



**PLANNING AND ZONING COMMISSION
RECORD AND REPORT - DRAFT
TOWN HALL – COUNCIL CHAMBERS – SECOND FLOOR
360 S COUNTY ROAD, PALM BEACH
TUESDAY, NOVEMBER 17, 2015, 9:00 a.m.**

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at www.townofpalmbeach.com or may obtain an audio recording of the meeting by contacting Debby Morakis, Secretary to the Planning & Zoning Commission at (561) 227-6411.

I. CALL TO ORDER AND ROLL CALL

Chair Markin called the meeting to order at 9:30 a.m.

Susan Markin, Chair	PRESENT
Michael Jay Scharf, Vice Chair	PRESENT
Lewis Crampton, Member	PRESENT (left at 11:53)
Carol Mack, Member	PRESENT
Martin I. Klein, Member	PRESENT
Michael L. Ainsley, Member	PRESENT
Alan S. Golboro, Member	PRESENT
Michael Vincent John Spaziani, Alternate Member	PRESENT
Susan Watts, Alternate Member	PRESENT
Rick Pollock, Alternate Member	ABSENT - excused

Staff Members present were:

John Page, Director of Planning, Zoning, Building

Paul Castro, Zoning Administrator

Debby Morakis, Secretary to the Planning and Zoning Commission

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Morakis led the Commission with the Invocation and Pledge.

III. APPROVAL OF THE AGENDA

After discussion, the following motion was made:

MOTION BY MR. KLEIN TO APPROVE THE AGENDA ALLOWING PUBLIC COMMENT AND A DETERMINATION OF WHICH STUDY ITEMS WOULD BE CONSIDERED.

MOTION SECONDED BY MR. CRAMPTON.

MOTION CARRIED UNANIMOUSLY.

IV. APPROVAL OF OCTOBER 20, 2015 PLANNING AND ZONING COMMISSION MINUTES

MOTION BY MR. KLEIN TO APPROVE THE OCTOBER 20, 2015 MINUTES.

MOTION SECONDED BY MR. CRAMPTON.

MOTION CARRIED UNANIMOUSLY.

V. STUDY ITEMS (Staff intends to explain the significance and intent of each item, and to solicit feedback from the Commission. Discussion will continue to subsequent meeting(s) if necessary in order to devote necessary time to each item)

Anne Pepper, 333 Seaspray Avenue, addressed the Commission expressing her concern with changes to height and scale and stated that she felt it would be helpful to know which study items were to be considered by the Commission at each meeting.

John Page, Director of Planning, Zoning and Building Department explained that Council asked the Commission to identify which issues would be discussed at each meeting so the public could be aware and participate. Zoning Administrator Paul Castro explained that the first six items on the list were recommended by staff and approved by Council for further study. Mr. Castro provided the Commission with backup that provided the specific code provisions for each item.

1. Eliminate site plan review, special exception and variance approval requirements for building new single-family homes on nonconforming lots (make this an administrative task). Note: The intent is to eliminate the requirement for Council approval of new homes on nonconforming lots unless there are variances required (setbacks, lot coverage, landscape open space, height).

Mr. Castro provided the Commission with some history explaining that in 1995 any home on a non-conforming lot needed a variance and Council approval. In 1999 Council asked staff to look at revising the process to eliminate the need for variance approval. Today we will consider requiring Council approval for projects requiring a variance relative to setbacks or lot coverage only. Mr. Castro explained this as an attempt to streamline the process. All applications would continue to be scrutinized by staff before going through the ARCOM approval and permitting processes.

Discussion took place and concerns were raised about the elimination of an opportunity for public comment. Staff explained the costs involved in the application process including fees and advertising requirements. After questions and comments were heard from the Commission members, Attorney Skip Randolph stated that ARCOM does not overrule the zoning code but does deal with massing and ensures harmony with the neighbors.

Anita Seltzer, 44 Cocoanut Row, expressed concern with changing something in the code that was intended to protect the residents and asked the Commission to consider waiting a month before considering this issue in order to allow an opportunity for additional input from residents.

Mr. Castro explained that this meeting was advertised in the paper and is an issue that was taken to Council.

