



Town Commission
Jarvis Hall 4505 N. Ocean Drive

Special Town Commission

Special Town Commission

Monday, October 4, 2021, 6:30 PM
Jarvis Hall 4505 N. Ocean Drive

1. CALL TO ORDER, MAYOR CHRIS VINCENT

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

4. PRESENTATION

- 4a. Downtown Reconfiguration Discussion
[CoverPage.pdf](#)

5. DISCUSSION ITEM

- 5a. Parking Opportunities
[CoverPage.pdf](#)
[Ex1 Downtown Parking Spaces.pdf](#)

6. RESOLUTIONS - PUBLIC COMMENT

- 6a. Resolution 2021-59 - A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PURSUANT TO THE TOWN CODE OF ORDINANCES SECTION 2-27 "WAIVER OF CODE REQUIREMENTS," FINDING THAT THE COVID-19 PANDEMIC CONTINUES TO BE AN EXTRAORDINARY CIRCUMSTANCE AND CONTINUING TO WAIVE CERTAIN REQUIREMENTS OF CHAPTER 17 "STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES," SECTION 17-89 "SIDEWALK CAFE PERMIT STANDARDS AND REQUIREMENTS," FOR SIDEWALK CAFES TO ALLOW FOR TRANSITION BACK TO NORMAL OPERATIONS FOR ADDITIONAL TIME; PROVIDING REQUIREMENTS FOR THOSE USING THE WAIVERS; PROVIDING FOR CONTINUED USE OF THE CONNIE HOFFMANN OCEAN PLAZA; PROVIDING FOR EXPIRATION, CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE.
[CoverPage.pdf](#)
[Ex.1 - Resolution 2021-03 - Extending Reso 20-39 for Sidewalk Cafs BTRs.pdf](#)
[EX.2 - Resolution 2021-59 - LBTS Extraordinary Circumstance Waiver Extension - Sidewalk Cafe.pdf](#)
- 6b. Resolution 2021-60 - A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, URGING THE FLORIDA LEGISLATURE TO REPEAL PREEMPTION OF LOCAL REGULATIONS OF HOME BUSINESSES AND STOP PREEMPTING LOCAL HOME RULE POWERS; PROVIDING DIRECTION TO TOWN OFFICIALS; PROVIDING FOR AN EFFECTIVE DATE.
[CoverPage.pdf](#)
[Ex1 Resolution 2021-60 Opposing Home Based Occupation.pdf](#)

7. 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.



Town Commission Agenda Item Report

Meeting Date: October 4, 2021

Submitted By: Linda Connors, Interim Town Manager

Submitting Department: Administration

Item Type: Presentation

Agenda Section: Presentation

Subject Title: Downtown Reconfiguration Discussion

Explanation: The COVID-19 Pandemic has the world thinking of different ways to be together while remaining socially distanced and safe. Outside dining is one such way of being together that has become increasingly more popular because it allows people to enjoy being together while still ensuring the circulation of fresh air while dining.

To accommodate this increased interest in outdoor dining, the Commission temporarily approved the use of on street parking for additional sidewalk café areas. At the June 29, 2021 meeting, Town Staff asked if the Commission would like to consider making this accommodation more permanent and the Commission directed staff to move forward with options for consideration.

The Town hired Steven Fett to review the situation and present to the Commission some more permanent alternatives for the parallel parking areas along Commercial Boulevard east of Ocean Drive. The Town's Ocean Drive back out parking spaces in this area were to be included in this review. Steven was selected because he is uniquely familiar with the Town and the Commercial area as he was hired previously to bring forward downtown redevelopment ideas in 2012. These plans were the basis for the redevelopment of the downtown area in 2012.

Tonight, Steven will present ideas for Commission and the public's consideration.

The Town's FY22 budget includes \$350,000 for downtown improvements.

Recommendation: Staff recommends the Town Commission listen to the presentation and provide staff direction regarding further action.

