




REQUEST: Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR):
Section 47-24.11 to add Subsection 47-24.11.H, Exemption for Designated Local Historic Landmarks Used for Certain Commercial or Nonprofit Purposes Subsection 47-24.11.H, Waivers for Historic Preservation and; and Section 47-27.8, Certificate of Appropriateness and Economic Hardship Exception; and Section 47-3.2, Nonconforming Structure.

Case Number	PLN-ULDR-19120001
Applicant	City of Fort Lauderdale
ULDR Sections	Section 47-24.11 to add Section 47-24.11.F and Section 47-24.11.H; Section 47-27.8; Section 47-3.2.
Notification Requirements	10-day legal ad
Action Required	Recommend approval or denial to City Commission
Authored By	Trisha Logan, Urban Planner III 

BACKGROUND

On July 10, 2018, the City Commission asked for recommendations regarding potential amendments to the City’s historic preservation ordinance. Following this conference meeting staff outlined a three-phased approach to amending the historic preservation ordinance and identifying potential incentives to enhance historic preservation efforts.

As part of phase one, staff focused on key amendments to the Unified Land Development Regulations (ULDR) that streamline the historic application review and approval process, allowing staff to process certain applications administratively resulting in greater efficiencies and providing applicants with a greater level of clarity regarding individually designated properties or those within a designated historic district. The amendments were approved by the City Commission on September 12, 2019.

As part of phase two, staff developed several recommendations for historic preservation incentives. An initial incentive through an amendment to the ULDR to allow for parking reductions and exemptions for adaptive reuse projects for historic resources was approved by the City Commission on October 1, 2019.

Two additional incentives are proposed at this time including a waiver to promote and encourage preservation of historic resources as well as a tax exemption for commercial properties.

PRIOR REVIEWS

The amendments to include a waiver to promote and encourage preservation of historic resources and a tax exemption for commercial properties were presented to the Historic Preservation Board (HPB) at the December 2, 2019 meeting. Draft meeting minutes are provided as **Exhibit 1**.

The HPB approved the following motions concerning each proposed amendment:
Section 47-24.11.G. – Exemption for Designated Local Historic Landmarks used for Certain Commercial or Nonprofit Purposes

The HPB asked whether a property owner who would be eligible for this tax exemption would be able to demolish their designated structure. Staff explained that there is a process for a property owner to follow to apply for a Certificate of Appropriateness for demolition of a historic resource but agreed to look into the possibility of including a restrictive covenant for each property that qualifies for the tax exemption program. Motion was made by Mr. Marcus, seconded by Ms. Mergenhausen, to accept the ordinance. In a voice vote, motion passed unanimously.



After further looking into a restrictive covenant as an option and communicating with the Broward County Property Appraiser's Office, the Broward County Property Appraiser's Office opined that it will not require additional documentation other than what is required by Section 196.1961, Florida Statutes.

Section 47-24.11.H. – Waivers for Historic Preservation

HPB members discussed the proposed text amendment to allow for a waiver for historic resources which outlined three criteria as options for approval including that "the application must demonstrate that granting the waiver will further the preservation of the historic resources, or of the historic district in which the proposal is located." From this discussion, the board requested that this criterion be required rather than as an option. Staff agreed and made an adjustment in the current draft of the proposed text amendment to reflect this request.

For the HPB to consider granting the waiver, the application must identify ways in which the requested waiver will assist in furthering the preservation of the historic resource. Reasons may include additional square footage to allow for continued use of the structure, a modification necessary for adaptive reuse of the structure, or placement of a secondary structure in a location that is necessary to lessen its visibility from the right of way or its impact on the historic resource. Motion was made by Ms. Mammano, seconded by Mr. Blank, to include the following finding in the text amendment: The granting of the waiver must contribute to the preservation of the historic resource plus at least one of the other two criteria.

In a voice vote, motion passed unanimously.

Section 47-27.8. – Certificate of appropriateness and economic hardship exception

Motion was made by Mr. Marcus, seconded by Mr. Rosa, to recommend approval Section 47-24.8. In a voice vote, motion passed unanimously.

Section 47-3.2. – Nonconforming Structure

Motion was made by Ms. Mergenhagen, seconded by Mr. Rosa to accept Section 47-3.2. In a voice vote, motion passed unanimously.

AMENDMENTS SUMMARY

Section 47-24.11. - Historic Designation of Landmarks, Landmark Site or Buildings and Certificate of Appropriateness.

Tax Exemption for Commercial Properties

The proposed amendment to ULDR Section 47-24.11 is a fifty percent (50%) reduction in City property tax for designated historic resources that are used for commercial or non-profit purposes. This incentive is currently offered through Broward County which also offers a fifty percent (50%) reduction in County taxes (non-schools portion) for designated historic resources.

At this time, of the sixty-three historic landmark properties in the City, twenty-three would qualify for the tax exemption. As of September 2019, the total assessed value for these properties is \$29,591,610, which would amount to a reduction and overall revenue loss of \$60,948 for the City.

This reduction is applied by the Broward County Property Appraiser's (BCPA) Office on the annual tax bill for the property. An eligible property owner would need to complete an application with BCPA which would automatically renew each year. The proposed text amendment is provided as **Exhibit 2**.



