



# TOWN OF PALM BEACH

## Minutes of the Development Review

### Town Council Meeting

Held on August 11, 2021

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order August 11, 2021, 2021 at 10:33 a.m. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Deputy Town Clerk Churney gave the invocation. Council President Zeidman led the Pledge of Allegiance.

III. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore stated she did not have any comments.

IV. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Araskog expressed concern about the legality of allowing all of the Commissions meeting via Zoom while not having a quorum present in Town Hall. She recommended either postponing or delaying the meetings for one month. Council Member Araskog implored residents to make sure their contractors follow the allowable working hours, as she personally witnessed work between 4 and 6 a.m. She commented Council had been doing a good job on variances.

Council President Zeidman responded to Council Member Araskog's comments regarding their decision to hold the Commission meetings virtually. She inquired if any members wanted to reconsider their decision. There were no responses.

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

There were no comments heard at this time.

VI. APPROVAL OF AGENDA

Council Member Araskog asked to defer the discussion on the number of

ARCOM projects.

Director of Planning, Zoning and Building Bergman read the following requested modifications:

Deferral of Item VIII. A.1 to the September 13, 2021 meeting.

Deferral of Item VIII. B. 1.a to the September 13, 2021 meeting

Deferral of Item VIII. B. 1.b to the September 13, 2021 meeting

Deferral of Item VIII. B.1.c to the September 13, 2021 meeting

Deferral of Item VIII. B.1.d to the September 13, 2021 meeting

Deferral of Item VIII. B.1.e to the September 13, 2021 meeting

Deferral of Item VIII. B. 1.f to the October 13, 2021 meeting

Deferral of Item VIII. B. 1.h to the September 13, 2021 meeting

Deferral of a portion of Item VIII. B. 1.i to the September 13, 2021 meeting

Withdrawal of Item VIII. B.1.j

Deferral of Item VIII. B.1.k to the September 13, 2021 meeting

Deferral of Item VIII. B. 2.a to the September 13, 2021 meeting

Deferral of Item VIII. B. 2.d to the October 13, 2021 meeting

Deferral of Item VIII. B. 2.k. to the September 13, 2021 meeting

Addition of Item IX. B. 3

**Motion made by Council Member Crampton and seconded by Council Member Cooney to approve the agenda as amended. Motion carried unanimously, 4-0.**

*Please note: Council Member Araskog left the meeting at 10:45 a.m.*

## **VII. DISCUSSION ITEMS**

### **A. 280 Sunset Avenue - White Elephant Historic Tax Exemption**

Ex parte communications disclosed by Council President Zeidman, Council President Pro Tem Lindsay and Council Member Cooney.

Deputy Town Attorney Churney swore in all intending to speak and continued to do so as needed, throughout the meeting as necessary.

Jamie Crowley, Attorney for the White Elephant, discussed the approvals and work in the alley. He reported work in the alley was problematic due to the easement. They were committed to beautifying the alley, and agreed to post cash for the work in the alley. He requested approval to authorize staff to execute the historic tax credit covenant so that they would get the benefits of the tax abatement.

Director of Planning, Zoning and Building Wayne Bergman had no objections.

Council Member Cooney indicated that the owners had spent a good deal of money restoring a historic building, and believed that posting cash should be a satisfactory condition for the Town. He expressed his support.

Council Member Crampton agreed with Council Member Cooney.

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

**Motion made by Council Member Cooney and seconded by Council President Lindsay, to authorize staff to execute the historic tax exemption for 280 Sunset Avenue conditioned on the posting of the cash bond in the amount of 1.35 times the value of the cost for the beautification of the alley as outlined by Mr. Crowley. Motion carried unanimously, 4-0.**

**B. Recognition and Discussion of Increased ARCOM Workload and Applications**

**This item was deferred at approval of the agenda to the September 13, 2021 meeting.**

**VIII. DEVELOPMENT REVIEWS**

**A. Appeals**

**1. ARCOM Appeals of B-063-2020 160 Royal Palm Way**

***This item was deferred at approval of the agenda to the September 13, 2021 meeting.***

**2. ARCOM Appeal of A-051-2021, 2 S. County Rd**

Ex parte communications disclosed by Council President Zeidman, Mayor Moore and Council Members Crampton and Cooney.

Director Bergman summarized the situation, which he had submitted in a memorandum sent to the Town Council members. He stated the project should never have gone to ARCOM, and should have been staff approved. By Council supporting this today, staff could proceed with their approval.

Jamie Crowley, attorney for The Breakers Palm Beach, indicated the legal basis of the appeal was there was no jurisdiction for Architectural Review Commission to review the project and issue a denial for this project.

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

**Motion made by Council Member Cooney and seconded by Council Member Crampton, to grant the appeal in favor of The Breakers, 2**

**South County Road. Motion carried unanimously, 4-0.**

**B. Variances, Special Exceptions, and Site Plan Reviews**

**1. Old Business**

- a. **Z-21-00349 SITE PLAN REVIEW** Zoning District: R-B Low Density Residential The application of STEPHEN LIVADITIS (CONTRACT PURCHASER), applicant, relative to property located at **200 BAHAMA LN**, legal description on file, is described below. Section 134-893(b): Site Plan Review to allow the construction of a 5,856 square foot two story, single family residence on a non-conforming platted lot that is 90.17 feet in depth in lieu of the 100-foot minimum required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to their August 25, 2021 meeting. Carried 7-0.] Staff Recommends Deferral to the September 13, 2021 Meeting.

