REQUEST: Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Sections 47-3.6., Change in structure; 47-16.5., Building regulations; 47-16.6., Certificate of appropriateness; 47-16.23., Parking exemption; 47-17.4., Application for alterations or new construction; 47-17.5., Application for yard and minimum distance separation reduction; 47-17.6., Alterations to non-conforming structures; and removing Article XII., Purpose and Intent including sections 47-36.1., General, and 47-36.2., Purpose and declaration of public policy for historic preservation regulations of section 47-24.11.

Case Number	T19007
Applicant	City of Fort Lauderdale
ULDR Sections	Section 47-3.6.; Section 47-16.5.; Section 47-16.6.; Section 47-16.23.; Section 47-17.4.; Section 47-17.5.; Section 47-17.6.; Section 47-36.1.; Section 47-36.2.
Notification Requirements	10-day legal ad
Action Required	Recommend approval or denial to City Commission
Authored By	Trisha Logan, Urban Planner III

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

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

At the July 10, 2018, City Commission Conference meeting, the City Commission asked for recommendations regarding potential amendments to the existing historic preservation ordinance (meeting minutes provided as Exhibit 1). Following this conference meeting, on August 28, 2018, a commission memorandum was sent to the Mayor and commissioners outlining potential amendments and incentives (provided as Exhibit 2). A follow-up commission memorandum providing a status and adjusted timeline was sent on December 20, 2018 (provided as Exhibit 3).

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

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

AMENDMENT SUMMARY

The proposed amendments to *Section 47-3.6., Change in structure* include the following:

- Re-numbered reference of Section 47-24.11.C to Section 47-24.11.D.

The proposed text amendment is attached as Exhibit 4.

The proposed amendments to *Section 47-16.5., Building regulations; Section 47-16.6., Certificate of appropriateness* include the following:

- Re-numbered reference of Section 47-24.11.C to Section 47-24.11.D.

The proposed text amendment is attached as Exhibit 5.

The proposed amendments to *Section 47-16.23., Parking exemption* include the following:

- Re-numbered reference of Section 47-24.11.C to Section 47-24.11.D.

The proposed text amendment is attached as Exhibit 6.

The proposed amendments to *Section 47-17.4., Application for alterations or new construction; Section 47-17.5., Application for yard and minimum distance separation reduction; Section 47-17.6., Alterations to non-conforming structures* include the following:

- Re-numbered reference of Section 47-24.11.C to Section 47-24.11.D.

The proposed text amendment is attached as Exhibit 7.

The proposed amendments to *Article XII., Purpose and Intent including sections 47-36.1., General, and 47-36.2., Purpose and declaration of public policy for historic preservation regulations of section 47-24.11* include the following:

- Removal of Article XII.-Purpose and Intent of the ULDR which will be replaced by a historic preservation intent section within Section 47-24.11 of the ULDR.

The proposed text amendment is attached as Exhibit 8.

PUBLIC OUTREACH

City staff initially presented proposed amendments to the historic preservation sections of the ULDR at the September 5, 2018, Historic Preservation Board (HPB) Meeting (minutes provided as Exhibit 9). Since the initial presentation to the HPB staff has also presented the amendments to the Sailboat Bend Civic Association, as well as to a group of preservation stakeholders that included owners of locally designated Historic Landmarks. After the initial public outreach meetings, neighbors expressed an interest in holding additional public outreach meetings to associations that may also be affected by the updated ordinance. Following this request, a document that addressed Frequently Asked Questions, provided as Exhibit 10, was sent to all Civic and Business Associations which offered the option for City staff to present to any interested group on the topic. In response, the only Civic Association that requested a presentation was the Central Beach Alliance Board and presentations by staff were made at the board and general membership meetings which were held in January 2019.

Feedback received during the course of public outreach included concerns about the broadness of scope and who may apply for historic landmark designation in the City of Fort Lauderdale. Re-defining who may apply for historic designation was not initially addressed, but is now included within the proposed amendments. Language utilized is based on examples from

other cities in the state of Florida including the City of Miami Beach, the City of Miami, the City of West Palm Beach, the City of Gainesville, and the City of St. Petersburg.

A compilation of comments from the public outreach meetings are attached as Exhibit 11.

On March 4, 2019, (minutes provided as Exhibit 12) and April 1, 2019, (draft minutes provided as Exhibit 13) drafts of the proposed amendments were presented to the Historic Preservation Board. Staff reviewed each section with the board members with specific points of clarification requested for definitions of minor alterations and minor demolition in correspondence with the proposed language for administrative certificates of appropriateness, specifically related the visibility of proposed work from the right-of-way, which has now been addressed. Other points of discussion were related to the proposed definition of "applicant" for a historic landmark designation application, the updated noticing requirements, and approvals of after-the-fact work. Several of the board members commended staff for their efforts in the preparation of the proposed amendments and requested updates as they moved through the remainder of the review process.

COMPREHENSIVE PLAN CONSISTENCY:

The proposed amendments are consistent with the City's Comprehensive Plan. Specific Goals, Objectives and Policies are addressed as follows:

ELEMENT:	Historic Preservation Element
GOAL 1:	Goal 1: To provide for the identification, recognition and evaluation of the historic resources of Fort Lauderdale and to enhance public awareness and involvement in various applicable aspects of historic preservation.
OBJECTIVE:	Objective 1.5: The City shall continue to enact, amend, or revise, as appropriate, regulatory measures that will further its historic preservation goals.
POLICY:	Policy 1.5.2: The Fort Lauderdale Code of Ordinances shall be amended to incorporate the findings and recommendations found within the Historic Preservation Element and to be consistent with amendments to the Historic Preservation Element, when appropriate.

This ULDR amendment is a Press Play Fort Lauderdale Strategic Plan 2018 initiative, included within the *Neighborhood Enhancement Cylinder of Excellence*, specifically advancing:

Goal 6:	Be an inclusive community made up of distinct, complementary, and diverse neighborhoods.

PLANNING & ZONING BOARD REVIEW OPTIONS:

The Planning and Zoning Board, in its capacity as the Local Planning Agency, shall determine whether the proposed amendments are consistent with the City of Fort Lauderdale's Comprehensive Plan and whether the Planning and Zoning Board recommends approval of the proposed amendments to the City Commission.

EXHIBITS:

1. July 10, 2018, City Commission Conference Meeting Minutes.
2. City Commission Memorandum No. 18-131.
3. City Commission Memorandum No. 18-182.
4. Section 47-3.6., Change in structure, Proposed Text Amendment.

5. Sections 47-16.5., Building regulations; and 47-16.6., Certificate of appropriateness, Proposed Text Amendment.

6. Section 47-16.23., Parking exemption, Proposed Text Amendment.

7. Section 47-17.4., Application for alterations or new construction; 47-17.5., Application for yard and minimum distance separation reduction; 47-17.6., Alterations to non-conforming structures, Proposed Text Amendment.

8. Article XII., Purpose and Intent including sections 47-36.1., General, and 47-36.2., Purpose and declaration of public policy for historic preservation regulations of section 47-24.11, Proposed Text Amendment.

9. September 5, 2018, Historic Preservation Board Meeting Minutes.

10. Frequently Asked Questions for Proposed Updates.

11. Summary of Comments from Public Outreach Meetings.

12. March 4, 2019, Historic Preservation Board Meeting Minutes.

13. April 1, 2019, Historic Preservation Board Meeting Minutes.

City of Fort Lauderdale

City Hall
100 North Andrews Avenue
Fort Lauderdale, FL 33301
www.fortlauderdale.gov

Meeting Minutes

Tuesday, July 10, 2018

1:30 PM

City Commission Conference Room

City Commission Conference Meeting

FORT LAUDERDALE CITY COMMISSION

DEAN J. TRANTALIS Mayor - Commissioner
BEN SORENSEN Vice Mayor - Commissioner - District IV
HEATHER MORAITIS Commissioner - District I
STEVEN GLASSMAN Commissioner - District II
ROBERT L. McKINZIE Commissioner - District III

LEE R. FELDMAN, City Manager
JOHN HERBST, City Auditor
JEFFREY A. MODARELLI, City Clerk
ALAIN E. BOILEAU, Interim City Attorney

CALL TO ORDER

Mayor Trantalis called the Conference Meeting to order at 1:45 p.m.

ROLL CALL

Present: Commissioner Heather Moraitis, Commissioner Steven Glassman, Vice Mayor Ben Sorensen, Commissioner Robert L. McKinzie (arrived at 5:13 p.m.) and Mayor Dean J. Trantalis

QUORUM ESTABLISHED

Also Present: City Manager Lee R. Feldman, City Clerk Jeffrey A. Modarelli, Interim City Attorney Alain Boileau, City Auditor John Herbst and Sergeant at Arms Tanisha Stevens

No e-comments were submitted for this meeting.

Mayor Trantalis announced Agenda items would be taken out of order to accommodate Florida Department of Transportation (FDOT) personnel and their presentation for Agenda Item BUS-1.

OLD/NEW BUSINESS

BUS-1 18-0732 Florida Department of Transportation Pedestrian Bridge over the New River Project Update

City Manager Feldman gave a brief review of the history of this item. Representatives of the Florida Department of Transportation (FDOT) and Broward County School Board (School Board) are in attendance to present their position for a safe alternative to walking and bicycling through the Henry E. Kinney Tunnel (Tunnel).

Mayor Trantalis recognized Scott Peterson, Planning and Design, FDOT. Mr. Peterson gave a presentation on the FDOT Feasibility Study.

A copy of the FDOT PowerPoint presentation is attached to these minutes.

schools are a community effort. Ms. Fertig recommended all stakeholders work collaboratively for the success of all children.

Mayor Trantalis recognized Charles King, 105 N. Victoria Park Road. Mr. King confirmed his membership on the Broward County Diversity Advisory Board, commenting on his work with the School Board. He discussed his position on funding both public and private schools in the City.

BUS-3 18-0588 Update to the Central Beach Architectural Resource Survey

Mayor Trantalis recognized Anthony Fajardo, Director of Sustainable Development (DSD). Mr. Fajardo gave a brief review of DSD's draft of the Architectural Resource Survey (Survey). He acknowledged the reason for this presentation is to receive Commission feedback noting the need for extensive public outreach. Mr. Fajardo introduced Trisha Logan, Historic Preservation Officer, who gave the Survey presentation.

Ms. Logan gave a brief history of the Survey that began in 2008 with assistance from the Fort Lauderdale Historical Society and incorporated into the Master Plan in 2011. In 2013, the State Historic Preservation Office determined several areas surveyed were eligible for registration on the National Register of Historic Places (National Register) and that occurred in 2013 and 2015. In 2017, a resurvey was implemented. The area surveyed was the Central Beach Area from Sunrise Boulevard to Holiday Drive and Harbor Drive as illustrated in the presentation. Ms. Logan expounded on how the Survey was conducted and details for buildings qualifying for historic designation and those structures warranting further research.

Ms. Logan expounded on updates to the Unified Land Development Regulations (ULDR), additional studies, public outreach and preparation of historic designation nomination. She discussed changes to the Central Beach Area over the last five years, including properties which were demolished, nomenclature and tax incentives regarding historic properties.

A copy of this presentation is attached to these minutes.

Mayor Trantalis recognized, David B. Kyner, 416 Palm Avenue and Chair of the Historic Preservation Board. Mr. Kyner commented on his ownership of historic homes in numerous cities. He suggested the Commission accept the findings and recommendations of the Survey, and moving forward. Mr. Kyner confirmed the need for extensive community outreach to educate the community and discussed

recommendations for individual designations and contributing factors.

Mayor Trantalis recognized Marilyn Mammano, 1819 SE 17th Street and Historic Preservation Board Member. Ms. Mammano recommended going forward with the modifications, including better defined terms and identification of economic incentives and procedures to the existing Ordinance.

Mayor Trantalis recognized Arthur Marcus, 1800 N. Andrews Avenue and member of the Historic Preservation Board. Mr. Marcus confirmed his qualifications as an architect and preservationist, noting the Survey is the beginning of a much larger process. He expounded on aspects of buildings and the need for protection within designated Historic Districts. Mr. Marcus expounded on this topic, citing the Town Square shopping area at the corner of Oakland Park Boulevard and A1A as an example.

Mayor Trantalis recognized Russell Dion, 701 Bayshore Drive. Mr. Dion commented on aspects of the Study and his opposition to designation of his property without his agreement. He also commented on incentives for historic designation, the effect of historic designation on property values and voluntary designation. Mr. Dion submitted backup from the National Bureau of Economic Research about property values to Mayor Trantalis.

A copy of Mr. Dion's submission is attached to these minutes.

Mayor Trantalis recognized Sherman Whitmore, 401 East Las Olas Boulevard. Mr. Whitmore commented on his viewpoint that historic designation can be viewed as adverse condemnation and its impact on neighboring properties.

