

**Town of Lauderdale-By-The-Sea**  
**Regular Planning and Zoning Board**

**Agenda**

Wednesday, December 10, 2025

6:00 PM



Jarvis Hall 4505 N. Ocean Drive  
[www.Lauderdalebythesea-fl.gov](http://www.Lauderdalebythesea-fl.gov)

**LAUDERDALE-BY-THE-SEA TOWN COMMISSION**

# Regular Planning and Zoning Board

Wednesday, December 10, 2025, 6:00 PM

Jarvis Hall 4505 N. Ocean Drive, 33308

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1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE TO THE FLAG**

3. **APPROVAL OF MINUTES**

3.a. November 5, 2025 Minutes

4. **PUBLIC COMMENTS**

5. **NEW BUSINESS**

5.a. **AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE V, “ZONING,” DIVISION 2 “DISTRICTS,” “SUBDIVISION I. – RM-25 DISTRICT REGULATIONS,” “SUBDIVISION M.- B-1 DISTRICT REGULATIONS,” AND “SUBDIVISION Q.- SUPPLEMENTAL REGULATIONS” OF THE TOWN’S CODE OF ORDINANCES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.**

6. **OLD BUSINESS**

7. **UPDATES/BOARD MEMBER COMMENTS**

8. **ADJOURNMENT**

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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 ENSURE 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.

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**INVOCATION:**

The Invocation before each Town Commission meeting is a voluntary service of a private citizen, offered to serve the spiritual needs of the members of the Town Commission and solemnize the meeting. It is not intended to be an opportunity to advance or disparage one faith or belief over another. The views expressed in the Invocation have not been previously reviewed by the Town and do not necessarily represent the beliefs of any Town employee or official. No person is required to be present at or participate in the Invocation, and the decision whether to be present or participate in the Invocation will not affect any person's right to actively participate in the official business of the Town or obtain any benefit from the Town. The Town's written Invocation policy is available on its website, and upon written request to the Town Clerk.all static



**Agenda Item No: 3.a.**

## **Planning and Zoning Board Agenda Item Report**

**Meeting Date:** December 10, 2025

**Submitted By:** Jhanelle Campbell, Development Services Director

**Submitting Department:** Development Services

**Item Type:** Presentation

**Agenda Section:** APPROVAL OF MINUTES

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**Subject Title:** November 5, 2025 Minutes

**Explanation:**

**Recommendation:**

**Exhibits:**

1. Unapproved Minutes 11-5-2025

**NON APPROVED**

**TOWN OF LAUDERDALE-BY-THE SEA  
PLANNING AND ZONING BOARD MEETING MINUTES  
JARVIS HALL, 4505 N OCEAN DRIVE, 33308  
Wednesday, November 5, 2025**

1. CALL TO ORDER

Chair Karen Sylvester called the in-person Planning and Zoning (P&Z) Board meeting for the Town of Lauderdale-By-The-Sea (L-B-T-S) to order at approximately 6:03PM.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited. Before the Board got started with its business, Development Services Director (DSD) Campbell notified of the passing of Board Member William “Bill” Ferrante and a moment of silence was observed in remembrance of him. Board Member Piersante then announced that he would reclude himself from tonight’s only agenda item and explained why.

ROLL CALL & WELCOME

Board Clerk Megan Small called the roll and present in-person were Chair Karen Sylvester, Board Member Ron Piersante, Board Member Jeff Goldman and Board Member MaShawn Simpson. Vice Chair Leslie Richardson arrived present in-person late (approximately 6:14PM). Present in person were Town Attorney James White, Development Services Director Jhanelle Campbell, Assistant Development Services Director David Lee, Planner Alex Battle, and Board Clerk Megan Small.

*The discussions and actions taken, etc. during the meeting were not limited to what was typed.*

3. APPROVAL OF MINUTES

a. Planning & Zoning (P&Z) Meeting Minutes – October 1, 2025

Board Member Goldman made a motion to approve the P&Z Minutes of October 1, 2025 as written and was seconded by Board Member Piersante. The motion to approve carried 4-0 (Vice Chair Richardson not present yet).

4. PUBLIC COMMENTS

Chair Sylvester opened the meeting to the public for comments for any item not on the agenda. She closed this agenda item as there were no requests from the public to speak now.

5. NEW BUSINESS

5.A.

Pursuant to Chapter 30, “Unified Land Development Regulations,” Article IV, “Development Permits, Applications, Requirements and Review Procedures,” Division 2, “Site Plan Procedures and Requirements,” Section 30-123 “Modification of Approved Site Plan,” of the Town’s Code of Ordinances, the Applicant requests approval of a site plan modification for 231 Lake Court to reconfigure units by: (i) combining portions of existing Units 1, 2, and 4 on the ground floor into the ground-floor level of Unit 1 and relocating Unit 2 into the existing garage; (ii) reducing Unit 3 to a one-bedroom unit located over the existing garage (proposed Unit 2); (iii) converting the balance of the second floor into the three-bedroom sleeping quarters of Unit 1, creating a two-level Unit 1; (iv) constructing a second-floor addition above the existing one-story portion to accommodate a third bedroom and associated bathroom for Unit 1; (v) establishing a rooftop terrace above the new second-floor addition for passive recreation, in compliance with Town Code requirements for rooftop use; and (vi) constructing a new garage to serve the reconfigured development renovations to meet the Town’s zoning and land use requirements for property located at 231 Lake Court.

Development Services Director (DSD) Campbell presented this Level 2 Site Plan Modification for 231 Lake Court. It would reconfigure an existing, multi-family building that currently has four units and reduce that to three units. This reconfiguration included things like an expansion, architectural upgrades to the façade of the building, rooftop terrace for passive recreation, removal of existing garage, constructing a new garage, etc. She also explained about the existing, legal non-conforming site conditions including the parking as it was today. The density would be reduced and remained compliant and the height would not exceed the Town's maximum of 33 feet. She explained the rules and regulations for the allowed rooftop terrace. Architectural Review was completed with approval received. A Citizen Participation Meeting was held on October 6<sup>th</sup> with one attendee and no opposition plus the Town did not receive any negative objections. She explained that the total parking requirement for this type of project would normally be six spaces but they would be deficient one space. They were maintaining the five spaces that they have had but reconfigured the parking in order to make it safer. The Town recommended approval as this project met all their requirements, enhanced the existing structure, and used Mid-Century Modern architecture. DSD Campbell called for Board questions.

Board Member Simpson asked if more people would now be occupying this building because there would be one extra bedroom and they were deficient one parking space already. DSD Campbell answered about the parking. *For the record, Vice Chair Richardson arrived.* DSD Campbell would have the applicant explain the number of bedrooms. Mark Budd, architect, and Michael George, owner, went to the podium. They explained the configuration of units and bedrooms. Vice Chair Richardson asked about the two requirements for the proposed rooftop deck and DSD Campbell put the wording from the code on the screen. Discussion ensued and everything was explained. Architect Budd spoke about this complicated project and praised the Town for holding the building height. There were no public comments. Chair Sylvester asked if this was a family home. Mr. George said this property would be his home where his family, in-laws, parent, and children would come to. There were no further comments/questions and the Chair called for a motion on the application as presented.

Vice Chair Richardson made a motion to approve this application as presented under New Business today for the property located at 231 Lake Court and the motion was seconded by Board Member Goldman. The motion to approve carried 4-0 (Board Member Piersante was recused and did not vote).

6. OLD BUSINESS  
None.

7. UPDATES/BOARD MEMBER COMMENTS  
None.

8. ADJOURNMENT  
Vice Chair Richardson made a motion to adjourn at approximately 6:22PM and the motion was seconded by Board Member Goldman. The motion to adjourn carried 5-0.

