



# AGENDA ITEM MEMORADUM

Item No. 12.2.a  
ORB-2011-17 2<sup>nd</sup> Read

**Development Services**

Department

**Linda Connors** LC

Town Planner TRB

<b>COMMISSION MEETING DATE (*) - 7:00 PM</b>	<b>Deadline to Town Clerk</b>
<input checked="" type="checkbox"/> November 29, 2011	

\*Subject to Change

- |                                       |   |                                       |  |
|---------------------------------------|---|---------------------------------------|--|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Reports        | <input type="checkbox"/> Consent      | <input checked="" type="checkbox"/> <b>Ordinance</b> |
| <input type="checkbox"/> Resolution   | <input type="checkbox"/> Quasi-Judicial | <input type="checkbox"/> Old Business | <input type="checkbox"/> New Business                |

**FY2011 DESIGNATED HIGH PRIORITY ITEM - PRIORITY TOPIC**

**SUBJECT TITLE: Planning Priority No. 1: Proposed Amendments to Section 30.9 Architectural Standards**

**EXPLANATION:** At the October 11 meeting, the Town Commission voted 3-1 to approve on first reading amendments to Section 30.9 Architectural Standards. Staff noted that the proposed ordinance would be brought to the Planning and Zoning Board at the October 19<sup>th</sup> meeting for their review and that additional language would be added to clarify the flexibility in architectural styles.

Staff presented the proposed amendments to Section 30.9 to the Planning and Zoning Board at the October 19<sup>th</sup> meeting. The proposed changes to the ordinance include:

1. Deleting the requirement for Mediterranean style and identifying Mid-Century Modern as the preferred architectural style for the Town's commercial districts with flexibility to allow alternative styles based on certain conditions more in keeping with the existing character of the community;
2. Allowing greater flexibility in design, supported by appropriate standards; and
3. Removing the requirement for review by a Town Architectural Review Board, which is currently inactive and replacing the Board with a determination for compliance in design by the Development Review Official based on the recommendation of a licensed Architect.

In response to public comment, staff also amended the ordinance that was presented to Commission at first reading to include a definition of the term adjacent and clarify that section of the code that discussed location of alternative architectural styles (proposed Section 30.9 (5) (b) i- iii).

**Planning and Zoning Board Recommendation:** The Planning and Zoning Board voted unanimously (3-0) to recommend approval of the proposed changes.

**Staff Recommendation:** We recommend approval of the proposed ordinance (**Exhibit I**) as submitted.

**EXHIBITS:** Draft Ordinance amending Code Section 30.9 Architectural Standards

Reviewed by Town Attorney

Yes  No

Town Manager Initials CJA

## ORDINANCE 2011-17

1           **AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-**  
2           **THE SEA, AMENDING SECTION 30-9, OF THE CODE OF**  
3           **ORDINANCES TO AMEND REQUIREMENTS RELATED**  
4           **TO ARCHITECTURAL STANDARDS AND REVIEW**  
5           **CRITERIA; PROVIDING FOR CODIFICATION,**  
6           **SEVERABILITY, CONFLICTS AND AN EFFECTIVE**  
7           **DATE**  
8  
9

10           **WHEREAS**, the Town Commission recognizes that changes to the adopted Code of  
11 Ordinances (the "Code") are periodically necessary in order to ensure that the Town's land  
12 development regulations are current and consistent with the Town's planning and regulatory  
13 needs; and

14           **WHEREAS**, Section 30-9 "Architectural standards", of the Code, provides architectural  
15 design elements and guidelines to facilitate harmonious and aesthetically compatible  
16 development; and

17           **WHEREAS**, the Town has reviewed the Town Master Plan and completed several  
18 visioning and inventorying programs to evaluate existing architectural development and future  
19 Town goals; and

20           **WHEREAS**, the Town Commission desires to revise the architectural standards to foster  
21 a sense of place and support compatible development which is efficient and architecturally and  
22 visually appealing and preserves the essential character of the Town; and