Historic Preservation Waivers

The proposed amendment to ULDR Section 47-24.11 introduces a historic preservation waiver that may be granted by the Historic Preservation Board (HPB) to promote and encourage the preservation and adaptive reuse of historic resources. As part of issuance of the waiver, the request must ensure that it will result in the preservation of a designated historic resource. As part of issuance of any waiver, the HPB would not have the authority to grant any waivers of density, Floor Area Ratio (FAR), and building height requirements. The proposed text amendment is provided as **Exhibit 3**.

Section 47-27.8. - Certificate of Appropriateness and Economic Hardship Exception

The proposed amendment provides notice requirements for a Certificate of Appropriateness (COA) application that includes a request for a historic preservation waiver. The notice requirement is the same as is required for a COA application which requires an email notice to the applicant and property owner. Additionally, the title of this section is proposed to be changed from "Certificate of appropriateness and economic hardship exception" to "Notice requirements for certificates of appropriateness and economic hardship." The proposed text amendment is provided as **Exhibit 4**.

Section 47-3.2. - Nonconforming Structure

The proposed amendment provides a reference to Section 47-24.11.F, Historic Preservation Waivers, to allow for the continuation of the existence of a nonconforming structure through the issuance of a waiver by the HPB for a designated historic resource. The proposed text amendment is provided as **Exhibit 5**.

PUBLIC PARTICIPATION

City staff informed interested parties as well as sent a memorandum to the Council of Fort Lauderdale Civic Associations informing the community about the proposed amendments on November 21, 2019, communication provided as **Exhibit 6**. Additional e-mail communications were also provided to interested parties.

COMPREHENSIVE PLAN CONSISTENCY:

The proposed amendments are consistent with the City's Comprehensive Plan. Specific Goals, Objectives and Policies are addressed as follows:

- ELEMENT: Historic Preservation Element
- GOAL 1: Goal 1: To provide for the identification, recognition and evaluation of the historic resources of Fort Lauderdale and to enhance public awareness and involvement in various applicable aspects of historic preservation.
- OBJECTIVE: Objective 1.5: The City shall continue to enact, amend, or revise, as appropriate, regulatory measures that will further its historic preservation goals.
- POLICY: Policy 1.5.2: The Fort Lauderdale Code of Ordinances shall be amended to incorporate the findings and recommendations found within the Historic Preservation Element and to be consistent with amendments to the Historic Preservation Element, when appropriate.

This ULDR amendment is a Press Play Fort Lauderdale Strategic Plan 2024 initiative, included within *Neighborhood Enhancement*, specifically advancing:

- Goal 4: Build a thriving and inclusive community of neighborhoods.



PLANNING & ZONING BOARD REVIEW OPTIONS:

The Planning and Zoning Board, in its capacity as the Local Planning Agency, shall determine whether the proposed amendments are consistent with the City of Fort Lauderdale's Comprehensive Plan and recommend approval or denial of the proposed amendments to the City Commission.

EXHIBITS:

Exhibit 1 – December 2, 2019, Draft Historic Preservation Board Minutes

Exhibit 2 – Proposed Text Amendment Section 47-24.11.G, Exemption for Designated Local Historic Landmarks used for Certain Commercial or Nonprofit Purposes.

Exhibit 3 – Proposed Text Amendment Section 47-24.11.H, Historic Preservation Waivers

Exhibit 4 – Proposed Text Amendment Section 47-27.8., Certificate of Appropriateness and Economic Hardship Exception.

Exhibit 5 – Proposed Text Amendment Section 47-3.2., Nonconforming Structure.

Exhibit 6 – November 21, 2019, Memo to Council of Fort Lauderdale Civic Associations.



CITY OF FORT LAUDERDALE

DRAFT
HISTORIC PRESERVATION BOARD
CITY OF FORT LAUDERDALE
MONDAY, DECEMBER 2, 2019 - 5:00 P.M.
CITY HALL COMMISSION CHAMBERS
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA

Board Members	Attendance	Cumulative Attendance 6/2019 through 5/2020	
		Present	Absent
George Figler, Chair	P	5	1
Jason Blank, Vice Chair	P	5	1
Caldwell Cooper	A	2	1
Marilyn Mammano [until 6:58]	P	5	1
Donna Mergenhagen	P	4	2
Arthur Marcus	P	6	0
David Parker	P	6	0
Richard Rosa	P	4	2
Tim Schiavone	A	5	1

City Staff

Shari Wallen, Assistant City Attorney
 Trisha Logan, Urban Planner III
 Yvonne Redding, Urban Planner III
 Jamie Oppertlee, Recording Secretary, Prototype Inc.

Communication to the City Commission

Motion made by Ms. Mammano, seconded by Mr. Marcus, to send a Communication to the City Commission regarding the Historic Preservation Board's review of the Henry E. Kinney Tunnel Top Plaza project with the following suggestions:

1. The decorative elements should be designed at a later date than the construction of the tunnel top park and that the design of the decorative elements should be subject to a design competition; and
2. That particular concern be paid to making the Stranahan House visually and physically accessible and part of the plaza; and
3. To consider using the ventilation tower for a historical and educational element; and
4. Because the Board sees the expanded public benefit the Board is in favor of the plaza even if it affects the tunnel's eligibility for the National Register of Historic Places; and
5. Shade trees should be included; and
6. Recommendations from the staff report:
 - a. Construction of the new plaza shall not negatively impact the nearby Historic Landmark, the Stranahan House, and protection from construction debris and construction equipment shall be provided, as necessary. A protection plan must be submitted to the Historic Preservation Board Liaison prior to applying for building permits.
 - b. The Henry E. Kinney Tunnel and all features of the existing tunnel entrance and side walls shall be documented through detailed measured drawings using HABS/HAER (Historic American Buildings Survey/Historic American Engineering Record) standard.

