

TOWN OF LAUDERDALE-BY-THE-SEA

PLANNING AND ZONING BOARD AGENDA

Jarvis Hall
4505 Ocean Drive
Wednesday, May 16, 2018
6:00 PM

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. [APPROVAL OF MINUTES, MAY 2, 2018](#)
4. PUBLIC COMMENTS
5. NEW BUSINESS
6. [OLD BUSINESS](#)
7. UPDATES/BOARD MEMBER COMMENTS
8. ADJOURNMENT

THE TOWN OF LAUDERDALE-BY-THE-SEA WILL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES NECESSARY TO AFFORD INDIVIDUALS AN EQUAL OPPORTUNITY TO PARTICIPATE IN MEETINGS OF THE TOWN COMMISSION. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE TOWN CLERK NO LATER THAN TWO (2) DAYS PRIOR TO THE MEETING AT (954) 640-4200 FOR ASSISTANCE.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE TOWN COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSES MAY NEED TO INSURE THAT A VERBATIM RECORDING OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PROCEDURES FOR PUBLIC COMMENTS:

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

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

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

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.

NON APPROVED
TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD
MEETING MINUTES
Jarvis Hall - 4505 Ocean Drive
Wednesday, May 2, 2018

1. CALL TO ORDER

Chair Lanata called the meeting to order at 6:03P.M. Members present were John Lanata, Cari McCormack, William Ferrante, Helene Wetherington, Jeffrey White, 1st Alternate Alan Bluestein and 2nd Alternate Bernard Petreccia. There were no absent members. Also present were Assistant Town Attorney Kathy Mehaffey, Development Services Director Linda Connors, and Clerk Jhanelle Campbell.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. APPROVAL OF MINUTES

a. Previous Meeting Minutes – April 18, 2018

Ms. McCormack made a motion to approve the minutes of April 18, 2018 as presented. The motion was seconded by Ms. Wetherington. The motion carried 5-0.

4. PUBLIC COMMENTS

The Chair called for public comments but no one came forward at this time. He closed public comments and turned the meeting over to Assistant Town Attorney Kathy Mehaffey to continue with the training process.

Ms. Mehaffey explained that they would go over the two types of decisions, legislative or quasi-judicial, made by the Board. They are based on materials being reviewed and have different standards and procedures in the global process. A legislative decision is a decision for setting policy (e.g., adopting or amending the comprehensive plan, small-scale land use map amendment, adopting or amending parts of the code, etc.). With a legislative decision, we still have to provide notice, have a public meeting/hearing, and present evidence. This Board would then make a recommendation to the Town Commission which makes the final decision. The Town Commission's decision is made upon a fairly debatable standard (a reasonable basis to support the decision).

This changes a little for a quasi-judicial decision (based on Section of Code 30-140). Specific procedures are written stating how a hearing is run, who speaks when, etc. It is an application of general policy to a specific situation which is called site specific (e.g., re-zonings, site plans, conditional uses, variances, administrative adjustments, etc.). In other words, we are taking our global policies and applying it to that site. In a quasi-judicial situation, we still have to provide notice, we have to provide a hearing before a neutral decision maker (impartial judges), and present evidence. Ms. Connors explained that before an application is presented, a board member cannot know how they are going to vote. The board member (neutral party), must listen to both sides openly and then make a decision based on the testimony and information/evidence presented.

Ms. Mehaffey said that all decisions must be made in the sunshine (at the hearing/meeting) and ex-parte communications must be disclosed. If a board member has a discussion about a project outside of the hearing with someone else (whether it is with the applicant or even a neighbor) and a discussion could also be by e-mail, messages received, etc., the board member is asked to let Development Services Director Linda Connors, Jhanelle Campbell and/or Susan Levin know, so they can let the applicant know. Then everyone would be aware of everything that a decision was based upon. She answered Mr. Bluestein that if there is verbal communication, to send a note to the Development Services Director or to a Planner or at the meeting state who you spoke to and the subject matter which would be stated for the record. The Sunshine Law requires that this information is divulged. She then explained that after the Planning and Zoning Meeting, it is up to the Town Commission to make a final decision. If there is an appeal, Ms. Mehaffey explained that the courts would look to see if the applicant was awarded due process, whether they were treated fairly, if the essential requirements of the law have been observed and that the decision was based on competent substantial evidence. Competent substantial evidence is evidence that a reasonable mind would accept as adequate to support the conclusion and she gave some examples (e.g., Town records, expert testimony, staff reports, etc.). Mr. White asked if there is a sample comment that a board member can tell someone. Ms. Mehaffey said that it is easier not to engage in these types of conversations but it is up to the board member. Ms. Wetherington wanted to know if once a decision is made, can a board member speak about it at that time. Ms. Mehaffey explained what could be done but reminded that once a decision is made, on rare occasions it could come back in front of the board. Ms. Mehaffey reiterated that if a board member is ever in doubt, to call her, Linda Connors or a planner.

Ms. Connors introduced Jeffrey White and Helene Wetherington who were not in attendance at the last meeting. Since all seven (five regular members and two alternates) were in attendance, they each introduced themselves and gave a brief personal and professional bio. Ms. Connors then continued with training. This time the subject was plats which are largely for undeveloped land or land that needs to be sub-divided. Through her PowerPoint presentation, she explained that this gives us the process to divide a large tract of land into smaller lots so that they could be sold off. The plats for Lauderdale-By-The-Sea (LBTS) are from the 1940s and 1950s. Plats in our Town are not amended very often because we are built out and there is no reason to change the use of the plats that we have. However, anyone who has to divide five or more acres is required to file a plat. Our plat process starts with the Town but ends with Broward County. You can plat for less than five acres, but people are not required to do so. Most of the property in LBTS is sub-divided, however, Palm Club is a development that is just over five acres and is not platted. She showed the Bell Air Plat, which is very basic, on a slide and explained what was contained in it. Plats can be changed in order to sub-divide, to change descriptions or uses or to vacate a road or easement. She explained where the plat process is found in the Code. Plats come in front of the Planning and Zoning Board and then the Town Commission. If approved, then it goes through the Broward County process. One of the County requirements is that the County would want a Letter Of No Objection from the Town.

Ms. Wetherington asked Ms. Connors what the need was for Broward County approval. She answered that Broward County is set up so that the County is in charge of all the plats in the county. Mr. Ferrante told the other members that he went through a plat approval in the 1990's and it took over a year. Ms. Connors said that she was told by the consultant that it would probably take eight or nine months to do an amendment to the plat to get the utility easement gone. This discussion is a very nice segway into our application tonight. Ms. Mehaffey reminded not just platting has to be consistent with the County but also all of our planning has to

be consistent with the County's plans. The County just did an overhaul of their Comprehensive Plan and we will be looking at our Comprehensive Plan in the future to update it and also to make sure that it is consistent with the County. Our Comprehensive Plan and Land and Development Regulations have to be consistent with the County's Plan. Ms. Connors was asked for a good definition of vacating an easement by Mr. White and she said that the following agenda item's presentation would answer that question for him.

5. NEW BUSINESS

- a 2018-VAC-01: Vacation of a portion of the Utility Easement for Silver Shores Plat located at 236 and 238 Shore Court. (Linda Connors, Development Services Director).

Ms. Connors directed the Board's attention to the copy of the Silver Shore's Plat. She said that the building was built right over the utility easement. In order to make sure they had clear title on that and to clear up any future issues they may have, the developer has applied for a request to vacate that utility easement on the Silver Shore's Plat. She said that to vacate the utility easement means to release it. She explained that they will apply to the County and then re-draw the Plat to show no utility easement area. The County will review it. It goes to the County Commission to consider it and they would be looking at what the Town's recommendation is. Then they will make a determination as to whether or not it is appropriate. The application would require letters of no objection. If there are utilities in the utility easement, the utilities would be opposed to this application. The Town would have to consider that in the review of the application. Ms. Connors said that there are no utilities and they have received letters from TECO, City of Fort Lauderdale and FP&L. LBTS has no objections to the vacation. We have reviewed the requirements from Chapter 17 of the Code regarding Plats. We have provided Notice and are recommending that the Board recommends a vacation of that portion of the utility easement for Silver Shores Plat (236 and 238 Shore Court). As there were no board questions, Chair Lanata opened up for public comments but there were none. He closed the public comments portion.

William Ferrante made a motion to approve (2018-VAC-01). The motion was seconded by Ms. McCormack.

For Discussion:

Mr. Petreccia said that we are vacating the easement but power and cable are still there. The feed for the power for the properties up north comes from the south. They provided it underground from the last street which is Garden. The utilities are still feeding through the right-of-way. He wanted to know legally what happens if there is a break in the telephone, power, or whatever is under the building that was built on top of the easement. Ms. Mehaffey said that based on the releases that they have from the utilities, they have not placed services in that specific area. They are underground but she reiterated that their releases indicate they are not in that particular area. Also, the map shows that there are no utilities underground in the highlighted area. Mr. Petreccia would like to see where they put the utilities and know how it gets from the south to the north to feed the other streets. Ms. Mehaffey did not know where the new replacement utilities are located but their releases indicate that they are not located in that specific area. Mr. White said that they would not release this if there was no access to PECO or FP&L. Mr. Petreccia said that it is obvious from the pole on Hibiscus that everything is underground and comes up on the north side of Shore Court. Ms. Connors clarified that all they are asking for is about the easement on the sketch in between a portion of Lot 7 Block 5 and a portion of Lot 1 Block 5. The letters from TECO, City of Fort Lauderdale,

and FP&L all do not use that portion of the easement. Mr. Petreccia said that his questions were answered and also that if they put the building up, someone must have given them permission to do so. Ms. Connors would think that it would be much easier for the person moving forward if there was no utility easement under their unit. Ms. Connors answered Mr. White that this is a condo. As there were no other board questions/comments, a vote was called. The motion carried 5-0.

6. OLD BUSINESS

7. UPDATES/BOARD MEMBER COMMENTS

Ms. Connors announced that there would be a Planning and Zoning meeting on May 16, 2018. Then the next meeting after that would be for the Board of Adjustment which would include an election of board officers. There would also be training regarding variances and the responsibilities of the Board.

