



TOWN OF PALM BEACH

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING HELD ON SEPTEMBER 3, 2025

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 9:30 AM in the Town Council Chambers.

Members Present: Gail Coniglio, Chair; Eric Christu, Vice Chair; Marilyn Beuttenmuller, William J. Gilbane, Jorge Sanchez, Nicki McDonald, Matthew Ailey, Victoria Donaldson, Anne Fairfax

Absent: Michael Vincent John Spaziani

Staff Members Present: Wayne Bergman, Director of Planning, Zoning and Building, James Murphy, Assistant Director of Planning, Zoning and Building, Jennifer Hofmeister, Planner III and Joanne O'Connor, Town Attorney

PLEDGE OF ALLEGIANCE

Deputy Town Clerk Gayle-Gordon gave the Invocation, and Chair Coniglio led the Pledge of Allegiance.

MINUTES

1. Minutes of the August 5, 2025, Planning and Zoning Commission Meeting

Ms. Beuttenmuller requested that “town” and “town council” be capitalized to read “Town” and “Town Council” in the Minutes.

A Motion was made by Mr. Gilbane and seconded by Ms. McDonald to approve the Minutes of the August 5, 2025, meeting as amended. The motion was carried unanimously, 7-0.

APPROVAL OF AGENDA

A Motion was made by Mr. Gilbane and seconded by Mr. Christu to approve the agenda as presented. The motion was carried unanimously, 7-0.

Clerk's Note: Ms. Donaldson will be a voting member today due to Mr. Spaziani's absence.

COMMENTS

2. OFFICIALS

Chair Coniglio welcomed new member Anne Fairfax and congratulated Ms. McDonald on being promoted to regular member. She then acknowledged the services of Messrs. Christu and Spaziani, who have both termed out and will end their service after today's meeting.

3. STAFF

There were none.

4. PUBLIC – 3 MINUTE LIMIT

There were none.

GENERAL BUSINESS - None

UNFINISHED BUSINESS

5. Discussion and Recommendation on Revised Town Resident Definition

Ms. Hofmeister presented the revised definition of Town Resident. She stated that the definition had been broken down to include Town residents who are full-time and Town residents who are seasonal.

Ms. Hofmeister noted that Ms. Carol LeCates, who will be joining the Commission next month, had submitted her comment indicating that she would like to see item 1 removed from the list of 1-4, leaving items 2-4.

Mr. Sanchez asked why item 1 would be removed. Ms. Hofmeister stated that Ms. LeCates felt that everything else could be substantiated, but item 1 could not be verified.

Ms. McDonald felt that items 1 and 2 focused on intent. She thought item 4 combined multiple indicators which showed that a resident lives in Palm Beach. She would

prefer the removal of item 4 since the general picture is the intent to live in Palm Beach. She thought the definition should include more general terms.

Mr. Christu thought item 1 should be left in the definition. He noted there could be a possibility that someone would not meet the content of items 2-4 but would still be a resident. He also stated that not many people complete and file Declarations of Domicile.

Mr. Gilbane felt that item 1 may belong in the first sentence, which indicates that a Town resident (full-time) means someone who makes the Town of Palm Beach their permanent home. He thought that items 2-4 were more objective.

Ms. Coniglio asked if someone asserted that item 1 made them a qualified resident, would they also have to substantiate that with at least one of the items 2-4. She noted that she also wanted to capture people who rent full-time in Palm Beach. She thought that they added value to the community.

Ms. McDonald wondered if the words "such as" could be added to items 3 or 4, making it broader than just the listed items.

Ms. Hofmeister suggested adding to item 4 a driver's license.

Mr. Gilbane wondered what the concern was with item 4. Ms. Donaldson thanked Ms. Hofmeister for her work. She stated that what she hears from residents is wondering what they get for their taxes. She thought it was important to be able to answer that question, and she was pleased with the definition.

Ms. Coniglio asked if the PZC would like to add a driver's license with a permanent address to item 4.

Mr. Ailey asked what the purpose was of defining a Town resident. He did not want to be conflated with activities such as being able to go to the gym or being able to serve on a commission. He did not think the intent of this was to allow access to parking passes, but more importantly, what it means to be a resident of the Town of Palm Beach. He also liked the idea of objective criteria.

Mr. Sanchez did not think item 1 should be deleted. He did not think that driver's licenses should be required because there are residents who do not have driver's licenses but are town residents.

