

APPROVED
TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD
MEETING MINUTES
Jarvis Hall - 4505 Ocean Drive
Wednesday, May 18, 2016
6:00 P.M.

1. CALL TO ORDER

Chair John Lanata called the meeting to order at 6:00 P.M. Members present were David Chanon, Roseann Minnet, John Lanata, John Graziano, 1st Alternate William Brady and 2nd Alternate Paul LaCoursiere. The absent member was Charles Clark. Also present were Assistant Town Attorney Kathryn Mehaffey, Development Services Director Linda Connors, and Clerk Jhanelle Campbell.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. APPROVAL OF MINUTES

a. Previous Meeting Minutes – April 20, 2016

Mr. Chanon made a motion to approve the minutes of April 20, 2016. Ms. Mehaffey corrected a sentence in the minutes starting on line three and ending on line four in paragraph two on page four by changing the word “as” to “like”. That sentence will now read: *The Planning and Zoning Board does act in many ways as like a Quasi-Judicial Board and follows procedures similarly.* Mr. Chanon clarified his motion to include Ms. Mehaffey's correction and it was seconded by Ms. Minnet. The motion to approve the minutes of April 20, 2016 which were amended to include Ms. Mehaffey's correction carried 5-0.

4. PUBLIC COMMENTS

No one from the public requested to speak.

5. NEW BUSINESS

a. Ordinance 2016-03 – establishes historic and archaeological designation regulations in the Town's Unified Land Development Code

Chair John Lanata turned the meeting over to Development Services Director Linda Connors. She explained that tonight the Board is being presented with a proposed amendment to the Unified Land Development Regulations (ULDR) of the Town's Code of Ordinances as it pertains to historic preservation. Ms. Connors said that the Town Commission identified adopting a historic preservation ordinance as a priority for 2016. She explained that the Broward County Board of County Commissioners enacted Ordinance 2014-32 which revised the county's historic preservation regulations to be consistent with federal and state requirements for a State of

Florida Certified Local Government (CLG). The County's ordinance allows for the designation of individual or historic properties or historic districts without the consent of the property owner. The County's ordinance is effective within municipalities that have not established historic preservation regulations. She said that in 2014, the Town Commission passed a Resolution opposed to the County's adoption of this Ordinance because the Town wanted to maintain home rule. She said that the Town's Ordinance 2016-03 would establish historic and archaeological designation regulations in the Town's Unified Land Development Code.

Ms. Connors explained that staff's proposed text amendment is consistent with the Comprehensive Plan. She spoke about Objective 1.8: Identify, conserve and protect the Town's historic resources and Policy 1.8.2 (review and investigate revising the Town's Land Development code to promote the conservation and preservation of historic resources in coordination with state and federal law). She said that staff reviewed a number of Historic Preservation Ordinances across the State of Florida and picked what would fit best within our community and created the ordinance that is before the Board tonight. Ms. Connors explained that it adds definitions applicable to historic preservation in Section 30-11 and 30-445. It establishes the Board of Adjustment as the Historic Preservation Board. The Board is responsible for reviewing all designation applications and all Certificates of Appropriateness (COA) for changes to relation, demolition, or other activities affecting the integrity of any historic resource. It preserves the requirement for architectural review of alterations on properties that are designated historic or within a historic district. It adds related applications to the development permit review process. Ms. Connors explained all the elements involved with a historic preservation program created by the ordinance. She said that staff is also recommending that we require the Planning and Zoning Board to review conditional use applications. This was the policy of the original conditional use ordinance and was inadvertently deleted in Ordinance 2014-08 (line 2035, page 62). Even though staff recommends approval of the Ordinance 2016-03, there are some issues that need discussing tonight.

Assistant Town Attorney Kathryn Mehaffey asked the members to turn to line 38 on page 3 regarding COA. She said that line 254 (page 10) also deals with COA in proposed Ordinance 2016-03. Ms. Mehaffey explained the terms contributing properties and non-contributing properties by stating that contributing properties mean being of a historic nature. Historic structures have to be 50 years old. Within a historic district, there are both contributing and non-contributing properties. Ms. Connors said that a COA entails a review process for anything done to the exterior of a structure. For a historic district, the Board should discuss if a non-contributing structure should go through the COA review process. Ms. Connors pointed out that to protect scale and mass, the Board might want non-contributing structures to go through the review process by adding an additional layer of review.