8. ADJOURNMENT

Ms. McCormack made a motion to adjourn at 6:47PM. The motion was seconded by Ms. Wetherington. The motion carried 5-0.

Chair John Lanata

ATTEST:

Date Accepted: _____

Development Services Director Linda Connors



Town of Lauderdale-By-The-Sea
Development Services Department

To: Planning and Zoning Board
From: Linda Connors, Development Services Director
Date: May 8, 2018
Meeting Date: May 16, 2018
Old Business: Review of Town's Regulations Regarding Rooftop Uses.

Background

The Town Commission first adopted rooftop regulations in 2003 in Ordinance 2003-507. At the time, the rooftop use was restricted to the RM-25 zoning district, could not exceed 35% of the square footage of the floor area below and was required to be a passive use. The regulations required conditional use approval and annual review to ensure the use did not adversely impact neighboring properties. Later that year, the Commission made amendments to the original ordinance (Ordinance 2003-526) to clarify required approval of the conditional use by the Planning and Zoning Board and Town Commission. Staff reviewed the minutes from these meetings and found that there was no discussion on these items.

In January 2015, the Planning and Zoning Board held a workshop regarding rooftop uses. At their March 24, 2015 meeting, the Commission approved code revisions that included an increase in the rooftop use area, allowed a limited amount of permanent structures (30 square feet) for non-transient uses only, a time frame for passive activities (7:00 a.m. – 10:00 p.m.) and required a 5' setback from the roof edge. Minutes from the Planning and Zoning Board and Commission meetings are included as Exhibits 1, 2, 3 and 4.

The Town's Code currently allow rooftop uses in the RM-25 Zoning district only. The current regulation for this use is as follows:

Sec. 30-241. - RM-25 district—Apartments and lodging.

(d) *Accessory rooftop uses.* The rooftop of a building may be used for passive recreational purposes subject to the following.

(1) *Requirements.* All passive recreational rooftop use shall satisfy the following:

a. *Definitions.* For purposes of this section, the following definitions will apply.

1. "Balcony" shall mean an unenclosed area that may or may not be covered in whole or in part by a roof, and that is directly accessible from, and an extension of, the habitable space that is at least 100 square feet in floor area on the same floor level.

2. "Rooftop" shall mean the exterior surface on the top of a building. "Rooftop" does not include:
 - i. A balcony; or
 - ii. An enclosed space, as defined by the Florida Building Code, on the top floor of a building.
 3. "Transient uses" shall include such uses as hotel, motel, apartment building, condominium, or time share uses.
- (2) *Area and setback.*
- a. The area of the roof to be used shall be limited to 75 percent of the total square footage of the floor area below, including balconies;
 - b. The rooftop use shall be set back at least five feet from any roof edge that faces a private property line shared with a detached building; and
 - c. The rooftop use area shall be demarcated by physical barriers to restrict access to non-designated areas.
- (3) *Structures.*
- a. *Transient uses:* No permanent structures may be erected.
 - b. *Non-transient uses:* No permanent structures may be erected other than benches, planters and outdoor kitchens no larger than 30 square feet.
 - c. *Prohibited for all uses:* Permanent roofs, awnings and canopies, hot tubs and pools.
- (4) *Temporary objects and furniture.*
- a. Temporary objects or furniture shall not be visible when viewed at five feet above the grade of the adjacent right-of-way or waterway at any point within 125 feet from the building on which the rooftop use is located;
 - b. All parapets, railings and code-required safeguards shall remain free from towels or other temporary objects at all times;
 - c. All temporary objects or furniture are the responsibility of the property owner and shall be secured or removed from the rooftop when not in use so as to prevent them from being blown from the roof. Temporary objects and furniture shall be removed from the roof prior to a vacancy of more than 14 days.
- (5) Passive recreational use activities shall be closed from 10:00 p.m. to 7:00 a.m.
- (6) Upon the issuance of a "Hurricane Warning or "Hurricane Watch" by the Broward County Office of Emergency Management, the permittee shall forthwith remove and place indoors all tables, chairs, planters, umbrellas and other temporary objects or furniture located on the rooftop.

At the April 10th meeting, the Commission asked the Development Services Director to have the Planning and Zoning Board review the existing code and determine if the Code should be revised to allow rooftop uses in the B-1 (commercial) zoning district. They later asked to also review the code to determine if permanent structures should be allowed on the roof in the RM-25 zoning district. The Code currently allows 30% for non-transient uses, so the question includes whether the area permitted for permanent structures should be expanded above 30% and whether transient uses should also be permitted to have permanent structures. Development Services has had some requests for rooftop uses in the single family and duplex zoning districts, so staff is suggesting that the Board discuss whether or not rooftop uses are appropriate in these areas of town as well.

Review

Questions to consider:

1. Should the Town allow rooftop uses in other zoning districts?
2. If allowed in the commercial zoning districts, should rooftop uses be allowed only for residential uses in a mixed use building or should businesses be allowed rooftop uses as well?
3. If permitted in other zoning districts, should the 5' setback requirement that is included in the RM-25 zoning districts also be included in other districts? If so, all or which ones?
4. Should permanent structures be allowed, and if so, should these be limited to shade structures? Outdoor kitchens? Hot tubs? Pools?
5. If permanent structures are allowed, should there be any restrictions in the zoning districts?
6. Should the current time restrictions (closed from 10:00 p.m. to 7:00 a.m.) be retained or should they be amended, included in other districts or delete them all together?

Some other considerations regarding rooftop uses:

- Sound travels more at higher levels.
- Single-family and duplex residential lots have narrow setbacks and there have been concerns about the size of the houses being built. Will the addition of a rooftop use increase the intensity of impacts in these circumstances?
- Rooftop uses are one way to take advantage of ocean breezes and sometimes ocean, canal or Intracoastal Waterway views.
- The Town has received no complaints about rooftop uses in the RM-25 zoning districts.
- Without a shade structure, rooftop uses are limited in the warmer months.
- Temporary structures, like umbrellas and hammocks, may be prone to flight in windy conditions.
- Much of the commercially zoned areas do not have the same issues of having adjacent residential uses that the RM-25 district does. These concerns were the impetus of having the rooftop use setback requirements.
- The height limitations included in the individual zoning districts (33') and Town Charter (44') must be considered

Procedure

Staff will review the discussion from tonight's meeting and will, if warranted, draft an ordinance for the Board's consideration.

- Exhibits:**
1. Minutes – Planning Board Workshop January 2015
 2. Minutes – Planning Board Meeting February 2015
 3. Minutes – Town Commission Meeting February 2015
 4. Minutes – Town Commission Meeting March 2015

**TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD
WORKSHOP MINUTES**

Jarvis Hall

Starting at 259 Shore Court ending at 4505 Ocean Drive

Wednesday, January 21, 2015

6:00 P.M.

1. CALL TO ORDER

The Planning and Zoning Board began the Workshop as a site visit to two properties in the RM-25 zoning district. The first site visit was held at the Sky230 project, 259 Shore Court. Chairman David Chanon called the meeting to order at 6:02 P.M. Members present were David Chanon, Charles Clark, Roseann Minnet, and Gerri Ann Capotosto (arrived 6:05 P.M.). Patrick Potts and Patrick Murphy were absent. Also present were Town Attorney Kathy Mehaffey, Town Planner Linda Connors and Clerk Idalia Gutierrez.

Town Attorney Mehaffey reminded the Board Members that even though this is a workshop, the meeting is under the Sunshine Laws and the workshop is being recorded. Pens and paper were distributed to the Board Members to write their questions down for discussion when returning to Town Hall. Ms. Mehaffey cautioned that any discussion during the site visit should be captured by the video camera.

David Chanon asked Terry Paterson, developer, for a brief summary of the Sky230 project. Mr. Paterson pointed out five units that were to be finished in a month or two. He said that water and gas are in and FP&L is getting the power hooked up. He further pointed out the next twelve units that were under construction. He hoped to have them finished by the end of 2015 or at the beginning of 2016. He pointed out the well and drainage system. He spoke about asphaltting the street and the placement of driveway pavers. Landscaping would be started in the next few weeks. He spoke about demolishing the house on Garden Court and that there are foundations up for the first eight units. The townhouses will be identical to the five units the Board Members saw but with a little different shape.

Everyone present at this site visit walked up the stairs of a unit to its rooftop. When everyone was on the rooftop, Town Planner Connors explained that the workshop was held onsite to look at and discuss rooftop uses. The existing code allows the area of the roof to be used be limited to 35% of the square footage of the enclosed floor area of the floor below. The existing code does not allow permanent structures. The Town Commission asked the Planning and Zoning Board to review the code and determine if the code should remain or be amended regarding size of rooftop used for recreational purposes and if permanent structures could be installed. This is the reason why the Board is onsite to see this development that was planning and developing rooftop uses. She explained that Mr. Paterson would like more uses than the existing code allows. The developers have asked the Town Commission to review the code to see if they would support a change to the code. This project, Sky230, is a multi-family development. Ms. Connors explained that they would be going to a hotel, Beachside Village Hotel, to get a general idea of hotel rooftop activities.

Mr. Paterson answered Ms. Connors that the target percentage they would like to be able to use is 80% - 90% of the rooftop. Mr. Paterson explained that he is okay with this building but on the next building, the enclosed space below the rooftop is very small because their third floor has 550 square feet of balconies leaving the enclosed space below very small. Thirty-five percent of very small enclosed space equates to a small rooftop area by current code. He would like the code to read a percentage of the footprint of the building and would like the percentage to be 70% - 80%. Mr. Paterson said that the code was written for the architectural style that was used then. With the new styling, Miami Modern, 35% does not work in his opinion. Mr. Paterson said that they changed the whole building to go with the architectural style the Town wanted. He feels that nothing would work with the 35% regulation of the current code.

