



CITY OF FORT LAUDERDALE

PLANNING AND ZONING BOARD MEETING MINUTES
CITY HALL COMMISSION CHAMBERS
100 N. ANDREWS AVE., FORT LAUDERDALE, FLORIDA 33301
WEDNESDAY, OCTOBER 19, 2022 – 6:00 P.M.

Board Members	June 2022 – May 2023		
	Attendance	Present	Absent
Michael Weymouth, Chair	P	5	0
Brad Cohen, Vice Chair	A	3	2
John Barranco	P	5	0
Mary Fertig	P	5	0
Steve Ganon	P	5	0
Shari McCartney	P	2	3
Patrick McTigue	P	3	0
William Rotella	A	4	1
Jay Shechtman	P	4	1

Staff

Ella Parker, Urban Design and Planning Manager
D'Wayne Spence, Assistant City Attorney
Shari Wallen, Assistant City Attorney
James Hetzel, Principal Urban Planner
Trisha Logan, AICP, Principal Urban Planner
Michael Ferrera, Urban Design and Planning
Nicholas Kalargyros, Urban Design and Planning
Leslie Harmon, Recording Secretary, Prototype, Inc.

Communication to City Commission

None.

~~I. CALL TO ORDER / PLEDGE OF ALLEGIANCE~~

~~Chair Weymouth called the meeting to order at 6:00 p.m. and the Pledge of Allegiance was recited. The Chair introduced the Board and Staff members present.~~

~~II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM~~

~~Chair Weymouth requested a motion to approve the minutes of the September 21, 2022 meeting.~~

~~Motion made by Ms. McCartney, seconded by Mr. McTigue, to approve. In a voice vote, the motion passed unanimously.~~

~~Mr. Shechtman requested additional information on which party would be responsible for placement of signage. Attorney Wallen stated that the City would provide the sign to the applicant, who would then be responsible for its placement.~~

~~It was asked if a sign placed on a property against the will of the property owner constituted trespass. Attorney Wallen advised that if the applicant is not the property owner, the applicant must post the sign on or as near to the subject property as possible, subject to the permission of the property owner, or within a right-of-way as close to the property as possible if approved by the City.~~

~~Mr. Ganon noted that the public may speak at HPB meetings, and asked how the City can reach out to the public to inform them of such a meeting. Attorney Wallen replied that there was no such requirement previously in place regarding historic designation. Ms. Logan added that the signage is currently required prior to City Commission meetings; the proposed Text Amendment adds the requirement prior to the HPB meetings. Newspaper and mail notices are already required.~~

~~There being no questions from the Board at this time, Chair Weymouth opened the public hearing. As there were no individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.~~

~~**Motion** made by Ms. Fertig, seconded by Mr. Shechtman, to approve.~~

~~In a roll call vote, the **motion** passed 6-1 (Chair Weymouth dissenting).~~

6. CASE: UDP-T22007

REQUEST: * Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-24.11 to Include an Option to Designate Thematic Historic Districts and to Amend Existing Historic Preservation Criteria and Procedures.

APPLICANT: City of Fort Lauderdale

COMMISSION DISTRICT: City-Wide

CASE PLANNER: Trisha Logan, AICP

Ms. Logan explained that this proposed Text Amendment relates to Section 47-24.11 of the ULDR. It was also initiated by the HPB and would establish the ability to designate a thematic historic district. This type of district differs from a traditional historic district by allowing for the designation of a group of non-contiguous buildings connected by a common theme, such as architecture, architectural style, design, architect, use, or other factors.

This amendment was also sent by the HPB as a communication to the City Commission, which supported the request to move forward with the preparation of the amendment. Staff brought the amendment before the HPB in August 2022 for review. The HPB recommended approval of the proposed amendment.

The amendment establishes the ability to designate properties within a thematic historic district, as well as several new definitions related to the amendment. Staff made other Code modifications to the overall historic designation process to further clarify this process and provide additional structure. They also provided updates to the criteria in the Code Section addressing Certificates of Appropriateness, which reviews requests for modifications or new construction within a historic district or for a historic landmark.

Staff also provided updated language to the administrative review process, addressing review of requests for site elements within historic districts and for historic landmarks. This assists property owners in the review process. They also updated Code to reference two new State Statute sections which affect historic preservation, including the timing of application review.

Mr. Barranco asked if a city block or blocks without a current historic designation which has two thematically historic structures could be designated as a thematic historic district under this amendment. Ms. Logan replied that this could occur, but if there are enough properties within one to two contiguous blocks the area may qualify as a traditional historic district. She further clarified that the buildings would not have to be limited to a few blocks or a particular neighborhood: the designation could also be applied City-wide or in a neighborhood association area.

Ms. Logan continued that Staff is currently developing a City-wide architectural resource that would provide an overview of properties within neighborhoods that may qualify for historic designation. Additional information is available on the City's website.

Mr. Barranco offered the example of two houses on a single block which show a thematic commonality, which could result in the creation of a thematic district. He asked if there would be any limitations on the adjacent landowners whose properties are not historic. Ms. Logan replied that this would not be the case: the thematic historic district would only apply to the properties eligible for designation as thematic resources.

Mr. Barranco explained that his concern was for the designation of an entire block as a thematic historic district if only a small number of properties qualify for this designation. Ms. Logan explained that in this case, the block would not be designated as such, as a historic district must include a substantial number of contributing properties which represent the historic context of the designation. There would be greater restrictions on the properties deemed to be contributing to the historic district than on non-contributing properties.

Mr. Barranco asked if the owner of a non-historic property located within a thematic district would have to go before the HPB. Ms. Logan stated that properties not identified as thematic resources within a thematic district would not be under the HPB's purview. Only the thematic resources would be subject to HPB review.

Mr. McTigue asked if properties in another neighborhood could also be included under the same thematic umbrella. Ms. Logan replied that this depends upon the theme, and pointed out that there are currently no examples within the City. The properties must establish some type of historic context in order to be eligible for designation: for example, they could be connected by a specific architect or architectural style. There are also regulations relating to the integrity of the buildings to be designated: for example, they may not have been modified so significantly over time that they no longer sufficiently reflect the theme.

Mr. McTigue also requested clarification of the overall purpose of the amendment. Ms. Logan replied that it provides another option for historic designation.

Ms. Fertig asked if thematic historic districts have been created in other municipalities. Ms. Logan confirmed this, noting that Miami and Coral Gables have similar designations. Thematic historic districts are also recognized at the national level on the National Register of Historic Places.

Mr. Ganon noted that Staff had reached out to a representative of the Council of Fort Lauderdale Civic Associations requesting comments and/or questions on the proposed amendment. He asked if Staff had received a reply from this representative. Ms. Logan replied that they had not. She had also offered to make a presentation to this organization, but did not receive a response.

There being no further questions from the Board at this time, Chair Weymouth opened the public hearing.

Jason Crush, land use attorney, stated that he felt the proposed amendment should be subject to greater public outreach and public participation. He also shared Mr. Barranco's concerns regarding whether or not adjacent properties would need to appear before the HPB, pointing out that Code does not exclude this possibility.

Mr. Crush continued that the applicant for designation of a thematic historic district, in this case, could be a simple majority. He expressed concern with the vagueness of the proposed amendment's language with regard to which historic aspects may constitute a district. He was also unclear on how multiple properties proposed for a thematic historic district would be analyzed to determine their contributing nature. He concluded that there should be additional discussion of the proposed amendment, including presentations to the public.

As there were no other individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

Ms. McCartney stated that she found the proposed amendment to be very broad in scope, with a lack of detail and concept. She felt there was too great a possibility that

property rights could be affected to support the Item. Ms. Fertig stated that taking the proposed amendment to the public could result in narrowing its scope.

Chair Weymouth commented that while he agreed the amendment was premature, he was not certain that the Planning and Zoning Board should direct Staff in how to move forward with the Item. He continued that while he understood the purpose and intent of the HPB, he felt the proposed amendment could result in overreach against the will of a property owner.

Ms. Fertig asserted that greater public participation could provide Staff with an opportunity to address concerns with the proposed amendment. She concluded that she was in favor of deferring the Item.

Attorney Wallen advised that pp.21-22 of the proposed amendment lists the criteria under which a thematic district could be designated. She pointed out that this is a comprehensive list of criteria that are already in use by the City for the designation of a historic district.

Ms. Fertig observed that if the Item is deferred from tonight's meeting and Staff does not go through a public participation process, she would not be comfortable supporting the Item when it comes back in the future.

