

ORDINANCE NO. C-23-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-24.11 ENTITLED "HISTORIC DESIGNATION OF LANDMARKS, LANDMARK SITE OR BUILDINGS AND CERTIFICATE OF APPROPRIATENESS" OF THE CITY OF FORT LAUDERDALE UNIFIED LAND DEVELOPMENT REGULATIONS (ULDR) TO ADD THE ABILITY TO DESIGNATE THEMATIC HISTORIC DISTRICTS, REVISE DEFINITIONS AND ADD REGULATIONS REGARDING DEMOLITION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Thematic Historic Districts will enable the City to protect historic properties that are not contiguous based on the existing criteria in the Unified Land Development Regulations; and

WHEREAS, the Historic Preservation Board has recommended that the City Commission adopt an ordinance to permit the City to designate Thematic Historic Districts; and

WHEREAS, the Planning and Zoning Board recommended that the City Commission deny the adoption of an ordinance permitting a Thematic District; and

WHEREAS, in 2022, the Florida Legislature amended Section 533.79, Florida Statutes, and prohibited local governments from applying an ordinance, local law, or regulation that prohibits or restricts a property owner from obtaining a building permit to demolish any single-family residential structure located in certain flood hazard areas provided that the permit otherwise complies with applicable Florida Building Code, Florida Fire Prevention Code and Life Safety Code requirements, or local amendments thereto, subject to exceptions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

SECTION 2. Section 47-24.11, entitled "Historic designation of landmarks, landmark site or buildings and certificate of appropriateness" of the City of Fort Lauderdale, Florida, Unified Land Development Regulations ("ULDR") is hereby amended as follows:

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

1. It is the intent of this section for the city to regulate the addition, demolition, construction, reconstruction, alteration, repair, moving, and excavation of historic landmarks ~~and~~, property located in historic districts, and property located in thematic historic districts, and to preserve, promote and protect the cultural, economic, educational, and general welfare of the public through the preservation of historically worthy structures. These regulations are intended to safeguard the City of Fort Lauderdale's local heritage and preserve the city's historic buildings, historic sites, archaeological sites, monuments, structures, neighborhoods and areas which reflect elements of the city's cultural, social, economic, political and architectural history.
2. The city commission finds that the unique and significant character of the city will be preserved by protecting and enhancing its historic, architectural, aesthetic and cultural heritage with regulations that mandate specific design standards to prevent the destruction of historic landmarks and districts and protect the historic value of designated properties.
3. The city commission finds that historic preservation serves a public purpose to protect the health, safety, and welfare of people in the City of Fort Lauderdale.
4. The City of Fort Lauderdale's Historic Preservation Design Guidelines provide useful illustrations and case studies that assist the user in decisions when renovating, rehabilitating, restoring or making an addition to a historic property so that the essential form and design elements that create its character are respected. The guidelines are intended to help manage and protect the city's architectural and historical resources and assist city staff, the historic preservation board, and elected officials in making fair and informed decisions regarding improvements that have an impact on historic properties. Unless explicitly required in this section, the City of Fort Lauderdale Historic Preservation Design Guidelines are non-binding.

- B. *Definitions.* The following words when used in this section shall have the following meanings below and; words not defined herein or in the Historic Preservation Act of

1966 (16 U.S.C. 470 et seq.), as amended, shall be interpreted by their common and ordinary meaning:

1. *Adaptive reuse.* Any act or process that converts a structure to a use other than that for which it was originally designed which may include an alteration or extensive remodeling or a change in use, e.g., changing a bank into a restaurant, ~~such may be accomplished with a varying degree of alteration to a structure or may vary from extensive remodeling to a slight alteration or change in use.~~
2. *Addition.* Any expansion to the vertical or horizontal perimeter of a building connected to the existing building.
3. *Adjacent Property.* Real property that abuts the subject property or real property located directly across the right-of-way from the subject property.
34. *Administrative certificate of appropriateness.* A certificate issued for Mminor alterations, minor demolitions, in-kind replacements, site improvements, and restorations that comply with Section 47-24.11.E. of the ULDR that may be approved or denied by the Development Services Department ("DSD").~~department of sustainable development.~~
5. *Agent.* A person who is authorized to represent the property applicant(s) in doing one or more of the following acts: signing the application, the submission of the application to the City, submitting documentation regarding the application to the City, correspond with the City, executing documents pertaining to the application, appear at public hearings, and speak on behalf of the applicant(s) regarding the property that is the subject of the application, in accordance with the requirements in Section 47-24.11. of the ULDR.
46. *Alteration.* Any act or process that changes any exterior architectural appearance or feature of a designated property or certain designated interior features of designated landmarks, that is not an in-kind replacement.
7. *Applicant.* Is the Owner(s) of the real property that is the subject of the application or for applications for the historic designation of a property(ies) or rescinding or amending the historic designation of a property(ies) any of the following are applicants:
 - a. The City of Fort Lauderdale; or

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- b. A simple majority of real property owners located within the boundaries of the proposed historic district or a simple majority of the real property owners located within the boundaries of the proposed thematic historic district, subject to the requirements in 47-24.11 of the ULDR; or
- c. A simple majority of real property owners located within the boundaries of the historic district or a simple majority of the real property owners located within the boundaries of the thematic historic district, subject to the requirements in 47-24.11 of the ULDR; or
- d. A non-profit corporation subject to the requirements in 47-24.11 of the ULDR.

~~58.~~ *Archaeological site.* Archaeological site shall mean a property or location that has yielded or is likely to yield the presence of artifacts on or below the ground surface indicating past use of the site by people and which has been designated as an archaeological site in accordance with this section.

~~69.~~ *Architecturally worthy.* An architectural design which represents either a significant aspect of the history of the city, architectural history in general or a significant design of an architect of historical importance.

~~710.~~ *Certificate of appropriateness.* A certificate issued by city staff demonstrating that the Historic Preservation Board (“HPB”) historic preservation board indicating its approval of plans for approved an alteration, new construction, relocation~~removal~~, or demolition of any of the following:

- a. a landmark; or
- b. an interior landmark; or
- c. landmark site; or~~of~~
- d. a structure within a historic district; or
- e. a structure within a thematic historic district.

~~811.~~ *Certified local government.* A local government with a historic preservation program which has been certified by the Florida Department of State, Division of

Historical Resources in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), as amended.

102. Comprehensive plan. The city's comprehensive plan as adopted by the city pursuant to Chapter F.S. Ch. 163, Florida Statutes, as amended.
913. *Contributing property.* A building, site, structure, or object which is located within a historic district that adds to the historical architectural qualities, historic associations, or archaeological values and is significant because of any or all of the following reasons:
- a. The property is capable of yielding important information about a historic period; or
 - b. If the property is located within a historic district, the building, structure, site, or object it was present during the period of significance of the district, and possesses historic integrity reflecting its character at that time.; or it is capable of yielding important information about the period.
144. *Decision or recommendation.* When referring to the HPB, the ~~executive~~ action taken by the HBP on an application for a designation or a certificate of appropriateness regardless of whether that decision or recommendation is immediately reduced to writing.
15. "Designated Historic" as stated in Section 533.79(25)(d), Florida Statutes, shall mean: All property that has been designated by the City Commission by fulfilling at least one of the criteria listed in Section 47-24.11.C. Property that is Designated Historic includes landmarks, landmark sites, interior landmarks, archaeological sites, and property located in historic districts.
- ~~12. Demolition. An act or process that removes, pulls down, tears down, razes, deconstructs, or destroys twenty five (25) percent or more of the square footage of an existing building wall, structure, or foundation or any act or process that removes, pulls down, tears down, razes deconstructs or destroys an existing building, structure, or foundation that is visible from the right-of-way.~~
- ~~13. Designation report. A report including but not limited to the property owner(s), site address, and legal description; a location map; an inventory of the structures on the site; a statement of significance identifying the period(s) of signification;~~

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~~a written narrative describing the architectural, historical, and/or cultural significance; planning context; current photographs; historic photographs (if available); and a bibliography listing sources.~~

146. *Excavation*. The process of performing an archaeological dig to recover artifacts, historical materials or other archaeological features.
157. *Exterior architectural appearance*. The architectural character and general composition of the exterior of a structure, including but not limited to the kind, color, and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements.
168. *Fort Lauderdale Register of Historic Places*. The list of locally designated landmarks, landmark sites, Interior Landmarks, and historic districts, and thematic historic districts maintained by the DSD City of Fort Lauderdale, Department of Sustainable Development, that have met the criteria for significance and have been designated historic by the HPB, in accordance to with the provisions of this chapter.
179. *Florida Master Site File (FMSF)*. An archive and database of all known archaeological and historical sites and districts recorded within the State of Florida that is maintained by the Florida Department of State, Division of Historical Resources.
20. *Historic Designation report*. A report prepared by the applicant which includes but is not limited to the following: property owner(s), site address, and legal description; a location map; an inventory of the structures on the site; a statement of significance identifying the period(s) of significance; a written narrative describing the architectural, historical, and/or cultural significance; planning context which describes the property's immediate surroundings including adjacent structures, and site elements, and a description of where the structure(s) is located on the site; current photographs; historic photographs (if available); and a bibliography listing sources.
- ~~1821.~~ 21. *Historic District*. An geographically defined area designated as a "historic district" by ordinance of the city commission which contains contiguous properties or structures that are related by historic, cultural, archeological, or architectural significance. A historic district may contain both contributing and noncontributing properties.and which may contain within definable geographic

~~boundaries, one (1) or more landmarks and which may have within its boundaries other properties or structures that, while not of such historic significance, architectural significance, or both, to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district.~~

- ~~1922.~~ *Historic Preservation Board.* The City of Fort Lauderdale Historic Preservation Board ("*HPB*").
203. *Historic Preservation Design Guidelines.* The City of Fort Lauderdale's Historic Preservation Design Guidelines, adopted by the City Commission on May 15, 2012, by Resolution No. 12-92 and any Historic Preservation Design Guidelines adopted by the City Commission thereafter.
244. *Historic Resource.* Landscape features, archaeological sites and zones, structures, buildings, districts, and objects which have demonstrated significance in the history of the city, the county, the state and/or the nation through historic designation.
225. *Historically worthy.* To have a special historical interest or value because it represents one (1) or more periods of styles of architecture typical of the city or because it has value as a part of the development, heritage or cultural characteristics of the city.
236. *In-kind replacement.* A replacement of an architectural feature or site elements, whether or not it is visible from the right-of-way, that matches the original feature, uses the same material or replacement material that meets the Secretary of Interior Standards and Historic Preservation Design Guidelines, and is the same size, scale, finish, profile, detail, and texture as the original architectural feature or site element, as determined by city staff through the Administrative Certificate of Appropriateness process in Section 47-24.11 of the ULDR.
247. *Interior Landmark.* A building interior that is customarily open or accessible to the public that has been designated as a "landmark" by the city commission, that is worthy of rehabilitation, restoration and preservation because of its historic significance, its architectural significance, or both, to the city.
258. *Landmark.* A property or structure designated as a "landmark" by the city commission, pursuant to procedures prescribed herein, that is worthy of

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rehabilitation, restoration and preservation because of its historic significance, or its architectural significance, or both, to the city.