Mayor Trantalis recognized Dan Lindblade, President and CEO of the Greater Fort Lauderdale Chamber of Commerce (Chamber). Mr. Lindblade commented on the discussion of Historic Designation at the Chamber's recent Board Meeting, confirming that a motion to oppose historic preservation was rescinded. He commented on the business community's economic concerns over blanket labeling of Historic Districts. The Chamber would like to participate in the process and urges careful consideration.

Mayor Trantalis recognized Tim Schiavone, 911 Sunrise Lane, owner of the Parrot Lounge and designated representative of the North Beach Village Merchants Association. Mr. Schiavone commented on how this procedure impacts individuals. He requested the Commission be

reasonable and fair, noting his willingness to participate in the process to work together. He noted the need for property owners' consent in order for these efforts to be successful.

Mayor Trantalis recognized Steve Gonely, 700 Antioch. Mr. Gonely discussed costs related to his home's window replacement located in a Historic District. He also commented on other issues related to his home's renovations and infrastructure concerns.

Mayor Trantalis recognized Dayaldas Lalwani, 3132 NE 9th Street. Mr. Lalwani commented on his family's business in the Central Beach Area. He discussed the community's opposition to this issue, a lack of clear definitions, and the need for transparency and community involvement.

Mayor Trantalis recognized Greger Nilzen, 3003 Terramar St. Mr. Nilzen commented on his North Beach Village residence, business and beautification efforts in this area. He commented on his opposition to blanket Historic Designation and desire for improved streetscapes and landscaping in North Beach Village. Mayor Trantalis commented on developers previous efforts in the North Beach Area. Mr. Nilzen commented on the need for area upgrades.

Mayor Trantalis recognized Abby Laughlin, 425 Bayshore Drive. Ms. Laughlin commented on historic preservation, stating that it cannot be forced on people. She discussed practical realities for opposing the historic designation of the Central Beach Area, commenting on reasons regarding property rights and the need for consent of property owners. Ms. Laughlin submitted her comments for the record.

A copy of Ms. Laughlin's comments is attached to these minutes.

Mayor Trantalis recognized Stephen Tillbrook, Esq., 200 East Las Olas Boulevard and Chair of the Government Affairs Committee for the Greater Fort Lauderdale Chamber of Commerce. Mr. Tillbrook discussed his redevelopment work in the City, commenting on the vision and goals. He noted neighbors were not consulted in the Survey, commenting on the flawed criteria as it relates to what constitutes a contributing property, expounding on this point.

Mayor Trantalis recognized Courtney Crush, Esq., Crush Law, P.A., 333 New River Drive and on behalf of several property owners in the Central Beach Area. Ms. Crush confirmed the need for additional time for her client's consultants to review and digest the Survey. She commented on the history of efforts regarding the Central Beach Master Plan since

2008. Ms. Crush expounded on issues regarding this Survey, confirming her clients' opposition to blanket Historic Designation.

Mayor Trantalis recognized Charles King, 105 N. Victoria Park Road. Mr. King commented on the number of structures that are fifty years old and would be considered as contributing factor to Historic Designation. He recommended this be voluntary, expounding on the reasoning.

Mayor Trantalis recognized Dev Motwani, 2415 Del Mar Place. Mr. Motwani discussed his family being long time property owners in the Central Beach Area and his ownership of two historic properties in the City. He confirmed his support of historic preservation in the right context and done the right way. Mr. Motwani noted the Study was correct. However, the Study was based on flawed Unified Land Development Regulations (ULDR), expounding on this point. As a first step, Mr. Motwani recommended making appropriate changes. He confirmed his opposition, commenting on the many challenges associated with living in a Historic District.

Mayor Trantalis recognized Tom McMannus, 632 Intracoastal Drive. Mr. McMannus recommended reconsidering the process, confirming his opposition to the blanket historic designation and commenting on the unintended consequences. He urged working with the community.

Commissioner Glassman thanked Staff for their work and the members of the community for their input. He commented on his position and the need for the City to holistically determine how to handle historic preservation while respecting history. Commissioner Glassman noted the City of Fort Lauderdale applied and received its federal and state recognized Certification as a Local Government, commenting on the corresponding level of responsibility regarding historic preservation and the importance of education. He commented on the four historic areas in the City and the need to look at them holistically.

Commissioner Glassman recommended increased incentives, commenting on the options available, discussing the history of this topic and the City's Master Plan's recommendations to address historic preservation. Further comment and discussion ensued on establishing a Historic Preservation Trust Fund (HPTF), addressing the Florida Master Site File and changes in the ULDR. Commissioner Glassman recommended more groundwork be done in the recommendation portion of the backup to this Agenda item.

Commissioner Moraitis commented on the need to assist with improving

areas rather than taking over areas, noting initiatives in the Birch Road area. She confirmed her opposition to overlay zoning, commenting on the need to preserve property rights and support for property owners who consent to having their property designated as historic. Commissioner Moraitis commented on the need for incentives, additional studies and her position to preserve property rights.

Vice Mayor Sorensen commented on his position, confirming the importance of historic preservation and concurring with concerns of blanket designation. He noted the importance of neighbor and property owner engagement to move this issue forward and addressing incentives. Vice Mayor Sorensen commented on the opportunity and importance of improving the ULDR to facilitate a clear understanding and expectation.

Mayor Trantalis acknowledged the work of Mr. Kyner and the Historic Preservation Board. He commented on the identity of the City and the economic benefits as it relates to Historic Preservation, discussing examples of other municipalities' identifiable attributes. Mayor Trantalis commented on his long-held position to address and improve the economic impact on historic property owners and the transfer of development rights. Further comment and discussion ensued.

Mayor Trantalis recessed the meeting at 3:44 p.m.

Mayor Trantalis reconvened the meeting at 4:07 p.m.

BUS-4 18-0576 Uptown Urban Village Project - Land Use Plan Amendment Status

Mayor Trantalis recognized Anthony Fajardo, Director of Sustainable Development (DSD). Mr. Fajardo gave a brief update on efforts for the Uptown Urban Village Project (Project). He introduced Jim Hetzel, Planner III - DSD. Mr. Hetzel gave the Commission a presentation on the Project. Mr. Hetzel gave a brief update on the history and background of the Project. Details regarding Mr. Hetzel's comments are noted in the attached presentation.

A copy of the PowerPoint Presentation is attached to these minutes.

Mr. Hetzel said Staff is seeking Commission direction to move forward with the Land Use Plan Amendment to be presented at an upcoming Commission Meeting for transmittal to Broward County. Staff continues to work on the Master Plan that will also be presented to the Commission. In response to Mayor Trantalis, Mr. Hetzel confirmed that

Vice Mayor Sorensen commented on rescheduling the first Budget Hearing on September 6, 2018. Further comment and discussion ensued on rescheduling this meeting.

Vice Mayor Sorensen discussed the Las Olas Corridor Mobility Public Workshop (Workshop), expounding on the successful results. He requested a follow-up meeting with the City's traffic consultants on retainer for guidance. Further discussions ensued on revisiting the results of the original design implemented by Staff and subsequent refinement based on Workshop feedback. Further comment and discussion ensued on the numerous contexts for different sections of Las Olas Boulevard from the beach to Andrews Avenue. Mayor Trantalis recommended this be brought before the Commission as a Conference Meeting item following upcoming Workshops.

Commissioner McKinzie arrived at 5:13 p.m.

Mayor Trantalis confirmed the ongoing process for reviewing resumes for the City Attorney position and the vetting process. Discussions ensued on this topic. It was confirmed that Mayor Trantalis and City Manager Feldman would vet the remaining 25 resumes and bring the resulting resumes before the Commission at the August 21, 2018 Conference Meeting.

Commissioner McKinzie commented on his arriving late to today's Conference Meeting. He attended the Swearing In Ceremony for Boynton Beach Police Chief Michael Gregory, formerly Assistant Police Chief with the Fort Lauderdale Police Department.

ADJOURNMENT

Mayor Trantalis adjourned the Commission Conference Meeting at 5:16 p.m.

CITY OF
FORT LAUDERDALE

All-America City

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

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.

c: Christopher J. Lagerbloom, Assistant City Manager
Stanley D. Hawthorne, Assistant City Manager
Alain E. Boileau, Interim City Attorney
Jeffrey A. Modarelli, City Clerk
John C. Herbst, City Auditor
Department Directors

CITY OF
FORT LAUDERDALE

All-America City

Memorandum

Memorandum No: 18-182

Date: December 20, 2018

To: Honorable Mayor and Commissioners

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

Re: Adjusted Timeline for Phase I Implementation of Historic Preservation Updates

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As part of ongoing efforts to incorporate proposed changes to the historic preservation ordinance under "Phase I" as outlined in the Commission Memorandum No: 18-131, City staff is providing the following update regarding progress made and an adjustment to the schedule that was originally outlined.

To date, staff has presented to the Historic Preservation Board, the Sailboat Bend Civic Association, and to a group of preservation stakeholders that included owners of locally designated Historic Landmarks. After the initial public outreach meetings, neighbors expressed an interest in holding additional public outreach meetings to associations that may also be affected by the updated ordinance. Following this request, a document that addressed Frequently Asked Questions was sent to all Civic and Business Associations which offered the option for City staff to present to their group on the topic. Thus far one Civic Association has requested a presentation with meetings now scheduled with the Central Beach Alliance Board and General Membership in January 2019. Staff will wait to hear from Civic and Business Associations regarding the invitation to present until February 2019 before moving forward with the timeline as outlined below.

Additional feedback received during the course of public outreach included concerns on the broadness of who may apply for historic landmark designation in the City of Fort Lauderdale. Under Phase 1, redefining who can apply for historic landmark designation is not addressed, however staff is looking to include an additional amendment in order to address this concern following the receipt of feedback from the City Commission.

Adjusted Timeline for Phase 1 Implementation:

- **August 2018** — Memo provided to City Commissioners outlining initiative
- **September 5, 2018** — Presentation to the Historic Preservation Board

- **October 2018 – February 2019** Community Outreach Meeting with Sailboat Bend Civic Association; Outreach Meeting with owners of Historic Landmarks; other community stakeholders, and various interested parties within the development community; Central Beach Alliance Board and General Membership
- **March 4, 2019** Update Presentation to the Historic Preservation Board
- **April 17, 2019** Planning and Zoning Board
- **May 2019** First reading at City Commission
- **June 2019** Second reading at City Commission

Due to this adjustment in the timeline for Phase I, the timelines for accomplishing initiatives outlined within Phase II and Phase III will also be adjusted. As those initiatives move forward, further updates will be provided.

C: Christopher J. Lagerbloom, Assistant City Manager
Stanley D. Hawthorne, Assistant City Manager
Alain E. Boileau, City Attorney
Jeffrey A. Modarelli, City Clerk
John C. Herbst, City Auditor
Department Directors

Sec. 47-3.6. - Change in structure.

A. *Generally.* Changes to a nonconforming structure or to a structure which contains a nonconforming use shall be made subject to the following:

1. *Alterations.* Alterations in the supporting members of a building or structure such as load bearing wall, columns, beam or girders shall not be permitted unless required to be made to assure the safety of the building as determined by the city building official. All other alterations, which may include but are not limited to, movement or replacement of non-load-bearing walls or addition of ornamental features, shall be permitted if constructed in accordance with the ULDR.

B. *Damage, destruction or removal of structure.*

1. When a building or structure which contains a nonconforming use or when a nonconforming structure is damaged or destroyed by fire, explosion, other casualty or public enemy or act of God by not more than fifty percent (50%) of its replacement value or not more than fifty percent (50%) of the total gross floor area of the building or not more than fifty percent (50%) of the total area of the structure, the building or structure may be restored to the condition it was in prior to the damage.

2. When a building or structure is removed or destroyed by other than an act of God or public enemy by not more than fifty percent (50%) of its replacement value or not more than fifty percent (50%) of the total gross floor area of the building or not more than fifty percent (50%) of the total area of the structure, that portion of the building or structure to be restored must be in compliance with the ULDR.

3. If more than fifty percent (50%) of the total gross floor area of the building or more than fifty percent (50%) of a structure or more than fifty percent (50%) of its replacement value is damaged, destroyed or removed for any reason the entire building, structure or use thereof shall be required to meet the ULDR.

C. *Exception to subsections A and B.* A nonconforming structure in an historic district or designated as an historic landmark, may be replaced, altered or an addition made if it meets the following criteria and is approved as part of the issuance of a certificate of appropriateness as provided in Sec. 47-24.11.~~C~~D:

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1. The original exterior elevations and materials of a structure are maintained; or proposed exterior elevations and material types of a structure are restored to be compatible with its historic character, according to the guidelines provided by Sec. 47-24.11.

2. The alteration, replacement or addition will support the continuation of a structure which is determined to be in character with the original historic designation.

