

Draft of Updates to (Unified Land Development Regulations) ULDR Section 47-24.11

Sec. 47-24.11. - Historic designation of landmarks, landmark site or buildings and certificate of appropriateness.

- A. *Definitions.* The following words when used in this Sec. 47-24.11 shall have the following meanings: undefined terms shall be defined as set forth in the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), as amended, or as commonly used:
1. Adaptive reuse. Any act or process that converts a structure to a use other than that for which it was designed, e.g., changing a bank into a restaurant, such may be accomplished with a varying degree of alteration to a structure or may vary from extensive remodeling to a slight alteration or change in use.
 - ~~4-2.~~ Addition. Any expansion to the vertical or horizontal perimeter of a building connected to the existing building.
 3. Administrative certificate of appropriateness. Minor alterations that comply with Section 47-24.11.D of the ULDR that may be approved by the department.
 4. Alteration. Any act or process that changes any exterior architectural appearance or feature of a designated property or certain designated interior features of designated landmarks.
 - ~~2-5.~~ Archaeological site. A single specific location which has yielded or is likely to yield information on local history, prehistory, or paleontology.
 - ~~3-6.~~ Architecturally worthy. An architectural design which represents either a significant aspect of the history of the city, architectural history in general or a significant design of an architect of historical importance.

~~Board. The Fort Lauderdale Historic Preservation Board.~~
 7. Certificate of appropriateness. A certificate issued by the historic preservation board indicating its approval of plans for alteration, construction, removal, or demolition of a landmark, landmark site or of a structure within a historic district.
 8. Certified Local Government. A local historic preservation program which has been certified by the Florida Department of State, Division of Historical Resources in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), as amended.
 - ~~4-9.~~ Contributing Property. A building, site, structure, or object which adds to the historical architectural qualities, historic associations, or archaeological values for which a landmark, landmark site, or district is significant because: it was present during the period of significance of the district and possesses historic integrity reflecting its character at that time; or it is capable of yielding important information about the period; or it independently meets City of Fort Lauderdale's criteria for designation under Section 47-24.11.B.6 of the ULDR.
 - ~~5-10.~~ Comprehensive plan. The city's comprehensive plan as adopted by the city pursuant to F.S. ch. 163, pt. II.
 - ~~6-11.~~ Decision or recommendation. When referring to the board, the executive action taken by the board on an application for a designation or a certificate of appropriateness regardless of whether that decision or recommendation is immediately reduced to writing.
 12. Demolition. ~~The complete or removal of more than 25% of a building or structure or environmental feature of any site, or portions thereof, from a site. Any act that destroys in whole or in part a landmark, landmark site or a building or structure designated historic or if it exists in a designated historic district or exists on a landmark site.~~
 13. Designation report. A report including but not limited to the property owner(s), site address, and legal description; a location map; an inventory of the structures on the site; a statement of significance identifying the period(s) of signification; a written narrative describing the architectural, historical, and/or cultural significance; planning context; current photographs; historic photographs (if available); and a bibliography listing sources.

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- ~~7.14.~~ Excavation. The process of performing an archaeological dig to recover artifacts, historical materials or other archaeological features.
15. *Exterior architectural appearance.* The architectural character and general composition of the exterior of a structure, including but not limited to the kind, color, and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements.
16. Fort Lauderdale Register of Historic Places. The list of locally designated landmarks, landmark sites, and historic districts maintained by the City of Fort Lauderdale, Department of Sustainable Development, that have met the criteria for significance and have been designated by the HPB, in accordance to the provisions of this chapter.
- ~~8.17.~~ Florida Master Site File (FMSF). An archive and database of all known archaeological and historical sites and districts recorded within the State of Florida that is maintained by the Florida Department of State, Division of Historical Resources.
18. *Historic district.* An area designated as a "historic district" by ordinance of the city commission and which may contain within definable geographic boundaries, one (1) or more landmarks and which may have within its boundaries other properties or structures that, while not of such historic significance, architectural significance, or both, to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district.
19. HPB. The City of Fort Lauderdale Historic Preservation Board.
20. Historic Preservation Design Guidelines. The City of Fort Lauderdale's Historic Preservation Design Guidelines provide useful illustrations and case studies that assist the user in decisions when renovating, rehabilitating, restoring or making an addition to a historic property so that the essential form and design elements that create its character are respected. The guidelines are intended to help manage and protect the City's architectural and historical resources and assist city staff, the historic preservation board, and elected officials in making fair and informed decisions regarding improvements that have an impact on historic properties.
- ~~9.21.~~ Historic resource. Landscape features, archaeological sites and zones, structures, buildings, districts, and objects which have demonstrated significance in the history of the city, the county, the state and/or the nation through historic designation.
22. *Historically worthy.* To have a special historical interest or value because it represents one (1) or more periods of styles of architecture typical of the city or because it has value as a part of the development, heritage or cultural characteristics of the city.
- ~~40.23.~~ Interior Landmark. A building interior that is customarily open or accessible to the public that has been designated as a "landmark" by the City Commission, that is worthy of rehabilitation, restoration and preservation because of its historic significance, its architectural significance, or both, to the city.
- ~~44.24.~~ Landmark. A property or structure designated as a "landmark" by ~~resolution of the city~~ City Commission, pursuant to procedures prescribed herein, that is worthy of rehabilitation, restoration and preservation because of its historic significance, its architectural significance, or both, to the city.
25. *Landmark site.* The land on which a landmark and related buildings and structures are located and the land that provides the grounds, the premises or the setting for the landmark. A landmark site shall include the location of significant archeological features or of a historical event, and shall include all significant trees, landscaping and vegetation as determined by the board.
26. Major Alteration. An alteration of a landmark, landmark site, or a structure located within a historic district that increases the existing square footage by 25% or more whether it is visible or not visible from the right-of-way.

