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TOWN OF LAUDERDALE-BY-THE-SEA
CHARTER REVIEW BOARD MEETING MINUTES

Jarvis Hall
4505 Ocean Drive
Wednesday, June 13, 2012
6:30 P.M.

1. CALL TO ORDER - Chairperson David Wessels

Chairman Wessels introduced and welcomed Jim Silverstone to the Charter Review Board. Mr. Silverstone replaced Ken Kugler upon his resignation.

2. ROLL CALL

Chairman David Wessels called the meeting to order at 6:30 p.m. Vice Chair Susan Delegal, Yann Brandt, Charles Clark, Ronald Piersante, and Jim Silverstone were present. Also present were Town Attorney Susan Trevarthen and Town Clerk June White.

Chairman Wessels called for an excused absence for Sandra Green.

Mr. Silverstone made a motion to approve an excused absence for Ms. Green. Mr. Brandt seconded the motion. All voted in favor.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. APPROVAL OF MINUTES

a. May 9, 2012

Mr. Silverstone questioned the comment made by Mr. Piersante regarding districts (page 4, paragraph 5 of the May 9, 2012 minutes). Mr. Piersante clarified that his intent was that someone did not have to live in the district to run in the north; it could be someone from the south and vice versa.

The members of the board agreed to Town Clerk White's suggestion that the Board approve the May 9, 2012 minutes as written and record Mr. Piersante's intent in the current meeting minutes (so noted above).

There were no additional changes to the minutes.

Mr. Clark made a motion to approve the May 9, 2012 minutes. Mr. Piersante seconded the motion. All voted in favor.

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5. PUBLIC COMMENTS

There were no public comments.

6. REPORT

a. JC Consulting Analysis

Town Planner Linda Connors explained that at the last Charter Review Board meeting, the Board asked the Town to provide them with a copy of the Power Point presentation by JC Consulting Enterprises dated April 11, 2011 and the Town Attorney's October 13, 2009 report on height regulations. She added the Town Clerk forwarded this information to the Board via two separate emails on May 15, 2012. Town staff reviewed the planning priorities and additional Commission issues and determined that the issues did not deal with the Charter. Many of the issues raised by JC Consulting have already been or were addressed through ordinance amendments, or would require a zoning referendum.

There were no questions from the Board.

7. OLD BUSINESS

a. Article VI - Elections - Section 6.1(1) - Length of Mayor's Term of Office At the May 22, 2012 Commission meeting, the Commission requested the Charter Review Board provide additional input and public comments

Mr. Clark made a motion to table this item to a date uncertain. Mr. Silverstone seconded the motion. All voted in favor.

8. NEW BUSINESS

a. Article VII. Planning and Zoning (Town Attorney Susan Trevarthen)

Attorney Trevarthen reported the items presented to the Board and highlighted selected issues which the Board may wish to address, such as replacement of nonconforming buildings, limitations on the Town Commission to rezone for any other use or to create new zoning districts, and the measurement and application of height limits.

b. Chronology History of LBTS Height Restrictions

Attorney Trevarthen gave a brief overview of the history of height restrictions from 1973 to present. She welcomed input from any Board members who lived through those periods.

Chairman Wessels asked for a quick review of the history of height restrictions.

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Attorney Trevarthen reviewed the chronology as written in her memo dated June 13, 2012 and attached as part of these minutes.

In regards to some of the issues requiring clarity, Vice Chair Delegal suggested obtaining the views of the Town Planner from a professional planner's standpoint as well as Town Attorney opinion.

Planner Connors stated there was not been any construction for her to delve into the height restrictions since she began work with the Town. She will review the charter and report back.

Vice Chair Delegal explained any practical issues that may come into question as staff attempted to apply the Land Development Code during review of a project that may need clarification from a professional planning perspective, would be helpful.

Chairman Wessels wanted to clear up and consolidate the language so the Charter could be read and understood by the average citizen, without hiring a professional to interpret its meaning.

