

APPROVED
TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD
MEETING MINUTES
Jarvis Hall - 4505 Ocean Drive
Wednesday, June 20, 2018

1. **CALL TO ORDER**

Chair Lanata called the meeting to order at 6:55P.M. Members present were John Lanata, Cari McCormack, William Ferrante, Jeffrey Whyte, and 1st Alternate Bernard Petreccia. The absent member was Alan Bluestein. Also present were Assistant Town Attorney Kathy Mehaffey, Planner Susan Leven, Planner Jhanelle Campbell and Clerk Kaliah Lewis. (For the record, at the Board of Adjustment Meeting preceding this meeting, Ms. Leven announced that Helene Wetherington has submitted her resignation for the Board of Adjustment as well as the Planning and Zoning Board. The first alternate, Alan Bluestein, would now become a regular board member and the second alternate, Bernard Petreccia, would now become 1st alternate. The Town Commission would appoint the 2nd alternate.)

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

The Pledge of Allegiance was recited.

3. **APPROVAL OF MINUTES**

a. **Previous Meeting Minutes – June 6, 2018**

Mr. Whyte made a motion to approve the minutes of June 6, 2018 as presented. The motion was seconded by Mr. Petreccia. The motion carried unanimously 5-0.

4. **PUBLIC COMMENTS**

The Chair called for public comments but no one came forward at this time. He closed public comments at this time and turned the meeting over to Planner Susan Leven to present Old Business.

5. **NEW BUSINESS**

6. **OLD BUSINESS**

a. **Review of Town's Regulations Regarding Generators and Accessory Uses (Sec. 30-313 of the Town Code). (Susan Leven, Planner)**

Planner Susan Leven stated that the Staff Report as well as the proposed Ordinance 2018-24 were supplied to the board. The purpose of the draft ordinance is to amend chapters 13 and 30 of the Town's code. It will provide space for the location of the generators and to look at how noise is recorded. The proposed changes look at where generators can be, how loud generators can be, and how that is measured. She further explained that an accessory structure change is to create a non-waterfront side and rear setback of five feet. Accessory structures on waterfront lots will go back to fifteen feet from the rear property line (as opposed to being five feet).

Ms. Leven stated that accessory structures and generators are two separate changes. For generators, they looked at present requirements, when generators could be used, where

generators could be located, different requirements between permanent generators, temporary generators, and construction generators. A temporary generator would be the little generator to keep a refrigerator running. A permanent generator would be something on a slab in a backyard running the whole house. A construction generator would be what a contractor brings (in example to a vacant lot before electricity reaches the property). These specifications are in the general provisions sector of the code (Sec 30-313). In the ordinance, they start on page four.

Ms. Leven went over the changes starting with temporary generators. It starts with when you can use a generator. This would be during the periods of power outages and periods of power reductions resulting from the exercise of utility loading control programs. In general, if your power is out, you can use your generator. This is consistent for temporary and permanent generators. For construction generators, they could not operate more than four hours a day. Construction generators shall be properly maintained, meeting manufacturer's specifications, and in good operating condition. For permanent generators, the change deals with the final inspection of the permit, the Town shall test the generator under load to ensure it does not exceed the maximum 70 decibels as measured from the front edge of street pavement on the side of the property. She also spoke about how different municipalities handle this. Permanent generators shall be properly maintained, meeting manufacturer's specifications, and in good operating condition. For permanent generators exceeding 60 KW, the change is that prior to the final inspection of the permit, the Town shall test the generator under load to ensure it does not exceed the maximum 70 decibels and from where it is measured from. This larger unit will be either walled in or shielded in some manner. She said this also includes that it is properly maintained and can be used during the periods of power outages and periods of power reductions resulting from the exercise of utility loading control programs.

