



Item No. 1261

# AGENDA ITEM MEMORADUM

**Development Services**

**Linda Connors LC**

Department

Town Planner BB

<b>COMMISSION MEETING DATE (*) - 7:00 PM</b>	<b>Deadline to Town Clerk</b>
<input checked="" type="checkbox"/> August 21, 2012	August 10th

\*Subject to Change

- Presentation     Reports     Consent     **Ordinance**  
 Resolution     Quasi-Judicial     Old Business     New Business

**FY2012 DESIGNATED HIGH PRIORITY ITEM - PRIORITY TOPIC**

## SUBJECT TITLE: **Ordinance 2012-11, Requiring Window Screening for Vacant Commercial Space.**

**EXPLANATION:** At the June 26<sup>th</sup> Commission meeting, staff presented first reading of Ordinance 2012-11 (**Exhibit 1**) which proposes to establish standards for screening windows of buildings with vacant commercial interior space. This item was continued from second reading at the July 26<sup>th</sup> Commission meeting to allow staff time for further research regarding the ability for nonprofit organizations to utilize the windows for art work.

The proposed ordinance included language that gave the Town an option to provide pre-printed materials as an option for property owners. Between first and second reading, staff reviewed the costs associated with providing pre-printed materials (**Exhibit 2**). We surveyed several printing companies and found the screening cost ranged from \$0.52 to \$2.13 per square foot to provide color printed screening. The costs vary depending on vendor and also the weight of paper utilized. However, in conducting our research, we could not find the specific paper weight for the pre-printed material that we require in the ordinance presented to the Commission on first reading.

The ordinance also requires screening material to include historical pictures, postcards, art work of a professional nature, or designs or drawings by the Town of the Town's projects. At the current moment, this may be an opportunity to publicize the on-going Commercial Boulevard improvements.

Based on our research, we propose changing the language approved on first reading related to the approved material for window screening to require paper be a minimum of 46 lb. weight or of similar durability and opacity as approved by the Town Manager or her designee and to allow for fabric of comparable opacity (Lines 71-75, Exhibit 1). After further research regarding the nonprofit organization issue, staff determined that no additional changes to the Ordinance were necessary to ensure the ability of non-profits to utilize the windows for art work. Therefore, no additional changes were made to the ordinance as a result of the tabling of this item on July 26<sup>th</sup>.

**RECOMMENDATION:** We recommend approval of Ordinance 2012-11.

- EXHIBITS:** Exhibit 1 – Ordinance 2012-11  
Exhibit 2 – Memo re: Pre-printed Material w/o Exhibits

Ordinance Reviewed by Town Attorney

- Yes     No

Town Manager Initials CA



30 that this Ordinance is consistent with the Town’s Comprehensive Plan and is in the best interest of  
31 the Town, its residents, and its visitors.

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

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

36 **SECTION 2. Amendment.** Article V, Zoning, of Chapter 30, Unified Land  
37 Development Regulations, of the Code of Ordinances is hereby amended as follows<sup>1</sup>:

38 **Sec. 30-313. - General provisions.**

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40 These general provisions shall govern development within the corporate limits of the Town, as  
41 follows:

42 \* \* \*

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44  
45 **(33) Window Screening for Vacant Storefronts**

46 (a) Definitions. The following words, terms and phrases, when used in this Section, shall  
47 have the following meanings ascribed to them, except where the context clearly  
48 indicates a different meaning:

- 49 (1) **Door** means a swinging or sliding panel that closes an opening in a wall and  
50 provides passage through it.
- 51 (2) **Transparent** means easily seen through, so that bodies, objects and materials  
52 situated beyond or behind the glass can be clearly seen.
- 53 (3) **Vacant** means buildings or individual storefronts that are:
- 54 a. not open to the public, or to clientele, for a period of more than  
55 twenty-one (21) consecutive days due to lack of business operation,  
56 repair or renovation; and
- 57 b. not being used for the display or merchandising of any product

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<sup>1</sup> Additions to existing text are shown in underline. Deletions are shown in ~~strikethrough~~. Additions subsequent to first reading are shown in double underline and deletions subsequent to first reading are shown in ~~double strikethrough~~.

