

TRANSFER OF DEVELOPMENT RIGHTS (TDR)



City of Fort Lauderdale
Department of Sustainable Development



CITY OF FORT LAUDERDALE

PRIOR REVIEWS AND PUBLIC OUTREACH + RESEARCH

Historic Preservation Board Meeting - August 3, 2020

Planning and Zoning Board Meetings – October 21; November 17; December 16, 2020

Council of Fort Lauderdale Civic Associations

Did not respond to offer for staff presentation

Memorandum on January 17, 2020

Memorandum on July 21, 2020

Memorandum on October 30, 2020

Sailboat Bend Civic Association

Declined offer for staff presentation

Mention of TDR Program at September 9, 2020, Civic Association Meeting

Phone call with President on September 25, 2020

Memorandum to President on October 30, 2020

Interested Parties

Email on July 31, 2020

RESEARCH

- Literature Review
- Review of Other Ordinances
- Broward County Land Use Plan (Guiding Document)
- Conference Call with the City of Sunny Isles
- Conference Call with the City of Miami Beach

TRANSFER OF DEVELOPMENT RIGHTS (TDR)

HISTORIC PRESERVATION INCENTIVES

EXISTING INCENTIVES

Ad Valorem Tax
Exemption (10-year Tax
Exemption)

FEMA Historic Structure
Exemptions

Florida Building Code
Historic Structures
Exemptions

APPROVED IN 2020

Tax Exemption for Commercial
Properties (City of Fort
Lauderdale and Broward
County)

Waivers for Historic
Preservation

Parking Reductions and
Exemptions for Historic
Resources

NOW PROPOSED

Transfer of
Development Rights
Program (TDRs)

City of Fort Lauderdale
Department of Sustainable Development



CITY OF FORT LAUDERDALE

HISTORIC PRESERVATION INCENTIVES + EDUCATION



Existing Incentives for Historic Resources

Tax Exemptions

Ad Valorem Tax Exemption (10-year Tax Exemption)

The City of Fort Lauderdale's Unified Land Development Regulations (ULDR) provides for an Ad Valorem Tax Exemption under Section 47-24.11.E. for exemption for improvements to historic property (per F.S. § 196.1997). The city commission may authorize an ad valorem tax exemption of one hundred percent (100%) of the assessed value of all improvements to historic properties which result from the restoration, renovation, or rehabilitation of such properties.

The Ad Valorem Tax Exemption does not give property owners total exemption from all taxes. It is an exemption only on the amount that taxes would have increased due to the assessed value of the improvements made to a designated historic landmark. The exemption will only apply to those taxing authorities that agree to participate in the program (for example, the city portion or the county portion) and would not affect taxing authorities such as school districts or fire.

The applicant must apply before construction begins for the work performed to be counted towards the tax exemption. All applicants must complete a Pre-construction Application which consists of two (2) sections: Determination of Property Eligibility, and a Certificate of Appropriateness that includes a detailed description of all proposed improvements and photos of the existing conditions. Staff will review the application and present it before the Historic Preservation Board for approval. Applicants are also responsible for applying simultaneously with the Broward County Historic Preservation Program to take full advantage of this incentive. **The rehabilitation work must be done according to the Secretary of the Interior's Standards for Rehabilitation.**

City of Fort Lauderdale Tax Exemption for Historic Commercial Properties

The City of Fort Lauderdale's Unified Land Development Regulations (ULDR) provides a Tax Exemption under Section 47-24.11.F. for a fifty percent (50%) reduction in City property tax for designated historic resources that are used for commercial or non-profit purposes.

Broward County Tax Exemption for Historic Commercial Properties

The Broward County Code of Ordinances provides a Tax Exemption under Article VI, Section 31 1/2 -110 for a tax exemption of fifty percent of the assessed value of historic property used for commercial or certain nonprofit purposes.



Search



INCENTIVES FOR HISTORIC RESOURCES

- TAX EXEMPTIONS
- PARKING REDUCTIONS
- WAIVERS FOR HISTORIC PRESERVATION
- FLORIDA BUILDING CODE EXEMPTIONS FOR HISTORIC STRUCTURES
- FEMA HISTORIC STRUCTURES EXEMPTIONS

City of Fort Lauderdale Historic Preservation Incentives

21 views • May 18, 2020

0 0 SHARE SAVE ...