Robert Moore, 318 Bunker Ranch Road, West Palm Beach, explained the intent of the Council back in 1981 was to have close control over what was being built on non-conforming lots. It is costly for the property owner to have to pay for experts to make their presentations before Council. Mr. Moore explained that if someone is dissatisfied with an ARCOM decision has the opportunity to appeal to Council. It was noted that many of the existing homes are non-conforming.

**MOTION BY MR. CRAMPTON TO SUPPORT STAFF'S RECOMMENDATION TO:
PART 1 - MAKE THE PROCESS OF DEALING WITH CONFORMING
PROPERTIES LOCATED ON NON CONFORMING LOTS AN ADMINISTRATIVE
PROCESS AND NOT A MATTER REQUIRING REVIEW BY COUNCIL. PART 2 -
STAFF WOULD COME BACK TO THIS COMMISSION NEXT MONTH WITH
LANGUAGE FOR REVIEW PRIOR TO SUBMITTING RECOMMENDATION TO
COUNCIL.**

It was noted this would be the normal process with changes made to the language in add/delete format, brought back to this Commission for recommendation, and then would be taken to Council in memorandum format for their recommendation to draft an Ordinance. Mr. Castro explained that recommendations made today would be brought back to the Commission and those items would be put in a staff report for Council consideration.

MOTION SECONDED BY MS. MACK.

MOTION CARRIED 7-0 AFTER ROLL CALL.

2. Provide more coverage for solar panels on roofs if panels cannot be seen.

Mr. Castro provided a brief explanation of the current code provisions and explained that staff was recommending an increase in the maximum roof coverage allowed from 30% to some larger percentage. Discussion took place on various roof types and the requirement to obtain ARCOM approval if visible from the street. Discussion continued regarding what aesthetics ARCOM would look at when considering a new home.

Alexander Ives, 237 Jamaica Lane, ARCOM Member, expressed appreciation for wanting to clean up the bureaucracy. Mr. Ives described an example of a house being built on Jungle Road and the discussion that took place at ARCOM regarding an increase in roof coverage to 40%, noting that many people would like to have independence from the grid.

Mr. Ainslie asked if ARCOM had the power to deal with a site issue by requiring screening to protect the neighbors. Attorney Randolph answered yes. Discussion continued with comments heard from the Commission members, the majority of whom expressed they were not in favor of making any changes.

MOTION BY MR. CRAMPTON TO LEAVE IT ALONE.

MOTION SECONDED BY MR. SCHARF.

MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

Chair Markin called for a five minute break at 11:17 a.m. The meeting was called back to order at 11:24 a.m.

3. Clarify that "masonry" walls are required around generators in required setbacks and review generator "siting" requirements.

Mr. Castro addressed the Commission and explained his concern with the life expectancy of sound insulated wood walls with a stucco finish and suggested a masonry wall would last longer. Mr. Castro also explained that 60KW generators require a sound test; generators from 61-100KW are required to be out of the setback, meet sound requirements and have walls; and generators of 101KW or above require Council approval and must be housed within a building. Discussion took place amongst the Commissioners with comments about noise concerns, location and setback requirements and site screening.

MOTION BY MR. KLEIN TO MOVE ADOPTION TO CLARIFY THAT WALLS SURROUNDING A GENERATOR BE MASONRY.

MOTION DIED FOR LACK OF A SECOND.

Ms. Markin expressed her concern about temporary generators, more palatable way to address backup, want to support it, to require walls around a temporary generator. Discussion continued regarding portable, temporary generators and Mr. Castro explained their setback requirements. Mr. Page noted that the Town has in place a very extensive emergency plans that may address emergency generators. Mr. Page stated that he would look at it and bring back the information to the Commission next month.

MOTION BY MR. KLEIN TO MOVE THE ADOPTION OF STAFF RECOMMENDATION TO CLARIFY THE ZONING CODE REQUIRING MASONRY WALLS SURROUND PERMANENT GENERATORS IN THE REQUIRED SETBACK.

Mr. Castro noted that temporary generators would be left as is but he would come back with exceptions to that.

