



TOWN OF PALM BEACH

PLANNING, ZONING, & BUILDING DEPARTMENT

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

JUNE 14, 2023

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
Margaret A. Zeidman, President
Bobbie Lindsay, President Pro Tem
Julie Araskog
Ted Cooney
Lew Crampton

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. APPROVAL OF CONSENT AGENDA (PUBLIC HEARINGS)

- A. **ZON-23-025 (COA-22-055) 210 VIA DEL MAR (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, BEACHBOYZ DEVELOPMENT LLC., has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for reduced vehicular gate setbacks on a cul-de-sac street. The Landmarks Preservation Commission will perform the design review for modifications to the existing Landmarked residence and grounds. *[The Landmarks Preservation Commission approved the paint color "Fresco Crème" for this project at the May 17, 2023, meeting. Carried 7-0.]*

pg. 13

VIII. CODE REVIEW & CODE REVIEW DISCUSSION ITEMS - 10:00 AM TIME CERTAIN

A. Code Review

pg. 17

1. Code Review Update from PZ Commission Meeting Regarding North End Zones & Standards

2. Code Review Discussion & Direction Regarding North End Zones & Standards

- Defining the North End zones (R-B and R-L)
- Review of Charrette Findings in the North End
- Defining New R-B and R-L Standards

Sean S. Suder, ZoneCo., Planning Consultant

Joe Nickol, Yard & Company, Planning Consultant

B. Update from PZ Commission Meeting Regarding Rooftop Commercial Mechanical Equipment

Wayne Bergman, Director of Planning, Zoning and Building

C. Discussion/Clarification Regarding SB 250 - Definition of "Restrictive"

John Randolph, Jones Foster, Town Attorney

D. Discussion and Consideration Regarding Future Community Engagement and Communication Plan

Maggie Zeidman, Town Council President

E. Discussion and Consideration Regarding Selecting a New Date for the July Code Review Special Town Council Meeting

Maggie Zeidman, Town Council President

IX. REGULAR BUSINESS

A. Matters Pulled from the Consent Agenda

- B. Status Update on Project ZON-22-132 165 Bradley Place Regarding Declaration of Use and Development Order Condition
Wayne Bergman, Director of Planning, Zoning and Building pg. 44
- C. Public Notices (Continued) - Property Postings
Wayne Bergman, Director of Planning, Zoning and Building
- D. Waiver Request to the Restaurant Zoning In Progress for Lugano Diamonds
Maura Ziska, Kochman & Ziska, Legal Representative for Lugano Diamonds pg. 60

X. DEVELOPMENT REVIEWS

A. Declaration of Use Agreements

1. **ZON-23-019 (COA-23-002) 363 COCOANUT ROW—THE VINETA HOTEL (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** - Declaration of Use Agreement & Seating Chart Review
2:00 PM TIME CERTAIN pg. 63

B. Appeals

1. Appeal of April 26, 2023, ARCOM Decision RE: ARC-23-047, 269 Jamaica Ln pg. 91

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **ZON-22-021 (ARC-22-022) 160 SEAVIEW AVE (COMBO) – VARIANCES** The applicant, Coral Beach Corporation (Angela Feldman, President) and Seaview Holdings, Inc. (David Feldman, Director), has filed an application requesting Town Council review for variances to exceed the point of measurement elevation higher than allowed to be measured from and to reduce the required street side yard setback for a new guest house on combined parcels at 160 and 170 Seaview Avenue. ARCOM will perform design review of the application. *[The Architectural Review Commission deferred the project to their March 29, 2023, meeting.] This project shall be deferred to the August 9, 2023, Town Council meeting pending review by the Architectural Review Commission.*
- b. **ZON-22-032 (HSB-23-003) 594 N COUNTY RD (COMBO)—VARIANCES** The applicant, George Marucci, has filed an application requesting Town Council review and approval for variances (1 and 2) to reduce both side yard setback requirements for two, one-story additions to a historically significant one-story building. The Landmarks Preservation Commission will perform the design review. *[The Landmarks*

*Preservation Commission deferred this project to the April 19, 2023, meeting.] **This project shall be deferred to the August 9, 2023, Town Council meeting pending review by the Landmarks Preservation Commission.***

- c. **ZON-22-122 (HSB-22-011) 141 AUSTRALIAN AVE (COMBO) —VARIANCES.** The applicant, Gregory James Pamel, has filed an application requesting Town Council review and approval for Variances to (1) reduce the required side (east) yard setback, (2) to reduce the required rear (north) yard setback, (3) to exceed the overall building height for an accessory structure, and (4) to exceed the maximum Cubic Content Ratio (CCR), and (5) to allow a two story accessory structure where only one story is permitted, for the demolition and reconstruction of a two-story accessory structure in the rear yard in conjunction with the proposed renovations to an existing Historically Significant two-story building. The Landmarks Preservation Commission will perform design review of the application. *[The Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved this project with conditions at the May 17, 2023, meeting. Carried 7-0.]* pg. 99
- d. **ZON-23-014 (ARC-22-243) 302 SEABREEZE AVE (COMBO) — SITE PLAN REVIEW AND VARIANCE** The applicant, Sean Rooney, has filed an application requesting town council review and approval for development of a new two-story single-family structure on a parcel, comprised of platted lots, which is deficient in lot width and lot area in the R-B zoning district requiring Site Plan Review, and a variance to provide one garage parking spot in lieu of the two required. The Architectural Commission will perform design review of the application. *[The Architectural Review Commission deferred the project to their March 29, 2023, meeting.] **This project shall be deferred to the July 17, 2023, Town Council meeting pending review by the Architectural Review Commission.***
- e. **ZON-23-034 (ARC-23-026) 171 EL PUEBLO WAY (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicants, Kevin Ryan and Carolyn Pressly-Ryan, has filed an application requesting Town Council review and approval for special exception with site plan review for development of a single-family dwelling on a lot in R-B zoning district which is deficient in lot width and area, and (3) variances for (1) a reduced swimming pool setback, (2) a variance to exceed maximum allowed equipment screening wall height, and (3) a variance to allow a supported second floor balcony to encroach into the required front yard. The Architectural Commission shall perform design review of the application. ***This project has been withdrawn by the applicant.***

- f. **ZON-23-041 (ARC-23-032) 176 SEMINOLE AVE (COMBO)—VARIANCES** The applicant, William Paca Beatson, Jr. Trustee of the William Paca Beatson Revocable Trust dated January 8, 2021, has filed an application requesting Town Council review and approval for four (4) Variances required to convert an existing two-car garage into interior storage space and to construct a second-story addition over the rear garage with site and landscape alterations, including (1) to eliminate required garage parking spaces, (2) to construct a second floor addition with reduced rear setbacks, (3) to exceed the maximum allowable Cubic Content Ratio (CCR), and (4) to reduce the overall Landscape Open Space below the required minimum. The Architectural Commission will perform the design review component of the application. ***This project shall be deferred to the July 12, 2023, Town Council meeting pending review by the Architectural Review Commission.***
- g. **ZON-22-121 (HSB-22-012) 428 CHILEAN AVE (COMBO)—VARIANCE.** The applicant, David Mooney, has filed an application requesting Town Council review and approval for a variance to exceed maximum equipment screening wall height, to screen equipment in the west side yard. The Landmarks Preservation Commission shall perform design and flood plain variance review of the application. ***This project shall be deferred to the August 9, 2023, Town Council meeting pending review by the Landmarks Preservation Commission.***
- h. **ZON-23-002 (ARC-22-241) 624 ISLAND DR (COMBO)—VARIANCES.** The applicant, Holly Ann Bartlett, as Trustee of the 1220 South Ocean Boulevard Trust dated May 23, 2013, has filed an application requesting Town Council review and approval Variances (1) to exceed the maximum amount of lot coverage, (2) to exceed the maximum amount of Cubic Content Ratio (CCR), (3) to exceed the maximum allowable building height, and (4) to exceed the maximum allowable overall building height, in the R-B zoning district in conjunction with the enclosure of an existing open-air courtyard of a two-story residence with a new clerestory. The Architectural Commission will perform design review of the application. *[The Architectural Review Commission deferred this project for restudy to the May 24, 2023, meeting. Carried 7-0.]* ***This project shall be deferred to the July 12, 2023, Town Council meeting pending review by the Architectural Review Commission.***
- i. **ZON-23-020 (COA-23-003) 139 N COUNTY RD—THE PARAMOUNT THEATER (COMBO) —SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES.** The applicant, WEG Paramount LLC, has filed an application requesting Town Council review and approval for a Special

Exception with Site Plan Review for the renovation of an existing Landmarked theater structure and the construction of a new three-story mixed use (retail and four residential units) development including Special Exception requests (1) to permit Private Club use in the C-TS district, (2) for square footage > 3,000 SF in the C-TS district, (3) for Restaurant use in the C-TS district, (4) for Outdoor seating use (100 seats) associated with a restaurant or private club in the C-TS district, (5) for a maximum of two stories in the C-TS district and (6) for shared parking in the C-TS district. The applicant is also seeking Site Plan Review for new building(s) or for changes in a permitted use in Sec. 134-1107 which involve more than 2000 square feet of building floor area in the C-TS zoning district. Additionally, the applicant is seeking review and approval for Variances (1) to reduce the required front yard for new construction, (2) front side street yard for new construction, (3) and rear yard setback requirements for new construction, (4) to allow three stories in lieu of two stories in CTS district, (5) to exceed the maximum height, (6) to exceed the maximum overall building height, (7) to exceed the maximum allowable lot coverage limitation, (8) to exceed the maximum building length permitted, (9) to exceed the maximum building size (floor area) permitted, (10) to reduce the require overall landscape open space, (11) to reduce the required front yard landscape open space, (12) to reduce the required front yard setback for the subterranean parking level, (13) front side street yard setback for the subterranean parking level, (14) and rear yard setback requirements for the subterranean parking level, (15) a variance to permit tandem and triple stacking for parking in the garage structure, (16) a variance to eliminate the required onsite loading space, (17) a variance to reduce the required drive aisle width, (18) a variance to exceed the maximum drive aisle slope in a garage, (19) a variance to exceed the maximum height of a perimeter wall on a side or rear property line, and (20) a variance to allow a generator (between 64kW-100kW) within a required side or rear setback, in conjunction with the renovation of an existing Landmarked theater structure and the construction of a new three-story mixed use (retail and four residential units) development with two subterranean parking levels (127 parked spaces). The Landmarks Preservation Commission will perform the design review. ***This project shall be deferred to the August 9, 2023, Town Council meeting pending review by the Landmarks Preservation Commission.***

- j. **ZON-23-044 (COA-23-017) 360 SEASPRAY AVE (COMBO)— VARIANCES** The applicants, Justin and Meira Besikof, have filed an application requesting Town Council review and approval of (3) Variances to (1) to reduce the required street side yard (west) setback, (2) to provide no garage parking, and (3) to not provide code compliant screening for a swimming pool, in conjunction with proposed exterior alterations, additions, and site

pg. 107

modifications to a Landmarked single-family residence. The Landmarks Preservation Commission will perform design review of the application. . *[The Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved this project at the May 17, 2023, meeting. Carried 7-0.]*

- k. **ZON-23-050 (ARC-23-036) 243 SEASPRAY AVE (COMBO) – VARIANCES** The applicant, 243 Seaspray LLC (Larry Meyer, Manager), has filed an application requesting Town Council review and approval for (2) variances for (1) a reduced west side yard setback and (2) a reduced north rear yard setback, as it pertains to construction of a new two-story single family residence. The Architectural Commission shall perform design review of the application. ***[This project shall be deferred to the August 9, 2023, Town Council meeting, pending review by the Architectural Review Commission.]***

- l. **ZON-23-046 329 WORTH AVE—SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, 329 Worth Avenue LLC (Matthew & Adrienne Raptis), have filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review to allow a 12-seat lounge/bar with the service of beer, wine, and liquor at the existing Churchill Cigar Co. retail space in the C-WA Worth Avenue zoning district.

pg. 114

2. New Business

- a. **ZON-22-115 (COA-22-040) 801 S COUNTY ROAD (COMBO) - VARIANCES.** The applicant, Palmeiral Revocable Trust/Frances I. Kettenbach, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for a beach house structure and three (3) variances (1) to vest an existing non-conforming west setback due to the demolition of more than 50% of the structure, (2) to place an air conditioning condensing unit within the front setback, and (3) to reduce the Ocean Bulkhead setback, in conjunction with proposed exterior alterations and additions to an existing beach cabana. The Landmarks Preservation Commission will perform the design review component of the application. ***[This project shall be deferred to the July 12 2023, Town Council meeting, pending review by the Landmarks Preservation Commission.]***
- b. **ZON-23-049 (ARC-23-057) 2 S COUNTY RD (COMBO) — SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES.** The applicant, The Breakers Palm Beach, Inc.

(Alex Gilmurray), has filed an application requesting Town Council review and approval for Special Exception with Site Plan Review for modifications to the tennis center at the Breakers hotel including replacement of and addition of courts, shade structures, walkway and stretching area, and (2) variances to (1) provide court fencing that is deficient in height and (2) to provide tennis court lighting that exceeds maximum heights allowed. The Architectural Commission shall perform design review of the application. ***This project shall be deferred to the October 11, 2023, Town Council meeting pending review by the Architectural Review Commission and at the request of the applicant.***

- c. **ZON-23-053 1768 S OCEAN BLVD—VARIANCES** The pg. 120
applicant, Four Winds Estates LLC (Stephen and Christine Schwarzman), have filed an application requesting Town Council review and approval for a variance to install a boat lift onto an existing dock which will have a 17 ft south setback in lieu of the 25 ft setback required.
- d. **ZON-23-055 (HSB-23-005) 261 ROYAL POINCIANA WAY (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES.** pg. 124
The applicant, Poinciana Capital Corporation (Gail Coniglio, VP), has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review to add a second story to an existing one-story commercial structure in the C-TS zoning district which requires (7) variances for (1-4) encroachments of front, side, and rear setbacks of a two-story building, (5) exceedance of lot coverage, (6) deficiency of landscape open space, and (7) exemption from the requirement of providing adequate additional parking. The Landmarks Preservation Commission shall perform design review of the application. *[The Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved this project at the May 17, 2023, meeting. Carried 7-0.]*
- e. **ZON-23-056 (COA-23-019) 1170 N OCEAN BLVD (COMBO)—SPECIAL EXCEPTION W/ SITE PLAN REVIEW AND VARIANCES.** pg. 136
The applicant, Bath & Tennis Club, Inc, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for the installation of twelve (12) tennis court light poles requiring two (2) variances to (1) exceed maximum pole height and (2) forgo tennis court screening requirements. The Landmarks Preservation Commission will perform design review of the application. *[The Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative impact to the subject landmarked property. Carried 7-0.][The Landmarks Preservation Commission approved this project at the*

- f. *May 17, 2023, meeting. Carried 7-0.]*
ZON-23-057 (ARC-23-069) 231 BRADLEY PL (COMBO) - SPECIAL EXCEPTION W/ SITE PLAN REVIEW The applicant, Bradley Palm, LLC, has filed an application requesting Town Council review and approval of a Special Exception with Site Plan Review for modifications to the second floor of a commercial building in the C-TS zoning district, in conjunction with rooftop modifications and increased roof height and site alterations. The Architectural Commission shall perform design review of the application.

This application was withdrawn by the applicant.

- g. **ZON-23-062 (ARC-23-061) 301 PLANTATION RD (COMBO) – VARIANCES** pg. 142
The applicant, Berne Helen H Trust, Owner / Roberto and Joanne DeGuardiola, Contract Purchaser, have filed an application requesting Town Council review and approval of (4) variances to exceed (1) maximum building height, (2) maximum overall building height, (3) maximum chimney height, and (4) to forgo swimming pool screening requirements in a street side setback, as part of the development of a new single-family residence. The Architectural Commission shall perform design review of the application. *[The Architectural Review Commission Recommendation: Implementation of the proposed variances 1, 2, and 3 will not cause negative impact to the subject property. The site wall variance 4 will return the Commission with the landscape plans. Carried 7-0.][The Architectural Review Commission approved this project at the May 24, 2023, meeting with conditions. Carried 7-0.]*
- h. **ZON-23-063 (ARC-23-039) 599 S COUNTY RD (COMBO) – VARIANCES**
The applicant SAS Realty Enterprises LLC (Greg Simonian, President), has filed an application requesting Town Council review and approval for a variance to exceed the maximum overall building height, as part of the construction of a new two-story single family dwelling. The Architectural Commission shall perform design review of the application. ***[This project shall be deferred to the July 12, 2023, Town Council meeting, pending review by the Architectural Review Commission.]***

D. TIME EXTENSIONS, WAVIERS, & THREE STRIKE MATTERS

1. 125 El Bravo Way - Time Extension pg. 149
Wayne Bergman, Director of Planning, Zoning and Building
2. 247 Miraflores - Time Extension pg. 155
Wayne Bergman, Director of Planning, Zoning and Building
3. 991 N Lake Way - Time Extension pg. 162
Wayne Bergman, Director of Planning, Zoning and Building

4. 234 List Road - Three Strikes

pg. 169

Wayne Bergman, Director of Planning, Zoning and Building

XI. ORDINANCES

A. First Reading

1. Amendment to the Special Exception Clause in the Commercial Districts Related to Business Tax Receipts (BTRs) and Non-Conforming Permitted Uses **pg. 184**

- **Ordinance No. 009-2023:** An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 114 Taxation, Article II, Local Business Tax, at Section 114-43 Schedule, so as to Amend the Fees Delineated for each Business, Profession or Occupation; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing for an Effective Date.

2. Amendment to the Requirements for Special Exception on Non-Conforming Lots within the Single-Family Districts **pg. 236**

Ordinance No. 010-2023: An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Article IV, Nonconformities, Division 4. - Land; Section 134-446. Development and Redevelopment of Nonconforming Residential Lots; Article VI, District Regulations, Division 2. - RAA Large Estate Residential District, Section 134-793. Lot, Yard, and Area Requirements; Division 3. -R-A Estate Residential District, Section 134-843. Lot, Yard, and Area Requirements; and Division 4. - R-B Low Density Residential District, Section 134-893. Lot, Yard, and Area Requirements Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

3. Amendment to the Definition of Building Height, Point of Measurement **pg. 242**

- **Ordinance No. 011-2023:** An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Article I, in General; Section 134-2, Definitions and Rules of Construction, Related to Building Height Point of Measurement; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

XII. ANY OTHER MATTERS

XIII. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1: Please submit written comments/materials to council@townofpalmbeach.com or in person to the Town Clerk's Office, located at Town Hall, 360 South County Road. No written materials

received after 3:30 p.m. on the Wednesday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 3:30 p.m. on Wednesday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.

Note 2: The progress of this meeting may be monitored by visiting the Town's website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Technology (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.

Note 3: If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Note 4: Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.

Note 5: Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.

Note 6: All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit the Town's website (townofpalmbeach.com).

PROCEDURES FOR PUBLIC PARTICIPATION

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.

PUBLIC HEARINGS: Any citizen is entitled to be heard on an official agenda item under the section entitled "Public Hearings," subject to the three minute limitation.

COMMUNICATIONS FROM CITIZENS: Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to

the three minute limitation. The public also has the opportunity to speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion.

**OTHER AGENDA
ITEMS:**

Any citizen is entitled to be heard on any official agenda item when the Town Council calls for public comments, subject to the three minute limitation.

Town Council Meetings are public business meetings and, as such, the Town Council retains the right to limit discussion on any issue.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 14, 2023

Section of Agenda

APPROVAL OF CONSENT AGENDA (PUBLIC HEARINGS)

Agenda Title

ZON-23-025 (COA-22-055) 210 VIA DEL MAR (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW The applicant, BEACHBOYZ DEVELOPMENT LLC., has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for reduced vehicular gate setbacks on a cul-de-sac street. The Landmarks Preservation Commission will perform the design review for modifications to the existing Landmarked residence and grounds. *[The Landmarks Preservation Commission approved the paint color "Fresco Crème" for this project at the May 17, 2023, meeting. 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 Memorandum: Town Council Development Review

TO: Mayor and Town Council

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

SUBJECT: ZON-23-025 (COA-22-055) 210 VIA DEL MAR (COMBO)

MEETING: JUNE 14, 2023

ZON-23-025 (COA-22-055) 210 VIA DEL MAR (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW. The applicant, BEACHBOYZ DEVELOPMENT LLC., has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for reduced vehicular gate setbacks on a cul-de-sac street. The Landmarks Preservation Commission will perform the design review for modifications to the existing Landmarked residence and grounds.

LPC NOTICE:

COA-22-055 (ZON-23-025) 210 VIA DEL MAR (COMBO). The applicant, BEACHBOYZ DEVELOPMENT LLC., has filed an application requesting a Certificate of Appropriateness for roof replacement, window and door replacement, exterior paint, and site alterations including new landscape, hardscape, a free-standing trellis, and vehicular gates with reduced setbacks, requiring Special Exception with Site Plan Review, for the Landmarked property. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Applicant: BEACHBOYZ DEVELOPMENT LLC (Robert Fishel)
Professional: Nielson Landscape Architect

HISTORY:

This item was originally scheduled for January 11, 2023 Town Council Development Review meeting but was deferred pending LPC approval. The item was consequently deferred again at the FEBRUARY 15, 2023, MARCH 15, 2023, APRIL 4, 2023, and MAY 10, 2023 TC meetings. At the MAY, 17, 2023 LPC meeting, the project was approved.

THE PROJECT:

The applicant has submitted plans, entitled “210 Via Del Mar Garden”, as prepared by **Nielson Landscape Architects**, dated April 28, 2023..

The following is the scope of work for the project:

- Replacement of existing roof tiles.
- Replacement of existing and doors with impact rated wood units.
- Review of existing paint schemes.

- New garden trellis.

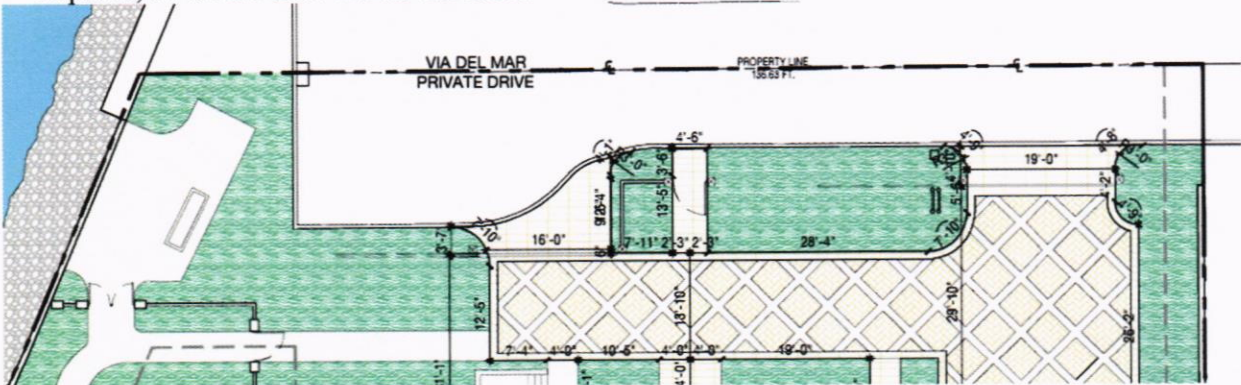
Site Data			
Zoning District	R-A	Future Land Use:	Single-Family
Style	Tudor Revival	Designated:	4/13/93
Year of Construction:	1928	Architect:	Treanor & Fatio
Surrounding Properties			
North	2019 two-story residence		
South	1936 two-story residence		
East	2019 two-story residence		
West	Lake Worth Lagoon		

STAFF ANALYSIS

The application proposes a reduction in the number of driveway curb cuts along with the installation of new vehicular driveway gates with insufficient vehicle loading space between the edge of pavement and the gate. The zoning code provides an avenue for an applicant to seek a Special Exception with Site Plan Review, rather than a variance, for insufficient vehicle loading space when the property in question is located on a cul-de-sac or dead-end street. This property is the westernmost property on Via Del Mar, with no driveways on the opposite side of the street in front of the parcel, and therefore staff does not anticipate an issue with traffic flow if a vehicle is partially in the roadway while waiting for the vehicular gate to open.

The following elements appear inconsistent with the following sections of the Town Zoning Code:

SPECIAL EXCEPTION with SITE PLAN REVIEW: Sec.134-1688: to construct new driveway vehicular gates with a 5 ft 10.5 in. setback from the edge of pavement, in lieu of the 18 ft setback required, on a dead end / cul-de-sac street.



Because these are not through streets, a vehicle which is partially in the roadway while waiting for the gate to operate will not impede local traffic flow.

WRB:JGM:BMF

Nielsen Landscape Architects
1447 Cypress Drive, Suite 10
Jupiter, Florida 33469
561.402.9414

April 27, 2023

VIA HAND DELIVERY

Jordan Hodges
Design | Preservation Planner
Town of Palm Beach
360 S. County Road
Palm Beach, Florida 33480

RE: Landmarks Application for the Fishel Residence

Property Address: 210 Via Del Mar, Palm Beach Florida 33480

Dear Mr. Hodges:

This office represents the interests of Dr. Robert and Beth Fishel as it pertains to their application to the Landmarks Preservation Committee. The intent of the application is approval for the installation of a new driveway configuration, vehicular gates, pedestrian gates, and painting of architectural trim for the referenced residential lot within the Town of Palm Beach, Florida. The objective of the installation is to provide added privacy and security to the property.

The lot size of 210 Via Del Mar is **.58 Acres** or **25,280 SF**. The layout and design of the existing architecture is preserved.

Upon approval of this application by the Landmarks Preservation Committee, it is the aim of the applicants to begin the installation during the summer of 2023.

It is the applicant's intention and desire that the proposed development be constructed in a manner that is consistent with and complimentary to the existing infrastructure of the Town, the surrounding properties and the neighborhood, and cohesive with the characteristics of the area in which the proposed development will occur.

Should you have any questions and/or concerns with regard to any of the foregoing, please do not hesitate to contact the undersigned.

Sincerely yours,

Steven Tyler Nielsen

Steven Tyler Nielsen, PLA 6667067 ASLA

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 14, 2023

Section of Agenda

CODE REVIEW & CODE REVIEW DISCUSSION ITEMS - 10:00 AM TIME
CERTAIN

Agenda Title

Code Review

1. Code Review Update from PZ Commission Meeting Regarding North End Zones & Standards
2. Code Review Discussion & Direction Regarding North End Zones & Standards
 - Defining the North End zones (R-B and R-L)
 - Review of Charrette Findings in the North End
 - Defining New R-B and R-L Standards

Sean S. Suder, ZoneCo., Planning Consultant

Joe Nickol, Yard & Company, Planning Consultant

Presenter

ATTACHMENTS:

- **2. Code Review Discussion & Direction Regarding North End Zones & Standards**



DESIGNING OUR PALM BEACH NORTH END ZONES & STANDARDS

REVISED FOR 7 JUNE 2023 PLANNING AND ZONING COMMISSION

Agenda

- » Introduction
- » Define the North End zones (R-B & R-L)
- » Review charrette findings in the North End
- » Define new R-B standards



DESIGNING OUR
PALM BEACH

INTRODUCTION

What variables are we solving for at this point in the study?

- » Bulk, scale, massing of new construction in the North End
- » Deconstructing the big box for more context-appropriate, articulated buildings
- » New zoning classification for Lake Worth-fronting property

What variables are we not solving for at this point in the study?

- » Gross floor area of new construction
- » Building materials

What is the study not entertaining? (due to existing and proposed legislation)

- » Reduction of property rights
Bert J. Harris, Jr. Property Rights Protection Act
- » More restrictive zoning regulations
SB250 (pending)

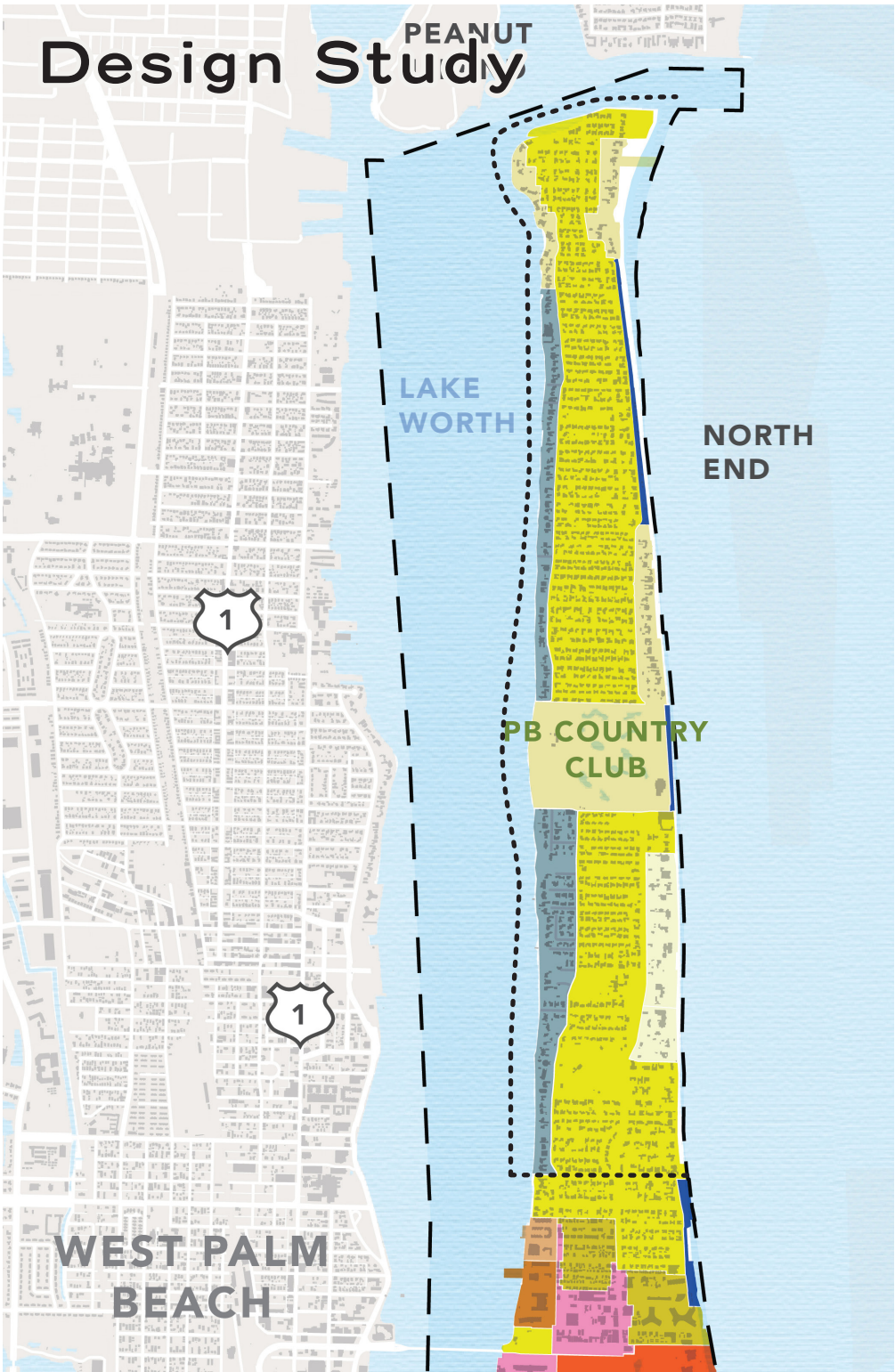
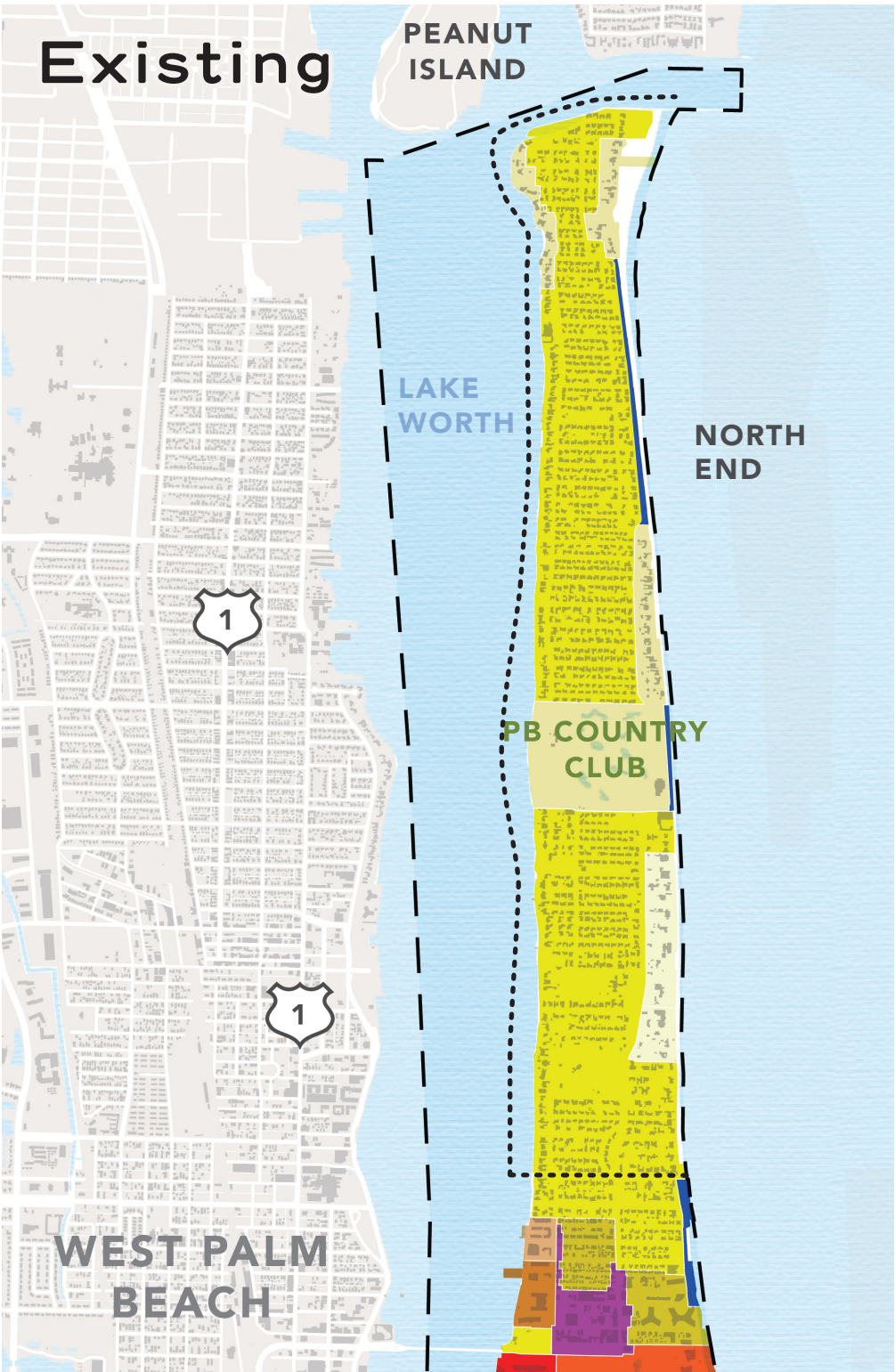
ZONING MAP

Palm Beach’s North End contains R-AA (large estate residential), R-A (estate residential), and R-B (low density residential) districts, plus a small portion of Beach Area (BA).

Modification of the R-B zone is recommended to create a new R-L (Lake Trail) zoning district consisting of waterfront lots along Lake Worth primarily of approximately ½ acre (20,000 sq. ft.) of an east-west orientation. The Lake Worth fronting properties are uniquely situated and sized and should be a specifically calibrated zoning district, separate from the smaller interior lots in the R-B of a north-south orientation.

MAP LEGEND

- TOWN BOUNDARY
- NORTH END AREA
- R-AA (LARGE ESTATE RESIDENTIAL)
- R-A (ESTATE RESIDENTIAL)
- R-B (LOW DENSITY RESIDENTIAL)
- R-L (LAKE TRAIL)
- BA (BEACH AREA)



Charrette Findings for the North End



DESIGNING OUR
PALM BEACH

ZONING PURPOSE

- » Provide for single-family residential and accessory uses that are harmonious with existing residential development patterns
- » Protect and preserve existing character by encouraging future development to maintain that sense of character
- » Maintain existing property rights
- » Exploring modifications to the existing regulations to promote sustainable and resilient development, in conjunction with FEMA regulations to elevate new developments, without changing the scale and context of the neighborhood



HOW TO PROMOTE UNIFIED CHARACTER

- » Break up building mass and encourage variation in form while maintaining the existing scale
- » Relax the first floor setback requirements to allow for more flexibility and relief in form
- » Reconfigure the second floor area to a maximum of 50% of the first floor (excludes loggias and other permanently open, non-conditioned and non-habitable spaces)
- » Allow for more appropriate incursions into the required setbacks
- » Reduce the maximum width of the curb cuts, and increasing the distance between curb cuts
- » Remove enclosed parking requirements while encouraging parking in the side or rear yards



USES TO BE MAINTAINED

Primary Uses

- » Single-family dwellings
- » Essential services

Accessory Uses

- » Private nurseries and greenhouses
- » Private garages
- » Private swimming pools and/or cabanas
- » Charitable events specifically approved by the town manager
- » Off-street parking at private social, swimming, golf, tennis and yacht clubs, for construction related personal employee vehicular off-street parking for projects within the town's municipal limits provided such parking is located a minimum of 75 feet from a single-family home and is separated from a street by a landscape island
- » Other accessory uses, customarily incident to permitted or approved special exception uses, not involving the conduct of business except such uses as may be associated with the town's operation of its municipal dock, golf course and tennis court facilities.

R-B District Design Study

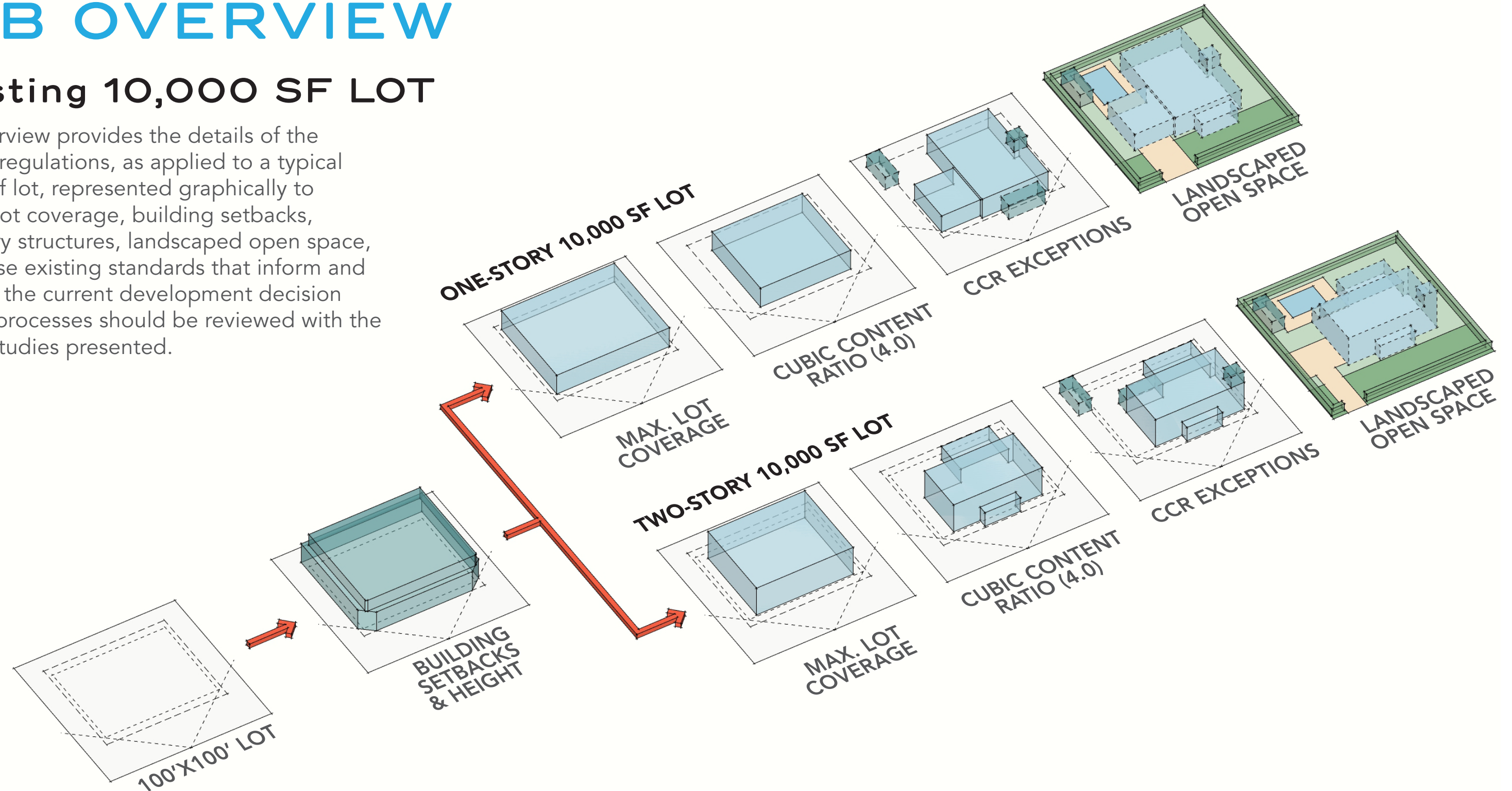


DESIGNING OUR
PALM BEACH

R-B OVERVIEW

Existing 10,000 SF LOT

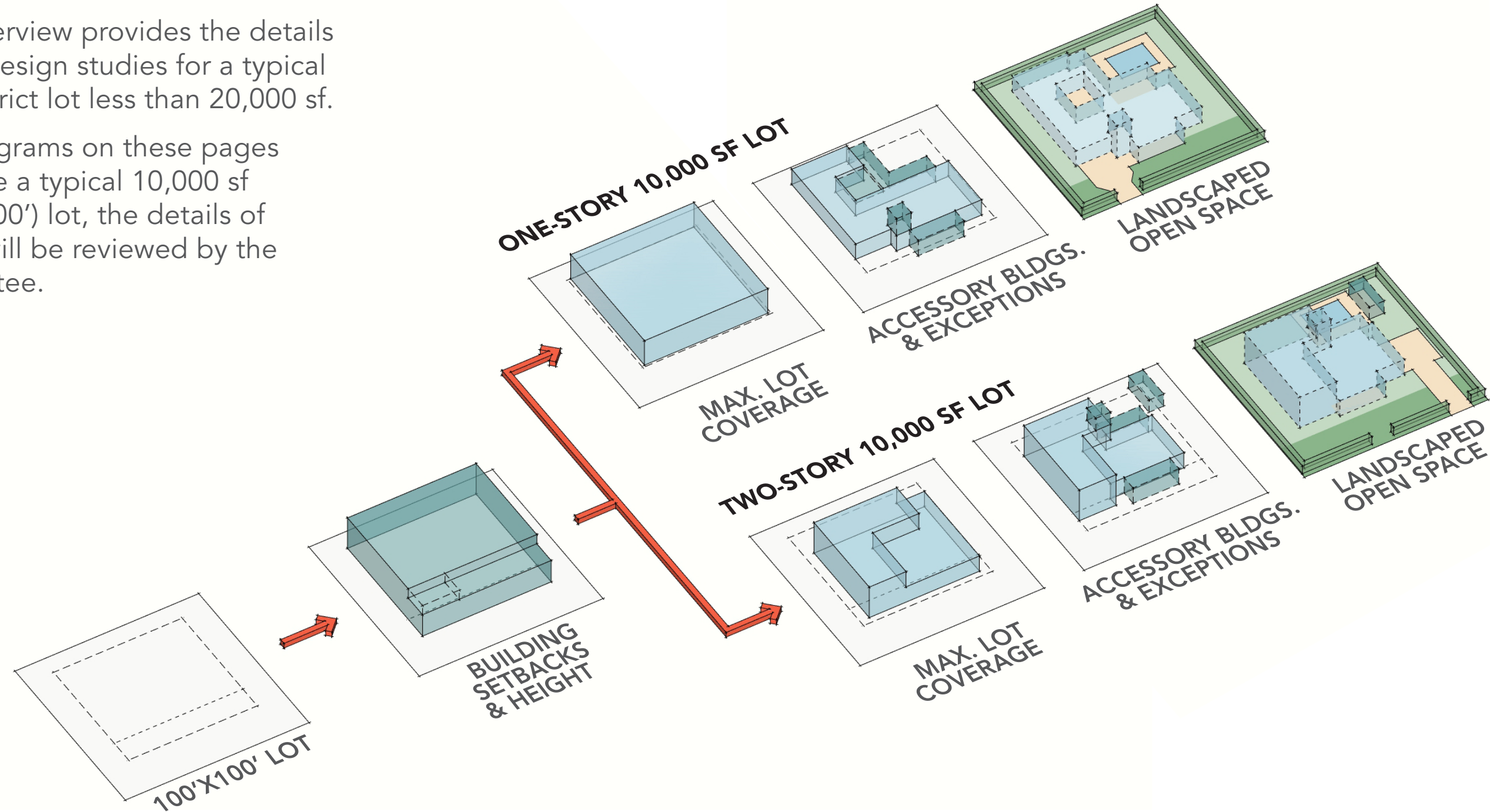
This overview provides the details of the existing regulations, as applied to a typical 10,000 sf lot, represented graphically to include lot coverage, building setbacks, accessory structures, landscaped open space, etc. These existing standards that inform and regulate the current development decision making processes should be reviewed with the design studies presented.



Design Study 10,000 SF Lot

This overview provides the details of the design studies for a typical R-B district lot less than 20,000 sf.

The diagrams on these pages illustrate a typical 10,000 sf (100'x100') lot, the details of which will be reviewed by the committee.



Setbacks

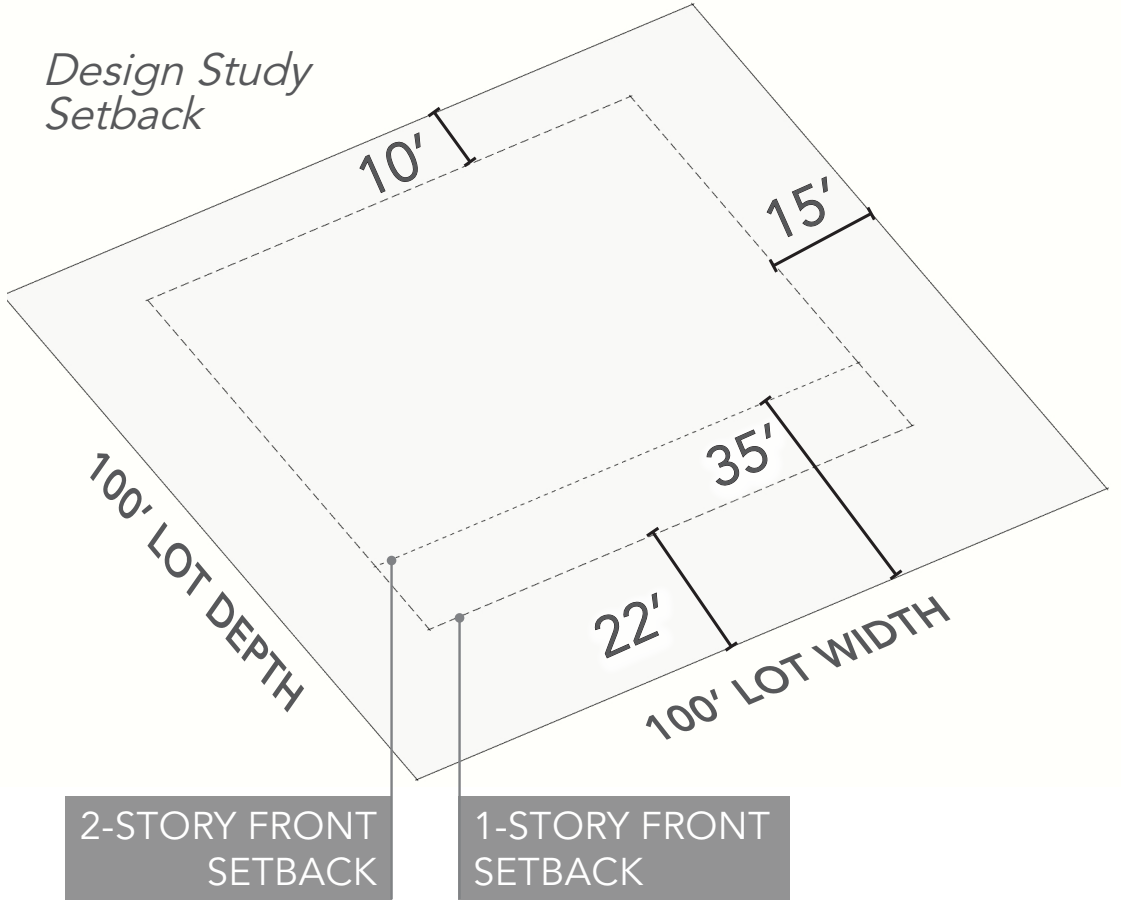
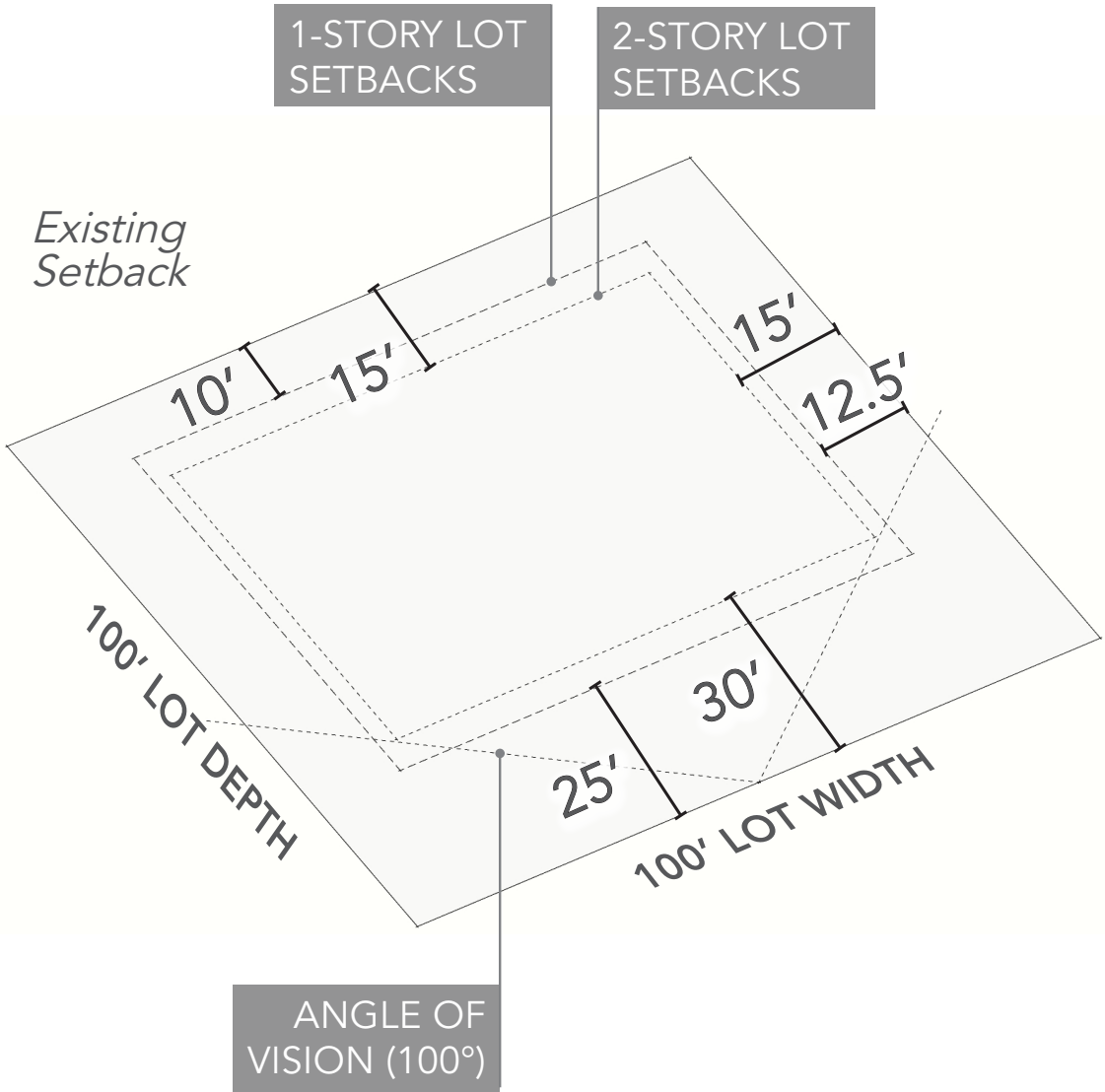
The existing setbacks are reconfigured in the design study to break up building mass so that new developments are more in line with the scale of the existing buildings, while encouraging more variation and relief in form, while restricting the second floor area and allowing for more appropriate incursions into the required setbacks.

Existing

- Min. Front Yard: 25 ft (min 20 ft if rear yard setback for first story reduced proportionally to reduction in front yard)
- Min. Side Yard: 12.5 ft (15 ft for second story)
- Min. Rear Yard: 10 ft (15 ft for second story, 25 ft for rear yard height plane)

Design Study

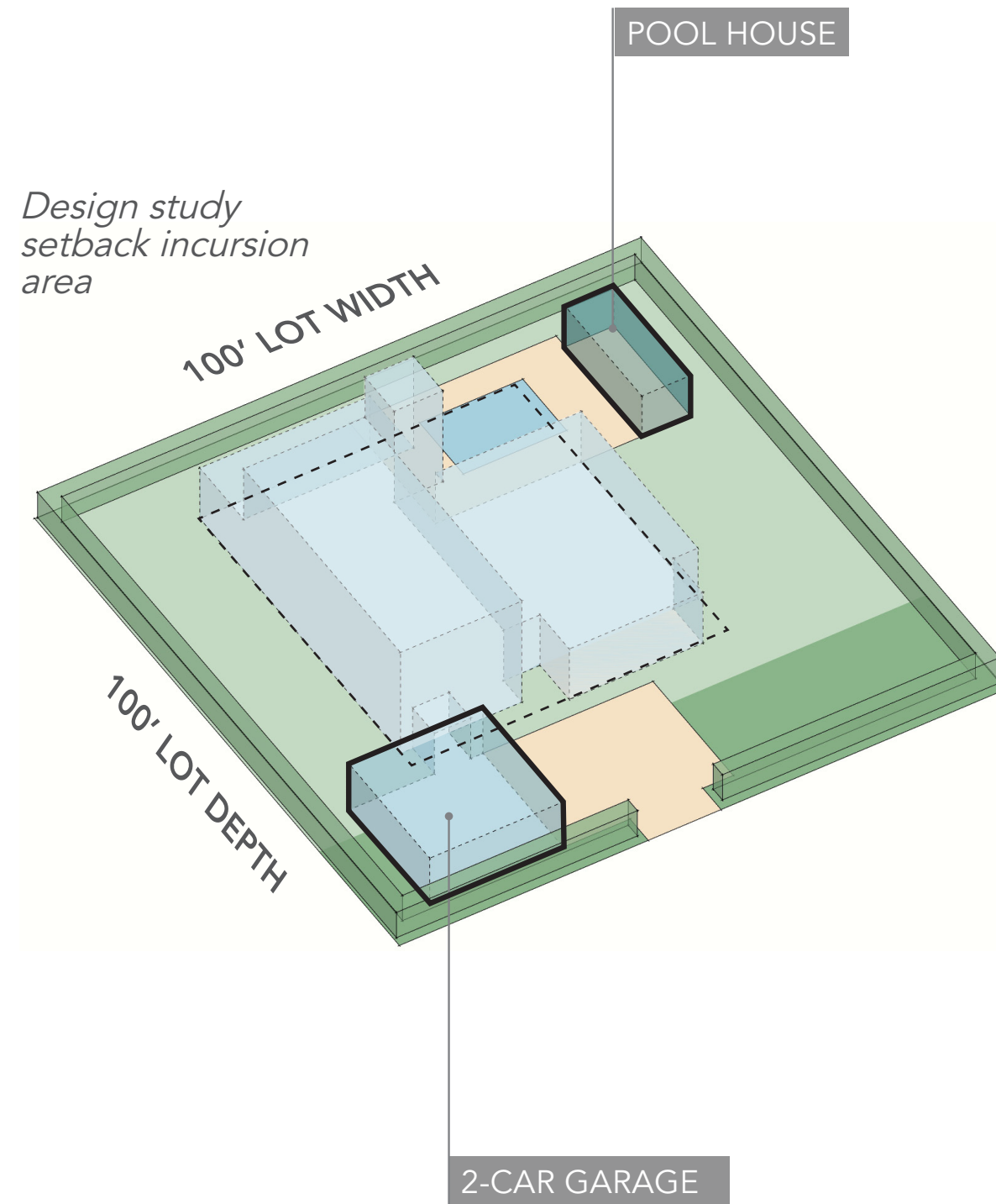
- Min. Front Yard: 22 ft for first story, 35 for second story (up to 20 ft of the second floor front façade may align with the first floor façade / setback at 22 ft)
- Min. Side Yard: 15 ft for both first & second story
- Min. Rear Yard: 10 ft for both first and second story



Permitted Incursions in Setbacks

Design Study (no current standard)

The current standards are more restrictive as to the location of accessory structures. The design study investigates the relaxing of these standards to allow for accessory structures such as pool houses, detached garages and other unenclosed and non-habitable structures such as loggias, pergolas, etc. that are a maximum of 8 feet in height permitted within 0-3 feet of the lot lines and otherwise no taller than 14 feet to be permitted within the front, rear and side setbacks.



Max. Lot Coverage

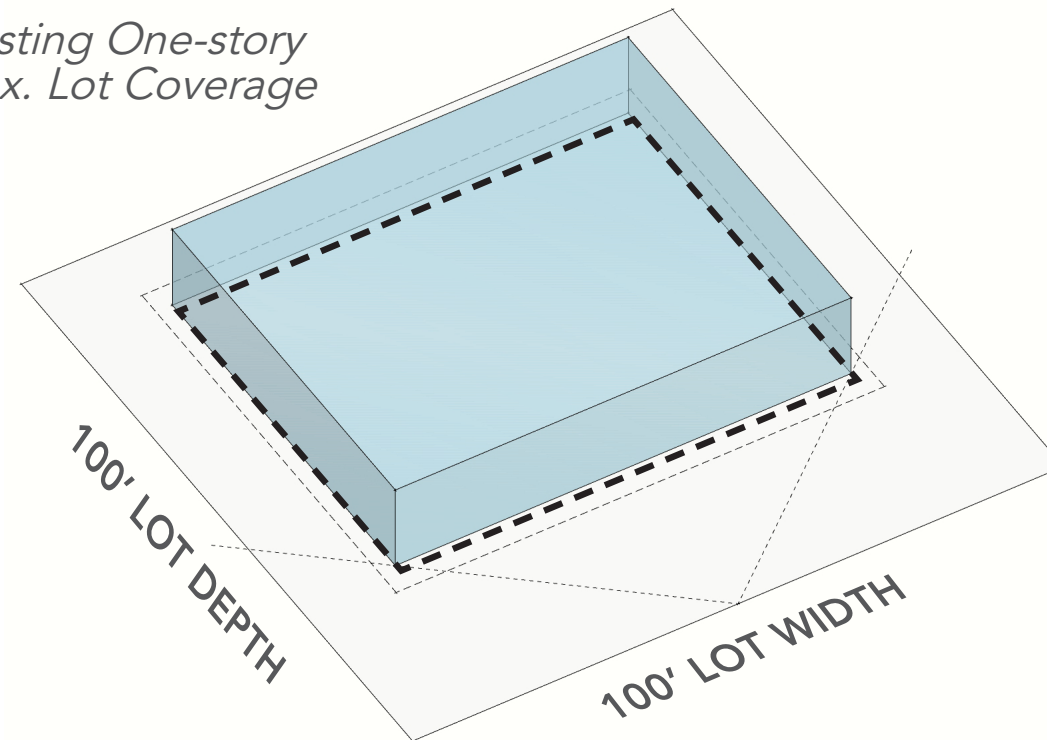
Design Study

The current standards under 'lot coverage' allows for 40% for one-story structures and 30% for two-story structures.