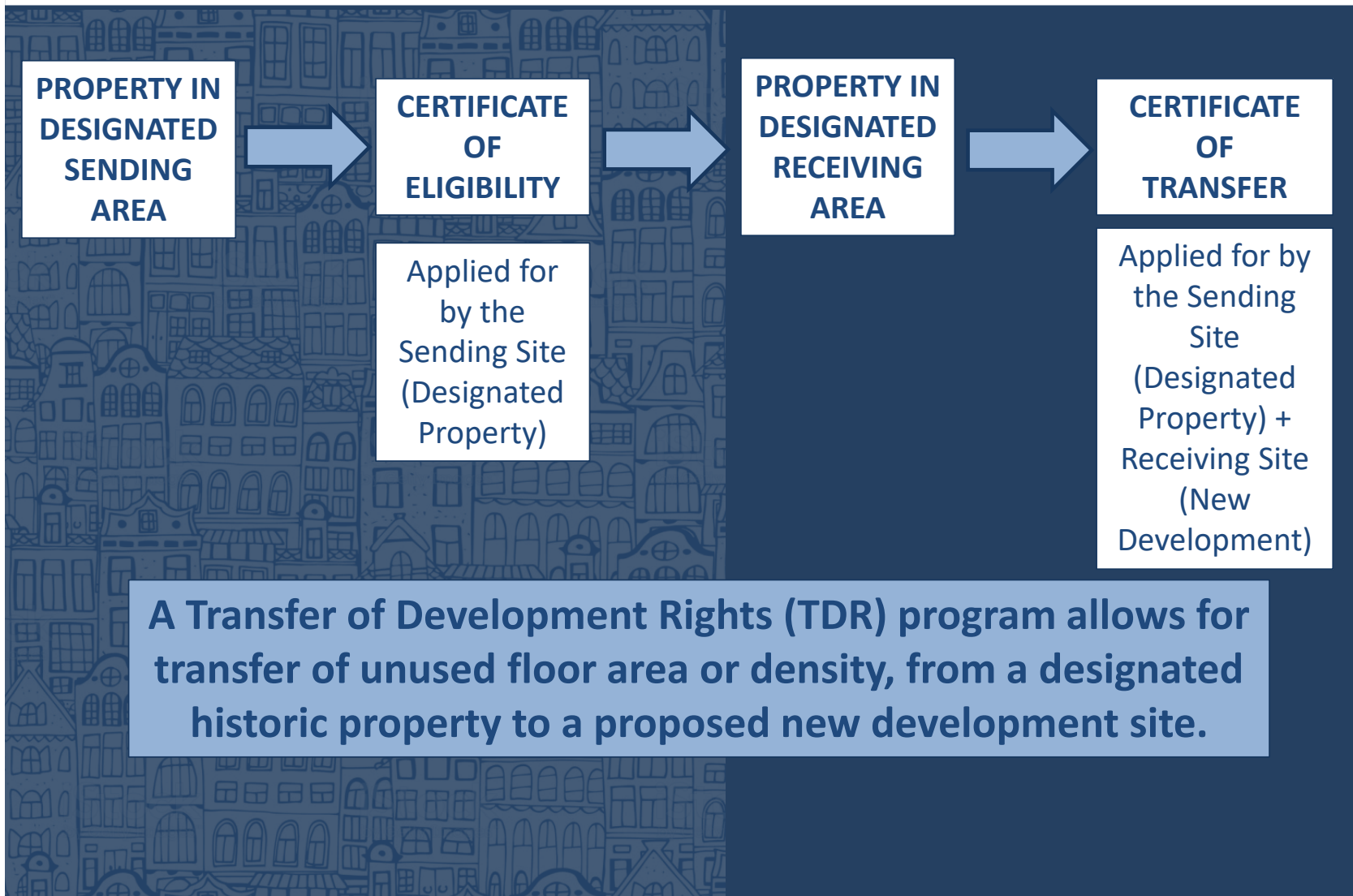
- Handout Describing Incentives
- YouTube Video on Incentives
- Information Available on Historic Preservation Website

City of Fort Lauderdale
Department of Sustainable Development



CITY OF FORT LAUDERDALE

TDR PROCESS



TRANSFER OF DEVELOPMENT RIGHTS (TDR)

APPLICATION REQUIREMENTS

CERTIFICATE OF ELIGIBILITY FOR SENDING SITES

Verification of Calculation of Available Development Rights for Designated Property

1 Submission of Complete Application

2 Calculation of Available Development Rights

- Floor Area: Existing gross floor area of the Sending Site will be subtracted from the calculation of permitted gross floor area.
- Density: Existing gross floor area of the Sending Site will be subtracted from the calculation of permitted gross floor area.

3 Issuance of Certificate of Eligibility

- VERIFICATION OF SENDING SITE ELIGIBILITY
- VERIFICATION OF CALCULATIONS FOR AVAILABLE DENSITY OF FLOOR AREA AVAILABLE TO TRANSFER
- ISSUED BY THE HISTORIC PRESERVATION PLANNER
- EXPIRES (18) MONTHS AFTER ISSUANCE
- RIGHT TO APPEAL

TRANSFER OF DEVELOPMENT RIGHTS (TDR)

[illegible]

TRANSFER OF DEVELOPMENT RIGHTS (TDR)

Exhibit 1

Exhibit 1

Page 7 of 23

QUALIFICATION OF AN ELIGIBLE HISTORIC RESOURCE

2020 Architectural Resource Survey

At its August 20, 2019 meeting, the City Commission approved Resolution 19-150 authorizing the City Manager to accept a grant in the amount of \$50,000 to conduct an Intensive Level Architectural Resource Survey that commenced in November 2019. Grant funds were provided from the Florida Department of State's Division of Historical Resources.

