

PLANNING AND ZONING COMMISSION
2009-1010 ZONING REPORT
RECORD AND REPORT
TUESDAY, SEPTEMBER 1, 2009, 9:30 a.m.

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be “abbreviated” in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town’s website at www.townofpalmbeach.com or may obtain an audio recording (tape or CD) of the meeting by contacting Debby Morakis, Secretary to the Planning & Zoning Commission at (561) 227-6411. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

I. CALL TO ORDER AND ROLL CALL(9:30:32 a.m.)

Chairman Golboro called the meeting to order at 9:32 a.m.

On roll call, Commission members present were:

Alan S. Golboro, Chairman

Leslie A. Shaw, Secretary

Eugene Lawrence

Martin I. Klein

Lewis Crampton, Alternate Member

Jeffrey A. Cloninger, Alternate Member

Michael Vincent John Spaziani, Alternate Member

Commission members absent were:

John Schuler

Floyd L. Wideman, Jr.

C. Tanner Rose, Jr.

Staff members present were:

John Page, Director of Planning, Zoning & Building

Paul Castro, Zoning Administrator

John C. Randolph, Town Attorney

Debby Morakis, Recording Secretary

For the record, all alternate members voted due to the absences referenced above.

II. INVOCATION AND PLEDGE OF ALLEGIANCE (9:30:57 a.m.)

Ms. Morakis gave the invocation and led the Commission in the Pledge of Allegiance.

III. COMMENTS FROM THE PUBLIC (9:31:40 a.m.)

There were no comments from the public.

IV. REGULAR AGENDA (9:32:00 a.m.)

A. Approval of August 4, 2009 Planning and Zoning Commission Minutes

Mr. Shaw requested that the minutes be corrected to reflect that he was in attendance after the lunch break and also asked that his comments pertaining to perceived conflicts of interest be included.

**MOTION BY MR. SHAW TO APPROVE THE MINUTES OF THE
AUGUST 4, 2009 PLANNING AND ZONING COMMISSION MEETING
WITH CORRECTIONS.**

MOTION SECONDED BY MR. KLEIN.

MOTION CARRIED UNANIMOUSLY.

Chairman Golboro appointed Martin Klein and Tanner Rose to independently study the existing town-serving law and report the results and any recommended changes to the Commission at the November meeting. Hearing no objections, Chairman Golboro asked Mr. Page to speak to Mr. Rose regarding his assignment.

Bill Diamond of 220 Wells Road stated that he felt this was an excellent idea.

Chairman Golboro called for comments from John Page, Director of Planning & Zoning. Mr. Page addressed the Commission and provided a brief update regarding SB360. Mr. Page added that the Town has two years in which to amend its Comprehensive Plan to include the land use transportation strategy section of SB360.

Comments were heard from Mr. Diamond, Attorney Randolph and members of the Commission.

Mr. Page read Section 14.1 of SB360 pertaining to the automatic permit extensions and added that he felt this issue should be monitored as it may impact some major projects in the Town and would also include permits types such as Declaration of Use Agreements and Construction Management Agreements. After further discussion, the following motion was made:

MOTION BY MR. SHAW TO RECOMMEND THE TOWN COUNCIL HAVE A REVIEW OF SB360.

MOTION SECONDED BY MR. CRAMPTON.

After further discussion,

MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

Discussion continued.

B. Study Item Review:

1. Required Garage Parking for Single-Family Homes

Paul Castro, Zoning Administrator, stated that the parking requirement for single family homes was studied and staff attempted to create a staggered enclosed parking requirement, based upon lot width. After a brief discussion, the following motion was made:

MOTION BY MR. KLEIN TO ADOPT STAFF'S RECOMMENDATION WITH THE MODIFICATION TO THE LANGUAGE PERTAINING TO LOT WIDTHS.

MOTION SECONDED BY MR. CRAMPTON.

After discussion,

MOTION CARRIED 7-0 AFTER ROLL CALL VOTE.

3. Front yard Setback Requirement in the R-B Zoning District

Mr. Castro stated this was a proposal to allow more flexibility in the single family zoning districts. After a brief discussion, the following motion was made:

MOTION BY MR. KLEIN TO APPROVE STAFF'S RECOMMENDATION.

