

**AGENDA**  
**PLANNING & ZONING BOARD / LOCAL PLANNING AGENCY**  
**MONDAY AUGUST 26, 2019 AT 7:00 P.M., 9090 SW 50 PLACE**  
**COOPER CITY HALL MUNICIPAL AUDITORIUM**

1. ROLL CALL
2. WAIVE READING/APPROVAL OF MINUTES: July 15, 2019
3. PUBLIC COMMENTS:
4. NEW BUSINESS: CODE CHANGES
  - A) Code Section 6-9(b)2 – Portable Storage Units \*
  - B) Code Section 6-40(a)2 – Roof Maintenance\*
  - C) Code Section 25-4(g) – Restaurant Seating
  - D) Code Section 9-28(3) – Special Event Permits
5. GROWTH MANAGEMENT DIRECTOR’S REPORT
6. BOARD MEMBER’S CONCERNS
7. ADJOURNMENT

*\*BSO Code Enforcement Proposed Changes*





**Minutes of July 15, 2019**

**Meeting Called to order at 6:55 p.m.**

**1. ROLL CALL**

**P&Z Board Members**

MEMBERS	07/15/19	06/17/19	05/20/19	05/06/19	03/18/19	12/03/18	09/05/18	08/06/18	06/18/18
Jimmy Goulet	A	P	P	P	P	P	P	P	P
Craig Konhauzer	A	P	P	P	P	P	P	A	A
David Rouse	P	P	P	P	P	P	P	P	P
Jim Federici	P	P	P	P	P	P	P	P	P
Lisa Dodge	P	P	P	A	P				
Kelly Vanbuskirk	P	P	P	P	P				
Bob Sands	A	P	P	P	P				
Jeremy Katzman	P	P	P	P	P				
Alex Weisberg	P	P	P	P	P				

*Reappointed \*\* Resigned \*\*\* New appointment*

**STAFF PRESENT:** *Matt Wood, Director of Growth Management*  
*Jason Chockley, Planner*  
*Carlos Vega, Administrative Specialist*  
*Jenny Walsh, Broward Sheriff's Office – Code Compliance*

**APPLICANT:** *Mike Troxell, Thomas Engineering, Agent*  
*Ryan Tuff - Weingarten Realty Investor*

**2. P&Z BOARD - MINUTES - WAIVE/APPROVE MINUTES OF 06/17/19:** Motion to waive the reading of the minutes made by Jeremy Katzman and seconded by Lisa Dodge. All ayes on voice vote. **MOTION WAS APPROVED.** Motion to approve the minutes made by Lisa Dodge and seconded by Kelly Vanbuskirk. Mr. Katzman requested a change in the minutes on page 3 line item 11 to say “asked if” from “said”. **MOTION WAS APPROVED**

**3. PUBLIC COMMENTS:** None

**4. NEW BUSINESS:**

**A) Land Development**

**1) Embassy Lake Shopping Center Variance #V 5-1-19**

**B) Code Changes**

**1) Code Section 8-26(a) – Bulk Pickup\***

**2) Code Section 8-26(b) – Receptacle Storage\***

**3) Code Section 23-117 – Changes to Outdoor Seating Criteria**

Chairman Rouse turned the item over to Mr. Wood and he proceeded to read the Staff report. Item 4A Embassy Lake Shopping Center Variance #V 5-1-19 is a petition requesting to reduce the required number of parking spaces from 751 to 717 spaces, a 34 space or 4.5% reduction. The request would allow assembly uses be allowed to be parked at the same shopping center parking ratio of one space for each 200 sq. ft. of floor area in lieu of the 1/100 sq. ft. ratio required of assembly uses. The owner of the shopping center wishes to lease two of the vacant tenant spaces with a cross-fit gym totaling just under 3,000 sq. ft. of space. They are further restricting the request to no more than 10,250 square feet of total assembly uses in the center and have specified certain bays for these uses to prevent conflicts with existing tenants.

Chairman Rouse turned the meeting over to the applicant to present their petition.

Mike Troxell introduced himself from Thomas Engineering on behalf of the owner and said that with him tonight was Ryan Tuff from Weingarten Realty as part of the ownership. He stated that staff did a good job explaining the variance request and they really don't have anything additional to add.

Mr. Tuff said that he wanted to thank Mr. Wood and Mr. Chockley for the help so far. He stated that as you may know if you live in the community their shopping center is without Winn-Dixie and are anxious to get a new grocery store in place. They have plans for that but unfortunately, it is not happening as fast as ideal and some of their businesses there are anxious to have other new businesses join them at the shopping center. As you can imagine signing new leases with other businesses is difficult when there is no grocery store. This variance will allow us somewhat flexibility to help bring in new businesses to Embassy Lakes Shopping Center and give them some more flexibility.

Chairman Rouse opened up the item for discussion from the Board.

Mrs. Dodge said she has nothing against the Cross-Fit by any means but can the Cross-Fit still get in there if there wasn't a variance? Her concern is, fitness centers, instructional and educational uses, if they are going to add instructional/educational uses does that mean that at some point a school can be put into that building or nursery school or preschool? As she is reading the code it says fitness center, instructional and educational use so to her an educational use being an educator would mean she can put a preschool in there if she needed to.

Mr. Chockley said that the code has specific provisions for a daycare centers and schools that they have to be their own free standing building on their own parcel of land. You will get some educational uses where they will do like a tutoring or like a Code Ninja where it is like an older age assembly use because they are specific times but it wouldn't be able to be an educational school type use of Monday thru Friday, that is a separate criteria.

