



AGENDA ITEM MEMORADUM

Development Services

Department

Cecelia Ward *CW.*

Planner Consultant *TRB*

COMMISSION MEETING DATE (*) - 7:00 PM	Deadline to Town Clerk
<input checked="" type="checkbox"/> Sept 13, 2011	Sept 2 nd
<input type="checkbox"/> Sept 27, 2011	Sept 16

<input type="checkbox"/>	Presentation	<input type="checkbox"/>	Reports	<input type="checkbox"/>	Consent	<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution	<input type="checkbox"/>	Quasi-Judicial	<input type="checkbox"/>	Old Business	<input checked="" 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 April 20, 2011 meeting, the Planning and Zoning Board received a presentation from Cecelia Ward on her analysis of the Town's Planning & Land Development Regulations. Ms. Ward included recommendations for further action regarding amendments to the adopted code of Ordinances to ensure that the Town's land development regulations are current and consistent with the Town's planning and regulatory needs. The report and minutes of the meeting are available at: <http://www.lauderdalebythesea-fl.gov/town/agendabackupminutesPZ.html>.

At the June 21st Budget Workshop, the Commission received a report concerning the Town's Planning Priorities & Cost to Address. The report and the video link for the meeting are available at: <http://www.lauderdalebythesea-fl.gov/town/agendabackupminutesNEW.htm>

Ms. Ward was authorized to proceed with Planning Priority No. 1, which included an analysis of Section 30-9 "Architectural standards", and the preparation of revisions to the architectural standards in a manner that would foster a sense of place and preserves the essential character of the Town. The recommendations in the report have been incorporated in the attached draft Ordinance.

At the August 17, 2011 the Planning and Zoning Board, sitting as the Town's Local Planning Agency, reviewed a draft Ordinance (**Exhibit 1**) and voted 3 to 2 to table the draft Ordinance its November 16, 2011 and asked that an economic study to be completed in the interim regarding the proposed changes to the Code. As the draft minutes (**Exhibit 2**) reflect, the Board discussed changing from mandatory Mediterranean style to; 1) making Mid-Century Modern [MiMo] the preferred style; 2) making Mediterranean the preferred style; and, 3) not having any preferred architectural style.

It is recommended that the Commission provide guidance regarding proceeding with the requested economic study. Following are some relevant points regarding this issue:

1. The study performed by Ms. Ward documented the need to amend the Code so the Town's land development regulations are current and consistent with the Town's planning and regulatory needs, which include preserving the existing character of the community. The Commission agreed that this was a top planning priority.
2. The Architectural standards imposed by Section 30-9, which require a mandatory Mediterranean style of architecture ["Spanish, Venetian, Italian or other Mediterranean or similar harmonious architecture"] has been in place since 1993. The fact that this style is not prevalent throughout the Town in 2011 suggests



that the mandatory requirement has not been successful and we should reassess the appropriate standard for the Town.

3. Recently, architects and other professionals have presented evidence before the Planning and Zoning Board and the Commission that the existing style of architecture that is more prevalent in the Town is more in keeping with the Mid-Century Modern [MiMo] style. As such, the changes proposed in the draft Ordinance to identify the Mid-Century Modern style of architecture as a "preferred" style, with flexibility to allow alternative styles based on certain conditions, is more in keeping with the existing character and provides greater flexibility in design, supported by appropriate standards.
4. The Board's request for an economic study could easily cost \$50,000 or more. For comparison, the 2004 Goodkin Economic Study was approved with a guaranteed maximum cost of \$45,000 plus the reimbursement of all expenses.
5. We believe an economic study is unwarranted in light of the changes proposed to the Code, as incorporated in the draft Ordinance. The changes proposed pose less of a regulatory restriction on property owners than the current Code provisions. The proposed amendment removes the mandatory requirement for a particular architectural style and replaces it with a more flexible approach by establishing a "preferred style of architecture" for the Town, which staff is recommending the Mid-Century Modern [MiMo] style.
6. Additionally, the draft Ordinance removes the requirement for review by a Town Architectural Review Board [ARB], which is currently inactive, and replaces the Board with a determination for compliance in design by the Development Review Official based on the recommendation of a licensed Architect, which can be retained by the Town on a cost recovery basis, as is done with other types of review such as traffic and the like. As most developers have already retained an architect to prepare certain designs and drawings as part of an application for development review, this should not add any significant additional cost to them. Additionally, the time saved by removing the requirement for an Architectural Board Review should result in a reduction in the costs for a development review to the developer.

