

PLANNING AND ZONING BOARD
TOWN OF PALM BEACH SHORES
247 EDWARDS LANE

Regular Meeting

**Tuesday, November 28, 2006
7:00 p.m.**

ROBY DEREUIL, Chairman X

ALAN FIERS, Vice Chairman X

KEVIN BANKS X

FRED HAMPF O

CAROL HURST X

RICHARD LAABS, Alternate member X

PAMELA MURRAY, Alternate member X

AGENDA

1. ROLL CALL, PLEDGE OF ALLEGIANCE.
2. APPROVAL OF MINUTES: Regular meeting of October 24, 2006.
3. AGENDA APPROVAL:
4. MISCELLANEOUS BUSINESS:
 0. *Report by Code Enforcement Officer/Zoning Official*
 - a. Update: Land Research Management regarding progress on zoning District A.
 - b. Discussion: updating landscaping code.
 - c. Discussion: uniform news racks and real estate signs in town.
5. ORDINANCES:
 - a. Draft Ordinance O-10-06 amending Chapter 70 in order to require a no-fee permit for the temporary parking of recreational vehicles in town.
6. STATEMENTS FROM THE BOARD:
7. STATEMENTS FROM THE PUBLIC:
8. ADJOURNMENT.

MINUTES

ROLL CALL, PLEDGE OF ALLEGIANCE:

The meeting was called to order at 7:00 pm by Chairman Roby DeReuil. Roll call revealed that all members were present with the exception of Fred Hampf who was excused. Town Attorney Keith Davis, Zoning Official Manny Palacios and Town Clerk Carolyn Gangwer were also in attendance.

The Chairman led the meeting attendees in the pledge to the flag.

APPROVAL OF MINUTES:

Vice Chairman Alan Fiers moved to **approve the minutes of the October 24, 2006 regular meeting as published.** After a second by Carol Hurst, the motion carried unanimously.

AGENDA APPROVAL:

The Vice Chairman requested that an update from Zoning/Code Enforcement Officer Palacios be placed on the agenda, as well as an update on the 4 delinquent construction projects that were discussed at last month's meeting. Mr. Fiers moved to **approve the agenda as modified with these items added as agenda item 4.0**. After a second by Kevin Banks, the motion carried unanimously.

MISCELLANEOUS BUSINESS:

4.0 Update on Code Enforcement Issues and Construction Projects' Schedules by Code Enforcement Officer/Zoning Official.

Code Enforcement and Zoning Officer Manny Palacios gave the following update:

- 201 Cascade Lane – Non-compliant six foot high fence. The owner of this property did not feel that he should be singled out. He pointed out the other 6' fences in town, several along town rights of way. Mr. Palacios stated that he was directed to research all other 6 foot high plastic fences in similar situations in town, and see if there were any special circumstances, variances, etc. involved. He is currently working on this research.
- 155 Ocean Avenue: this project was apparently not in compliance with it's approved construction schedule for the interim milestone of the roof top out date. The overall progress may well be on schedule, but the Planning and Zoning Board requests a status update. Mr. Palacios sent a letter to the developer informing them of the need to come to the Planning and Zoning Board with an updated schedule. To date, he's heard nothing.
- 224 Inlet Way: This project is also not in compliance with it's approved construction schedule. Mr. Palacios did receive correspondence from Bill Norton, one of the developers stating that construction should be underway within 30 days.
- Cannonsport: Mr. Palacios met with a representative of Catalfumo Construction regarding the town's request for an elevation survey. This survey is scheduled to be done tomorrow.
- 106 Inlet Way: According to the contractor, they plan to break ground within 30 days. Mr. Palacios explained that there are violations at this site, and a code case is on-going. He asked for direction from the Planning and Zoning Board in case he does not receive anything back from the developer/contractor in writing? Chairman DeReuil answered that the board wants an explanation as to why the project is behind schedule. Vice Chairman Alan Fiers clarified that Norton Alexander is now the contractor for this project.

After further discussion, Vice Chairman Fiers moved to **direct the Code Enforcement Officer to cite codes and notify the developer of 155 Ocean Avenue project that they need to provide an updated construction schedule, and a Gant chart to the Planning and Zoning Board before next month's meeting, or appropriate action as outlined in Town Code will be pursued**. After a second by Carol Hurst, the motion carried unanimously.

- Boats and trailers: Mr. Palacios noted that he put a notice in the most recent town newsletter regarding appropriate storage/parking of boats and trailers. To date, of the 8 found in violation, 5 are still not in compliance. Notices of Violation were issued, giving 7 days for compliance.

a. Update: Land Research Management regarding progress on zoning District A.

Jim Fleischmann and Corey O’Gorman of Land Research Management were introduced to the board and meeting attendees.

Mr. Fleischmann explained that they plan to meet with the Town Commission and Planning and Zoning Board each month. Phase I of a two phase program has begun, which ultimately will result in recommendations for zoning District A.