Mrs. Dodge said she understands that but when you read it doesn't say that so that is why she was wondering.

Mr. Chockley said that specifically under the PCD code it references daycares or schools specifically and then it refers you to a subsection that has that requirement.

Mr. Weisberg asked where exactly the gym was going to be.

Mr. Tuff said on the corner where the former Radio Shack was.

Mr. Weisberg asked if the parking study that you did was basically you went out there on a Wednesday and a Saturday recently and just counted the amount of cars in the parking lot is that right?

Mr. Troxell said yes they counted it on several different days and different hours of the day and determined what the peak amount of parking was during all the times studied. They then looked at the FDOT peak rates because right now is not the peak season so then those rates were then further adjusted to bring them up to a peak season count and that is the number that they are reporting as the required.

Mr. Weisberg said that his first thought was and he lives in Embassy Lakes and he sees that since Winn-Dixie is gone there are far less people in the parking lot. A study of how many cars are in the lot with no grocery store is going to be substantially different than when there is a grocery store there.

Mr. Troxell said correct and again that rate was figured for the uses that were occupied. Then in addition to that they then took all the vacant spaces and put them back in at the 1 per 200 to add those into the count and in addition they added 1 per to 200 for the assembly uses. If you have the study itself that was a detail on table 2 and 3, if you look at table 3 it has the actual counts and then it shows you where they added the vacant grocery, the other vacant space, the future assembly, the Cross-Fit and then they added them all together and applied the peak season factor. They factored all that in so that they wouldn't be short. The last thing they want to do is be under parked because then you are not going to get tenants because nobody can find a parking space.

Ms. Vanbuskirk said she looked at the study and she sees that with the variance applied it yields a margin with the variance of 17 spaces total. Is there any portion of those spaces that have to be ear marked as ADA or handicap accessible that will further reduce that margin for general parking?

Mr. Troxell said that he believes the code applies the handicap on top of the required parking.

Mr. Chockley said that with the handicap there is a ratio depending on what your total numbers are but the variance of 34 includes what are currently existing for ADA spaces.

Mr. Troxell said they are in there already.

Ms. Vanbuskirk said it's 17 but there is no additional ADA spaces being put in that would further reduce it?

Mr. Chockley said correct.

Ms. Vanbuskirk said the 10,250 sf, she noticed that the illustration ear marks certain spaces that are excluded for assembly use because of ingress and egress and ease of parking, is that balance just the Cross-Fit and the rest of the available spaces that the sum total of the non-excluded spaces or have you specifically ear marked spaces.

Mr. Tuff said not specific spaces but it does include the proposed Cross-Fit tenant and the balance is to be used within those specified, not all of them but up to that 10,250sf.

Mr. Katzman said that some of the spots have 15 minute increments and he doesn't know if there are any that are restrictive to a specific vendor or store location but will that be part of this process? Will any other spots be limited to one location?

Mr. Tuff said he put those in at the request of a couple of their businesses. He believes there are 4 or 5 of them near the hair salon at their request only because Bogarts Bagels luckily they got really busy and park there and all around the backside of the shopping center. They wanted to have some short-term parking because when you go to a restaurant you spend at least an hour at a restaurant and those can be modified or removed if that is going to be an issue for tonight. They have them their as a benefit for some of our tenants that requested it.

Mr. Katzman said will there be any additional spots that will be limiting.

Mr. Tuff said not necessarily, there are no plans at this point but if that is a requirement we can do that but it sounds like you want it to not be more restrictive with spots is that correct?

Mrs. Dodge said it makes no sense to have them because first off they are not enforced so if you're going to put Cross-Fit in that area then she doesn't think they should even stay up.

Mr. Tuff said it's a secret but they are not going to tow a car. The idea is to have the courtesy for our tenants.

Mr. Federici said he doesn't have a problem with those signs. He thinks that this is a no brainer because if you are on that side there and you have a heck of a lot of parking on the other sides. If you are a merchant there and those are little stores he thinks they are 100% right. He also knows that you can't enforce them because there is no code or anything else but just for the people, they have to be able to pay their rent.

**MOTION: TO APPROVE AS STATED THE EMBASSY LAKES SHOPPING CENTER VARIANCE# V 5-1-19 LOCATED AT 2501 - 2731 N. HIATUS ROAD. MOTION MADE BY JIM FEDERICI AND SECONDED BY LISA DODGE. THERE WERE ALL AYES ON THE ROLL CALL VOTE. MOTION WAS APPROVED.**

Chairman Rouse turned the item over to Mr. Wood and he introduced item 4B(1) Proposed Code Change to Section 8-26(a) Bulk Pickup which essentially would allow items for bulk pickup to be placed in the swale area by residents or occupants of the City or any such area where pickup is normally made in residential areas no sooner than the Saturday before the scheduled pickup. Currently the items cannot go out for bulk pickup sooner than 24 hours from the scheduled pickup date. This is a relaxation of the code and Jenny Walsh is here from BSO Code Compliance to answer any questions.

Jenny Walsh introduced herself being from the Broward Sheriff Office Code Enforcement division. She stated the reason they want to change this was for a few reasons: 1. When they are talking to people they always say they do their yard work on the weekend and they don't have time to come home from work on a Wednesday night and put it out for Thursday or Thursday night for Friday. 2. The other main reason is the flyer that went out from Waste Management that states that in the corner of the flyer that you can put it out the Saturday before which kind of took the wind out of their sails and it was also on the City website which they just had recently removed. These flyers have already gone out to everyone and that was the main reason for this code change.

Chairman Rouse opened up the item for discussion from the Board.

