



Planning and Zoning Board
Jarvis Hall 4505 N. Ocean Drive 33308

Planning and Zoning Board

Planning and Zoning Board

Wednesday, June 2, 2021, 6:00 PM
Jarvis Hall 4505 N. Ocean Drive 33308

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. APPROVAL OF MINUTES

- 3.a. Meeting Minutes March 3rd, 2021
[PZ 2021 03.03.21 \(MAR\) Virtual.docx](#)

4. PUBLIC COMMENTS

5. TOWN PLANNER REPORT

- 5.a. Development Services Report
[Planning and Zoning Board Update 06.02.2021 - final .pdf](#)

6. NEW BUSINESS

- 6.a. Historic Preservation - County Changes to its Ordinance
[3IQ4437-Staff Memo Re Repeal of HP Regulations.pdf](#)
[Ex1 clg-guidelines.pdf](#)
[Ex 2-3IO2095-Repeal - HPB Ordinance \(002\).pdf](#)
[Ex 3-Additional Provisions - RE HP Repeal \(002\).pdf](#)

7. OLD BUSINESS

8. UPDATES/BOARD MEMBER COMMENTS

9. ADJOURNMENT

THE TOWN OF LAUDERDALE-BY-THE-SEA WILL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES NECESSARY TO AFFORD INDIVIDUALS AN EQUAL OPPORTUNITY TO PARTICIPATE IN MEETINGS OF THE TOWN COMMISSION. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE TOWN CLERK NO LATER THAN TWO (2) DAYS PRIOR TO THE MEETING AT (954) 640-4200 FOR ASSISTANCE.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE TOWN COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSES MAY NEED TO INSURE THAT A VERBATIM RECORDING OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PROCEDURES FOR PUBLIC COMMENTS:

Public Comments may address issues that are not on this meeting's agenda, but should relate to the business of the Town, and should not contain personal attacks. If your comment requires follow up, the Town Manager will have a staff person respond to your concerns, and will advise us of the outcome.

The Town Clerk will read off the names of those who have signed up to speak. When your name is called, please come to the podium, state your name for the record, and indicate whether you are a Town resident. Do not state your address. You have up to three minutes to make your comments, but there is no requirement to use the entire time. If you wish to address a particular Commissioner or member of Town Administration, please do so by use of their title.

If you wish to approach the Commission dais to hand out a document or for some other reason, please request permission and state your reason for doing so. All documents to be provided to the Commission should be handed to the Town Clerk for distribution.

These procedures have been developed to assure that the Town Commission meeting time is efficiently used, and that meetings are conducted in a polite and respectful manner. More information on the decorum rules for Town Commission meetings is available in Section 2-23 of the Town Code of Ordinances.

NON APPROVED
TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD VIRTUAL MEETING MINUTES
LIVE STREAMED FROM JARVIS HALL
CONDUCTED USING COMMUNICATIONS MEDIA TECHNOLOGY
Wednesday, March 3, 2021

1. CALL TO ORDER

Assistant Development Services Director Jhanelle Campbell called the Planning and Zoning (P&Z) Board meeting for the Town of Lauderdale-By-The-Sea (L-B-T-S), which was held through the software platform Zoom, to order at approximately 6:01PM.

ROLL CALL

Members present were David Chanon, Ron Piersante, Charles Wayne Dillistin, Christina Buerosse, Alan Bluestein, 1st Alternate Patricia Omana, and 2nd Alternate Karen Sylvester. There were no absentee members.

Also present was Chanae Wood an attorney from Weiss Serota, Assistant Development Services Director Jhanelle Campbell, and Planning Technician Sydney Ramirez.

The minutes were typed via the order of the agenda.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. APPROVAL OF MINUTES

a. Previous Planning & Zoning (P&Z) Meeting Minutes – January 6, 2021

Without objection, the Board unanimously approved the minutes of the January 6, 2021 meeting without any changes.

4. PUBLIC COMMENTS

After the election of the Board Chair and Vice Chair, newly elected Chair David Chanon was informed from Planning Technician Sydney Ramirez that there were no public comments submitted at this time. Assistant Development Services Director Jhanelle Campbell explained that there was an email address for the public to write their comments and/or requests for this meeting. As there were no members of the public who submitted any public comments or requests which were not specific to the items on the agenda, the Chair closed this portion of public comments.

5. NEW BUSINESS

a. Introduction of New Board Member
Election of Board Chair and Vice Chair

Assistant Development Services Director Campbell explained that Mr. Whyte resigned from the Board and that the new board member was Karen Sylvester who would be serving as the 2nd Alternate. Mr. Whyte was the Chair, so an election was in order. Ms. Campbell asked Vice Chair David Chanon to preside over the appointment of the Board Chair.

The floor was opened for nominations for the appointment of the Chair and Ms. Buerosse made a motion to nominate David Chanon as Chair. The motion was seconded by Mr. Bluestein. As no other nominations were forthcoming, nominations were closed. David Chanon was elected Chair by acclamation and through the unanimous desire of the board 5-0.

The floor was opened for nominations for the appointment of Vice Chair and Chair Chanon made a motion to nominate Christina Buerosse as Vice Chair. The motion was seconded by Mr. Bluestein. As no other nominations were forthcoming, nominations were closed. Christina Buerosse was elected Vice Chair by acclamation and through the unanimous desire of the board 5-0.

Chair David Chanon continued the meeting by going back to the order of the agenda and began with the approval of Minutes for January 6, 2021 and then onto public comments.

6. OLD BUSINESS N/A

7. UPDATES/BOARD MEMBER COMMENT

Jhanelle Campbell said that they would bring information regarding items that were brought up at the Commission Meetings that pertained to the Planning and Zoning Board. She welcomed Karen Sylvester again to the Board. In the coming months there would be items pertaining to updating the Comprehensive Plan and as of right now, there were no development applications.

8. ADJOURNMENT

Vice Chair Buerosse made a motion to adjourn at approximately 6:08PM. The motion was seconded by Mr. Piersante. The motion carried 5-0.

Chair David Chanon

ATTEST:

Date Accepted: _____

Assistant Development Services Director Jhanelle Campbell

LAUDERDALE•BY•THE•SEA

DEVELOPMENT SERVICES UPDATES

JUNE 2021

UPCOMING ORDINANCES

- **Chapter 4 – Dogs**

Currently, the Town's Code prohibits dogs from entering the Town's parks. This Ordinance will be presented to the Town Commission for consideration to determine if dogs should be allowed in the unfenced areas of the Town's parks.

- **RM-25 60 Foot lots**

At the April 13th Town Commission meeting, two people spoke during public comment asking for the Commission to consider changing the Town's regulations which prohibit short term tenancy in the RM-25 zoning district on lots less than 60' in width and west of Bougainville Drive.

Town staff researched this provision previously and could not determine the original intent of the legislation. Staff has found over the years, that the legislation is confusing, and it is not encouraging redevelopment of these older multi-family properties. Because it discourages rental properties in the zoning district that allows rentals, it instead encourages those persons to purchase in our single-family residential areas.

The interim Town Manager requested staff direction at the April 27th Town Commission meeting as to whether to move forward with an ordinance to amend the code. The Commission requested that staff draft an ordinance removing this prohibition. An Ordinance will be presented to the Planning and Zoning Board in the coming months to remove the prohibition language.

- **Downtown Workshop**

This workshop will be a discussion between the Town Commission and the downtown businesses regarding the current state of downtown.

Applications

- **4112 El Mar Drive (Administrative Adjustment and Conditional Use)**

- This application will be a conditional use request for construction of a single-family home in the RM-25 zoning district. The applicant will also be requesting an administrative adjustment for the required side setback.

- **Marina /230 Basin Drive**

- This application will be a Site Plan, Vacation of Easement, and Flex Unit allocation for to construct a new hotel with residential units.

- **Sky 230 (Gate)**

- This request is to install a security gate at Shore Court.

- **4412/4416 W. Tradewinds (Zoning Relief)**

- This request is to operate the residential component of a substance abuse and treatment facility at the subject address. The property previously operated in the same capacity but has changed ownership. The zoning relief previously obtained is not transferable hence the reason for the application.

Planning Projects in Progress

- **Updates to Comprehensive Plan**

The FY21 Development Services Budget was approved with \$40,000 specifically allocated for Comprehensive Plan updates. In FY21, the first phase of the Comprehensive Plan update will be completed. This phase includes updating data, deleting completed goals and policies, and updating the Town's support documents to ensure that they are reflective of the Town's current vision.

- **Paperless Initiative**

The FY21 Development Services Budget was approved with \$50,000 specifically allocated for permit scanning. The opening data for the proposals is June 1st, 2021 at 2:00 PM.

- **Website Updates**

Town Staff is currently reviewing the Town's website and adjusting increase the efficiency and usability of the site.

Town Updates

- Town Hall is officially open to the public.
- The next commission meeting will be on June 8th, 2021.
- Our next meeting is scheduled for July 7th, 2021.





Town of Lauderdale-by-the-Sea
Development Services Department

To: Planning and Zoning Board
From: Jhanelle Campbell, Acting Development Services Director
Date: May 28, 2021
Meeting Date: June 2, 2021
Project: Repeal of Town's Historic Preservation Regulations

Explanation: In 2014, Broward County (the "County") amended its historic preservation ordinance to be effective within all County municipalities that did not have an established historic preservation ordinance. Specifically, the County's ordinance did not require property owners' consent prior to historic designation of properties. In response to the County's ordinance and not wanting to relinquish its home rule authority, the Town Commission adopted Ordinance No. 2016-03, further codified as Chapter 30, Article VI "Historic Preservation" in the Town Code (the "Town Ordinance"), which establishes the Town's historic preservation regulations. The Town Ordinance authorizes the Town to designate historic properties (with owner consent) and review alteration and demolition requests for designated properties. However, to date, no applications have been received for review, pursuant to the Town's Ordinance.

