

TOWN OF LAUDERDALE-BY-THE-SEA

PLANNING AND ZONING REGULAR MEETING MINUTES

Town Commission Meeting Room

Wednesday, January 18, 2012

6:30 P.M.

I. CALL TO ORDER

Chairman Alfred Oldaker called the meeting to order at 6:40 p.m. Members also present were Vice Chairperson Yann Brandt, Lawrence Wick, Patrick Murphy and first alternate Eric Yankwitt. Also present were Town Planner Linda Connors, Planning Consultant Cecelia Ward, Assistant Town Manager Bud Bentley and Town Attorney Kathryn Mehaffey. Town Clerk June White was present to record the minutes of the meeting.

Vice Chairperson Brandt made a motion to excuse Ben Freeney. Mr. Wick seconded the motion. The motion carried 5-0.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

III. APPROVAL OF MINUTES - Planning and Zoning Meeting of December 21, 2011

Mr. Wick made the following correction: page two, the paragraph beginning with "Mr. Wick...", rather than the term "England" Trust in the first line, and the next to last line, it should read "Anglin" Trust.

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

Mr. Wick made a motion to accept the minutes of December 21, 2011, as corrected. The motion was seconded by Vice Chairperson Brandt. The motion carried 5-0.

IV. PUBLIC COMMENTS

There were no public comments.

V. TOWN PLANNER REPORT

Town Planner Linda Connors reported on Tuesday, January 24, 2012, Town staff would present the first reading of the ordinance pertaining to the B1 and B1a amendments to the Town Commission.

VI. NEW BUSINESS

Item #1: Proposed amendments to Chapter 30, Article VIII. Sign Regulations.

Town Planner Connors and Cecelia Ward summarized the four proposed amendments:

- 1) No amortization – study required
- 2) Electronic signs
- 3) Row change for political signs
- 4) Real estate signs

Town Planner Connors reminded the Board that Town staff was working diligently to implement the planning priorities the Town Commission established at its budget workshop in 2011; they already went through the architectural standards, the B1 and B1a District, and for the Board's present consideration was Town staff's proposed amendments to Chapter 30, Article 8: Sign Regulations, which was planning priority three. As with the other amendments, staff worked with Cecelia Ward of J.C. Consulting, along with Sandra Lee, the author of all the illustrations included in the Board's packet. Ms. Lee conducted extensive research on existing signs in the Town. She reviewed the subject item as detailed in the backup, the main observation being how poorly organized the sign code was and the need to make it a document that was easily interpreted by both Town staff and the community. The backup included input from the public on their view of the Town's sign code and the changes they wished to see, noting there were two public hearings on January 12, 2012, one in the morning and one in the evening that were attended by some 20 persons, mostly at the morning session. She noted the morning meeting was available for viewing on the Town's website under January 12, 2012, meeting: sign code presentation. Page three of the backup contained most of the public feedback from the public meetings, which covered: changing the February 14 meeting to February 28; sandwich board provisions; being able to post political signage along the waterfront; allowing realtors to post more than three window signs; allow feather signs, used mostly for grand openings, for a certain time frame; review regulations regarding emergency contact information; consider allowing digital signage; and consider eliminating the proposed ten-year amortization period to allow further study of the Town's signage.

Chairperson Oldaker commented the Board's packet was very extensive, and he suggested focusing on Exhibit 1 for the present. Consultant Cecelia Ward reviewed the proposed changes.

Vice Chairperson Brandt asked if Town staff wished the Board to approve anything at the present meeting or were they seeking direction so that they might come back to the Board for later approval.

Town Planner Connors replied Town staff wished the Board to make a recommendation of approval to the Commission on the first reading of the subject amendments to the sign ordinance.

Vice Chairperson Brandt pointed out the next time the Planning & Zoning Board met, its members were likely to be different people.

Town Planner Connors remarked it was very important to move the subject matter forward, and Town staff desired the Board's consideration; staff worked very hard to put together the backup documents for the Board that it might make a recommendation to the Commission. If no recommendation was made, Town staff would have to come back to the Planning and Zoning Board in March, as the new Board would not be appointed by the Commission until the second Commission meeting in February on the 28th.

Mr. Wick suggested the Board recommend Commission approval of the amendments to the sign ordinance in its entirety, and then go through it section by section and make revisions where it was felt they were needed.

