

**HISTORIC PRESERVATION BOARD
CITY OF FORT LAUDERDALE
MONDAY, JUNE 7, 2010 - 5:00 P.M.
CITY HALL FIRST FLOOR COMMISSION CHAMBER
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA**

<u>Board Members</u>	<u>Attendance</u>	Cumulative Attendance 6/2010 through 5/2011	
		<u>Present</u>	<u>Absent</u>
Susan McClellan, Chair	P	1	0
Matthew DeFelice, Vice Chair	P	1	0
[until 6:02]			
Beauregard Cummings	A	0	1
Joyce Gardner	A	0	1
Marie Harrison	A	0	1
Daryl Jolly	A	0	1
David Kyner	P	1	0
Robert Prager	P	1	0
Robert Rojas	A	0	1
Scott Strawbridge	A	0	1

City Staff

Assistant City Attorney Carrie Sarver
Pat Garbe-Morillo, Planning and Zoning Department
Merrilyn Rathbun, Fort Lauderdale Historical Society, Consultant to HPB
Anthony Fajardo, Historic Preservation Board Liaison
Mike Ciesielski, Planner II
J. Opperlee, ProtoType Recording Secretary

Guests

David Baber, Broward County Historical Commission Administrator
Charles Jordan, Vice President, Trust for Historic Sailboat Bend
Alyssa Plummer, Sailboat Bend Historic Ordinance Committee
Diane Smart, President of the Broward Trust for Historic Preservation

Communication to the City Commission

None

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Purpose: Implement the City's historic preservation regulations, which promote the cultural, economic, educational and general welfare of the people of the City and of the public generally through the preservation and protection of historically or architecturally worthy structures.

Call to Order

Chair McClellan called the meeting of the Historic Preservation Board to order at 5:02 p.m.

All members of the public wishing to address the Board on any item were sworn in.

Approval of Minutes of May 2010 Meeting

The Board did not have a quorum so this item could not be voted on.

1. Proposed Amendments to the Historic Preservation Ordinance [Index](#)

Mr. Fajardo reported Mr. Strawbridge had sent his recommendations by email.

Mr. Fajardo reminded the Board that they were looking at Section 47-24.11 A through D.

Regarding 47-24.11B, Mr. Prager remarked that Mr. Strawbridge's revision was very thorough and read well and he preferred it to what had been suggested by the workgroup comprising Mr. Baber and the Sailboat Bend Historic Ordinance Committee [SBHOC]. He noted that Mr. Strawbridge's version included two new C and D sections, which would move the other subsections down.

The Board had no comments regarding the SBHOC workgroup version of section B.

Mr. Baber stated the SBHOC workgroup had created their version of A through C from the model ordinance.

Regarding 47-24.C, Scope of Regulations, Ms. Sarver was concerned with Mr. Strawbridge's second paragraph, which granted the County Historical Commission the legal authority to initiate and appear as a party or as a witness. She was not comfortable allowing someone from the County to initiate a proceeding against a City property owner. Mr. Jordan explained this was from the model ordinance. It was intended to allow a qualified professional to have standing to testify before the Board. Ms. Sarver noted the City currently had a contract with an historic consultant to advise the Board.

Ms. Plummer said this language meant a representative could provide additional professional expertise. Mr. Jordan said this had already been adopted by other cities in Broward County.

Chair McClellan asked Mr. Jordan if there were instances when this had helped a situation. Mr. Jordan stated there had been numerous hearings when the County Officer had come forward. Currently, the only way such an expert would provide input was if he/she were called upon by a Board member. Ms. Sarver clarified that that the intent was that a professional could be called upon after the public hearing was closed.

Mr. Baber noted that in Mr. Strawbridge's version, "except for local historic overlays are in effect" had been deleted. He asked the implications of this deletion. Ms. Sarver said she had brought this up with a zoning attorney in the City Attorney's office. She agreed to look into this and send an email to Board members.

In the definitions section, Ms. Sarver said the definition of Aggrieved Party as "A person who voices an objection to a project or a decision of the HPB" left the door wide open to anyone who did not like a decision, and more specific language should be included. Mr. Baber said this reflected language in Section H, and they must ensure the language elsewhere was adjusted as well.

No Board member objected to the proposed definition of Alteration.

In the definition of Archeological Materials, Mr. DeFelice suggested changing 100 years to 75 years. He stated 75 years was the State and Federal standard used for unmarked graves. Mr. Ciesielski wanted to cite the specific source for this age range. Ms. Sarver asked to include the language "including but not limited to" certain types of materials. Mr. DeFelice agreed to send suggestions.

Regarding the definition of Archeological Zone, Ms. Sarver suggested specifying where in "this chapter" the archeological zone area was determined. Mr. Baber stated this was from the model ordinance. Mr. Fajardo said they currently had a historical resources map to which they referred. Mr. Ciesielski was concerned that their maps were not up to date and he wanted staff to get together with the County to make sure they were complete.