Attorney Trevarthen stated if the Charter Review Board desired, it could attempt to propose changes to simplify the Charter without making substantive changes.

Mr. Brandt said the Board's barrier of pushing something to the Town Commission had been placed to public outcry. The public outcry came from Town administration to clarify the code. If the Town administration did not have a desired clarification for the Board to act on, then there was no public outcry and not necessary to move anything forward. It would be favorable if the administration went back to determine whether a clarification needs to happen. He said it appeared the Town Attorney understood and knows how to interpret the existing Charter language. If the need to change it did not exist, and the administration did not feel the need to change it, then he felt there was no need for the board to move it forward.

Mr. Silverstone believed the Charter was complicated in its current form. He stated there were two sections that dealt with the same issue: the current section they are reviewing now and section 30 regarding height. He believed they could build at 44 feet, but zoning allowed 33 feet. Per Town Commission, the only placed that could be changed is the district on Commercial Boulevard, where they could go up to 44 feet with the vote of the Commission. Everything else required a referendum.

Attorney Trevarthen said the Charter stated height, rezoning districts and rezoning for any other use were the three topics that the Town Commission could not act upon without voter approval. Many zoning districts sat at a height lower height than stated in the Charter.

Mr. Silverstone requested clarification on height based on the crown of a public road.

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Vice Chair Delegal believed the Charter did require real consideration and discussion and public input at this level as well as at the Town Commission meetings. Her view of the Charter was that it was more of a constitutional issue that required a referendum, voted upon by the people and the land development code and the comprehensive plan was more of a statute; an implementation of the Charter by elected officials. It was very unusual to have constraints in a Charter. It did not allow elected officials to legislate. The Commission should have more flexibility. Vice Chair Delegal wanted to discuss and consider the inability to change zoning categories or uses without a referendum.

Mr. Clark believed the United States Constitution was far easier to understand than our Town Charter. The Board would do well to simplify the document.

Although some people were happy without change, Chairman Wessels pointed out times do change, such as transportation. Town Charter dictated that parking must be placed on the premises of a building, or adjacent to the premises; off street parking was not allowed. Therefore, there was no flexibility in that area. The only way to rebuild was through an act of God or through a redevelopment program. Something needed to be tweaked in order to create some flexibility.

Chairman Wessels referred to an earlier comment that questioned the location where 3 over 1 would be allowed. He asked whether 3 over 1 were only allowed in the commercial districts.

Attorney Trevarthen said that under the current Charter the ability to raise the height limit without a voter approval was limited to the business district, except for redevelopment if destroyed, or redevelopment if applied for redevelopment.

Chairman Wessels said there were only a few buildings in Town that were over 3 stories. In 1972 the first voter approved ordinance was adopted. He asked if a voter approved ordinance could be subject to change by Commission. Attorney Trevarthen said it was possible. He asked for clarification that in 1998 the Town went to 3 over 1.

Attorney Trevarthen said that was the history in regards to 3 over 1. The Overlay districts were enacted in 2003 and 2006. The Charter was amended as provided by the Charter Review process in 2004 and again amended in 2006 by resident / voter petition in regard height limits.

Mr. Brandt believed the term 3 over 1 had to do more with coastal construction lines than height limit. He thought 3 over 1 was 33 feet, but measured from a different height. He explained the coastal construction line began 10 feet above the height of the road, and 33 feet turned it into something else. Attorney Trevarthen stated the height calculation would also have its own complexity in the Charter. The Charter contained three different ways it can be measured.

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Chairman Wessels asked whether 3 habitable floors over 1 could be done short of a natural disaster.

Attorney Trevarthen said the Board needed to look at individual situations, all the different zoning districts in the Charter. She said most of the zoning districts were zoned at a lower height in the Charter.

