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ZONING COMMISSION'S RECORD AND REPORT - DECEMBER 2 - 3, 2002

The Zoning Commission of the Town of Palm Beach met in regular session on Monday, December 2, 2002 and continuing to Tuesday, December 3, 2002 in the Town Council Chambers at 360 S. County Road in Palm Beach, Florida. -The meeting was called to order by the Chairman at 9:30 a.m.. A roll call disclosed that a quorum of the members of the Zoning Commission was present as follows:

PRESENT:

James B. Bertles - Chairman
Richard Kleid - Secretary
Eugene Lawrence - Member
Lowry Bell - Member
Harrison Robertson - Member
Peter Broberg - Member
Martin I. Klein - Alternate Member
Joanna Golino - Alternate Member
Nancy Murray - Alternate Member

ABSENT:

Jorge Sanchez - Member (arrived as noted below)

Ms. Delp, the recording secretary, led the invocation and the Pledge of Allegiance.

Peter Elwell, the Town Manager, welcomed the Commission and thanked them for their efforts in the past and for their work this zoning season.

Mr. Bertles then opened the floor to nominations. Mr. Bell nominated Mr. Bertles as Chairman, and Mr. Kleid as Secretary. Mr. Lawrence moved to close the nominations, and Mr. Bell seconded the motion. Mr. Bertles and Mr. Kleid were re-elected Chairman and Secretary by acclamation.

Mr. Jorge Sanchez, regular member, entered the meeting at this time.

Mr. Castro, Zoning Administrator confirmed proof of publication.

Mr. Bertles announced that Roberts Rules of Order would govern the proceedings, and that public input would be allowed after each item was discussed by the Commission.

Mr. Bell requested that the Zoning Commission record the minutes of its meetings in the manner that ARCOM meetings are recorded. It was generally agreed by the Commission that it would be beneficial to have somewhat more detail than provided in past Zoning Commission Reports and Recommendations.

Mr. Castro then explained the contents of the Report that had been distributed to the Zoning Commission.

Study Item I. Proposed R-B Conservation Overlay District

Mr. Castro presented the proposed R-B Conservation Overlay District Study Item. He introduced Harold Smith, John Moore and Staff from Smith and Moore Architects, who would present the graphics and models prepared in conjunction with this study item. After the Staff presentation and the presentation by Smith and Moore Architects, who indicated that they believed the proposal to be workable, Mr. Klein requested clarification by the Town Attorney with regard to the appropriateness and legal implications of the proposal. Mr. Randolph responded that the proposal was appropriate and explained the legal implications.

Mr. Kleid questioned the appropriateness of creating an overlay district for just three streets. Discussion continued including Staff and Commissioner comments regarding how this may be viewed as a "test" of the overlay concept and how, if determined to be successful, it may be applied to other areas of the R-B district. Discussion among the Commission members ensued and an informal polling of the members was taken to determine if there was sufficient interest in proceeding with considering an overlay district for the "Sea" streets. The polling and comments by the Commissioners indicated that there was sufficient interest among the Commissioners to proceed in considering the Staff proposal.

Mr. Klein asked if the overlay regulations would supercede the existing R-B regulations and was told that they would.

Mr. Randolph pointed out that the Staff report indicated that because the proposal included a decrease in the minimum lot size, an amendment to the Town's Comprehensive Plan would be necessary before it could be implemented.

Ms. Golino stated her concern over how the proposal treated the larger lots in the district and that developers could manipulate the regulations to develop structures out of character with the area. Mr. Bertles expressed similar concerns about the side yard setbacks and the sliding scale.

Ms. Wendy Victor spoke as an interested party, and indicated that she supported the concept of an overlay district, and the recommendations put forth by the Staff.

On a motion by Mr. Broberg, seconded by Mr. Bell, by a vote of 5-2 (Messrs. Kleid and Robertson dissenting), the Zoning Commission agreed to approve the concept of an overlay district for the "Sea" streets, and consider the details in this meeting. Additional discussion ensued among the Commissioners and Mr. Broberg suggested that each of the regulatory proposals be voted on individually.

The Zoning Commission considered each of the Staff recommendations pertaining to regulations for the proposed "Sea" Streets R-B Conservation Overlay District and voted as follows:

On a motion by Mr. Broberg, seconded by Mr. Lawrence, by a vote of 4-3 (Messrs. Kleid, Robertson and Bell dissenting), the Zoning Commission recommended approval of the Staff recommendation to reduce the minimum lot area from 10,000 square feet to 6,125 square feet.

On a motion by Mr. Sanchez, seconded by Mr. Lawrence, by a vote of 4-3 (Messrs. Kleid, Robertson and Bell dissenting), the Zoning Commission recommended approval of the Staff recommendation to reduce the minimum lot width from 100 feet to 65 feet.

On a motion by Mr. Bell, seconded by Mr. Broberg, by a vote of 6-1 (Mr. Kleid dissenting), the Zoning Commission recommended approval of the Staff recommendation to limit the maximum lot width to 100 feet.

On a motion by Mr. Bell, seconded by Mr. Broberg, by a vote of 6-1 (Mr. Kleid dissenting), the Zoning Commission recommended approval of the Staff recommendation to retain the minimum lot depth as 100 feet.

On a motion by Mr. Lawrence, seconded by Mr. Broberg, by a vote of 4-3 (Messrs. Kleid, Robertson and

Bell dissenting), the Zoning Commission recommended approval of the Staff recommendation to set the maximum CCR at 4.0 for the principal structure, 1.0 for accessory structure, and to limit the CCR to 4.4 for all structures combined.

On a motion by Mr. Bell, seconded by Mr. Broberg, by a vote of 5-2 (Messrs. Kleid and Robertson dissenting), the Zoning Commission recommended approval of the Staff recommendation to retain the existing front yard setback for the principal structure at 25 feet for the 1st story and 30 feet for the 2nd story.

On a motion by Mr. Broberg, seconded by Mr. Sanchez, by a vote of 5-2 (Messrs. Kleid and Bell dissenting), the Zoning Commission recommended approval of the Staff recommendation to change the side yard setback for the principal structure from 12 ½ feet for the 1st story and 25 feet for the 2nd story to a minimum of 5 feet with the combined setbacks to be not less than 17 feet, and to require a minimum 10 foot separation from neighboring buildings on abutting lots.

On a motion by Mr. Bell, seconded by Mr. Lawrence, by a vote of 6-1 (Mr. Kleid dissenting), the Zoning Commission recommended approval of the Staff recommendation to change the rear yard setback for the principal structure from 10 feet for the 1st story and 15 feet for the 2nd story to 15 feet for both the 1st and 2nd stories.

On a motion by Mr. Bell, seconded by Mr. Sanchez, by a vote of 5-2, (Messrs. Kleid and Robertson dissenting), the Zoning Commission recommended approval of the Staff recommendation to change the front yard setback for accessory structures from 12 ½ feet for the 1st story and 30 feet for the 2nd story to a minimum of 65 feet.

On a motion by Mr. Broberg, seconded by Mr. Lawrence, by a vote of 6-1 (Mr. Kleid dissenting), the Zoning Commission recommended approval of the Staff recommendation to change the side yard setback for accessory structures from 12 ½ feet for the 1st story and 25 feet for the 2nd story to a minimum of 5 feet with the total of both side yard setbacks being not less than 30 feet.

On a motion by Mr. Lawrence, seconded by Mr. Sanchez, by a vote of 4-3 (Messrs. Kleid, Robertson and Bell dissenting), the Zoning Commission recommended approval of the Staff recommendation to change the rear yard setback for accessory structures from 10 feet for the 1st story and 15 feet for the 2nd story to a minimum of 5 feet for the 1st and 2nd story.

On a motion by Mr. Sanchez, seconded by Mr. Lawrence, by a vote of 5-2 (Messrs. Kleid and Bell dissenting), the Zoning Commission recommended approval of the Staff recommendation to change the maximum building height of the principal structure from 2 stories/22 feet and an overall height of 30 feet to 2 stories/20 feet and an overall height of 28 feet, and to change the maximum building height of accessory structures (garages/guest houses) from 1 story/15 feet overall, and 2 stories/25 feet overall for lots of 20,000 square feet or more, to 2 stories/23 feet overall for accessory structures (garages/guest houses) on all lot sizes. Mr. Bell commented that he believed that the ceilings would be too low.