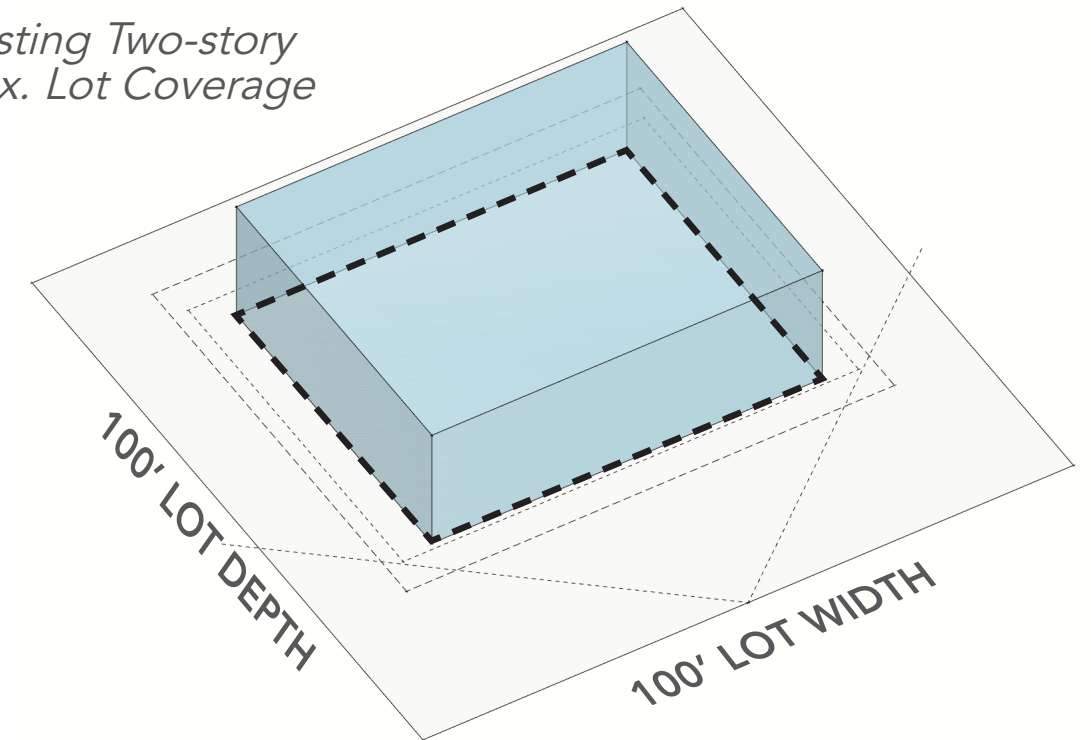
The design study investigates reconfiguring these standards at 45% for one-story and 30% for two-story principal buildings. Additionally, the second story footprint shall not exceed 50% of the first story footprint.

The design study also recommends including attached and detached car garages, and excluding pergolas, loggias and other similar permanently open and non-habitable structures and spaces in the definition of lot coverage.

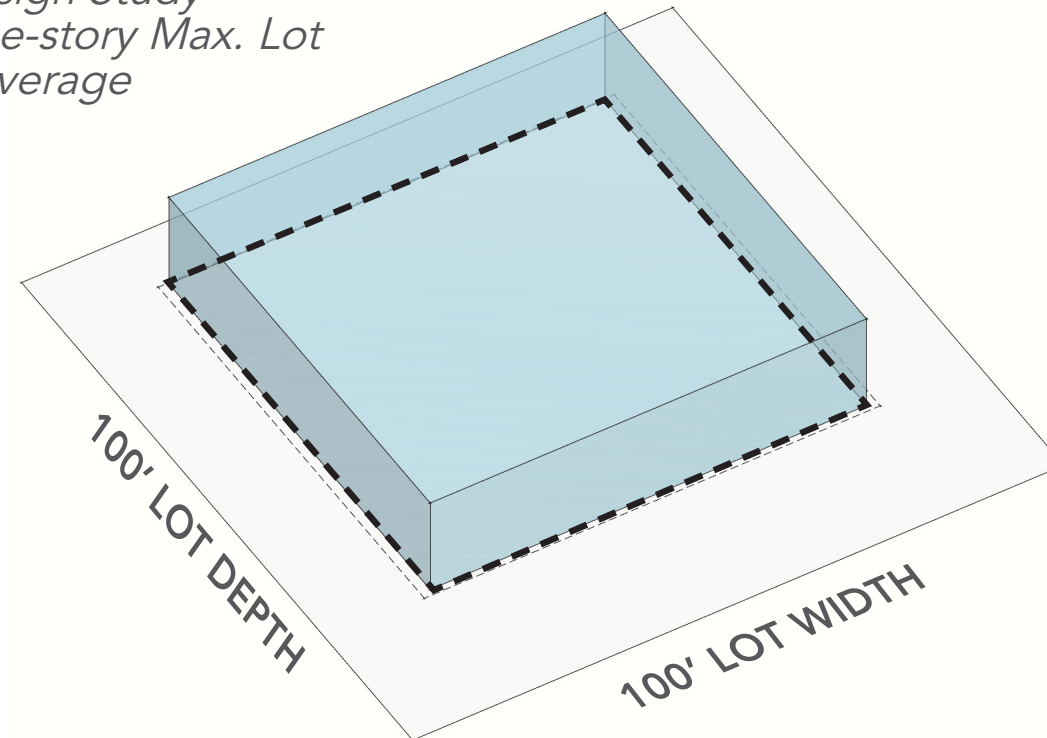
*Existing One-story
Max. Lot Coverage*



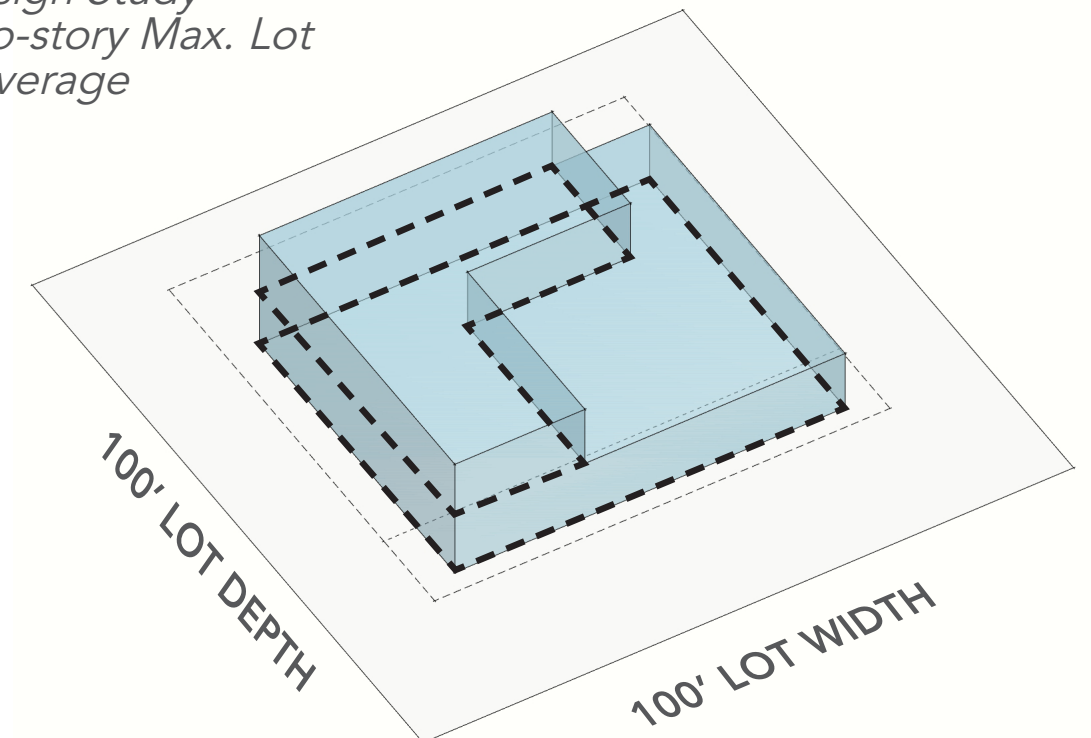
*Existing Two-story
Max. Lot Coverage*



*Design Study
One-story Max. Lot
Coverage*



*Design Study
Two-story Max. Lot
Coverage*

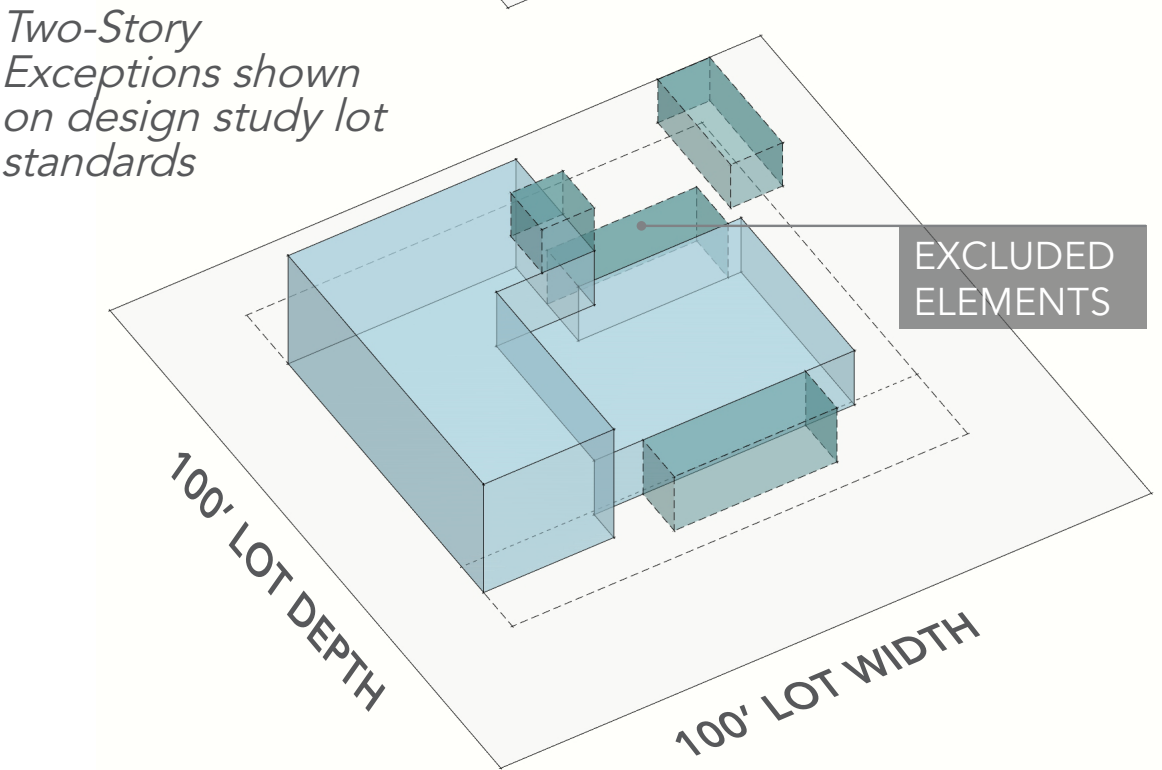
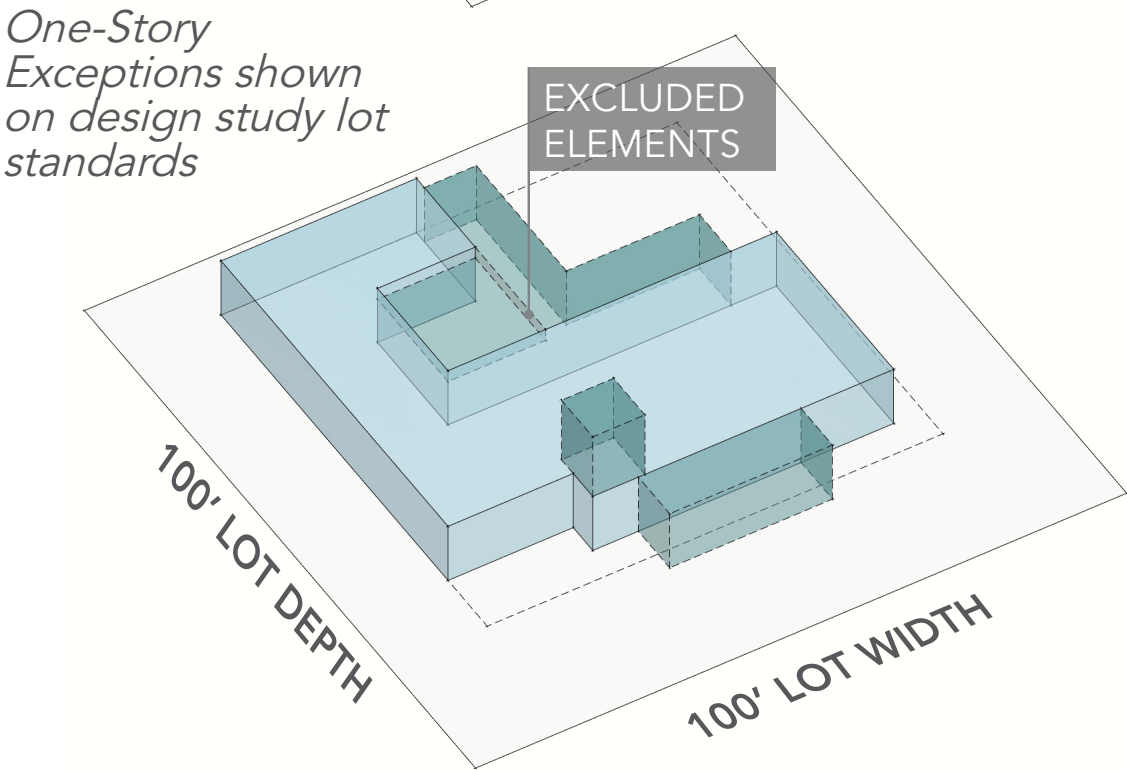
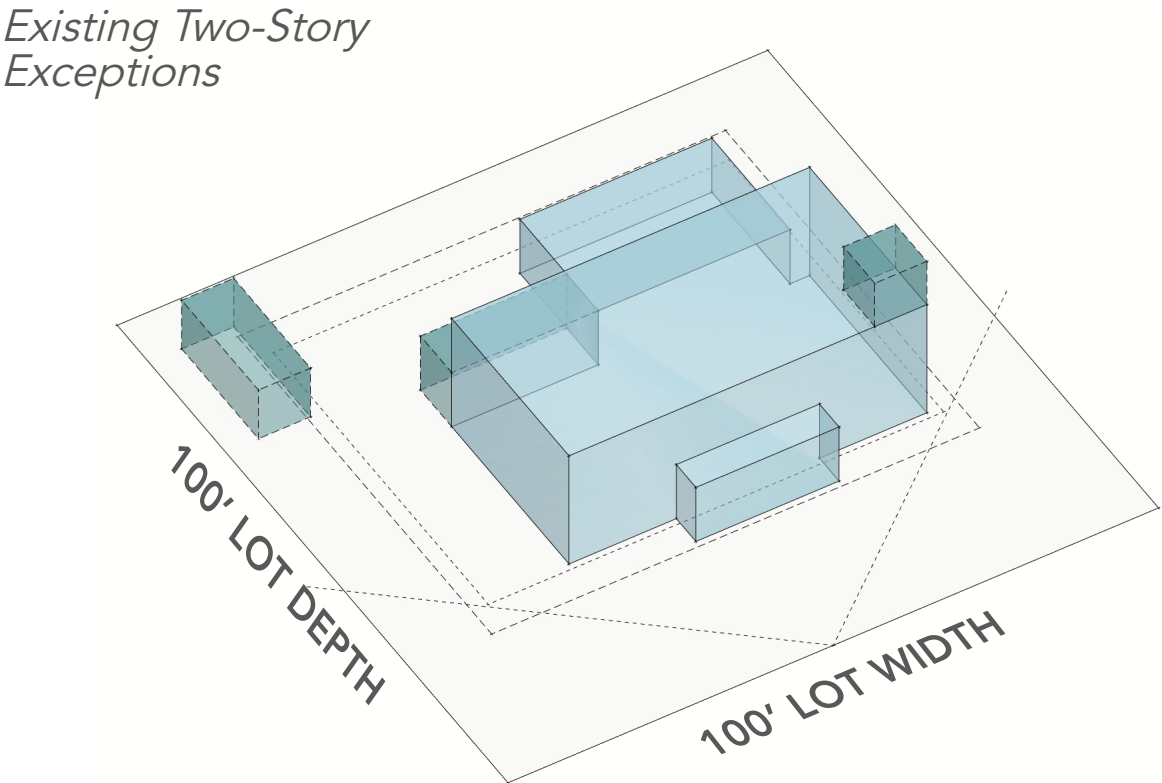
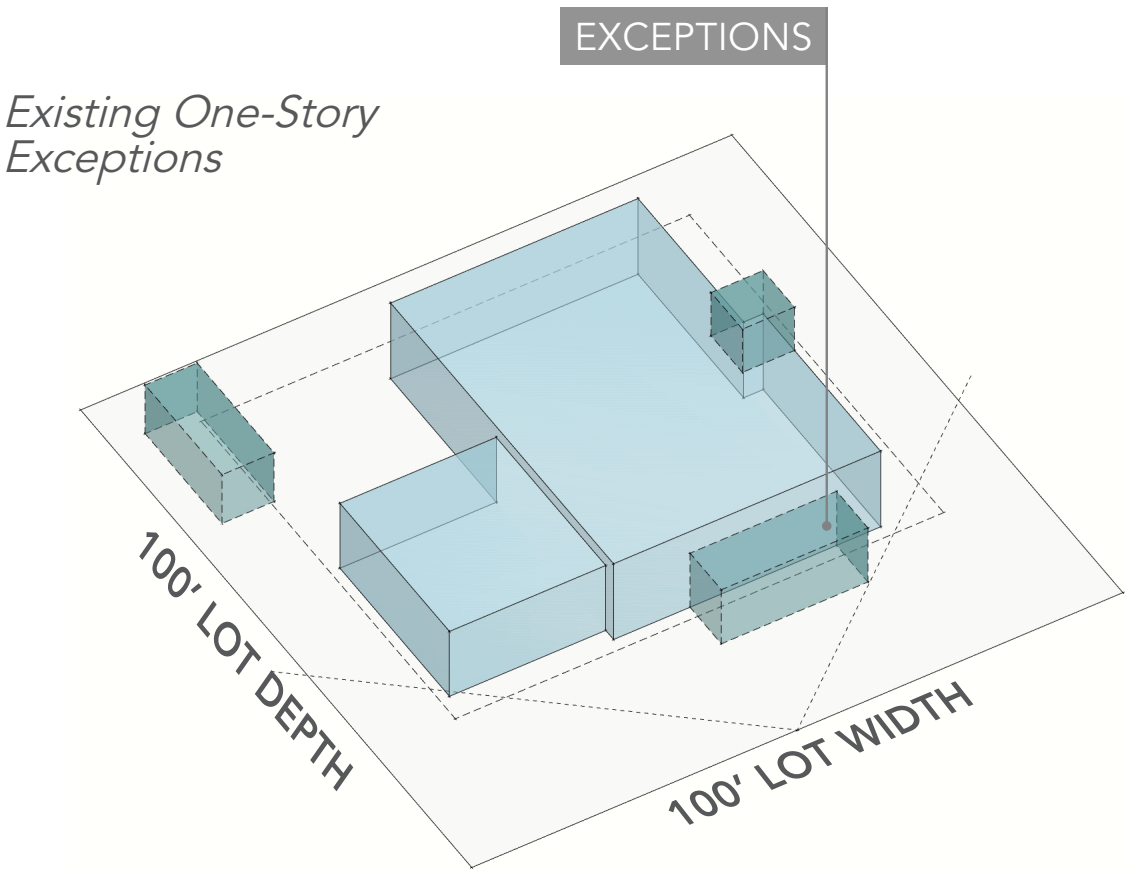


Exceptions to Lot Coverage

Design Study

The revised lot coverage recommends including only the principal building and the attached and detached car garages. Exclusions should include impervious ground cover, unenclosed loggias, pergolas, porches, terraces, and other similar permanently open and non-habitable structures.

We should also consider removing interior courtyards and loggias attached to buildings from lot coverage. This will encourage better and more sustainable design solutions, that are also more in line with the climate appropriate local vernacular architecture.



Min. Landscaped Open Space (% of total lot)

Existing

45% of total lot (40% min. of front yard)

Design Study

40% of total lot (40% min. of front yard)

Max. Unshaded Openings

Design Study

(no current standard)

20% of the glazed openings on any façade shall be shaded by an exterior architectural shade device

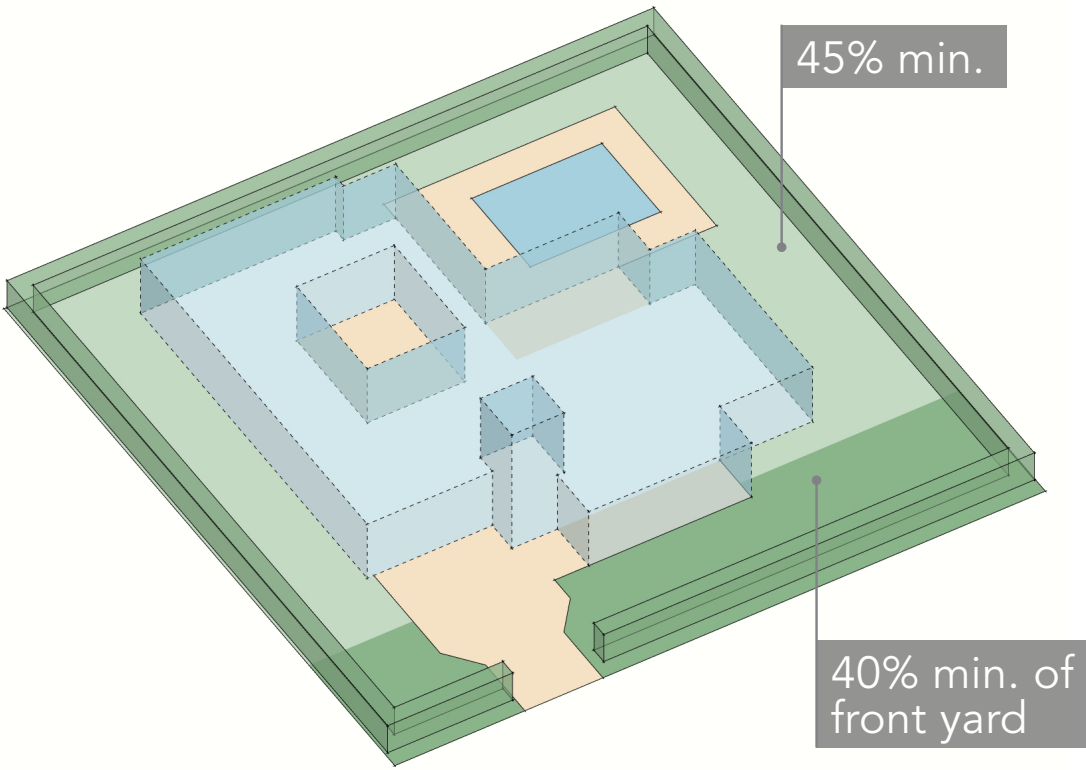
Tree Canopy Cover

Design Study

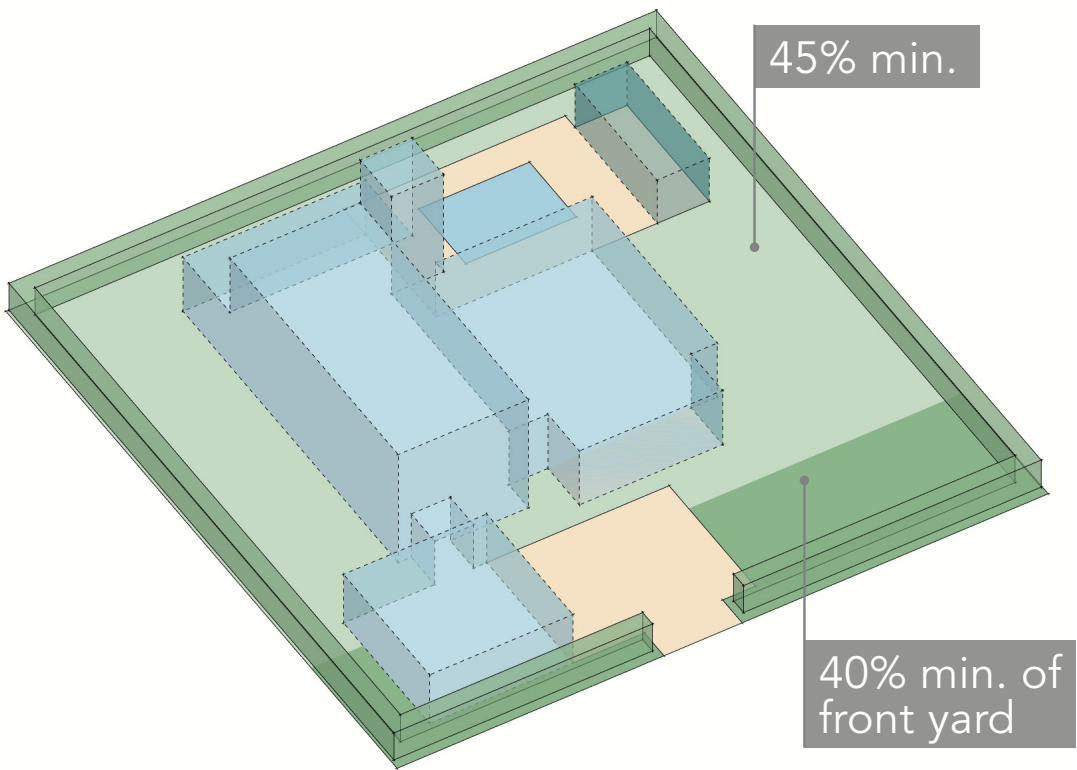
(no current standard)

Tree canopy cover for at least 50% of lot frontage. Trees may intrude into the vehicular right-of way.

*Design Study One-story
Min. Landscaped Open Space*



*Design Study Two-story
Min. Landscaped Open Space*



Max. Building Height

In conjunction to the modified setbacks, the design study investigates the reconfiguration of the building heights reduced to 20 feet for a two-story structure and increased to 16 feet for a one-story structure. This will regulate a reduced scale of a two-story structure, while encouraging a more spacious volume for a one-story structure. The reduced height of accessory structures in close proximity to the lot lines to reduce visual incursions along the adjacencies is also reviewed.v

Existing (Primary & Accessory)

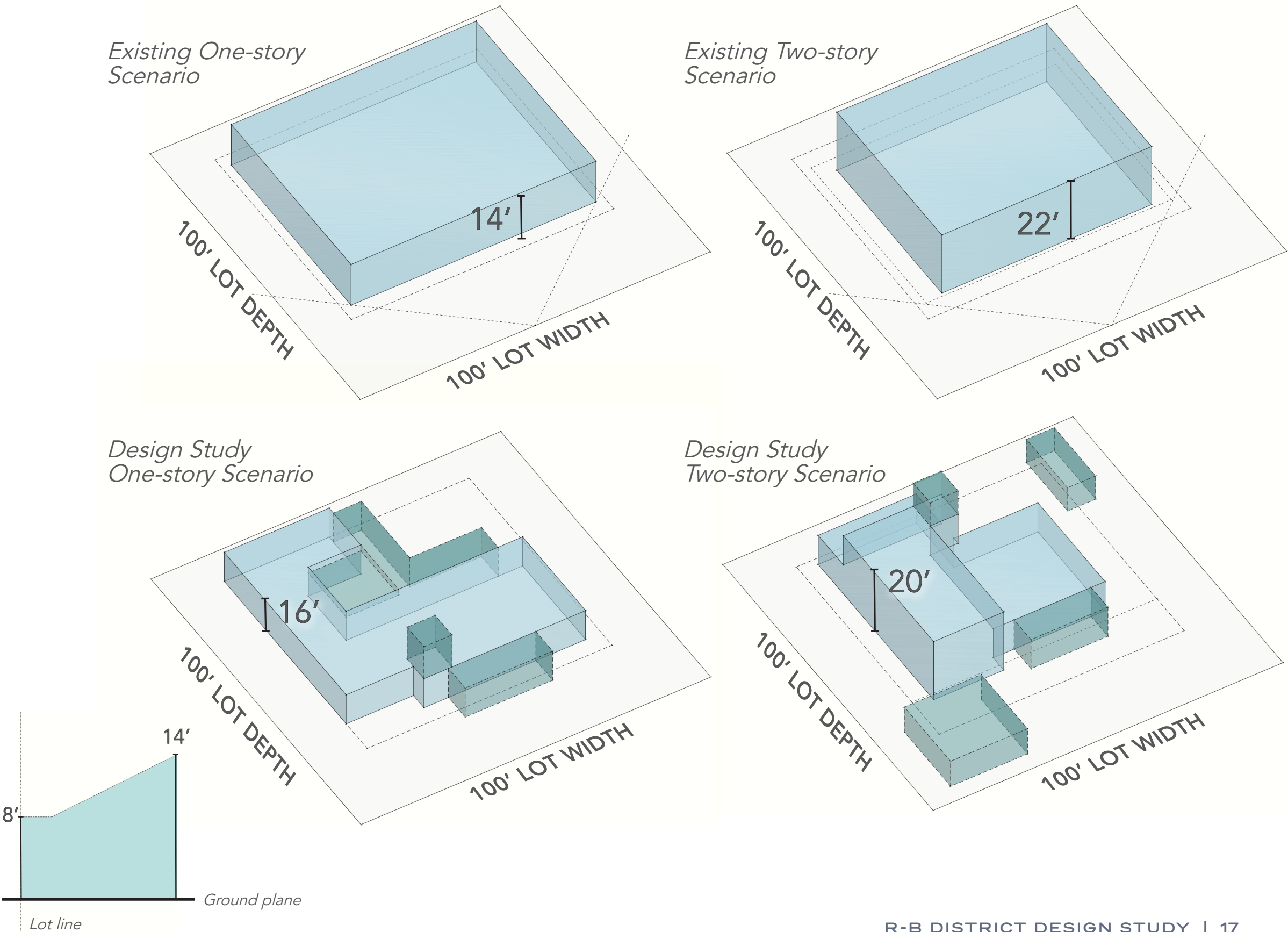
14 ft one story bldg / 22 ft two story bldg

Design Study - Primary Building

One-story principal building not to exceed 16 feet (including any parapet wall), and two-story principal building not to exceed 20 feet to top of plate of highest structure

Design Study - Accessory Structure

Accessory one-story structures such as garages within setbacks cannot exceed 8 feet height within 0-3 feet from lot line, and may extend to a maximum height of 14 feet at the other end

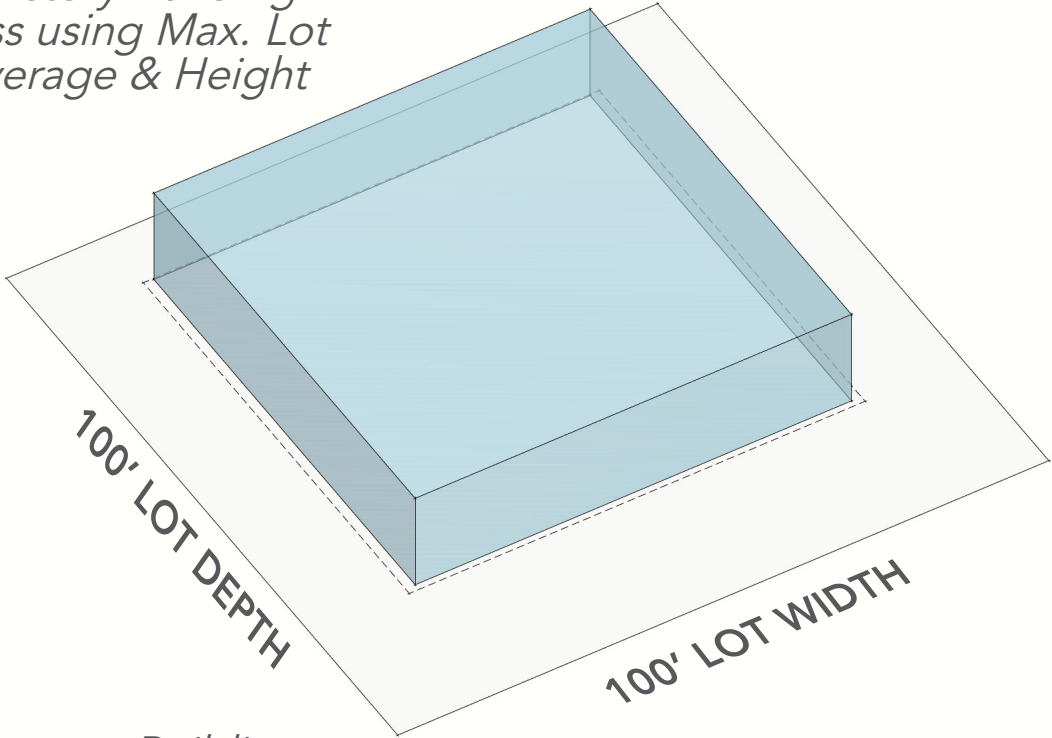


Bulk Standards vs. Existing CCR

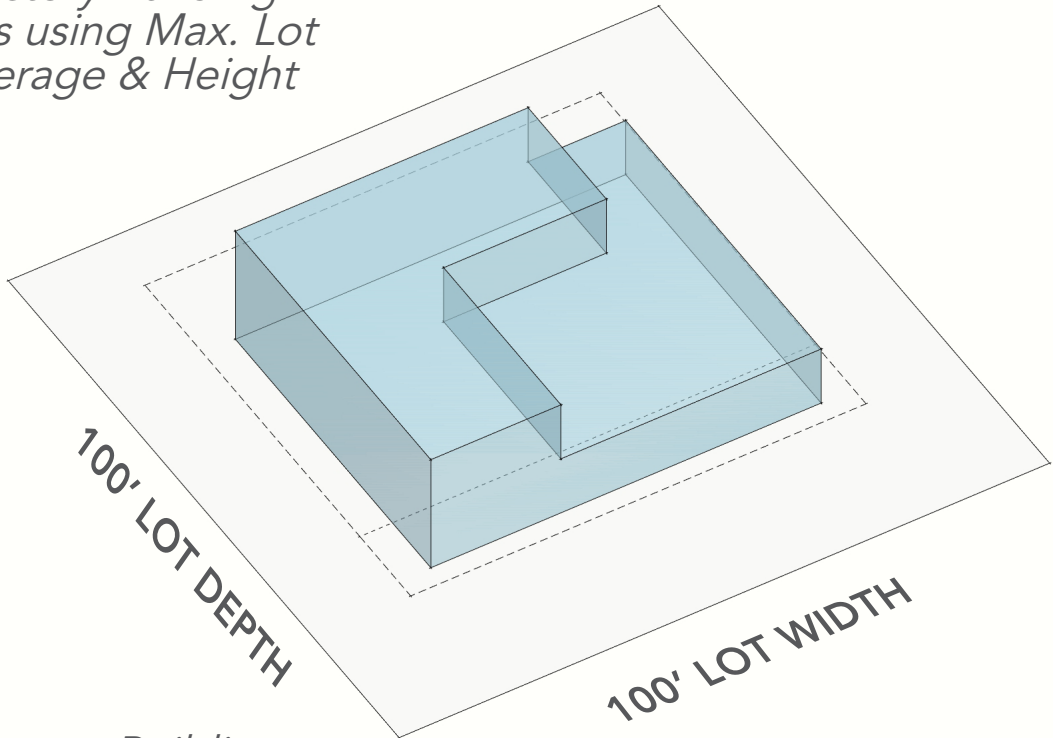
When comparing the potential building envelope created using only the bulk standards (Setbacks, Lot Coverage, and Height) as part of our design study, and that created using the cubic content ratio (CCR), the maximum floor areas are the same in both approaches, at 4,500 sf for a 10,000 sf lot.

The design studies confirm that the CCR calculations can be fully eliminated. The height standards, setback standards, and lot coverage as per the design studies encompass all the requirements that allow for principal and accessory building envelopes, similar to the provisions of the CCR, but in a more simpler and efficient manner, and still allowing for flexibility and variation in form.

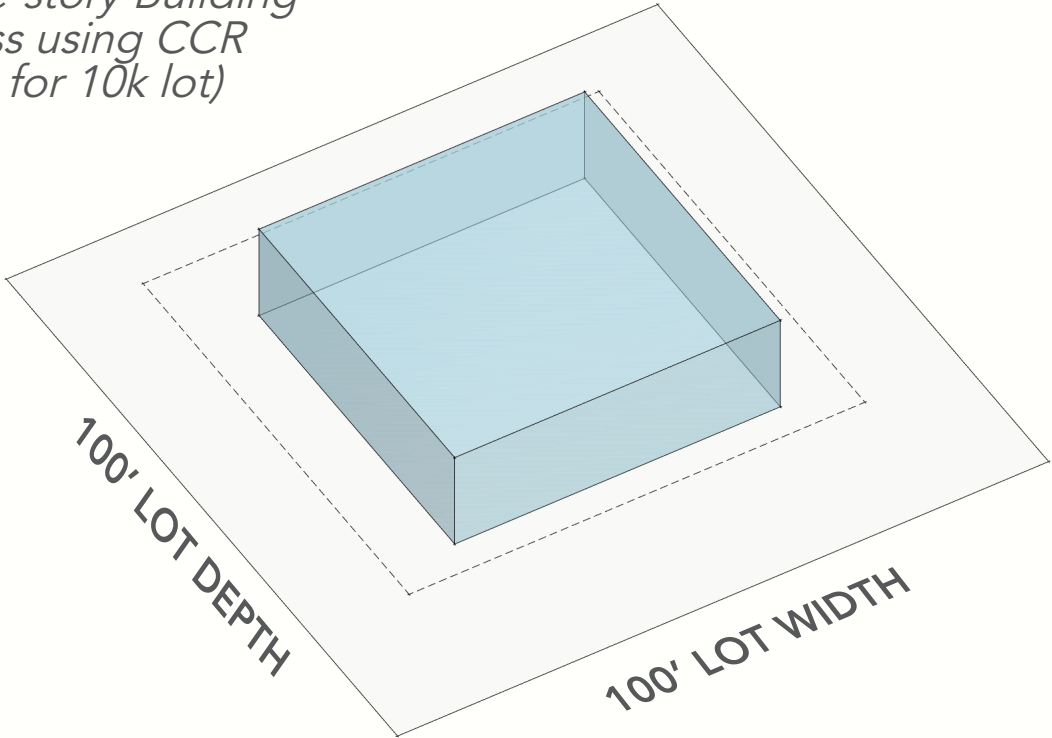
*One-story Building
Mass using Max. Lot
Coverage & Height*



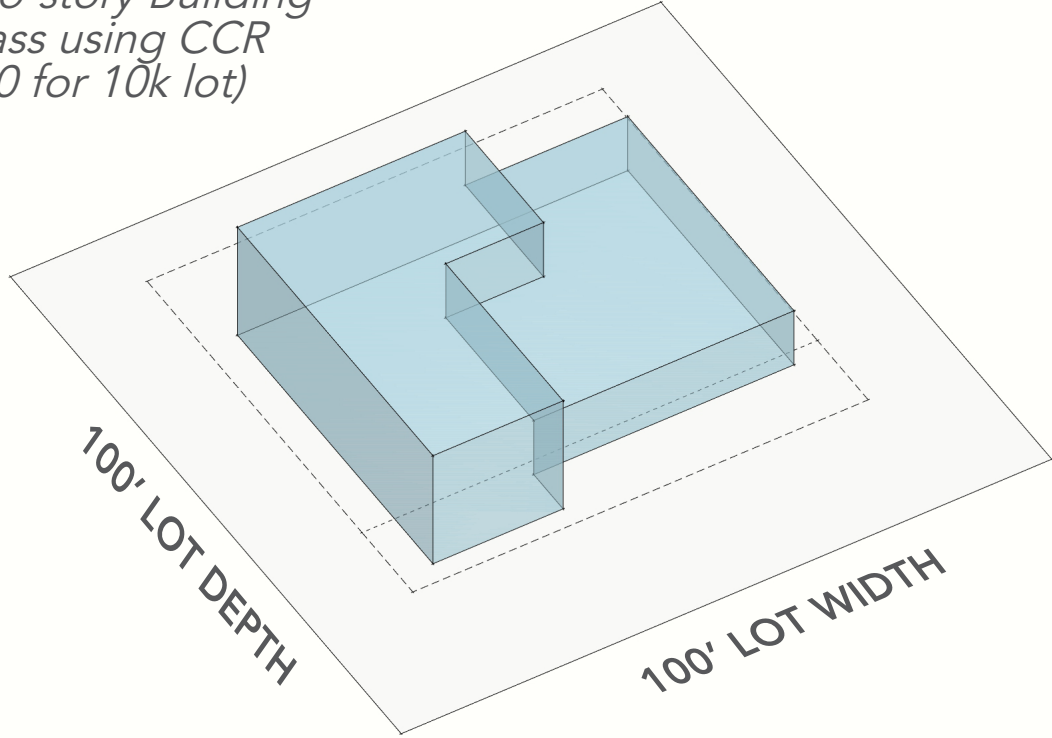
*Two-story Building
Mass using Max. Lot
Coverage & Height*



*One-story Building
Mass using CCR
(4.0 for 10k lot)*



*Two-story Building
Mass using CCR
(4.0 for 10k lot)*



Size of Accessory Garage

The existing standards do not regulate the size of car garages. The design study explores maximum garage sizes in conjunction with reduced curb cut sizes, to allow for more flexibility in the location of garages, and reduced sizes of driveways.

Design Study (no current standard)

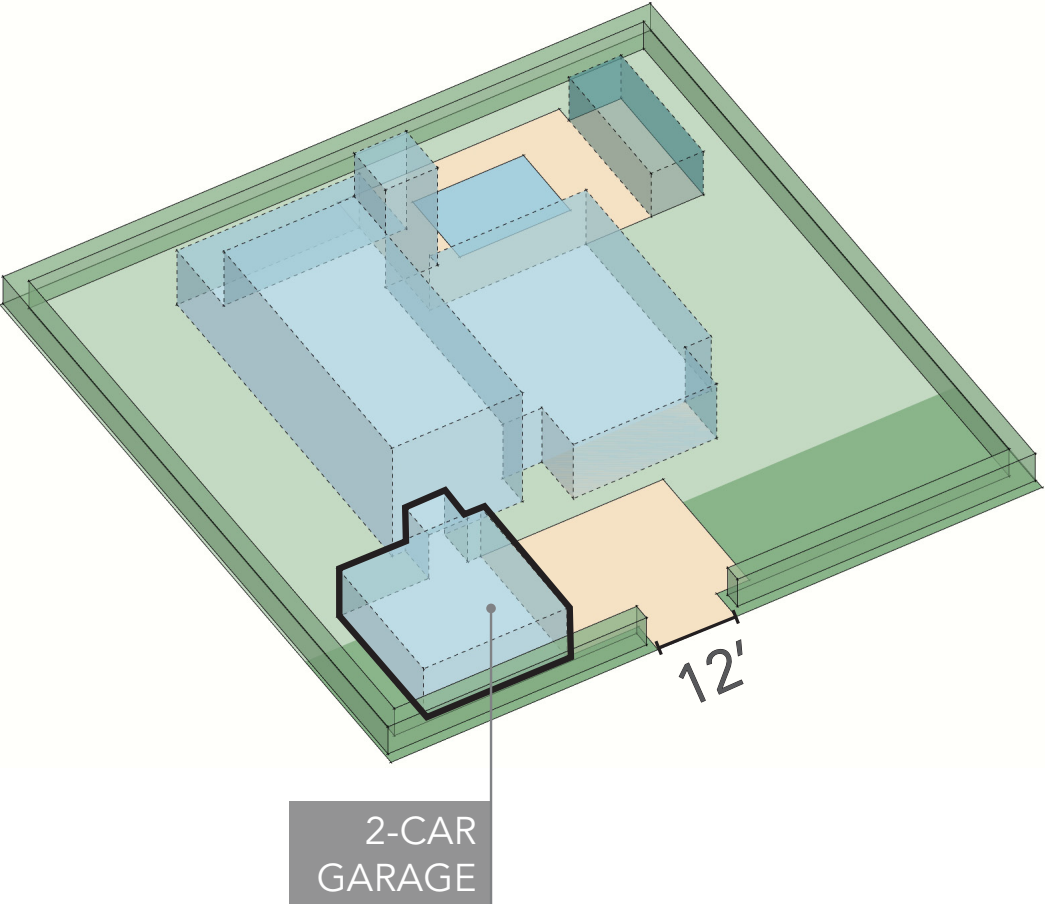
Max. size of two car garage not to exceed 22 feet X 22 feet or a maximum of 485 square feet. Max. size of one story garage not to exceed 22 feet by 15 feet or maximum or a maximum of 330 square feet.

Size and Location of Curb Cuts

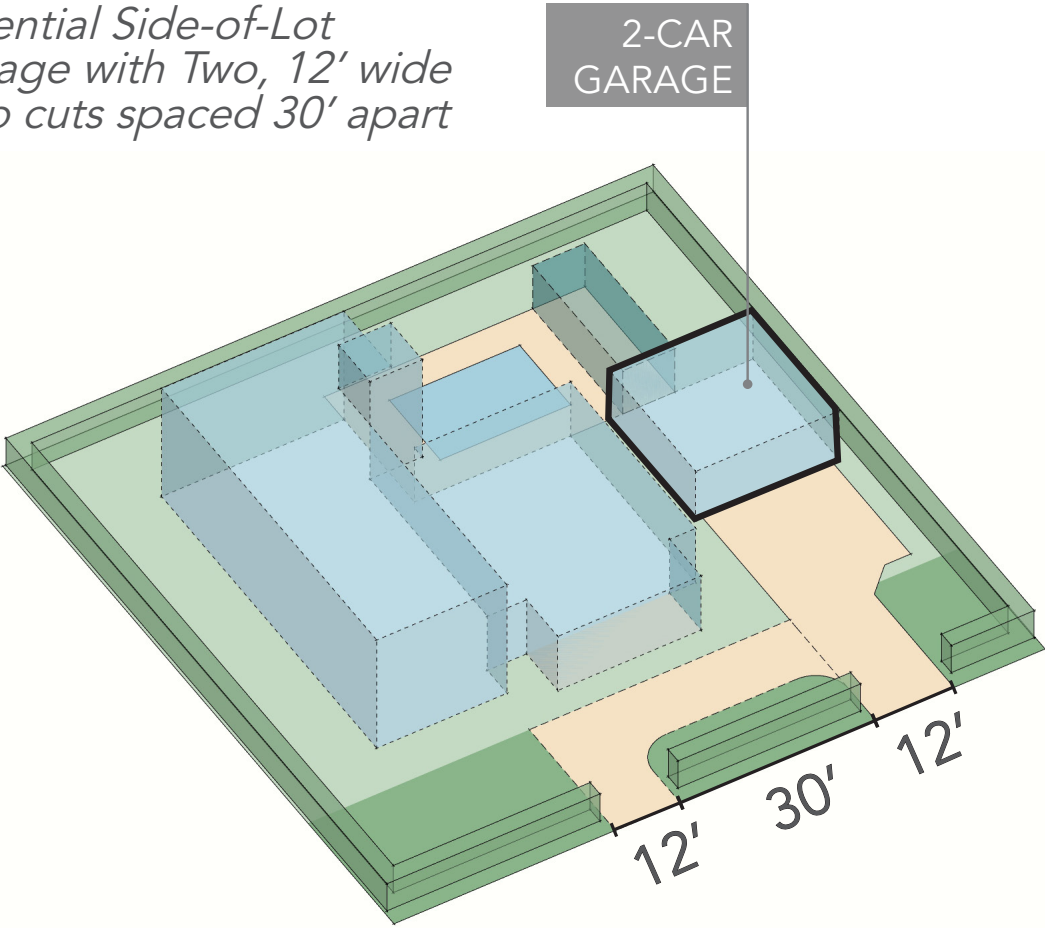
Design Study (no current standard)

Curb cut not to exceed 12 feet. 30 feet minimum distance between two curb cuts on the same lot.

Potential Front-of-Lot Garage with Single, 12' wide driveway curb cut



Potential Side-of-Lot Garage with Two, 12' wide curb cuts spaced 30' apart



Reference Table



DESIGNING OUR
PALM BEACH

	R-B (Existing) 10,000 sf lot	R-B (Existing) 20,000 sf or more lot	Notes	R-B North End (New District)	R-L (New District)
Min. Lot Area (sf)	10,000 sf	equal or more than 20,000 sf	When the area of a lot in the R-B district is equal to or greater than 20,000 square feet, development of the lot shall be subject to the maximum coverage and minimum open space provisions of the R-A district, except that the maximum allowable lot coverage for single-story development shall be 30 percent.	10,000 sf	10,000 sf
		equal or more than 60,000 sf	When the area of the lot is equal to or greater than 60,000 square feet, development of the lot shall be subject to the maximum coverage and minimum open space provisions of the R-AA district, except the minimum allowable lot coverage for single-story development shall be 30 percent.		
Min. Lot Width (ft)	100 ft	125 ft	When the width of a lot in the R-B district is equal to or greater than 125 feet, development of the lot shall be subject to the minimum side yard setback and angle of vision provisions of the R-A district	100 ft	100 ft
		150 ft (with lot areas min 60,000 sf)	When the width of the lot is equal to or greater than 150 feet, development of the lot shall be subject to the angle of vision provisions of the R-AA district		
Min. Lot Depth (ft)	100 ft	150 ft (with lot areas min 60,000 sf)	When the depth of a lot in the R-B district is equal to or greater than 150 feet, development of the lot shall be subject to the minimum front and rear yard setbacks and building height plane provisions of the R-A district	100 ft	100 ft
		150 ft (with lot areas min 60,000 sf)	When the depth of the lot is equal to or greater than the 150 feet, development of the lot shall be subject to the minimum front and rear yard setbacks and building height plane provisions of the R-AA district.		
Angle of Vision	100 degrees	100 degrees	See additional requirements in Sec. 134-843(6), Sec. 134-793(6)	100 degrees only for lots 20,000 sf in area or greater, and lots 125 feet wide or greater.	100 degrees only for lots 20,000 sf in area or greater, and lots 125 feet wide or greater.



	R-B (Existing) 10,000 sf lot	R-B (Existing) 20,000 sf or more lot	Notes	R-B North End (New District)	R-L (New District)
Min. Front Yard (ft)	25 (min 20 if rear yard setback for first story reduced proportionally to reduction in front yard)	35 (with lot depth equal or greater than 150 ft)		22 for first story 35 for second story (however up to 20 ft of the second floor front façade may align with the first floor façade / setback at 22 ft)	25 (min 20 if rear yard setback for first story reduced proportionally to reduction in front yard)
Min. Side Yard (ft)	12.5 ft (15 ft for second story)	15 ft (30 ft for lots of 60,000 sf or more in area)	For lots greater than 20,000 sf in area and 160 feet or more in width the setback shall be 22 feet plus two feet for each additional ten feet in width in excess of 169 feet, to a maximum side yard setback of 30 feet	15 ft for both first & second story	12.5 ft (15 ft for second story)
Min. Rear Yard	10 ft (15 ft for second story, 25 ft for rear yard height plane)	15 ft (with lot depth equal or greater than 150 ft)		10 ft for both first and second story	10 ft (15 ft for second story, 25 ft for rear yard)
Permitted incursions in setbacks	N/A	N/A		One and two car detached garages, pergolas, loggias, pool houses and other such non-habitable accessory and/or permanently open structures, at side and rear setbacks	One and two car detached garages, pergolas, loggias, pool houses and other such non-habitable accessory and/or permanently open structures, at side and rear setbacks
Max. Density Dwelling Unit / Acre	4 du	4 du/acre		4 du/acre	4 du/acre
Building Height Plane	N/A	Two feet of front setback for each one foot in building height (with lot depth equal or greater than 150 ft)	See additional requirements in Sec. 134-843(7), Sec. 134-793(7)		



	R-B (Existing) 10,000 sf lot	R-B (Existing) 20,000 sf or more lot	Notes	R-B North End (New District)	R-L (New District)
Overall Height	Max Height + 3 ft for flat room, 8 ft other styles, parapet walls may extend if treated properly	Max Height + 3 ft for flat room, 8 ft other styles, parapet walls may extend if treated properly		Needs to be reviewed with modified height definition	Needs to be reviewed with modified height definition
Max. Height (ft)	14 ft one story bldg / 22 ft two story bldg	Primary Building: 14 ft one story bldg / 22 ft two story bldg Accessory Structure: 15 ft / one story (lot size up to 20,000 sf); 25 ft / two story (lot size greater than 20,000 sf)		One-story principal building not to exceed 16 ft (including any parapet wall), and two-story principal building not to exceed 20 ft to top of plate of highest structure Accessory one-story structures such as garages within setbacks cannot exceed 8 ft height within 0-3 ft from lot line, and may extend to a max. height of 14 ft at the other end	14 ft one story bldg / 22 ft two story bldg Accessory one-story structures such as garages within setbacks cannot exceed 8 ft height within 0-3 ft from lot line, and may extend to a max. height of 14 ft at the other end



	R-B (Existing) 10,000 sf lot	R-B (Existing) 20,000 sf or more lot	Notes	R-B North End (New District)	R-L (New District)
Max. Lot Coverage	40% for one story / 30% for two story	For lots 20,000 SF or more: 30% for one story/25% for two story For lots 60,000 SF or more: 25% for one story/25% for two story		45% for one-story and 30% for two-story principal buildings. Second story shall not exceed 50% of the first story (Shall include both attached and detached car garages, and shall exclude pergolas, loggias and other similar permanently open and non-habitable structures and spaces)	40% for one story / 30% for two story (Shall include both attached and detached car garages, and shall exclude pergolas, loggias and other similar permanently open and non-habitable structures and spaces)
Landscaped Open Space	45% (not less than 40% of front yard)	For lots 20,000 SF or more: 50% (not less than 45% of front yard) For lots 60,000 SF or more: 55% (not less than 45% of front yard)		40% (and not less than 40% of the front yard area) Tree canopy cover for at least 50% of lot frontage. Trees may intrude into the vehicular right-of way.	45% (not less than 40% of front yard) Tree canopy cover for at least 50% of lot frontage. Trees may intrude into the vehicular right-of way.
Size of accessory car garage (sf)				Max. size of two car garage not to exceed 22 feet X 22 feet or a maximum of 485 sf. Max size of one story garage not to exceed 22 feet by 15 feet or maximum or a maximum of 330 sf.	Max. size of two car garage not to exceed 22 feet X 22 feet or a maximum of 485 sf. Max size of one story garage not to exceed 22 feet by 15 feet or maximum or a maximum of 330 sf.



	R-B (Existing) 10,000 sf lot	R-B (Existing) 20,000 sf or more lot	Notes	R-B North End (New District)	R-L (New District)
Size (ft) and location of curb cuts				Curb cut not to exceed 12 feet. 50 feet minimum distance between two curb cuts on the same lot	Curb cut not to exceed 12 feet. 50 feet minimum distance between two curb cuts on the same lot
Max. Unshaded openings				20% of the glazed openings on any façade shall be shaded by an exterior architectural shade device	20% of the glazed openings on any façade shall be shaded by an exterior architectural shade device
Cubic Content Ratio (CCR)	Lot<10,000 SF = 4.0 Lot 10,000-60,000 = 3.50 Lot>60,000 = 3.5 Lots>20,000 in specific listed locations, 4.5	Lot<10,000 SF = 4.0 Lot 10,000-60,000 = 3.50 Lot>60,000 = 3.5 Lots>20,000 in specific listed locations, 4.5			





DESIGNING OUR
PALM BEACH

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 14, 2023

Section of Agenda

REGULAR BUSINESS

Agenda Title

Status Update on Project ZON-22-132 165 Bradley Place Regarding Declaration of Use and Development Order Condition

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **PZB Staff Memorandum with Attachments**

TOWN OF PALM BEACH

Information for Town Council Meeting on:

June 14, 2023

To: Mayor and Town Council Members & Town Council

Via: Kirk W. Blouin, Town Manager

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



Re: Condition of Approval for the Alef Preschool Requiring Return to Town Council Within Six (6) Months

Date: June 14, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council modify Condition 10 of the Alef Preschool Declaration of Use Agreement to extend the review of the school operation performance to six (6) months following the opening of the preschool.

GENERAL INFORMATION

Condition 10 of Article IV, of the Declaration of Use Agreement for the Alef Preschool located at 165 Bradley Place stipulated that the applicant shall appear before the Town Council after the end of the school year, at the June 14th, 2023, meeting, to review the operation. As the Alef Preschool renovations to convert from the previous private club to a preschool are not complete, the Alef Preschool has not opened and therefore a review of the operation has not been conducted. However, as the Condition of Approval required an appearance before the Town Council, the item has been placed on the agenda and the applicant will be present.

Attachments: Amended Declaration of Use Agreement
Amended Agreement for Unity of Title and Other Restrictions
Hold Harmless Agreement

cc: James Murphy, Assistant Planning Director
Jennifer Hofmeister-Drew, Planner III, AICP

DECLARATION OF USE AGREEMENT

by

THE TOWN OF PALM BEACH

and

ALEF PRESCHOOL

MAY 2023

Prepared by and return to:
Harvey E. Oyer, III, Esquire
Shutts & Bowen LLP
525 Okeechobee Boulevard, Suite 1100
West Palm Beach, FL 33401
(561) 650-8517

TABLE OF CONTENTS

	Page
ARTICLE I	RECITALS 1
ARTICLE II	AUTHORITY 1
ARTICLE III	PRESCHOOL USE..... 2
ARTICLE IV	CONDITIONS 2
ARTICLE V	VOLUNTARY AGREEMENT AND HOLD HARMLESS..... 3
ARTICLE VI	REMEDIES FOR VIOLATION..... 3
ARTICLE VII	PROVISIONS TO RUN WITH THE PRESCHOOL..... 4
ARTICLE VIII	ENTIRE AGREEMENT..... 4
ARTICLE IX	EFFECTIVE DATE..... 4
ARTICLE X	MISCELLANEOUS 4

DECLARATION OF USE AGREEMENT

This Declaration of Use Agreement ("Agreement") is made and entered into this ____ day of _____, 2023 by and between the Town of Palm Beach, a Florida municipality, with an address of 360 South County Road, Palm Beach, Florida 33480 (hereinafter called the "Town") and Alef Preschool of Palm Beach Inc, with an address of 165 Bradley Place, Palm Beach, Florida 33480 (hereinafter called "Alef Preschool"), which terms "the Town" and "Alef Preschool" will include and bind the successors and assigns of the parties.

RECITALS:

WHEREAS, the land described in Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as the "Land") is located within the municipal limits of the Town; and

WHEREAS, The Alef Preschool is a private academic preschool which is a Special Exception use in the C-TS Zoning District; and

WHEREAS, the Town Council conditionally approved Application Number ZON-22-132 for a Special Exception with Site Plan Review and Variance ("Application") on November 15, 2022 which approved the Special Exception with Site Plan Review to open the Alef Preschool at the above referenced location, together with a Variance to reduce the parking requirement from 80 off-street parking spaces to 76 off-street parking spaces; and

WHEREAS, all of the representations made herein are true and accurate and the approval of the Application is conditioned upon the representations made herein and all the conditions herein imposed.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, it is agreed as follows:

AGREEMENT

ARTICLE I

RECITALS

The recitals set forth above are true and correct and are incorporated herein and made a part hereof.

ARTICLE II

AUTHORITY

The Alef Preschool has full right to enter into this Agreement and the terms hereof. There are no covenants, restrictions or reservations of record that will prevent the use of the Land in accordance with the terms and conditions of this Agreement. No consent to execution, delivery and performance hereunder is required from any person, partner, limited partner, creditor, investor, judicial or administrative body, governmental authority or other party other than any such consent

which already has been unconditionally given or referenced herein. Neither the execution of this Agreement nor the consummation of the transactions contemplated herein will violate any restriction, court order or agreement to which the Alef Preschool or the Land are subject.

ARTICLE III

PRESCHOOL USE

The private academic preschool use that is the subject of this Agreement shall be as set forth in the Application submitted to the Town for Special Exception with Site Plan Review and Variance, and approved by Town Council on November 15, 2022, as the same may be amended from time to time (hereinafter referred to as the “Approval”). The set of plans which are part of the Application, and as identified on sheet drawings A001.1, A002.1, A100.1, LP1, EL1, and A200 prepared by MP Design & Architecture, Inc., dated September 2, 2022, may not be deviated from unless prior Special Exception approval is granted by the Town Council.

