

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: December 23, 2020

Meeting date: January 5, 2021

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

Recommended Action

Adopt Ordinance 2020-17.

Background

At their December 7, 2020 Regular Meeting, the Town Commission held first reading, public hearing, and discussion of Ordinance 2020-17, and forwarded it for second reading, public hearing and adoption at the January 5, 2021 Regular Meeting.

Ordinance 2020-07 would provide consistency, for Zoning Determination Letters, with other public notification requirements in the Code. Following adoption of Zoning Determination Letters notification requirement in 2019, it was discovered that the language unintentionally required formal notice to individual condominium units.

This 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, the amendment can result in significant cost savings to Zoning Determination requestors, as notices delivered via certified mail costs approximately seven 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 the existing language that provides for notice to each unit owner within a condominium. 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 Town Commission by consensus at their December 7, 2020 Regular Meeting did not further this recommendation. To further emphasize the notification responsibilities, staff will be emphasizing the Town's expectation that condominium/cooperative recipients share Notice information with their individual members, as part of the Notice materials sent regarding public hearings.

Staff recommends adoption of the Ordinance as drafted that consistently applies notice requirements for Zoning Determination Letters, similar to other notice requirements in the Code, and in recognition of the differing legal and fiduciary responsibility of a condominium or cooperative association.

Staff Recommendation

Adopt Ordinance 2020-17.

Attachments

- A. Ordinance 2020-17 (Available in Town Clerk's Office)
- B. PowerPoint Presentation (Available in Town Clerk's Office)

End of Agenda Item