269. *Landmark Site*. The land on which a landmark and related buildings and structures are located and the land that provides the grounds, the premises or the setting for the landmark. A landmark site shall include the location of significant archeological features or of a historical event, and shall include all significant trees, landscaping and vegetation as determined by the HPB.
2730. *Major Alteration*. An modification or exterior change alteration of any of the following: a landmark, landmark site, or a structure located within a historic district, or a structure located within a thematic historic district that and the modification or exterior change increases the existing square footage of a building, wall, structure or foundation by twenty-five ("25") percent or more whether it is visible or not visible from the right-of-way, or any alteration(s) of any of the following that is visible from the right-of-way: a landmark, landmark site, a structure within a historic district, or a structure within a thematic historic district.
31. *Major Demolition*. An act or process that removes, pulls down, tears down, razes, deconstructs, or destroys twenty-five (25) percent or more of the square footage of an existing building wall, structure, or foundation or any act or process that removes, pulls down, tears down, razes, deconstructs or destroys an existing building, structure, or foundation that is visible from the right-of-way.
2832. *Minor Alteration*. An modification or exterior change alteration of any of the following: a landmark, an interior landmark, landmark site, or a structure located within a historic district, or a structure within a thematic historic district and the modification or exterior change that does not increase or modify the existing square footage of a building, wall, structure or foundation by twenty-five ("25") percent or more and is not visible from the right-of-way.
2933. *Minor Demolition*. An act or process that removes, pulls down, tears down, razes, deconstructs or destroys less than twenty-five ("25") percent of the square footage of any of the following: landmark, Interior landmark, wall, structure or foundation located on a landmark site, property located in a Historic District, or property located in a Thematic Historic District existing building wall, structure, or foundation, that is not visible from the right-of-way.

304. *National Register of Historic Places.* A federal listing maintained by the U.S. Department of Interior that includes buildings, sites, structures, and districts that have attained a quality of significance as determined by the Historic Preservation Act of 1966, 16 U.S.C. 470, as amended.
345. *New construction.* Any new detached building, standalone structure, or standalone object ~~or addition~~ constructed on ~~to any of the following:~~ a historic landmark, landmark site, ~~or a contributing property, or a non-contributing property or vacant land in a historic district, or a property within a thematic historic district.~~ New construction does not include the installation or addition of a wall, fence, gate, hedge, walkway, driveway, or landscape feature including a swimming pool, fountain, or pond whether it is visible or not visible from the right-of-way.
326. *Non-contributing property.* A building, site, structure, or object which is located within a historic district and does not add to the historical architectural qualities, historic associations, or archaeological values of the district and is not significant. ~~that does not add to the historical architectural qualities, historic associations, or archaeological values for which a landmark, landmark site, or district and is not significant for any of the following reasons: it was not present during the period of significance of the district; or through alterations and/or additions has lost its physical integrity; or it is not capable of yielding important information about the period.~~
337. *Owner.* An individual, entity, trust, government, partnership, corporation, or public agency that holds fee simple title to real property. The term "Owner" does not include individuals, partnerships, trusts, governments, corporations, or public agencies holding easements or less than a fee simple interest (including leaseholds) in real property. The lessee of a land lease for a term exceeding seventy-five ("75") years, which lease entitles the lessee to construct, demolish, or alter buildings on the land, shall be considered an ~~o~~Owner. When the ownership of a building has been divided into condominiums, the condominium association shall be considered the sole owner, so long as the condominium association has the support of the majority of condominium unit owners evidenced by a written document signed by the majority of the condominium unit owners and all signatures of the condominium unit owners must be notarized. When a building is owned by a cooperative corporation, the corporation shall be considered the sole owner.

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348. *Relocation.* The movement of a structure from one location to another location, including movement on its own site.
- ~~39.~~ *Site Improvement.* The installation or construction of any of the following on the site of the property: a wall, a fence, a gate, hedge, walkway, driveway, paving, ground mounted equipment, or landscape features including a swimming pool, fountain, or pond whether it is visible or not visible from the right-of-way.
- ~~40.~~ *Thematic Historic District.* A geographically defined area(s) designated as a "thematic historic district" by ordinance of the city commission which contains two (2) or more sites, buildings, or structures that are not contiguous, and the sites, buildings, or structures are related by one or more of the following: a) historic events; b) a significant person(s); c) architectural style; d) architectural characteristics; e) archeological types; f) aesthetic characteristics; g) other characteristics that have historic significance.
41. *Thematic Historic Resource.* A property located within a thematic historic district.
- ~~3542.~~ *United States Secretary of the Interior's Standards.* A series of concepts about maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations in accordance with the United States Department of Interior regulations, 36 CFR 67.
- ~~43.~~ *Visible from the public right-of-way.* Means any portion of a designated historic landmark, interior landmark, historic site, archeological site, property located in a historic district, or property located in a thematic historic district that is visible from the public street or sidewalk adjacent to the property. For the purposes of this section, any portion of a designated historic property, property located in a historic district, or property located in a thematic historic district that is not visible due to landscaping, fencing, or other temporary structure shall be considered visible from the public right-of-way.

C. *Historic designation.*

1. *Requests for Historic Designation.* Requests for historic designation ~~must~~may be ~~initiated~~made by ~~one~~any of the following ~~methods~~and as used in this section, the term applicant shall include those identified in subsections a. through e. ~~below:~~

- a. By motion of the HPB; or
- b. By motion of the Ceity Ceommission; or
- c. By any property owner ~~in respect to~~ regarding its own property; or
- d. By Aa simple majority of the real property owners for designation located within the boundaries of athe proposed historic district by way of resolution or vote which must include the signature, name, address, phone number, and email address of each property owner; or proposed thematic district. For a request made by a simple majority of the real property owners located within the boundaries of the proposed historic district or the proposed thematic historic district, to designate a historic district or to designate a thematic historic district the following must be submitted with the application to the DSD:

- i. A letter must be submitted which includes a list of all the addresses of the properties located within the boundaries of the proposed historic district or proposed thematic historic district and the letter must enclose written documentation of a vote by the simple majority of the property owners located within the boundaries of the proposed historic district or proposed thematic historic district approving the request for designation of the proposed historic district or proposed thematic historic district. The following must be provided for written documentation of a vote: a complete written transcript prepared by a Florida Certified Court Reporter which includes the full names and addresses of each person that voted, or paper ballots with the full names and addresses of each person who voted and signed by each person that voted, or emails sent from each property owner that voted which includes the vote of each property owner and the full names and addresses of the each of the person(s) that voted, the full name and address of the person sending and the full name and address of the person receiving the email identified. The letter must be executed by one of the following and the signature of the person that authored the letter must be notarized:

- 1) One or more real property owners located within the boundaries of the proposed historic district or proposed thematic historic district; or

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- 2) An agent of the simple majority of the real property owners located within the boundaries of the proposed historic district; or
 - 3) An agent of a simple majority of the real property owners located within the boundaries of the proposed thematic historic district.
- ii. An affidavit must be submitted to the DSD for each real property owner that voted to approve the request. The affidavit must include a statement from the real property owner approving the request. The affidavit must be notarized and must include the signature, name, address, phone number, and email address for each property owner that approves the request. Email is only required if the real property owner has an email address. The affidavit(s) must be included in the application.
- iii. If the simple majority of real property owners wish to designate an agent to represent the group, one of the following requirements must be met:
- 1) Each real property owner must include in the affidavit required in Section 47-24.11.C.1.D-ii.ii of the ULDR, a statement explicitly stating that the property owner has consented to any or all of the following: the agent's submission of the application, the agent's execution of the application, the agent providing documentation regarding the application, the agent executing documentation pertaining to the application, the agent's correspondence with the city, and the agent's subsequent appearance at any public hearing regarding the subject property; or
 - 2) The real property owners must submit one letter with the signatures of all the property owners designating the agent. The letter must explicitly state that all the real property owners have approved the request and have consented to any or all of the following: the agent's submission of the application, the agent executing the application, the agent's correspondence with the city, the agent submitting documentation regarding the application, the agent executing documentation pertaining to the application, and the agent's subsequent appearance at any public hearing regarding the subject property and application. The letter

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must be signed by each property owner and the signature(s) of each property owner must be notarized. The letter must be provided to DSD at least fifteen (15) days prior to the agent's appearance at a public hearing. Separate letters may be submitted for each property owner. The signature of the author of each separate letter must be notarized.

- e. By corporate resolution of a non-profit corporation executed by an officer authorized to bind the corporation. The signature(s) on the corporate resolution must be notarized. The non-profit corporation must be registered with the Florida Division of Corporations for a period of five (5) years and have maintained a recognized interest in historic preservation for at least five (5) years preceding the resolution. The non-profit corporation shall be the applicant for requests made by a non-profit corporation.
2. If a motion is made by the HPB or the City Commission, the applicant for the historic designation application shall be the City of Fort Lauderdale.
3. For applications requesting the designation of a historic district or designation of a thematic district by a simple majority of the property owners within the proposed district, the "applicant" shall be the simple majority of all of the real property owners who own real property in the proposed historic district or proposed thematic historic district. The applicant may designate an "agent" to do any or all of the following: submit the application, sign the application, submit documentation, correspond with the city, execute documents pertaining to the application, speak on behalf of the applicant(s), or appear at public hearings regarding the subject application.
24. Application fee waiver. Fees shall be waived for applications initiated through the HPB or the city commission. ~~The historic preservation board liaison~~DSD shall prepare the applications initiated by the HPB or the city commission.
35. Application. An application for ~~an~~ the historic designation of a landmark, landmark site, interior landmark, or historic district, or thematic historic district shall be made to the ~~DSD department of sustainable development~~. The application must include the following information:

- a. Most recently available copy of the Broward County Property Appraiser's record for ~~the~~each property; and
- b. Proof of ownership (most recent deed for each property); and
- c. ~~Sketch map (all sketch maps shall include a scale and a north arrow):~~
 - i. ~~Historic landmark, landmark site, and archaeological site designations. Clearly show the boundaries of the property as it relates to a legal description as found in the Broward County Official Records; and outline of any structures, objects, and buildings on the site; and their relationship to streets. Each designation of a landmark shall automatically include the designation of the site upon which the landmark exists as a landmark site. If the applicant is requesting boundaries that vary from the legal description of a parcel as found in the Broward County Official Records, a current sign and sealed survey (no less than six (6) months old), which is signed and sealed by a licensed professional surveyor, authorized to engage in the practice of surveying and mapping in the State of Florida in accordance with F.S. Ch. 472, must be provided; or~~
 - ii. ~~Historic districts. Clearly show the boundaries of the proposed district; all buildings and structures (with their addresses and status as a contributing or non-contributing structure); and all streets within the proposed boundaries. Historic district boundaries shall in general be drawn to include all contributing structures reasonably contiguous within an area and may include properties which individually do not contribute to the historic character of the district, but which require regulation in order to control potentially adverse influences on the character and integrity of the district; and~~
- d. Any applicable fees required by the city and payment for those fees; and
- d. Historic Designation Report which includes the following:
 - i. Sketch map (all sketch maps shall include a scale and a north arrow):
 - 1) Applications for Historic landmark, interior landmark, landmark site, and archaeological site designations must include the

