



**REQUEST:** Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Sections 47-24.7, Historic designation; and 47-24.8, Certificate of appropriateness and economic hardship exception.

<b>Case Number</b>	T19005	
<b>Applicant</b>	City of Fort Lauderdale	
<b>ULDR Sections</b>	Section 47-24.7; Section 47-24.8	
<b>Notification Requirements</b>	10-day legal ad	
<b>Action Required</b>	Recommend approval or denial to City Commission	
<b>Authored By</b>	Trisha Logan, Urban Planner III	<i>TL</i>

**BACKGROUND:**

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 47-24.7, Historic designation* include the following:

- Modifications to the existing notice procedures for historic designation, to reflect the addition of interim protection measures and other revisions to the designation process.
- Added notification of the president of the civic association that is officially recognized by the City of Fort Lauderdale for Historic Landmark and Historic District designation applications.

The proposed text amendment is attached as Exhibit 4.

The proposed amendments to *Section 47-24.8, Certificate of appropriateness and economic hardship exception* include the following:

- Revision to notice procedure to include sign requirements for new construction projects.

The proposed text amendment is attached as Exhibit 4.



**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. 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 5, 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 6.

On April 1, 2019, current 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. 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 47-24.7, Historic designation, and Section 47-24.8, Certificate of appropriateness and economic hardship exception, Proposed Text Amendment.
5. Frequently Asked Questions for Proposed Updates.
6. Summary of Comments from Public Outreach Meetings.



# City of Fort Lauderdale

City Hall  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301  
[www.fortlauderdale.gov](http://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.



## Memorandum

**Memorandum No: 18-131**

**Date:** August 28, 2018

**To:** Honorable Mayor and Commissioners

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

**Re:** Historic Preservation Update Schedule

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

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

### **Phase 1:**

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

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

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

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

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

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

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

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

**Phase 2:**

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

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

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

**Phase 3:**

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

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

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

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

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

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

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

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


- 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





## 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. 47-27.7. - Historic designation.**

A. *Historic preservation board.*

1. ~~When a designation or change to designation involves less than ten (10) contiguous acres, notice shall be given as follows:~~
  - a. Mail notice. After a complete application for historic designation has been received by the historic preservation board liaison or his/her designee, the City shall send mail notice to the property owner(s) of the property that is the subject of an application for designation or a change to designation in accordance with Section 47-27.2 of the ULDR. Mail notice shall be sent by the City thirty (30) days prior to the date of the first public hearing before the historic preservation board. The applicant shall be responsible for all costs of mailing(s). ~~Prior to the public hearing before the historic preservation board, mail notice shall be given to the owners of land under consideration for designation at least thirty (30) days prior to the date set for the public hearing.~~
    - i. Landmark, Landmark Site, and Archaeological Site. Certified mail notice shall be given to the owner(s) of real property under consideration for designation.
    - ii. Historic District. First class mail notice shall be given to the owner(s) of land under consideration for designation and the president of civic association that is officially recognized by the City of Fort Lauderdale where properties are located.
    - iii. A property owner may waive the mail notice requirement in subsection a. above, by sending a signed and notarized affidavit signed by each property owner, expressly stating that each property owner hereby waives the mail notice. The affidavit must include the property address, the historic preservation board case number, a description of the request in the application, and the date of the historic preservation board meeting.
2. ~~When a designation or change to a designation involves more than ten (10) contiguous acres, notice shall be given as follows:~~
  - a. ~~Newspaper notice.~~

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

~~Newspaper notice shall be given at least seven (7) days prior to the first public hearing and at least five (5) days prior to the second public hearing. The advertisement shall be no less than two (2) columns wide by ten (10) inches long in a standard size or a tabloid size newspaper and the headline shall be in a type no smaller than eighteen (18) point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be in substantially the form provided in F.S. § 166.041(3)(c).~~

b. Newspaper notice. Newspaper notice shall consist of publication in a newspaper of general circulation within the City of Fort Lauderdale. Newspaper notice shall be given at least ten (10) days prior to the first public hearing. The advertisement shall be no less than two (2) columns wide by ten (10) inches long in a standard size or a tabloid size newspaper and the headline shall be in a type no smaller than eighteen (18) point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be in substantially the form provided in Section 166.041(3)(c), Florida Statutes, as amended.

c. Failure to receive mail notice shall not invalidate the hearing as notice shall also be given by publication in a newspaper of general circulation within the City of Fort Lauderdale as described in subsection b. above.