23           **WHEREAS**, Section 30-531 of the Code requires issuance of a Notice of Intent prior to  
24 the processing of any amendment to the land development regulations in Chapter 30 of the Code,  
25 and such notice was given of this amendment on January 25, 2011, which Notice of Intent  
26 expired on September 30, 2011; and

27           **WHEREAS**, pursuant to Section 30-531 of the Code, a new Notice of Intent was  
28 approved, by the City Commission on September 27, 2011; and

29           **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has  
30 reviewed this Ordinance at a duly noticed hearing on August 17, 2011 and October 19, 2011 and  
31 \_\_\_\_\_ its adoption; and

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

37           **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF**  
38 **THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AS FOLLOWS:**  
39

# Exhibit 1

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40           **SECTION 1. Recitals.** The foregoing “Whereas” clauses are ratified and confirmed as  
41 being true, correct and reflective of the legislative intent underlying this Ordinance and are  
42 hereby made a specific part of this Ordinance.

43           **SECTION 2. Amendment.** Section 30-9, Architectural Standards, of Chapter 30,  
44 Unified Land Development Code, is hereby amended<sup>1</sup> as follows:

45           **Sec. 30.9 Architectural standards.**

46           ~~(a) — *Samples of color in painting or awning work.* Each applicant for, or holder of, a~~  
47           ~~permit authorizing exterior painting, coloring, awning work or erection of a~~  
48           ~~canopy shall be required to submit to the Board for its approval, prior to the~~  
49           ~~execution of such work, a sample of the color or colors to be used in such work;~~  
50           ~~and the Board shall require the use of appropriate and harmonious colors therein.~~

51           ~~(b) *Architectural style.* All buildings in business districts B-1, B-1-A and B-2 zoned~~  
52           ~~properties hereinafter constructed, reconstructed, altered or added to shall be of~~  
53           ~~classical style of Spanish, Venetian, Italian, or other Mediterranean or similar~~  
54           ~~harmonious architecture.~~

55           1. Purpose and Intent.

56           The purpose of this section is to encourage the local adaptation of the Mid-Century  
57           Modern architectural style as the preferred architectural style of the Town, in that such  
58           architectural style is compatible with the essential character of the Town, supportive of  
59           efficient development, is architecturally and visually appealing, and fosters a sense of  
60           place in the preservation of the architectural and design characteristics of the Town's  
61           existing resort and residential buildings.

62           2. Typical Architectural Design Features and Characteristics.

63           Typical architectural design features and characteristics to be utilized to reflect the Mid-  
64           Century Modern Architectural Style shall include, but not be limited to:

- 65           (a) the use of geometric patterns  
66           (b) emphasis on horizontal orientation  
67           (c) kidney and oval shapes  
68           (d) curves  
69           (e) stylized sculpture  
70           (f) cast concrete decorative panels and stonework particularly at the entrances  
71           (g) overhanging roof plates and projecting floor slabs with paired or clustered  
72           supporting pipe columns  
73           (h) round columns that taper to a smaller diameter as the column descends  
74           (i) open-air verandas  
75           (j) symmetrical staircases

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<sup>1</sup> Words in ~~strike through~~ type are deletions; words in underlined type are additions.

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- 76 (k) acute angles
- 77 (l) asymmetry in design
- 78 (m) awning windows
- 79 (n) built-in planters
- 80 (o) catwalks
- 81 (p) cutouts
- 82 (q) cantilevered beam and projections
- 83 (r) compressed arches
- 84 (s) concrete canopies
- 85 (t) curtain wall construction
- 86 (u) decorative railings
- 87 (v) egg crate facades
- 88 (w) eyebrow windows
- 89 (x) floating staircases
- 90 (y) intersecting planes
- 91 (z) louvers
- 92 (aa) large picture windows
- 93 (bb) metal grilles
- 94 (cc) porte-cocheres
- 95 (dd) ribbon windows
- 96 (ee) rounded eaves
- 97 (ff) textured stucco

### 3. Typical Materials:

99 Typical materials to be utilized to reflect the Mid-Century Modern Architectural Style,  
100 shall include, but not be limited to:

- 101 (a) aluminum
- 102 (b) textured stucco
- 103 (c) field stone
- 104 (d) keystone
- 105 (e) mosaics (glass or ceramic)
- 106 (f) oolithic oolitic limestone
- 107 (g) plate glass
- 108 (h) roman brick
- 109 (i) slump brick

### 4. Applicability.

- 111 (a) All development, including new construction, reconstruction, alterations and  
112 additions within the B-1-A, B-1, R-5, RD-10, RM-25, and RM-50 districts of the  
113 Town shall comply with the architectural standards and architectural review  
114 requirements as provided by this section.

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115           (b) Alterations and additions to existing buildings with design elements that are not  
116           associated with the Mid-Century Modern style of architecture shall conform to the  
117           architectural style of the existing building.

118           5. Architectural styles.

119           (a) Mid-Century Modern.

120           The preferred architectural style of the Town shall be in accordance with the Mid-  
121           Century Modern or similar harmonious architecture, except that buildings the Town  
122           Commission has designated as a "historical landmark" shall conform to the  
123           architecture of the existing building.

124           (b) Alternative Architectural Styles.

125           (i) While the Mid-Century Modern architectural style is the preferred architectural  
126           style, it is not intended to be the exclusive architectural style of the Town.  
127           Alternative architectural styles and design concepts may be considered during  
128           the development review process. However, it shall be the applicant's burden to  
129           show that the proposed alternative architectural style and design concepts, to the  
130           maximum extent practicable, are compatible with the architectural style of  
131           adjacent existing or approved development on the same or adjacent properties  
132           and street frontages, as further provided in this section.

133           (ii) Alternative architectural styles may be considered appropriate if it is found that:

134           (1) Such alternative styles are compatible with the architectural style of adjacent  
135           existing or approved development on the same or adjacent property; and

136           (2) That the architectural style of new development incorporates a scale,  
137           massing, and sufficient number of the same or similar design elements (e.g.,  
138           horizontal or vertical building facade articulation, building facade  
139           articulation elements, facade materials, roof design, use and design of  
140           balconies, window design, door design, use and design of window or door  
141           shading devices, railing design, etc.) to create a clear and affirmative  
142           relationship or transition between the architectural styles of adjacent existing  
143           buildings or of adjacent approved development.

144           iii. Adjacent when used herein, shall mean a lot or parcel of land that shares all or  
145           part of a common lot line with another lot or parcel of land or a lot or parcel of  
146           land that is separated from another lot or parcel of land by a right of way or  
147           park.

148           6. Review of Architectural Design.

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149 ~~It shall be the duty and responsibility of the Architectural Review Board to determine in~~  
150 ~~each and every case whether or not the submitted plans comply with the type of~~  
151 ~~architecture set forth herein above, and suggest to the designing architect such changes as~~  
152 ~~would bring the plan into conformity.~~

153 ~~The Architectural Review Board shall recommend such changes in the design of the~~  
154 ~~structure so as to preserve the traditional aesthetic treatment and an excellence of design~~  
155 ~~of the community.~~

156 a. It shall be the duty and responsibility of the Development Review Official to ensure  
157 that any application for a development permit, as required by Chapter 30, Article II.,  
158 Development Review, of the Town Code of Ordinances and as required by this  
159 section, includes a review of architectural design, as provided herein.

160 b. The Town may retain the services of an outside consultant to conduct the  
161 Architectural review and shall recover the costs for such services in accordance with  
162 the provisions of Section 30-53(d).

163 c. The primary purpose of the architectural review shall be to determine whether or not  
164 the submitted plans comply with the architectural design features and materials  
165 typical of the Mid-Century Modern Architectural Style or if the submitted plans are  
166 of an alternative architectural style that complies with the requirements of Section  
167 30.9, paragraph 5(b), as set forth herein above, and to suggest to the designing  
168 architect such changes as may be necessary to bring the plan into conformity with or  
169 alternative architectural style.

