

**PLANNING AND ZONING BOARD MEETING
 WEDNESDAY OCTOBER 26, 2011
 CITY COMMISSION CHAMBERS,
 HALLANDALE BEACH, FLORIDA**

Members Present

Attendance

9	Arnold Cooper (Chair)	Y
10	Eudyce Steinberg (Vice-Chair)	Y
11	Michael Butler	N (excused absence)
12	Terri Dillard	Y
13	Seymour Fendell	Y
14	Sheryl Natelson	Y (excused tardy)
15	Sherea Atkins	N (excused absence)
16	Irwin Schneider (Alternate)	N (excused absence)

Staff in Attendance:

- 21 Thomas J. Vageline
- 22 Christy Dominguez
- 23 Sarah Suarez
- 24 Cindy Bardales
- 25 Denisse Fernandez
- 26 Edward Dion- Interim City Attorney

28 Mr. Cooper called the meeting to order at 1:35 PM

Approval of Minutes

32 Mr. Cooper: asked for the motion of approval for Planning and Zoning Board meeting minutes for August 24, 2011

35 Mr. Cooper: pointed out a correction was needed on line 98, which should be 2am instead of 2pm for the closing time hours of operation at the Hallandale Reception.

38 MOTION: MR. FENDELL MOVED TO APPROVE THE MINUTES OF THE AUGUST 24, 2011 PLANNING AND ZONING BOARD HEARING AS AMENDED.

42 MS. STEINBERG SECONDED THE MOTION.

44 MOTION CARRIED BY ROLL CALL VOTE (4-0) FOR APPROVAL.

47 Ms. Dominguez: asked the Chairman to allow her to read an email she received from
48 Mr. Butler regarding the next item, the Golden Isles Overlay District.

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50 Mr. Cooper: Acknowledged

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52 Ms. Dominguez read the following email sent to her by Board member Mr. Butler on
53 October 25, 2011 at 2:55pm.

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55 *Unfortunately, I will be unable to attend the meeting tomorrow.*

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57 *As the only Board member who resides in Golden Isles, and since the agenda*
58 *includes the Overlay, I'm respectfully requesting that the P&Z Board open the*
59 *matter for public comments, but delay any final vote until the next meeting.*

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61 *This issue directly impacts me and my neighbors, and I would very much*
62 *appreciate the opportunity to participate in the discussion prior to the Board's*
63 *vote.*

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65 Ms. Dominguez: requested to take the letter into consideration and, as appropriate, take
66 a vote before the meeting starts.

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69 MOTION: MR. FENDELL MOVED TO DENY DELAYING THE VOTE
70 UNTIL THE NEXT MEETING.

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72 MS. STEINBERG SECONDED THE MOTION.

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74 MOTION CARRIED BY ROLL CALL VOTE (4-0) FOR APPROVAL.

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77 **OLD BUSINESS**

- 78
79 1. An Ordinance of the City of Hallandale Beach, Florida, amending Chapter 32, Article
80 III of the City of Hallandale Beach Code of Ordinances, the "Zoning and Land
81 Development Code", by amending Section 32-151, RS-5 Single-Family District and
82 by creating Section 32-181, entitled Golden Isles Neighborhood Overlay District,
83 providing supplemental standards relative to permitted uses, site development
84 standards, signage and notice requirements, providing for conflicts; providing for
85 severability; providing for an effective date. (City of Hallandale Beach Application #
86 02-11-TC)

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94 Ms. Dominguez: began by stating on June 22, 2011 staff presented the Golden Isles
95 Overlay District to the Planning and Zoning Board. Several Golden Isles residents who
96 were in attendance voiced their concerns regarding the implementation and necessity of
97 an overlay district. The Planning and Zoning Board motioned to defer the item to the
98 October 26, 2011 meeting, in order to provide additional time for any residents wanted
99 to obtain outside legal counsel. Following the June Planning and Zoning Board meeting,
100 the City Attorney's office requested a second legal opinion regarding the matter and
101 received a memo from Weiss Serota Helfman, et al., which reaffirmed the City cannot
102 enforce Ordinance No.820, which attempted to adopt the private Declaration of
103 Protective Covenants related to the residential section of Golden Isles, or take other
104 action to adopt and enforce the Covenants. According to the opinion which states
105 "private deed restrictions, whether adopted by the City or not, may not be enforced by
106 the City. However, individual substantive requirements of those deed restrictions, if
107 they are poorly adopted by the City Commission as part of its Code of Ordinance
108 following all applicable statutory and Code requirements for notice and hearing, may be
109 enforced as laws of the City."

