



AGENDA ITEM MEMORADUM

Development Services

Linda Connors

Department

Town Planner

COMMISSION MEETING DATE (*) - 7:00 PM	Deadline to Town Clerk
<input checked="" type="checkbox"/> May 8, 2012	

***Subject to Change**

- | | | | |
|---------------------------------------|---|--|---------------------------------------|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Reports | <input type="checkbox"/> Consent | <input type="checkbox"/> Ordinance |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Quasi-Judicial | <input checked="" type="checkbox"/> Old Business | <input type="checkbox"/> New Business |

SUBJECT TITLE: Proposed Amendments to the Zoning Code to require window screening for vacant storefronts.

EXPLANATION: When the Commission approved amendments to the Town’s sign code on February 28, 2012, Commissioner Vincent suggested the Town develop standards requiring screening of windows that show vacant interior space. The proposed language for these standards is attached as **Exhibit 1**. This item was continued from the April 27, 2012 meeting due to the late hour.

The draft language we brought you at the last meeting allowed vacant property owners to cover their windows with shutters, curtains, and plain paper. After further consideration, we realized that this violated one of the principles David Sucher laid out for urban design that cities should require property owners to have something of interest in windows so as not to create a void along the street. (Mr. Sucher, the author of *City Comforts*, was a speaker in the Town’s Urban Design Lecture Series last year and his input was well-received by our citizenry.) We are therefore proposing language that requires storefront screening that includes artwork or photography and we list examples of what might be appropriate. We also provide that they can post pre-printed materials that are provided by the Town, as other cities have found that to be a way to provide a measure of control over what is posted and to present a certain look or theme in the coverings. We do not anticipate that the cost of the Town providing such coverings would be material.

Please note that the requirement that windows be screened within 5 days of vacancy actually means 5 days after 14 days of continuous closure (per paragraph a3).

Commissioner Dodd asked at the last meeting why we had not included additional regulations regarding commercial windows in the proposed amendments, applying David Sucher’s advice to operating storefronts and businesses. Drafting regulations for window coverings for vacant buildings was a simple assignment and did not require a lot of staff time. More expansive regulations would require staff time to research, write, and educate the commercial property owners. Doing that work now would interfere with our ability to complete the planning priorities that the Commission set for completion this fiscal year.

The draft language is scheduled to go before the Planning & Zoning Board at their May 16th meeting. We are seeking any guidance the Commission may have on this approach at this stage of the adoption process.

A Notice of Intent to move forward with regulations for window screening is also on this meeting’s agenda.

EXHIBIT 1: Draft of Screening Standards.

Exhibit 1 Reviewed by Town Attorney
 Yes No

Town Manager Initials CA

Section 30-313 (33) Window Screening for Vacant Storefronts

- (a) **Definitions.** The following words, terms and phrases, when used in this Section, shall have the following meanings ascribed to them, except where the context clearly indicates a different meaning:
- (1) **Door** means a swinging or sliding panel that closes an opening in a wall and provides passage through it.
 - (2) **Transparent** means easily seen through, so that bodies, objects and materials situated beyond or behind the glass can be clearly seen.
 - (3) **Vacant** means buildings or individual storefronts that are:
 - a. not open to the public, or to clientele, for a period of more than fourteen (14) consecutive days due to, vacancy, repair or renovation; and
 - b. not being used for the display or merchandising of any product
 - (4) **Window** means an opening in an exterior wall to admit light and air, typically with glazing in a frame that may or may not be operable.
- (b) **Required Screening Specifications.** All transparent windows and doors in commercial uses, including hotels and motels, that are vacant, which are visible from the right-of-way, regardless of floor elevation, are required to be screened to prevent the interior of the building from being viewed from the public right-of-way. Decorative window treatments that were in place during the business occupancy, such as shutters (excluding hurricane shutters), shades, curtains, Venetian or vertical blinds may be used if they prevent viewing of the interior of the building from the public right-of-way. Decorative window treatments must have a clean and neat appearance, and be kept in good repair.
- (1) **Screening material shall:**
 - a. If paper is used, paper shall be no less than 60 lb. weight;
 - b. Have a width no less than 36" and a length sufficient to completely screen the opening from its lowest point to a level no less than the height of the window or door opening or a level six (6) feet above the finished floor;
 - c. Be maintained in a clean and neat appearance; and
 - d. Be affixed to the interior side of the window or door glass. If utilizing tape, tape must have a continuous edging
 - (2) **Screening material shall include artwork/photography but not text except as allowed on specifically identified sign types, including, but not limited to:**
 - a. Historical pictures of the Town of Lauderdale-By-The-Sea;
 - b. Historical post cards of the Town of Lauderdale-By-The-Sea;
 - c. Art work of a professional nature;

- d. Designs or drawings provided by the Town of Town projects;
- e. Announcing or contractor signs as described in Section 30-508(3)(h)(1) and 30-508(3)(h)(3) of the code; and
- f. Seasonal window treatments as described in and subject to the regulations of Section 30-502(16).

Pictures and artwork must be a minimum of 16" x 20".

- (3) As an alternative, and if available, windows and doors may be covered by pre-printed materials provided by the Town.
- (c) Timing. All window screening is required to be installed within five (5) business days of vacancy. A time extension of up to five (5) business days may be given by the Development Services Director if the property owner submits a written request for an extension to the Development Services Department.