

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
SPECIAL MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Monday, July 7, 2014
6:00 PM**

1. CALL TO ORDER, MAYOR SCOT SASSER

Mayor Scot Sasser called the meeting to order at 6:00 p.m. Also present were Vice Mayor Chris Vincent, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Elliot Sokolow, Town Manager Connie Hoffmann, Assistant Town Manager Bud Bentley, Town Attorney Susan L. Trevarthen, Town Planner Linda Connors, Code Officer Carmen Sanchez, Planning Technician Juliana Cardona, and Town Clerk Tedra Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. PUBLIC COMMENTS

At this time Mayor Sasser opened the public comment portion of the meeting.

4. OLD BUSINESS

a. Discussion regarding Chapter 30, Article VIII Sign Regulations (Linda Connors, Town Planner)

Town Planner Linda Connors noted the Commissioners had asked Staff to schedule a workshop to discuss possible Sign Code revisions. To date, window signage at 90 Town businesses have been surveyed, 48 of which are in compliance with current Code, 34 of which have violations, and 8 of which are vacant. If the suggestions presented at tonight's workshop were adopted, some of the noncompliant businesses would automatically come into compliance.

Town Planner Connors proposed the following changes for window signs:

- Increase the number of allowed window decals from five to eight;
- Increase the allowed decal size from 6 sq. in. to 8 sq. in.;
- Include decals as part of overall window coverage.

She estimated that these changes alone would bring approximately five businesses into compliance, although it was noted that several businesses have multiple violations.

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Regarding political signage, the Town Attorney has proposed that total signs on a single property may not add up to more than a set amount of square footage. Property owners are ultimately responsible for signs on their properties, although business owners and political candidates are also notified if their signs are in violation. There is presently no limit on how long a political sign may be on a property before an election, although there is regulation of when these signs must be removed. Town Attorney Susan Trevarthen explained that regulating the length of time an election sign may be posted is often subject to First Amendment challenges.

The Commissioners raised the issue of whether or not to allow signs in swales, which Commissioner Sokolow recommended should be clarified. Town Planner Connors advised that political signs would be allowed in swales if they are set back at least 5 ft. from the street or 2 ft. from the property edge of a sidewalk. The Commissioners agreed on these limitations.

The Commissioners briefly discussed the number of signs as opposed to the total area of signs, clarifying that this could allow one very large sign or several smaller signs which could add up to a cumulative area limit. Town Planner Connors clarified that during the most recent election, location of signs had been more of an issue, particularly in swales, than the number of signs. She agreed that Staff could work with the Planning and Zoning Board to address these issues.

Commissioner Dodd suggested limiting the number of standard-sized political signs as well as an area limit. He also proposed limiting the number of signs for any single candidate around the perimeter of the Town Hall complex. Town Attorney Trevarthen confirmed that this would be an acceptable regulation, as the Commission has much broader discretion to regulate signage on Town property. The number of signs around candidates' tents would remain unlimited.

A limit could also be placed on the number of signs for a specific candidate or issue, as well as the maximum single sign size allowed on a property. This limit is presently one sign per candidate/issue. There was discussion of the maximum sign size to be allowed, with the Commissioners ultimately arriving at consensus that no signs on a property should exceed 8 sq. ft., and two signs per candidate or issue should be allowed.

The discussion moved on to real estate signs, which may currently be up to 3 sq. ft. in size in residential districts. There is presently no provision for real estate signs in commercial districts. Real estate signs must also be set back 5 ft. from the street edge or 2 ft. from the sidewalk. Because real estate may be for sale or lease, signs may also be posted in windows.

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The Commissioners discussed the average sign size for real estate signs, as well as whether the Town should allow different sizes in commercial and residential districts. It was agreed that real estate signs may be up to 8 sq. ft. in commercial districts, which is the same size allowed for political signs.

Regarding temporary holiday and seasonal lighting, Town Planner Connors advised that holiday decorations must be removed within a specified time frame, but holiday/seasonal lighting may remain year-round. The Commissioners agreed with this revision by consensus.

With respect to general design standards, Town Planner Connors stated that measurements for double-faced signage would be clarified, and maximum window letter signs were proposed to increase from 12 to 18 inches. Wall signs may be 18 inch letter size, but may be increased by 1 inch for each foot of distance between the sign and the street if they meet the 25% coverage regulation. She confirmed that sign letter size may also be increased by 1 inch for every 25 ft. above ground level.