On October 16, 2019, the County amended its historic preservation ordinance, again, to increase the requirements for municipalities, by requiring municipalities to either become Certified Local Governments (CLG) through the Florida Department of State, Division of Historical Resources by November 15, 2021, or be subject to the County's historic preservation ordinance.

Becoming a CLG is a large undertaking and requires the following actions (more detailed information is included in **(Exhibit 1)**):

1. The local government shall enforce appropriate state or local legislation for designation and protection of historic properties.
2. The local government shall establish a historic preservation review commission composed of professional and lay members and meet no fewer than four times a year.
3. The local government shall maintain a system for survey and inventory of historic properties.
4. Local governments shall provide for public participation in local historic preservation programs, including the process of recommending properties for nomination to the National Register.
5. Local governments shall satisfactorily perform the responsibilities listed above and also those that are delegated to them by the State Historic Preservation Officer.

Accordingly, becoming a CLG would require the Town to establish a Historic Preservation Board, budget for and allocate a portion of staff's time to staff the Board, and to create and maintain historic files. Currently, the Town's Planning and Zoning Board (PZB) serves in an advisory capacity to the Town Commission on matters relating to historic and archaeological preservation, as set forth in Section 30-24(a)(8) of the Town Code.

The Town Manager requested direction from the Commission regarding CLG status at its April 27, 2021 meeting. The Town Commission declined to pursue CLG status and instructed Staff to draft an ordinance to

repeal the Town Ordinance. Ordinance 2021-04 (**Exhibit 2**) accomplishes this request. To facilitate this change, additional Applicable Town Code Provisions (**Exhibit 3**) will need to be amended as well to remove references to historic preservation. Staff will incorporate these changes, prior to first reading of Ordinance 2021-04.

Recommendation: Staff recommends approval of Ordinance 2021-04

Attachments:

Ex.1 – Certified Local Government Guidelines

Ex.2 – Ordinance 2021-04

Ex.3 – Applicable Code Provisions that require amendment

FLORIDA CERTIFIED LOCAL GOVERNMENT GUIDELINES**INTRODUCTION**

Since its initial enactment by Congress in 1966, and through its subsequent amendment, the National Historic Preservation Act, as amended (16 U.S.C. 470, et. seq.) has established a program of identification, evaluation, and protection of historic and prehistoric properties based on the National Register of Historic Places. The act also has formalized roles for a decentralized historic preservation partnership that includes federal, state, tribal, and local governments. Part of the national program is carried out by the states, under the direction of the National Park Service of the Department of Interior. Participating states receive funding assistance in the form of annual grants from the federal Historic Preservation Fund to support their efforts. Funds are normally used to support the programs of the State Historic Preservation Office. A portion of these funds may be regranted in the form of subgrants for survey and planning and community education activities.

The National Historic Preservation Act, as amended (16 U.S.C. 470 et. seq.), also contains the legal basis for the federal-state-local preservation partnership commonly referred to as the Certified Local Government program. The Act directs the State Historic Preservation Officer and the Secretary of the Interior to establish procedures for the certification of local governments to participate in this partnership. This document contains Florida's procedures.

Under the Certified Local Government program, the State: 1) delegates certain limited responsibilities to those local governments that meet specific qualifications for certification, and 2) provides, from its annual Historic Preservation Fund apportionment, on a competitive basis, limited grant-in-aid funding to assist certified local governments in carrying out the responsibilities so delegated.

The purpose of these guidelines is to set forth: 1) the requirements and responsibilities of participation in the Certified Local Government program, and 2) the procedures for certification of local governments and for transfer of federal grant funds to participating Certified Local Governments.

FLORIDA CERTIFIED LOCAL GOVERNMENT GUIDELINES

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FLORIDA CERTIFIED LOCAL GOVERNMENT GUIDELINES

A. Definitions

1. **Appropriate Chief Elected Local Official:** the mayor, county executive, or otherwise titled administrative official who is the head of the local political jurisdiction, which is the Certified Local Government.
2. **Commission:** a board, council, commission, or other similar collegial body which is established in accordance with Section B.2. of these guidelines.
3. **Designation:** the identification and registration of properties for protection that meet criteria established by the State or the locality for significant historic and prehistoric resources within the jurisdiction of a local government. Designation includes the identification and registration of resources according to the State or local criteria which must be consistent with the Secretary of the Interior's Standards for Identification and Registration. Adoption of the National Register criteria is encouraged.
4. **Florida Master Site File:** the state's clearinghouse for information on archaeological sites and historic structures, and field surveys of such sites and structures. It is a system of several paper and computer files maintained by the Division of Historical Resources, Florida Department of State.
5. **Historic Preservation Fund:** the source from which monies are appropriated to fund the program of matching grants-in-aid to the states for historic preservation programs and projects, as authorized by Section 101(d)(1) of the National Historic Preservation Act, as amended.
6. **Local Government:** the city, county, township, municipality, or any other general purpose political subdivision in the state.
7. **National Register of Historic Places:** the national list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture, maintained by the Secretary of the Interior under authority of Section 101(a)(1)(A) of the National Historic Preservation Act, as amended.
8. **Protection:** the local review process under State or local law for proposed demolition or, changes to, or other action that may affect historic properties designated pursuant to a local government becoming a Certified Local Government. The CLG's local protection review process of the Act applies only to properties designated pursuant to State or local laws and procedures. This would not include properties listed on or determined eligible for the National Register of Historic Places unless such properties also were designated under the appropriate State or local process.
9. **State Historic Preservation Officer:** the official designated pursuant to s.267.031(7), Florida Statutes, to administer the state historic preservation program established for the purpose of carrying out the provisions of the National Historic Preservation Act of 1966, as amended.

B. Requirements

The following requirements are contained in 36 CFR Part 61, the implementing regulations for the National Historic Preservation Act, as amended (16 U.S.C. 470). Local governments desiring to become and remain Certified Local Governments must meet all of the following requirements:

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1. Enforce appropriate state or local legislation for designation and protection of historic properties. In the absence of state legislation, this requirement shall be met by the enactment of local legislation containing the following provisions:

- a) The purpose of the legislation shall be clearly stated and shall include authority for appointment of a Commission to be responsible for the designation and protection of historic properties.
- b) The legislation must clearly define criteria and a process the same as or substantially the same as that identified in the National Historic Preservation Act of 1966, (U.S.C. 470 et. seq.), as amended, for the designation of historic properties. The legislation shall state that boundaries for any historic districts or individual properties identified in or by the mechanisms contained in the legislation must be clearly established.
- c) The legislation shall provide for the authority for and the establishment of a process for the review and rendering of a decision upon all proposed alterations, relocations, demolitions or new construction within the boundaries of historic districts established under the legislation or which may directly affect historic properties designated under the legislation. This authority shall include provisions for delay of demolition but not for the indefinite stay of a demolition.
- d) The criteria for the review of proposals for alterations, relocations, demolitions and new construction shall be clearly set forth in the legislation and, in the case of alterations, shall achieve the purposes of the *Secretary of the Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*.
- e) The legislation shall include provisions for enforcing decisions, including penalties for non-compliance. A right of and mechanism for appeal must exist in the legislation.
- f) Specific time frames for reviews and for consideration of alternatives should be identified.
- g) Provisions for public and owner notification and public hearings for designation and project reviews shall be established, per B.4., below.

2. The local government shall establish a historic preservation review commission (Commission) composed of professional and lay members in accordance with paragraph B.2.c., below.

- a) Each Certified Local Government shall have a Commission with a minimum of five (5) members, whose area of geographic responsibility is coterminous with the boundaries of its local jurisdiction. For communities with a population less than 10,000, the minimum number of members may be reduced but shall not be less than three (3) members. All commission members must have a demonstrated interest in historic preservation.
- b) Appointments shall be made by the appropriate local official of the jurisdiction concerned.
- c) To the extent available in the community, the local government shall appoint professional members from the disciplines of architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines to the extent such professionals are available in the community concerned (see Appendix A, Professional Qualifications Standards). The Professional Qualifications Standards in Appendix A are no more stringent than the standards for membership on the National Register Review Board. Lay persons who have demonstrated special interest, experience, or knowledge in

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history, architecture, or related disciplines shall make up the balance of Commission membership as provided for in Section B.2.e. in the event that there are not enough professionals in the community.