RECOMMENDATION: Commission direction is requested.

Alternatives include:

1. Direct Staff to prepare an RFP for an economic study and transfer funds from the General Fund contingency account once the amount is known. This would suspend action on Priority No. 1 for at least six months.
2. Advise the P&Z Board to provide their recommendation without the benefit of an economic study.
3. The Commission could schedule First Reading on the amending Ordinance and ask the P&Z Board to provide their recommendations by the time the Ordinance is scheduled for Second Reading.

EXHIBIT(S): 1. Draft Ordinance
2. Draft Minutes of the August 17, 2001 Planning and Zoning Board Meeting.

Reviewed by Town Attorney
 Yes No

Town Manager Initials CA

File: 9-13 AM Priority No 1 PZ Econ Study

ORDINANCE 2011-___

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 Ordinance (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; and

26 **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has
27 reviewed this Ordinance at a duly noticed hearing on August 17, 2011 and recommended its
28 adoption; and

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

34 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF**
35 **THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AS FOLLOWS:**

36

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

40 **SECTION 2. Amendment.** Section 30-9, Architectural Standards, of Chapter 30,
41 Unified Land Development Code, is hereby amended¹ as follows:

42 **Sec. 30.9 Architectural standards.**

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

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

52 1. Purpose and Intent.

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

60 2. Typical Architectural Design Features and Characteristics.

61 Typical architectural design features and characteristics to be utilized to reflect the Mid-
62 Century Modern (MiMo) Architectural Style shall include, but not be limited to:

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

¹ Words in ~~strike through~~ type are deletions; words in underlined type are additions.

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

3. Typical Materials:

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

- 99 (a) aluminum
- 100 (b) textured stucco
- 101 (c) field stone
- 102 (d) keystone
- 103 (e) mosaics (glass or ceramic)
- 104 (f) oolitic limestone

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- 105 (g) plate glass
- 106 (h) roman brick
- 107 (i) slump brick

108 4. Applicability.

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

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

116 5. Architectural styles.

117 (a) Mid-Century Modern.

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

122 (b) Alternative Architectural Styles.

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

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

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

134 (2) That the architectural style of new development incorporates a scale,
135 massing, and sufficient number of the same or similar design elements (e.g.,
136 horizontal or vertical building facade articulation, building facade
137 articulation elements, facade materials, roof design, use and design of
138 balconies, window design, door design, use and design of window or door
139 shading devices, railing design, etc.) to create a clear and affirmative

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140 relationship or transition between the architectural styles of adjacent existing
141 buildings or of adjacent approved development.

142 6. Review of Architectural Design.

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

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

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

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

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

164 d. Elements to be Considered. The following elements shall be considered ~~in~~
165 considering the design of the building, the Board shall consider and render a
166 recommendation as to the feasibility of the following elements in the review of the
167 plans design concept:

- 168 (1) Trim
- 169 (2) Shutters
- 170 (3) Awnings and canopies
- 171 (4) Windows (Fenestration)
- 172 (5) Doors
- 173 (6) Texture of surface
- 174 (7) Colors
- 175 (8) Roofs

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

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

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

196 7. Compliance with Additional Design Standards.

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

199 ~~(e) Compliance with standards required. All development, including new~~
200 ~~construction, reconstruction, alterations and additions within the B-1-A, B-1, R-5,~~
201 ~~RD-10, RM-25, and RM-50 districts of the Town shall comply with the following~~
202 ~~architectural standards.~~

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

207 ~~a. The use of mirrored glass shall not be permitted.~~

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

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

213 ~~(4) d. Indiscriminate use of brick shall not be permitted.~~

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

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251 presented with the preliminary plans. Whenever the estimated cost of construction of any
252 addition, exterior alteration and/or new construction will exceed \$25,000.00 such
253 preliminary plans shall be submitted in duplicate.

