

Jay G. Foy, Mayor
Lawrence Gordon, Vice Mayor
Mark C. Uptegraph, Council Member
Dennis Withington, Council Member
Ray Caranci, Council Member
John Fenn Foster, Town Attorney
Janice C. Rutan, Town Administrator



**Town Council
Workshop
Code and Ordinance Committee
Town Hall Council Chambers
4585 Charlotte Street
Haverhill
Wednesday, April 14, 2021
NOON**

AGENDA

- I. Call to Order**
- II. Presentations/Proclamations**
- III. New Business**
- IV. Old Business**
- V. Council, Attorney and Staff Reports**
- VI. CODE AND ORDINANCE COMMITTEE**
- VII. Adjournment**

Notice: If any person decides to appeal any decision of the Town Council at this meeting, he/she will need a record of the proceedings and for this purpose; he/she needs to ensure that a verbatim record of the proceedings is made. The record must include the testimony and evidence upon which the appeal is to be based, pursuant to F.S. 286.0105. The Town of Haverhill does not prepare nor provide such verbatim record.

In accordance with the provisions of the American with disabilities Act (ADA), this document can be made available in an alternate format (large print) upon request. Special accommodations can be provided upon request with three (3) days advance notice of any meeting, by contacting Janice C. Rutan, Town Administrator at the Haverhill Town Hall, 4585 Charlotte Street, Haverhill, Florida. Phone Number (561) 689-0370

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TOWN COUNCIL WORKSHOP

April 14, 2021

IN ACCORDANCE WITH STATE OF FLORIDA, OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 20-69 (Emergency Management – COVID- 19 – Local Government Public Meetings), the Emergency Declaration issued by the Town, and FS 286.0114, and other applicable federal, state, county and Town declarations, orders, rules and regulations, the Town Hall meeting shall be modified with respect to public access and public comment. Public comment will be received via e-mail (jrutan@townofhaverhill-fl.gov) up until 10:00 a.m. on April 14, 2021. Any public comments received via e-mail, will be made part of the record of the meeting. If you prefer to appear in person to address the Town Council, access to the Town Hall by the public will be limited to allow for Social Distancing of persons in the Council Chambers including Town Council, Staff and PBSO; provided, however, that those persons exhibiting signs of illness, such as coughing, or sneezing will not be permitted in the Town Hall. Each person will be granted 5 minutes to speak either on an agenda item or under Public Comment. If you wish to speak on a specific agenda item, please tell the Administrator prior to your entrance into the Town Hall so she can schedule speakers accordingly. All persons will be required to bring their own mask and wear it when entering Council Chambers to address the Town Council. Those persons gathering outside the Town Hall shall maintain a separation of at least six feet from one another, and it is recommended that masks be worn as well. If you wish to listen to the Town Council Meeting via teleconferencing, dial 1-877-953-1152 and enter participant code 7404157#. Those individuals gathering outside of the Town Hall will need to dial-in to the number above as there will be no speaker outside to broadcast the meeting. Once the workshop begins, all participants will be muted, however, after Council discusses a specific workshop item, the call will be unmuted to allow for questions. Please be courteous of the other participants, speak in turns and do not talk over another speaker. Thank you for your patience and understanding during these uncertain times.

TOWN OF HAVERHILL
Combined Town Council Workshop and Code & Ordinance Meeting
April 14, 2021
Town Hall – 4585 Charlotte Street

OFFICIAL MINUTES

Pursuant to the foregoing notice, a combined Haverhill Town Council and Code & Ordinance Workshop was held on Wednesday, April 14, 2021 at Town Hall, 4585 Charlotte Street, Haverhill. Those present were Mayor Jay Foy; Vice Mayor Lawrence Gordon (via tele-conference); Council Member Dennis Withington; Council Member Ray Caranci; Council Member Teresa Johnson (via – teleconference); Town Attorney John Foster; Town Attorney Dominic DeCesare; Town Engineer Todd McLeod; Town Planner Josh Nichols; Town Administrator Janice Rutan; Deputy Town Clerk Jean Wible and Code Inspector Devon Kirms.

I. CALL TO ORDER

Mayor Foy called the workshop to order at 12:05 p.m.

