

# City of Fort Lauderdale

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## Meeting Minutes

Tuesday, June 20, 2023

6:00 PM

The Parker

707 Northeast 8th Street, Fort Lauderdale, FL 33304

## City Commission Regular Meeting

*FORT LAUDERDALE CITY COMMISSION*

*DEAN J. TRANTALIS Mayor*

*PAM BEASLEY-PITTMAN Vice Mayor - Commissioner - District III*

*JOHN C. HERBST Commissioner - District I*

*STEVEN GLASSMAN Commissioner - District II*

*WARREN STURMAN Commissioner - District IV*

*GREG CHAVARRIA, City Manager*

*DAVID R. SOLOMAN, City Clerk*

*D'WAYNE M. SPENCE, Interim City Attorney*

*PATRICK REILLY, City Auditor*

**CALL TO ORDER**

Mayor Trantalis called the meeting to order at 6:49 p.m.

**Pledge of Allegiance**

Mayor Dean J. Trantalis

**MOMENT OF SILENCE**

Mayor Trantalis requested a Moment of Silence and noted the passing of community member Michael George Ahearn.

**ROLL CALL**

**Present:** 5 - Vice Mayor Pam Beasley-Pittman, Commissioner Warren Sturman, Commissioner John C. Herbst, Commissioner Steven Glassman and Mayor Dean J. Trantalis

**QUORUM ESTABLISHED**

**Also Present:** City Manager Greg Chavarria, City Clerk David R. Soloman, Interim City Attorney D'Wayne M. Spence, and City Auditor Patrick Reilly

**Approval of MINUTES and Agenda****AGENDA ANNOUNCEMENTS**

Mayor Trantalis announced the following updates to the published Agenda:

Agenda item OSR-1 will be heard before PH-4

**Removed:**

M-5      Removed from the Agenda to be heard at the July 5, 2023 Commission Meeting.

M-6      Call-up Agenda item withdrawn and removed from the Agenda

R-5      Office of the City Attorney requested removal

**Updated:**

- CR-1 Revision to Exhibit 1, paragraph 28
- R-10 Revisions to Exhibit 5 and Exhibit 6, in the last WHEREAS Clause; and Section 2 of the Resolutions were also revised
- PH-4 Revisions to Exhibit 2 of the Agreement, adding Paragraph 14 and Exhibit B
- OFR-1 Revisions to Exhibit 8, pages 3-31, 33, 36-37, 39-40, 42, 44-46, 47-49, and 50-57

***A copy of the updated Agenda items are attached to these Meeting Minutes.***

[23-0612](#)

Minutes for May 16, 2023, Commission Joint Workshop with Marine Advisory Board and May 16, 2023, Commission Conference Meeting - (Commission Districts 1, 2, 3 and 4)

Commissioner Sturman made a motion to approve the Meeting Minutes and the Agenda as amended and was seconded by Commissioner Glassman.

**APPROVED AS AMENDED - Agenda Amended**

**Yea:** 5 - Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst, Commissioner Glassman and Mayor Trantalis

## **PRESENTATIONS**

**PRES-** [23-0572](#)  
**2**

Commissioner Glassman to present a Proclamation declaring June 24, 2023, as Gay Men's Chorus of South Florida Day in the City of Fort Lauderdale

Commissioner Glassman presented a Proclamation declaring *June 24, 2023, as Gay Men's Chorus of South Florida Day in the City of Fort Lauderdale*, reading the Proclamation in its entirety. Mark Kent, Executive Director of the Gay Men's Chorus of South Florida accepted the Proclamation and thanked Commission Members for this recognition.

**PRESENTED**

**PRES-** [23-0602](#)  
**1**

Presentation - Marty Kiar, Broward County Property Appraiser

Broward County Property Appraiser Marty Kiar reviewed the role and responsibilities of the Office of the Broward County Property Appraiser. Mr. Kiar expounded on details related to increased property values,

related revenue, tax rolls, and exemptions. He discussed efforts with the assistance of law enforcement to address real estate fraud and cited examples.

**PRESENTED**

**PRES-** [23-0603](#)  
**3**

Mayor Trantalis to announce City of Fort Lauderdale's achievement in obtaining the LEED for Cities Gold Certification

Mayor Trantalis introduced a short video announcing the City's LEED Gold Certification Award (Award). Ryan Snow, US Green Building Council Regional Director, discussed details associated with LEED Gold Certification, and congratulated the City for its environmental efforts to achieve this Award.

**PRESENTED**

**PRES-** [23-0580](#)  
**4**

Mayor Trantalis to present a Proclamation declaring June 28, 2023, as Community Is Stronger Than Cancer Day in the City of Fort Lauderdale

Mayor Trantalis presented a Proclamation declaring *June 28, 2023, as Community Is Stronger Than Cancer Day in the City of Fort Lauderdale*, reading the Proclamation in its entirety. Kristian White and Jacqui Ramirez, Gilda's Club of South Florida, accepted the Proclamation and thanked Commission Members.

**PRESENTED**

**PRES-** [23-0604](#)  
**5**

Recognition of Organizations for their Assistance in the City's Recovery following the April 2023 Flood

Commissioner Sturman and Vice Mayor Beasley-Pittman recognized and thanked numerous organizations for their assistance in the City's Recovery from the April 12, 2023 Flood Emergency. Vice Mayor Beasley-Pittman read the name of each organization and thanked them for their sacrifice and commitment to helping residents impacted by the Flood Emergency.

Zane Kelleher, Post 36 American Legion Commander, thanked the City for its Fleet Week efforts to provide bus transportation to sailors during Fleet Week activities. Commander Kelleher presented Vice Mayor Beasley-Pittman with a small token of appreciation for those efforts.

**PRESENTED**

## **CONSENT AGENDA PUBLIC COMMENT**

Mayor Trantalis explained the procedures for those members of the



public wishing to speak on Consent Agenda items.

No members of the public wished to speak on Consent Agenda items.

## CONSENT AGENDA

Mayor Trantalis noted that there were no Consent Agenda items pulled by Commission Members for further discussion.

## Approval of the Consent Agenda

Commissioner Herbst made a motion to approve the Consent Agenda and was seconded by Commissioner Glassman.

### Approve the Consent Agenda

Yea: 5 - Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst, Commissioner Glassman and Mayor Trantalis

## CONSENT MOTION

### CM-1 [23-0543](#)

Motion Approving a Use Agreement between Moss & Associates, LLC and the City of Fort Lauderdale for Property Located at 1000 SW 2 Street, in Substantially the Form Provided - (Commission District 2)

#### APPROVED

Yea: 5 - Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst, Commissioner Glassman and Mayor Trantalis

### CM-2 [23-0606](#)

Motion Approving First Amendment to the Museum Funding, Operation and Maintenance Agreement between Museum of Discovery and Science, Inc. and the City of Fort Lauderdale for Property Located at 401 SW 2 Street, Fort Lauderdale, Florida 33312, Subject to Conditions - (Commission District 2)

#### APPROVED

Yea: 5 - Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst, Commissioner Glassman and Mayor Trantalis

## CONSENT RESOLUTION

### CR-1 [23-0506](#)

Resolution Approving an Interlocal Agreement with the Florida Department of Transportation and South Florida Regional Transportation Authority for Railroad Grade Crossing Improvements at Sistrunk Boulevard - \$739,200 - (Commission District 3)

#### ADOPTED

**Yea:** 5 - Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst, Commissioner Glassman and Mayor Trantalis

- CR-2**    [23-0567](#)    Resolution Consenting to a Final Performance Extension for One Year for the Qualified Target Industry Tax Refund Program for Hayes Medical Staffing, LLC (Project Bulldog)- (Commission Districts 1, 2, 3 and 4)

**ADOPTED**

**Yea:** 5 - Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst, Commissioner Glassman and Mayor Trantalis

- CR-3**    [23-0528](#)    Resolution Authorizing the Acceptance and Execution of Amendment Number Two of Joint Participation Agreement Financial Management (FM) Number 424027-2-58-01 with Florida Department of Transportation for State Road A1A Pedestrian Light Installation - (Commission District 2)

**ADOPTED**

**Yea:** 5 - Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst, Commissioner Glassman and Mayor Trantalis

## **CONSENT PURCHASE**

- CP-1**    [23-0533](#)    Motion Approving an Agreement for a Vulnerability Assessment for the City of Fort Lauderdale with Arcadis U.S., Inc. - \$160,000 - (Commission Districts 1, 2, 3 and 4)

**APPROVED**

**Yea:** 5 - Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst, Commissioner Glassman and Mayor Trantalis

- CP-2**    [23-0523](#)    Motion Approving Change Order #2 for the New Surface Parking Lot and the Site Improvements Associated with the Relocation of Temporary Fire Station No. 13 - Waypoint Contracting, Inc. - \$351,589.62 - (Commission District 2)

**APPROVED**

**Yea:** 5 - Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst, Commissioner Glassman and Mayor Trantalis

## **MOTIONS**

- M-1**    [23-0594](#)    Motion Approving an Event Agreement and Related Road Closures for the We the People March - (Commission District 2)

City Clerk David Soloman noted a recent revision to this Agenda item. He said there would no longer be fencing on SW 4th Avenue, and the only fencing would be behind the stage.

Commissioner Glassman made a motion to approve this Agenda item as amended and was seconded by Vice Mayor Beasley-Pittman.

**APPROVED AS AMENDED**

**Yea:** 5 - Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst, Commissioner Glassman and Mayor Trantalis

**M-2**     [23-0367](#)

Motion Approving an Interlocal Agreement with Broward County to Construct a Redundant Effluent Force Main - (Commission District 4)

Commissioner Sturman made a motion to approve this Agenda item and was seconded by Commissioner Glassman.

**APPROVED**

**Yea:** 5 - Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst, Commissioner Glassman and Mayor Trantalis

**M-3**     [23-0390](#)

Motion Approving Agreement for HVAC Installation Maintenance and/or Repair Services - S&R Engineering Group LLC dba Air Changes Mechanical - \$1,500,000 - (Commission Districts 1, 2, 3 and 4)

Commissioner Glassman made a motion to approve this Agenda item and was seconded by Commissioner Sturman.

**APPROVED**

**Yea:** 5 - Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst, Commissioner Glassman and Mayor Trantalis

**M-4**     [23-0531](#)

Motion Approving Increase to the Stormwater Master Plan Modeling and Design Implementation Continuing Contract Cost Capacity - Hazen and Sawyer, P.C. - \$9,600,000 - (Commission Districts 2, 3 and 4)

Commissioner Glassman made a motion to approve this Agenda item and was seconded by Commissioner Herbst.

**APPROVED**

**Yea:** 4 - Commissioner Sturman, Commissioner Herbst, Commissioner Glassman and Mayor Trantalis

**Nay:** 1 - Vice Mayor Beasley-Pittman

**M-5**     [23-0595](#)

Motion Approving the First Amendment to the Lease Agreement between 1 East Broward Owner LLC and the City of Fort Lauderdale,



in Substantially the Form Provided - \$2,158,189 (38-Month Rent) -  
(Commission District 2)

**REMOVED FROM AGENDA**

**M-6**      [23-0631](#)

Motion for Discussion - City Commission Request for Review - RK  
Center Mixed-Use Parcel 2 - Case No. UDP-A22052 - (Commission  
District 2)

**REMOVED FROM AGENDA**

## **RESOLUTIONS**

**R-1**      [23-0620](#)

Appointment of Board and Committee Members - (Commission  
Districts 1, 2, 3 and 4)

City Clerk David Soloman read the names of Board and Committee  
nominees for appointment and/or reappointment at the July 5, 2023,  
Commission Regular Meeting.

City Clerk Soloman read into the record the names of the Board and  
Committee appointments and reappointments for Agenda item R-1. He  
announced two additional nominations would be added to the Resolution.

In response to Commissioner Glassman's question, City Clerk Soloman  
confirmed Commissioner Glassman's appointment of Janet Gualtieri to  
the Education Advisory Board would take place at the July 5, 2023,  
Commission Regular Meeting.

Commissioner Herbst introduced this Resolution as amended which was  
read by title only.

**ADOPTED AS AMENDED**

**Yea:** 5 - Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner  
Herbst, Commissioner Glassman and Mayor Trantalis

**R-2**      [23-0265](#)

Resolution Authorizing Acceptance and Recording Instruments of  
Conveyance from the Florida Department of Transportation ("FDOT")  
via Quit Claim Deeds and Authorizing the Expenditures Relative to the  
Closing Costs - (Commission District 4)

Commissioner Herbst introduced this Resolution which was read by title  
only.

**ADOPTED**

**Yea:** 5 - Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner  
Herbst, Commissioner Glassman and Mayor Trantalis



- R-3**      [23-0542](#)      Resolution Approving the Transfer of City's Interest in Right-of-Way Located at SE 1 Street to Broward County for the Installation and Maintenance of Improvements in Association with the Broward Main Library Plaza Restoration and Reserving Unto the City a Utility Easement, Pursuant to Section 8.02 of the Charter of the City of Fort Lauderdale - (Commission District 4)

Commissioner Glassman introduced this Resolution which was read by title only.

**ADOPTED**

**Yea:** 5 - Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst, Commissioner Glassman and Mayor Trantalis

- R-4**      [23-0547](#)      Resolution Approving Additional Compensation under Specific Circumstances for the Mayor and City Commissioners of the Next City Commission Following the November 2024 Election - (Commission Districts 1, 2, 3 and 4)

Assistant City Manager Susan Grant explained the two (2) options associated with this Agenda item.

Commissioner Glassman remarked on related discussions with Ms. Grant and her recommendation for cost option one (1). Ms. Grant explained contributions for eligible and ineligible individuals are identical, and the increased cost associated with option one (1) is marginal. Commissioner Glassman commented on his support of option one (1).

Commissioner Glassman introduced this Resolution which was read by title only.

**ADOPTED**

**Yea:** 5 - Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst, Commissioner Glassman and Mayor Trantalis

- R-5**      [23-0560](#)      Resolution of the City of Fort Lauderdale Affirming that Housing Constructed by Habitat for Humanity of Broward for Low-income Persons is Consistent with Local Plans and Regulations - (Commission Districts 1, 2, 3, and 4)

**REMOVED FROM AGENDA**

- R-6**      [23-0561](#)      Resolution Declaring Notice of Intent to Lease City-Owned Property Located at 601 Seabreeze Boulevard, Fort Lauderdale, Florida 33316, Pursuant to Section 8.13 of the City Charter, to Marine Industries Association of South Florida, Inc. - (Commission District 2)

Commissioner Glassman introduced this Resolution which was read by title only.

**ADOPTED**

**Yea:** 5 - Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst, Commissioner Glassman and Mayor Trantalis

**R-7      [23-0574](#)**

Resolution of the City of Fort Lauderdale Designating the City Manager as the Certifying Officer for Environmental Reviews pursuant to 24 CFR Part 58 to comply with the National Environmental Policy Act of 1969, as Amended (NEPA) and Delegating Authority to the City Manager to Consent to and Execute Certain Agreements and Documents related to Federal and State Grant Programs including, but not limited to, HUD Certifications, Funding Agreements, Participation Agreements, Satisfaction of Mortgages, and any Amendments thereto - (Commission Districts 1, 2, 3 and 4)

Commissioner Glassman introduced this Resolution which was read by title only.

**ADOPTED**

**Yea:** 5 - Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst, Commissioner Glassman and Mayor Trantalis

**R-8      [23-0592](#)**

Resolution Establishing a Homeless Advisory Committee - (Commission Districts 1, 2, 3 and 4)

In response to Commissioner Glassman's question regarding the timeline for Commission appointments, Mayor Trantalis confirmed Commission Member nominees for appointment should be submitted to the Office of the City Clerk for adoption at the July 5, 2023, Commission Regular Meeting.

Vice Mayor Beasley-Pittman introduced this Resolution which was read by title only.

**ADOPTED**

**Yea:** 5 - Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst, Commissioner Glassman and Mayor Trantalis

**R-9      [23-0274](#)**

Resolution Approving and Delegating Authority to the Chief Procurement Officer to Execute an Agreement for the Lease Purchase of Life Pak - Stryker Sales, LLC - \$2,042,742.68 - (Commission Districts 1, 2, 3 and 4)

In response to Commissioner Sturman's question, City Manager Chavarria confirmed the equipment has been received and the payment

is being processed.

Vice Mayor Beasley-Pittman introduced this Resolution which was read by title only.

**ADOPTED**

**Yea:** 5 - Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst, Commissioner Glassman and Mayor Trantalis

**R-10**     [23-0546](#)

Quasi-Judicial De Novo Hearing - Consideration of a Resolution for a Certificate of Appropriateness for Demolition - Case No. UDP-HP23016 - 301 SW 14th Way - (Commission District 2)

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Interim City Attorney D'Wayne Spence explained the applicant requested that this de novo hearing be deferred.

Mayor Trantalis recognized Jeremy Shir, Esq., Shutts and Bowen, LLP, 201 E. Las Olas Boulevard. Mr. Shir confirmed the applicant requested deferral of this Agenda. He remarked on the applicant's ongoing efforts to work with Staff to find a compromise solution to retain the structure on this property located in Sailboat Bend. Commissioner Glassman recommended deferral to the September 19, 2023, Commission Regular Meeting. Further comment and discussion ensued.

Commissioner Herbst remarked on the opportunity to relocate the structure to the park two (2) blocks away, similar to other historic residences, including the Shippey House, Annie Beck House, and the Eula Johnson House. Relocating the structure would allow access to residents, providing a visual experience and an educational opportunity.

Commissioner Glassman noted that Commissioner Herbst's recommendation would have to be presented to and vetted by the Sailboat Bend Civic Association. He explained that the Sailboat Bend Civic Association has a committee that interacts with the Parks and Recreation Department for items related to the park. Commissioner Herbst concurred and noted the numerous entities that would provide input.

Commissioner Glassman made a motion to defer this Agenda item to the September 19, 2023, Commission Regular Meeting and was seconded by Commissioner Herbst.

**DEFERRED to September 19, 2023**



**Yea:** 5 - Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst, Commissioner Glassman and Mayor Trantalis

## **PUBLIC HEARINGS**

**PH-1**    [23-0447](#)

Public Hearing and Motion Approving the Fiscal Year 2023-2024 Housing and Community Development Annual Action Plan - (Commission Districts 1, 2, 3 and 4)

Mayor Trantalis opened the public hearing.

There being no one wishing to speak on this item, Commissioner Herbst made a motion to close the public hearing and was seconded by Commissioner Glassman. Roll call showed: AYES: Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst, Commissioner Glassman, and Mayor Trantalis

Vice Mayor Beasley-Pittman made a motion to approve this Agenda item and was seconded by Commissioner Herbst.

**APPROVED**

**Yea:** 5 - Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst, Commissioner Glassman and Mayor Trantalis

**PH-2**    [23-0562](#)

Public Hearing - Ordinance Amending the City of Fort Lauderdale Comprehensive Plan Future Land Use Element to Update the Mixed-Use Land Use Designation and Floor Area Ratio - UDP-L22004 - (Commission District 1)

Mayor Trantalis opened the public hearing.

There being no one wishing to speak on this item, Commissioner Herbst made a motion to close the public hearing and was seconded by Vice Mayor Beasley-Pittman. Roll call showed: AYES: Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst, Commissioner Glassman, and Mayor Trantalis

Commissioner Glassman introduced this Ordinance for the Second Reading which was read by title only.

**ADOPTED ON SECOND READING**

**Yea:** 5 - Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst, Commissioner Glassman and Mayor Trantalis

**PH-3**    [23-0563](#)

Public Hearing - Ordinance Amending City of Fort Lauderdale Comprehensive Plan Future Land Use Map Designation from Medium-High Residential (25) to Mixed Use for 200 and 400



**Corporate Drive - UDP- L22003 - (Commission District 1)**

Each Commission Member disclosed verbal communications, written communications, site visits, and expert opinions received.

In response to Commissioner Glassman's question regarding the need for Commission Members to provide disclosures for Agenda item PH-2, Interim City Attorney Spence explained disclosures were not needed because Agenda item PH-2 was a text amendment that added a new Mixed-Use District. Agenda item PH-3 differs because it changes the land use designation of a particular property in the new Mixed-Use District.

Mayor Trantalis opened the public hearing.

There being no one wishing to speak on this item, Commissioner Herbst made a motion to close the public hearing, and was seconded by Commissioner Glassman. Roll call showed: AYES: Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst, Commissioner Glassman, and Mayor Trantalis

Commissioner Glassman introduced this Ordinance for the Second Reading which was read by title only.

**ADOPTED ON SECOND READING**

Yea: 5 - Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst, Commissioner Glassman and Mayor Trantalis

**ORDINANCE SECOND READING****OSR-1 [23-0607](#)**

Second Reading - Quasi-Judicial Ordinance Approving a Rezoning from South Beach Marina and Hotel Area District (SBMHA) to Planned Development District (PDD) with an Associated PDD Site Plan Located at 801 Seabreeze Boulevard - Rahn Bahia Mar, LLC. - Bahia Mar - Case No. UDP-PDD22004 - (Commission District 2)

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Each Commission Member disclosed verbal communications, written communications, site visits, and expert opinions received.

In response to Commissioner Herbst's question, Interim City Attorney Spence explained that disclosures identifying individuals with whom you have had previous discussions relative to this Agenda item are adequate

and carry forward.

Mayor Trantalis opened the public hearing.

Mayor Trantalis recognized Michael Monroe, 3991 NW 82nd Avenue, Pembroke Pines. Mr. Monroe spoke in support of this Agenda item.

Mayor Trantalis recognized Lisa Namour, 801 Seabreeze Boulevard. Ms. Namour spoke in support of this Agenda item.

There being no one else wishing to speak on this item, Commissioner Herbst made a motion to close the public hearing, and was seconded by Commissioner Glassman. Roll call showed: AYES: Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst, Commissioner Glassman, and Mayor Trantalis

Commissioner Sturman remarked on his support of site changes, combining the park area into 1.8 acres, increases to the size of sidewalks and parking, and accommodating the needs of the Boat Show.

In response to Commissioner Sturman's questions regarding the square footage of retail space, Robert Lochrie Esq., on behalf of the applicant, confirmed the commercial square footage currently approved on the site is one hundred fifty-two thousand square feet comprised of retail space and restaurant space. With this Agenda item's Planned Development District (PDD) rezoning, the maximum allowed square footage would be eighty-eight thousand square feet. The number of residential units allowed with PDD zoning is reduced from six hundred fifty-one (651) residential units to three hundred fifty (350) residential units. The overall floor area allowed anywhere on the property will be reduced from five point zero (5.0) to one point two-seven (1.27).

Commissioner Sturman commented on concerns regarding the park areas on the property and controlling noise with setting specified hours. Mr. Lochrie noted exceptions, including the Boat Show and the applicant's two (2) events allowed per month included in the development agreement. Any additional events requested by the applicant would require the applicant to submit a special event permit for approval by the Commission that regulates hours, noise, etc. Existing Ordinances would restrict certain aspects of the two (2) events per month on the site that the applicant is entitled to under the development agreement. Further comment and discussion ensued.

