



CITY OF FORT LAUDERDALE

**CITY OF FORT LAUDERDALE
CITY HALL – CITY COMMISSION CHAMBERS
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, MAY 15, 2019 – 6:00 P.M.**

Cumulative

Board Members	Attendance	June 2018-May 2019	
		Present	Absent
Catherine Maus, Chair	P	10	2
Howard Elfman, Vice Chair	A	8	3
John Barranco (arr. 6:08)	P	8	3
Brad Cohen (arr. 6:05)	P	8	3
Mary Fertig (arr. 6:05)	P	10	1
Jacquelyn Scott	P	11	1
Jay Shechtman	P	12	0
Alan Tinter	P	10	2
Michael Weymouth	P	12	0

It was noted that a quorum was present at the meeting.

Staff

Ella Parker, Urban Planning and Design Manager
D'Wayne Spence, Assistant City Attorney
Shari Wallen, Assistant City Attorney
Anthony Fajardo, Director, Department of Sustainable Development
Karlanne Grant, Urban Design and Planning
Jim Hetzel, Urban Design and Planning
Trisha Logan, Urban Design and Planning
Randall Robinson, Urban Design and Planning
Yvonne Redding, Urban Design and Planning
Benjamin Restrepo, Department of Transportation and Mobility
Jamie Opperlee, Recording Secretary, Prototype, Inc.

Communications to City Commission

Motion made by Ms. Fertig, seconded by Mr. Shechtman, [for the communication on p.23]. [A vote was not taken. The communication will be voted upon at the June 19, 2019 meeting.]

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Maus called the meeting to order at 6:00 p.m. and all recited the Pledge of Allegiance. The Chair introduced the Board members present, and Urban Design and Planning Manager Ella Parker introduced City Staff.

It was agreed by unanimous consensus that the Board would hear Items 8, 9, and 10 together and vote upon them separately.

8. CASE: T19004

REQUEST: Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-24.11., Historic Designation of Landmarks, Landmark Site or Buildings and Certificate of Appropriateness, to provide additional definitions that further clarify the text contained within the ordinances; modifications to designation process; proposed language to address administrative review for minor alterations and minor demolition, amendments to work that was previously approved, and after-the-fact work by the Historic Preservation Board.

APPLICANT: City of Fort Lauderdale

GENERAL LOCATION: City-Wide

CASE PLANNER: Trisha Logan

DEFERRED FROM APRIL 17, 2019 AGENDA

9. CASE: T19005

REQUEST: Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Sections 47-27.7., Historic designation and 47-27.8., Certificate of appropriateness and economic hardship exception to revise the existing notification requirements.

APPLICANT: City of Fort Lauderdale

GENERAL LOCATION: City-Wide

CASE PLANNER: Trisha Logan

DEFERRED FROM APRIL 17, 2019 AGENDA

10. CASE: T19007

REQUEST: Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Sections 47-3.6., Change in Structure; 47-16.5., Building Regulations; 47-16.6., Certificate of Appropriateness; 47-16.23., Parking Exemption; 47-17.4., Application for Alterations or New Construction; 47-17.5., Application for Yard and Minimum Distance Separation

Reduction; 47-17.6., Alterations to Non-conforming Structures to re-number sections pertaining to Historic Preservation; and the removal of Article XII.-Purpose and Intent of the ULDR, which will be replaced by a Historic Preservation intent section within Section 47-24.11 of the ULDR.

APPLICANT: City of Fort Lauderdale

GENERAL LOCATION: City-Wide

CASE PLANNER: Trisha Logan

DEFERRED FROM APRIL 17, 2019 AGENDA

Trisha Logan, representing Urban Design and Planning, recalled that these Items were first presented at the April 2019 Board meeting. They include proposed Amendments to the City's Historic Preservation Ordinance, including the main portion of the Ordinance itself, notice requirements, and updating/numbering of sections.

The Board had requested that Staff take these Items back before the Historic Preservation Board (HPB) to affirm their support for or opposition to the proposed changes. The HPB provided a motion in support of the proposed changes, and requested that Staff investigate additional ways to provide notice to property owners if the HPB is making a motion in support of initiating an application for historic designation.

The Planning and Zoning Board also asked if approval of the current Amendments be delayed until the section including Phase 2 (incentives) is ready. The HPB made a motion stating they do not think the current proposed changes should be delayed until Phase 2 incentives are ready to proceed.

Staff also researched ways to incorporate additional means of providing notice into the noticing section of Code. This information was emailed to Planning and Zoning Board members two days ago as part of a memorandum, with proposed language for Section 47-27.7. It asks that notice be sent within 10 days after a motion to initiate a historic designation application by the HPB.

