

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

A. *Intent.*

1. It is the intent of this section for the city to regulate the addition, demolition, construction, reconstruction, alteration, repair, moving, and excavation of historic landmarks and property located in historic districts to preserve, promote and protect the cultural, economic, educational, and general welfare of the public through the preservation of historically worthy structures. These regulations are intended to safeguard the City of Fort Lauderdale's local heritage and preserve the city's historic buildings, historic sites, archaeological sites, monuments, structures, neighborhoods and areas which reflect elements of the city's cultural, social, economic, political and architectural history.
2. The city commission finds that the unique and significant character of the city will be preserved by protecting and enhancing its historic, architectural, aesthetic and cultural heritage with regulations that mandate specific design standards to prevent the destruction of historic landmarks and districts and protect the historic value of designated properties.
3. The city commission finds that historic preservation serves a public purpose to protect the health, safety, and welfare of people in the City of Fort Lauderdale.
4. 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. Unless explicitly required in this section, the City of Fort Lauderdale Historic Preservation Design Guidelines are non-binding.

B. *Definitions.* The following words when used in this section shall have the following meanings below; words not defined herein or in the Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), as amended, shall be interpreted by their common and ordinary meaning:

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.
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, minor demolitions, in-kind replacements, and restorations that comply with Section 47-

24.11.E. of the ULDR that may be approved by the department of sustainable development.

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, that is not an in-kind replacement.
5. *Archaeological site.* Archaeological site shall mean a property or location that has yielded or is likely to yield the presence of artifacts on or below the ground surface indicating past use of the site by people and which has been designated as an archaeological site in accordance with this section.
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.
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 government with a 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.
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 due to any of the following reasons: it was present during the period of significance of the district and possesses historic integrity reflecting its character at that time; or it is capable of yielding important information about the period.
10. *Comprehensive plan.* The city's comprehensive plan as adopted by the city pursuant to F.S. Ch. 163, as amended.
11. *Decision or recommendation.* When referring to the HPB, the executive action taken by the HBP 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.* An act or process that removes, pulls down, tears down, razes, deconstructs or destroys twenty-five (25) percent or more of the square footage of an existing building wall, structure, or foundation or any act or process that removes, pulls down, tears down, razes deconstructs or destroys an existing building, structure, or foundation that is visible from the right-of-way.
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.

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.
17. *Floorplate*. The gross square footage (GSF) for any floor of a tower. This does not include balconies that are open on three sides.
- ~~17~~18. *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~~19. *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~~20. *Historic Preservation Board*. The City of Fort Lauderdale Historic Preservation Board ("HPB").
- ~~20~~21. *Historic Preservation Design Guidelines*. The City of Fort Lauderdale's Historic Preservation Design Guidelines, adopted by City Commission on May 15, 2012, by Resolution No. 12-92.
- ~~21~~22. *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~~23. *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.
- ~~23~~24. *In-kind replacement*. A replacement of an architectural feature or site elements, whether or not it is visible from the right-of-way, that matches the original feature, uses the same material, and is the same size, scale, finish, profile, detail, and texture as the original architectural feature or site element.

2425. *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.
2526. *Landmark.* A property or structure designated as a "landmark" by the 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.
2627. *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 HPB.
2728. *Major Alteration.* An alteration of a landmark, landmark site, or a structure located within a historic district that increases or modifies the existing square footage of a building, wall, structure or foundation by twenty-five ("25") percent or more whether it is visible or not visible from the right-of-way, or any alteration that is visible from the right-of-way.
2829. *Minor Alteration.* An alteration of a landmark, landmark site, or a structure located within a historic district that does not increase or modify the existing square footage of a building wall, structure or foundation by twenty-five ("25") percent or more and is not visible from the right-of-way.
2930. *Minor Demolition.* An act or process that removes, pulls down, tears down, razes, deconstructs or destroys less than twenty-five (25) percent of the square footage of an existing building wall, structure, or foundation, that is not visible from the right-of-way.
3031. *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.
3132. *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.
3233. *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 and is not significant for any of the following reasons: 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.
3334. *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. The lessee of a land lease for a term exceeding seventy-five ("75") years, which lease entitles the lessee to construct, demolish, or alter buildings on the land, shall be considered an owner. 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.

~~3435. *Relocation.* The movement of a structure from one location to another location, including movement on its own site. *United States Secretary of the Interior's Standards. A series of concepts about maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations in accordance with the United States Department of Interior regulations, 36 CFR 67.*~~

36. *Sailboat Bend Historic District (SBHD) Administrative Certificate of Appropriateness.* Minor or major alterations that are visible from the public right-of-way that may be approved by the DSD in accordance with Section 47-24.11.F of the ULDR, subject to a 15-day request for review by the Historic Preservation Board.