D. *Repair and maintenance.* For any nonconforming structure or portion of a nonconforming structure, or any structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of walls, fixtures, wiring or plumbing or other parts of the structure provided that no changes are made to any supporting members of a building such as load bearing walls columns, beams or girders, unless required to be made to assure the safety of the building as determined by the city building official, and provided that the square footage of floor area and the cubic footage of the nonconforming portion of the structure shall not be increased.

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Sec. 47-16.5. - Building regulations.

A. Building regulations shall be applicable to and commensurate with the permitted uses as specified in Section 47-16.10. For the purpose of this district, each building shall be identified as belonging to only one of the three use categories: residential, business or other.

1. Building height and length.

a. No building in any use category shall exceed two stories or 25 feet in height.

b. No building in any use category shall exceed 100 feet in any dimension.

2. Building site.

a. *Residential uses.* Every building erected, relocated, structurally altered or converted for residential use shall provide a minimum lot size of five thousand (5,000) square feet and 50 foot in width. The maximum number of dwelling units per net acre of plot area shall not exceed15.

b. *Business uses.* No minimum requirements for a building site area.

c. *Other uses.* The historic preservation board shall determine the minimum site area by considering the use and structural bulk in relation to site area and surrounding area while providing parking, landscaping and appurtenant elements for the safety and welfare of the general public. All required or non-required parking must meet the parking requirements of Section 47-20, Parking and Loading, and is subject to the criteria and guidelines provided in Section 47-24.11.~~C~~D.

3. *Yards, lot coverage and open space.* Existing buildings not conforming to required setbacks, height limits or ground coverage may be used for any permitted use but shall not be enlarged without the approval of the historic preservation board.

a. Residential uses shall provide yards as specified below:

i. Front yard: 25 feet.

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ii. Corner yard: one-fourth (¼) of the lot width but not less than ten feet for single family and duplex;20 feet all other residential uses.

iii. Side yard: ten feet.

iv. Rear yard: 20 feet.

v. Distance between buildings: ten feet.

vi. Accessory buildings shall not be located in front or street side yards. Such yards may be used for refuse containers only at locations authorized by the city public services department.

b. Residential uses shall abide by lot coverage and open space as specified below:

i. Maximum percent of total nonpermeable area: sixty-five percent (65%).

c. Business uses shall provide yards as specified below:

i. Front yard: five feet for any portion of the structure less than nine feet in height; zero (0) feet above nine feet in height.

ii. Corner yard: five feet.

iii. Side yard when abutting nonresidential uses: none.

iv. Side yard abutting residential uses: ten feet.

v. Rear yard when abutting nonresidential uses: none.

vi. Rear yard abutting residential uses: 15 feet.

d. Other uses shall provide yards and landscaped open space that enhance and promote the peculiar characteristics and aesthetic qualities of the site, its use and the purpose of the historic district as approved by the historic preservation board.

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e. *Modification of yards.* The historic preservation board may reduce any of the specified yard or setback requirements provided that such modifications shall not increase the lot coverage or decrease the open space and would be in keeping with the visual continuity, character, setting and appearance of adjacent and surrounding properties.

4. *Minimum floor area.*

a. Residential uses shall provide minimum floor area of:

i. Single family: seven hundred fifty (750) square feet.

ii. Duplex: 400 square feet each dwelling unit.

iii. Townhouse: seven hundred fifty (750) square feet each dwelling unit.

iv. Multifamily: 400 square feet each dwelling unit.

b. Business uses: no requirements for minimum floor area.

c. Other uses: shall provide minimum floor area relative to its use and the health and safety of the public as approved by the historic preservation board.

Sec. 47-16.6. - Certificate of appropriateness.

A. No person shall undertake any of the following actions affecting property in an H-1 district without first obtaining a certificate of appropriateness from the historic preservation board in accordance with Section 47-24.11.~~C~~D, Certificate of Appropriateness:

1. Alteration of an archeological site or the exterior part of a building or a structure or designated interior portion of a building or structure,

2. New construction,

3. Demolition,

4. Relocation,

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5. Ordinary repairs and maintenance that are otherwise permitted by law may be undertaken without a certificate of appropriateness, provided this work on a designated landmark, a designated landmark site, or a property in a designated historic district does not alter the exterior appearance of the building, structure or archeological site, or alter elements significant to its architectural or historic integrity.

B. All provisions of Section 47-24.11.~~C~~D, Certificate of Appropriateness, shall apply in the H-1 district.

C. After a certificate of appropriateness is issued in accordance with Section 47-24.11.~~C~~D, Development Permits and Procedures, all other applicable permits, licenses and certificates of compliance must be obtained before any use of the land occurs.

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Sec. 47-16.23. - Parking exemption.

The H-1 district, as described in Section 47-20.3.E., is exempt from the ULDR's parking & loading requirements, however, all non-required parking spaces shall meet the requirements of Section 47-20, Parking and Loading Requirements, and is subject to the criteria and guidelines provided in Section 47-24.11.~~C~~D.

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Sec. 47-17.4. - Application for alterations or new construction.

A. The provisions of Section 47-24.11.~~C~~D as they apply to an application for alteration or new construction of structures or buildings located in the SBHD shall be revised as follows:

1. An application for a certificate of appropriateness for alteration or new construction shall be reviewed by the department. If such application meets the criteria provided in Section 47-24.11.~~C~~D and the material and design guidelines as provided in Section 47-17.7, the department may approve the application. If the department determines that the application does not meet existing guidelines provided in Section 47-24.11.~~C~~D, Certificate of Appropriateness; and the material and design guidelines, the application shall be submitted and reviewed by the historic preservation board as a new application for a certificate of appropriateness in accordance with the provisions of Section 47-24.11.~~C~~D, but no additional fee will be required.

2. No certificate of appropriateness for alteration or new construction granted by the department shall be effective for a period of 15 days subsequent to the department's decision. The department shall, within five days after its grant of a certificate of appropriateness, advise the members of the historic preservation board and city commission of its decision. If during that 15 day period the historic preservation board or city commission wishes the application to be reviewed, the decision of the department shall automatically be stayed and the application shall be reviewed by the historic preservation board as a new application for a certificate of appropriateness in accordance with the procedures provided in Section 47-24.11.~~C~~D, Certificate of Appropriateness, but no additional fee will be required.

Sec. 47-17.5. - Application for yard and minimum distance separation reduction.

A. *Yards.* The historic preservation board may authorize a reduction in yards and minimum distance separation requirements for residences located in RS-8, RML-25 and other residential zoning districts located within the SBHD when the historic preservation board finds a reduction in yards does not interfere with the light, air and view of adjacent properties and:

1. Reducing the required yard is compatible with the yards or abutting properties, and yards across from the yard proposed for reduction;

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2. The yards proposed to be reduced are consistent with the yards existing in connection with contributing structures in SBHD; or

3. A reduction in the required yard is necessary to preserve a structural or landscaping feature found by the historic preservation board to contribute to the historical character of the SBHD; or

4. In other residential zoning districts within the SBHD, the board may authorize yard reductions subject to criteria in subsections A.1 through 3 if the proposed use and dimensions of a development are the same as those permitted in RS-8 and RML-25 zoning districts. Once a yard reduction or minimum distance separation requirement is approved, uses and structures in these zoning districts may not be altered without the issuance of a certificate of appropriateness.

B. Reduction of yards may be permitted as follows:

1. *RS-8 zoning district.* Principal residential structures: Front yard: 15 feet.

2. *RML-25 zoning district.* Principal residential structures: Front yard: 15 feet, side yard: five feet, rear yard: 15 feet.

3. *RS-8 and RML-25 zoning district.* Accessory structures: Rear yard: five feet.

4. Minimum distance between principal residential and accessory structures: five feet, unless otherwise required by the Florida Building Code.

5. In other residential districts, when the use and dimensions meet the requirements of subsection A.4, the yards may be reduced to the dimensions provided in subsections B.1 through 4.

C. An application for a reduction in yard requirements shall be made to the historic preservation board in the same manner, subject to the same procedures as an application for a certificate of appropriateness as provided in Section 47-24.11.~~C~~D.

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Sec. 47-17.6. - Alterations to nonconforming structures.

A. Notwithstanding the provisions of Section 47-3, Nonconforming Uses, Structures and Lots, alterations to non-conforming structures which exceed fifty percent (50%) of the replacement value of the structure may be permitted by the historic preservation board if it is found that:

1. Present exterior elevations and material types are maintained; or

2. Present exterior elevations and material types are proposed to be changed in accordance with the SBHD material and design guidelines as provided in Section 47-17.7.

B. An application for alterations which exceed fifty percent (50%) of the replacement value of the property shall be made to the historic preservation board in the same manner, and subject to the same procedures as an application for a certificate of appropriateness as provided in Section 47-24.11.~~C~~D.

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~~**ARTICLE XII. - PURPOSE AND INTENT**~~

~~**SECTION 47-36. - PURPOSE AND INTENT**~~

~~**Sec. 47-36.1. - General.**~~

~~The following sections provide a purpose and intent statement for particular sections in the ULDR as referenced therein.~~

~~**Sec. 47-36.2. - Purpose and declaration of public policy for historic preservation regulations of Sec. 47-24.11.**~~

~~A. *Purpose.* The purpose of these historic preservation regulations is to promote the cultural, economic, educational and general welfare of the people of the city and of the public generally, through the preservation and protection of historically or architecturally worthy structures. These regulations are intended to insure a harmonious outward appearance of structures and premises, to insure the protection of historically or architecturally worthy interiors, to encourage uses which will lead to their continuance, conservation and improvement in a manner appropriate to the preservation of the cultural and historic heritage of the city, to protect against destruction heritage of the city, to protect against destruction of or encroachment upon such area, structure or premise, to prevent creation of environmental influences adverse to such purposes, and to assure that new structures, uses and premises within historic districts or upon landmarks, landmark sites, and historic buildings will be in keeping with the character to be preserved and enhanced.~~

~~B. *Declaration of public policy.* It is the policy of the city that the preservation, protection, perpetuation or the adapted reuse of landmarks, landmark sites and historic buildings and districts is a public necessity because they have a special historic, architectural, archeological, aesthetic or cultural interest and value and thus serve as visible reminders of the history and heritage of the city, state and nation. The city commission hereby finds that the ULDR benefits the residents and property owners of the city and declares as a matter of public policy that the ULDR is required in the interest of the health, safety, general welfare and economic well-being of its residents.~~

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CITY OF FORT LAUDERDALE

HISTORIC PRESERVATION BOARD
CITY OF FORT LAUDERDALE
WEDNESDAY, SEPTEMBER 5, 2018 - 5:00 P.M.
FIRST FLOOR COMMISSION CHAMBER
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA

Board Members	Attendance	Cumulative Attendance 6/2018 through 5/2019 Present	Absent
David Kyner, Chair	P	4	0
George Figler, Vice Chair	P	4	0
Jason Blank [until 7:08]	P	2	2
Brenda Flowers	A	3	1
Marilyn Mammano [until 6:25]	P	4	0
Donna Mergenhagen	P	3	1
Arthur Marcus	P	4	0
David Parker	P	4	0
Richard Rosa	P	4	0
Jason Wetherington	P	3	0

City Staff
Shari Wallen, Assistant City Attorney
Trisha Logan, Planner III
Suellen Robertson, Administrative Assistant
Jamie Opperlee and Nancy Krakower, Recording Secretaries, Prototype Inc.

Communication to the City Commission
None

Motion made by Mr. Blank, seconded by Ms. Mergenhagen to approve the request for a Certificate of Appropriateness under case number H18016 for a new porch overhang to the rear of the structure for the property located at 1504 Argyle Drive based on a finding these requests are consistent with the purpose and intent of the Secretary of the Interior Standards for Historic Preservation and comply with the Historic Design Guidelines, as outlined in the above staff memorandum, with the following condition:
1. This application is subject to the approval by Zoning, Building, and all other ULDR requirements.
In a voice vote, motion passed 8-0.

VI. Good of the City Index

4. Review of Proposed Updates to Section 47-24.11 of the Unified Land Development Regulations (ULDR) - Historic designation of landmarks, landmark site or buildings and certificate of appropriateness

Ms. Logan provided a Power Point presentation, a copy of which is attached to these minutes for the public record.

Ms. Mergenhagen noted there was no consequence for violating the interim protection measures. Ms. Logan said there was not, and perhaps they should consider a fine for violating the requirement. Demolition does require an owner to pull a permit and there are code enforcement consequences for violating that requirement.

Ms. Logan said the changes in administrative review would result in a decrease in her workload because she would no longer need to draft a staff memorandum for small requests.

Ms. Logan explained the timing requirements in the application process and Mr. Marcus recommended the amount of time for neighborhood notice be increased somewhat.

Mr. Marcus asked how much specificity would be required for "proposed future use." He suggested some commitment such as a site plan, as well as a time frame should be required.