On a motion by Mr. Bell, seconded by Mr. Broberg, by a vote of 5-2 (Messrs. Kleid and Robertson dissenting), the Zoning Commission recommended approval of the Staff recommendation to change the existing maximum coverage limitation from 40% for a one-story structure and 30% for a two-story structure to 33% for both one-story and two-story structures.

Mr. Lawrence suggested that perhaps lots meeting the minimum standard dimensional requirements should be allowed to be developed under the existing R-B regulations rather than those proposed for the overlay district, and that accessory structures should be allowed to be attached to the main structure by a "weather connection." Mr. Sanchez and Mr. Lawrence then asked the Staff to investigate including a provision to allow accessory structures to be attached to the principal structure by a permanent covered connection enclosed in some form.

The Zoning Commission recessed for lunch at 11:50 a.m., and reconvened at 1:15 p.m. with all members present. Zoning Study Item II - 8 was then considered, since Mr. Randolph, the Town Attorney would be leaving at 3:00 p.m.

Zoning Study Item II - 8. Mayoral Voting Power on Tie Votes

Staff discussed its recommendations regarding the Mayor's voting power in case of tie votes on zoning items. The Commission did not believe that any changes were required in Sec. 134-261(d) as originally proposed by Staff, and Staff concurred. On a motion by Mr. Lawrence, seconded by Mr. Broberg, by a vote of 7-0 the Zoning Commission recommended approval, as modified with exclusion of the proposed changes in Sec. 134-261(d), of the Staff recommendation, -to amend Sec. 134-142, Exercise of town council powers, and Sec. 134-261(c), Town council actions; submission to zoning commission for recommendations and report; hearings, to read as follows:

Sec. 134-142

In exercising its powers, the town council may, upon appeal, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination made by an administrative official in the enforcement of this chapter and may make any necessary order, requirement, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote by three-fifths of the town council shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter upon which the town council is required to pass under this chapter. In the event of a tie vote, the Mayor shall cast the deciding vote, which shall constitute the three fifth's requirement of the Town Council stated herein.

Sec. 134-261

(c) If an adverse report is given by the zoning commission or if a protest against such proposed amendment, supplement, change, modification or repeal shall be presented in writing to the town clerk, duly signed and acknowledged by the owners of 20 percent or more, either of the area of the lots included in such proposed change or of those immediately adjacent in the area thereof extending 500 feet therefrom, such amendment shall not become effective except by the favorable vote of three-fifths of all the members of the town council. In the event of a tie vote, the Mayor shall cast the deciding vote, which shall constitute the three fifth's requirement of the Town Council stated herein.

Zoning Study Item II - 1. Point of Measurement

Staff discussed its recommendations regarding point of measurement on the dune. Mr. Lawrence noted that there are also areas along the beach that are zoned R-B and may have the same type of problems, and if the proposal is approved, perhaps these areas should also be considered. Mr. Castro explained the differences between those areas, and that current regulations adequately address Mr. Lawrence's questions and concerns. Mr. Broberg asked if properties along High Mount should also be considered. Mr. Castro responded that the current regulations adequately address this area.

On a motion by Mr. Robertson, seconded by Mr. Kleid, by a vote of 6-1 (Mr. Bell dissenting), the Zoning Commission recommended approval of the Staff recommendation against changing the method of measuring building height for structures on high oceanfront lots in the R-AA and R-A zoning districts.

On a motion by Mr. Broberg, seconded by Mr. Robertson, by a vote of 4-3 (Messrs. Sanchez, Bell, and Bertles dissenting), the Zoning Commission recommended approval of the Staff recommendation to Amend ARTICLE I, IN GENERAL, Sec. 134-2., Definitions and rules of construction, (b) Definitions, by adding a new definition of building height on low lots in the R-AA district, to read as follows:

Building, height of, (applicable only to structures on lots located on the west side of South Ocean Boulevard between Via Aqape and Sloan's Curve in the R-AA district and having a natural ground level lower than that of the roadway on which the lot fronts) means the vertical distance from the point the exterior wall meets the minimum flood elevation or the natural grade, whichever is higher, -to the top chord of the roof framing member where it intersects the plane of the outside face of the exterior wall for pitched roofs. For flat roofs, the measure-ment is to the point where the ceiling meets the exterior wall.

Zoning Study Item II - 2. Maximum Residential Densities for Commercial Zoning Districts

Staff discussed its recommendations on this item. On a motion by Mr. Kleid, seconded by Mr. Robertson, by a vote of 7-0 the Zoning Commission recommended approval of the Staff recommendation to amend the following sections of the Zoning Code as they relate to residential uses and densities in commercial zoning districts, hotel and time sharing densities in commercial zoning districts, and densities in PUD's, all to read as follows:

- a. Amend DIVISION 8, C-TS TOWN-SERVING COMMERCIAL DISTRICT, Section 134-1109, Special Exception Uses, by deleting subsection (a)(13) and amending subsection (a)(3) to read as follows:
 - (3) ~~Multifamily dwellings.~~ One single-family dwelling unit, or multiple dwelling units up to a maximum of six units per gross acre, whichever is higher, may be located above the first floor.
 - ~~(13) One family dwelling units located above the first floor.~~
- b. Amend DIVISION 9, C-WA WORTH AVENUE DISTRICT, Section 134-1159, Special Exception Uses, by deleting subsection (a)(8) and amending subsection (a)(12) to read as follows:
 - (8) ~~Multifamily residential~~
 - (12) Residential uses as follows:
 - a. ~~Residential uses~~ Single-family or multiple residential dwellings on the second and third floors, up to a maximum of 10 dwelling units per acre as provided for in the Worth Avenue Design Guidelines, which...
- c. Amend DIVISION 10, C-OPI, OFFICE, PROFESSIONAL, AND INSTI-TUTIONAL DISTRICT, Section 134-1209, Special Exception Uses, by modifying subsection (10) to read as follows:
 - (10) ~~Multifamily residential.~~ One single-family dwelling unit, or multiple dwelling units up to a maximum of six units per gross acre, whichever is higher, may be located above the first floor.
- d. Amend DIVISION 11, C-PC PLANNED CENTER DISTRICT, Section 134-1259, Special Exception Uses, by modifying subsections (5) and (11) to read as follows:
 - (5) Restaurants, ~~hotels~~, theaters, nightclubs, lounges/bars.
 - (11) Timesharing uses at a maximum of nine units per acre and hotels at a maximum of 26 units per acre.
- e. Amend DIVISION 12, C-B COMMERCIAL DISTRICT, Section 134-1304, Special Exception Uses, by modifying subsections (5) and (6) to read as follows:
 - (5) Hotels at a maximum of 26 units per acre.
 - (11) Timesharing uses at a maximum of nine units per acre.
- f. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, DIVISION 3. REGULATIONS, Section 134-654 to read as follows:

Residential densities in special exception planned unit developments permitted under this article shall be as follows:

PUD District	Use District	Maximum Density Permitted under PUD* (units per acre)
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PUD -1	R-B	6 <u>4</u> (1)
PUD -2	R-C	44 <u>6</u> **
	R-D(1)	45 <u>13</u> **
PUD-3	R-C	44 <u>6</u> **
	R-D(1)	45 <u>13</u> **
	R-D(2)	48 <u>13</u> **
PUD-4	R-AA	2/3**
	R-A	2**
	R-B	4**

Zoning Study Item II - 3. Air Conditioning, Swimming Pool and Generator Equipment

Staff discussed its recommendations on this item. Mr. Castro indicated that the provision for screening needed to be modified from the original recommendation to exclude reference to fences and include hedges in its place. On a motion by Mr. Robertson, seconded by Mr. Bell, by a vote of 7-0 the Zoning Commission recommended approval of the Staff recommendation, -as modified by the Zoning Commission and acceptable to Staff, to amend CHAPTER 134 - ZONING, Division 3, HEIGHT, Section 134-1607, Permitted exceptions, and Division 6. STRUCTURES, Subdivision 1. In General, Section 134-1728, and Section 134-1729 as follows:

Sec. 134-1607. Permitted exceptions.

