



TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE ORDINANCES, RULES & STANDARDS COMMITTEE MEETING HELD ON WEDNESDAY, JUNE 30, 2010

1

I. CALL TO ORDER AND ROLL CALL

2

3 The Ordinance, Rules and Standards Committee meeting was called to order on Wednesday,
4 June 30, 2010 at 9:02 a.m. in the Town Council Chambers, Palm Beach. On roll call, Chair
5 Diamond and Committee Member Coniglio were present.

6

II. APPROVAL OF AGENDA

7

8 **The Agenda was approved as printed.**

9

III. PUBLIC COMMENT

10

11 There were none.

12

IV. REGULAR AGENDA

13

A. New Business

14

1. Chapter 18, Buildings and Building Regulations

15

16 Planning, Zoning and Building Assistant Director Veronica Close explained there were yellow
17 highlights in the draft and she would explain them as they came to each item.

18

19 The Committee went through the Chapter page by page. She also noted that pages 60-114 were
20 duplicative and could be eliminated. She apologized for the error.

21

22 **Article I. In General**

23

24 Section 18-2 added language to clarify.

25

26 Section 18-63 substantial additional language was added regarding expansion of the conflict of
27 interest provision. Planning, Zoning and Building Assistant Director Close stated that it was a
28 clarification.

29

1 Section 18-87 clarifies that applicants needed to file with the flood plain administrator instead of
2 the Town Engineer.

3 Jeff Taylor, Building Official, said the Town uses FEMA requirements. Planning, Zoning and
4 Building Assistant Director Close stated that the Code refers to zoning, and the staff is
5 recommending the inclusion of the Comprehensive Plan since it is the over-arching regulatory
6 document.

7 8 **Division 2 – Architectural Commission**

9
10 Section 18-166 removed “secretary” and added “vice-chair” to conform to the ORS request to
11 make all officers of boards consistent.

12
13 Town Attorney Randolph asked Chair Diamond if he wanted to discuss the absences and
14 removal from Boards and Commissions now or at the end of all of the discussion. If there are
15 additional meetings, would a board member be permitted to have additional absences. He also
16 added that the Town Manager should not be put in a position to determine if it is valid absence.
17 Town Attorney Randolph indicated that the ordinance should be very clear and asked the
18 Committee to clarify what is excused or not.

19
20 There was discussion regarding if the board should make the determination, or should the
21 absence provision not relate to special meetings.

22
23 **The Committee agreed that absences only apply to regular meetings, that the definition of**
24 **excused absences should not be expanded, and the person to notify would be handled**
25 **ministerially.**

26
27 The Committee also discussed the notification requirement method which is to be by letter.
28 Committee Member Coniglio asked if a board member were sick, did they still need to notify the
29 Town in writing. Planning Administrator John Lindgren said that if you are sick on the day of
30 meeting, you cannot notify in advance. Town Attorney Randolph said they would look at
31 deleting language on page 10: “Failure to notify the manager via letter will cause the absence to
32 be unexcused”.

33
34 Town Attorney Randolph expanded on the absences where they received a notification because
35 they took a friend to the doctor and should have been excused. Chair Diamond said they should
36 comply with Florida Law.

37
38 **The Committee decided not to expand the definition to include friends.**

39
40 Section 18-170 Conflicts of Interest

41
42 Town Attorney Randolph indicated that (b) (3) should most likely be deleted since commission
43 members should not present to the board they serve on. Planning Administrator Lindgren
44 indicated that previously, a sole proprietor office arranged to have another firm present for them.

1
2 Town Attorney Randolph explained that State Law does not allow you to present to your own
3 board that you serve on. That was called a prohibitive conflict of interest. There was discussion
4 and there will be inserted into the code:

5
6 Pursuant to State Law...

- 7
8 • **The Committee agreed that language referencing the State Statute should be added.**
9

10 Section 18-175 Issuance of Permits

11
12 Additional language was proposed.