II. PRESENTATIONS / PROCLAMATIONS

NA

III. NEW BUSINESS

Code Inspector Devon Kirms reported that she had sent a letter to Omar Zraouli, property owner of 5333 Belvedere Road (corner of Belvedere Road & Trailaway Lane) regarding a large box truck and a pair of jet skis that had been parked in the front yard of his property. The letter informed Mr. Zraouli that both the box truck and jet skis had to be stored either in the backyard or on the side of the house but must be behind the front plane of the house. CI Kirms explained that Mr. Zraouli felt that because his house was set further back from the road and was a larger lot, he would not be held to the same standards as a smaller lot. Attorney Foster stated that historically, corner lots have presented challenges. **Discussion ensued.**

Town Administrator Rutan reported that she had conversations with CI Kirms explaining that Town Council had adopted codes that are black and white. Those codes must be adhered to. Despite the fact that residents are strong in their push back, their alternative was to appeal the decision of the Special Magistrate hearing and go before Town

Council if not happy with the Special Magistrate's decision. Council Member Caranci brought up the option of a property owner applying for a variance if they met variance standards because their lot(s) were so unique and could not possibly meet the current code requirements. **Discussion ensued.**

IV. OLD BUSINESS

NA

V. COUNCIL, ATTORNEY AND STAFF REPORTS

N/A

CODE AND ORDINANCE:

Town Attorney Foster provided an ordinance packet of a number of ordinances to be brought forth.

Council Meeting Cancellation - Section 2-36 which established dates for the regular Town Council meeting. Attorney Foster stated he felt Town Council needed to expand this ordinance to include: Upon approval by the Town Council, a regular meeting may be cancelled or changed, or a special meeting called for a date and time certain. In addition, the Mayor, or Vice Mayor in his or her absence, may cancel a maximum of one (1) Council meeting per month if it is determined that there is no business pending before the Town. **Discussion ensued.**

Town Attorney Foster stated this subject had been discussed by the Town Council for a long time and thought best a decision must be made.

Ban on Marijuana Dispensing Facilities:

A. Purpose. It is the purpose of this ordinance to prohibit Medical Marijuana Treatment Centers created under Art. X, § 29 of the Florida Constitution from establishing Medical Marijuana Dispensing Facilities within the municipal limits of the Town of Haverhill.

B. Findings. Based on the authority granted to municipalities in Section 381.986(11), Florida Statutes, the Town Council finds that a ban on the establishment of Medical Marijuana Treatment Center Dispensaries with the Town of Haverhill is in the best interest of the Town.

C. Prohibition. Medical Marijuana Dispensing Facilities are prohibited within the boundaries of the Town of Haverhill.

Council member Caranci reported (from the respective of) the City of West Palm Beach also had much debate the last couple of years regarding this and the decision was made by the Commission to allow these facilities. Council member Caranci reported there had been such a proliferation of these downtown, that it was pushing all of the other businesses out. He also reported that the City of Lake Worth (who was the first to allow) had since changed course and decided they were no longer allowing anymore as he believed it was from the problems they had seen happening as a result of the two (2) originally allowed. **Discussion ensued.**

ORDINANCE NO. 491:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING CHAPTER 58, ZONING, BY AMENDING DIVISION 11, ACCESSORY DWELLING UNITS, OF ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, TO LIMIT THE TIME PERIOD FOR APPLYING FOR A SPECIAL EXCEPTION FOR AN ACCESSORY DWELLING UNIT, AND LIMITING THE TIME IN WHICH AN APPROVED ACCESSORY DWELLING UNIT MUST BE COMPLETED; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR CORRECTION OF SCRIVENERS' ERRORS; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES

Section 1: Amendment. Division 11, Accessory Dwelling Units, of Article IX, Supplemental District Regulations, of Chapter 58, Zoning, is hereby amended as follows:

Section 58-551, Purpose, is amended as follows:

Accessory dwelling units in residential zoning district are permitted contemplated as special exceptions pursuant to Sec. 58-127 because they can contribute needed housing to the community's housing stock. Accordingly, it is found that ADU's are a residential use which is consistent with the Town of Haverhill Comprehensive Plan goals and objectives and which enhances housing opportunities that are compatible with single-family development."