Permitted exceptions to height regulations in this chapter in district other than R-AA, R-A and R-B shall be as follows:

1. In all zoning districts other than R-AA, R-A and R-B districts, structures for the housing of elevators, stairways, tanks, skylights not exceed ten percent in total area of the roof area on which they are placed, skylights not more than four feet in height above the roof and ventilation fans, ~~air conditioning equipment~~, solar panel not exceeding three feet in height above the roof. Air conditioning equipment shall not exceed ~~three~~ four feet above the minimum building requirement for elevated stands on a roof. ~~or~~ Similar equipment to operate and maintain the building, radio and television antennas for reception purposes only, church steeples, flagpoles and chimneys may be erected no more than 40 percent above the footage height limits of the district within which they are located as prescribed by this chapter; provided, however, that such structures located upon the roof area shall not cover in the aggregate a roof area greater than 15 percent of the ground floor area of such building or structure. Those essential items of equipment as identified in this section which must be permitted on the roof of a building shall be sight screened from view insofar as possible.

Sec. 134-1728. Air conditioning and swimming pool heating equipment

No portion of any air conditioning and/or swimming pool heating equipment shall be located closer than five feet from a side or rear property line. In addition, such air conditioning or swimming pool heating equipment shall be completely screened with a minimum five foot high wall and/or hedge fence from the neighboring property. In addition, a ~~Air conditioning and/or swimming pool heating~~ equipment in excess of two (2) units located within a required setback or in excess of four (4) feet in height, measured above the natural grade or minimum flood elevation, whichever is greater, or occupying more than twenty-five (25) square feet in total area shall be considered an accessory structure and shall be constructed or erected or placed in compliance with all the provisions of the ordinance applicable thereto accept as stated herein.

~~In no instance shall more than one air conditioning condenser unit~~ One (1) piece of air conditioning or swimming pool heating equipment not in excess of four (4) feet in height, measured above the natural grade or the minimum flood elevation, whichever is greater, nor occupying more than twenty-five (25) ten (10) square feet in area shall be allowed placed within each a required front yard. No portion of Such air conditioning or swimming pool heating equipment shall be located no closer than two feet from the building and does not extend more than five feet from the principal structure building nor closer than twenty (20) feet to the front, street side or street rear property line. In addition, and such air conditioning or swimming pool heating equipment shall be completely screened from the neighboring property by with a minimum five foot high wall and/or fence-hedge-hedge and from the street by a minimum five foot high wall or fence and three foot high hedge outside of said wall-or fence. In addition, cooling towers, and air handlers and swimming pool heating equipment, except as provided for above, are prohibited in the required front setback, street side yard setback or street rear yard setback.

~~How-ever, any house that fronts on two or more streets shall be allowed to place two air conditioning units and/or swimming pool heating equipment in one each required street side or street rear yard setback provided that the combination of said units equipment does not exceed two in each of said setbacks; are not more than four feet in height above the natural grade or the minimum flood elevation, whichever is greater; occupy no more than twenty-five (25) square feet in total area; and are set back a minimum of twenty feet from the property line and are screened from view by a five foot high wall or fence and three foot high hedge outside of said wall or fence.~~

Sec. 134-1729. Generators and swimming pool filters and pumps.

~~Generators, swimming pool filters pumps and heaters shall not be placed in the required front setback, street side yard setback or street rear yard setbacks. One generator shall be allowed in a required side or rear yard provided said generator is set back a minimum of five feet from the property line; is enclosed in a sound absorbing encasement; does not exceed a maximum height of seven feet above the neighboring property owner's grade; is screened from the neighboring property by a wall the same height as the generator; and said wall contains sound absorbing material. "Sound absorbing" as used in this section shall mean sound that does not exceed the allowable decibel level as set forth in Article V of Chapter 42.~~

In addition, swimming pool pumps and filters shall be allowed in a required side or rear yard provided said equipment is placed no closer than five feet from the side or rear property line and is enclosed in a pump house not exceeding a height of four feet. However, any lot that fronts on two or more streets shall be allowed to place two pieces of pool equipment one swimming pool filter and pump in one a required street side and/or street rear yard setback provided that said equipment is set back a minimum of twenty feet from the property line and is screened from view by a five foot high wall or hedge. swimming pool filter and pump, in combination with a pool heater and/or air conditioning unit does not exceed three pieces of said equipment; is set back a minimum of twenty feet from the street side or street rear property line; and, is screened from view from the neighboring property owner and street by a minimum five foot high wall and/or hedge.

Zoning Study Item II - 4. Setbacks for Docks, Piers, and Appurtenances

Staff discussed its recommendations on this item. On a motion by Mr. Bell, seconded by Mr. Lawrence, by a vote of 7-0 the Zoning Commission recommended approval of the Staff recommendation, to amend Sec. 134-1697. Structures over Lake Worth, and ARTICLE III. BULKHEADS AND PIERHEADS ON LAKE WORK, to read as follows:

Sec. 134-1697. Structures over Lake Worth

No structure shall be erected or constructed west of the established bulkhead or bulkhead line or over the waters of Lake Worth except docks, which shall be enclosed accessory structures as defined in this

~~chapter~~ meet the requirements in Article III. BULKHEADS AND PIERHEADS ON LAKE WORTH. Sec. 62-75. Construction specifications. No cooking, sleeping, or business activity shall be permitted or conducted on a dock.

ARTICLE III. BULKHEADS AND PIERHEADS ON LAKE WORK...

Sec. 62-75. Construction specifications.

- (a) *Generally.* All construction of bulkheads, piers and landing docks covered in this article shall comply with the specifications of this section.
- (b) *Location and alignment.* The west face of bulkheads are to be on the designated bulkhead line.
- (c) *Projections.* The west face of bulkheads shall be without projections, except at the top, where a cap or coping may be used. The transition from the face of the bulkhead to the outer face of the cap or coping shall not be abrupt. An administrative waiver by the Director of Public Works for batter (style) piles may be granted from this provision as identified in Section 62-74(a).
- (d) *Elevation of top.* The top of bulkheads or cutoff walls shall be governed by sound engineering recommendations, and the same shall be approved by the department of public works.
- (e) *Elevation of bottom.* The bottom of bulkheads or cutoff walls shall be governed by sound engineering recommendations, and the same shall be approved by the department of public works.
- (f) *Elevation of filled land lying west of the present A1A right-of-way.* The elevation of such fill will be such that drainage of any filled area will be routed away from the right-of-way ditches of State Road A1A.
- (g) *Tightness.* Bulkheads and cutoff walls shall be impervious to the passage of sand.
- (h) *Location and alignment.* Piers, landing docks and/or all associated appurtenances thereto may be built westward from the bulkhead lines a maximum of 150 feet. In addition, piers, landing docks and/or all associated appurtenances may not be built further than 150 feet from land nor more than 6 feet west of the U.S. Pierhead Line in Lake Worth. ~~In addition, piers, and landing docks and/or all associated appurtenances shall also be setback a minimum of 40 25 feet from the side property line.~~ All appurtenances to said piers or landing docks shall be set back a minimum of 15 feet from the side property line. No vessel that is docked at said pier or landing dock shall be allowed to extend past a continuous line extending from the side property line out into Lake Worth or the Palm Beach Inlet. These provisions may not be varied from unless a variance pursuant to Sections 134-171, 134-172, 134-173 and 134-201 has been granted by the Town Council.
- (i) *Elevations of top.* The elevations indicated for piers and docks must be in conformance to good engineering practice.
- (j) *Presence of rock.* If in the construction of bulkheads, piers or landing docks, rock too hard for penetration is encountered, before required penetration has been attained, the applicant will be required to give the department of public works satisfactory proof of its ability to penetrate the rock sufficiently to provide a structure equally as stable as though no rock had been encountered, and the structure had been built with the prescribed penetration in sand.
- (k) *Profiles with application.* If in the construction of any structure covered in this section is made, such application must be accompanied by a profile taken along the line of the proposed structure, such profile to show the character of materials encountered to elevations of required penetrations.
- (l) *Plans.* All plans accompanying applications for structures covered in this section must be prepared by, or in collaboration with, a civil engineer licensed to practice in the State of Florida.
- (m) *Datum plane.* The datum plane to which above elevations are referred is based upon National Geodetic Vertical Datum.
- (n) *Inspection.* The town council has the right at all times, through its authorized agent, to inspect work being done under this section.
- (o) *Approval of department of public works.* Penetration and elevations of piles being used in these structures shall be in accordance to good engineering practice. The plan of the work shall have the approval of the department of public works.