Commissioner Sturman discussed his concerns regarding public access

to the park, including parking along the north and south sides of the promenade. Mr. Lochrie explained details of the parking study. He confirmed that the three hundred thirty-three (333) surface parking spaces around the promenade will be available to the public. Mr. Lochrie confirmed the applicant would control the parking and parking rates. Further comment and discussion ensued.

In response to Commissioner Glassman's question regarding the number of municipal parking spaces in the South Beach Parking Lot adjacent to the site, Ben Rogers, Transportation and Mobility Department Director, confirmed there are approximately five hundred-fifty (550) to six hundred (600) parking spaces. Further comment and discussion ensued.

In response to Mayor Trantalis' questions regarding the timetable for construction, Mr. Lochrie explained should this Agenda item be approved, the anticipated timeline for commencement of construction would be within two (2) years plus an additional two (2) years for construction. The public improvements on and around the entire site, including the promenade and the public park, have to be completed prior to a Certificate of Occupancy (CO) for Phase Two.

In response to Commissioner Glassman's question, Interim City Attorney Spence confirmed that he would be working with the applicant's counsel to include the declaration in the lease associated with the park space on the west side of the site.

Commissioner Sturman confirmed his opposition to the approval of this Agenda item due to public access and the allowable building height of three hundred feet.

Commissioner Glassman introduced this Ordinance for the Second Reading which was read by title only.

**ADOPTED ON SECOND READING**

**Yea:** 4 - Vice Mayor Beasley-Pittman, Commissioner Herbst, Commissioner Glassman and Mayor Trantalis

**Nay:** 1 - Commissioner Sturman

**PUBLIC HEARINGS CONTINUED**

**PH-4**    [23-0619](#)

Public Hearing - Resolution Approving a Development Agreement with Rahn Bahia Mar, LLC. for the Bahia Mar Planned Development District, Located at 801 Seabreeze Boulevard - (Commission District 2)



Mayor Trantalis opened the public hearing.

Mayor Trantalis recognized Landon McNeill, 2409 NE 26th Avenue. Mr. McNeill spoke in support of this Agenda item.

Mayor Trantalis recognized Musa Yenni, 500 NE 3rd Avenue. Mr. Yenni spoke in support of this Agenda item. Further comment and discussion ensued.

There being no one else wishing to speak on this item, Commissioner Herbst made a motion to close the public hearing and was seconded by Commissioner Glassman. Roll call showed: AYES: Vice Mayor Beasley-Pittman, Commissioner Sturman, Commissioner Herbst, Commissioner Glassman, and Mayor Trantalis

Interim City Attorney Spence said that Staff sent a revised agreement earlier today via email that included paragraph 14. He confirmed this Agenda item should be introduced as amended.

Commissioner Glassman introduced this Resolution as amended which was read by title only.

**ADOPTED AS AMENDED**

**Yea:** 4 - Vice Mayor Beasley-Pittman, Commissioner Herbst, Commissioner Glassman and Mayor Trantalis

**Nay:** 1 - Commissioner Sturman

**ORDINANCE FIRST READING**

**OFR-1 [23-0288](#)**

First Reading - Ordinance to Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-27.7 to Include an Option to Designate Thematic Historic Districts and to Amend Existing Historic Preservation Criteria and Procedures - Case No. UDP-T22007 - (Commission Districts 1, 2, 3 and 4)

Mayor Trantalis recognized Courtney Crush, Esq., 888 East Las Olas Boulevard. Ms. Crush discussed concerns regarding the wording of this item and remarked on her comments at the Planning and Zoning Board Meeting. She urged the Commission to consider requesting the Historic Preservation Board to develop less broad terms for establishing thematic districts.

Trisha Logan, Development Services Department Historic Preservation Planner, discussed aspects of this Agenda item, allowing the opportunity to apply for a thematic historic district in a non-contiguous way. She



expounded on her viewpoint and said that a thematic district would need to qualify under one (1) of the criteria listed in the Code, and the architectural integrity would need to be evaluated.

In response to Commissioner Glassman's question, Ms. Logan said that several municipalities include thematic districts within its ordinances, cited examples, and expounded on related details. Further comment and discussion ensued regarding the establishment of thematic districts in other South Florida municipalities. Ms. Logan noted reasons for designating a thematic district versus a traditional historic district and discussed examples and instances, including common themes representing a part of history.

Commissioner Glassman remarked on his viewpoint and noted the rigorous process and amount of work involved in establishing a historic district. Ms. Logan concurred and commented on related details. Further comment and discussion ensued. Commissioner Glassman confirmed his support for this proposed ordinance.

Commissioner Sturman remarked on existing structures and landmarks individually designated as historic providing protections and safeguards, and questioned the need for thematic historic districts. Ms. Logan commented that there may be more appropriate options and explained the ability to provide multiple options for historic designation of sites. This proposed ordinance would provide an additional opportunity with a thematic district.

In response to Commissioner Herbst's question, Ms. Logan confirmed the existing avenues for historic designation, and this proposed ordinance would add an additional avenue. Ms. Logan said the Historic Preservation Board recommended unanimous approval. By unanimous vote, the Planning and Zoning Board recommended denying this proposed ordinance.

Commissioner Herbst remarked on his concerns regarding thematic districts and cited the example of breeze blocks. Further comment and discussion ensued. Commissioner Herbst confirmed he would support the position of the Planning and Zoning Board and oppose this Agenda item.

In response to Vice Mayor Beasley-Pittman's question, Ms. Logan noted that there is usually more than one (1) component for defining a property for historical preservation. Vice Mayor Beasley-Pittman noted the complicated nature of the process.

Commissioner Glassman introduced this ordinance for the First Reading which was read by title only.

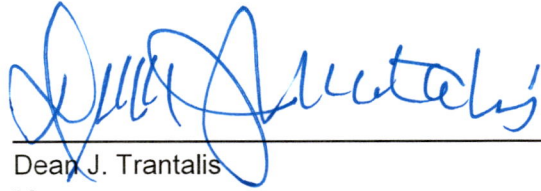
**PASSED FIRST READING**

**Yea:** 3 - Vice Mayor Beasley-Pittman, Commissioner Glassman and Mayor Trantalis

**Nay:** 2 - Commissioner Sturman and Commissioner Herbst

**ADJOURNMENT**

Mayor Trantalis adjourned the meeting at 8:59 p.m.



Dean J. Trantalis  
Mayor

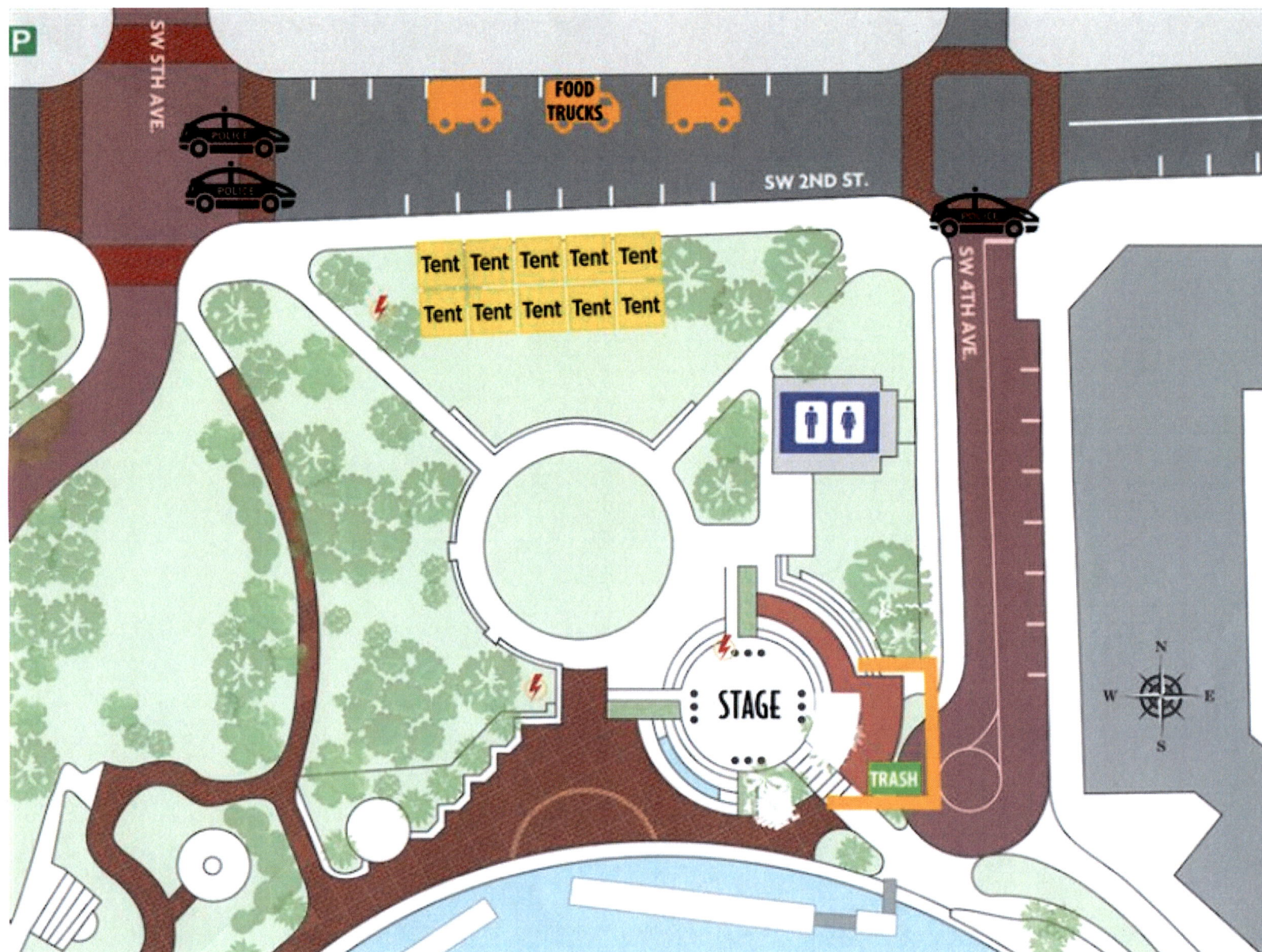
ATTEST:



David R. Soloman  
City Clerk



M-1 Revised  
Ex. 1a



**STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
RAILROAD REIMBURSEMENT AGREEMENT  
GRADE CROSSING AND CROSSING TRAFFIC CONTROL DEVICES  
SOUTH FLORIDA RAIL CORRIDOR ONLY  
CITY ROADS RR CROSSINGS ONLY**

Financial Project I.D.	Road Name or Number	City Name	Parcel & R/W Number	FAP Number
	Sistrunk Blvd	Ft. Lauderdale		

**THIS AGREEMENT**, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by and between the **STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION**, hereinafter called the **DEPARTMENT**; the **CITY OF FORT LAUDERDALE**, a municipal corporation existing under the laws of the State of Florida, acting by and through its City Commission, hereinafter called the **CITY**; and the **SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY**, a body politic and corporate and an agency of the State of Florida created pursuant to Chapter 343, Florida Statutes, hereinafter called **SFRTA**.

WITNESSETH:

**WHEREAS**, the **DEPARTMENT** and CSX Transportation, Inc., ("**CSXT**") entered into a contract for Installment Sale and Purchase, for the South Florida Rail Corridor ("SFRC") dated May 11, 1988, at which time the **DEPARTMENT** became the owner of said property and **CSXT** retained an exclusive perpetual easement for Rail Freight Operations within the SFRC upon which railroad freight, intercity passenger and commuter rail services are currently being conducted, and

**WHEREAS**, the **DEPARTMENT** and **CSXT** entered into an Operating and Management Agreement Phase A (OMAPA) pertaining to the line of railroad between West Palm Beach and Miami, Florida and related properties on May 11, 1988 (the "Phase A Agreement"), pursuant to which **CSXT** managed and maintained the SFRC property on behalf of the **DEPARTMENT** until March 28, 2015, and

**WHEREAS**, the **DEPARTMENT** and **CSXT** entered into an Amended South Florida Operating and Management Agreement (SFOMA) on January 25, 2013, as may be further amended, which provides for termination of OMAPA and transition of management, operation, and maintenance of the SFRC from **CSXT** to the **DEPARTMENT** upon the date determined pursuant to subsection 1(c) of SFOMA (the "SFOMA Commencement Date" was March 29, 2015), and

**WHEREAS**, the **DEPARTMENT** and **SFRTA** entered into the SFRC Operating Agreement ("Operating Agreement") on June 13, 2013, by which **SFRTA** on behalf of the **DEPARTMENT**, has been managing, operating, maintaining, and dispatching, railroad operations on the SFRC as of the SFOMA Commencement



Date, and also maintains and repairs the rights-of-way, layover facilities and yards, state-owned buildings and facilities, tracks, bridges, communications, signals, and all appurtenances on the SFRC, and

**WHEREAS**, **SFRTA** is constructing, reconstructing, or otherwise changing a portion of the Public Road System, which crosses at grade the right-of-way and track(s) of the SFRC at milepost SX 1011.63, FDOT/Association of American Railroads (AAR) Crossing Number 628194W at or near the City of Ft. Lauderdale, Florida and within the **CITY'S** right-of-way, as shown on the Project Location Sheet, attached hereto and made a part hereof, and

**WHEREAS**, the **CITY** is not a party to any of the aforementioned agreements and now agrees to enter into this Railroad Reimbursement Agreement ("Agreement") with the **DEPARTMENT** and **SFRTA**,

NOW, THEREFORE, in consideration of the mutual undertakings as set forth herein, the parties hereto agree as follows:

1. **SFRTA** shall perform work based on the categories selected below, within the **CITY'S** right-of-way along the SFRC, over its tracks at the above-referenced location, herein referred to as the ("Project").

(a) ☒ Surface Work

If crossing surface work is required for the Project, **SFRTA**, shall provide, furnish or have furnished, all necessary material required for, and will construct at **CITY'S** sole cost and expense a Standard Railroad Crossing Type C - Concrete in accordance with the **DEPARTMENT'S** Standard Plans for Road and Bridge Construction Index No. 830-T01 attached hereto and by this reference made a part hereof, and in accordance with all other Federal Railroad Administration (FRA) and American Railway Engineering and Maintenance of Way Association (AREMA) standards and guidelines. The initial construction cost and the cost of any reconstruction or rehabilitation thereafter shall be paid by the **CITY**. In accordance with the Operating Agreement and the SFOMA Agreement, upon completion of the crossing, **SFRTA** shall be responsible for the following:

1. Single Track crossing: routine maintenance of all trackbed and rail components plus the highway roadbed and surface for the width of the rail ties within the crossing area.
2. Multiple-track crossing: routine maintenance of all trackbed and rail components plus the highway roadbed and surface for the width of the rail ties within the crossing area and between tracks.

Routine maintenance includes but is not limited to regular track inspections and any repairs to the concrete panels or asphalt within the area described as **SFRTA'S** responsibility. The **CITY** shall be responsible for the maintenance of the highway roadbed and surface outside the railway ties that are within the **CITY'S** right-of-way. IT BEING EXPRESSLY UNDERSTOOD AND AGREED that if the **CITY** does not properly maintain the highway roadbed and surface outside the railroad ties, then **SFRTA** may, at its option and upon notification to the **CITY**, perform such maintenance work and bill the **CITY** directly for costs thus incurred. All costs required for any subsequent reconstruction or rehabilitation of the crossing within the **CITY'S** right-of-way, as may be requested by any of the parties to this Agreement, shall be the sole financial responsibility of the **CITY**. This provision shall be governed and reimbursed in accordance with the paragraphs as specified below.

(b) ☐ Signal Work (Non-US Code Title 23, Section 130)

If Railroad Grade Crossing Traffic Control Devices work is required for the Project, **SFRTA**, shall provide, furnish, or have furnished, all necessary material required for, and will install at the **CITY'S** expense, automatic railroad grade crossing traffic control devices at said location in accordance with the **DEPARTMENT'S** Standard Plans for Road and Bridge Construction Index No. 509-070 and/or 509-100 attached hereto, the Operating Agreement, and the SFOMA Agreement. This provision shall be governed and reimbursed in accordance with the paragraphs as specified below.

(c) ☐ Signal Work (US Code Title 23, Section 130)

If traffic control devices are being installed/upgraded under the Signal Safety Program (US Code Title 23, Section 130), then the **DEPARTMENT** will reimburse **SFRTA** for 100% of the costs of installation/upgrades pursuant to the **DEPARTMENTS** Standard Plans for Road and Bridge Construction Index No. 509-070 and/or 509-100 attached hereto, the Operating Agreement, and the SFOMA Agreement. This provision shall be governed and reimbursed in accordance with the paragraphs as specified below.

**These paragraphs are applicable to work specified in paragraph 1(a) and/or 1(b):**

2. If the Project is for surface work or signal work (Non-US Code Title 23, Section 130) as identified in paragraph 1(a) or 1(b) above; all labor, services, materials, and equipment furnished by **SFRTA** in carrying out work to be performed, shall be billed by **SFRTA** directly to the **CITY**.
3. The **CITY** will reimburse **SFRTA** for the cost of watchmen or flagging service in the carrying out of work within or adjacent to the **SFRC**, or work requiring movement of equipment, employees, or trucks across the **SFRC** within the **CITY'S** right-of-way, or when at times **SFRTA** and/or the **DEPARTMENT** agree that such a service is necessary.
4. The **CITY** hereby agrees to reimburse **SFRTA**, as detailed in this Agreement, for all costs incurred by it in the installation and/or adjustment of said facilities within the **CITY'S** right-of-way, in accordance with the provisions above. It is understood and agreed by and between the parties hereto that preliminary engineering costs incorporated within this Agreement shall also be subject to payment by the **CITY**.
5. It is understood and agreed that, if the Project, is at **CITY** expense, the **CITY** shall receive fair and adequate credit for any salvage as a result of the above adjustment work; otherwise, the **DEPARTMENT** shall receive the salvage credit.
6. Upon completion of the work, **SFRTA** shall, within one hundred eighty (180) days, furnish the **CITY** with three (3) copies of its final and complete billing of all costs incurred in connection with the work performed hereunder, such statement to follow as closely as possible the order of items contained in the estimate attached hereto. The **CITY** shall reimburse **SFRTA** for its portion of all actual costs attributable to the Project subject to other provisions in this Agreement. The total for labor, overhead, travel expenses, transportation, equipment, material and supplies, handling costs, and other services shall be shown in such a manner as will permit ready comparison with the approved plans and estimates. Material shall be itemized where they represent major components of cost in the relocation following the pattern set out in the approved estimate as closely as possible. Salvage credits from recovered and replaced permanent and recovered temporary materials shall be reported in said bills in relative position with the charge for the replacement or the original charge for temporary use.

The final billing shall show the description and site of the Project; the date on which the first work was performed, or, if preliminary engineering or right-of-way items are involved, the date on which



the earliest item of billed expenses was incurred; the date on which the last work was performed or the last item of billed expenses was incurred; and the location where the records and accounts billed can be audited. Adequate reference shall be made in the billing invoice to **SFRTA'S** records, accounts, and other relevant documents. All cost records and accounts shall be subject to audit by a representative of the **CITY**. Upon receipt of invoices, prepared in accordance with the above reimbursement provisions, the **CITY** agrees to reimburse **SFRTA** in the amount of the actual costs approved by the **CITY'S** auditor.

**These paragraphs are applicable to work specified in paragraph 1(c):**

7. If the Project is for Signal Safety improvements under Title 23, Section 130, as identified in Paragraph 1c, above; then the **DEPARTMENT** agrees to reimburse **SFRTA** for all costs incurred for the installation and/or adjustment of said Project in accordance with the provisions herein.
8. All labor, services, materials, and equipment furnished by **SFRTA** in carrying out work to be performed, shall be billed by **SFRTA** directly to the **DEPARTMENT**. Separate records as to costs of contract bid terms and force account items performed by **SFRTA** shall also be furnished by **SFRTA** to the **DEPARTMENT**.
9. Upon completion of the work, **SFRTA** shall, within one hundred eighty (180) days, furnish the **DEPARTMENT** with three (3) copies of its final and complete billing of all costs incurred in connection with the work performed hereunder, such statement to follow as closely as possible the order of items contained in the estimate attached hereto. The **DEPARTMENT** shall reimburse **SFRTA** for its portion of all actual costs attributable to the Project subject to other provisions in this Agreement. The total for labor, overhead, travel expenses, transportation, equipment, material and supplies, handling costs, and other services shall be shown in such a manner as will permit ready comparison with the approved plans and estimates. Material shall be itemized where they represent major components of cost in the relocation following the pattern set out in the approved estimate as closely as possible.

The final billing shall show the description and site of the Project; the date on which the first work was performed; or, if preliminary engineering or right-of-way items are involved, the date on which the earliest item of billed expenses was incurred; the date on which the last work was performed or the last item of billed expenses was incurred; and the location where the records and accounts billed can be audited. Adequate reference shall be made in the billing to **SFRTA'S** records,

accounts, and other relevant documents. All cost records and accounts shall be subject to audit by a representative of the **DEPARTMENT**. Upon receipt of invoices, prepared in accordance with the above reimbursement provisions, the **DEPARTMENT** agrees to reimburse **SFRTA** in the amount of such actual costs approved by the **DEPARTMENT'S** auditor.

10. In accordance with Section 215.422 Florida Statutes, the following provisions are in this Agreement:

Contractors providing goods and services to the **DEPARTMENT** should be aware of the following time frames. Upon receipt, the **DEPARTMENT** has five (5) working days to inspect and approve the goods and services, unless the Agreement specifies otherwise. The **DEPARTMENT** has twenty (20) working days to deliver a request for payment (voucher) to the Department of Banking and Finance. The twenty (20) days are measured from the latter of the date the invoice is received or the date the goods or services are received, inspected, and approved.

If a payment is not available, within forty (40) days, a separate interest penalty at a rate as established pursuant to Section 215.422 (3)(b), Florida Statutes, will be due and payable in addition to the invoice amount, to the Contractor. Interest penalties of less than one (1) dollar will not be enforced unless the Contractor requests payment. Invoices, which have to be returned to a Contractor because of Contractor preparation errors, will result in a delay in the payment. The invoice payment requirements do not start until a properly completed invoice is provided to the **DEPARTMENT**.

A Vendor Ombudsman has been established within the Department of Bank and Finance. The duties of the individual include acting as an advocate for contractors/vendors who may be experiencing problems in obtaining timely payment(s) from a state agency. The Vendor Ombudsman may be contacted at (850) 413-5516, or by calling the Division of Consumer Services at 1-877-693-5236.

11. Payment shall be made only after receipt and approval of goods and services unless advance payments are authorized by the **DEPARTMENT'S** Comptroller under Section 334.44(29), F.S., or by the Department of Financial Services under Section 215.422(14), F.S.
12. In accordance with Section 287.058 F.S., the following provisions are in this Agreement: If this contract involves units of deliverables, then such units must be received and accepted in writing by the Contract Manager prior to payments. Bills for fees or other compensation for services or expenses shall be submitted in detail sufficient for a proper pre-audit and post-audit thereof.

