



# AGENDA ITEM REQUEST FORM

Item No. 2a

## Town Commission

Department Submitting Request

## Vice Mayor Dodd

Dept Head's Signature

### REGULAR COMMISSION MTG Meeting Dates - 7:00 PM

### DEADLINE TO Town Clerk

### ROUNDTABLE MEETING Meeting Dates - 7:00 PM

### DEADLINE TO Town Clerk

- Nov 9, 2010
- Dec 7, 2010
- Jan 25, 2011
- Feb 22, 2011
- Mar 22, 2011

- Oct 29 (5:00 pm)
- Nov 30 (5:00 pm)
- Jan 14 (5:00 pm)
- Feb 11 (5:00 pm)
- Mar 11 (5:00 pm)

- Nov 22, 2010
- Dec 14, 2010
- Jan 11, 2011
- Feb 8, 2011
- Mar 8, 2011

- Nov 12 (5:00 pm)
- Dec 3 (5:00 pm)
- Dec 30 (5:00 pm)
- Jan 28 (5:00 pm)
- Feb 25 (5:00 pm)

\*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 type="checkbox"/> Old Business | <input type="checkbox"/> New Business |

**SUBJECT TITLE:** Ordinance 2010-18: Amending Section 30-313(31) Accessory Buildings and Structures -

**EXPLANATION:** *Approved 1<sup>st</sup> reading October 12, 2010 and deferred to the November 22, 2010 Roundtable to discuss concerns prior to 2<sup>nd</sup> reading December 7<sup>th</sup>*

**RECOMMENDATION:**

**EXHIBITS:** A. Ordinance 2010-18  
B. October 12, 2010 Minutes

**FISCAL IMPACT AND APPROPRIATION OF FUNDS:**

- Amount \$ \_\_\_\_\_  Acct # \_\_\_\_\_
- Transfer of funds required  From Acct # \_\_\_\_\_

Reviewed by Town Attorney  
 Yes  No

Town Manager Initials OA

1           **AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-**  
2           **THE-SEA, FLORIDA, AMENDING SECTION 30-313(31)**  
3           **“ACCESSORY BUILDINGS AND STRUCTURES,” OF THE**  
4           **CODE OF ORDINANCES TO AMEND REQUIREMENTS**  
5           **FOR SHEDS, STORAGE BUILDINGS AND OTHER**  
6           **ACCESSORY BUILDINGS AND STRUCTURES;**  
7           **PROVIDING FOR SEVERABILITY, CONFLICTS,**  
8           **CODIFICATION, AND AN EFFECTIVE DATE**  
9

10           **WHEREAS**, the Town Commission recognizes that changes to the adopted Code of  
11 Ordinances are periodically necessary in order to ensure that the Town’s land development  
12 regulations are current and consistent with the Town’s planning and regulatory needs; and

13           **WHEREAS**, the Town Commission desires to revise the regulations applicable to  
14 accessory buildings and structures, and specify regulations of sheds and storage buildings; and

15           **WHEREAS**, Section 30-531 of the Code requires issuance of a Notice of Intent prior to  
16 the processing of any amendment to the land development regulations in Chapter 30 of the Code,  
17 and such notice was given of this amendment on July 27, 2010; and

18           **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has  
19 reviewed this Ordinance at a duly noticed hearing on September 15, 2010, and recommended its  
20 adoption; and

21           **WHEREAS**, the Town Commission conducted a first and second reading of this Ordinance  
22 at duly noticed public hearings, as required by law, and after having received input from and  
23 participation by interested members of the public and staff, the Town Commission has determined  
24 that this Ordinance is consistent with the Town’s Comprehensive Plan and in the best interest of the  
25 Town, its residents, and its visitors.