ARTICLE IV

CONDITIONS

The approval to allow the Alef Preschool to operate is based upon the following conditions:

1. The maximum number of students shall not exceed 68 students.
2. The drop-off and pick-up times shall be staggered as follows:
 - a. Drop-off occurs over a 90 min. period from 7:45AM to 9:15AM, evenly divided over three separate 30-minute periods.
 - b. Pick-up occurs over two separate periods: a 30 min. period from 12:15PM to 12:45PM and a 45 min. period from 2:45 PM to 3:30PM.
3. A minimum of 40% of the students shall be picked up no later than 12:45PM.
4. If the Alef Preschool vacates the Land or there is a rescission of the Approval by the Town Council, the Alef Preschool shall be responsible for the following:
 - a. Obtaining any required permits for the reconstruction of the parking spaces removed for the playground and the one-way drive aisle accessed from Park Avenue connecting to the Land; and
 - b. The reconstruction of the parking spaces removed for the playground and the one-way drive aisle accessed from Park Avenue connecting to the Land.
5. A satisfactory site management plan related to the flow of traffic, parking, and pedestrians shall be submitted to the Town Public Safety staff for their review and approval.
6. Vehicular traffic related to the Alef Preschool operation shall be prohibited on Park Avenue.
7. The Alef Preschool shall install two (2) shade trees on the proposed playground.
8. The proposed artificial turf on the playground is not approved. The asphalt on the east parking lot where the playground will be located shall be removed and replaced with grass.

9. The Alef Preschool is required to meet the Town serving requirements of the Town code. Commencing at the start of the second year of operations of the Alef Preschool and at the beginning of each school year thereafter, the Alef Preschool shall submit evidence to the Town demonstrating that not less than 50% of the students of the Alef Preschool are town persons.

10. The Alef Preschool shall appear before the Town Council ~~after the end of the school year, at the June 14th, 2023 meeting~~ six (6) months following the opening of the preschool, to review the operation.

11. Alef Preschool shall not have a vehicular drop-off line, pick-up line, or vehicular queuing. All vehicles must park for drop-off and pick-up on-site and faculty shall not park in the designated parent drop-off parking spaces.

12. The new hedge to be installed on Park Avenue shall be planted and maintained at no less than nine (9) feet in height.

13. Alef Preschool shall not have more than eight (8) special events per year and notification of all such special events shall be provided, in advance, to the neighboring property owners.

14. Alef Preschool shall not sell or assign its school to another party, the provisions of this Agreement being specific to Alef Preschool.

15. Alef Preschool shall ensure that its student contracts, parent handbooks, website, and other similar written material clearly state that parents shall not use Park Avenue during student drop-off or pick-up. Alef Preschool shall require all parents to sign an acknowledgement that they will not use Park Avenue during student drop-off or pick-up.

16. Alef Preschool shall plant a clusia hedge along the east property line planted at nine (9) feet in height and ultimately maintained at no less than fifteen (15) feet in height, while leaving the existing areca palms on the east property line in place.

ARTICLE V

VOLUNTARY AGREEMENT AND HOLD HARMLESS

The Alef Preschool agrees to be bound by the terms and conditions in this Agreement, and waives any legal objection it might otherwise have to said terms and conditions or parts thereof.

ARTICLE VI

REMEDIES FOR VIOLATION

1. Upon determination by the Director of Planning, Zoning and Building Department of a violation of any of the terms or conditions of this Agreement or any other provision in the Town Code of Ordinances, and upon notice in writing from the Town to the Alef Preschool of said violation(s) and the date upon which said violation(s) shall be corrected, Alef Preschool or Alef Preschool's successor or assigns shall pay to the Town a liquidated amount of \$2,000.00 per violation. Said liquidated amount shall accrue on a per day basis for each day a violation of this Agreement exists. In addition, in the event a violation remains uncorrected beyond the date noticed

for correction by the Director of the Planning, Zoning and Building Department, this Agreement may be reconsidered by the Town Council at a future meeting upon thirty days notification to the Alef Preschool. The Town Council may, upon a finding of violation, alter this Agreement or rescind the Approval of the use.

In the event Alef Preschool disputes the determination of the Director of Planning, Zoning and Building Department of the violation of the conditions of this Agreement, or in the event the Alef Preschool disputes any code violation, Alef Preschool may appeal the determination of the Director of the Planning, Zoning and Building Department to the Town Council, said appeal to be filed no later than fifteen (15) days following the written notice of violation.

2. The Town shall have all remedies available at law and equity in order to enforce the terms of this Agreement including but not limited to (a) the Town's code enforcement procedures; (b) all remedies otherwise offered in the Town's Code of Ordinances; and (c) injunction, specific performance, and any and all other equitable relief through the civil courts in and for Palm Beach County for the State of Florida. In the event the Town is required to seek injunctive relief, it shall not be required to post bond and it shall not be required to demonstrate irreparable harm or injury to secure an injunction to enforce the terms of this Agreement. Additionally, in the event of any breach, default or non-performance of this Agreement, or any of its covenants, agreements, terms or conditions, the Town shall be entitled to recover its costs, expenses and reasonable attorney's fees insofar as the Town prevails, either before or as a result of litigation, including appeals.

ARTICLE VII

PROVISIONS TO RUN WITH THE ALEF PRESCHOOL

This Agreement shall NOT run with the Land and shall be binding upon the Alef Preschool only and shall terminate upon the termination of the Alef Preschool's lease and/or business tax receipt, or rescission of the Approval by the Town Council. This Agreement shall be recorded by the Alef Preschool in the Official Records of Palm Beach County, Florida upon full execution by the parties hereto. This Agreement shall be superior to any mortgages on the Land and shall be recorded prior to the recording of any such mortgages.

ARTICLE VIII

ENTIRE AGREEMENT

This Agreement represents the entire agreement between the parties as to its subject matter and it may not be amended except by written agreement executed by both parties.

ARTICLE IX

EFFECTIVE DATE

The Effective Date of this Agreement shall be the day upon which this Agreement is executed by the last party to sign the Agreement.

ARTICLE X

MISCELLANEOUS

Wherever the word "laws" appears in this Agreement, it shall be deemed to include all ordinances, rules and regulations as well as laws of the appropriate governmental authorities.

This Agreement may not be amended except by written instrument signed by all parties hereto.

Paragraph headings are inserted for convenience only and shall not be read to enlarge, construe, restrict or modify the provisions hereof. All references to numbered or lettered paragraphs, subparagraphs and exhibits refer (unless the context indicates otherwise) to paragraph and subparagraphs of this Agreement and to exhibits attached hereto, which exhibits are by this reference made a part hereof.

In the event of the invalidity of any provision of this Agreement, same shall be deemed stricken herefrom and this Agreement shall continue in full force and effect as if such invalid provision were never a part hereof.

This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first above.

Signed, sealed and delivered
In the presence of:

THE TOWN OF PALM BEACH

Print Name: _____

By: _____
Danielle H. Moore, Mayor

Print Name: _____

Print Name: _____

By: _____
Margaret Zeidman, Council President

Print Name: _____

Print Name: _____

By: _____
Kirk Blouin, Town Manager

Print Name: _____

ALEF PRESCHOOL OF PALM BEACH INC

Print Name: _____

By: _____
Name: _____
Title: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by Danielle H. Moore, the Mayor of the Town of Palm Beach, a Florida municipality, on behalf of the municipality. She is personally known to me and she did not take an oath.

Signature of Notary Public

Printed Name of Notary Public
Commission Expires: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by Margaret Zeidman, the Council President of the Town of Palm Beach, a Florida municipality, on behalf of the municipality. He is personally known to me and he did not take an oath.

Signature of Notary Public

Printed Name of Notary Public
Commission Expires: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by Kirk Blouin, the Town Manager of the Town of Palm Beach, a Florida municipality, on behalf of the municipality. He is personally known to me and he did not take an oath.

Signature of Notary Public

Printed Name of Notary Public
Commission Expires: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by Shneur Z. Levitin, on behalf of Alef Preschool of Palm Beach Inc. He is personally known to me and he did not take an oath.

Signature of Notary Public

Printed Name of Notary Public
Commission Expires: _____

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
TOWN OF PALM BEACH

RECOMMENDED APPROVAL:

By: _____
John C. Randolph, Esquire

EXHIBIT "A"

LEGAL DESCRIPTION

Lots 35, 36 and 37, BUNGALOW PARK ADDITION, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida. recorded in Plat Book 7, Page 26.

AMENDED AGREEMENT FOR UNITY OF TITLE AND OTHER RESTRICTIONS
("AGREEMENT")

This Agreement, dated this 20th day of DECEMBER, 2022, by and between BILTMORE GALLERIA, LLC, a Florida limited liability company ("Property Owner"), and the TOWN OF PALM BEACH, a Florida municipality ("Town").

W I T N E S S E T H:

In consideration of Town Council granting to Property Owner the approval of Application Number ZON-22-132 for a Special Exception with Site Plan Review to allow a 3,038 square foot private preschool in the Commercial-Town Serving (C-TS) zoning district, together with a Variance from the off-street parking requirements to eliminate required surface parking spaces and convert it into a playground area (the "Request"), on November 15, 2022, and for other good and valuable consideration received from the Town, the Property Owner agrees to restrict the use of the real property described in Exhibit "A" attached hereto ("Property") by the conditions listed below which shall be covenants running with the land unless and until such time as the same shall be released or modified in writing by the Town:

1. The Property shall be considered as one plot and parcel of land and no portion of said plot or parcel of land shall be sold, transferred, assigned or mortgaged separately but rather only in its entirety as one plot and parcel of land.
2. The Property Owner shall record this Agreement at its own expense in the Records of Palm Beach County and shall thereafter file this Agreement in the Office of the Town Clerk in and for the Town.

HOLD HARMLESS AGREEMENT

The undersigned, as an authorized signatory for the applicant, Alef Preschool, has been advised by the Town and understands that in the event the applicant proceeds with the project as approved by the Town while litigation is pending in regard to said matter, applicant is proceeding at its own risk, understanding that if the litigation by Plaintiffs is successful in favor of Plaintiffs that applicant may have to remove any and all improvements made and cease operation of the Preschool as approved by the Town. In this regard, in consideration for the Town issuing a permit to applicant to proceed, the undersigned, on behalf of the entity known as the Alef Preschool hereby agrees to save, defend, and hold harmless the Town, its officers, employees, representatives and assigns from any and all claims, damages, costs or fees resulting from the undersigned applicant moving forward with the permitting, construction and operation of the Alef Preschool while litigation is pending in regard to this matter which litigation may result in a judgment in favor of the Plaintiffs.

Candice Back
Witness

3 [Signature]
Rabbi Zalman Levitin on behalf of
the Alef Preschool

Tatiana Gonzalez
Witness

STATE OF Florida
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 14th day of February, 2023, by Rabbi Zalman Levitin (name and title of position), who is personally known to me or who has produced FL Driver License (type of identification) as identification.

[Notary Seal]



Kelly M. Churney
Notary Public
Printed Name: Kelly M. Churney
My Commission Expires: 5/9/24

WPBDOCS 11547649 2

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 14, 2023

Section of Agenda

REGULAR BUSINESS

Agenda Title

Public Notices (Continued) - Property Postings

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 14, 2023

Section of Agenda

REGULAR BUSINESS

Agenda Title

Waiver Request to the Restaurant Zoning In Progress for Lugano Diamonds

Presenter

Maura Ziska, Kochman & Ziska, Legal Representative for Lugano Diamonds

ATTACHMENTS:

- **Letter Dated May 26, 2023, From Maura Ziska, Kochman & Ziska PLC, Requesting a Waiver to the Restaurant ZIP for Lugano Diamonds**

KOCHMAN & ZISKA PLC

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

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone 561-802-8960
Facsimile 561-802-8995

May 26, 2023

Mr. Wayne Bergman
Town of Palm Beach
360 South County Road
Palm Beach, Florida 33480

Re: Waiver to Zoning in Progress for Lugano Diamonds-ARC-23-096/ZON-23-073

Dear Mr. Bergman:

Please let this letter stand as a request by Lugano Diamonds for a waiver to the recently enacted Zoning in Progress that would prohibit any new restaurants from obtaining approval. Since the proposal is to have a room in the retail space that may occasionally have private dinner events, a “waiver” is necessary to proceed with the new location on Worth Avenue. Lugano Diamonds is not a restaurant as set for the below:

Lugano Diamonds is a luxury jewelry retailer – it does not sell food nor will they operate a restaurant/dining hall within the proposed space.

Lugano Diamonds may host some charity events at the proposed retail store on Worth Avenue that would include catering.

A few items are important to note on this subject:

- All in-salon events are catered and do NOT depend on any breakroom equipment for food-related services.
- All in-salon events are private and invitation-only, no payment is required.
- In-salon events are occasional and typically not on a weekly occurrence.

The proposal at 150 Worth Avenue is to include in the floorplan design elements that will allow flexible use – principally for retail use with occasional private, catered events (see attached Floorplan). Within the submitted plans, there is a table with seating for up to 16 people. This table is consistently and primarily used as a jewelry viewing surface, meeting space, and conference area. The induction range/oven will be used solely for warming food.

To close, Lugano Diamonds is a high-end jewelry retailer specializing in one-of-a-kind wearable works of art. This salon, much like their others across the country, will serve the local community with both jewelry and philanthropic efforts. If there is any further info that may help clarify this point, please feel free to reach out anytime.

Sincerely,

Maura Ziska
Maura Ziska

/maz
Attachment
cc: Client

A Florida Professional Limited Liability Company Including Professional Associations

"THESE DOCUMENTS ARE
PROPRIETARY AND OWNED BY
MBARCHITECTURE & DESIGN, LLC
OR ITS AFFILIATED ENTITIES. ANY
USE OR REPRODUCTION OF THESE
DOCUMENTS OR THE INFORMATION
CONTAINED THEREIN WITHOUT THE
EXPRESS WRITTEN PERMISSION OF
MBARCHITECTURE & DESIGN IS
STRICTLY PROHIBITED."

CONSULTANTS

PROFESSIONAL LICENSE NUMBER
FL: AR99652

VERSIONS

NO.	DATE	DESCRIPTION
	04.24.2023	PRE-APP REVIEW
	05.02.2023	PRELIMINARY PLANS
	05.11.2023	FIRST SUBMITTAL
	05.30.2023	SECOND SUBMITTAL

PROJECT

LUGANO
DIAMOND

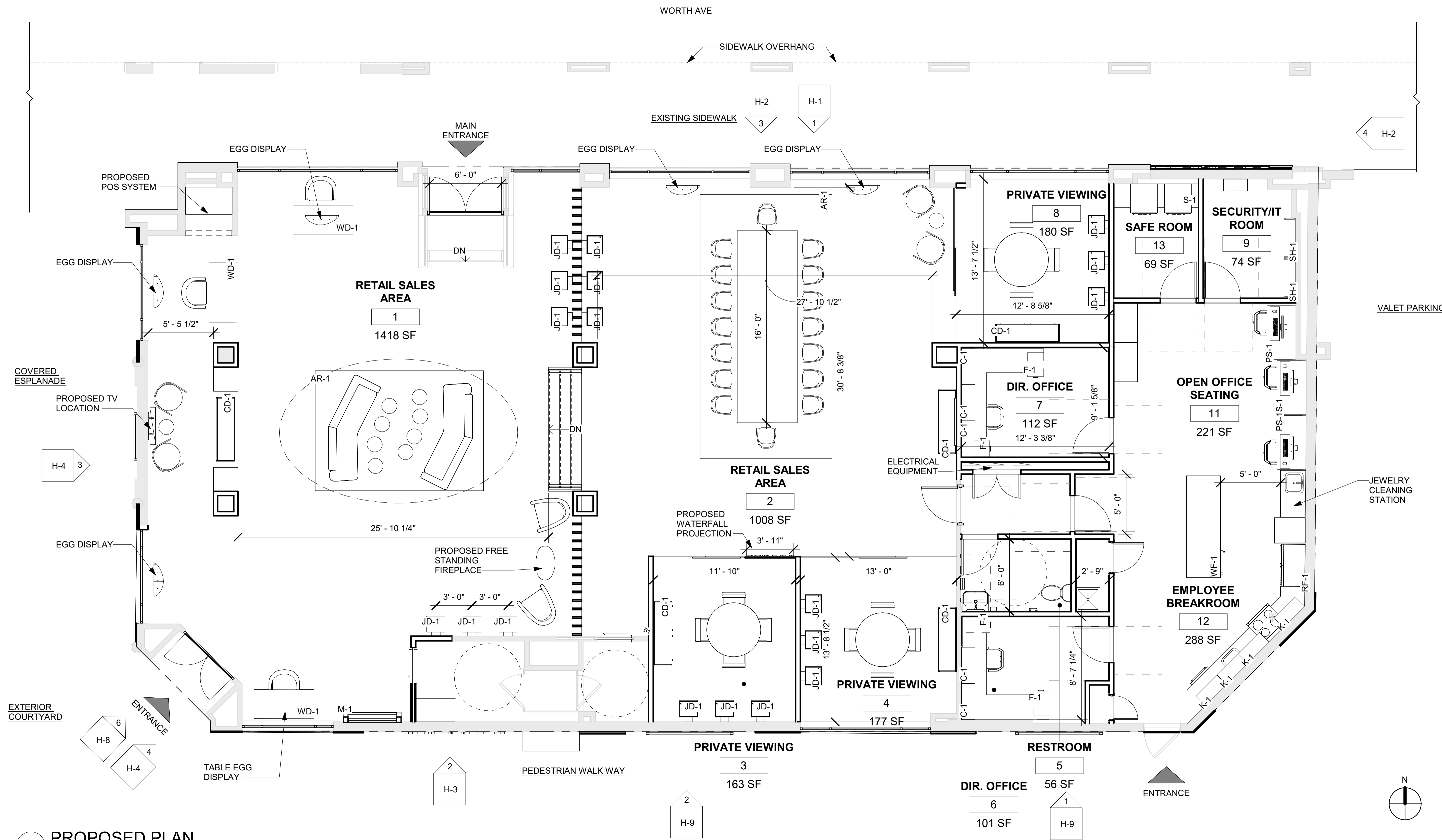
150 WORTH AVE
ESPLANADE, SUITE 137,
PALM BEACH, FL 33480

SHEET
TITLE

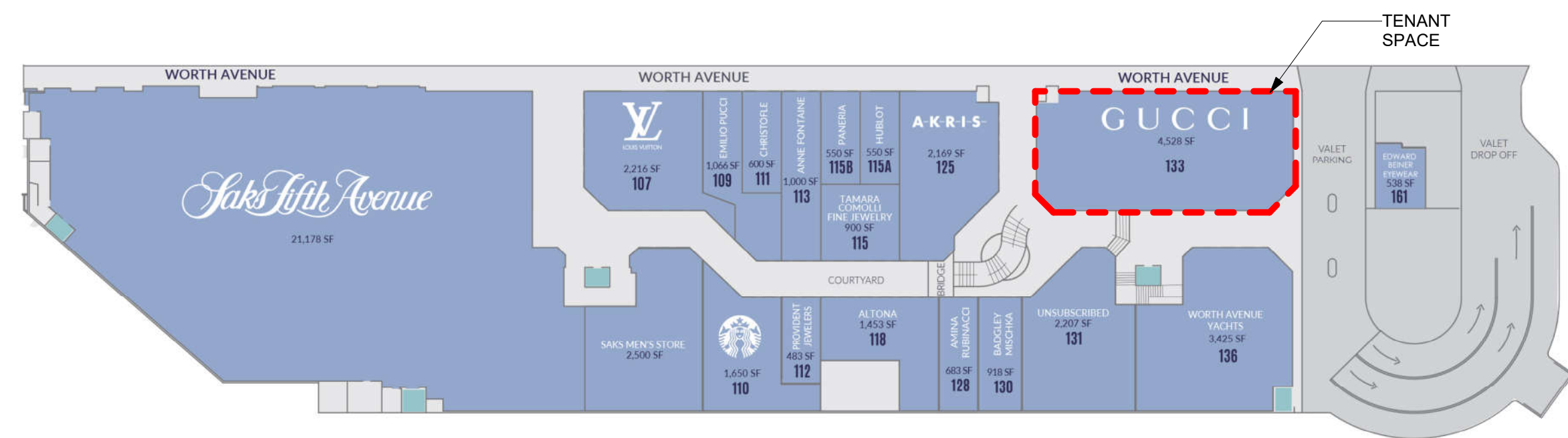
PROPOSED PLAN

SQUARE FT. DRAWN BY PAGE #
4390 SF LT 8 / 16
SCALE AS NOTED BY MB PROJECT #
23-020
SHEET NO.

G-2



1 PROPOSED PLAN
3/16" = 1'-0"



2 RENDER KEY PLAN 2
N.T.S.

NOTE:

1. IF EXTERIOR WINDOWS REQUIRE REPLACEMENT, A BARRICADE WILL BE CONSTRUCTED AS PER APPLICABLE TOWN AND LANDLORD REQUIREMENTS.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 14, 2023

Section of Agenda

Declaration of Use Agreements

Agenda Title

ZON-23-019 (COA-23-002) 363 COCOANUT ROW—THE VINETA HOTEL (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES - Declaration of Use Agreement & Seating Chart Review

2:00 PM TIME CERTAIN

Presenter

ATTACHMENTS:

- ▣ **DRAFT Declaration of Use Agreement**
- ▣ **Development Order 363 Cocoanut Row - Feb23**
- ▣ **Development Order 363 Cocoanut Row - Mar23**
- ▣ **Development Order 363 Cocoanut Row - Apr23**

DECLARATION OF USE AGREEMENT

by

THE TOWN OF PALM BEACH

and

363 COCOANUT ROW PROPCO, LLC

DRAFT

**Prepared by and return to:
M. Timothy Hanlon, Esq.
Alley, Maass, Rogers & Lindsay, P.A.
340 Royal Poinciana Way, Suite 321
Palm Beach, Florida 33480
(561) 659-1770**

TABLE OF CONTENTS

ARTICLE I	RECITALS-----	1
ARTICLE II	AUTHORITY-----	2
ARTICLE III	CONDITIONS-----	2
ARTICLE IV	VOLUNTARY AGREEMENT-----	4
ARTICLE V	REMEDIES FOR VIOLATION-----	4
ARTICLE VI	PROVISIONS TO RUN WITH THE LAND-----	5
ARTICLE VII	ENTIRE AGREEMENT -----	5
ARTICLE VIII	EFFECTIVE DATE -----	6
ARTICLE IX	MISCELLANEOUS-----	6

DECLARATION OF USE AGREEMENT

THIS DECLARATION OF USE AGREEMENT is made and entered into this ____ day of _____, 2023 by and between the TOWN OF PALM BEACH, a Florida municipal corporation, 360 South County Road, Palm Beach, Florida 33480 (hereinafter called the “Town”); and 363 COCOANUT ROW PROPCO, LLC, a Delaware limited liability company (hereinafter called “Owner”), which terms “Town” and “Owner” will include and bind the successors and assigns of the parties, wherever the context so requires or admits.

WITNESSETH:

WHEREAS, the land described in Exhibit “A” attached hereto and made a part hereof (hereinafter referred to as the “Land”) is located within the municipal limits of the Town; and

WHEREAS, LPC approved COA-23-002 on January 18, 2023, for the interior and exterior renovation of an existing landmarked four-story hotel structure including alterations to the facades, a reduction of rooms from 57 to 41, the reconstruction of historic door and window locations and associated hardscape/landscape and rooftop projections requiring height variances for rooftop allowances. LPC also unanimously determined that the five proposed variances will not cause negative architectural impact.

WHEREAS, by Application ZON-23-019 (the “Application”), Owner sought approval of the Town Council for three special exceptions, site plan approval, vesting parking rights and five variances as listed in Exhibit “B” attached hereto and made a part hereof to permit the renovation of the landmarked building on the Land and the continued operation of a hotel, pool, food and beverage service and a nightclub on the Land under the name “The Vineta” (all of said operations shall be referred to in this Agreement as the “Hotel”) (all zoning relief requested and approved by Town Council pursuant to Application ZON-23-019 shall be referred to in this Agreement as the “Zoning Relief”); and

WHEREAS, the Town Council at its April 4, 2023 meeting conditionally approved all of the Zoning Relief, conditioned on the execution and recordation of this Declaration of Use Agreement.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, it is agreed as follows:

ARTICLE I **RECITALS**

The recitals set forth above are true and correct and are incorporated herein and made a part hereof.

ARTICLE II

AUTHORITY

Owner has full right to enter this Agreement and to bind itself to the terms hereof. There are no covenants, restrictions or reservations of record that will prevent the use of the Land in accordance with the terms and conditions of this Agreement. No consent to execution, delivery and performance hereunder is required from any person, partner, limited partner, creditor, investor, judicial or administrative body, governmental authority or other party other than any such consent which already has been unconditionally given or referenced herein. Neither the execution of this Agreement nor the consummation of the transaction contemplated hereby will violate any restrictions, court order or agreement to which Owner is subject.

ARTICLE III

CONDITIONS

The Town Council approval of the Zoning Relief is based upon the following conditions:

1. The project was approved for the continued operation of a nonconforming hotel with accessory dining, lounge, pool and nightclub uses. The following licenses shall be required to be applied for, reviewed and approved annually:

- a. Hotel (41rooms)
- b. Pool
- c. Main Dining Room (66 indoor seats)
- d. Nightclub (SF and located in main dining room indoors only)
- e. Outdoor café seating (32 courtyard seats)
- f. Pool Café (37 seats)
- g. Outdoor café seating (pool deck 16 seats open specifically to hotel guests)
- h. Bar Lounge (37 seats)

2. Regarding the number of seats open to the public (non-hotel guests) for food and/or beverage service in the Hotel, the numbers, configuration and hours of use shall at least initially be limited to those described in Exhibit "C" attached hereto. No more than 172 total seats for food and beverage service to the public shall be permitted, and no more than 135 seats for food and beverage service to the public shall be open at any given time. A copy of the approved seating plan shall be maintained on site at all times and made available for inspection by the Town, on request. Notwithstanding the foregoing, during inclement weather, seats may be moved from the outside courtyard area to indoor restaurant and bar areas as long as the hour-by-hour maximum number of seat limitations described in Exhibit "C" are not exceeded. See Section 16 regarding contingent future increases in seat numbers and operating hours. Regarding the number of seats open specifically to hotel guests for food and/or beverage service, there will be 16 seats adjacent to the pool café as part of the approved Special Exception for outdoor

café seating in addition to numerous recreational seating options around the pool deck area.

3. The Owner or operator of the Hotel shall maintain a parking agreement for the use of a combined total of fifty (50) off-site valet parking spaces at 440 Royal Palm Way and 340-350 Royal Palm Way (or other alternative location and/or number acceptable to the Owner and reviewed and approved by Town Staff). No valet parking shall be permitted on any of Australian Avenue, Brazilian Avenue, Chilean Avenue or Peruvian Avenue. The routes to be taken by valet parkers are shown on Exhibit “D.” Owner shall furnish a copy of such agreement to the Town, on request.

4. Valet parking is required for hotel guests and food and beverage guests during all hours that the hotel is open to the public for food and beverage service.

5. The Hotel operation shall include off-site parking (in West Palm Beach) of fifty (50) parking spaces for employee and excess parking (“Employee Parking”). The Employee Parking plan shall include a shuttle bus operated by Hotel representatives and agents throughout the day to bring employees to and from the Hotel to the Employee Parking facility.

6. All food and beverage service shall close to the public no later than midnight. For purposes of this Agreement, the term “close to the public” shall specifically not apply to food and beverage service in specific rooms that offer services at a given time only to hotel guests, employees, owners of the property, owners of the hotel operator and guests of hotel guests.

7. Only background music shall be permitted in the pool area until 6:00 p.m. and the courtyard until 10:00 p.m. No amplified music shall be permitted in either the pool or courtyard area.

8. There shall be no more than four events per month, and all events shall comply with the required opening and closing hours for each service area as shown in Exhibit “C.” An event is defined as an organized function for more than 40 or more people within the Hotel such as wedding receptions, birthday parties and religious or other celebrations. The number of valet parkers shall be increased on an “as needed” basis for each event.

9. The Hotel shall obtain and maintain a valet parking permit for one valet stand. An appropriate number of valet parking attendants shall be on duty to meet the demand from day to day and season to season. The number of valet parkers may be modified by the Town’s Police Department if it is determined that either more or fewer valet parkers are required to manage the Hotel’s parking.

10. All trash shall be stored in the indoor trash room inside the southeast corner of the Hotel daily and not taken to the outdoor rubbish receptacle in the parking area north of the building until after 8:00 a.m. the following day.

11. Commercial delivery services will be instructed to use the delivery location at either the south door of the kitchen or through the north side by the pool deck and not in front of the Hotel on Coconut Row.

12. State-of-the-art exhaust vents and scrubbers shall be installed and maintained on the roof as approved by the Town and shall have them cleaned on a regular basis consistent with manufacturer's recommendations.

13. At least two "street legal" golf carts shall be used to shuttle valet parkers to and from the valet parking garages and the Hotel.

14. Prior to the issuance of any building permit, copies of the signed lease agreements regarding the Hotel's right to use the parking lots at 440 Royal Palm Way and 340/350 Royal Palm Way (or any other off-site parking lot acquired by the Hotel for its use), including any amendments thereto, will be provided, confidentially, to the Town attorney to confirm the Hotel's right to use and the termination provisions thereof. The agreements may be redacted to exclude economic terms and/or other terms unrelated to the Hotel's right to use the parking lots.

15. The Owner or operator of the Hotel shall provide an affidavit of compliance each year at the time of renewal of the business tax receipt.

16. The Owner and operator shall return to the Town Council after the first six months of operation at a Town Council meeting during the period from November 1 through May 31 to review the list of conditions and compliance. If the Hotel is in compliance with the conditions of this Agreement described in this Article III at such time, then Owner shall be entitled to additional seats and expanded operating hours as determined in the reasonable discretion of Town Council. The Hotel shall not under any circumstances, including the loss of its parking or valet stand facilities, apply for any revisions to this agreement to allow valet parking on Australian Avenue, Brazilian Avenue, Chilean Avenue or Peruvian Avenue. Any future requested revisions to this Agreement will require at least 30 day notice to all property owners within a 1,000 foot radius. Any Town Council hearing regarding a requested revision(s) to this Agreement will only be conducted in the months of January through May.

ARTICLE IV

VOLUNTARY AGREEMENT

Owner agrees to be bound by the terms and conditions in this Agreement, and Owner waives any legal objection it might otherwise have to said terms and conditions or part thereof.

ARTICLE V

REMEDIES FOR VIOLATION

1. Upon determination by the Director of Planning, Zoning and Building Department of a violation of any of the terms or conditions of this agreement or any other provision in the Town Code of Ordinances, and upon notice in writing from the Town to Owner of said violation(s) and the date upon which said violation(s) shall be corrected, Owner shall pay to the Town a liquidated amount of \$2,000.00 per violation. Said liquidated amount shall accrue on a per day basis for each day a violation of this agreement exists. In addition, in the event a violation remains uncorrected beyond the date noticed for correction by the Director of the Planning, Zoning and Building Department, this Agreement may be reconsidered by the Town Council at a future meeting upon thirty days notification to the Owner. The Town Council may, upon a finding of violation, alter this agreement or rescind the approval of the use.

In the event Owner disputes the determination of the Director of Planning, Zoning and Building Department of the violation of the conditions of this agreement, or in the event the Owner disputes any code violation, Owner may appeal the determination of the Director of the Planning, Zoning, and Building Department to the Town Council, said appeal to be filed no later than fifteen (15) days of the written notice of violation.

2. In addition to the above, the Town shall have all remedies available at law and equity in order to enforce the terms of this Agreement including but not limited to (a) the Town's code enforcement procedures; (b) all remedies otherwise offered in the Town's Code of Ordinances; and (c) injunction, specific performance, and any and all other equitable relief through the civil courts in and for Palm Beach County, Florida. In the event the Town is required to seek injunctive relief, it shall not be required to post bond and it shall not be required to demonstrate irreparable harm or injury to secure an injunction to enforce the terms of this Agreement. Additionally, in the event of any breach, default or non performance of this Agreement, or any of its covenants, agreements, terms or conditions, the Town shall be entitled to recover its costs, expenses and reasonable attorney's fees insofar as the Town prevails, either before or as a result of litigation, including appeals.

ARTICLE VI

PROVISIONS TO RUN WITH THE LAND

This Agreement shall run with the Land but shall be binding upon the Owner and Owner's successors and assigns for only so long as a hotel is operated by Owner or Owner's agents on the Land.

ARTICLE VII

ENTIRE AGREEMENT

This Agreement represents the entire agreement between the parties as to its subject matter and it may not be amended except by written agreement executed by both parties.

ARTICLE VIII
EFFECTIVE DATE

The Effective Date of this Agreement shall be the day upon which this Agreement is executed by the last party to sign the Agreement.

ARTICLE IX
MISCELLANEOUS

Wherever the word “laws” appears in this Agreement, it shall be deemed to include all ordinances, rules and regulations as well as laws of the appropriate governmental authorities.

All references in this Agreement to times of day are stated in terms of Eastern time, i.e. whichever of Eastern Standard time or Eastern Daylight time is in effect at a given time.

This Agreement may not be amended except by written instrument signed by all parties hereto.

Paragraph headings are inserted for convenience only and shall not be read to enlarge, construe, restrict or modify the provisions hereof. All references to numbered or lettered paragraphs, subparagraphs and exhibits refer (unless the context indicates otherwise) to paragraphs and subparagraphs of this Agreement and to exhibits hereto, which exhibits are by this reference made a part hereof.

In the event of the invalidity of any provision of this Agreement, same shall be deemed stricken here from and this Agreement shall continue in full force and effect as if such invalid provision were never a part hereof.

This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

Signatures Appear on the Following Pages

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first above.

Witnesses:

Town of Palm Beach, a municipal corporation

Print Name: _____

By: _____
Daniel Hickox Moore, Mayor

Print Name: _____

Print Name: _____

By: _____
Margaret Zeidman, Town Council President

Print Name: _____

Print Name: _____

By: _____
Kirk Blouin, Town Manager

Print Name: _____

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE TOWN OF
PALM BEACH

By: _____
John C. Randolph, Esquire

[illegible]

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 2023 by Daniel Hickox Moore, as Mayor of the Town of Palm Beach, a municipal corporation, who () is personally known to me or () has produced _____ as identification.

(Signature)

(Type or Print Name)

My Commission Expires: _____

(Notary Seal)

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 2023 by Margaret Zeidman, as Town Council President of the Town of Palm Beach, a municipal corporation, who () is personally known to me or () has produced _____ as identification.

(Signature)

(Type or Print Name)

My Commission Expires: _____

(Notary Seal)

[illegible]

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 2023 by Kirk Blouin, as Town Manager of the Town of Palm Beach, a municipal corporation, who () is personally known to me or () has produced _____ as identification.

(Signature)

(Type or Print Name)

My Commission Expires: _____

(Notary Seal)

363 Cocoanut Row Propco, LLC, a Florida
limited liability

Print Name: _____

By: _____
Name: _____
Its: _____

Print Name: _____

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH) :SS

The foregoing instrument was acknowledged before me by means of ☐ physical
presence or ☐ online notarization, this ____ day of _____, 2023 by
_____, as _____ of 363 Cocoanut Row Propco, LLC,
who () is personally known to me or () has produced _____
as identification.

(Signature)

(Type or Print Name)
My Commission Expires: _____

(Notary Seal)

EXHIBIT “A”
Legal Description

Lots 1 through 6, Block 6, Revised Map of Royal Park Addition to Palm Beach, Florida, according to the map or plat thereof, as recorded in Plat Book 4, Page 1, of the Public Records of Palm Beach County, Florida.

DRAFT

EXHIBIT “B”
Zoning Relief
SPECIAL EXCEPTIONS / SITE PLAN

1. Section 134-226, 134-227 and 134-326. Special exception and site plan approval to permit the following non-conforming uses: hotel with reduction of rooms from 57 to 41;
2. Restaurant, nightclub and swimming pool with 197 combined seats.
3. Section 134-2106. Special exception to permit outdoor café seating.

VARIANCES

1. A variance to modify a nonconforming hotel use to permit the expansion of the restaurant, nightclub and pool area uses with a total of 172 combined seats not to exceed a maximum seating capacity of 135 seats at any given hour and the closing time of all dining establishments shall be restricted to no later than midnight (12:00am).
 - *This variance was approved at the April 04, 2023 Town Council Development Review hearing.*
2. A variance to exceed the maximum allowable height for new rooftop construction specifically to replace an elevator and stair bulkhead on the rooftop of a nonconforming four-story building with a height of 47.6 ft in lieu of the 23.5 ft maximum building height allowed.
 - *This variance was approved at the February 15, 2023 Town Council Development Review hearing.*
3. A variance to exceed the maximum allowable height for new rooftop construction specifically a rooftop trellis on a nonconforming third floor of a nonconforming four-story building with a height of 33’0” in lieu of 23’6” maximum height and 26’6” maximum building height permitted.
 - *This variance was approved at the March 15, 2023 Town Council Development Review hearing.*
4. A variance to exceed the maximum allowable height for the installation of rooftop air conditioning units (five) at a height of 108” (9’) above the maximum height permitted in lieu of the 48” (4’) maximum height allowed.
 - *This variance was approved at the March 15, 2023 Town Council Development Review hearing.*
5. A variance to exceed the maximum allowable height for a roof top commercial kitchen exhaust scrubber at a height of 84” (7’) above the maximum height permitted in lieu of the 36” (3’) maximum height allowed.
 - *This variance was approved at the March 15, 2023 Town Council Development Review hearing.*

OTHER

The existing building has parking credits for 57 rooms and 113 dining seats and 4 existing on-site surface spaces. The application received final approval on 04-04-23 which permitted 41 rooms and 172 seats and 4 on-site surface spaces to remain, leaving the balance of any remaining parking credits for future use appropriate under the ‘principle of equivalency’ for evaluating off-street parking requirement; up to 197 food and beverage seats is hereby vested and shall run with the property without the need for future variances to expand or from parking requirements.

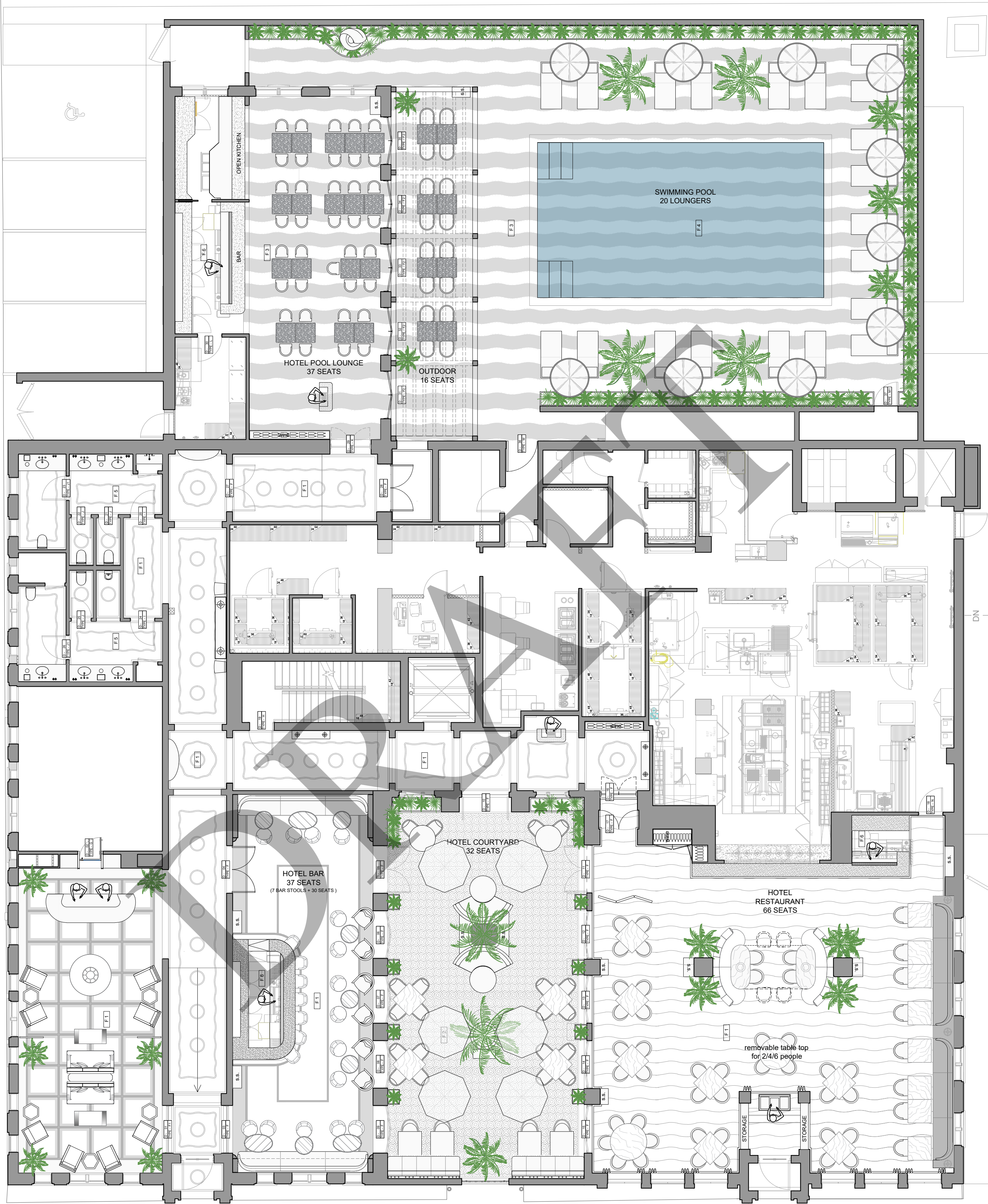
DRAFT

EXHIBIT “C”
Allowable Seat Limits and Hours of Operation
For Food and Beverage Service to the Public

DRAFT

FLOOR LEGEND
F-1 : TERRAZZO FLOOR - REFER TO FINISH SCHEDULE FOR COLOUR IN EACH ROOM
F-2 : TERRACOTTA FLOOR
F-3 : MOSAIC FLOOR
F-4 : SWIMMING POOL MOSAIC FLOOR
F-5 : TERRAZZO FLOOR FOR RESTROOM
F6 : ALTRO VINYL FLOOR
DETAIL DRAWINGS REFER TO GF-D-01.

THE VINETA
3 6 3 , C O C O A N U T R O W , P A L M B E A C H - F L O R I D A



TOTAL SEATS = 172

REV C - SEATS UPDATED. 03.05.2023
REV B - SEATS UPDATED. 02.05.2023
REV A - RESTAURANT UPDATED. 17.03.2023

PROJECT	THE VINETA	DWN BY	FP, DZ
TITLE	GROUND FLOOR	DATE	17.03.2023
	PLAN	SCALE	1:100 @ A1 1:200 @ A3
		DWG. No	GF-01
		REV. B	TENDER

MLINARIC, HENRY AND ZERVUDACHI
INTERIOR DESIGN AND DECORATION

ALL DIMENSIONS TO BE CHECKED ON SITE. DRAWING NOT TO BE SCALED. PDF COPIES TO BE PRINTED AT ACTUAL SIZE. ALL DISCREPANCIES TO BE REPORTED TO THE DESIGNER.

Hour By Hour Seating Chart

Number of
Seats Outlet

		07.00 - 08.00	08.00 - 09.00	09.00 - 10.00	10.00 - 11.00	11.00 - 12.00	12.00 - 13.00	13.00 - 14.00	14.00 - 15.00	15.00 - 16.00	16.00 - 17.00	17.00 - 18.00	18.00 - 19.00	19.00 - 20.00	20.00 - 21.00	21.00 - 22.00	22.00 - 23.00	23.00 - 00.00	00.00 - 01.00	01.00 - 02.00
66	Restaurant	66	66	66	66		66	66	66				66	66	66	66	66	66		
32	Courtyard	32	32	32	32		32	32	32	32	32	32	32	32	32	32				
37	Bar	0	0	0	0		0	0	0	37	37	37	37	37	37	37	37	37	0	0
37	Pool Lounge	0	0	0	0	37	37	37	37	37	37	37	0	0	0	0				

Total	172		98	98	98	98	37	135	135	135	106	106	106	135	135	135	135	103	103	0	0
-------	-----	--	----	----	----	----	----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	---	---

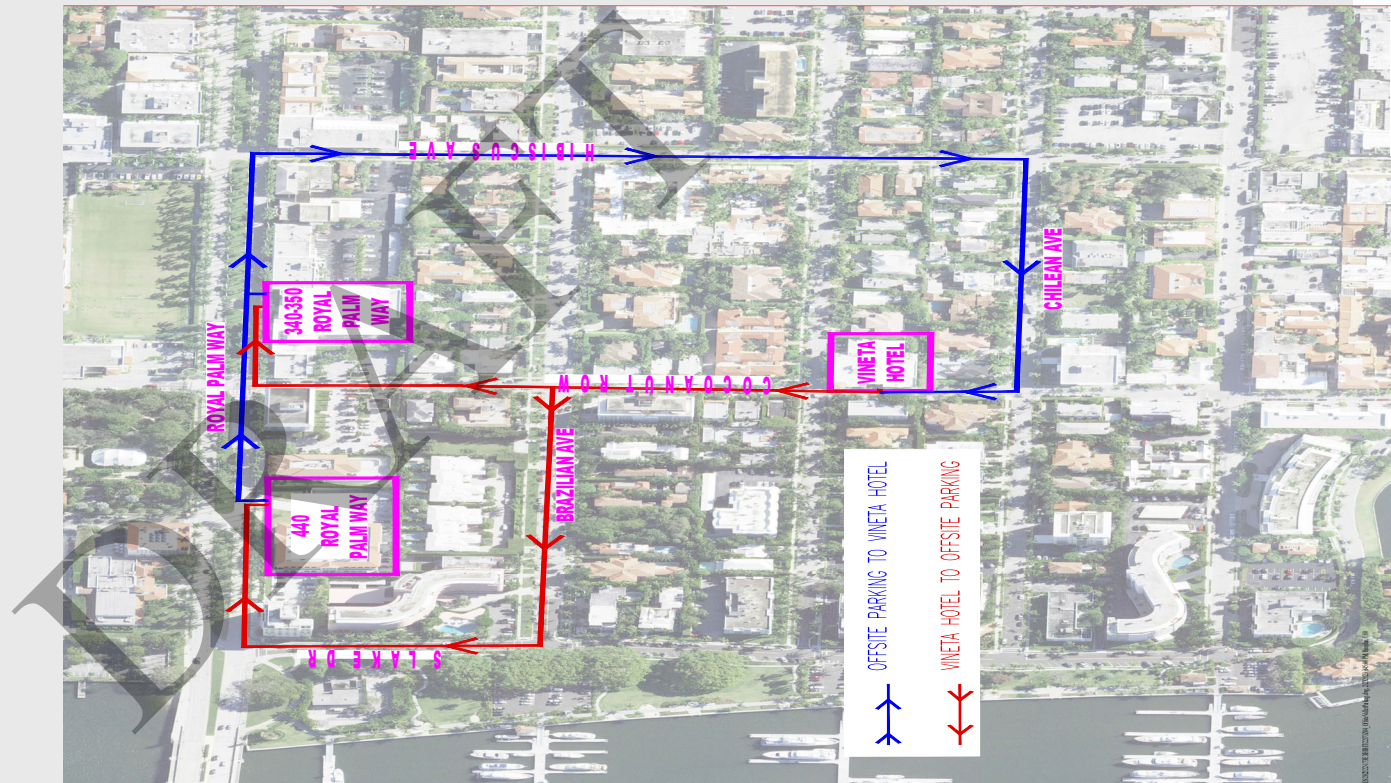
EXHIBIT “D”
Valet Parking Routes
Employee Shuttle Bus Routes

DRAFT

THE VINETA – GUEST PARKING

ROUTES

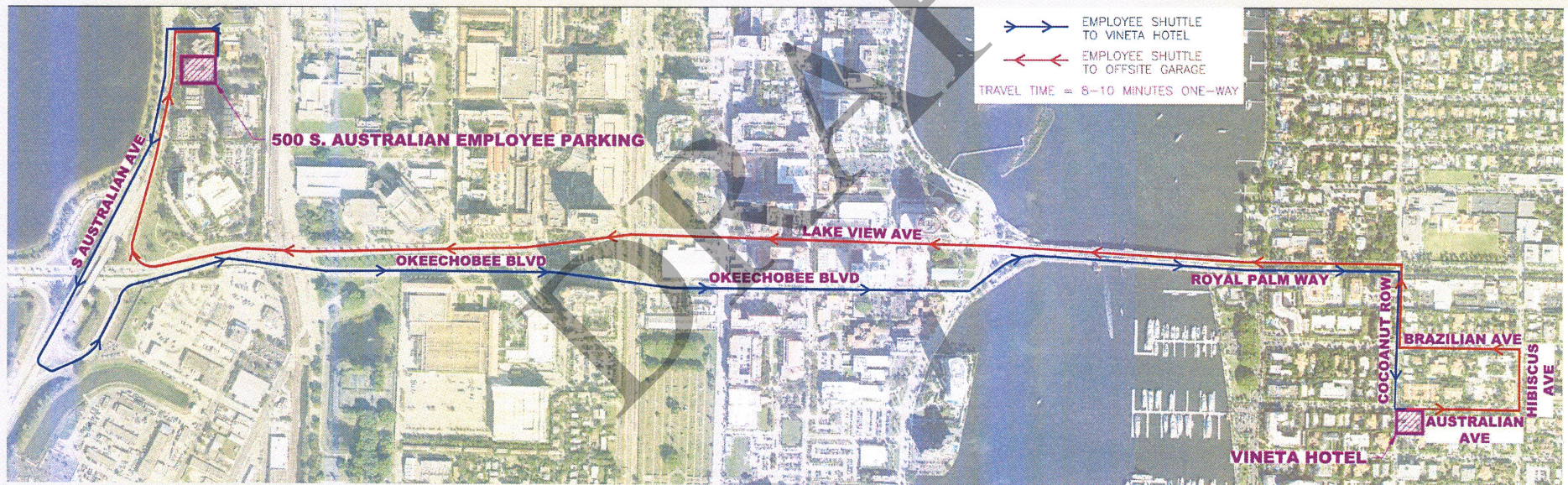
- Offsite parking route to The Vineta Hotel
- Offsite parking route to parking facility



THE VINETA – STAFF PARKING

ROUTES

- Employee shuttle route to and from The Vineta Hotel. This will greatly reduce traffic in the surrounding neighborhood as compared to historic use.



OETKER COLLECTION
Masterpiece Hotels



TOWN OF PALM BEACH

Planning, Zoning & Building Department

TOWN COUNCIL DEVELOPMENT ORDER

File: ZON-23-019 (COA-23-002)
Property: 363 COCOANUT ROW—THE VINETA HOTEL
Meeting Date: FEBRUARY 15, 2023

At the FEBRUARY 15, 2023, Development Review meeting, the Town Council, reviewed application ZON-23-019 (COA-23-002) 363 COCOANUT ROW—THE VINETA HOTEL, and after hearing all testimony, **approved (5-0)** the following in accordance with Section 134-201 of the Town's zoning code:

- **VARIANCE 2:** Sec. 134-948(8)d: A variance to exceed the maximum allowable height for new rooftop construction specifically to replace an elevator and stair bulkhead on the rooftop of a nonconforming four-story building with a height of 47.6 ft in lieu of the 23.5 ft maximum building height allowed.

Additionally, the Town Council authorized work to commence on the façade renovations and alterations to the primary and secondary street facing façades and all of the other elevations of the building, provided that the applicant enter a hold harmless agreement, approved as to form by the Town Attorney, that confirms its agreement and relieve the Town from any responsibility or liability for any legal action or damage, cost or expense (including attorney's fee) resulting from the cancellation of the permit or the issuance of any new permit, resulting from the balance of the project not being approved.

The following items **were not** approved at this meeting and were deferred to the March 15, 2023 Town Council Development Review meeting for further review:

- **SPECIAL EXCEPTION with SITE PLAN REVIEW:** Sections 134-201, 134-226, 134-227 Site Plan Review and Approval with Special Exception Request and Variances to alter a nonconforming use as a hotel, restaurant, nightclub, and swimming pool.
- **SPECIAL EXCEPTION:** Sec. 134-2106: Special Exception for outdoor café seating.
- **VARIANCE 1:** Sec. 134-201(a)(6): A variance to continue a nonconforming hotel use. A variance to permit the expansion of the restaurant, nightclub and pool area uses with 197 combined seats. Originally, 113 seats were permitted for the dining room use. Additional seats do not require parking as a result of credit for the elimination of 16 hotel rooms.
- **VARIANCE 3:** Sec. 134-948(8)d: A variance to exceed the maximum allowable height for new rooftop construction specifically a rooftop trellis on a nonconforming third floor of a nonconforming four-story building with a height of 33'0" in lieu of 23'6" maximum height and 26'6" maximum building height permitted.
- **VARIANCE 4:** Sec. 134-1607(1): A variance to exceed the maximum allowable height for the installation of rooftop air conditioning units (five) at a height of 108" (9') above the maximum height permitted in lieu of the 48" (4') maximum height allowed.
- **VARIANCE 5:** Sec. 134-1607(1): A variance to exceed the maximum allowable height for a roof top commercial kitchen exhaust scrubber at a height of 84" (7') above the maximum height permitted in lieu of the 36" (3') maximum height allowed.



The following condition(s) to be included as part of this Development Order:

1. That the applicant submit a Hold Harmless agreement in conjunction with the permit associated with improvements under this approval.

Provided, the applicant build substantially in accordance with the approved plans, entitled "The Vineta Hotel 363 Coconut Row", as prepared by **Spina Orouke + Partners**, dated December 12, 2023, and as approved by Town Council, as determined by staff.

Approval of this application by the Town Council does not relieve the owner and/or applicant from obtaining additional Town approvals as may be required, such as design review approvals and the necessary building permits. A building permit for the work authorized under this approval must be obtained within three years from the date of approval or said approval will expire. When requesting a building permit, the plans submitted to the Town for permit are required to be consistent with the plans approved by the Town Council and modified in accordance with the conditions of approval that must be satisfied prior to permit issuance, as set forth in this Development Order.

This Development Order shall serve as the written finding of the Town Council.

Dated this 17th day of February, 20 23.

Sincerely,



Wayne Bergman, Director of Planning, Zoning and Building, on behalf of
TOWN COUNCIL

cc: James G. Murphy, Assistant Director of Planning, Zoning and Building
Bradley Falco, Planner II
Jennifer Hofmeister-Drew, AICP, Planner III
Zf





TOWN OF PALM BEACH

Planning, Zoning & Building Department

TOWN COUNCIL DEVELOPMENT ORDER

File: ZON-23-019 (COA-23-002)
Property: 363 COCOANUT ROW (*The Vineta Hotel*)
Meeting Date: March 15, 2023

At the MARCH 15, 2023 Development Review meeting, the Town Council, after hearing all testimony, approved (4-1) the following Variances (#3, #4, & #5), in accordance with Sec. 134-201:

2. A variance to exceed the maximum allowable height for new rooftop construction specifically to replace an elevator and stair bulkhead on the rooftop of a nonconforming four-story building with a height of 47.6 ft in lieu of the 23.5 ft maximum building height allowed.
 - o *This variance was approved at the February 2023 Town Council Development Review hearing.*
3. A variance to exceed the maximum allowable height for new rooftop construction specifically a rooftop trellis on a nonconforming third floor of a nonconforming four-story building with a height of 33'0" in lieu of 23'6" maximum height and 26'6" maximum building height permitted.
4. A variance to exceed the maximum allowable height for the installation of rooftop air conditioning units (five) at a height of 108" (9') above the maximum height permitted in lieu of the 48" (4') maximum height allowed.
5. A variance to exceed the maximum allowable height for a roof top commercial kitchen exhaust scrubber at a height of 84" (7') above the maximum height permitted in lieu of the 36" (3') maximum height allowed.

The following condition(s) to be included as part of this Development Order:

1. All rooftop mechanical equipment shall be visually screened on all sides.
2. All rooftop mechanical screening shall be reviewed and approved by the Landmarks Preservation Commission.

The following Variance (#1) was DEFERRED to the April 4, 2023 meeting:

1. A variance to modify a nonconforming hotel use to permit the expansion of the restaurant, nightclub and pool area uses with 197 combined seats. Originally, 113 seats were permitted for the dining room use. Additional seats do not require parking as a result of credit for the elimination of 16 hotel rooms.

The following Special Exception(s) and Site Plan Review components were DEFERRED to the April 4, 2023 meeting:

1. Special Exception with Site Plan Review to allow continued use as a hotel, restaurant, nightclub, and swimming pool.
2. Special Exception for restaurant use (renovation).
3. Special Exception for outdoor café seating.

Provided, the applicant build substantially in accordance with the approved plans, "The Vineta Hotel 363 Cocconut Row", as prepared by Spina Orourke + Partners, dated December 12, 2022 as approved by Town Council, as determined by staff.

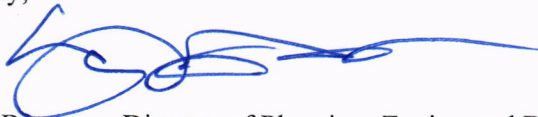


Approval of this application by the Town Council does not relieve the owner and/or applicant from obtaining additional Town approvals as may be required, such as design review approvals and the necessary building permits. A building permit for the work authorized under this approval must be obtained within three years from the date of approval or said approval will expire. When requesting a building permit, the plans submitted to the Town for permit are required to be consistent with the plans approved by the Town Council and modified in accordance with the conditions of approval that must be satisfied prior to permit issuance, as set forth in this Development Order.

This Development Order shall serve as the written finding of the Town Council.

Dated this 21 day of March, 2023.

Sincerely,



Wayne Bergman, Director of Planning, Zoning and Building, on behalf of
TOWN COUNCIL

cc: James G. Murphy, Assistant Director of Planning, Zoning and Building
Bradley Falco, Planner II
Jennifer Hofmeister-Drew, AICP, Planner III
Zf





TOWN OF PALM BEACH

Planning, Zoning & Building Department

TOWN COUNCIL DEVELOPMENT ORDER

File: ZON-23-019 (COA-23-002)
Property: 363 COCOANUT ROW (*The Vineta Hotel*)
Meeting Date: APRIL 04, 2023

At the APRIL 04, 2023 Town Council Development Review meeting, the Town Council, after hearing all testimony, approved (4-1) the following Variance (#1), in accordance with Sec. 134-201:

1. A variance to modify a nonconforming hotel use to permit the expansion of the restaurant, nightclub and pool area uses with a total of 172 combined seats not to exceed a maximum seating capacity of 135 seats at any given hour and the closing time of all dining establishments shall be restricted to no later than midnight (12:00am).
2. A variance to exceed the maximum allowable height for new rooftop construction specifically to replace an elevator and stair bulkhead on the rooftop of a nonconforming four-story building with a height of 47.6 ft in lieu of the 23.5 ft maximum building height allowed.
 - *This variance was approved at the February 15, 2023 Town Council Development Review hearing.*
3. A variance to exceed the maximum allowable height for new rooftop construction specifically a rooftop trellis on a nonconforming third floor of a nonconforming four-story building with a height of 33'0" in lieu of 23'6" maximum height and 26'6" maximum building height permitted.
 - *This variance was approved at the March 15, 2023 Town Council Development Review hearing.*
4. A variance to exceed the maximum allowable height for the installation of rooftop air conditioning units (five) at a height of 108" (9') above the maximum height permitted in lieu of the 48" (4') maximum height allowed.
 - *This variance was approved at the March 15, 2023 Town Council Development Review hearing.*
5. A variance to exceed the maximum allowable height for a roof top commercial kitchen exhaust scrubber at a height of 84" (7') above the maximum height permitted in lieu of the 36" (3') maximum height allowed.
 - *This variance was approved at the March 15, 2023 Town Council Development Review hearing.*

The following condition(s) to be included as part of this Development Order:

1. A total of 172 combined seats not to exceed a maximum seating capacity of 135 seats at any given hour and the closing time of all dining establishments shall be restricted to no later than midnight (12:00am).
2. The applicant shall return to Town Council at a future date to review and approve a Declaration of Use outlining areas of concern, the off-site parking arrangements, hours of operation, location of seats, areas for hotel patronage and guests only, use and areas of ambient music, exterior lighting plan and other quality of life issues.

Additionally, the following Special Exception(s) and Site Plan Review components were approved (4-1) at the April 4, 2023 meeting:

1. Special Exception w/ Site Plan Review for continued use as a hotel, restaurant, nightclub, and swimming pool.
2. Special Exception for restaurant use (renovation).



3. Special Exception for outdoor café seating.

Provided, the applicant build substantially in accordance with the approved plans, "The Vineta Hotel 363 Cocoanut Row", as prepared by Spina Orourke + Partners, dated December 12, 2022, and proposed seating plan dated 04-04-23 (to be modified in the future Declaration of Use) as approved by Town Council, as determined by staff.

Approval of this application by the Town Council does not relieve the owner and/or applicant from obtaining additional Town approvals as may be required, such as design review approvals and the necessary building permits. A building permit for the work authorized under this approval must be obtained within three years from the date of approval or said approval will expire. When requesting a building permit, the plans submitted to the Town for permit are required to be consistent with the plans approved by the Town Council and modified in accordance with the conditions of approval that must be satisfied prior to permit issuance, as set forth in this Development Order.

This Development Order shall serve as the written finding of the Town Council.

Dated this 6th day of April, 2023.

Sincerely,



Wayne Bergman, Director of Planning, Zoning and Building, on behalf of
TOWN COUNCIL

cc: James G. Murphy, Assistant Director of Planning, Zoning and Building
Bradley Falco, Planner II
Jennifer Hofmeister-Drew, AICP, Planner III
Zf



TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 14, 2023

Section of Agenda

Appeals

Agenda Title

Appeal of April 26, 2023, ARCOM Decision RE: ARC-23-047, 269 Jamaica Ln

Presenter

ATTACHMENTS:

- ▣ **Letter Dated May 6, 2023, From Mr. James Wearn**
- ▣ **Letter Dated May 31, 2023, From Mr. James Wearn, Requesting a Deferral**
- ▣ **Supplemental Backup to Appeal, Dated: June 2, 2023, From: Mr. James Wearn**

JAMES McCARTNEY WEARN

260 Jamaica Lane
Palm Beach, Florida 33480
Telephone 561-842-4500
Office telephone 561-659-0655
Office facsimile 561-659-0685

RECEIVED

2023 MAY 8 PM 3:27 TOWN CLERK

Saturday, May 6, 2023

Office of the Town Clerk
Town of Palm Beach

Via hand delivery on Monday, May 8, 2023

Re: APPEAL TO THE PALM BEACH TOWN COUNCIL
FROM ACTION OF THE ARCHITECTURAL COMMISSION
AT ITS MEETING OF APRIL 26, 2023 CONCERNING
AGENDA ITEM V. APPROVAL OF THE AGENDA and IX. PROJECT REVIEW:
C. MAJOR PROJECTS-NEW BUSINESS: 6. ARC-23-047 269 JAMAICA LN

Dear Staff of the Office of the Town Clerk:

Pursuant to Town Code, enclosed please find the referenced Appeal, incorporated herein by reference.

Please ensure that the Mayor and Town Council are informed of the Appeal.

Please also ensure that the Building Official is also informed of the Appeal.

Thank you for your attention to these matters.

Very truly yours,



James McC. Wearn

JMcCW:j (135.40.269 Jamaica Lane: Appeal Ltr to TClerk filing of Appeal to TCouncil)
Enclosure

JAMES McCARTNEY WEARN

260 Jamaica Lane
Palm Beach, Florida 33480
Home Telephone 561-842-4500
Office Telephone 561-659-0655
Office Facsimile 561-659-0685

APPEAL TO THE PALM BEACH TOWN COUNCIL
FROM ACTION OF THE ARCHITECTURAL COMMISSION
AT ITS MEETING OF APRIL 26, 2023 CONCERNING
AGENDA ITEM V APPROVAL OF THE AGENDA and IX. PROJECT REVIEW:
C. MAJOR PROJECTS-NEW BUSINESS:

6 ARC-23-047 269 JAMAICA LN. The applicant, Marrano Holdings 2022 LLC (Maura Ziska) has filed an application requesting Architectural Commission review and approval for the construction of a new two-story single-family residence with related landscape and hardscape improvements.

James McC. Wearn hereby appeals the action of the Architectural Commission (ARCOM) approving the Agenda re the referenced Project without conflict notice, and approving the architecture of the new two-story residence bifurcated from and without approving, but deferring ARCOM review and approval for the related landscape and hardscape improvements of the residence upon the applicant filing new such data.

The grounds for appeal are failing to follow the requirements of the Town Code enacted by the Town Council as elected representatives of Town citizens for the benefit of the Town and its citizens, as follows:

1. Our Code requires:

“The conflict [of interest of ARCOM VC Sammons] will be identified on the commission agenda.”
(Sec. 18-170. Conflicts of interest. (b)(1) second sentence.)

The required information notice was not identified on the agenda.

2. Our Code requires:

“The commission shall act on the application within 30 days after the filing of full and complete data unless an extension of time is consented to be the applicant.”

(Sec. 18-203. Referral of plans to commission. Third sentence.)

The commission passed a motion to approve the architecture of the new two-story residence. The part of the application for review and approval of the residence “with related landscape and hardscape improvements” was delayed for the application to present new and revised “full and complete data” for the related landscape and hardscape improvements of the residence.

Thus the application has not yet been acted on by the commission, as it should not yet be because its data is not yet complete, and no permit should be issued under the continuing pending status of the application.

3. Our Code also requires:

“Approval of request for permit [issuance]. Unless requests for demolition..., building and landscaping plans, elevations... have been approved by the architectural commission..., no permit shall be issued for any such demolition, building, structure, sign or other development of property, or appurtenances or alterations thereto.”

(Sec. 18-175. Issuance of permits (a) Approval of request.)

Landscaping has not been approved by the commission. Thus, no approval of any request for permit issuance for any approved building should be issued.

Taking the forgoing Code provisions quoted in 2. and 3. above, it is clear that the building architecture and the landscaping (and hardscape) should not be separated for consideration. Rather, since “full and complete data” are required for action, and “building and landscaping” are conjoined for approval for permit issuance, it is contrary to these Code provisions for approval of them to be separately made. And consideration of the two parts as one should not be denied to citizens. Building architectural approval

should not be given alone.

4. Our Code requires:

"The architectural commission may approve...the issuance of a building permit in any matter subject to its jurisdiction only after consideration of whether the following criteria are complied with: [ten elaborated criteria follow, along with 7 sub-criteria of criteria (1), 3 of (5), and 8 of (6), a total of 28 criteria]. If the above criteria are met, the application shall be approved..."

(Sec. 18-205. Criteria for building permit. (a) and (b))

There is a record of presentation by the applicant's architectural firm, and comments by commissioners, but no record of consideration on any, much less all of the specific criteria.

If all these criteria need only be considered silently, and not found as fact on the record, then consideration is without meaning, and approval may be made theoretically without any of the criteria being found as fact.

It is the considered intent of the Code criteria identified that all applicable be found before approval is given. Thus, like denial, so should approval "detail in its findings the criterion or criteria that are... met."

Denial requires fact finding. So should approval.

5. Our Code is pending revision in RB Zoning District in the North End based on citizen input on what is "spaciousness, balance, taste, fitness [and] charm", what is "in harmony with the proposed developments on land in the general area [one story next to neighbors and two story allowed in the middle, whereas this is two story next to the neighbors and two story in the middle], and what is "appropriate in relation to the established character of other structures in the immediate area or neighborhood areas in respect to...architectural design." These matters were not once viewed on the record as part of the architectural criteria that they are or should be. Emerging applicable revised criteria should be and should have been considered so as at the outset to not create non-conformity, and so as not to be intentionally violated. (Sec. 18-205, id.)

Respectfully submitted,

James McC. Wearn

JAMES McCARTNEY WEARN

260 Jamaica Lane
Palm Beach, Florida 33480
Telephone 561-842-4500
Office telephone 561-659-0655
Office facsimile 561-659-0685

RECEIVED
JUN 1 2023
Town of Palm Beach
PZB Dept

Wednesday, May 31, 2023

Office of Planning, Zoning and Building Department
Town of Palm Beach

To the Attention of Antonette

Not available May 31, 2023, so Hand Delivered June 1, 2023

Re: APPEAL TO THE PALM BEACH TOWN COUNCIL
FROM ACTION OF THE ARCHITECTURAL COMMISSION
AT ITS MEETING OF APRIL 26, 2023 CONCERNING
AGENDA ITEM V. APPROVAL OF THE AGENDA and IX. PROJECT REVIEW:
C. MAJOR PROJECTS-NEW BUSINESS: 6. ARC-23-047 269 JAMAICA LN

Dear Antonette:

Yesterday, on my return from out of Florida, I received your written communication that my appeal "will be placed on the June 14 Town Council Development Review Agenda."

Please consider this my request that the appeal not be placed on that agenda and be deferred to allow me sufficient preparation time among my current highly unusual personal requirements.

Thank you for your attention to this matter.

Very truly yours,



James McC. Wearn

JAMES McCARTNEY WEARN

260 Jamaica Lane
Palm Beach, Florida 33480
Home Telephone 561-842-4500
Office Telephone 561-659-0655
Office Facsimile 561-659-0685

RECEIVED
JUN ' 2 2023
Town of Palm Beach
PZB Dept

SUPPLEMENT TO APPEAL TO THE PALM BEACH TOWN COUNCIL
FROM ACTION OF THE ARCHITECTURAL COMMISSION
AT ITS MEETING OF APRIL 26, 2023 CONCERNING
AGENDA ITEM V. APPROVAL OF THE AGENDA and IX. PROJECT REVIEW:

C. MAJOR PROJECTS-NEW BUSINESS:

6. ARC-23-047 269 JAMAICA LN. The applicant, Marrano Holdings 2022 LLC (Maura Ziska) has filed an application requesting Architectural Commission review and approval for the construction of a new two-story single-family residence with related landscape and hardscape improvements.

AND ITS MEETING OF MAY 24, 2023, AND ALL SUBSEQUENT MEETINGS

James McC. Wearn hereby supplements his Appeal of the action of the Architectural Commission (ARCOM) on April 26, 2023 by adding an appeal ground 6 re landscape and hardscape further separate consideration, by adding a Code citation and grounds to Appeal ground 4 therefore restated, and by adding a Conclusion/Request for Relief, as follows:

6.Landscape and Hardscape ARCOM separate consideration.

By ARCOM action at the April 26, 2023 meeting (per above Appeal grounds 2 and 3), motion passed to approve the project [in piecemeal parts and plans]

"with the following conditions: ... and the landscape and hardscape/driveway plan shall return to the May 24, 2023 meeting."

Because no revised landscape and hardscape/driveway plan was filed by Monday, May 8, 2023, on inquiry Wearn was informed by PZB Dept staff that the matter would not be on the May 24, 2023 Arcom Agenda.

However, the total matter as above set forth was on the Agenda, along with the added statement: "*This application has been deferred to June 28 [presumably 2023], ARCOM meeting.*" On further Wearn inquiry, he was informed by PZB Dept staff that regardless of no revised landscape and hardscape plan being filed, the matter as set forth above would continue to be on the next monthly ARCOM agenda with the noted deferral for a total of six months unless the required filing was earlier made in which event the deferral notation would not be added, but if no such filing occurred in the six months, then the matter would be dismissed. Therefore, until dismissed, this action insofar as it extends separate consideration for approval any revised landscape and/or hardscape plan is joined in this Appeal.

The entire ARCOM action of April 26, 2023 is under Appeal, so Wearn considers it improper and under this Appeal for any part of the project to proceed either on the ARCOM agenda or in or through the PZB Dept. for permit or further ARCOM agenda or consideration.

Stated differently: without the residence building presumed approved notwithstanding appeal, there is no object for which the driveway/hardscape is or may proceed to be considered and no object for which the landscaping is or may proceed to be considered.

Such is the reason for the existence of Sec. 18, 203 and Sec.18-175 essentially requiring there be no ARCOM or permitting action until there is building "full and complete data," meaning and including hardscape and landscape data.

Properly, the entire matter should have been deferred, so that all could be considered as a unit as Code required.

4 Restated. Our Code requires:

"The architectural commission may approve...the issuance of a building permit in any matter subject to its jurisdiction only after consideration of whether the following criteria are complied with: [a total of 32 criteria; see the summarized criteria at Schedule attached]. If the above criteria are met, the application shall be approved..."

(Sec.18-205. Criteria for building permit. (a) and (b))

There is a record of comments by ARCOM Commissioners in the Minutes, but no record of ARCOM, as a body, consideration on any, much less all of the specific criteria.

While some of these criteria are commented upon by some of the Commissioners, not all of these criteria are commented upon, or more importantly made the basis of any approval.

If all these criteria need only be considered silently, and not found as fact on the record, then consideration is without meaning, and approval may be made theoretically without any of the criteria being found as fact.

It is the considered intent of the Code criteria identified per Schedule A that all applicable be found before approval is given. Thus, like denial, so should approval "detail in its findings the criterion or criteria that are... met."

Denial requires fact finding, and its basis. So should approval.

Our Code also requires

"The records of all proceedings and the **basis for all findings** shall be available to the town council and to the public." (Emphasis added).

(Sec 18-173. Record of Proceedings)

There are no findings made whatsoever. The motion for approval is naked of findings.

There are no findings available to the Town Council.

There are no findings available to the development project neighbors, other Jamaica Lane citizens, other North End citizens, or other Town Citizens.

There are no findings available to the public.

If approval is a finding, then there is no basis or bases for that finding. The approval finding is naked of any basis.

There is no basis or bases for any finding available to the Town Council.

There is no basis or bases for any finding available to the development project neighbors, other Jamaica Lane citizens, other North End citizens, or other Town Citizens.

There is no basis or bases of any finding available to the public.

Conclusion/Request for Relief:

Wearn submits this Appeal should be granted, and the matter sent back

A.-to Town PZB Dept to report on compliance with emerging zoning before resubmission to ARCOM.

B.-then, after "full and complete data" including the contemplated revision of hardscape/driveway and landscape plan data are filed, to have this matter on the next available appropriate ARCOM Agenda identified properly as a conflict.

C.-then to have the entirety of this application considered by ARCOM with a full hearing including from persons wishing to be heard, and acted on only as a complete unit.

D.-then to have ARCOM take action on only a complete unit made with required findings each with an appropriate basis or bases, all stated in the record.

Respectfully submitted,

James McC. Wearn

SCHEDULE A

Each of the many Criteria per Sec. 18-205 for application approval may be summarized as follows:

(a)(1)	conformity with good taste	1
	and design	2
	and in general contributes to the image of the town as a place of beauty	3
	spaciousness	4
	balance	5
	taste	6
	fitness	7
	charm	8
	and high quality.	9
(2)	manner in which protected against internal noise	10
	and external noise	11
	vibration	12
	and other factors that may tend to make the environment less desirable	13
(3)	in exterior design and appearance, not of inferior quality to cause material depreciation	14
	of appearance and value	
(4)	in harmony with proposed developments on land in the general area	15
	with the comprehensive plan	16
	and with any precise plans adopted pursuant to the comprehensive plan	17
(5)	not excessively similar to any other structure existing or permitted in the following:	
	a.apparently visibly identical front or side elevations;	18
	b.substantially similar size and arrangement of doors, windows, porticos or	19
	other openings in street elevations	
	c.other significant identical features of design	20
(6)	not excessively dissimilar to any other structure existing or permitted in the following:	
	a.height of building or roof	21
	b.other significant design features	22
	c.architectural compatibility	23
	d.arrangements of components	24
	e.appearance of mass	25
	f.diversity of design that is complementary with size and massing of adjacent	26
	properties	
	g.design features that will avoid appearance of mass through improper	27
	proportions	
	h.design elements that protect neighboring privacy	28
(7)	proposed addition or accessory is subservient in style and massing to principal or main	29
(8)	proposed building or structure is appropriate in relation to established character of design	30
	in neighborhood.	
(9)	proposed development is in conformity with location and appearance of other	31
	development under Code in the neighborhood.	
(10)	project's location and design adequately protects unique site characteristics such as	32
	views	

(b)If the above criteria are met, then application shall be approved.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 14, 2023

Section of Agenda

Development Review - Old Business

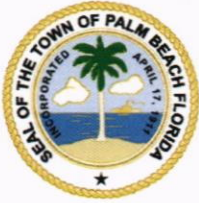
Agenda Title

ZON-22-122 (HSB-22-011) 141 AUSTRALIAN AVE (COMBO)—VARIANCES. The applicant, Gregory James Pamel, has filed an application requesting Town Council review and approval for Variances to (1) reduce the required side (east) yard setback, (2) to reduce the required rear (north) yard setback, (3) to exceed the overall building height for an accessory structure, and (4) to exceed the maximum Cubic Content Ratio (CCR), and (5) to allow a two story accessory structure where only one story is permitted, for the demolition and reconstruction of a two-story accessory structure in the rear yard in conjunction with the proposed renovations to an existing Historically Significant two-story building. The Landmarks Preservation Commission will perform design review of the application. *[The Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved this project with conditions at the May 17, 2023, meeting. Carried 7-0.]*

Presenter

ATTACHMENTS:

- ▣ **PZB Staff Memorandum**
- ▣ **Letter of Intent**
- ▣ **Plans 1**
- ▣ **Plans 2**
- ▣ **Plans 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 Memorandum: Town Council Development Review

TO: Mayor and Town Council

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

SUBJECT: ZON-22-122 (HSB-22-011) 141 AUSTRALIAN AVE (COMBO)

MEETING: JUNE 14, 2023

ZON-22-122 (HSB-22-011) 141 AUSTRALIAN AVE (COMBO)—VARIANCE. The applicant, Gregory James Pamel, has filed an application requesting Town Council review and approval for Variances to (1) reduce the required side (east) yard setback, (2) to reduce the required rear (north) yard setback, (3) to exceed the overall building height for an accessory structure, and (4) to exceed the maximum Cubic Content Ratio (CCR), and (5) to allow a two story accessory structure where only one story is permitted, for the demolition and reconstruction of a two-story accessory structure in the rear yard in conjunction with the proposed renovations to an existing Historically Significant two-story building. The Landmarks Preservation Commission will perform design review of the application.

HSB-22-011 (ZON-22-122) 141 AUSTRALIAN AVE (COMBO). The applicant, Gregory James Pamel, has filed an application requesting Landmarks Preservation Commission review and approval for proposed exterior alterations to a Historically Significant two-story primary structure, and for the demolition and reconstruction of an existing two-story nonconforming accessory structure in the rear yard, including variances for setback, height, number of stories, and Cubic Content Ratio (CCR). This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Applicant: Gregory James Pamel
Professional: SKA Architect + Planner
Representative: David Klein, Esq.

HISTORY:

The subject property is located within the Royal Park Conservation District and was designated Historically Significant in June of 2022. The primary structure is designed in the Craftsman style and was constructed circa 1910-1915.

The current proposal was initially scheduled to be reviewed by the LPC at the November 16, 2022, meeting but was deferred by the applicant to the April 19, 2023, meeting.

At the April 2023 meeting, the request to demolish and reconstruct the rear accessory structure was discussed. The project was deferred for one month, with the Commission requesting that the

applicants study retaining and rehabilitating the building in lieu of demolition and reconstruction. The applicants revised their proposal based on Commission direction, and resubmitted plans on May 3, 2023. At the May 17, 2023 LPC meeting the item was approved (7-0) and a motion was made that the variances would not (7-0) negatively impact the architecture.

THE PROJECT:

The applicant has submitted plans, entitled "Pamel Residence 141 Australian Ave", as prepared by **SKA Architect + Planner** dated May 3, 2023.

The following is the scope of work for the Project:

- Removal of vinyl siding and installation of wood shingle siding on the primary residence
- Rehabilitation of the rear accessory structure, including raising the finished floor elevation by .54' and increasing the wall height by 2'
- Landscape and hardscape improvements.

The following Special Exceptions, Site Plan review and/or Variances required to complete the project, and shall be reviewed by Town Council:

- **VARIANCE 1:** Section 134-893(b)(7): Variance request to increase the height of an existing non-conforming accessory structure with a side (east) yard setback of 3.5 feet in lieu of the 15-foot required in R-B Zoning District.
- **VARIANCE 2:** Section 134-893(b)(9): Variance request to increase the height of an existing non-conforming accessory structure with a rear (north) yard setback of 3'-2" in lieu of the 15-foot required in R-B Zoning District.
- **VARIANCE 3:** Section 134-893(b)(13): Variance request for a cubic content ratio (CCR) of 4.73 in lieu of the 4.30 maximum allowed in R-B Zoning District.
- **VARIANCE 4:** Section 134-891(b): Variance request to increase the height of a non-conforming two-story accessory structure to an overall building height of 23.5' in lieu of the 14-foot maximum allowed in R-B Zoning District.
- **VARIANCE 5:** Section 134-891(b)(1): Variance request for an accessory building height of two stories in lieu of the one story maximum allowed on a lot with less than 20,000 square feet.

Site Data			
Zoning District	R-B	Lot Size (SF)	7,011 SF
Future Land Use	SINGLE-FAMILY	Total Building Size (SF)	3,688.4 SF
C-O-R	10.42'	Flood Zone	X
Exist Fin. Floor Elevation	12.17' (main) 10.96' (accessory)	Prop. Fin. Floor Elevation	12.17' (main) 1' (accessory)
Year of Construction:	1910-1925	Architect/Builder:	No record
Project			
	Required/Allowed	Existing	Proposed
Lot Coverage	30% (2,100 SF)	28.64% (2,008 SF)	28.64% (2,008 SF)

Cubic Content Ratio (CCR)	4.3	4.53	4.73 <i>Variance requested</i>
Building Height	14'	21.5' (accessory)	23.5' (accessory) <i>Variance requested</i>
Landscape Open Space	45% (3,155 SF)	43.2% (2,962 SF)	47.8% (3,353 SF)
Front Yard Open Space	40% (500 SF)	57.95% (725 SF)	65.9% (824 SF)
Perimeter Open Space	50% (1,079.5 SF)	66.69% (2,057 SF)	65.6% (2,233 SF)
Native Plant Species %	35%	N/A%	35% met
Surrounding Properties / Zoning			
North	2004 Two-story residence / R-B		
South	2014 Two-story residence / R-B		
East	2006 Two-story residence / R-B		
West	2006 Two-story residence / R-B		

STAFF ANALYSIS

As a HSB project the proposed changes must meet the Secretary of the Interior's Standards for Rehabilitation and Sec. 18-306, Sec. 54-122 and 54-123 of the Landmark Preservation Ordinance. A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the Town zoning code: 5 requested variances.

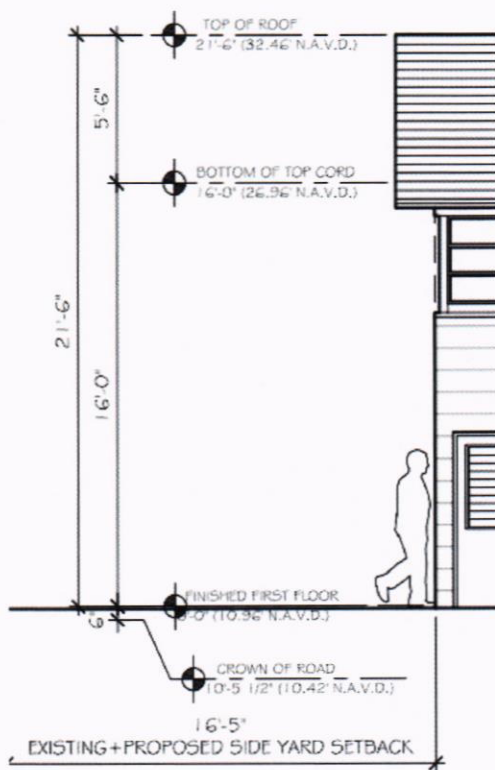
Firstly, it is admirable that the applicant has opted to designate the property as a Historically Significant Building and has chosen to preserve and renovate the property. The residence is surrounded by new(er) two-story residences and its preservation contributes to the rich architectural history of Palm Beach, as well as the streetscape of Australian Avenue.

The scope of work includes the renovation of the two-story primary residence. While altered over the years, the structure is an excellent example of the Craftsman style of architecture. Craftsman style residences generally have steep pitched gable roofs with wide, unenclosed eaves, exposed rafter tails, and full or partial width open porches with knee walls. Additional features of the style often include paired and single casement and double-hung windows and wood lap or shingle siding. The proposed removal of the vinyl siding and installation of the wood shingle siding on the primary structure is appropriate and enhances the character of the building.

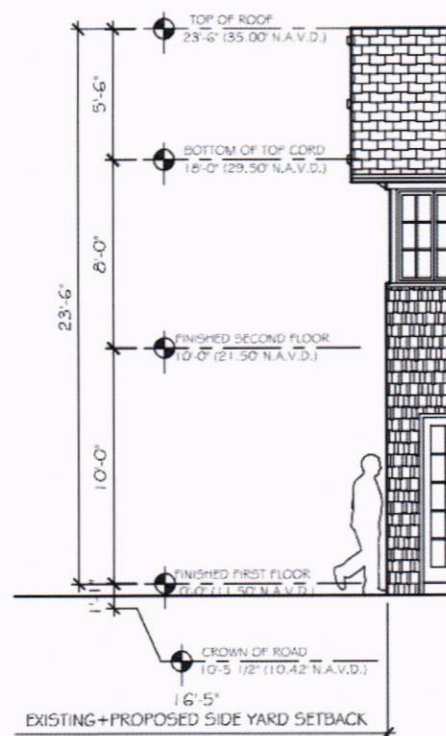
At the April 2023 LPC meeting, a request to demolish and "reconstruct" the rear two-story accessory building was proposed. The Commission deferred the application and instructed the applicants to explore the retention and rehabilitation of the building in lieu of demolition and new construction. The applicants resubmitted plans for the May meeting with a revised proposal.

The May application requests rehabilitating the historically significant accessory structure per Commission directive. The plans indicate that the structure will be reclad with new wood shake siding and that the second story sleeping porch will be maintained through the introduction of a band of casement windows. The plans also request to modify the fenestration on all sides of the building – including the removal, addition, and adjustment of openings. Lastly, the application seeks to increase the height of the accessory structure by 2.54'.

The parcel is located within the FEMA X zone, which is a Non-Special Flood Hazard Area of moderate to low risk. FEMA does not prescribe a finished floor elevation for this zone, but the parcel is relatively high by Palm Beach standards. Per the submitted plans, the building's finished floor height will be increased with a new foundation from an elevation of 10.96' NAVD to 11.50' NAVD. In addition to the increased finished floor elevation, two (2) feet of additional height will be added to the structure's ground floor walls, resulting in a floor-to-floor height of 10'-0". The 2.54' increase in height is most evident in the elevation drawings, provided on Sheets 19-20 of the architectural plan set.



Sheet 19, Existing South Elevation
 Finished Floor Elevation: 10.96' NAVD
 Height (From FFE to bottom of top chord): 16'



Sheet 19, Proposed South Elevation
 Finished Floor Elevation: 11.50' NAVD
 Height (From FFE to bottom of top chord): 18'

Because the applicants are electing to increase the height of the building's finished floor elevation and wall height for a reason other than FEMA compliance, the application will require the same variances initially necessary to reconstruct the building, with modifications to variance amounts. Staff contends that the building could be rehabilitated with a new foundation without increasing the height of the building, and therefore eliminating the need for all five variances.

- **VARIANCE 1:** Section 134-893(b)(7): Variance request to increase the height of an existing non-conforming accessory structure with a side (east) yard setback of 3'-5" in lieu of the 15-foot required in R-B Zoning District.

The existing accessory structure is sited with a 3'-5" east side yard setback, whereas 15' is currently required. The application seeks to increase the height of the accessory structure, therefore increasing the setback's non-conformity vertically. This variance would not be necessary if the building was not increasing in height.

- **VARIANCE 2:** Section 134-893(b)(9): Variance request to increase the height of an existing non-conforming accessory structure with a rear (north) yard setback of 3'-2" in lieu of the 15-foot required in R-B Zoning District.

The existing accessory structure is sited with a 3'-2" rear (north) yard setback, whereas 15' is currently required. The application seeks to increase the height of the accessory structure, therefore increasing the setback's non-conformity vertically. This variance would not be necessary if the building was rehabilitated without increasing the height.

- **VARIANCE 3:** Section 134-893(b)(13): Variance request for a cubic content ratio (CCR) of 4.73 in lieu of the 4.30 maximum allowed in R-B Zoning District.

The existing primary and accessory structure have a combined CCR of 4.53 CF, which currently exceeds the allowable 4.30 CCF. With the rehabilitation and increase in height of the new accessory structure, the applicants are requesting to increase the CCR to 4.73 CF. This variance would not be necessary if the building was rehabilitated without increasing the height.

- **VARIANCE 4:** Section 134-891(b): Variance request to increase the height of a non-conforming two-story accessory structure to an overall building height of 23.5' feet in lieu of the 14-foot maximum allowed in R-B Zoning District.

The area of the subject parcel limits the height of accessory structures to 14'. The applicants are requesting to increase the height of an already height non-conforming accessory structure. This variance would not be necessary if the building was rehabilitated without increasing the height.

- **VARIANCE 5:** Section 134-891(b)(1): Variance request for an accessory building height of two stories in lieu of the one story maximum allowed on a lot with less than 20,000 square feet.

Per the RB zoning code, two-story accessory structures are only allowed on parcels with an area of 20,000 SF or greater. As the parcel is only 7,011 SF, only a single-story accessory structure is permitted. The applicants are electing to expand this non-conformity by increasing the height of the existing two-story accessory structure.

WRB:JGM:JRH



ARCHITECT + PLANNER

Re:
141 Australian Ave
Palm Beach, Florida 33480
Date:
May 1, 2023

SKA Architect+Planner - LETTER OF INTENT
RELATED TO THE RENOVATION OF AN EXISTING RESIDENCE AND
AN EXISTING GUEST HOUSE AT
141 AUSTRALIAN AVE

We are pleased to submit the accompanying drawings for the renovation of an existing residence and reconstruction of an existing guest house at 141 Australian Ave. Please note the following:

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

Renovation to an existing two story residence (replacing vinyl siding for wood shingle siding). Renovation and lifting of an existing guest house. New landscape and hardscape.

B) ARCOM 18-205 N/A

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 N/A

The guest house require the following variances:

Section 134-893(b)(7): Request for lifting an existing accessory structure with an east side yard setback of 3.5 feet in lieu of the 15-foot required in R-B Zoning District.

Section 134-893(b)(9): Request for lifting an existing accessory structure with a rear yard setback of 5 feet in lieu of the 15-foot required in R-B Zoning District.

Section 134-893(b)(13): Request for a cubic content ratio of 4.73 in lieu of the 4.30 maximum allowed in R-B Zoning District.

Section 134-891(b)(1): Request to lift an existing accessory structure with a maximum height of 23.5 feet in lieu of the 15-foot maximum allowed in R-B Zoning District.

Section 134-891(b)(1) Request to lifting and maintaining an existing two story accessory structure in lieu of the one story maximum stories due to size of lot under 20,000SF

Section 134-201 – Findings prior to authorization.

1. The special conditions and circumstances related to the subject property is that it is non-conforming in width and area, with a width of 50 feet in lieu of the 100-foot required in the R-B Zoning District and an area of 7,000 square feet in lieu of the 10,000-foot minimum in the R-B Zoning District.
2. The special conditions and circumstances are not the result of the applicant as the property was non-conforming in width and area prior to acquisition by the applicant.
3. Granting of the variances requested will not confer any special privilege that is denied to the neighboring properties as the neighboring properties contain significantly more square footage than the subject property. Further, the proposed guest house will encroach into the setbacks less than the existing structure.
4. The hardship, which runs with the land, is that the property is non-conforming in width and area, which prevents having adequate square footage of the guest house without encroaching into the setbacks, making the guest house a two-stories with a height of 23.5 feet, and exceeding the maximum cubic content ratio.
5. The variances requested are the minimum necessary to make reasonable use of the land as the reconstructed guest house will encroach less into the setbacks than the existing house and will increase the cubic content ratio only slightly from 4.53 to 4.73.
6. The granting of the variances will not be injurious to the neighborhood. The guest house will encroach into the setbacks less than the existing structure and the height of the guest house will not be noticeable to passersby or negatively affect the surrounding properties.

F) OTHER

Sincerely,

Daniel Clavijo

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 14, 2023

Section of Agenda

Development Review - Old Business

Agenda Title

**ZON-23-044 (COA-23-017) 360 SEASPRAY AVE (COMBO)—
VARIANCES** The applicants, Justin and Meira Besikof, have filed an application requesting Town Council review and approval of (3) Variances to (1) to reduce the required street side yard (west) setback, (2) to provide no garage parking, and (3) to not provide code compliant screening for a swimming pool, in conjunction with proposed exterior alterations, additions, and site modifications to a Landmarked single-family residence. The Landmarks Preservation Commission will perform design review of the application. . *[The Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved this project at the May 17, 2023, meeting. Carried 7-0.]*

Presenter

ATTACHMENTS:

- ❑ **PZB Staff Memorandum**
- ❑ **Letter of Intent**
- ❑ **Plans 1**
- ❑ **Plans 2**
- ❑ **Plans 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: Landmarks Preservation Commission and Town Council

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

SUBJECT: ZON-23-044 (COA-23-017) 360 SEASPRAY AVE (COMBO)

MEETING: JUNE 14, 2023

COA-23-017 (ZON-23-044) 360 SEASPRAY AVE (COMBO). The applicants, Justin and Meira Besikof, have filed an application requesting a Certificate of Appropriateness for proposed exterior alterations, additions, and site modifications to a Landmarked single-family residence requiring variances for reduced setbacks (west), the removal of garage parking, and pool screening requirements. Town Council will review the zoning components/relief requests of the application.

ZON-23-044 (COA-23-017) 360 SEASPRAY AVE (COMBO)—VARIANCES. The applicants, Justin and Meira Besikof, have filed an application requesting Town Council review and approval of (3) Variances to (1) to reduce the required street side yard (west) setback, (2) to provide no garage parking, and (3) to not provide code compliant screening for a swimming pool, in conjunction with proposed exterior alterations, additions, and site modifications to a Landmarked single-family residence. The Landmarks Preservation Commission will perform design review of the application.

Applicant: Justin & Meira Besikof
Professional: SKA Architect + Planner
Representative: Maura Ziska, Esq.

HISTORY

At the May 17, 2023 LPC meeting the item was approved (7-0) and a motion was made that the variances would not (7-0) negatively impact the architecture.

THE PROJECT:

The applicant has submitted plans, entitled "BESIKOF RESIDENCE", as prepared by **SKA Architect + Planner**, dated May 03, 2023.

The following is the scope of work for the Project:

- An enclosure of a service entrance on a street side elevation.
- Removal of a garage to be enclosed living space.
- Opening up of a rear portion to be a loggia.

Site Data			
Zoning District	R-B	Lot Size (SF)	6,375 SF

Crown of Road (C-O-R)	1.96' NAVD	Flood Zone	AE
Exist Fin. Floor Elevation	5.61'	Prop. Fin. Floor Elevation	5.61' (N/C)
Project			
	Required/Allowed	Existing	Proposed
Lot Coverage	30%	28.39% (1,809.89 SF)	N/C
Landscape Open Space	45%	31.2% (1,988 SF)	N/C
Surrounding Properties / Zoning			
North	1926 Two-Story Residence / R-B Zoning		
South	1943 One-Story Residence / R-B Zoning		
East	1946 One-Story Residence / R-B Zoning		
West	1924 Three-Story Residence / R-B Zoning		

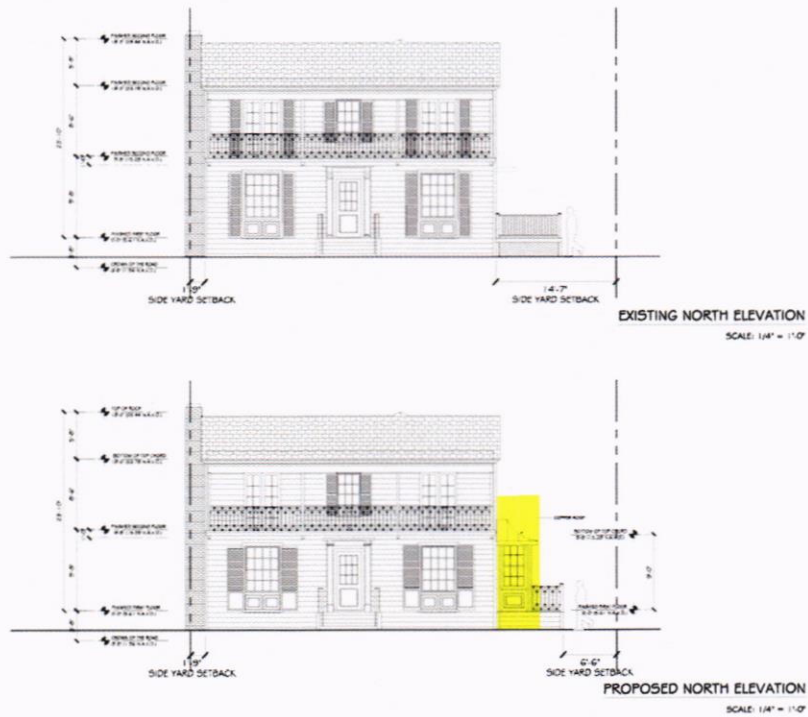
STAFF ANALYSIS

The application, as proposed, appears inconsistent with the following sections of the town code:

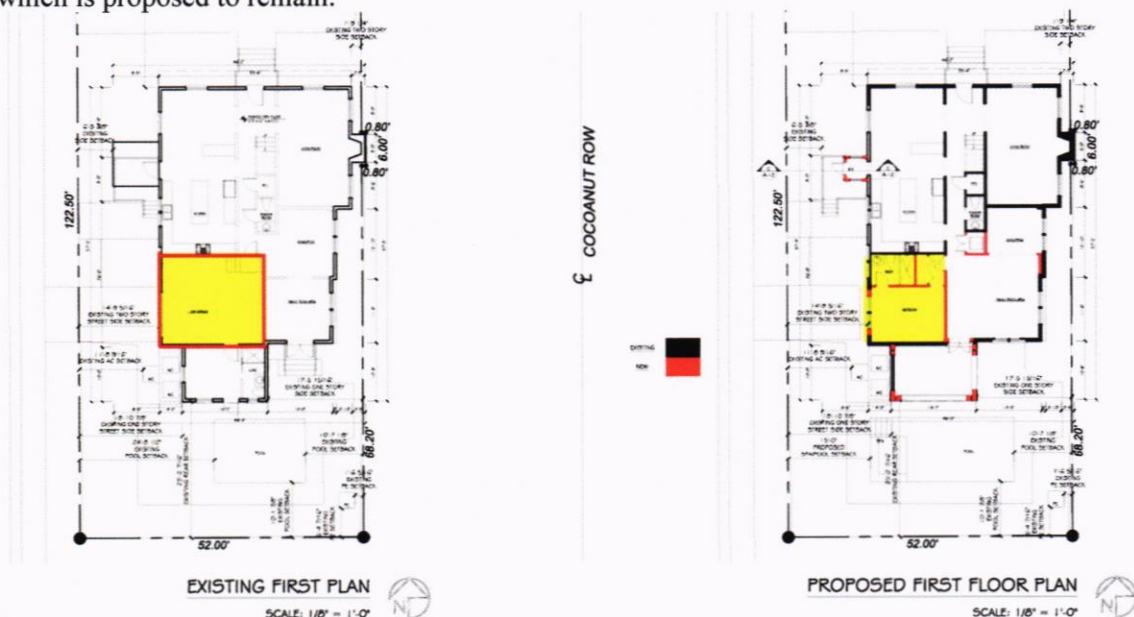
- Variance #1: Sec. 134-1576(a): A variance to allow a west street side yard setback for an addition at 6.46' in lieu of the 25' minimum required.
- Variance #2: Sec. 134-2179(b): A variance to have 0 garage parking spaces in lieu of the 1 garage parking space required.
- Variance #3: Sec. 134-1757: A variance to allow a swimming pool at the required street side setback without the required 6' solid screening wall.

The two-story single family residential structure located at 360 Seaspray Ave was designated as a Palm Beach Landmark in 2016. Per the applicant's Letter of Intent, the application is for a renovation and addition of the existing property, with variances required. The proposal for renovation includes partial rear demolition, glass vestibule enclosure, and removal of the one-car garage. There is no change of use, occupancy, or building height proposed as part of this application.

The current application seeks to enclose a service entry on the west street side elevation. The existing service entry is located within the street side-yard setback, and enclosing it triggers the request for a street side yard variance.

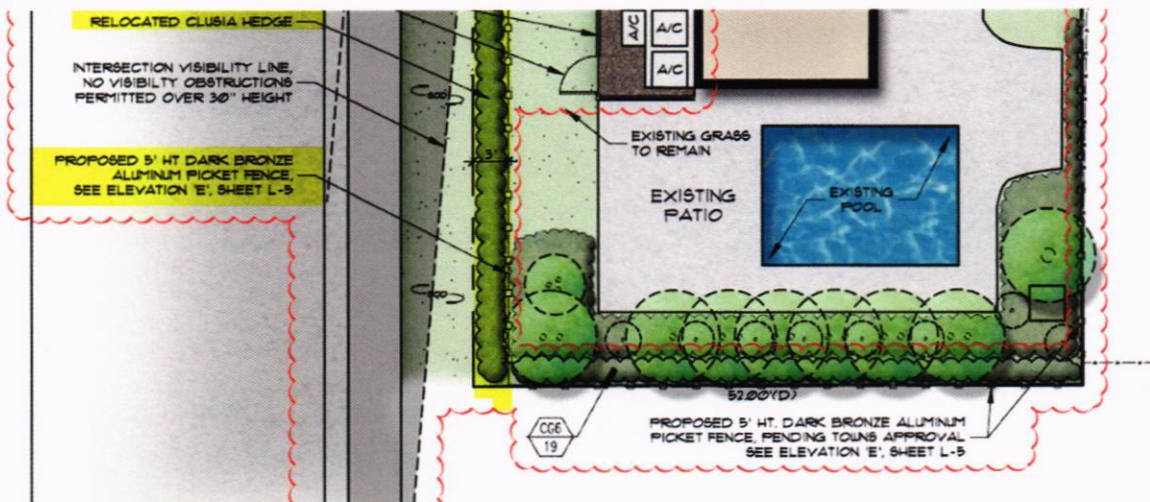


The applicant also proposes conversion of a garage into living area. Enclosed garage parking spaces are a requirement, and eliminating the garage triggers the need for a variance. Based on the lot width of the subject parcel, 1 enclosed parking space is required, and one enclosed parking space is existing. Zero enclosed parking spaces are proposed, and the single vehicle parking space in the west yard is proposed to remain. There is an existing motor court in the north front yard on Seaspray which is proposed to remain.



The conversion of a rear room into an open loggia does not trigger the need for variances.

The applicant is also proposing minor hardscape changes including the expansion of a swimming pool. Swimming pools are permitted within a street-side setback area with a 15' setback, provided they meet the requirement of being screened with both a 6' high wall and a 6' high hedge between the required wall and street. The applicant is proposing to forgo the requirement that the pool be screened by both a wall and a hedge triggering a variance. In lieu of a 6' masonry wall, a 5' bronze aluminum picket fence is proposed with a Clusia hedge between it and the street.



Conclusion

Approval of the project will require one motion to be made by the Town Council: (1) that the variances **should or should not** be granted that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met.

WRB:JGM:BMF



ARCHITECT + PLANNER

Re:
360 Seaspray Avenue
Palm Beach, Florida 33480
Date:
March 6, 2023

SKA Architect+Planner - LETTER OF INTENT
RELATED TO THE REQUEST OF RENOVATION, ADDITION, AND VARIANCES FOR AN
EXISTING LANDMARK PROPERTY AT
360 SEASPRAY AVENUE

We are pleased to submit the accompanying drawings for the request of a renovation, addition, and variances for an existing Landmark Property at 360 Seaspray Avenue. Please note the following:

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

Our proposal for renovation includes partial rear demolition, glass vestibule enclosure, and removal of garage. These modifications will incur variances.

B) ARCOM 18-205 N/A

.

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

- a. Variance #1: Sec. 134-1576(a): A variance to allow a west street side yard setback for an addition at 6.46' in lieu of the 25' minimum required.
- b. Variance #2: Sec. 134-2179(b): A variance to have 0 garage parking spaces in lieu of the 1 garage parking space required.
- c. Variance #3: Sec. 134-1757: A variance to allow a swimming pool at the required street side setback without the required 6' solid screening wall.

Reasons for hardship:

- 1) The property is located in the R B Zoning District and the residence was constructed in 1937 and is a Landmarked property and non-conforming to today's code in many aspects as well as being a corner lot.
- 2) The applicant was not the cause of the special conditions of the property or residence. The non-conformities of the residence and property were existing prior to the applicant owning the property.

3) The granting of the variances will not confer on the applicant a special privilege that is denied to the neighboring properties.

4) The hardship, which runs with the land, is that the residence and property is nonconforming and is situated on a corner. The existing garage, although conforming to code, is not functional because of the narrow driveway.

5) The variances requested are the minimum necessary to make reasonable use of the land considering the non-functioning garage and opportunity to bring the home up to today's living standards and add a vestibule at the side entry.

6) The granting of the variances will not be injurious to the neighborhood. A renovated single family residence will be beneficial to the neighborhood.

F) OTHER N/A

Sincerely,



Daniel Clavijo

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 14, 2023

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-23-046 329 WORTH AVE—SPECIAL EXCEPTION WITH SITE PLAN REVIEW The applicant, 329 Worth Avenue LLC (Matthew & Adrienne Raptis), have filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review to allow a 12-seat lounge/bar with the service of beer, wine, and liquor at the existing Churchill Cigar Co. retail space in the C-WA Worth Avenue zoning district.

Presenter

ATTACHMENTS:

- ▣ **Presentation - Churchills Cigar Co.**



329 Worth Avenue, Unit VI
Via Roma



enclosed rotunda



view from rotunda looking
towards Worth Avenue



interior view 1



interior view 2



two smoke eaters have been installed

“commercial grade smoke eater removes tobacco smoke and keeps
air in your indoor space cleaner, safer and up to 90% odor free”

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 14, 2023

Section of Agenda

Development Review - New Business

Agenda Title

ZON-23-053 1768 S OCEAN BLVD—VARIANCES The applicant, Four Winds Estates LLC (Stephen and Christine Schwarzman), have filed an application requesting Town Council review and approval for a variance to install a boat lift onto an existing dock which will have a 17 ft south setback in lieu of the 25 ft setback required.

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 Memorandum: Town Council Development Review

TO: Mayor and Town Council

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

SUBJECT: ZON-23-053 1768 S OCEAN BLVD

MEETING: JUNE 14, 2023

ZON-23-053 1768 S OCEAN BLVD—VARIANCES. The applicant, Four Winds Estates LLC (Stephen and Christine Schwarzman), have filed an application requesting Town Council review and approval for a variance to install a boat lift onto an existing dock which will have a 17 ft south setback in lieu of the 25 ft setback required.

Applicant: Four Winds Estates LLC (Stephen and Christine Schwarzman)
Professional: Isiminger & Stubbs Engineering (Matthew Butler PE)
Representative: Maura Ziska

THE PROJECT:

The applicant has submitted plans, totaling 8 sheets entitled "Dock Addition and Boat Lift", as prepared by **Isiminger & Stubbs Engineering** dated March 24, 2023.

The following is the scope of work for the Project:

- Installation of new boat lift onto existing dock with proposed extension.

The following Special Exceptions, Site Plan review and/or Variances required to complete the project, and shall be reviewed by Town Council:

- **VARIANCE: Sec. 62-74(2):** A variance to permit the installation of a boatlift with a south-side setback of 17' in lieu of the 25' required; as part of an existing nonconforming dock.

Site Data			
Zoning District	R-AA	Future Land Use	SINGLE FAMILY
Surrounding Properties / Zoning			
North	2012 Two-story residential w/ DOCK / R-AA		
South	Vacant / R-AA		
East	Atlantic Ocean / BA		
West	Lake Worth Lagoon		

ZON-23-053
LETTER OF INTENT
RELATED TO THE BOAT LIFT AT 1768 SOUTH OCEAN BLVD

March 23, 2023

We are pleased to submit the accompanying drawings to add a boat lift onto an existing dock. Please note the following:

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

Not applicable

B) ARCOM 18-205

Not applicable

B) ARCOM 18-206

Not applicable

C) SPECIAL EXCEPTION 134-229

Not applicable

D) SITE PLAN REVIEW 134-329

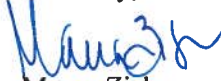
Not applicable

E) VARIANCES 134-201

The applicant has filed an application requesting Town Council to review and approve construction of a boat lift onto an existing dock. The variance being requested is per Section 62-75(h): A variance request to permit the installation of a boat lift with a south side riparian setback of 17 feet in lieu of the 25 foot minimum required; as part of an existing nonconforming dock. The following criteria is in support of the variance request:

1. **The special conditions and circumstances peculiar to this land which are not applicable to other lands in the same zoning district is that the existing dock is non-conforming to today's code regarding the setback to the south which would make adding a boat lift to the existing dock non-conforming as well.**
2. **The special conditions and circumstances related to the variance do not result from the actions of the Applicant because the existing dock was constructed many years before the applicant owned the property.**
3. **The granting of the variance will not confer on the applicant a special privilege because similar boat lifts and have been granted similar variances.**
4. **The hardship, which runs with the land, is that the proposed boat lift needed for the applicant's vessel needs to be placed in the proposed location to safely use the boat lift.**
5. **The variance requested is the minimum necessary to make reasonable use of the land considering the need to place the boat lift onto an existing non-conforming dock.**
6. **The granting of the variance will be in harmony with the general intent of the ordinance and not be injurious to the neighborhood. The property to the south where the boat lift will have a minor encroachment is also owned by the applicant.**

Sincerely,


Maura Ziska

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 14, 2023

Section of Agenda

Development Review - New Business

Agenda Title

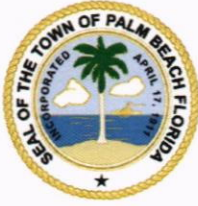
ZON-23-055 (HSB-23-005) 261 ROYAL POINCIANA WAY (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES.

The applicant, Poinciana Capital Corporation (Gail Coniglio, VP), has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review to add a second story to an existing one-story commercial structure in the C-TS zoning district which requires (7) variances for (1-4) encroachments of front, side, and rear setbacks of a two-story building, (5) exceedance of lot coverage, (6) deficiency of landscape open space, and (7) exemption from the requirement of providing adequate additional parking. The Landmarks Preservation Commission shall perform design review of the application. *[The Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved this project at the May 17, 2023, meeting. 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: Landmarks Preservation Commission and Town Council

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

SUBJECT: ZON-23-055 (HSB-23-005) 261 ROYAL POINCIANA WAY (COMBO)

MEETING: MAY 17, 2023 (LPC)
JUNE 14, 2023 (TC)

HSB-23-005 (ZON-23-055) 261 ROYAL POINCIANA WAY (COMBO). The applicant, Poinciana Capital Corporation (Gail Coniglio, VP), has filed an application requesting Landmarks Preservation Commission review and approval for the addition of a second story residence to an existing one-story historically significant commercial building, requiring Special Exception with Site Plan Review and variances for setbacks, lot coverage, open space, and parking. Town Council shall review the application as it pertains to zoning relief/approval.

ZON-23-055 (HSB-23-005) 261 ROYAL POINCIANA WAY (COMBO)-SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES. The applicant, Poinciana Capital Corporation (Gail Coniglio, VP), has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review to add a second story to an existing one-story commercial structure in the C-TS zoning district which requires (7) variances for (1-4) encroachments of front, side, and rear setbacks of a two-story building, (5) exceedance of lot coverage, (6) deficiency of landscape open space, and (7) exemption from the requirement of providing adequate additional parking. The Landmarks Preservation Commission shall perform design review of the application.

Applicant: Poinciana Capital Corporation (Gail Coniglio, VP)
Design Professional: SKA Architect + Planner
Representative: Timothy Hanlon

HISTORY:

The subject property contains a one-story commercial structure constructed in 1957 after an earlier 1915 frame building on the site was condemned and demolished. Both the original and current building were built as a store for the Cohen Brothers who ran a tropical fruit shop. The structure was designated as 'historically significant' in September of 2022. The property is located within the Flagler Conservation District. The design is a commercial masonry vernacular structure constructed of concrete block faced with a brick veneer. Although the front facade originally had six transom windows and a simpler eyebrow overhang, the alteration to its current design still retains the building's commercial masonry vernacular style, and the size, scale and design of the

building continues to help maintain the character of the Flagler Conservation District and the Town's original Main Street.

At the May 17, 2023 LPC meeting the item was approved (7-0) and a motion was made that the variances would not (7-0) negatively impact the architecture.

SITE:

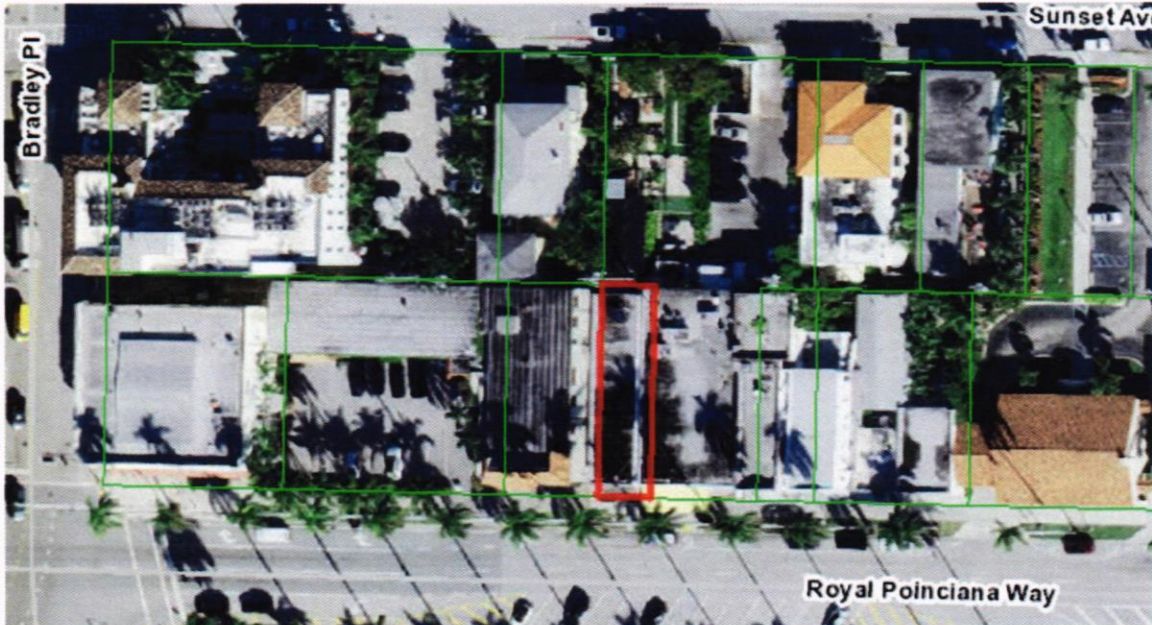


Figure 1: Subject property location arial.

THE PROJECT:

The applicant has submitted plans entitled "Coniglio 261 Royal Poinciana Way" as prepared by SKA Architect + Planner, dated April 11, 2023.

The following is the scope of work for the Project:

- Addition of a second floor 1,700 SF addition to an existing one-story commercial building for residential use.

The following Special Exception, Site Plan Review, and/or Variance(s) are required for the application:

- **SPECIAL EXCEPTION WITH SITE PLAN REVIEW:** Sec. 134-1113(8)c.: A Special Exception to allow for 2-stories in the C-TS zoning district.
- **VARIANCE 1:** Sec. 134-1113(5)c.: A variance to permit a south front yard setback of 5.3 ft in lieu of the 9 ft required for a 23 ft two-story building.
- **VARIANCE 2:** Sec. 134-1113(6)a.: A variance to permit an east side yard setback of 0.47 ft in lieu of the 9 ft required for a 23 ft two-story building.
- **VARIANCE 3:** Sec. 134-1113(6)a.: A variance to permit a west side yard setback of 3.01 ft in lieu of the 9 ft required for a 23 ft two-story building.
- **VARIANCE 4:** Sec. 134-1113(7)c.: A variance to permit a north rear yard setback of 4.7

ft in lieu of the 14 ft required for a 23 ft two-story building.

- **VARIANCE 5:** Sec. 134-1113(9)b.: A variance to permit a lot coverage of 77.4% in lieu of the 70% permitted for two-story buildings.
- **VARIANCE 6:** Sec. 134-1113(11)b.: A variance to permit retention of an existing landscape open space of 0% in lieu of the 25% required for two-story buildings.
- **VARIANCE 7:** Sec. 134-2176: A variance to forgo the requirement of providing (2) two additional parking spaces for construction of a new dwelling less than 3000 square feet.

Site Data			
Zoning District	C-TS	Future Land Use	COMMERCIAL
Year of Construction	1957	Architect/Builder:	Brockway, Weber & Brockway Engineers
Lot Size	2,500 SF (110 x 25)	Base Flood Elevation	AE-6
Crown of Road (COR)	3.93'	Finished Floor Elevation	3.25'
Lot Coverage	Existing: 77.4% Proposed: 77.4% Required: 70% <i>Variance Requested</i>	Landscape Open Space (LOS)	Existing: 0% Proposed: 0% Required: 25% <i>Variance Requested</i>
Surrounding Properties / Zoning			
North	Surface parking area / C-TS		
South	Royal Poinciana Way median / C-TS		
East	One-Story commercial-Cucina / C-TS		
West	Two-Story commercial/office-Breakers / C-TS		

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

A preliminary review of the project indicates that the proposed **application** is **consistent** with the **COMMERCIAL** designation of the Future Land Use Map of the Comprehensive Plan.

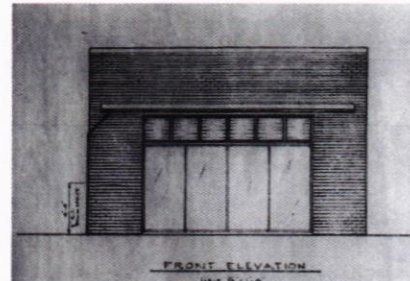
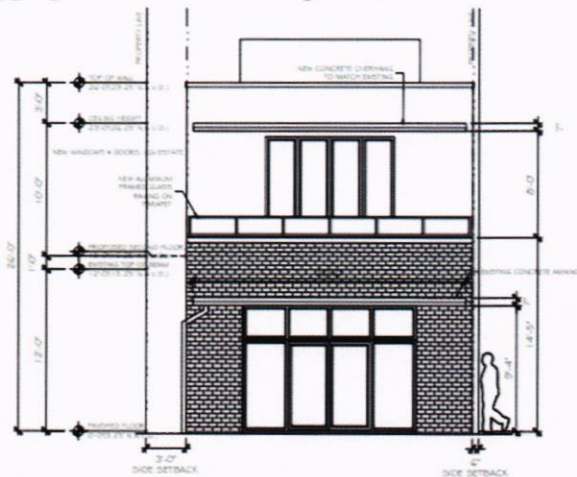
STAFF ANALYSIS

As a HSB project, the Landmarks Preservation Commission must find that the proposed changes must meet the Secretary of the Interior's Standards for Rehabilitation and Sec. 18-306, Sec. 54-122 and 54-123 of the Landmark Preservation Ordinance. A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following abovementioned sections of the Town zoning code: special exception and 7 requested variances.

The scope of work includes the addition of a 1,700 SF second floor to an existing one-story commercial building. The existing building is non-conforming in many aspects to today's zoning code, so any second floor addition would trigger the need for the requested variance relief. The site is improved by a 21.5' wide by 90' long rectangular floor plan is deep and narrow. Like many masonry vernacular commercial buildings, the front facade features aluminum framed glazed entry doors and picture windows and is topped by a parapet used for store signage. The structure features a flat, rectangular overhang and three transom windows above the doors and picture windows.

There is a west side setback passage of approximately 3.07' in width and a rear north setback of 4.7'.

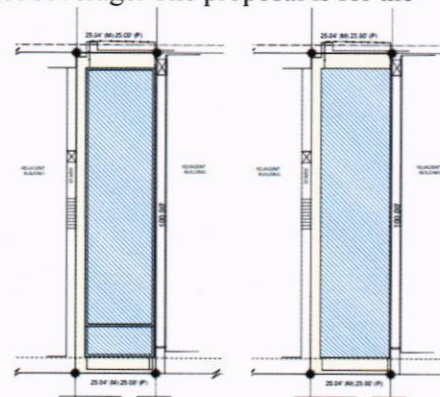
The new second floor is proposed to be setback approximately 10' from the front south property, street facing along Royal Poinciana Way. The massing recess will provide an outdoor terrace amenity for the residential unit. A glass guardrail is proposed on top of the existing parapet wall in order to meet fire safety standards, while preserving the primary façade of the building. The existing aluminum awning will be removed and exposed to the existing concrete awning which is an appropriate return of an original historic feature.



Variances #1-#4 seek to establish to the existing nonconforming setbacks of the original one-story retail structure once the second floor is placed upon it as the additional triggers additional setbacks in all directions. It would stand to reason that construction techniques would warrant the placement of the a new second floor to be coterminous with the first floor, at least along the side structural walls. As evidenced in the other two-story buildings in the immediate area, the setbacks are relatively similar in regards to first to second floor.

As it pertains to variance #5, a variance to permit a lot coverage of 77.4% in lieu of the 70% permitted for two-story buildings. The existing condition is % lot coverage. The proposal is for the addition of the new second floor over the first-floor footprint. The existing footprint contains 1,935.00 SF, and the new 1,700 SF addition is proposed on top of the existing building.

As it pertains to variance #6, to reduce the required overall open space. In the C-TS zoning district, the Code requires a 15% minimum overall landscaped open space for one-story building and 25% for two-story buildings. The existing condition is 0%. The proposal is for the addition of the new second floor over the first-floor footprint. There is a west side setback passage of approximately 3.07' in width and a rear north setback of 4.7'; and otherwise it would be impossible to meet the threshold requirement without the demolition of a quarter of the existing building.



