

APPROVED
TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD
MEETING MINUTES
Jarvis Hall - 4505 Ocean Drive
Wednesday, October 4, 2017

1. CALL TO ORDER

Chair John Lanata called the meeting to order at 6:00P.M. Members present were Charles Clark, Roseann Minnet, John Lanata, John Graziano, 1st Alternate Cari McCormack, 2nd Alternate Paul LaCoursiere and David Chanon who arrived 6:10PM. There were no absent members. Also present were Town Attorney Susan Trevarthan, Assistant Town Attorney Chris Saunders, Development Services Director Linda Connors, and Clerk Jhanelle Campbell.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. APPROVAL OF MINUTES

a. Planning and Zoning Board Meeting Minutes – August 16, 2017

Mr. Clark made a motion to approve the minutes of August 16, 2017 as presented. The motion was seconded by Ms. McCormack. The motion carried 5-0.

4. PUBLIC COMMENTS

The Chair called for public comments but no one came forward at this time. He closed public comments and turned the meeting over to Development Services Director Linda Connors who presented Old Business.

5. NEW BUSINESS

6. OLD BUSINESS

- a. Review of Ordinance 2017-12 Incorporating Broward County Regulations for the Town's Annexed Areas Into the Town's Code of Ordinances. (Linda Connors, Development Services Director)

Development Services Director Linda Connors reminded the members that at the Planning and Zoning (P&Z) Board meetings of July 19, 2017 and July 26, 2017, there were reviews of the 2001 Broward County Code which is the code applicable to the 1997 and 2001 annexed areas. The County code was compared with the Town's current code to determine which code provisions should be deleted because they (1) do not reflect the Town or the existing development, (2) are duplicative in nature, (3) are not applicable either because they are not zoning regulations preserved by law or agreement, or (4) are not applicable to properties in the Town. At the August 16th P&Z Board Meeting, the members reviewed and recommended approval of Ordinance 2017-11 which reflected the board's discussions and decisions made at the two previous P&Z Meetings. The Town Commission subsequently approved the ordinance at their September 13, 2017 meeting. After agreeing to all the appropriate deletions, what were left were all the regulations that applied from Ordinance 2017-11 and incorporation into the Town's Code of Ordinances. This was accomplished in the proposed Ordinance 2017-12 by relocating related language into the appropriate location, revising wording to follow the Town's

existing language and format, and incorporating the applicable County zoning categories in the Town's Code of Ordinances. She said that it reads like one unified document. The meeting tonight is to go through Ordinance 2017-12.

Ms. Connors reviewed the County zoning districts and regulations that were incorporated because they are applicable in the annexed area and now are part of the Town's codified regulatory framework. She distributed a Zoning Map of the Town so the board could see where all the zoning districts are located. She discussed staff's review of uses and what was suggested such as imposing conditional use requirements or deleting uses from individual district regulations to avoid duplication. Staff was careful to document those uses that were removed from the individual district listing, and identify the sections of the code that still provides for those uses.

Ms. Connors said that the Town has applied the conditional use procedure for the County's two types of parking uses in the general zoning districts. An off-site parking lot is an accessory parking lot which serves an allowed non-residential use located within 500 feet of the lot. It was incorporated into section 30-320 with the remainder of the Town's parking standards. An open parking lot is a stand-alone parking lot allowed in the R-5 district set out in the conditional use criteria within the district..

When discussing changing uses in the zoning districts, it was pointed out that adding uses triggers the need for approval by referendum. It is not clear that deleting uses requires a referendum. As a reminder, a conditional use is a use that would not be appropriate or compatible with the generally permitted uses in the zoning district, but could be appropriate if the impacts of the use were mitigated. When criteria for these uses existed in the County code, it was included as criteria for conditional use approval.

Board member David Chanon arrived. Town Attorney Susan Trevarthan pointed out that each zoning district has its own list and for example, line 224 of Exhibit A is for the RM-15 district. Ms. Trevarthan showed that RM-15 is just a little triangle on the zoning map. When changes are made in the RM-15 zoning district (or any zoning district), it only affects the area of the zoning map where that district is located. Ms. Connors reminded that parking lot lighting and seawall construction were included in Broward County's regulations and not in the Town's. They kept the County's regulations and incorporated them into the Town's Code. She spoke about raising the height of the seawall to prepare against potential seawater rising and mentioned that this aspect of seawall construction is not in the ordinance.

