



# Historic Preservation Proposed Updates

## Frequently Asked Questions

### Your voice will be heard as proposals are publicly reviewed

The City of Fort Lauderdale is considering possible amendments to historic preservation ordinance included in the Unified Land Development Regulations (ULDR). The ULDR aims to establish standards for development and redevelopment throughout the City.

The purpose of historic preservation regulations is to promote the cultural and historic heritage of the City through the preservation and protection of historically, architecturally or archaeologically worthy structures, sites or districts.

The following "Frequently Asked Questions" have been composed to help you understand the proposed changes and express your views to the City Commission.

#### How does this affect my property?

If your property is currently designated as a historic landmark or located within a historic district, the proposed changes allow City staff to review applications to determine if new construction or new rehabilitation qualifies for expedited administrative approval. If your building or site is not currently designated, the changes would only affect your property if a complete [application for historic designation](#) were to be submitted.

#### Do the proposed amendments change the way properties are designated?

No, the overall process and procedure for designating properties as a historic landmark does not substantially change. Once a complete application is received, it is publicly reviewed by the Historic Preservation Board (HPB) which provides a written, publicly documented recommendation to the City Commission. Following public notice and the opportunity for public input, the City Commission makes a final determination at a publicly held Commission meeting.

#### Can my property be designated as a result of these amendments?

A property will not be automatically designated nor would it become mandatory to designate your property as a result of these proposed changes.

#### Why aren't there restrictions on who can designate a property?

In the existing text of the ULDR, rules allow the property owner, any person residing in the city or any legal entity in the City, including the City, to submit an application for designation as a historic property. At this time, direction has not been received to amend this aspect of the ULDR. However, the U.S. Supreme Court's decision in Penn Central Transportation Co. v. the City of New York establishes that historic preservation ordinances, without owner consent provisions, are constitutionally valid.

#### How many criteria does a property need to meet in order to be considered for designation?

As per the existing text of the ULDR, the property needs to meet one criterion for designation since each criterion describes a

different aspect of significance. This is the same rule utilized by other municipalities as well as the National Register of Historic Places.

#### What do "Contributing Property" and "Non-Contributing Property" mean?

Both definitions are standard within historic preservation ordinances throughout the country which enables a historic district to have a status assigned to each property that signifies its significance. A "contributing property" is one that adds to the qualities of a district which is typically defined in a period of significance statement included in a historic designation application that identifies time periods, architectural styles, and related historical associations. A "non-contributing property" does not add to the qualities for which the area is designated.

#### Why does there need to be an Interim Protection Measure as part of the historic designation process?

An Interim Protection Measure allows for the proper public process and time for staff, the Historic Preservation Board, and the City Commission to evaluate the proposed historic designation as to whether or not the potential landmark, landmark site, or district meets the criteria for historic designation, as listed under Section 47-24.11.B. of the ULDR, without demolition or major alteration of the potential landmark or structures within the proposed district. There is also an existing provision within the ordinance, as listed under Section 47-24.11.C.8. of the ULDR, which provides a similar mechanism to allow for the City Commission to issue a stop work order for a 30-day period in order to negotiate with the property owner to remove the threat to the property or to initiate steps for historic designation.

#### If my property is 50 years or older can it be designated?

A structure that is 50 years or older does not mandate historic designation. Any property that meets at least one of the criteria for historic designation, regardless of age, could be considered for designation upon submittal of a complete application. Proposed language provides criteria considerations which states that structures not 50 years old must be found to be exceptional.



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## Frequently Asked Questions

### Additional areas addressed in the proposal

#### Definitions

There are 21 new definitions included in the proposed updates which further clarify the text contained within the ordinance. There are a few definitions that are more clearly defined including Major Alteration, Minor Alteration, Minor Demolition, Contributing Property and Non-Contributing Property.

See pages 1 – 3 of the [amendments](#) for the proposed text.

#### Historic Designation Process

Sections addressed within the historic designation process of the ULDR include:

- Revision and clarification of the designation application requirements and review process.
- The addition of Interim Protection Measures to protect a structure under consideration for designation while the property is going through public hearings.

See pages 3 - 7 of the [amendments](#) for the proposed text.

#### After-The-Fact Work

This is a new section to address and clarify the procedure to review after-the-fact work and the issuance of a Certificate of Appropriateness:

- When work is performed that qualifies for administrative approval, staff may approve.
- When work is performed that does not qualify for administrative approval, the application must be reviewed by the Historic Preservation Board.

See page 11 of the [amendments](#) for the proposed text.

#### Miscellaneous Edits

This is a reference to the expiration of a Certificate of Appropriateness:

- 18 months following the date of approval to apply for a building permit; 24-months to obtain a building permit.

#### Historic Preservation Public Notices

Revisions and clarifications for mail notices, newspaper notice, and sign notice for historic designations.

Revisions and clarifications for mail notices and sign notice for Certificates of Appropriateness for Demolition and Economic Hardship Applications.

#### Administrative Review

This is a new section to address and clarify the procedure to review an Administrative Certificate of Appropriateness to be approved by staff:

- Minor alterations that follow the City of Fort Lauderdale's Historic Preservation Design Guidelines and the Secretary of the Interior's Standards.
- Minor alteration or minor demolition (does not increase the existing square footage by more than 25% or remove more than 25% of an exterior wall) of a building or structure that meets one of the following:
  - Facade and building restorations and repairs, consistent with historic documentation.
  - To address accessibility, life safety, mechanical and other applicable code requirements.
  - To rear and secondary facades to accommodate utilities, refuse disposal, and storage.
- Minor alterations to the rear and secondary facades that is not visible from the public right-of-way, any waterfront, or public parks. Visibility from the right-of-way shall be determined by staff.

See page 15 of the [amendments](#) for the proposed text.

#### Amendments to Approved Work

This is a new section to address and clarify the procedure to review a request to amend a Certificate of Appropriateness issued by the Historic Preservation Board:

- City staff may approve an application when the work to be performed is minor (does not increase the existing square footage by more than 25% or remove more than 25% of an exterior wall), does not affect the property's historic character, is in accordance with the Historic Preservation Design Guidelines and Secretary of the Interior's Standards, or alters the scale, massing, or roof form.
- When work is performed that does not meet the above qualifications, the application must be reviewed by the Historic Preservation Board.

See pages 14 - 15 of the [amendments](#) for the proposed text.

**For additional information about these efforts and to view the proposed text, [click here](#).**

If you would like this publication in an alternate format, please call (954) 828-4755 or email [strategiccommunications@fortlauderdale.gov](mailto:strategiccommunications@fortlauderdale.gov).