



**Town Commission
Jarvis Hall 4505 N. Ocean Drive**

Regular Town Commission

Regular Town Commission

Tuesday, June 14, 2022, 6:30 PM
Jarvis Hall 4505 N. Ocean Drive

1. CALL TO ORDER, MAYOR CHRIS VINCENT

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION Rabbi Bentzion Singer

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

5. PRESENTATIONS

6. PUBLIC COMMENTS

7. PUBLIC SAFETY DISCUSSION

8. TOWN MANAGER REPORT

- 8.a. Town Manager Report for June 14, 2022
[06-14-22 AM Town Manager Report.pdf](#)

9. TOWN ATTORNEY REPORT

10. APPROVAL OF MINUTES

- 10.a. Approval of Minutes
[6-14-2022 AM Approval of Minutes.pdf](#)
[May 10, 2022 Regular Town Commission Meeting Minutes.pdf](#)
[May 16, 2022 Town Commission Workshop Minutes.pdf](#)
[May 24, 2022 Regular Town Commission Meeting Minutes.pdf](#)

11. CONSENT AGENDA

12. OLD BUSINESS

- 12.a. East Commercial Revitalization Project
[06-14-22 AM East Commerical Revitalization Project.pdf](#)
- 12.b. A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE PURCHASE OF A/V EQUIPMENT FOR JARVIS HALL FROM BASE 4 TECH, LLC DBA VIBE DESIGN GROUP IN AN AMOUNT NOT TO EXCEED \$30,340.19; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE PURCHASE ORDER; AND PROVIDING FOR AN EFFECTIVE DATE
[6-14-22 AM Purchase of AV Equipment.pdf](#)
[EX1- Resolution 2022-24.pdf](#)
[EX2- Vibe Design Group Quote.pdf](#)

13. NEW BUSINESS

- 13.a. A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING THE TOWN CRISIS COMMUNICATION PLAN
[06-14-22 AM Resolution 2022-25 Approving Crisis Communication Plan.pdf](#)
[Ex1 2022-25 Crisis Communication Plan.pdf](#)
[ExA to Ex1 LBTS Crisis Plan MAY 2022 DRAFT 5.pdf](#)
- 13.b. Fiscal Year 2022-2023 BSO Proposed Budget

14. COMMISSIONER COMMENTS

15. ORDINANCES 1st Reading

16. ORDINANCES 2nd Reading

- 16.a.** ORDINANCE 2022-03-AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE V "ZONING," SECTION 30-241(e) "INTRA LOT PLACEMENT" TO REMOVE MINIMUM SEPARATION REQUIREMENTS FOR GROUPED STRUCTURES AND BUILDING AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND FOR AN EFFECTIVE DATE

[06-14-22 AM Ordinance 2022-03, Building Separation.pdf](#)

[Ex. 1 Ordinance 2022-03.pdf](#)

[Ex. 2- Planning and Zoning Board Staff Report.pdf](#)

- 16.b.** Ordinance 2022-02-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" AND ARTICLE V "ZONING," SECTION 30-311 "BOATS, BOAT LIFTS, BOAT HOUSES, MOORING, AND DOCKING" AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.

[06-14-22 Ordinance 2022-02 Marine Structures.pdf](#)

[Ex-1 Ordinance 2022-02 Marine Structure Ordinance 2nd read.pdf](#)

[Exhibit 2- Planning and Zoning Board Staff Report.pdf](#)

[Ex. 3 Comparative Table of Commercial Dock Regulations.pdf](#)

17. RESOLUTIONS – PUBLIC COMMENTS

18. QUASI JUDICIAL PUBLIC HEARINGS

19. 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 ENSURE THAT A VERBATIM RECORDING OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PROCEDURES FOR PUBLIC COMMENTS:

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

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

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

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

INVOCATION:

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



Town Commission Agenda Item Report

Meeting Date: June 14, 2022

Submitted By: Linda Connors, Town Manager

Submitting Department: Administration

Item Type: Reports

Agenda Section: TOWN MANAGER REPORT

Subject Title: Town Manager Report for June 14, 2022

Explanation: Following is the Town Manager's report for June 14, 2022.

1. Sea Shorts



The Lauderdale-By-The-Sea Sea Shorts Play Festival wraps up its final run this weekend with shows on Friday and Saturday at 7PM, and matinees on Saturday and Sunday at 2PM. The festival includes seven 10-minute comedies. The shows are free and are held in Jarvis Hall, 4505 N. Ocean Drive. Reservations are not needed. For more info, please call 561-523-8198.

2. Pier Update

The Special Magistrate has mandated that our Code staff meet with Pier representatives monthly. Last month, Code Compliance Officer Bethany Banyas met with Pier owner Spiro Marchelos and their contractor Terry Bailey who provided a status update. The project engineer is continuing to review the results of the underwater surveys. In the meantime, the special mix of concrete required for the repairs is on a 6-month backorder. The forms also are under a minor delay; Terry is looking into sourcing forms from elsewhere in case of necessity, but the concrete mixture is the main holdup at this point.

As to the code case, fines of \$53,000 were certified in 2021 (but were not recorded, as the case remains under the jurisdiction of the Special Magistrate). An additional daily fine of \$200 has been accruing since January 27, 2022 but has not been certified. The monthly status hearings will continue, as will site checks and staff conferences with the contractor and site lessee.

3. Tropical Disturbance 1

On June 3rd-4th the Town was impacted by a tropical disturbance that dropped over 9" of rain, most of which fell during a period of less than 12 hours. While we did experience some street flooding, all streets drained within several hours of the precipitation stopping. It is important to note that we received most of the heavy rain during a period leading up to high tide which was around noon on Saturday. High tide effected the efficiency of our drainage system as did having to contend with saturated soils from the previous weekend storms in which we received approximately 5-6" of rain. Overall given these conditions, we feel that our stormwater system performed as intended. As a reference point during Hurricane Irma we received 6"-8" of rain and during Wilma we received 4"-6" of rain. A special thank you to our BSO and Public Works staff who worked diligently during this event in coordinating our storm response efforts.

4. Budget Schedule

Finance department staff is working with each of our departments to draft the FY23 Budget for the Commission's consideration. Important proposed meetings for the budget process include:

Setting the Ad Valorem Tax Rate	Tuesday, July 12	5:30 p.m.	Jarvis
1 st Public Hearing	Wednesday, September 14	6:00 p.m.	Jarvis
Final Public Hearing	Tuesday, September 27	6:00 p.m.	Jarvis

5. Katie Anderson

Please welcome Katie Anderson, the Town's new Special Events and Community Marketing Coordinator. Katie is a University of Florida graduate and South Florida native. She will be working with Debbie on Special Events and community shuttle program and other projects for the town.

6. August Commission Meeting

Historically, the Town Commission takes a recess in the summer by cancelling one of their Commission meetings in August. Staff is suggesting that we continue this tradition by cancelling the August 9th meeting.

Commission Action Required: Consensus to accept one Commission meeting in August.

7. Upcoming Meetings

June 13	Citizen Participation – Sea Glass	Jarvis Hall	5:00 p.m.
June 14	Citizen Participation – Shore Court	Jarvis Hall	3:00 p.m.
June 23	Special Magistrate Meeting	Jarvis Hall	5:00 p.m.
June 28	Commission Meeting	Jarvis Hall	6:30 p.m.
June 29	Codrington Drive Drainage	Jarvis Hall	6:00 p.m.
July 6	Planning and Zoning Board	Jarvis Hall	6:00 p.m.



Town Commission Agenda Item Report

Meeting Date: June 14, 2022

Submitted By: Katrina Adler, Town Clerk

Submitting Department: Administration

Item Type: Minutes

Agenda Section: APPROVAL OF MINUTES

Subject Title: Approval of Minutes

Explanation: Approval of the following Town Commission Meeting Minutes:

- May 10, 2022 Regular Town Commission Meeting
- May 16, 2022 Town Commission Workshop
- May 24, 2022 Regular Town Commission Meeting

Recommendation: Accept / Approve

Attachments:

Ex.1	May 10, 2022 Town Commission Meeting Minutes
Ex.2	May 16, 2022 Town Commission Workshop Minutes
Ex.3	May 24, 2022 Town Commission Meeting Minutes



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, May 10, 2022
6:30 PM**

1. CALL TO ORDER, MAYOR CHRIS VINCENT

Mayor Chris Vincent called the meeting to order at 6:30 p.m. Also present were Vice Mayor Edmund Malkoon, Commissioner Alfred “Buz” Oldaker, Commissioner Theo Pouloupoulos, Commissioner Randy Strauss, Town Manager Linda Connors, Town Attorney Susan Trevarthen, Deputy Town Manager/Public Works Director Ken Rubach, Director of Finance and Budget Lucila Lang, Development Services Director Jhanelle Campbell, Special Events and Marketing Manager Debbie Hime, and Town Clerk Katrina Adler.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pauline Brooks McGuinness gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Mayor Vincent requested that Item 12.b be heard ahead of Item 12.a under Old Business.

5. PRESENTATIONS

a. Proclamation for “National Police Week” and “National Peace Officers Memorial Day”

Mayor Vincent read a Proclamation recognizing May 15, 2022 as National Peace Officers Memorial Day and the week of May 11-17, 2022 as National Police Week.

b. Proclamation for “National Public Works Week”

Mayor Vincent read a Proclamation recognizing May 15-21, 2022 as National Public Works Week.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Howard Goldberg, resident, addressed the issue of continued outdoor restaurant seating in the Ocean Plaza, stating that he recalled this was approved by the Commission in January 2022. He felt this agreement constitutes a public/private partnership and prevents unwanted activity in the Plaza.

Brian Paperny, resident, spoke in favor of continued outdoor seating for the Aruba Beach Café and other Downtown restaurants.

Carlos Gianos, resident, also stated that he was in favor of continued outdoor dining for restaurants.

Ken Brenner, resident, provided a written copy of his public comment regarding Item 12.b.

David Saindon, resident, stated that he was supportive of continued use of the Ocean Plaza by the Aruba Beach Café for outdoor dining.

Town Clerk Katrina Adler read the following public comments submitted via email:

- Bill Ciani, resident, explained that while he was not opposed to the use of the Ocean Plaza for outdoor seating, he opposed the loss of public beach access through the Pavilion area.
- Robert and Mary Lyle, residents, opposed the reduction or elimination of outdoor dining in the Ocean Plaza, citing its positive impact on the Town.
- Tim Ramey, resident, also opposed limitation or elimination of outdoor dining in the Ocean Plaza.
- Shevaun Steward-Kuhn, resident, also opposed the reduction or elimination of outdoor dining in the Ocean Plaza.
- Eric and Leaa Johaskey, residents, stated their support of the continued use of sidewalks and other public spaces for outdoor dining and sidewalk cafés.
- Scot Sasser, resident, addressed Item 12.b, Resolution 2022-22, urging the continued use of extended sidewalk dining and use of the Connie Hoffmann Plaza by the Aruba Beach Café. He also recommended that the Commission determine policies and procedures for the continued use of this Plaza by patrons of the restaurant, visitors, and residents.

- William Powell, resident, expressed support for continued outdoor dining.
- The Powells also stated their support for continued outdoor dining.
- Dan Moscow, resident, spoke in favor of continued expanded outdoor dining in the Plaza.
- Wayne Dillistin, resident, also spoke in favor of allowing the Aruba Beach Café to continue using the Ocean Plaza for expanded outdoor dining.
- Mark Silver, resident, also spoke in favor of continued outdoor dining in the Downtown area and Ocean Plaza and its positive impact on other businesses.
- Ken Brenner, resident, also spoke in favor of allowing Aruba Beach Café to continue using the Ocean Plaza for outdoor dining.

Town Manager Linda Connors advised that she and Town Clerk Adler had checked all emails sent to her address or to “public_comments.” Emails directly to the Mayor, Commissioners, or Town Manager may not have been included. Mayor Vincent requested that these emails be read when the Agenda arrives at Item 12.b.

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

7. PUBLIC SAFETY DISCUSSION

None.

8. TOWN MANAGER REPORT

a. Town Manager Report for May 10, 2022

Town Manager Connors reported that Public Works Director Ken Rubach has been promoted to the position of Deputy Town Manager. He will also continue in his role as Director of Public Works. Gordon Chase has been promoted to Municipal Services III and will oversee the Downtown area. Katrina Adler, formerly of the Development Services Department, has been promoted to the position of Town Clerk.

Town Manager Connors continued that she and Deputy Town Manager/Public Works Director Rubach have met with Pompano Beach’s Assistant Town Manager and City Engineer regarding Terra Mar Drive. That city has completed a speed study on the roadway, but saw no speeding that warranted changes to the street. They have, however, agreed to re-stripe Terra Mar Drive by June 2022, which may help with traffic calming.

Town Manager Connors continued that the intersection of Terra Mar Drive and Ocean Drive falls under the Florida Department of Transportation's (FDOT's) jurisdiction. Pompano Beach has agreed to work with FDOT to encourage a redesign of this intersection that would slow traffic turning from Ocean Drive onto Terra Mar Drive.

The last day of the Farmers Market was May 1, 2022. It will be brought back the following year.

Lobster mini-season will be from July 26-30, 2022. Special Events and Marketing Manager Debbie Hime is working on this year's Bugfest event, which will be brought back on the next Agenda for Commission consideration.

The United Way Gala was held the weekend of May 7-8, 2022. Town businesses raised over \$1700 for this organization. Town Manager Connors thanked the businesses that donated to this event.

The Town will hold a Downtown redesign workshop at 6 p.m. in Jarvis Hall on May 16, 2022. Town Manager Connors encouraged the public to attend this meeting.

Ann Marchetti, resident, asserted that the current Farmers Market vendor, Community Markets of South Florida, is the best provider of markets in the area, with four local markets in the Broward area. She recommended that the Market not be put out for bid after its past several successful years, and that extension of hours, more signage and space, and a new configuration be explored as additional opportunities.

Commissioner Oldaker recommended that once Terra Mar Drive has been re-striped, Town Staff should also consider taking this step for Hibiscus Drive.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

- a. Approval of Minutes: April 12, 2022 Town Commission Meeting & April 18, 2022 Special Town Commission Meeting**

Commissioner Oldaker made a motion, seconded by Commissioner Pouloupoulos, to approve. Motion carried 5-0.

11. CONSENT AGENDA

- a. Award of Renewal Contract to Granicus for Agenda Management and Video Streaming Services – RFP No. 18-07-01 (Linda Connors, Town Manager)**

Commissioner Oldaker made a motion, seconded by Commissioner Pouloupoulos, to approve. Motion carried 5-0.

12. OLD BUSINESS

The following Item was taken out of order on the Agenda.

- b. A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR THE CONTINUED USE OF CONNIE HOFFMANN PLAZA FROM APRIL 15, 2022 THROUGH JULY 31, 2022.**

At this time Mayor Vincent opened public comment.

Barbara Cole, resident, felt the Commission has displayed dysfunction over its past few meetings, and expressed concern that Commissioner Pouloupoulos had indicated his intent to recuse himself from voting on any issues in which a family member was involved. She stated her support for Aruba Beach Café and its continued use of the Ocean Plaza for outdoor dining.

Mary Ellen Renuart, resident, questioned whether or not the continued use of the Ocean Plaza by the Aruba Beach Café is in the Town's best interests. She recalled that use of the Plaza by the restaurant during the upcoming Memorial Day, July 4th, and Bugfest was discussed in April, and is no longer presented as a question at tonight's meeting. She concluded that she would like to see further discussion of this Resolution, including the possibility of reclaiming public space.

Ann Marchetti, resident, reviewed the chronology of the Commission's previous actions to expand outdoor dining in the Ocean Plaza and on the Downtown sidewalks from summer 2021 to the present. She emphasized the importance of safety following the

pandemic and recommended against action that could divide Downtown businesses, which have expressed their wishes at the October 26, 2021 Commission workshop.

Lawrence Wick, resident, recommended that expanded outdoor dining in the Ocean Plaza and on sidewalks be extended until October 31, 2022 rather than until July 31, as this would help the community.

Nectaria Chakas, representing Aruba Beach Café, recalled that the restaurant was significantly affected by the COVID-19 pandemic, and that the use of the Ocean Plaza has been instrumental in its survival. She noted that demand continues to be high for outdoor dining, and that the proposed expansion of outdoor seating into former parking spaces recognizes this need. She stated that Aruba would like to continue to use the Ocean Plaza at least during the same extended outdoor seating time frame offered to other Downtown restaurants.

Ms. Chakas also recalled that there may have been a perception that this issue was settled at a January 2022 meeting, and that bringing back the policy for further review may have been seen as a formality. She requested that use of the Plaza by her client be continued past the July 31, 2022 deadline proposed in the Resolution, noting that the restaurant would pay for this use and continuation of the policy would be subject to annual review. She also pointed out that the Dune Plaza continues to provide public space.

Town Clerk Adler read the following emails addressing Item 12.b:

- Roseann Minnet, resident, spoke in opposition to an extension for Aruba Beach Café's use of Connie Hoffmann Plaza, as the Plaza is intended to serve as public space.
- Diana Kugler, resident, spoke in opposition to the waiver allowing continued restaurant use of the Connie Hoffmann Plaza as well as the extension of use of Downtown parking areas for outdoor dining.
- Kristen Cannon, resident, expressed concern with the possible elimination of the outdoor dining area in the Plaza, which she felt would be a mistake.
- Alana and Reg Brady, resident, spoke in favor of continued outdoor dining in the Ocean Plaza for the Aruba Beach Café.
- Jim Silverstone, resident, recalled that at a previous meeting, the Commission had voted in favor of the continued use of the Ocean Plaza by Aruba Beach Café, with Town Staff to determine details, including annual review of the policy.
- Jay Flynn, resident, stated that the Ocean Plaza should remain public space rather than providing for its rental by restaurants. He noted that this space is

compliant with the Americans with Disabilities Act (ADA), and concluded that the July 31, 2022 deadline would allow the restaurant time to transition away from use of the Plaza.

- Mary Ann Wardlaw, resident, spoke in favor of continued outdoor seating for the Aruba Beach Café at the Ocean Plaza, as COVID-19 remains a concern.

Commissioner Oldaker requested an explanation of issues that have been raised at tonight's meeting, including what occurred at the April 26, 2022 meeting. Town Attorney Trevarthen advised that the expansion of outdoor dining began earlier during the COVID-19 pandemic. As state and local emergency orders expired, the Town wished to maintain this expansion; however, this continued use violated Town Code for sidewalk cafés, which included specifications for the use of barriers and location of tables.

As a result, the Town created a Code provision that allowed the Commission to waive the Code requirements for sidewalk cafés due to extraordinary circumstances for a period of no more than six months. This waiver originally addressed payment of business tax receipt (BTR) café fees and the location of tables and barriers; however, beginning in October 2021, this scope was amended to reinstate payment for the main portions of sidewalk cafés and provide a waiver for the use of tents. This Resolution also provided for the extension of Aruba Beach Café's use of the Ocean Plaza.

In 2014, the Commission approved a policy that would govern use of the Ocean and Dune Plazas and the Pavilion. This included the standard that a private entity may only use the Plaza four times per year. The Resolution, through its conflict clause, dealt with this policy. Addenda were also processed for all sidewalk cafés so the expanded areas were included, indemnification provided, and location of tents determined.

The Town then held a number of meetings and presentations with the intent of determining direction to redevelop the sidewalk cafés. In the meantime, Town Staff also received direction via discussion of how the 2014 policy might potentially be changed. This discussion occurred at the January 25, 2022 meeting. There was also discussion among the Commission regarding the potential language of a new Resolution. Town Attorney Trevarthen noted that this meeting provided direction for Town Staff to come back with a Resolution to amend the 2014 policy controlling use of the Plazas. This Resolution was on the Commission Agenda at the April 26 meeting.

The primary difference between the Resolution presented on April 26 and the 2014 Resolution is its creation of rules for the indefinite continuation of dining use in the Plaza. These rules included various standards as well as annual review. It also included

minor updates to the use of the Dune Plaza and the Pavilion. The Commission discussed this Resolution at length, and a motion was made and seconded for its approval. Commissioner Poulopoulos did not vote on the Resolution due to a conflict of interest, and the Resolution failed by 2-2 vote.

Commissioner Oldaker also requested additional explanation on why only four Commissioners will vote on the item, noting that Commissioner Poulopoulos had recused himself from voting on the Resolution, and that the Town Attorney had indicated this was an appropriate decision. Town Attorney Trevarthen explained that upon his election as Commissioner, Commissioner Poulopoulos had reached out to her to inquire about his circumstances. She and attorney Robert Meyers, who leads the firm's ethics practice, had determined that for purposes of state law, the interest of a relative is treated as though it were the interest of the individual who is voting.

In the state of Florida, Commissioners are required to vote and may not pass on this responsibility unless there is a conflict of interest, which is defined as economic in nature and redoubting to benefit or detriment. Attorneys Trevarthen and Meyers identified that this conflict existed in Commissioner Poulopoulos's case with regard to both the Plaza policy, which could potentially benefit Anglin's Pier Restaurant, as well as on material changes to the Town's sidewalk café program. This was provided as a written opinion and shared with Town Administration and members of the Commission.

Town Attorney Trevarthen emphasized that Commissioner Poulopoulos is not prevented from serving as Commissioner due to this conflict, and that it remains clear he is able to serve in this capacity.

Commissioner Poulopoulos commented that state law requires him to recuse himself from voting if he has a conflict of interest due to a family member. He pointed out that he requested an opinion from the Town Attorney prior to his being sworn in as a Commissioner, as he wished to ensure he was acting in an ethically correct manner.

Commissioner Oldaker observed that during the discussions that led to the vote at the April 26 meeting, he had specifically requested that a decision be delayed so more conversation could be held. Tonight he had brought forward a Resolution, which includes an ending date for the use of the Ocean Plaza by Aruba Beach Café for the purposes of additional discussion. He also pointed out that outdoor dining occurs throughout the Town, not only in the Plaza or in front of other Downtown restaurants; however, in order to separate these two issues, the Ocean Plaza must be dealt with separately from the café-licensed areas.

Commissioner Oldaker continued that in his opinion, the Ocean Plaza is the same as a public park and deserves special attention as such. He concluded that he was open to discussion on the issue of use of the Ocean Plaza and what the Town plans to do there in the future.

Commissioner Strauss commented that he felt the same extension should be proposed for Items 12.a and 12.b, and agreed with Commissioner Oldaker that the Commission may need more time to consider the issues and sort them out. This would allow them to create an appropriate amendment to the existing 2014 policies and procedures that would allow for the continued use of the Ocean Plaza.

Commissioner Strauss continued that due to the ongoing nature of COVID-19, there is still an increased demand for outdoor dining. He felt the Commission can ensure there is space for the public on the Downtown sidewalks and in the Plazas for visitors and restaurants to coexist.

Commissioner Strauss made a motion to extend the findings of extraordinary circumstances for the use of the Connie Hoffmann Plaza by Aruba Beach Café through November 10, 2022.

It was noted that this proposed amendment to the Resolution would continue use of the Plaza for another six months as opposed to another three months.

Vice Mayor Malkoon stated that at present, use of the Ocean Plaza remains separate from the Town's sidewalk café Ordinances. Because it was previously voted down, the Commission may not approve its use indefinitely; the intent is to provide an extension so use of this space may wind down. He pointed out that while the Town has worked to support its businesses, the Ocean Plaza remains a public space.

Commissioner Malkoon continued that his issues with the proposed Resolution include creating an Ordinance that violates another Ordinance with a potentially open-ended time frame. Another concern is that while the proprietor of Aruba Beach Café has offered to pay \$8000/month for continued use of one-third of the Plaza, there has been no Commission discussion of this offer. He appreciated the importance of Aruba to the Town, and advised that he was in favor of allowing that business an extension so they could wind down their use.

Mayor Vincent asked if the Commission may vote on a topic that violates an existing Ordinance. Town Attorney Trevarthen advised that this Resolution, as did the Resolution passed in October 2021, includes a conflicts clause, which states that all Resolutions that conflict with the one being passed are hereby repealed to the extent of the conflict. If a vote this evening is successful, the 2014 policy would remain on the books, but would not be in effect until the agreed-upon date established by the Commission.

Mayor Vincent clarified that the space under consideration for use by sidewalk cafés consists of right-of-way space rather than public space. He noted that when the 2014 Ordinance was created, it included the specific intent of not allowing certain activities in the Plazas except at specific times; however, the 2014 Ordinance may be revisited for a potential change of use due to extraordinary circumstances.

Mayor Vincent asserted that the Ocean Plaza was never public space in the sense that it was an area owned and used by residents; instead, this space was previously used for parking for many years prior to the 2013 revitalization of the Downtown area. He did not feel continued use of the Plaza by a restaurant would constitute a loss of long-standing public space.

Mayor Vincent continued that the Commission voted 5-0 in January 2022 to continue to allow outdoor dining in the Plaza and change the Town's policies accordingly. He felt there had been overwhelming consensus in favor of continued use of the Plaza, and he was disappointed the Commission had not acted upon the wants and desires of residents and visitors to continue this use. He concluded that the Plaza should be used in the manner most beneficial to the Town, and that the best way forward would be to amend the proposed Resolution to a six-month time frame.

Commissioner Poulopoulos thanked the residents who had reached out to him on this issue, and noted that while conflict had prevented him from voting on the previous Resolution on this subject, he would be able to vote on the current proposal. He agreed that the Town, including both residents and visitors, benefits from outdoor dining, and this is the best use for the subject area.

Commissioner Poulopoulos seconded the motion to amend the Item. Motion carried 4-1.

Town Attorney Trevarthen clarified that with the passage of the amendment, the deadline cited in the Resolution has now been changed to November 10, 2022. The Resolution itself is still alive as amended, and has not yet been voted upon.

Commissioner Strauss made a motion, seconded by Commissioner Oldaker, to approve the Item. Motion carried 4-1.

- a. **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 PENDING REDESIGN AND APPROVAL OF PLANS FOR EXPANSION OF THE SIDEWALKS ALONG COMMERCIAL BOULEVARD, A1A, AND EL MAR DRIVE REPRESENTS AN EXTRAORDINARY CIRCUMSTANCE JUSTIFYING THE CONTINUED WAIVER OF CERTAIN REQUIREMENTS OF CHAPTER 17, "STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES," SECTION 17-89 "SIDEWALK CAFÉ PERMIT STANDARDS AND REQUIREMENTS," FOR SIDEWALK CAFÉS FROM APRIL 15, 2022 THROUGH NOVEMBER 10, 2022; PROVIDING REQUIREMENTS FOR THOSE USING THE WAIVERS.**

At this time Mayor Vincent opened public comment.

Barbara Cole, resident, recommended that in the future, the Commission remember that they represent the residents of the Town.

Ann Marchetti, resident, reiterated her previous comments regarding the expansion of outdoor dining and use of the Plaza since May 2021. She noted that this issue was discussed at 19 of 24 public meetings since that time, with minor changes and evolution of ideas. She felt these continued discussions were unnecessary and the Commission should move forward with the plan they endorsed in January 2022.

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

Commissioner Strauss made a motion, seconded by Commissioner Oldaker, to adopt the Resolution.

Commissioner Poulopoulos stated that he would abstain from voting upon this Item due to a conflict of interest.

Commissioner Strauss asked if it would be possible to craft future Resolutions with some type of separation between issues on which Commissioner Poulopoulos may or may not be able to vote due to his conflict. He cited the example of the earlier motion regarding use of the Ocean Plaza, pointing out that this motion, and its amendment, was separated from the issue of sidewalk cafés, on which the conflict exists. He suggested that the Item which is now before the Commission could be worded in a manner that does not include the property that constitutes the conflict. Town Attorney Trevarthen advised that Staff would take this request into consideration in the future.

Commissioner Poulopoulos noted that he cannot vote upon Item 12.a as it is currently written, due to his conflict of interest; however, he has spoken with Town Attorney Trevarthen and Assistant Town Attorney Meyers, and received an opinion that in this instance, where multiple sidewalk licenses are being discussed and the conflict is minor, he is able to make a motion to separate a vote on Mulligan's restaurant from the other sidewalk café licenses, if that is the desire of the Commission.

Commissioner Poulopoulos made a motion to request that the Commission separate Mulligan's from this Resolution so it would be possible for him to vote upon it, and he would abstain from any separate vote on Mulligan's. Vice Mayor Malkoon seconded the motion.

Town Attorney Trevarthen explained that the Resolution before the Commission covers all sidewalk cafés that benefit from the ongoing extraordinary circumstance. These are the restaurants which have addenda to their sidewalk café agreements to allow for dining in the parallel parking spaces. One of these restaurants is Mulligan's, of which Commissioner Poulopoulos' father-in-law has a partial interest. Commissioner Poulopoulos' **motion** would separate Mulligan's from the other restaurants affected by the Resolution, which would mean once all five Commissioners have voted upon the amended **motion**, a separate motion would be required regarding Mulligan's, and Commissioner Poulopoulos would abstain from that vote.

Motion to amend carried 5-0.

Commissioner Poulopoulos made a motion, seconded by Commissioner Strauss, to approve the amended motion.

Commissioner Oldaker requested an update on fees associated with sidewalk cafés. Town Manager Connors advised that the current requirement is for these restaurants to pay fees associated only with their sidewalk cafés, not including the former parking spaces.