Ms. Hofmeister said this definition, as it relates to Town serving and non-residential uses that are commercial, not residential, is where the Town person is defined. What has been found, and the reason this has not come in an ordinance format, is that this would require a comprehensive plan amendment. She explained how staff

progressed from a series of definitions starting from the hierarchy of a Town resident to a Town person, to Town serving. Mistakenly, that was placed under a policy for non-residential uses which has caused some confusion. Town resident will be a stand alone policy in the Future Land Use Element. She noted this is a feel-good practice, and historically, everything in the Town of Palm Beach has been about Town residents. She added that the resident is considered in every goal and every element, whether full-time or seasonal. She noted that the correction would be made. She said the criteria being considered would provide consistency. She concurred with Mr. Gilbane with regard to shifting that first “feel-good” into full-time, but at the same time, which captured the renter, and now it is not captured in that full-time.

Ms. Fairfax commented that if item 1 was included in the descriptor and implies that one would have to provide proof that the other three items had been done. She asked where someone’s domestic help fall within the hierarchy, as many times they are a more permanent resident in the home than the actual resident.

Mr. Christu asked if Declarations of Domicile would be vetted by the Town. He asked if the public would be informed that a Declaration of Domicile is required in order to be considered a Town resident. He said homestead exemption oftentimes turns on the manner of ownership of the property. Some get homestead, but not everyone does. He said not everyone votes, and he believes there are folks who would not qualify under items 2-4 but are valid residents of the Town. He supported leaving the definition as proposed by staff.

A Motion was made by Mr. Gilbane to take the proposed definition by staff and move #1 into the descriptor so that the below items are objective and clear. The Motion died due to lack of a second.

A Motion was made by Mr. Christu and seconded by Mr. Sanchez to adopt the definition as proposed by staff, but with an amendment to add item #5 to qualify with state ID, and #2 will be at the end. The Motion was carried unanimously, 7-0.

6. Presentation and Discussion Regarding Quick Fix #1B Mechanical Equipment - Screening Wall

James Murphy, Assistant Director of Planning, Zoning and Building, provided a quick recap of Tranche One, noting that the Town Council had shifted code reform leadership from the outside consultant to Wayne Bergman and team. He said all seven of the previously discussed quick fixes had been presented to the Council, with many moving forward for first reading.

One topic with options presented was mechanical equipment screening. Mr. Murphy said the Town Council asked that options and data be brought to the Planning and

Zoning Commission to guide the drafting of an ordinance. He reviewed modified requirements driven by FEMA and expressed hope for a solution. He outlined options for property owners needing to screen equipment installed at base flood elevation plus one, noting they would need one of two variances. He explained variances for screening walls and presented photographs of possible solutions.

Mr. Sanchez noted that he used hedges to shield his generator and believed they were sufficient. He said that by code, generators could not be too noisy, or they would have to be replaced, and most new A/C units and generators were already very quiet. He stated that walls were not green or environmentally friendly and preferred they be eliminated, with owners required to shield equipment from neighbors or the road using vegetation. He felt the code should require hedges and quiet equipment.

Mr. Gilbane agreed with Mr. Sanchez about the noise issue and said it should be separate from screening requirements. He noted that vegetation may be sufficient in some cases, while a wall worked better in others. He added that equipment visible above a hedge or wall presented an undesirable look, and he stressed that either option should fully shield the equipment, with noise being addressed separately. Mr. Gilbane added that vegetation around equipment rooms is not always a great solution in terms of maintenance. Therefore, he felt that flexibility was necessary.

Ms. Donaldson said rules should not be made if they could not be adequately enforced. Mr. Murphy responded that wall heights were easily enforceable. He noted that while a hedge would pass inspection when newly installed, it could become harder to regulate if it was not maintained in later seasons.

Mr. Christu said the issue needed to be resolved for Town residents and asked how often neighbors complained about screening solutions. Mr. Murphy replied that all projects were noticed with certified mail to ensure surrounding owners received notice. He said that whether owners were compliant or seeking a variance, neighbors often opposed equipment placed beside their property, and such issues were typically addressed by ARCOM and sometimes by Town Council when a variance was being requested.

Ms. Coniglio agreed with the hedge looking nicer, she was not sure it would capture a neighbor's desire for privacy and less noise. She asked what the existing wall height was, and Mr. Murphy said seven feet. She wondered if there was some compromise that could be reached with regard to hedges and walls.

Mr. Sanchez noted the false premise that a wall reduces sound. He said the wall is there as a definite barrier to seeing the equipment. However, if the law is that the equipment has to be invisible from the neighbor's side, all they have to do is call Code Enforcement if the vegetation becomes inadequate. He also noted that Code Enforcement watches the streets for potential violations. He acknowledged that

walls can be beautiful, but do not need to be a requirement.