As it pertains to variance #7, a variance to not provide the required parking space for a residential unit, the zoning code prescribes a minimum number of required parking spaces based on the amount of square footage of the residential unit. As such, two spaces are needed. The structure has been a commercial building since 1957 operating without any required parking. The site is interior to the block with no alley access. Staff notes that it would be physically impossible to provide the amount of parking space on-site due to the footprint and location of the historically significant building.

As it pertains to the Special Exception request, building onto second floor in the C-TS district (Sec. 134-1113(8)(c)) requires Town Council to review and approve a second floor. Although it is currently an existing one-story building constructed in 1957, the applicant is proposing to add a small (1,700 SF) second story residential unit, which is a permitted use, and which fits with the streetscape and will add little or no negative impact on Town services based on concurrency determinations. The abutting property to the west is a two-story office building currently housing the Breakers administrative offices and the property immediately to the east is a one-story restaurant. Further two parcels to the east is two-story. This side of Royal Poinciana Way is developed equally with one and two-story buildings, with the most recent development being the two-story Via Flagler mixed use project with underground parking.

The applicant claims that the improvements to the older historically significant structure will **NOT** exceed both 50% of the value improvements to the structure, and 50% of the demolition of the rear façade or roof will not occur of the one-story building. Should the costs exceed this amount during the permit review process, other deficiencies will need to be established through the variance process. Additionally, the applicant has submitted a structural report claiming the existing roofing system and structural system can accommodate a second floor and is feasible including some degree of structural reinforcement with minor demolition where needed.

WRB:JGM

LETTER OF INTENT

HSB-23-005 and ZON-23-055: We are pleased to submit the accompanying drawings for the project at 261 Royal Poinciana Way, Palm Beach, FL. The proposed work includes the following:

Partial roof demolition, removal of applied material to existing overhang to display concrete overhang, and the addition of one approximate 1,700 sq. ft. second floor addition for residential use.

Please note the following as it relates to this application:

Sections 54-122, 134-201, 134-226, 134-227, 134-229 and 134-1113. Applicant is requesting a special exception with site plan approval and variances as follows:

- A. Landmarks Preservation in accordance with Section 54-122.
 - a. We are submitting modifications to the existing building that are visually compatible with the buildings and environment.
 - 1) The proposed modifications to the subject property will be visually compatible with the height, gross volume, and the proportion between width and height of the façade of the existing building.
 - 2) The original proportions and relationships between doors and windows will be reconstructed from historic images.
 - 3) The original rhythm of solids to voids created by openings in the facade will be reconstructed from historic images.
 - 4) The proposed materials used in the façade will match the existing building.
 - 5) The proposed texture used in the façade will match the existing building.
 - 6) The colors, patterns and trim used in the façade will be reconstructed from historic images.
 - 7) The design of the roof will match the existing building.
 - b. The existing rhythm created by the existing building masses and space between them will be preserved.
 - c. The landscape plan is sensitive to the individual building and its occupants and needs and is visually compatible with the buildings and environment with which it is visually related and historic images.
 - d. The proposed modifications to the existing street (west) façade blend directionally with the existing building and historic images.
 - e. At existing elements, architectural details will be restored or replaced. Details and fenestration represented in historic images will be reintroduced, directly relating the new with the old and enhancing the inherent architectural characteristics of the area.

B. The following zoning relief is requested:

1. **Variance 1: Sec. 134-1728, 1607(1).**: A variance to permit a south front yard setback of 5.3' in lieu of 9' required for a 23' tall two-story building.
 2. **Variance 2: Sec. 134-1113(6) a.**: A variance to permit an east side yard setback of 0.47' existing and proposed in lieu of the 9' required for the 23' tall two-story building.
 3. **Variance 3: Sec. 134-1113(6) a.**: A variance to permit a west side yard setback of 3.01' existing and proposed in lieu of the 9' required for the 23' tall two-story building.
 4. **Variance 4: Sec. 134-1113(7).**: A variance to permit a north yard setback of 4.7' existing and proposed in lieu of 14' required for a 23' tall two-story building.
 5. **Variance 5: Sec. 134-111(9)(b).**: A variance to permit a lot coverage of 77.4% existing and proposed in lieu of 70% maximum permitted for two-story buildings.
 6. **Variance 6: Sec. 134-1113(11)(b).**: A variance to permit the retention of an existing landscape open space of 0% in lieu of 25% required for two-story buildings.
 7. **Variance 7: Section 134-2176.**: A variance to forego the requirement of providing two (2) additional parking spaces required for construction of a new dwelling containing less than 3,000 sq. ft.
-
1. **Special Exception: Sec. 134-1113(1).**: Special Exception to permit two stories in the C-TS zoning district.

The special exception should be approved because the Applicant is proposing to add a small (1,700 sq. ft.) second story residential unit, which is a permitted use, and which fits with the streetscape and will add little or no negative impact on Town services.

The hardship that runs with the property is that the existing building was built pursuant to a different zoning code, and the lot is tiny. The existing building is non-conforming to today's zoning code, so any second floor addition would trigger the need for the requested variance relief. The proposed impact will be a good fit for the revitalized Royal Poinciana Way area.

Granting of the variances will not be contrary to the public's interest because no negative impact to the neighbors will result. The applicant proposes to preserve and improve the existing historic building, so this is a positive for the neighborhood as opposed to demolishing the entire structure and starting over. In addition, the new residential second story use fits well in that location.

See Site History attached hereto as Exhibit "A."

Criteria for Site Plan Review – N/A

Criteria for Special Exceptions

1. The proposed uses are all grandfathered, non-conforming uses in the R-B Zoning District.

2. The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected. The proposed renovation will not adversely impact the public or neighborhood but alternatively will enhance the neighborhood.
3. The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located. The proposed renovation will have no negative impact on the value of other properties in the neighborhood and should increase the neighboring property values due to the preservation of the existing historically significant building and the addition of a small second story residential unit.
4. The use will be compatible with adjoining development and the intended purpose of the C-TS Zoning District in which it is to be located. The proposed addition will be compatible with the neighborhood as the second floor residential use is a permitted use.
5. The uses will comply with yard, other open space, and any special requirements set out in Article VI for the particular use involved. Except for existing non-conformities, the building will comply with all other yard, other open space and any special requirements set forth in Article VI of the Zoning Code.
6. The uses will comply with all elements of the comprehensive plan.
7. The uses will not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district. The proposed renovation will not result in substantial economic, noise, glare, or odor impacts on the adjoining properties and properties in the district, as the renovation enhances the current building and makes it more compliant with life/safety codes.
8. The proposed uses will not place a greater burden than would be caused by a permitted use on municipal police services due to increased traffic or on fire protection services due to the existence of or increased potential for fire/safety code violations. The proposed renovation will bring the building into compliance with all codes and the new residential use is permitted under the C-TS Zoning Code.

Criteria for Authorizing a Variance (The following rationale and criteria apply to all variance requests # 1 through # 7 because all non-conformities are existing, and no enlargement or intensification is proposed)

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 hardship and special conditions applicable to this property are that the building was constructed pursuant to a different code and is nearly unusable based on the size of the lot and the existing zoning code, and is non-compliant with current codes. The Applicant is proposing to simply add a small 1,700 sq. ft. second floor residential unit, which is a permitted use in the C-TS District. Any addition would require variances for setbacks, lot coverage and landscape open space.

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

The special conditions existed upon construction of the building and were not created by the Applicant. The Applicant is proposing to make this very old building safer, more useable and to also provide a more up-to-date use for the building.

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.

No special privileges will be conferred on the Applicant if the variances are granted because the applicant is not proposing to add any non-conforming uses to the building.

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.

Literal interpretation of the ordinances would deprive Applicant of the right to beautify the building and to add a small second story residential unit.

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

The requested relief is the minimum necessary because the Applicant proposes to keep the building in its current location and size and to not reduce lot coverage at all. This second floor residential use is permitted and fits well in the neighborhood.

6. For granting of a variance to sections 134-387, or 134-390 through 134-392, pertaining to the regulation of nonconforming uses, the following additional findings must be demonstrated pertaining to the nonconforming use for which the variance is requested:

- a. It is the continuance of a unique hotel or residential use that has, for at least 15 years proven compatible with the surrounding uses; and
- b. Neither rezoning to a district which would allow the use, nor inclusion of the subject use as a permitted or special exception use in the district would act to achieve the preservation of the subject use without opening the possibility of the incursion of uses incompatible with the immediately surrounding area and, further, such variance shall:
 - i. Be granted only for the continuation of the same hotel or residential use; and,
 - ii. Require the Applicant to submit a declaration of use limiting the utilization of the property for which the variance was granted to the same use as that existing at the time the variance was granted.

N/A

7. 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.

The granting of these variances are in harmony with the intent and purpose of the Zoning Code because the requested renovation and small addition is an improvement to this historically significant building and make it more useable into the future.

EXHIBIT “A”
Site History

1. Special Exception #2-96, for four outdoor seats, approved on March 12, 1996.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 14, 2023

Section of Agenda

Development Review - New Business

Agenda Title

ZON-23-056 (COA-23-019) 1170 N OCEAN BLVD (COMBO)– SPECIAL EXCEPTION W/ SITE PLAN REVIEW AND VARIANCES. The applicant, Bath & Tennis Club, Inc, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for the installation of twelve (12) tennis court light poles requiring two (2) variances to (1) exceed maximum pole height and (2) forgo tennis court screening requirements. The Landmarks Preservation Commission will perform design review of the application.*[The Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative impact to the subject landmarked property. Carried 7-0.][The Landmarks Preservation Commission approved this project at the May 17, 2023, meeting. Carried 7-0.]*

Presenter

ATTACHMENTS:

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



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 
Director PZ&B

SUBJECT: COA-23-019 (ZON-23-056) 1170 S OCEAN BLVD

MEETING: MAY 17, 2023 (LPC)
JUNE 14, 2023 (TC)

COA-23-019 (ZON-23-056) 1170 S OCEAN BLVD (COMBO). The applicant, Bath & Tennis Club, Inc, has filed an application requesting a Certificate of Appropriateness for the review and approval for the installation of twelve (12) light poles for existing tennis courts, requiring review for special exception, site plan review, and variances. Town Council shall review the application as it pertains to zoning relief/approval.

ZON-23-056 (COA-23-019) 1170 S OCEAN BLVD (COMBO)– SPECIAL EXCEPTION W/ SITE PLAN REVIEW AND VARIANCES. The applicant, Bath & Tennis Club, Inc, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for the installation of twelve (12) tennis court light poles requiring two (2) variances to (1) exceed maximum pole height and (2) forgo tennis court screening requirements. The Landmarks Preservation Commission will perform design review of the application.

Applicant: Bath & Tennis Club, Inc. (Armend Berisha, General Manager)
Design Professional: Spina Oourke & Partners (Nelo Freijomel)
Representative: Maura Ziska, Esq.

HISTORY:

The subject property contains a multi-story commercial structure (Bath & Tennis Club) constructed in 1926 by architect Joseph Urban as a private club with later alterations by Marion Wyeth. Numerous permit applications have been issued over the years for maintenance, updates and renovations to the club.

At the May 17, 2023 LPC meeting the item was approved (7-0) and a motion was made that the variances would not (7-0) negatively impact the architecture.

SITE:



Figure 1: Subject property location aerial.

THE PROJECT:

The applicant has submitted plans entitled "Tennis Lighting For: Bath and Tennis Club" as prepared by Spina Orourke & Partners, dated March 27, 2023.

The following is the scope of work for the Project:

- The installation of (12) new tennis light fixtures on new 20' tall poles at existing tennis courts.

The following Special Exception, Site Plan Review, and/or Variance(s) are required for the application:

- **SPECIAL EXCEPTION W/ SITE PLAN REVIEW: Sec. 134-1759(g):** A special exception with site plan review to allow tennis court lighting.
- **VARIANCE 1: Sec. 134-1731:** A variance for light poles installed at 20' above grade in lieu of the 15' maximum permitted.
- **VARIANCE 2: Sec. 134-1759(c):** A variance to not fully screen tennis court facilities with plantings as high as the enclosure.

Site Data			
Zoning District	R-AA	Future Land Use	PRIVATE GROUP USE
Year of Construction	1926	Architect/Builder:	Joseph Urban
Surrounding Properties / Zoning			
North	Mar-A-Lago Club / R-AA		
South	1924 2-Story Estate / R-AA		
East	Atlantic Ocean		
West	Lake Worth Lagoon		

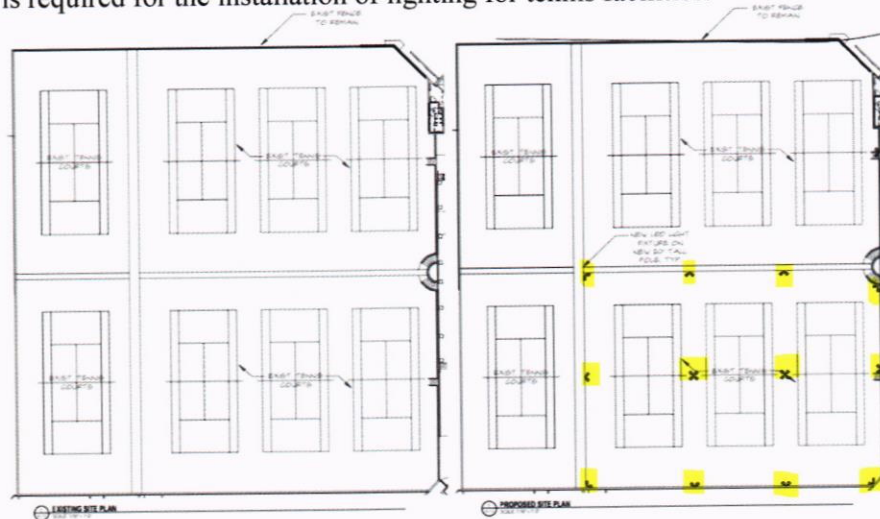
CONSISTENCY WITH THE COMPREHENSIVE PLAN:

A preliminary review of the project indicates that the proposed **application** is **consistent** with the **PRIVATE GROUP USE** designation of the Future Land Use Map of the Comprehensive Plan.

STAFF ANALYSIS

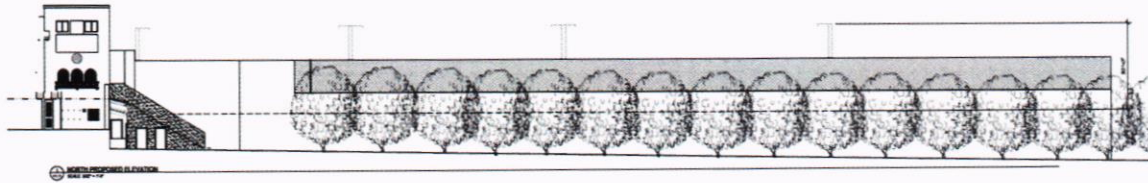
A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following abovementioned sections of the Town zoning code: special exception with site plan review and 2 requested variances.

The scope of work includes the addition of (12) tennis court lighting poles at the existing tennis courts at the Bath and Tennis Club. The club has existed since the 1920s to provide recreational and social opportunities to members. The special exception with site plan review portion of the application is required for the installation of lighting for tennis facilities.



The tennis courts are located above an existing parking structure. The new light poles are proposed at 20' in height as measured from the surface of the tennis courts, where 15' poles are the maximum permitted (variance #1). There are currently eight tennis courts on the elevated platform, and the proposed lighting is set to illuminate three courts—the three located in the southeast portion of the

tennis area. These three courts were selected as to have the minimal impact of lighting disturbance to neighboring properties and traveling motorists.



Variance #2 relates to required screening of tennis facilities. The fence and lighting are not totally screened by hedge material, therefore a variance is required. Due to the elevated nature of the tennis courts above the ground plane, natural screening is difficult.

Approval of the project will require two separate motions to be made by the Landmarks Preservation Commission: (1) for the overall design of the project in accordance with the aforementioned criteria, subject to any imposed conditions, and (2) that the implementation of the proposed variances **will or will not** cause negative architectural impact to the subject property.

WRB:JGM:BMF

Nielsen Landscape Architects
1447 Cypress Drive, Suite 10
Jupiter, Florida 33469
561.402.9414

April 27, 2023

VIA HAND DELIVERY

Jordan Hodges
Design | Preservation Planner
Town of Palm Beach
360 S. County Road
Palm Beach, Florida 33480

RE: Landmarks Application for the Fishel Residence

Property Address: 210 Via Del Mar, Palm Beach Florida 33480

Dear Mr. Hodges:

This office represents the interests of Dr. Robert and Beth Fishel as it pertains to their application to the Landmarks Preservation Committee. The intent of the application is approval for the installation of a new driveway configuration, vehicular gates, pedestrian gates, and painting of architectural trim for the referenced residential lot within the Town of Palm Beach, Florida. The objective of the installation is to provide added privacy and security to the property.

The lot size of 210 Via Del Mar is **.58 Acres** or **25,280 SF**. The layout and design of the existing architecture is preserved.

Upon approval of this application by the Landmarks Preservation Committee, it is the aim of the applicants to begin the installation during the summer of 2023.

It is the applicant's intention and desire that the proposed development be constructed in a manner that is consistent with and complimentary to the existing infrastructure of the Town, the surrounding properties and the neighborhood, and cohesive with the characteristics of the area in which the proposed development will occur.

Should you have any questions and/or concerns with regard to any of the foregoing, please do not hesitate to contact the undersigned.

Sincerely yours,

Steven Tyler Nielsen

Steven Tyler Nielsen, PLA 6667067 ASLA

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 14, 2023

Section of Agenda

Development Review - New Business

Agenda Title

ZON-23-062 (ARC-23-061) 301 PLANTATION RD (COMBO) – VARIANCES The applicant, Berne Helen H Trust, Owner / Roberto and Joanne DeGuardiola, Contract Purchaser, have filed an application requesting Town Council review and approval of (4) variances to exceed (1) maximum building height, (2) maximum overall building height, (3) maximum chimney height, and (4) to forgo swimming pool screening requirements in a street side setback, as part of the development of a new single-family residence. The Architectural Commission shall perform design review of the application. *[The Architectural Review Commission Recommendation: Implementation of the proposed variances 1, 2, and 3 will not cause negative impact to the subject property. The site wall variance 4 will return the Commission with the landscape plans. Carried 7-0.] [The Architectural Review Commission approved this project at the May 24, 2023, meeting 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: ZON-23-062 (ARC-23-061) 301 PLANTATION RD (COMBO)

MEETING: JUNE 14, 2023

ARC-23-061 (ZON-23-062) 301 PLANTATION RD (COMBO). The applicant, Berne Helen H Trust, Owner / Roberto and Joanne DeGuardiola, Contract Purchaser, have filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence with detached pool cabana, swimming pool, and sitewide landscape and hardscape improvements, with variances related to height and pool screening. Town Council shall review the applicant as it pertains to zoning relief/approval.

ZON-23-062 (ARC-23-061) 301 PLANTATION RD (COMBO) – VARIANCES. The applicant, Berne Helen H Trust, Owner / Roberto and Joanne DeGuardiola, Contract Purchaser, have filed an application requesting Town Council review and approval of (4) variances to exceed (1) maximum building height, (2) maximum overall building height, (3) maximum chimney height, and (4) to forgo swimming pool screening requirements in a street side setback, as part of the development of a new single-family residence. The Architectural Commission shall perform design review of the application.

Applicant: Roberto and Joanne DeGuardiola (contract purchaser)
Professional: Richard Sammons | Fairfax & Sammons
Representative: Maura Ziska, Esq.

HISTORY:

At the May 24, 2023 ARCOM meeting the item was approved (7-0) with the following items to return to the June 28, 2023, meeting for consideration: the landscape and hardscape plan, the railing on the rear balcony, and the color of the front door. and a motion was made that the variances #1-#3 (building and chimney height) would not (7-0) negatively impact the architecture with the exception of the variance #4 (site wall) which shall be deliberated upon of the landscape plan.

THE PROJECT:

The applicant has submitted plans, entitled "DeGUARDIOLA RESIDENCE" as prepared by Fairfax & Sammons, dated April 11, 2023.

The following is the scope of work:

- New 2-story residence with swimming pool and cabana.
- Sitewide landscape and hardscape improvements.

The following Special Exception, Site Plan Review and/or Variances are required to complete the project:

- **VARIANCE 1: Sec. 134-893(b)(10)b:** A variance for a building height of 23.85' in lieu of the 22' maximum permitted.
- **VARIANCE 2: Sec. 134-893(b)(10)c:** A variance for an overall building height of 31.46' in lieu of the 30' maximum permitted.
- **VARIANCE 3: Sec. 134-896(a):** A variance for a chimney height of 32.66' in lieu of the 30.8' maximum permitted.
- **VARIANCE 4: Sec. 134-1757:** A variance to forgo the requirement of screening a swimming pool in a street side yard setback with a 6 ft wall.

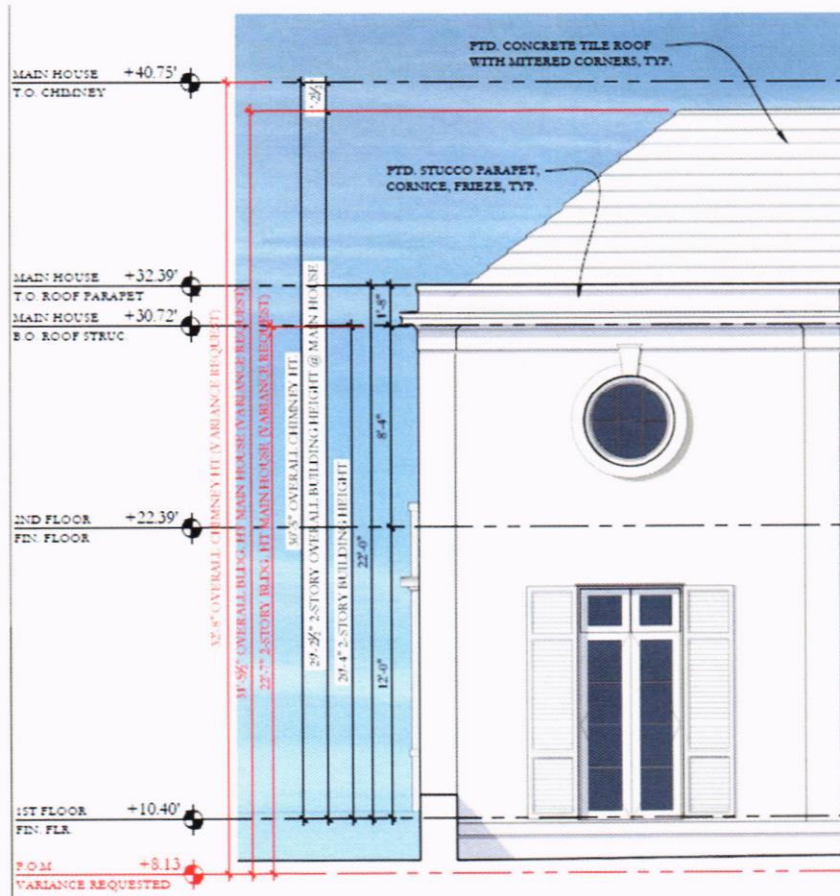
Site Data			
Zoning District	R-B	Future Land Use	SINGLE-FAMILY
Lot Size	Existing: 18,649 SF Required: 10,000 SF	Crown of Road (COR)	6.05' NAVD (N LAKE WAY) 8.48' NAVD (PLANTATION)
Total Enclosed SF	7,805 SF	FEMA Flood Zone	ZONE X
Building Height from point of meas.	Permitted: 22' Proposed: 23.85' <i>VARIANCE REQUESTED</i>	Overall Building Height from point of meas.	Permitted: 30' Proposed: 31.46' <i>VARIANCE REQUESTED</i>
Finished Floor Elevation	10.40' NAVD	Point of Measurement	8.13' NAVD
Lot Coverage	Permitted: 30% (5,400 SF) Proposed: 26% (4,701.87 SF)	Maximum Fill	0.76
Landscape Open Space (LOS)	Required: 45% (8,377 SF) Proposed: 45.17% (8,410 SF)	Front Yard Landscape Open Space	Required: 40% Proposed: 49.5% (1,793 SF)
Surrounding Properties / Zoning			
North	Vacant Parcel / R-B		
South	1950 One-Story Residence / R-B		
East	N Lake Way ROW, 2003 Two-Story Residence / R-B		
West	1965 One-story Residence / R-B		

STAFF ANALYSIS

A preliminary review of the project indicates that the application, as proposed, is inconsistent with the abovementioned sections of the Town zoning code.

Variance requests 1 – 3 are the result of peculiar lot conditions as the elevations of N Lake Way and Plantation Road are substantially different. The point of measurement is based on the applicable definition of building height for corner lots. In this instance, when the road elevations are averaged as instructed in the code, the point of measurement is established below the existing grade of the lot at 8.17' NAVD. As such, the request for variances to exceed maximum building height, overall building height, and chimney height is required. See the following graphic for the point of

measurement location.



The application requests the construction of a new two-story residence described by the architect as being designed in the English-Regency style with landscape, hardscape, pool, and site improvements. The lot is oversized for a north end parcel at 18,000+ square feet, where only 10,000 is required. The applicant's proposed lot coverage is 5% less than permitted, and landscape open space is close to the minimum required.

The plan features a two-story residence on a corner parcel with the majority of the two-story massing along the front (south) of the property along Plantation Rd. The home features a wing on the west extending to the north rear of the property, offering a side loaded 2-bay garage, not visible from the right-of-way with a second-floor guest studio. The driveway layout presents two entrances off Plantation Road without vehicular gates. The eastern drive entrance is on-center with the front entrance of the structure and offers parking on the east and west side and connects to the west drive aisle. The west drive entrance and aisle directs vehicles along the west side of the house to the rear of the property where the garage and additional parking spaces are located.

Behind the east two-story wing of the home, an expansive patio and covered loggia leads to a one-story unenclosed cabana towards the north rear property line. A long rectangular swimming pool flanks the east side of the loggia extending the entire length of the patio to the cabana, near North Lake Way. The code requires a screening wall for swimming pools when they are located within

street side yard setbacks. The applicant is electing to not install a screening wall (variance request #4), however, generous landscaping screens the pool from the Right-of-Way. A/C condensers, pool equipment, and a generator are proposed in an equipment yard next to the garage at the north rear property line. The landscape plan is dense and tropical and offers a lawn at the intersection of Plantation Rd and N Lake Way, and a lawn area between the garage and open patio. This variance was not opined upon by the Architectural Commission at the May 24, 2023 meeting.

Conclusion

Approval of the project will require one motion to be made by the Town Council: (1) that the variances **should or should not** be granted that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met.

WRB:JGM:BMF



FAIRFAX & SAMMONS
— ARCHITECTURE —

301 Plantation Road – Palm Beach, FL 33480

Letter of Intent: ARC-23-061 & ZON-23-062

April 11, 2023

To: Planning, Zoning and Building Dept.

Re: Request for Design Review Approval of 301 Plantation Rd., in Palm Beach, Florida.

Dear ARCOM Board Members,

The applicant for this property is Roberto and Joanne DeGuardiola (Contract Purchasers), Maura Ziska (Authorized Representative), and the Design Professional is Richard Franklin Sammons.

The scope of work is as follows:

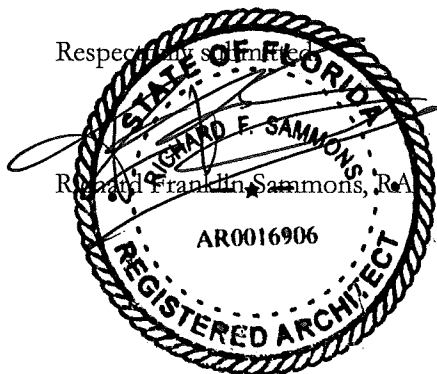
- (1) Construction of a new two-story residence & pool cabana
- (2) Hardscape and landscape improvements including pool, hot tub, site/retaining walls

Let this letter serve as the intent in support of the owner's and applicant's request for ARCOM (Architectural Review Committee) approval of the construction of a new 6 bedroom, 7,800 sq ft 2-story house and 1-story pool cabana on the corner of Plantation Rd and N Lake Way. The house is designed in the English-Regency Style and character. The proposed project includes landscape and hardscape improvements throughout the site designed as appropriate for Flood Zone X. The corresponding variance(s) request to be spelled out by the representing attorney, Maura Ziska and F&S are in response to the hardship discovered with the existing site conditions. Ownership respectfully requests not locate the FFE closer to the adjacent other flood area located at N Lake Way:

- Building Height: (**variance** to exceed N.A.V.D. 22')
- Overall Building Height: (**variance** to exceed N.A.V.D. 30')
- Chimney Height: (**variance** to exceed N.A.V.D. 30.8')

I ask for your support and your vote in favor of this application so that we may proceed with the building permit and construction phases. We ask the ARCOM Board Members and the Town Council Members to approve the application as submitted. Should you have any questions with regards to this application, please do not hesitate to contact us.

Respectfully submitted,



Richard Franklin Sammons, RA

FAIRFAX, SAMMONS & PARTNERS LLC
214 BRAZILIAN AVE, SUITE 100, PALM BEACH, FLORIDA 33480
TELEPHONE (561) 805-8591 ~ FAIRFAXANDSAMMONS.COM

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 14, 2023

Section of Agenda

Development Review - New Business

Agenda Title

ZON-23-063 (ARC-23-039) 599 S COUNTY RD (COMBO) – VARIANCES

The applicant SAS Realty Enterprises LLC (Greg Simonian, President), has filed an application requesting Town Council review and approval for a variance to exceed the maximum overall building height, as part of the construction of a new two-story single family dwelling. The Architectural Commission shall perform design review of the application. *[This project shall be deferred to the July 12, 2023, Town Council meeting, pending review by the Architectural Review Commission.]*

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 14, 2023

Section of Agenda

TIME EXTENSIONS, WAVIERS, & THREE STRIKE MATTERS

Agenda Title

125 El Bravo Way - Time Extension

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **PZB Staff Memorandum w/Attachments**

TOWN OF PALM BEACH

Information for Town Council Meeting on:

June 14, 2023

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Waiver of Town Code Section 18-237, For Building Permit Extension
at 125 El Bravo Way

Date: May 17, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from contractor Courchene Development Corp. (Paul L. Courchene, President) regarding a time extension in which to complete the construction of a new home at 125 El Bravo Way and to extend the permit duration until December 31, 2023.

GENERAL INFORMATION

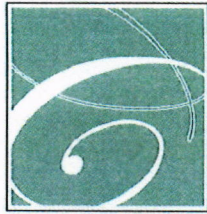
The property is now owned by El Bravo Way 125 LLC. Work on the new home (originally a spec project) started in May of 2021. Based upon the size of the home, the permit was originally valid for 24 months. The property was purchased by the current owner in December of 2021. The master permit expired on May 26, 2023.

The contractor states in his May 15, 2023, letter that the project delay relates to the sale of the home, redesign and changes in materials chosen by the new owner.

They are requesting approval to extend the permit through the end of this year, to expire on December 31, 2023. Remaining work is listed in the attached letter.

Staff has no objection to this request.

Attachments: Letter from Paul L. Courchene, Courchene Development Corp.
Permit Summary for the Property
Property Appraiser Details for the Property



COURCHENE
DEVELOPMENT CORP.

May 15, 2023

Town of Palm Beach
Planning, Zoning, & Building Department
360 S. County Rd
Palm Beach, FL 33480

RE: 125 El Bravo Way – Permit Expiration

To whom it may concern,

The New Single Family Construction permit for 125 El Bravo Way (Permit # B-21-88773) is set to expire on May 26th, 2023 and we would like to ask for an extension through the end of 2023. The project started out as a spec home, but we experienced many delays when the property was sold to the current homeowners who made numerous changes resulting in re-design and re-selections of finish and materials. The following are the items still left to be completed:

Landscape, Hardscape, shutters, railings, cabinets, countertops, tile, paint, pool equipment, fountain installation, generator installation.

Please let us know if there is anything further you require in order to grant the extension.

Best Regards,

COURCHENE DEVELOPMENT CORPORATION
Paul L. Courchene
President
PLC.pm

Permit Browse

Town of Palm Beach

Permit number	Permit type	Permit type name	Permit description	Permit Address	Customer Nu	Customer	Customer Last Name	Applicati	Issue date	Approval state
B-23-99250	b-r01	R-REVISION	REVISION OTHER: HARDSCAPE, LANDSCAPE & LANDSCAPE LIGHTING	125 EL BRAVO WAY	540886		COURCHENE DEVELOPMENT CO RP	5/11/2023		pending
B-23-99161	b-r01	R-REVISION	REVISION- BUILDING- REVISED ELEVATION SHOWING BBQ	125 EL BRAVO WAY	540886		COURCHENE DEVELOPMENT CO RP	5/5/2023	5/12/2023	final
A-23-02954	a-a01	A-ARCOM STAFF APPROVAL	ARCOM- PROPOSED LANDSCAPING LIGHTING.	125 EL BRAVO WAY	603092		NIEVERA WILLIAMS DESIGN INC	5/1/2023	5/3/2023	final
B-23-98655	b-r01	R-REVISION	REVISION- BUILDING- NEW REFLECTION FOUNTAIN FEATURE	125 EL BRAVO WAY	603883		TOP NOTCH POOL SERVICE LLC	4/7/2023	5/15/2023	final
U-23-12675	u-p05	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING KIRK CHEVALIER 561-414-3706	125 EL BRAVO WAY	540886		COURCHENE DEVELOPMENT CO RP	4/7/2023	4/11/2023	issued
U-23-12676	u-p05	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING KIRK CHEVALIER 561-414-3706	125 EL BRAVO WAY	540886		COURCHENE DEVELOPMENT CO RP	4/7/2023	4/11/2023	issued
U-23-12677	u-p05	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING KIRK CHEVALIER 561-414-3706	125 EL BRAVO WAY	540886		COURCHENE DEVELOPMENT CO RP	4/7/2023	4/11/2023	issued
A-23-02904	a-a01	A-ARCOM STAFF APPROVAL	ARCOM STAFF APPROVAL REVISIONS TO HARDSCAPE AND LANDSCAPE PLANS.	125 EL BRAVO WAY	603092		NIEVERA WILLIAMS DESIGN INC	4/3/2023	4/19/2023	final
B-23-98367	b-r01	R-REVISION	REVISION- OTHER- REVISED DRAINAGE PLAN	125 EL BRAVO WAY	540886		COURCHENE DEVELOPMENT CO RP	3/16/2023	5/12/2023	final
B-23-98291	b-r01	R-REVISION	REVISION BUILDING - WINDOW / DOOR / CHIMNEY AND ARCHITECTURAL DETAIL CHANGES PER APPROVED ARCOM MINOR REVIEW A RC-21-057	125 EL BRAVO WAY	540886		COURCHENE DEVELOPMENT CO RP	3/9/2023	4/3/2023	final
B-22-96790	b-r01	R-REVISION	REVISION BUILDING: 1. BUILD EAST WATER FOUNTAIN FEATURE NOTE: POOL & WEST FOUNTAIN ARE ALREADY APPROVED	125 EL BRAVO WAY	603883		TOP NOTCH POOL SERVICE LLC	10/7/2022		pending
B-22-96658	b-r01	R-REVISION	REVISION- BUILDING- NEW WINDOW/DOOR NOA'S	125 EL BRAVO WAY	540886		COURCHENE DEVELOPMENT CO RP	9/27/2022	10/4/2022	final
B-22-95383	b-r01	R-REVISION	REVISION- REVISED GAS PLAN	125 EL BRAVO WAY	540886		COURCHENE DEVELOPMENT CO RP	7/1/2022	7/11/2022	final
U-22-10306	u-p02	U-USE OF/WORK IN ROW	NEED TO BLOCK TRAFFIC TO UNLOAD ROOF TILE NEXT DAY WE WILL PARK THE TRUCK TO THE LOAD THE TRUCK.	125 EL BRAVO WAY	541087		ACTION ROOFING SERVICES INC	6/22/2022	7/1/2022	issued
U-22-10129	u-p01	U-DEWATERING	DEWATERING FOR POOL DIG	125 EL BRAVO WAY	603883		TOP NOTCH POOL SERVICE LLC	6/2/2022	6/16/2022	final
U-22-10130	u-p02	U-USE OF/WORK IN ROW	USE OF- TO STAGE EQUIPMENT FOR POOL DIG CONSTRUCTION.	125 EL BRAVO WAY	603883		TOP NOTCH POOL SERVICE LLC	6/2/2022	6/16/2022	issued
B-22-94646	b-r01	R-REVISION	REVISION BUILDING: NEW POOL/SPA AND FOUNTAIN FEATURE CONSTRUCTION.	125 EL BRAVO WAY	603883		TOP NOTCH POOL SERVICE LLC	5/17/2022	6/2/2022	final
B-22-93638	b-r01	R-REVISION	REVISION BUILDING - TRUSS LAYOUT / DRAWINGS	125 EL BRAVO WAY	540886		COURCHENE DEVELOPMENT CO RP	3/15/2022	3/18/2022	final
B-22-93313	b-r01	R-REVISION	REVISION- BUILDING- MARCORE DRAWINGS	125 EL BRAVO WAY	540886		COURCHENE DEVELOPMENT CO RP	2/15/2022	3/10/2022	final
U-22-09389	u-p03	U-EXCAVATION IN ROW	EXCAVATE IN REAR GRASS EASEMENT FOR SEWER LATERAL CONNECTION INTO THE MAIN.	125 EL BRAVO WAY	542582		S MACDONALD CONTRACTING LLC	2/15/2022	2/17/2022	issued
U-22-09390	u-p07	U-SEWER/DRAINAGE - CAP-OFF/CONNECTION	EXCAVATE IN REAR GRASS EASEMENT FOR SEWER LATERAL CONNECTION INTO THE MAIN.	125 EL BRAVO WAY	542582		S MACDONALD CONTRACTING LLC	2/15/2022	2/17/2022	issued
A-21-02125	a-a01	A-ARCOM STAFF APPROVAL	STAFF APPROVAL ADJUST POOL SIZE AND ADD SPA.	125 EL BRAVO WAY	603092		NIEVERA WILLIAMS DESIGN INC	12/28/2021	1/18/2022	final
B-21-92275	b-r01	R-REVISION	REVISION- BUILDING- REVISED STRUCTURAL PLANS.	125 EL BRAVO WAY	540886		COURCHENE DEVELOPMENT CO RP	12/7/2021	1/7/2022	final
B-21-90407	b-r01	R-REVISION	REVISION BUILDING REVISED STRUCTURAL PLANS	125 EL BRAVO WAY	540886		COURCHENE DEVELOPMENT CO RP	7/27/2021	8/4/2021	final
B-21-90086	b-p05	P-SITE WORK	PROVIDE TEMPORARY HOSE BIB WITH BACKFLOW FOR USE DURING CONSTRUCTION	125 EL BRAVO WAY	503999		CATOE & SON PLUMBING	7/8/2021	7/14/2021	final
U-21-07625	u-p07	U-SEWER/DRAINAGE - CAP-OFF/CONNECTION	EXCAVATE ROADWAY TO INSTALL 2" WATER SERVICE	125 EL BRAVO WAY	604453		CITY OF WEST PALM BEACH	6/23/2021	6/24/2021	issued
B-21-88773	b-b01	B-RESIDENTIAL NEW CONSTRUCTION/ADDITION	(SEE PERMIT CONDITIONS) NEW CONSTRUCTION OF SFR	125 EL BRAVO WAY	540886		COURCHENE DEVELOPMENT CO RP	4/30/2021	5/26/2021	issued
A-21-01531	a-a01	A-ARCOM STAFF APPROVAL	GRAPHICAL ADJUSTMENTS TO ROOF CONDITIONS IN THE SITE PLAN SECOND FLOOR PLAN AND ROOF PLAN TO MATCH APPROVED ARCOM ELEVATIONS MOVE SECOND FLOOR WINDOW 4" WESTWARD AT SOUTHEAST CORNER OF THE SOUTH ELEVATION TO ALIGN WITH	125 EL BRAVO WAY	602935		MP DESIGN&ARCHITECTURE INC	3/8/2021		final
B-21-87386	b-b13	B-FOUNDATION ONLY	NEW FOUNDATION FOR NEW CONSTRUCTION OF SFR	125 EL BRAVO WAY	540886		COURCHENE DEVELOPMENT CO RP	2/1/2021	4/13/2021	final
Count: 30										

Permit number	Permit type	Permit type name	Permit description	Permit Address	Customer Nu	Customer	Customer Last Name	Applicati	Issue date	Approval state
Z-19-00185	Z-01	Z-DEVELOPMENT REVIEW PERMIT	Lot split of Parcel E of original 89 Middle Rd Estate. The lot split sh ould be granted as the proposed parcel to be split was part of the E l Bravo - Singer Annex Plat (Parcel "E") that was approved by the To wn under Application for Subdivision # 1-2017 and recorded in Plat Book 124, Page 117. Pursuant to that approval, the Town Council allowed the applicant t o return to Town Council after 18 months to further split Parcel "E" into two lots. The proposed lot split would split parcel "E" into two conforming lots within the R-A	125 EL BRAVO WAY	602091		KOCHMAN AND ZISKA	3/8/2019		pending
Count: 30										
<Filter is Empty>										

Property Detail

Parcel Control Number: 50-43-43-26-23-005-0020 Location Address: 125 EL BRAVO WAY
 Owners: EL BRAVO WAY 125 LLC
 Mailing Address: 7500 MORROCROFT FARMS LN, CHARLOTTE NC 28211 5013
 Last Sale: DEC-2021 Book/Page#: 33185 / 1826 Price: \$10
 Property Use Code: 0000 - VACANT Zoning: R-A - Estate Residential (50-PALM BEACH)
 Legal Description: EL BRAVO SINGER ANNEX ELY 126.23 FT OF PAR E Total SF: 0 Acres 0.4701

2022 Values (Current)

Improvement Value \$0
 Land Value \$10,050,000
 Total Market Value \$10,050,000
 Assessed Value \$10,050,000
 Exemption Amount \$0
 Taxable Value \$10,050,000

All values are as of January 1st each year.

2022 Taxes

Ad Valorem \$155,726
 Non Ad Valorem \$1,138
 Total Tax \$156,864

2023 Qualified Exemptions

No Details Found

Applicants

No Details Found

Building Footprint (Building 0)

No Image Found

Subarea and Square Footage (Building 0)

Description	Area	Sq. Footage
-------------	------	-------------

Extra Features

Description	Year Built	Unit
No Extra Feature Available		

Structural Details (Building 0)

Description

MAP



Dorothy Jacks, CFA, AAS PALM BEACH COUNTY PROPERTY APPRAISER www.pbcgov.org/PAPA

5/17/2023

Owner: EL BRAVO WAY 125 LLC PCN: 50434326230050020 1 of 1

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 14, 2023

Section of Agenda

TIME EXTENSIONS, WAVIERS, & THREE STRIKE MATTERS

Agenda Title

247 Miraflores - Time Extension

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **PZB Staff Memorandum w/Attachments**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 14, 2023

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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



Re: Waiver of Town Code Section 18-237, For Building Permit Extension
at 247 Miraflores Drive

Date: May 18, 2023

STAFF RECOMMENDATION

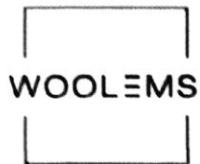
Staff recommends that the Town Council consider the request from contractor Woolems Luxury Builders (Amadou Dial) regarding a time extension in which to complete the construction of a new residence at 247 Miraflores Drive and to extend the permit duration until the end of June, 2023.

GENERAL INFORMATION

The property is owned by Laetitia Oppenheim. The permit was extended by the Town Council at their December 14, 2022 meeting until the date of March 31, 2023. While the project is taking about three months longer to complete, there are no specific reasons referenced. The contractor is notifying the abutting neighbors of his request.

Staff supports the request, based upon the details provided by the applicant.

Attachments: Letter from Amadou Dial, w/ Updated Construction Schedule
Permit Summary for the Property
Property Appraiser Details for the Property



LUXURY BUILDERS

Paper Beach

Headquarters

2001 Centrepark West Drive #100
West Palm Beach, Florida 33409
Office: 561.935.0407
Facsimile: 561.935.0405

woolems.com

May 16th, 2023

RE: 247 Miraflores – Permit B20-82300 Extension

Dear Mr. Bergman,

Woolems hereby confirms our intent to complete the construction activities at the above referenced project no later than June 14th, 2023. I have attached a Gantt Chart Project Schedule outlining our path to Completion. We will closely monitor our progress and should any deviation occur out of our control, we will promptly notify your office.

Today we began notifying the abutting neighbors (1 East, 1 West, 1 North and 2 across the street South). We will follow through with formal neighboring letters for documentation purpose.

In addition, we implemented few self-imposed measures to minimize the nuisance to the neighborhood and decided to perform most of our remaining tiles and stone cutting off site.

Sincerely,

Amadou Dial, Project Executive

247 MIRAFLORES - COMPLETION SCHEDULE

Tue 5/16/23 7:17 PM

ID	Task Name	Dur	Start	Finish	
1	Exterior Construction	20 days	Mon 5/22/23	Fri 6/16/23	
2	Exterior Wood Trims at North Elevation 2nd Floor	3 days	Thu 5/18/23	Mon 5/22/23	
3	Exterior Painting Touch Ups	3 days	Tue 5/23/23	Thu 5/25/23	
4	Install Decorative Light Fixtures	8 days	Mon 5/22/23	Wed 5/31/23	
5	Re-Paint Garage Doors Matching Windows	3 days	Mon 6/5/23	Wed 6/7/23	
6					
7	Interior Construction	20 days	Thu 5/18/23	Wed 6/14/23	
8	Main Stair Plaster Work Finish Details	4 days	Thu 5/18/23	Tue 5/23/23	
9	Final Paint & Touch Ups	10 days	Mon 5/22/23	Fri 6/2/23	
10	Bath 217 Wall Tiles	15 days	Mon 5/22/23	Fri 6/9/23	
11	Stair Railing Cap	5 days	Wed 5/24/23	Tue 5/30/23	
12	Replace Pantry Glass Doors with Glass	2 days	Wed 5/24/23	Thu 5/25/23	
13	Grout Kitchen & Pantry Mosaic Backsplashes	7 days	Thu 5/18/23	Fri 5/26/23	
14	Grout Fireplace Mantel	5 days	Thu 5/18/23	Wed 5/24/23	
15	Complete Standing and Running Trims	15 days	Thu 5/18/23	Fri 6/9/23	
16	Complete MEP Trim Out	16 days	Mon 5/22/23	Mon 6/12/23	
17	Final Appliance Installation with SubZero Refrigerator	1 day	Tue 6/13/23	Tue 6/13/23	
18	Courtyard Tile Installation	15 days	Thu 5/18/23	Wed 6/7/23	
19					
20	Arrival Court & Grounds	17 days	Mon 5/15/23	Tue 6/6/23	
21	Exterior Stone (Pavers)	15 days	Mon 5/15/23	Fri 6/2/23	
22	Install Site Walls Caps	7 days	Thu 5/25/23	Fri 6/2/23	
23	Install Garden Gates	2 days	Mon 5/22/23	Tue 5/23/23	
24					
25	Landscaping	11 days	Tue 5/30/23	Tue 6/13/23	
26	Landscaping Planting Front Yard	10 days	Tue 5/30/23	Mon 6/12/23	
27	Site Electrical Trim	10 days	Tue 5/30/23	Mon 6/12/23	
28	Retaining Wall Caps Installation	7 days	Mon 6/5/23	Tue 6/13/23	
29					
30	Commissioning MEP	25 days	Fri 5/5/23	Thu 6/8/23	
31	FPL Power Release Torque Inspection	2 days	Fri 5/5/23	Mon 5/8/23	
32	FPL Energizing	2 days	Fri 5/19/23	Mon 5/22/23	
33	Mechanical Equipment	3 days	Tue 5/23/23	Thu 5/25/23	
34	Low Voltage Equipment	5 days	Thu 6/1/23	Wed 6/7/23	
35	Domestic Water System	2 days	Tue 5/23/23	Wed 5/24/23	
36					
37	Final Inspections	23 days	Tue 5/23/23	Thu 6/22/23	
38	Plumbing Final	3 days	Thu 5/25/23	Mon 5/29/23	
39	HVAC / Mechanical Final	3 days	Fri 5/26/23	Tue 5/30/23	
40	Electrical Final & Low Voltage Final	3 days	Tue 5/23/23	Thu 5/25/23	
41	Pool Final	1 day	Wed 5/24/23	Wed 5/24/23	
42	Landscaping Final	2 days	Tue 6/13/23	Wed 6/14/23	
43	Final Sitework & Storm System	1 day	Wed 6/14/23	Wed 6/14/23	
44	Building Final	1 day	Thu 6/15/23	Thu 6/15/23	
45	Town Of Palm Beach Compliance Docs	5 days	Fri 6/16/23	Thu 6/22/23	
46	Certificate of Occupancy	1 day	Fri 6/23/23	Fri 6/23/23	

11/8/2022 10:59 AM

Permit Browse Town of Palm Beach

Page: 2

Master Permit	Permit number	Permit type name	Permit description	Permit Address	Permit Suite	Customer Last Name	Application #	Issue date	Expiration date	Approval
B-20-83200	U-21-07406	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	247 MIRAFLORES DR		WOOLEMS INC	5/25/2021	5/28/2021	5/28/2021	final
B-20-83200	B-21-87707	R-REVISION	BUILDING: A-201 A 202 N & E ELEVATIONS SHOWING FLOOD VENTS	247 MIRAFLORES DR		WOOLEMS INC	3/2/2021	3/9/2021	3/2/2021	final
B-20-83200	B-21-87534	F-FLOOD PLAIN DEVELOPMENT	SUB - FLOOD PLAIN	247 MIRAFLORES DR		WOOLEMS INC	2/11/2021	4/21/2021	10/18/2021	issued
	B-20-83200	B-RESIDENTIAL NEW CONSTRUCTION/ADDITION	CONSTRUCT SINGLE FAMILY RESIDENCE WITH POOL	247 MIRAFLORES DR		WOOLEMS INC	2/12/2020	4/21/2021	5/6/2023	issued
	A-19-00797	A-ARCOM STAFF APPROVAL	A MINOR INTERNAL PLAN RECONFIGURATION AFFECTING ONLY THE NORTH (REAR GARDEN) FACADE: ELIMINATION OF SECOND FLOOR TERRACE TO ALLOW FOR A GROUND FLOOR OPEN AIR COURTYARD WITH FOUNTAIN GARDEN WALL BETWEEN MOTOR COURT AND FRONT GARDEN TO BE REMOVED. GARDEN WALL BETWEEN	247 MIRAFLORES DR		SMI LANDSCAPE ARCHITECTURE INC	12/9/2019		12/9/2020	final
	B-19-82122	D-DEMOLITION	DEMOLITION OF MAIN HOUSE AND SWIMMING POOL	247 MIRAFLORES DR		WOOLEMS INC	11/1/2019	11/6/2019	7/25/2020	final
	B-19-82088	P-PLUMBING	CAP OFF WATER FOR DEMO	247 MIRAFLORES DR		MCGILVRAY MECHANICAL LLC	10/30/2019	10/31/2019	4/28/2020	final
	U-19-04343	U-SEWER/DRAINAGE - CAP-OFF/CONNECTION	CAP OFF SEWER FOR DEMO	247 MIRAFLORES DR		MCGILVRAY MECHANICAL LLC	10/30/2019	11/5/2019	2/3/2020	final
	B-19-79699	FEE CHARGE	DEFERRAL FEE	247 MIRAFLORES DR		SMI LANDSCAPE ARCHITECTURE INC	6/4/2019	6/4/2019	6/4/2019	final
B-18-70091	B-18-70376	E-ELECTRICAL	SUB ELECTRIC - ELECTRICAL WORK FOR LAUNDRY ROOM PER PLAN	247 MIRAFLORES DR		MCDONOUGH ELECTRIC INC	3/7/2018	3/13/2018	10/27/2018	final
B-18-70091	B-18-70259	M-MECHANICAL	SUB MECHANICAL - HVAC AS PER PLANS	247 MIRAFLORES DR		BERKUN AIR INC	3/1/2018	3/6/2018	10/27/2018	final
B-18-70091	B-18-70204	P-PLUMBING	SUB- PLUMBING AS APPROVED SET OF PLANS	247 MIRAFLORES DR		MICHAEL CHRISTIE PLUMBING	2/27/2018	2/28/2018	10/27/2018	final
B-18-70204	F-18-02653	F-FIRE RESCUE STANDARD	SUB- PLUMBING AS APPROVED SET OF PLANS	247 MIRAFLORES DR		MICHAEL CHRISTIE PLUMBING	2/27/2018	3/7/2018	3/2/2019	final
	B-18-70091	B-RESIDENTIAL ALTERATION	INTERIOR ALTERATION FOR NEW LAUNDRY ROOM PER PLANS.	247 MIRAFLORES DR		TIM GIVENS BLDG & REMODELING I	2/16/2018	2/27/2018	11/4/2018	final
B-18-70091	B-18-69912	D-INTERIOR DEMOLITION	INTERIOR DEMOLITION OF EXISTING CABANA BATH PER PLAN.	247 MIRAFLORES DR		TIM GIVENS BLDG & REMODELING I	2/5/2018	2/9/2018	11/4/2018	final
B-13-31591	B-13-32131	R-REVISION	REVISION MECHANICAL - CHANGED AHU: TRANE GAF240A36S15AA 3.0TON 8KW 14.0 SEER	247 MIRAFLORES DR		LOWEN A/C INC	5/15/2013	5/22/2013	5/15/2013	final
	B-13-31591	M-REPLACEMENT	REPLACE EXISTING AHU& COND W/SAME AS EXISTING - TRANE COND M/N 4TTB4036E1 AND AHU M/N GAM SA0836M31	247 MIRAFLORES DR		LOWEN A/C INC	4/24/2013	4/24/2013	12/23/2013	final
	B-08-01393	B-ROOF REPAIR/RE-ROOF	REPLACE TILE AND BUR ROOFS	247 MIRAFLORES DR		CARPENTERS ROOFING&SHEET META	12/9/2008	12/8/2008	1/10/2010	final
Count: 48										

Page: 2

11/8/2022 10:59 AM

Permit Browse Town of Palm Beach

Page: 1

Master Permit/Permit number	Permit type name	Permit description	Permit Address	Permit Suite	Customer Last Name	Application #	Issue date	Expiration date	Approval
U-22-11821	U-DEWATERING	DEWATERING PERMIT	247 MIRAFLORES DR		S MACDONALD CONTRACTING LLC	11/4/2022			
B-20-83200	U-22-11796	U-CONSTRUCTION PARKING	247 MIRAFLORES DR		WOOLEMS INC	11/3/2022		11/3/2022	pending
B-20-83200	U-22-11798	U-CONSTRUCTION PARKING	247 MIRAFLORES DR		WOOLEMS INC	11/3/2022		11/3/2022	pending
B-20-83200	U-22-11799	U-CONSTRUCTION PARKING	247 MIRAFLORES DR		WOOLEMS INC	11/3/2022		11/3/2022	pending
U-22-11452	U-EXCAVATION IN ROW	EXCAVATE FOR NEW CURB	247 MIRAFLORES DR		WM D ADEIMY JR INC	10/5/2022	10/21/2022	5/1/2023	issued
U-22-11165	U-USE OF/WORK IN ROW	USE OF ROW FOR MOB IN LULL	247 MIRAFLORES DR		S MACDONALD CONTRACTING LLC	9/7/2022	9/9/2022	12/8/2022	issued
U-22-10950	U-EXCAVATION IN ROW	PHASE 6N - EXCAVATE IN ROADWAY - PATCH PER TOWN STANDARDS - MILL AND RESURFACE - 1.25" PE GAS SE 347 MIRAFLORES DR	247 MIRAFLORES DR		FLORIDA PUBLIC UTILITIES COMPA	8/18/2022	9/23/2022	3/22/2023	issued
U-22-10870	U-EXCAVATION IN ROW	EXCAVATE- 08/15/2022-WED 8/17/2022 - DAYTIME SINGLE LANE CLOSURE, REMOVE EXISTING 4" LATERAL AN 247 MIRAFLORES D REPLACE WITH NEW 6" PVC LATERAL AT SAME LINE, GRADE & ELEVATION AS EXISTING WITH CLEANOUT 1 DR	247 MIRAFLORES DR		S MACDONALD CONTRACTING LLC	8/11/2022	8/16/2022	2/14/2023	issued
U-22-10871	U-SEWER/DRAINAGE - CAP-OFF/CONNECTION	EXCAVATE- 08/15/2022-WED 8/17/2022 - DAYTIME SINGLE LANE CLOSURE, REMOVE EXISTING 4" LATERAL AN 247 MIRAFLORES D REPLACE WITH NEW 6" PVC LATERAL AT SAME LINE, GRADE & ELEVATION AS EXISTING WITH CLEANOUT 1 DR	247 MIRAFLORES DR		S MACDONALD CONTRACTING LLC	8/11/2022	8/16/2022	11/16/2022	issued
B-20-83200	B-22-95753	R-REVISION	247 MIRAFLORES DR		WOOLEMS INC	7/28/2022	8/4/2022	7/28/2022	final
B-20-83200	U-22-10640	U-USE OF/WORK IN ROW	247 MIRAFLORES DR		OSLER POOLS INC	7/26/2022	8/26/2022	11/24/2022	final
B-20-83200	U-22-10604	U-CONSTRUCTION PARKING	247 MIRAFLORES DR		WOOLEMS INC	7/21/2022	8/16/2022	8/16/2022	issued
B-20-83200	U-22-10605	U-CONSTRUCTION PARKING	247 MIRAFLORES DR		WOOLEMS INC	7/21/2022	8/16/2022	8/16/2022	issued
B-20-83200	U-22-10606	U-CONSTRUCTION PARKING	247 MIRAFLORES DR		WOOLEMS INC	7/21/2022	8/16/2022	8/16/2022	issued
B-20-83200	B-22-95437	R-REVISION	247 MIRAFLORES DR		WOOLEMS INC	7/6/2022	7/12/2022	7/6/2022	final
B-20-83200	B-22-95204	R-REVISION	247 MIRAFLORES DR		WOOLEMS INC	6/21/2022	6/22/2022	6/21/2022	final
B-20-83200	B-22-95118	R-REVISION	247 MIRAFLORES DR		OSLER POOLS INC	6/15/2022	6/29/2022	6/15/2022	final
B-20-83200	B-22-94813	R-REVISION	247 MIRAFLORES DR		WOOLEMS INC	5/26/2022		5/26/2022	pending
B-20-83200	U-22-09834	U-CONSTRUCTION PARKING	247 MIRAFLORES DR		WOOLEMS INC	4/28/2022	5/4/2022	5/4/2022	issued
B-20-83200	U-22-09716	U-USE OF/WORK IN ROW	247 MIRAFLORES DR		WOOLEMS INC	4/13/2022	4/27/2022	7/26/2022	issued
B-20-83200	B-22-93611	R-REVISION	247 MIRAFLORES DR		WOOLEMS INC	3/11/2022	8/30/2022	3/11/2022	final
B-20-83200	B-22-93285	R-REVISION	247 MIRAFLORES DR		WOOLEMS INC	2/14/2022	2/15/2022	2/14/2022	final
B-20-83200	B-22-92716	R-REVISION	247 MIRAFLORES DR		WOOLEMS INC	1/7/2022	1/12/2022	1/7/2022	final
B-20-83200	U-21-09095	U-CONSTRUCTION PARKING	247 MIRAFLORES DR		WOOLEMS INC	12/20/2021	1/11/2022	1/11/2022	final
B-20-83200	U-21-09010	U-USE OF/WORK IN ROW	247 MIRAFLORES DR		WOOLEMS INC	12/2/2021	12/9/2021	3/9/2022	issued
B-20-83200	U-21-08548	U-USE OF/WORK IN ROW	247 MIRAFLORES DR		WOOLEMS INC	10/12/2021	10/22/2021	1/20/2022	issued
B-20-83200	B-21-90694	R-PERMIT UPDATE-CHG OF PLANS & VALUATION	247 MIRAFLORES DR		WOOLEMS INC	8/12/2021		2/8/2022	pending
B-21-89707	E-ELECTRICAL	CREATED IN ERROR	247 MIRAFLORES DR		WOOLEMS INC	6/17/2021		12/14/2021	cancelled
B-20-83200	B-21-89708	R-REVISION	247 MIRAFLORES DR		WOOLEMS INC	6/17/2021	7/1/2021	6/17/2021	final
B-20-83200	B-21-89224	B-AGREEMENTS PUBLIC WORKS	247 MIRAFLORES DR		WOOLEMS INC	5/25/2021		11/21/2021	pending
Count: 48									

Page: 1

Property Detail

Parcel Control Number:	50-43-43-14-03-000-0140	Location Address:	247 MIRAFLORES DR	
Owners:	OPPENHEIM LAETITIA			
Mailing Address:	247 MIRAFLORES DR, PALM BEACH FL 33480 3617			
Last Sale:	MAY-2017	Book/Page#:	29122 / 1536	Price: \$2,900,000
Property Use Code:	0000 - VACANT	Zoning:	R-B - Low Density Residential (50-PALM BEACH)	
Legal Description:	EL PARAISO LTS 14 & 15	Total SF:	0	Acres 0.2819

2022 Values (Current)**2022 Taxes**

Improvement Value	\$0	Ad Valorem	\$57,129
Land Value	\$4,727,800	Non Ad Valorem	\$907
Total Market Value	\$4,727,800	Total Tax	\$58,036
Assessed Value	\$2,930,898	2023 Qualified Exemptions	
Exemption Amount	\$0	No Details Found	
Taxable Value	\$2,930,898	Applicants	
		No Details Found	

All values are as of January 1st each year.