58 (4) Window means an opening in an exterior wall to admit light and air, typically  
59 with glazing in a frame that may or may not be operable.

60  
61 (b) Required Screening Specifications. All transparent windows and doors in  
62 commercial uses, including hotels and motels, that are vacant, which are visible from  
63 the right-of-way, regardless of floor elevation, are required to be screened to prevent  
64 the interior of the building from being viewed from the public right-of-way.  
65 Decorative window treatments that were in place during the business occupancy, such  
66 as shutters (excluding hurricane shutters), shades, curtains, Venetian or vertical blinds  
67 may be used if they prevent viewing of the interior of the building from the public  
68 right-of-way. Decorative window treatments must have a clean and neat appearance,  
69 and be kept in good repair.

70 (1) Screening material requirements:

- 71 a. If paper is used, ~~paper~~ it shall be no less than 46 lb. weight, ~~60 lb.~~ or  
72 of similar durability and opacity, as determined by the Town Manager  
73 or his/her designee;  
74 b. If fabric is used, it shall be of comparable or greater opacity as in  
75 subsection a. above, so as to prevent visual sight into the business.  
76 c. Each piece of screening material shall have a width no less than 36"  
77 and a length sufficient to completely screen the opening from its  
78 lowest point to a level no less than the height of the window or door  
79 opening or a level six (6) feet above the finished floor and have a  
80 seamless appearance;  
81 d. Screening material shall be maintained in a clean and neat appearance;  
82 and  
83 e. Screening material shall be affixed to the interior side of the window  
84 or door glass. If utilizing tape, tape must have a continuous edging.

85 (2) Screening material shall include artwork/photography but not text, including,  
86 but not limited to:

- 87 a. Historical pictures of the Town of Lauderdale-By-The-Sea;  
88 b. Historical post cards of the Town of Lauderdale-By-The-Sea;

89 c. Art work of a professional nature;  
90 d. Designs or drawings provided by the Town of Town projects;  
91 Pictures and artwork on, or incorporated into, the screening materials must be  
92 a minimum of 16" x 20".

93 (3) As an alternative, and if available, windows and doors may be covered by pre-  
94 printed materials provided by the Town.

95 (c) Timing. All window screening is required to be installed within seven (7) business  
96 days of vacancy. A time extension of up to seven (7) business days may be given by  
97 the Development Services Director if the property owner submits a written request for  
98 an extension to the Development Services Department.

99 (d) Nothing in this Section shall prohibit the placement of otherwise legal signs in  
100 windows, including, but not limited to:

101 (1) Announcing or contractor signs as described in Section 30-508(3)(h)(1) and  
102 30-508 (3)(h)(3) of the code; and

103 (2) Seasonal window treatments as described in and subject to the regulations of  
104 Section 30-502(16).

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108 **SECTION 3. Severability.** If any section, sentence, clause or phrase of this Ordinance is  
109 held to be invalid or unconditional by any court of competent jurisdiction, then said holding shall in  
110 no way affect the validity of the remaining portions of this Ordinance.

111 **SECTION 4. Conflicts.** All ordinances or parts of Ordinances and all Resolutions or  
112 parts of Resolutions in conflict with the provisions of this Ordinance are hereby repealed.

113 **SECTION 5. Codification.** This Ordinance shall be codified.

114 **SECTION 6. Effective Date.** This Ordinance shall become effective immediately upon  
115 adoption on second reading.

116 **SECTION 7. Adoption.** Passed on the first reading, this \_\_ day of \_\_\_\_\_, 2012.  
117 Passed and adopted on the second reading, this \_\_ day of \_\_\_\_\_, 2012.