Ms. Logan and Board members reviewed the comments Ms. Mammano had provided.

Ms. Logan explained how she had come up with 25% for administrative approvals. Staff had looked at other municipalities' codes. She stated the determination was left to staff to present a smaller alteration to the Board.

Ms. Mergenhagen noted there had been two or three public workshops regarding the changes and suggested additional workshops for public education. Ms. Logan stated public outreach with HOAs was planned.

Mr. Blank left the meeting at 7:08.

Michaela Conca, President of the Broward Trust for Historic Preservation, said she was encouraged that the City was creating improved language and streamlining the process. She asked about reducing the application fee for individual designation and Ms. Logan said the City occasionally conducted fee studies to determine an appropriate cost.

Ms. Conca suggested an educational workshop for the real estate community regarding the benefits of designation.

V. Communication to the City Commission Index

None

Adjournment

There being no further business to come before the Board, the meeting was adjourned at 7:23 p.m.

Chairman,

David Kyner, Chair

Attest:

ProtoType Inc. Recording Secretary

The City of Fort Lauderdale maintains a Website for the Historic Preservation Board Meeting Agendas and Results:

http://www.fortlauderdale.gov/departments/city-clerk-s-office/board-and-committee-agendas-and-minutes/historic-preservation-board

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

Historic Preservation Proposed Updates

Frequently Asked Questions

Your voice will be heard as proposals are publicly reviewed

The City of Fort Lauderdale is considering possible amendments to historic preservation ordinance included in the Unified Land Development Regulations (ULDR). The ULDR aims to establish standards for development and redevelopment throughout the City.

The purpose of historic preservation regulations is to promote the cultural and historic heritage of the City through the preservation and protection of historically, architecturally or archaeologically worthy structures, sites or districts.

The following "Frequently Asked Questions" have been composed to help you understand the proposed changes and express your views to the City Commission.

How does this affect my property?

If your property is currently designated as a historic landmark or located within a historic district, the proposed changes allow City staff to review applications to determine if new construction or new rehabilitation qualifies for expedited administrative approval. If your building or site is not currently designated, the changes would only affect your property if a complete application for historic designation were to be submitted.

Do the proposed amendments change the way properties are designated?

No, the overall process and procedure for designating properties as a historic landmark does not substantially change. Once a complete application is received, it is publicly reviewed by the Historic Preservation Board (HPB) which provides a written, publicly documented recommendation to the City Commission. Following public notice and the opportunity for public input, the City Commission makes a final determination at a publicly held Commission meeting.

Can my property be designated as a result of these amendments?

A property will not be automatically designated nor would it become mandatory to designate your property as a result of these proposed changes.

Why aren't there restrictions on who can designate a property?

In the existing text of the ULDR, rules allow the property owner, any person residing in the city or any legal entity in the City, including the City, to submit an application for designation as a historic property. At this time, direction has not been received to amend this aspect of the ULDR. However, the U.S. Supreme Court's decision in Penn Central Transportation Co. v. the City of New York establishes that historic preservation ordinances, without owner consent provisions, are constitutionally valid.

How many criteria does a property need to meet in order to be considered for designation?

As per the existing text of the ULDR, the property needs to meet one criterion for designation since each criterion describes a different aspect of significance. This is the same rule utilized by other municipalities as well as the National Register of Historic Places.

What do "Contributing Property" and "Non-Contributing Property" mean?

Both definitions are standard within historic preservation ordinances throughout the country which enables a historic district to have a status assigned to each property that signifies its significance. A "contributing property" is one that adds to the qualities of a district which is typically defined in a period of significance statement included in a historic designation application that identifies time periods, architectural styles, and related historical associations. A "non-contributing property" does not add to the qualities for which the area is designated.

Why does there need to be an Interim Protection Measure as part of the historic designation process?

An Interim Protection Measure allows for the proper public process and time for staff, the Historic Preservation Board, and the City Commission to evaluate the proposed historic designation as to whether or not the potential landmark, landmark site, or district meets the criteria for historic designation, as listed under Section 47-24.11.B. of the ULDR, without demolition or major alteration of the potential landmark or structures within the proposed district. There is also an existing provision within the ordinance, as listed under Section 47-24.11.C.8. of the ULDR, which provides a similar mechanism to allow for the City Commission to issue a stop work order for a 30-day period in order to negotiate with the property owner to remove the threat to the property or to initiate steps for historic designation.

If my property is 50 years or older can it be designated?

A structure that is 50 years or older does not mandate historic designation. Any property that meets at least one of the criteria for historic designation, regardless of age, could be considered for designation upon submittal of a complete application. Proposed language provides criteria considerations which states that structures not 50 years old must be found to be exceptional.

Historic Preservation Proposed Updates

Frequently Asked Questions

Additional areas addressed in the proposal

Definitions

There are 21 new definitions included in the proposed updates which further clarify the text contained within the ordinance. There are a few definitions that are more clearly defined including Major Alteration, Minor Alteration, Minor Demolition, Contributing Property and Non-Contributing Property.

See pages 1 – 3 of the amendments for the proposed text.

Historic Designation Process

Sections addressed within the historic designation process of the ULDR include:

- Revision and clarification of the designation application requirements and review process.
- The addition of Interim Protection Measures to protect a structure under consideration for designation while the property is going through public hearings.

See pages 3 - 7 of the amendments for the proposed text.

After-The-Fact Work

This is a new section to address and clarify the procedure to review after-the-fact work and the issuance of a Certificate of Appropriateness:

- When work is performed that qualifies for administrative approval, staff may approve.
- When work is performed that does not qualify for administrative approval, the application must be reviewed by the Historic Preservation Board.

See page 11 of the amendments for the proposed text.

Miscellaneous Edits

This is a reference to the expiration of a Certificate of Appropriateness:

- 18 months following the date of approval to apply for a building permit; 24-months to obtain a building permit.

Historic Preservation Public Notices

Revisions and clarifications for mail notices, newspaper notice, and sign notice for historic designations.

Revisions and clarifications for mail notices and sign notice for Certificates of Appropriateness for Demolition and Economic Hardship Applications.

Administrative Review

This is a new section to address and clarify the procedure to review an Administrative Certificate of Appropriateness to be approved by staff:

- Minor alterations that follow the City of Fort Lauderdale's Historic Preservation Design Guidelines and the Secretary of the Interior's Standards.
- Minor alteration or minor demolition (does not increase the existing square footage by more than 25% or remove more than 25% of an exterior wall) of a building or structure that meets one of the following:
- Facade and building restorations and repairs, consistent with historic documentation.
- To address accessibility, life safety, mechanical and other applicable code requirements.
- To rear and secondary facades to accommodate utilities, refuse disposal, and storage.
- Minor alterations to the rear and secondary facades that is not visible from the public right-of-way, any waterfront, or public parks. Visibility from the right-of-way shall be determined by staff.

See page 15 of the amendments for the proposed text.

Amendments to Approved Work

This is a new section to address and clarify the procedure to review a request to amend a Certificate of Appropriateness issued by the Historic Preservation Board:

- City staff may approve an application when the work to be performed is minor (does not increase the existing square footage by more than 25% or remove more than 25% of an exterior wall), does not affect the property's historic character, is in accordance with the Historic Preservation Design Guidelines and Secretary of the Interior's Standards, or alters the scale, massing, or roof form.
- When work is performed that does not meet the above qualifications, the application must be reviewed by the Historic Preservation Board.

See pages 14 - 15 of the amendments for the proposed text.

For additional information about these efforts and to view the proposed text, click here.

If you would like this publication in an alternate format, please call (954) 828-4755 or email strategiccommunications@fortlauderdale.gov.

HISTORIC PRESERVATION ORDINANCE UPDATES
SUMMARY OF COMMENTS FROM OUTREACH MEETINGS

Historic Preservation Board Meeting
City Hall, Commission Chambers
October 5, 2018
Summary of Comments

- Interim Protective Measures – how monetary regulations if property owner demolishes with protections in place. Other municipalities should be researched.
- Increase timeframe to review designation process.
- Add language to provide proposed/future development for demolition applications.
- Provide timeframe of when demolition will occur.
- Add policies regarding hurricane damage (7:07pm).

Broward Trust for Historic Preservation:

- Reduce fee for residential landmark designation.
- Do a workshop with real estate communicate to education about incentives to designate.

See attached comments from Marilyn Mammano

Sailboat Bend Civic Association Meeting
Fire House Museum
October 10, 2018
Summary of Comments

- How can we address the value of the property for contributing versus non-contributing properties?
- Need to address how property values are affected by historic designation.
- Why doesn't code cite the dilapidated houses, does the City foreclose on properties?
- Thanks for coming out. We need you guys to have a direct liaison to our meetings.
- If the property 721 SW 2nd Street is designated historic/residential with a business operating on that property? There is a clearly a lack of enforcement on this property and is increasingly a major safety hazard.
- Incentives must be addressed before ULDR Updates.
- You are putting the process before the people. You must address people's concerns about their property values first.
- A small item which might save a lot of people waste time is the approval of Solar Panels. My house which is only two years old was approved for construction with solar panels. The constructor decided that they would be optional extras which were not taken up by any of the buyers at the time. Later we decided to add them and discovered that we had to go through the whole procedure again which took about 6 months. At no time was it suggested that it might be refused, it just had to follow the rules. A great waste of time for us and the installer. In your streamlining effort, this I am sure this could be incorporated. All that is needed from the historical point of view is to see if the location is objectionable from the road. FPL has to approve the technical aspects before it can go ahead and before and after they check the installation quality. More panels are certain to be added over time by Fort Lauderdale residents which is desirable but many are put off by the approval process.

HISTORIC PRESERVATION ORDINANCE UPDATES
SUMMARY OF COMMENTS FROM OUTREACH MEETINGS

Historic Preservation Stakeholder Meeting
City Hall, 8th Floor
October 15, 2018
Summary of Comments

- Disappointed that incentives amendment isn't happening first.
- City can encourage voluntary designation by putting incentives first.
- Staff did not listen to the homeowners. Phase II should be Phase I and vice versa.
- Who can apply for designation should be addressed.
- Should meet with stakeholders to discuss what is contributing versus non-contributing properties.
- Concerns about demolition delay taking 180 days.
- Limit amendments to what can be streamlined for properties that are already designated.
- We should provide criteria once the survey is done since staff does not know what is going to be deemed historic.
- Historic designation criteria should be more, not just that the property needs to meet one of them.
- Sustainability needs to be addressed.
- Why are there no regulations or criteria for contributing and non-contributing properties
- We need more discussions
- Might want to re-think Phase I and add Contributing versus non-contributing
- Should add a public participation requirement for the Historic Preservation Board and more public notice. (One attendee disagreed with this statement).
- Doing something, such as more public notice, to inform the public will not hurt.

Written Comments

- Public outreach is poor and should be city wide.
- Priorities are backwards – Phase II should be Phase I.
- Criteria for designation is too limited – a property that is going to be designated should meet more criteria.
- Consent is needed.

Central Beach Alliance Board Meeting
Las Olas Beach Club
January 10, 2019
Summary of Comments

- Request to include civic associations in noticing for designations.
- Questions regarding historic designation process and effects (i.e. Certificates of Appropriateness, Historic Preservation Board, etc.).

Central Beach Alliance General Membership Meeting
Las Olas Beach Club
January 25, 2019
Summary of Comments

- Questions regarding historic designation and effect on property rights.

Comments on Draft Update to ULDR Section 47-24.11
Marilyn Mammano September 5 2018

I have two types of comments: General and Specific.

General

1. The time line is very ambitious (appreciate finally moving) but perhaps too quick on the outreach. Let's keep an open mind on who needs to participate. For instance, there are a number of land use attorneys that have a lot of experience and might want to contribute to both the Phase I and Phase II.
2. I propose a workshop with the HPB and public invited, so we can interactively talk about these changes. Getting started on this is a big deal and we should use this opportunity to engage people rather than present stuff to them. 2 - 3 public workshops - another workshop.
3. I would not be comfortable forwarding a revised ordinance to P&Z prior to listening to public comments.
4. I see that we are defining Contributing and Non-Contributing structures, but I don't see any different regulations/reviews based on that definition?
5. I am opposed at this time to a "Minor Alteration of 25% +or- "being done as an administrative action. I have not reflected adequately on the criteria for administrative approval. I would like a robust discussion of this. Likewise, for administrative approvals of unauthorized or non-complying work.

