

TOWN OF PALM BEACH

Office of the Town Clerk

REPORT OF THE ORDINANCES, RULES, AND STANDARDS COMMITTEE MEETING HELD ON THURSDAY, FEBRUARY 5, 2015

I. CALL TO ORDER AND ROLL CALL

The Ordinances, Rules, and Standards Committee (ORS) meeting was called to order on Thursday, February 5, 2015, at 2:00 p.m., in the Town Council Chambers. On roll call, all Committee Members were found to be present.

II. APPROVAL OF AGENDA

MOVED: Item No. IV.B.3., Proposed Modifications to Chapter 62, Marine Structures, Relative to the Placement of Piers, Landing Docks and their Appurtenances over Lake Worth Lagoon, was moved to the beginning of Item No. IV.B., New Business, or to 3:00 p.m.

(Clerk's Note: The above item was heard after Item No. IV.A.4.)

Chair Townsend passed the gavel to make a motion to approve the Agenda, as amended above. The motion was seconded by Committee Member Pucillo. On call for a vote, the motion carried unanimously.

III. COMMUNICATIONS FROM CITIZENS – None

IV. REGULAR AGENDA

A. Old Business

1. Review of Business Association Special Events for Possible Codification
(Paul W. Castro, Zoning Administrator)

Zoning Administrator Castro requested that this item be deferred to the March 5, 2015, ORS meeting.

It was the consensus of the Committee to defer this item to the March 5, 2015, ORS meeting.

- 1 2. Update on Alternative Plans Review and Inspection (Private Provider)
2 Program (*Veronica Close, Assistant Director of Planning, Zoning and*
3 *Building*)

4
5 Assistant Director of Planning, Zoning, and Building Close provided an
6 update on the Alternative Plans Review and Inspection (private provider)
7 Program.

8
9 Discussion ensued regarding the checklist, contractor familiarity with the
10 unique characteristics of Palm Beach, registration and competency of
11 private providers, audit inspections, the Town retaining final approval,
12 certificates of occupancy v. certificates of completion, requiring the
13 Private Provider Audit Inspection Checklist to be legible, and the number
14 of inspections to be audited.

15
16 Attorney Timothy Hanlon, Tew & Taylor, 359 S. County Rd., stated that
17 he would like to be clear that the proposed procedures are not more
18 stringent than the Statutes allow and requested that all interested parties be
19 able to meet to go over the Program to ensure this. He noted that there is
20 currently no log-in system for inspection results.

21
22 Mr. Hanlon further expressed concern that some of the questions on the
23 Private Provider Audit Checklist seem to apply to contractors and not
24 private providers.

25
26 Discussion ensued regarding the form being used internally as an audit
27 checklist of not only the private provider but also the job site itself, and
28 segmenting the private provider and contractor questions from one another
29 on the checklist.

30
31 **It was the consensus of the Committee to request the following and to direct Staff to**
32 **bring the final packet back before the Committee at the March 5, 2015, ORS**
33 **meeting:**

- 34 • Add to the checklist those items unique to Palm Beach that contractors are
35 required to meet that are not in the Florida Building Code.
36 • For clarity, checklist questions applicable to contractors shall be segmented
37 from the questions applicable to private providers.
38 • The Private Provider Audit Inspection Checklist is required to be legible.
39 • It was clarified that the Town intends to audit all required inspections, but in
40 no event shall it be less than 50% of the inspections.
41 • An inspection results log-in system will be made available for the Program.
42 • Staff will meet with any interested parties to ensure that the Program is not
43 more stringent than otherwise allowed under the Florida Statutes.
44

3. Review of Sec.18-898 for Valet Parking Sign Standards (*Raychel Houston, Code Enforcement and Parking Manager*)

Code Enforcement and Parking Manager Houston provided an overview of valet parking sign standards and the proposed ordinance.

Discussion ensued regarding the number of signs/podiums in a single loading area.

It was the consensus of the Committee to recommend that the Town Council approve the proposed ordinance.

4. a. Review of Ordinance and Final Draft of Chapter 18, Buildings and Building Regulations, Town of Palm Beach Code of Ordinances (*Veronica Close, Assistant Director of Planning, Zoning and Building*)

Clarification was provided that Lake Trail is an easement across private property and not a public right-of-way and, therefore, adjacent properties would not be regulated under the Town's Right-of-Way Manual.