Sec. 58-563, Initial application, and annual permit, is amended as follows:

Prior to issuance of a building permit for an ADU, or occupancy of the ADU, whichever first occurs, the owner of the property shall submit an application for an ADU on a form approved by the town. The application shall include, but not be limited to, the owner(s) name, address and telephone number, the property control number, a description of all work to be completed, the name, address and relationship of the person or persons

intending to occupy the ADU, along with documentation supporting same. The owner shall allow the Town to inspect the property and structures located thereon, including the ADU, to determine compliance with the Town Code. Once the application has been completed and approved by the Town Administrator, and the property inspection has occurred, the owner may file an application before the Town Council for special exception pursuant to Sec. 58-127 of this Code. The application shall not only be evaluated pursuant to the conditions and provisions as set forth in Sec. 58-127, but also set forth in Article 11, Accessory Dwelling Units, of Chapter 58, Zoning Code. The owner of the property shall attest and affirm on an annual basis, along with the family member occupying the ADU, of their continued residency on the owner's property, and shall permit the Town Building Official and/or Code Inspector to inspect and approve the ADU as a condition of issuance of an annual permit.

Attorney Foster stated he would like to add to this ordinance, that it be considered a violation if advertising the unit for occupancy, rental, etc. He reported that he had spoken with Town Administrator Rutan who informed him that sometimes staff will come across property owners who have a valid, permitted, existing ADU but they have a history of advertising the unit on sites such as Airbnb, Verbo etc. He would like to add that perhaps if a property owner has advertised, they would not be allowed to obtain a permit for the property at least 6 months from the date of the last advertisement as part of a "cooling off" period. Mayor Foy asked if Attorney Foster was confident this was legally defensible. Attorney Foster responded, yes because the ADU use is designated for a family member only. **Discussion ensued.**

A new Section 58-564 (Time limit for applications and development of ADU's) is hereby created and shall read as follows:

Notwithstanding anything contained herein to the contrary, applications for a special exception for an ADU shall no longer be received and processed by the Town, commencing October 1, 2021. Any application that is fully complete, and received and processed by the town prior to October 1, 2021, shall be presented to the town council for consideration. If approved, the owner of the property shall have six (6) months from the date of formal town council approval of the ADU in which to obtain a Certificate of Occupancy as an ADU, or the special exception approval for an ADU shall be automatically deemed void and of no further force and effect. Any ADU that has been lawfully approved and permitted by the Town prior to October 1, 2021, shall continue to be authorized as long as the provisions and requirements of Division 11, which were in effect as of October 1, 2021, are complied with, and the annual inspection is conducted, and permit is issued. Once an ADU, which has been lawfully permitted, is no longer authorized by the Town under the requirements of Division 11, the use shall cease, and the structure used as an ADU shall have the kitchen removed pursuant to the provisions of Sec. 58-562. For any ADU that is approved by the town council on or before October 1, 2021, but not constructed or remodeled into an ADU as of said date, the owner of the

property shall have six (6) months from the date of formal town council approval of the ADU in which to obtain a Certificate of Occupancy as an ADU, or the special exception approval for an ADU shall be automatically deemed void and of no further force and effect.

Town Administrator Rutan stated it had always been staff's recommendation that before we even accepted an ADU application, that they must have the Department of Health approval to move forward.

Town Attorney Foster stated he will add to the ordinance that the application submitted to the Town must include approval from the Palm Beach County Health Department.

Discussion ensued.

DRAFT - Still subject to review and modification by Town Council

Exhibit "A" to Ordinance No. 483

Sec. 58-311. - One principal building per lot.

Within single-family residential districts only one principal building, which shall be the dwelling unit, and its accessory buildings, as authorized and permitted in this Code, shall occupy, or be constructed upon any lot or portions of lots that may be combined to meet the size required for each zoning district. A breezeway or other extension of the principal structure roof may connect the another building or structure to the principal structure, but it shall not be considered part of the principal structure, unless there is only one breezeway, the additional structure is part of the same roof, and roofline, as the principal building, is intended to be part of the principal building, is part of the same foundation and slab as the principal building, such other building or structure is not more than ten feet from the principal building, and is considered an integral part of the dwelling unit. Otherwise, such other building shall be considered an accessory building or structure.

Sec. 58-312. - Accessory uses.

Accessory uses and structures in residential districts shall be constructed to conform with the building and site regulations in the district where the structure is to be located; provided, however, that all accessory uses, and structures shall be located only in the side or rear yard at least six feet from the principal building. It shall be the responsibility of the Town Administrator to determine if a proposed accessory structure is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the principal structure, based on the evaluation of whether the proposed accessory structure is necessarily or customarily associated with the principal use of the lot. Determinations by the Town Administrator shall be subject to appeal pursuant to Sec. 58-6(e).

