

**TOWN OF LAUDERDALE-BY-THE-SEA**  
**TOWN COMMISSION**  
**WORKSHOP MEETING**  
**MINUTES**

Town Commission Meeting Room  
*4501 Ocean Drive*  
*Tuesday, July 24, 2007*  
*6:00 P.M. to 7:00 P.M.*

**1. CALL TO ORDER, MAYOR OLIVER PARKER**

The meeting was called to order by Mayor Oliver Parker at 6:00 p.m. Vice Mayor Yanni, Commissioner McIntee, Commissioner Silverstone, Commissioner Clark, Town Manager Esther Colon, Town Attorney James Cherof, and Town Clerk Tina Angelone were also present.

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

The pledge of allegiance was recited.

**3. DISCUSSION ITEMS**

**A. General discussion on proposed Unified Land Development Regulations**

Jim Bell, Director of Development Services, gave his presentation (hereunto attached as part of these minutes) on the Unified Land Development Regulations (ULDR). He explained that the Unified Land Development Regulations was prepared to combine the New Town Broward County Code with the Old Town Zoning Requirements in a manner that created the least non-conforming structures in the town.

Director Bell read his Memorandum dated July 16, 2007 into record (hereunto attached as part of these minutes). He addressed previous concerns the Commission expressed and also indicated that the Sections that required the Commission's re-review, were marked with comment boxes in addition to struck out and underlined notations as appropriate.

At the request of Commissioner McIntee, and without objection, Mayor Parker allowed a change in procedure to allow questions from the Commission, as long as the discussion was brief.

Commissioner McIntee wanted confirmation that the new Unified Land Development Regulations did not allow buildings over 4 stories in the north end of town. Director Bell confirmed that RM-25A, the New Town Code Section that allowed over 4 stories, had been stricken out.

Mayor Parker said the Town had a Zoning Ordinance that allowed fifteen stories and a Charter Provision that only allowed four stories. He added that the Charter provision superseded the Zoning code. Mayor Parker indicated that a referendum would be

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required to change the Zoning Ordinance. Director Bell assured Mayor Parker that any references to provisions that related to higher buildings had been removed.

Town Attorney Cherof agreed with Mayor Parker that the Charter did supersede the Ordinance and advised that the Unified Land Development Regulations was not a Zoning change. He explained that the removal of RM-25A was a deletion to the reference of the Zoning District that had no application. Attorney Cherof suggested the Commission wait until the end of Director Bell's presentation to ask their questions as most of their concerns would be addressed as Mr. Bell moves along. There were no objections.

Director Bell advised no changes were made since the previous Commission Workshops regarding new rezoning procedures for the changing of zoning sites, or in the quasi-judicial proceeding timeframe for mailing and publication, as stated on pages 4 and 6 of the Unified Land Development Regulations.

Director Bell requested the Commission give direction at the end of his presentation as to whether to include Code Section 24-05 146 in the Definitions Section, or keep it where it currently was. He also requested direction on the inclusion of a definition of a Navigable Channel in the Definitions Section.

He referenced page 19 of the Unified Land Development Regulations, which contained a new Section for nonconforming uses and structures. Director Bell mentioned the November 2006 Referendum Charter Ordinance and said that the Charter had its own language pertaining to non-conforming structures.

Director Bell talked about a new zoning map consolidating Town and County districts. He referenced a proposed ordinance for creating the map on page 21 of the Unified Land Development Regulations.

In regards to a combined zoning code that included County and Old Town requirements, Director Bell suggested that portions of the R-5 (motel) district regulations be removed and referred to strike through areas on the proposed ordinance on page 24. He said that single family zoning districts RS-4 and RS-5 will remain the same, except for a change in the side yard setbacks from 8 feet to 7.5 feet, and rear yard setbacks along a canal or waterway change from 25 feet to 15 feet. Director Bell also addressed revisions to corner lot landscaping as indicated on page 27 of the Unified Land Development Regulations.

Director Bell said that revisions were made to parking regulations for the RM-25, B-1-A, and B-1 zoning districts. He stated that all parking requirements were stipulated in a separate Parking Section of the Code.

Director Bell suggested a modification to current regulation for boats, boat lifts, docks, to 20 percent. He produced the Town Engineer's aerial map of canal widths and affected property owners for the Commission's review. Director Bell showed that 12 lots would be affected by the new regulations and stated that since they were under the 33 percent and they wanted to rebuild, they would have to rebuild according to the 20 percent

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regulation. Commissioner McIntee questioned whether those 12 lots were grand-fathered in. Attorney Cherof said they were. Mayor Parker questioned the percentage to which rebuilding would bring the lot into conformance. Attorney Cherof pointed out the provision on page 10, line 38, and talked about a modifying the provision to strengthen, weaken, or lessen the requirement to trigger the rebuilding of a non-conforming use. There was brief discussion regarding that section of code.

