Town Commission
NOTICE OF VIRTUAL TOWN COMMISSION WORKSHOP

Pursuant to the Town's Local Declaration of Public Emergency, a VIRTUAL Town Commission workshop will be held on Tuesday, April 6, 2021, at 5:00 p.m. and broadcast from Town Hall.

The April 6, 2021 Town Commission Workshop will be held as a VIRTUAL WORKSHOP with elected officials and Town staff participating through video conferencing. This virtual workshop will be broadcasted live for members of the public to view on the Town's website (www.lbts-fl.gov), Comcast Channel 78, and AT&T U-verse Channel 99.

The Town of Lauderdale-By-The-Sea Town Commission welcomes and encourages the public to participate at its virtual meetings and offers two ways for residents to be heard.

WRITTEN PUBLIC COMMENTS
Send an e-mail to public_comments@lbts-fl.gov Your comment will be read into the record during the meeting by the Town Clerk.

ACTIVE PARTICIPATION
Notify the Town Clerk via e-mail at public_comments@lbts-fl.gov by April 6, 2021 4:00 pm of your desire to speak during a live virtual workshop. Please provide us with your name email address and phone number. We will then send you the Zoom Meeting ID and link. For security reasons, please do not share the Meeting ID with anyone else. If a friend or neighbor also wishes to speak, have them sign-up with the Town Clerk. When contacting the Town Clerk, please specify if you wish to speak during Public Comments or during a specific agenda item. The Town will enable the Waiting Room function on Zoom and allow public speakers to enter the virtual meeting during Public Comments or for a specific agenda item. You can join the meeting either by calling in or using a laptop, computer webcam or cellphone. Once you are finished commenting, the Town will disconnect you from the meeting.

A copy of the agenda for the virtual Town Commission meeting can be accessed on the Town's website, at

https://www.lauderdalebythesea-fl.gov/341/Agendas-Video.

Please note that the Town's November 6, 2020 Amended Local Declaration of Public Emergency regarding Virtual Meetings suspended the requirements that a quorum be present and that Town committees and boards meet at a specific public place, and allows them to utilize communications media technology, such as telephonic and video conferencing.

Should any person desire to appeal any decision of the Town Commission with respect to any matter to be considered at this meeting, that person shall ensure that a verbatim record of the proceedings is made including all testimony and evidence upon which any appeal may be based (Section 286.0105, Fla. Stat).

Jarvis Hall 4505 N. Ocean Drive

Commission Workshop

Commission Workshop

Tuesday, April 6, 2021, 5:00 PM
Jarvis Hall 4505 N. Ocean Drive

---

1. CALL TO ORDER

2. PUBLIC COMMENT

3. DISCUSSION ITEM

a. Lauderdale-By-The-Sea Surtax Projects (Neysa Herrera, Assistant to the Town Manager)
4-6-21 AM FY21 New Surtax Projects.pdf

b. Downtown Business District Discussion (Jhanelle Campbell, Acting Director of Development Services)
4-6-21 AM Downtown
Ex1 Resolution 2020-39 - LBTS Extraordinary Circumstance Waiver.pdf
Ex2 Resolution 2021-03 - Extending Reso 20-39 for Sidewalk Cafs BTRs.pdf

4. ADJOURNMENT

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

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

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

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

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

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

Agenda Item No: 3.a

Town Commission Agenda Item Report

Meeting Date: April 6, 2021
Submitted by: Neysa Herrera, Assistant to the Town Manager
Submitting Department: Administration
Item Type: New Business
Agenda Section: New Business

Subject Title: Lauderdale-By-The-Sea Surtax Projects

Explanation: In November 2018, Broward County citizens voted for the "Penny for Transportation" Tax (known as the Transportation Surtax), which established a 30-year, one percent surtax to support transportation efforts across Broward. The Metropolitan Planning Organization ("MPO") was tasked, through the Transportation System Surtax Interlocal Agreement, to develop a process in which municipalities can submit projects annually for funding consideration. The deadline to submit new projects for this year's consideration is April 22, 2021.