Attachments: None



Town Commission Agenda Item Report

Meeting Date: October 4, 2021

Submitted By: Linda Connors, Interim Town Manager

Submitting Department: Administration

Item Type: Discussion Item

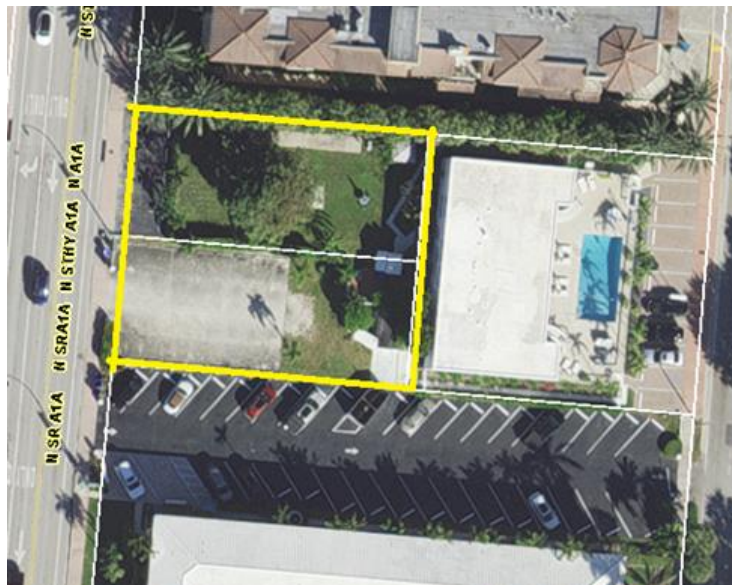
Agenda Section: Discussion Item

Subject Title: Parking Opportunities

Explanation: At tonight's meeting, staff requested the Town Commission's consideration regarding the expansion of outdoor dining into the Town's on-street parking spaces on Commercial Boulevard or Ocean Drive. If the Town Commission decides to pursue this expansion, our available parking could be reduced by up to 35 parking spaces (**see Exhibit 1**), depending on the area that the Town decides to incorporate into the reconfiguration area. Exacerbating that loss, is the redevelopment of the Eastward Strand hotel, which eliminated 30 parking spaces that the Town had been allowed to use while they were closed.

Town staff has been working to find ways to add parking to address these losses and are presenting the following two opportunities for the Commission to consider.

Opportunity One



The property owner of these two lots on A1A has offered to sell them to the Town. Staff conducted a quick analysis of these properties and found that they will provide approximately

16-25 parking spaces depending on the configuration due to FDOT requirements. If approved, staff would meet with FDOT representatives to determine which configuration would best satisfy FDOT requirements and report back to the Commission.

Cost to the Town: \$2.5 million approximate for purchase, construction, and management of the site

Potential Income: 20 parking spaces x \$10,000 annually = \$200,000 annually (estimate)

Time Frame: Once construction complete in perpetuity

Other opportunities to structure the relationship are open for discussion.

Opportunity Two



Representatives of the Florida Development Group contacted the Town to see if we were interested in partnering with them to provide parking to Town residents and visitors while the property is vacant. The lot could provide up to 200 parking spaces and could potentially be a great partner with the potential shuttle that we are considering. If the Commission is interested, staff would recommend an agreement like the one we have with the A1A south lot, where the Town agrees to manage the parking and share the proceeds with the property owner.

Cost to the Town: Management of the site

Potential Income: 200 parking spaces x \$5,000 per space/ negotiated share (estimate)

Time Frame: Available once construction complete and until such time that the property is sold, or the owner decides to terminate the agreement

The Town's Parking Fund is generally used to pay for parking improvements. The balance of the Town's Parking fund as of October 1, 2021 is \$6.93 million.

Recommendation: Staff is requesting that the Town Commission provide direction.

Attachments: Ex1 – Downtown Parking Map

A1A

STREET PARKING

PARKING LOTS

TOWN STAFF PARKING

EMPLOYEE PARKING

RESIDENTIAL PARKING

UNDER CONSTRUCTION

EL MAR DR

EL MAR LOT

212 211 210 209 208 207 206 205 204 203 202 201 200 HC 213 214 215 216 217 218 219 220 221 222 223 224

NOV 129 128 127 126 125 124 123 NOV 114 115 116 117 118 119 120 121 NOV

COUNTRY HAM & EGGS

ATHENA BY THE SEA

OCEAN 101

100 101 102 103 HC 104 105 106 107 HC 108 HC 109 110

130 131 132 HC

VILLAGE PUMP

DIGITAL METER

COMMERCIAL BLVD

166 167 168 169 170 165 164 163 162 161 160 159

DIGITAL METER

DIGITAL METER

158 157 156

DIGITAL METER

133 134 135

136 NOV 137 138 139 140 141 142 143 144 145 NOV 146 NOV 147 148 149 150 151 152 153 154 155 NOV

172 171

173 HC 174 175 176 177

BATHROOMS

ZONE 3

N



Town Commission Agenda Item Report

Meeting Date: October 4, 2021

Submitted By: Linda Connors, Interim Town Manager

Submitting Department: Administration

Item Type: Resolution

Agenda Section: Resolution

Subject Title: Extraordinary Circumstances Waiver Extension

Explanation: At the September 21, 2020 Town Commission meeting, the Town Commission adopted Resolution 2020-39, authorizing restaurants to use the parking spaces and parallel parking areas east of Ocean Drive to expand their sidewalk café areas until January 15, 2021. The resolution also waived the sidewalk café fees for restaurants, relaxed the enforcement of the Town's sign code, and extended the enforcement requirements for overdue business tax receipt payments.

On January 26, 2021, the Town Commission adopted Resolution 2021-03, extending the relaxation of the code allowed previously due to continuing extraordinary circumstances to only continue allowing the sidewalk café extension into the street (**Exhibit 1 – Resolution 2021-03**).

At the Town Commission meeting held on June 29, 2021, the Commission approved to further extend the code waiver for sidewalk cafes through October 15, 2021. This resolution included Aruba's continued use of the Connie Hoffmann Ocean Plaza. There have been no fees established for the use of the plaza or the parking areas.

Staff continues to explore opportunities in redesigning the outdoor sidewalk café area. However, the October 15, 2021 deadline is approaching. Staff has prepared the enclosed Resolution 2021-59 for the Commission's consideration. Resolution 2021-59 would further extend the extraordinary circumstance waiver until such date as set by the Commission. The deadline cannot exceed six months, as provided in the Town Code.

Recommendation: Commission direction.

Attachments: Exhibit 1 – Resolution 2021-03
Exhibit 2 – Resolution 2021-59

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

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

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

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

42 **Section 1. Recitals.** Each “WHEREAS” clause set forth is true and correct and herein
43 incorporated by this reference.

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

47 **Section 3. Waiver.** Pursuant to Town Code Section 2-27, the Town Commission hereby
48 extends the waiver, for up to July 15, 2021, of the Code requirements provided by Resolution 2020-
49 39.

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

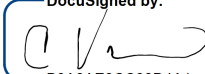
52 **Section 5. Conflict.** All resolutions or parts of resolutions in conflict herewith are hereby
53 repealed to the extent of such conflict.

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

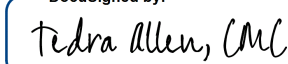
invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Resolution.

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

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

DocuSigned by:

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Mayor Chris Vincent

Attest:

DocuSigned by:

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Tedra Allen, CMC Town Clerk

APPROVED AS TO FORM:

DocuSigned by:

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Susan L. Trevarthen, Town Attorney

File:

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RESOLUTION NO. 2021-59

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PURSUANT TO THE TOWN CODE OF ORDINANCES SECTION 2-27 "WAIVER OF CODE REQUIREMENTS," FINDING THAT THE COVID-19 PANDEMIC CONTINUES TO BE AN EXTRAORDINARY CIRCUMSTANCE AND CONTINUING TO WAIVE CERTAIN REQUIREMENTS OF CHAPTER 17 "STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES," SECTION 17-89 "SIDEWALK CAFÉ PERMIT STANDARDS AND REQUIREMENTS," FOR SIDEWALK CAFES TO ALLOW FOR TRANSITION BACK TO NORMAL OPERATIONS FOR ADDITIONAL TIME; PROVIDING REQUIREMENTS FOR THOSE USING THE WAIVERS; PROVIDING FOR CONTINUED USE OF THE CONNIE HOFFMANN OCEAN PLAZA; PROVIDING FOR EXPIRATION, CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

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

28 **WHEREAS**, Resolution 2020-39, adopted on September 21, 2020 and attached hereto as
29 **Exhibit "A,"** found that COVID-19 was an extraordinary circumstance and granted a waiver of
30 certain Code requirements and fees for permitted sidewalk cafes and for business tax receipts until
31 January 15, 2021; and

32 **WHEREAS**, Resolution 2021-03, adopted on January 26, 2021 and attached hereto as
33 **Exhibit "B,"** found that COVID-19 continued to be an extraordinary circumstance and continued
34 to grant a waiver of certain Code requirements and fees for permitted sidewalk cafes and for
35 business tax receipts until July 15, 2021; and

36 **WHEREAS**, Resolution 2021-36, adopted on June 29, 2021, and attached hereto as **Exhibit**
37 **"C,"** found that the time needed to plan and implement the transition from COVID-19 pandemic
38 protocols to full Code compliance of sidewalk cafes, and to consider potential changes to those

Code requirements were extraordinary circumstances and continued to grant a waiver of certain Code requirements and fees for permitted sidewalk cafes until October 15, 2021

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, such waivers are intended to provide temporary relief from the obligations, requirements, or fees provided for in the Code, and 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 shall be applied uniformly to all similarly situated persons, properties, or businesses affected by the extraordinary circumstance; and

WHEREAS, in September 2020, the Town also allowed the use of Connie Hoffmann Ocean Plaza (“Ocean Plaza”) for the expanded sidewalk cafe operation of Aruba Beach Cafe through January 15, 2021 and then extended the use through October 15, 2021, in tandem with the sidewalk cafe waivers; and

WHEREAS, the Town Commission finds that, while the COVID-19 pandemic has improved locally as vaccination rates in the State of Florida have reached 56.2% and are much higher in Broward County (81% received at least one dose as of September 14, 2021), many states and other countries continue to struggle with the pandemic, international travel is opening back up, and the Town historically experiences high levels of tourism from around the country and around the world; and

WHEREAS, the Town Commission desires to keep in place the waivers enabling the expanded sidewalk cafes through _____, 202__ as COVID-19 continues to improve, to allow for the planning and implementation of the transition of the sidewalk cafes back to full Code compliance and to allow Town staff the opportunity to explore options in redesigning the outdoor sidewalk café area, including the opportunity to consider potential revisions to certain Code requirements; and

WHEREAS, the Town Commission desires to continue to waive only the requirements of Chapter 17 “Streets, Sidewalks, And Other Public Places,” Section 17-89 “Sidewalk Cafe Permit Standards And Requirements,” of the Code for commercially zoned properties, which are similarly

69 situated for purposes of the waiver (the “Waiver”), and to continue to allow the use of half of
70 Ocean Plaza for the expanded sidewalk cafe operation of Aruba Beach Cafe; and

71 **WHEREAS**, the Town Commission finds that it is in the best interests of the Town to
72 continue to waive these Code requirements to protect the public safety, health, and welfare of the
73 Town and Town residents through _____, 202__.

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

76 **Section 1. Recitals.** Each “WHEREAS” clause set forth is true and correct and herein
77 incorporated by this reference.

78 **Section 2. Adjustment of Sidewalk Cafes from COVID-19 Pandemic Operation.**
79 The Town Commission finds that the time needed to plan and implement the transition from
80 COVID-19 pandemic protocols to full Code compliance of sidewalk cafes, and to consider
81 potential changes to those Code requirements, is an extraordinary circumstance that requires
82 continued waiver of certain obligations, requirements, or fees provided for in the Code.

83 **Section 3. Waiver.** Pursuant to Code Section 2-27, the Town Commission hereby
84 extends the Waiver of the requirements of the following Town Code provisions, as further shown
85 in **Exhibit “D,”** for commercially zoned properties, which are similarly situated for purposes of
86 the Waiver, through _____, 202__:

87 Chapter 17 “Streets, Sidewalks, and Other Public Places,”

88 Section 17-89 “Sidewalk Cafe Permit Standards and Requirements,”

89 Subsections:

90 (a) 17-89(c)(l) and (4) a, “Location”;

91 (b) 17-89(e) “Physical Barriers”;

92 (c) 17-89(j)(2)(b) “Sidewalk Cafe Furniture And Fixtures.”

93 **Section 4. Requirements.** Those sidewalk cafes taking advantage of the Waiver must
94 otherwise remain in full compliance with Town Code and other applicable laws. The approved
95 temporary amended sidewalk café site plans and addendums are hereby extended through the
96 expiration of this Resolution and must be complied with. The only physical barriers that can be
97 used are those provided by the Town. Tents may only be placed in parking areas, pursuant to
98 agreements with the Town, and may not be placed on the sidewalk.

99 **Section 5. Use of Ocean Plaza.** Half of Ocean Plaza may continue to be used by Aruba
100 Beach Café for expanded sidewalk café operations if otherwise in full compliance with the Town
101 Code and other applicable laws. The approved temporary amended sidewalk café site plan is
102 hereby extended through the expiration of this Resolution and must be complied with. The only
103 physical barriers that can be used are those provided by the Town. Tents, tables, and chairs may
104 not be placed on the sidewalk between Ocean Plaza and the restaurant.

105 **Section 6. Expiration.** This Waiver and provision for use of Ocean Plaza shall expire
106 on _____, 202__,¹ unless further extended by the Town Commission.

107 **Section 7. Conflict.** All resolutions or parts of resolutions in conflict herewith are
108 hereby repealed to the extent of such conflict.

109 **Section 8. Severability.** If any clause, section or other part of this resolution shall be
110 held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional
111 or invalid part shall be considered as eliminated and in no way affecting the validity of the other
112 provisions of this Resolution.

113 **Section 9. Effective Date.** This Resolution shall become effective immediately upon
114 its passage.

115 **PASSED AND ADOPTED** this ____ day of October, 2021.

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119 _____
Mayor Chris Vincent

120 Attest:

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123 _____
124 Tedra Allen, CMC Town Clerk

125
126 APPROVED AS TO FORM:

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129 _____
130 Susan L. Trevarthen, Town Attorney
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¹ This date cannot exceed six months from the effective date of this Resolution.

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

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

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

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

66 **WHEREAS**, the Town Commission desires to waive the requirements of Chapter 17,
67 “Streets, Sidewalks, And Other Public Places,” Section 17-89, “Sidewalk Café Permit Standards
68 And Requirements,” Subsections 17-87(b)(4)d. and e., “Payment of Fees,” 17-89(c)(1)(2) and
69 (4)(a), “Location,” 17-89(e), “Physical Barriers,” 17-89(j)(2)(b), “Sidewalk Café Furniture And
70 Fixtures,” and Portions of Chapter 30 “Unified Land Development Regulations,” Section 30-
71 504 “Temporary Signs” Subsection (B) “Sign Regulations By Zoning District,” and 30-508
72 “Sign Regulations By Zoning District,” subsections c(7)(a)(1) and (2) (excluding the clear
73 pedestrian path requirement) of the Town Code for commercially zoned properties, which are
74 similarly situated for purposes of the waiver (“the Waiver”); and

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

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

80 **Section 1. Recitals.** Each “WHEREAS” clause set forth is true and correct and herein
81 incorporated by this reference.

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

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

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

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

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

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

96 (a) 17-89(c)(1)(2) and (4) a, “Location,”

97 (b) 17-89(e), “Physical Barriers;”

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

99 (4) Portions of Chapter 30 “Unified Land Development Regulations,” Sections:

100 (a) 30-504 “Temporary Signs,” subsections (b)(1) and (2); and

101 (b) 30-508 “Sign Regulations By Zoning District,” subsections c(7)(a)(1) and (2),

102 while maintaining the clear pedestrian path requirement.

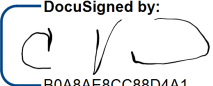
103 **Section 4. Expiration.** This waiver shall expire on January 15, 2021 unless extended by
104 the Town Commission.

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

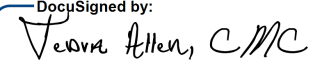
Section 7. Effective Date. This Resolution shall become effective immediately upon its passage.

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

DocuSigned by:

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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:

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~~

172 ***

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

174 ***

175 (c) *Location.*

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

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

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

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

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

187 ***

188 (4) ~~Pedestrian safety areas.~~

189 a. ~~Buffer zone.~~

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

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

198 ***

199 (e) *Physical barriers.*

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

202 ***

203 (j) *Sidewalk café furniture and fixtures.*

204 (2) *Shade structures.*

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

206 ***

207 CHAPTER 30 - UNIFIED LAND DEVELOPMENT REGULATIONS

208 ***

209 ARTICLE VIII. - SIGN REGULATIONS

210 ***

211 Sec. 30-504 Temporary Signs

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

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

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

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

219
220 ***

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

223 ***

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

228 ***

229 (7) *Sandwich signs.*

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

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

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

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

237 ***

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 FURTHER EXTENDED 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

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

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

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

42 **Section 1. Recitals.** Each “WHEREAS” clause set forth is true and correct and herein
43 incorporated by this reference.

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

47 **Section 3. Waiver.** Pursuant to Town Code Section 2-27, the Town Commission hereby
48 extends the waiver, for up to July 15, 2021, of the Code requirements provided by Resolution 2020-
49 39.

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

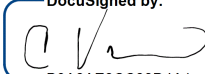
52 **Section 5. Conflict.** All resolutions or parts of resolutions in conflict herewith are hereby
53 repealed to the extent of such conflict.

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

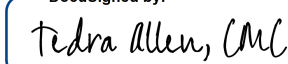
invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Resolution.

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

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

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Mayor Chris Vincent

Attest:

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Tedra Allen, CMC Town Clerk

APPROVED AS TO FORM:

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Susan L. Trevarthen, Town Attorney

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RESOLUTION 2021-36

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PURSUANT TO THE TOWN CODE OF ORDINANCES, SECTION 2-27, "WAIVER OF CODE REQUIREMENTS," FINDING THAT THE COVID-19 PANDEMIC CONTINUES TO BE AN EXTRAORDINARY CIRCUMSTANCE AND CONTINUING TO WAIVE CERTAIN REQUIREMENTS OF CHAPTER 17, "STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES," SECTION 17-89, "SIDEWALK CAFÉ PERMIT STANDARDS AND REQUIREMENTS," FOR SIDEWALK CAFES TO ALLOW FOR TRANSITION BACK TO NORMAL OPERATION THROUGH OCTOBER 15, 2021; PROVIDING REQUIREMENTS FOR THOSE USING THE WAIVERS; PROVIDING FOR CONTINUED USE OF CONNIE HOFFMANN OCEAN PLAZA; PROVIDING FOR EXPIRATION, CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE

WHEREAS, under 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, adopted September 21, 2020, and attached here as **Exhibit “A”**, found that COVID-19 was an extraordinary circumstance and granted a waiver of certain Code requirements and fees for permitted sidewalk cafés and for business tax receipts until January 15, 2021; and

WHEREAS, Resolution 2021-03, attached hereto as **Exhibit “B”**, found that COVID-19 continued to be an extraordinary circumstance and continued to grant a waiver of certain Code

requirements and fees for permitted sidewalk cafes and for business tax receipts until July 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, such waivers are intended to provide temporary relief from the obligations, requirements, or fees provided for in the Code, and 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 shall be applied uniformly to all similarly situated persons, properties, or businesses affected by the extraordinary circumstance; and

WHEREAS, in September 2020, the Town also allowed the use of Connie Hoffmann Ocean Plaza (“Ocean Plaza”) for expanded sidewalk café operation of Aruba Beach Café through January 15, 2021, and then extended the use through July 15, 2021, in tandem with the sidewalk café waivers; and

WHEREAS, the Town Commission finds that, while the COVID-19 pandemic has improved locally as vaccination rates in Broward County have reached 55%, many states and other countries continue to struggle with the pandemic and the Town historically experiences high levels of tourism from around the country and around the world; and

WHEREAS, the Town Commission desires to keep in place the waivers enabling the expanded sidewalk cafes through October 15, 2021, as COVID-19 continues to improve, to allow for planning and implementation of the transition of the sidewalk cafes back to full Code

compliance, including the opportunity to consider potential revisions to certain Code requirements;
and

WHEREAS, the Town Commission desires to continue to waive only the requirements of Chapter 17, “Streets, Sidewalks, And Other Public Places,” Section 17-89, “Sidewalk Café Permit Standards and Requirements,” of the Code for commercially zoned properties, which are similarly situated for purposes of the waiver (“the Waiver”), and to continue to allow the use of half of the Ocean Plaza for expanded sidewalk café operation of Aruba Beach Café; and

WHEREAS, the Town Commission finds that it is in the best interests of the Town to continue to waive these Code requirements to protect the public safety, health, and welfare of the Town and Town residents through October 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. Adjustment of Sidewalk Cafes from COVID-19 Pandemic Operation.
The Town Commission finds that the time needed to plan and implement the transition from COVID-19 pandemic protocols to full Code compliance of sidewalk cafes, and to consider potential changes to those Code requirements, is an extraordinary circumstance that requires continued waiver of certain obligations, requirements, or fees provided for in the Code.

Section 3. Wavier. Pursuant to Code section 2-27, the Town Commission hereby extends the Waiver of the requirements of the following Code provisions as further shown in **Exhibit “C”**, for commercially zoned properties, which are similarly situated for purposes of the Waiver, through October 15, 2021:

Chapter 17, “Streets, Sidewalks, and Other Public Places,”
Section 17-89, “Sidewalk Café Permit Standards and Requirements,”
Subsections:

- (a) 17-89(c)(1) and (4) a, “Location,”
- (b) 17-89(e), “Physical Barriers;”
- (c) 17-89(j)(2)(b), “Sidewalk Café Furniture and Fixtures,”

Section 4. Requirements. Those sidewalk cafes taking advantage of the Waiver must otherwise remain in full compliance with Town Code and other applicable laws. Temporary amended sidewalk café site plans must be submitted for administrative approval by the Town in accordance with the Code and the accompanying Agenda Memo. The only physical barriers that can be used are those provided by the Town. Tents may only be placed in parking areas and may not be placed on the sidewalk.

Section 5. Use of Ocean Plaza. Half of Ocean Plaza may continue to be used by Aruba Beach Café for expanded sidewalk café operation if otherwise in full compliance with Town Code and other applicable laws. A temporary amended sidewalk café site plan must be submitted for administrative approval by the Town in accordance with the Code and the accompanying Agenda Memo. The only physical barriers that can be used are those provided by the Town. Tents, tables, and chairs may not be placed on the sidewalk between Ocean Plaza and the restaurant.

Section 6. Expiration. This Waiver and provision for use of Ocean Plaza shall expire on October 15, 2021, unless further extended by the Town Commission.

Section 7. Conflict. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. 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 the Resolution.

108 **Section 9. Effective Date.** This Resolution shall become effective immediately upon
109 its passage.

110 **PASSED AND ADOPTED** this 29th day of June 2021.

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118 Attest:

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123 Tedra Allen, CMC Town Clerk

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128 APPROVED AS TO FORM:

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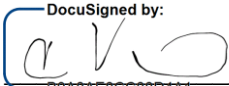
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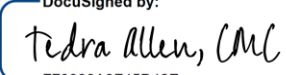
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134 Susan L. Trevarthen, Town Attorney

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Mayor Chris Vincent

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Town Commission Agenda Item Report

Meeting Date: October 4, 2021

Submitted By: Linda Connors, Interim Town Manager

Submitting Department: Commission

Item Type: Resolution

Agenda Section: Resolution

Subject Title: Resolution 2021-60 - A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, URGING THE FLORIDA LEGISLATURE TO REPEAL THE PREEMPTION OF LOCAL REGULATIONS OF HOME BUSINESSES AND TO STOP PREEMPTING LOCAL HOME RULE POWERS; PROVIDING DIRECTION TO TOWN OFFICIALS; PROVIDING FOR AN EFFECTIVE DATE.

Explanation: During the 2021 Florida Legislative Session, the Florida Legislature passed House Bill 403, which created Section 559.955, Florida Statutes. Section 559.955 prohibits local governments from enacting or enforcing “any ordinance, regulation, or policy or taking any action to license or otherwise regulate a home-based business in violation of this section.”

At the September 13, 2021 Town Commission meeting, there was a lengthy discussion regarding the impact of this decision on the Town’s neighborhoods. The Commission stated their opposition to this legislation and were interested in additional opportunities to express this opposition to the State Legislature.

Vice Mayor Oldaker suggested that the enclosed Resolution be scheduled for consideration. Should the Commission adopt it, the Resolution will be forwarded to the Governor, Speaker of the House, President of the Senate, and various other political organizations.

Recommendation: Staff recommends approval of the Resolution and directing the Town Clerk to forward to appropriate state officials.

