



Item No. 3a

AGENDA ITEM REQUEST FORM

Town Attorney

Department Submitting Request

Susan Trevarthen

Dept Head's Signature

SPECIAL COMMISSION MEETING – APRIL 12, 2011

SUBJECT TITLE: Resolution 2011-08: A Resolution of the Town Commission of the Town Of Lauderdale-By-The-Sea, Florida, urging the Florida Legislature to stop enacting new, and repeal existing, unfunded growth management and planning mandates; and providing for an effective date

EXPLANATION: At the March 22, 2011 Commission meeting, during the adoption of the Comprehensive Plan, the Commission directed the Town Attorney to draft a resolution expressing their sentiments in regards to the applicability of certain Comprehensive Plan requirements to the Town. The Commission consensus at the April 5, 2011 Special Commission Workshop was to adopt the resolution at the April 12, 2011 Special Commission meeting so that it could be forwarded to our legislators during the current legislative session.

Reviewed by Town Attorney

Yes No

Town Manager Initials

CTA

RESOLUTION 2011-08

**A RESOLUTION OF THE TOWN COMMISSION OF THE
TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA,
URGING THE FLORIDA LEGISLATURE TO STOP
ENACTING NEW, AND REPEAL EXISTING, UNFUNDED
GROWTH MANAGEMENT AND PLANNING MANDATES;
AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the Town of Lauderdale-By-The-Sea (the "Town") was initially platted in the 1920s, and has been largely built out for decades, and little vacant land remains in the Town; and

WHEREAS, the Town is a barrier island community with only a few major through roads, which are all controlled by other levels of government (Broward County or State of Florida), and it is not feasible to make meaningful improvements to the capacity of these roads due to the costs of right-of-way, impacts on adjacent developed properties, and impact on community character; and

WHEREAS, the Town contains no industrial or large scale commercial development, and is a small scale tourist destination and residential beach village; and

WHEREAS, no public schools are located within the Town, and the Town contracts out all of its utilities and services to other governments or private providers, including water, sewer, building, and police; and

WHEREAS, the Town Charter has controlled the amount of development possible in the Town by regulating the permissible height for nearly thirty years, long before the Town was required to adopt its first comprehensive plan by the state in the 1980s, and the Town Charter now also controls aspects of the Town's land development regulations; and

WHEREAS, the Town Commission faces the same declining revenues and budgetary challenges as all local governments are experiencing at the moment, and is challenged to provide all of the services required by its residents and businesses without raising taxes; and

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28 **WHEREAS**, under the Florida Constitution, the Town possesses home rule powers to
29 plan for and regulate the use of land and development in the community in any manner that is
30 not inconsistent with general law; and

31 **WHEREAS**, the Florida Legislature has adopted general laws containing several “one-
32 size-fits-all” mandates in recent years with little practical meaning or effect to the Town,
33 including mandates to revise their plans to address public school concurrency and greenhouse
34 gas reduction; and

35 **WHEREAS**, processing comprehensive plan amendments to comply with these
36 mandates has caused the Town to spend a significant amount of money on consulting planners,
37 convene numerous hearings, place expensive advertisements, and has created demands on Town
38 staff and the Town Attorney; and

39 **WHEREAS**, the adoption of these amendments as mandated by the State, provides no
40 benefit or applicability to the Town due to the current maximization of development and the
41 requirement to plan for services, infrastructure and development which are not applicable to the
42 Town or not within the Town’s jurisdiction or control; and

43 **WHEREAS**, the Town Commission is the elected body that is closest to its constituents,
44 it is comprised of elected officials who all live in the Town, and a majority of the Town
45 Commission faces election each two years, ensuring that they are frequently accountable to the
46 voters, and therefore the Town Commission is best able to determine the correct land use,
47 planning and zoning policies for the Town; and

48 **WHEREAS**, the Town Commission finds that the adoption of this Resolution is in the
49 best interest of the Town of Lauderdale-By-The-Sea.

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50 NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN
51 COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AS
52 FOLLOWS:

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54 **Section 1. Recitals.** The recitals contained in the preamble to this Resolution are
55 incorporated by reference herein.

56 **Section 2. Request to Florida Legislature.** The Town opposes the enactment of
57 unfunded mandates and preemptions limiting the Town Commission's ability to decide what is
58 best for the Town. The Town supports reforming the state's growth management laws to
59 eliminate one-size-fits-all regulatory mandates, and give municipalities greater ability to devote
60 their resources and efforts to planning and developing in the manner most appropriate to the
61 realities of the individual jurisdictions as the elected governing bodies deem best. To that end,
62 the Town asks the State Legislature to consider, as they reform the growth management and
63 comprehensive planning regulations, exempting small municipalities from requirements to
64 address issues and prepare comprehensive plan provisions on topics over which they have little
65 or no jurisdictional power.

66 **Section 3. Direction to Town Clerk.** The Town Clerk shall forward a copy of this
67 Resolution to the Governor's Office, the Speaker of the Florida House of Representatives, and
68 the President of the Florida Senate.

69 **Section 4. Effective Date.** This Resolution shall become effective immediately
70 upon its adoption.

71 PASSED AND ADOPTED THIS ___ day of _____, 2011.
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77 _____
78 Mayor Roseann Minnet

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79 ATTEST:

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Town Clerk June White, CMC

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85 APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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Town Attorney Susan L. Trevarthen

DRAFT