At the March 23, 2021 Special Commission meeting, the Town Commission reviewed the proposed 5 Year CIP, which will be formally adopted during the FY22 budget process. At that time, staff identified several of the projects that may be eligible for funding through the Surtax program. These projects (1, 2 and 3) are incorporated into the following proposed list of Town projects to be submitted to the MPO for evaluation and ranking for Surtax funding in FY21. Additional projects (4 and 5) are being proposed to implement the Town's Action Plan. Following the Table is a brief description of each project. If approved by the Commission, this list of projects with their description will be incorporated into the submittal to the MPO for Surtax funding.

	Project Title	Projected Cost
1	Complete Street Project Construction (Codrington Drive)	$1,500,000
2	Complete Street Project Construction (Bougainvilla/Poinciana - Phase 1 & 2)	$2,700,000
3	Pedestrian/ADA Improvements (Phases: 1,2,3,4)	$300,000
4	Community Shuttle Stop Pads	$184,000
5	Parking Guidance System	$20,000

As a reminder to the Commission, "Complete Streets" is a transportation design approach that requires streets to be designed to consider users of all ages regardless of their mode of transportation. These projects will include significant public participation to ensure the streets include amenities that are

agreeable to the public. The Town's funding chances will be enhanced if we use this terminology since this type of projects more closely aligns with the MPO and the Surtax eligibility and ranking criteria.

1. Complete Street Project Construction (Codrington Drive) $1,500,000

The Town completed a Stormwater Master Plan to identify areas in Town that need drainage improvements, and a Pedestrian Study to highlight areas that would benefit from pedestrian improvements. Both plans included suggested improvements to Codrington Drive. The Town's FY21 CIP included funding to design a Complete Street project for Codrington Drive that would include improvements to resolve drainage issues and provide neighborhood-supported pedestrian amenities. Construction in FY22 would include drainage, landscaping, and traffic calming. This is an estimate as the funding for this project has just been allocated.

2. Complete Street Project Construction (Bougainvilla/Poinciana – Phase 1 & 2) $2,700,000

This project is an extension of the Complete Street Design previously completed in 2012 for approximately 2/3 of Bougainvilla Drive between Pine Avenue and the Town's Fire Station. This will include drainage, landscaping, crosswalk enhancements, decorative thermoplastic, and traffic calming. This is an estimate as we are currently addressing the design in the FY21 CIP.

3. Pedestrian/ADA Improvements (Phase 1 & 2) $300,000

The Town completed a Pedestrian Study in 2020 that highlighted areas where infrastructure could be improved to enhance the pedestrian experience. Funds to construct some of these improvements, such as cross walks, sidewalks and ADA improvements are being suggested. Further analysis of the study and ranking of the projects will take place in FY21.

4. Community Shuttle Stop Pads $184,000

The Town of Lauderdale-By-The-Sea has an Interlocal Agreement with Broward County for a community shuttle, which is currently funded by the Penny Surtax. The ILA requires the Town to be fully compliant with all applicable requirements of the American with Disabilities Act (ADA), which includes that our shuttle stops meet ADA requirements. Surtax funds will support the design, engineering and construction of "shuttle pads".

5. Parking Guidance System $20,000

One of the goals the Commission identified in the Town's Action Plan was the implementation of a parking system that notifies the driving public of available parking spaces, through technology that identifies and display available parking spaces, in the Town's parking lots. This system would make our parking areas more efficient and provide smart parking and mobility solutions for our residents and visitors. Surtax funds would help offset the cost of the infrastructure and technology needed for the parking guidance implementation.

The following timeline highlights important milestones in this process:

April 6	Town Commission Surtax Workshop
April 13	Town Commission consideration of Required Resolution of Support for new MCPs
April 24 – May 31	MPO Ranking of new MCPs
May 31	MPO releases list of recommended projects to the County
June 11	Surtax Oversight Board eligibility consideration of MPO's recommended projects
September	County Commission approves Surtax funding allocations to eligible projects as part of their budget process

Recommendation: Discuss the preliminary Lauderdale-By-The-Sea Surtax project list to be submitted for evaluation and ranking in FY21 and direct staff with any additions or deletions to the proposed plan. Staff will present a resolution of support for the Town's proposed surtax projects at the April 13th Town Commission Meeting.