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following: Clearly show the boundaries of the property as it relates to a legal description as found in the Broward County Official Records; and outline of any structures, objects, and buildings on the site; and their relationship to streets. Each designation of a landmark shall automatically include the designation of the site upon which the landmark exists as a landmark site. If the applicant is requesting boundaries that vary from the legal description of a parcel as found in the Broward County Official Records, the applicant must provide a current survey that is signed and sealed and dated no less than six (6) months from the date that it is submitted to the DSD. The survey must be signed and sealed by a licensed professional surveyor, authorized to engage in the practice of surveying and mapping in the State of Florida in accordance with Chapter 472, Florida Statutes, as amended; or

2) Applications for Historic districts must clearly show the boundaries of the proposed district; all buildings and structures; identify which buildings or structures are contributing or non-contributing; and identify all streets within the proposed boundaries. Historic district boundaries must be drawn to include all contributing buildings and structures within an area and may include properties which individually do not contribute to the historic character of the district, but which require regulation in order to control potentially adverse influences on the character and integrity of the district; or

3) Applications for Thematic historic districts. Must clearly show the boundaries of the proposed thematic historic district; all buildings and structures that are proposed as thematic historic resources; and all streets within the proposed boundaries; and

ii. Legal description.

1) Historic landmark, landmark site, and archaeological site designations. Applications for the designation of a historic landmark, interior landmark, landmark site, or archeological site must include a legal description of the landmark and landmark site, or archaeological site; or

- 2) Historic districts. Applications for the designation of a historic district shall contain a written legal description of the boundaries of the district; or
 - 3) Thematic historic districts. Applications for the designation of a thematic historic district shall contain a written legal description of the boundaries of the thematic historic district; and
- e. A written description of the architectural, historical, or archeological significance of the proposed landmark, proposed Interior landmark, proposed and landmark site, proposed archeological site, or buildings in the proposed historic district, or buildings in the proposed thematic historic district, and explain how the proposed landmark, proposed landmark site, proposed archeological site, or building(s) in the proposed thematic historic district, or building(s) in the proposed historic district specifically address and document criteria for significance meet the criteria contained in Section 47-24.11.C.7. of the ULDR and if applicable, 47-24.11.C.8; and
 - f. Date structure(s) on the property were built, and the names of its current owner(s) and all known past owners and, if available, their dates of ownership. Provide proof of the date of construction of the property which shall include but is not limited to the following: permits, original plans, certificate of occupancy, plat or Sanborn map, etc.; and Provide responses in accordance with Section 47-24.11.C.7 of the ULDR explaining how the proposed landmark, landmark site, archaeological site or buildings in the proposed historic district meet the criteria; and
 - g. Identify the period of significance of the proposed landmark, proposed interior landmark, landmark site, archaeological site, buildings in the proposed historic district or buildings in the proposed thematic historic district; and Date structure(s) on the property were built, and the names of its current and all known past owners and, if available, their dates of ownership. Provide proof of date of construction which shall include but is not limited to the following: permits, original plans, certificate of occupancy, plat or Sanborn map, etc.; and
 - h. Current color photographs:

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- i. Landmarks, landmark sites, archaeological sites: All sides of the property and historic photographs, if available;
- ii. Interior landmark: All interior elevations included int the designated area and of architectural details and historic photographs, if available;
or
- iii. Historic districts or thematic historic districts: Front elevation of each property included in the district and historic photographs, if available; andIdentify the period of significance of the proposed landmark and landmark site, archaeological site, or buildings in the proposed historic district; and
- i. A list of references and citations for resources used to support the proposed designation including but not limited to any or all of the following: published books, articles, newspaper articles or advertisements; andMap identifying contributing structures within a proposed historic district or features of the individual landmark site; and
- j. Applications for a thematic historic district must provide a narrative that describes the themes, trends, or patterns that link properties within the submission, such as historic events, significant persons, architectural styles, archaeological types, physical characteristics, or other common characteristics to which the group as a whole relates; andCurrent color photographs of all sides of the property and historic photographs, if available; and
- k. A list of all properties proposed for inclusion in a historic district or thematic historic district which includes the following:
 - i. The folio numbers for each property; and
 - ii. Addresses for each property; and
 - iii. Date of Construction for each property; and
 - iv. Identification of each property as a contributing or non-contributing property. This subsection is not required for a proposed thematic historic district; andLegal description from Broward County Official Records of landmark and landmark site, or archaeological site; and

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- i. Interior Landmark. For an interior landmark application, the application shall also include a floor plan depicting interior spaces proposed for designation and the designation report shall describe architectural features and interior spaces that shall be subject to regulation under this section. Interior spaces not so described shall not be subject to review. ~~A list of references and citations for resources used to support the proposed designation including but not limited to published books or articles, newspaper articles or advertisements; and~~
- m. ~~applications for the designation of a historic district shall contain a written description of the boundaries of the district and a map identifying contributing and non-contributing structures; and~~
- n. ~~Interior Landmark.~~ Building interiors that meet the criteria for significance contained in Section 47-24.11.C.7 of the ULDR that are regularly open to the public may be subject to regulation under this section. The application shall describe precisely these features subject to review and shall set forth standards and guidelines for such regulations. Building interiors not so described shall not be subject to review under this section.
4. *Review process—Historic preservation board.*
- a. *Determination of application completeness.* An application for historic designation shall be submitted to the ~~department of sustainable development~~DSD. After receiving the application, the DSD shall review the application to determine if the application is complete.~~The DSD department of sustainable development shall determine within thirty (30) days of application submittal whether the application is complete.~~
- b. Within thirty (30) days of submittal of ~~the~~an application, the ~~department of sustainable development~~DSD shall send a letter via email or regular U.S. mail to the applicant, notifying the applicant that all the required information is submitted, and the application is deemed complete, or the letter shall notifying the applicant that the application is incomplete and request that the applicant address the deficiencies in the application and provide the of any missing documentation or provide additional information requested by the departmentrequired by the DSD.

- c. ~~The applicant has thirty (30) days from the date that provided in the letter is sent by the city DSD to address the deficiencies in the application and submit the required documentation or additional information or address the deficiencies in the application. If an applicant fails to address the deficiencies in the application and provide the documentation or additional information as requested by the department of sustainable development DSD within thirty (30) days of the date written on the letter, the application shall be deemed withdrawn the requirements in Section 166.033, Florida Statutes, as amended to the DSD. If the applicant fails to provide the additional information or address the deficiencies, after a third request is made by the DSD, then the DSD shall administratively deny the application. If the applicant provides the additional information requested by the DSD, within thirty (30) days of the date provided in the letter sent by the DSD, the process in Section 166.033, Florida Statutes, as amended, shall be followed, unless the applicant or agent submits a waiver of the requirements in Section 166.033, Florida Statutes, as amended to the DSD.~~
- d. ~~*Interim protective measures.* From the date that notice is given, after the city's receipt of a complete application, in accordance with Section 47-27.7 of the ULDR, no building permit for any new construction, major alteration, relocation, or demolition that may affect the property proposed for designation shall be issued until one (1) of the following occurs:~~
- ~~i. The HPB finds that the property or properties do not appear to meet the criteria for designation and recommends denial of the application requesting designation to the city commission; or~~
 - ~~ii. If ninety (90) days from the date notice is given have elapsed, unless this time limit is waived on the record by motion of the HPB stating mutual consent between the owner(s) and the HPB at the HPB meeting; or~~
 - ~~iii. The city commission finds that the property or properties do not appear to meet the criteria for designation and denies the request for designation.~~
- ed. ~~Within thirty (30) days after city staff deems that~~ After the application is deemed complete the ~~department of sustainable development DSD~~ shall

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schedule the application for the next available HPB meeting. The HPB will consider the application and recommendations forwarded by the ~~department~~DSD and shall ~~hear~~permit public comment on the application.

- fe. The HPB shall review the application and determine if it meets the criteria for designation as provided in ~~this s~~Section 47-24.11 of the ULDR.
- gf. The HPB ~~shall forward its record and recommendations~~ shall be forwarded by city staff to the city commission for consideration.
- hg. The HPB may vote to defer its decision only if the applicant agrees to the deferral.
- ~~i. If the HPB recommends a designation, it shall explain how the proposed landmark or historic district qualifies for designation under the criteria contained in this section. This evaluation may include references to other buildings and areas in the city and shall identify the significant features of the proposed landmark, historic buildings or historic district.~~
- h. Contributing and Noncontributing Properties. Contributing and Non-contributing Properties are designated by the following procedure:
 - i. Properties located within a historic district designated by the City are identified as either "contributing properties" or "non-contributing properties" in accordance with the City's most recent applicable architectural resource survey which must be adopted by Resolution of the Historic Preservation Board. Once the Resolution is adopted by the Historic Preservation Board, each property in a historic district will have the designation of "contributing property" or "non-contributing property." The architectural resource survey will be updated to identify newly constructed properties as "contributing" or "non-contributing" after the properties are built.
 - ji. Any person or persons, owner or owner's agent, or member or employee of any firm, company or corporation who violate or permit to be violated, or cause a violation of any provision of Section 47-24.11 shall, upon conviction, be punished in accordance with Section 1-6 of the city's Code of Ordinances. If a code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature, it may impose a

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fine not to exceed \$5,000.00 per violation, in accordance with ~~F.S.~~
§Section 162.09, Florida Statutes, as amended from time to time.

5. *Review process—Planning and zoning board.* If the application is for the designation of a historic district or thematic historic district, the application shall be forwarded to the planning and zoning board (“PZB”) for review after review by the HPB, and the recommendation of the ~~planning and zoning board~~PZB shall be forwarded to the city commission for consideration.

6. *Review process—City commission.*
 - a. ~~Within thirty (30) days of the~~The recommendations of the HPB and the PZB~~planning and zoning board recommendation, (when required), shall be forwarded by the DSD~~department shall forward the HPB's recommendation to the city commission. The city commission shall hold a public hearing to consider the application, the record and recommendations of the ~~planning and zoning board~~PZB (when required) and the HPB, ~~hear and permit~~public comment on the application and make a final determination on the application within one hundred and eighty (180) days after city staff has deemed that the application is complete.

 - b. If the city commission determines that the proposed designation meets the criteria for designation as provided in this section, the city commission shall approve the designation as requested in the application or approve a designation with conditions necessary to ensure that the criteria will be met. If the city commission determines that the proposed designation does not meet the criteria for designation, the city commission shall deny the designation application.

