



TOWN OF PALM BEACH

PLANNING, ZONING, & BUILDING DEPARTMENT

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

SEPTEMBER 11, 2024

9:30 AM

Welcome

For information regarding procedures for public participation at Town Council Meetings, please refer to the end of this agenda.

I. CALL TO ORDER AND ROLL CALL

Danielle H. Moore, Mayor
Bobbie D. Lindsay, President
Lew Crampton, President Pro Tem
Julie Araskog
Ted Cooney
Bridget Moran

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR DANIELLE H. MOORE

IV. COMMENTS OF TOWN COUNCIL MEMBERS

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VI. APPROVAL OF AGENDA

VII. REGULAR BUSINESS

- A. Director's Verbal Update from the Planning & Zoning Commission Mtg. on 09/03/24 Pg. 8
- B. Update and Review of Draft 2024 Comprehensive Plan Including the Planning and Zoning Commission Recommendations Pg. 9

VIII. DEVELOPMENT REVIEWS

A. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **ZON-24-0006 (ARC-24-0011) 1741 S OCEAN BLVD (COMBO) - VARIANCES** Pg. 69
The applicant, Maura Ziska (attorney) in conjunction with SKA Architect + Planner, has filed an application requesting Town Council review and approval for four (4) variances to (1) increase the maximum allowable lot coverage, (2) to allow existing non-conforming front yard setback to remain, (3) to allow existing side yard setback to remain, and (4) to allow landscape open space to increase from existing but still not meet minimum requirement as it relates to the existing structure and site improvements being modified. The Architectural Commission (ARCOM) shall perform design review of the application. *[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Architectural Commission approved the project with conditions. Carried 7-0.]*
- b. **ZON-24-0010 (ARC-24-0023) 515 NORTH LAKE WAY (COMBO) - SPECIAL EXCEPTION AND VARIANCE**
The applicant, JORDAN GRETCHEN S TRUST (Maura Ziska, Authorized Representative), has filed an application requesting Town Council review and approval for a special exception review to develop the existing nonconforming lot, and one variance 1) to exceed the permitted angle of vision for the construction of a new one-story single-family residence with final hardscape and landscape. The Architectural Commission (ARCOM) shall perform design review of the application. ***[This project shall be deferred to the November 13, 2024, Town Council meeting pending Architectural Review.]***
- c. **ZON-24-0014 (ARC-24-0022) 1246 N LAKE WAY (COMBO) – VARIANCES** Pg. 76
The applicant, Myron and Michelle Miller, has filed an application requesting Town Council review and approval of a variance for exceeding allowable cubic content ratio (CCR). The

Architectural Commission (ARCOM) shall perform the design review of the application. *[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 5-2.] [The Architectural Commission approved the project with conditions. Carried 6-1.]*

- d. **ZON-24-0028 (ARC-24-0032) 272 VIA MARILA (COMBO) - VARIANCE** The applicant, Melissa Wight, has filed an application requesting Town Council review and approval of (1) variance to reduce the minimum driveway area in front of the proposed vehicular gate for insufficient vehicular stacking. The Architectural Commission (ARCOM) shall perform design review of the application. ***[This project shall be deferred to the October 9, 2024, Town Council meeting pending Architectural Review.]***
- e. **ZON-24-0031 (COA-24-0002) 195 VIA DEL MAR (COMBO) - VARIANCES** The applicant, Guy Rabideau (Trustee of the 195 Via Del Mar Trust), has filed an application requesting Town Council review and approval of (1) variance to increase the maximum building height associated with a second-story addition. The Landmarks Preservation Commission shall perform design review of the application. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Landmarks Preservation Commission approved the project with conditions. Carried 7-0.]*

Pg. 85

2. New Business

- a. **ZON-24-0039 195 VIA DEL MAR - VARIANCE** The applicant, Guy Rabideau (Trustee of the 195 Via Del Mar Trust), has filed an application requesting Town Council review and approval of (1) variance to exceed the maximum permitted height of gate posts and gates within the Via Del Mar front yard setback.
- b. **ZON-24-0008 (ARC-24-0015) 253 SEMINOLE AVE (COMBO) —VARIANCES** The applicant, Thomas Dagostino, has filed an application requesting Town Council review and approval for two (2) variances; (1) to expand existing nonconforming lot coverage beyond maximum permitted, and (2) to decrease existing nonconforming landscape open space below minimum permitted; as part of hardscape and awning shade structure improvements. The Architectural Commission shall perform design review of the application. *[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Architectural Commission approved the project with conditions. Carried 7-0.]*

Pg. 109

Pg. 118

- c. **ZON-24-0034 (ARC-24-0027) 203 S LAKE TRL (COMBO)—SPECIAL EXCEPTION(S)** The applicants, Darlene & Gerald Jordan, have filed an application requesting Town Council review and approval for (2) Special exceptions as they pertain to the construction of a new residence including (1) special exception for the construction of a padel court and (1) special exception to provide reduced vehicle queueing space at the vehicular driveway gate on a cul-de-sac. The Architectural Commission (ARCOM) shall perform design review of the application. *[This project shall be deferred to the November 13, 2024, Town Council meeting pending Architectural Review.]*
- d. **ZON-24-0015 (ARC-24-0030) 410 SEABREEZE AVE (COMBO)—VARIANCES** The applicant, Deborah Glass, has filed an application requesting Town Council review and approval of two (2) variances for (1) a second story side-yard setback encroachment and (2) a variance to further expand the existing nonconforming Cubic Content Ratio (CCR). The Architectural Commission (ARCOM) shall perform design review of the application. *[The Architectural Commission denied this project. Carried 7-0.][Due to the denial at the Architectural Commission meeting, this project will not move forward to Town Council meeting.]*
- e. **ZON-24-0016 (COA-24-0012) 238 PHIPPS PLAZA (COMBO)—VARIANCES** Joshua Levy with Phipps Plaza Properties, LLC, has filed an application requesting Town Council review and approval of two (2) variances to 1) reduce the minimum side yard setback and 2) reduce the minimum rear yard setback associated with a new awning. The Landmarks Preservation Commission shall perform design review of the application. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Landmarks Preservation Commission approved the project with conditions. Carried 7-0.]*
- f. **ZON-24-0021 (ARC-24-0033) 1356 N OCEAN BLVD (COMBO)—VARIANCES** The applicants, Gary & Kelly Pohrer, have filed an application requesting Town Council review and approval for two (2) variances; (1) to exceed the maximum height permitted for a pergola structure, and (2) to decrease landscape open space below minimum permitted. The Architectural Commission shall perform design review of the application. *[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Architectural Commission approved the project with conditions. Carried 7-0.]*
- g. **ZON-24-0023 (ARC-24-0029) 242 PARK AVE (COMBO)—**

Pg. 124

Pg. 156

VARIANCES The applicant, Rhonda Nasser, has filed an application requesting Town Council review and approval of four (4) variances for (1) a reduced swimming pool side-yard setback, (2) a reduced pool pump and filter side yard setback, (3) a reduced pool heater side yard setback, and (4) to forgo the requirement of a pool heater to be screened with a masonry wall. The Architectural Commission (ARCOM) shall perform design review of the application. ***[This project shall be deferred to the October 9, 2024, Town Council meeting pending Architectural Review.]***

h. **ZON-24-0032 (COA-24-0010) 228 SEASPRAY AVE (COMBO)**

Pg. 162

—VARIANCES. The applicant, Jeffery Smith on behalf of Smith Architectural Group, has filed an application requesting Town Council review and approval of two (2) variances to 1) reduce the side yard setback and 2) increase the allowable cubic content ratio (CCR). The Landmarks Preservation Commission shall perform design review of the application. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Landmarks Preservation Commission approved the project with conditions. Carried 7-0.]*

i. **ZON-24-0033 (ARC-24-0052) 130 SEASPRAY AVE (COMBO)**

Pg. 185

—SPECIAL EXCEPTION AND VARIANCE The applicant, Kirchhoff and Associates on behalf of Victor and Julia Tolkan, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review to develop an existing nonconforming parcel with a new, single-family residence and (1) variance to reduce the number of required enclosed garage parking spaces. The Architectural Commission shall perform design review of the application. *[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 6-1.] [The Architectural Commission approved the project with conditions. Carried 6-1.]*

j. **ZON-24-0035 (HSB-24-0005) 854 SOUTH COUNTY RD (COMBO)—VARIANCE**

The applicant, Dustin Mizell with Environmental Design Group on behalf of owner Andrew Unanue, has filed an application requesting review and approval for one (1) variance to permit a second guest house with bedrooms and bathrooms on site. The Landmarks Preservation Commission will perform the design review for the proposed structure on site modifications. ***[This project shall be deferred to the October 9, 2024, Town Council meeting pending Landmark Preservation Review.]***

k. **ZON-24-0036 0 ROYAL POINCIANA WAY MEDIANS—SITE**

Pg. 199

PLAN REVIEW The applicant, Town of Palm Beach, in conjunction with the Garden Club of Palm Beach has filed a site plan review application requesting Town Council review and approval for landscape and gravel path improvements to the medians for this historic vista.
TIME CERTAIN - 10 A.M.

B. Time Extensions and Waivers

1. Waiver of Town Code Section 42-199, For Working Hours at **415 Hibiscus Ave.** Pg. 210
2. Waiver of Town Code Section 42-199 for Working Hours Pg. 223
(*Commercial Worth Avenue CWA Zone*) at **222 Worth Ave.**

IX. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 020-2024: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida; Amending The Adopted 2017 Town Of Palm Beach's Comprehensive Plan Pursuant To Chapter 163, Florida Statutes; Amending The Future Land Use Map Of The Comprehensive Plan By Changing The Future Land Use Designation For Parcels Of Land More Particularly Described In Exhibit C, From "Public", "Recreation" And "Single Family", Respectively To "Private Group Use"; Providing For Inclusion Into The Comprehensive Plan; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date. Pg. 233
2. ORDINANCE NO. 021-2024: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Amended Official Zoning Map Of The Town Of Palm Beach Updated July 26, 2022; Rezoning Parcels Of Land More Particularly Described In Exhibit B, From "R-B Low Density Residential" District, To "CI Cultural Institution" District; Providing For Inclusion On The Zoning Map; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date. Pg. 243

A. First Reading

1. Ordinance 030-2024, Amending Chapter 50 of the Town Code of Ordinances, Changes Relating to Floodplain Management Pg. 252

ORDINANCE NO.030-2024: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Of Palm Beach Code Of Ordinances To Update The Date Of The Flood Insurance Study And Flood Insurance Rate Maps; To Add A Definition Of Historic Structure; To Reformat A Previously Adopted Amendment To The Florida Building Code; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

X. ANY OTHER MATTERS

XI. ADJOURNMENT

Procedures for Public Participation:

Note 1: **Live Stream audio:** To watch/listen live, visit the 'Public Meetings' webpage on the Town's website at www.townofpalmbeach.com and select the "View Event" or "Click Here to Listen" button.

Note 2: Any citizen is entitled to be heard concerning any matter under the sections entitled 'Communications from Citizens' and 'Public Hearings', subject to the three-minute limitation. The public also can speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion. Citizens desiring to address the Town Council should proceed toward the public microphones when the applicable agenda item is being considered to enable the Town Council President to acknowledge you. In-person or virtual Public Comment is limited to three minutes and must be preceded by your name and address for the record. As a public business meeting, the Town Council President retains the right to limit discussion on any issue.

Alternative public comment is also welcome for Town Council Meetings via four methods:

1. To make a virtual public comment, please register for the Microsoft Teams meeting. This link will be available prior to the meeting on the Public Meeting page or on the Town's calendar of events, which both can be found at townofpalmbeach.com.
2. Written public comment submittals should be sent to publiccomment@townofpalmbeach.com.
3. Direct written entry into the public meeting record through the eComment portal on the Public Meetings webpage.
4. Mail or in-person submittal of written document to the Town Clerk's Office at Town Hall no later than the Friday prior to the meeting.

Note 3: **Appeals:** If a person decides to appeal any decision made with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made for such purposes, which shall include the testimony and evidence upon which the appeal is to be based.

Note 4: Disabled persons needing accommodations to participate in this meeting are requested to call the Clerk's Office at (561) 838-5416 at least one day prior to the meeting.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 11, 2024

Section of Agenda

Regular Business

Agenda Title

Director's Verbal Update from the Planning & Zoning Commission Mtg. on 09/03/24

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 11, 2024

Section of Agenda

Regular Business

Agenda Title

Update and Review of Draft 2024 Comprehensive Plan Including the Planning and Zoning Commission Recommendations

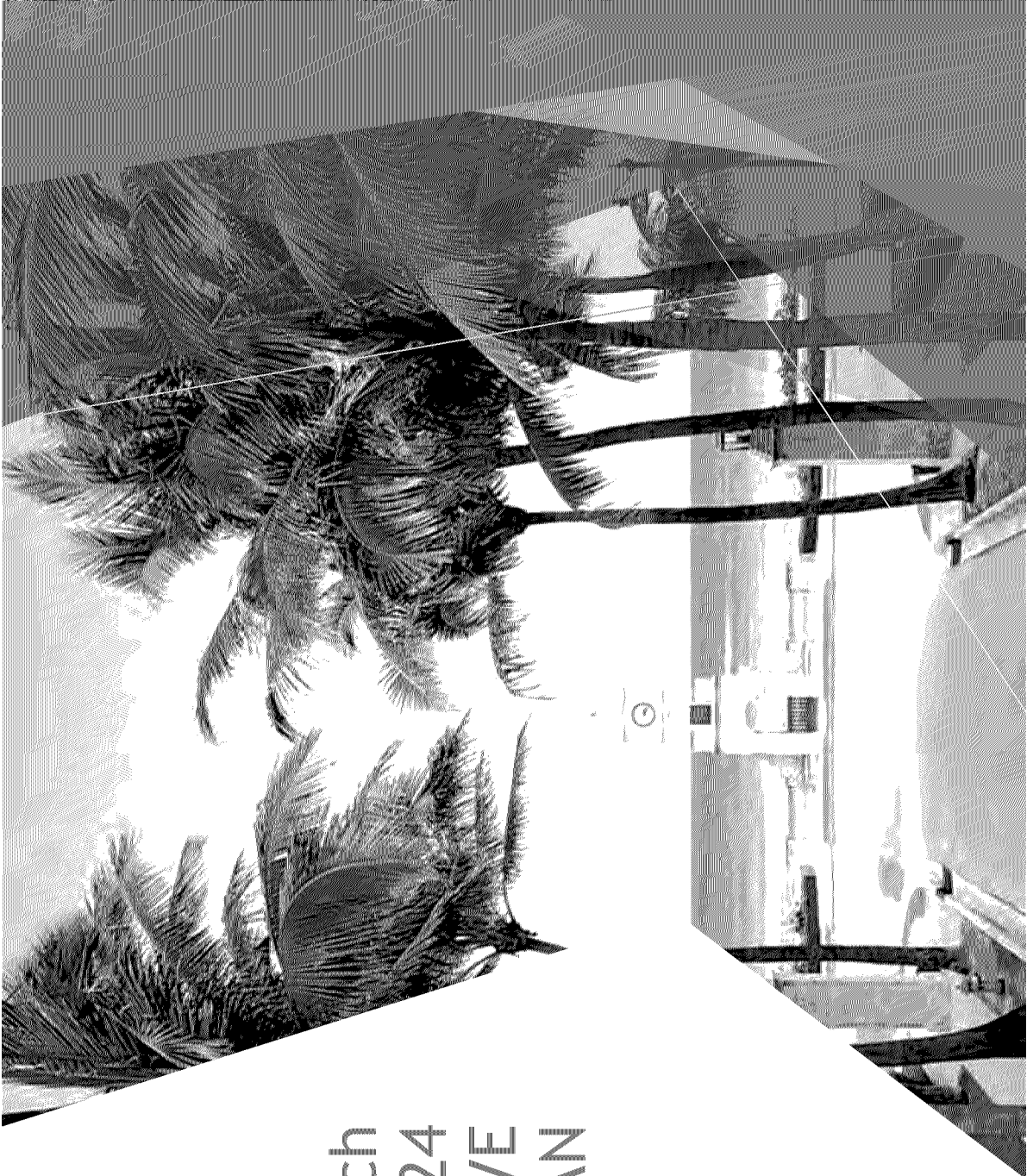
Presenter

ATTACHMENTS:

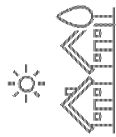
- ▣ **Draft Comprehensive Plan**
- ▣ **Presentation**

Town of Palm Beach 2024 COMPREHENSIVE PLAN

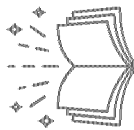
August 12, 2024
Town Council Meeting -
updated following meeting



What is a Comprehensive Plan?



A Comprehensive Plan is a blueprint to guide the growth, development of land, resource protection, and provisions of public services and facilities in the Town.



It is not the intent to include the implementing regulations that are found in the Zoning Code, but rather to require identification of Goals, Objectives and Policies that promote the vision of a community and are then implemented through the Town Code and other regulating documents.



The Plan provides for the community's vision through a series of "Elements" that provide a framework for development to maintain and achieve the quality of life desired by the residents.



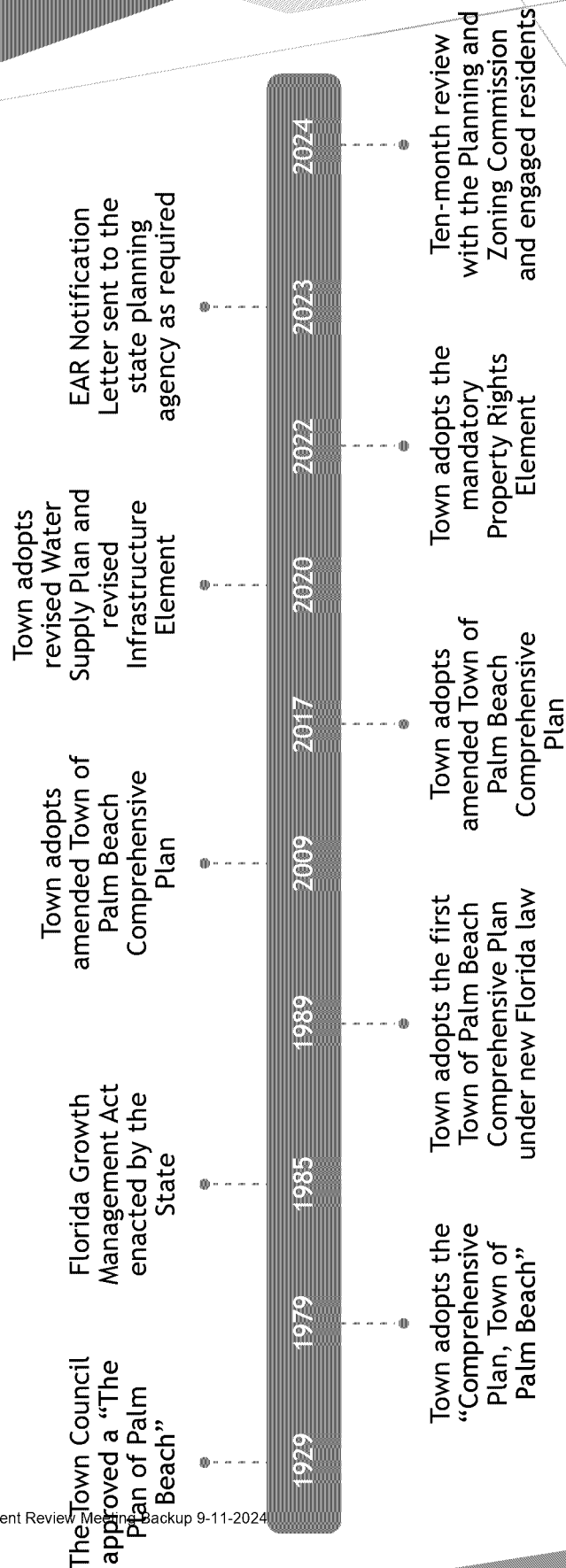
The Comprehensive Plan directly and indirectly influences all aspects of daily life, including where people live, which uses are permitted, how natural areas are preserved and how people travel within their community.

The Comprehensive Plan addresses Quality of Life Issues



Brief History - Comprehensive Planning in the Town of Palm Beach

TC Development Review Meeting Backup 9-11-2024



1929 Comprehensive Plan

Almost a 100 years ago, the “Plan of Palm Beach” saw the Town in a similar eye as today. Notice what issues were identified then and now. A desire to preserve and to enhance the charming character of Palm Beach was the keynote of the Plan. The necessity for improving traffic circulation and of providing safe walks for pedestrians was recognized as one of major importance, as was beach access, and parking.

“First a hotel; the present character is the result of steady **dignified growth, with beautiful estates, modest homes, hotels, fine shops, excellent administration, creditable public works.** The fabric has been woven in a manner approaching the ideal. Business and agriculture have had very little influence in the development of this community. **Business exists to supply necessities and luxuries and to give service to the inhabitants and to the winter guests.**

But while Palm Beach has been complacent the mainland has become productive...It is not surprising then ...that **West Palm Beach has grown from a service village to a city. And so the functions of Palm Beach...are gradually expanding and problems are increasing.**

This is a plan which will **localize recreation seeking crowds, discourage trespassing, and provide safety and quiet for residents of Palm Beach.**”



2017 Comprehensive Plan

The adopted Comprehensive Plan recognized in 2017 that future development and attendant population growth would aggravate traffic problems, perhaps bringing the Town to a critical level of overuse.

“The very aspects of the Town that appeal to most of its citizenry—superlative stores and restaurants, grand architecture and landscaping, and beautiful homes—also attract tourists and other visitors. As a result, during the peak season, the Town’s traffic and limited availability of parking reach critical levels that threaten the community’s identity, character, and quality of life. In addition, ... Intensive development occurring in downtown West Palm Beach is a concern as it relates to impacts on the Town public services. The Town has also been experiencing a shortage of Town-serving services.

It continues to be a major objective of the Town to **inhibit further commercialization**, contain commercial uses to limited geographic locations, and to **promote commercial uses which are primarily oriented to serving the needs of residents, employees and visitors** staying in accommodations in the Town, while discouraging those businesses that attract customers and clients from off the Island.”



2024 Comprehensive Plan

The proposed Comprehensive Plan is in response to §163.3191, Fla. Stat., that requires every local government every seven (7) years, to evaluate its comprehensive plan through the Evaluation and Appraisal Review (EAR) process to determine if plan amendments are necessary to reflect changes in state law and changes in local conditions.

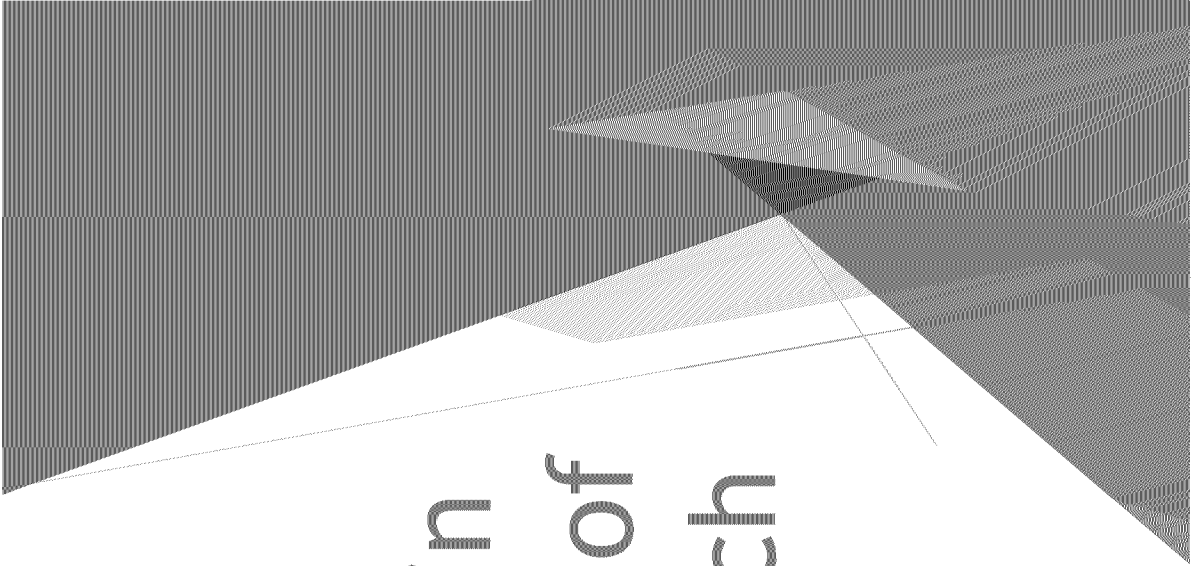
- ❖ The Town's comprehensive plan was last updated was in 2017, with revisions to the Water Supply Plan in 2020 and incorporation of the mandatory Property Rights Element in 2022.
- ❖ On March 31, 2023, PZB staff notified the state land planning agency, Florida Department of Commerce, that amendments are necessary to reflect changes in state law and local conditions.
- ❖ As required by §163.3191(2), Fla. Stat., the PZB staff was on track to transmit the EAR-based 2024 Comprehensive Plan to the state land planning agency within one year, which was April 1, 2024. In fact, the first completed draft of the EAR-based comprehensive plan was presented to the Planning and Zoning Commission on October 17, 2023. The reaction to the first draft was of mixed review.
- ❖ It was requested that staff bring back a strike through and underlined version of the Data and Analysis portion of the Comprehensive Plan to distinguish the information that is to remain, be removed or requires updating.



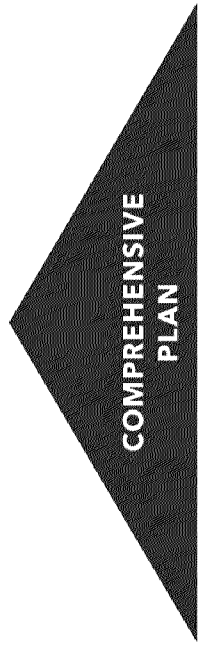


State Agency that Oversees Comprehensive Planning

- ▶ The Department of Commerce (FloridaCommerce) is the State Land Planning agency that oversees all Florida Comprehensive Plans.
- ▶ The Departmental responsibilities include:
 - Notification of required submittals
 - Review of proposed and adopted Comprehensive Plan amendments
 - Provides public access to Comprehensive Plans
 - Handles appeals to plan amendments



Planning in the Town of Palm Beach



TOWN VISION & VALUES
"TOWN SERVING"



DEPARTMENT
PROGRAMS
& SERVICES

RELEVANT PLANS
FROM EACH
DEPARTMENT



Data & Analysis and Goals, Objectives and Policies in Comprehensive Planning

Data & Analysis (D&A) is needed in the planning process in order to evaluate current local conditions and to predict future conditions.

Typical data and statistics collected include:

- Socioeconomics, (such as population and income)
- Housing
- Development patterns (such as land uses and trends)
- Environmental and coastal management
- Traffic circulation and parking availability
- Public services and utilities

- Departmental staff is needed to provide or obtain this data
- Follows a process of review and assessment
- Identifies and addresses not only contemporary but emerging issues
- Provides information to help identify interconnecting issues

The Data & Analysis serves as the basis for determining the Goals, Objectives, and Policies of the corresponding Element.



Data & Analysis and Goals, Objectives and Policies in Comprehensive Planning

Once issues have been identified by the Town, and data is collected and analyzed, a review of the Town's **Goals, Objectives and Policies (GOPs)** are reviewed to determine if the issues of the Town have changed resulting in the need to amend and/or include additional Goals.

The Goals lead to establishing measurable objectives and policies for the Town to make future decisions regarding **Quality-of-Life** issues.

Ultimately, these GOPs provide the necessary directive to identify Capital improvement projects and the associated budget.

- Confirms the community vision
- Requires the active participation of residents and business owners in the community
- Based upon the data and analysis

The GOPs are the guiding principles of the Elements of the Comprehensive Plan



Town's current Comprehensive Plan consists of the following 11 Elements:

1. Future Land Use
2. Transportation
3. Housing
4. Infrastructure
5. Coastal Management/Conservation
6. Recreation /Open Space
7. Intergovernmental Coordination
8. Capital Improvement
9. Historic Preservation
10. Public Safety and
11. Property Rights

The Elements contain a D&A as follows:

- Identifies the purpose and intent
- Statistical data beginning in 2009

The maps are currently contained within each of the corresponding Elements

An update to the D&A and maps are required and necessary for each Element to establish proper policy and planning for the future



Introduction

History/Vision & Values/
Town Serving

Future Land Use

Development Pattern/Town
Serving/Trends & Challenges

Transportation

Traffic Circulation/Parking

Housing

Zoning/Aesthetics/Identity

Infrastructure

Level of Service/Long Term
Strategy

Coastal Management

Sea Level Rise



2024 Town's Comprehensive Plan Update

Town of Palm Beach
Vision and Values
"Quality of Life"

Recreation/Open Space

Level of Service/Programming

GIS Map Series

Intergovernmental Coordination

Coordination with Agencies

Public Safety

Resident Protection

Historic Preservation

Character and Identity

Capital Improvement

Strategic Plan/Budgeting

Property Rights

Florida Statutes

Conservation

Protecting Build and Natural
Environment

Town's proposed Comprehensive Plan will consist of the following 12 Elements:

Introduction

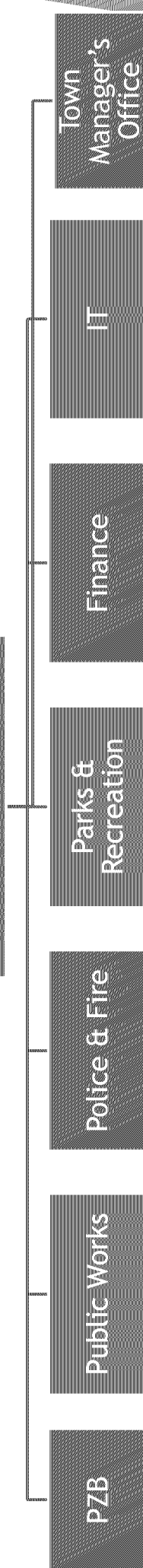
- | | |
|------------------------------------|---|
| 1. Future Land Use | Updated D&A to determine if the current the GOP's of the corresponding Elements need to be amended, removed or new ones added |
| 2. Transportation | |
| 3. Housing | |
| 4. Historic Preservation | The D&A has been updated and with the Public Safety Element, now has a Data & Analysis section |
| 5. Public Safety | |
| 6. Infrastructure | A new Introduction has been added |
| 7. Recreation & Open Space | |
| 8. Coastal Management | Coastal and Conservation are now separate Elements |
| 9. Conservation | |
| 10. Property Rights | A parking sub-element as been created within the Transportation Element |
| 11. Capital Improvements | |
| 12. Intergovernmental Coordination | An independent Map Series is proposed as an Element to the amended Comprehensive Plan |

GIS Map Series



The Comprehensive Plan is based on Information and D&A provided by each Department

2024 Comprehensive Plan Update





Future Land Use Element D&A

- Added history of the statutory requirements and the Town's consistency state law as it pertains to the Future Land Use Element
- Provided population estimates and projections for the 2024-2044 planning period
- Removed land development regulations
- Relocated Level of Service Standards to appropriate Elements
- Provided for the consideration of 3 story structures in Commercial and Private Group Use Future Land Use designations with Town Council approval
- Removed the ability for future Planned Unit Developments (PUDs)
- Emphasized the need for the Town to prevent critical and dangerous overuse of streets, parking and public services, damage to its historic character and overall property values of the Town
- Reinforced the Town to prevent the change or transition of existing low-density areas or structures to more intensive use patterns to lower the pattern of residential density and commercial intensity and minimizing tourism inflow
- Addressed inconsistencies with the Future Land Use designations and Zoning Districts

Future Land Use Element GOP's

Contains 1 Goal - “THE TOWN SHALL PRESERVE, PROTECT AND ENSURE A HIGH QUALITY OF LIFE FOR TOWN RESIDENTS AND BUSINESSES TO BY MAINTAINING ITS UNIQUE IDENTITY AND ITS HIGH QUALITY OF LIFE THROUGH THE EFFICIENT DISTRIBUTION OF COMPATIBLE LAND USES. THAT ARE CONSISTENT WITH THE ZONING CODE.”

Contains 10 Objectives and 33 Policies to achieve the Goal

POLICY ~~2.3~~ 1.12

The Town shall insure that dDevelopment orders shall be are issued by the Town ~~only~~ for new non-residential development or redevelopment that is consistent with the Future Land Use Map and associated Future Land Use Designations set forth in the following policies:



Future Land Use Element GOP's - Revised Based on Comments from the 8-12-2024 Town Council meeting

2.3.4 1.12.1 The following definitions shall pertain to the application of the non-residential land use designations and associated policies:

a. "Town-serving" shall mean establishments, principally oriented to serving the needs of Town persons and not substantially relying on the patronage of non-Town persons. Commercial establishments (other than those in the "Commercial - Office, Professional & Institutional" (C-OPI) zoning district, which are not required to meet town-serving requirements) of 3,000 square-foot or less of gross leasable area in the C-PC, C-TS and C-B zoning districts, and 4,000 square-foot or less of gross leasable area in the C-WA zoning district are assumed to meet the intent of the first part of this definition. Town-serving commercial establishments shall attract not less than the established percentage defined in the Zoning Code of their customers/members/clients from among Town persons.

b. "Town residents" shall include all property owners, full-time and seasonal occupants of the Town.

c. "Town persons" shall mean all full and seasonal residents of the Town residents, as well as visitors staying at accommodations in, or employees working in establishments located within the Town.



Future Land Use Element GOP's

POLICY 1.2 The Town shall maintain Future Land Use designations that focus on preserving and protecting the Town's primarily residential community through controlling the type, distribution and density of development and redevelopment.

POLICY 1.3 The Town shall protect the stability of its residential neighborhoods by advocating year-round occupancy and neighborhood enhancement.

POLICY 1.5 The Town shall maintain the character of the Town as a predominantly residential community by only approving redevelopment projects that are necessary to meet the needs of Town residents.

POLICY 2.4.1.6 The Town shall continue to prevent critical and dangerous overuse of its streets, parking resources, public services and facilities, and damage to its historic character, and to the overall property values of the community.

POLICY 2.4.1.7 The Town shall take all technical and administrative measures legally available to minimize the change or transition of existing low-density areas or structures to more intensive use patterns thereby lowering the pattern of residential density and commercial intensity, where possible to minimize tourism inflow.



Transportation Element D&A



- ❖ Added history of the statutory requirements and the Town's consistency with state law as it pertains to the Transportation Element
- ❖ Changes to local conditions to traffic and parking
- ❖ Focus on existing and future failure of transportation levels of service
- ❖ Projected transportation levels of service and system needs based upon development within the Town and in the City of West Palm Beach
- ❖ Suggests measures of protection to limit non-resident impacts to Town roads and parking

Transportation Element GOP's

Contains 1 Goal - THE TOWN SHALL MAXIMIZE THE EXISTING STREET TRANSPORTATION SYSTEM THAT WILL PRESERVE, PROTECT AND ENSURE SUSTAIN THE A HIGH QUALITY OF LIFE FOR TOWN RESIDENTS AND VISITORS FOCUSED ON SAFE ROADS AND MULTI-MOBILITY TO THAT FOSTERS A SAFE, AND MORE EFFICIENT AND CONVENIENT TRANSPORTATION AND PARKING MANAGEMENT SYSTEM., COORDINATED WITH THE OTHER GOVERNMENTAL AGENCIES, FOR ALL EXISTING AND FUTURE LAND USES.

Contains 5 Objectives and 41 Policies to achieve the Goal

POLICY 2.1 The Town shall use the following two-way peak-hour, peak-season Level of Service (LOS) standards for facilities and segments listed below, effective one year from at the time of adoption of this Element. Facility or Segment LOS:

SR A1A (FDOT) "E" "D"

Royal Poinciana Way (FDOT) "D"

Cocoanut Row/Bradley Place from to Seabreeze to north of Royal Poinciana Way (Town) "E" "D"

Southern Boulevard (FDOT) "E" "D"

All other roadways (Town) "D" "C"



Transportation Element GOP's

POLICY 2.2 The Town will shall continue to work with the Florida Department of Transportation (FDOT), Palm Beach County and the Palm Beach Metropolitan Planning Organization (MPO) Palm Beach Transportation Planning Agency (TPA) to develop solutions for the purpose of determining an appropriate methodology for determining the level of service on roadways in the Town where there are no traffic signals. The purpose of this effort will be to develop to the constrained roadway strategy segments of SR A1A, Royal Poinciana Way, and Southern Boulevard roadways facilities within the Town that are currently at a LOS "F", which is failing.



POLICY 2.3 The Town shall collect daily peak season traffic counts for all local roadways to determine the current LOS.



POLICY 2.10 The Town shall develop a strategy to improve the level of service standard on roadways that are at a "D" or lower.

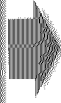


POLICY 2.24 The Town shall maintain the current LOS for those local roadways that are determined to be a LOS "C" or better ("B" or "A").



Transportation Element GOP's

POLICY 2.11 The Town shall use the Generalized Service Volume Tables from the FDOT 2020 LOS Handbook dated June 2020 as the standard for determining the road segment level of service on the roadways within the Town of Palm Beach.



POLICY 5.1 The Town shall consider the recommendations of the report titled "Town of Palm Beach Traffic Analysis and Commercial Areas Parking Study" prepared by The Corradino Group, dated June 10, 2024.



Transportation Element GOP's

POLICY 5.10 The Town shall explore ways to reduce traffic and parking congestion, including bicycle and pedestrian infrastructure, ride sharing for contractors, hybrid work schedules and employee shuttles to and from the City of West Palm Beach and the Town.



POLICY 5.11 The Town shall explore initiating a Circuit Shuttle program for Town residents traveling within the Town.



POLICY 5.20 The Town shall consider removing the ability to apply for variances to the minimum parking requirements for commercial uses.



POLICY 5.21 The Town shall amend the Zoning Code to update the parking regulations used in the "Principal of Equivalency" when calculating the number of required parking spaces for redevelopment projects.





Housing Element D&A

- ☐ Added history of the statutory requirements and the Town's consistency with state law as it pertains to the Housing Element
- ☐ Provided information about the Town's housing inventory
- ☐ Updated Town housing statistics based upon 2020 U.S. Census
- ☐ Addressed Affordable housing through regional participation
- ☐ Reaffirmed that housing needs will continue to be met by the private sector
- ☐ Addressed new Condominium Laws

Housing Element GOP's

Contains 1 Goal - "THE TOWN SHALL PRESERVE, PROTECT AND ENSURE ENCOURAGE THE MAINTENANCE OF THE A HIGH QUALITY OF LIFE FOR TOWN RESIDENTS THROUGH THE ASSURANCE THAT THE TOWN'S HOUSING STOCK IS SAFE, SANITARY AND WITHIN A HEALTHY LIVING ENVIRONMENT THAT PROMOTES THE TOWN'S STANDARD OF EXCELLENCE. HOUSING STOCK THROUGHOUT THE TOWN WITH A HEALTHY LIVING ENVIRONMENT FOR ALL RESIDENTS."

Contains 7 Objectives and 19 Policies to achieve the Goal

POLICY 1.1 The Town shall process, review and analyze development projects and present staff memorandums to Provide information and technical assistance, upon request, and assist with the design process and zoning review on new construction, and rehabilitation, and demolition projects through the Architectural Review Commission (ARCOM) and Landmarks Preservation Commissions (LPC) for the resident and seasonal population.



Housing Element GOP's

POLICY 1.3 The Town shall require all new construction or redevelopment to comply with the existing protective ordinances related to flood protection and management, including but not limited to, Chapter 50.

POLICY 5.14.3 The Town shall enforce the provisions of Chapter 88 in accordance with the duties and powers of the code official. If obnoxious conditions or structural deficiencies are found, the Town will cite the property owner, and require rehabilitation of a deteriorating structure, or demolition of a dilapidated structure, within one year.

OBJECTIVE 6-5 The Town shall support high quality of housing through the review and approval of new construction by the Architectural Review Commission (ARCOM) and Landmarks Preservation Commission (LPC), and the conformance with the Town's building and zoning codes. identify, protect and maintain the Town's inheritance of housing structures and neighborhoods having significant historic and/or architectural merit. The measurement of this objective shall be the extent to which such structures and neighborhoods are protected, and the degree to which the following policies are implemented:



Housing Element GOP's

POLICY ~~6-4~~. 5.1 The Town shall require ~~a~~All requests for demolition, building and landscape plans shall be reviewed by either the Town's Architectural Review Commission or Landmarks Preservation Commission as a prerequisite to the issuance of a development order or building permit.

POLICY ~~6-4~~. 5.2 The Town shall require the criteria for a designating historically significant ~~house~~ buildings shall be reviewed and approved determined by the Landmarks Preservation Commission as outlined in Chapter 54 of the Town's Code of Ordinances.

POLICY 5.6 The Town shall propose and adopt regulations that incentivize property owners to retain and improve their existing buildings.





Historic Preservation Element D&A

- Added history on the Historic Preservation Movement in the Town as this Element is optional per state statute
 - Recognized the need to protect archaeological resources through code enforcement
 - Documented Historical Markers and Specimen Trees
 - Emphasized the need to continue with historic markers and plaques
 - Focused on protection of structures as well as streetscapes that have historic or architectural merit
 - Promoted public awareness of the Town's historic resources
 - Addressed disaster planning and resiliency strategies to develop a historic preservation hazard mitigation plan
-



Historic Preservation Element GOP's

Contains 1 Goal - "THE TOWN SHALL PRESERVE, PROTECT AND ENSURE A HIGH QUALITY OF LIFE FOR TOWN RESIDENTS THROUGH THE PRESERVATION AND PROTECTION OF THE HISTORIC AND ARCHEOLOGICAL RESOURCES AND THE PERPETUATION OF CURRENT AND FUTURE PROPERTIES OF NOTABLE AESTHETIC, ARCHITECTURAL AND HISTORIC SIGNIFICANCE."

PRESERVE, PROTECT AND ENHANCE THE HISTORIC AND PREHISTORIC RESOURCES OF THE TOWN. THE TOWN SHALL PROTECT THE VISUAL APPEARANCE OF PALM BEACH THROUGH THE PERPETUATION OF PROPERTIES OF SPECIAL NOTABLE AESTHETIC, ARCHITECTURAL AND HISTORICAL SIGNIFICANCE.

Contains 2 Objectives and 17 Policies to achieve the Goal



Historic Preservation Element GOP's

POLICY 1.2 The Town shall continue to designate structures, sites, and districts considered worthy of Landmarking in accordance with Chapter 16, Article III of the Town's Code of Ordinances, with consideration of the following preservation policies:

1.2a Preserving Distinct Examples of the Town's Housing Inventory/Types.

1.2b Creating Nodes of Landmarked Properties that Preserve Historic Streetscapes.

1.2c Prioritizing Structures that Showcase Currently Underrepresented Architectural Styles.

1.2d Increasing the Collection of Resources Designed by Notable Architects/Builders.

1.2e Ensuring a Balanced Geographical Distribution of Landmarks Across Town.

Historic Preservation Element GOP's

POLICY 2.1 The Town shall continue to protect landmarks, historically significant properties and aesthetic character through the active participation of the Landmarks Preservation Commission and architectural review in the development review and approval process, as authorized by the Town's Code of Ordinances.

POLICY 2.2 The Town shall use the cultural resource inventory, previous survey recommendations or other historical data to support new nominations of significant archaeological sites, landmarked structures, or possible listing on the National Register of Historic Places. These designations provide formal documentation of the Town's cultural resources, enhance their appreciation, and provide demolition review for properties protected under local ordinance. The properties identified as eligible for designation will be shared with the community.

POLICY 2.3 The Town shall incorporate historic preservation as a priority into the Town's disaster planning and resiliency strategies while accumulating data and analysis that can be used to develop a historic preservation hazard mitigation plan.



Public Safety Element D&A

- = Drafted D&A as the 2017 Comprehensive Plan did not have D&A information in developing GOP's
- = Added history on the Public Safety in the Town as this Element is optional per state statute
- = Explained the coordinated but distinct roles of the Police and Fire Rescue in Public Safety in the Town
- = Addressed the need to ensure the best training for all first responders including Ocean Rescue
- = Emphasized the enforcement of sea turtle protection



Public Safety Element GOP's

Contains 1 Goal - "THE TOWN SHALL PRESERVE, PROTECT AND ENSURE A HIGH QUALITY OF LIFE FOR TOWN RESIDENTS THROUGH THE PROTECTION OF THE HEALTH, SAFETY AND SECURITY OF TOWN RESIDENTS."

Promote the health, safety, and security of the City's residents and visitors, including in times of disaster



Contains 3 Objectives and 18 Policies to achieve the Goal



POLICY 1.1 Provide The Town shall maintain a coordinated and proactive public safety program through the Public Safety Director coordinated roles of the Police and Fire Rescue Departments.



POLICY 1.2 The Town shall maintain a well-trained and adequately-staffed sworn law enforcement officers within the Police Department dedicated to state certified regular training to ensure the protection of Town residents, law enforcement activities within the Town.



POLICY 1.6 The Town of Palm Beach Fire Rescue Department shall encourage Ocean Rescue staff to obtain supplemental advance training, as paramedics and Emergency Medical Technicians (EMTs).



Infrastructure Element D&A



- Added history of the statutory requirements and the Town's consistency with state law as it pertains to the Infrastructure Element
- Reorganized sub-elements to create a story
- Identified appropriate public facilities and their service areas, design capacities, and levels of service standards (LOS)
- Summarized current and future needs and the determination that the Town will continue to be in compliance
- Affirmed that new development will need to meet the LOS for public services
- Addressed the status of undergrounding

Infrastructure Element GOP's

Contains 1 Goal - "THE TOWN SHALL PRESERVE, PROTECT AND ENSURE A HEALTHY A HIGH QUALITY OF LIFE FOR TOWN RESIDENTS AND BUSINESSES, THROUGH THE MAINTENANCE AND UTILIZATION OF PUBLIC SERVICES AND FACILITIES FOR EXISTING AND FUTURE RESIDENTS. MAINTAIN ADEQUATE LEVELS OF UTILITY SERVICES FOR EXISTING AND FUTURE POPULATIONS AND MAXIMIZE UTILIZATION OF EXISTING INVESTMENT AND FACILITIES."

Contains 11 Objectives and 29 Policies to achieve the Goal, and includes the following sub-elements in this order: Drainage, Potable Water, Sanitary Sewer, and Solid Waste

POLICY 7-2 1.1 The Town shall implement a Capital Improvement Program that includes the proactive maintenance of drainage pump stations while maintaining the collection system to the pump stations. A drainage pump station facilities assessment was completed in 2016. A new assessment is being completed in 2024. This assessment will be integrated into the Capital Improvement Program and the Lucy program to track life cycle maintenance. The Town shall implement trunk lines and pump stations as set forth in the Town's adopted drainage improvement program.



Infrastructure Element GOP's

POLICY 7-2 1.1 The Town shall implement a Capital Improvement Program that includes the proactive maintenance of drainage pump stations while maintaining the collection system to the pump stations. A drainage pump station facilities assessment was completed in 2016. A new assessment is being completed in 2024. This assessment will be integrated into the Capital Improvement Program and the Lucity program to track life cycle maintenance. The Town shall implement trunk lines and pump stations as set forth in the Town's adopted drainage improvement program.

POLICY 9-1 3.1 The Town shall establish adopt a potable water level of Service standard in accordance with the City of West Palm Beach or the future provider of potable water, the Town's water provider. The City of West Palm Beach's current Potable Water LOS is 243.3 gallons per capita per day (gpcpd), based upon the 2020 CAR submitted in January 2020.

POLICY 9-3 3.3 The Town shall establish in a timely manner a contract for potable water services to replace the existing agreement with the City of West Palm Beach, which expires in 2029.



Infrastructure Element GOP's

POLICY 7.2 The Town shall implement a Capital Improvement Program that includes the proactive maintenance of sewer lift stations while maintaining the collection system to the lift stations. A lift station facilities assessment was completed in 2016. A new assessment is being completed in 2024. This assessment shall be integrated into the Capital Improvement Program and the Lucy program to track life cycle maintenance.

OBJECTIVE 3.9 The Town will shall coordinate with the City of West Palm Beach East Coast Regional (ECR) Board in the City of West Palm Beach's efforts to extend, or increase, the capacity of its sanitary sewer treatment facilities to meet future needs. The measurement of this objective is whether or not the Town coordinates with the City in its efforts, and the extent to which the following policy is implemented.



Recreation/ Open Space Element D&A



-
- ✓ Added history of the statutory requirements and the Town's consistency with state law as it pertains to the Recreation and Open Space Element
 - ✓ Provided an inventory and analysis of existing public and private recreation sites and open spaces
 - ✓ Provided data on current and projected programmed recreation and open space needs



Recreation/ Open Space Element GOP's

Contains 1 Goal - "THE TOWN SHALL PRESERVE, PROTECT AND ENSURE PROVIDE RECREATIONAL PROGRAMMING AND WELL-MAINTAINED OPEN SPACE THAT SUPPORT A HIGH QUALITY OF LIFE FOR TOWN RESIDENTS."

ENSURE THE PROVISION OF LOW-INTENSITY RECREATIONAL USES, WHILE PRESERVING, TO THE MAXIMUM EXTENT POSSIBLE, THE RESIDENTIAL CHARACTER OF THE TOWN OF PALM BEACH

Contains 4 Objectives and 15 Policies to achieve the Goal

POLICY 3.4 The Town shall continue to have oversight of all Vendors to Recreation Department activities, including, but not limited to, sports, enrichment and educational programs.