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27. *Minor Alteration.* An alteration of a landmark, landmark site, or a structure located within a historic district, that is in accordance with the Historic Preservation Design Guidelines and the secretary of the interior's standards for rehabilitation and does not increase or modify the existing square footage by more than 25% and as described in Section 47-24.11.D of the ULDR.
28. *Minor Demolition.* An alteration of a landmark, landmark site, or a structure located within a historic district, that is in accordance with the Historic Preservation Design Guidelines and the secretary of the interior's standards for rehabilitation and does not remove more than 25% of an exterior wall and as described in Section 47-24.11.D of the ULDR.
29. *National Register of Historic Places.* A federal listing maintained by the U.S. Department of Interior that includes buildings, sites, structures, and districts that have attained a quality of significance as determined by the Historic Preservation Act of 1966, 16 U.S.C. 470, as amended.
30. *New construction.* Any new building, structure, object or addition to a historic landmark, landmark site, or a contributing property, or a non-contributing property or vacant land in a historic district.
31. *Non-contributing property.* A building, site, structure, or object that does not add to the historical architectural qualities, historic associations, or archaeological values for which a landmark, landmark site, or district is significant because: it was not present during the period of significance of the district; or through alterations and/or additions has lost its physical integrity; or it is not capable of yielding important information about the period; or it does not independently meet City of Fort Lauderdale's criteria for designation under Section 47-24.11.B.6 of the ULDR.
- ~~12-32.~~ *Owner.* An individual, entity, partnership, corporation, or public agency that holds fee simple title to real property. The term "owner" does not include individuals, partnerships, corporations, or public agencies holding easements or less than a fee simple interest (including leaseholds) in real property. When the ownership of a building has been divided into condominiums, the condominium association shall be considered the sole owner, so long as the condominium association has the support of the majority of condominium unit owners. When a building is owned by a cooperative corporation, the corporation shall be considered the sole owner. When an owner has entered into a recorded land lease for a term exceeding 75 years, which lease entitles the lessee to construct, demolish, or alter buildings on the land, the lessee shall also be considered an owner.
33. *Relocation.* Any change of the location of a structure in its present setting or change to another setting.
34. *United States Secretary of the Interior's Standards.* The Standards are a series of concepts about maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations in accordance with the Department of Interior regulations, 36 CFR 67.

B. *Historic designation.*

1. *Applicant.* For the purpose of this section, an applicant may be the property owner, any person residing in the city or any legal entity in the city, including the city.
2. *Application.* An application for a historic designation of a landmark, landmark site, or historic district shall be made to the Department of Sustainable Development which shall also include the following information:
 - a. Most recently available copy of the Broward County Property Appraiser's record for the property.
 - b. Proof of ownership (deed); and

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- c. Any applicable fees required by the City; and
 - d. A written description of the architectural, historical, or archeological significance of the proposed landmark and landmark site, or buildings in the proposed historic district, and specifically address and document criteria for significance contained in Section 47-24.11.B.6 of the ULDR; and
 - e. Provide responses pursuant to Section 47-24.11.B.6 of the ULDR explaining how proposed landmark, landmark site, or buildings in the proposed historic district meet the criteria.
 - f. Date structure(s) on the property were built, and the names of its current and all known past owners and, if available, their dates of ownership. Provide proof of date of construction which shall include but is not limited to the following: permits, original plans, certificate of occupancy, plat or Sanborn map, etc.; and
 - g. Identify the period of significance of the proposed landmark and landmark site, or buildings in the proposed historic district; and
 - h. Map identifying contributing structures within a proposed historic district or features of the individual landmark site; and
 - i. Current color photographs of all sides of the property and historic photographs, if available; and
 - j. Legal description of landmark and landmark site, or historic district; and
 - k. A list of references and citations for resources used to support the proposed designation including but not limited to published books or articles, newspaper articles or advertisements, etc.; and
 - l. Applications for the designation of a historic district shall contain a written description of the boundaries of the district and a map identifying contributing and non-contributing structures; and
 - a-m. Interior Landmark. Building interiors that meet the criteria for significance contained in Section 47-24.11.B.6 of the ULDR that are regularly open to the public may be subject to regulation under this section. The application shall describe precisely those features subject to review and shall set forth standards and guidelines for such regulations. Building interiors not so described shall not be subject to review under this section; and
 - b-n. Additional information as deemed necessary by the department.
- ~~a. A written description of the architectural, historical, or archeological significance of the proposed landmark and landmark site, or buildings in the proposed historic district, and specifically addressing and documenting those items contained in this section;~~
 - ~~b. Date of construction of the structure(s) on the property, and the names of its current and all past owners and, if possible, their dates of ownership;~~
 - ~~c. Photographs of the property;~~
 - ~~d. Legal description as a landmark, landmark site, historic building or historic district;~~
 - ~~e. Applications for the designation of historic district shall contain a written description of the boundaries of the district.~~
3. *Review process—Historic preservation board.*
- a. Determination of application completeness. An application for an historic designation shall be submitted to the ~~historic preservation board~~department. ~~The department~~