\_\_\_\_\_  
Chair Karen Sylvester

ATTEST:

Date Accepted: \_\_\_\_\_



## Planning and Zoning Board Agenda Item Report

**Meeting Date:** December 10, 2025

**Submitted By:** Jhanelle Campbell, Development Services Director

**Submitting Department:** Development Services

**Item Type:** Ordinance

**Agenda Section:** NEW BUSINESS

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**Subject Title:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE V, “ZONING,” DIVISION 2 “DISTRICTS,” “SUBDIVISION I. – RM-25 DISTRICT REGULATIONS,” “SUBDIVISION M.- B-1 DISTRICT REGULATIONS,” AND “SUBDIVISION Q.- SUPPLEMENTAL REGULATIONS” OF THE TOWN’S CODE OF ORDINANCES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.

### Explanation:

#### I. PURPOSE

The purpose of this agenda item is for the Planning & Zoning Board to review proposed Ordinance 2025-06 (**Exhibit 1**), which amends multiple sections of Chapter 30, “Unified Land Development Regulations,” to address mixed-use development standards, correct code language, clarify fencing and drainage provisions, and remove unintended regulatory barriers within the Business (B-1) and RM-25 zoning districts.

#### II. BACKGROUND

At its October 14, 2025 meeting, the Town Commission directed staff to prepare ordinance (**Exhibit 2**) amendments to :

- Remove outdated or inconsistent development standards;
- Increase clarity, predictability, and flexibility for reinvestment; and
- Align zoning regulations with existing land use patterns and contemporary redevelopment trends.

The attached ordinance (**Exhibit 1**) incorporates the Commission’s direction and codifies specific changes across multiple development provisions.

### III. SUMMARY OF ORDINANCE

Ordinance 2025-06 includes the following amendments:

#### A. B-1 Mixed Use Regulations (Section 30-271)

**1. Scrivener's Correction-** Corrects a scrivener's error by replacing the outdated reference to the "B-1-A" district with the correct "B-1" zoning district to ensure accuracy and consistency within the Code.

#### 2. Removal of 250-Foot Limitation

The Code currently allows mixed-use development in the B-1 District only on parcels within 250 feet of Commercial Boulevard, a rule added in 2017 to focus redevelopment near the corridor. In practice, this distance requirement has created arbitrary boundaries that exclude parcels which function as part of the same business district, share access and parking, and provide logical transitions to adjacent multifamily areas. As a result, nearly identical properties are treated differently based solely on minor distance differences. Since mixed-use projects are already subject to conditional use review and flexibility unit allocation, removing the 250-foot restriction would better reflect real-world development patterns and support reinvestment in underutilized parcels. The attached Ordinance deletes the requirement that mixed-use parcels be located within 250 feet of Commercial Boulevard.

#### 3. Flexible Residential Floor Area Cap

The Code limits residential floor area in mixed-use developments to 50% of a building's total, which helps maintain active commercial space and walkability in business areas. However, this fixed cap can make redevelopment difficult, especially on small or irregular parcels where residential uses are needed to support project viability. Because other safeguards already exist, such as conditional use review, parking standards, and architectural requirements, allowing limited flexibility above the 50% threshold could encourage reinvestment while still protecting commercial character. A recent conceptual review of the former Walgreens site illustrates these challenges, showing how both the 50% cap and other rigid standards can hinder otherwise appropriate redevelopment. The attached Ordinance;

- Retains a 50% baseline cap on residential floor area, but authorizes the Town Commission to approve additional residential floor area on a case-by-case basis.
- Flexibility is conditional on:
  - Maintaining adequate commercial frontage,
  - Compatibility with adjacent uses,
  - No negative impacts to parking, traffic, or infrastructure,
  - High-quality streetscape design and architectural character, and
  - Compliance with all other development standards.

#### B. RM-25 Redevelopment Criteria (Section 30-242)

Section 30-242 was intended to preserve the character of small lots south of Pine Avenue, but the language applying it to properties "fronting on Bougainvilla Drive" has unintentionally restricted reasonable redevelopment. Parcels on Bougainvilla are adjacent to higher-density multifamily and commercial areas, so blocking modest improvements is out of step with surrounding development patterns. In one recent case,

a property with six legally established units could not add a second story solely because of this Bougainvillea frontage clause, rendering the site legally nonconforming despite its location next to more intense uses. The attached Ordinance;

- Removes unintended Bougainvillea Drive limitation by replacing “west of or fronting on Bougainvillea Drive” with “**west of, and not fronting on, Bougainvillea Drive.**”
- Establishes a clear height standard of **no more than three stories and 33 feet** above grade, with allowances for stairways, elevator machinery, and mechanical enclosures, consistent with Florida Building Code and Town Charter restrictions.

#### Lots 60 feet in Width or Less Fronting Bougainvillea Drive



#### C. Fencing, Walls & Hedges (Section 30-313(d))

This amendment is being recommended by Staff to correct sa fence height discrepancy. In recent years, several new construction projects have been elevated to meet minimum flood elevation requirements, resulting in finished grade that is higher than adjoining older properties. This has caused unintended consequences when measuring fence height, particularly around pools and rear yards, because fences built to code on the elevated property appear substantially shorter when viewed from the adjacent lower property. This discrepancy may create privacy concerns, safety issues for pool enclosures, and conflicts during building review. Clarifying that fence height will no longer be measured from the natural contour of the adjoining lot will provide a consistent standard, avoid variable height interpretations based on fill or finished elevation, and ensure that new construction complies with both flood regulations and fencing requirements.

**1. Clarifies Height Measurement Standard**

- Height measured solely from natural contour of adjoining lots.
- Ensures consistent interpretation across properties.

**2. Prohibits Fence Connections Resulting in Excess Height**

- Explicitly prohibits connecting a fence or wall to an adjoining system if connection would exceed the height limit.

**D. Drainage / Parking Surface Clarification (Section 30-313(h))**

This amendment is being made at the request of the Town Engineer, who advised that the current language does not reflect how drainage requirements are already being administered in practice. For many years, drainage review has only been required when a property meaningfully increases its impervious surface area or generates additional runoff, not simply when resurfacing or restriping existing parking areas. Codifying this standard will align the Code with established engineering procedures, reduce confusion for applicants, and ensure consistent application of drainage requirements going forward. The attached ordinance;

- Removes outdated “resurface or restripe” language.
- Clarifies that drainage plans are required only when a property increases parking area or runoff.
- Reflects longstanding Town Engineer practice and prevents unnecessary burdens on property owners replacing existing driveways or parking areas.

**CONCLUSION**

In conclusion, the proposed amendments support the Town’s Comprehensive Plan by encouraging reinvestment in aging properties and promoting walkable, mixed-use development patterns that enhance mobility and economic vitality. The changes bring greater clarity and consistency to the Town’s land development regulations, eliminating outdated language and internal conflicts that have created uncertainty for applicants. Importantly, the flexibility provided for mixed-use projects is not automatic; increases in residential floor area above the 50 percent baseline remain subject to Town Commission review and specific performance findings, ensuring that redevelopment remains compatible, well-designed, and consistent with the Town’s long-term planning goals.

**NEXT STEPS**

Once the Planning & Zoning Board makes a recommendation, including any suggested changes, staff will present the ordinance and the Board’s recommendations to the Town Commission. The ordinance will then be scheduled for first reading on January 13, 2026, followed by second reading on January 27, 2026.

**Recommendation:**

**STAFF RECOMMENDATION**

Staff recommends the Planning and Zoning Board recommend approval of Ordinance 2025-06 as

presented.

If the Board seeks refinement of any specific section (e.g., a numerical cap on residential floor area above 50%), suggested alternatives can be prepared for insertion prior to first reading.