***This item was deferred at the approval of the agenda to the September 13, 2021 meeting.***

- b. **Z-21-00359 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-A Estate Residential / B-A Beach Area The application of 870 S OCEAN LLC (TODD GLASER, MANAGER), Owner, relative to property located at 870 S OCEAN BLVD, legal description on file, is described below. Section 134-840: Request for a Special Exception with Site Plan Review to allow construction of a 435 square foot beach cabana (20' x 25') with a 250 square foot pool and a new seawall in the R-A/B-A Zoning District. Section 134- 1474(a): Request for a variance to construct a 435 square foot beach cabana that is on a lot with frontage of 101.53 feet in lieu of the 125 feet required for lot width in the B A Zoning District for beach area property adjacent to R-A Zoning District. Section 134-1701 and 62 37: Request for a variance to construct a new 100.5' seawall three feet east of the existing seawall which is east of the Town of Palm Beach bulkhead line 6'2" at the south end and 6'0" at the north end, in lieu of the seawall being placed directly on the bulkhead line. The proposed new seawall will align with the recently constructed seawall at 880 South Ocean Boulevard. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will cause negative architectural impacts to the subject property. Carried 6-1.] [The Architectural Review Commission denied the project at their May 26, 2021 meeting. Carried 6-1.] Staff Recommends Deferral to the September 13, 2021 Meeting

***This item was deferred at the approval of the agenda to the September 13, 2021 meeting.***

- c. **Z-20-00289 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) 160 ROYAL PALM WAY**  
Consideration of the Construction Management Agreement  
Staff Recommends Deferral to the September 13, 2021 Meeting

*This item was deferred at the approval of the agenda to the September 13, 2021 meeting.*

- d. **Z-20-00311 SPECIAL EXCEPTION WITH VARIANCE(S)**  
Zoning District: C-TS Town Serving Commercial The application of Bricktop's Palm Beach, applicant, relative to property located at **375 S COUNTY RD**, legal description on file, is described below. Section 134 1109 (14): Modification to previously approved Special Exception with Site Plan Review is being requested for Bricktop's restaurant to add 40 outdoor seats for lunch and dinner in the north courtyard adjacent to the existing restaurant. The additional seating will increase the seating from 150 indoor and patio seats to 190 seats. The current approval allows 52 seats of the 150 seats to be outside on the south patio. Section 134 2176: a variance is being requested to provide zero (0) on-site parking spaces in lieu of the 13 parking spaces that are required for the additional 40 outdoor seats. [Applicant's Representative: Maura Ziska Esq]

*This item was deferred at the approval of the agenda to the September 13, 2021 meeting.*

- e. **Z-21-00333 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of 04TST101NIGHTINGALE LLC, applicant, relative to property located at **101 NIGHTINGALE TRL**, legal description on file, is described below. Section 134 893(13): The applicant is proposing to construct a 70 square foot one story bathroom addition and two Dutch gables that will be added to the courtyard elevations of the pool cabana and kitchen which will increase the cubic content ratio ("CCR") to 5.24 In lieu of the 5.01 existing CCR and the 3.9 maximum CCR allowed in the R B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to their August 25, 2021 meeting. Carried 7-0.] Staff Recommends Deferral to the September 13, 2021

*This item was deferred at the approval of the agenda to the September 13, 2021 meeting.*

- f. **Z-21-00343 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R- A Estate Residential The application of 130 ALGOMA LLC (LEE FENSTERSTOCK, MANAGER), applicant, relative to property located at **130 ALGOMA RD** , legal description on file, is described below. Section 134-229, Section 134-

329, and Section 134-843(b): Special Exception with Site Plan Review to allow the construction of a new, two-story 6,448.55 square foot residence while preserving the existing one story nonconforming garage on a lot with an area of 15,708 square feet in lieu of the 20,000 square foot minimum required; a lot depth of 142.33 feet in lieu of the 150 foot minimum required; and a lot width of 111.89 feet in lieu of the 125 foot minimum required; all in the R-A Zoning District. The following variances are being requested: 1) Section 134-843(8): to allow the existing east side yard setback to remain at 8.75 feet in lieu of the 15 foot minimum required to keep the existing nonconforming garage. 2) Section 134-843(7): to allow the building height plane setback to be 46.1 feet in lieu of the 48.33 foot minimum setback required. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred this project to the September 29, 2021 meeting. Carried 7-0.] Staff Recommends a Deferral to the October 13, 2021 Meeting

*This item was deferred at the approval of the agenda to the October 13, 2021 meeting.*