Mr. Weisberg said that he was surprised to see that there even was a 24 hour requirement because from what he seen people put their bulk out long before that. Is this ever really enforced?

Ms. Walsh said yes every month. They write \$150.00 tickets for it. They give them a warning first and then they give them a citation.

Mr. Katzman said he is in favor of extending the period for bulk pick up but his comment to the board is that instead of it being a 24 hour where every zone is equal, this create a favoritism to different neighborhoods who have a later pickup date. If his pickup is on Friday of the week he has a full week to have his yard work done but if he is on Monday he gets a day and a half whatever it is. He feels that maybe they can come up with a solution where it is an equal amount of time for residents without burdening code enforcement. He doesn't know what that is but he wanted to suggest it to the group. He actually called Mr. Wood about this a

couple of days ago to see if there was any reason not to do this. For example he had a ton of work done today and he has it out on his lawn but what if it rained and he needed an extra day then it wouldn't help him because tomorrow is his bulk pickup but if he had planned it on Sunday it creates a disadvantage for neighborhoods that happen to be in that early part of the week versus the later part of the week. He is open to suggestions but he feels that it is unfair to some people.

Ms. Vanbuskirk said to Mr. Katzman's point she agrees and if you feel differently about the item or don't feel favorably about the item you can argue that it creates a disadvantage to a neighborhood that has to then look at bulk trash for an additional week that it doesn't want to. She agrees with Mr. Katzman's point to perhaps create a more equitable way to loosen the restriction but maybe not choose a fixed date maybe make it 48 hours rather than 24 hours so that you have two opportunities.

Mrs. Dodge said how do you fix what Waste Management put out in the flyer that says Saturday before which went out to everybody. She agrees with both Mr. Katzman and Ms. Vanbuskirk too much trash out too little trash out. She's not aware but asked if the zones change? If my pickup is on Wednesday can my pick then be on another day? Could we talk to Waste Management so that everyone gets a fair chance. Another thing she is not real thrilled with in the code is the wording "and other responsible person" even though she knows that the other responsible person is probably Waste Management but she'd hate that it be one of them that would have to go pickup the garbage.

Mr. Federici said he's in agreement but that is one of the problems that they are having in this City that people are keeping it out too long which is another issue he'll discuss at another time of how many times they get bulk pickup to begin with. Sometimes you never see the trash leave the neighborhoods but maybe 72 hours or something. He's right he gets picked up on Tuesday but then again someone might say I work during the week and it's a disadvantage for me because they can't get there stuff done during the week. This is something that should be discussed.

Mr. Weisberg said that he was thinking the same as Mrs. Dodge that there should be some sort of rotating schedule whether it is every 6 months or whatever where each area gets it either at the beginning of the work week or the end of the week. It's a fair way to do it.

Mrs. Dodge said only because you have this flyer that has been put out already and it was on the website as well so if there was a way that we could alternate than it would make sense.

Chairman Rouse said that it can be challenging at times just to know when your week is. As much as he thinks that it would be fair to rotate he feels that it will create more confusion. Instead of a specific date like a Saturday can maybe we put in up to 5 days? If you want to do a day that would encompass at least up to Saturday.

Ms. Walsh said sure they could recommend anything you want 72 hours, 5 days whatever you decide.

Mrs. Dodge asked what happens with the flyer that went out with the Saturdays? How does Code Enforcement and to be fair to Code because we can say 72 hours but then Waste Management has the flyers unfortunately I think we need to table this until they fix the flyers or send out an amendment one.

Mr. Katzman asked is there a way to do almost like an either or benefiting the resident so at least 5 days or the Saturday prior that way the people who have Monday get 5 days and at least everyone gets at least the Saturday in advance and the weekend issue gets taken care of and the people who are earlier in the week get at least 5 days which he feels is appropriate.

Chairman Rouse asked if there is someone from the public who signed in and would like to speak could come forward at this time.

Resident Brenda Kezar 4979 SW 90<sup>th</sup> Way said that her bulk pickup is on a Thursday but she works until 7pm, 8pm and sometimes 8:30pm at night during the week. Even if you extend it a day or two she still coming home at 8pm at night dragging her bulk trash to the curb. The solution to her would be is when she does her yard work as she thinks the majority of the residents do it the weekend before bulk trash and then you have that week.

Chairman Rouse said that he thinks they are on the same page.

Chairman Rouse returned to the board for discussion.

Mr. Katzman proposed to amend the language to say “the Saturday before with a minimum of 5 days advanced prior to the day of bulk pickup”. Does that make sense to everyone?

Mr. Federici said he doesn't think you need the 5 days if it's the Saturday before.

Mr. Katzman said what if your Monday than you're at a disadvantage.

Mr. Federici we'll that's the way it goes.

Mrs. Dodge said that's the whole point, they are trying to make it fair for everyone.

Mr. Weisberg said he agreed with the way Mr. Katzman phrased it before to have it either the Saturday prior or the 5 days prior to your pick up date.

Mr. Federici said maybe he misunderstood the whole situation. He thought that the people on Monday or Tuesday had the advantage because of the weekend right before. If it's Friday it seems like they are in better shape, I get it but you still have the weekend to do your stuff.

Mr. Katzman said that a lot of people hire people. He had people out at his house today because he's bulk pickup is tomorrow and he apologizes but he can't climb a 40ft coconut tree so he had people out there today and it gave him a very tiny window of time to do the job. If this company happens to like his neighborhood and want to do everyone, they get their referrals by driving by and the next family wants to get something done it causes a tight window for work.

