

ATTACHMENT E
Zoning and Land Development Regulations
Section 5.6 E & F, Certificate of Appropriateness

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<i>Site</i>	<i>Name</i>	<i>Address</i>
HPOS-11	Garfield Street Paddleball Courts	Bounded by Surf Rd. to the western fence of the Paddleball Courts and from Connecticut Street to Garfield Street
HPOS-12	Bryan House (4210 N. 58th Avenue)	4220 N. 58th Avenue
HPOS-13	Dunham's Grocery	2410 Taylor Street
HPOS-14	Coral Rock House	310 New York Street
HPOS-15	Southwinds Apartments	347,349,351 Madison Street
HPOS-16	Hollywood Beach Apartments	322 Monroe Street
HPOS-17		2461 Taylor Street
HPOS-18	United States Customs House	1700 Spangler Blvd.
HPOS-19	Weitzman House	1519 Harrison Street

c. Historic Multiple Property Resource Listing District (HMPROLD).

<i>Site</i>	<i>Name</i>	<i>Location</i>
HMPROLD - 1	Lakes Area Historic Multiple Resource Listing District	Properties south of Johnson St. west of the Intracoastal Waterway, north of Washington St. and east of S. 17th Avenue to Polk St. and then east of N. 14th Avenue to Johnson St.

8. Issuance of a Certificate of Appropriateness for projects in the Historic Districts and Sites shall be based on the Design Guidelines for Historic Properties and Districts adopted by the City Commission as amended from time to time.
 9. Historic Properties Database. Historic and Non-Historic Buildings in a locally designated historic district or site should all be listed in the city's database which may be revised from time to time. The database shall be maintained by the Department of Planning and Development Services.
- E. Certificate of Appropriateness for demolition, repair or new construction. A Certificate of Appropriateness issued under the authority of the Historic Preservation Board shall be required prior to the issuance of any permit for new construction, demolition, alteration, repair, signage or other physical modification or development affecting any property designated under the provisions of this section unless the permit applied for is exempted pursuant to § 5.6. B. 2. A Certificate to Dig shall be required prior to the initiation of any development involving the excavation or fill on a site or in a district designated as archaeologically significant pursuant to the provisions of this section. The procedure to obtain a Certificate to Dig, or to designate a site as archaeologically significant, shall be the same as indicated below for a Certificate of Appropriateness.

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1. Application.
 - a. An application for a Certificate of Appropriateness may be filed with the Board at the same time or in advance of the submission of an application for a building permit. The application must be approved by the Board prior to the issuance of a building permit.
 - b. All applications involving demolition, new building construction, additions to existing buildings, major renovation work or substantial alteration of a designated Historic Structure or Site shall be on a form provided by the Office of Planning and shall include such information as the Board may determine is needed to allow for complete evaluation of the proposed demolition, construction and other physical improvements, alterations or modifications including, but not limited to, the following:
 - (1) Written description of proposed action;
 - (2) Survey;
 - (3) Complete plot plan;
 - (4) Materials containing detailed data as to architectural elevations and plans showing proposed changes and existing conditions to be preserved;
 - (5) Preliminary plans showing new construction in cases of demolition;
 - (6) A financial feasibility study of the new project in cases of demolition and a feasibility study for an existing structure which addresses the possibility of substantially renovating or operating the existing Historic Structure. Consideration of parking needs and demands shall be addressed within the feasibility study, as well as alternative methods of providing parking. The study will also determine whether the retention of the building would deny the owner of all economically viable uses of the property.
 - (7) A request for a Certificate of Appropriateness for demolition shall include the following in addition to the above:
 - (a) The exact date and time demolition is to occur;
 - (b) A structural report on the building's condition, prepared by a licensed structural engineer, a survey, and detailed site plans and elevations

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showing the extent of the demolition. Photographs of all exterior elevations and architectural elevations shall also be included. The structural engineer shall also submit documentation demonstrating that liability insurance has been obtained in an amount which is equal to or exceeds the value of that portion of the building which will be retained;

- (c) An application for a partial demolition of the building shall include a determination from a licensed structural engineer that the structural integrity of the building, or portions thereof, will not be compromised by the demolition work. During the time demolition work is occurring, the owner shall have a licensed structural engineer on the property who shall insure that the work is proceeding in accordance with the approved building permit plans. It shall be the responsibility of the licensed structural engineer and property owner to ensure, during the time demolition work is occurring, that the structural integrity of that portion of the building which is to remain shall not be compromised;
- (d) The plans shall establish a "safe zone" so that no demolition work is permitted within a preset distance of that portion of the building to be preserved; and
- (e) In the event that the Building Official determines that the work is not proceeding according to the approved plans, or if he/she determines the demolition work will compromise that portion of the building which shall remain, then a stop work order shall be immediately issued.

