



# AGENDA ITEM MEMORADUM

**Development Services**

**Cecelia Ward**

Department

Planner Consultant

**COMMISSION MEETING DATE (\*) - 7:00 PM**

**Sept 27, 2011**

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

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

**SUBJECT TITLE: Resolution Adopting a Notice of Intent (NOI) for Planning Priority No. 1: Proposed Amendments to Section 30.9 Architectural Standards.**

**EXPLANATION:** All proposed development regulations are subject to the Notice of Intent (NOI) procedures of Section 531 of the Town Code. The current NOI that covers the revisions to Section 30.9 Architectural Standards expires on September 30, 2011.

At the September 13, 2011 Town Commission meeting, the Commission voted unanimously in favor of scheduling First Reading on an ordinance to identify the Mid-Century Modern style of architecture as the Town's "preferred" style, with flexibility to allow alternative styles based on certain conditions. Since First Reading is after the expiration of the current NOI, staff has prepared an NOI and adopting Resolution (**Exhibit 1**) announcing the proposed amendments to Section 30.9 Architectural Standards. At this time, the specific changes being contemplated to these regulations include:

1. 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, for which staff is recommending Mid-Century Modern.
2. Additionally, the draft Ordinance removes the requirement for review by a Town Architectural Review Board [ARB], which is currently inactive, and replaces the Architectural Review 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 it done with other types of review such as traffic and the like.
3. All land development applications will continue to be processed in accordance with current code requirements. No other changes in the review and processing of any land development applications will result from the proposed changed being considered in this Ordinance. All land development applications will continue to be processing and reviewed by the Town's Planning and Zoning Board and Town Commission, in accordance with the requirements of the Town Code.

The Commission further directed the Planning and Zoning Board provide their recommendation on the draft Ordinance by the time the Ordinance is scheduled for Second Reading. To that end, staff has scheduled this item for the October 19th Planning and Zoning Board meeting.



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**RECOMMENDATION:** We recommend approval of proposed Resolution (Exhibit 1). If approved the public hearing for first reading of the draft Ordinance will be scheduled for the October 11th Commission Meeting.

**EXHIBIT(S):** 1. Resolution Adopting a NOI

Reviewed by Town Attorney

Yes  No

Town Manager Initials CA

File: 9-27 AM NOI Priority No 1 ARS

# Exhibit 1

## RESOLUTION NO. 2011-35

1           **A RESOLUTION OF THE TOWN COMMISSION OF THE**  
2           **TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA**  
3           **PROVIDING FOR ISSUANCE OF A NOTICE OF INTENT**  
4           **CONCERNING PENDING LAND DEVELOPMENT**  
5           **REGULATIONS**  
6

7           **WHEREAS**, Section 30-531 of the Code of Ordinances of the Town of Lauderdale-By-  
8 The-Sea (the “Code”) provides for a procedure for the public and the development community to  
9 be notified of changes to the Town’s land development regulations through the issuance of a  
10 notice of intent of pending land development regulations; and

11           **WHEREAS**, pursuant to Section 30-531(b) of the Code, the Town Commission shall  
12 authorize the investigation, study, development, drafting and consideration of all proposed  
13 amendments to the Town’s land development regulations; and

14           **WHEREAS**, the Town Commission approved Resolution No. 2011-01 approving a  
15 Notice of Intent (NOI) which included provision for the amendment of the architectural  
16 standards and review criteria to address the Town vision and achieve consistency between the  
17 Town’s Master Plan and Land Development Regulations; and

18           **WHEREAS**, the NOI provided for Planning and Zoning Board review between February  
19 2011 and September 2011 and adoption of any related ordinances between February 2011 and  
20 September 2011; and

21           **WHEREAS**, the Town has worked with Town residents and businesses and design  
22 professionals to develop a vision for the future of the Town but has not completed the Code  
23 amendment review and adoption process; and

24           **WHEREAS**, the existing NOI expires on September 30, 2011; and

25           **WHEREAS**, the Town Commission desires to issue a new NOI to provide for revision of  
26 the architectural standards and review criteria to address the vision and achieve consistency  
27 between the Town’s Master Plan and Land Development Regulations; and

28           **WHEREAS**, Section 30-531(f) of the Code provides for posted written notice of the  
29 pending amendments; and

30           **WHEREAS**, pursuant to Section 30-531(d) of the Code, the Town Commission held a  
31 public hearing concerning the Notice of Intent of Pending Land Development Regulations on  
32 September 27, and desires to approve the further processing of the proposed regulations.

# Exhibit 1

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

35  
36 **SECTION 1. Authorization.** Pursuant to Section 30-531 of the Code of Ordinances,  
37 the Town Commission authorizes the investigation, study, development, drafting and  
38 consideration of the proposed comprehensive plan amendments, as described in the Notice of  
39 Intent of Pending Land Development Regulations attached hereto as Exhibit "A."

40 **SECTION 2. Effective date of notice.** The Town Commission hereby finds that the  
41 effective date of the Notice of Intent of Pending Land Development Regulations shall be  
42 September 27, 2011.

43 **SECTION 3. Effective date of resolution.** This Resolution shall become effective  
44 immediately upon passage and adoption.

45 **PASSED AND ADOPTED** this \_\_\_\_\_ of \_\_\_\_\_, 2011.

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48  
49 \_\_\_\_\_  
MAYOR ROSEANN MINNET

50 ATTEST:

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53 \_\_\_\_\_  
54 June White, Town Clerk, CMC

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56 Approved as to form:

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58  
59 \_\_\_\_\_  
60 Susan L. Trevarthen, Town Attorney

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Exhibit “A”

Notice of Intent of Pending Land Development Regulations

Effective September 27, 2011

1. **Statement of Purpose:** In accordance with Section 30-531 of the Code of Ordinances, the Town hereby issues this **Notice of Intent** to notify the public of proposed changes to the land development regulations of Chapter 30 of the Code of Ordinances (“Code”). Upon Town Commission approval of the further processing of the proposed regulations, the amendments will be scheduled for hearing and adoption by ordinance.

2. **Description of Proposed Amendments to Chapter 30 “Unified Land Development Regulations” of the Code of Ordinances:**

Amending Section 30-9 and Section 30-124(a)(15) Architectural Standards and Review Criteria.

3. **Projected Time Frame for Adoption of Regulations and Plan Amendments:**

- a. Public Hearing and Town Commission Approval to Proceed with Proposed Amendments: September 27, 2011
- b. Planning and Zoning Board Meetings: October, 2011 – November, 2011
- c. Adoption of Ordinances October, 2011 – January, 2012

4. **Application of Pending Regulations:**

The proposed regulations shall become applicable to development within the Town on the Effective Date of this Notice of Intent.