Grant funds were used to hire a historic preservation consultant firm, Erica Mollon Consulting, to organize and conduct the Intensive Level Architectural Resource Survey in selected areas of the City. For this project, the neighborhoods of Colee Hammock, Breakwater Beach Surf Club Homes, Harbour Isles, La Quintana Manor, Shady Banks, Tarpon River, and Victoria Park were selected based on the findings from a previous 2018 Reconnaissance-Level survey. That survey identified priority areas within each neighborhood based on the concentration of historic resources. Using those highlighted areas, Erica Mollon Consulting prioritized the identification of potential historic districts within each neighborhood and identified potential individual resources in nearby locations.

Below are links to sections of the Intensive Level Architectural Resource Survey Report including links to pages that include all documents related to each neighborhood that was surveyed.

[Intensive Level Architectural Resource Survey Report](#)

[Appendix I - Maps and Photos of Potential Historic Districts](#)

[Appendix II - Address Tables](#)

[Appendix III - Potential Individual Landmarks](#)



CERTIFICATE OF ELIGIBILITY ISSUED TO PROPERTIES THAT ARE NOT YET DESIGNATED BUT ARE:

1. Identified as a potential individual historic landmark, landmark site, or archaeological site in the most recent applicable architectural resource survey; or
2. Identified as “contributing” in the most recent applicable architectural resource survey; or
3. Identified by the State Historic Preservation Officer as “eligible” for listing in the National Register of Historic Places; or
4. A property that is already listed in the National Register of Historic Places.

MUST BE DESIGNATED PRIOR TO ISSUANCE OF CERTIFICATE OF TRANSFER

Definition of a Contributing Property

A building, site, structure, or object which adds to the historical architectural qualities, historic associations, or archaeological values for which a landmark, landmark site, or district is significant due to any of the following reasons: it was present during the period of significance of the district and possesses historic integrity reflecting its character at that time; or it is capable of yielding important information about the period.

TRANSFER OF DEVELOPMENT RIGHTS (TDR)

APPLICATION REQUIREMENTS

CERTIFICATE OF TRANSFER

Sale of Development Rights from Designated Property to New Development

1

Submission of Complete Application

Documents from both the sending site and the receiving site are required including a restrictive covenant, existing conditions report, and maintenance plan for the historic resource.

2

Completeness Review

3

Issuance of Certificate of Transfer

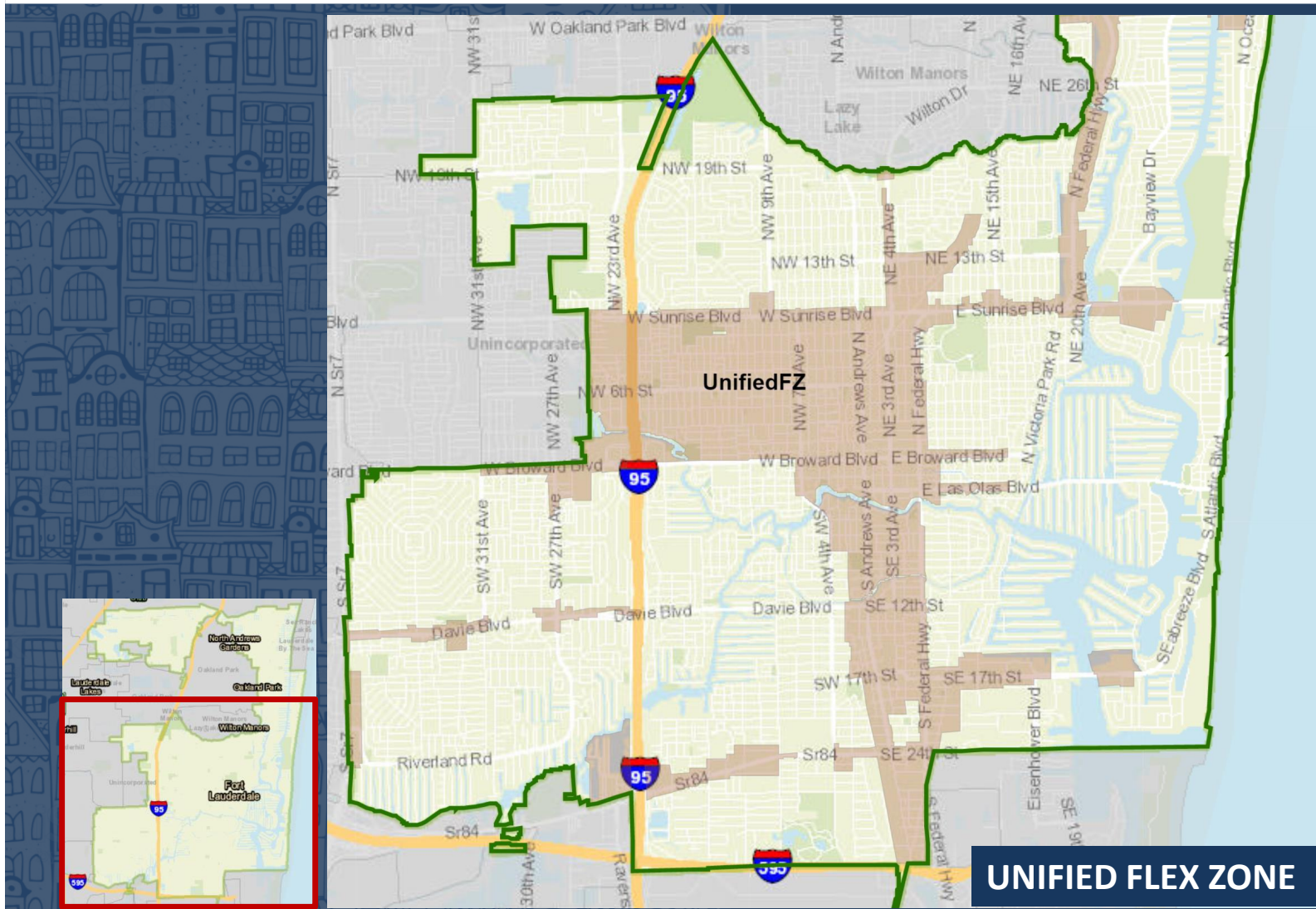
Certificates of Transfer and Restrictive Covenants must be recorded within (30) days of approval.