Zoning Study Item II - 5. Filing Fees for Zoning Applications

Staff discussed its recommendations on this item. On a motion by Mr. Bell, seconded by Mr. Sanchez, by a vote of 7-0 the Zoning Commission recommended approval of the Staff recommendation to amend Sec. 134-38, Filing fees for rezoning, special exception use, variance, appeal or other matter requiring public

hearing, to read as follows:

		<u>Existing</u>	<u>Proposed</u>
(1) Fee for request for a PUD application.....	\$2,500		\$2,500
(2) Fee for application for a special exception use, or a modification or expansion thereof.....	\$700		<u>\$800</u>
Multi-family dwelling and commercial uses	\$800		<u>\$1,000</u>
Plus, for each additional special exception request.....	\$200		<u>\$250</u>
(3) Added requests for zoning variances contained within a special exception or site plan review request.....	\$200		<u>\$250</u>
Plus, for each addition variance request.....	\$150		<u>\$200</u>
(4) Fee for zoning variance requests involving uses or structures	\$500		<u>\$750</u>
Multi-family dwellings and commercial uses	\$700		<u>\$800</u>
(5) Fee for zoning variance requests involving signs, awning, fences, gateposts and similar incidental accessory items.....	\$300		<u>\$400</u>
(6) Additional fee for each added item of a multiple point variance request within one zoning request application.....	\$200		<u>\$300</u>
(7) Fee for filing of an application for site plan review pursuant to Article III of this chapter in those instances that involve no other type of zoning application concurrent therewith and which involve new building construction or involve new building additions exceeding two thousand (2,000) square feet of total floor area.....	\$600		<u>\$800</u>
Multifamily dwelling or commercial use.....	\$1,000		<u>\$1,200</u>
(8) Fee for all other site plan review applications.....	\$400		<u>\$500</u>

		<u>Existing</u>	<u>Proposed</u>
(9) Fee for comprehensive plan amendment			
Text.....	\$1,300	<u>\$1,500</u>	
Future land use map.....	\$1,500		<u>\$2,000</u>
(10) Zoning change.....	\$1,500		<u>\$2,000</u>
(11) Submittal of Zoning text amendments.....	\$40		<u>\$40</u>
(12) Zoning text amendments (if studied).....	\$40		<u>\$300*</u>

*minimum plus all cost associated with the consultant and legal fees for analysis, study and report on any study item determined by the ~~Building Official~~ Director of Planning, Zoning, and Building to be large scale ~~Together with a sum sufficient to pay publication costs of the notice required to be published.~~

Zoning Study Item II - 6. Landscaped Open Space Requirements

Staff discussed its recommendations on this item. On a motion by Mr. Broberg, seconded by Mr. Robertson, by a vote of 7-0 the Zoning Commission recommended approval of the Staff recommendation, -as modified by the Zoning Commission, to amend ARTICLE VI, District Regulations, Division 2 through Division 7, *Landscaped open space*, Sections 134-793(a)(12), 134-843(a)(12), 134-893(a)(12), 134-948(11)e., 134-1004(11)e. and 134-1059(11)g. of Chapter 134, Zoning to read as follows:

R-AA. Section 134-793. Lot, yard and area requirements-Generally

 (a) schedule of regulations.

 (12) Landscaped open space.

b. Additionally, not less than 45 percent of the required front yard must be landscaped open space in the R-AA district.

R-A. Section 134-843. Lot, yard and area requirements-Generally

 (a) schedule of regulations.

 (12) Landscaped open space.

b. Additionally, not less than 45 percent of the required front yard must be landscaped open space in the R-A district.

R-B. Section 134-893. Lot, yard and area requirements-Generally

 (a) schedule of regulations.

 (12) Landscaped open space.

b. Additionally, not less than 40 percent of the required front yard must be landscaped open space in the R-B district.

R-C. Section 134-948. Lot, yard and area requirements-Generally

 (a) schedule of regulations.

 (11) Landscaped open space.

e. Additionally, not less than 40 percent of the required front yard must be landscaped open space for single-family and two-family homes in the R-C district and not less than 35 percent of the required front yard must be landscaped open space for all other type of development.

R-D(1) Section 134-1004. Lot, yard and area requirements-Generally

 (a) schedule of regulations.

 (11) Landscaped open space.

e. Additionally, not less than 40 percent of the required front yard must be landscaped open space for single-family and two-family homes in the R-D(1).

district and not less than 35 percent of the required front yard must be landscaped open space for all other type of development

R-D(2) Section 134-1059. Lot, yard and area requirements-Generally

(a) schedule of regulations.

(11) *Landscaped open space.*

g. Additionally, not less than 40 percent of the required front yard must be landscaped open space for single-family and two-family homes in the R-D(1) district and not less than 35 percent of the required front yard must be landscaped open space for all other type of development

Zoning Study Item II - 7. Front Yard Setbacks for Deep Lots in the R-B Zoning District

Staff discussed its recommendations on this item. On a motion by Mr. Bell, seconded by Mr. Kleid, by a vote of 7-0 the Zoning Commission recommended approval of the Staff recommendation to amend Sec. 134-893. Lot, yard and area requirements-Generally, (a) Schedule of regulations, (5) Front yard by adding a new subsection "c." to read as follows:

(5) Front yard.

- a. The minimum front yard setback for the first story is 25 feet.
- b. The minimum front yard setback for the second story is 30 feet.
- c. The minimum front yard setback for lots equal to or greater than 150 feet deep shall be subject to a front setback requirement of 35 feet or two feet for every one foot in building height, whichever is greater.

Zoning Study Item II - 9 Zoning Season Extension

Staff discussed its recommendations on this item. Mr. Bell commented that he did not feel it necessary that the Zoning Commission meet in October. Other Commissioners noted that perhaps extending the Zoning Season to May might be too late in the year and that many residents left before that month. Mr. Bell moved for disapproval of the proposal, but the motion died for lack of a second. On a motion by Mr. Kleid, seconded by Mr. Broberg, by a vote of 6-1 (Mr. Bell dissenting) the Zoning Commission recommended approval of the Staff recommendation to amend Sec. 134-261, Town Council actions; submission to zoning commission for recommendations and report; hearings, subsection (d), to read as follows:

- (d) No hearings shall be held on any application for rezoning of property or for modifications or amendments of this chapter except during the annual zoning season which shall be the months of October, November, December, January, February, March, ~~and April, and May~~ of each year. All applications for rezoning or applications to amend, supplement, change, modify or repeal this chapter shall be filed only during the months of May and June, ~~July~~, and no later than the ~~first~~ last Tuesday in ~~August~~ July of each year. Any proposed amendment to change property from one zoning district to another zoning district shall require the favorable vote of at least four members of the town council

The meeting was recessed at 3:07 p.m. until 9:30 a.m. the following morning, December 3, 2002.

* * * * *

The meeting of the Zoning Commission recessed from the previous day, was reconvened by the Chairman at 9:35 a.m. on December 3, 2002 in the Town Council Chambers at 360 S. County Road in Palm Beach, Florida. —A quorum of the members of the Zoning Commission was present as follows:

James B. Bertles - Chairman

Richard Kleid - Secretary
Eugene Lawrence - Member
Lowry Bell - Member
Harrison Robertson - Member
Jorge A. Sanchez Member
Martin I. Klein - Alternate Member
Joanna Golino - Alternate Member
Nancy Murray - Alternate Member

III. COMPREHENSIVE PLAN STUDY ITEMS

Veronica Close, Assistant Director, introduced this portion of the agenda, and outlined the reasons for these items and how the staff would proceed with its presentation.

Mr. Broberg entered the meeting at this time.

Comprehensive Plan Study Item III - 1. Future Land Use Map (FLUM) and Zoning Map Comparison

All witnesses were sworn in for a quasi-judicial hearing for Study Item III - 1. Commissioners were asked to declare ex parte communication. There being none declared, Tim Frank, Planning Administrator, and William Brisson, Planning Consultant from Adley, Brisson, Engman, presented the process used to determine inconsistencies between the FLUM and the Zoning Map. The Staff explained to the Commission how the inconsistencies between the Future Land Use Map and the Zoning Map were found and that virtually all were the result of scrivener's errors in the original coloring of the Future Land Use Map. The Commission decided to review each parcel and vote on it before moving to the next.