These drawings shall be utilized in the reconstruction of portions of the wall as specified as part of this application and shall be submitted to the Prints and Photographs Division of the Library of Congress. Drawings must also be submitted to the Historic Preservation Board Liaison prior to applying for building permits. If complete original drawings are available, it may be possible for them to be utilized as documentation by providing a complete copy to the Historic Preservation Board Liaison prior applying for building permits.

- c. As part of any proposal for the reconstruction of elements called out in the plan it shall be clear how the original elements and reconstructed modern elements are differentiated so as not to portray a false sense of history.
- d. Coordinate with the Historic Preservation Board Liaison on a proposed plaque, video, or other signage program highlighting the history of the site.
- e. Retain existing dedication plaque on south wall of north entrance to be re-installed on the site.

In a voice vote, motion passed unanimously.

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I. Call to Order/Pledge of Allegiance

The meeting of the Historic Preservation Board was called to order at 5:00 p.m.

II. Determination of Quorum/Approval of Minutes

Roll was called and it was determined a quorum was present.

Ms. Wallen noted that Assistant City Attorney Spence attended the November meeting.

Motion made by Ms. Mergenhagen, seconded by Ms. Mammano to approve the minutes of the Board's November 2019 meeting as amended. In a voice vote, motion passed 7-0.

III. Public Sign-in/Swearing-In

All members of the public wishing to address the Board on any item were sworn in.

Board members disclosed communications and site visits for each agenda item.

IV. Agenda Items:

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REQUEST: Certificate of Appropriateness for Major Alteration

- After-the-fact placement of a 6'-0" high horizontal plank wood fence, proposed to be reduced to 4'-0" in height.

Case Number	PLN-HP-19100002	FMSF#	
Owner	AWH&T Investment LLC; Thomas Assouline		
Applicant	AWH&T Investment LLC; Thomas Assouline		
Address	729 SW 4 th Court		
General Location	Northeast corner of SW 4 th Court and SW 8 th Avenue		
Legal Description	BRYAN SUB BLK 33 FT LAUD 1-29 D LOT 32,34,36		
Existing Use	Multi-Family Residential		
Proposed Use	Multi-Family Residential		
Zoning	RML-25		
Applicable ULDR Sections	47-24.11.D.3.c.i, 47-17.7.B		
Authored By	Trisha Logan, Urban Planner III		

[See staff report attached hereto]

Ms. Logan reviewed the staff report, which concluded with:
 Staff finds that the application for a COA for major alterations under case number PLN-HP-19100002 located at 729 SW 4th Court partially meets the criteria as outlined in Section 47-24.11.D.3.c.i. of the ULDR, and partially meets the criterion for consideration of fence materials as listed under 47-17.7.B.2.a. of the ULDR.

Thomas Assouline, owner, said after meeting with Ms. Logan, he had decided to reduce the height of the fence to four feet all around the property. Ms. Logan said the design guidelines stated a maximum height of three feet but the Board could make a determination to allow a four-foot fence. The Board could also determine if the style was acceptable. Mr. Marcus suggested Mr. Assouline add landscaping to soften the look of the fence.

The Board and Ms. Logan discussed whether the styles mentioned in the code limited applicants' choices. Ms. Logan explained that any style specifically listed could be approved administratively, if it met all other criteria. Any style not specifically mentioned would be brought to the Board to make a determination that the style was appropriate.

Chair Figler opened the public input portion of the meeting. There being no one present wishing to address the Board on this matter, Chair Figler closed the public hearing and brought the discussion back to the Board.

Since the Board had the ability to approve a style not specifically mentioned in the code, Chair Figler thought they should consider the possibility of setting a precedent but Ms. Wallen said each decision the Board made was for one particular case, based on the facts of that case.

Motion made by Mr. Mammano, seconded by Mr. Marcus, to:
 Approve the resolution for a Certificate of Appropriateness under case number PLN-HP-19100002 located at 729 SW 4th Court for major alterations for a four-foot fence and gates based on the finding that the horizontal nature of the fence is in keeping with the horizontal architectural quality of the property.
 In a voice vote, motion passed 7-0.

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REQUEST: Historic Preservation Board Review and Comment on Tunnel Top Plaza located at the National Register Eligible Henry E. Kinney Tunnel

