

# TOWN OF PALM BEACH

Information for Local Planning Agency and Town Council meeting on:  
November 13, 2020

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To: Town Council

From: Wayne Bergman, Planning, Zoning and Building Director

Re: Consideration of Proposed Zoning Text Amendments regarding Air Conditioning, Swimming Pool and Fountain Equipment and Generators in Chapter 134 of the Code of Ordinances.  
**Ordinance No. 16-2020**

Date: November 2, 2020

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## **STAFF RECOMMENDATION**

Staff recommends the Local Planning Agency recommend approval and the Town Council approve attached Ordinance No. 16-2020 on first reading.

## **PLANNING AND ZONING COMMISSION RECOMMENDATION**

The Planning and Zoning Commission, at its on June 16, 2020 and July 21, 2020 meetings, considered and unanimously recommended approval of the proposed Zoning Code modifications as outlined in Ordinance No. 16-2020.

## **BACKGROUND**

The Planning and Zoning Commission, at its June 16, 2020, reviewed the proposed language staff presented on proposed changes to the mechanical equipment regulations. They deferred the item and at their July 21, 2020 meeting reconsidered the proposed zoning text amendments with changes they requested staff make. The proposed changes recommended by the Commission to Sections 134-1728, Air conditioning and pool heating equipment, and Section 134-1729, Generators and swimming pool equipment, are outlined in add/delete format in the Planning and Zoning Commission Record and Report.

The Town Council, at its October 14, 2020, meeting considered that Record and Report and directed staff to draft an ordinance consistent with the Commission's recommendation. The amendments that are incorporated into proposed Ordinance No. 16-2020, consolidates and reorganizes the regulations in Section 134-1728 for air conditioning, cooling tower, and swimming pool and fountain equipment; requires pool and fountain equipment to be within 25 feet of the pool or fountain; and allows the use of an abutting neighbor's concrete wall to meet the screening requirements for that mechanical equipment (excluding cooling towers) provided a

recorded agreement is provided that requires the owner to construct the required concrete wall if the neighbor's wall is removed.

The amendments in the proposed Ordinance related to Section 134-1729, Generators and swimming pool equipment, eliminates pool equipment from that section and moves those provisions to Section 134-1728; allows for more than one generator on a property; and provides the same use of a neighbor's concrete wall with an agreement similar to what is proposed for air conditioning and swimming pool equipment. The specific changes to the Code are identified in add/delete format in attached Ordinance No. 16-2020.

### **TOWN ATTORNEY REVIEW**

Ordinance No. 16-2020 has been approved by Town Attorney John C. Randolph for legal form and sufficiency.

cc: Kirk Blouin, Town Manager  
Jay Boodheshwar, Deputy Town Manager  
John C. Randolph, Town Attorney  
Planning and Zoning Commission  
Paul Castro, Zoning Manager