- g. **Z-21-00345 VARIANCE(S)** Zoning District: R-A Estate Residential The application of PAUL A. KRASKER, AS TRUSTEE OF THE 720 SOUTH OCEAN BOULEVARD LAND TRUST DATED SEPTEMBER 20, 2020, applicant, relative to property located at **720 S OCEAN BLVD**, legal description on file, is described below. The applicant is requesting approval to renovate and construct additions to the north side of the landmarked residence known as "El Salono" to include a new 486 square foot pool cabana and a 1,159 square foot second and third story addition. The following variances are being requested: 134-843(8): a north side yard setback ranging from 2.6 feet to 5.9 feet for the 2nd and 3rd story additions in lieu of the 15 foot minimum required in the R-A Zoning District. 134-843(8): a north side yard setback of 4.9 feet for the pool cabana in lieu of the 15 foot minimum required in the R-A Zoning District. 134-843(10): a building height of 26.33 for the proposed 3rd story addition in lieu of the 25 foot maximum allowed in the R-A Zoning District. Section 134-844: A request for variance to construct a 3rd story addition where only two stories is the maximum allowed in the R-A Zoning District under the existing zoning code. [Applicant's Representative: Maura Ziska Esq] [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.] [The Landmarks Preservation Commission approved this project with conditions to the architecture at their June 16, 2021 meeting. Carried 7-0.]

Ex parte communications disclosed by Council President Zeidman, Council President Pro Tem Lindsay, Mayor

Moore and Council Members Crampton and Cooney.

Maura Ziska, attorney for the owners, explained the zoning requests.

Michael Perry, MP Design & Architecture, reviewed the architectural modifications proposed for the existing, landmarked home.

Zoning Manager Castro provided staff comments and requested in the future that revised plans with changes made by Landmarks Preservation Commission be submitted to the Town.

Council Member Cooney felt this was a good example of neighbors working out a problem together, and he thought it was a great plan.

Mayor Moore agreed.

Council Zeidman called for public comment.

Rene Silvin, Chairman of the Landmarks Preservation Commission, discussed the history of the home and the reason for the bridge, which connected the two properties. He commented the Pattersons own the bridge and a tiny piece of the adjoining property.

Sue Patterson, 710 S. Ocean Blvd., commented on the bridge that went to their guest house. She thanked Ms. Ziska, Mr. Perry, and Preservation Foundation for all their work and compromise.

**Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay, that Variance Z-21-00345 shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area. Motion carried unanimously, 4-0.**

- h. **Z-21-00353 SITE PLAN REVIEW** Zoning District: R-A Estate Residential The application of TODD GLASER, applicant, relative to property located at **1080 S OCEAN BLVD**, legal description on file, is described below. Section 134-843(b): Request for Site Plan Review to allow the construction of a 9,485 square foot two story, single family residence on a non-conforming platted lot that is 17,567 square feet in area

in lieu of the 20,000 square foot minimum required in the R-A Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the August 25, 2021 meeting. Carried 7-0.] Staff Recommends a Deferral to the September 13, 2021 Meeting

*This item was deferred at the approval of the agenda to the September 13, 2021 meeting.*

- i. **Z-21-00356 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: C-TS Town Serving Commercial The application of BUCCAN (SAM SLATTERY), relative to property located at **350 S COUNTY RD SUITE: 100**, legal description on file, is described below. Section 134-1109 and Section 134-1112: Modification to a previously approved special exception use with site plan approval for the sandwich take out counter business for Buccan Restaurant to request the following: (a) to install two (2) new awnings to match existing awnings; (b) to modify the storefront to include a new door in the existing opening; (c) to modify an interior floor plan of the sandwich shop (no seats are being proposed); (d) to modify the hours of operation to be 7:00 AM to 3:00 PM (previously approved were 11:00 AM 3:00 PM) [Applicant's Representative: Maura Ziska Esq]

*The special exception and a portion of the site plan review was deferred at the approval of the agenda to the September 13, 2021 meeting.*

There were no ex parte disclosures declared at this time.

After a short discussion between all parties, it was confirmed that the only items that would be discussed were the door and the awning.

Maura Ziska, attorney for the applicant, discussed the proposal for a replacement of the door and awnings.

Zoning Manager Castro provided staff comments.

Council Member Cooney confirmed that the request was for continuation of awnings that matched on the façade shown.

Council President Pro Tem Lindsay stated she had no issues with the proposed awning and door change.

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

**Motion made by Council Member Cooney and seconded by Council President Zeidman, that Site Plan Z-21-00356 be approved based upon the finding that**



**the approval of the Site Plan will not adversely affect the public interest; that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement have been met concerning Section 134-329 items 1 through 11. Motion carried unanimously, 4-0.**

- j. **Z-21-00360 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of MICHAEL & PAMELA CLINE, Applicants, relative to property located at **936 N LAKE WAY**, legal description on file, is described below. Section 134 893(7): The applicant is requesting a variance for a north side yard setback of 5.5 feet in lieu of 12.5 foot minimum required for a one story structure in the R B Zoning District for a new pool cabana. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 4-3.] [The Architectural Review Commission approved the project at their June 23, 2021 meeting. Carried 5-2.] Request for Withdrawal per Letter from Maura Ziska

*This item was withdrawn at the approval of the agenda.*

- k. **Z-21-00361 VARIANCE(S)** Zoning District: R-C Medium Density Residential The application of GARY PURUCKER (CONTRACT PURCHASER), Applicant, relative to property located at **334 CHILEAN AVE**, legal description on file, is described below. Section 134 948: A request for a variance to construct a new 5,270 square foot, two story residence, on a non-conforming lot with a lot area of 9,384 sq. ft. in lieu of the 10,000 sq. ft. minimum required in the R-C Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to their August 25, 2021 meeting. Carried 4-2.] Staff Recommends a Deferral to the September 13, 2021 Meeting.