He also wanted permanent structures like barbecue grills. He said that his first five units are under Broward County building permitting and they allow permanent structures on rooftops. Lauderdale-By-The-Sea is the only municipality that does not allow permanent structures on rooftops. Mr. Paterson explained that without the code changing, he may struggle to sell his units. People want to be able to use their rooftops. Mr. Paterson pointed out what 35% of the rooftop would be for the building they were standing on top of. Everyone went down the stairs to go to the next site. The camera was shut off and turned back on when everyone was at Beachside Village Hotel, 4564 N Ocean Drive.

Town Planner Connors said that this hotel is also in the RM-25 district. Everyone will now get a feel for rooftop uses for hotels and understand current regulations. Ms. Minnet said that we would have to think of the ramifications if we change the regulations. Chair Chanon wanted to know if the Board had the ability to segregate rooftop usage for hotel and single-family and create a new zoning district. Town Planner Connors explained about a referendum of the public, if a change is enacted to create a new residential zoning district. Town Attorney Mehaffey explained that what would be required due to a change would have to be evaluated by Staff for a final direction. Everyone walked up the staircase to the rooftop. Town Planner Connors pointed out the multi-family structure right by the hotel. She said that the ramifications for the use of the rooftop and deck space needs to consider the proximity between residents and vacationers. As it was getting dark, everyone finished examining the hotel's rooftop area and then walked down the steps. The video camera was shut off.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

Not recited.

3. APPROVAL OF MINUTES

Not applicable.

4. PUBLIC COMMENTS

The public comments are noted as they were said during the Workshop.

5. NEW BUSINESS

Rooftop Activities

Upon returning to Jarvis Hall at 6:44PM, the Chairman turned the meeting over to Town Planner Linda Connors. She said that the two site visits for the two properties they saw tonight were in the RM-25 zoning district. This zoning district allows hotel and multi-family uses. The task is to look at the existing regulations in Section 30-214 RM-25 District of the Town's Code and see if we would recommend any changes to the Town Commission. She reminded the Board Members that this is a workshop tonight. It is not a regular meeting. Ms. Connors explained that the code is in their packet. If the Board recommends changes, staff would write a proposed Ordinance which would be brought in front of the Board again for review before it is passed on to the Town Commission. Town Attorney Mehaffey explained that since this is a Workshop, there would be no formal action by the Board. This is just for general discussion purposes. This would give staff insight into how the Board feels on issues. Public comments would be welcome. Chairman Chanon opened the meeting up for public comments.

Ron Piersante on Lake Court in Lauderdale-By-The-Sea said that he watched the structure go up. His problem is that they are putting up a permanent kitchen, spa and grill. He sees parties up there. He is one house off the canal so he is in RD-10. He is concerned that a structure like this could be constructed on Lake Court. In his personal opinion, a permanent structure that does not meet code is not a good idea.

Terry Paterson, Middle River Drive in Fort Lauderdale, said that they have been building these types of structures in different cities for quite a while. This is the first time he encountered a situation where a rooftop barbecue with a sink to clean up is not allowed. He never heard a complaint in any other city. He felt that a party on a rooftop terrace is equivalent to someone having a party in their backyard. The Town's noise ordinance is still in effect for rooftop gatherings.

Goran Dragoslavich, NE 22 Street in Fort Lauderdale, said that their barbecue is safe in storms because it is permanently installed. It is all about safety, quality and improving the image of this Town. Kai Stadler, S. Tarimar Drive in Lauderdale-By-The-Sea, reiterated that safety is the biggest factor. Terry Paterson spoke about a City Commissioner's concern about roof umbrellas being higher than allowed for building height. He said their rooftop terraces are at thirty-two feet which is way below the forty-six feet height. Umbrellas are not going higher than the allowable space. He also said that for all buyers, especially foreign visitors coming on vacation, they would not be throwing big parties. Those visitors love Lauderdale-By-The Sea.

Chair Chanon opened the meeting up for Board comments. Ms. Minnet spoke about the impact on the community and stated that we want to keep Lauderdale-By-The-Sea with its unique atmosphere. Ms. Minnet said that Lauderdale-By-The-Sea is a village and it is a beachside resort. We are a walkable community. She wants to protect Lauderdale-By-The-Sea's uniqueness. She explained to the developers that Lauderdale-By-The-Sea has much stricter rules than other communities in Broward County. What the developers are asking to be done is not a simple thing. Changing this one location brings ramifications that affect the whole community. Lauderdale-By-The-Sea could have a single-family house next to a hotel, etc.

Mr. Clark said that he had more questions than answers at this moment. Mr. Clark said that when this Board finally makes its decision, it would just be as a recommendation to the Town

Commission. Changing zoning codes could lead to a referendum and public input. He wanted to know how many people would be on the roof in the places they saw today. Ms. Connors said that the Building Official would have to answer that. She did not know what capacity would be in a residential community. He would also like to know how many residences would have access to the rooftop area they saw tonight. He was answered that it would be only one resident. Mr. Clark said that they saw the developer's project as well as a hotel. The hotel was right next to a condominium and he was concerned about the impact on the condo residents. Ms. Capotosto wanted to know what the distance/easement is between a single-family home and a commercial property under the Town's Code. For example, she wanted to know how far away from the multi-family structure would the hotel structure they saw today be. Ms. Connors said the side setback is a minimum of eight feet but you can have balconies that go a couple feet into that space. They could also get an administrative adjustment to reduce the side setback. Depending on the building height, the setback increases to twenty-two feet.

Ms. Connors explained that the noise regulations now require that they are measured at ground level. You would not get a fair measurement of rooftop noise if you measure from the ground level. She further explained that at the ground level, buildings, landscaping, fences, etc. absorb the sound. At the rooftop level, there are not so many structures to buffer the sound. The code would have to be changed. The code does not speak about fences, barriers, etc. on the rooftop.

Ms. Connors read from the code regarding rooftops to the Board Members present. She said that all passive recreational rooftops for transient uses require a conditional use permit for one year, subject to the requirements for conditional use review as set forth in section 30-56 of the Town Code. A non-transient residential property is exempt from the annual review. Ms. Capotosto asked Ms. Minnet about her concerns. Ms. Minnet said a concern was that a permanent bar structure could be installed. Ms. Connors explained that if there was a change, it would only affect the RM-25 zoning district. Ms. Minnet was concerned about a four-story structure in that zoning district. She felt that the whole scale of the community had to be looked at to see how it fits into that location. That four-floor structure would be right on the water and voices/noises would travel to a lot of areas in Lauderdale-By-The-Sea. Ms. Connors answered that the code as it stands now, only address the differences between transient and non-transient uses. It does not talk about bar structures for commercial uses.

Ms. Connors pointed out that the property they visited first today, received approval for 35% of their rooftop at the time of site plan approval. At that time, the architecture was Mediterranean Revival which did not have a flat roof like Mid-Century Modern does. When they changed their roofline to accommodate Mid-Century Modern design, they gained a lot of square footage on their roof. That is why they have an outdoor, passive recreational use rooftop. It was pointed out that the Town Commission makes the final decision but it's a difficult decision after an investment has already been incurred for an outdoor rooftop.

Ms. Mehaffey said that right now, rooftop use is allowed. What this Board is looking at is the type of activities that would be considered part of rooftop usage. Right now those activities are passive and specifically call for no permanent structures. In the Board's recommendations, they could be very specific. For example, allowing a permanent barbecue grill does not mean that would automatically allow a permanent bar structure. The Board could also differentiate their recommendations between transient and non-transient uses.

Chair Chanon said this is a permanent structure issue and the other is percentage usage. He feels that permanent structures should not be eliminated in the code. We just need to limit the scale and scope of what structures would be permitted. Ms. Capotasto felt that you do not encroach on a neighbor's enjoyment of their own property. Ms. Minnet agrees that we have to look at the permanent structure aspect but we have to be concerned about weight, for example of a Jacuzzi and spa. Mr. Paterson said that they have already installed rooftop Jacuzzis and spas. The Town's Building Department would require the developers to prove that the rooftop would be able to handle the weight of what they put on the rooftop. Ms. Minnet would like, on the record, that the Town helped the developers' bottom line when they were able to increase what they charge per square footage when they changed their architectural design. The developers are here tonight to continue to ask for the ability to increase their bottom line with amenities on the rooftop. This Board has to ensure that their decision works for all communities in the whole community, especially since this townhouse project is right next to a single-family residence. Ms. Minnet is not sure if she is in favor of expanding rooftop usage. We have to work within the Charter. We have to work within a useful rooftop activity that would be acceptable to the builders as well as to the Town without expanding it so much that we jeopardize what we have. Ms. Capotasto said that this community has lots of balconies and people have activities on them. People sit on their balconies, have barbecues and have drinks. We also have buildings that are higher than our code because we annexed them in that way. Condos on the beach have barbecues on their pool decks. Mr. Clark spoke about the ambiance of a rooftop as opposed to a balcony. He would like to see any recommendation going forward having specific items that could be approved and not approved. Ms. Capotasto agrees with Mr. Clark that it is nice for people to enjoy the rooftop and said there would be no foolproof list because people will find a way. Ms. Capotasto said she liked the finished roof surface that was used in the second structure they saw tonight.

Ron Piersante, member of the public who spoke again, said that he was on the Planning and Zoning Board when that project was approved. It was a beautiful project. When he saw what was going up, he wondered what happened to the project that was approved years ago. He was questioning if there would be a rooftop on the townhouse project. Mr. Paterson said his development was one project. He answered that the entire project would have 29 rooftops of which Shore Court would have 17 and Gordon Court would have 12. Mr. Piersante told the developer that he was asking for a lot. If he was on the Planning and Zoning Board now, he would not go along with this.

Terry Paterson spoke about a solid wall to combat noise and give some privacy. Mr. Paterson is for the percentage because it forces the developer to build offsets. He agrees with keeping commercial separate from residential in the code. He agrees with limiting to a certain sq. footage like 500 to 600 per unit for placing restrictions.

Ms. Minnet warned the developer that there are a percentage of residents in Lauderdale-By-The-Sea that do not want these rooftop activities. She said we want to work with the developers but on the other hand, we have to listen to the residents. She thinks the project is beautiful but there is no simple area here. She would like to work this out but on the conservative side.