POLICY 5.3 The Town shall prepare a Parks Guidebook that provides a complete list of active and passive parks and public open space within one (1) year of adoption of the subject comprehensive plan update.

POLICY 5.4 The Town shall continue to participate in the Florida Clean Marina Program for the Town Marina.



Coastal Management Element D&A

- Bifurcated the Coastal/Conservation Element into two separate Elements
- Added history of the statutory requirements and the Town's consistency with state law as it pertains to the Coastal Management Element
- Emphasized the enforcement of the Beach Management Agreement (BMA)
- Addressed the priority of dune restoration to protect against coastal flooding
- Questioned as to whether a more sophisticated development control than the bulkhead line be implemented for development control along the shoreline



Coastal Management Element GOP's

Contains 1 Goal - "THE TOWN SHALL PRESERVE, PROTECT AND ENHANCE ENSURE A HIGH QUALITY OF LIFE FOR TOWN RESIDENTS THROUGH THE PROTECTION OF NATURAL AND HISTORIC RESOURCES OF THE TOWN, AND LIMIT PUBLIC EXPENDITURES IN AREAS SUBJECT TO DESTRUCTION BY NATURAL DISASTERS, WHILE ENSURING MAXIMUM ENJOYMENT AND WHILE MINIMIZING EXPOSURE OF THE IMPACTS OF NATURAL AND MANMADE IMPACTS ALONG THE OF HUMAN LIFE IN THE COASTAL ZONE."

Contains 5 Objectives and 32 Policies to achieve the Goal



Coastal Management Element GOP's

POLICY 5.1.3 The Town shall require that all new development and redevelopment on the Atlantic shore to restore dunes, where restoration potential exists and is necessary appropriate, as determined by the Town and FDEP. Primary dune restoration to a higher crest elevation and sediment volume along Reach 4 is a high priority for coastal flood control

POLICY 5.1.4 The Town shall evaluate the utility of maintaining its 1931 bulkhead lines along the Atlantic Ocean and the Lake Worth Lagoon shore as at the mean high-water line.

POLICY 5.15 The Town shall incorporate Federal Emergency Management Agency (FEMA) Floodplain Management Regulations or higher regulatory standards to guide development and redevelopment activities where applicable.

POLICY 7-13.1 The Town shall continue to implement priorities for the utilize the remaining limited opportunities for shoreline land uses for essential services provided for protection of upland properties and natural resources and ultimately the residents in of the Town.



Conservation Element D&A

- Added history of the statutory requirements and the Town's consistency with state law as it pertains to the Conservation Element
- Further supports protection of Historic and Specimen trees in public rights of way
- Emphasizes the standards for vegetation that prohibits pestilent exotics and allows for trimming of shoreline vegetation for visual access per Code
- Supports the goals of the Lake Worth Management Plan for improved water quality
- Addresses environmental threats by identifying and planning for immediate and future threats such as climate change impacts, pollution from pesticides and chemicals, invasive species, sewage/stormwater/garbage impacts, and intrusive new technologies
- Supports inter-governmental coordination in environmental protection



Conservation Element GOP's

Contains 1 Goal - "THE TOWN SHALL PRESERVE, PROTECT AND ENSURE THE HIGH QUALITY OF LIFE FOR TOWN RESIDENTS BY PRESERVEING, AND PROTECTING AND ENHANCE THE NATURAL AND HISTORIC RESOURCES AND WILDLIFE OF THE TOWN., AND LIMITING PUBLIC EXPENDITURES IN AREAS SUBJECT TO DESTRUCTION BY NATURAL DISASTERS, WHILE BY PROMOTING ENVIRONMENTAL CONSERVATION EFFORTS. ENSURING MAXIMUM ENJOYMENT AND MINIMUM EXPOSURE OF HUMAN LIFE IN THE COASTAL ZONE"

Contains 10 Objectives and 51 Policies to achieve the Goal



Conservation Element GOP's

POLICY 1.3 The Town shall continue to maintain lush vegetated strips medians and existing plantings along the roadways within the Town and in high-density areas, through enforcement by adhering to Chapter 126, Article II, Town's Code of Ordinances including the Historic and Specimen Tree Ordinance, and Chapter 66, Division 3, Plans related to the Town's landscaping and irrigation plans, and through Town-initiated landscaping projects.

POLICY 3.42.5 The Town will shall continue to enforce landscaping standards that require the preservation of existing natural growth where practical, and the removal of invasive, exotic plant species.

OBJECTIVE 7 The Town shall proactively manage environmental threats by identifying and planning for immediate and future threats such as climate change impacts, pollution from pesticides and chemicals, invasive species, sewage/stormwater/garbage impacts, and intrusive new technologies.

Property Rights Element D&A



- Added history of the statutory requirements and the Town's consistency with state law as it pertains to the Property Rights Element
- Removed Mineral Rights in local decision making as not applicable to the Town
- Added positive language for collaboration among Town government, residents and businesses



Property Rights Element GOP's

Contains 1 Goal - "THE TOWN OF PALM BEACH SHALL PRESERVE, PROTECT AND ENSURE A HIGH QUALITY OF LIFE FOR TOWN RESIDENTS BY RESPECTING THE JUDICIALLY ACKNOWLEDGED AND CONSTITUTIONALLY PROTECTED PRIVATE PROPERTY RIGHTS, AND IN ADDITION MAINTAINING LOCAL TRANSPARENCY IN ITS LOCAL DECISION-MAKING PROCESSES TO MAINTAIN."

Contains 2 Objectives and 6 Policies to achieve the Goal

POLICY 1.1 The Town shall consider rights of a property owner to physically possess and control his or her interests in the property, including easements, and leases, or mineral rights.

OBJECTIVE 2 The Town shall maintain collaborative Town government among elected officials, Town staff, volunteers, residents, and businesses to work together to respond positively and proactively to the needs of residents and businesses.



Capital Improvement Element D&A

Added history of the statutory requirements and the Town's consistency with state law as it pertains to the Capital Improvement Element

Costs of capital improvements for mitigation of existing deficiencies, replacement, and new growth needs from 2023-2028

Provided revenue sources and funding mechanisms

Town's ability to finance capital improvements based upon anticipated population and revenues



Capital Improvement Element GOP's

Contains 1 Goal - "THE TOWN SHALL PRESERVE, PROTECT AND ENHANCE ENSURE A HIGH QUALITY OF LIFE FOR TOWN RESIDENTS BY ADHERING TO , USING SOUND FISCAL POLICIES, AND PROVIDING PROVIDE ADEQUATE EFFICIENT PUBLIC SERVICES AND FACILITIES. IN A TIMELY AND EFFICIENT MANNER."

Contains 6 Objectives and 15 Policies to achieve the Goal

OBJECTIVE 1 The Town shall coordinate its land use decisions and fiscal resources with its schedule of capital improvements identified as necessary to maintain the Town's adopted Level of Service (LOS) standards and meet existing and future facility needs of public facilities. These capital improvements and facility improvements shall have first priority for allocation of the Town's fiscal resources available for capital expenditures.



Capital Improvement Element GOP's

POLICY 1.4.5 The Town shall continue to establish a priority ranking system prioritize for capital improvement projects identified as necessary in the various elements of its Comprehensive Plan. This system will include consideration as to whether each project addresses the following:

Public health, safety, and welfare benefits of the facility.
Degree of public benefit.

Maintenance of established levels of service, including prevention of future capital costs.

The critical nature of facility needs.

Financial feasibility.

Overall distribution of projects between facility types and geographical location.

Quality of life and timing issues to balance public improvement needs with general welfare and inconvenience.

1.4a Is needed to eliminate public hazards;1.4b Is needed to eliminate existing capacity deficiencies, or other current infrastructure deficiencies1.4c Prevents or reduces future capital costs;1.4d Is located to serve new growth or redevelopment and existing needs for repairs and/or rehabilitation;1.4e Is financially feasible; and1.4f Is compatible with facility or acquisition plans of Federal, State, Regional, and local agencies that provide public facilities within the Town.



Intergovernmental Coordination Element D&A

- ✓ Added history of the statutory requirements and the Town's consistency with state law as it pertains to the Intergovernmental Coordination Element
- ✓ Consolidated Goals into one Goal as consistent with the remaining Elements
- ✓ Identified needed coordination mechanisms with local governments and other agencies
- ✓ Recognized the need to join local agencies and business development boards that are impacted the Town

Intergovernmental Coordination Element Goal

THE TOWN SHALL PROVIDE FOR THE OVERALL PRESERVE, PROTECT, AND ENSURE THE HIGH QUALITY OF LIFE FOR THE TOWN RESIDENTS THROUGH EFFECTIVE GOVERNMENTAL OPERATIONS THAT WHICH UTILIZES INTERGOVERNMENTAL COORDINATION TO MAXIMIZE EFFICIENCY IN PROVIDING SERVICES AND FACILITIES; TO AND REDUCE DUPLICATION OF EFFORT; AND, TO SOLVE COMMON PROBLEMS.

Contains 9 Objectives and 49 Policies to achieve the Goal



Intergovernmental Coordination Element Goals

POLICY 1.1.2 The Town Planning, Zoning and Building Administrator shall continue to review the Intergovernmental Coordination Element Plan in light of the plans of adjacent local governments. This process will continue through the Intergovernmental Plan Amendment Review Committee (IPARC) which consists of regional and local representation, including During the review process the Planner will contact representatives of the Treasure Coast Regional Planning Council, Palm Beach County, Palm Beach County School Board, adjacent municipalities, and other units of local government providing services, but having no regulatory authority within the Town of Palm Beach. The Planning Administrator will continue to review the Intergovernmental Coordination Element will be on an as needed basis for implementation and incompatibilities. Coordination will occur through the Town's Planning, Zoning and Building Department.



Intergovernmental Coordination Element Goals

POLICY 1.2.6 The Town shall continue to participate in Pursue joint resolution on growth management, development and impact assessment issues through the participation with IPARC, League of Cities, TPA, and other similar agencies with that impacts transcending the Town's political jurisdiction.

POLICY 1.2.8 The Town shall take a leadership role in establishing a process providing for adjoining local governments and the Town to provide opportunities for input to ensure consistency related to planning and zoning matters with the intent of lessening and/or mitigating the potential objectionable impacts of development of the area and the establishment of equitable Level of Service standards for facility and service delivery systems.

c. Actively participating on Palm Beach TPA Governing Board and Committees.



Intergovernmental Coordination Element Goals

POLICY 3.2 The Town shall continue to request the United States Coast Guard reduce bridge openings during rush hour.

POLICY 3.3 The Town shall pursue appointing a member from the Town Council or a Town Commission member to the Business Development Board of Palm Beach County and the Palm Beach County Chamber of Commerce.



Map Series

- 1.1 TOWN LOCATION MAP
- 1.2 FUTURE LAND USE MAP
- 1.3 ZONING MAP
- 1.4 TOWN BRIDGES MAP
- 2.1 FUNCTIONAL CLASSIFICATION MAP
- 2.2 ROADWAY NUMBER OF LANES MAP
- 2.3 ROAD NETWORK MAP
- 2.4 ROADWAY RESPONSIBILITY MAP
- 2.5 BICYCLE FACILITIES MAP
- 2.6 PEDESTRIAN NETWORK MAP
- 2.7 PUBLIC TRANSIT MAP
- 2.8 OD ZONES ANALYSIS MAP
- 4.1 LANDMARK STRUCTURES MAP
- 4.2 HISTORIC DISTRICTS & SCENIC VISTAS MAP
- 4.3 HISTORICALLY SIGNIFICANT STRUCTURES MAP
- 4.4 HISTORIC MARKERS MAP
- 4.5 ARCHAEOLOGICAL SITES MAP
- 4.6 HISTORIC SPECIMEN TREES MAP
- 6.1 PUBLIC BUILDINGS MAP
- 6.2 SEAWALL MAP
- 7.1 PARKS & RECREATIONAL FACILITIES MAP
- 7.2 BEACH ACCESS MAP
- 8.1 FLOOD ZONE MAP
- 8.2 COASTAL HIGH HAZARD MAP
- 8.3 100-YEAR FLOOD PLAIN MAP
- 8.4 BEACHES, SHORES, AND WILDLIFE MAP
- 8.5 ESTUARINE AREAS, WETLANDS & VEGETATIVE COVER MAP
- 9.1 MINERALS & SOILS MAP
- 9.2 TOWN SPOIL ISLANDS MAP
- 9.3 NATURAL & ARTIFICIAL REEFS MAP



2024 Comprehensive Plan Update - PZC Meetings

- ▶ May 16, 2023 - Kick off meeting with staff
- ▶ October 17, 2024 - Presentation on Draft Comprehensive Plan to PZC
- ▶ November 8, 2023 - Future Land Use Element with Strike thru and underline version, first review
- ▶ December 6, 2023 - Introduction, Future Land Use (updated from comments), Housing, Historic Preservation, Recreation & Open Space, Public Safety, and Property Rights in strike through and underline
- ▶ January 3, 2024 - Future Land Use, Housing, Historic Preservation, Recreation & Open Space, Public Safety, and Property Rights (2nd and 3rd versions in strike through and underline) Infrastructure, Coastal Management, Conservation, Capital Improvements, Intergovernmental Coordination (first version in strike through and underline)
- ▶ February 6, 2024 - Transportation and Infrastructure Elements (first version of strike through and underline and Maps
- ▶ March 5, 2024 - All Elements but the Transportation Element
- ▶ May 7, 2024 - Transportation Element
- ▶ June 4, 2024 - Transportation Element including beginning the discussion on Traffic Circulation Management & Mitigation Strategies
- ▶ August 6, 2024 - Entire Comprehensive Plan including Map Series, focus on Future Land Use, Transportation and Intergovernmental Coordination Elements was recommended to approve for consideration of transmittal to the Town Council



Next Steps -

August 12, 2024 - First Official Review by Town Council

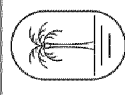
September 11, 2024 - Second Review by Town Council

October 9, 2024 - Third Review by Town Council

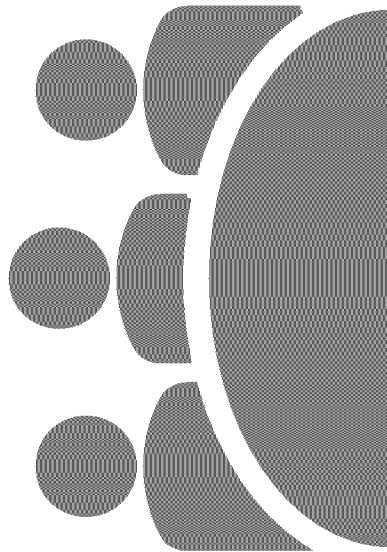
November 13, 2024-Transmittal Hearing by the LPA and the Town Council

- ✓ After initial local hearings (Local Planning Agency and Town Council) approving the proposed amendment to the Comprehensive Plan, the Town is required to transmit the complete proposed plan amendment to the State Land Planning Agency.
- ✓ Next, within 60 days of receiving the complete amendment proposal, the State Land Planning Agency must issue an Objection, Recommendation, and Comments Report (ORC) to the local government.
- ✓ The Town is required to hold a second public hearing to adopt the amendment to the Comprehensive Plan.
- ✓ The complete adopted Comprehensive Plan amendment must then be submitted back to the State.
- ✓ Finally, within 45 days of receiving the complete adopted plan amendment, the State Land Planning Agency issues a Notice of Intent to find the plan in compliance or not in compliance, which is posted on its website.

✓ 60-Day Florida Department of Commerce Review and response via ORC Report



Questions and Discussion



TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 11, 2024

Section of Agenda

Development Review - Old Business

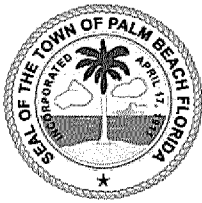
Agenda Title

ZON-24-0006 (ARC-24-0011) 1741 S OCEAN BLVD (COMBO) - VARIANCES The applicant, Maura Ziska (attorney) in conjunction with SKA Architect + Planner, has filed an application requesting Town Council review and approval for four (4) variances to (1) increase the maximum allowable lot coverage, (2) to allow existing non-conforming front yard setback to remain, (3) to allow existing side yard setback to remain, and (4) to allow landscape open space to increase from existing but still not meet minimum requirement as it relates to the existing structure and site improvements being modified. The Architectural Commission (ARCOM) shall perform design review of the application. *[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Architectural Commission approved the project with conditions. Carried 7-0.]*

Presenter

ATTACHMENTS:

- ▣ **PZB Staff Memorandum**
- ▣ **Letter of Intent**
- ▣ **Plans 1 of 2**
- ▣ **Plans 2 of 2**



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5431 • www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT

PZ&B Staff Combination Memorandum: Architectural Commission and Town Council

FROM: Wayne Bergman, MCP, LEED-AP
Director PZ&B

SUBJECT: ZON-24-0006 (ARC-24-0011) 1741 S OCEAN BLVD (COMBO)

MEETING: AUGUST 28, 2024, ARCOM
SEPTEMBER 11, 2024, TC

ZON-24-0006 (ARC-24-0011) 1741 S OCEAN BLVD (COMBO)—VARIANCES. The applicant, Maura Ziska (attorney) in conjunction with SKA Architect + Planner, has filed an application requesting Town Council review and approval for four (4) variances to (1) increase the maximum allowable lot coverage, (2) to allow existing non-conforming front yard setback to remain, (3) to allow existing side yard setback to remain, and (4) to allow landscape open space to increase from existing but still not meet minimum requirement as it relates to the existing structure and site improvements being modified. The Architectural Commission (ARCOM) shall perform design review of the application.

ARC-24-0011 (ZON-24-0006) 1741 S OCEAN BLVD (COMBO). The applicant, Maura Ziska (attorney) in conjunction with SKA Architect + Planner, has filed an application requesting Architectural Commission review and approval for partial second floor demolition, construction of an expanded second floor on a single-family residence including variances from setbacks, open space requirements and lot coverage. Additional components of request include a new covered terrace area, interior renovation, and replacement of the swimming pool with a smaller version. This is a combination project that shall be reviewed by Town Council as it pertains to zoning relief/approval.

Applicants: Maura Ziska, legal counsel
Architecture: SKA Architect + Planner
Landscape: SMI Landscape Architecture

HISTORY:

This lot currently contains an existing two-story approximately 5,266 SF residence, built in 1980 in the Palm Beach Regency style. The item was presented at the 06-26-24 ARCOM meeting and deferred for one month (7-0) for restudy of window details and proportions.

At the August 28, 2024, ARCOM meeting, the Commission approved (7-0) the partial second floor demolition, construction of an expanded second floor on a single-family residence, window & door modifications, new terrace & pergola and associated site work. Conditions were to: 1. Enlarge the loggia columns, 2. raise the circular windows on front façade, 3. add muntins to first floor windows and 4. remove shutters on rear second floor. Additionally, the Commission approved (7-0) that the implementation of the proposed variances would not negatively affect the architecture.

THE PROJECT:

The applicant has submitted plans, entitled "WORTH AVENUE VENTURES LLC 1741 SOUTH OCEAN BLVD" as prepared by SKA, uploaded August 5, 2024, and identified as final submittal for ARCOM hearing 8-28-24.

The following scope of work is proposed:

- Remove approximately 636 SF of second floor.
- Whole house rehabilitation and addition of 2,511 SF second floor.
- Addition of covered terrace and pergola.
- Replace existing pool with smaller pool, new hardscape, and landscape.

Since the last hearing the applicant has made window and door modifications, added some shutters, and redesigned the garage doors. On the front façade the enlarged transom arch and circular windows flanking the front door are also proposed changes from the last iteration.

The following is required to complete the project:

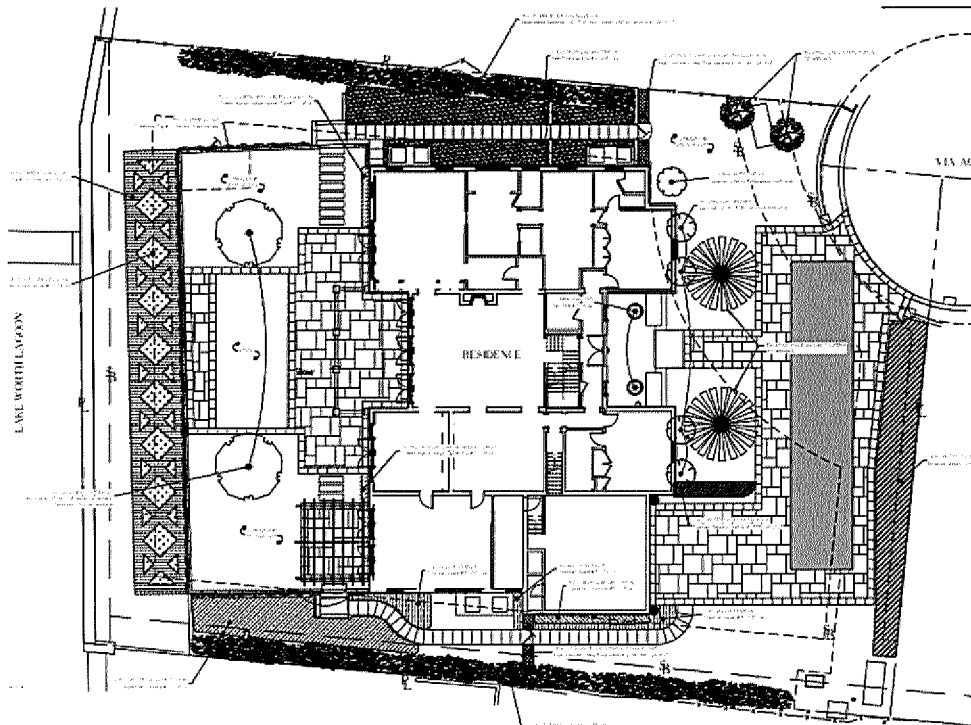
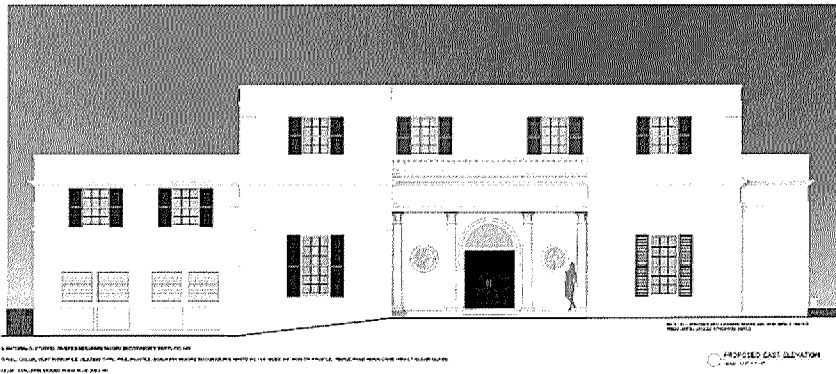
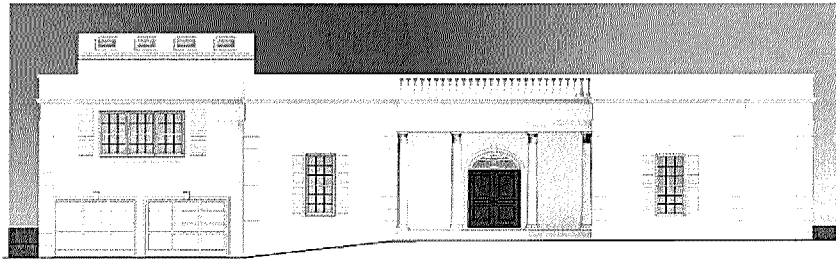
- **Variance 1:** Section 134-843(11): to allow lot coverage of 25.34% in lieu of the 24.76% existing and the 25% maximum allowed in the R-A Zoning District.
- **Variance 2:** Section 134-843(5): to allow an existing front yard setback of 30.2 feet to remain after demolition of more than 50% of the structure in lieu of the 35-foot minimum required in the R-A Zoning District.
- **Variance 3:** Section 134-843(8): to allow an existing side yard setback of 14.3 feet to remain after demolition of more than 50% of the structure in lieu of the 15-foot minimum required in the R-A Zoning District.
- **Variance 4:** Section 134-843(12): to allow a landscaped open space 45.77% in lieu of the 39.44% existing and the 50% minimum required in the R-A Zoning District.

Site Data			
Zoning District	R-A	Future Land Use	SINGLE-FAMILY
Lot Size	21,268 SF	Crown of Road	14.53' NAVD
Lot Depth	166'	Lot Width	125'
Lot Coverage	Permitted: 25% (5,317 SF) Proposed: 25.34% (5,389 SF) <i>Variance Requested</i>	Enclosed Square Footage	Existing: 6,323 SF Proposed: 8,544 SF
Building Height	Permitted: 25' – 0" Proposed: 25' – 0"	Overall Building Height	Permitted: 30' Proposed: 28.17'
Finished Floor Elevation	Proposed: 17.2' NAVD	FEMA Flood Zone	ZONE AE & X
Maximum Fill	N/A	Zero Datum	16.03' NAVD
Overall Landscape Open Space	Required: 50% Proposed: 45.77%	Front Yard Landscape Open Space	Required: 45% Proposed: 45%
Surrounding Properties / Zoning			
North	1739 S Ocean Blvd Residence / R-A		
South	1744 S Ocean Blvd Residence / R-A		
East	1742 S Ocean Blvd Residence / R-A		
West	Intracoastal waterway		

STAFF ANALYSIS

The applicant is proposing modifications and additions to this existing Palm Beach Regency style single family residence. The property is located along the intracoastal waterway at the west terminus of Via Agape. The new addition centers the second floor and is in keeping with the existing architectural style. Window and door modifications will result in more classical proportions and the rear yard will see a reduction in pool size from 50' x 22' to 32' x 15'. The

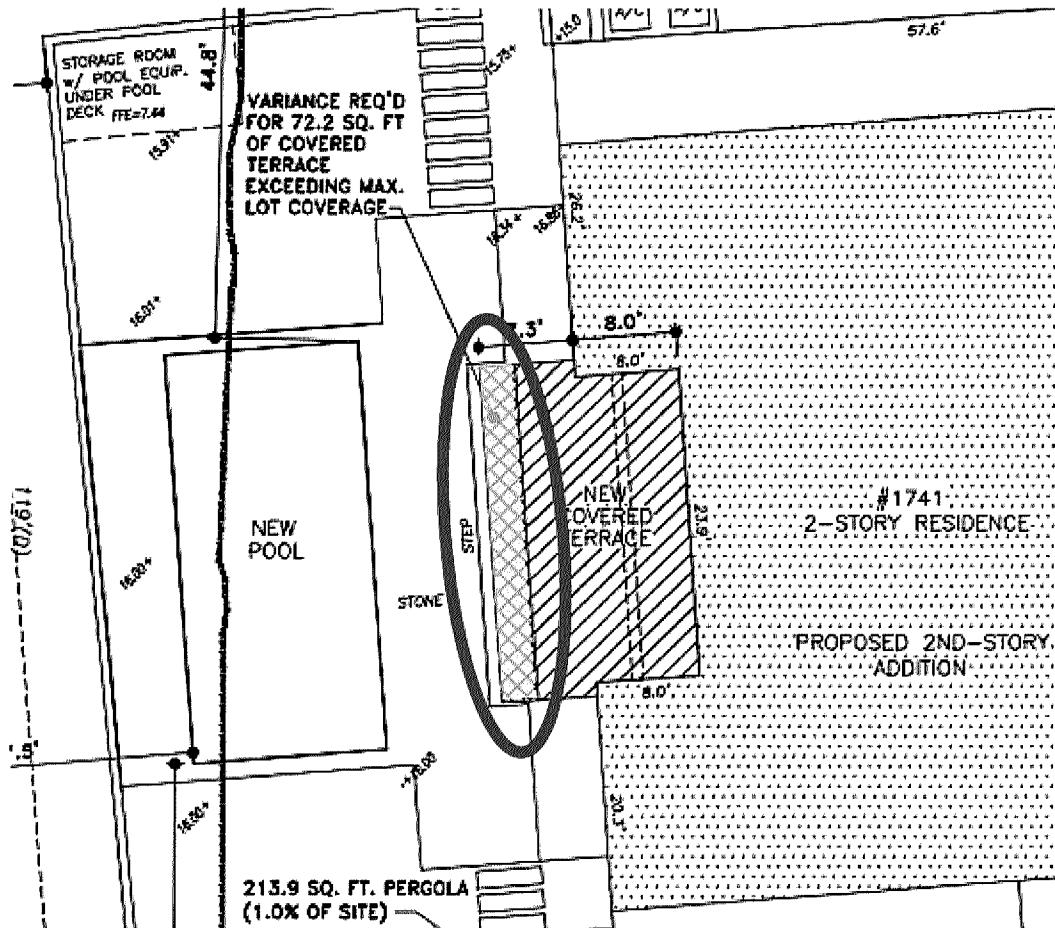
applicant has provided a window & door precedent study. Finishes are consistent with the existing house including smooth stucco and multi-lite wood windows.



A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and requires four (4) variances, most of them related to legal non-conforming conditions that will remain after 50% or more of the existing structure is impacted through this project. Some situations such as the landscaped open space are improving by approximately 6% yet are still shy of the required 50% currently in the code.

Variance #1 is being requested for the new terrace at the rear of the property to exceed the lot

coverage by approximately 72 SF, or .34%.



Code Section	Required	Proposed	Variance
Variance 1: Section 134-843(11)	25% lot coverage max	25.34% lot coverage	.34%
Code Section	Required	Proposed	Variance
Variance 2: Section 134-843(5):	35' front yard setback	30.2' front yard setback Existing	4.8'
Code Section	Required	Proposed	Variance
Variance 3: Section 134-843(8):	15' side yard setback	14.3' side yard setback Existing	.7'
Code Section	Required	Proposed	Variance
Variance 4: Section 134-843(12):	50% landscaped open space	45.77% -proposed 39.44% -existing	4.23%

Variations 2-4 are to retain existing conditions that need to vested due the demolition of more than 50% of the area. These were all found to not negatively impact the architecture at the August ARCOM hearing.

CONCLUSION:

Approval of the project will require one (1) motion to be made by the Town Council:

- (1) for final determination of approval or denial of the four (4) variances by the Town Council, and that the variances **shall** or **shall not** be granted that all the criteria applicable to this application as set forth in Sec. 134-201(a), items 1 through 7 have been met.

WRB: JGM: FHM



SKA
Architect + Planner

August 13, 2024

Re: Response to ARCOM comments
ARC-24-0011 (Zon-24-0006)
1741 S Ocean Blvd
Palm Beach, FL 33480

In response to comments made at the June ARCOM meeting we have made the following revisions to the drawings.

1. Window revisions:
 - a. The windowpane sizes have been adjusted to be similar to those of the existing front windows.
 - b. At the front elevations a pair of round windows have replaced the previously proposed rectangular windows flanking the front door.
 - c. At the rear elevation a pair of round windows have replaced the previously proposed rectangular windows flanking the French doors on the second-floor terrace.
 - d. Windows on the north elevation have been reduced in size.
 - e. Windows above the front door on the proposed 2nd floor have been revised to match other proposed windows.
2. The front door design was changed to match the existing and the arched transom above was changed from an ellipse to a true arch.
3. The previously proposed arches at the rear covered terrace have been removed and columns have been added.
4. The pergola has been reduced in size.
5. North-south and east-west building sections have been added.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Albarran'.

Jacqueline Albarran, Architect P.A.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 11, 2024

Section of Agenda

Development Review - Old Business

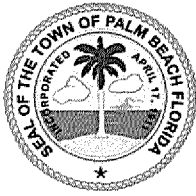
Agenda Title

ZON-24-0014 (ARC-24-0022) 1246 N LAKE WAY (COMBO) – VARIANCES The applicant, Myron and Michelle Miller, has filed an application requesting Town Council review and approval of a variance for exceeding allowable cubic content ratio (CCR). The Architectural Commission (ARCOM) shall perform the design review of the application. *[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 5-2.] [The Architectural Commission approved the project with conditions. Carried 6-1.]*

Presenter

ATTACHMENTS:

- ▣ **PZB Staff Memorandum**
- ▣ **Letter of Intent**
- ▣ **Plans**



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5431 • www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT

PZ&B Staff Combination Memorandum: Architectural Commission (ARCOM) and Town Council

FROM: Wayne Bergman, MCP, LEED-AP
Director PZ&B

SUBJECT: ZON-22-0014 (ARC-24-0022) 1246 N LAKE WAY (COMBO)

MEETING: AUGUST 28, 2024, ARCOM
SEPTEMBER 11, 2024, TC

ZON-24-0014 (ARC-24-0022) 1246 N LAKE WAY (COMBO) – VARIANCES. The applicant, Myron and Michelle Miller, has filed an application requesting Town Council review and approval of a variance for exceeding the maximum allowable cubic content (CCR). The Architectural Commission (ARCOM) shall perform the design review of the application.

ARC-24-0022 (ZON-24-0014) 1246 N LAKE WAY (COMBO)- VARIANCES. The applicant, Myron and Michelle Miller, has filed an application requesting Architectural Commission review and approval to enclose an existing covered patio with a variance to exceed allowable Cubic Content Ratio (CCR). Town Council shall review the application as it pertains to zoning relief/approval.

Applicant: Mr. & Mrs. Miller
Professional: Design Group Inc
Representative: Kochman & Ziska PLC (Maura A. Ziska)

HISTORY:

The single-family residence at 1246 N Lake Way was built in 1962 with several modifications occurring since its construction. In December 2023 ARCOM approved sitewide landscape and hardscape improvements under ARC-23-160. The application included installation of a new pool and spa, new site walls, landscape lighting and vegetation.

The project was presented at the July 24, 2024, meeting. The commission expressed concerns over the proposed railing design and material selection, specifically the window and shutter color. A motion to defer the project to the August 28, 2024, meeting for the applicant to restudy these elements was carried unanimously. At the August 28, 2024, ARCOM meeting, the Commission approved (6-1) the first-floor expansion and enclosure of a second-floor balcony with conditions (see below). Additionally, the Commission approved (5-2) that the implementation of the proposed variances would not negatively affect the architecture.

THE PROJECT:

The applicant has submitted plans, entitled "1246 N LAKE WAY" as prepared by **JSR Design Group Inc**, uploaded August 5, 2024, and identified as final submittal for ARCOM hearing 8/28/24.

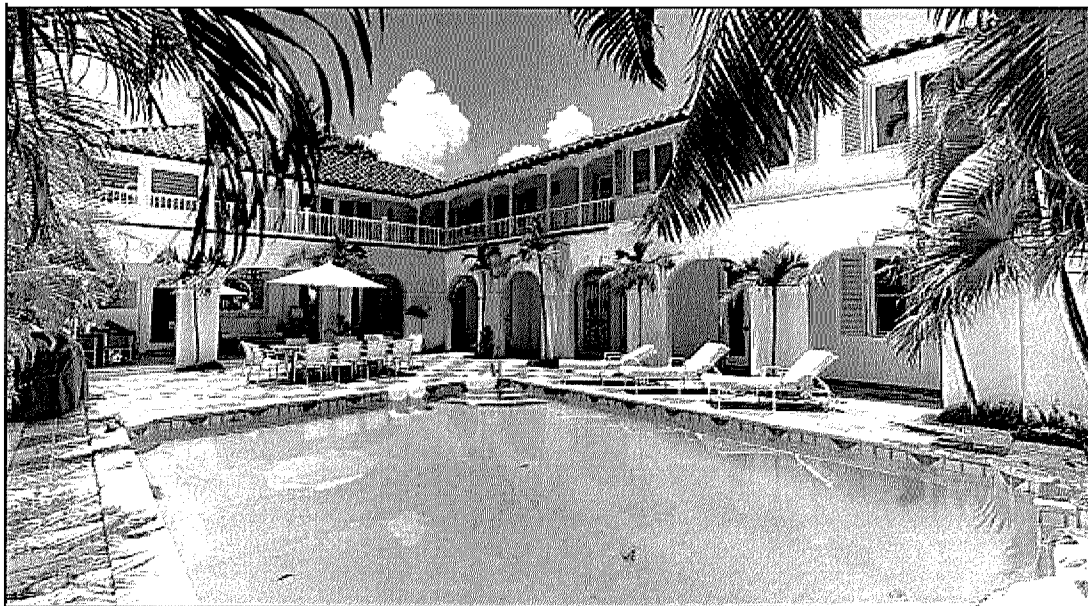
The following scope of work is proposed:

- Enclosure of a first-floor loggia and second story balcony.

The following is required to complete the project:

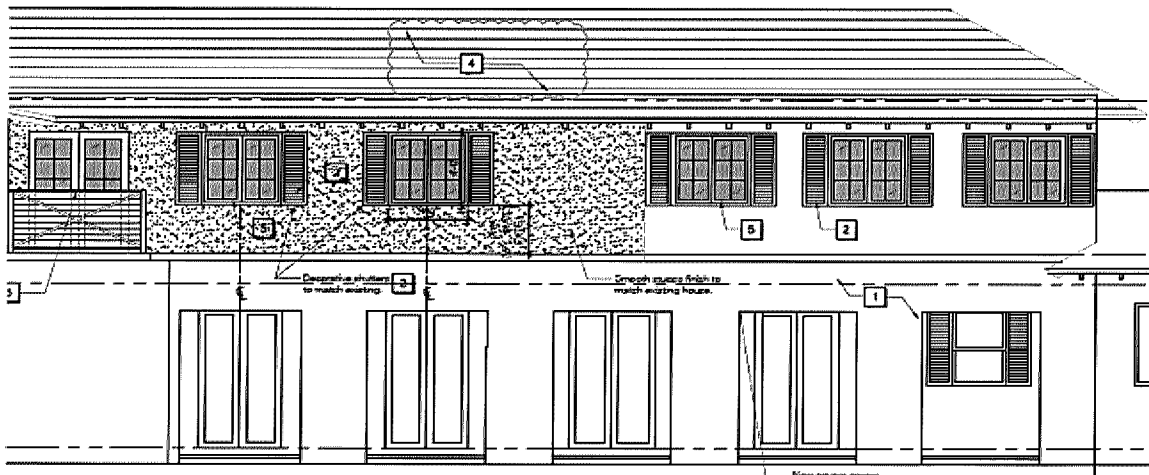
- **Variance 1:** Sec. 134-893(13): A variance to exceed the maximum allowable cubic content ratio (CCR) to 4.14 in lieu of the 3.96 permitted.

Site Data			
Zoning District	R-B	Future Land Use	SINGLE-FAMILY
Lot Size	Required: 10,000 SF Existing: 13,826 SF	Lot Coverage	Existing: 35% (4,147 SF) Proposed: No Change
Lot Depth	187.27'	Lot Width	Existing: 70.29
Cubic Content Ratio (CCR)	Permitted: 3.96 Existing: 3.93 Proposed: 4.14 VARIANCE REQUIRED	Enclosed Square Footage	Existing: 5,031 SF Proposed: 5,509 SF
Building Height	Permitted: 22" Proposed: 19'2"	Overall Building Height	Permitted: 30' Proposed: 26'9"
Finished Floor Elevation	Existing: 9.13' NAVD	Overall Landscape Open Space	Required: 45% Existing: 46.67%
Perimeter Landscape Open Space	Required: 50% Existing: 61.83%	Front Yard Landscape Open Space	Required: 40% Existing: 60.78%
Surrounding Properties / Zoning			
North	1255 N Lake Way Residence / R-B		
South	1237 N Lake Way Residences / R-B		
East	1241 N Lake Way Residence / R-B		
West	Intercoastal Waterway		

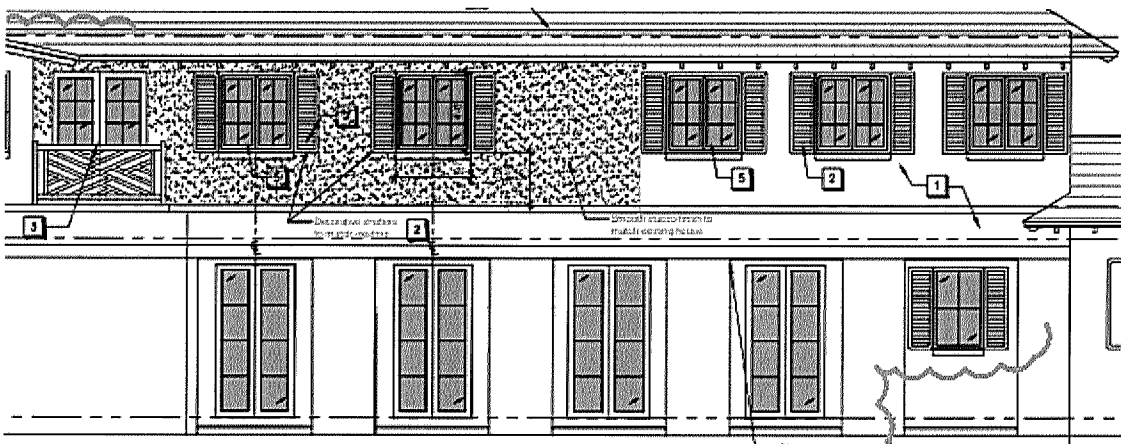


EXISTING CONDITIONS
STAFF ANALYSIS

A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and requires one (1) variance—to exceed the maximum allowable Cubic Content Ratio (CCR). The property is situated on a 13,826 SF lot with 4,551 SF under air. The first floor has an existing 277 SF covered loggia and a 588 SF second floor balcony. The applicant requests to enclose both the ground floor loggia and second floor balcony to enclosed air-conditioned interior space. The footprint of the home, as well as all open space calculations, will not be altered. The enclosures will trigger a variance to exceed the maximum for CCR.



PREVIOUSLY PROPOSED SOUTH ELEVATION



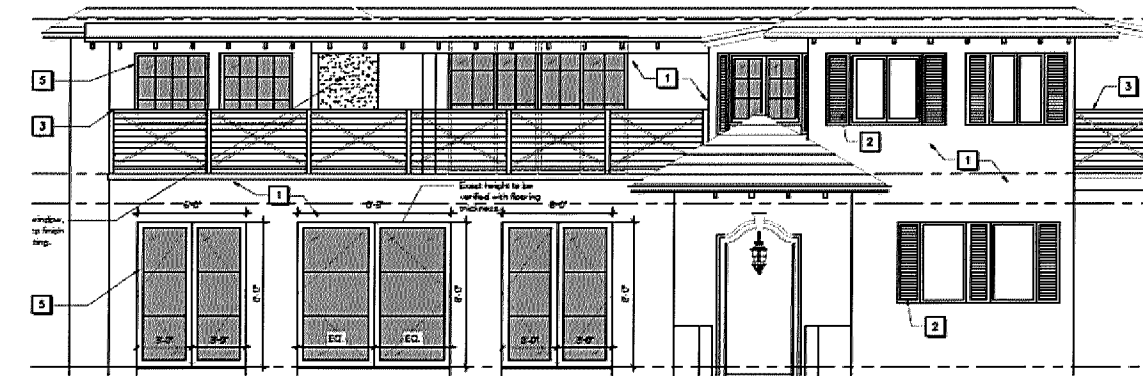
CURRENTLY PROPOSED SOUTH ELEVATION

The work area is positioned within the interior of the lot. On the first floor, there is a 397 square foot covered patio and a 277 square foot covered loggia. The proposal involves enclosing the 397 square foot patio to create a new living area approximately 11' x 32'. The west loggia will remain open air west of the existing swimming pool. On the second floor, the 588 square foot covered balcony will be enclosed to form an interior hallway providing access to the bedrooms. The current CCR calculations are at 3.963 of the 3.93 permitted—which is already slightly above the allowance. Should this project be approved, there will be an increase to 4.14 CCR. It should be noted that CCR requirements of the Town code were implemented after construction of the residence.

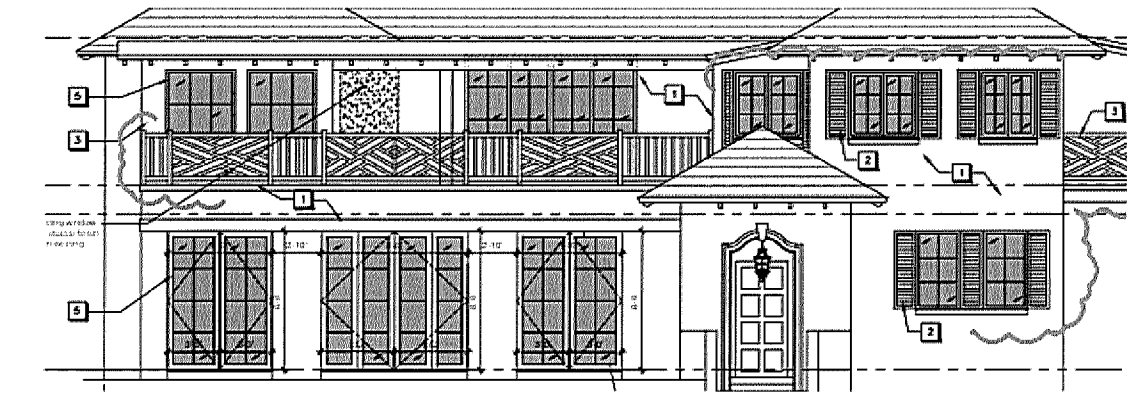
Code Section	Required	Proposed	Variance
Variance 1: Section 134-893(13)	3.93 maximum allowable CCR	4.14 CCR	.21 CCR

Following the deferral at the July hearing, the applicant has refined the proposed palette and material selections, aligning with the feedback provided. The previously approved shutter color, "Raccoon Fur" by Benjamin Moore, has been substituted with a more historically aligned tone, "Colonial Blue," also by Benjamin Moore. Additionally, the treatment of the window and door frames has shifted from the initial proposal of paint to white oak stain, harmonizing with the garage and front doors.

The east elevation now features the introduction of horizontal muntins on the nano door, contributing to a visually integrated design language. The balcony railings have been modified, moving away from the prior 42-inch white cross design to a more elegant and proportionally balanced 36-inch white Chippendale motif, providing a subtle yet distinguished architectural enhancement.



PREVIOUSLY PROPOSED EAST ELEVATION



CURRENTLY PROPOSED EAST ELEVATION

The applicant received approval at the August 28, 2024, ARCOM meeting with a vote of (6-1) with commissioner Connaughton dissenting. The following conditions we made as part of the Development Order:

1. Applicant shall retain the arches on the first floor at the open loggia and new enclosure on the east.
2. Applicant shall remove the shutters above the front door.
3. Sconces shall be revised.
4. Applicant shall submit an administrative application with all required revisions to be reviewed by the ARCOM Chair.

The commission also found that implementation of the proposed variances would not cause negative architectural impact to the subject property with a vote of (5-2) with commissioners Smith and Connaughton dissenting.

CONCLUSION:

Approval of the project will require one (1) motion to be made by the Town Council:

1. for final determination of approval or denial of the variance by the Town Council, and that the variance **shall** or **shall not** be granted that all the criteria applicable to this application as set forth in Sec. 134-201(a), items 1 through 7 have been met.

WRB: JGM: SCP

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
 Maura A. Ziska
 Alexander D. Kochman
 *Also admitted in New York

Esperanté
 222 Lakeview Avenue, Suite 1500
 West Palm Beach, Florida 33401
 Telephone 561-802-8960
 Facsimile 561-802-8995

LETTER OF INTENT
RELATED TO THE ENCLOSURE OF A COVERED PATIO AND THE ENCLOSURE OF A PORTION OF A
COVERED BALCONY OF AN EXISTING TWO-STORY SINGLE-FAMILY HOME AT 1246 N LAKE WAY

May 28, 2024

We are pleased to submit the accompanying drawings to enclose a covered patio located on the first floor of the house and a portion of an existing covered balcony on the second floor of the house to convert both into air conditioned area. Please note the following:

A) LANDMARKS PRESERVATION COMMISSION 54-122 & 54-161 N/A

B) ARCOM 18-205

Request to enclose a portion of the second floor covered balcony to create a 200 SF indoor hallway with windows. The hallway stays within the existing footprint and the windows are being added to the outside to even the appearance with the south elevation.

Request to enclose an existing 397 SF covered patio on the first floor to create an air-conditioned living area with doors facing the existing pool. The living area stays within the existing footprint.

1. The plan for the proposed addition is in conformity with good taste and design and in general contributes to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm and high quality.
2. The plan for the proposed addition indicates the manner in which the structures are reasonably protected against external and internal noise, vibrations, and other factors that may tend to make the environment less desirable.
3. The proposed addition is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value.
4. The proposed addition is in harmony with the proposed developments on land in the general area, with the comprehensive plan for the town, and with any precise plans adopted pursuant to the comprehensive plan.
5. The proposed addition is not excessively similar to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features of exterior design and appearance:
 - a. Apparently visibly identical front or side elevations;
 - b. Substantially identical size and arrangement of either doors, windows, porticos or other openings or breaks in the elevation facing the street, including reverse arrangement; or
 - c. Other significant identical features of design such as, but not limited to, material, roof line and height of other design elements.
6. The proposed addition is not excessively dissimilar in relation to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features:
 - a. Height of building or height of roof.
 - b. Other significant design features including, but not limited to, materials or quality of architectural design.
 - c. Architectural compatibility.

