



# TOWN OF PALM BEACH

## Minutes of the Local Planning

## Agency Meeting

Held on August 11, 2021

### I. CALL TO ORDER AND ROLL CALL

The Local Planning Agency was called to order August 11, 2021 at 9:31 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

### II. INVOCATION AND PLEDGE OF ALLEGIANCE

Administrative Specialist Churney gave the invocation. Council President Zeidman led the Pledge of Allegiance.

### III. ORDINANCES

#### A. **First Reading**

1. **ORDINANCE 19-2021** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, As Follows: At Article I, In General, Section 134-2, Modifying The Definitions For Building, Height Of (Applicable Only In The R-B Districts), Building Height Of (Applicable To All Districts Except The R-B Districts, Building, Height Of, (Applicable To Lots Or Portions Of Lots East Of The State Of Florida Coastal Construction Control Line (CCCL), Building, Height Of, (Applicable To R-B Lots Abutting Lake Trail) To Eliminate The References To Raising The Grade Of A Property And Eliminating Redundant Language; At Article VI, District Regulations, At Sections 134-795, 134-845 And 134-895, Same-Exceptions To Yard Regulations, By Allowing First Floor Entry Ramps, Landings, Associated Steps And Ramps Within Required Setbacks In The R- AA, R-A And R-B Residential Zoning Districts; Sections 134-950, 134-1006 And 134-1062 Same-Exceptions, By Allowing First Floor Entry Ramps, Landings, Open Terraces And/Or Steps Within Required Setbacks In The R-C, R-D(1) And R-D(2) Residential Zoning Districts; Sections 134-797, 134-848, 134-898, 134-953, 134- 1009 And 134-1065, Lot Grade Topography And Drainage, By Providing That The Grade Of A Property Cannot Be Raised To Meet Base Flood Elevation Requirements Except As Provided For In A New Section 134-1600 Of The Code And Elimination The

Requirement That The Habitable Finished Floor Of A Building Shall Not Exceed Eight Inches Above The Permitted Grade On A Property In The R-AA, R-A, R-B, R-C, R-D(1) And R-D(2) Residential Zoning Districts; Creating Sections 134-1121, 134-1171, 134-1221, 134-1269, 134-1316 And 134-1402, Lot Grade Topography And Grading In The C-TS, C-WA, C-OPI, C-PC, And C-B Commercial Zoning Districts And The PUD District To Provide That The Grade Of A Property In Those Districts Cannot Be Raised To Meet Base Flood Elevation Requirements Except As Provided For In A New Section 134-1600 Of The Code; Section 134-1309, Same-Exceptions, To Allow First Floor Entry Ramps, Landings And Associated Steps To Extend Into A Required Setback In The C-B Commercial District; At Article VIII, Supplementary District Regulations, Section 134-1548, Yard Regulations, To Allow First Floor Entry Ramps, Landings, Open Terraces, Porches And Associated Steps As Ordinary Projections Into A Required Yard And Cross Referencing The Specific Sections Of The Code That Apply; Creating A New Subdivision III Within Article VIII, Supplementary District Regulations, Section 134-1600, Lot Fill, Providing For A Calculation For The Maximum Amount Of Fill That Can Be Placed On A Lot; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Zoning Manager Castro provided an explanation on the proposed Ordinance No. 19-2021, regarding the limitation of fill for commercial and residential building lots. The ordinance also provided exceptions for minimal entry ramps, landings, and steps in the setbacks. Mr. Castro reviewed the provisions of the ordinance, and stated the intent was to limit fill while working with Public Works and Woods Hole to establish regulations that would not be contradictory with their studies related to sea level rise as well as raising buildings above minimum flood elevation.

Council President Zeidman asked Mr. Castro to remind the Council of the recommendation of the Woods Hole study.