Ms. Capotasto said that rooftop usage has already been accepted and this is just a matter of how much of the rooftop can be used and with what permanent structures.

Ms. Mehaffey clarified that transient and non-transient could be separated. They are already divided in the Code in terms of how they are treated particularly regarding their conditional use.

She further explained that this would only go for referendum if the Board is changing a use or changing a zoning district. The Charter is very specific. It would all depend on the final recommendations and Staff would do an analysis under the Charter as to whether or not a referendum would be required.

Ms. Capotosto would like to know why it was decided to use 35% of the roof. How did Staff come up with that percentage and to what benefit. Ms. Connors said she reviewed the minutes of a Town Commission Meeting and said there was no discussion of this. It was in the Rooftop Ordinance when it was adopted. Linda Connors answered the Chair's question that this developer was given the 35% at site plan approval. Then the rooftop design was amended and the rooftop use provision was not amended. Ms. Minnet said that any change to the Charter or Zoning Changes that previously went before the voters did not pass. Ms. Mehaffey clarified that as of right now, she has not heard any discussion that would trigger a use change that could trigger a Charter Referendum. Right now we are looking at rooftop activities and the already existing conditions.

Ms. Connors summarized what she and Ms. Mehaffey have to analyze and will come back in front of this Board with it. There is no opposition to changing the percentage or possibly putting on a maximum size to the rooftop use. Consideration can be made for certain permanent structures such as a built-in grill. There would be a list of what type of rooftop structures would be allowed and maybe put a size limitation on that structure to ensure it is not too large. Add some information in the Code to further differentiate between the rooftop use allowed in a transient and non-transient use. Ms. Minnet added that no inhabitable space can be added (i.e., no guesthouse). The Board wants to keep the provision for the transient to have to get a renewable annual conditional use. Ms. Connors said that language will be drafted and brought in front of the Planning and Zoning Board before it goes to the Town Commission.

Chair Chanon asked for public comments. Ron Piersante again took the floor. He said that he looked at what other communities had. In Sunny Isles, it just states that roofs shall not be flat except when rooftop guides are provided and West Palm is the same. Golden Beach only allows flowers for a rooftop terrace. He feels that the developers are asking for too much.

Terry Paterson said that he builds in those areas. A rooftop terrace is just a spiral staircase at the maximum height for access to the rooftop. In Lauderdale-By-The-Sea, he was not adding to the building height just building up to it. Mr. Dragoslavac thanks the Board for their allowing this beautiful project and the architectural change.

Ms. Minnet reiterated that the Town of Lauderdale-By-The-Sea has unique features that our residents and businesses want to maintain. We have to make sure that what was asked for tonight complements the flavor, uniqueness, and heart of the Town. We want to work with developers also but it must benefit everyone. Chair Chanon wanted clarity regarding the rooftop they saw this evening. He wanted to know the square footage laid out. Terry Paterson answered that the usable space was 550 square feet between the walls. Under air would be about 1,000 square feet and they were at approximately 55%. The units seen today were the largest. The others on the floor below would average from 500 to 600 square feet. Ms. Capotosto asked the developer if there was proper drainage on the rooftop in case someone wanted some flower pots or a garden. He answered that all drainage is internal with dual drains, etc. It wasn't the developers' intent to have a garden. The rooftop is structurally sound and has water availability for a garden. Ms. Capotosto inquired because a garden is also a noise buffer.

6. OLD BUSINESS

7. UPDATES/BOARD MEMBER COMMENTS

Ms. Connors said they received an application from the Florida Development Group for their first property which is under review. She would like to have an extra Board Meeting the first week in March, if the review goes quickly. She polled the Board and there is a quorum for March 4, 2015. She will confirm this date in February with the Board. The next Planning and Zoning Meeting is February 18, 2015 at 6:00PM.

8. ADJOURNMENT

This Workshop was adjourned at 7:49PM.

Chairman David Chanon

ATTEST:

Date Accepted: _____

Town Planner Linda Connors

TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD
REGULAR MEETING MINUTES
Jarvis Hall - 4505 Ocean Drive
Wednesday, February 18, 2015
6:00 P.M.

1. CALL TO ORDER

Chairman David Chanon called the meeting to order at 6:03 P.M. Members present were Chairman David Chanon, Charles Clark, Roseann Minnet, Vice Chair Charles "Patrick" Potts, Patrick Murphy, 1st alternate John Lanata and 2nd alternate Gerri Ann Capotosto. (As there was a quorum, the two alternates will not vote.) Also present were Town Attorney Kathy Mehaffey, Town Planner Linda Connors, and Clerk Idalia Gutierrez.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. APPROVAL OF MINUTES

- a. Previous Meeting Minutes – November 19, 2014 and January 21, 2015

Ms. Minnet made a motion to approve the minutes of November 19, 2014 and January 21, 2015 as presented. The motion was seconded by Mr. Clark. The motion carried 5-0.

4. PUBLIC COMMENTS

The Chair called for public comments. Town Planner Linda Connors explained that members of the public were here for agenda item 5 (c) and would like to speak at then.

5. NEW BUSINESS

- a. Swearing of Board Member – Patrick Murphy
Swearing of 1st Alternate Member – John Lanata

Board Member Patrick Murphy and 1st Alternate Member John Lanata stood and repeated the Oath recited by Town Planner Linda Connors.

- b. Art in Public Places – Ordinance 2015-03

Chair Chanon announced the agenda item. Ms. Mehaffey explained that at the Town Commission Meeting of August 19, 2014, the Commission directed Staff to develop a proposal for a Public Art Program (PAP). She said the Ordinance in the Board Packet creates a Public Art Board (PAB) which would be appointed by the Town Commission. The Public Art Board will consist of three members and one alternate. This Board, together with Town Staff, will develop the program's guidelines, subject to the approval of the Town Commission. The guidelines would layout the design of the program and will include the procedural implementation

standards, criteria, and the policies related to how public art donations are received, the dedication and acceptance procedures, and the placement of public art throughout the program. The PAP would apply to a multifamily project and project costs of more than \$1,000,000 (excluding land value), and non-residential projects with project costs (excluding land value) of more than \$750,000. The Town Commission approved the Ordinance on first reading at the January 27, 2015 meeting and added publicly accessible buildings constructed by the Town. The PAP would not apply to single-family development or development not meeting the threshold criteria. The Ordinance will keep the Town's beautification efforts moving.

Town Attorney Kathy Mehaffey spoke about the property owner's options and is subject to complying with the Ordinance. They could choose payment of an in-lieu public art fee equal to 1% of the cost of the proposed project, not to exceed \$250,000, they could donate public art, approved by the PAB and Town Commission, valued at 1% of the cost of the proposed project, not to exceed \$250,000, or they could place public art on the development site approved by the PAB and Town Commission valued at 1.25% of the cost of the proposed project, not to exceed \$312,500. She explained the reason the third option has a higher cap is because the Town would encourage placing the art in the Town proper and not on the individual development site. The compliance for the third option would be prior to final building permit with procedures in the Ordinance. There is a provision in the Ordinance that if a project was to be re-built due to fire or other natural disaster, the PAP could be waived by the Town Commission. When the Ordinance was reviewed at first reading, the Town Commission requested Staff to consider the application of the Ordinance and a reduced donation cap. Ms. Mehaffey said the board packet also includes Public Art Programs in other municipalities.

Chair Chanon wanted to know if there are restrictions from the Town for when the money has to be used if a developer decides to make a donation to the fund. Ms. Mehaffey replied that it would go into the Public Art Fund (PAF) and it could be used with any of the expenses associated with selection, commissioning, acquisition, transportation, installation, maintenance, public appraisal, education, promotion, administration, removal and insurance of public art projects throughout the Town, as approved by the Town Commission. There are no timing requirements built into the Ordinance at this time.

Patrick Murphy wanted to know if this also applies to the Town's existing art and Ms. Mehaffey replied that she believes that it would be. Chair Chanon wanted to know how the art was valued (e.g., cost or appraisal). Ms. Mehaffey said the valuation would be part of the program guidelines developed by the PAB and will have to be determined. Second Alternate Gerri Ann Capotosto commented that art is extremely subjective and there is a cost associated with appraisals. She felt that the art market changes very quickly and an appraisal might not have longevity. And, there may be need for multi-appraisals. Ms. Mehaffey said that the appraisal would be done at the time of donation. She directed the Board to line 311 on page 9 of the Ordinance for the appraisal provisions. Ms. Mehaffey read that portion of the Ordinance into the record. Patrick Murphy wanted to know if three appraisals could be done just to get a high and low figure. Town Planner Linda Connors explained that these details would be part of the PAB's guidelines. The Planning and Zoning Board is to establish the program in the Ordinance and the details will be created by the PAB. Ms. Capotosto wanted to know if the appraisal would be used for insurance. Ms. Connors said the appraisal would be to ensure the donated art meets the costs required by the 1%. Ms. Connors further answered Ms. Capotosto that the appraisal would take place prior to the Town accepting or purchasing the art. Ms. Mehaffey said the Town has to ensure the art meets the 1% threshold. Ms. Capotosto said that for an art appraisal, the art has to be in front of the appraiser. This makes it difficult because the

application procedures in the Ordinance denote that the application would be accompanied by preliminary sketches, photographs or other documentation. It was explained that the fee for creating this art would be taken into consideration by the Town but the appraisal on the finished art would establish its real worth to the Town. The property owner must meet the 1% threshold. Ms. Capotosto felt that was fine for existing art. However, for rough sketches on paper, it is hard to quantify and appraise. Ms. Mehaffey explained that this would be flushed out in the program's guidelines. Ms. Minnet clarified that the Board is here tonight to make recommendations for this Ordinance for Town Commission's 2nd Reading. Ms. Mehaffey reminded the Board this is part of Chapter 30 – Land Development Code - which is under the Planning & Zoning Board's purview.

