

TOWN OF LAUDERDALE-BY-THE-SEA

PLANNING AND ZONING REGULAR MEETING MINUTES

Town Commission Meeting Room

Wednesday, May 16, 2012

6:30 P.M.

I. CALL TO ORDER

Chairperson Alfred Oldaker called the meeting to order at 6:30 p.m. Members present were Chairperson Alfred Oldaker, Vice Chairperson David Chanon, William Brady, Avi Braverman and first alternate Eric Yankwitt. Also present were Town Planner Linda Connors and Assistant Town Attorney Kathryn Mehaffey. Deputy Town Clerk Glenn McCormick was present to record the minutes of the meeting. Board member W. Patrick Murphy was absent.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

III. APPROVAL OF MINUTES - Planning and Zoning Meeting of March 21, 2012

There were no other additions, deletions or changes to the above minutes.

Vice Chairperson Chanon made a motion to approve the minutes of March 21, 2012. The motion was seconded by Mr. Yankwitt. The motion carried 5-0.

IV. PUBLIC COMMENTS

There were no public comments.

V. TOWN PLANNER REPORT

Town Planner Linda Connors reviewed her report as provided in the backup.

VI. NEW BUSINESS

Item #1: Proposed Amendments to Chapter 30 to Require Window Screening or Vacant Storefronts, Including Hotels and Motels.

Town Planner Connors discussed the subject item as detailed in the backup.

Avi Braverman asked what would happen if someone rented a space, was in the process of renovating it and wished to put some promotional display in the window.

Town Planner Connors replied this would be covered under the Town code for announcing contractor signs.

Mr. Braverman also inquired about the preprinted materials. Ms. Connors mentioned that might be available from the Town in 36-inch panels.

Town Planner Connors indicated the Town was currently looking into possibly providing the preprinted material as an option.

Mr. Braverman thought this would be a good opportunity to have panels displaying historic photographs available, and if they were available from the Town at no added cost, then the person renting the space or property owner had little to complain about.

Vice Chairperson Chanon wondered if a "for lease" sign was part of the acceptable storefront signage.

Town Planner Connors replied it was possible to display a "for lease" sign, as defined in the current sign code.

Vice Chairperson Chanon expressed concern as to requiring windows to be screened regardless of elevation, wondering if the requirement would apply to windows above a certain elevation.

Town Planner Connors explained the definition of a transparent window that needed to be screened was one through which one could see the interior of the building from the public right of way. She suggested it was possible to add the word "adjacent" before public right of way to indicate it meant at street level.

Chairperson Oldaker asked if the amendment would apply to a hotel/motel with a vacant room.

Town Planner Connors indicated if the hotel/motel was still open for business, then the vacant window was acceptable. But if the office was closed and no business was being conducted, then it would trigger the code, depending on how long it was closed.

Chairperson Oldaker queried as to definitions A, item 3, vacant, there was some previous discussion on mom and pop stores closing for the holidays, as they would technically not be open for business. He thought the consecutive 14-day period might adversely affect those business owners that closed shop once a year and went away for a set period of time; he suggested expanding the 14 days to 21 days.

Town Planner Connors clarified the change would be from 14 to 21 consecutive days, after which the business owner would have five business days to put up the window screening.

Chairperson Oldaker next referred to item c at the bottom, the last paragraph, where it said five business days, which he thought should be extended to seven calendar days. He asked where did turning the lights off at night fall into the code.

Town Planner Connors replied there was no regulation for turning lights off at night.

Chairperson Oldaker questioned how the violations would be detected, if code enforcement would be on the lookout for vacated property.

Town Planner Connors responded once the amendments were adopted, if code enforcement observed a storefront was vacant, they could begin enforcing the code, counting the days from that time onwards. Once they reach the allowable days for the vacancy, they would enforce the code, and if someone did not comply, they would be issued a notice of violation and asked to appear before the special magistrate. Generally, the fines could run from \$0 to \$250 a day. Thus, the clock would not start until the Town classified the space as vacant; that is, by the code enforcement going out to the site, getting notification that someone had vacated the property or by a community member calling the code office informing them of the vacancy. The enforcement process would not begin until the vacancy was documented by Town staff.

Mr. Yankwitt expressed concern as to the pictures and artwork, but he had no wish for any violations to be issued in this regard, so he wondered if there were previously approved pictures and artwork.