Ms. Trevarthan then spoke about deleting uses from the codes that apply within our community. She explained that the Town's Charter has a provision that if the Town rezones a property "for any other use whatsoever" then we have to go to referendum. She does not think, and it is her opinion, that deleting uses from a zoning district is "rezoning for any other use whatsoever". We cannot research caselaw to know the outcome. Custom language in our Charter that was prepared by citizens and put in place by vote of the people is unique. There is no precedent for other people using the same concepts.. She said that what is before the board is the most conservative approach to this ordinance. Because of the uncertainty in the Charter, some of the uses have been moved to conditional use. The Chair asked for board questions.

Mr. Graziano requested the definition of a single-family residence and can it have an apartment? Ms. Connors said it is clear that a single-family residence and an apartment would

be two units which is not allowed in a single-family district. Ms. Connors thinks he may be asking if a homeowner can allow someone to stay in their home and not have a separate unit. .

Mr. Graziano made a motion to approve Ordinance 2017-12 as written by Town Staff allowing for codification and to recommend to the Town Commission to approve it.

Ms. Minnet asked for clarification that the Staff recommendation is not to delete any of the uses but to move them into conditional use so that a referendum is not triggered. Ms. Trevathan said that it was based on legal advice received that there is a possible risk there.

The motion was seconded by Mr. Clark. The motion carried 5-0.

Ms. Connors wanted to make sure that she mentions the hard work of Kathy Mehaffey. She really helped to move this forward. She also spoke about hiring Jeff Kattims with Melligren Planning Group who also worked tirelessly. She appreciates both of their contributions on this huge project. She also introduced Chris Saunders to the board members as a recent hire of Weiss Serota who has helped the Town with previous zoning issues. Chair Lanata thanked everyone who worked on this tremendous project. He complimented Staff on their marvelous job.

Ms. Connors talked about Town Topics which is at the printers now. There is an article on the annexation issue and what is going on and moving forward. She encouraged the board to talk with their neighbors and encourage them to call Ms. Connors with questions/concerns. She informed those listening to the meeting to call with questions/concerns or if they want to set up a group meeting after hours. .

7. UPDATES/BOARD MEMBER COMMENTS

Ms. Minnet wanted to thank the Town Staff for what they did for Hurricane Irma which was quite a tremendous job. They were out there immediately. She also thanked the volunteer Fire Department as it was a group effort. She complimented Ms. Connors on the great job she did because she knew this code project was very difficult and a big undertaking.

Chair Lanata said that many communities do not have their vegetation all picked up but our Town really looked terrific right away. Thanks to everyone who participated in that. Ms. McCormack says that they live on the beach and thanked the Town for all the help they received. She will be writing a letter regarding this.

Ms. Connors said that the Town Commission asked Staff to put a moratorium on code enforcement issues that are not health safety related so that people have the time to focus on getting their properties in order from the storm. However, if Staff receives a complaint or Staff notices something, we will talk to the resident. If it is health safety, we will move forward with it. For example, if a fence around a pool goes down or is damaged enough to create a health safety issue, we will move on that. She asked people listening at home to the meeting, to make sure their fences and/or pools are secure. Ms. Connors gave her department's phone number to assist residents in any way they can. She said that if anyone has damage to their property; listen to the Town Commission Meeting where Building Official Jack Morrell spoke extensively about the requirements for pulling a building permit. She gave the Building Department's phone number and encouraged residents to call them if you have any questions/concerns.

Ms. Minnet said the Florida Development Group came in to the Town Commission last month and said they are proceeding with permits in the south end. She wanted to know if they are still on track with that. Ms. Connors said she spoke with them today. They are moving forward with architectural review with both properties (Ryf and Villa Caprice). She explained what happened at the last Special Magistrate Hearing.

Ms. Connors said they are planning an October 18th P&Z Meeting for a site plan application for an eight-unit development. The Chair asked for an update on the marina. Ms. Connors said that the marina is working on a marina management plan. She has a contract to send out to hire a marina consultant to work with the Town to ensure the navigational area that is remaining is appropriate for the size boats they want to put into the plan. Staff spoke with the Commission about the marina's ability to violate the use of the navigational area as it is currently. She explained that in 2015, the Development Services Director at the time wrote a letter to the marina allowing them to have a certain number of boats that extended into the navigational channel. That was done in the anticipation that we would receive an application for the marina mooring area. We are still working on it. We took it to the Commission asking them if we should rescind the letter. The Commission gave the marina until January 2, 2018 to have everything in compliance. Ms. Connors explained what could happen if they are not in compliance by January 2, 2018. She will check to see if they have other fines accumulating and would inform this board. She answered the chairman that the marina has a permit to work on unsafe railings.

8. ADJOURNMENT

Ms. Minnet made a motion to adjourn at 6:33PM. The motion was seconded by Chair Lanata. The motion carried 5-0.


Chair John Lanata

ATTEST:

Date Accepted: 10/18/17

Development Services Director Linda Connors


Linda Connors