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- shall determine within ten (10) business days of application submittal whether the application meets the standards and requirements of the ULDR and historic designation criteria. for review.
- b. Within ten (10) business days of submittal of an application, the department shall notify the applicant of any missing documentation or additional information requested by the department.
- c. If an applicant fails to provide additional information as requested by the department within ten (10) days of the request the application shall be deemed withdrawn.
- d. Interim protection measures. From the date of notice as given in accordance with Sec. 47-27.7 of the ULDR, Notice Procedures for Public Hearings, no building permit for any new construction, alteration, relocation, or demolition that may affect the property proposed for designation shall be issued until one of the following occurs:
1. The HPB finds that the property or properties do not appear to meet the criteria for designation and recommends denial of the application requesting designation to the City Commission.
 2. If 180 days from the date notice is given have elapsed, unless this time limit is waived on the record by either:
 - a. By motion of the HPB stating mutual consent between the owner(s) and the HPB at the HPB meeting, or;
 - b. By motion of the City Commission stating mutual consent between the owner(s) and the city commission.
 3. The City Commission finds that the property or properties do not appear to meet the criteria for designation and denies the designation.
- e. Within sixty (60) days of submission of a complete application, after notice given in accordance with Sec. 47-27.7, Notice Procedures for Public Hearings, the ~~board~~ department shall schedule the application for the next available HPB meeting hold a public hearing to ~~The HPB will~~ consider the application ~~and the record~~ and recommendations forwarded by the department and shall hear public comment on the application.
- ~~b.f.~~ The ~~board-HPB~~ shall review the application and ~~decide-determine~~ if it meets the criteria for designation as provided in this section.
- ~~e.g.~~ The ~~board-HPB~~ shall forward its record and recommendations to the ~~city-City commission-Commission~~ for consideration.
- ~~d.h.~~ The ~~board-HPB~~ may vote to defer its decision for an additional thirty (30) days based on a need for further information or other grounds relevant to making a proper decision.
- ~~e.i.~~ If the ~~board-HPB~~ recommends a designation, it shall explain how the proposed landmark or historic district qualifies for designation under the criteria contained in this section. This evaluation may include references to other buildings and areas in the city and shall identify the significant features of the proposed landmark, historic buildings or historic district. The ~~board-HPB~~ evaluation shall include a discussion on the relationship between the proposed designation and existing and future plans for the development of the city.
4. *Review process—Planning and zoning board.* If the application is for designation of a historic district, the application shall be forwarded to the planning and zoning board for review ~~simultaneous with~~ after review by the ~~historic-board~~ HPB and the recommendation of the planning and zoning board shall be forwarded to the city commission for consideration.
5. *Review process—City commission.*

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- a. Within ninety (90) days of the ~~historic preservation board~~HPB and planning and zoning board recommendation, where required, the department shall forward the ~~board's-HPB's~~ recommendation to the city commission. The city commission shall hold a public hearing to consider the application, the historic designation report, and—the record and recommendations of the planning and zoning board and ~~historic preservation board~~HPB, and shall hear public comment on the application and historic designation report.
 - b. If the city commission determines that the proposed designation meets the criteria for designation as provided in this section, the city commission shall approve the designation as requested in the application and historic designation report or approve a designation with conditions necessary to ensure that the criteria will be met. If the city commission determines that the proposed designation does not meet the criteria for designation, the city commission shall deny the designation application.
 - c. Approval of a designation for individual landmarks, specific interiors, landmark sites and buildings as historic shall be by resolution adopted by the city commission.
 - d. Approval of a designation for a~~n~~ historic district shall be by adoption of an ordinance.
6. *Criteria.* The criteria for the designation of property as a landmark, landmark site or historic district shall be based on one (1) or more of the following criteria and evaluated in conjunction with guidance provided within the National Register Bulletin series published by the National Park Service:
- a. Its value as a significant reminder of the cultural or archeological heritage of the city, state, or nation,
 - b. Its location as a site of a significant local, state or national event,
 - c. Its identification with a person or persons who significantly contributed to the development of the city, state, or nation,
 - d. Its identification as the work of a master builder, designer, or architect whose individual work has influenced the development of the city, state, or nation,
 - e. Its value as a building recognized for the quality of its architecture, and sufficient elements showing its architectural significance,
 - f. Its distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials,
 - g. Its character as a geographically definable area possessing a significant concentration, or continuity of sites, buildings, objects or structures united in past events or aesthetically by plan or physical development, or
 - h. Its character as an established and geographically definable neighborhood, united in culture, architectural style or physical plan and development.

7. *Criteria Considerations.* Ordinarily cemeteries, birth places, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature and properties that have achieved significance within the past 50 years shall not be considered eligible for listing in the Fort Lauderdale Register of Historic Places. However, such properties will qualify for designation if they are integral parts of districts that do meet the criteria listed in 47-24.11.B.6 of the ULDR, or if they fall within one (1) of the following categories found in Federal Regulation 36 CFR 60 which authorizes the National Register of Historic Places:

- i. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or

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- ii. A building or structure removed from its original location but which is primarily significant for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- iii. A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building associated with his or her productive life; or
- iv. A cemetery that derives its primary significance from graves of persons of outstanding importance, from age, from distinctive design features, or from association with historic events; or
- v. A reconstructed building when accurately executed in a suitable environment and presented appropriately as part of a restoration master plan and no other building or structure with the same association has survived; or
- vi. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or
- vii. A property achieving significance within the past 50 years if it is exceptionally important.

~~78.~~ *Approval.* Each designation of a landmark shall automatically include the designation of the site upon which the landmark exists as a landmark site. The provisions of this section shall not relieve the property owner of the duty to comply with the zoning district regulations in which the designated property is located. If the designation is made, the supporting documents of the comprehensive plan shall be amended to contain the designation. The city clerk shall notify each applicant and property owner of the decision relating to his property within thirty (30) days of the city commission action, and shall arrange that the designation of a property as a landmark or as a part of a historic district be recorded in the public records of the county.