Vice Chairperson Brandt thought the Board should focus on the high-level contents of Exhibit 1. He agreed with Mr. Wick's suggestion.

Mr. Wick made a motion to approve the proposed amendments as presented. Mr. Murphy seconded the motion.

Chairperson Oldaker questioned as to item one on page one: the administration permits; were vendors aware the offer in the contract was only good for a set number of days and was this in writing.

Town Planner Connors responded it was a part of the code, and Town staff could add this as a line item on the sign code permit application. However, a copy of the Town's sign code was normally attached to permit applications.

Mr. Wick thought the amortization period should be removed. If signs had been in place many years, they should be left alone unless they were removed by an act of nature, then they could be brought up to code.

- 1) Mr. Wick made a motion to remove the amortization of signs. Chairperson Oldaker seconded the motion. The motion carried 5-0.

Chairperson Oldaker remarked on the Town's changing its building inspection services from Broward County, asking if the Town's records were being transferred to Town staff by County staff.

Town Planner Connors indicated the County was in the process of turning their records over to Town staff, of which the former building official from the County informed her comprised some 75 boxes. County staff had taken steps to ensure the transition went smoothly.

Mr. Wick inquired as to an existing sign at Aruba Beach Café of a sailor holding at fish where visitors took pictures; he wished to know what type of sign it was.

Vice Chairperson Brandt replied the subject sign was a pole sign, as it had no continuous footer, just two poles.

Chairperson Oldaker queried as to the type of sign that was illuminated from the inside.

Town Planner Connors answered an internal illumination sign.

Chairperson Oldaker requested Town staff include an amendment to extend the required 30 days.

Vice Chairperson Brandt pointed out the time limit was useless, as holidays were always within weeks of each other throughout the year. The time limit should be eliminated and people should use their judgment.

Mr. Wick felt if the time limit was eliminated, people might leave holiday lighting up year round, such as around palm trees.

Vice Chairperson Brandt commented the time limit rule was invalid unless there was a definition of what constituted a holiday.

Ms. Ward concurred that the idea behind the time limit was for people not to have up Christmas lighting, for instance, all year.

- 2) Vice Chairperson Brandt made a motion to eliminate the proposed time limit for holiday lighting. Mr. Yankwitz seconded the motion. The motion carried 5-0.

Mr. Wick noted there was a mini board sign with water cascading down at 101; the sign was built into the existing wall and had a menu listed on it. He wondered if the sign code amendment might create a problem for 101.

Ms. Ward stated the menu board rule was not being changed, Town staff was simply clarifying if they were attached to a portable hostess stand they were allowed.

Vice Chairperson Brandt asked how neon window signs differed from fluorescent window signs or were they considered the same.

Town Planner Connors replied the existing signs with custom writing were normally neon signs, and there were no changes to this rule.

Vice Chairperson Brandt recalled some 15 years prior neon/fluorescent signs were a big issue, and he had no wish to undo something the community advocated. He did not support having neon signs. He wished to make a motion not to bring the change forward and leave it as an annual permit requirement.

Vice Chairperson Brandt made a motion not to bring the change forward. The motion failed for lack of a second.

Mr. Wick questioned as to "No Parking", "No Trespassing" signs, stating the two largest properties along El Mar Drive were currently in a state of disrepair. There was a large parking lot, and he felt more signs should be allowed to alert drivers of the restriction; the existing signage was inadequate.

Ms. Ward remarked the properties were exempt and they could apply for a monument sign permit.

Chairperson Oldaker inquired if three items of information being allowed within a sign was the standard.

Town Planner Connors answered no, as she observed most signs around the Town having more than the two permitted under the code; staff's suggested increase was an effort to make the code more consistent with the existing signage in the Town. In the future, this could be altered, but she did not recommend such action for the present.

Mr. Wick wish to see language added into the code that required election candidates to show written, signed proof that the private property owners were allowing political signs on their property. He wished to eliminate any confusion between the persons posting the signs and the property owners.

Vice Chairperson Brandt asked if there would be a change of support form.

Mr. Wick foresaw no problem in that regard, stating the property owner might support both candidates.

Mr. Wick made a motion to require political candidates to get signed permission from private property owners to place their signs on their property. The motion failed for lack of a second.

