



**TOWN OF LAKE PARK
 PLANNING & ZONING BOARD
 MEETING AGENDA
 FEBRUARY 6, 2017
 7:00 p.m.
 535 PARK AVENUE
 LAKE PARK, FLORIDA**

PLEASE TAKE NOTICE AND BE ADVISED: If any interested person desires to appeal any decision of the Planning & Zoning Board with respect to any matter considered at the Meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. *Persons with disabilities requiring accommodations in order to participate in the Meeting should contact the Town Clerk's Office by calling (561) 881-3311 at least 48 hours in advance to request accommodations.*

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

- Judith Thomas, Chair
- Martin Schneider, Vice-Chair
- Lanae Barnes, Regular Member
- Joseph Rice, Regular Member
- Vacant, Regular Member
- Vacant, Regular Member
- Vacant, Alternate Member

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- Special Call Planning & Zoning Board Meeting Minutes; January 12, 2017

PUBLIC COMMENTS

Any person wishing to speak on an agenda item is asked to complete a Public Comment Card located in the rear of the Commission Chambers, and provide it to the Recording Secretary. Cards must be submitted before the agenda item is discussed.

ORDER OF BUSINESS

The normal order of business for Hearings on agenda items is as follows:

- Staff presentation
- Applicant presentation (when applicable)
- Board Member questions of Staff and Applicant
- Public Comments – 3 minute limit per speaker
- Rebuttal or closing arguments for quasi-judicial items
- Motion on floor
- Vote of Board

NEW BUSINESS

1. PZ CASE 17-004: MEDICAL MARIJUANA DISPENSARIES – PROPOSED REGULATIONS

COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

ADJOURNMENT

**THE NEXT REGULARLY SCHEDULED PLANNING & ZONING BOARD MEETING
WILL BE HELD ON MONDAY, MARCH 6, 2017 AT 7:00 P.M.**



**TOWN OF LAKE PARK
SPECIAL CALL
PLANNING & ZONING BOARD
MEETING MINUTES
JANUARY 12, 2017**

CALL TO ORDER

Because Chair Thomas was not present, the Special Call Planning & Zoning Board Meeting was called to order by Vice-Chair Schneider at 7:06 p.m.

ROLL CALL

Judith Thomas, Chair	Not Present
Martin Schneider, Vice-Chair	Present
Anthony Bontrager	Excused
Lanae Barnes	Present
Joseph Rice	Present

Also in attendance were Town Attorney Thomas J. Baird; Nadia DiTommaso, Community Development Director, Town Planner Scott Schultz and Recording Secretary Kimberly Rowley.

APPROVAL OF AGENDA

Vice-Chair Schneider requested a motion for the approval of the Agenda as submitted. Board Member Rice made a motion for approval, and it was seconded by Board Member Barnes. The vote was as follows:

	Aye	Nay
Joseph Rice	X	
Martin Schneider	X	
Lanae Barnes	X	

The Motion carried 3-0, and the Agenda was approved as submitted.

APPROVAL OF MINUTES

Vice-Chair Schneider asked for a motion for the approval of the Minutes of the September 12, 2016, Special Call Planning & Zoning Board Meeting. Board Member Barnes made a motion for approval, and the motion was seconded by Board Member Rice. The vote was as follows:

	Aye	Nay
Joseph Rice	X	
Martin Schneider	X	
Lanae Barnes	X	

The Motion carried 3-0 and the September 12, 2016, Special Call Planning & Zoning Board Meeting Minutes were approved.

PUBLIC COMMENTS

Vice-Chair Schneider explained the Public Comment procedure.

ORDER OF BUSINESS

Vice-Chair Schneider outlined the Order of Business.

NEW BUSINESS

Vice-Chair stated that PZ Case 17-001, a Variance Application, has been pulled from the Agenda.