Attachments: None

Town Commission Agenda Item Report

Meeting Date: April 6, 2021
Submitted By: Jhanelle Campbell
Submitting Department: Development Services
Item Type: Discussion Item
Agenda Section: DISCUSSION ITEM

Subject Title:

Downtown Business District Discussion (Jhanelle Campbell, Acting Director of Development Services)

Explanation: During the COVID response and pursuant to emergency powers, the Town blocked off 16 on-street parking spaces in the Downtown area East of Ocean Drive to accommodate additional sidewalk café areas. This decision was made because the Commission wanted to help the restaurants since their capacity was so drastically reduced to meet the County's Emergency Order requirement of spacing tables inside 6 feet apart. It also was important because patrons were more comfortable sitting outside in the fresh air during the pandemic. The approval included a requirement to meet the County's Emergency Orders distancing requirement as well as the limitation to the party size which was no more than 6 (and then later 10) patrons per table. Because of the extreme Florida heat, tents were allowed in these areas since there is no shade on the street. The Town also relaxed its' regulations for banners and sandwich board signs.

Since COVID conditions lasted longer than originally anticipated, and these modifications have assisted our businesses and residents in coping with its impact, the Town Commission approved Resolution 2020-39 **(Exhibit 1)** on September 21, 2020 which waived the following provisions of the Town Code until January 15th, 2021:

Code Section	Waiver
Section 12-4 (a)	Waive the requirement to assess penalty fees for businesses that do not secure the BTR by September 20, 2020.
Section 17-89 (b) (4) (d) and (e); (c) 1. 2. and 4 (a); (3) and 17-89(j)(2)(b)	Waive the requirement for the allowed location of sidewalk cafes and waive the prohibition of physical barriers. Also addresses late fees and the approval of sidewalk café furniture.
Section 17-87 (b) (4) d. and e.	Sidewalk café late fee
Section 30-504 (b) (1) and Section 30-504 (b) (2)	Waive the requirements for the posting duration for temporary signs and the number of temporary signs allowed per year.
Section 30-508(c)(7)(a)(1) and Section 30-508(c)(7)(a)(2)	Waive the requirements for the allowed location and size of sandwich board signs.

COVID conditions continued to persist, and, at their January 26, 2021 meeting, the Town Commission extended these provisions until July 15th, 2021 **(Exhibit 2)**.

While the restaurants were permitted to expand their sidewalk café into the parking spaces, many of the restauranteurs have added tents on the sidewalks (in addition to the parking areas), added additional tables, and have expanded their sidewalk cafes to encroach the fronts of other businesses. They have also reduced the areas that have been reserved for the pedestrian to safely walk through the downtown area. In addition to these encroachments, the original agreement which was to allow restaurants to have the additional "parking area" tables spaced 6' apart, has over time, been ignored and more tables are being relocated to the parking spaces. Small tents have been joined together and lighting has been added to the tents. Signage and decorative features have also been added to the water barriers.

At their March 9th special meeting, the Commission discussed the downtown area and directed Staff to schedule a special meeting continue the discussion.

As discussed previously, the Downtown is scheduled to return to its normal configuration on July 15, 2021. This date was selected before the vaccination was approved for use and the public's activity was much more regulated. With the loosening of restrictions, more people are returning to the downtown area and the restaurants are no longer empty. If the Commission is interested in an earlier return date, staff is suggesting May 17th for the following reasons:

1. Town Hall is scheduled to re-open on May 3rd
2. Mother's Day, which is the final holiday of the season, is May 9th;
3. The proposed first Commission meeting at Jarvis is tentatively scheduled for May 11th which will allow the public the opportunity to meet and public comment.
4. Vaccinations will be available to all individuals in the coming weeks

Whether or not the Commission changes the date in which the downtown businesses are required to adhere to the Town's code requirements for the location of sidewalk café and the amount of signage, the downtown is more crowded than ever, and we are experiencing a conflict between providing a safe sidewalk for the pedestrian and the expanded sidewalk cafés.

To ensure the pedestrians have a safe and comfortable area in which to walk in our downtown staff is requesting support to require restaurants to return to their approved sidewalk café revocable license. This would include:

1. Removal of the additional tables and chairs that have been placed on the sidewalks that are causing the reduction of the pedestrian path so that the requirements of the Florida Building Code are met.