Mr. Weisberg said you get the best of both worlds the way Mr. Katzman suggested. You have 5 days to do your stuff.

Mr. Federici said his concern is the length of time things will be left out front as well as a safety issue.

Ms. Vanbuskirk said she agrees with Mr. Federici because right now we are talking mostly vegetation because that is what we are dealing with this month. It's one thing to have a pile of palm fronds or yard waste sitting in front of the home for a week it's another thing to have a refrigerator, a stove or something else that a child can crawl into or get hurt or something that is just simply an eye sour or have a bathroom demo on your swale for a week. She invites everyone to consider that because in there minds eye they are talking about palm fronds and that may not be what they are looking at on their neighbors yard for up to 5 days. She is appreciative for the need of the extra time because she can see one day coming home after work and then life happens and now you're out of luck for a month. An extension of the time frame she thinks might be in order. If we are just talking about vegetation she thinks that it is a different conversation but if your talking about

bulk trash in general, she shares Mr. Federici concern that a week might be a long time. She also wanted to ask Code Enforcement if there has been any successful appeals to the citations on the grounds that the flyer says Saturday?

Ms. Walsh said that no one's mentioned it yet.

Ms. Vanbuskirk asked if they have spoken with Waste Management on whether or not that can be amended next time they print it?

Ms. Walsh said no it is something that the City has to handle with Waste Management.

Ms. Vanbuskirk said in answer to that a code change might be a permanent solution to a temporary problem. We may want to get to the bottom of that.

Chairman Rouse asked Mr. Katzman if he was open to amending the time frame in your motion?

Mr. Katzman said yes he is open to maybe 72 hours. He feels that it puts the early week people at a huge disadvantage compared to the late week on the pick-up side but on the flip side it puts the other people on a disadvantage because they don't like the trash.

Mrs. Dodge said she's ok with the 72 hours just know that you are not alleviating what was said with the Saturdays because the Saturday it goes out my pick up is not till Friday, I still have the 5 or 6 days that it is going to be sitting out there and there is nothing you can do because that is what it is says.

Mr. Weisberg said not to back track but has it been determined if it's possible to have the rotating schedule because that would be the solution.

Chairman Rouse said that it would be logistically for Waste Management extremely difficult. They have their routes already planned. The issue on the table is if we want to adopt the 72 hour amendments or leave it as it is.

Chairman Rouse asked Mr. Katzman if he could repeat his motion.

Mr. Katzman said he moves to amend the code language to say the "Saturday prior or 72 hours which ever is greater".

Ms. Vanbuskirk said she just wanted to say for the record that this wasn't originally what Mr. Federici and her were suggesting it was just to extended it to 72 hours but dropping the Saturday reference. She understands that is not the motion on the table but as a point of clarification she wanted to set that out.

Mrs. Dodge said the point of the matter is if we keep the language that you guys proposed or do we just not even put the Saturday in because that is the language they are trying to approve or do we say leave it the way it is and we just don't change it which is another option.

Mr. Katzman asked if they could amend the code to be vegetation focused only for the extension of time?

Mr. Wood said you could, you may want to hear from code.

Ms. Walsh said it could but it might get confusing for people. The people she runs into don't even know when their bulk pick up is.

Mr. Chockley said the intent of code enforcement was to give people a day off typically on a Saturday or Sunday to get the work done whether it be bulk items or vegetation. Obviously, that is where the good comes with bad with the change because for vegetation is not a big deal but that change will encompass appliances and other big items like that. The separation of it is a convenience for the residents but it will get hard to go back and forth.

Mrs. Dodge asked if they kept it Saturday or 72 hours, could we do whichever is less as opposed to whichever is more? For her if she couldn't put her bulk out on Saturday because it would be sitting out for 6 days, she would have to put it out on Wednesday if we went less as opposed to greater.

Mr. Katzman said the only issue with that is that if the argument is that people like to do it on Saturday and Sunday then they are not able to do it. He would be ok with 72 hours because then its equitable right now its 24 hours but the only issue is then you have the weekend situation for people.

Mr. Federici said he knows its bulk pickup and they are concerned with appliances, can they separate that and put a time factor like 72 hours for bulk.

Ms. Walsh said right no they are not separated.

Mr. Federici said that he could figure out that if he only 2 or 3 days before bulk pick up to put my refrigerator outside or if want to palm frond outside. We are kind of an educated City. I guess we could figure this out.

Chairman Rouse said his concern with bulk pick up is you have two types of people, one will just cut stuff and let lawn die because if they are letting sit there for 6 days in the summer time they are going to kill their grass. Most people that are going to that are going to put it in the road because they don't want to kill their grass. That becomes an issue for the week. He thinks that having a broad area because this doesn't specify anything about it in the road. It says if you keep it in the swale your ok but if they put it in the road is that an automatic citation?

Ms. Walsh said its not automatic but nobody should ever put it in the road. We would definitely talk to them about that.

Chairman Rouse said right but in his neighborhood they do it because they don't want to kill the grass. So the length of time is an issue not only aesthetically but from a neighborhood standpoint to.

Mr. Weisberg said that it seems to him that there is no perfect solution and we have to choose between the lesser of two evils. To him if one evil is if your going to have to put your stuff out during the week instead of on the weekend but the other evil is that people are going to have junk on there yards for six days, to him you go with people having to put their stuff out during the week.

Chairman Rouse said we have talked about 72 hours and the whole purpose of this from Code Enforcement is to relax the provision of 24 hours and the only reason we are talking Saturday is because what Waste Management has done yet it has never been a violation before. If the intend is to strictly to relax the code we don't necessarily need to follow the language of Waste Management. Is the Board ok with 72 hours period and just go 72 hour across the board?