Chair Chanon wanted to know about the 1% because he thought that figure was a little high. Other municipalities have the number tied to square footage which would make it less than 1%. Ms. Minnet suggested going with 0.5% because calculating square footage might lead to other factors. Chair Chanon agrees with 50 basis points or perhaps 75 basis points. Chair Chanon answered Patrick Murphy that the Town was clearly on the high side with the 1% figure compared to other municipalities and that we do have less threshold requirements as well. Ms. Connors pointed out to the Board the threshold amount has a not to exceed amount of \$250,000 as shown on line 364 on page 10 of the Ordinance. She wanted clarification if the Board wanted the \$250,000 cap for the 0.5% figure. Further discussion continued about the 1% figure and not the capped dollar amount. Ms. Minnet thought the Ordinance should move forward and developers should start offering art to the Town without placing an undue burden on anyone. Mr. Clark is all right with the Ordinance the way it reads and the PAB could flush out any changes. Chair Chanon felt the Town Commission could decide if the 0.5% figure is adequate.

Ms. Minnet made a motion to send Ordinance #2015-03 back to the Town Commission with the Board's recommendation to change the threshold value to 0.5% (instead of 1%) and leave other guidelines to be flushed out by the Public Art Board and Town Staff. The motion was seconded by Mr. Potts. The motion carried 5-0.

c. Rooftop Uses – Ordinance 2015-04

Chair Chanon turned the meeting over to Ms. Connors. She summarized the Planning and Zoning Board's January Workshop Meeting. She also spoke about the site visits to two different properties to see rooftop uses in the Town and its potential. She said the Town Commission during their December 9th meeting requested the Planning & Zoning Board review the current rooftop regulations and determine if changes were necessary. She said that Ordinance 2015-04 was in the Board's Packet. It contains changes to the Town's current regulations regarding rooftop activities. The proposed Ordinance and the Board's comments will be presented to the Town Commission at their March 10, 2015 meeting.

Ms. Connors explained the changes to the Town's current rooftop activities regulations as proposed in Ordinance 2015-04. It was reorganized for clarity. It would maintain the prohibition of permanent structures on the roof for buildings with transient uses. It would limit permanent structures on rooftops for buildings that have non-transient uses to benches, planters and outdoor kitchens that are no more than 30 square feet (allowing a simple, standard outdoor kitchen with a built-in grill, small refrigerator and sink). It would allow the rooftop use to encompass the area limited to 35% of the square footage of the entire floor area of the floor below instead of the enclosed floor area. It would clarify the measurements for evaluating the

visibility of temporary items. It would change the current measurement from five or six feet at grade to five feet at the street right-of-way. It confirms that hot tubs and pools were considered permanent and not allowed on the roof. It would delete the duplicative requirement that rooftop activities be approved as part of the site plan, but confirm that the activities require Conditional Use approval. It would add a timeframe in which passive recreational activities are closed (10 pm to 7 am). Ms. Connors further stated that they were proposing changes to Section 30-241 to update and clarify the Code. The proposed changes would amend the height section to more closely reflect the Town's Charter when referencing elevator shafts and stairways. It would delete outdated language referring to seawalls, foundations and storm drainage.

Chair Chanon opened the floor to public comments. Mr. Ron Piersante, a resident of Lauderdale-By-The-Sea, reminded the Board of his questions at the January 21, 2015 Planning & Zoning Workshop Meeting. He said he lives in RD-10 which is right next door to the development which would be on Shore Court and Garden Court. He is very concerned about partying and having to call the police or BSO. He knows the Town has a Noise Ordinance but wanted to also know about roof umbrellas, etc. Before this gets approved, he requests that the Board ask a lot of questions to know what they are recommending to the Town Commission. He said that Lauderdale-By-The-Sea is a bedroom community.

Ms. Connors explained about the size of a rooftop area. She said that any complaint would be investigated. She said that hot tubs and pools require permits and through the permitting process, the Town would know if a hot tub or pool was planned for a rooftop. Ms. Connors explained that rooftop uses would be expanded to one and two-story structures but is only now in the RM-25 zoning district. Ms. Connors answered Chair Chanon that currently there are no restrictions on rooftop umbrellas but there are restrictions on visibility. She explained that the RM-25 zoning district area is a huge section of the Town and spoke about the RM-25 locations. She said RM-25 is everything but single-family and duplex properties in the Town except for the RM-50 district and the Commercial district. Ms. Connors answered Mr. Murphy that the habitable area and rooftop use area excludes the elevator shaft, parapets and similar structures. She further answered that nothing is written in the Code regulating rooftop furniture. Ms. Connors suggested that if it pleases the Board, Staff could add language to the Code for rooftop furniture similar to what is in the Code for sidewalk café furniture. Mr. Murphy thought it was a good idea.

Mr. Terry Paterson spoke about making the 42" fall barrier solid rather than an open railing. It would help with visibility as well as keeping furniture secure. He also said that he would like more than 35%. Ms. Connors read from the Ordinance starting on line 133 regarding temporary objects and furniture. Ms. Connors answered the Chair that not every developer would want to use a solid barrier which might inhibit their design. Mr. Murphy suggested reviewing noise because there will be 17 buildings. Ms. Minnet spoke about the residents across the waterway on the Intracoastal seeing these buildings and if Staff took that into consideration. Most of Garden Court is on the Intracoastal and those residents will be majorly impacted. Ms. Connors said that the original development was previously approved with a rooftop use. It was much smaller area until the development's architecture was changed. Ms. Capotosto wanted to know what the square footage was before it went up to 35 square feet. Ms. Connors clarified that it was always 35% but the difference was on the enclosed footprint below the roof and the recommended change is 35% of the floor area. Ms. Capotosto wanted to know how the 35% was established. Ms. Connors thought that the Town did not want to allow total use of the roof. Ms. Capotosto wanted to know if there was documentation of why the Town never allowed

rooftop usage before they went to 35%. Ms. Connors said she did not see any research on this topic.

Ms. Capotosto spoke about sound traveling in waves whether it came from ground level or rooftop and that a barrier helps with noise control. She did not want a 35% limitation for rooftop uses but rather allow full usage. She would like to see a wall or a hedge as a barrier in the Code to help with noise control. She would like to see something about the amount of sound decibels allowed to be a good neighbor. She would like to see a properly installed trellis on a rooftop to help provide shade or anything properly installed which meets hurricane standards to help protect from the sun. She felt there should be some type of occupancy per square foot weight load sign.

Mr. Clark did not agree with allowing the entire rooftop as a recreational area and stated the 35% limits the amount of people who can be on the rooftop. He further said having timeframes for activities to stop is a good idea. Mr. Murphy also liked the 35% but would like it regulated to the center of the building. Ms. Connors said that the Ordinance did not speak of where on the rooftop the 35% could be. Mr. Lanata wanted to know why the rooftop space was increased to allow the square footage of a balcony or patio. Ms. Connors replied that Staff was trying to be accommodating to the request for a bigger rooftop. It was also easy to work off a floor plan. Mr. Lanata thought the 30 square feet for the kitchen was open ended and Ms. Connors explained how Staff arrived with that amount of for an outdoor kitchen. Ms. Connors explained the Conditional Use Permit required review. Chair Chanon also did not want to allow the entire rooftop for recreational use and stated the size of the rooftop area would affect the number of people on the rooftop. Ms. Connors clarified that the size of the outdoor kitchen was limited to 30 square feet but, depending on the rooftop size granted by the 35%, other structures could be on the rooftop. Ms. Connors answered Mr. Potts that she would have to defer to the Building Official and the Building Code about an engineering study to see if the roof could take the load of structures and people.

Ms. Capotosto reiterated that limiting the size of the rooftop area would not detract from sound/noise. She felt that more changes to the Code needed to be added regarding noise. She would like a sound expert to come in to speak on sound and how it travels. She felt that the Code needs criteria to limit sound disturbances. When she spoke about occupancy and square footage, she clarified that she just wanted the proper load amount so that more people did not use the rooftop than what it could accommodate. Ms. Minnet wanted to know if sound was covered in other sections of the Code. Ms. Connors answered that sound was regulated in the Code. Ms. Minnet did not want to be duplicative. Town Attorney Kathy Mehaffey did not recommend any additional sound restrictions in this Ordinance. The Town already has an effective and enforceable area addressing sound in the Code Noise Ordinance.

Ms. Minnet agrees with the Staff's recommendations and wants to see the limitations and the timeframe maintained. She said that the Town took a strong step so that Mr. Paterson can market his property which would be a signature for this community. However, the Town has to take into consideration how this would impact the rest of the community. She wants to address how the people across the Intracoastal could be affected and would like some recommendations from Staff. Ms. Mehaffey said that if noise would be measured across a right-of-way or canal, it would make it essentially a complaint without permission. She explained how it could be difficult to enforce due to private property. Discussion ensued and it was suggested to make the new language in the Ordinance clearer to broaden the area across the way by taking out the word "street" on line 134 in the Ordinance. Instead of line 134 referencing street

right-of-way, it would just be right-of-way. Chair Chanon wanted to know how making the fall barrier a solid wall instead of open railing would affect existing buildings. He did not want that to add a financial burden. Discussion ensued about the lack of flexibility when the rooftop location is mandated to the center of the roof and how it would not work in every configuration. They further discussed safety when people have too much to drink while on the rooftop. The railing, whether open or solid wall, has to be 42 inches high. Ms. Minnet addressed the solid wall and open railing issue. From a sound barrier, a solid wall is good but she would not like a solid wall mandated. They discussed whether a solid wall should be concrete or any other material. Ms. Capotosto thought the wall was necessary because of the sound/noise issue. Mr. Lanata thought a wall was unnecessary and it would obstruct the views. Discussion ensued whether other municipalities had noise complaints due to rooftop usage and noise can come from backyard activities and not just rooftop activities. In summary, the main thing is to be a good neighbor.

The Board talked about Conditional Use for rooftop activities. Ms. Connors answered Chair Chanon about how the Town reserves the right to review the Conditional Use. Ms. Minnet would be in favor of flexibility of the railings. Mr. Clark likes the wall but would also like some flexibility. Ms. Capotosto suggested to wall the side boundaries and a percentage of the front and rear of the rooftop, but provide flexibility for other materials to be used for aesthetic purposes. The seven members in attendance were polled for a solid wall or open railings and they were split. It was decided to pass on this suggestion. Ms. Minnet requested Linda Connors reflect on her report to the Commission that the Board members were split on the decision to a solid wall or open railings on the rooftop.

