



**TOWN OF HAVERHILL**  
**OFFICIAL MINUTES**

**MEETING:** Code & Ordinance Committee

**DATE:** October 15, 2018

**ATTENDEES:**

Mayor Jay Foy; Vice Mayor Lawrence Gordon; Council Member Remar M. Harvin; Council Member Mark Uptegraph; Town Administrator Janice Rutan; Deputy Town Clerk Jean Wible; Director of Public Services Joseph Roche; Town Attorney John Foster and Town Planner Josh Nichols

Council Member Remar Harvin and Council Member Mark Uptegraph joined by telephone

**CALL TO ORDER:** Mayor Foy called the meeting to order at 12:20 p.m. and reminded all in attendance there is no voting here, only discussion.

**DISCUSSION:**

**FERTILIZER - ORDINANCE NO. 2011-**

Town Attorney John Foster stated that at one of the past meetings, when he was out of town, Town Attorney Lance Fuchs made mention to him that Town Administrator Janice Rutan and Public Services Director Joseph brought up to him that the fertilizer ordinance was never adopted / approved. Town Attorney Foster printed out the last version of the fertilizer ordinance the Town has which happens to have a lot of changes and comments by Mayor Foy. Town Attorney Foster stated that NPDES requires we have a fertilizer ordinance. Mayor Foy replied yes we need it. Town Attorney Foster thought the Town had adopted it, as did Mayor Foy and Mr. Roche but it can't be found. Mayor Foy believes that any NPDES forms that himself or others had signed said that the Town had adopted it so we need to do this now. Town Administrator Janice Rutan stated it had not been codified and may have slipped through the cracks. She stated perhaps we can go through past minutes. Town Attorney Foster suggested the 2011 minutes be researched to see if it is in there. Town Attorney Foster stated that what Town Council have before them now, was the model ordinance submitted by somebody. Town Attorney Foster could not remember who. Mayor Foy stated he believed it came from the State and then made our own changes.

**It read:**

**ORDINANCE OF THE (INSERT NAME - BOARD OR COUNCIL OF THE MUNICIPALITY) OF PALM BEACH COUNTY, FLORIDA, FOCUSING ON EXCESSIVE NUTRIENT LEVELS IN PALM BEACH COUNTY WATER BODIES; PROVIDING FOR TITLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR FINDINGS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR APPLICABILITY; PROVIDING FOR TIMING OF FERTILIZER APPLICATIONS; PROVIDING FOR FERTILIZER FREE ZONES; PROVIDING FOR FERTILIZER CONTENT AND APPLICATION RATES; PROVIDING FOR FERTILIZER APPLICATION PRACTICES; PROVIDING ' FOR MANAGEMENT OF GRASS CLIPPINGS AND VEGETABLE VEGETATIVE MATTER; PROVIDING FOR DOMESTIC ANIMAL WASTE HANDLING AND DISPOSAL; PROVIDING FOR EXEMPTIONS; PROVIDING FOR TRAINING; PROVIDING FOR LICENSING OF COMMERCIAL APPLICATORS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR APPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Administrator Janice Rutan reminded all that it was never assigned a number on the index in 2011. Discussion ensued.

**EXHIBIT A TO ORDINANCE NO. 467:**

Town Attorney John Foster stated this is to clarify when someone comes in to submit for a building permit, the minimum square footage of the living area is a defined term in our code and is 1750 square feet. There was some confusion as to whether or not that would include the garage of 400 feet. It is basically the A/C area. Discussion ensued.

**Sec. 58-170. - Building requirements in an R-1 single-family residential district are as follows:**

1	Minimum lot size	10,000 square feet
2	Minimum lot width	100 feet
3	Maximum lot coverage	35 percent
4	Minimum front setback	30 feet
5	Minimum side setback	10 feet
6	Minimum rear setback	15 feet
7	Maximum building height	30 feet
8	Minimum <b>living area</b> · <del>dwelling unit area, excluding accessory uses</del>	1,750 square feet
9	Corner lots as follows:	
	a	Minimum front setback 30 feet
	b	Minimum side setback (street side) 30 feet
	c	Minimum rear setback

**Sec. 58-185. -**

**Building requirements in an R-2 two-family residential district are as follows:**

(1)	Minimum lot size...	5,500 square feet for a single family detached dwelling unit; 12,500 square feet for a duplex on one lot; or 6,250 square feet for a unit attached to another unit and joined by a common wall on a lot line.
(2)	Minimum lot width...	50 feet; or 50 feet <i>for</i> a unit attached to another unit and joined by a common wall on a lot line (except for lot s abutting street corners or cul-de-sacs)
(3)	Maximum lot coverage	40 percent
(4)	Minimum front setback ...	30 feet for a single family dwelling or duplex on a single lot; 25 feet for lots in a development approved pursuant to Chapter 54, Subdivisions, provided, however, that the distance between the front of houses (not the roof line) facing each other directly or indirectly across the street or road right-of-way shall be no less than 100 feet.