Town Planner Connors answered no.

Mr. Yankwitt pointed out where one person's interpretation of art differed from another, issues might arise.

Town Planner Connors concurred.

Vice Chairperson Chanon requested, assuming the Board passed the proposed amendments, that at a minimum electronic files of the acceptable images should be available online, as this would help maintain consistency.

Mr. Braverman liked the idea of the Town having preprinted pictures on panels that filled the code requirements.

Chairperson Oldaker suggested language that said the paper screening the window should be one continuous piece covering the window opening 36 inches wide and a length to cover the opening.

Vice Chairperson Chanon thought having a window covering, such as brown paper going all the way up the length of a window that had a high elevation would be unsightly.

Chairperson Oldaker pointed out covering up windows while doing renovations was a common practice of businesses.

Mr. Braverman felt it was unnecessary to enforce the height requirement for the window covering beyond the first story, due to the general height of buildings in the Town. He strongly recommended the Town provide the preprinted material for the vacant windows, as it would create uniformity as well as highlight Lauderdale-By-The-Sea and be at no cost to the property/business owner.

Chairperson Oldaker agreed the Town should supply the images on a disc, so a business or property owner could take it to a print shop and print the panels. Having the Town maintain picture panels placed an added burden on Town staff.

A male speaker witnessed other municipalities using preprinted material and business owners came and picked it up and posted it in the storefront windows. There was not much variety, no more than five or six different images. The concept of supplying the images on a disk was a good one, as long as it did not add too much cost to the business owner, as those costs would increase with the number of windows.

Assistant Town Attorney Mehaffey noted it was necessary to consider the situation in terms of limit or prohibit and judge what constituted artwork. The concept of providing the artwork free of charge was designed to make it easier for people to choose from acceptable artwork. This could not be done to the exclusion of everything else, so businesses could not be forced to use the free artwork, but it's being free would encourage its use.

Town Planner Connors added the language said the preprinted material might be provided by the Town, but there was no mention of them being free. Thus, the Town could seek to recoup the costs for providing the material, and there had been no discussion either way.

Mr. Braverman made a motion to limit screening to the first floor. The motion failed for lack of a second.

Chairperson Oldaker preferred to leave the enforcement of window covering beyond the first floor up to Town staff's discretion.

Mr. Yankwitt made a motion that was seconded by Mr. Brady to approve Item #1 to include the following amendments:

- a) Amending Section 30-313 (a) (3) a. to 21 consecutive days from 14 days
- b) (b) (1) (b) to add screening material shall be one piece
- c) (b) (1) (c) Timing – installation required within seven (7) calendar days of vacancy.

. The motion carried 5-0.

Item #2: Proposed Amendments to Chapter 30 to Revise the Town Minimum Parking Requirements

Town Planner Connors went over the proposed amendments as detailed in the backup, focusing first on the restaurant/bar establishments.

Chairperson Oldaker commented as to not including the bar area in the calculations, noting at several of the Town's restaurant establishments with a bar a number of customers could be found standing or sitting in the bar area.

Town Planner Connors stated the bar area would be included at one per 50 square feet; more people sat at a bar than at a table.

Chairperson Oldaker observed the linear calculation did not take into consideration the depth of the bar.

Vice Chairperson Chanon stated he was not in favor of adding a component that measured the bar area, as the aim was to make the Town more pedestrian friendly, and at the Board's last meeting the discussion was to find ways to reduce the number of required parking spaces for some of the hotel establishments. Many people walked or rode bikes, and he felt it was unnecessary to impose an additional burden on the local restaurants and businesses for this reason.

Town Planner Connors moved to the portion of the presentation pertaining to gasoline service stations.

Mr. Yankwitt asked if he could vote on the subject item, as the mechanic that serviced the Town's gas station was a client of his; he was not an attorney client but an accounting client.

Assistant Town Attorney Mehaffey requested a five minute recess.

Recess/Reconvene (7:27 p.m./7:30 p.m.)

Assistant Town Attorney Mehaffey responded there was no conflict of interest pertaining to Mr. Yankwitt's question, as the item was not dealing with an application specific to the site where Mr. Yankwitt's client worked. It was a general legislative application that was applicable to all properties throughout the Town.