B. *Planning and zoning board.*

1. For designation of an historic district which involves less than ten (10) contiguous acres, the City shall send mail notice ~~shall be given~~ to the owner of the property proposed for designation and owners within three hundred (300) feet of those lands, at least ten (10) days prior to the date set for the first public hearing. This notice may be included in the mail notice of the historic preservation board public hearing. The applicant is responsible for all costs associated with mail notice. Failure to receive mail notice shall not invalidate the hearing.
2. For designation of an historic district involving ten (10) contiguous acres or more, newspaper notice shall be given at least ten (10) days prior to the date set for public hearing.

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

C. *City commission.*

1. Sign notice. Sign notice shall be provided in accordance with Section 47-27.2 of the ULDR prior to the public hearing before the city commission. Sign notice shall be given at least fifteen (15) days prior to the date set for the city commission meeting to consider historic designation or a change in historic designation. ~~Mail notice. In the case of an appeal or city commission request for review from the HPB, mail notice shall be given to the owner of land under consideration at least thirty (30) days prior to the date set for public hearing.~~
2. Newspaper notice. Newspaper notice in a newspaper of general circulation in the City of Fort Lauderdale shall be given at least ten (10) days prior to the date set for public hearing to consider designation or change to a landmark, landmark site, historic district or historic building. The newspaper notice shall comply with requirements in 47-27.2 of the ULDR.

**Sec. 47-27.8. - Certificate of appropriateness and economic hardship exception.**

- A. Notice of a hearing for all certificates of appropriateness and economic hardship exceptions shall be as follows:
  1. *Historic preservation board.*
    - a. Mail notice. for demolition and economic hardship. First class ~~Mail~~ notice shall be given to the property owner whose property is under consideration for a certificate of appropriateness for demolition or economic hardship exception at least fifteen (15) days prior to the date set for the first public hearing. ~~For an economic hardship exception mail notice shall be given to all persons who presented testimony at the public hearing on the original demolition application.~~ For demolitions, mail notice shall be given to all property owners within three hundred (300) feet of the property to be demolished. The applicant shall be responsible for all costs of mailing(s).
    - b. E-mail notice for certificate of appropriateness ~~Sign notice.~~ E-mail notice shall be sent by the City to the property owner or authorized agent representing the owner for applications for a certificate of appropriateness at least five (5) days prior to the date set for HPB hearing. Failure to receive e-mail notice shall not invalidate the hearing. ~~Sign notice shall be given prior to the date set for public~~

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

~~hearing on an application for certificate of appropriateness for demolition and an economic hardship exception.~~

c. Sign notice for demolition, economic hardship, and new construction. Sign notice shall be given at least fifteen (15) days prior to the date set for HPB hearing on an application for certificate of appropriateness for demolition and an economic hardship exception in accordance with the requirements in Section 47-27.2 of the ULDR.

B. *Appeal.* If an appeal of a denial of a certificate of appropriateness or economic hardship exception is accepted by the city commission as provided in ~~Sections 47-24.11.DG and 47-26B~~ of the ULDR, first class mail notice shall be given to the same persons who were noticed of the public hearing before the historic preservation board on the matter being appealed at least thirty (30) days prior to the date set for public hearing. The applicant shall be responsible for all costs of mailing(s).



# 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](mailto: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 2<sup>nd</sup> 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, 8<sup>th</sup> 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 procedures

**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

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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 19<sup>th</sup> Avenue | Fort Lauderdale FL 33311  
P: (954) 828-7101 E: [tlogan@fortlauderdale.gov](mailto:tlogan@fortlauderdale.gov)



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## Trisha Logan

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**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](mailto: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 your 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)<<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)<<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)<<mailto:afajardo@fortlauderdale.gov>>  
[cid:image001.png@01D0DF11.571B7640]

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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)<<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)<mailto:[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)<<mailto:afajardo@fortlauderdale.gov>>

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**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

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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:** Shavone 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 responsibility

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

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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](mailto:russel@manhattantowerfl.com)>  
**Date:** October 14, 2018 at 9:49:24 AM EDT  
**To:** <[AFajardo@fortlauderdale.gov](mailto:AFajardo@fortlauderdale.gov)>  
**Cc:** <[LFeldman@fortlauderdale.gov](mailto:LFeldman@fortlauderdale.gov)>, <[CCooper@fortlauderdale.gov](mailto:CCooper@fortlauderdale.gov)>, <[CLagerbloom@fortlauderdale.gov](mailto:CLagerbloom@fortlauderdale.gov)>, <[ABattle@fortlauderdale.gov](mailto:ABattle@fortlauderdale.gov)>, Trisha <[TLogan@fortlauderdale.gov](mailto:TLogan@fortlauderdale.gov)>, <[info@bigpicturebroward.com](mailto:info@bigpicturebroward.com)>, Abby Laughlin <[abby.laughlin@gmail.com](mailto:abby.laughlin@gmail.com)>, <[EParker@fortlauderdale.gov](mailto: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  
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[www.ManhattanTowerFL.com](http://www.ManhattanTowerFL.com)  
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754-224-7301

