



Memorandum

Memorandum No: 23-122

Date: October 5, 2023

To: Honorable Mayor, Vice Mayor, and Commissioners

From: Greg Chavarria, City Manager 
Greg Chavarria (Oct 5, 2023 14:58 EDT)

Re: Effect of Florida State Statute 553.79 on Single-Family Residences

This memorandum is to inform you about an amendment to Florida State Statute 553.79 subsection (26)(a) which outlines that a local law, ordinance, or regulation may not prohibit or otherwise restrict the ability of a private property owner to obtain a building permit to demolish a single-family residential structure located in a coastal high-hazard area, moderate flood zone, or special flood hazard area according to a Flood Insurance Rate Map issued by the Federal Emergency Management Agency (FEMA).

As part of this subsection, there are three exemptions:

1. A structure designated on the National Register of Historic Places.
2. A privately owned single-family residential structure designated historic by a local, state, or federal governmental agency on or before January 1, 2022.
3. A privately owned single-family residential structure designated historic after January 1, 2022, by a local, state, or federal governmental agency with the consent of its owner.

Per the Unified Land Development Regulations (ULDR) Section 47-24.11, the meaning of “designated historic” includes all property that has been designated by the City Commission by fulfilling at least one of the criteria listed in Section 47-24.11.C. which would include landmarks, landmark sites, interior landmarks, archaeological sites, and historic districts.

All properties within the boundary of a historic district are considered as “designated historic.” Properties within existing Historic Districts would need to apply to the Historic Preservation Board (HPB) for a Certificate of Appropriateness (COA) for Demolition since they were designated on or before January 1, 2022. Within the Sailboat Bend Historic District, properties are further identified through a status as either “Contributing” or “Non-Contributing” which signifies its significance to the historic district. A “contributing property” is one that adds to the qualities of a historic district and is typically defined in a period of significance statement included in the historic designation that identifies time periods, architectural styles, and related historical associations. A “non-contributing property” does not add to the qualities for which the area is designated. When a COA for Demolition is considered by the HPB, staff provides the status of the property which is taken into account when evaluating the request.

The City's Property Reporter, GIS, provides several layers that can assist a property owner in finding out if their property is located in a FEMA Flood Zone, a Historic District, or if their property is designated as historic. If a property is selected on the GIS map, the same information displayed through the layers can also be found under the Planning and Community Development tab for each specific parcel. Users may also activate the FEMA Flood Zones layer, the Historic Districts layer, and the Historic Properties layer to have a clear visual representation of historic properties within FEMA Flood Zones. The City's Property Reporter, GIS, may be accessed here:

<https://gis.fortlauderdale.gov/PropertyReporter>

While this law applies to all single-family residential structures located in a coastal high-hazard area, moderate flood zone, or special flood hazard area aside from those exempted, the law has the potential to impact designated historic resources that are not within an exempt category. A recent example of a property that was affected by this new law is the Al Capone house, 93 Palm Avenue, in Miami Beach that was demolished in August 2023. In January 2022, the Miami Beach Historic Preservation Board voted to request a historic designation report from the City's planning department; however, the designation was not completed prior to the passage of this statute and did not meet the exemptions, as outlined above.

For historically designated properties located within a flood zone FEMA's National Flood Insurance Program (NFIP) gives relief to historic structures from the NFIP floodplain management requirements by providing an exemption from the NFIP elevation and flood proofing requirements. There are also several resources available for property owners to understand different mitigation measures that can be implemented into historic structures and to provide protection to potential future flooding. A primary resource that includes links to multiple documents is the National Alliance for Preservation Commissions (NAPC) Resilience Toolkit:

<https://storymaps.arcgis.com/stories/75ed682cfecd4b1db9be06affc9f6f89>

Additionally, outlined in the Strategic Historic Preservation Plan are action items that will assist in providing tools and resources to property owners to increase the resilience of their historic resources under Goal One. Under this goal there are three objectives that include the investigation of strategies, increase of knowledge through education and outreach, and the analysis of risk. The Strategic Historic Preservation Plan is available on the City's historic preservation page:

<https://www.fortlauderdale.gov/government/departments-a-h/development-services/urban-design-and-planning/initiatives>

c: Anthony G. Fajardo, Assistant City Manager
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