Specific

1. I support the time line for approval or denial of an application.
2. I support the expiration of CofA.
3. Since this is low hanging fruit can't we include language about application submissions of repetitive. Material like hurricane standards?
4. I would like to treat new construction different from CofA work. I don't see that in this proposal? Am I missing it?
5. I would like to see CofA applications subject to "Public Participation" Requirements of the ULDR as amended to fit HPB proceedures

From: Email Team
To: Trisha Logan
Cc: Rosemary Matthews
Subject: Sail Boat Bend meeting last night
Date: Thursday, October 11, 2018 11:48:21 AM

Trisha

A small item which might save a lot of people wasted time is the approval of Solar Panels. My house which is only two years old was approved for construction with solar panels. The constructor decided that they would be optional extras which were not taken up by any of the buyers at the time. Later we decided to add them and discovered that we had to go through the whole procedure again which took about 6 months. At no time was it suggested that it might be refused, it just had to follow the rules. A great waste of time for us and the installer.

In your streamlining effort, this I am sure this could be incorporated. All that is needed from the historical point of view is to see if the location is objectionable from the road. FPL have to approve the technical aspects before it can go ahead and before and after they check the installation quality.

More panels are certain to be added over time by Fort Lauderdale residents which is desirable but many are put off by the approval process.

Sincerely

David Matthews

Trisha Logan

From: Stephanie Cunningham <designcunning@gmail.com>
Sent: Saturday, October 20, 2018 12:52 PM
To: Trisha Logan
Subject: Sailboat Bend presentation

Trishia,
First of all, sorry that you walked into a hornet's nest at the SB Bend neighborhood meeting. That was the first meeting with strong representation from the Villages. Many are worked up about a number of things and there is tension between the Village residents present and the rest of the neighborhood. That aggravation spilled over to you.

I am writing in support of your efforts. The proposal is right-minded and points us in the right direction. Some change is better than none. Distinctions re: which buildings are historic structures that need to abide by guidelines (and be eligible for grants/funding) will hopefully alleviate the current restrictions choking the homeowners in the neighborhood. That said, I hope the common 1950s CBS construction found in abundance all over SoFla will not be included in the designation.

I would like to be updated.

Thank-you,
Stephanie

Trisha Logan

From: McDonald, Megan W. <Megan.McDonald@dos.myflorida.com>
Sent: Monday, September 24, 2018 9:14 AM
To: Trisha Logan; Acosta, Ruben A.
Subject: RE: City of Fort Lauderdale - Historic Preservation Ordinance Updates

Hey Trisha,

Thanks for the opportunity to review your ordinance update drafts. I had a chance to read them this morning and I think the changes and clarifications that you've proposed look great.

Please let me know if we can be of any further assistance as you move forward in this process.

Thanks!

From: Trisha Logan [mailto:TLogan@fortlauderdale.gov]
Sent: Friday, September 21, 2018 11:11 AM
To: Acosta, Ruben A. <Ruben.Acosta@dos.myflorida.com>; McDonald, Megan W. <Megan.McDonald@dos.myflorida.com>
Subject: City of Fort Lauderdale - Historic Preservation Ordinance Updates

Good Morning, Ruben and Megan.

We are preparing several updates to our historic preservation ordinance (see attached drafts). These proposed updates were presented to our Historic Preservation Board last month and will be conducting two public outreach meetings in October to review with historic property owners and other historic preservation stakeholders in our community. The next step will be to incorporate any comments that we receive over the next few months, and then proceed with presentations in front of the Planning and Zoning Board and the City Commission.

Within the next few days we should also have additional information available on the main page of the historic preservation website.

If you have any comments or questions at this time, please let me know.
Regards,

Trisha Logan | Planner III | Historic Preservation Board Liaison
City of Fort Lauderdale | Urban Design and Planning Division
700 NW 19th Avenue | Fort Lauderdale FL 33311
P: (954) 828-7101 E: tlogan@fortlauderdale.gov
DEPARTMENT OF Sustainable Development

Trisha Logan

From: Abby Laughlin <abby.laughlin@gmail.com>
Sent: Saturday, October 13, 2018 8:59 AM
To: Anthony Fajardo
Cc: Russel Dion; Lee Feldman; Christopher Cooper; Christopher Lagerbloom; Alfred Battle; Trisha Logan; info@bigpicturebroward.com; Ella Parker; Lynda Crase
Subject: Re: Permission to share your Historical Designation Article

Thank you, Anthony. I very much appreciate the fast reply. I will do as you suggest and work on a list of concerns. Thank you for making the notification process more apparent. I would say that is one of the first areas of my concerns - the notification process. If we are updating code, than I would think the stakeholders want a longer, more secure and direct notification process than what already exists. The designation process is very bewildering to the lay person, they need more time to understand it, not less. Agreed, we need a practical solution that meets the needs of the city - but it also must meet the needs of the stakeholders.

Enjoy your weekend, we'll touch base next week.

Regards,

Abby

On Sat, Oct 13, 2018 at 8:12 AM Anthony Fajardo <AFajardo@fortlauderdale.gov> wrote:
Abby,

Both of those examples are remaining the same as they have always been. What you are seeing is an attempt by staff to clean the language up so it's easier to understand.

The language for the 30-days is being relocated to the general paragraph above where you see the stricken language. The language regarding failure to receive notice is already in the code. This revision just makes it more apparent.

When we meet it would be good if you can give us a list of your concerns prior to the meeting so we can have responses before you arrive and have a much more productive conversation. If it's a clarification issue the discussion will go much quicker and efficiently. That way we can focus on the more impactful issues and you concerns.

Thank you,

Anthony Gregory Fajardo | Director
City of Fort Lauderdale | Department of Sustainable Development
954•828•5984
Sent from my iPhone

On Oct 13, 2018, at 6:36 AM, Abby Laughlin <abby.laughlin@gmail.com<mailto:abby.laughlin@gmail.com>> wrote:

Hi Anthony:

Happy to meet at any time. Can you clear up something for me - are the two red-lined attachments to your Historic Preservation web page, the actual proposed drafts that you are considering?

https://www.fortlauderdale.gov/departments/sustainable-development/urban-design-and-planning/historic-preservation

If so, the redlined version significantly reduces public notice to affected property owners. You are removing the requirement for 30 day notice for Landmark properties under consideration for designation and you are adding language that says "failure to receive a notice" does not invalidate a hearing.

There are other sections in these drafts that also affect the private homeowners protections and rights - exactly the issues that homeowners are concerned about. This is no "low hanging fruit".

Regards,

Abby

On Fri, Oct 12, 2018 at 10:35 PM Anthony Fajardo <AFajardo@fortlauderdale.gov<mailto:AFajardo@fortlauderdale.gov>> wrote:
Abby,

By copy I'm asking my assistant to help coordinate a meeting between you, Trisha, deputy director Chris Cooper, and me. Mr. Dion is welcome to join if he likes.

Hopefully we can clear up the confusion and move forward in a positive manner.

Thank you,

Anthony Greg Fajardo | Director
City of Fort Lauderdale | Department of Sustainable Development
700 NW 19th Avenue | Fort Lauderdale FL 33311
P: (954) 828-5984 E: afajardo@fortlauderdale.gov<mailto:afajardo@fortlauderdale.gov>
[cid:image001.png@01D0DF11.571B7640]

Under Florida law, most e-mail messages to or from City of Fort Lauderdale employees or officials are public records and may be subject to public disclosure. Please consider the environment before printing.

From: Abby Laughlin [mailto:abby.laughlin@gmail.com<mailto:abby.laughlin@gmail.com>]
Sent: Friday, October 12, 2018 6:26 PM
To: Anthony Fajardo
Cc: Russel Dion; Lee Feldman; Christopher Cooper; Christopher Lagerbloom; Alfred Battle; Trisha Logan; info@bigpicturebroward.com<mailto:info@bigpicturebroward.com>; Ella Parker
Subject: Re: Permission to share your Historical Designation Article

Hi Anthony:

I'll weigh on in this, if it's OK. While Manhattan Towers is not designated, it is #1 on a list of properties that city staff recommends for designation. With our current regulations, anyone can file an application to designate it. That's pretty scary if you are the owner of one of these properties. You are facing an unknown economic

injustice.

While Ms. Wilson may be lax on her end of the process, it is heartwrenching to watch someone in her position. Outlived her income, facing foreclosure and the real estate her only asset. The process should not make people homeless.

In regards to the amendments, one of the changes in the first round includes " interim protection". Manhattan Towers, who is #1 on the hit list, should be very concerned if "Interim protection" would affect them.

As a resident on the beach, I was very disappointed that your stakeholder letter dated September 21, 2018 was not mailed to one single stakeholder on the beach. Residents and business owners on the beach wrote emails stated over and over again that they wanted to be involved in the process. Please keep us in the process. There was no outreach from your department to anyone who owns property in the recently updated Central Beach Architectural Resource Survey. If I had not received an email from the Council of Fort Lauderdale Civic Association on October 4th. I would never have even known there were two public meetings scheduled to discuss the ordinance. In fact, I was discouraged to go to the first meeting, told "this is only about Sailboat Bend". The ordinance is not just about Sailboat Bend, it is a city wide ordinance. In a city, where probably 70% of the housing stock is over 50 years old, I would think that discussions about revisions to a city wide historic preservation ordinance should have a wider public reach.

I don't think Monday should be the last opportunity for the public to learn more about the proposed amendments before it enters the quasi judicial process.

As always, happy to meet at any time to discuss further.

Regards,

Abby Laughlin

On Fri, Oct 12, 2018 at 4:44 PM Anthony Fajardo <AFajardo@fortlauderdale.gov<mailto:AFajardo@fortlauderdale.gov>> wrote:
Mr. Dion,

Clearly there is a misunderstanding of the direction that staff received from the City Commission, the aspects of Historic Designation (both practical and legal), and some of the various other items mentioned in your email. For instance, this first round of amendments (Phase 1) only affects properties that are designated or are currently located within a historic district. Since your property is neither designated nor within a historic district it would not be affected.

To help educate the community and our neighbors staff will be placing more information on the City website addressing those issues that have come up over the last several weeks since the presentation by staff to the City Commission on the topic. We expect to have this information up sometime next week or as soon thereafter as possible.

I would like to take this opportunity to address the issue regarding Ms. Elaine Wilson and her application to rescind the designation of her house in Victoria Park. She may have applied in April 2018, however the application was incomplete. Staff cannot move items forward without completed applications, as required by

our legally established ordinance. Our staff was in constant communication with Ms. Wilson, as demonstrated by multiple emails, and has worked to be helpful to her in completing the application and as she continues to go through the process. When the item was placed on the Historic Preservation Board (HPB) agenda in October it is true that there was not a quorum. This was unexpected, as even with the announced absences there would have been a quorum, however one of the other board members had a medical emergency just prior to the meeting and this resulted in the unfortunate situation we find ourselves in today. Nevertheless, Ms. Wilson did not show up for the meeting. I worked as the staff liaison for several years to this board in the past and it is unlikely the HPB would have heard the item without her being present even if a quorum had been established since there would have been nobody there to answer any questions from the applicant's perspective. Staff continues to work with her and we are doing all we can to ensure that she has the required information, we assist in any way we can, and she understands the process. However, it is a little misleading to state that a process is broken when (a) the process hasn't even been completed per the legal requirements and (b) the applicant wasn't present to defend the request at the HPB.

I believe it would be beneficial for all of us to stick to facts so that we all remain on the same page. Misinformation places us in an unnecessarily adversarial position and that is not what staff is seeking to do. Our intent is to work with our neighbors to ensure we have a practical solution that meets the needs of the City. If you would like to discuss further in more detail please let me know and I'll be happy to set up a meeting.

Sincerely,

Anthony Greg Fajardo | Director
City of Fort Lauderdale | Department of Sustainable Development
700 NW 19th Avenue | Fort Lauderdale FL 33311
P: (954) 828-5984 E: afajardo@fortlauderdale.gov<mailto:afajardo@fortlauderdale.gov>

From: Abby Laughlin
To: Anthony Fajardo; Trisha Logan
Subject: Fwd: Update of Fort Lauderdale Historic Ordinance
Date: Monday, October 15, 2018 10:41:30 AM

Hi Anthony and Trish:

Tim Shavone can not make the ordinance review meeting tonight. He asked me to pass on his comments.

Regards,

Abby Laughlin

---------- Forwarded message ---------
From: **Abby Laughlin** <abby.laughlin@gmail.com>
Date: Sun, Oct 14, 2018 at 9:12 PM
Subject: Re: Update of Fort Lauderdale Historic Ordinance
To: Shiavone Tim <wdparrot@aol.com>

Hi Tim,

No worries - I'll make sure your message gets through.