Discussion ensued regarding storm impacts to minor structures, the fee schedule, and procedure.

The following additional amendments were made:

- Sec. 18-175 (b): "...for all primary structures other than single and two-family structures in the town..."
- Sec. 18-177: "...The appeal shall be filed or made within ten calendar days of the date the decision is rendered orally by the board..."
- Sec. 18-237(c): "...If the Town Council does not approve the extension of time, then the Town Council has the discretion to set reasonable periods of time for compliance and to determine appropriate remedies ~~applicant and owner may be provided 10 calendar days from the date of determination by the Town Council to remove all evidence of construction, and ensure that the project conforms to all applicable provisions of the code...~~"

It was the consensus of the Committee to direct Staff to make the above amendments and to bring the revised chapter back to the Committee at its March 5, 2015, meeting and to also place it on the March 10, 2015, Town Council agenda for Council consideration.

Chair Townsend requested that the amendments requested today be highlighted, and their page numbers be identified, in the March 5, 2015, ORS meeting backup for easy reference.

- b. Review of Ordinance and Final Draft of Florida Building Code Administrative Amendments (Chapter 1) (*Veronica Close, Assistant Director of Planning, Zoning and Building*)

Assistant Director of Planning, Zoning and Building Close provided an overview of the amendments.

Chair Townsend requested that minutes of the required pre-construction meeting for landmarked property demolition be included in the project file.

The following additional amendments were made:

- Sec. 105.4.1.6.c.: "...If the Town Council does not approve the extension of time, then the Town Council has the discretion to set reasonable periods of time for compliance and to determine appropriate remedies ~~applicant and owner may be provided 10 calendar days from the date of determination by the Town Council to remove all evidence of construction, and ensure that the project conforms to all applicable provisions of the code...~~"
- Sec. 108.2.f.: Staff was directed to draft language that clarifies the fee.

Discussion ensued regarding the other planned changes to the Resident Inspector Program, which will be coming back at a subsequent time.

It was the consensus of the Committee to direct Staff to make the above amendments and to bring the revised amendments back to the Committee at its March 5, 2015, meeting and to also place it on the March 10, 2015, Town Council agenda for Council consideration.

(Clerk's Note: Item No. IV.B.3. was heard at this time.)

5. Update on Short Term Rentals in Residential Areas (*John C. Randolph, Town Attorney*)

Town Attorney Randolph spoke regarding the state pre-emption against regulating short term rentals, how other municipalities are dealing with them, and stated that additional research is needed on this item.

Discussion ensued regarding whether or not requiring notification of such rental activities constitutes a regulation and the Marco Island short term rentals ordinance.

It was the consensus of the Committee to defer this item to the March 5, 2015, ORS meeting.

B. New Business

1. Review Minimum Landscape Standards for Neglected Properties (*Raychel Houston, Code Enforcement and Parking Manager*)

Code Enforcement and Parking Manager Houston spoke regarding the need for minimum landscape standards for neglected properties.

Discussion ensued regarding which section of the Code said standards should be added to, Code Enforcement and Planning, Zoning, & Building working together on establishing the proposed standards, and not becoming the tree police.

It was the consensus of the Committee to defer this item to the April 2, 2015, ORS meeting to allow Planning, Zoning, & Building Staff to complete their proposed revisions to Chapter 66.

2. Proposed Modifications to Chapter 62, Marine Structures, Relative to Bulkheads. (*H. Paul Brazil, Director of Public Works*)

Director of Public Works Brazil provided an overview of the proposed modifications to Chapter 62. He added that the new map will be a digital database and that Staff is still working to determine where it should be located, and in whose custody it should remain.

Discussion ensued regarding building east of existing bulkheads, delegating the determination of the bulkhead line to independent surveyors, verifying their reports, calculating the costs and resources necessary for the Town to reestablish the bulkhead line itself, and how far seaward of the existing bulkhead a new bulkhead can be proposed.