MOTION SECONDED BY MR. AINSLIE.

Maisie Grace, 247 Seaspray Avenue stated that she would prefer to not have a requirement to have a masonry wall and would prefer to see plantings.

It was noted that the code does not allow for the use of only plant material. A wall is required but could be screened with plantings.

For the record Mr. Spaziani will be voting in the absence of Mr. Crampton.

MOTION CARRIED 7-0 AFTER ROLL CALL VOTE.

It was determined that #4 would not be discussed. Discussion continued with #5.

4. Modify the nonconforming building/structure provisions, and related code sections, to clarify that vacant property cannot be divided from abutting land in the same ownership when a property split would create or increase nonconformities to a building or structure.

Item numbers 4 and 6 through 13 were tabled to a future meeting.

5. Modify the 50% cubic footage demolition provision to include clarifying language that demolition which cumulatively exceeds 50% has to meet all Code provisions.

Mr. Castro explained some history of what happened during the redevelopment of Il Lugano and the cumulative demolition that took place. Staff was instructed by Council to never allow that to happen again. Through changes in building officials that interpretation has been lost. Staff would like to add language to clarify that demolition cannot exceed 50% by cubic volume by a cumulative aspect. The intent of the Code is that when demolishing more than 50% of a building they must meet Code. There are some exceptions i.e. hurricanes, act of God, act of war, etc.

Messrs. Golboro and Ainslie suggested this matter be tabled. Discussion continued and Mr. Spaziani suggested the Commission be given a better explanation of the FEMA requirements. Mr. Scharf stated that he was troubled with the time limitation. Mr. Castro noted that he could provide a broader explanation of the FEMA requirements. Chair Markin suggested this item be first on the agenda next month and that members from both ARCOM and Landmarks Preservation Commission should be invited to attend. Mr. Page advised that it was the direction of Council for the Commission to identify which items would be discussed so that the public would be aware.

After a brief discussion, it was determined that Item #'s 4, 5, 6, 11 and 12 would be on the agenda for the December 15 meeting. Mr. Castro explained that he would be bringing back draft language for Items #1 and 3.

6. Review sign lighting requirements to specify when lighting may be allowed and when prohibited, including necessary approval process (Town Council, ARCOM, and/or administrative).
7. Review varying side yard setback requirements on smaller lots (especially in mid-town and R-C District neighborhoods) for consistency and appropriateness.
8. Study the point of measurement requirements to determine if the measurement of height, overall height, building height plane, and cubic content ratio (R-B District) should be measured from the natural grade of a lot rather than the highest street elevation in front of a lot.
9. Review language governing maximum linear building dimensions and lot coverage to prevent same from applying to underground structures (in sub-basements not visible aboveground).
10. Review minimum landscaped open space requirements, clarifying how same is to be calculated when "greenspace" exists above underground structures.
11. Review swimming pool setbacks to determine if changes should be recommended.
12. Review possible changes that would allow parapets as architectural features on homes with pitched roofs, and related building height calculations.

13. Review the existing schedule of off-street parking spaces for various land use types to determine if adjustments should be made to the minimum number of required spaces.

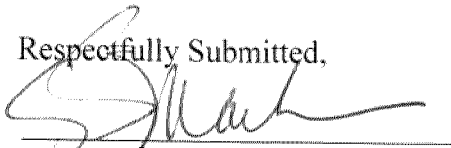
VI. COMMENTS FROM PLANNING AND ZONING COMMISSIONERS AND THE PLANNING, ZONING AND BUILDING DIRECTOR

No additional comments.

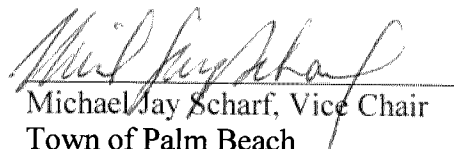
VII. ADJOURNMENT

The meeting was adjourned at 12:39.

Respectfully Submitted,



Susan Markin, Chair
Town of Palm Beach
Planning & Zoning Commission



Michael Jay Scharf, Vice Chair
Town of Palm Beach
Planning & Zoning Commission