13. Bills for travel expenses specifically authorized in this Agreement shall be submitted and paid in accordance with **DEPARTMENT** Rule 14-57.011, Florida Administrative Code, and the Federal Highway Administration Federal Aid Policy Guide, 23 C.F.R. Subchapter B, Part 140, Subpart I "Reimbursement for Railroad Work."
14. In the event this contract is for services in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) and a term of more than one year, the provisions of Section 339.135 (6)(a), Florida Statutes are hereby incorporated:

The **DEPARTMENT'S** obligation to pay under this contract is contingent upon an annual appropriation by the Florida Legislature in accordance with Section 287.0582, Florida Statutes.

The **DEPARTMENT**, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The **DEPARTMENT** shall require a statement from the Comptroller of the **DEPARTMENT** that such funds are available prior to the entering into any such contract or other binding commitment of funds.

Nothing herein contained shall prevent the making of contracts for periods, exceeding one year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years, and this paragraph shall be incorporated verbatim in all contracts of the **DEPARTMENT** which are for an amount in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) and which have a term for a period of more than one year.

15. In accordance with Section 287.133 (2)(a), Florida Statutes, the following provisions are included in this Agreement:

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids, proposals, or replies on leases for real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the



threshold amount provided in section 287.017 for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

16. In accordance with Section 287.134(2)(a), Florida Statutes, the following provisions are included in this agreement:

An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity.

**These paragraphs are applicable to any type of work specified (paragraph 1(a), 1(b), or 1(c)):**

17. The cost of maintaining all signals at the crossing shall be allocated as follows; fifty percent (50%) of the expense thereof in maintaining the same shall be borne by the **CITY**, and fifty percent (50%) of the cost shall be borne by **SFRTA**, as enumerated by the Schedule of Annual Cost of Automatic Highway Grade Crossing Traffic Control Devices attached hereto and by this reference made a part hereof and subject to future revision. Actual funding for the signals has been provided for in the Operating Agreement. The **CITY** shall submit 50% of the cost of the Annual Maintenance costs to the **DEPARTMENT**. In instances where signals are installed and/or adjusted pursuant to this Agreement and found to be in satisfactory working order by the parties hereto, the same shall be immediately put in service, operated and maintained by **SFRTA** pursuant to the Operating Agreement and the SFOMA Agreement so long as **SFRTA** or successors or assigns shall operate the said signals at said grade crossing; or until it is agreed between the parties hereto that the signals are no longer necessary; or until the said crossing is abandoned; or legal requirements occur which shall cease operation of those signals. **SFRTA** agrees that any future relocation or adjustment of said signals shall be performed by **SFRTA**, but at the expense of the party initiating such relocation. Upon relocation, the maintenance responsibility shall be in accordance with the provisions of this Agreement. It is further agreed that the cost of maintaining any additional or replacement signal equipment at the same location will be shared as provided above.
18. Unless otherwise agreed upon herein, the **CITY** agrees to ensure that the advance warning signs and railroad crossing pavement markings will conform to the Department of Transportation

Manual on Uniform Traffic Control Devices (MUTCD) within 30 days of notification that the railroad signal improvements have been completed and that such signs and pavement markings will be continually maintained in conformance with the MUTCD as applicable.

19. The **DEPARTMENT**, at its discretion, may arrange for the synchronization of the railroad crossing devices with existing or proposed highway traffic control devices at Sistrunk Blvd. Neither of the parties shall disconnect the interconnection circuit or change or cause to be changed the signal sequence without prior notice to the other parties. Each party shall maintain its respective devices from the point of the junction box as provided for the interconnect cable.
20. All work contemplated at this crossing shall at all times be subject to the approvals, obligations, and notice provisions pursuant to the Operating Agreement and the SFOMA Agreement.
21. All contractors working in the SFRC are required to have Railroad Protective Public Liability and Railroad Protective Property Damage Liability insurance where the **DEPARTMENT**, **SFRTA**, and **CSXT** are named insureds, and with limits not less than **\$2,000,000.00** combined single limit for bodily injury and/or property damage per occurrence and with an annual aggregate limit of no less than **\$6,000,000.00** Contractor will furnish the **DEPARTMENT** and **SFRTA** a Certificate of Insurance showing that the contractor carries liability insurance (applicable to the job in question) in the amounts set forth above. Such insurance is to conform with the requirements of the U.S. Department of Transportation, Federal Highway Administration, Federal Aid Policy Guide, Subchapter G, Part 646, Subpart A, and any supplements thereto or revisions thereof.
22. Each party agrees to be fully responsible for its own acts of negligence, or its employees' acts of negligence when acting within the scope of their employment and agrees to be liable for any damages resulting from said negligence. Nothing herein is intended to nor shall be construed as a waiver of either party's sovereign immunity or of any rights or limits to liability existing under Section 768.28, Florida Statutes.
23. **SFRTA** hereby agrees, as applicable, to install and/or adjust the necessary parts of the SFRC facilities in accordance with the provisions set forth in the:

- ☐ (A) **DEPARTMENT** Procedure 725-080-002 Appendix D.4 and Rule 14-57.011 "Public Railroad-Highway Grade Crossing Costs", Florida Administrative Code,
- ☐ (B) Federal Highway Administration's Federal Aid-Highway Policy Guide, 23 C.F.R. Subchapter B, Part 140, Subpart I; and 23 C.F.R. Subchapter G. Part 646, Subpart B.

1. Utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the parties during the term of the contract and

24. Attached hereto, and by this reference made a part hereof, are plans and specifications of the work to be performed by **SFRTA** pursuant to the terms hereof, and an estimate of the costs thereof in the amount of **\$739,200.00**. All work performed by **SFRTA** pursuant hereto, shall be performed according to these plans and specifications as approved by the **DEPARTMENT**, and the Federal Highway Administration, if federal aid participating; and all subsequent plan changes shall likewise be approved by the **DEPARTMENT** and the Federal Highway Administration, when applicable.
25. The **DEPARTMENT** has determined that the method to be used by **SFRTA** in developing future relocation or installation cost shall be actual and related indirect costs accumulated in accordance with a work order accounting procedure prescribed by the applicable Federal or State regulatory body.
26. The **DEPARTMENT** reserves the right to unilaterally cancel this agreement for refusal by the **CITY** or **SFRTA** for refusal to allow public access to all documents, or other material subject to the provisions of Chapter 119, Florida Statutes.
27. Should the use of said crossing be abandoned due to removal of the roadway then all rights hereby granted to the **CITY** shall thereupon cease and terminate and the **CITY** will, at its sole cost and in a manner satisfactory to **SFRTA** and the **DEPARTMENT**, remove said crossing and restore the **SFRC** property to the condition previously found, provided that **SFRTA** may, at its option, remove the said crossing and restore its property, and the **CITY** will, in such event, upon bill rendered, pay to **SFRTA** the entire cost incurred by it in such removal and restoration.
28. Upon execution, this Agreement shall supersede all provisions, relating to said crossing contained in any previous agreements and shall become the permanent agreement of record. **This Agreement shall not change, modify, or limit the responsibilities and obligations of SFRTA and the Department for negligent acts as stated in the Operating Agreement, or other prior agreements between SFRTA and the Department.**
29. **SFRTA** shall:
  1. Utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the parties during the term of the contract and



2. Expressly require any subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.
30. **SFRTA** or its contractor shall use steel and iron manufactured in the United States, in accordance with the Buy America provisions of 23 CFR 635.410, as amended. Ensure that all manufacturing processes for this material occur in the United States. As used in this paragraph, a manufacturing process is any process that modifies the chemical content, physical shape or size, or final finish of a product, beginning with the initial melting and continuing through the final shaping and coating. If a steel or iron product is taken outside the United States for any manufacturing process, it becomes foreign source material. When using steel or iron materials as a component of any manufactured product (e.g., concrete pipe, prestressed beams, corrugated steel pipe, etc.), these same provisions apply. Foreign steel and iron may be used when the total actual cost of such foreign materials does not exceed 0.1% of the total Contract amount or \$2,500, whichever is greater. These requirements are applicable to all steel and iron materials incorporated into the finished work but are not applicable to steel and iron items that **SFRTA** uses but does not incorporate into the finished work. Submit a certification from the manufacturer of steel or iron, or any product containing steel or iron, stating that all steel or iron furnished or incorporated into the furnished product was produced and manufactured in the United States or a statement that the product was produced within the United States except for minimal quantities of foreign steel and iron valued at \$ (actual cost). Submit each such certification to **SFRTA** and the **DEPARTMENT** prior to incorporating the material or product into the Project. Prior to the use of foreign steel or iron materials on a Project, submit invoices to document the actual cost of such material; and **SFRTA** must grant written approval prior to incorporating the material into the Project; and
31. **SFRTA** shall Comply with all the requirements imposed by Title VI of the Civil Rights Act of 1964, the regulations of the U.S. Department of Transportation issued thereunder, and the assurance by **SFRTA** pursuant thereto. **SFRTA** shall include the attached Title VI / Nondiscrimination Assurance in all contracts with consultants and contractors performing work on the Project that ensure compliance with Title VI of the Civil Rights Act of 1964, 49 C.F.R. Part 21, and related statutes and regulations.

32. It is understood and agreed by the parties to this Agreement that if any part, term, or provision of this Agreement is held illegal by the courts or in conflict with any law of the State of Florida, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term, or provision held to be invalid.
33. Any questions or matters arising under this Agreement as to validity, construction, enforcement, performance, or otherwise, shall be determined in accordance with the laws of the State of Florida. Venue for any action arising out of or in any way related to this Agreement shall lie exclusively in a state court of appropriate jurisdiction.
34. The parties agree to bear their own attorney's fees and costs with respect to this Agreement.
35. The parties agree that this Agreement is binding on the parties and their assigns and successors in interest as evidenced by their signatures and lawful executions below.
36. A modification or waiver of any of the provisions of this Agreement shall be effective only if made in writing and executed with the same formality as this Agreement.
37. If the Operating Agreement between the **DEPARTMENT** and **SFRTA** ceases to exist, the responsibilities of **SFRTA** may be assigned to a party operating the railroad.

**[Remainder of page left intentionally blank.]**

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective and duly authorized officers the day and year first written above.

**SFRTA**

South Florida Regional Transportation Authority, a politic and corporate and an agency of the State of Florida.

By: \_\_\_\_\_  
SFRTA Executive Director

Approved as to form and legal sufficiency

By: \_\_\_\_\_  
SFRTA General Counsel

**DEPARTMENT**

State of Florida, Department of Transportation, an Agency of the State of Florida

By: \_\_\_\_\_  
Director of Transportation Development

Legal Review/Approved as to form:

By: \_\_\_\_\_  
Francine Steelman, D-4 Assistant General Counsel

**CITY OF FORT LAUDERDALE**, a municipality of the State of Florida

By: \_\_\_\_\_  
Dean Trantalis, Mayor  
\_\_\_\_\_ day of \_\_\_\_\_, 2023

By: \_\_\_\_\_  
Greg Chavarria, City Manager  
\_\_\_\_\_ day of \_\_\_\_\_, 2023

Legal Review/Approved as to form:

D'Wayne M. Spence, Interim City Attorney

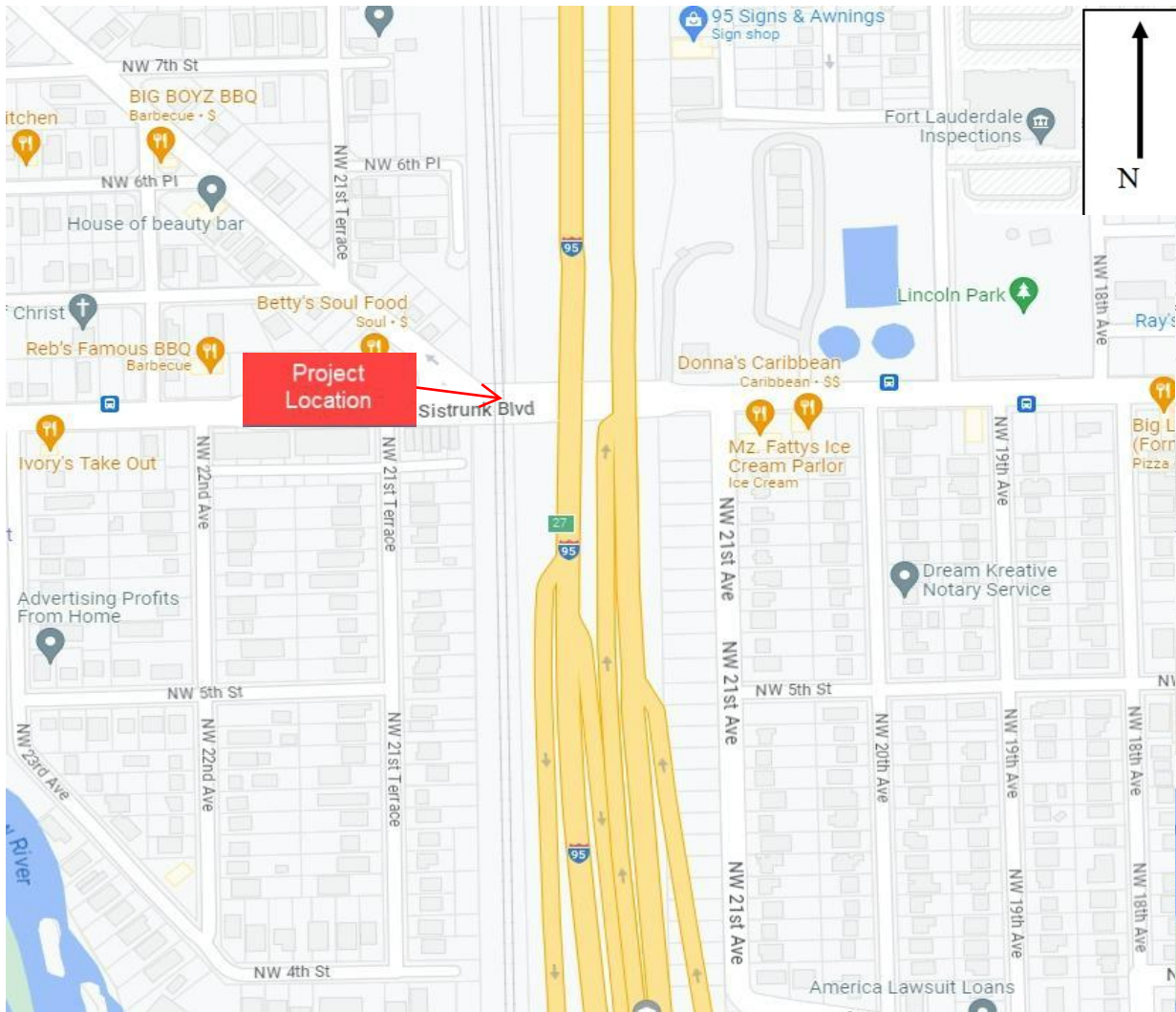
By: \_\_\_\_\_  
Kimberly Cunningham Mosley, Assistant City Attorney

ATTEST:

BY: \_\_\_\_\_  
David R. Soloman, City Clerk



**PROJECT LOCATION SHEET  
(COMPOSITE PGS 1 OF 2)**

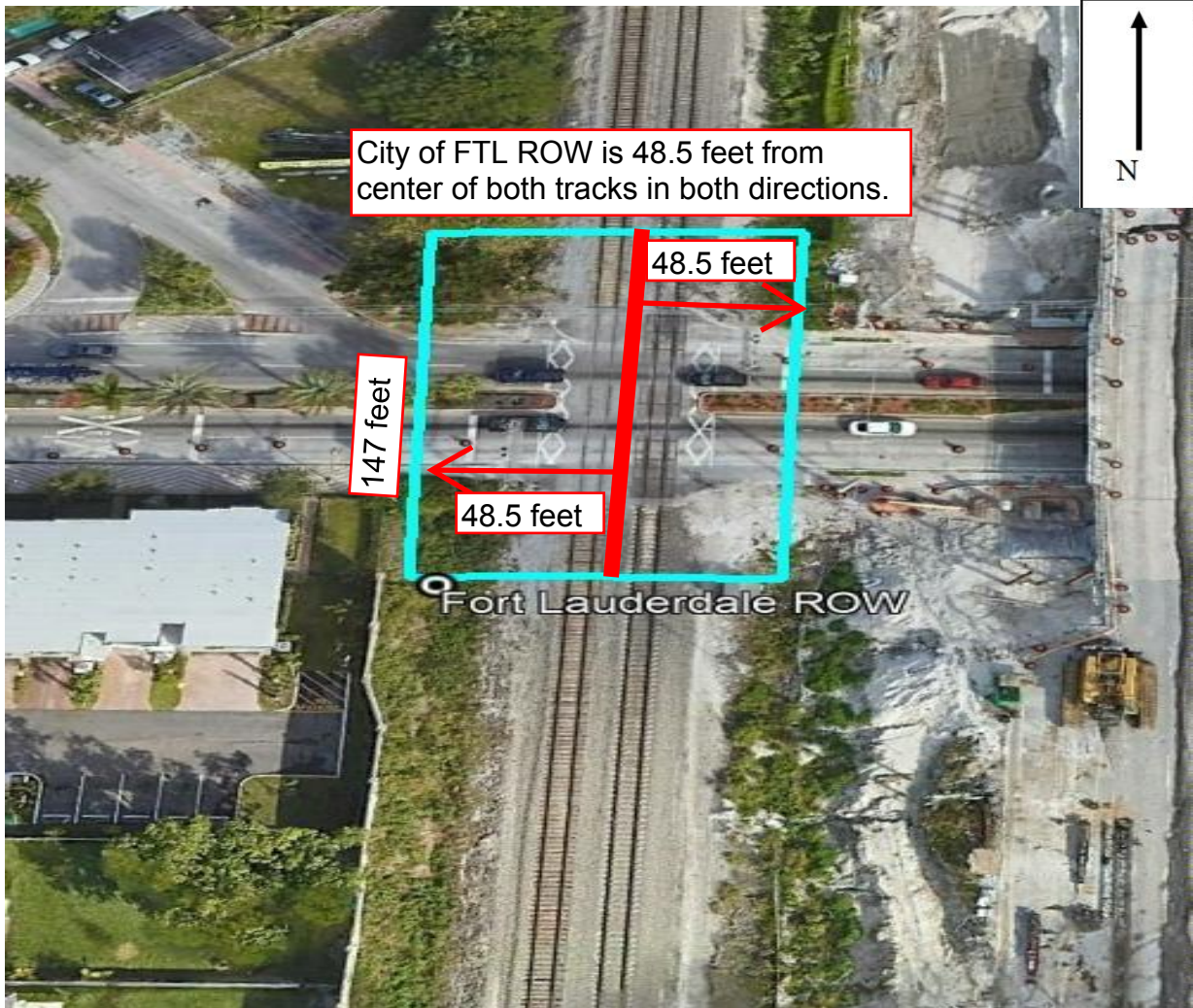


**LOCATION MAP**

**SFRTA**

LOCATION:	Sistrunk Boulevard
COUNTY:	Broward
FINANCIAL PROJECT NO.:	N/A
CROSSING NO.:	628194W
RAILROAD MILEPOST:	SX 1011.63

**PROJECT LOCATION SHEET  
(COMPOSITE PGS 2 OF 2)**



**LOCATION MAP**

**City of Fort Lauderdale right-of-way**

LOCATION:	Sistrunk Boulevard
COUNTY:	Broward
FINANCIAL PROJECT NO.:	N/A
CROSSING NO.:	628194W
RAILROAD MILEPOST:	SX 1011.63

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CROSSING SURFACES	
Type	Definition
C	Concrete
R	Rubber
RA	Rubber/Asphalt
TA	Timber/Asphalt

STOP ZONE FOR RUBBER CROSSING	
Design Speed (mph)	Zone Length (Distance From Stop)
45 Or Less	250'
50 - 55	350'
60 - 65	500'
70	600'

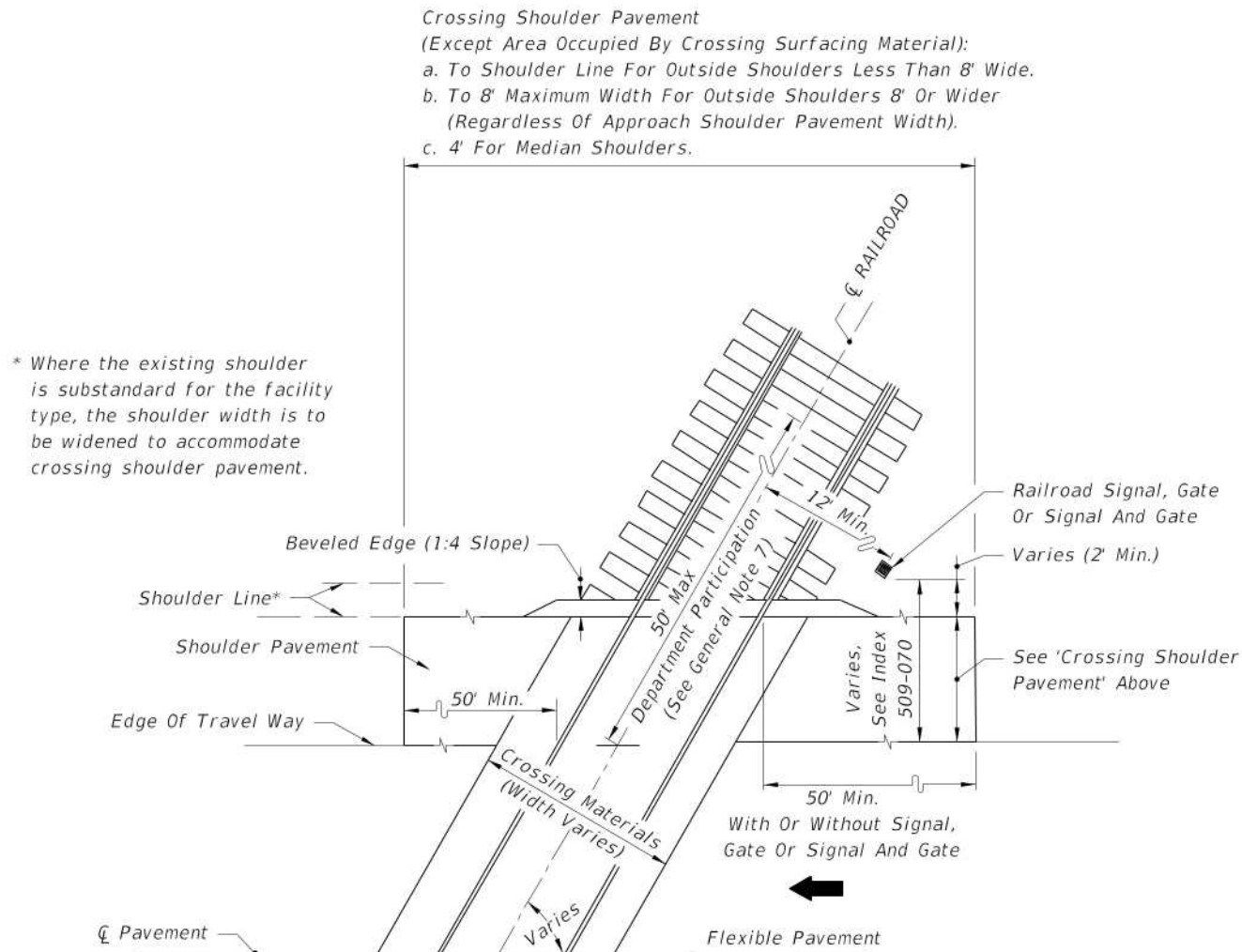
Notes:

1. Type R Crossings are NOT to be used for multiple track crossings within zones for an existing or scheduled future vehicular stop. Zone lengths are charted above.
2. Single track Type R Crossings within the zones on the chart may be used unless engineering or safety considerations dictate otherwise.