Mr. LaCoursiere said that his house is 50 years old but in his neighborhood, there are some ultra-modern structures. Ms. Connors explained that if there were exterior renovations to the ultra-modern structures in his neighborhood, going through a COA review would protect scale and mass. The review would ensure that the ultra-modern structure's scale and mass were consistent with the neighborhood. Mr. Graziano wanted to know about new construction. Ms. Connors said that a COA review would be an extra layer of review. However, with new construction right now just zoning and building regulations have to be met. Mr. Chanon felt that there has to be sensitivity for someone owning a structure. He thought that within reason, they should be able to do what they want. Ms. Minnet wanted to ensure that everyone understood why Planning and Zoning was going through this discussion tonight and they did. Ms. Connors said that there are no historic districts in the Town as of now. This would only happen if 51% of

the property owners agree to a historic district and 50% of the properties in the district are at least 50 years old. If a single structure was to be designated historic, the property owner would have to agree to the designation. After designation, if there were any exterior renovations, the property would need an architectural review process to protect significant historic features. Chair Lanata felt that he would not be in favor of adding another layer to the non-contributing structure in a district. During discussion, it seemed that there were three who were not in favor of adding another layer to the non-contributing structure. Ms. Minnet cautioned that this is not about taste but rather historical value. Ms. Connors asked the Board to look at line 251 of the proposed Ordinance. It talks about COA and on line 267, the procedure is outlined. Then starting on line 314, they discussed the criteria considered in reviewing an application for a COA for construction.

Through a roll call vote on the question, *should a COA cover non-contributing structures?* The results were YES – Two (Ms. Minnet and Mr. Graziano); NO – Three (Mr. Chanon, Chair Lanata, and Mr. Brady/1st Alternate). For the record, 2nd Alternate Paul LaCoursiere was not allowed to vote tonight but would have been in favor. Ms. Mehaffey said that with a 2-3 vote, non-contributing structures do not have to get a COA. Ms. Connors clarified that since one board member was absent, only the 1st Alternate voted. If another board member was absent, then the 2nd Alternate would also have voted tonight.

Ms. Connors directed everyone's attention to simple edits (scrivener errors) in the ordinance starting with line 87, 211, 254 (to reflect the vote taken this evening), 347 and 360. These edits will be done before Ordinance 2016-03 goes before the Town Commission. Tonight's recommendations and comments by the Planning and Zoning Board Members will be presented to the Town Commission at their June 14, 2016 meeting.

Ms. Minnet said she received a call from a resident who could not be at tonight's meeting. The concern is appointing the Board of Adjustment as the Historic Preservation Board. She wanted to state for the public that those Board of Adjustment Board Members would be schooled by the architect and there would be standards so random decisions would not be made. Ms. Connors explained that it is a struggle to get boards fully staffed by volunteers so they did not want to add another board. Since the Board of Adjustment meets infrequently, they thought that adding Historic Preservation to them would not be too onerous. Ms. Minnet asked about the underwater site – SS Copenhagen. Ms. Connors said that she would research and get any information regarding designation. Ms. Minnet talked about the importance of preserving it. Mr. Chanon spoke about having a two-tier standard for COA review for non-contributing structures. Mr. Graziano asked Mr. Chanon if he was considering changing his vote on the COA review for non-contributing structures. Discussion ensued about a non-contributing structure located in a historic district as opposed to being located by an individual historic structure.

Mr. Graziano made a motion to accept the simple edits in the Ordinance as previously discussed. The motion was seconded by Mr. Chanon. The motion carried 5-0.

Mr. Brady made a motion to approve Ordinance 2016-03 with the approved edits and the approved COA review only for contributing structures. The motion was seconded by Mr. Chanon. The motion carried 3-2 via roll call vote (YES – Three (Mr. Chanon, Chair Lanata, and Mr. Brady/1st Alternate); NO – Two (Ms. Minnet and Mr. Graziano). For the record, 2nd Alternate Paul LaCoursiere did not vote.

6. OLD BUSINESS

7. UPDATES/BOARD MEMBER COMMENTS

Ms. Connors announced that there would be a P&Z meeting in June. Updates to the Comprehensive Plan would be discussed. It is scheduled right now for June 15th. To ensure a quorum for the June meeting, Ms. Connors asked each Board Member to e-mail her if they will be available June 15th and also let her know any days in June when they would not be available to attend. If they can attend in June, just let her know that as well. In fact, let Ms. Connors know any June, July and August vacation days, so she can tweak the meeting calendar accordingly.

8. ADJOURNMENT

Ms. Minnet made a motion to adjourn at 7:00PM. The motion was seconded by Mr. Channon. The motion carried 5-0.

 2-10-18
Chair John Lanata

ATTEST:

Date Accepted: 5-18-10

Development Services Director Linda Connors