Mr. Castro stated that Woods Hole recommended adding more freeboard than currently allowed above the minimum flood elevation. They requested cross referencing Chapter 18 within the definitions of the ordinance relating to minimum flood elevation, which had been done. They felt the maximum of 3 feet of fill should be eliminated so that it could be 3-1/2 or 4 feet in very limited cases, when needed. Also, they requested to eliminate the requirement to get a variance if more than 3 feet of fill was needed to get the average between the lowest crown of the road and the lowest habitable finished floor. Zoning Manager Castro assured Council President Zeidman the intent was not to have to make additional changes to this ordinance.

Paul Brazil, Director of Public Works, commented this ordinance was written so that it should not be inconsistent with the final Woods Hole report. He explained when looking at an individual site, the new FEMA flood plain maps would be the point of reference for the base flood elevation. For zoning, crown of road would be utilized, and from Woods Hole's perspective, the anticipated life expectancy, and how far above the base flood elevation Woods Hole would recommend. These numbers would be recommendations but ultimately, the Town Council would have

the final say.

Council Member Crampton confirmed with Director Brazil that the purpose of the intersection with Woods Hole was to place enough flexibility into the system to handle properties in both higher and lower elevations on a fair and equitable basis.

Council President Pro Tem Lindsay confirmed with Zoning Manager Castro that this ordinance would mean the proper elevation could be accomplished not solely with fill. Mr. Castro responded it would encourage terracing properties and using creative architecture, to create a more uniform look from one property to the next.

Council Member Cooney thanked Zoning Manager Castro, Director Brazil, and Director Bergman for their hard work on this Ordinance, which had been a great concern in the community. Mr. Castro responded this would encourage applicants to show the visual relationship to neighboring properties. Staff would work with applicants regarding ramps for handicapped individuals. Council Member Cooney expressed confidence that design professionals could create better visual aesthetics using this ordinance.

Council Member Araskog thanked staff for their hard work. She expressed concern about homeowners entering and exiting their homes as well as having stairs placed in setbacks. She recalled a very good presentation by Jorge Sanchez, which showed different designs that could improve aesthetics. She indicated she would support the ordinance, but added it would change the look of neighborhoods.

Council President Zeidman called for public comment. There were no comments heard at this time.

**Motion made by Council Member Crampton and seconded by Council President Zeidman, to recommend approval of Ordinance 19-2021 to the Town Council. Motion carried unanimously, 5-0.**

2. **ORDINANCE 20-2021** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, As Follows: At Article I, In General, Section 134-2, Amending The Definition Of Supplemental Parking To Provide That Supplemental Off-Site Parking In An Underground Garage Or Surface, Enclosed, Partially Enclosed Or Rooftop Parking Facility Shall Not Be Required To Be In Addition To The Required Parking; Sunsetting The Definition On March 13, 2024, Unless Extended Or Modified By The Town Council; At Article VI, District Regulations, Sections 134-1107, 134-1157 And 134-1207, Permitted Uses, In The C-TS, C-WA And C-OPI Commercial Zoning Districts To Allow Supplemental Off-Site Shared Parking In A Surface, Enclosed, Partially Enclosed Or Rooftop Parking Facility As A Permitted Use; Cross Referencing The Requirement For Said Parking In Sections

134-2177 And 134-2182; And Providing A Sunsetting Provision For Said Parking Facilities In Those Districts On March 13, 2024, Unless Extended Or Modified By The Town Council; Section 134-2177 Location Of Parking Spaces, And Section 134- 2182, Location Of Parking Spaces, By Allowing Supplemental Off- Site Shared Parking In A Surface, Enclosed, Partially Enclosed Or Rooftop Parking Facility As A Permitted Use In The C-TS, C-WA And C-OPI Zoning Districts Provided That Said Parking Does Not Exceed 50 Percent Of The Parking Inventory Of The Parking Facility And Providing That If Said Parking Facility Abuts A Residential Use That Said Parking Shall Only Be Allowed Between The Hours Of 8:00 A.M. And 6:00 P.M.; At Section 134-2182 By Relocating The Existing Sunsetting Provision Into A New Subsection (E) And Including Surface, Enclosed, Partially Enclosed And Rooftop Off-Site Supplemental Shared Parking As Part Of The Existing Sunsetting Provision; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Zoning Manager Castro reported that last month the Business and Administration Committee had reconsidered the shared parking provisions in the code. He provided background of the provisions adopted earlier this year regarding underground parking. The Committee felt in order to be more effective, more commercial parking lots could be opened for use by other commercial or residential properties to help with the parking pressure of on-street parking. It would also allow parking as a permitted use within other commercial parking lots, surface parking lots, and partially enclosed and rooftop parking lots, unless abutting other residential streets; then parking hours would be limited. The new ordinance would sunset at the same time as the old ordinance, and this would be reassessed annually with Council to see if any changes were needed.

