

APPROVED
TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD
MEETING MINUTES
Jarvis Hall - 4505 Ocean Drive
Wednesday, July 19, 2017

1. CALL TO ORDER

Chair John Lanata called the meeting to order at 6:02P.M. Members present were Roseann Minnet, John Lanata, 1st Alternate Cari McCormack and 2nd Alternate Paul LaCoursiere. The absent members were Charles Clark, David Chanon, and John Graziano. Also present were Assistant Town Attorney Kathryn Mehaffey, 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 – April 19, 2017

Ms. Minnet made a motion to approve the minutes of April 19, 2017 with one correction. On page 4, line 4 the word "language" is spelled incorrectly and needs to be corrected. The motion was seconded by Ms. McCormack. The motion carried 4-0.

4. PUBLIC COMMENTS

The Chair called for public comments but there were none. He turned the meeting over to Development Services Director Linda Connors to present New Business.

5. NEW BUSINESS

a. Analysis of County and Town Land Development Regulations In The Annexed Areas (Linda Connors, Development Services Director)

Development Services Director Linda Connors said that this is a fairly complicated issue. She started by giving the history of this agenda item. In 1997 and 2001, the Town annexed two areas north of Pine Avenue. As required by the enabling documents, the Broward County zoning regulations in effect at the time of the annexations have remained effective for the properties lying within those annexation areas (Sea Ranch Club and the South Beach area). She said that this would change when those regulations are brought into the Town's Code. Part of this process was already done when the Town adopted the annexed areas in its Comprehensive Plan. Staff recently did an analysis between Broward County's Code (annexed areas) and the Town's Code in order to see what would happen if we applied Town Code to the annexed areas.

Ms. Connors suggested breaking this agenda item into different segments and tonight would just be an analysis to help understand what is being presented. Next week, she would like to bring the ordinance which has all the issues struck through. She pointed out that the board members have a printout of all of Broward County's Regulations.

Ms. Connors told the board members that they would see duplicative language and that some things do not even apply. This is why they are proposed for deletion and outlined in the Board's Packet in Table 1. In Table 2, some similar regulations for Broward County and the Town are

listed for extensive discussion because there are differences between the two. She said that the annexed areas include additional zoning regulations and districts which do not directly relate to other existing Town zoning districts. Listed in Table 3 are zoning regulations that need to be incorporated from County Rules for inclusion in the Town Code of Ordinances. All of these sections must be reviewed. The next step would be to take what we have left after the duplicative and non-applicable language is deleted, and send that to a consultant. Town staff will work with The Mellgren Group to prepare the amending ordinance to ensure that the district regulations outlined in Table 3 follow the Town's format in order to become a part of existing Town regulations. In other words, to merge the two separate codes, we have to reformat the code that is in the north in order to have it in our Code Book. The amended ordinance would go before the Town Commission.

Now that the intent was explained to the board members, they started with Table 1. Ms. Connors complimented Planner Susan Leven regarding her work with all the documents. Ms. Connors suggested pulling Lighting Provisions out of Table 1 and putting them in Table 2. She explained that the Town does not have existing regulations regarding lighting. She outlined items that were already adopted by the Town (e.g., landscape, reduction of required areas, county uses, wayside stands, beach area restrictions, etc.). Table 2 contains the whole list plus zoning districts that we do not have (e.g., One-Family Dwelling R-1A, etc.). Mr. LaCoursiere talked about how deleting existing regulations in the annexed areas could affect residents who are already used to living under the county code. Ms. Connor said that some things (e.g., Property Maintenance) that are not zoning regulations just do not apply and its deletion would be transparent. Ms. Mehaffey explained that for the things that just don't apply (if they are not zoning regulations), the Town was suggesting just to delete them since they are not applicable. We are just trying to clean the actual, physical document. Ms. Minnet wanted to know if the annexed areas were under the impression that they were keeping their existing codes. Her understanding is that the unincorporated areas, when they voted to come into the Town of Lauderdale-By-The-Sea, knew that they would eventually be under the Town's regulations. Ms. Mehaffey explained that the annexed areas are under our Code already but not under our zoning regulations. State Law and Annexation Agreement (enabling documents) state that County zoning stays in place in the annexed areas until certain procedures are followed. We are going through the final steps of those procedures to bring all of their zoning codes into the Town's codified document.

Ms. Connors explained that in most cases, the Town's regulations are a little less restrictive than Broward County's Annexed Area Regulations. She explained this by speaking about Easements which are at the beginning of Exhibit #2. The next category listed in Exhibit 2 was Double Frontage. The annexed area does not have this but the Town does in the commercial districts. Therefore, it is not applicable in the annexed areas and should be deleted. She then explained #3 Yard Encroachments and stressed that their format needs to be consistent with ours for our zoning districts and to delete the language that addresses them individually. She said that #3b Awnings and #3c Air Conditioning are similar. Number 3d Patio/Deck is different because the Town does not allow a patio in the front yard. Existing properties would have to be grandfathered in. Then she spoke about repair of grandfathered-in patios in the front yard and how that would be affected. Ms. Minnet understands the legal requirements to go through this but expressed concern because we are doing this so many years after they were annexed.