1. **PZ CASE 17-002: APPLICATION FOR TEXT AMENDMENT – PARK AVENUE DOWNTOWN DISTRICT (PADD) SIGNAGE FOR PARCELS FRONTING 10TH STREET**

AN APPLICATION FOR TEXT AMENDMENT WAS SUBMITTED BY RICHARD BERTRAM REQUESTING THAT TOWN CODE SECTION 78-70(P)(1)(I) BE AMENDED TO ALLOW MONUMENT SIGNS IN THE PADD FOR PROPERTIES THAT FRONT 10TH STREET.

STAFF PRESENTATION – PZ CASE 17-002

Scott Schultz, Town Planner, addressed the Planning & Zoning Board Members and welcomed new P&Z Board Member Rice upon his first meeting on the Board.

Mr. Schultz stated that the Community Development Department received an Application from Richard Bertram, the owner of Barbie's Place located at the corner of Foresteria Drive and 10th Street. The Application requests that the Town amend its Code at Section 78-70(p)(1,) which is the Section covering prohibited signage in Park Avenue Downtown District (PADD).

Mr. Schultz explained the Application is requesting the Town to allow for monument style freestanding signs in the PADD only, for those parcels having a street front frontage on 10th Street. The proposed change, if approved, would apply to 935 Foresteria Drive (Barbie's Place); 551 10th Street; and 501 10th Street, which are the only three (3) parcels which exist outside of Park Avenue within the PADD. Mr. Schultz stated the Application has come forward because freestanding signs are not allowed whatsoever within the PADD. Mr. Schulz stated that Staff evaluated the Application and revisited the intent of the PADD Code, which was designed to promote a mixed-use environment with zero lot lines, as well as a pedestrian friendly environment. He stated that, while not all sites on Park Avenue meet the full intent of the PADD Design Code, Park Avenue is still unified with its enhanced streetscape, which does not exist on 10th Street. Mr. Schultz showed visuals of Park Avenue and pointed out the enhanced streetscape; improved sidewalks and crosswalks; traffic calming features; enhanced landscaping; street furniture and pedestrian friendly

elements. In comparison, 10th Street lacks the unifying features that are currently present on Park Avenue. Mr. Schultz stated that because the intense streetscape does not extend south of Park Avenue onto 10th Street, Staff feels that a freestanding sign is possible for properties having 10th Street frontage.

STAFF RECOMMENDATION

Staff recommends that Section 78-70(p)(1) be amended to allow the three (3) parcels south of Park Avenue within the PADD which have street frontage on 10th Street be allowed to have a freestanding sign for the period of time until the site is redeveloped, at which time they would be required to meet all of the Design Guidelines of the PADD, including no freestanding signs.

PUBLIC COMMENTS

There were no public comments.

BOARD DISCUSSION

Board Member Rice asked if once the site is redeveloped it would be up to the code with the PADD Guidelines and if this would only apply to these three (3) parcels. Mr. Schultz confirmed. Board Member Rice asked why, for purposes of uniformity, the same sign dimension requirements would not be used on 10th Street as in other parts of the Town. Mr. Schultz explained that there are three (3) separate Sign Codes, with the overall Sign Code being Chapter 70, an Overlay District on Northlake Boulevard, and the PADD. Ms. DiTommaso, Community Development Director, added that it would be consistent with what is allowed both north and south of these parcels on 10th Street.

Vice-Chair Schneider asked what will happen to the existing sign, to which Mr. Schultz replied the sign will be required to be removed and/or modified, and replaced with a monument sign.

APPLICANT PRESENTATION

Mr. Edward Koenig, Agent for the Applicant, addressed the Board and stated they will modify/convert the pole sign to a monument sign.

BOARD RECOMMENDATION

Board Member Rice made a motion to approve the Text Amendment Application as presented. The motion was seconded by Board Member Barnes and the vote was as follows:

	Aye	Nay
Joseph Rice	X	
Martin Schneider	X	
Lanae Barnes	X	

The vote was 3-0 in favor of approval of the Text Amendment Application.

