

APPROVED

**TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD MEETING MINUTES
LIVE STREAMED FROM JARVIS HALL
Wednesday, September 1, 2021**

1. CALL TO ORDER

Vice Chair Christina Buerosse called the Planning and Zoning (P&Z) Board meeting for the Town of Lauderdale-By-The-Sea (L-B-T-S) to order at approximately 6:00PM.

ROLL CALL

Members present were Ron Piersante, Vice Chair Christina Buerosse, Charles Wayne Dillistin, 1st Alternate Patricia Omana, and 2nd Alternate Karen Sylvester. The absentee members were Chair David Chanon and Alan Bluestein. Also present were Town Attorney James White, Town Clerk Tedra Allen, Acting Development Services Director Jhanelle Campbell, and Planner Susan Levin. Other staff members present were Interim Town Manager Linda Connors and City Attorney Susan Trevarthen.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. APPROVAL OF MINUTES

a. Previous Planning & Zoning (P&Z) Meeting Minutes – July 7, 2021

Board Member Omana made a motion to approve the minutes of the P&Z regular meeting of July 7, 2021 as presented. The motion was seconded by Board Member Piersante. The motion carried 5-0.

4. PUBLIC COMMENTS

Barbara Cole addressed the board and her comments included but were not limited to:

"The July 7, 2021 P&Z Meeting was very disconcerting to watch. She felt that the board was not really cognizant or educated as to what their role was. She told them that they were able to do much more, in her opinion, than they were led to believe that night. She was briefly on a Planning and Zoning Board and she watched many of them. As an advisory board, you get to do so much. You get to bring before the Commission so much information because usually you were supplied and given much information. You were given backup and historical information going back as far as you can go that had to do with the subject at hand. You were put at a disadvantage because you were not given that information that night, in her opinion. She explained that the conditional use was brought forward after they got rid of overlay districts and looked for ways to keep El Mar Drive and our tourism from turning into condominiums and single-family homes. The Commission had a ton of meetings between 2011 and 2012 because they knew there had to be big changes. Their second priority was the conditional use and in it, if you go back to the March 21, 2012 P&Z Meeting, with the then Town Planner Linda Connors talking about the conditional use, you would see the conditional use had so many thresholds to jump through in order for a single-family home to be considered. Fast forwarding to after your last P&Z Meeting, you had two former mayors and a vice mayor who felt the need to come join the July 27, 2021 Commission Meeting and speak up about that conditional use. Her hope going forward was that the P&Z Board gets all the backup and historical information on any topic they have so you could advise. The board was not to go by staff recommendations or what the commission wants. If that were the case, they would

not need you at all. Tonight, there were ordinances that were very important (Ordinance 2021-09 [no more single-family/duplex homes so we could maintain our hotel, historical district and keep our downtown and restaurants instead of a single-family bedroom community] and Ordinance 2021-11 [community outreach]). The community outreach would help the citizens that want to be involved to be able to get involved."

City Clerk Tedra Allen read into the record the written comments from **Dave and Sherri Staudacher**:

"As you know, we have a pending application to develop a single-family home on my property. My wife and I purchased the property after searching for 7 years and were delighted to find something on the beach in Lauderdale-By-The-Sea. We have spent considerable time and resources on due diligence and designing our home to meet the Town's requirements.

This board reviewed our application in July and recommended approval 4-1 because the application complied with the Town's code. One of the discussion items on today's staff report is whether to apply this new ordinance prohibiting a single-family resident to my property. We respectfully ask that you recommend NOT applying the code revisions to our property. Please allow the application to proceed under the current code so we can realize our dream of building a home in Lauderdale-By-The-Sea."

Betty Bauman was present and requested to speak and her comments included but were not limited to:

"She was a property owner for more than twenty years and explained where in L-B-T-S. She asked to revisit the short-term rental restrictions for lots under sixty feet and west of Bougainville Drive. She has not seen any sensible scientific explanation for restrictions on lot size and location. She felt that this was a bit discriminatory. They all paid similar property taxes and insurance. The rental environment has changed since this ruling in 2019 and explained about the long-term rental landlords who suffer from income loss from tenants taking advantage of the moratorium with little or no possibility to collect past due funds. Short term rentals have other alternatives. Please revisit this antiquated and unjust rule especially for those on the west side of Bougainville Drive."

City Clerk Tedra Allen read into the record the written comments from **Sally Musser**:

"I urge the Commission to NOT allow single family/duplex residences on El Mar Drive and to add the requirement for public participation meetings on certain types of development before going to P&Z and ultimately the Commission. The present and future impact on retaining our Town is at stake and this requires this Commission and future Commissions to be fully informed by their advisory board, residents, and businesses in order to succeed!"

Newcomers in Town bought here for the Town we are, and old timers stay because we still know our voices will be heard to keep us a Town like no other!"

City Clerk Tedra Allen read into the record the written comments from **Ian DeMello**:

"We represent David and Sherri Staudacher, the owners of 4112 El Mar Drive ("Client"). As you know, and as set forth in the Town Staff Report to the Planning and Zoning Board dated August 23, 2021 and published online over the weekend, Item 5.b of the September 1, 2021 Planning & Zoning Board Agenda (a proposed ordinance prohibiting single-family residence south of Pine Avenue), includes a discussion item related to the application of the proposed ordinance to our Client's pending Conditional Use Application for a single-family residence (Application 2021-CU-01, initially submitted March 3, 2021). Our client is currently travelling and unable to return to exercise their right to be heard on this matter before the Board. As a result of this and specific

reference to our Client's Application, **we respectfully request that you defer Item 5.b. to the next regularly scheduled Planning & Zoning Board meeting.**

We respectfully request that this correspondence be distributed to the P&Z Board Members and included as part of the record for Item 5.b. and, should the Board decide to hear this item on September 1st without our Client present, ask that the Board include in the draft Ordinance Town Staff's recommended language that "This ordinance shall not apply to any application that was initially submitted to the Town prior to April 1, 2012." Through this correspondence we also reserve all legal rights to challenge any application of the proposed ordinance to our Client's Property, including but not limited to a statutory claim for compensation under the Bert Harris Act."

City Clerk Tedra Allen read into the record the written comments from **Stuart Dodd:**

"I was led to believe the 2012 Conditional Use Ordinance drawn up by Linda Connors, Connie Hoffmann, Susan Trevarthen and Cecelia Ward was sufficient to prevent any more single family homes on El Mar Drive. I was proved wrong. Almost 10 years later you are faced with revising the ordinance to permanently block single family homes. The Town Attorney included in the prologue for the ordinance as to whether you can propose to include or exclude the current application submitted in April for 4112 El Mar.

If this is not affirmed by a majority, and the commission sends this back to your board I firmly believe that you have the power to recommend to the commission "same height and same footprint" as the property next door under the current conditional use clause of the existing code. This would force the proposed development to be the same size as the neighbor instead of an eyesore dwarfing them and it will make the development in keeping (proportionally) with adjacent property while knowing no other single family/duplex properties will be allowed with enacting Ordinance 2021-09.

I along with former Mayors Sasser and Minnet agree El mar Drive must be saved from changing it to rows of single-family mansions as we all publicly commented on July to the Commission after this board had their Conditional Use Quasi-Judicial meeting. Good luck on your deliberations."

City Clerk Tedra Allen read into the record the written comments from **Holly Schaefer:**

"I am in agreement with my neighbor. I have lived here for 19 years and enjoy the small town residence feeling here. Why are you always so eager to change our quaint little Town? It always seems like there's something else popping up when you least expect it and the residence not being notified appropriately. Please do not let this pass!!"

City Clerk Tedra Allen read into the record the written comments from **Denise Lambert:**

"Good evening, In reviewing the New Business Agenda for tomorrow's Planning & Zoning meeting a 6:00pm, I am disheartened at the position this Town has taken with respect to government overreach and this new ordinance allowing businesses to be operated from residential homes. While I do not take issue with someone working from their home office, there is in fact a big difference when the home is now considered the place of business and has the ability to operate as a business in a residential zone.

I am aware that the State passed a bill in July, 2021 and I am aware that per that bill, the Town cannot restrict a business from operating from a residential home. However, there is no law stating we must modify our regulations immediately without input from the Town residents.

For the record, I would like to address the following concerns:

1. The Florida League of Cities notified the Town of this issue back in January, 2021 and again in May, 2021. BEFORE the bill was passed. Numerous Towns, including Parkland, Pompano Beach, Coconut Creek, Tamarac, Davie, Plantation, Fort Lauderdale, North Lauderdale and Wilton Manors, as well as the Florida League of Cities all sent letters to the State requesting the bill be vetoed. Lauderdale-By-The-Sea did nothing. Why?

2. Our Town has the Code Red System set up for phone calls, emails, and text alerts. Why can't the town alert its residents of "hot topic" issues like those that continue to take away our property rights such as this issue. Not every resident is computer literate and able to research this information on a regular basis.

3. By permitting the State to continuously overreach, we have already lost some of our Town ordinances against short term rentals and more recently, homes being designated as "rehab" or "wellness" centers. When will we stop and actually fight to keep our neighborhoods actual residential neighborhoods and not commercial districts? Quite simply, a business belongs in a business district, not a residential zone.

4. If these homes are given a home business license, how will they be regulated when it comes to ADA requirements. Will home driveways start having to install handicap parking signs? Will they need to be handicap accessible? Will these homes end up having business signage in front or on their house? (See line 122 of proposed ordinance)

5. I understand that the State says that the Town cannot restrict the type of business as long as it does not create noise, smell, cannot be seen from the street, etc. So my question becomes, if I obtain a license to sell marijuana, am I able to do that from home as long as I meet the other requirements? What about if I install a stripper pole or a gynecological chair in my living room? How about a mortician embalming dead bodies in his spare bedroom? Is this what we want next to us? According to the Town proposed ordinance, the only thing not permitted is a B&B, Hostel, or boarding room. (All of which is already covered in other property rights previously forfeited).

Doesn't the Town find that this is in fact a huge issue that should have been brought up and discussed previously at length or perhaps fought at the State level? Has the Town looked into whether or not other jurisdictions are fighting this bill?

If I am reading this ordinance wrong, my apologies and please enlighten me. I mean no disrespect. It is just frustrating to find out that our Town did not take a written opinion on this bill BEFORE it was signed. In the meantime, I respectfully request that the Town hold off on accepting this ordinance as written."

City Clerk Tedra Allen read into the record the written comments from **Marc & Cristie Furth**:

"Good evening Commissioners, Tonight, before you are two ordinances before you that will guarantee that El Mar Drive is protected as Lauderdale-By-The-Sea's premier hospitality district and that our citizens are afforded the public outreach they deserve before major community re-development projects are given a green light.

Vote yes on Ordinance 2021-09 to stop single family/duplex homes on El Mar Drive

Vote yes on Ordinance 2021-11 for the Citizen Participation Requirement **before** a project goes to P&Z and the Commission

Also, please consider including the current El Mar applicant for a single-family McMansion in Ordinance 2021-09. As longtime El Mar Hotel owners and residents we will appreciate the support of this board."

City Clerk Tedra Allen read into the record the written comments from **Scot Sasser**:

"Dear Honorable Member of the P&Z Board, First let me thank you for your service to Lauderdale-By-The-Sea and stress the importance of this advisory board. The advisements and recommendations of the P&Z Board have always held a great deal of weight to the Commission as you are in important voice of the residents of Lauderdale-By-The-Sea. With this in mind, I wanted to write to you, for your consideration, a request to approve and advise the Commission of your support on Ordinances 2021-09 and 2021-11. While I sat on the Commission as a Commissioner, Vice Mayor and Mayor from 2010-2018 there was great emphasis on keeping the look and feel of El Mar Drive a top priority. Our goal was to preserve the hotels on El Mar that we felt were at risk. Ordinance 2021-09 before you tonight is a great step in helping preserve El Mar Drive for our future. Ordinance 2021-11 incorporates and solidifies public participation within the building and development process which is key to helping our Town differentiated from those around us. As you know Lauderdale-By-The-Sea has been very protective in the past and for good reason! Over development that changes the very fabric of what we hold dear are always threats creeping in from all around us. This is all the more reason to protect and preserve our town. Ordinances 2021-09 and 2021-11 will help preserve part of what makes El Mar Drive special and will ensure public participation which has been paramount over the years to our success.

Thank you again and please know that your recommendation means a great deal to those sitting on the dais. The P&Z Board is front and center in the decisions that shape as well as protect our town. I also thank you in advance for your support of these two ordinances."

The City Clerk stated that there were no other public comments at this time.

5. NEW BUSINESS

a. Ordinance 2021-08

An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, Amending Chapter 12 "Licenses", Article I "Business Taxes", Section 12-24 "Home Occupations", to modify regulations to conform to State Law, providing for codification, severability, Conflicts, and for an effect date.

Acting Development Services Director Jhanelle Campbell explained that this ordinance would revise the regulations of home occupations/home-based businesses in the Town to conform to a new state statute that partially preempts local regulation in residential properties effective July 1, 2021. Ordinance 2021-08 revises Section 12-24 only to the extent necessary to comply with the state's statute. Aesthetics, signs, parking, storage, noise, and other impacts would be regulated in a manner similar to how other residences without homebased businesses were regulated. The ordinance allowed for the collection of business tax receipts from home-based businesses. Home-based businesses must be secondary to the primary residential use of the property. The statute did not affect local vacation rental and short-term rental regulation. Employees of the home-based business live on premises and up to two employees may work there and not live there. The business can have an unlimited number of remote employees. Board Member Sylvester asked about the language that now permitted signage. Acting Development Services Director Campbell answered that the signage must conform to the signage permitted in the residential district which was more restrictive than the regulations in the commercial district. Board Member Dillistin wanted to know if a sign was now permitted in front of a home-based

business and Ms. Campbell answered the sign would have to conform to signage in a residential district. She further answered Board Member Dillistin that a sign was allowed due to state statute but the local government regulated how the sign looks.

Vice Chair Christina Buerosse noted what was allowed now as uses for home occupations. She read all those uses now allowed in the ordinance into the record starting with automobile and boat repairs. She spoke about home rule and that the state was removing the local government's home rule ability. Board Member Sylvester asked what would happen if we did not go along with this and the Vice Chair spoke about repercussions. The Vice Chair suggested pleading with the Commissioners to get lobbyists for this in 2022. Board Member Sylvester said that it looked like we still have the right to say how the sign looked. Town Attorney James White explained how the law was written. It gave the local government the ability to regulate the negative secondary affects that could be caused by a home business. A home with a home business must be compatible and look like every other house in the neighborhood. This ordinance now made the rules clear to both residents and staff. Our regulations would be consistent with state law and the changes made were the minimum we could do in order to be consistent with state law. The Town Attorney answered the Vice Chair that there was a provision in the legislation that stipulated for both current and future condo, cooperative or HOA docs, that these regulations would not supersede them. He further answered about ADA compliance and explained by using the example of a home office business with no one coming in or out of the home. Acting Development Services Director Campbell answered that there were currently 48 home office businesses in L-B-T-S and said a map could be set up depicting where they were, as long as it was okay to do so.

Board Member Piersante wanted to know if the Town would be monitoring these businesses for compliance on a regular basis and Mr. Dillistin inquired as well. Ms. Campbell explained that when someone submitted a Business Tax Receipt (BTR) application, L-B-T-S required all applicable licenses to be part of the application and there would be a renewal process every year. Vice Chair Christina Buerosse asked if it mattered how many people were in the house each day as for example with a licensed juvenile delinquent facility. The Town Attorney explained about the maximum occupancy standard allowed at a single-family home that was still applicable to these businesses. Board Member Sylvester said that massages could be given in a house's spare room both day and night, and the Town Attorney explained how that could potentially happen. Discussion ensued that employees of the home-based business live on premises and up to two employees may work there and not live there but the business can have an unlimited number of remote employees. Board Member Sylvester said that everyone was in agreement that they were not happy with this but were glad about what they could control like signage. Vice Chair Christina Buerosse asked about ADA compliance and businesses to which the Town Attorney answered that it was more a Florida Building Code issue and it would depend on what the home occupation was. The best advice would be just not to violate the state law and just follow it. This ordinance was an effort to streamline by having clear code language with our existing code matching state law.

Board Member Dillistin wanted to know if our Legal Department could protect the residents as much as they could and limit such businesses like a massage parlor. Vice Chair Christina Buerosse said that we need to go to our Commissioners regarding lobbying for home rule next year. Acting Development Services Director Campbell answered Mr. Dillistin that when BTR applications come in, she would now have clear guidelines. As there were no further board questions, the Vice Chair called for public comments.

Barbara Cole asked about condos and HOAs wanting to know if they could go through every area of Town asking if they wanted to start up an HOA. Would that protect each neighborhood if

they each became an HOA? The Town Attorney could not give advice but shared from the State Statute that this resolution did not supersede current or future condo, cooperative or HOA docs.

Mayor **Chris Vincent** spoke as a Town resident stating he too had a home business. He talked about items brought up earlier in the meeting and informed that ADA was federally regulated and not state regulated in respect to licensing and what we needed to do. For purposes of simplicity, he would like to see staff present to the board members and to members of the public at the P&Z Board Meeting some exhibits, examples, and explanations of what the Town could do and what the Town could not do regarding this new law. No guessing and just knowing exactly what we could and could not do and what we could control regarding this new ordinance. The board and residents need examples of what was allowed and what was not allowed. When he was asked by Vice Chair Christina Buerosse if the board should postpone this agenda item, he answered that he could not opine on that as it was a board decision. Board Member Dillistin discussed what we could recommend. Acting Development Services Director Campbell explained that what was before the board tonight was to bring the Town's existing regulations into compliance with state law. She read into the record what the state statute allowed the Town to regulate like aesthetics, signs, parking, storage, noise and other impacts to the surrounding residential neighborhood.

Board Member Sylvester wanted to address signage and Acting Development Services Director Campbell explained that they could control residential signage. Board Member Dillistin questioned Town Attorney Susan Trevarthen who explained that there was a major effort across the country to fight this bill and get the governor to veto it. That did not happen and it was here now. It did remove our power but not all of it. Every local government in the State of Florida was upset about this. What this ordinance did was to preserve the power we did have. Some of that power might not be easy to enforce. She believed that we should move forward with this ordinance because now our code would not be inconsistent with state law and residents would now know how they could use their property. The Town could apply performance standards to try to have all uses allowed in home businesses conduct themselves appropriately and look more like a residential home in a residential neighborhood. She answered Board Member Dillistin that the Town already had signage code for our residential signage districts that was restrictive. The allowable business uses would have to abide by this residential signage code. Town Attorney James White piggybacked on what Town Attorney Susan Trevarthen said and he read the corresponding statutory language into the record. Board Member Dillistin wanted to know the timeframe and was reminded that this State Statute was already law July 1, 2021. As there were no other questions/comments, the hearing closed.

Board Member Sylvester made a motion to recommend approval to the Town Commission of Ordinance 2021-08. The motion was seconded by Board Member Dillistin. The motion carried 4-1 on roll call vote. (Christina Buerosse opposed).

b. Ordinance 2021-09

An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, Amending Chapter 30 "Unified Land Development Regulations", Article I "In General", Section 30-11 "Definitions," Amending Article V "Zoning," Section 30-241, "RM-25 District – Apartments and Lodging," to Modify Conditional Use Regulations South of Pine Avenue and Create Prohibited Use Regulations on El Mar Drive; Amending Section 30-242, "RM-25 District – Regulations For The Redevelopment of Existing Lots of 60 Feet in Width or Less in the RM-25 Districts South of Pine Avenue" to Modify Requirements; providing for Codification, Severability, Conflicts, and for an Effective Date.

Acting Development Services Director Campbell said that over the last several months, Staff has received several Commission directives and public comments which encouraged a review of Chapter 30 of the Town's Code. The proposed changes updated definitions, and modified regulations and requirements as outlined in Chapter 30. They were being proposed to clarify the relationship between the Town's Code and planning directives. She went over and explained each of the five proposed changes to Chapter 30 starting with (1) clarify definition of apartment house, (2) establish prohibited uses adjacent to El Mar in the RM-25 zoning district, (3) limit conditional uses allowed south of Pine Avenue, (4) modify regulations for existing lots of 60 ft in width or less in the RM-25 zoning district south of Pine Avenue and (5) remove landscape strip requirements and limits on the number of units and lot sizes based on the depth of lots for the redevelopment of existing lots of 60 ft in width or less in the RM-25 zoning district south of Pine Avenue. The Town would also be looking to the board for their recommendation if this should also be considered for applications initially submitted to the Town prior to April 1, 2021. There were no board questions/comments. Public comments were opened up.

Barbara Cole spoke about separating this out from the current applicant. You now have the ability to protect and preserve El Mar Drive. She hoped that tonight would be a unanimous vote.

Attorney Courtney Crush reminded that she represented Sherri and Dave Staudacher who have the pending conditional use application which was also referenced in the Staff Memo. As you heard in her co-counsel's (Ian DeMello) communication and also from the Staudacher's letter which stated that they would have liked to be here tonight but could not alter their plans. The Staudacher's have a pending application for approval of a conditional use for a single-family residence on a property that was currently permitted in the Town's Code allowing conditional use. Applying the proposed ordinance to their client's property would adversely affect them entitling them for relief under the Bert Harris Act. Their clients' preference was to build their single-family home on the beach and not to have to pursue litigation. They were asking this board to recommend staff's language to the proposed ordinance, "This Ordinance shall not apply to any application that was initially submitted to the Town prior to April 1, 2021." They reserve all legal rights to challenge the application of the proposed ordinance to their clients' property. She noted that by also prohibiting single-family use she explained what else was removed by the proposed ordinance.

Betty Bauman reiterated that she had a multi-family on Bougainvillea Drive on the west side. She was not able to do short-term rentals. On the other side of the street, they could do short-term rentals. These were all the same buildings built as motels in the 1960s. She was just asking for fairness.

Board Member Karen Sylvester had no issues but Board Member Wayne Dillistin wanted to know why this was all lumped together. Acting Development Services Director Campbell explained that when they look at a section of the code, they look at the entire chapter and make modifications as deemed necessary. He wanted to know if they could vote separately or would they have to vote on the whole thing. Acting Development Services Director Campbell explained that they could make recommendations as they see fit. Discussion ensued regarding if the properties were all motels in the 1960s and the map showed the green dots representing properties that could have short-term rental and the red dots could not because of the size of their lots. The green squares represented properties larger than sixty feet in width could rent short-term and their next door neighbors could not because of the size of the lot. Acting Development Services Director Campbell answered that if there was a change, then all of the properties could rent short-term. Betty Bauman showed Board Member Dillistin where her property was on the map. Board Member Ron Piersante was answered that all the red dots were possibilities. He felt that there

were an awful lot of short-term rental possibilities. Acting Development Services Director Campbell answered Board Member Dillistin that she had not heard comments from any hotel. Board Member Piersante felt that short-term rentals would help the Town by bringing in more people but hurt the hotels. Board Member Dillistin was not for adding more short-term rentals but it might help to improve the area which he was recently told was blighted. Board Member Sylvester felt that they should consider it, as short-term rentals were more and more suitable for vacationers. Board Member Piersante talked about problems with short-term rentals and wanted to know how blighted this area was that we were thinking about short-term rentals.

As there were no further questions/comments, the Vice Chair went over the five proposed changes to Chapter 30 in the Town Code and Acting Development Services Director Campbell answered Board Member Sylvester about landscape strips. Ms. Campbell also explained that accepting number 4 incentivizes this area being used as a short-term rental area versus your single-family districts like RS-4 and RS-5. Board Member Dillistin wanted to know if they could do a conditional approval meaning if it did not work out, they could change it back. From an implementation and practicality standpoint, Town Attorney White felt that people would be relying on a certain set of regulations that conditionally could be changed. He explained different ways that this could be voted but Interim Town Manager Linda Connors explained that in the past with ordinances with significant amount of issues, was to vote one-by-one and read each one into the record before vote. Board Member Sylvester reminded that besides the five potential changes in the ordinance, there was also the recommendation regarding the pending current application to build on the beach written in the Staff Report. She felt they should be grandfathered in and allowed to build. Town Attorney James White said that could be voted on as number six. Board Member Piersante wanted to know the ramifications if we did not approve grandfathering in the pending application. Town Attorney James White said that Attorney Crush and her co-counsel were reserving their rights to assert a claim in a litigation form. He did not know if they would be successful or not but it could subject the Town to litigation. This would just be the board's recommendation to the Town Commission who would ultimately decide to grandfather in or not. Board Member Sylvester felt that it would be unreasonable and unfair not to grandfather it in. Vice Chair Buerosse felt that the pending application was what opened the flood gates because residents really did not want a single-family home on El Mar Drive. Board Member Piersante said it was ultimately up to the Town Commission. As there was one request for a public comment, Vice Chair Buerosse opened it up again and granted public comment.

Barbara Cole told the board that they have the ability as advisors to put forward any action they want. You could take out the pending part and say what your recommendation was. It could be to ask the Town Commission to bring this back to the Planning and Zoning Board for discussion on conditional use. You did not have to accept or deny at all and just state you were at a standstill because felt you did not have all the information needed at the beginning. You always had the ability to think outside of the box. There was no other request for public comment. Interim Town Manager Linda Connors explained how this would be voted on individually and then voted as a whole as done in the past and Vice Chair Buerosse started going through the individual items now containing six items.

#1 - Vice Chair Buerosse called for a vote on definition of apartment house and the Board recommended approval 5-0 by raised hands.

#2 - Vice Chair Buerosse called for a vote on establish prohibited uses adjacent to El Mar in the RM-25 zoning district and the Board recommended approval 5-0 by raised hands.

#3 - Vice Chair Buerosse called for a vote on limit conditional uses allowed south of Pine Avenue and the Board recommended approval 5-0 by raised hands.

#4 - Vice Chair Buerosse called for a vote on modify regulations for existing lots of sixty feet in width or less in the RM-25 zoning district south of Pine Avenue and discussion pursued. Board Member Dillistin wanted to hear from the hotels and Interim Town Manager Connors asked the board members if they felt that staff should contact the hotels. After more discussion, it was recognized that Vrbos were becoming more popular. Interim Town Manager Connors said it was up to the board to wait on this until information was gotten from the hotel district and then vote on this at the next meeting which would be before the Town Commission's second reading. Linda Bauman was granted public comment time and she wanted to know what hotels have to do with this decision. Board Member Dillistin explained that the board did not know what the hotels thought about this. Ms. Bauman did not want to be a Vrbo but would rather be able to do one or three month leases. Chris Vincent, resident, spoke about the history on this restriction and that they could not find any backup for its purpose. Every single family home in L-B-T-S can opt in for Vrbo except for these people or in areas where HOAs did not allow Vrbo. It was a property rights issue. It was not that the Town was adding in more Vrbos, it was to remove the inordinate burden they had to live with in the past 27 years. Most of the homes that could not do Vrbo were not being kept up or improved creating blight. This situation had to be fixed and the Board recommended approval 5-0 by raised hands.

#5 - Vice Chair Buerosse called for a vote on removing landscape strip requirements and limits on the number of units and lot sizes based on the depth of lots for the redevelopment of existing lots of sixty feet in width or less in the RM-25 zoning district south of Pine Avenue and the Board recommended approval 5-0 by raised hands.

#6 - Vice Chair Buerosse called for a vote on applicability to pending application to not grandfather (to apply proposed ordinance to pending applications for conditional uses that would be prohibited by the proposed ordinance) and the Board recommended approval to not grandfather the pending application 3-2 by raised hands (Karen Sylvester and Patricia Omana opposed).

Board Member Omana made a motion to recommend approval to the Town Commission of Ordinance 2021-09 and to not grandfather pending conditional use applications. The motion was seconded by Board Member Piersante. The motion carried 5-0 by voice vote.

c. Ordinance 2021-11

An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, Amending Chapter 30 "Unified Land Development Regulations," Article V "Zoning", To Create Section 30-114, "Citizen Participation Plans Required", Providing for codification, severability, Conflicts, and for an effect date.

Acting Development Services Director Jhanelle Campbell explained that the purpose of this ordinance was to create regulations for the requirement of a Citizen Participation plan for site plan, level 2 site plan modifications, rezoning and land use amendment applications. Ordinance 2021-11 created Section 30-114 formalizing the Town's encouragement for additional public participation opportunities. The proposed ordinance required a citizen participation process as part of the development review process for site plans, level 2 site plan modification, rezoning and land use amendment applications. It would require applicants for a site plan, level 2 site plan modifications, rezoning and land use amendment applications have at least one public participation meeting and submit a report to the Town at least 21 days before the Planning and

Zoning Meeting. This would be included in the board's packet. She spoke about such things like notice and Town Manager approval of the plan prior to implementation. There were no board questions and public comment was opened.

Barbara Cole said this was a win-win. It would stop any last minute uproars. She spoke about having the whole Town at a public meeting as they just had for the Marina project. Former Vice Mayor Stu Dodd asked her to add that he thought maybe this could extend out into projects that were big neighborhood projects in the future. As there was no other public comments, and no more board discussion, this item was closed.

Board Member Dillistin made a motion to recommend approval to the Town Commission of Ordinance 2021-11 as presented. The motion was seconded by Board Member Piersante. The motion carried 5-0.

6. OLD BUSINESS N/A

7. UPDATES/BOARD MEMBER COMMENT N/A

8. ADJOURNMENT

Board Member Sylvester made a motion to adjourn at approximately 8:10PM. The motion was seconded by Board Member Dillistin. The motion carried 5-0.


Vice Chair Christina Buerosse

ATTEST:

Date Accepted: 2-2-22

Acting Development Services Director Jhanelle Campbell