13
14 Building Official Jeff Taylor said the ordinance requiring a financial guarantee had not been in
15 place when 215 Brazilian was permitted. Committee Member Coniglio expressed concern that
16 the Town should not be in the loan business and staff would have to determine who was
17 qualified to finish the project. Assistant Director Close indicated that the forms of financial
18 guarantee is a bond, letter of credit, or cash deposit. It is in the amount 125 percent of the
19 estimated costs of demolition.

20
21 Assistant Director Close stated that the language proposed clarify when a project requires
22 ARCOM approval.

23
24 Committee Member Coniglio was concerned about objections but was in favor of codifying what
25 was already occurring. She felt applicants should know what the rules are. Chair Diamond
26 agreed.

27
28 Section 18-177 – Proposed changing the language from building official to the Director of
29 Planning Zoning and Building. Assistant Director Close explained that the Town Council has the
30 right to consider items and currently they are approved on consent on the Town Council consent
31 agendas each month.

32
33 Chair Diamond asked what definition of major project was. Chair Diamond asked Assistant
34 Director Close if she was asking for a new policy. She responded said that she wanted the
35 definition of major project since currently there was not one. Town Attorney Randolph said the
36 current process has worked pretty well. Assistant Director Close gave some examples of what
37 major projects could be. One distinguishing factor was the notification to neighbors
38 requirement.

39
40 Committee Member Coniglio returned to Section 18-176 and the required submission of
41 digitized photos. Assistant Director Close said that had nothing to do with the public viewing of
42 plans on the internet.

43
44 Section 18-201 Preliminary Sketch; site plan; final plan
45

1 Assistant Director Close clarified that the proposed changes were submission requirements and
2 the notice requirements are now the same for all boards.

3
4 Town Attorney Randolph mentioned the concerns of architects to have plans on the internet.
5 Assistant Director Close indicated that the Town Manager had asked for a policy from PZB to
6 safeguard the privacy of plans. Committee Member Coniglio noted that it was public record for
7 anyone to review plans but was there a safeguard to ensure owner privacy. Town Attorney
8 Randolph said state law said that a person did not have to disclose their reasons for wanting
9 records or to view plans. They do not even have to give their name. Chair Diamond was
10 concerned that criminals could use the information for crimes, alarm systems, floor plans etc.
11 Town Attorney Randolph said the Town could require a sign-in sheet as an in-house procedure.

12
13 Planning Administrator Lindgren stated that there is now a computerized sign-in system in PZB.

14
15 Section 18-205 Criteria for building permits

16
17 Assistant Director Close stated that this was not a part of the ARCOM approval and
18 recommended that the bond be provided at time of issuance of the permit.

19
20 Section 18-207 Permitted Signs

21
22 Assistant Director Close stated that this section was a duplication and requested that the
23 permitted signs section be removed.

24
25 **The Committee agreed to the deletion.**

26
27 **Article IV. Florida Building Code**

28
29 Assistant Director Close stated that the proposed changes were needed as they are required to
30 update the Town code each time the State updates their code.

31
32 Section 101.5 Definitions

33
34 Assistant Director Close stated that there were definitions of major construction listed in the
35 code.

36
37
38 Sections 102 and 103

39
40 **There were no changes.**

41
42 Section 104.3.1 Issuance

43
44 Building Official Taylor indicated that the additional proposed language outlines emergency
45 repairs.

1
2 Section 105.4 Conditions of a permit
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4 Building Official Taylor explained that if a permit expired, there was no current process to
5 reactivate a permit. There are now reactivation fees, as long as there were no new code changes.
6 If there were code changes, the applicant would have to bring the plans up to code first. There is
7 now an indirect fee in sections (a) and (b) to conform to. Committee Member Coniglio stated
8 that (a) and (b) were created to not be punitive but a condition, and was not a fine.
9

10 **The Committee agreed with the recommendation.**
11

12 Section 106.3.1 Approval of construction documents
13

14 Additional language was proposed to clarify the criteria per Assistant Director Close. A new
15 section number 13 was added to show that the products being used in construction had been
16 tested and met State Requirements. The procedure was currently being followed, according to
17 Building Official Taylor, but not specified in code. The policy had been in effect since 2001.
18