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Mayor Roseann Minnet

	First Reading	Second Reading
Mayor Minnet	_____	_____
Vice-Mayor Sasser	_____	_____
Commissioner Brown	_____	_____
Commissioner Dodd	_____	_____
Commissioner Vincent	_____	_____

Attest:

\_\_\_\_\_  
Town Clerk, June White, CMC

(CORPORATE SEAL)

Approved as to form:

\_\_\_\_\_  
Susan L. Trevarthen, Town Attorney



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

To: Bud Bentley, Assistant Town Manager  
Thru: Linda Connors, Town Planner  
From: Bethany Walker, Permit Administrator  
Date: July 9, 2012  
RE: Research for Ordinance 2012-11 Window Screening for Vacant Commercial Space

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The following research was conducted in order to obtain a further understanding of the logistics and costs associated with carrying out Ordinance 2012-11 Window Screenings for Vacant Commercial Spaces. The delivery costs and logistics associated with obtaining this are outlined below in case the ordinance passes and Commission would like staff to move forward with pre-printed materials.

**Ordinance 2012-11**

Ordinance 2012-11 Window Screenings for Vacant Commercial Spaces was passed on first reading on June 26, 2012 and is scheduled for second reading on July 24, 2012. If passed, it will require that all transparent windows in commercial uses that are vacant and visible from the right-of-way be screened to prevent the interior of the building from being viewed. The ordinance requires that all window coverings be no less the 36" in width and completely screen the opening no less than 6' above the finished floor. Additionally, the ordinance suggests that the Town may provide pre-printed materials to assist owners of vacant storefronts in complying with the new regulation.

**Images**

Acceptable form of imagery for the window coverings includes historical pictures of the Town, historical post cards of the Town, artwork of a professional nature, and designs or drawings provided by the Town of Town projects. Historic photographs are available through the Broward County Historical Commission and the Fort Lauderdale Historical Society. However the pictures that these organizations have of Lauderdale-By-The-Sea are limited to the pier. Recently, we have acquired postcards of hotels in Town, which may be an option we could pursue. Finally, we could put final plans and renderings of our Commercial Boulevard and other Town improvement projects on the paper.

**Printing**

Staff has surveyed several printing companies to prepare the in house stock of window coverings should it be necessary. It is important to note that 60lb paper as proposed in the ordinance was not available. Table 1 below compares the three most competitive options.

**Table 1**

Weight	Company	Address	Cost Estimate at 300SF	Per square foot
46lb	Fed-Ex Kinkos	5975 N Federal Hwy Ft. Lauderdale FL 33308	3'x105' SF color only 46lb white bond paper \$227.50	\$0.75
21lb	Office Depot	3935 N Federal Hwy. Oakland park FL 33308	3' x 100' Color only; 21 lb. paper @300 SF \$155.82	\$0.52
24lb			24lb paper @ 300 sf.\$638.20	\$2.13
20lb	Repographia	801 N Andrews Ave Ft. Lauderdale FL 33311	3x 150 feet B&W only; 20lb bond paper \$63.00	\$0.18

Table Two is an example illustrating the cost of providing window coverings using costs identified in Table 1. For our example, we a typical storefront space in the Town on Commercial Boulevard.



This particular property provides an example of a vacant storefront that would require screening. This property contains about 73 square feet of window frontage.

Table 2 identifies the approximate cost of covering the storefront's windows to the Town based on the collected estimates.

**Table 2**

<b><i>Vendor/Paper weight</i></b>	<b><i>Approximate cost to the Town</i></b>
FedEx Kinkos - 46lb	\$55.00
Office Depot - 21lb	\$29.00
Office Depot - 24lb	\$117.00
Repographia - 20lb (b/w only)	\$ 13.00

**Conclusion**

Staff recommends that Ordinance 2012-11 be amended at second reading to allow Town Manager or designee to set the window screening material standard. This would allow flexibility if new material or better pricing becomes available. Also, to encourage and promote Town development, staff recommends that the Town provide pre-printed paper with renderings of the Commercial Boulevard projects.

**Exhibits:**

- Exhibit 1 - Ordinance 2012-11
- Exhibit 2 - 21lb paper
- Exhibit 3 - 24lb paper
- Exhibit 4 - 46lb paper

Exhibit B  
21 lb. paper

Exhibit C  
24 lb. paper

Exhibit D  
46 lb. paper