2. Review procedure.

- a. All applications involving demolition, new building construction, additions to existing buildings, major renovation work or substantial alteration of a designated structure or site shall be placed on the agenda of the Historic Preservation Board for its review and consideration within 60 days after the date of receipt of a completed application accompanied by the required documentation.
- b. The Board shall approve, deny, approve with conditions or continue action on all applications for a Certificate of Appropriateness, except for a Certificate of Appropriateness for Demolition of Historic Structures, in which case the Board shall consider such requests pursuant to Section 5.6.F.4 herein. In any case, the Board shall act on an application within 60 days from the date of the receipt of a completed submission. Provided, however, that if specific revisions are requested by the Board, the Board may have an additional 30 days in which to render a decision. Upon the written approval of the applicant, or the applicant's oral consent stated at a Board hearing, and by motion of the Board, the review period may be extended beyond the maximum 90 days provided for herein.

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- c. A Certificate of Appropriateness for the Demolition of designated Historic Buildings, structures, improvements or Historic Sites, as listed in the Historic Properties Database, shall only be considered by the Board following a public hearing. Historic status shall be determined by the Board finding that the structure meets at least one of the review criteria for Historic Designation as set forth in Section 5.6.D.3.b. At least ten days prior to the public hearing date, a description of the request with the time and place of such hearing shall be posted on the property by the property owner, and notice shall be given by mail to the owners of record of land lying within 300 feet. The addresses for the property owners of record shall be obtained from the Broward County Property Appraiser's records. If the Historic Preservation Board determines the status of the property to be Non-Historic, no further action is required and a Certificate of Appropriateness for Demolition shall be issued.
- d. A building permit for the new construction must be issued prior to the issuance of a building permit for demolition.
- e. All applications for Certificates of Appropriateness involving exterior structural repairs and minor physical improvements or alterations (as may be more specifically defined by the Board in its By-Laws and Application Procedures) shall be reviewed by the Office of Planning Director or the Board. The Office of Planning Director shall approve, approve with conditions, or deny a Certificate of Appropriateness within 30 days from the date of receipt of a completed submission; the applicant may agree to an extension of this review time.
- f. In the case of a denial of an application by the Office of Planning Director, the applicant may request consideration of the completed application by the Historic Preservation Board which shall proceed to review the application in accordance with the procedures set forth in this subsection. The Board may concur, modify, or reverse the Office of Planning Director's decision.
- g. The approval of a Certificate of Appropriateness or a Certificate to Dig shall not excuse the applicant of responsibility to comply with all other zoning and building laws and regulations of the city, county and state, including the receipt of necessary zoning variances, site plan approvals, concurrency review and building permits.
- h. All work performed pursuant to the issuance of any Certificate of Appropriateness shall conform to the requirements of that certificate. The Chief Building Official is designated as the individual to assist the Board by making necessary inspections in connection with enforcement of this section and shall be empowered to issue a stop work order if performance is not in accordance with the issued certificate or this section. No work shall proceed as long as a stop work order continues in effect. Copies of inspection reports shall be furnished to the Historic Preservation Board and copies of any stop work orders both to the Historic Preservation Board and the applicant. The Chief Building Official shall be responsible for ensuring that any work not in accordance with an issued Certificate of Appropriateness shall be corrected to comply with the Certificate of Appropriateness prior to withdrawing the stop work order.

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- i. For the purpose of remedying emergency conditions determined to be dangerous to life, health or property, nothing contained herein shall prevent the making of any temporary construction, reconstruction or other repairs to a building or site pursuant to an order of a government agency or a court of competent jurisdiction. The owner of a building damaged by fire or natural calamity shall be permitted to stabilize the building immediately without City Commission approval, and to rehabilitate at a later date under the procedures as set forth in this section.