*This item was deferred at the approval of the agenda to the September 13, 2021 meeting.*

- l. **Z-21-00369 SITE PLAN REVIEW WITH VARIANCE(S)** Zoning District: R-D(2) High Density Residential The application of PARK PLACE INC, (DANA ENRIQUEZ, MANAGER), Applicant, relative to property located at **369 S LAKE DR**, legal description on file, is described below. Section 134-1052 (4): The Park Place Co op is requesting a site plan modification to allow the construction of a new 467 square foot building to enclosure a 400 KW generator with a 3,000 gallon fuel tank. The generator building is proposed to be adjacent to the pool deck in the middle of the property and will replace an existing storage shed that will be demolished to make room for the

new building. The following variance is being requested in order to construct the new generator building: Section 134-1060(9)d: request for lot coverage of 41.8 percent in lieu of the 41.3 percent existing and 40 percent maximum allowed in the R-D(2) Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.] [Architectural Review Commission approved the architectural portion of the project at the June 23, 2021 meeting, and the landscape portion of the project at the July 28, 2021 meeting. Carried 7-0.]

Ex parte communications disclosed by Council President Zeidman, Council President Pro Tem Lindsay, and Council Members Crampton and Cooney.

Maura Ziska, attorney for the applicant, explained the zoning requests.

Ralph Cantin, architect, presented the architectural plans for the proposed generator building.

Zoning Manager Castro and Director Bergman provided staff comments. No building permit would be issued until the utility easement that runs underneath the building was abandoned.

Council Member Crampton asked if the Town had any interest in the easement. Zoning Manager Castro responded Council would need to approve.

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

**Motion made by Council Member Crampton and seconded by Council President Zeidman, that Variance Z-21-00369 shall be conditionally approved based on positive finding on the abandoned utility shall be granted, and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area. Motion carried unanimously, 4-0.**

**Motion made by Council Member Crampton and seconded by Council President Zeidman, that Site Plan Z-21-00369 shall**

be conditionally approved subject to abandonment of the utility easement and based upon the finding that the approval of the site plan will not adversely affect the public interest; that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement have been met concerning Section 134-329 items 1 through 11. Motion carried unanimously, 4-0.

2. New Business

- a. **Z-21-00371 SITE PLAN REVIEW** Zoning District: R-B Low Density Residential The application of MICHAEL S. ARLEIN, TRUSTEE OF THE 267 DUNBAR ROAD TRUST DATED 10/07/20, APPLICANT, relative to property located at **267 DUNBAR RD**, legal description on file, is described below. Site Plan Review to allow the construction of a new two story 7,552 square foot single family residence on a non-conforming platted lot which is 98.5 feet in width in lieu of the 100-foot minimum width required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred this project to the August 25, 2021 Meeting. Carried 7-0] Staff Recommends a Deferral to the September 13, 2021 Meeting

*This item was deferred at the approval of the agenda to the September 13, 2021 meeting.*

- b. **Z-21-00372 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of 301 POLMER PARK LLC (RICHARD TRUE, CONTRACT PURCHASER), APPLICANT, relative to property located at **301 POLMER PARK**, legal description on file, is described below. The subject property is 37,818 square feet in total area. The applicant is requesting a variance to split the lot into two lots. East Lot with residence 22,873 square feet in area; and West vacant lot 14,945 square feet in area. All improvements will be removed from the West lot. The following variances are being requested in order to split the property into two lots and retain the residence on the East lot. Request for a west side yard setback of 8.25 feet (for the proposed East lot) in lieu of the 17.5 foot minimum required for a lot in the R B Zoning District that is in excess of 20,000 square feet and has a width in excess of 150 feet. A lot coverage of 29% in lieu of the 25% maximum allowed for a lot in excess of 20,000 square feet in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq]

Ex parte communications disclosed by Council President Zeidman, Council President Pro Tem Lindsay, Mayor Moore and Council Members Crampton and Cooney.

Maura Ziska, attorney for the applicant, explained the zoning requests.

Zoning Manager Castro provided staff comments. He felt the problem was self-created and there was no hardship.

Council Member Crampton asked what part of the existing building would be removed. Ms. Ziska responded and further explained the request.

Council President Pro Tem Lindsay asked if the problem was the existing house. Zoning Manager Castro responded, and felt the changes could conform to the existing code.

Mayor Moore asked about the owners' intent with the property. Ms. Ziska responded the owners, who were developers, were either going to develop one lot or both lots and sell off the second lot. Mayor Moore commented if Council did not approve this application, the owners would split the lot and build a house on each lot. She did not understand the hardship.

Director Bergman commented it was not common practice to approve a subdivision that created a non-conformity. He felt this was contrary to the Town's comprehensive plan.

Council Member Cooney was concerned about density and overbuilding in the Town. He confirmed the lot coverage with Ms. Ziska.

Council President Zeidman confirmed the lot size with Ms. Ziska. She asked if the applicant could do anything with the existing house so that a variance would not be required. Ms. Ziska thought 3.5% or 800 square feet of lot coverage would have to be removed.

