

TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD
REGULAR MEETING MINUTES
Jarvis Hall – 4505 Ocean Drive
Wednesday, July 16, 2014
6:30 P.M.

1. CALL TO ORDER

Chairman David Channon called the meeting to order at 6:33P.M. The Pledge of Allegiance was recited. Members present were David Channon, Patrick Potts, Charles Clark, Rose Ann Minnet, and first alternate Patrick Murphy. Yann Brandt and 2nd alternate David Quinones were absent. Also present were Town Attorney Kathy Mehaffey, Town Planner Linda Connors, and Clerk Idalia Gutierrez.

2. PLEDGE OF ALLEGIANCE TO THE FLAG
Previously recited.

3. APPROVAL OF MINUTES – Previous Meeting Minutes for 6/11/14 and 6/18/14.

Ms. Minnet made a motion to approve the minutes of June 11, 2014 as presented. The motion was seconded by Patrick Potts. The motion carried 5-0.

Mr. Clark made a motion to approve the minutes of June 18, 2014 as presented. The motion was seconded by Ms. Minnet. The motion carried 5-0.

4. PUBLIC COMMENTS - The Chair opened the meeting for public comments and closed public comments at this time as there were no public comments.

5. NEW BUSINESS

a. 205-215 E Commercial Blvd Site Plan

Town Planner Linda Connors briefly described the history of this project. This property is adjacent to vacant Lot 6 which is just to the west of Wings on Commercial Boulevard. The owner of Lots 3-5 recently purchased Lot 6. The applicant received site plan approval at the Planning & Zoning Meeting on August 21, 2013 and Commission Meeting on September 24, 2013. Due to circumstances beyond the applicant's control, the time limit expired for the six-months the Development Order's conditions were to be in effect. The Town has reviewed the new application and had some comments. Ms. Connors also explained the new improvements. The Town recommended approval. Ms. Connors said the applicant was in attendance to answer any questions. Ms. Minnet commented that she sat on the Commission the first time it was approved and would be glad to approve today. She was glad they were adding improvements.

Ms. Minnet made a motion to approve with the changes being made as presented. The approval is subject to staff's recommendations and conditions. The motion was seconded by Mr. Clark. The motion carried 5-0.

Town Planner Linda Connors stated that the request for the Administrative Adjustment needs to go before the Board of Adjustment which is scheduled for August 6, 2014 starting at 6:30PM. Then it would go to the Town Commission Meeting on August 19, 2014 starting at 7:00PM.

Town Attorney Kathy Mehaffey asked the Board for a motion to reconsider and open this matter up to a Public Hearing. Ms. Minnet made a motion to reconsider and to open this matter up to a Public Hearing. The motion was seconded by Mr. Potts. The motion carried 5-0. Chair Channon asked for public comments. There were no public comments. Mr. Murphy made a motion to approve 205-215 E Commercial Blvd Site Plan with the changes being made as presented. The approval is subject to staff's recommendations and conditions. The motion was seconded by Ms. Minnet. The motion carried 5-0.

b. Proposed Amendments to Chapter 30, Article VIII – Sign Regulations

Town Planner Linda Connors gave a PowerPoint presentation. She said that the purpose of this agenda item is to explain the proposed Ordinance 2014-10 which amends the Sign Code - Chapter 30, Article VIII. She explained the background of what transpired with the Sign Regulations. The amendments to the Sign Regulations are incorporated in Ordinance 2014-10. She started with Section 30-502 – Exempt Signs. She explained the changes for Decals, Political Signs, Real Estate Signage and Holiday Lighting. She pointed out where the changes were in the Ordinance. She explained the history of Decals. Discussion ensued and Mr. Clark felt that eight decals were too many and Ms. Minnet agreed with him. She also was not in favor of allowing the size of the Decal to be larger. Ms. Minnet said that defining everything would make it easier for staff and the business owners. The Board Members were in agreement to have Ms. Connors give the presentation she did for the Town Commission on Signage. Town Attorney Kathy Mehaffey explained that staff made recommendations and the Town Commission gave input but the Commission specifically asked for input from the Planning & Zoning Board on this subject. This would be a true combined effort. Ms. Connors began her presentation. She answered that a symbol or writing on the business windows is regulated also. She explained the current sign regulations. She showed pictures of some of the sign violations in the Town. A glass door or pair of doors is considered a window. She talked about neon signs and not allowing portable signs. Merchandise in display in a window is not considered signage. She said that one menu-board sign is allowed per street frontage. She spoke about sign permits. Ms. Connors reiterated that the Commission would really value input from this Board. Town Planner Connors read the definition of door and transom above door in answer to a Board question. The definition of window would have to be changed if a member wanted to separate doors or transparent doors from windows.