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

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

265 (c) Revisions to Approved Architectural Design Drawings: final working
266 drawings. Modification to the After plans have been approved, no deviations from
267 the approved architectural design as reflected on the approved final architectural
268 design drawings shall be permitted without the approval of the Architectural
269 Review Board, subject to the provisions for modifications to development plans
270 as provided in Article II. Development Review.

271 **SECTION 3. Codification.** This Ordinance shall be codified in accordance with the
272 foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall
273 become and be made a part of the Town of Lauderdale-by-the-Sea Code of Ordinances; and that the
274 sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be
275 changed to "section", "article" or such other appropriate word or phrase in order to accomplish such
276 intentions.

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

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

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

284 Passed on the first reading, this ____ day of _____, 2011.

285 Passed on the second reading, this ____ day of _____, 2011.

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Mayor Roseann Minnet

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	First Reading	Second Reading
Mayor Minnet	_____	_____
Vice-Mayor Dodd	_____	_____
Commissioner Clottey	_____	_____
Commissioner Sasser	_____	_____
Commissioner Vincent	_____	_____

297 Attest:

298 _____
299 Town Clerk, June White, CMC

300 (CORPORATE SEAL)

301 Approved as to form:

302 _____
303 _____
304 Town Attorney, Susan L. Trevarthen

TOWN OF LAUDERDALE-BY-THE-SEA

PLANNING AND ZONING REGULAR MEETING MINUTES

Town Commission Meeting Room

Wednesday, August 17, 2011

6:30 P.M.

I. CALL TO ORDER

Chairman Alfred Oldaker called the meeting to order at 6:30 P.M. Members present were Chairman Alfred Oldaker, Vice Chair Yann Brandt, Ben Freeney, Patrick Murphy and First Alternate Eric Yankovits. Also present were Jeff Bowman, Zoning/Code Supervisor, Bud Bentley, Assistant Town Manager, and Town Attorney Kathryn Mehaffey. Board Secretary Colleen Myrrell was present to record the minutes of the meeting.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of allegiance was received

III. APPROVAL OF MINUTES - Planning and Zoning Meeting of July 20, 2011

There being no additions, deletions or changes to the minutes, all voted in favor to approve the July 20, 2011 minutes as presented.

IV. PUBLIC COMMENTS

There were no public comments.

V. NEW BUSINESS

- Item #1: Architectural Review Standards presented by Cecelia Ward
Priority No.1: Proposed changes to Code Section 30.9 Architectural Standards.

Chairman Oldaker asked Cecelia Ward to proceed with her comments on the Architectural Review Standards.

Planner Cecelia Ward of JC Consulting Inc. is acting on the behalf of the Town for this agenda item and gave some background information that resulted in the proposed changes to Section 30.9 Architectural Standards. Ms. Ward said that she had prepared an analysis of the Town's Comprehensive Plan and the Land Development Regulation and the intent of that analysis was to determine if changes were needed either to the Land Development Regulation or the Town's Land Use Plan to be consistent with other. One of the key provisions of the Town's Comprehensive Plan is preserving the community character that exists in Lauderdale-By-The-Sea. Ms. Ward said that there were several items that should be addressed by the Town specifically in relation to the Land Development Code. One of those items is the mandatory requirement in the code that requires Mediterranean style of architecture. Currently this section of the code states that if you are going to redevelop or make certain improvements that trigger a site development review by the Town, that the only requirement applied to the architecture is Mediterranean or Spanish style. This does not give very much flexibility as to alternative styles that may be more appropriate. Ms. Ward said that in March 2011, there were several visioning and planning exercises performed by other consultants and by the University of Miami, etc. that indicates that there is a more prevalent style of architecture in the Town that is not Mediterranean but is more reflective of the Mid-Century Modern or Miami Modern or MiMo. Ms. Ward said that what her company proposes is to remove the Mediterranean or Spanish style as the mandatory style and replace it with a preference for Mid-Century Modern. Also, they have also provided a little flexibility to say that if you do not really want the Mid-Century Modern and if a project has the Mediterranean Style on one side or the other, maybe that style would

work for that particular site. The proposed changes removes the mandatory restriction on style and provides a leaning towards Mid-Century Modern and provides alternatives like stability to other architectural designs that may be appropriate in certain locations and it also cleans up a process that is in the code that does not really exist which is an Architectural Review Board. Today the code says that if you get triggered into this architectural review, you need to go to an Architectural Review Board for this review and that board really doesn't function. Ms. Ward said that she proposes to remove that and replace it with a Development Review Officer and that person would be the one that makes the determination that the style complies with code. To assist the Development Review Officer, the Town may employ an outside professional and state licensed architect at a cost recovery base. To summarize, this particular amendment is proposing to do the following:

- Remove the mandatory Mediterranean style as the architectural style of the Town.
- Provide Mid-century or MiMo or Modern as the preferred style for the Town.
- Give flexibility for alternative architectural styles
- List some criteria for the different elements that the Town would be looking for in reviewing architectural elements in a building.
- Remove the Architectural Review Board which currently does not function and replace that with the Development Review Site Plan process that the Town is currently using.
- Possibly give the Town the ability to hire an outside professional architect at a cost recovery basis so that there is no cost to the resident but would go back to the developer.

Ms. Ward closed her comments and asked the board if they had any questions.

Mr. Yankwitt asked what were the economic benefits to changes the architectural style.

Ms. Ward said that from the planning and zoning perspective, there is currently a constraint on the possibility to renovate some of these existing buildings which are for the most part mostly Mid-Century Modern in style. So that if you have an existing building such as a resort/motel and you want to make some renovations, the current code would require them to convert to the Mediterranean style that would change the entire demeanor of the building. So, from an economic standpoint, they are actually providing more relief to the existing property owners especially those who may want to make changes and bring their building to code from an architectural standpoint and cannot do that under the current code.

Mr. Yankwitt said that would benefit the individual and asked how it would benefit the Town as a whole?

Ms. Ward said that she has not done an economic analysis on the Town as a whole. Ms. Ward said that the study that the University of Miami had done for the Town, was looking at what were some of the characteristics that make Lauderdale-By-The-Sea unique. Ms. Ward said that they are basically preserving those characteristics with this ordinance. So, from an economic development standpoint, she thought this would make us stand out more than other beachside communities.

Mr. Brandt asked which zoning districts were currently enforcing the required Mediterranean Style.

Ms. Ward read the code section, "**all development including new construction, reconstruction, alterations and additions within the B-1A, B1, R5, RD10, RM25 and RM50 zoning districts**". Ms. Ward said that they were not changing that and this ordinance would only be applicable to the same zoning districts where the architectural review is applicable.

Mr. Brandt asked Ms. Ward what is the benefit of having a style listed in the Town's review process at all.

Ms. Ward said that to go from mandatory Mediterranean to nothing would be a significant change and she thought there would be some benefit to give the proposed developer some indication of what the Town is trying to achieve. Ms. Ward said that she thought there had been enough analysis performed for the Town that shows that the Town has some characteristics and some pattern of architectural style. Ms. Ward said that the Comprehensive Plan actually directs the Town to preserve the character of the community. Ms. Ward said that they are fulfilling the objective of the Comprehensive Plan by making this change. The flexibility provisions they provide would give the opportunity for someone to propose something else.

Mr. Brandt asked Ms. Ward if she was aware of any studies that were done for the Town that says that MiMo is the style.

Ms. Ward said that a field study was done around the same time that she was doing the comparative analysis for the Town. That field study indicated that there is a greater predominance of the Miami Modern and Mid-century type of architecture than any other type of architectural style in the Town.

Chairman Oldaker asked if this would discourage certain businesses in Town.

Ms. Ward said absolutely not and by keeping the Mediterranean style, the Town could potentially discourage the redevelopment of property.

Mr. Brandt said that he was not a big fan of the MiMo style of architecture and said that he lives in the Silver Shores area and said that he could name one house that really has a MiMo standard. Mr. Brandt said that developments that had followed the Mediterranean style might feel out of place at this point if the Town went into something different. Mr. Brandt said that it has been a few months since he read the Comprehensive Plan, and he did not believe that MiMo is mentioned. Mr. Brandt said that there was also discussion of not making MiMo the standard because it might create some sort of art deco or let's keep it old kind of feel. Mr. Brandt said that he heard both sides of that coin when the Town had all those resource speakers doing their study. Mr. Brandt was hesitate to go to this drastic change from mandatory Mediterranean to MiMo and then put the burden on the developer or the person trying to renovate a property as to why they shouldn't do MiMo.