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111 Mr. Cooper: opened the public hearing

112
113 Joan Wellon (600 Oleander Drive): stated she was a resident who had signed the
114 petition and is against having an overlay.

115
116 Beverly Roob (412 Holiday Drive) stated she has been a resident for 30 years and
117 preferred to keep thing the way they were when she first purchased her home.

118
119 Dr.Robert Selz (717 Layne Boulevard) stated he is a 43-year resident of the Golden
120 Isles area. He added he conducted a survey and the majority of his neighbors are
121 against approving this overlay and having more governmental intrusion.

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123 Rob Raymond (469 Sunset Drive) added the community has voted and the signatures
124 in their survey are proof that residents of Golden Isles want to be left alone.

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126 Susan Lewis (516 Hibiscus Drive) stated she has been a resident for 40 years and
127 wants the covenant to be protected.

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129 Sonny Rosenberg (466 Holiday Drive) stated he was a resident of Golden Isles since
130 1971, and during that time the City Commission has never pursued changing the deed
131 restrictions which has always represented Golden Isles to be a quality neighborhood.
132 He further stated for 24 years he served the City Commission and the Planning and
133 Zoning Board. He added if residents wanted something that would not hurt the rest of
134 the City we would give it to them.

135
136 Paul Feldman (552 Palm Drive) stated he is an attorney representing ten other
137 homeowners that could not attend the meeting which are against the overly. He stated

138 homeowners should be allowed to vote and everyone is happy the way things are. Now
139 the City wants to add new restrictions without any of the resident's consideration.

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141 Ms. Dominguez: asked the chairman if he would like her to respond to any of the
142 questions asked by residents at this point.

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144 Mr. Cooper: stated he preferred all residents speak and staff can follow by answering
145 the questions they might have.

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147 Anna Calder (524 Palm Drive) stated she has been a resident for the past 3 years and
148 needs clarification on what was being discussed at the meeting. She added there are
149 over a dozen homes not being maintained, and she wants properties assisting to be
150 protected with this issue?

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152 Ms. Natelson arrived 2:10pm

153
154 Al Forchero: (515 Holiday Drive) stated the City needs to leave everything the way it is,
155 the City has enough enforcement existing already.

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157 Alex Berkovich (212 Holiday Drive): stated he is president of the Golden Isles
158 Homeowner Association and in 2008, City Attorney David Jove clearly said the City
159 cannot enforce any deed restrictions. He further added the City has been enforcing
160 Ordinance 820 for 30/40 years until 2008. He pointed out that the individuals who
161 signed the petition were never informed of this information.

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163 Mr. Cooper closed the public hearing.

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165 Mr. Cooper: stated the basic question he is hearing is why after so many years does the
166 City want to adopt this overlay?

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168 Ms. Dominguez: stated for many years the City did enforce the deed restrictions and
169 specific standards; however, in 2008 the legal opinion from City Attorney, David Jove
170 informed we could no longer enforce the deed restrictions.

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172 Ms. Dominguez: deferred to Interim City Attorney, Edward Dion to further explain.

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174 Mr. Edward Dion: stated the City can no longer enforce the covenants because it was
175 not legal for the City to enforce. He added the City is trying to adopt those standard
176 specific shown in Section 32-151 which include amended specific lot area, lot width and
177 minimum setback for Golden Isles.

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179 Mr. Dion: added the only thing this Ordinance would do is allow the City and Code
180 Compliance Division to continue enforcement of the restrictions.