 - c. Approval of the designation of a Landmark, Interior Landmark, Landmark Site, or Archaeological Site shall be by resolution adopted by the city commission.

 - d. Approval of the designation of a thematic historic district or a historic district shall be by the city commission’s adoption of an ordinance.

7. *Criteria.* The criteria for the designation of property as a landmark, interior landmark, landmark site, historic district, or thematic historic district shall be

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based on one (1) or more of the following criteria and evaluated in conjunction with guidance provided within the National Register Bulletin series published by the National Park Service:

- a. Its value as a significant reminder of the cultural or archeological heritage of the city, state, or nation; or
 - b. Its location as a site of a significant local, state or national event; or
 - c. Its identification with a person or persons who significantly contributed to the development of the city, state, or nation; or
 - d. Its identification as the work of a master builder, designer, or architect whose individual work has influenced the development of the city, state, or nation; or
 - e. Its value as a building recognized for the quality of its architecture, and sufficient elements showing its architectural significance; or
 - f. Its distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials; or
 - g. Its character as a geographically definable area possessing a significant concentration, or continuity of sites, buildings, objects or structures united in past events or aesthetically by plan or physical development; or
 - h. Its character as an established and geographically definable neighborhood, united in culture, architectural style or physical plan and development.
8. Criteria considerations. This subsection is not applicable to historic districts or thematic historic districts. When applicable, the requirements in this subsection are in addition to meeting at least one of the criteria listed in Section 47-24.11.C.7. of the ULDR. The following properties are not usually considered for historic designation: cemeteries, birth places, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature and properties that have achieved significance within the past fifty (50) years. However, any of

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the aforementioned properties will qualify for designation if the City Commission finds that in addition to meeting at least one of the criteria in 47-24.11.C.7. of the ULDR, the evidence presented at the hearing(s) demonstrates that the property or properties meet one (1) of the following criteria which are listed below:~~Criteria considerations. Ordinarily cemeteries, birth places, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature and properties that have achieved significance within the past fifty (50) years shall not be considered eligible for listing in the Fort Lauderdale Register of Historic Places. However, such properties will qualify for designation if they are integral parts of districts that do meet the criteria listed in 47-24.11.C.7 of the ULDR, or if they fall within one (1) of the following categories found in Federal Regulation 36 CFR 60, as amended:~~

- a. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- b. A building or structure removed from its original location, but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- c. A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his or her productive life; or
- d. A cemetery that derives its primary significance from graves of persons of outstanding importance, from age, from distinctive design features, or from association with historic events; or
- e. A reconstructed building when accurately executed in a suitable environment and presented appropriately as part of a restoration master plan and no other building or structure with the same association has survived; or
- f. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or

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- g. A property achieving significance within the past fifty (50) years if it is of exceptional importance.
9. *Approval.* Unless otherwise specified by the approving body, each designation of a landmark ~~or Interior Landmark~~ shall automatically include the designation of the site upon which the landmark exists as a landmark site. The provisions of this section shall not relieve the property owner of the duty to comply with the zoning district regulations in which the designated property is located. If the designation is made, the supporting documents of the comprehensive plan shall be amended to contain the designation. ~~The city clerk~~director of the DSD or his or her designee shall notify each applicant and property owner via regular U.S. mail of the decision relating to ~~its~~this property within thirty (30) days of the city commission action, ~~and shall arrange that the designation of a property as a landmark or as a part of a historic district be recorded.~~ The city clerk shall record the resolution designating the property as a landmark, or landmark site, or Interior landmark, in the public records of Broward County. The City Clerk shall record the ordinance designating a historic district or thematic historic in the public records of the county.
10. *Successive applications.* Upon denial of the application for designation, there shall be a twelve (12) month waiting period before any applicant may resubmit the proposal. An applicant shall be required to submit new evidence in ~~his~~it's application, unless the application is accepted pursuant to this section.
11. *Interim protective measures.*
- a. After the city's receipt of a complete application for historic designation of a property, the City shall send first class mail notice to the property owner informing the property owner of the interim protective measures described in this Section that are applicable to the subject property. No building permit for any new construction, major alteration, relocation, or demolition that may affect the property proposed for designation shall be issued until one (1) of the following occurs:
- i. The HPB finds that the property or properties do not appear to meet the criteria for designation and recommends denial of the application requesting designation to the city commission; or

- ii. Ninety (90) days from the date notice is sent to the property owner have elapsed. This ninety (90) day deadline may be waived if, the property owner(s) consents to a waiver of the ninety (90) day deadline on the record at the HPB meeting or the Planning and Zoning Board meeting, or the City Commission Meeting.
 - iii. The city commission finds that the property or properties do not appear to meet the criteria for designation and denies the request for designation.
 - b. Interim Protective Measures do not apply to requests for the demolition of privately owned single family residential structures that meet the requirements in Section 553.79, Florida Statutes, as amended.
- 142. Amendments and rescissions. The designation of any landmark, Interior landmark, and landmark site, archaeological site, historic building, or historic district, or thematic historic district may be amended or rescinded through the same procedure utilized for the original designation if it is found by a majority vote of the City Commission that:
 - a. The landmark, Interior landmark, landmark site, historic building, archeological site, historic district, or thematic historic district no longer meets all of the criteria that it was originally designated under due to damage caused by a natural disaster (e.g., hurricane, flood, earthquake, etc.) or reasons outside of the control of the current owner of the property such as demolition or alterations that were performed by a previous property owner or contractor or agent of a previous property owner.
- 13. Application process for Amendments and Rescissions.
 - a. Applications for amendments or rescissions of historic landmarks, Interior Landmarks, landmark sites, historic buildings, or archeological sites, must be initiated by the City Commission, or the Owner of the subject property, or the HPB, or a non-profit corporation that meets the requirements of Section 47-24.11.C.1.e. of the ULDR.
 - b. An application for the rescission or amendment of the designation of a historic district or thematic historic district must either be initiated by the City Commission, the HBP, or a simple majority of all the real property

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owners in a historic district, or by a simple majority of all the real property owners in a thematic historic district, or a non-profit corporation that meets the requirements in Section 47-24.11.C.1.e. of the ULDR.

- c. The documentation required in Sections 47-24.11.C.1.d.i., 47-24.11.C.1.d.ii, 47-24.11.C.1.d.iii., of the ULDR must be provided by the applicant for an application initiated by a simple majority of the real property owners within the historic district or thematic historic district for rescission or amendment of the designation of a historic district or thematic historic district. The documentation provided in accordance with this subsection shall specifically reference the request for rescission or amendment of the historic district of thematic historic district.
- d. Applications for amendments or rescissions of historic landmarks, landmark sites, Interior Landmarks, historic buildings, historic districts, thematic historic districts, and archeological sites will be processed in accordance with the same timelines as applications for designations in Section 47-24.11.C. of the ULDR.
- e. Applications for Rescissions or amendments of the designation of a historic landmarks, Interior Landmarks, landmark sites, historic buildings, historic districts, thematic historic districts, and archeological sites must be filed with the DSD. The application will then be evaluated by the HPB.
- f. The HPB shall review the application for rescission or amendment of a historic designation in accordance with this section. If the HPB finds that the application meets the criteria for an amendment or rescission in this section, it shall recommend approval to the City Commission. If the HPB finds that the application does not meet the criteria for an amendment or rescission in this section, the HPB shall recommend denial of the application to the City Commission.
- g. The City Commission shall review the application in accordance with the criteria in this section. If the City Commission finds that the application meets the criteria in this section, it shall approve the application for rescission or amendment of a designation. If the City Commission finds that the application does not meet the criteria in accordance with this section, it shall deny the application.

h. The rescission or amendment of the historic landmarks, Interior Landmarks, landmark sites, historic buildings, and archeological sites must be adopted by Resolution of the City Commission. The rescission or amendment of the designation of a historic district or thematic historic district must be adopted by Ordinance of the City Commission.

124. Appeal. An appeal of the city commission's decision on application for designation shall be by Petition for Writ of Certiorari filed in the Circuit Court within thirty (30) days of the decision. An appeal of the city commission's decision on an application for an amendment or rescission of the designation shall be by Petition for Writ of Certiorari filed in the Circuit Court in Broward County within thirty (30) days of the decision. Appeal of a denial of an application for designation by the city commission shall be by writ of certiorari to the circuit court.

D. *Certificate of appropriateness.*

1. Historic preservation board issuance of certificates of appropriateness.
 - a. No person may undertake any of the following actions affecting a designated landmark, a designated Interior Landmark, a designated landmark site, ~~an~~ designated archaeological site, or a property in a designated historic district without first obtaining a certificate of appropriateness from the HPB:
 - i. Alteration or excavation of an archeological site; or
 - ii. New construction; or
 - iii. Relocation; or
 - iv. Major alteration; or
 - v. Demolition; except a Certificate of Appropriateness is not required for privately owned single family residential structures that meet the requirements in Section 553.79, Florida Statutes, as amended.
 - b. ~~Whenever any~~ Any major alteration, new construction, demolition or relocation is undertaken on a designated landmark, a designated Interior Landmark, a designated landmark site, an archaeological site, or a property in a designated historic district without a certificate of

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~~appropriateness, the building official shall issue a stop work order. shall~~
be considered a code violation and punishable as provided in Chapter 11
of the City of Fort Lauderdale Code of Ordinances. The building official
may issue a stop work order for a violation of this Section. This regulation
does not apply to requests for the demolition of privately owned single
family residential structures that meet the requirements in Section 553.79,
Florida Statutes, as amended.

- c. Review of new construction and alterations to designated buildings and structures shall be limited to exterior features of the structure, except for designated interior portions.
 - d. A certificate of appropriateness shall be a prerequisite and in addition to any other permits required by law. The issuance of a certificate of appropriateness by the HPB shall not relieve the property owner of the duty to comply with other state and local laws and regulations.
2. *Applicant.* ~~Shall mean an owner~~all of the owners of the historically designated property or property located within a historic district or thematic historic district or ~~an authorized representative agent,~~ who has provided a ~~notarized~~ letter to the ~~HPB liaison~~DSD, executed by all the property owners and notarized, explicitly stating that all property owners have consented to any or all of the following: the agent's authorized representative's submission of the application, the agent's correspondence with the city, and the agent's subsequent appearance at any public hearing regarding the subject property. The letter must be provided to DSD at least fifteen (15) days prior to the agent's appearance at a public hearing.
3. *Major alterations, new construction or relocation.*
- a. *Application for major alterations, new construction or relocation.* An application for a certificate of appropriateness for alterations, new construction or relocation shall be made to the ~~department~~DSD and shall include the following information, in addition to the general application requirements described in Section 47-24.11.D.1. of the ULDR:
 - i. Drawings, or plans or specifications of sufficient detail to show all the proposed exterior alterations, additions, changes or new construction to the property as are reasonably required for decisions to be made by the HPB and the department. Such drawings, plans or

specifications shall include exterior elevations, architectural design of buildings and structures, including proposed materials, textures and colors, including all improvements such as walls, walks, terraces, plantings, accessory buildings, signs and lights and other appurtenant elements.