Mr. Katzman withdrew his motion

Mrs. Dodge said she had a problem with the wording "responsible person" in the code language.

Mr. Chockley said the “responsible person” language, he looked where you had read that from and it reads “bulk items are subject to being removed by the City at the expense of the property owner or other responsible person”. That would be whoever set it out, so lets say Jim set his stuff out in front of your swale, he would be responsible for the trash or the tenant even though it is in your swale not Waste Management.

**MOTION: TO APPROVE DISREGARDING PROPOSED LANGUAGE AND CHANGING 24 HOURS TO 72 HOURS FOR PROPOSED CODE CHANGE IN CHAPTER 8 SECTION 26(a) – MADE BY LISA DODGE AND SECONDED BY KELLY VANBUSKIRK. THERE WERE ALL AYES ON THE ROLL CALL VOTE. MOTION WAS APPROVED.**

Chairman Rouse turned the item over to Mr. Wood and he introduced item 4B(2) Proposed Code Change to Section 8-26(b) Receptacle Storage which is a code change to allow for multi-family town house developments that do not have a privacy fence or side yard screen from public view, that they can store the trash and recycle receptacles may be stored in front or adjacent to the garage door.

Chairman Rouse turned it over to Code Enforcement to present the code change.

Ms. Walsh said that in single family neighborhoods sometimes some people don’t really have a place like behind the fence or in the garage to put their trash cans or they don’t want to put their trash can in the garage because it smells or they don’t have a fence especially townhouses, they have to walk the whole length of the townhouse to bring the trash can around to the back. They were just suggesting that they could put it up against the garage or next to the garage to relax the code.

Chairman Rouse turned it over to the board for questions.

Mr. Federici said he guesses when the townhouses were built they didn’t figure out there were any of those one arm bandits to remove the trash. People who have the townhouses that have been there for years kind of have a little bit of a situations so he understands that. Now the question is the people that all live in those developments do you think they are for that? Somebody might say they don’t like looking at that trashcan across the street.

Ms. Walsh said some would be for it and some would be against it.

**MOTION: TO APPROVE PROPOSED CODE CHANGE IN CHAPTER 8 SECTION 26(b) – MADE BY KELLY VANBUSKIRK AND SECONDED BY JEREMY KATZMAN. THERE WERE ALL AYES ON THE ROLL CALL VOTE. MOTION WAS APPROVED.**

Chairman Rouse turned the item over to Mr. Wood and he introduced item 4B(3) Proposed Code Change to Section 23-117 Changes to outdoor seating is a code change to attempt to make outdoor seating easier to implement. Currently outdoor seating has to go through a site plan amendment process and ultimately for approval through the City Commission, the code change that we are proposing would allow the DRC or the Development Review Committee an administrative review and approval process of a site plan amendments for these outdoor seating areas and not have to go to City Commission for that approval. The only other change specific to the criteria is that as you’ll see in read under number 4, they are changing the criteria as currently anything over 10% of the total gross inside area of the restaurant, if they exceed the 10% they have to add additional parking and they thought that was pretty restrictive. They are changing that criteria from 10% of the total gross inside area of the restaurant to no more than 20 seats so that they could exceed the 10% as long as they are not putting out more than 20 seats then they don’t have to demonstrate additional parking.

Mrs. Dodge said for some people this would be less than what they already have outside at some outdoor seating areas. You are talking 4 tables with 5 people or 5 tables 4 people. Her concern is if a restaurant comes and they want a variance, they come to us we agree and then they go to the City Commission. Now we are going to take it away from the City Commission and have the Department Review Committee is that right?

Mr. Wood said yes in front of the Development Review Committee it would be a more administrative approval.

Mrs. Dodge said she's ok with that but she's not ok with the 20 seats because she knows a place right now that has more than 20 seats and she doesn't know if it would work with their parking when they did the Publix parking lot she's not sure but again she thinks its restrictive a bit. What it is says "area no more than 30% of the total gross inside area of the restaurant". If she has a small restaurant it's a bonus but if she has a big restaurant than its not so much of a bonus to have outdoor seating. If she has a little mom and pop little thing and she could put 20 seats out yay me but if Melting for example as a big restaurant and they put their 30% they could only get 20 seats as opposed to a little restaurant.

Mr. Wood said if he could clarify they are not talking about if it is more than 20 seats they can't do it, they are talking that if it is more than 20 seats they have to demonstrate that there is adequate parking to accommodate the extra square footage that they are putting out there.

Mrs. Dodge said lets talk Vienna Café, Vienna Café has more than 20 seats sitting out front right now, what happens to them and they are up for a code violation anyways?

Mr. Chockley said that anything that already has an approval like Vienna that already has currently an outdoor seating permit so there would be no changes to them.

Mrs. Dodge asked if they would be grandfathered in?

Mr. Chockley said correct they would become a legal nonconforming use. Anybody that would come forward with a new proposal exceeding 20 seats they would also have to come in with a parking analysis to show that the center could support more than 20 seats of outdoor seating, if the answer is yes than they could still come in. If you have a center that is maxed out with parking and they came in for 40 seats and the center wouldn't support that then technically they could be denied.

Mrs. Dodge she is just concerned about the current places that already have seating and now you have this in your ordinance and it doesn't say anyone is grandfathered in and that is her only concern.

Mr. Chockley said anytime that you have code changes, current uses that have already gotten approval become legal nonconforming uses so they are fine.

