

TOWN COUNCIL MINUTES OF FEBRUARY 5, 1990 - 5:01 PM

I. CALL TO ORDER AND ROLL CALL. A Special Meeting of the Town Council was called to order by President Douthit at 5:10 PM on February 5, 1990 in the Town Hall Council Chambers.

Call to
order &
roll call

On roll call, the following elected officials were found to be in attendance - Mayor Marix, President Douthit, President Pro Tem Heeke, Councilman Ilyinsky and Councilwoman Wiener. Councilman Weinberg was not in attendance due to illness. Also attending were Town Manager Doney, Town Attorney Randolph, Town Clerk Peters, Mr. Moore, Mr. Zimmerman, Mr. Frank, Mr. Jakubiak and Mr. Elwell.

II. INVOCATION AND PLEDGE OF ALLEGIANCE. Invocation was given by Mrs. Peters. Pledge of Allegiance was led by Mr. Doney.

Invocation

III. APPROVAL OF AGENDA. On motion of Mr. Heeke, seconded by Mrs. Wiener, the agenda was approved as printed. Motion carried unanimously.

Approve
agenda

IV. PROOF OF PUBLICATION. Mrs. Peters advised the ordinance has been published.

V. SECOND READING OF ORDINANCE NO. 1-90. Mr. Heeke moved for the adoption of Ordinance 1-90 on this, its second reading, subject to reading by caption. Seconded by Mrs. Wiener. Mr. Randolph read the Ordinance No. 1-90 by title:

Ordinance
1-90

AN ORDINANCE OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2-74, AS AMENDED, THE OFFICIAL ZONING ORDINANCE OF THE TOWN OF PALM BEACH; PROVIDING AMENDMENTS TO ARTICLE 2, SECTION 2.10 ENTITLED "DEFINITIONS", TO ADD NEW DEFINITIONS, "BUILDING ANGLE OF VISION,"; "BUILDING HEIGHT PLANE,"; "FOSTER CARE FACILITY," "GROUP HOME", AND "MANUFACTURED HOUSING", TO MODIFY EXISTING DEFINITION, "SPECIAL EXCEPTION: TO PROVIDE AMENDMENTS TO ARTICLE 4 ENTITLED "DISTRICT REGULATIONS"; BY AMENDING SECTION 4.20 SCHEDULE A, SCHEDULE OF LOT, YARD AND BULK REGULATIONS, BY MODIFYING FRONT YARD SETBACK REQUIREMENTS IN R-AA, R-A, AND R-B DISTRICTS; REDUCE LOT COVERAGE PERCENTAGE IN R-D(1) AND R-D(2) DISTRICTS TO 35% FOR TOWNHOUSE DEVELOPMENT; ELIMINATE FOOTNOTE #13A; ADD NEW FOOTNOTE #23, "BUILDING ANGLE OF VISIONS,"; ADD NEW FOOTNOTE #24, "BUILDING HEIGHT PLANE"; AMEND SECTION 4.20, SCHEDULE B, "SCHEDULE OF USE REGULATIONS," BY INCLUDING A NEW DISTRICT ENTITLED "CONSERVATION DISTRICT";, AMEND SCHEDULE OF USE REGULATIONS, BY ADDING "GROUP HOMES" AND "FOSTER CARE FACILITIES" AS SPECIAL EXCEPTION USES IN ALL RESIDENTIAL DISTRICTS; AMEND SCHEDULE OF USE REGULATIONS IN R-AA AND R-A, R-B, R-C, R-D(1) and R-D(2) DISTRICTS BY ALLOWING CHARITABLE EVENTS AS ACCESSORY USES; AMEND SCHEDULE OF USE REGULATIONS IN R-AA, R-A AND R-B DISTRICTS, BY PERMITTING SUPPLEMENTAL PARKING ONLY IN A MANNER CONSISTENT WITH ZONING DISTRICT; TO PROVIDE AMENDMENTS TO ARTICLE 5 ENTITLED "SUPPLEMENTARY LOT REGULATIONS", BY AMENDING SECTION 5.17 "EXISTING SINGLE FAMILY DEVELOPMENT" BY ALLOWING SECOND FLOOR ADDITIONS TO NONCONFORMING STRUCTURES IF NEW CONSTRUCTION MEETS EXISTING SETBACK CRITERIA; AMEND SECTION 5.22 PERMITTED EXCEPTIONS TO HEIGHT REGULATIONS" BY LIMITING HEIGHT OF SKYLIGHTS ABOVE ROOF; AMEND SECTION 5.22 BY ADDING NEW PARAGRAPH (C) LIMITING HEIGHTS OF BUILDINGS AS VIEWED FROM LAKE WORTH; FURTHER AMEND SECTION 5.22 BY ADDING NEW PARAGRAPH (D) ALLOWING FOR CONSTRUCTION OF OBSERVATION TOWERS AS AN INTEGRAL PART OF SINGLE FAMILY DWELLINGS IN R-AA AND R-A DISTRICTS; AMEND SECTION 5.36, "GARDEN WALLS AND FENCES," BY AMENDING PARAGRAPH (B) TO ALLOW INCREASE IN GATE HEIGHT AND PROVIDE FOR INCREASED SETBACK FROM STREET; AMEND SECTION 5.47, "BEACH AREA", BY REVISING PARAGRAPH (B) TO INCLUDE CLARIFYING LANGUAGE LIMITING NUMBER OF BEACH HOUSES ON SINGLE PARCEL; AMEND SECTION 5.50, "ACCESSORY BUILDINGS AND/OR STRUCTURES", BY AMENDING SUBSECTION 5.51(F), "DISH ANTENNAS" TO PROVIDE FOR SCREENING FROM PUBLIC VIEW; TO PROVIDE AMENDMENTS TO ARTICLE 6, ENTITLED "SUPPLEMENTARY USE REGULATIONS" BY AMENDING SECTION 6.15, "TENNIS COURTS SHUFFLEBOARD COURTS", BY INCLUDING THEREIN PROVISIONS FOR RACQUET BALL COURTS; AMEND SECTION 6.30 "SIGNS", BY REVISING SUBSECTION 6.31 (G) TO PROHIBIT PAINTING OF LETTERING, ILLUSTRATIONS, LOGOS OR CHARACTERS ON STRUCTURES IN RESIDENTIAL DISTRICTS; AMEND SECTION 6.32, "SIGNS IN RESIDENTIAL DISTRICTS", BY REVISING SUBSECTION 6.32 (D) (2) (d) TO PROVIDE FOR REMOVAL OF DEVELOPMENT SIGNS IN TIMELY MANNER, AMEND SECTION 6.40, "SPECIAL EXCEPTION USES", BY ADDING NEW PARAGRAPH (P); TO AMEND ARTICLE 10, ENTITLED "APPEALS AND VARIANCES" BY AMENDING SECTION 10.41, "HEARING PROCEDURE", BY REVISING PARAGRAPH (A) TO ALLOW BUILDING OFFICIAL TO EXAMINE VARIANCE APPLICATIONS NOT MEETING ORDINANCE REQUIREMENTS; AMEND SECTION 10.41, "HEARING PROCEDURE"; BY REVISING PARAGRAPH (E) WHICH PROVIDES CRITERIA FOR DEFERRED ACTION REQUESTS AMEND SECTION 10.41 "HEARING PROCEDURE", BY REVISING PARAGRAPH (F) WHICH PROVIDES THAT DENIED APPLICATIONS SEEKING SAME RELIEF CANNOT BE RECONSIDERED FOR ONE YEAR; PROVIDING FOR REZONING OF CERTAIN PROPERTIES DESCRIBED HEREIN; MODIFYING THE TOWN'S ZONING MAP ACCORDINGLY BY THE PROPER TOWN OFFICIAL TO REFLECT CHANGES IN ZONING DISTRICT CLASSIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY FOR A VIOLATION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Ordinance
1-90

President Douthit called for a roll call. Attorney Randolph reminded that this was the second public hearing and the public should be given an opportunity to speak. There was no public comment.

On roll call, the motion carried unanimously.

Mr. John Hochella asked if he could be heard. Mr. Randolph stated that was the purpose of his comment made on allowing the public to speak. Mr. Heeke thought the opportunity was given and the Council has already voted on the Ordinance. Mayor Marix asked if Mr. Hochella could ask his question. Mrs. Douthit asked Mr. Hochella to come up to the microphone.