2. Removal of the tents on the sidewalk (not approved in their sidewalk café revocable license) because they are adding to the congestion on the sidewalk areas.

In addition, both the Fire Marshal and Building Official have expressed concerns over the size of the tents in the parking areas. Steve will be moving forward to make sure that the tents meet the standards of the Florida Fire Prevention Code. This may require restaurants to remove the lighting that has been placed in the tents and require the tents to be separated because a certain size requires review and approval from the Fire Marshall. Alternatively, the restaurants may apply for said review, which will also resolve the Building Code's requirements.

Finally, staff is requesting direction whether the additional lighting, signage and decorations that have been added to the parking areas should remain.

Recommendation:

Staff recommends the following:

1. Determine if the Commission would like to change the date to return the parking areas from July 15th to an earlier date.
2. Support staff's recommendation to return the sidewalk cafés to their approved configuration to reduce the congestion on the sidewalk and meet the requirements of the Florida Building Code.
3. Provide direction regarding the additional signage, lighting and decorations that have been added to the parking areas.

Attachments:

Exhibit 1 – Resolution 2020-39
Exhibit 2 – Resolution 2021-03

DocuSign Envelope ID: 64A8AF66-0471-458C-84C7-7D488B58449D

RESOLUTION NO. 2020-39

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, FINDING THAT THE COVID-19 PANDEMIC IS AN EXTRAORDINARY CIRCUMSTANCE AND WAIVING CHAPTER 12, "LICENSES," SECTION 12-4(A) "BUSINESS TAX RECEIPTS; DATES DUE AND DELINQUENT; PENALTIES," CHAPTER 17, "STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES," SECTION 17-89, "SIDEWALK CAFÉ PERMIT STANDARDS AND REQUIREMENTS," SUBSECTIONS 17-87(b)(4)d. AND e., "PAYMENT OF FEES," 17-89(C)(1)(2) AND (4)(a), "LOCATION," 17-89(E), "PHYSICAL BARRIERS," 17-89(J)(2)(B), "SIDEWALK CAFÉ FURNITURE AND FIXTURES," AND PORTIONS OF CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS" SECTION 30-504 "TEMPORARY SIGNS" SUBSECTION (B) AND 30-508 "SIGN REGULATIONS BY ZONING DISTRICT," SUBSECTIONS C(7)(A)(1) AND (2) (EXCLUDING THE CLEAR PEDESTRIAN PATH REQUIREMENT) OF THE TOWN CODE OF ORDINANCES FOR COMMERCIALLY ZONED PROPERTIES, PURSUANT TO TOWN CODE SECTION 2-27, "WAIVER OF CODE REQUIREMENTS" FOR A PERIOD OF SIX MONTHS; PROVIDING FOR EXPIRATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 2-27, "Waiver of Code Requirements," of the Town of Lauderdale-By-The-Sea (the "Town") Code of Ordinances provides that, under extraordinary circumstances, the Town Commission may waive any obligations, requirements, or fees provided for in the Town Code by resolution; and

WHEREAS, pursuant to Town Code Section 2-27, such waivers are intended to provide temporary relief from the obligations, requirements, or fees provided for in the Town Code, and

DocuSign Envelope ID: 64A8AF66-0471-458C-84C7-7D488B58449D

shall not be construed to authorize a permanent variance from such obligations, requirements, or fees, and the waiver shall last no longer than six (6) months unless extended by the Town Commission; and

WHEREAS, such waivers shall not permit the installation or construction of permanent structures or buildings; and

WHEREAS, waivers shall be applied uniformly to all similarly situated persons, properties, or businesses affected by the extraordinary circumstance; and

WHEREAS, Novel Coronavirus Disease 2019 ("COVID-19") is a severe acute respiratory illness that can spread among humans through respiratory transmission; and

WHEREAS, on March 2, 2020, Governor DeSantis issued Executive Order 20-51, directing the Florida Department of Health to declare a Public Health Emergency; and

WHEREAS, on March 9, 2020, Governor DeSantis issued Executive Order 20-52, declaring a State of Emergency in the State of Florida due to COVID-19, and authorizing local governments to waive the procedures and formalities otherwise required by law related to performance of public work and to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community; and