**Exhibits:**

1. Exhibit 1 - Proposed Ordinance 2025-06 - Chapter 30
2. Exhibit 2- October 14, 2025 Town Commission Meeting Minutes

**Exhibit 1**  
**First Reading Version**

**Ordinance 2025-06**

1           **AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-**  
2           **THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED**  
3           **LAND DEVELOPMENT REGULATIONS,” ARTICLE V,**  
4           **“ZONING,” DIVISION 2 “DISTRICTS,” “SUBDIVISION I. –**  
5           **RM-25 DISTRICT REGULATIONS,” “SUBDIVISION M.- B-**  
6           **1 DISTRICT REGULATIONS,” AND “SUBDIVISION Q.-**  
7           **SUPPLEMENTAL REGULATIONS” OF THE TOWN’S**  
8           **CODE OF ORDINANCES; PROVIDING FOR**  
9           **CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR**  
10           **AN EFFECTIVE DATE.**

11  
12           **WHEREAS,** the Town of Lauderdale-By-The-Sea (the “Town”) finds it periodically  
13 necessary to amend its Code of Ordinances (the “Town Code”) to update regulations and  
14 procedures to implement municipal goals and objectives; and

15           **WHEREAS,** Town staff has reviewed Chapter 30, “Unified Land Development  
16 Regulations,” of the Town Code and identified several provisions that should be amended to  
17 correct errors, clarify intent, and ensure consistency; and

18           **WHEREAS,** Town staff has identified a scrivener’s error in Section 30-271, “B-1  
19 district—Business,” of the Town Code, which incorrectly references the Neighborhood Business  
20 (B-1-A) zoning district instead of the Business (B-1) zoning district, and the Town Commission  
21 seeks to correct this error to ensure accuracy and consistency; and

22           **WHEREAS,** the Town’s Code currently permits mixed-use development on B-1 zoned  
23 parcels with a commercial land use designation under the Broward County Land Use Plan only  
24 when such parcels are located within 250 feet of Commercial Boulevard, a limitation that has  
25 created inconsistencies and unnecessary barriers contrary to the Town’s established development  
26 pattern and the original intent to focus mixed-use activity along the Commercial Boulevard  
27 corridor; and

**Exhibit 1**  
**First Reading Version**

**Ordinance 2025-06**

28           **WHEREAS**, the Town Commission seeks to remove this requirement to ensure  
29 consistency within the Code and to support appropriate mixed-use development; and

30           **WHEREAS**, the Town’s Code currently limits the residential floor area of a mixed-use  
31 development to no more than 50 percent of the building’s gross floor area, a standard originally  
32 adopted to ensure that mixed-use projects maintain a balanced character and that commercial  
33 activity continues to define the Town’s business corridors; and

34           **WHEREAS**, the Town Commission finds it appropriate to allow flexibility in this standard  
35 by permitting additional residential floor area on a case-by-case basis, when a project provides  
36 adequate commercial frontage along the primary street, remains consistent with the purpose and  
37 intent of the mixed-use regulations, ensures compatibility with surrounding properties, does not  
38 negatively impact parking, traffic, or public infrastructure, enhances the architectural and  
39 streetscape character of the area, and complies with all other applicable development standards;  
40 and

41           **WHEREAS**, Section 30-242, “RM-25 district—Regulations for the redevelopment of  
42 existing lots of 60 feet in width or less in the RM-25 districts south of Pine Avenue,” of the Town  
43 Code, was originally intended to protect the character of small, older lots south of Pine Avenue;  
44 and

45           **WHEREAS**, the clause “or fronting on Bougainvilla Drive that existed as of September  
46 13, 2000” created an unintended barrier to reasonable expansion for properties along Bougainvilla  
47 Drive, even though these parcels abut some of the Town’s most dense and active multifamily and

**Exhibit 1**  
**First Reading Version**

**Ordinance 2025-06**

48 commercial areas, resulting in a restriction that is inconsistent with surrounding development  
49 patterns and ongoing redevelopment in the Town; and

50         **WHEREAS**, the Town Commission therefore finds it necessary to amend Section 30-242  
51 to clarify its scope by replacing the phrase “of or” and inserting “and not” so that the regulations  
52 apply only to parcels west of, and not fronting on, Bougainville Drive; and

53         **WHEREAS**, the Town Commission finds it necessary to further update Section 30-242 to  
54 establishing a clear height limitation of no more than two stories and 33 feet above normal grade,  
55 with allowances consistent with the Florida Building Code for stairways, elevator machinery, and  
56 similar rooftop equipment, in order to maintain the intended scale of redevelopment within the  
57 RM-25 district; and

58         **WHEREAS**, during the same review of Chapter 30, Town staff evaluated additional site  
59 development standards to ensure consistency in application throughout the Town, including  
60 regulations governing fences, walls, and hedges, and determined that certain provisions no longer  
61 align with current safety practices, planning objectives, or the needs of existing development  
62 patterns; and

63         **WHEREAS**, the Town Commission finds it necessary to amend the fence, wall, and hedge  
64 regulations to clarify that height measurements are based solely on the natural contour of the  
65 ground and to ensure consistent application of maximum height limits; and

66         **WHEREAS**, the Town Commission further finds that adding a provision prohibiting the  
67 connection of fences or walls to adjoining fence or wall systems when such connection would

**Exhibit 1**  
**First Reading Version**

**Ordinance 2025-06**

68 result in a structure exceeding the allowable height is necessary to maintain uniformity, prevent  
69 unintended height increases, and uphold the intent of the Town’s development standards; and

70         **WHEREAS**, as part of this comprehensive review of Chapter 30, Town staff also  
71 evaluated site infrastructure standards, including drainage requirements; and

72         **WHEREAS**, the Town Commission finds it necessary to amend the drainage requirements  
73 to reflect longstanding practice by removing the reference to “resurface or restripe” and clarifying  
74 that new drainage systems are required only when a property increases its parking area or generates  
75 additional run-off, consistent with the Town Engineer’s determination that such improvements  
76 should not impose an undue burden on property owners who are simply replacing existing parking  
77 areas; and

78         **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has  
79 reviewed the contents of this Ordinance at a duly noticed public hearing on December 10, 2025,  
80 and recommended the amendments be approved; and

81         **WHEREAS**, the Town Commission conducted first and second reading of this Ordinance at  
82 duly noticed public hearings, as required by law, and after having received input from and  
83 participation by interested members of the public and staff; and

84         **WHEREAS**, the Town Commission finds that this Ordinance is consistent with the Town’s  
85 Comprehensive Plan and in the best interest of the Town and its residents.

86

**Exhibit 1**  
**First Reading Version**

**Ordinance 2025-06**

87 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN  
88 OF LAUDERDALE-BY-THE-SEA, FLORIDA, THAT<sup>1</sup>:

89 SECTION 1. Recitals. The preceding “Whereas” clauses are ratified and incorporated as  
90 the legislative intent of this Ordinance.

91 SECTION 2. Code Amended. Chapter 30 “Unified Land Development Regulations,” is  
92 hereby amended as follows:

93 **Subdivision M. B-1 District Regulations**

94 **Sec. 30-271. B-1 district—Business.**

95 (a) *B-1 uses permitted.*

96 (1) *Permitted uses.* No building or premises shall be used and no building with the usual  
97 accessories shall be erected or altered other than a building or premises arranged,  
98 intended, or designed for any of the following uses, not to exceed 10,000 square feet in  
99 gross floor area, except for waterfront hotel uses:

100 \*\*\*

101 *yyy. Uses not listed.*

102 1. Any use not covered by the above list may be authorized in the B-1-A district  
103 by the Town Manager or designee only if the proposed use is similar to a listed  
104 use; otherwise, an amendment to this chapter is required.

105 2. The Town Manager or designee shall consult with the Town Commission on  
106 any proposal to find that a use is similar, prior to authorizing such use in the  
107 B-1-A district.

108 \*\*\*

109 (3) *Mixed use requirements.* The following provisions govern applications for approval of  
110 "mixed use" development as a conditional use in the B-1 district.

111 \*\*\*

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<sup>1</sup> Additions to existing text are shown in underline. Deletions are shown in ~~striketrough~~. Additions made between first and second reading are shown in double underline. Deletions made between first and second reading are shown in ~~double-striketrough~~.

