



**PLANNING AND ZONING COMMISSION
RECORD AND REPORT - DRAFT
TOWN HALL – COUNCIL CHAMBERS – SECOND FLOOR
360 S COUNTY ROAD, PALM BEACH
TUESDAY, OCTOBER 20, 2015, 09:30 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	ABSENT - excused
Lewis Crampton, Member	PRESENT
Carol Mack, Member	ABSENT - unexcused
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	PRESENT

Staff Members present were:

John Page, Director of Planning, Zoning, Building

Paul Castro, Zoning Administrator

Debby Morakis, Secretary to the Planning and Zoning Commission

It was noted for the record that due to the absences of Commissioners Scharf and Mack, Alternate Members Spaziani and Watts would vote.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

Chair Markin asked for a moment of silence in memory of Commissioner Floyd Wideman, who recently passed away.

III. APPROVAL OF THE AGENDA

MOTION BY MR. KLEIN TO APPROVE THE AGENDA.

MOTION SECONDED BY MR. CRAMPTON.

MOTION CARRIED UNANIMOUSLY.

Chair Markin noted that future votes would be by roll call.

IV. OATH OF OFFICE FOR NEWLY APPOINTED MEMBERS

Ms. Morakis administered the Oath of Office to newly appointed Commissioners Michael Ainsley and Alan Golboro.

V. APPROVAL OF JUNE 16, 2015 PLANNING AND ZONING COMMISSION MINUTES

MOTION BY MR. KLEIN TO APPROVE THE JUNE 16, 2015 MINUTES.

MOTION SECONDED BY MR. CRAMPTON.

MOTION CARRIED UNANIMOUSLY.

VI. PROPOSED ZONING CHANGES REGARDING SIGN REGULATIONS

John Page, Director of Planning, Zoning and Building, explained to the Commissioners that Margie Cooper with Jones Foster Johnson & Stubbs, PA was assigned the task of working with staff to be sure the Town's signage regulations were in sync with recent Supreme Court rulings pertaining to signage. Mr. Page explained that in June, the Commission was given a copy of the current sign regulations and was asked by Council to review them.

Comments were heard from Chair Markin regarding the sign pollution she observed in another community while away during the summer. Mr. Klein noted that he recalled the Commission looking at the sign regulations in early 2014 and that the Commission came to the conclusion that the code was appropriate at that time. Chair Markin asked Mr. Page to begin with staff updates while waiting for the arrival of Margie Cooper.

Margaret Cooper, Jones Foster, addressed the Commission and explained that the sign ordinance was reviewed after an opinion from the United States Supreme Court determined that local governments could not treat commercial speech more favorably than non-commercial speech. Ms. Cooper summarized the proposed changes which she considered minor, including definitions, a required statement of purpose, a substitution clause, and, a severability clause. The types of signs that do not require ARCOM or Landmarks approval were identified and clarified that permit review is required for all types of other permanent signs. A limitation to the number of temporary signs was included. The proposed language includes a clean-up of what is currently permitted in commercial districts regarding building identification signs and political signs in a commercial district would be permitted on an easel in a commercial store front.

Paul Castro, Zoning Administrator addressed the Commission and explained that staff was tasked with coming up with language consistent with the recent Supreme Court rulings. Mr. Crampton thanked Ms. Cooper and Mr. Castro for a good summary. A

brief discussion continued regarding the existing sign code and the proposed changes. Mr. Crampton suggested the consideration of a special district within Town that might allow marginal changes and Chair Markin stated that she felt that should be discussed at another time. Mr. Spaziani asked about the limitation of political signs to four and a discussion ensued. It was noted that allowing double sided signs essentially created the ability to have eight signs. Discussion continued.

MOTION BY MR. KLEIN TO ADOPT THE PROPOSED MODIFICATIONS TO CHAPTER 134 AS PRESENTED.

MOTION SECONDED BY MR. CRAMPTON.

Mr. Spaziani suggested the motion be modified to reduce the number of signs from four to two. Mr. Golboro spoke about all the charities in Town and noted what the Town would look like during the height of season if more than two signs were permitted. Ms. Cooper noted that only one sign per issue would be permitted. It was asked if charities were considered to be commercial or non-commercial and it was suggested that a definition be included. Ms. Cooper said that could be added to the commercial section. After discussion, the motion was modified as follows:

MOTION AMENDED BY MR. KLEIN TO ADOPT THE PROPOSED SIGN ORDINANCE WITH THE ADDITION ON PAGE 2 TO INCLUDE A LIMITATION ON FUNDRAISING AND INCLUDE FUNDRAISING IN THE DEFINITIONS AND THE TOTAL NUMBER OF SIGNS BE LIMITED TO TWO. AMENDED MOTION SECONDED BY MR. CRAMPTON.

MOTION CARRIED 5-2, WITH MR. GOLBORO AND MS. WATTS OPPOSED.

Mr. Golboro stated that he was opposed to expanding the sign privileges. Ms. Cooper noted that these changes were being proposed to preempt a challenge. If challenged, the current code could be thrown out.