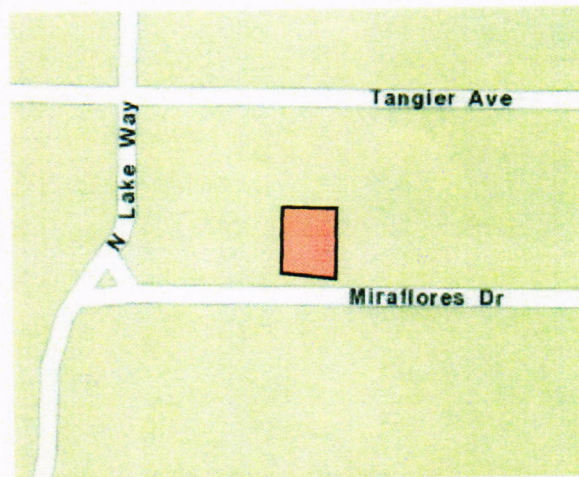
Building Footprint (Building 0)**Subarea and Square Footage (Building 0)**

Description	Area	Sq. Footage
Extra Features		
Description	Year Built	Unit
No Extra Feature Available		

No Image Found

Structural Details (Building 0)

Description

MAP

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 14, 2023

Section of Agenda

TIME EXTENSIONS, WAVIERS, & THREE STRIKE MATTERS

Agenda Title

991 N Lake Way - Time Extension

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **PZB Staff Memorandum w/Attachments**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 14, 2022

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 Building Permit Extension at 991 N. Lake Way

Date: May 31, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from Ross Schnitzer of Sciamé Homes, regarding a time extension in which to complete the renovations of an existing two-story house, with a new detached accessory building and site modifications; and extend the permit duration until March 15, 2024.

GENERAL INFORMATION

Work on the house began in December 2017, with interior demolition, and then became a full interior and exterior remodel project in May of 2018. The original contractor was The Protinus Corporation. The original permit was valid for 30 months and expired on May 14, 2020. Work continued until stopped by the Town. The property was sold in April of 2021. 991 N Lake Way Trust, Krasker Paul A TR is the current owner. This owner changed the primary contractor to Seabreeze Building, LLC in June of 2021, then to Sciamé Homes in May of 2022.

The owner made a request for a permit extension last year, which was approved by the Town Council. That request was made and approved on May 12, 2022, and extended the permit until June 13, 2023.

Mr. Schnitzer is requesting additional time (about ten months) to complete the project. The primary reasons for the time delay and required extension relate to the change in ownership, major design changes, supply chain issues, and budget changes.

Staff supports the request, based upon the details provided by the applicant. Please note that this total project will run six years and four months in duration.

Attachments: Letter from Ross Schnitzer, received May 31, 2022
Permit Summary for the Property
Property Appraiser Details
April 11, 2022 Staff Memo

Sciame
HOMES

CGC 1521888

RECEIVED

MAY 31 2023

TOWN OF PALM BEACH
PZB DEPARTMENT

The Town of Palm Beach
Att: Mr. Wayne Bergman, Director
360 South County Road
Palm Beach, FL 33480
Master Permit Number:

Dear Mr. Bergman,

I am writing to request an extension of our permit for the project located at 991 N. Lake Way Palm Beach- Master Permit Number B-17-69153.

Our request for extension is due to numerous factors. Sciame Homes took this project over from another contractor in May 2022 and there was nearly no work completed. Supply chain issues, change in ownership, major design revision, and budget changes have all contributed to project delays. We are, however, committed to completing this project in a timely manner and anticipate having the Temporary CO by 3/15/2024. The previous extension to June 13th, 2023 was made prior to Sciame Homes' involvement on this project.

Please contact me with any questions or further information you require to accompany this request at 561-318-5048 (office) / 914-274-0245 (mobile) or via email rschnitzer@sciame.com.

Sincerely,



Ross Schnitzer
Project Manager

Sciame Homes
CGC152188

Permit number	Permit type	Master permit ID	Permit type name	Permit description	Permit Address	Customer Nu	Customer	Customer Last Name	Application - v	Issue date	Expiration date	Approval state
B-23-99007	b-e01		E-ELECTRICAL	TEMPORARY POWER POLE	991 N LAKE WAY	602401		FRESHWATER & SON'S ELECTRIC LLC	4/28/2023		10/25/2023	pending
B-23-98602	b-r03		FEE CHARGE	CHANGE OF PROEPRTY ADDRESS	991 N LAKE WAY	606835		MICHAEL D RAPOPORT	4/3/2023	4/25/2023	4/25/2023	final
U-23-12626	u-p05	449933	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING Parking Attendant: Jeffrey Pereira - (646) 509-6498	991 N LAKE WAY	603023		SCIAME HOMES LLC	3/31/2023	4/3/2023	4/3/2023	issued
U-23-12627	u-p05	449933	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING Parking Attendant: Jeffrey Pereira - (646) 509-6498	991 N LAKE WAY	603023		SCIAME HOMES LLC	3/31/2023	4/3/2023	4/3/2023	issued
U-23-12628	u-p05	449933	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING Parking Attendant: Jeffrey Pereira - (646) 509-6498	991 N LAKE WAY	603023		SCIAME HOMES LLC	3/31/2023	4/3/2023	4/3/2023	issued
A-23-02853	a-a01		A-ARCOM STAFF APPROVAL	ARCOM STAFF APPROVAL LANDSCAPE AND HARDSCAPE REVISIONS . INCLUSION OF GENERATOR AND ENCLOSURE.	991 N LAKE WAY	603092		NIEVERA WILLIAMS DESIGN INC	3/9/2023	3/31/2023	3/3/2024	final
U-22-12162	u-p05	396105	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	991 N LAKE WAY	603023		SCIAME HOMES LLC	12/29/2022	1/9/2023	1/9/2023	final
U-22-12163	u-p05	396105	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	991 N LAKE WAY	603023		SCIAME HOMES LLC	12/29/2022	1/9/2023	1/9/2023	final
U-22-12164	u-p05	396105	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	991 N LAKE WAY	603023		SCIAME HOMES LLC	12/29/2022	1/9/2023	1/9/2023	final
U-22-11448	u-p02	396105	U-USE OF/WORK IN ROW	CONSTRUCTION DELIVERIES IN FRONT AND BACK OF HOUSE [10/17, 10/28, 11/9, 11/16]	991 N LAKE WAY	603023		SCIAME HOMES LLC	10/5/2022	11/7/2022	2/5/2023	final
U-22-10988	u-p02	396105	U-USE OF/WORK IN ROW	USE OF- CONSTRUCTION DELIVERIES IN FRONT AND BACK OF HOU	991 N LAKE WAY	603023		SCIAME HOMES LLC	8/19/2022	9/14/2022	12/13/2022	final
U-22-10989	u-p05	396105	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	991 N LAKE WAY	603023		SCIAME HOMES LLC	8/19/2022	8/24/2022	8/24/2022	final
U-22-10990	u-p05	396105	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	991 N LAKE WAY	603023		SCIAME HOMES LLC	8/19/2022	8/24/2022	8/24/2022	final
U-22-10991	u-p05	396105	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	991 N LAKE WAY	603023		SCIAME HOMES LLC	8/19/2022	8/24/2022	8/24/2022	final
U-22-10563	u-p02	396105	U-USE OF/WORK IN ROW	USE OF ROW FOR CONSTRUCTION DELIVERIES IN FRONT AND BAC K OF HOUSE	991 N LAKE WAY	603023		SCIAME HOMES LLC	7/18/2022	8/8/2022	11/6/2022	final
U-22-10059	u-p05	396105	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	991 N LAKE WAY	603023		SCIAME HOMES LLC	5/23/2022	6/1/2022	6/1/2022	final
U-22-10060	u-p05	396105	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	991 N LAKE WAY	603023		SCIAME HOMES LLC	5/23/2022	6/1/2022	6/1/2022	final
U-22-10061	u-p05	396105	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	991 N LAKE WAY	603023		SCIAME HOMES LLC	5/23/2022	6/1/2022	6/1/2022	final
U-22-10043	u-p02	396105	U-USE OF/WORK IN ROW	USE OF- CONSTRUCTION DELIVERIES	991 N LAKE WAY	603023		SCIAME HOMES LLC	5/20/2022	5/31/2022	8/29/2022	final
B-22-94598	b-r02	396105	R-CHANGE OF CONTRACTOR/QUALIFIER	CHANGE OF CONTRACTOR FROM SEABREEZE BUILDING TO SCIAME HOMES LLC	991 N LAKE WAY	603023		SCIAME HOMES LLC	5/12/2022	5/12/2022	5/12/2022	final
B-22-94599	b-r02	399749	R-CHANGE OF CONTRACTOR/QUALIFIER	*****PRIVATE PROVIDER *****CHANGE OF CONTRACTOR FROM S EABREEZE BUILDING TO SCIAME HOMES	991 N LAKE WAY	603023		SCIAME HOMES LLC	5/12/2022	5/12/2022	5/12/2022	final
B-21-91419	b-p05		P-SITE WORK	INSTALL 1" BACKFLOW	991 N LAKE WAY	601161		KCL HOLDINGS INC	10/1/2021	10/8/2021	4/6/2022	issued
U-21-07668	u-p01		U-DEWATERING	DRAIN POOL	991 N LAKE WAY	600105		BROSSEITS POOL PLUMBING IN	6/29/2021	7/7/2021	9/5/2021	final
B-21-89709	b-r02	411505	R-CHANGE OF CONTRACTOR/QUALIFIER	CHANGE OF CONTRACTOR FROM ELECTRICAL AND LIGHTING TO E LECTRICAL SPECIALTY	991 N LAKE WAY	534530		ELECTRICAL SPECIALTY SERVICE S	6/17/2021	6/17/2021	6/17/2021	final
B-21-89710	b-r02	400918	R-CHANGE OF CONTRACTOR/QUALIFIER	CHANGE OF CONTRACTOR FROM ELECTRICAL AND LIGHTING TO E LECTRICAL SPECIALTY	991 N LAKE WAY	534530		ELECTRICAL SPECIALTY SERVICE S	6/17/2021	6/17/2021	6/17/2021	final
B-21-89671	b-r02	396105	R-CHANGE OF CONTRACTOR/QUALIFIER	*****PRIVATE PROVIDER *****CHANGE OF CONTRACTOR- THE PR OTINUS CORPORATION TO SEABREEZE BUILDING LLC	991 N LAKE WAY	603439		SEABREEZE BUILDING LLC	6/15/2021	6/15/2021	6/15/2021	final
B-21-89672	b-r02	399749	R-CHANGE OF CONTRACTOR/QUALIFIER	*****PRIVATE PROVIDER *****CHANGE OF CONTRACTOR CHRIST OPHER J FURLO PER SEABREEZE BUILDING	991 N LAKE WAY	603439		SEABREEZE BUILDING LLC	6/15/2021	6/15/2021	6/15/2021	final
B-20-82836	b-r04	400918	R-PERMIT UPDATE-CHG OF PLANS & VALUE/CORRECTION	UPDATE - CHANGE OF PLANS/VALUE - ELECTRICAL MAIN POWER T O RISER	991 N LAKE WAY	604562		ELECTRICAL AND LIGHTING DESI GN LLC	1/10/2020	1/24/2020	7/22/2020	final
B-19-82743	b-s11		S-SITE WORK/DRAINAGE	BUILD A SITE WALL, DEMO EXISTING SITE WALL, HARDSCAPE	991 N LAKE WAY	605465		GREENVIEW CONSTRUCTION LL	12/30/2019	3/4/2020	6/13/2023	issued
A-19-00596	a-a01	409536	A-ARCOM STAFF APPROVAL	MODIFICATION OF WINDOW FENESTRATION ON WEST AND SOUT H ELEVATION. NEW RETRAINING WALL & GATE. UPDATED HARDSC	991 N LAKE WAY	604514		SKA ARCHITECT & PLANNER INC	8/5/2019		7/30/2020	canceled
B-19-78794	b-e01	396105	E-ELECTRICAL	TEMPORARY POWER	991 N LAKE WAY	604562		ELECTRICAL AND LIGHTING DESI GN LLC	4/18/2019	4/19/2019	6/13/2023	issued
B-19-78354	b-p05	396105	P-SITE WORK	SUB- PLUMBING SITEWORK- BACKFLOW INSTALL 1"	991 N LAKE WAY	602250		DIMARTINO PLUMBING INC	3/25/2019	3/26/2019	6/13/2023	issued
B-19-78355	b-g01	396105	G-GAS	SUB- GAS- NEW GAS LINES	991 N LAKE WAY	602250		DIMARTINO PLUMBING INC	3/25/2019	3/26/2019	6/13/2023	issued
B-19-77984	b-r04	400918	R-PERMIT UPDATE-CHG OF PLANS & VALUE/CORRECTION	PERMIT UPDATE- ADD LOW VOLTAGE- PER RED LINE PLANS.	991 N LAKE WAY	604562		ELECTRICAL AND LIGHTING DESI GN LLC	2/27/2019	3/5/2019	9/1/2019	final
A-19-00336	a-a01	396105	A-ARCOM STAFF APPROVAL	MODIFICATION OF WINDOW FENESTRATION ON WEST AND SOUTH ELEVATIONS. NEW RETAINING WALL AND GATE. UPDATED HARDSC	991 N LAKE WAY	604514		SKA ARCHITECT & PLANNER INC	2/7/2019		2/2/2020	final
B-18-75860	b-p01	396105	P-PLUMBING	SUB PLUMBING FOR HOUSE REMODEL	991 N LAKE WAY	602250		DIMARTINO PLUMBING INC	10/12/2018	10/15/2018	6/13/2023	issued
A-18-00082	a-a01	396105	A-ARCOM STAFF APPROVAL	***** STATUS IS "FINAL" ***** APPROVAL OF MINOR WINDOW & DOOR MODIFICATIONS	991 N LAKE WAY	604658		CHRISTOPHER J FURLO / OWNE R BUILDER	8/20/2018		8/15/2019	pending
B-18-74549	b-b10	396997	B-ROOF REPAIR/RE-ROOF	PER DISCHARGE LETTER ATTACHED. TAKING OVER PREVIOUS CON TRACTOR CODE RED ROOFERS INC. SEE PREVIOUS PERMIT B18-69 721 FOR INSPECTION HISTORY. REROOF-REMOVE EXISTING ROOF MATERIAL, RENAIL TO CODE INS	991 N LAKE WAY	604855		AMERICAN ONE ROOFING CON STRUCTION AND RESTORATION INC	8/17/2018	9/24/2018	6/11/2019	final
B-18-74258	b-r01	396105	R-REVISION	REVISION- BUILDING- MOVING INTERIOR WALLS EFFECTS ALL TRA DES. SWAPPING OUT DOOR AND WINDOW.	991 N LAKE WAY	604658		CHRISTOPHER J FURLO / OWNE R BUILDER	8/8/2018	10/10/2018	8/8/2018	final
U-18-01584	u-p05	396105	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	991 N LAKE WAY	604658		CHRISTOPHER J FURLO / OWNE R BUILDER	7/12/2018	11/5/2018	11/5/2018	final
U-18-01585	u-p05	396105	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	991 N LAKE WAY	604658		CHRISTOPHER J FURLO / OWNE R BUILDER	7/12/2018	11/5/2018	11/5/2018	final
U-18-01586	u-p05	396105	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	991 N LAKE WAY	604658		CHRISTOPHER J FURLO / OWNE R BUILDER	7/12/2018		7/12/2018	canceled

Count: 56

Filter is Empty

Permit Browse Town of Palm Beach

Permit number	Permit type	Master permit ID	Permit type name	Permit description	Permit Address	Customer Nu	Customer	Customer Last Name	Application	Issue date	Expiration date	Approval state
B-18-72287	b-e01	396105	E-ELECTRICAL	SUB- ELECTRIC- REWIRE HOUSE AS PER ELECTRICAL PLANS	991 N LAKE WAY	604562		ELECTRICAL AND LIGHTING DESIGN LLC	5/31/2018	6/4/2018	6/13/2023	issued
B-18-71859	b-m01	396105	M-MECHANICAL	SUB MECHANICAL- INSTALLATION OF A/C EQUIPMENT AND DUCT WORK PER PLAN.	991 N LAKE WAY	505185		DEN AIR AIR CONDITIONING INC	5/14/2018	5/15/2018	6/13/2023	issued
F-18-02834	f-f01	400254	F-FIRE RESCUE STANDARD	HOT WORKS	991 N LAKE WAY	505185		DEN AIR AIR CONDITIONING INC	5/14/2018	5/15/2018	5/10/2019	final
B-18-71503	b-f01	396105	F-FLOOD PLAIN DEVELOPMENT	*****PRIVATE PROVIDER *****SUB- FLOOD PLAIN	991 N LAKE WAY	604658		CHRISTOPHER J FURLO / OWNER BUILDER	5/1/2018	5/28/2018	6/13/2023	issued
B-18-70948	b-r04	396105	R-PERMIT UPDATE-CHG OF PLANS & VALUE/CORRECTION	DEMOLITION (INTERIOR KITCHEN & BATHROOMS)	991 N LAKE WAY	603563		THE PROTINUS CORPORATION	4/9/2018		10/6/2018	canceled
B-18-70949	b-r02	396105	R-CHANGE OF CONTRACTOR/QUALIFIER	TAKING OVER PERMIT PER LETTER ATTACHED FOR DEMOLITION (INTERIOR KITCHEN & BATHROOMS)	991 N LAKE WAY	604658		CHRISTOPHER J FURLO / OWNER BUILDER	4/9/2018	4/19/2018	4/19/2018	final
B-18-70951	b-r02	398405	R-CHANGE OF CONTRACTOR/QUALIFIER	TAKING OVER PER ATTACHED TRANSFER LETTER FOR A PERMIT UPDATE- INTERIOR/EXTERIOR REMODEL	991 N LAKE WAY	604658		CHRISTOPHER J FURLO / OWNER BUILDER	4/9/2018	4/19/2018	4/19/2018	final
B-18-70608	b-r04	396105	R-PERMIT UPDATE-CHG OF PLANS & VALUE/CORRECTION	PERMIT UPDATE- INTERIOR/EXTERIOR REMODEL	991 N LAKE WAY	603563		THE PROTINUS CORPORATION	3/22/2018	5/3/2018	10/30/2018	final
B-18-70027	b-r01	396997	R-REVISION	REVISION BUILDING - CHANGE IN SCOPE NO VALUE - CHANGE IN SYSTEM 2PLY MODIFY TO T.P.O	991 N LAKE WAY	601879		CODE RED ROOFERS INC	2/13/2018	2/15/2018	2/13/2018	final
B-18-69721	b-b10		B-ROOF REPAIR/RE-ROOF	REROOF-REMOVE EXISTING ROOF MATERIAL, RERAIL TO CODE INS TALL NEW TILE ROOF WITH FOAM	991 N LAKE WAY	601879		CODE RED ROOFERS INC	1/24/2018	2/2/2018	9/4/2018	canceled
B-17-69153	b-b02		B-RESIDENTIAL ALTERATION	DEMOLITION (INTERIOR KITCHEN & BATHROOMS)	991 N LAKE WAY	603563		THE PROTINUS CORPORATION	12/12/2017	12/15/2017	6/13/2023	issued
B-14-42133	b-r01	358741	R-REVISION	REVISION BUILDING - CHANGE THE STYLE OF A FEW WINDOWS TO MEET EGRESS LOOK WINDOWS STAYS THE SAME.	991 N LAKE WAY	601694		STORM TIGHT WINDOWS INC	7/28/2014	8/15/2014	7/28/2014	final
B-14-39706	b-b11		B-WINDOWS/DOORS/SHUTTERS/GARAGE DOORS	REPLACE OF 32 WINDOWS SAME FOR SAME	991 N LAKE WAY	601694		STORM TIGHT WINDOWS INC	4/28/2014	5/6/2014	11/2/2014	final
B-11-16358	b-m04		M-REPLACEMENT	A/C CHANGEOUT (2) RUUD SYSTEM 16 SEER. RHLLHM2417JA; 14AJ M24A01. 5KW	991 N LAKE WAY	542340		KYZAR AIR CONDITIONING INC	4/18/2011	4/19/2011	10/16/2011	final
Count: 56												
Filter by Tag(s):												

Property Detail

Parcel Control Number: 50-43-43-03-20-000-0460 Location Address: 991 N LAKE WAY
 Owners: 991 N LAKE WAY TRUST ,KRASKER PAUL A TR
 Mailing Address: 991 N LAKE WAY,PALM BEACH FL 33480 3254
 Last Sale: APR-2021 Book/Page#: 32456 / 1456 Price: \$9,422,539
 Property Use Code: 0100 - SINGLE FAMILY Zoning: R-B - Low Density Residential (50-PALM BEACH)
 Legal Description: EDEN PROPERTIES LT 46 Total SF: 7396 Acres 0.3305

2022 Values (Current)

Improvement Value \$4,399,214
 Land Value \$4,810,500
 Total Market Value \$9,209,714
 Assessed Value \$9,209,714
 Exemption Amount \$0
 Taxable Value \$9,209,714

All values are as of January 1st each year.

2022 Taxes

Ad Valorem \$142,705
 Non Ad Valorem \$1,091
 Total Tax \$143,796

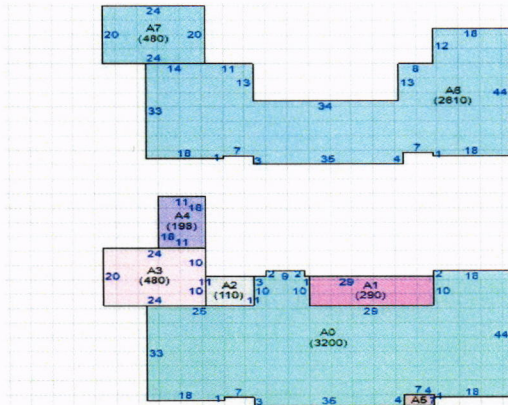
2023 Qualified Exemptions

No Details Found

Applicants

No Details Found

Building Footprint (Building 1)



Subarea and Square Footage (Building 1)

Description	Area	Sq. Footage
BAS Base Area	3200	
FGR Finished Garage	480	
FOP Finished Open Porch	28	
UOP Unfinished Open Porch	290	
UOP Unfinished Open Porch	110	
UST Unfinished Storage	198	
SFB Semi Finished Base Area	480	
FUS Finished Upper Story	2610	
Total Square Footage	7396	
Total Area Under Air	6290	

Extra Features

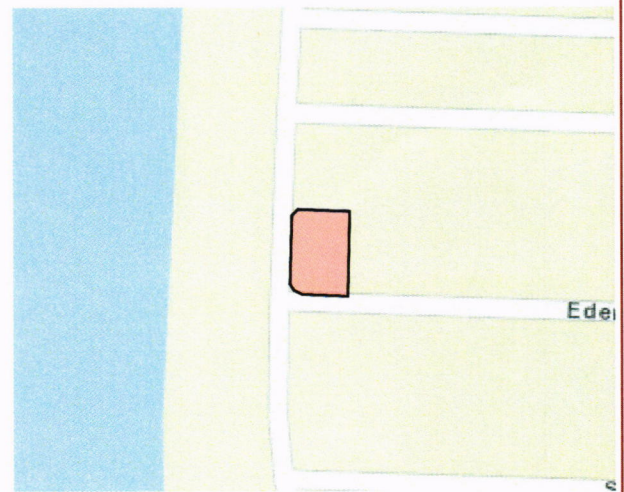
Description	Year Built	Unit
Wall	1945	1760
Pool - In-Ground	1945	1

Unit may represent the perimeter, square footage, linear footage, total number or other measurement.

Structural Details (Building 1)

Description	
1. Exterior Wall 1	MSY: CB STUCCO
2. Year Built	1945
3. Air Condition Desc.	HTG & AC
4. Heat Type	FORCED AIR DUCT
5. Heat Fuel	ELECTRIC
6. Bed Rooms	5
7. Full Baths	6
8. Half Baths	0
9. Exterior Wall 2	NONE
10. Roof Structure	GABLE/HIP
11. Roof Cover	ASPHALT/COMPOSITION
12. Interior Wall 1	PLYWOOD PNL.
13. Interior Wall 2	DRYWALL
14. Floor Type 1	CARPETING
15. Floor Type 2	CERAMIC/QUARRY TILE
16. Stories	2

MAP



TOWN OF PALM BEACH

Information for Town Council Meeting on: April 13, 2022

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 Building Permit Extension at 991 N. Lake Way

Date: April 11, 2022

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from Attorney M. Timothy Hanlon, regarding a time extension in which to complete the renovations of an existing two-story house, with a new detached accessory building and site modifications; and extend the permit duration until April 12, 2023 (one additional year from the date of possible Town Council approval).

GENERAL INFORMATION

Work on the house began in December 2017, with interior demolition, and then became a full interior and exterior remodel project in May of 2018. The original contractor was The Protinus Corporation. The original permit was valid for 30 months and expired on May 14, 2020. Work continued until stopped by the Town. The property was sold in April of 2021. 991 N Lake Way Trust, Krasker Paul A TR is the current owner. This owner changed the primary contractor to Seabreeze Building, LLC.

Mr. Hanlon is requesting additional time (one year from the date of Town Council approval), to complete the project. The primary reasons for the time delay and required extension relate to the change in ownership, architectural changes that were approved last month by Arcom, and supply and labor delays due to the Pandemic. The attached construction schedule provided show that the project should be completed in June of 2023, which differs from Mr. Hanlon's one year request by about two months.

Staff supports the request, based upon the details provided by the applicant. The applicant should explain the two month difference.

Attachments: Letter from Tim Hanlon, dated April 5, 2022
Construction Schedule
Permit Summary for the Property
Partial Minutes of the March 2022 Arcom meeting
Property Appraiser Details

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 14, 2023

Section of Agenda

TIME EXTENSIONS, WAVIERS, & THREE STRIKE MATTERS

Agenda Title

234 List Road - Three Strikes

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **PZB Staff Memorandum with Attachments**
- ▣ **Email with Photos from Violation**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 14, 2023

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: 234 List Road – Three Strikes & Stop Work Order

Date: June 2, 2023

FYI - This Memo is provided as Information to the Town Council

As you know, the Town has a “Three Strike Rule” for construction parking and construction site management. The regulations and process are found in the Town’s “Department of Public Works, Engineering Division, Standards Applicable to Public Rights-of-Way and Easements Within the Town of Palm Beach” (commonly called the Right-of Way-Manual), dated May 1994, as revised through November 8, 2022. Chapter XII, Miscellaneous Provisions, contains the details of the Three Strike rules. The regulations spell out the process in which contractors can secure parking permits, the fees for various violations, and the process that must occur once a contractor receives Three Strikes – three different sets of tickets for construction violations. The applicable pages of the Right of Way Manual are attached.

234 List Road recently reached the level of three (3) Strikes for construction-related violations. The prime contractor is Palmcorp Construction Services, Inc. Please refer to the attached letter dated June 2, 2023, for the details of the Three Strikes.

The regulations allow a time frame for the violator to appeal the ticket(s). In this case, since the third violation was issued by Public Works, any appeal of the last violation would have been filed with the Paul Brazil, Dir. Of Public Works. The contractor has not filed an appeal. The Planning, Zoning & Building Department will issue a STOP WORK ORDER for the construction project on June 8, 2023.

The contractor owes the Town \$750.00 in fees, plus any unpaid fines, at this time.

This is the first time that Palmcorp Construction Services has been before you with Three Strikes. Copies of all violations are attached.

The Town Council’s process for this matter is contained within the Public Works “Right of Way Manual”, as follows:

“When the Town Council receives a written request to lift a stop work order the Town Council shall have the power to admonish the contractor; take such action as deemed necessary to effect the stop work order on a permanent basis by nullifying the existing building permit; cause the contractor and/or property owner to enter into a binding agreement to memorialize the understandings between the Town and the contractor and/or property owner relative to all conditions placed upon the lifting of the stop work order, if applicable; establish penalties for future right-of-way violations the amount for which shall be in the sole discretion of the Town Council; collect the fine as outlined below, plus payment of any outstanding right-of-way fines and accumulated interest, as referenced herein below and to prohibit the issuance of any additional right-of-way permits for the duration of the work in question.

The fine for a third (3rd) strike shall be \$500; the fine and penalty for a fourth (4th) strike shall be a fine of \$2,500 and a mandatory thirty (30) day shutdown of the construction project; the fine and penalty for a fifth strike shall be a fine of \$5,000 and a mandatory thirty (30) day shutdown of the construction project, plus payment of any outstanding right of-way fines and accumulated interest unless the Town Council chooses to invoke the use of a binding agreement memorializing a penalty structure to be paid to the Town for all future right-of-way violations in excess of three (3) to be paid in accordance with the terms and conditions of the binding agreement between the Town and the contractor and/or property owner. All fines and penalties shall be paid in full prior to issuance of a Certificate of Occupancy for the construction associated with the activity that generated the fines, penalties, and interest.”

Any motion to resolve this matter should include “waiving the third strike” and “granting the ability for the contractor to apply for future right of way permits”.

Attachments: Copies of the Violations and Fines
Copy of the Pending Stop Work Order Notice
Copy of the Warning Notice
Copies of Fees Due

Cc: Paul Brazil, Director of Public Works
Police Chief Nicholas Caristo
Benjamin Alma, Civilian Div. Mgr.
Debby Moody



PalmCorp Construction Services, Inc.

June 2, 2023

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

RE: 234 List Road – Permit #B-22-96890

Dear Mr. Bergman:

Please be advised that I am requesting being placed on the June 13, 2023, Town Council agenda, to lift the “Stop Work” order being placed on the above referenced job. We have already paid the fines and application fees.

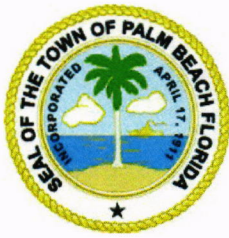
I appreciate your attention.

Sincerely,
PALMCORP CONSTRUCTION SERVICES, INC.

Russell Palmieri

Russell Palmieri
President

120 S Olive Avenue Suite 304 – West Palm Beach, FL 33401
PH: 561-429-4268 – Fax: 561-429-4302
info@palmieribuilder.com - www.palmcorpconstructionservices.com
CGC1508783 – CCC1327036



TOWN OF PALM BEACH

Planning, Zoning & Building Department

June 2, 2023

Via email & mail: info@palmieribuilder.com; palmieri329@yahoo.com; lamotte@northerntree.com

Palmcorp Construction Services, Inc.
% Russell Palmieri
1000 North US Hwy 1, Suite 617
Jupiter, FL 33477

Re: **STOP WORK ORDER PENDING** - 3-Strike Rule Citations – 234 List Road – B-22-96890

As you know, the Town of Palm Beach Standards Applicable to Public Rights-Of-Way And Easements Within The Town Of Palm Beach regulates the number of construction-related vehicles that can be parked on Town streets in conjunction with building project sites within the Town. Attached to all construction permits issued to a job is information regarding these regulations.

Your project has received **three citations, constituting three strikes**:

Strike 3 June 1, 2023 (PW-7050 – Inadequate Maintenance of Traffic, Failure to carry out permit terms/conditions)

Strike 2 April 5, 2023 (PW-7031 – Working in right-of-way without permit, Inadequate Maintenance of Traffic)

Strike 1 February 28, 2022 (PW-7016 – Working in right-of-way without permit, Inadequate Maintenance of Traffic)

Therefore, under the Town's rules (referred to as the "3-strike" rule), the Director of Public Works and Police Chief have notified the Planning, Zoning & Building Department of these violations, and requested that a **"Stop Work"** order be issued as allowed by Section 18-204 of Town Code.

Per Town Resolution No 001-2022, because you have received these strikes, fines are being imposed and are also payable immediately to the Town of Palm Beach. These fines are in addition to all right-of-way fines referenced above. Invoice # 83084 is attached.

An appeal to the Public Works Director needs to be submitted in writing within 7 days. If an appeal is denied or is not filed in a timely fashion, a "Stop Work" order will be issued by the Building Official effective the end of the working day June 8, 2023. After that date, no work may be performed at the site under any permits issued by the Town of Palm Beach.

Post Office Box 2029 * 360 South County Road * Palm Beach, FL 33480 * (561) 838-5430

All requests to lift a **“Stop Work”** order would need to be decided by the Town Council. The next Town Council meeting date is Tuesday, June 13, 2023. In order for this item to be considered at that meeting, you would need to submit a written request to me no later than **Wednesday, June 7, 2023, prior to 5:00 PM.**

Truly yours,

Wayne Bergman

Wayne Bergman
Director, Planning, Zoning & Building Department

cc: Valley Property Management LLC, 234 List Rd, Palm Beach, FL 33480
K. Blouin, Town Manager
H. Paul Brazil, Public Works Director
Nicholas Caristo, Police Chief
Benjamin Alma, Parking and Code Enforcement Manager



TOWN OF PALM BEACH
Finance Department
360 South County Road
PO Box 2029
Palm Beach, FL 33480
(561) 838-5444

INVOICE

83084

Page 1 of 1

DATE	06/02/2023
ACCOUNT	MI-000347
AMT DUE	500.00

PALMCORP CONSTRUCTION SERVICES
1000 NORTH US HWY 1
617
JUPITER, FL 33477

AMOUNT PAID _____



PAY YOUR STATEMENT ONLINE AT: [HTTPS://TOWNOFPALMBEACH.COM/EDENAR](https://townofpalmbeach.com/EDENAR)

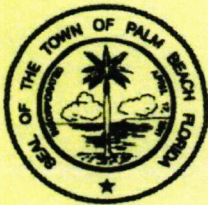
TOWN OF PALM BEACH

MAKE CHECKS PAYABLE TO TOWN OF PALM BEACH
PLEASE DETACH AND RETURN WITH YOUR REMITTANCE

DESCRIPTION	AMOUNT
FINE 3-STRIKE RULE STRIKE 3 Fine for Strike 3 234 List Rd	500.00
Total Amount Due:	500.00
ACCOUNT NO. MI-000347	PAYABLE UPON RECEIPT 500.00

Please Remit to: TOWN OF PALM BEACH
Finance Department
360 South County Road
PO Box 2029
Palm Beach, FL 33480

Pay your Statement online at: <https://TownofPalmBeach.com/EDENAR>
Log in or Register as a New User and connect to your account by entering your Account No and Invoice number.



PW- 7050

**PUBLIC WORKS DEPARTMENT
(561) 838-5440****R.O.W. VIOLATION NOTICE**NAME: Palmcorp Construction DATE: 6.01.23JOB ADDRESS: 234 1st Rd

- | | |
|--|--------------------------------|
| ☐ Working in right-of-way without permit | \$ 150 X _____ = _____ |
| ☐ Failure to have permit on job | \$ 150 X _____ = _____ |
| ☐ Construction parking without permit* | \$ 150 X _____ = _____ |
| 1 st = \$150 2 nd = \$250 and thereafter = \$500 | |
| ☒ Inadequate Maintenance of Traffic | \$ 150 X <u>1</u> = <u>150</u> |
| ☐ Right-of-way littered by site dirt or debris | \$ 150 X _____ = _____ |
| ☐ Failure to maintain safe sidewalk | \$ 150 X _____ = _____ |
| ☒ Failure to carry-out permit terms/conditions | \$ 150 X <u>1</u> = <u>150</u> |
| ☐ Storage of materials in right-of-way | \$ 150 X _____ = _____ |
| ☐ Use of right-of-way as work area | \$ 150 X _____ = _____ |
| ☐ Damage to infrastructure in right-of-way | \$ 150 X _____ = _____ |
| ☐ Dewatering without a permit | \$ 150 X _____ = _____ |
| ☐ Illegal discharges to Town sewers** | \$ 500 X _____ = _____ |
| ☐ Other _____ | \$ _____ X _____ = _____ |
| ☐ 2nd and added days of violation, double fine | \$ _____ X _____ = _____ |

TOTAL FINE: 300

Total fine to be paid within 10 working days to: Town of Palm Beach, Finance Dept., PO Box 2029, Palm Beach, FL 33480, may also be paid in person at 360 S. County Road, Palm Beach, FL 33480. Please attach a copy of this violation with payment, check must reference violation number. No further permits will be issued until fine is paid. Should you wish to contest this violation call the Public Works Office at 561-838-5440.

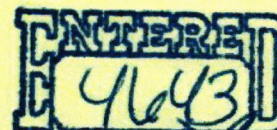
* Parking violations are per vehicle per day. Parking placard must be displayed in vehicle.

** Fine plus clean-up cost.

*** Includes but not limited to:

Dumpster in Right of Way - \$100 per incident.

Right of Way restoration - \$30 per day until restored.

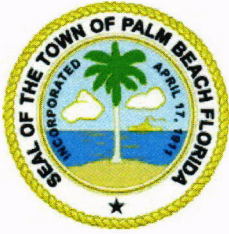


ISSUER _____

white/violator

yellow/PW

pink/issuer



TOWN OF PALM BEACH

Planning, Zoning & Building Department

April 7, 2023

Via email & mail: info@palmieribuilder.com; lamotte@northerntree.com

Palmcorp Construction Services, Inc.
% Russell Palmieri
1000 North US Hwy 1, Suite 617
Jupiter, FL 33477

Re: **Warning Notice** Construction Parking & Construction Site Management Citations – 234 List Road – B-22-96890

On April 5, 2023, you received a citation for violations of the “3-Strike Rule”, which regulates the number of construction-related vehicles that can be parked on Town streets and construction site management. These regulations are contained in the Town of Palm Beach Standards Applicable to Public Rights-Of-Way And Easements Within The Town Of Palm Beach and information regarding these regulations is attached to all construction permits issued to a job site.

If three citations are received, the Chief of Police or the Director of Public Works may notify the Planning, Zoning & Building Department of these violations, and request that a “**Stop Work**” order be issued as allowed by Section 18-204 of Town Code (referred to as the “3-strike” rule).

Your project has received **two citations, constituting two strikes**:

Strike 2 April 5, 2023 (PW-7031 – Working in right-of-way without permit, Inadequate Maintenance of Traffic)

Strike 1 February 28, 2022 (PW-7016 – Working in right-of-way without permit, Inadequate Maintenance of Traffic)

Also, per Town Resolution No. 001-2022, because you have received two strikes, fines in the amount of \$250.00 are being imposed and is payable immediately to the Town of Palm Beach. This fine is in addition to all right-of-way fines referenced above. See attached Invoice # 82741.

This is to notify you that if you receive another citation, under the Town’s rules a “Stop Work” order will be issued by this Department and additional fines shall be imposed. Please note that if a “Stop Work” order is issued by the Building Official, no work may be performed at the site under any permits issued by the Town of Palm Beach, until the Town Council determines if and under what conditions the work may proceed.

Post Office Box 2029 * 360 South County Road * Palm Beach, FL 33480 * (561) 838-5431

Your cooperation in observing the construction regulations of the Town will assist in ensuring that your job proceeds without disruption.

Sincerely,

Wayne Bergman

Wayne Berman
Director, Planning, Zoning & Building Department

cc: Valley Property Management LLC, 234 List Rd, Palm Beach, FL 33480
Kirk Blouin, Town Manager
H. Paul Brazil, Public Works Director
Nicholas Caristo, Police Chief
Benjamin Alma, Support Services Manager



TOWN OF PALM BEACH
Finance Department
360 South County Road
PO Box 2029
Palm Beach, FL 33480
(561) 838-5444

INVOICE

82741

Page 1 of 1

DATE	04/07/2023
ACCOUNT	MI-000347
AMT DUE	250.00

PALMCORP CONSTRUCTION SERVICES
1000 NORTH US HWY 1
617
JUPITER, FL 33477

AMOUNT PAID _____



PAY YOUR STATEMENT ONLINE AT: [HTTPS://TOWNOFPALMBEACH.COM/EDENAR](https://townofpalmbeach.com/EDENAR)

TOWN OF PALM BEACH

MAKE CHECKS PAYABLE TO TOWN OF PALM BEACH
PLEASE DETACH AND RETURN WITH YOUR REMITTANCE

DESCRIPTION	AMOUNT
FINE 3-STRIKE RULE STRIKE 2 Fine for Strike 2 234 List Road	250.00
Total Amount Due:	250.00
ACCOUNT NO. MI-000347	PAYABLE UPON RECEIPT 250.00

Please Remit to: TOWN OF PALM BEACH
Finance Department
360 South County Road
PO Box 2029
Palm Beach, FL 33480

Pay your Statement online at: <https://TownofPalmBeach.com/EDENAR>
Log in or Register as a New User and connect to your account by entering your Account No and Invoice number.



Equipment broke down
blocking neighbor
PUBLIC WORKS DEPARTMENT
(561) 838-5440

PW- **7031**

R.O.W. VIOLATION NOTICE

NAME: *Palmco Construction* DATE: *4.05.23*

JOB ADDRESS: *234 List Rd*

- | | |
|--|--|
| ☐ Working in right-of-way without permit | \$ 150 X <u><i>1</i></u> = <u><i>150</i></u> |
| ☐ Failure to have permit on job | \$ 150 X _____ = _____ |
| ☐ Construction parking without permit* | \$ 150 X _____ = _____ |
| 1 st = \$150 2 nd = \$250 and thereafter = \$500 | |
| ☐ Inadequate Maintenance of Traffic | \$ 150 X <u><i>1</i></u> = <u><i>150</i></u> |
| ☐ Right-of-way littered by site dirt or debris | \$ 150 X _____ = _____ |
| ☐ Failure to maintain safe sidewalk | \$ 150 X _____ = _____ |
| ☐ Failure to carry-out permit terms/conditions | \$ 150 X _____ = _____ |
| ☐ Storage of materials in right-of-way | \$ 150 X _____ = _____ |
| ☐ Use of right-of-way as work area | \$ 150 X _____ = _____ |
| ☐ Damage to infrastructure in right-of-way | \$ 150 X _____ = _____ |
| ☐ Dewatering without a permit | \$ 150 X _____ = _____ |
| ☐ Illegal discharges to Town sewers** | \$ 500 X _____ = _____ |
| ☐ Other _____ | \$ _____ X _____ = _____ |
| ☐ 2nd and added days of violation, double fine | \$ _____ X _____ = _____ |

Loading equipment in Road
TOTAL FINE: *300*

Total fine to be paid within 10 working days to: Town of Palm Beach, Finance Dept., PO Box 2029, Palm Beach, FL 33480, may also be paid in person at 360 S. County Road, Palm Beach, FL 33480. Please attach a copy of this violation with payment, check must reference violation number. No further permits will be issued until fine is paid. Should you wish to contest this violation call the Public Works Office at 561-838-5440.

* Parking violations are per vehicle per day. Parking placard must be displayed in vehicle.

** Fine plus clean-up cost.

*** Includes but not limited to:

Dumpster in Right of Way - \$100 per incident.

Right of Way restoration - \$30 per day until restored.

ISSUER *[Signature]*

white/violator

yellow/PW

pink/issuer



PW- 7016

PUBLIC WORKS DEPARTMENT
(561) 838-5440

R.O.W. VIOLATION NOTICE

NAME: JLU P. Inc / Palmcorp DATE: 2.28.23JOB ADDRESS: 234 Lint Rd.

- | | |
|--|--------------------------------|
| ☐ Working in right-of-way without permit | \$ 150 X <u>1</u> = <u>150</u> |
| ☐ Failure to have permit on job | \$ 150 X _____ = _____ |
| ☐ Construction parking without permit* | \$ 150 X _____ = _____ |
| 1 st = \$150 2 nd = \$250 and thereafter = \$500 | |
| ☐ Inadequate Maintenance of Traffic | \$ 150 X <u>1</u> = <u>150</u> |
| ☐ Right-of-way littered by site dirt or debris | \$ 150 X _____ = _____ |
| ☐ Failure to maintain safe sidewalk | \$ 150 X _____ = _____ |
| ☐ Failure to carry-out permit terms/conditions | \$ 150 X _____ = _____ |
| ☐ Storage of materials in right-of-way | \$ 150 X _____ = _____ |
| ☐ Use of right-of-way as work area | \$ 150 X _____ = _____ |
| ☐ Damage to infrastructure in right-of-way | \$ 150 X _____ = _____ |
| ☐ Dewatering without a permit | \$ 150 X _____ = _____ |
| ☐ Illegal discharges to Town sewers** | \$ 500 X _____ = _____ |
| ☐ Other _____ | \$ _____ X _____ = _____ |
| ☐ 2nd and added days of violation, double fine | \$ _____ X _____ = _____ |

Concrete truck staging
on V.A. Marita

TOTAL FINE: 300

Total fine to be paid within 10 working days to: Town of Palm Beach, Finance Dept., PO Box 2029, Palm Beach, FL 33480, may also be paid in person at 360 S. County Road, Palm Beach, FL 33480. Please attach a copy of this violation with payment, check must reference violation number. No further permits will be issued until fine is paid. Should you wish to contest this violation call the Public Works Office at 561-838-5440.

* Parking violations are per vehicle per day. Parking placard must be displayed in vehicle.

** Fine plus clean-up cost.

*** Includes but not limited to:

Dumpster in Right of Way - \$100 per incident.

Right of Way restoration - \$30 per day until restored.

ISSUER: [Signature]

white/violator

yellow/PW

pink/issuer

From: [Patricia Strayer](#)
To: [Antonette Fabrizi](#)
Subject: FW: 234 List Rd - Citation
Date: Monday, June 05, 2023 8:27:31 AM
Attachments: [234 List Rd - ROW CITATION.pdf](#)

Patricia

Patricia Strayer, PE
Town Engineer

Town of Palm Beach
Public Works Department
951 Okeechobee Road
West Palm Beach, FL 33401
(O) 561.227.7056
(C) 561.339.7309

From: Paul Burgoon <pburgoon@TownOfPalmBeach.com>
Sent: Thursday, June 01, 2023 2:19 PM
To: tommorsefishing <tommorsefishing@aol.com>
Cc: Patricia Strayer <PStrayer@TownofPalmBeach.com>
Subject: 234 List Rd - Citation

Good afternoon Tom,

After reviewing the submitted right-of-way application and the pictures of the multiple concrete trucks lining the street unfortunately a citation must be issued. When the Town approves a right-of-way request there is an expectation that the work will be executed properly, safely, and per plan. It is the responsibility of the contractor to monitor all the activities to ensure they are done per plan. I spoke with Ryan in regards to the site dirt being tracked into the roadway and was informed he is working on that now. Please keep the roadway clean at all times. Telling the Town's code enforcement that you clean the mess up at the end of every day is not an acceptable means of erosion control. Please see the attached citation and inform your subs of the construction 3-strike rule.





Thank you,
Paul Burgoon
Construction & Right-of-Way Manager

Town of Palm Beach
Public Works Department
951 Okeechobee Road
West Palm Beach, FL 33401
(O) 561.227.7023

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 14, 2023

Section of Agenda

Ordinances - First Reading

Agenda Title

Amendment to the Special Exception Clause in the Commercial Districts Related to Business Tax Receipts (BTRs) and Non-Conforming Permitted Uses

-

Ordinance No. 009-2023: An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 114 Taxation, Article II, Local Business Tax, at Section 114-43 Schedule, so as to Amend the Fees Delineated for each Business, Profession or Occupation; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing for an Effective Date.

Presenter

ATTACHMENTS:

- ▣ **PZB Staff Memorandum with Draft Ordinance No. 009-2023**

TOWN OF PALM BEACH

Information for Town Council Meeting on:

June 14, 2023

To: Mayor and Town Council Members, Serving as the Local Planning Agency & Town Council

Via: Kirk W. Blouin, Town Manager

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

Re: Amendment to the Special Exception Clause in the Commercial Districts Related to Business Tax Receipts (BTRs) and Non-Conforming Permitted Uses
Ordinance No. 009-2023

Date: June 14, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the ordinance on first reading accepting the preliminary findings of the proposed Code language related the Special Exception clause in the commercial districts related to Business Tax Receipts (BTRs) and non-conforming permitted uses.

BOARD OR COMMISSION RECOMMENDATION

On April 27, 2023, the Planning and Zoning Commission recommended Ordinance No. 009-2023, attached as Exhibit A, move forward to first and second reading with the addition of a maximum square footage cap for like for like uses that would not be required to obtain a Special Exception approval in order to obtain a Business Tax Receipt (BTR). The proposed Code language does not apply to restaurants, nightclubs, bar/lounges, cafés, dining rooms or outdoor cafés.

GENERAL INFORMATION

Currently, in order to obtain a BTR for a new business where that use has already been approved as a Special Exception in that zoning district, requires the new tenant to repeat the public hearing process for Special Exception Approval by the Town Council. This requirement is repetitive and cumbersome. Data was conducted into current square footage of retail businesses in determining a maximum square footage limitation. In addition, for informational purposes, research traced the background of the adopting ordinances which established the commercial zoning districts and provided for Special Exception Approval for all new businesses in order to obtain a new occupational license (See Exhibit B).

Staff is proposing to streamline the procedure from the affected commercial districts within the Zoning Code for retail, personal services, office, professional and business services, banks, and other financial institutions by removing the requirement that the tenant apply for a new Special

Page | 1

Exception. The proposed language does not apply to any space that is in excess of 6,000 square feet of gross leasable area (GLA) in the C-TS, C-PC, and C-B districts; and any space that is in excess of 8,000 square feet of GLA in the C-WA district. This allowance will not be granted to restaurants, bars, nightclubs, bar/lounges, cafés, dining rooms or outdoor cafés. Should a new restaurant, nightclub, bar/lounge, café, dining room or outdoor café application be submitted, Town Council review and approval will remain required.

TOWN ATTORNEY REVIEW

The subject code amendment has been reviewed and approved for legal form and sufficiency.

Attachment: Proposed Ordinance No. 009-2023
Research Backup

cc: James Murphy, Assistant Planning Director
Jennifer Hofmeister-Drew, Planner III, AICP

ORDINANCE NO. 009-2023

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING, ARTICLE VI, DISTRICT REGULATIONS, DIVISION 8, C-TS TOWN-SERVING COMMERCIAL DISTRICT, SECTION 134-1107, PERMITTED USES, SECTION 134-1109, SPECIAL EXCEPTION USES; DIVISION 9, C-WA WORTH AVENUE COMMERCIAL DISTRICT, SECTION 134-1157, PERMITTED USES, SECTION 134-1159, SPECIAL EXCEPTION USES; DIVISION 11, C-PC PLANNED CENTER DISTRICT, SECTION 134-1257, PERMITTED USES, SECTION 134-1259, SPECIAL EXCEPTION USES; DIVISION 12, C-B COMMERCIAL DISTRICT, SECTION 134-1304, SPECIAL EXCEPTION USES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Chapter 134, Zoning Article VI, District Regulations, Division 8, C-TS Town-Serving Commercial District, is hereby amended as follows:

Sec. 134-1107. - Permitted uses.

(b) Regulation of existing nonconforming commercial uses. Any existing uses contained on the list of permitted uses shown in subsection (a) of this section which contain more than 3,000 square feet of gross leasable area (GLA) shall be classified as existing nonconforming uses under article VI of this chapter pertaining to nonconforming uses.

(1) ~~However, All future changes of use shall be limited to those uses listed as permitted uses on the list contained in this section with a maximum gross leasable area of 3,000 square feet, and if a change of use is contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to another, wherein the new use will involve a gross leasable area exceeding 3,000 square feet, the contemplated new use shall be subject to prior approval of a special exception application by the town council before the change is made (refer to sections 134-227 through 134-233 pertaining to special exception uses). In effect, this will allow any existing use over 3,000 square feet, in a district with a 3,000 square footage limitation, to continue operating at its existing scale or to change to another use within the same general commercial category without town council~~

approval. For example, if a ladies apparel store of 8,000 square feet exists in the C-TS district and the owner wishes to change to an antique store of the same size or subdivide into two 4,000-square-foot offices, the owner would need to apply for and obtain approval of a special exception from the town council.

(2) No existing commercial use which is subject to the 3,000 square feet maximum gross leasable area (GLA) regulation may occupy additional space within 1,500 feet of the existing businesses, which distance shall be measured along the public sidewalk, if such new space to be occupied will increase the total gross leasable area (GLA) to more than 3,000 square feet.

Section 134-1109. - Special exception uses.

(b) ~~An owner or tenant of a property, located within the C-TS district, which property has received approval of a special exception after March 31, 1980, shall be required to obtain approval by the town council under the provisions of section 134-229 prior to being granted a new business tax receipt. This subsection shall not apply to renewal of an existing business tax receipt. When a change of ownership or tenancy occurs within a space legally permitted under a previously approved special exception for its size (SF) or location within the C-TS district, a new special exception review and approval by town council shall not be required, provided that the proposed new occupant is substantially similar in nature to a valid, pre-existing permitted or special exception use, and does not elicit a change of use or change in categorized permitted uses, as determined by the Director of Planning, Zoning and Building or designee. This provision shall not apply to any space that is in excess of 6,000 square feet of gross leasable area (GLA). This provision shall not apply to a change in ownership or tenancy of a property which operated as a restaurant, nightclub, bars/lounges, cafés, dining rooms, private clubs, outdoor cafe seating in association with a restaurant, or similar food and beverage operation, which shall be required to obtain approval as a special exception by the town council under the provisions of section 134-229 prior to being granted a building permit, Certificate of Occupancy/Completion, or new business tax receipt.~~

Section 2. Chapter 134, Zoning Article VI, District Regulations, Division 9, C-WA Worth Avenue Commercial District, is hereby amended as follows:

Sec. 134-1157. - Permitted uses.

(b) Regulation of existing nonconforming commercial uses. Any existing uses contained on the list of permitted uses shown in subsection (a) of this section which contain more than 4,000 square feet of gross leasable area (GLA) shall be classified as existing nonconforming uses under article VI of this chapter pertaining to nonconforming uses.

(1) ~~However,~~ All future changes of use shall be limited to those uses listed as permitted uses on the list contained in this section with a maximum gross leasable area of 4,000 square feet, and if a change of use is contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to another, wherein the new use will involve a gross leasable area exceeding 4,000 square feet, the contemplated new use shall be subject to prior approval of a special exception application by the town council before the change is made (refer to sections 134-227 through 134-233 pertaining

to special exception uses). In effect, this will allow any existing use over 4,000 square feet, in a district with a 4,000 square footage limitation, to continue operating at its existing scale or to change to another use within the same general commercial category without town council approval. For example, if a ladies apparel store of 10,000 square feet exists in the C-WA district and the owner wishes to change to an antique store of the same size or to subdivide into two 5,000 square foot offices, the owner would need to apply for and obtain approval of a special exception from the town council.

(2) No existing commercial use which is subject to the 4,000 square feet maximum gross leasable area (GLA) regulation may occupy additional space within 1,500 feet of the existing businesses, which distance shall be measured along the public sidewalk, if such new space to be occupied will increase the total gross leasable area (GLA) to more than 4,000 square feet.

Section 134-1159.- Special exception uses.

(b) ~~An owner or tenant of a property, located within the C-WA district, which property has received approval of a special exception after March 31, 1980, shall be required to obtain approval by the town council under the provisions of section 134-229 prior to being granted a new business tax receipt. This subsection shall not apply to renewal of an existing business tax receipt. When a change of ownership or tenancy occurs within a space legally permitted under a previously approved special exception for its size (SF) or location within the C-WA district, a new special exception review and approval by town council shall not be required, provided that the proposed new occupant is substantially similar in nature to a valid, pre-existing permitted or special exception use, and does not elicit a change of use or change in categorized permitted uses, as determined by the Director of Planning, Zoning and Building or designee. This provision shall not apply to any space that is in excess of 8,000 square feet of gross leasable area (GLA). This provision shall not apply to a change in ownership or tenancy of a property which operated as a restaurant, nightclub, bars/lounges, cafés, dining rooms, private clubs, outdoor cafe seating in association with a restaurant, or similar food and beverage operation, which shall be required to obtain approval as a special exception by the town council under the provisions of section 134-229 prior to being granted a building permit, Certificate of Occupancy/Completion, or new business tax receipt.~~

Section 3. Chapter 134, Zoning Article VI, District Regulations, Division 11, C-PC Planned Center Commercial District, is hereby amended as follows:

Sec. 134-1257. - Permitted uses.

(b) Regulation of existing nonconforming commercial uses. Any existing uses contained on the list of permitted uses under subsection (a)(2) of this section which contain more than 3,000 square feet of gross leasable area (GLA) shall be classified as existing nonconforming uses (refer to division 2 of article IV of this chapter).

(1) ~~However,~~ All future changes of use shall be limited to those uses listed as permitted uses in subsection (a) of this section with a maximum gross leasable area of 3,000 square feet, and if a change of use is contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to

another, or from one generic use (residential, commercial, public/private group use) to another, wherein the new use will involve a gross leasable area exceeding 3,000 square feet, the contemplated new use shall be subject to prior approval of a special exception application by the town council before the change is made (refer to sections 134-227 through 134-233 pertaining to special exception uses). ~~In effect, this will allow any existing use over 3,000 square feet, in a district with a 3,000 square foot limitation, to continue operating at its existing scale or to change to another use within the same general commercial category without town council approval.~~

(2) No existing commercial use which is subject to the 3,000 square feet maximum gross leasable area (GLA) regulation may occupy additional space within 1,500 feet of the existing licensed businesses, which distance shall be measured along the public sidewalk, if such new space to be occupied will increase the total gross leasable area (GLA) to more than 3,000 square feet.

Section 134-1259.- Special exception uses.

(b) ~~An owner or tenant of a property, located within the C-PC district, which property has received approval of a special exception after March 31, 1980, shall be required to obtain approval by the town council under the provisions of section 134-229 prior to being granted a new business tax receipt. This subsection shall not apply to renewal of an existing business tax receipt. When a change of ownership or tenancy occurs within a space legally permitted under a previously approved special exception for its size (SF) or location within the C-PC district, a new special exception review and approval by town council shall not be required, provided that the proposed new occupant is substantially similar in nature to a valid, pre-existing permitted or special exception use, and does not elicit a change of use or change in categorized permitted uses, as determined by the Director of Planning, Zoning and Building or designee. This provision shall not apply to any space that is in excess of 6,000 square feet of gross leasable area (GLA). This provision shall not apply to a change in ownership or tenancy of a property which operated as a restaurant, nightclub, bars/lounges, cafés, dining rooms, private clubs, outdoor cafe seating in association with a restaurant, or similar food and beverage operation, which shall be required to obtain approval as a special exception by the town council under the provisions of section 134-229 prior to being granted a building permit, Certificate of Occupancy/Completion, or new business tax receipt.~~

Section 4. Chapter 134, Zoning Article VI, District Regulations, Division 12, C-B Commercial District, is hereby amended as follows:

Section 134-1304, Special Exception Uses.

(b) ~~An owner or tenant of a property, located within the C-B district, which property has received approval of a special exception after March 31, 1980, shall be required to obtain approval by the town council under the provisions of section 134-229 prior to being granted a new business tax receipt. This subsection shall not apply to renewal of an existing business tax receipt. When a change of ownership or tenancy occurs within a space legally permitted under a previously approved special exception for its size (SF) or location within the C-B district, a new special exception review and approval by town council shall not be required, provided that the proposed new occupant is substantially similar in nature to a valid, pre-existing permitted or special exception use, and does not elicit a change of use or change in categorized permitted uses, as~~

determined by the Director of Planning, Zoning and Building or designee. This provision shall not apply to any space that is in excess of 6,000 square feet of gross leasable area (GLA). This provision shall not apply to a change in ownership or tenancy of a property which operated as a restaurant, nightclub, bars/lounges, cafés, dining rooms, private clubs, outdoor cafe seating in association with a restaurant, or similar food and beverage operation, which shall be required to obtain approval as a special exception by the town council under the provisions of section 134-229 prior to being granted a building permit, Certificate of Occupancy/Completion, or new business tax receipt.

Section 5. 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 6. 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 7. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 8. 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, Florida, on the First Reading this ____ day of ____, 2023; and for the Second and Final Reading on this ____ day of ____, 2023.

