

APPROVED
TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD
MEETING MINUTES
Jarvis Hall - 4505 Ocean Drive
Wednesday, December 14, 2016
6:00 P.M.

1. CALL TO ORDER

Chair John Lanata called the meeting to order at 6:00 P.M. Members present were Roseann Minnet, John Lanata, John Graziano, 1st Alternate Cari McCormack, and 2nd Alternate Paul LaCoursiere. The absent members were Charles Clark and David Chanon. 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. Previous Meeting Minutes – November 16, 2016

The minutes were not discussed.

4. PUBLIC COMMENTS

The Chair invited public comments but there weren't any members of the public requesting to speak. He then asked Ms. Connors to summarize the agenda item under new business.

5. NEW BUSINESS

a. Ordinance 2017-03 – Amending Business Zoning Districts
(Linda Connors, Development Services Director)

Ms. Connors said this agenda item is an amendment to our development requirements for the business districts. She was going to start with three basic rules of urban design. Ms. Connors said that several years ago, the Town asked David Sucher, the author of the book *City Comforts*, to talk to the community about what makes good urban design. The first rule for a good walkable community is to encourage building to the property line. This creates a strong street wall where each building comes close to the sidewalk. This brings the building to the people. The second is to make the buildings permeable meaning glass store fronts with something interesting to look at. The third is to prohibit parking lots in the front of the building because it is not interesting to walk by a parking lot. These three tenets make for interesting walking where people feel comfortable. One of the Town Commission's fiscal year 2017 Action Plan's highest priorities is to maintain and improve the walkability of the Town of Lauderdale-By-The-Sea.

Ms. Connors gave a PowerPoint presentation and said that whenever we do an amendment to a section of an ordinance, she presents the whole ordinance to see if some revisions should be made to clarify and to delete outdated and/or duplicative language. She spoke about the proposed major changes starting with height restrictions. To clarify, lots less than 50' in width are limited to 2 story buildings and all other lots may have buildings with three stories. This prohibits the subdivision of lots to a width less than 25 feet. Another proposed major change is to reduce the front setback requirements in the B1A District from 25' to requirement of 0' (built to the street), except for Bougainvillea Dr (25') and amend the setback requirements in B1 to 0' except for Bougainvillea and Ocean Drive. She then spoke about building interest with architectural diversity. The building facade on the second or third stories shall be physically and visually diverse, incorporating features such as balconies, alternate or varied setbacks, eyebrows or other artistic and architectural features on at least 25% of the linear frontage per story above the first, subject to review and approval through the architecture review process. The first story should be glass fronts. Except on waterfront properties, parking shall not be located along the primary street frontage. Any new development of the property would require that the buildings be brought up to code to enhance walkability. Ms. Connors was questioned if new development also means re-development. She replied only if it is a substantial re-development. Another proposed change is to prohibit curb cuts providing access to parking areas on Commercial Boulevard. This would give the pedestrian a little more visual interest coaxing them to walk further. Another proposed change for a design pattern would be to require buildings to have a storefront facing the primary street and if a corner lot, a storefront facing both streets. Another proposed change is to add mixed use regulations in the B1A district and also in the area east of North Ocean Drive.

Ms. Connors then spoke about reviewing the current restrictions on mixed use and amending the code. She spoke about relocating definitions and current restrictions on lot coverage and floor area. What staff is proposing to change is eliminating any restriction on the location of mixed use. Right now in the code, it has to front Commercial Boulevard and west of A-1-A and the proposal is anywhere in the B1 District. Right now there is no mixed use in the B1A District and staff is proposing mixed use in the B1A District. She explained that mixed use is when you have a commercial (office or retail) property and you allow residential. The two B Districts allow business usage and staff is proposing adding residential. Staff would require that residential would not be allowed on the first floor and not be allowed to be larger than the business use (no more than 50% of the building). The other proposal is for east of A-1-A. Staff is proposing two restrictions. One proposal is for short-term rental because this is an entertainment area with hotels. The other proposal is for an Affidavit of Understanding for those units that are east of A-1-A that notifies the tenant in an area when special event activities take place. The final recommendation being made to the B1 mixed use is that the Town requires one parking space for every residential unit on site.