37. *Site Improvement.* Installation of a site element such as a wall, fence, gate, hedge, walkway, driveway, or landscape feature including a swimming pool, fountain, or pond whether it is visible or not visible from the right-of-way.³⁸. *United States Secretary of the Interior's Standards. A series of concepts about maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations in accordance with the United States Department of Interior regulations, 36 CFR 67.*

C. *Historic designation.*

1. *Requests for Historic Designation.* Requests for historic designation may be made by any of the following and as used in this section, the term applicant shall include those identified in subsections a. through e. below:
 - a. By motion of the HPB; or
 - b. By motion of the city commission; or
 - c. By any property owner in respect to its own property; or
 - d. A simple majority of property owners for designation within the boundaries of a proposed district by way of resolution or vote which must include the signature, name, address, phone number, and email address of each property owner; or
 - e. By corporate resolution of a non-profit corporation executed by an officer authorized to bind the corporation. The non-profit corporation must be registered with the Florida Division of Corporations for a period of five (5) years and have maintained a recognized interest in historic preservation for at least five (5) years preceding the resolution.

2. *Application fee waiver.* Fees shall be waived for applications initiated through the HPB or the city commission. The ~~historic preservation board liaison~~Historic Preservation Planner shall prepare the applications initiated by the HPB or the city commission.
3. *Application.* An application for an historic designation of a landmark, landmark site, or historic district shall be made to the ~~department of sustainable development~~ Department of Sustainable Development (DSD). The application must include the following information:
 - a. Most recently available copy of the Broward County Property Appraiser's record for the property; and
 - b. Proof of ownership (deed); and
 - c. Sketch map (all sketch maps shall include a scale and a north arrow):
 - i. *Historic landmark, landmark site, and archaeological site designations.* Clearly show the boundaries of the property as it relates to a legal description as found in the Broward County Official Records; and outline of any structures, objects, and buildings on the site; and their relationship to streets. Each designation of a landmark shall automatically include the designation of the site upon which the landmark exists as a landmark site. If the applicant is requesting boundaries that vary from the legal description of a parcel as found in the Broward County Official Records, a current sign and sealed survey (no less than six (6) months old), which is signed and sealed by a licensed professional surveyor, authorized to engage in the practice of surveying and mapping in the State of Florida in accordance with F.S. Ch. 472, must be provided; or
 - ii. *Historic districts.* Clearly show the boundaries of the proposed district; all buildings and structures (with their addresses and status as a contributing or non-contributing structure); and all streets within the proposed boundaries. Historic district boundaries shall in general be drawn to include all contributing structures reasonably contiguous within an area and may include properties which individually do not contribute to the historic character of the district, but which require regulation in order to control potentially adverse influences on the character and integrity of the district; and
 - d. Any applicable fees required by the city; and
 - e. 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.C.7 of the ULDR; and
 - f. Provide responses in accordance with Section 47-24.11.C.7 of the ULDR explaining how the proposed landmark, landmark site, archaeological site or buildings in the proposed historic district meet the criteria; and

- g. 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
- h. Identify the period of significance of the proposed landmark and landmark site, archaeological site, or buildings in the proposed historic district; and
- i. Map identifying contributing structures within a proposed historic district or features of the individual landmark site; and
- j. Current color photographs of all sides of the property and historic photographs, if available; and
- k. Legal description from Broward County Official Records of landmark and landmark site, or archaeological site; and
- l. 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; and
- m. 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
- n. *Interior Landmark.* Building interiors that meet the criteria for significance contained in Section 47-24.11.C.7 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.

4. *Review process—Historic preservation board.*

- a. *Determination of application completeness.* An application for historic designation shall be submitted to the DSD department of sustainable development. The DSD department of sustainable development shall determine within thirty (30) days of application submittal whether the application is complete.
- b. Within thirty (30) days of submittal of an application, the DSD department of sustainable development shall send a letter via email to the applicant notifying the applicant that all the required information is submitted or notifying the applicant of any missing documentation or additional information requested by the DSD department.
- c. The applicant has thirty (30) days from date that the letter is sent by the city to submit the required additional information or address the deficiencies in the application. If an applicant fails to provide additional information as requested by the DSD department of sustainable development within thirty (30) days of the request, the application shall be deemed withdrawn.