Commissioner Oldaker asked why the previously existing sidewalk café spaces have not been separated out from the former parking spaces, recalling that he had requested an update on this information at previous meetings. Development Services Director Jhanelle Campbell replied that the invoices for sidewalk cafés were sent out via email on April 20, 2022 and via certified mail on April 22, 2022. To date, the Town has received payment in full from three restaurants and partial payment from one. Responses from the 12 remaining restaurants are pending, and two restaurants have contacted the Town to request a payment arrangement. This will be the total sidewalk café payment for fiscal year (FY) 2021-2022.

Commissioner Oldaker asked how the Commission wishes to address the additional right-of-way space for sidewalk cafés. He suggested that the Town charge the same rate for the parking spaces as for the existing café spaces, as there has been no discussion of a new rate.

Town Attorney Trevarthen explained that the Item was successfully amended to exclude Mulligan's, and the **motion** before the Commission is on whether or not to approve the Item with this exclusion. If no changes are made to address fees, the Town will continue to collect for the main sidewalk café areas but not for the extensions into the former parking spaces.

Motion carried 5-0.

Town Attorney Trevarthen noted that the Commission, with the exception of Commissioner Pouloupoulos due to his conflict, may now address Mulligan's individually.

Vice Mayor Malkoon made a motion, seconded by Commissioner Strauss, to approve. Motion carried 4-0 (Commissioner Pouloupoulos abstaining).

c. Motion to Reconsider Resolution 2022-17

Commissioner Strauss recalled that the Commission had voted on this Resolution, which addresses meeting procedure, at the previous meeting. One of the issues before the Commission was the provision of documents, including PowerPoint presentations

and exhibits, 48 hours prior to meetings so the Commission may review them. The vote in favor of the Resolution had removed this requirement.

Commissioner Strauss recalled that at the same meeting at which Resolution 2022-17 was discussed, exhibits were presented as part of a PowerPoint presentation which had not been included in the Commissioners' Agenda packets. He had not felt this afforded sufficient time to prepare for discussion of the exhibits at that meeting. For this reason, he felt strongly that the Commissioners should have the opportunity to see any exhibits to be presented at Town meetings at least by the Friday preceding the Commission meeting, if not earlier, to the extent feasible. If this is not feasible, he recommended that the item be postponed to the next meeting.

Vice Mayor Malkoon asked if Staff has the ability to provide documents and exhibits within this time frame. Town Manager Connors replied that Staff prepares the Agenda during the week prior to the Commission meeting.

Vice Mayor Malkoon expressed concern that if an item is postponed until the next Commission meeting, a great deal can happen in that two-week period. He also observed that prior the COVID-19 pandemic, when "virtual" meetings became the norm, public comments were not allowed to be submitted via email. He recommended that this be addressed in the Resolution as well if the Commission wishes to extend the practice of allowing comments by email.

Town Attorney Trevarthen clarified that the Town has always received written input on Agenda Items; however, in the past these comments were not always read aloud. This practice changed due to the pandemic. The procedural question would be whether or not the Commission wishes to indefinitely continue reading these comments aloud.

Commissioner Poulopoulos agreed that he would like to see presentations or exhibits at least 24 hours in advance of Commission meetings. He pointed out that if the deadline is set at 48 hours in advance, this would mean items are provided to the Commission on Sunday evenings.

Mayor Vincent recalled that he had not disagreed with Resolution 2022-17, pointing out that many presentations are already available through the Town's Planning and Zoning Board meetings and could be brought forward to the Commission 48 hours in advance of their meetings. He agreed that it can be difficult to defer items until the next Commission meeting, as their time frames may be critical.

Mayor Vincent asked if the Resolution can be reconsidered at tonight's meeting or if it should be brought back at a later date. Town Attorney Trevarthen stated that the meeting procedure Resolution ensures if no action is taken, this Item would come back at the next scheduled meeting for another vote. The Commission has the option of waiving this if they wish.

Commissioner Pouloupoulos advised that he had considered amending the proposed deadline from 48 hours to 24 hours. Town Manager Connors noted that if the Item is not voted upon tonight, it would be rolled forward to the next meeting.

Commissioner Strauss observed that while he was comfortable with a deadline of 24 hours in advance, his concern was that he did not want to receive any materials at the last minute immediately before a meeting, particularly for a significant item. For this reason, he recommended that the Commissioners be provided with sufficient time to review the exhibits or presentations before they are asked to vote upon items. He was agreeable to amending the Resolution to provide for a minimum of 24 hours in advance of Town meetings.

Commissioner Strauss made a motion, seconded by Commissioner Pouloupoulos, to amend Resolution 2022-17 to allow for provision of materials 24 hours in advance of Town meetings. Motion carried 5-0.

Town Attorney Trevarthen clarified that this meant the Item was amended to the 24-hour time frame.

Commissioner Strauss made a motion, seconded by Commissioner Pouloupoulos, to proceed with approval of this Item rather than waiving the vote until the next meeting. Motion carried 5-0.

The Commission took a brief recess at this time.

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

17. QUASI JUDICIAL PUBLIC HEARINGS

Town Attorney Trevarthen explained the procedures for the hearing of quasi-judicial items, and the Commissioners disclosed any ex parte communications on the Items. Individuals wishing to speak on the Items were sworn in at this time.

a. Case Number 2022-L2-AA-01: Carol Ficks (applicant) – Level 2 Administrative Adjustment Request to Section 30-211 (c)(2) to encroach into a required side setback.

Development Services Director Campbell stated that this request is for an administrative adjustment to construct a small addition and covered patio at the subject address. The existing structure is a single-family home. As the house was constructed before existing regulations were enacted, side setback is 7 ft. where the required setback is 7.5 ft. The request to build the addition and patio within this setback requires a Level II adjustment. If the request is approved, the setbacks will match on both sides of the property.

Staff has reviewed the Application. The adjustment would not increase density and the building's height will remain within Code standards. The structure will fall within the 30% or 7.5 ft. setback requirement and would not extend to either the existing utility easement or the Town's right-of-way. The adjustment would not interfere with any adjacent land, pose danger to public health or safety, or result in any incompatible uses, and is not incompatible to the character or development of the surrounding area. Granting the adjustment would not result in any adverse impacts, and the request is consistent with the Town's Comprehensive Plan.

Staff presented this Item to the Planning and Zoning Board at their April 27, 2022 meeting. That Board voted unanimously (5-0) to recommend approval of the Application. Staff also recommends approval.

At this time Mayor Vincent opened public comment, which he closed upon receiving non input.

Commissioner Oldaker made a motion, seconded by Vice Mayor Malkoon, to approve. Motion carried 5-0.

b. 2021-L2-SPM-02 Site Plan Modification 4229 N Ocean Drive (Horizon by the Sea)

Development Services Director Campbell stated that this request is for a Site Plan modification. She explained that when a property owner applies for a building permit, business tax receipt, or vacation rental license, Town Staff typically checks to ensure the existing number and configuration of units match what is permitted in the original Site Plan. If these do not match, it can present a density issue. Previous issues of this

nature include non-permitted renovations or plumbing or electrical work that leads to life safety issues.

The subject property was originally permitted to have 13 units. Over time, its number of units was increased to 25. The property is 20,277 sq. ft. in size. Code Section 30-241 requires that each unit consist of 1742 sq. ft. of lot area if the unit contains a kitchen or 871 sq. ft. if not. In order to keep the 25 currently existing units, 21,774 sq. ft. would be required. Because this space is not available, two of the units must be removed. The owner proposes a configuration of 23 hotel rooms without kitchens.

Another consideration is the parking requirement. Hotel units require one space per room. At present, 20 regular spaces and one ADA-accessible space are provided. Credit for two parking spaces is being granted, as the owner plans to provide two bicycles and bicycle racks. The Fire Marshal has reviewed the Application and stated that a metal sheet will need to be installed in each of the two doors currently separating the rooms in order to meet fire separation requirements.

Staff has put together the standard development order recommendations, with the addition of a recommendation stating that the Applicant shall not rent more than the legally permitted 13 units in the configuration shown in the attached plans until work on the property is completed. A Certificate of Occupancy (CO) has been received for 23 units, and business tax receipts (BTRs) have been obtained.

The Planning and Zoning Board reviewed the Application at their April 27, 2022 meeting and recommended approval of the Site Plan modification. A citizen participation meeting was also held, with details provided in the backup materials.

Commissioner Strauss expressed concern that only two individuals attended the citizen participation meeting, pointing out that the Commission has worked to improve this requirement and communicate with residents. Development Services Director Campbell noted that mailed notice was sent to all residents within a 300 ft. radius of the property. Notice was also posted on the property. There was, however, a Staff error that resulted in notice not being posted on the Town's website. She confirmed that this error has been addressed and notice will be posted on the website going forward.

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

Maria Poprawski, Applicant, stated that she and her husband purchased the property in 2015 with 25 units. She provided documentation from the hotel licensing division of Florida's Department of Business Regulation (DBR), which shows the business was upgraded to 25 units in 2002.

Ms. Poprawski continued that she and her husband later wished to sell the property. When a buyer proposed to purchase the business, he learned that the City's density permits only 12 units plus one hotel room for a total of 13 units. The lot's square footage permits only 23 units.

Krzysztof Poprawski, Applicant, added that the Applicants have paid the appropriate taxes for 25 units on the property, as did its previous owners.

At this time Mayor Vincent opened public comment.

Barbara Cole, resident, stated that she had attended the Planning and Zoning Board meeting at which this Application was presented, where it was mentioned that the Town had been aware of the unit discrepancy since 2015. She felt the Commission should consider the Applicants' situation to be a hardship.

With no other individuals wishing to speak on the Item, Mayor Vincent closed public comment.

Development Services Director Campbell reiterated that the lot area of the subject property does not permit the Applicant to retain all 25 units. The maximum number of units that may be constructed on the lot is 23.

Town Manager Connors explained that in the past, when a property owner requested a BTR, they were asked how many units are on the property. The Town has instituted a process by which Staff refers to the property file to confirm the number of units. Through this procedure, as well as through more thorough Fire Marshal inspections and application review, they have uncovered issues such as this one, in which a property may have been altered so it does not meet safety, zoning, and land use regulations. She recalled that previous such applications have come before the Commission in previous years.

Mayor Vincent also recalled previous applications of this nature coming before the Commission to make required changes, and recommended improved vigilance by the Town to ensure public safety.

Commissioner Strauss made a motion, seconded by Commissioner Pouloupoulos, to adopt what Town Staff and the Planning and Zoning Board have recommended. Motion carried 5-0.

13. NEW BUSINESS

a. 2022 4th of July Celebration

Special Events and Marketing Manager Debbie Hime noted that the annual 4th of July celebration is a joint effort between the Town and the Volunteer Fire Department (VFD). The 2022 event will include a parade, Family Fun Day, and fireworks display, among other attractions. Staff will send out a letter soliciting donors and sponsors for the event.

Special Events and Marketing Manager Hime advised that there are three items for consideration within the Agenda memo:

- \$3500 payment to the VFD for their services in coordinating the parade and Family Fun Day
- Use of four spaces across the street from the El Mar Café, Village Grille, and Village Pump for turnarounds if road closures are necessary
- Use of the inside lanes of El Mar Drive for public parking immediately following the parade

The Town will close off portions of both lanes of the roadway during the fireworks display.

Commissioner Pouloupoulos made a motion, seconded by Commissioner Strauss, to approve. Motion carried 5-0.

b. Appoint a 75th Anniversary Committee Commission liaison and direct staff to explore the creation of an advisory committee for the 75th anniversary events

Vice Mayor Oldaker explained that the Town will celebrate its 75th anniversary in 2024. The Commission is asked to appoint a liaison to work with Staff to develop an advance plan leading up to this anniversary. The committee will be subject to the Sunshine Law.

It was determined by consensus that Vice Mayor Malkoon would serve as liaison.

c. Pump Replacement – Sea Grape Lift Station (Ken Rubach, Deputy Town Manager / Public Works Director)

Deputy Town Manager/Public Works Director Rubach recalled that in 2021, there was an issue with one of the pumps at the Sea Grape lift station, which needed to be rebuilt. The cost of a rebuild was approximately \$18,000, while the cost of a new pump was roughly \$34,000. A backup pump, however, cannot be repaired and must be replaced.

Vice Mayor Malkoon recalled that the replacement of the backup pump was included in a sewer study, and asked if there are any plans to review rates and other information pertaining to the Sewer Fund. Deputy Town Manager/Public Works Director Rubach replied that these rates are reviewed annually. They will be determined later in the year.

Vice Mayor Malkoon asked if there is a list of future projects identified in the sewer report. Deputy Town Manager/Public Works Director Rubach stated that pumps will need to be replaced and/or rebuilt approximately every decade. Pompano Beach staff is also satisfied with the condition of the lift station, which requires no major upgrades.

Commissioner Strauss made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 5-0.

14. COMMISSIONER COMMENTS

Commissioner Strauss reported that the Town recently participated in the United Way Mayors' Gala and provided a donation. He added that the Hillsboro Inlet district is still considering dredging the inlet, and noted that the Town's inlets are safe and well-dredged.

Commissioner Oldaker commented that he spoke with the Broward County Property Appraiser earlier in the week to correct a line item on Town residents' tax bills that erroneously referred to the Town as a city. This has been corrected.

Commissioner Oldaker continued that the Property Appraiser also offered to visit the Town to discuss 2021-2022 property values. He requested that Town Manager Connors reach out to this individual and invite him to attend a future meeting.

15. ORDINANCES 1ST READING

a. Ordinance 2022-02 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS” ARTICLE 1, “IN GENERAL,” SECTION 30-11 “DEFINITIONS” AND ARTICLE V “ZONING,” SECTION 30-311 “BOATS, BOAT LIFTS, BOAT HOUSES, MOORING, AND DOCKING.”

At this time Mayor Vincent opened public comment.

Debbie Nagy, resident, advised that her property is adjacent to the Blue Moon restaurant. She noted that proposed Ordinance 2022-02 is the result of a variance discussion for that restaurant’s property, which occurred in February 2022. She objected to the proposed 10 ft. setback and requested a 25 ft. setback for commercial properties that abut residential development. She asserted that this is consistent with Florida Department of Environmental Protection (DEP) regulations as well as with the Ordinances of other municipalities.

Ms. Nagy continued that she had attended a Planning and Zoning Board meeting to provide Florida Statutes regarding dock waiver criteria for the Intracoastal Waterway. That Board voted 5-0 in favor of a 25 ft. setback requirement in consideration of the effect that commercial development can have on residential homes. Staff instead proposes a 10 ft. setback.

Ms. Nagy stated that there may be some understanding regarding the definition of the term “marginal dock.” A dock that is greater than 10 ft. in width is defined as non-marginal and has increased setbacks. This does not, however, apply to residential or single-family docks. She concluded that if the Blue Moon property stands to gain approximately 2200 ft. of square footage. She felt a 25 ft. setback is a minimal request considering the business’s increase in dock size, and concluded that this greater setback would minimize the impacts of noise and the circulation of boat traffic, as well as protecting the privacy of neighboring properties.

Ms. Nagy provided two brief videos of the subject area to the Commission.

Ralf Brookes, attorney, addressed the 25 ft. setback proposed by Ms. Nagy, reiterating that the Planning and Zoning Board recommended this greater distance. He noted that in other coastal municipalities, marginal docks may have 10 ft. setbacks, while areas used by multiple boats as docking facilities are required to provide a 25 ft. setback. This distinction also applies to the submerged lands owned by the state of Florida.

Mr. Brookes continued that the Blue Moon's dock is roughly 300 ft. in length, and if a 25 ft. setback is required, they would retain 275 ft. He added that it is possible for a municipality to have more restrictive requirements than the state, and recommended that the Commission adopt the Planning and Zoning Board's recommendation.

Nectaria Chakas, attorney representing 4403 Tradewinds Avenue, stated that her client prefers the proposed 10 ft. setback to the 25 ft. setback recommended by the Planning and Zoning Board, as they felt the greater distance was excessive. She pointed out that the building on her clients' property has a setback of zero. She also noted that DEP and other permitting agencies have reviewed the proposed dock and were willing to approve it with a 5 ft. setback.

Barbara Cole, resident, commented that the Planning and Zoning Board had considered the potential for future development when determining that a 25 ft. setback would be preferable. She noted that this Ordinance would apply only to a limited number of residents.

Mr. Nagy, speaking via Zoom, characterized DEP's definitions of marginal docks in 2019 as a landmark change. If the Ordinance is passed in its current form, most of the Town's docks would be considered non-marginal. He stated that the default setback distance for docks is 25 ft., with exceptions for properties less than 65 ft. wide as well as properties that abut residential development.

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

Commissioner Pouloupoulos asked how long the Nagys have lived at their residence. Ms. Nagy replied that they have been at that address for seven to eight years, during all of which they have been adjacent to the proposed dock.

Mayor Vincent requested clarification of references to a DEP regulation mandating a 25 ft. dock, and why this regulation would not apply to other coastal Broward municipalities. Ms. Chakas reiterated that the property owners she represents have already received their permits and the proposed dock has been reviewed by the appropriate regulatory agencies, including Broward County and the U.S. Army Corps of Engineers.

Town Attorney Trevarthen explained that Mr. Brookes had referred to a 25 ft. setback as part of a state standard that applies to properties owned by the state. He had also

pointed out that the Town may adopt similar or stricter regulations. This standard is not binding to the Town.

Ms. Nagy reviewed an Ordinance from the City of Lighthouse Point which states that no dock may be wider than 6 ft. on a canal that is less than 100 ft. in width, or wider than 8 ft. on a canal 100 ft. wide or greater. The setbacks for marginal docks are 10 ft. She cited a number of examples of municipalities that require greater setbacks for commercial and non-marginal docks.

Ms. Nagy continued that Florida Statute 821003 defines a marginal dock as “a dock placed adjacent to and parallel with no more than 10 ft. waterward from the shoreline or seawall bulkhead or revetment.” She noted that structures such as mooring piles and breakwaters must be set back a minimum of 25 ft. inside an applicant’s riparian line in the case of a non-marginal dock, while marginal docks must be set back a minimum of 10 ft.

Commissioner Pouloupoulos asked if the adjacent residential property also has a setback requirement. Development Services Director Campbell confirmed that the residential setback is 5 ft. If a 25 ft. setback is adopted, it would only apply to commercial development that abuts residential.

Commissioner Strauss clarified that the setback issue under discussion affects only those properties located along the Intracoastal Waterway and would not apply to the marina. He also addressed the exhibits provided in the Commissioners’ Agenda packets, noting that other coastal municipalities have setback requirements that range between zero and 15 ft.

Development Services Director Campbell advised that Staff had reached out to the property owner adjacent to Benihana, who may also be affected by the proposed Ordinance in the future. That property owner had not taken issue with Staff’s recommendation of 10 ft.

Commissioner Strauss requested clarification of the Florida Statutes cited by Ms. Nagy. Town Attorney Trevarthen replied that the state of Florida has spoken for itself by approving the proposed dock.

Commissioner Pouloupoulos observed that he has walked the dock at the subject property, and noted that both the state and the Army Corps of Engineers have approved the proposed dock. He felt a 10 ft. setback requirement constitutes a compromise, as

the Town could have proposed an Ordinance requiring a 5 ft. setback or less. He concluded that a property owner should not be forced to give up the use of their property when the state has already approved that use.

Commissioner Strauss referred to a portion of the Ordinance that addresses boat lifts, noting that boats have grown significantly in size over the last several years and the lifts on which they are placed must be enlarged accordingly. He expressed concern that the Ordinance's language limits the size of boat lifts that may be installed. He recommended that prior to second reading of the Ordinance, Staff clarify that this size is measured from the water edge of the dock rather than from the recorded property line.

Commissioner Strauss also suggested that Staff reach out to local marine businesses, such as the Chappell Group, to hear an opinion on the general width of docks. He concluded that he was also supportive of property rights and would have approved the original recommendation of a 5 ft. setback for commercial development abutting residential development on the Intracoastal Waterway.

Mayor Vincent asked if Commissioner Strauss's suggestion regarding distance from the seawall is within the Town's purview or is governed by the state. Town Attorney Trevarthen replied that Staff will follow up on this issue and ensure that appropriate language is used.

Development Services Director Campbell recalled that at the March 22, 2022 Commission meeting, the Commission directed Staff to review Town Code requirements for marine structures and compare them with the requirements of other jurisdictions. Staff reviewed this entire section, including definitions, and proposes several revisions to the Code, which included definition of the terms dock, finger pier, boat lift, and dolphin.

Development Services Director Campbell continued that Staff also reviewed the location and width of the Town's canals. There are six small canals within Town limits, ranging in width from 80 ft. to 100 ft. The Intracoastal Waterway is approximately 300 ft. wide.

Town Code currently regulates docks in two ways:

- Maximum distance a dock may extend into the waterway
- Proximity of a dock to the property line

She reiterated that docks are located on waterways which have a range of widths. The maximum allowable distance is 8 ft. into a 100 ft. waterway. This is similar to the Codes

of many neighboring jurisdictions. Minimum setbacks in those municipalities range from 5 ft. to 10 ft.

Staff proposes to eliminate the column addressing waterways 50 ft. or less in width. In order to have most existing docks conform to regulations, the Town proposes to modify the second column addressing canal width from 50 ft. and under to 100 ft. and under. A new category is established for canals over 100 ft. wide, such as the Intracoastal Waterway, which proposes that docks be constructed no more than 15 ft. away from the property line and maintain 5 ft. side building setbacks.

Code currently regulates finger piers in four ways:

- Maximum distance they may be built into the waterway
- Width
- Proximity of finger piers to each other
- Proximity of finger piers to a property line

Only a few other municipalities regulate finger piers, as most cities control the distance between these structures through the use of side setbacks rather than a uniform distance. Other cities regulate distance by percentage of the waterway. Staff proposes the prohibition of finger piers in the Town's smaller waterways as well as on the Intracoastal Waterway, except in the marina mooring area or other areas approved through conditional use.

Staff proposes to modify the column of canal width regulations from 50 ft. and under to 100 ft. and under, as done throughout the Ordinance. This would keep most boat lifts in conformity with Town regulations. They also propose establishing a new canal category for width over 100 ft., which would apply to the Intracoastal Waterway. This new category would retain the same percentage or maximum distance as smaller waterways.

The Town currently regulates dolphins or other mooring devices in three ways:

- Maximum distance they may be constructed into a waterway
- Proximity of piles to one another
- Proximity of piles to a property line

Only a few cities regulate these structures. Staff proposes modifying the column from more than 50 ft. to less than or equal to 100 ft. This would allow most dolphins to conform to regulations. Staff proposes a new column, which would establish a new canal width category for waterways over 100 ft.

The proposed Ordinance was presented to the Planning and Zoning Board at their April 27, 2022 meeting. That Board voted to recommend approval of the Ordinance with the inclusion of a 25 ft. setback for marine structures located on commercial properties that abut residential development. Staff considered these suggestions and conducted additional research into other commercial dock regulations throughout South Florida. This research is included in the Commissioners' backup materials. Staff recommends that this setback for commercial properties abutting residential properties be 10 ft. They recommend approval of Ordinance 2022-02 on first reading.

Vice Mayor Malkoon made a motion to approve.

Commissioner Strauss requested that Staff revisit the boat lift issue he had identified earlier. He also expressed concern that the Ordinance would eliminate finger piers, pointing out that there are existing properties with these structures and new properties that may wish to construct them but do not currently have them in place. He asked how the Ordinance would affect these properties, and requested that Staff further explore the issue of finger piers.

Vice Mayor Malkoon accepted Commissioner Strauss's concerns as an **amendment** to his **motion**.

Town Manager Connors recalled that at a previous meeting, there had been discussion of extending dock length on the Intracoastal Waterway. There was also consensus from the Commission to remove finger piers from Code, with existing structures to be grandfathered. This had prompted the elimination of finger piers from Code. She requested additional direction from the Commission on this issue.

Commissioner Strauss stated that he did not wish to prohibit these structures, as he felt the Town could hurt itself in the long run by doing so. He suggested that properties along the Intracoastal Waterway be separated from other properties for purposes of this discussion. Town Manager Connors confirmed that Staff will bring back additional research.

Town Attorney Trevarthen pointed out that the current **motion** is to approve the Ordinance as drafted, including the Town's canals. She advised that separating the Ordinance to treat the Intracoastal Waterway differently would require the Vice Mayor's approval as an amendment.

Commissioner Strauss recommended the following **amendment** to Vice Mayor Malkoon's **motion**: take out everything east of the Intracoastal and remove the reference to boat lifts for further study. Vice Mayor Malkoon agreed to this **amendment**.

Town Attorney Trevarthen reread the **motion** as follows: **motion** to amend the Ordinance to only proceed with the changes as they affect the Intracoastal Waterway, and take the other changes and separate them out for further research and reporting back, and whatever the standard should be for boat lifts on the Intracoastal, and be sure to address finger piers on the Intracoastal.

The motion was duly seconded. Motion carried 5-0.

Town Attorney Trevarthen advised that the updated procedure for extension of a meeting states that meetings may only go past 11 p.m. with the approval of four of the five Commissioners. A specific additional time must be stated for this extension.

Vice Mayor Malkoon made a motion, duly seconded, to extend the meeting to 11:15 p.m. Motion carried 5-0.

b. ORDINANCE 2022-03 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE V “ZONING,” SECTION 30-241 (e) “INTRA LOT PLACEMENT” TO REMOVE MINIMUM SEPARATION REQUIREMENTS FOR GROUPED STRUCTURES AND BUILDINGS.

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

Development Services Director Campbell stated that this Ordinance proposes to remove building separation language in the RM-25 zoning district. At present, this separation is being implemented through both Zoning and Building Codes for safety purposes.

The RM-25 district requires buildings on the same lot to be separated by 20 ft.; however, these regulations may conflict with Florida Building Code, and it is important to ensure there is one clear standard. Florida Building Code provides flexibility in the placement of a building on a site. The Ordinance would also eliminate several instances of buildings that do not adhere to Town Code.

Florida Building Code regulates building placement on a site through a concept called fire separation distance, which refers to a spatial relationship between a building and its site boundaries as well as between buildings on the same site. Flexibility of Code occurs in the relationship between the buildings, occupancy, construction type, and location on the site. Fire separation is measured from lot lines, center lines of streets and public ways, and an imaginary line between two buildings.

Development Services Director Campbell noted that the discrepancy between Town Code and Florida Building Code would require a variance application. By eliminating the zoning requirement, the Town hopes to avoid inconveniences and delays. She reviewed the tables that may be used by building designers, along with the building's construction type and occupancy, to place buildings closer to the lot line. A combination of various factors could also be used to reduce construction costs by avoiding the use of more costly materials for an increased fire rating.

The proposed Ordinance would also clear up issues related to properties that currently do not follow the 20 ft. separation requirement between buildings. Staff reviewed the Broward County Property Appraiser's aerial photographs and determined that roughly 53 properties have two or more buildings on one lot. Of these, approximately 34 appear to be closer than 20 ft. in proximity.

The Ordinance was presented to the Planning and Zoning Board at its April 27, 2022 meeting, where it was recommended for approval.

Commissioner Strauss asked if the 34 nonconforming properties will be identified as such so any subsequent owners would be aware of this status. Development Services Director Campbell replied that Staff does not have an established means by which to document nonconforming status.

Town Manager Connors pointed out that the properties in question are legally nonconforming, as they were constructed prior to determination of nonconformity. She did not believe it would be possible for the Town to document all nonconformities, which are ultimately the responsibility of the purchaser. If a legally nonconforming property is modified, there may be a requirement to make it conform based on the percentage of the property to be affected by the modification.

Commissioner Strauss asked how a prospective purchaser would find out whether or not their property is legally nonconforming. Town Manager Connors replied that this

information is in property files. She emphasized the importance of conducting this research with the Town rather than relying on information from the Property Appraiser's Office. Prospective owners may ask the Town to review the property file so their professionals can determine whether legal nonconformity exists.

Commissioner Oldaker made a motion, seconded by Commissioner Strauss, to approve. Motion carried 5-0.

16. ORDINANCES 2ND READING

None.

17. RESOLUTIONS – PUBLIC COMMENTS

None.

19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 10:45 p.m.

Mayor Chris Vincent

ATTEST:

Town Clerk

Date

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Portopoulos Theophilos George</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Lauderdale-by-the-Sea Commission</i>
MAILING ADDRESS <i>1400 S. Ocean Blvd., #403</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY <i>Lauderdale-by-the-Sea</i>	COUNTY <i>Broward</i>	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED <i>05/10/2022</i>		NAME OF POLITICAL SUBDIVISION: <i>Lauderdale-by-the-Sea</i>
		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTEE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Theophilos Poulgatos, hereby disclose that on May 10, 2022, 20 22 :

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☒ inured to the special gain or loss of my relative, Spino Murchelos;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

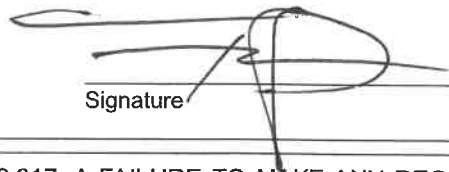
There came forth a discussion and vote on whether to extend the waiver of code requirements as set forth for various businesses in town under Resolution No. 2021-59. One of the businesses effected by this vote was Mulligan's Restaurant. While my father-in-law Spino Murchelos is not the owner of Mulligan's Restaurant, he is the landlord. Due to the nature of the resolution, it could be inferred that a direct conflict would exist due to my relationship with Spino Murchelos. This was discussed and opined on by the town attorney. I abstained from voting as to the renewal of the license waiver as it pertained to Mulligan's Restaurant.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

May 16th, 2022

Signature



NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
TOWN COMMISSION WORKSHOP
MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, May 16, 2022
6:00 PM**

1. CALL TO ORDER

Vice Mayor Edmund Malkoon called the meeting to order at 6:00 p.m. Also present were Commissioner Alfred “Buz” Oldaker, Commissioner Theo Pouloupoulos, Commissioner Randy Strauss, Town Attorney Susan Trevarthen, Town Manager Linda Connors, Development Services Director Jhanelle Campbell, Deputy Town Manager/Public Works Director Ken Rubach, Special Events and Marketing Manager Debbie Hime, and Town Clerk Katrina Adler. (Mayor Chris Vincent joined the meeting in progress.)