Chairman Wessels asked if someone wanted to tear down a 100 foot lot, and eliminate back out parking, could that person build a 3 habitable over 1, without parking under the habitable portion of the building. Town Planner Linda Connors said she would research and respond to the Board.

Attorney Trevarthen responded the answer would depend on details and factual situations. She added that currently there was no restriction to the Commission raising the height limit in the Commercial district to the height limit in the Charter. Attorney Trevarthen suggested creating scenarios of how the Charter would apply to different zoning districts and different properties, to aid the Board in its review and analysis.

Chairman Wessels noted that when he referred to 3 over 1 he was thinking high volume streets such as Commercial Boulevard and A1A. He thought it would be huge to eliminate back out parking.

Planner Connors noted Chapter 30-317(h) Minimum Parking Requirements prohibited back out parking. Parking facilities that require a motor vehicle to exit the parking space by backing-out onto State Road A1A shall be prohibited for all new development and re-development of any properties adjacent to State Road A1A. For purposes of this section, "new development" shall be defined as the construction of a building or parking lot upon a vacant or cleared lot. For purposes of this section, "re-development" shall be defined as any increase in building height, floor area or number of units, any reconstruction or remodeling exceeding 25 percent of the assessed valuation of a building, or any substantial alteration of the street facade of a building. In reference to height restriction in the RM-25 zoning district, Planner Connors said the code did not allow anything higher than 33 feet above normal grade level.

Chairman Wessels requested board member input.

Attorney Trevarthen clarified that the items listed to the Charter Review Board were not recommended by the Commission for the Charter Review Board to make changes. They were endorsed by the Commission for the Board to review those issues.

Vice Chair Delegal referred to the 3 bullets under Article VII proposed for the Board's review by the Town Commission:

- *Clarify the height limit(s) and its measurement in Section 7.1. Consider mapping geographical area within which 3 stories of development over 1 story of parking is legal maximum construction height, and everywhere else is limited to 32 feet.*
- *Review and clarify what it means to "rezone for any other use" in Section 7.1(9).*

- *Review Section 7.1(9) to support Comprehensive Plan goals to support hotels and discourage the conversion of hotels to residential uses. Either remove residential uses from prime hotel areas – or revise language to be clear that Town Commission can remove uses by ordinance, without a referendum.*

She thought the Board should look at the provisions in Section 7.1 that were causing the problem, discuss them, look at the interpretations of the language, determine the potential, and determine what the Board wanted to focus on to simplify those charter provisions.

Mr. Silverstone suggested the Board discuss why the referendum was passed and whether there was a need to raise height limits. He believed the reason the requirement for a referendum vote on height limits was placed in the Charter, was to prevent over development of the Town. He thought it would be wise to discuss the implications of keeping it the same in regard to economic impact. Mr. Silverstone believed the market will adjust itself if rules were set in place and a stable playing field was created. Mr. Silverstone believed the height should remain at 33 feet unless the voters change it. It may be overbearing to have every zoning change go to the voters; it would stifle the Town from doing anything.

Mr. Clark believed the Charter needed to be simplified and hoped to receive input in that regard. Most residents found it difficult to understand.

Mr. Piersante stated Section 7.1 was 5 pages long and should be consolidated to simply say "this is what you can do".

Mr. Brandt believed the Board should look at this from a political perspective. He stated the Mayor's term item was on the Board's agenda twice, open for public comments twice, on the Commission agenda at least once, the Commission unanimously approved it once, and then the Commission sent it back to the Charter Review Board because there was no public outcry. Mr. Brandt stated the Mayors term is a voter driven item, as is the height limit item. He said unless there was a public outcry for the Board to consider this item during a Charter Review Board Meeting or during the Commission meeting with votes on record, he did not see any reason why the Charter Review Board should consider this issue. Mr. Brandt did not feel the Charter Review Board should be the public opinion poll for the Commission. He added that the Board had one public speaker (100%) public outcry at the last meeting, and zero at the current meeting. Unless the Board had public outcry or the Commission told the Board to do something on the record, he felt the Board should think about what they want to do about any of the items.