Attachments: Ex1 – Resolution 2021-60

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A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, URGING THE FLORIDA LEGISLATURE TO REPEAL THE PREEMPTION OF LOCAL REGULATIONS OF HOME BUSINESSES AND TO STOP PREEMPTING LOCAL HOME RULE POWERS; PROVIDING DIRECTION TO TOWN OFFICIALS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 1968, Floridians recognized the need for municipalities to have home rule powers and amended the Florida Constitution to ensure its primacy (Article VIII, Section 2(b)¹); and

WHEREAS, the Florida Legislature implemented this amendment in 1973 by adopting the “Municipal Home Rule Powers Act” in Chapter 166, Florida Statutes; and

WHEREAS, home rule is a cherished concept, supported by an overwhelming majority of Florida citizens, and is the foundation for local governments as they create fair, effective, and responsive policies for their communities; and

WHEREAS, the Town of Lauderdale-By-The-Sea (the “Town”) is a barrier island community originally platted in the 1920s with small residential lots, and is completely developed or re-developed; and

WHEREAS, during the 2021 Florida Legislative Session, the Florida Legislature passed House Bill 403, which created Section 559.955, Florida Statutes (the “Statute”), which prohibits local governments from enacting or enforcing “any ordinance, regulation, or policy or tak[ing] any action to license or otherwise regulate a homebased business in violation of this section”; and

WHEREAS, the effect of the Statute is to partially preempt local regulations of home-based businesses, while allowing private covenants or restrictions on such uses to remain effective; and

¹ “Municipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law.”

30 **WHEREAS**, the impact of this preemption will be greater on urban developed
31 communities with smaller residential lots than it will be in developing, large lot and rural
32 communities in Florida; and

33 **WHEREAS**, while the condominiums and cooperatives in the Town have private
34 restrictions and covenants concerning the use of their residential units, the Town's single-family
35 neighborhoods are not generally governed by private covenants or restrictions of home-based
36 businesses; and

37 **WHEREAS**, the Town Commission, the Town Planning and Zoning Board, and its
38 residents have all expressed concern over the impact of the Statute on the quality of life of the
39 Town's single-family residents; and

40 **WHEREAS**, the Town's single-family neighborhoods have also been negatively impacted
41 by the Florida Legislature's previous preemptions of local regulation of vacation and short term
42 rentals, a use that is more commercial in nature and that is best accommodated by uses other than
43 single family residential development; and

44 **WHEREAS**, maintenance of the character and integrity of residential neighborhoods is an
45 essential local government purpose implemented through local zoning regulations, representing a
46 substantial local governmental interest, and is best handled by the exercise of local home rule
47 authority; and

48 **WHEREAS**, the Town Commission finds it to be in the best interest of the residents of the
49 Town to oppose the Statute, and urge the Florida Legislature to repeal it and any legislation which
50 infringes on local governments' home rule authority or restricts local government's ability to
51 comprehensively regulate zoning and land use within single family neighborhoods in conformance
52 with the Community Planning Act.

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

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

57 **Section 2. Finding.** The Town Commission finds:

1. That the Statute's limitations on how the Town can regulate home-based businesses are inconsistent with home rule and with the traditional local function of regulating land use and zoning in single-family residential neighborhoods; and
2. That the Statute infringes on the Town's home rule authority; and
3. That the use of residential properties for businesses and for transient vacation and short term rental occupancy has had and will have negative impacts on the character and stability of the Town's single family residential neighborhoods; and
4. That regulation of zoning and land use issues, particularly at the local neighborhood level, is a function best suited to the local governments who are uniquely situated to understand the individual and collective needs of their residents.

Section 3. Commission Action Opposing the Statute and Preemption of Home Rule.

The Town Commission urges the Florida Legislature to repeal Chapter 2021-202, Laws of Florida, and any legislation that infringes on local governments' home rule authority over land use and zoning in single family neighborhoods.

Section 4. Distribution. The Town Clerk is directed to distribute this Resolution to Governor Ron DeSantis, the Speaker of the House, the President of the Senate, the Florida League of Cities, the Florida Association of Counties, the Florida City-County Management Association, Board of County Commissioners for Broward County, the Broward County League of Cities, the Broward Legislative Delegation, and each of the municipalities in Broward County.

Section 5. Authorization to Implement. The appropriate Town officials are authorized to execute all necessary documents and to take any necessary action to effectuate the intent of this Resolution.

Section 6. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED this _____ day of _____, 2021.

Mayor Chris Vincent

Attest:

Town Clerk Tedra Allen
(CORPORATE SEAL)

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney