



Legislation Details (With Text)

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Type: Resolution **Status:** Withdrawn
File created: 10/18/2023 **In control:** Planning Division
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Title: A Resolution Of The City Commission Of The City Of Hollywood, Florida, Considering The Request For A Certificate Of Appropriateness For Demolition For A Single-Family Home Located At 1317 Harrison Street, Within The Lakes Area Historic Multiple Resource Listing District. (23-CM-53)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 2353_Resolution_2023_1115.pdf, 2. Chapter 553 Section 79 - 2023 Florida Statutes.pdf, 3. Attachment A_Application Package_23-CM-53.pdf, 4. Attachment B_Application Package_23-CM-54.pdf, 5. Attachment C_Aerial Map.pdf, 6. Attachment D_2353_CM_StaffReport_2023_0912.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|---------------------------------|----------|--------|
| 12/6/2023 | 1 | Regular City Commission Meeting | withdrew | |

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Considering The Request For A Certificate Of Appropriateness For Demolition For A Single-Family Home Located At 1317 Harrison Street, Within The Lakes Area Historic Multiple Resource Listing District. (23-CM-53)

Quality of Life & Strong Neighborhoods

Staff Recommends: Consideration of the attached Resolution.

Explanation:

The Division of Planning and Urban Design is requesting the withdrawal of this request by SF & GM Property LLC. for the property located at 1317 Harrison Street.

Upon further review of the Florida State Statute (FS), TITLE XXXIII, CHAPTER 553, SECTION 553.79 with regards to permits; applications; issuance and inspections it has been understood 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 his or her 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.*

The property noted above is in a special flood hazard area (flood zone AE and AH.)

Additionally, the property is not individually designated on the National Register of Historic Places nor is it individually designated by the City of Hollywood as a historic structure. Staff notes the subject property is within the Lakes Area Historic Multiple Resource Listing District.

Staff is further reviewing the case to determine if explicit evidence exist that will require a public hearing for demolition, otherwise the rights afforded by FS 553.79 will apply and no public hearing will be held with regards to the property owner's right to demolish the existing structure.

The item was noticed and heard at the September 12, 2023 Historic Preservation Board meeting and was subsequently advertised via posting/mailouts to properties within 500 feet of the subject site, for December 6th City Commission meeting agenda. Due to the fact that the item was advertised prior to the aforementioned Staff findings, this memorandum has been prepared to provide clarity to the public regarding the withdrawal of the item from the December 6th Commission agenda.

Florida State Statue (FS), TITLE XXXIII, CHAPTER 553, SECTION 553.79

(26)(a) 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 his or her 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 for the purpose of participating in the National Flood Insurance Program if the lowest finished floor elevation of such structure is at or below base flood elevation as established by the Florida Building Code or a higher base flood elevation as may be required by local ordinance, whichever is higher, provided that such permit otherwise complies with all applicable Florida Building Code, Florida Fire Prevention Code, and Life Safety Code requirements, or local amendments thereto.

(b) An application for a demolition permit sought under this subsection may only be reviewed administratively for compliance with the Florida Building Code, the Florida Fire Prevention Code, and the Life Safety Code, or local amendments thereto, and any regulations applicable to a similarly situated parcel. Applications may not be subject to any additional local land development regulations or public hearings. A local government may not penalize a private property owner for a demolition that is in compliance with the demolition permit.

(c) If a single-family residential structure is demolished pursuant to a demolition permit, a local government may not impose additional regulatory or building requirements on the new single-family residential structure constructed on the site of the demolished structure which would not otherwise be applicable to a similarly situated vacant parcel.

(d) This subsection does not apply to any of the following:

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.

Attachment A: September 12, 2023, Historic Preservation Board Application Package 23-CM-53

Attachment B: September 12, 2023, Historic Preservation Board Application Package 23-CM-54

Attachment C: September 12, 2023, Historic Preservation Board Aerial map

Attachment D: September 12, 2023, Historic Preservation Board Staff report

Fiscal Impact:

Consideration of this resolution will not fiscally impact the City as this is a proposal for a Certificate of Appropriateness for Demolition for a single-family home.

Recommended for inclusion on the agenda by:

Carmen Diaz, Planning Administrator

Anand Balram, Planning Manager

Andria Wingett, Director, Development Services

Gus Zambrano, Assistant City Manager for Sustainable Development