Mr. Hochella of Royal Palm Beach addressed the Council indicating he was employed by Mrs. June Martino and is representing her in reference to the mural or logo section and asked the attorney to read that section which Attorney Randolph did: "No signs shall be painted or installed on any awning. In residential districts, no lettering, illustration, logos or characters visible from public or private streets shall be painted on or attached to any structure, except as otherwise provided in Section 6.32 (Signs in Residential Districts)."

Mr. Hochella asked if this pertained to holiday decorations? Mr. Randolph responded the way it is drafted and if it is looked at as it pertains to zoning generally, rather than any particular property, it does prohibit signs which consist of characters, lettering or illustrations from being painted on structures in residential districts.

Mr. Hochella asked if murals were eliminated from the original language proposed? Mr. Randolph explained the word "murals" was eliminated at the first reading, but that doesn't mean that this wording does not prohibit murals on structures. Mr. Heeke stated he understood this word "mural" was deleted as it was surplus usage because the word "illustration" covered murals and other types of illustrations.

Mr. Hochella again asked if this wording pertains to holiday decorations? Mr. Heeke was not sure that could be excluded. Mr. Hochella pointed out Testa's puts up Christmas decorations. Mr. Douthit pointed out this was at Christmas time but he stated holiday decorations and that could be Chinese New Year and he hadn't mentioned which holiday to which he was referring. Mr. Hochella asked if it made any difference? Mrs. Wiener pointed out Testa's is in the commercial district and this wording is referring to residential districts.

Mr. Hochella noted he had a letter from the Town Manager stating that Mrs. Martino would be allowed to present her murals during Hanukkah or Christmas or at Thanksgiving time and again asked if this Ordinance would affect that? Mr. Randolph did not believe the Council could speak about individual properties as they are here tonight to adopt the provisions of this Ordinance and if there was anything else he needed to know, he should address it to the Building Official rather than the Town Council.

Mr. Hochella asked if he was saying that holiday decorations should be dealt with through the Building Department? Mr. Randolph advised he has given his interpretation of the applicability of this provision on a Town-wide basis and it states in residential districts, no lettering, logos, characters visible from the public or private street shall be painted on or attached to any structure and if Mr. Hochella had any different understanding as it relates to the property he is representing, he should address his questions to the Building Official.

Mr. Hochella did not understand. President Douthit pointed out the Zoning Commission considered this and then the Town Council had a full day's meeting on these recommendations. Mr. Hochella stated that is the reason he is here as if there is an objection to Mrs. Martino's holiday decorations, she doesn't want to be in violation.

Mr. Heeke suggested he discuss this with the Building Official in light of the Ordinance just passed.

Mr. Moore advised Mr. Hochella he is not prepared to give an answer at this time and asked that he have Mrs. Martino, the property owner, write a letter and ask for a definition and he will take a look at it and give an answer at a propitious time.

VI. ANY OTHER MATTERS: None

VII. ADJOURNMENT. There being no further business, the meeting was adjourned at 5:22 PM.

Grace T. Peters, Town Clerk

TOWN COUNCIL MINUTES OF FEBRUARY 13, 1990

Roll call
& call to
order.

I. CALL TO ORDER AND ROLL CALL. The monthly meeting of the Town Council of the Town of Palm Beach was called to order at 9:40 AM on February 13, 1990 in the Town Hall Council Chambers by President Pro Tem Heeke, who explained the President is ill. On roll call, the following elected officials were found to be in attendance: Mayor Marix, President Pro Tem Heeke, Councilmen Weinberg and Ilyinsky and Councilwoman Wiener. (Mrs. Douthit was absent). Also attending for a portion or all of the meeting were Town Manager Doney, Town Attorney Randolph, Mrs. Peters, Mr. Elwell, Mr. Jakubiak, Mr. Crouse, Mr. Bitzer, Chief Terlizzese, Chief Elmore, Mr. Moore, Mr. Zimmerman, Mr. Dusey, Mr. Bowser and Mr. McPhail.

Invocation

II. INVOCATION AND PLEDGE OF ALLEGIANCE: Rev. Lampe gave the Invocation. Pledge of Allegiance was led by Mr. Doney.