Ms. Ward said that she wanted to clarify that there is no specific architectural style in the Comprehensive Plan and that Mr. Brandt was correct. Ms. Ward said that the change that they were making in addition to making it not mandatory is saying that it is preferred and that is why they specifically did not say it is a mandatory architectural style.

Mr. Brandt said that he would be more in favor of making what the Town has already "preferred" and letting it go through the new process that Ms. Ward is recommending. Mr. Brandt said that he would go with the speakers that said that MiMo wouldn't and shouldn't be the standard for the Town.

Ms. Ward said that this ordinance only says that MiMo is the preferred and does not make it the required standard.

Mr. Freeny commented that he thought it was very important for the Town to provide some direction to the developers. A prime example of zero direction or every direction - if you drive west across the intra-coastal on Commercial Boulevard and if you look at the buildings, there is no real cohesiveness between any of the buildings and he thinks it is very unattractive. Because the area being discussed is very small, some kind of guidance needs to be provided. Mr. Freeny also agreed that the architectural styles have to be somewhat flexible and not a total requirement or we could end up with some kind of Japanese Pagoda next to a Russian onion-top building next to a Southwest Ranch style structure. Mr. Freeny said that all of the work that everybody has been doing has been aimed at merely trying to get the feel of the beachside community and to have some cohesiveness. Mr. Freeny said that probably out of most of the architectural styles, the Mediterranean style would be one of the most expensive to try and develop or renovate. Mr. Freeny said that he knew that the Town was trying to remove the impediments and he hopes that the board thinks about all that the Town would achieve with these proposals. Mr. Freeny said that he was not a big Mid-century fan either but he was a fan of moving forward.

Mr. Brandt said that he thought it was important to note that the Town has had a standard for all these years and that is why some things are coming together in a cohesive fashion and thought that the proposed changes would give the Town less of a standard.

Chairman Oldaker asked Ms. Ward what degree of power would this review concept have when an outside consultant is hired.

Ms. Ward said that in her experience, you would hire an outside professional that is certified and licensed in the State of Florida for that specific type of work and she did not think that the Town wanted to go through the expense of hiring an full-time architect to do these reviews and it gives that alternative on a cost recovery basis. A short list of professional architects would be created and they would be rotated.

Mr. Freeny said that the decision would still be upon the Development Review Official and the Town Administration.

Ms. Ward said that the architect would make a recommendation to the Town's official.

Mr. Brandt asked who the Development Review Official would be?

Ms. Ward said that currently the Development Review Official is Bud Bentley the Director of Development Services.

Chairman Oldaker asked for a motion from the board.

Mr. Brandt made a motion to approve the proposed changes to Section 30.9 Architectural Standards with the premise to incorporate some of the recommendations such as getting rid of the Architectural Review Board and to get rid of the Mediterranean architectural style requirement but not to move to the MiMo architectural style. Mr. Brandt said that they are not the Town Commissioners and they are not the mini Town Commission and that these were policy decisions and if the board is going to make a recommendation to do something that is MiMo and spend a lot of staff time, he would rather have the real Town Commission do that as opposed to this board. Mr. Brandt said that he thought it was a good recommendation to get rid of the requirement for the architectural style, whatever that may be, and to get rid of the Architectural Review Board which the Town does not have on hand at this time.

Town Attorney Kathy Mehaffey commented that the ordinance that is in front of the board already eliminates the Architectural Review Board. Attorney Mehaffey said that she understood Mr. Brandt's motion to recommend approval without the recommendation for the MiMo architectural style.

Mr. Brandt responded, yes. The motion is for approval but leave it for Mediterranean and get rid of the requirement and get rid of the Architectural Review Board. Mr. Brandt said that the architectural standard is a policy decision and is in his opinion should not be up to the Planning and Zoning Board. Mr. Brandt said that he has not seen any concrete studies that indicates that the Town should go to a MiMo architectural style nor have they seen a Comp Plan adjustment.