PARCEL 1: 200 North Ocean Boulevard

Mr. Robertson initiated discussion with questions regarding the status of the Comprehensive Plan and Zoning Code and the Staff provided comments and explanations.

After the Staff made its presentation, Mr. Klein posed questions to the Town Attorney regarding the legality and legal effects of the proposed changes; whether there had been proper notification of the affected property owners, etc. Mr. Randolph responded in the affirmative and explained that the changes to the Future Land Use Map would not be officially undertaken until next year.

Mr. Robertson expressed concern over the proposed land use designation for single-family use when the property is actually a multi-family structure. Staff explained that the multi-family structure was a special circumstance approved under the PUD 4 and that the proposed single-family designation would ensure that this specific structure was the only form of multi-family structure that would be allowed. If, for some reason, it were to be removed in the future, then only single-family structures would be allowed on the property.

The Staff indicated that any changes recommended would be implemented in the following zoning season, after receiving Town Council direction this year. On a motion by Mr. Bell, seconded by Mr. Kleid, by a vote of 6-1 (Mr. Robertson dissenting), the Zoning Commission recommended approval of the Staff recommendation to change the Future Land Use designation from Multi-Family Moderate Density to Single-Family Residential.

PARCEL 2: 251 Bradley Place

On a motion by Mr. Broberg, seconded by Mr. Robertson, by a vote of 7-0 the Zoning Commission recommended approval of the Staff recommendation to change the Zoning designation from C-TS

Commercial to R-C Medium Density Residential.

PARCEL 3: 40 Coconut Row

James Brindell, attorney, who represents the Breakers, owners of the property, commented that the Breakers is not sure at this time what it would like to do with the property and wished to reserve the option of coming before the Town for a change in the land use designation in the future if necessary. Mr. Bell asked the Staff if the land use designation could be changed in the future and the Staff responded in the affirmative. On a motion by Mr. Bell, seconded by Mr. Kleid, by a vote of 6-1 (Mr. Robertson dissenting), the Zoning Commission recommended approval of the Staff recommendation to change the Future Land Use designation from Multi-Family High Density to Commercial.

PARCEL 4A: 247, 231, & 221 Royal Palm Way

On a motion by Mr. Lawrence, seconded by Mr. Bell, by a vote of 7-0, the Zoning Commission recommended approval of the Staff recommendation to change the Future Land Use designation from Multi-Family Moderate Density to Commercial.

PARCEL 4B: 209 & 215 Seaview and 218, 222, 224 & 228 (West Drive) Phipps Plaza Drive

On a motion by Mr. Broberg, seconded by Mr. Robertson, by a vote of 7-0, the Zoning Commission recommended approval of the Staff recommendation to change the Future Land Use designation from Commercial to Multi-Family Moderate Density.

PARCEL 4C: 236 (South Drive A) Phipps Plaza Drive

On a motion by Mr. Broberg, seconded by Mr. Robertson, by a vote of 7-0, the Zoning Commission recommended approval of the Staff recommendation to change the Future Land Use designation from Commercial to Multi-Family Moderate Density.

PARCEL 5: Parcels 8, 9, 10 "The East Plaza" subdivision

A history of this item was provided by the Staff. Mr. Sanchez indicated that he was aware that the owners of the property were marketing the property as R-B single family. The Commission expressed their belief that based on the R-B zoning and the underlying plat of single-family lots, that the appropriate land use was Single-Family Residential. They also determined that since the exercise involved corrections of scrivener's errors, that designation as Single-Family Residential was appropriate. On a motion by Mr. Sanchez, seconded by Mr. Robertson, by a vote of 6-1 (Mr. Bell dissenting), the Zoning Commission recommended disapproval of the Staff recommendation to change the Future Land Use designation from Commercial to Multi-Family Moderate Density; and alternatively recommended that the property be designated **Single-Family Residential** and Staff concurred.

PARCEL 6: 266 South Ocean Boulevard & 109 Royal Palm Way

On a motion by Mr. Bell, seconded by Mr. Kleid, by a vote of 7-0, the Zoning Commission recommended approval of the Staff recommendation to change the Zoning designation on the property from R-C Residential Moderate Density to C-B Commercial.

It was noted that an easement existed on the eastern portion of the property requiring a 50' buffer of landscaped open space along the eastern portion of the property.

PARCEL 7: 215 Brazilian Avenue

Mr. Brindell, representing the property owner, commented that the owner is trying to find the most

appropriate and economically viable use for the property. Mr. Kleid moved to accept the recommendations of the Staff, to change the Future Land Use Map from Commercial to Multi-Family Moderate Density, which motion died for lack of a second. Mr. Robertson expressed concern over changing the land use category from Commercial to Multi-Family Moderate Density when the use is, and has been for a long time, a hotel. Staff explained that even under a Commercial land use designation, only the R-D(2) and C-B zoning districts contain a provision to allow hotels, and that this zoning district designation would not be appropriate at this location. Staff also explained that if the land were designated Commercial on the Future Land Use Map and zoned commercially, there would be the possibility that the land would be developed in another form of commercial use, which would not be appropriate within this residential area.

On a motion by Mr. Broberg, seconded by Mr. Kleid, by a vote of 6-1 (Mr. Robertson dissenting), the Zoning Commission recommended approval of the Staff recommendation to change the Future Land Use designation from Commercial to Multi-Family Moderate Density.

PARCEL 8: 160 Brazilian Avenue

On a motion by Mr. Robertson, seconded by Mr. Sanchez, by a vote of 7-0, the Zoning Commission recommended approval of the Staff recommendation to change the Future Land Use designation from Commercial to Single-Family Residential.

PARCEL 9: Town Golf Course/Tres Vidas Condominium

On a motion by Mr. Bell, seconded by Mr. Broberg, by a vote of 7-0, the Zoning Commission recommended approval of the Staff recommendation to change the Future Land Use designation for the Tres Vidas property from Multi-Family Moderate Density to PUD; and, to change the Future Land Use designation for a portion of the Town Golf Course from PUD to Public Recreation.

Mr. Robertson left the meeting at this point, and Mr. Klein became the voting member.

Comprehensive Plan Study Item III - 3. Amendment to the Comprehensive Plan Regarding Storm Drainage Improvements

Because James Bowser, Town Engineer, was present at this time, this item was heard next, so that he would be available to respond to questions regarding storm drainage. Staff discussed its recommendations on this item. Mr. Bell expressed concern about water retention on specific properties and is opposed to using berms rather than underground drainage. He read into the record a memo from Mr. Dusey to Mr. Elwell concerning water retention and swales in the Phipps Estate. Mr. Bowser responded explaining how underground retention is not practical nor effective in all locations in the Town and that in such cases swales are the only practical solution.

On motion by Mr. Bell, seconded by Mr. Broberg, by vote of 7 - 0, the Zoning Commission recommended that the Town Council direct Staff to study the use of swales, and eliminate their use wherever possible.

Mr. Sanchez asked if the Town's drainage plan was based on how the Town would be developed in the future. Mr. Moore responded that indeed the drainage plan was based on 'maximum re-development' in the future rather than just current development patterns.

On a motion by Mr. Lawrence, seconded by Mr. Bell, by a vote of 7-0 the Zoning Commission recommended approval of the Staff recommendations, as modified by the Zoning Commission, pertaining to updating the Future Land Use and Infrastructure Elements as they pertain to storm drainage.

FUTURE LAND USE ELEMENT:

Change OBJECTIVE 5, as follows:

- ...POLICY 5.1a Flooding will not occur during a one-year storm for systems served by pumping stations or during a three-year storm for systems with gravity outfalls, and the minor flooding associated with a five-year storm ~~would~~ shall be carried off within sixty minutes.
- POLICY 5.1b Negative impacts of stormwater discharge upon water quality in Lake Worth are ameliorated by the retention of the first ~~one three two~~ three two inches of rainfall prior to discharge into the Town system, or the post-development runoff does not exceed predevelopment runoff for a three-year one-hour storm, whichever is greater;...
- POLICY 5.1c For all commercial, ~~multi-family, new residential subdivision, and single family lots of one-half acre or more;~~ or residential development or redevelopment, where the proposed work falls into one of the following categories:

(A)

The proposed work exceeds 25% of the market value of the property;

(B) The proposed work includes the construction of a new swimming pool;

(C) The proposed work includes the redevelopment of more than 20% of landscaped open space, 20% of the impervious area of the site including buildings, patios, etc. or a combination thereof which exceeds 20%;

(D) The proposed work includes new driveways or parking areas;

(E) The proposed work includes replacement or reconstruction of parking areas other than parking areas designed for less than three residential units; or

(F) Other development as may be deemed appropriate by the Town Engineer.