Bruce Lane, one of the owners of the property, explained they did not want to destroy part of the house.

Council Member Crampton was not in favor of creating an illegal structure and did not like the proposed plan.

Council President Zeidman inquired about the owner's right to split the lot. Zoning Manager Castro responded.

Council President Zeidman commented if there were two lots, they could build a house on each, and would be required to meet code. The problem here was there was an

existing house.

Council President Pro Tem Lindsay commented this was difficult with the plans that had been presented, and she would like the applicant to bring the house into compliance, since this would not comply with the comprehensive plan. She asked to defer this to next month and that the applicants come back with a plan that would bring the design into compliance.

Council consensus agreed with Council President Pro Tem Lindsay.

Council President Zeidman called for public comment.

Robert Fromer, 340 Polmer Park Road, stated that he and many of the neighbors love the existing home and would like it to remain, not to be demolished, and explained a proposal for it to be sold.

Zoning Manager Castro provided additional comments.

Council President Zeidman felt the Council needed more information.

Council Member Crampton agreed.

**Motion made by Council Member Crampton and seconded by Council President Zeidman, to defer Variance Z-21-00372 to the September 13, 2021 meeting. Council Member Cooney and Council President Pro Tem Lindsay encouraged the applicant to come back with a plan that would allow them to keep the house and comply with zoning, and bring back better pictures of the house. Motion carried unanimously, 4-0.**

- C. **Z-21-00373 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of BASIL VASILIOU, APPLICANT, relative to property located at **114 SEASPRAY AVE**, legal description on file, is described below. The applicant is proposing to demolish the existing wood staircase and railing at the garage accessory building that is not code compliant and replace it with a new masonry staircase that will have a 42 square foot bathroom addition tucked below it. Variances being requested to allow a staircase and bathroom with a rear yard setback of 2.4 feet for the new staircase in lieu of the 15-foot minimum rear yard setback required in the R-B Zoning District for a lot that is 12,060 square feet in area and rear yard setback of 2.4 feet for the

new bathroom addition in lieu of the 10-foot minimum rear yard setback required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq]

Ex parte communications disclosed by Council President Zeidman, Council President Pro Tem Lindsay, and Council Members Crampton and Cooney.

Maura Ziska, attorney for the applicant, stated there was an email from Melissa Ceriale in support. She explained the zoning requests.

Bill Nolan, Smith Architectural Group, reviewed the architectural modifications proposed for the existing residence.

Zoning Manager Castro provided staff comments. He confirmed for Council President Zeidman this did not fall into a previously recommended alternative plan, which was recommended by past Council President Michael Pucillo.

Council Member Crampton commented this plan was reducing a pre-existing non-conformity. He believed the changes were more visually pleasing and added his support for the proposal.

Council President Pro Tem Lindsay thought the proposed was de minimus and was supportive of the variance.

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

**Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay, that Variance Z-21-00373 shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area. Motion carried unanimously, 4-0.**

*Please Note: A break for lunch was taken at 12:12 p.m. The meeting reconvened at 12:53 p.m.*

- d. **Z-21-00374 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of JORDAN AND KRISTIN BENNETT GRAY, APPLICANTS, relative to property located at **224 LA PUERTA WAY**, legal description on file, is described below. The applicant Is

requesting four variances In order to build a two story addition which includes a 315 square foot one story addition to the garage, a 184 square foot addition for a covered terrace on the first floor, and a 930 square foot second floor addition for two bedrooms, including a 130 square foot covered balcony and two bathrooms. The requested variances are a for an east side yard setback of 11 feet in lieu of the 12.5 foot minimum side yard setback required for the garage addition in the R B Zoning District; an east side yard setback of 11 feet in lieu of the 15 foot minimum side yard setback for a second story addition and covered balcony; an east side yard setback of 9.8 feet in lieu of the 10.5 foot minimum side yard setback required for a bay window on the first floor; and an east side yard setback of 9.8 feet in lieu of the 13 foot minimum side yard setback required for a bay window on the second floor in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq]

*This item was deferred at the approval of the agenda to the October 13, 2021 meeting.*

- e. **Z-21-00375 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of ANDREA BALL, APPLICANT, relative to property located at **657 ISLAND DR**, legal description on file, is described below. A variance request to add a 714 square foot decked boat lift parallel to the existing dock 13 feet west of the bulkhead line in lieu of the 6 foot maximum allowed. [Applicant's Representative: Maura Ziska Esq]

Ex parte communications disclosed by Council President Zeidman, Council President Pro Tem Lindsay, Mayor Moore and Council Members Crampton and Cooney.

Maura Ziska, attorney for the applicant, explained the zoning requests.

Zoning Manager Castro provided staff comments.

Council President Pro Tem Lindsay felt the platform boat lifts were becoming more popular and she was seeing more and more of them.

Council Member Crampton asked if the neighbors had objected, to which Ms. Ziska responded, no.

Council Member Cooney expressed his support.

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

**Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay, that Variance Z-21-00375 shall be granted and find in support thereof that all criteria**

applicable to this application as set forth in Section 134.201(a) items 1 through 7 have been met. Motion carried unanimously, 4-0.