Getting back to decals, Mr. Potts did not think allowing more decals was good. Mr. Clark was in agreement. Ms. Connors explained that they could put their decals on a bulletin board and it would be considered one of the three signs that an owner was allowed. Discussion ensued that we cannot tell people how to run their businesses and that putting decals on a bulletin board seemed to be a good alternative. Discussion ensued about size and amount of decals. The consensus is to allow 5 decals, each decal not to exceed 6 square inches and decals are to count towards 25% of window coverage.

Ms. Connors next explained the current sign regulations and the added wording suggested by the Town Commission for political candidate and election issue signs. Discussion ensued about the size and number of signs. Corner lots were discussed for residential and commercial right-

of-ways. Town Attorney Kathy Mehaffey answered about number of minimum and maximum signs by discussing case law and First Amendment Law. The alternative for one sign per candidate per election or issue would be that you could give a maximum square footage. Ms. Mehaffey explained that the Town treats residential and business properties the same. You cannot allow less square footage for a political sign then you allow for any temporary sign. Legal would research signage of one per election issue or candidate to a maximum of 20 sq. feet with signs not to exceed "X" sq. ft. Discussion ensued about seeing less political signs around Town. They also discussed that it would be hard to tell people how many signs they could have in their own yard. An alternative to a maximum would be the consensus of one sign per candidate or issue not to exceed an overall size of six square feet. At the next P&Z Meeting, Legal's research of allowing a total of "X" sq ft for political signs with no individual sign to exceed "X" sq ft would be presented and resolved.

Real estate signs were discussed next. Ms. Mehaffey reminded that the size of these signs depended on what would be decided for the size of political signs. Ms. Connors explained the proposed deleted and added language. Ms. Connors said they neglected to discuss in real estate signage where you want the signs in commercial property. She asked if the Board wanted to allow these signs (1) in the window only for a commercial property, (2) on the second floor if there is a second floor or (3) a banner sign. It was requested that staff come back with recommendations. Ms. Connors said that wall signs have height limitations and we could incorporate those types of conditions for a real estate sign in a commercial property. She further stated that the Board has to address *for rent* and *for sale* real estate signs. Ms. Connors said that staff would look into this and come back with recommendations in August. Mr. Potts said not to limit where you could put a sign on a vacant building. Ms. Connors said there was a difference if there is an existing building or a vacant lot for rent. The consensus is not to limit the height of the sign in a commercial district if the building exists but make a vacant lot in a commercial district follow the same regulations as a residential. Ms. Connors clarified that if a sign in a commercial district was mounted on a wall, it did not have a height restriction. There seems to be a consensus as to where the Board is moving but Ms. Connors would bring some more information back at the next meeting.

The discussion moved to Temporary Holiday Decorations. Ms. Connors explained the complaints from the public regarding these regulations. She said that lighting issues were deleted from the regulations and only holiday decorations were addressed now. Ms. Connors would check with the Code Officers to see about maintaining property to certain standards, in case some people did not take down lights that were hanging off a house in disrepair. They could add this to the regulation if maintaining property to certain standards did not take care of that kind of situation. Town Attorney Kathy Mehaffey said that the Board would have to determine how far they want to go along this line of standards for a community. Discussion ensued that lights should be well maintained and perhaps a provision to allow the Town to take action when action was needed. Ms. Minnet said that Code Enforcement has so much on its plate that this burden of lights should not be added on to them. This Board should make the recommendation that is the best position for the Town and seasonal lighting should be regulated. Discussion ensued about how to determine what is seasonal lighting and what is permanent. Ms. Connors wanted to know if the Board felt the same way about lighting on landscaping and on structures. Discussion ensued that most landscape lighting is permanently wired with a switch to turn it off. It would be too hard for Code Enforcement to have to monitor holiday lighting. Town Planner Linda Connors said that we have consensus that holiday lighting has to be in the code.

The next area is Sec 30-506, General Design Standards. Ms. Connors explained the proposed added language. They clarified double face signage. She explained how some signs in Town did not have permits. Ms. Connors said that the First Amendment makes it difficult to regulate signage in a number of ways. We are allowed to regulate size but not contents. Ms. Connors said that we want consistency in signage in a building. Ms. Mehaffey said that on page 11 subsection 6, the proposed language makes the regulation consistent with a wall sign. The Town Planner would do research and bring back in August what is visible to the eye for a business sign. She explained the proposed language for reviewing signs, for following code, and for requiring permits. On page 14, Ms. Connors talked about the proposed added language to ensure lights were not shining into other people's property or business or causing concern. Ms. Connors explained how they currently review signs that do not have a definitive background. She said that there was a calculation for a sign with or without a background. What they were asked to do by the Town Commission was to come up with alternative language. For a sign with no background, to calculate the sign letters to eliminate the clear space when calculating out the window coverage. Discussion ensued about how difficult it would be with the change. Ms. Minnet asked if it would be easier if there was a separation between a door and a window. Ms. Connors said that doors are limited in size and 25% coverage for a door comes quickly. She proposed for a sign without a defined background, separate out the door and allow an increase in the window coverage. The Board would have to expand this definition. On page 8, allow glass door signs without a defined background up to 50% coverage of the door. The Board Members said this was a consensus.