- **VERIFICATION OF RECEIVING SITE ELIGIBILITY**
- **VERIFICATION THAT ALL CRITERIA HAS BEEN MET**
- **REVIEWED AND ISSUED BY THE DEVELOPMENT REVIEW COMMITTEE (DRC)**
- **TRANSFER IS IN PERPETUITY**
- **RIGHT TO APPEAL**

TRANSFER OF DEVELOPMENT RIGHTS (TDR)

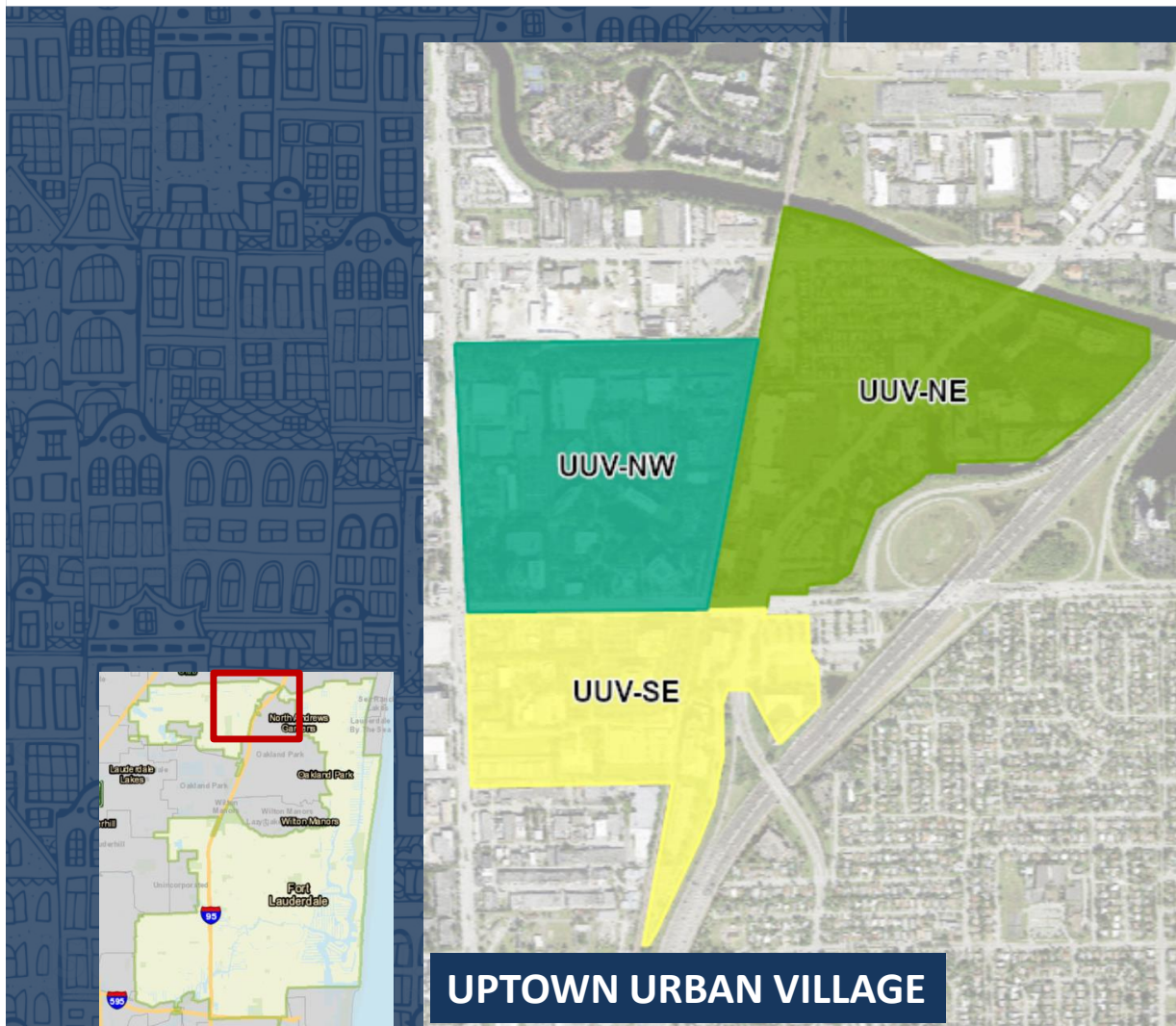
TRANSFER OF DEVELOPMENT RIGHTS (TDR)