Mr. Fleischmann’s presentation included:

- The first task is to take an historical look at original town code, and to track the changes. There were not many changes until 2000, Mr. Fleischmann noted. A spreadsheet outlining the code changes and prepared by LRM was made available to all board members and to the meeting attendees. The Town Clerk noted that this document has also been placed on the town’s web site.
- The second task is to get out into the community and to speak with residents in existing homes. LRM will attempt to see how these residents feel about the size of their homes, and their neighbors’ homes. A colorized zoning map, outlining lots in District A by size of houses was presented.
- Another task is to quantify the “character” of the town. Mr. Fleischmann noted that several sections of town code talk about not creating anything that is not in character with the town. It was Mr. Fleischmann’s opinion that the references to “character” in Chapter 14, in the Architectural/Aesthetic review section could be made somewhat more specific.
- A primary focus is to look at homes that are 3500 square feet and larger. Neighbors of these homes will be contacted and asked their opinion of these structures. A set of questions will be formulated for these “interviews”, explained Mr. Fleischmann.
- LRM will look at what improvements have been done to the over 90 houses sold since 2000.
- December 13th is the target date for LRM staff to visit over 20 homes in town as part of their information gathering efforts. Town Hall staff will assist by sending letters out to all of these residents informing them of LRM’s request to visit their homes.

Vice Chairman Alan Fiers asked Mr. Fleischmann if LRM will be looking into the reason that 1/3 of all the single family homes in town have changed hands since 2000? Mr. Fleischmann answered that this is not part of the assigned tasks. He opined that its possible that there has been somewhat of a demographic shift over the last six or so years. In addition, with escalating property values, some of the sales may have actually been re-sales for profit. Mr. Fleischmann noted that LRM *has* taken sale prices and categorized them over the past 20 or so years.

Mr. Fiers explained that the Planning and Zoning Board is getting ready to tackle the town’s landscaping code. He asked if the landscape architect working with LRM could give the board some assistance, particularly as it relates to fences? Mr. Fleischmann explained that, in this phase, they will be looking at landscaping mainly as it applies to buffering of two story homes.

Chairman DeReuil stated that he likes the code comparison spreadsheet prepared by LRM. He asked if the planners could figure out why original code was written as it was? Mr. Fleischmann opined that the town’s original zoning code was written after most of the town had already been developed.

The Chairman explained the board's reasoning when formulating draft ordinance O-9-05 – to get a good balance of maintaining property rights while still keeping the character of the town intact. He asked if the planners could look at the graphics done by the board, and Mr. Fleischmann stated that this would be part of their review.

Chairman DeReuil stated that the Planning and Zoning Board is willing to have workshops and meetings on District A. Mr. Fleischmann agreed that this is a good idea.

PUBLIC COMMENTS:

Scott McCranels suggested that LRM assist with making gray areas more black and white, and less open to interpretation.

Jack McDevitt suggested that the planners find out the average number of inhabitants who live in the houses that they visit. Mr. Fleischmann noted that this is one of the questions that will be asked. Mr. McDevitt also suggested tying LRM's work in with the Comprehensive Plan Evaluation and Appraisal Report process.

Gil Trower asked if the planner will take how the house is being used into consideration? By full time residents, by "snow birds", as rental, etc.? Mr. Fleischmann explained that part of their research has been to determine which houses are homesteaded. He noted that LRM will try to look at 10% of the homes in zoning District A.

b. Discussion: updating landscaping code.

The Chairman explained that the board has been provided with copies of landscaping code from Delray Beach, Jupiter, North Palm Beach, West Palm Beach and Fernandina Beach. Attorney Keith Davis opined that it was difficult to find any codes with clear language for using vegetation to "soften" fences.

The Chairman stated that he really likes the code from Delray Beach because of the graphics.

Vice Chairman Fiers reviewed the discussion on the issue of fences from the last two meetings. It was his opinion that, after all the discussion, the issue is probably not the fence type, but proper buffering of the fence by vegetation. The Vice Chairman stated that he would like to see LRM's landscape architect assist the board with this issue.

Mr. Fiers suggested four areas to look at:

1. Fencing (particularly along town road rights of way) should be hidden by plantings to maturity within one year of fence being installed.
2. Trees that reflect the "geometry" of a building should be required, in order to enhance the neighbors' privacy and balance the scale of the structure to its lot and its surrounding properties.
3. Require planting a tree for every 20 feet of road frontage.
4. Enhance the percentage of green space. Currently, a minimum of 20% green space is required.

Chairman DeReuil asked if anyone had anything else to add to the Vice Chairman's list? Carol Hurst suggested hiding garbage cans by fences and/or vegetation. Ms. Hurst stated that she likes Delray Beach's code, particularly for buffering of two story homes. It was her opinion that there are several paragraphs included within the various code samples that might work in Palm Beach Shores' code.

Discussion about Mr. Fiers and Ms. Hurst's suggestions ensued:

1. Hide fencing with vegetation.

Discussion ensued about this recommendation:

Molly Fleming of 164 Lake Drive asked if it was the board's intent to make people with decorative fencing hide it with plants? The Chairman agreed that this is a good question. Mr. Banks opined that all fences should be substantially hidden with vegetation. Other board members suggested using some vegetation with decorative fences, but not hiding them.