Director Bell stated that he made the water bearing surfaces 5 feet from the property lines and 2 ½ feet from property lines for screen and deck surfaces and included language addressing utility easements, as previously directed by the Commission. Director Bell suggested an additional line that would state that if they obtain consent from the applicable utilities they can encroach into the easement area. He believed that would still allow someone to put a screen enclosure on top of a utility. Mayor Parker questioned the reason why decks should be flush with the dock as indicated on page 35, line 36. Director Bell said there could be a drainage problem, and without good spacing or lack of steps, a possibility that a person could fall in that area. Mayor Parker did not agree that they should be flush.

Vice Mayor Yanni thanked Director Bell for his presentation and said he did a great job explaining things. Vice Mayor Yanni thought the dock encroachment should stay at the same for both zones. Director Bell indicated that would require two separate regulations. Attorney Cherof said it could be done by describing the two zones within the city and define it that way.

Mayor Parker agreed with Vice Mayor Yanni and wanted to strike that section regarding the encroachment area. He thought it to be reasonable to go with the definition of a Navigable Channel, which is the center of 45% or no less than 45 feet and go with 20 percent town wide, grand-fathering the twelve properties that are impacted. Mayor Parker thought that most pools were higher than their dock as per State Code, State Statute, or Federal Law that required docks to be no higher than a sea wall, and the sea wall no higher than the land grade. He suggested removing the section that required the deck be the same height as the dock.

Commissioner Silverstone questioned the definition of Vested Rights Determination, page 13, line 13 on down, as to whether the Vested Rights were current use of property or implied use of property. Attorney Cherof clarified it was current use of property. There was brief discussion between Mayor Parker and Attorney Cherof regarding the definition of current, whereby Mayor Parker requested Attorney Cherof add a definition Vested Rights to this Section. Attorney Cherof agreed.

Commissioner Silverstone referred to page 4 and thought rezoning had to go through a referendum. Attorney Cherof clarified the Charter Amendment stated that if you were going to create a new zoning district, or modify a use in an existing district, that it would have to go through referendum. He added that it did not prohibit the outright rezoning of property and did not require that a rezoning of property be submitted to referendum election. Mayor Parker disagreed. Attorney Cherof read the Charter provision into record. Mayor Parker continued to disagree with Attorney Cherof's interpretation. Further interpretive discussion followed.

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Commissioner McIntee inquired of the rear setbacks of a house on Sea Grape Avenue and questioned the percentage of green space incorporated into new building. Director Bell said rear setbacks were set at 10 feet and Broward County was set at 15 feet. He added that the green space had been incorporated into the New Town district at 25 percent. Commissioner McIntee wanted to remove the word "pervious" from the definition of green space and add language that specified that green space equaled grass and trees.

Mayor Parker requested permission to allow Mr. Thompson, upon his arrival, to answer questions regarding the Charter amendment in relation to rezoning as previously discussed. There was no objection.

Attorney Cherof asked the Commission whether they were agreeable with fence spacing to allow for air circulation, as explained on page 34. The Commission voted in favor 5-0.

Attorney Cherof asked the Commission whether to add language requiring consent from applicable utilities to allow someone to put a deck on top of a utility. The Commission voted in favor 5-0.

Attorney Cherof asked the Commission to allow an R-5 hotel district some sort of accessory or shed with Commission approval. The Commission voted in favor 5-0.

Mayor Parker proposed the Navigable Channel be set at 45 percent center width definition or minimum 40 feet and 20 percent intrusion throughout the Town, grandfathering the twelve properties that have greater. The Commission voted in favor 5-0.

The pool deck should be allowed to go up to the waterway but not to the same height as the dock. The Commission voted in favor 5-0.

Commissioner McIntee wanted to add "grass" and "trees" to the landscaping section with a minimum of 15 percent and 10 percent pervious area, not counting the beach area in the pervious area. The Commission voted in favor 5-0.

Mayor Parker clarified that the beach area did not count for pervious area or impervious area. He added it may or may not count depending on what the code states per density and other purposes.

Except for some legal matters and non-conforming matters between the rezoning section in the Unified Land Development Regulations and what is stated in the existing Charter all issues had been satisfied. Attorney Cherof advised an Ordinance could be drafted that address those issues and suggested public hearings on both first and second reading. Mayor Parker agreed and scheduled the first public hearing September 11, 2007.

#### **4. ADJOURNMENT**

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Commissioner Silverstone made a motion to adjourn the meeting. As there was no further business to discuss, the meeting was adjourned at 7:00 p.m.

\_\_\_\_\_  
Oliver Parker, Mayor

ATTEST:

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

Date Accepted: \_\_\_\_\_