DESIGNATED RECEIVING AREAS - DENSITY



TRANSFER OF DEVELOPMENT RIGHTS (TDR)

DESIGNATED RECEIVING AREAS - DENSITY

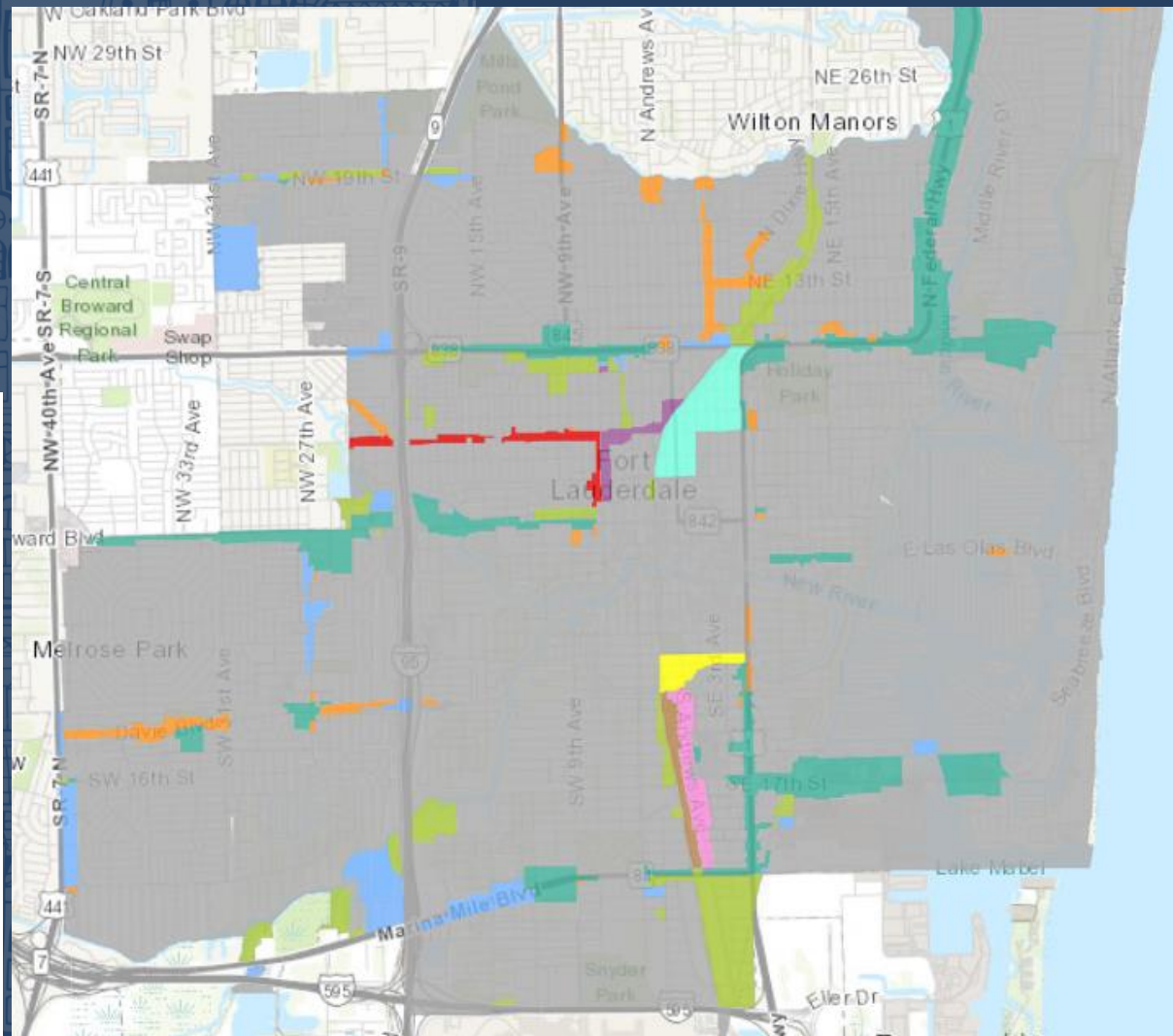


TRANSFER OF DEVELOPMENT RIGHTS (TDR)