Ms. Connors explained that conditional uses are being re-organized. Conditional uses are a requirement of the code. Some conditional uses have requirements that have to be met and they are scattered all around. Staff wants to create conditional use criteria and move those for marina, medical marijuana, convenient stores, and private parking all in one area. Ms. Connors explained that in Table 1, staff outlined the regulations in a little more detail.

Ms. Minnet said that she has spoken to Ms. Connors about this and she is comfortable with a number of the items discussed this evening. However, there are some that she is uncomfortable with. She suggested taking each item separately.

Discussion ensued that lots less than 50' in width are limited to 2 story buildings and all other lots may have buildings with three stories. Ms. Minnet was fine with this clarification of the code. Ms. McCormack inquired whether there are any buildings not fitting this parameter. Ms. Connors said there is one property that is forty feet wide that has three stories and that property would be grandfathered. She said that this was really not changing anything in the code and the Town was just moving forward with a better written regulation. Mr. LaCoursiere wanted to know why another property could not be built with three stories and be forty feet wide. Ms. Connors answered that three story buildings require more parking than two story buildings. Parking requires more land.

Mr. Lanata made a motion to approve height restrictions by clarifying lots less than 50' in width are limited to 2 story buildings and all other lots may have buildings with three stories. The motion was seconded by Mr. Graziano. The motion carried 5-0.

Ms. Connors asked if each item would be voted on individually and everyone was in favor.

Mr. Lanata made a motion to vote on each item individually. The motion was seconded by Mr. Graziano. The motion carried 5-0.

Mr. Lanata made a motion to approve prohibiting the subdivision of lots to a width less than 25 feet. The motion was seconded by Mr. Graziano. The motion carried 5-0.

Ms. Minnet agreed to a more walkable community but does not want to create more masses or walls. She suggested making the sidewalks larger by having the store on the first floor set in thus creating an overhang. Ms. Connors said that the overhang goes with the design that they were proposing to add in. Mr. LaCoursiere spoke about the Wings building with residents upstairs. Ms. Minnet spoke about a little larger sidewalk. Ms. McCormack spoke about adding an awning for protection against the weather and the sun. Ms. Connors spoke about the costs associated with a large overhang. Ms. Minnet thought she was okay with the next recommendation. She was only trying to see if there could be a protected, larger walking area. Ms. Connors said this could be part of the recommendation for building interest with architectural diversity that will be discussed and voted upon a little later on. She said that they could add wording for shade, protection from the sun, or other suggestion but to be cognizant of not creating a cookie cutter design.

Mr. Graziano made a motion to approve reducing the front setback requirements in the B1A District and amend the setback requirements in the B1 District to require most commercial buildings be built at the front of the property line. The motion was seconded by Mr. Lanata. The motion carried 5-0.

Discussion ensued about some type of shade for the sidewalk. Mr. Lanata said you would have to have a zero lot line if you wanted to shade the sidewalk. Discussion ensued about having an eyebrow or other architectural structure on the first floor to create shade on the street.

Mr. Graziano made a motion to approve the requirement for architectural diversity on the first floor with a structure to create shade on the street. The motion was seconded by Mr. Lanata. The motion carried 5-0.

Ms. Connors said that the second and third floors needed to be discussed. The building facade on the second or third stories should incorporate features such as a minimum of a 5' balcony

with a minimum length of 25% of the building's length. The Town was also recommending amending the existing regulations on balconies to remove the restriction to allow roofs and to support structure above for architectural variety. Ms. McCormack liked the statement and creativity of architectural diversity without it being too much. Ms. Connors said that all new buildings have to go through architectural review. Ms. Minnet did not think that 25% of the building's length for a balcony would make that much of an impact. She would like to see a minimum of at least 50%. Ms. Connors suggested language that makes this subject to review and approval of the Town's architect during the architectural review process. Ms. Mehaffey explained that architectural review is more likely to say if the feature works or not in that location or on the building. The review would probably not move the 25% of the building's length to a higher percentage. Ms. Minnet feels the 25% of the Mid-Century Modern characteristics is too low and would like 40% which would be subject to approval of the architectural review process.