NOTE: Chair Judith Thomas arrived at 715 p.m.

2. PZ CASE 17-003: TOWN INITIATED TEXT AMENDMENTS - SECTION 78-111(B)(1); 78-111(B)(3); AND 78-111(C)(1), RESIDENTIAL FRONT YARD FENCE HEIGHT REQUIREMENTS AND RESIDENTIAL FENCING CORNER LOT REQUIREMENTS

STAFF PRESENTATION – PZ CASE 17-003

Scott Schultz, Town Planner, addressed the P&A Board and stated, for ease of understanding, he will divide this presentation into the three (3) Code Sections:

→ *Section 78-111(b)(1) Front yard fence height requirements for residential structures*

Mr. Schultz stated this first item is of the utmost importance in this Case and Staff recommends approval to move it forward. He explained the Town Code currently allows for a 40” tall fence within the front yard setback of residentially zoned properties. Mr. Schultz explained that the 40” fence height is no longer consistent with industry standards, which local fencing companies doing business within the Town have confirmed as ranging from 42” - 72”. Mr. Schultz stated that because the Code is antiquated, it is causing residents to have custom fences constructed for their properties, which is burdensome both in time and expense, and therefore, the Code needs to be realigned. Mr. Schultz stated that Staff is proposing a fence height of 48”, as conversations with both residents and fence companies generally show interest in the 48” height.

→ *Maximum front yard fence height for multi-family structures only*

Mr. Schultz stated the second item for the Board to consider has come up due to internal discussions regarding front yard fence height for multi-family sites, and Staff is seeking general input from the Board on the matter. Currently, the Code allows for a maximum front yard fence height of 6’ for multi-family sites which are greater than three (3) stories. Mr. Schultz stated Staff is proposing discussion for lowering the multi-family height from three (3) stories to two (2) stories. Mr. Schultz provided visuals to the Board of various locations in Town wherein 6’ fencing currently exists, primarily along Lake Shore Drive and also within the core of the Town.

→ *Landscaping buffer consistency*

Mr. Schultz explained that Staff has revised language relating to landscape buffers setbacks to add more clarity and is proposing to remove “...there shall be a 3’ minimum setback” and replace with “...there shall be a sufficient area for landscaping”; and Staff has further added that the landscaping should be defined as a combination of two landscape elements, whatever the property owner prefers.

STAFF RECOMMENDATION

Mr. Schultz stated Staff is recommending approval of the modification to the Town's Code of Ordinances Section 78-111(b)(1) and 78-111(b)(3), to provide for an increased height limitation for the front yard fences of residential structures, from 40' to 48'; and the approval of the modification of Code Section 78-111(c)(1), clarifying landscape buffer setbacks.

BOARD DISCUSSION

Mr. Schultz answered and clarified questions from Board Member Rice regarding the proposed front yard fence height requirements. Vice-Chair Schneider stated he has no issue with the new proposed 48" front yard fence requirement, which he believes is reasonable. However, he is torn about changing the 4' fence to a 6' fence for a two-story multi-family building because the street frontage should be inviting, and a 6' fence can be uninviting. Vice-Chair Schneider questioned the types of currently allowed fencing. Mr. Schultz responded that Staff has discussed adding language for the requirement of transparency fencing such as rod iron, for example, since wood fencing would provide no visibility. Vice-Chair Schneider asked Staff if multi-family buildings have been requesting 6' front yard fences. Mr. Schultz responded that the issue has come up and discussions have begun internally, so they wanted to bring the issue to the P&Z Board as a discussion item. Board Member Barnes stated she can understand why residents of a multi-family building might desire a 6' front yard fence, however she agrees that it should not be wooden fencing. Board Member Rice stated that three-story multi-family buildings are currently allowed to have 6' wooden fencing, and the stipulations for transparent fencing are not in place and shouldn't the requirements be made across the board. Vice-Chair Schneider agreed and questioned Staff if there are any 3+ story buildings in Town with opaque front fencing. Ms. DiTommaso replied that there are no 3+ story buildings with opaque front fencing. Vice-Chair Schneider summarized that allowing 6' front yard fencing for two-story residential buildings is reasonable, as long as the fencing is transparent, however, if front yard privacy fencing is desired it would only be allowed up to a height of 4'.