- ii. Applications for relocation must also comply with Chapter 9, Article IV, House Moving, of ~~Volume I of the City of Fort Lauderdale~~ the Code of Ordinances.

b. *Review process for major alterations, new construction or relocation.*

- i. After receiving an application, the DSD shall review the application to determine if the application is complete. Within 30 days of submittal of the application, the DSD shall send a letter via email or regular U.S. mail to the applicant notifying the applicant that all the required information is submitted and the application is deemed complete or the letter shall notifying the applicant that the application is incomplete and request the applicant address the deficiencies in the application and provide the missing documentation or additional information required by the DSD.~~An application shall be submitted to the department of sustainable development for review to consider if the application is complete. Within 30 days of submittal of the application, the department of sustainable development shall send a letter to the applicant notifying the applicant that all the required information is submitted or notifying the applicant of any missing documentation or additional information requested by the department. The applicant has thirty (30) days from the date the letter is sent by the city to submit the required additional information or address the deficiencies in the application. If an applicant fails to provide additional information as requested by the department of sustainable development within thirty (30) days of the request, the application shall be deemed withdrawn.~~
- ii. The applicant has thirty (30) days from the date provided in the letter sent by the DSD to address the deficiencies in the application and submit the required documentation or additional information to the DSD. If an applicant fails to address the deficiencies in the application and provide the documentation or additional information requested by the DSD within thirty (30) days of the date written in the letter sent by

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the DSD, the process in Section 166.033, Florida Statutes, shall be followed. If the applicant fails to provide the additional information or address the deficiencies, after a third request is made by the DSD, then the DSD shall administratively deny the application, unless the applicant or agent submits a signed waiver of the requirements in Section 166.033, Florida Statutes, as amended, to the DSD. If the applicant provides the documentation or additional information requested by the DSD within thirty (30) days of the date written in the letter, the process in Section 166.033, Florida Statutes, as amended, shall be followed, unless the applicant or agent submits a signed waiver of the requirements in Section 166.033, Florida Statutes, as amended to the DSD.

- iii. The ~~department~~DSD shall forward its recommendations to the HPB for consideration.
- iiiv. ~~Within one hundred and eighty~~ninety (90) days after city staff has deemed that the application is complete the HPB shall hold a public hearing to consider the application and the record and recommendations forwarded by the ~~department~~DSD and shall ~~hear~~permit public comment on the application.
- iv. If the HPB determines that the application meets the criteria for a certificate of appropriateness as provided in this section, the HPB shall approve the certificate subject to such conditions necessary to ensure compliance with the criteria.
- vi. If the HPB determines that the application for certificate of appropriateness does not meet the criteria for a certificate of appropriateness, the HPB shall deny the certificate and an appeal may be filed in accordance with Section 47-26B of the ULDR, Appeals.
- vii. The HPB shall render its decision within ~~ninetyone hundred and eighty (90)~~ninetyone hundred and eighty (90) days after city staff deems that the application is complete. ~~If the HPB fails to make a decision upon an application within the specified time period, the application shall be deemed approved.~~ This time limit may be waived at any time by consent of the applicant on the record at a public hearing or by filing a written waiver with the DSD.

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c. *Criteria.*

i. General. In approving or denying applications for certificates of appropriateness for alterations, new construction, or relocation, the HPB may consider whether the applications comply with the City of Fort Lauderdale's Historic Preservation Design Guidelines and the United States Secretary of Interior's Standards for Rehabilitation. If the HPB elects to utilize the City of Fort Lauderdale's Historic Preservation Design Guidelines and the United States Secretary of Interior's Standards for Rehabilitation, ~~the~~ HPB shall use the following general criteria and additional guidelines in order to approve or deny applications for certificates of appropriateness for alterations, new construction, and relocations as provided in subsections D.3.c.ii, iii, and iv, ~~and D.4:~~

a) The effect of the proposed work on the landmark or Interior Landmark, or the property upon which such work is to be done; and

b) The relationship between such work and other structures on the landmark site or other property in the historic district; and

c) The extent to which the historic, architectural, or archeological significance, architectural style, design, arrangement, texture, materials and color of the landmark or Interior Landmark or the property will be affected; ~~and~~

~~d) Whether the denial of a certificate of appropriateness would deprive the property owner of all reasonable beneficial use of his property.~~

ii. *Additional guidelines; major alterations.* In approving or denying applications for certificates of appropriateness for alterations, the HPB shall also consider whether and the extent to which the following additional guidelines, which are based on the United States Secretary of the Interior's Standards for Rehabilitation, will be met:

a) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building,

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structure, or site and its environment, or to use a property for its originally intended purpose; and

- b) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible; and
- c) All buildings, structures, and sites shall be recognized as products of their own time. Alterations which have no historical basis, and which seek to create an earlier appearance shall be discouraged; and
- d) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected; and
- e) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site, shall be treated with sensitivity; and
- f) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence, rather than on conjectural designs or the availability or different architectural elements from other buildings or structures; and
- g) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken; and

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- h) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any acquisition, protection, stabilization, preservation, rehabilitation, restoration, or reconstruction project.
- iii. Additional guidelines; new construction. Review of new construction and alterations to designated buildings and structures shall be limited to exterior features of the structure, except for designated interior portions. In approving or denying applications for certificates of appropriateness for new construction, the HPB shall also consider the following additional guidelines. Where new construction is required to be visually related to or compatible with adjacent buildings, adjacent buildings shall mean buildings which exhibit the character and features of designated or identified historic structures on the site or in the designated historic district where the site is located.
- a) ~~The height of the proposed building shall be visually compatible with adjacent buildings; and~~
- b) ~~The relationship of the width of the building to the height of the front elevation~~ Proportions and size of the new building shall be visually compatible to buildings and places to which it is visually related with existing buildings on the same site or the proportions and size of the new building shall be visually compatible to buildings on adjacent properties; and
- c) ~~The relationship of the width of the windows to height of size, shape, and location of windows and doors, in a building shall be visually compatible with the buildings on adjacent properties and places to which the building is visually related; and~~
- d) ~~The relationship of solids to voids in the front facade of a building shall be visually compatible with buildings and places to which it is visually related; and~~
- e) ~~The relationship of a building to open space between the building it and adjoining buildings shall be visually compatible with the buildings and places on adjacent properties to which it is visually related; and~~

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- ~~fd)~~ ~~The relationship of the materials, texture and color of the facade of a building shall be visually compatible with the predominant materials used in the buildings to which it is visually related~~ on adjacent properties; and
- ~~ge)~~ The roof and shape of a building shall be visually compatible with the buildings ~~to which it is visually related~~ on adjacent properties; and
- ~~hf)~~ ~~Appurtenances of a building such as~~ W ~~walls, wrought iron, fences, evergreen, landscaping masses and, building facades including porches and balconies, shall, if necessary, form cohesive walls of enclosures along a street, to ensure~~ must be ~~visually compatible~~ ility of the building to the buildings and places to which it is visually related with adjacent properties; and.
- ~~i)~~ ~~The size of a building, the mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible with the buildings and places to which it is visually related~~; and
- ~~j)~~ ~~A building shall be visually compatible with the buildings and places to which it is visually related in its directional character, whether this be vertical character, horizontal character or nondirectional character.~~
- iv. Additional guidelines; relocation. When an applicant seeks a certificate of appropriateness for the relocation of a landmark, Interior Landmark, a building or structure on a landmark site, or a building or structure in a historic district, or wishes to relocate a building or structure to a landmark site or to a property in a historic district, the applicant shall comply with the bond requirements in Section 9-153 of the Code of Ordinances, and the HPB shall also consider the following:
- a) The contribution the building or structure makes to its present setting; and
- b) Whether there are definite plans for the site to be vacated; and

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- c) Whether the building or structure can be moved without significant damage to its physical integrity; and
 - d) The compatibility of the building or structure to its proposed site and adjacent properties.
- d. *After-the-fact certificate of appropriateness.*
- i. When work has been done upon a designated historic landmark, Interior Landmark, landmark site, or historic district without a permit and the work qualifies for administrative approval for minor alterations as outlined in Section 47-24.11.E of the ULDR, the ~~department~~DSD may approve work after-the-fact.
 - ii. When work has been done upon a historic landmark, Interior Landmark, landmark site, or historic district without a permit and the work does not qualify for administrative approval for minor alterations as outlined within Section 47-24.11.E of the ULDR, a certificate of appropriateness application must be submitted and the applicant shall be charged the application fee as outlined in the most recent fee schedule ~~as~~ adopted by the city commission, as appropriate for the project undertaken. If the HPB denies the request for a Certificate of Appropriateness, the HPB may require an owner to restore the historic landmark, Interior Landmark, landmark site, or historic district to the condition the historic landmark, landmark site, or historic district was in before the alteration or to modify the work so that it qualifies for an approved certificate of appropriateness.
4. *Demolition.*
- a. Application for demolition. The following application requirements do not apply to requests for the demolition of privately owned single family residential structures that meet the requirements in Section 553.79, Florida Statutes, as amended. An application for a certificate of appropriateness for demolition shall be submitted to the ~~department of sustainable development~~DSD on forms provided by the ~~department~~DSD. In addition to the requirements provided in subsection 47-24.11.D.1-3, the application shall include the following information and documents:

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- i. Owner of record; and
 - ii. Site plan showing all buildings and structures on the property; and
 - iii. Recent photographs of the structure(s) proposed for demolition; and
 - iv. Reasons for the demolition; and
 - v. Method of demolition; and
 - vi. Proposed future uses of the site and of the materials from the demolished structures.
- b. *Review process—Demolition.*
- i. An application shall be submitted to the HPB for review in accordance with criteria provided in subsection 47-24.11. D.4.c. of the ULDR.
 - ii. The HPB shall hold a public hearing to consider the application and the record and recommendations forwarded by the ~~department~~DSD and shall permit ~~hear~~ public comment on the application and render a decision on the application within ~~one hundred and ninety~~eighty (90) days after city staff has deemed that the application is complete. This time limit may be waived at any time by consent of the applicant.
 - iii. If the HPB determines that the application meets the criteria for a certificate of appropriateness for demolition, the HPB shall approve the certificate or approve the certificate subject to such conditions necessary to ensure compliance with the criteria. ~~The HPB may grant a certificate of appropriateness for demolition, which may provide a delayed effective date of up to ninety (90) days. The effective date shall be determined by the HPB based on the significance of the structure and the estimated time required to arrange a possible alternative to demolition. During the demolition delay period, the HPB may take such steps as it deems necessary to preserve the structure. Such steps may include, but are not limited to, consultations with community groups, public agencies and interested citizens; recommendations for acquisition of the property by public or private~~

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~~bodies, or agencies; and exploration of the possibility of moving the resource.~~

- iv. If the HPB determines that the application for demolition does not meet the criteria, the HPB shall deny the certificate and an appeal may be filed in accordance with Section 47-26B of the ULDR, Appeals.
 - v. ~~The HPB shall render its decision within one hundred and eighty (180) days after city staff deems that the application is complete. This time limit may be waived at any time by consent of the applicant.~~The certificate of appropriateness demolition process does not apply to requests for the demolition of privately owned single family residential structures that meet the requirements in Section 553.79, Florida Statutes, as amended.
- c. Criteria for a Certificate of Appropriateness for—Demolition.
- i. The designated landmark, Interior Landmark, landmark site or property within the historic district no longer contributes to a historic district; or
 - ii. The property or building no longer has significance as a historic architectural or archeological landmark; or
 - iii. The demolition or redevelopment project is of major benefit to a historic district.
5. Application Requirements and Review Process for Demolition of privately owned single family residential structures that meet the requirements in Section 553.79, Florida Statutes, as amended.
- a. Properties that meet the requirements in Section 553.79, Florida Statutes, as amended must submit a demolition permit application to the DSD and the application will be reviewed by the DSD for compliance with the most recent Florida Building Code. Properties that meet the requirements in Section 553.79, Florida Statutes, as amended are not required to submit an application for a certificate of appropriateness.