Chairperson Oldaker asked if there was a conflict of interest, could the matter be broken into the three components.

Assistant Town Attorney Mehaffey responded the Board could address future issues in the three components if it so chose.

Chairperson Oldaker thought verbiage should be added to the ordinance so it was more thorough.

Assistant Town Attorney Mehaffey clarified the motion was to approve the proposed changes including the revised staff recommendations as presented.

Mr. Yankwitt inquired how the bar area and the vestibule right in front of the restrooms was being handled.

Town Planner Connors replied if the area was situated in the room, it was included in the customer service calculation, as would any wall, hallway or anywhere patrons congregated.

Chairperson Oldaker emphasized the inclusion of the bar square footage pertained only to the area in front of the bar not behind the bar.

Chairperson Oldaker made a motion to approve Item #2 with the additional language as presented. The motion was seconded by Vice Chairperson Chanon. The motion carried 5-0.

VII. OLD BUSINESS

Town Planner Connors informed the Board staff received no applications from the public for the June 27, 2012, meeting.

Chairperson Oldaker wished to postpone the June meeting to July 18, 2012.

A male speaker asked about the deadline to submit applications for the June meeting.

Town Planner Connors replied the deadline was the first week of the prior month. Thus, there were no applications from the public, though the Board had issues to discuss that were not of an urgent nature. If no application was received from the public, the Town was not required to issue specific advertising, she simply posted a public notice of the upcoming meeting date, and this allowed her time to prepare her reports. Her reports were normally submitted to the Board the Friday prior to the date of the next meeting, and she needed a week prior to that date to have all the documents ready for the Board's packet. Under proposals for discussion, the pier parking standards would have been brought forward for Board discussion, but the pier owner was on vacation, so Town staff thought it best to wait until he returned. She said, currently, the Town had no pier parking standards in its code, and Town staff thought there should be such standards and were in the process of drafting standards for the Board to vote on.

VIII. BOARD MEMBER COMMENTS

None

IX. ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 7:38 p.m.

ATTEST:

Chairman Alfred Oldaker

Date Accepted: _____

Glenn McCormick, Secretary

TOWN OF LAUDERDALE-BY-THE-SEA

PLANNING AND ZONING REGULAR MEETING MINUTES

Town Commission Meeting Room

Wednesday, May 16, 2012

6:30 P.M.

I. CALL TO ORDER

Chairperson Alfred Oldaker called the meeting to order at 6:30 p.m. Members present were Chairperson Alfred Oldaker, Vice Chairperson David Chanon, William Brady, Avi Braverman and first alternate Eric Yankwitt. Also present were Town Planner Linda Connors and Assistant Town Attorney Kathryn Mehaffey. Deputy Town Clerk Glenn McCormick was present to record the minutes of the meeting. Board member W. Patrick Murphy was absent.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

III. APPROVAL OF MINUTES - Planning and Zoning Meeting of March 21, 2012

There were no other additions, deletions or changes to the above minutes.

Vice Chairperson Chanon made a motion to approve the minutes of March 21, 2012. The motion was seconded by Mr. Yankwitt. The motion carried 5-0.

IV. PUBLIC COMMENTS

There were no public comments.

V. TOWN PLANNER REPORT

Town Planner Linda Connors reviewed her report as provided in the backup.

VI. NEW BUSINESS

Item #1: Proposed Amendments to Chapter 30 to Require Window Screening or Vacant Storefronts, Including Hotels and Motels.

Town Planner Connors discussed the subject item as detailed in the backup.

Avi Braverman asked what would happen if someone rented a space, was in the process of renovating it and wished to put some promotional display in the window.

Town Planner Connors replied this would be covered under the Town code for announcing contractor signs.

Mr. Braverman also inquired about the preprinted materials. Ms. Connors mentioned that might be available from the Town in 36-inch panels.

Town Planner Connors indicated the Town was currently looking into possibly providing the preprinted material as an option.

Mr. Braverman thought this would be a good opportunity to have panels displaying historic photographs available, and if they were available from the Town at no added cost, then the person renting the space or property owner had little to complain about.

Vice Chairperson Chanon wondered if a "for lease" sign was part of the acceptable storefront signage.

Town Planner Connors replied it was possible to display a "for lease" sign, as defined in the current sign code.

