



**PLANNING AND ZONING BOARD MEETING MINUTES
CITY HALL COMMISSION CHAMBERS
100 N. ANDREWS AVE., FORT LAUDERDALE, FLORIDA 33301
WEDNESDAY, FEBRUARY 15, 2023- 6:00 P.M.**

CITY OF FORT LAUDERDALE

Board Members	Attendance	Present	Absent
Michael Weymouth, Chair	P	9	0
Brad Cohen, Vice Chair	P	7	2
John Barranco	P	9	0
Mary Fertig	P	8	1
Steve Ganon	P	9	0
Shari McCartney	P	6	3
Patrick McTigue	P	7	0
William Rotella	P	8	1
Jay Shechtman	P	8	1

Staff

Ella Parker, Urban Design and Planning Manager
 Shari Wallen, Assistant City Attorney
 Christopher Cooper, Director, Development Services Department
 Lorraine Tappen, Urban Design and Planning
 Trisha Logan, AICP, Urban Design and Planning
 Michael Ferrera, 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 introduced the Board members present.~~

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

~~**Motion** made by Mr. McTigue, seconded by Vice Chair Cohen, to approve. In a voice vote, the **motion** passed unanimously.~~

~~**III. PUBLIC SIGN-IN / SWEARING-IN**~~

~~Any members of the public wishing to speak at tonight's meeting were sworn in at this time.~~

~~**IV. AGENDA ITEMS**~~

~~district, case number UDP-S22017. This includes all conditions in the Staff Report.~~

~~In a roll call vote, the motion passed unanimously (8-0). (Mr. Barranco recused himself from voting on the Item. A memorandum of voting conflict is attached to these minutes.)~~

2. 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

Trisha Logan, Principal Urban Planner, stated that this Item is a proposed Text Amendment to the Historic Preservation Ordinance. It would provide a process to designate Thematic Historic Districts City-wide and would amend the Historic Preservation criteria procedures. The Item was deferred from the Board's October 2022 meeting to provide Staff with more time to conduct community outreach.

Following the October 2022 Board meeting, Staff scheduled a webinar to conduct public outreach, with invitations sent to members of the community through its civic association presidents, as well as notice posted on the City's calendar, the Historic Preservation web page, the NextDoor account, and Twitter. Direct emails were sent to members of the community who had expressed interest in the Item. Information about Thematic Historic Districts was posted on the City's website, including examples of these districts in other communities.

There were 22 registrants for the webinar. Only one question was received, which was in relation to application fees. Ms. Logan clarified that these fees have not yet been determined as part of the proposed process.

Individuals who had registered for the webinar were emailed a direct link to it, which is still available on the City's website as well. No additional comments were received within the public outreach period.

Ms. Logan provided an overview of the proposed Thematic Historic Districts Ordinance, which differ from traditional Historic Districts. The properties included in Thematic Historic Districts may not necessarily be located in a continuous area: the structures may be throughout a neighborhood, several blocks, or City-wide. Properties within the boundary but not identified as Thematic Historic District resources would not be reviewed by the Historic Preservation Board (HPB) or Staff, nor would any modifications proposed for those properties. A traditional Historic District includes a defined

geographic boundary in which any property may be reviewed by the HPB or Historic Preservation Staff for any modifications to buildings or properties.

Ms. Logan noted that examples of Thematic Historic Districts are available online. Most of these are in related areas, although one such District in Philadelphia includes thematically related properties City-wide, based in part on their construction during a specific time period and building type.

Fort Lauderdale has an existing historic designation process which would not be changed by the addition of Thematic Historic Districts. The timeline for receiving a completed application and review by the HPB would remain the same. The Ordinance would also come before the Planning and Zoning Board and ultimately the City Commission.

There would be no changes to who is permitted to submit a historic designation application. These may be submitted by the HPB via motion to initiate a designation application, by the City Commission, by a property owner or group of property owners, and by nonprofit organizations dedicated to historic preservation. Existing historic designation criteria would apply to any group of properties that wish to designate themselves a Thematic Historic District. These criteria are related to cultural significance, architectural significance or style, and other considerations. Different criteria may be applicable depending upon individual situations.