2. PUBLIC COMMENT

At this time Vice Mayor Malkoon opened public comment.

Barbara Cole, resident, pointed out that it has not yet been 10 years since the original revitalization of this area and did not feel there was a reason to redesign the area. She was in favor of retaining the existing width of the space and creating a safety barrier and space to walk among the outdoor tables.

Ann Marchetti, resident, also spoke in favor of simplicity, stating that pavers should be extended to increase the sidewalk space and create permanent seating for outdoor dining, with a walkway close to the street and permanent barriers to ensure public safety. She was also in favor of continued restaurant seating in the Plaza.

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

3. DISCUSSION ITEM

- **East Commercial Revitalization Project**

Town Manager Linda Connors recalled that there have been two previous meetings with Town businesses and members of the public regarding the Downtown area. Hugh Johnson, consultant, described the first public meeting as an information-gathering event, followed by a second meeting to summarize the findings of the first. Tonight's meeting will review the previous two meetings and put together potential concepts and schematics that are in line with the Commission's and the public's wishes.

Mr. Johnson reviewed existing conditions and areas of concern on Commercial Boulevard, A1A, and El Mar Drive. Previously discussed changes included improving the outdoor dining experience in these areas, enhancing pedestrian lighting, providing paving more compatible with outdoor dining, removing parallel parking spaces on Commercial Boulevard, and removal of backout parking spaces on A1A.

At the previous meetings, there had been discussion of how to improve pedestrian circulation through the area. One option had been to retain the sidewalk in its current configuration, while another had been to move the main pedestrian circulation away from the outdoor dining area to reduce any conflicts. The public response had been in favor of moving pedestrian circulation to the edge of the roadway. Most of the images to which attendees responded favorably at the first meeting showed different ways to segregate pedestrian paths from outdoor dining.

At the second meeting, there was additional discussion of what had been learned, with greater detail. This included relocating the main pedestrian walkway to the edge of Commercial Boulevard, removing parallel parking on this roadway and backout parking on A1A. Respondents had also been in favor of investigating shade structures, as well as lighting and signage options and some landscaping. One parallel parking space would be removed from El Mar Drive in order to create a better corner at El Mar Drive and Commercial Boulevard.

These findings were further broken down into specific segments:

- Trees and landscaping
- Shade structures
- Different paving material
- Different lighting options

Pros and cons of options in these categories were discussed. Mr. Johnson pointed out that use of native trees would require County mitigation, which can be very expensive. Some shade structure options, such as sails, would require lengthy downtimes during hurricane season and could be time-consuming to put back up. They also decrease

visibility and have significant maintenance costs. With regard to paving, Mr. Johnson noted that the current pavers are light in color and must be cleaned and power-washed often. There is a need for pavers that are more suitable for outdoor dining and heavier pedestrian traffic.

Mr. Johnson also reviewed landscape options, including buttonwoods and other types of trees suitable for an oceanfront environment, such as coconut palms. Shrub material must be salt- and drought-tolerant as well as “traffic-proof.”

Proposed shade structures include a retractable option called a Roman shade, as well as a trellis system with a retractable shade. While shade sail structures were considered, they would be difficult to use in limited spaces.

Potential paver solutions include the pavers used on the western portion of Commercial Boulevard, which have held up well over time and have a color mixture. Other possibilities include shellstone pavers, granite lock pavers, and pavers that can be used near tree grate areas, which are more resistant to buckling from the growth of roots.

Lighting options include more contemporary LED lights, which can be amber in order to accommodate turtle season. These would provide improved technology over existing fixtures. The team also considered signage, emphasizing a more modern and whimsical branding theme.

Mr. Johnson concluded that he is bringing forward two major concept plans for tonight’s meeting. The first brings the paving from West Commercial Boulevard to the east, using the same color palette and wave pattern, and moves the pedestrian sidewalk to the edge of Commercial Boulevard on both sides of the roadway. This scheme would also have a landscape buffer of three to five feet, retain existing trees, and provide an outdoor dining area between 15 ft. and 18 ft.

Another rendering shows the removal of backout parking on A1A and the wrapping of the existing design around the corner. This illustration showed an 8 ft. sidewalk on A1A, with the Commercial Boulevard sidewalk at a width of 10 ft. to 11 ft. At the previous meeting, there was interest in making this public sidewalk as wide as possible. This proposed width takes into consideration the trunks of existing trees.

The 8 ft. sidewalk along A1A would also feature a 3 ft. to 5 ft. landscape buffer, with a restaurant area as wide as 20 ft. to 21 ft. On Commercial Boulevard, the 10 ft. to 11 ft.

sidewalk would be accompanied by a 3 ft. to 5 ft. landscaped area and a 15 ft. to 17 ft. wide outdoor dining area.

Mr. Johnson recalled that there was some concern that moving the main sidewalk from the faces of businesses would affect non-restaurant businesses by moving the pedestrian route away from their stores. To address this, breaks would be created in the landscape buffer between the sidewalk on Commercial Boulevard and the outdoor dining area at these specific locations, providing access to these businesses. This design also presents an opportunity for signage, as businesses could provide menu boards or other smaller signs. The corners of these areas could serve as larger information signage kiosks directing pedestrians to various businesses.

Another design option would be based on the sidewalk pattern from Commercial Boulevard, using the same multicolored paving materials without the wave pattern in a more Mid-century Modern design. This could enhance the character of the area while realigning the sidewalk, providing a cleaner, more straightforward approach. The dining area would have a different color tone and layout to distinguish it from the pedestrian thoroughfare.

It was asked if any space would be taken from the roadway lanes. Mr. Johnson advised that this has not been suggested, as the team estimates the current dimension of the roadway at roughly 33 ft. with a 2 ft. curb and gutter; however, a survey is underway to determine the accuracy of this estimate. It may be possible to reduce the roadway lanes to 10 ft. in width and reclaim another 3 to 4 ft. This would allow for the retention of one lane coming into the subject area and two lanes going out.

It was asked if street protection would involve the type of bollards used on A1A. Mr. Johnson advised that while bollards are included at the corners, the sidewalks may be sufficiently wide and the traffic slow on sections of Commercial Boulevard to provide safe conditions with the sidewalk adjacent to the street.

With regard to shade structures and lighting, it was suggested that the design remain appropriate for a small town and the Mid-century Modern style. Mr. Johnson explained that the team was asked to look at shade options as part of the process. Most feedback thus far has not suggested that these options be pursued, and most residents appear to be satisfied with the umbrellas and existing structures.

It was noted that the south corner of the subject area, which is the busiest intersection in Broward County, does not have a large landing pad for crossing pedestrians as its

opposite north corner. Mr. Johnson agreed, noting the presence of traffic signals and a transformer at this location. One possible solution to this may be creation of an angled crosswalk, which would change the landing space for crossing pedestrians. This would require a permit from the Florida Department of Transportation (FDOT).

Town Manager Linda Connors suggested that the removal of backout parking at this location could provide greater flexibility for restaurants in the area, which could result in adjusting tables farther away from the landing pad of the crosswalk.

It was also noted that even with wider sidewalks on Commercial Boulevard, pedestrians may be more likely to jaywalk as well as to stray off the sidewalk and in front of cars, which could necessitate the use of planters or other barriers between pedestrians and the roadway. Mayor Vincent noted that this occurs on A1A, where traffic may be moving at a speed of up to 35 miles per hour, as well as on East Commercial Boulevard where traffic calming measures have been implemented and traffic is moving at a much slower pace.

Mayor Vincent asked if the original 2013 design for the Downtown area included a shorter walkway from the building line to the curb on the south side of the roadway. Mr. Johnson replied that it was difficult to tell at this point. Mayor Vincent estimated that a 1-2 ft. differential exists on the two sides of the street. He added that he would prefer not to extend the paver design from the west into the Plazas in order to maintain the difference between the east and west sides.

Commissioner Pouloupoulos advised that while pedestrians have a responsibility to behave safely while walking on sidewalks, he was still concerned with traffic heading eastbound on Commercial Boulevard as it passes the traffic light. Cars that try to beat the traffic light at A1A and Commercial Boulevard are coming into the Downtown area at 30 to 35 miles per hour. He was in favor of using bollards on corners, and recommended similar safety measures along the edge of the sidewalk as well.

Commissioner Pouloupoulos continued that he hoped there would be a significant presence from Town residents, including the business community, to discuss this issue further at the next Commission meeting. He emphasized the importance of having many voices heard on a decision of this magnitude, and encouraged residents to reach out to be heard on this topic.

Mr. Johnson noted that when parallel parking is removed along Commercial Drive, the curved area of the roadway will need to be rebuilt. This provides an opportunity to

reduce lanes to 10 ft. in width, as previously discussed, which can serve to slow traffic. He pointed out that the lanes on the western portion of Commercial Boulevard are 10 ft. lanes, which slows traffic in that area.

It was asked how the sidewalk will be “divided from” the restaurants. Mr. Johnson replied that this would be done with planting and landscaping. The intent is to have pedestrians who are not going to a restaurant to walk further away from the businesses while maintaining entrances to the restaurants and other stores.

Commissioner Oldaker asked how the north/south entry to dining areas would be separate from the sidewalk. Mr. Johnson explained that directional movement would be encouraged from the corner into a 7 ft. wide opening away from the thoroughfare.

Commissioner Oldaker also addressed an area on the west side of A1A where drivers must travel at a diagonal in order to match up with the rest of Commercial Boulevard. He also requested a rendering that does not include trees along the walkway, and Commissioner Strauss requested a three-dimensional view. Mr. Johnson replied that this would be provided at a subsequent meeting.

Mr. Johnson reviewed the sidewalk widths on portions of Commercial Boulevard, which are 8 ft. and 10 to 11 ft. in different places. There is also a 3 ft. to 5 ft. landscape buffer and a 15 ft. to 17 ft. dining area. He confirmed that perspective renderings will be provided at future presentations.

Commissioner Oldaker also agreed with Mayor Vincent that the pavers with wave markings should not be extended from the west side.

Mayor Vincent added that the proposed changes would bring tables closer to the businesses and move the pedestrian flow to the outside. He felt the second plan shown tonight would help eliminate congregation on public sidewalks in front of restaurants between tables. He noted that trees would also serve as a buffer to separate pedestrians from the dining area.

It was noted that while most participants at earlier meetings had been in agreement regarding the shift in outdoor dining and pedestrian space to improve safety, some interaction between these spaces should be maintained. There was also concern with the potential 3 to 5 ft. landscaping barrier, and a suggestion that this be minimized in order to improve pedestrian flow.

Mr. Johnson pointed out that when trees are part of the barrier, it must be accompanied by a certain amount of pervious area. He clarified that the proposed landscaping would not be more than 24 in. to 30 in. high.

Mr. Johnson also clarified that there would be angled corner entries in front of some restaurants so pedestrians can access them with ease. There was a concern with ensuring that people would not be blocked from going into restaurants by outdoor tables or bars. Mayor Vincent pointed out that this right-of-way can be completely blocked by congregating pedestrians in its current configuration.

Mr. Johnson emphasized the importance of retaining sufficient space for pedestrian traffic, pointing out that restaurants would suffer without this space and movement. He concluded that the top priority is to ensure that pedestrian traffic flows easily and safely throughout the Downtown.

Commissioner Pouloupoulos commented that his preference was for the simplest option, and pointed out that when parking is removed, that space will need to be filled with something that will blend with the existing design. He also agreed that traffic will need to be calmed in the area, perhaps by the reduction in lane width or through another measure.

Mayor Vincent observed that the Commission should indicate consensus on the design they prefer, which can be further developed by the design team. Town Manager Connors stated that she had heard the Commission express some preference for the more simplified design, and requested that they provide direction to Mr. Johnson and Town Staff.

Mayor Vincent stated that while the Town should not proceed with a design that pushes all pedestrians away from the restaurants, they also should take care to lessen crowd congestion that may move between tables. Town Manager Connors advised that the option in question provides a more comfortable experience for pedestrians walking outside the dining area, but they still have the option to walking on the inside as well.

Commissioner Oldaker asked if it would be possible to raise the A1A/Commercial Boulevard crosswalk so it resembles a speed bump. Mr. Johnson replied that he felt this could be done, as it is not within FDOT's right-of-way.

Ms. Marchetti, resident, suggested that “downsizing” the proposed landscaping could provide greater ingress/egress to access businesses and restaurants. Another option could be widening the openings that provide access.

There were concerns that raising the A1A/Commercial Boulevard intersection could serve to back up traffic and contribute to congestion there. Mr. Johnson suggested that a rendering of this raised crosswalk be provided for the next meeting so the public has a visual of the proposal.

Vice Mayor Malkoon pointed out that there are no additional access points along the A1A side where backout parking would be removed. Mr. Johnson noted that on one side, there is only one restaurant, while on the opposite side there are multiple businesses. He agreed that this should be looked into further. Vice Mayor Malkoon also suggested that removable bollards be used, so they could be removed for Town events. He concluded that the street could use different pavement in this area.

Ms. Cole, resident, advocated for simplicity in the prospective design.

Town Manager Connors advised that the designs presented at tonight’s workshop were based on recommendations made at previous meetings. She noted that shade structures have not yet been addressed, and recalled that some businesses had asked the Town to consider permanent structures such as sails. She added that she and Mr. Johnson have discussed the functionality of permanent structures, although they can be difficult to deal with during hurricane season. If these are provided by the Town, the businesses feel the Town should be responsible for purchasing and maintaining them.

Town Manager Connors continued that her recommendation would be to continue using umbrellas, as they are part of the Town’s marketing; however, she requested additional direction from the Commission regarding shade structures.

Commissioner Strauss observed that while shade structures are appropriate in some settings, he preferred the umbrellas, which continue to work well for the Town. Commissioner Oldaker agreed, noting that larger shade structures would require significant maintenance from Public Works. Mayor Vincent agreed as well.

It was suggested that any landscaping should be minimized in order to allow for the greatest flow. Mr. Johnson agreed that the landscaping is intended to serve a purpose, and would consist mostly of freestanding planters rather than barricades. This will be included in subsequent streetscape renderings.

Ms. Marchetti, resident, requested clarification of the cost of the project and whether or not it has been budgeted. Town Manager Connors replied there is \$350,000 for this purpose in the Capital Improvement Plan (CIP). The Town also has savings from the American Rescue Plan Act, some of which was left over from the Codrington Drive project. She concluded that this will be discussed further at the Commission meeting on June 14, 2022.

4. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 7:36 p.m.

Mayor Chris Vincent

ATTEST:

Town Clerk

Date



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, May 24, 2022
6:30 PM**

1. CALL TO ORDER, MAYOR CHRIS VINCENT

Mayor Chris Vincent called the meeting to order at 6:30 p.m. Also present were Vice Mayor Edmund Malkoon, Commissioner Alfred “Buz” Oldaker, Commissioner Randy Strauss, Town Manager Linda Connors, Town Attorney Susan Trevarthen, Deputy Town Manager/Public Works Director Ken Rubach, Director of Finance and Budget Lucila Lang, Assistant Development Services Director Chris Suneson, Special Events and Marketing Manager Debbie Hime, and Town Clerk Katrina Adler.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pastor Fred Powell gave the Invocation.

All present observed a moment in silence in recognition of the tragedy in Uvalde, Texas.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

a. Legislative Update – Candice Ericks

Candice Ericks and Lauren Jackson, representing Ericks Consulting, reported that the 2022 Florida Legislative Session ended in March, but was followed by two special sessions, one of which is still ongoing.

Ms. Jackson stated that the current special session began on May 23, 2022 and addresses property insurance. A bill has also been introduced to address condominium reform. A number of bills which were not approved during the regular session have been

reintroduced, including bills regarding milestone inspections and reserve funds for condominiums.

The previous special session dealt with Congressional redistricting, which is currently in litigation. The redistricting map was first overturned and then reinstated. This primarily affects North and Central Florida and the Tampa Bay area.

The regular legislative session passed a \$112 billion budget, which was over the Governor's recommendation of \$99.7 billion. The Governor is currently reviewing the budget and some vetoes are expected. The budget includes over \$500,000 for the Town's Codrington Drive drainage improvements. State Representative Chip LaMarca assisted in securing these funds.

The budget also includes over \$500 million for flooding and sea level rise grants, over \$400 million for affordable housing, and \$100 million for the Hometown Heroes program, which has just been released by the Florida Housing Finance Program. This is a down payment assistance program for critical public workers.

A cybersecurity bill was passed which requires local governments to meet certain standards by a set date. This affects both hardware and procurement contracts as well as training. The state has appropriated \$30 million in funding for the training portion as well as another \$30 million for grants which will help local governments meet these standards. Ransomware payments are banned, which may result in a small short-term increase in the Town's insurance rates.

House Joint Resolution (HJR) 1 addresses housing affordability by placing a referendum on the ballot which would expand homestead exemptions by another \$50,000 of value for critical public workers. This group includes classroom teachers, firefighters, emergency responders, Police Officers, correctional officers, child welfare workers, active duty military, and members of the Florida National Guard. It is difficult to estimate the impact this would have on individual municipalities, as it is not currently known where these workers live. This exemption would be permanent as long as the individual is eligible.

Preemptions passed during the Legislative Session include:

- Addition to House Bill (HB) 921, which addresses campaign finances: use of public funding for voter education and further local voter outreach is restricted; the Florida League of Cities is developing guidelines for local governments regarding this bill
- Senate Bill (SB) 620, which is before the Governor but has not yet been signed, would allow local businesses to file claims against local governments if a Charter

Amendment or Ordinance causes them to lose 15% or more of their profits; this bill was primarily driven by the pet retail industry

- Additional exemptions, which address immigration, religious institutions, local tax referenda requirements, and real property rights

SB 280, which would have required business impact statements for all local ordinances, did not pass, although it is expected to come back. Ms. Jackson again recognized Representative LaMarca for his assistance in identifying a compromise on a bill addressing private providers and Certificates of Occupancy issues.

A number of preemptions were not passed, including those related to vacation rentals and sovereign immunity. Bills which passed allowed counties and municipalities to regulate smoking in public, permission for the Florida Department of Environmental Protection (DEP) to develop standards if none have been established by the federal Environmental Protection Agency (EPA), a cleanup for tree-trimming preemption, a bill allowing more options for legal notices, school safety and law enforcement packages, a resiliency and flooding package, and a number of tax holidays.

Ms. Ericks reported that just under 10 agencies and Departments in Florida are under new leadership, including the Departments of Education and Transportation. The team will continue to update the Town as these positions are filled. She concluded that State Senator Gary Farmer is not running for reelection, so the Town will have a new Senator.

Mayor Vincent thanked the team for their work in securing funds for the Codrington Drive project. He requested additional information on the bill addressing condominiums. Ms. Ericks replied that the primary focuses are milestone inspections and reserve funds due to the 2021 condominium collapse in Surfside, Florida.

Mayor Vincent also requested more information regarding property insurance. Ms. Jackson replied that this issue is a battle between attorneys and insurance agencies, as both entities are trying to address reinsurance. Other issues being addressed include bad faith claims, attorneys' fees, contingencies involving multipliers, and greater oversight in the insurance market.

Commissioner Oldaker commented that many insured individuals have never filed a claim, but are still subject to significant rate increases each year. He asked if this is recognized by any of the legislation passed. Ms. Jackson replied that she had not read any details related to this possibility, noting that much of the discussion focuses on roof repairs and/or replacement.

Commissioner Oldaker also expressed concern regarding the effect of increasing property values and insurance rates on rented properties when these increases are passed on to renters who may be unable to afford them. Ms. Ericks stated that she would look for answers to the Commissioner's questions and return them to him. She emphasized that the consulting team is engaged and involved in local discussions on affordable/workforce housing, as this need is significant. Many of these issues may not be addressed at the state level.

Vice Mayor Malkoon requested additional information on mitigation grants for roofing. Ms. Jackson confirmed that this program will be funded at \$150 million.

6. PUBLIC COMMENTS

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

7. PUBLIC SAFETY DISCUSSION

a. BSO April 2022 Report

Captain Thomas Palmer of the Broward Sheriff's Office (BSO) recognized Deputy Kratz as the April 2022 Deputy of the Month, highlighting his work related to an auto theft. He encouraged all residents to ensure their vehicles are locked.

Commissioner Strauss made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 4-0.

b. VFD April 2022 Report

Commissioner Oldaker made a motion, seconded by Vice Mayor Malkoon, to approve. Motion carried 4-0.

c. AMR April 2022 Report

Commissioner Oldaker made a motion, seconded by Commissioner Strauss, to approve. Motion carried 4-0.

8. TOWN MANAGER REPORT

a. March 2022 Finance Report

Commissioner Strauss noted that over the past six months, the increase in the Town's parking revenue has been greater than expected at over 72%.

b. Town Manager Report for May 24, 2022

Town Manager Linda Connors recalled that a special Commission workshop was held on May 16, 2022, to discuss prospective changes to the Downtown area. Consultant Hugh Johnson will come back before the Commission at their June 14 meeting to discuss final concepts and approval. Community participation is encouraged at this meeting.

The Sea Shorts Festival will be held on June 3 and 10 at 7 p.m., June 4 and 5 at 2 p.m. and 7 p.m., and June 5 and 12 at 2 p.m. Admission is free and no reservations are necessary.

Hurricane season begins on June 1, 2022 and continues through November 30. The state of Florida will honor a tax holiday from May 28 through June 10, 2022 for hurricane disaster preparedness materials.

The Town has hired two new members of its Municipal Services Department and filled two vacancies for the Visitors Center. Final interviews for the Assistant II position are scheduled for later this week.

c. Development Services Quarterly Report

The Commissioners accepted the report without discussion.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

a. Approval of Minutes: April 26, 2022

Commissioner Strauss made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 4-0.

11. CONSENT AGENDA

None.

12. OLD BUSINESS

None.

13. NEW BUSINESS

a. The Town's Special Event "BugFest" July 26-30, 2022

Special Events and Marketing Manager Debbie Hime noted that 2022 is the 10th anniversary of BugFest. She briefly reviewed planned events, including diver training, underwater cleanup, and other SCUBA- and water-related activities.

Town Manager Connors advised that Staff recommends approval of the event, as well as approval of use of the inside median lanes on El Mar Drive for parking during the BugFest kickoff.

Vice Mayor Malkoon made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 4-0.

b. Fees for Expanded Sidewalk Café Dining in Parking Spaces and on Ocean Plaza

Commissioner Oldaker recalled that over the last several meetings, the Commission had discussed concepts for separating the costs associated with use of the Ocean Plaza from the costs of sidewalk cafés in the larger Downtown area. During this discussion, however, no plans were made to modify the fees associated with use of these areas. The current charge for sidewalk cafés is \$18 per square foot, while there is no established fee thus far for use of the Ocean Plaza.

Commissioner Oldaker suggested that for purposes of discussion, the \$18/sq. ft. fee be extended to apply to the former parking spaces currently being used for sidewalk cafés as well as to the Ocean Plaza. He shared this information with the Aruba Beach Café prior to tonight's meeting, and the owners of that restaurant offered \$34/sq. ft. for use of the Ocean Plaza. Commissioner Oldaker recommended acceptance of this offer.

Mayor Vincent recalled that when this issue was discussed at previous meetings, the recommendation had been for \$18/sq. ft. for restaurants east of Sea Grape Drive and \$10/sq. ft. for restaurants west of this location. The proposed \$34/sq. ft. fee for the Ocean Plaza would represent roughly the same 80% increase for that space as the increase from the west to the east of Sea Grape Drive.

Commissioner Oldaker further clarified that the proposed increases would be retroactive to April 15, 2022 and would extend through November 10, 2022.

Vice Mayor Malkoon asked if the new agreement will need to be formalized in writing. Town Attorney Susan Trevarthen advised that she would work with the Town administration on this issue now that the status of use of public space has been clarified.

Vice Mayor Malkoon expressed concern that this change should reflect only the action taken by the Commission at tonight's meeting. Town Attorney Trevarthen confirmed this, noting that the Commission has already approved use of these public spaces by previous motion. It may not be necessary for it to come back before the Commission for more formal approval.

Commissioner Strauss asked if the \$18/sq. ft. fee is the same fee that has been in effect for the last 10 years. Town Manager Connors replied that later in the summer, the Town plans to meet with Downtown businesses to discuss their concerns as well as the Town's expenses and arrive at an updated price that can be recommended to the Commission for approval.

Commissioner Strauss asked if the sidewalk cleaning fee had been considered. Town Manager Connors replied that this will be discussed in conjunction with other fees at the summer meeting, noting that there has been less cleaning in recent times because the Town plans to replace the existing pavers. She emphasized the need to prepare for proper maintenance in advance of changes to the Downtown area. There was no cleaning fee included in the previous amount.

Mayor Vincent added that Staff should identify the exact number of parking spaces available for use by each restaurant, and that the businesses will need to sign an agreement ensuring that they are being charged appropriately for the use of this space. Town Manager Connors confirmed that Development Services Staff will address this.

Commissioner Strauss made a motion, seconded by Vice Mayor Malkoon, to adopt the recommendation. Motion carried 4-0.

14. COMMISSIONER COMMENTS

Commissioner Strauss encouraged residents to take videos and photos documenting the status of their homes prior to hurricane season, as well as photos of important papers.

Vice Mayor Malkoon also recommended hurricane preparedness, noting that there are still ongoing supply chain issues that should be considered. He added that he has met with Town Staff regarding the Town's upcoming 75th anniversary, concluding that an email will be sent to residents soliciting suggestions for this event.

Commissioner Oldaker thanked Town Staff for their assistance in preparing the Commission's Agenda Items, as well as the Commission's work in addressing sidewalk café licensing and use of the Ocean Plaza.

Mayor Vincent reiterated Commissioner Strauss's recommendations regarding preparations for hurricane season.

15. ORDINANCES 1ST READING

- a. **Ordinance 2022-04 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES AT CHAPTER 2, "ADMINISTRATION," ARTICLE II "TOWN COMMISSION," SECTION 2-18 "SPECIAL MEETINGS" TO ALLOW FOR INDIVIDUAL NOTICE OF A SPECIAL COMMISSION MEETING TO BE PROVIDED VIA EMAIL.**

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

Vice Mayor Malkoon made a motion, seconded by Commissioner Strauss, to approve. Motion carried 4-0.

16. ORDINANCES 2ND READING

None.

17. RESOLUTIONS – PUBLIC COMMENTS

a. Resolution 2022-23 Firefighters Pension Trust Fund Board of Trustees

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

Commissioner Oldaker made a motion, seconded by Vice Mayor Malkoon, to approve. Motion carried 4-0.

18. QUASI JUDICIAL PUBLIC HEARINGS

None.

19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 7:43 p.m.

Mayor Chris Vincent

ATTEST:

Town Clerk

Date



Town Commission Agenda Item Report

Meeting Date: June 14, 2022

Submitted By: Linda Connors, Town Manager

Ken Rubach, Deputy Town Manager/Director of Public Works

Submitting Department: Administration

Item Type: Discussion Item

Agenda Section: Old Business

Subject Title: East Commercial Revitalization Project

Explanation: As a response to COVID, the Town allowed the restaurants east of Ocean Drive to use the parking spots on El Mar Drive, Ocean Drive, and Commercial Boulevard for additional outdoor dining. This additional seating has become popular with our residents and guests, and the Commission directed staff to consider a plan that would remove parking spaces on Commercial and Ocean Drive to permanently enhance the pedestrian and dining experience.

To that end, a series of community participation meetings, one set targeted at the businesses and the other focused on residents, have been held over the past several months to gather information that will help the designers, Architectural Alliance Landscape ("AAL"), propose a plan for the area. During these meetings, topics focused on a myriad of improvements that could be made to the Downtown area including- landscaping, hardscape, lighting, signage, shade elements (umbrellas or shade structures), improving the pedestrian flow and experience (increasing the walkable area), creating a sense of place, and further adding to the unique identity that is our downtown corridor.

On May 16, 2022, the Town held a Commission workshop to further discuss the refined concepts presented as well as to provide additional direction to AAL in order to create the final concepts. Information gathered from this workshop has been incorporated into this presentation from AAL.

This evening's presentation incorporates the information gathered from all of the meetings, and presents a proposed plan for the Commission's consideration. It is the intent to finalize the conceptual planning phase of this process tonight, and move forward with final plans, construction drawings and cost estimates.

Recommendation: Staff is seeking approval of the proposed concept. Once the concept is approved, staff will be able to develop final plans, construction plans, provide cost

estimates, and create a timeline so that we are able to execute the project quickly and effectively when it begins.