Town Planner Connors asked if the Board wished the allowable signage to be changed from the street frontage to the right-of-way frontage.

Vice Chairperson Brandt proposed an amendment to the sign code to remove any restrictions of someone voicing their political choice via signage, as the rule was too restrictive and possibly a violation of the First Amendment.

Mr. Yankwitt disliked limiting anyone's freedom of expression; he did not support being told many signs he should allow to be posted on his property, nor did he want anyone posting signs on his property without his permission.

Chairperson Oldaker foresaw difficulties enforcing such rules.

Town Planner Connors noted the portion of the code Chairperson Brandt wished removed was section 13e.

- 3) Vice Chairperson Brandt made a motion to eliminate section 13e. Mr. Yankwitt seconded the motion. The motion carried 3-2. Mr. Wick and Chairperson Oldaker voted no.

Town Planner Connors informed the Board another recommended change by Town staff pertained to real estate signs to allow language per right of way. The current rule was located in section 14d, where the language would be changed to state properties should be limited to one real estate sign per right of way signage.

Mr. Wick clarified his motion was to allow real estate signs on roadsides as well as along rights of way

- 4) Mr. Wick made a motion to approve allowing real estate signs along roadsides and rights of way. Mr. Yankwitt seconded the motion. The motion carried 5-0.

Mr. Murphy commented there were times when more than one realtor marketed the same property.

Mr. Wick clarified Town staff sought to remove the language "but not encouraged" from the language stating roof signs were permitted.

Town Planner Connors stated the language was being removed, as the requirement could not be enforced.

Chairperson Oldaker opened the meeting to public comments and received none.

Town Attorney Mehaffey clarified the final motion for approval was for the revisions to the Town's sign code as presented, along with the amendments to remove the amortization period for all signs, the deletion of time limits on holiday lighting, the deletion of location and number restrictions of political sign postings under 13e, and additional allowance for real estate signs on right of ways.

Mr. Yankwitt wondered if there was any value in Town staff making people aware of the changes.

Town Planner Connors replied Town staff already made the public aware of such changes in the public hearings. When they presented the package to the Town Commission with the Planning and Zoning Board's recommendations, including a study to look at the Town's existing signs, this would serve as notice to the community as to changes to the sign code. Town staff already began a field inventory of the signs around the Town.

The motion and second to approve the recommended amendments to the Town's Sign Code as presented, along with the four (4) amendments thereafter approved by the Planning & Zoning Board carried 5-0.

Mr. Wick recommended that the Commission direct Town staff to conduct a study of the Town's electronic signage.

Mr. Wick made a motion for the Planning & Zoning Board to recommend that the Town Commission direct staff to conduct a study of the Town's electronic signage. Mr. Yankwitt seconded the motion. The motion carried 4-1. Vice Chairperson Brandt voted no.

VII. OLD BUSINESS

There was no old business.

VIII. BOARD MEMBER COMMENTS

Mr. Wick commended Town staff for the comprehensiveness of their presentation. He thanked all the Board members for their service to the Town, as the membership was likely to be different when next the Board met. He encouraged everyone to vote on January 31, 2012.

Chairperson Oldaker echoed commendations to Town Staff for a seamless presentation; he too voiced appreciation for being allowed to serve on the Board as it rendered recommendations to the Town Commission, staff and the general community.

Vice Chairperson Brandt thanked the Commission for appointing the members of the Planning & Zoning Board, as it had been a worthwhile way to spend their time assisting the Commission and being of service to the Town. He reiterated his objection to the enforcement of an amortization period, stating it could create the idea of forcing a change on residents rather than simply establishing a legal nonconforming status; he had no wish to live in an area where such action might be pursued. He too thanked everyone that served on the Board, stating he would not be serving on the new Planning & Zoning Board, having applied to serve on another Town board.

Mr. Yankwitt stated similar commendations to staff, as well as thanks to his fellow Board members.

Town Attorney Mehaffey thanked the Board for the opportunity to work with them, as they tackled very difficult issues over the last few years, putting in extensive time and thought into the process. The same was extended to Town staff.

IX. ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 8:25 p.m., January 18, 2012.

ATTEST:

Town Clerk June White, CMC for
Colleen Tyrrell, Board Secretary

Chairman Alfred Oldaker

Date Accepted: _____