- d. *Interim protective measures.* From the date that notice is given, after the city's receipt of a complete application, in accordance with Section 47-27.7 of the ULDR, no building permit for any new construction, major alteration, relocation, or demolition that may affect the property proposed for designation shall be issued until one (1) of the following occurs:
 - i. 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; or
 - ii. If ninety (90) days from the date notice is given have elapsed, unless this time limit is waived on the record by motion of the HPB stating mutual consent between the owner(s) and the HPB at the HPB meeting; or
 - iii. The city commission finds that the property or properties do not appear to meet the criteria for designation and denies the request for designation.
 - e. Within thirty (30) days after city staff deems that the application is complete the DSD ~~department of sustainable development~~ shall schedule the application for the next available HPB meeting. The HPB will consider the application and recommendations forwarded by the DSD department and shall hear public comment on the application.
 - f. The HPB shall review the application and determine if it meets the criteria for designation as provided in this section.
 - g. The HPB shall forward its record and recommendations to the city commission for consideration.
 - h. The HPB may vote to defer its decision only if the applicant agrees to the deferral.
 - i. If the 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.
 - j. Any person or persons, owner or owner's agent, or member or employee of any firm, company or corporation violate or permit to be violated, or cause a violation of any provision of Section 47-24.11 shall, upon conviction, be punished in accordance with Section 1-6 of the city's Code of Ordinances. If a code enforcement board finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$5,000.00 per violation, in accordance with F.S. § 162.09, as amended from time to time.
5. *Review process—Planning and zoning board.* If the application is for the designation of a historic district, the application shall be forwarded to the planning and zoning board for review after review by the HPB, and the

recommendation of the planning and zoning board shall be forwarded to the city commission for consideration.

6. *Review process—City commission.*

- a. Within thirty (30) days of the HPB and planning and zoning board recommendation, where required, the ~~department~~ DSD shall forward the HPB's recommendation to the city commission. The city commission shall hold a public hearing to consider the application, the record and recommendations of the planning and zoning board and HPB, hear public comment on the application and make a final determination on the application within one hundred and eighty (180) days after city staff has deemed that the application is complete.
- 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, 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 a Landmark, Interior Landmark, Landmark Site, or Archaeological Site as historic shall be by resolution adopted by the city commission.
- d. Approval of a designation for an historic district shall be by adoption of an ordinance.

7. *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; or
- b. Its location as a site of a significant local, state or national event; or
- c. Its identification with a person or persons who significantly contributed to the development of the city, state, or nation; or
- 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; or
- e. Its value as a building recognized for the quality of its architecture, and sufficient elements showing its architectural significance; or
- f. Its distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials; or

- 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.
8. *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 fifty (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.C.7 of the ULDR, or if they fall within one (1) of the following categories found in Federal Regulation 36 CFR 60, as amended:
- a. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
 - b. A building or structure removed from its original location, but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
 - c. A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his or her productive life; or
 - d. 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
 - e. 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
 - f. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or
 - g. A property achieving significance within the past fifty (50) years if it is of exceptional importance.
9. *Approval.* Unless otherwise specified by the approving body, 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.

10. *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.
11. *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.
12. *Appeal.* Appeal of a denial of an application for designation by the city commission shall be by writ of certiorari to the circuit court.

D. *Certificate of appropriateness.*

1. 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, an archaeological site, or a property in a designated historic district without first obtaining a certificate of appropriateness from the HPB:
 - i. Alteration or excavation of an archeological site; or
 - ii. New construction; or
 - iii. Relocation; or
 - iv. Major alteration; or
 - v. Demolition; or
 - b. ~~Whenever any~~ Any major alteration, new construction, demolition or relocation is undertaken on a designated landmark, a designated landmark site, an archaeological site, or a property in a designated historic district without a certificate of appropriateness, ~~the building official shall issue a stop work order.~~ shall be considered a code violation and punishable as provided in Chapter 11 of the Code of Ordinances. The building official may issue a stop work order for a violation of this Section.
 - c. 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.
 - d. A certificate of appropriateness shall be a prerequisite and in addition to any other permits required by law. The issuance of a certificate of appropriateness by the HPB shall not relieve the property owner of the duty to comply with other state and local laws and regulations.
2. *Applicant.* Shall mean an owner of the historically designated property or property located within a historic district or an authorized representative who has provided a notarized letter to the ~~HPB liaison~~ Historic Preservation Planner,

executed by all the property owners explicitly stating that all property owners have consented to the authorized representative's submission of the application, correspondence with the city, and subsequent appearance at any public hearing regarding the subject property.