- d) Commission members should be residents of the jurisdiction for which they serve.
- e) Local governments shall be certified without the minimum number or types of disciplines represented on the Commission if they can demonstrate to the State Historic Preservation Officer that they have made a reasonable effort to fill those positions. Reasonable effort means that the local government has documented that (a) professionals in the required disciplines do not reside nor are property or business owners in the jurisdiction, or (b) local professionals are not willing to serve on the Commission, and (c) in the case of a Commission with fewer than the minimum numbers of members established in B.2.a., that no other lay persons meeting the requirements of B.2.c. are available to serve.
- f) The terms of office of Commission members shall be uniform and staggered, and of at least two but not more than five years' duration (except as provided on the initiation of a Commission). There is not necessarily a limit on the number of consecutive terms which may be served.
- g) Vacancies, including expired terms, shall be filled within 60 calendar days by the appropriate local official. An extension of up to an additional 60 calendar days shall be granted by the State Historic Preservation Officer upon receipt of a written request from the appropriate local official for such extension.
- h) Commission meetings shall be held as often as is necessary to complete commission work in a timely fashion, but no less than four meetings shall be held each year and minutes of each meeting shall be kept.
- i) Each Commission member should make a reasonable effort to attend State Historic Preservation Office training programs.
- j) The Commission shall review alterations, relocations, demolitions and new construction or other activities that may affect locally designated properties. The Commission shall review proposed National Register nominations within its jurisdiction. When a discipline is not represented in the Commission membership, the Commission shall seek expertise in this area when considering National Register nomination proposals and other actions that may impact properties which are normally evaluated by a professional in such discipline before rendering a decision. This can be accomplished through consulting (e.g., universities, private preservation organizations, or regional planning commissions) or by other means that the State Historic Preservation Officer determines appropriate.
- k) The legislation shall contain specific time limits within which the Commission shall act.
- l) The Commission shall have staff sufficient to undertake the requirements for certification and carry out the duties and responsibilities delegated to the Certified Local Government.
- m) The Commission shall adopt Rules of Procedure for use in all transactions involving the public.
- n) All Commission responsibilities must be complimentary to and carried out in accordance with the responsibilities of the State Historic Preservation Officer as described in 36 CFR 61.6, incorporated by reference.

- 3. The local government shall maintain a system for survey and inventory of historic properties.**
The term "historic property" or "historic resource" means any prehistoric or historic district,

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site, building, structure, or object included in, or eligible for inclusion on the National Register, including artifacts, records, and material remains related to such a property or resource.

- a) The Certified Local Government shall initiate and continue an approved process to identify historic properties within the jurisdiction.
- b) A detailed inventory of the designated districts, sites, and structures within the jurisdiction of local government must be maintained. The local inventory system shall be developed in consultation with the Florida Master Site File to ensure that the data produced can be integrated into the statewide comprehensive historic preservation planning process, and should include at a minimum a completed Florida Master Site File form with an assigned Florida Master Site File number. This documentation also applies to the CLG Inventory. The address for the Florida Master Site File is: Florida Master Site File, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250.
- c) All inventory material shall be kept: 1) safe, secure, and in an accessible location, 2) current, and 3) regularly provided to the State Historic Preservation Officer for incorporation into the Florida Master Site File.
- d) All inventory material shall be considered as public records and shall be available for public inspection per s.119.07, Florida Statutes, except as provided for in Section 304 of the National Historic Preservation Act of 1966, as amended (16 USC 470).
- e) Commission members shall be encouraged to participate in the survey process and in preservation planning carried out by the Certified Local Government.

4. Local governments shall provide for public participation in local historic preservation programs, including the process of recommending properties for nomination to the National Register.

- a) All Commission meetings shall be publicly announced, open to the public and have a previously advertised agenda. Commission meetings shall be held as often as is necessary to complete commission work in a timely fashion, but not less than four meetings shall be held each year.
- b) Minutes of all actions of the Commission including reasons for making decisions, must be kept on file and available for public inspection, per s.286.011 Florida Statutes.
- c) All decisions by the Commission shall be made in a public forum, and applicants shall be given written notification of decisions of the Commission.
- d) Rules of Procedure adopted by the Commission shall be available for public inspection, per s.119.07, Florida Statutes.
- e) Appropriate local officials, owners of record, and applicants shall be notified of proposed Commission actions concerning a proposed nomination to the National Register of Historic Places according to requirements found in 36 CFR Part 60, incorporated by reference. Objections by owners of properties proposed for nomination must be notarized.

5. Local governments shall satisfactorily perform the responsibilities listed in B.1. through B.4., above, and those specifically delegated to them by the State Historic Preservation Officer.

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C. Procedures

1. Certification of Local Governments in Florida

- a) The appropriate local official shall request certification from the State Historic Preservation Officer. The request for certification shall include:
 - 1. A written assurance by the appropriate official that the local government will fulfill all the requirements for certification. Requirements for certification include: enforcement of appropriate state or local legislation for designation and protection of historic properties, per B.1., above; establishment of a historic preservation review commission (Commission) composed of professional and lay members, per B.2., above; maintenance of a system for survey and inventory of historic properties, per B.3., above; provision for public participation in local historic preservation programs, including the process of recommending properties for nomination to the National Register, per B.4. above; and satisfactory performance of any additional responsibilities delegated to all Certified Local Governments in the state, and any other delegated responsibilities.
 - 2. A copy of the local legislation, per B.1., above.
 - 3. A map of the local government jurisdiction with any and all existing designated historic districts and individual historic properties clearly identified. Inclusion of these properties within the jurisdiction of the Certified Local Government shall be clearly demonstrated. This map shall be updated regularly through the incorporation of additions and deletions of districts and individual properties, and alterations of historic district boundaries.
 - 4. A copy of the Commission's Rules of Procedure.
 - 5. Resumes for each member of the Commission including, where appropriate, credentials or member expertise in fields related to historic preservation, per B.2.c., above, and Appendix A, below.
 - 6. Resumes for staff members, if there is professional staff.
- b) The State Historic Preservation Officer shall respond to the appropriate local official within 45 calendar days after receipt of an adequately documented written request for certification. The State Historic Preservation Officer will review the request and certify by letter of certification if the government fulfills the requirements. The State Historic Preservation Officer will prepare a written certification agreement which lists the specific responsibilities of the local government when certified. The written request, letter of certification and signed certification agreement by the State Historic Preservation Officer and the chief elected local official as well as a signed review checklist by the state shall be forwarded to the Secretary of the Interior by the State Historic Preservation Officer. If the Secretary of the Interior does not object within 15 working days after receipt, the State Historic Preservation Officer's certification of the local government to participate in the national historic preservation program shall be effective the date signed by the National Park Service.
- c) The State Historic Preservation Officer shall respond to the appropriate local official within 45 working days after receipt of a documented written request which is inadequate. The State Historic Preservation Officer shall indicate how inadequacies can be corrected in this notification.

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- d) Amendments to the delegation of responsibilities provided in the certification agreement shall be initiated by mutual agreement of the State Historic Preservation Officer and the local government. The amendment shall be prepared by the State Historic Preservation Officer and submitted to the Secretary of the Interior. If the Secretary of the Interior does not object within 15 working days after receipt, the amendment to the certification agreement shall be effective.
- e) The local government may appeal a denial of certification by the State Historic Preservation Officer to the Secretary of Interior.

2. Monitoring Certified Local Governments/Process for Decertification/Local Government Appeal.

- a) Once a local government is certified, it remains certified without further action unless officially decertified.
- b) The State Historic Preservation Office shall conduct periodic reviews and monitoring of Certified Local Governments to assure that each government is meeting the requirements for certification. Reviews shall be conducted at least once every four years, but may be conducted more frequently at the discretion of the State Historic Preservation Officer if deemed appropriate. Reviews shall be preceded by notice of at least 30 days.
- c) The Certified Local Government will supply at least 30 calendar days' advance notice of Commission meetings to the State Historic Preservation, Officer.
- d) A Certified Local Government is responsible for providing the State Historic Preservation Officer with particular information at frequent intervals. In addition to advance notice of meetings, Certified Local Governments shall submit the minutes of each Commission meeting, attendance at Commission meetings, and appointments to the Commission within 30 days after such actions. The Certified Local Government shall also inform the State Historic Preservation Officer about any new historic designations or alterations of existing designations immediately. Proposed amendments of the local historic preservation ordinance shall be submitted to the State Historic Preservation Officer for review and comment at least 30 days prior to the date scheduled for adoption.
- e) The Certified Local Government shall submit an annual report and other documents as necessary to the State Historic Preservation Officer. The annual report shall include any amendments to the local historic preservation ordinance, changes in Rules of Procedure, a summary of Commission activities including but not limited to the number of proposals reviewed, new designations, revised resumes, appointments to the Commission, a review of survey and inventory activity with a description of the system used, as well as a progress report on grant-assisted activities. The annual report is due by November 1 and shall cover the previous October 1 - September 30 year. It will be reviewed by the State Historic Preservation Officer within 30 calendar days after receipt.
- f) The State Historic Preservation Officer shall review expenditures of funds allocated as historic preservation grants-in-aid pursuant to C.3., Transfer of Funds, below.
- g) Review of the historic preservation grants-in-aid expenditures, as well as review of the annual report, shall form the basis of the State Historic Preservation Officer's evaluation of the Certified Local Government.

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- h) If the State Historic Preservation Officer's evaluation of a Certified Local Government indicates inadequate performance, that assessment will be documented, and ways to improve performance to acceptable levels shall be delineated by the State Historic Preservation Officer. The Certified Local Government shall have a sufficient period of usually not less than 30 nor more than 180 days to implement the improvements. If, at the end of this period, the State Historic Preservation Officer determines that sufficient improvement has not occurred, the State Historic Preservation Officer will recommend decertification of the local government to the Secretary of the Interior, citing specific reasons for the recommendation.
- i) Local governments may petition the State Historic Preservation Officer to be decertified voluntarily and without prejudice
- j) Grounds for investigations of decertification shall include revocation of the local ordinance, failure to comply with provisions incorporated into the local ordinance, failure to maintain a Commission, failure to maintain a survey and identification program, failure to provide for adequate public participation in the local historic preservation program, and failure to keep the State Historic Preservation Officer informed about Certified Local Government activities and actions.
- k) The local government may appeal a decertification decision of the State Historic Preservation Officer to the Secretary of the Interior. Upon decertification, the State Historic Preservation Officer shall conduct financial assistance closeout procedures as specified in The Historic Preservation Fund Grants Manual.