112 b. *Mixed use development on commercially designated parcels.* The Town may  
113 approve a conditional use for mixed use development on B-1 zoned property when  
114 the property has a commercial land use designation in the Broward County Land  
115 Use Plan, if all of the following requirements are met:

- 116 1. Flexibility units are available, in accordance with section 30-100, Flexibility  
117 rules, of the Town Code;
- 118 2. The number of units and floor area limitations of this section are satisfied for  
119 the residential uses; and
- 120 3. ~~The property is located within 250 feet of Commercial Boulevard measured~~  
121 ~~by airline measurement from the Commercial Boulevard right-of-way line. If~~  
122 ~~any portion of a property lies within the 250-foot measurement, the whole~~  
123 ~~property shall be eligible for mixed use development.~~

124 c. *Limitations on residential uses.*

125 \*\*\*

126 3. *Floor area and lot coverage.*

- 127 i. The residential floor area of the mixed use development shall not  
128 exceed 50 percent of the gross floor area of the building unless  
129 otherwise approved by the Town Commission based on project-  
130 specific conditions. The Town Commission may authorize  
131 additional residential floor area upon finding that the project:
  - 132 a. Provides adequate commercial frontage on the first floor along  
133 the primary street;
  - 134 b. remains consistent with the intent and purpose of the mixed- use  
135 regulations as outlined;
  - 136 c. ensures compatibility with surrounding properties;
  - 137 d. does not negatively impact parking, traffic or pubic infrastructure;
  - 138 e. enhances the overall architectural and streetscape character of the  
139 area; and;
  - 140 f. complies with all other applicable development standards.
- 141 ii. No building which includes residential uses shall occupy an area  
142 greater than 70 percent of the entire lot.
- 143 iii. The required lot area per apartment or kitchen unit shall be not less  
144 than 800 square feet. The required floor area per apartment of  
145 kitchen unit shall not be less than 250 square feet minimum.
- 146 iv. The required floor area for a hotel room shall not be less than 200  
147 square feet.

148 \*\*\*

150 **Sec. 30-242. RM-25 district—Regulations for the redevelopment of existing lots of 60 feet in**  
151 **width or less in the RM-25 districts south of Pine Avenue.**

152 These provisions shall apply only to lots or plots of 60 feet or less in width west of ~~or~~ and not  
153 fronting on Bougainvillea Drive that existed as of September 13, 2000. These provisions shall not  
154 be applicable to lots or plots that are created by the subdivision of wider lots or plots after  
155 September 13, 2000. All other provisions of this chapter shall continue to apply, except that the  
156 provisions herein set forth shall apply to lots or plots 60 feet in width or less in the RM-25 district  
157 to the extent of a conflict.

158 \*\*\*

159 **Sec. 30-313. General provisions.**

- 160 (a) Drainage facilities.
- 161 (b) Use of buildings.
- 162 (c) Moving of buildings.
- 163 (d) Fences, walls and hedges.
- 164 (e) Regulations applicable to El Mar Drive.
- 165 (f) Use, public areas.
- 166 (g) Aesthetic design.
- 167 (h) Standards for driveways and swales.

168 \*\*\*

169 These general provisions shall govern development within the corporate limits of the Town,  
170 as follows:

171 \*\*\*

172 (d) *Fences, walls and hedges.*

173 (1) Height, design, and location of fences, walls, hedges.

174 a. Height. The maximum height of any fence or wall shall be six feet, except  
175 where the fence or wall abuts property with business zoning, in which case the  
176 maximum height is eight feet. The height of fences, walls, hedges or plantings  
177 of whatever composition shall be measured from the natural contour of the  
178 ground ~~on adjoining lots.~~

179 1. A fence or wall may not be connected to a neighboring fence or  
180 wall system if connection to the adjoining lot fence or wall would  
181 result in a structure that exceeds the allowable measured height. All  
182 fence and wall heights must comply with the maximum permitted  
183 height per Town code.

184 b. Construction. All fences and walls shall comply with the Florida Building  
185 Code.

186 \*\*\*

187 (4) *Standards for swales for all other properties.*

- 188 a. All grading and paving of the swale on Ocean Drive (A1A) shall be subject to  
189 the Florida Department of Transportation specifications and permit  
190 requirements.
- 191 b. All properties that are: (a) not located on Ocean Drive (A1A), and (b) not  
192 adjacent to a curb and gutter street, shall meet the grading requirements  
193 established in subsection (3)d.1. and 2. above.
- 194 c. All properties that: (a) are not located on Ocean Drive (A1A), and (b) include  
195 a landscaped area, shall meet the landscaping requirements established in  
196 subsection (5) below.
- 197 d. All properties that submit a permit application to ~~resurface or restripe~~ increase  
198 their parking area and run-off shall provide a drainage plan that indicates the  
199 minimum Broward County water quality stormwater requirements ~~for run-off~~  
200 will be maintained onsite. Stormwater runoff from driveway and parking areas  
201 can be maintained through the creation of a graded swale, the redirection of  
202 stormwater to landscaped areas, a trench drain or by other means, subject to  
203 review and approval from the Town Engineer.

204  
205 \*\*\*

206 **SECTION 3. Codification.** This Ordinance shall be codified in accordance with the  
207 foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall  
208 become and be made a part of the Town of Lauderdale-By-The-Sea Code of Ordinances; and that  
209 the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be  
210 changed to “section,” “article” or such other appropriate word or phrase in order to accomplish  
211 such intentions.

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

215 **SECTION 5. Conflicting Ordinances.** All prior ordinances or resolutions, or parts thereof,  
216 in conflict herewith are hereby repealed to the extent of said conflict.





**TOWN OF LAUDERDALE-BY-THE-SEA  
TOWN COMMISSION  
REGULAR MEETING MINUTES  
Jarvis Hall  
4505 N. Ocean Drive  
Tuesday, October 14, 2025  
6:30 PM**

**1. CALL TO ORDER, MAYOR EDMUND MALKOON**

Mayor Edmund Malkoon called the meeting to order at 6:33 p.m. Also present were Vice Mayor Randy Strauss, Commissioner Richard DeNapoli, Commissioner John A. Graziano, Commissioner Theo Pouloupoulos, Interim Town Manager Ken Rubach, Town Attorney Susan L. Trevarthen, Finance Director Lucila Lang, Assistant Finance Director Edner St. Jean, Development Services Director Jhanelle Campbell, Acting Town Clerk/ Assistant to the Town Manager Courtney Easley, and Events and Marketing Manager Katie Anderson.

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

**3. INVOCATION**

All present observed a moment of silence.

**4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**

Mayor Malkoon requested that Items 19.a, 19.b, and 19.c be heard immediately following the Consent Agenda.

**5. PRESENTATIONS**

None.

**6. PUBLIC COMMENTS**

Mayor Malkoon advised that Public Comments are limited to Items on tonight's Agenda in accordance with Florida Statute 286.0114.

At this time Mayor Malkoon opened public comment.

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Patrick Ucci, resident, addressed public safety, particularly automobile thefts, which have increased by 100% year-to-date. Burglaries in residences have increased by 150% year-to-date as well. He requested an active discussion on a plan to reverse these trends.

Ken Brenner, chair of the Lauderdale-By-The-Sea Volunteer Fire Department's Pension Board, thanked the Town Commission for placing a Resolution on tonight's Agenda which would address funds due from a revenue share from Florida Statute Chapter 135.

Dorothy Seibert, resident, addressed the Ocean Treasure hotel, which is the subject of quasi-judicial Item 19. She requested clarification of whether the proposed balconies would be located on the north side of the building.

Mayor Malkoon clarified that the north balconies are no longer planned for the proposed building.

With no other individuals wishing to speak at this time, Mayor Malkoon closed public comment.

## **7. PUBLIC SAFETY DISCUSSION**

### **a. BSO September 2025 Public Safety Report**

Broward Sheriff's Office (BSO) Captain Christopher Sutter reported that on September 6, 2025, Executive Officer Chris Palmer was assigned to BSO as the Captain's second-in-command for the Lauderdale-By-The-Sea district. Officer Palmer has significant experience in different aspects of law enforcement from throughout Broward County.