The application requirements for Thematic Historic Districts would also not change, although the updated Historic Preservation Ordinance would include specifications that delineate what is meant by a Thematic Historic District.

Other aspects of the proposed Ordinance update would include updated definitions related to Thematic Historic Districts, clarification of the application process, updated review criteria for Certificates of Appropriateness, amendments to the administrative review process to add site improvement review at Staff level, and miscellaneous edits throughout the text.

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

Courtney Crush, land use attorney, advised that the draft Ordinance states properties anywhere in the City which share architectural style or significant cultural considerations could be eligible for inclusion in a Thematic Historic District. She expressed concern that this could affect the property rights of both property owners and neighbors to those properties. She pointed out that the City has a process through which interested property owners could seek individual designation of their properties as landmarks, and did not feel a non-geographically contiguous designation was worth pursuit.

Ms. Crush continued that under the existing Ordinance, the City has sought grants and conducted historic resource surveys throughout at least 12 neighborhoods. While she was not entirely clear of the HPB's goal, she felt implementing a text amendment with the draft language was not necessary, as current processes are applicable and the amendment would not be beneficial to the City.

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. Fertig asked for a specific example of a structure or structures that would fall into the Thematic Historic District category. Ms. Logan explained that the proposed amendment arose from conversation with the HPB as they discussed buildings located along N. Federal Highway between Sunrise Boulevard and Oakland Park Boulevard, where there are a number of 1950s modern commercial structures.

Staff has also conducted several grant-funded architectural resource surveys throughout the years, through which a potential Thematic Historic District was identified in the Croissant Park area due to multiple residential structures constructed in the 1920s and connected through their development history and architectural style. Ms. Logan clarified that an evaluation process would be necessary to determine if these structures would be appropriate for the proposed designation.

Ms. Fertig asked if the properties' neighborhoods have discussed the possibility of a Thematic Historic District. Ms. Logan replied that the architectural resource surveys do not establish any type of designation. They are intended to be used as a planning tool that can provide historical background for the community. The surveys include a community outreach component through neighborhood or civic association presidents to inform the public that a survey is underway. Once the surveys are concluded, their information can be shared through presentations at association meetings. Ms. Logan emphasized that Staff would not impose historic designations.

Mr. Rotella requested clarification of the compensation that would be offered to a property owner if a historic designation is made, expressing concern with the potential impact the text amendment could have on development or redevelopment. Ms. Logan advised that historic preservation provides for an additional review process in which any changes or modifications undertaken on a property are sensitive to the architectural significance of the building. It would not prevent a property owner from making additions or alterations to their property.

Ms. Logan also noted that the Historic Preservation Ordinance includes incentives for property owners, including a Transfer of Development Rights program, which allows owners to qualify for excess development on the property that could be sold to a new development elsewhere in the City. Transfer of Development Rights is a private real estate transaction between two parties.

There are also tax incentives for commercial properties, including a 50% reduction in taxes at the County and City levels. These incentives are automatically applied when the property owner fills out a form with the Broward County Property Appraiser's Office and by providing a resolution that the property has been designated as historic within Fort Lauderdale.

Another tax exemption allows a property owner who makes improvements on their property to receive a 10-year tax abatement, which freezes the taxes applied at the beginning of the project for 10 years, depending upon the improvements that are being undertaken. Additional incentives are not monetary and instead address waivers, adaptive reuse, parking reductions, and similar requests.

Mr. Rotella requested an example of a specific property on N. Federal Highway to which the Thematic Historic District designation might apply. Ms. Logan replied that there is an open application for the Castro Convertibles building, which was recommended for historic designation in 2022 by the HPB. It is currently scheduled to go before the City Commission for approval in April 2023.

Vice Chair Cohen commented that historic designations in other cities often refer to well-known historical figures or activities that occurred on a property. He was not certain that a commercial building constructed by a famous architect should receive historic designation, and added that he understood the concerns with the proposed language of the text amendment, which he felt could be written more accurately to avoid unintended repercussions.

Mr. Rotella requested clarification of how a historic designation application can be brought forward. Ms. Logan reiterated that this designation can be initiated through the HPB, by the City Commission, by the property owner, or, in the case of a Thematic Historic District, a simple majority of property owners. A nonprofit entity may also apply for historic designation of a building.