3. Transfer of Funds.

- a) Each Certified Local Government is eligible to request a portion of funds reserved from Florida's annual Historic Preservation Fund grant apportionment on a competitive basis. Selection criteria for such competition will be announced at least two months prior to the grant selection meeting.
 - 1. At least ten percent of Florida's annual Historic Preservation Fund Grant will be reserved for certified local governments.
 - 2. Any year in which the annual Historic Preservation Fund state grant appropriation for all states exceeds \$65,000,000, one half of the excess shall also be transferred to Certified Local Governments according to procedures to be provided by the Secretary of the Interior.
 - 3. There is no guarantee that Certified Local Governments will receive Historic Preservation Funds if they apply for such funds. Further, receipt of historic preservation regrant funding from the Florida State Historic Preservation Office is not assurance that funds will be available the following year or that a Certified Local Government will receive grant funding the following year.
- b) Each Certified Local Government which makes application for funds from Florida's annual Historic Preservation Fund apportionment is required by the Secretary of the Interior to:
 - 1. Maintain adequate financial management systems. Local financial management systems shall be in accordance with the standards specified in OMB Circular A-87, "Cost Principles Applicable to Grants and Contracts with State and Local Governments." Local financial management systems shall be

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auditable in accordance with OMB Circular A-133. Local financial management systems will be periodically evaluated by the State Historic Preservation Officer.

2. Adhere to all requirements of the Historic Preservation Fund Grants Manual.
 3. Adhere to any requirements mandated by Congress regarding the use of such funds. The State Historic Preservation Officer will advise Certified Local Governments of such requirements and will include a summary of such information in the materials made available to Certified Local Governments making application for funds, per C.3.c., below.
- c) The requirements listed in C.3.b., above, shall be used by the State as minimum requirements for local governments receiving Historic Preservation Funds; they also shall be included in the State's required written grant agreement with the local government.
- d) Certified Local Governments shall make applications for funds described in Federal Requirements and in C.3.a., above, on the time schedule and using the procedures identified in Chapter 1A-35, Florida Administrative Code, Rules of the Department of State, Historic Preservation Grants-in-Aid (See Appendix B). As applicants for shares of the reserved portion of Florida's Historic Preservation Fund annual apportionment, Certified Local Governments will follow procedures for applying for federal funds identified in Federal Requirements and in Subsection 1A-35.007, Florida Administrative Code. Certified Local Governments which are awarded funds under these rules and during other special application periods allowed for under the rules will be considered subgrantees of the Florida State Historic Preservation Office.
- e) Funds made available to Certified Local Governments from the reserved portion of Florida's annual Historic Preservation Fund apportionment shall be awarded on a competitive basis, per C.3.d., above, for historic preservation survey and planning, and community education activities. When evaluating Certified Local Government grant applications, the State shall:
1. Provide that the amount awarded any applicant must be sufficient to produce a specific impact.
 2. Ensure that the funds awarded will be sufficient to generate effects directly as a result of the funds transfer.
 3. Note that requirements for tangible results may not be waived even if there are many otherwise eligible applicants for the amount set aside for the Certified Local Governments share.
 4. Ensure that no Certified Local Government will receive a disproportionate share of the allocation.
- f) Submission of an application for a portion of Florida's annual Historic Preservation Fund apportionment, whether successful or not, shall not preclude or in any manner disqualify the Certified Local Government making such application from consideration for other state grant or federal regrant funds available under the terms of Chapter 1A-35, Florida Administrative Code, referenced in C.3.d., above.
- g) Historic Preservation regrant funding cannot be matched by other Federal Program grants, with the exception of Community Development Block Grant funds, as specified in Section 105(a)(9) of the Housing and Community Development Act of 1974, P.L. 93-388. Historic Preservation Fund regrants to Certified Local Governments

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must be used for activities which further the goals of identification, evaluation, protection, and preservation of cultural resources.

- h) Use of Historic Preservation regrant funding will be subject to all existing restrictions imposed by the Historic Preservation Fund Grants Manual. In accordance with the requirements of the manual, indirect costs may be charged as part of the Certified Local Government grant only if the Certified Local Government subgrantee meets the requirements of the Manual and has a current indirect cost rate approved by the cognizant Federal agency. Otherwise, only direct costs may be charged.

4. Certified Local Government Participation in the Florida National Register of Historic Places Nomination Process.

- a) The Commission complements the Florida National Register Review Board in the review of proposed nominations to the National Register. Sponsors of National Register nomination proposals located in areas served by a Certified Local Government shall have their proposals reviewed at the local level. Proposals for properties in areas not served by a Certified Local Government shall be reviewed by the Florida National Register Review Board. Nomination proposals submitted to the State Historic Preservation Officer for consideration by the Florida National Register Review Board will be reviewed to ascertain if they are located in an area served by a Certified Local Government. If a Certified Local Government serves the area, the State Historic Preservation Officer shall forward the nomination proposal to the local Commission.
- b) The local Commission will develop or receive the documentation necessary to nominate properties to the National Register. The Commission shall evaluate nomination proposals received for completeness in a timely manner. Should the nomination proposal not be technically complete, the Commission shall notify the proposal's sponsor in writing, identifying the technical deficiencies, within 30 days after receipt of the nomination proposal. If the nomination proposal is technically complete, the Commission shall place the item on its agenda for the next meeting or, should notification provisions outlined in C.4.c., below, make this impossible, for the earliest possible regular meeting.
- c) The Commission shall notify the following of its intention to consider a nomination proposal. In all cases, such notification shall occur at least 30 days but not more than 75 days prior to the Commission meeting at which the nomination proposal will be considered.
 - 1. Owner(s) of record of the property. The list of owners shall be obtained from official tax records. Where there is more than one owner on the list, each separate owner shall be notified.
 - 2. Appropriate local official(s). In the case of a Commission whose area of jurisdiction is a county, these will be the Chairman of the Board of County Commissioners and such other contact persons as may be designated, and the appropriate local official of a municipality if the property to be considered is located within municipal boundaries. In the case of a Commission whose area of jurisdiction is a municipality, this will include the appropriate municipal official(s) and the Chairman of the Board of County Commissioners. Within 30 days after receipt of the nomination proposal, the appropriate local official(s) shall submit in writing to

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the Commission a recommendation as to whether or not the property shall be nominated to the National Register.

3. State Historic Preservation Officer.

- d) Nomination proposals shall be considered by the Commission at a public meeting, and all votes on nomination proposals shall be recorded and made a part of the permanent record of the Commission meeting. All nomination proposals shall be forwarded, with a record of official action taken by the Commission and the recommendation of the appropriate local official(s), to the State Historic Preservation Officer within 30 days after the Commission meeting at which they were considered. If either the Commission or appropriate local official(s) or both support the nomination, the State Historic Preservation Officer shall schedule the nomination proposal for consideration by the Florida National Register Review Board as part of the normal course of business at the next regular meeting. The consideration of the nomination will be handled pursuant to Section 101(a) of the National Historic Preservation Act (and 36 CFR 60).
- e) If both the Certified Local Government Commission and appropriate local official(s) recommend that a property not be nominated to the National Register, the State Historic Preservation Officer shall take no farther action on the nomination proposal unless an appeal is filed within 30 calendar days with the State Historic Preservation Officer. Any reports and recommendations that result from such a situation shall be included with any nomination proposal submitted by the State Historic Preservation Officer to the Secretary of the Interior.
- f) Any person or organization which supports or opposes the nomination of a property to the National Register shall be afforded the opportunity to make its views known in writing. All such correspondence regarding a nomination proposal shall become part of the permanent record concerning that proposal and shall be forwarded with approved proposals to the State Historic Preservation Officer. In the case of disapproved nomination proposals, letters of support or comment shall be made a part of the permanent record concerning that proposal, and a list of such letters shall accompany the official copy of the disapproved nomination proposal when it is forwarded to the State Historic Preservation Officer, per C.4. above
- g) Nomination proposals to be considered by the Commission shall be on file at Commission headquarters for at least 30 days but not more than 75 days prior to the Commission meeting at which they will be considered. A copy shall be made available by mail when requested by the public and shall be made available at a location of reasonable local public access, such as a local library, courthouse, or other public place so that written comments regarding a nomination proposal can be prepared.
- h) Appeals. Any person may appeal the decisions of a local Commission. Appeals shall be directed to the State Historic Preservation Officer in writing within 30 calendar days of the State Historic Preservation Officer's receipt of the written decision of the Commission. Nominations or proposals which have been appealed shall be considered by the Florida National Register Review Board as part of the normal course of business at its next regular meeting. If the opinion of the Florida National Register Review Board is that the property or properties is or are significant and merit nomination to the National Register, the State Historic Preservation Officer shall notify the Commission, within 30 days after the National Register Review Board meeting, of

FLORIDA CERTIFIED LOCAL GOVERNMENT GUIDELINES

its intent to forward the nomination to the National Register with a recommendation that the property or properties be listed. The State Historic Preservation Officer reserves the right, as in the case of any nomination proposal from a source other than a Certified Local Government, to edit or revise the nomination proposal or request that the sponsor make necessary revision prior to forwarding the proposal to the National Register. Other appeal procedures promulgated by the National Park Service, Department of the Interior, pertaining to local or state actions shall be followed by Certified Local Governments and by the State Historic Preservation Officer. Decisions of the State Historic Preservation Officer may be appealed to the National Park Service in accordance with the procedures in 36 CFR 60.12.