Mr. Wood said staff actually thought that we were relaxing the criteria because we looked at the 10%. Don't forget that now it is 10% so if they exceed 10% of their indoor seating area they have to do the parking analysis. We thought its easier to meet the 10% than the 20 seats so this would actually relax it in their minds where they wouldn't have to get into the parking analysis at 20 seats as they would at 10%.

**MOTION: TO APPROVE FOR PROPOSED CODE CHANGES IN CHAPTER 25 SECTION 117 RELATED TO CHANGES TO OUTDOOR SEATING CRITERIA – MADE BY JEREMY KATZMAN AND SECONDED BY ALEX WEISBERG. THERE WERE 5 AYES AND 1 NAYE ON THE ROLL CALL VOTE WITH LISA DODGE DESSENTING. MOTION WAS APPROVED.**

**5. GROWTH MANAGEMENT DIRECTOR'S REPORT:**

Mr. Wood turned this item over to Mr. Chockley for an update on upcoming activities and meetings.

Mr. Chockley said petition wise we don't have a set date for an upcoming petition. We have 3 in DRC right now that would probably each go for 1 more DRC and all 3 will be public hearing so there is a 5 week lead time from when they coming to when we'll have the meeting. Right now if we kept on with current trend of meeting the 2<sup>nd</sup> meeting in the month so the second meeting of August would probably be just code change we'd most likely not have a land development petition with it. Depending on board availability that has kind of been the trend so far.

Chairman Rouse asked if Code had a lot more down the pipe that they have proposed for them?

Mr. Chockley said these code changes are coming at the direction of Commission of wanting code changes regularly.

Chairman Rouse said its going on Commission recommending that Code revise their change based on x,y,or z.

Mr. Chockley said that Commission is saying they want code changes but there hasn't been a lot of direction on necessarily what is priority or what takes precedent we are just kind of somewhat shooting in the dark.

**6. BOARD MEMBER CONCERNS:**

Mr. Katzman asked at what would be the date for the next P&Z? Is it August 12<sup>th</sup>?

Mr. Wood it is the 4<sup>th</sup> Monday in August.

Mr. Katzman asked the 26<sup>th</sup> of August?

Mr. Chockley said that is what earmarked as the second meeting of the month, which is kind of what our trend has been. If you guys want to shoot for the first meeting in August that is fine to.

**Mr. Federici asked if there was a petition?**

Mr. Chockley said right now they don't have a petition that is going to make it for the August submittal. Everything we have going on right now is still at DRC and when it gets ready for P&Z they all require public hearings. Even if they came in tomorrow it's a 5 week lead time to do the public hearing notifications. Our next meeting will just be code changes and so it is just a matter of if we want to have it the first meeting of August or the second meeting of August and that is up to the board.

Ms. Vanbuskirk said that she would say that the second is probably better because August 12<sup>th</sup> there's probably going to be some open houses and it's the first week of public school for Broward schools.

Mr. Chockley said our trend has been the second of the month.

Mr. Wood said it would probably be better for staff as well.

**7. ADJOURNMENT:**

The Meeting adjourned at 7:48 p.m.



AGENDA ITEM # 4 A-D  
DATE: 8/26/19

# MEMORANDUM

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To: Planning and Zoning Board Members  
From: Matt Wood, Growth Management Director   
Date: August 21, 2019  
Re: Proposed Code Changes

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Staff has prepared draft language to address consideration for four additional amendments to the City Code of Ordinances. These include:

1. Increasing the time allowed for portable storage units (Pods) to be placed on any one site from 21 to 28 days and increasing the number of Pod permits within any 12-month period from 3 to 4.
2. Revising the maintenance standards for roofs to require that only nonresidential roofs shall be required to be cleaned to eliminate stains, mildew, etc. Residential roofs will continue to be required to be maintained to prevent water damage. Residential gutters will continue to be required to be maintained to eliminate dirt, stains, mildew and other signs of deterioration.
3. Relaxing the parking space requirements for restaurants to require one space for every 50 square feet of gross floor area for the kitchen and dining room areas only.
4. Increasing the maximum number of special event permits for any one site from 4 to 8 per year. This is in keeping with the previous Code change allowing 8 special event permits per year for institutional uses.

**ACTION REQUESTED:** The Planning and Zoning Board should review and make a recommendation on the proposed Code changes. The Board recommendation will be forwarded to the City Commission for final action.

Secs. 6-9. Portable Storage Units.

(A) *Definitions.* For the purposes of this section only, the following definitions shall apply:

(1) *Portable Storage Unit.* Any container designed for the storage of personal property which is typically rented to owners or occupants of property for their temporary use and which may be delivered and removed by vehicle.

(2) *Site.* A piece, parcel, tract, or plot of land occupied, or that may be occupied, by one or more buildings or uses and their accessory buildings and accessory uses which is generally considered to be one unified parcel.

(B) *Number, Duration and Removal.*

(1) *On-Site Storage.* There shall be no more than one portable storage unit per site, no larger than one hundred thirty (130) square feet in total area. A site permit, as required in this section below, for a portable storage unit to remain at a site in a residential or non-residential zoning district shall be valid for a maximum of seven (7) consecutive days per site permit.

(2) *Cumulative Time Restriction.* No portable storage unit shall be placed at any one (1) site in a residential or non-residential zoning district in excess of ~~twenty-one (21)~~ ~~twenty-eight (28)~~ days within any 12-month period. All sites are limited to the maximum number of ~~three (3)~~ four (4) site permits within any 12-month period.