Council Member Crampton commented this would address a major quality of life issue within the Town as well as help commerce to succeed. He reported there were safeguards including hours of operation, not allowing a more intensive use of the property, an annual review and the ability to review individual situations that came up. He felt this measure would have a positive effect and reported it had been reviewed extensively with no objections. He recommended approval.

Mayor Moore commented about the careful crafting of this ordinance, its extensive review, and complimented everyone on their work. She recommended approval.

Council Member Cooney commented on the parking issues and wanted to do anything to encourage off-street parking. He felt this had been well done.

Council Araskog requested if any issues arise, a mechanism be put in place so that someone could deal with the issue immediately rather than waiting until Council could hear the concerns. She was concerned that this would not remove employee parking on Worth Avenue and that more

parking would increase flow in the Town. If parking was to be sold month to month, she wanted to be sure people did not lose their money if changes were made. She stated she was really hesitant about the ordinance.

Mayor Moore pointed out these were private lots and she was not sure the Town would have any jurisdiction if someone was leasing a private spot in a private lot. She thought a valid complaint could be handled. She understood Council Member Araskog's concern.

Council Member Crampton wanted to go forward with something positive and felt there was sufficient oversight, issues could be resolved, and employee parking would be placed on private lots. He assured Council Member Araskog if there was a complaint, it would be handled in a timely manner. If there were a lot of complaints, the ordinance could be rescinded. He felt this was a sensible, positive solution.

Council Pro Tem Lindsay expressed 100% support since she had seen the availability of the underutilized inventory of off-street parking. The biggest number of complaints she received were employees parking on Worth Avenue, beachgoers, and all kinds of things obstructing business. She believed this was an opportunity to take those cars off the streets. She thought this would be watched very closely by the Town, and wanted to contact the Chamber, plus the three different zones, the Worth Avenue Association and the others, to encourage them to work on getting their employees' cars off the streets.

Zoning Manager Castro reminded Council there would be an annual review and a required business tax license.

Council Member Cooney asked about intensification of use, to which Mr. Castro stated it was covered in the ordinance.

#### Public Comment:

John David Corey, 426 Australian Ave., thought that monetizing these lots could not easily be reversed if there were problems. He argued that parking should be reviewed in a cohesive, comprehensive review. He thought this was intensification of use, and that maybe this should be reviewed in the future Code Reform process.

Council President Pro Tem Lindsay indicated that Council controlled details, such as the size of stores, the number of seats in a restaurant, and felt free parking would diminish due to the valet program. She noted protections were in place and thought this should be tried.

Council President Zeidman added this proposal would remove cars from residential streets.

Council Member Crampton thought that removing cars, especially employees' cars, off the streets into existing vacant spaces, would clear up traffic on Worth Avenue and other streets. He commented on several

things that were coming together slowly that would be positive for the Town.

Council President Zeidman felt a move must be made.

**Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay, to recommend approval of Ordinance 19-2021 to the Town Council. Motion carried 4-1, with Council Member Araskog opposed.**

IV. ADJOURNMENT

The meeting was adjourned at 10:20 a.m. without benefit of motion or roll call.

APPROVED:

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Margaret Zeidman, Town Council President

ATTEST:

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Kelly Churney, Deputy Town Clerk