- f. **Z-21-00376 SITE PLAN REVIEW WITH VARIANCE(S)**  
Zoning District: R-D(2) High Density Residential The application of THE PATRICIAN OF PALM BEACH CONDOMINIUM APARTMENTS, INC. (PAULA MCINTOSH, MANAGER), APPLICANT, relative to property located at **3450 SOCEAN BLVD**, legal description on file, is described below. The Patrician of Palm Beach Condominium Apartments is requesting site plan review to expand their pool deck by 3,968 square feet eastward to meet the existing seawall. The following variances are being requested to build the proposed pool deck expansion: a rear street setback of 0 feet In lieu of the 30 feet required and for lot coverage of 45.5 percent in lieu of the 42.9 percent existing and 22 percent maximum allowed for a building five stories or taller in the R-D(2) Zoning District. [Applicant's Representative: Maura Ziska Esq]

Ex parte communications disclosed by Council President Zeidman, Council President Pro Tem Lindsay, Mayor Moore and Council Members Crampton and Cooney.

Maura Ziska, attorney for the applicant, explained the zoning requests.

James Payne, Architect, and Dustin Mizell, Environment Design Group, presented the modifications proposed for the extension of the pool deck.

Zoning Manager Castro provided staff comments. Mr. Castro stated there was not an application for shade structures and as such, they were not included in the submittal. The applicant reported ARCOM had requested a separate application for those. Mr. Castro advised that Town Council would also need to approve them.

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

Council Member Crampton expressed his support.

Mayor Moore stated she agreed with Council Member Crampton.

**Motion made by Council Member Crampton and seconded by Council President Zeidman, that Site Plan Z-21-00376 be conditionally approved without any shade structures, with future shade structures to be approved by ARCOM and**



**Town Council and based upon the finding that the approval of the Site Plan will not adversely affect the public interest; that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement have been met concerning Section 134-329 items 1 through 11. Motion carried unanimously, 4-0.**

**Motion made by Council Member Cooney and seconded by Council President Zeidman, that Variance Z-21-00376 shall be conditionally granted with no shade structures included, and pending later review of the shade structures by ARCOM and Town Council, and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 have been met. Motion carried unanimously, 4-0.**

- g. Z-21-00377 VARIANCE(S) Zoning District: R-B Low Density Residential The application of PETER MAY, APPLICANT, relative to property located at **320 DUNBAR RD**, legal description on file, is described below. A variance request to allow two new mooring piles associated with an existing dock to be located 154 feet from the seawall In lieu of the 150 feet maximum allowed from land and a variance request to allow four new mooring piles associated with an existing dock to be located 2 feet from the north property line (the Dunbar Road Right of Way) in lieu of the 25 feet minimum required. [Applicant's Representative: Maura Ziska Esq]

Ex parte communications disclosed by Council President Zeidman, Council President Pro Tem Lindsay, Mayor Moore and Council Members Crampton and Cooney.

Maura Ziska, attorney for the applicant, explained the zoning requests.

Zoning Manager Castro provided staff comments and added that if the boat encroached over the property line, it would be a Code Enforcement violation.

Discussion ensued regarding the possibility the applicant might buy a larger boat in the future. Mr. Castro explained there was a provision in the code that prevented a potentially larger boat from overhanging one's own property line.

Council Member Cooney indicated he was comforted by the code provision.

Council Member Crampton asked if the boat had been drawn to scale.

Matt Butler, Isiminger & Stubbs Engineering, Inc., stated that he drew the boat to scale from the plans provided by the boat manufacturer.

Attorney Ziska stated the hardship was for safety.

Council President Pro Tem Lindsay inquired if the applicant had considered extending the dock to the south so as to provide more room. Discussion ensued.

Mr. Butler responded that the dock owners had incorporated a small elevator lift into the dock and if the dock were to be extended that would also have to be moved.

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

**Motion made by Council Member Crampton and seconded by Council President Zeidman, that Variance Z-21-00377 shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area. Motion carried unanimously, 4-0.**

- h. **Z-21-00378 VARIANCE(S)** Zoning District: R-A Estate Residential The application of ANN DESRUISSEAU, APPLICANT, relative to property located at **800 S COUNTY RD**, legal description on file, is described below. The applicant is seeking to modify the previous approval (Z 20 00261) which allowed the renovation and additions to a 2 story landmarked residence with accessory buildings in the R-A Zoning District. The renovation is underway and the approval included raising the finished floor elevations of all of the structures to 9.0 feet NAVD. The applicant is requesting approval to modify the previous approval to raise the finished floor elevation of the main residence and generator building (only) another two feet to 11.0 feet NAVD. The following variances are being requested to allow the new finished floor to be elevated another two feet from the previous approval: a north side yard setback of 5 feet for the boat house addition in lieu of the 30 foot minimum required; a north side yard setback ranging from 1.1 feet to 5.5 feet in lieu of the 30 foot minimum required for the existing boat house when raising the finished floor thus increasing the height in the setback; a rear yard setback of 0 feet in lieu of the 15 foot minimum required for the existing boat house when raising the finished floor thus