Chair Lanata said in considering the marina or any waterway, if a boat needs to use a generator is there something in the code to prohibit leaving the generator on all day and night. Assistant Town Attorney Kathy Mehaffey will look into the degree of jurisdiction the Town has over vessels on the water. Ms. Leven then answered that there is no decibel level for the personal, temporary generator used during power outages and she spoke about where they should be located with the least noise impact to the neighbors. Ms. Leven asked if the board wanted to limit the size of a temporary generator. Ms. McCormack asked how all of this gets enforced especially for personal, temporary generators. Chair Lanata felt that this ordinance would give code the ability to manage generators and/or generator complaints. Mr. Whyte asked about the permit process for permanent generators and Ms. Leven explained. Discussion ensued about the size of personal, temporary generators and maybe limiting size or setting a maximum decibel level for temporary and construction generators. They also spoke about enforcement. Ms. McCormack suggested keeping the decibel level the same for all types of generators. Mr. Whyte said he read that FP&L was going to put some permanent generators around. Ms. McCormack spoke about big generators going 24/7 just before the Hillsboro Inlet. She asked about municipalities and flooding issues creating a need to run generators. Ms. Mehaffey said that state agencies and municipalities are generally exempted from the code and requirements. It would depend on the facts. Mr. Whyte asked about health care providers and more specifically the need for dialysis equipment to run and that it cannot be shut off. Ms. Leven said that is an important issue but not relevant to tonight's discussion. As there were no more questions/comments regarding generators, they will now discuss accessory buildings and structures.

Ms. Leven said that accessory buildings and structures may not exceed 12 feet in height on any lot. She explained how accessory buildings and structures have been made a little simpler. Ms.

Mehaffey explained that on a non-waterfront lot containing a single-family, duplex or townhouse dwelling, side and rear yard setbacks not abutting a street may be reduced to five feet for accessory uses buildings and structures. Waterfront lots have to meet the regular setback requirements for its zoning district. Chair Lanata said that this would preclude them from putting an accessory building or structure in their backyard. Ms. Mehaffey spoke about this change having to do with views along the water. Chair Lanata asked about view corridors and Ms. Leven spoke about certain areas in Town where view corridors must be maintained but it is not everywhere. Mr. Petreccia asked about a screened structure and he was told that would be considered accessory. Ms. Mehaffey answered about being able to take vegetation all the way down to the seawall. Mr. Petreccia spoke about blocking views when a tall hedge goes all the way down to the seawall and discussion ensued about hedges in the front of the property and public safety. Ms. Leven said that they can take everything said this evening back and bring it to the board again to make a recommendation or the board can make a motion to move forward with the recommendations tonight.

Ms. McCormack made a motion to move forward with the comments and recommendations. The motion was seconded by Chair Lanata.

For Discussion: Ms. Mehaffey wanted to clarify that the only change was to include 70 decibels for temporary generators measured from the same threshold. Separately, research would be done to evaluate the marine applicability and jurisdiction plus research on landscape. As there was no other discussion, the chair called for public comments.

Charles Mangano started to speak but since it was not on the subject being voted on, he would be recalled after the vote on the motion.

The motion carried 5-0.

Charles Mangano spoke about the Town's trying to change the code and the ordinance to put a public sidewalk up against his property. They own apartment #1 and apartment #2 and he wants to be notified if the Town ever tries to modify code #19203 to put a public sidewalk up against his building. Chair Lanata informed him there was never an ordinance like that in front of this board. Mr. Mangano wanted to bring up the issue of the school bus going up Bougainvillea Drive and also on Hibiscus with never an incident or accident for many, many years because he feels the school bus will be brought up by the Town as well. He definitely wants to be notified of any code or ordinance changes to do any of the things he mentioned tonight because he will go to court. As no one else wished to speak, the public comments section of the meeting was closed.

7. UPDATES/BOARD MEMBER COMMENTS

Planner Susan Leven said that Planning and Zoning would probably not have a July meeting but the next meeting would probably be in August.

8. ADJOURNMENT

Ms. McCormack made a motion to adjourn at 7:46PM. The motion was seconded by Mr. Whyte. The motion carried 5-0.

ATTEST: Linda Connors,
~~Planner Susan Leven~~ Dev. Services Dir.

Linda Connors

Chair John Lanata

Date Accepted: 9/5/18