Vice Chairperson Chanon expressed concern as to requiring windows to be screened regardless of elevation, wondering if the requirement would apply to windows above a certain elevation.

Town Planner Connors explained the definition of a transparent window that needed to be screened was one through which one could see the interior of the building from the public right of way. She suggested it was possible to add the word "adjacent" before public right of way to indicate it meant at street level.

Chairperson Oldaker asked if the amendment would apply to a hotel/motel with a vacant room.

Town Planner Connors indicated if the hotel/motel was still open for business, then the vacant window was acceptable. But if the office was closed and no business was being conducted, then it would trigger the code, depending on how long it was closed.

Chairperson Oldaker queried as to definitions A, item 3, vacant, there was some previous discussion on mom and pop stores closing for the holidays, as they would technically not be open for business. He thought the consecutive 14-day period might adversely affect those business owners that closed shop once a year and went away for a set period of time; he suggested expanding the 14 days to 21 days.

Town Planner Connors clarified the change would be from 14 to 21 consecutive days, after which the business owner would have five business days to put up the window screening.

Chairperson Oldaker next referred to item c at the bottom, the last paragraph, where it said five business days, which he thought should be extended to seven calendar days. He asked where did turning the lights off at night fall into the code.

Town Planner Connors replied there was no regulation for turning lights off at night.

Chairperson Oldaker questioned how the violations would be detected, if code enforcement would be on the lookout for vacated property.

Town Planner Connors responded once the amendments were adopted, if code enforcement observed a storefront was vacant, they could begin enforcing the code, counting the days from that time onwards. Once they reach the allowable days for the vacancy, they would enforce the code, and if someone did not comply, they would be issued a notice of violation and asked to appear before the special magistrate. Generally, the fines could run from \$0 to \$250 a day. Thus, the clock would not start until the Town classified the space as vacant; that is, by the code enforcement going out to the site, getting notification that someone had vacated the property or by a community member calling the code office informing them of the vacancy. The enforcement process would not begin until the vacancy was documented by Town staff.

Mr. Yankwitt expressed concern as to the pictures and artwork, but he had no wish for any violations to be issued in this regard, so he wondered if there were previously approved pictures and artwork.

Town Planner Connors answered no.

Mr. Yankwitt pointed out where one person's interpretation of art differed from another, issues might arise.

Town Planner Connors concurred.

Vice Chairperson Chanon requested, assuming the Board passed the proposed amendments, that at a minimum electronic files of the acceptable images should be available online, as this would help maintain consistency.

Mr. Braverman liked the idea of the Town having preprinted pictures on panels that filled the code requirements.

Chairperson Oldaker suggested language that said the paper screening the window should be one continuous piece covering the window opening 36 inches wide and a length to cover the opening.

Vice Chairperson Chanon thought having a window covering, such as brown paper going all the way up the length of a window that had a high elevation would be unsightly.

Chairperson Oldaker pointed out covering up windows while doing renovations was a common practice of businesses.

Mr. Braverman felt it was unnecessary to enforce the height requirement for the window covering beyond the first story, due to the general height of buildings in the Town. He strongly recommended the Town provide the preprinted material for the vacant windows, as it would create uniformity as well as highlight Lauderdale-By-The-Sea and be at no cost to the property/business owner.

Chairperson Oldaker agreed the Town should supply the images on a disc, so a business or property owner could take it to a print shop and print the panels. Having the Town maintain picture panels placed an added burden on Town staff.

A male speaker witnessed other municipalities using preprinted material and business owners came and picked it up and posted it in the storefront windows. There was not much variety, no more than five or six different images. The concept of supplying the images on a disk was a good one, as long as it did not add too much cost to the business owner, as those costs would increase with the number of windows.

Assistant Town Attorney Mehaffey noted it was necessary to consider the situation in terms of limit or prohibit and judge what constituted artwork. The concept of providing the artwork free of charge was designed to make it easier for people to choose from acceptable artwork. This could not be done to the exclusion of everything else, so businesses could not be forced to use the free artwork, but it's being free would encourage its use.

Town Planner Connors added the language said the preprinted material might be provided by the Town, but there was no mention of them being free. Thus, the Town could seek to recoup the costs for providing the material, and there had been no discussion either way.