- d. Arrangement of the components of the structure.
 - e. Appearance of mass from the street or from any perspective visible to the public or adjoining property owners.
 - f. Diversity of design that is complimentary with size and massing of adjacent properties.
 - g. Design features that will avoid the appearance of mass through improper proportions.
 - h. Design elements that protect the privacy of neighboring property.
7. The proposed addition is subservient in style and massing to the principal or main structure.
 8. The proposed addition is appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality or architectural design as viewed from any public or private way (except alleys).
 9. The proposed development is in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.
 10. The project's location and design adequately protects unique site characteristics such as those related to scenic views rock outcroppings, natural vistas, waterways, and similar features.

B) ARCOM 18-206 N/A**C) SPECIAL EXCEPTION 134-229 N/A****D) SITE PLAN REVIEW 134-329 N/A****E) VARIANCES 134-201**

1) Section 134-893(13) A request for a variance to allow the patio enclosure and for the house to have a Cubic Content Ratio of 4.14 in lieu of the 3.93 existing and the 3.96 maximum allowable.

The criteria for granting the variances are as follows:

1. List the special conditions and circumstances peculiar to the land, structure or building which are not applicable to other lands, structures or buildings in the same zoning district.

The property is located in the R-B Zoning District and is non-conforming in width to what is required in the R-B Zoning District (75 feet wide in lieu of 100 foot minimum required).

2. Indicate how the special conditions and circumstances do not result from the actions of the applicant.

The Applicant was not the cause of the special conditions of the property or residence, as the characteristics of the residence and land have been in existence since before they acquired the residence.

3. Demonstrate that the granting of the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district.

The granting of the variances will not confer on the Applicant a special privilege. There are other properties in the neighborhood with non-conforming CCR as many of the residences were constructed prior to today's zoning code requirements.

4. Demonstrate how literal interpretation of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.

The hardship for the cubic content ratio variance, which runs with the land, is that the residence was built in 1962 and is non-conforming to today's code as the width of the lot is 75 feet in lieu of the 100 foot minimum required. The proposed increase in CCR is minor in order to enclose the balcony to create an interior hallway so that there is air-conditioned circulation between all bedrooms on the 2nd floor without having to use a separate set of stairs.

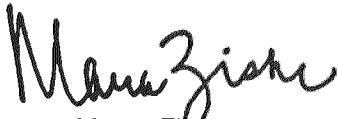
5. Demonstrate that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

The variances requested are the minimum necessary to make reasonable use of the land in order to create a modest addition.

6. Show how the granting of the variance will be in harmony with the general intent and purpose of this chapter, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Granting the variances will not be injurious to the neighborhood, as the requests are minor and in the rear of the property. The landscape and/or hardscape will not be altered.

Sincerely,



Maura Ziska

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 11, 2024

Section of Agenda

Development Review - Old Business

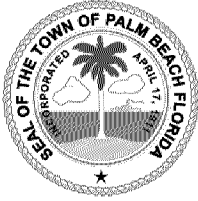
Agenda Title

ZON-24-0031 (COA-24-0002) 195 VIA DEL MAR (COMBO) - VARIANCES The applicant, Guy Rabideau (Trustee of the 195 Via Del Mar Trust), has filed an application requesting Town Council review and approval of (1) variance to increase the maximum building height associated with a second-story addition. The Landmarks Preservation Commission shall perform design review of the application. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Landmarks Preservation Commission approved the project with conditions. Carried 7-0.]*

Presenter

ATTACHMENTS:

- ▢ **PZB Staff Memorandum**
- ▢ **Letter of Intent**
- ▢ **Plans 1 of 3**
- ▢ **Plans 2 of 3**
- ▢ **Plans 3 of 3**
- ▢ **Designation Report**



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5431 • www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Town Council

FROM: Wayne Bergman, MCP, LEED-AP *WRB*
Director PZ&B

SUBJECT: ZON-24-0031 (COA-24-0002) 195 VIA DEL MAR (COMBO)

MEETING: SEPTEMBER 11, 2024, TC

ZON-24-0031 (COA-24-0002) 195 VIA DEL MAR (COMBO)—VARIANCES. The applicant, Guy Rabideau (Trustee of the 195 Via Del Mar Trust), has filed an application requesting Town Council review and approval of (1) variance to increase the maximum building height associated with a second-story addition. The Landmarks Preservation Commission shall perform design review of the application.

COA-24-0002 (ZON-24-0031) 195 VIA DEL MAR - COMBO. The applicant, Guy Rabideau (Trustee of the 195 Via Del Mar Trust), has filed an application requesting a Certificate of Appropriateness for the review and approval for the construction of a second-story addition, window and door replacement, vehicular and pedestrian gates, and hardscape and landscape modifications which requires one (1) variance to reduce the minimum driveway area in front of the vehicular gate fronting South County Road. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval. *[At the June 21, 2024, LPC meeting, the Landmarks Preservation Commission voted 7-0 that the implementation of the proposed variance (ZON-24-0009) will not cause a negative architectural impact on the subject property for the gate fronting South County Road. At the July 10, 2024, TC meeting, ZON-24-0009 was approved by Town Council 5-0]*

Representative: Guy Rabideau / Trustee of the 195 Via Del Mar Trust
Professionals: Ferguson & Shamamian Architects

HISTORY:

The residence was designed by the architects Treanor & Fatio and constructed in 1928. The property was designated in 1990. According to the designation report: *"Casa Della Porta is a noteworthy residence of fine proportion and scale. It is a thoroughly livable adaptation of a Romanesque design with the ground floor plan well-disposed around the central patio."*

At the September 15, 1989, LPC meeting, the commission approved the addition of two entry gates, widening and resurfacing of the driveway, and paving of additional parking under COA # 30-89. Therefore the current gates proposed for replacement are not the original ones.

Several minor modifications have been made over the years through administrative reviews including the installation of a new bronze and glass decorative gate (L-19-00167), partial window

replacement in the kitchen wing (L-21-00366), replacement of HVAC equipment (L-21-00460), partial fence replacement (L-22-00604), and landscaping modifications (L-23-00872).

At the June 21, 2024, LPC meeting, the landscaping as presented, window and door replacement as discussed with muntins added to the doors on the structure's perimeter, and the South County Road gate as presented were approved per COA-24-0002. Also, the variance for vehicular stacking (ZON-24-0009) was supported by LPC and approved at the July 10, 2024, Town Council meeting. The design of the addition and the Via Del Mar gates were deferred to the July 17, 2024, LPC meeting.

At the July 17, 2023, LPC meeting, the Commissioners deferred the project to re-study the addition and gate design. Based on the original plans, the gate posts were designed to be taller than they exist today, and gates were proposed along the Via Del Mar frontage although never built. The Commissioners expressed interest in a gate post and gate design that replicates the original intent of the plans. A variance would be required to exceed the maximum allowable height for these features.

At the August 21, 2024, LPC meeting, the applicant's preferred addition design was approved as presented (7-0).

THE PROJECT:

The applicant has submitted plans, entitled "LANDMARKS DEFERRED SUBMITTAL" and "TOWN COUNCIL FINAL SUBMITTAL", as prepared by **Ferguson & Shamamian Architects** received by the Town on July 29, 2024.

The following is the scope of work for the Project:

- Second-story addition (approximately 510 square feet).

The following variance is required to achieve the scope of work.

- **VARIANCE (ZON-24-0031):** A variance to increase the building height of the second-story addition
 - Preferred Design: 29'-3" in lieu of the maximum of 25'-0".

Site Data			
Zoning District	R-A Estate Residential District	Lot Size (SF)	77,454 SF
Future Land Use	SINGLE-FAMILY	Total Building Size (SF)	21,032.7 SF
FEMA Flood Zone	X		
Year of Construction:	1928	Architect:	Treanor & Fatio
Project			
	Required/Allowed	Existing	Proposed
Lot Coverage	25.00% (19,363.5 SF)	18.80% (14,554 SF)	18.80% (14,554 SF)

Building Height	25'	31'-11" *	<i>Preferred Design: 29'-3" Addition Variance Required</i>
Overall Building Height	35'	37'-11" *	Preferred Design: 33'-0"
Number of Stories	2	2*	2
Landscape Open Space	50.00% (38,727 SF)	42.98% (33,296 SF)	43.3% (33,531 SF)
Surrounding Properties / Zoning			
North	115 Via La Selva / R-A		
South	196 Via Del Mar & 840 South Ocean Boulevard / R-A		
East	810 South Ocean Boulevard and 830 South Ocean Boulevard / R-A		
West	830 South County Road, 822 South County Road, & 800 South County Road / R-A		

* Excludes tower

STAFF ANALYSIS

The application is seeking a Certificate of Appropriateness for the construction of a second-story addition.

The proposed second-story addition is located on the northeast side of the residence. The approximately 510-square-foot space will house a new walk-in closet. The addition is proposed with a hipped roof finished with clay barrel tiles that match the roofing in the remainder of the residence. The fenestration includes wood casement windows with divided-light patterns and a bronze-framed pair of French doors. A new coquina façade is proposed with detailing that matches the residence. In addition, blind niches and modillions are proposed on the north elevation of the addition which creates visual interest in a façade void of openings. As indicated in the site data table, the addition's height exceeds the maximum allowance of 25 feet, however, the maximum overall height of 35 feet is not exceeded. Therefore, a variance to increase the maximum height to will be required as outlined in the table below:

Code Section	Required	Preferred Design	Variance
Variance: Sec. 134-843(a)(10)(a)	25'-0" Building Height Max.	29'-3" Building Height	4'-3"

The applicant's preferred addition design was approved as presented (7-0) at the August 21, 2024, LPC meeting.



"Preferred" Design

CONCLUSION:

Approval of the project will require one (1) motion to be made by the Town Council:

- (1) for final determination of approval or denial of the variances (ZON-24-0031) by the Town Council, and that the variance **shall or shall not** be granted that all of the criteria applicable to this application as set forth in Sec. 134-201(a), items 1 through 7 have been met, subject to any proposed conditions.

WRB:JGM:FHM:ALF

FERGUSON &
SHAMAMIAN
ARCHITECTS

July 31st, 2024

Town of Palm Beach
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480

By E-mail: devrev@townofpalmbeach.com
And upload to the EPL portal

Re: ZON-24-0031
 195 Via Del Mar, Palm Beach, FL
 Letter of Intent

Supplemental Applications;
COA-24-0002: LPC – Development Order issued 6/24/2024
ZON 24-0009: Town Council – Variance for driveway area ZO 134-1668
ZON-24-0039: Town Council – Variance for Gateposts and gate height ZO 134-1668

Dear Members of the Town of Palm Beach Town Council;

Please find this Revised Submittal application on behalf of the Owner and Applicant, Guy Rabideau, as Trustee of the 195 Via Del Mar Trust. The applicant is submitting a proposal for a Variance Request to exceed maximum building height as it relates to a proposed second story addition in the Northeast corner of the property.

We consider the proposed design to be compatible with and subordinate to the 1928 Romanesque, Mediterranean Revival style house designed by Maurice Fatio (Landmarked 2/16/1990).

Property Description:

The Palm Beach County Appraiser's Office identifies the Property with Folio Nos. 50-43-43-35-00-001-0110. The Property is a rectangular shaped lot comprised of approximately 73,000 square feet.

Located in the R-A, Estate Residential Zoning District, the Property is surrounded by similar single-family houses. The residential area has two-story houses with pools, courtyards and lush landscaping.

Proposed Development:

The majority of the proposed scope of work for this property has been approved, with a Development Order, by the Landmarks Preservation Commission under File Number COA-24-0002 and reviewed at the June 21st, 2024 hearing.

The remaining scope of work, under consideration, in this application is outlined below;

Minor Addition:

- A 510 square foot second story addition, at the northeast corner of the property to partially enclose the Master Terrace, is proposed in subservient style and massing and similar materials as the existing house.

We are currently presenting two design options to the Commission:

- The Owner Preferred design has a slightly taller eave height. This eave height has been developed with careful consideration for the existing historical materials at the immediate adjacent structures.
 - The proposed eave height is slightly taller than that of the existing turret roof at the stair tower. This allows the existing roof at the stair tower to remain intact and unobstructed from the new addition roof.
 - The proposed eave height also allows for minimal removal of and obstruction to existing historic material at the existing north façade of the east wing. A minimal metal cricket will be installed to help aide water runoff.
- The Alternate design has been developed to address feedback from the Commission. We have incorporated a lowered eave height and hipped roof where the addition intersects the north façade of the east wing.
 - This lowered eave height, in line with the eave height of the turret roof at the stair tower, requires significant removals of existing roofing materials and rebuilding of the stair tower roof.
 - The Alternate design requires a larger metal cricket to be installed along the north façade of the east wing to aide water runoff. This metal cricket will obstruct a larger portion of historic material at the existing north façade.

- The chart below highlights the height differences in the Preferred and Alternate design Schemes.

	Preferred	Alternate	Allowable
Building height at eave	29.25'	28.0'	25.0'
Overall building height at ridge	32.6'	31.3'	35.0'
Interior perimeter wall height	9.0'	7.8'	NA
Interior high point of ceiling height	11.5'	10.2'	NA

The application addresses all pertinent review criteria in the following Ordinance sections;

54-122 - New Construction

The criteria set forth in Section 54-122, where applicable, have been met:

- Height and building proportions are unchanged.
- The proportions and relationships between doors and windows in the additions are consistent with the original façade.
- The rhythm of solids to voids created by openings are consistent with the original façade.
- The materials in the additions are consistent with the original façade
- The texture inherent in the façade is consistent with the original façade.
- The colors, pattern, and trim are to match the existing façade. Additionally, window muntin patterns will match the original façade.
- The design of the roof, including ridge lines, slopes, and materials will match the original façade.
- Existing asymmetrical rhythm created by the existing buildings masses and spaces between them will be preserved. The courtyards will be preserved.
- The street façade is not affected by the proposed additions. And view of the addition is minimally visible from the street.
- Architectural details will be related to the original detailing on the building.

54-123 – Exterior Alterations

The criteria set forth in Section 54-122, where applicable, have been met:

- The alterations are sensitive to the intent of the original architecture by salvaging, reusing and reinstating much of the original fabric and design intent.
- The proposed exterior alterations will enhance the architectural quality as well as the historical character of the building. The historic plans and elevations by Maurice Fatio indicate design studies exploring a second-floor structure in a nearby location as being proposed in this application.

54-125 – Partial Demolition

The criteria set forth in Section 54-125, where applicable, have been met:

- The importance, historic and architectural significance of the house has been taken into consideration and is being preserved.
- The special character and aesthetic interest of the house has been taken into consideration and is being preserved and/or recreated to match original Maurice Fatio design intent.

Justification:

- 1) The property is located in the R-A Zoning District and the residence was constructed in 1928 and is a Landmarked Property. The minor addition will be beneficial to the neighborhood.
- 2) The proposed work is not injurious to the neighborhood.
- 3) The applicant is not proposing any special conditions of the property or residence that are not within the historical character of the residence.
- 4) The non-conforming building height at the proposed addition is in keeping with the original design intent of Maurice Fatio.

Variances:

Section 134-843(a)(1)a.:

Request for a variance to allow for a second story addition situated at the northeast portion of the house with a proposed building height (at the eave) above the 25.0 feet allowed by the Code.

Preferred design with a building height of 29.25 feet
(4.25 feet above allowable)

Alternate design with a building height of 28.0 feet
(3.0 feet above allowable)

Section 134-201 – Findings prior to authorization.

1. The special conditions and circumstances related to the subject property is that this is a landmarked house built in 1934 and, therefore, any additions or modifications made to the house need to be such that the existing character of the house is upheld. Further, due to the age of the house, many of the existing features of the house are not compliant with the existing Code.
2. The special conditions and circumstances are not the result of the applicant as the dimensions, physical features, and character of the house were in existence at the time of acquisition by the applicant.
3. Granting of the variance requested will not confer any special privilege that is denied to the neighboring properties as the owner is seeking to simply add a relatively modest addition to the house which will be in line with the existing features and character of the house.
4. The hardship, which runs with the land, is that building the proposed addition to Code would require the eaves to be situated lower; therefore, requiring dormers, which would be completely out of character with the existing landmarked house. The overall height of the proposed addition is compliant with the Code allowable overall height of 35.0 feet.

Preferred design overall building height is 32.6 feet
(2.4 feet lower than allowable)

Alternate design overall building height is 31.3 feet
(3.7 feet lower than allowable)

In order to maintain the character of this landmarked house, the eaves need to be situated where proposed.

5. The variance requested is the minimum necessary to make reasonable use of the land as the eaves of the proposed addition cannot be any lower without sacrificing the character of the house.
6. The granting of the variance will not be injurious to the neighborhood. The proposed addition is situated on the northeast portion of the existing house; therefore, the addition will not be noticeable to the public along S. County Road. The building height of the proposed addition is modest compared to many of the other portions of the house and will not detrimentally affect the neighbors or public passersby. The overall height of the proposed addition is compliant with the Code. Further, existing landscaping will buffer much of the proposed addition for the neighbors to the north and east.

Conclusion:

The Applicants' goal is to build a minor 510 square foot second story addition at the Northeast corner of the property to partially enclose the existing Master Terrace. The proposed addition is below the allowable overall building height. The variance request to exceed the allowable building height, at the bottom of the eave, is not out of character with the house. It is being requested to eliminate the need for dormer windows, an architectural feature that is not historic nor found elsewhere on the property.

Thank you for your time and attention to this matter.

We look forward to your review and feedback.

Sincerely,

FERGUSON & SHAMAMIAN ARCHITECTS



Scott J. Sottile

cc: Guy Rabideau, David Klein, Garrett Ellis,
William Rutledge, Karin Ames, Nicole Homeny

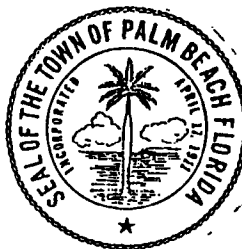
240508LE_2322

195 VIA DEL MAR



Designation Report

FRIDAY, FEBRUARY 16, 1990



LANDMARKS PRESERVATION COMMISSION

Palm Beach, Florida

I. General Information

Location: 195 Via Del Mar or 821 South County Road, Palm Beach

Date of Construction: 1928 (Permit #8728-28, June, 1928)

Architect: Treanor & Fatio

Present Owner: Mr. Howard Gittis

Present Use: Residential - Single Family

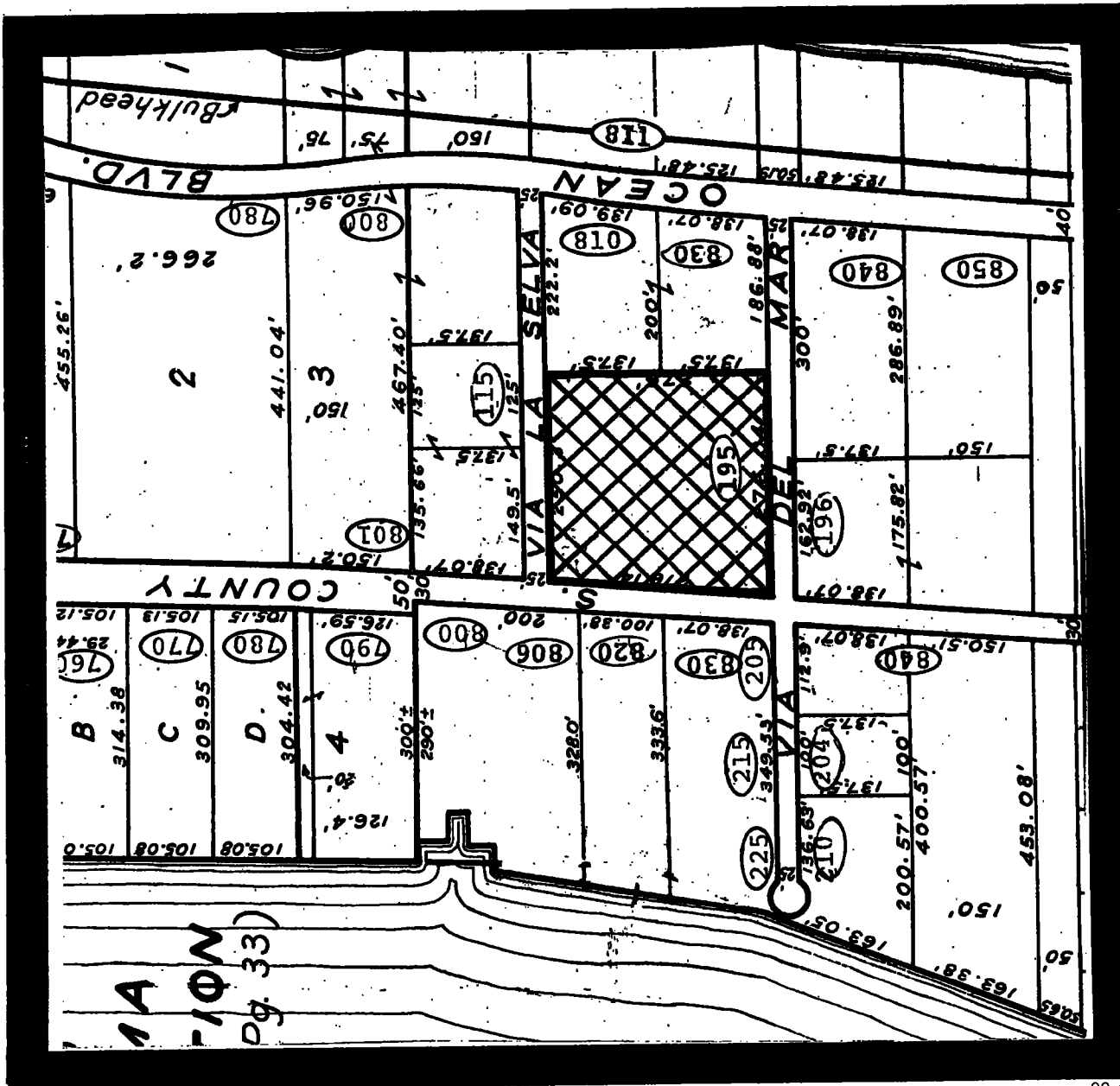
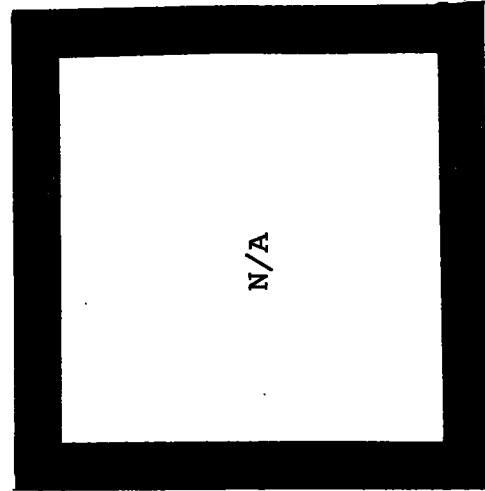
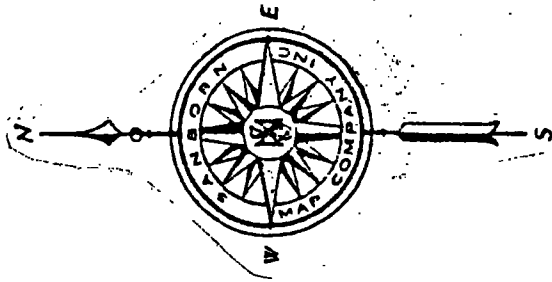
Present Zoning: R-A

Legal Description: 35-43-43, W 276.04 FT OF S 300 FT OF
N 941.52 FT OF GOV LT 1 E OF CO RD

Palm Beach County Tax Folio #: 50-43-43-35-00-001-0110

Classification in the "Historic Building Survey of Palm Beach":

This is a Maurice Fatio design, unusual in its complete coral stone facing. The detailing and general composition show Fatio, a well-known Palm Beach architect, at his best. Nothing is rough or improvised looking; everything is carefully worked out in design and execution, with no worry over expense. The little brick lunettes in the corbel table under the cornice add a faint touch of color to an otherwise gray, richly textured front. The carving of the doorway is especially notable in its Italian Romanesque carving. Grade: A."



LOCATION MAP 195 VIA DEL MAR

DESIGNATION REPORT: 195 Via Del Mar

TABLE OF CONTENTS

- I. GENERAL INFORMATION**
- II. LOCATION MAP**
- III. ARCHITECTURAL INFORMATION**
- IV. HISTORICAL INFORMATION**
- V. STATEMENT OF SIGNIFICANCE**
- VI. CRITERIA FOR DESIGNATION**
- VII. SELECTED BIBLIOGRAPHY**
- VIII. PHOTOGRAPHY**

Report prepared June 1989 by Eric Egan, Intern, Preservation Foundation of Palm Beach and James Edward Sved, AIA, Preservation Consultant.

Report edited by Timothy M. Frank, AICP, Planner/Projects Coordinator, Town of Palm Beach, and James Edward Sved, AIA, Preservation Consultant.

III. Architectural Information

Casa Della Porta is a noteworthy residence of fine proportion and scale. It is a thoroughly livable adaptation of a Romanesque design with the ground floor plan well disposed around the central patio. All exterior walls, except in the service wing, are finished in coursed ashlar quarry key (coral rock) in weathered grays and buffs. The main block of the house projecting to the south is asymmetrical, two stories, and articulated vertically by two slender $3/4$ engaged columns at the corners. These extend up to a moulded string course which is a continuation of the second floor window sills. The column capitals are small scaled acanthus leafs and the string course is decorated with a small running chain pattern. Similar columns are superimposed at the corners above the string course.

Above the asymmetrical, recessed, arched entrance is a cluster of three engaged columns. Each projecting entablature over the carved capitals is surmounted by a stone seated lion. Below these grouped columns and the string course is a single engaged half column which begins at the springline of the arch. These are supported by brackets carved in the Grotesque. At the top of the wall is a small scaled corbelled arcade, above which is a series of closely spaced modillions and a carved stone cornice moulding. This infilling of the corbelled arcade is treated with red brick set in a variety of patterns, i.e., basketweave, common running band, etc. Green louvered vents are also spaced within the arcade. The articulation of the south wall continues around the east wall to where it meets the tower wall with a one quarter column without capital at the intersection.

The walls of the three story tower are framed with rectangular pilasters projecting five inches from the wall. These pilasters rise flush with a high stone base that is sloped at the main wall to form a drip moulding. A carved string course surrounds the tower at the third floor window sills. Below the string course is a series of nine round arches which are projected flush with the plane of the corner pilasters. The wall terminates with a horizontal moulding. A string course carved in a vine pattern occurs under the second story window sills. The east wall also incorporates a stone balcony supported by stone brackets. The service wing walls are smooth cream colored

stucco with a wood cornice.

The main living area of the house is wood frame on brick piers, with the exception of the garden pool room which has a concrete basement. At the front entrance on the south side of the house, there is a quarry key stoop with three risers. All other outdoor living spaces are disposed around a central patio. In the southeast corner is a relatively low tile-roofed porch. Most of this porch is recessed between the walls of the house. The north side of the patio is enclosed by a broad arcade loggia, up three risers from the patio grade, and flanked by small rooms. The floor of the loggia is decorative tile. The highlight of this loggia is the ceiling which is complex and highly decorated. The patio itself is paved with broken cast stone pavers with a fountain in the center, set on a low base.

Windows in the south and east walls of the living room are identical consisting of a group of three pointed arched opening. The lower part contains bronze framed sashes which slide into pockets in the exterior wall. The windows have fixed arch transoms. In the east wall of the stair foyer, bronze casements contain leaded lights in a vertical hexagonal pattern. On the south and west walls of the dining room, there are paired sliding bronze windows under glazed arched transoms. The north wall of the house is a glazed loggia consisting of three sets of three arched openings with casement windows set midway in the 18 inch thick wall.

The plan of the house is complex. The entry on the southeast corner leads to a spacious foyer which connects with a well proportioned stair hall. This, in turn, leads to the living room wing and the garden pool room. West of the main foyer is a wide glazed loggia providing entrance to the dining room and a large powder room. West of the dining room is the pantry and kitchen. North of the dining room is a roofed terraced and grille room adjacent to it on the west. All bedrooms are on the second floor.

Although the exterior walls have weathered well, there is visible failure in the exposed wood and hardware.

IV. Historical Information

Casa Della Porta is steeped in local history. Architect Maurice Fatio built the house for William J. McAneeny, owner of the Hudson Motor Car Company. McAneeny was reportedly so happy with the house that he gifted Fatio with a custom built Hudson car. Later owners have included Eugene Howerdd and General Robertson. The Marshall plan was drafted partly at Casa Della Porta while General Robertson was its owner.

V. Statement of Significance and Criteria for Designation

Statement of Significance

"The McAneeny-Howerdd House is important as an example of the highest point that quality eclectic architecture ever reached in Florida...Before the economic collapse of 1929, no cost was spared in the construction of Palm Beach homes. The McAneeny-Howerdd House is of this period. The design of the floor plan incorporates all the luxuries of a modern house and it is very sensitive to the Palm Beach climate. Because of the excellence of the materials used and the exquisite detail of the house, it is important that an effort be made to preserve the building for future generations."

State of Florida, Department of State, Division of Archives, History and Records Management.

Criteria for Designation

Section 16-38 (a) of the Town of Palm Beach Landmarks Preservation Ordinance #2-84 outlines the criteria for designation of a landmark or landmark site and suggests that at least one criterion must be met to justify the designation. Listed below are criteria which relate to this property and justification for designation.

(a) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county, or town."

Large Mediterranean Revival houses have come to symbolize the

cultural, economic, and social history of Palm Beach, Florida. These houses were designed by Palm Beach's most influential architects, including Addison Mizner, Maurice Fatio, Marion Sims Wyeth, Howard Major, and John Volk.

Built primarily in the second decade of the twentieth century for America's wealthiest families, the fanciful Mediterranean Revival designs reflected this prosperous economic period in American history. Following the stock market collapse of 1929 and the severe Depression which followed, these same houses were reinterpreted as symbols of the gross excesses indulged in by the American elite which foreshadowed the Depression. Mediterranean Revival houses like 195 Via Del Mar formed the foundation of Palm Beach's cultural, economic, and social history, serving today as cornerstones in Palm Beach.

(c) "Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship."

An amalgamation of Spanish and Italian influences often set off by accents of Renaissance, Baroque or even Gothic details, the Mediterranean Revival style began simultaneously in Florida and California around 1908. Mediterranean Revival structures were built in Palm Beach during the first decade of the twentieth century, but it was Addison Mizner who so popularized the style for both residential and commercial structures that it is sometimes called the Mizner style.

Almost anything goes in Mediterranean Revival design, from Romanesque to Venetian, Byzantine to Moorish. Walls are usually covered with coquina or quarry keystone. Mediterranean Revival structures are almost always topped with a clay barrel tile roof.

The most popular style of architecture in Palm Beach, the Mediterranean Revival, can be found in a number of variations. The windows usually have some interesting details like round or pointed arches, wrought iron grilles, cast stone columns and decorations, and pecky cypress sills. A variety of balconies, towers, porches, and courtyards are also found.

Casa Della Porta is both an excellent example of the Romanesque style in Palm Beach as well as an excellent example of the use of quarry keystone. The house is further notable for its fine planning, complex massing, and its excellent integration with its site.

(d) "Is representative of notable works of one or more master builders, designers or architects whose individual ability has been recognized to have influenced their age."

PLEASE SEE THE MAURICE FATIO BIOGRAPHY, AS ATTACHED.

Maurice Fatio Biography

Maurice Fatio was one of the Palm Beach's top architects in the 20's, 30's, and early 40's. Treanor & Fatio was one of the largest architectural firms in Palm Beach and Fatio's distinctive designs can be seen throughout the island.

Fatio was born in 1897 in Geneva, Switzerland. He studied architecture under Karl Moser at the Zurich Polytechnical. After graduation in 1920, Fatio came to America and apprenticed with Harrie T. Lindeberg, a prominent New York architect of Norman and English style country houses.

In 1921, Fatio formed a partnership with William A. Treanor, another architect in Lindeberg's firm. They quickly achieved a great deal of success, constructing numerous houses, primarily Colonial, on Long Island as well as buildings in Manhattan, including Beekman Tower on the East River.

Fatio's association with Florida can be traced to his time with Lindeberg, when he received the commission for eight small houses in New Smyrna, Florida. In October, 1923, Treanor and Fatio were asked to be the architects for the Olympia Beach development, now Jupiter Island. The following year Fatio opened an office in Palm Beach.

Fatio's many commissions for houses and commercial buildings in Palm Beach were based on his reputation in New York as well as his charm, good looks, and European manner. During his career in Florida, Fatio designed in many diverse styles. Mediterranean Revival, more specifically, Italianate houses incorporating tower blocks, were designed for William McAneeny (195 Via Del Mar), the Coopers (801 South County Road), Mortimer Schiff (920 South Ocean Boulevard), and Daniel McCarthy (550 South Ocean Boulevard). More horizontal, symmetrical and formal Florentine houses were designed for Otto Kahn (690 North County Road) and Joseph Widener (1500 South Ocean Boulevard). In the mid-30's, Fatio began designing in the Georgian and British Colonial styles. Large commissions for Albert Worswick (1860 South Ocean Boulevard, E.F. Hutton (1768 South Ocean Boulevard), and Wolcott Blair (1960 South Ocean Boulevard) with their simple materials and uncluttered lines reflected the sober economic

climate and set the pace for the smaller Colonial and Regency commissions that followed them.

During this time, Fatio also worked in the modern style, producing such modern masterpieces as "The Reef" built for Mrs. Barclay Douglas (Jo Hartford). Other modern houses were designed for Messmore Kendall, aviation pioneer Grover Loening, and Prince and Princess Zalstem-Zalessky (Evangeline Johnson Merrill).

World War II brought a halt to construction in Palm Beach. Although Fatio was already beginning to suffer from cancer, in June, 1943, he entered the Office of Strategic Services. He died of cancer later that same year, on December 2, 1943.

VII. Selected Bibliography

Curl, Donald W. Palm Beach County: An Illustrated History,
Northridge, CA: Windsor Publications, 1986.

Fletcher, Sir Bannister A History of Architecture
Glasgow: Robert Maclehouse & Co. Ltd. 1896
(17th Edition) New York: Charles Scribner's
Son's, 1967.

Hoffstot, Barbara D. Landmark Architecture of Palm Beach
Pittsburgh: Ober Park Associates, 1980.

Kidney, Walter C. Historic Building Survey of Palm Beach
Pittsburgh: Landmarks Planning, Inc., 1981.

Palladio, Andrea The Four Books of Architecture
(Issac Ware translation)
(Adolph Pletzak, editor)
New York: Dover Publications, 1961.

Sved, James Edward "Architectural Styles" section for
Preservation Guidelines,
Preservation Foundation of Palm Beach
and Town of Palm Beach, 1990.

Additional information from the Town of Palm Beach Building
and Zoning Department records office.



TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 11, 2024

Section of Agenda

Development Review - New Business

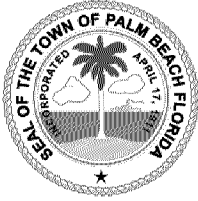
Agenda Title

ZON-24-0039 195 VIA DEL MAR - VARIANCE The applicant, Guy Rabideau (Trustee of the 195 Via Del Mar Trust), has filed an application requesting Town Council review and approval of (1) variance to exceed the maximum permitted height of gate posts and gates within the Via Del Mar front yard setback.

Presenter

ATTACHMENTS:

- ▣ **PZB Staff Memorandum**
- ▣ **Letter of Intent**
- ▣ **Plans**
- ▣ **Designation Report**



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5431 • www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Town Council

FROM: Wayne Bergman, MCP, LEED-ARB *WLB*
Director PZ&B

SUBJECT: ZON-24-0039 (COA-24-0002) 195 VIA DEL MAR (COMBO)

MEETING: SEPTEMBER 11, 2024, TC

ZON-24-0039 195 VIA DEL MAR - VARIANCE. The applicant, Guy Rabideau (Trustee of the 195 Via Del Mar Trust), has filed an application requesting Town Council review and approval of (1) variance to exceed the maximum permitted height of gate posts and gates within the Via Del Mar front yard setback.

COA-24-0002 (ZON-24-0039) 195 VIA DEL MAR - COMBO. The applicant, Guy Rabideau (Trustee of the 195 Via Del Mar Trust), has filed an application requesting a Certificate of Appropriateness for the review and approval for the construction of a second-story addition, window and door replacement, vehicular and pedestrian gates, and hardscape and landscape modifications which requires one (1) variance to reduce the minimum driveway area in front of the vehicular gate fronting South County Road. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval. *[At the June 21, 2024, LPC meeting, the Landmarks Preservation Commission voted 7-0 that the implementation of the proposed variance (ZON-24-0009) will not cause a negative architectural impact on the subject property for the gate fronting South County Road. At the July 10, 2024, TC meeting, ZON-24-0009 was approved by Town Council 5-0]*

Representative: Guy Rabideau / Trustee of the 195 Via Del Mar Trust
Professionals: Ferguson & Shamamian Architects

HISTORY:

The residence was designed by the architects Treanor & Fatio and constructed in 1928. The property was designated in 1990. According to the designation report: *"Casa Della Porta is a noteworthy residence of fine proportion and scale. It is a thoroughly livable adaptation of a Romanesque design with the ground floor plan well-disposed around the central patio."*

At the September 15, 1989, LPC meeting, the commission approved the addition of two entry gates, widening and resurfacing of the driveway, and paving of additional parking under COA # 30-89. Therefore the current gates proposed for replacement are not the original ones.

Several minor modifications have been made over the years through administrative reviews including the installation of a new bronze and glass decorative gate (L-19-00167), partial window replacement in the kitchen wing (L-21-00366), replacement of HVAC equipment (L-21-00460), partial fence replacement (L-22-00604), and landscaping modifications (L-23-00872).

At the June 21, 2024, LPC meeting, the landscaping as presented, window and door replacement as discussed with muntins added to the doors on the structure's perimeter, and the South County Road gate as presented were approved per COA-24-0002. Also, the variance for vehicular stacking (ZON-24-0009) was supported by LPC and approved at the July 10, 2024, Town Council meeting. The design of the addition and the Via Del Mar gates were deferred to the July 17, 2024, LPC meeting.

At the July 17, 2023, LPC meeting, the Commissioners deferred the project to re-study the addition and gate design. Based on the original plans, the gate posts were designed to be taller than they exist today, and gates were proposed along the Via Del Mar frontage although never built. The Commissioners expressed interest in a gate post and gate design that replicates the original intent of the plans. A variance would be required to exceed the maximum allowable height for these features, thus the application at hand.

At the August 21, 2024, LPC meeting, the applicant's preferred design for the gate posts and gates was approved (7-0) with the condition that the gate height be lowered by six (6) inches.

THE PROJECT:

The applicant has submitted plans, entitled "LANDMARKS DEFERRED SUBMITTAL" and "TOWN COUNCIL FINAL SUBMITTAL", as prepared by **Ferguson & Shamamian Architects** received by the Town on July 29, 2024.

The following is the scope of work for the Project:

- Installation of vehicular gate posts and gates on the Via Del Mar frontage.

The following variance is required to achieve the scope of work.

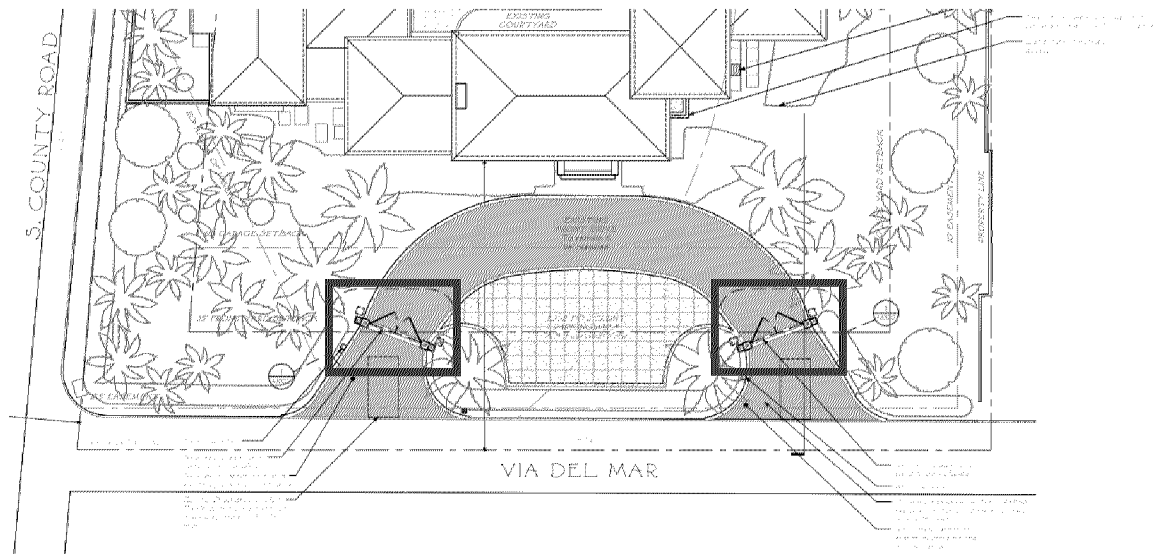
- **VARIANCE (ZON-24-0039):** A variance to exceed the maximum permitted height of gate posts and gates within the Via Del Mar front yard setback
 - Preferred Design: 9'-6" in lieu of the maximum of 8'-0".

Site Data			
Zoning District	R-A Estate Residential District	Lot Size (SF)	77,454 SF
Future Land Use	SINGLE-FAMILY	Total Building Size (SF)	21,032.7 SF
FEMA Flood Zone	X		
Year of Construction:	1928	Architect:	Treanor & Fatio
Surrounding Properties / Zoning			
North	115 Via La Selva / R-A		
South	196 Via Del Mar & 840 South Ocean Boulevard / R-A		
East	810 South Ocean Boulevard and 830 South Ocean Boulevard / R-A		
West	830 South County Road, 822 South County Road, & 800 South County Road / R-A		

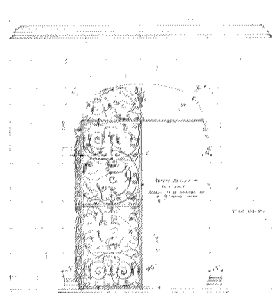
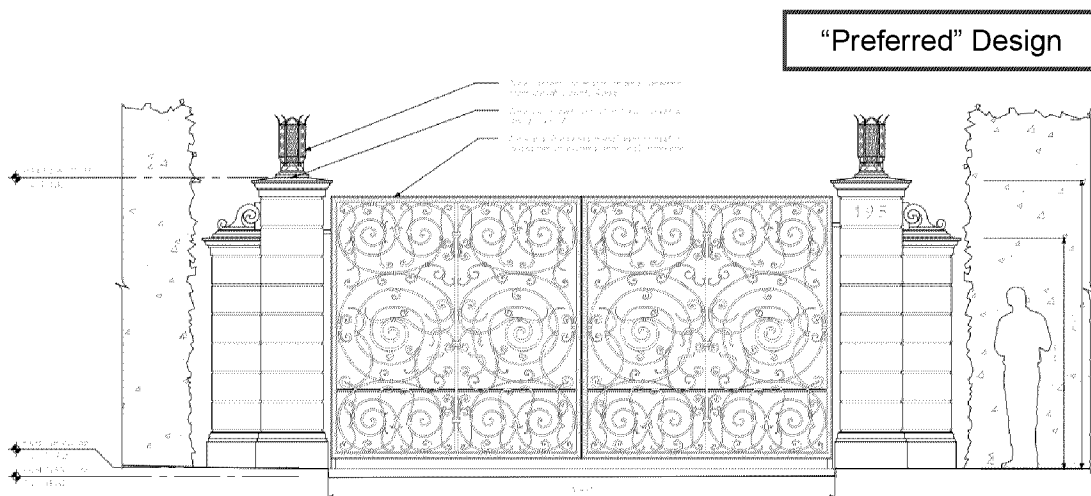
STAFF ANALYSIS

The application is seeking a Certificate of Appropriateness for the installation of vehicular gates fronting Via Del Mar.

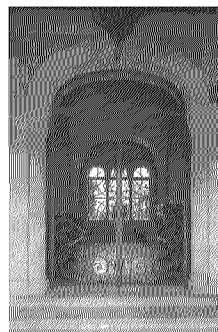
The request includes the replacement of two (2) pairs of vehicular swinging gates and gate posts fronting Via Del Mar.



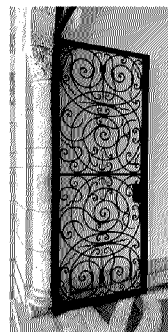
The applicant's preferred design for the gate posts and gates was approved (7-0) with the condition that the gate height be lowered by six (6) inches at the August 21, 2024, LPC meeting.



ORIGINAL PATIO ENTRANCE
GATE IRONWORK DRAWING



HISTORIC IMAGE OF
FRONT ENTRANCE GATE IRONWORK



CURRENT FRONT
ENTRANCE GATE

Based on the Commissioner's comments, the applicant pursued gate post and gate proportions inspired by the original plans. As a result, a variance is required to achieve a height of 9'-6" in lieu of the 8'-0" maximum permitted for gate posts and gates in a front yard.

Code Section	Required	Preferred Design	Variance
Variance: Sec. 134-1668	8'-0" Gate Post and Gate Height Max.	9'-6"* Gate Post and Gate Height	1'-6"*

** The gates shall be lowered by six (6) inches as required by LPC.*

CONCLUSION:

Approval of the project will require one (1) motion to be made by the Town Council:

- (1) for final determination of approval or denial of the variances (ZON-24-0039) by the Town Council, and that the variance **shall or shall not** be granted that all of the criteria applicable to this application as set forth in Sec. 134-201(a), items 1 through 7 have been met, subject to any proposed conditions.

WRB:JGM:FHM:ALF

FERGUSON &
SHAMAMIAN
ARCHITECTS

July 30th, 2024

Town of Palm Beach
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480

By E-mail: devrev@townofpalmbeach.com
 And upload to the EPL portal

Re: COA 24-0002
 ZON 24-0039
 195 Via Del Mar, Palm Beach, FL
 Letter of Intent

Dear Members of the Town of Palm Beach Landmark Preservation Commission;

Please find this Second Submittal application on behalf of the Owner and Applicant, Guy Rabideau, as Trustee of the 195 Via Del Mar Trust. The applicant is submitting a proposal for new metal gates and flanking stone piers at the vehicular entrances along Via del Mar. We consider the proposed design to be compatible with and subordinate to the 1928 Romanesque, Mediterranean Revival style house designed by Maurice Fatio (Landmarked 2/16/1990).

Property Description:

The Palm Beach County Appraiser's Office identifies the Property with Folio Nos. 50-43-43-35-00-001-0110. The Property is a rectangular shaped lot comprised of approximately 73,000 square feet.

Located in the R-A, Estate Residential Zoning District, the Property is surrounded by similar single-family houses. The residential area has two-story houses with pools, courtyards and lush landscaping.

Proposed Development:

The majority of the proposed scope of work for this property has been approved, with a Development Order, by the Landmarks Preservation Commission under File Number COA-24-0002 and reviewed at the June 21st, 2024 hearing.

The remaining scope of work, under consideration, in this application is outlined below;
Vehicular Gates and Piers

- Replace existing, non-original metal entry gates, stone piers and stone call boxes at vehicular entrances on Via del Mar. Install new stone piers to match Fatio's original design intent, new black painted metal gates to match characteristics of original Fatio designed metal work found at the front entry vestibule and new call boxes set in stone piers to match original Fatio style details.

The application addresses all pertinent review criteria in the following Ordinance sections;

54-123 – Exterior Alterations

The criteria set forth in Section 54-122, where applicable, have been met:

- The alterations are sensitive to the intent of the original architecture by replicating an original unbuilt Maurice Fatio design for the piers and drawing inspiration from original metal ironwork details.
- The proposed exterior alterations will enhance the architectural quality as well as the historical character of the building.

54-125 – Partial Demolition

The criteria set forth in Section 54-125, where applicable, have been met:

- The importance, historic and architectural significance of the house has been taken into consideration and is being preserved.
- The proposed demolition of existing non original metal gates and stone piers has minimal impact to the architectural and historical integrity of the house because these finishes are being replaced with materials and/or designs sympathetic to the originals.

Justification:

- 1) The property is located in the R-A Zoning District and the residence was constructed in 1928 and is a Landmarked Property. The new gates and piers will be beneficial to the neighborhood.
- 2) The proposed work is not injurious to the neighborhood.
- 3) The applicant is not proposing any special conditions of the property or residence.
- 4) The non-confirming condition (stone gate piers and painted metal gates exceeding the 8'-0" height restriction) at the Via del Mar main vehicular entrances has been requested by the Landmarks Preservation Commission to match an original design sketch and metalwork designs by Maurice Fatio.

Variance:

Section 134-1668: Request for a variance to allow the gateposts at the driveway entrance to be increased to 9.5 feet in height in lieu of the 8 foot maximum allowed by the Code and the gate to be 9 feet in height in lieu of the 8 foot maximum allowed by the Code.

Section 134-201 – Findings prior to authorization.