3. *Major alterations, new construction or relocation.*

a. *Application for major alterations, new construction or relocation.* An application for a certificate of appropriateness for alterations, new construction or relocation shall be made to the DSD department and shall include the following information, in addition to the general application requirements described in Section 47-24.11.D.1 of the ULDR:

- i. Drawings, or plans or specifications of sufficient detail to show the proposed exterior alterations, additions, changes or new construction as are reasonably required for decisions to be made by the HPB and the DSD department. Such drawings, plans or specifications shall include exterior elevations, architectural design of buildings and structures, including proposed materials, textures and colors, including all improvements such as walls, walks, terraces, plantings, accessory buildings, signs and lights and other appurtenant elements.
- ii. Applications for relocation must also comply with Chapter 9, Article IV, House Moving, of Volume I of the Code of Ordinances.

b. *Review process for major alterations, new construction or relocation.*

- i. An application shall be submitted to the DSD department ~~of sustainable development~~ for review to consider if the application is complete. Within 30 days of submittal of the application, the DSD department ~~of sustainable development~~ shall send a letter via email to the applicant notifying the applicant that all the required information is submitted or notifying the applicant of any missing documentation or additional information requested by the department DSD. The applicant has thirty (30) days from the date the letter is sent by the city to submit the required additional information or address the deficiencies in the application. If an applicant fails to provide additional information as requested by the ~~department of sustainable development~~ DSD within thirty (30) days of the request, the application shall be deemed withdrawn.
- ii. The DSD department shall forward its recommendations to the HPB for consideration.
- iii. Within one hundred and eighty (180) days after city staff has deemed that the application is complete the HPB shall hold a public hearing to consider the application and the record and recommendations forwarded by the DSD department and shall hear public comment on the application.
- iv. If the HPB determines that the application meets the criteria for a certificate of appropriateness as provided in this section, the HPB shall

approve the certificate subject to such conditions necessary to ensure compliance with the criteria.

- v. If the HPB determines that the application for certificate of appropriateness does not meet the criteria, the HPB shall deny the certificate and an appeal may be filed in accordance with Section 47-26B of the ULDR, Appeals.
- vi. The HPB shall render its decision within one hundred and eighty (180) days after city staff deems that the application is complete. 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.*

- i. *General.* In approving or denying applications for certificates of appropriateness for alterations, new construction, demolition or relocation, the HPB may consider whether the applications comply with the City of Fort Lauderdale's Historic Preservation Design Guidelines and the United States Secretary of Interior's Standards for Rehabilitation. The HPB shall use the following general criteria and additional guidelines in order to approve or deny applications for certificates of appropriateness for alterations, new construction, relocations and demolitions as provided in subsections D.3.c.ii, iii, and iv, and D.4:
 - a) The effect of the proposed work on the landmark or the property upon which such work is to be done; and
 - b) The relationship between such work and other structures on the landmark site or other property in the historic district; and
 - 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; and
 - d) Whether the denial of a certificate of appropriateness would deprive the property owner of all reasonable beneficial use of his property.
- ii. *Additional guidelines; major alterations.* In approving or denying applications for certificates of appropriateness for alterations, the 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; and

- 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; and
 - 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; and
 - 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; and
 - e) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site, shall be treated with sensitivity; and
 - 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 of different architectural elements from other buildings or structures; and
 - 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 HPB shall also consider 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; and
 - 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; and
 - 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; and
 - 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; and
 - 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; and
 - 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; and
 - g) The roof and shape of a building shall be visually compatible with the buildings to which it is visually related; and
 - 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 ensure visual compatibility of the building to the buildings and places to which it is visually related; and
 - 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; and
 - 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 applicant shall comply with the bond requirements in Section 9-153 of the Code of Ordinances, and the HPB shall also consider the following:
- a) The contribution the building or structure makes to its present setting; and

- b) Whether there are definite plans for the site to be vacated; and
 - 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 in Section 47-24.11.E of the ULDR, the ~~DSD 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.E of the ULDR, a certificate of appropriateness application must be submitted and the applicant shall be charged 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 submitted to the ~~department of sustainable development DSD~~ on forms provided by the ~~department DSD~~. In addition to the requirements provided in subsection D.3 the application shall include the following information and documents:
- i. Owner of record; and
 - ii. Site plan showing all buildings and structures on the property; and
 - iii. Recent photographs of the structure(s) proposed for demolition; and
 - iv. Reasons for the demolition; and
 - 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 HPB for review in accordance with criteria provided in subsection D.4.c.