(3) Notwithstanding the time limitations as stated above, all portable storage units shall be removed from the city immediately upon the issuance of a hurricane watch by a recognized governmental agency. The removal of a portable storage unit during a hurricane watch is the responsibility of the owner/operator of the portable storage unit.

(C) *Site Permit Required.* Prior to placing a portable storage unit on any site, the site owner/occupier or the owner/operator of the portable storage unit must apply for a site permit. Application for the site permit shall be made to the city zoning official or his designee on a form provided by the building division. The application shall include the signature of the site property owner or renter in order to ensure that the site owner or renter has full knowledge of, and consents to, placement of the portable storage unit on his or her site and the provisions of this section. A site permit fee shall accompany the application. Multiple site permits pulled at the same time for consecutive weeks shall only pay one permit review fee. The issuance of a site permit shall allow the applicant to place a portable storage unit on the site in conformance with the requirements of this section. The exterior of the portable storage unit shall have a weatherproof clear pouch, which must display the site permit at all times.

(D) *Maintenance and Prohibition of Hazardous Materials.* The owner/operator of a portable storage unit and/or the site owner/occupier on which a portable storage unit is placed shall be responsible to ensure that the portable storage unit is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing or other holes or breaks. When not in use, the portable storage unit shall be kept locked. The site owner/occupier on which a portable storage unit is placed shall also be responsible that no hazardous substances are stored or kept within the portable storage unit.

(E) *Residential Zoning Districts.* In residential areas or zoning districts, a portable storage unit shall only be placed in a driveway, or other paved surface, and must be set back a minimum of five (5) feet from a site property line. However, if the city zoning official or his designee determines that there is no driveway, or other paved surface, available for placement of a portable storage unit, the city zoning official or his designee may approve placement of a portable storage unit in the front yard, providing that the placement of such portable storage unit does not obstruct the free, convenient, and normal use of the public right-of-way.

**Sec. 6-40. Maintenance standards. (Ord. No. 14-2-4, §2, 2-25-14)**

(a) *Exterior Building Condition.*

The exterior of buildings and structures shall be maintained by the owner, operator, or occupant in good repair in order to facilitate public safety and so as their appearance will not constitute a blighting factor leading to the deterioration of the adjacent neighborhood and the city.

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(2) *Roofs and Gutters.* All non-residential roofs and gutters shall be free of dirt, grime, stains, mildew, peeling and free from any signs of deterioration; roofs and gutters must be cleaned or repainted when twenty-five (25) percent or more of any single sight view shows dirt, grime, stains, mildew, peeling or any sign of deterioration.

All residential roofs and gutters shall be maintained in good condition to prevent water from leaking into the building structure. Residential gutters must be cleaned or repainted when twenty-five (25) percent or more of any single sight view shows dirt, grime, stains, mildew, peeling or any sign of deterioration.

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Proposed language on p. 3

AGENDA ITEM # 4C  
DATE: 8/26/19

Sec. 25-4. Amount of off-street parking.

(a) *Unlisted uses.* The requirements for off-street parking for any uses not specifically mentioned in this section shall be the same as provided in this section for the most similar to the one sought, it being the intent to require all uses except, agricultural to provide off-street parking.

(b) *Mixed uses.* In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements for the various uses computed separately; and off-street parking space for one use shall not be considered as providing the required off-street parking for any other use.

(c) *Combined off-street parking.* Nothing in this article shall be construed to prevent collective provisions for or joint use of off-street parking facilities for two (2) or more buildings used by two (2) or more owners or operators, provided that the total of such parking spaces when combined or used together shall not be less than the sum of the requirements for the several individual uses computed separately in accordance with this article.

(d) *Use of required off-street parking by another building.* No part of an off-street parking area required for any building or use by this article shall be included as a part of an off-street parking area similarly required for another building or use unless the type of use indicates that the periods of usage will not overlap or be concurrent with each other as determined by the city commission.

(e) *Parking of commercial vehicles.*

(1) No off-street parking facilities required by this article and supplied by or for a use to meet the requirements of this article shall be utilized for the parking or storage of commercial vehicles owned by or utilized by such use during the time such use is in operation.

(2) Every use shall provide and maintain adequate and sufficient off-street parking facilities to accommodate the vehicles utilized by such use at the site of its operation independent of and in addition to the facilities otherwise required by this article.

(f) *Measurement.*

(1) *Fractional measurements.* When units or measurements determining number of required off-street parking spaces result in a requirement of fractional space, any such fraction equal to or greater than one-half shall require a full off-street parking space.

(2) *Bench seating.* In stadiums, sports arenas, churches and other places of assembly in which occupants utilize benches, pews or other similar seating facilities, each twenty (20) linear inches of such seating facilities shall be counted as one seat for the purpose of computing off-street parking requirements.

(g) *Minimum parking requirements.* The off-street parking required by this article shall be provided and maintained on the basis of the following minimum requirements:

Land Use	Minimum Off-Street Parking Spaces
Bank	One parking space per two hundred (200) square feet of gross floor area
Bar or nightclub	One parking space for each twenty-five (25) square feet of gross floor area.
Bowling alley	Four (4) parking spaces for each alley.
Building maintenance services	One parking space for each four hundred (400) square feet of gross floor area.