1. The special conditions and circumstances related to the subject property is that this is a landmarked house built in 1934 and, therefore, any additions or modifications made to the house need to be such that the existing character of the house is upheld. The replacement of the gate at this location has resulted in the Landmarks Preservation Commission requesting the gateposts depicted in the sketch by Mauric Fatio which would be 9.5 feet and subsequently the gate to be 9.0 feet.
2. The special conditions and circumstances are not the result of the applicant as the Landmarks Preservation Commission has requested the specific gateposts be increased to 9.5 feet in order to match the sketch by Maurice Fatio.
3. Granting of the variance requested will not confer any special privilege that is denied to the neighboring properties as the gate and gateposts will be in line with the existing features, character, and stature of the house and the increase in height of the gate and gateposts is being proposed due to the request by the Landmarks Preservation Commission.
4. The hardship, which runs with the land, is that the proposed increase in height of the gate and gateposts is the result of the request by the Landmarks Preservation Commission to match the sketch by Maurice Fatio.

5. The variance requested is the minimum necessary to make reasonable use of the land as the gate and gateposts will be in line with the existing features, character, and stature of the house.
6. The granting of the variances will not be injurious to the neighborhood. The gate and gateposts will be in line with the existing features, character, and stature of the house; therefore, the height of the gate and gateposts will not detrimentally affect the neighbors or public passersby.

Conclusion:

The Applicants' goal is to replace the existing, non-historic front entry gates and stone piers with new gates and piers that more accurately reflect the original design intent of Maurice Fatio.

Thank you for your time and attention to this matter.

We look forward to your review and feedback.

Sincerely,

FERGUSON & SHAMAMIAN ARCHITECTS



Scott J. Sottile

cc: Guy Rabideau, David Klein, Garrett Ellis,
William Rutledge, Karin Ames, Natalie Zuppas

240508LE_2322

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 11, 2024

Section of Agenda

Development Review - New Business

Agenda Title

ZON-24-0008 (ARC-24-0015) 253 SEMINOLE AVE (COMBO)—VARIANCES The applicant, Thomas Dagostino, has filed an application requesting Town Council review and approval for two (2) variances; (1) to expand existing nonconforming lot coverage beyond maximum permitted, and (2) to decrease existing nonconforming landscape open space below minimum permitted; as part of hardscape and awning shade structure improvements. The Architectural Commission shall perform design review of the application. *[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Architectural Commission approved the project with conditions. Carried 7-0.]*

Presenter

ATTACHMENTS:

- ▣ **PZB Staff Memorandum**
- ▣ **Letter of Intent**
- ▣ **Plans**



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5431 • www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Combination Memorandum: Architectural Commission and Town Council

FROM: Wayne Bergman, MCP, LEED-AP
Director PZ&B



SUBJECT: ARC-24-0015 (ZON-24-0008) 253 SEMINOLE AVE (COMBO)

MEETING: AUGUST 28, 2024 ARCOM
SEPTEMBER 11, 2024 TC

ARC-24-0015 (ZON-24-0008) 253 SEMINOLE AVE (COMBO). The applicant, Thomas Dagostino, has filed an application requesting Architectural Commission review and approval for an expanded pool deck and new awning shade structure, requiring variances related to landscape open space and lot coverage. The Town Council shall review the application as it pertains to zoning relief/approval.

ZON-24-0008 (ARC-24-0015) 253 SEMINOLE AVE (COMBO) – VARIANCES. The applicant, Thomas Dagostino, has filed an application requesting Town Council review and approval for two (2) variances; (1) to expand existing nonconforming lot coverage beyond maximum permitted, and (2) to decrease existing nonconforming landscape open space below minimum permitted; as part of hardscape and awning shade structure improvements. The Architectural Commission shall perform design review of the application.

Applicant: Thomas Dagastino
Landscape: Environment Design Group (Dustin Mizell)

HISTORY:

At the August 28, 2024 ARCOM hearing, the commission voted 7-0 in favor of the application, with the condition that the proposed hardscape expansion is not part of the approval, and that the design of the awning support was to be revised and approved via an ARCOM Administrative Application with Chairman Review.

The remaining lot coverage variance required for the new awning was indicated (7-0) not to have negative architectural impact on the application.

THE PROJECT:

The applicant has submitted plans, entitled "Private Residence: 253 Seminole Avenue" as prepared by **Environment Design Group**, submitted July 9, 2024.

The following scope of work is proposed:

- New 295 SF awning structure.
- Expansion of existing pool deck by 111 SF.

The following Special Exception, Site Plan Review, and/or Variance(s) are required to complete the project:

- **VARIANCE 1:** Sec. 134-948(9)b.: A variance to exceed the maximum allowable lot

coverage of 33.53% existing and the 30% maximum lot coverage permitted for 38.5% proposed.

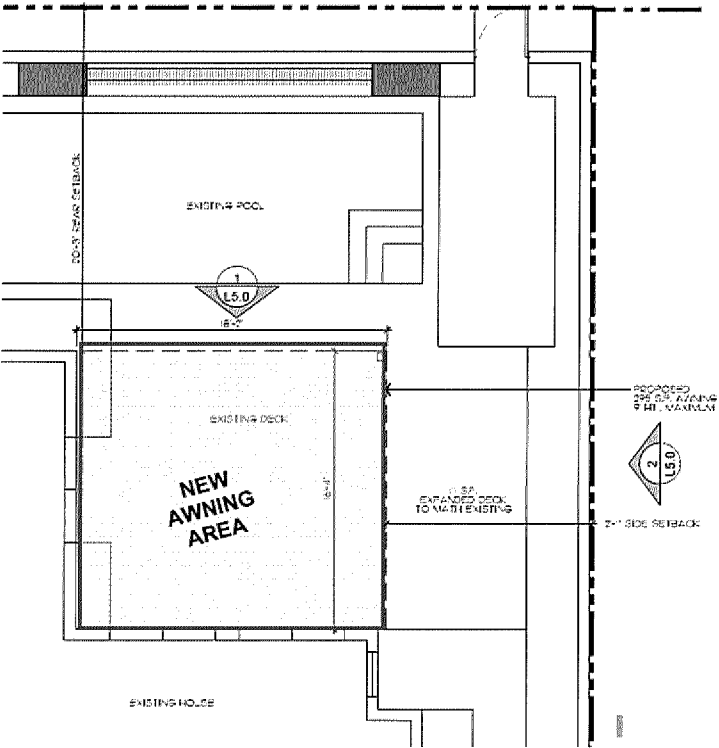
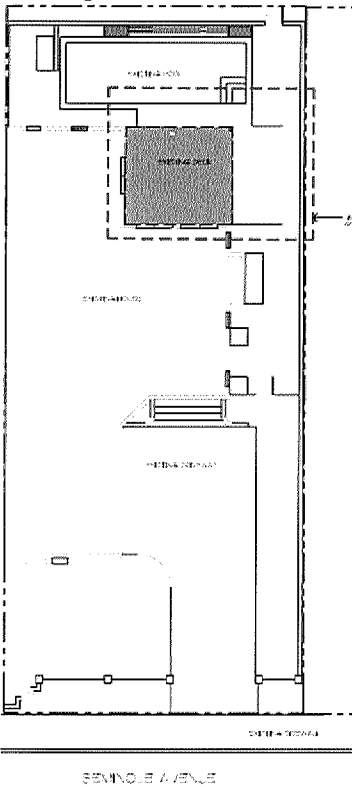
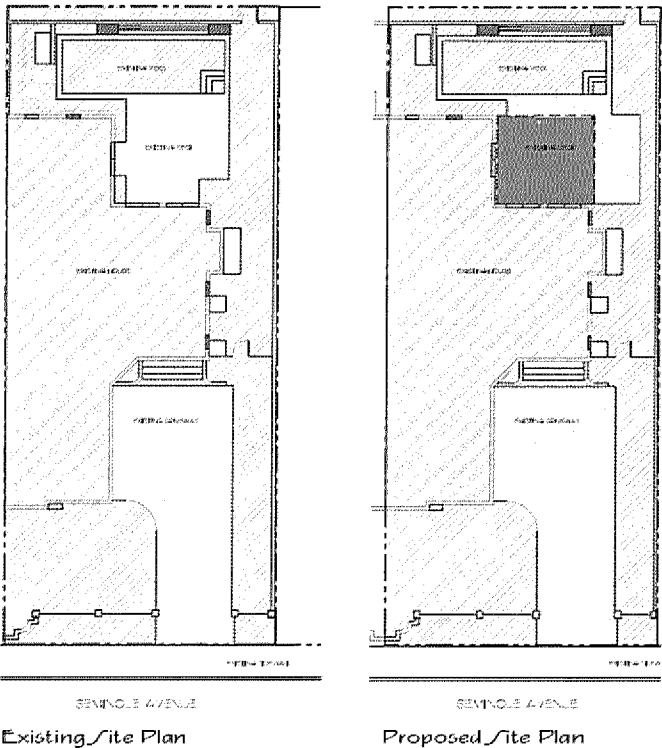
- **VARIANCE 2:** Sec. 134-948(11)b.: A variance to further reduce the landscape open space of 33.9% existing and 40% minimum required for 32.09% proposed.
 - a. *Hardscape expansion to the east outside of awning area not approved by the Architectural Commission.*

Site Data			
Zoning District	R-C	Future Land Use	Multi-Family Medium Density
Lot Size	5,949 SF	Lot Coverage	Permitted: 30% (1784.7 SF) Existing: 33.53% (1995 SF) Proposed: 38.5% (2290 SF) <i>Variance Requested</i>
Lot Depth	119.02'	Lot Width	50'
Overall Landscape Open Space	Required: 40% (2379.6 SF) Existing: 33.9% (2020 SF) Proposed: 32.09% (1909 SF) <i>Variance Requested</i>	Front Yard Landscape Open Space	Required: 35% Existing: 53.9% Proposed: 53.9%
Surrounding Properties / Zoning			
North	250 & 256 Everglade Ave Duplex / R-C		
South	256 Seminole Ave Residence / R-C		
East	249 Seminole Ave Residence / R-C		
West	255 Seminole Ave Attached Residence / R-C		

STAFF ANALYSIS

The applicant is proposing the construction of a new canopy awning structure at the rear of the property at the pool deck. A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and requires one (1) variances to achieve the application as proposed.

The subject property is one-half of a duplex located on the north side of Seminole Avenue. The proposed awning addition is 295 SF and is proposed over existing decking and planter areas at the rear of the structure. The height of the awning will not exceed 9' in height. The applicant proposed to expand existing nonconforming hardscape to the east by removing sod and installing 111 SF of acid washed white cast stone to match existing deck materials, however, ARCOM did not approve the hardscape expansion in the scope. No other landscape changes are proposed. The site is nonconforming to both lot coverage and landscape open space regulations as it exists. The proposed changes exacerbate the nonconformities and require variances from the zoning code.



Code Section	Permitted/Required	Proposed	Variance
--------------	--------------------	----------	----------

<u>VARIANCE 1:</u> Sec. 134-948(9)b.	30% lot coverage	38.5% proposed 32.09% existing	+8.5% From Permitted +4.97% From Existing
<u>VARIANCE 2:</u> Sec. 134-948(11)b	40% Landscape Open Space	32.09% proposed 33.9% existing	-7.91% From Required -1.81% From Existing

CONCLUSION:

Approval of the project will require one (1) separate motion(s) to be made by the Town Council:

- (1) for final determination of approval or denial of the (1) variance by the Town Council, and that the variances **shall** or **shall not** be granted that all the criteria applicable to this application as set forth in Sec. 134-201(a), items 1 through 7 have been met.

WRB:JGM:BMF

Land Planning
Landscape Architecture
Landscape Management

April 11, 2024

Town of Palm Beach
Planning, Zoning, & Building Department
360 S. County Road
Palm Beach, Florida 33480

ATTN: *ARCOM Staff*
Re: 253 Seminole Avenue Town of Palm Beach
Our Ref # 21012

LETTER OF INTENT

Current zoning for the project is R-C Medium Density Residential
Our current proposal, for improvements to the site, does not include any architectural changes to the existing house.

The proposed changes include:

- Existing pool deck to be expanded 137 S.F.
- Proposed 169 S.F. awning structure, will not exceed 9' ht.

Variance Requests include:

- Landscape open space of 31.95% in lieu of the 35% required.
- Unenclosed accessory structure side setback of 2'-6" in lieu of the 10'-0" required.
- Lot coverage of 36.3% in lieu of the 35% required.

If there are any questions regarding this project, please feel free to reach out to our office.

Dustin Mizell, *President*

Environment Design Group

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 11, 2024

Section of Agenda

Development Review - New Business

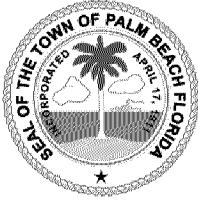
Agenda Title

ZON-24-0016 (COA-24-0012) 238 PHIPPS PLAZA (COMBO)—VARIANCES Joshua Levy with Phipps Plaza Properties, LLC, has filed an application requesting Town Council review and approval of two (2) variances to 1) reduce the minimum side yard setback and 2) reduce the minimum rear yard setback associated with a new awning. The Landmarks Preservation Commission shall perform design review of the application. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Landmarks Preservation Commission approved the project with conditions. Carried 7-0.]*

Presenter

ATTACHMENTS:

- ▣ **PZB Staff Memorandum**
- ▣ **Letter of Intent**
- ▣ **Plans**
- ▣ **Designation Report**



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5431 • www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT

PZ&B Staff Combination Memorandum: Landmarks Preservation Commission and Town Council

FROM: Wayne Bergman, MCP, LEED-AP *WLB*
Director PZ&B

SUBJECT: ZON-24-0016 (COA-24-0012) 238 PHIPPS PLAZA (COMBO)

MEETING: AUGUST 21, 2024, LPC
SEPTEMBER 11, 2024, TC

ZON-24-0016 (COA-24-0012) 238 PHIPPS PLAZA (COMBO) - VARIANCES. Joshua Levy with Phipps Plaza Properties, LLC, has filed an application requesting Town Council review and approval of two (2) variances to 1) reduce the minimum side yard setback and 2) reduce the minimum rear yard setback associated with a new awning. The Landmarks Preservation Commission shall perform design review of the application.

COA-24-0012 (ZON-24-0016) 238 PHIPPS PLAZA (COMBO). The applicant, Joshua Levy with Phipps Plaza Properties, LLC, has filed an application requesting a Certificate of Appropriateness for the review and approval of a new awning which requires two (2) variances to reduce the minimum side yard and rear yard setbacks. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval.

Applicant: Phipps Plaza Properties, LLC (Joshua Levy, Manager)
Professionals: Keith Spina | Spina O'Rourke + Partners
Representative: Maura Ziska, Esq.

HISTORY:

The subject property was landmarked as part of the Phipps Plaza Historic District, established in 1982. According to the designation report, 236 Phipps Plaza (now 236 and 238 Phipps Plaza) was designed by the architects Wyeth, King, and Johnson and constructed in the 1920's. The structure, originally attached townhomes, exemplifies the Mediterranean Revival architectural style.

At the August 21, 2019, LPC meeting, the properties at 236 and 238 Phipps Plaza received approval with conditions (COA #021-2019) for rehabilitation and a tax abatement. The scope of work included window and door replacement; roof replacement, new exterior railings, gutters, downspouts; and lighting.

At the December 16, 2020, LPC meeting, the property at 236 Phipps Plaza received approval with conditions (COA #40-2020) to modify the previously approved plans with removal of exterior stairs and construction of interior stairs and an elevator; construction of new balconies, columns, and corbels; and a new spa in the courtyard. The request included site plan review with variances that were approved with conditions (Z-20-00309) at the January 13, 2021, Town Council meeting.

At the December 16, 2020, LPC meeting, the property at 238 Phipps Plaza received approval with conditions (COA #53-2020) to modify the previously approved plans with interior floor plan revisions and enlarged a window opening to accommodate a door.

At the May 18, 2022, LPC meeting, both properties received approvals (COA-22-024 and COA-22-025) to modify previously approved plans with the relocation of mechanical equipment, hardscape alterations, and landscape alterations. The changes associated with the property at 238 Phipps Plaza necessitated variances that were approved with conditions (Z-22-068) at the June 15, 2022, Town Council meeting.

Several administrative approvals were issued for 236 Phipps Plaza (L-23-00711, L23-00850, and LPCS-24-0070) for further exterior revisions to the previously approved plans.

At the August 21, 2024 LPC meeting, the Commission approved (7-0) the project. Additionally, the Commission approved (7-0) that the implementation of the proposed variances would not negatively affect the architecture.

THE PROJECT:

The applicant has submitted plans, entitled "238 PHIPPS PLAZA", as prepared by **Spina O'Rourke + Partners**, received by the Town on July 15, 2024.

The following is the scope of work for the Project:

- A new 84-square-foot awning.
- Revision to the frame color of French doors.

The following variances are required to achieve the scope of work.

- **VARIANCE #1:** A variance to reduce the side yard (west) setback to 3'-6" in lieu of the 10'-0" minimum required.
- **VARIANCE #2:** A variance to reduce the rear yard (south) setback to 6'-4" in lieu of the 15'-0" minimum required.

Site Data			
Zoning District	R-C	Lot Size (SF)	1,710 SF
Future Land Use	MULTI-FAMILY MODERATE DENSITY	Total Building Size (SF)	1,757 SF
Designation	1982	FEMA Flood Zone	AE
Year of Construction:	1920s	Architect:	Wyeth, King, and Johnson
Project			
	Required/Allowed	Existing	Proposed
Lot Coverage	30.00% (513 SF)	62.2% (1,064 SF)	62.2% (1,064 SF)
Building Height	23'-6"	23'-4"	20'-1" Bottom of Awning
Overall Building Height	31'-6"	29'-0"	23'-4" Top of Awning
Number of Stories	2	2	2

Surrounding Properties / Zoning	
North	Phipps Plaza Park / R-C
South	205 Royal Palm Way / C-OPI
East	264 South County Road / C-TS
West	236 Phipps Plaza / R-C

STAFF ANALYSIS

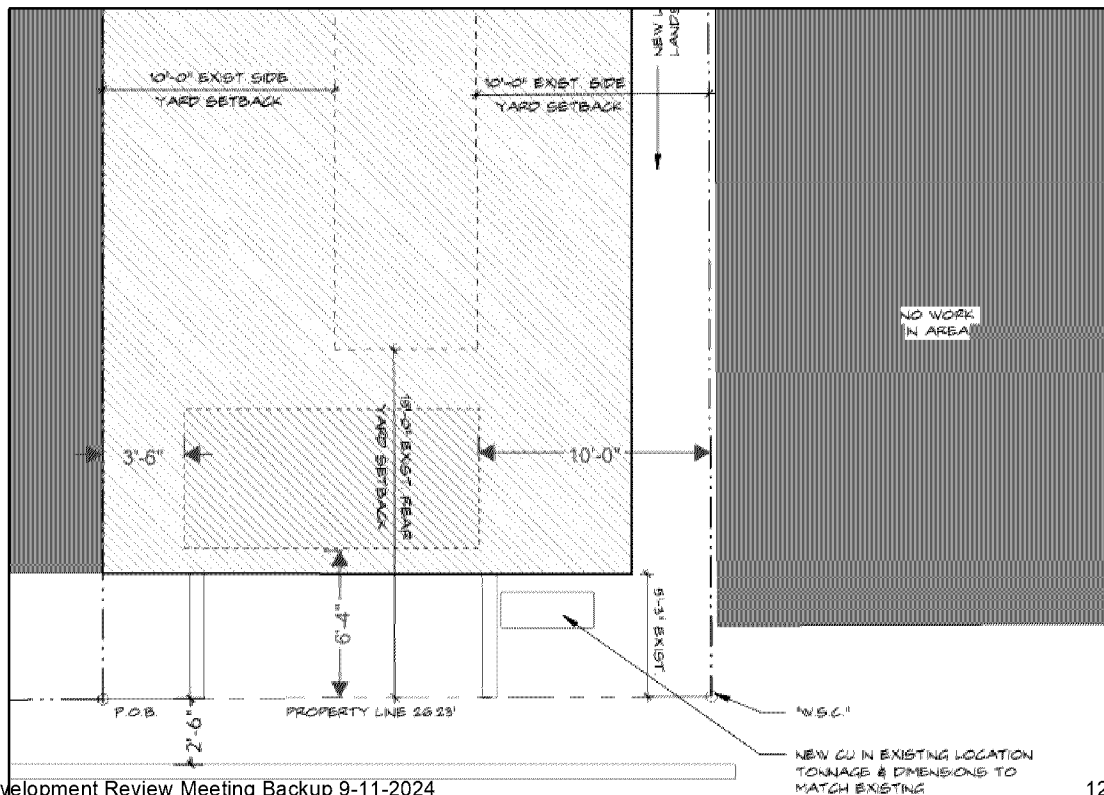
The application is seeking a Certificate of Appropriateness for the installation of a new awning on the second floor. In addition, the scope of work includes a revision to the color of French doors. Both improvements are proposed on the rear (south) façade.

New Awning

The new awning is proposed on the second floor of the south elevation. It will feature black and white strips which take inspiration from other awning designs in the Town of Palm Beach. Sunbrella fabric will be utilized.

Since the existing structure does not meet minimum setbacks, the installation will require variances that apply to the side (west) and rear (setbacks), as outlined in the table below:

Code Section	Required	Proposed	Variance
Variance #1: Sec. 134-948(6)(a)	10'-0" Side Yard Setback	3'-6" Side Yard Setback	6'-5"
Variance #2: Sec. 134-948(7)(a)	15'-0" Rear Yard Setback	6'-4" Rear Yard Setback	8'-8"

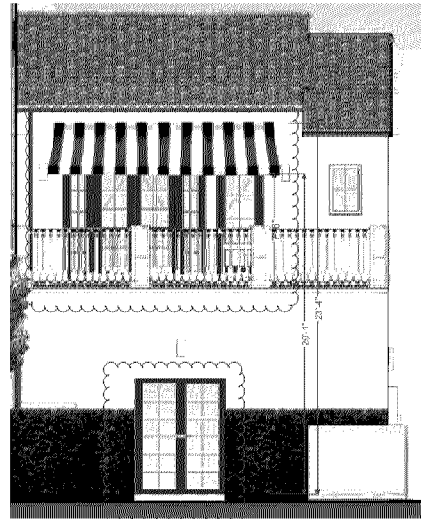


Frame Color Change

French doors on the first and second floors of the south elevation are proposed to change the previously approved frame color to “Sapphire Blue”.

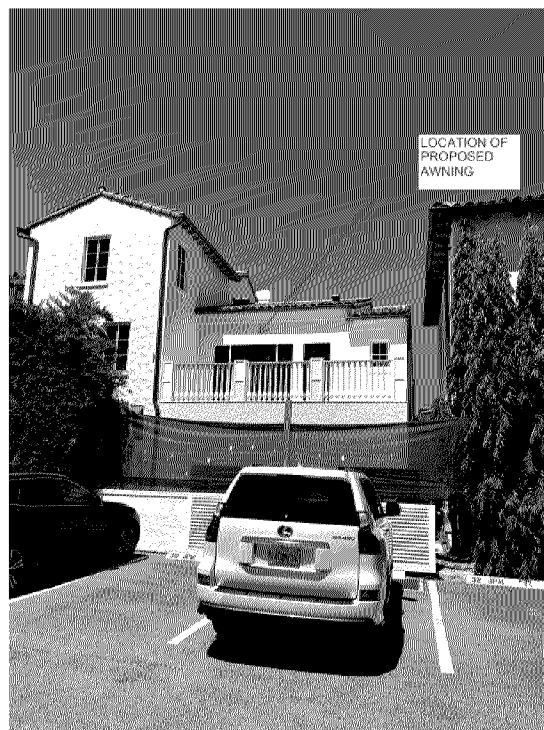


EXISTING SOUTH (REAR) ELEVATION



PROPOSED SOUTH (REAR) ELEVATION

The applicant is requesting the color change retroactively since the work as already been completed, as evidenced by the photo below:



VIEW FROM SOUTH (REAR)

From a historic preservation perspective, the awning can be removed in the future and paint color can be easily changed. However, the Commissioners must determine whether the awning design and frame colors selected are appropriate and compatible for the landmarked property.

CONCLUSION:

Approval of the project will require one (1) motion to be made by the Town Council:

- (1) for final determination of approval or denial of the variances by the Town Council, and that the variance **shall or shall not** be granted that all of the criteria applicable to this application as set forth in Sec. 134-201(a), items 1 through 7 have been met, subject to any proposed conditions.

WRB: JGM: FHM: ALF

07-15-24

Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Project: 238 Phipps Plaza, Palm Beach, FL
Landmarks Case Number: COA-24-0012
Zoning Case Number: ZON-24-0016

We are pleased to submit the accompanying drawings for Development Review of our project at 238 Phipps Plaza, Palm Beach, FL. Construction of previously approved work is currently underway at the existing Landmark Structure. The proposed work in the accompanying drawings indicates a New 84 SF awning in the rear second floor porch and a change of exterior door color on the rear elevation from white to blue to match the previously approved front door.

Please note the following as it relates to this application:

- A. Landmarks Preservation in accordance with Section 54-122 and/or Section 54-161.
 - a. We are submitting modifications to the previously approved project that we consider to be visually compatible with the buildings and environment.
 - i. There are no modifications proposed to the gross volume and the proportion between width and height of the façade.
 - ii. There are no modifications proposed to the proportions and relationship between doors and windows.
 - iii. There are no modifications proposed to the rhythm of solids to voids created by openings in the façade.
 - iv. The proposed modifications are consistent with the previously approved design.
 - v. There are no modifications proposed to the texture inherent in the façade.
 - vi. The colors, pattern and trim used in the awning are visually compatible with the surrounding buildings and environment.
 - vii. There are no modifications proposed to the design of the roof.
 - b. There are no proposed modifications to the existing rhythm created by existing building masses and space between them.
 - c. There are no proposed modifications to the landscape.
 - d. There are no proposed modifications to the architecture of the street façade.
 - e. There are no proposed modifications to the previously approved architectural details.
- B. Architectural Review in accordance with Section 18-205 and/or Section 18/206.
 - a. Not Applicable.
- C. Special Exception in accordance with Section 134-229. N/A
- D. Site Plan Review Approval in accordance with Section 134-329. N/A

E. Variance (s) in accordance with Section 134-948(5)a

1. Section 134-9748(5)a: Request for a variance for a new 84 SF awning in the rear second floor porch with a rear setback of 6'-4" proposed in lieu of the 10'-0" required and 5'-4" existing building. New awning does not project further than existing ground floor of building.

Hardship relate to this variance includes the location of the existing non-confirming historic building in relation to the property line.

2. Section 134-9748(5)a: Request for a variance for a new 84 SF awning in the rear second floor porch with a West side yard setback of 3'-6" in lieu of 10'-0" required and 0'-0" existing building. New awning does not project further than existing ground floor of building.

Hardship relate to this variance includes the location of the existing non-confirming historic building in relation to the property line.

Very truly yours,

A handwritten signature in black ink, appearing to read 'KMS', with a horizontal line extending from the end.

KEITH M. SPINA
CEO

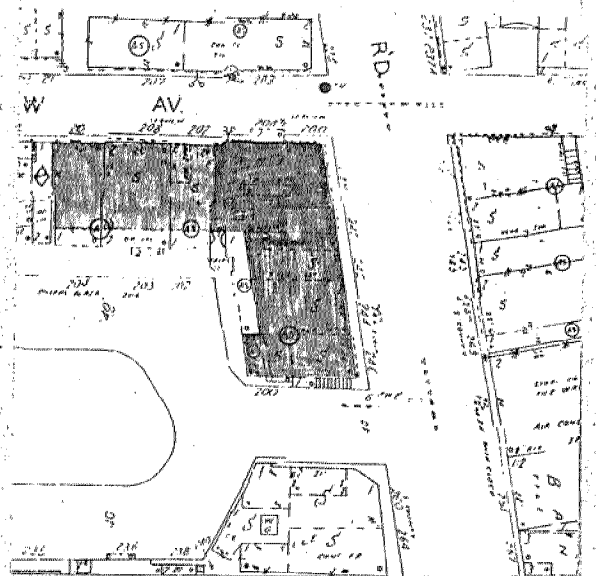
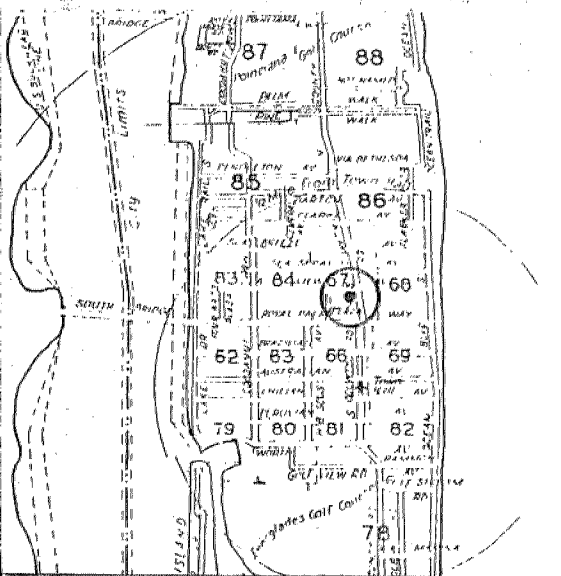
Dr. Carl Feiss Reports

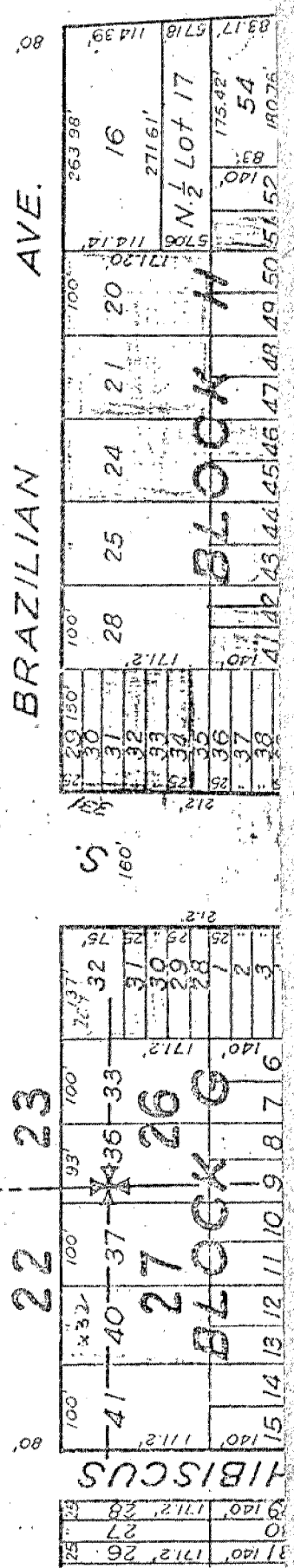
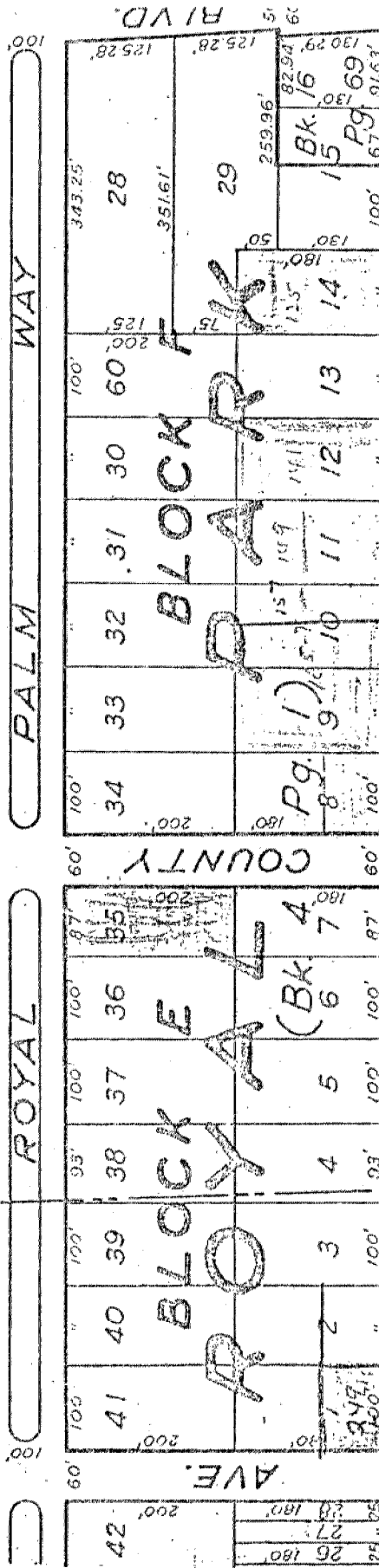
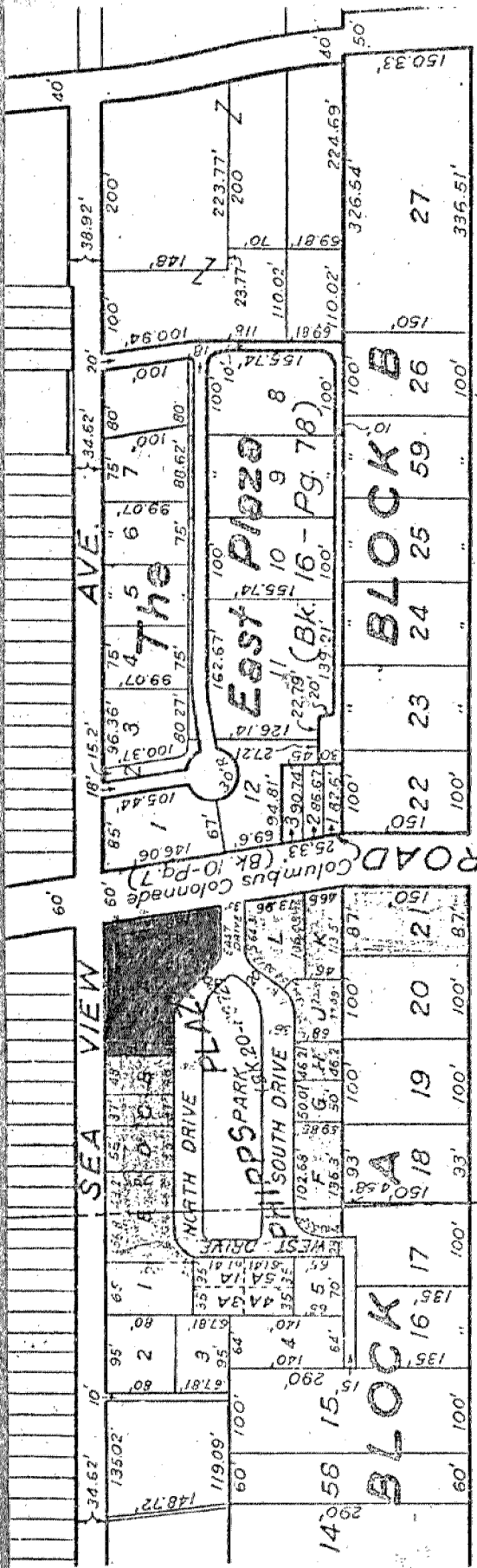
For Properties In

"Phipps Plaza Historic District"



PLAZA BUILDING





GENERAL INFORMATION

NAME OF STRUCTURE

Plaza Building

ADDRESS OF STRUCTURE

240-246 South County Road

Palm Beach, Palm Beach County, Florida

33480

LEGAL DESCRIPTION

Plat of the Phipps Plaza
Lot A, less W. 3.8 ft.

PRESENT OWNER

1st. Owner?
Broadham Equities, Inc.
11 East 36th street
New York, New York, 10016

*Pewari-Marix
% Mrs. Nigel T. Marix
247 So County Rd
P.B. 33480*

ARCHITECT

Addison Mizner

DATE OF CONSTRUCTION

1924

FUNCTION

Commercial

ZONING

C-A Commercial

PREVIOUS SURVEYS

Plaza Building

Architectural Description

This commercial structure fronting on South County Road incorporates a variety of architectural stylistic tendencies. The entrance is classical in form with engaged Doric columns and a projecting pediment, entirely executed in cut coral stone. The arched opening beyond is also of cut coral.

The structure varies between two and three stories in height and is defined by several roof planes which allow the building to be expressed as several smaller scale masses. The entire composition, however, is at the street scale relating well to both south county road at the east and the Phipps Plaza side at the west. A one story arcade at the at the central portion of the east facade has been removed but the ground floor arcade at the Phipps Plaza facade is still existing. The Phipps Plaza facade of the Plaza Building is architecturally consistent with the adjacent structures of the plaza thus creating a unified composition between separate structures. This concept produces a very pleasant streetscape.

The exterior fabric of the building is white stucco which contrasts with the barrel tile hipped and gabled roofs. The exposed roof rafters and soffits are of pecky cypress, typical of much of the Spanish/Mediterranean style in Palm Beach.

The straight forward expression is highlighted by arched window forms located at various locations on the facade and also by ornamental detailing at the second level balconies. Several of the balcony railings are wrought iron grillework while others have stucco end piers with a clay tile infill in a diamond pattern.

A major design device is the spiral staircase to the second

Plaza Building

Architectural Description

level located at the exterior of the structure on the south facade. The concrete stair replaces the original stair which was a straight run down the side of the building. The stair as it is today lends a new focal point of interest to the street and Phipps Plaza.

Fenestration varies from wood casement and french doors at the second level to storefront glazing at the first level. The general pattern seems to be close to the original design, although the expression of individual units today is not as ornate.

Plaza Building

Architectural Analysis

The Plaza Building, 240-246 South County Road, by architect Addison Mizner was constructed in 1924 as a commercial structure and exists today serving the same function. Although the exterior fabric of the building has remained substantially unchanged over the years, there have been two significant alterations to the facade. A covered arcade at the center of the building along South County Road has been removed, thus eliminating the focal element which not only reinforced the street facade but also denoted entry to the via leading through the structure to Phipps Plaza beyond. Also, the stairway at the south facade has been altered from the original straight run to a spiral stair. Unlike the first alteration, this new stair actually adds a focal element to the south facade.

The architectural expression of this structure is straight forward but the massing and detailing add enough variety to create a composition of interest. This structure can be compared to another commercial structure by Addison Mizner, at 240 Worth Avenue, which is also a straight forward architectural expression but with very understated detailing. The Plaza Building is interesting in both concept and execution.

The siting of the Plaza Building is also an important consideration because it, along with the structure at 266 South County Road, form the architectural entry to Phipps Plaza. For this reason, and due to the fact that the Plaza Building reacts successfully to both South County Road and Phipps Plaza, two distinctly different architectural environments, it takes on additional importance. Its architectural merits combined with its siting make it very significant to the Town of Palm Beach.

Plaza Building

Architectural Analysis - memo to the Landmarks Commission

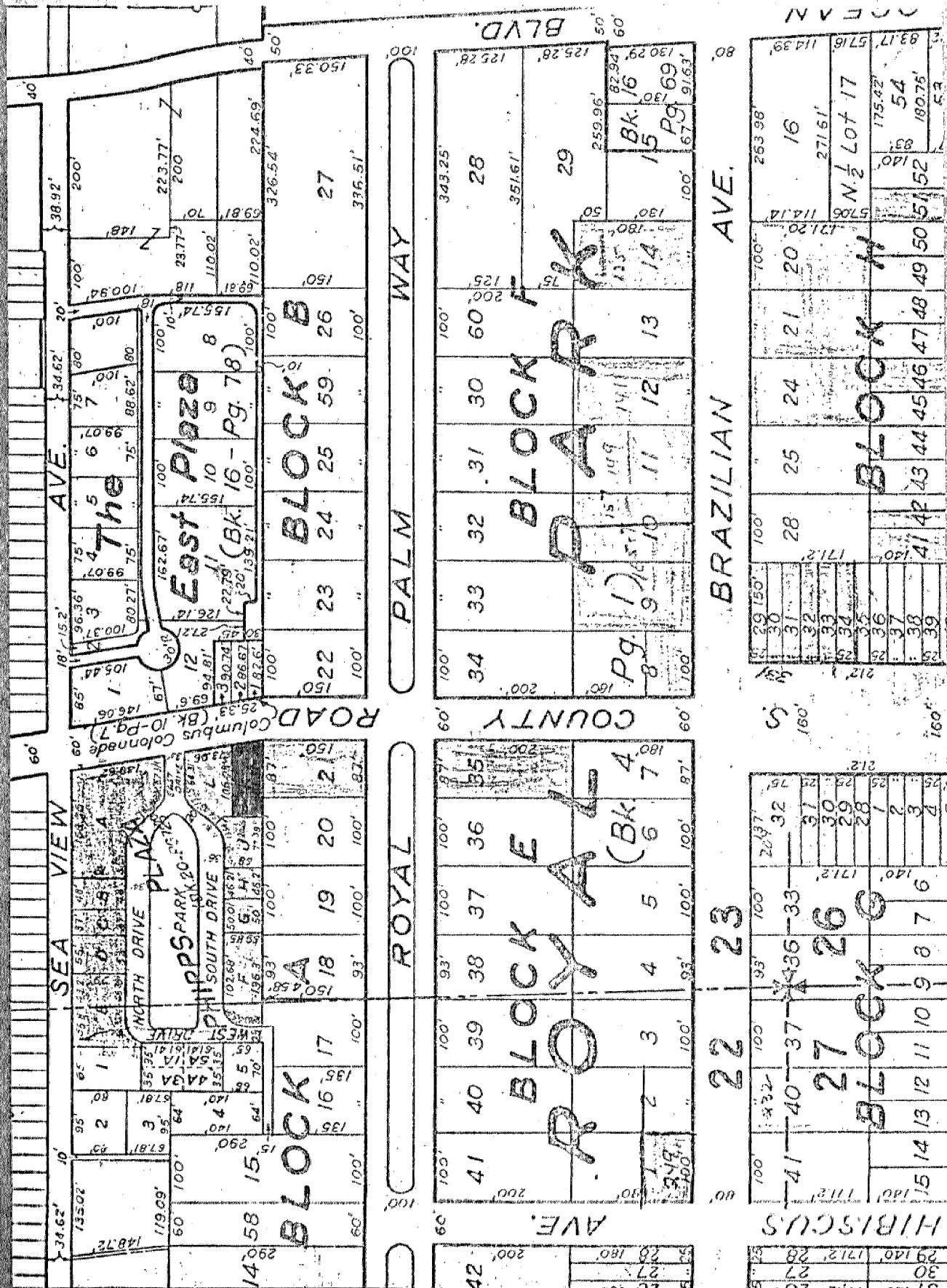
Phipps Plaza is an architectural unity with the exception of numbers 224 and 228. All other structures, both commercial and residential or mixed in use are consistently Medeterranean in character and with the exception of number 222 all have similar tile roofs and stucco walls. They all fit together.

However, none of the individual buildings is better than the total ensemble which adds up to a large architectural expression which would be seriously damaged by the removal of any of the Medeterranean type structures. Individually these structures vary in design quality if they can be judged individually. In attempting to do so, in this case, comparing several of these buildings with others of similar type in Palm Beach, some of them would score down the scale. For instance, individual Phipps Plaza commercial buildings do not compare favorably with Mizners 325-353 Worth Avenue. However much of the Plaza as a whole, except for the quality of its landscaping, compares most favorably with Via Mizner or Via Parigi.

Therefore, the Plaza as a whole, as described in the 1971 State of Florida Master Site File is recommended for Landmark listing with all the property numbers grouped accordingly as part of a landmark. This should add materially to the strenght of the nomination.

The Plaza Building on South County Road is the other side of the same coin. It should not be listed separately any more than the front and rear of the same building anywhere are listed separately as two buildings.

270 S COUNTY



GENERAL INFORMATION

NAME OF STRUCTURE

270 South County Road

ADDRESS OF STRUCTURE

270 South County Road
Palm Beach, Palm Beach County, Florida
33480

LEGAL DESCRIPTION

Plat of Phipps Plaza addition to the Town of Palm
Beach as in Plat Book 20, page 72, 22-43-43 Lot K

PRESENT OWNER

270 South County Trust
Paul L. Maddock Jr. Trs.
c/o 250 South County Road
Palm Beach, Florida, 33480

ARCHITECT

not known

DATE OF CONSTRUCTION

1920's

FUNCTION

Commercial

ZONING

C-A Commercial

PREVIOUS SURVEYS

Architectural Description

270 South County Road

This structure at 270 South County Road stands free between two much more richly articulated commercial structures in one of the most consistent and architecturally important areas of Palm Beach. This building is extremely simple in its outward appearance, being expressed as a stucco mass with two projecting hipped dormers at the roof level which is in turn a gable with spanish barrel tile as a finish surface.

The street facade of the structure, at the ground level, has two commercial entry ways, one rectangular in form and the other arched. Between these two entry elements is a fixed glass storefront display window. Each entry door is defined by articulated quoins with the arched opening having a keystone central element. The second level fenestration consists of symmetrical rectangular windows with the same type of decorative treatments as on the first level.

The highlight of decoration on the structure is a carved wood roof above the display window at the first level street facade. Surrounding the display window is decorative tile, which is repeated in use at a built-in bench also at the front facade.

Applied decoration is more prominent on the north facade which opens off of a small alley which acts as an entry to an adjacent property. This facade has at the ground level a series of arched window openings forming an arcade which gives a rhythm to the structure which is not found on the County Road facade. Also, this facade has its central bay defined by decorative columns at the base of the arched openings. It is at this elevation that the dormers are also most prominent as defining elements at the edges of the building extending up past the cast stone cornice line.

It is quite possible that at one time the north facade of this structure was the primary facade of the building with the main entry being located within the more articulated central bay.

In many ways detailing on this structure is almost non-existent, but the simplicity of expression should not detract from the role this building plays as an architectural element along this section of South County Road.

Architectural Analysis

270 South County Road

This commercial building of the 1920's is an element of one of the architecturally most unified areas of streetfront on South County Road. The very simple gable end of the structure that fronts South County Road is fit between two much more prominent structures and therefore reads as an infill element rather than a separately articulated building. The building is, however, separated from the adjacent structures by small scale alley-ways which break up the streetfront into related architectural elements.

Architecturally, this structure is very plain and can not compete with the more expressive buildings that surround it. Visual interest is derived wholly from the cantilevered, wood bracketed, roof over part of the street level facade. The ornate carvings on this element, in conjunction with decorative tiles at the window surrounds and at a near-by built-in bench, represent the only visual interest at the street facade.

The mass of this structure fits very well with the fabric of the immediate area and the detailing of consistent materials lends a strong sense of continuity to the streetscape.

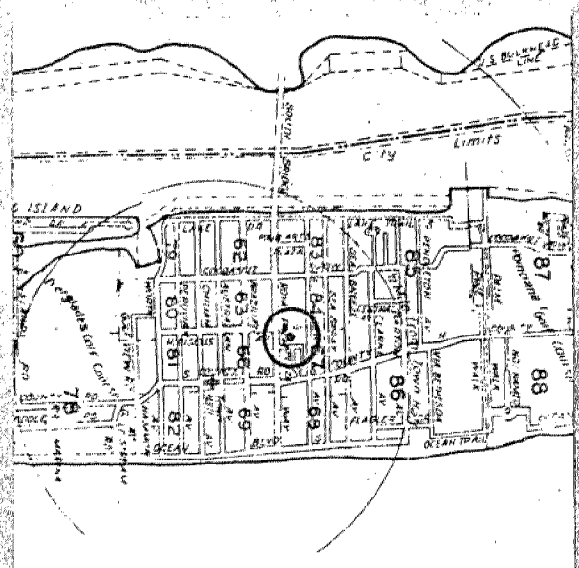
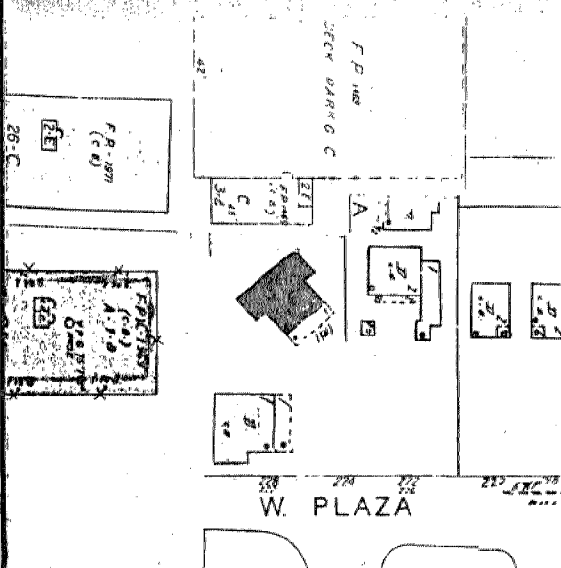
By far the most interesting facade of this structure faces north, onto a small entry alley to no. 264 South County Road. This elevation is characterized by arched window openings at the ground level with rectangular fenestration above. The center section of the facade has ornamented columns defining a small area within an otherwise simple composition. Adding to the symmetry of this facade are dormers at both ends of the building rising up above the roof level at the cornice line.

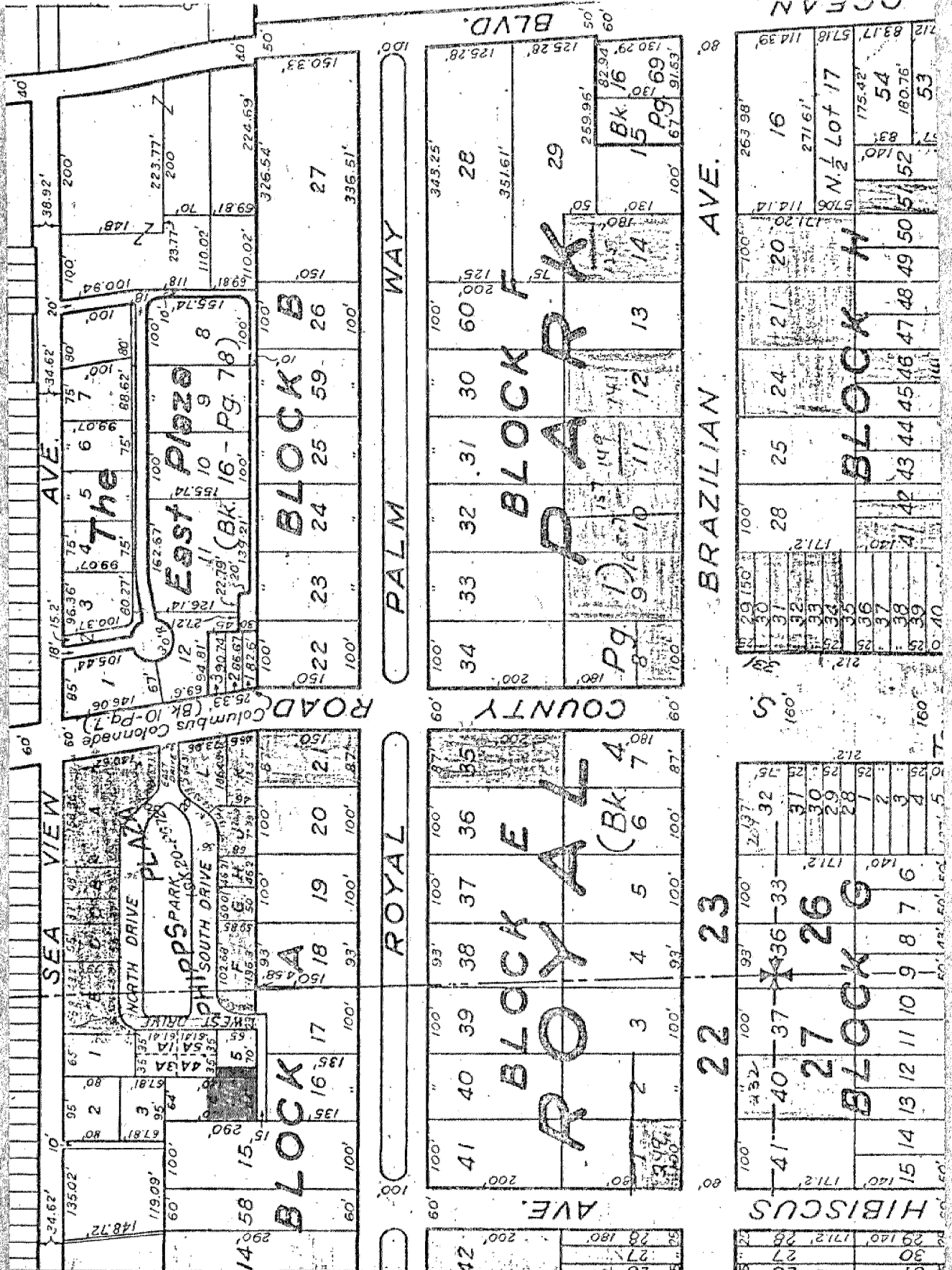
It would appear that at one time this elevation may have been the primary elevation of the structure with the main entry defined in the more elaborate center section.

The structure today, although crowded on its site and very undistinguished in appearance, is a strong element as part of the scene in a very important architectural neighborhood of Palm Beach.



224 PHIPPS PLAZA





GENERAL INFORMATION

NAME OF STRUCTURE

224 Phipps Plaza

ADDRESS OF STRUCTURE

224 Phipps Plaza
Palm Beach, Palm Beach County, Florida
33480

LEGAL DESCRIPTION

The Plaza Addition to Palm Beach as in Plat Book 18, p. 62
22 and 23-43-43 S. 75 ft. Lot 4 and W. 10 ft. Lot 5 and
W. 74 ft. of pvt. rd. less triangular strip of NW corner.

PRESENT OWNER

Byron L. Ramsing
224 Phipps Plaza
Palm Beach, Florida, 33480

ARCHITECT

Howard Major

DATE OF CONSTRUCTION

1939

FUNCTION

Private Residence

ZONING

C-A Commercial

PREVIOUS SURVEYS

224 Phipps Plaza

Architectural Description

This structure at 224 Phipps Plaza is a one story wood frame building raised off the ground with horizontal clapboard siding and an asphalt shingle hipped roof which extends over a screened veranda. In effect this is simply a tropical cottage reacting to the climatic influences of south Florida.

Fenestration is extremely simple and totally functional with no applied ornament. The screened veranda at the front of the structure is, in effect, an outdoor room which enlarges the usable space by a significant amount. Decorative detailing is found only at the screened veranda, and is in the form of a wooden lintel above the entry door and wood railing at the perimeter of the veranda. A slight Chinese flavor may be seen in these details but the link is not strong and certainly no conclusions of Chinese influence should be drawn.

Architectural Analysis

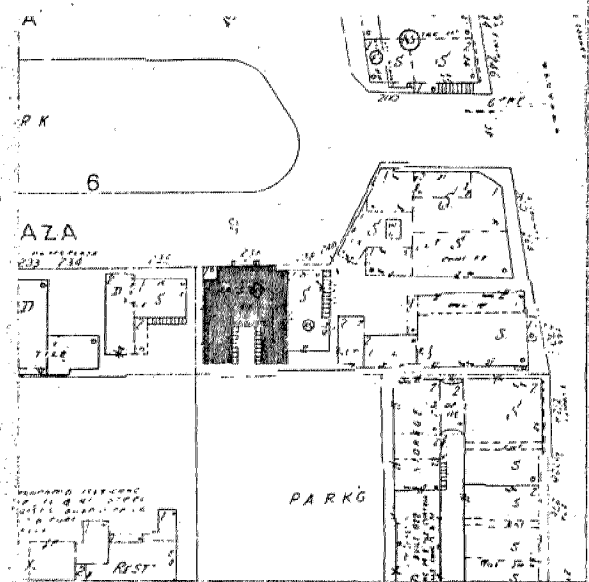
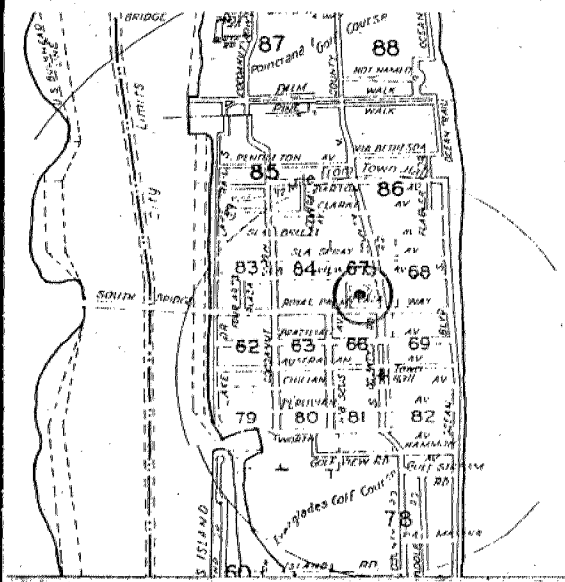
This one story wood frame structure sits well back off on Phipps Plaza and, in a sense, does not really belong to the Plaza. At the north and south boundaries of the Plaza the buildings meet the street and focus toward the landscaped park at the center. The buildings at the west end of the Plaza, however, are detached single units and are buffered from the plaza by a densely planted greenspace.

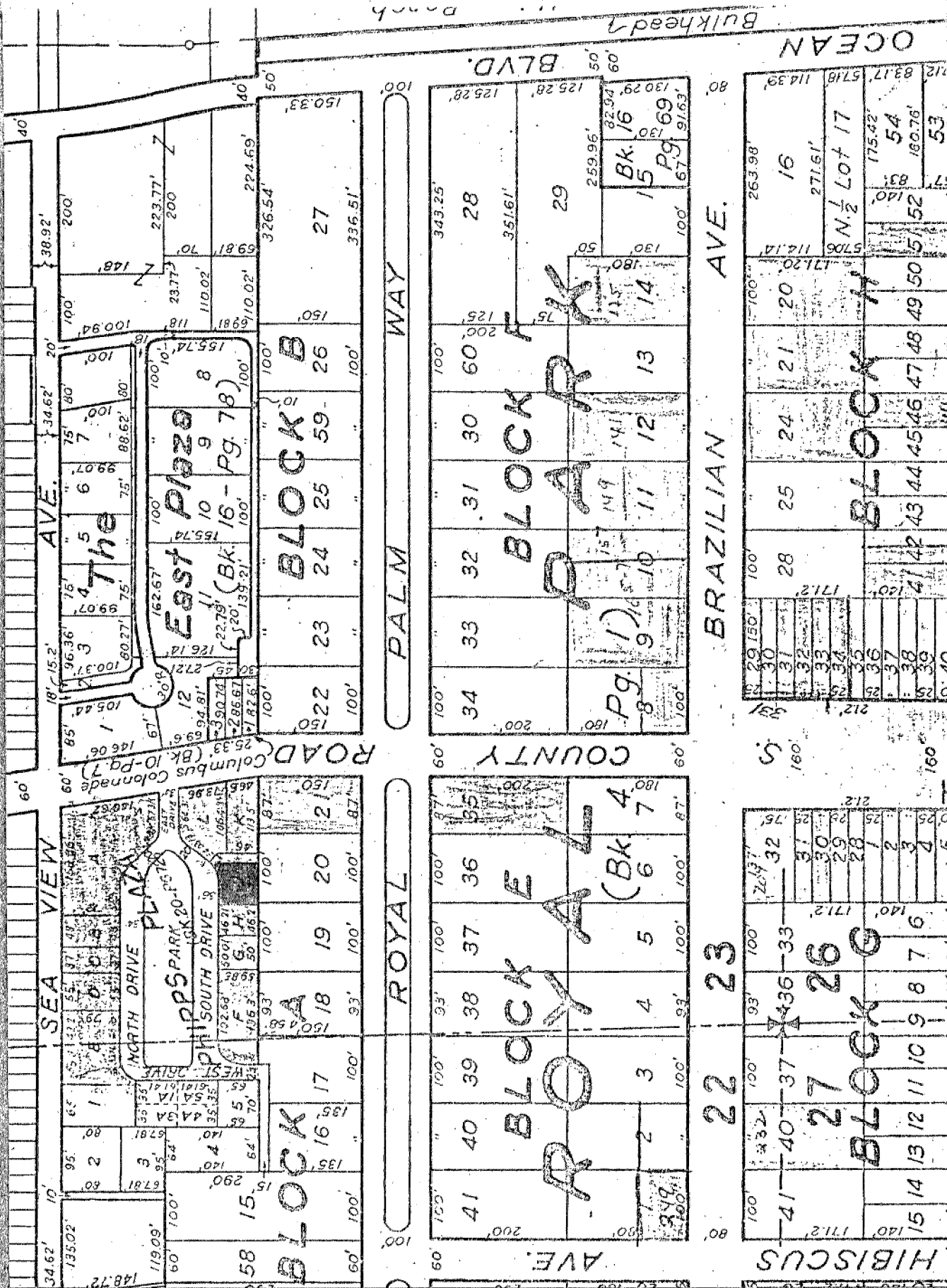
The building is simple and functional, relating somewhat to the first wood frame structures on the island. Its architectural expression is straightforward, and the only hint of decorative detailing is at the lintel of the door to the screen porch and on the wood railing at the same location.

The buildings mass, organization, expression and detailing do not appear to be significant in themselves. Thus, it seems that the most important element of this structure is its recognition of the south Florida environment and its indigenous character.

Architecturally this building and its similar neighbors do not relate to Phipps Plaza in materials, scale or design. They add very little to the quality of the Plaza and in fact detract from the sense of unity of the rest of the Plaza by failing to provide a continuity of building character connecting the north and south sides of the Plaza on its west. A building such as this is now out of context and were it worth the expense, could be moved to a more appropriate setting to allow for a better architectural closing of the Plaza.

236 PHIPPS PLAZA





GENERAL INFORMATION

NAME OF STRUCTURE

236 Phipps Plaza

ADDRESS OF STRUCTURE

236 Phipps Plaza
Palm Beach, Palm Beach County, Florida 33480

LEGAL DESCRIPTION

Plat of Phipps Plaza, W. 50.86 feet of Lot J
Addition to Palm Beach as in PB 20, P. 72 22-43-43

PRESENT OWNER

Ms. Irene Brooks
150 E. 61st Street
New York, N.Y. 10021

ARCHITECT

Wyeth, King & Johnson

DATE OF CONSTRUCTION

1920's

FUNCTION

Multi-family residence (townhouse)

ZONING

C-A Commercial

PREVIOUS SURVEYS

TC Development Review Meeting Backup 9-11-2024

NRMP 1971, Grunke-Hoffstot

Architectural Description

Mediterranean in style, this townhouse residence is a straightforward architectural statement by architects Wyeth, King and Johnson. The structure is part of an attached series of structures which, although built at the same time in similiar styles, are quite different in their architectural composition. It must be emphasized that each unit acts as an intergral part of the whole and this reinforces the concept that the whole is greater than the sum of its parts.

236 Phipps Plaza is located at the southeast corner of the plaza with its principle elevation facing north. Entry to the two story H-shaped stucco structure is through a simple arch and a pair of wrought iron gates. From the partially enclosed and covered court are the entries to the 1st level residences and stairs to the second level.

The structure is divided into three bays with the center bay being slightly recessed. Within the center bay, at the first level is the arched entry opening and at the second level is a balcony supported on brackets with a simple wood rail. Windows are rectangular casements with very simple functional detailing and no ornament.

Clay barrel tile hipped roofs reflect the slight changes of the massing of the structure below. Exposed pecky cypress roof rafters and soffits are typical.

Because the structure is set directly on the street, emphasis is shifted away from open expanses of lawn and planting that are associated with structures in Palm Beach and devoted totally to the interior courtyard. The space however does not seem quite adequate for expected uses - perhaps due to changes of surrounding structures.

The extreme simplicity and lack of ornament of this structure give it a character of its own, and although visually it does not thrill the eye as many Palm Beach structures do, as part of the Phipps Plaza complex it is an important element.

236 Phipps Plaza

Architectural Analysis

This townhouse residence at the southern perimeter of Phipps Plaza is a prime example of a structure that is of immeasurable importance in terms of being "part of the scene". Architecturally this structure has several features which make it quite special. The enclosed entry arcade and open court, the second level balcony and the simple massing with reserved detailing all contribute to the overall character of the building. Still, the structure as a singular element would not retain a high level of importance, based on its architectural expression, in a town where the expression of similiar concepts has been brought much further.

The importance of this structure is seen when the total surrounding environment is considered as a unified whole. In its place, this building defines a specific space, reinforces an architectural consistency, and stands as an intergral part of the larger composition of Phipps Plaza. To replace this structure with a new element, maintaining the integrity of the streetscape as it now exists, would be a complex project to undertake.

This structure by Wyeth, King and Johnson should be valued as singular element adding to an overall architectural fabric. A case of the whole being greater than the sum of its parts.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 11, 2024

Section of Agenda

Development Review - New Business

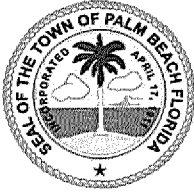
Agenda Title

ZON-24-0021 (ARC-24-0033) 1356 N OCEAN BLVD (COMBO)—VARIANCES The applicants, Gary & Kelly Pohrer, have filed an application requesting Town Council review and approval for two (2) variances; (1) to exceed the maximum height permitted for a pergola structure, and (2) to decrease landscape open space below minimum permitted. The Architectural Commission shall perform design review of the application. *[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Architectural Commission approved the project with conditions. Carried 7-0.]*

Presenter

ATTACHMENTS:

- ▢ **PZB Staff Memorandum**
- ▢ **Letter of Intent**
- ▢ **Plans**



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5431 • www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT

PZ&B Staff Combination Memorandum: Architectural Commission (ARCOM) and Town Council

FROM: Wayne Bergman, MCP, LEED-AP
Director PZ&B

SUBJECT: ZON-24-0021 (ARC-24-0033) 1356 N OCEAN BLVD

MEETING: AUGUST 28, 2024
SEPTEMBER 11, 2024

ARC-24-0033 (ZON-24-0021) 1356 N OCEAN BLVD (COMBO) - VARIANCE. The applicants, Gary & Kelly Pohrer, have filed an application requesting Architectural Commission review and approval for hardscape and landscaping improvements including the addition of a pergola requiring a variance. The application shall be reviewed by Town Council as it pertains to zoning relief/approval.

ZON-24-0021 (ARC-24-0033) 1356 N OCEAN BLVD (COMBO) – VARIANCES. The applicants, Gary & Kelly Pohrer, have filed an application requesting Town Council review and approval for two (2) variances; (1) to exceed the maximum height permitted for a pergola structure, and (2) to decrease landscape open space below minimum permitted. The Architectural Commission shall perform design review of the application.

Applicant: Gary & Kelly Pohrer
Professional: Environment Design Group

HISTORY:

At the August 28, 2024, ARCOM meeting, the Commission approved a new attached pergola structure on the east side of the property and the installation of two pedestrian gates (7-0). Additionally, the Commission approved (7-0) that the implementation of the proposed variance would not negatively affect the architecture. One of the two proposed variances has been eliminated following the ARCOM hearing as noted below in Staff Analysis.

THE PROJECT:

The applicant has submitted plans, entitled "1356 N Ocean Blvd" as prepared by **Environment Design Group**, uploaded July 1, 2024, and identified as final submittal for ARCOM hearing 8/25/24.

The following scope of work is proposed:

- Addition of an entry gates.
- Addition of a pergola.
- Hardscape and landscape changes.

The following is required to complete the project:

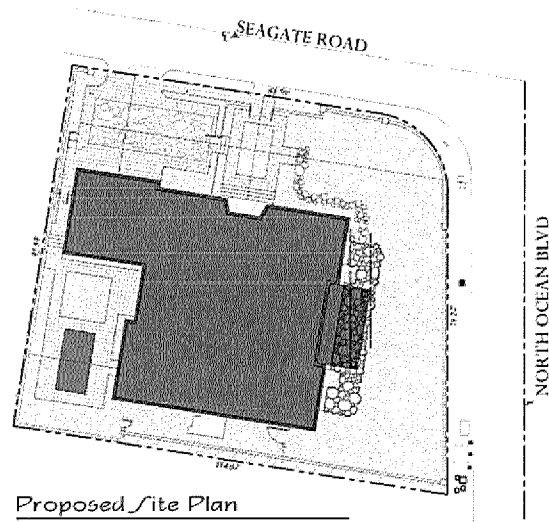
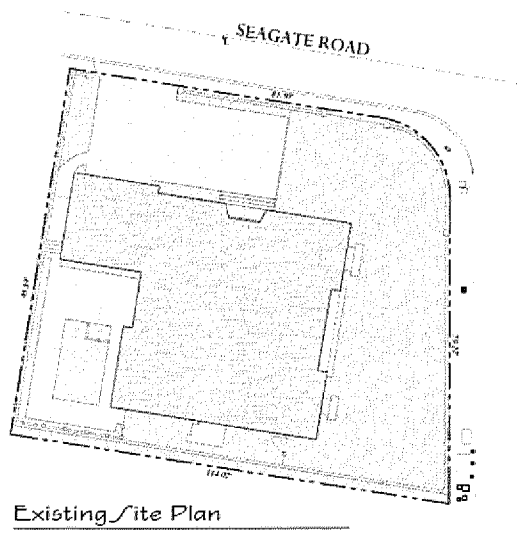
1. **VARIANCE 1: Section 134-895(5):** A variance for a pergola to exceed the 9' height maximum by 2'10".
2. **VARIANCE 2: Section 134-948(12)(a):** A variance to allow open space of 43.2% in lieu of the 45% minimum required.

Site Data			
Zoning District	R-B	Future Land Use	SINGLE-FAMILY
Lot Size	10, 112 SF	Lot Coverage	No Change
Overall Landscape Open Space	Required: 45% Existing: 42.9% Proposed: 43.2%	Native Landscape	Trees: N/A Groundcover: 44.7% Shrubs & Vines: 93.8%
Perimeter Landscape Open Space	Required: 50% Existing: 70.8% Proposed: 73.6%	Front Yard Landscape Open Space	Required: 40% Existing: 99.3% Proposed: 78.2%
Surrounding Properties / Zoning			
North	1360 N Ocean Blvd Single-family Residence / R-B		
South	1350 N Ocean Blvd Single-family Residence / R-B		
East	Beachfront Atlantic Ocean / BA		
West	111 Seagate Rd Single-family Residence / R-B		

STAFF ANALYSIS

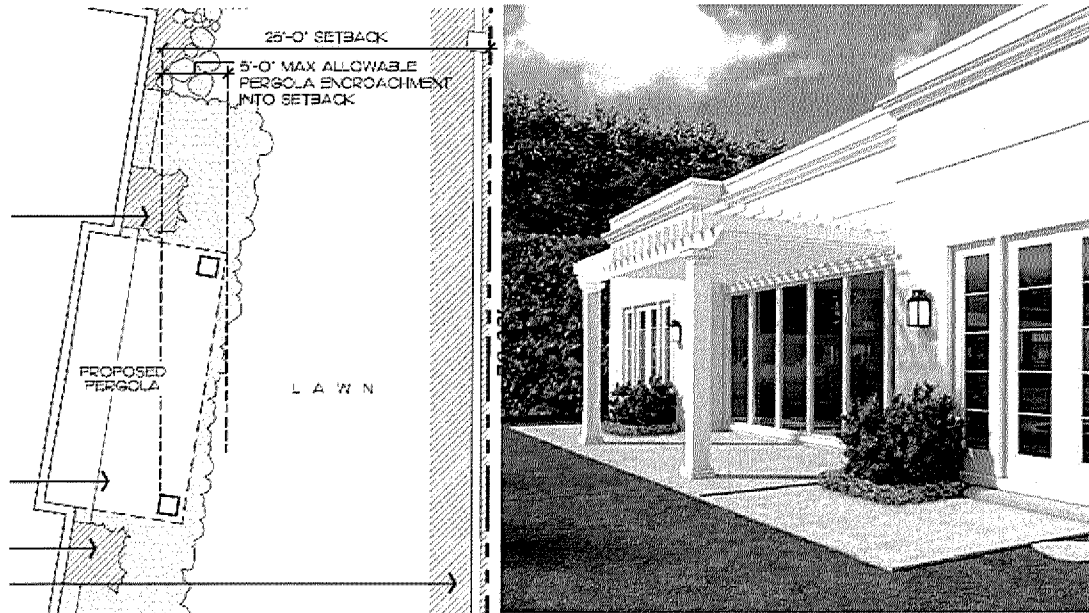
The applicant is seeking approval for exterior landscape and hardscape modifications to their residence, which includes refinishing the pool, installing new driveway and pedestrian gates, and adding a pergola. A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and now requires just one (1) variance.

Code Section	Required	Proposed	Variance
<u>Variance 1:</u> Section 134-895	Maximum Height 9 ft	11 ft 10 inches	2 ft 10 inches
<u>Variance 2:</u> Section 134-948	45% overall open space	43.2% LOS	1.8%



The proposed pergola necessitates a variance due to its height exceeding the maximum allowed.

The structure is to be installed on the east side of the house, positioned above existing windows that are over 9'-0" in height, within the required side street setback. Installing the pergola at a height of 9'-0" or lower would obstruct both the windows and the view.



Furthermore, the applicant intends to modify more than 50% of the existing landscape open space. Per zoning code, any alteration of 50% or more of the existing landscape area requires that the landscape open space calculations comply with current requirements. Although the applicant proposes an improvement from existing conditions, with 43.2% open space (an increase from the existing 42.9%), a variance is still required as it does not meet the minimum 45% requirement.

At the August 28, 2024, ARCOM meeting, the commissioners expressed concerns regarding the open space variance requested by the applicant. After thorough discussion, it was determined that the installation of a pathway between the driveway and the front walkway along South Ocean Boulevard did not justify the need for the variance. Consequently, the applicant and the design professional agreed to omit this portion of the application, thereby eliminating the need for a variance and increasing the open space calculations on the property. The variance for the height of the proposed pergola was approved and will be considered by the Town Council. ARCOM imposed one condition for the approval of the pergola: the addition of a vine.

CONCLUSION:

Approval of the project will require one (1) motion to be made by the Town Council:

1. for final determination of approval or denial of the variance by the Town Council, and that the variance **shall** or **shall not** be granted that all the criteria applicable to this application as set forth in Sec. 134-201(a), items 1 through 7 have been met.

WRB: JGM: SCP

Land Planning
Landscape Architecture
Landscape Management

June 13, 2024

Town of Palm Beach
Planning, Zoning, & Building Department
360 S. County Road
Palm Beach, Florida 33480

ATTN: *ARCOM Staff*
Re: 1356 N. Ocean Blvd. - Landscape Architecture
Our Ref # 21162.00 LA
ARC-24-0033 (ZON-24-0021)

LETTER OF INTENT

Current zoning for the project is R-B LOW DENSITY RESIDENTIAL

Our current proposal, for improvements to the site, does not include any architectural changes to the approved house. We are proposing the following improvements to the plan.

The proposed changes include:

1. Hardscape Improvements.
 - Update Hardscape Material Selection & Layout
 - Refinish pool
 - Update Wall Layout
 - Add Driveway Gate
2. General Landscape Improvements
3. Requesting Variance for pergola height increase from 9' max ht. to 11'-10" height.
(2'-10" Variance Request – Height) Variance required due to 5' encroachment into front setback.

The attached plans reflect the above-outlined revisions.

If there are any questions regarding this project, please feel free to reach out to our office.

Thank you for your assistance.

Dustin Mizell, MLA RLA #6666784
Environment Design Group

Summary of Changes

- UPDATE HARDSCAPE MATERIAL SELECTION & LAYOUT
- REFINISH POOL
- UPDATE WALL LAYOUT
- RELOCATE PEDESTRIAN GATE
- GENERAL LANDSCAPE IMPROVEMENTS
- REQUESTING VARIANCE FOR PERGOLA HEIGHT



Private Residence
1356 N. Ocean Blvd.
Palm Beach

F L O R I D A

Application #: ARC-24-0033 ZON-24-0021
Second Submittal
ARCOM Meeting: 08.28.2024
Town Council Hearing: 08.14.2024

Sheet Index

- Cover Sheet
- Survey
 - L1.0 - Existing Site Photos
- L2.0 - Existing Vegetation & Action Inventory Plan
- L3.0 - Demolition & Vegetation Action Plan
- L4.0 - Construction Screening & Staging Plan
 - L4.1 - Existing Landscape Buffer Images
- L5.0 - Truck Logistics Plan
- L6.0 - Site Plan
- L6.1 - Site Calculation / Open Space Graphics
- L7.0 - Landscape Plan
 - L7.0a - Existing vs. Proposed Landscape Plans
 - L7.1 - Rendered Site Plan
 - L7.1a - View to Proposed Pergola
 - L7.2 - Landscape Schedule & Legend
- L7.3 - Planting Details & Specifications
 - L7.4 - Plant Images
 - L7.5 - Plant Images
 - L7.6 - Plant Images
- L8.0 - Landscape Lighting Plan
- L9.0 - Hardscape Image Sheet



Vicinity Location Map

Design Team/Consultants

Landscape Architects
ENVIRONMENT DESIGN GROUP
139 NORTH COUNTY ROAD SUITE 208
PALM BEACH, FL 33480
561.832.4600
WWW.ENVIRONMENTDESIGNGROUP.COM

Surveyor
WALLACE SURVEYING
5553 VILLAGE BOULEVARD
WEST PALM BEACH, FL 33407
561.640.4551

Civil Engineer
GRUBER CONSULTING ENGINEERS, INC.
2475 MERCER AVENUE SUITE 305
WEST PALM BEACH, FL 33401
561.312.0401

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 11, 2024

Section of Agenda

Development Review - New Business

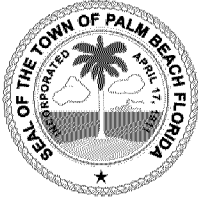
Agenda Title

ZON-24-0032 (COA-24-0010) 228 SEASPRAY AVE (COMBO)—VARIANCES. The applicant, Jeffery Smith on behalf of Smith Architectural Group, has filed an application requesting Town Council review and approval of two (2) variances to 1) reduce the side yard setback and 2) increase the allowable cubic content ratio (CCR). The Landmarks Preservation Commission shall perform design review of the application. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Landmarks Preservation Commission approved the project with conditions. Carried 7-0.]*

Presenter

ATTACHMENTS:

- ▣ **PZB Staff Memorandum**
- ▣ **Letter of Intent**
- ▣ **Plans**
- ▣ **Designation Report**



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5431 • www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT

PZ&B Staff Combination Memorandum: Landmarks Preservation Commission and Town Council

FROM: Wayne Bergman, MCP, LEED-AP *WRB*
Director PZ&B

SUBJECT: ZON-24-0032 (COA-24-0010) 228 SEASPRAY AVE (COMBO)

MEETING: AUGUST 21, 2024, LPC
SEPTEMBER 11, 2024, TC

ZON-24-0032 (COA-24-0010) 228 SEASPRAY AVE (COMBO) - VARIANCES. The applicant, Smith Architectural Group, has filed an application requesting Town Council review and approval of two (2) variances to 1) reduce the side yard setback and 2) increase the allowable cubic content ratio (CCR) associated with a second-story addition and covered terrace. The Landmarks Preservation Commission shall perform design review of the application.

COA-24-0010 (ZON-24-0032) 228 SEASPRAY AVE (COMBO). The applicant, Smith Architectural Group, has filed an application requesting a Certificate of Appropriateness for the review and approval of the construction of a second-story addition and covered terrace and partial window replacement which requires two (2) variances to 1) reduce the side yard setback and 2) increase the allowable cubic content ratio (CCR). This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval.

Property Owner: 228 Seaspray Land Trust
(Zachary K. Shipley and Gergana K. Adams, Co-Trustees)
Applicant/Professional: Smith Architectural Group
Representative: Maura Ziska, Esq.

HISTORY:

The residence was constructed in 1925. The single-family residence located at 228 Seaspray Avenue is an example of the Mediterranean Revival style of architecture designed and was built by City Builder's Realty Company. The property was landmarked in 2017. According to the designation report: *"228 Seaspray Avenue is a three-bay wide, two-story dwelling constructed of wood and hollow clay tile covered with rough stucco. The roof has a slight eave overhang covered with red clay barrel tiles and carved wood brackets below. The focal point of the house is the very ornate stone door surround featuring Corinthian pilasters, classical carved designs and a cornice topped with urns and a cartouche..."*

In 2020, an administrative approval (L-20-00350) was issued for fenestration changes to the accessory structure.

At the August 21, 2024 LPC meeting, the Commission approved (7-0) second-story addition and covered terrace. Additionally, the Commission approved (7-0) that the implementation of the proposed variances would not negatively affect the architecture.

THE PROJECT:

The applicant has submitted plans, entitled "Renovation to Shipley Residence", as prepared by **Smith Architectural Group**, received by the Town on July 12, 2024.

The following is the scope of work for the Project:

- A new second-story addition.
- A new second-story covered terrace.
- Pergola removal.
- Partial window replacement with relocation of openings.

The following variances are required to achieve the scope of work.

- **VARIANCE #1:** A variance to reduce the side yard (west) setback to 2'-5" in lieu of the 15'-0" minimum required.
- **VARIANCE #2:** A variance to increase the allowable cubic content ratio (CCR) to 6.27 in lieu of the maximum 4.39 permitted.

Site Data			
Zoning District	R-B	Lot Size (SF)	6,125 SF
Future Land Use	SINGLE-FAMILY	Total Building Size (SF)	3,363 SF
Designation	2017	FEMA Flood Zone	AE
Year of Construction:	1925	Architect/Builder:	City Builder's Realty Company
Project			
	Required/Allowed	Existing	Proposed
Lot Coverage	30.00% (1,837.5 SF)	34.66% (2,122.82 SF)	No Change 34.66% (2,122.82 SF)
Building Height	22'	21.08'	20'-0"
Overall Building Height	30'	25.08'	26'-0"
Number of Stories	2	2	2
Cubic Content Ratio (CCR)	4.39 (26,779 CF)	5.81 (35,450 CF)	6.27 (38,254.8 CF) <i>Variance Required</i>

Surrounding Properties / Zoning	
North	225 Seaspray Ave / R-B
South	241 Seaview Ave (Palm Beach Day School) / R-B
East	222 Seaspray Ave / R-B
West	230 Seaspray Ave / R-B

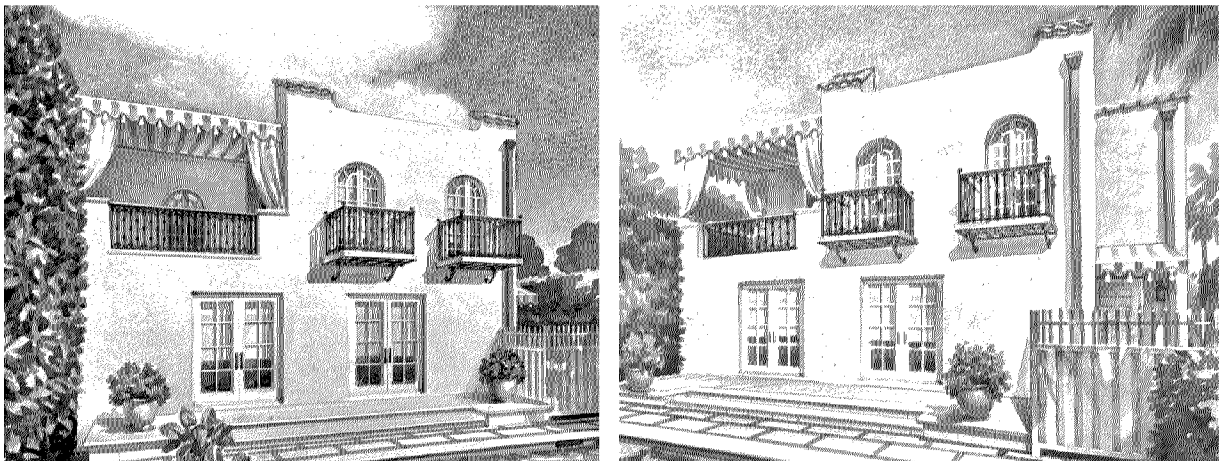
STAFF ANALYSIS

The application is seeking a Certificate of Appropriateness for the construction of a new second-story addition and covered terrace. In addition, the application includes exterior alterations and partial window replacement with relocation of openings.

New Addition and Covered Terrace

The new second-story addition and covered terrace are proposed on the south (rear) elevation of the structure. Although the residence has two stories, at the rear there is a one-story volume. The new addition and terrace will be located above it. Four windows will be removed on the second floor to accommodate the addition. A flat roof design with a decorative parapet with clay barrel tile caps which is consistent with the architectural style of the residence is proposed. Four (4) sets of arched wood French doors with divided-light patterns are proposed, one (1) them will be added to the existing exterior wall of the structure. A stucco finish will be installed to match existing ones. Two (2) projecting balconies with dark bronze aluminum railings will be located on the south side of the addition.

Directly west of the addition, a new covered terrace will be created. It will include a new awning with a forest green stripped pattern as well as dark bronze aluminum railings and balcony walls.



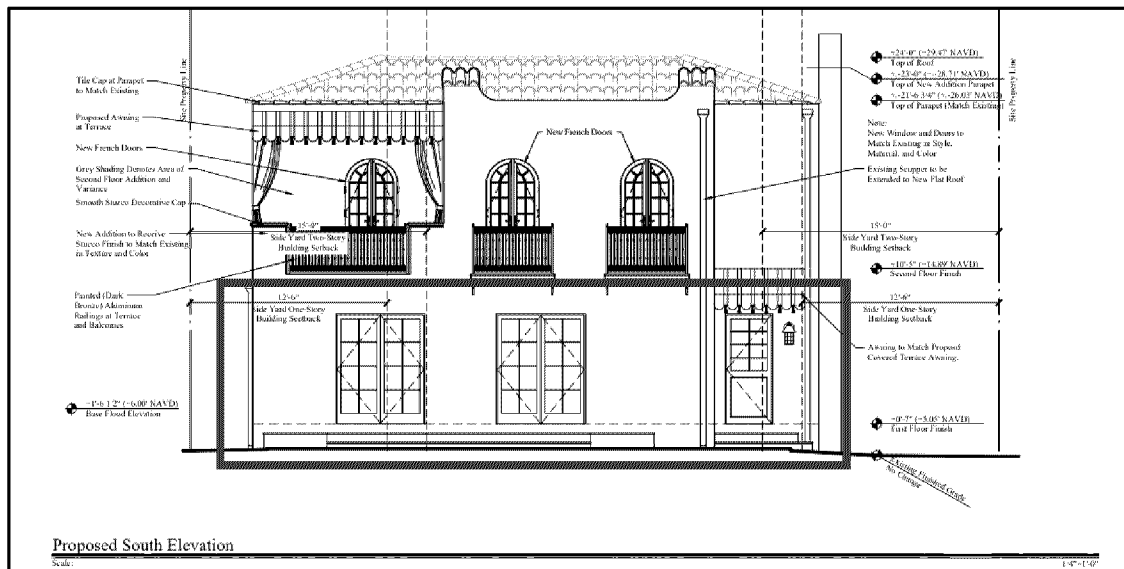
The property does not conform with existing lot coverage, setback, and cubic content ratio (CCR) requirements. This is not uncommon for historic structures from the 1920s that were not built under the current zoning regulations. The covered terrace as part of this application does require a side (west) yard setback since it follows the existing side yard setback of the residence (2'-5") which does not meet the minimum 15'-0". Adding square footage to the second floor of the residence also triggers the need for a CCR variance, but not a lot coverage increase, since the existing structures already exceed the maximum CCR of 4.39—it is at 5.81, as outlined in the table below:

Code Section	Required	Proposed	Variance
Variance #1: Sec. 134-893(b)(7)(b)	15'-0" Side Yard Setback	2'-5" Side Yard Setback	12'-7"
Variance #2: Sec. 134-893(b)(13)(a)(1)	4.39 (26,779 CF) CCR	6.27 (38,254.8 CF) CCR	1.88 (11,475.8 CF) CCR

Overall, the design of the new addition and covered terrace is compatible with the Mediterranean Revival structure. Although a lower parapet height could achieve a greater level of differentiation from the existing structure, the proposed parapet with decorative elements and tile caps also satisfies this historic preservation objective.

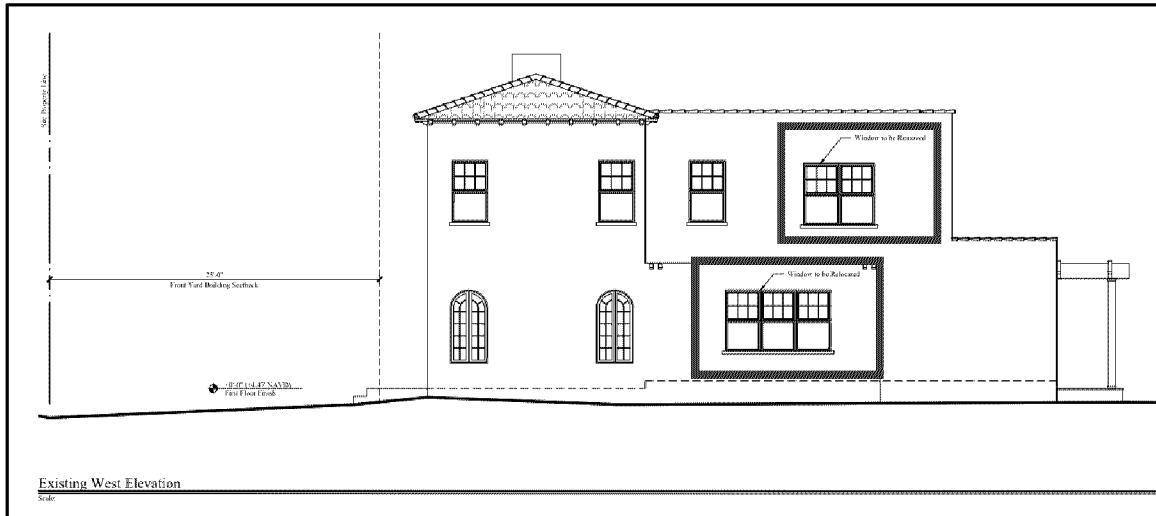
Exterior Alternations and Partial Window Replacement

On the first floor of the south (rear) elevation, the existing pergola will be removed. An existing awning will be replaced above a door on the eastern side of the façade. The awning will feature the same design and color scheme as the one proposed on the second-floor covered terrace.



metal sash window and one (1) white metal fixed window (that replicates the appearance of a sash

window) with greater spacing between them. One of the removed windows will be reinstalled on the first-floor façade. Additionally, a triple window on the ground floor will shift slightly to the north to accommodate an adjusted floorplan.



From a historic preservation perspective, original openings should remain. However, the proposed changes will be minimally visible from the street. Staff recommends that the Commissioners discuss whether the new windows should be wood frame to match the existing fenestration.

CONCLUSION:

Approval of the project will require one (1) motion to be made by the Town Council:

- (1) for final determination of approval or denial of the variances by the Town Council, and that the variance **shall or shall not** be granted that all of the criteria applicable to this application as set forth in Sec. 134-201(a), items 1 through 7 have been met, subject to any proposed conditions.

WRB: JGM: FHM: ALF

SMITH
ARCHITECTURAL
GROUP, INC.

LETTER OF INTENT
RELATED TO THE RENOVATION AT
228 SEASPRAY AVE COA-24-0010/ZON-24-0032

May 28, 2024

We are pleased to submit the accompanying drawings in support of our request to add a second story addition and a covered terrace at 228 Seaspray Avenue, a landmarked residence. The addition, at the rear of the residence, does not change the existing building footprint and is not seen from the street. A portion of the covered terrace encroaches into the side yard setback to align with the existing non-conforming first story building setback. This renovation and addition requires adding 0.54 CCR to the existing CCR of the property, for which we will request a variance. Please note the following:

A) ARCOM 18-205

Not applicable.

B) LANDMARKS PRESERVATION COMMISSION 54-122/18-306/54-125

This is a project with a second story addition and a proposed covered terrace on the northern side of the residence. The addition is 255.9 square feet of conditioned space and 94.7 square feet of covered terrace; it is delineated from the existing structure by an alternate parapet detail. The project includes relocation of indicated existing window and addition of 2 new windows and 4 new French doors. The addition and covered terrace are not seen from the street.

C) SPECIAL EXCEPTION 134-229

Not applicable.

D) SITE PLAN REVIEW 134-329

Not applicable.

E) VARIANCES 134-201

The applicant has filed an application requesting Town Council to review and approve a second story covered terrace that is set back from the side yard 3'-0" in lieu of the minimum 15'-0" setback on this non-conforming lot. The justification for the variance is set forth below:

Section 134-893(7): A variance request to allow a 94.7 SF second floor covered exterior terrace to the rear of the residence that would have a 3'-0" setback (within the existing building footprint which is non-conforming) in lieu of the 15-foot minimum required in the R-B Zoning District.

1)The special conditions related to the setback for the proposed covered exterior terrace is that the house is a landmark and the existing setbacks are non-conforming to today's code.

2)The applicant was not the cause of the special conditions of the property or residence, as the characteristics of the residence and land have been in existence since the house was designed and built in 1924, because of the landmarked status of the property and because of the small lot size of 6,125 SF, there is merit for relief for the setback variance.

3)The granting of the variance for the setback for the proposed covered exterior terrace will not confer on the applicant a special privilege. This property is landmarked and has special circumstances that do not exist with many other properties in the neighborhood.

4)Considering the historic value and uniqueness of the property, the existing CCR on the 6,125SF lot is already over the allowed 4.39 CCR, we are asking for an additional 0.54 CCR to allow for the second story renovation and covered exterior terrace. As we are staying within the existing footprint, the request is not burdensome to the neighbors and is reasonable.

F) WORTH AVENUE DESIGN GUIDELINES 134-233

Not applicable.

G) LANDMARKS TAX ABATEMENT 54-198

Not applicable.

228 Seaspray Avenue



DESIGNATION REPORT

January 18, 2017

Landmark Preservation Commission

Palm Beach, Florida

DESIGNATION REPORT

228 Seaspray Avenue

Table of Contents

I. GENERAL INFORMATION	2
II. LOCATION MAP	3
III. ARCHITECTURAL INFORMATION	4
IV. HISTORICAL INFORMATION	6
V. ARCHITECT'S BIOGRAPHY	8
VI. STATEMENT OF SIGNIFICANCE	9
VII. CRITERIA FOR DESIGNATION	9
VIII. SELECTED BIBLIOGRAPHY	11
IX. FLORIDA MASTER SITE FILE FORM	12

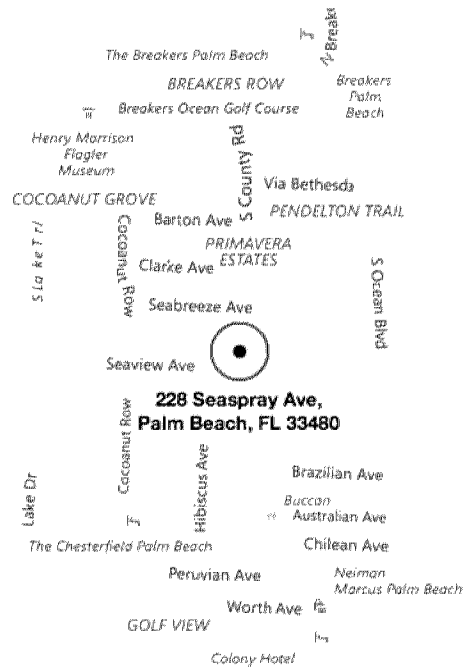
Report produced by Murphy Stillings, LLC

I. General Information

Location:	228 Seaspray Avenue Palm Beach, Florida
Date of Construction:	1925
First Owner:	Edward R. Tolfree
Current Owner:	Gergana and Zachary Shipley
Builder/Contractor:	City Builders Realty Company
Present Use:	Residential
Present Zoning:	RB
Palm Beach County Tax Folio Number:	50434322070004370
Current Legal Description:	Poinciana Park and Second Addition Lots 437 & 439

II. Location Map

228 Seaspray Avenue



III. Architectural Information

The single-family residence located at 228 Seaspray Avenue is an attractive example of the Mediterranean Revival style of architecture designed and built by City Builder's Realty Company. The house was constructed in 1926 during the height of Palm Beach's housing boom and sits on a lot on the south side of Seaspray Avenue in the heart of the Poinciana Park subdivision.

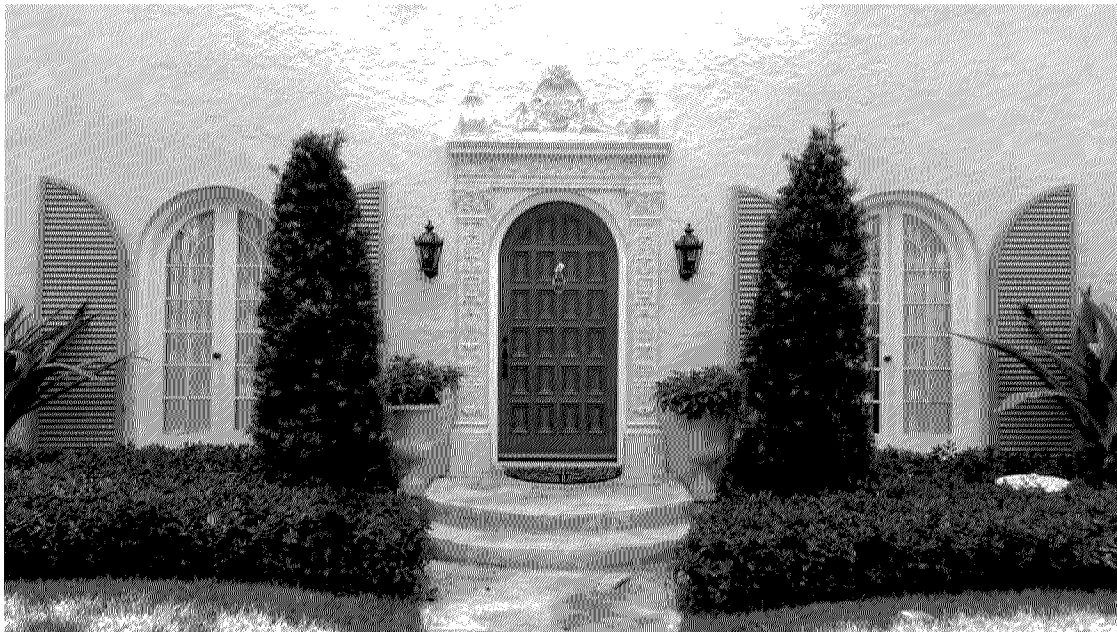
Mediterranean Revival style architecture is an eclectic design style that was inspired by the architecture of countries bordering the Mediterranean Sea, particularly Spain, Italy, France and North Africa. Buildings of this style often have asymmetrical massing and fenestration, balconies, arched openings, ornate cast-stone elements, decorative ironwork and clay barrel tile roofs. The style was extremely popular throughout South Florida during the 1920's building boom.