~~89.~~ *Successive applications.* Upon denial of the application for designation, there shall be a twelve (12) month waiting period before any applicant may resubmit the proposal. An applicant shall be required to submit new evidence in his application, unless the application is accepted pursuant to this section.

~~910.~~ *Amendments and rescissions.* The designation of any landmark and landmark site, historic building or historic district may be amended or rescinded through the same procedure utilized for the original designation.

~~4011.~~ *Appeal.* Appeal of a denial of an application for designation by the city commission shall be by writ of certiorari to the circuit court.

C. *Certificate of appropriateness.*

1. ~~When permit is required.~~ Historic Preservation Board issuance of Certificates of Appropriateness.

- a. No person may undertake any of the following actions affecting a designated landmark, a designated landmark site, or a property in a designated historic district without first obtaining a certificate of appropriateness from the ~~historic preservation board~~HPB:
 - i. Alteration or excavation of an archeological site;³⁷ or
 - ii. New construction;³⁷ or
 - iii. ~~Relocation;~~Demolition, or
 - iv. ~~Relocation.~~ Major alteration; or

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- iv. If the ~~board-HPB~~ determines that the application meets the criteria for a certificate of appropriateness as provided in this section, the ~~board-HPB~~ shall approve the certificate subject to such conditions necessary to ensure compliance with the criteria.
 - v. If the ~~board-HPB~~ determines that the application for certificate of appropriateness does not meet the criteria the ~~board-HPB~~ shall deny the certificate and an appeal may be filed in accordance with Section 47-26B, Appeals.
 - vi. The HPB shall render its decision within sixty (60) days after the public hearing. If the ~~board-HPB~~ fails to make a decision upon an application within the specified time period, the application shall be deemed approved. This time limit may be waived at any time by consent of the applicant.
- c. *Criteria.*
- i. *General.* In approving or denying applications for certificates of appropriateness for alterations, new construction, demolition or relocation, the ~~historic preservation board-HPB~~ shall use the following general criteria and additional guidelines for alterations, new construction, relocations and demolitions as provided in subsections C.3.c.ii, iii, and iv, and C.4:
 - a) The effect of the proposed work on the landmark or the property upon which such work is to be done;
 - b) The relationship between such work and other structures on the landmark site or other property in the historic district;
 - c) The extent to which the historic, architectural, or archeological significance, architectural style, design, arrangement, texture, materials and color of the landmark or the property will be affected;
 - d) Whether the denial of a certificate of appropriateness would deprive the property owner of all reasonable beneficial use of his property;
 - ~~e) Whether the plans may be reasonably carried out by the applicant;~~
 - fe) Whether the plans comply with the the City of Fort Lauderdale's Historic Preservation Design Guidelines and "United States Secretary of the Interior's Standards for Rehabilitation, and Guidelines for Rehabilitating Historic Buildings."
 - ii. *Additional guidelines; major alterations.* In approving or denying applications for certificates of appropriateness for alterations, the ~~board-HPB~~ shall also consider whether and the extent to which the following additional guidelines, which are based on the United States Secretary of the Interior's Standards for Rehabilitation, will be met:
 - a) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose;
 - b) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible;
 - c) All buildings, structures, and sites shall be recognized as products of their own time. Alterations which have no historical basis and which seek to create an earlier appearance shall be discouraged;
 - d) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected;

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- e) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site, shall be treated with sensitivity;
 - f) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence, rather than on conjectural designs or the availability or different architectural elements from other buildings or structures;
 - g) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken; and
 - h) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any acquisition, protection, stabilization, preservation, rehabilitation, restoration, or reconstruction project.
- iii. *Additional guidelines; new construction.* Review of new construction and alterations to designated buildings and structures shall be limited to exterior features of the structure, except for designated interior portions. In approving or denying applications for certificates of appropriateness for new construction, the ~~board~~-HPB shall also use the following additional guidelines. Where new construction is required to be visually related to or compatible with adjacent buildings, adjacent buildings shall mean buildings which exhibit the character and features of designated or identified historic structures on the site or in the designated historic district where the site is located.
- a) The height of the proposed building shall be visually compatible with adjacent buildings.
 - b) The relationship of the width of the building to the height of the front elevation shall be visually compatible to buildings and places to which it is visually related.
 - c) The relationship of the width of the windows to height of windows in a building shall be visually compatible with buildings and places to which the building is visually related.
 - d) The relationship of solids to voids in the front facade of a building shall be visually compatible with buildings and places to which it is visually related.
 - e) The relationship of a building to open space between it and adjoining buildings shall be visually compatible to the buildings and places to which it is visually related.
 - f) The relationship of the materials, texture and color of the facade of a building shall be visually compatible with the predominant materials used in the buildings to which it is visually related.
 - g) The roof and shape of a building shall be visually compatible with the buildings to which it is visually related.
 - h) Appurtenances of a building such as walls, wrought iron, fences, evergreen, landscape masses and, building facades, shall, if necessary, form cohesive walls of enclosures along a street, to insure visual compatibility of the building to the buildings and places to which it is visually related.
 - i) The size of a building, the mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible with the buildings and places to which it is visually related.

