

MINUTES OF THE PLANNING AND ZONING BOARD MEETING HELD DECEMBER 15, 2016

Chairman Llewellyn called the meeting to order at 6:00 p.m.

Present: Chairman Llewellyn, Member St. Clair, Member Ricci, Hugh Douthit, Member Lehning.

Also, Present: Town Planner Harowski and Administrative Assistant II Burke

APPROVAL OF MINUTES

Minutes of Regular Meeting held October 27, 2016

Member Douthit, seconded by Member St. Clair moved to approve the minutes as presented. Motion passed unanimously.

NEW BUSINESS

Consideration and Recommendation to the Town Council for ORDINANCE NO. 2016-008 AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA PERTAINING TO TREE PROTECTION; AMENDING THE LAND DEVELOPMENT CODE BY AMENDING THE DEFINITIONS OF “HISTORIC TREES” AND SPECIMEN TREES IN SECTION 1.12.00 OF CHAPTER 1; AMENDING SECTIONS 7.11.00, 7.12.00, AND 7.13.00 OF CHAPTER 7 TO PROVIDE CLARIFICATION REGARDING THE TYPES OF PROTECTED TREES, CLARIFY WHEN A TREE REMOVAL PERMIT IS REQUIRED, PROVIDE FOR AND SPECIFY WHEN MITIGATION FOR REMOVING TREES IS REQUIRED, PROVIDE FOR AN APPEAL PROCESS WHEN A TREE REMOVAL PERMIT IS DENIED OR MITIGATION IS REQUIRED, AND SPECIFY STANDARDS FOR TREE TRIMMING AND CUTTING; RENUMBERING SECTIONS 7.14.00 AND 7.15.00 OF CHAPTER 7; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

(Action to be taken by the Planning and Zoning Board – consider the proposed Ordinance, public input and comment, and provide a recommendation on the proposed changes to the Town Council)

Chairman Llewellyn read by title Ordinance No. 2016-008.

Town Planner Harowski explained how the tree permit process would be handled. He said that all trees are required to have an inspection, and that just because they receive an inspection does not mean the resident will have to pay for a permit. The determining factors whether to permit the tree removal are as follows:

1. Whether the tree has a potentially hazardous branching structure such as a hollow trunk, low fork in the trunk, or other.
2. Whether the tree is injured or diseased beyond repair.
3. Whether there are no viable alternatives to locating structures or driveways on the site.
4. Whether the tree is impacting the foundation of a house or other building or structure.
5. Whether the tree poses a threat to traffic visibility.
6. Whether the tree is negatively impacting a more desirable tree.
7. Any other issue deemed important by the Town

8. Trees that are deemed hazardous or otherwise unsafe shall be allowed to be removed without mitigation. In circumstances where the condition supporting the removal of a tree is not obvious or easily documented by the Town inspector, a letter from a certified arborist may be required to permit removal. In emergency situations, a hazardous tree may be removed as long as proper documentation in the form of photographs and/or a written opinion from Town staff, accompanies the permit application.

Member Douthit asked if there would be another way to appeal the decision made by the Town's Official. **Town Planner Harowski** replied that the home owner(s) could hire an arborist. If they are not satisfied by that answer they can come before the Town Council.

Member Ricci asked if the Town Council would consider having the appeal come to the Planning and Zoning Board first.

Member Douthit asked if hat racking is a real word. **Town Planner Harowski** replied yes. **Member Ricci** added that it is also called tree topping.

Member St. Clair asked if there would be a FAQ sheet for Town Residents. **Town Planner Harowski** replied that Town Hall would have a FAQ sheet available for the residents.

Town Planner Harowski said in Ordinance 2016-008 a resident is not required to provide the Town Official with a survey instead they have to only include a general sketch of the property and tree in question.

Member Douthit asked if a prior Planning and Zoning Board set the Mitigation fees. **Member Lehning** replied no, that the Town Council set the fees.

Member Douthit said he does not want to allow one Town Official to dictate who can and can't remove a tree. **Town Planner Harowski** said id Ordinance 2016-008 passes residents now can appeal the Town Official's opinion before the Town Council. **Member Ricci** added that his recommendation would also add another element to the appeal process.

Member Douthit, seconded by Member Ricci, moved to recommend to the Town Council that all tree related appeals come before the Planning and Zoning Board prior to going before the Town Council.

The agenda was amended to discuss and make a recommendation to the Town Council on the zoning for medical marijuana dispensaries.

Town Planner Harowski gave detailed background on his Staff Report for medical marijuana dispensaries. He recommended the medical marijuana dispensaries be added to section 2.02.06 in the Land Development Code, Light Industrial (IND)

The purpose of the Light Industrial (IND) zoning district is to provide sites in appropriate locations for light industrial operations which do not generate objectionable on- or off-site impacts including odors; smoke; dust; refuse; electromagnetic interference; or noise (in excess of that customary to loading, unloading, and handling of goods and materials beyond the lot on which the facility is located); or which would have an adverse impact on the Town's wastewater treatment system; or result in hazardous environments for workers or visitors. This district is not intended to accommodate heavy industrial uses.

Member Douthit asked how the medical marijuana would be dispensed. **Town Planner Harowski** replied that he was unsure as there is not plan for a dispensary.

Member Douthit, seconded by Member St. Clair moved to recommend to the Town Council that to propose the amendment to the Land Development Code (Section 2.02.07B1). The proposed use "Medical Marijuana Dispensary" would be added to the section on permitted uses (Section 2.02.07B1) and a definition of medical marijuana dispensary will be added to the definitions section. Motion passed unanimously.

OLD BUSINESS - None

PUBLIC COMMENTS

Les Deatherage, 213 E Laurel Ave, expressed his concerns with Ordinance 2016-008 and the medical marijuana topic.

The meeting adjourned at 7:10 pm

Chairman Llewellyn

ATTEST:

Administrative Assistant II Burke