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182 Mr. Cooper: pointed out if the application is not approved at Planning and Zoning Board
183 it will still have to be presented to the City Commission.

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185 Ms. Natelson: stated case law has changed since 1983 when City Attorney Richard
186 Kane's legal opinion was prepared. Since then, the Florida Supreme Court has come to
187 a decision informing all City's they cannot enforce covenant from a private homeowner
188 sector there has to be an Ordinance.

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190 Ms. Dominguez: stated the Golden Isles Homeowner's Association voted to request the
191 City to only incorporate specific regulations in the covenant into an Overlay District and
192 requested Sarah Suarez, Senior Planner to give those specific regulations.

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194 Ms. Sarah Suarez: provided a summary on the Ordinance being presented and advised
195 the only changes to the City's Code are to incorporate the existing regulations in the
196 Golden Isles Deed Restrictions. This includes the following:

- 197
- 198 ▪ Permitted uses include single-family home, residential accessory uses and public
199 parks/playgrounds;
 - 200 ▪ Minimum lot area of 11,000 square feet;
 - 201 ▪ Minimum lot width of 75 feet, except for those lots located within Golden Isles
202 Sections "A" which shall have a minimum lot width of 85 feet;
 - 203 ▪ Maximum fence height of 4 feet in front and rear yard setbacks and 6 feet in side
204 yard setback;
 - 205 ▪ All developed single family lots shall provide and maintain a minimum of 3 trees
206 of 15 feet in height when measured immediately after planting;
 - 207 ▪ Built-up tar and gravel roofs shall not be permitted on any building or structure;
208 and
 - 209 ▪ Only one temporary real estate or construction sign not to exceed 200 square
210 inches (1.39 square feet) in sign area.
 - 211 ▪ The permitted dock width in the Deed Restrictions is 2 feet, with the exception of
212 Section "D" which permits 5 feet. Staff is proposing to amend the permitted dock
213 width to 5 feet for the properties.
 - 214 ▪ No commercial vehicles are permitted to be parked for more than 4 hours or
215 overnight.

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217 Ms. Suarez: further stated there is also a provision that any future amendments to the
218 Ordinance would require mailed notice to the residents to afford any resident an
219 opportunity to dispute any proposed change.

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221 Ms. Steinberg: followed by stating none of the specific regulations given by Ms. Suarez
222 change anything except that the majority of the residents do not want it.

223
224 Mr. Dion: stated after every ten year the homeowners can amend the restrictions with a
225 majority vote. He stated the City cannot change deed restrictions the City can only
226 amend the Ordinance if the Board recommends to City Commission and receive a vote
227 of 3-2.

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231 Mr. Cooper: suggested if someone in the audience had any further question they can try
232 meeting with staff in the Planning and Zoning Division who can make recommendations
233 to the City Commission before the item is presented Commission.

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235 Ms. Natelson: stated the Planning and Zoning Board only acts an advisory board and
236 advised the audience that when the item is presented to the City Commission they will
237 have the opportunity to have their voice heard.

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239 Ms. Natelson: further stated the Board has no way of confirming the survey being
240 presented was accurate and had 170 signatures of actual homeowners in Golden Isles;
241 therefore, she does believe the application should be denied.

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243 MOTION: MR. FENDELL RECOMMENDED TO DENY AN ORDINANCE OF THE
244 CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 32,
245 ARTICLE III OF THE CITY OF HALLANDALE BEACH CODE OF ORDINANCES,
246 THE "ZONING AND LAND DEVELOPMENT CODE", BY AMENDING SECTION
247 32-151, RS-5 SINGLE-FAMILY DISTRICT AND BY CREATING SECTION 32-
248 181, ENTITLED GOLDEN ISLES NEIGHBORHOOD OVERLAY DISTRICT,
249 PROVIDING SUPPLEMENTAL STANDARDS RELATIVE TO PERMITTED
250 USES, SITE DEVELOPMENT STANDARDS, SIGNAGE AND NOTICE
251 REQUIREMENTS. PROVIDING FOR CONFLICTS; PROVIDING FOR
252 SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (CITY OF
253 HALLANDALE BEACH APPLICATION # 02-11-TC)

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255 MS. STEINBERG SECONDED THE MOTION.