170 d. Elements to be Considered. The following elements shall be considered ~~In~~  
171 considering the design of the building, the Board shall consider and render a  
172 recommendation as to the feasibility of the following elements in the review of the  
173 plans design concept:

- 174 (1) Trim
- 175 (2) Shutters
- 176 (3) Awnings and canopies
- 177 (4) Windows (Fenestration)
- 178 (5) Doors
- 179 (6) Texture of surface
- 180 (7) Colors
- 181 (8) Roofs
- 182 a. Materials

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- 183                            b. Color  
184                            c. Slope  
185                            d. Overhang  
186                    (9)    Planters  
187                    (10)   Window boxes  
188                    (11)   Walls, height, location, materials, and design  
189                    (12)   Height of building  
190                    (13)   Location of exposed piping, conduits and rain water leaders  
191                    (14)   Horizontal or vertical building facade articulation  
192                    (15)   Building facade articulation elements  
193                    (16)   Facade materials  
194                    (17)   Use and design of balconies  
195                    (18)   Use and design of window or door shading devices  
196                    (19)   Railing design

197                    ~~The architectural type for a given location, unless specifically specified to the~~  
198                    ~~contrary, shall be in reasonable harmony with the architecture of the business district.~~

199                    ~~Additions and alterations to buildings which have been designated by ordinance~~  
200                    ~~passed and adopted by the Town Commission as an "historical landmark" shall conform~~  
201                    ~~to the architecture of the existing building.~~

### 202                    7. Compliance with Additional Design Standards.

203                    All development subject to the requirements of this section shall also be required to  
204                    comply with the following additional design standards:

205                    ~~(e) — *Compliance with standards required.* All development, including new~~  
206                    ~~construction, reconstruction, alterations and additions within the B-1-A, B-1, R-5,~~  
207                    ~~RD-10, RM-25, and RM-50 districts of the Town shall comply with the following~~  
208                    ~~architectural standards.~~

209                    (1)    ~~The architectural type shall be in accordance with the classical style of the~~  
210                    ~~Spanish, Venetian, Italian or other Mediterranean or similar harmonious~~  
211                    ~~architecture, except that buildings the Town Commission has designated as a~~  
212                    ~~"historical landmark" shall conform to the architecture or the existing building.~~

213                    a.    The use of mirrored glass shall not be permitted.

214                    (2)    b.    Marked stucco to simulate shutters flanking window openings, and indiscriminate  
215                    use of stucco "scoring" or "cut lines," shall not be permitted, unless they perform  
216                    a function in the design, shall not be permitted.

217                    (3)    c.    Where particular treatments such as scoring, slump brick or other architectural  
218                    motifs are employed, these shall "return" on the abutting elevations.

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- 219 (4) d. Indiscriminate use of brick shall not be permitted.
- 220 (5) e. Where wood or metal columns are used, the same shall be well-proportioned.
- 221 (6) f. Shutters shall be architecturally designed to enhance the structure and all tracks  
222 and housing shall be concealed from view when not in use.
- 223 (7) g. Rooftop equipment such as that used in air-conditioning and any other type of  
224 mechanical or service equipment shall be screened from view from the right-of-  
225 way.
- 226 (8) h. Air cooled condensing and/or compressor equipment, watercooling towers and  
227 other type of mechanical equipment or apparatus installed on or attached to a  
228 premises shall be screened from view from the street, waterway, or adjoining  
229 properties by a wall and/or landscaping.
- 230 (9) i. Exposed concrete or masonry block shall not be permitted. ~~With the exception of~~  
231 ~~red or other brick, crab orchard or other stone, and architecturally formed and~~  
232 ~~detailed concrete, all masonry surfaces shall be stuccoed.~~
- 233 (10) j. If metal garage doors are used, they shall be painted.
- 234 (11) k. No exposed air conditioning ductwork or exposed solar tanks shall be permitted.
- 235 (12) l. Buildings and structures shall not be of a design that is plainly of an  
236 exhibitionistic character in form and coloring. By way of example, a milk bottle,  
237 bean pot, articles of food, clothing, a windmill or the like would be in violation of  
238 this provision.
- 239 (13) m. The materials, slope, construction, locations and design of awnings and canopies  
240 shall be subject to approval by the Town.
- 241 (14) n. Any building extending from street to street on inside lots shall have two fronts.
- 242 (15) o. Facade. Any building constructed on any lot shall be designed in such a manner  
243 as to present a facade of pleasing appearance facing all streets.
- 244 (16) p. The plans and specifications shall be in accordance with all other applicable code  
245 provisions.
- 246 (d)8. Preparation, Approval and Revision of Architectural Drawings.
- 247 The following approval and revising preliminary and final working drawings:
- 248 (1) (a) *Architectural drawings.* All architectural drawings shall be prepared by and bear  
249 an impression seal of a registered architect ~~or registered engineer~~ qualified under  
250 the laws of the State of Florida to prepare such drawings.
- 251 (2) *Approval in principle.* Preliminary "approval in principle" shall be obtained from  
252 the Architectural Review Board before proceeding with the final working drawings. The  
253 drawings for "approval in principle" shall preferably be a single line plan or plans and  
254 shall have a plot plan, floor plan and shall show all affected elevations. Photographs of  
255 adjoining properties [and] plans for additions or exterior alterations of all facades of the