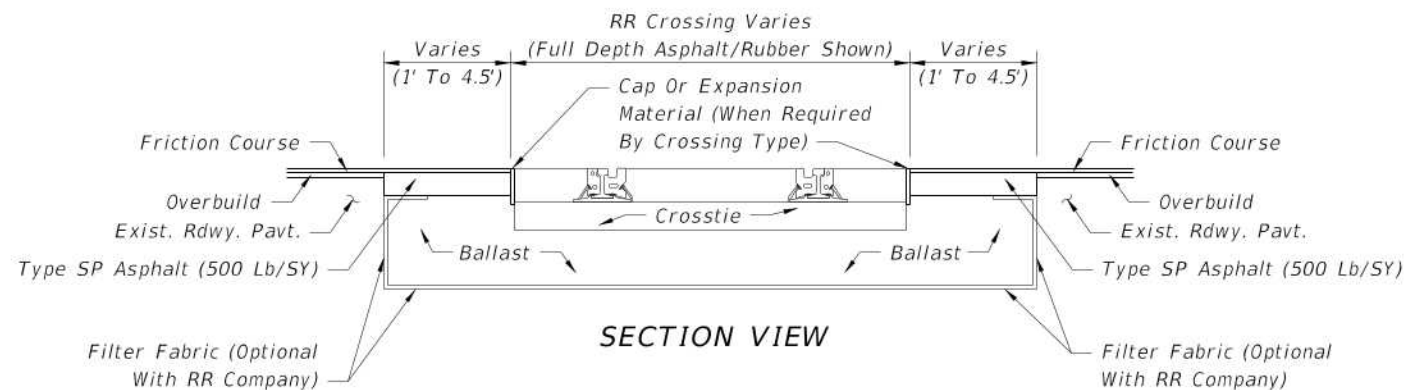
GENERAL NOTES:

1. The Railroad Company will furnish and install all track bed (ballast), crossties, rails, crossing surface panels and accessory components. All pavement material, including that through the crossing, will be furnished and installed by the Department or its Contractor, unless negotiated otherwise.
2. When a railroad grade crossing is located within the limits of a highway construction project, a transition pavement will be maintained at the approaches of the crossing to reduce vehicular impacts to the crossing. The transition pavement will be maintained as appropriate to protect the crossing from low clearance vehicles and vehicular impacts until the construction project is completed and the final highway surface is constructed.
3. The Central Rail Office will maintain a list of currently used Railroad Crossing Products and will periodically distribute the current list to the District Offices as the list is updated.
4. The Railroad Company shall submit engineering drawings for the proposed crossing surface type to the Construction Project Engineer and/or the District Rail Office for concurrence along with the List of Railroad Crossing Products. The approved engineering drawings of the crossing surface type shall be made a part of the installation agreement.
5. Sidewalks shall be constructed through the crossing between approach sidewalks of the crossing. Sidewalks shall be constructed with appropriate material to allow unobstructed travel through the crossing in accordance with ADA requirements.
6. Install pavement in accordance with the Specifications.
7. The Department will participate in crossing work, that requires adjustments to rail outside of the crossing, no more than 50 feet from the edge of the travel way.

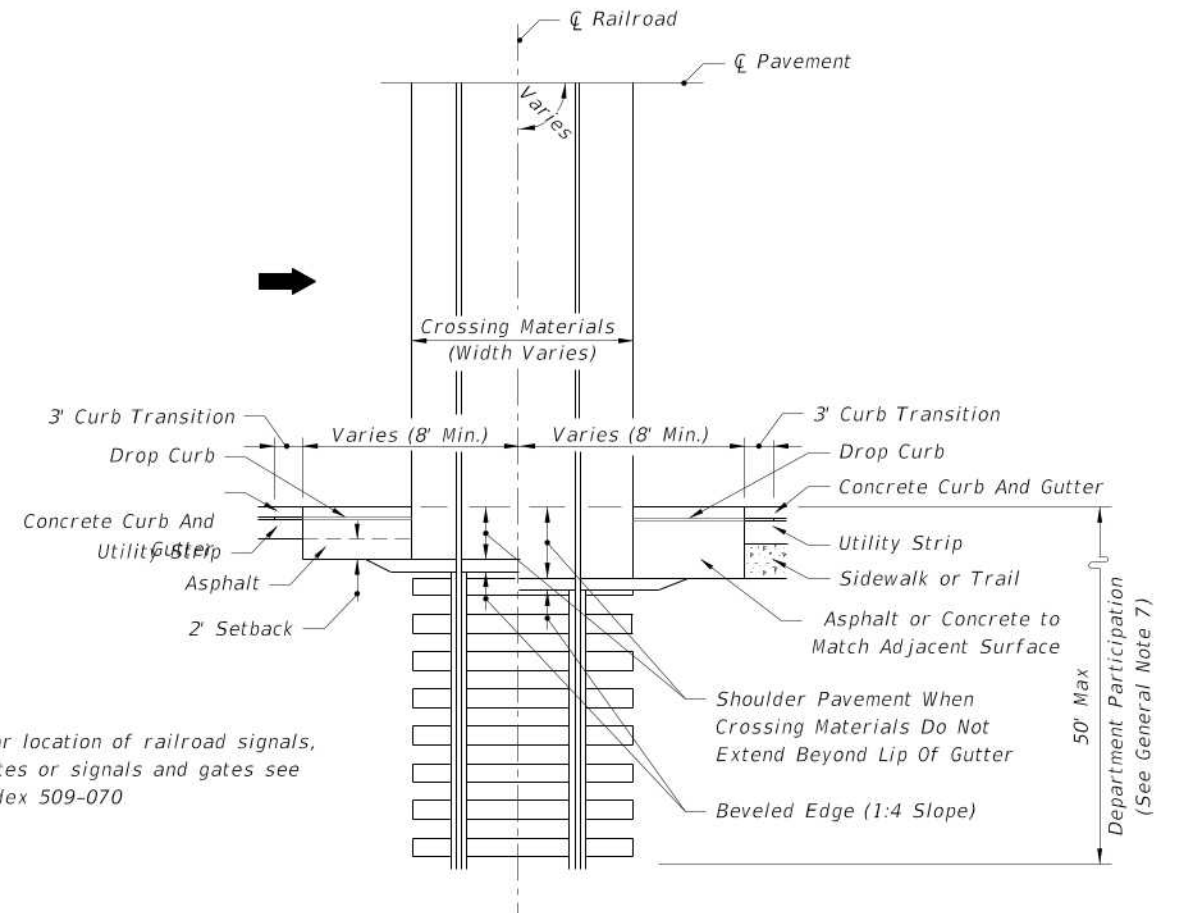




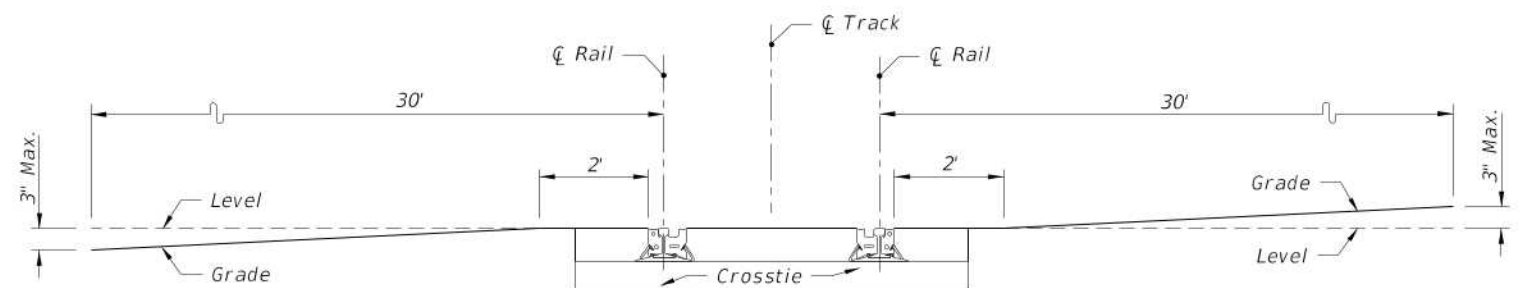
HALF PLAN  
ROADWAYS WITH FLUSH SHOULDERS



TYPICAL CROSSING MATERIAL REPLACEMENT AT RR CROSSINGS

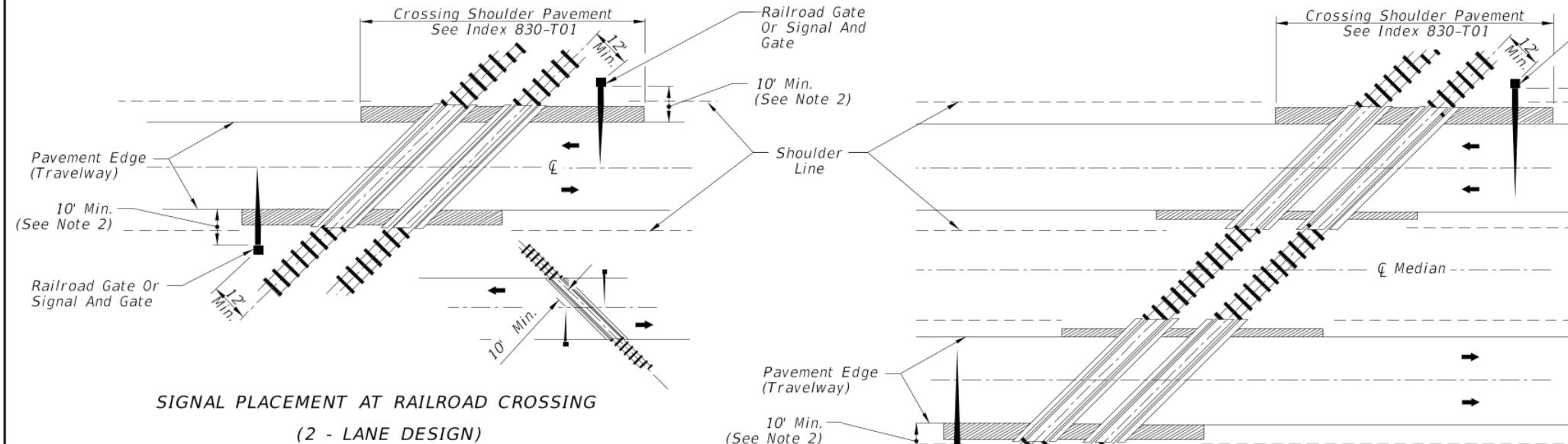


HALF PLAN  
CURBED ROADWAYS



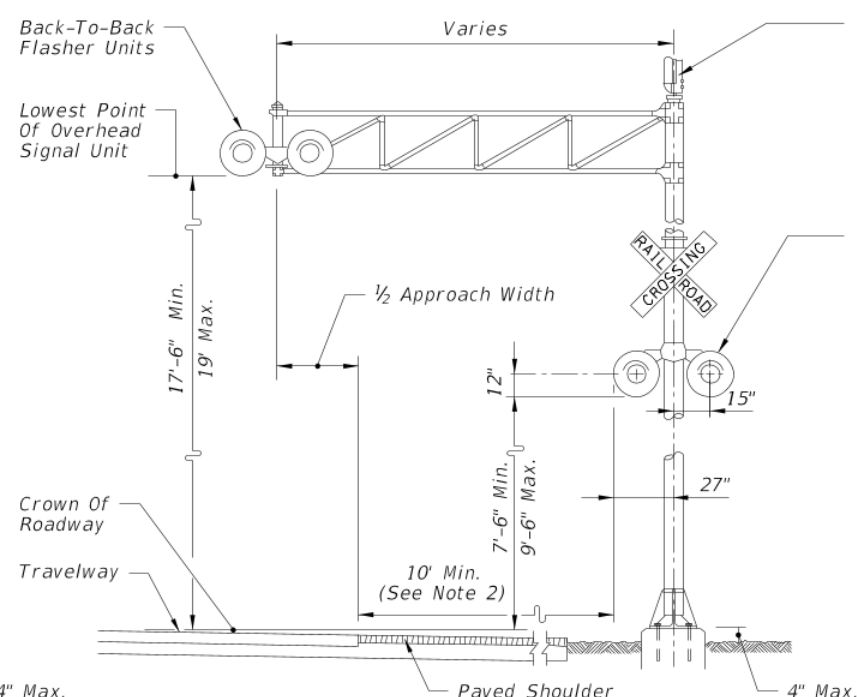
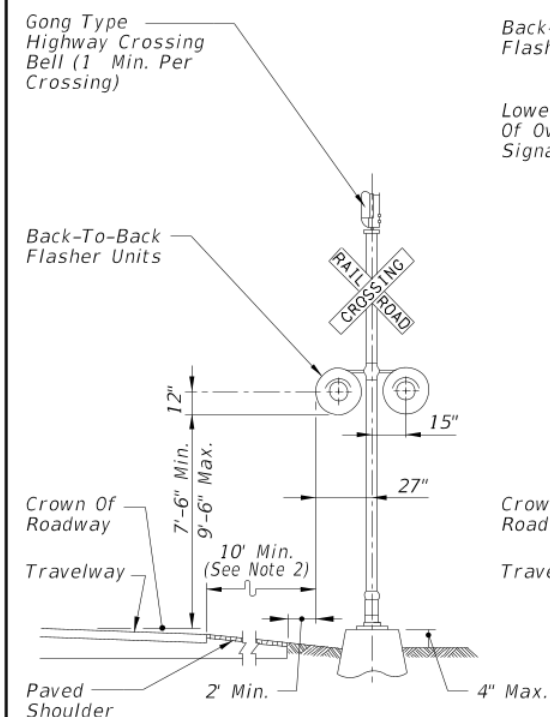
To prevent low-clearance vehicles from becoming caught on the tracks, the crossing surface should be at the same plane as the top of the rails for a distance of 2 feet outside the rails. The surface of the highway should also not be more than 3 inches higher or lower than the top of the nearest rail at a point 30 feet from the rail unless track superelevation makes a different level appropriate. Vertical curves should be used to traverse from the highway grade to a level plane at the elevation of the rails. Rails that are superelevated, or a roadway approach section that is not level, will necessitate a site specific analysis for rail clearances.

VERTICAL ROADWAY ALIGNMENT THROUGH A RAILROAD CROSSING

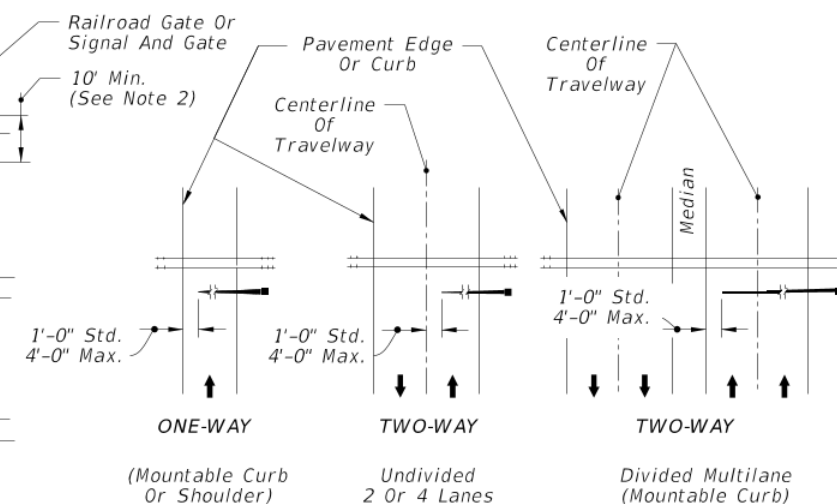
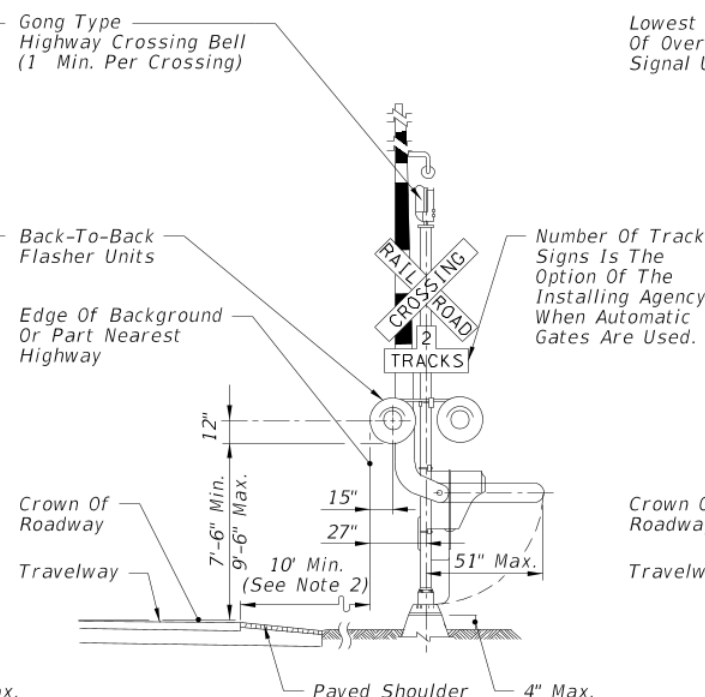


**GENERAL NOTES:**

- No guardrail is proposed for signals; however, some form of impact attenuation device may be specified for certain locations.
- Advance flasher to be installed when and if called for in Plans or Specifications.
- Top of foundation shall be no higher than 4" above finished shoulder grade.
- Type of traffic control device
  - Flashing warning devices
  - Flashing warning devices with cantilever
  - Flashing warning devices with gate
  - Flashing warning devices with cantilever and gate
  - Gate
- Class of traffic control devices (Not Shown)
  - 2 Quadrant flashing warning devices-one track
  - 2 Quadrant flashing warning devices-multiple tracks
  - 2 Quadrant flashing warning devices and gates-one track
  - 2 Quadrant flashing warning devices and gates-multiple tracks
  - 3-4 Quadrant flashing warning devices and gates-one track
  - 2-4 Quadrant flashing warning devices and gates-multiple tracks



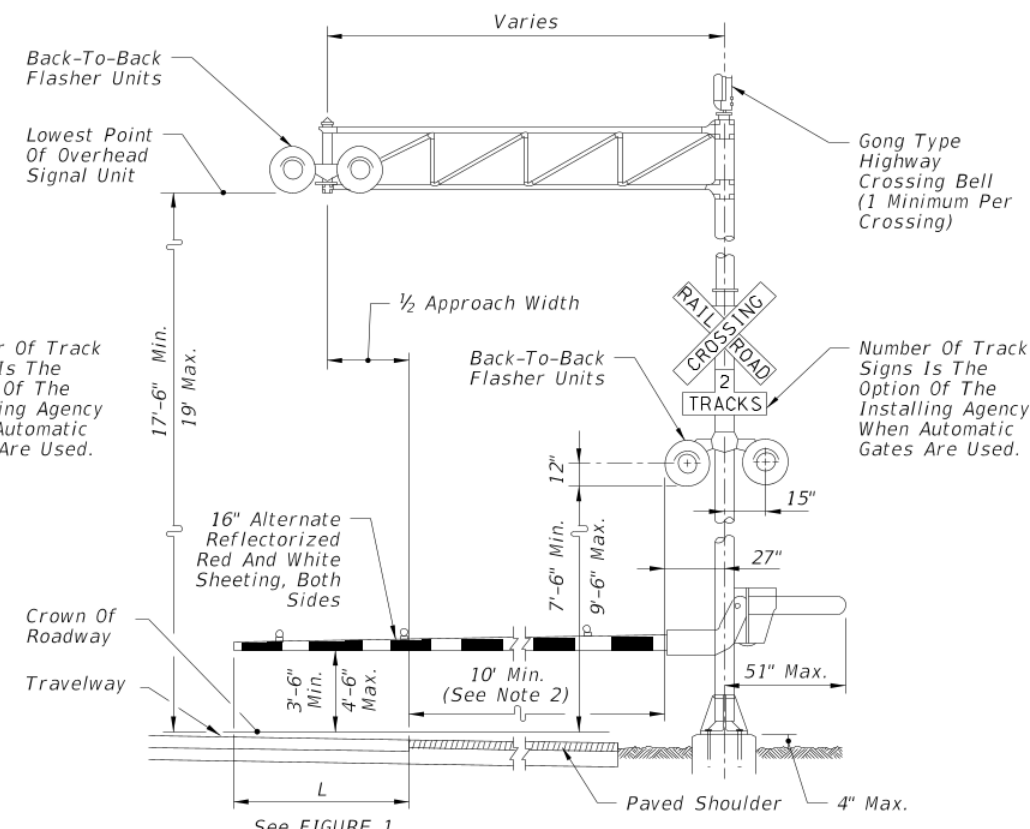
**SIGNAL PLACEMENT AT RAILROAD CROSSING  
(4 - LANE DESIGN)**



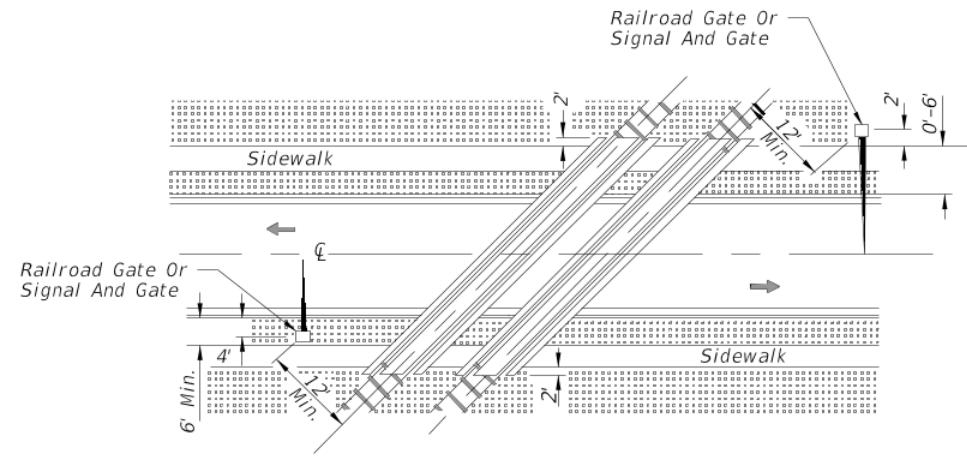
**FIGURE 1**

**NOTE:**

- Two separate foundations may be required (one for signals, one for gate), depending on type of equipment used.
- When 10' is deemed impractical the control device can be located as close as 2' from the edge of a paved shoulder but not less than 6' from the edge of the near traffic lane.