- ii. The HPB shall hold a public hearing to consider the application and the record and recommendations forwarded by the ~~department~~ DSD and shall hear public comment on the application and render a decision on the application within one hundred and eighty (180) days after city staff has deemed that the application is complete. This time limit may be waived at any time by consent of the applicant.
 - iii. If the HPB determines that the application meets the criteria for a certificate of appropriateness for demolition, the HPB shall approve the certificate or approve the certificate subject to such conditions necessary to ensure compliance with the criteria. The 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 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 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 HPB determines that the application for demolition does not meet the criteria, the HPB shall deny the certificate and an appeal may be filed in accordance with Section 47-26B of the ULDR, Appeals.
 - v. The HPB shall render its decision within one hundred and eighty (180) days after city staff deems that the application is complete. 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 HPB denies an application for demolition of a structure(s), the applicant may within thirty (30) days apply to the HPB for an economic hardship exception. An application for an 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; and
- ii. Assessed value of the land and improvements thereon according to the most recent assessment; and
 - iii. For depreciable properties, a pro forma financial statement prepared by an accountant or broker of record; and
 - iv. All appraisals obtained by the owner in connection with the purchase or financing of the property or during his ownership of the property; and
 - 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.*
- i. The application shall be submitted to the ~~department of sustainable development~~ DSD for consideration as to whether the application is complete. Within thirty (30) days after submittal of an application, the ~~department of sustainable development~~ DSD shall send a letter to the applicant notifying the applicant that all the required information is submitted or notifying the applicant of any missing documentation or additional information requested by the ~~department~~ DSD. The applicant has thirty (30) days after the letter is sent to submit the required additional information or to address the deficiencies in the application. If the applicant fails to provide additional information requested by the ~~department of sustainable development~~ DSD within thirty (30) days of the request, the application shall be deemed withdrawn.
 - ii. Within one hundred and eighty (180) days after city staff has deemed that the application is complete, the HPB shall hold a public hearing to consider the application and the record and recommendations forwarded by the DSD ~~department~~ and shall hear public comment on the application and render its decision. This time limit may be waived at any time by consent of the applicant.
 - iii. If the HPB determines that the application meets the criteria for an economic hardship as provided in subsection D.5.c, the HPB shall approve the certificate or approve the certificate with such conditions necessary to ensure compliance with the criteria.
 - iv. If the HPB determines that the application for economic hardship does not meet the criteria, the HPB shall deny the certificate and an appeal may be filed in accordance with Section 47-26B of the ULDR, Appeals.
- c. *Criteria—Economic hardship.* In approving or denying applications for economic hardship exception, the 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 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 HPB decision is filed by the applicant as provided in Section 47-26B of the ULDR, Appeals. The action of the HPB 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 by the Building Official that there are emergency conditions dangerous to life, health or property affecting a landmark, a landmark site, or a property in a historic district, an order to remedy these conditions without the approval of the HPB or issuance of a required certificate of appropriateness may be issued, provided that the chairman of the HPB has been notified.
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 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 Section 47-24.11 of the ULDR.
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 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; and
 - 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.
- d. The 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 Section 47-24.11 of the ULDR; and
- e. 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.
- f. *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 Section 47-24.11 of the ULDR shall, upon conviction, be punished as provided in Section 47-34 of the ULDR, Enforcement, Violation and Penalties. Each day the violation is continued shall constitute a separate offense.
- g. *Injunctive relief.* In addition to any other remedies provided in this Section 47-24.11 of the ULDR, the city may seek injunctive relief in the appropriate court to enforce the provisions of the ULDR.
- h. *Amendments to a certificate of appropriateness.* Any request for an amendment to a Certificate of Appropriateness shall be reviewed by the DSD department to determine whether the application shall be subject to administrative review or HPB review in accordance with criteria listed below:
 - i. *Administrative review.* If the DSD department determines that the applicant meets all of the following criteria, staff may administratively approve an application for 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
 - d) The scale, massing, roof form, or appearance as visible from the right-of-way in the approved certificates of appropriateness has not been modified.