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256 building where the alterations occur or to which the addition is attached shall be  
257 presented with the preliminary plans. Whenever the estimated cost of construction of any  
258 addition, exterior alteration and/or new construction will exceed \$25,000.00 such  
259 preliminary plans shall be submitted in duplicate.

260 ~~(3)(b)~~ Approval of Architectural Design. Board of architects. It shall be the duty of the  
261 Architectural Review Board ~~The Development Review Official~~ shall make the  
262 determination as to whether the architectural design reflected in the final  
263 architectural design drawings meets the intent of this Section in to preserve  
264 preserving the traditional aesthetic treatment of the community, and shall include  
265 such findings in accordance with the documentation required for development  
266 review and approval as set forth in Article II. Development Review.

267 (4) Revisions to preliminary plans. When the designing architect and/or engineer  
268 revises preliminary plans in accordance with the suggestions of the Architectural Review  
269 Board, he shall return the original drawings showing the Board's suggestions with the  
270 revised drawings.

271 ~~(5)(c)~~ Revisions to Approved Architectural Design Drawings: final working  
272 drawings. Modification to the After plans have been approved, no deviations from  
273 the approved architectural design as reflected on the approved final architectural  
274 design drawings shall be permitted without the approval of the Architectural  
275 Review Board. subject to the provisions for modifications to development plans  
276 as provided in Article II. Development Review.

277  
278 **SECTION 3. Codification.** This Ordinance shall be codified in accordance with the

279 foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall  
280 become and be made a part of the Town of Lauderdale-by-the-Sea Code of Ordinances; and that the  
281 sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be  
282 changed to "section", "article" or such other appropriate word or phrase in order to accomplish such  
283 intentions.

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

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287 SECTION 5. Conflicting Ordinances. All prior ordinances or resolutions or parts thereof  
288 in conflict herewith are hereby repealed to the extent of such conflict.

289 SECTION 6. Effective Date. This Ordinance shall become effective immediately upon  
290 passage on second reading.

291 Passed on the first reading, this \_\_\_\_ day of \_\_\_\_\_, 2011.

292 Passed on the second reading, this \_\_\_\_ day of \_\_\_\_\_, 2011.

293  
294  
295  
296

\_\_\_\_\_  
Mayor Roseann Minnet

	First Reading	Second Reading
297		
298 Mayor Minnet	_____	_____
299 Vice-Mayor Dodd	_____	_____
300 Commissioner Clotney	_____	_____
301 Commissioner Sasser	_____	_____
302 Commissioner Vincent	_____	_____
303		

304 Attest:

305 \_\_\_\_\_  
306 Town Clerk, June White, CMC

307 (CORPORATE SEAL)

308 Approved as to form:

309 \_\_\_\_\_  
310 \_\_\_\_\_  
311 Town Attorney, Susan L. Trevarthen