Mr. Murphy referred to line 123 of the draft ordinance that states **"While the Mid-Century Modern (MiMo) architectural style is the preferred architectural style, it is not intended to be the exclusive architectural style of the Town"**. Mr. Murphy said that was relatively clear and said that it was a preferred suggestion.

Mr. Freeny made a motion to accept the proposed changes to Section 30.9 Architectural Standards as written and provided by Town staff.

Mr. Brandt said that he would second Mr. Freeny's motion with further discussion.

Mr. Brandt responded to Mr. Murphy's comment and said that if you read further it says **"However, it shall be the applicant's burden to show that the proposed alternative architectural style and design concepts, to the maximum extent practicable, are compatible with the architectural style of adjacent existing or approved development on the same or abutting properties and street frontages"**. Mr. Brandt said that this automatically puts the burden on the person renovating the property to go away from MiMo and if the Town decides to hire a architect to review this, it becomes the developers responsibility to pay for that architect to change that style which he thinks is completely over burdensome to the person trying to renovate the property.

Mr. Murphy said that he agreed to a certain extent but you would have a contiguous property that wants to meet the same style and if in fact you are trying to achieve a style and that style doesn't meet MiMo, why would you not do that. Mr. Murphy said that the purpose and the intent of this document is to try and create flexibility and move forward in the Town.

Mr. Brandt said that the problem is that there is not that much MiMo in Town. There are bits and pieces of old properties that exhibit some signs of MiMo. Mr. Brandt said that if you go into Silver Shores and the Surf and Yacht Club, it is not MiMo. All and all this Town is way more Mediterranean than it is MiMo.

Mr. Murphy said that he had a hard time thinking that we are trying to make some dramatic change from building to building. Mr. Murphy said that he thought it could be a common sense thing that we could look at each individual renovation on a case-by-case situation.

Mr. Brandt responded that there really was no need to jump into this giant change from Mediterranean to MiMo. Mr. Brandt said that this thing is being pushed on the board and on the residents of the Town because two resource speakers came in and said that MiMo is here and we are being lobbied for this MiMo thing when there is no real giant desire to create it.

Mr. Murphy said that was Mr. Brandt's opinion and he thought that it created more flexibility.

Mr. Bowman, Supervisor of Zoning and Code, commented that the residential sections RS4 & RS5 are not included in this ordinance and it was just the business district and the multi-family.

Mr. Brandt commented that one part of the Town would be MiMo and the other part of the Town whatever they want.

Mr. Yankwitt said that back in the day the board required the Mediterranean style and why in their infinite wisdom did they do that and what was their reason for doing that?

Mr. Bowman thought it was around the year 2000 when they put in the required Mediterranean style and did not know what the rationale was for choosing that style.

Mr. Yankwitt asked if it was common for Town's to change style every decade or every fifteen years or so or every new generation.

Mr. Bowman responded that he did not have an answer.

Mr. Murphy said that he had a hard time thinking that in this current environment that if a developer comes in and wants to do something, his inability or not wanting to hire an architect to make sure that it would comply with everything in order to get a project off the ground, that person is probably going to do it. The ultimate decision would be, whether we as individuals and as a group would make that decision to pass it on to the Town Commissioners to make that decision.

Mr. Freeny said that the board was given this item to review and discuss and one thing the board does provide to the Commission, is the minutes of the meeting so that they could go through and look at the points the board brought up and discussed and see what the board's responses were and hoped that they would be beneficial in any decision the Commission would make when they go through their process. Mr. Freeny referred to his previous statement regarding the cost and there were comments made that most of these people did not have the funds to do renovations and were not able to maintain the property that caused so many of the properties to go down hill. If a small motel on the beach were to convert to a Mediterranean style, it would cost them a lot more than to convert to this MiMo style. Mr. Freeny thought this was one thing that was good about this change and the ordinance says preferred and it is not mandatory. Mr. Freeny said that currently with the mandatory Mediterranean style, the Holiday Inn would have to be renovated in the mandatory Mediterranean style.

Mr. Brandt withdrew his second to Mr. Freeny's motion.

Chairman Oldaker said that Mr. Brandt still had a motion on the table and it needed a second. The motion failed due to a lack of second.