Danielle H. Moore, Mayor

Margaret Zeidman, Town Council President

Bobbie Lindsay, President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Kelly Churney, Acting Town Clerk

Edward Cooney, Town Council Member

EXHIBIT B

Status Code	Creation Date	Retire Date	Active Licenses	Licensee Category	DBA Name	SQ FT	ZONING DISTRICT
act	11/4/2002		bustax#0003682509/30/2023 state#OS601157702/01/2022	rtl	BREAKERS' NEWS & GOURMET SHOP	2497	C-TS
cls	9/16/2002	6/1/2018	bustax#0000343609/30/2018	rtl	EVELYN & ARTHUR INC	2475	C-TS
act	8/12/2021		bustax#096039209/30/2023	rtl	FIVESTORY PALM BEACH	2475	C-TS
act	8/12/2019		bustax#096006909/30/2023	rtl	SERENA AND LILY INC	4042	C-TS
act	9/17/2012		bustax#095862709/30/2023	rtl	FERRETTI GROUP	2144	C-WA
act	10/9/2002		state#ANNUAL FOOD PERMIT 146585502/31/2020 state#EV600085103/31/2023 bustax#0001649009/30/2023	rtl	PUBLIX SUPERMARKETS INC #1395	45600	C-TS
act	12/21/2022		bustax#096065809/30/2023	rtl	THE CURRENT	2720	C-PC
act	9/11/2002		bustax#0002067609/30/2023	rtl	LOUIS VUITTON	2188	C-WA
cls	11/18/2003	10/1/2007	bustax#0010020109/30/2007	rtl	ALPARK THE SALON	4700	C-WA
cls	10/24/2007	8/10/2009	bustax#095728809/30/2008	rtl	YOLY MUNOZ COUTURE	2500	C-WA
act	8/15/2014		bustax#095905309/30/2023	rtl	AKRIS	2169	C-WA
cls	6/15/2005	3/3/2011	bustax#0010074609/30/2010	rtl	BOSS HUGO BOSS	3158	C-WA
cls	10/17/2018	6/10/2020	bustax#095985209/30/2020	rtl	LAUNCH PAD	2200	C-WA
act	11/18/2021		bustax#096049109/30/2023	rtl	UNSUBSCRIBED	2207	C-WA

cls	2/17/2005	6/25/2008	bustax0010063009/30/2008	rtl	GEORGETTE KLINGER	2739	C-WA
cls	10/13/2003	9/30/2013	bustax0010016609/30/2013	rtl	JOHN DE MEDEIROS INTERNATIONAL BOUTIQUE INC	2207	C-WA
cls	10/26/2004	3/9/2010	bustax0010050909/30/2008	rtl	SERENDIPITY FINE ARTS INC	2207	C-WA
cls	2/23/2011	8/29/2011	bustax0095817809/30/2011	rtl	JACKIE ROGERS	2207	C-WA
cls	10/28/2013	9/30/2014	bustax0095890009/30/2014	rtl	LOLE	2207	C-WA
cls	9/29/2014	9/30/2015	bustax0095905509/30/2015	rtl	SHI LONDON	2207	C-WA
cls	9/29/2015	9/30/2017	bustax0095927509/30/2017	rtl	HOP	2207	C-WA
cls	10/10/2017	9/30/2019	bustax0095961909/30/2019	rtl	MASSIMILIANO STANCO	2207	C-WA
cls	9/1/2017	2/28/2018	bustax0095958109/30/2018	rtl	THE KASHA MCKEE GALLERY	3300	C-WA
cls	2/28/2018	5/1/2019	bustax0095973209/30/2019	rtl	GREYSON CLOTHIERS LLC	3315	C-WA
his	12/8/1994	2/1/2009	bustax0003551509/30/2009	rtl	SAKS FIFTH AVENUE (MEN'S RETAIL)	8826	C-WA
act	5/25/1993		bustax0003433509/30/2023 stateBEV*pending stateTOB6011645 (Retail Tobacco Products)01/15/2021	rtl	GREEN'S PHARMACY	3740	C-TS
his	12/4/2002	9/30/2019	bustax0003906309/30/2019	rtl	NEIMAN MARCUS	48661	C-WA
act	9/23/2010		bustax0095809109/30/2023 stateBEV6000002 2COP03/31/2023 stateFIRM#8929866510 0299	rtl	AMICI MARKET	5950	C-TS

cls	6/8/2005	4/1/2010	cert#insp rpt filed bustax0010073909/30 /2010	rtl	MARKET SALAMANDER	5980	C-TS
act	9/16/2002		bustax0001005009/30 /2023	rtl	WALLY FINDLAY GALLERIES INC	5140	C-WA
act	12/3/2002		bustax0001738009/30 /2023	rtl	SAKS FIFTH AVENUE	49917	C-WA
act	11/4/2002		bustax0003115609/30 /2023	rtl	GOLF AND TENNIS PRO SHOP	2126	C-TS
act	1/3/2003		bustax0003082809/30 /2023	rtl	SALVATORE FERRAGAMO	3826	C-WA
cls	11/4/2019	9/30/2020	bustax0096006209/30 /2020	rtl	HIGHLINE @ 211 RPW	2750	C-TS (FROM PAPA. NOT IN EDEN)
act	11/16/2020		bustax0096025709/30 /2022	rtl	HAVEN PALM BEACH LLC	2750	C-TS (FROM PAPA. NOT IN EDEN)
act	2/7/2003		bustax0003872709/30 /2022	rtl	GIORGIO'S OF PALM BEACH	3998	C-WA
cls	5/14/2004	9/30/2018	bustax0010035109/30 /2018	rtl	A B LEVY	5927	C-WA
act	11/6/2018		bustax0095985809/30 /2023	rtl	JENNIFER TATTANELLI	2350	C-WA
cls	11/27/2002	9/30/2012	bustax0003855809/30 /2012	rtl	LUCA LUCA	2725	C-WA
act	11/9/2012		bustax0095862809/30 /2023	rtl	INTERMIX 2374	2520	C-WA
cls	3/10/2003	8/11/2022	bustax0003147309/30 /2022	rtl	ESCADA	7100	C-WA
act	9/18/2020		stateBEV PENDING bustax0096020009/30 /2023	rtl	MAIN STREET BY THE BREAKERS	3532	C-TS
cls	2/25/2003	5/27/2014	bustax0003802209/30 /2014	rtl	JUICY COUTURE	4000	C-WA

act	10/21/2021		bustax0096046209/30/2023	rtl	G/FORE	2300	C-WA
act	3/24/2003		bustax0000864009/30/2023	rtl	GUCCI	5600	C-WA
cls	10/10/2002	9/30/2020	bustax0003798809/30/2020	rtl	BROOKS BROTHERS	6000	C-WA
cls	9/7/2005	12/31/2007	bustax0010078509/30/2008	rtl	GALERIE ELYSEES LLC	2214	C-WA
cls	8/21/2008	7/13/2020	bustax0095749009/30/2021	rtl	MICHAEL KORS COLLECTION	2250	C-WA
act	7/13/2020		bustax0096016009/30/2023	rtl	DANIELI ARTWORLD	2500	C-WA
cls	6/24/1992	6/1/2013	bustax0003363409/30/2013	rtl	THE GAZEBO FLOWER & PLANT SHOP	2500	C-TS
cls	2/24/2015	9/30/2016	bustax0095914609/30/2016	rtl	PARADISE LOST	2500	C-TS
act	5/24/2021		bustax0096035909/30/2023	rtl	LIGNE ROSET	2450	C-TS
cls	8/19/2019	4/30/2021	bustax0096001009/30/2021	rtl	GIORGIO'S OF PALM BEACH	3998	C-WA
act	4/13/2021		bustax0096034709/30/2022	rtl	GALERIE DANIELI	3500	C-WA
cls	11/26/2002	8/30/2010	bustax0003892109/30/2010	rtl	LANA MARKS	2300	C-WA
cls	11/7/2018	2/5/2021	bustax0095986309/30/2021	rtl	EVELYN & ARTHUR	2172	C-TS
cls	10/24/2017	2/1/2020	bustax0095962509/30/2020	rtl	B PETERSON	2466	C-TS
act	7/17/2018		bustax0095978909/30/2023	rtl	LILLY PULITZER	3952	C-WA
act	10/29/2020		bustax0096025009/30/2023	rtl	PAULA COOPER GALLERY	2770	C-WA
act	9/1/2020		bustax0096019009/30/2023	rtl	VALENTINA KOVA	2030	C-WA

cls	1/22/1993	5/26/2016	bustax0003411709/30/2016	rtl	GIORGIO ARMANI	4683	C-WA
cls	9/9/2002	9/30/2017	bustax0003901709/30/2017	rtl	CALYPSO	2050	C-WA
cls	11/13/2017	9/30/2020	bustax0095964709/30/2020	rtl	CONTESSA GALLERY	2300	C-WA
act	8/23/2002		stateBEV601273803/31/2023 bustax0003993809/30/2023	rtl	FEDCO DRUGS	3800	C-TS
act	12/17/2020		bustax0096031809/30/2023	rtl	TW FINE ART	2800	C-WA
act	12/9/2002		bustax0003753009/30/2023	rtl	ST JOHN	5200	C-WA
act	12/13/1991		bustax0003322509/30/2023 cert#60-8012211052	rtl	TIFFANY & CO	5440	C-WA
act	10/8/2002		bustax0000006509/30/2023	rtl	MILDRED HOIT INC	3764	C-TS
act	10/4/2002		bustax0003797409/30/2023	rtl	RALPH LAUREN	15816	C-WA
act	9/4/2002		bustax0000405209/30/2023	rtl	CHANEL	9526	C-WA
cls	4/12/2012	8/25/2020	bustax0095844709/30/2020	rtl	LORI JAYNE MONOGRAMMIN G AND MORE	2400	C-TS
act	1/24/2022		bustax0096052509/30/2023	rtl	SHOES N MORE	2200	C-TS
act	9/12/2013		bustax0095883209/30/2023	rtl	VINEYARD VINES	2803	C-WA
act	9/11/2002		bustax0001375009/30/2023	rtl	MAUS & HOFFMAN INC	5200	C-WA
cls	10/17/2002	11/18/2009	bustax0003814609/30/2008	rtl	PHILLIPS GALLERIES	3400	C-WA
act	8/16/2018		bustax0095980909/30/2023	rtl	ADELSON GALLERIES	3400	C-WA

cls	12/15/2003	9/30/2020	bustax0010022009/30/2020	rtl	RAPUNZEL'S CLOSET	2840	C-TS
act	10/28/2020		bustax0096024009/30/2022	rtl	LIFESTYLE SO CHIC LLC	2900	C-TS
his	1/2/2003	9/30/2013	bustax0003693509/30/2013	rtl	FIANDACA	1500	C-WA
act	11/13/2013		bustax0095890809/30/2023	rtl	THE SILVER FUND	2645	C-WA
act	10/19/2004		bustax0010049709/30/2023	rtl	HOLDEN LUNTZ GALLERY	2611	C-WA
cls	9/12/2007	4/1/2009	bustax0095715709/30/2008	rtl	EMILIO ROBBA	2691	C-TS
cls	9/24/2008	3/17/2010	bustax0095753909/30/2010	rtl	PERSIAN GALLERIES	2700	C-TS
cls	5/7/2013	8/25/2020	bustax0095872809/30/2020	rtl	ISLAND HOME	3000	C-WA
act	8/25/2020		bustax0096016809/30/2023	rtl	SHARIS PALM BEACH	3000	C-WA
act	11/8/2002		bustax0000422309/30/2023	rtl	C ORRICO	5500	C-TS
act	12/28/1992		bustax0003404509/30/2023	rtl	MARY MAHONEY	2065	C-WA
cls	12/9/1993	7/20/2009	bustax0003489109/30/2008	rtl	BRIGHTON PAVILLION	2082	C-WA
cls	11/4/2004	2/21/2008	bustax0010052209/30/2007	rtl	BRANDON OF PALM BEACH ISLAND	5500	C-PC
his	4/3/2003	11/18/2009	bustax0003776309/30/2009	rtl	DESIGNER TO YOU	2500	C-PC
act	11/13/2002		bustax0000068109/30/2023	rtl	HERMES OF PARIS INC	7725	C-PC
act	8/16/2017		bustax0095956609/30/2023	rtl	KIRNA ZABETE	2902	C-PC
act	6/26/2019		bustax0095997009/30/2023	rtl	ZIMMERMANN	2119	C-PC

cls	10/24/2019	9/30/2021	bustax0096008109/30/2021	rtl	RENNY & REED	3705	C-PC
act	7/22/2021		bustax0096038209/30/2023	rtl	MARISSA COLLECTIONS	3366	C-PC
cls	10/9/1992	12/23/2008	bustax0003387709/30/2008	rtl	DEVONSHIRE	2065	C-WA
act	11/24/1993		bustax0003484709/30/2023	rtl	STUBBS & WOOTTON INC	2255	C-WA
cls	12/17/2008	9/30/2010	bustax0095764709/30/2010	rtl	BRETEAU GALLERY	2423	C-WA
act	9/13/2002		bustax0003834109/30/2023 stateBEV6000149 (4cop dual)03/31/2023	rtl	SCOTTI'S WINES AND LIQUORS	2200	C-TS
act	11/5/2002		bustax0000355009/30/2023	rtl	CHURCH MOUSE	4759	C-TS
his	1/25/1995	7/26/2008	bustax0003558109/30/2005	rtl	LARS BOLANDER LTD INC	2000	C-TS
cls	10/29/2002	9/30/2013	bustax0003233909/30/2013	rtl	GASIUNASEN GALLERY	2590	C-TS
act	10/19/2020		bustax0096022909/30/2023	rtl	SOTHEBY'S INC	2720	C-PC
act	9/27/2002		bustax0000228609/30/2023	rtl	JOHN H SUROVEK GALLERY	2509	C-WA
109							

ORDINANCE NO. 4-80

AN ORDINANCE OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2-74, AS AMENDED, ENTITLED "AN ORDINANCE OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, TO PROMOTE THE HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE INHABITANTS OF THE TOWN OF PALM BEACH, AMENDING ZONING ORDINANCE NO. 1-47, AS AMENDED, INCLUDING THE AMENDED ZONING MAP MADE A PART OF SAID ORDINANCE, WHICH SAID ORDINANCE IS ENTITLED "AN ORDINANCE TO PROMOTE THE HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE INHABITANTS OF THE TOWN OF PALM BEACH, FLORIDA; TO FACILITATE THE ADEQUATE PROVISIONS OF TRANSPORTATION, SEWERAGE, WATER, SCHOOLS, PARKS, AND OTHER PUBLIC REQUIREMENTS; TO REGULATE AND RESTRICT THE LOCATION AND USE OF BUILDINGS, STRUCTURES, LAND AND WATER FOR TRADE, RESIDENCE OR OTHER PURPOSE; TO REGULATE AND RESTRICT THE ERECTION, CONSTRUCTION, RECONSTRUCTION OR ALTERATION OF BUILDINGS; TO REGULATE AND RESTRICT THE HEIGHT, NUMBER OF STORIES AND SIZE OF ALL YARDS AND OTHER OPEN SPACES SURROUNDING BUILDINGS; TO REGULATE AND RESTRICT THE DENSITY OF POPULATION, AND FOR ALL SAID PURPOSES TO DIVIDE THE TOWN INTO DISTRICTS OF SUCH NUMBER, SHAPE AND AREA AS MAY BE BEST SUITED TO CARRY OUT THESE REGULATIONS AND AMENDMENTS; TO PROVIDE FOR ITS ENFORCEMENT; PROVIDING FOR SPECIAL EXCEPTIONS AND VARIANCES IN EVENT OF HARDSHIP, AND PROVIDING PENALTIES FOR A VIOLATION HEREOF", AND WHICH SAID ORDINANCE, AS AMENDED, IS FULLY SET FORTH IN CHAPTER 33 OF THE CODE OF ORDINANCES, TOWN OF PALM BEACH, FLORIDA, ENTITLED 'ZONING AND PLANNING'; AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES, TOWN OF PALM BEACH, ENTITLED 'SIGNS, BILLBOARDS AND AWNINGS'; PROVIDING PENALTIES FOR ANY VIOLATION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE"; CHANGING EXISTING REGULATIONS IN THE C-A COMMERCIAL ZONING DISTRICT TO COMMERCIAL-TOWN SERVING (C-TS), COMMERCIAL-WORTH AVENUE (C-WA) AND OFFICE, PROFESSIONAL AND INSTITUTIONAL (C-OPI); CREATING A SPECIAL ZONING DISTRICT FOR ROYAL POINCIANA PLAZA; MODIFYING MINIMUM LOT WIDTH AND AREA REGULATIONS IN R-AA DISTRICT; REZONING A PORTION OF PHIPPS PLAZA FROM C-A COMMERCIAL DISTRICT TO R-C MEDIUM DENSITY RESIDENTIAL DISTRICT; MODIFYING BUILDING HEIGHT AND LANDSCAPE OPEN SPACE REGULATIONS IN C-B COMMERCIAL DISTRICT; AMENDING THE DEFINITION OF ABANDONMENT AND PARTIAL DESTRUCTION IN SEC. 8.30 OF THE OFFICIAL ZONING ORDINANCE; PROVIDING FOR AMORTIZATION OF EXISTING NONCONFORMING PARKING LOTS; REGULATING UN-ATTACHED ACCESSORY STRUCTURES IN RESIDENTIAL ZONING DISTRICTS; AMENDING SITE PLAN REVIEW REQUIREMENTS IN COMMERCIAL ZONING DISTRICTS; MODIFYING REGULATIONS PERTAINING TO HOTELS IN THE RESIDENTIAL AND COMMERCIAL ZONING DISTRICTS; MODIFYING OFF-STREET PARKING REQUIREMENTS IN COMMERCIAL ZONING DISTRICTS AND THE LOCATION OF SUCH PARKING; REGULATING MUSEUMS AND NON-PROFIT CULTURAL CENTERS IN RESIDENTIAL ZONING DISTRICTS; MODIFYING THE REGULATIONS CONCERNING BUSINESS SIGNS IN COMMERCIAL ZONING DISTRICTS; MODIFYING SECTION ENTITLED "DEFINITIONS" BY ADDING ADDITIONAL DEFINITION

ITEMS; MODIFYING THE TOWN'S ZONING MAP ACCORDING-
LY BY THE PROPER TOWN OFFICIAL TO REFLECT CHANGES
IN ZONING DISTRICT CLASSIFICATIONS; MODIFYING SEC-
TION ENTITLED "SPECIAL EXCEPTION USES"; PROVIDING
FOR STATUS OF NONCONFORMITIES CONTAINED WITHIN A
SPECIAL EXCEPTION USE; REPEALING ALL ORDINANCES OR
PARTS OF ORDINANCES IN CONFLICT HERewith; PROVID-
ING A SAVINGS CLAUSE; AND PROVIDING WHEN THIS OR-
DINANCE SHALL BECOME EFFECTIVE.

o o o

WHEREAS, after Public Hearings pursuant to notice
as required by law, the Town Council does hereby find, de-
termine and declare that the public health, safety, morals
and general welfare of the citizens of the Town of Palm
Beach require that the aforesaid Zoning Ordinance No. 2-74
be further amended as hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUN-
CIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA,
as follows:

Sec. 1: -- Sec. 2.10 of the aforesaid ordinance
entitled "Definitions" shall be amended as follows by add-
ing the following definitions:

"Sec. 2.10 - Definitions.

Retail Establishments: Establishments sell-
ing commodities or goods to ultimate consumers.

Personal Service Establishments: Establish-
ments primarily engaged in the provision of
services to individuals dealing with their
person or immediate effects. Personal services
would include, but not necessarily be limited
to, hairstyling or beauty services, tailor/
dressmaker, travel agent, cleaning services,
interior decorator services, dance studio or
similar personal instruction services.

Office and Professional Services: Administra-
tive offices and establishments providing pro-
fessional services such as lawyers, doctors,
brokers, insurance agents, realtors, consultants,
interior designers, architects and engineers.

Business Services: Establishments providing
support services to other business concerns.
Business services would include, but not ne-
cessarily be limited to, print shops, secretarial
services, travel agents, drafting services, and ad-
vertising agencies, etc.

Banks and Financial Institutions: Establish-
ments providing saving, lending, or trust services to
the public. Banks and financial institutions

would include, but not necessarily be limited to, banks, savings and loan associations, mortgage companies, loan offices, credit unions, and trust companies.

✓ Institutions: Public and semi-public uses of a non-profit nature typically engaged in public service, e.g., houses of worship, non-profit cultural centers, charitable organizations.

✓ Town Person(s): All full-time and seasonal residents as well as visitors staying at accommodations and employees working in establishments located within the Town.

✓ Town-serving: Establishments principally oriented to serving the needs of Town Persons which would not substantially rely upon the patronage of persons not defined as Town Persons. Town-serving establishments, by definition, would typically contain 2,000 or less square feet of interior Gross Leasable Area (GLA) and would not engage in advertising designed to attract other than Town Persons.

✓ Employee: An employee is defined as any person generally working onsite for the establishment and shall include sole proprietors, partners, limited partners, corporate officers and the like.

✓ Museum: An institution for collecting, preparing, and exhibiting rare, interesting, or typical specimens of works of art, science, invention, manufacturers, etc., or of antiquities, curiosities; or objects of natural history; also, the collection of such articles or their repository.

✓ Non-Profit Cultural Center: An institution for promoting education and the refinement of taste, intellectual and aesthetic matters, not including museum or display uses, operated without profit".

Sec. 2: -- Sec. 3.10 of the aforesaid ordinance entitled "Establishment of Districts" shall be amended to read as follows:

"Sec. 3.10 - Establishment of Districts.

For the purposes of protecting, promoting and improving the public health, safety, morals and the general welfare of the people, the Town of Palm Beach is hereby divided into the following districts:

R-AA	Large estate residential
R-A	Estate residential
R-B	Low density residential
R-C	Medium density residential
R-D(1)	Moderate density residential
R-D(2)	High density residential
C-TS	Commercial - Town serving
C-WA	Commercial-Worth Avenue
C-OPI	Commercial - Offices, professional and institutional

C-PC	Commercial - Planned Center
C-B	Commercial, offices
PUD-A	Planned Unit Development
PUD-B	Planned Unit Development
PUD-C	Planned Unit Development
BEACH AREA	Beach area" .

Sec. 3: -- Sec.4.10 of the aforesaid ordinance entitled "Schedules of Regulations" shall be amended as follows:

- "(a) By removing schedule of use regulations for C-A Commercial District and substituting therefor the schedules of use regulations for C-TS Town-Serving Commercial, C-WA Worth Avenue District, C-PC Planned Center, C-OPI Office, Professional and Institutional District as attached hereto.
- (b) By amending the schedule of Lot, Yard and Bulk Regulations for R-AA Residential District by increasing the minimum lot area to 60,000 square feet and the minimum lot width to 150 feet and the maximum density (D.U's acre) to 0.667. This paragraph shall not apply to approved subdivisions, the plats of which have been approved by the Town Council prior to the enactment of this ordinance; however, all provisions of Ordinance No.2-74, as amended, through and including Ordinance No. 7-79, shall apply to said subdivisions.
- (c) By amending the schedule of Lot, Yard and Bulk Regulations for all Commercial Districts as shown on the attached sheet.
- (d) By amending the schedule of Use Regulations in R-AA, R-A and R-B Residential Districts by adding under accessory uses the following paragraph:
The use of any portion of any building or accessory building or any land in this District for the accessory use as a museum or frequent or continuing display to the public is prohibited.

And under special exception uses the following paragraph:

Museums occupying buildings of unique value as historical landmarks as determined by the Landmarks Preservation Commission and the Town Council of the Town of Palm Beach, and for which it is demonstrated that no Permitted Use is economically viable".

Sec. 4: -- Any reference in Ordinance No. 2-74 as amended to C-A Commercial District shall be deemed to apply to C-TS Commercial - Town-Serving; C-WA Commercial-Worth Avenue; C-OPI Commercial, Office, Professional and Institutional; and C-PC Commercial - Planned Center.

SCHEDULE OF USE REGULATIONS (cont'd)
PALM BEACH

DISTRICT	PURPOSE	PERMITTED USES*	ACCESSORY USES *	SPECIAL EXCEPTION USES *
C-TS Town-Serving Commercial	It is the intent of this district to create, preserve and enhance areas of attractive, small-scale, retail, personal and professional/business services to be developed either as a unit or in individual parcels, providing for the frequently recurring needs of Townpersons. To enhance the general character of the district and its compatibility with its residential surroundings, signs are limited to those accessory to businesses conducted on the premises, including the number, area and types; and retail drive-in facilities are not permitted. Further, in order to maintain the Town-serving nature of the district, limitations on gross leasable floor (GLA) area are imposed.	Maximum of 2,000 sq. ft. of Gross Leasable Area (GLA): 1. Retail and service establishments, such as: restaurants and drinking establishments, hardware stores, food stores, clothing stores, drug stores, barber shops, beauty salons and jewelry stores. 2. Office and Professional Services and Business Services 3. Banks and financial institutions. 4. Non-Profit Cultural Centers. 5. Professional or Studio-type Schools. 6. Essential Services.	1. Off-street parking and loading. 2. Signs. 3. One-Family dwellings located above the first floor. 4. Accessory uses customarily incident to the permitted or approved Special Exception Uses.	1. Public or private parking lots or storage garages. 2. Auto rental lots. 3. Multi-family dwellings. 4. Private social, swimming, golf, tennis and yacht clubs. 5. Service Stations. 6. Public Structures 7. Supplemental parking. 8. Public or private academic schools. 9. Drive-in business service facilities. 10. Churches, Synagogues or other Houses of Worship. 11. Any Commercial Establishments with greater than 2,000 sq. ft. of GLA, provided the Town Council has found, as a fact, that the proposed use is Town serving.

NOTE: Establishments of greater than two thousand (2000) square feet gross leasable area (GLA) existing or temporarily vacant, as of the date of this Chapter shall be allowed to continue at the existing scale provided all future uses shall be those listed under Permitted Uses. (Refer Section 8.10 "Non-Conforming Uses").

*Site Plan review may be required
(See Section 9.60)

SCHEDULE OF USE REGULATIONS (cont'd)

PALM BEACH

DISTRICT	PURPOSE	PERMITTED USES *	ACCESSORY USES *	SPECIAL EXCEPTION USES *
C-4A NORTH AVENUE DISTRICT	It is the intent of this district to preserve and enhance an area of unique quality and character oriented to pedestrian comparison shopping and providing a wide range of retail and service establishments, to be developed whether as a unit or as individual parcels, serving the short-term and long-term needs of Townpersons. Further, it shall be the intent of this district to enhance the Town-serving character of the area through use of limitations on maximum gross leasable area (GLA) thereby reducing the problems of parking and traffic congestion determined to result from establishments of a region-serving scale.	Maximum 2,000 square feet of GLA 1. Antiques 2. Apparel and Accessories 3. Art galleries 4. Art services 5. Bed and bath boutique 6. Cards/gifts 7. Crafts 8. Drugstore/pharmacy 9. Fabrics 10. Flowers/florist 11. Furniture 12. Hair styling/beauty salon 13. Interior decorating sales/services 14. Jewelry 15. Kitchenwares 16. Luggage/leather goods 17. News/books 18. Optical goods 19. Perfumery 20. Photographic services/studio 21. Shoes 22. Retail specialty foods (including incidentalsale of prepared foods for take out) 23. Stationery 24. Tobacconist 25. Toys 26. T.V. and electronic items 27. Offices located above the first floor. 28. Combinations of the above.	A. Off-street parking and loading. B. Signs. C. One -family dwellings located above the first floor. D. Accessory uses customarily incident to the permitted or approved Special Exception uses. NOTE: Establishments of greater than 2,000 square feet (GLA) existing, or temporarily vacant, as of the date of this Chapter shall be allowed to continue at the existing scale provided all future uses shall be those listed under Permitted Use. (Refer to Section 8.10 - "Non-Conforming Uses")	A. Pay parking. B. Public or private parking or storage garages. C. Private social, swimming, tennis or yacht clubs. D. Public structures/uses. E. Supplemental parking. F. Restaurants, night clubs, lounges/bars. G. Museums and non-profit cultural centers. H. Multi-family residential I. Retail and service activities, cited previously under Permitted Uses, which contain greater than 2,000 square feet of GLA. J. Uses not specifically enumerated previously under Permitted Uses but having traffic, patronage and intensity of use characteristics similar to those uses cited therein. K. Offices and professional and business services (including banks and financial institutions) not specifically cited previously under Permitted Uses, provided such uses shall be located only above the first floor.

* Site plan review may be required (See section 9.60)

SCHEDULE OF USE REGULATIONS (cont'd)

PALM BEACH

DISTRICT	PURPOSE	PERMITTED USES *	ACCESSORY USES *	SPECIAL EXCEPTION USES *
C-CPI OFFICE, PROFESSIONAL AND INSTITUTIONAL DISTRICT	It is the intent of this district to provide locations for administrative, professional, business and institutional offices which are adequate for the Town's needs and convenient for use by Town citizens.	1. Office and Professional Services and Business Services. 2. Dining-rooms and drinking places when not more than 15% of the gross floor area of the structure, no exterior or external advertising to be permitted. 3. Essential services.	1. Off-street parking and loading 2. Signs 3. Accessory uses customarily incident to the permitted or approved Special Exception Uses.	1. Public or private parking lots or storage garages. 2. Auto rental lot. 3. Public structures/uses. 4. Supplemental parking. 5. Public or private academic schools. 6. Hotels. 7. Restaurants. 8. Lounges/bars when associated with full service restaurants. 9. Banks and financial institutions. 10. Institutions. 11. Multi-family residential.

* Site plan review may be required
(See section 9.60)

SCHEDULE OF USE REGULATIONS (cont'd)

PALM BEACH

DISTRICT	PURPOSE	PERMITTED USES *	ACCESSORY USES *	SPECIAL EXCEPTION USES *
1 ∞ 1 T-PC PLANNED CENTER	It is the intent of this district to preserve and enhance an area of unique character oriented towards a combination of office, professional and retail uses to be developed either as a unit or in individual parcels. Further, it is the intent of this district to enhance the Town Serving character of the area through limitation on maximum Gross Leasable Area (GLA).	A. No Limitations on Gross Leasable Area (GLA) 1. Appliance services 2. Bookstore/newstand 3. Business and professional offices/services 4. Churches, Synagogues and other houses of worship 5. Dance instruction/studio 6. Dining-rooms and drinking places when not more than 15% of the gross floor area of the structure, no exterior or external advertising to be permitted 7. Drugstore/pharmacy 8. Florist 9. Retail specialty foods (including incidental sale of prepared foods for take-out) 10. Formal wear rental 11. Furniture 12. Hardware/home improvements 13. Hobby shop 14. Laundry/dry cleaning 15. Locksmith 16. Medical services 17. Non-profit cultural centers 18. Optician/optometrist B. Maximum 2,000 square feet of GLA All other retail shops and personal services not specifically cited previously under Permitted Uses (A) 19. Picture framing 20. Photocopying 21. Photographic studio 22. Print shop 23. Secretarial services 24. Shoe repair 25. Tobacconist 26. Tailor/dressmaker 27. Temporary help 28. Travel agent 29. Yard goods	A. Off-street parking and loading B. Signs C. One -family dwellings located above the first floor D. Drive-in business service facilities E. Accessory uses customarily incident to the permitted or approved Special Exception uses	(A) Public or private parking or storage garages. (B) Private, social, swimming, tennis and yacht clubs. (C) Public structures/uses. (D) Supplemental parking. (E) Restaurants, hotels, theaters, night clubs, lounges/bars. (F) Museums. (G) Veterinarian/animal clinic. (H) Auto rental. (I) Banks and financial institutions. (J) All retail and personal service activities exceeding 2,000 square feet of GLA not specifically cited previously under Permitted Uses. A.

NOTE: Establishments of greater than two thousand (2000) square feet gross leasable area (GLA) existing or temporarily vacant, as of the date of this Chapter shall be allowed to continue at the existing scale provided all future uses shall be those listed under Permitted Uses. (Refer Section 8.10 "Non-Conforming Uses").

* Site plan review may be required
(See section 9.60)

**SCHEDULE OF LOT, YARD AND BULK REGULATIONS
PALM BEACH, FLORIDA**

** Except that any property to be developed which consists of two (2) or more lots shall have a minimum lot area of 40,000 square feet for each lot and that the average lot area of all lots to be developed shall not be less than 60,000 square feet.

Figures in tables enclosed in () indicate reference to foot notes

DISTRICT	LOT				YARD			BULK		
	MINIMUM			MAXIMUM	MINIMUM			MAXIMUM		Landscaped Open Space Minimum %
	Area (sq. ft.)	Width (feet)	Depth (feet)		Front (feet)	Side Yard Both/One (feet)	Rear (feet)	Height (Stories/ feet).	Coverage (Percent)	
** R-AA	60,000 **	150	150	0.667	30	60/30	15	2/25	25	35
R-A	20,000	100	150	2	30	30/15	15	2/25	35	25
R-B	10,000	75	100	4	25	20/10	10	2/25	35	25
R-C										
Single-Family	10,000	75	100	4	25	20/10	15	2/25	35	25
Two-Family	10,000	75	100	8	25	20/10	15	2/25	35	25
Townhouses	(1)	(1)	(1)	8 (11)	25	(1)	15	2/25	40	25
Multi-Family *	15,000	100	100	11 (2)(11)	25	35/15	30	3/40 (2)	30	25
R-D (1)										
Single-Family	10,000	75	100	4	25	20/10	15	2/25	35	25
Two-Family	10,000	75	100	8	25	20/10	15	2/25	35	25
Townhouses	(1)	(1)	(1)	12 (11)	25	20/10	15	2/25	40	25
Multi-Family*	40,000	150	200	15 (11)	25	55/25	30	5/55 (2) (9)	35 (2)	25
R-D (2)										
Single-Family	10,000	75	100	4	25	20/10	15	2/25	35	25
Two-Family	10,000	75	100	8	25	20/10	15	2/25	35	25
Townhouses	(1)	(1)	(1)	12 (11)	25	(1)	15	2/25	40	25
Multi-Family *	40,000	150	200	18 (2)(11)	25 (2)	55/25 (2)	30	5/55 (2) (9)	35 (2)	25
Hotels	40,000	150	200	28 (6)(11)	25 (2)	55/25 (2)	30	5/62 (2)	35 (2)	25

**SCHEDULE OF LOT, YARD AND BULK REGULATIONS
PALM BEACH, FLORIDA**

Figures in tables enclosed in ()
indicate reference to foot notes.

DISTRICT	LOT				YARD			BULK		
	MINIMUM			MAXIMUM Density (D.U.'s/ acre).	MINIMUM			MAXIMUM		Landscaped Open Space Minimum
	Area (sq.ft.)	Width (feet)	Depth (feet)		Front (feet)	Side Yard Both/One (feet)	Rear (feet)	Height (Stories/ feet)	Coverage (Percent)	
C-TS, C-WA, C-OPI, C-PC	4,000	30	90	(7) (11)	(3)	(4)	10	2/25 (2) 3/35 (2)	90 (2) 60 (2)	(12)
C-B	15,000	100	150	(6)&(8) (11)	10 25 (6)	20/10	15	2/25	65 50 (6)	(12)
PUD (includes all Planned Unit Developments) Single-Family (5)	SEE ARTICLE 7 for appropriate standards for all PUD Districts.....									
	20,000	100	150	2	30	30/15	15	2/25	35	
BEACH AREA (See Section 5.47)		100			10	20/10		1/16	20'x25'	

- (1) See Section 6.51 for special requirements regarding townhouses.
- (2) See Sections 5.22 and 5.41 for special lot, yard, density and bulk requirements regarding development adjoined by existing buildings of greater height.
- (3) All buildings shall be set back so as to provide at least a ten (10) foot concrete walkway between the curb line and the building exclusive of beautification strips.
- (4) None, but five feet (5') if provided. When the sideyard of a C-TS, C-WA, C-OPI or C-PC property adjoins property zoned in any "R" District, a ten foot (10') side yard is required on that side.
- (5) Lot, yard and bulk regulations noted for PUD District apply to single family permitted uses which are not a part of PUD application.
- (6) When applied to hotels permitted as a Special Exception Use in a C-B District or R-D (2) District.
- (7) The maximum density for hotels within the C-TS, C-WA, C-OPI or C-PC Commercial Districts shall be 30.
- (8) The maximum density for hotels within C-B Commercial District shall be 22.
- (9) Five story - 55 feet, plus one additional foot for each foot of ceiling height of each story over 8'6", up to a maximum of 62'.
- (10) *For each multi-family building maximum dimensions, see Section 6.53 (6).
- (11) See Section 9.60 for site plan review requirements.
- (12) Landscaped Open Space Requirements.

C-TS, C-WA, C-OPI, C-PC Districts	
Landscaped Open Space	Site Size
7 1/2 %	1/4 acre and less
15 %	Greater than 1/4 acre but less than 1/2 acre
20 %	1/2 acre or greater

C-B District	
Landscaped Open Space	Site Size
15 %	Less than 1/2 acre
20 %	1/2 acre and greater

Site Size
Less than 1/2 acre
1/2 acre and greater

SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

PALM BEACH, FLORIDA

USE	SPACES REQUIRED PER UNIT
1. Single and two-family dwellings and Town Houses	Two per dwelling unit.
2. Multi-family dwellings	Two per dwelling unit plus one per each five (5) units or portion thereof.
3. Churches or other places of worship.	One per seven (7) permanent seats in the main auditorium.
4. Social, swimming, golf, tennis and yacht clubs.	One per four (4) members.
5. Retail commercial and personal service establishments.	One per two hundred (200) square feet of gross leasable area (GLA).
6. Hotels, Motels and Motor Inns	One and one-tenth per dwelling unit. A dwelling unit for the purpose of this requirement is composed of two (2) or less rooms.
7. Libraries, Museums	One per five hundred (500) square feet
8. Medical or dental offices or clinics.	Five for each doctor or dentist.
9. Restaurants, nightclubs or other eating places.	One for each three(3) proposed fixed seats, and/or one for each forty-five (45) square feet of floor area in the proposed public seating area not having fixed seats, plus one for each three hundred (300) square feet of floor area in the remainder of the floor area.
10. Boardinghouse.	One and one-half per dwelling unit.
11. Theatres, Auditoriums	One per each five (5) seats.
12. Schools (Public or Private) Grades 1-6 Grades 7-9 Grades 10-12	One per fourteen (14) students. One per nine (9) students. One per three (3) students.
13. Accessory commercial uses in hotels.	One per five hundred (500) square feet except for a restaurant, night club, bar, or other entry place which shall require the same as (9) above.
14. Office, professional and business service establishments, institutions and banks and financial institutions.	One per two hundred-fifty (250) square feet of gross leasable area (GLA).

Sec. 5: -- Sec. 5.50 of the aforesaid ordinance entitled "Accessory Structures" shall be amended at Sec. 5.51, so that the first sentence of paragraph 4 shall read as follows:

"An accessory structure not exceeding twelve (12) feet in height may occupy not more than twenty (20) per cent of a required rear yard except that an awning, as defined, may occupy an additional twenty (20) per cent of a required rear yard. However, in no case shall all accessory structures including an awning occupy more than forty (40) per cent of a required yard";

and a paragraph be added to read:

"(6) All enclosed accessory buildings shall comply with yard requirements for the principal structure".

Sec. 6: --Art. 6 of the aforesaid ordinance entitled "Supplementary Use Regulations" shall be amended so as to add to Sec. 6.21(c)(3) the following sentence:

- (a) "For existing buildings or establishments therein which are nonconforming with respect to the current parking requirements, and which involve only those uses requiring one (1) space per three hundred (300) square feet of floor area, and which may be required under these regulations to provide additional parking spaces as a result of a change in use, such establishments shall be required only to provide that number of spaces over and above the number of spaces that would have been required at one (1) space per three hundred (300) square feet of floor area".
- (b) Said section is further hereby amended as to schedule of "Off-Street Parking Requirements", as shown on the attached sheet.
- (c) Sec. 6.26 entitled "Public or Private Parking Lots" is amended by adding an Item (e) to read as follows:
 - "(e). Amortization. All parking lots in existence for four (4) years or more prior to March 31, 1980, shall comply with all provisions herein relating thereto no later than April 1, 1983. Parking lots in existence for less than four (4) years prior to March 31, 1980, shall comply with all provisions herein relating thereto no later than April 1, 1984".

- (d) Sec. 6.33 entitled "Signs in Commercial Districts" is hereby amended so that the first paragraph thereof and subparagraphs (a) and (b) thereof shall read as follows:

"One building identification sign which is installed flat against the main wall of a building may be provided for each building street frontage provided such sign does not exceed twenty (20) square feet in area. Additionally, business signs which are installed flat against the main wall of a building are permitted for each licensed business frontage, in a building, which has direct ground level walk-in access from a public or private roadway or sidewalk, in accordance with the following regulations:

- (a) Size of Sign. The gross surface area of all signs for an individual business shall not exceed the following schedule*:

<u>BUILDING FRONTAGE</u>	<u>MAXIMUM GROSS SUR- FACE AREA</u>
Less than 18 feet	10 square feet
18 feet and over	20 square feet

*This permitted gross surface sign area per business establishment may be in the form of one sign, or composed of a group of smaller signs provided their aggregate area does not exceed that area contained in the schedule. The gross surface area of any sign on a building shall not, however, exceed twenty (20) square feet.

- (b) Location. Upper story tenants shall be allowed to display signs to the extent that the upper story display area of each individual business shall not exceed its proportionate share of the total allowable maximum gross surface area for the building as calculated under (a) above and that the total gross surface area of all signs displayed on the building not exceed the maximum for that building as calculated under (a) above".
- (e) Sec. 6.40 entitled "Special Exception Uses" is hereby amended to read as follows:

"Sec. 6.40 - Special Exception Uses.

Special exception uses and their related accessory uses or any expansion, enlargement, or modification of an existing special exception use, or any physical expansion of an existing special use or facility, shall be permitted only upon authorization by the Town Council, provided that such uses shall be found by the Town Council to comply with the following requirements and other applicable requirements as set forth in this Chapter. All special exception uses require site plan review in accordance with Sec. 9.60 of this Chapter. (For additional standards applicable to Planned Unit Development, see Art. 7 of this Chapter.)

(a) That the use is a permitted Special Exception Use as set forth in the Schedule of Use Regulations, in Art. 4 thereof;

(b) That the use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected;

(c) That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located;

(d) That the use will be compatible with adjoining development and the intended purpose of the District in which it is to be located;

(e) That the use will comply with yard, other open space, and any special requirements set out in the Schedule of District Regulations for the particular use involved;

(f) That the use will comply with all elements of the Comprehensive Plan;

(g) That the use not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the District;

(h) That adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

The following factors may be used as a guide in determining the parking need generated by any commercial uses (retail, personal services, offices, professional and business services, banks and financial institutions) being considered for special exception approval:

Offices, professional and business services, banks and financial institutions.

0.65 spaces per each full-time employee plus

0.33 spaces per each part-time employee plus

0.16 spaces per salesman, plus

25% of the sum of the foregoing to cover customer parking need.

Retail and personal services uses.

0.65 spaces per each full-time employee plus

0.33 spaces per each part-time employee plus

Two times the sum of the foregoing to cover customer parking need.

The above calculations may be used to determine if the proposed use would generate parking need in excess of that required by the parking schedule of this Chapter.

(i) That signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic impact be compatible and in harmony with properties in the District;

(j) That location, availability and compatibility of utility service for the use be satisfactory to insure health and safety;

(k) That refuse and service areas for the use not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe;

(l) That the proposed use will not attract the principal portion of its customers/clients from off-island locations;

(m) That adequate landscaping and screening is provided as required herein;

(n) In the event an authorized or existing Special Exception Use is discontinued for any period of time with the intention on the part of the owner to abandon such Special Exception Use, or the discontinuance of such use for a period of two (2) years without the intention of the owner to abandon, shall be an abandonment thereof, and such Special Exception Use shall thereby be immediately terminated and may not thereafter be revived except upon new application and approval by the Town Council.

- (f) Sec. 6.55 - Commercial Uses - C-A and C-B Districts so that the title thereof shall be Commercial Uses C-TS, C-WA, C-OPI, C-PC and C-B Districts, and by amending subparagraph (a) thereof so that the first sentence thereof shall read as follows:

"6.55 - Commercial Uses - C-TS, C-WA, C-OPI, C-PC and C-B Districts.

(a) All applications for new buildings or for new building additions or for changes in Permitted Use in the 'Schedule of Use Regulations' of this Chapter which involve more than 2,000 square feet of building floor area of buildings in the C-TS, C-WA, C-OPI, C-PC or C-B Districts shall require a site plan approval in accordance with Sec. 9.60 of this Chapter".

Sec. 7: -- Art. 8 of the aforesaid ordinance entitled "Nonconformities" shall be amended by adding an additional paragraph to the end of Sec. 8.10 thereof, as follows:

"In the event that an existing approved Special Exception Use which also has zoning nonconformity of use or structure existing in connection with the Special Exception Use should be removed by the Town Council from the list of Special Exception Uses in the

'Schedule of Use Regulations' contained in this Chapter, then said nonconforming use and/or structure shall become a nonconforming use as contained in this Chapter";

and further amending said Art. 8, Sec. 8.30, "Termination of Nonconforming Uses and Structures", as follows:

"Sec. 8.30 - Termination of Nonconforming Uses and Structures.

8.31 - Abandonment.

The discontinuance of a nonconforming use with the intention of the owner thereof to terminate said use for any period of time is an abandonment. Likewise, the discontinuance of a nonconforming use for a period of two years without the intention of the owner thereof to discontinue said use, and/or the change of a use to a more restricted or conforming use for any period of time shall be considered an abandonment thereof, and such nonconforming use shall not thereafter be revived.

8.32 - Partial Destruction.

When 50% or more of the existing floor area of a nonconforming structure or structure occupied by a nonconforming use is destroyed by fire or other casualty or Act of God or acts of the owner thereof, the use of such structure as a nonconforming use shall immediately be terminated".

Sec. 8: -- Art. 9 of the aforesaid ordinance entitled "Administration and Enforcement" shall be amended as follows:

(a) Sec. 9.61(m) entitled "Site Plan Review, Application" shall be amended to add an additional sentence to read as follows:

"In the case of commercial uses, colored photographs of each building within 100 feet to either side of the property line on any street and a diagrammatic elevation drawing indicating the height and width of existing or planned structures within the same distance".

(b) Sec. 9.63(j) entitled "Site Plan Review, Review by Town Council" shall be amended by adding the following paragraph:

"(j) 'Height of Commercial Structures' with reference to adjoining buildings, the effect on uniformity in height, and the general principal of retaining the low profile scale of commercial architecture".

Sec. 9: -- The property situate, lying and being in the Town of Palm Beach, Palm Beach, County, Florida, described as:

A portion of Phipps Plaza from 206 through 238 Phipps Plaza, legally described as Lots B, C, D, E, F, G, H and J of Phipps Plaza Subdivision, and 1, 1-A, 3-A, 4, 4-A, 5, 5-A of the Plat of the Plaza Subdivision (see attached map)

is hereby removed from the C-A Commercial District, and included in the R-C Residential District, and the Town's Zoning Map shall be amended accordingly by the proper Town officials to reflect this change in zoning classification.

Sec. 10: -- The properties located within the delineated areas identified on the attached maps are hereby removed from the C-A Commercial District and included in the newly created C-TS, C-WA, C-OPI and C-PC Commercial Districts (as appropriate), such districts having replaced the C-A District; and the Town's Zoning Map shall be amended accordingly by the proper Town officials to reflect these changes in zoning classification.

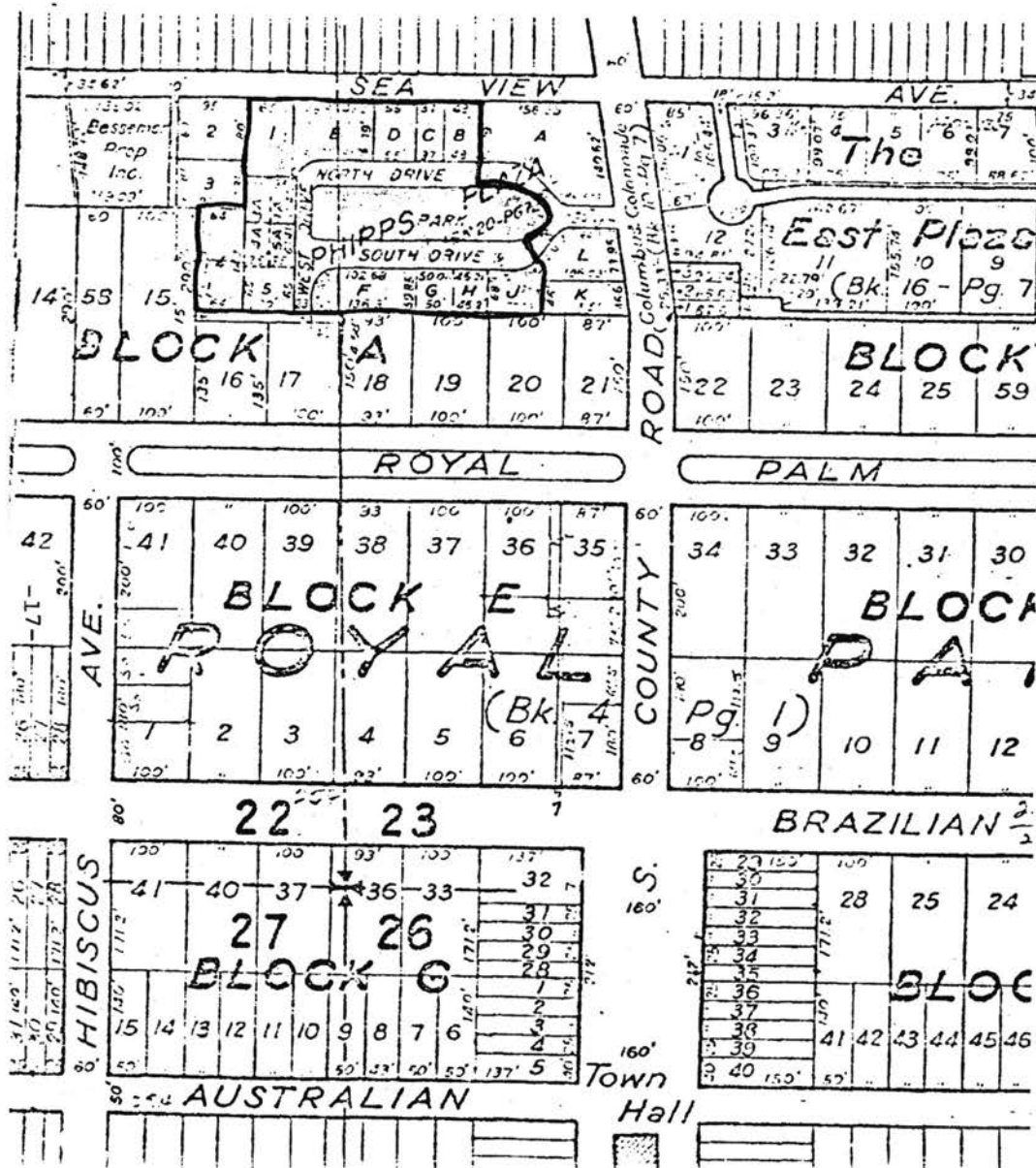
Sec. 11: -- If any provision of this ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this ordinance are hereby declared severable.

Sec. 12: -- Any person found guilty of a violation of this ordinance shall be punished in accordance with the provisions as in Sec. 13.20 of Ordinance No. 2-74.

Sec. 13: -- All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Sec. 14: -- This ordinance shall take effect immediately upon its passage and approval as provided by law.

PASSED AND ADOPTED in a regular, adjourned session assembled on first reading this 20th day of March,

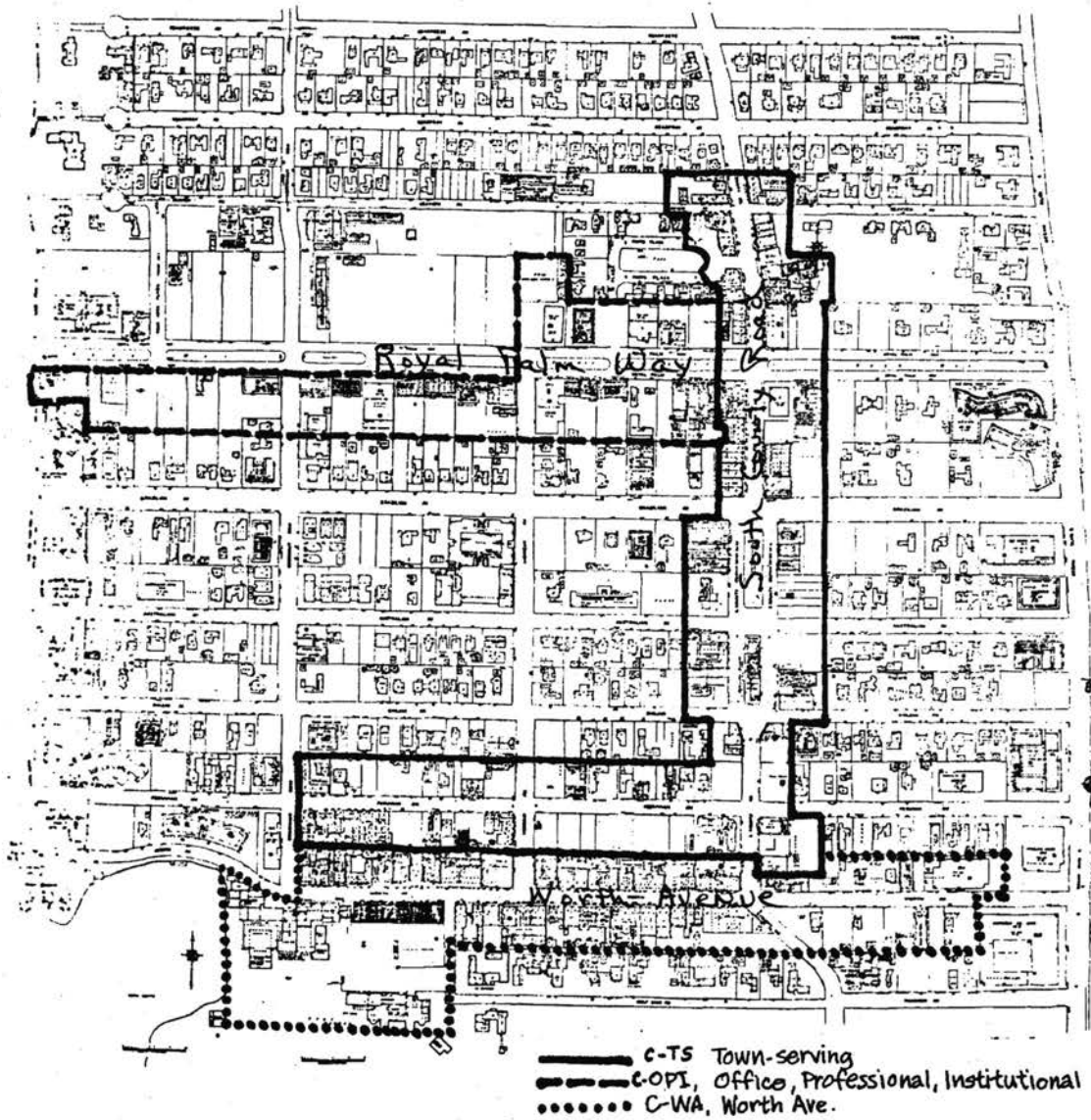


PROPOSED REZONING

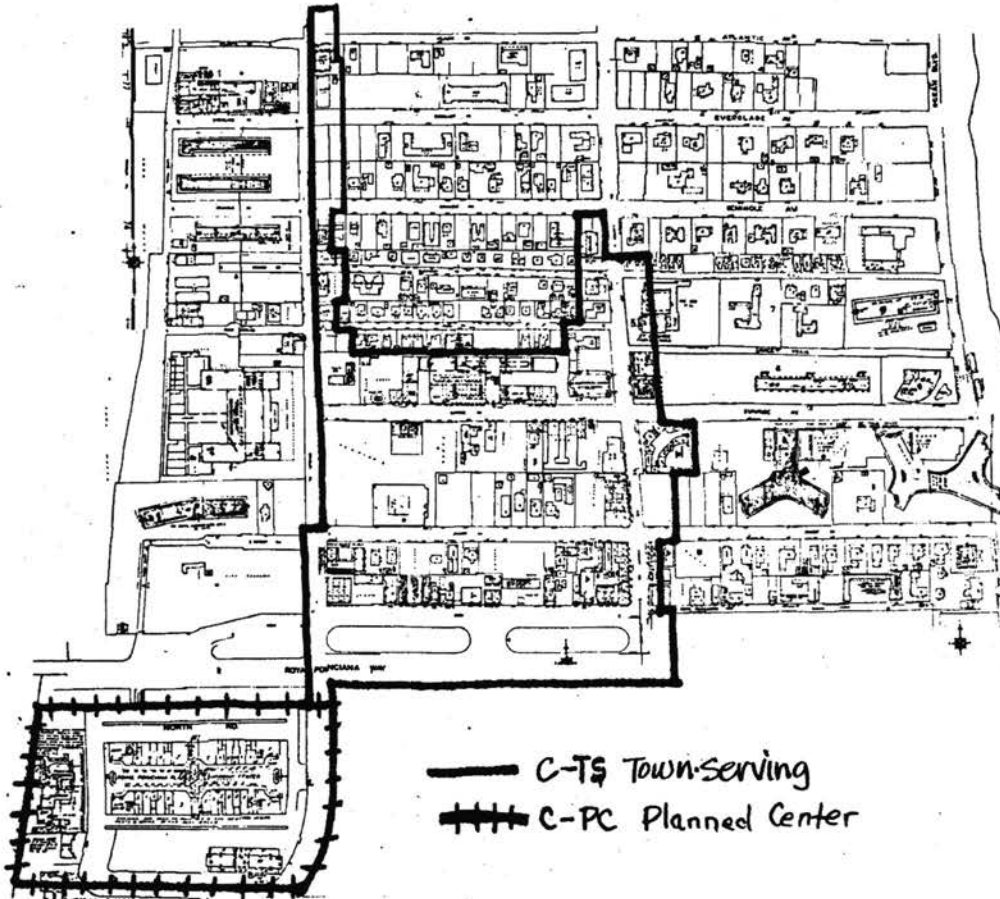
Portion of Phipps Plaza from C-A Commercial
to R-C Medium Density Residential.

Property legally described as lots B,C,D,E,F,G,H and J
of Phipps Plaza and lots 1,1A,3A,4,4A,5 and 5A of the
Plat of the Plaza.