Attorney Wallen further clarified that in the case of *Penn Central Transportation Co. v. New York City*, the United States Supreme Court ruled that the property owner's consent is not required for historic designation. She added that the parties specified above may apply for the historic designation of a property they do not own; however, the application is subject to extensive criteria that must be met to qualify for this designation. These criteria have not been amended. Individuals may not apply for historic designation of a property they do not own.

Ms. Fertig offered the example of a Thematic Historic District comprised of the work of a single architect, and asked if other parties may apply for inclusion after the designation of this district. Ms. Logan replied that the Ordinance allows historic districts to be amended if additional structures are proposed for addition.

Mr. Barranco asked what the proposed Thematic Historic District is intended to address. Ms. Logan reiterated that the proposal was made by the HPB and further supported by the City Commission. They were seeking an option for eligible properties throughout the City that are not located within a contiguous area. The properties may be proposed for historic designation because they are of particular importance to their communities in a thematic manner rather than in a traditional historic manner.

Vice Chair Cohen also noted that instead of designating multiple buildings as part of a Thematic Historic District, it could be more appropriate to consider each building solely on the merits that make it historic. He concluded that while Fort Lauderdale has individually historic structures, it does not have the same level of historic import as other cities might have. He concluded that he was concerned with the potential for over-regulation.

Ms. McCartney asserted that the proposed text amendment has the potential to constitute significant overreach, and was not good public policy.

Mr. McTigue also addressed the buildings on N. Federal Highway, asking why these properties could not be designated as a historic district. Ms. Logan explained that in this example, a few buildings along that corridor may fit the criteria for a historic district, while the majority of buildings would be noncontributing properties. The designation of a Thematic Historic District also provides additional perspective in comparison to the designation of individual buildings. Ms. Logan concluded that the proposed designation is another tool or resource that can be used to pursue historic designation.

Chair Weymouth expressed concern with the outreach conducted for this Application, pointing out that the variety of opportunities for thematic designation would seem to generate a greater public response. He also did not feel a webinar was the best possible medium for outreach.

Mr. Shechtman observed that the designation of properties by entities other than the property owner can be controversial, and noted that the existing process allows all parties to be heard when determining a property's eligibility for historic designation. He expressed concern that designating a group of properties as thematically historic could prevent thorough vetting of each individual property.

Mr. Barranco asked if non-contributing properties would be affected by the historic designation of neighboring properties in a Thematic Historic District. Ms. Logan replied that the development of adjacent properties has been subject to review and comment by the HPB to discuss any potential adverse effects.

Motion made by Vice Chair Cohen, seconded by Mr. Barranco, based on all the statements on the record, to recommend denial of the Ordinance to the City. In a roll call vote, the **motion** passed unanimously (9-0).

~~Chair Weymouth explained that he did not wish the members of the public who had expressed concern with the proposed rezoning in January to feel the Board was rushing the Item. Mr. Cooper reiterated that Staff will reach out to the individuals who provided contact information and let them know about both the public outreach meeting and the Board meeting in March. Staff has already followed up with many of the individuals. He also pointed out that many of the individuals at the January meeting did not live in the subject area, but had been concerned with the possibility that the proposed changes might spread beyond the subject area into their own neighborhoods.~~

~~Vice Chair Fertig commented that she did not wish to "second-guess" the comments and concerns shared by the public at the January meeting. Mr. Cooper emphasized that this had not been the case, reiterating that the individuals would be invited to the next meeting regardless of whether or not they live in the subject area.~~

~~Attorney Wallen recommended that the Board vote to change the date at which the Central City CRA rezoning will be brought back to them.~~

~~**Motion** made by Vice Chair Cohen, seconded by Mr. Barranco, to move the hearing to March from April. In a roll call vote, the **motion** passed unanimously (9-0).~~

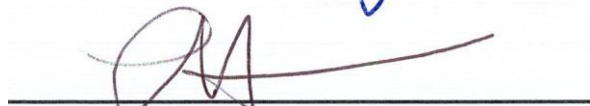
~~It was clarified that the next meeting will be scheduled for March 15, 2023.~~

There being no further business to come before the Board at this time, the meeting was adjourned at 7:37 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.]