Mr. Ailey did not think item 1 was the ultimate goal, but rather to regulate the view of unsightly equipment. He said just because the equipment is taller does not mean that taller walls should be required. He asked if the wall concept were eliminated if there would be unintended consequences. Mr. Murphy responded, noting that with fill being needed in many cases, which may be the unintended consequences of not requiring some form of wall because the wall also serves as a retaining wall for said wall. He also noted that the wall height is measured from the lowest lying grade, typically the neighbor's property.

Ms. McDonald requested clarification that this discussion was regarding the screening wall around the equipment, not the property wall. Mr. Murphy responded they are usually the same.

Public Comment

Carol LeCates, 212 Seabreeze Avenue, noted that she was in agreement with Mr. Sanchez and Mr. Christu. She favored the vegetation screening due to the maintenance of the equipment and need for ventilation around the equipment. Ms. LeCates discussed her thoughts about the definition of Town resident.

Ms. Coniglio revisited unintended consequences. She asked if the staff saw any potential to add an item 5 to the options. Mr. Murphy said he had concerns about the wall requirement being eliminated. That said, he agreed with many of Mr. Sanchez's comments, but did not feel that an option item 5 could be added at this time. Mr. Bergman also agreed with Mr. Murphy. He said that what could be done was to consider that, for simple landscape screening only, the setback of mechanical equipment could be increased to something greater than five feet. Mr. Bergman noted that FEMA would continue to increase the required elevations.

Mr. Murphy said option two would allow screening to the height allowed by code, with a balance of vertical landscape screening, which would be required to be maintained in perpetuity.

Mr. Sanchez felt that item 2 may be best, with the balance being screened with vegetation. He thought that vegetative screening was necessary.

Ms. Fairfax wondered what would happen when an existing property with a FEMA requirement, such as a Landmarked property that is being completely renovated, would be impacted if there is an existing wall. Mr. Murphy noted that when talking about the replacement of existing equipment and particularly those on landmarked properties, Mr. Bergman and his team review those on a case-by-case basis. He said many times that the landmarked structure itself is below flood elevation. He said that he thought the modification, as presented, would capture that. Mr. Murphy

discussed wall agreements and the requirement for amplified landscape screening.

A Motion was made by Mr. Gilbane and seconded by Ms. Donaldson to require screening as high as such permitted by Code and require vegetation to completely screen the equipment be sent to Town Council. The Motion was carried unanimously, 7-0.

7. Verbal Code Review Update from the August Town Council Meeting

Mr. Bergman updated us regarding last month's first tranche of quick fixes. He reported that all the items, except the generator on a single-family home, will be on next week's Town Council agenda for first reading.

NEW BUSINESS

8. Zoning Code Items - Quick Fixes #8-14

Mr. Murphy provided an overview of the next tranche of Code amendments.

Chair Coniglio inquired if the Commission was expected to make a motion or just have a collaborative discussion. He explained that 2 items could be motioned, but the other 5 would be for discussion.

8.1 Quick Fix #8: Landmark Incentives

The Landmarks Preservation Commission brought this forward recently. There is already a historically significant building program in the code, allowing for flexibility in making improvements to the structures where otherwise they would have been required to elevate or eliminate the structure. He said there are other sections of the code that need to be discussed. He provided examples. He said there would be a Landmarks Preservation Commission Project Designation Guide, which is not referenced in the code. He noted that the ARCOM designation matrix manual is referenced in the code. That matrix has been applied to landmarked properties. He stated that this endeavor by the planning staff has been in harmony with the Preservation Foundation.

Mr. Murphy discussed the code section that deals with landmark dimensional adjustment waivers. He noted that no application had been made for these waivers, and the goal would be to discover why this section of the code is dormant and not utilized. Mr. Murphy said that all discussions about waivers for landmarked properties will be limited to single-family properties and structures. He stated that dimensional waivers would be rebranded as dimensional adjustments. He discussed the changes that would be made to Section 134-237.

Friederike Mittner, Architectural Review and Historic Preservation Manager, added that based on feedback from the Preservation Foundation, the first revision had been received. She distributed the revision and stated that it would replace the backup for LPC incentives.

Ms. Coniglio felt that a discussion should be held at this time rather than moving forward with the Landscape Open Space discussion.

Ms. Coniglio asked about the applicability of the incentives, and Mr. Bergman said that they apply to existing landmarked structures. She asked how it differed from historic site building and Mr. Bergman said the goal of this was to reward the property owners who are actually landmarked. Historical site buildings receive a pass from FEMA and from the Florida Building Code. The staff's approach was to address landmarked buildings only.

