

M E M O R A N D U M

To: Tom Harmer, Town Manager

From: Allen Parsons, AICP
Director, Planning, Zoning and Building Department

Report date: November 25, 2020

Meeting date: December 7, 2020

Subject: Ordinance 2020-17, Amending Chapter 158, Zoning code, Zoning Determination Letters Notice Requirements

Recommended Action

Forward Ordinance 2020-17 to the January 5, 2021 Regular Meeting for second reading and public hearing.

Background

On November 4, 2019 the Commission adopted Ordinance 2019-08 amending the Zoning Code regarding public notification requirements, associated with the issuance of Zoning Determination Letters. One change was that, upon issuance, written notice is required to be provided to owners of property immediately adjacent to, and within 500 feet of, the perimeter of the subject property (if applicable; different notice requirements are associated with non-property specific Zoning Determinations). The intent was to provide for a consistent manner of notifications to all property types consistent with other notification requirements in the code. It was discovered that the language unintentionally required formal notice to individual condominium units.

This proposed amendment mirrors existing notification requirements for public hearings such as Rezoning, Site Development Plans, Special Exceptions, and Variances regarding how notices are provided to condominiums or cooperatives. Consistent with other public hearing notice provisions, this amendment provides for Zoning Determination notices to the Secretary and the President of the condominium or cooperative association, rather than to all unit owners. In addition to consistently treating similar notice provisions for other public hearing items, the proposed amendment can result in significant cost savings to applicants, as notice requirements that entail certified mail can be very expensive, as each certified mailing costs approximately eight dollars each.

Planning & Zoning (P&Z) Board Recommendation

At their October 20, 2020 Regular Meeting, the P&Z Board recommended denial (4-2) of Ordinance 2020-17 to the Town Commission.

The P&Z Board recommended maintaining existing language providing for notice to each property owner within a condominium or cooperative rather than the proposed amendment that would provide for notice to the Secretary and President of the condominium or cooperative association. The Town Attorney

advised that condominiums and cooperatives are legal constituted entities under Florida law and hold a fiduciary responsibility to its members, which is different from individual property owners.

The P&Z Board further recommended the Town Commission consider amending the other existing Sections of the Code to provide that notice be provided to each owner within condominiums or cooperatives rather than the existing requirements of providing notice to the Secretary and President of any condominiums or cooperatives with 500 feet of a subject property.

The staff recommends the proposed Ordinance as drafted that consistently applies notice requirements for Zoning Determination Letters similar to other notice requirements in the Code and recognizes the legal and fiduciary responsibility of a condominium or cooperative association.

Staff Recommendation

Forward Ordinance 2020-17 to the January 5, 2021 Regular Meeting for second reading and public hearing.

Attachments

- A. Ordinance 2020-17 (Available in Town Clerk's Office)
- B. P&Z Board Meeting Minutes, October 20, 2020 (Available in Town Clerk's Office)
- C. PowerPoint Presentation (Available in Town Clerk's Office)

End of Agenda Item