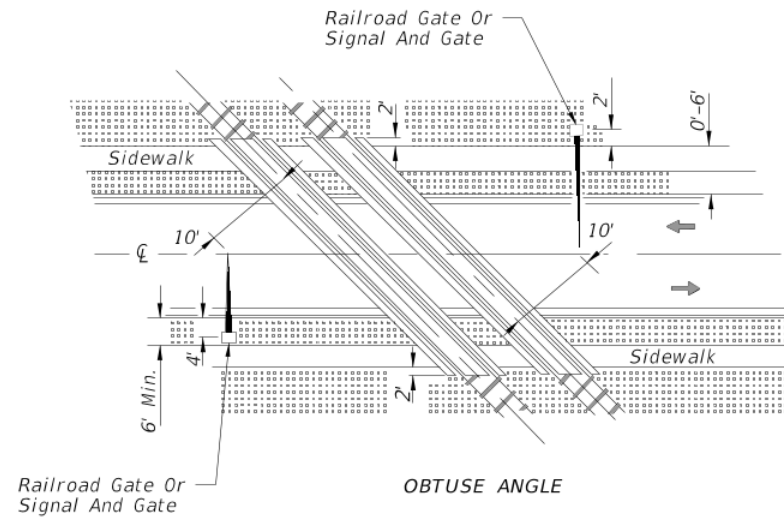


**TRAFFIC CONTROL DEVICES FOR FLUSH SHOULDER ROADWAY**



ACUTE ANGLE (AND RIGHT ANGLE)

SIGNAL PLACEMENT AT RAILROAD CROSSING  
(2 LANES, CURB & GUTTER)

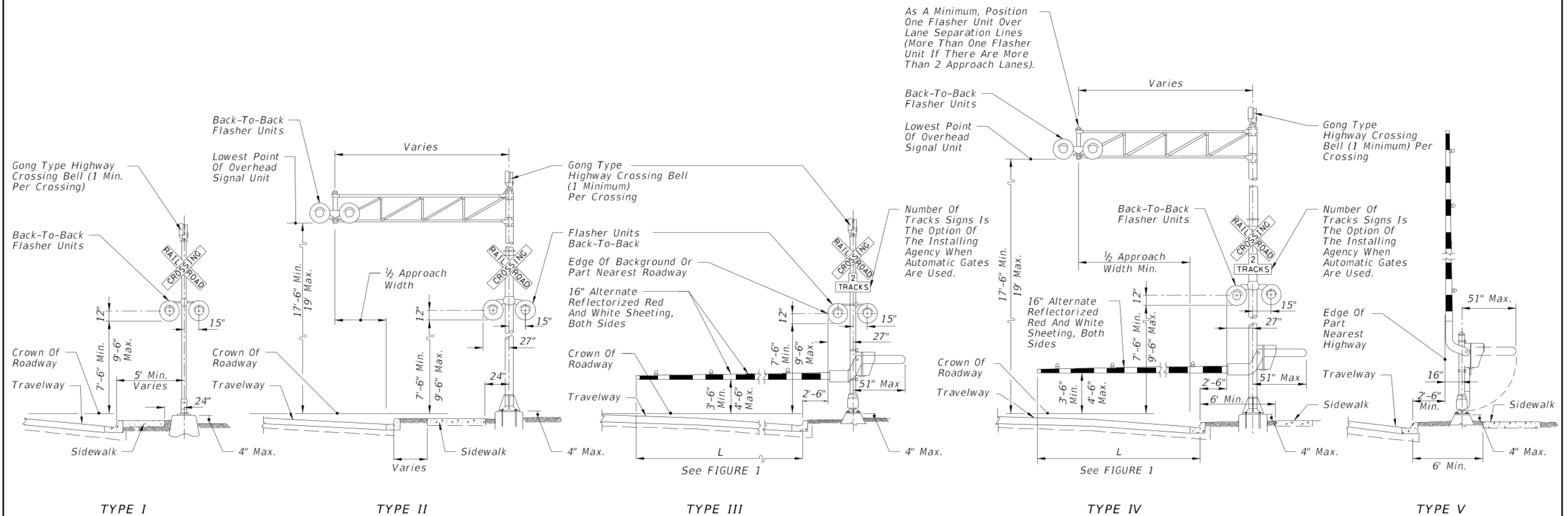


OBTUSE ANGLE

SIGNAL PLACEMENT AT RAILROAD CROSSING  
(2 LANES, CURB & GUTTER)

NOTES:

1. The location of flashing warning devices and stop lines shall be established based on future (or present) installation of gate with appropriate track clearances.
2. Where plans call for railroad traffic control devices to be installed in curbed medians, the minimum median width shall be 12'-6".
3. Location of railroad traffic control device is based on the distance available between face of curb & sidewalk. 0' to 6' - Locate device outside sidewalk. Over 6' - Locate device between face of curb and sidewalk.
4. Stop line to be perpendicular to edge of roadway, approx. 15' from nearest rail; or 8' from and parallel to gate when present.
5. When a cantilevered-arm flashing warning device is used, the minimum vertical clearance shall be 17'-6" from above the Crown of Roadway to the Lowest Point of the Overhead Signal Unit.



TYPE I

TYPE II

TYPE III

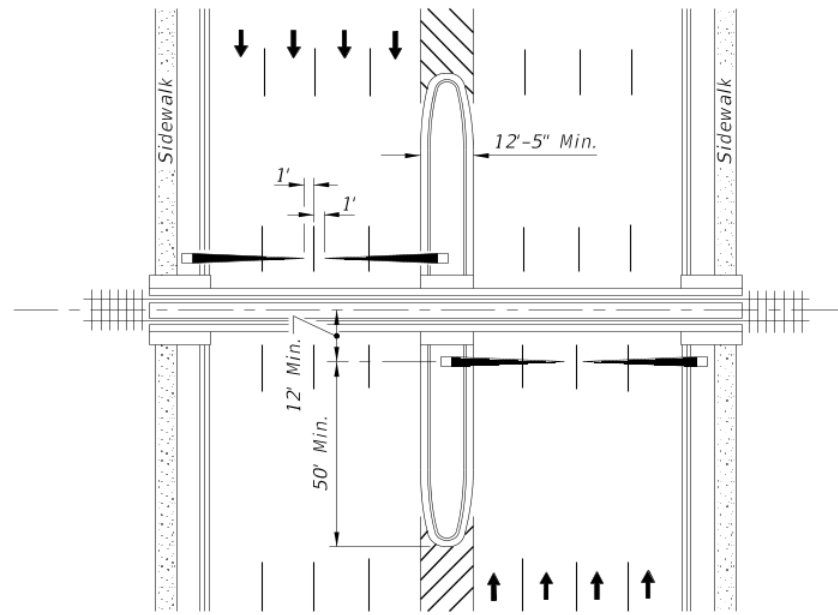
TYPE IV

TYPE V

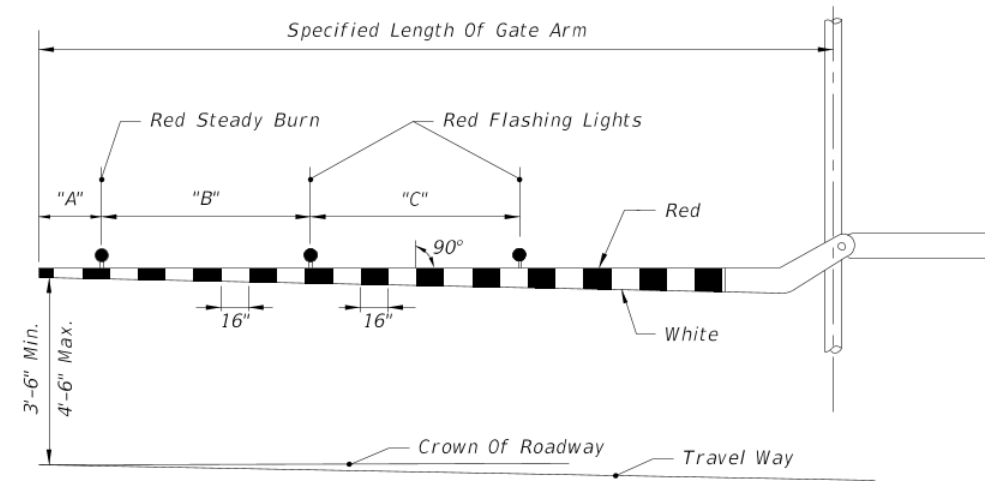
TRAFFIC CONTROL DEVICES FOR CURBED ROADWAY

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<p>LAST REVISION 02/05/21</p>	<p>DESCRIPTION:</p>	<p>FY 2022-23 STANDARD PLANS</p>	<p>RAILROAD GRADE CROSSING TRAFFIC CONTROL DEVICES</p>	<p>INDEX CAM # 23-0506 509-070 SHEET Exhibit 1 2 of 3 Page 19 of 37</p>
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PLAN

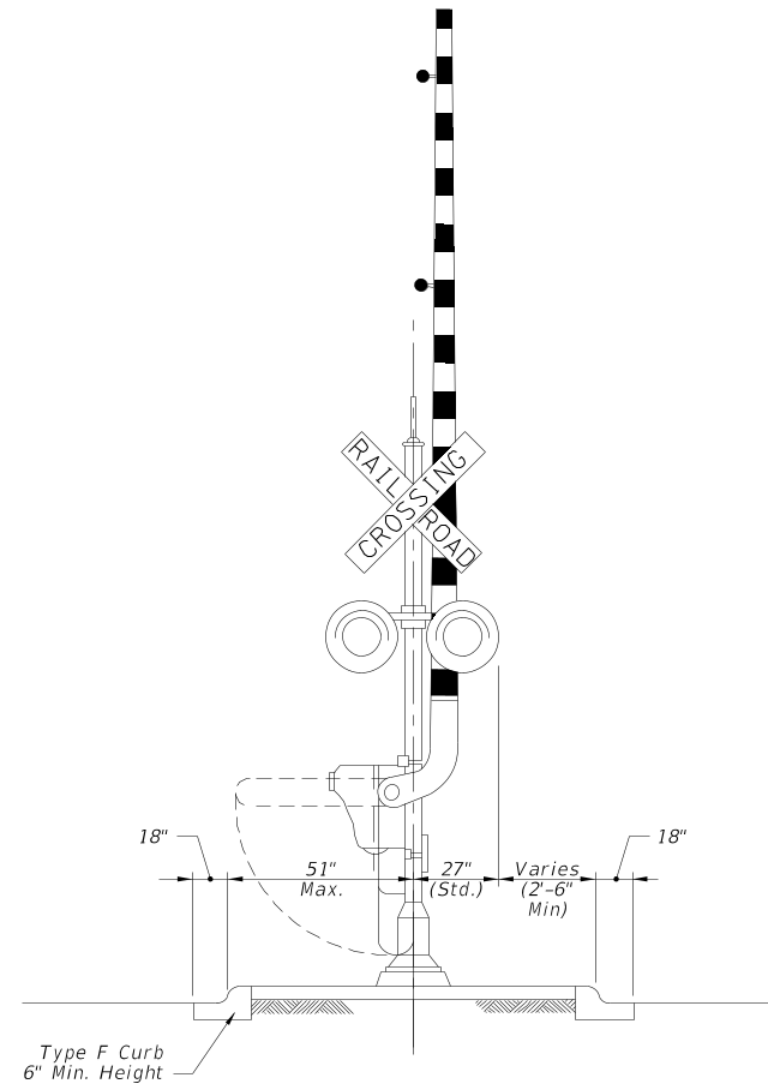


GATE ARM DETAIL

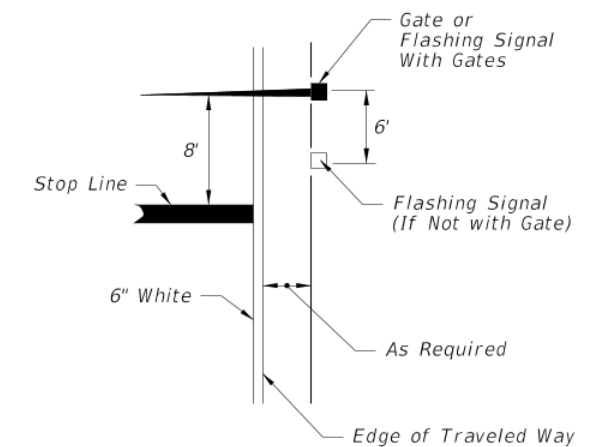
RAILROAD GATE ARM LIGHT SPACING			
Specified Length Of Gate Arm	Dimension "A"	Dimension "B"	Dimension "C"
14 Ft.	6"	36"	5'
15 Ft.	18"	36"	5'
16-17 Ft.	24"	36"	5'
18-19 Ft.	28"	41"	5'
20-23 Ft.	28"	4'	5'
24-28 Ft.	28"	5'	5'
29-31 Ft.	36"	6'	6'
32-34 Ft.	36"	7'	7'
35-37 Ft.	36"	9'	9'
38 And Over	36"	10'	10'

**NOTE:**

For additional information see the "Manual On Uniform Traffic Control Devices", Part 8; The "Traffic Control Handbook", Part VIII; and AASHTO "A Policy On Geometric Design Of Streets And Highways".



MEDIAN SECTION AT SIGNAL GATES



RELATIVE LOCATION OF CROSSING TRAFFIC CONTROL DEVICES

MEDIAN SIGNAL GATES FOR MULTILANE UNDIVIDED URBAN SECTIONS  
(Three or More Driving Lanes in one Direction, 45 mph or less)

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## 220 Railroads

### 220.1 General

This chapter provides requirements for highway-railroad crossings on the State Highway System.

#### 220.1.1 Railroad Companies

State-owned rail corridors include the Central Florida Rail Corridor and South Florida Rail Corridor.

Railroad companies currently operating in the state of Florida include:

- (1) CSX Transportation, Incorporated
- (2) Norfolk Southern Corporation
- (3) Florida East Coast Railway Company

Short line railroad companies and terminal switching companies also operate in the state of Florida.

#### 220.1.2 Work Near or Within Railroad R/W

A flagger must be present while any work within railroad R/W is being performed. Railroad companies often impose additional requirements as deemed necessary.

When roadway improvements are adjacent, near, above, or below the railroad R/W, there is potential for impacts to the railroad during construction or for construction materials and equipment to foul the tracks.

#### 220.1.3 Required Coordination

Coordinate projects within or near railroad R/W as follows:

- (1) New at-grade railroad crossings must be permitted in accordance with **Section 335.141, Florida Statutes (F.S.)**. Early coordination with the Central Office is required concerning the Rail Crossing Opening/Closure Program.

- (2) Coordinate the design of traffic control devices with the District Rail Coordinator who will then coordinate with the railroad company. Warning devices that are on within railroad R/W or interact with trains are installed by the railroad company.
- (3) Coordinate with the District Traffic Operations Engineer to determine if a preemptive system is required.
- (4) Coordinate with the Department's Central Office Freight and Multimodal Operations Office to determine if a highway-railroad at grade crossing is located within a designated Quiet Zone.
- (5) Coordinate with the District Rail Coordinator when a waiver is being considered for standard lateral offset requirements for structures; see **FDM 220.3.2**.

Some railroads may require an increase in Railroad Protective Liability Insurance greater than what is provided in the [Standard Specifications](#). The District Specifications Engineer and the District Rail Coordinator will develop a Modified Special Provision and submit it through the Central Specifications Office for special processing. For projects involving CSX Railroad use Special Provision SP0071303.

Modification for Non-Conventional Projects:
Delete <b>FDM 220.1.3</b> and see RFP for requirements.

## 220.2 Highway–Railroad At-Grade Crossing

The roadway should cross the railroad at an angle of or near 90 degrees.

Selection of the warning devices to be used is a function of the geometrics of highway-railroad at-grade crossing (e.g., alignment, profile, sight distance, cross section of both the roadway and the railroad), available R/W, and proximity to signalized intersections.

A highway-railroad at-grade crossing with a high-profiled vertical geometry is considered a “hump crossing” and can adversely affect the safety and operations of road users, posing a risk of low-clearance vehicles and trailers (e.g., low-profile vehicles, vehicles with long wheelbase, “lowboy” towing trailers) becoming stuck on the tracks. A hump crossing is defined as an at-grade crossing not meeting the dimensions and description of the detail entitled, “*Vertical Roadway Alignment Through A Railroad Crossings*” contained in [Standard Plans](#), **Index 830-T01**.

Ensure all new construction and reconstruction at-grade crossings are in accordance with [Standard Plans](#), **Index 830-T01**. For existing humped crossings to remain, install a Low Ground Clearance Grade Crossing (MUTCD W10-5) warning sign with LOW GROUND CLEARANCE (W10-5P) plaque.

Design considerations are discussed in the [Florida Greenbook](#) and the **AASHTO Green Book**.

## 220.2.1 Traffic Control Devices

Traffic control devices (both roadway and pedestrian) for highway-railroad at-grade crossings consist primarily of signs, pavement markings, flashing light signals, and automatic gates. Consider the following when designing these devices:

- (1) Roadway type
- (2) Volume of vehicular traffic
- (3) Volume of railroad traffic
- (4) Speed of vehicular traffic
- (5) Volume of pedestrian and bicycle traffic
- (6) Crash data
- (7) Geometrics of the crossing

Evaluate highway-railroad at-grade crossings and any of the following as a network to avoid blocking the crossing:

- Stop condition
- Roundabout
- Reduction in the number of lanes

Standards and criteria for design, placement, installment and operation of traffic control devices are located in the [Manual on Uniform Traffic Control Devices \(MUTCD\)](#), the Department's [Standard Plans](#), and **Rule 14-57.013, Florida Administrative Code (F.A.C.)**.

When warning signs or signals are used in advance of a highway-railroad at grade crossing, they must be placed so as not to obstruct the view of the crossing signals.

### 220.2.1.1 Signing and Pavement Markings

**Exhibits 220-1** through **220-4** provide typical signing and pavement markings for Active Grade Crossings. Refer to the [MUTCD](#) for definitions and signing and pavement markings at Passive Grade Crossings.

Do not place turning movement lane-use pavement markings on the upstream approach between the railroad crossing pavement message and the tracks.

Where intersections occur between the W10-1 sign shown in **Exhibits 220-1** through **220-4** and the tracks, place an additional W10-1 sign between the intersection and the railroad gate.

Include Railroad Dynamic Envelope (RDE) pavement markings at Active and Passive Grade Crossings on:

- State Roads,
- State-owned rails, and
- State-owned property.

Design Variations to not install an RDE are to be approved by the Chief Engineer.

The determination of slightly or significantly skewed railroad crossing is at the discretion of the EOR.

Detail RDE pavement markings in the Plans in accordance with [Standard Plans](#), [Index 711-001](#) and the details shown in **Exhibits 220-1** through **220-4**. Ensure the details in the plans include the following:

- (1) Orient RDE pavement markings:
  - (a) In the direction of the travel lanes at all approaches upstream of the crossing (i.e., transverse to the travel lanes).
    - i. For slightly skewed railroads extend the RDE markings transverse across all lanes, as shown in **Exhibits 220-2** and **220-3**.
    - ii. For significantly skewed railroads, step the RDE markings transverse across each lane, as shown in **Exhibit 220-4**.
  - (b) Along the railroad (i.e., parallel to the railroad tracks) for areas between tracks and downstream of the crossing.



- (c) To maximize the visibility of the RDE pattern for both the upstream and downstream sides of the track. Locate markings in a manner to ensure the “X” pattern is identifiable to the motorists and bicyclists and centered in the lanes to the extent practicable.
- (2) Place RDE markings through the foul area as shown in **Exhibits 220-3** and **220-4**. If the railroad owner will not allow the RDE markings through the foul area, or the substrate material will not provide an appropriate bonding surface for the markings, keep the RDE markings outside of the railroad’s foul area as shown in **Exhibits 220-1** and **220-2**.
- (3) Replace all skip lane lines with solid lines for the following distance: From stop bar to stop bar of each approach, then upstream and downstream for a Distance “A” plus 15 feet. For Distance “A”, see table in **Exhibit 220-1**.
- (4) Continue solid longitudinal edge line, lane line, and centerline markings through the RDE pattern, maintaining a 9-inch clear space between the RDE pattern and the longitudinal lane lines or gore areas.
- (5) Refurbish all existing longitudinal lane lines, edge lines, and centerlines to remain in-place for the following minimum distance: From stop bar to stop bar of each approach, then upstream and downstream for a Distance “A” plus 15 feet. For Distance “A”, see table in **Exhibit 220-1**.
- (6) Place RPMs at 10’ maximum on center for the following distance: From stop bar to stop bar of each approach excluding the foul area, then upstream and downstream for a Distance “A” plus 15 feet. For Distance “A”, see table in **Exhibit 220-1**.
- (7) For conditions where multiple tracks are configured non-parallel to each other, maintain the typical RDE pattern and fill the gap between the tracks, as necessary.
- (8) RDE markings must not interfere with any pedestrian crosswalk.
- (9) Consider extending the RDE markings beyond any railroad gates to reduce potential for railroad gates to close on top of stopped vehicles.