Regards,

Abby

On Sun, Oct 14, 2018 at 8:30 PM g <wdparrot@aol.com> wrote:

> Abby
> Please forward this for me to all those in our group and the commissioners if you think they would be interested. I am unable to attend Mondays meeting
>
> Respectfully to the HPB ,Anthony and Trish
> The idea of Historic preservation is one of great merit .Thank you for investigating changes to reach a fair and just process that will include owner consent
>
> My concerns for the for amendments to the process of Historic designation
>
> First and foremost ... Property owner consent..
> This is so important if the city wants the process to be successful and proceed with mutual interest and purpose. When this designation is attached to a property with out the owners consent there will always be problem and a fight .With the consent of ownership from day one there is no question of the integrity of the application process. It starts with the owner and ends with the owner .There are no surprises as the owner has CHOSEN to take this responsiblity
>
> The process as it stands now is flawed,It can be used as a tool to discourage , eliminate or disallow development .
>
> meeting only 1 of 8 criteria is not fair..it should be all or at least a majority number (5)
>
> interum protection also can be misused as a tactic to tie things up..

Tax incentive are minuscule and could only be an incentive to an already interested PROPERTY OWNER

Residential and commercial property should have seperate standards and considerations for designation

..

The HPB and city needs to provide a package to walk an interested Property owner through the process from start to finish .

Consider a tax or some kind of funding mechanism to give the city a budget to buy property at market value from owners who are interesting in selling (especially those who have been thinking about making a fair and proper profit on their investment)

These are just a few of my thoughts .. This is a very big and important issue... Please be sensitive to the property owners rights and economic impact before any consideration to the designation of a property ...

Thank you and again ...Without ownership consent there will not be a successful and or friendly climate to achieve the goal of Historic Preservation.

Tim Schiavone
fort lauderdale residential and commercial property owner.since 1973
954 294 7705

From: Anthony Fajardo
To: Lynda Crase
Cc: Trisha Logan; Christopher Cooper
Subject: Fwd: Permission to share your Historical Designation Article
Date: Sunday, October 14, 2018 12:08:14 PM

Lynda,

Please see if you can set up a meeting with Abby and Mr. Dion this week. Include Trisha, Chris and me.

I'd like for the 3 of us to meet before Abby and Mr. Dion as well.

Thanks,

Anthony Gregory Fajardo | Director
City of Fort Lauderdale | Department of Sustainable Development
954•828•5984
Sent from my iPhone

Begin forwarded message:

From: Russel Dion <russel@manhattantowerfl.com>
Date: October 14, 2018 at 9:49:24 AM EDT
To: <AFajardo@fortlauderdale.gov>
Cc: <LFeldman@fortlauderdale.gov>, <CCooper@fortlauderdale.gov>, <CLagerbloom@fortlauderdale.gov>, <ABattle@fortlauderdale.gov>, Trisha <TLogan@fortlauderdale.gov>, <info@bigpicturebroward.com>, Abby Laughlin <abby.laughlin@gmail.com>, <EParker@fortlauderdale.gov>
Subject: Re: Permission to share your Historical Designation Article

Mr. Fajardo:

I would like very much to be included in the meeting you agreed to have with Abby. Please include me in the invitation. In addition to what I have set out below we do have a list of concerns.

Thank you so much for being open to our concerns. I am sorry I was not clear. I made no reference to changing the criteria for designation. My point was that Phase 1 regarding Section 47-24-11 B. pages 3-7 sets out the process and procedures for the designation of historic properties. All properties in Fort Lauderdale over 50 years old may be subject to these provisions and should be included in the public forums and outreach along with Sailboat Bend and the other designated districts and

properties before any changes are made to the ordinance. This is why the Notification Process is flawed and should be reevaluated.

I would also take issue with the definition of Applicant which is too broad. It currently encompasses any resident of Fort Lauderdale or legal entity. This means that any renter or legal entity (corporation, LLC, etc) may become an applicant and make an application for Designation of a property. I would suggest that the definition should be more limited; perhaps to a property owner, the Historical Board or the City. At this point just about anyone could file an application for designation of a property over 50 years old and tie the property owner up in a process which could prevent them from doing anything with their property for up to 180 days, a costly restriction to the property owner that could be entirely unjustified.

If an Applicant, other than the property owner, files an application for designation and it is granted, this becomes "Mandatory" Designation and the current Ordinance permits that. That is why I suggested in my last email to you that a new status be created for properties on the Historic Survey protecting historic properties in ways that fall short of actual Designation. Property owners who have preserved their properties and maintained them should not be burdened with Designation without their consent. Properties identified and listed on the Survey as having historic significance could be red flagged so that if a permit is filed for major modifications as defined in the Historic Ordinance or a permit for demolition it could fall into a process for further review or intermediate protection. Also, there should be a mechanism for a property owner to file an objection to being included in the Historic Survey and being removed. The Designation process is costly to the property owner financially as well as time wise. This would satisfy the needs of both the City and the Property Owner. There should be no Designation without the owners consent except in extreme situations where the property's historic value to the community would be endangered. Designation without the owner's consent is by definition Mandatory or Forced Designation.

Page 5 3d There is a problem with Interim Protection Measures. A property owner could submit an application for a permit for improvements and the process could go on for several months and just prior to granting of the permit someone files an application for Designation of the property. The Interim Protection Period would kick in and prevent the property owner from doing anything for up to 180 days while the Preservation Board makes a determination. This is simply unfair. Permits submitted prior to applications for Designation should follow their normal course.

Page 9 c Criteria d You said that there were no changes proposed to the existing Criteria but I would suggest that a change be made. It seems unreasonable and unfair that a property owner must lose all beneficial use of a property before a Certificate of Appropriateness would be approved. For a property owner to lose up to 99% of its beneficial use and yet a Certificate of Appropriateness could still be denied is unacceptable.

Thank you for your indulgence.

Russel Dion

Voice and video call our front desk for free using this link

Russel Dion
MANHATTAN TOWER
701 Bayshore Drive
Fort Lauderdale, FL 33304
www.ManhattanTowerFL.com
manager@mahattantowerfl.com
754-224-7301

On Sat, Oct 13, 2018 at 8:18 PM Anthony Fajardo <AFajardo@fortlauderdale.gov> wrote:

Mr. Dion,

I'm happy to meet in person to discuss further and we can always do more outreach. I'm working on a meeting with Abby if you would like to attend that. I've asked her to put together a list of concerns so we can have a productive conversation.

Please note that we aren't touching any of the existing criteria for designation and there are no plans for mandatory designation. I'm not sure where you see that, but if you would like to point it out I can respond and we can make it part of our conversation.

If you would like to attend the meeting I mentioned above we will include you on the invite, so please let me know.

Thank you,

Anthony Greg Fajardo | Director

City of Fort Lauderdale | Department of Sustainable Development

700 NW 19th Avenue | Fort Lauderdale FL 33311

P: (954) 828-5984 E: afajardo@fortlauderdale.gov

From: Russel Dion [mailto:russel@manhattantowerfl.com]
Sent: Saturday, October 13, 2018 7:19 PM
To: Anthony Fajardo
Cc: Lee Feldman; Christopher Cooper; Christopher Lagerbloom; Alfred Battle; Trisha Logan; info@bigpicturebroward.com; Abby Laughlin; Ella Parker
Subject: Re: Permission to share your Historical Designation Article

Mr. Fajardo:

I am not quite sure what I misunderstood. The only specific misunderstanding you mentioned was that the first round of amendments (Phase 1) **only affects** properties that are Designated or located in a Historic District. I had downloaded the Draft of Updates to ULDR Section 47-24-11 and ULDR Section 47-27-7. If these are truly the proposed changes, then I disagree that the changes do not affect me because I am not designated. These changes not only affect me but every owner of a property over 50 years old. These changes affect not only designated properties but affect the entire designation process including mandatory designation. Because of this it is my opinion that all owners of properties in excess of 50 years should be included in the discussion. The limitation of your presentation to already designated properties is flawed and the Department should start over with presentations to the entire community. I am sure it is not your intention but limiting the outreach for Phase 1 to already designated properties appears to be an effort to get these changes through quickly and with the least resistance.

That is why I was impelled to speak out to the community. Once these amendments are made it will be very difficult to undo them.

Mr. Fajardo, please understand that we have the same goal, Historic Preservation. It is how we reach that goal where we may disagree. Looking at this amendment process, it seems to be backward. It seems that the priority for the City is Designation which gives government complete control over a private property but taking property rights away from the property owner and giving those rights to the government is a serious matter and while the Supreme Court has supported it's legalily, it should not be the first option for government. Phase 1 and Phase 2 should be switched. Phase 1 of the process should be outreach to the community and creation of incentives for voluntary designation. Encouraging voluntary designation should be the priority in the amendment process and incentives should be incorporated into the ordinance. In fifteen minutes I came up with a list of possible incentives and I am sure with an outreach to the community and some thought on the part of staff there could be many more. I would be happy to share them with you.

Also as part of Phase 1 there should be discussion of protecting historic properties in ways that fall short of actual Designation. Property owners who have preserved their properties and maintained them should not be

burdened with Designation without their consent. One suggestion is that properties identified as being of historic significance could be red flagged so that if a permit is filed for major modifications as defined in the Historic Ordinance or for demolition it could fall into a process for further review or intermediate protection. Also, there should be a mechanism for a property owner to file an objection to being included in the Historic Survey and being removed. The Designation process is costly to the property owner financially as well as time wise. A property owner who has been a good steward of an historic property should not be penalized with Designation.

In addition there should be an exit process for property owners such as Ms. Elaine Wilson that is not arduous. I meant no disrespect for your staff in my criticism of the process she went through. I am sure they were as helpful as they could be. What I heard at the meeting was that there was no form or process for reverse designation. No one from the City contradicted her when she made this point. The process was sort of made up to accommodate her. If this is not true, I apologize again but if this is true, then the process is broken.

I do applaud your efforts to streamline the permit process through administrative approval of small changes. I am an advocate for Historic Preservation but I am opposed to forced mandatory designation. Thank you for taking the time to write to me. I would be happy to meet with you at any time to discuss these issues further. You are right about dealing with facts and I will make every effort to do just that.

With respect.

Russel Dion

Voice and video call our front desk for free using this link

Russel Dion

MANHATTAN TOWER

701 Bayshore Drive

Fort Lauderdale, FL 33304

www.ManhattanTowerFL.com

manager@mahattantowerfl.com

754-224-7301

On Fri, Oct 12, 2018 at 4:44 PM Anthony Fajardo <AFajardo@fortlauderdale.gov> wrote:

Mr. Dion,

Clearly there is a misunderstanding of the direction that staff received from the City Commission, the aspects of Historic Designation (both practical and legal), and some of the various other items mentioned in your email. For instance, this first round of amendments (Phase 1) only affects properties that are designated or are currently located within a historic district. Since your property is neither designated nor within a historic district it would not be affected.

To help educate the community and our neighbors staff will be placing more information on the City website addressing those issues that have come up over the last several weeks since the presentation by staff to the City Commission on the topic. We expect to have this information up sometime next week or as soon thereafter as possible.

I would like to take this opportunity to address the issue regarding Ms. Elaine Wilson and her application to rescind the designation of her house in Victoria Park. She may have applied in April 2018, however the application was incomplete. Staff cannot move items forward without completed applications, as required by our legally established ordinance. Our staff was in constant communication with Ms. Wilson, as demonstrated by multiple emails, and has worked to be helpful to her in completing the application and as she continues to go through the process. When the item was placed on the Historic Preservation Board (HPB) agenda in October it is true that there was not a quorum. This was unexpected, as even with the announced absences there would have been a quorum, however one of the other board members had a medical emergency just prior to the meeting and this resulted in the unfortunate situation we find ourselves in today. Nevertheless, Ms. Wilson did not show up for the meeting. I worked as the staff liaison for several years to this board in the past and it is unlikely the HPB would have heard

the item without her being present even if a quorum had been established since there would have been nobody there to answer any questions from the applicant's perspective. Staff continues to work with her and we are doing all we can to ensure that she has the required information, we assist in any way we can, and she understands the process. However, it is a little misleading to state that a process is broken when (a) the process hasn't even been completed per the legal requirements and (b) the applicant wasn't present to defend the request at the HPB.

I believe it would be beneficial for all of us to stick to facts so that we all remain on the same page. Misinformation places us in an unnecessarily adversarial position and that is not what staff is seeking to do. Our intent is to work with our neighbors to ensure we have a practical solution that meets the needs of the City. If you would like to discuss further in more detail please let me know and I'll be happy to set up a meeting.

Sincerely,

Anthony Greg Fajardo | Director

City of Fort Lauderdale | Department of Sustainable Development

700 NW 19th Avenue | Fort Lauderdale FL 33311

P: (954) 828-5984 E: afajardo@fortlauderdale.gov

OPINION OF HISTORIC PRESERVATION AND DESIGNATION

Historic Preservation is a wonderful concept. Protect Historic Resources in the community for the benefit of all. My partner and I own a Mid Century Modern property on the Intracoastal in Fort Lauderdale, Manhattan Tower, designed by one of the premier architects of the 1950s. It has operated as an apartment/hotel from the 1960s. It was originally built as an executive retreat for the largest Cadillac dealer in New York City in 1955. Please understand that we are in favor of Historic Preservation. In fact we saved our property 18 years ago from demolition and devoted our lives to its preservation and restoration. Unlike most of those who are intent on designation of properties they deem historically important, we invested millions of dollars in the purchase, preservation and maintenance of an historic property. Most avid preservationist are doing no more than usurping the property rights of individual property owners for the benefit of the community at large with no recompense to the property owner. Further, they are intent on subjecting owners of properties they deem important to a whole new process of permitting which is in addition to the already burdensome process required by the rest of the community. When the owner of a Designated Property wants to make changes to their property they are referred to a 134 page document, Historic Preservation Design Guidelines. After that, they are required to fill out forms and provide the City with an inordinate amount of research and detail as to their changes. They submit the forms and in many cases must provide additional information and re-submit them over and over.