Under the definition of Board, Chair McClellan suggested using the City of Fort Lauderdale Historic Preservation Board throughout.

Regarding the definition of Certificate of Appropriateness [COA], Mr. DeFelice asked if mitigation should be specified as well. Mr. Fajardo thought this would be discussed later in the ordinance. He said staff would keep a note of this. Ms. Sarver thought "improvement" should be defined. Mr. DeFelice said Mr. Strawbridge's suggestion had included view sheds and historic viewscape. Mr. DeFelice said a viewscape was landscape and other items in view. Mr. Baber suggested using the term view shed. Mr. Fajardo said the code currently had language in the neighborhood compatibility section that related to this.

Mr. Jordan suggested investigating view shed and viewscape terminology and including these terms in the COA language. Once this was defined, Mr. Baber recommended they determined where this made sense in the body of the ordinance. Mr. Baber agreed with Chair McClellan that specific mitigation should be specified for a COA for demolition. They should identify in the body of the ordinance under which circumstances mitigation was a reasonable alternative. Mr. Fajardo advised they must consider the specific type of mitigation as well.

Regarding the definition of Certificate To Dig [CTD], Ms. Sarver asked if the requirement to come before the Board would apply to digging anywhere in an historic district, in addition to the requirement for a COA. Mr. Baber felt this language applied to a non-contributing site within an historic district. Mr. Baber agreed this would not apply to all excavations. Mr. DeFelice felt the word "may" was unnecessary. He interpreted the definition to refer to a designated area. Mr. DeFelice noted the expectation was that digging would uncover an archeological site. Mr. DeFelice suggested the following language: "...projects that involve a known or unknown archeological site, paleontological site, archeological resource, paleontological resource, designated archeological or paleontological zone, designated individual historic site, or a designated historic district."

Mr. Baber suggested changing "unknown" to "an area with high probability for an archeological or paleontological resource, based on consultation with the County." Mr. Fajardo stated for projects in archeologically sensitive zones, staff asked applicants to ask Broward what studies would be required for properties in this zone. Ms. Sarver said there must be some criteria for property owners and staff to know when the CTD was needed. Mr. Baber agreed to work with the County Archeologist on this language.

Mr. DeFelice left the meeting at 6:02. He left comments regarding items 14 and 18.

Board members had no comments on the definition of Certified Local Government.

Regarding the definition of Contributing Resource, Ms. Sarver wanted to know what aspects made a property contributing. Mr. Baber said the criteria would be in the body of the ordinance.

Regarding the definition of Demolition, Ms. Sarver asked if historic resource was different from contributing resource. Mr. Baber agreed the definition should refer to an historic resource or a contributing resource within an historic district. Mr. Fajardo asked about the definition of a contributing resource, which stated they were eligible for all incentives afforded individually listed historic resources and asked if they should be concerned about this. Mr. Baber said this referred to whatever incentives the community offered.

Ms. Sarver wanted to know how they would identify the contributing resources so people buying the homes would know. She said normally a study was done. Mr. Baber stated there was a process for creating historic districts that was outlined in the ordinance.

Ms. Sarver asked if Demolition by Neglect was defined in more detail later. Mr. Jordan stated their workgroup had created provisions for demolition by neglect.

Regarding Design Guidelines, Mr. Baber said the body of the ordinance stated that design guidelines, if adopted by the City of Fort Lauderdale, would be used. This definition afforded the ability to create them. Mr. Jordan said this was a localized version describing proper mass and scale, and appropriate materials and methods used in conjunction with each other. This was expressed in a graphic way.

Regarding Exceptional Importance, Mr. DeFelice had recommended changing "architectural professional" to "appropriate, multidisciplinary professional or professional group, such as a cultural resource professional." Mr. Baber said the "architectural profession" was consistent with National Register criteria. He stated "exceptional importance" referred to a resource that was less than 50 years old. He did not object to adding Mr. DeFelice's language, but did not want to eliminate "architectural profession" in order to keep to the National Register criteria. He stated the workgroup would look at the National Register language.

There were no comments regarding the definition of Exterior.

Regarding the definition of Florida Master Site file, Mr. Fajardo said staff would make sure it was accurate and consistent.

Regarding the definition of Historic District, the term "landmark" had been replaced with "historic resource" and "contributing resource." Mr. Jordan recommended a district comprise two or more resources rather than just one.

Regarding the definition of Historic Resource, Mr. DeFelice had suggested adding "paleontological value," and "scenic vistas or viewsheds." Ms. Sarver wanted to clarify what Mr. DeFelice meant by this. Mr. Baber stated this was nature and animal-oriented instead of human-oriented. Ms. Sarver said it should be stated who would determine the historical, architectural or archeological value and by what criteria. Mr. Baber said this would be in the body of the code. Ms. Plummer recommended that definitions be written for paleontological, scenic vista and viewshed.

