



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#19-0855

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: September 3, 2019

TITLE: Ordinance Amending Section 47-24.11., of the Unified Land Development Regulations (ULDR) to Provide Revisions and Additions to the Existing Historic Preservation Ordinance – Planning and Zoning Board Case No. T19004 – **(Commission Districts 1, 2, 3 and 4)**

Recommendation

It is recommended that the City Commission consider an ordinance to amend Section 47-24.11., of the Unified Land Development Regulations (ULDR) to provide revisions and additions to the existing historic preservation ordinance.

Background

At the July 10, 2018, City Commission Conference meeting, the City Commission asked for recommendations regarding potential amendments to the existing historic preservation ordinance. Meeting minutes provided as Exhibit 1. Following this conference meeting, on August 28, 2018, a commission Memorandum No. 18-131 was sent to the Mayor and Commissioners outlining potential amendments and incentives, provided as Exhibit 2. A follow-up Commission Memorandum No. 18-182 providing a status and adjusted timeline was sent on December 20, 2018, provided as Exhibit 3.

While there are numerous items to be addressed in updating the City's ULDR related to historic preservation, it is important to address several elements within the existing code framework to provide a solid foundation for the overall program. One of the primary benefits of these proposed edits, revisions, and additions is to allow staff to process applications administratively and expeditiously, which alleviates the amount of time spent on processing applications to the HPB, and saves both time and resources for the property owner, as well as adding more certainty into the process.

These amendments are aimed to have a substantial positive impact on the overall historic preservation program by streamlining the application process and providing neighbors with a greater level of comfort and clear expectations for processing applications on properties that are individually designated or are located within a designated historic district.

The proposed amendments for this item are to *Section 47-24.11, Historic designation of landmarks, landmark site or buildings and certificate of appropriateness* include the following:

- Additional definitions including “contributing property,” “non-contributing property,” “Fort Lauderdale register of historic places,” and “Historic preservation design guidelines” as well as other definitions that further clarify the text contained within the ordinances; and
- Modifications to designation process to re-define who may apply for historic designation; and
- Inclusion of interim protection measures for properties within the historic designation process with penalties and inclusion of criteria exceptions; and
- Proposed language that will address administrative review (staff level review and approval) for minor repairs and improvements with reference to the City of Fort Lauderdale’s Historic Preservation Design Guidelines; and
- Proposed language to address amendments to work previously approved by the HPB allowing for a more streamlined process with specific criteria; and
- Proposed language to address approval or denial of after-the-fact work subject to thresholds and penalties; and
- Proposed language for bond requirements through the Code of Ordinances for relocation of a historic landmark or structure in a historic district; and
- Miscellaneous edits to address inconsistencies throughout the text to ensure clarity of the process and requirements.

The ordinance is attached as Exhibit 4.

City staff initially presented the proposed amendments to the historic preservation sections of the ULDR at the September 5, 2018, HPB Meeting. Meeting minutes are provided as Exhibit 5. On March 4, 2019 (Meeting minutes are provided as Exhibit 6), and April 1, 2019 (Meeting minutes are provided as Exhibit 7), drafts of the proposed amendments were presented to the HPB. Staff reviewed each section with the board members with specific points of clarification requested for definitions of minor alterations and minor demolition in correspondence with the proposed language for administrative certificates of appropriateness, specifically related the visibility of proposed work from the right-of-way, which has now been addressed. Other points of discussion were related to the proposed definition of “applicant” for a historic landmark designation application, the updated noticing requirements, and approvals of after-the-fact work. Several of the board members commended staff for their efforts in the preparation of the proposed amendments and requested updates as they moved through the remainder of the review process.

At its April 17, 2019, meeting the Planning and Zoning Board (PZB) approved a motion to defer this item to the May 15, 2019 PZB meeting. As part of the motion, the PZB asked for this item to return to the Historic Preservation Board (HPB), requesting that the HPB make a motion of support or opposition, or support with recommended revisions. The PZB also asked for the HPB’s opinion of whether they should wait to approve this amendment until Phase 2 (incentives) is ready. Meeting minutes are

provided as Exhibit 8.

At its May 6, 2019, meeting the HPB approved two motions. The first motion states that the HPB supports the Phase 1 changes to the historic preservation ordinances and recommend that staff investigate additional ways to provide additional notice to a property owner when the HPB proposes historic designation. The first motion passed 9-1, with Tim Schiavone opposed. The second motion states that in response to the PZB's request that the HPB does not recommend to defer the Phase 1 amendments until Phase 2 (incentives) is ready. The second motion passed unanimously. Meeting minutes are provided as Exhibit 9.

At its May 15, 2019, meeting the PZB recommended approval of Case No. T19004 for the proposed amendments to Section 47-24.11., of the ULDR, entitled "Historic designation of landmarks, landmark site or buildings, and certificate of appropriateness," to provide revisions and additions to the existing historic preservation ordinance. Meeting minutes are provided as Exhibit 10 and the PZB staff report is provided as Exhibit 11. The recommended approval also included proposed changes in a staff memorandum that was dated May 13, 2019, and was made part of the record. Staff memorandum is provided as Exhibit 12.

In accordance with Chapter 2019-165, formerly House Bill 7103 which was signed by the Governor on June 28, 2019, additional changes have been included to these proposed amendments to reflect new requirements for time limitations for development permits and orders. Time limitations included in Chapter 2019-165, now included in Section 47-24.11. of the ULDR, requires municipalities to perform completeness reviews within (30) days of submission. Following the completeness review and issuance of a letter to the applicant, the applicant has an additional (30) days to respond and provide any missing information. After the receipt of a complete application, municipalities then have 120 days for development permits that do not require a quasi-judicial hearing and (180) days for development permits that require a quasi-judicial hearing to approve, approve with conditions, or deny the application, however both the City and the applicant may agree to an extension of time.

Additional amendments were made to the definitions of "Alteration," "Demolition," "Major Alteration" and a new definition for "In-kind replacement" as well as further criteria was provided for evaluations of in-kind replacements in order to provide additional options for Administrative Certificates of Appropriateness and clarify the types of applications that may come before the HPB. Also, an antiquated provision regarding use of land for placement of outdoor furniture and mobile and non-mobile vending machines was removed.

The proposed ordinance was approved on first reading at the regular City Commission meeting held on August 20, 2019.

Public Outreach

Staff presented the amendments to the Sailboat Bend Civic Association, as well as to a

group of preservation stakeholders that included owners of locally designated Historic Landmarks. After the initial public outreach meetings, neighbors expressed an interest in holding additional public outreach meetings to associations that may also be affected by the updated ordinance. Following this request, a document that addressed Frequently Asked Questions, provided as Exhibit 13, was sent to all Civic and Business Associations which offered the option for City staff to present to any interested group on the topic. In accordance with a request received from the Central Beach Alliance Board, city staff presented the proposed ULDR amendments at the Central Beach Alliance Board and general membership meetings held in January 2019.

Feedback received during the course of public outreach included concerns about the broadness of scope and who may apply for historic landmark designation in the City of Fort Lauderdale. Redefining who may apply for historic designation was not initially addressed, but is now included within the proposed amendments. Language utilized is based on examples from other cities in the state of Florida including the City of Miami Beach, the City of Miami, the City of West Palm Beach, the City of Gainesville, and the City of St. Petersburg.

A summary of comments from outreach meetings are provided as Exhibit 14.

Resource Impact

There is no fiscal impact to the City associated with this action.

Strategic Connections

This item is a *Press Play Fort Lauderdale Strategic Plan* initiative, included within the Infrastructure Cylinder of Excellence, specifically advancing:

- Goal 6: Be an inclusive community made up of distinct, complementary, and diverse neighborhoods.
- Objective 1: Evolve and update the land development code to balance neighborhood quality, character, and livability through sustainable development.
- Strategic Initiative 1: Examine land-use patterns and neighborhood development trends to recommend changes to the Unified Land Development Regulations (ULDR) for optimal neighborhood growth, including parking, landscaping, setbacks, change of use and reuse, etc.

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan*: We are Connected.

Attachments

Exhibit 1 – July 10, 2018, City Commission Conference Meeting Minutes

Exhibit 2 – City Commission Memorandum No. 18-131

Exhibit 3 – City Commission Memorandum No. 18-182

Exhibit 4 – Ordinance

Exhibit 5 – September 5, 2018, HPB Meeting Minutes

Exhibit 6 – March 4, 2019, HPB Meeting Minutes

Exhibit 7 – April 1, 2019, HPB Meeting Minutes
Exhibit 8 – April 17, 2019, PZB Meeting Minutes
Exhibit 9 – May 6, 2019, HPB Meeting Minutes
Exhibit 10 – May 15, 2019, PZB Meeting Minutes
Exhibit 11 – May 15, 2019, PZB Staff Report
Exhibit 12 – May 13, 2019, Staff Memorandum
Exhibit 13 – Frequently Asked Questions for Proposed Updates
Exhibit 14 – Summary of Comments from Public Outreach Meetings

Prepared by: Trisha Logan, Department of Sustainable Development

Department Director: Anthony Greg Fajardo, Sustainable Development