Mr. Braverman made a motion to limit screening to the first floor. The motion failed for lack of a second.

Chairperson Oldaker preferred to leave the enforcement of window covering beyond the first floor up to Town staff's discretion.

Mr. Yankwitt made a motion that was seconded by Mr. Brady to approve Item #1 to include the following amendments:

- a) Amending Section 30-313 (a) (3) a. to 21 consecutive days from 14 days
- b) (b) (1) (b) to add screening material shall be one piece
- c) (b) (1) (c) Timing – installation required within seven (7) calendar days of vacancy.

. The motion carried 5-0.

Item #2: Proposed Amendments to Chapter 30 to Revise the Town Minimum Parking Requirements

Town Planner Connors went over the proposed amendments as detailed in the backup, focusing first on the restaurant/bar establishments.

Chairperson Oldaker commented as to not including the bar area in the calculations, noting at several of the Town's restaurant establishments with a bar a number of customers could be found standing or sitting in the bar area.

Town Planner Connors stated the bar area would be included at one per 50 square feet; more people sat at a bar than at a table.

Chairperson Oldaker observed the linear calculation did not take into consideration the depth of the bar.

Vice Chairperson Chanon stated he was not in favor of adding a component that measured the bar area, as the aim was to make the Town more pedestrian friendly, and at the Board's last meeting the discussion was to find ways to reduce the number of required parking spaces for some of the hotel establishments. Many people walked or rode bikes, and he felt it was unnecessary to impose an additional burden on the local restaurants and businesses for this reason.

Town Planner Connors moved to the portion of the presentation pertaining to gasoline service stations.

Mr. Yankwitt asked if he could vote on the subject item, as the mechanic that serviced the Town's gas station was a client of his; he was not an attorney client but an accounting client.

Assistant Town Attorney Mehaffey requested a five minute recess.

Recess/Reconvene (7:27 p.m./7:30 p.m.)

Assistant Town Attorney Mehaffey responded there was no conflict of interest pertaining to Mr. Yankwitt's question, as the item was not dealing with an application specific to the site where Mr. Yankwitt's client worked. It was a general legislative application that was applicable to all properties throughout the Town.

Chairperson Oldaker asked if there was a conflict of interest, could the matter be broken into the three components.

Assistant Town Attorney Mehaffey responded the Board could address future issues in the three components if it so chose.

Chairperson Oldaker thought verbiage should be added to the ordinance so it was more thorough.

Assistant Town Attorney Mehaffey clarified the motion was to approve the proposed changes including the revised staff recommendations as presented.

Mr. Yankwitt inquired how the bar area and the vestibule right in front of the restrooms was being handled.

Town Planner Connors replied if the area was situated in the room, it was included in the customer service calculation, as would any wall, hallway or anywhere patrons congregated.

Chairperson Oldaker emphasized the inclusion of the bar square footage pertained only to the area in front of the bar not behind the bar.

Chairperson Oldaker made a motion to approve Item #2 with the additional language as presented. The motion was seconded by Vice Chairperson Chanon. The motion carried 5-0.

VII. OLD BUSINESS

Town Planner Connors informed the Board staff received no applications from the public for the June 27, 2012, meeting.

Chairperson Oldaker wished to postpone the June meeting to July 18, 2012.

A male speaker asked about the deadline to submit applications for the June meeting.

Town Planner Connors replied the deadline was the first week of the prior month. Thus, there were no applications from the public, though the Board had issues to discuss that were not of an urgent nature. If no application was received from the public, the Town was not required to issue specific advertising, she simply posted a public notice of the upcoming meeting date, and this allowed her time to prepare her reports. Her reports were normally submitted to the Board the Friday prior to the date of the next meeting, and she needed a week prior to that date to have all the documents ready for the Board's packet. Under proposals for discussion, the pier parking standards would have been brought forward for Board discussion, but the pier owner was on vacation, so Town staff thought it best to wait until he returned. She said, currently, the Town had no pier parking standards in its code, and Town staff thought there should be such standards and were in the process of drafting standards for the Board to vote on.

VIII. BOARD MEMBER COMMENTS

None

IX. ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 7:38 p.m.



Chairman Alfred Oldaker

ATTEST:

Date Accepted: 7-18-12

Glenn McCormick, Secretary