increasing the height in the setback; a rear yard setback ranging from 0 feet to 13.4 feet In lieu of the 15 foot minimum required for the existing main house when raising the finished floor thus increasing the height in the setback; a rear yard setback of 12.58 feet in lieu of the 15 foot minimum required for the existing boat house when raising the finished floor thus increasing the height in the setback; a north side yard setback of 14.5 feet for the 2 story generator building in lieu of the 30 foot minimum required; a south side yard setback ranging from 9 feet to 15.5 feet in lieu of the 30 foot minimum required for the new cabana and main house addition; a height in the main residence and addition to main house of 28.5 in lieu of the 25 foot maximum allowed; to allow the finished floor elevation to be 3.6 feet above the crown of the road in lieu of the 18 inches maximum allowed; to allow the finished floor elevation at 2.66 feet above grade in lieu of the 8 inch maximum allowed; a lot coverage of 28.46% in lieu of the 25% maximum allowed for the raised terrace; a rear yard setback of 1.75 feet in lieu of the 15 foot minimum required for the raised terrace; a south side yard setback of 4.5 feet in lieu of the 30 foot minimum required for the raised terrace. [Applicant's Representative: Maura Ziska Esq] [The Landmarks Preservation Commission deferred the project to their August 18, 2021 meeting. Carried 6-0.] Staff Recommends a Deferral to the September 13, 2021 Meeting

*This item was deferred at the approval of the agenda to the September 13, 2021 meeting.*

## IX. ORDINANCES

### A. **Second Reading**

1. Proposed ordinance to modify the code related to outdoor seating and docks.

**ORDINANCE 16-2021** 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, Creating A Definition For Outdoor Café Seating; At Article VI, District Regulations, Sections 134-791, 134-841, 134-891, 134-946, 134-1001 And 134-1053, Accessory Structures, In The R-AA, R-A, R-B, R-C, R-D(1) And R-D(2) Residential Districts By Allowing Only One Dock On A Property And Cross Referencing The Setback And Other Dimensional Requirements For A Dock In Sections 62-74, 62-75 And 134-1697 Of The Code; At Section 134-1053, Accessory Uses, By Eliminating As An Accessory Use Administrative Approval Of Outdoor Seating In The R-D(2) Residential District; Section 134-1055, Special Exception Uses, By Changing From Outdoor Seating To Outdoor Cafe Seating Related To Hotels, Condo Hotels And Dining Rooms And Cross Referencing Sections 134-2104 Through 134-2108 Related To Requirements And Conditions Allowing Said Seating; Section

134- 1056, Stands, Seated Dining Areas And Open Counters For Eating And Drinking, By Eliminating Said Section In The R-D(2) District And Renumbering Subsequent Sections Of The Code; Section 134-1057, Accessory Structures, And 134-1057, Accessory Structures, In The R-D(2) Residential Districts By Allowing Only One Dock On A Property And Cross Referencing The Setback And Other Dimensional Requirements For A Dock In Sections 62-74, 62-75 And 134-1697 Of The Code; Sections 134-1108, 134-1158, 134-1208 And 134-1303, Accessory Uses, By Eliminating As An Accessory Use Administrative Approval Of Outdoor Seating In The C-TS, C-WA, C-OPI And C-B Commercial Zoning Districts; Sections 134-1109, 134-1159 And 134- 1259 Special Exception Uses In The C-TS, C-WA And C-PC Commercial Zoning Districts, By Changing Outdoor Seating To Outdoor Café Seating Only For Restaurants, Retail Specialty Food Including The Sale Of Prepared Food For Takeout Only And Private, Social, Swimming, Golf, Tennis And Yacht Clubs And Cross Referencing Sections 134-2104 Through 134-2108 Related To Requirements And Conditions Allowing Said Seating; Sections 134- 1111, 134-1161, 134-1210, 134-1260 And 134-1305, Stands, Seated Dining Areas And Open Counters For Eating And Drinking, By Eliminating Those Sections In The C-TS, C-WA, C-OPI, C-Pc And C-B Commercial Zoning Districts And Renumbering Subsequent Sections Of The Code; Section 134-1304, Special Exception Uses, In The C-B Commercial Zoning District By Changing Outdoor Seating To Outdoor Café Seating For Only Hotels, Condo-Hotels And Dining Rooms And Cross Referencing Sections 134-2104 Through 134- 2108 Related To Requirements And Conditions Allowing Said Seating; Section 134-1209, Special Exception Uses In The C-OPI Commercial District By Changing Outdoor Seating To Outdoor Café Seating For Only Restaurants, Excluding Formula Restaurants As Defined In Section 134-2 And Dining Rooms And Cross Referencing Sections 124-2104 Through 134-2108 Related To Requirements And Conditions Allowing Said Seating; At Article VIII, Supplementary District Regulations, Section 134-1697, Buildings And Structures Over Lake Worth, By Clarifying That There Is An Exception For Town- Owned Landing Docks And Piers On Municipal Property, Providing For Only One Pier Or Landing Dock And Cross Referencing The Requirements For A Pier Of Landing Dock In Sections 62-74 And 62- 75 Of The Code; By Eliminating Division 14, Administrative Approval Of Outdoor Seating In Its Entirety And Creating A New Division 14, Section 134-2104 Through 134-2109, Conditional Approval Of A Special Exception For Sidewalk And/Or Private Property Outdoor Café Seating Only For Restaurants, Excluding Formula Restaurants As Defined In Section 134-2, Dining Rooms, Retail Specialty Food Including The Sale Of Prepared Food For Takeout Only, And Private, Social, Swimming, Tennis, And Yacht Clubs, Providing Conditions And Requirements; Fees And Security Deposit; Application Requirements; Standards And Criteria For Special Exception And Outdoor Café Permit And Review; Requirements For Liability And Insurance, Providing That Retail Specialty Food Uses Including The Sale Of Prepared Food For