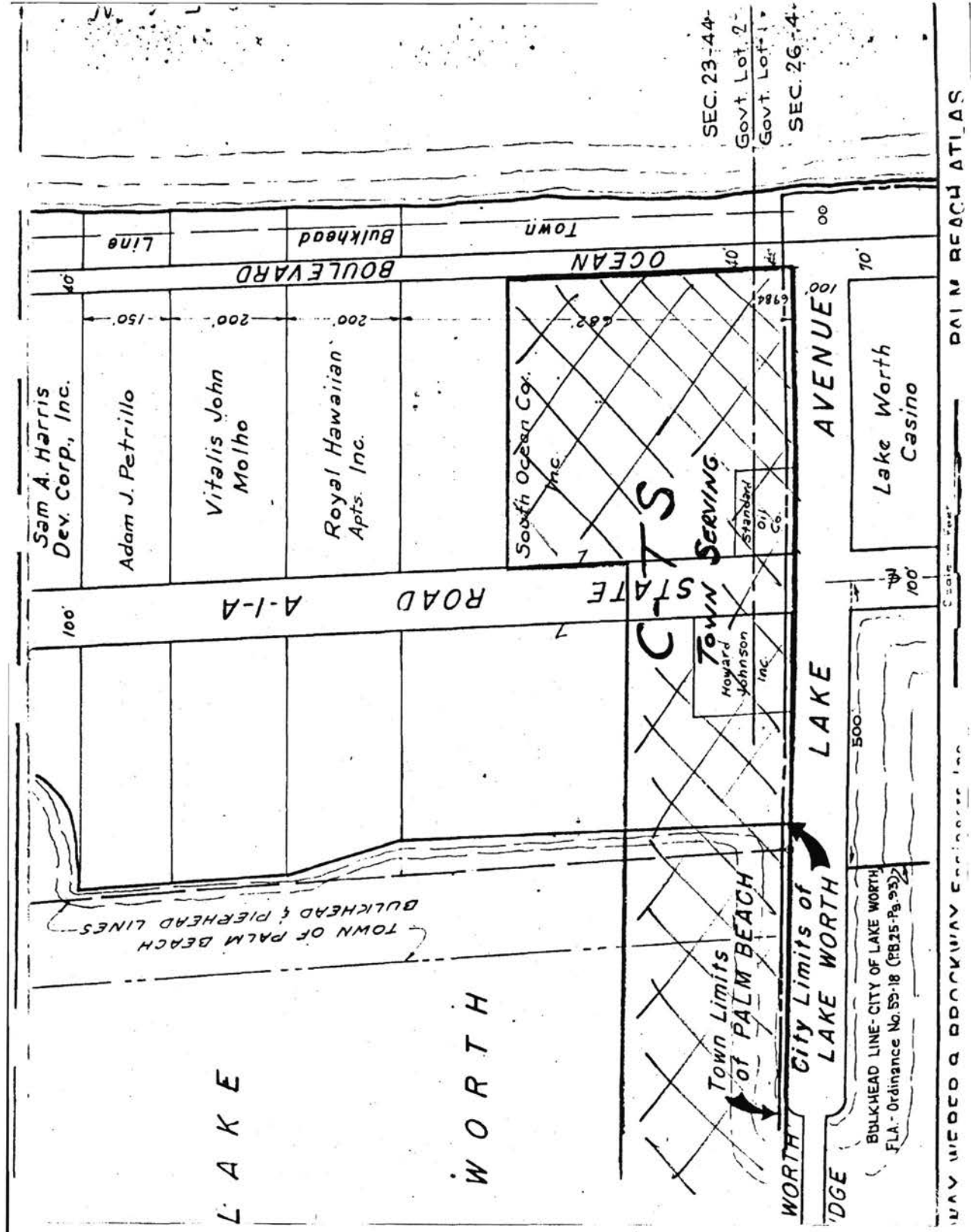
COMMERCIAL ZONING

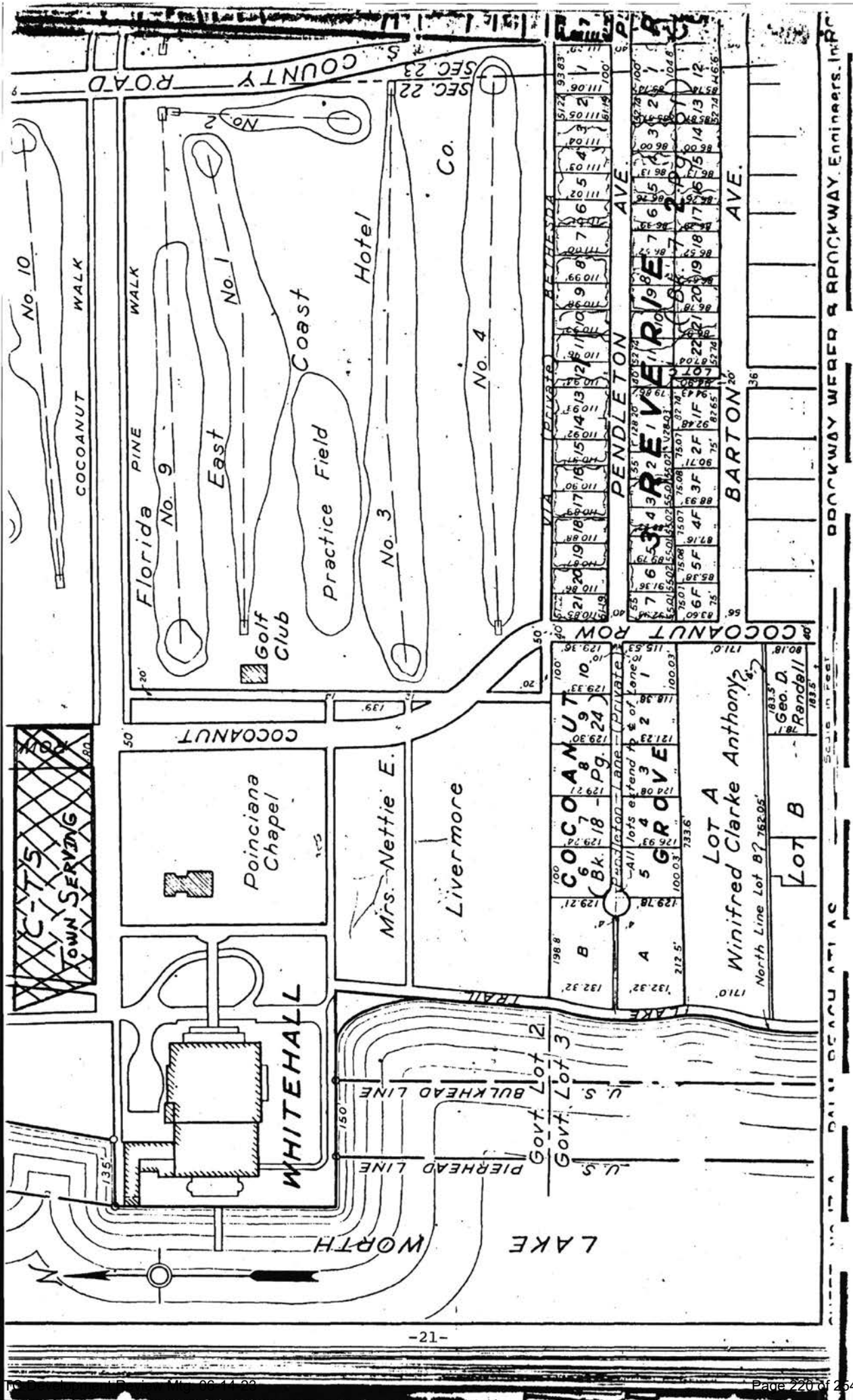


COMMERCIAL ZONING



— C-TS Town-Serving
++++ C-PC Planned Center





1980, and on second and final reading this 31st day of
March, 1980.

Robert M. Grace

Charles H. Wainwright

Cathleen A. Johnson

Mr. M. M. Meier

Town Council

APPROVED:

Wack Fitcher
Mayor

ATTEST:



Grace J. Peters
Town Clerk

ORDINANCE 1-91

AN ORDINANCE OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2-74, AS AMENDED, THE OFFICIAL ZONING ORDINANCE OF THE TOWN OF PALM BEACH; PROVIDING AMENDMENTS TO ARTICLE 2, SECTION 2.10 ENTITLED "DEFINITIONS", BY REVISING DEFINITION, (6) "BASEMENT"; ADDING NEW DEFINITION (22.1) "FLOOR AREA RATIO (FAR)"; TO PROVIDE AMENDMENTS TO ARTICLE 4 ENTITLED, "DISTRICT REGULATIONS"; BY AMENDING SECTION 4.10 SCHEDULE A, SCHEDULE OF LOT YARD AND BULK REGULATIONS, TO INCLUDE A COMPREHENSIVE SET OF DESIGN GUIDELINES WITH CORRESPONDING CHANGES AND/OR ADDITIONS TO SETBACK, HEIGHT, COVERAGE, LANDSCAPE, DENSITY AND USE REGULATIONS IN THE C-WA DISTRICT; AMEND ANGLE OF VISION REGULATIONS TO INCLUDE ACCESSORY BUILDINGS; REDUCE DENSITY FROM 8 UNITS PER ACRE TO 6 UNITS PER ACRE FOR TWO FAMILY DWELLINGS IN R-C DISTRICT AND CHANGE THE MINIMUM LOT AREA FOR SUCH USE FROM 10,000 SQUARE FEET TO 13,333 SQUARE FEET, WITH AN EXCEPTION FOR NOW VACANT 10,000 SQUARE FOOT LOTS FOR ONE YEAR; REDUCE BUILDING HEIGHT BY ELIMINATION OF BASEMENT CREDIT AS RELATED TO NUMBER OF STORIES IN R-B DISTRICT; INSTITUTE A FLOOR AREA RATIO (FAR) REGULATION OF 0.45 IN THE R-B DISTRICT; PROVIDE FOR A MINIMUM FRONT YARD SETBACK IN THE R-B DISTRICT WHICH SHALL BE THE AVERAGE FRONT SETBACKS OF THE TWO NEAREST DEVELOPED PROPERTIES ON THE SAME SIDE OF STREET IN THE SAME BLOCK; REDUCE ALLOWABLE OVERALL BUILDING HEIGHT IN R-B DISTRICT; INCREASE LANDSCAPE OPEN SPACE PERCENTAGES FROM 40% TO 50% IN R-AA DISTRICT AND FROM 40% TO 45% IN THE R-A DISTRICT; TO PROVIDE AMENDMENTS TO SECTION 4.10, SCHEDULE B, "SCHEDULE OF USE REGULATIONS", BY ADDING PROVISION ALLOWING THREE STORIES AS SPECIAL EXCEPTIONS IN C-WA DISTRICT; TO PROVIDE THAT IN THE EVENT ANY PROPERTY PREVIOUSLY GRANTED A SPECIAL EXCEPTION AFTER MARCH 31, 1980 IS REQUIRED TO OBTAIN A NEW OCCUPATIONAL LICENSE, SUCH NEW BUSINESS SHALL ALSO BE SUBJECT TO APPROVAL BY TOWN COUNCIL; TO PROVIDE AMENDMENTS TO ARTICLE 5 ENTITLED, "SUPPLEMENTARY LOT REGULATIONS", BY AMENDING SECTION 5.10, "LOT REGULATIONS", BY LIMITING ALTERATION OF NATURAL GRADE IN RESIDENTIAL DISTRICTS; AMEND SECTION 5.14, "STREET LOT LINES", BY ELIMINATING PARAGRAPHS (a), (b) and (d); AMEND SECTION 5.30, "YARD REGULATIONS", TO ALLOW ARCADES OR COLONNADES AS SPECIAL EXCEPTIONS; AMEND SECTION 5.47, "BEACH AREA", BY REDUCING ALLOWABLE BUILDING SIZE AND HEIGHT FOR PROPERTIES WITHIN THE BEACH AREA DISTRICT ADJACENT TO PROPERTIES IN THE R-B DISTRICT; TO PROVIDE AMENDMENTS TO ARTICLE 6 ENTITLED, "SUPPLEMENTARY USE REGULATIONS", BY AMENDING SECTION 6.32, "SIGNS IN RESIDENTIAL DISTRICTS" TO ALLOW NAME OF PERSONS AFFECTING THE SALE OR RENTAL OF PROPERTY TO BE INCLUDED ON PERMITTED SIGNAGE; AMEND SECTION 6.33, "SIGNS IN COMMERCIAL DISTRICTS", TO ALLOW BUSINESS IDENTIFICATION SIGNS FOR UPPER STORY TENANTS; AMEND SECTION 6.40, "SPECIAL EXCEPTION USES", TO PROVIDE THAT ANY NEW SPECIAL EXCEPTION USE BEING CONSIDERED WILL NOT PLACE AN INCREASED BURDEN ON MUNICIPAL POLICE AND FIRE PROTECTION SERVICES; TO PROVIDE AMENDMENTS TO ARTICLE 8 ENTITLED, "NONCONFORMITIES", BY AMENDING SECTION 8.11, "EXTENSION OR EXPANSION OF NONCONFORMING USES", BY INCLUDING PROVISIONS ALLOWING FOR THE GRANTING OF VARIANCES FOR NONCONFORMING USES; AMEND SECTION 10.13,

"VARIANCES", BY INCLUDING SPECIFIC CRITERIA THAT MUST BE CONSIDERED IN GRANTING VARIANCES TO NONCONFORMING USES; TO PROVIDE AMENDMENTS TO ARTICLE 13 ENTITLED, "VIOLATIONS AND PENALTIES", BY AMENDING SECTION 13.20, "VIOLATIONS AND PENALTIES", BY INCLUDING ADDITIONAL CLARIFYING LANGUAGE RELATING TO ABATEMENT OF ZONING ORDINANCE VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY FOR A VIOLATION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, after public hearings pursuant to notice as required by law, the Town Council does hereby find, determine, and declare that the public health, safety, morals, and general welfare of the citizens of the Town of Palm Beach require that the aforesaid Zoning Ordinance No. 2-74, as amended, be further amended as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. Article 2 of the aforesaid Ordinance titled "DEFINITIONS" is hereby amended as follows:

(a) Amend the following definition contained in Section 2.10 to read as follows:

(6) BASEMENT. A story situated under a building, said story having exterior perimeter wall and having a floor level two (2) or more feet below the level of the contiguous exterior ground outside of the building and having one-half or more of its floor to ceiling height below the average level of all of the exterior ground of the lot comprising the subject building development site. In all Zoning Districts except the R-B Zoning District, a basement story shall not be considered a story with regards to height regulations contained in this ordinance if said story does not exceed plus eight (8) feet above zero datum for the subject lot, and if clearly designed and adapted to and used solely for the purposes of automobile parking and/or machinery and essential building utility services not involving habitable space. The exterior walls of said basement story shall be set back from all property lines as required for said building situated over the basement story, and minimum door openings in said basement walls shall be limited to those essential to permit one (1) automobile access driveway and one (1) automobile exit driveway for each separated under building parking area, plus pedestrian lobby entries and required fire escape exitways.

(b) Add a the following new definition to Section 2.10

(22.1) Floor Area Ratio (FAR). A measure of land use intensity, expressing the mathematical relationship between the floor area of a building and the unit of land. It is arrived at by dividing the gross floor area of all buildings (exterior dimensions) on a lot by the gross area of that lot.

Section 1. Article 4 of the aforesaid Ordinance titled "DISTRICT REGULATIONS" is hereby amended as follows:

(a) Amend Section 4.20, A. "Schedule of Lot, Yard and Bulk Regulations," to:

1. Add a provision allowing a Special Exception for a maximum height of three stories/35 feet in the C-WA District with a requirement for a minimum of 25% landscaped open space and with a reference to footnote (20).
2. Add a provision for a rear yard setback of 10 feet for second and third stories in the C-WA District, together with a reference to footnote (25).
3. Reduce the maximum density for two-family uses in the R-C District from 8 to 6 dwelling units per acre and increase the minimum lot area for two-family uses in the R-C District from 10,000 square feet to 13,333 square feet,
4. Add a provision for a maximum Floor Area Ratio (FAR) of 0.45 (including basements) in the R-B District.
5. Increase the minimum landscaped open space requirement in the R-A District from 40% to 45% and increase the minimum landscaped open space requirement in the R-AA District from 40% to 50%
6. Amend footnote (3) to read as follows:

(3) With the exception of arcades and colonnades in the C-WA District all buildings shall be set back so as to provide at least a ten-foot wide pedestrian walkway between the street curblin and the building, exclusive of beautification strips, not more than five (5) feet of which may be on the town street right-of-way, where appropriate, and additionally, to provide for the minimum building front yard setback, which shall be measured from the inside (lot side) of said required pedestrian walkway.

Within the C-WA District, arcades or colonnades may be constructed subject to approval as a special exception over the sidewalks in the required front yard setback, provided they meet the requirements of Section 5.33 (e).

7. Amend footnote (7) to read as follows:

(7) The maximum density for hotels within the C-OPI commercial district shall be thirty (30).

8. Add a new footnote (13a) applicable to front yard setbacks in the R-B District, to read as follows:

(13a) The front yard setback required shall be not less than the average of the front yard setbacks of the two (2) nearest developed properties on the same side of the street in the same block.

9. Add a new footnote (18a) applicable to maximum height allowable in the R-B District, to read as follows:

(18a) Maximum overall height of a building in the R-B District shall be twenty-seven (27) feet for flat-roofed structures and thirty (30) feet for all other roof styled structures.

10. Amend footnote (20) to read as follows:

(20) One (1) story, with provision for a special exception for two (2) and three (3) stories. See special exception provisions in Sections 5.48 relating to allowable height and lot coverage, and Sections 6.40 (special exception use) and 9.60 (site plan review).

11. Amend footnote (23) by adding a new sub-item (e), to read as follows:

(e) For the purposes of determining application of the building angle of vision, an accessory structure shall be considered part of the principal structure when it is separated from the principal structure by a distance of less than twenty-five (25) feet.

When an accessory structure is separated by a distance of twenty-five (25) feet or more from the principal structure, it shall be treated as separate structure and individually subject to the building angle of vision.

12. Add a new footnote (25) applicable to the allowance of a third story in the C-WA District, to read as follows:

(25) The provision allowing a Special Exception for construction of a third story in the C-WA District shall expire upon the third anniversary of its adoption, unless the Town Council specifically authorizes its continuation.

13. Add a new footnote (26) applicable to maximum density and minimum lot area for two-family uses in the R-C District, to read as follows:

(26) Construction of two-family uses, on lots vacant at the time of adoption of Ordinance 1-91, shall be permitted up to a maximum density of 8 (eight) dwelling units per acre on lots of at least ten thousand (10,000) in area, until the anniversary of the adoption of Ordinance 1-91. Thereafter, the maximum density of six (6) dwelling units per acre and a minimum lot size of 13,333 square feet shall be applicable to all such vacant lots.

- (b) Amend Section 4.20, B. "Schedule of Use Regulations," to:

1. Amend item "L" under the list of Special Exception Uses in the C-WA District to read as follows:

L(1) One dwelling unit located on the second floor per fifty (50) feet of frontage;

L(2) Dwelling units located on the third floor provided; the second floor is also devoted to residential use as set forth in L(1); and, provided that the combined density of residential uses on the second and third floors does not exceed two (2) dwelling units per sixty (60) feet of frontage on Worth Avenue; and, provided such special allowance is based upon the "Worth Avenue Design Guidelines," and review and approval by the Architectural Commission.

The Worth Avenue Design Guidelines are hereby incorporated and adopted as part of this Zoning Ordinance as if fully set forth herein.

L(3) L(1) and L(2), above, shall expire upon the third anniversary of its adoption, unless the Town Council specifically authorizes their continuation.

2. Add a new item "N. Outdoor Cafe" to the list of Special Exceptions in the C-WA District.
3. Add a new footnote (3) to the Schedule of Use Regulations, applicable to Special Exception Uses in the C-TS, C-WA, C-PC and C-B Districts, to read as follows:

(3) An owner or tenant of a property, located within the C-TS, C-WA, C-PC or C-B Districts, which property has received approval of a Special Exception after March 31, 1980 shall be required to obtain approval by the Town Council under the provisions of Section 6.40 (L) prior to being granted a new occupational license. This provision shall not apply to renewal of existing occupational licenses.

Section 3. Article 5 of the aforesaid Ordinance titled "SUPPLEMENTARY LOT REGULATIONS" is hereby amended as follows:

- (a) Amend Section 5.14, "Street Lot Lines," as follows: Paragraphs (a), (b) and (d) to be deleted; paragraph 5.14 to read as follows and remaining paragraphs (c), (e) and (f) to be relettered to (a), (b) and (c) respectively.

(5.14) STREET LOT LINES. The front lot line, side street line or rear street line of any lot shall be the right-of-way line (the street line) of the abutting street.

- (a) When a lot abuts a private street where the right-of-way width is not, in the opinion of the building official, clearly determined, the street lot lines, for the purposes of this ordinance, shall be located fifteen (15) feet from and parallel to or concentric with the center line of said street.

(b) For the purpose of uniformity in administration of zoning regulations contained in this ordinance, no portions of a public or private street right-of-way as defined herein shall be included in required front yard, street side yard or street rear yard areas for determining required building setbacks, nor shall any portion of a public or private street right-of-way be used in computations of required minimum abutting lot areas. Further, cul-de-sacs and street transitions at street intersections, as shown, on Town Council approved subdivision plats having public or private streets therein, shall likewise not be included as a portion of required building setback areas or required minimum lot areas.

(c) Any structure on any lot which abuts a public or private alley or platted access walkway, except Lake Trail, shall be set back from that alley or platted walkway a distance equal to the side or rear yard setback requirements, as the case may be, for that district. A principal structure shall not front on such an alley or walkway.

(b) Amend Section 5.10, "Lot Regulations," by adding a new subsection 5.18 to read as follows:

5.18 ALTERATION OF NATURAL GRADE. In residential districts, for single-family development, the natural grade of a lot shall not be raised more than one (1) foot except to raise the grade to the minimum elevation to meet base flood elevation requirements.

(c) Amend Section 5.30, "Yard Regulations," by adding a new subsection (e) to Section 5.33, to read as follows:

(e) Within the C-WA District, arcades or colonnades may be constructed, subject to approval as a Special Exception, over sidewalks or ways, provided that they shall not project nearer than three (3) feet to the face of the street curb line, nor more than ten (10) feet but not less than seven (7) feet from the exterior wall as measured from the exterior face of the building to the exterior face of the arcade or colonnade; and, provided that no support shall be nearer than three (3) feet to the face of the curb and said installation shall have a minimum of nine (9) feet of vertical clearance.

The design of such arcades or colonnades shall be based upon the "Worth Avenue Design Guidelines," and shall be subject to review and approval by the Architectural Commission.

The Worth Avenue Design Guidelines are hereby incorporated and adopted as part of this Zoning Ordinance as if fully set forth herein.

- (d) Amend Section 5.47(a), "Beach house building and fence, etc., height, width, and length limit," to read as follows:

(1) For properties within the Beach Area District adjacent to properties in the R-B District:

No structure or beach house building more than one (1) story (but not to exceed eight (8) feet in height as measured from the natural grade or crown of the road, whichever is less, to the underside of the roof plus four (4) feet in height to the highest point of the roof, twenty (20) feet in width but occupying not more than 20% of the width of the lot, and ten (10) feet in length) shall be constructed on privately owned property lying east of Ocean Boulevard; but this restriction shall not be deemed to apply to jetties or groins, or other structures for the protection of the beachfront; and provided further than no additional walls, fences, hedges or other structures or growth shall be erected or grown eastwardly of the Ocean Boulevard to a height greater than four (4) feet above the surface of the Ocean Boulevard pavement along which such wall, fence or growth is maintained. No parking will be allowed in the beach area district.

(2) For properties within the Beach Area District adjacent to properties in Districts other than R-B:

"No structure or beach house building more than one (1) story (but not to exceed sixteen (16) feet in height to the highest point of the roof, twenty (20) feet in width, and twenty-five (25) feet in length) shall be constructed on privately owned property lying east of Ocean Boulevard; but this restriction shall not be deemed to apply to jetties or groins, or other structures for the protection of the beachfront; and provided further than no additional walls, fences, hedges or other structures or growth shall be erected or grown eastwardly of the Ocean Boulevard to a height greater than four (4) feet above the surface

of the Ocean Boulevard pavement along which such wall, fence or growth is maintained. No parking will be allowed in the beach area district.

- (e) Amend Section 5.48, "Special Exception to Height Regulations; Special Exception Structures" to provide new height and coverage guidelines for 2-story and 3-story structures in the C-WA District, by modifying subitem "G" to read as follows:

G. C-WA District: The following provisions shall be applicable to two-story and three-story construction in the C-WA District:

1. Two-story guidelines:

- a. First story coverage not more than thirty-five (35) percent and second story coverage not more than thirty-five (35) percent.
- b. First story coverage not more than fifty (50) percent and second story coverage not more than thirty-five (35) percent if designed under the Worth Avenue Design Guidelines in conformance with Section 6.40 (Q).

2. Three-story guidelines:

First story coverage not more than fifty (50) percent; second story coverage not more than thirty-five (35) percent; and third story coverage not more than twenty-five (25) percent per special allowance under the Worth Avenue Design Guidelines in conformance with Section 6.40 (Q).

3. Items 1 and 2, above, shall expire upon the third anniversary of their adoption, unless the Town Council specifically authorizes their continuation.

Section 4. Article 6 of the aforesaid Ordinance titled "SUPPLEMENTARY USE REGULATIONS" is hereby amended as follows:

- (a) Amend Section 6.32, "Signs in Residential Districts" by amending subsection (b)(1)(a) to read as follows:

- (a) The sign shall read either "Open", "For Rent" or "For Sale" and may include the name of the persons affecting the sale or rental and the telephone number of the owner or agent relative to the premises upon which the sign is located.

- (b) Amend Section 6.33, "Signs in Commercial Districts," and paragraph 6.33 (c), "Location" to read as follows:

(6.33) SIGNS IN COMMERCIAL DISTRICTS.

One building identification sign which is installed flat against the main wall of a building may be provided for each building street frontage provided such sign does not exceed twenty (20) square feet in area. Additionally, business signs which are installed flat against the main wall of a building are permitted for each licensed business in a building, in accordance with the following regulations:

Amend Section 6.33(c) to read as follows:

(c) Location. Tenants shall be allowed signs on first floor merchandise display areas, provided that the sign area for each individual display area shall not exceed its proportionate share of the total allowable maximum gross surface area for the building as calculated under (a) above and that the total gross surface area of all signs displayed on the building shall not exceed the maximum for that building as calculated under (a) above.

- (c) Amend Section 6.40, "Special Exception Uses," by adding a new item (q) to read as follows:

(q) Special exceptions in the C-WA District which involve special allowances pertaining to residential uses, height or coverage, as referenced in Sec. 5.48 of this Code, shall be based upon the Worth Avenue Design Guidelines and contingent upon review and recommendation by the Architectural Commission.

The Architectural Commission, in order to make a positive recommendation, must make an affirmative finding that the proposed special exception is meritorious to the Town of Palm Beach because of its general appearance and adherence to the "Worth Avenue Design Guidelines" published by Adley, Brisson, Engman, Inc.

The Worth Avenue Design Guidelines are hereby incorporated and adopted as part of this Zoning Ordinance as if fully set forth herein.

- (d) Amend Section 6.40, "Special Exception Uses," by adding a new paragraph (r) as follows:

(r) That the proposed use will not place a greater burden, than would be caused by a permitted use, on municipal police services due to increased traffic, or on fire protection services due to the existence of, or increased potential for, fire/safety code violations.

Section 5. Article 8 of the aforesaid Ordinance titled "NONCONFORMITIES" is hereby amended as follows:

- (a) Amend Section 8.11, "Extension or Expansion of Nonconforming Uses," to read as follows:

EXTENSION OR EXPANSION OF NONCONFORMING USES.

No nonconforming use shall be enlarged, increased, intensified, substituted or extended to occupy greater area than it occupied at the effective date of adoption or amendment of this chapter [ordinance] except as may be granted by variance under section 10.13 of this ordinance. No such nonconforming use shall be relocated in whole or in part to any portion of lot or parcel except the location occupied by such use at the effective date of adoption or amendment of this chapter [ordinance].

Section 6. Article 10 of the aforesaid Ordinance titled "APPEALS AND VARIANCES" is hereby amended as follows:

- (a) Amend Section 10.13, "Variances," by adding a new paragraph (f) and change existing paragraph (f) to paragraph (g). New paragraph (f) to read as follows.

(f) That in the event of the granting of a variance to Sections 8.11, 8.14, or 8.15, pertaining to the regulation of nonconforming uses, the following additional findings shall be made pertaining to the nonconforming use for which the variance is requested:

- 1) That it is the continuance of a unique hotel or residential use that has, for at least fifteen (15) years proven compatible with the surrounding uses; and,

- 2) Neither rezoning to a district which would allow the use, nor inclusion of the subject use as a permitted or special exception use in the district, would act to achieve the preservation of the subject use without opening the possibility of the incursion of uses incompatible with the immediately surrounding area.

And, further, that such variance shall:

- (3) be granted only for the continuation of the same hotel or residential use; and,
- (4) require the applicant to submit a Declaration of Use limiting the utilization of the property for which the variance was granted to the same use as that existing at the time the variance was granted.

Section 7. Article 13 of the aforesaid Ordinance titled "VIOLATIONS AND PENALTIES" is hereby amended as follows:

- (a) Amend Section 13.20, "Violations and Penalties," by amending paragraph 4 thereunder to read as follows:

Nothing herein contained shall prevent the Town from taking other lawful action necessary to prevent or remedy any violation of or failure to comply with the regulations contained in this ordinance, including, but not limited to, the issuance of a citation pursuant to the general penalty provision of the Town's code of ordinances and/or the commencement of a civil action in a court of appropriate jurisdiction.

- (b) Amend Section 13.20, "Violations and Penalties," by eliminating paragraph (b) in its entirety.

PASSED AND ADOPTED in regular, adjourned session assembled on first reading this 9th day of April, 1991, and on second and final reading on this 23rd day of April, 1991.

Samuel G. Neeker

William H. Hensley

Thomas L. Hensley

Town Council

W. H. Hensley
Mayor

ATTEST:

Grace J. Peters
Town Clerk

TMF/t C:\TEMP\TC-ord1-.91

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 14, 2023

Section of Agenda

Ordinances - First Reading

Agenda Title

Amendment to the Requirements for Special Exception on Non-Conforming Lots within the Single-Family Districts

Ordinance No. 010-2023: An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Article IV, Nonconformities, Division 4. - Land; Section 134-446. Development and Redevelopment of Nonconforming Residential Lots; Article VI, District Regulations, Division 2. - RAA Large Estate Residential District, Section 134-793. Lot, Yard, and Area Requirements; Division 3. -R-A Estate Residential District, Section 134-843. Lot, Yard, and Area Requirements; and Division 4. - R-B Low Density Residential District, Section 134-893. Lot, Yard, and Area Requirements Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

Presenter

ATTACHMENTS:

- ▣ **PZB Staff Memorandum with Draft Ordinance No. 010-2023**

TOWN OF PALM BEACH

Information for Town Council Meeting on:

June 14, 2023

To: Mayor and Town Council Members, Serving as the Local Planning Agency & Town Council

Via: Kirk W. Blouin, Town Manager

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



Re: Amendment to the Requirements for Non-Conforming Lots
Ordinance No. 010-2023

Date: June 14, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the ordinance on first reading accepting the preliminary findings of the proposed Code language related to non-conforming lots.

BOARD OR COMMISSION RECOMMENDATION

On April 27, 2023, the Planning and Zoning Commission recommended Ordinance No. 010-2023, attached as Exhibit A, move forward to first and second reading. The proposed Code language proposes that single-family prior platted lots that do not meet the lot frontage, and/or lot dimensions, and/or lot size, not require processing an application for a Special Exception Approval.

GENERAL INFORMATION

The subject Code amendment has been presented to the PZC a number of times over the last few years. Most recently on April 27, 2023. Town planning staff were directed to proceed with amending several code amendments identified as those that can be adopted prior to the Town Zoning Code rewrite. The subject code amendment was one (1) of those proposals as non-conforming lots have been vetted through the public hearing and outreach efforts associated with the Code review planning process.

Many of the special exceptions and variance applications that come before the Town Council are required due only to the existing nonconformity on which development or redevelopment is proposed. Simply stated, the lot frontage, and/or lot dimensions, and/or lot size do not meet the current minimum regulations found in the Town Zoning Code as these lots were platted prior to the current Zoning Code. The specific land development regulations associated with this proposed amendment are found in Chapter 134, Sections 134-446, 134-793(b), 134-843(b) and 134-893(c) of the Zoning Code.

Page | 1

The Town Zoning Code currently requires variances for nonconforming lots in the multi-family and commercial zoning districts, and special exceptions and site plan approvals for nonconforming lots in the single-family home zoning districts. The subject code amendment will simplify the process for single-family development. Presumably, the lots which are designated nonconforming today, were at one time conforming, as these lots would not have been platted or approved as part of a past subdivision. These lots are most often rendered nonconforming by the adoption of later codes, which changed the bulk zoning requirements within these districts.

The proposed solution retains the required variance on nonconforming lots in the multi-family and commercial districts but amends the required special exception with a site plan approval requirement on nonconforming lots within the single-family districts. With the subject amendment, these non-conforming lots are proposed to be permitted by right, if the nonconforming lots have maintained the metes and bounds (same size and boundaries) as the original lot of record when developed with a single-family dwelling in the past.

TOWN ATTORNEY REVIEW

The subject code amendment has been reviewed and approved for legal form and sufficiency.

Attachment: Proposed Ordinance No. 10-2023

cc: James Murphy, Assistant Planning Director
Jennifer Hofmeister-Drew, Planner III, AICP

ORDINANCE NO. 010-2023

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING, ARTICLE IV, NONCONFORMITIES, DIVISION 4. – LAND; SECTION 134-446. DEVELOPMENT AND REDEVELOPMENT OF NONCONFORMING RESIDENTIAL LOTS; ARTICLE VI, DISTRICT REGULATIONS, DIVISION 2. -RAA LARGE ESTATE RESIDENTIAL DISTRICT, SECTION 134-793. LOT, YARD, AND AREA REQUIREMENTS; DIVISION 3.- R-A ESTATE RESIDENTIAL DISTRICT, SECTION 134-843. LOT, YARD, AND AREA REQUIREMENTS; AND DIVISION 4.-R-B LOW DENSITY RESIDENTIAL DISTRICT, SECTION 134-893. LOT, YARD, AND AREA REQUIREMENTS PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Chapter 134, Zoning Article IV, Nonconformities, Division 4.- Land, is hereby amended as follows:

Sec. 134-446. Development and redevelopment of nonconforming residential lots.

- (a) ~~Vacant land~~ located in any zoning district which does not conform to the minimum requirements of lot dimension or lot area as required by the schedule of lot, yard and bulk regulations for the district as given in article VI of this chapter may be developed or redeveloped as allowed in subsections (b) and (c) provided that ~~multi-family residential use and single-family residential use~~ does not exceed the maximum density allowed for the site, as identified in chapter 134 and the Future Land Use Element in the town's comprehensive plan. ~~Development of a single-family residential dwelling unit on a vacant residentially zoned lot which has existed in the same configuration for a minimum of 30 years is allowed subject to subsection (b) or (c), whichever is relevant.~~
- (b) The development or redevelopment of land which does not conform to the requirements of lot dimension or lot area requirements in the R-C, R-D(1), R-D(2), C-TS, C-WA, C-OPI, C-PC, C-B and PUD zoning districts shall be subject to an application to the town council for a variance. A variance to develop or redevelop on a lot that is deficient in lot area or dimension cannot be considered by the town council until the architectural commission has completed review of the project.
- (c) ~~The development or redevelopment of land which does not conform to the requirements of lot dimension or lot area requirements~~ A single-family dwelling, along with ancillary accessory structures, may be developed on a nonconforming lot in the R-AA, R-A and R-B

zoning districts provided that the lot contained a single-family dwelling and the lot retains the same size and configuration as when the previous single-family dwelling was constructed on the lot. ~~shall be subject to an application to the town council for special exception and/or site plan review as provided for in subsections 134-793(b), 134-843(b) and 134-893(b). A special exception and/or site plan review to develop or redevelop on a lot that is deficient in lot area or dimension cannot be considered by the town council until the architectural commission has completed review of the project.~~

Section 2. Chapter 134, Zoning Article VI, District Regulations, Division 2. R-AA, is hereby amended as follows:

Sec. 134-793. Lot, yard, and area requirements—Generally.

- (b) *Existing building lots.* A single-family structure may be constructed on any existing nonconforming lot at the time of adoption of the ordinance from which this section derives in the R-AA zoning district if the lot is less than the minimum area and/or dimension required for building lots in this district; provided, said single-family dwelling meets all other Town Codes. ~~however, that a special exception with site plan review would be required for an unplatted lot and site plan review would be required for a platted lot. A special exception and/or site plan review to develop or redevelop on a lot that is deficient in lot area or dimension cannot be considered by the town council until the architectural commission has completed review of the project.~~

Section 3. Chapter 134, Zoning Article VI, District Regulations, Division 3. R-A, is hereby amended as follows:

Sec. 134-843. Lot, yard, and area requirements—Generally.

- (b) *Existing building lots.* A single-family structure may be constructed on any existing nonconforming lot at the time of adoption of the ordinance from which this section derives in the R-A zoning district if the lot is less than the minimum area and/or dimension required for building lots in this district; provided, said single-family dwelling meets all other Town Codes. ~~however, that a special exception with site plan review would be required for an unplatted lot and site plan review would be required for a platted lot. A special exception and/or site plan review to develop or redevelop on a lot that is deficient in lot area or dimension cannot be considered by the town council until the architectural commission has completed review of the project.~~

Section 4. Chapter 134, Zoning Article VI, District Regulations, Division 4. R.B, is hereby amended as follows:

Sec. 134-893. Lot, yard, and area requirements—Generally.

- (c) *Existing building lots.* A single-family structure may be constructed on any existing nonconforming lot at the time of adoption of the ordinance from which this section derives in the R-B zoning district if the lot is less than the minimum area and/or dimension required for building lots in this district; provided, said single-family dwelling meets all other Town Codes. ~~however, that a special exception with site plan review would be required for an unplatted lot and site plan review would be required for a platted lot. A special exception and/or site plan review to develop or redevelop on a lot that is deficient in lot area or~~

~~dimension cannot be considered by the town council until the architectural commission has completed review of the project.~~

Section 5. 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 6. 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 7. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 8. 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, Florida, on the First Reading this ____ day of ____, 2023; and for the Second and Final Reading on this ____ day of ____, 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 14, 2023

Section of Agenda

Ordinances - First Reading

Agenda Title

Amendment to the Definition of Building Height, Point of Measurement

-
Ordinance No. 011-2023: An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Article I, in General; Section 134-2, Definitions and Rules of Construction, Related to Building Height Point of Measurement; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

Presenter

ATTACHMENTS:

- ▣ **PZB Staff Memorandum with Draft Ordinance No. 011-2023**

TOWN OF PALM BEACH

Information for Town Council Meeting on:

June 14, 2023

To: Mayor and Town Council, Serving as the Local Planning Agency & Town Council

Via: Kirk W. Blouin, Town Manager

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



Re: Amendment to the Definition of Building Height, Point of Measurement
Ordinance No. 011-2023

Date: June 14, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the ordinance on first reading accepting the preliminary findings of on the proposed Code language related to building height definition related to point of measurement. The proposed language of the subject Ordinance will amend Chapter 134, Zoning, related to the definitions of Building Height, and to add definitions for Building Height and Exterior Wall Height, contained in Chapter 134, Article 1, Section 134-2(b), Definitions.

BOARD OR COMMISSION RECOMMENDATION

On April 27, 2023, the Planning and Zoning Commission recommended Ordinance No. 011-2023, attached as Exhibit D, move forward to first and second reading on Code language related to building height, point of measurement.

GENERAL INFORMATION

There are currently nine (9) separate definitions for Building Height, as outlined in Chapter 134, Article I, Section 134-2, Definitions, of the Town of Palm Beach, Florida Code of Ordinances (See Exhibit A). The different building height definitions cover various situations and districts, that include the following:

- Height measured vertically from a zero datum (point of measurement) point to either the bottom of the top chord of the roof framing member (for pitched roofs) or the point where the ceiling meets the exterior wall (for flat roofs).
- Zero datum (point of measurement) varies depending on district and building location, such as the crown of the street at its highest elevation, minimum flood elevation, existing grade elevation, or the highest first floor elevation of an abutting principal building.
- Building height definitions account for different situations, such as corner lots, lots abutting low streets, through lots, and lots abutting Lake Trail.

Page | 1

Although it may appear that the specific definitions are tailored for unique circumstances and situations based on the location of the subject lot, they can be a source of confusion and redundancy.

The amended definition of Building Height and Exterior Wall Height (See Exhibits B & C) aims to accomplish two primary objectives:

- Consolidate the nine (9) definitions into a single and comprehensive definition by simplifying the point of measurement (zero datum) into three (3) standardized conditions, applicable to any lot within the Town of Palm Beach.
- Revise the method for measuring maximum building height to accommodate various roof types and allow for flexibility in maximum building height and maximum exterior wall height, depending on the requirements of individual districts. In districts with heightened sensitivity to the scale of new developments, such as the North End, the updated definition permits the imposition of more stringent requirements for both maximum building height and maximum exterior wall height. In contrast, other residential districts may benefit from increased maximum building height allowances, promoting a diverse range of architectural styles within the streetscape and built environment.

TOWN ATTORNEY REVIEW

The subject code amendment has been reviewed and approved for legal form and sufficiency.

Attachment: Proposed Ordinance No. 011-2023

cc: James Murphy, Assistant Planning Director
Jennifer Hofmeister-Drew, Planner III, AICP

EXHIBIT A

The nine (9) existing definitions of Building Height as outlined in Chapter 134, Article 1, Section 134-2, Definitions, of the Palm Beach, Florida, Code of Ordinances.

1. Building, height of (applicable only in the R-B districts) means the vertical distance from zero datum (excluding garage) to the bottom of the top chord of the roof framing member where it intersects the plane of the outside face of the exterior wall for pitched roofs (excluding dormer windows in non-habitable space). For flat roofs, the measurement is to the point where the ceiling meets the exterior wall. The building height zero datum shall be a maximum of 18 inches above the crown of the public or private street or road at its highest street elevation or the minimum flood elevation as established in chapters 18 and 50 of this Code, whichever is higher. For the purpose of constructing additions of less than 800 square feet, the zero datum shall be the top of the lowest top of first floor slab of the existing building.
2. Building height of (applicable to all districts except the R-B districts) means the vertical distance from zero datum (excluding garage), which is the crown of the public or private street or road at its highest elevation abutting the lot or the minimum flood elevation as established in chapters 18 and 50 of the Code, whichever is higher, to the bottom of the top chord of the roof framing member where it intersects the plane of the outside face of the exterior wall for pitched roofs (excluding dormer windows in non-habitable space). For flat roofs, the measurement is to the point where the ceiling meets the exterior wall. For the purpose of constructing additions of less than 800 square feet, the zero datum shall be the top of the lowest top of first floor slab of the existing structure.
3. Building, height of, (applicable only to structures on lots located on the west side of South Ocean Boulevard between Via Agape and Sloan's Curve in the R-AA district and having a natural ground level lower than that of the roadway on which the lot fronts) means the vertical distance from the point of measurement zero datum for height to the bottom of the top chord of the roof framing member where it intersects the plane of the outside face of the exterior wall for pitched roofs. For flat roofs, the point of measurement for height is height shall be measured from zero datum to the point where the ceiling meets the exterior wall. The point of measurement zero datum for height is the highest crown of road elevation in front of the lot for that portion of the lot which is within 50 feet west of the Coastal Construction Control Line (CCCL). The point of measurement for the portion of the lot west of that area shall be from the point where the exterior wall meets the minimum flood elevation as defined in chapter 50 or the natural grade, whichever is higher. For the purpose of constructing additions of less than 800 square feet, the zero datum shall be the lowest top of first floor slab of the existing structure building.
4. Building, height of, (applicable to lots or portions of lots east of the State of Florida Coastal Construction Control Line (CCCL)) means the vertical distance from the point of measurement for height zero datum to the bottom of the top chord of the roof framing member where it intersects the plane of the outside face of the exterior wall for pitched roofs (excluding dormer windows in non-habitable space). For flat roofs the measurement is from the point of measurement for height shall be measured from zero datum to the point

where the ceiling meets the exterior wall. The point of measurement zero datum for height in all zoning districts for buildings either east or partially east of the CCCL shall be the minimum bottom of grade beam elevation as established by the Florida Building Code plus two feet, the highest crown of road in front of the lot, or the highest first floor elevation of an abutting principal building, whichever is highest, provided all of the following conditions are met:

- (1) The proposed principal building can be no closer to the bulkhead line than the average setback of the closest principal buildings on the north and south side of the subject lot, provided the required rear setback is met; and
 - (2) The proposed principal building can be no closer to the front property line than the average front setback of the closest principal buildings on the north and south side of the subject lot, provided the required front setback is met; and
 - (3) The proposed building can be no taller than five feet above the average height of the principal buildings on the north and south side of the subject property provided the overall height does not exceed the maximum overall height allowed. For the purpose of constructing additions that do not exceed 800 square feet onto an existing structure on a lot, the point of measurement for height shall be the top of the lowest floor slab on the existing structure provided that said addition(s) meet the minimum requirements as established in the Florida Building Code for construction east or partially east of the CCCL.
5. Building height of corner lot. In those cases involving a corner lot as defined in this section, the zero datum of the lot set forth in the definition of the term "building, height of (applicable to all districts except the R-B district)" and the definition of the term "building, height of (applicable only in the R-B district)" shall be measured from the average elevation (taken at the crown of the street) of each of the two intersecting streets abutting the lot. For the purpose of constructing additions of less than 800 square feet, the zero datum shall be the top of the lowest top of the first-floor slab of the existing building.
 6. Building, height of, lot abutting low streets, means for the purpose of establishing zero datum lot grade in the definition of the term "building, height of (applicable to all districts except the R-B districts)"; the definition of the term "building, height of (applicable only in the R-B district)"; the definition for the term "building, height of, corner lot"; and the definition of "building, height of, through lot," those cases involving a street having a low existing street elevation abutting the lot, and if such street elevation is below the minimum flood elevation as established in chapter 50 of this Code. Zero datum for measuring building height shall be measured from the minimum flood elevation.
 7. Building, height of, through lot. In those cases involving a through lot as defined in this section, zero datum as set forth in the definition of the term "building height of (applicable to all districts except in the R-B district)" and the definition of the term "building, height of (applicable only in the R-B district)" and the definition of the term "building, height of, corner lot" of the portion of the building fronting on the front street to one-half of the mean lot depth shall be from the crown of the public street at its highest elevation abutting the front of the lot zero datum for the portion of the building fronting on the rear street shall

be from the crown of the public street at its highest elevation abutting the rear street yard of the lot. For the purpose of the definition, North Lake Trail shall not be considered a rear street. For the purpose of constructing additions that do not exceed 800 square feet onto an existing structure on a lot, the zero datum shall be the top of the lowest floor slab on the existing building.

8. Building, height of, (applicable to R-B lots abutting Lake Trail), means the vertical distance from zero datum (excluding garage) to the bottom of the top chord of the roof framing member where it intersects the plane of the outside face of the exterior wall for pitched roofs (excluding dormer windows in non-habitable space). For flat roofs, the measurement is to the point where the ceiling meets the exterior wall. The top of the floor slab for buildings may be raised to either 18 inches above the crown of the public street at its highest elevation abutting the lot, the minimum flood elevation, or to the existing grade elevation of the lot at its midpoint, whichever is higher, provided that the top of the floor slab is at a minimum elevation of the crown of the public street at its highest elevation abutting the lot and the minimum flood elevation. For the purpose of constructing additions that do not exceed 800 square feet onto an existing structure on a lot, the zero datum shall be the top of the lowest first floor on the existing building.
9. Building, height of, (applicable to all other lots abutting Lake Trail), means the vertical distance from zero datum (excluding garage) to the bottom of the top chord of the roof framing member where it intersects the plane of the outside face of the exterior wall for pitched roofs (excluding dormer windows in non-habitable space). For flat roofs the measurement is to the point where the ceiling meets the exterior wall. Zero datum for buildings shall be either the crown of the public street at its highest elevation abutting the lot, the minimum flood elevation or to the existing grade elevation of the lot at its midpoint, whichever is higher, provided that the top of the floor slab is at a minimum elevation of the crown of the public street at its highest elevation abutting the lot. For the purpose of constructing additions that do not exceed 800 square feet onto an existing structure on a lot, the zero datum shall be the top of the lowest floor slab on the existing building.

EXHIBIT B

Amended / new definition of Building Height to replace the existing nine (9) definitions of Building Height as outlined in Chapter 134, Article 1, Section 134-2, Definitions, of the Palm Beach, Florida, Code of Ordinances.

A. Building Height

The maximum height of the building is measured from the point of measurement to the highest point of the roof system, excluding chimneys, skylights, spires, cupolas, and similar architectural features that are usually carried above the roof level and not used for human occupancy, provided that each of the feature shall be erected only to such height and size as is necessary to accomplish the purpose it serves.

The building height point of measurement (zero datum) shall be the greater of the following conditions as applied to the location of the subject lot:

1. For lots in the Special Flood Hazard area, and not seaward of the CCCL, the point of measurement shall be at the current FEMA base flood elevation plus one foot of freeboard.
2. For lots seaward of the Coastal Construction Control Line (CCCL), the point of measurement shall be 15.9 feet NAVD (13.9 feet NAVD plus two feet above the lowest horizontal structural member).
3. For lots outside the Special Flood Hazard area and lots that are not seaward of the CCCL, the point of measurement shall be a maximum of 18 inches above the highest street elevation of the crown of the public or private street or road, measured along the front property line of the subject lot.

Additional requirements:

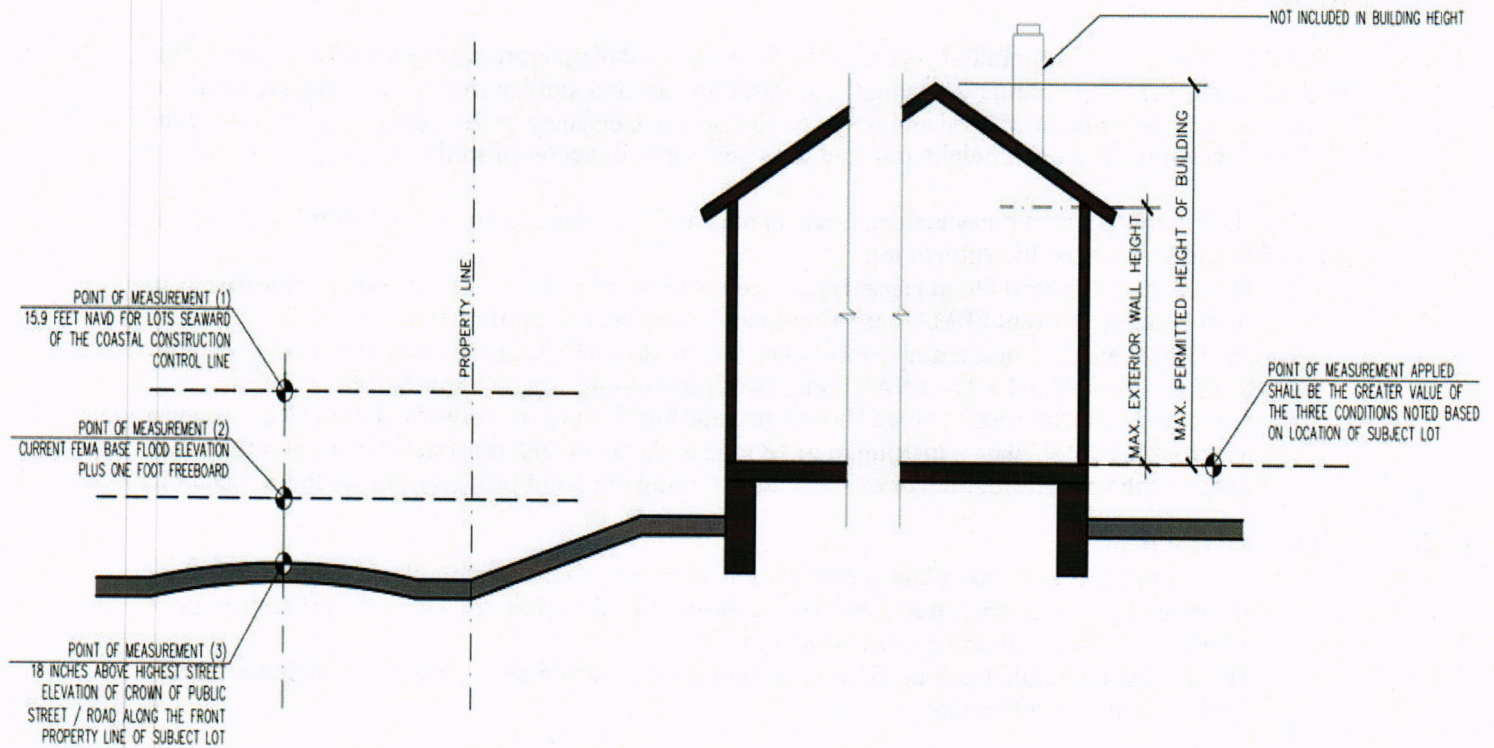
- i. For through lots and corner lots, the point of measurement (zero datum) related to the crown of the abutting public or private street, shall be measured only along the street with the primary entrance for the proposed building on the subject lot.
- ii. The lowest habitable finished floor elevation shall be at or above the point of measurement applicable to the subject lot.

B. Exterior Wall Height

The height of the outside exterior walls is measured from the point of measurement to the point at which the outside wall meets the horizontal eave of the roof or the bottom of a parapet wall.

Please refer to Chapter 134, Article 6, for information on allowable building heights, exterior wall heights, and other bulk regulations specific to various zoning districts.

EXHIBIT C
Diagram for the amended / new definition of Building Height



ORDINANCE NO. 011-2023

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING, ARTICLE I, IN GENERAL; SECTION 134-2, DEFINITIONS AND RULES OF CONSTRUCTION, RELATED TO BUILDING HEIGHT POINT OF MEASUREMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Chapter 134, Zoning, Article I, In General, is hereby amended as follows:

Sec. 134-2. Definitions and rules of construction.

~~*Building, height of (applicable only in the R B districts)* means the vertical distance from zero datum (excluding garage) to the bottom of the top chord of the roof framing member where it intersects the plane of the outside face of the exterior wall for pitched roofs (excluding dormer windows in non-habitable space). For flat roofs, the measurement is to the point where the ceiling meets the exterior wall. The building height zero datum shall be a maximum of 18 inches above the crown of the public or private street or road at its highest street elevation or the minimum flood elevation as established in chapters 18 and 50 of this Code, whichever is higher. For the purpose of constructing additions of less than 800 square feet, the zero datum shall be the top of the lowest top of first floor slab of the existing building.~~

~~*Building height of (applicable to all districts except the R B districts)* means the vertical distance from zero datum (excluding garage), which is the crown of the public or private street or road at its highest elevation abutting the lot or the minimum flood elevation as established in chapters 18 and 50 of the Code, whichever is higher, to the bottom of the top chord of the roof framing member where it intersects the plane of the outside face of the exterior wall for pitched roofs (excluding dormer windows in non-habitable space). For flat roofs, the measurement is to the point where the ceiling meets the exterior wall. For the purpose of constructing additions of less than 800 square feet, the zero datum shall be the top of the lowest top of first floor slab of the existing structure.~~

~~*Building, height of, (applicable only to structures on lots located on the west side of South Ocean Boulevard between Via Agape and Sloan's Curve in the R AA district and having a natural ground level lower than that of the roadway on which the lot fronts)* means the vertical distance from the point of measurement zero datum for height to the bottom of the top chord of the roof framing member where it intersects the plane of the outside face of the exterior wall for pitched roofs. For flat roofs, the point of measurement for height is height shall be measured from zero datum to the point where the ceiling meets the exterior wall. The point of measurement zero datum~~

for height is the highest crown of road elevation in front of the lot for that portion of the lot which is within 50 feet west of the Coastal Construction Control Line (CCCL). The point of measurement for the portion of the lot west of that area shall be from the point where the exterior wall meets the minimum flood elevation as defined in chapter 50 or the natural grade, whichever is higher. For the purpose of constructing additions of less than 800 square feet, the zero datum shall be the lowest top of first floor slab of the existing structure building.

Building, height of, (applicable to lots or portions of lots east of the State of Florida Coastal Construction Control Line (CCCL)) means the vertical distance from the point of measurement for height zero datum to the bottom of the top chord of the roof framing member where it intersects the plane of the outside face of the exterior wall for pitched roofs (excluding dormer windows in non-habitable space). For flat roofs the measurement is from the point of measurement for height shall be measured from zero datum to the point where the ceiling meets the exterior wall. The point of measurement zero datum for height in all zoning districts for buildings either east or partially east of the CCCL shall be the minimum bottom of grade beam elevation as established by the Florida Building Code plus two feet, the highest crown of road in front of the lot, or the highest first floor elevation of an abutting principal building, whichever is highest, provided all of the following conditions are met:

- (1) The proposed principal building can be no closer to the bulkhead line than the average setback of the closest principal buildings on the north and south side of the subject lot, provided the required rear setback is met;
- (2) The proposed principal building can be no closer to the front property line than the average front setback of the closest principal buildings on the north and south side of the subject lot, provided the required front setback is met; and
- (3) The proposed building can be no taller than five feet above the average height of the principal buildings on the north and south side of the subject property provided the overall height does not exceed the maximum overall height allowed. For the purpose of constructing additions that do not exceed 800 square feet onto an existing structure on a lot, the point of measurement for height shall be the top of the lowest floor slab on the existing structure provided that said addition(s) meet the minimum requirements as established in the Florida Building Code for construction east or partially east of the CCCL.

Building height of corner lot. In those cases involving a corner lot as defined in this section, the zero datum of the lot set forth in the definition of the term "building, height of (applicable to all districts except the R-B district)" and the definition of the term "building, height of (applicable only in the R-B district)" shall be measured from the average elevation (taken at the crown of the street) of each of the two intersecting streets abutting the lot. For the purpose of constructing additions of less than 800 square feet, the zero datum shall be the top of the lowest top of the first floor slab of the existing building.

Building, height of, lot abutting low streets, means for the purpose of establishing zero datum lot grade in the definition of the term "building, height of (applicable to all districts except the R-B districts)"; the definition of the term "building, height of (applicable only in the R-B district)"; the definition for the term "building, height of, corner lot"; and the definition of "building, height of, through lot," those cases involving a street having a low existing street elevation abutting the

lot, and if such street elevation is below the minimum flood elevation as established in chapter 50 of this Code. Zero datum for measuring building height shall be measured from the minimum flood elevation.

~~*Building, height of, through lot.* In those cases involving a through lot as defined in this section, zero datum as set forth in the definition of the term "building height of (applicable to all districts except in the R-B district)" and the definition of the term "building, height of (applicable only in the R-B district)" and the definition of the term "building, height of, corner lot" of the portion of the building fronting on the front street to one half of the mean lot depth shall be from the crown of the public street at its highest elevation abutting the front of the lot zero datum for the portion of the building fronting on the rear street shall be from the crown of the public street at its highest elevation abutting the rear street yard of the lot. For the purpose of the definition, North Lake Trail shall not be considered a rear street. For the purpose of constructing additions that do not exceed 800 square feet onto an existing structure on a lot, the zero datum shall be the top of the lowest floor slab on the existing building.~~

~~*Building, height of, (applicable to R-B lots abutting Lake Trail),* means the vertical distance from zero datum (excluding garage) to the bottom of the top chord of the roof framing member where it intersects the plane of the outside face of the exterior wall for pitched roofs (excluding dormer windows in non-habitable space). For flat roofs, the measurement is to the point where the ceiling meets the exterior wall. The top of the floor slab for buildings may be raised to either 18 inches above the crown of the public street at its highest elevation abutting the lot, the minimum flood elevation, or to the existing grade elevation of the lot at its midpoint, whichever is higher, provided that the top of the floor slab is at a minimum elevation of the crown of the public street at its highest elevation abutting the lot and the minimum flood elevation. For the purpose of constructing additions that do not exceed 800 square feet onto an existing structure on a lot, the zero datum shall be the top of the lowest first floor on the existing building.~~

~~*Building, height of, (applicable to all other lots abutting Lake Trail),* means the vertical distance from zero datum (excluding garage) to the bottom of the top chord of the roof framing member where it intersects the plane of the outside face of the exterior wall for pitched roofs (excluding dormer windows in non-habitable space). For flat roofs the measurement is to the point where the ceiling meets the exterior wall. Zero datum for buildings shall be either the crown of the public street at its highest elevation abutting the lot, the minimum flood elevation or to the existing grade elevation of the lot at its midpoint, whichever is higher, provided that the top of the floor slab is at a minimum elevation of the crown of the public street at its highest elevation abutting the lot. For the purpose of constructing additions that do not exceed 800 square feet onto an existing structure on a lot, the zero datum shall be the top of the lowest floor slab on the existing building.~~

Building, height of, means the maximum height of the building measured from the point of measurement to the highest point of the roof system. It excludes chimneys, skylights, spires, cupolas, and similar architectural features that are usually carried above the roof level and not used for human occupancy, provided that each of the feature shall be erected only to such height and size as is necessary to accomplish the purpose it serves. The height of the outside exterior walls is measured from the point of measurement to the point at which the outside wall meets the horizontal eave of the roof or the bottom of a parapet wall. The lowest habitable finished floor elevation shall be at or above the point of measurement applicable to the subject lot.

The building height point of measurement (zero datum) shall be the greater of the following conditions as applied to the location of the subject lot:

- (1) For lots in the Special Flood Hazard Area, and not seaward of the CCCL, the point of measurement shall be at the current FEMA base flood elevation plus one foot of freeboard.
- (2) For lots seaward of the Coastal Construction Control Line (CCCL), the point of measurement shall be 15.9 feet NAVD (13.9 feet NAVD plus two feet above the lowest horizontal structural member).
- (3) For lots outside the Special Flood Hazard Area and lots that are not seaward of the CCCL, the point of measurement shall be a maximum of 18 inches above the highest street elevation of the crown of the public or private street or road, measured along the front property line of the subject lot.
- (4) For through lots and corner lots, the point of measurement (zero datum) related to the crown of the abutting public or private street, shall be measured only along the street with the primary entrance for the proposed building on the subject lot.

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.

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, Florida, on the First Reading this ____ day of ____, 2023; and for the Second and Final Reading on this ____ day of ____, 2023.

Danielle H. Moore, Mayor

Margaret Zeidman, Town Council President

Bobbie Lindsay, President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Kelly Churney, Acting Town Clerk

Edward Cooney, Town Council Member

DRAFT