Linda Connors provided a summary of the Board's discussion on rooftop use as follows: 1) Board member Gerri Ann Capotosto was the only objection to the 35% rooftop use; 2) All Board members agree taking the word "street" out of "street right-of-way" and requested Staff to write the wording for this suggestion to include the width of right-of-way; 3) No objections were made regarding rooftop use timeframe as written; 4) The Board requested to add similar language used in the Sidewalk Café Ordinance regarding furniture removal during storms and also add language for furniture removal when the property is vacant; 5) Ms. Capotosto suggested to add language requiring the use of low lying speakers below the 42 inch wall level.

Ms. Minnet made a motion to approve Ordinance 2015-04 with the Board's recommendations to remove the word "street" from line 134 and include the width of right-of-way to be determined by Staff, add language for removal of furniture during storms and periods of vacancy, and report to the Town Commission the Board's split decision concerning a solid wall or open railing on the rooftop. The motion was seconded by Mr. Potts. The motion carried 5-0.

6. OLD BUSINESS

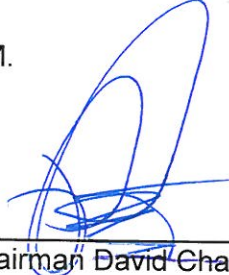
7. UPDATES/BOARD MEMBER COMMENTS

Ms. Minnet welcomed the new Board Members. She also announced the Chamber of Commerce's Taste of the Beach at Friedt Family Park on Wednesday, February 25th from 6:00PM to 9:00PM.

Ms. Connors reminded the Board about the rescheduled Planning & Zoning Board Meeting on March 4, 2015 to review the site plan for 4560 El Mar Drive. She said the March 18th meeting was canceled. Workshops on the Comprehensive Plan will be held in April.

8. ADJOURNMENT

Chair Chanon adjourned the meeting at 7:42PM.


Vice- Chairman David Chanon Patrick Potts
Date Accepted: 3/4/15

ATTEST:

Town Planner Linda Connors

Linda Connors

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, February 24, 2015
7:00 PM**

1. CALL TO ORDER, MAYOR SCOT SASSER

Mayor Scot Sasser called the meeting to order at 7:05 p.m. Also present were Vice Mayor Chris Vincent, Commissioner Stuart Dodd, Commissioner Elliot Sokolow, Town Manager Connie Hoffmann, Assistant to the Town Manager Pat Himmelberger, Assistant Development Services Director/Town Planner Linda Connors, Town Attorney Susan L. Trevarthen, Finance Director Tony Bryan, Municipal Services Director Don Prince, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Reverend George Hunsaker gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to grant Commissioner Mark Brown a leave of absence for this evening's meeting. Motion carried 4-0.

5. PRESENTATIONS

None.

6. PUBLIC COMMENTS

None.

7. PUBLIC SAFETY DISCUSSION

a. BSO January 2015 Report (Captain Fred Wood)

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve the report. Motion carried 4-0.

b. AMR January 2015 Report (Chief Brooke Liddle)

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

c. VFD January 2015 Report (Chief Judson Hopping)

Commissioner Sokolow made a motion, seconded by Commissioner Dodd, to approve. Motion carried 4-0.

8. TOWN MANAGER REPORT

a. Town Manager Report (Connie Hoffmann, Town Manager)

Town Manager Connie Hoffmann advised that the community rating system, which determines the price of flood insurance for commercial properties, has recently changed the manner in which communities are rated. This is expected to raise the flood insurance rate for most communities. One way to combat this possibility is to appoint a committee, which will meet at least once each year and include two Town employees and two individuals from outside Town government. A Resolution establishing the committee will be brought back at a subsequent meeting. The Commissioners agreed by unanimous consensus to proceed with this process.

Town Manager Hoffmann continued that the Florida Development Group's lien mitigation deadlines are provided in the Commissioners' backup materials. The group has met its first two deadlines, with the third deadline approaching. Drawings have been submitted by the Group and discussed with Town Staff.

The County's beach re-nourishment project has yet to procure a permit from the Army Corps of Engineers, which must be secured before federal funding is made available. The County is also seeking more funding from the State.

Municipal Services Director Don Prince reported that two sea oat plantings are scheduled at 4517 and 4628 El Mar Drive from 9 a.m. to 12 p.m.

Town Manager Hoffmann concluded that the list of priorities adopted at the February 10 Commission meeting are now included in the Commissioners' backup documents.

Commissioner Dodd observed that the Commissioners' Work Plan includes an item regarding the conditional use of a pet store within the Town. He requested an update from the Town Attorney on this item.

b. January 2015 Finance Report (Tony Bryan, Finance Director)

The Commissioners accepted the report without comment.

c. January 2015 Chamber Report (Tom Balcom, Chamber; Tedra Smith, Town Clerk)

Chamber of Commerce Chairman Tom Balcom stated that Taste of the Beach will be held on Wednesday, February 25 from 6 p.m. to 9 p.m. in the former soccer lot in Friedt Family Park. Tickets may be purchased online at www.lbts.com , in person at the Chamber of Commerce, or at the door.

9. TOWN ATTORNEY REPORT

Town Attorney Trevarthen requested that an attorney-client shade session be scheduled, pursuant to Florida Statutes 2860118, regarding settlement negotiations and strategies in relation to the litigation of *Palm Beach Yacht & Beach Club v. Lauderdale-By-The-Sea*.

10. APPROVAL OF MINUTES

- a. January 27, 2015 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)**
- b. February 15, 2015 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)**
- c. February 17, 2015 Special Town Commission Meeting Minutes (Tedra Smith, Town Clerk)**

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve all three. Motion carried 4-0.

11. CONSENT AGENDA

Items 11a and 11d were pulled for additional discussion.

a. Basin Drive Drainage (Don Prince, Municipal Services Director)

Commissioner Dodd advised that while he had been an early advocate of going out to bid on this project, he felt it was appropriate to retain a proven contractor that has done good work in the past; therefore he supported Staff's recommendation.

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

b. Parking Permits for Turtle Monitoring Organizations (Bud Bentley, Assistant Town Manager)

c. Town Manager Vacation (Connie Hoffmann, Town Manager)

Commissioner Sokolow made a motion, seconded by Vice Mayor Vincent, to approve Items b and c. Motion carried 4-0.

d. Purchase of a Prototype Parking Sign for the South Ocean Parking Lot (Assistant Town Manager)

Ass't Town Manager Bud Bentley advised that Town Parking Staff requested that the sign include the name of the appropriate parking lot. He concluded that the Commission is asked to authorize the purchase of a prototype sign for approximately \$6300.

Town Manager Hoffmann added that Staff recommends the purchasing manual requirements be waived for the production of the prototype sign, although they will be followed when signs for the Town's other parking lots go out for bid. The intent is for parking lot identification signs to be distinct from the Town's way-finding signs and use a more international symbol for parking.

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to suspend the purchasing manual recommendation on this Item because it is a single prototype. Motion carried 4-0.

12. OLD BUSINESS

None.

13. NEW BUSINESS

None.

14. ORDINANCES – PUBLIC COMMENTS

a. Ordinances 1st Reading

- i. Ordinance 2015-04 – An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, Amending Section 30-241, “RM-25 District – Apartments and Lodging,” of Division 2, “Districts,” of Article V, “Zoning,” of Chapter 30, Unified Land Development Regulations of the Code of Ordinances, to update the regulations pertaining to the activities permitted on rooftop uses currently allowed in the RM-25 district and delete obsolete provisions; and providing for codification, severability, conflicts, and an effective date (Linda Connors, Town Planner / Assistant Development Services Director)**

At this time Mayor Sasser opened public comment.

Ron Piersante, resident, stated his opposition to the Item, as his residence is located in a residential zoning district that abuts RM-25 zoning. He advised that allowing rooftop uses on buildings with fewer than three stories would allow activities on seventeen properties within two blocks, some of which would directly overlook neighboring residential properties.

With no other members of the public wishing to speak on this Item, Mayor Sasser closed public comment.

Assistant Development Services Director/Town Planner Linda Connors recalled that at the December 9, 2014 Town Commission meeting, Staff was asked to review the rooftop use regulations in the Town's Code. These uses are currently located in RM-25 zoning districts. Staff took this review to the Planning and Zoning Board in a workshop format.

Staff proposes the following amendments to the Rooftop Use Ordinance:

- Allow rooftop uses on buildings with three or fewer stories rather than buildings with three stories only;
- Maintain the prohibition of permanent structures on the roof for buildings with transient uses, such as hotels, while allowing benches, planters, and kitchens 30 sq. ft. or less in size on structures with non-transient uses;
- Allow the rooftop use to encompass the area limited to 35 sq. ft. of the roof area, which will be calculated using the entire footprint of the floor below;
- Clarify the measurements of how to evaluate the visibility of temporary objects;
- Confirm that hot tubs and pools are considered permanent structures and are therefore not allowed on rooftops;
- Delete the duplicative requirement of having a rooftop use on a site plan while also requiring conditional use approval for rooftop uses and activities;
- Add a time frame in which passive recreational activities are not allowed: in this case, from 10 p.m. to 7 a.m.

Assistant Development Services Director/Town Planner Connors continued that Staff also recommends the following amendments for RM-25 zoning districts:

- Change the section on height to more closely reflect the Town's charter;
- Delete outdated language referring to seawalls, foundations, and storm drainage.

She concluded that the Planning and Zoning Board recommended that measurements be taken from any right-of-way, rather than only a street right-of-way, in order to ensure that Staff can address the concerns of property owners located across the canal.

It was clarified that non-permanent rooftop uses were already allowed on up to 35% of the footprint of the floor below flat roofs of three-story structures in the appropriate zoning district. Vice Mayor Vincent asserted that he favored allowing a higher

percentage of square footage to be used, particularly on buildings with existing balconies on the floor below the rooftop use. Assistant Development Services Director Connors pointed out that buildings not yet constructed may include larger balconies, which would significantly increase the square footage of rooftop uses.