- b. If the DSD determines that the demolition permit application meets the requirements of the most recent Florida Building Code, the application will be approved.
- c. If the DSD determines that the demolition permit application does not meet the requirements of the most recent Florida Building Code, the application will be denied and a letter will be issued to the applicant explaining the reason for the denial. After the denial, the applicant may review the decision in accordance with the procedures in Section 553.775, Florida Statutes, as amended.

56. *Economic hardship.*

- a. *Application—Economic hardship.* If the HPB denies an application for demolition of a structure(s), the applicant may within thirty (30) days apply to the HPB for an economic hardship exception. An application for an economic hardship exception shall include the following information and documents:
 - i. Amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship, ~~whether business or familial, if any,~~ between the owner and the person from whom the property was purchased i.e. explaining whether it is a business relationship or family relationship; and
 - ii. Assessed value of the land and improvements thereon according to the most recent assessment done by the Broward County Property Appraiser; and
 - iii. For depreciable properties, a pro forma financial statement prepared by an accountant or broker of record; and
 - iv. All appraisals obtained by the owner in connection with the purchase or financing of the property or during his ownership of the property; and
 - v. Bona fide offers of the property for sale or rent, price asked, and offers received, if any; and

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- vi. Any consideration by the owner as to profitable, adaptive uses for the property.
- b. *Review process — Economic hardship.*
 - i. After receiving an application, the DSD shall review the application to determine if the application is complete. Within 30 days of submittal of the application, the DSD shall send a letter via email or regular U.S. mail to the applicant notifying the applicant that all the required information is submitted and the application is deemed complete or the letter shall notify the applicant that the application is incomplete and request the applicant address the deficiencies in the application and provide the missing documentation or additional information required by the DSD. The applicant has thirty (30) days from the date provided in the letter sent by the DSD to address the deficiencies in the application and submit the required documentation or additional information to the DSD. If an applicant fails to address the deficiencies in the application and provide the documentation or additional information requested by the DSD within thirty (30) days of the date written in the letter sent by the DSD, unless the applicant or agent submits a signed waiver of the requirements in Section 166.033, Florida Statutes, as amended, to the DSD. If the applicant provides the documentation or additional information requested by the DSD within thirty (30) days of the date written in the letter, the process in Section 166.033, Florida Statutes, as amended, shall be followed, unless the applicant or agent submits a signed waiver of the requirements in Section 166.033, Florida Statutes, as amended to the DSD. The application shall be submitted to the department of sustainable development for consideration as to whether the application is complete. Within thirty (30) days after submittal of an application, the department of sustainable development shall send a letter to the applicant notifying the applicant that all the required information is submitted or notifying the applicant of any missing documentation or additional information requested by the department. The applicant has thirty (30) days after the letter is sent to submit the required additional information or to address the deficiencies in the application. If the applicant fails to provide additional information requested by the department of sustainable

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~~development within thirty (30) days of the request, the application shall be deemed withdrawn.~~

- ii. Within one hundred and eighty (180) days after city staff has deemed that the application is complete, the HPB shall hold a public hearing to consider the application and the record and recommendations forwarded by the ~~department~~DSD and shall hear public comment on the application and render its decision. This time limit may be waived at any time by consent of the applicant.
 - iii. If the HPB determines that the application meets the criteria for an economic hardship as provided in ~~Subsection 47-24.11.D.6.D.5.e~~ of the ULDR, the HPB shall approve the certificate of appropriateness or approve the certificate of appropriateness with such conditions necessary to ensure compliance with the criteria.
 - iv. If the HPB determines that the application for economic hardship does not meet the criteria, the HPB shall deny the certificate and an appeal may be filed in accordance with Section 47-26B of the ULDR, Appeals.
- c. *Criteria—Economic hardship.* In approving or denying applications for economic hardship exception, the HPB shall consider the following general criteria:
- i. The denial of a certificate of appropriateness to demolish the structure(s) will result in the loss of all reasonable and beneficial use of or return from the property; or
 - ii. Even though the designated landmark, designated Interior landmark, designated landmark site, or property within the designated historic district has reasonable beneficial use, the property no longer contributes to a historic district, or no longer has significance as a historic architectural or archeological landmark or the demolition or the redevelopment project is of a major benefit to a historic district.
- d. The Economic Hardship process and requirements do not apply to requests for the demolition of privately owned single family residential structures that meet the requirements in Section 553.79, Florida Statutes, as amended.

67. *Effective date.* The decision of the HPB pertaining to a certificate of appropriateness shall not take effect nor shall a building permit be issued until thirty (30) days after approval, and then only if no motion is adopted by the city commission seeking to review the application in accordance with Section 47-26A.2. of the ULDR or no appeal of the HPB decision is filed by the applicant as provided in Section 47-26B of the ULDR, Appeals. The action of the HPB shall be final and effective after the expiration of the thirty (30) days period with no action taken by the city commission.
78. *Emergency conditions; designated properties.* In any case where it is determined by the Building Official that there are emergency conditions dangerous to life, health or property affecting a landmark, Interior Landmark, a landmark site, or a property in a historic district, an order to remedy these conditions without the approval of the HPB or issuance of a required certificate of appropriateness may be issued, provided that the chairman of the HPB has been notified.
89. *Emergency actions; non-designated properties.* The city commission may call an emergency meeting to review a threat to a property that has not yet been designated by the city, but appears to be eligible for designation. The city commission may direct the person with authority to issue building permits in the city to issue a stop work order for a thirty (30) day period in order to provide time to negotiate with the property owner to remove the threat to the property. The HPB shall then seek alternatives that will remove the threat to the property. During the thirty (30) day period, the city commission or HPB may initiate steps to designate the property under the provisions of this Section 47-24.11 of the ULDR. Notwithstanding the foregoing, the City shall follow the process outlined in 166.033, Florida Statutes, unless the applicant or agent submits a waiver.
910. *Conformity with the certificate of appropriateness.*
- a. *Conformity with requirements.* All work performed pursuant to a certificate of appropriateness shall conform to all provisions of such certificate. It shall be the responsibility of the person with authority to issue building permits in the city to inspect from time to time any work being performed, to assure such compliance. In the event work is being performed not in accordance with such certificate, the building official is authorized to issue a stop work order. No additional work shall be undertaken as long as such stop work order shall continue in effect.

- b. Maintenance and repair requirements. Landmark(s), interior landmark(s), landmark site(s), historic building(s), archeological site(s), property in a thematic historic district, or property in a historic district must be kept in good repair in accordance the following requirements:
 - i. All exterior and interior portions of landmark(s), interior landmark(s), landmark site(s), historic building(s), archeological sites, property in a thematic historic district, or property in a historic district must be maintained to prevent any deterioration or damage of buildings or structures; and
 - ii. All landmark(s), archeological site(s), and Interior landmark(s) located on an archeological site(s), are required to be maintained in such a manner so as not to adversely affect the archeological integrity of the site.
- ~~c. Every owner of a landmark, a landmark site, historic building, or a property in a historic district shall keep in good repair:~~
 - ~~i. All of the exterior portions of such buildings or structures; and~~
 - ~~ii. All interior portions thereof which, if not so maintained, may cause such buildings or structures to deteriorate or to become damaged or otherwise to fall into a state of disrepair; and~~
 - ~~iii. In addition, where the landmark is an archeological site, the owner shall be required to maintain his property in such a manner so as not to adversely affect the archeological integrity of the site.~~
- ~~dc.~~ The HPB may refer violations of this section for enforcement proceedings on any building or structure designated under this Sec. 47-24.11 in order to preserve such building or structure in accordance with the purposes of this Section 47-24.11 of the ULDR; and
- ~~ed.~~ The provisions of this section shall be in addition to the provisions of the building code requiring buildings and structures to be kept in good repair.
- ~~fe.~~ *Penalty.* Any person or persons, owner or owner’s agent, or member or employee of any firm, company or corporation who shall violate or permit to be violated, or cause to be violated any provision of this Section 47-

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24.11 of the ULDR shall, upon conviction, be punished as provided in Section 47-34 of the ULDR, Enforcement, Violation and Penalties. Each day the violation is continued shall constitute a separate offense.

- ~~Gf.~~ *Injunctive relief.* In addition to any other remedies provided in this Section 47-24.11 of the ULDR, the city may seek injunctive relief in the appropriate court to enforce the provisions of the ULDR.
- ~~Hg.~~ *Amendments to a Certificate of Appropriateness.* Any request for an Amendment to a Certificate of Appropriateness shall be reviewed by the ~~department~~DSD to determine whether the application ~~shall be subject to administrative review or HPB review in accordance with~~ meets the criteria listed below:
- i. *Administrative review.* An application for an Amendment to a Certificate of Appropriateness must meet the criteria below in order to be approved. If the ~~department~~DSD determines that the applicant meets all of the following criteria, staff ~~may~~shall administratively approve an application for an Amendment to the Certificate of Appropriateness:
 - a) The request meets the criteria as outlined in Section 47-24.11.E of the ULDR, Administrative Certificate of Appropriateness, for minor alteration, minor demolition, in-kind replacement, restoration, or site improvement; and ~~The request is a minor alteration and does not affect the property's historic character; and~~
 - b) If ~~the~~ request is for a minor alteration, and the DSD finds that the application and is in accordance complies with the City of Fort Lauderdale's historic preservation design guidelines; and
 - c) If ~~the~~ request is for a minor alteration, the DSD finds that the application and complies ~~is in accordance~~ with the secretary of the interior's standards for rehabilitation; and
 - d) The scale, massing, and roof form, ~~or appearance as that is~~ visible from the right-of-way in the approved certificate(s) of appropriateness, has not been modified.