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- j) A building shall be visually compatible with the buildings and places to which it is visually related in its directional character, whether this be vertical character, horizontal character or nondirectional character.
- iv. *Additional guidelines; relocation.* When an applicant seeks a certificate of appropriateness for the relocation of a landmark, a building or structure on a landmark site, or a building or structure in a historic district, or wishes to relocate a building or structure to a landmark site or to a property in a historic district, the ~~board~~-HPB shall also consider the following:
 - a) The contribution the building or structure makes to its present setting;
 - b) Whether there are definite plans for the site to be vacated;
 - c) Whether the building or structure can be moved without significant damage to its physical integrity; and
 - d) The compatibility of the building or structure to its proposed site and adjacent properties.

d. After-the-Fact Certificate of Appropriateness

i. When work has been done upon a designated historic landmark, landmark site, or historic district without a permit and the work qualifies for administrative approval for minor alterations as outlined within Section 47-24.11.D of the ULDR, the department may approve work after-the-fact.

ii. When work has been done upon a historic landmark, landmark site, or historic district without a permit and the work does not qualify for administrative approval for minor alterations as outlined within Section 47-24.11.D of the ULDR, a certificate of appropriateness application must be submitted and the applicant shall be charged double the application fee as outlined in the most recent fee schedule as adopted by the City Commission, as appropriate for the project undertaken. If the HPB denies the request for a Certificate of Appropriateness, the HPB may require an owner to restore the historic landmark, landmark site, or historic district to the condition the historic landmark, landmark site, or historic district was in before the alteration or to modify the work so that it qualifies for an approved certificate of appropriateness.

4. *Demolition.*

- a. *Application for demolition.* An application for a certificate of appropriateness for demolition shall be ~~made-submitted~~ to the department on forms provided by the department. In addition to the requirements provided in subsection C.3 the application shall include the following information and documents:
 - i. Owner of record;
 - ii. Site plan showing all buildings and structures on the property;
 - iii. Recent photographs of the structure(s) proposed for demolition;
 - iv. Reasons for the demolition;
 - v. Method of demolition; and
 - vi. Proposed future uses of the site and of the materials from the demolished structures.
- b. *Review process—Demolition.*
 - i. An application shall be submitted to the ~~historic-preservation-board~~HPB for review in accordance with criteria provided in subsection C.4.c.
 - ii. The ~~board~~-HPB shall within thirty (30) days of submission of a complete application, after notice given as provided in Section 47-27, Notice Procedures for Public

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Hearings, hold a public hearing to consider the application and the record and recommendations forwarded by the department and shall hear public comment on the application.

- iii. If the ~~board-HPB~~ determines that the application meets the criteria for a certificate of appropriateness for demolition, the ~~board-HPB~~ shall approve the certificate or approve the certificate subject to such conditions necessary to ensure compliance with the criteria. The ~~board-HPB~~ may grant a certificate of appropriateness for demolition, which may provide a delayed effective date of up to ninety (90) days. The effective date shall be determined by the ~~board-HPB~~ based on the significance of the structure and the estimated time required to arrange a possible alternative to demolition. During the demolition delay period, the ~~HPB board~~ may take such steps as it deems necessary to preserve the structure. Such steps may include, but are not limited to, consultations with community groups, public agencies and interested citizens; recommendations for acquisition of the property by public or private bodies, or agencies; and exploration of the possibility of moving the resource.
 - iv. If the ~~board-HPB~~ determines that the application for demolition does not meet the criteria, the ~~board-HPB~~ shall deny the certificate and an appeal may be filed in accordance with Section 47-26B, Appeals.
 - v. ~~The board shall render its decision within twenty (20) days after the public hearing. The period may be extended, and its length established, by mutual consent of the board and applicant. The HPB shall render its decision within sixty (60) days after the public hearing. If the HPB fails to make a decision upon an application within the specified time period, the application shall be deemed approved. This time limit may be waived at any time by consent of the applicant.~~
- c. *Criteria—Demolition.*
- i. The designated landmark, landmark site or property within the historic district no longer contributes to a historic district; or
 - ii. The property or building no longer has significance as a historic architectural or archeological landmark; or
 - iii. The demolition or redevelopment project is of major benefit to a historic district.
5. *Economic hardship.*
- a. *Application—Economic hardship.* If the ~~board-HPB~~ denies an application for demolition of a structure(s), the applicant may within thirty (30) days apply to the ~~board-HPB~~ for an economic hardship exception. An application for economic hardship exception shall include the following information and documents:
 - i. Amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship, whether business or familial, if any, between the owner and the person from whom the property was purchased;
 - ii. Assessed value of the land and improvements thereon according to the most recent assessment;
 - iii. For depreciable properties, a pro forma financial statement prepared by an accountant or broker of record;
 - iv. All appraisals obtained by the owner in connection with the purchase or financing of the property or during his ownership of the property;
 - v. Bona fide offers of the property for sale or rent, price asked, and offers received, if any; and
 - vi. Any consideration by the owner as to profitable, adaptive uses for the property.
 - b. *Review process—Economic hardship.*