Chairman Wessels believed it was his responsibility to help the Town move forward. Each Board member had their own opinion. The members will vote and send their opinions to the Commission for them to decide whether to go forward. The voters had the ultimate say.

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Chairman Wessels questioned whether it was possible to build a new building on A1A with back out parking. Planner Connors said "no". Chairman Wessels asked, if they could not back out, how would they park? How many habitable floors would they build?

Attorney Trevarthen said the current height limit was 33 feet, but the Commission had the power to raise it up to 44 feet in the business district. She said the business district generally followed Commercial Boulevard, but where it crossed A1A there were some business zoned properties that front A1A. That is why it mattered what particular property was being looked at.

Chairman Wessels referenced RM-25, hotel / motel units; most of which would not be rebuilt and will need to retain back out parking. He believed that was a problem and there should be some flexibility on A1A to at least give people the chance to renew a property and still have back out parking and still keep the habitable 3 over 1. Chairman Wessels believed it was difficult to do something economically feasible with restraints.

Mr. Clark stated the Charter Review Board was an advisory board. The Town Commission could accept the Board's advice or toss it out. As an advisory board they had a responsibility to take up the hard questions, whether popular or not, and make suggestions and offer options.

Chairman Wessels stated that Mr. Brandt had a good point. He questioned the type of notice the Board was to give the voters.

Mr. Silverstone asked for clarification on the purpose of the Board. He believed the Charter Review Board was to get the opinion of the people; not the opinion of the board. The Board was to represent the people.

Attorney Trevarthen said the Board decided they wanted to have public comment at every meeting. She stated that the current meeting contained broad discussion on the height issue and there was no public attendance. If the people knew that the Board was to vote on a particular topic, would they attend?

Although there was the possibility, Vice Chair Delegal did not believe the public would come to their meetings and offer ideas. She thought it would be generated from the Board. If the Board discussed a specific item and then publicized that the Board was going to vote on that particular item, the public may respond. Vice Chair Delegal believed that may have been the problem with the Mayor's term item. The Board talked about it, but the time frame was limited. She suggested the Board generate the ideas, put them out there, and people will respond to what the Board was doing.

Chairman Wessels asked whether the announcement should be a formal announcement 30 days prior to the next meeting where the Board would act on the issue. Vice Chair Delegal believed one meeting allowed plenty of notice.

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Mr. Silverstone asked whether the agenda could be placed on the Town website and with the new technology email the agenda to the residents. Chairman Wessels stated it was available on the website.

Mr. Brandt said Planning and Zoning experienced the same issue. The public comment did not come to the advisory board. He said his prior comment was not whether the Board should generate ideas or make hard decisions. The Commission made it clear that the Boards barrier for taking up an item should be public outcry and public comment. He heard that more people believed the Mayor's term should be 4 years and not 2 years, than he heard about clarifying height limits. Mr. Brandt believed the height limits were confusing and Section 7.1 of the Charter was confusing as well. He said the Board's process and comments were completely misstated at that Commission meeting and in the newspaper article that followed. The Board was made to look like they were trying to push something through. Mr. Brandt said verbatim minutes of the Boards meeting were published.

Mr. Piersante agreed the Board was chastised and accused of not coming forward or allowing public input. He felt the Commission passed the item in their May 15, 2012 Special meeting; in the end, the people would vote yes or no. Mr. Piersante said the Board was accused of non-transparency. He too was a member of the Planning and Zoning Board. There was never any public participation. If public participation was to happen it would happen at the Commission meetings because that is where the decisions were made.

Mr. Clark believed the Board should not be afraid to take on hard issues. He was on the Board of Adjustment where the public was absent. Public outcry occurred at Commission meetings and often came too late. Everything the Board did would go to the Commission for decision. The voters made the ultimate decision.