Case Number	PLN-HP-19110001	FMSF#	8BD4504
Owner	City of Fort Lauderdale		
Applicant	Christine Fanchi, Project Manager		
Address	600 E. Las Olas Boulevard		
General Location	Intersection of East Las Olas Boulevard and South Federal Highway		
Legal Description	<p>A PORTION OF RIGHT OF WAY AT THE INTERSECTION OF EAST LAS OLAS BOULEVARD AND SOUTH FEDERAL HIGHWAY IN SECTION 11, TOWNSHIP 50 SOUTH, RANGE 42 EAST MORE PARTICULARLY DESCRIBED AS FOLLOWS:</p> <p>BEGIN AT THE NORTHEAST CORNER OF TRACT 2, "BURNHAM'S SUBDIVISION", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 15, PAGE 29, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE SOUTH 87°34'20" WEST ALONG THE NORTH LINE OF SAID TRACT 2 AND ALSO BEING THE SOUTH RIGHT OF WAY LINE OF EAST LAS OLAS BOULEVARD, A DISTANCE OF 23.00 FEET; THENCE NORTH 02°33'11" WEST, A DISTANCE OF 80.00 FEET; THENCE NORTH 88°05'12" EAST, A DISTANCE OF 36.70 FEET; THENCE NORTH 01°54'48" WEST, A DISTANCE OF 75.00 FEET; THENCE NORTH 88°05'12" EAST, A DISTANCE OF 67.00 FEET; THENCE SOUTH 01°54'48" EAST, A DISTANCE OF 75.00 FEET; THENCE NORTH 88°05' 12" EAST, A DISTANCE OF 25.00 FEET TO THE EAST RIGHT OF WAY LINE OF SOUTH FEDERAL HIGHWAY AND ALSO BEING THE WEST LINE OF LOT 7, BLOCK "8", "EDGEWATER ADDITION CORRECTED PLAT", ACCORDING TO THE PLAT THEREOF. RECORDED IN PLAT BOOK 2, PAGE 73, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE SOUTH 01°54'48" EAST ALONG SAID WEST LINE AND THE SOUTHERLY EXTENSION THEREOF. a distance of 67.52 FEET TO THE SOUTH RIGHT OF WAY LINE OF EAST LAS OLAS BOULEVARD AND ALSO BEING THE NORTH LINE OF THE PLAT "RE-SUBDIVISION OF BLOCK "A" EDGEWATER", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 6, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, ALSO PREVIOUSLY KNOWN AS BLOCK "A", "EDGEWATER ADDITION", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 123, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE SOUTH 88°02' 12" WEST, A DISTANCE OF 10.09 FEET TO THE NORTHWEST CORNER OF SAID PLAT, BOOK 2, PAGE 6, AS IT NOW EXISTS; THENCE SOUTH 01°54'48" EAST, ALONG THE EAST LINE OF SAID PLAT, BOOK 2, PAGE 6, ALSO BEING THE EAST RIGHT OF WAY OF SOUTH FEDERAL HIGHWAY, A DISTANCE</p>		

	<p>OF 11.00 FEET; THENCE SOUTH 87°58'17" WEST. A DISTANCE OF 95.00 FEET TO THE WEST RIGHT OF WAY LINE OF SOUTH FEDERAL HIGHWAY AND ALSO BEING THE EAST LINE OF SAID TRACT 2; THENCE NORTH 01°54'48 WEST, ALONG SAID EAST PROPERTY LINE AND WEST RIGHT OF WAY OF SOUTH FEDERAL HIGHWAY, A DISTANCE OF 16.00 FEET TO THE POINT OF BEGINNING.</p> <p>SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, CONTAINING 14636 SQUARE FEET OR 0.3360 ACRES, MORE OR LESS.</p>
Existing Use	Tunnel
Proposed Use	Tunnel Top Plaza
Zoning	RML-25
Applicable ULDR Sections	<i>City of Fort Lauderdale Comprehensive Plan (Ordinance C-15-08) Volume I – Historic Preservation Element</i>
Authored By	Trisha Logan, Urban Planner III

[See staff report attached hereto]

Ms. Logan reviewed the staff report, which concluded with:

The proposed construction of the Tunnel Top Plaza will have a significant impact on the visual nature of the existing tunnel and its relationship to the surrounding area and will most likely impact its ability to qualify for the National Register of Historic Places, especially under Criterion C for architecture.

Staff suggests that the following remarks be taken into consideration by the Historic Preservation Board in any motion made to provide a record of comments:

1. Construction of the new plaza shall not negatively impact the nearby Historic Landmark, the Stranahan House, and protection from construction debris and construction equipment shall be provided, as necessary. A protection plan must be submitted to the Historic Preservation Board Liaison prior to applying for building permits.
2. The Kinney E. Tunnel and all features of the existing tunnel entrance and side walls shall be documented through detailed measured drawings using HABS/HAER (Historic American Buildings Survey/Historic American Engineering Record) standard. These drawings shall be utilized in the reconstruction of portions of the wall as specified as part of this application and shall be submitted to the Prints and Photographs Division of the Library of Congress. Drawings must also be submitted to the Historic Preservation Board Liaison prior to applying for building permits. If complete original drawings are available, it may be possible for them to be utilized as documentation by providing a complete copy to the Historic Preservation Board Liaison prior applying for building permits.
3. As part of any proposal for the reconstruction of elements called out in the plan it shall be clear how the original elements and reconstructed modern elements are differentiated so as not to portray a false sense of history.
4. Coordinate with the Historic Preservation Board Liaison on a proposed plaque, video, or other signage program highlighting the history of the site.
5. Retain existing dedication plaque on south wall of north entrance to be re-installed on the site.

Christine Fanchi, City Transportation Engineering Design Manager and Project Manager for this project in conjunction with the Florida Department of Transportation, explained that the State of Florida owned the tunnel and had programmed a rehabilitation project and the City wanted to take the opportunity to explore creating a plaza on top of a portion of the tunnel. She provided a Power Point presentation, a copy of which is attached to these minutes for the public record.