DESIGNATED RECEIVING AREAS – FLOOR AREA

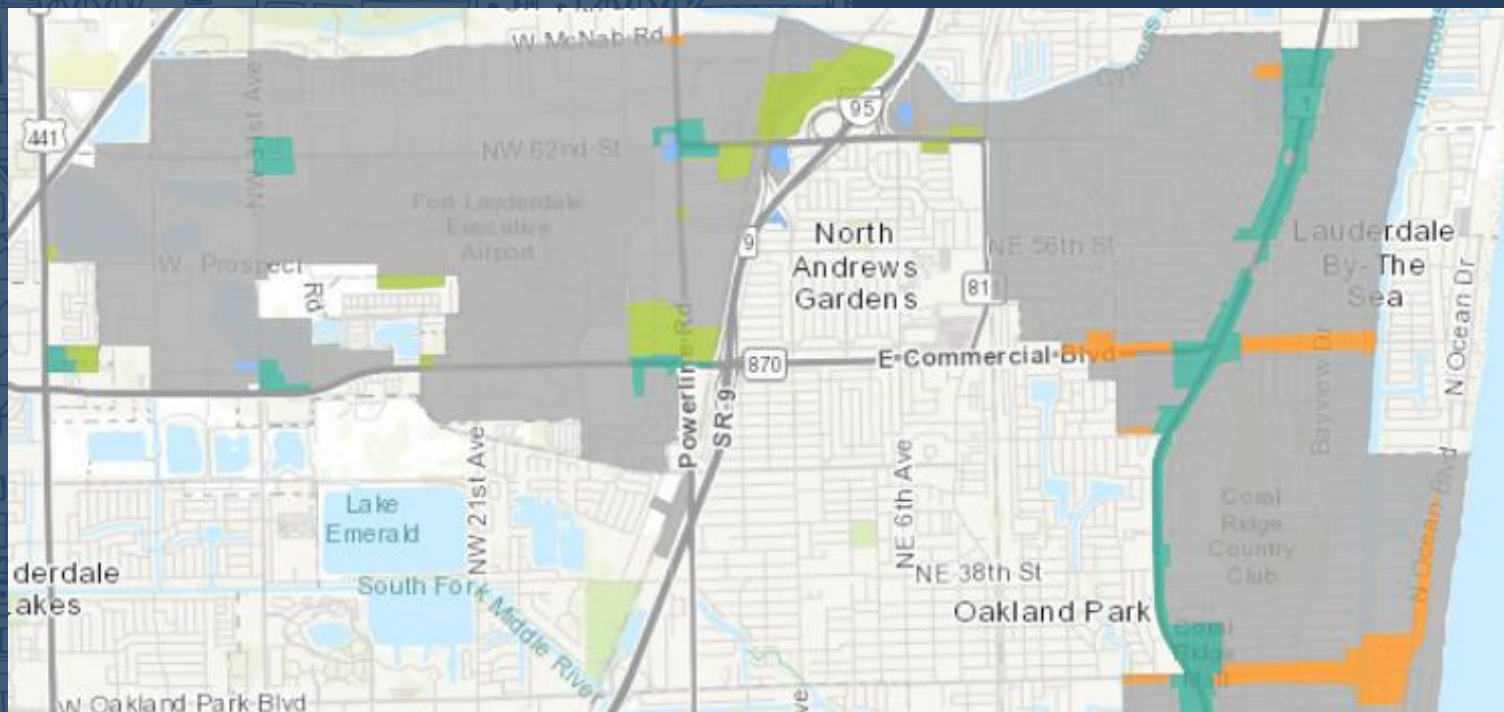
Zoning Districts - Land Use Planning

- RAC-RPO
- RAC-UV
- SRAC-SAW
- SRAC-SAe
- NWRAC-MUe
- NWRAC-MUw
- CB
- B-1
- B-2
- B-3
- Other



TRANSFER OF DEVELOPMENT RIGHTS (TDR)