Mr. Brandt made a motion to defer until the November 16, 2011 Planning and Zoning hearing. Mr. Yankwitt seconded the motion with direction to Staff regarding the information he would like provided at the November meeting.

Mr. Yankwitt would like to see economic numbers as to how this change would improve upon the value of properties in Town and the value of his home; the cost to others in the neighborhood and what the benefit is to having a Mediterranean style versus a MiMo style.

Chairman Oldaker said that this ordinance would not affect the residential areas.

Mr. Yankwitt responded that he lives in a Town where there are some businesses and said that he is in walking distance to the Pier and thought that this could affect him.

Mr. Brandt accepted Mr. Yankwitt's friendly amendment.

In a roll call vote, the motion passed 3 to 2 in favor of deferring this item to the November 16, 2011 Planning and Zoning meeting. Mr. Freeny and Mr. Murphy voted in the negative.

Mr. Bowman asked for direction from the board so that he would know what information the board was looking for regarding this ordinance so that it could be prepared and provided at the November meeting.

Mr. Yankwitt would like to see what the value would be to having MiMo verses Mediterranean style and how that affects the value of the tax base; would it attract or not attract more tourism. Mr. Yankwitt said that basically he would like to see some economic numbers so that he could see why it would benefit the Town to change from something the Town has had established for the last 15 years. Mr. Yankwitt said that every time we come into something that is aesthetic, it seems like whatever board is in power at that time comes up with a new standard of aesthetics without any mention of the economic benefit.

VI. OLD BUSINESS

Item #1: Conditional Use Application for Outside Seating in the B-1 and B-1-A Zoning District. Tabled from the July 20, 2011 Planning and Zoning meeting.

Chairman Oldaker asked Jeff Bowman to address the Conditional Use Application.

Mr. Bowman said that this item was presented at the last Planning and Zoning meeting and the board deferred it to this meeting and requested that Staff provide the board with additional information. Mr. Bowman referred to page 3 of his Staff report and at the bottom listed the board's questions and Staff's responses.

Chairman Oldaker requested that Mr. Bowman go through the questions and answers for the board.

Mr. Bowman stated each question –

1. Question: Are the service areas calculations correct?

Answer: The customer service area has been modified. The entire deck area will now be used for Customer area. The original application was for 266 sq. ft. and that has been revised to 676 sq. ft. as shown on Exhibit #1.

Mr. Bowman said that the applicant decided to make the entire area customer service area to make it easier for staff to not have to guess how much customer service area would actually be occupied on the deck at any given time.

2. Question: What are the calculations for the number of required bathrooms? Does the additional seating require additional bathrooms?

Answer: The Florida Building Code (Section 403) requires restaurants to provide restrooms based on the occupancy load and shall be composed of 50% of each sex (36/36/).

Restaurants are classified as A-2 Occupancy and require 1 facility per 75 for female and 1 facility per 75 for male. Currently the Pier provides 1 facility for each sex.

The Pier Café has two bathrooms, which is sufficient for 150 people and the total occupancy load with the additional outside seating is indicated by the architect to be 76 people.

Mr. Bowman said that the applicant has the two bathrooms that he needs for the occupancy load that the application is proposing.

3. Request: Revise the plans to include the distance from the decking to the residential dwelling units to the south.

Response: The plans (Exhibit 1) were revised to include the distance, which is approximately 70 feet.

4. Request: Have the applicant provide a copy of the State approval for the decking.

Response: The applicant was out of Town and was unable to provide the document prior to the agenda packet being sent to the board members. They have been asked to provide it for the board meeting.

Mr. Bowman gave the board members a copy of the State approval document for the decking.

Mr. Brandt said that at the last meeting Staff noted that the application for the Conditional Use mentioned the hours between 8 AM and 10 PM and that would be the rule imposed once it was approved and he wanted to make sure Mr. Bowman was aware of that.

Mr. Bowman remarked that in Staff's recommendations, it was a condition that was added that was a condition that was approved by the board. Mr. Bowman referred to page 3 Condition #3 that states that the hours of operation are not limited to the hours specified in the application but by Section 12-10 of the Town Code which is 6 AM to 2 AM.