Commissioner Dodd expressed concern with the possibility of leaving temporary objects unattended on rooftops for up to 14 days, as these could be blown off buildings by strong winds. Assistant Development Services Director Connors clarified that the proposed Ordinance would require temporary objects to be removed from rooftops in the event of a hurricane watch or warning issued by Broward County. Objects must also be removed if the building is vacated for 14 days. Commissioner Dodd stated that temporary objects should be brought indoors each day.

Commissioner Sokolow pointed out that bringing temporary objects indoors each night would present an enforcement issue. He also addressed the 35% footprint requirement, noting that walling off a portion of usable space did not serve a clear purpose.

The Commissioners discussed the proposed Ordinance further, noting that rooftop uses would be conditional and could be repealed in the event that negligence occurred. Assistant Development Services Director Connors reported that the Planning and Zoning Board had also discussed expansion of the area in which rooftop uses may be located. Town Manager Hoffmann requested that the Commissioners provide Staff with direction on how to proceed with the area requirement.

Assistant Development Services Director Connors /Town Planner suggested that regulating temporary items on rooftops could be made a requirement of the conditional use: property owners would receive a warning or Commission review the first time an unsecured item is blown off a rooftop, with revocation of the conditional use permit if a second offense occurs. Town Attorney Trevarthen added that this language could be included in Town Code rather than as a condition of approval if the Commissioners preferred.

With regard to rooftop uses in residential neighborhoods, Assistant Development Services Director/Town Planner Connors recalled that the Planning and Zoning Board felt noise generated at three or more stories would travel farther than noise generated at the ground level. This had led to the recommendation that rooftop uses be closed from 10 p.m. to 7 a.m. The Board agreed that the existing noise Ordinance could be used to regulate disturbances.

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to pass on first reading. Motion carried 3-1 (Vice Mayor Vincent dissenting).

It was clarified that the Ordinance would be presented for second reading at the March 10, 2015 meeting.

The Commissioners took a brief recess at this time.

b. Ordinances 2nd Reading

- i. Ordinance 2015-03 – An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, Amending Chapter 30, Unified Land Development Regulations of the Code of Ordinances, by Amending Article I, “In General,” Division 2, “Administration and Boards,” to create a Public Art Board; and Creating Article XII, “Public Art Program;” providing for codification, severability, conflicts, and an effective date (Linda Connors, Town Planner / Assistant Development Services Director)**

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

Commissioner Dodd observed that he did not feel it was necessary to reduce the 1% figure, referenced in the backup materials, to 0.5%, as he felt developers should be required to include attractive architectural features. Commissioner Sokolow, however, pointed out that only a limited amount of development is available in the Town. Assistant Development Services Director /Town Planner Connors clarified that single-family residences are excluded from this proposed Ordinance, although it was noted that multi-family residences are included.

Commissioner Dodd made a motion to pass the Ordinance on second reading, with the proviso that [it includes] 0.5% as it is in the backup. Mayor Sasser ceded the gavel to Vice Mayor Vincent and seconded the motion. Motion failed 2-2 (Vice Mayor Vincent and Commissioner Sokolow dissenting).

It was clarified that the Item could only be revisited on a future Agenda if requested by one of the dissenting voters.

15.RESOLUTIONS – PUBLIC COMMENTS

- a. Resolution 2015-07 – A Resolution of the Town of Lauderdale-By-The-Sea, Florida, Providing for the Appointment of an Alternate Member to the Audit Committee; providing for conflict; providing for an effective date (Connie Hoffmann, Town Manager)**

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

It was noted that although the Town had placed notice of the Audit Committee opening on the Town’s website, there were no new respondents.

Lauderdale-By-The-Sea
Town Commission Regular Meeting
February 24, 2015

Commissioner Sokolow made a motion, seconded by Commissioner Dodd, to appoint Yann Brandt to this position. Motion carried 3-1 (Vice Mayor Vincent dissenting).

- b. Resolution 2015-09 – A Resolution of the Town of Lauderdale-By-The-Sea, Florida, Approving the Conceptual Design and Typical Section for the El Mar Greenway to be located in the median of El Mar Drive; providing for conflict, severability, and for an effective date (Connie Hoffmann, Town Manager)**

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

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

16. QUASI JUDICIAL PUBLIC HEARINGS

None.

17. COMMISSIONER COMMENTS

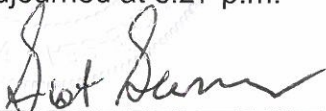
Mayor Sasser extended the Commission's thoughts and prayers to Commissioner Mark Brown and his family, and to the family of Ben Freeny.

Commissioner Dodd reported that the Coastal Oceans Task Force recently met and continued to formulate recommendations on the proposed marine sanctuary. Hillsboro Inlet also met and approved expenses for January and February. A beach located south of the Inlet has been tilled in advance of turtle season.

Commissioner Sokolow also extended best wishes to Commissioner Brown and his family.

18. ADJOURNMENT

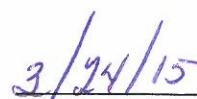
With no further business to come before the Commission at this time, the meeting was adjourned at 8:27 p.m.



Mayor Scot Sasser

ATTEST:


Town Clerk Tedra Smith



Date

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, March 24, 2015
7:00 PM**

1. CALL TO ORDER, MAYOR SCOT SASSER

Mayor Scot Sasser called the meeting to order at 7:00 p.m. Also present were Vice Mayor Chris Vincent, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Elliot Sokolow, Acting Town Manager Bud Bentley, Town Attorney Susan L. Trevarthen, Finance Director Tony Bryan, Municipal Services Director Don Prince, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pastor James Corgee gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

a. The Emerald Award for NatureScape Special Achievement from Broward County (Commissioner Mark Brown)

Diana Guidry, representing the Broward County Environmental Planning & Community Resilience Division, presented the Emerald Award for NatureScape Special Achievement to the Town of Lauderdale-By-The-Sea as well as to the Youth Environmental Alliance, the Town's partner in coordinating recent sea oats plantings. The award recognizes and promotes environmentally sound landscapes in Broward County in their efforts to protect the environment. Mayor Sasser thanked Commissioner Brown for his leadership on this project.

6. PUBLIC COMMENTS

At this time Mayor Sasser opened public comment.

Bill Ciani, business owner, stated that he had experienced difficulty obtaining insurance certificates from his tenants with sidewalk cafés. He suggested that the Town make

changes to its sidewalk café policy to decrease this difficulty. Mr. Ciani also expressed concern with parking for businesses, stating that he felt the Town needs a parking garage.

Warren Bullard, advised that he is the managing stockholder of the Silver Shores Yacht Basin. He briefly described the marina's history before and after its current owner purchased the property, pointing out that limitation of the length of permitted boats would also limit the profit that could be made by the business.

With no other individuals wishing to speak, Mayor Sasser closed public comment.

7. PUBLIC SAFETY DISCUSSION

a. BSO February 2015 Report (Captain Fred Wood)

Broward Sheriff's Office (BSO) Captain Fred Wood confirmed that he will provide a six months' report on the success of the Town's license plate reader (LPR) system. This report will be sent to the Commissioners in April 2015.

Captain Wood added that he has further discussed the plans for public restrooms on El Mar Drive with a member of BSO Staff who is certified in crime prevention design. More detailed plans for the building will be necessary before a full review is possible.

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 5-0.

b. AMR February 2015 Report (Chief Brooke Liddle)

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 5-0.

c. VFD February 2015 Report (Chief Judson Hopping)

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

8. TOWN MANAGER REPORT

a. Town Manager Report (Connie Hoffmann, Town Manager)

Acting Town Manager Bud Bentley advised that Town Manager Connie Hoffmann is seeking consensus that would allow the Town to host the Broward County City/County Managers' Association meeting in May 2015. The Commissioners approved this request by unanimous consensus.

Mayor Sasser advised that he has received several emails from Downtown businesses regarding attendance at recent events, such as Turtlefest and the Green Market. He requested that Town Staff meet with business owners to discuss some of the issues accompanying these events, including traffic and parking concerns, as well as how businesses are affected by multiple events held at the same time. The Commissioners approved this request by unanimous consensus. Commissioner Dodd offered to act as Commission liaison on this issue.

b. February 2015 Finance Report (Tony Bryan, Finance Director)

The Commissioners accepted the report without comment.

c. Chamber of Commerce February 2015 Report (Tedra Smith, Town Clerk)

It was noted that the Chamber of Commerce has recently transitioned to a new website, which affected some of the tracking and statistics included in the report.

9. TOWN ATTORNEY REPORT

Town Attorney Susan Trevarthen advised that she had received email inquiries regarding the interpretation and application of Town Code. She explained that the Town Attorney acts as attorney for the Town as an institution, rather than attorney for individual Town residents or property owners. For this reason, the Town Attorney takes direction from the Town Manager, Town Commission, and Town administration. She may also provide guidance, if requested, to Town Staff in the case of pending applications.

10. APPROVAL OF MINUTES

a. February 24, 2015 Town Commission Workshop Minutes (Tedra Smith, Town Clerk)

b. February 24, 2015 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve [both items]. Motion carried 5-0.

11. CONSENT AGENDA

None.

12. OLD BUSINESS

None.

13. NEW BUSINESS

a. Sea Oats Signage (Commissioner Mark Brown)

Commissioner Brown suggested that the Commission consider posting informational signage on the beach near the location of the recent sea oats plantings. It was determined that Lee Gottlieb of the Youth Environmental Alliance would email templates of this signage to the Commission, to be implemented by Staff if there are no further questions.

b. Silver Shores Waterway Basin Channel (Bud Bentley, Acting Town Manager)

Acting Town Manager Bentley provided a brief presentation on the Silver Shores waterway basin, which has recently been discussed by the Commission with regard to its submerged land and ownership of the upland property. Staff has had the basin surveyed and its navigable channel identified as part of this survey. Code requires that the channel within the canal must be 40 ft. wide or 45% of the width of the canal. Because the canal is 100 ft. in width, the channel is 45 ft. wide, leaving 27.5 ft. on either side for dockage.