DESIGNATED RECEIVING AREAS – FLOOR AREA



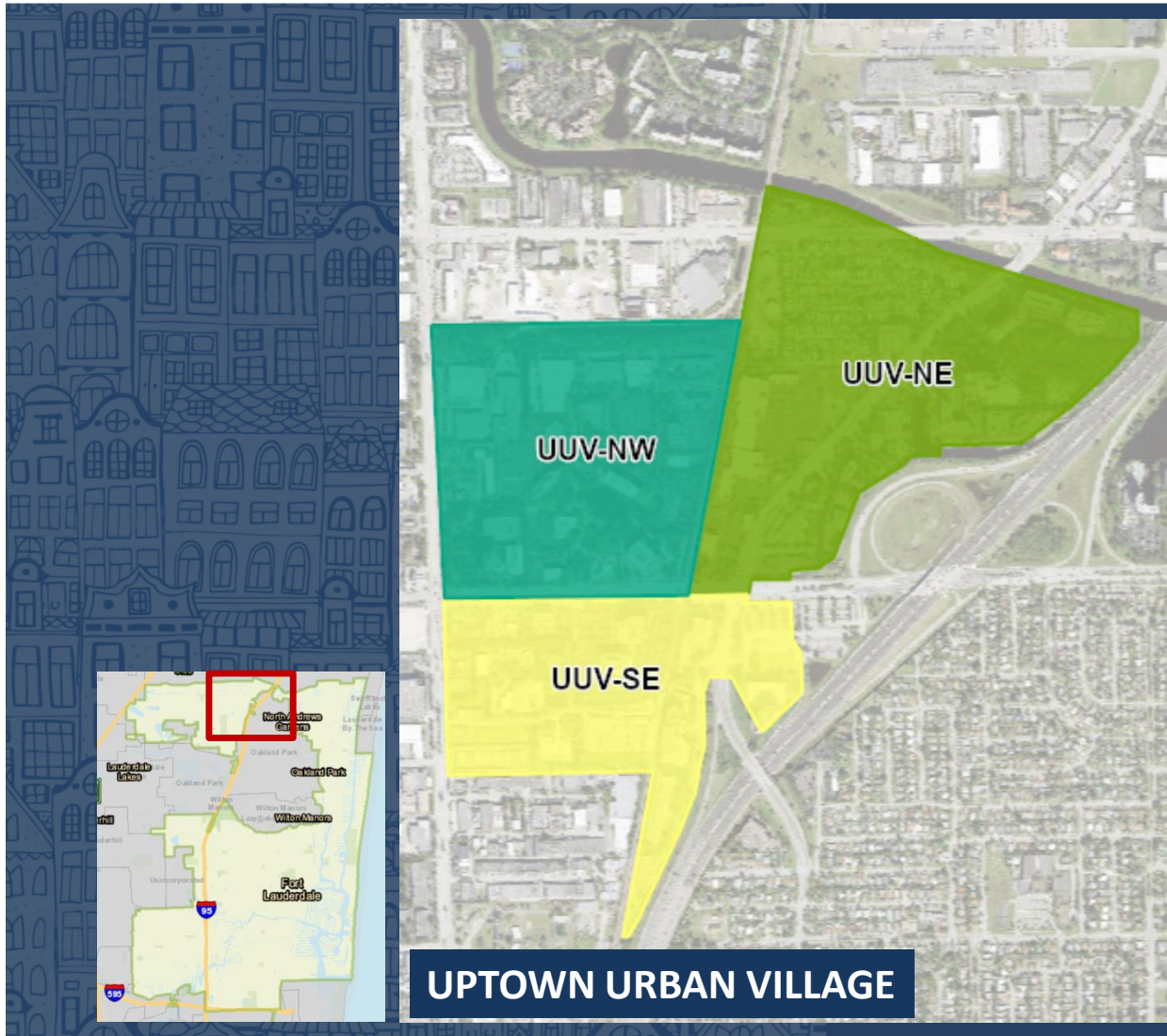
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- B-1
- B-2
- B-3
- Other

TRANSFER OF DEVELOPMENT RIGHTS (TDR)

DESIGNATED RECEIVING AREAS – FLOOR AREA



TRANSFER OF DEVELOPMENT RIGHTS (TDR)

DESIGNATED RECEIVING AREAS – MAXIMUM HEIGHTS AND DENSITIES

Zoning District	Maximum Height	Additional Height Allowable with TDR	Maximum Height with Conditional Use
RAC-UV	6 Stories (55 Feet)	3 Stories (35 Feet)	12 Stories (150 Feet)
RAC-RPO	6 Stories (55 Feet)	3 Stories (35 Feet)	12 Stories (150 Feet)
NWRAC-MUe	65 Feet	25 Feet	110-120 Feet
NWRAC-MUw	45 Feet	12 Feet	65 Feet
SRAC-S Ae	110 Feet	25 Feet	150 Feet
SRAC-S Aw	110 Feet	25 Feet	150 Feet
UUV	75 Feet	45 Feet	150 Feet

Zoning Districts	Maximum Density
RAC	Range from None to up to 50/acre
Business Districts	50/acre
Uptown Urban Village	50/acre

TRANSFER OF DEVELOPMENT RIGHTS (TDR)

APPLICATION REQUIREMENTS

CRITERIA FOR RECEIVING AREAS

- ✓ Except as provided in Section 47-36.1 of the ULDR, the lot(s) of land must **comply with the applicable Zoning District requirements** of the ULDR. Section 47-36.1 shall prevail in the event of conflict with any other provision of the ULDR.
- ✓ A Receiving Area **may not** be located on the **barrier island**, as referenced in Section 8-55.5 of the Code of Ordinances or **within an adopted Adaptation Action Area (AAA)** identified in the City's Community Investment Plan, as amended.
- ✓ All Receiving Areas must **comply with any applicable height requirements** of the **Federal Aviation Administration (FAA)**.
- ✓ Properties that do not comply with the provisions in Section 47-36.1.D of the ULDR, are not located within a Receiving Area and are not authorized to receive Development Rights.