Chairman Wessels thought that in order to tweak the height limit it would need to be in basic language so everyone would have a better understanding and feel comfortable with it. People should know the goal was not to change the height limit; just simplify it.

Chairman Wessels inquired how the Board wanted to proceed with Article VII - Planning and Zoning; what they wished to see on the July 11, 2012 agenda.

Vice Chair Delegal suggested the Board accept the Town Attorney's offer to do a case study, to understand the parameters and the broadness of the language in an attempt to simplify the language. Address the issues listed as three bullet points under Article VII - Planning and Zoning, referenced earlier and listed on the May 9, 2012 Charter Review Board agenda. She recommended amplification on the first two from a professional standpoint.

Mr. Silverstone suggested keeping the effect of the laws within the Charter, but to make it comprehensive for the average person to understand. Create efficiency, and remove redundancy.

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Mr. Brandt did not want to touch the height limit. He thought the Town could flow with economic times if the Charter said the height limit was 44 feet from the crown of the road and the voters allowed the Commission to set zoning restrictions based on current economic times. In relation to the third bullet point he thought the Board would be foolish to make the Charter more restrictive by restricting El Mar Drive to hotel use. The third bullet was an economic result of planning. From a planning perspective consider what could be built from Poinciana Street east, A1A, Bougainvilla Drive, and El Mar Drive. Determine what and how the Commission could take more control over what goes into it. Mr. Brandt believed the second bullet was the most restrictive of 7.1 that the voters may want to look at.

Mr. Piersante agreed the height limit should be clarified. It should be known what was allowed on A1A and in the residential district. He believed Section 7.1 should be reviewed and simplified.

Mr. Clark suggested the Board deal with the issues and change the language to make it easy to understand.

Chairman Wessels believed there should be efficiency in the language and remove the redundancy. He would like a case study done. Chairman Wessels suggested a scenario on A1A as an RM-25, 100 foot lot, a new building resulting from a demolition down to a vacant lot. It was not non-conforming or an act of God. Determine under the current Charter, what could be built under that scenario, and what problems would occur and how they could be dealt with under that situation. He thought Bougainvilla Drive and Poinciana Street should be looked at. Due to 25 foot lots, there had to be back out parking and there were no shade trees.

Mr. Silverstone asked whether Chairman Wessel's model was a hotel or residential. Chairman Wessels suggested it be a hotel and keep it on A1A.

Planner Connors pointed out there were multiple zoning districts on A1A. She asked whether the scenario would be a RM-25 zoning district. Chairman Wessels said Yes, because it would be the toughest scenario. He inquired whether the difference between an apartment and a hotel were the parking requirements. Planner Connors said yes. She added the required number of spaces depended on the number of bedrooms in the apartment.

Chairman Wessels requested the following items be placed on the July 13, 2012 agenda: case study, clarity and efficiency of language.

Attorney Trevarthen stated for clarification that she was to create a simplified version of the Charter to the best of her ability. She and Planner Connors will work on the case study. She inquired whether the three bullet points in Article VIII should be individually placed on the agenda and whether backup would be required.

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Chairman Wessels asked whether the Board would agree to delay the case study to allow time to work on it. Mr. Brandt suggested they allow at least a month.

Vice Chair Delegal believed the main issue to consider was where the uncertainty was.

Chairman Wessels believed that included discussion as to 3 over 1 was allowed.

Vice Chair Delegal thought the Board should consider mapping.

Mr. Brandt did not believe the map would work because there was discussion of existing and non-existing buildings in the Charter.

Mr. Brandt asked, if the Board agreed, that the highlights of their meeting be read to the Commission and to the public, under either a Town Attorney report or a Town Manager report the day before the Charter Review Board meeting. Chairman Wessels asked whether the Commission received copies of the Charter Review Board minutes. Town Clerk White said the Commission received them after the Board approved them. Mr. Brandt asked that their next agenda be highlighted at the Commission meeting prior to the Board's meeting and read out loud so the Commission and the public would hear that the Board was going to discuss height limits, zoning requirements, etc.