Chair Thomas questioned if corner lots with an existing non-conforming chain-link fence abutting the sidewalk were to remove the fence, would they be required to comply with the 3' landscape requirement. Vice-Chair Schneider replied not if the requirement is removed, as is currently being proposed by Staff. Ms. DiTommaso explained the proposed change would provide more flexibility and require a set-back sufficient to include two (2) landscape elements.

Vice-Chair Schneider asked Staff if landscape elements are defined in the Code and suggested a definition for landscape elements be added into the Code.

BOARD RECOMMENDATION

Board Member Rice made a motion to approve the Text Amendment, with transparency requirements and the definition of the landscape elements. The motion was seconded by Board Member Barnes and the vote was as follows:

	Aye	Nay
Joseph Rice	X	
Martin Schneider	X	
Lanae Barnes	X	
Judith Thomas	X	

The vote was 4-0 in favor of approval of the Text Amendment.

COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

Ms. DiTommaso, Community Development Director, wished everyone a Happy New Year.

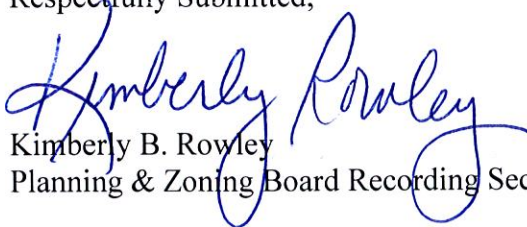
ADJOURNMENT

There being no further business before the Board, Vice-Chair Schneider asked for a motion to adjourn. Board Member Riche made the motion and it was seconded by Board Member Barnes. The vote was as follows:

	Aye	Nay
Joseph Rice	X	
Martin Schneider	X	
Lanae Barnes	X	
Judith Thomas	X	

The vote was 4-0 and the Meeting was adjourned by Vice-Chair Schneider at 7:37 p.m.

Respectfully Submitted,


 Kimberly B. Rowley
 Planning & Zoning Board Recording Secretary

PLANNING & ZONING BOARD APPROVAL:

 Judith Thomas, Chair
 Town of Lake Park Planning & Zoning Board

DATE: _____



Community
Development
Department

Planning & Zoning Board
Meeting Date: February 6, 2017

STAFF REPORT

Medical Marijuana Dispensaries – Proposed Regulations

On December 7, 2016 a discussion item was brought forward to the Town Commission by Town staff. The intent of this discussion item was to request direction from the Town Commission on how to move forward in regulating medical marijuana-related uses. Staff explained that given the recent passing of medical marijuana in the State of Florida, it would be important to either enact regulations of our own, or enact a moratorium until which time the State develops its own regulatory framework. The Town Commission directed staff to move forward regulations that would identify medical marijuana dispensaries only in commercial areas.

Consequently, the Community Development Director, along with the Town Attorney, created regulations for medical marijuana dispensaries, which have also been reviewed by the Town Manager and Lieutenant Gendreau of PBSO. “Medical Marijuana Dispensaries” are being proposed as special exception uses and as such, each application will be subject to Town Commission approval after the satisfaction of the following special exception criteria per Town Code Section 78-184:

(1) The proposed special exception use is consistent with the goals, objectives, and policies of the town's comprehensive plan.

(2) The proposed special exception is consistent with the land development and zoning regulations and all other portions of this Code.

(3) The proposed special exception use is compatible with the character and use (existing and future) of the surrounding properties in its function; hours of operation; type and amount of traffic to be generated; building location, mass, height and setback; and other relevant factors peculiar to the proposed special exception use and the surrounding property.