(5)	Minimum side setback ...	7.5 feet for one story dwellings; ten feet for two story dwellings; except that one side of a dwelling unit may join another dwelling unit on a lot line. No portion of any two story structure (i.e. balcony, window, eave, over hang) may be closer than 7.5 feet to the side property line.
(6)	Minimum rear setback ...	15 feet
(7)	Maximum building height.....	30 feet
8	Minimum <del>living area</del> <del>dwelling unit area, excluding accessory uses...</del>	1, 300 square feet
9	Corner lots as follows:	
a.	Minimum front setback ...	30 feet
b.	Minimum side setback (street side) ...	30 feet
c.	Minimum rear setback ...	15 feet
d.	Minimum front and side setback for lots in a development approved pursuant to Chapter 54, Subdivisions.....	25 feet

**Sec. 58-200. - Building requirements.**

**Building requirements in the R-3 medium density residential district are as follows:**

(1)	Minimum lot size.....	5,000 square feet per single - family detached unit 5,445 square feet per unit for two or more units on a single lot or two units attached to another unit and joined by a common wall on the lot line.
(2)	Minimum lot width.....	50 feet; or 45 feet for a unit attached to another unit and joined by a common wall on the lot line.
(3)	Maximum lot coverage	40 percent
(4)	Minimum front setback	30 feet for a single -family dwelling or duplex on a single lot; 25 feet for lots in a development approved pursuant to Chapter 54, Subdivisions provided, however, that the distance between the front of houses (not the roof line) facing each other directly or indirectly across the street or road right-of-way shall be no less than 100 feet.
(5)	Minimum side setback.....	7.5 feet for a single family detached dwelling; ten feet for duplexes, except that one side of a dwelling unit may join another dwelling unit on a lot line.
(6)	Minimum rear setback.....	15 feet

(7)	Maximum building height....	30 feet
(8)	Minimum <u>living area dwelling unit area, excluding accessory uses...</u>	1,100 square feet
(9)	Corner lots as follows:	
a.	Minimum front setback....	30 feet
b.	Minimum side setback (street side)	30 feet
c.	Minimum rear setback	15 feet

**Landscape Code – Landscaping and Easements:**

Town Attorney Foster stated that under 58.411 Subsection M of the Landscape code, the Town does address landscape and easements and it says landscaping may be permitted in the easements but only with written permission of all easement holders so whether it's AT&T or FP&L, etc. permission will need to be obtained. They require removal agreement with the Town but he stated more importantly, in sub subsection 1 of M, it states a tree that is planted within any easement with overhead utility shall comply with the latest addition of FP&L publication "Plant the Right Tree in the Right Place" which a copy is provided in today's packet. Town Attorney Foster also stated that is must be taken into consideration the mature height and spread of species beneath or adjacent to existing overhead utilities. It handout also stated that where overhead utilities exists, trees shall be maintained so that the trees mature to a height and spread not encroaching within 5 feet of overhead power distribution lines. Town Attorney stated so there is both a planting and a maintenance requirement in the Town's code. Town Administrator Rutan will include the "Plant the Right Tree in the Right Place" flyer in the next Town of Haverhill Newsletter. Discussion ensued.

**Medical Marijuana:**

Town Attorney John Foster stated he wanted to gather some other Town ordinances regarding this. He stated that at the end of 2017, the county made some amendments to theirs. He stated that generally there is a provision in the Statute that restricts it from being within 500 feet of a private or public schools. He doesn't know if this will affect the Town of Haverhill. He mentioned that he told Town Administrator Rutan this morning that it seems like more and more cities are actually banning the facilities or at least in a number of zoning districts even limiting commercial zoning districts. Town Attorney Foster stated he doesn't

know the real reason but believes it may have something to do with traffic. It's something he would like to take a better look at. Discussion ensued.

**ADJOURNED:** 1:20 p.m.

**SUBMITTED BY:** Jean Wible, Deputy Town Clerk