19 **The Committee agreed with the recommendation.**
20

21 Section 106.3.5.3.1 Demolition Permits
22

23 It was proposed to remove the word "seeded".
24

25 **The Committee agreed with the recommendation.**
26

27 Section 108 Fees
28

29 Section 108.2 (c) Assistant Director Close proposed that there should still be a demolition fee
30 charged to the owner. In (l) there is a new state law that changed the fee and the reference will be
31 an indirect reference, and a resolution will be presented later on. New language was added as
32 subsections (p), (q), and (r) to adopt new fees by resolution. Reference would be made to the
33 State Statute.
34

35 Committee Member Coniglio was concerned that "Town Council" was not consistently
36 capitalized. Deputy Town Manager Bradford explained that even if the Town submitted it
37 capitalized, Muni-code does not capitalize it.
38

39 Section 109.3 (A)(1) Building Official Taylor indicated that if anything is lower than required
40 elevation, staff could detect it before a slab was poured with the new proposed language.
41

42 Section 110 Certificates and Building Use
43

44 New language was proposed. A permit extension fee would be required when the permit has
45 expired and the work can be continued as an extension as opposed to a new permit application.

The Committee agreed with the staff recommendations.

Section 112 Building Boards of Adjustment and Appeals

Building Official Taylor indicated that very rarely has the board met in recent years. Committee Member Coniglio felt it was not worth abolishing. Mr. Taylor indicated that state statute requires a local board in order to hear appeals of the building officials' interpretation of the building code.

Section 18-281 Structural requirements for major structures

New additional proposed language was accepted by the Committee.

Committee Member Coniglio asked how structural requirements were proven and was informed that the engineer provides the mathematical calculations and certifies his results.

Article XI Swimming Pools

The entire article was proposed to be deleted because the State now included those requirements in the Florida building codes.

The Committee agreed to the deletion.

Article XII – Walls, Fences, and Hedges

Assistant Director Close announced that the proposed changes were due to Code Enforcement being under the Police Department and was no longer part of PZB. When Chair Diamond asked for comments, there was objection by Captain John Maio of the Police Department and Rob Walton, Lead Code Enforcement Officer since they had not been part of the proposed changes and discussions.

Staff was directed to meet and make a recommendation regarding this issue.

Article XV Tents

There was discussion about tents and Building Official Taylor indicated that if a tent is up for more than fifteen days, there is an additional fee. It is referred to code enforcement for enforcement.

Chair Diamond requested that at the next meeting, staff prepare the back-up in three ring binders.

V. ANY OTHER MATTERS

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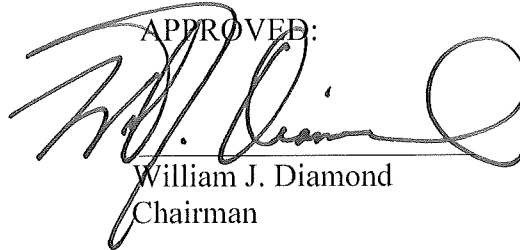
Deputy Town Manager Bradford stated that there were six chapters left to review: Taxation, Telecommunications, Traffic and Vehicles, utilities, Vegetation and Vehicles for Hire. That could be accomplished in one more meeting. After that, there should be a meeting for all of the follow-up items and draft ordinances would be presented to the Committee, to see how they would appear in code form.

Chair Diamond stated that at the last Town Council meeting, several ordinances were presented on first reading. He now had concerns with the smart irrigation ordinance and what the State requirement was. There was some opposition to it. Deputy Town Manager Bradford and Town Attorney Randolph stated that there can be discussion at the next Town Council Meeting when that particular Ordinance has the second reading.

VI. ADJOURNMENT

There being no further business, the Ordinance, Rules and Standards Committee Meeting of Wednesday, June 30, 2010, was adjourned at 10:15 a.m.

APPROVED:



William J. Diamond
Chairman