Attorney Foster reported there was a church in Town that wanted to install an electronic sign to have its name and perhaps advertise BINGO and/or functions like that. The Town of Haverhill defines animated signs to include this type of sign and is specifically prohibited in the Town except a sign with time and temperature. Attorney Foster said he had not looked at the county code, but he knows a lot of jurisdictions are very concerned about the distractions that a moving/changing sign can cause. Attorney Foster and Town Administrator Rutan wondered, since this was a county road, if the county would have any restrictions. Town Administrator Rutan stated she had spoken with the Town's Building Official who said it would not be a consideration because it would be permitted in our Town. **Discussion ensued.**

Town Administrator Rutan stated our ordinance does allow for an alternate sign plan to be submitted. So, since it is prohibited, they can still come before Town Council with a written letter justifying why they feel its necessary. Town Administrator stated staff wanted to know if this was something you wanted to reconsider in your ordinances. Town Planner John Nichols stated the county does not allow for animated signs. **Discussion ensued.**

At this time, Town Council will not be amending the sign ordinance.

Sec. 58-331. • Accessory buildings and storage sheds

Town Attorney Foster stated we have residents who have had sheds on their properties for years and years that were never permitted and are within the minimum 5ft rear and side setbacks. He reported there had never been a complaint or a problem with them. Town Administrator Rutan stated we have gone out and told them they need to permit them but realize they cannot be permitted because they do not meet the current code. She stated they are willing to permit them. There was a time when the Town had a provision to allow for a variation and a time when the Town did not require a permit for a shed. Discussion ensued.

Sec. 58-319. - Driveways, fences, and hedges

Attorney Foster stated we are now going to talk a little bit about driveways. He reported the Town had some older homes on roads like Cheryl Road that have single garages and have been parking on the grass, something the Town does not allow. Attorney Foster stated that Council Member Caranci came up with a great idea that was a very inexpensive solution. It would be to use patio stones to create two separate parking strips for the tires to roll up on. Our property maintenance code reads: All off-street parking shall be on asphalt, concrete, block, pavers, or other material approved by the Town engineer or designee, taking into consideration the nature and architecture of the surrounding properties and size of the lot, and shall be maintained in good repair and shall be free from ruts, potholes, loose aggregate, and/or deterioration in compliance

with the Town codes. Attorney Foster does not believe by adding patio strips for off-street parking would violate this.

Attorney Foster stated that the Town was required by law to adopt new airport regulations.

Exhibit "A" to Ordinance No. 485

REPEAL OF EXISTING AIRPORT REGULATIONS:

Section 58-461, Definitions, Section 58-462 Overlay Zones and Limitations, and Section 58-463, Administration processes, of Division 9, Airport Regulations, of Article IX, Supplemental District Regulations, of Chapter 58, Zoning, is hereby repealed and in its place and stead, the following is added:

Sec. 58-461. - Purpose

These provisions are intended to regulate permitted construction to promote maximum safety of aircraft arriving and departing from the publicly owned airports within proximity to the Town: to promote the maximum safety of residents and property in areas surrounding Palm Beach County's airports: to promote the full utility of Palm Beach County's airports: to provide structure height standards for airport hazards and uses within airport primary. horizontal, conical, approach and transitional surfaces so as to encourage and promote compatible development of land beneath said areas; and to provide administrative procedures for the efficient and uniform regulation of all development proposals within said zones.

Sec 58-462. - . County Ordinance Adopted by Reference: Definition of Terms

(a) Except as provided in this subdivision, and in addition to any other requirements of this Code, the Palm Beach County "Airport Zoning Ordinance" contained in their Unified Land Development Code at Article 16, Airport Regulations, as adopted by Ordinance No., _____ is hereby incorporated by reference.

(b) For the purposes of this subdivision, the terms defined in the County Airport Zoning Ordinance shall have the meaning given therein, except the following terms shall have the meaning given in this subdivision:

DOA means the Palm Beach County Department of Airports.

FDOT means the Florida Department of Transportation.

ULDC means the Palm Beach County Unified Land Development Code.

Sec 58-463. - Town Requirements and Administration

- (a) The Town and Palm Beach County have entered into an interlocal Agreement, pursuant to Chapters 163 and 333, Florida Statutes, for coordinated administration and enforcement of airport zoning regulations to prevent encroachment into airport operational areas or airspace surfaces.
- (b) All new construction, reconstruction or land alteration that adds height to any obstruction within areas shown on the "Airspace Notification Map" shall be reviewed for compliance with the standards of the County Airport Zoning Ordinance. Airspace Height Review Procedures outlined in ULDC Article 16.8.1.H are replaced with standard Town development review and approval processes. and permitting requirements.