North Facade

228 Seaspray Avenue is a three-bay wide, two-story dwelling constructed of wood and hollow clay tile covered with rough stucco. The roof has a slight eave overhang covered with red clay barrel tiles and carved wood brackets below. The focal point of the house is the very ornate stone door surround featuring Corinthian pilasters, classical carved designs and a cornice topped

with urns and a cartouche.¹ The substantial arched and paneled front door and the decorative metal sconces enhance the Mediterranean Revival composition of the front entryway. Flanking the center entryway are arched multi-light French doors with full-height louvered shutters. Large arched multi-light casement windows are featured on the first floor of the east and west facades. Other appealing features of the house include decorative metalwork, an exterior chimney on the east wall and an asymmetrical fenestration of six-over-one double hung sash windows throughout the house.²



Entrance

Centered along the sidewalk in front of the house is an ornamental metal front entry gate. Along the east side of the dwelling is a narrow driveway leading to a simple flat-roof, two-story, garage apartment that was constructed along with the main house in 1926.³ A swimming pool was added to the property in 2008.

¹ There is a similar carved motif around the living room's fireplace.

² Christine Davis, *Palm Beach Daily News*, 22 May 2008. Susan and Tom Turner renovated the house from 2007-2009. At that time the full-height louvered shutters were added, the double-hung sash windows were replaced with hurricane impact windows, the loggia on the rear was slightly altered and there were numerous interior alterations. A photo from 2007 also awning windows on the second story front façade, small metal balconies in front of the arched French doors and a very ornate wood screen door at the center entry.

³ The garage doors were originally tilt-up doors. They were replaced with overhead garage doors to match. Clay barrel tiles were added to the parapet of the garage apartment. The west bay of the garage was turned into a cabana after the pool was added.

IV. Historical Information

The house at 228 Seaspray Avenue is located in the Poinciana Park Subdivision. Poinciana Park was platted and largely developed by Oscar A. Jose and his City Builders Realty Company. Jose created Poinciana Park by purchasing tracts of land south of the Breakers and the Royal Poinciana Hotel from Lake Worth to the Atlantic Ocean. This area became the “Sea” streets with Sea Breeze platted in 1914 followed by Sea Spray in 1917 and the north side of Sea View in 1923.⁴ A brochure designed and distributed by City Builders Realty Company titled “Poinciana Park, The Preferred Location,” goes into great detail about the many advantages of wintering in Palm Beach and the benefits of owning a house in centrally located Poinciana Park, close to all of the town’s amenities but removed from the “rush and bustle of the hotel center.”⁵

Oscar Jose was one of the early developers to recognize the potential in Palm Beach for building something other than a grand estate or spending the season at a hotel. Poinciana Park was an attempt to make Palm Beach more family oriented and the Palm Beach life-style more accessible to the “upper-middle class.”⁶ In addition to building, selling and leasing properties, City Builders Realty Company sold many lots in Poinciana Park to individual buyers and other developers. Lot sales came with stipulations regarding the quality of houses to be built so that no “cheap” houses could be built in Poinciana Park.⁷

As early as 1919, City Builder’s had difficulty keeping up with the housing demand. Houses were selling quickly and there were not enough rental properties to keep up with all of the seasonal requests. Despite this demand,

⁴ Sea Breeze, Sea Spray and Sea View were the original spellings of the Poinciana Park Avenues. A January 28, 1917 City Builders Realty Company advertisement in the Palm Beach Post stated, “We have platted a new addition to Poinciana Park and we are advertising for a name for the new street. \$10.00 for an acceptable name.” The street was named Sea Spray Avenue.

⁵ “Poinciana Park, The Preferred Location,” Brochure distributed by City Builders Realty. No Date. Located in the Poinciana Park file at the Preservation Foundation of Palm Beach. Ownership or seasonal rental of a house in Poinciana Park included a membership in the Sea Spray Beach Club. Located on the ocean side of South Ocean Boulevard and Seaspray Avenue, the fashionable club provided members with an Olympic-sized salt water pool, tennis courts, changing rooms, a solarium, and popular dining facilities. They had sports programs for children and Oscar Jose’s son, who had been a boxing champion, taught John F. Kennedy to box at the Sea Spray Beach Club.⁵ Beginning in 1929, Oscar Jose recognized that many residents of Poinciana Park were becoming year round residents rather than just seasonal occupants so they opened the Sea Spray Beach Club as the “Summer Bath Club” for their members who stayed in town during the summer months.⁵

⁶ “Preservationist’s Home Gets Landmarks’ OK,” Palm Beach Daily News, 22 January 1998.

⁷ Advertisement in Palm Beach Post.

City Builders did not construct cookie-cutter houses. Each house was unique and of high quality. An August 4, 1919 Palm Beach Post article stated,

“With six houses underway now, the City Builders Realty Company will at once start seven more houses in Poinciana Park. Each of the houses will vary in style of construction in order to avoid monotony. Some of the houses are for clients who have bought lots; others will be available for sale or rental.”

Many of the earlier houses were bungalows or a variation of the Colonial Revival style, including a number of Dutch Colonial Revival style houses. At the time, the houses were called “cottages” and residents were considered part of the “cottage colony.” In the 1920s, City Builders Realty Company began building more Mediterranean Revival style houses as the popularity of the style grew rapidly in Palm Beach.

The first owners of 228 Seaspray Avenue were Mr. and Mrs. Edward Rogers (E.R.) Tolfree. Newspaper articles indicate that Mr. E.R. Tolfree worked in New York and came to Palm Beach for long stays during the season. He was also one of the original stockholders of the Mizner Development Corporation in Boca Raton. Mrs. Tolfree stayed in Palm Beach during the season and was very involved with the Women’s Guild at Bethesda-by-the-Sea.⁸ They had other residences in New York City and Brookhaven, Long Island. Mrs. Tolfree’s obituary provides interesting information about the first owner of 228 Seaspray Avenue:

“Mrs. Edward Rogers Tolfree for many years a winter resident of Palm Beach died August 27, 1944. Under her maiden name of Aline Gorren, Mrs. Tolfree was a well-known writer at the turn of the century and one of her books “Anglo-Saxons and Others” was widely read and quoted. She was an editorial writer for Scribners and Century magazines. Educated abroad she spoke several languages and did a number of translations. Mrs. Tolfree was also an accomplished pianist and had studied in Rome under Sgambata. Mrs. Tolfree’s northern home was Tangier House at Brookhaven, Long Island, New York and her resort residence was at 228 Sea Spray Avenue. She was an active worker in the Church

⁸ Mrs. Tolfree was President of the Women’s Guild of Bethesda-By-The-Sea in the early 1930s. She was also involved in the Animal Rescue League and was a avid bridge player.

of Bethesda-by-the-Sea and was a member of the Cosmopolitan Club in New York. She is survived by her husband.”

In December of 1944, shortly after Mrs. Tolfree’s death, E.R. Tolfree sold 228 Seaspray Avenue to Mr. and Mrs. G. E. Johnson for \$19,050. The current owners, Gergana and Zachary Shipley, purchased 228 Seaspray Avenue in 2010 and have been excellent stewards of the historic property.

V. Builders Biography

City Builders Realty Company

One of the earliest companies to successfully construct and promote real estate development in the Town of Palm Beach was the Indianapolis based City Builders Realty Company headed by Oscar A. Jose. In 1914, City Builders Realty Company became part of a growing number of successful Midwestern firms who opened offices in South Florida prior to the 1920s Boom Time Era. Indiana contemporaries of Jose included City of Hollywood developer Joseph Young and Miami Beach developer Carl Fisher. These astute businessmen were instrumental in promoting South Florida as a desirable place to reside.

Beginning in 1914, City Builders Realty Company purchased tracts of land from Palm Beach pioneers including William Lanehart, Elisha Dimick, Frederick Robert, Henry Maddock, H.F. Hammon, E.M. Brelsford and Harvey Geer.⁹ These combined parcels, renamed Poinciana Park by Jose, extended from Lake Worth to the Atlantic Ocean south of the Royal Poinciana Hotel and the Breakers Hotel. The streets were named Sea Breeze Avenue, Sea Spray Avenue and Sea View Avenue, and included 820 lots, though most properties encompassed three or four of the twenty-five foot wide lots. The Company provided water, electric and sewer connections, sidewalks and lush landscaping. In the 1910s, houses were marketed as complete packages for families, fully furnished for a seasonal residence, however, by the 1920s they were being marketed for both seasonal and permanent residence. Additional amenities included the private Sea Spray Beach Club, nearby public and private schools, dockage for private yachts and attractive term financing for

⁹ Information found in the Poinciana Park file at the Preservation Foundation of Palm Beach. The paper lists land title searches of properties in Poinciana Park.

those who desired to finance their house. Commercial buildings were prohibited from the Poinciana Park Subdivision.

City Builders Realty Company designed and constructed a number of the houses in Poinciana Park. The company also marketed lots to other Palm Beach builders and architects who maintained the size, scale and quality of residences as originally established within the subdivision. Designed to impress an upscale market of both the permanent homebuyers and those interested in leasing seasonal Palm Beach residences, City Builders Realty Company made a lasting impression on Palm Beach architecture and lifestyle.

IV. Statement of Significance

The residence located at 228 Seaspray Avenue was designed and constructed by City Builder's Realty Company at the height of the South Florida Land Boom. The elaborate entryway, multi-light arched openings and mixed fenestration are distinguishing Mediterranean Revival style features of this house.

VII. Criteria For Designation

Section 54-161 of the Town of Palm Beach Landmarks Preservation Ordinance outlines the criteria for designation of a landmark or landmark site and suggests that at least one criterion must be met to justify the designation. Listed below are criteria that relate to this property and justification for designation:

- (1) "Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town."

The house located at 228 Seaspray Avenue reflects the broad cultural and economic history of the Town of Palm Beach. Seaspray Avenue is part of the Poinciana Park subdivision that was one of the Island's first successful large residential developments. Poinciana Park was specifically aimed at the upper middle class family who desired either a Palm Beach winter residence or a permanent year round residence. While Palm Beach's reputation rested upon the individual grand estates and fashionable hotels, the success of Poinciana Park helped establish another dimension to the development of Palm Beach. The house is also important because it helps maintain the historic fabric of

Seaspray Avenue, the Sea Streets, and the development of the town during the 1920's. Therefore 228 Seaspray Avenue deserves protection under criterion (1) of the Landmarks Preservation Ordinance.

(3) "Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship."

The residence located at 228 Seaspray Avenue is a very good example of the smaller-scale Mediterranean Revival style of architecture designed and constructed in 1926. The focal point of the house is the very ornate stone door surround featuring Corinthian pilasters, classical carved designs and a cornice topped with urns and a cartouche. The substantial arched and paneled front door and the decorative metal sconces enhance the Mediterranean Revival composition of the front entryway. Other appealing features of the house include arched multi-light French doors flanked by full-height louvered shutters, and exterior chimney on the east wall, a mixed fenestration of arched casement windows and six-over-one double hung sash windows and decorative metalwork. Therefore 228 Seaspray Avenue deserves protection under criterion (3) of the Landmarks Preservation Ordinance.

VIII. Selected Bibliography

Curl, Donald W. Palm Beach County: An Illustrated History. Northridge, California: Windsor Publications, Inc., 1987.

The Historical Society of Palm Beach County. Historical and Architectural Files; Palm Beach County History Online

The Palm Beach Daily News. Archived Articles Online

The Palm Beach Post. Archived Articles Online

The Preservation Foundation of Palm Beach. Files on Poinciana Park; 228 Seaspray Avenue file

Sanborn Insurance Map of Palm Beach. New York: Sanborn Map Co., 1919 and 1926. City of West Palm Beach Public Library, Florida Room.

Town of Palm Beach. Building Permits, 1919– 2016.

West Palm Beach City Directories. Asheville, NC: Florida-Piedmont Directory Company, 1916 -1986. These city directories included Town of Palm Beach directories and information on Palm Beach residents.

IX. Florida Master Site File Form



HISTORICAL STRUCTURE FORM

Electronic Version 1.1.0

Site # PE06751
 Recorder # Jane S. Day
 Field Date 10/6/2010
 Form Date 10/19/2010
 Form No 201010
 Form No - Field Date (YYYYMM)

First Site Form Recorded for this Site? NO

GENERAL INFORMATION

Site Name (address if none) 228 Seaspray Land Trust, House Multiple Listing (DHR only) _____
 Other Names _____ >> _____
 Survey or Project Name Palm Beach Historic Sites Survey, Phase V Survey# _____
 National Register Category Building(s)

LOCATION & IDENTIFICATION

Address

Street No.	Direction	Street Name	Street Type	Direction Suffix
<u>228</u>		<u>Seaspray</u>	<u>Avenue</u>	

Cross Streets (nearest/ between) Cocoanut Row & S. County Rd.
 City / Town (within 3 miles) Town of Palm Beach In Current City Limits? YES
 County Palm Beach Tax Parcel#(s) 50-43-43-22-07-000-4370
 Subdivision Name Poinciana park, 2nd Add Block _____ Lot 437, 439
 Ownership Private-Corporate-for Profit
 Name of Public Trust (e.g., park) _____
 Route to (especially if no street address) On the south side of Seaspray Ave. between Cocoanut Row and S.
 County Rd. _____

MAPPING

USGS 7.5' Map Name _____ Publication Date _____ >> PAIM BEACH, 1983
 Township: _____ Range: _____ Section: _____ (1/4 section: _____ >> 438 ; 439 ; 22; UNSP
 Irregular Section Name: _____
 Landgrant _____
 UTM: Zone _____ Easting _____ Northing _____
 Plat or Other Map (map's name, location) _____

DESCRIPTION

Style Mediterranean Revival Other Style _____
 Exterior Plan Irregular Other Exterior Plan _____
 Number of Stories 2
 Structural System(s) _____ >> Wood frame
 Other Structural System(s) hollow clay tile
 Foundation Type(s) _____ >> Continuous
 Other Foundation Types: _____
 Foundation Material(s) _____ >> Concrete Block
 Other Foundation Material(s) _____
 Exterior Fabric(s) _____ >> Stucco
 Other Exterior Fabric(s) _____
 Roof Type(s) _____ >> Flat
 Other Roof Type(s) hip
 Roof Material(s) _____ >> Tar & gravel
 Other Roof Material(s) spanish tile
 Roof Secondary Structure(s) (dormers etc) _____ >> _____
 Other Roof Secondary Structure(s) _____
 Number of Chimneys 1
 Chimney Material Brick
 Other Chimney Material(s) stucco on exterior
 Chimney Location(s) east exterior wall

Page 1 of 3

HISTORICAL STRUCTURE FORM

8PB06751

DESCRIPTION (continued)

Window Descriptions: 6/1 DHS, French Doors

Main Entrance Description (stylistic details): Centered on the north facade with an elaborate cast stone door surround

Porches: Open 2 Closed Enclosed Location(s): (2) small terraces - n

Porch Roof Type(s):

Exterior Ornament: cast stone, exposed rafters

Interior Plan: Unknown

Other Interior Plan:

Condition: Good

Structure Surroundings

Commercial: NONE of this category Residential: ALL this category

Institutional: NONE of this category Undeveloped: NONE of this category

Ancillary Features (Number / type of outbuildings, major landscape features):

Archaeological Remains (describe): none observed

If archaeological remains are present, was an Archaeological Site Form completed? :

Narrative Description (optional):

HISTORY

Construction year: 1925

Architect (last name first): unknown

Builder (last name first): City Builders Realty Co.

Changes in Locations or Conditions

Type of Change	Year of Change	Date Change Noted	Description of Changes
>>			

>>

Structure Use History

Use: Year Use Started: Year Use Ended: >> Private residence; 1925;

Other Structure Uses:

Ownership History (especially original owner, dates, profession, etc.):

RESEARCH METHODS

Research Methods: >> Informal inspection

Other research methods:

SURVEYOR'S EVALUATION OF SITE

Potentially Eligible for a Local Register? INSUFF. INFO Name of Local Register if Eligible: Palm Beach Landmarks

Individually Eligible for National Register? INSUFF. INFO

Potential Contributor to NR District? INSUFF. INFO

Area(s) of historical significance: >> Architecture

Other Historical Associations:

Explanation of Evaluation (required): The elaborate doorway distinguishes this Mediterranean Revival style house from others on the street. It was built by one of the early developers of the area and is worthy of further study.

Page 2 of 3

HISTORICAL STRUCTURE FORM

87B06751

DOCUMENTATION (Photos, Plans, etc.)

Photographic Negatives or Other Collections Not Filed with FMSF, including Field Notes, Plans, other Important Documents.

Document type: _____ Maintaining Organization: _____
File or Accession #: _____ Descriptive Information: _____
>> _____

RECORDER INFORMATION

Recorder Name (Last, First) Day, Jane B.
Recorder Address / Phone 728 Granada Dr., Boca Raton, FL 33432 561-362-4473
Recorder Affiliation Research Atlantic Other Affiliation Town of Palm Beach
Is a Text-Only Supplement File Attached (Surveyor Only)? _____

***** MASTER SITE FILE USE ONLY *****

Cultural Resource Type: Electronic Form Used: Form Type Code: Form Quality Ranking: Form Status Code: Supplement Information Status: Supplement File Status: Form Comments: _____ _____ _____	SHPO's Evaluation of Resource Date _____ FMSF Staffer: Computer Entry Date:
--	---

REQUIRED PAPER ATTACHMENTS

- (1) USGS 7.5" MAP WITH STRUCTURE PINPOINTED IN RED
- (2) LARGE SCALE STREET OR PLAT MAP
- (3) PHOTO OF MAIN FACADE, B&W, AT LEAST 3"X5"

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 11, 2024

Section of Agenda

Development Review - New Business

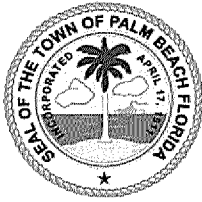
Agenda Title

ZON-24-0033 (ARC-24-0052) 130 SEASPRAY AVE (COMBO)—SPECIAL EXCEPTION AND VARIANCE The applicant, Kirchhoff and Associates on behalf of Victor and Julia Tolkan, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review to develop an existing nonconforming parcel with a new, single-family residence and (1) variance to reduce the number of required enclosed garage parking spaces. The Architectural Commission shall perform design review of the application. *[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 6-1.] [The Architectural Commission approved the project with conditions. Carried 6-1.]*

Presenter

ATTACHMENTS:

- ▣ **PZB Staff Memorandum**
- ▣ **Letter of Intent**
- ▣ **Plans 1 of 3**
- ▣ **Plans 2 of 3**
- ▣ **Plans 3 of 3**



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5431 • www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Combination Memorandum: Architectural Commission and Town Council

FROM: Wayne Bergman, MCP, LEED-AP
Director PZ&B

SUBJECT: ZON-24-0033 (ARC-24-0052) 130 SEASPRAY AVE (COMBO)

MEETING: AUGUST 28, 2024, ARCOM
SEPTEMBER 11, 2024, TC

ZON-24-0033 (ARC-24-0052) 130 SEASPRAY AVE (COMBO) – SPECIAL EXCEPTION AND VARIANCE. The applicant, Kirchoff and Associates on behalf of Victor and Julia Tolkan, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review to develop an existing nonconforming parcel with a new, single-family residence and (1) variance to reduce the number of required enclosed garage parking spaces. The Architectural Commission shall perform design review of the application.

ARC-24-0052 (ZON-24-0033) 130 SEASPRAY AVE (COMBO). The applicant, Kirchoff and Associates on behalf of Victor and Julia Tolkan, has filed an application requesting Architectural Commission review and approval for construction of a new two-story single-family residence with final hardscape landscape and swimming pool, requiring Special Exception with Site Plan Review approval to develop a nonconforming parcel with a variance required to reduce the number of required enclosed garage parking spaces. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Applicant: Victor and Julia Tolkan
Architecture: Kirchoff & Associates | Nivera Williams
Legal: Muara Ziska

HISTORY:

At the August 28, 2024, ARCOM meeting, the Commission approved (6-1) the construction of a new two-story single-family residence on a nonconforming parcel. Conditions include utilizing cypress for the front entry and adopting the landscape plan submitted at the meeting that contains the plant material and maintenance program agreed to by the neighbor. Additionally, the Commission approved (7-0) that the implementation of the proposed variances would not negatively affect the architecture.

THE PROJECT:

The applicant has submitted plans, entitled "New Residence 130 SEASPRAY AVENUE" as prepared by **Kirchoff & Associates Architects**, uploaded June 15, 2024.

The following scope of work is proposed:

- New two-story single-family residence of approximately 4,086 SF with associated landscape, hardscape and pool.

The following Special Exception, Site Plan Review, and/or Variance(s) are required to complete

the project:

- **SPECIAL EXCEPTION W/ SITE PLAN REVIEW: Sec. 134-893(c) and 134-329:** Special Exception with Site Plan Review for development of an existing nonconforming parcel which is 75 ft in width in lieu of the 100 ft width required.
- **VARIANCE 1: Sec. 134-2179(b)(1):** A variance to provide one (1) garage parking space in lieu of the two (2) garage parking spaces required for new construction of a residence on a lot 75 ft in width or greater.

Site Data			
Zoning District	R-B	Future Land Use	Residential
Lot Size	9,188 SF <i>SPECIAL EXCEPTION</i>	Crown of Road	11.54'
Lot Depth	100'	Lot Width	75'
Lot Coverage	Permitted: 30% Proposed: 25.1%	Enclosed Square Footage	Proposed: 3,484 SF
Cubic Content Ratio (CCR)	Permitted: 4.08 Proposed: 4.07	Angle of Vision	Permitted: 100 Proposed: 100
Building Height	Permitted: 22'-2" Proposed: 19'-6"	Overall Building Height	Permitted: 30' Proposed: 27'-1"
Finished Floor	Proposed: 7.0'	FEMA Flood Zone	X
Maximum Fill	Permitted: 9" Proposed: <9"	Zero Datum	7.0/13.00
Overall Landscape Open Space	Required: 45% Proposed: 46%	Front Yard Open Space	Required: 40% Proposed: 58%
Surrounding Properties / Zoning			
North	133 Seaspray Ave Residence / R-B		
South	135 Seaview Ave Residence / R-B		
East	128 Seaspray Ave Residence / R-B		
West	140 Seaspray Ave Residence / R-B		

STAFF ANALYSIS

The applicant is proposing the construction of a new two-story residence with hardscape, landscape, and swimming pool on a currently developed parcel that contains a one-story single-family home on the south side of Seaspray Avenue. A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and requires one (1) variance and one (1) special exception to achieve the application as proposed.

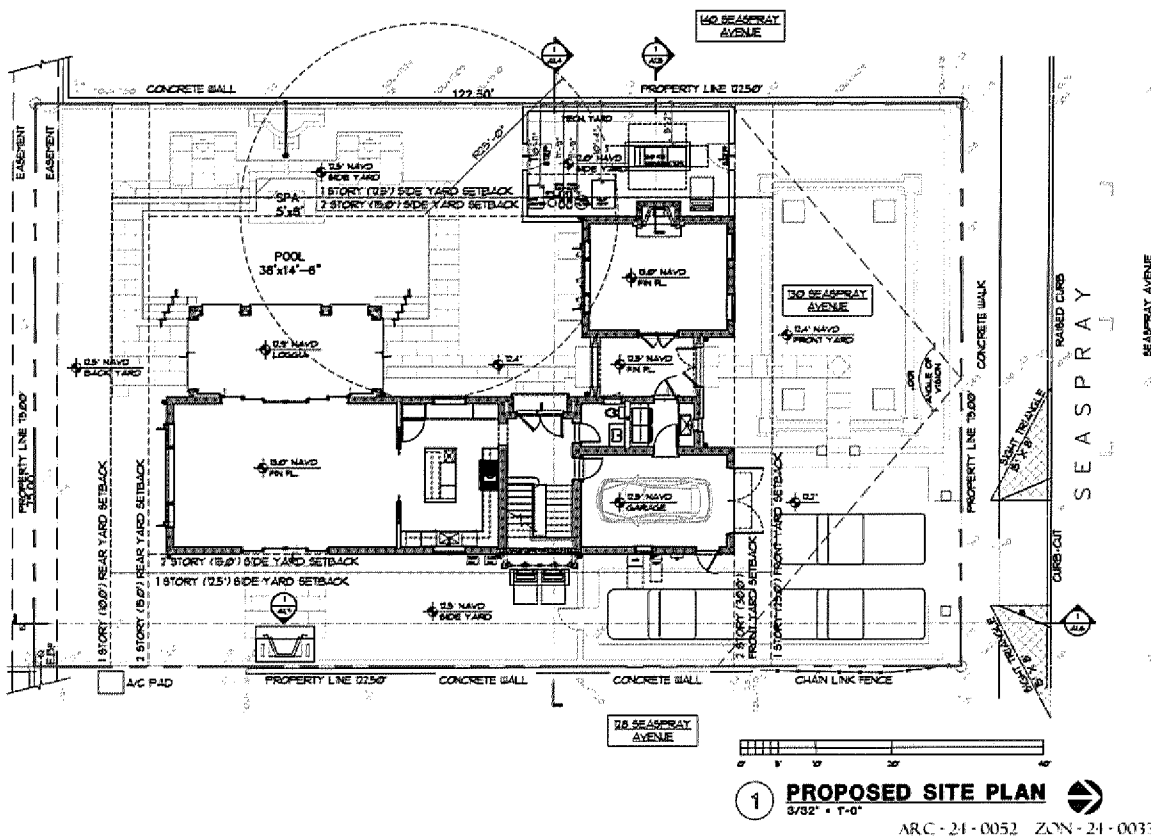
The subject property is located midblock of the Ocean block of Seaspray Avenue. The proposed house is described by the applicant as Anglo Caribbean in style with a cedar shingle roof, exposed rafter eaves, stucco



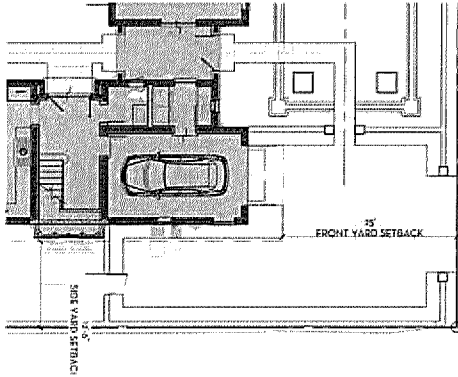
walls, wood casement windows and coral cladding on the entry element. The house features multiple hip roofs and is broken into an east and west double height massing connected with a tall coral clad façade with a flat roof. The house has whimsical elements such as the projecting wooden bay on the west. Seaspray has an eclectic assortment of architectural styles yet none just like this. The wooden multi lite casement windows are flanked by shutters and the front facade is dominated with a louvered single car garage door and a louvered double arched entry door.



NORTH ELEVATION



The design requires one (1) variance as proposed.



Garage and off street parking



Garage door and and shielded off street parking

Code Section	Required	Proposed	Variance
Variance 1: Sec.134-2179(b) (1)	Two (2) enclosed parking spaces	One (1) enclosed parking space	One (1) enclosed parking space

For a parcel of this area and frontage within the R-B Zoning District, a new single-family residence is required to maintain two off-street garage parking spaces. The applicant has elected to utilize a single-car front loaded garage. Staff generally supports variances to eliminate required garage parking when the scale and size of the home may not warrant a two-car garage and ample on site parking is being provided that is shielded from view through landscaping and site walls. Additionally, the applicant is not requesting to building out the lot to maximum capacity.

A cursory review of the immediate area (the 100 block of Seaspray Avenue) indicates that 13 of the 19 surrounding parcels have a one-car garage or less, so this proposed project would be consistent with approximately 68% of the residences.



- ★ = subject property 130 Seaspray Ave
- ✕ = One (1) bay garage or less

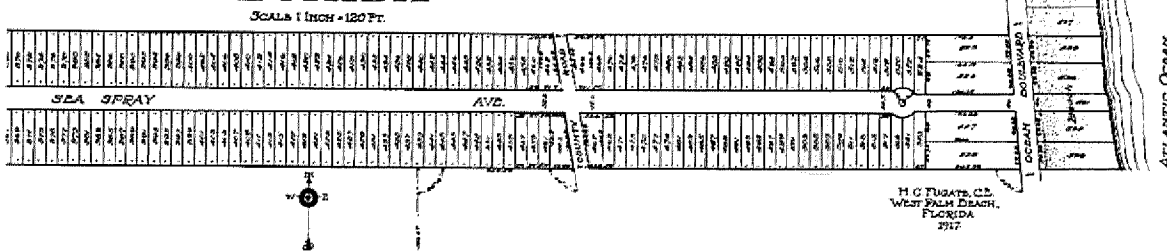
As observed from February 2024 Google Streetview

It is worth noting that the zoning code permits a design with a single-car enclosure when the **Lot(s) is under 75 feet** and zero enclosed garage space for **lot(s) 50 feet or less in width**. The subject property is 75'-0" in width and is nonconforming in that aspect of the geometry of the parcel.

SPECIAL EXCEPTION W/ SITE PLAN REVIEW

Site Plan Review is required due to the nonconforming lot width. The parcel is deficient in minimum width (75') for the R-B Zoning district (9,187.5 SF), thus requires Site Plan Review and approval by Town Council. The subject property contains its original geometric configuration and dimensions as it was originally platted in 1917 for lots 503, 505 and 507.

POINCIANA PARK 2nd. ADDITION PALM BEACH, FLORIDA



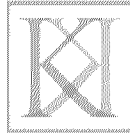
Staff has no objections to the granting of the Site Plan Review, as the approval would allow the development of site with a new residence on a parcel consistent in size with those others on the street and in the immediate vicinity.

CONCLUSION:

Approval of the project will require two (2) separate motion(s) to be made by the Town Council:

- (1) for final determination of approval or denial of the one (1) special exception by the Town Council, and that the special exception, subject to the all the criteria of 134-229(1-14) have been met and;
- (2) for final determination of approval or denial of the one (1) variance by the Town Council, and that the variance **shall** or **shall not** be granted whereby all the criteria applicable to this application as set forth in Sec. 134-201(a), items 1 through 7 have been met.

WRB: JGM: FHM



KIRCHHOFF & ASSOCIATES
ARCHITECTS

LETTER OF INTENT
NEW TWO STORY RESIDENCE
ON NON-CONFORMING LOT
AT 130 SEASPRAY AVE
ARC-24-0052
ZON 24-0033

Please find for review by ARCOM, the attached application for our project at 130 Seaspray Avenue in Palm Beach. The project is a new 4,086 sq. foot, two-story residence on a 75-foot-wide non-conforming lot in the R-B Zoning District. The site has an existing one-story ranch style residence and pool built in 1970, which is scheduled to be demolished during the summer season 2024.

The proposed residence is 2,311 sq. feet of lot coverage on a 9,188 sq. foot lot. The house is conforming with regard to lot coverage, setbacks, height, and volume. We are seeking a Variance to permit construction of a one car Garage in lieu of the two-car requirement.

The proposed home is Anglo Caribbean in style with a Cedar shingle roof, exposed rafter eave, stucco walls, wood casement windows, and coral cladding on the Entry element.
The proposed project includes Landscape, Hardscape, a swimming pool, and spa.

Please note the following:

A) LANDMARKS PRESERVATION COMMISSION 54-122 & 54-161

Not Applicable

B) ARCOM 18-205

We are submitting a proposed Residence that we consider tastefully designed, with harmonious and balanced elevations, providing texture and shadow, and designed for our tropical climate with appropriate materials and details consistent with the neighboring houses.

1. The plan for the proposed building or structure is in conformity with good taste and design and in general contributes to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm, and high quality.
2. The plan for the proposed building or structure indicates the manner in which the structures are reasonably protected against external and internal noise, vibrations, and other factors that may tend to make the environment less desirable.

3. The proposed building or structure is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value.
4. The proposed building or structure is in harmony with the proposed developments on land in the general area, with the comprehensive plan for the town, and with any precise plans adopted pursuant to the comprehensive plan.
5. The proposed building or structure is not excessively similar to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features of exterior design and appearance:
 - a. Apparently visibly identical front or side elevations;
 - b. Substantially identical size and arrangement of either doors, windows, porticos or other openings or breaks in the elevation facing the street, including reverse arrangement; or
 - c. Other significant identical features of design such as, but not limited to, material, roof line and height of other design elements.
6. The proposed building or structure is not excessively dissimilar in relation to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features:
 - a. Height of building or height of roof.
 - b. Other significant design features including, but not limited to, materials or quality of architectural design.
 - c. Architectural compatibility.
 - d. Arrangement of the components of the structure.
 - e. Appearance of mass from the street or from any perspective visible to the public or adjoining property owners.
 - f. Diversity of design that is complimentary with size and massing of adjacent properties.
 - g. Design features that will avoid the appearance of mass through improper proportions.
 - h. Design elements that protect the privacy of neighboring property.
7. The proposed addition or accessory structure is subservient in style and massing to the principal or main structure.
8. The proposed building or structure is appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality or architectural design as viewed from any public or private way (except alleys).
9. The proposed development is in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.
10. The project's location and design adequately protects unique site characteristics such as those related to scenic views rock outcroppings, natural vistas, waterways, and similar features.

C) ARCOM 18-205 – CRITERIA FOR DEMOLITION PERMIT

1. The property is not designated a landmark and is not included on a list of properties within the structure.

2. Reserved.
3. That perimeter landscaping and other landscaping considered by the architectural commission to be worthy of saving be left in place and/or preserved in a manner satisfactory to the architectural commission.
4. If construction is not to begin within 30 days subsequent to demolition, the lot shall be completely sodded and irrigated so as to assure that the property will have a neat and clean landscaped appearance.
5. An agreement is entered into between the property owner and the town wherein the property owner agrees, in writing, to the conditions for demolition established by the architectural commission and further agreeing that in the event of a violation of any of the conditions placed upon the granting of the demolition permit, the property owner shall pay to the tow a fee of \$250.00 per day. In the event the property owner refuses to pay any fine as required within 15 days after a notice of violation, the town may, at its expense, correct the violation and present a bill to the owner for the cost of correction. In the event the bill is not paid within 30 days of the date of the bill, the town may place alien against the property for the costs incurred by the town. Further, no permit to construct shall be given until the fine or lien has been satisfied.

D) SPECIAL EXCEPTION WITH SITE PLAN REVIEW 134-893(c) and 134-329

Section 134-893(c) and 134-329: Special Exception with Site Plan Review to construct a new two story residence on a non-conforming lot that is 87 feet wide in lieu of the 100 foot minimum required; and 9,188 SF in area in lieu of the 10,000 SF minimum required in the R-B Zoning District.

1. Sufficiency of statements on ownership and control of the subject property and sufficiency of conditions of ownership or control, se and permanent maintenance of common open space, common facilities or common lands to ensure preservation of such lands and facilities for their intended purpose and to ensure that such common facilities will not become a future liability for the town.
2. Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon; provided, however, that nothing in this subsection shall be construed as granting the town council the authority to reduce residential densities below that permitted by the use regulations in article VI of this chapter.
3. Ingress and egress to the property and the proposed structure thereof, with particular reference to automotive and pedestrian safety; separation of automotive traffic; traffic flow and control; provision of services and servicing of utilities and refuse collection; and access in case of fire, catastrophe or emergency.
4. Location and relationship of off-street parking and off-street loading facilities to thoroughfares and internal traffic patterns within the property, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.
5. Proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the property boundaries.

6. Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the consequences of such drainage on overall town capacities.
7. Utilities, with reference to hook-in locations and availability and capacity for the uses projected.
8. Recreation facilities and open spaces, with attention to the size, location and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the property, and relationship to communitywide open spaces and recreation facilities.
9. Such other standards as may be imposed by this chapter for the particular use or activity involved.
10. Height of commercial structures with reference to adjoining buildings, the effect on uniformity in height, and the general principle of retaining the low profile scale of commercial architecture.
11. Visible size and bulk. The proposed development should be so arranged that it minimizes the visible bulk of the structures to drivers and pedestrians on abutting roadways, the point of reference being the centerline of the abutting roadways, with the intent being to maintain visual impact of multistory buildings at the same relative level of intensity as a single-story building at the minimum required setback.

E) VARIANCES

1. Section 134-2179(b)(1): Section 134-893(c) and 134-329: Special Exception with Site Plan Review for development of an existing non-conforming parcel which is 75 ft. in width in lieu of the 100 ft. width required.
2. Section 134-2179(b)(1): A variance to provide one (1) garage parking space in lieu of the two (2) garage parking spaces required for new construction of a residence on a lot 75 ft. in width or greater.

F) OTHER

Sincerely,

Thomas M Kirchhoff
Principal Architect

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 11, 2024

Section of Agenda

Development Review - New Business

Agenda Title

**ZON-24-0035 (HSB-24-0005) 854 SOUTH COUNTY RD (COMBO)—
VARIANCE** The applicant, Dustin Mizell with Environmental Design Group on behalf of owner Andrew Unanue, has filed an application requesting review and approval for one (1) variance to permit a second guest house with bedrooms and bathrooms on site. The Landmarks Preservation Commission will perform the design review for the proposed structure on site modifications. *[This project shall be deferred to the October 9, 2024, Town Council meeting pending Landmark Preservation Review.]*

Presenter

ATTACHMENTS:

- ▣ **Letter of Intent**
- ▣ **Plans 1 of 3**
- ▣ **Plans 2 of 3**
- ▣ **Plans 3 of 3**
- ▣ **HSB Form**



Land Planning
Landscape Architecture
Landscape Management

April 1, 2024

Town of Palm Beach
Planning, Zoning, & Building Department
360 S. County Road
Palm Beach, Florida 33480

ATTN: *ARCOM Staff*
Re: 854 South County Road
Town of Palm Beach

LETTER OF INTENT

Current zoning for the project is R-A ESTATE RESIDENTIAL.

Our current proposal, for improvements to the site, does not include any architectural changes to the existing house. Proposed building and any exterior alterations are compatible with the existing buildings on the site, see provided architectural drawings for details. Special conditions and circumstances exist which are peculiar to this project, the proposed building was already ARCOM approved in the past. The approval has since expired.

The proposed changes include:

- Proposed guest house.
- Proposed driveway entry apron with decorative gate and service parking.
- Proposed Gazebo
- Modified Hardscape around entire house
 - Modified deck, additional fire-pit area and outdoor kitchen in backyard
 - Re-pave existing covered terrace and driveway
 - Modified paving in front yard.

If there are any questions regarding this project, please feel free to reach out to our office.

Dustin Mizell, *President*

Environment Design Group

Historically Significant Building Designation Form

854 South County Road



Historic Conservation District:	Estate Conservation District
Address:	854 S. County Road, Palm Beach, Florida
Date of Construction:	1936
Current Owner:	Joel and Darcie Kasewitz
Architect:	Howard Major
Builder:	Smith-Yetter, Inc.
Present Use:	Residential
Present Zoning:	RA
Palm Beach County Tax Folio Number:	50-43-43-35-00-001-0210
Current Legal Description:	35-43-43, S 200 FT of N 1291.52 FT of GOV LT 1 W OF COUNTY ROAD

Town of Palm Beach Historic Conservation District Ordinance No. 02-2020 outlines the criteria for designation of a historically significant building and states that the building must be at least 50 years old and meet at least one criterion to justify the designation. Listed below are criteria that relate to this property and the justification for designation:

(1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

The house at 854 S. County Road was built in 1936 during the Late Depression/New Deal Era. The end of the 1920s Boom Time Era signaled a change in development and construction of residences in Palm Beach. Although Palm Beach remained a haven for the wealthy during the Depression and New Deal Era, the British Colonial style residence at 854 S. County Road exemplifies the trend of moving away from the large, ornate Mediterranean Revival style estates to more traditional styles of architecture. At the time it was termed the third era of design in Palm Beach, following the Pioneer Era and the Spanish Era. The dwelling was built for William Thomas (W.T.) Grant the founder of a chain of United States mass-merchandise stores bearing his name W. T. Grant that had almost \$100 million in annual sales by 1936. W. T. Grant was a client of Howard Major, as Major had designed a house for him in Pelham, New York in 1918.

(3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.

The residence at 854 S. County Road is a very good example of the British Colonial style of architecture. A subtype of the Colonial Revival style, British Colonial structures represent a modification of British architecture to the warmer climates of Bermuda and India. In Palm Beach, where the style typically draws from the Bermuda iteration, buildings usually feature the signature multiple steeply pitched roofs with concrete tiles. Other features incorporated from the Colonial and Georgian Revival styles include pedimented entry porches, classical columns, fanlights, double-hung sash windows with shutters, and quoins. The principal two-story residence at 854 S. County Road has a main entrance that faces northeast where two wings of the dwelling intersect. This entrance has a pedimented entry porch with Doric columns, pilasters, and a decorative fanlight above the wood paneled door. The house has multiple steeply pitched hip and gable roofs covered with concrete tiles. Other features of the dwelling include a bay window on the east façade, multi-light double-hung sash windows with flanking shutters or Bahama shutters, quoins, a chimney, an attached garage on the north and additions to the south. The property also includes a two-story garage apartment on the northeast corner of the property, a pool pavilion and decorative entry gates at S. County Road.

(4) Is representative of the notable work of a master builder, designer, or architect whose individual ability has been recognized or has influence his age.

Howard Major was one of the premier architects in Palm Beach beginning work on the Island in 1923 after a prosperous career designing country houses in New York. He was known for breaking away from the Mediterranean Revival style through both his designs and writings. Major helped to introduce the British Colonial style to Palm Beach in 1925 with his design of Major Alley in the 400 block of Peruvian Avenue. 854 S. County Road is very good example of Major's British Colonial designs so fitting for its large lakefront lot in Palm Beach's Estate Section.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 11, 2024

Section of Agenda

Development Review - New Business

Agenda Title

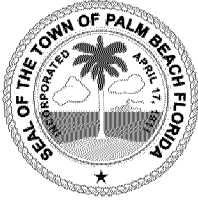
ZON-24-0036 0 ROYAL POINCIANA WAY MEDIANS—SITE PLAN REVIEW The applicant, Town of Palm Beach, in conjunction with the Garden Club of Palm Beach has filed a site plan review application requesting Town Council review and approval for landscape and gravel path improvements to the medians for this historic vista.

TIME CERTAIN - 10 A.M.

Presenter

ATTACHMENTS:

- ▣ **PZB Staff Memorandum**
- ▣ **Letter of Intent**
- ▣ **Plans**



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Town Council

FROM: Wayne Bergman, MCP, LEED-AP *URB*
Director PZ&B

SUBJECT: ZON-24-0036 0 ROYAL POINCIANA WAY

MEETING: SEPTEMBER 11, 2024

ZON-24-0036 0 ROYAL POINCIANA WAY- MEDIANS – SITE PLAN REVIEW.

The applicant, Town of Palm Beach, in conjunction with the Garden Club of Palm Beach has filed a site plan review application requesting Town Council review and approval for landscape and gravel path improvements to the medians for this historic vista.

Applicant: Town of Palm Beach
Professional: SMI, Claudia Visconti

HISTORY:

Design Review:

- An administrative application was submitted to the TOPB for the median improvements listed as 0 Royal Poinciana Way. All proposed modifications were reviewed and approved by LPC Chairperson Patterson. (LPCS-24-0075)

Notice to Property Owners- July 12, 2024:

- Town received Certificate of Mailing from SMI for Notice sent to property owners withing a three hundred (300) feet radius of the park.

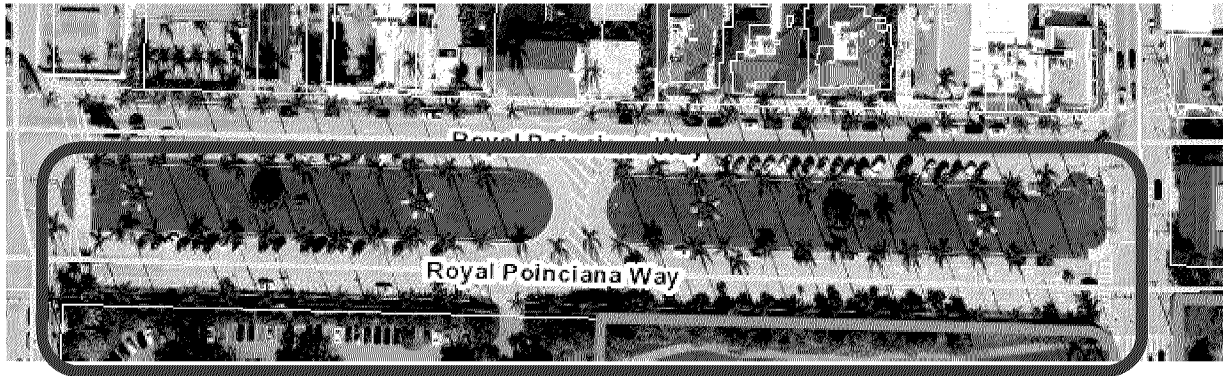
Town Council – September 11, 2024: Item placed on agenda for Site Plan Review (applied via EPL ZON-24-0036).

THE PROJECT:

The applicant has submitted plans, entitled "Royal Poinciana Way", as prepared by **SMI Landscape Architecture**, dated June 13, 2023.

The following is the scope of work:

- Beautification of the existing east/west two block medians along Royal Poinciana Way between Cocoanut Row and North County Road with new gravel paths and landscaping.



The following Special Exceptions, Site Plan Review and/or Variances are part of the application:

- SITE PLAN REVIEW: Sec. 134-1112: Site plan review.

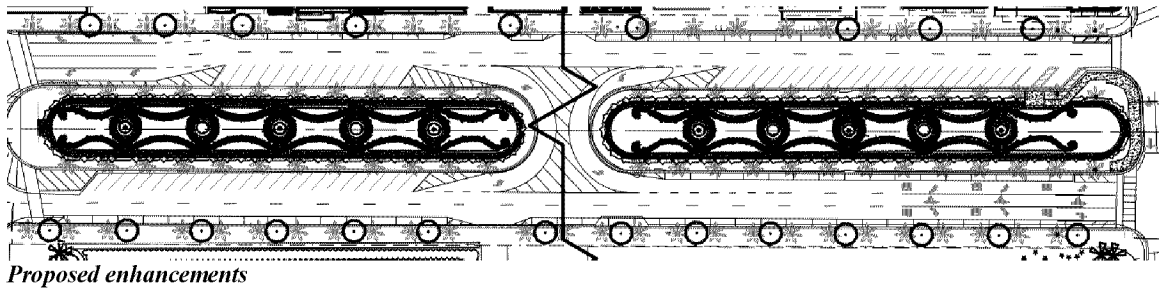
Site Data			
Zoning District	C-TS	Lot Size (SF)	+/- 52,800 SF
Surrounding Properties / Zoning			
North	Multiple tenants -restaurants, retail / C-TS		
South	Breakers Golf Course/Parking / C-TS		
East	95 North County Road Office / C-TS		
West	Median/Flagler Memorial Bridge / C-TS		

STAFF ANALYSIS:

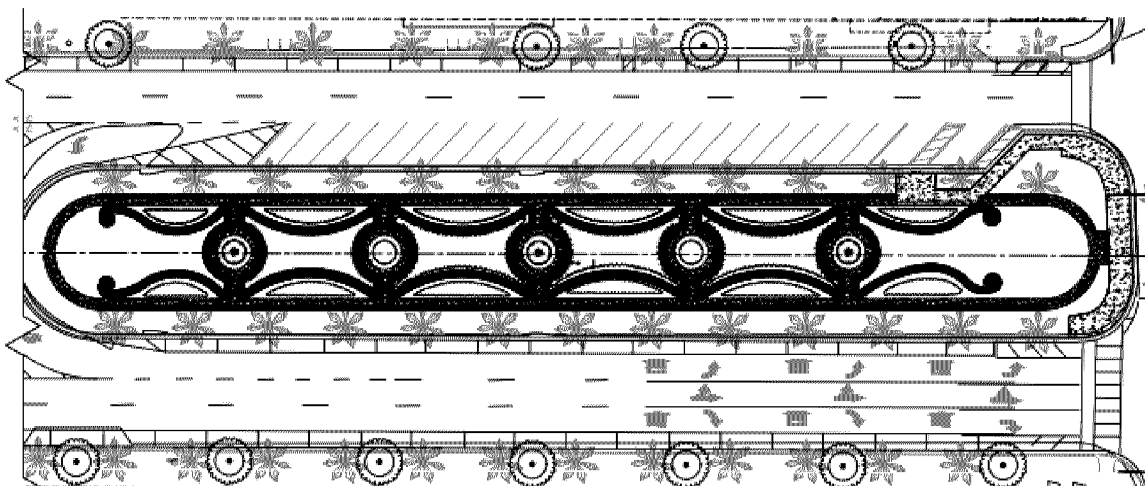
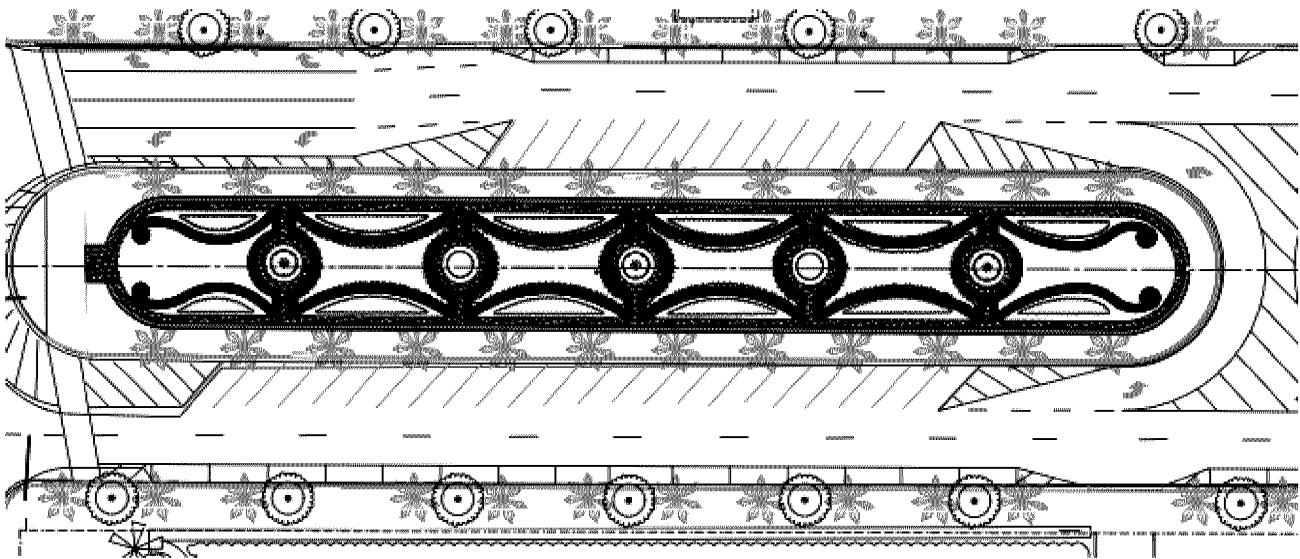
The center medians are owned and maintained by the Town of Palm Beach. The medians provide 59 angled parking spaces on the north and south sides and approximately 16 parallel parking spaces on the south side of the eastern median. These are very desirable and much used spaces by the public. Many people traverse the currently grass medians to access the stores and restaurants on the north side of Royal Poinciana Way. Both medians measure approximately 70' in width and 450-460' in length and only the western median provides a dedicated sidewalk in the north-south direction at its western edge.