Attachments: None



Town Commission Agenda Item Report

Meeting Date: June 14, 2022

Submitted By: Ken Rubach, Deputy Town Manager/Director of Public Works

Submitting Department: Administration

Item Type: Resolution

Agenda Section: Consent

Subject Title: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE PURCHASE OF A/V EQUIPMENT FOR JARVIS HALL FROM BASE 4 TECH, LLC DBA VIBE DESIGN GROUP IN AN AMOUNT NOT TO EXCEED \$30,340.19; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE PURCHASE ORDER; AND PROVIDING FOR AN EFFECTIVE DATE.

Explanation: For the past several years, the Town has been having ongoing audio issues occurring in Jarvis Hall, culminating with a full system failure at the April 12, 2022 Commission meeting.

At the April 12, 2022 meeting, following that failure of the A/V equipment, the Commission authorized the Town Manager to move forward urgently with replacement of the audio equipment in order to ensure that the Town is able to properly conduct Commission and board meetings and record the audio. The Commission directed the Town Manager to advise the Commission when a quote was obtained and include the cost of the purchase (**Exhibit 1**). This pre-approval of authority was requested as the purchase was estimated to be above the Town Manager's purchasing limit of \$15,000. The consensus of the Commission on April 12 was for the Town Manager to bring the purchase back to the Commission for approval after the fact.

On May 13, 2022, staff obtained a quote from Base 4 Tech, LLC dba Vibe Design Group in the amount of \$30,340.19 to address the immediate needs of stabilizing the audio system. The Town Manager informed the Commission on May 13th of the quote and the cost. On June 7th, a site visit was conducted and the preliminary work of upgrading the audio equipment commenced.

Due to the urgency and need of functional A/V equipment for Town Commission meetings, staff obtained a vendor and began to implement the improvements to the A/V equipment as directed by the Commission in April and consistent with the notification provided in May. Because this pre-approval procedure deviates from the requirements of the Purchasing Manual, the staff requests the Town Commission waive Town purchasing

requirements as in the best interest of the Town pursuant to Section IV.L. of the Town Purchasing Manual and approve the purchase of A/V equipment from Vibe Design Group, in an amount of \$30,340.19.

Recommendation: Waive the Purchasing manual and approve Resolution 2022-24 authorizing a purchase for A/V equipment from Vibe Design Group in an amount of \$30,340.19.

Attachments:

Ex.1 – Resolution 2022-24

Ex. 2 –Vibe Design Group Quote

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WHEREAS, for the past several years, the Town has been having ongoing audio issues occurring in Jarvis Hall, culminating with a full system failure at the April 12, 2022 Commission meeting; and

WHEREAS, on May 13, 2022, staff obtained a quote from Base 4 Tech, LLC dba Vibe Design Group (“Vibe Design Group”) for the purchase of A/V Equipment in the amount of \$30,340.19 to address the immediate needs of stabilizing the audio system; and

WHEREAS, due to the urgency and need of functional A/V equipment for Town Commission and board meetings, staff obtained a vendor and began to implement the improvements to the A/V equipment as directed by the Commission in April and consistent with the notification provided in May; and

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

SECTION 1. Recitals. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and incorporated herein by this reference.

SECTION 2. Purchase Approved. The purchase of the A/V Equipment from Vibe Design Group, in an amount not to exceed \$30,340.19, is hereby approved.

SECTION 3. Authorization to Execute Purchase Order. The Town Manager is hereby authorized to execute a Purchase Order to Vibe Design Group, together with such non-substantial changes as are deemed necessary by the Town Manager and approved as to form and legal sufficiency by the Town Attorney.

SECTION 4. 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 5. Effective Date. This Resolution shall become effective immediately upon passage and adoption.

PASSED AND ADOPTED on this ____ day of June, 2022.

MAYOR CHRIS VINCENT

Attest:

Katrina Adler, Town Clerk

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney

Lauderdale by the Sea Audio DSP



May 10, 2022



COMMISSION CHAMBERS

SCOPE

The London audio DSP units have been reported to require reboot during operation. If they are completely freezing and not allowing audio to pass, they will need to be replaced. While these units can last longer, we suspect that this unit is not getting sufficient airflow, shortening the useful lifespan. The current configuration of the audio system is 24 inputs and 16 outputs. Based on the limited parts available to ship, we are expanding this to 32 inputs and 32 outputs. This inefficiency adds about \$2,500 to the cost, but allows for additional connectivity for any future expansion. We are also specifying a large network switch, which will be able to support the remainder of the equipment when it is eventually replaced, since this is critical to proper long term operation. The new system can be controlled by PC or iPad. Additional controllers can be added in various areas in the future.

If immediate DSP replacement is required, ideally, the rest of the installation should be addressed a short time afterward to address airflow, organize cable routing, label and document all cabling, and replace other equipment prior to failure.

AUDIO

QTY	DESCRIPTION
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1	QSC CORE NANO Network Core, 64x64 network I/O channels with 8x8 Software-based Dante license included, USB AV bridging, dual LAN...
2	AtlasIED BB-EB1616DT BlueBridge [®] Expansion I/O Box with Dante™
1	QSC SL-QUD-110-P Q-SYS Core 110 UCI Deployment Software License, Perpetual
1	Netgear GSM4230PX-100NAS AV LINEM4250-26G4XF-POE+24X1G POE+ 480
1	Apple iPad 32GB iPad 32GB
1	QSC SL-QSE-110-P Q-SYS Core 110 Scripting Engine Software License, Perpetual
1	Vibe Engineering and Project Management Services Engineering, Drafting, Programming, Commissioning, Testing and Training
1	QSC SLDAN-32-P Q-SYS Software-based Dante 32x32 Channel License, Perpetual.

COMMISSION CHAMBERS TOTAL**\$30,340.19**



ACCEPTANCE

ACCEPTANCE

PAYMENT SCHEDULE

Net 30

Wire Transfer Info:

Bank Name Centennial Bank

Name on Account Base 4 Tech, LLC DBA Vibe Design Group

Account Number 503615364

Routing Number 082902757

Swift Code CNTEUS44

Banking Address

3111 N. University Dr., Ste 101, Coral Springs, FL 33065

If time is not critical, you can pay by check to our main address.

EQUIPMENT TOTAL	\$12,183.87
SHIPPING TOTAL	\$0.00

ENGINEERING	\$3,120.00
INSTALLATION	\$1,640.00
MANAGEMENT	\$2,240.00
PROGRAMMING	\$6,000.00
LABOR TOTAL	\$13,000.00

GENERAL AND ADMINISTRATIVE	\$2,758.20
MISC. HARDWARE	\$609.19
STANDARD WARRANTY	\$1,259.19
SHIPPING AND FREIGHT	\$529.74

SUBTOTAL	\$30,340.19
TOTAL TAX	\$0.00
PROJECT TOTAL	\$30,340.19

TERMS

Any I accept this proposal and hereby authorize VIBE Design Group to proceed with the installation of the included systems at the facilities of Full Moon Creative constructing at US , as described in the totality of this document. I further authorize VIBE Design Group to be granted the facility access that will be required to complete this project in a workmanlike and timely manner and for payment to be made to VIBE Design Group. In keeping with the Terms of Payment listed above. It has been made clear to me that there exist no understandings regarding this project with any relevant party unless and until Full Moon Creative and VIBE Design Group agree to such additional or alternate understandings in writing. Project cost and pricing are dependent upon a continual flow of work without interruption or delays imposed by Full Moon Creative or their staff, construction, other building trades or any other party, and additional costs may be incurred by Full Moon Creative from VIBE Design Group. If such delays result in additional costs that are not covered by the pricing in this proposal. I agree that any additions to and/or deletions from the materials and labor to be provided by my acceptance of this proposal and any resulting change(s) in cost of this project shall only be by way of written change order(s) and shall be valid only after being signed by Full Moon Creative and VIBE Design Group. This proposal is valid only if accepted in writing by Full Moon Creative and deposit payment received no later than June 5, 2022. Please note the following qualifications and exclusions :

- All electrical work by others (power and grounding)
- Payment required for stored materials
- Cable pathways assumed accessible. All raceways by others
- Cable tray, coring, sleeves, millwork, patching, and firestopping by others
- Permit costs are excluded
- Bond is excluded
- Stamped drawings / structural / wind load ratings are excluded
- Secure onsite storage is required

BUILDING COMMUNICATION

Shipping may be shown in two places above with the upper value as \$0 because we typically calculate shipping based on a percentage factor.

STAFF EXPERIENCE AND MARKETS



STAFF EXPERIENCE:

- 20 years of audio, video, control, and technology experience
- Engineering over 100 construction projects
- Some of the most iconic and groundbreaking facilities in the country
- Event experience, including 2 SuperBowls and 6 NASCAR Championships

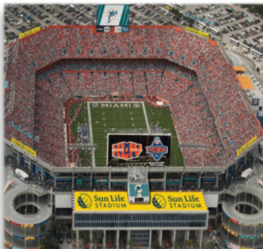
MARKETS:

- Hospitality (Casino, Spa, Convention, Ballrooms, Nightclubs)
- Corporate (Boardrooms, Meeting, Public Spaces, NOC)
- Higher Education (Classrooms, Auditoriums, Sports Facilities)
- Civic (Courthouse, Council Chambers, Museum, EOC)
- Transportation (Airports, Cruise Terminal, EOC)
- School Board (K-12 Auditoriums only)
- Churches (Traditional and Contemporary)



New World Symphony

Engineering and Project Management of the most technologically sophisticated concert hall in North America, including Audio, Video, Projection Mapping, and Electro-Acoustic.



Dolphin Stadium

Engineering and Project Management of every major audio project over a ten year period, including main bowl, concourses, suites, locker rooms, and Club LIV, and programming 2 SuperBowls.



The Fontainebleau Hotel and Spa

Design and engineering of entire rebuild, including all audio, video, and control for ballrooms, meeting rooms, restaurants, bars, pool decks, spa, and cabanas.



Pembroke Pines Civic Center/Chambers/EOC

Design of audio, video, broadcast, and control systems for multipurpose civic center emergency operations center, city chambers, art gallery, meeting rooms, and park.

Homestead Speedway

Design, Engineering, and Project Management for the only Concert quality NASCAR sound system, in addition to video, MATV distribution, and control. Multiple projects spanning a ten year period.



Miami Dade University Magic Campus

Design of entire campus for new degree program in video game development and production, including screening hall, classrooms, edit suites, and media wall.



Adrienne Arsht Center

Engineering and Project Management of all audio systems for both the Knight Concert Hall and the Ziff Ballet Opera House for both the initial construction and remediation.



Gateway Church

Design, Engineering, and Project Management of three Campus builds for one of the largest Churches in the country, including Audio, Video, Broadcast, and Control Systems.



BUILDING COMMUNICATION

VIBE Design Group

3700 NW 124 Ave. Suite 106, Coral Springs, FL 33065

786.600.3360 | www.vibedesigngroup.com



Town Commission Agenda Item Report

Meeting Date: June 14, 2022

Submitted By: Linda Connors, Town Manager

Submitting Department: Administration

Item Type: Discussion Item

Agenda Section: New Business

Subject Title: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING THE TOWN CRISIS COMMUNICATION PLAN (**Exhibit 1**)

Explanation: On March 22, 2022, the Town entered into an agreement with Conceptual Communications to oversee the Town's Public Information Officer duties and communications with the public. As part of this service, Conceptual Communications has drafted a Crisis Communication Plan for the Commission's consideration.

The proposed Crisis Communication Plan outlines the coordination of communications with the Town among its first responders, elected officials, staff, media, and constituency when an emergency or critical incident occurs. It outlines the roles, responsibilities, and procedures for sharing information with the Town's stakeholders, including the media, during a crisis.

The objectives of the plan are as follows:

1. To establish a crisis communications team for the Town.
2. To disseminate accurate information on behalf of the Town as quickly as possible.
3. To update the Town's communications platforms and ensure they are the lead source for information.
4. To coordinate with the Town's police and fire chiefs and their respective public safety PIO's to ensure consistent messaging is being distributed on behalf of the Town and investigation integrity is never compromised.
5. Determine the Town spokesperson(s) for each crisis.
6. Track news stories and community information for accuracy.
7. Provide the Town Manager with daily status reports.

Recommendation: Staff recommends approval of Resolution 2022-25, approving the Town Crisis Communication Plan.

Attachments: Ex.1 Resolution 2022-25 Crisis Communication Plan

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**A RESOLUTION OF THE TOWN COMMISSION OF THE
TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA,
ADOPTING THE TOWN CRISIS COMMUNICATION PLAN;
PROVIDING FOR IMPLEMENTATION AND AN
EFFECTIVE DATE.**

WHEREAS, on March 22, 2022, the Town entered into an agreement with Conceptual Communications, LLC (“Conceptual Communications”) to oversee the Town’s Public Information Officer duties and communications with the public (the “Agreement”); and

WHEREAS, pursuant to the Agreement, Conceptual Communications prepared a Crisis Communication Plan for the Town; and

WHEREAS, the proposed Crisis Communication Plan, attached as Exhibit “A,” outlines the coordination of communications with the Town among its first responders, elected officials, staff, media, and constituency when an emergency or critical incident occurs; and

WHEREAS, Town staff recommends adoption of the Crisis Communication Plan, attached as Exhibit “A”; and

WHEREAS, the Town Commission finds it to be in the best interest of the Town to adopt the Crisis Communication Plan, attached as Exhibit “A.”

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

Section 1. Recitals. Each “WHEREAS” clause set forth herein is true and correct and is hereby ratified and confirmed by the Town Commission and incorporated herein.

Section 2. Adoption of Crisis Communication Plan. The Town Commission hereby adopts the Crisis Communication Plan, attached as Exhibit “A.”

Section 3. Implementation. The appropriate Town officials are authorized to do all things necessary to carry out the aims of this Resolution.

Section 4. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED on this ____ day of _____ 2022.

Mayor Chris Vincent

Attest:

APPROVED AS TO FORM:

Katrina Adler, Town Clerk

Susan L. Trevarthen, Town Attorney

(CORPORATE SEAL)

LAUDERDALE-BY-THE-SEA

Crisis Communications Plan

June 2022

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- Plan Objectives
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LAUDERDALE-BY-THE-SEA

Plan Overview

Key Points

- The Town of Lauderdale-By-The-Sea's ("TOWN") Crisis Communications Plan outlines the coordination of communications within the Town, among its first responders, elected officials, staff, media, and constituency when an emergency or critical incident occurs.
- The Crisis Communications Team is made up of Town staff and contractors who are trained in crisis communications.
- The goal of the team during a crisis is to ensure the Town is the lead, official source when it comes to providing information to its stakeholders.
- At all times, the team will remain committed to being first, right, and consistent when providing real-time updates.
- During a crisis, the Town's Twitter page and website will be the primary tools for providing real-time information.



Purpose

The Town's Crisis Communication Plan outlines the roles, responsibilities, and procedures for sharing information with the Town's stakeholders, including the media, during a crisis.

A town crisis is defined as:

A significant event or incident that disrupts, or has the potential to disrupt, the Town's normal operations or quality of life for its residents. A crisis could be triggered by an emergency or controversy. An emergency is a fire, severe storm, crime, or other event that presents a public safety threat and typically involves a response from police, fire, public works, and/or emergency management personnel.

This plan will be reviewed following each crisis and at minimum on an annual basis. Reviewing this plan after each crisis, will ensure it is adjusted based on "lessons learned." Each crisis is different and always presents new, unplanned challenges.

Plan Objectives

1. To establish a crisis communications team for the Town
2. To disseminate accurate information on behalf of the Town as quickly as possible
3. Update the Town's communications platforms and ensure they are the lead source for information
4. Coordinate with the Town's police and fire chiefs and their respective public safety PIO's to ensure consistent messaging is being distributed on behalf of the Town and investigation integrity is never compromised
5. Determine the Town spokesperson for each crisis (some crises may require multiple spokespeople)
6. Track news stories and community information for accuracy
7. Provide the Town Manager with daily status reports



Town Stakeholders

Internal Stakeholders:

1. PIO Team

	Phone Number	Email
Town's Public Relations Manager Aimee Adler Cooke	(561) 302-6902	aimee@conceptualpr.com
Town's PIO Team Lead Laurie Menekou	(561) 715-4280	lmenekou@conceptualpr.com
Town's Digital Media Manager Hayley Zagacki	(954) 829-2598	hayley@conceptualpr.com

2. Mayor and Commissioners

	Phone Number	Email
Mayor Chris Vincent	(954) 612-8606	chrisvincent@lbts-fl.gov
Vice Mayor Edmund Malkoon	(954) 802-3403	edmundm@lbts-fl.gov
Commissioner Theo Pouloupoulos	(978) 621-4636	theop@lbts-fl.gov
Commissioner Randy Strauss	(954) 566-5297	randys@lbts-fl.gov
Commissioner Buz Oldaker	(954) 530-5279	buzoldaker@lbts-fl.gov

Town Stakeholders

Internal Stakeholders:

3. Town Hall Staff

	Phone Number	Email
Town Manager Linda Connors	(954) 317-7377	townmanager@lbts-fl.gov
Assistant to Town Manager Courtney Easley	(954) 995-7927	courtneye@lbts-fl.gov
Finance Director Lucila Lang	(954) 640-4206	lucilal@lbts-fl.gov
Assistant Finance Director Edner Saint-Jean	(954) 640-4207	edners@lbts-fl.gov
Customer Service Rep Karen Gates	(954) 640-4200	kareng@lbts-fl.gov
Human Resources Manager Lisa Slagle	(954) 640-4203	lisas@lbts-fl.gov
Special Events & Marketing Manager Debbie Hime	(954) 995-7801	debbieh@lbts-fl.gov
Special Events/Marketing Coordinator Katie Anderson	(954) 995-7322	katiea@lbts-fl.gov

Town Stakeholders

Internal Stakeholders:

4. Town Development Services Staff

	Phone Number	Email
Development Services Director Jhanelle Campbell	(954) 488-0419	jhanellec@lbts-fl.gov
Assistant Development Services Director Chris Suneson	(954) 640-4213	christophers@lbts-fl.gov
Planner Susan Leven	(954) 640-4221	susanl@lbts-fl.gov
Planning Technician Megan Small	(954) 640-4210	megans@lbts-fl.gov

5. Town Building Department Staff

	Phone Number	Email
Building Official Simo Mansor	(954) 640-4215	buildingofficial@lbts-fl.gov
Permit Administrator David Lee	(954) 640-4215	davidl@lbts-fl.gov

6. Town Code Compliance Staff

	Phone Number	Email
Senior Code Inspector Bethany Banyas	(954) 857-5563	bethanyb@lbts-fl.gov
Code Inspector Gregory Wienbarg	(954) 531-5596	gregw@lbts-fl.gov

Town Stakeholders

Internal Stakeholders:

7. Town Public Works Staff

	Phone Number	Email
Deputy Town Manager/ Public Works Director Ken Rubach	(954) 275-0908	kenr@lbts-fl.gov
Assistant To Public Works Director Tiana Ganswith	(954) 640-4232	tianag@lbts-fl.gov
Streets and Infrastructure Public Works Supervisor Doug Johnson	(954) 410-2305	dougj@lbts-fl.gov
Building and Public Lands Supervisor Mike Walker	(954) 868-1816	mikew@lbts-fl.gov

8. Town Parking Staff

	Phone Number	Email
Parking Enforcement	(954) 553-2764	
Parking Supervisor Leroy Chasmer	(954) 640-4231	leroyc@lbts-fl.gov
Shaniece Boisson	(954) 640-4231	shanieceb@lbts-fl.gov

Town Stakeholders

Internal Stakeholders:

9. Police and Fire Chiefs

	Phone Number	Email
Police Chief Thomas Palmer	(954) 640-4242	thomas_palmer@sheriff.org
Fire Chief Judson “Jud” Hopping	(954) 640-4250	jhopping@lbtsfire.com

10. Town Attorney

	Phone Number	Email
Susan Trevarthen	(954) 763-4242	strevarthen@wsh-law.com

12. Town Civic Groups and HOA's

	Phone Number	Email
Lauderdale-By-The-Sea Chamber of Commerce	(954) 776-1000	info@lbts.com
Bel Air Civic Association Edmund Malkoon	(954) 802-3403	emalkoon@gmail.com
Terra Mar Island Civic Association John Graziano	(518) 466-2345	jgraziano@earthlink.net
Palm Yacht and Beach Club	(954) 942-7975	contact@palmclub.net
Garden Club Yolanda Bernadini & Chris Valarta	(954) 942-1639	chrisv@att.net
Women's Club Linda Collins	(954) 234-6662	lbtswc@gmail.com

Town Stakeholders

External Stakeholders (Level 1):

1. Residents
2. Business Owners and Their Employees
3. Media Outlets

External Stakeholders (Level 2):

1. Faith-Based Organizations

	Phone Number	Email
Community Church	(954) 776-5530	welcomecommunity@comcast.net
Assumption Catholic Church	(954) 941-7647	blessedassumption@att.net
Chabad Lauderdale-By-The-Sea Rabbi Benzion Singer	(954) 263-7692	rabbi@jewishlauderdale.com
Church of Jesus Christ of Latter-day Saints	(954) 803-6049	

Town Stakeholders

External Stakeholders (Level 2):

2. Broward County Government Officials

	Phone Number	Email
Broward County Mayor Michael Udine	(954) 357-7003	mudine@broward.org
Broward County Vice Mayor Lamar Fisher*	(954) 357-7004	lfisher@broward.org
Broward County Commissioner Torey Alston	(954) 357-7009	talston@broward.org
Broward County Commissioner Mark Bogen	(954) 357-7002	mbogen@broward.org
Broward County Commissioner Beam Furr	(954) 357-7006	bfurr@broward.org
Broward County Commissioner Steve Geller	(954) 357-7005	sgeller@broward.org
Broward County Commissioner Jared Moskowitz	(954) 357-7008	jemoskowitz@broward.org
Broward County Commissioner Nan Rich	(954) 357-7001	nrich@broward.org
Broward County Commissioner Tim Ryan	(954) 357-7007	tryan@broward.org
County Administrator Monica Cepero	(954) 357-7354	mcepero@broward.org

* LBTS Representative

Town Stakeholders

External Stakeholders (Level 2):

3. Broward County PIO

	Phone Number	Email
Office of Public Communications Assistant Director Gregory Meyer	(954) 357-6931	gmeyer@broward.org
News, Media Room	(954) 357-6990	publicinfo@broward.org

4. Other Public Agencies

- FDOT
- Department of Health
- Department of Environmental Protection

5. Surrounding Municipalities

- Fort Lauderdale
- Oakland Park
- Pompano Beach
- Sea Ranch Lakes
- Wilton Manors



LAUDERDALE-BY-THE-SEA

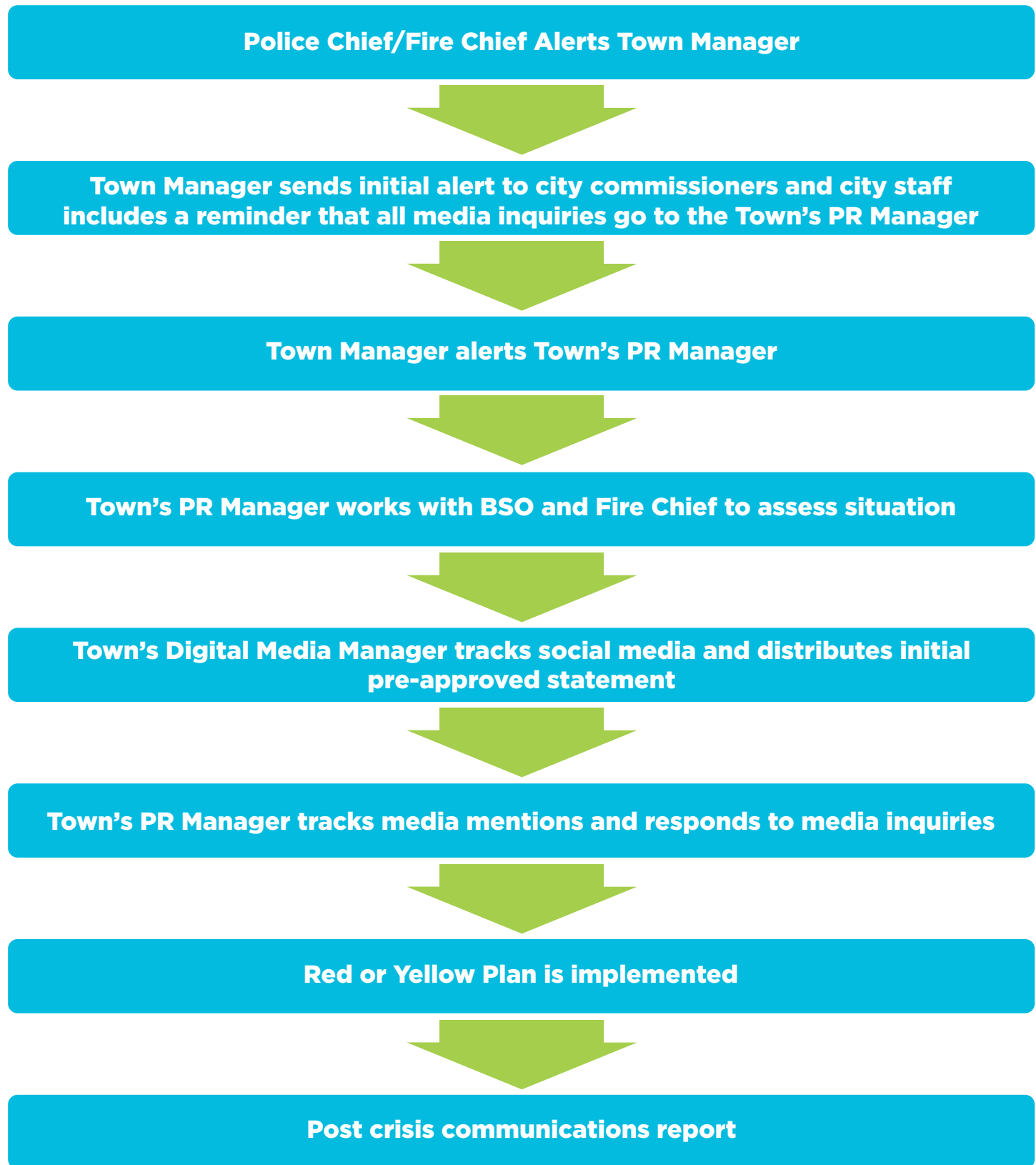
Implementation

Crisis Communications Team

	Name	Cell	Email
Police Chief	Thomas Palmer	(954) 931-5276	thomas_palmer@sheriff.org
Fire Chief	Chief Judson “Jud” Hopping	(954) 868-7776	jhopping@lbtsfire.com
Town Manager	Linda Connors	(954) 317-7377	townmanager@lbts-fl.gov
Deputy Town Manager/Public Works Director	Ken Rubach	(954) 275-0908	kenr@lbts-fl.gov
Town’s Public Relations Manager and PIO Team	Aimee Adler Cooke	(561) 302-6902	aimee@conceptualpr.com



Sequence of Information



Implementation

Every crisis is different, and the crisis communications team may implement some or all of the tactics defined in the following pages based on the circumstances. Throughout the crisis, the team will have standing daily phone calls to keep everyone on the same page. The Town's PIO team will schedule these calls and determine their frequency. Daily phone calls will give the crisis communications team dedicated time to review updates, determine and approve key messages and updates, and implement strategies during the crisis.

Immediate Response

After a situational assessment, the Town's PIO team will recommend what and how public information will be sent out. Town stakeholders quickly seek and trust unreliable sources of information such as social media, rumors, word of mouth and news reports in the absence of official communications. To combat this, during fast-paced crises (RED PLAN), the PIO team will do the following:

Red Plan

1. Set up an alert button and landing page on the Town's website
2. Post updates to the Town's Twitter page linking to the Town's website
3. Distribute CodeRed calls/text messages to residents who have opted in
4. Determine spokesperson and if a press conference is needed
5. Intake and catalogue media requests, and respond to those requests via email only with responses that have been approved by the crisis communications team
6. Monitor social media and news outlets

Notifying Key Audiences

During a non-fast paced crisis (YELLOW PLAN), the PIO team will ensure consistent communications across all the Town's platforms.

Yellow Plan

1. Set up an alert button and landing page on the Town's website
2. Post updates to the Town's Twitter, Facebook and NextDoor pages as well as Channel 78, all linking to the Town's website
3. Distribute CodeRed calls/text messages to residents who have opted in
4. Distribute email updates to residents who have opted in to the Town's email distribution system
5. Determine spokesperson and if a press conference is needed
6. Intake and catalogue media requests, and respond to those requests via email only with responses that have been approved by the crisis communications team
7. Monitor social media and news outlets
8. Create daily media report/end of crisis report summarizing sentiment and news coverage

Initial Statements

Public Safety:

Law enforcement and fire rescue are assessing the situation. As updates become available they will be posted to <https://www.lauderdalebythesea-fl.gov> and the Town's official Twitter page at <https://twitter.com/LBTSGov>.

Our first responders are evaluating the damage. We'll provide an update as soon as possible. Remain in a safe place and wait for further instructions. For real time updates follow <https://twitter.com/LBTSGov> and check our website at <https://www.lauderdalebythesea-fl.gov>.