~~a- The impact on the system will not lower the LOS as stated in 5.1a and 5.1b; or,~~

~~b- The drainage problem area is scheduled and contracted for improvement in the Town's Capital Improvement Program; or,~~

~~c. The developer upgrades the drainage system to meet LOS as stated in 5/1a and 5/1b; or,~~

~~d. The post-development runoff does not exceed pre-development runoff, thereby preventing additional degradation of the system;~~

~~And, for all single family development of a half acre or less which is not the result of new subdivision, that one of the four above requirements will be met, when feasible, or that no degradation of existing drainage capacity occurs as the result of development.~~

INFRASTRUCTURE ELEMENT:

Change OBJECTIVE 5, as follows:

Development orders and permits for new development or redevelopment shall be issued only if the

proposed project meets the Town's adopted level of service standards, or if needed expansion of facilities is coordinated with future development.

...POLICY 8.1

The Town shall establish the following level of service standards;

1. Flooding will not occur during a one-year storm for systems served by pumping stations, or during a three-year storm for systems with gravity outfalls; and the minor flooding associated with a five-year storm ~~would~~ shall be carried off within sixty minutes.
2. Negative impacts of stormwater discharge upon water quality in Lake Worth are ameliorated by the retention of the first ~~one~~ three ~~two~~ inches of rainfall prior to discharge into the Town system, or the post-development runoff does not exceed predevelopment runoff for a three-year one -hour storm, whichever is greater;...

POLICY 8.2

Prior to the issuance of a development order or permit, the Town shall review drainage plans and calculations for all projects, and shall make and record a determination that

For all commercial, ~~multi family, new residential subdivision, and single family lots of one half acre or more; or residential development or redevelopment, where the proposed work falls into one of the following categories:~~

- (A) The proposed work exceeds 25% of the market value of the property;
- (B) The proposed work includes the construction of a new swimming pool;
- (C) The proposed work includes the redevelopment of more than 20% of landscaped open space, 20% of the impervious area of the site including buildings, patios, etc. or a combination thereof which exceeds 20%;
- (D) The proposed work includes new driveways or parking areas;
- (E) The proposed work includes replacement or reconstruction of parking areas other than parking areas designed for less than three residential units; or
- (F) Other development as may be deemed appropriate by the Town Engineer.
- ~~1. The impact on the system will not lower the LOS as stated in Policy 8.1; or,~~
 - ~~2. The drainage problem area is scheduled and contracted for improvement in the Town's Capital Improvement Program; or,~~
 - ~~3. The developer upgrades the drainage system to meet LOS as stated in 8.1; or,~~
 - ~~4. The post development runoff does not exceed pre development runoff, thereby preventing additional degradation of the system;~~

And, for all single family development of a half acre or less which is not the result of new subdivision, that one of the four above requirements will be met, when feasible, or that no degradation of existing drainage capacity occurs as the result of development

**Comprehensive Plan Study Item III - 2. Amendment to
the Capital Improvements and Coastal
Management/Conservation Elements**

Staff discussed its recommendations on this item. On a motion by Mr. Sanchez, seconded by Mr. Bell, by a vote of 7-0 the Zoning Commission recommended approval of the Staff recommendations pertaining to updating the Capital Improvements Element and Coastal Management/Conservation Element as follows:

1. In accordance with Comprehensive Plan Policy 6.1 the Town of Palm Beach Five Year Capital Improvement Plan FY 2003 through FY 2007 should be adopted (see attached table). The subject table replaces Table VIII-1 Funding Requirements Capital Improvement Program.
2. In accordance with Objective 5 of the Coastal Management/Conservation Element which states:

"The Town shall protect and restore its beaches and dunes. The measurement of this objective is the extent to which beaches and shores are protected and restored, and the degree the following policies are implemented."
3. A table will be added to the Coastal Management/Conservation Element entitled: "Five Year Coastal Management Plan" and staff further recommends adding the following policies:

POLICY 5.8

The Town will commence the Mid Town Beach nourishment program in FY 2001 with additional expenditures and activities in FY 2002.

POLICY 5.9

The Town will commence the South of Mid Town Beach nourishment program in FY 2001 with additional expenditures and activities in FY 2004.

POLICY 5.10

The Town will commence the North End Restoration nourishment program in FY 2001 with additional expenditures and activities in FY 2004.

POLICY 5.11

The Town will commence the South End nourishment program in FY 2001 with additional expenditures and activities in FY 2004.

POLICY 5.12

The Town will commence the Phipps Ocean Park nourishment program in FY 2001 with additional expenditures and activities in FY 2002.

Insert Table from Five Year Capital Improvement Plan

Comprehensive Plan Study Item III - 4. Clarification of the Range of Uses in Land Use Categories

Staff discussed its recommendations on this item. After the Staff presentation, Mr. Bertles identified two areas of concern over the proposed language. He felt the proposed language was unnecessarily broad, and he stated that he wished to retain the present language of Objective 2. He felt that the proposed language would, perhaps, give developers a basis for change in the community that was not envisioned in the original language. Mr. Bertles also suggested deleting the last sentence in the proposed new language for Policy 2.1. He was concerned over who would make the determination that a use not listed in a land use category was equivalent in character, intensity and impacts to those uses listed. The Commission was in agreement.

Ms. Golino expressed concern over the height limits contained in the land use categories. Since the maximum heights may only be allowable as special exceptions in certain instances, she suggested that such maximum heights should be noted as only applicable in limited circumstances. The Commission was in agreement.

On a motion by Mr. Klein, seconded by Mr. Sanchez, by a vote of 7-0 the Zoning Commission recommended approval of the Staff recommendations, as modified by the Zoning Commission, pertaining to the uses, densities and intensities allowable within each of the various land use categories, as follows:

CHANGES TO TEXT SECTIONS OF THE EXECUTIVE SUMMARY:

Summary of the Future Land Use Plan

The land use categories defined in this Element are compatible with the Town's individual zoning districts. Specific uses, dimensional regulations, and other requirements are identified in the Zoning Ordinance. Since industrial uses and mobile homes are prohibited in the Town, they are excluded from discussion in the Plan. Table I-3, following, summarizes the Future Land Use Plan Map in tabular form:

TABLE I-3

FUTURE LAND USE, 2006 Town of Palm Beach

LAND USE CATEGORY	ACRES	PERCENT
Single-family <u>Residential</u> (up to 4 du/ac)	1,103	53
Multi-family <u>Moderate Density</u> (up to 6 du/ac)	117	6
Multi-family <u>High Density</u> (6 up to 13 du/ac)	226	11
Commercial	93	5
Public	4	0
<u>Public</u> Recreation	106	5
Private Group Use	219	11
Approved PUD (up to 13 du/ac)	168	8
Conservation	39	2

TOTAL *	2,076	100
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* Parts may not add to 100% nor to total acreage of 2,076,
due to internal rounding.

Single_Family Uses

This is the most predominant land use in the Town. The Future Land Use Plan Map designates 1,103 acres of land for this use of which about 48 acres are vacant. The preferred locations are those with good visual qualities, buffered from annoying traffic influences with easy access to shop-ping and recreation.

Appropriate uses include estates, single_family homes, residential PUD's and cluster develop-ment up to a maximum density of four dwelling units per gross Palm Beach acre (40,000 square feet). Public uses and facilities, including public and private schools, group homes and foster care facilities, essential services, and private group uses and cul-tural uses are also permit-ted within this category on a limited basis.

It is estimated that another 85 single_family dwelling units can be accom-mo-dated at an average density of 1.8 units per acre.

Multi_Family Uses

Two multi_family categories, permitting varying densities and uses, are shown on the Future Land Use Plan. In total, the Fu-ture Land Use Plan designates about 343 acres of land for this use of which about 8 acres are vacant. Some of these lands are un-de-vel-op-able, or have been commit-ted to open space associ-ated with other residen-tial units, and most can-not be de-vel-oped at maxi-mum al-low-able density due to limited par-cel sizes. Conse-quently, it is es-timated that these vacant lands can accom-modate about 35 ad-ditional multi_family units.

The preferred locations are adjacent to high accessibility cor-ridors; areas with good visual qualities; near commercial cen-ters, and recreation and open space areas to offset effects of higher density.

Multi-Family Moderate Density: Appropriate uses include single_family and two_family homes, townhouses, multi_family units, and residential and mixed-use PUD's up to a maximum density of six dwelling units per gross Palm Beach acre (40,000 square feet); public uses and facilities; public and private schools; private group uses; group homes and foster care facilities; and essential services. The Plan designates about 117 acres of land for this use.

Multi-Family High Density: Appropriate uses include single_family and two_family homes, town-houses, multi_family units, and residential and mixed use PUD's up to a maximum density of thirteen dwelling units per gross Palm Beach acre (40,000 square feet). ~~and, ho-tels~~ Hotels up to 26 units/gross Palm Beach acre along with asso-ciated accessory commercial uses and time_sharing uses up to 9 units/gross Palm Beach acre may be appropriate under carefully con-trolled conditions. Other appropriate uses include public uses and facilities, public and private schools, private group uses, group homes and foster care facilities, and essential services. The Plan designates about 226 acres of land for this use.

Commercial Uses

While only one commercial category is specifi-cally identified on the Future Land Use Plan Map, the Town provides for commercial uses at varying intensities under different zoning cate-gories. The Plan designates about 93 acres for commercial uses, of which only about one-half acre remains vacant. Appropriate uses include ~~general business and service establish-ments, offices, banks, and financial institu-tions,~~ a wide range of commercial retail, service, profes-sional and business uses- largely intended to serve Town persons; hotels, motels and time-sharing uses; public uses and facilities; public and private schools; private group uses; and resi-dential uses located above the ground floor.

Public Uses

The Plan designates ap-proximately four acres of land for this use. Appropriate uses include public schools, low intensity public facilities at a scale and intensity necessary to primarily serve the needs of Town persons, and owned, operated, fran-chised, or super-vised by a gov-ern-mental agency. The des-ig-nation of a property for Public Use on the Future Land Use Plan Map rec-ognizes the current use of the property; and, further, that such properties may also be ap-pro-priate for residential or commer-cial development. The Zoning Ordinance is the tool

which indicates those uses which are specifically allowed.

Recreation Uses

The Plan designates approximately 106 acres of land for this use. This category is intended for low intensity public recreational uses or activities at a scale and intensity necessary to primarily serve the needs of Town persons, and to preserve the natural and scenic resources of the Town. Only public facilities, owned, operated, franchised or supervised by a public governmental entity, are given this designation.

Private Group Uses

The Plan designates approximately 219 acres of land for this use. Appropriate uses include low intensity private clubs, golf and country clubs, houses of worship, museums and non-commercial recreation-type or cultural uses at a scale and intensity intended to primarily serve the needs of Town persons. The designation of a property for Private Group Use on the Future Land Use Plan Map recognizes the current use of the property; and, further, indicates that such properties may also be appropriate for residential or commercial development. The Zoning Ordinance is the tool which indicates those uses which are specifically allowed or prohibited.

Approved PUD

This category represents Planned Unit Developments that have been approved by the Town Council. The Plan designates approximately 168 acres of land for this use. Only the Breaker's PUD contains remaining development potential. If built to maximum density, this PUD could hold another 251 multi_family units and some com-mercial development. Densities in new PUD's shall be limited to the maximum density allowable in the land use category and zoning district in which they are located prior to their approval, but shall not exceed thirteen units per acre.

Conservation

This category is intended primarily for the spoil islands in Lake Worth which comprise about 39 acres. An additional 3-acre conservation parcel is located south of Southern Boulevard in the Blossom Estate sub-division. Both areas are unique, and will be preserved and protected from development and the negative impacts of public use.

Maps I-1 through I-7, comprising the Town's Future Land Use Map Series, provide mapping of future land use, recreation areas and their general service areas, historic sites and districts, beaches and shores, wetlands and estuarine areas, flood plains, and soils, follow. There are no existing or planned waterwells, cones of influence, rivers, bays, fresh water lakes, harbors, or economic mineral deposits in the Town of Palm Beach.

...OBJECTIVE 2

Maintain the character of the Town as a predominantly residential community of businesses and other support services necessary to meet the needs of Town residents.

To ensure a range of land use categories of varying densities and intensities consistent with the natural and built-up environment, existing and emerging development patterns, topography and soil conditions, and the availability of essential services; and, to maintain the Town as a predominately residential community having only the type and amount of businesses and other support services necessary to meet the needs of Town residents.

POLICY 2.1

~~The Town shall adopt land development regulations, or amend its existing regulations, such that said regulations shall be based on, and consistent with, the Future Land Use Plan and the following residential densities:~~

~~2.1a Conservation — no urban development permitted.~~

~~2.1b Single_Family_Residential __ single_family residen- tial at a maximum density of four
units per gross acre;~~

2.d Multi_Family Moderate Density __ multi_family residen-t:
gross acre; and,

~~2.1d Multi-Family High Density — multi-family residential uses at a maximum density of thirteen units per gross acre; time sharing uses at a maximum of nine units per gross acre; and, hotel and motel uses at a maximum density of 26 rooms per gross acre (hotel and motel rooms are considered to be equivalent to 0.5 du).~~

The listing of appropriate land uses in each of the individual land use categories identifies those uses generally expected to be appropriate. ~~How ever, other uses which are deemed by the Town to be equivalent in character, intensity, and impacts to those listed shall also be appropriate.~~

Policy 2.1.1 Where essential services are indicated as an appropriate use, essential services shall include public utility facilities related to water supply, telephone (excluding wireless tele-communication facilities), cable television, gas, electrical distribution systems and town-owned services such as sanitary sewer, stormwater drainage, and solid waste collection and disposal systems, including any necessary appurtenant structures serving the Town.

POLICY 2.2

~~Maintain or strengthen Town Ordinances that may not sufficiently create, preserve and enhance areas of attractive, small-scale retail, personal and professional/business services, developed either as a unit or in individual parcels, providing for the frequently recurring needs of Town residents; and, modify existing regulations such that said regulations address the location and extent of non-residential land uses in accordance with the Future Land Use Map, and the following descriptions and intensities of land use:~~

~~2.2a Commercial uses — general business and service "Town-serving" uses, or general business uses which are substantiated to attract, or be expected to attract, a majority of its patronage from "Town persons."~~

- (1) ~~"Town-serving" is defined as "Establishments principally oriented to serving the needs of Town persons which would not substantially rely upon the patronage of persons not defined as Town persons. Commercial establishments of 2,000 square feet of gross leasable area are assumed to meet the intent of the first part of this definition."~~

- ~~(2) "Town persons" is defined as "All full-time and seasonal residents as well as visitors staying at accommodations and employees working in establishments located within the Town."~~

- ~~(3) The Town shall incorporate in its Land Development Regulations provisions for the location of commercial uses of a greater intensity that are considered compatible with the Future Land Use Plan and character of the Town.~~

~~2.2b Public buildings and facilities — public schools, low intensity public buildings and facilities, such as fire and police stations, Town Hall, etc., of a scale necessary to primarily serve the needs of Town persons.~~

~~2.2c Recreational uses—low intensity public recreational uses or ac-ti-vities, natural resources and scenic resources of a scale and intensity necessary to primarily serve the needs of Town persons.~~

- 2.2d Private group uses—low intensity private group uses such as private clubs, golf and country clubs, public and private schools, and other such non-commercial uses at a scale and intensity intended to primarily serve the needs of Town persons.

~~2.2e~~ ~~Approved PUD's — existing or previously approved PUD's, and new PUD's that shall be approved only within the density limits of the land use category in which they are located prior to approval of the PUD. PUD densities shall not exceed 13 dwelling units per acre.~~

Development orders shall be issued by the Town only for new residential development or redevelopment that is consistent with the Future Land Use Map and associated Future Land Use Designations set forth in the following policies.

Policy 2.2.1 – Single-Family Residential – Intended to accommodate and pre-serve estates and single-family residential development at a maximum density of four dwelling units per gross Palm Beach acre (40,000 square feet) and a maximum height of two stories.

Appropriate uses include single-family dwellings, residential PUD's as set forth in Policies 11.1.1 and 11.1.4, cluster development, public uses and facilities, public and private schools, private group uses, group homes and foster care facilities, and essential services.

Policy 2.2.2 – Multi-Family Moderate Density – Intended to accom-m o-date and preserve residential development at a maximum density of six dwelling units per gross Palm Beach acre (40,000 square feet) and a maximum height of two stories.

Appropriate uses include single-family, two-family, townhouses and multi-family dwellings; residential PUD's as set forth in Policy 11.1.2; mixed-use PUD's as set forth in Policy 11.1.3; public uses and facilities; public and private schools; private group uses; group homes and foster care facilities; and essential services.

Policy 2.2.3 – Multi-Family High Density – Intended to accommo-date residential development at a --maxi-mum density of 13 dwelling units per gross Palm Beach acre, (40,000 square feet) and, **under limited circumstances**, a maximum height of five stories.

Appropriate uses include single-family, two-family, townhouses and multi-family dwellings; residential PUD's as set forth in Policy 11.1.2; mixed-use PUD's as set forth in Policy 11.1.3; hotel and motel uses up to 26 rooms per gross Palm Beach acre (40,000 square feet) and associated accessory commercial uses (hotel and motel rooms are considered to be equivalent to 0.5 dwelling units); timesharing uses up to nine units per gross Palm Beach acre (40,000 square feet); public uses and facilities; public and private schools; private group uses; group homes and foster care facilities; and essential services.

POLICY 2.3

Development orders shall be issued by the Town only for new non-residential development or redevelopment that is consistent with the Future Land Use Map and descriptions and intensities of land use as set forth in the following policies.

Policy 2.3.1 – The following definitions shall pertain to the application of the non-residential land use designations and associated policies:

- a. "Town-serving" shall mean establishments principally oriented to serving the needs of Town persons and not substantially relying on the patronage of persons not defined as Town persons. Commercial establishments of 2,000 square feet or less of gross leasable area are assumed to meet the intent of the first part of this definition.

- b. "Town persons" shall mean all full-time and seasonal residents of the Town as well as visitors staying at accommodations in, or employees working in establishments located within, the Town.

Policy 2.3.2 – Conservation – Intended to preserve and protect unique natural areas from development and the negative impacts of public use. No urban development is permitted.

Policy 2.3.3 – Commercial – Intended to create, preserve, and enhance areas of attractive, small-scale, retail, personal and professional/business services, and mixed commercial/residential use, developed either as a unit or in individual parcels, providing primarily for the frequently recurring needs of Town persons with limited provision for more intensive commercial uses that are ~~considered~~ proven to be compatible with the Future Land Use Plan and the character of the Town.

- a. Appropriate uses include a wide range of commercial retail, service, professional and business uses for residents and visitors; hotels/motels up to 26 rooms per gross Palm Beach acre (40,000 square feet); timesharing uses up to 9 units per gross Palm Beach acre (40,000 square feet); offices; public uses and facilities; public and private schools; private group uses; and residential uses located above the ground floor.

- b. Except for uses located in the Worth Avenue zoning district (C-WA), one residential unit may be located above the ground floor, or up to a maximum density of six dwelling units per gross Palm Beach acre, whichever is greater. In the Worth Avenue zoning district the maximum allowable density shall be 10 dwelling units per gross Palm Beach acre provided the Worth Avenue Design Guidelines are met

c. Maximum lot coverage for non-residential uses shall be 75%.

d. In limited circumstances, the maximum building height shall be three stories.

Policy 2.3.4 – Public – Intended to recognize existing locations of, and provide sites for, public uses, structures and facilities.

- a. Appropriate uses include public schools, low intensity public buildings and facilities such as fire and police stations, Town Hall, etc, of a scale and intensity necessary to primarily serve the needs of Town persons. Only public uses owned, operated, franchised, or supervised by a governmental agency are given this designation.

- b. The designation of a property for Public use on the Future Land Use Plan Map recognizes the current use of the property; and, further, that such properties may also be appropriate for residential or commercial development with uses identified under the Single-Family Residential and Commercial land use categories. ~~The Zoning Ordinance is the tool which indicates those uses which are specifically allowed.~~

c. Maximum lot coverage shall be 40%.

d. In limited circumstances, the maximum building height shall be three stories.

Policy 2.3.5 – Public Recreation – Intended to provide for low intensity public recreational uses or activities, natural resource and scenic resources of a scale and intensity necessary to primarily serve the needs of Town persons. Only public facilities owned, operated, franchised, or supervised by a public governmental entity are given this designation.

Policy 2.3.6 – Private Group Use – Intended to provide for low intensity uses such as private clubs, golf and country clubs, public and private schools, houses of worship, museums, and non-commercial recreation-type or cultural uses at a scale and intensity intended to primarily serve the needs of Town persons.

- a. The designation of a property for Private Group Use on the Future Land Use Plan Map recognizes the current use of the property; and, further, that such properties may also be appropriate for residential or commercial development with uses identified under the Single-Family Residential, Multi-family Moderate Density, and Commercial land use categories. The Zoning Ordinance is the tool which indicates those uses which are specifically allowed.

b. Maximum lot coverage shall be 40%.

c. In limited circumstances, the maximum building height shall be three stories.

Policy 2.3.7 – Approved PUD – Intended to recognize existing or previously approved PUD's and provide for new PUD's within the density limits of the land use category in which they are located prior to approval of the PUD. PUD densities shall not exceed 13 dwelling units per gross Palm Beach acre...

[NOTE: Existing Policies 2.3, 2.4 and 2.5 on page I-30 should be renumbered to 2.4, 2.5 and 2.6.]

...OBJECTIVE 11

Provide ~~The Town's land development regulations shall include provisions~~ for Planned Unit Develop-ments and other innovative regula-tions and techniques that will assist the Town in maintaining its high stand-ards, quality of life, and appropriate mix and location of land use types and structures; and, in ensuring that new development is compatible with existing surrounding properties.

POLICY 11.1

~~The Town shall continue to employ the PUD technique, which it has used successfully in the past, particularly the PUD 4 provision of the Zoning Ordinance to promote creative reuse of historically or architecturally significant structures in the Town. The following types of Planned Unit Developments shall be allowed in the Town:~~

Policy 11.1.1 Single-family PUD's located within the Single Family Residential Land Use Category not exceeding four dwelling units per gross Palm Beach acre.

Policy 11.1.2 Mixed residential development located within the Multi-Family
Moderate or Multi-Family High Density Land Use Categories, not
exceeding the maximum density allowable within the Land Use
Category.

Policy 11.1.3 Mixed-use development within the Multi-Family Moderate Density or Multi-Family High Density Land Use Categories, allowing for a mix of residential uses not exceeding the maximum allowable density within the Land Use Category and nonresidential development not exceeding 20% of the gross floor area of the PUD.

The following equivalencies shall be used in determining the intensity of the nonresidential components:

<u>Land Use Type</u>	<u>Unit of Measurement</u>	<u>Equivalence to One Dwelling Unit of Gross Density</u>
<u>Hotels, motels or similar transient facilities</u>	<u>Number of bedrooms</u>	<u>Two bedrooms</u>
<u>Principal Commercial Uses</u>	<u>Total floor area</u>	<u>750 square feet</u>
<u>Accessory Commercial Uses</u>	<u>Total floor area</u>	<u>1,500 square feet</u>
<u>Other Nonresidential Uses</u>	<u>Total floor area</u>	<u>1,000 square feet</u>

Policy 11.1.4 In order to encourage preservation of historic residential structures, such single-family structures may be permitted to be converted through a historic preservation PUD to contain multiple residential units, within the confines of the existing structure, provided the density does not exceed four dwelling units per gross Palm Beach acre.

The Zoning Commission directed Staff to prepare the Zoning Commission's Record and Report, based on their recommendations, for their consideration and approval at their meeting on December 9, 2002.

After conclusion of the Commission's consideration of the items before them, Mr. Sanchez expressed concern over the proliferation of signs along the roadways in the Town. He made a motion that the Town Staff study the situation, which was seconded by Mr. Broberg, and the motion passed 7-0.

The meeting was adjourned at 12:50 p.m.

Respectfully submitted:

_____	_____
James B. Bertles - Chairman	Richard Kleid -
Town of Palm Beach	Secretary
Zoning Commission	Town of Palm Beach
	Zoning
	Commission