- i) Certified Local Government review and notification procedures do not apply when a Federal agency nominates a property under its ownership or control. Certified Local Governments are encouraged to coordinate with Federal agencies to the extent practical, however, in the consideration of such nominations. [36 CFR (c) (d) provide regulatory guidance regarding Federal reviews and comment periods.]

ORDINANCE 2021-04

1 **AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-**
2 **THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED**
3 **LAND DEVELOPMENT REGULATIONS,” ARTICLE VI**
4 **“HISTORIC PRESERVATION” TO REPEAL**
5 **REGULATIONS RELATED TO HISTORIC**
6 **PRESERVATION; PROVIDING FOR CODIFICATION;**
7 **PROVIDING FOR SEVERABILITY; PROVIDING FOR**
8 **CONFLICTS; AND PROVIDING FOR AN EFFECTIVE**
9 **DATE**
10

11 **WHEREAS**, the Town of Lauderdale By-The-Sea (the “Town”) Commission recognizes
12 that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that
13 the Town’s regulations are current and consistent with the Town’s planning and regulatory needs;
14 and

15 **WHEREAS**, Broward County (the “County”) has adopted a Historic Preservation
16 Ordinance to protect, enhance and maintain historic resources and archaeological sites within the
17 County; and

18 **WHEREAS**, the County amended its historic preservation ordinance to increase the
19 requirements for municipalities, by requiring municipalities to either become Certified Local
20 Governments (CLG) through the Florida Department of State, Division of Historical Resources by
21 November 15, 2021, or be subject to the County’s historic preservation ordinance; and

22 **WHEREAS**, the Town Commission at a duly noticed public hearing on April 27, 2021
23 elected to repeal the Town’s historic preservation regulations and declined pursuit of Certified
24 Local Government status; and

25 **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has
26 reviewed the contents of this Ordinance at a duly noticed public hearing on June 2, 2021, and
27 recommended the amendments be approved; and

ORDINANCE 2021-04

28 **WHEREAS**, the Town Commission conducted first and second reading of this Ordinance at
29 duly noticed public hearings, as required by law, and after having received input from and
30 participation by interested members of the public and staff, the Town Commission has determined
31 that this Ordinance is consistent with the Town’s Comprehensive Plan and in the best interest of the
32 Town, its residents, and its visitors.

33 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN**
34 **OF LAUDERDALE-BY-THE-SEA, FLORIDA, THAT:**

35 **SECTION 1. Recitals.** The preceding “Whereas” clauses are ratified and incorporated as
36 the legislative intent of this Ordinance.

37 **SECTION 2. Repealed.** That Chapter 30 “Unified Land Development Regulations,”
38 Article VI “Historic Preservation,” attached hereto as Exhibit “A” is hereby repealed:¹

39 **SECTION 3. Codification.** This Ordinance shall be codified in accordance with the
40 foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall
41 become and be made a part of the Town of Lauderdale-By-The-Sea Code of Ordinances; and that
42 the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be
43 changed to “section,” “article” or such other appropriate word or phrase in order to accomplish
44 such intentions.

45 **SECTION 4. Severability.** If any section, sentence, clause, or phrase of this Ordinance is
46 held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding
47 shall in no way affect the validity of the remaining portions of this Ordinance.

48 **SECTION 5. Conflicting Ordinances.** All prior ordinances or resolutions, or parts thereof,
49 in conflict herewith are hereby repealed to the extent of said conflict.

¹ Additions to existing text are shown in underline. Deletions are shown in ~~strike through~~.

ORDINANCE 2021-04

SECTION 6. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage on second reading.

Passed on the first reading, this ____ day of _____, 2021.

Passed and adopted on the second reading, this ____ day of _____, 2021.

MAYOR CHRIS VINCENT

	First Reading	Second Reading
Mayor Vincent	_____	_____
Vice-Mayor Oldaker	_____	_____
Commissioner Sokolow	_____	_____
Commissioner Strauss	_____	_____
Commissioner Malkoon	_____	_____

ATTEST:

Tedra Allen, Town Clerk

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney

ORDINANCE 2021-04

Chapter 30 - UNIFIED LAND DEVELOPMENT REGULATIONS

~~ARTICLE VI. — HISTORIC PRESERVATION~~~~Sec. 30-441. In general.~~

~~(a) Purpose and intent.~~ The purpose and intent of this article is to implement goals, objectives and policies in the Lauderdale-By-The-Sea Comprehensive Plan by identifying, evaluating, preserving and protecting historic resources as defined herein, and to promote the health and cultural, moral, economic, educational, aesthetic and general welfare of the public by:

~~(1) Causing the protection, enhancement, and perpetuation of structures, improvements, landscape features, and historic resources that represent distinctive elements of the Town's historical, cultural, archaeological, aesthetic, and architectural heritage;~~

~~(2) Safeguarding the Town's historical, cultural, archaeological, and architectural heritage, while allowing the reasonable and productive use of such resources;~~

~~(3) Promoting the use of historic resources for the education, pleasure, and economic welfare of the citizens of Lauderdale-By-The-Sea;~~

~~(4) Enhancing the Town's attraction to visitors and the ensuing positive impact on the economy as a result of historic and archaeological preservation activities;~~

~~(5) Promoting the sensitive use of historic resources for the education, pleasure and welfare of the people of Lauderdale-By-The-Sea; and~~

~~(6) Protecting designated historic resources by requiring the issuance of a COA before allowing alterations to those resources.~~

~~(b) Applicability.~~ The terms and provisions of this article apply to all real property within the Town.

~~(Ord. No. 2016-03, § 5, 7-26-2016)~~

~~Sec. 30-442. Designation of historic properties, historic districts and archaeological sites.~~

~~(a) Authorized.~~ The Town Commission may, upon considering the recommendation of the Planning and Zoning Board, designate a property(ies) by resolution as an:

~~(1) Individual historic property,~~

~~(2) Historic district, or~~

~~(3) Archaeological site.~~

~~(b) Applicant requirement.~~

~~(1) The consideration of a historic property, archaeological site, or a historic district shall be initiated by the filing of an application for designation by the property owner or the Town Commission.~~

~~(2) The Town shall not accept a private application without written consent of:~~

-
- 132 a. ~~All applicable property owners for an individual historic property designation;~~
133 ~~or~~
- 134 b. ~~The property owners of a minimum of 51 percent of the properties within the~~
135 ~~proposed historic district boundaries.~~
- 136 (c) ~~Application requirements.~~ In addition to the application requirements set forth in section 30-
137 112, the application for historic designation shall include:
- 138 (1) ~~Individual historic property or archaeological designation:~~
- 139 a. ~~A written description of the architectural, historical or archeological significance~~
140 ~~of the proposed historic property, archaeological site or contributing structure in~~
141 ~~a proposed historic district which specifically addresses and documents the~~
142 ~~criteria for designation of a property as set forth in subsection (d) below;~~
- 143 b. ~~Date of construction of the structures on the property and the names of former~~
144 ~~owners;~~
- 145 c. ~~Historic information, including but not limited to, the original architect or~~
146 ~~builder, if available;~~
- 147 d. ~~Photographic documentation of individual site and structure recommended for~~
148 ~~designation;~~
- 149 e. ~~Legal description and map of the property to be designated as a historic property,~~
150 ~~archaeological site or historic district;~~
- 151 f. ~~A copy of the property's Florida site file form, if applicable;~~
- 152 g. ~~A letter of consent from all property owners of any property proposed for~~
153 ~~individual designation; and~~
- 154 h. ~~Any additional information requested by the DSD.~~
- 155 (2) ~~Historic district designation:~~
- 156 a. ~~The requirements of subsection (1)a. — f. above;~~
- 157 b. ~~A letter of consent from the property owners of a minimum of 51 percent of the~~
158 ~~properties within the proposed historic district boundaries;~~
- 159 c. ~~A written description of the boundaries of the district;~~
- 160 d. ~~A list of the properties that are considered contributing to the historic district (at~~
161 ~~least 50 percent of the structures shall be at least 50 years old); and~~
- 162 e. ~~A map highlighting the contributing properties and the boundaries of the~~
163 ~~proposed district.~~
- 164 (d) ~~Criteria for designation.~~ The evaluation of the designation of property(ies) as an individual
165 historic property, an archaeological site or a historic district shall be based upon a finding that
166 the property(ies) meet one or more of the following criteria:
- 167 Whether the structure, property, site, or district is:

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- 168 (1) ~~A significant reminder of the cultural or archeological heritage of the Town, State or~~
169 ~~nation;~~
- 170 (2) ~~A site of a significant local, State or national event;~~
- 171 (3) ~~Identified with a person who significantly contributed to the development of the~~
172 ~~Town, State or nation;~~
- 173 (4) ~~Identified as the work of a master builder, designer or architect whose individual~~
174 ~~work has influenced the development of the Town, State or nation;~~
- 175 (5) ~~Recognized for the quality of its architecture, and it retains sufficient elements~~
176 ~~showing its architectural significance;~~
- 177 (6) ~~Recognized as having distinguishing characteristics of an architectural style valuable~~
178 ~~for the study of a period, method of construction, or use of indigenous materials;~~
- 179 (7) ~~A geographically definable area possessing a significant concentration, or continuity~~
180 ~~of sites, structures, objects or structures united in past events or aesthetically by plan~~
181 ~~or physical development; or~~
- 182 (8) ~~An established and geographically definable neighborhood, united in culture,~~
183 ~~architectural style or physical plan and development.~~
- 184 (~~Ord. No. 2016-03, § 5, 7-26-2016; Ord. No. 2020-08, § 4, 10-13-2020~~)