There is a public safety alert in effect at **(INSERT location)**. Remain in a safe place and wait for further instructions. For real time updates follow <https://twitter.com/LBTSGov> and check our website at <https://www.lauderdalebythesea-fl.gov>.

Tragedy/Loss of Life:

Our hearts go out to the victims of **(INSERT location)**. We are working to gather information and expect to have an update soon. Please check our website <https://www.lauderdalebythesea-fl.gov> and follow the Town's official Twitter page <https://twitter.com/LBTSGov> for real time updates.

General Holding Statement:

We are aware of the situation at **(INSERT location)**. Our **(INSERT first responders or town staff)** are on the scene and assessing the **(INSERT damage, flooding, fire, etc.)**. We will be providing real time updates at <https://twitter.com/LBTSGov> and <https://www.lauderdalebythesea-fl.gov>.

Additional Tools



Electronic Street Signage



BSO Social Media Accounts



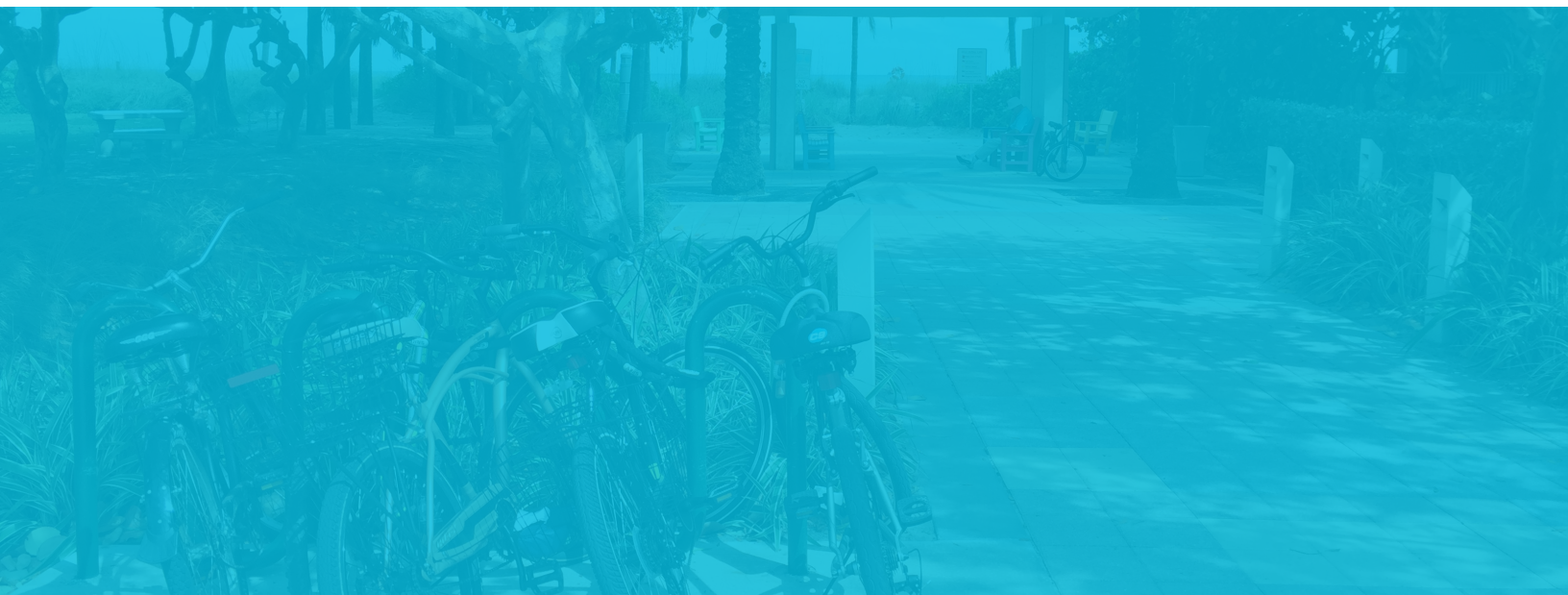
Loud Speakers on Emergency Vehicles



Signage on the Pelican



Radio





LAUDERDALE-BY-THE-SEA

Information Sharing

Determining Spokesperson

The spokesperson is determined based on the circumstances. The following individuals may serve as Town spokespeople:

Police Chief/BSO PIO: Public Safety

Fire Chief: Medical

Mayor: Empathy/Town Business

Town Manager: Town Process/Daily Functions

Public Works Manager: Utilities

Public Relations Manager: General

Information Approval Process

The Town's PIO team will work with the police and fire chiefs, as well as BSO's PIOs to draft all updates and statements including those issued by the Town's spokespeople. Once BSO and the fire chief provide approval, the Town Manager will review and approve.

Information Distribution Process

The Red and Yellow Plans identify how messaging will be distributed. In addition, the following best practices will be implemented during a crisis to ensure the Town's messaging is consistent:

- 1.** Information must be approved by all members of the crisis communications team prior to distribution
- 2.** All media representatives receive responses via email (unless a press conference is scheduled)
- 3.** Statements on behalf of spokespeople are provided via email via the Town's Public Relations Manager
- 4.** Information regarding casualties are not confirmed or provided until there is confirmation that the family members have been notified
- 5.** HIPAA compliance must be maintained
- 6.** Information that could compromise an ongoing investigation will not be distributed
- 7.** In the event power is knocked out for a longer time frame, street teams will need to be deployed as soon as it is safe to do so
 - a.** Phone Tree TBD
 - b.** Meeting Point (Town Hall TBD)
 - c.** Town volunteers/CERT teams (TBD)
 - d.** What agencies are we coordinating with for supplies (TBD)
 - e.** Distribution points (TBD)
 - f.** Media staging area (TBD)



Post Crisis Report

Immediately following a crisis, a full public relations and social media report will be provided to the Town Manager.

Within one week of the crisis, the Town's crisis communications team will meet to review lessons learned, suggest improvements, and update the crisis communications plan as needed.





LAUDERDALE-BY-THE-SEA

Appendix

Appendix

Public Safety Alert Social Graphics



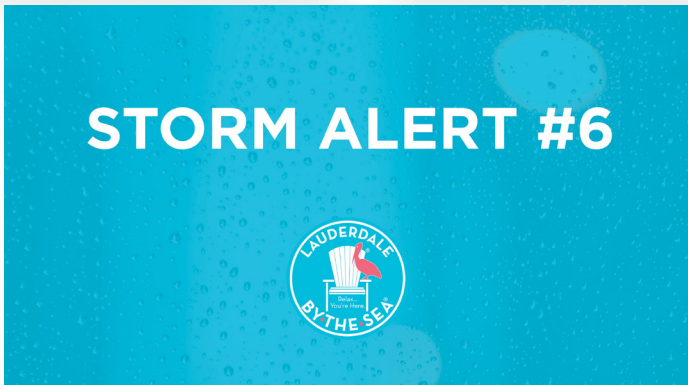
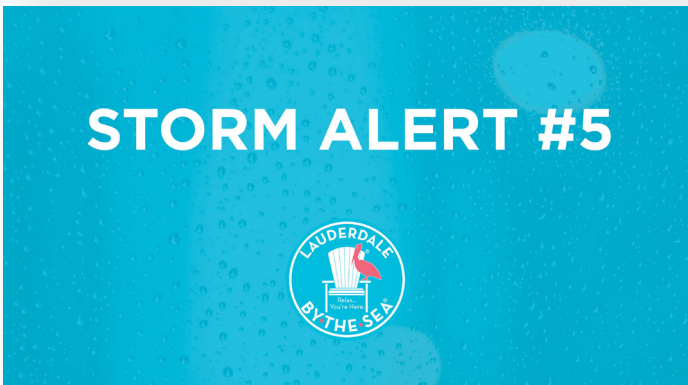
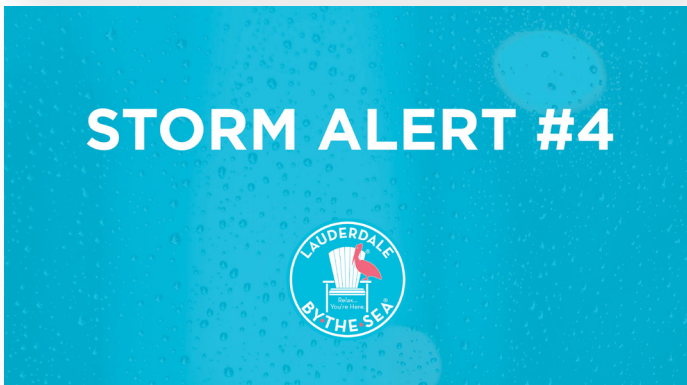
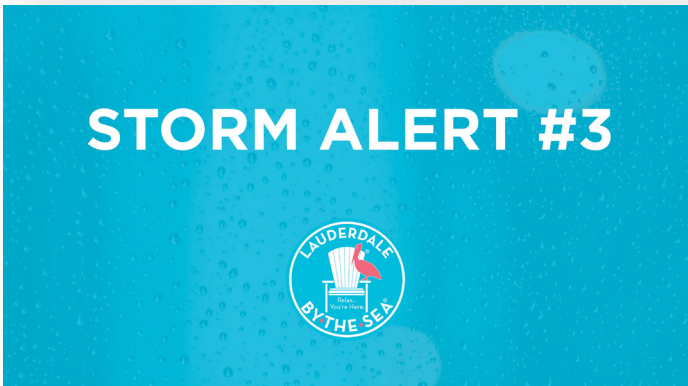
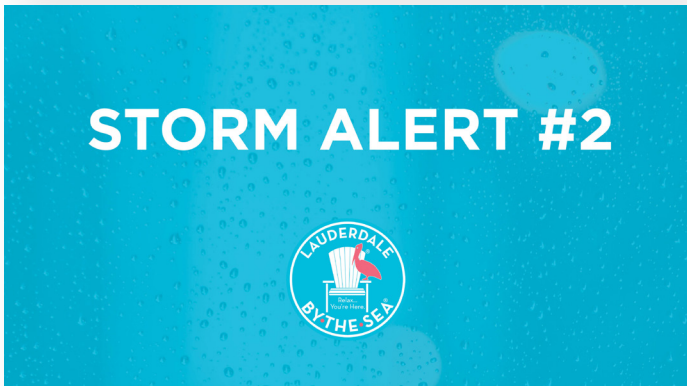
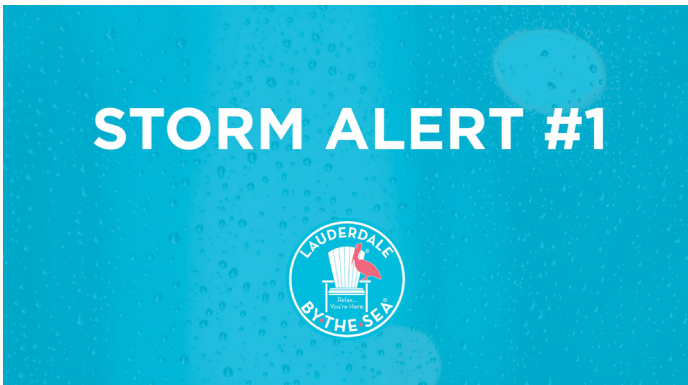
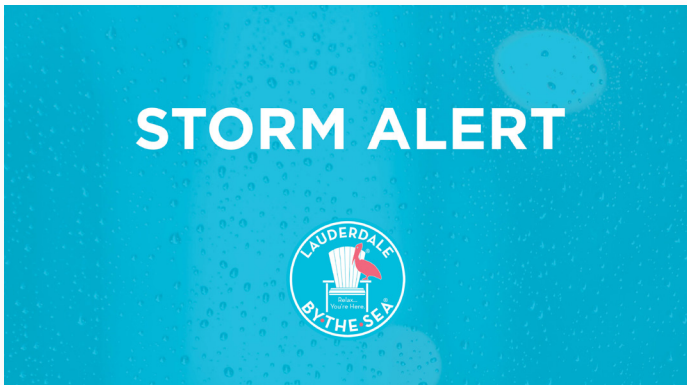
Appendix

Town News Alert Social Graphics



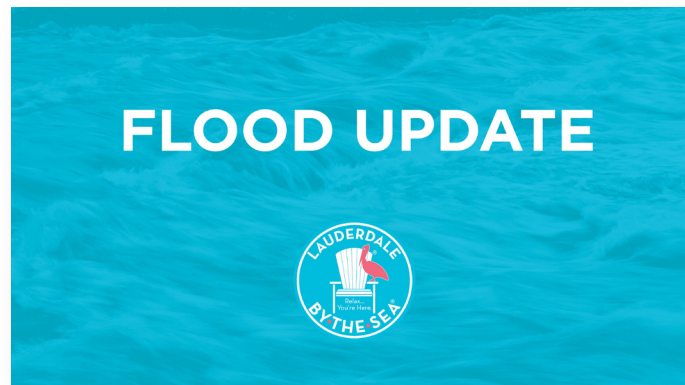
Appendix

Storm Alert Social Graphics



Appendix

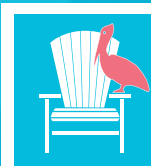
Flood Alert Social Graphics



Appendix

Hurricane Alert Social Graphics





**LAUDERDALE
BY • THE • SEA**



Town Commission Agenda Item Report

Meeting Date: June 14, 2022

Submitted By: Lucila Lang

Submitting Department: Finance Department

Item Type: Discussion Item

Agenda Section: NEW BUSINESS

Subject Title: Fiscal Year 2022-2023 BSO Proposed Budget

Explanation: BSO has proposed a FY23 budget of \$5.6 million. This represents an increase of \$302,515 (or 5.6%) over the current budget. Table 1 below provides a high-level summary of the changes from the current budget.

Table 1-Summary of Budget Changes

	Adopted 2021-2022	Proposed 2022-2023	Difference (\$)	Difference (%)
Personnel Services	\$ 4,665,596	\$ 4,945,459	\$ 279,863	6.0%
Operating Expenditures	\$ 298,322	\$ 341,723	\$ 43,401	14.5%
Capital Outlay	\$ 232,007	\$ 198,923	\$ (33,084)	-14.3%
Tranfers/Reserves	\$ 182,982	\$ 195,317	\$ 12,335	6.7%
	\$ 5,378,907	\$ 5,681,422	\$ 302,515	5.6%

As shown in the above table, the largest increase is in Operating Expenditures. More specifically, the proposed budget calls for a \$22,865 (or 1144.4%) increase in Computers less than \$5,000.

A line-item comparison between FY22 budget and the proposed FY23 budget is attached as **Exhibit 2**. As a reminder in FY21, the Town added additional BSO shifts in the downtown area which was well received by the community and in FY22 an additional 4-hour shift was added Thursday-Sunday during season (November-May). This expense is a separate line item in the Town's budget.

Recommendation: Commission approval of the preliminary BSO FY23 budget in the amount of \$5,681,422.

Attachments:

Exhibit 1-BSO letter and proposed budget.

Exhibit 2-Line-item comparison FY22 and proposed FY23 budget.

Broward Sheriff's Office
2601 West Broward Boulevard
Fort Lauderdale, FL 33312
954-831-8900
www.sheriff.org



May 1, 2022

Ms. Linda Connors, Town Manager
Town of Lauderdale By-The-Sea
4501 Ocean Drive
Lauderdale-By-The Sea, Florida 33308

Dear Ms. Connors:

Please be advised that the preliminary consideration for Fiscal Year 2023 is as follows:

Police Services

Total Personnel Expense	4,945,459	
Operating Expenditures	341,723	
Capital Outlay	198,923	
Transfers and Reserves	195,317	
Total Expenditure	5,681,422	(473,451.83 Monthly)

These amounts are subject to the final adopted budget as approved by the Board of County Commissioners, and to any additional contract amendments or negotiations that take place after this date. Please note this budget includes funding for a radio replacement plan.

Please contact me at (954) 831-8939 with any questions regarding this matter.

Sincerely,

Dafne E. Perez, Director
Office of Management and Budget

DEP:dw

cc: Colonel David Holmes, Department of Law Enforcement
Colonel James Reyes, Department of Administration
Lucia Lang, Finance Director, Town of Lauderdale By-The-Sea

BROWARD SHERIFF'S OFFICE
1-Year Appropriation Detail for DLE Contract Cities
General Fund 001 Budget
Proposed Budget
23475 - Lauderdale-By-The-Sea

ACCOUNTS	2022/2023 Budget
512401 - Regular Salary	2,918,584
512407 - Cell Phone Supplement	1,200
514401 - Overtime	115,139
515401 - Special Pay	15,000
Personal Services	3,049,923
521401 - FICA Taxes	229,516
522401 - Retire/Regular	18,128
522402 - Retire/Special Risk	804,736
522405 - Retire/Drop Special Risk	0
523401 - Life/Health Insurance	635,813
523403 - OPEB	64,586
523406 - RHSP	19,651
524401 - Worker's Comp	123,106
Fringe Benefits	1,895,536
Total Personnel Expense	4,945,459
534401 - Contract Services/General	6,354
541403 - Communication Svc/Aircards	13,844
544401 - R/L Office Machines	2,796
544402 R/L Vehicle	4,920
545402 - Ins/Admin-Bond/Ins	42,459
546401 - R/M Equipment	2,050
546402 - R/M Vehicles	80,543
546405 - R/M Service Contract	0
547401 - Contract Print & Binding	200
551401 - Office Supply-Misc	3,968
551402 - Office Supply-Office	2,924
551404 - Off Supp/Cln/Janit	1,025
551710 - Debt Interest Expense	0
552401 - Oper Supply-Gas/Oil/Lub	106,460
552402 - Oper Supply-Tools	700
552405 - Oper Supply-Kitch Supply	0
552406 - Oper Supply-Instit	4,327
552409 - Oper Supply/Misc	26,140
552410 - Oper Supply-Uniforms	16,705
552412 - Computers less than \$5,000.	24,863
554401 - Books/Pub/Sub	100
554402 - Dues/Membership	945
554404 - Training/Misc	400
Operating Expenditures	341,723
564401 - Mach-Equip/Vehicle	155,000
564402 - Mach-Equip/Equipment	7,982
564404 - Communications	35,941
564408 - M/E-Computers	0
564421 - Lease/Purchase Equipment	0
Capital Outlay	198,923
591001 - Transfer To General Fund	195,317
591401 - OPEB Reserve	0
Transfers and Reserves	195,317
Total Expenditure	5,681,422

<u>Broward Sheriff's Office</u> <u>Office of Management and Budget</u>	Adopted	Proposed	Difference (\$)	Difference (%)
	2021-2022	2022-2023		
Regular Salary	2,802,487	2,918,584	116,097	4.1%
Cell Phone Supplement	1,200	1,200	-	0.0%
Overtime	115,139	115,139	-	0.0%
Special Pay	13,920	15,000	1,080	7.8%
PERSONNEL SERVICES	2,932,746	3,049,923	117,177	4.0%
FICA Taxes	220,694	229,516	8,822	4.0%
Retire/Regular	14,934	18,128	3,194	21.4%
Retire/Special Risk	686,909	804,736	117,827	17.2%
Retire/Drop Special Risk	19,998	-	(19,998)	-100.0%
Life/Health Insurance	589,454	635,813	46,359	7.9%
OPEB	56,334	64,586	8,252	14.6%
RHSP (Retirement Health Savings Plan)	16,685	19,651	2,966	17.8%
Worker's Comp.	127,842	123,106	(4,736)	-3.7%
FRINGE BENEFITS	1,732,850	1,895,536	162,686	9.4%
TOTAL PERSONNEL EXPENSES	4,665,596	4,945,459	279,863	6.0%
Contract Services/General	4,318	6,354	2,036	47.2%
Communication Svc/Aircards	13,418	13,844	426	3.2%
R/L Office Machines	2,796	2,796	-	0.0%
R/L Vehicle	4,380	4,920	540	12.3%
Ins/Admin-Bond/Ins	31,650	42,459	10,809	34.2%
R/M Equipment	2,305	2,050	(255)	-11.1%
R/M Vehicles	81,738	80,543	(1,195)	-1.5%
R/M Service Contract	175	-	(175)	-100.0%
Contract Print & Binding	400	200	(200)	-50.0%
Office Supply-Misc	4,458	3,968	(490)	-11.0%
Office Supply-Office	3,549	2,924	(625)	-17.6%
Office Supply/Cleaning/Janitorial	400	1,025	625	156.3%
Debt Principle Payment			-	
Debt Interest Expense	826	-	(826)	-100.0%
Oper Supply-Gas/Oil/Lub	96,011	106,460	10,449	10.9%
Oper Supply-Tools	700	700	-	0.0%
Oper Supply-Instit	3,461	4,327	866	25.0%
Oper Supply-Fingerprinting/Photo			-	
Oper Supply/Misc	30,090	26,140	(3,950)	-13.1%
Oper Supply-Uniforms	14,204	16,705	2,501	17.6%
Computers Less Than \$5,000	1,998	24,863	22,865	1144.4%
Books/Pub/Sub	100	100	-	0.0%
Dues/Membership	945	945	-	0.0%
Training/Misc	400	400	-	
OPERATING EXPENDITURES	298,322	341,723	43,401	14.5%
Mach-Equip/Vehicle	162,964	155,000	(7,964)	-4.9%
Mach-Equip/Equipment	-	7,982	7,982	
Communications	7,377	35,941	28,564	387.2%
M/E- Computers	26,216	-	(26,216)	-100.0%
Lease/Purchase Equipment	35,450	-	(35,450)	-100.0%
CAPITAL OUTLAY	232,007	198,923	(33,084)	-14.3%
Transfer To General Fund	182,982	195,317	12,335	6.7%
OPEB Reserve	-	-	-	0.0%
TRANSFERS AND RESERVES	182,982	195,317	12,335	6.7%
TOTAL EXPEDITURES	5,378,907	5,681,422	302,515	5.6%

Monthly Payment: \$ 448,242.25 \$ 473,451.83



Town Commission Agenda Item Report

Meeting Date: June 14, 2022

Submitted by: Jhanelle Campbell, Director of Development Services

Submitting Department: Development Services

Item Type: Ordinance

Agenda Section: Ordinances, 2nd Reading

Subject Title: ORDINANCE 2022-03 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE V “ZONING,” SECTION 30-241(e) “INTRA LOT PLACEMENT” TO REMOVE MINIMUM SEPARATION REQUIREMENTS FOR GROUPED STRUCTURES AND BUILDING AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND FOR AN EFFECTIVE DATE. (**Exhibit 1**)

Explanation: In review of regulations in the RM-25 zoning district, Section 30-241(e) requires buildings on the same parcel to be separated by a distance of 20 feet.

This building separation distance is different from the view corridors required for development and redevelopment of the east side of El Mar contained in Section 30-241(i). View corridors will remain and are not proposed for change.

This provision of the Town Code could conflict with provisions of the Florida Building Code (FBC). The FBC requires separation between buildings on the same lot, but the distance could vary from 0 feet to 60 feet, depending on the number of factors resulting in a required fire separation distance. If the Town Code provision under review and the FBC are in conflict, the applicant would be required to file a variance. By removing the Town Code requirement, potential conflicts between the Codes are eliminated.

Eliminating this provision of the Town Code would eliminate a number of nonconformities in the Town. Staff reviewed aerial photography of the Town that showed approximately 53 properties in the RM-25 zoning district with two or more buildings on the same lot. Of those properties, approximately 34 appear to have buildings closer than the required 20 feet.

The proposed changes, included in **Table 1** below, modify the regulations and requirements.

Table 1

	Issue	Ordinance Requirement	Ordinance Line Number
1.	Remove building separation requirements for buildings on the same lot.	Building on the same lot must be separated by a minimum distance of 20 feet.	35-42

This item was presented to the Planning and Zoning Board at its April 27, 2022, meeting and further detail regarding this issue and the Planning and Zoning Board’s comments are available in the Planning and Zoning Board’s staff report (**Exhibit 2**). The Board recommended approval of the ordinance by a vote of 5-0.

At its May 10, 2022, meeting, the Town Commission unanimously voted to pass the proposed ordinance on first reading.

Recommendation: Staff recommends approval of Ordinance 2022-03.

Attachments:

Ex. 1 Ordinance 2022-03

Ex. 2 Planning and Zoning Board Staff Report

Reviewed by Town Attorney:

☒	Yes	☐	No
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File: R:\0 Agenda\Commission Agendas 2022\5-10-22\Development Services\Ordinance 2022-03, Building Separation\Cover Page, Ordinance 2022-03, Building Separation.docx

EXHIBIT 1

ORDINANCE 2022-03

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE V “ZONING,” SECTION 30-241(e) “INTRA LOT PLACEMENT” TO REMOVE MINIMUM SEPARATION REQUIREMENTS FOR GROUPED STRUCTURES AND BUILDINGS AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lauderdale-By-The-Sea (the “Town”) Commission recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the Town’s regulations are current and consistent with the Town’s regulatory needs; and

WHEREAS, building separation distances provide health and safety benefits to the community at large; and

WHEREAS, certain building separation requirements in the Unified Land Development Regulations conflict with separation distances allowed under the Fire and Building Codes; and

WHEREAS, the Town desires to have regulations that provide property owners’ the greatest flexibility in the use of their land; and

WHEREAS, the Town Commission desires to amend Town Code Section 30-241(e), “Intra Lot Placement.”

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

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

EXHIBIT 1

SECTION 2. Amendment. Chapter 30, “Unified Land Development Regulations,” Article V, “Zoning,” “RM-25 district – Apartments and Lodging” of the Town Code of Ordinances, is hereby amended as follows¹:

Chapter 30 – UNIFIED LAND DEVELOPMENT REGULATIONS

ARTICLE V. ZONING

* * *

Sec. 30-241. – RM-25 district – Apartments and Lodging.

(e) ~~*Intra lot placement.* All buildings or structures which are grouped together shall be separated by a minimum distance equal to 20 lineal feet including roof overhangs, cornices, and eaves. If the walls of adjacent buildings or structures are not parallel, the distance measured on a straight line connecting the midpoints of the two oblique walls shall be considered as the line along which the building separation requirement shall be measured, but in no instance shall the minimum distance between buildings or structures be less than 20 lineal feet at any point. Air conditioning units and other mechanical structures may not be installed on either adjacent wall less than 20 feet apart.~~ Reserved.

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

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

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

¹ Additions to existing text are shown in underline. Deletions are shown in ~~striketrough~~.

EXHIBIT 1

SECTION 6. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage on second reading.

Passed on the first reading, this ____ day of _____, 2022.

Passed and adopted on the second reading, this ____ day of _____, 2022.

MAYOR CHRIS VINCENT

	First Reading	Second Reading
Mayor Vincent	_____	_____
Vice-Mayor Malkoon	_____	_____
Commissioner Strauss	_____	_____
Commissioner Oldaker	_____	_____
Commissioner Pouloupoulos	_____	_____

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney



Town of Lauderdale-by-the-Sea Development Services Department

To: Planning and Zoning Board
 From: Jhanelle Campbell, Development Services Director
 Date: April 15, 2022
 Meeting Date: April 27, 2022
 Project: Ordinance Amending the Building Separation Requirement for Parcels in the RM-25 Zoning District

Purpose: To amend the Town Code of Ordinances (the “Town Code”) and default to the Florida Building Code (FBC) building separation requirements in the RM-25 Zoning District.

Explanation: Currently, the RM-25 Zoning District regulations provide that buildings on the same parcel must be separated by a distance of 20 feet.

The building separation distance is different from the view corridors required for development and redevelopment on the east side of El Mar contained in Section 30-241(i) of the Town Code. View corridors will remain and are not proposed for change.

Separation distances between buildings are implemented in zoning and building regulations for safety purposes. These separation distances allow natural air circulation through and around buildings. They also serve as a space to prevent a fire from spreading from one building to another.

Section 705.3 of the FBC refers to Sections 705.5 and 705.8, which subsequently refer to tables 601, 602, and 705.8. (**Exhibit 1**). The foregoing sections include a number of criteria that dictate the required distance between buildings. Depending on the fire separation distance, degree of opening protection, and percentage of openings, the distance between buildings on the same lot can vary anywhere from 0 feet to 60 feet based on FBC 705.8.

While Staff is proposing to eliminate the required separation distance from the RM-25 zoning regulations, the safety considerations described above are preserved in Section 705.3 of the FBC (**Exhibit 1**). The current zoning regulation is inconsistent with the FBC, which sufficiently/ more accurately regulates separation distance.

Instead of a uniform distance, the FBC provides a flexible distance separation dependent on the fire rating of building components. The FBC requires building designers to provide fire separation distance between the building and lot lines since an owner has no control over what occurs on an adjacent lot. The FBC also allows the fire separation distance to be measured from the center line of a street, alley, or public way. A building designer can utilize Table 602, along with the building’s type of construction and occupancy group, to reduce fire separation requirements and provide flexibility in building location on the lot. For example, if a designer increases the fire-resistance ratings in an exterior wall, that portion of the building could be located closer to the lot line.

An aerial photograph of the Town from the Broward County Property Appraiser showed approximately 53 properties in the RM-25 Zoning District that contained two or more buildings on the same parcel. Of those properties surveyed, it appears that 34 have buildings closer than the 20 feet required by the Town Code. There are a number of properties that do not meet the Town Code's 20-foot requirement. If the regulation was amended to default to the FBC, these non-conformities would be eliminated.

To implement the above, Ordinance 2022-03 amends Section 30-241(e) of the Town Code. The Ordinance is included in **Exhibit 2**.