Regarding the definition of Historic Survey, Mr. Fajardo remarked that the Historic Properties Survey referred to the document Ms Morillo was working on, which was currently an in-house document. Mr. Fajardo believed this statement might need to be removed until this document was formally accepted. Mr. Baber suggested the language: "The body of information contained within *any historic property survey of Fort Lauderdale Florida that has been adopted by the City Commission...*" Ms. Sarver liked this wording.

Mr. Ciesielski reported that the City had conducted five surveys in different parts of the City and in 2003 the City had hired a consultant to update the existing survey, which had been approved by the City Commission.

Ms. Sarver wanted the definition to be more specific than the language "any other studies." Mr. Fajardo agreed staff would work on this language.

Board members had no remarks regarding the definition of Integrity or Landscape Feature.

Regarding the definition of Local Register, Ms. Sarver suggested adding, "By the City Commission in the City of Fort Lauderdale."

Regarding the definition of Non-contributing Resource, Ms. Sarver asked if they needed to define Non-contributing since Contributing Resource was defined. Mr. Baber felt this was important to define. Mr. Jordan stated this definition was needed because non-contributing resources were referred to in the body of the ordinance. Mr. Fajardo recommended using similar language to the Contributing Resource, "A *building, site, structure or object...*"

Regarding the definition of Ordinary Maintenance, Ms. Sarver recommended removing the word "minimal." Mr. Jordan felt this would be too broad and allow for significant work to be done. Ms. Sarver suggested adding, "including, but not limited to..." Mr. Baber thought this was described in the body of the ordinance and was not needed in the definition. Ms Plummer felt the definitions should be general and the specifications should be in the body of the ordinance, in context.

Regarding the definition of Paleontological Zone, Mr. Ciesielski asked if this was different from the archeological zone and noted they had a map depicting archeologically significant zones but none depicting paleontological zones. Mr. Baber said this definition opened the door to create paleontological zones.

The Board had no suggestions regarding the definitions of Rehabilitation, Restoration, or Reconstruction.

Regarding the definition of Undue Economic Hardship, Mr. Baber said this was a legal issue for the City. Ms. Sarver said she would look at the body of the ordinance where this was discussed.

Ms. Diane Smart, President of the Broward Trust for Historic Preservation, asked if the proposed ordinance had a linkage between Code Enforcement and planning. Mr. Jordan said they had addressed demolition by neglect. Ms. Smart asked if there was a requirement for an owner to take precautions, such as installing a tarp, on a property in jeopardy. Mr. Baber said an owner was expected to keep a property in good repair. Mr. Jordan remarked that the City had the authority to tear down an unsafe property but the code did not allow the City to protect a resource from deterioration. Ms. Plummer said the workgroup was looking at this.

Ms. Smart said an owner should know what he/should do to preserve a property. Mr. Fajardo said there was some language in the proposed ordinance to try to resolve this issue. He acknowledged this was a difficult issue and the legal department must be involved. Ms. Smart discussed the Tiffany House property, which was supposed to be redeveloped, but which the owner had allowed to deteriorate severely while waiting for permits to be issued. Chair McClellan had suggested the Commission designate someone to act as liaison between the HPB and Code Enforcement to address these issues. Ms. Sarver acknowledged this was one of the big issues that would be addressed in this process. This would include a provision that the Chair of the HPB would be notified whenever an historic property went before the Unsafe Structures Board.

Ms. Sarver agreed to have someone send Ms. Smart an email explaining the status of the Tiffany House property.

Ms. McClellan wanted to determine how they could all work together to keep track of the progress of properties that were being repaired or redeveloped. Ms. Plummer suggested that whenever an historic property was cited for code violations the HPB should be notified. Mr. Jordan said when he was on the HPB; there was a representative from Code Enforcement in attendance to report on historic properties. Ms. Sarver agreed to respond to inquiries regarding particular properties. She stated when this part of the code was discussed; staff and representatives of the City Attorney's office would be present.

Mr. Fajardo distributed copies of the next code section the Board would discuss.

2. For the Good of the City

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None

3. Communication to the City Commission

None

Other items and announcements

None

There being no further business to come before the Board, the meeting was adjourned at 7:18 p.m.

Chairman,

Susan McClellan, Vice Chair

Attest:

ProtoType Inc, Recording Secretary

The City of Fort Lauderdale maintains a Website for the Historic Preservation Board Meeting Agendas and Results: <http://ci.ftlaud.fl.us/documents/hpb/hpbagenda.htm>

Minutes prepared by: J. Opperee, ProtoType Services