TRANSFER OF DEVELOPMENT RIGHTS (TDR)

APPLICATION REQUIREMENTS - CRITERIA FOR RECEIVING SITES

Must be in a Receiving Area

No City Liens or Code Violations

Must Meet Storm Evacuation Standards

Must Not Negatively Impact Environmental and Historic Resources

Compatible with Adjacent Existing and Planned Land Uses

Must have Adequate Public Facilities and Services Consistent with Adopted Levels of Service



TRANSFER OF DEVELOPMENT RIGHTS (TDR)

REVIEW OF PROPOSED DEVELOPMENTS

DEVELOPMENT PERMITS

- Sending Sites and Receiving Sites must include an **opinion of title and title report of the property** that is the subject of the development permit application to include a copy of the **recorded restrictive covenant and recorded Certificate of Transfer**.
- Must **comply with all the requirements for development permits** in accordance with **Section 47-24 of the ULDR**.
- **Meet applicable neighborhood compatibility requirements, be compatible with adjacent existing and planned land uses** and must be **compliant with master plans adopted in the ULDR or meet the intent** of the design guidelines included in drafted master plans developed by the Department.
- **The purchase of a TDR does not guarantee a use or a development permit.** Uses and development permits are subject to all other applicable development regulations in the ULDR.

PZB REVIEW

- **Mixed Use Developments that include a Flex request for residential units as a conditional use**
- **Rezoning Applications**
- **Parking Reductions**
- **Certain properties that include a waterway use**

TRANSFER OF DEVELOPMENT RIGHTS (TDR)

SAMPLE CALCULATION for 1022 W. Las Olas Boulevard



Existing Designated Property Data

Zoning	RML-25
Lot Square Footage	26,249
Acreage	.602
Building Square Footage	3,424
Height	1-Story/12'-0"
Permitted Density	25 Units/Acre
Permitted Height	3-Stories/35'-0"
Existing Units	0
Existing Use	Museum

SAMPLE DENSITY CALCULATION

Existing Acreage: .602 (26,249 SF)

MULTIPLIED BY

Permitted Density: 25 Units/Acre = 15 (Rounded Down)

SUBTRACTED BY

Existing Units: 0 Units



15 Units Available for Transfer

TRANSFER OF DEVELOPMENT RIGHTS (TDR)

TRANSFER OF DENSITY EXAMPLE

Sending Site: Allowable Density for Designated Property



TOTAL DWELLING UNITS
AVAILABLE FOR TRANSFER

»»» 10

*Sold in
perpetuity
to...*

Receiving Site: Example Zoning District - RAC-RPO

DWELLING UNITS PER ACRE (35)



ADDITIONAL DWELLING
UNITS PER ACRE (10)



Minimum Unit Size is
400 Square Feet

TOTAL DWELLING UNITS
PER ACRE USING TDRs

»»» 45

TRANSFER OF DEVELOPMENT RIGHTS (TDR)

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SAMPLE FLOOR AREA CALCULATION

(approximate calculation, actual calculation using measured drawings may be different)

Approximate Developable Area (Subtracting Required Setbacks): 16,200 Square Feet

16,200 Square Feet **MULTIPLIED BY** 3 Stories (Permitted Height) = 48,600 Square Feet

48,600 Square Feet **SUBTRACTED BY** Existing Building Square Footage of 3,424



45,176 Square Feet Available for Transfer

TRANSFER OF DEVELOPMENT RIGHTS (TDR)

TRANSFER OF FLOOR AREA EXAMPLE

Zoning Districts

RAC-UV + RAC-RPO

45,176

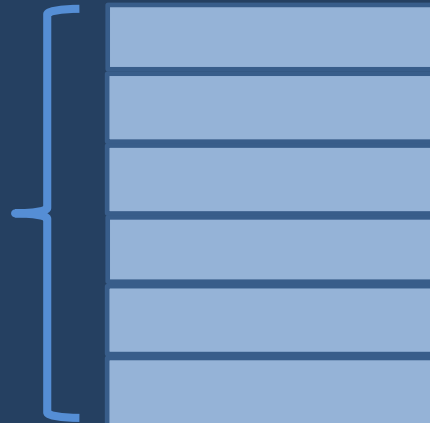
Square Feet Available
for Transfer from the

**SENDING
SITE**

*Sold in
perpetuity
to...*



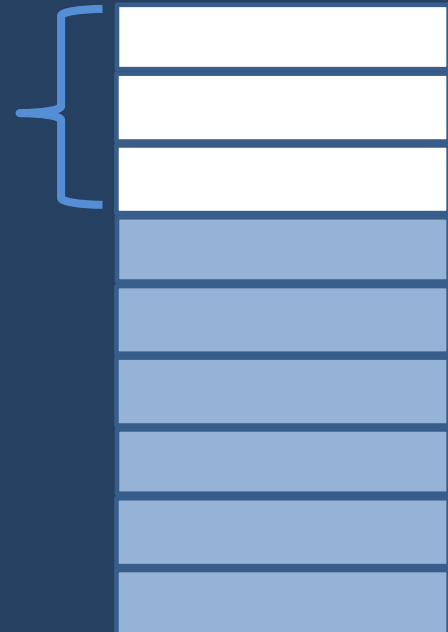
BY RIGHT HEIGHT
6 Stories
55 Feet



**RECEIVING
SITE**

**ADDITIONAL HEIGHT
ALLOWABLE WITH
TDRs**

3 Stories
35 Feet



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