(4) The establishment of the proposed special exception use in the identified location does not create a concentration or proliferation of the same or similar type of special exception use, which may be deemed detrimental to the development or redevelopment of the area in which the special exception use is proposed to be developed.

(5) The proposed special exception use does not have a detrimental impact on surrounding properties based on:

- a. The number of persons anticipated to be using, residing, or working on the property as a result of the special exception use;*
- b. The degree of noise, odor, visual, or other potential nuisance factors generated by the special exception use; and*
- c. The effect on the amount and flow of traffic within the vicinity of the proposed special exception use.*

(6) That the proposed special exception use:

535 Park Avenue
Lake Park, FL 33403
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- a. Does not significantly reduce light and air to adjacent properties.
- b. Does not adversely affect property values in adjacent areas.
- c. Would not be a deterrent to the improvement, development or redevelopment of surrounding properties in accord with existing regulations.
- d. Does not negatively impact adjacent natural systems or public facilities, including parks and open spaces.
- e. Provides pedestrian amenities, including, but not limited to, benches, trash receptacles, and/or bicycle parking.

Staff proposes that medical marijuana dispensaries are regulated as the following:

Section 78-72. C-2 business districts.

(2) Special exception uses permitted. Within the C-2 business district, no building, structure or land shall be used, and no building shall be erected, structurally altered or enlarged for the following uses unless a special exception has been approved by the town commission, pursuant to section 78-184 and the standards set forth therein:

(...)

o. Medical marijuana dispensaries.

Section 78-83. Medical marijuana dispensaries.

In addition to all applicable laws, regulations and ordinances and any other requirements that may be imposed by the town council, any medical marijuana dispensary operating within the Town as a special exception use shall comply with the following:

(a) Loitering. A medical marijuana dispensary shall provide adequate seating for its patrons and shall not allow its patrons to stand, sit (including in a parked car) or gather or loiter outside of the building in which the dispensary operates, including any parking areas, sidewalks or adjacent rights-of-way, for any period of time longer than reasonable required to arrive and depart. The dispensary shall post conspicuous signs on the building that no loitering is allowed on the property.

(b) Drive through service. A medical marijuana dispensary shall not have a drive-through. All dispensing, payment and receipt of products shall occur inside the dispensary building.

(c) Vending or delivery service. A medical marijuana dispensary shall not conduct any form of off-site delivery service, nor shall it utilize any type of vending machine for the dispensing of medical marijuana.

(d) On premises consumption. No consumption of medical marijuana shall occur on the premises of a medical marijuana dispensary, including within its parking areas, and adjacent sidewalks or rights-of-way.

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(e) *Alcoholic beverages.* No consumption of alcohol shall occur on the premises on which a medical marijuana dispensary is located, including the parking areas, sidewalks or adjacent rights-of-way.

(f) *Outside display.* There shall be no outside display of products, wares or merchandise.

(g) *Hours of operation.* A medical marijuana dispensary shall only operate between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 8:00 p.m., Saturday and Sunday.

(h) *Other activities.* Other than the processing and dispensing of medical marijuana as permitted by law, no dispensary shall sell, market, dispense, provide, exchange, or otherwise vend any other service or product other than Drug paraphernalia for legal products.

(i) *Security measures.* A medical marijuana dispensary shall be equipped with:

- (1) a silent alarm that notifies the police department or a private security agency that a break in or robbery may be occurring;
- (2) a security camera at each point of the dispensary's ingress and egress capable of recording and retrieving images that is operational during and after business hours.
- (3) a drop safe or cash management device that provides minimum access to the dispensary's cash receipts.
- (4) an armed security professional onsite at all times during operating hours.

Staff Recommendation:

Staff recommends APPPROVAL to the Town Commission of the proposed regulations for medical marijuana dispensaries.