- ii. *Historic preservation board review.* If the ~~DSD department~~ determines that the criteria in subsection (1) has not been met, then the applicant shall apply for a new application for a certificate of appropriateness in accordance with Section 47-24.11.D. 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
- E. *Administrative certificate of appropriateness.* No person may undertake any minor alterations, minor demolitions, in-kind replacements or restoration affecting a designated landmark, a designated landmark site, or a property in a designated historic district without first obtaining an administrative certificate of appropriateness from the ~~department of sustainable development DSD~~, or if necessary a certificate of appropriateness from the HPB. The ~~DSD department of sustainable development~~ shall administratively review administrative certificate of appropriateness applications for minor alterations, minor demolitions, in-kind replacements, or restoration, notwithstanding the criteria outlined in Section 47-24.11.D.1 of the ULDR. The ~~department DSD~~ may either approve or approve with conditions, or deny an application for an administrative certificate of appropriateness.
1. *Criteria for approval of an administrative certificate of appropriateness for minor alterations.* The ~~department DSD~~ shall determine if minor alterations comply with this section or if the request requires review by the HPB. Minor alterations must comply with the following criteria in order to be approved:
 - a. The minor alteration(s) proposed must meet the City of Fort Lauderdale's Historic Preservation Design Guidelines and the Secretary of the Interior's Standards for Rehabilitation; and
 - b. The minor alteration(s) proposed must be to the rear and secondary facades and must not be visible from the public right-of-way, any waterfront, or public parks. Visibility from the right-of-way shall be determined by the ~~department DSD~~; and
 - c. Solar panels for properties located in the Sailboat Bend Historic District may be approved administratively and must be located on side or rear roof pitch of all properties to the maximum extent feasible to minimize visibility from the public right-of-way while maximizing solar access. If solar panels are visible from the right-of-way, an application for a Sailboat Bend Historic District Administrative Certificate of Appropriateness must be submitted with documentation from the installer that there is no other feasible location for placement without impairing the effective operation of the solar collectors; and
 - d. e. The minor alteration(s) proposed must not require a change to architecturally significant portions of a building or structure.
 2. *Criteria of approval for an administrative certificate of appropriateness for minor demolition.* Applications for administrative certificate of appropriateness for minor demolition must meet the following criteria in order to be approved:

- a. The minor demolition proposed must meet the City of Fort Lauderdale's Historic Preservation Design Guidelines and the Secretary of the Interior's Standards for Rehabilitation; and
 - b. The minor demolition proposed must be to the rear and secondary facades and must not be visible from the public right-of-way, any waterfront, or public parks. Visibility from the right-of-way shall be determined by the ~~department~~ Historic Preservation Planner; and
 - c. The minor demolition proposed must not require demolition to architecturally significant portions of a building or structure.
3. *Criteria of approval for an administrative certificate of appropriateness for in-kind replacements.* Applications for administrative certificate of appropriateness for in-kind replacements must meet the following criteria in order to be approved:
- a. In-kind replacements must comply with the City of Fort Lauderdale's Historic Preservation Design Guidelines.
 - b. When use of the original material is not possible, compatible materials and techniques may be used that convey an appearance similar to the original feature, that are the same scale, and have similar design and visual qualities to the historic elements.
4. *Criteria of approval for an administrative certificate of appropriateness for restoration.* Applications for administrative certificate of appropriateness for restoration must meet the following criteria in order to be approved:
- a. Facade and building restorations and repairs must be consistent with historic documentation.
 - b. Restoration must comply with the City of Fort Lauderdale's Historic Preservation Design Guidelines.
5. *Criteria of approval for an administrative certificate of appropriateness for site improvements.* Applications for an administrative certificate of appropriateness for site improvements must meet the following criteria in order to be approved:
- a. Site improvements must comply with the City of Fort Lauderdale's Historic Preservation Design Guidelines; and
 - b. Site improvements that are visible from the public right-of-way, except for fences, gates, walls, piers, and hedges, must be at grade level or less than two (2) feet in height; and
 - c. If applicable, swimming pools are prohibited in the front yard; and
 - d. Site improvements for properties located within the Sailboat Bend Historic District must comply with Section 47-16.8.2.C of the ULDR.

6. ~~Whenever a~~Any minor alteration, minor demolition, in-kind replacement, or restoration, or site improvement is undertaken on a property in a designated landmark, a designated landmark site, or a property in a designated historic district without an administrative certificate of appropriateness, ~~the building official shall issue a stop work order.~~ shall be considered a code violation and punishable as provided in Chapter 11 of the Code of Ordinances. The building official may issue a stop work order for a violation of this Section.
7. Appeal of administrative certificate of appropriateness.
 - a. An applicant may file an appeal of a decision of the DSD department regarding an Administrative Certificate of Appropriateness to the HPB no later than 30 days after the decision. The appeal will be scheduled for a de novo hearing in front of the HPB no sooner than thirty (30) days or later than sixty (60) days from the date of the request for appeal. The HPB may reject, approve or amend the decision of the DSD department.