Deputy Kyran Ramcharan is Employee of the Month for September 2025 in recognition of his handling of an incident that occurred in the Downtown Pavilion area.

Captain Sutter continued that other recent incidents include a business burglary on September 18, 2025, for which a suspect has been identified. He also noted that an occupied burglary auto theft occurred on September 24. The vehicle was later recovered. He advised that video evidence, including Town and individual cameras as well as license plate reader (LPR) cameras, contributed to the response to these incidents.

Captain Sutter advised that crime statistics are compiled in a different format from previous years. When multiple crimes occur during the same incident, they are categorized individually, which helps to show statistical increases. He acknowledged that

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there is an increase in auto thefts throughout Broward County. Directed patrols are attempting to address this trend.

During a similar increase earlier in the season, BSO collaborated with the Town to provide signage reminding residents not to leave key fobs in their cars, as this can contribute to thefts.

Commissioner Pouloupoulos noted that some incidents have occurred in the Bel Air neighborhood, and requested clarification of where cameras are located in or near the ingress/egress points to that community. Captain Sutter replied that both of these locations are accessible through Town cameras; however, the cameras are not constantly monitored, as that would require a dedicated BSO Staff member.

Commissioner Pouloupoulos asked if there are ways to provide greater control of neighborhoods such as Terra Mar and Bel Air, whether through cameras, signage, or other campaigns. He also suggested meeting either one-on-one or in a roundtable setting with law enforcement to discuss these issues further. Captain Sutter recalled that the Town and BSO partnered for a signage campaign earlier in the year which cautioned residents to secure their key fobs.

Commissioner Graziano recalled that some Fort Lauderdale communities have monthly paid arrangements with Fort Lauderdale Police Officers who patrol individual neighborhoods using Police vehicles. Homes in those communities often post signage referring to these patrols in order to discourage crime. He suggested that the Town look into possibilities such as these.

Commissioner Graziano continued that the Terra Mar neighborhood has authorized the purchase of new cameras, and there are BSO LPR cameras in the area as well.

Commissioner DeNapoli recalled that at a previous meeting, Mayor Malkoon had indicated he would schedule a roundtable meeting to address public safety, and encouraged Captain Sutter to participate if possible.

## **8. TOWN MANAGER REPORT**

### **a. Town Manager Report**

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Interim Town Manager Ken Rubach advised that Boo!-By-The-Sea is scheduled for Saturday, October 25, 2025 from 10 a.m. until 1 p.m. in the West Business Plaza. The event is designed for children 11 years old or younger and will include candy and games.

Transportation provider Circuit now includes the ability to use Apple Pay and Google Pay on its mobile app. Regular credit cards are also still accepted.

The Town has received a public-private partnership (P3) solicitation. As part of this process, the Town released a request for proposal (RFP) on October 6, 2025, as required by State Statutes. The RFP has a deadline of Monday, October 27, 2025. Staff anticipates bringing forward an Agenda Item to discuss the proposal at the October 28, 2025 Commission meeting. Subsequent solicitations, if received, will be presented at later meetings. He recommended that the proposal also be discussed during the public safety roundtable meeting.

Interim Town Manager Rubach requested Commission consensus on a parking rate modification pilot project. He explained that Town businesses have requested this assistance during the slower season. Staff proposes a pilot program which would offer “early bird” and “happy hour” specials Mondays through Thursdays from 6 a.m. until 10 a.m. and 3 p.m. to 7 p.m. The program would reduce the parking rate from \$4/hour to \$2.50/hour through the end of November 2025. It would be publicized across the Town’s social media platforms as well as through signage.

Mayor Malkoon proposed a flat fee of \$2/hour through the remainder of this quarter, with exceptions for events such as Christmas-By-The-Sea. He agreed to bring this item forward as part of the upcoming roundtable discussion and suggested moving forward with the \$2/hour proposal for full days on Mondays through Fridays.

Vice Mayor Strauss was in favor of the proposal, adding that there are also several areas where parking is privately owned, and individuals who park there are charged as well as ticketed at different rates that are unrelated to Town policy. He recommended that additional signage be placed in or near those areas. Interim Town Manager Rubach confirmed that he would work with the Town Attorney’s Office to ensure all signage follows required regulations.

Commissioner Graziano pointed out that Resolution 2025-48 would allow the Interim Town Manager to establish the times and places when different rates would be in effect, and advised that he also opposed that proposal, as it would affect the Town’s budget. He recommended revisiting the budget process and making any necessary changes to

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accommodate businesses through that process rather than placing those decisions in the hands of Staff.

Commissioner DeNapoli advised that he was in favor of the pilot proposal, and felt the Interim Town Manager should be able to modify parking rates as proposed in Resolution 2025-48 during certain time frames. He pointed out that the Interim Town Manager would continue to regularly report parking revenue to the Commission throughout the year, and the rates could be adjusted if revenue falls below the desired level.

Commissioner Pouloupoulos stated that while the lower rates could attract more business to the Town, he also wished to ensure that taxpayers are not paying the bill to bring in visitors. He noted that the Parking Fund is a major source of revenue for the Town, and if parking revenue is lost, funds will need to come from other sources.

Commissioner Pouloupoulos continued that he was comfortable with trying the suggested pilot program, but emphasized that the Commission is ultimately responsible for setting the Town's parking rates and should monitor them.

Mayor Malkoon commented that the Parking Fund is currently very healthy, while business during the current season is slow. He was in favor of taking steps to support the businesses, and concluded that he was in favor of the proposed program, and that Downtown businesses have responded positively to the idea.

Interim Town Manager Rubach advised that he would bring back data on the potential impacts on revenue to the next Commission meeting before any proposed program is implemented. Commissioner Graziano reiterated that he did not agree with a proposal for any party other than the Commission to set the Town's parking rates.

Commissioner DeNapoli suggested implementing the pilot program for a two-month time frame to observe its impact on the Parking Fund. He emphasized that the pilot program was not proposed as a permanent policy, but would have an expiration date which would bring it before the Commission again in the future.

Commissioner Graziano requested clarification of the legality of the proposal. Town Attorney Susan Trevarthen replied that Resolution 2025-48 does not disturb the parking rates adopted by the Commission, but provides for the Commission to delegate authority for flexible rates under certain circumstances to the Town Manager. She emphasized that the permanent parking rates are set by the Commission and would not be disturbed by

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allowing temporary adjustments. She further clarified that rates may be lowered with Staff discretion, but may not be increased.

Interim Town Manager Rubach recommended that in light of the Commissioner's concerns, it may be necessary to modify Resolution 2025-48 to require Commission consensus before moving to modify rates. Otherwise, the process could require a new Resolution whenever rate modifications are proposed. Commissioner Graziano confirmed that he was open to this suggestion.

Commissioner DeNapoli recommended that if the Commission elects to move forward with Resolution 2025-48, they also bring it back to the time certain of December 9, 2025, which will be the only meeting scheduled in that month. This will provide time to determine the impact of the program and discuss it at that meeting.

Commissioner Pouloupoulos advised that negotiations between the Interim Town Manager and himself as Commission liaison are proceeding. He has met with counsel and reviewed contracts, and will meet with the Interim Town Manager later this week to continue the discussion.

**b. June 2025 Finance Report**

**c. July 2025 Finance Report**

**d. August 2025 Finance Report**

Finance Director Lucila Lang reported that through the month of August 2025, expenditures and revenues remained mostly within budget, with a couple of minor expenses that have not yet been posted. Staff is working diligently to ensure that all expenses are posted through the end of fiscal year (FY) 2024-2025.

Finance Director Lang added that she, Interim Town Manager Rubach, and Assistant Finance Director Edner St. Jean have met with Truist Bank to request a review of the Town's relationship with that institution and whether or not better rates might be available to the Town. A new relationship manager has been assigned to the Town.

Paperwork has been completed for the investments with South State Bank discussed at the September 24, 2025 meeting.

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Commissioner DeNapoli asked if the Town has moved forward to invest additional funds in money markets. Finance Director Lang confirmed that this has been completed with South State Bank. She is awaiting a response from Truist regarding potential investment of Parking Fund monies. She is also working to determine what entity offers the best possible rates.

Commissioner DeNapoli noted that some figures included in the Finance Report are listed at over 100%. Finance Director Lang explained that most of these line items are expected to balance out. The Town budgets for 95% in these line items, which means it is possible to exceed that amount.

Commissioner DeNapoli also addressed Town health insurance, asking if the Town has looked into potential options. Finance Director Lang explained that the Town has a health insurance broker who considers different policies. Each summer, the broker estimates the expected increase, which for FY 2025-2026 was quoted as 16%. The Town considered different carriers, but ultimately chose to remain with United Healthcare. The Town has also left its previous Florida Municipal Insurance Trust (FMIT) grouping, which lowered the increase to approximately 12%.

## **9. TOWN ATTORNEY REPORT**

None.

## **10. APPROVAL OF MINUTES**

### **a. Approval of minutes for September 2025 Meetings**

Vice Mayor Strauss requested clarification of whether the four minutes documents presented for approval were from Regular Commission Meetings or Special Meetings for budget deliberations. It was confirmed that the headers of the Special Meeting documents would need to clarify that they were not regular meetings.

Commissioner DeNapoli noted that the date of the September 24, 2025 Regular Meeting should be corrected on the page header as well.

**Vice Mayor Strauss made a motion, seconded by Commissioner Pouloupoulos, to approve, subject to the changes noted above. Motion carried 5-0.**

## **11. CONSENT AGENDA**

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None.

The following Items were taken out of order on the Agenda.

### **19. QUASI JUDICIAL PUBLIC HEARINGS**

Town Attorney Trevarthen reviewed the requirements for quasi-judicial items, and any individuals wishing to speak on these Items were sworn in. The Commissioners disclosed any ex parte communications related to the Items.

- a. **Request 1: Site Plan 2023-SP-01 Description: Pursuant to Chapter 30, “Unified Land Development Regulations,” Article IV, “Development Permits – Applications, Requirements and Review Procedures,” Division 2, “Site Plan Procedures and Requirements” of the Town’s Code of Ordinances (the “Town Code”), the Applicant has requested Site Plan approval to demolish an existing 2 story hotel and construct a new 3 story hotel containing 22 hotel units for property located at 4312 El Mar Drive (the “Property”).**
- b. **Request 2: Variance 2024-V-01 Description: Pursuant to the requirements of Section 30-127, “Variances,” the Applicant requests a reduction in the required view corridor width and clearance set forth in Town Code Section 30-241(i) to 10.8 feet where 13 feet is required, a reduction in the parking setback from the interior (north) property line set forth in Town Code Section 30-122 (a)(1)b.2.ii to 2 feet 4 inches where 5 feet is required and a reduction in the VUA perimeter Landscape buffer width set forth in Town Code Section 30-478(b)(2) to 2 feet 4 inches where 2 feet 6 inches is required for the Property located at 4312 El Mar Drive.**
- c. **Request 3: Level 2 Administrative Adjustment 2024-LVL2-AA-01 Description: Pursuant to Chapter 30, “Unified Land Development Regulations,” Article IV “Development Permits – Applications, Requirements and Review Procedures,” Division 4, “Adjustments to the Code – Procedures and Requirements,” Section 30-128, “Administrative Adjustments,” of the Town’s Code, the Applicant has requested a Level 2 administrative adjustment from Section 30-241(h)(6), “Side Setbacks,” of the Town’s Code, to reduce the northern**

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**side yard setback to 10.8 feet where 15.5 feet is required for the Property located at 4312 El Mar Drive.**

Development Services Director Jhanelle Campbell stated that there are three requests made for the subject property, 4312 El Mar Drive:

- Site Plan approval for the construction of a new hotel
- Variance request to reduce the required view corridor from 13 ft. to 10.8 ft., reduce the parking setback on the north side of the property from 5 ft. to 2 ft. 4 in., and reduce the vehicular use area perimeter and landscape buffer from 2 ft. 6 in. to 2 ft. 4 in.
- Administrative adjustment to reduce the required northern setback from 15.5 ft. to 10.8 ft.

The property is located on El Mar Drive and adjacent to the existing Ocean Treasure Hotel and the Oriana property. Plans for the site include unification of the subject property and the existing Ocean Treasure.

The Applicant held a required public participation meeting on August 18, 2025. The primary issue that arose from that meeting was concern with the northern-facing balconies. The developer has agreed to remove these balconies and has re-submitted plans showing this change.

The Applicant proposes to demolish the existing Courtyard Hotel on El Mar Drive and replace it with a new three-story hotel. The two hotel buildings combined will have a total of 22 units. The plans also include unification of the two parking lots for a shared-access driveway and redistribution of density across two lots. The result will be a unified two-building hotel complex.

The property meets Town Code requirements in a variety of ways:

- Height is 33 ft. with a parapet wall at 37 ft., as allowed by Code
- Elevator shaft is 41 ft. in height; these are exempt from height requirements
- Building length of 129.8 ft.
- Front setback is 52.7 ft.
- Rear setback is 182.4 ft.

Development Services Director Campbell advised that at present, no view corridor exists on the subject site. This means while the Applicant is requesting a reduction of the required view corridor, the plans represent a significant improvement over what exists today.

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The existing parking area is a gravel lot from which cars back out onto El Mar Drive. The plans provide much safer circulation for cars entering and exiting the lot and allow safe access to emergency vehicles.

Town Code has seven criteria Staff must consider when evaluating a variance application. Staff feels that all seven criteria have been met and recommends approval of the variance request. Staff has also determined that all criteria have been met for a Level 2 administrative adjustment to justify the 30% reduction and side yard setback.

Staff recommends approval of all three requests with the conditions outlined in the respective Development Orders, which are included in the Staff Report. The project was also reviewed and approved by the Town's Architect.

Commissioner DeNapoli confirmed that the proposed project's height limits are consistent with the requirements of the Town's Charter, and the Applicant has made the changes requested by neighboring residents. He concluded that the project appears to be an improvement to the community.

Vice Mayor Strauss observed that the project exemplifies beautification and modernization of beach properties, and commended the Applicant for their proposal.

Commissioner Graziano commented that while the proposed changes are minor, they will significantly improve the area.

Commissioner Poulopoulos also felt the project represented an update for the Town.

Mayor Malkoon stated that he was happy with the plans, which show that the Town can be redeveloped appropriately in a way that is satisfactory to residents. He recognized the Applicant for working with the residents who had provided suggestions, and was pleased with the proposed design.

At this time Mayor Malkoon opened the public hearing on the Items.

Dorothy Seibert, resident, thanked the Applicant for adjusting the project to residents' concerns. She added that she was pleased there had been no request to increase the building's height, and requested confirmation that the new building would be adjacent to the existing structure. This was confirmed.

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With no other individuals wishing to speak on the Items, Mayor Malkoon closed the public hearing.

Town Attorney Trevarthen advised that the Commission may make a single motion including all three requests if they wish.

**Commissioner Poulopoulos made a motion, seconded by Commissioner DeNapoli, to approve all three requests. Motion carried 5-0.**

**12. OLD BUSINESS**

None.

**13. NEW BUSINESS**

**a. Consideration of “Similar Use” Determination: Nail Salons in the B-1 Zoning District at 222 E Commercial Blvd**

Development Services Director Campbell explained that Staff received an application for a nail salon at the subject address; however, nail salons are not explicitly listed as a permitted use in the Town’s B-1 zoning district. Town Code requires that when Staff wishes to determine a particular use is a similar use, this proposal must be presented to the Commission for consideration.

Staff requests the Commission’s opinion on whether or not a nail salon may be considered similar to a hair salon and/or barbershop, which are personal service stores allowed within the B-1 district. These uses are regulated by the Florida Department of Business and Professional Regulation. Neighboring municipalities, including Fort Lauderdale, Pompano Beach, and Wilton Manors, treat nail salons similarly to hair salons and barbershops.