Attorney Wallen requested additional guidance regarding public participation, recalling that Staff had informed the Board that a meeting was requested but no response was received. She asked if the Board was in favor of outreach to specific neighborhoods or wished to include the entire City. Ms. Fertig replied that if the Council of Fort Lauderdale Civic Associations does not wish to host a public meeting, Staff could advertise a public meeting to the City's civic and neighborhood associations to let them know the amendment is under consideration. She recommended very broad outreach in advertising such a meeting.

Mr. Shechtman stated that he was in agreement with a public participation meeting, and asked if the Board wished to propose any actual changes to the Item before it comes back to them.

Motion made by Ms. Fertig, seconded by Mr. Barranco, to defer.

Ms. Fertig clarified that it was her intent to defer the Item for three months, which would bring it back at the Board's February 2023 meeting. She also recommended that Staff's outreach include the legal community "and others who could be affected" as well as civic associations.

Mr. Ganon asked if the Board wished to register any additional comments or concerns regarding the proposed amendment at this time. Assistant City Attorney D'Wayne

Spence advised that the **motion** before the Board is to consider deferral rather than comments.

In a roll call vote, the **motion** passed 5-2 (Chair Weymouth and Ms. McCartney dissenting).

IV. COMMUNICATION TO THE CITY COMMISSION

~~Ms. Fertig stated that at times she felt it was useless to submit a communication to the City Commission, recalling that the previous month, the City Manager had recommended against the Board's communication proposing a Sea Level Rise Task Force. She expressed concern that other City advisory entities had not been presented with the same information as the Planning and Zoning Board so they could hear another entity's input on the topic.~~

~~Attorney Spence advised that the Mayor had indicated he did not understand the Board's communication. The Ordinance presented to the Commission had addressed tidal barrier infrastructure, and had gone before the City's Marine Advisory Board, which deals with waterway issues.~~

~~Ms. Fertig commented that the broader question she had wished to raise was what the City is doing to ensure it has a plan to address sea level rise. Mr. Barranco added that he was not certain the Planning and Zoning Board should address seawalls along with issues such as height, densities, and setbacks.~~

~~Attorney Spence explained that the ULDR amendment addressing seawalls would have dealt with the height of these structures as part of the development of properties. Mr. Barranco asserted that seawalls are at the edge of a property and are intended to control that edge. He was not certain the Board was the correct entity to review this issue, as they have no expertise regarding seawalls.~~

~~Ms. Fertig stated that her point in the communication to the Commission had been that there should be a current City advisory body who reviews matters such as seawalls and advises the Planning and Zoning Board in a similar manner to the Marine Advisory Board or the HPB.~~

V. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

~~Jim Hetzel, Principal Urban Planner, gave an update on the unit allocation comparison table which had been presented to the Board at its July 2022 meeting. He noted that one line has been added to the bottom of the table with regard to County Land Use Policy 2.16.4, which allows for additional affordable/workforce dwelling units throughout the City. This policy is expected to be adopted in December 2022. A Code Amendment will be added to the City's ULDR to align with that new policy.~~

~~units are exhausted, there will be no other option except either a Land Use Plan Amendment or applying the County policy for affordable housing. A formula-based unit ratio is applied for the construction of affordable units versus market-rate units. This will show the total units that can be developed for a project. There are also form-based regulations which regulate how much density can be constructed. The properties must be built on certain major corridors or certain land use categories.~~

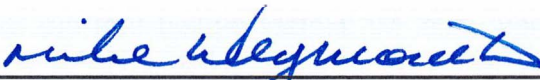
~~Mr. Hetzel continued that there are different categories of affordable units, for which the number of market-rate units that can be constructed per affordable unit varies. He cited the example of one very low-income unit, which permits the developer to construct 19 market-rate units. This process allows for the development of an unlimited number of units.~~

~~Ms. Parker advised that there is also the option of an in-lieu fee, which is going through a County amendment process and is proposed to be \$10,000 per unit. The actual allocation of units occurs during Site Plan approval and is done on a first-come, first-served basis.~~


~~Mr. Barranco asked if Staff has discussed consideration of securing additional units. Mr. Hetzel confirmed that Planning Staff has discussed this possibility through a Land Use Plan Amendment for specific areas within the City, but has not received direction to proceed at this time.~~

There being no further business to come before the Board at this time, the meeting was adjourned at 8:06 p.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.



Chair



Prototype

[Minutes prepared by K. McGuire, Prototype, Inc.]