F. Decisions on Certificates of Appropriateness.

1. Certificate of Appropriateness of Design. A decision on an application for a Certificate of Appropriateness, by either the Board or the Director of the Department of Planning and Development services, for the design of new building construction, additions to an existing building, major renovation work or substantial alteration shall be based upon evaluation of the compatibility with the following criteria: integrity of location, design, setting, materials, workmanship and association.
 - a. The Director of the Department of Planning and Development Services is authorized to approve Certificates of Appropriateness for Design for the projects set forth below:
 1. Additions (attached or detached) that contain not more than 25% of the floor area of the primary building but not to exceed 25,000 sq. ft.
 2. Landscape projects, decks and patios that contain less than 10,000 sq. ft. in the aggregate.
 3. Construction, repair, or rehabilitation of new or existing nonstructural walls, fences, at-grade parking lots, signs, including change of copy, canopies, and awnings.
 4. Installation of any mechanical or plumbing equipment that is visible from the public right-of-way. This review is limited to methods of screening the equipment from public view.
 5. Any other construction, which in the discretion of the Director of the Department of Planning and Development Services is similar in size and impact as the work listed above.
 6. The Board is authorized to consider all other projects for Certificates of Appropriateness for Design not delineated in 1.a.1 through 5 above.
2. Where particular site conditions and restraints or unusual circumstances applicable to a particular applicant's structure exist and strict enforcement of the provisions of this section would result in an undue economic hardship to the applicant, the Board has jurisdiction to vary or modify the provisions in this section, including adherence to the adopted Design Guidelines for Historic Properties and Districts.

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3. An approved Certificate of Appropriateness for Design, together with any conditions or limitations imposed by the Board, shall be in written form and attached to the Site Plan and/or the schematics submitted as part of the permit applications. Copies of the Certificate shall be kept on file with the Department of Planning and Development Services and shall be transmitted to the Chief Building Official. The applicant shall receive a copy of the Certificate of Appropriateness. When a Certificate of Appropriateness for Design has been granted by either the Board, the Director of Planning and Development Services, or the City Commission based upon an appeal in accordance with the regulations set forth in this Article, such grant shall become null and void unless the appropriate building or other permit or license is applied for within 24 months of the date of such decision by the Board, the Director of the Department of Planning and Development Services, or, if applicable, the City Commission. However, an extension of up to 24 months may be granted in the same manner as the initial request, provided an application for such extension is filed prior to the expiration of the original approval, upon a showing that there has not been a significant change in the circumstances influencing the original approval. If an extension has been granted or other permit or license, or the extension has been denied, then the applicant's Certificate of Appropriateness for Design shall become null and void then the applicant will be required to re-apply for any and all approvals necessary.
4. Certificate of Appropriateness for Demolition.
 - a. Demolition of a historically designated building, structure, improvement or site may occur pursuant to an order of a government agency or a court of competent jurisdiction or, if granted, pursuant to an application by the owner for a Certificate of Appropriateness for the demolition of a designated historic building, structure, improvement or site.
 - b. Government agencies, having the authority to demolish unsafe structures, shall receive notice of historic designation of individual buildings, structures, improvements or sites, districts or archeological sites pursuant to this section. The Historic Preservation Board shall be deemed an interested party and shall be entitled to receive notice of any public hearings conducted by such government agency regarding demolition of historically designated structures or buildings. The Board may make recommendations and suggestions to the government agency and the owner(s) relative to the feasibility of and the public interest in preserving the historically designated structure or building.
 - c. A Certificate of Appropriateness for Demolition of designated Historic Buildings, structures, improvements or Historic Sites, as listed in the Historic Properties Database, shall only be considered by the Board following a public hearing. At least ten days notice prior to the public hearing date, a description of the petition request, with the time and place of such hearing, shall be posted on the property by the property owner and mail notice shall be given to all the owners of properties lying wholly or partly within 300 feet of the land subject to said petition. If the Board determines the status of the property is Non-Historic, no further action is required and a Certificate of Appropriateness for Demolition shall be issued. If the Board determines that the status of the property is Historic, a recommendation by the Board shall be forwarded to the City Commission. The Board's recommendation shall be based upon the evaluation criteria set forth in subsection e. below.