Ms. Mammano expressed concern about landscaping that seemed to obscure Stranahan House and restrict pedestrian access to it. Ms. Fanchi explained that the large trees on the rendering already existed on Stranahan House property and would remain. There was also a gate in the fence to access Stranahan House. Mr. Marcus Wanted to see more shade trees/structures.

Ms. Fanchi said the ventilation tower could be made smaller. Ms. Mammano said the current design of the camouflage was too obtrusive and suggested making it shorter and perhaps utilizing landscaping. Ms. Mergenhagen and Mr. Blank suggested creating a historical educational design feature to surround the vent, perhaps including video.

Mr. Marcus asked if the Board would see the completed design and Ms. Fanchi informed him that she could bring back the 60% design or the Board could be invited to attend the next public meeting. Mr. Marcus wanted the landscape architects to consider integrating the surrounding blank walls into the design. Also, the park design could engage Stranahan House more. Ms. Fanchi noted that the surrounding walls were private property, so that would be a separate project.

Mr. Blank felt the design seemed out of place, regardless of the designers' contention that it mimicked a hardwood hammock. He suggested the design reflect Florida more and perhaps engaging a local landscape architect. He also wanted to direct traffic along the Stranahan House fence line to draw attention to the house. Mr. Marcus wanted to ensure that structural engineers were consulted regarding proposed structures' ability to withstand hurricane force winds.

Ms. Fanchi would have the designer update the presentation for the December 17 Commission conference meeting. Chair Figler suggested holding an international competition for the design for this historic location but Ms. Fanchi said there was not time. Chair Figler stated that he would like for the Board to have more input before the final design decision was made. Ms. Fanchi explained that the rehabilitation project for the tunnel was delayed by FDOT to allow the City time to work on the plaza project. Mr. Marcus and Chair Figler wanted more than one design from which they could choose.

Chair Figler liked the overall concept of the plaza extending to the river but wanted to slow down the process to ensure they got the design "right instead of fast."

Ms. Mammano noted that the staff recommendations included preventing the construction from negatively affecting Stranahan House and suggested that this protection be extended to the design of the new plaza. The design should be sensitive to and inclusive of the Stranahan House.

Ms. Mergenhagen suggested separating the structural work from the plaza design, to allow time for a design contest for the plaza.

Lynn Kelly, Florida Department of Transportation, said her concern was for potential adverse impact on the historic structure, the Henry E. Kinney Tunnel, which could affect its eligibility for inclusion on the National Register of Historic Places. They had already had several meetings with the Division of Historic Resources (DHR) and she thought that after they submitted their "effects" document, DHR would conclude that this was an adverse effect and they must then determine how to minimize that. Ms. Kelly said the DHR was mostly concerned about the structural element, not the design of the plaza. Mr. Marcus felt the public benefit of the redesign with the plaza far outweighed the effect that may have on the structure's eligibility for the National Register of Historic Places in the future. He also wanted there to be at least two options for the City Commission.

Ms. Kelly said the reason the schedule was so tight was because of the schedule for FDOT's rehabilitation work was already programmed and the money must be spent in the years it was there. She added that there would be significant traffic disruption and wanted this to happen only once.

Ms. Kelly had met with Stranahan House representatives, where they indicated they were "fairly content" with the project but wanted to be sure that their access was not blocked. She intended to meet with them again the following week with her historic consultant. Ms. Kelly said they must also consider mitigation, which could take on many forms. She felt using a camouflage for the ventilation structure for historic education was a good idea and wanted to discuss tying the entire site together with the history.

Ms. Fanchi intended to ask the designers to create at least two new options for the structures to be presented to the City Commission on December 17.

V. Communication to the City Commission

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Motion made by Ms. Mammano, seconded by Mr. Marcus, to send a Communication to the City Commission regarding the Historic Preservation Board's review of the Henry E. Kinney Tunnel Top Plaza project with the following suggestions:

1. The decorative elements should be designed at a later date than the construction of the tunnel top park and that the design of the decorative elements should be subject to a design competition; and
2. That particular concern be paid to making the Stranahan House visually and physically accessible and part of the plaza; and
3. To consider using the ventilation tower for a historical and educational element; and
4. Because the Board sees the expanded public benefit the Board is in favor of the plaza even if it affects the tunnel's eligibility for the National Register of Historic Places; and
5. Shade trees should be included; and
6. Recommendations from the staff report:
 - a. Construction of the new plaza shall not negatively impact the nearby Historic Landmark, the Stranahan House, and protection from construction debris and construction equipment shall be provided, as necessary. A protection plan must be submitted to the Historic Preservation Board Liaison prior to applying for building permits.
 - b. The Kinney E. Tunnel and all features of the existing tunnel entrance and side walls shall be documented through detailed measured drawings using HABS/HAER (Historic American Buildings Survey/Historic American Engineering Record) standard. These

drawings shall be utilized in the reconstruction of portions of the wall as specified as part of this application and shall be submitted to the Prints and Photographs Division of the Library of Congress. Drawings must also be submitted to the Historic Preservation Board Liaison prior to applying for building permits. If complete original drawings are available, it may be possible for them to be utilized as documentation by providing a complete copy to the Historic Preservation Board Liaison prior applying for building permits.