WHEREAS, on March 10, 2020, the Broward County Administrator issued a Declaration of Emergency, declaring a Local State of Emergency in Broward County; and

WHEREAS, on March 13, 2020, the Mayor declared a public emergency in the Town for seven (7) days unless earlier terminated, that was later extended until the conclusion of the Governor's state of emergency; and

DocuSign Envelope ID: 64A8AF66-0471-458C-84C7-7D488B58449D

WHEREAS, the Town Commission finds that the COVID-19 pandemic is an extraordinary circumstance that requires waiver of certain obligations, requirements, or fees provided for in the Town Code; and

WHEREAS, the effects of the COVID-19 pandemic are expected to remain for at least four (4) months; and

WHEREAS, the Town Commission desires to waive the requirements of Chapter 17, "Streets, Sidewalks, And Other Public Places," Section 17-89, "Sidewalk Café Permit Standards And Requirements," Subsections 17-87(b)(4)d. and e., "Payment of Fees," 17-89(c)(1)(2) and (4)(a), "Location," 17-89(e), "Physical Barriers," 17-89(j)(2)(b), "Sidewalk Café Furniture And Fixtures," and Portions of Chapter 30 "Unified Land Development Regulations," Section 30-504 "Temporary Signs" Subsection (B) "Sign Regulations By Zoning District," and 30-508 "Sign Regulations By Zoning District," subsections c(7)(a)(1) and (2) (excluding the clear pedestrian path requirement) of the Town Code for commercially zoned properties, which are similarly situated for purposes of the waiver ("the Waiver"); and

WHEREAS, the Town Commission finds that the COVID-19 Pandemic has created an extraordinary circumstance, in which it is in the best interests to waive certain Town Code requirements to protect the public safety, health, and welfare of the Town and Town residents.

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

Section 1. **Recitals.** Each "WHEREAS" clause set forth is true and correct and herein incorporated by this reference.

DocuSign Envelope ID: 64A8AF66-0471-458C-84C7-7D488B58449D

Section 2. COVID-19 Pandemic. The Town Commission finds that the COVID-19 pandemic is an extraordinary circumstance that require waiver of certain obligations, requirements, or fees provided for in the Town Code.

Section 3. Waiver. Pursuant to Town Code Section 2-27, the Town Commission hereby waives, for approximately four months from the effective date of this Resolution, the requirements of the following Town Code provisions, as further shown in Exhibit "A," for commercially zoned properties, which are similarly situated for purposes of the waiver:

(1) Chapter 12, "Licenses," Section 12-4(A) "Business Tax Receipts; Dates Due and Delinquent; Penalties;"

(2) (Chapter 17, "Streets, Sidewalks, and Other Public Places," Section 17-87, "Sidewalk café permit application and right-of-way (ROW) license fees.," Subsections:

(a) 17-87(b)(4)d. and e., "Payment of fees,"

(3) Chapter 17, "Streets, Sidewalks, and Other Public Places," Section 17-89, "Sidewalk Café Permit Standards and Requirements," Subsections:

(a) 17-89(c)(1)(2) and (4) a, "Location,"

(b) 17-89(e), "Physical Barriers;"

(c) 17-89(j)(2)(b), "Sidewalk Café Furniture And Fixtures; and"

(4) Portions of Chapter 30 "Unified Land Development Regulations," Sections:

(a) 30-504 "Temporary Signs," subsections (b)(1) and (2); and

(b) 30-508 "Sign Regulations By Zoning District," subsections c(7)(a)(1) and (2), while maintaining the clear pedestrian path requirement.

Section 4. Expiration. This waiver shall expire on January 15, 2021 unless extended by the Town Commission.

DocuSign Envelope ID: 64A8AF66-0471-458C-84C7-7D488B58449D

Section 5. **Conflict**. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. **Severability**. If any clause, section or other part of this resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Resolution.

Section 7. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED this 21ST day of Sepetmeber, 2020.

DocuSigned by:
B0A8AE8CC88D4A1...

Mayor Chris Vincent

Attest:

DocuSigned by:
F79938A3F45D42E...