Mr. Sanchez asked if this was only for landmarked buildings or if the Town would consider some of the incentives for other structures. Mr. Murphy said waivers for non-landmarked properties would be revisited. He also noted the existing section regarding dimensional waivers in the code for structures built before 1960.

Ms. Donaldson felt positive and supportive about the proposed landmark incentives.

Mr. Christu asked whether revising concepts like CCR would affect the code as a whole, whether moving toward FAR or some other measurement could apply to Landmarks, or if it was better to wait for the overall definitional changes. Mr. Bergman responded that many concepts and terms would be eliminated with the code rewrite. Still, until then, meaningful provisions would remain with the understanding that they would be removed if CCR were eliminated.

Ms. Coniglio asked if there was a cost threshold that would trigger the provision. Mr. Murphy said he thought the authors had removed it, and Mr. Bergman explained that the intent was to eliminate the value and instead use the new LPC Matrix Guide Manual to determine whether a project was large or small. He said the draft would also be circulated to the Landmarks Preservation Commission. Since a revision had just been distributed and would not be approved or advanced at this time, Mr. Bergman suggested limiting discussion and noted it would return on next month's agenda.

The consensus of the Planning and Zoning Commission was to continue since this item would be returning next month.

8.2 Quick Fix #9: Open Space - Canopy Trees & Perimeter Natives

Mr. Murphy gave an overview and stated that the Town Council had warmly accepted

canopy shade trees. He also provided some proposed solutions.

8.3 Quick Fix #10: Awnings & Canopies

Mr. Murphy gave an overview of the Awnings and Canopies that are not currently defined in the Zoning Code, allowing varying interpretations and misuse. He stated that definitions would be added with graphics, locations would be refined, and zoning consequences would be reviewed.

8.4 Quick Fix #11: RD-2 Front Setbacks

Mr. Murphy discussed the RD-2 Front Setbacks. He said this burdensome setback requirement, based on multiplying the number of street frontages to determine the required front yard, made no sense. He stated that staff was recommending that this be deleted in its entirety, eliminating the section of the equation which involved multiplication.

Ms. Coniglio asked about the setback, and Mr. Murphy said the setback would be determined by the building height in the RD-2 Zoning District.

8.5 Quick Fix #12: Basements

Mr. Bergman noted that the issue of basements is overly complex. He discussed all of the basement regulations and the fact that the city's zoning code conflicts with the Florida Building Code and FEMA requirements. Staff is proposing to take a basement definition that better aligns with FEMA requirements and the Florida Building Code for consistency. He also said the term sub-basement contains good regulations that could be used for subterranean parking. He also noted that FEMA requirements for basements needed to be revised to address openings for air circulation and flood vents. He noted that the zoning code currently has different basement regulations based on various zoning districts, rather than geography. He posed the question of whether basements should be allowed in the future as FEMA gets tighter and regulations become stricter. He noted that staff would have some more solid recommendations for the Planning and Zoning Commission next month for further discussion.

8.6 Quick Fix #13: Fill

Mr. Murphy discussed fill requirement calculations. He discussed potential solutions. He explained the goals of the changes being made to the Fill ordinance.

Mr. Sanchez felt that new houses were being forced to have gardens where the owners would have to go downstairs to enjoy the gardens. He would prefer the required walls and fill to allow the finished floor of the house to be equal to the

finished floor of the garden.

8.7 Quick Fix #14: Front/ Rear Setbacks

Mr. Bergman stated that only in the R-B zone, there is a provision that allows a front yard setback to be reduced up to five feet as long as the rear yard setback is increased to five feet. Staff is proposing a rewrite of section where the setbacks would stay the same and could not be reduced. There was brief discussion about this quick fix. No concerns were expressed.

Mr. Murphy reviewed the path forward for reviewing and addressing the quick fixes.

A Motion was made by Mr. Gilbane and seconded by Mr. Christu regarding quick fix #11 and #13 of the list to remove the multiplication based on the number of streets and the correction specifying that it is in required yards and fixing the equation for fill. Mr. Gilbane amended the motion to focus on quick fix #11 and delete #6. Mr. Christu seconded the amended motion. The motion was carried unanimously, 7-0.

ANY OTHER BUSINESS

MEETING SCHEDULE

9. The next meeting is scheduled for Tuesday, October 7, 2025, at 9:30 A.M.

ADJOURNMENT

A Motion was made by Ms. Beuttenmuller and seconded by Ms. Donaldson to adjourn the September 3, 2025, Planning and Zoning Commission meeting at 12:00 PM. The motion was carried unanimously, 7-0.

Respectfully Submitted,


Gail Coniglio, Chair