Consider the following additional provisions for Active and Passive Grade Crossings:

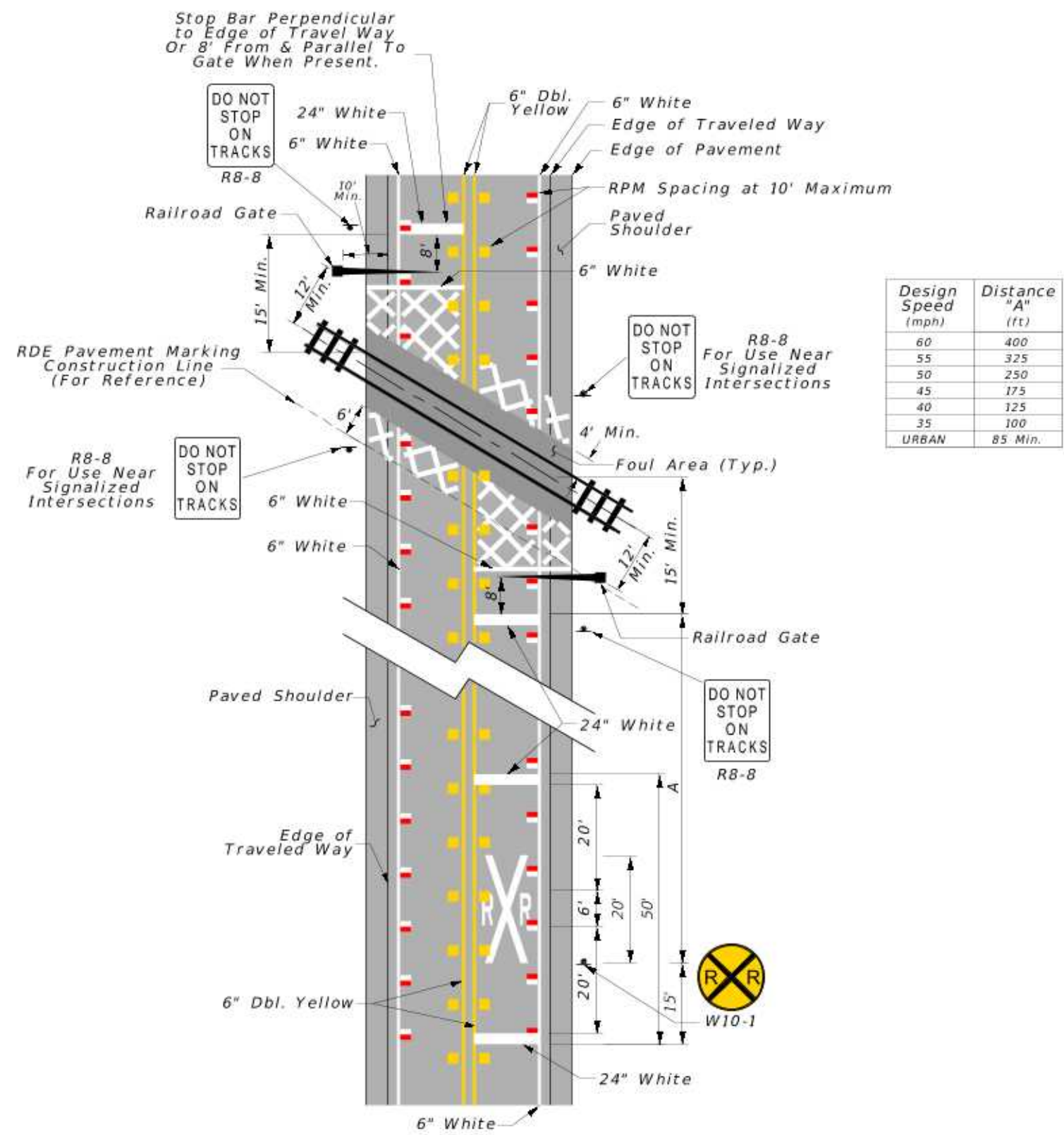
- For significantly skewed angles, corridor highway lighting for the following minimum distance: From stop bar to stop bar of each approach, then upstream and downstream for a Distance “A” plus 15 feet. For Distance “A”, see table in **Exhibit 220-1**.

- For significantly skewed angles, curves, and intersections directly adjacent to crossings, consider using additional channelization techniques for the roadway alignment. Some channelization techniques include Internally Illuminated RPMs and Tubular Markers. When crest vertical curves impede the visibility of RPMs, Tubular Markers should be used.
- Consider excluding downstream RDE pattern when traffic queuing is not expected.
- Consider the use of through lane-use arrows. For turn lanes, a route shield may be used in conjunction with the through lane-use arrow.
- Remove all existing traffic control signs and pavement markings (e.g., turning signs and turning arrow lane-use pavement markings) from the upstream approach that may lead to driver confusion on the correct turning point for downstream turning movements.
- Ensure placement of all signs allow a clear sight line to all rail signal flasher units. Sight line distance requirements vary by rail company. Consult with the operating railroad for project-specific determination of sight line distance.

For pavement marking material selection, see **FDM 230**.

For side roads with Active and Passive Grade Crossings within 100 feet of the edge of traveled way, include W10-2, W10-3 or W10-4 signs on the mainline state road in accordance with the [MUTCD](#). Include W10-5 with W10-5P as described above in **FDM 220.2**.

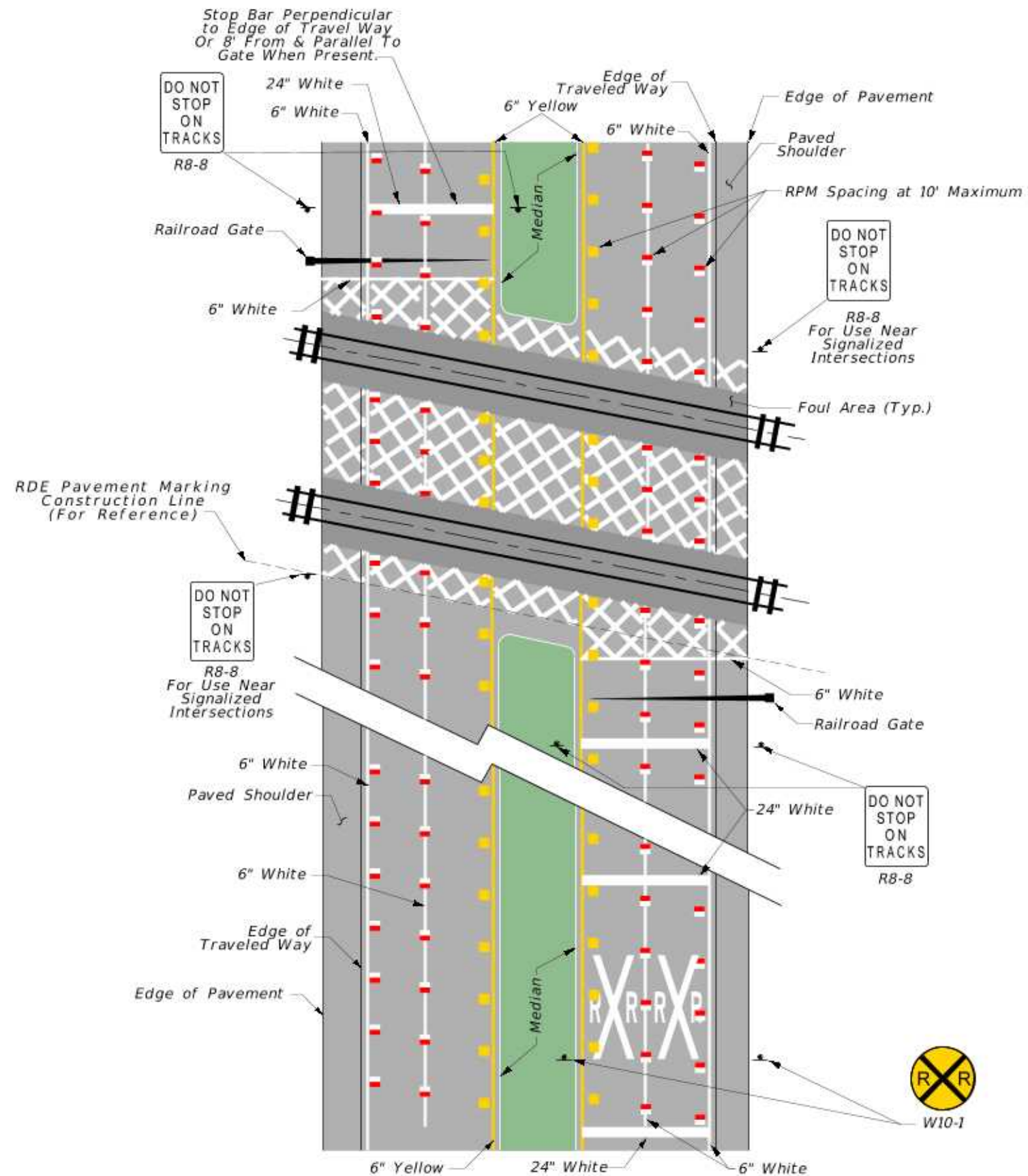
RAILROAD CROSSING AT TWO-LANE ROADWAY



NOT TO SCALE

EXHIBIT 220-1

# RAILROAD CROSSING AT MULTILANE ROADWAY



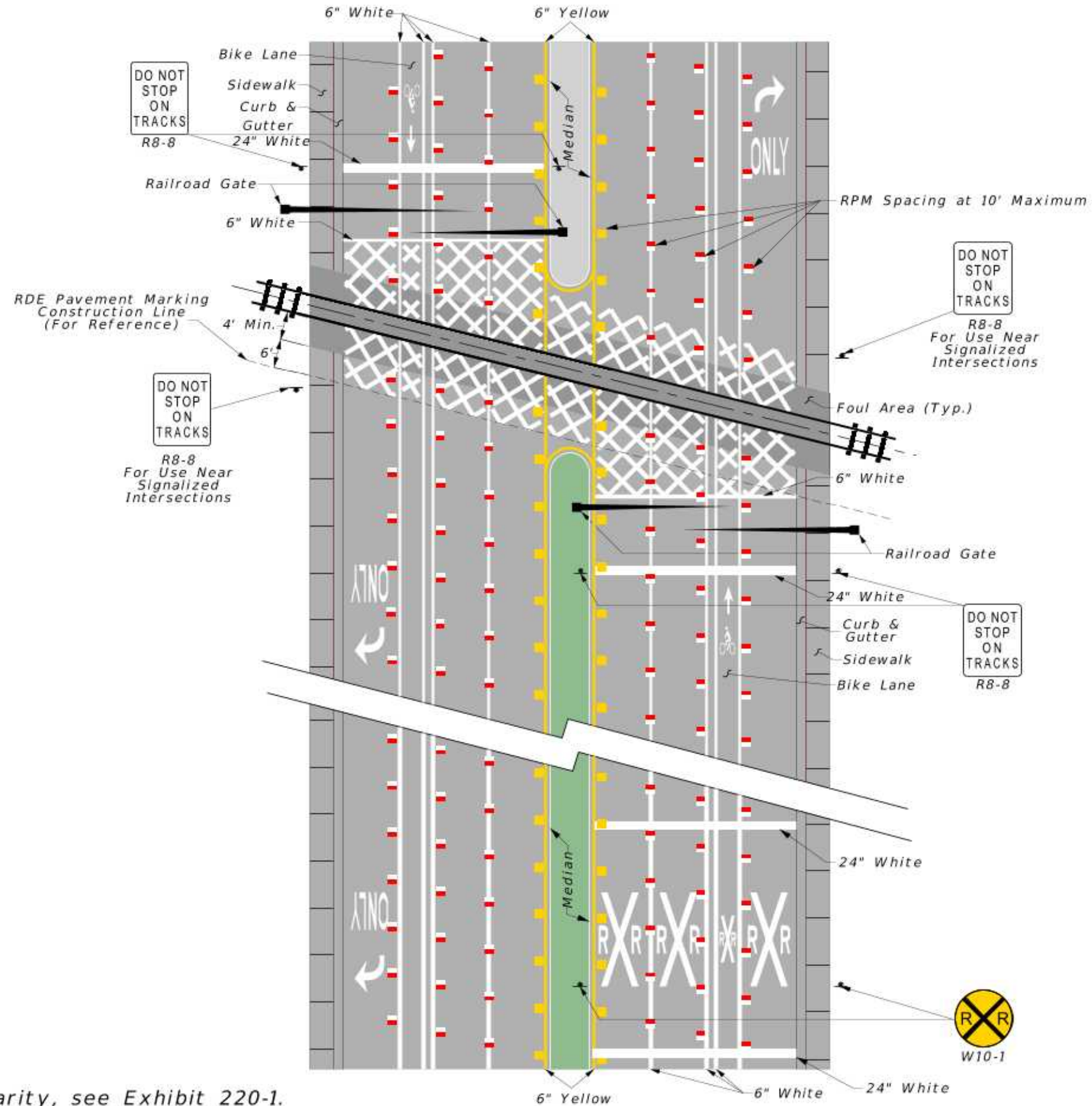
Dimensions not shown for clarity, see Exhibit 220-1.

NOT TO SCALE

EXHIBIT 220-2  
CAM # 23-0506  
02/05/2021  
Exhibit 1  
Page 28 of 37



# RAILROAD CROSSING AT URBAN MULTILANE ROADWAY WITH TURN LANE

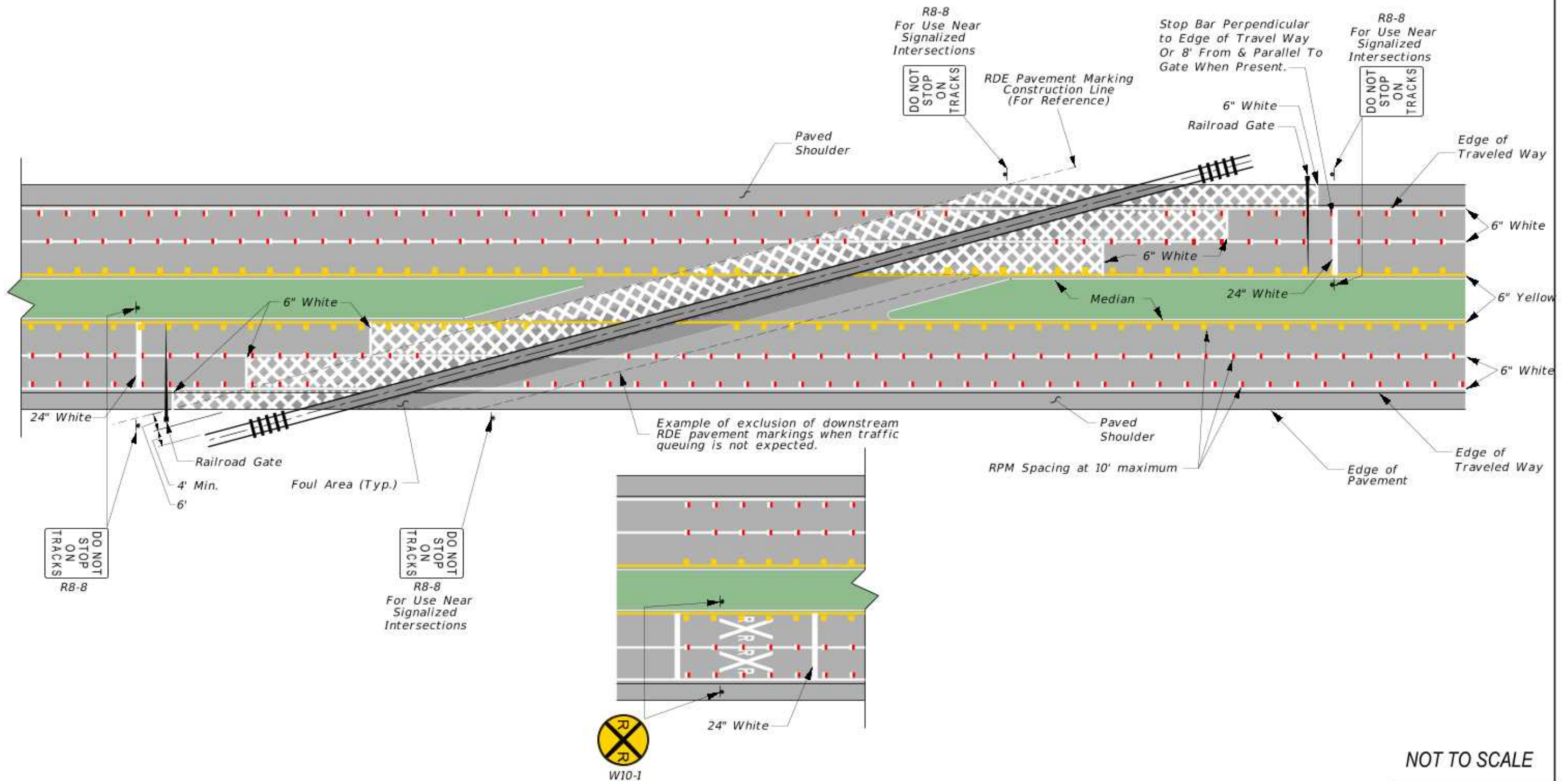


Dimensions not shown for clarity, see Exhibit 220-1.

NOT TO SCALE

EXHIBIT 220-3  
CAM # 23-0506  
02/05/2021  
Page 29 of 37

# RAILROAD CROSSING WITH SIGNIFICANT SKEW TO THE ROADWAY



Dimensions not shown for clarity, see Exhibit 220-1.

NOT TO SCALE

EXHIBIT 220-4  
CAM # 23-0506  
02/05/2021  
Page 30 of 37



### 220.2.1.2 Preemption

Highway-railroad at grade crossings may require preemption of traffic signals where signalized highway intersections are in close proximity to a railroad crossing. Preemption requires the railroad and traffic signal control equipment to be interconnected with the traffic signal preempted to operate in a special control mode when trains are approaching. Preemption is required for any of the following conditions:

- (1) Traffic Signal is within 200 ft of a highway-railroad at-grade crossing
- (2) Highway traffic queues have the potential for extending across a nearby railroad crossing, or
- (3) Highway traffic backed up from a nearby downstream railroad crossing could interfere with signalized highway intersections. A study to determine the need for preemption is required for a traffic signal within 500ft of a highway-railroad at-grade crossing

### 220.2.2 Surfaces

The roadway travel lanes at a highway-railroad at-grade crossing should be constructed for a suitable length with all-weather surfacing. A roadway section equal to the current or proposed cross section of the approach roadway, including any existing or proposed pedestrian walkways, should be carried through the railroad crossing. The railroad crossing surface itself should have a riding quality equivalent to that of the approach roadway. When selecting the type of crossing and the material to be used in its construction, consideration should be given to the character and volume of traffic using the roadway.

### 220.2.3 Quiet Zones

An at-grade railroad crossing within a designated Quiet Zone must comply with the **Code of Federal Regulations (C.F.R.), Part 222** and the [Standard Plans, Index 509-070](#). Quiet Zone means a segment of a rail line that includes public highway-railroad crossings at which locomotive horns are not routinely sounded.

A public highway-railroad at-grade crossing within a Quiet Zone should be equipped with a Supplemental Safety Measure identified in **C.F.R., Part 222, Appendix A**. Allowable measures include:

- (1) Gates with medians, or channelization using Type IV concrete traffic separators or Type F curb and gutter. Use of temporary channelization devices is not permitted.

- (2) Four quadrant gate and three quadrant gates systems
- (3) One-way streets with gates
- (4) Permanent crossing closures

The railroad crossing should be evaluated to determine if driveways, minor side streets, or turn lanes in close proximity to the crossing require an additional gate.

## 220.2.4 Railroad Crossing Near or Within Project Limits

Review Federal-aid projects to determine if a railroad-highway at-grade crossing is within the limits of or near the terminus of the project. If such crossing exists, the project must be upgraded to meet the latest [MUTCD](#) requirements in accordance ***Title 23 United States Code (U.S.C.), Chapter 1, Section 109(e)*** and ***C.F.R. 646.214(b)***. These requirements are located in ***Chapter 8*** of the [MUTCD](#). “Near the terminus” is defined as being either of the following:

- (1) If the project begins or ends between the crossing and the MUTCD-mandated advanced placement distance for the advanced (railroad) warning sign. See [MUTCD, Table 2C-4](#) (Condition B, column “0” mph) for this distance.
- (2) An intersection traffic signal within the project is connected to the crossing’s flashing light signal and gate.

## 220.2.5 Bicycle and Pedestrian Facilities

Extend proposed or existing sidewalks, bike lanes or shared use paths through the rail crossing. See ***FDM 222.2.4*** for additional information.

When a new bicycle or pedestrian crossing is added to an existing roadway, it is considered a new crossing if it is separated from the roadway. See ***FDM 220.1.3*** for information on coordinating new crossings.



## 220.3 Grade Separated Highway- Railroad Crossing

For railroad crossing over a roadway, the bridge must be designed to carry railway loadings in conformance with the [\*American Railway Engineering and Maintenance-of-Way Association \(AREMA\) Manual for Railway Engineering\*](#). See **FDM 260.6** for required vertical clearances between the facilities.

Coordinate the following with the governing railroad company:

- Clearances, Geometrics and Utilities
- Provisions for future tracks
- Maintenance road requirements for off-track equipment
- Need for, and location of crash walls

The railroad company's review and approval is based on the completed Bridge Development Report (BDR)/30% Structures Plans.

Prepare the Structures Plans in accordance with the criteria obtained from the railroad company, the [\*Structures Manual\*](#), the [\*Standard Plans\*](#), and this manual.

**Figure 220.3.1** illustrates the dimensions that are to be obtained from or approved by the railroad company before preparing the BDR/30% Structures Plans.

### 220.3.1 Bridge Width

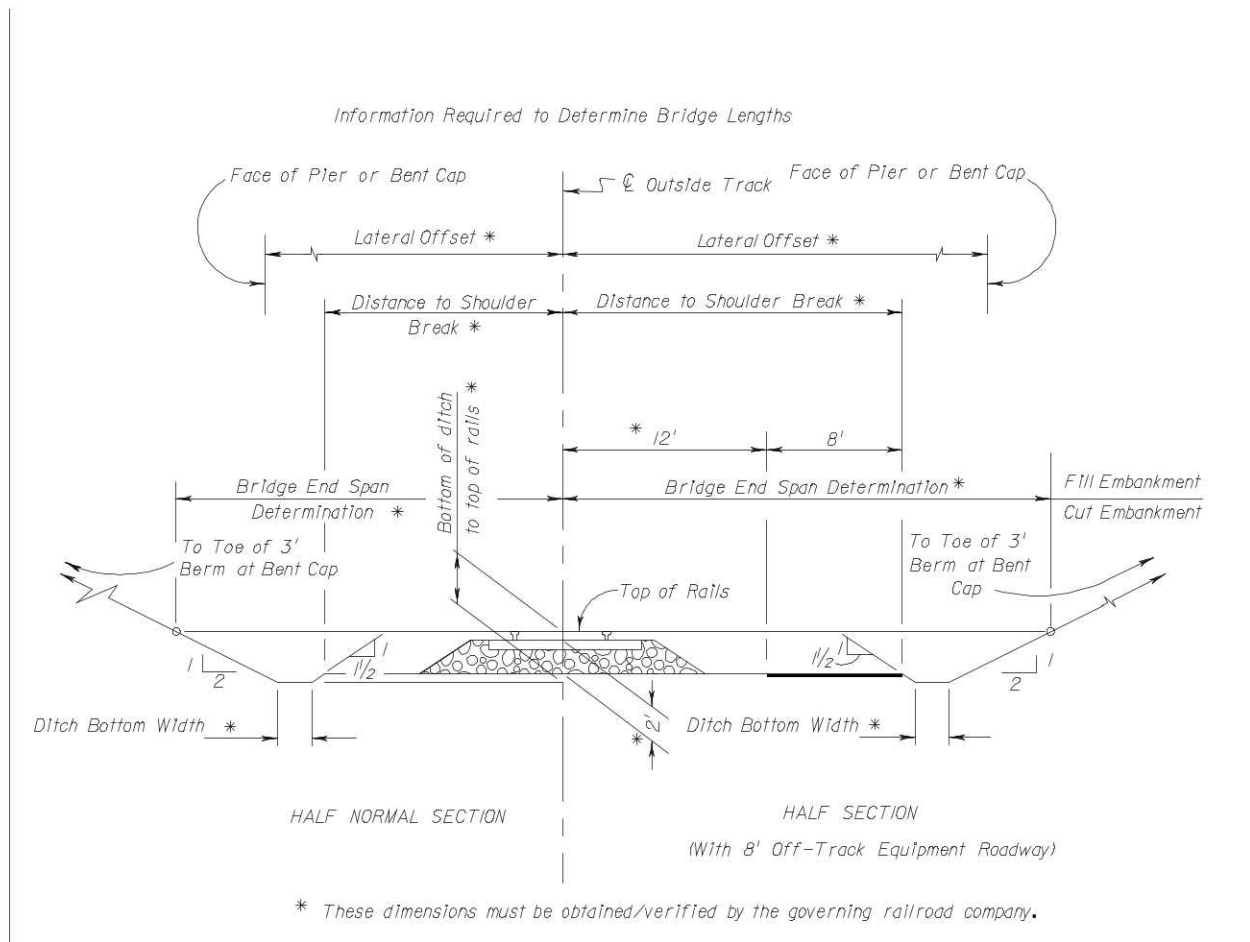
For railroad over roadway crossing, the railroad bridge typical section is based on project requirements. For roadway over railroad crossings, see **FDM 210** for information on highway typical sections.