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- i. The application shall be submitted to the department for consideration, which shall be reviewed in accordance with the criteria for an economic hardship provided in subsection C.5.c.
 - ii. Within thirty (30) days of submission of a complete application, after notice given as provided in Sec. 47-27.8, Notice Procedures for Public Hearings, the ~~board-HPB~~ shall hold a public hearing to consider the application and the record and recommendations forwarded by the department and shall hear public comment on the application.
 - iii. If the ~~board-HPB~~ determines that the application meets the criteria for an economic hardship as provided in subsection C.5.c, the ~~board-HPB~~ shall approve the certificate or approve the certificate with such conditions necessary to ensure compliance with the criteria.
 - iv. If the ~~board-HPB~~ determines that the application for economic hardship does not meet the criteria, the ~~board-HPB~~ shall deny the certificate and an appeal may be filed in accordance with Section 47-26B, Appeals. The ~~board-HPB~~ shall render its decision within ninety (90) days after the public hearing.
 - c. *Criteria—Economic hardship.* In approving or denying applications for economic hardship exception, the ~~board-HPB~~ shall consider the following general criteria:
 - i. The denial of a certificate of appropriateness to demolish the structure(s) will result in the loss of all reasonable and beneficial use of or return from the property, or
 - ii. Even though the designated landmark, designated landmark site, or property within the designated historic district has reasonable beneficial use, the property no longer contributes to a historic district, or no longer has significance as a historic architectural or archeological landmark or the demolition or the redevelopment project is of major benefit to a historic district.
6. *Effective date.* The decision of the ~~board-HPB~~ pertaining to a certificate of appropriateness shall not take effect nor shall a building permit be issued until thirty (30) days after approval, and then only if no motion is adopted by the city commission seeking to review the application or no appeal of the ~~historic-preservation-boardHPB~~ decision is filed by the applicant as provided in Section 47-26B, Appeals. The action of the ~~historic-preservation-boardHPB~~ shall be final and effective after the expiration of the thirty (30) days period with no action taken by the city commission.
7. *Emergency conditions; designated properties.* In any case where it is determined that there are emergency conditions dangerous to life, health or property affecting a landmark, a landmark site, or a property in a historic district, an order to remedy these conditions without the approval of the ~~board-HPB~~ or issuance of a required certificate of appropriateness may be issued, provided that the chairman of the ~~board-HPB~~ has been notified.
8. *Emergency actions; non-designated properties.* The city commission may call an emergency meeting to review a threat to a property that has not yet been designated by the city, but appears to be eligible for designation. The city commission may direct the person with authority to issue building permits in the city to issue a stop work order for a thirty (30) day period in order to provide time to negotiate with the property owner to remove the threat to the property. The ~~board-HPB~~ shall then seek alternatives that will remove the threat to the property. During the thirty (30) day period, the city commission may initiate steps to designate the property under the provisions of this Sec. 47-24.11.
9. *Conformity with the certificate of appropriateness.*
 - a. *Conformity with requirements.* All work performed pursuant to a certificate of appropriateness shall conform to all provisions of such certificate. It shall be the responsibility of the person with authority to issue building permits in the city to inspect from time to time any work being performed, to assure such compliance. In the event work is being performed not in accordance with such certificate, the building official is authorized to

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issue a stop work order. No additional work shall be undertaken as long as such stop work order shall continue in effect.

- b. *Maintenance and repair requirements.*
- c. Every owner of a landmark, a landmark site, historic building, or a property in a historic district shall keep in good repair:
 - i. All of the exterior portions of such buildings or structures;
 - ii. All interior portions thereof which, if not so maintained, may cause such buildings or structures to deteriorate or to become damaged or otherwise to fall into a state of disrepair; and
 - iii. In addition, where the landmark is an archeological site, the owner shall be required to maintain his property in such a manner so as not to adversely affect the archeological integrity of the site.
 - iv. The ~~board~~-HPB may refer violations of this section for enforcement proceedings on any building or structure designated under this Sec. 47-24.11 in order to preserve such building or structure in accordance with the purposes of this Sec. 47-24.11.
 - v. The provisions of this section shall be in addition to the provisions of the building code requiring buildings and structures to be kept in good repair.
- d. *Penalty.* Any person or persons, owner or owner's agent, or member or employee of any firm, company or corporation who shall violate or permit to be violated, or cause to be violated any provision of this Sec. 47-24.11 shall, upon conviction, be punished as provided in Section 47-34, Enforcement, Violation and Penalties. Each day the violation is continued shall constitute a separate offense.
- e. *Injunctive relief.* In addition to any other remedies provided in this Sec. 47-24.11, the city may seek injunctive relief in the appropriate court to enforce the provisions of the ULDR.

f. *Amendments to a certificate of appropriateness.* Any request for an amendment to a Certificate of Appropriateness shall be reviewed by the department to determine whether the application shall be subject to administrative review or HPB review in accordance with criteria listed below:

1. *Administrative review.* If the department determines that the applicant meets all of the following criteria, staff may administratively approve an amendment to the certificate of appropriateness:

- a. The request is a minor alteration and does not affect the property's historic character; and
- b. The request is a minor alteration and is in accordance with the City of Fort Lauderdale's historic preservation design guidelines; and
- c. The request is a minor alteration and is in accordance with the secretary of the interior's standards for rehabilitation; and
- c. The scale, massing, roof form, or appearance as visible from the right-of-way in the approved certificates of appropriateness has not been modified.

2. *Historic Preservation Board review.* If the department determines that the criteria in subsection (1) has not been met then the applicant shall apply for a new application for a

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certificate of appropriateness in accordance with Sec. 47-24.11.C of the ULDR, Certificate of Appropriateness.

10. Expiration of Certificates of Appropriateness. The expiration time frame of a certificate of appropriateness is provided in Section 47-24.1.M of the ULDR

D. Administrative Certificate of Appropriateness. The department shall review permit applications for minor alterations and shall approve, approve with conditions, or deny an administrative certificate of appropriateness.

1. Criteria of approval for an Administrative Certificate of Appropriateness. The department shall determine if minor alterations comply with this section or if the request requires review by the HPB. Minor alterations shall comply with the following to be considered for administrative review:

a. Minor alterations that meet the City of Fort Lauderdale's Historic Preservation Design Guidelines and the Secretary of the Interior's Standards for Rehabilitation.

b. Minor alteration or minor demolition, of a building or structure must meet one (1) of the following criteria:

i. Facade and building restorations and repairs, which are consistent with historic documentation.

ii. Minor alterations and minor demolition to address accessibility, life safety, mechanical and other applicable code requirements.

iii. Minor alterations and minor demolition to rear and secondary facades to accommodate utilities, refuse disposal and storage.

iv. Minor alterations to the rear and secondary facades that are not visible from the public right-of-way, any waterfront, or public parks. Visibility from the right-of-way shall be determined by staff.