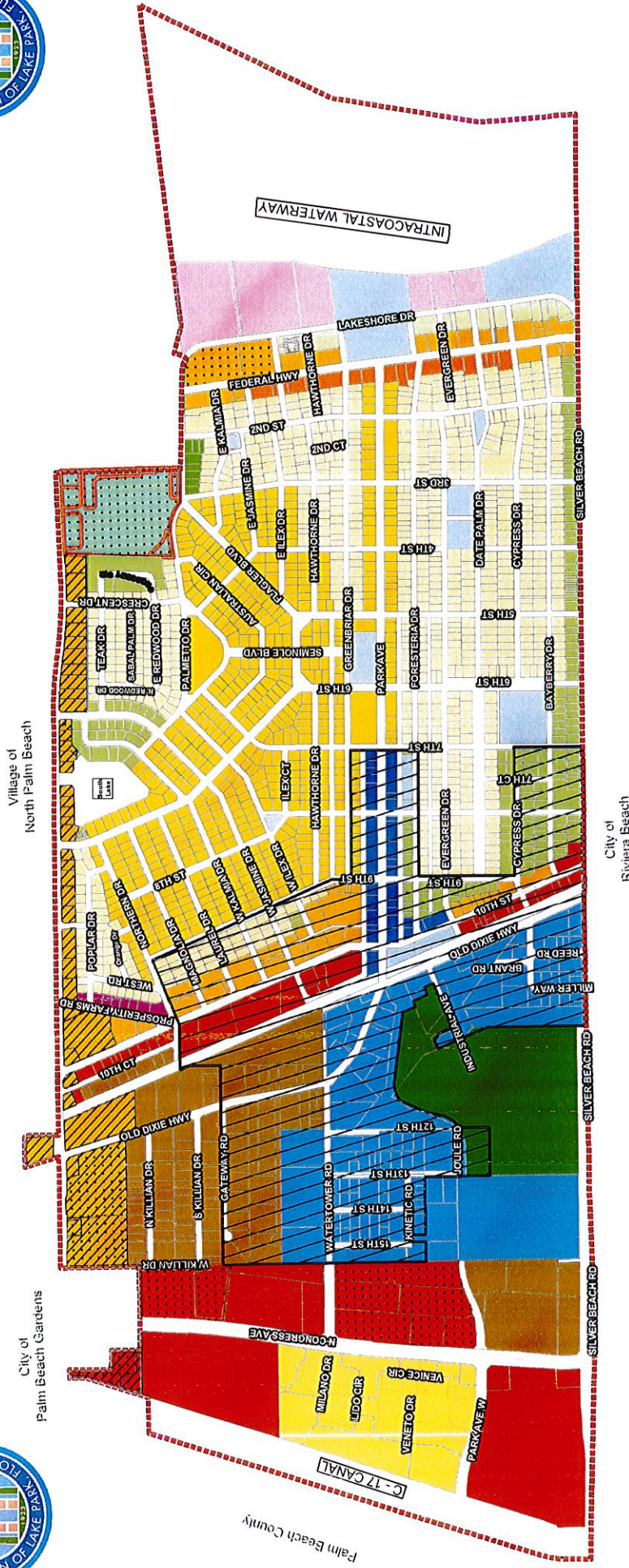
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Enclosure(s): Town Zoning Map
Town Future Land Use Map

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Nadia Di Tommaso, *Community Development Director*
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Lake Park Zoning Map



Legend

- TOWN BOUNDARY
- C3 BUSINESS DISTRICT
- C1 BUSINESS DISTRICT
- C1B BUSINESS DISTRICT
- C2 BUSINESS DISTRICT
- C3 BUSINESS DISTRICT
- C4 BUSINESS DISTRICT
- CLIC CAMPUS LIGHT INDUSTRIAL & COMMERCIAL
- CONSERVATION
- CRA OVERLAY
- NSOZ OVERLAY
- P PUBLIC DISTRICT
- PADD PARK AVENUE DOWNTOWN DISTRICT
- PUD PLANNED UNIT DEVELOPMENT
- R1 SINGLE FAMILY RESIDENCE DISTRICT
- R1A SINGLE FAMILY RESIDENCE DISTRICT
- R144 RESIDENCE DISTRICT
- R1B TWO FAMILY RESIDENCE DISTRICT
- R2 MULTIPLE FAMILY RESIDENCE DISTRICT
- R2A MULTIPLE FAMILY RESIDENCE DISTRICT
- R3 MULTIPLE FAMILY RESIDENCE DISTRICT
- TND TRADITIONAL NEIGHBORHOOD DEVELOPMENT



Map Date : 6-28-2016



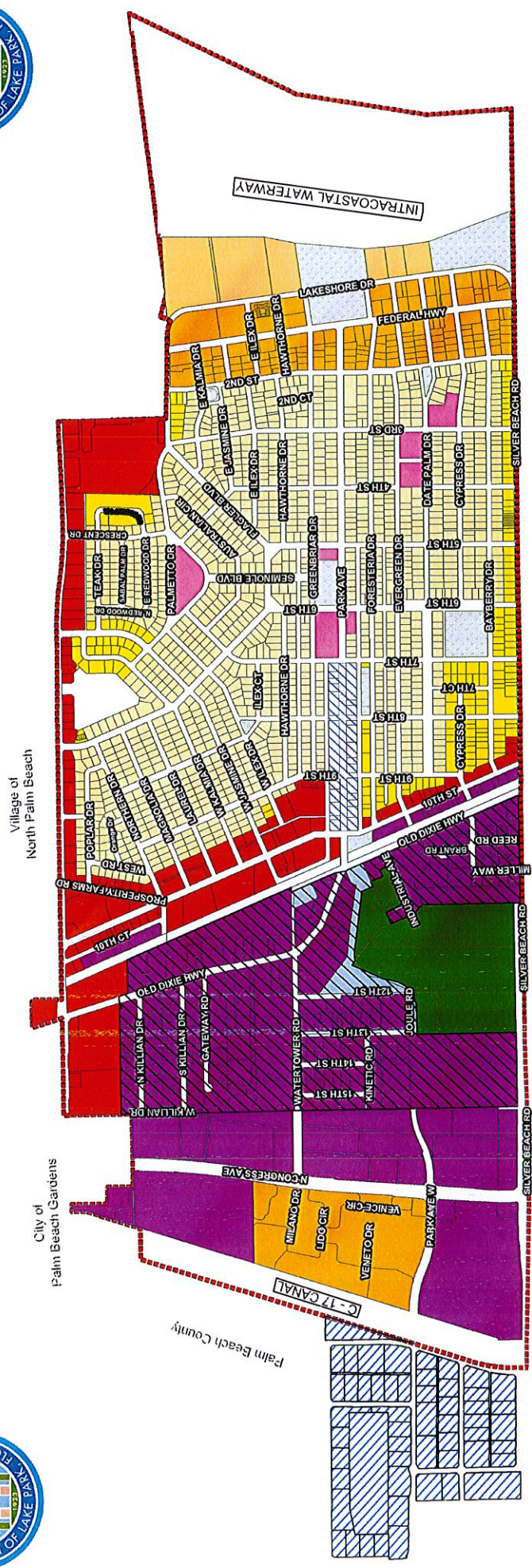
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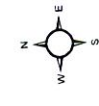


Lake Park Future Land Use Map



- Legend**
- Annexation
 - Bioscience
 - Other
 - COMMERCIAL
 - CONSERVATION
 - COMMERCIAL AND LIGHT INDUSTRIAL
 - MIXED RESIDENTIAL AND COMMERCIAL
 - OTHER PUBLIC FACILITIES
 - PUBLIC BUILDINGS
 - RECREATION OVERLAY
 - RESIDENTIAL HIGH DENSITY
 - RESIDENTIAL LOW DENSITY
 - RESIDENTIAL MEDIUM DENSITY
 - DOWNTOWN TOWN BOUNDARY

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Map Date - 6-25-2016



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