If the Commission chooses to designate nail salons as a similar use, Staff would require the salon to provide requisite air filtering mechanisms to ensure no odor is transmitted to neighboring bays.

Development Services Director Campbell further clarified that the subject space was previously occupied by a hair salon. The Town has not previously been home to a nail salon.

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Commissioner DeNapoli stated that he found the use to be similar as long as it is compliant with environmental regulations.

Vice Mayor Strauss asked if the proposal of similar use would mean hair salons are considered in the same manner as nail salons in the future. Development Services Director Campbell confirmed this, adding that no future applications for nail salons would come before the Commission.

Commissioner Graziano characterized the request as common sense.

**Commissioner DeNapoli made a motion, seconded by Commissioner Graziano, to approve. Motion carried 5-0.**

#### **b. Discussion on Code Amendments to Support Redevelopment**

Development Services Director Campbell advised that due to recently submitted requests, Staff has identified Code Sections which may unintentionally restrict opportunities for redevelopment. These provisions are located in the following Sections:

- Section 30-27(1): B-1 mixed-use zoning district
- Section 30-242: RM-25 zoning district for lots smaller than 60 ft. located west of or fronting Bougainvilla Drive

At present, Code only allows parcels within 250 ft. of Commercial Boulevard to be eligible for mixed-use redevelopment. Residential floor area in mixed-use projects is limited to 50% of total gross floor area. The Code issues, based on a recently received request, show that the 250 ft. rule excludes the redevelopment of parcels which are still part of the B-1 zoning district and function as such, although they share the same parking access and pedestrian connections. There is no rationale for this distinction in Code. In addition, while the 50% residential cap protects commercial uses, it could also present difficulty for development or redevelopment of projects.

Proposed considerations are as follows:

- Remove the 250 ft. required distance rule to unify the B-1 zoning district and more accurately reflect the Town's development patterns
- Reevaluate the 50% residential floor area to allow flexibility, including modest increases or decreases; additional Staff review would be necessary to craft this language, which would come back before the Commission for approval
- Safeguards such as conditional use approval, architectural review, and other Town approval mechanisms would remain

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Staff requests the Commission's opinion and consideration of the proposed changes.

Commissioner DeNapoli requested clarification of the locations that would be affected by the change. Development Services Director Campbell clarified the subject area, pointing out that it is specific to the B-1 zoning district and would not affect residential neighborhoods. The change would extend south of A1A to the Walgreen's location.

Commissioner Graziano stated that he was pleased to see this type of evaluation brought forward by Staff, asserting that without sensible zoning regulations, growth would not be possible. The farthest extension of the 250 ft. rule was further clarified.

Vice Mayor also saw the proposal as positive, noting that there is no documented reason for the existing boundaries. He also commended Staff for their research.

**Commissioner Graziano made a motion, seconded by Vice Mayor Strauss, directing Staff to bring back an Ordinance addressing the two issues. Motion carried 5-0.**

Development Services Director Campbell continued that the next proposed change affects the RM-25 zoning district as specifically listed in Code Section 30-242. This Section states that properties of less than 60 ft. in width, located west of or fronting onto Bougainvillea Drive and having existed as of September 13, 2000, are limited to single-family and duplex redevelopment only.

Development Services Director Campbell explained that the requested change would move this redevelopment line. She recalled that an existing property had wished to add a second story, but was not permitted to do so because the property was less than 60 ft. in width and fronted onto Bougainvillea Drive. The owner was prohibited from making any modification to their building.

Upon reviewing Code, Staff felt a reasonable change would be to clarify that the restriction applies only to properties west of Bougainvillea Drive but not fronting onto it. There are already several two-story properties on that street. The location is also adjacent to RM-25 zoning, which allows three-story hotels. The proposed change would be consistent with nearby development patterns.

Development Services Director Campbell confirmed that the proposed change would be consistent with the height limits included in the Town's Charter. A property currently

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located on the east side of Bougainvillea Drive and less than 60 ft. in width would be permitted to add a second story, while a property on the west side would not.

Vice Mayor Strauss asked if multi-family properties just west of the subject area are restricted to existing requirements. Development Services Director Campbell explained that these are restricted if they are less than 60 ft. wide; however, there is a rationale for this, as the RD-10 zoning district, which is much more residential in nature, is located to the west.

Vice Mayor Strauss advised that another concern was the possibility that an owner who wished to add a second story to their property might also wish to add a third story. Development Services Director Campbell confirmed that the RM-25 district permits three stories, and suggested that height for buildings less than 60 ft. in width and fronting onto Bougainvillea Drive could be limited to two stories. She added that language could be crafted to restrict redevelopment to two stories rather than three in the subject location.

**Commissioner DeNapoli made a motion, seconded by Vice Mayor Strauss, to bring back an Ordinance on this issue which limits height to two stories in the subject area. Motion carried 5-0.**

**c. Special Event Application: Santa Paws December 2025**

Events and Marketing Manager Katie Anderson explained that the owner of Wild Berry Salon, a business located in the West Plaza district, has submitted a special event application to host the first annual Santa Paws celebration. Events are planned for Friday, December 12, 2025 and Friday, December 19, 2025. They would be held in front of the Wild Berry Salon and Big Cat Bikes storefronts and adjacent breezeway.

Santa Paws would be a four-hour event from 4 p.m. to 8 p.m., with holiday-themed photo backdrops for attendees and their pets. Additional activities would include raffles and complimentary refreshments. The Applicant anticipates approximately 30 guests on a flow, with volunteers to remain on-site and assist in setup, execution, and cleanup. Funds raised would cover event costs and benefit Ruff Rescue Transport, which is a 501(c)(3) organization.

The Applicant requests use of some Town Adirondack chairs. Any additional décor provided by the Town would be approved by Staff and the Town Manager. The Applicant also requests use of two electrical outlets for the event, one for the photo setup and another for amplified sound or acoustic music. Resolution 2024-29 allows the waiver of

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one electrical fee for the West Plaza area; the Applicant requests a waiver of the fee for the second electrical outlet, which would be \$50.

Restrooms at Big Cat Bikes and Wild Berry Salon would be available for attendees, and parking would operate per normal Town standards. Staff recommends approval of the event.

Mayor Malkoon recalled that when previous events have been held in the subject location, parking for an adjacent restaurant was affected. He asked if it would be possible to mark off some parking spaces for that adjacent business. Interim Town Manager Rubach replied that Staff can look into this.

**Commissioner DeNapoli made a motion, seconded by Vice Mayor Strauss, to approve the Application, subject to looking into assistance for the adjacent business. Motion carried 5-0.**

#### **14. COMMISSIONER PRESENTATIONS**

None.

#### **15. COMMISSIONER COMMENTS**

Commissioner DeNapoli encouraged residents with children to attend the upcoming Boo!-By-The-Sea event on Saturday, October 25, 2025 from 10 a.m. to 1 p.m. He was also happy to discuss the proposed parking modification later on tonight's Agenda, and to test other options through the pilot program.

Commissioner Graziano stated that he recently represented the Town at a Columbus Day event at Port Everglades. He recalled that the previous year, the Town had passed a Resolution to include Columbus Day/Indigenous Peoples Day among holidays recognized by the Town.

Commissioner Graziano added that he would like to designate a Commissioner as liaison to the Town's business community, and volunteered to serve in this role.

Vice Mayor Strauss advised that he represents the Lauderdale-By-The-Sea Commission on the Hillsboro Inlet District, and noted that this Inlet is safe for use when attending the upcoming Fort Lauderdale International Boat Show. Depths are cited on the Hillsboro Inlet District's website, which is regularly updated.

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Vice Mayor Strauss also spoke positively of the recent improvements to Friedt Family Park, and pointed out that activity has increased at this facility. He requested that those bringing children to the park make sure that children are not climbing shade trees.