D. *City historic property tax exemption code.*

1. *Definitions.*

a. For purposes of subsections D.1 through D.7, the following terms shall have the meanings indicated below:

i. *Ad valorem tax* means a tax based upon the assessed value of property.

ii. *Assessed value of property* means an annual determination of the just or fair market value of an item or property or, if a property is assessed solely on the basis of character or use or at a specified percentage of its value, pursuant to Section 4(a) or 4(b), Article VII of the State Constitution, its classified use value or fractional value.

iii. *Commission* or *city commission* means the city commissioners of the City of Fort Lauderdale.

iv. *City* means the City of Fort Lauderdale, Florida.

v. *Property appraiser* means the Broward County Property Appraiser, a county officer charged with determining the value of all property within the county, with maintaining certain records connected therewith, and with determining the tax on taxable property after taxes have been levied.

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- b. The following words and phrases shall have the same meaning as specified in the rules of the Department of State, Division of Historical Resources, F.A.C. ch. 1A-38, as may be amended from time to time:
- i. *Contributing property* means a building, site, structure, or object which adds to the historical architectural qualities, historic associations, or archaeological values for which a district is significant because:
 - a) It was present during the period of significance of the district and possesses historic integrity reflecting its character at that time;
 - b) Is capable of yielding important information about the period; or
 - c) It independently meets the National Register of Historic Places criteria for evaluation set forth in 36 CFR Part 60.4, incorporated by reference.
 - ii. *Division* means the Division of Historical Resources of the Department of State.
 - iii. *Historic property* means a building site, structure, or object which is means:
 - a) Individually listed in the National Register of Historic Places;
 - b) A contributing property in a National Register listed historic district;
 - c) Designated as a historic property or landmark; or
 - d) A contributing property in a historic district.
 - iv. *Improvements* means changes in the condition of real property brought about by the expenditure of labor or money for the restoration, renovation, or rehabilitation of such property. Improvements include additions and accessory structures (i.e., a garage) necessary for efficient contemporary use.
 - v. *Historic preservation board* means the city created and appointed board as set out in Section 47-32, Historic Preservation Board, which shall be certified by the Division of Historical Resources, Florida Department of State, as qualified to review applications for property tax exemptions pursuant to F.S. §§ 196.1997 and 196.1998.
 - vi. *National Register of Historic Places* means the list of historic properties significant in American history, architecture, archaeology, engineering, and culture, maintained by the Secretary of the Interior, as established by the National Historic Preservation Act of 1966 (Public Law 89-665; 80 STAT. 915; 16 U.S.C. 470), as amended.
 - vii. *Preservation exemption covenant* or *covenant* means the Historic Preservation Property Tax Exemption Covenant, in substantially similar form to the Florida DOS Form No. HR3E111292, indicating that the owner agrees to maintain and repair the property so as to preserve the architectural, historical, or archaeological integrity of the property during the exemption period.
 - viii. *Renovation* or *rehabilitation* means the act or process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, cultural, and archaeological values. For historic properties or portions thereof which are of archaeological significance or are severely deteriorated, "renovation" or "rehabilitation" means the act or process of applying measures designed to sustain and protect the existing form and integrity of a property, or reestablish the stability of an unsafe or deteriorated property while maintaining the essential form of the property as it presently exists.
 - ix. *Restoration* means the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

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- x. *Useable space* means that portion of the space within a building which is available for assignment or rental to an occupant, including every type of space available for use of the occupant.
2. *Exemption from ad valorem taxes—General.*
- a. *Exemption for improvements to historic property (per F.S. § 196.1997).* The city commission may authorize an ad valorem tax exemption of one hundred percent (100%) of the assessed value of all improvements to historic properties which result from the restoration, renovation, or rehabilitation of such properties.
 - b. *Exemption for historic properties open to the public (per F.S. § 196.1998).* If an improvement qualifies a historic property for an exemption, as set out herein, and the property is used for nonprofit or governmental purposes and is regularly and frequently open for the public's visitation, use, and benefit, the city commission may authorize the exemption from ad valorem taxation of one hundred percent (100%) of the assessed value of the property, as improved, if all other provisions herein are complied with; provided, however, that the assessed value of the improvement must be equal to at least fifty percent (50%) of the total assessed value of the property as improved. The exemption applies only to real property to which improvements are made by or for the use of the existing owner.
 - c. *Application for review.* This exemption shall only apply to improvements to real property that are made on or after the day that this Sec. 47-24.11 authorizing ad valorem tax exemption for historic properties is adopted. Such exemption shall apply only to taxes levied by the city, and does not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to Sections 9(b) or 12, Article VII of the State Constitution.
 - d. *Duration of exemption.* Any exemption granted shall remain in effect for up to ten (10) years with respect to any particular property, regardless of any change in the authority of the city to grant such exemptions or any change in ownership of the property. However, for purposes of the exemption under F.S. § 196.1998, a property shall be removed from eligibility for the exemption if the property no longer qualifies as historic property open to the public in accordance with the requirements herein.

In order to retain the exemption, the historic character of the property, and the improvements which qualified the property for exemption, must be maintained over the period for which the exemption is granted. Such exemption shall take effect on January 1 following substantial completion of the improvement.

