnight docking, see Section 47-23.8 of the ULDR, Waterway Uses.</u>

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<u>i.</u>	<u>Rental of boats that are not powered by gas, power, or electricity, see Section 47-23.8 of the ULDR, Waterway Uses.</u>
<u>6.</u>	<u><i>Retail Sales</i></u>
<u>a.</u>	<u>Antiques store.</u>
<u>b.</u>	<u>Apparel/Clothing, Accessories Store.</u>
<u>c.</u>	<u>Arts & Crafts Supplies Store.</u>
<u>d.</u>	<u>Bicycle Shop.</u>
<u>e.</u>	<u>Book Store.</u>
<u>f.</u>	<u>Cigar, Tobacco Store.</u>
<u>g.</u>	<u>Florist Shop.</u>
<u>h.</u>	<u>Gifts, Novelties, Souvenirs Store.</u>
<u>i.</u>	<u>Glassware, China, Pottery Store.</u>
<u>j.</u>	<u>Jewelry Store.</u>
<u>k.</u>	<u>Linen, Bath, Bedding Store.</u>
<u>l.</u>	<u>Pharmacy.</u>
<u>m.</u>	<u>Shoe Store.</u>
<u>n.</u>	<u>Woodcraft Shop.</u>
<u>7.</u>	<u><i>Services/Office Facilities</i></u>

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<u>a.</u>	<u>Financial Institution, not including Drive-Thru Banks.</u>
<u>b.</u>	<u>Flower and vegetable gardens, greenhouses and groves.</u>
<u>c.</u>	<u>Hair Salon.</u>
<u>d.</u>	<u>Instruction: Fine Arts, Sports and Recreation, Dance, Music, Theater.</u>
<u>e.</u>	<u>Interior Decorator.</u>
<u>f.</u>	<u>Medical/Dental Office.</u>
<u>g.</u>	<u>Photographic studio.</u>
<u>h.</u>	<u>Professional Office.</u>
<u>i.</u>	<u>Shoe Repair, Shoeshine.</u>
<u>j.</u>	<u>Tailor, Dressmaking Store, Direct to the Customer.</u>
<u>k.</u>	<u>Watch and Jewelry Repair.</u>
<u>8.</u>	<u><i>Accessory Uses, Buildings and Structures (See also Section 47-19 of the ULDR.)</i></u>
<u>a.</u>	<u>Sidewalk cafés. (See Section 47-19.9 of the ULDR.)</u>
<u>b.</u>	<u>Mobile vendors. (See Chapter 23, Article IV of Volume I of the Code.)</u>
<u>9.</u>	<u><i>Mixed use Development</i></u>

Sec. 47-16.6. - Limitations on permitted uses.

A. The following use limitations shall apply:

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1. The HPB may approve a use not listed in Section 47-16.5 that maintains similar characteristics found within the historic district through a Certificate of Appropriateness application per Section 47-24.11.
2. Retail businesses that require a large amount of floor area for operation including but not limited to, department stores, supermarkets, furniture stores, variety stores that sell general merchandise shall not be permitted.
3. Outdoor sale or storage of goods or merchandise except in connection with permitted accessory uses shall not be permitted.
4. Package liquor stores and drive-in or take-out restaurants shall not be permitted.

~~Sec. 47-16.10. -- List of permitted uses.~~

~~A. No buildings or structures or part thereof or items such as furniture placed outdoors, push carts, mobile or non-mobile vending machines or trolley cars placed on private property shall be erected, altered, located or used, or land or water used either in a permanent or temporary manner, in whole or in part, for other than the following uses and then only when permitted by the city plan and to the degree permitted by the city plan, the requirements of this section shall not apply to vehicles used solely for the travel purposes of the vehicle operation.~~

~~1. Residential:~~

- ~~a. Single family dwelling.~~
- ~~b. Two family dwelling (duplex).~~
- ~~c. Multiple-family dwelling and apartments.~~

~~2. Business retail sales:~~

- ~~a. Antique shop.~~
- ~~b. Apothecary.~~

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- c. ~~Apparel shop.~~
- d. ~~Arts and handicraft shop.~~
- e. ~~Bakery.~~
- f. ~~Bicycle sales and/or repair shop.~~
- g. ~~Candle shop.~~
- h. ~~Candy shop.~~
- i. ~~Ceramic, pottery shop.~~
- j. ~~Cigar store.~~
- k. ~~Delicatessen.~~
- l. ~~Gasoline sales on restored premises originally designed for this purpose.~~
- m. ~~Florist shop.~~
- n. ~~Flower, fruit and vegetable sales.~~
- o. ~~General store in character with historic district.~~
- p. ~~Gift and souvenir shop.~~
- q. ~~Ice cream parlor.~~
- r. ~~Jewelry shop.~~
- s. ~~Linens, fabrics, draperies shop.~~
- t. ~~Meat and grocery shop.~~
- u. ~~Millinery and modistes.~~
- v. ~~Shoe shop.~~