Town Planner Connors recommended deleting this requirement that sign packages be presented as part of the Site Plan Review process, and allow signs to be submitted during a regular sign review process. The Site Plan Review process would specify that signs must be reviewed separately. The Commissioners discussed this proposed revision, ultimately arriving at consensus that the sign location and concept should be reviewed during the Site Plan Review process, while the actual signs would be reviewed later on. They confirmed agreement with the proposed changes, including double-faced signs and letter size changes.

It was recommended that all lighting elements or bulbs visible from public or private rights-of-way must be fully recessed or shielded with opaque or translucent coverings. This would prevent lighting spillover. The Commissioners agreed with this proposal by consensus.

Town Planner Connors concluded by addressing the measurement of window signs, stating that these signs may be measured in the following ways:

- Current Code signage measurement calculation requirements;
- Removing the white area of a sign from the calculation;
- "Boxing out" each line and form, removing spaces in between, to arrive at total square footage.

She provided slides showing examples of each type of calculation, noting that decals are included in the calculations as well. Town Manager Hoffmann advised that no other surrounding municipalities allow the final type of calculation.

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The Commissioners discussed the proposed types of calculation, and whether there is the potential for discretion in the Sign Code. Town Attorney Trevarthen pointed out that all Code is written with minimum and maximum requirements, recommending that if the Commissioners desired more window signage, they should broaden the requirements rather than allowing for potential discretion, which could be problematic. Town Planner Connors suggested adding signage to the administrative adjustment process in order to achieve greater discretion.

Through additional discussion, it was noted that a number of properties have come into compliance by making minor adjustments to their existing signage. Code Officer Sanchez clarified that 19 businesses are currently over the 25% window signage coverage limit with between 35% and 75% coverage; none of these businesses have sign permits on file for those signs.

Commissioner Brown advocated leaving the current signage requirements in place, while working with the 19 outstanding businesses to bring them into compliance. Town Planner Connors noted that Staff is not requiring these 19 existing businesses to get permits for their signs.

Vice Mayor Vincent advised that he felt properties should be able to exceed 25% coverage if they felt this was the best practice for their business. Commissioner Dodd asserted that the pedestrian experience is enhanced by being able to see through windows, and he would not be in favor of an increase to more than 30%. Commissioner Sokolow emphasized the distinction between opaque and clear backgrounds, and felt business owners should be able to submit easily verifiable alternative calculations if they wished.

Town Manager Hoffmann stated that Staff would be more comfortable with the changes Commissioner Sokolow had described than with increasing allowable coverage. The Commissioners agreed with this proposal by consensus, with Commissioner Dodd and Vice Mayor Vincent encouraging caution that allowing alternative calculations could provide businesses with the opportunity to enlarge their signs. It was confirmed that an opaque background, rather than clear or tinted glass, would count as part of the sign coverage in any calculation, and the 25% limitation would remain.

The discussion moved on to the requirement that window signs must be applied to interior surfaces only would be deleted, as would the current size limit preventing a window sign from exceeding 15 sq. ft. Town Planner Connors explained that this limitation is addressed in other aspects of Sign Code.

With regard to sign regulations by zoning district, it was confirmed that political/election signage is exempt from permitting and must meet exempt sign standards. New language will be added requiring signs to be maintained in good condition, and signs advertising discontinued or closed businesses must be

removed within 30 days of the entity's closure. Town Planner Connors clarified that in the case of a business that is being sold with its name intact, a blank space could replace the business's name at no significant expense.

Town Planner Connors concluded that the definition of portable/moving signs would be clarified in Code. It was confirmed that the signs atop taxicabs are not considered to fall into this category. Trailers being pulled with signs for the purpose of advertising, however, would be prohibited. Town Planner Connors also noted that "human signs," which are worn or carried by an individual, would also be prohibited. Signs atop commercial vehicles would be regulated under Code addressing those vehicles rather than Sign Code. Political portable/moving signs are not exempt from this regulation.

The Commissioners revisited the issue of decals, stating their consensus that decal signs may be increased to eight, and may be counted as part of the window coverage.