Ms. Fertig requested confirmation that all these changes have been incorporated into the Amendments presented for approval. Ms. Logan agreed, noting that two other minor items were included in the memo sent to Board members:

- Clarification of language identifying who may apply for historic designation.
- Clarification of who can apply for a historic designation by changing "by resolution" to "by motion" of the City Commission.

Ms. Fertig asked Ms. Logan to explain the changes proposed for designation of a historic district. Ms. Logan advised that at present, any designation application may be

brought forward by anyone living or owning a business within the City, including the City itself. The proposed changes list different options for whom the Applicant may be for any type of designation application, including historic landmarks, landmark sites, historic districts, or archaeological sites:

- By motion of the HPB
- By motion of the City Commission
- Property owner
- Nonprofit organization with a vested interest in historic preservation
- Simple majority of property owners within a community interested in designation as a historic district

Ms. Fertig expressed concern with the proposed simple majority of property owners within a district, stating that this may be too high a requirement, particularly in areas of significant density. Ms. Logan pointed out that the other methods listed above may also be used to obtain historic designation for a district.

Ms. Scott commented that the means for applying for historic district designation should not include a simple majority, but should be left as it currently is. Ms. Logan clarified that at present, any individual living within the City may propose designation of a historic district.

Mr. Cohen returned to the dais at 8:31 p.m.

Mr. Shechtman requested clarification of how the 51% of individuals within a district would be determined. Ms. Logan replied that if, for example, a homeowners' association wishes to propose the boundaries of its community as a historic district, it would require a simple majority of property owners within the boundaries of the association to agree with that designation.

Ms. Fertig reiterated that she felt a 51% requirement is too high for initiation of an application. Chair Maus observed, however, that historic designation can represent a radical change to what owners may do with their property, and for this reason, 51% is not unreasonable. Attorney Wallen explained that the applicant for a historic district proposes its boundary, which determines the number of homeowners the district would include.

Mr. Shechtman pointed out that in some cases, historic designation can represent "a taking of property rights" from homeowners, as designation can limit what that owner may do with his/her property. For this reason, he also felt 51% is not unreasonable.

Mr. Weymouth requested clarification that the 51% refers to properties within a proposed boundary and not within the boundary of a homeowners' association. Ms. Logan confirmed this reference was to property owners within a proposed boundary.

Ms. Scott asked what had triggered the proposal to change the approval of property owners to 51%. Ms. Logan advised that Staff conducted several public outreach meetings at which members of the community raised their concerns regarding historic designation in both the existing and proposed Historic Preservation Ordinance. Because of these comments, Staff researched how other municipalities allow historic designation applications to be brought forward.

It was noted that a homeowners' or civic association would be able to propose a historic district if they can demonstrate a vested interest in historic preservation and have been in existence for five years.

Motion made by Ms. Fertig to pass what we have in front of us tonight.

Ms. Fertig further clarified that her **motion**, which referred to Item T19004, included the changes proposed in the memorandum sent to the Board.

Ms. Scott asked what changes are proposed for bond requirements. Ms. Logan replied that this would add a reference to the existing portions of Building Code for the required bond: there is no change to the bond requirement itself.

Mr. Tinter **seconded** the **motion** to approve Item T19004. In a roll call vote, the **motion** passed 7-1 (Ms. Scott dissenting).

At this time Chair Maus opened the public hearing. As there were no individuals wishing to speak on Item T19004, the Chair closed the public hearing and brought the discussion back to the Board.

At this time Chair Maus opened the public hearing. As there were no individuals wishing to speak on Items T19005 or T19007, the Chair closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Tinter, seconded by Mr. Weymouth, to approve [Item 9, T19005] including the changes proposed in the memorandum. In a roll call vote, the **motion** passed 7-1 (Ms. Scott dissenting).

Motion made by Mr. Weymouth, seconded by Mr. Shechtman, [to approve Item 10, T19007]. In a roll call vote, the **motion** passed 7-1 (Ms. Scott dissenting).

V. COMMUNICATION TO THE CITY COMMISSION

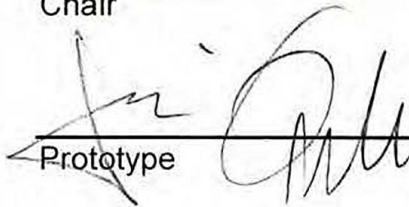
Chair Maus asked if the Board would consider supporting a communication suggesting that traffic analysis in the City of Fort Lauderdale is inadequate and should be looked into in order to capture opportunities to mitigate projects' impact on the streets as part of the development process.

There being no further business to come before the Board at this time, the meeting was adjourned at 8:52 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.]