- c. As part of any proposal for the reconstruction of elements called out in the plan it shall be clear how the original elements and reconstructed modern elements are differentiated so as not to portray a false sense of history.
- d. Coordinate with the Historic Preservation Board Liaison on a proposed plaque, video, or other signage program highlighting the history of the site.
- e. Retain existing dedication plaque on south wall of north entrance to be re-installed on the site.

In a voice vote, motion passed unanimously.

Instead of delaying the project to hold a design competition, Ms. Fanchi asked if it would be acceptable to bring two design options to the City Commission on December 17. Chair Figler said the Board was interested in getting it done properly more than meeting an aggressive schedule. Ms. Mammano wanted "more ideas from more people and not just these two designers."

VI. Good of the City

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3. Continued Discussion of Bonnet House Museum and Gardens

Ms. Mammano said the Bonnet House director had spoken at the Council of Fort Lauderdale Civic Associations meeting and informed them that they were negotiating and he felt there was now less of an adversarial situation. She felt the Board should let this go.

Motion made by Mr. Blank, seconded by Ms. Mammano, to put this item on the Board's January agenda to keep tabs on it. In a voice vote, motion passed unanimously.

4. Review of Proposed Updates to the Unified Land Development Regulations (ULDR):

Section 47-24.11.F. – Waivers for Historic Preservation

Ms. Logan said this related primarily to setbacks. There were three criteria the applicant must demonstrate:

- Granting the waiver would further the historic preservation of the historic resource or the district, or;
- Granting the waiver must be compatible with the historic property or district, or;
- Granting the waiver must not interfere with the light and air of adjacent properties.

Ms. Mammano wanted the condition that granting the waiver would contribute to the preservation of the historic resource to be mandatory and Ms. Wallen agreed.

Ms. Mammano was very concerned that they still did not have an approved list of contributing structures. Ms. Logan said this was forthcoming.

Motion made by Ms. Mammano, seconded by Mr. Blank, to include the following finding in the text amendment: The granting of the waiver must contribute to the preservation of the historic resource plus at least one of the other two criteria. In a voice vote, motion passed unanimously.

Section 47-24.11.H. – Exemption for designated local historic landmarks used for certain commercial or nonprofit purposes.

Ms. Logan said Broward County already offered this; this would allow the owner to use the tax exemption against City taxes as well. Total revenue loss to the City would be approximately \$60,000.

Mr. Marcus hoped that once an owner applied for a tax exemption, he/she would not be able to demolish a building and asked if there was any protection against this. Ms. Logan said the proposed ordinance would not prevent demolition and there was a process in the ordinance to request demolition through the Board.

Ms. Logan read into the record the communication she had received from Board Member Tim Schiavone, who was not present.

Ms. Mammano left the meeting at 6:58.

Ms. Wallen informed the Board that the City could enter into a restrictive covenant with a property owner, wherein the owner agreed to maintain a property, keep it historic and not make certain changes to it, otherwise the City would revoke the tax exemption. She agreed to look into adding this to the ordinance.

Mr. Marcus stressed the importance of public outreach/education to get the message across.

Motion made by Mr. Marcus, seconded by Ms. Mergenhagen, to accept the ordinance. In a voice vote, motion passed unanimously.

Section 47-24.8. – Certificate of appropriateness and economic hardship exception.

Ms. Logan explained this section is related to noticing for applications other than designation and would add a reference to the waiver application.

Section 47-3.2. – Nonconforming Structure

Ms. Logan said this added a small note referring to the waiver section for cross reference.

Ms. Logan reported that staff had sent out an email to people who had expressed an interest in the code amendments and had also sent a memo to the Council of Fort Lauderdale Civic Associations.

Motion made by Mr. Marcus, seconded by Mr. Rosa, to approve Section 47-24.8. In a voice vote, motion passed unanimously.

Motion made by Ms. Mergenhagen, seconded by Mr. Rose to accept Section 47-3.2. In a voice vote, motion passed unanimously.

Ms. Logan announced that Certified Local Government training would be offered on December 9 from 3 p.m. until 5 p.m. at the Department of Sustainable Development Urban Design and Planning conference room.

Adjournment

There being no further business to come before the Board, the meeting was adjourned at 7:07 p.m.

Attest:

Chairman:

ProtoType Inc. Recording Secretary

George Figler, Chair

The City of Fort Lauderdale maintains a [website](http://www.fortlauderdale.gov/departments/city-clerk-s-office/board-and-committee-agendas-and-minutes/historic-preservation-board) for the Historic Preservation Board Meeting Agendas and Results:

<http://www.fortlauderdale.gov/departments/city-clerk-s-office/board-and-committee-agendas-and-minutes/historic-preservation-board>

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

Sec. 47-24.11. - Historic designation of landmarks, landmark site or buildings and certificate of appropriateness.

G. Exemption for designated local historic resources used for certain commercial or nonprofit purposes.

City of Fort Lauderdale hereby elects, pursuant to the provisions of Section 196.1961, Florida Statutes, as currently enacted or as may be amended from time to time, to provide for an ad valorem tax exemption of fifty percent (50%) of the assessed value of a locally designated historic landmark or contributing structure in a locally designated historic district used for commercial or certain nonprofit purposes as provided in Section 196.1961, Florida Statutes. The property must comply with each and every provision of Section 196.1961, Florida Statutes, to be entitled to the ad valorem exemption and the tax exemption shall apply only to the City of Fort Lauderdale. A taxpayer claiming the exemption must submit an annual application with the property appraiser pursuant to the requirements set forth in Section 196.011, Florida Statutes.