Ms. Connors said that she would go through those items that are different in Exhibit 2. For #3d Patio/Deck, the board would have to decide if they wanted existing patio/deck to be grandfathered in or not and then decide what to do if the patio/deck needs to be repaired.

improved or rebuilt. Ms. Minnet suggested that information should go out to the north area informing them of what is being done now and any changes. She wants them to understand what is happening. Ms. Connors understands because there are some major areas with differences like eaves, patio/decks, swimming pools, and docks. The board would also have to determine if they want regulations because the code is silent right now on seawalls and lighting. Ms. Connors answered Mr. LaCoursiere that in our Town we do not have boathouses but there are Broward County Regulations for boathouses. Ms. Connors then explained the setbacks for swimming pools and docks in the Town and in the County. Ms. Connors said that the president of Terra Mar's HOA was informed about what is coming forward and she was going to call the president of Bel Air's HOA. She has attended HOA meetings in the past.

Ms. Minnet stressed consistency and moving forward with consistency. Ms. Connors said that Broward County's pool regulations are complicated. We have made mistakes in the past reviewing pools using Town code instead of Broward County code. The resident did receive a variance for that. However, we realized that was not the only pool that had been issued under Town regulations in the Terra Mar neighborhood. When we adopt the Town regulations and delete the Broward County regulations, it would fix these issues and bring them into compliance. Ms. Minnet cautioned that on small lots, building a larger pool could cause problems with neighbors. Chair Lanata said that we are already working with the Town's regulations and now we will merge the two annexed areas with the rest of Lauderdale-By-The-Sea. Chair Lanata answered Ms. McCormack that we are going to take Lauderdale-By-The-Sea's rules and regulations and basically erase Broward County's. Ms. Mehafeffey said to say that another way would be – to bring the annexed areas under our Code. Ms. Connors asked the board members if they were comfortable with the changes making the annexed areas consistent with the Town. She mentioned again some regulations that would be more restrictive for the annexed areas (e.g., patio/deck, boathouses, and boat lifts). Ms. McCormack commented that the Town did not have regulations regarding seawalls and Ms. Connors said that she was correct. Ms. Connors asked if they want to use Broward County's regulations so that there is something in place.

Chair Lanata said his thought process is that we have an existing code for the entire town with the exception of the two annexed areas. We are going to void Broward County's regulations and install our town-wide code instead. Ms. Mehafeffey clarified that this is step one. There are parts we won't take out now because they are part of the next step in this process. Ms. Connors said that when we will have a smaller document which would be formatted, would read consistent, and would be integrated into the Town's Regulations would be step two. Mr. LaCoursiere felt the seawall language is not restrictive and should be adopted by the Town. Ms. McCormack did not see the downside for the majority of these regulations especially since the Town's are less restrictive. Ms. Minnet said that as long as things are done within the code it is fine, when it is not it becomes intrusive. Ms. Connors would bring the lighting section to the next meeting and e-mail it to the board members so they can look it over before the next meeting. Ms. Connors would do a little research about boat lifts in answer to Mr. LaCoursiere's inquiry. Discussion ensued about navigable waterways. Ms. Mehafeffey said people who are extending out now would be grandfathered but it could be different when fixing and/or rebuilding. Consideration must be given to navigable waterways. Ms. Minnet said that if someone is grandfathered in and then wants to do renovations, etc., then they are not really grandfathered in anymore. Ms. Minnet stressed that everyone needs to understand this. She would like to know what Pompano does with waterway regulations.

Ms. Connors asked if it was okay with the board members to have Staff delete everything in Table #1 except for lighting and move forward with deleting the Broward regulations in Table #2. Ms. Connors will do some research on the waterway regulations for Pompano. She will try to bring back information to get a general idea of the number of boatlifts that we have in the north section of Town. She will also spot check to see if she could pull the permits and see how far they go out into the canal. We will have a better idea of how many could be grandfathered. She would probably have this available for next Wednesday's meeting. Then they would move forward with the ordinance making sure that the regulations are consistent with the Town. Chair Lanata said that he would not be in Town next Wednesday for the meeting.

6. OLD BUSINESS

7. UPDATES/BOARD MEMBER COMMENTS

Ms. Connors went on to explain why they wanted to schedule two meetings in August. They wanted to be flexible to allow for the marina to come back with an application. Unfortunately, they have not come back with an application. She asked the Code Enforcement Officer to give her an update on what was going on with the marina and the code situation. The officer has been in contact with the property owner. There is one code case that remains open for two violations for railings and walkways and walls in disrepair on the raised deck. They will be coming back to the July 27, 2017 Special Magistrate Hearing for certification of a \$200/day fine. The owner is having difficulty getting a contractor to finish the work. The Code Officer said that it is being maintained much better (no storage trash, no broken-down boats, etc.). She also reported that there are no new violations. They owe some money on Administrative Fees. Ms. Connors answered Chair Lanata that she only saw the originally submitted site plan.

Ms. Connors said they would be bringing forward an ordinance on medical marijuana. She gave a brief history stating the Town established some regulations for the retail sale of medical marijuana in 2014. This passed in 2016 and Ms. Connors read part of Florida Senate Bill 8A into the record. She reported that the consensus of the Town Commission was to have the Town prohibit the sale of medical marijuana. The ordinance that would come for review by the Planning and Zoning Board would delete the regulations for the control of the sale of medical marijuana because the sale of it was prohibited in the Town of Lauderdale-By-The-Sea.

Ms. Minnet inquired about Federal and State legislation that has come forward regarding Sober Homes. Ms. Mehaffey said that Town Attorney Susan Trevarthan is very familiar with the matter and knows what is going on.

8. ADJOURNMENT

Ms. Minnet made a motion to adjourn at 7:13PM. The motion was seconded by Mr. LaCoursiere. The motion carried 4-0.


Chair John Lanata

Date Accepted: 8/16/17

ATTEST:

Development Services Director Linda Connors