MOTION SECONDED BY MR. CRAMPTON.

MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

4. Temporary Tent Provisions in the Beach Area Zoning District

Mr. Castro explained the temporary tent provisions and the need for this modification. After a brief discussion, the following motion was made:

MOTION BY MR. KLEIN TO ADOPT THE STUDY ITEM,

**AMENDING THE NUMBER OF DAYS TO 20.
MOTION SECONDED BY MR. CRAMPTON.
MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.**

5. Elimination of an Antiquated Point of Measurement Provision on Ocean Front Properties

Mr. Castro explained staff's recommendation.

**MOTION BY MR. LAWRENCE TO APPROVE STAFF'S
RECOMMENDATION.**

MOTION SECONDED BY MR. KLEIN.

MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

6. Regulation for the Maximum Height of Lighting

Mr. Castro explained staff's recommendation to allow more flexibility and the elimination of the need for variances for state of the art lighting for tennis courts.

Stuart Schulman, of 2280 So. Ocean Blvd., asked how this would affect the soccer fields and Mr. Castro stated they would be able to get 22 foot lights. After additional comments and a brief discussion, the following motion was made:

**MOTION BY MR. SHAW TO DISAPPROVE THE
REGULATION OF THE MAXIMUM HEIGHT OF LIGHTING.**

MOTION SECONDED BY MR. KLEIN.

MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

7. Regulations for Solar Panels

Mr. Castro stated that staff had heard complaints from the industry for not having enough flexibility in the zoning code to provide whole house solar technology. Mr. Castro stated that the State now provides incentives and rebates for solar technology. It was suggested that the Commission hear from someone in the industry. Discussion continued.

**MOTION BY MR. KLEIN FOR ADOPTION OF THE
PROPOSAL LEAVING THE MAXIMUM COVERAGE AT 30%.**

MOTION SECONDED BY MR. SHAW.

Discussion continued. Mr. Lawrence suggested the language be modified to use the term "above the equipment", not "above the roof."

MOTION MODIFIED BY MR. KLEIN TO INCLUDE THE

**LANGUAGE "ABOVE THE EQUIPMENT."
MODIFIED MOTION SECONDED BY MR. SHAW.
MOTION CARRIED 5-2 AFTER ROLL CALL VOTE WITH MR.
CLONINGER AND CHAIRMAN GOLBORO OPPOSED.**

8. Provisions for the Placement of Air Conditioning Equipment

Mr. Castro explained the provisions for the placement of air conditioning equipment.

Jim McCann, of 324 Garden Road, addressed the Commission and explained that he is building a new single family Bermuda style home on a 175 foot by 145 foot lot. Mr. McCann stated that he would like to place some air conditioning units on the east side yard of the house which is currently not permitted without a variance.

**MOTION BY MR. KLEIN TO ADOPT STAFF'S PROPOSAL,
REMOVING THE WORD "HEATING."
MOTION SECONDED BY MR. LAWRENCE.
MOTION CARRIED 7-0 AFTER ROLL CALL VOTE.**

V. COMMENTS FROM THE PUBLIC

There were no comments from the public.

Chairman Golboro complimented Mr. Castro on his work. Mr. Castro stated that these ordinances would be in effect December 15, after the first and second readings.

**VI. COMMENTS OF THE PLANNING AND ZONING COMMISSION AND
PLANNING, ZONING AND BUILDING DIRECTOR (11:27:40 a.m.)**

Chairman Golboro welcomed Mr. Cloninger and Mr. Spaziani as new members of the Planning & Zoning Commission. Both new alternate members introduced themselves to the Commission and briefly stated their backgrounds.

John Page advised the Commission that he would report to the Town Council at the October Town Council Meeting regarding SB360 and added that he would also contact Mr. Rose and advise him of his assignment to review "town-serving".

VII. ADJOURNMENT

**MOTION BY MR. SHAW TO ADJOURN THE MEETING AT 11:35 A.M.
MOTION SECONDED BY MR. CRAMPTON.**

MOTION CARRIED UNANIMOUSLY.

Respectfully Submitted,

Alan S. Golboro, Chairman
Town of Palm Beach
Planning & Zoning Commission

Leslie A. Shaw, Secretary
Town of Palm Beach
Planning & Zoning Commission