Mayor Malkoon stated that he recently attended the Greater Fort Lauderdale Mayors' Breakfast, where all present discussed issues affecting Broward County municipalities and beaches.

**16. ORDINANCES 1<sup>ST</sup> READING**

None.

**17. ORDINANCES 2<sup>ND</sup> READING**

None.

**18. RESOLUTIONS – PUBLIC COMMENTS**

- a. **Resolution 2025-47: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ELECTING TO PERMANENTLY WAIVE THE ABILITY TO SEEK FUNDING FOR COMMUNITY SHUTTLE, THE GRANT MATCH PROGRAM, AND FOR NEW MUNICIPAL CAPITAL PROJECTS FOR THE TERM OF THE 2025 AMENDED AND RESTATED TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT; AUTHORIZING THE TOWN MANAGER TO WAIVE EXERCISE SUCH WAIVER IN FUTURE YEARS; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE.**

At this time Mayor Malkoon opened public comment, which he closed upon receiving no input.

Interim Town Manager Rubach explained that this Resolution refers to Broward County's surtax program, which passed on referendum in 2018. The Commission passed the third amendment to this program earlier in 2025, which changed municipalities' access to surtax funding. Smaller communities have historically had difficulty accessing funds for programs such as community shuttles, which are geared toward the needs of larger communities.

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The total amount anticipated by Lauderdale-By-The-Sea in 2025 is \$172,000, which exceeds the \$119,000 the Town would have received under the program's initial proposal. The additional funds are due to the waiver noted in Resolution 2025-47. These funds will fluctuate from year to year as more surtax revenue becomes available.

**Commissioner DeNapoli made a motion, seconded by Vice Mayor Strauss, to approve. Motion carried 5-0.**

**b. Resolution 2025-48: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING THE TOWN MANAGER TO TEMPORARILY ADJUST THE PARKING FEES AND METER RATES TO SUPPORT ECONOMIC AND SEASONAL CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

At this time Mayor Malkoon opened public comment, which he closed upon receiving no input.

Interim Town Manager Rubach recalled that this proposal was discussed earlier in tonight's meeting. Resolution 2025-48 would allow the lowering of hourly, daily, and special event rates for a period of up to 120 days. Any duration exceeding 120 days would require Commission authorization. The Town Manager would be permitted to lower the rate by up to 50% of the rate established by the most recent Commission Resolution. The Town Manager would have no authority to raise rates.

Commissioner DeNapoli asked if the Resolution provides any specificity regarding rates, or if it leaves the issue open-ended. He also noted that the proposed pilot program would come back to the Commission at their December 9, 2025 meeting, which is in less than 60 days.

Interim Town Manager Rubach advised that the Mayor had indicated the program would not apply to special events such as Boo!-By-The-Sea and Christmas-By-The-Sea.

Commissioner Graziano stated that he had understood the Commission would establish both the parking rate and the time period for the pilot program at \$2/hour, as recommended by the Mayor, and setting December 9, 2025 as a date certain for further discussion. He asserted that he opposed allowing Staff the authority to establish parking rates, and would prefer that the Commission do so at this time.

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Town Attorney Trevarthen explained that previous discussion of this Item at tonight's meeting had indicated that the Interim Town Manager would come to the Commission for approval before changing rates rather than reporting a change after the fact. The Interim Town Manager would only implement the change once the Commission had approved it at a meeting.

Town Attorney Trevarthen continued that the process she had just described would differ from an amendment to the Resolution to specify a time certain program set to expire on December 9, 2025 and carrying a rate of \$2/hour. It was further clarified that the \$2/hour rate would only apply Monday through Friday.

Mayor Malkoon asked if Resolution 2025-48 meant the Interim Town Manager would come before the Commission before enacting any change. Interim Town Manager Rubach confirmed that he would seek consensus from the Commission before proceeding with changes. This would allow parking rates to be updated without requiring a Resolution for each change.

Town Attorney Trevarthen explained that Resolution 2025-48 provides the requested flexibility through delegation of authority. The alternative would be adoption of a short-term lower parking rate which changes the fee schedule to \$2/hour at specific times through December 9, 2025.

Town Attorney Trevarthen also pointed out that the backup materials for Resolution 2025-48 state the Interim Town Manager would report back to the Commission. The proposal at tonight's meeting would have the Interim Town Manager request Commission consensus before making any changes.

Interim Town Manager Rubach continued that at tonight's meeting, he would request Commission consensus to enact the pilot program through December 9, 2025 at the dates, times, and amounts approved by the Commission.

Commissioner DeNapoli reviewed the Commission's options as follows:

- Establish a time certain expiration for a set price determined at tonight's meeting, with pricing to revert to the previous fee schedule on December 9, 2025
- Delegate authority to the Interim Town Manager until the time certain of December 9, 2025 to determine the fee schedule on his own

Commissioner DeNapoli continued that the Resolution could be retitled to refer to a parking fee holiday from the present through December 9, 2025.

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Interim Town Manager Rubach suggested that the proposal would mean there is no requirement for a Resolution whenever they wish to make changes to the parking rates; the Interim Town Manager may instead request Commission consensus on changes that he may propose.

Town Attorney Trevarthen suggested that Resolution 2025-48 can be revised to reflect the Commission's vote at tonight's meeting. She requested clarification of whether the Commission wished to actually change the rate with an expiration date of December 9, 2025, or if they wished to delegate authority to the Interim Town Manager, with the delegation set to expire on the same date.

The Commissioners discussed these options, with Vice Mayor Strauss recommending delegation of authority to the Interim Town Manager. He emphasized that the Commission has the option of deciding that the delegation is not working as intended.

Town Attorney Trevarthen confirmed that the only change to the Resolution would be the addition of a time certain for expiration.

Commissioner Graziano stated that while the Commission acknowledges the Interim Town Manager has the Town's best interests in mind, he felt it was the Commission's obligation to make decisions on any budget items. He spoke in favor of the option which would have the Commission establish a parking rate for a specific period of time, to be reevaluated by the Commission at their December 9, 2025 meeting.

Interim Town Manager Rubach noted that either option would require Commission approval, either through consensus or by Resolution. Commissioner DeNapoli reiterated that the Commission may revisit their decision at any time.

**Commissioner DeNapoli made a motion, seconded by Commissioner Graziano, to amend Item 18.b to be titled Parking Fee Holiday, immediately effective, at \$2/hour from Monday through Friday, all day, expiring December 9, 2025, to be set for a time certain on that date and at that meeting to come back to the Commission for further determination. Motion carried 5-0.**

It was clarified that the pilot program would automatically expire on December 9, 2025; if the Commission wishes to extend the program, Resolution 2025-48 would be brought back to the Commission in the same form.

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- c. **Resolution 2025-49: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A SETTLEMENT AGREEMENT WITH POMPANO BEACH TO REALLOCATE 2023 CHAPTER 175 MONIES FROM POMPANO BEACH TO THE TOWN; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT AND AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO TAKE ALL ACTIONS NECESSARY TO OBTAIN EXECUTION OF AND IMPLEMENT THE AGREEMENT; PROVIDING AN EFFECTIVE DATE.**

At this time Mayor Malkoon opened public comment, which he closed upon receiving no input.

Interim Town Manager Rubach explained that the 175 monies due to Lauderdale-By-The-Sea’s Volunteer Fire Department (VFD) were inadvertently sent to Pompano Beach. The correction of this error has been approved by the VFD Pension Board as well as the Pompano Beach City Commission. Once the Lauderdale-By-The-Sea Town Commission signs off on the correction, the funds can be distributed properly.

**Commissioner DeNapoli made a motion, seconded by Commissioner Graziano, to approve. Motion carried 5-0.**

**20. ADJOURNMENT**

With no other business to come before the Commission at this time, the meeting was adjourned at 8:35 p.m.

*Mayor Edmund Malkoon*

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Mayor Edmund Malkoon

ATTEST:

*Courtney Easley*

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Courtney Easley, Acting Town Clerk

11/21/2025 | 1:49 PM EST

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Date