185 **Sec. 30-443. Certificate of appropriateness (COA).**

186 ~~(a) *Required.* A certificate of appropriateness (COA) shall be required before the following~~
187 ~~actions may be undertaken affecting a historic structure, property, archaeological site or any~~
188 ~~contributing structure or property in a designated historic district, in addition to any other~~
189 ~~permits and requirements of the Town Code:~~

- 190 ~~(1) Any activity which requires a building permit from the Town and affects the exterior~~
191 ~~of the structure involved;~~
- 192 ~~(2) The construction of any new structure in a historic district;~~
- 193 ~~(3) The relocation of any historic structure or of any contributing structure located in any~~
194 ~~historic district;~~
- 195 ~~(4) The demolition of any historic structure or site or of any contributing structure~~
196 ~~located in a historic district;~~
- 197 ~~(5) The removal of any significant historical feature from a historic structure or property~~
198 ~~or contributing structure or property in a historical district; or~~
- 199 ~~(6) Any activity which may potentially affect the integrity of a designated historic~~
200 ~~property or archeological site.~~

201 ~~(b) *Application procedure.*~~

- 202 ~~(1) The application shall be made on a form provided by the Town.~~

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- 203 (2) ~~In addition to the general application requirements of section 30-112, the application~~
204 ~~shall be accompanied by such plans, drawings, materials or photographs as deemed~~
205 ~~necessary to describe the proposed alteration and enable the board to visualize the~~
206 ~~effect of the proposed alteration on the property, adjacent structures and streetscapes.~~
- 207 (3) ~~If such application involves a designated archaeological site, the applicant shall~~
208 ~~provide full plans and specifications of work that may affect the surface and~~
209 ~~subsurface of the archaeological site.~~
- 210 (4) ~~If the request for a COA is based on a claim of economic hardship, the following~~
211 ~~information shall be provided:~~
- 212 a. ~~Estimate of the cost of the proposed construction, alteration, demolition, or~~
213 ~~removal;~~
- 214 b. ~~A report from a licensed engineer, architect or contractor with experience in~~
215 ~~rehabilitation as to the soundness of any structures on the property and their~~
216 ~~suitability for rehabilitation;~~
- 217 c. ~~Estimated market value of the property in its current condition; after completion~~
218 ~~of the proposed construction, alteration, demolition, or removal; after any~~
219 ~~requirements to obtain a COA; and, in the case of a proposed demolition, after~~
220 ~~renovation of the existing property for continued use;~~
- 221 d. ~~In the case of a proposed demolition, an estimate from an architect, developer,~~
222 ~~real estate consultant, appraiser, or other real estate professional experienced in~~
223 ~~rehabilitation as to the economic feasibility of rehabilitation or reuse of the~~
224 ~~existing structure on the property;~~
- 225 e. ~~Amount paid for the property, the date of purchase, and the party from whom~~
226 ~~purchased, including a description of the relationship, if any, between the owner~~
227 ~~of record or applicant and the person from whom the property was purchased,~~
228 ~~and any terms of financing between the seller and buyer;~~
- 229 f. ~~If the property is income producing, the annual income for the previous two~~
230 ~~years; and depreciation deduction and annual cash flow before and after debt~~
231 ~~service, if any, during the same period;~~
- 232 g. ~~Remaining balance on any mortgage or other financing secured by the property~~
233 ~~and annual debt service, if any, for the previous two years;~~
- 234 h. ~~All appraisals obtained within the previous two years by the owner or applicant~~
235 ~~in connection with the purchase, financing, or ownership of the property;~~
- 236 i. ~~Any listing of the property for sale or rent, price asked and offers received, if~~
237 ~~any, within the previous two years;~~
- 238 j. ~~Assessed value of the property according to the two most recent assessments;~~
- 239 k. ~~Real estate taxes for the previous two years;~~
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- 240 l. Form of ownership or operation of the property whether sole proprietorship, for-
241 profit or not for profit corporation, limited partnership, joint venture or other;
242 and
- 243 m. Any other information considered necessary by the DSD to make a
244 determination as to whether the property yields or may yield a reasonable return
245 to the owners.
- 246 (c) ~~Criteria.~~
- 247 (1) ~~Presumption.~~ There shall be a presumption of reasonable economic benefit or use for
248 all designated properties. The burden of proving the loss of all reasonable beneficial
249 or economic use of a property or economic hardship in an application for a COA
250 rests with the applicant.
- 251 (2) ~~Construction under subsections (a)(1), (2), or (3) above.~~ The following criteria shall
252 be considered in reviewing an application for a COA for construction:
- 253 a. ~~The height of any proposed alteration or new construction shall be visually~~
254 ~~compatible with adjacent properties;~~
- 255 b. ~~The width and height of windows, doors, and entries shall be visually compatible~~
256 ~~with the character of the structure's original architectural style and those found~~
257 ~~in surrounding structures;~~
- 258 c. ~~The relationship of a structure within a historic district to the open space between~~
259 ~~the structure and adjoining structures shall be visually compatible with the~~
260 ~~neighborhood or district;~~
- 261 d. ~~The shape of the roof shall be compatible with the shape and type of roof of the~~
262 ~~structure's original architectural style and those found on neighboring structures~~
263 ~~in a historic district;~~
- 264 e. ~~The size and mass (or shape) of the structure after alteration or construction shall~~
265 ~~be compatible with the structure's original architectural style and the character~~
266 ~~of surrounding structures;~~
- 267 f. ~~Landscaping shall be compatible with the architectural character and appearance~~
268 ~~of the structure or historic district;~~
- 269 g. ~~Architectural details, including color, materials and texture, shall be treated so~~
270 ~~as to make the structure compatible with its original architectural style and~~
271 ~~character and, as applicable, to preserve or enhance the architectural style and~~
272 ~~character of the historic district in which it is located;~~
- 273 h. ~~The renovation of contributing structures in a historic district or designated sites~~
274 ~~shall meet the Secretary of the Interior's Standards for Rehabilitation and~~
275 ~~Guidelines for Rehabilitating Historic Buildings;~~
- 276 i. ~~The proposed project shall conform with the other requirements of this chapter~~
277 ~~and with the goals, objectives, and policies of all elements of the comprehensive~~
278 ~~plan; and~~
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- j. The impact upon archaeological sites shall preserve the integrity of the site.
- ~~(3) Relocation under subsection (a)(3) above.~~
- a. ~~Any structure which is allowed to be relocated to a site within a historical district of the Town must conform to the standards, guidelines and associated land development regulations of the historic district.~~
- b. ~~When reviewing a COA for moving a designated structure, the following criteria shall be considered, in addition to the criteria in (c)(2):~~
- ~~1. The historic character and aesthetic interest the structure contributes to its present setting;~~
 - ~~2. The reasons for the proposed move;~~
 - ~~3. The proposed new setting and general environment of the proposed new setting;~~
 - ~~4. Whether the structure can be moved without significant damage to its physical integrity;~~
 - ~~5. Whether the proposed relocation site is compatible with the historical and architectural character of the structure; and~~
 - ~~6. When applicable, the effect of the move on the distinctive historical and visual character of a designated historic district.~~
- ~~(4) Demolition under subsection (a)(4) above.~~
- a. ~~A building permit for the construction of a replacement structure must be submitted prior to consideration of an application for a COA for demolition of a historic structure. The demolition COA cannot be issued until after the building permit for construction of the replacement structure is obtained.~~
- b. ~~When reviewing a COA for the issuance of a demolition permit, the following criteria shall be considered:~~
- ~~1. The historic or architectural significance of the structure;~~
 - ~~2. If applicable, the importance of the structure to the ambiance of a historic district;~~
 - ~~3. The difficulty or impossibility of reproducing such a structure because of its design, texture, material, detail or unique location;~~
 - ~~4. Whether the structure is one of the last remaining examples of its kind in the neighborhood or in the Town;~~
 - ~~5. The future utilization of the site;~~
 - ~~6. Whether reasonable measures can be taken to save the structure; and~~
 - ~~7. Whether the structure, as it exists, is capable of earning a reasonable economic return on its value, and whether the perpetuation of the structure,~~
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- 315 in light of its physical condition, its location and the anticipated expense of
316 rehabilitation would be economically feasible.
- 317 ~~(5) Other activity under subsections (a)(5) and (a)(6) above. In approving or denying~~
318 ~~any application for a COA involving a removal or other activity, the following~~
319 ~~criteria shall be considered:~~
- 320 a. ~~Whether the proposed modification or activity has a material effect on the~~
321 ~~historic resource;~~
- 322 b. ~~Whether the proposed modification or activity will affect the historic and~~
323 ~~architectural significance, architectural style, design, arrangements, and material~~
324 ~~of the historic resource;~~
- 325 c. ~~Whether the plans can be reasonably carried out by the applicant;~~
- 326 d. ~~Whether the proposed work or activity will have a negative impact on the~~
327 ~~historic resource upon which such activity is to be done; and~~
- 328 e. ~~Whether the proposed work or activity will have a negative impact on other~~
329 ~~historic resources within a district.~~
- 330 ~~(d) Application review.~~
- 331 ~~(1) The exterior construction or alteration of a designated historic property or~~
332 ~~archaeological site shall also be reviewed for compliance with the architectural~~
333 ~~review requirements of this chapter to assure consistency in form and style with both~~
334 ~~section 30-51 (including the Town Architectural Design Standards) and the~~
335 ~~requirements of this section.~~
- 336 ~~(2) Based on the Town Architect's review, the Secretary of the Interior's Standards for~~
337 ~~Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as amended~~
338 ~~from time to time, the designation report, a complete application for COA, additional~~
339 ~~plans, drawings or photographs that describe the proposed construction or alteration,~~
340 ~~the applicable criteria above and other information the Town Commission deems~~
341 ~~relevant, the Commission shall approve, approve with conditions, or deny the~~
342 ~~application.~~
- 343 ~~(3) A denial of a COA shall be accompanied by a written statement of the reason(s) for~~
344 ~~such denial.~~
- 345 ~~(4) Specific conditions for demolition. In granting a COA for a demolition, the~~
346 ~~Commission may also impose one or more of the following requirements:~~
- 347 a. ~~That the applicant provide a written and pictorial record of the structure's history~~
348 ~~and architectural features for archival purposes, approved by the Town. The~~
349 ~~record should include a narrative accompanied by relevant photographs,~~
350 ~~drawings, maps and copies of original documents;~~
- 351 b. ~~That the owner allow salvage activities of the historic structure, provided that~~
352 ~~the Commission finds that there are salvageable materials within the structure;~~
353 ~~or~~
-

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- 354 c. ~~That the owner allow archaeological study of the property before, during, or~~
355 ~~throughout demolition if the property falls within an area demonstrated to have~~
356 ~~a medium or high probability to contain archaeological resources.~~
- 357 (5) ~~A COA issued under subsections (a)(1) — (a)(5) must obtain a building permit within~~
358 ~~one year from the date of approval by the Commission. A COA issued under~~
359 ~~subsection (a)(6) shall act upon the COA within one year from the date of approval~~
360 ~~by the Commission.~~
- 361 (e) ~~Conformity of work with the COA.~~
- 362 (1) ~~All work performed pursuant to a COA shall conform to all provisions of the COA.~~
- 363 (2) ~~It shall be the responsibility of the building department and DSD to inspect any work~~
364 ~~being performed from time to time to assure such compliance.~~
- 365 (3) ~~In the event work is being performed that is not in accordance with such certificate,~~
366 ~~the building official is authorized to issue a stop work order. No additional work shall~~
367 ~~be undertaken as long as such stop work order shall continue in effect.~~
- 368 (f) ~~Other approvals still required. Nothing contained in this section shall be construed as~~
369 ~~negating the requirement to obtain site plan approval in accordance with the requirements of~~
370 ~~this chapter, or negating any other requirement of this chapter.~~
- 371 (g) ~~Interior improvements. Nothing contained in this section shall be construed to prevent the~~
372 ~~ordinary maintenance, repair or interior remodeling of any historic structure that does not~~
373 ~~involve a significant change in exterior material, design, or appearance, performed in~~
374 ~~accordance with all ordinances, rules and regulations of the Town.~~
- 375 (h) ~~Noncontributing structures. Nothing contained in this section shall be construed as to prevent~~
376 ~~the demolition of a noncontributing structure in a historic district.~~
- 377 (Ord. No. 2016-03, § 5, 7-26-2016)

378 **Sec. 30-444. Maintenance and repair of designated properties.**

379 (a) ~~General maintenance.~~

- 380 (1) ~~The owner of any historic resource or contributing property in a historic district,~~
381 ~~whether vacant or inhabited, shall be required to properly maintain and preserve such~~
382 ~~historic resource in good repair, consistent with the architectural characteristics of~~
383 ~~the designated property including, but not limited to maintenance and preservation~~
384 ~~of the following:~~
- 385 a. ~~All of the exterior portions of such structures; and~~
- 386 b. ~~All interior portions that, if not so maintained, may cause such structures to~~
387 ~~deteriorate or to become damaged or otherwise to fall into a state of disrepair.~~
- 388 (2) ~~In addition, where the property is an archeological site, the owner shall be required~~
389 ~~to maintain the property in such a manner so as not to adversely affect the~~
390 ~~archeological integrity of the site.~~
-

(b) ~~Demolition by neglect.~~

(1) ~~Intent.~~ It is the intent of this subsection to prevent deliberate or inadvertent neglect of the exterior features of structures designated as contributing or significant, as well as interior portions thereof which, if not so maintained, may cause such structure to deteriorate or to become damaged or otherwise fall into a state of disrepair and to preserve against decay, deterioration and demolition. Such structures shall be maintained free from structural defects through prompt and corrective action to any physical defect which jeopardizes the structure's historic, architectural or structural integrity.

(2) ~~An owner of a historic resource or contributing property within a designated historic district shall not cause or permit the resource to suffer demolition by neglect, and shall meet the requirements of this subsection.~~

(3) ~~Criteria.~~ In the absence of an interior inspection or a structural engineer's report as to any structural degradation, the special magistrate may find lack of affirmative maintenance or demolition by neglect based upon one or more of the following criteria:

a. ~~Deteriorated or inadequate foundations;~~

b. ~~Defective or deteriorated flooring or floor supports of insufficient size to carry imposed loads with safety;~~

c. ~~Members of walls or other vertical supports that split, lean, list, or buckle due to defective material, workmanship, or deterioration;~~

d. ~~Members of walls or other vertical supports that are insufficient to carry imposed loads with safety;~~

e. ~~Members of ceilings, roofs and their support system, or other horizontal members which sag, split or buckle due to defective material, workmanship or deterioration;~~

f. ~~Members of ceiling and roof supports or other horizontal members that are insufficient to carry imposed loads with safety;~~

g. ~~Fireplaces or chimneys which list, bulge, or settle due to defective material, workmanship, or deterioration;~~

h. ~~Deterioration or defects in paints, coating systems, flashing, or other ineffective waterproofing of exterior walls, roof and foundations, including windows and doors that may result in destructive moisture penetration or other forms of rot and decay;~~

i. ~~Any fault, defect, or condition in the structure which renders the same structurally unsafe or not properly watertight;~~

j. ~~Deterioration or crumbling of exterior plasters, mortars, brick, stone or wood siding;~~

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- 429 k. ~~Deterioration of any feature so as to create or permit the creation of any~~
430 ~~hazardous or unsafe condition or conditions as determined by the building~~
431 ~~official;~~
- 432 l. ~~Deterioration of a historic structure or other historic resource to the extent that~~
433 ~~it creates or permits the creation of a hazardous or unsafe condition or conditions~~
434 ~~as determined by the building official;~~
- 435 m. ~~Deterioration or removal of any unique architectural feature which would detract~~
436 ~~from the original architectural style; and~~
- 437 n. ~~Any structure that has become uninhabitable shall be presumed to be suffering~~
438 ~~from demolition by neglect.~~
- 439 (c) ~~In any enforcement proceedings, the special magistrate may order remedial action by the~~
440 ~~Town to prevent demolition by neglect, including but not limited to roof repairs, moisture~~
441 ~~intrusion remediation or structural shoring. The procedure and cost of said action shall be as~~
442 ~~proscribed in chapter 6.5 of the Town Code of Ordinances, including lien of the subject~~
443 ~~property to recover the Town costs to protect the historic resource.~~
- 444 (d) ~~Violations of this section shall be additional to and not a replacement of the provisions of the~~
445 ~~building code requiring such structures to be kept in good repair, so that such structure shall~~
446 ~~be preserved in accordance with the purposes of this chapter.~~
- 447 (Ord. No. 2016-03, § 5, 7-26-2016)

448 **Sec. 30-445. Definitions.**

449 The terms and phrases used in this article shall have the following indicated meaning:

450 ~~Archeological site. An individual historic resource recognized for its prehistoric or historic~~
451 ~~artifacts.~~

452 ~~Building permit. See section 30-11.~~

453 ~~Contributing property. A structure or site which contributes to the overall historic~~
454 ~~significance of a designated historic district, which was present during the period of historic~~
455 ~~significance, and possesses historic integrity reflecting the character of that time, or is capable of~~
456 ~~yielding important information about the historically significant period, or independently meets~~
457 ~~the criteria for designation as a historic resource.~~

458 ~~Demolition. Except in the case of a relocation, the complete removal, or portions thereof of a~~
459 ~~structure from a site.~~

460 ~~Demolition by neglect. The abandonment of a structure by the owner(s) resulting in such a~~
461 ~~state of deterioration that its self-destruction is inevitable or where the Building Official has~~
462 ~~designated the property as an unsafe structure.~~

463 ~~Economic hardship. The loss of all reasonable beneficial or economic use of a property.~~

464 ~~Exterior. All outside surfaces of a structure.~~

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~~*Florida site file.* A compilation of archaeological and historic resources surveyed in the Town and recorded with the State of Florida, Bureau of Historic Preservation, Division of Historical Resources.~~

~~*Historic district.* A geographically definable area designated pursuant to this article possessing a significant concentration, linkage, or continuity of sites, structures or objects united by past development. A historic district may also be linked by association or history. A historic district may contain both contributing and noncontributing properties.~~

~~*Historic resource.* Any prehistoric or historic district, site, structure, object, or other real or personal property of historical, architectural or archaeological value. Historic resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, or culture of the Town, Broward County, or the State of Florida.~~

~~*Individual historic property.* A historic property, archaeological site or contributing structure in a proposed historic district that has been designated a historic resource by the Town based on its architectural, historical or archeological significance.~~

~~*National Register of Historic Places.* A Federal listing maintained by the U.S. Department of the Interior of sites, structures that have attained a quality of significance as determined by the Historic Preservation Act of 1966 as amended, 16 USC 470, or as may be amended, renumbered or replaced and its implementing regulation, 36 CFR 60, "National Register of Historic Places," or as may be amended, renumbered or replaced.~~

~~*Noncontributing property.* Any structure or site which does not contribute to the overall historic significance of a designated historic district as it was built or due to alterations, disturbances or other changes, and therefore did not or no longer possesses historic integrity or was not present during the period of historic significance or is incapable of yielding important information about that period.~~

~~*Ordinary maintenance and repairs.* Work done to prevent the deterioration, decay or damage to a structure or any part thereof by restoring the structure as nearly as practicable to its condition prior to such deterioration, decay or damage.~~

~~*Owner.* An individual, partnership, corporation or public agency holding fee simple title to real property. The term "owner" does not include individuals, partnerships, corporations or public agencies holding easements less than a fee simple interest, including leaseholds, in real property.~~

~~*Rehabilitation.* 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 that are significant to its historical, architectural, and cultural values.~~

~~*Relocation.* The moving of a structure from its existing location to a new location.~~

~~*Structure.* See section 30-11.~~

~~(Ord. No. 2016-03, § 5, 7-26-2016)~~

Sec. 30-24. Planning and Zoning Board.