Tedra Allen, CMC Town Clerk

APPROVED AS TO FORM:

DocuSigned by:
7651C1375CC5435...

Susan L. Trevarthen, Town Attorney

File:

DocuSign Envelope ID: 64A8AF66-0471-458C-84C7-7D488B58449D

EXHIBIT "A"

The Code sections that are shown in strike through font are the ones being waived.

CHAPTER 12 – LICENSES

ARTICLE I. - BUSINESS TAXES

***

Sec. 12-4. - Business tax receipts; dates due and delinquent; penalties.

***

~~(a) Those business tax receipts not renewed by October 1 shall be considered delinquent and subject to a delinquency penalty of ten percent for the month of October, plus an additional penalty of five percent for each month of delinquency thereafter until paid. However, the total delinquency penalty shall not exceed 25 percent of the business tax for the delinquent establishment.~~

***

Chapter 17 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

***

Sec. 17-87. - Sidewalk café permit application and right-of-way (ROW) license fees.

***

(b) *Town right-of-way (ROW) license fee.*

(4) Payment of fees.

***

~~d. Payment received more than ten calendar days after the due date shall be charged a late fee of ten percent of the payment amount due. Failure to make a required payment within 30 calendar days of the due date may result in immediate sidewalk café permit and ROW license revocation.~~

~~e.The fees collected pursuant to this section from sidewalk cafés located in the Town of Lauderdale-By-The-Sea shall be placed in the general revenue fund~~

DocuSign Envelope ID: 64A8AF66-0471-458C-84C7-7D488B58449D

***

Sec. 17-89. - Sidewalk café permit standards and requirements.

***

(c) *Location.*

~~(1) Sidewalk cafés shall only be located in the following areas:~~

~~a. The sidewalk frontage of the licensed business to which the sidewalk café permit is issued;~~

~~b. The sidewalk frontage of the building where the licensed business is located, if the requirements found in subsection (c)(2) below have been satisfied; or~~

~~c. The sidewalk frontage of an adjacent property, if the requirements found in subsection (c)(2) below have been satisfied.~~

~~(2) Adjacent property or adjacent tenant space. If the proposed sidewalk café area extends in front of adjacent property or adjacent tenant space then the permittee shall obtain written permission from the adjacent property owner, adjacent tenant, or both, if applicable, for use of this area to be included in the sidewalk café area.~~

***

~~(4) Pedestrian safety areas.~~

~~a. Buffer zone.~~

~~1. Adjacent to parking. Where parking exists between the sidewalk area proposed for use and the portion of the ROW used for vehicular travel, a sidewalk café shall be located in such a manner that a minimum five-foot wide buffer zone is maintained adjacent to the parking, at all times.~~

~~2. No parking. Where no parking exists, a minimum one-foot wide buffer zone between the edge of the sidewalk closest to the ROW used for vehicular travel and the sidewalk café area buffer zone shall be maintained at all times. In areas of congestion, the Town Manager or designee may require additional clearance.~~

***

(e) *Physical barriers.*

~~(1) No objects shall be permitted around the perimeter of a sidewalk café area which would have the effect of forming a physical or visual barrier.~~

***

(j) *Sidewalk café furniture and fixtures.*

(2) *Shade structures.*

~~b. Tents, canopies and pergolas or other similar structures are prohibited.~~

DocuSign Envelope ID: 64A8AF66-0471-458C-84C7-7D488B58449D

***

CHAPTER 30 - UNIFIED LAND DEVELOPMENT REGULATIONS

***

ARTICLE VIII. - SIGN REGULATIONS

***

Sec. 30-504 Temporary Signs

The following signs may be permitted within the Town as temporary signs, only in conformance with these regulations and ~~after issuance of a temporary sign permit by the Development Services Department.~~

(a) One temporary sign, not exceeding 32 square feet, for a non-residential use, subject to the following:

(1) A permit shall not be issued more than four times per year for the same use; and

(2) Each sign must be removed 21 days after it is posted.

***

Sec. 30-508. - Sign regulations by zoning district.