Recommendation: Staff recommends approval of Ordinance 2021-XX to alleviate nonconformities and remove duplicative regulations and allow more flexibility in intra lot building placement.

Attachments:

- Ex. 1 – Florida Building Code, Section 705, Table 601, and Table 602.
- Ex. 2 – Ordinance 2022-03

FIRE AND SMOKE PROTECTION FEATURES

lator unit is designed and to maintain its integrity for the purpose of providing the required fire-resistance protection.

704.13 Sprayed fire-resistant materials (SFRM). Sprayed fire-resistant materials (SFRM) shall comply with Sections 704.13.1 through 704.13.5.

704.13.1 Fire-resistance rating. The application of SFRM shall be consistent with the *fire-resistance rating* and the listing, including, but not limited to, minimum thickness and dry density of the applied SFRM, method of application, substrate surface conditions and the use of bonding adhesives, sealants, reinforcing or other materials.

704.13.2 Manufacturer's installation instructions. The application of SFRM shall be in accordance with the manufacturer's installation instructions. The instructions shall include, but are not limited to, substrate temperatures and surface conditions and SFRM handling, storage, mixing, conveyance, method of application, curing and ventilation.

704.13.3 Substrate condition. The SFRM shall be applied to a substrate in compliance with Sections 704.13.3.1 through 704.13.3.2.

704.13.3.1 Surface conditions. Substrates to receive SFRM shall be free of dirt, oil, grease, release agents, loose scale and any other condition that prevents adhesion. The substrates shall be free of primers, paints and encapsulants other than those fire tested and *listed* by a nationally recognized testing agency. Primed, painted or encapsulated steel shall be allowed, provided that testing has demonstrated that required adhesion is maintained.

704.13.3.2 Primers, paints and encapsulants. Where the SFRM is to be applied over primers, paints or encapsulants other than those specified in the listing, the material shall be field tested in accordance with ASTM E736. Where testing of the SFRM with primers, paints or encapsulants demonstrates that required adhesion is maintained, SFRM shall be permitted to be applied to primed, painted or encapsulated wide flange steel shapes in accordance with the following conditions:

1. The beam flange width does not exceed 12 inches (305 mm); or
2. The column flange width does not exceed 16 inches (400 mm); or
3. The beam or column web depth does not exceed 16 inches (400 mm).
4. The average and minimum bond strength values shall be determined based on a minimum of five bond tests conducted in accordance with ASTM E736. Bond tests conducted in accordance with ASTM E736 shall indicate an average bond strength of not less than 80 percent and an individual bond strength of not less than 50 percent, when compared to the bond strength of the SFRM as applied to clean uncoated $\frac{1}{8}$ -inch-thick (3.2 mm) steel plate.

704.13.4 Temperature. A minimum ambient and substrate temperature of 40°F (4.44°C) shall be maintained during and for not fewer than 24 hours after the application of the SFRM, unless the manufacturer's instructions allow otherwise.

704.13.5 Finished condition. The finished condition of SFRM applied to structural members or assemblies shall not, upon complete drying or curing, exhibit cracks, voids, spalls, delamination or any exposure of the substrate. Surface irregularities of SFRM shall be deemed acceptable.

SECTION 705 EXTERIOR WALLS

705.1 General. *Exterior walls* shall comply with this section.

705.2 Projections. Cornices, eave overhangs, exterior balconies and similar projections extending beyond the exterior wall shall conform to the requirements of this section and Section 1406. Exterior egress balconies and exterior exit stairways and ramps shall comply with Sections 1021 and 1027, respectively. Projections shall not extend any closer to the line used to determine the fire separation distance than shown in Table 705.2.

Exception: Buildings on the same lot and considered as portions of one building in accordance with Section 705.3 are not required to comply with this section for projections between the buildings.

TABLE 705.2
MINIMUM DISTANCE OF PROJECTION

FIRE SEPARATION DISTANCE (FSD) (feet)	MINIMUM DISTANCE FROM LINE USED TO DETERMINE FSD
0 to less than 2	Projections not permitted
2 to less than 3	24 inches
3 to less than 5	24 inches plus 8 inches for every foot of FSD beyond 3 feet or fraction thereof
5 or greater	40 inches

For SI: 1 foot = 304.8 mm; 1 inch = 25.4 mm.

705.2.1 Type I and II construction. Projections from walls of Type I or II construction shall be of noncombustible materials or combustible materials as allowed by Sections 1406.3 and 1406.4.

705.2.2 Type III, IV or V construction. Projections from walls of Type III, IV or V construction shall be of any *approved* material.

705.2.3 Combustible projections. Combustible projections extending to within 5 feet (1524 mm) of the line used to determine the *fire separation distance* shall be of not less than 1-hour *fire-resistance-rated* construction, heavy timber construction complying with Section 2304.11, *fire-retardant-treated wood* or as required by Section 1406.3.

Exception: Type VB construction shall be allowed for combustible projections in Group R-3 and U occupancies with a fire separation distance greater than or equal to 5 feet (1524 mm).

705.3 Buildings on the same lot. For the purposes of determining the required wall and opening protection, projections and roof-covering requirements, buildings on the same lot shall be assumed to have an imaginary line between them.

Where a new building is to be erected on the same lot as an existing building, the location of the assumed imaginary line with relation to the existing building shall be such that the *exterior wall* and opening protection of the existing building meet the criteria as set forth in Sections 705.5 and 705.8.

Exceptions:

1. Two or more buildings on the same lot shall be either regulated as separate buildings or shall be considered as portions of one building if the aggregate area of such buildings is within the limits specified in Chapter 5 for a single building. Where the buildings contain different occupancy groups or are of different types of construction, the area shall be that allowed for the most restrictive occupancy or construction.
2. Where an S-2 parking garage of Construction Type I or IIA is erected on the same lot as a Group R-2 building, and there is no *fire separation distance* between these buildings, then the adjoining *exterior walls* between the buildings are permitted to have occupant use openings in accordance with Section 706.8. However, opening protectives in such openings shall only be required in the exterior wall of the S-2 parking garage, not in the exterior wall openings in the R-2 building, and these opening protectives in the exterior wall of the S-2 parking garage shall be not less than 1½-hour *fire protection rating*.

705.4 Materials. *Exterior walls* shall be of materials permitted by the building type of construction.

705.5 Fire-resistance ratings. *Exterior walls* shall be fire-resistance rated in accordance with Tables 601 and 602 and this section. The required *fire-resistance rating* of *exterior walls* with a *fire separation distance* of greater than 10 feet (3048 mm) shall be rated for exposure to fire from the inside. The required *fire-resistance rating* of *exterior walls* with a *fire separation distance* of less than or equal to 10 feet (3048 mm) shall be rated for exposure to fire from both sides.

705.6 Structural stability. *Exterior walls* shall extend to the height required by Section 705.11. Interior structural elements that brace the exterior wall but that are not located within the plane of the exterior wall shall have the minimum *fire-resistance rating* required in Table 601 for that structural element. Structural elements that brace the exterior wall but are located outside of the exterior wall or within the plane of the exterior wall shall have the minimum *fire-resistance rating* required in Tables 601 and 602 for the exterior wall.

705.7 Unexposed surface temperature. Where protected openings are not limited by Section 705.8, the limitation on the rise of temperature on the unexposed surface of *exterior walls* as required by ASTM E119 or UL 263 shall not apply. Where protected openings are limited by Section 705.8, the limitation on the rise of temperature on the unexposed surface of *exterior walls* as required by ASTM E119 or UL 263 shall

not apply provided that a correction is made for radiation from the unexposed *exterior wall* surface in accordance with the following formula:

$$A_e = A + (A_f \times F_{eo}) \quad (\text{Equation 7-1})$$

where:

A_e = Equivalent area of protected openings.

A = Actual area of protected openings.

A_f = Area of *exterior wall* surface in the *story* under consideration exclusive of openings, on which the temperature limitations of ASTM E119 or UL 263 for walls are exceeded.

F_{eo} = An "equivalent opening factor" derived from Figure 705.7 based on the average temperature of the unexposed wall surface and the *fire-resistance rating* of the wall.

705.8 Openings. Openings in *exterior walls* shall comply with Sections 705.8.1 through 705.8.6.

705.8.1 Allowable area of openings. The maximum area of unprotected and protected openings permitted in an *exterior wall* in any *story* of a building shall not exceed the percentages specified in Table 705.8.

Exceptions:

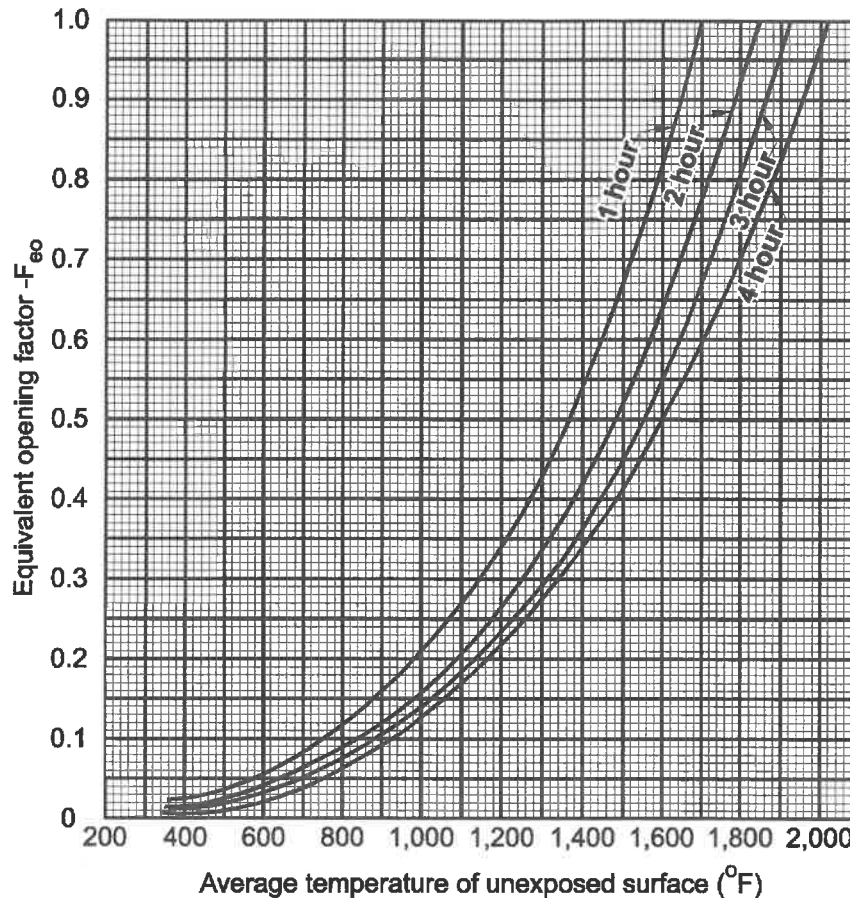
1. In other than Group H occupancies, unlimited unprotected openings are permitted in the first *story* above grade plane either:
 - 1.1. Where the wall faces a street and has a *fire separation distance* of more than 15 feet (4572 mm); or
 - 1.2. Where the wall faces an unoccupied space. The unoccupied space shall be on the same lot or dedicated for public use, shall be not less than 30 feet (9144 mm) in width and shall have access from a street by a posted fire lane in accordance with the *Florida Fire Prevention Code*.
2. Buildings whose exterior bearing walls, exterior nonbearing walls and exterior primary structural frame are not required to be fire-resistance rated shall be permitted to have unlimited unprotected openings.

705.8.2 Protected openings. Where openings are required to be protected, *opening protectives* shall comply with Section 716.

Exception: Opening protectives are not required where the building is equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 and the exterior openings are protected by a water curtain using automatic sprinklers *approved* for that use.

705.8.3 Unprotected openings. Where unprotected openings are permitted, windows and doors shall be constructed of any *approved* materials. Glazing shall conform to the requirements of Chapters 24 and 26.

705.8.4 Mixed openings. Where both unprotected and protected openings are located in the *exterior wall* in any



For SI: °C = [(°F) - 32] / 1.8.

FIGURE 705.7
EQUIVALENT OPENING FACTOR

story of a building, the total area of openings shall be determined in accordance with the following:

$$(A_p/a_p) + (A_u/a_u) \leq 1 \quad (\text{Equation 7-2})$$

where:

A_p = Actual area of protected openings, or the equivalent area of protected openings, A_e (see Section 705.7).

a_p = Allowable area of protected openings.

A_u = Actual area of unprotected openings.

a_u = Allowable area of unprotected openings.

705.8.5 Vertical separation of openings. Openings in exterior walls in adjacent stories shall be separated vertically to protect against fire spread on the exterior of the buildings where the openings are within 5 feet (1524 mm) of each other horizontally and the opening in the lower story is not a protected opening with a fire protection rating of not less than $3/4$ hour. Such openings shall be separated vertically not less than 3 feet (914 mm) by spandrel girders, exterior walls or other similar assemblies that have a fire-resistance rating of not less than 1 hour, rated for exposure to fire from both sides, or by flame barriers

that extend horizontally not less than 30 inches (762 mm) beyond the exterior wall. Flame barriers shall have a fire-resistance rating of not less than 1 hour. The unexposed surface temperature limitations specified in ASTM E119 or UL 263 shall not apply to the flame barriers unless otherwise required by the provisions of this code.

Exceptions:

1. This section shall not apply to buildings that are three stories or less above grade plane.
2. This section shall not apply to buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.
3. Open parking garages.

705.8.6 Vertical exposure. For buildings on the same lot, opening protectives having a fire protection rating of not less than $3/4$ hour shall be provided in every opening that is less than 15 feet (4572 mm) vertically above the roof of an adjacent building or structure based on assuming an imaginary line between them. The opening protectives are required where the fire separation distance between the

TABLE 705.8
MAXIMUM AREA OF EXTERIOR WALL OPENINGS BASED ON
FIRE SEPARATION DISTANCE AND DEGREE OF OPENING PROTECTION

FIRE SEPARATION DISTANCE (feet)	DEGREE OF OPENING PROTECTION	ALLOWABLE AREA ^a
0 to less than 3 ^{b, c, k}	Unprotected, Nonsprinklered (UP, NS)	Not Permitted ^k
	Unprotected, Sprinklered (UP, S) ⁱ	Not Permitted ^k
	Protected (P)	Not Permitted ^k
3 to less than 5 ^{d, e}	Unprotected, Nonsprinklered (UP, NS)	Not Permitted
	Unprotected, Sprinklered (UP, S) ⁱ	15%
	Protected (P)	15%
5 to less than 10 ^{e, f, j}	Unprotected, Nonsprinklered (UP, NS)	10% ^h
	Unprotected, Sprinklered (UP, S) ⁱ	25%
	Protected (P)	25%
10 to less than 15 ^{e, f, g, j}	Unprotected, Nonsprinklered (UP, NS)	15% ^h
	Unprotected, Sprinklered (UP, S) ⁱ	45%
	Protected (P)	45%
15 to less than 20 ^{f, g, j}	Unprotected, Nonsprinklered (UP, NS)	25%
	Unprotected, Sprinklered (UP, S) ⁱ	75%
	Protected (P)	75%
20 to less than 25 ^{f, g, j}	Unprotected, Nonsprinklered (UP, NS)	45%
	Unprotected, Sprinklered (UP, S) ⁱ	No Limit
	Protected (P)	No Limit
25 to less than 30 ^{f, g, j}	Unprotected, Nonsprinklered (UP, NS)	70%
	Unprotected, Sprinklered (UP, S) ⁱ	No Limit
	Protected (P)	No Limit
30 or greater	Unprotected, Nonsprinklered (UP, NS)	No Limit
	Unprotected, Sprinklered (UP, S) ⁱ	No Limit
	Protected (P)	No Limit

For SI: 1 foot = 304.8 mm.

UP, NS = Unprotected openings in buildings not equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

UP, S = Unprotected openings in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

P = Openings protected with an opening protective assembly in accordance with Section 705.8.2.

a. Values indicated are the percentage of the area of the exterior wall, per story.

b. For the requirements for fire walls of buildings with differing heights, see Section 706.6.1.

c. For openings in a fire wall for buildings on the same lot, see Section 706.8.

d. The maximum percentage of unprotected and protected openings shall be 25 percent for Group R-3 occupancies.

e. Unprotected openings shall not be permitted for openings with a fire separation distance of less than 15 feet for Group H-2 and H-3 occupancies.

f. The area of unprotected and protected openings shall not be limited for Group R-3 occupancies, with a fire separation distance of 5 feet or greater.

g. The area of openings in an open parking structure with a fire separation distance of 10 feet or greater shall not be limited.

h. Includes buildings accessory to Group R-3.

i. Not applicable to Group H-1, H-2 and H-3 occupancies.

j. The area of openings in a building containing only a Group U occupancy private garage or carport with a fire separation distance of 5 feet (1523 mm) or greater shall not be limited.

k. For openings between S-2 parking garage and Group R-2 building, see Section 705.3, Exception 2.

imaginary line and the adjacent building or structure is less than 15 feet (4572 mm).

Exceptions:

- Opening protectives are not required where the roof assembly of the adjacent building or structure has a *fire-resistance rating* of not less than 1 hour for a minimum distance of 10 feet (3048 mm) from the *exterior wall* facing the imaginary line and the entire length and span of the supporting elements for the fire-resistance-rated roof

assembly has a *fire-resistance rating* of not less than 1 hour.

- Buildings on the same lot and considered as portions of one building in accordance with Section 705.3 are not required to comply with Section 705.8.6.

705.9 Joints. Joints made in or between *exterior walls* required by this section to have a *fire-resistance rating* shall comply with Section 715.

Exception: Joints in *exterior walls* that are permitted to have unprotected openings.

705.9.1 Voids. The void created at the intersection of a floor/ceiling assembly and an exterior curtain wall assembly shall be protected in accordance with Section 715.4.

705.10 Ducts and air transfer openings. Penetrations by air ducts and air transfer openings in fire-resistance-rated *exterior walls* required to have protected openings shall comply with Section 717.

Exception: Foundation vents installed in accordance with this code are permitted.

705.11 Parapets. Parapets shall be provided on *exterior walls* of buildings.

Exceptions: A parapet need not be provided on an *exterior wall* where any of the following conditions exist:

1. The wall is not required to be fire-resistance rated in accordance with Table 602 because of *fire separation distance*.
2. The building has an area of not more than 1,000 square feet (93 m²) on any floor.
3. Walls that terminate at roofs of not less than 2-hour fire-resistance-rated construction or where the roof, including the deck or slab and supporting construction, is constructed entirely of noncombustible materials.
4. One-hour fire-resistance-rated *exterior walls* that terminate at the underside of the roof sheathing, deck or slab, provided:
 - 4.1. Where the roof/ceiling framing elements are parallel to the walls, such framing and elements supporting such framing shall not be of less than 1-hour fire-resistance-rated construction for a width of 4 feet (1220 mm) for Groups R and U and 10 feet (3048 mm) for other occupancies, measured from the interior side of the wall.
 - 4.2. Where roof/ceiling framing elements are not parallel to the wall, the entire span of such framing and elements supporting such framing shall not be of less than 1-hour fire-resistance-rated construction.
 - 4.3. Openings in the roof shall not be located within 5 feet (1524 mm) of the 1-hour fire-resistance-rated *exterior wall* for Groups R and U and 10 feet (3048 mm) for other occupancies, measured from the interior side of the wall.
 - 4.4. The entire building shall be provided with not less than a Class B roof covering.
5. In Groups R-2 and R-3 where the entire building is provided with a Class C roof covering, the *exterior wall* shall be permitted to terminate at the underside of the roof sheathing or deck in Type III, IV and V construction, provided one or both of the following criteria is met:
 - 5.1. The roof sheathing or deck is constructed of *approved* noncombustible materials or

of *fire-retardant-treated wood* for a distance of 4 feet (1220 mm).

- 5.2. The roof is protected with 0.625-inch (16 mm) Type X gypsum board directly beneath the underside of the roof sheathing or deck, supported by not less than nominal 2-inch (51 mm) ledgers attached to the sides of the roof framing members for a minimum distance of 4 feet (1220 mm).

6. Where the wall is permitted to have not less than 25 percent of the *exterior wall* areas containing unprotected openings based on *fire separation distance* as determined in accordance with Section 705.8.

705.11.1 Parapet construction. Parapets shall have the same *fire-resistance rating* as that required for the supporting wall, and on any side adjacent to a roof surface, shall have noncombustible faces for the uppermost 18 inches (457 mm), including counterflashing and coping materials. The height of the parapet shall be not less than 30 inches (762 mm) above the point where the roof surface and the wall intersect. Where the roof slopes toward a parapet at a slope greater than two units vertical in 12 units horizontal (16.7-percent slope), the parapet shall extend to the same height as any portion of the roof within a *fire separation distance* where protection of wall openings is required, but in no case shall the height be less than 30 inches (762 mm).

SECTION 706 FIRE WALLS

706.1 General. Each portion of a building separated by one or more *fire walls* that comply with the provisions of this section shall be considered a separate building. The extent and location of such *fire walls* shall provide a complete separation. Where a *fire wall* separates occupancies that are required to be separated by a *fire barrier wall*, the most restrictive requirements of each separation shall apply.

706.1.1 Party walls. Any wall located on a *lot line* between adjacent buildings, which is used or adapted for joint service between the two buildings, shall be constructed as a *fire wall* in accordance with Section 706. Party walls shall be constructed without openings and shall create separate buildings.

Exception: Openings in a party wall separating an *anchor building* and a mall shall be in accordance with Section 402.4.2.2.1.

706.2 Structural stability. *Fire walls* shall be designed and constructed to allow collapse of the structure on either side without collapse of the wall under fire conditions. *Fire walls* designed and constructed in accordance with NFPA 221 shall be deemed to comply with this section.

706.3 Materials. *Fire walls* shall be of any *approved* noncombustible materials.

Exception: Buildings of Type V construction.

CHAPTER 6

TYPES OF CONSTRUCTION

SECTION 601 GENERAL

601.1 Scope. The provisions of this chapter shall control the classification of buildings as to type of construction.

SECTION 602 CONSTRUCTION CLASSIFICATION

602.1 General. Buildings and structures erected or to be erected, altered or extended in height or area shall be classified in one of the five construction types defined in Sections 602.2 through 602.5. The building elements shall have a *fire-resistance rating* not less than that specified in Table 601 and exterior walls shall have a *fire-resistance rating* not less than that specified in Table 602. Where required to have a *fire-resistance rating* by Table 601, building elements shall comply with the applicable provisions of Section 703.2. The protection of openings, ducts and air transfer openings in building elements shall not be required unless required by other provisions of this code.

602.1.1 Minimum requirements. A building or portion thereof shall not be required to conform to the details of a type of construction higher than that type which meets the minimum requirements based on occupancy even though

certain features of such a building actually conform to a higher type of construction.

602.2 Types I and II. Types I and II construction are those types of construction in which the building elements listed in Table 601 are of noncombustible materials, except as permitted in Section 603 and elsewhere in this code.

602.3 Type III. Type III construction is that type of construction in which the exterior walls are of noncombustible materials and the interior building elements are of any material permitted by this code. *Fire-retardant-treated wood* framing complying with Section 2303.2 shall be permitted within exterior wall assemblies of a 2-hour rating or less.

602.4 Type IV. Type IV construction is that type of construction in which the exterior walls are of noncombustible materials and the interior building elements are of solid wood, laminated wood, heavy timber (HT) or structural composite lumber (SCL) without concealed spaces. The minimum dimensions for permitted materials including solid timber, glued-laminated timber, structural composite lumber (SCL) and cross-laminated timber and details of Type IV construction shall comply with the provisions of this section and Section 2304.11. Exterior walls complying with Section 602.4.1 or 602.4.2 shall be permitted. Interior walls and partitions not less than 1-hour fire-resistance rating or heavy timber complying with Section 2304.11.2.2 shall be permitted.

TABLE 601
FIRE-RESISTANCE RATING REQUIREMENTS FOR BUILDING ELEMENTS (HOURS)

BUILDING ELEMENT	TYPE I		TYPE II		TYPE III		TYPE IV	TYPE V	
	A	B	A	B	A	B	HT	A	B
Primary structural frame ^f (see Section 202)	3 ^a	2 ^a	1	0	1	0	HT	1	0
Bearing walls									
Exterior ^{e, f}	3	2	1	0	2	2	2	1	0
Interior	3 ^a	2 ^a	1	0	1	0	1/HT	1	0
Nonbearing walls and partitions	See Table 602								
Exterior									
Nonbearing walls and partitions									
Interior ^d	0	0	0	0	0	0	See Section 2304.11.2	0	0
Floor construction and associated secondary members (see Section 202)	2	2	1	0	1	0	HT	1	0
Roof construction and associated secondary members (see Section 202)	1 1/2 ^b	1 ^{b, c}	1 ^{b, c}	0 ^c	1 ^{b, c}	0	HT	1 ^{b, c}	0

For SI: 1 foot = 304.8 mm.

- a. Roof supports: Fire-resistance ratings of primary structural frame and bearing walls are permitted to be reduced by 1 hour where supporting a roof only.
- b. Except in Group F-1, H, M and S-1 occupancies, fire protection of structural members shall not be required, including protection of roof framing and decking where every part of the roof construction is 20 feet or more above any floor immediately below. Fire-retardant-treated wood members shall be allowed to be used for such unprotected members.
- c. In all occupancies, heavy timber complying with Section 2304.11 shall be allowed where a 1-hour or less fire-resistance rating is required.
- d. Not less than the fire-resistance rating required by other sections of this code.
- e. Not less than the fire-resistance rating based on fire separation distance (see Table 602).
- f. Not less than the fire-resistance rating as referenced in Section 704.10.

TABLE 602

FIRE-RESISTANCE RATING REQUIREMENTS FOR EXTERIOR WALLS BASED ON FIRE SEPARATION DISTANCE^{a, d, g}

FIRE SEPARATION DISTANCE = X (feet)	TYPE OF CONSTRUCTION	OCCUPANCY GROUP H ^a	OCCUPANCY GROUP F-1, M, S-1 ^f	OCCUPANCY GROUP A, B, E, F-2, I, R, S-2, U ^b
$X < 5^b$	All	3	2	1
$5 \leq X < 10$	IA	3	2	1
	Others	2	1	1
$10 \leq X < 30$	IA, IB	2	1	1 ^c
	IIB, VB	1	0	0
	Others	1	1	1 ^c
$X \geq 30$	All	0	0	0

For SI: 1 foot = 304.8 mm.

- Load-bearing exterior walls shall also comply with the fire-resistance rating requirements of Table 601.
- See Section 706.1.1 for party walls.
- Open parking garages complying with Section 406 shall not be required to have a fire-resistance rating.
- The fire-resistance rating of an exterior wall is determined based upon the fire separation distance of the exterior wall and the story in which the wall is located.
- For special requirements for Group H occupancies, see Section 415.6.
- For special requirements for Group S aircraft hangars, see Section 412.4.1.
- Where Table 705.8 permits nonbearing exterior walls with unlimited area of unprotected openings, the required fire-resistance rating for the exterior walls is 0 hours.
- For a building containing only a Group U occupancy private garage or carport, the exterior wall shall not be required to have a fire-resistance rating where the fire separation distance is 5 feet (1523 mm) or greater.

602.4.1 Fire-retardant-treated wood in exterior walls.

Fire-retardant-treated wood framing and sheathing complying with Section 2303.2 shall be permitted within exterior wall assemblies not less than 6 inches (152 mm) in thickness with a 2-hour rating or less.

602.4.2 Cross-laminated timber in exterior walls.

Cross-laminated timber complying with Section 2303.1.4 shall be permitted within exterior wall assemblies not less than 6 inches (152 mm) in thickness with a 2-hour rating or less, provided the exterior surface of the cross-laminated timber is protected by one the following:

- Fire-retardant-treated wood* sheathing complying with Section 2303.2 and not less than $1\frac{5}{32}$ inch (12 mm) thick;
- Gypsum board* not less than $\frac{1}{2}$ inch (12.7 mm) thick; or
- A noncombustible material.

602.4.3 Exterior structural members. Where a horizontal separation of 20 feet (6096 mm) or more is provided, wood columns and arches conforming to heavy timber sizes complying with Section 2304.11 shall be permitted to be used externally.

602.5 Type V. Type V construction is that type of construction in which the structural elements, *exterior walls* and interior walls are of any materials permitted by this code.

SECTION 603 COMBUSTIBLE MATERIAL IN TYPES I AND II CONSTRUCTION

603.1 Allowable materials. Combustible materials shall be permitted in buildings of Type I or II construction in the fol-

lowing applications and in accordance with Sections 603.1.1 through 603.1.3:

1. *Fire-retardant-treated wood* shall be permitted in:

- Nonbearing partitions where the required *fire-resistance rating* is 2 hours or less.
- Nonbearing *exterior walls* where fire-resistance-rated construction is not required.
- Roof construction, including girders, trusses, framing and decking.

Exception: In buildings of Type IA construction exceeding two stories above grade plane, *fire-retardant-treated wood* is not permitted in roof construction where the vertical distance from the upper floor to the roof is less than 20 feet (6096 mm).

- Thermal and acoustical insulation, other than foam plastics, having a *flame spread index* of not more than 25.