- (a) *Duties of the Board generally.* The Town Planning and Zoning Board shall have the following powers and duties:
- (1) To act in an advisory capacity to the Town Commission on questions relating to zoning and on matters of proposals to change zoning regulations, site plan applications and conditional use applications to report its findings and recommendations on such proposals to the Town Commission;
 - (2) To study any existing Town plan, with the view to improving same as to provide for the development, general improvement, and probable future growth of the Town, and from time to time, make recommendations to the Town Commission for changes on the existing Town plan so as to incorporate new developments, for the adoption of a new Town plan;
 - (3) To investigate and approve or disapprove all new plats to be presented to the Town Commission for approval;
 - (4) To make recommendations on appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Town Manager or DSD in the enforcement of the Town's zoning regulations;
 - (5) To make recommendations upon application in specific cases where a variance from the terms of the Town's zoning regulations is requested;
 - (6) To make recommendations upon application for an administrative adjustment to the terms of the Town's zoning regulations;
 - (7) To serve as the Town's local planning agency, in accordance with F.S. ch. 163, pt. II, Community Planning Act by:
 - a. Conducting the comprehensive planning program and prepare the Comprehensive Plan or elements or portions thereof, in accordance with the requirements provided by law,
 - b. Coordinating said Comprehensive Plan or elements or portions thereof with the comprehensive plans of other appropriate local governments and the State of Florida as may be required by law,
 - c. Recommending said Comprehensive Plan or elements or portions thereof to the Town Commission of the Town for adoption,
 - d. Monitoring and overseeing the effectiveness and status of the Comprehensive Plan and recommend to the Town Commission of the Town, such changes in the Comprehensive Plan as may be required from time to time; and
 - ~~(8) To act in an advisory capacity to the Town Commission on questions relating to historic and archaeological preservation including but not limited to:~~
 - ~~a. Reviewing and providing a recommendation on all nominations for designation with the National Register of Historic Places,~~
 - ~~b. Reviewing and providing a recommendation on all nominations of individual properties and districts for designation on the Town register of historic and archaeological places,~~
 - ~~c. Reviewing and providing a recommendation on all applications for a certificate of appropriateness (COA); and~~
 - ~~(9)~~ To perform such other duties as may from time to time be assigned to such Board by the Town Commission.

EXHIBIT 3

Sec. 30-51. Architectural review standards.

- (a) *Purpose and intent.* The purpose of this section and the Town's Architectural Design Standards (sometimes referred to as the "Town ADS") is to encourage the local adaptation of the Mid-century Modern architectural style as the preferred architectural style of the Town, in that such architectural style is compatible with the essential character of the Town, supportive of efficient development, is architecturally and visually appealing, and fosters a sense of place in the preservation of the architectural and design characteristics of the Town's existing built environment.
- (b) *Incorporation by reference of Town Architectural Design Standards.* The Town Architectural Design Standards manual (also known as the Town ADS manual), as adopted by resolution of the Town Commission and as may be amended from time to time, is hereby incorporated into this article II, division 1. Architectural Review Requirements. All provisions of this section shall be interpreted in conformance with the Town ADS. In the event of conflict between the ADS and the Code, the Code governs.
- (c) *Applicability.*
 - (1) The following shall be reviewed for compliance with the architectural standards and architectural review requirements provided by this section and the Town ADS:
 - a. All development, including new construction, reconstruction, alterations and additions within the B-1-A, B-1, RM-25, and RM-50 Town zoning districts;
 - b. The exterior renovation, rebuilding, or restoration of a duplex unit, consistent with the requirements of section 30-137(d) for consistency in form and style with the remaining duplex unit to which the reconstructed duplex unit will be attached;
 - c. An application for a COA for any exterior construction or alteration, relocation or demolition of a designated historic structure or site resource, or a contributing structure in a historic district.
 - (2) Alterations and additions to existing buildings with design elements that are associated with the Mid-century Modern style of architecture shall conform to that architectural style.
 - (3) Alterations and additions to existing buildings with design elements that are not associated with the Mid-century Modern style of architecture shall conform to the architectural style of the existing building.
 - (4) The Town ADS further defines the requirements of the Mid-century Modern style and alternative architectural styles, and the various elements of design that are encouraged and discouraged in the Town.
- (d) *Architectural styles.*
 - (1) *Mid-century Modern.* The preferred architectural style of the Town shall be in accordance with the Mid-century Modern or similar harmonious architecture, except that any buildings the Town Commission Broward County has designated as a "historical landmark historic resource," pursuant to Article XVII of the Broward County Code of Ordinances, as may be amended from time to time, shall conform to the architecture of the existing building.

Sec. 30-111. Purpose.

The purpose of this article is to establish requirements and procedures for the review of development applications within the Town, including but not limited to applications for site plan, conditional use, variance, administrative adjustment, rezoning, ~~historic designation~~, certificate of appropriateness, comprehensive plan amendment and plat approval.

Sec. 30-113. Development application review procedures.

The Department shall be the central intake point for filing all development approval applications and supporting documents. Except as otherwise provided in this chapter, the following procedures shall govern the review of applications for development subsequent to filing.

- (a) *Pre-application meeting required.* A pre-application meeting with the Department staff is required prior to submitting a development application as required by this chapter. At the meeting, the applicant will describe and present their project in the conceptual design stage.
- (b) *Completeness of application.*
 - (1) The Department shall review the application to determine if the information provided is complete. The Department shall either accept the application if it is complete, or reject the application if it is incomplete and forward to the applicant a notice of incompleteness specifying the data missing from the application received.
 - (2) If a notice of incompleteness is not sent, the application shall be deemed accepted for purposes of beginning the time limits of this article on the thirtieth day after the filing of the application.
 - (3) If a notice of incompleteness is sent, the applicant may resubmit the application with the additional information required, in which event the Department shall review the resubmitted application in the manner provided in this subsection for the original application.
 - (4) If an applicant fails to provide the additional information as requested by the Department within 60 days of the request for additional information, or fails to respond to the Department with a time period, not to exceed 60 days, as to when the additional information will be submitted, the Town may deem the application to be withdrawn by the applicant and the application considered null and void.
 - (5) The Department may ask for additional information not more than three times.
 - (6) Prior to a third request for additional information, the Department shall offer the applicant an additional meeting with staff to attempt to resolve outstanding issues.
 - (7) If the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the Department shall, at the applicant's request, process the application which the application shall be deemed complete and evaluated based on the information submitted to that date.
- (c) *Application review - Generally.* The Town Manager shall determine if the application is a Level 1 procedure or amendment or a Level 2 procedure or amendment. In deciding whether an application is a Level 1 or Level 2 procedure or amendment, the Town Manager shall consider the requirements of this chapter as referenced in the Development Review Chart below. Applications shall be processed according to the Development Review Chart and the procedures of this chapter. In the event of conflict, the provisions of the text prevail over the chart.

EXHIBIT 3

Development Review Chart							
				Final Decision-Making Authority			
	Code Reference	Staff Review	Planning and Zoning Board	Town Manager	Town Commission One Hearing Required	Town Commission Two Hearings Required	Notice
Appeal of Administrative Decision	30-531	X	X		X		Yes
Site Plan	30-119	X	X		X		Yes
Site Plan Level 1 Modification	30-123	X		X			n/a
Site Plan Level 2 Modification	30-123	X	X		X		Yes
Conditional Use	30-126	X	X		X		Yes
Conditional Use Level 1 Modification	30-126(e)	X		X			n/a
Conditional Use Level 2 Modification	30-126(e)	X	X		X		Yes
Administrative Adjustment Level 1	30-128	X	X	X			Yes
Administrative Adjustment Level 2	30-128	X	X		X		Yes
Variance	30-127	X	X		X		Yes
Preliminary Plat	30-129	X		X			
Final Plat	30-132	X	X		X		Yes
Architectural Review			***				
Historic Designation	30-442	X	X			X	Yes
Certificate of Appropriateness	30-443	X	X		X		Yes
Zoning Relief	30-138	X			X		Yes
Rezoning	30-135	X	X		X	X	Yes
Right-of-Way Vacation	17-13	X	X			X	Yes
Comprehensive Plan Amendment	Florida Statutes	X	X		X	X	Yes

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(Supp. No. 35)

EXHIBIT 3