(1) No Permit for Obstruction will be issued if all FAA, County DOA, and FDOT comments are not addressed to the satisfaction of the Town Administrator. No development permit application shall be issued if the proposed construction or alteration exceeds an obstruction standard of the Federal Aviation Regulations. Part 77. or other applicable Federal or State rules or regulations.

(2) An application for the construction, reconstruction or alteration of any obstruction must be reviewed in accordance with the site plan review procedures contained in the Town Code prior to issuance of a building permit for a permanent or temporary obstruction located within area regulation by this subdivision. and shall require the FAA finding of aeronautical affect. The Town, with input from the County DOA and FOOT, may recommend approval of a development application with or without conditions of approval, including obstruction lighting and marking conditions, or recommend issuance or denial of a building permit. Denial of a proposed obstruction shall state the reasons for denial and inform the applicant that they may appeal the decision pursuant to paragraph (f) below.

(c) No use may be made of land or water within a Runway Protection Zone (RPZ) in such manner as to interfere with the operation of an airborne aircraft. Review Procedures outlined in ULDC Article 16.C.1 are replaced with standard Town development review and approval processes and permitting requirements. The Off Airport Land Use Compatibility Schedule, Appendix 8 of the County ULDC, shall be used to determine additional land development requirements for permitted or special exception uses identified in Division 6 of the Town Code. All areas defined as an RPZ or Airport Land Use Noise Zone (ALUNZ) are subject to review and technical analysis by the Town and County DOA, in accordance with the regulations for RPZ and ALUNZ and Town Code. Prior to approval of a site plan, special exception use, or building permit, the Town and County DOA shall review the application for compliance with ALUNZ standards.

(d) The Town shall administer the review of development applications and building permits for compliance with the County Airport Zoning Regulations within the municipal

limits. in consultation with County DOA and FOOT, as applicable. and pursuant to the procedures outlined in the interlocal Agreement.

(e) Any violation or non-compliance of airport regulations on a property within the Town of Haverhill municipal limits shall be deemed a violation of Town Code and shall be subject to the Town's code compliance process as well as any other legal action available to the Town including, but not limited to, injunctive relief.

(f) Appeals. Any person aggrieved by the decision of the T0vvn in the administration of this subdivision may appeal the decision pursuant to the procedures contained in Sec. 58-6(e).

(g) Uses and structures nonconforming to the County Airport Zoning Ordinance shall be administered in accordance with Town Code. Division 7. Nonconformities. of Article IX of Chapter 58.


(h) Variances may not be granted from the County Airport Zoning Ordinance. pursuant to Chapter 333, F.S.

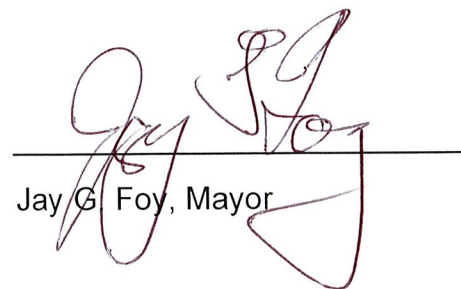
Council member Johnson stated that it appears (online) that Ivywood Road is in the direct flight path of airplanes taking off and landing and wondered if there was a provision that could assist the Town with paving of that specific road. Attorney Foster stated the county used to have a program that helped with noise mitigation for people in the path of airplanes but it related more to insulation, windows, hvac and items like that as opposed to roadways but we could check with the Department of Airports to see if they may have any programs that may assist.

VI. ADJOURNMENT

There being no further business to be discussed, the workshop ended at 1:20 p.m.

Approved: May 13, 2021


Jean Wible, Deputy Town Clerk


Jay G. Foy, Mayor

SIGN IN SHEET

TOWN OF HAVERHILL
TOWN COUNCIL WORKSHOP
Wednesday, April 14, 2021
Noon

Name	E- Mail Address	Signature
Jay Foy		
Lawrence Gordon		
Dennis Withington		
Ray Caranci		
Teresa Johnson via tele conference		
Janice Putan		
Josh Nichols		
Todd McLeod		
Sean Wible		
Devon Kirms		
Dominic De Cesares		
John Foster		