Sec. 47-24.11. - Historic designation of landmarks, landmark site or buildings and certificate of appropriateness.

H. Waivers for historic preservation.

1. Intent. In an effort to promote and encourage the preservation and adaptive reuse of locally designated historic landmarks and contributing structures in a locally designated historic district, the HPB may grant a waiver provided that it will result in the preservation of a locally designated historic resource. However, the HPB shall not have the authority to grant any waivers of density, FAR, and building height requirements.
2. Waivers. The HPB may authorize waivers for setback requirements and requirements for distance separation between buildings for the following:
 - a. New additions; or
 - b. Construction of a new or existing accessory structure; or
 - c. Reconstruction of a portion of a structure with documentation.
3. Criteria for approval of a waiver. A waiver request must comply with at least one of the following criteria:
 - a. The application must demonstrate that granting the waiver will further the preservation of the historic and architectural character of the historic resource, or of the historic district in which the proposal is located; or
 - b. The application must demonstrate that granting the waiver will be compatible with, and will preserve the character and integrity of the site and surrounding neighborhood; or
 - c. The application must demonstrate that granting the waiver does not interfere with the light and air of adjacent properties
4. Review process for waivers.
 - a. An application for a waiver shall be submitted simultaneously with an application for a Certificate of Appropriateness in accordance with the provisions of Section 47-24.11. of the ULDR. The application shall contain a written statement justifying the requested waiver and provide evidence that the waiver is necessary to assure the continued preservation of the designated historic structure.
 - b. An application shall be submitted by the department to the HPB for review.
 - c. Notice shall be given in accordance with Section 47-27.8. of the ULDR.

5. Conditions and safeguards. In granting any waiver the board may prescribe appropriate conditions and safeguards necessary to protect and further the interest of the area and abutting properties, including, but not limited to walls, and fences as required buffering; modifications of the orientation of any openings; and modification of site arrangements.

Sec. 47-27.8. – Notice requirements for applications for certificates of appropriateness and economic hardship exception.

A. Notice of a hearing for all applications for certificates of appropriateness 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 applications for a certificate 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 to be demolished. 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 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.

B. *Appeal.* If an appeal of a denial of an application for a certificate of appropriateness or economic hardship ~~exception~~ is accepted by the city commission as provided in Sections 47-24.11.DG 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).

Sec. 47-3.2. - Nonconforming structure.

- A. *Generally.* A nonconforming structure is any structure which is in compliance with the zoning regulations applicable at the time the structure was established and for which all required permits were issued, which structure would be prohibited, restricted, or would otherwise not conform to the ULDR. Nonconforming structures shall include those structures which do not comply with the yard, lot coverage, height or any other structural restrictions of the ULDR with the exception of regulations relating to parking facilities or vehicular use areas.
- B. *Continuation of a nonconforming structure.* A nonconforming structure may continue in existence subject to the following:
1. A nonconforming structure may not be enlarged or altered in a way which increases its nonconformity, but a nonconforming structure may be altered to decrease its nonconformity.
 2. An addition may be made to a nonconforming structure provided that the addition meets all current ULDR requirements except an addition described in Sec. 47-3.2.B.3.
 3. In R-zoned districts where the minimum side yard requirement for an existing building is less than specified for the district, but not less than five (5) feet, and where the building is designed and the foundation is built for additional floors, additional floors may be added with the same yard provided that the total height does not exceed the height permitted in the zoning district and all other provisions of the ULDR are met.
- C. Designated historic resources are eligible for waivers in accordance with Section 47-24.11.F of the ULDR.

(Ord. No. C-97-19, § 1(47-3.2), 6-18-97)

Trisha Logan

From: Trisha Logan
Sent: Thursday, November 21, 2019 8:57 AM
To: colleenlockwood1@icloud.com
Cc: Anthony Fajardo; Christopher Cooper; Ella Parker; Karlanne Grant
Subject: Proposed Text Amendments for Historic Preservation Waivers and Tax Exemption

Good Morning, Ms. Lockwood.

This memo intends to provide an update to the Council of Fort Lauderdale Civic Associations regarding current code amendments undertaken by the Department of Sustainable Development. The City welcomes any comments or suggestions you may have.

Proposed Text Amendments

Amend Unified Land Development Regulations (ULDR) Section 47-24.11. to include additional options for historic preservation incentives including historic preservation waivers to allow for reductions in required setbacks or distance separations and tax exemption for historically designated

Background

On July 10, 2018, the City Commission asked for recommendations regarding potential amendments to the City's historic preservation ordinance. Following this conference meeting staff outlined a three-phased approach to amending the historic preservation ordinance and identifying potential incentives to enhance historic preservation efforts.

Amendments to the Unified Land Development Regulations (ULDR) included in phase one of this effort were approved on second reading at the September 12, 2019, City Commission meeting. These amendments have a substantial positive impact on the overall historic preservation program by focusing on key administrative changes that streamline the review and approval process allowing staff to process certain applications administratively resulting in greater efficiencies and providing applicants with a greater level of clarity regarding individually designated properties or those within a designated historic district.

As part of phase two, staff has developed several recommendations for historic preservation incentives. As an initial option for historic preservation incentives, parking reductions and exemptions for adaptive reuse projects of historic resources were approved on second reading at the September 17, 2019, City Commission Meeting.