### 220.3.2 Lateral Offset to Face of Structure

For a roadway over a railroad crossing, measure lateral offset in accordance with **Figure 220.3.1** and **Table 220.3.1**. The railroad company may accept a waiver from standard lateral offset requirements for the widening or replacement of existing bridges.

Lateral offset is measured from the centerline of outside track to the face of pier cap, bent cap, or any other adjacent structure. Minimum lateral offsets are shown in **Table 220.3.1**.

**Figure 220.3.1 Track Section**



**Table 220.3.1 Lateral Offsets for Railroads**

Minimum Clearance Requirements	Normal Section	With 8 ft. Required Clearance for Off-Track Equip.	Temporary Falsework Opening
With Crash Walls*	18 ft.	22 ft.	10 ft.
Without Crash Walls	25 ft.	25 ft.	N/A

\* See the **Structures Design Guidelines, Section 2.6.7** for crash wall requirements.

Provide an additional 8-ft. clearance for off-track equipment only when requested by the railroad company.

### **220.3.2.1 Adjustments for Track Geometry**

Increase the minimum lateral offset by a rate of 1.5 inches for each degree of curvature when the track is on a curve.

Increase the minimum lateral offset on the inside of the curve by 3.5 inches horizontally per inch of superelevation when the track is superelevated.

Meet lateral offset requirements found in the [AREMA Manual for Railway Engineering](#) for extremely short radius curves.

### **220.3.2.2 Adjustments for Physical Obstructions**

Columns or piles should be kept out of the ditch to prevent obstruction of drainage. Provide adequate lateral offset to avoid the need for crash walls unless extenuating circumstances dictate otherwise.

**Figure 220.3.1** shows horizontal dimensions from the centerline of track to the points of intersection of a horizontal plane at the rail elevation with the embankment slope. This criteria may be used to establish the preliminary bridge length which normally is also the length of bridge eligible for FHWA participation; however, surrounding topography, hydraulic conditions, and economic or structural considerations may warrant a decrease or an increase of these dimensions.

### **220.3.2.3 Required Foundation Clearances**

Place edges of footings no closer than 11 feet from centerline of the track to provide adequate room for sheeting.

### **220.3.3 Crash Walls**

See the [Structures Design Guidelines](#) for crash wall requirements.

### **220.3.4 Special Considerations**

Projects may include any of the following special considerations:

- (1) Shoring and Cribbing requirements during construction should be accounted for in the preparation of the preliminary plans to assure compliance with required

- clearances. Anything within the railroad R/W (e.g., cofferdams, footings, excavation) requires coordination with the District Rail Coordinator for approval by the railroad company.
- (2) Overpasses for electrified railroads may require protection screens.
  - (3) Substructure supports may be located between adjacent tracks or an outside track and the off-track equipment road.
  - (4) Convey drainage from the bridge above the railroad away from the railroad R/W. Open scuppers are to be no closer than 25 feet to the centerline of the nearest track.
  - (5) The District Rail Coordinator must be contacted to see if there are any other requirements when constructing in or near their R/W.
  - (6) Additional consideration should be given to any utilities that may be located within the railroad R/W

### **220.3.5 Widening of Existing Bridge over Railroad**

The requirements for widening an existing roadway or pedestrian bridge over railroad are as follows:

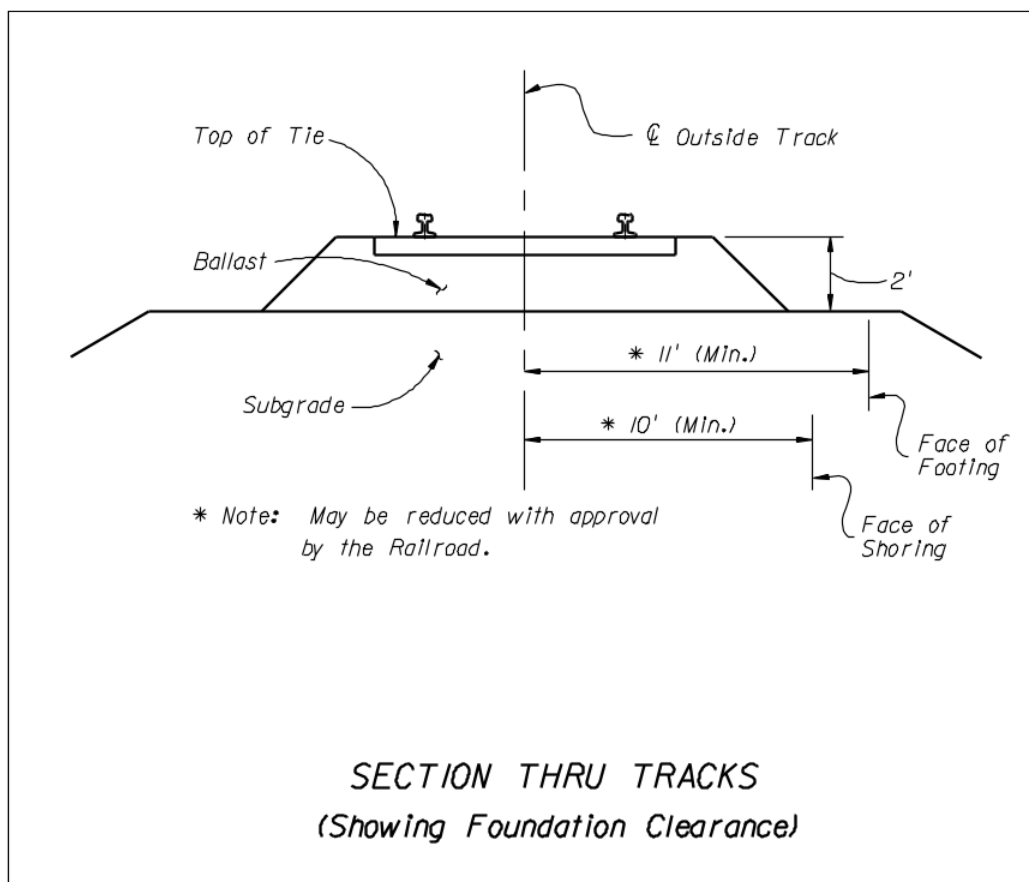
- (1) If existing horizontal or vertical clearances are less than those required for a new structure, the design of the new portion of the structure is not to encroach into the existing clearances.
- (2) Minimum vertical clearance should take into account the track grade and the cross slope of the bridge superstructure. It is desirable to widen on the ascending side of the bridge cross slope.
- (3) Minimum lateral offset should take into account future changes to track geometry, physical obstructions or foundation clearances.
- (4) Temporary construction vertical clearances less than 22 feet and lateral offsets less than 10 feet must be approved by the railroad company. It may not be possible to reduce already restricted vertical clearances on high volume rail lines.
- (5) Meet drainage design requirements for new bridges when widened approach fills are necessary.
- (6) Evaluate the need for crash wall protection if new substructures provide less than 25 feet lateral offset from center line of track.
- (7) If the existing railroad is in a cut section, special consideration should be given to the length, depth, and type material of the existing cut section.



- (8) In cases where demolition of the existing structure is required for attachment of the new structure over the railroad's tracks, a method of debris collection should be provided so as not to encroach within the railroad R/W.

Provide a cross section at a right angle to the centerline of the track where the centerline of bridge intersects the centerline of track in the BDR/30% Structures Plans. Where the substructure is not parallel to the track, or the track is curved, provide a section perpendicular to the centerline of the track at each substructure end.

**Figure 220.3.2 Section Thru Tracks**



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.

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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:

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

**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. Administrative certificate of appropriateness. Minor alterations, minor demolitions, in-kind replacements, and restorations that comply with Section 47-24.11.E. of the ULDR that may be approved by the department of sustainable development.
4. Administrative certificate of appropriateness. A certificate issued for minor 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"). ~~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.~~
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. 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.



6. 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. ~~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.~~
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: ~~Certificate of appropriateness. A certificate issued by the historic preservation board indicating its approval of plans for alteration, construction, removal, or demolition of a landmark, landmark site or of a structure within a historic district.~~
- a. The City of Fort Lauderdale; or
- 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.
8. 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. ~~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.~~

9. 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. ~~Contributing property.~~ A building, site, structure, or object which adds to the historical architectural qualities, historic associations, or archaeological values for which a landmark, landmark site, or district is significant due to any of the following reasons: 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.
10. Certificate of appropriateness. A certificate issued by city staff demonstrating that the Historic Preservation Board ("HPB") approved an alteration, new construction, relocation, or demolition of any of the following: ~~Comprehensive plan.~~ The city's comprehensive plan as adopted by the city pursuant to F.S. Ch. 163, as amended.
- a. a landmark; or
  - b. an interior landmark; or
  - c. landmark site; or
  - d. a structure within a historic district; or
  - e. a structure within a thematic historic district.
11. 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. ~~Decision or recommendation.~~ When referring to the HPB, the executive action taken by the HPB on an application for a designation or a certificate of appropriateness regardless of whether that decision or recommendation is immediately reduced to writing.
12. Comprehensive plan. The city's comprehensive plan as adopted by the city pursuant to Chapter 163, Florida Statutes, as amended. ~~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. *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:  
~~*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; a written narrative describing the architectural, historical, and/or cultural significance; planning context; current photographs; historic photographs (if available); and a bibliography listing sources.~~
  - 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 was present during the period of significance of the district, and possesses historic integrity reflecting its character at that time.
14. *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.  
~~*Excavation.* The process of performing an archaeological dig to recover artifacts, historical materials or other archaeological features.~~
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.  
~~*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.~~
16. *Excavation.* The process of performing an archaeological dig to recover artifacts, historical materials or other archaeological features.  
~~*Fort Lauderdale Register of*~~

~~Historic Places. The list of locally designated landmarks, landmark sites, and historic districts maintained by the City of Fort Lauderdale, Department of Sustainable Development, that have met the criteria for significance and have been designated by the HPB, in accordance to the provisions of this chapter.~~

17. 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. 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.
18. Fort Lauderdale Register of Historic Places. The list of locally designated landmarks, landmark sites, Interior Landmarks, historic districts, and thematic historic districts maintained by the DSD that have met the criteria for significance and have been designated historic, in accordance with the provisions of this chapter. Historic district. An area designated as a "historic district" by ordinance of the city commission 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.
19. 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. Historic Preservation Board. The City of Fort Lauderdale Historic Preservation Board ("HPB").
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. ~~Historic Preservation Design Guidelines. The City of Fort Lauderdale's Historic Preservation Design Guidelines, adopted by City Commission on May 15, 2012, by Resolution No. 12-92.~~

21. ~~Historic District. A 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.~~ 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.
22. ~~Historic Preservation Board. The City of Fort Lauderdale Historic Preservation Board ("HPB").~~ 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.
23. ~~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.~~ 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, and is the same size, scale, finish, profile, detail, and texture as the original architectural feature or site element.
24. ~~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.~~ 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.

25. 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. ~~Landmark. A property or structure designated as a "landmark" by the city commission, pursuant to procedures prescribed herein, that is worthy of rehabilitation, restoration and preservation because of its historic significance, its architectural significance, or both, to the city.~~
26. 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. ~~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.~~
27. 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. ~~Major Alteration. An alteration of a landmark, landmark site, or a structure located within a historic district that 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 that is visible from the right-of-way.~~
28. Landmark. A property or structure designated as a "landmark" by the city commission, pursuant to procedures prescribed herein, that is worthy of rehabilitation, restoration and preservation because of its historic significance, or its architectural significance, or both, to the city. ~~Minor Alteration. An alteration of a landmark, landmark site, or a structure located within a historic district 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.~~

29. 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. ~~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 an existing building wall, structure, or foundation, that is not visible from the right-of-way.
30. Major Alteration. A modification or exterior change of any of the following: a landmark, landmark site, a structure located within a historic district, or a structure located within a thematic historic district 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. ~~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.
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. ~~New construction.~~ Any new building, structure, object or addition to a historic landmark, landmark site, or a contributing property, or a non-contributing property or vacant land in a historic district.
32. Minor Alteration. A modification or exterior change of any of the following: a landmark, an interior landmark, landmark site, a structure located within a historic district, or a structure within a thematic historic district and the modification or exterior change 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. ~~Non-contributing property.~~ A building, site, structure, or object 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.

33. 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 and it is not visible from the right-of-way: 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. Owner. An individual, entity, partnership, corporation, or public agency that holds fee simple title to real property. The term "owner" does not include individuals, partnerships, 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 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. When a building is owned by a cooperative corporation, the corporation shall be considered the sole owner.
34. 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. Relocation. The movement of a structure from one location to another location, including movement on its own site.
35. New construction. Any new detached building, standalone structure, or standalone object constructed on 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. 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.~~

36. *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.
37. *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 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.
38. *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.

42. 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.
  - e. By corporate resolution of a non-profit corporation executed by an officer authorized to bind the corporation. 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.

2. Historic District or Thematic Historic District Process. 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: ~~Application fee waiver.~~ Fees shall be waived for applications initiated through the HPB or the city commission. The historic preservation board liaison shall prepare the applications initiated by the HPB or the city commission.

- 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
  - 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 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.

3) 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.

3. 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.~~Application. An application for an historic designation of a landmark, landmark site, or historic district shall be made to the 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 property; and~~

b. ~~Proof of ownership (deed); 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~~
- e. ~~A written description of the architectural, historical, or archeological significance of the proposed landmark and landmark site, or buildings in the proposed historic district, and specifically address and document criteria for significance contained in Section 47-24.11.C.7 of the ULDR; and~~
- f. ~~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. ~~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. ~~Identify the period of significance of the proposed landmark and landmark site, archaeological site, or buildings in the proposed historic district; and~~
- i. ~~Map identifying contributing structures within a proposed historic district or features of the individual landmark site; and~~
- j. ~~Current color photographs of all sides of the property and historic photographs, if available; and~~
- k. ~~Legal description from Broward County Official Records of landmark and landmark site, or archaeological site; and~~
- l. ~~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 those 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. 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.~~Review process~~ ~~Historic preservation board.~~

~~a. *Determination of application completeness.* An application for historic designation shall be submitted to the department of sustainable development. The 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 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.~~

~~c. The applicant has thirty (30) days from date that 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.~~

- 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.~~
- e. ~~Within thirty (30) days after city staff deems that the application is complete the department of sustainable development shall schedule the application for the next available HPB meeting. The HPB will consider the application and recommendations forwarded by the department and shall hear public comment on the application.~~
- f. ~~The HPB shall review the application and determine if it meets the criteria for designation as provided in this section.~~
- g. ~~The HPB shall forward its record and recommendations to the city commission for consideration.~~
- h. ~~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.~~

~~j. Any person or persons, owner or owner's agent, or member or employee of any firm, company or corporation 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 finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$5,000.00 per violation, in accordance with F.S. § 162.09, as amended from time to time.~~

5. Application fee waiver. Fees shall be waived for applications initiated through the HPB or the city commission. The DSD shall prepare the applications initiated by the HPB or the city commission. ~~Review process—Planning and zoning board.~~ If the application is for the designation of a historic district, the application shall be forwarded to the planning and zoning board for review after review by the HPB, and the recommendation of the planning and zoning board shall be forwarded to the city commission for consideration.

6. Application. An application for the historic designation of a landmark, landmark site, interior landmark, historic district, or thematic historic district shall be made to the DSD. The application must include the following information: ~~Review process—City commission.~~

a. Most recently available copy of the Broward County Property Appraiser's record for each property; and ~~Within thirty (30) days of the HPB and planning and zoning board recommendation, where required, the 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 and HPB, hear 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. Proof of ownership (most recent deed for each property); and

c. 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 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 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 meet the criteria 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

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

h. Current color photographs:

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;  
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; 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; 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; and
- l. 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.

7. ~~Review process—Historic preservation board.~~Criteria. The criteria for the designation of property as a landmark, landmark site or historic district shall be 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. Determination of application completeness. An application for historic designation shall be submitted to the DSD. After receiving the application, the DSD shall review the application to determine if the application is complete. Its value as a significant reminder of the cultural or archeological heritage of the city, state, or nation; or
  - b. Within thirty (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 that the applicant address the deficiencies in the application and provide the missing documentation or provide additional information required by the DSD. ~~Its location as a site of a significant local, state or national event; or~~
  - c. 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. 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 on the letter, 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. ~~Its identification with a person or persons who significantly contributed to the development of the city, state, or nation; or~~

- d. After the application is deemed complete the DSD shall schedule the application for the next available HPB meeting. The HPB will consider the application and recommendations forwarded by the DSD and shall permit public comment on the application.~~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. The HPB shall review the application and determine if it meets the criteria for designation as provided in Section 47-24.11 of the ULDR.~~Its value as a building recognized for the quality of its architecture, and sufficient elements showing its architectural significance; or~~
- f. The HPB recommendations shall be forwarded by city staff and to the city commission for consideration.~~Its distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials; or~~
- g. The HPB may vote to defer its decision only if the applicant agrees to the deferral.~~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. Contributing and Noncontributing Properties. Contributing and Non-contributing Properties are designated by the following procedure:~~Its character as an established and geographically definable neighborhood, united in culture, architectural style or physical plan and development.~~
  - 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.



- i. 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 fine not to exceed \$5,000.00 per violation, in accordance with Section 162.09, Florida Statutes, as amended from time to time.
- 8. 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 PZB shall be forwarded to the city commission for consideration.~~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~~
  - g. ~~A property achieving significance within the past fifty (50) years if it is of exceptional importance.~~
9. ~~Review process—City commission. Approval. Unless otherwise specified by the approving body, each designation of a 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 shall notify each applicant and property owner of the decision relating to his 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 in the public records of the county.~~
- a. The recommendations of the HPB and the PZB (when required), shall be forwarded by the DSD to the city commission. The city commission shall hold a public hearing to consider the application, the record and recommendations of the PZB (when required) and the HPB, 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.

10. Criteria. The criteria for the designation of property as a landmark, interior landmark, landmark site, historic district, or thematic historic district shall be 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: ~~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 application, unless the application is accepted pursuant to this section.~~

- 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.

11. 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 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: ~~Amendments and rescissions. The designation of any landmark and landmark site, historic building or historic district may be amended or rescinded through the same procedure utilized for the original designation.~~

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

g. A property achieving significance within the past fifty (50) years if it is of exceptional importance.

12. *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 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 property within thirty (30) days of the city commission action. 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.~~*Appeal.* Appeal of a denial of an application for designation by the city commission shall be by writ of certiorari to the circuit court.~~

13. *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 its application, unless the application is accepted pursuant to this section.

14. *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.

**15. Amendments and rescissions.** The designation of any landmark, Interior landmark, landmark site, archaeological site, historic building, historic district, or thematic historic district may be amended or rescinded 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.

**16. 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 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.

17. 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.

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; or 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 appropriateness, the building official shall issue a stop work order shall be considered a code violation and is 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 owner(s) 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 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.~~The department shall forward its recommendations to the HPB for consideration.~~

- iii. ~~The department~~DSD shall forward its recommendations to the HPB for consideration.
- iiiv. ~~Within one hundred and eighty~~ninety (90)~~days~~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 (90180)~~ninetyone hundred and eighty (90180) 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 the applicant filing a written waiver with the DSD.

c. *Criteria.*

- i. **General.** In approving or denying applications for certificates of appropriateness for alterations, new construction, **demolition**, 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 **and demolitions** 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, 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
  - 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) Proportions and the size of the new building shall be visually compatible with existing buildings on the same site or the proportions and the size of the new building shall be visually compatible with buildings on adjacent properties; and~~The height of the proposed building shall be visually compatible with adjacent buildings; and~~
  - b) The size, shape, and location of windows and doors, in a building shall be visually compatible with the buildings on adjacent properties; and~~The relationship of the width of the building to the height of the front elevation shall be visually compatible to buildings and places to which it is visually related; and~~
  - c) The to open space between the building it and adjoining buildings shall be visually compatible with the buildings and places on adjacent properties; and~~The relationship of the width of the windows to height of windows in a building shall be visually~~

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~~compatible with buildings and places to which the building is visually related; and~~

- d) The materials, texture and color of the facade of a building shall be visually compatible with the predominant materials used in the buildings on adjacent properties; and~~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 roof and shape of a building shall be visually compatible with the buildings on adjacent properties; and~~The relationship of a building to open space between it and adjoining buildings shall be visually compatible to the buildings and places to which it is visually related; and~~
- f) Walls, fences, landscaping, and, building facades including porches and balconies, must be visually compatible with adjacent properties.~~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; and~~
- g) The roof and shape of a building shall be visually compatible with the buildings to which it is visually related; and
- h) Appurtenances of a building such as walls, wrought iron, fences, evergreen, landscape masses and, building facades, shall, if necessary, form cohesive walls of enclosures along a street, to ensure visual compatibility of the building to the buildings and places to which it is visually related; 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
  - 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:
  - 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 ninetyeighty~~one hundred and ninetyeighty (90180) days after city staff has deemed that the application is

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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 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 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. ~~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.~~
- 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

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- 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. *Economic hardship*.
- 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. *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; and
    - ii. Assessed value of the land and improvements thereon according to the most recent assessment; 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
    - vi. Any consideration by the owner as to profitable, adaptive uses for the property.

- 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. ~~Review process—Economic hardship.~~
- i. ~~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 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 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 D.5.c, the HPB shall approve the certificate or approve the certificate 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. 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. ~~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 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 major benefit to a historic district.~~

6. ~~Economic hardship.~~ 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 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.

~~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 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
- 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.

- 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 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. 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 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.
7. 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. ~~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, 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.

8. ~~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. ~~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 may initiate steps to designate the property under the provisions of this Section 47-24.11 of the ULDR.
9. ~~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.~~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.~~

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.~~

d. ~~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~~

e. ~~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.~~

f. ~~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 47-24.11 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.~~

~~g. *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.~~

~~h. *Amendments to a certificate of appropriateness.* Any request for an amendment to a Certificate of Appropriateness shall be reviewed by the department to determine whether the application shall be subject to administrative review or HPB review in accordance with criteria listed below:~~

~~i. *Administrative review.* If the department determines that the applicant meets all of the following criteria, staff may administratively approve an application for an amendment to the certificate of appropriateness:~~

~~a) The request is a minor alteration and does not affect the property's historic character; and~~

~~b) The request is a minor alteration and is in accordance with the City of Fort Lauderdale's historic preservation design guidelines; and~~

~~c) The request is a minor alteration and is in accordance with the secretary of the interior's standards for rehabilitation; and~~

~~d) The scale, massing, roof form, or appearance as visible from the right-of-way in the approved certificates of appropriateness has not been modified.~~

~~ii. *Historic preservation board review.* If the department determines that the criteria in subsection (1) has not been met, then the 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.~~

10. ~~*Conformity with the certificate of appropriateness.* 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~~



- 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. 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
- d. 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.
- e. *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 47-24.11 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.

- f. *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.
- g. *Amendments to a Certificate of Appropriateness.* Any request for an Amendment to a Certificate of Appropriateness shall be reviewed by the DSD to determine whether the application meets the criteria 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 DSD determines that the applicant meets all of the following criteria, staff 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
- b) If the request is for a minor alteration, and the DSD finds that the application 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 complies with the secretary of the interior's standards for rehabilitation; and
- d) The scale, massing, and roof form that is visible from the right-of-way in the approved certificate(s) of appropriateness, has not been modified.
- 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.* If the DSD determines that the criteria in subsection 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.

- 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 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.

11. 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 ~~for~~ 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
  - 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~~ 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~~ 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: ~~Whenever any minor alteration, minor demolition, in-kind replacement, or restoration is undertaken on a property in a designated landmark, a designated landmark site, or a property in a designated historic district without an administrative certificate of appropriateness, the building official shall issue a stop work order.~~
- a. Site improvements must comply with the City of Fort Lauderdale's Historic Preservation Design Guidelines; and
  - 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.

6. Any minor alteration, minor demolition, in-kind replacement, restoration, or site improvement is undertaken on a property in a designated landmark, a designated Interior landmark, a designated landmark site, a property in a designated historic district, or a thematic historic resource without an administrative certificate of appropriateness, 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.~~Appeal of administrative certificate of appropriateness.~~

- a. ~~An applicant may file an appeal of a decision of the department 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.~~

7. Appeal of administrative certificate of appropriateness.

- a. An applicant may file an appeal of a decision of the 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 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 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.

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 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:

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- a) ~~The property is capable of yielding important information about a historic period; or It was present during the period of significance of 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~~ designated 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.

- 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.

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 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-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.

- 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.

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- 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 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.3.~~ of the ULDR.
- d. Notice shall be given in accordance with Section 47-27.8. of the ULDR.
- 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.

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Mayor  
DEAN J. TRANTALIS

ORDINANCE NO. C-23-

PAGE 69

ATTEST:

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City Clerk  
DAVID R. SOLOMAN

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C-23-

CAM # 23-0288  
Exhibit 8  
Page 69 of 69



## **DEVELOPMENT AGREEMENT**

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2023, by and between RAHN BAHIA MAR L.L.C., a Delaware limited liability company, whose principal address is 1175 NE 125<sup>th</sup> Street, Suite 102, North Miami, FL 33161 ("Developer") and the City of Fort Lauderdale a municipal corporation, whose principal address is \_\_\_\_\_ ("City").

### **R E C I T A L S**

WHEREAS, Pursuant to that certain lease approved by the City on April 5, 2022 pursuant to City Resolution No. 22-73 and dated April 13, 2022, as may be amended from time to time ("Lease"), Developer is the Lessee of the Property generally located at 801 Seabreeze Boulevard in the City of Fort Lauderdale, as more particularly described in **Exhibit "A"** attached hereto (the "Property"); and

WHEREAS, on \_\_\_\_\_, \_\_\_\_\_, 2023, Developer received approval for a Site Plan and Planned Development District (City Case # UDP-PDD22004) ("PDD") rezoning of the Property pursuant to City Ordinance No. C-23-24 ("Project"); and

WHEREAS, the Project includes 350 residential units, 60 hotel residences 256 hotel rooms, approximately 88,000 square feet of commercial uses, a marina, and various ancillary facilities all located in buildings at various heights with the highest tower at 300' tall.

WHEREAS, as a condition of approval for the Project and pursuant to the City of Fort Lauderdale, Florida Unified Land Development Regulation ("ULDR") Section 47-37A.13, Developer is required to enter into a development agreement with regards to the implementation of any conditions imposed under the PDD approval; and

NOW, THEREFORE, Owner hereby declares the following:

1. Recitals. The recitals set forth above are true and correct and are incorporated herein by reference.
2. Development Uses Permitted on the Land. City Ordinance No. C-23-24, adopted on \_\_\_\_\_, 2023, approved the Project subject to certain conditions imposed by the City Commission. The Project is consistent with the City of Fort Lauderdale Comprehensive Plan and Unified Land Development Regulations.
3. Developer Obligations. Developer agrees to the following obligation:
  - (a) Conditions of Approval. Developer agrees to comply with all conditions imposed by the City Commission as part of the PDD approval which

conditions are attached hereto as **Exhibit "B"**, as same may be amended from time to time.

(b) Phasing Project. Developer shall construct the Project in five (5) phases consistent with the Phasing Plan depicted in the PDD site plan, Sheet L-106. In the event the Developer seeks an amendment to the Phasing Plan, then such amendment shall be processed consistent with ULDR, Section 47-37A.15.

(c) Public Improvements. Developer shall construct and maintain the public improvements as described in the PDD approval in accordance with the following:

- (1) The marina promenade, beachwalk (sidewalk along Seabreeze Boulevard), and the park open space shall be constructed and completed during Phase 2 as depicted in the PDD site plan, Sheet L-106.
- (2) The public improvements shall be located as depicted on the site plan and constructed consistent with the detailed drawings in the site plan set as to materials and amenities such as benches, trash receptacles, lighting, and wayfinding signage subject to minor alterations as approved by City staff.
- (3) Public access wayfinding signage including hours of access shall be provided at entrance areas and/or pedestrian connections to the public sidewalk.

(d) Parking and Valet Operations

1. The Developer shall execute a parking reduction order reflecting the reduced parking for the project. The parking reduction order shall be executed and recorded prior to the submittal of the first building permit for Phase 2. Developer shall provide a copy of the recorded parking reduction order to the City's Development Services Department at time submittal of the first building permit for Phase 2.
2. A valet parking agreement shall be executed and recorded prior to the submittal of the first building permit for Phase 2. Developer shall provide a copy of the recorded valet parking agreement to the City's Development Services Department at time submittal of the first building permit for Phase 2.

4. City Obligations.

- a) The City agrees to cooperate with the Developer in securing all permits and approvals necessary to complete the Project pursuant to this Agreement.
- b) The City agrees to provide impact fee credits to the Developer for any buildings demolished on the Property, which shall reduce any impact fees payable on any new buildings approved for construction on the Property.
- c) The City agrees that throughout the term of this Agreement, the site plan approval for the Project shall not expire and shall remain an active site plan.

5. Entire Agreement. This Agreement, together with all exhibits attached hereto, constitutes the entire agreement of the Developer and the City of Fort Lauderdale. Any oral representations, inducements or agreements between the Developer and the City which are not specifically incorporated in this Agreement are not binding upon the Developer or the City of Fort Lauderdale.

6. Effective Date. This Agreement shall be effective upon recordation in the Public Records of Broward County, Florida. Developer shall record this Agreement at its sole expense.

7. Venue. Venue of any litigation arising out of this Agreement will be in Broward County, Florida.

8. Severability. If any term or provision of this Agreement or the application of it to any person or circumstances is to any extent invalid or unenforceable, the remainder of this Agreement or the application of such term or provision to person or circumstances, other than those as to which it is invalid or enforceable, will not be affected thereby, and each term and provision of this Agreement will be valid and is intended to be enforced to the fullest extent permitted by law.

9. Successors and Assigns. This Agreement will inure to the benefit of and be binding upon the Developer, its heirs, personal representatives, successors and assigns, and upon any person acquiring the Property or any portion thereof (or the leasehold interest in the Property or any portion thereof), or any interest therein whether by operation of law or otherwise. The new owner(s) of the Property or any portion thereof (or the leasehold interest in the Property or any portion thereof) (including, without limitation, any owner who acquires its interest by foreclosure, trustee's sale or

otherwise), will be liable for all obligations arising under this Agreement with respect to such property after the date of sale and conveyance of title.

10. Modification or Termination. Except as otherwise provided herein, this Agreement shall not be modified, amended, discharged or terminated, except by an instrument in writing signed by Developer and the City of Fort Lauderdale, or their respective successors or assigns, and recorded in the Public Records of Broward County, Florida.

11. Compliance with Governing Laws. The parties shall comply with all applicable laws, ordinances, and codes of the United States of America, the State of Florida and all local governments having jurisdiction, in carrying out the rights and responsibilities provided in this Agreement. If state or federal laws are enacted after the execution of this Agreement which are applicable to and preclude the parties' compliance with the terms of this Agreement, this Agreement shall be modified or revoked as is necessary to comply with the relevant state or federal laws. The failure of this Agreement to address a particular permit, condition, term, or restriction shall not relieve the Developer of the necessity of complying with the law governing said permitting requirements, conditions, term, or restriction.

12. Third Party Beneficiary Rights. This Agreement is not intended to create, nor to be interpreted or construed in any way to create any third-party beneficiary rights in any person not a party hereto unless otherwise expressly provided herein.

13. Duration of the Development Agreement. The duration of this Agreement shall be 11 years but may be extended by mutual consent of the City Commission and the Developer.

14. Tolling and extension of Provisions of Development Agreement. The declaration of a state of emergency issued by the Governor of the State of Florida for a natural emergency that effects the jurisdiction of the City of Fort Lauderdale tolls the period remaining to exercise the rights under this agreement for the duration of the emergency declaration and further extends the period remaining to exercise the rights under this agreement for six (6) months in addition to the tolled period if the Developer provides notice consistent with the requirement of Section 252.363, Florida Statutes.

This Agreement is executed as of the date first above written.

[Signatures begin on the following page]

**WITNESSES:**

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

STATE OF FLORIDA:  
COUNTY OF BROWARD:

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization this \_\_\_\_ day of \_\_\_\_\_, 2023 by \_\_\_\_\_, as \_\_\_\_\_ of RAHN BAHIA MAR L.L.C., a Delaware limited liability company. He is personally known to me or has produced \_\_\_\_\_ as identification.

**AS TO DEVELOPER:**

**RAHN BAHIA MAR L.L.C., a  
Delaware limited liability  
company**

By: \_\_\_\_\_  
Name, Title: \_\_\_\_\_

\_\_\_\_\_  
Notary Public, State of Florida  
(Signature of Notary taking  
Acknowledgement)

\_\_\_\_\_  
Name of Notary Typed,  
Printed or Stamped

My Commission Expires:

\_\_\_\_\_  
Commission Number

IN WITNESS OF THE FOREGOING, the parties have set their hands and seals the day and year first written above.

**AS TO CITY:**

WITNESSES:

**CITY OF FORT LAUDERDALE**, a municipal corporation of the State of Florida

\_\_\_\_\_

\_\_\_\_\_  
[Witness type or print name]

\_\_\_\_\_

\_\_\_\_\_  
[Witness type or print name]

By: \_\_\_\_\_  
Dean J. Trantalis, Mayor

By: \_\_\_\_\_  
Greg Chavarria, City Manager

ATTEST:

(CORPORATE SEAL)

\_\_\_\_\_  
David R. Soloman, City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
D'Wayne M. Spence  
Interim City Attorney

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by [ ] physical presence or [ ] online notarization this \_\_\_\_ day of \_\_\_\_\_, 2023, by DEAN J. TRANTALIS, Mayor of the City of Fort Lauderdale, Florida.

\_\_\_\_\_  
Signature of Notary Public – State of Florida

\_\_\_\_\_  
Print, Type of Stamp Commissioned Name of Notary Public

Personally Known \_\_\_\_ OR Produced Identification \_\_\_\_  
Type of Identification Produced: \_\_\_\_\_



## **Exhibit "A"**

### **Legal Description of the Property**

All that part of Bahia Mar, according to the plat thereof, recorded in Plat Book 35, Page 39 of the public records of Broward County, Florida, lying west of the right-of-way line of Seabreeze Boulevard, excepting therefrom Parcel 1; also excepting therefrom the North 80 feet of Parcel 34.

**Exhibit “B”**

**PDD Conditions of Approval**

**[see attached conditions of approval]**

**EXHIBIT B**  
**CONDITIONS OF APPROVAL**  
**Case No. UDP-PDD22004**

1. Prior to Final DRC, the applicant shall provide a copy of the Preliminary School Capacity Determination Letter (SCAD) for school capacity.
2. Applicant shall continue to work with FDOT and the City for possible bike lanes on A1A.
3. Prior to submittal of the building permit for the first residential tower, applicant shall provide the Final School Capacity Availability Determination (SCAD) letter that confirms that school capacity is available, or if capacity is not available, that mitigation requirements have been satisfied.
4. Pursuant to ULDR Section 47-38A, Park Impact Fees, the applicant will be required to pay Park Impact Fee for the proposed residential units and hotel rooms prior to issuance of building permit for such use.

The following conditions apply to Phase 1A, "Marina Village".

5. Prior to issuance of any Final Certificate of Occupancy, applicant will coordinate with the City regarding legal conveyance of property for all proposed public utilities.

The following conditions apply to Phase 2 through 5.

6. In accordance with the Water and Wastewater Capacity Availability letter issued by the City Public Works Department dated February 8, 2023, the existing water and sewer distribution systems require improvements to accommodate the proposed development. Prior to any Certificate of Occupancy, all necessary improvements shall be constructed, certified and in operation per ULDR section 47-25.2.
7. Prior to any Final Certificate of Occupancy, applicant shall dedicate right-of-way as public deed or easement along the west side of Seabreeze Boulevard varying in width as required by Broward County Trafficways Plan and approved by the Florida Department of Transportation.
8. Prior to building permit issuance, the proposed development shall be designed to provide adequate water and sanitary sewer system. The design shall include the necessary areas and easements needed for the installation and maintenance of the systems.
9. Prior to building permit issuance, applicant must provide plans, sections and details to effectively conduct safe and adequate pedestrian movement through

public pedestrian facilities along Seabreeze Blvd in compliance with ULDR Section 47-25.2.M.6.

10. Prior to building permit issuance, applicant shall provide proper drainage design and supporting documentation to demonstrate compliance with ULDR Sec. 47-25.2.L.
11. Prior to building permit issuance, applicant must provide utility plan and legal conveyance of any property necessary to serve, access and maintain the proposed public utilities serving the development.
12. Prior to building permit issuance, applicant must coordinate and define any encumbrance found within the site that would otherwise restrict the proposed development.
13. The applicant shall execute and record in the Broward County Public Records a Declaration of Restrictive Covenants restricting the following areas as a "Park" as defined in Section 47-18.44.A.1. of the Unified Land Development Regulations:
  - A. The area adjacent to the Intercoastal waterway identified as "Bahia Mar Central Park" or "Bahia Mar Central Park Space" or "Central Park" in the Ordinance approving the Rezoning, Associated Site Plan, and Phasing Plan (CAM #23-0607 and Case No. UDP-PDD22004).
  - B. The area identified as "Pedestrian Promenade" or "Marina Promenade" in the Ordinance approving the Rezoning, Associated Site Plan, and Phasing Plan (CAM #23-0607 and Case No. UDP-PDD22004).

The Declaration of Restrictive Covenants shall state that "the Park shall be open to members of the public, subject to the conditions and limitations in the Master Lease Agreement, as amended from time to time." The applicant shall record the Declaration of Restrictive Covenants in the Broward County Public Records at its own cost and expense and provide the City Clerk with a copy of the recorded Declaration of Restrictive Covenants within 10 days after the Ordinance approving the Rezoning, Associated Site Plan, and Phasing Plan (CAM # 23-0607 and Case No. UDP-PDD22004) is adopted by the City Commission. The Declaration of Restrictive Covenants cannot be terminated without consent from the City Commission.

RESOLUTION NO. 23-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION OF A ONE-STORY SINGLE-FAMILY RESIDENCE, A METAL SHED, AND TWO WOOD FRAME SHEDS LOCATED AT 301 SW 14TH WAY, CASE NO. UDP-HP23016, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the City of Fort Lauderdale, Florida Unified Land Development Regulations (hereinafter "ULDR") provides that a Certificate of Appropriateness for demolition must be issued by the Historic Preservation Board ("HPB") before any permit for such may be issued for property located in the Sailboat Bend Historic District; and

WHEREAS, Curt John Fretham ("Applicant"), the owner of the property located at 301 SW 14<sup>th</sup> Way, Fort Lauderdale, Florida, which is located in the Sailboat Bend Historic District, submitted an application for a Certificate of Appropriateness for the demolition of a one-story single-family residence, a metal shed, and two wood frame sheds; and

WHEREAS, on May 1, 2023, the Historic Preservation Board approved the application for a Certificate of Appropriateness for the demolition of a one-story single-family residence, a metal shed, and two wood frame sheds located on the Subject Property, Case No. UDP-HP23016, subject to the 30-day Commission Request for Review; and

WHEREAS, on May 16, 2023, the City Commission voted to adopt a motion to set a de novo hearing in accordance with Section 47-26A.2. of the Unified Land Development Regulations; and

WHEREAS, on June 20, 2023, the City Commission held a de novo hearing, heard public comment, and reviewed the application for a Certificate of Appropriateness for Demolition and found that the application meets the criteria in Sections 47-24.11.D.3.c.i., ~~and 47-24.11.D.4.c., and 47-17.7.~~ of the ULDR.

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

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

SECTION 2. The City Commission finds that the application for a Certificate of Appropriateness for Demolition and meets the criteria in Sections 47-24.11.D.3.c.i., ~~and 47-24.11.D.4.c., and 47-17.7.~~ of the ULDR, as enunciated and memorialized in the minutes of its meeting on June 20, 2023, a portion of those findings are expressly listed as follows:

[SPACE RESERVED FOR FINDINGS OF FACT]

SECTION 3. That the application for a Certificate of Appropriateness for demolition of a one-story single-family residence, a metal shed, and two wood frame sheds located at 301 SW 14<sup>th</sup> Way, Fort Lauderdale, Florida, Case No. UDP-HP23016, is hereby approved, subject to the conditions stated on the record at the City Commission meeting on June 20, 2023.

SECTION 4. That pursuant to the provisions of the ULDR of the City of Fort Lauderdale, Florida, the property City officials are hereby authorized to issue the necessary building and use permits subject to the conditions imposed by the Historic Preservation Board and the City Commission.

SECTION 5. Issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

SECTION 6. This approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development.

SECTION 7. Any resolutions or parts of resolutions in conflict herewith are hereby repealed, to the extent of such conflict.

SECTION 8. That if any clause, section or other part of this Resolution shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this resolution shall not be affected thereby, but shall remain in full force and effect.

SECTION 9. That all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed.

SECTION 10. That this Resolution shall be in full force and effect immediately upon its passage and adoption.



ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor  
DEAN J. TRANTALIS

ATTEST:

\_\_\_\_\_  
City Clerk  
DAVID R. SOLOMAN

APPROVED AS TO FORM:

\_\_\_\_\_  
Interim City Attorney  
D'WAYNE M. SPENCE

Dean J. Trantalis \_\_\_\_\_  
John C. Herbst \_\_\_\_\_  
Steven Glassman \_\_\_\_\_  
Pamela Beasley-Pittman \_\_\_\_\_  
Warren Sturman \_\_\_\_\_

RESOLUTION NO. 23-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DENYING AN APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION OF A ONE-STORY SINGLE-FAMILY RESIDENCE, A METAL SHED, AND TWO WOOD FRAME SHEDS LOCATED AT 301 SW 14TH WAY, CASE NO. UDP-HP23016, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Lauderdale, Florida Unified Land Development Regulations (hereinafter "ULDR") provides that a Certificate of Appropriateness for demolition must be issued by the Historic Preservation Board ("HPB") before any permit for such may be issued for property located in the Sailboat Bend Historic District; and

WHEREAS, Curt John Fretham ("Applicant"), the owner of the property located at 301 SW 14th Way, Fort Lauderdale, Florida, which is located in the Sailboat Bend Historic District, submitted an application for a Certificate of Appropriateness for the demolition of a one-story single-family residence, a metal shed, and two wood frame sheds; and

WHEREAS, on May 1, 2023, the Historic Preservation Board approved the application for a Certificate of Appropriateness for the demolition of a one-story single-family residence, a metal shed, and two wood frame sheds located on the Subject Property, Case No. UDP-HP23016, subject to the 30-day Commission Request for Review; and

WHEREAS, on May 16, 2023, the City Commission voted to adopt a motion to set a de novo hearing in accordance with Section 47-26A.2. of the Unified Land Development Regulations; and

WHEREAS, on June 20, 2023, the City Commission held a de novo hearing, heard public comment, and reviewed the application for a Certificate of Appropriateness for Demolition and found that the application does not meet the criteria in Sections 47-24.11.D.3.c.i., ~~and 47-24.11.D.4.c.i.~~ and 47-17.7. of the ULDR.

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

SECTION 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed and being true and correct and are hereby made a specific part of this Resolution.

SECTION 2. The City Commission finds that the application for a Certificate of Appropriateness for Demolition and does not meet the criteria in Sections 47-24.11.D.3.c.i., ~~and~~ 47-24.11.D.4.c., ~~and 47-17.7.~~ of the ULDR, as enunciated and memorialized in the minutes of its meeting on June 20, 2023, a portion of those findings are expressly listed as follows:

[SPACE RESERVED FOR FINDINGS OF FACT]

SECTION 3. That the application for a Certificate of Appropriateness for demolition of a one-story single-family residence, a metal shed, and two wood frame sheds located at 301 SW 14<sup>th</sup> Way, Fort Lauderdale, Florida, Case No. UDP-HP23016, is hereby denied.

SECTION 4. Any resolutions or parts of resolutions in conflict herewith are hereby repealed, to the extent of such conflict.

SECTION 5. That if any clause, section or other part of this Resolution shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this resolution shall not be affected thereby, but shall remain in full force and effect.

SECTION 6. That all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed.

SECTION 7. That this Resolution shall be in full force and effect immediately upon its passage and adoption.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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Mayor  
DEAN J. TRANTALIS

ATTEST:

\_\_\_\_\_  
City Clerk  
DAVID R. SOLOMAN

APPROVED AS TO FORM:

\_\_\_\_\_  
Interim City Attorney  
D'WAYNE M. SPENCE

Dean J. Trantalis \_\_\_\_\_

John C. Herbst \_\_\_\_\_

Steven Glassman \_\_\_\_\_

Pamela Beasley-Pittman \_\_\_\_\_

Warren Sturman \_\_\_\_\_