In a recent case that came before the City Commission from a property owner living in Victoria Park and whose husband voluntarily had two properties Designated as Historic many years ago, the wife appeared requesting one of her properties be Un-designated due to financial hardship. It was going into foreclosure because she could not find a buyer who would purchase the property subject to the Designation. She first made her application April, 2018. We are now in October 2018. First she found there was no process for Un-designating her property. She was told to fill out all the relevant forms required by Designation and submit them to the City with a note that she wanted to reverse the Designation. She did everything that was required of her and was scheduled for a hearing October 5. Because of a lack of a quorum her hearing was pushed back to the next meeting. She appeared before the City Commission desperate to get a decision and accommodation before she lost her property. She had received a small tax allowance of $500 per year as an incentive for designating her property which she offered to repay to the City. Two commissioners were sympathetic and proposed a motion to remove the designation. Three Commissioners chose to vote against the motion. One commissioner stated there was a process that must be followed, seemingly not aware that the process was broken. Another suggested this desperate applicant should hire an attorney to have the foreclosure delayed. The fact that there was not even a form for reverse Designation in the event of hardship or that the City failed to produce a quorum to hear her case didn't seem relevant to the dissenting commissioners.

This is anecdotal evidence of why the community should be cautious of Historic Designation. While I support Historic Preservation I am opposed to Historic Designation without the property owner's consent.

Don't confuse Historic Designation with Historic Preservation.

The first volley has been fired to subjugate City of Fort Lauderdale private property owners to HISTORIC DESIGNATION. If you think it does not affect you, think again. If you own a property older than 50 years, you are vulnerable to Historic Designation. The City Commission has ordered its staff to propose amendments to the Historic Preservation Ordinance under the ULDR which are purported to clarify and streamline the process while in fact they modify the process to be more restrictive and onerous to property owners.

While Historic Preservation is a good thing, Historic Designation has a downside. At its core is taking private property rights from property owners **with or without** their consent or recompense and giving those rights to the state. The State decides whether your property has historic value based on its age, appearance and a number of subjective factors; any of which may trigger a designation. Once designated, a property is subject to a whole new level of regulation and expense which are borne by the property owner. There seems to be no educational requirements for those who implement the process, only a passion for the past.

With no other requirement than being a resident of Fort Lauderdale, anyone may initiate the designation process. If any resident likes the look of a property older than 50 years or has a grudge against someone who owns a property older than 50 years, they may become an "applicant" and file the necessary forms to start a process which may prevent that property owner from doing anything with their property during the "Intermediate Property Protection Period" of up to 180 days (6 months). If during that time any one of a number of criteria are satisfied, the property may be "Designated" without the consent of the property owner and the owner will be prevented from making any further decisions about the appearance, improvement or use of their property without prior State approval. The property owner gets to pay for this extra level of bureaucracy with no help from the City while the community is the beneficiary. There are also concerns about Climate Change, catastrophic damage and flooding. How will the City ordinances deal with these problems?

The preservation of historic properties is worthwhile and is properly a goal of the City Commission but it is disappointing that instead of pursuing this goal with a plan for voluntary designation and incentives to property owners the City Commission has determined the first step should be to consolidate their police powers to Designate private properties. The decision was made to spend scant City resources and staff hours on amending the current historic ordinances rather than forming a committee composed of avid preservationists and property owners who may be the subject of designation along with City staff to work out solutions to the problems of designation. From such a collaboration could come a fair and equitable consensus as to amendments to the current historic ordinances. Only then based on recommendations from this joint committee should amendments be proposed. To amend those ordinances without doing so is heavy handed governance from the top down resulting in the creation of unnecessary animosities and resentment from property owners who have invested their time (for some a life time) and life savings in purchasing a property only to find that they lose the freedom to make their own decisions regarding the property. There is a concern that the City is usurping too much power in their efforts to amend the Historic Preservation Ordinance.

Wake Up! YOUR PROPERTY RIGHTS MAY BE IN DANGER 3

The City of Fort Lauderdale has the power to take your property rights under the **Historic Preservation Ordinance** ULDR Section 47-24 The concerns are that:

- any resident of Fort Lauderdale or legal entity including the City may become an applicant to designate your property Historic without your consent.
- the application needs to meet only one of several Criteria; one of which is simply being older than 50 years old.
- with designation comes added expenses with a added process for historic permit approvals
- Designation limits the pool of buyers when you sell and demolition becomes near impossible

To date there have been few designations without the owner's consent but that may not be the case in the future. We have a new City Commission with two members who support Historic Preservation, two members leaning to protection of private property rights and one that seems to be a question mark.

The Commission ordered an update of an old Historic Resource Survey of the Central Beach. City staff did the update and recommended designation of nearly the entire beach area as an Historic District and provided a list of properties targeted for individual designation. Historic Resource Surveys are in the planning stages for the entire City which may have as few as 50% or as many as 70% of properties over the threshold of 50 years. No area of the City will be left untouched; Idylwyld, Las Olas Isles, Rio Vista, Coral Ridge, Victoria Park and on and on. The property owners in the Central Beach mobilized and protested. The Commission listened and temporarily stopped the process. The Commission has now ordered its staff to propose updates to the ordinance. We voted these Commissioners into office to represent our concerns and act accordingly. Email all Commissioners. Let them know how you feel.

The Supreme Court made a decision in 1972 supporting Government Police Powers to take property rights from the property owner and transfer those rights to government to assure that historically important properties are preserved for the good of the community. No payment is required. Preservationists were emboldened to make a concerted effort to designate private properties Historic eveywhere. With the increased demolition of historically important buildings this movement is picking up speed. Historic Preservation is a laudable goal but when combined with Designation without the owner's consent it creates a conundrum. We all agree that we want to save historic properties but do we want to do that at the cost of losing our individual property rights?

This conundrum poses many questions: The Ordinance is legal but does that make it fair or moral? Should there be Designation without the owner's consent? If Historic Preservation is as important to the Community as the Preservationists maintain, why is there no provision for the Community to do their part in preserving these properties. Why is the entire burden of preservation piled on the property owners? Is it too easy to designate a property? Is Historic Preservation incompatible with personal property rights? Should there be a higher standard when it comes to designation without the owner's consent than when it is voluntary. What happens if insurance companies choose not to insure historic properties?

Perhaps we should rethink Historic Preservation. Rather than adopting "Best Practices" from other municipalities we should create a new standard for Historic Preservation. Not everyone has the same aesthetic. Modern contrasted with Historic can make a powerful statement without resulting in a loss of history. An unknown author said so eloquently. "Stuck in the quagmire of the past they cannot see what is possible for the future. Encourage creative and functional architecture for the future which will then become historic."

Please share this article with your neighbors and friends and post it on your facebook page.

Important email addresses

Mayor		Dean Trantalis	dtrantalis@fortlauderdale.gov
Mayor Assistant		Scott Wyman	swyman@fortlauderdale.gov
Commissioner	District 2	Steve Glassman	SGlassman@fortlauderdale.gov
Commissioner	District 4	Ben Sorenson	BSorensen@fortlauderdale.gov
Commissioner	District 1	Heather Moraitis	HMoraitis@fortlauderdale.gov
Commissioner	District 3	Robert McKenzie	RMckinzie@fortlauderdale.gov
City Manager		Lee Feldman	lfeldman@fortlauderdale.gov

If you don't know who your Commissioner is go to District Link Map
http://gis.fortlauderdale.gov/PDFMaps/Commission%20Districts%20(24x36)Fort%20Lauderdale.pdf

PROPOSALS FOR INCENTIVES TO HISTORIC PRESERVATION

In order to enhance public participation and involvement in the preservation and protection of Historic Resources the Government has a duty Encourage public and private preservation of Historic Resources before exercising police powers to Designate Properties without the property owner's consent.

1. Set up Historic Preservation Fund to match improvements to Designated Properties
    a. This Fund may be operated by the private Historic Trust with direction or help from the City.
    b. Perhaps set up an initial grant to property owners who are willing to voluntarily designate their properties with no strings attached.
    c. Identify which improvements are eligible for matching dollars
    d. Identify sources of funding in addition to tax dollars (ie Private Donations, Corporate Donations, etc.)
    e. Set up parameters and process for disbursing dollars
    f. Determine limits if any of dollars to be provided (ie. 10% of total funds in reserve per year)
    g. Create strategies to reach goals for Fund.
    h. Set up prohibitions to using Fund for any other purposes.
    i. Establish education or professional requirements for those chosen to disburse money from Fund
2. Work more closely with the private Broward Trust for Historic Preservation to create programs which may not be approved for the City's Historic Board.
3. Tax Incentives
    a. Set up a tax discount (ie. 10-20%) on the total tax bill for the City portion of real estate taxes
    b. Tax abatement on improvements made after designation.
4. The designation of Historic places a tremendous burden on the private property owner for the benefit of the Community. It is only fair that the Community bear some of that burden. There should be no costs incurred by designated properties in obtaining Certificates of Appropriateness. All costs of this process should be borne by the Community by transferring these costs to the normal permitting costs and increasing them for all property owners to cover all of these costs. The designated property will pay their fair share of these expenses when they file for the normal permits but will not have to pay the full cost. The Community is the beneficiary and should help with the costs.
5. Zoning restrictions may be less restrictive but in keeping with Historic theme.
6. A list of incentives should be provided for Historic Districts (ie. relaxing of some building and zoning requirements, signage, improvements to roads, landscaping, etc.
7. Solicit Historic Preservation academics, professionals and architects to donate time and experience to advise property owners on improvements compatible with history. In return the advisers would be recognized on the City Website and by the Historic Board. Using these professionals will cut down review time. This could be done by the City's Preservation Board or the Private Broward Trust.
8. Approved Vendor List of architects, contractors and professionals familiar with historic preservation. If City is not permitted to do this then this would be a service of the Private Trust.
9. Outreach to involve local Universities in Historic Preservation to educate the community and to create a plan to incentivise designation. These resources are better qualified to come up with ideas than the general public.
10. Create a transitional status for properties pre-designation that have been identified on the Historic Survey as having historical value. Provide outreach to these properties to encourage maintenance of historic character (signs, architectural detail, etc)
11. Create a process of removal from pre-designation status.

12. Written assurance of no designation without owner's consent except in the case of major improvements or demolition.

NOTES ON ORDINANCE

Reschedule the different Phases of amending the Ordinance

1. Phase 1 focus on those properties already designated. Clarify definitions and go into detail on what is permitted by those definitions.
2. Phase 2. Answer the question. What are the impediments to Historic Designation? Set the answers down in writing to make them real. Create solutions to each impediment or remove it. The focus must be on voluntary designation. What may the City do to encourage voluntary Designation Process. What may the City in partnership with the Broward Trust for Historic Preservation do to encourage voluntary designation.
3. Phase 3. Complete review of designation process and how to streamline it as much as possible.

1. Create a transitional status for properties pre-designation that have been identified on the Historic Survey as having historical value. Provide outreach to these properties to encourage maintenance of historic character (signs, architectural detail, etc) (ie Designation process may not be started without the owner's permission unless a permit is submitted for remodeling of more than 25% of the improvements or in the event of a demolition permit.)
2. There should be a procedure to object to inclusion in pre-designation status and to be removed when appropriate.
3. Limit applicants for designation to property owners in the City of Fort Lauderdale or Government entities. (A resident is not a stakeholder unless they have invested in real estate in the City)
4. Page 9 c. i d Whether the denial of a certificate of appropriateness would deprive the property owner of all reasonable use of his property.
5. Create a process to reverse designation when appropriate.
6. To put a moratorium on permits of 180 days to "protect" properties is a very long period. What happens to properties that have already submitted permits.
7. No amendments should be made without efforts to create incentives to voluntary designation.
8. There should be provisions to protect a property without going to the extreme measure of designation.
9. It should be clear in the ordinance that Designation is the legal taking of individual property rights by the government to benefit the community at large.
10. Establish requirements for those serving on Historic Board or advisory positions on Historic Preservation. It is not enough to be passionate about Historic Preservation. It is essential to have an educational or professional background in this field.

47-24-11

Page 1 3.6 Definition of Board is struck out but further down the page in 6.11 there is a reference to "the board"

Page 3 B Historic Designation 1. Applicant Definition is too broad. An Applicant should be limited to a property owner, the Historical Preservation Board or the City. Current definition includes renters or any legal entity.

Page 5 3d There is a problem with Interim Protection Measures in as much as a property owner could submit an application for a permit for improvements to their property. The process could go on for several months and just prior to granting of the permit someone files an application for Designation of the property. The permit process would then stop for up to 180 days while the Preservation Board makes a determination. This is simply unfair. Permits submitted prior to applications for Designation should follow their normal course.

Suggestions for inclusions:

1. Designation of Districts should require a vote by the property owners. A minimum of 50% should be required for designation.
2. The process to reverse a designation should not be the same as designation. There should be a streamlined process to allow for hardship reversal or changes.

The Criteria for designation is too broad and Properties should not be designated unless it meets 3 or 4 out of the 7 criteria.

With 70% of the properties in Fort Lauderdale being over 50 years old the battle cry will not be "No taxation without representation" but "No Designation without Consent" The Supreme Court has decided that it is legal to take property rights away from private property owners without the property owner's consent and give them to the government but that does not mean that it is morally right or fair. They likened it to the zoning process but in fact it is much more onerous and expensive to the property owner than changes in zoning and lacks the assurance of knowing what you can do with a property when you buy it. When you buy a property you know what is permitted in that area. When you buy a property over 50 years old, you don't know when someone can come along and file an application to designate your property. With designation comes a whole new level of regulations, restrictions and expenses not imposed on properties that are not designated.

If there is full disclosure and the general public is aware that this Ordinance does now and will in the future unless changed give the government the right to determine the future of their property, their will be a rebellion. Since I am fully aware of how this Ordinance affects property rights I feel compelled to make sure the rest of Fort Lauderdale is aware.

CITY OF FORT LAUDERDALE

HISTORIC PRESERVATION BOARD
CITY OF FORT LAUDERDALE
WEDNESDAY, MARCH 4, 2019 - 5:00 P.M.
CITY HALL 8th FLOOR CONFERENCE ROOM
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA

		Cumulative Attendance 6/2018 through 5/2019	
Board Members	**Attendance**	**Present**	**Absent**
David Kyner, Chair	P	9	0
George Figler, Vice Chair	P	9	0
Jason Blank	P	7	2
Brenda Flowers	P	8	1
Marilyn Mammano	P	8	1
Donna Mergenhagen	P	8	1
Arthur Marcus	A	8	1
David Parker	P	9	0
Richard Rosa	P	8	1
Jason Wetherington	P	6	2

City Staff
Shari Wallen, Assistant City Attorney
Trisha Logan, Urban Planner III
Suellen Robertson, Administrative Assistant
Jamie Opperlee Recording Secretary, Prototype Inc.

Communication to the City Commission
Motion made by Mr. Blank, seconded by Ms. Mammano to send the following Communication to the City Commission:

1. The Board recognizes an issue with the project at 300 S Fort Lauderdale Beach Boulevard and that the site is of archaeological significance which requires and demands archaeological supervision by a licensed archaeologist. The City should expedite any processes necessary to accomplish that goal forthwith. It is also the Board's recommendation that construction stop until an archaeologist is on site to supervise.
2. The Board recommends the City work with Ms. Logan and her team to identify ways to prevent this from recurring in the future.
3. The Board also informs the City Commission that they take archaeological sites in the City very seriously and we believe the City should do the same.
4. There have been repeated incidents such as this in recent years, and the Board recommends there should be internal reinforcement of protection of archaeological sites throughout the City with City staff so the expectations of staff are equivalent to the expectations of the citizens.

In a voice vote, motion passed unanimously.

V. Communication to the City Commission

Index

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4. There have been repeated incidents such as this in recent years, and the Board recommends there should be internal reinforcement of protection of archaeological sites throughout the City with City staff so the expectations of staff are equivalent to the expectations of the citizens.

In a voice vote, motion passed unanimously.

Chair Kyner asked if other cities were addressing this. Ms. Ayers-Rigsby said some cities issue a Certificate to Dig, which help flag sites for review by a historic preservation office. Ms. Logan said there was existing language for issuing certificates to dig in Broward, Miami-Dade and Palm Beach counties. Miami's language worked well because it provided consistency across city and county lines.

9. Review of Proposed Updates to the Unified Land Development Regulations (ULDR):

Sections 47-24.11 - Historic designation of landmarks, landmark site or buildings and certificate of appropriateness; 47-24.7 - Historic designation; 24-24.8 - Certificate of appropriateness and economic hardship exception; and 47-32 – Historic Preservation Board.

Ms. Logan provided a Power Point presentation, a copy of which is attached to these minutes for the public record.

Andrew Schein, attorney, said the City had a map of "Archaeologically Significant *Zones*" not sites, and this covered approximately 20% of the City. The new code

language required a Certificate of Appropriateness for alteration of any "archeological *site*."

Mr. Schein suggested further clarifying the definition of "archeological site" and a map showing what an archeological site was in the City of Fort Lauderdale.

Ms. Logan stated there were no designated archeological sites in the City. They discuss making a clarification within the definition related to locally designated archaeological sites.

Ms. Mammano asked how they could implement the resolution, which gave the ability to issue a Certificate of Appropriateness for the excavation of an archeological site, if there was no list of archeological sites. Ms. Logan stated there was the ability to designate an archeological site in the code.

Ms. Mergenhagen said the Board had earlier discussed adding language to hold the City responsible to honor the same rules or attention to the archeologically significant zones map. Ms. Logan explained that the certificate to dig process was part of phase three of the amendment process.

Ms. Mammano noted they were now defining contributing and non-contributing structures. She asked if the definition would make the unofficial list they had for existing districts official. Ms. Logan stated this would allow them to make a list official, but it would require the neighborhood to be re-surveyed and an amendment to the district. Ms. Mammano thought they should be adopting an official "contributing" and "non-contributing" list to enable them to implement the legislation.

Ms. Mammano requested a periodic list of applications being done administratively on a GIS map and Ms. Logan agreed to think about the suggestion

Adjournment
There being no further business to come before the Board, the meeting was adjourned at 9:28 p.m.

Attest:
ProtoType Inc. Recording Secretary

Chairman:
David Kyner, Chair

The City of Fort Lauderdale maintains a Website for the Historic Preservation Board Meeting Agendas and Results:

http://www.fortlauderdale.gov/departments/city-clerk-s-office/board-and-committee-agendas-and-minutes/historic-preservation-board

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

CITY OF FORT LAUDERDALE

HISTORIC PRESERVATION BOARD
CITY OF FORT LAUDERDALE
WEDNESDAY, APRIL 1, 2019 - 5:00 P.M.
CITY HALL 8th FLOOR CONFERENCE ROOM
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA

		Cumulative Attendance 6/2018 through 5/2019	
Board Members	**Attendance**	**Present**	**Absent**
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Jason Blank	P	8	2
Brenda Flowers	P	9	1
Marilyn Mammano	P	9	1
Donna Mergenhagen	P	9	1
Arthur Marcus	P	9	1
David Parker	P	10	0
Richard Rosa	P	9	1
Jason Wetherington	P	7	2

City Staff
Shari Wallen, Assistant City Attorney
Trisha Logan, Urban Planner III
Yvonne Redding, Urban Planner III
Lisa Tayar, Recording Secretary, Prototype Inc.

Communication to the City Commission
None

Index

I. Call to Order/Pledge of Allegiance
Chair Kyner called the meeting of the Historic Preservation Board to order at 5:00 p.m.

II. Determination of Quorum/Approval of Minutes
Roll was called and it was determined a quorum was present.

Motion made by Mr. Figler, seconded by Ms. Mammano, to approve the minutes of the Board's March 2019 meeting. In a voice vote, motion passed unanimously.

III. Public Sign-in/Swearing-In
All members of the public wishing to address the Board on any item were sworn in.

IV. Agenda Items:
None

V. Communication to the City Commission Index
None

Chair Kyner asked staff if the City Commission had any feedback for the communication the Board sent in March. Ms. Logan said their archeological consultant had made recommendations regarding the site and this had been forwarded to the CRA, which was acting as project manager. The CRA had hired an archeologist, who made further recommendations and was monitoring ongoing work.

VI. Good of the City Index
1. Review of Proposed Updates to the Unified Land Development Regulations (ULDR):
Section 47-24.11 - Historic designation of landmarks, landmark site or buildings and certificate of appropriateness;
Section 47-24.7 - Historic designation;
Section 47-24.8 - Certificate of appropriateness and economic hardship exception; and
Section 47-32 - Historic Preservation Board.

Ms. Logan provided an overview of the proposed changes.

Definitions:
Ms. Logan stated the definition of *minor* alterations would be that the work did not increasing or modify the existing square footage by more than 25%. Ms. Logan stated there were other criteria, such as visibility from the right-of-way, which were addressed later in the code.

Regarding the definition of a "non-contributing property" Ms. Logan explained that there were seven criteria, one of which must be met for a historic designation. Properties that do not meet the criteria for which a historic district is designated were considered non-contributing.

Historic designation process:
Ms. Logan clarified that 51% of property owners in a district could apply for designation of that district. This was consistent with other areas of the code. Non-property owners must apply to the HPB or the City Commission to act as an applicant.

After-the fact work:
Ms. Logan said this section discussed what after-the-fact work could be approved administratively. Mr. Marcus wanted to consider imposing a fine on a property owner who did work without approval. Chair Kyner felt this would just "rile people up" against historic preservation.

Amendments to a Certificate of Appropriateness:
Ms. Logan said this section discussed what changes to plans that were already approved by the Board, must be brought back to the Board and what could be approved administratively.

Administrative Certificate of Appropriateness:
Ms. Logan said this concerned what could be approved administratively, by meeting all of the criteria listed. Ms. Mergenhagen felt the requirement to meet criteria A and B should be clarified.

Regarding notices, Ms. Logan said the language had been made more precise specifically regarding interim protective measures and notices for Certificates of Appropriateness.

Mr. Blank suggested that the methods of legal notice include posting to the City's website and email. Ms. Logan agreed to look into this.

Ms. Logan informed Mr. Parker that a demolition Certificate of Appropriateness was valid for 18 months. The owner could pull a demolition permit [or not] within those 18 months.

Historic Preservation Board Membership and Quorum Requirements:
Mr. Marcus felt that nine members would be more manageable.

Ms. Mammano asked what input staff had received from the community. Ms. Logan described groups with whom they had met and stated she had included all of the email and in-person comments they had received in the Board's

packet. Comments included who was able to apply for designation and after looking at what other cities did this concern within the proposed updates

.

Ms. Logan distributed copies of an email from Russell Dion in the Central Beach area and answered the questions he had presented.

"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." Mr. Dion asked if this was only within a historic district as stated and if it was only issued by the Historic Preservation Board or by the Department of Sustainable Development. Ms. Logan said it was for landmark sites or structures within a historic district.

"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." Mr. Dion asked if HPB decisions or recommendations were immediately made part of the record of their meeting and thus put in writing. Ms. Logan said there could a brief period of time before the Board's decisions were put into writing. Mr. Marcus noted that there was a record of decisions the Board made at their meeting.

"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 and the City Commission." Mr. Dion asked why the application fees would be waived for the HPB or the City and not for the property owner who was voluntarily assigning property rights over to the City. He felt there should be no fees for any owner application. Ms. Logan said if the HPB or City Commission was the applicant, it was a public purpose. A private property owner was responsible for the fees.

"Historic Preservation Board issuance of Certificates of Appropriateness. Definitions. a. No person may undertake any of the following actions affecting a designated landmark, a designated landmark site, or a property in a designated historic district without first obtaining a certificate of appropriateness from the HPB." Mr. Dion asked if an administrative Certificate of Appropriateness issued by the Department of Sustainable Development should be added to this list. Ms. Logan said this was specific to HPB-issued Certificates of Appropriateness; administrative Certificates were separate in the code.

"Emergency conditions: designated properties. Covenant with applicant. In any case where it is determined 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." Mr. Dion had inquired who determined "emergency conditions" existed and who issued the order. Ms. Logan stated this was the responsibility of the Building Official. She had spoken with the City Attorney's office about making this clearer. Ms. Wallen said they would research the code for a definition and to ensure the Building Official had this authority.

Ms. Logan informed the Board that she would bring this to the April 17 Planning and Zoning Board meeting to get their comments. She agreed to keep the Board updated.

Russell Dion, resident, said he was thinking there may be another way to encourage property owners to apply for designations. The costs of designation were more than an owner could realize in benefits [such as tax exemptions].

Adjournment
There being no further business to come before the Board, the meeting was adjourned at 6:06 p.m.

Attest:

ProtoType Inc. Recording Secretary

Chairman:

David Kyner, Chair

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