Acting Town Manager Bentley pointed out that within the waterway basin, the channel expands, and any vessel encroaching into the channel presents a Code violation. Staff has approached the marina owner to request any documentation they might have regarding the construction of dockage or pilings in order to determine if they were constructed prior to the adoption of the 40 ft./45 % channel definition.

He added while the marina has operated for several years without significant conflict between the business and its neighbors, in recent years there has been greater input from nearby residential and condominium properties. Representatives of these properties support the potential redefinition of channel width in order to increase marina dockage. Asst. Town Manager Bentley concluded that Staff requests direction from the Commission as to whether or not they should proceed to determine an alternative calculation for the Silver Shores Basin channel.

The Commissioners discussed the presentation, clarifying that if the channel width is reduced to 40 ft. on the south end of the basin, it may allow for dockage of larger vessels in this area. There was also discussion of how the current calculation of dockage area affects the turning radius and maneuverability of vessels. The Commissioners agreed by unanimous consensus that Staff may develop an alternative calculation for the Silver Shores Basin channel.

c. Award of Parking Services Contract to Republic Parking System (Connie Hoffmann, Town Manager; Bud Bentley, Assistant Town Manager; Tony Bryan, Finance Director)

Finance Director Tony Bryan recalled that the Town recently issued an RFP for parking management services, for which they received five proposals. An Evaluation Committee consisting of Town Staff evaluated these proposals and shortlisted the responses of two firms, Republic Parking System and Lanier Parking Solutions. While both firms are qualified, the Committee unanimously selected Republic Parking as the top-ranked firm, largely because their on-site manager would have significant municipal experience. It was determined that both firms would make brief presentations to the Commission.

Kevin Brady, representing Lanier Parking Solutions, advised that the firm is a full-service parking management company with 26 years of experience and locations in 14 states. The firm offers municipal, office, valet, and shuttle services in various municipalities, including Wilton Manors, Wrightsville Beach, and Myrtle Beach. Lanier emphasizes its personal touch, with parking ambassadors who are in contact with the population and provide customer services to visitors, residents, and merchants.

Wally Bice, representing Republic Parking System, stated that the company is 49 years old and has over 100 municipal clients across the country, including Charlotte, Pensacola, and Virginia Beach. The plan for Lauderdale-By-The-Sea would be led by a 13-year veteran with the company. Mr. Bice noted that an LPR system would be offered to the Town at no cost to help determine occupancy levels and other on-street needs. Other assistance at no cost would include signage and branding plans, technology review, and demand studies.

The Commissioners discussed the presentations, including experiences with the parking system in Wilton Manors, response to personnel issues, use of an LPR system, and mobile parking apps. It was clarified that both firms had ideas for how to improve the Town's parking system, and both would be able to provide valet service in the future if needed.

Commissioner Dodd made a motion, seconded by Commissioner Brown, to follow Staff's recommendation. Motion carried 5-0.

14. ORDINANCES

Ordinances 1st Reading

None.

Ordinances 2nd Reading

- i. **2015-04 – An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, amending Section 30-241, “RM-25 District – Apartments and Lodging,” of Division 2, “Districts,” of Article V, “Zoning,” of Chapter 30, Unified Land Development Regulations of the Code of Ordinances to update the regulations pertaining to the**

activities permitted on rooftop uses currently allowed in the RM-25 District and delete obsolete provisions; and providing for codification, severability, conflicts, and an effective date (Linda Connors, Town Planner / Assistant Development Services Director)

At this time Mayor Sasser opened public comment.

Ron Piersante, resident, recalled that he had expressed concern with rooftop uses at previous Commission meetings. Since that time, he has visited the Sky 230 building and its rooftops, and advised that these units will be an improvement to the Silver Shores area. After viewing the areas proposed for recreational use, he felt Staff's recommendation for using a percentage of the square footage of the floor area in the units below was not inappropriate. Mr. Piersante concluded that the proposed Ordinance should be passed with minor adjustments.

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

Acting Town Manager Bentley provided handouts to help facilitate discussion, including a schematic of the proposed rooftop areas. These drawings use the full floor area of the units below the rooftops, which is not currently part of Code but for which interest was expressed at the previous Commission meeting. He reviewed the area calculations, noting that Staff's proposal would provide a minimum square footage area or a percentage of square footage, whichever is greater. This would allow for rooftop uses on buildings with comparatively smaller units. The drawings also reflect the 5 ft. setback from the adjacent private property line, which Staff felt should be included in Code.

The Commissioners discussed the Ordinance, with Commissioner Sokolow stating that the limitation to 35% of the unit floor area did not make sense to him. He proposed that the Ordinance be modified to allow up to 70% of the unit floor area to be used on rooftops. Commissioner Dodd suggested a modification to 60% of unit floor area with a 5 ft. setback and requirement of an annual conditional use permit. Acting Town Manager Bentley clarified that the plans he provided reflected a 5 ft. setback for units that abut private property.

Vice Mayor Vincent agreed with the proposed setback, but advised he was not in favor of restricting the percentage of use on private property, nor of the requirement of a conditional use permit.

Commissioner Sokolow made a motion, seconded by Vice Mayor Vincent, to accept the recommendations [and] add the 5 ft. setback if it works architecturally, and increase the maximum area to 70% of the floor plan with no conditional use permits.

Lauderdale-By-The-Sea
Town Commission Regular Meeting
March 24, 2015

It was clarified that the motion would exclude language in the proposed Ordinance establishing an alternative maximum square footage.

Motion carried 4-1 (Commissioner Dodd dissenting).

15. RESOLUTIONS – PUBLIC COMMENTS

- a. 2015-10 – A Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, amending the 2014/2015 Fiscal Year Budget in accordance with the attached Exhibit “A”: authorizing appropriations and expenditures in accordance with the 2014/2015 Fiscal Year Budget as amended; providing for conflicts, providing for severability, and an effective date (Tony Bryan, Finance Director)**

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

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

16. QUASI JUDICIAL PUBLIC HEARINGS

Town Attorney Trevarthen explained the quasi-judicial process. Disclosures were made by the Commissioners at this time, and all members of the public wishing to speak on this item were sworn in.

- a. Sea Lord Hotel and Beach Club – Request to Extend Site Plan Development Order for three months to June 10, 2015 (Linda Connors, Town Planner / Assistant Development Services Director)**

Acting Town Manager Bentley stated that the site plan for this project was previously approved and has received one extension. The Applicant requests a second extension, for which Staff recommends approval.

Rex Nichols, representing the Applicant, advised that the Applicant's team is presently reconsidering some of the interior spaces for the hotel. They have contracted with civil, structural, and environmental engineers, and expect to meet the extended deadline.

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

Commissioner Dodd commented that there are Code violations on the subject property, including an overflowing trash receptacle and mobile storage units parked on the property. He urged the Applicant to address these issues as they begin to build on the site.

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve the extension. Motion carried 5-0.

b. Second Request for a Construction Extension for 4209 and 4213 Bougainvillea Drive (Linda Connors, Town Planner / Assistant Development Services Director)

Acting Town Manager Bentley advised that this is also a request for a construction extension for two linked properties undergoing remodeling and renovation. At the time the first extension was issued, the Commission established deadlines by which the construction fence must be moved and landscaping completed. Both these items were addressed within the deadline.

A deadline for completion of the exterior structure, including painting of the property at 4209 Bougainvillea Drive, was not met until 28 days past the deadline, resulting in a fine of \$50/day. The Applicant also does not feel they can secure a certificate of occupancy (CO) by April 30, 2015, and has requested that this deadline be extended to June 15, 2015, bringing the total extension time to 765 days. Acting Town Manager Bentley suggested that the property owner and contractor complete the exterior work prior to June 15 but complete the interior work by that final date.

Mayor Sasser commented that he was in favor of the suggestion that outside work on the properties be completed before the interior work, and recommended that the exterior of the subject site be made more presentable within the same time frame.

Linda Zur, Applicant, stated that when the properties were purchased, they were in disrepair, and a previous contractor was replaced. Robert Elsemiller, contractor, advised that he has worked on the project since December 2014, when major structural deficiencies were identified and repaired. He cautioned, however, that it would be difficult to meet a deadline of April 30, 2015 for completion and cleanup of the building's exterior, and suggested this could be accomplished with an additional two weeks.

At this time Mayor Sasser opened public comment, which he closed upon receiving no input. He then re-opened the presentation portion of the hearing in order to allow questions by the Commission.

The Commissioners discussed the Item, noting that the reasons the project could not be completed at an earlier date were structural, and have been fully documented. It was clarified that the previous contractor had incurred financial issues, including liens, which required resolution. With no other individuals wishing to speak on this Item, Mayor Sasser closed the presentation.

Commissioner Sokolow made a motion, seconded by Vice Mayor Vincent, to waive the fine and give the Applicant the 30-day extension [to] May 15 for the exterior completion, June 30 for the CO. Motion carried 5-0.

17.COMMISSIONER COMMENTS

Commissioner Dodd reported that a Coastal Oceans Task Force meeting was held at which it was clarified that at least one environmental agency owns a drone, which can provide them with aerial footage and sampling of pollution related to dredging; however, the ACOE has issued an injunction against the use of this technology, which they characterize as interference with a federal project. He concluded that the city of Pompano Beach plans to sink a 300 ft. vessel in order to form an artificial reef.

Mayor Sasser advised that he would be unable to attend the April 14, 2015 Town Commission Regular Meeting, and requested a leave of absence for this date.

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve a leave of absence from the April 14 Town Commission meeting by Mayor Sasser. Motion carried 5-0.

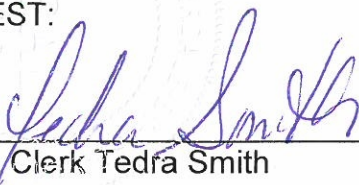
18.ADJOURNMENT

With no further business to come before the Commission at this time, the meeting was adjourned at 9:24 p.m.

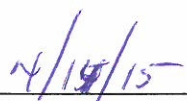


Vice Mayor Chris Vincent

ATTEST:



Town Clerk Tedra Smith


Date