F. Sailboat Bend Historic District (SBHD) Administrative Certificate of Appropriateness.

1. Criteria for approval of minor alterations on a contributing property that are visible from the public right-of-way must comply with the following criteria in order to be approved:
 - a. Minor Alterations on a contributing property must not increase the existing square footage of a building, wall, or structure; and
 - b. Minor Alterations must meet the requirements of Section 47-16.8 of the ULDR; and
 - c. Minor Alterations must be consistent with the City of Fort Lauderdale's Historic Preservation Design Guidelines; and
 - d. Minor Alterations must be consistent with the Secretary of the Interior's Standards for Rehabilitation.
2. Criteria for approval of minor alterations on a non-contributing property that are visible from the public right-of-way must comply with the following criteria in order to be approved:
 - a. Minor Alterations on a non-contributing property must not increase the existing square footage of a building, wall, or structure; and
 - b. Minor Alterations must meet the requirements of Section 47-16.8 of the ULDR.

3. Criteria for approval of major alterations on a non-contributing property that are visible from the public right-of-way must comply with the following criteria in order to be approved:
 - a. Major Alterations must not increase the existing square footage of a building, wall, or structure; and
 - b. Major Alterations must meet the requirements of Section 47-16.8 of the ULDR.
4. Review process for applications for a SBHD Administrative Certificate of Appropriateness.
 - a. An application for a SBHD Administrative Certificate of Appropriateness must be submitted to the DSD in accordance with the provisions of this section and shall include the following:
 - i. Drawings, or plans or specifications of sufficient detail to show the proposed exterior alterations. Such drawings, plans or specifications shall include exterior elevations, including proposed materials, textures and colors; and
 - ii. Current color photographs of all sides of the property.
 - b. An application shall be submitted to the DSD for review to consider if the application is complete. Within 30 days of submittal of the application, the DSD shall send a letter via email to the applicant notifying the applicant that all the required information is submitted or notifying the applicant of any missing documentation or additional information requested by the DSD. The applicant has thirty (30) days from the date the letter is sent by the city to submit the required additional information or address the deficiencies in the application. If an applicant fails to provide additional information as requested by the DSD within thirty (30) days of the request, the application shall be deemed withdrawn.
 - c. If the Application is complete, the DSD shall approve, approve with conditions, or deny the application, within 120 days after the application is deemed complete by the DSD. The applicant and DSD may agree to an extension of time beyond the 120 days in the event of a force majeure or other extraordinary circumstance.
 - d. After a decision is made on the application, the DSD shall forward its notice of approval, approval with conditions, or denial to the HPB for consideration and to the applicant.

- e. No SBHD Administrative Certificate of Appropriateness granted by the DSD shall be effective for a period of 15 days subsequent to the decision of the DSD.
- f. During that 15 day period a board member of the HPB may file a statement with the Historic Preservation Planner requesting that the application to be reviewed by the HPB. If the HPB board member files a request for review, the decision of the DSD shall automatically be stayed and the application shall be reviewed by the HPB. The HPB will review the application at the next available HPB hearing. The HPB may amend the approval or deny the application if it finds that the application failed to meet one or more requirements of the ULDR.

5. Any minor alteration or major alteration is undertaken on a property in the SBHD without a SBHD Administrative Certificate of Appropriateness, shall be considered a code violation and punishable as provided in Chapter 11 of the Code of Ordinances. The building official may issue a stop work order for a violation of this Section.

6. Appeal of a SBHD Administrative Certificate of Appropriateness.

a. An applicant may file an appeal of a decision of the DSD regarding a SBHD Administrative Certificate of Appropriateness to the HPB no later than 30 days after the decision. The appeal will be scheduled for a de novo hearing in front of the HPB no sooner than thirty (30) days or later than sixty (60) days from the date of the request for appeal. The HPB may reject, approve, or amend the decision of the DSD. An appeal from a final decision of the HPB regarding an Administrative Certificate of Appropriateness shall be to the circuit court by filing a petition for writ of certiorari within thirty (30) days of the decision.