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- e) An application for an Amendment to a Certificate of Appropriateness must be filed with the DSD no later than eighteen (18) months after the Certificate of Appropriateness was originally approved by the HPB.
- ii. *Failure to Meet Criteria*~~*Historic preservation board review.*~~ If the ~~department~~DSD determines that the criteria in subsection ~~(1)~~ for approval of an Amendment to a Certificate of Appropriateness has not been met, then the DSD shall deny the application for an amendment to the Certificate of Appropriateness and the applicant may appeal the denial to the HPB~~applicant shall apply for a new application for a certificate of appropriateness in accordance with Section 47-24.11.D. of the ULDR, Certificate of Appropriateness.~~
- iii. An applicant may file an appeal of a decision of the DSD regarding an Amendment to a Certificate of Appropriateness to the HPB no later than 30 days after the decision. The appeal will be scheduled for a ~~de novo~~ hearing in front of the HPB no sooner than thirty (30) days or later than sixty (60) days from the date of the request for appeal. The HPB shall review the decision of the DSD, the application, and all the documentation submitted to the DSD at the time of the application submittal, to determine whether the applicable regulations in the ULDR support the DSD's decision. If HPB finds that the applicable regulations in the ULDR support the DSD's decision, then the HPB shall affirm the DSD's decision and the denial of the application remains. If the HPB finds that the DSD's decision was not supported by the applicable regulations in the ULDR, the HPB shall reject the decision of the DSD and approve the application or approve the application with conditions. An appeal of the HPB's decision regarding an appeal of an Amendment to a Certificate of Appropriateness must be done by filing a Petition for Writ of Certiorari in the Circuit Court in Broward County within thirty (30) days of the decision.
101. Expiration of certificates of appropriateness. The expiration time frame of a certificate of appropriateness is provided in Section 47-24.1.M. of the ULDR.
- E. Administrative certificate of appropriateness. The following regulations do not apply to requests for the demolition of privately owned single family residential structures that meet the requirements in Section 553.79, Florida Statutes, as amended. No person

may undertake any minor alterations, minor demolitions, in-kind replacements or restoration affecting a designated landmark, a designated Interior Landmark, a designated landmark site, or a property in a designated historic district without first obtaining an administrative certificate of appropriateness from the ~~department of sustainable development~~DSD, or if necessary a certificate of appropriateness from the HPB. The ~~department of sustainable development~~DSD shall administratively review administrative certificate of appropriateness applications for minor alterations, minor demolitions, in-kind replacements, ~~or restoration, or site improvements notwithstanding the criteria outlined in Section 47-24.11.D.1 of the ULDR.~~ The ~~department~~DSD may either approve or approve with conditions, or deny an application for an administrative certificate of appropriateness.

1. *Criteria for approval of an administrative certificate of appropriateness for minor alterations.* The ~~department~~DSD shall determine if minor alterations comply with this section ~~or if the request requires review by the HPB.~~ Minor alterations must comply with the following criteria in order to be approved:
 - a. The minor alteration(s) proposed must meet the City of Fort Lauderdale's Historic Preservation Design Guidelines and the Secretary of the Interior's Standards for Rehabilitation; and
 - b. The minor alteration(s) proposed must be to the rear and secondary facades and must not be visible from the public right-of-way, any waterfront, or public parks. Visibility from the right-of-way shall be determined by the department; and
 - c. The minor alteration(s) proposed must not require a change to architecturally significant portions of a building or structure.
2. *Criteria ~~effor~~ approval ~~for~~ of an administrative certificate of appropriateness for minor demolition.* The following regulations do not apply to requests for the demolition of privately owned single family residential structures that meet the requirements in Section 553.79, Florida Statutes, as amended. Applications for administrative certificate of appropriateness for minor demolition must meet the following criteria in order to be approved:
 - a. The minor demolition proposed must meet the City of Fort Lauderdale's Historic Preservation Design Guidelines and the Secretary of the Interior's Standards for Rehabilitation; and

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- b. The minor demolition proposed must be to the rear and secondary facades and must not be visible from the public right-of-way, any waterfront, or public parks. Visibility from the right-of-way shall be determined by the ~~department~~DSD; and
 - c. The minor demolition proposed must not require demolition to architecturally significant portions of a building or structure.
3. ~~Criteria for approval for~~Criteria for approval of an administrative certificate of appropriateness for in-kind replacements. Applications for administrative certificate of appropriateness for in-kind replacements must meet the following criteria in order to be approved:
- a. In-kind replacements must comply with the City of Fort Lauderdale Historic Preservation Design Guidelines.
 - b. When use of the original material is not possible, compatible materials and techniques may be used that convey an appearance similar to the original feature, that are the same scale, and have similar design and visual qualities to the historic elements.
4. ~~Criteria for approval for~~Criteria for approval of an administrative certificate of appropriateness for restoration. Applications for administrative certificate of appropriateness for restoration must meet the following criteria in order to be approved:
- a. Facade and building restorations and repairs must be consistent with historic documentation.
 - b. Restoration must comply with the City of Fort Lauderdale Historic Preservation Design Guidelines.
5. Criteria for approval of an administrative certificate of appropriateness for site improvements. Applications for an administrative certificate of appropriateness for site improvements must meet the following criteria in order to be approved:
- a. Site improvements must comply with the City of Fort Lauderdale's Historic Preservation Design Guidelines; and

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- b. Site improvements that are visible from the public right-of-way, except for fences, gates, walls, piers, and hedges, must be at grade level or less than two (2) feet in height; and
- c. If applicable, swimming pools are prohibited in the front yard.
56. ~~Whenever any~~Any minor alteration, minor demolition, in-kind replacement, or restoration, ~~or site improvement~~ is undertaken on a property in a designated landmark, a designated Interior landmark, a designated landmark site, ~~or a property in a designated historic district, or a thematic historic resource~~ without an administrative certificate of appropriateness, ~~the building official shall issue a stop work order.~~shall be considered a code violation and punishable as provided in Chapter 11 of the Code of Ordinances. The building official may issue a stop work order for a violation of this Section. This regulation does not apply to requests for the demolition of privately owned single family residential structures that meet the requirements in Section 553.79, Florida Statutes, as amended.
67. Appeal of administrative certificate of appropriateness.
- a. An applicant may file an appeal of a decision of the ~~department~~DSD regarding an Administrative Certificate of Appropriateness to the HPB no later than 30 days after the decision. The appeal will be scheduled for a ~~de novo~~ hearing in front of the HPB no sooner than thirty (30) days or later than sixty (60) days from the date of the request for appeal. ~~The HPB may reject, approve or amend the decision of the department DSD.~~ The HPB shall review the decision of the DSD, the application, and all the documentation submitted to the DSD at the time of the application submittal, to determine whether the applicable regulations in the ULDR support the DSD's decision. If HPB finds that the applicable regulations in the ULDR support the DSD's decision, then the HPB shall affirm the DSD's decision and the denial of the application remains. If the HPB finds that the DSD's decision was not the applicable regulations in the ULDR, the HPB shall reject the decision of the DSD and approve the application or approve the application with conditions. The HPB's decision regarding an appeal of an administrative certificate of appropriateness is subject to a thirty (30) day City Commission Request for Review (CRR). Thereafter, the applicant may appeal by filing a Petition for Writ of Certiorari in the Circuit Court of Broward County within thirty (30) days of the decision by the City Commission or within 30 day so the expiration of the CRR period.

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F. *City historic property tax exemption code.*

1. *Definitions.*

- a. For purposes of subsections 47-24.11.F.1 through 47-24.11.F.7, the following terms shall have the meanings indicated below:
 - i. *Ad valorem tax* means a tax based upon the assessed value of property.
 - ii. *Assessed value of property* means an annual determination of the just or fair market value of an item or property or, if a property is assessed solely on the basis of character or use or at a specified percentage of its value, pursuant to Section 4(a) or 4(b), Article VII of the State Constitution, its classified use value or fractional value.
 - iii. *Commission* or *city commission* means the city commissioners of the City of Fort Lauderdale.
 - iv. *City* means the City of Fort Lauderdale, Florida.
 - v. *Property appraiser* means the Broward County Property Appraiser, a county officer charged with determining the value of all property within the county, with maintaining certain records connected therewith, and with determining the tax on taxable property after taxes have been levied.
- b. As it pertains to tax exemptions, ~~the~~ the following words and phrases shall have the same meaning as specified in the rules of the Department of State, Division of Historical Resources, F.A.C. ch. 1A-38, as may be amended from time to time:
 - i. *Contributing property* means a building, site, structure, or object which is located within a historic district that adds to the historical architectural qualities, historic associations, or archaeological values for which a district and is significant because of any or all of the following reasons:
 - a) The property is capable of yielding important information about a historic period; ~~or it was present during the period of significance of~~

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~~the district and possesses historic integrity reflecting its character at that time; or~~

b) If the property is located within a historic district, the building, structure, site, or object was present during the period of significance of the district, and possesses historic integrity reflecting its character at that time.~~Is capable of yielding important information about the period; or~~

~~c) It independently meets the National Register of Historic Places criteria for evaluation set forth in 36 CFR Part 60.4, incorporated by reference.~~

ii. *Division* means the Division of Historical Resources of the Department of State.

iii. *Historic property* ~~means a building, site, structure, or object which is~~ means: landscape features, archaeological sites and zones, structures, buildings, districts, and objects which have demonstrated significance in the history of the city, the county, the state and/or the nation through historic designation and includes the following:

a) Individually listed in the National Register of Historic Places; or

b) A contributing property in a National Register listed historic district; or

c) Property D~~esignated as a h~~Historic Landmark property, or Interior Landmark, or landmark; or

d) A contributing property in a historic district; ~~or.~~

e) A thematic historic resource.

iv. *Improvements* means changes in the condition of real property brought about by the expenditure of labor or money for the restoration, renovation, or rehabilitation of such property. Improvements include additions and accessory structures (i.e., a garage) necessary for efficient contemporary use.

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- v. *Historic preservation board* means the city created and appointed historic preservation board, which shall be certified by the Division of Historical Resources, Florida Department of State, as qualified to review applications for property tax exemptions pursuant to ~~F.S.~~ Sections 196.1997 and 196.1998, Florida Statutes, as amended.
- vi. *National Register of Historic Places* means the list of historic properties significant in American history, architecture, archaeology, engineering, and culture, maintained by the Secretary of the Interior, as established by the National Historic Preservation Act of 1966 (Public Law 89-665; 80 STAT. 915; 16 U.S.C. 470), as amended.
- vii. *Preservation exemption covenant* or *covenant* means the Historic Preservation Property Tax Exemption Covenant, in substantially similar form to the Florida DOS Form No. HR3E111292, indicating that the owner agrees to maintain and repair the property so as to preserve the architectural, historical, or archaeological integrity of the property during the exemption period.
- viii. *Renovation* or *rehabilitation* means the act or process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, cultural, and archaeological values. For historic properties or portions thereof which are of archaeological significance or are severely deteriorated, "renovation" or "rehabilitation" means the act or process of applying measures designed to sustain and protect the existing form and integrity of a property, or reestablish the stability of an unsafe or deteriorated property while maintaining the essential form of the property as it presently exists.
- ix. *Restoration* means the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.
- x. *Useable space* means that portion of the space within a building which is available for assignment or rental to an occupant, including every type of space available for use of the occupant.