Exceptions:

- Insulation placed between two layers of noncombustible materials without an intervening airspace shall be allowed to have a *flame spread index* of not more than 100.
- Insulation installed between a finished floor and solid decking without intervening airspace shall be allowed to have a *flame spread index* of not more than 200.
- Foam plastics in accordance with Chapter 26.
- Roof coverings that have an A, B or C classification.
- Interior floor finish* and floor covering materials installed in accordance with Section 804.

EXHIBIT 2

ORDINANCE 2022-03

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE V “ZONING,” SECTION 30-241(e) “INTRA LOT PLACEMENT” TO REMOVE MINIMUM SEPARATION REQUIREMENT FOR GROUPED STRUCTURES AND BUILDINGS AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lauderdale-By-The-Sea (the “Town”) Commission recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the Town’s regulations are current and consistent with the Town’s regulatory needs; and

WHEREAS, building separation distances provide health and safety benefits to the community at large; and

WHEREAS, certain building separation requirements in the Unified Land Development Regulations conflict with separation distances allowed under the Fire and Building Codes; and

WHEREAS, the Town desires to have regulations that provide property owners’ the greatest flexibility in the use of their land; and

WHEREAS, the Town Commission desires to amend Town Code Section 30-241(e), “Intra Lot Placement.”

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

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

EXHIBIT 2

SECTION 2. Amendment. Chapter 30, “Unified Land Development Regulations,” Article V, “Zoning,” “RM-25 district – Apartments and Lodging” of the Town Code of Ordinances, is hereby amended as follows¹:

Chapter 30 – UNIFIED LAND DEVELOPMENT REGULATIONS

ARTICLE V. ZONING

* * *

Sec. 30-241. – RM-25 district – Apartments and Lodging.

(e) ~~*Intra lot placement.* All buildings or structures which are grouped together shall be separated by a minimum distance equal to 20 lineal feet including roof overhangs, cornices, and eaves. If the walls of adjacent buildings or structures are not parallel, the distance measured on a straight line connecting the midpoints of the two oblique walls shall be considered as the line along which the building separation requirement shall be measured, but in no instance shall the minimum distance between buildings or structures be less than 20 lineal feet at any point. Air conditioning units and other mechanical structures may not be installed on either adjacent wall less than 20 feet apart.~~ Reserved.

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

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

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

¹ Additions to existing text are shown in underline. Deletions are shown in ~~striketrough~~.

EXHIBIT 2

SECTION 6. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage on second reading.

Passed on the first reading, this ____ day of _____, 2022.

Passed and adopted on the second reading, this ____ day of _____, 2022.

MAYOR CHRIS VINCENT

	First Reading	Second Reading
Mayor Vincent	_____	_____
Vice-Mayor Malkoon	_____	_____
Commissioner Strauss	_____	_____
Commissioner Oldaker	_____	_____
Commissioner Pouloupoulos	_____	_____

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney



Town Commission Agenda Item Report

Meeting Date: June 14, 2022

Submitted by: Jhanelle Campbell, Director of Development Services

Submitting Department: Development Services

Item Type: Ordinance

Agenda Section: Ordinance – 2nd Reading

Subject Title: Ordinance 2022-02 – 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” AND ARTICLE V “ZONING,” SECTION 30-311 “BOATS, BOAT LIFTS, BOAT HOUSES, MOORING, AND DOCKING” AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE. **(Exhibit 1)**

Explanation: At its March 22, 2022, meeting, the Town Manager requested the Commission’s consensus to process a code amendment for the allowable width of docks along the Intracoastal Waterway. The Commission provided consensus for staff to move forward with an ordinance and expanded the discussion to include the prohibition of finger piers within the Town’s dock regulations. Following the Town’s historical practice, staff reviewed the entirety of the code section to update and clarify while we were reviewing the dock standards. As a result, the proposed changes, which are included in **Table 1** below, also update definitions and modify the regulations and requirements for clarity.

The proposed Ordinance was presented to the Planning and Zoning Board at its April 27, 2022, meeting and further detail regarding these issues and the Board’s comments are available in the Planning and Zoning Board’s staff report **(Exhibit 2)**. During discussion of the Ordinance, the Planning and Zoning Board heard concerns from the public, including the need to increase setbacks between commercial and residential properties for marine structures. The Board recommend approval of the ordinance with the recommendation to include a 25-foot setback for marine structures on commercial properties which abut residential properties by a vote of 5-0.

Based on the discussion at the Planning and Zoning Board meeting, staff conducted further research into similar codes in other jurisdictions for setback requirements between commercial and residential properties for marine structures **(Exhibit 3)**. The least intensive commercial zoning district in each city was determined by comparing allowed and conditional uses to those in the Town’s B-1, Business district. In each reviewed code, side setbacks for docks were handled in one of three ways:

1. They must adhere to the zoning district’s side setbacks,
2. They must adhere to side setbacks for accessory structures, or
3. They must adhere to side setbacks specific to dock structures.

Of those cities surveyed, side setbacks for accessory docks on commercial property ranged from 0 feet to as much as 15 feet. Staff also examined the properties that the Board’s recommended change to the side setback would impact (Blue Moon and Benihana properties on the Intracoastal Waterway as well as two properties in the marina basin), to understand how change would affect them. Based on this analysis of the impact of the change within our Town, as well as our review of restrictions in similar jurisdictions, staff recommends, which differs from the recommendation of the Planning and Zoning Board, commercial properties situated along the Intracoastal Waterway and abutting one or more residential properties have a 10-foot side setback for docks on the side adjacent to residential use.

At its May 10, 2022, meeting, the Town Commission considered the proposed Ordinance and voted 5-0 to approve it on first reading with the following conditions:

1. Segregate the issues of marine structures in waterways 100 feet and under in width from those in waterways over 100 feet in width;
2. An outright ban of finger piers should be rethought and regulations for them should be reconsidered; and
3. Review the regulations for boat lifts to consider the measurement from the water's edge instead of from the property line.

Since that time, staff has further reviewed similar codes in other jurisdictions and consulted with experts to prepare the requested revisions from Town Commission. The ordinance has been revised from first reading to reflect the Commission's direction by;

1. Reincorporating the Town's current regulations regarding finger piers, and deleting proposed language regarding grandfather status for existing finger piers since they are no longer being banned; and
2. Changing the code so that it addresses regulations separately for those waterways less than 100 feet and those that are in excess of 100 feet in width.

The Commission's request to review standards for boat lifts requires more research and we have not incorporated changes to this proposed ordinance. We will continue the required research, bring the issue before the Planning and Zoning Board for deliberation and will then present this issue to the Commission under a separate ordinance.

Other than those changes listed above, the remaining amendments to the code reflect the Town's desire to update dock regulations specific to the Intracoastal Waterway, update definitions, and delete duplicative or outdated terminology. These revisions are outlined in **Table 1** below with those depicted in yellow representing the changes from first reading.

Table 1

	Issue	Ordinance Requirement	Ordinance Line Number
Items highlighted in yellow have been revised since first reading.			
1.	Clarify definitions for boat lift, dock, dolphin pile, finger pier, and piling.	Current land development regulations do not clearly define these terms.	52-87
2.	Clarification of terms.	Remove terms within the Code that either duplicate the meaning of other terms or are not specifically regulated by the Code.	100
3.	Clarification of terms.	Remove terms within the Code that either duplicate the meaning of other terms or are not specifically regulated by the Code.	108-109
4.	The Town has canals from 80-100' in width and these regulations are never applicable.	Delete regulations for marine structures built in waterways 50 feet and under in width.	116-120
5.	Maintain regulations for existing marine structures in waterways 100 feet and under in width.	Replace regulation of waterways 50 feet and over in width to 100 feet or less.	121-122
6.	Clarification of terms.	Remove terms within the Code that either duplicate the meaning of other terms or are not specifically regulated by the Code.	125
7.	Add language back to allow finger pier construction in waterway 100 feet and under in width.	Replace previously deleted language specifying dimensional standards for finger piers. Clarify terminology for use in the standard mooring area.	128-130 and Table

	Issue	Ordinance Requirement	Ordinance Line Number
Items highlighted in yellow have been revised since first reading.			
8.	Delete provisions for legal nonconforming finger piers to remain.	Language unnecessary if finger piers are allowed.	131-135
9.	Clarification of terms.	Remove terms within the Code that either duplicate the meaning of other terms or are not specifically regulated by the Code.	136-138
10.	Clarification of terms.	Remove terms within the Code that either duplicate the meaning of other terms or are not specifically regulated by the Code	145-151
11.	Segregate regulations for waterways over 100 feet in width into separate section of Ordinance.	Delete regulations for waterways over 100 feet in width to be considered separately.	152-170
12.	Renumber sections appropriately for deleted language.	Delete numbering and add new numbering.	171
13.	Clarification of terms.	Remove terms within the Code that either duplicate the meaning of other terms or are not specifically regulated by the Code.	172-173
14.	P&Z Board discussion to include 25' setback on commercial properties next to residential properties.	Add language to regulate commercial properties along waterways greater than 100 feet in width and abutting residential properties to have a 10' setback for marine structures.	175-178
15.	Clarification of terms.	Remove terms within the Code that either duplicate the meaning of other terms or are not specifically regulated by the Code.	179
16.	Segregate proposed regulations for waterways over 100 feet in width into a separate section.	Provide dimensional standards for docks at 15 feet and finger piers, boat lifts, and dolphins that are consistent with existing regulations for smaller canals.	203-224
17.	Clarification of terms.	Remove terms within the Code that either duplicate the meaning of other terms or are not specifically regulated by the Code.	228
18.	Clarification of where vessels may be moored.	Added language to preclude mooring within the navigational channel to increase safety.	230-234

The changes in the proposed Ordinance, **Exhibit 1**, focus on the direction received from the Town Commission as well as removing obsolete language and straightening out terminology. In an upcoming ordinance, staff will present changes to boat lift measurements due to additional research needs as well as simplify standards for other structures in the Intracoastal Waterway and smaller canals.

Recommendation: Staff recommends approval of Ordinance 2022-02, as amended.

Attachments:

- Ex. 1 Ordinance 2022-02
- Ex. 2 Planning and Zoning Board Staff Report
- Ex. 3 Comparative Table of Commercial Dock Regulations

Reviewed by Town Attorney:

☒	Yes	☐	No
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File: R:\0 Agenda\Commission Agendas 2022\6-14-22\Development Services\Ordinance 2022-02, Marine Structures (2nd Read)\06-14-22 Ordinance 2022-02 Marine Structures FINAL, 06-14-22.docx

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marine structures on commercial properties abutting residential properties from the existing five feet to twenty-five feet; and

WHEREAS, the Town staff evaluated the Board’s recommendation, and recommends that the Town Commission increase the existing five-foot side setback to ten feet for those commercial properties on the Intracoastal Waterway when they abut residential properties; and

WHEREAS, at first reading, the Town Commission directed revisions to the Ordinance including segregating issues relating to waterways 100 feet and under in width from those over 100 feet in width, consideration of retaining finger pier construction within the Code, and reviewing the regulations for boat lifts to consider measuring from the water’s edge as opposed to the property line; and

WHEREAS, the Town Commission conducted first and second reading of this Ordinance at duly noticed public hearings, as required by law, and after having received input from and participation by interested members of the public and staff, the Town Commission has determined that this Ordinance is consistent with the Town’s Comprehensive Plan and in the best interest of the Town, its residents, and its visitors.

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

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

SECTION 2. Amendment. Chapter 30, “Unified Land Development Regulations,” Article I, “In General,” Section 30-11, “Definitions” of the Town Code of Ordinances, is hereby amended as follows¹:

¹ Additions to existing text are shown in underline. Deletions are shown in ~~strikethrough~~. Additions to existing text since 1st reading are shown in double underline. Deletions since 1st reading are shown in ~~double-strikethrough~~.

Chapter 30 – UNIFIED LAND DEVELOPMENT REGULATIONS

ARTICLE I. IN GENERAL

* * *

Sec. 30-11. – Definitions.

* * *

(c) *Abbreviations and definitions.*

* * *

(2) *Terms defined.*

* * *

"Boat lift" shall mean any device fixed to the ground, a seawall, post, piling or a dock, designed to lift watercraft clear of the water.

* * *

"Dock" shall mean any structure and appurtenances thereto extending into or above any body of water including, but not limited to, lakes, canals or waterways, designed and used primarily for the securing of watercraft in the water, fishing, swimming or other water-related activity. "Dock" shall also be used to mean "wharf" or "boat slip". The word "dock" as used herein shall include any structure extending out from the seawall that is generally parallel to a seawall or property line which it abuts.

"Dolphin Pile" shall mean a single pile or cluster of closely driven piles used as a fender for a dock or as a mooring or guide for watercraft, but not used as a channel marker or as a dock piling.

* * *

"Finger pier" shall mean a docking and mooring facility which extends into any body of water in a direction generally perpendicular to a seawall or property line. This term shall include "T" and "L"-shaped docks.

* * *

"Piling" shall mean the vertical support member of a dock.

* * *

SECTION 3. Amendment. Chapter 30, “Unified Land Development Regulations,” Article V, “Zoning,” Section 30-311, “Boats, boat lifts, boathouses, mooring and docking” of the Town Code of Ordinances, is hereby amended as follows²:

Chapter 30 – UNIFIED LAND DEVELOPMENT REGULATIONS

ARTICLE V. ZONING

* * *

DIVISION 2. DISTRICTS

* * *

Subdivision Q. Supplemental Regulations.

Sec. 30-311. – Boats, boat lifts, boathouses, mooring, and docking.

(a) *Intent.*

(1) The intent of this section is to permit construction in and upon the waterways of docks, boatslips, wharves, finger piers, boat lifts, dolphin piles, ~~fender or mooring piles~~ and other related structures which do not interfere with navigation, endanger life or property, or delay the public reasonable viable access to public waterways.

(2) Structures not similar in nature to those listed herein are prohibited.

(3) The requirements contained in this section shall apply and control the development on the waterways Town-wide.

(4) Marinas shall comply with this section.

(b) *Permit required.*

(1) It shall be unlawful for any person to construct or erect docks, ~~wharves~~, piers, or dolphin piles, ~~mooring or fender piles~~ or any type of boat lifting or mooring device or any other structure on or in waterways without first obtaining:

a. Any required Broward County permits and/or approvals, and subsequently, a building permit from the Town; and

² Additions to existing text are shown in underline. Deletions are shown in ~~strikethrough~~. Additions to existing text since 1st reading are shown in double underline. Deletions since 1st reading are shown in ~~double strikethrough~~.

113 b. The necessary approvals and/or permits from the United States Army Corps of
 114 Engineers, or other governmental agencies as applicable to certain navigable
 115 waterways.

116 (c) *Structures in waterways 100 feet or less in width.*

117 ~~(1) In a waterway 50 feet in width or less, boat slips, wharves, finger piers, docks, boat~~
 118 ~~lifts, or dolphin, fender or mooring piles, or any other structures shall not be~~
 119 ~~constructed or erected into any waterway more than five feet beyond the recorded~~
 120 ~~property line.~~

121 ~~(21)~~ In a waterway ~~which~~ that is more than 50 100 feet or less in width, boat slips, wharves,
 122 finger piers, docks, boat lifts, or dolphin, ~~fender, or mooring~~ piles may be constructed or
 123 erected in a standard or marina mooring area under the following conditions providing
 124 the navigation channel is not encroached upon:

125 a. ~~Boat slips, docks or wharves~~ Docks or wharves may be constructed or erected to extend into any waterway
 126 a distance of ten percent of the width of the waterway or distance of eight feet,
 127 whichever is less, as measured from the recorded property line.

128 b. *Finger piers.* ~~1. Finger Piers~~ Finger Piers may be constructed or erected to extend into ~~any~~
 129 ~~waterway a standard mooring area or a marina mooring area established under~~
 130 ~~Section 30-311(e)(f).~~ Section 30-311(e)(f), subject to the requirements below:

Finger Pier	Waterway <u>Waterway</u>	Marina Mooring Area (established pursuant to 30-311(f)(e))
Length	Ten percent of the width of the water or a distance of 20 feet, whichever is less, measured from the recorded property line. <u>Ten percent of the width of the waterway or a distance of 20 feet, whichever is less, measured from the recorded property line.</u>	Sixteen percent of the width of the waterway or a distance of 25 feet, whichever is less, as measured from the recorded property line.
Width	No greater than necessary to meet ADA access requirements. <u>No greater than necessary to meet ADA access requirements</u>	No greater than necessary to meet ADA access requirements.

Separation	Not less than 25 feet	Not less than 20 feet
	Not less than 25 feet	

~~2. Any finger pier(s) in existence and constructed pursuant to a valid building permit issued prior to the effective date of this Section shall be deemed legal, nonconforming structures subject to the provisions of Article IV, Division 8, Section 30-137, Nonconforming Uses and Structures, as set forth in this Chapter of the Town Code.~~

c. Boat lifts, lifting devices.

1. ~~Boat davits, elevator lifts, cradle lifts, floating lifts, or any other similar form of boat lifting device~~ Boat lifts may be constructed or erected to extend into any waterway in a fully raised position, a distance equal to 20 percent of the width of the waterway or a distance of 20 feet, whichever is less, as measured from the recorded property line.

2. A vertical guide pole with reflective identification marking shall be permanently mounted to the outer end of the lift and shall extend a minimum of six feet above the surface of the water at all times.

d. Dolphin, ~~mooring or fender~~ piles.

1. Dolphin, ~~mooring or fender~~ piles may be erected to extend into any waterway no further than the navigation channel boundary line, as measured from the recorded property line.

2. Dolphin, ~~mooring, or fender~~ piles shall have a six-inch wide reflective band placed two feet below the top of the piling.

3. The minimum spacing between dolphin, ~~fender or mooring~~ piles shall be ten feet.

~~(2) In a waterway that is more than 100 feet in width, docks, boat lifts, or dolphin piles may be constructed or erected in a standard or marina mooring area under the following conditions providing the navigation channel is not encroached upon:~~

~~a. Docks may be constructed or erected to extend into the waterway a maximum distance of fifteen (15) feet, as measured from the recorded property line.~~

~~b. Finger piers are specifically prohibited.~~

~~c. Boat lifts.~~

~~1. Boat lifts may be constructed or erected to extend into any waterway in a fully raised position, a distance equal to 20 percent of the width of the waterway or a distance of 20 feet, whichever is less, as measured from the recorded property line.~~

~~2. A vertical guide pole with reflective identification marking shall be permanently mounted to the outer end of the lift and shall extend a minimum of six feet above the surface of the water at all times.~~

~~d. Dolphin piles.~~

~~1. Dolphin piles may be erected to extend into any waterway no further than the navigation channel boundary line as measured from the recorded property line.~~

~~2. Dolphin piles shall have a six-inch wide reflective band placed two feet below the top of the piling.~~

~~3. Dolphin piles shall be a minimum of ten feet apart.~~

~~(2)(3)~~ Setbacks.

~~1. No boat docks, wharves, finger piers, boat lifts lifting or mooring devices, dolphin piles or other similar structures may be erected in the waterway, within five feet of an extended side property line.~~

~~2. For only those commercial properties on the Intracoastal Waterway and abutting a residential property, no docks, finger piers, boat lifts, or dolphin piles may be erected in the waterway within 10 feet of an extended side property line that is adjacent to a residential use.~~

~~(3)(4)~~ Boat docks, wharves, or and finger piers shall not be constructed or erected where the elevation of the deck exceeds the elevation of the top of the abutting seawall.

~~(4)(5)~~ Common docking area. In addition to the provisions contained in sub-sections (1) through ~~(3)(4)~~, if two or more lots share a common docking area, the following conditions must be met prior to any permit being issued pursuant to this section:

a. The affected property owners shall enter into an agreement with the Town which shall state the property owners have reviewed and approved the proposed plans as they relate to the placement of any structure in the common docking area as well as the proposed docking of any boat or watercraft.

b. The agreement shall be approved by the Town and thereafter recorded by the property owners along with a copy of the approved plans in the Public Records of Broward County, Florida, and shall be considered to be a restriction running with the land and shall bind the heirs, successors and assigns of the property owners.

~~(5)(6)~~ Where a court of competent jurisdiction has adjudicated the docking rights of the adjoining property owners, the provisions of subsections (1) through ~~(4)(5)~~ shall not apply, to the extent they are superseded by the Court's ruling, if proof of such adjudication is submitted with the building permit application.

~~(6)(7)~~ Any structure erected in any waterway shall be kept in good repair by the owner thereof and shall be subject to removal by the Town in the event that they are unsafe or create a hazard to navigation as determined by the Town, the cost thereof to be assessed against the owner. Opportunity for notice and a hearing shall be afforded to the owner prior to such removal by the Town.

~~(7)(8)~~ Boathouses and boat canals dug or excavated into any of the platted waterfront lots are prohibited.

(d) Structures in waterways over 100 feet in width. (Intracoastal Waterway)

(1) In a waterway that is more than 100 feet in width, docks, boat lifts, or dolphin piles may be constructed or erected in a standard or marina mooring area under the following conditions, providing the navigation channel is not encroached upon:

a. Docks may be constructed or erected to extend into the waterway a maximum distance of fifteen (15) feet, as measured from the recorded property line.

b. Finger piers ~~are specifically prohibited.~~ may be constructed or erected a distance of 10 percent of the width of the waterway or a distance of 20 feet, whichever is less, as measured from the recorded property line, no wider than necessary to meet ADA access requirements, and separated by not less than 25 feet.

c. Boat lifts.

1. Boat lifts may be constructed or erected to extend into any waterway in a fully raised position, a distance equal to 20 percent of the width of the waterway or a distance of 20 feet, whichever is less, as measured from the recorded property line.

2. A vertical guide pole with reflective identification marking shall be permanently mounted to the outer end of the lift and shall extend a minimum of six feet above the surface of the water at all times.

d. Dolphin piles.

1. Dolphin piles may be erected to extend into any waterway no further than the navigation channel boundary line as measured from the recorded property line.

2. Dolphin piles shall have a six-inch wide reflective band placed two feet below the top of the piling.

- 225 3. Dolphin piles shall be a minimum of ten feet apart.
- 226 ~~(e)(4)~~ *Docking and mooring of watercraft.*
- 227 (1) No watercraft shall be docked or moored:
- 228 a. Except at an approved dock, ~~wharf, boat slip,~~ finger pier, tender or mooring dolphin
- 229 pile within a standard mooring area or a marina mooring area designated pursuant to a
- 230 conditional use approval;
- 231 b. Such that it extends beyond the standard mooring area or if applicable, the marina
- 232 mooring area; ~~or~~
- 233 c. Such that it extends within five feet of an extended side property line; or
- 234 d. Such that it extends into the navigational channel.
- 235 (2) The DSD shall have the right and authority to regulate the size or number of watercraft
- 236 moored at a specific property when necessary to protect public safety.
- 237 ~~(f)(e)~~ *Designation of a marina mooring area.* A marina, or any applicant for a marina, located in
- 238 the B-1 zoning district may request approval of a designated marina mooring area as part of a
- 239 conditional use application or conditional use amendment for the marina. Such designation
- 240 shall be subject to all the requirements of section 30-271.

241

242 * * *

243

244 **SECTION 4. Codification.** This Ordinance shall be codified in accordance with the

245 foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall

246 become and be made a part of the Town of Lauderdale-By-The-Sea Code of Ordinances; and that

247 the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be

248 changed to “section,” “article” or such other appropriate word or phrase in order to accomplish

249 such intentions.

250 **SECTION 5. Severability.** If any section, sentence, clause, or phrase of this Ordinance is

251 held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding

252 shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 6. Conflicting Ordinances. All prior ordinances or resolutions, or parts thereof,
in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 7. Effective Date. This Ordinance shall be in full force and effect immediately
upon its passage on second reading.

Passed on the first reading, this ____ day of May, 2022.

Passed and adopted on the second reading, this ____ day of June, 2022.

MAYOR CHRIS VINCENT

	First Reading	Second Reading
Mayor Vincent	_____	_____
Vice-Mayor Malkoon	_____	_____
Commissioner Pouloupoulos	_____	_____
Commissioner Strauss	_____	_____
Commissioner Oldaker	_____	_____

ATTEST:

Town Clerk Katrina Adler

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney



Town of Lauderdale-by-the-Sea Development Services Department

To: Planning and Zoning Board
From: Jhanelle Campbell, Development Services Director
Date: April 22, 2022
Meeting Date: April 27, 2022
Project: Ordinance Amending the Town Code requirements for Marine Structures

Purpose: To amend the Town's marine structure regulations to be consistent with surrounding communities.

Explanation: At its March 22, 2022, meeting, the Town Commission directed staff to review the Town Code requirements for marine structures and compare them to similar codes in other jurisdictions. This review revealed both similarities and differences on how marine structures are regulated in the Town and other jurisdictions.

A. Docks

The Town currently regulates the placement of docks based on how close they may be placed to other properties and how far into a waterway they may be constructed, which is dependent on the width of the waterway.

1. Width of Docks

The Town is bounded at its western edge by the Intracoastal Waterway (ICWW), which is generally 300 feet in width. The Town also has a system of smaller waterways varying in width from 80 to 100 feet in width. (Please see **Exhibit 1**). Under the Town Code, a dock may be built a maximum of five (5) feet beyond the recorded property line for waterways 50 feet or less in width. For those waterways over 50 feet in width, docks may be built ten percent (10%) of the width of the waterway or eight (8) feet, whichever is less, also measured from the property line. Please see **Diagram 1**.

In other words, the Code has an alternative standard (5 foot maximum) that never actually applies, because the waterways in Town are all wider than 50 feet. The other standard (10% or 8 feet) applies uniformly to all the Town's waterways, despite the major difference in width between the ICWW and the other waterways.

Staff has reviewed codes from other jurisdictions (Please see **Exhibit 2**). Most are like the Town's regulations, with the width of a dock being determined by either a percentage of the waterway width or a maximum set distance, whichever is less. Most other reviewed municipalities set the maximum distance based on the width of the waterway. In most instances, dock width is measured from the property line. In a few instances, dock width can be measured from seawall or seawall cap. In four

municipalities, if construction is proposed on the ICWW, the dock width is left to the regulation of the United States Army Corps of Engineers (USACOE).

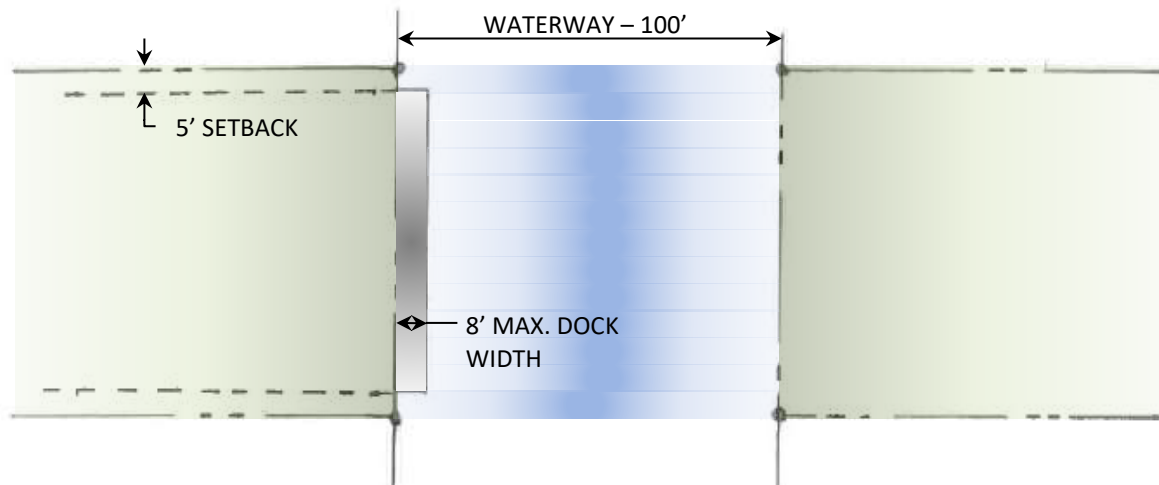


Diagram 1: Existing Dock Regulations

2. Setback of Dock from Other Properties

In addition, the Town Code provides a five (5) foot side setback for docks from adjacent property lines, regardless of zoning district. For example, if a property had 100 feet of waterway frontage, the maximum length a dock could occupy would be 90 feet, leaving five feet on either end.

Other jurisdictions have similar setback requirements, either a uniform minimum side setback or minimum setbacks that vary by zoning districts. Minimum setbacks range on average from five (5) to ten (10) feet.

B. Finger Piers

Finger piers currently exist on both small canals (80-100 feet in width) and along the ICWW. The Town Code currently regulates finger piers three ways. First, the maximum length of such a pier is ten percent (10%) of the width of the waterway or a distance of twenty (20) feet, whichever is less, measured from the property line. Second, finger piers may be no wider than what is necessary to meet the Americans with Disabilities Act (ADA) access requirements. Third, such structures must be placed a minimum of twenty (25) feet apart and set back five (5) feet from side property lines. Please see **Diagram 2**.

Three comparable municipalities have regulations for finger piers (Please see **Table 1, Exhibit 3**). In these municipalities, separation between finger piers is determined by the side setback regulations applicable to the property, unlike the Town's uniform separation of twenty (25) feet.

These cities regulated the length of finger piers much like docks, by the lesser of a maximum length or a percentage of the waterway width.