VII. STAFF UPDATES:

1. COMPREHENSIVE PLAN

Mr. Page advised the Commission that staff has been working on changes to the Comprehensive Plan, which are due by April 2016. Those changes would have to be communicated to the State and completed by 2017. Mr. Page stated that Council, acting as the Local Planning Agency (LPA), met several times to look at the Comprehensive Plan and determine what changes might be appropriate including references to studies or tasks that have been completed or are obsolete, and, maps, statistics and data that needs to be updated. Council directed staff to move forward and Calvin Giordano has been engaged to update the Plan. Mr. Page said that work is beginning now and is expected to be completed by early next fall. Several opportunities for public participation and reporting to Council and this Commission would be made.

Comments and questions were heard from Commissioners. Mr. Page noted that all statistics currently included in the Comprehensive Plan such as population

would be analyzed and updated. It was noted that the financing of the undergrounding of utilities would be a referendum item on the ballot in March, and, if approved, would be included in the updated Comprehensive Plan.

Mr. Ainslie suggested that some demographic studies be conducted by the consultants. Ms. Watts asked for discussion regarding unintended consequences. Chair Markin recommended all Commissioners attend or at least listen to all Council meetings. Mr. Spaziani noted that each year the University of Florida publishes an economics book regarding demographics and this is where the information regarding populations and age groups would come from.

2. FEMA FLOOD MAPPING

Mr. Page explained that the Town participates in the National Flood Insurance Program and is therefore required to adopt flood plain maps prepared by FEMA. Those maps are in the process of being updated. Once the Town received a letter of final map determination, the Town will have six months to adopt the map and update flood plain regulations. Mr. Page briefly explained recent building code changes that took place on July 1 that affect commercial properties.

Mr. Castro noted that any zoning changes required as a result of the flood plain regulations would go to ORS and Council. Zoning changes having to do with the point of measurement, etc., would come to this Commission. A brief discussion continued and staff answered questions from the Commission.

3. SHARED PARKING/TOWN COUNCIL STATUS

Mr. Page provided an update and explained that Council asked the Commission to look at zoning regulations regarding shared parking. The Commission made a recommendation to Council to relax the existing requirements to allow for shared parking in certain instances even when the required number of off-street parking spaces were not provided at a commercial site. The Commission and staff built safeguards into the provisions which would prohibit the use of shared parking to intensify land use. The Commission recommended a five year sunset; and, Council revised the sunset provision to two years. The Commission also opened up parking garages on Worth Avenue to be used by other businesses in that zoning district. A tweak to the code requiring public notice for objections and fees were established. Council approved the ordinance on first reading with second reading to take place in November. A discussion took place and Mr. Page and Ms. Markin explained the stay provision that was added then removed by Council. Discussion continued regarding recommendations of the Commission that Council changed and Ms. Markin stated that she felt those types of changes should come back to the Commission. Mr. Page noted that dozens of recommendations move to Council, and, if Council felt any changes they made to the Commission's recommendations were substantive, they would have sent it back to the Commission. Discussion continued and Mr. Page noted that the word "revised" was included when language was changed. Mr. Page provided the Commission with a copy of Ordinance No. 25-2015. Ms. Markin commented that she listened

to the Council meeting and heard Attorney Randolph say that he didn't feel the ordinance addressed the shared parking on Worth Avenue. Mr. Page stated that the ordinance definitely does include language that would allow parking garages to lease up to 50% of available parking spaces to other businesses or their employees.

Mr. Page explained that Council identified 13 provisions in the code it would like the Commission to review. Mr. Castro continued with a brief summary of each item, explaining that he would like to bring these items to the Commission for feedback before drafting proposed changes.

- Item 1: Building new homes on non-conforming lots.
- Item 2: Provide more flexibility for solar panels.
- Item 3: Clarification related to generators, setbacks, sound, and, masonry walls.
- Item 4: Modify non-conforming building and structure provisions.
- Item 5: Limit demolition to 50% of a structure over life of the building.
- Item 6: Review sign lighting.
- Item 7: Side yard setbacks in the R-C Zoning District.
- Item 8: Point of Measurement requirements, height, overall height, cubic content.
- Item 9: Allow maximum linear frontage to be 150 feet in commercial districts.
- Item 10: Landscape open space.
- Item 11: Allow more flexibility for swimming pool setbacks.
- Item 12: Allow more flexibility for architectural styles.
- Item 13: Look at zoning code requirements for schedule of parking requirements.

A discussion took place regarding the unintended consequences that might happen when allowing more flexibility in the code. Mr. Page noted that a workshop would be scheduled to allow staff to get feedback from the Commission regarding these items and added that Council asked the Commission to address the other items on the list before considering the parking item.

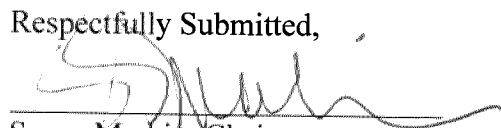
VIII. COMMENTS FROM PLANNING AND ZONING COMMISSIONERS AND THE PLANNING, ZONING AND BUILDING DIRECTOR

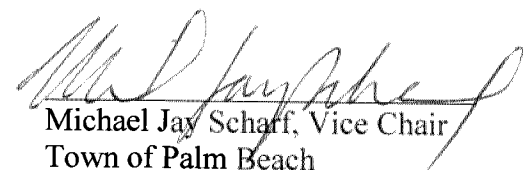
No additional comments were heard.

IX. ADJOURNMENT

**MOTION BY MR. CRAMPTON TO ADJOURN AT 11:51 A.M.
ALL WERE IN FAVOR.**

Respectfully Submitted,


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


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