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2. *Exemption from ad valorem taxes-General.*
- a. *Exemption for improvements to historic property (per ~~Section F.S. § 196.1997~~, Florida Statutes, as amended).* The city commission may authorize an ad valorem tax exemption of one hundred (100) percent of the assessed value of all improvements to historic properties which result from the restoration, renovation, or rehabilitation of such properties.
 - b. *Exemption for historic properties open to the public (per ~~Section F.S. § 196.1998~~, Florida Statutes, as amended).* If an improvement qualifies a historic property for an exemption, as set out herein, and the property is used for nonprofit or governmental purposes and is regularly and frequently open for the public's visitation, use, and benefit, the city commission may authorize the exemption from ad valorem taxation of one hundred (100) percent of the assessed value of the property, as improved, if all other provisions herein are complied with; provided, however, that the assessed value of the improvement must be equal to at least fifty (50) percent of the total assessed value of the property as improved. The exemption applies only to real property to which improvements are made by or for the use of the existing owner.
 - c. *Application for review.* This exemption shall only apply to improvements to real property that are made on or after the day that this Section 47-24.11 of the ULDR authorizing ad valorem tax exemption for historic properties is adopted. Such exemption shall apply only to taxes levied by the city and does not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to Sections 9(b) or 12, Article VII of the State Constitution.
 - d. *Duration of exemption.* Any exemption granted shall remain in effect for up to ten (10) years with respect to any particular property, regardless of any change in the authority of the city to grant such exemptions or any change in ownership of the property. However, for purposes of the exemption under ~~Section F.S. § 196.1998~~, Florida Statutes, as amended, a property shall be removed from eligibility for the exemption if the property no longer qualifies as historic property open to the public in accordance with the requirements herein. In order to retain the exemption, the historic character of the property, and the improvements which qualified the property for exemption, must be maintained over the

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period for which the exemption is granted. Such exemption shall take effect on January 1st following substantial completion of the improvement.

3. Designation of type and location of historic property qualified for exemption.
 - a. *Type—General.* Property is qualified for an exemption if:
 - i. At the time the exemption is granted, the property:
 - a) Is individually listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended; or
 - b) Is a contributing property to a national register-listed district; or
 - c) Is designated as a historic property, as defined herein, landmark Interior Landmark, or landmark site, as defined herein, ~~or is a~~ contributing property located within a historic district, or is a thematic historic resource.
 - ii. In order for an improvement to a historic property to qualify the property for an exemption, the improvement must:
 - a) Be consistent with the United States Secretary of Interior's Standards for Rehabilitation; or
 - b) Be determined by the historic preservation board to meet criteria established in the rules adopted by the department of state.
 - b. *Type—Property open to the public.* For purposes of the exemption under ~~F.S. §~~ Section 196.1998, Florida Statutes, as amended, a property is being used for "government or non-profit purposes" if the occupant or user of at least sixty-five (65) percent of the useable space of a historic building or of the upland component of an archaeological site is an agency of the federal, state, or local government, or a non-profit corporation whose articles of incorporation have been filed by the department of state in accordance with ~~Section~~ F.S. § 617.0125, Florida Statutes, as amended. Additionally, a property is considered "regularly and frequently open to the public" if public access to the property is provided not less than fifty-

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two (52) days a year on an equitably spaced basis, and at other times by appointment.

- c. *Location.* Property is qualified for an exemption only if it is located within the jurisdictional boundaries of the city.

4. *Designation of a local historic preservation office.*

- a. The ~~department~~DSD is hereby designated as the coordinating office for application and covenant submittals, receipt, and processing for city commission review of recommendations made by the city's historic preservation board, and shall in addition perform any and all administrative functions which may be deemed necessary to accomplish the purpose herein set forth.

5. *Application process.*

- a. *Applicant.* The applicant shall be the owner of a qualifying property ~~or the authorized agent of the owner.~~
- b. *Application form.* Application for the property tax exemption shall be made on the two-part historic preservation tax exemption application form as prescribed by the Division of Historical Resources, Florida Department of State. Part 1, the preconstruction application, shall be submitted before improvements are initiated. Part 2, the request for review of completed work, shall be submitted upon completion of the improvements. The Application fees for Part 1 and Part 2 shall be in accordance with the City's most recently adopted fee schedule. ~~The application fee for Part 1 shall be fifty dollars (\$50.00). This fee shall be applied to the building permit fee when a building permit is obtained for the improvement. There shall be no application fee for Part 2.~~
- c. *Part 1—Preconstruction application.* Any person, firm, or corporation that desires an ad valorem tax exemption for the improvement of a historic property must, in the year the exemption is desired to take effect, submit to the ~~department~~DSD a written preconstruction application describing the proposed work and receive preliminary approval prior to the start of construction. The form shall include the following information:

- i. The name of the property owner and the location of the historic property; and
 - ii. A description of the improvements to the real property for which an exemption is requested and the date of commencement of construction of such improvements; and
 - iii. Documentation supporting that the property that is to be rehabilitated or renovated is a historic property as defined herein; and
 - iv. Documentation supporting that the improvements to the property will be consistent with the United States Secretary of Interior's Standards for Rehabilitation and will be made in accordance with guidelines developed by Division; and
 - v. Any other information deemed necessary by the city or the ~~historic preservation board~~HPB; and
- d. *Part 2—Request for review of completed work.* A request for review of completed work application shall be submitted through the ~~department~~DSD to the ~~historic preservation board~~HPB upon completion of the improvements. The form of said application shall be prescribed by the board and include all information referenced in subsection F.5.c. In addition, no request for review of completed work shall be reviewed by the historic preservation board unless accompanied by a covenant executed by the property owner.
6. *Method of application review.*
- a. *Review.* The city's historic preservation board shall recommend that the city commission grant or deny the exemption. Such reviews must be conducted in accordance with the rules adopted by the department of state. The recommendation, and the reasons therefor, must be provided to the applicant and the city commission before consideration of the application at a meeting of the city commission. The historic preservation board and the city commission shall first approve Part 1 of the application and then Part 2. The exemption shall not be final until Part 2 has been reviewed and approved by the city commission.

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- b. *Delivery of application to the property appraiser.* The city shall deliver a copy of each application for a historic preservation ad valorem tax exemption to the property appraiser. Upon certification of the assessment roll, or recertification, if applicable, pursuant to Section F.S. § 193.122, Florida Statutes, as amended, for each fiscal year during which this tax exemption provision is in effect, the property appraiser shall report the following information to the city commission:
 - i. The total taxable value of all property within the city for the current fiscal year; and
 - ii. The total exempted value of all property in the city which has been approved to receive historic preservation ad valorem tax exemption for the current fiscal year.
- c. *Approval by city commission.* A majority vote of the city commission shall be required to approve a written application for exemption. The city commission shall, by resolution, approve the Part 2 written application for final exemption. In addition, the following information shall be included in the resolution:
 - i. The name of the owner and the address of the historic property for which the exemption is granted; and
 - ii. The period of time for which the exemption will remain in effect and the expiration date of the exemption; and
 - iii. A finding that the historic property meets the requirements herein.

7. *Covenant with applicant.*

- a. *Term of preservation exemption covenant.* To qualify for an exemption, the property owner must enter into a preservation exemption covenant ("covenant") with the city for the term for which the exemption is granted. Such covenant must be executed before a final application for exemption can be approved by the city commission.
- b. *Form of covenant.* The form of covenant shall be established by the division and shall require that the character of the property, and the qualifying improvements to the property, be maintained during the period

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that the exemption is granted. The covenant shall be binding on the current property owner, transferees, and their heirs, successors, or assigns. The city manager, or designee, is hereby authorized to execute such covenant with each applicant on behalf of the city.

- c. *Violations of covenant.* Any violations of the covenant shall result in the property owner being subject to the payment of the differences between the total amount of taxes which would have been due in March in each of the previous years in which the covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in Section F.S. § 212.12(3), Florida Statutes, as amended.

- G. *Property tax exemption for designated local historic resources used for certain commercial or nonprofit purposes.* City of Fort Lauderdale hereby elects, pursuant to the amended from time to time, to provide for an ad valorem property tax exemption of fifty (50) percent of the assessed value of a locally designated historic landmark-~~or,~~ contributing structure in a locally designated historic district, or thematic historic resource used for commercial or certain nonprofit purposes. The property must comply with each and every provision of Section F.S. § 196.1961, Florida Statutes, as amended, to be entitled to the ad valorem exemption and the tax exemption shall apply only to property located within 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 F.S. § 196.011, Florida Statutes, as amended.

- H. *Waivers for historic preservation.*

1. *Intent.* In an effort to promote and encourage the preservation and adaptive reuse of locally designated historic landmarks, Interior 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 landmark-~~or,~~ a contributing property in a historic district, or a thematic historic resource. However, the HPB shall not have the authority to grant any waivers for density, floor area ratio ("FAR"), and building height requirements.
2. *Waivers.* The HPB may only authorize waivers for setback requirements and waivers of requirements for distance separation between buildings or structures 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.
3. *Criteria for approval of a waiver.* A waiver request must comply with the following criteria:
- a. The application must demonstrate that granting the waiver will further the preservation of the historic and architectural character of the designated historic landmark, designated Interior Landmark, or of the historic district in which the proposal is located, or of the thematic historic resource; and
 - 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; and
 - c. The property that is the subject of the waiver application, must be a designated historic landmark, designated Interior Landmark, or a contributing property located in a historic district, or a thematic historic resource.
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 application meets the criteria in Section 47-24.11.H.3. of the ULDR. Applications for reconstruction of a portion of a structure must contain historic documentation of the structure.
 - b. ~~An~~The application shall be submitted by the ~~department~~DSD to the HPB for review.
 - c. The HPB must determine whether the application complies with Section 47-24.11.~~H~~H.3. of the ULDR.
 - d. Notice shall be given in accordance with Section 47-27.8. of the ULDR.

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- 5. *Conditions and safeguards.* In granting any waiver the HPB may prescribe appropriate conditions and safeguards necessary to protect and further the interest of the area and abutting properties, including, but not limited to the installation of walls, and fences as required buffering; modifications of the orientation of any openings; and modification of site arrangements.
- 6. *Historic properties that are ineligible for waivers.* Historic Designations that exclude the entire site upon which the structure or building is located, are not eligible for waivers.
- 7. *If the HPB determines that the application for a waiver does not meet the criteria,* the HPB shall deny the application and an appeal may be filed in accordance with Section 47-26B of the ULDR, Appeals.

SECTION 3. That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 4. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. That this Ordinance shall be in full force and effect immediately upon final passage and adoption.

PASSED FIRST READING this _____ day of _____, 2023.

PASSED SECOND READING this _____ day of _____, 2023.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN

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