Mr. Graziano made a motion to approve the requirement for the building's facade on the second or third stories incorporate features such as a minimum of a 5' balcony with a minimum length of 40% of the building's length subject to the review and approval through the architectural review process. Staff amended the existing regulations on balconies to remove the restriction to allow roofs and to support structures above for architectural variety. The motion was seconded by Mr. Lanata. The motion carried 5-0.

Ms. McCormack made a motion to approve prohibiting parking along primary street frontage (unless waterfront property). The motion was seconded by Mr. Graziano. The motion carried 5-0.

Mr. Graziano had a question on the next item, curb cuts. He did not want to restrict businesses from doing business. Ms. Connors read into the record the proposed language in the ordinance to answer his question.

Mr. Lanata made a motion to approve prohibiting access to parking areas on Commercial Boulevard. The motion was seconded by Mr. LaCoursiere. The motion carried 5-0.

Ms. McCormack made a motion to approve requiring buildings to have a storefront facing the primary street and if a corner lot, a storefront facing both streets. The motion was seconded by Mr. LaCoursiere. The motion carried 5-0.

Ms. Connors asked the board members to turn to page 27 in the ordinance with the proposed changes because it contains the mixed use language in the code. She also said that page 5 of the staff report lists the amendments. She explained that the way mixed use is now and how the language was clarified. Mixed use is not allowed on the first floor. The first floor has to be commercial. The residential aspect of the building cannot exceed 50% of the square footage of the building. Residential cannot be the primary usage in the business districts. Now in the code, you can never have commercial above residential. Now mixed use would be allowed in the B1A District. Ms. Minnet does not have a problem with mixed use. She does have a problem with short-term rentals. It makes it difficult to maintain community standards with short-term rentals. She would be okay with long-term residential in that district. She does not want the hotels to compete with short-term rentals. She is not sure about the Affidavit of Understanding because those who move downtown know about the events held there. Mr. Graziano thinks there may be comments from the Chamber and the Hotel Industry. Ms. Minnet said that the Chamber was for promoting businesses and expressed concern for the short-term

rentals because of the hotels in Town. Mr. Lanata also is against short-term rentals. Discussion ensued and it was agreed to keep the Affidavit of Understanding.

Mr. Graziano made a motion to approve adding mixed use regulations in the B1A District and also in the area east of North Ocean Drive but to strike short-term rentals and add residential rentals in its place. This would also keep the Affidavit of Understanding. The motion was seconded by Mr. Lanata. The motion carried 5-0.

Ms. Connors said that the rest of the proposals is organizational. Ms. McCormack asked about the Town's requirement of one parking space for every residential unit on site in the B1 District. Ms. Connors explained that it was staff's recommendation because there needs to be a residential parking space for each unit and there was agreement.

Ms. Mehaffey said that there needs to be a motion for voting on the recommendation of the ordinance as a whole. She then summarized the changes that the board recommended. Mr. Graziano asked if a residential rental definition needed to be added. Ms. Mehaffey said that the short-term rental definition would be deleted. Ms. Mehaffey said that she and staff would take long-term residential definition into consideration as they draft the ordinance.

Mr. Graziano made a motion to recommend approval of the ordinance as drafted with the revisions to the first floor architecture, second floor architecture, and the removal of the short-term rental restrictions. The motion was seconded by Mr. Lanata. The motion carried 5-0.

Mr. Graziano told Ms. Connors that she and staff did a great job on this. Ms. Connors said that she appreciated everyone's flexibility.

6. OLD BUSINESS

7. UPDATES/BOARD MEMBER COMMENTS

Ms. Connors said that the next meeting would be the third Wednesday in January 2017 (1/18/2017). She wished everyone happy holidays.

8. ADJOURNMENT

As there was no other business to discuss and without objection, the meeting was adjourned at 7:14PM.

 2-10-18
Chair John Lanata
Date Accepted: 12-14-14

ATTEST:

Development Services Director Linda Connors