The most notable hard improvement will be adding a series of gravel walkways along the perimeter of both oblong medians walkway which will provide a more secure travel pass for those parking along both sides of the angled grassways. A series of coordinated five north-south paths will be added connecting the oblong ringed walkway and break up the expansive width of the medians. Additionally, the motif provides for enhancing the medians with plantings including many native plants this will improve the pedestrian experience. These medians are also a very significant and historic vista as one arrives on the island eastbound off the Flagler Memorial bride.



By enhancing the planting program, one will notice an immediate sense of the Town of Palm Beach and it's fine landscaping. Proposed plant material includes 16 Lignum Vitae trees, 23 Horseflesh Mahogany trees, shrubs consisting of Fukien tea and Yaupon holly in addition to ground covers and sod. There is no less of any angled parking and no loss of any Royal palms.



If Town Council approves the site plan for the Royal Poinciana Way median beautification project, Public Works staff will proceed with advertising the project for bids. Upon receiving bids, staff will review the bids for conformance and accuracy and confirm the donation amount with The Garden Club Palm Beach to fully fund the project. Following this, Staff will bring the acceptance of donation from The Garden Club of Palm Beach and award of bid of the project to Town Council for approval. There will be no fiscal impact as The Garden Club Palm Beach will fully fund the project including landscaping, hardscape elements (sidewalks) and any necessary utility relocations.

CONCLUSION:

Approval of the project will require one (1) motion to be made by the Town Council:

- (1) for final determination of approval or denial of the Site Plan Review for development of a public park in that the approval of said application meets the criteria set forth in Sec.134-329 and finding that approval of the site plan will not adversely affect the public interest, that all zoning requirements governing the use have been met and that satisfactory provision and arrangement has been made.

WRB: JGM: FHM

SMI

LANDSCAPE ARCHITECTURE

July 08, 2024

Planning Administrator
Town of Palm Beach

Project Address: 0 Royal Poinciana Way

As requested, this document summarizes the proposed work to be completed at 0 Royal Poinciana Way:

1. The two center medians will have the existing plantings removed and replaced with a new design. The design consists of undulating bed lines and trees in the center. The project is being done as a gift from The Garden Club of Palm Beach.

ABBREVIATIONS, KEY

DA	Distance
DR	Domain in Republic
HS	Height
HT	Height
LA	Landscaped Area
L5	Landscaped Area
MAX	Maximum
MIN	Minimum
SMI	Small Landscape Architecture
TBD	To Be Determined
TC	Top of Cotta
THK	Thick
THP	Thyroid

GRADING

BOB	Bottom of Steps
ELEV	Elevation
FPE	Finished Floor Elevation
TC5	Top of Steps
TOW	Top of Wall

SMI TO APPROVE LAYOUT OF
ALL HARDSCAPE MATERIAL
PRIOR TO INSTALLATION


$$\overline{A-A} \quad |^{\circ} = 39.9^{\circ}$$
$$\frac{\overline{B-B}}{1' = 99.99}$$

AGGREGATE PATH DETAIL

Know what's below
Call before you dig

Royal Poinciana Way
Palm Beach, FL

SMI Landscape Architecture, LLC shall retain all common law, statutory and other reserved rights, including the copyright for these drawings. These drawings shall not be used by the recipients or others except by agreement in writing and with appropriate compensation, waiver of claims, and indemnification to SMI Landscape Architecture, LLC.

NOTE:
-FOOTINGS FOR ALL STRUCTURES TO BE AT
LEAST 3 BELOW GRADE TO ALLOW FOR
PLANTINGS / ROOT BALLS

NO.	DATE	DESCRIPTION
1	06.13.2024	Path Detail Revision

Preliminary

SMI

LANDSCAPE ARCHITECTURE
140 Royal Palm Way, Suite #206, Palm Beach, Florida 33480
Telephone: 561-655-9006 Fax: 561-655-9007
eMail: Office@smila.net www.smila.net
FL registration #LA 13000223

TITLE		Site Plan	
SCALE	AS NOTED	PROJECT NUMBER	1524
DATE	06.13.2024	PROJECT NAME	CITY
SEAL		DRAWING NO	
		L1.1 SHEET 1 OF 1	

ALL PLANTING BEDS ABUTTING LAWN TO HAVE METAL EDGE BORDER.

TITLE	Planting Plan		
SCALE	1/32" = 1'-0"	PROJECT NUMBER	1524
DATE	06.13.2024	PROJECT MANAGER	CIV
SEAL	DRAWING NO.		
		L3.1 SHEET 1 OF 3	

Know what's below
Call before you dig

L3.1

SHEET 1 OF

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 11, 2024

Section of Agenda

Time Extensions

Agenda Title

Waiver of Town Code Section 42-199, For Working Hours at **415 Hibiscus Ave.**

Presenter

ATTACHMENTS:

- ▣ **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on: September 11, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building



Re: Waiver of Town Code Section 42-199, For the Working Hours at 415 Hibiscus Avenue

Date: August 28, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council consider a request for a modification of work hours for the residential alteration of the second and third floor at 415 Hibiscus Avenue. This is the space directly above the Tiffany & Co. retail store at the corner of Worth Avenue and Hibiscus Avenue. If approved, staff recommends that it be conditioned upon the August 13, 2024, letter from Attorney Maura Ziska, which summarizes the request, along with the attached detailed schedule of construction work and estimated completion date.

Staff has notified the applicant that granting of extended working hours is the sole discretion of the Town Council.

GENERAL INFORMATION

The applicant is requesting to work from 8:00 am to 6:00 pm, Monday through Saturday, from November 1 through December 31, 2024. The code requires all Worth Avenue construction work to start on May 1 and to stop on October 31 of each year, with construction allowed from 8:00 am to 8:00 pm, Monday through Saturday. The applicant has indicated that they will stop work during the Thanksgiving and Christmas holidays. The applicant has provided a proposed construction schedule and estimated completion date (December 31, 2024) with their application.

Ordinance 03-2018, passed by the Town Council on second reading on February 13, 2018, modified the construction working hours in the Town as follows:

Sec. 42-199. - Hours for construction work.

- (b) Limited. Beginning on the Monday preceding Thanksgiving, and during the months of December, January, February, March, and April of each year, construction work not otherwise prohibited by section 42-198 or other work resulting in noise tending to disturb the people in the vicinity thereof shall not begin until the hour of 8:00 a.m., and shall cease at the hour of 5:00 p.m., except Saturday, Sunday, and legal holidays, when all construction work is prohibited. In no event shall heavy equipment or other*

construction-related noise be permitted before 9:00 a.m. At all other times such work may commence at 8:00 a.m. and cease at the hour of 6:00 p.m., except Saturdays, Sundays and legal holidays, including the Friday immediately after Thanksgiving, when all construction work is restricted or prohibited. Construction work is permissible on Saturdays from May through the Monday preceding Thanksgiving, but subject to the following restrictions: work shall not begin until the hour of 9:00 a.m. and shall cease at the hour of 5:00 p.m.; all work must be quiet in nature during which all of the noise and machinery prohibitions identified in section 42-198 are applicable; material deliveries are prohibited in all cases unless the Building Official waives such restriction due to compelling circumstances; concrete pours and concrete sawing is prohibited unless the Building Official waives such restriction due to compelling circumstances; and the razing of buildings is prohibited, with the exception of non-mechanized debris clean-up. The permitted hours for construction work in the C-WA zoning district shall be from 8:00 a.m. until 8:00 p.m. during the months commencing May 1 and ending on October 31, except Sundays and legal holidays, when all construction work is prohibited.

(c) *Exceptions.*

- (5) *The town council, in its discretion, for the benefit of the health, safety and welfare of the residents of the town may, by resolution, temporarily amend the hours for construction work referenced herein.*

The applicant was asked to notify surrounding property owners of the request and of the date of this meeting, as required.

Attachments – August 13, 2024, Letter from Maura Ziska, with Proposed Construction Schedule
Letter to Neighbors
List of Neighbors Contacted

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska
Alexander D. Kochman
*Also admitted in New York

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401
Telephone 561-802-8960
Facsimile 561-802-8995

August 13, 2024

VIA EMAIL

wbergman@townofpalmbeach.com

Mr. Wayne Bergman, Building Official
Town of Palm Beach
360 S County Road
Palm Beach, FL 33480

Re: Extension for construction timeframe /415 Hibiscus Avenue, Palm Beach, FL

Dear Wayne,

This letter shall serve as formal notice of the request for a waiver of the time schedule for completion of construction by the owner of 415 Hibiscus Avenue, Palm Beach, Florida. Also enclosed is a construction schedule. I have also included a copy of the letter that will be sent notifying the abutting property owners and the owners across the street.

We are requesting to allow work from 8:00 a.m. to 6:00 p.m., Monday Through Saturday, from October 1, 2024 through December 31, 2024. We would discontinue work during peak holiday times which includes November 27-28, 2024 and December 24-25. The construction will be interior work only, thereby maintaining the pleasant and quiet environment for local business patrons, without the backdrop of construction. The reason for the request for an extension is due to the following:

1. Terrazzo Floor Installation: The installation of the terrazzo floor is a critical phase that necessitates the suspension of all other work. This process will require approximately three (3) weeks, during which no other construction activities can take place.
2. High Gloss Ceiling Installation: Similar to the terrazzo floor, the installation of the high gloss ceiling also requires a dedicated timeframe of three weeks where no other work can be conducted.
3. Long Lead Times for Wine Room and Bar Cabinets: There is a significant lead time for the delivery of the wine room and bar cabinets. Considering the sequencing of these installations, we are projecting that the completion time frame will extend to the end of December.

A Florida Professional Limited Liability Company Including Professional Associations

While these tasks are being completed, the remaining work will be relatively quiet and less disruptive. We believe that extending the schedule will ensure that all work is performed to the highest standards without compromising the overall quality of the project.

We appreciate your understanding and support regarding this matter. Please let us know if you require any additional information or if there are any further steps we need to take.

Please place this request on the September 11, 2024 Town Council agenda.

Respectfully,

Maura Ziska

Maura Ziska

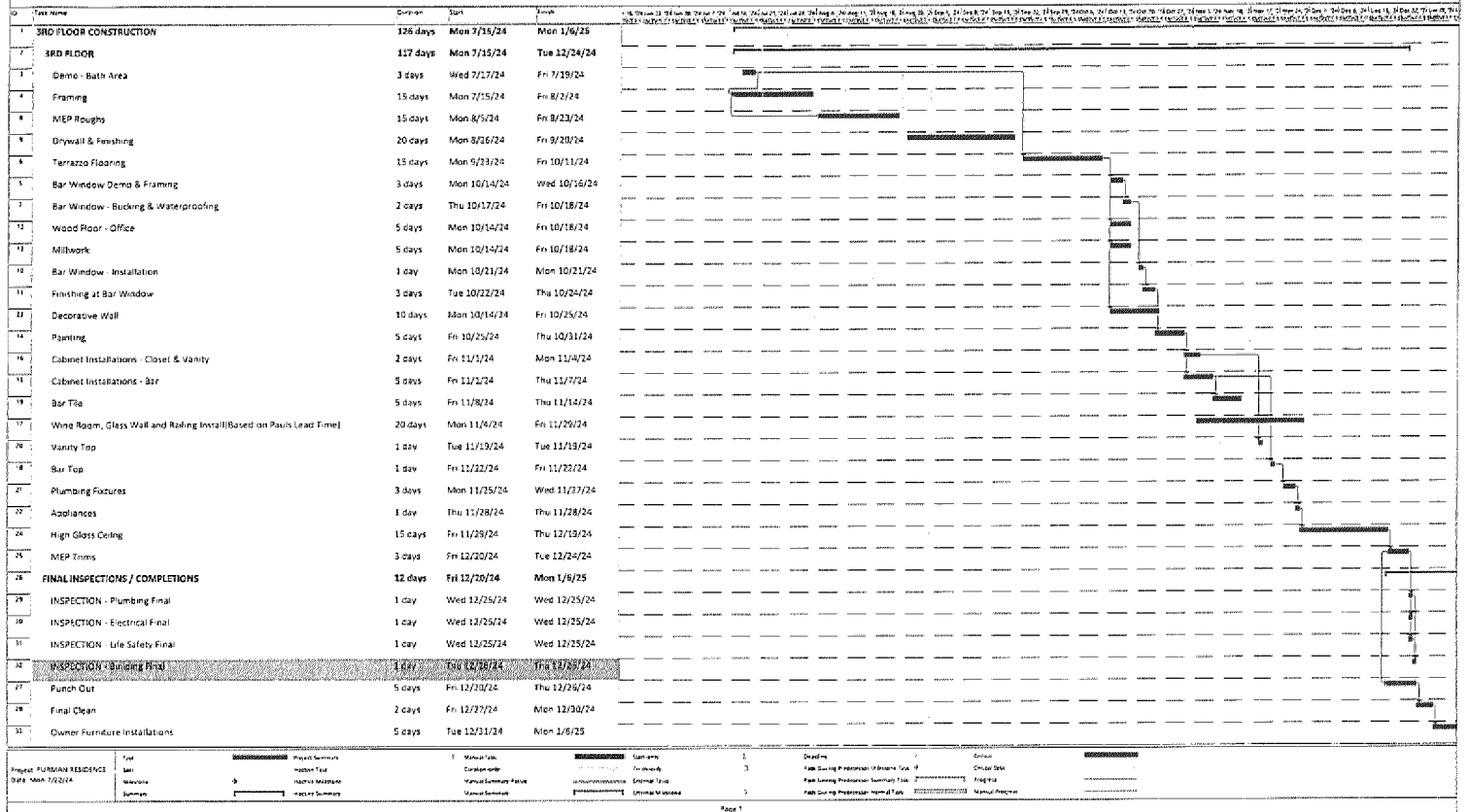
MAZ/jc
Enclosures
cc: Client

A Florida Professional Limited Liability Company Including Professional Associations



Shapiro Pertnoy
COMPANIES

TAYLOR RESIDENCE
415 Hibiscus Ave



KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska
Alexander D. Kochman
*Also admitted in New York

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401
Telephone 561-802-8960
Facsimile 561-802-8995

August 13, 2024

To Whom It May Concern:

A waiver of Town Ordinance 42-199, Hours of Construction, is being requested by 415 Hibiscus Avenue, Palm Beach, Florida, to allow work from 8:00 a.m. to 6:00 p.m., Monday through Saturday, from October 1, 2024 to December 31, 2024. We would discontinue work during peak holiday times which includes November 27-28 and December 24-25. The construction will be interior work only.

This matter will be presented to the Palm Beach Town Council at the regularly scheduled meeting on September 11, 2024. Any concerns regarding this matter should be expressed at this meeting.

This notice is required to be postmarked no later than 10 days prior to the regularly scheduled meeting.

Respectfully,

Maura Ziska

Maura Ziska

MZ/jc

A Florida Professional Limited Liability Company Including Professional Associations

415 HIBISCUS AVE. – SURROUNDING PROPERTY OWNERS NOTICED

1. HOLBROOK REAL ESTATE LLC
980 S. OCEAN BLVD.
PALM BEACH, FL 33480-4909
PCN: 50-43-43-23-05-015-0480 (247 WORTH AVE.)
2. PERUVIAN AVENUE CORP
380 COLUMBIA DR., SUITE 111
WEST PALM BEACH, FL 33409-1977
PCN: 50-43-43-23-05-015-0010 (405 HIBISCUS AVE.)
3. CHANEL INC.
C/O DIRECTOR OF TAX DEPT.
876 CENTENNIAL AVE.
PISCATAWAY, NJ 08854-3917
PCN: 50-43-43-23-05-014-0242 (301 WORTH AVE.)
4. POWER LOVE ASSOC.
C/O LOVE REALTY
P.O. BOX 28
WHITE PLAINS, NY 10605-0028
PCN: 50-43-43-23-05-018-0010 (256 WORTH AVE.)
5. LOVE III LLC
P.O. BOX 28
WHITE PLAINS, NY 10605-0028
PCN: 50-43-43-27-69-000-0010 (250 WORTH AVE. UNIT 1)
6. E&R III LLC
250 WORTH AVE.
PALM BEACH, FL 33480-4663
PCN: 50-43-43-27-69-000-0020 (250 WORTH AVE. UNIT 2)
7. SMS COMPANY
P.O. BOX 28
WHITE PLAINS, NY
PCN: 50-43-43-27-69-000-0030 (250 WORTH AVE. UNIT 3)
8. STEVEN L. HANDELSMAN TRUST; SANDY HEASLIP TRUST; MARSHA STOCKER TRUST; UNDER THE LUCILLE HANDELSMAN TRUST
7 LOVE LN.
HARRISON, NY 10528-1218
PCN: 50-43-43-27-69-000-0040 (250 WORTH AVE. UNIT 4)



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 S County Rd
Palm Beach, FL 33480-6735

Permit No.: **RALT-24-00192**

Issue Date: 7/8/2024

Expiration Date: 11/08/2025

Schedule inspections online at
townofpalmbeach.com

P Contractor: **PDC Development Corp.** Project Address: **415 Hibiscus Ave**
E Address: **3222-C Commerce Place Suite C Suite** **Palm Beach, FL 33480**
R Phone: **West Palm Beach, FL 33407**
M Business: **15617935852**
I Qualifier: **PDC Development Corp** PCN: **50434327880000020**
T Construction Valuation: **\$1,754,674.12** Owner's Name: **TW APARTMENT LLC**
Owner's Address: **TW APARTMENT LLC**
415 HIBISCUS AVE
PALM BEACH, FL 33480
Permit Type: **Residential Alteration**
Permit Description: ******* PRIVATE PROVIDER ***** Build out of interior space**

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

The issuance of this permit is conditioned upon compliance with any approvals granted by the Town Council, Landmarks Preservation Commission, and/or Architectural Commission. Any misrepresentation of facts pertaining to required permit information and/or the required design professional's plans shall be considered prima-facie evidence and be cause for permit revocation.

PERMIT FEES:

(BCAIF) Bldg Code Administrator & Inspector 30/90	149.24
(BCAIF) Bldg Code Administrator & Inspector 70/90	348.22
Permit Fee 30%	11,054.45
(HMWNR) Dept. of Business & Professional 30/90	99.49
(HMWNR) Dept. of Business & Professional 70/10	25.80

PERMIT FEES:

Permit Fee 70%	25,793.71
Technology Fee	755.39
(HMWNR) Dept. of Business & Professional 30/10	11.06
(BCAIF) Bldg Code Administrator & Inspector 30/10	16.58
(BCAIF) Bldg Code Administrator & Inspector 70/10	38.69
(HMWNR) Dept. of Business & Professional 70/90	232.14

Total Fees: \$38,524.77

CONDITIONS

Low Frequency Sounders
Fire Alarm and Fire Sprinkler

KOCHMAN & ZISKA PLC
Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401



HOLBROOK REAL ESTATE LLC
980 S. OCEAN BLVD.
PALM BEACH, FL 33480-4909

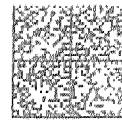
KOCHMAN & ZISKA PLC
Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401



PERUVIAN AVENUE CORP
380 COLUMBIA DR., SUITE 111
WEST PALM BEACH, FL 33409-1977

KOCHMAN & ZISKA PLC
Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

FIRST-CLASS



US POSTAGE PAID PITNEY BOWES
ZIP 33401 \$ 000.69⁰
02 7H
0001324159 AUG 13 2024

CHANEL INC.
C/O DIRECTOR OF TAX DEPT.
876 CENTENNIAL AVE.
PISCATAWAY, NJ 08854-3917

KOCHMAN & ZISKA PLC
Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

FIRST-CLASS



US POSTAGE PAID PITNEY BOWES
ZIP 33401 \$ 000.69⁰
02 7H
0001324159 AUG 13 2024

POWER LOVE ASSOC.
C/O LOVE REALTY
P.O. BOX 28
WHITE PLAINS, NY 10605-0028

KOCHMAN & ZISKA PLC
Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

LOVE III LLC
P.O. BOX 28
WHITE PLAINS, NY 10605-0028

KOCHMAN & ZISKA PLC
Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

E&R III LLC
250 WORTH AVE.
PALM BEACH, FL 33480-4663

FIRST-CLASS



US POSTAGESM PITNEY BOWES
ZIP 33401 \$ 000.69⁰
02 7H
0001324159 AUG 13 2024

FIRST-CLASS



US POSTAGESM PITNEY BOWES
ZIP 33401 \$ 000.69⁰
02 7H
0001324159 AUG 13 2024

KOCHMAN & ZISKA PLC
Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401



SMS COMPANY
P.O. BOX 28
WHITE PLAINS, NY

KOCHMAN & ZISKA PLC
Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401



STEVEN L. HANDELSMAN TRUST; SANDY HEASLIP
TRUST; MARSHA STOCKER TRUST; UNDER THE
LUCILLE HANDELSMAN TRUST
7 LOVE LN.
HARRISON, NY 10528-1218

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 11, 2024

Section of Agenda

Time Extensions

Agenda Title

Waiver of Town Code Section 42-199 for Working Hours (*Commercial Worth Avenue CWA Zone*) at **222 Worth Ave.**

Presenter

ATTACHMENTS:

- ▯ **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on: September 11, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building

Re: Waiver of Town Code Section 42-199, For the Working Hours at 222 Worth Avenue

Date: August 28, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council consider a request for a modification of work hours for the interior and exterior renovations at 222 Worth Avenue. If approved, staff recommends that it be conditioned upon the August 22, 2024, letter from V.P. of Store Planning for Louis Vuitton, which summarizes the request, along with the attached detailed schedule of construction work and estimated completion date.

Staff has notified the applicant that granting of extended working hours is the sole discretion of the Town Council.

GENERAL INFORMATION

The applicant is requesting to work from 8:00 am to 8:00 pm, Monday through Saturday, from November 1, 2024, through March 31, 2025. The code requires all Worth Avenue construction work to start on May 1 and to stop on October 31 of each year, with construction allowed from 8:00 am to 8:00 pm, Monday through Saturday. The applicant has indicated that they will stop work during the Thanksgiving and Christmas holidays. The storefront would be installed before this Thanksgiving, exterior building cladding and signage would be installed after this Thanksgiving, the exterior barricade would be taken down on December 11, 2024, and the interior work would continue through March 31, 2025. The applicant has provided a proposed construction schedule and estimated completion date (March 31, 2025) with their application.

Ordinance 03-2018, passed by the Town Council on second reading on February 13, 2018, modified the construction working hours in the Town as follows:

Sec. 42-199. - Hours for construction work.

- (b) Limited. Beginning on the Monday preceding Thanksgiving, and during the months of December, January, February, March, and April of each year, construction work not otherwise prohibited by section 42-198 or other work resulting in noise tending to disturb the people in the vicinity thereof shall*

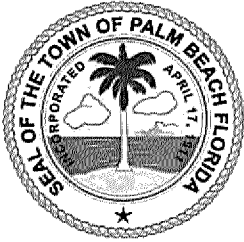
not begin until the hour of 8:00 a.m., and shall cease at the hour of 5:00 p.m., except Saturday, Sunday, and legal holidays, when all construction work is prohibited. In no event shall heavy equipment or other construction-related noise be permitted before 9:00 a.m. At all other times such work may commence at 8:00 a.m. and cease at the hour of 6:00 p.m., except Saturdays, Sundays and legal holidays, including the Friday immediately after Thanksgiving, when all construction work is restricted or prohibited. Construction work is permissible on Saturdays from May through the Monday preceding Thanksgiving, but subject to the following restrictions: work shall not begin until the hour of 9:00 a.m. and shall cease at the hour of 5:00 p.m.; all work must be quiet in nature during which all of the noise and machinery prohibitions identified in section 42-198 are applicable; material deliveries are prohibited in all cases unless the Building Official waives such restriction due to compelling circumstances; concrete pours and concrete sawing is prohibited unless the Building Official waives such restriction due to compelling circumstances; and the razing of buildings is prohibited, with the exception of non-mechanized debris clean-up. The permitted hours for construction work in the C-WA zoning district shall be from 8:00 a.m. until 8:00 p.m. during the months commencing May 1 and ending on October 31, except Sundays and legal holidays, when all construction work is prohibited.

(c) *Exceptions.*

- (5) *The town council, in its discretion, for the benefit of the health, safety and welfare of the residents of the town may, by resolution, temporarily amend the hours for construction work referenced herein.*

The applicant was asked to notify surrounding property owners of the request and of the date of this meeting, as required.

Attachments – August 22, 2024, Letter from Zeynep Ozandag, with Proposed Construction Schedule
Letter to Neighbors
List of Neighbors Contacted



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 S County Rd
Palm Beach, FL 33480-6735

Permit No.: **CALT-24-00042**

Issue Date: 5/31/2024

Expiration Date: 05/31/2025

Schedule inspections online at
townofpalmbeach.com

**P
E
R
M
I
T**

Contractor: **DIMENSION ONE INC**
Address: 1615 MEREDITH PARK DR
MCDONOUGH, GA 30253
Business: (770) 716-5426
Phone:

Project Address: **222 Worth Ave**
Palm Beach, FL 33480

Qualifier: **DIMENSION ONE INC**

PCN: 50434323050180170

Construction Valuation: \$2,000,000.00

Owner's Name: **WORTH PONDFIELD**
Owner's Address: **WORTH PONDFIELD**

PO BOX 3368
PALM BEACH, FL 33480

Permit Type: **Commercial Alteration**

Permit Description: interior Alteration

2. WORK UNDER THIS APPLICATION IS LIMITED TO THE INTERIOR RENOVATION OF THE TENANT SPACE INVOLVING ARCHITECTURAL, ELECTRICAL, MECHANICAL, PLUMBING, FIRE ALARM AND SPRINKLER. NEW ACCESSIBLE RESTROOM TO BE INSTALLED ON SECOND FLOOR. NEW BOH STAIR IN REAR OF SPACE REFER TO ARCHITECTURAL AND STRUCTURAL FOR ADDITIONAL INFORMATION.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

The issuance of this permit is conditioned upon compliance with any approvals granted by the Town Council, Landmarks Preservation Commission, and/or Architectural Commission. Any misrepresentation of facts pertaining to required permit information and/or the required design professional's plans shall be considered prima-facie evidence and be cause for permit revocation.

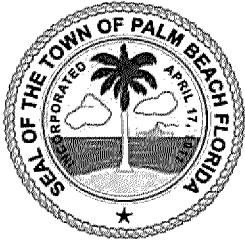
PERMIT FEES:

(BCAIF) Bldg Code Administrator & Inspector 30/90	226.80
(BCAIF) Bldg Code Administrator & Inspector 30/10	25.20
Permit Fee 30%	16,800.00
(HMWNR) Dept. of Business & Professional 70/90	352.80
(BCAIF) Bldg Code Administrator & Inspector 70/10	58.80
Waiver of Construction Hours	500.00

PERMIT FEES:

(HMWNR) Dept. of Business & Professional 30/90	151.20
(HMWNR) Dept. of Business & Professional 70/10	39.20
Permit Fee 70%	39,200.00
(BCAIF) Bldg Code Administrator & Inspector 70/90	529.20
Technology Fee	1,148.00
(HMWNR) Dept. of Business & Professional 30/10	16.80

Total Fees: \$59,048.00



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 S County Rd
Palm Beach, FL 33480-6735

Permit No.: **CALT-24-00104**

Issue Date: 8/2/2024

Expiration Date: 12/02/2025

Schedule inspections online at
townofpalmbeach.com

**P
E
R
M
I
T**

Contractor: **DIMENSION ONE INC**
Address: 1615 MEREDITH PARK DR
MCDONOUGH, GA 30253
Business: (770) 716-5426
Phone:

Project Address: **222 Worth Ave**
Palm Beach, FL 33480

Qualifier: **DIMENSION ONE INC**

PCN: 50434323050180170

Construction Valuation: \$450,000.00

Owner's Name: **WORTH PONDFIELD**
Owner's Address: **WORTH PONDFIELD**

PO BOX 3368
PALM BEACH, FL 33480

Permit Type: **Commercial Alteration**

Permit Description: 1. Façade on Level 1 – Per ARCOM Approval a third pilaster will be added to provide a consistent geometry on the first floor. The existing wood door and arched window will be removed. New knee walls with new impact-rated glass and frame system with an applied metal trim to create a transom will be installed in three of the bays created by the pilasters. A single entry door with side light with a brass-like finish will be recessed into the third bay from the left. The door shall swing out in the direction of egress as required by code and shall be recessed as to not interfere with the sidewalk pedestrian foot traffic. One sign above the entry doors in a black metal trim shall be installed onto the existing stucco areas. see drawings for additional.
2. One sign above the entry doors in a black metal trim shall be installed onto the existing stucco area.
3. Exterior Gate Design is pending and will be submitted at a later time subject to ARCOM approval.
4. No changes are proposed for the second floor.
5. The exterior front façade shall be painted white to match the existing exterior.
6. A portion of the rear fence will be replaced with a wood fence with a gate for access. Fence shall match existing.
7. The existing lawn is to remain and shall be reseeded with a traditional grass for the area.
8. Replacement of existing HVAC roof top units in same location as existing.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

The issuance of this permit is conditioned upon compliance with any approvals granted by the Town Council, Landmarks Preservation Commission, and/or Architectural Commission. Any misrepresentation of facts pertaining to required permit information and/or the required design professional's plans shall be considered prima-facie evidence and be cause for permit revocation.



August 22, 2024

Town of Palm Beach
Planning, Zoning, Building
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6426
Attn: Wayne Bergman, MCP, LEED® AP

Re: Request for a Waiver to Section 42-199 (Hours of Construction Work – Commercial Worth Avenue CWA zone) – Louis Vuitton 222 Worth Ave Project Permit # CALT-24-00042 (Interior) and Louis Vuitton 222 Worth Ave Project Permit # CALT-24-0104 (Exterior)

Dear Mr. Bergman,

We request a waiver to Section 42-199 of the Town of Palm Beach Code of Ordinances, relating to the construction working hours beyond October 31 – May 1st of every calendar year. We understand this requires Town Council approval and request to be included in the September meeting.

Due to structural deficiencies in the existing building shell found during interior demolition, Louis Vuitton has been performing restoration which is expected to be completed in mid to late October. The duration of the restoration will cause delays to the exterior work, interior construction, and millwork installation. For your review and information attached is the projected construction schedule if our requests are approved. The attached schedule anticipates the town not allowing for construction the week of Thanksgiving and the week between Christmas and New Years. Installation of storefront glazing and doors would be completed prior to Thanksgiving. The cladding and signage would be completed after Thanksgiving. The barricade would be removed on Dec. 11th per the attached schedule. The interior work would continue until March 31st. For the interior construction the GC and millwork teams will be using typical cutting and drilling tools and shall be done in the interior of the space during the hours of 8am to 8pm.

Based on our schedule we request an extension from November 1, 2024 through Dec 12, 2024 to complete the remaining exterior work and November 1, 2024 through March 31, 2025 to complete the remaining interior work.

We hope that this request may be considered.

Very truly yours,

Zeynep Ozandag
Vice President – Store Planning

Cc: Sarah Pardue Design | Preservation Planner
Cc: James Murphy Assistant Director *Design & Preservation*
Cc: Bradley Falco *Design & Preservation Planner*

LOUIS VUITTON 222 WORTH AVE PROJECT NEW YORK, NY 10022



August 29, 2024

To: Neighbors within 300' of 222 Worth Ave Palm Beach Florida

Re: Request for a Waiver to Section 42-199 (Hours of Construction Work – Commercial Worth Avenue CWA zone) – Louis Vuitton 222 Worth Ave Project Permit # CALT-24-00042 (Interior) and Louis Vuitton 222 Worth Ave Project Permit # CALT-24-0104 (Exterior)

Dear Neighbors,

We have applied to the Town Council a request for a waiver to Section 42-199 of the Town of Palm Beach Code of Ordinances, relating to the construction working hours beyond October 31, 2024. Due to structural deficiencies in the existing building shell found during interior demolition, Louis Vuitton has been performing restoration which is expected to be completed in mid to late October. The duration of the restoration will cause delays to the exterior work, interior construction, and millwork installation. Based on our schedule we request an extension from November 1, 2024, through Dec 12, 2024, to complete the remaining exterior work and November 1, 2024, through March 31, 2025, to complete the remaining interior work. We anticipate the town not allowing for construction the week of Thanksgiving and the week between Christmas and New Years, as well as all federal holidays. Installation of storefront glazing and doors would be completed prior to Thanksgiving. The cladding and signage would be completed after Thanksgiving. The barricade would be removed by Dec. 12th. The interior work would continue until March 31st. For the interior construction, the GC and millwork teams will be using typical cutting and drilling tools in the interior of the space during the hours of 8am to 8pm.

Our request will be heard by Town Council on Wednesday, September 11, 2024, starting at 9:30 a.m., in Town Hall Council Chambers. This meeting is open to the public allowing you an opportunity to make comments regarding our request. You may also provide comments to the town by sending them to publiccomment@townofpalmbeach.com. If you have any questions or want to discuss your concerns with us prior to the meeting, please contact me at Lisa.Aaron@louisvuitton.com.

Very truly yours,

Lisa Aaron

Director – Store Planning

Cc: The Town of Palm Beach, Wayne Bergman and Antonette Fabrizi
Cc: Zeynep Ozandag – Vice President – Store Planning

ARCHITECTURAL DRAWING
FACADE ELEVATION

FACADE ELEVATION
FACADE ELEVATION

[illegible]

PARID	OWNER_NAME	MAILING_LINE1	MAILING_LINE2	CITY	STATE	ZIP	SITUS_ADDRESS	BUFFERDISTANCE	Delivery Method 8/29 Fedex or USPS	Tracking Number	Notes
504343223050180170	WORTH PONDFIELD	PO BOX 3368		PALM BEACH	FL	33480	222 WORTH AVE		USPS	E1988160551US	Delivery confirmed 8/30 10:46am
504343223050150010	PERUVIAN AVENUE CORP	380 COLUMBIA DR STE 111		WEST PALM BEACH	FL	33409	405 HIBISCUS AVE	300	FedEx	778262436150	Delivery confirmed 8/30 9:59 AM
504343223050150200	220 PERUVIAN AVENUE HOLDINGS LLC	516 E HYMAN AVE FL 2		ASPEN	CO	81611	120 PERUVIAN AVE	300	FedEx	778262549428	Delivery confirmed 8/30 10:58AM
504343223050150220	PALM BEACH TOWN OF	PO BOX 2029		PALM BEACH	FL	33480	400 S COUNTY RD	300	USPS	E1988160548US	Delivery confirmed 8/30 10:46am
504343223050150280	LENDAN INC	205 WORTH AVE # 201		PALM BEACH	FL	33480	201 WORTH AVE	300	FedEx	778262709132	Delivery confirmed 8/30 10:50 AM
504343223050150340	219 WORTH AVENUE HOLDINGS LLC	516 E HYMAN AVE STE B		ASPEN	CO	81611	219 WORTH AVE	300	FedEx	778262709132	Delivery confirmed 8/30 10:58AM
504343223050150380	225 WORTH AVENUE HOLDINGS LLC	516 E HYMAN AVE FL 2ND		ASPEN	CO	81611	225 WORTH AVE	300	FedEx	778262782000	Delivery confirmed 8/30 10:58AM
504343223050150420	MIKLOR EQUITIES INC	1 PENN PLZ STE 4120		NEW YORK	NY	10119	235 WORTH AVE	300	FedEx	778262850923	Delivery attempted 8/30 10:03am and 9/3 9:42am and 10:26am. 4th attempt will be made later today - FedEx note: Customer not available or Business closed
504343223050150440	237 243 WORTH AVENUE LTD PARTNERSHIP	21981 WAINWAY LN		MIDDLEBURG	VA	20117	243 WORTH AVE	300	FedEx	778262931728	Delivery confirmed 8/30 10:11AM
504343223050150480	HOLBROOK REAL ESTATE LLC	980 S OCEAN BLVD		PALM BEACH	FL	33480	247 WORTH AVE	300	FedEx	778263005800	Delivery confirmed 8/30 9:17AM
504343223050180050	PALM V ASSOC LTD	PO BOX 28		WHITE PLAINS	NY	10605	224 WORTH AVE	300		E1988160724US	Delivery confirmed 8/30 12:58pm
504343223050180190	NAPOLEON PALM BEACH	345 HILLSIDE AVE		WILLISTON PARK	NY	11596	218 WORTH AVE	300	FedEx	778263102686	Delivery confirmed 9/3 9:53AM Delivery attempted 8/30
504343223050180212	212 WORTH AVENUE LLC	2100 DELANCEY PLACE UNIT 4		PHILADELPHIA	PA	19103	212 WORTH AVE	300	FedEx	778263178382	Delivery confirmed 8/30 9:11AM
504343223050180230	FERRAGAMO USA INC	700 CASTLE RD		SECAUCUS	NJ	7094	204 WORTH AVE	300	FedEx	778263253245	Delivery confirmed 8/30 9:14AM
504343226000010020	THE EVERGLADES CLUB INC	356 WORTH AVE		PALM BEACH	FL	33480	500 S COUNTY RD	300	FedEx	778263323841	Delivery confirmed 8/30AM 9:46 AM
504343226000000020	JAMES SYLVIA	2 GOLFVIEW RD		PALM BEACH	FL	33480	2 GOLFVIEW RD	300	FedEx	778263402294	Delivery confirmed 8/30 10:40AM
504343226000000031	CINQUE GAY ANN &	3 GOLFVIEW RD		PALM BEACH	FL	33480	3 GOLFVIEW RD	300	FedEx	778263534053	Delivery confirmed 8/30 10:39AM
504343226000000040	ALVA SANDEEP	4 GOLFVIEW RD		PALM BEACH	FL	33480	4 GOLFVIEW RD	300	FedEx	778263534053	Delivery confirmed 8/30 10:39AM
504343226000000050	REGALBUTO JASON R &	6 GOLFVIEW RD		PALM BEACH	FL	33480	6 GOLFVIEW RD	300	FedEx	778263601514	Delivery confirmed 8/30 10:37AM
504343226000000070	PANATTONI LIVING TRUST	1095 N OCEAN BLVD		PALM BEACH	FL	33480	8 GOLFVIEW RD	300	FedEx	778263684966	Delivery confirmed 8/30 10:47AM
504343226000000091	SPROCK HOWARD M III	9 GOLFVIEW RD		PALM BEACH	FL	33480	9 GOLFVIEW RD	300	FedEx	778263797682	Delivery confirmed 8/30 10:33AM
504343226000000092	JAMES WILLIAM E &	10 GOLFVIEW RD		PALM BEACH	FL	33480	10 GOLFVIEW RD	300	FedEx	778263859364	Delivery confirmed 8/30 10:32AM
504343226000000110	WHELTON MAHNAZ	12 GOLFVIEW RD		PALM BEACH	FL	33480	12 GOLFVIEW RD	300	FedEx	778263918334	Delivery confirmed 8/30 10:31AM
504343226000000180	REYES DAVID K &	5 GOLFVIEW RD		PALM BEACH	FL	33480	5 GOLFVIEW RD	300	FedEx	778263982255	Delivery confirmed 8/30 10:38AM
5043432261400000010	LOVE GALLERY PLACE	PO BOX 28		WHITE PLAINS	NY	10605	175 WORTH AVE 0010	300	USPS	E1988160579US	Delivery confirmed 8/30 12:58pm
5043432261400000020	LOVE GALLERY PLACE	PO BOX 28		WHITE PLAINS	NY	10605	175 WORTH AVE 0020	300	USPS	E1988160565US	Delivery confirmed 8/30 12:58pm
5043432261400000030	PB WORTH PARTNERS LLC	358 SAW MILL RIVER RD		MILLWOOD	NY	10546	175 WORTH AVE 0030	300	FedEx	778264053430	Delivery confirmed 8/30 10:21AM
504343226900000010	LOVE III LLC	PO BOX 28		WHITE PLAINS	NY	10605	250 WORTH AVE 1	300	USPS	E1988160582US	Delivery confirmed 8/30 12:58pm
504343226900000020	E&R III LLC	250 WORTH AVE		PALM BEACH	FL	33480	250 WORTH AVE 2	300	FedEx	778264115031	Delivery confirmed 9/03 11:51 Delivery attempted 8/30
504343226900000030	SMS COMPANY	PO BOX 28		WHITE PLAINS	NY	10605	250 WORTH AVE 3	300	USPS	E1988160738US	Delivery confirmed 8/30 12:58pm
504343226900000040	HANDELSMAN STEVEN I TRUST &	7 LOVE LN		HARRISON	NY	10528	250 WORTH AVE 4	300	FedEx	7782641196138	Delivery confirmed 8/30 10:50AM

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 11, 2024

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 020-2024: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida; Amending The Adopted 2017 Town Of Palm Beach's Comprehensive Plan Pursuant To Chapter 163, Florida Statutes; Amending The Future Land Use Map Of The Comprehensive Plan By Changing The Future Land Use Designation For Parcels Of Land More Particularly Described In Exhibit C, From "Public", "Recreation" And "Single Family", Respectively To "Private Group Use"; Providing For Inclusion Into The Comprehensive Plan; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Presenter

ATTACHMENTS:

- ▣ **Ordinance No. 020-2024: FLU Map Amendment**

ORDINANCE NO. 020-2024

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA; AMENDING THE ADOPTED 2017 TOWN OF PALM BEACH'S COMPREHENSIVE PLAN PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION FOR PARCELS OF LAND MORE PARTICULARLY DESCRIBED IN EXHIBIT C, FROM "PUBLIC", "RECREATION" AND "SINGLE FAMILY", RESPECTIVELY TO "PRIVATE GROUP USE"; PROVIDING FOR INCLUSION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Palm Beach has adopted a Comprehensive Plan pursuant to Chapter 163, Part II, Florida Statutes, known as the Community Planning Act (the "Act"); and

WHEREAS, on August 9, 2017, the Town of Palm Beach amended the Town of Palm Beach Comprehensive Plan based on the Town's Evaluation and Appraisal of the Comprehensive Plan with the adoption of Ordinance No. 9-2017; and

WHEREAS, pursuant to Town Code Section 86-51, in accordance with Section 163.3174, Florida Statutes, the Town Council of the Town of Palm Beach is hereby designated and established as the Local Planning Agency for the incorporated territory of the Town of Palm Beach; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, a small-scale development amendment may be adopted pursuant to this section if the proposed amendment involves a use of 50 acres or fewer and if the proposed text changes to the Goals, Objectives and Policies relate directly to and are adopted simultaneously with the small-scale future land use map amendment; and

WHEREAS, on June 17, 2024, the Town of Palm Beach received a privately initiated development review application to amend the Town of Palm Beach Comprehensive Plan Future Land Use Map for the properties legally described in Exhibit “C” (the “Subject Properties”); and

WHEREAS, on August 6, 2024, the Town of Palm Beach Planning and Zoning Commission reviewed the Future Land Use Map Amendments (“Amendments”) to the Subject Properties and recommended to the Town Council that the Amendments be approved; and

WHEREAS, on August 12, 2024, pursuant to Section 163.3174(4)(a), Florida Statutes, the Town Council acting as the Local Planning Agency conducted a public hearing wherein it considered the recommendations of the Planning, Zoning and Building Department and the Planning and Zoning Commission regarding the Amendments to the Future Land Use Element of the Town of Palm Beach Comprehensive Plan; and

WHEREAS, the Town Council has determined that the proposed Amendments to the Comprehensive Plan Future Land Use Map promote the public health, safety and welfare and are consistent with the requirements in Florida Statutes, and all elements of the adopted Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Incorporation of Recitals.

The above recitals are incorporated as fully set forth herein.

Section 2. Amendment of the Comprehensive Plan.

The Town of Palm Beach Future Land Use Map of the Comprehensive Plan, set forth in Ordinance No. 9-2017 of the Town of Palm Beach, is hereby amended for the Subject Properties

from Public, Recreation, and Single Family as shown in Exhibit “B” to Private Group Use as displayed on Exhibits “A” and “B” and legally described in Exhibit “C”.

Section 3. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 5. Codification.

This Ordinance shall be codified and made a part of the official Comprehensive Plan of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect 31 days subsequent to its enactment on second and final reading, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this _____ day of _____, and for second and final reading on this _____ day of _____.

Danielle H. Moore, Mayor

Bobbie D. Lindsay, Town Council President

Lewis S.W. Crampton, Council President Pro Tem

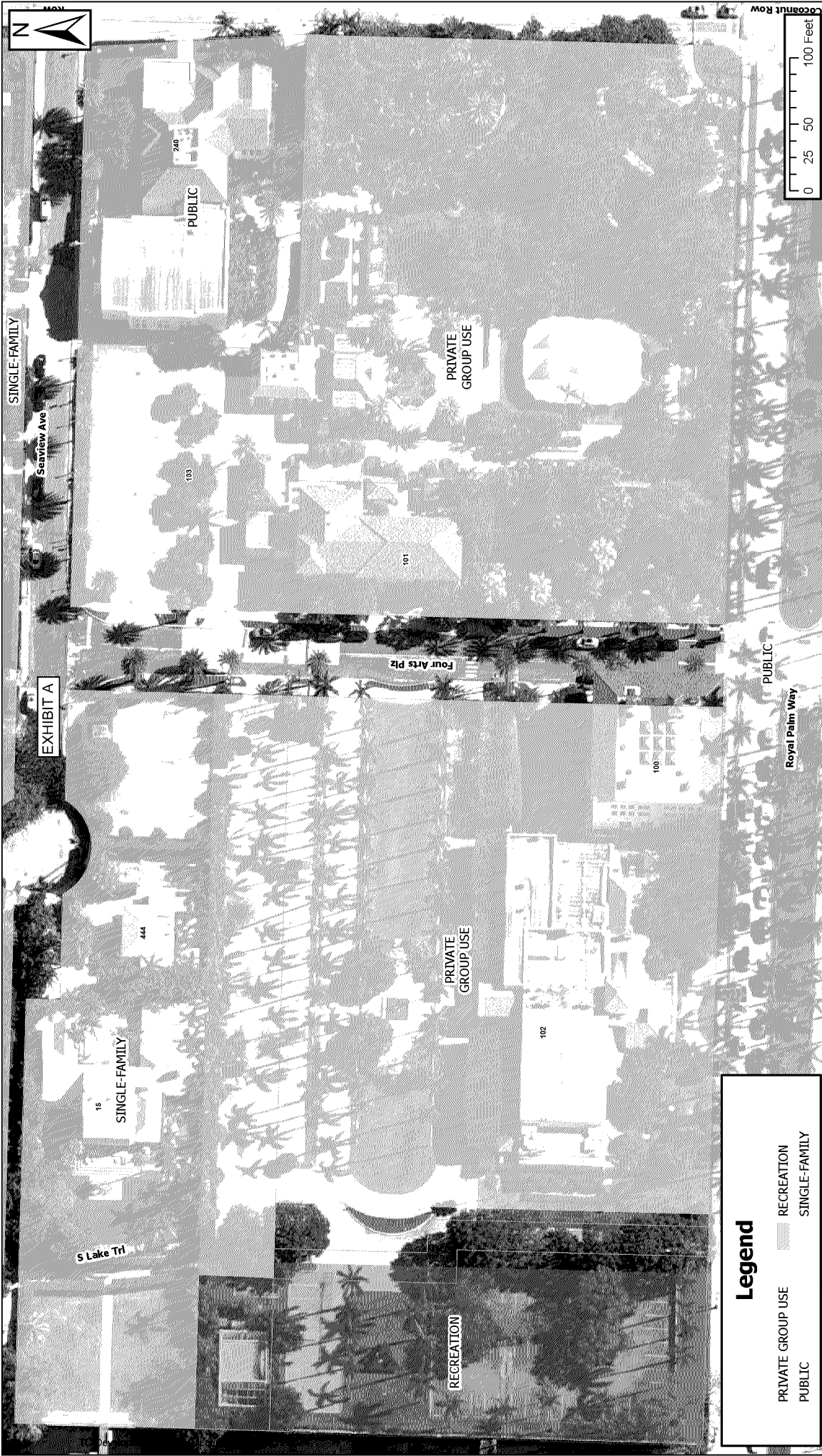
ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Bridget Moran, Town Council Member



Legend

- PRIVATE GROUP USE
- PUBLIC
- RECREATION
- SINGLE-FAMILY

Map Location:
Four Arts Plaza

236 of 283



Future Land Use (Existing)

GIS Department

Sheet No.
1 of 1

Date 7/10/2024

Map Description:
This map shows Future Land Use (Existing) for the Four Arts Plaza.