The following additional amendments were made:

- Sec. 62-37 was removed
- Sec. 62-38: "...or except where the proposed bulkhead is no further than ~~twelve~~^{eighteen} inches seaward of the existing bulkhead. In cases where the proposed bulkhead is further than ~~twelve~~^{eighteen} inches seaward of the existing bulkhead..."

1 **It was the consensus of the Committee to defer this item to the March 5, 2015,**
2 **meeting in order to incorporate the above amendments, determine where the map**
3 **should be located and in whose custody it should remain, determine how much**
4 **evidence is required by the Town that what independent surveyors submit is**
5 **correct, determine whether the Town can delegate determination of the bulkhead**
6 **line to independent surveyors, and provide a report on how the Town would**
7 **proceed with reestablishing the bulkhead line itself.**
8

- 9 3. Proposed Modifications to Chapter 62, Marine Structures, Relative to the
10 Placement of Piers, Landing Docks and their Appurtenances over Lake
11 Worth Lagoon. (*Paul W. Castro, Zoning Administrator*)

12
13 Zoning Administrator Castro provided an overview of the proposed
14 modifications to Chapter 62.

15
16 Discussion ensued regarding reasonable use of a property and potential
17 taking challenges.

18
19 Madelyn Greenberg, 3360 S. Ocean Blvd., expressed her concerns
20 regarding view obstruction and the Oasis dock, and spoke in opposition of
21 treating docks differently north and south of Lake Worth Pier.

22
23 John Eubanks, 605 N. Olive Ave., West Palm Beach, representing Sloan's
24 Curve Homeowners Association, spoke regarding disparate treatment of
25 docks north and south of Lake Worth Pier, taking away the ability of
26 condominiums to build docks, and unintended consequences.

27
28 Alison Reed, 1520 N. Ocean Blvd., spoke regarding ongoing projects in
29 the north end of Town and two docks off of Indian Avenue.

30
31 Discussion ensued regarding dock regulations, the bulkhead and pier head
32 lines, other docks in Town, FDEP and Corps dock permit requirements,
33 Bert Harris implications and potential litigation, and commercial property
34 dock regulations.

35
36 **It was the consensus of the Committee to not move forward with these amendments**
37 **at this time.**
38

- 39 4. Proposed Ordinance to Prohibit Sleeping or Camping on Beaches and in
40 Other Public Places (*Raychel Houston, Code Enforcement and Parking*
41 *Manager*)

42
43 Code Enforcement and Parking Manager Houston spoke regarding
44 complaints received regarding a shark fishing tournament last week and
45 provided an overview of the proposed ordinance.

Discussion ensued regarding beach hours, sleeping on public properties, public versus private beach regulations, and constitutionality issues related to vagrancy ordinances.

Alison Reed, 1520 N. Ocean Blvd., spoke regarding determining the mean high tide line and expressed her concerns regarding what took place at the shark fishing tournament.

Discussion ensued regarding the tournament, special event permit regulations, whether to require permits or to not allow such events, regulating state lands, limiting the camping and sleeping prohibitions to public property, determining where public property starts and stops, trespassing on private property, and including some of the Lauderdale-by-the-Sea provisions regarding legislative intent into the Town's ordinance.

The following additional amendment was made:

- Sec. 70-9: "...No person shall sleep or camp on any public area, included but not limited to any public beach, dune, beach access (dune crossover), sidewalk, or parking lot ~~or other public area~~ of the town..."

It was the consensus of the Committee to recommend approval of the proposed ordinance, as amended above, to the Town Council.

Town Attorney Randolph was directed to review Lauderdale-by-the-Sea's ordinance provisions regarding legislative intent to determine if they should be incorporated into the Town's ordinance as well.

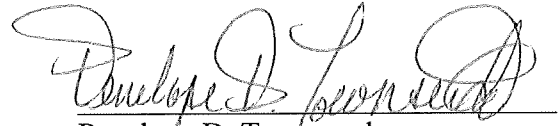
V. ANY OTHER MATTERS – None

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VI. ADJOURNMENT

There being no further business, the Ordinances, Rules, and Standards Committee Meeting of Thursday, February 5, 2015, was adjourned at 4:23 p.m.

APPROVED:



Penelope D. Townsend
Chair

ATTEST:



Susan A. Owens, MPA, MMC
Town Clerk

3/10/15
Date