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- d. No permit for voluntary demolition of a historically designated building, structure, improvement or site shall be issued to the owner(s) thereof until an application for a Certificate of Appropriateness for Demolition has been submitted and approved pursuant to the procedures in this section. In determining its recommendation, the Historic Preservation Board shall be guided by the criteria set forth in subsection e. below.
- e. Evaluation criteria. The City Commission and the Board shall consider the following criteria in evaluating applications for a Certificate of Appropriateness for Demolition of buildings, structures, improvements or sites:
 - (1) The building, structure, improvement, or site is designated on either a national, state, or local level as an historic preservation district or an architectural landmark or site.
 - (2) The building, structure, improvement, or site is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.
 - (3) The building, structure, improvement, or site is one of the last remaining examples of its kind in the neighborhood, the county, or the region.
 - (4) The building, structure, improvement, or site contributes significantly to the historic character of a historically designated district.
 - (5) Retention of the building, structure, improvement, or site promotes the general welfare of the city by providing an opportunity for study of local history, architecture, and design or by developing an understanding of the importance and value of a particular culture and heritage.
 - (6) There are definite plans for reuse of the property if the proposed demolition is carried out, and those plans will adversely affect on the historic character of the Historic District.
 - (7) The Unsafe Structures Board has ordered the demolition of a structure or the feasibility study determines that the retention of the building would deny the owner of all economically viable uses of the property.
 - (8) The information listed in the Historic Properties Database (a listing of historic and non-historic properties) has been considered as a guideline in determining whether a Certification of Appropriateness for Demolition should be issued.
- f. City Commission decision for Certificates of Appropriateness for Demolition of a Historic Structure. After consideration of the Historic Preservation Board's recommendation, at a duly notice public hearing, the City Commission may grant, grant with conditions, continue, or deny an application for a Certificate of Appropriateness for Demolition of a Historic Structure, as provided in this section. The decision of the City Commission shall be based upon the criteria set forth in e. above. Should the City Commission grant a continuance for Demolition, the length of such continuance shall be determined and prescribed by the Commission based

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upon the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. The effective date of the stay shall be from the date of the Historic Preservation Board's public hearing.

- g. A building permit for the new construction must be issued prior to the issuance of a building permit for demolition.
 - h. If the proposed demolition is for the purpose of constructing a parking garage, the Board shall only consider it if the parking garage is designed in a manner that is consistent with the Design Guidelines for Historic Properties and Districts, as amended from time to time, and/or the Design Review Manual for that particular district. If the district in which the property is located lists retail uses as an allowable use then the ground floor shall contain such uses. Historic buildings shall not be permitted to be demolished if the intended use is for an at-grade parking lot.
 - i. Withdrawals or denial of applications for a Certificate of Appropriateness for Demolitions. Upon the withdrawal of an application after the initial public hearing by the applicant or the application is denied by the City Commission, a new application cannot be filed within 12 months of the date of the withdrawal or denial unless the decision of the City Commission is made without prejudice. The Historic Preservation Board and/or City Commission may permit withdrawals without prejudice at the time the application for such Certificate of Appropriateness is considered by the Board and/or City Commission.
 - j. The Historic Preservation Board may require from the applicant a marker on the property which provides the historic background of the structure to be demolished.
 - k. Fees. The amount of the application fee shall be set by resolution of the City Commission as that amount required to reimburse the city for all expenses associated with public notices and other administrative costs in connection with processing applications for a Certificate of Appropriateness for Demolition.
- ~~G. Historic Preservation Board and Development Review Board Joint Review of Projects. Historic Preservation Board and Development Review Board Joint Review of Projects shall only occur in accordance with Section 5.3I.3 of this Article.~~
- H. Maintenance of designated properties.
- ~~1. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure which does not involve a change of design, appearance or material, and which does not require a building permit, or Certificate of Appropriateness for Demolition.~~
 - ~~2. A building, structure, improvement or site that is the subject of an application for a Certificate of Appropriateness for Demolition shall not have its architectural features removed or destroyed prior to the Commission's decision. Owners of such property shall be required to maintain such properties in accordance with all applicable codes up to the time the Certificate of Appropriateness for Demolition is approved.~~