3. *Designation of type and location of historic property qualified for exemption.*
- a. *Type—General.* Property is qualified for an exemption if:
 - i. At the time the exemption is granted, the property:
 - a) Is individually listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended; or
 - b) Is a contributing property to a national register-listed district; or
 - c) Is designated as a historic property, as defined herein, landmark or landmark site, as defined herein, or is a contributing property located within a historic district.
 - ii. In order for an improvement to a historic property to qualify the property for an exemption, the improvement must:
 - a) Be consistent with the United States Secretary of Interior's Standards for Rehabilitation; or
 - b) Be determined by the historic preservation board to meet criteria established in the rules adopted by the department of state.

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- b. *Type—Property open to the public.* For purposes of the exemption under F.S. § 196.1998, a property is being used for "government or non-profit purposes" if the occupant or user of at least sixty-five percent (65%) of the useable space of a historic building or of the upland component of an archaeological site is an agency of the federal, state, or local government, or a non-profit corporation whose articles of incorporation have been filed by the department of state in accordance with F.S. § 617.0125. Additionally, a property is considered "regularly and frequently open to the public" if public access to the property is provided not less than fifty-two (52) days a year on an equitably spaced basis, and at other times by appointment.
 - c. *Location.* Property is qualified for an exemption only if it is located within the jurisdictional boundaries of the city.
- 4. *Designation of a local historic preservation office.*
 - a. The department is hereby designated as the coordinating office for application and covenant submittals, receipt, and processing for city commission review of recommendations made by the city's historic preservation board, and shall in addition perform any and all administrative functions which may be deemed necessary to accomplish the purpose herein set forth.
- 5. *Application process.*
 - a. *Applicant.* The applicant shall be the owner of a qualifying property or the authorized agent of the owner.
 - b. *Application form.* Application for the property tax exemption shall be made on the two-part Historic Preservation Tax Exemption Application Form as prescribed by the Division of Historical Resources, Florida Department of State. Part 1, the Preconstruction Application, shall be submitted before improvements are initiated. Part 2, the Request for Review of Completed Work, shall be submitted upon completion of the improvements. The application fee for Part 1 shall be fifty dollars (\$50.00). This fee shall be applied to the building permit fee when a building permit is obtained for the improvement. There shall be no application fee for Part 2.
 - c. *Part 1—Preconstruction application.* Any person, firm, or corporation that desires an ad valorem tax exemption for the improvement of a historic property must, in the year the exemption is desired to take effect, submit to the department a written preconstruction application describing the proposed work and receive preliminary approval prior to the start of construction. The form shall include the following information:
 - i. The name of the property owner and the location of the historic property.
 - ii. A description of the improvements to the real property for which an exemption is requested and the date of commencement of construction of such improvements.
 - iii. Documentation supporting that the property that is to be rehabilitated or renovated is a historic property as defined herein.
 - iv. Documentation supporting that the improvements to the property will be consistent with the United States Secretary of Interior's Standards for Rehabilitation and will be made in accordance with guidelines developed by Division.
 - v. Any other information deemed necessary by the city or the historic preservation board.
 - d. *Part 2—Request for review of completed work.* A request for review of completed work application shall be submitted through the department to the historic preservation board upon completion of the improvements. The form of said application shall be prescribed by the board and include all information referenced in subsection D.5.c. In addition, no request for review of completed work shall be reviewed by the historic preservation board unless accompanied by a covenant executed by the property owner.
- 6. *Method of application review.*

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- a. *Review.* The city's historic preservation board shall recommend that the city commission grant or deny the exemption. Such reviews must be conducted in accordance with the rules adopted by the department of state. The recommendation, and the reasons therefor, must be provided to the applicant and the city commission before consideration of the application at a meeting of the city commission. The historic preservation board and the city commission shall first approve Part 1 of the application and then Part 2. The exemption shall not be final until Part 2 has been reviewed and approved by the city commission.
 - b. *Delivery of application to the property appraiser.* The city shall deliver a copy of each application for a historic preservation ad valorem tax exemption to the property appraiser. Upon certification of the assessment roll, or recertification, if applicable, pursuant to F.S. § 193.122, for each fiscal year during which this tax exemption provision is in effect, the property appraiser shall report the following information to the city commission:
 - i. The total taxable value of all property within the city for the current fiscal year.
 - ii. The total exempted value of all property in the city which has been approved to receive historic preservation ad valorem tax exemption for the current fiscal year.
 - c. *Approval by city commission.* A majority vote of the city commission shall be required to approve a written application for exemption. The city commission shall, by resolution, approve the Part 2 written application for final exemption. In addition, the following information shall be included in the resolution:
 - i. The name of the owner and the address of the historic property for which the exemption is granted.
 - ii. The period of time for which the exemption will remain in effect and the expiration date of the exemption.
 - iii. A finding that the historic property meets the requirements herein.
7. *Covenant with applicant.*
- a. *Term of preservation exemption covenant.* To qualify for an exemption, the property owner must enter into a preservation exemption covenant ("covenant") with the city for the term for which the exemption is granted. Such covenant must be executed before a final application for exemption can be approved by the city commission.
 - b. *Form of covenant.* The form of covenant shall be established by the division and shall require that the character of the property, and the qualifying improvements to the property, be maintained during the period that the exemption is granted. The covenant shall be binding on the current property owner, transferees, and their heirs, successors, or assigns. The city manager, or designee, is hereby authorized to execute such covenant with each applicant on behalf of the city.
 - c. *Violations of covenant.* Any violations of the covenant shall result in the property owner being subject to the payment of the differences between the total amount of taxes which would have been due in March in each of the previous years in which the covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in F.S. § 212.12(3).

(Ord. No. C-97-19, § 1(47-24.11), 6-18-97; Ord. No. C-99-14, § 13, 3-16-99; Ord. No. C-09-37, § 1, 12-15-09)