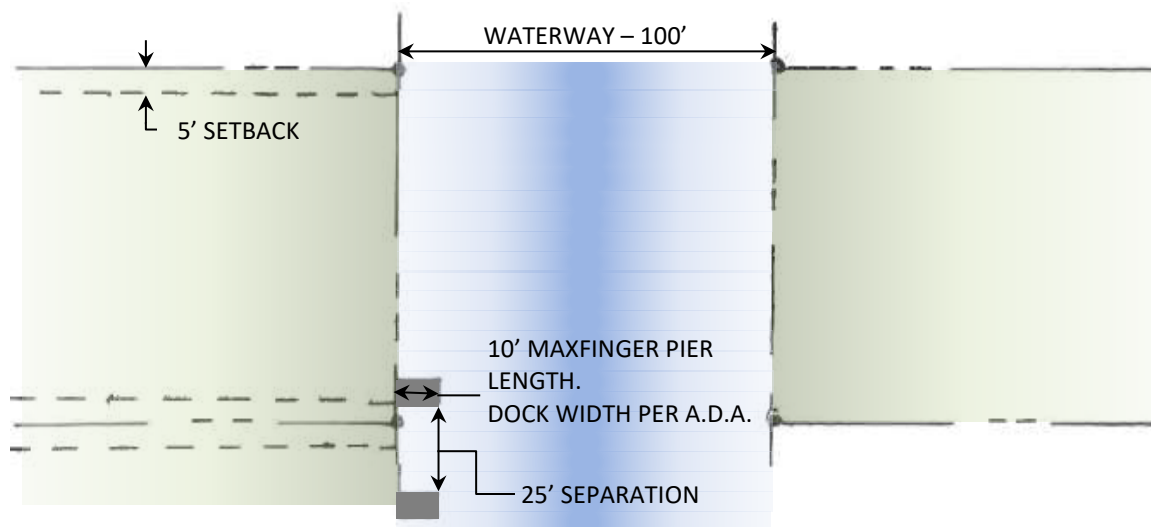


Diagram 2: Existing Finger Pier Regulations

C. Boat Lifts

The Town currently regulates boat lifts in a manner similar to docks and finger piers. The maximum length of these structures is the lesser of twenty percent (20%) of the waterway width or twenty (20) feet, measured from the property line.

These structures must also meet the minimum five (5) foot side setback from property lines. Please see **Diagram 3**.

Other municipalities regulate boat lifts in a similar manner as the Town (Please see **Table 2, Exhibit 3**). Side setbacks range from five (5) to ten (10) feet in width. The length that the boat lifts can extend into waterways is determined by either a percentage of the waterway width or a maximum distance, depending on the width of the waterway.

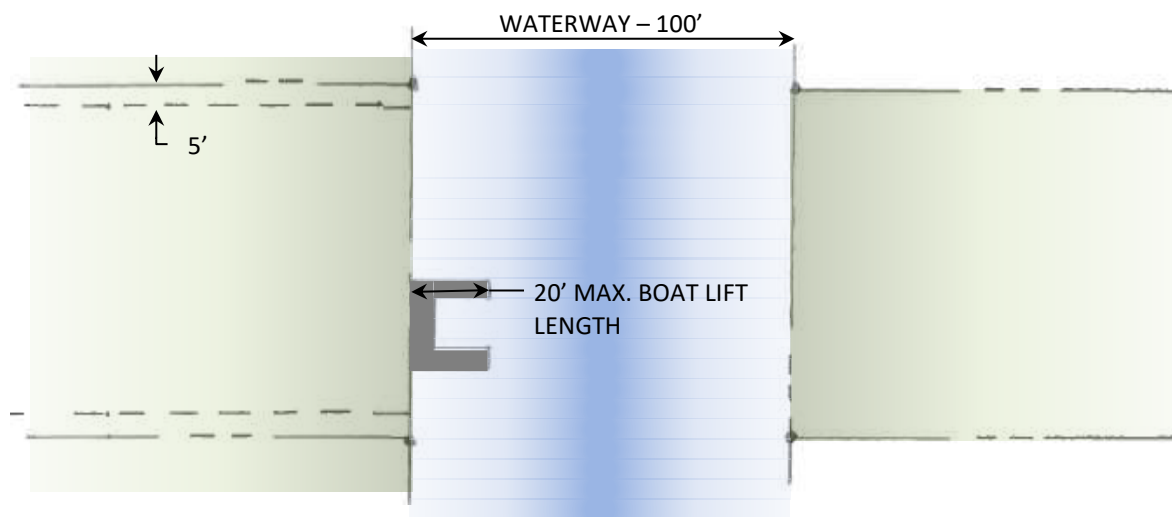


Diagram 3: Existing Boat Lift Regulations

D. Dolphin, Mooring, or Fender Pile Regulations

The Town Code does not set a maximum length or width. It allows placement of dolphin, mooring, or fender piles no further than the navigational channel boundary line as measured by the property line. The Town Code defines the navigational channel of a waterway as the center 40% of the waterway width.

The ICWW is 300 feet wide. The USACOE's "General Permit" SAJ-20 for Private Residential Docks/Pier Facilities and Minor Structures in Florida" requires 50% of the waterbody for open-water, public use. It also restricts structures to extending no more than 25% of the canal/channel width.

Like finger piers, these structures have a separation requirement; it is ten (10) feet rather than 25 feet.

They must also adhere to the minimum five (5) foot side setback. Please see **Diagram 4**.

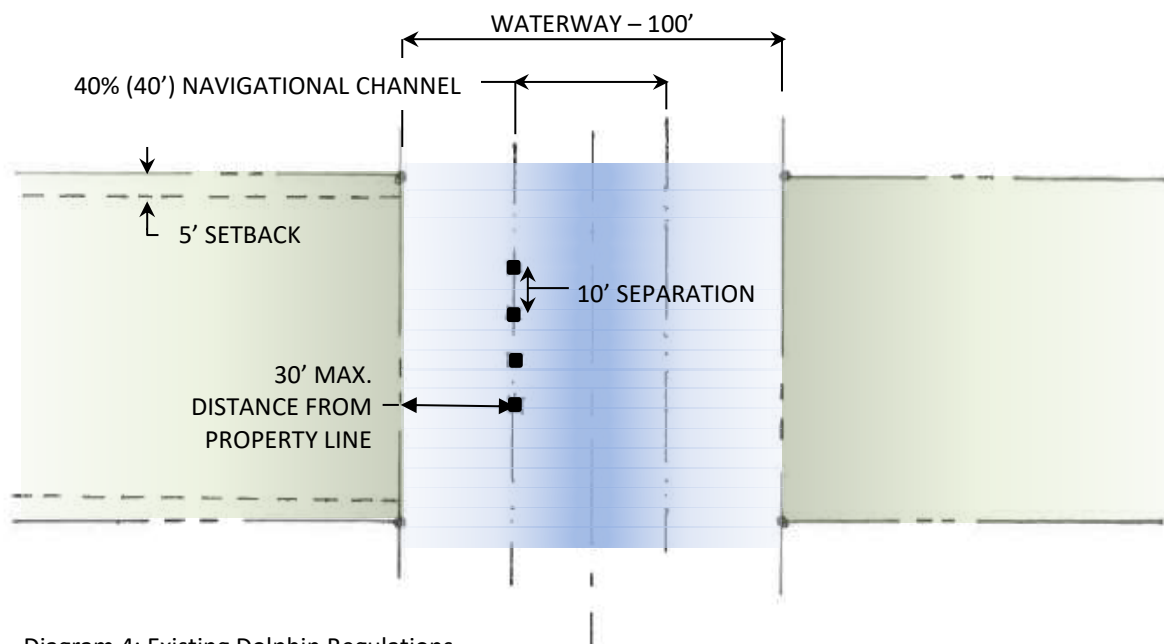


Diagram 4: Existing Dolphin Regulations

Other municipalities regulate the length of these structures more like docks or finger piers, using either a percentage of the width of the waterway or a maximum distance (Please see **Table 3, Exhibit 3**).

Some municipalities require setbacks from side property lines, either a uniform minimum or one established by zoning district.

Recommendation: Staff is recommending several updates to the Code regulating marine structures as shown in **Exhibit 4** and **Diagram 5**:

1. The Town Code currently lacks critical definitions for several terms within Section 30-311 (Boats, boat lifts, boathouses, mooring, and docking). Staff has proposed additions to Section 30-11 "Definitions" of the Unified Land Development Regulations.
2. Staff has proposed to remove terms within the Code that either duplicate the meaning of other terms or are not regulated specifically by the Code.

3. The Code currently distinguishes between waterways under 50 feet and over 50 feet in width. However, the Town has no waterways smaller than 80 feet or greater than 100 feet in width, except for the Intracoastal Waterway. Staff has suggested removing the standard that has no applicability (waterways less than 50 feet wide) and keeping the regulations for waterways 100 feet and under the same. It would also ban the construction of finger piers in waterways 100 feet or less in width, except for designated marine mooring areas.
4. Staff has proposed a new section regulating waterways over 100 feet in width – namely, the ICWW. In this section, docks would be allowed to be constructed no more than 15 feet into the waterway as measured from the property line. It also would ban the construction of finger piers in waterways over 100 feet.
5. Staff has proposed that the Town continue to measure the distance marine structures may project into waterways from the property line, as opposed to from the seawall. Most comparative municipalities measure these distances in the same manner, and seawalls may shift over time, making the measurement less stable.

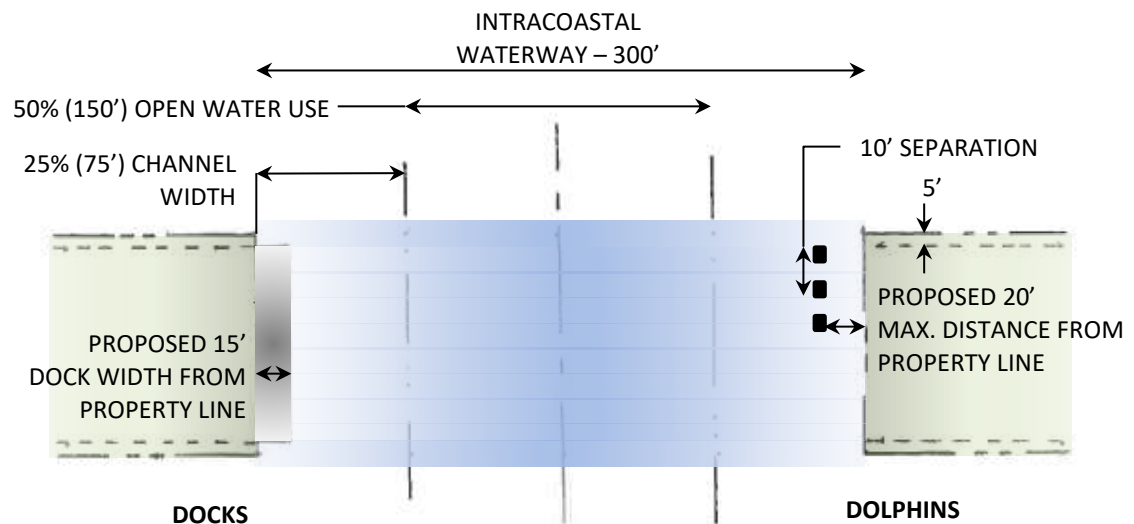


Diagram 5: Proposed Regulations

Staff recommends that the Planning and Zoning Board recommend that the Town Commission approve Ordinance 2022-02.

Attachments:

- Ex. 1 – Canal Inventory
- Ex. 2 – Comparative Table of Dock Regulations
- Ex. 3 – Comparative Table of Finger Pier Regulations
- Ex. 3 – Comparative Table of Boat Lift Regulations
- Ex. 3 – Comparative Table of Dolphin, Mooring, or Fender Pile Regulations
- Ex. 4 – Ordinance 2022-02

EXHIBIT 1

Lauderdale by the Sea Canal Inventory		
Canal	Location	Width (Feet)
Canal 1	South and east of Terra Mar Neighborhood	100
Canal 2	South of Palm Club Drive Neighborhood	80
Canal 3	South of Ocean Mist Drive / North of Water's Edge	80
Canal 4	South of Water's Edge / North of Coral Reef Drive	80
Canal 5 (Silver Shores Waterway)	South of South Tradewinds Avenue / North of Tropic Drive	100
Canal 6 (Sea Spray Bay)	South of Imperial Drive / North of Codrington Drive	95
Intracoastal Waterway	Western edge of Town Limit	300

Methodology:

Staff reviewed original plats to determine the names and widths of waterways within the Town limits. These were checked against measurements performed in the Broward County Property Appraiser's GIS system. Canals are numbered starting from the northern most waterway located within the Town limits. Names in parentheses after canal numbers were found on original platting and may or may not be relevant today.

EXHIBIT 2

Comparative Table of Dock Regulations		
City	Structure Size	Side Setback from Property Line
Boca Raton		
Waterway < 100'	6' from property line or seawall/bulkhead, whichever is nearest water.	10'
Waterway ≥ 100'	8' from property line.	10'
Dania Beach		
Waterway < 50'	5' maximum from property line.	5'
Waterway ≥ 50'	10% of waterway or 20', whichever is less, from property line.	5'
Deerfield Beach	10% of the waterway. If on Intracoastal, maximum of 20' or as permitted by the USACOE.	5' or distance of side setback, whichever is greater, if ≤ 100' of water frontage. 5' minimum if > 100' of water frontage.
Fort Lauderdale	≤ 25% of waterway or 25', whichever is less, from property line.	Varies by zoning district
Golden Beach		
Waterway < 100'	6' from property line.	10' minimum.
Waterway > 100'	10' from property line.	10' minimum.
Hallandale Beach	If lot is < 40' in width, ≤ 5' from seawall. No dock greater than 25% of waterway.	If lot width is < 40', 2' setback. If lot width is ≥ 40', 10' setback.
Highland Beach	5' from property line. If waterway regulated by USACOE, then distance determined by USACOE.	
Hillsboro	If projecting into Intracoastal, distance determined by the USACOE.	10' setback in RS2. 15' setback in multifamily.
Hollywood	5' maximum. If projecting into Intracoastal, distance determined by the USACOE.	
Lighthouse Point		
Waterway < 100'	Maximum 6' from landward side of seawall cap or property line, whichever is closest to water.	Varies by zoning district.
Waterway > 100'	Maximum 8' from landward side of seawall cap or property line, whichever is closest to water.	Varies by zoning district
Oakland Park		
Waterway < 50'	No dock allowed.	
Waterway > 50'	10% of waterway or 15', whichever is less.	Residential districts – 7.5' All others – 15'
Pompano Beach		
Waterway < 50'	5' from property line.	5'
Waterway > 50'	10% of waterway or 8', whichever is less.	5'

USACOE = United States Army Corps of Engineers

EXHIBIT 3

Comparative Table of Finger Pier Regulations		
City	Structure Size	Side Setback from Property Line
Baca Raton	6' maximum, exclusive of vertical support piling; cannot extend more than 15% of waterway or greater than 60'	Minimum of 10' or equal to the length of the finger pier
Deerfield Beach	Determined by Engineering Department	
Pompano Beach		
Waterway <50'	Within 5' of extended property line	5'
Waterway >50'	20% of waterway or 20', whichever is less. Maximum width of 4'	5'

Comparative Table of Boat Lift Regulations		
City	Structure Size	Side Setback from Property Line
Boca Ration	Maximum 20' or 25% of waterway, whichever is less.	10'
Dania Beach	Maximum of 25% of waterway or 15'	
Deerfield Beach		
Waterway <100'	15' from property line/seawall whichever is closest to the water in raised position	10'
Waterway >100'	25' from property line/seawall whichever is closest to the water in raised position	10'
Golden Beach	Maximum of 25' into waterway.	10'
Pompano Beach		
Waterway <50'	Within 5' of extended property line	5'
Waterway >50'	Maximum of 20' or 20% of waterway	5'

Comparative Table of Dolpin, Mooring or Fender Pile Regulations		
City	Structure Size	Side Setback from Property Line
Boca Ration	Maximum distance of 33% of waterway width from seawall/shore.	
Deerfield Beach	No portion of vessels can be located further than 30' from lot or seawall	Varies by zoning district.
Fort Lauderdale	30% of waterway width or 25', whichever is less from the property line	
Hallandale Beach	Maximum of 20' from seawall	
Pompano Beach		
Waterway >50' and <150'	None	5'
Waterway >150'	Maximum 40' from property line	5'
Lighthouse Point	Maximum length of 30'	
<i>For Dolphin Piles</i>		
Waterway <100'	Located 20' from centerline of waterway	8'
Waterway >100'	Located 25' from centerline of waterway	8'
Oakland Park	Maximum of 25% of waterway AND 50% of waterway must be open	

EXHIBIT 4

ORDINANCE 2022-02

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” AND ARTICLE V “ZONING,” SECTION 30-311 “BOATS, BOAT LIFTS, BOAT HOUSES, MOORING, AND DOCKING” AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lauderdale-By-The-Sea (the “Town”) Commission recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the Town’s regulations are current and consistent with the Town’s regulatory needs; and

WHEREAS, at its March 22, 2022 meeting, the Town Commission directed staff to review the Town Code requirements for marine structures and compare it to similar codes in other jurisdictions; and

WHEREAS, this review revealed both similarities and differences on how marine structures, including docks, are regulated in the Town and other jurisdictions; and

WHEREAS, Staff has concluded that the Town’s standards for docks in the Intracoastal Waterway are much stricter than would be allowed by other municipalities; and

WHEREAS, accordingly, the Town Commission desires to amend Town Code Section 30-311 to better define the types of marine structures allowed within the Code; and

WHEREAS, the Town Commission desires to amend the Town Code to regulate structures on the Intracoastal Waterway differently than smaller canals within the Town; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed the contents of this Ordinance at a duly noticed public hearing on April 27, 2022 and recommended the amendments be approved; and

EXHIBIT 4

29 **WHEREAS**, the Town Commission conducted first and second reading of this Ordinance at
30 duly noticed public hearings, as required by law, and after having received input from and
31 participation by interested members of the public and staff, the Town Commission has determined
32 that this Ordinance is consistent with the Town’s Comprehensive Plan and in the best interest of the
33 Town, its residents, and its visitors.

34 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN**
35 **OF LAUDERDALE-BY-THE-SEA, FLORIDA, THAT:**
36

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

39 **SECTION 2. Amendment.** Chapter 30, “Unified Land Development Regulations,” Article
40 I, “In General,” Section 30-11, “Definitions” of the Town Code of Ordinances, is hereby amended as
41 follows¹:

42 **Chapter 30 – UNIFIED LAND DEVELOPMENT REGULATIONS**

43 **ARTICLE I. IN GENERAL**

44 * * *

45 **Sec. 30-11. – Definitions.**

46 * * *

47 (c) *Abbreviations and definitions.*

48 * * *

49 (2) *Terms defined.*

50 * * *

51 "Boat lift" shall mean any device fixed to the ground, a seawall, post, piling or a dock,
52 designed to lift watercraft clear of the water.

53 * * *

¹ Additions to existing text are shown in underline. Deletions are shown in ~~striketrough~~.

EXHIBIT 4

"Dock" shall mean any structure and appurtenances thereto extending into or above any body of water including, but not limited to, lakes, canals or waterways, designed and used primarily for the securing of watercraft in the water, fishing, swimming or other water-related activity. "Dock" shall also be used to mean "wharf" or "boat slip". The word "dock" as used herein shall include any structure extending out from the seawall that is generally parallel to a seawall or property line which it abuts.

"Dolphin Pile" shall mean a single pile or cluster of closely driven piles used as a fender for a dock or as a mooring or guide for watercraft, but not used as a channel marker or as a dock piling.

* * *

"Finger pier" shall mean a docking and mooring facility which extends into any body of water in a direction generally perpendicular to a seawall or property line. This term shall include "T" and "L"-shaped docks.

* * *

"Piling" shall mean the vertical support member of a dock.

* * *

SECTION 3. Amendment. Chapter 30, "Unified Land Development Regulations," Article V, "Zoning," Section 30-311, "Boats, boat lifts, boathouses, mooring and docking" of the Town Code of Ordinances, is hereby amended as follows²:

Chapter 30 – UNIFIED LAND DEVELOPMENT REGULATIONS

ARTICLE V. ZONING

* * *

DIVISION 2. DISTRICTS

* * *

Subdivision Q. Supplemental Regulations.

Sec. 30-311. – Boats, boat lifts, boathouses, mooring, and docking.

(a) *Intent.*

² Additions to existing text are shown in underline. Deletions are shown in ~~strike through~~.

EXHIBIT 4

(1) The intent of this section is to permit construction in and upon the waterways of docks, boatslips, wharves, finger piers, boat lifts, dolphin piles, fender or mooring piles and other related structures which do not interfere with navigation, endanger life or property, or delay the public reasonable viable access to public waterways.

(2) Structures not similar in nature to those listed herein are prohibited.

(3) The requirements contained in this section shall apply and control the development on the waterways Town-wide.

(4) Marinas shall comply with this section.

(b) *Permit required.*

(1) It shall be unlawful for any person to construct or erect docks, wharves, piers, or dolphin piles, mooring or fender piles or any type of boat lifting or mooring device or any other structure on or in waterways without first obtaining:

a. Any required Broward County permits and/or approvals, and subsequently, a building permit from the Town; and

b. The necessary approvals and/or permits from the United States Army Corps of Engineers, or other governmental agencies as applicable to certain navigable waterways.

(c) *Structures in waterways.*

~~(1) In a waterway 50 feet in width or less, boat slips, wharves, finger piers, docks, boat lifts, or dolphin, fender or mooring piles, or any other structures shall not be constructed or erected into any waterway more than five feet beyond the recorded property line.~~

(21) In a waterway ~~which~~ that is ~~more than 50~~ 100 feet or less in width, boat slips, wharves, finger piers, docks, boat lifts, or dolphin, ~~fender, or mooring~~ piles may be constructed or erected in a standard or marina mooring area under the following conditions providing the navigation channel is not encroached upon:

a. ~~Boat slips, docks or wharves~~ Docks or wharves may be constructed or erected to extend into any waterway a distance of ten percent of the width of the waterway or distance of eight feet, whichever is less, as measured from the recorded property line.

b. *Finger piers.*

1. Finger Piers may be constructed or erected to extend into ~~any waterway~~ marine mooring areas established under Section 30-311(e) subject to the requirements below:

EXHIBIT 4

Finger Pier	Waterway	Marina Mooring Area (established pursuant to 30-311(e))
Length	Ten percent of the width of the water or a distance of 20 feet, whichever is less, measured from the recorded property line.	Sixteen percent of the width of the waterway or a distance of 25 feet, whichever is less, as measured from the recorded property line.
Width	No greater than necessary to meet ADA access requirements.	No greater than necessary to meet ADA access requirements.
Separation	Not less than 25 feet	Not less than 20 feet

2. Any finger pier(s) in existence constructed pursuant to a valid building permit issued prior to the effective date of this Section shall be deemed legal, nonconforming structures subject to the provisions of Article IV, Division 8, Section 30-137, Nonconforming Uses and Structures, as set forth in this Chapter of the Town Code.

c. Boat lifts. ~~lifting devices.~~

1. ~~Boat davits, elevator lifts, cradle lifts, floating lifts, or any other similar form of boat lifting device~~ Boat lifts may be constructed or erected to extend into any waterway in a fully raised position, a distance equal to 20 percent of the width of the waterway or a distance of 20 feet, whichever is less, as measured from the recorded property line.

2. A vertical guide pole with reflective identification marking shall be permanently mounted to the outer end of the lift and shall extend a minimum of six feet above the surface of the water at all times.

d. Dolphin, ~~mooring or fender~~ piles.

1. Dolphin, ~~mooring or fender~~ piles may be erected to extend into any waterway no further than the navigation channel boundary line as measured from the recorded property line.

2. Dolphin, ~~mooring, or fender~~ piles shall have a six-inch wide reflective band placed two feet below the top of the piling.

3. The minimum spacing between dolphin, ~~fender or mooring~~ piles shall be ten feet.

(2) In a waterway that is more than 100 feet in width, docks, boat lifts, or dolphin piles may be constructed or erected in a standard or marina mooring area under the following conditions providing the navigation channel is not encroached upon:

EXHIBIT 4

a. Docks may be constructed or erected to extend into the waterway a maximum distance of fifteen (15) feet, as measured from the recorded property line.

b. Finger piers are specifically prohibited.

c. Boat lifts.

1. Boat lifts may be constructed or erected to extend into any waterway in a fully raised position, a distance equal to 20 percent of the width of the waterway or a distance of 20 feet, whichever is less, as measured from the recorded property line.

2. A vertical guide pole with reflective identification marking shall be permanently mounted to the outer end of the lift and shall extend a minimum of six feet above the surface of the water at all times.

d. Dolphin piles.

1. Dolphin piles may be erected to extend into any waterway no further than the navigation channel boundary line as measured from the recorded property line.

2. Dolphin piles shall have a six-inch wide reflective band placed two feet below the top of the piling.

3. Dolphin, fender or mooring piles shall be a minimum of ten feet apart.

(3) ~~Setbacks. No boat docks, wharves, finger piers, boat lifts lifting or mooring devices, dolphin piles or other similar structures may be erected in the waterway, within five feet of an extended side property line.~~

(4) ~~Boat docks, wharves, or and~~ finger piers shall not be constructed or erected where the elevation of the deck exceeds the elevation of the top of the abutting seawall.

(5) *Common docking area.* In addition to the provisions contained in sub-sections (1) through (4), if two or more lots share a common docking area, the following conditions must be met prior to any permit being issued pursuant to this section:

a. The affected property owners shall enter into an agreement with the Town which shall state the property owners have reviewed and approved the proposed plans as they relate to the placement of any structure in the common docking area as well as the proposed docking of any boat or watercraft.

b. The agreement shall be approved by the Town and thereafter recorded by the property owners along with a copy of the approved plans in the Public Records of Broward County, Florida, and shall be considered to be a restriction running with the land and shall bind the heirs, successors and assigns of the property owners.

EXHIBIT 4

(6) Where a court of competent jurisdiction has adjudicated the docking rights of the adjoining property owners, the provisions of subsections (1) through (5) shall not apply, to the extent they are superseded by the Court's ruling, if proof of such adjudication is submitted with the building permit application.

(7) Any structure erected in any waterway shall be kept in good repair by the owner thereof and shall be subject to removal by the Town in the event that they are unsafe or create a hazard to navigation as determined by the Town, the cost thereof to be assessed against the owner. Opportunity for notice and a hearing shall be afforded to the owner prior to such removal by the Town.

(8) Boathouses and boat canals dug or excavated into any of the platted waterfront lots are prohibited.

(d) Docking and mooring of watercraft.

(1) No watercraft shall be docked or moored:

a. Except at an approved dock, ~~wharf, boat slip,~~ finger pier, tender or mooring dolphin pile within a standard mooring area or a marina mooring area designated pursuant to a conditional use approval;

b. Such that it extends beyond the standard mooring area or if applicable, the marina mooring area; or

c. Such that it extends within five feet of an extended side property line.

(2) The DSD shall have the right and authority to regulate the size or number of watercraft moored at a specific property when necessary to protect public safety.

(e) Designation of a marina mooring area. A marina, or any applicant for a marina, located in the B-1 zoning district may request approval of a designated marina mooring area as part of a conditional use application or conditional use amendment for the marina. Such designation shall be subject to all the requirements of section 30-271.

* * *

SECTION 3. Codification. This Ordinance shall be codified in accordance with the foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall become and be made a part of the Town of Lauderdale-By-The-Sea Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be

EXHIBIT 4

changed to “section,” “article” or such other appropriate word or phrase in order to accomplish such intentions.

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

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

SECTION 6. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage on second reading.

Passed on the first reading, this ____ day of _____, 2022.

Passed and adopted on the second reading, this ____ day of _____, 2022.

MAYOR CHRIS VINCENT

	First Reading	Second Reading
Mayor Vincent	_____	_____
Vice-Mayor Malkoon	_____	_____
Commissioner Pouloupoulos	_____	_____
Commissioner Strauss	_____	_____
Commissioner Oldaker	_____	_____

ATTEST:

Acting Town Clerk

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney

EXHIBIT 3

Comparative Table of Commercial Dock Regulations			
City	District Similar to LBTS B-1 District	Zoning Regulations	Side Setback from Property line
Deerfield Beach	B-1	Least intensive commercial zoning district. Docks are an accessory use, and side setbacks for them are treated differently than the district side setbacks. City has recently updated specific regulations for docks based on waterfront types (unaltered state/mangrove fringe, seawall present, tidally influenced or not)	0' for district 10' for accessory structures 5' for seawall-tidally influenced properties
Fort Lauderdale	B-1	Least intensive commercial zoning district. Docks are an accessory use, and side setbacks are regulated by individual zoning district.	0' for district 10' when contiguous to residential property. 15' when placed next to a side street property line.
Lighthouse Point	B-1	Least intensive commercial zoning district. Required to build an 8' wall for screening when adjacent to residential. Docks are an accessory use. No side setback requirements for docks, but do have for boat lifts and dolphins.	0' for district
Oakland Park	B-1	Least intensive commercial zoning district. Dock are an accessory use and side setbacks are regulated by individual zoning districts.	15' where B-1 abuts residential 25' where residential is across the street with first 10' landscaped.
Pompano Beach	B-1	Least intensive commercial zoning district. Docks are an accessory use and can't be placed in required side setback. Can be as close at 5' to the property line when abutting property owners enter into an agreement approving the proposed placement.	0' for district 5'