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w. ~~Silversmith.~~

x. ~~Woodcraft shop.~~

y. ~~Sale of reproduced or restored antique cars.~~

3. ~~Business services:~~

a. ~~Barber and beauty shop.~~

b. ~~Photographic studio.~~

c. ~~Rental of unpowered boats, see Section 47-23.8, Waterway Uses.~~

d. ~~Shoe repair, shoe shining, hat cleaning.~~

e. ~~Tailor or dressmaking shop.~~

f. ~~Watch and jewelry repairs.~~

g. ~~Fine arts, music, dancing and dramatic schools.~~

h. ~~Interior decorator shop.~~

4. ~~Professional offices:~~

a. ~~Financial institutions.~~

b. ~~Insurance and real estate.~~

c. ~~Legal, dental, medical, scientific, architectural, accountant and engineering office.~~

d. ~~Post office.~~

e. ~~Governmental offices.~~

f. ~~Telegraph office.~~

5. ~~Other uses:~~

- a. ~~Civic building.~~
 - b. ~~Dual residential/business building.~~
 - c. ~~Establishments licensed for sale of alcoholic beverages for consumption on premises only.~~
 - d. ~~Flower and vegetable gardens, greenhouses and groves.~~
 - e. ~~Hotels, no greater than 100 sleeping rooms, see Section 47-18.16, Bed and Breakfast Dwellings, see Section 47-18.6.~~
 - f. ~~Tearoom or restaurant, except take-out or drive-in restaurants.~~
 - g. ~~Museum relating to the history, culture and character of the historic district.~~
 - h. ~~Park area and public park associated with passive recreational activities.~~
 - i. ~~Playhouse, less than 300 seats.~~
 - j. ~~Public dock and landing wharf excluding launching, storage and overnight docking, see Section 47-23.8, Waterway Uses.~~
 - k. ~~Public Purpose Use, see Section 47-18.26.~~
 - l. ~~Refreshment stand.~~
 - m. ~~Uses judged similar in characteristics to any of the above by the board.~~
6. ~~*Accessory uses & outdoor site furnishings:*~~
- a. ~~Sidewalk cafés. (See Section 47-19.9.)~~
 - b. ~~Mobile vendors. (See Chapter 23, Article IV of Volume I of the Code.)~~

~~Sec. 47-16.20. - Limitations on permitted uses.~~

~~A. The following use limitations shall apply:~~

- ~~1. Retail businesses that do not enhance the flavor and character of an historic atmosphere because the large amount of floor area required for operation; examples include department stores, supermarkets, furniture stores, variety stores which shall not be permitted.~~
- ~~2. Retail businesses whose merchandise or bizarre atmosphere is the result of modern technology to the extent that the products do not promote or preserve an harmonious aura of historic character shall not be permitted. Examples: prohibit sale and display of modern new and used cars as opposed to that of reproduced or restored antique cars; prohibit the operation of a "head shop" as opposed to that of a general store.~~
- ~~3. Service establishments whose service was not performed or is not presently performed in a manner compatible with the culture and character of the historic period shall not be permitted. Examples include laundry and dry cleaning pickup agency, self-service laundry, dry cleaning establishments, service stations except restorations, travel agencies, tire and automotive repair shop except as necessary to sale of antique cars.~~
- ~~4. Sale, storage or display of used or secondhand merchandise except in antique shop or museum and except as reasonable antiques used to promote the sales of other merchandise or service shall not be permitted.~~
- ~~5. Outdoor sale or storage of goods or merchandise except in connection with permitted accessory uses shall not be permitted.~~
- ~~6. Package liquor stores and drive-in or take-out restaurants shall not be permitted.~~
- ~~7. Motion picture theaters shall be prohibited.~~

Section 47-16.10. - Reserved

SECTION 2. At the direction of the City Attorney, the publisher of the Code of Ordinances of the City of Fort Lauderdale, Florida, is authorized to conform chapter, article, section, subsection, and clause numbers and letters, and capitalization, set forth in the Code of Ordinances of the City of Fort Lauderdale, Florida, and to correct any non-substantive scrivener's errors in the codification of this Ordinance without the need for a public hearing.

SECTION 3. 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 4. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 5. That this Ordinance shall be in full force and effect immediately upon its passage on second reading.

PASSED FIRST READING this ____ day of _____, 2026.

PASSED SECOND READING this ____ day of _____, 2026.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN