



## Memorandum

**Memorandum No: 18-131**

**Date:** August 28, 2018

**To:** Honorable Mayor and Commissioners

**From:** Lee R. Feldman, ICMA-CM, City Manager

**Re:** Historic Preservation Update Schedule

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The City Commission has given direction to City staff regarding potential amendments to the existing preservation ordinance as well as researching incentives that can be utilized to encourage property owners to apply for historic designations.

In order to accomplish these tasks with existing resources we have broken down these efforts into phases that we believe will suitably address the direction received, accomplish high impact amendments that we feel would be widely supported, and determine long term solutions that will resolve more complicated issues the City has been dealing with over the past several years since the original ordinance was drafted and adopted.

### **Phase 1:**

While there are numerous items to be addressed in updating the City's Unified Land Development Regulations (ULDR) related to historic preservation, it is important to address several elements within the existing framework to provide a solid foundation for the overall program. One of the primary benefits of these proposed edits, revisions, and additions, is that it will allow staff to process additional applications administratively and expeditiously, which alleviates the amount of time staff spends on processing applications for the Historic Preservation Board (HPB), and saves both time and money for the property owner in applying to the HPB as well as adding a certain level confidence in the process. Below is an outline of the proposed changes:

### **Outline of Proposed Changes to ULDR Section 47-24.11**

- Additional definitions for "contributing property," "non-contributing property," "Fort Lauderdale register of historic places," and "Historic preservation design guidelines" as well as other definitions that further clarify the text contained within the ordinance.
- Modifications to designation process to clarify the process with inclusion of interim protection measures for properties within the historic designation process and inclusion of criteria exceptions (as referenced within the National Register Bulletin.)

- Proposed language that will address administrative review (staff level review and approval) for minor repairs and improvements with reference to the City of Fort Lauderdale's Historic Preservation Design Guidelines.
- Proposed language to address amendments to work previously approved by the historic preservation board that will allow for a streamlined process with criteria similar in concept to how amendments to Planning and Zoning Board or City Commission approved plans.
- Proposed language to address approval or denial of after-the-fact work subject to thresholds and penalties.
- Develop expiration criteria for Certificates of Appropriateness that would be similar to expirations of site plan approvals.
- Miscellaneous edits to address inconsistencies throughout the text to ensure clarity on the process and requirements.
- Revision to ULDR Section 47-27, Notice Procedures for Public Hearings, to reflect the addition of interim protection measures and other revisions to the designation process.

Staff believes this low hanging fruit concept will have a substantial positive impact to the overall certificate of appropriateness permit that will streamline the process and give our neighbors a greater level of comfort and clear expectations when going through the process for any properties that are individually designated or within a designated historic district.

**Current Proposed Timeline for Phase 1 Implementation:**

- **August 2018** Memo provided to City Commissioners outlining initiative
- **September 5, 2018** Presentation to the Historic Preservation Board
- **September - October 2018** Community Outreach Meeting with Sailboat Bend Civic Association; Outreach Meeting with owners of Historic Landmarks, and other community stakeholders: FLHS (Patricia Zeiler), Broward Trust for Historic Preservation (Micheline Michel), and various interested parties within the development community
- **December 19, 2018** Planning and Zoning Board

- **January 2019** First reading at City Commission
- **February 2019** Second reading at City Commission

**Phase 2:**

In an effort to address the City Commission directive to research and develop recommendations regarding Historic Preservation Incentives staff proposes the following timeline:

**Timeline of Research and Implementation of Historic Preservation Incentives**

- **September – December 2018** Staff research and meetings with local municipalities, stakeholders, and other interested parties.
- **January – February 2019** Prepare draft ULDR amendments of proposed incentives.
- **March – June 2019** Meetings to review proposed changes with stakeholders and interested parties including the Historic Preservation Board.
- **July 2019** Planning and Zoning Board
- **August 2019** First Reading at City Commission
- **September 2019** Second Reading at City Commission

**Phase 3:**

In 2012, a working group consisting of members of the Historic Preservation Board and members of the community (along with input from City staff and the City Attorney's Office) proposed amendments to the Historic Preservation Ordinance. This effort was very large in scope and there were several aspects of the proposed amendments, which remain outstanding from the perspective of addressing issues and concerns from a legal and practical standpoint.

Recently, members of the current Historic Preservation Board have commented that they would like to this effort move forward again. However, the time and dedication to accomplish an overall amendment to the ordinance would require devoting staff to a large scale project, where accomplishing phase 1 above would provide high impact changes to the existing ordinance that would be more beneficial in a shorter amount of time.

A certificate to dig (a recommendation from the working group that would require a certificate to be issued prior to any ground disturbing activity) is an example of an outstanding item from this effort. This recommendation did not provide clear criteria at

the time and there were several questions that remained unanswered that will require additional research and time.

Staff does anticipate that Phase 1 will address some of the issues that are part of the larger overall amendment effort and intend on working on some issues throughout and during the time period of Phases 1 & 2. To illustrate this point please see the following:

**Outline of New Items Proposed in 2012 Amendments**

- Declaration of Public Policy and Legislative Intent
- Definitions (addressed in current update)
- Updates Designation Process (addressed in current update)
- Updates to Certificate of Appropriateness Review Process (partially addressed in current update)
- Certificate to Dig (Archaeology)
- Maintenance of Designated Historic Resources and Demolition by Neglect
- Incentives: Financial Assistance; Permit Fee Incentive Program; Additional Fees for Demolitions; Conservation Easements; Property Tax Exemption for Commercial Properties
- Transfer of Development Rights (TDR)

It is our intent to ensure that all requests are addressed and given the resources available we believe that the above timeline will allow staff to move forward.

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