



City Hall Commission Chambers
3650 NE 12 Avenue
Oakland Park, Florida 33334

MINUTES
PLANNING AND ZONING BOARD MEETING
February 10, 2020, 6:30 P.M.

The regular meeting of the Planning and Zoning Board of the City of Oakland Park, Florida was called to order at 6:30 p.m.

ROLL CALL

Present:

Chair Jack Doren
Vice Chair Caryl Stevens
Toby Lawrence
Michael O'Byrn
Robert Waters

Absent:

Celia Hall, alternate

Also Present:

Brad Ostroff, Acting Director of
Community and Economic Development
Peter Schwarz, Assistant Director,
Engineering and Community Development
Alex Dambach, Planning Supervisor
Sean Swartz, City Attorney
Jamie Opperlee, Recording Secretary,
Prototype Inc.

PLEDGE TO THE FLAG

APPROVAL OF MINUTES

1. **Minutes - September 9, 2019**

Vice Chair Stevens moved to approve the minutes of September 9, 2019. Board Member O'Byrn seconded the motion, which prevailed by the following vote:

YES: Board Member Lawrence, Board Member O'Byrn, Vice Chair Stevens, Board Member Waters, Chair Doren

2. **Minutes - January 13, 2020**

Board Member Waters moved to approve the minutes of January 13, 2020. Board Member O'Byrn seconded the motion, which prevailed by the following vote:

YES: Board Member Lawrence, Board Member O'Byrn, Vice Chair Stevens, Board Member Waters, Chair Doren

3. **Public Comments**

At this time any person will be allowed to speak on any matter that pertains to City business for a length of time not to exceed four minutes per person.

None

ITEMS TO CONSIDER

4. **Case #19-22T "Residential Design and Compatibility."** A Public Hearing to consider amending Article III, Sections 24-29 through 24-34, 24-51.1 through 24-51.5 and creating Section 24-52; amending Article V, Sections 24-68, 24-77, and 24-79 and creating Sections 24-79.2 through 24-79.4; amending Article VI, Sections 24-80 and 24-83; Article VII, Section 96; Article XV, Section 208; and amending Article XVIII, Section 24-245 of the Land Development Code to update various regulations including setbacks, height and other urban design and development regulations in residential districts to ensure compatibility of future development with the character of existing neighborhoods.

Mr. Dambach provided the staff report.

Public Hearing

Brian Wiens - 1499 NE 34 Street – He asked who would enforce the new grass parking and light spillover restrictions. He also stated the light limit was too low (brighter lights should be permitted). Regarding the height restrictions, he felt they would prevent someone from having a rooftop deck on top of a second story. He also wanted there to be an easy way to have a property rezoned if it already had a building on it that was not appropriate for the zoning district.

Board Deliberation

Board Member O'Byrn questioned the two-foot allowance into the setback for the air conditioning unit and noted that his air conditioner was larger than two feet and was already in the setback. Mr. Schwarz stated these rules were for construction going forward. Board Member O'Byrn asked

what would happen when he had to replace his air conditioner and Mr. Schwarz said they would look into this.

Mr. O'Byrn had noticed that some people parked on the swale, with half the car on the sidewalk. Mr. Dambach said most of the time, the driveway could be enlarged to fit more cars. Mr. Ostroff said the resident would be cited for grass parking in that situation and they should find another option.

Board Member O'Byrn asked about light that intruded on other properties and Mr. Schwarz stated the ordinance would help contain light on one property and prevent such spillover nuisances.

Board Member O'Byrn noted that currently, there was a lot of cubist architecture and this necessarily lacked some of the features that these changes encouraged, such as front porches. Mr. Dambach stated they did not want to dictate architectural style but they did want to encourage certain features. Allowing these components was meant to encourage builders and architects to be more creative.

Mr. Schwarz explained that the main goal of the ordinance amendment was to preserve existing single family neighborhoods while balancing a neighborhood's character, protecting property rights and incorporating best practices to achieve this balance. Mr. Ostroff stated they did not want residential development popping up that was not well thought-out. Chair Doren said one goal seemed to be avoiding large, blank walls by requiring a minimum number of windows.

Board Member O'Byrn discussed the second floor step-back and asked if it would be possible to get conditional approval for a cubist design. Mr. Dambach explained such a project would require a variance. Chair Doren stated desiring a particular architectural style would not be considered a hardship and therefore would not qualify for a variance. Mr. Dambach said they had included a provision that if the adjacent property was built with a wall taller than 15 feet, one would be permitted to build to that height.

Mr. Schwarz described the step-back provisions and informed the Board that the step-back requirements were intended to protect the neighborhood's character and to protect neighbors from being overwhelmed by new development.

Board Member O'Byrn was concerned that the step-back requirement would discourage development in some areas and wished there could be a conditional approval rather than a hardship required for a variance. Mr. Ostroff and Mr. Dambach said they would look into this.

Mr. Ostroff said this change was prompted by several complaints they had received about McMansions being built adjacent to one-story homes, resulting in the loss of their privacy.

Board Member Lawrence asked if this would affect home remodeling and Mr. Dambach replied this would not affect a remodel but would affect an addition. Mr. Ostroff stated enforcement would be spurred by complaints. There was one Code Enforcement officer who worked until 7 P.M. but many violations occurred after this time. Sometimes BSO was called, but Code Enforcement was

not a priority for them so Mr. Ostroff could assign an officer to adjust his/her hours to respond. He noted that a neighbor could testify before the Code Enforcement Board or the Special Magistrate regarding the violations.

Mr. Lawrence asked about feedback from the community and Mr. Schwarz reported it had been generally well received, with questions mostly related to the setbacks.

Chair Doren asked if the height requirements would preclude a rooftop deck and Mr. Dambach stated within the 27-foot maximum, one could build a two-story home, with an additional seven feet for a stairway to access a roof deck. Also, he believed a stair penthouse at the top of a stairway was allowed to exceed the height limits.

Chair Doren mentioned that the minimum size for single family homes was 1,100 square feet and 1,200 square feet for townhomes. Mr. Schwarz said the 1,200 for townhomes started in the TD district; all other residential districts had the 1,200 minimum for single-family dwellings.

Chair Doren referred to line 552 on page 14 regarding properties in the process of being rebuilt when/if the amendments were adopted and Mr. Schwarz agreed this would be clarified.

Chair Doren said line 838 described a balcony enclosed “not by walls” and noted that some balconies were enclosed by walls on three sides. Mr. Schwarz said they would clarify this definition.

Chair Doren commented that this was an incredibly impressive staff effort and the goal to create consistency and compatibility in neighborhoods was very important.

Board Member O’Byrn moved to recommend approval of the amendments. Board Member Waters seconded the motion, which prevailed by the following vote:

YES: Board Member Lawrence, Board Member O’Byrn, Vice Chair Stevens, Board Member Waters, Chair Doren

OTHER BUSINESS

The next meeting was scheduled for March 9.

ADJOURNMENT

The meeting was adjourned at: 7:40 p.m.

CITY OF OAKLAND PARK, FLORIDA

JACK DOREN, CHAIR

ATTEST:

MELISSA ALVARADO, BOARD SECRETARY