Starting on the bottom of page 14, Sec 30-507, Restrictions And Standards By Sign Type, was discussed. Town Planner Connors talked about the addition of the proposed language regarding Mid-Century Modern architectural features. She discussed language that was deleted. Ms. Minnet encouraged the Board Members to come to the Commission Meeting when this Ordinance is heard to express their views or at least write to them. Ms. Connors said that this would come back to P&Z next month and not go to the Commission until September. Discussion ensued that doors are 50% coverage as long as it is a non-opaque decal but windows are 25% coverage (as it is now). Ms. Connors answered that it would be easier to just undelete the language proposed for deletion. She thought to keep it in just in case the Commission decides to increase the 25% window coverage (then window sign not to exceed 15 sq ft). Ms. Connors said they already went over sign regulation by zoning district because the Board wanted just one which met the standards of an exempt sign. She said there was language added for maintenance and good condition on page 27. It also included that signs for business closure must be removed within 30 days of the closure of said business. On page 31, the definition of portable moving sign was clarified. There was Board consensus for this clarification. Ms. Connors answered that there is language for the removal of political signs.

For the rest of the remaining changes, Sec 30-512, Maintenance & Abandoned Signs, and Sec 30-514, Definitions, the Board was in consensus with all the changes. Chair Channon asked for any public comments regarding the Ordinance. There were no comments.

While it is fresh in everyone's mind, Town Attorney Kathy Mehaffey recapped her understanding of tonight's recommendations. On page 4, Section 30-502, keep decals to a maximum of five not to exceed 6 inches each. Also on page 4, political signs are to be one per candidate or issue not to exceed six square feet and ask Legal to research the ability to allow a total of _____ sq ft for political signs with no individual sign to exceed _____ sq ft (to be resolved at the next P&Z meeting). On page 5, to keep real estate signs up to six square feet in business districts. Staff would address real estate in commercial districts for the next meeting. On page

5, lighting is to be defined in the code or if it is not there, to provide maintenance language regarding lighting and not make changes proposed in sub-section (s) related to lighting. On page 11, Staff will research with sign company visibility standards for seeing signs from distances and bring back to next meeting. Going back to page 8, allow glass door signs that do not have a defined background, up to 50% coverage of the door. On page 21, if the Commission raises the 25% window coverage limit, then they should keep the window sign not to exceed 15 sq ft limit on page 21. If they leave the 25% window coverage limit, this Board is okay with the deletion.

6. OLD BUSINESS

a. 2014 Changes to State Ethics Laws

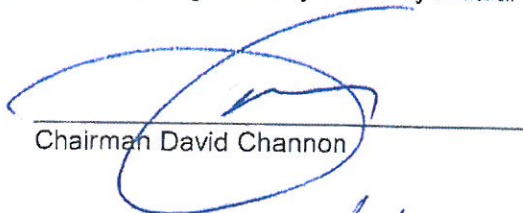
Town Planner Linda Connors just wanted to remind everyone who sat on the Board last year, if you did not fill out your form that they are required by Ethics to fill it out. Also in the packet is a memorandum regarding the changes in the State Ethics Laws for informational purposes.

7. UPDATES/BOARD MEMBER COMMENTS

Town Planner Linda Connors commented that we would be looking for a P&Z Board Member as a second alternate. Anyone who is interested, fill out a form and provide it to the Town Clerk. You can get the form from the Town Clerk or from Linda Connors. Ms. Connors also commented that in addition to the sign code next month, there would be a couple of other matters to address at the August 20th meeting starting at 6:00 PM. Ms. Minnet said she would not be able to attend. It was determined that there would not be a P&Z meeting in August as a quorum could not be established. Town Planner Linda Connors would e-mail the Board Members to schedule two P&Z meetings in September when a quorum would be available. She would also confirm if the Board of Adjustment would meet September 3rd.

8. ADJOURNMENT

As there was no further business to discuss, the meeting was adjourned by mutual consent at 8:29PM.


Chairman David Channon

ATTEST:

Date Accepted: 9/12/14

Town Planner Linda Connors

Linda Connors