Takeout Only That Is Under 2,000 Square Feet Gross Leasable Area Can Request An Additional Eight Seats Over The Inside Capacity; Provisions For Denial, Revocation And/Or Suspension Of Approval Of An Outdoor Café Seating Permit And Appeal Procedure For Denial, Suspension Or Revocation; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Town Attorney Randolph read Ordinance 16-2021 on second reading by title only.

**Motion made by Council President Pro Tem Lindsay and seconded by Council Member Crampton to adopt Ordinance 16-2021 on second reading, by title only. Motion carried unanimously, 4-0.**

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

2. Proposed ordinance to modify the code related to landing docks and piers.

**ORDINANCE 17-2021** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 62, Marine Structures As Follows: At Article III, Bulkheads, And Pierheads On Lake Worth, Section 62-74, Bulkheads, Landing Docks And Piers To Accord With Plat; Waivers And Variances, To Allow One Pier Or Landing Dock And To Provide A Maximum Width Of A Pier Or Landing Dock; At Section 62-75, Construction Specification To Identify That One Pier Or Landing Dock Is Permitted And That The Maximum Width Of A Pier Or Landing Dock Is 30% Of The Lot Width, Six Feet From The Mean High Water Line Or Bulkhead Line, Whichever Is Furthest East, And Not More Than 10 Feet In Width When Past Said Six Feet; At Section 62-74.2, Exemptions By Correcting The Exemption For Town Owned And Operated Docks Is Exempt From The Chapter And Not The Section Of The Code; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Town Attorney Randolph read Ordinance 17-2021 on second reading by title only.

Mr. Castro stated that he had changed the heading about six lines up from the bottom to say ‘whichever is furthest landward’ instead of ‘whichever is furthest east’, and it had been advertised properly.

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

**Motion made by Council Member Campton and seconded by Council President Zeidman to adopt Ordinance 17-2021 on**

**second reading, by title only. Motion carried unanimously, 4-0.**

**B. First Reading**

1. Proposed ordinance to modify the code related to fill limitations as well as setbacks for stairs, landings, porches and ramps.

**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.

Town Attorney Randolph read Ordinance 19-2021, on first reading, by title only.

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

**Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to adopt Ordinance 19-2021 on first reading, by title only. Motion carried unanimously, 4-0.**

2. Proposed ordinance to modify the code related to supplemental off- site shared parking regulations.

**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.

Town Attorney Randolph read Ordinance 20-2021, on first reading, by title only.

Council President Zeidman called for public comment.

John David Corey, 426 Australian Avenue, questioned the proposed change prior to the zoning study. He questioned why the employees were not utilizing the Apollo Lot. He added he did not believe the Town should be incentivizing other owners to sell their parking.

Council Member Crampton responded the Apollo Lot owners would have to have an offer they could not refuse, because negotiations had failed. Also, this would extend to other areas of congestion where there were under utilized lots.

**Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to adopt Ordinance 20-2021 on first reading, by title only. Motion carried unanimously, 4-0.**

Mayor Moore commented the Town had owned the Apollo Lot and had sold it to the current owners.

### 3. Beach Access Hours

**ORDINANCE 21-2021** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 74 Of The Town's Code Of Ordinances By Amending Article V, Beach Access Closure To Include The Beach Access Point At Root Trail As Public; Providing For Closure From Sunset To Sunrise Daily; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Jay Boodheshwar, Deputy Town Manager, provided background on the ordinance.

Council President Pro Tem Lindsay asked Deputy Town Manager Boodheshwar to clarify ownership of the property. He responded approximately 10' of the opening to access the beach was public access, and to the south there was approximately another 10' that was privately owned, associated with the Ocean Towers private property. Anticipating approval, Staff planned to reach out to owners of Ocean Towers to see if they would enter into partnership with the Town to have the entire area gated, and to see if they wished to have continuous access.

Mayor Moore had heard negative comments about the architecture of the gates at Wells and Dunbar, and requested to discuss the gates when they came back before Council, before gating Root Trail.



Town Attorney Randolph read Ordinance 21-2021 on first reading by title only.

**Motion made by Council President Pro Tem Lindsay and seconded by Council President Zeidman to adopt Ordinance 21-2021 on second reading, by title only, with the understanding that next month during second reading, staff would come back after having contacted the private ownership side regarding the signage and the gates and re-discuss with Council all of the gates before ordering another one. Motion carried unanimously, 4-0.**

X. ANY OTHER MATTERS

There were no other matters to come before the Town Council.

XI. ADJOURNMENT

The meeting was adjourned at 2:00 p.m. without benefit of a motion.

APPROVED:

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Margaret Zeidman, Town Council President

ATTEST:

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Kelly Churney, Deputy Town Clerk