G. *City historic property tax exemption code.*

1. *Definitions.*

- a. For purposes of subsections F.1 through F.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.
- 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; or
 - 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; or
 - b) A contributing property in a National Register listed historic district; or
 - 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 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, as amended.
 - 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.
- 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, as amended).* The city commission may authorize an ad valorem tax exemption of one hundred (100) percent 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, as amended).* 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 (100) percent 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 (50) percent 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 Section 47-24.11 of the ULDR 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, as amended, 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 1st 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.
- b. *Type—Property open to the public.* For purposes of the exemption under F.S. § 196.1998, as amended, a property is being used for "government or non-profit purposes" if the occupant or user of at least sixty-five (65) percent 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, as amended. 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~~ DSD 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 fees for Part 1 and Part 2 shall be in accordance with the City's most recently adopted fee schedule. ~~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~~ DSD 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; and
 - 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; and

- iii. Documentation supporting that the property that is to be rehabilitated or renovated is a historic property as defined herein; and
 - 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; and
 - v. Any other information deemed necessary by the city or the HPB ~~historic preservation board~~; and
- d. *Part 2—Request for review of completed work.* A request for review of completed work application shall be submitted through the DSD ~~department~~ to the ~~historic preservation board~~ HPB upon completion of the improvements. The form of said application shall be prescribed by the board and include all information referenced in subsection F.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.*
- 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, as amended, 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; and
 - 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; and
- ii. The period of time for which the exemption will remain in effect and the expiration date of the exemption; and
- 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), as amended. ~~GH~~. Property Tax Exemption for designated local historic resources used for certain

commercial or nonprofit purposes. City of Fort Lauderdale hereby elects, pursuant to the provisions of Section 196.1961, Florida Statutes, as currently enacted or as may be amended from time to time, to provide for an ad valorem property tax exemption of fifty percent (50%) of the assessed value of a locally designated historic landmark or contributing structure in a locally designated historic district used for commercial or certain nonprofit purposes. The property must comply with each and every provision of Section 196.1961, Florida Statutes, as amended, to be entitled to the ad valorem exemption and the tax exemption shall apply only to property located within the City of Fort Lauderdale. A taxpayer claiming the exemption must submit an annual application with the property appraiser pursuant to the requirements set forth in Section 196.011, Florida Statutes, as amended.

H-I. Waivers for historic preservation.

- 1. Intent. In an effort to promote and encourage the preservation and adaptive reuse of locally designated historic landmarks and contributing structures in a locally designated historic district, the HPB may grant a waiver provided that it will result in the preservation of a locally designated historic landmark or a

contributing property in a historic district. However, the HPB shall not have the authority to grant any waivers for density, floor area ratio ("FAR"), and building height requirements.

2. Waivers. The HPB may only authorize waivers for setback requirements and waivers of requirements for distance separation between buildings or structures for the following:
 - a. New additions; or
 - b. Construction of a new or existing accessory structure; or
 - c. Reconstruction of a portion of a structure.
3. Criteria for approval of a waiver. A waiver request must comply with the following criteria:
 - a. The application must demonstrate that granting the waiver will further the preservation of the historic and architectural character of the designated historic landmark or of the historic district in which the proposal is located and
 - b. The application must demonstrate that granting the waiver will be compatible with and will preserve the character and integrity of the site and surrounding neighborhood; and
 - c. The property that is the subject of the waiver application, must be a designated historic landmark or a contributing property located in a historic district.
4. Review process for waivers.
 - a. An application for a waiver shall be submitted simultaneously with an application for a Certificate of Appropriateness in accordance with the provisions of Section justifying the requested waiver and provide evidence that the application meets the criteria in Section 47-24.11.H.3. of the ULDR. Applications for reconstruction of a portion of a structure must contain historic documentation of the structure.
 - b. ~~An~~The application shall be submitted by the ~~department~~DSD to the HPB for review.
 - c. The HPB must determine whether the application complies with Section 47-24.11.H.3. of the ULDR.
 - d. Notice shall be given in accordance with Section 47-27.8. of the ULDR.

5. Conditions and safeguards. In granting any waiver the HPB may prescribe appropriate conditions and safeguards necessary to protect and further the interest of the area and abutting properties, including, but not limited to the installation of walls, and fences as required buffering; modifications of the orientation of any openings; and modification of site arrangements.
6. Historic Properties that are Ineligible for Waivers. Historic Designations that exclude the entire site upon which the structure or building is located, are not eligible for waivers.
7. If the HPB determines that the application for a waiver does not meet the criteria, the HPB shall deny the application and an appeal may be filed in accordance with Section 47-26B of the ULDR, Appeals.

(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; Ord. No. C-19-23, § 2, 9-12-19; Ord. No. C-20-06, § 2, 3-3-20; Ord. No. C-20-07, § 2, 3-3-20)