Building supplies	One parking space for each two hundred fifty (250) square feet of gross floor area, plus one space per one thousand (1,000) square feet of outside storage, sales or display area.
Community assembly	One parking space for each four (4) fixed seats, plus one parking space for each hundred (100) square feet of gross floor area without fixed seat Parking areas which are not used more than three (3) times per week may be grassed for parking areas and parking lanes, but not for general access roads or circulation roads, provided the grasses are planted on soil prepared and maintained according to the City's specifications.
Commercial amusements (indoor)-exhibition halls, convention halls, dance halls, sports arenas, civic halls	One parking space for each four (4) seats, or one parking space for each one hundred (100) square feet of gross floor area, whichever may be greater.
Commercial amusements (outdoor) - stadiums, racetracks, fairgrounds, circus grounds	One parking space for each four (4) seats, plus one parking space for each two hundred (200) square feet of area involved in such use.
Contractor yard	One parking space for each four hundred (400) square feet of gross floor area.

(Ord. No. 08-7-1, § 15, 7-15-08)

Land Use	Minimum Off-Street Parking Spaces
Cultural Services	One parking space for each three hundred (300) square feet of gross floor area.
Day care center	One parking space for each six (6) children, plus one parking space for each employee.
Dwelling, detached single-family and townhouse	Three (3) parking spaces for each dwelling unit.
Dwelling, duplex and multi-family	Two (2) parking spaces for each dwelling unit.
Funeral home	One parking space for each five (5) seats in public rooms, with a minimum of twenty-five (25) parking spaces provided.
Golf course	Six (6) parking spaces for each green.
Group housing—dormitory, sorority, fraternity	One parking space for each two (2) beds, plus two (2) parking spaces for the manager or operator, plus one parking space for each employee.
Group housing—rooming housing, lodging house, boarding house	One parking space for each rental sleeping unit, plus two (2) parking spaces for the owner or operator.
Hospital	Two (2) parking spaces for each patient bed, excluding bassinets.

Hotel or motel, tourist camp	One parking space for each dwelling unit, guest room, cabin or rental unit, plus required parking for accessory uses such as restaurant, bar or public assembly.
Industrial uses—basic industry; light manufacturing, research and development	One space for each four hundred (400) square feet of gross floor area.
Laundry	One parking space per two hundred (200) square feet of gross floor area.
Medical office or clinic	One parking space for each two hundred (200) square feet of gross floor area.
Medical or dental laboratory	One space for each four hundred (400) square feet of gross floor area.
Movie theater	One parking space for each four (4) seats.
Nursing facility: institution or asylum	One parking space for each two (2) beds for patients or inmates.

Land Use	Minimum Off-Street Parking Spaces
Office, Business or Professional; Government Office	One parking space for each three hundred (300) square feet of gross floor area.
Personal Care Services; Personal Improvement Services	One parking space per two hundred (200) square feet of gross floor area.
Plant Nursery, Retail	One parking space per two hundred (200) square feet of gross floor area, plus one parking space per one thousand (1,000) square feet of outside storage, display or sales area.
Public Assembly Place With Fixed Seats	One parking space for each four (4) seats.
Recreation, Indoor (excluding bowling alley or movie theater)	One parking space per two hundred (200) square feet of gross floor area.
Recreation, Outdoor	One parking space for each two (2) employees, plus one parking space for each three (3) persons of the normal capacity of use, as customers, patrons and visitors.
Repair, Small Appliance	One parking space per two hundred (200) square feet of gross floor area.
Restaurant, General or Fast Food	One (1) parking space for each fifty (50) square feet of gross floor area <u>of the kitchen and dining areas.</u>

Retail, Neighborhood, Community or General; Retail, Secondhand Goods	One parking space per two hundred (200) square feet of gross floor area; one parking space for four hundred (400) square feet of gross floor area when consisting primarily of sale or rental of large items such as furniture large appliances.
School, Elementary	One parking space for each classroom plus seventy-five (75) percent of the additional parking spaces for rooms used for public assembly as otherwise required by this section.
School, Secondary; College or University	One parking space for each classroom plus one parking space for each ten (10) students or half of the additional parking spaces for rooms used for public assembly as otherwise required by this section, whichever may be greater.
School, Vocational	One parking space for each one hundred (100) square feet of gross floor area.

(Ord. No. 2002-09-08, § 1, 9-26-2002)

AGENDA ITEM # 4 D  
DATE: 8/26/19

**Sec. 9-28. Special Events; Regulations; Enforcement.**

(a) *Purpose and intent.* The purpose of this article is to regulate special events and temporary outdoor sales to ensure public health, safety and welfare. However, nothing in this article shall be construed to prevent members of the public from assembling in the parks and other public forums for the purpose of making any speech or conveying any message to the public without obtaining a special event permit.

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(3) *Maximum Number per year.*

(i) A total of not more than ~~four (4)~~ **eight (8)** special events may be held each calendar year at any one (1) location, unless otherwise approved by resolution of the city commission for good cause and for the public interest of the city. Such period shall run from January 1 to December 31 of each year. Commercial, office plazas, or light industrial areas shall be considered one (1) location.

(ii) No events which are subject to the ~~four (4)~~ **eight (8)** event limit described in (i) above shall occur consecutively, except for those with city commission approval, and if approved shall require a separate permit and fee for each event.

(iii) Private Residential Community Exemption. This ~~four (4)~~ **eight (8)** special events per year limit shall not apply to special events held within private residential communities served by a guard gate restricting access to the private roads. For purposes of this exemption, roads within community development districts served by a guard gate shall be included within this exemption.

~~(iv) Institutional Exemption. This four (4) special events per year limit shall not apply to special events held at non-commercial free-standing buildings with adjacent parking provisions whose primary function is as a religious institution, school or similar institutional activity. Special events at these locations shall be limited to eight (8) per year. All special events are subject to applicable permitting and fees. (Ord. No. 19-2-1, § 2, 3-19-19)~~

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