Other comments included: Use of fast growing, non-native species along fences rather than native growth, whether landscaping should be required in front of all fences, or only those fences seen from the street, parkway, etc., and who decides what a "good" and a "bad" fence is?

2. Trees should reflect the geometry (size) of buildings:

The "tiered" vegetative effect found in the code from Delray Beach was mentioned. The Vice Chairman opined that this is something that the landscape architect could help with.

3. Requirement that a tree is planted every 20 feet along the roadway:

Town Clerk Gangwer pointed out that the town's budget includes money to replace many of the "street" trees lost over the past several years to hurricanes. It is likely that mature fox tail palms would be the town's species choice. Chairman DeReuil noted that Chapter 78 already requires a tree planted every 50 lineal feet. Vice Chairman Fiers stated that he would like to see this reduced to a tree planted every 25 lineal feet.

4. Percentage of green space requirement increased:

The Chairman suggested that the town's planners could help with determining what percentage of green space would make sense. It was his opinion that up to 40% might not work. Vice Chairman Fiers noted that Jupiter Inlet Colony requires 50% green space, and this effectively controls the size of houses in that town. Carol Hurst would like to see what the landscape architect and planners have to say before making any decisions.

5. Buffering for garbage cans:

Vice Chairman Fiers would like to see compressors and generators included with garbage cans. Vice Mayor Tom Sullivan asked if this buffering would just be for zoning District A, or for all districts? It seemed to be the consensus that all districts should be included.

Chairman DeReuil concluded that some "generic" consensus has been reached. He asked how this is to be implemented? Mr. Fiers suggested waiting until the board gets its next update from the planners.

Resident Gil Trower asked what the reason was for suggesting all the changes to town code? Vice Chairman Fiers stated that many things in town have changed since the 1970's when much of town code was written. He opined that, back then, people put their garbage cans away, and took pride in the way that their property looked. This is not true now, the Vice Chairman opined. There was further discussion

about the need to change some codes, and to enforce others already on the books.

c. Discussion: uniform news racks and real estate signs in town.

Carol Hurst reported that she received code information on uniform news racks from Jupiter and Royal Palm Beach. It was Ms. Hurst's opinion that, in order for the town to require uniformity of news racks, the code would have to be amended first. She explained that the regular newspapers (Post, Sun Sentinel) will voluntarily switch to uniform style, but the code change is needed for the free publications.

There was extensive discussion about whether to require modular style news racks, or just require that all news racks are of the same color and design, but not modular. There was also discussion about who maintains the news racks, and who would remove these before a storm hits?

After further discussion Carol Hurst moved to **amend code to require single news racks which would be of uniform color (forest green), such racks to be generally in conformance with sections 17.129, 17.132 and 17.133 of the Town of Jupiter's code.** Vice Chairman Fiers seconded the motion.

Dr. Vincent Allora of Edwards Lane noted the differences between newspaper racks that were coin operated and those that were just lift the handle (free). He asked how these would look "uniform"? Kevin Banks explained that this is all included in the code from Jupiter, and all will be required to have a standard look and color.

The motion carried unanimously.

The issue of real estate signs was discussed. Attorney Keith Davis noted that all he needs to complete the amending ordinance for uniform real estate signs is a description of what the sign will look like (color, shape, etc.). Vice Chairman Fiers suggested that the real estate sign provided by Pamela Murray some months back would be a good example to use for code.

Vice Chairman Alan Fiers moved to **require real estate signs to be uniform, based on the sign provided by Pamela Murray.** Richard Laabs seconded the motion.

Jack McDevitt asked about signs used by people selling their own homes? It was determined that all for sale and for rent signs are already included in this category in town code.

The motion carried unanimously.

Gil Trower asked about signs placed in yards by contractors working at that site? Mr. Davis read current code covering size and location of construction company signs.

ORDINANCES:

a. Draft Ordinance O-10-06 amending Chapter 70 in order to require a no-fee permit for the temporary parking of recreational vehicles in town.

Attorney Davis gave a brief review of the history of this ordinance. The proposed language requires that a property owner goes to the police department to get a no fee permit to place on the windshield when a recreational vehicle will be parking in town.

Vice Chairman Fiers moved to **recommend O-10-06 to the Town Commission for approval**. After a second by Carol Hurst, the motion carried unanimously.

STATEMENTS FROM THE BOARD:

Carol Hurst presented an article put together by the City of Palm Beach Gardens listing their “top ten code infractions”. She suggested that Palm Beach Shores put something similar together and publish it in an upcoming newsletter. Code Enforcement Officer Manny Palacios will put together a list.

CE/Zoning Officer Palacios presented a letter addressed to the Planning and Zoning Board from Molly Fleming of Lake Drive about a trailer parked on her property. He noted that he was instructed by the Planning and Zoning Board to address non-conforming boats and trailers in town, and this was one of those not in conformance with current code.

Chairman Roby DeReuil stated that he was very pleased with the planner’s work to date.

STATEMENTS FROM THE PUBLIC:

Gil Trower thanked the Planning and Zoning Board for all their diligent, hard work.

The meeting adjourned at 8:55 p.m.

Carolyn J. Gangwer, Town Clerk

Roby DeReuil, Chairman