Legend		
PRIVATE GROUP USE	PUBLIC	SINGLE-FAMILY

Map Location:
Four Arts Plaza

239 of 283

Map Description:
This map shows Future Land Use (Proposed) for the Four Arts Plaza.



Future Land Use (Proposed)

GIS Department

Sheet No.
1 of 1

Date 7/10/2024

Exhibit C

NORTHEAST PARCEL (DIXON BUILDING)

A PORTION OF GOVERNMENT LOT 3, SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, IN THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SEAVIEW AVENUE AND COCOANUT ROW IN SECTION 22, TOWNSHIP 43 SOUTH, OF RANGE 43 EAST, AS SHOWN ON PLAT OF POINCIANA PARK, 3RD ADDITION, FILED IN PLAT BOOK 8 AT PAGE 72, IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SEAVIEW AVENUE, A DISTANCE OF 200 FEET TO A POINT; THENCE SOUTHERLY MAKING AN ANGLE OF 90 DEGREES WITH THE SOUTH LINE OF SAID SEAVIEW AVENUE, A DISTANCE OF 147.62 FEET TO A POINT IN THE NORTH LINE OF BLOCK "A" OF ROYAL PARK, ACCORDING TO THE PLAT OF ROYAL PARK ON FILE IN PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE EASTERLY ALONG THE NORTH LINE OF SAID BLOCK "A" OF ROYAL PARK, A DISTANCE OF 219.41 FEET, MORE OR LESS, TO A POINT IN THE WEST LINE OF SAID COCOANUT ROW, AS NOW LAID OUT AND IN USE; THENCE NORTHERLY ALONG THE WEST LINE OF SAID COCOANUT ROW AND MAKING AN ANGLE WITH THE NORTH LINE OF SAID BLOCK "A", OF 90 DEGREES, A DISTANCE OF ONE (1) FOOT TO A POINT, SAID POINT BEING THE BEGINNING OF A CURVE TO THE LEFT; THENCE CONTINUING NORTHERLY ALONG SAID CURVE TO THE LEFT, RADIUS OF WHICH IS 217.83 FEET, A DISTANCE OF 61.27 FEET TO A POINT, SAID POINT BEING THE BEGINNING OF A CURVE TO THE RIGHT; THENCE CONTINUING NORTHERLY ALONG SAID CURVE TO THE RIGHT, RADIUS OF WHICH IS 276.17 FEET, A DISTANCE OF 77.68 FEET TO A POINT, SAID POINT BEING THE POINT OF TANGENCY OF SAID CURVE; THENCE CONTINUE NORTHERLY ALONG TANGENT TO SAID CURVE, A DISTANCE OF 9.51 FEET TO THE POINT OF BEGINNING.

WEST PARCEL – LAKE WORTH LAGOON

A PORTION OF GOVERNMENT LOT 3, SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, LYING EAST OF AND ADJACENT TO THE WATERS OF LAKE WORTH (LESS LAKE DRIVE RIGHT-OF-WAY, PER OFFICIAL RECORDS BOOK 7151, PAGE 617, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA), SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF WAY LINE OF FOUR ARTS PLAZA (CIEBA AVENUE) AND THE NORTH RIGHT-OF-WAY LINE OF ROYAL PALM WAY (100-FOOT WIDE RIGHT-OF-WAY); THENCE N90°00'00"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, 386.16 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY LINE, N90°00'00"W, 110.63 FEET TO THE WATERS OF LAKE WORTH; THENCE N00°12'38"E, ALONG SAID WATERS OF LAKE WORTH, 285.13 FEET TO THE INTERSECTION WITH THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 7151, PAGE 614, OF THE PUBLIC RECORDS OF PALM BEACH

Exhibit C

COUNTY, FLORIDA; THENCE N90°00'00"E, ALONG SAID SOUTH LINE, 104.17 FEET TO THE WEST LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 7151, PAGE 617, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S00°00'53"E ALONG SAID WEST LINE, 122.36 FEET; THENCE N89°59'13"E, 7.85 FEET; THENCE S00°52'16"W, 162.79 FEET TO THE POINT OF BEGINNING. SAID LANDS LYING IN THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA.

NORTH PARCEL PARKING LOT

THE EAST 100 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

A PARCEL OF LAND IN SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WESTERLY EXTENSION OF THE SOUTH LINE OF A STRIP OF LAND TEN (10) FEET IN WIDTH, DESIGNATED AS "10' PATH FOR WHEELCHAIRS, BICYCLES AND PEDESTRIANS ONLY" ON PLAT OF POINCIANA PARK, 3RD ADDITION, AS FILED IN PLAT BOOK 8, PAGE 72, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE EASTERLY ALONG SAID WESTERLY EXTENSION AND ALONG THE SOUTH LINE OF SAID 10' PATH A DISTANCE OF 354 FEET, MORE OR LESS, TO A POINT IN A CIRCULAR DRIVE HAVING A RADIUS OF 36 FEET, AS SHOWN ON SAID PLAT; THENCE SOUTHERLY AND EASTERLY ALONG THE CIRCUMFERENCE OF SAID CIRCLE TO A POINT IN THE SOUTH LINE OF SEAVIEW AVENUE, AS SHOWN ON SAID PLAT; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID SEAVIEW AVENUE TO A POINT OF INTERSECTION WITH THE WEST LINE OF CEIBA AVENUE, AS NOW LAID OUT AND IN USE; THENCE SOUTHERLY ALONG THE WEST LINE OF CEIBA AVENUE, A DISTANCE OF 102.50 FEET, MORE OR LESS, TO A POINT IN A LINE PARALLEL TO AND 125 FEET SOUTH OF MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF SAID 10' PATH; THENCE WESTERLY ALONG SAID PARALLEL LINE A DISTANCE OF 493 FEET, MORE OF LESS, TO THE WATERS OF LAKE WORTH; THENCE NORTHERLY ALONG THE WATERS OF LAKE WORTH TO THE POINT OF BEGINNING, INCLUDING ALL RIPARIAN RIGHTS BELONGING TO SAID PROPERTY, SAID PROPERTY BEING COMMONLY KNOWN AND REFERRED TO AS NO. 15 SOUTH LAKE TRAIL.

TOGETHER WITH:

LEGAL DESCRIPTION: (PARCEL 2)

THE EAST 4 FEET OF THE PROPERTY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF SEAVIEW AVENUE AS SHOWN ON THE PLAT OF POINCIANA PARK, 3RD ADDITION AS RECORDED IN PLAT

Exhibit C

BOOK 8, PAGE 72, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE CENTERLINE OF FOUR ARTS PLAZA (CEIBA AVENUE) AS NOW LAID OUT AND IN USE; THENCE SOUTH ALONG SAID CENTERLINE, A DISTANCE OF 119.81 FEET; THENCE WESTERLY AT AN ANGLE TO THE PRECEDING COURSE, A DISTANCE OF 128.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE WESTERLY ALONG SAID COURSE, A DISTANCE OF 108.32 FEET; THENCE NORTHERLY, PARALLEL TO SAID CENTERLINE OF FOUR ARTS PLAZA, A DISTANCE OF 107.00 FEET; THENCE EASTERLY, PARALLEL TO SAID CENTERLINE OF SEAVIEW AVENUE A DISTANCE OF 68.40 FEET TO THE POINT OF INTERSECTION WITH A CURVE CONCAVE TO THE NORTHEAST AND HAVING A CENTRAL ANGLE OF 79°13'05" AND A RADIUS OF 36.0 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 49.77 FEET TO THE POINT OF INTERSECTION WITH A LINE EXTENDING NORTHERLY FROM THE POINT OF BEGINNING PARALLEL TO THE SAID CENTERLINE OF FOUR ARTS PLAZA; THENCE SOUTHERLY ALONG SAID LINE, A DISTANCE OF 84.36 FEET TO THE POINT OF BEGINNING. SAID PARCEL BEING IN THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 11, 2024

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 021-2024: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Amended Official Zoning Map Of The Town Of Palm Beach Updated July 26, 2022; Rezoning Parcels Of Land More Particularly Described In Exhibit B, From “R-B Low Density Residential” District, To “CI Cultural Institution” District; Providing For Inclusion On The Zoning Map; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Presenter

ATTACHMENTS:

- ▣ **Ordinance No. 021-2024: Zoning Map Amendment**

ORDINANCE NO. 021-2024

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE AMENDED OFFICIAL ZONING MAP OF THE TOWN OF PALM BEACH UPDATED JULY 26, 2022; REZONING PARCELS OF LAND MORE PARTICULARLY DESCRIBED IN EXHIBIT B, FROM “R-B LOW DENSITY RESIDENTIAL” DISTRICT, TO “CI CULTURAL INSTITUTION” DISTRICT; PROVIDING FOR INCLUSION ON THE ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Code Section 134-261, the Town Council of the Town of Palm Beach may from time to time on its own motion or on petition, signed by the fee simple property owner of the property involved or authorized designee, agent or representative of the owner by power of attorney filed with the director of the Planning, Zoning and Building Department or designee, amend, supplement, change, modify or repeal the regulations, restrictions or district boundaries; and

WHEREAS, by Ordinance No. 006-2024, the Town Council of the Town of Palm Beach created a new Division 16 of Chapter 134, “CI Cultural Institution” District; and

WHEREAS, Ordinance No. 006-2024 was adopted on May 15, 2024, and took effect on or about June 15, 2024; and

WHEREAS, on May 9, 2024, the Town of Palm Beach received a privately initiated development review application to amend the Amended Official Zoning Map of the Town of Palm Beach Updated July 26, 2022, to rezone the property shown on Exhibit “A” and legally described in Exhibit “B” (the “Subject Property”) from “R-B Low Density Residential” District to “CI

Cultural Institution” District as shown in Exhibit “C”, attached hereto and incorporated herein by reference; and

WHEREAS, on August 6, 2024, the Town of Palm Beach Planning and Zoning Commission reviewed the proposed rezoning of the Subject Property and recommended to the Town Council that the rezoning be approved; and

WHEREAS, on August 12, 2024, the Town Council conducted a public hearing wherein it considered the recommendations of the Planning, Zoning and Building Department and the Planning and Zoning Commission regarding the recommended rezoning of the Subject Property; and

WHEREAS, the Town Council has determined that the rezoning of the Subject Property would be consistent with the future land use designation assigned to the Subject Property.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Incorporation of Recitals.

The above recitals are incorporated as fully set forth herein.

Section 2. Amendment of the Amended Official Zoning Map of the Town of Palm Beach Updated July 26, 2022.

The Town Council directs the Zoning Map be amended to “CI Cultural Institution” for the Subject Property as shown in Exhibit “A” and legally described in Exhibit “A”, attached hereto and incorporated herein by reference.

Section 3. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect

without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 5. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect 31 days subsequent to its enactment on second and final reading, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this _____ day of _____, and for second and final reading on this _____ day of _____.

Danielle H. Moore, Mayor

Bobbie D. Lindsay, Town Council President

Lewis S.W. Crampton, Council President Pro Tem

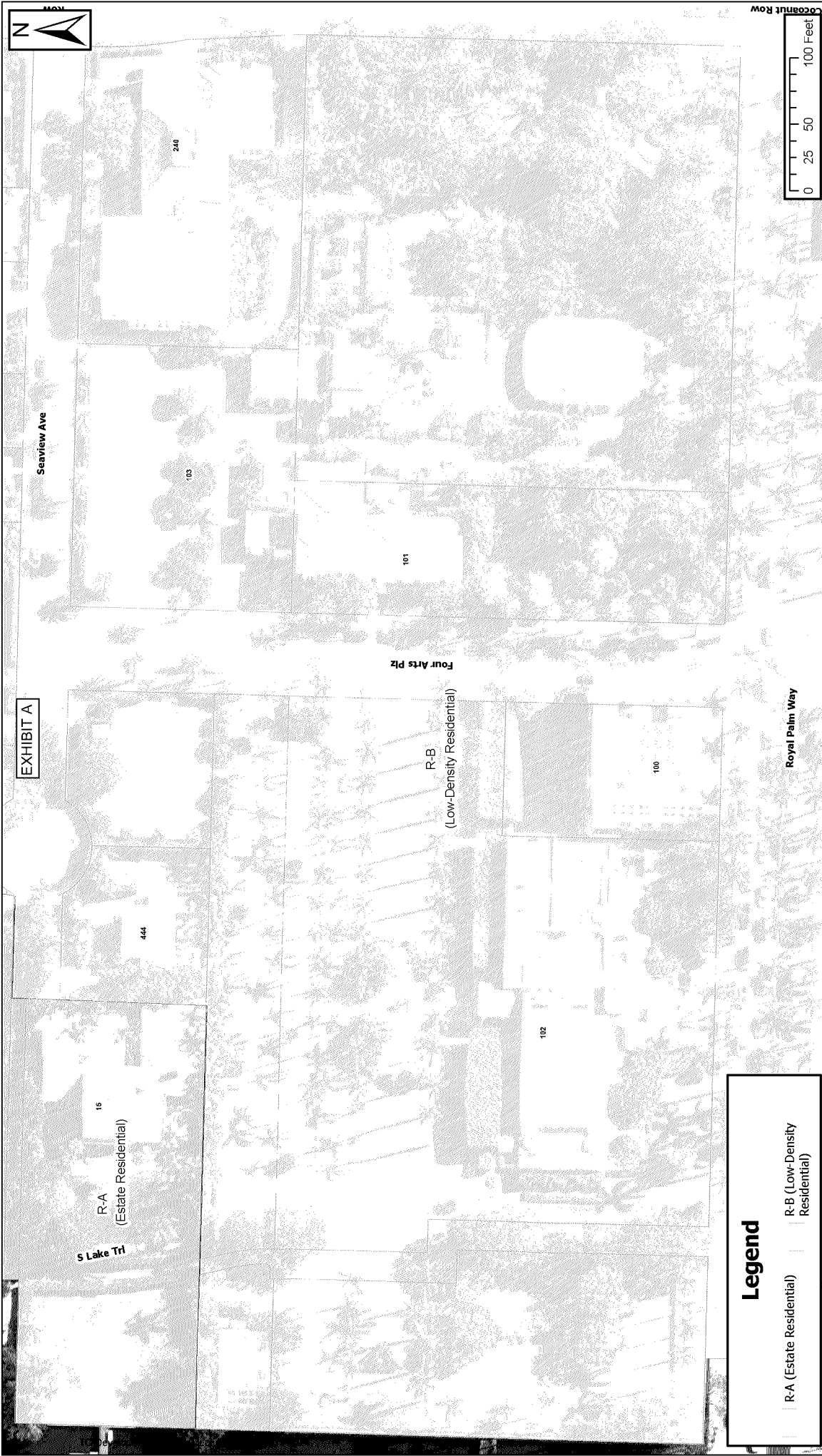
ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Bridget Moran, Town Council Member



Legend

— R-A (Estate Residential)

— R-B (Low-Density Residential)

Map Location:
Four Arts Plaza

GIS Department

Zoning (Existing)

Sheet No.
1 of 1



Map Description:
This map shows Zoning (Existing) for the Four Arts Plaza.

Date 7/10/2024

Exhibit B

WEST CAMPUS:

A PORTION OF GOVERNMENT LOT 3, LYING WITHIN SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, AND LOTS 1, 2, AND A PORTION OF LOT 3, BLOCK "A", REVISED MAP OF ROYAL PARK ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 1, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 2 OF BLOCK "A", REVISED MAP OF ROYAL PARK ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 1, THENCE N90°00'00"W ALONG THE SOUTH LINE OF SAID BLOCK "A" BEING COINCIDENT WITH THE NORTH RIGHT OF WAY LINE OF ROYAL PALM WAY FOR A DISTANCE OF 302.04 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE DESCRIBED IN OFFICIAL RECORDS BOOK 7151, PAGE 617 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N00°00'47"W ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 182.78 FEET; THENCE S89°59'13"W FOR A DISTANCE OF 3.76 FEET TO A POINT ON THE WEST LINE OF A PARCEL DESCRIBED IN SECTION ONE IN OFFICIAL RECORDS BOOK 469, PAGE 230, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N00°49'40"E ALONG SAID WEST LINE FOR A DISTANCE OF 107.24 FEET; THENCE N90°00'00"W TO A POINT ON THE WESTERLY EXTENSION OF LOT 1 OF SAID BLOCK "A" FOR A DISTANCE OF 20.30 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE DESCRIBED IN SAID OFFICIAL RECORDS BOOK 7151, PAGE 617, SAID POINT BEING ON A NON TANGENT CIRCULAR CURVE CONCAVE TO THE WEST, SAID POINT BEARING N88°48'20"E FROM THE RADIUS POINT OF SAID CURVE; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 115.00 FEET AND A CENTRAL ANGLE OF 13°23'57" FOR A DISTANCE OF 26.89 FEET TO A POINT OF TANGENCY; THENCE N14°35'41"W FOR A DISTANCE OF 19.16 FEET; THENCE N90°00'00"E ALONG THE NORTH LINE OF PARCEL 3 DESCRIBED IN DEED BOOK 809, PAGE 524, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, FOR A DISTANCE OF 276.10 FEET; THENCE N00°00'00"E ALONG THE WEST LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 5272, PAGE 331, FOR A DISTANCE OF 84.36 FEET TO A POINT ON A NON TANGENT CIRCULAR CURVE CONCAVE TO THE NORTHWEST, SAID POINT BEARING S03°10'59"E FROM THE RADIUS POINT OF SAID CURVE; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 36.00 FEET AND A CENTRAL ANGLE OF 57°10'32" FOR A DISTANCE OF 35.92 FEET; THENCE S90°00'00"E ALONG THE SOUTH RIGHT OF WAY LINE OF SEA VIEW AVENUE AS SHOWN ON THE PLAT OF POINCIANA PARK 3RD ADDITION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 72 FOR A DISTANCE OF 74.71 FEET; THENCE S00°00'00"W ALONG THE WEST RIGHT OF WAY LINE OF FOUR ARTS PLAZA (FORMERLY CEIBA AVENUE) FOR A DISTANCE OF 437.62 FEET; THENCE N90°00'00"W ALONG THE NORTH RIGHT OF WAY LINE OF SAID ROYAL PALM WAY FOR A DISTANCE OF 47.00 FEET TO THE POINT OF BEGINNING; SAID LANDS SITUATE WITHIN THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA. TOGETHER WITH (A):

A PORTION OF GOVERNMENT LOT 3 OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF FOUR ARTS PLAZA (CIEBA AVENUE) AND THE NORTH RIGHT-OF-WAY LINE OF ROYAL PALM WAY (100 FOOT WIDE RIGHT-OF-WAY); THENCE N90°00'00"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, 90.00 FEET; THENCE N00°00'00"E, PARALLEL WITH SAID WEST RIGHT-OF-WAY LINE OF CIEBA AVENUE, 335.12 FEET; THENCE N90°00'00"W, PARALLEL

Exhibit B

WITH SAID NORTH RIGHT-OF-WAY LINE OF ROYAL PALM WAY, 300.58 FEET TO THE POINT OF BEGINNING; THENCE S14°34'47"E, 21.75 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF A TANGENT CURVE BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 105.00 FEET, A DELTA OF 12°53'47", AN ARC DISTANCE OF 23.63 FEET TO A POINT OF COMPOUND CURVATURE; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE BEING CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 3.00 FEET, A DELTA OF 91°41'08", AN ARC DISTANCE OF 4.80 FEET; THENCE TANGENT TO SAID CURVE N90°00'00"W, 6.96 FEET; THENCE S00°00'00"E, 2.51 FEET; THENCE N90°00'00"W, 102.47 FEET TO THE WATERS OF LAKE WORTH; THENCE N00°22'23"E, ALONG SAID WATERS, 50.00 FEET; THENCE S90°00'00"E, 103.29 FEET TO THE POINT OF BEGINNING. SAID LANDS LYING IN THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH (B):

A PORTION OF GOVERNMENT LOT 3, SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, LYING EAST OF AND ADJACENT TO THE WATERS OF LAKE WORTH (LESS LAKE DRIVE RIGHT-OF-WAY, PER OFFICIAL RECORDS BOOK 7151, PAGE 617, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF FOUR ARTS PLAZA (CIEBA AVENUE) AND THE NORTH RIGHT-OF-WAY LINE OF ROYAL PALM WAY (100-FOOT WIDE RIGHT-OF-WAY); THENCE N90°00'00"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, 386.16 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY LINE, N90°00'00"W, 110.63 FEET TO THE WATERS OF LAKE WORTH; THENCE N00°12'38"E, ALONG SAID WATERS OF LAKE WORTH, 285.13 FEET TO THE INTERSECTION WITH THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 7151, PAGE 614, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N90°00'00"E, ALONG SAID SOUTH LINE, 104.17 FEET TO THE WEST LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 7151, PAGE 617, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S00°00'53"E ALONG SAID WEST LINE, 122.36 FEET; THENCE N89°59'13"E, 7.85 FEET; THENCE S00°52'16"W, 162.79 FEET TO THE POINT OF BEGINNING. SAID LANDS LYING IN THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA.

EAST CAMPUS:

A PORTION OF GOVERNMENT LOT 3, LYING WITHIN SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, AND LOTS 5, 6, A PORTION OF LOTS 4, AND 7, BLOCK "A", REVISED MAP OF ROYAL PARK ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 1, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 7 OF BLOCK "A", REVISED MAP OF ROYAL PARK ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 1, THENCE S00°00'00"W ALONG THE EAST LINE OF SAID BLOCK "A" BEING COINCIDENT WITH THE WEST RIGHT OF WAY LINE OF COCOANUT ROW FOR A DISTANCE OF 275.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE DESCRIBED IN OFFICIAL RECORDS BOOK 1909, PAGE 74 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA TO A TANGENT CIRCULAR CURVE CONCAVE TO THE WEST;

Exhibit B

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 15.00 FEET AND CENTRAL ANGLE OF 90°00'00" FOR A DISTANCE OF 23.56 FEET; THENCE N90°00'00"W ALONG THE SOUTH LINE OF SAID BLOCK "A", BEING COINCIDENT WITH THE NORTH RIGHT OF WAY LINE OF ROYAL PALM WAY FOR A DISTANCE OF 373.90 FEET TO A POINT ON THE EAST LINE OF THE WEST 3 FEET OF LOT 4, PLAT BOOK 4, PAGE 1, AS DESCRIBED IN DEED BOOK 549, PAGE 180, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N00°00'00"E ALONG THE SAID EAST LINE OF THE WEST 3 FEET OF LOT 4 AND THE EXTENSION THEREOF, BEING COINCIDENT WITH EAST RIGHT OF WAY LINE OF FOUR ARTS PLAZA FOR A DISTANCE OF 437.62 FEET; THENCE N90°00'00"E ALONG THE SOUTH RIGHT OF WAY LINE OF SEA VIEW AVENUE AS SHOWN ON THE PLAT OF POINCIANA PARK 3RD ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 72, FOR A DISTANCE OF 379.44 FEET; THENCE S00°00'00"E ALONG THE WEST RIGHT OF WAY LINE OF COCOANUT ROW, AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 1909, PAGE 74, A DISTANCE OF 9.51 FEET TO A TANGENT CIRCULAR CURVE CONCAVE TO THE EAST; THENCE CONTINUE ALONG SAID WEST RIGHT OF WAY LINE, SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 276.17 FEET, AND CENTRAL ANGLE OF 02°08'33", FOR A DISTANCE OF 10.33 FEET; THENCE S04°08'54"E ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 127.72 FEET TO THE POINT OF BEGINNING, SAID LANDS SITUATE WITHIN THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA.



Legend

C-I Cultural Institution

R-A (Estate Residential)

R-B (Low Density Residential)

Map Location:
Four Arts Plaza

Map Description:
This map shows Zoning (Proposed) for the Four Arts Plaza.



Zoning (Proposed)

GIS Department

Sheet No.
1 of 1

Date 7/10/2024

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 11, 2024

Section of Agenda

Ordinances - First Reading

Agenda Title

Ordinance 030-2024, Amending Chapter 50 of the Town Code of Ordinances, Changes Relating to Floodplain Management

ORDINANCE NO.030-2024: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Of Palm Beach Code Of Ordinances To Update The Date Of The Flood Insurance Study And Flood Insurance Rate Maps; To Add A Definition Of Historic Structure; To Reformat A Previously Adopted Amendment To The Florida Building Code; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Presenter

ATTACHMENTS:

- ▣ **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on: September 11, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building

Re: Ordinance 030-2024, First Reading - Amending Chapter 50 of the Town Code of Ordinances, Changes Relating to Floodplain Management

Date: August 9, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Ordinance 030-2024 on First Reading, regarding changes to Chapter 50, Floods. The changes are at the request of the Florida Department of Emergency Management in preparation for the use of the new FEMA FIRM maps later this year and are generally “housekeeping” in nature.

GENERAL INFORMATION

The Florida Department of Emergency Management (“FDEM”) prepared a Florida model floodplain management code several years ago to allow counties and municipalities to administer and enforce the provisions of FEMA through local regulations with regards to flood prevention. FDEM routinely reviews local government regulations to ensure compliance with the FEMA regulations and with the updates to the Florida Building Code. These FDEM reviews occurred in 2017, 2022, and again this year. The review this year was prompted by the rollout of the new FEMA flood maps throughout Palm Beach County, which will become effective on December 20, 2024.

FDEM requests minor changes to the model floodplain ordinance (Chapter 50). These changes include:

- The effective date of the new maps is provided; and
- A “historic structure” is defined; and
- The start date of the “substantial improvement” program is provided; and
- A scrivener’s error made by Municode in the definition of “start of construction” is corrected; and
- The definition of “substantial improvement” contained within Chapter 50, Floods, is referenced as applicable for the Florida Building Code (this is a technical amendment).

TOWN ATTORNEY / CONSULTANT REVIEW

The Town Attorney has reviewed the proposed Ordinance for legal form and sufficiency. The ordinance was reviewed by Rebecca Quinn with the Florida Department of Emergency Management and by the Town's CRS consultant, Lori Lehr, for content and State compliance. The ordinance is ready to move forward on First Reading.

Attachments: Proposed Ordinance 030-2024 (Chapter 50, Floods)

ORDINANCE NO. 030-2024

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN OF PALM BEACH CODE OF ORDINANCES TO UPDATE THE DATE OF THE FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS; TO ADD A DEFINITION OF HISTORIC STRUCTURE; TO REFORMAT A PREVIOUSLY ADOPTED AMENDMENT TO THE FLORIDA BUILDING CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Town of Palm Beach participates in the National Flood Insurance Program and the Town Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, the Federal Emergency Management Agency has revised and reissued the Flood Insurance Study for Palm Beach County, Florida and Incorporated Areas, with an effective date of December 20, 2024; and

WHEREAS, the Town Council has determined that it is in the public interest to amend Chapter 50, Floods, Section 50-37, Basis for Establishing Flood Hazard Areas, to identify the effective date of the revised Flood Insurance Study and Flood Insurance Rate Maps; and

WHEREAS, Chapter 553, Florida Statutes, allows for local administrative and technical amendments to the *Florida Building Code* that provide for more stringent requirements than those specified in the Code and allows adoption of local administrative and local technical amendments to the Florida Building Code to implement the National Flood Insurance Program and incentives; and

WHEREAS, the Town Council previously adopted a local amendment to the Florida Building Code and is reformatting that amendment as part of Chapter 50 Floods.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1. Chapter 50, Floods, of the Town Code of Ordinances, is hereby amended as follows:

Chapter 50 FLOODS

ARTICLE I. IN GENERAL

Secs. 50-1—50-20 Reserved.

ARTICLE II. FLOOD DAMAGE PREVENTION

DIVISION I. GENERAL

Sec. 50-21. Title.

These regulations shall be known as the Floodplain Management Ordinance of the Town of Palm Beach, hereinafter referred to as "this ordinance."

Sec. 50-22. Scope.

The provisions of this chapter shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

Sec. 50-23. Intent.

The purposes of this chapter and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- (1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;*
- (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;*
- (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;*
- (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;*
- (5) Minimize damage to public and private facilities and utilities;*
- (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;*
- (7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and*

- (8) *Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.*

Sec. 50-24. Coordination with the Florida Building Code.

This chapter is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

Sec. 50-25. Warning.

The degree of flood protection required by this chapter and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the flood insurance study and shown on flood insurance rate maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this chapter.

Sec. 50-26. Disclaimer of liability.

This chapter shall not create liability on the part of the town council of the Town of Palm Beach or by any officer or employee thereof for any flood damage that results from reliance on this chapter or any administrative decision lawfully made thereunder.

Secs. 50-27—50-34. Reserved.

DIVISION 2. APPLICABILITY

Sec. 50-35. General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Sec. 50-36. Areas to which this ordinance applies.

This ordinance shall apply to all flood hazard areas within the Town of Palm Beach, as established in section 50-37 of this chapter.

Sec. 50-37. Basis for establishing flood hazard areas.

The flood insurance study for Palm Beach County, Florida and Incorporated Area dated ~~October 5, 2017~~ December 20, 2024, and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this chapter and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are

on file at the Town of Palm Beach Planning, Zoning and Building Department located at 360 S. County Rd, Palm Beach, Florida.

Sec. 50-38. Submission of additional data to establish flood hazard areas.

To establish flood hazard areas and base flood elevations, pursuant to division 5 of this article the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

- (1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this chapter and, as applicable, the requirements of the Florida Building Code.
- (2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

Sec. 50-39. Other laws.

The provisions of this chapter shall not be deemed to nullify any provisions of local, state or federal law.

Sec. 50-40. Abrogation and greater restrictions.

This chapter supersedes any chapter in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing chapters including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this chapter and any other chapter, the more restrictive shall govern. This chapter shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this chapter.

Sec. 50-41. Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Secs. 50-42—50-49. Reserved.

DIVISION 3. DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

Sec. 50-50. Designation.

The building official is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.

Sec. 50-51. General.

The floodplain administrator is authorized and directed to administer and enforce the provisions of this chapter. The floodplain administrator shall have the authority to render

interpretations of this chapter consistent with the intent and purpose of this chapter and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this chapter without the granting of a variance pursuant to division 7 of this article.

Sec. 50-52. Applications and permits.

The floodplain administrator, in coordination with other pertinent offices of the community, shall:

- (1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;*
- (2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this chapter;*
- (3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;*
- (4) Provide available flood elevation and flood hazard information;*
- (5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;*
- (6) Review applications to determine whether proposed development will be reasonably safe from flooding;*
- (7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this chapter is demonstrated, or disapprove the same in the event of noncompliance; and*
- (8) Coordinate with and provide comments to the building official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this chapter.*

Sec. 50-53. Substantial improvement and substantial damage determinations.

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:

- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;*
- (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;*
- (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of*

previous permits issued for improvements and repairs as specified in the definition of "substantial improvement"; and

- (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this chapter is required.*

Sec. 50-54. Modifications of the strict application of the requirements of the Florida Building Code.

The floodplain administrator shall review requests submitted to the building official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to division 7 of this article.

Sec. 50-55. Notices and orders.

The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this chapter.

Sec. 50-56. Inspections.

The floodplain administrator shall make the required inspections as specified in division 6 of this article for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

Sec. 50-57. Other duties of the floodplain administrator.

The floodplain administrator shall have other duties, including but not limited to:

- (1) Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to section 50-53 of this chapter;*
- (2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);*
- (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available;*
- (4) Review required design certifications and documentation of elevations specified by this chapter and the Florida Building Code to determine that such certifications and documentations are complete;*
- (5) Notify the Federal Emergency Management Agency when the corporate boundaries of the Town of Palm Beach are modified; and*
- (6) Advise applicants for new buildings and structures, including substantial improvements that are located in any unit of the Coastal Barrier Resources System*

established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on flood insurance rate maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

Sec. 50-58. Floodplain management records.

Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this chapter and the flood resistant construction requirements of the Florida Building Code, including flood insurance rate maps; letters of map change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this chapter; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this chapter and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the Town of Palm Beach Planning, Zoning and Building Department and can be viewed by making a request with the PZB Records Division.

Secs. 50-59—50-64. Reserved.

DIVISION 4. PERMITS

Sec. 50-65. Permits required.

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this chapter, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator, and the building official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this chapter and all other applicable codes and regulations has been satisfied.

Sec. 50-66. Floodplain development permits or approvals.

Floodplain development permits or approvals shall be issued pursuant to this chapter for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the floodplain administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

Sec. 50-67. Buildings, structures and facilities exempt from the Florida Building Code.

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this chapter:

- (1) Railroads and ancillary facilities associated with the railroad.*
- (2) Nonresidential farm buildings on farms, as provided in F.S., §604.50.*
- (3) Temporary buildings or sheds used exclusively for construction purposes.*
- (4) Mobile or modular structures used as temporary offices.*
- (5) Those structures or facilities of electric utilities, as defined in F.S., §366.02, which are directly involved in the generation, transmission, or distribution of electricity.*
- (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.*
- (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.*
- (8) Temporary housing provided by the department of corrections to any prisoner in the state correctional system.*
- (9) Structures identified in F.S., §553.73(10)(k), are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on flood insurance rate maps.*

Sec. 50-68. Application for a permit or approval.

To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

- (1) Identify and describe the development to be covered by the permit or approval.*
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.*
- (3) Indicate the use and occupancy for which the proposed development is intended.*
- (4) Be accompanied by a site plan or construction documents as specified in division 5 of this article.*
- (5) State the valuation of the proposed work.*
- (6) Be signed by the applicant or the applicant's authorized agent.*
- (7) Give such other data and information as required by the floodplain administrator.*

Sec. 50-69. Validity of permit or approval.

The issuance of a floodplain development permit or approval pursuant to this chapter shall not be construed to be a permit for, or approval of, any violation of this chapter, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the floodplain administrator from requiring the correction of errors and omissions.

Sec. 50-70. Expiration.

A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

Sec. 50-71. Suspension or revocation.

The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this chapter or any other ordinance, regulation or requirement of this community.

Sec. 50-72. Other permits required.

Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

- (1) The South Florida Water Management District; F.S., §373.036.*
- (2) Florida Department of Health for onsite sewage treatment and disposal systems; F.S., §381.0065, and Chapter 64E-6, F.A.C.*
- (3) Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; F.S., §161.141.*
- (4) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S., §161.055.*
- (5) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.*
- (6) Federal permits and approvals.*

Secs. 50-73—50-79. Reserved.

DIVISION 5. SITE PLANS AND CONSTRUCTION DOCUMENTS

Sec. 50-80. Information for development in flood hazard areas.

The site plan or construction documents for any development subject to the requirements of this chapter shall be drawn to scale and shall include, as applicable to the proposed development:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.*
- (2) Where base flood elevations or floodway data are not included on the FIRM or in the flood insurance study, they shall be established in accordance with section 50-81(2) or (3) of this chapter.*

- (3) *Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with section 50-81(1) of this chapter.*
- (4) *Location of the proposed activity and proposed structures, and locations of existing buildings and structures: in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.*
- (5) *Location, extent, amount, and proposed final grades of any filling, grading, or excavation.*
- (6) *Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.*
- (7) *Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.*
- (8) *Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.*
- (9) *Existing and proposed alignment of any proposed alteration of a watercourse.*

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this chapter but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this chapter.

Sec. 50-81. Information in flood hazard areas without base flood elevations (approximate Zone A).

Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator shall:

- (1) *Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.*
- (2) *Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.*
- (3) *Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:*
 - (a) *Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or*
 - (b) *Specify that the base flood elevation is two feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two feet.*
- (4) *Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a Florida*

licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

Sec. 50-82. Additional analyses and certifications.

As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in section 50-83 of this chapter and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.*
- (2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the flood insurance study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.*
- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in section 50-83 of this chapter.*
- (4) For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.*

Sec. 50-83. Submission of additional data.

When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a letter of map change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

Secs. 50-84—50-94. Reserved.

DIVISION 6. INSPECTIONS

Sec. 50-95. General.

Development for which a floodplain development permit or approval is required shall be subject to inspection.

Sec. 50-96. Development other than buildings and structures.

The floodplain administrator shall inspect all development to determine compliance with the requirements of this chapter and the conditions of issued floodplain development permits or approvals.

Sec. 50-97. Buildings, structures and facilities exempt from the Florida Building Code.

The floodplain administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this chapter and the conditions of issued floodplain development permits or approvals.

Sec. 50-98. Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.

Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the floodplain administrator:

- (1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or*
- (2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with section 50-81(3)(b) of this chapter, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.*

Sec. 50-99. Buildings, structures and facilities exempt from the Florida Building Code, final inspection.

As part of the final inspection, the owner or owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in section 50-98 of this chapter.

Sec. 50-100. Manufactured homes.

The floodplain administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this chapter and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the floodplain administrator.

Secs. 50-101—50-109. Reserved.

DIVISION 7. VARIANCES AND APPEALS

Sec. 50-110. General.

The Landmark Preservation Commission shall hear and decide on requests for appeals and requests for variances from the strict application of this chapter. Pursuant to F.S. §553.73(5), the Landmark Preservation Commission shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, Building.

Sec. 50-111. Appeals.

The Landmark Preservation Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this chapter. Any person aggrieved by the decision may appeal such decision to the town council. The appeal shall take the form of a letter addressed to the town clerk and shall be based upon the record. The appeal shall be filed or made within ten days. Appeals shall set forth the alleged inconsistency or nonconformity with procedures or criteria set forth in this chapter. The town council shall decide an appeal within 45 days of the filing of such appeal unless an extension of time is consented to by the applicant. The town council disposition of the matter shall be final.

Sec. 50-112. Limitations on authority to grant variances.

The Landmark Preservation Commission shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in section 50-116 of this chapter, the conditions of issuance set forth in section 50-117 of this chapter, and the comments and recommendations of the floodplain administrator and the building official. The Landmark Preservation Commission has the right to attach such conditions as it deems necessary to further the purposes and objectives of this chapter.

Sec. 50-113. Restrictions in floodways.

A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in section 50-82 of this chapter.

Sec. 50-114. Historic buildings.

A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be

granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

Sec. 50-115. Functionally dependent uses.

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this chapter, provided the variance meets the requirements of section 50-113, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

Sec. 50-116. Considerations for issuance of variances.

In reviewing requests for variances, the Landmark Preservation Commission shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this chapter, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;*
- (2) The danger to life and property due to flooding or erosion damage;*
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;*
- (4) The importance of the services provided by the proposed development to the community;*
- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;*
- (6) The compatibility of the proposed development with existing and anticipated development;*
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;*
- (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;*
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and*
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets, and bridges.*

Sec. 50-117. Conditions for issuance of variances.

Variances shall be issued only upon:

- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this chapter or the required elevation standards;*
- (2) Determination by the Landmark Preservation Commission that:*
 - (a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;*

- (b) *The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and*
- (c) *The variance is the minimum necessary, considering the flood hazard, to afford relief.*
- (3) *Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and*
- (4) *If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.*

Secs. 50-118—50-124. Reserved.

DIVISION 8. VIOLATIONS

Sec. 50-125. Violations.

Any development that is not within the scope of the Florida Building Code but that is regulated by this chapter that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this chapter, shall be deemed a violation of this chapter. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this chapter or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

Sec. 50-126. Authority.

For development that is not within the scope of the Florida Building Code but that is regulated by this chapter and that is determined to be a violation, the floodplain administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

Sec. 50-127. Unlawful continuance.

Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Secs. 50-128—50-134. Reserved.

ARTICLE III. DEFINITIONS

DIVISION 1. GENERAL

Sec. 50-135. Scope.

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this chapter, have the meanings shown in this section.

Sec. 50-136. Terms defined in the Florida Building Code.

Where terms are not defined in this chapter and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.

Sec. 50-137. Terms not defined.

Where terms are not defined in this chapter or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

DIVISION 2. DEFINITIONS

Sec. 50-137.5 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory structure. A structure on the same parcel of property as a principal structure and the use of which is limited to parking and storage incidental to the use of the principal structure.

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the floodplain administrator's interpretation of any provision of this chapter.

ASCE 24. A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a one-percent chance of being equaled or exceeded in any given year. (Also defined in FBC, B, Section 202.) The base flood is commonly referred to as the "100-year flood" or the "one-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). (Also defined in FBC, B, Section 202.)

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. (Also defined in FBC, B, Section 202; see "Basement (for flood loads)".)

Coastal construction control line. The line established by the State of Florida pursuant to F.S., §161.053, and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on flood insurance rate maps (FIRM) as Zone V1-V30, VE, or V.

Design flood. The flood associated with the greater of the following two areas: (Also defined in FBC, B, Section 202.)

- (1) Area with a floodplain subject to a one-percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet. (Also defined in FBC, B, Section 202.)

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before May 15, 1978. (Also defined in FBC, B, Section 202.)

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: (Also defined in FBC, B, Section 202.)

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. (Also defined in FBC, B, Section 202.)

Flood hazard area. The greater of the following two areas: (Also defined in FBC, B, Section 202.)

- (1) The area within a floodplain subject to a one-percent or greater chance of flooding in any year.
- (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. (Also defined in FBC, B, Section 202.)

Flood insurance study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. (Also defined in FBC, B, Section 202.)

Floodplain administrator. The office or position designated and charged with the administration and enforcement of this chapter (may be referred to as the floodplain manager).

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this chapter.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. (Also defined in FBC, B, Section 202.)

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Buildings, Chapter 12, Historic Buildings.

Historically significant building. See chapter 18, Buildings and Building Regulations, section 18-302, Definitions.

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or flood insurance study. Letters of Map Change include:

- (1) Letter of Map Amendment (LOMA). An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.*

- (2) *Letter of Map Revision (LOMR).* A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (3) *Letter of Map Revision Based on Fill (LOMR-F).* A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- (4) *Conditional Letter of Map Revision (CLOMR).* A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or flood insurance study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. (Also defined in FBC, B, Section 202.)

Manufactured home. A structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." (Also defined in 15C-1.0101, F.A.C.)

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. As used in this chapter, the term refers to the value of buildings and structures, excluding the land and other improvements on the parcel. Market value is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the property appraiser.

New construction. For the purposes of administration of this chapter and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after May 15, 1978 and includes any subsequent improvements to such structures.

Park trailer. A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters

when connected to utilities necessary for operation of installed fixtures and appliances. (Defined in F.S., §320.01)

Recreational vehicle. A vehicle, including a park trailer, which is: (See F.S., §320.01)

- (1) Built on a single chassis;*
- (2) Four hundred square feet or less when measured at the largest horizontal projection;*
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and*
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.*

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. An area in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. (Also defined in FBC, B Section 202.)

Start of construction. The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. (Also defined in FBC, B Section 202.)

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. (Also defined in FBC, B Section 202.)

Substantial improvement. Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a one-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. For each building or structure, the one-year period begins on the date of the first permit issued for improvement or repair of that building or structure subsequent to October 9, 2001 ~~(see Note)~~. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: (Also defined in FBC, B, Section 202.)

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.*
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.*

Variance. A grant of relief from the requirements of this chapter, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this chapter or the Florida Building Code.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

ARTICLE IV. FLOOD RESISTANT DEVELOPMENT

DIVISION 1. BUILDINGS AND STRUCTURES

Sec. 50-138. Design and construction of buildings, structures and facilities exempt from the Florida Building Code.

Pursuant to section 50-67 of this chapter, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of division 7 of this article.

Sec. 50-139. Buildings and structures seaward of the coastal construction control line.

If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

- (1) Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 and Section 1612 or Florida Building Code, Residential Section R322.*
- (2) Minor structures and non-habitable major structures as defined in F.S., §161.54, shall be designed and constructed to comply with the intent and applicable provisions of this chapter and ASCE 24.*

Sec. 50-140. Non-elevated accessory structures.

Accessory structures are permitted below elevations required by the Florida Building Code provided the accessory structures are used only for parking or storage and:

- (1) If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, are one-story and not larger than 600 sq. feet and have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.*
- (2) If located in coastal high hazard areas (Zone V/VE), are not located below elevated buildings and are not larger than 100 sq. feet.*
- (3) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.*
- (4) Have flood damage-resistant materials used below the base flood elevation plus one foot.*
- (5) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one foot.*

Sec. 50-141. Florida Building Code, technical amendment.

In the Florida Building Code, Building, and Florida Building Code, Existing Building, definitions for the term "Substantial Improvement" shall be as defined in Section 50-137.5.

Secs. 50-141—50-144. Reserved.

DIVISION 2. SUBDIVISIONS

Sec. 50-145. Minimum requirements.

Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;*
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and*
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.*

Sec. 50-146. Subdivision plats.

Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;*
- (2) Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with section 50-81(1) of this chapter; and*
- (3) Compliance with the site improvement and utilities requirements of division 3 of this article.*

Secs. 50-147—50-154. Reserved.

DIVISION 3. SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

Sec. 50-155. Minimum requirements.

All proposed new development shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;*
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and*
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.*

Sec. 50-156. Sanitary sewage facilities.

All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

Sec. 50-157. Water supply facilities.

All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

Sec. 50-158. Limitations on sites in regulatory floodways.

No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in section 50-82(1) of this chapter demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

Sec. 50-159. Limitations on placement of fill.

Subject to the limitations of this chapter, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

Sec. 50-160. Limitations on sites in coastal high hazard areas (Zone V).

In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by section 50-82(4) of this chapter demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with section 50-207 (3) of this chapter.

Secs. 50-161—50-169. Reserved.

DIVISION 4. MANUFACTURED HOMES

Sec. 50-170. General.

All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S., §320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this chapter. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

Sec. 50-171. Limitations on installation in floodways and coastal high hazard areas (Zone V).

New installations of manufactured homes shall not be permitted in floodways and coastal high hazard areas (Zone V).

Sec. 50-172. Foundations.

All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

- (1) In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this chapter.*
- (2) In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this chapter.*

Sec. 50-173. Anchoring.

All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

Sec. 50-174. Elevation.

All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V and Coastal A Zone).

Sec. 50-175. Enclosures.

Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.

Sec. 50-176. Utility equipment.

Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322, as applicable to the flood hazard area.

Secs. 50-177—50-184. Reserved.

DIVISION 5. RECREATIONAL VEHICLES AND PARK TRAILERS

Sec. 50-185. Temporary placement.

Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

- (1) *Be on the site for fewer than 180 consecutive days; or*
- (2) *Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.*

Sec. 50-186. Permanent placement.

Recreational vehicles and park trailers that do not meet the limitations in section 50-185 of this chapter for temporary placement shall meet the requirements of division 4 of this article for manufactured homes.

Secs. 50-187—50-189. Reserved.

DIVISION 6. TANKS

Sec. 50-190. Underground tanks.

Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

Sec. 50-191. Above-ground tanks, not elevated.

Above-ground tanks that do not meet the elevation requirements of section 50-192 of this chapter shall:

- (1) *Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.*
- (2) *Not be permitted in coastal high hazard areas (Zone V).*

Sec. 50-192. Above-ground tanks, elevated.

Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

Sec. 50-193. Tank inlets and vents.

Tank inlets, fill openings, outlets and vents shall be:

- (1) *At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and*
- (2) *Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.*

Secs. 50-194—50-199. Reserved.

DIVISION 7. OTHER DEVELOPMENT

Sec. 50-200. General requirements for other development.

All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this chapter or the Florida Building Code, shall:

- (1) Be located and constructed to minimize flood damage;*
- (2) Meet the limitations of section 50-158 of this chapter if located in a regulated floodway;*
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;*
- (4) Be constructed of flood damage-resistant materials; and*
- (5) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.*

Sec. 50-201. Fences in regulated floodways.

Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of section 50-158 of this chapter.

Sec. 50-202. Retaining walls, sidewalks and driveways in regulated floodways.

Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of section 50-158 of this chapter.

Sec. 50-203. Roads and watercourse crossings in regulated floodways.

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of section 50-158 of this chapter. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of section 50-82 (3) of this chapter.

Sec. 50-204. Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V).

In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

- (1) Structurally independent of the foundation system of the building or structure;*
- (2) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and*
- (3) Have a maximum slab thickness of not more than four inches.*

Sec. 50-205. Decks and patios in coastal high hazard areas (Zone V).

In addition to the requirements of the Florida Building Code, in coastal high hazard areas, decks and patios shall be located, designed, and constructed in compliance with the following:

- (1) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.*
- (2) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break a part into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.*
- (3) A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.*
- (4) A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.*

Sec. 50-206. Other development in coastal high hazard areas (Zone V).

In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

- (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;*
- (2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and*
- (3) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.*

Sec. 50-207. Nonstructural fill in coastal high hazard areas (Zone V).

In coastal high hazard areas:

- (1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.*

- (2) *Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.*
- (3) *Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.*

Section 2. Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 5. Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this ____ day of _____, 2024, and for second and final reading on this ____ day of _____, 2024.

Danielle H. Moore, Mayor

Bobbie D. Lindsay, Town Council President

Lewis S.W. Crampton, Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Bridget Moran, Town Council Member