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



- 64 ii. Height. Sheds and storage buildings may not exceed one story.
- 65 iii. Spacing from principal building. Sheds and storage buildings shall be
- 66 at least ten (10) feet from the principal building on the same plot or parcel.
- 67 iv. Floor area. Sheds and storage buildings shall not exceed one hundred
- 68 and forty-four (144) square feet in floor area.
- 69 v. Number. Only one (1) shed or storage building is permitted on any
- 70 parcel.
- 71 vi. Town Manager approval of deviations from standards on commercial
- 72 lots. A deviation from any of the above restrictions may be approved by
- 73 the Town Manager or designee for a shed or storage building on a
- 74 commercial lot. In order to approve any deviation, the Town Manager or
- 75 designee must find that the proposal:
  - 76 A. Does not displace required parking spaces; and
  - 77 B. Does not reduce pervious area; and
  - 78 C. Will not obstruct back-out parking; and
  - 79 D. Will be compatible with the principal structures on the site, with
  - 80 adjacent properties, and with the neighborhood.

81 2. Not requiring a building permit. Sheds and storage buildings that are not

82 required to obtain a building permit and do not require the Department of

83 Community Affairs insignia noting compliance with the Florida Building Code

84 are permitted in all zoning districts, and shall meet the following standards:

- 85 i. Location. The shed or storage building shall not be placed within a
- 86 front yard or street side yard and must be placed behind the front façade of
- 87 the primary building. Side and rear setbacks are not required for the shed
- 88 or storage building.
- 89 ii. Portability. The shed or storage building must be easily dismantled or
- 90 removable.
- 91 iii. Requirement to remove in event of storm. Upon the issuance of a
- 92 "Hurricane Warning" by the Broward County Office of Emergency
- 93 Management, the property owner or person in control of the property,
- 94 shall forthwith remove and place any sheds or storage buildings indoors.

95 \* \* \* \* \*

101 **SECTION 3. Severability.** If any section, sentence, clause or phrase of this Ordinance is

102 held to be invalid or unconditional by any court of competent jurisdiction, then said holding shall in

103 no way affect the validity of the remaining portions of this Ordinance.

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

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

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

109           **SECTION 7. Adoption.** Passed on the first reading, this 12th day of October, 2010.

110 Passed and adopted on the second reading, this \_\_\_ day of \_\_\_\_\_, 2010.

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\_\_\_\_\_  
Mayor Roseann Minnet

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First Reading                      Second Reading

|                      |       |       |
|----------------------|-------|-------|
| Mayor Minnet         | _____ | _____ |
| Vice-Mayor Dodd      | _____ | _____ |
| Commissioner Clotey  | _____ | _____ |
| Commissioner Sasser  | _____ | _____ |
| Commissioner Vincent | _____ | _____ |

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Attest:

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

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(CORPORATE SEAL)

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Approved as to form:

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

- d. Ordinance 2010-18: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING SECTION 30-313(31) "ACCESSORY BUILDINGS AND STRUCTURES," OF THE CODE OF ORDINANCES TO AMEND REQUIREMENTS FOR SHEDS, STORAGE BUILDINGS AND OTHER ACCESSORY BUILDINGS AND STRUCTURES; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE

Attorney Trevarthen read Ordinance 2010-18 by title.

Mayor Minnet opened the meeting for public comments. With no one wishing to speak, Mayor Minnet closed the public comment portion of the meeting.

Commissioner Vincent thanked Development Services Director Bowman for following through with this Ordinance. Commissioner Sasser also thanked staff for adding the Planning and Zoning minutes along with other meeting minutes to the backup.

Mayor Minnet inquired as to how it would be monitored; how code enforcement would know whether someone had a Rubbermaid shed that blew away. She believed this needed to be addressed better; she was not pleased with Ordinance 2010-18.

Vice Mayor Dodd made a motion to adopt Ordinance 2010-18 on 1st reading. Commissioner Sasser seconded the motion. The motion carried 4 - 1. Mayor Minnet voted no.

\* Commissioner Sasser wanted to hear more on Mayor Minnet's concerns. Attorney Trevarthen suggested that the Ordinance could be discussed and changed at the 2nd reading in November. Mayor Minnet said she would accept approving Ordinance 2010-18 on 1st reading. She felt it was important to see what other coastal communities did. Vice Mayor Dodd suggested placing on the November Roundtable and have the 2nd reading in December. Attorney Trevarthen said that would be acceptable.

\* Vice Mayor Dodd made a motion to place Ordinance 2010-18 on the November 22, 2010 Roundtable meeting agenda and place on the December 7, 2010 Commission meeting for 2nd reading. Commissioner Sasser seconded the motion. The motion carried 5 - 0.