***

(c) *B-1 and B-1-A districts.* Only the following types of signs are permitted within the B-1 and B-1-A districts, subject to the limitations and requirements contained in the definitions and restrictions and standards by sign type and the general design standards sections of these regulations, and subject to the additional limitations stated below:

***

(7) *Sandwich signs.*

a. *Location requirements.* The location of a sandwich sign shall be permitted consistent with the following:

~~Permitted within the B-1 and B1-A zoning districts if:~~

~~1.~~ Placed ~~adjacent to the structure in which the business is located;~~

~~2. Located in front of and within two feet of the customer service entrance to the business it advertises and~~ in a manner that provides for a minimum five-foot clear pedestrian path;

***

DocuSign Envelope ID: 8BF45A8A-78DE-41FE-BC52-9D8ED4CE9DB5

RESOLUTION NO. 2021-03

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PURSUANT TO TOWN CODE SECTION 2-27, "WAIVER OF CODE REQUIREMENTS," FINDING THAT THE COVID-19 PANDEMIC CONTINUES TO BE AN EXTRAORDINARY CIRCUMSTANCE AND CONTINUING TO WAIVE THOSE CODE REQUIREMENTS FOR PERMITTED SIDEWALK CAFES AND FOR BUSINESS TAX RECEIPTS THAT WERE PREVIOUSLY WAIVED BY RESOLUTION 2020-39 FROM JANUARY 15 THROUGH JULY 15, 2021 UNLESS FURTHEREXTENDED BY THE TOWN COMMISSION; PROVIDING FOR EXPIRATION, CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

WHEREAS, Section 2-27, "Waiver of Code Requirements," of the Town of Lauderdale-By-The-Sea (the "Town") Code of Ordinances ("Code") provides that, under extraordinary circumstances, the Town Commission may waive any obligations, requirements, or fees provided for in the Code by resolution; and

WHEREAS, Resolution 2020-39, attached hereto as Exhibit "A", found that COVID-19 was an extraordinary circumstance and granted a waiver of certain Code requirements and fees for permitted sidewalk cafes and for business tax receipts until January 15, 2021; and

WHEREAS, Section 2-27 of the Code allows the Town Commission to extend such waivers upon a finding that the extraordinary circumstance still exist; and

WHEREAS, pursuant to Code Section 2-27, such waivers are intended to provide temporary relief, and shall not be construed to authorize a permanent variance from such fees and requirements; and

WHEREAS, these waivers shall be applied uniformly to all similarly situated persons, properties, or businesses affected by the extraordinary circumstance; and

DocuSign Envelope ID: 8BF45A8A-78DE-41FE-BC52-9D8ED4CE9DB5

WHEREAS, the Town Commission finds that the COVID-19 pandemic continues to be an extraordinary circumstance that requires waiver of these Code requirements, and will continue to be so for at least six (6) months; and

WHEREAS, the Town Commission finds that it is in the best interests to continue to waive these Code requirements to protect the public safety, health, and welfare of the Town and Town residents, through July 15, 2021.

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

Section 1. **Recitals.** Each "WHEREAS" clause set forth is true and correct and herein incorporated by this reference.

Section 2. COVID-19 Pandemic. The Town Commission finds that the COVID-19 pandemic continues to be an extraordinary circumstance that require waiver of certain obligations, requirements, or fees provided for in the Code.

Section 3. Waiver. Pursuant to Town Code Section 2-27, the Town Commission hereby extends the waiver, for up to July15, 2021, of the Code requirements provided by Resolution 2020-39.

Section 4. Expiration. This extended waiver shall expire on July 15, 2021 unless further extended by the Town Commission.

Section 5. **Conflict**. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. **Severability**. If any clause, section or other part of this resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or

DocuSign Envelope ID: 8BF45A8A-78DE-41FE-BC52-9D8ED4CE9DB5

invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Resolution.

Section 7. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED this 26th day of January, 2021.

DocuSigned by:
B0A8AE8CC88D4A1...
Mayor Chris Vincent

Attest:

DocuSigned by:
Tedra Allen, CMC
F79938A3F45D42E...
Tedra Allen, CMC Town Clerk

APPROVED AS TO FORM:

DocuSigned by:
Susan L. Trevarthen
7651C1375CC5435...
Susan L. Trevarthen, Town Attorney

File: