



CITY OF FORT LAUDERDALE

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

<u>Board Members</u>	<u>Attendance</u>	<u>Cumulative Attendance</u> <u>6/2018 through 5/2019</u>	
		<u>Present</u>	<u>Absent</u>
David Kyner, Chair	P	10	0
George Figler, Vice Chair	P	10	0
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

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**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**

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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**

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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 increase 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

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.