On Sat, Oct 13, 2018 at 8:18 PM Anthony Fajardo  
<[AFajardo@fortlauderdale.gov](mailto: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 19<sup>th</sup> Avenue | Fort Lauderdale FL 33311

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



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**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](mailto: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 legality, 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

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754-224-7301

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 19<sup>th</sup> Avenue | Fort Lauderdale FL 33311

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



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## 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 everywhere. 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	<a href="mailto:dtrantalis@fortlauderdale.gov">dtrantalis@fortlauderdale.gov</a>
Mayor Assistant		Scott Wyman	<a href="mailto:swyman@fortlauderdale.gov">swyman@fortlauderdale.gov</a>
Commissioner	District 2	Steve Glassman	<a href="mailto:SGlassman@fortlauderdale.gov">SGlassman@fortlauderdale.gov</a>
Commissioner	District 4	Ben Sorenson	<a href="mailto:BSorensen@fortlauderdale.gov">BSorensen@fortlauderdale.gov</a>
Commissioner	District 1	Heather Moraitis	<a href="mailto:HMoraitis@fortlauderdale.gov">HMoraitis@fortlauderdale.gov</a>
Commissioner	District 3	Robert McKenzie	<a href="mailto:RMckinzie@fortlauderdale.gov">RMckinzie@fortlauderdale.gov</a>
City Manager		Lee Feldman	<a href="mailto:lfeldman@fortlauderdale.gov">lfeldman@fortlauderdale.gov</a>

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](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**  
**PLANNING AND ZONING BOARD ACTING AS THE LOCAL PLANNING AGENCY**  
**(LPA)**  
**NOTICE OF PUBLIC HEARING**  
**AMENDMENTS TO THE UNIFIED LAND DEVELOPMENT REGULATIONS (ULDR)**

NOTICE IS HEREBY GIVEN that the Planning and Zoning Board acting as the Local Planning Agency (LPA) of the City of Fort Lauderdale, as well as the Planning and Zoning Board, shall hold a public hearing on WEDNESDAY, APRIL 17, 2019 at 6:30 PM or as soon thereafter as the same may be heard in the City Commission Chambers, City Hall, 1<sup>st</sup> floor, 100 North Andrews Avenue, Fort Lauderdale, Florida to amend the City of Fort Lauderdale Unified Land Development Regulations, (ULDR) as follows:

Case T19005 is an amendment to the ULDR to provide revisions and additions to the noticing section of the existing historic preservation ordinance which include edits to the existing mail notices, newspaper notices, and sign notices required for historic designation of a landmark, landmark site, and historic district; and to the existing noticing requirements for all certificates of appropriateness and economic hardship exceptions; and notices for appeals.

Specifically:

AMENDING CITY OF FORT LAUDERDALE UNIFIED LAND DEVELOPMENT REGULATIONS (ULDR) SECTION 47-24.7, HISTORIC DESIGNATION; HISTORIC PRESERVATION BOARD NOTICES; PLANNING AND ZONING BOARD NOTICES; AND CITY COMMISSION NOTICES; AND 47-24.8, CERTIFICATE OF APPROPRIATENESS AND ECONOMIC HARDSHIP EXCEPTION; HISTORIC PRESERVATION BOARD NOTICES; AND APPEAL NOTICES.

All interested persons may appear at said meeting and be heard with respect to the proposed amendments. Information on this amendment may be obtained from the Department of Sustainable Development, Urban Design & Planning division, 700 N.W. 19 Avenue, Fort Lauderdale, Florida, during normal business hours.

Jeff Modarelli, City Clerk  
City of Fort Lauderdale

<p>If any person decides to appeal any decision made with respect to any matter considered at this public meeting or hearing, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.</p> <p>If you desire auxiliary services to assist in viewing or hearing the meetings or reading agendas and minutes for the meetings, please contact the City Clerk at 954-828-5002, and arrangements will be made to provide these services for you. A turnkey video system is also available for your use during this meeting.</p>
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Publish on **March 29, 2019** as a legal classified ad.  
Please provide proof to [nmartin@fortlauderdale.gov](mailto:nmartin@fortlauderdale.gov)  
And Affidavit of Publication to: City of Ft. Lauderdale

cc: City Clerk

100 N. Andrews Ave.  
Fort Lauderdale, FL 33301

Finance AIP  
Planner  
Case File