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257 MOTION CARRIED BY ROLL CALL VOTE (4-1) FOR DENIAL.
258 (MS.NATELSON-VOTED TO APPROVE)

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261 **NEW BUSINESS**

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263 1. Application # 04-10-P by Alan Waserstein requesting approval of "the Waserstein
264 Gulfstream Plat" in accordance with Article II, Division 2 of the Zoning and Land
265 Development Code at the property located at 900 South Federal Highway.

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267 Ms. Dominguez: stated she received a letter from the applicant stating they would like
268 to pull the item from this agenda.

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270 Ms. Dominguez: further stated they would like to defer the item to another Planning and
271 Zoning meeting because the applicant was having problems with the County's plat
272 comments and wanted to work those issues out before the hearing with the City.

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MOTION: MS. NATELSON MOTIONED TO DEFER THE ITEM UNTIL APPLICANT IS READY APPLICATION # 04-10-P BY ALAN WASERSTEIN REQUESTING APPROVAL OF "THE WASERSTEIN GULFSTREAM PLAT" IN ACCORDANCE WITH ARTICLE II, DIVISION 2 OF THE ZONING AND LAND DEVELOPMENT CODE AT THE PROPERTY LOCATED AT 900 SOUTH FEDERAL HIGHWAY.

MS. DILLARD SECONDED THE MOTION.

MOTION CARRIED BY ROLL CALL VOTE (4-1) FOR APPROVAL TO DEFER.
(MR.FENDELL –NO)

- 2. An Ordinance Of The City Of Hallandale Beach, Florida Amending Chapter 32, The Zoning And Land Development Code, Article IV Division 17, Signs, Relative To Prohibited Signs, Permitted Signs, and Nonconforming Signs, Providing For Conflict, Providing An Effective Date. (City of Hallandale Beach Application # 67-10-TC)

Ms. Dominguez: stated the ordinance updates the sign ordinance and the changes are summarized in the staff report. She also stated the ordinance regulates human signs.

Mr. Cooper: asked about the sign on the bus benches on North Federal Highway, if they were electrical signs?

Ms. Dominguez: stated those signs are done by contract with the City and are not regulated by the Sign Code.

Mr. Cooper opened the public hearing

Mr. David Smith (22 Coconut Ave): asked if the businesses using human signs were informed by the City that the Ordinance was in the process of being amending?

Ms. Dominguez: stated yes, most businesses have been informed by Code Compliance that the regulations were to be changed to prohibit.

MOTION: MS. STEINBERG MOVED TO APPROVE AN ORDINANCE OF THE CITY OF HALLANDALE BEACH, FLORIDA AMENDING CHAPTER 32, THE ZONING AND LAND DEVELOPMENT CODE, ARTICLE IV DIVISION 17, SIGNS, RELATIVE TO PROHIBITED SIGNS, PERMITTED SIGNS, AND NONCONFORMING SIGNS, PROVIDING FOR CONFLICT, PROVIDING AN EFFECTIVE DATE. (CITY OF HALLANDALE BEACH APPLICATION # 67-10-TC)

MS. DILLARD SECONDED THE MOTION.

MOTION CARRIED BY ROLL CALL VOTE (5-0) FOR APPROVAL.

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SCHEDULING NEXT MEETING

Ms. Dominguez: suggested changing the next meeting date to November 30th since many people will be away on our regular meeting because of the holiday. She added staff will call to confirm who was available and if we had a quorum would set the date.

DIRECTOR'S REPORT

Ms. Dominguez: stated the City Commission had appointed a new Board Member, Sherea Atkins, who was appointed by Vice-Mayor Sanders.

Ms. Dominguez: further stated Ms. Terri Dillard is a now member of the Planning and Zoning Board and Mr. Irwin Schneider was made the alternate.

Meeting adjourned at 3:10 P.M.

Christy Dominguez
Planning and Zoning Board Liaison