Chairman Wessels said as long as the Commission received the minutes, the Charter Review Board agendas were not long and could be posted on the website and announced at the Commission meeting.

Chairman Wessels set the agenda to begin with addressing the first two bullet points under Article VII.

Attorney Trevarthen believed when they simplify the Charter the clarity to the height limit would occur. She asked whether backup would be required for the issue of re-zoning for another use.

Mr. Brandt said there could be two good case studies. You can change setbacks from 8 feet to 5 feet to allow town homes. Under current Charter rules would that be allowed?

The other study would be on the marine and hospitality overlay districts. Could the Commission currently create an overlay district? He believed the answer was no, but wanted to ask.

Attorney Trevarthen believed the question was whether hospitality districts limited development; such as setbacks. Chairman Wessels agreed; the overlay districts shortened the side setbacks.

On the topic of re-zoning for another use Attorney Trevarthen clarified the Board wanted her to zero in on the effect on the ability of the Town to address development standards, the effect on the ability of the Town Commission to adopt overlay districts and address whether another use could be added to a zoning district.

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Attorney Trevarthen inquired of the process of moving forward with public participation. Chairman Wessels believed they would announce what they would discuss and then vote on at their next meeting and hopefully the public will come. That gave 30 days' notice to the public; published on the agenda.

Chairman Wessels concluded for the record that at the conclusion of the Boards discussion, and at the following meeting, a vote would be taken.

The next meeting is scheduled for July 11, 2012.

Mr. Piersante requested and was granted an excused absence for the July 11, 2012 meeting.

9. ADJOURNMENT

With no further business before the Board, Chairman Wessels adjourned the meeting at 8:15 p.m.

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Chairman Wessels

ATTEST:

_____ _____
Town Clerk, June White CMC Date

4a (5/9/12)
ATTACHED TO 6/13/12
CRB MINUTES

Commissioner Wessels requested the Board member's suggestions for prioritizing topics for discussion.

Vice Chair Delegal suggested that the Board members identify the subjects they wanted to discuss, group related items together and devote a certain amount of time to those topics prior to moving on to other topics. She suggested beginning with a topic that would not require a great deal of research or was not very complicated, such as the Mayor's term, the timing of elections and/or Town Manager and employee qualifications.

Mr. Kugler believed the Board should focus their attention on one article at a time. Begin with Article VI - Elections, and look at other topics within that Article before moving on to another Article.

Mr. Brandt recommended the Board first address topics that required a lot of time, such as any P&Z (Planning and Zoning) issues. Some P&Z topics may need recommendation by the P&Z Board, as well as the Charter Review Board before going to the Commission. He noted some topics begin with the word "clarify". Mr. Brandt believed that some of those items may need a presentation from the Town Attorney's office with clarification as to what it is the Board is being asked to clarify and potentially change. He questioned if the people voted not to extend the term to 4 years, how and when would the Mayor's term end. Mr. Brandt believed the answer to that question would determine whether the Board should consider this item as a priority topic, explaining that an ordinance required two separate Commission meetings for public hearings. He thought the height limit topic would require two to six Commission meetings. Mr. Brandt believed the Mayor's term and the height limit topics were priority items due to the time required to process.

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* Mr. Piersante believed the Town no longer needed districts. He believed people in the south should be able to vote for someone in the north and vice versa. Mr. Piersante believed addressing districts was an important topic and needed to be clarified.

Mr. Clark stated if the Mayor's term was to be on the November 2012 ballot it would need to be addressed immediately. The deadline to get the referendum to the Supervisor of Elections office was June 8th. He agreed the next topic of importance was P&Z. That topic would require much time and probably receive a lot of public input. Mr. Clark believed the Board should tackle the easier things first then move on to the P&Z topics.