Amendment Summary

Section 47-24.11. - Historic designation of landmarks, landmark site or buildings and certificate of appropriateness.

Historic Preservation Waivers

Proposed as an amendment to Section 47-24.11. of the ULDR is a historic preservation waiver that may be granted by the Historic Preservation Board (HPB) to promote and encourage the preservation and adaptive reuse of historic resources. As part of issuance of the waiver, the request must ensure that it will result in the preservation of a designated historic resource. As part of issuance of any waiver, the HPB would not have the authority to grant any waivers of density, FAR, and building height requirements, unless otherwise provided for by the ordinance.

Tax Exemption for Commercial Properties

Also proposed as an amendment to Section 47-24.11. of the ULDR is a 50% tax exemption for properties that are used for commercial or non-profit purposes that are designated as historic landmarks or identified as contributing structures within a designated historic district. This incentive is currently offered through Broward County which also offers a 50% reduction in county taxes to designated historic properties.

At this time, of the sixty-three historic landmark properties in the City, twenty-three would qualify for the tax exemption. In 2019, the total assessed value for these properties is \$29,591,610, which would amount to a reduction and overall revenue loss of \$60,948 for the City.

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

Amendment to provide notice requirements for a Certificate of Appropriateness application that includes a request for a historic preservation waiver.

Sec. 47-3.2. - Nonconforming structure.

Amendment to provide reference to Section 47-24.11. of the ULDR for Historic Preservation Waivers.

Next Steps

Proposals will be presented for consideration to the HPB at the December 2, 2019 meeting, and ultimately to the Planning and Zoning Board and the City Commission.

Trisha Logan | Urban Planner III | Historic Preservation Board Liaison

City of Fort Lauderdale | Urban Design and Planning Division

700 NW 19th Avenue | Fort Lauderdale FL 33311

P: (954) 828-7101 E: logan@fortlauderdale.gov



CITY OF FORT LAUDERDALE
PLANNING AND ZONING BOARD ACTING AS THE LOCAL PLANNING AGENCY
(LPA)
NOTICE OF PUBLIC HEARING
AMENDMENTS TO THE UNIFIED LAND DEVELOPMENT REGULATIONS (ULDR)

NOTICE IS HEREBY GIVEN that the Planning and Zoning Board acting as the Local Planning Agency (LPA) of the City of Fort Lauderdale, as well as the Planning and Zoning Board, shall hold a public hearing on WEDNESDAY, JANUARY 15, 2020 at 6:00 PM or as soon thereafter as the same may be heard in the City Commission Chambers, City Hall, 1st floor, 100 North Andrews Avenue, Fort Lauderdale, Florida to amend the City of Fort Lauderdale Unified Land Development Regulations, (ULDR) as follows:

Case PLN-ULDR-19120001 is an amendment to section 47-24.11 to the ULDR to provide two new subsections including: subsection 47-24.11.G., Exemption for designated local historic resources used for certain commercial or nonprofit purposes, to provide an ad valorem tax exemption of fifty percent (50%) of the assessed value; and subsection 47-24.11.H., Waivers for historic preservation, to provide setback and distance separation waivers for historic resources; and renaming of section 47-27.8., Certificate of appropriateness and economic hardship exception to Notice requirements for applications for certificates of appropriateness and economic hardship; and amendment to section 47-27.8., Certificate of appropriateness and economic hardship exception, to include a notice requirement for a waiver application; and amendment to section 47-3.2., Nonconforming structure, to provide a reference to section 47-24.11.H. for waivers for historic preservation

Specifically:

AMENDING CITY OF FORT LAUDERDALE UNIFIED LAND DEVELOPMENT REGULATIONS (ULDR) SECTION 47-24.11 TO ADD SUBSECTIONS 47-24.11.G., EXEMPTION FOR DESIGNATED LOCAL HISTORIC RESOURCES USED FOR CERTAIN COMMERCIAL OR NONPROFIT PURPOSES; AND 47-24.11.H, WAIVERS FOR HISTORIC PRESERVATION; AND RENAMING SECTION 47-27.8 TO NOTICE REQUIREMENTS FOR APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS AND ECONOMIC HARDSHIP; AND AMENDING SECTIONS 47-27.8., CERTIFICATE OF APPROPRIATENESS AND ECONOMIC HARDSHIP EXCEPTION; AND 47-3.2., NONCONFORMING STRUCTURE.

All interested persons may appear at said meeting and be heard with respect to the proposed amendments. Information on this amendment may be obtained from the Department of Sustainable Development, Urban Design & Planning division, 700 N.W. 19 Avenue, Fort Lauderdale, Florida, during normal business hours.

Jeff Modarelli, City Clerk

City of Fort Lauderdale

If any person decides to appeal any decision made with respect to any matter considered at this public meeting or hearing, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you desire auxiliary services to assist in viewing or hearing the meetings or reading agendas and minutes for the meetings, please contact the City Clerk at 954-828-5002, and arrangements will be made to provide these services for you. A turnkey video system is also available for your use during this meeting.

Publish on **January 4, 2020** as a legal classified ad.

Please provide proof to nmartin@fortlauderdale.gov

And Affidavit of Publication to: City of Ft. Lauderdale
100 N. Andrews Ave.
Fort Lauderdale, FL 33301

cc: City Clerk
Finance AIP
Planner
Case File