5. ORDINANCES

a. Proposed Ordinance 2014-08 Amending Chapter 30 Articles I, II, III, IV, and IX (Linda Connors, Town Planner)

Town Attorney Trevarthen advised that the Commission may vote upon this item as a first reading if they wished. She read the proposed Ordinance 2014-08 into the record as follows: **An Ordinance of the Town of Lauderdale-By-The-Sea, deleting Article I, "In General;" Article II, "Development Review;" Article III, "Platting and Subdivision Requirements;" Article IV, "Site Plan Procedures and Requirements;" and Article IX, "Reserved," of Chapter 30, Unified Land Development Code; adopting Article I, "In General;" Article II, "Development Review;" Article III, "Reserved;" Article IV, "Development Permits, Applications, Requirements, and Review Procedures;" and Article IX, "Appeals," of Chapter 30, Unified Land Development Code; providing for codification, severability, conflicts, and for an effective date.**

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

Town Planner Connors explained that Town Staff has reviewing and proposing revisions to the Code for the past several years where it needed clarified, updated, or streamlined. The proposed Ordinance would complete their overview of Chapter 30 of the Unified Land Development Regulations (ULDR), which includes a large amount of relocated text. The reorganization removed duplication, created sections for Boards, definitions, and variances, and made the Code easier to follow for laypersons.

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Town Planner Connors continued that three Planning and Zoning Board meetings were held to review the proposed revisions to Chapter 30. All of the Board's recommendations were incorporated into the proposed Code and the document before the Commission tonight, and are highlighted in the backup materials. None of the Board's recommendations went unheeded.

She reviewed the substantive Code changes as follows:

- "Terms Defined" amended or added definitions of building permits, development orders, development permits, and zoning permits in order to distinguish between these terms;
- Definition of "Development Review Committee" was deleted, as this formalized entity is typically used in larger communities where Staff and Applicants have less direct interaction;
- Definitions of "family," "nonconforming structure," and "normal grade" are amended;
- "Board and Agency Procedures, Expenses, and Staffing" now includes combines language from 30-6 and 30-7 to eliminate duplication and ensure consistency;
- Language was added to ensure statutory compliance with new Public Comment requirements;
- Existing language was revised under "Applications" to require basic procedures for all development applications, and to ensure flexibility in cases where there is no site plan for an existing structure;
- A chart clarifying review procedures, as well as time frames for Staff review and re-submittal of Applications, was added for easier use and greater clarity the public;
- Terms were clarified and revised to ensure greater consistency in Level I and Level II Reviews;
- Language was added to ensure that a development order will remain effective for the time period required by Code for a specific type of development order, or for a time frame otherwise specified by the decision maker;
- A provision was added allowing applicants to submit as-built site plans for Level 1 Review;
- Language was added to establish incremental deadlines and maximum effective periods of four years for site plans with multiple buildings;
- Clarification of what is and is not included in sub-permits in order to keep a site plan from expiring;
- Language was added allowing the Planning and Zoning Board or the Commission to impose additional safeguards when approving a conditional use;

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- An administrative adjustment process was added to allow Level I Review by the Board of Adjustment of setbacks of existing structures, while all other review of setbacks would be subject to Level II Review;
- Amended Nonconforming Uses section to differentiate between provisions related to nonconforming uses and nonconforming structures, and regulate changes to nonconforming structures based on 50% of the replacement cost;
- Deleted a reference to maximum building height limits;
- Updated zoning relief procedures to add provisions regarding notice presentation and accommodation;
- Created a new Code division to clearly highlight notice requirements, clarify existing notice requirements, include posting of notice on the Town's website, and identify notice requirements for each type of application processed by the Town;
- Amended rules for quasi-judicial proceedings, including deletion of the reading of rules at Commission meetings, requiring the Town to present the case first, and deleting the quasi-judicial consent process;
- Changed the decision-making authority for appeals, and clarified the appeals procedure;
- Changed references to "Development Review Official" and "Development Review Committee" to "Town Manager," "Development Services Department," or "Development Services Director" as appropriate.

Mayor Sasser commented that due to the Town's history with setbacks, it could be best for the Commission to review these cases rather than providing for an administrative process. The Commission is not presently guaranteed review of the Town Manager's decision unless an individual applicant appeals that decision to the Commission. The Commissioners agreed by consensus to review all administrative adjustment cases after they have been through the Board of Adjustment process, with the exception of parking standards.

Town Planner Connors noted that in the event of an application that seeks administrative adjustment to side setbacks, Staff suggests wording which specifies that an affirmative vote by at least four Commissioners is required to approve this administrative adjustment if it is adjacent to a developed property. The Commissioners agreed with this proposal by consensus.

Commissioner Dodd raised the issue of color palettes allowed by the Town in residential or commercial districts. It was clarified that Code does not require review of color for residential properties. Staff currently reviews color when a Site Plan is submitted, and for grant projects. The Town does not dictate color, but suggests a color palette that matches the architectural style of the building.

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Neither architectural style nor colors are mandated by the Town, but are listed as "preferred."

Commissioner Brown requested confirmation that the permitting standards described in the Ordinance would apply to recently sold properties in Town, requiring the developers to complete their projects within a specified time frame. Town Planner Connors stated that once these properties receive Site Plan approval, they must meet the four-year time requirement. The Town Attorney noted that would be the case, unless the State Legislature dictated otherwise.

Commissioner Sokolow made a motion, seconded by Commissioner Dodd, to adopt this Ordinance on first reading, subject to the changes that [the Commission] suggested this evening. Motion carried 5-0.

b. Proposed Ordinance 2014-09 Amending Chapter 1 (Linda Connors, Town Planner)

Town Attorney Trevarthen read the proposed Ordinance 2014-09 into the record as follows: **An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, amending Section 1-2, "Definitions and Rules of Construction Generally" of Chapter 1, "General Provisions of the Code of Ordinances," to update definitions applicable to the entire Town Code; providing for codifications, severability, conflicts, and for an effective date.**

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

Town Planner Connors explained that definitions found in Chapter 1, which includes definitions used throughout Code, were also in need of amendment or clarification. Definitions for the following terms were added to Code:

- Board of Adjustment;
- Code;
- Local planning agency;
- May;
- Number;
- Planning and Zoning Board;
- Shall;
- Town Manager.

The Commissioners discussed the definitions, with Commissioner Dodd expressing caution for the use of a Designee for the Town Manager. He asserted that should the Town Manager be unable to fulfill her duties, the Town Commission would designate an individual to act in this capacity. He advised that his objection was specifically for a designee rather than for the terms Town Manager or Acting Town Manager.

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Commissioner Brown requested clarification of why a Designee would be noted when one of these terms would be appropriate.

Town Attorney Trevarthen explained that it is typical for Codes to reference a Town Manager Designee, and pointed out that while Code may attribute many responsibilities to the Town Manager, it is not necessary for that individual to perform all these responsibilities him or herself. While there must be a Town Manager or Acting Town Manager at all times, the position of Designee is unrelated to this requirement, as the Town Manager may delegate responsibilities to other individuals.

The Commissioners discussed the Town Manager's ability to delegate responsibilities to members of her Staff. It was noted that the language clarifies that the Town Manager may delegate certain responsibilities to Staff, while the current Code states only that the Town Manager is responsible for various duties.

Town Attorney Trevarthen clarified that it is technically possible for the Town Manager to be legally challenged if she does not herself carry out all the responsibilities directly attributed to her, unless this distinction is included in Code. She suggested that Staff could prepare a memo on this topic for the Commissioners, explaining how these potential problems could be dealt with.

Town Attorney Trevarthen advised against confusing the concepts of Designee and Acting Town Manager. She explained that in the absence or disability of a Town Manager, an Acting Town Manager must be created; on the other hand, a Designee is the individual to which the Town Manager may designate some of the responsibilities required of her by Code. She added that certain responsibilities, such as administrative review, may be prohibited from being assigned to a Designee if that is the Commission's desire.

The Commissioners agreed by consensus to remove the definition for Acting Town Manager from the proposed Ordinance.

Town Manager Hoffmann suggested that the proposed Ordinance be adopted upon first reading with the removal of the term Acting Town Manager, with Staff to review Code and determine how often a Designee could potentially be an issue. She agreed that it would be impractical on a daily basis for the Town Manager to perform every single responsibility with which she is tasked by the Code. It was noted that it would be possible to include a separate definition of Designee for the responsibilities included in Chapter 30.

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve on first reading as drafted by Staff, with the deletion of "or to Acting Town Manager," and with the direction to Staff to come back with a report evaluating the impact of "or his or her Designee." Motion carried 5-0.

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6. ADJOURNMENT

With no further business before the Commission at this time, the meeting was adjourned at 9:50 p.m.



Mayor Scot Sasser

ATTEST:



Town Clerk Tedra Smith

7-22-14
Date