Ms. Green agreed the Mayor's term should be addressed immediately if the Board intended it for the November 2012 ballot. She believed a 2 year term was too short a period of time to be able to accomplish anything. Ms. Green was interested in addressing the qualifications and ethics of personnel. She liked the idea of grouping topics together and thought that addressing the easier topics first would help the Board move the items along and in the right direction.

8b
attachment to
6-13-12 CRB Minutes

Weiss Serota Helfman Pastoriza
Cole & Boniske, P.L.

Memo

To: Charter Review Board, Town of Lauderdale-By-The-Sea

From: Susan L. Trevarthen, Town Attorney

Cc: Connie Hoffmann, Town Manager

Date: June 13, 2012

Re: **History of Height Restrictions**

Following is a chronology history of the height restrictions in the Town of Lauderdale-By-The-Sea.

1973 Voters approve ordinance with first height limits in what is now the RM-25 district - 3 stories or 33' above normal grade, excepting elevator shafts and stairways. Minimum 8' finished floor elevation. Normal grade not defined.

1998 Charter amendment creates 3 over 1: limit of 4 stories/44' if grade level used for parking, lobby and service uses. Otherwise, 3 stories/33'. Reconstruction allowed following disaster or plan to rebuild if within time limit, to prior height and square footage, or that height and square footage needed to obtain same number of habitable stories. Shall not apply to property annexed after 1998. Lower zoning height requirements retained. Citizen standing created. Specifically authorizes Town Commission the power to raise the height limit in zoning districts to charter height limits, without voter approval.

2003 & 2006 Overlay districts enacted by Town Commission. If follow overlay district, can have 4 stories above normal grade (or 44'). If build to 4 stories, must comply with applicable charter restrictions. Exceptions for elevator shafts, mechanical equipment and enclosures, stairways, and for rooftop parapet walls, safety railings and chimneys not more than 4' tall, all not exceeding 10% of horizontal roof area.

Normal grade defined as minimum finished floor elevation or 18" above crown of roadway, whichever is greater, unless parking on ground level. For parking levels, grade is lowest nonhabitable floor elevation. For fences and privacy walls, actual elevation adjacent to fence or wall applies.

In order to be eligible for height under overlays:

- At least 2 contiguous lots
- Removal of back out parking/reduce paved swale

- Eliminate nonconformity or increase quality of development
- Minimum lot width = 100'
- If on Bougainvilla, only if combined with lots facing A1A

2004 Charter amended as provided by Charter Review process

2006 Charter amended by resident petition – height limits applied to north, other changes. (This is the current charter – no later amendments. See 2009 Report that summaries the current charter provisions.)

Key dates:

- May 2005 Notice of Intent, declaration of zoning in progress and referendum on new buildings
- November 2005 Residents file height petition
- March 2006 Resident Charter Amendment re height limit passes
- May 2006 Notices regarding Harris Act claims on moratoria and zoning in progress
- July 2006 AGO determining that citizen initiative is government action for purposes of Harris Act
- Nov 2006 Town 180 day letter: Harris Act claims not ripe
- March 2007 Harris Act claim notices re ordinances limiting height
- August 2007 Town 180 day letter: Harris Act claims not ripe
- 2009: Harris Act claims filed in court
- June 2010: Court dismisses Harris Act claims as not ripe; does not dismiss equitable claims

2008 Overlay districts repealed by Town Commission

2009 Competing proposals for 2010 charter amendments on height considered. Both proposed 44' limit Townwide. One proposed 33' for the south end of Town (dividing line was Pine Avenue); the other proposed 44' in specified areas of the south end. Both clarified the measurement of height, so that it was from a point 18" above the crown of the adjacent roadway. Ordinances failed on first reading, and were not placed on ballot.

2012 Charter Review Board examines Article VII.

It seems whenever height restrictions are discussed, there are various recollections about what happened when. To assist the Board, we have included two packets of historical documents; the first packet includes documents related to the Charter and the second packet related to the Town's Land Development Regulations.