



TOWN OF PALM BEACH

PLANNING, ZONING, & BUILDING DEPARTMENT

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

JANUARY 11, 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. CODE REVIEW

A. TIME CERTAIN 10:00 A.M.

Code Review Update Including a Discussion Regarding Limiting the Number of Restaurants Based on Location and Area

Sean Suder, Zone Co.

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VIII. DISCUSSION ITEMS

A. TIME CERTAIN: 10:45 AM

Native Landscape Discussion

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IX. RESOLUTIONS

A. Resolution No. 005-2023: A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For the Property Hereinafter Described And Stating That The Subject Property Meets The Criteria Set Forth In Chapter 54, Article V Of The Code Of Ordinances Of The Town Of Palm Beach, Relating To Landmarks Preservation And Titled "Tax Exemptions."

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B. Resolution No. 006-2023: A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as **205 Jamaica Lane** Meets the Criteria Set Forth in Ordinance No. 2-84, Also Know as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designation Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach. ***[The owner objected to the Landmark Designation at the December 21, 2022, Landmarks Preservation Commission meeting.]***

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X. DEVELOPMENT REVIEW

A. Appeals

1. Appeal of ARCOM Decision RE: ARC-22-241, 624 Island Drive

Pg. 110

B. Time Extensions and Waivers

1. Time Extension for 150 Worth Avenue

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2. Time Extension for 225 Worth Avenue (Gucci)

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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 Commission deferred the project to their December 16, 2022, Architectural Commission meeting.]* ***[This item shall be deferred to the February 15, 2023, Town Council meeting pending Architectural Review.]*** Pg. 126
- b. **ZON-22-088 (ARC-22-126) 240 OLEANDER AVE (COMBO) – VARIANCES** The applicant, PTMJM Florida Investment Properties, LLC (Patricia Lambrecht), has filed an application requesting Town Council review and approval for variances (1) for development on a lot which is deficient in minimum lot area and (2) deficient in lot depth in the RC zoning district and (3) to exceed the maximum allowed lot coverage, in conjunction with the construction of a new two-story single-family residence. The Architectural Commission will perform design review of the application. *[The Architectural Review Commission deferred this project to the January 25, 2023 meeting.]* ***[This item shall be deferred to the February 15, 2023, Town Council meeting pending Architectural Review.]*** Pg. 127
- 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. ***[This item shall be deferred to the February 15, 2023, Town Council meeting pending review by the Landmarks Preservation Commission.]*** Pg. 128
- d. **ZON-22-140 (ARC-22-216) 248 COLONIAL LN (COMBO) —SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE.** The applicant, 306 Livingston Street Holdings I, LLC (Matthew Mirones), has filed an application requesting Town Council review and approval for a Special Exception with Site Pg. 129

Plan Review for development of a lot which is deficient in lot depth and lot area in the R-B zoning district and for variances (1) to eliminate the two-car garage enclosure requirement, (2) to locate a generator in a setback which is higher than allowed from neighboring grade and (3) to not completely screen a generator with a masonry wall, in conjunction with the construction of a new two-story residence. The Architectural Review Commission will perform design review of the application. *[The Architectural Review Commission deferred this project to the December 16, 2022 meeting. Carried 7-0.]* ***[This item shall be deferred to the February 15, 2023, Town Council meeting pending review by the Architectural Review Commission.]***

- e. **ZON-22-147 (ARC-22-225) 201 EL VEDADO RD (COMBO) - VARIANCES.** The applicants, Perri and Robert Bishop, have filed an application requesting Town Council review and approval for a variance to provide vehicle queuing space deficient in depth between the driveway gate and edge of roadway. The Architectural Commission will perform design review of the application. *[The Architectural Review Commission Recommended: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 6-1.]* *[The Architectural Review Commission deferred the project to the December 16, 2022, meeting for a restudy of the gate. Carried 7-0.]* ***[This project shall be deferred to the February 15, 2023, Town Council meeting pending Architectural Review.]***

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- f. **ZON-22-151 (ARC-22-234) 760 N OCEAN BLVD—PALM BEACH COUNTRY CLUB (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE.** The applicant, Palm Beach Country Club, Inc. (Robert Schlager, President), has filed an application requesting Town Council review and approval for Special Exception with Site Plan Review for modifications to a previously approved Special Exception use (private golf club) in the R-A zoning district including Variance to exceed the maximum projection permitted for a new skylight. The Architectural Commission will perform design review of the application. *[The Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.]* *[The Architectural Review Commission approved the replacement of the windows and doors with the applicant returning for a restudy of the south terrace, railings, elevator and skylight to the December 16, 2022, meeting. Motion carried 6-1.]* *[The Architectural Review Commission approved this project at the December 16, 2022, meeting. Motion Carried 4-2.]*

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- g. **ZON-22-111 239 S COUNTY RD STE 2A AND 1D—SPECIAL EXCEPTION REQUEST WITH SITE PLAN REVIEW.** The

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applicant, Palm Beach Club Services LLC (Franck Savoy, COO), has filed an application requesting Town Council review and approval for Special Exception Request with Site Plan Review to allow a professional office (4,875 SF) in excess of 3,000 SF in the C-TS district in an existing two-story office building. *[This project was deferred to the January 11, 2023, Town Council meeting.]* ***[This project has been withdrawn by the applicant.]***

2. New Business

a. **ZON-22-123 (COA-22-042) 218 PHIPPS PLZ (COMBO)—**

VARIANCES The applicant, Bruce Leeds, Trustee of the Bruce Leeds Declaration of Trust, dated May 30, 2007, has filed an application requesting Town Council review and approval of variances for (1) the flood resistant construction requirements from Chapter 50-114 of the Florida Building Code, (2-4) reduced building setback requirements in the south and west yards, (5) reduced garage parking requirements, and (6) reduced mechanical equipment (pool heater) setback requirements in the north yard in conjunction with the renovation of and addition to an existing detached rear accessory structure, the construction of a new pergola, and side wide landscape and hardscape improvements for a Landmarked property. The Landmarks Preservation Commission will perform the design review component of the application. *[The Landmarks Preservation Commission Recommendation: Implementation of the proposed variances (2-6) will not cause negative architectural impacts to the subject landmarked property. Carried 7-0. A second motion approved variance 1, based on Chapter 50, Sections 116 and 117 with a condition relating to a utility easement. Carried 7-0.]* *[The Landmarks Preservation Commission approved this project as presented at the December 21, 2022, meeting. Carried 7-0.]*

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b. **ZON-22-129 (ARC-22-187) 441 AUSTRALIAN AVE (COMBO)**

—VARIANCES The applicant, John and Ginny Collett, has filed an application requesting town council review and approval for development of a new two-story single-family structure, requiring variances for (1) developing a lot deficient in area in the RC zoning district, (2) developing a lot deficient in width in the RC zoning district, and (3) to reduce the required front yard landscaped open space, in conjunction with the construction of a new two-story residence. The Architectural Commission will perform design review of the application. ***[This project shall be deferred to the February 15, 2023, Town Council meeting pending Architectural Review.]***

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c. **ZON-23-002 (ARC-22-241) 624 ISLAND DR (COMBO)—** **VARIANCES**

The applicant, Holly Ann Bartlett, as Trustee of the

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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 and (2) to exceed the maximum amount of Cubic Content Ratio (CCR) 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 skylight. The Architectural Commission will perform design review of the application. ***[This project was denied at the December 16, 2022, Architectural Review Commission.]***

- d. **ZON-23-003 (ARC-22-242) 1030 S OCEAN BLVD (COMBO) —VARIANCES** The applicant, Martin L. Edelman as Trustee of the 1030 South Ocean Trust dated March 24, 2022, has filed an application requesting Town Council review and approval for a Variance to reduce the required vehicular queue backup of 18'-0" on a street closer than allowed for the installation of two new vehicular driveway gates. The Architectural Commission will perform design review of the application. ***[This project was denied at the December 16, 2022, Architectural Review Commission and will not move forward.]*** Pg. 153
- e. **ZON-23-006 139 N COUNTY RD - OUTDOOR PROMOTIONAL EVENTS - THE PARAMOUNT THEATRE —SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, WEG Paramount LLC (Lester Woerner), has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for Outdoor Promotional Events in the open-air courtyard of the Paramount Theatre, an existing three-story commercial building. Pg. 154
- f. **ZON-23-012 (ARC-22-212) 246 EVERGLADE AVE (COMBO) — VARIANCES** The applicant, 246 Everglade LLC, has filed an application requesting town council review and approval for site modifications including variances for (1) reduced landscape open space (2) for reduced air conditioning equipment setbacks and (3) for reduced pool equipment setbacks. The Architectural Commission will perform design review of the application. ***[This project shall be deferred to the February 15, 2023, Town Council meeting pending Architectural Review.]*** Pg. 173
- g. **ZON-23-013 (ARC-22-231) 7 LA COSTA WAY (COMBO) — SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, La Costa Way Trust (Cooper Andrew TR), has filed an application requesting Town Council review and approval variances (1) for a reduced 2nd story street rear-yard setback for a new second story roof top terrace, (2) a variance to provide deficient landscape open space, and (3) a variance to exceed 2-story lot coverage maximum, all as part of a renovation to an existing nonconforming one-story residence. The Architectural Commission will perform design review of the application. ***[This project shall be deferred to the February*** Pg. 174

15, 2023, Town Council meeting pending Architectural Review.]

- h. **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. ***[This project shall be deferred to the February 15, Town Council meeting pending Architectural review.]***

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- i. **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. ***[This project shall be deferred to the February 15, 2023, Town Council meeting pending Landmarks Preservation review.]***

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XI. ANY OTHER MATTERS

XII. 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: January 11, 2023

Section of Agenda

CODE REVIEW

Agenda Title

TIME CERTAIN 10:00 A.M.

Code Review Update Including a Discussion Regarding Limiting the Number of Restaurants Based on Location and Area

Time Certain

10:00 AM

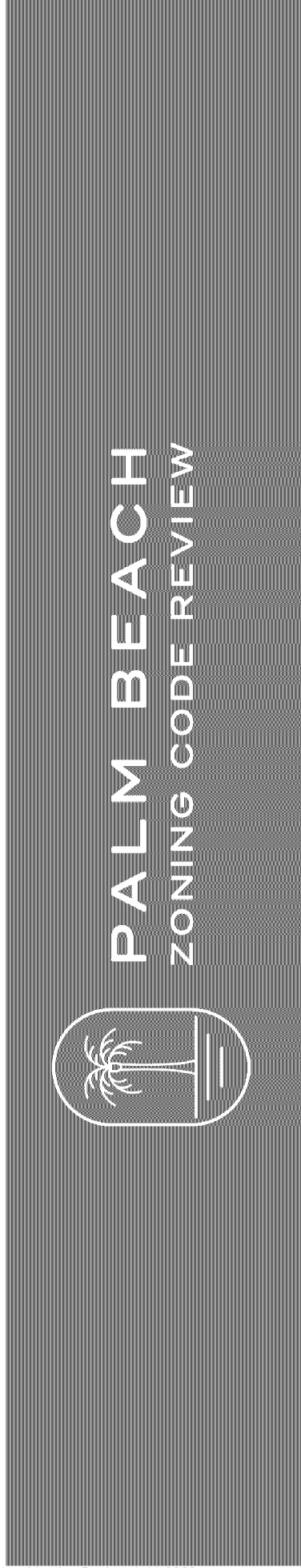
Presenter

Sean Suder, Zone Co.

ATTACHMENTS:

- ▣ **PowerPoint - Sean Suder, Zone Co.**
- ▣ **Email - Code Sited in PowerPoint**
- ▣ **Code Sited in PowerPoint**
- ▣ **Article Sited in PowerPoint - Greater Greater Washington - The 25 % Rule**

January 11, 2023



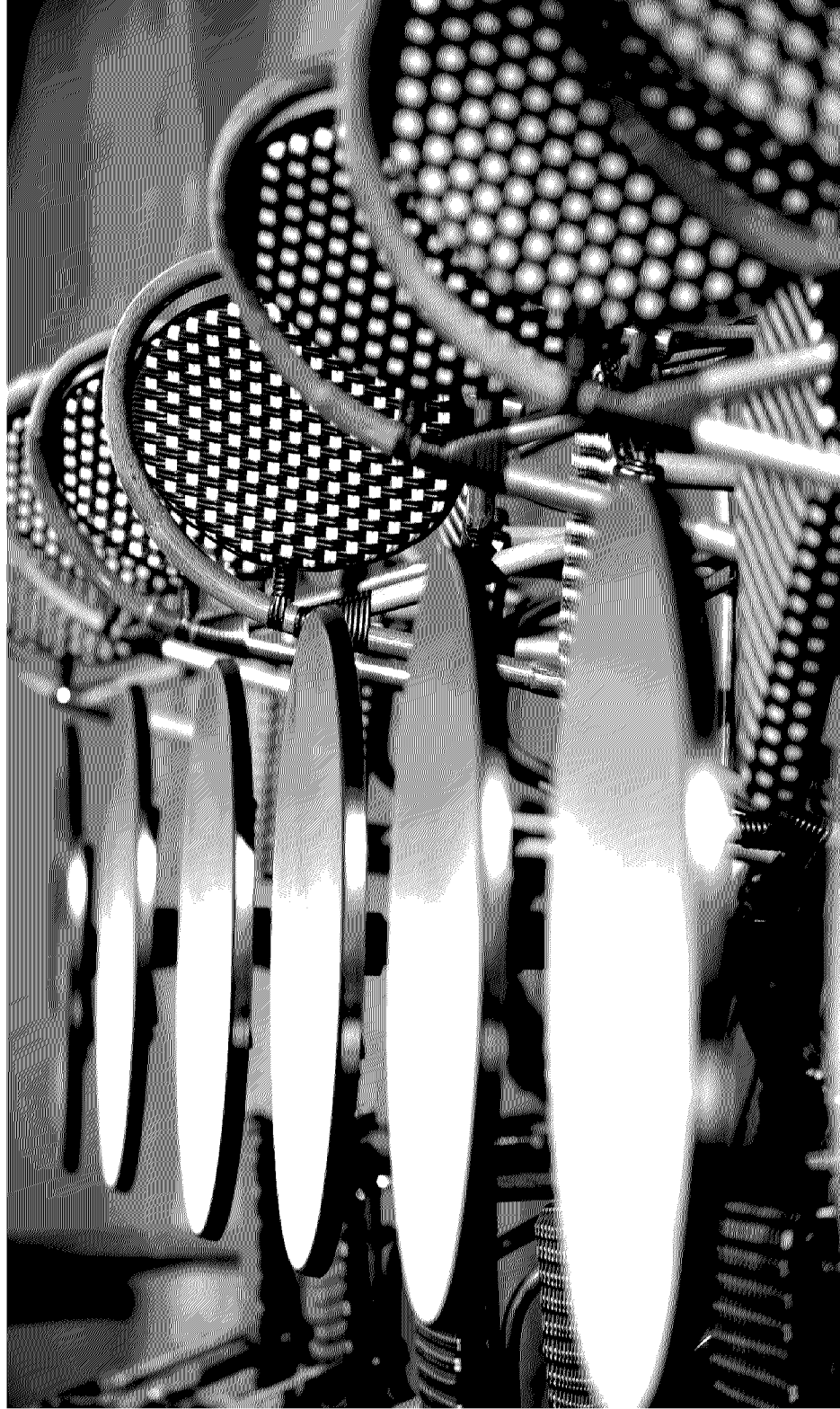
January Update

ZONE C0++



Zoning for Restaurant Carrying Capacity

ZONE C0++



Key Terms

Carrying Capacity: the maximum population of something that an environment can support.

Externalities: a side effect or consequence of an industrial or commercial activity that affects other parties without this being reflected in the cost of the goods or services involved, such as the pollination of surrounding crops by bees kept for honey.

ZONE CO⁺⁺

How Restaurants Make Money

RevPASH (Revenue Per Available Seat Hour):

- High RevPASH which is why so many seats needed to pay for high rents.

Turn tables more frequently or charge higher prices to cover lingering.

Retention/Repeat Visitor Rate:

- Attracted to Palm Beach because it is a very high-end market with repeat, somewhat captive customer base.

Need more tables to make up for lingering.

Seating Capacity:

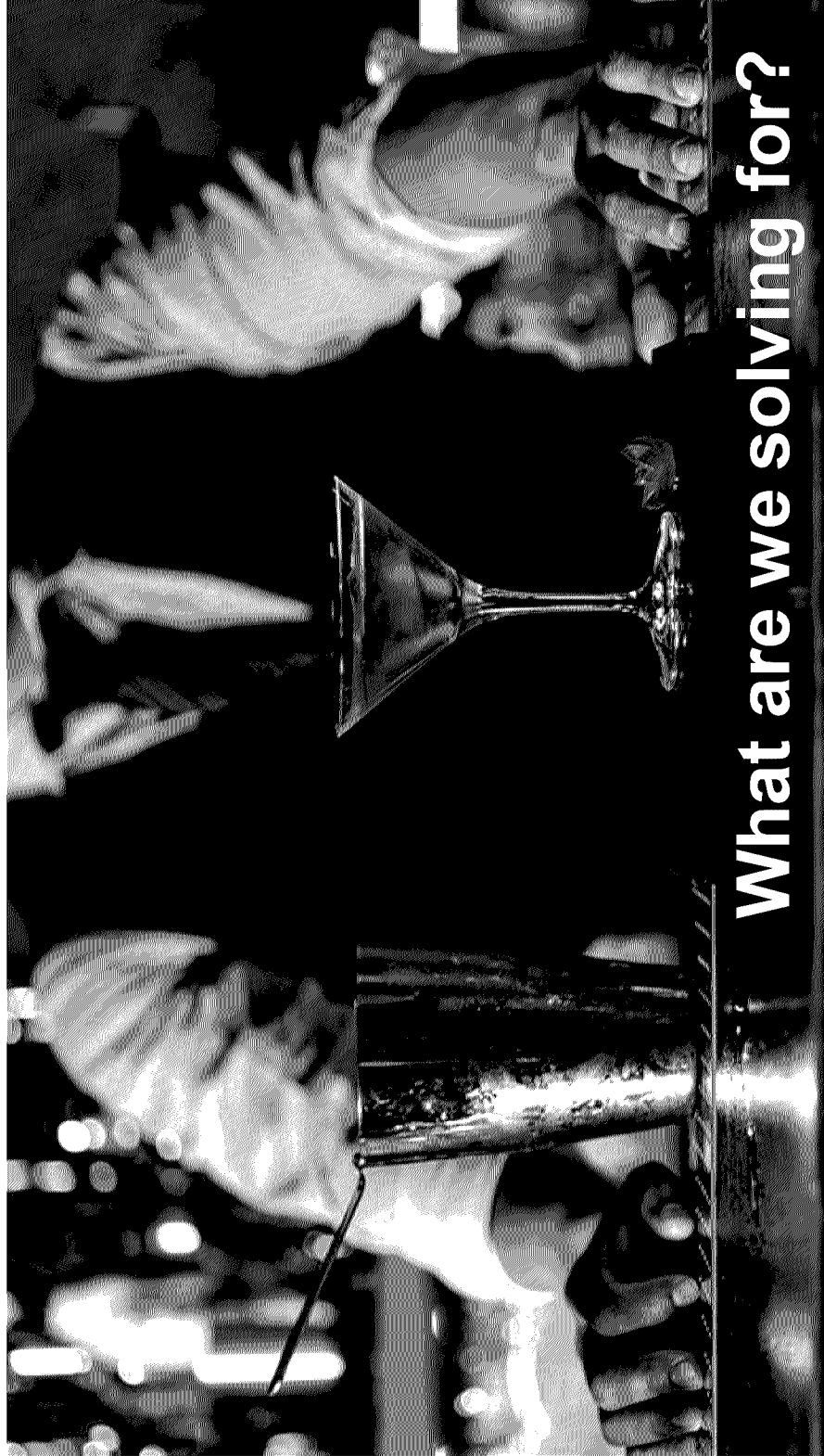
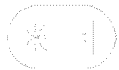
- On average, 1 person for 18 s.f. (min)

ZONE C0++

The PB Scene

- Over 80 restaurants – almost all full service, sit down (club-style lingering – higher prices to make up for less table churn)
- Local, non-chain restaurants
- High-quality, chef-driven restaurants
- Exclusive club and hotel restaurants
- Concentrated in commercial zones (S. County; Royal Poinciana)
- Semi-private loggia (not sidewalk) dining
- No fast-casual to speak of

ZONE C0++



What are we solving for?

- Over-concentration
- Overcrowding
- Traffic
- Competition for seats
- Crowding out of other land uses
- Economic pressure for larger restaurants



Source: Golf Digest

What can zoning do?

Supply-side zoning:

- Limit the square footage of restaurants to a neighborhood scale, which limits the seats and reduces externalities.
- Limit the concentration through radius and spacing restrictions.
- Create new categories of restaurants in code: full-service, limited-service, grab-n-go
- No ability to impact demand.

Example Approaches

- Small-scale businesses provisions around parking, compatibility with surrounding uses/buildings (Martha's Vineyard - Edgartown, MA):
- Maximum square footage for restaurants (10,000 s.f.) + 1 parking space per 50 sq. ft. of patron space; bar areas = 1 space per 20 sq. ft. (Westport, CT)
- Business licensing (non-zoning): Certain licensing requirements to be satisfied before zoning approval (Newport, RI)
- Maximum linear frontage for restaurants – 25% rule: (Washington, D.C.)

ZONE C0++

From: [Sean Suder](#)
To: [Antonette Fabrizi](#); [Sean Suder](#)
Subject: RE: Restaurant Zoning Presentation
Date: Monday, January 02, 2023 8:17:59 PM
Attachments: [image009.png](#)
[image010.png](#)
[image011.png](#)
[image013.png](#)
[image00001.png](#)
[ZoneCo_PowerPointPresentation - JAN Restaurant Zoning.pptx](#)

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

<!--[if lte mso 15 || CheckWebRef]-->

Sean Suder has shared a OneDrive for Business file with you. To view it, click the link below.



ZoneCo_PowerPointPresentation - JAN Restaurant Zoning.pptx

<!--[endif]-->

Antonette,

Here is the relevant section for [Westport, CT](#):

5-2 Specific Terms

Except as otherwise stated, or as the context may otherwise require, the following words, for the purpose of these regulations, shall be defined as follows:

Food Establishment Retail:

A retail food establishment shall mean any business where food or beverages are sold to the public for either on premises or off premises consumption; except that the sale of alcoholic beverages must be for off-premises consumption. A retail food establishment may have no more than 10 indoor patron seats. Such establishments shall not be considered Restaurants and no additional parking will be required provided that they have indoor seating for no more than 10 patrons For outdoor seating – See §5-2 & §32-20 Outdoor Eating Areas.

[Edgartown, MA](#):

10.2.A.2 - Small-scale businesses and industries in Residential Districts

<https://www.edgartown-ma.us/Home/ShowDocument?id=12660>

[Newport, RI](#):

17.100.090. - Restaurants.

Restaurants are subject to the following conditions:

A.A victualing house license application must be received by the city council prior to consideration by the zoning board of review of any special use permit application for a restaurant.B.For standard and fast-food restaurants, the consumption of foods, frozen desserts or beverages within a motor vehicle parked upon the premises, shall be posted as being prohibited and such prohibition shall be strictly enforced by the restaurateur.C.For new construction or renovations resulting in the upgrading of service, all utilities shall be installed underground.D.No carry-out restaurant shall be permitted either by right or by special use permit in any part of the city.
(Ord. 2000-4 (part), 2000: Ord. 65-94 (part), 1994: prior code § 1264.03.07)

I also added in James' research on Washington, D.C. Here is an explanation of the 25% rule:

<https://ggwash.org/view/1664/balancing-neighborhood-retail-part-1-the-25-rule>

Here is the revised PPT.

Thank you,
Sean



Sean S. Suder, Lead Principal/Founder

- b. Within 12 months of an application for the demolition of, or a building permit for any structure with a footprint of 240 square feet or greater;
 - c. Within 12 months of construction of any building or structure on a vacant lot; or
 - d. Within 12 months of construction of one or more structures or additions to structures on a lot that increases the Gross Floor Area by 50% or greater, excluding basements, open or screened porches and decks.
4. The requirements of this Tree Bylaw shall not apply to:
- a. Those areas of property under the jurisdiction of the Wetlands Protection Act (Chapter 131 and 310 CMR) and/or the Edgartown Wetlands Protection Bylaw;
 - b. Public Shade Trees pursuant to Chapter 87 of the General Laws;
 - c. Emergency projects necessary for public safety, health and welfare, as determined by the Reviewing Agent and/or the Town Tree Warden;
 - d. Trees severely damaged as the direct result of a natural disaster, as determined by the Reviewing Agent and/or the Town Tree Warden;
 - e. Trees that are hazardous as determined in writing by a Certified Arborist, and confirmed by the Reviewing Agent and/or the Town Tree Warden;
 - f. Trees currently infected by a disease or insect infestation of a permanent nature, as determined and confirmed in writing by a Certified Arborist, and confirmed by the Reviewing Agent and/or the Town Tree Warden;
 - g. Trees authorized for removal by the Special Permit Granting Authority after public notice and hearing conducted in accordance with Section 11 of Chapter 40A of the General Laws, and Section 17 of this Bylaw.
5. For the purposes of this section, the Planning Board shall be the Special Permit Granting Authority.

10.2. Uses

10.2.A.

Conditionally permitted uses.

The Special Permit Granting Authority may grant any applicant therefor a special permit to make use of his land or to erect or maintain structures thereon for the purposes stated in this Bylaw under Conditionally Permitted Uses.

10.2.A.1.

General Criteria.

The Board shall grant such a Special Permit only if, after public notice and hearing in accordance with MGL Chapter 40A, Section 11, the Board finds that the specific site is an appropriate location for such uses, that such uses will not adversely affect the neighborhood and that adequate and appropriate facilities and protection will be provided such as, without limiting the generality of the foregoing, parking facilities and screening of unsightly uses from public view.

10.2.A.2.

Small-scale businesses and industries in Residential Districts.

In addition to the requirements of subsection 10.2.A.1, special permits for small-scale businesses and industry in residential districts shall be granted only if the following requirements are also met:

- a. There shall be no more than four employees employed on the premises who are not also resident there.
- b. Traffic generated shall not exceed the volume normally expected in a residential neighborhood.
- c. Sufficient off-street parking will be provided, and this parking arrangement will require no backing out onto the public right-of-way.
- d. All outdoor parking, storage, loading and service areas will be screened from the view of the public road and from adjacent residences.
- e. There will be no odor, dust, fumes, glare or flashing light which is perceptible without instruments more than 200 feet from the boundaries of

the lot in question, except for warning devices, construction or maintenance work, or other special circumstances.

- f. The use will not cause continued erosion of the land or increased surface drainage from the lot.
- g. No pollution of the water or the air will result which is greater than that caused by a use which is allowed without a special permit.
- h. Where possible, the site design will preserve trees, water courses, hills, and other natural features, and enhance vistas, ocean views, and historic locations, and will minimize the intrusion into the character of existing development.
- i. Small-scale business and industrial activities in the residential districts shall take place in residential structures or in structures similar in character to residential dwellings.

10.2.B.**Mobile homes and recreational vehicles.**

No mobile home, recreational vehicle, or similar facility, however mounted, shall be occupied as a residence or parked, or stored within the town except as follows:

1. With the permission of the Building Inspector, mobile homes or similar facilities may be
 - a. Parked or stored for not more than 14 days; or
 - b. Used as an office or for storage in connection with a construction project.
2. A nonconforming mobile home or similar facility existing at the time of the passage of this Bylaw may not be replaced for any reason despite any other provisions of this Bylaw.
3. Recreational Vehicles may be:
 - a. Parked or stored on the property of the owner's residence or;
 - b. By permit from the Building Inspector used as a temporary residence for a period not to exceed 14 days provided that all requirements of the Board of Health are met.

10.2.C.**Unregistered cars.**

No person shall have more than one (1) unregistered car or truck ungaraged on the premises owned by him or under his control, and under no circumstances shall any unregistered or unsightly car or truck be stored in the front yard of said premises. This section shall not apply to premises covered by licenses issued under M.G.L. Chapter 140, Sections 57 and 58.

10.2.D.**Accessory scientific uses.**

Uses as permitted by M.G.L. Chapter 40A, Section 9.

10.2.E.**Eating establishments.**

Eating establishments shall be subject to the following in all districts where allowed: No food shall be served on the premises outside of a building, except by a special permit from the Special Permit Granting Authority, in accordance with a regulation appearing in Article 10.2.A and Article 11.4 of this Bylaw.

10.2.F.**Conversion of transient residential facilities.**

The conversion of a pre-existing, non-conforming Transient Residential Facility in the R-20, R-60 R-120 and RA-120 districts into a time-sharing or time-interval ownership dwelling unit is not permitted.

10.2.G.**General development regulations.**

1. No use shall be allowed in any district if injurious or offensive to the neighborhood by reason of odor, fumes, dust, smoke, vibration, or noise.

Balancing neighborhood retail, part 1: The 25% rule

RETAIL By David Alpert (Founder) April 29, 2009

Fostering a diverse range of retail in a neighborhood commercial area is a difficult balancing act. DC has tried several techniques for managing this balance, including limiting the frontage devoted to restaurants, limiting liquor licenses, and offering bonuses to new development that contains certain uses.

Restaurants, especially those allowed to serve alcohol, can afford higher rents than neighborhood-serving businesses, like grocery stores, hardware stores, pharmacies and dry cleaners. As bars and restaurants become successful, an area draws more foot traffic, attracting more of those businesses. Landlords can charge higher rent, which pushes out the local businesses. This is basically an economic game theory problem: the most natural equilibrium states are a mostly-vacant corridor on the one hand, and nothing but bars on the other.

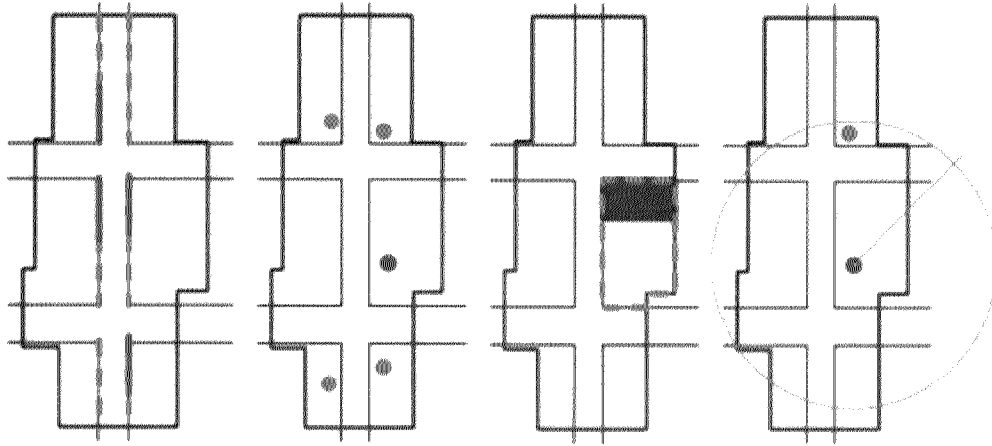
Can zoning or other regulations help keep corridors in more of a balance? Is that desirable? One options is to allow market forces to determine the retail mix. But many residents are concerned about their neighborhoods becoming “another Adams Morgan.” At the same time, regulation also hampers business, leading to more vacant storefronts. Is there a way to strike a balance, encouraging free enterprise while also maintaining some diversity of store types?

At last week’s Commercial Corridors/Areas working group meeting, participants discussed the current 25% limitation on restaurants. This restriction allows at most 25% of the “linear frontage” within the district to be used for bar and restaurant uses. It applies to many of the city’s neighborhood commercial areas, including the 14th and U “ARTS Overlay,” Cleveland Park, H Street, and lower Georgia Avenue.

The ARTS overlay is nearing its 25%, though there is some ambiguity about which establishments count. Cleveland Park residents disagree about their 25% limitation, a debate which recently resurfaced when Starbucks announced it would close its location near the Cleveland Park Metro.

The workgroup meeting focused not on whether such restrictions are appropriate, but how best to implement them. Is measuring the linear frontage of restaurants the best way, or something else? The Office of Planning presented five options:

1. **Linear frontage:** This is the existing approach. Measure the frontage of bars and restaurants and compute the percentage of the total frontage in the district. This allows multiple restaurants close to each other, as long as some other uses offset them elsewhere. However, it requires administration to keep the measurement up to date as businesses open and close.
2. **Total occupancy limit:** Allow a certain maximum number of bar and restaurant uses in the district. Berkeley, CA uses this for restaurants. This is very easy to administer, but since it treats a small restaurant the same as a large one, would probably create a disincentive for small establishments.
3. **Building area limit:** Allow bars and restaurants to occupy at most a percentage of the ground floor of each block or building. DC uses this downtown to limit banks and ground floor office uses. This is also easy to measure, but is trickier in small blocks and small buildings.
4. **Distance separation requirement:** Prohibit a new establishment within a certain distance of an existing one. Oakland uses this for liquor and restaurant licenses. This is very simple to administer but prevents small clusters of restaurants, and it can be difficult to define and measure the distance if the nearest other establishment is through a building.
5. **Average concentration per capita:** Allow a certain number of locations per capita in each Census district. As an area grows in population, more bars and restaurants could open. California uses this for liquor and restaurant licenses. This probably isn't right for DC, because the supply of available retail spaces doesn't necessarily change as population does.



Illustrations of options for use limits. From left to right: linear frontage, total occupancy limit, building area limit, and distance separation requirement. Images from the Office of Planning.

The current linear frontage system has one additional advantage: it creates an incentive for buildings to fill the sidewalk with a greater number of doors to more businesses. Drugstores, bars, and many other establishments can easily locate most of their square footage underground or in the back of the building, occupying a smaller amount of street frontage.

If we stick with a linear frontage rule, we also should consider breaking up the larger zones. The ARTS overlay, for example, is very large. Should a restaurant at 7th and Florida really affect whether one can open at 15th and P? We could divide these zones into blocks of $\frac{1}{4}$ mile, and compute frontage only within each zone.

Today, though, a zone has either hit the limit or it hasn't. If it's not at the limit, there's no incentive for a new building to restrict frontage, whereas if it's at the limit, there's no opportunity to add a restaurant at all. Ideally, a market could set a value on restaurant frontage in all zones, whether they have 10% restaurants or 50% restaurants, and allow establishments to buy and sell credits, something like a cap-and-trade system.

A developer building a new building could make some extra money by designing the structure to put more establishments into the limited frontage, with more of the square footage behind. This could even apply to banks, drugstores, and office building lobbies.

Finally, 25% is probably too low. Maintaining some number of other stores doesn't require devoting 75% of the commercial district to those establishments. 17th Street in Dupont Circle, for example, has a very wide

range of neighborhood-serving stores, but far more than 25% restaurants. We could still protect a balance if a restaurant restriction allowed 50% instead of 25% linear feet, for example.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 2023

Section of Agenda

DISCUSSION ITEMS

Agenda Title

TIME CERTAIN: 10:45 AM

Native Landscape Discussion

Time Certain

10:45 AM

Presenter

ATTACHMENTS:

- ▣ **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 2023

To: Mayor & Town Council Members

Via: Kirk Blouin, Town Manager

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

Re: Native Landscaping Regulations Amendments

Date: December 29, 2022



GENERAL INFORMATION & BACKGROUND

Please see all of the attached memos and backup on this subject. The matter of native landscape regulations has been discussed numerous times at ORS Committee and Town Council meetings over the past four years.

The current regulations were adopted in late 2021 and can be summed up as:

- Four categories of plants – Palms, Trees, Shrubs, and Vines / Ground Cover; and
- For each category that includes NEW plants, an applicant must show at least 35% native landscaping to be planted; and
- Calculations are based on actual plant count and not on coverage area; and
- The sole native plant list is the Institute for Regional Conservation (IRC) Natives for Your Neighborhood; and
- The sole list for invasive plants is the Florida Invasive Plant Species Guide, although this list is also incorrectly referred to as “FLIP”.

Earlier this year a group of professional landscape designers submitted a letter to the Town Council asking for changes to the new regulations. They requested returning to the 25% native requirement, removing the categories, and using a list that includes all Florida native and Florida friendly plants.

This request returned to the ORS Committee in November, 2022. The Committee heard a presentation from expert George Gann, members of the Preservation Foundation (who have been extremely helpful in the drafting of the current regulations) along with a couple of landscape design professionals. ORS seemed open to expanding the list of natives to include Florida natives (not just native plants found in zip code 33480). But there was not agreement on whether the 35% requirement should be changed and whether to remove the four categories of plants. ORS made a motion to send the matter to the Town Council for further discussion.

TOWN OF PALM BEACH

Information for ORS Committee Meeting on: October 17, 2022

To: ORS Committee Members

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

Re: Native Landscaping Regulations Amendments

Date: October 5, 2022

GENERAL INFORMATION & BACKGROUND

Chapter 66, Natural Resource Protection, was updated in early 2021 to address the benefits of using native landscape. The update included a requirement for new landscape projects to include at least 25% native vegetation. Native landscape plants were identified by referencing a few different Florida plant lists and guides.

Since the adoption of that 2019 update, there have been multiple ORS Committee and Town Council meetings which have included this matter. The Town adopted Ordinance No. 024-2021 on November 10, 2021. This ordinance:

- Raised the percentage of required native plantings from 25% to 35%; and
- Calculates the percentage on the actual number of plants; and
- References the Institute for Regional Conservation (IRC), Natives for Your Neighborhood as the sole list of native plants; and
- Uses the Florida Invasive Plant Species Guide (FLIP) for a listing of invasive plants.

Since the adoption of this new ordinance, questions remain about the native landscape requirements. The new regulations mandate 35% of natives for the categories of trees, palms, shrubs, and vines / groundcover. Cocconut Palms are not native to this area but are a desired palm tree to be used. There has been talk of possibly removing palms as a category. Also, the 35% minimum requirement is seen by some landscape designers as excessive. The Town regulations also do not specify a minimum number of shade trees to be planted, which enhance the streetscape, provide shade buildings, and yard areas, and help to diminish the heat island effect of hardscape.

In addition, a letter was sent to the Mayor & Town Council, authored by several local landscape design professionals, requesting changes to the new regulations. A copy of that letter is attached.

Collectively all of these matters should be discussed in an effort to amend the code.

Attached: ORS Committee Memo, dated August 25, 2021, w/ backup
 ORS Committee Memo, dated June 23, 2021, w/ backup
 TC Memo, dated October 14, 2021
 Ordinance 024-2021 (not signed, but it was adopted)
 Email from Amanda Skier, Preservation Foundation of Palm Beach
 Letter to the Mayor & Town Council
 Minute Excerpt from the May 11, 2022 Town Council meeting
 Portion of Current Chapter 66, Sections 66-211 through 66-314
 Table of Native Plant Regulations in Other Municipalities

TOWN OF PALM BEACH

Information for ORS Committee Meeting on: September 2, 2021

To: ORS Committee Members

Via: Jay Boodheshwar, Deputy Town Manager

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

Re: Native Landscaping Regulations – Further Review by the ORS Committee

Date: August 25, 2021

STAFF RECOMMENDATION

Staff requests that the ORS Committee consider the information provided below, relative to native landscaping regulations currently contained in Chapter 66, and provide direction to staff.

GENERAL INFORMATION

Chapter 66, Natural Resource Protection, was updated in early 2019 via Ordinance No. 21-2018, to address the benefits of using native landscape. See attached. The update included a requirement for new landscape projects to include at least 25% native vegetation. Native landscape plants were identified by referencing a few different Florida plant lists and guides.

Since the adoption of the update, staff and applicants have questioned how the 25% requirement should be calculated and which plant list or guide was best to follow. These questions have remained unanswered for about a year and a half. Today's landscape plans show compliance with the 25% minimum, but there is no specificity on how the 25% is calculated and the plans usually do not show which list or guide was followed to delineate native versus non-native plants. These issues were presented to the Town Council last year and the matter was forwarded to the ORS Committee to review.

Staff provided a cover memo and substantial backup to the ORS Committee on July 1, 2021. See attached. The questions of how to calculate the 25%, which plant guide should be followed, and whether 25% was an appropriate amount of natives, were posed to a few landscape design professionals over the past year, and their responses were also provided to ORS. A lengthy discussion occurred at the meeting and options were reviewed, but ORS did not find answers to the questions raised by staff and others. As a result, the matter went back to Town Council on August 10, 2021, to seek direction on how to resolve the open issues. The matter was deferred by the Town Council at that meeting until September 14, 2021.

This delay provides an opportunity to have the ORS Committee consider and review the matter further. As a starting point, after much thought, staff suggests using the actual number of plants as the way to calculate the 25% native requirement. So for example, if 100 new plants were proposed to be installed, 25 of them would have to be native. Also as a starting point, staff suggests using the South Florida Water Management District (SFWMD) Water Wise Guide as the sole native landscape list for the Town.

The Town may want to consider if 25% native plant requirement is appropriate for the different categories of plant species – including palms, trees, shrubs, ground cover, and vines. We may want to have differing percentages for each of these general categories. The Town should also look at ways to encourage (or mandate) a diversity of plant selections to achieve compliance, as opposed to using just one type of plant.

Attachments

ORDINANCE NO. 21-2018

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH AT CHAPTER 66, NATURAL RESOURCE PROTECTION, AT ARTICLE 1, IN GENERAL, SECTION 66-2, DEFINITIONS; AT ARTICLE IV, VEGETATION, SECTION 66-212, PURPOSE AND INTENT; TO INCLUDE A NEW SECTION 66-285, GENERAL UNDER DIVISION 4, DESIGN REQUIREMENTS; AMENDING SECTION 66-286, WATER CONSERVING LANDSCAPE DESIGN; AND AMENDING SECTION 66-311, PROHIBITED PLANTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; 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. The foregoing recitals are hereby ratified and confirmed.

Section 2. The code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 66, Natural Resource Protection; Article I, In General; Section 66-2, Definitions, to read as follows:

"Sec. 66-2. - Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

DSH means diameter at standard height (4.5 feet or 1.37 meters) measured from the top of rootball.

~~Evapotranspiration-based controller means an irrigation controller that calculates soil moisture from known weather and related inputs, as follows:~~

- ~~(1) Receives and monitors weather data or on-site environmental conditions;~~
- ~~(2) Calculates the amount of moisture input to and moisture lost from the soil and plants;~~
- ~~(3) Automatically creates or adjusts the irrigation schedule to apply only the amount of water necessary to maintain adequate soil moisture.~~

Hat racking means the removal of main stems, tops of trees, or a significant percentage of tree canopy, generally by cross-cutting the main stem(s) or leaders, leaving stubs.

Hedge means a dense row of regularly spaced shrubs planted to form a continuous, unbroken visual screen.

Mulch means ~~nonliving~~ organic, arsenic free material such as wood chips, pine straw or bark placed on the soil to reduce evaporation, prevent soil erosion, control weeds and buffer soil temperature, and synthetic materials customarily used in landscape design to retard erosion and retain moisture.

Native plant community is a natural association of plants dominated by one or more prominent native plant species.

Native plant species shall be the plant species indigenous to the ecological communities of South Florida, as indicated as native to South Florida by the University of Florida in the Atlas of Vascular Plants, or that can be scientifically documented to be native to South Florida.

Pollarding is a pruning system involving the removal of the upper branches of a tree thus promoting a dense head of foliage and branches.

Section 3. The code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 66, Natural Resource Protection; Article IV, Vegetation, to read as follows:

“DIVISION 1. - GENERALLY

Sec. 66-212. - Purpose and intent.

It is the intent of the town to promote the health, safety and welfare of existing and future residents of the town by establishing minimum standards for the protection of natural plant communities, and the installation and continued maintenance of landscaping within the town, in order to:

- (1) Promote health and safety through greater use of cultural and biological controls and reduced use of chemical pesticides for the management of pests, such as whitefly.
- (2) Promote the planting of appropriate native vegetation to encourage the presence of birds and wildlife and to eliminate or significantly reduce the need for fertilizers, pesticides and water
- (3) Promote water conservation and improve air quality by promoting evapotranspiration and through the use of permeable land areas for aquifer recharge and surface water filtration.
- (4) Maintain and improve the aesthetic appearance of the town through appropriate landscape design; thereby protecting and increasing property values throughout the community.
- (5) Improve the environmental quality of the town.
- (6) Eradicate or control certain Category I invasive exotic plant species and eradicate or control Category II invasive exotic plant species as listed on the most current Florida Exotic Pest Plant Council's List of Invasive Plant Species.
- (7) Protect and encourage native shoreline and wetland ecosystems.
- (8) Offer special guidelines for the removal and control of those pestilent exotic species that are particularly deleterious to native shoreline environments.
- (9) Protect listed plant species that inhabit the town as referenced in Sec. 66-312.
- (10) Reduce noise and pollution by designing landscaping to visually screen unsightly views and reduce noise impacts from major roadways and incompatible uses, through the filtering capacity of living trees and vegetation.
- (11) Provide a visual buffer between otherwise incompatible types of land uses.
- (12) Strengthen important vistas and reinforce desirable site design.
- (13) Promote energy conservation by encouraging cooling through the use of vegetation that creates shade.

- (14) Encourage the use of rain harvesting systems, such as cisterns, as a means to conserve water by reducing overwatering of landscapes.
- (15) Promote water conservation and lower water costs through the use of smart irrigation systems and planting native plants appropriate for the location.

Section 4. The code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 66, Natural Resource Protection; Article IV, Vegetation, to read as follows:

DIVISION 4. - DESIGN REQUIREMENTS

Sec. 66-285. – General

- (1). At least 25 percent (25%) of all new required landscaping, in the form of trees, shrubs and ground cover plants, other than grass, shall consist of native vegetation. To determine appropriate native vegetation the Xeriscape Plant Guide by the South Florida Water Management District, or if available County or regional lists as amended may be used.
- (2) The hatracking of trees is prohibited; however pollarding is permitted.

Section 5. The code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 66, Natural Resource Protection; Article IV, Vegetation, to read as follows:

Sec. 66-286. - Water conserving landscape design.

- (5) *Use of organic mulches.* When appropriate, a minimum of two inches of arsenic-free organic mulch shall be installed around each tree planting for a minimum of 18 inches beyond its trunk in all directions, including palms, and throughout all hedge, shrub, and groundcover plantings. Mulch shall be pulled a minimum of two inches away from trees and palms. Appropriate mulching material consists of by-product or alternative mulches such as eucalyptus, pine needles, pine finds, oak leaf, Atlas grow soil, utility or other mulch as recommended by Florida Friendly Landscaping principles. The use of Cypress mulch, pine mulch, and dyed mulches is prohibited.

Section 6. Sec. 66-311. Prohibited Plants is hereby amended to include the following provisions:

(d) *Prohibition of ficus benjamina.* Due to extreme susceptibility of the invasive white fly pest and the consequent enforcement issues to require owners to treat or remove infested ficus benjamina, no new planting of ficus benjamina shall be allowed. The planting of appropriate native vegetation in a hedge or hedgerow is encouraged.

(ed) *Protection of natural area and incentives.* The county has recognized the Palm Beach Island Sanctuaries (R43 T43 S34; R43 T44 S03/10/15) located within

the town as a natural area containing high quality ecosystems that are worthy of protection. The town hereby adopts for purposes of the protection of said natural area and for purposes of the regulation of the buffer area around said natural area those sections of the County Code known as the "Palm Beach County Countywide Prohibited Invasive Non-Native Vegetation Removal Ordinance" relating to the protection and regulation of these areas. Additionally, the town adopts the incentive program offered by the county as incorporated within the "Palm Beach County Countywide Prohibited Invasive Non-Native Vegetation Removal Ordinance."

(fe) Enforcement. Violations of this section shall be:

- (1) Failure of a property owner to remove or eradicate prohibited invasive non-native vegetation in accordance with subsection (a) and (c) of this section.
- (2) Failure of a property owner to maintain nonexempt properties free of prohibited invasive non-native vegetation in accordance with subsection (c) of this section.

Section 7. 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 8. 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.

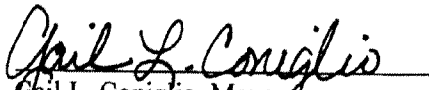
Section 9. Codification.

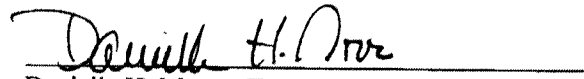
This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 10. Effective Date.

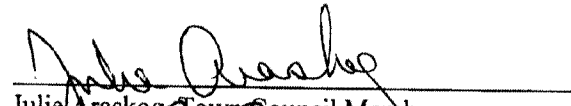
This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

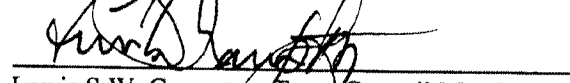
PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 19th day of March, 2019, and for second and final reading on this 9th day of April, 2019.


Gail L. Coniglio, Mayor

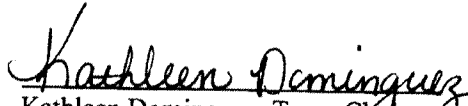

Danielle H. Moore, Town Council President


Margaret A. Zeidman, Council President Pro Tem


Julie Araskog, Town Council Member


Lewis S.W. Crampton, Town Council Member

ATTEST:


Kathleen Dominguez, Town Clerk


Bobbie Lindsay, Town Council Member



TOWN OF PALM BEACH

Information for ORS Meeting on: July 1, 2021

To: ORS Members

Via: Jay Boodheshwar, Deputy Town Manager

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

Re: Native Landscaping

Date: June 23, 2021

BACKGROUND

The Town Council adopted Ordinance No. 21-2018 on April 9, 2019. This ordinance amended Chapter 66, Natural Resource Protection, with regards to vegetation. The amendments included modified and new definitions, modifications to the purpose and intent of the vegetation article, and modified the design requirements of landscape projects. This ordinance added for the first time a minimum requirement of 25% native plants for new landscape projects.

This was a good step forward in requiring native landscaping to be part of every new landscape project. Native plants, although defined differently by many communities, basically are plants that naturally occur in this part of Florida, and do not require direct human interaction to grow. They are generally resistant to pests and require minimum moisture / irrigation to survive.

Once adopted, landscape designers began immediately providing simple data tables on their landscape plans that show the required 25% native landscape and the actual native landscape, which in every case equaled or exceeded the 25%. As staff worked with this new requirement on minimum native landscaping, it became clear that more work was required on the code to provide the details of native landscape calculations, and what plant material was to be included in the calculation measurement. As these items were reviewed, the actual native lists were examined, as there are many native plant lists that deal with South Florida. The need became clear that the new requirement raised more questions than answers, and staff and the Town Council worked last year to place this item before the ORS Committee.

GENERAL INFORMATION

Staff's study focused primarily on four general areas of review. The first area reviewed was the 25% requirement, and how the 25% should be calculated, and which plant classes are included in the count. The second review area was whether the arbitrary 25% is the appropriate percentage for the Town to require, and whether different percentages could be applied to different plant classes. The third area of review were the native landscape plant "lists" available to use and to try to identify which list best suits Palm Beach. Finally, the fourth area will be a full review of Chapter 66 to make certain that it is complete, consistent and not in conflict with other code regulations.

These studies started with a review of neighboring communities and an examination of their codes relative to the native landscaping. Staff also found the "Model Native Plant Landscape Ordinance Handbook", produced by the Florida Native Plant Society. Staff looked at several native plant lists, and spoke with several local landscape design professionals to get their thoughts on the best possible way to deal with the Town's desire to improve and resolve conflict with the native plant regulations.

Staff did their level best to put this memo and packet together based on facts. It is based on notes, emails, phone calls, and meetings that have taken place over the past year. We trust that all details are accurate and reflective of past conversations.

1. HOW TO CALCULATE THE TWENTY-FIVE PERCENT (25%) NATIVE REQUIREMENT

The first area of review was to look at the existing 25% native requirement and try to understand how this is quantified. The primary question that should be addressed is how the 25% metric is calculated. Does this mean 25% of the landscape area must be native, or 25% of the number of new plants must be native? Other questions remain, such as if the 25% represents area coverage, is it calculated at the time of plant material installation, or at maturity? Does it include only newly planted landscape areas, or the total landscaped area of a lot (some of the lot are may be untouched during the project)? Do you count the plants or coverage of shrubs located under a native tree canopy? How can staff or Commissioners determine if the 25% requirement is met if we have no common understanding of how the 25% is calculated?

Over the last year staff reached out to six local landscape design professionals to speak about this matter. Only two of them provided strong opinions on the best way to calculate the native requirement. Richard Rutledge, with Innocenti & Webel Hobe Sound, strongly favored counting the trees and shrubs. Keith Williams, with Nievera Williams Palm Beach, likes the area coverage approach. Most of the municipal ordinances reviewed were silent on how the calculation is performed. The Model Native Plant Landscape Ordinance Handbook suggests using area coverage.

2. IS THE TWENTY-FIVE PERCENT (25%) NATIVE REQUIREMENT SUFFICIENT

The next item reviewed was whether the Town requirement of 25% natives was sufficient, especially when compared to other municipalities that enacted native landscape regulations. Here is a simple comparison of required native plants in several (19) South and Central Florida communities:

MUNICIPALITY	NATIVE LANDSCAPE REQUIREMENT		MUNICIPALITY	NATIVE LANDSCAPE REQUIREMENT
Brevard County	50%		Dade County	30%
Indian River County	50%		Islamorada	75%
Key Colony Beach	50%		Key West	70%
Lee County	50% to 75%		Manalapan	50%
Manatee County	30%		Marathon	70%
Martin County	50%		Miami	30%
Monroe County	10% to 70%		Ocoee	40%
Pasco County	30%		Polk County	Recommended
Sanibel	75%		St. Lucie County	50% to 100%
West Palm Beach	65% (Point-Based)			

Many communities do not have native landscape requirements at this time. Some communities set differing minimum requirements for different classes of plants, such as Lee, St. Lucie, and Monroe Counties. Trees, palms, shrubs, vines, and ground cover could all have different native minimum requirements. Richard Rutledge suggested this practice for Palm Beach, especially for trees and shrubs.

Copies of neighboring codes are attached for your review. Each community takes a different approach to setting their landscape regulations. Raymond Jungles favors the regulations in Monroe County. Keith Williams likes the Martin County regulations and the point-based systems.

3. WHICH NATIVE LANDSCAPE LISTS SHOULD BE USED

The current Town Code found in Chapter 66 references a number of plant lists found in Florida. Section 66-2, Definitions, uses the University of Florida Atlas of Vascular Plants to help define “Native Plant Species”. This atlas is now called the Atlas of Florida Plants by the Institute for Systemic Botany, and can identify native plants by county. Section 66-212, Purpose and Intent, references the most current Florida Exotic Pest Plant Council’s List of Invasive Plant Species. Section 66-285 mentions three other lists, the Xeriscape Plant Guide by the South Florida Water Management District, the “county list” (not clear what this is referencing), and the “regional list” (not clear what this is referencing).

Copies of many of these lists are attached for your review.

Raymond Jungles and Susan Lerner both liked the native plants list from the Institute for Regional Conservation, Natives for Your Neighborhood, which online can be filtered by zip code. <https://regionalconservation.org/beta/nfyn/default.asp> Susan Lerner, Richard Rutledge and Keith Williams liked the list prepared by the Florida Native Plant Society, Native Landscape Plants for Your Area. <https://www.fnps.org/plants> Jorge Sanchez last year mentioned that he liked the South Florida Water Management District Waterwise Guide. https://www.sfwmd.gov/sites/default/files/documents/ww0_waterwise_all.pdf

There are minor differences between the lists as to what plant species are truly native.

4. OTHER CODE MATTERS REGARDING NATIVES

The final part of this review is to make certain that the balance of the native regulations are still relevant and understandable. I included the Model Native Plant Landscape Ordinance Handbook as a resource for this discussion, as the draft ordinance contained within the handbook speaks to a complete native program, including invasive plants. The ORS Committee may wish to review the draft ordinance in the handbook and determine if the Town Code (Chapter 66) could or should be amended to include any other native landscape provisions mentioned in the draft ordinance.

In closing, Susan Lerner spent a lot of her time helping staff sort through the issues and possible solutions. She also drafted a simple form that can be used for the review of landscape plans in the near future for land use projects going before Arcom, Landmarks and Town Council. That form (spreadsheet) is attached.

Attached:

- Ordinance No. 21-2018
- Landscape Codes for: Brevard, Dade, Indian River, Lee, Manatee, Martin, Monroe, Pasco, Polk, and St. Lucie Counties; and the municipalities of Islamorada, Key Colony Beach, Key West, Manalapan, Marathon, Miami, Ocoee, Sanibel, and West Palm Beach
- Florida Exotic Pest Plant Council's List of Invasive Plant Species
- Atlas of Florida Plants by the Institute for Systemic Botany
- Institute for Regional Conservation, Natives for Your Neighborhood
- Florida Native Plant Society, Native Landscape Plants for Your Area
- South Florida Water Management District Waterwise Guide
- Model Native Plant Landscape Ordinance Handbook
- Landscape Review Form



Land Planning
Landscape Architecture
Landscape Management

June 28, 2021

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

Attn: Mr. Wayne Bergman
Re: Update to Native Landscape Code – Town of Palm Beach

TREES / PALMS

Each lot should have a required amount of trees (formula based on LOS)

- 1 tree per (sf.) of LOS
- Palms can be substituted at a 3:1 ratio (typical of other municipalities)
- Palms should not exceed 50% of the required trees
- 50% of required trees should be native

SHRUBS

No minimum amount of required shrubs.

25% of all proposed shrubs, groundcovers, and vines should be native

25% of the QUANTITY – not COVERAGE

The above requirements could be reflected in a 'standard' chart that the Town would require all landscape plans to include.

NOTE:

For *MINOR* projects (with a limited scope of work) the above requirements would still be required within the outlined area of work. The *Limits of Work* would have to be clearly defined on the submitted plans. Staff could also waive this requirement if it didn't make sense based on a limited scope of work or hardscape only application (ie. gates, walkways, landscape lighting, etc...)

ARTIFICIAL TURF

Should be allowed for areas NOT visible from public ROW.

Should be counted as hardscape NOT LOS.

Should not exceed 10% of the total site.

Applicant would have to present to ARCOM for approval of physical sample.

There are substantial differences in the quality of synthetic turf applications on the market today.

For your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dustin Mizell".

Environment Design Group
Dustin M. Mizell, MLA RLA #6666784

Paramount Building
139 North County road, Suite 20-B
Palm Beach, FL 33480
561.832.4600 phone
meroney@environmentdesigngroup.com

Wayne Bergman

From: Amanda Jungles <amanda@raymondjungles.com>
Sent: Friday, March 12, 2021 12:53 PM
To: Wayne Bergman
Cc: James Murphy
Subject: Native Landscape - RJL Response
Attachments: ww0_waterwise_all.pdf

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Good afternoon Wayne,

Per Raymond, "Wow! That SFWD guide is thorough." (See attached PDF)

Overall, Raymond looks up to Monroe County's requirement as the best. They require that all invasive species on a property have to be removed in order to get a building permit.

He thinks there needs to be a comprehensive list of native plants in the proper categories so it would be easy for people to select the correct plants.

Maybe this is something George Gann can do for the city as a consultant? At the least we feel that the link for the IRC website should be made available so the interested parties could find the right plants for their zip code.
<https://www.regionalconservation.org/index.html>

We would be happy to review and comment as this moves forward.

It is a very good thing you all are doing!

A few of our research notes below:

Palm Beach Native Landscape Requirements Research
Currently 25% of landscape needs to be native.

SFWMD
Only a plant list

MONROE COUNTY
100% or required parking lot material shall be native
Min. of 50% of required trees shall be native Canopy species
Min. of 40% of required trees shall be native understory species
Max. of 10% required trees may be native palm species

MANALAPAN
50% of plant material to be native.
Min. of 50% of required trees shall be native species as per Director's list.
Min. of 50% of required shrubs and hedges shall be native species as per Director's list.
3 Palms count as 1 Canopy tree

MIAMI

No less than thirty (30) percent of the required trees and/or palms shall be native species.

No less than thirty (30) percent of the shrubs shall be native species

Kind Regards,

Amanda Eva Jungles

New Business + Communications Director

O: +1 305 858 6777 (x06)

C: +1 786 239 8041

Raymond Jungles, Inc.

2964 Aviation Avenue

Miami, FL 33133

www.raymondjungles.com

**Please note we will be operating remotely until further notice. We will continue to be available by phone and email.*

Wayne Bergman

From: Jorge Sanchez <jorge@smila.net>
Sent: Sunday, August 02, 2020 3:18 PM
To: Wayne Bergman
Subject: Re: Florida Native

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Wayne,

Please excuse my delayed response. It has been an unusual week for all of us.

FWMD does have their own list. It is one that includes Natives & what they term as "Waterwise". I like their list, being that it is more inclusive; much more South Florida. It steps beyond the Native Nazi & brings it to a much more realistic list of plants for our environment. They also have the technical, unbiased background for a more appropriate list.

The list of plants for the Barton Road project does have many of the plants they claim as Native that fit the categories above, though there are a few that fit no category at all.

Hope this helps,

Jorge

Jorge A. Sánchez
SMI Landscape Architecture



Instagram

P: 561.655.9006 || www.smila.net

Recipient of the Arthur Ross Award

From: MCP Wayne Bergman <wbergman@TownOfPalmBeach.com>
Date: Thursday, July 30, 2020 at 7:42 AM
To: Jorge Sanchez <jorge@smila.net>
Subject: RE: Florida Native

Thank you Sir. I appreciate any help or guidance that you can provide. It seems there are several "lists" of what Florida natives plants are. We should all be following the same list.

Wayne Bergman, MCP, LEED-AP
Acting Director
Town of Palm Beach
Planning, Zoning, Building
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6426
Mobile: 561-232-7406
www.townofpalmbeach.com

Wayne Bergman

From: Keith Williams <keith@nieverawilliams.com>
Sent: Thursday, April 01, 2021 4:13 PM
To: Wayne Bergman
Cc: James Murphy
Subject: Re: Updates to Native Landscape Code

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Hello Wayne!

The Krey's on Jupiter Island said to say hi, they spoke very highly of you!
They are looking at building in WPB.

One thing that always bothered me doing it by count is a 12' HT Pigeon Plum counts the same as a specimen 25x25 Buttonwood. That's one good thing about the current method as it takes the size (and cost) into consideration.

It could be more of a point system like West Palm does so having 25% native trees/palm/shrub/GC is one point, 50% 2 points, 75% 3 points, etc. and you have to get to a minimum level. That would allow you to still make it up if you don't meet one category.

Definitely need clarity on which list. Maybe the town needs to make their own? There are a lot of plants that ARCOM/LPC/Town Council, the Garden Club, etc all have referred to as 'native' that are not. That would let it expand more to Florida Friendly rather than strictly natives. I think Florida Friendly should count for something, after all the idea is sustainability and there are exotics plants that are very sustainable.

Keith Williams ASLA
Nievera Williams Design Incorporated
223 Sunset Avenue, STE 150
Palm Beach, Florida 33480
561 659 2820

From: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Sent: Tuesday, March 30, 2021 9:20 AM
To: Keith Williams <keith@nieverawilliams.com>
Cc: James Murphy <jmurphy@TownOfPalmBeach.com>
Subject: Updates to Native Landscape Code

GM Keith – I hope that you are safe and well.

Wayne Bergman

From: Susan Lerner <slerner@palmbeachpreservation.org>
Sent: Friday, September 04, 2020 4:13 PM
To: Wayne Bergman
Cc: Amanda Skier
Subject: Re: Draft Spreadsheet
Attachments: 2019_Plant_List_ABSOLUTE_FINAL FLEPPC.pdf; Barton Avenue Native Report.xlsx; Template for 25% natives.xlsx

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Good afternoon, Wayne,

Attached are several documents.

1 - The Florida Exotic Pest Plant Council's 2019 list.

2 - Barton Avenue report. This is written in my original working format, not the final I am attaching to this email.

3 - Template for the Landscape Architects to provide plant schedule information. It must be an Excel document, as this will also be used by me, as my determining checklist.

4 - Regarding suitable plants for use in the Town. Instead of a list, which can be limiting to creativity, here are three links that can be easily used.

Zipcode plants list: <https://www.regionalconservation.org/beta/nfyn/plantlist.asp?ZipCode=33480>

Zipcode habitats list: <https://www.regionalconservation.org/beta/nfyn/habitatlist.asp?ZipCode=33480>

County Plant list:
<https://www.fnps.org/plants/specieslist/PalmBeach>

Let me know if there's any questions.

Have a great weekend!

Susan

Susan Lerner
Director of Horticulture
Preservation Foundation of Palm Beach
311 Peruvian Avenue
Palm Beach, Florida 33480
T 561.832.0731 x113
M 646.258.0081

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 10, 2021

To: Mayor & Town Council

Via: Kirk Blouin, Town Manager

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

Re: Native Landscaping Regulations Amendments – Ord. No. 24-2021

Date: October 14, 2021

GENERAL INFORMATION

Chapter 66, Natural Resource Protection, was updated in early 2019 to address the benefits of using native landscape. The update included a requirement for new landscape projects to include at least 25% native vegetation. Native landscape plants were identified by referencing a few different Florida plant lists and guides.

Since the adoption of the update, staff and applicants have questioned how the 25% requirement should be calculated and which plant list or guide was best to follow. These questions have remained unanswered for about a year and a half. Landscape plans today show compliance with the 25% minimum, but there is no specificity on how the 25% is calculated and the plans usually do not show which list or guide was followed to delineate native verses non-native plants. These issues were presented to the Town Council last year and the matter was forwarded to the ORS Committee to review.

Staff made a presentation to the ORS Committee on July 1, 2021. The questions of how to calculate the 25%, which plant guide should be followed, and whether 25% was an appropriate amount of natives, were posed to a few landscape design professionals over the past year, and their responses were provided to ORS. A lengthy discussion occurred at the meeting and options were reviewed, but ORS did not find answers to the questions raised by staff and others. As a result, the matter went back to Town Council on August 10, 2021 to seek direction on how to resolve the open issues. The matter was deferred by the Town Council at that meeting until September 14, 2021. That delay provided an opportunity for ORS Committee consider and review the matter further at their September 2, 2021 meeting.

During their September 2, 2021 meeting, the ORS Committee again had a lengthy discussion on the native plant matter. The ORS Committee agreed at that meeting to recommend the following to the Town Council:

- Calculate the native plant requirement based upon the quantity of plants, not by the plant coverage.
- Increase to 35% the minimum amount of native plants in each of the following five categories: trees, palms, shrubs, ground cover and vines. Each of these categories would require a minimum of 35% native plants.
- Use the Institute for Regional Conservation (“IRC”), Natives for Your Neighborhood as the sole listing for native plants. This online list allows to filter by zip code.
- Use the Florida Invasive Plant Species Guide (“FLIP”) as the list for Category 1 and 2 invasive plants.

The Town Council again reviewed the matter at their September 14, 2021 meeting. The Council agreed with the recommendations made by the ORS Committee and asked staff to draft an ordinance to cover the recommended changes.

Staff drafted the ordinance to include these changes. The draft ordinance was reviewed by Skip Randolph for form and legal sufficiency. Ordinance No. 24-2021 was approved on First Reading at your October 12, 2021 meeting. It is ready for adoption on Second Reading at your November 10, 2021 meeting.

cc: Jay Boodheshwar, Deputy Town Manager
James Murphy, Assistant Planning, Zoning and Building Director
John Randolph, Town Attorney

ORDINANCE NO. 24-2021

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 66 NATURAL RESOURCE PROTECTION, AT ARTICLE I, IN GENERAL, SECTION 66-2, DEFINITIONS; AT ARTICLE IV, VEGETATION, DIVISION 1, GENERALLY, SECTION 66-212, PURPOSE AND INTENT; AT ARTICLE IV, DIVISION 3, PLANS, SECTION 66-285; AND AT ARTICLE IV, VEGETATION, DIVISION 5, REGULATIONS, SECTION 66-311; 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 66, Natural Resource Protection, Article I, In General, Section 66-2, Definitions, is hereby amended by changing the definitions of “Native Plant Species” and “Pestilent Exotic / Invasive Species”, to read as follows:

“Native plant species shall be the plant species indigenous to the Town of Palm Beach, Florida region and found through the Institute for Regional Conservation (“IRC”), Natives for Your Neighborhood.” ~~ecological communities of South Florida, as indicated as native to South Florida by the University of Florida in the Atlas of Vascular Plants, or that can be scientifically documented to be native to South Florida.~~

Pestilent exotic/invasive species means species as identified by the Florida Invasive Plant Species Guide (“FLIP”)~~Exotic Pest Plant Council's Invasive Plant List.~~”

~~*Pestilent exotic species means any specimen of Melaleuca (Melaleuca quinquenervia), Australian Pine (Casuarina spp.), or Brazilian Pepper (Schinus terebinthifolius), regardless of size.”*~~

Section 2. Chapter 66, Natural Resource Protection, Article IV, Vegetation, Division 1, Generally, is amended at Section 66-212, Purpose and Intent, subsection (6), to read as follows:

“Sec. 66-212. - Purpose and intent.

It is the intent of the town to promote the health, safety and welfare of existing and future residents of the town by establishing minimum standards for the protection of natural plant communities, and the installation and continued maintenance of landscaping within the town, in order to:

(6) Eradicate Category I invasive exotic plant species and eradicate or control Category II invasive exotic plant species as listed on the most current Florida ~~Exotic Pest Plant Council's List of Invasive Plant Species~~Invasive Plant Species Guide (“FLIP”).”

Section 3. Chapter 66, Natural Resource Protection, Article IV, Vegetation, Division 3, Plans, is amended at Section 66-285, General, to read as follows:

"Sec. 66-285. - General.

(1) At least ~~25-35~~ percent of all new required landscaping, in the form of trees, palms, shrubs, vines and ground cover plants, other than grass, shall consist of native vegetation. To determine appropriate native vegetation the Xeriscape Plant Guide by the South Florida Water Management District, or if available County or regional lists as amended may Institute for Regional Conservation ("IRC"), Natives for Your Neighborhood, shall be used.

Section 4. Chapter 66, Natural Resource Protection, Article IV, Vegetation, Division 5, Regulations, Subdivision I, In General, is amended at Section 66-311, Prohibited Plants, Subsections (a) and (c) is removed, regarding Prohibited Species and Future Removal Requirements, to read as follows:

"Sec. 66-311. - Prohibited plants.

(a) Prohibited species. ~~The following plants have been shown to be~~Plants identified as pestilent exotic species ~~and shall not be installed as landscape material, and shall be removed from property as part of development and redevelopment activity, and prior to the issuance of a permit for said development and redevelopment activity.~~ or pursuant to the schedule and terms specified in subsection (c) of this section:

~~(c) Future removal requirements. In addition to the removal requirements set forth in subsection (a) above, a property owner shall remove or cause to be removed or eradicated the prohibited invasive non-native vegetation listed in subsection (a) above by January 1 of the year specified in the following table:~~

COMMON NAME	SCIENTIFIC NAME	YEAR
<i>Old-World Climbing Fern</i>	<i>Lygodium microphyllum</i>	2004
<i>Air Potato Vine</i>	<i>Dioscorea bulbifera</i>	
<i>Melaleuca, —Punk Tree</i>	<i>Melaleuca quinquenervia</i>	2006
<i>Brazilian Pepper</i>	<i>Schinus terebinthifolius</i>	2008
<i>Carrotwood</i>	<i>Cupaniopsis anacardioides</i>	
<i>Earleaf Acacia</i>	<i>Acacia auriculiformis</i>	2010
<i>Schefflera</i>	<i>Schefflera actinophylla</i>	2006
<i>Australian Pine*</i>	<i>Casuarina spp.</i>	2012*

COMMON NAME	SCIENTIFIC NAME	YEAR
Kudzu	<i>Pueraria montana var. lobata</i>	2008

~~* The 2012 date relating to the removal of the Australian Pine, *Casuarina* spp. shall only be applicable to Australian Pines which are within 500 feet of a county designated natural area described in subsection (d) below, i.e., the Palm Beach Island Sanctuaries. Upon removal of the prohibited and invasive non-native vegetation specified under this section, the property owner shall maintain the property free of such prohibited invasive non-native vegetation."~~

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 on first reading this 12th day of October, 2021, and for second and final reading on this ____ day of _____, 2021.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Council President Pro Tem

Julie Araskog, Town Council Member

Edward Cooney, Town Council Member

ATTEST:

Queenester Nieves, CMC, Town Clerk

Lewis S.W. Crampton, Town Council Member

Wayne Bergman

From: Amanda Skier <askier@palmbeachpreservation.org>
Sent: Friday, May 06, 2022 11:20 AM
To: James Murphy; Wayne Bergman
Cc: Susan Lerner; Aimee Sunny
Subject: Re: NATIVE PLANT LETTER TO THE EDITOR

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Good morning Wayne and James,

Thank you for sending along the letter. I have been speaking with multiple members of Town Council regarding this issue.

As far as the list is concerned, the easiest fix is to remove "Town of Palm Beach, Florida region" from the ordinance and replace it with "State of Florida." The IRC has a Natives for your Neighborhood Plant List on its website that is for the entire state: <https://www.regionalconservation.org/beta/nfyn/PlantList.asp>.

So far, I have had one landscape architect, Steve West, respond to the email that I sent two weeks ago. Everyone but Jorge agreed to participate. I compared Steve's list to the Natives for your Neighborhood Plant List. All can be found on this list except for one which is currently in the process of being added:

Palms:

Acoelorrhaphe wrightii - Paurotis Palm or Everglades Palm
Leucothrinax morrisii - Keys Thatch Palm
Rhapidophyllum hystrix - Needle Palm or Native Lady Palm
Roystonea regia - Royal Palm (In process)
Thrinax radiata - Florida Thatch Palm

Trees:

Clusia rosea - Pitch Apple
Cordia sebestena - Orange Geiger

Shrubs:

Conocarpus erectus sericeus - Silver Buttonwood
Chrysobalanus icaco 'Horizontal' - Beach Cocoplum
Ilex vomitoria - Dwarf Yaupon Holly
Peperomia obtusifolia - Baby Rubber Plant
Psychotria ligustrifolia - Bahama Coffee
Serenoa repens 'Cinerea' - Silver Saw Palmetto
Tripsacum floridana - Dwarf Fakahatchee Grass

Groundcovers and Vines

Gelsemium sempervirens - Carolina Jessamine
Lonicera sempervirens - Coral Honeysuckle
Mimosa strigillosa / Sunshine Mimosa

The IRC is the recognized local and regional authority. Natives for Your Neighborhood is a valuable educational tool that is unmatched by the other two lists suggested. As you both know, Florida-friendly is not the same as Florida native.

Regarding the categories, a compromise would be to eliminate the palm category. All other categories should remain in order to meet the intent of the ordinance. The Town Council members that I have spoken with agree.

As far as the percentage, there is room for compromise here as well. That being said, I defer to Town Council to decide what is appropriate.

I am happy to forward this on to members of the Town Council but wanted to share my thoughts with you first. I look forward to receiving your feedback once you have had a moment to review.

Kind regards,

Amanda Skier
President & CEO



Madame Mayor & Town Council

We, as the principal Landscape Architectural firms in Palm Beach, respectfully urge you to revise the native plant ordinance now in place so that it reflects the following points:

- Return to the 25% native requirement. The new 35% requirement is too high. We strongly feel that we can produce elegant results with the original percentage as well as create gardens that are truly reflective of our beautiful town.
- Remove the plant categories and return to the original formula of 25% overall native plants within a property. The plant category system unfairly raises the required overall percentage of native plants.
- Return to the true native list, which is ALL Florida natives and Florida friendly plants. The Florida Native Plant Society (FNPS) list and the University of Florida Extension website (IFAS) are the recognized authorities for study and use of native plants.

Thank you for your time and attention to this important matter.

Sincerely,

Jorge Sanchez

Mario Nievera

Keith Williams

Fernando Wong

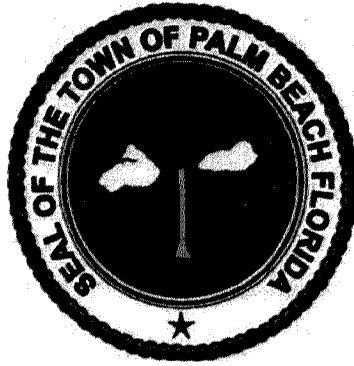
Tim Johnson

Claudia Visconti

Brian Vertesch

John Lubischer

Dustin Mizell



TOWN OF PALM BEACH

Minutes of the Development Review
Town Council Meeting
Held on May 11, 2022

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order May 11, 2022 at 9:34 a.m. On roll call, all elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. COMMENTS OF MAYOR DANIELLE H. MOORE

The mayor did not have any comments at this time.

IV. COMMENTS OF TOWN COUNCIL MEMBERS

Council President Zeidman reviewed the schedule for the day's meeting. She spoke regarding adding items under Any Other Matters, which included a discussion regarding sending native plants to ORS, a discussion about add-ons to construction projects and whether this item should be sent to ORS, as well as a discussion regarding the construction pamphlets distributed by Planning, Zoning & Building.

Council Member Araskog reminded landscapers not to blow leaves into the street.

Mayor Moore reminded that hurricane season was around the corner and encouraged citizens to begin preparations.

Council Member Araskog expressed appreciation to Police and Fire Rescue but wanted to make sure to acknowledge the Fire Rescue department for helping to save the people during the recent rip tide. She thanked all for their hard work and dedication.

Council Member Lindsay stated that the event occurred after hours, and many people came to offer assistance.

And At Article IV, Florida Building Code, Division 2, Florida Building Code Technical Amendments For Flooding, Section 18-244, Amendments; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Mr. Bergman provided background information on the two proposed ordinances. He stated the ordinances were mandated and written by the state. He read the title of the ordinance.

Council President Zeidman called for public comment. No one indicated a desire to speak.

Motion was made by Council Member Araskog and seconded by Council Member Cooney to approve Ordinance No. 009-2022 on first reading. Motion carried unanimously, 5-0.

2. Proposed Ordinance to Amend Chapter 50 of the Town Code to Modify the Language regarding Floodplain Management, to incorporate new FEMA and FL DEM requirements, and to acknowledge the Town's current CRS classification.

ORDINANCE NO. 010-2022 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 50, Floods, By Amending Article III, Definitions And Article IV, Flood Resistant Development, To Provide For Accessory Structures In Flood Hazard Areas And To Specify Elevation Of Manufactured Homes In Flood Hazard Areas; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Director Bergman read the title of the ordinance.

Council President Zeidman called for public comment. No one indicated a desire to speak.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Ordinance No. 010-2022 on first reading. Motion carried unanimously, 5-0.

XI. ANY OTHER MATTERS



1. Native Landscaping

Council Member Araskog spoke regarding a letter sent pertaining to the ordinance and requested that the Town Council refer this item back to the Ordinances, Regulations and Standards Committee. Town Council provided consensus to refer the ordinance back to ORS for further discussion.

2. Brochures

Council Member Araskog spoke regarding a previous discussion regarding sending out brochures pertaining to new construction regulations. She requested that these

ARTICLE IV. - VEGETATION

Footnotes:

— (2) —

Cross reference— *Vegetation generally, ch. 126.*

DIVISION 1. - GENERALLY

Sec. 66-211. - Findings.

It is found and determined that:

- (1) Landscaping promotes the health, safety and welfare of the community by absorbing carbon dioxide and returning oxygen to the air; precipitating dust and other articles in the air; providing wildlife habitat; providing soil stabilization; making the built environment more attractive; and helping to abate noise.
- (2) Proper landscaping and irrigation techniques can result in significant water conservation.
- (3) Landscaping provides a positive aesthetic value to the town.
- (4) Native shoreline ecosystems provide valuable shoreline stabilization and protection, wildlife habitat, and maintenance of environmental quality.
- (5) Pestilent exotic species constitute a nuisance in the town because:
 - a. They have spread rapidly to many areas of the town, displacing the diverse native Florida vegetation and associated wildlife habitat, and creating ecologically undesirable vegetative monocultures.
 - b. They can have adverse effects upon human health and pose safety hazards during high wind conditions.
 - c. The health, safety and welfare of the present and future residents of the town are benefited by minimizing degradation of the native ecological systems of the town.
- (6) Various plant species having aesthetic, ecological, educational, historical, recreational, economic or scientific value have been classified as endangered, threatened or species of special concern and should be protected.

(Code 1982, § 11.5-6)

Sec. 66-212. - Purpose and intent.

It is the intent of the town to promote the health, safety and welfare of existing and future residents of the town by establishing minimum standards for the protection of natural plant communities, and the installation and continued maintenance of landscaping within the town, in order to:

- (1) Promote health and safety through greater use of cultural and biological controls and reduced use of chemical pesticides for the management of pests, such as whitefly.
- (2) Promote the planting of appropriate native vegetation to encourage the presence of birds and wildlife and to eliminate or significantly reduce the need for fertilizers, pesticides and water

- (3) Improve air quality by promoting evapotranspiration and through the use of permeable land areas for aquifer and surface water filtration.
- (4) Maintain and improve the aesthetic appearance of the town through appropriate landscape design; thereby protecting and increasing property values throughout the community.
- (5) Improve the environmental quality of the town.
- (6) Eradicate Category I invasive exotic plant species and eradicate or control Category II invasive exotic plant species as listed on the most current Florida Invasive Species Council list.
- (7) Protect and encourage native shoreline and wetland ecosystems.
- (8) Offer special guidelines for the removal and control of those pestilent exotic species that are particularly deleterious to native shoreline environments.
- (9) Protect listed plant species that inhabit the town as referenced in section 66-312.
- (10) Reduce noise and pollution by designing landscaping to visually screen unsightly views and reduce noise impacts from major roadways and incompatible uses, through the filtering capacity of living trees and vegetation.
- (11) Provide a visual buffer between otherwise incompatible types of land uses.
- (12) Strengthen important vistas and reinforce desirable site design.
- (13) Promote energy conservation by encouraging cooling through the use of vegetation that creates shade.
- (14) Encourage the use of rain harvesting systems, such as cisterns, as a means to conserve water by reducing overwatering of landscapes.
- (15) Promote water conservation and lower water costs through the use of smart irrigation systems and planting native plants appropriate for the location.

(Code 1982, § 11.5-7; Ord. No. 21-2018, § 3, 4-9-19; Ord. No. 24-2021, § 2, 11-10-21)

Sec. 66-213. - Applicability.

This article shall apply to any new development or redevelopment. Provisions relating to tree removal or wetland protection apply to existing development, as noted.

(Code 1982, § 11.5-8)

Secs. 66-214—66-235. - Reserved.

DIVISION 2. - PERMITS

Sec. 66-236. - Application procedure for vegetation removal permit.

- (a) *Removal permits.* Vegetation removal permits, not sought in conjunction with building permits, shall be obtained by making application prior to removal, relocation or replacement to the building official or his designee, at least ten working days prior to the proposed date of removal.
- (b) *Circumstances justifying issuance.* Vegetation removal permits shall be issued in the following circumstances:

- (1) Where a tree, due to natural circumstances, is no longer viable, is in danger of falling, is too close to existing so as to endanger such structures, interferes with utility services, creates unsafe vision clearance, or constitutes a health hazard;
 - (2) Where the affected vegetation will be relocated, replaced with a suitable substitute tree, or otherwise preserved, with the exception of mangroves, which are regulated elsewhere in this chapter; or
 - (3) Where tree removal is part of a plan to restore or encourage native shoreline species, either on the coastal strand, as described in section 66-81 et seq., resolution number 37-89, or along Lake Worth, as described in article III of this chapter.
 - (4) Where landscape buffers (plant material), 30 inches in height or greater and directly adjacent to any side, rear street-side or street-rear property line, are removed and result in the loss of opacity of the existing screening, approval from the architectural commission or landmarks preservation commission (whichever is applicable) for the removal of the landscape buffer or buffers must be obtained and a landscape removal permit is issued. In limited cases, administrative or "staff" level approval may be done when equal or greater replacement landscape material is proposed to replace the plant material removed, and thereby maintaining the landscape buffer or buffers opacity. If the landscape removal is done without town approval or without a landscape removal permit, the originally-approved plant material must be replanted.
- (c) *Permit issuance and time limitations.* Upon approval of an application, the building official or his designee shall issue a permit. Permits shall expire and become null and void if work is not commenced within 90 days from the date of permit issuance.

(Code 1982, § 11.5-21; Ord. No. 14-2021, § 1, 7-13-21)

Secs. 66-237—66-260. - Reserved.

DIVISION 3. - PLANS

Sec. 66-261. - Plans required.

All site plans for new development and redevelopment shall be required to submit a landscape plan and irrigation plan to the architectural commission, or landmarks commission, as applicable. All plans shall be signed and sealed by a registered landscape architect, who shall guarantee that the plans meet all specifications of this chapter. The plans shall include a drainage statement by a professional engineer registered in the state that the landscape plan is not in conflict with the stormwater management plan.

(Code 1982, § 11.5-9; Ord. No. 21-02, § 6, 11-12-02)

Sec. 66-262. - Landscaping plan.

Landscaping plans should identify:

(1) Any historic or specimen trees located on the property.

(2) Any threatened or endangered vegetative species contained on the Florida Natural Areas Inventory's

"Special Plants List," the Florida Game and Fresh Water Fish Commission's "Official Lists of Endangered and Potentially Endangered Fauna and Flora in Florida," or a comparable list approved by the town planning, building and zoning department.

- (3) The location, size, botanical name, and common name of all existing vegetation four inches or larger in diameter on the property.
- (4) The location, species name, and common name of all proposed vegetation on the property.
- (5) The location and type of trees to be relocated or removed, and place of relocation if applicable.
- (6) All elements of an approved stormwater management plan applicable to the project, and a drainage statement by a professional engineer registered in the state that the landscape plan is not in conflict with the stormwater management plan.

(Code 1982, § 11.5-9(a); Ord. No. 15-01, § 6, 9-11-01; Ord. No. 21-02, § 7, 11-12-02)

Sec. 66-263. - Irrigation plans.

Irrigation plans shall include:

- (1) Layout of irrigation system and identification of components.
- (2) Explanation of relationship between plant groupings and type of irrigation used.

(Code 1982, § 11.5-9(b))

SecS. 66-264—66-284. - Reserved.

Sec. 66-285. - General.

- (1) At least 35 percent of all new required landscaping, in the categories of trees, palms, shrubs, and a combined category of vines and ground cover plants, shall consist of native vegetation. To determine appropriate native vegetation the Institute for Regional Conservation ("IRC"), Natives for Your Neighborhood, shall be used.
- (2) The hatracking of trees is prohibited; however pollarding is permitted.

(Ord. No. 21-2018, § 4, 4-9-19; Ord. No. 24-2021, § 3, 11-10-21)

DIVISION 4. - DESIGN REQUIREMENTS

Sec. 66-286. - Water conserving landscape design.

The following section shall be applicable to all new construction and substantial improvements.

- (1) *Required.* Landscapes shall be designed in accordance with water conserving landscape design elements set forth in subsections (2)—(5).
- (2) *Minimum landscaped open space.* Minimum landscaped open space shall be required as stipulated by the lot, yard and bulk regulations in the zoning code, chapter 134.
- (3) *Required vegetation.* The following vegetation is required. The nine principles of Florida friendly

landscaping shall be utilized.

a. *Lawns.*

1. If very drought tolerant grass is used, not more than 70 percent of the required landscaped open space shall be planted in lawn grass.
2. If moderate drought tolerant grass is used, not more than 60 percent of the required landscaped open space shall be planted in lawn grass.

(Information on Florida friendly drought tolerant grass can be found at:

<http://fyn.ifas.ufl.edu/ifaspubs.htm>.)

b. *Nonturfed areas.*

1. Nonturf areas shall be planted in mixes of trees, shrubs and ground covers.
2. Plants shall be grouped according to their water needs, and irrigated accordingly. At least 33 percent of the groupings shall be characterized by highly or moderately drought tolerant vegetation.

(Information for Florida friendly landscaping drought tolerant plants can be found at:

<http://www.floridayards.org/index.php>)

(4) *Irrigation standards.*

- a. Irrigation systems, either manual or automatic, may be used for the cultivated landscape areas.
- b. Irrigation shall be designed in zones that reflect necessary water regimes for specific groupings of vegetation.
- c. Sprinkler heads irrigating lawns or other high water requirement landscape areas shall be circuited so that they are on a separate zone from those irrigating trees, shrubbery or other reduced water requirement areas.
- d. Zones containing existing native plant communities and ecosystems maintained in a natural state do not require, and shall not have any additional irrigation water added in any form.
- e. In order to prevent overthrow, low trajectory heads or low volume water distributing devices shall be used when irrigating confined areas.
- f. No more than ten percent of spray radius shall be allowed onto impervious areas.
- g. Newly installed native plant areas may require irrigation during the establishment period. Water during this period shall be applied from a temporary irrigation system, a water truck, or by hand watering from a standard bib source.
- h. A temporary irrigation system shall be removed no later than 60 days after completion of the planting.

- (5) *Use of organic mulches.* When appropriate, a minimum of two inches of arsenic-free organic mulch shall be installed around each tree planting for a minimum of 18 inches beyond its trunk in all directions, including palms, and throughout all hedge, shrub, and groundcover plantings. Mulch shall be pulled a minimum of two inches away from trees and palms. Appropriate mulching material consists of by-

product or alternative mulches such as eucalyptus, pine needles, pine finds, oak leaf, Atlas grow soil, utility or other mulch as recommended by Florida Friendly Landscaping principles. The use of Cypress mulch, pine mulch, and dyed mulches is prohibited.

- (6) *Antitranspirants*. In order to reduce water loss through leaves during installation, antitranspirants shall be used and applied on all permitted landscape installation projects for a minimum period of 90-days from the date of installation.
- (7) *Irrigation plans*. Detailed irrigation plans shall be submitted as part of a building permit, and shall include:
 - a. Layout of irrigation system and identification of components.
 - b. Explanation of relationship between plant groupings and type of irrigation used.
 - c. Irrigation plans must provide 100 percent coverage of landscape areas.
- (8) *Control systems*.
 - a. The irrigation system shall be equipped with rainfall or moisture sensing devices to avoid operation during periods of sufficient moisture.
 - b. Automatically controlled irrigation systems shall be operated by an irrigation controller that is capable of watering high water requirement areas on a different schedule from low water requirement areas.
- (9) *Advanced irrigation systems*. This section shall be applicable to all new construction, substantial improvement and existing properties applying for a variance from the day-of-week watering restrictions imposed by the South Florida Water Management District (SFWMD), the City of West Palm Beach (WPB) or the Town of Palm Beach (town). Variances from the day-of-week watering restrictions does not relieve a property owner from complying with irrigation restrictions contained in a water shortage order or water emergency declaration issued by the SFWMD, WPB or the town.
 - a. Any person who purchases or installs an automatic landscape irrigation system on their property must properly install, maintain, and operate the system in accordance with manufacturer specifications, technology that inhibits or interrupts operation of the system during periods of sufficient moisture, and otherwise comply with the provisions of this section.
 - b. Evapotranspiration-based (ET) or moisture sensing-based controllers are required on any new automatic landscape irrigation system or controller installed subsequent to the date of adoption of this ordinance. In addition said systems are required on automatic irrigation systems when any principal structure on a property in the town is substantially altered.
 - c. Owners who have a properly operating evapotranspiration-based (ET) or moisture sensing controlled irrigation system shall be eligible for a variance from the day-of-the-week landscape irrigation restrictions set forth in section 122-78(b)(3) and (4) if the following requirements are met:
 - 1. The ET controller is approved by the Town of Palm Beach building official as meeting the Environmental Protection Agency (EPA) WaterSense® specification for weather-based controllers, the requirements of the Irrigation Association (IA) for climate-based controllers or moisture sensor-based controllers, or some comparable and applicable standard.
 - 2. The owner submits an application for variance to the Town of Palm Beach building official or his/her designee in accordance with section 122-81 along with an application fee in an amount adopted by the town council by resolution.

3. The owner posts a sign in a conspicuous location on the property to inform the public of the approval; the sign shall be provided by the town, the cost of which shall be payable to the town in an amount to be determined by the town council by resolution, upon approval of the variance.
4. No irrigation occurs between the daily restricted hours as may be set forth by the South Florida Water Management District and/or the City of West Palm Beach, which is subject to change at any time.
- d. The town shall maintain a database of all properties which have installed and maintained advanced irrigation systems in accordance with the requirements of this subsection, and which are exempt from the day-of-the-week irrigation restrictions set forth in section 122-78(b)(3) or (4).
- e. A variance granted from section 122-78(b)(3) or (4) based on the installation and operation of an advanced irrigation system does not relieve a property owner from complying with irrigation restrictions contained in a water shortage order or water emergency declaration issued by the South Florida water Management District, the City of West Palm Beach or the Town of Palm Beach.
- f. *Applicability.* This section shall apply to all licensed contractors within the jurisdiction of the town who install or perform work on automatic irrigation systems and to any person or entity which purchases or installs an automatic landscape irrigation system on their property.
 1. A licensed contractor or owner who installs or performs work on an automatic landscape irrigation system must test for the correct operation of each inhibiting or interrupting device or switch on the system. If such devices are not installed, or are not functioning properly, the contractor must install new devices or repair the existing ones and insure that each is operating properly before completing other work on the system.
 2. A licensed contractor or owner performing work on an automatic landscape irrigation system shall report systems that are not in compliance with this section, to code enforcement personnel in the police department. Failure of a contractor or owner to report non-compliant systems within five business days is punishable by fines as specified in the violations and penalties section of this section. A system that is repaired by the contractor and brought into compliance need not be reported.
 3. Regular maintenance and replacement of worn or broken moisture sensing equipment, such as soil moisture or rain sensors, is not a violation of this section, if such repairs are made within 30 days from the time non-compliance is noted.
 4. All contractors performing work on irrigation systems within the town shall be licensed or registered under F.S. ch. 489, or the Construction Industry Licensing Board of Palm Beach County and shall hold a municipally-issued license or business tax certificate that permits work on irrigation systems.
 5. A licensed contractor shall perform annually a maintenance review of the ET-controlled system and certify to the town on an annual basis that the ET-controlled system is properly operating and in compliance with this section. Owners failing to provide such annual recertification that the system is properly operating shall result in revocation of the variance from section 122-78(b)(3) or (4).

g. Violations and penalties.

1. Failure of any person who purchases or installs an automatic landscape irrigation system on their property managed by them, to properly install, maintain, and operate technology that inhibits or interrupts operation of the system during periods of sufficient moisture is a violation of this section, and such person shall be subject to a fine in accordance with section 2-439 of this Code. A person in violation of this section may be cited for each failure to be in compliance with this section.
2. Failure of an owner to report to town code enforcement officials automatic landscape irrigation systems that are not in compliance with this section, which require properly operating devices to inhibit or interrupt the operation of the irrigation system during periods of sufficient moisture, shall be a violation of this section, and such owner shall be subject to a fine in accordance with section 2-439 of this Code.

(Code 1982, § 11.5-10; Ord. No. 25-02, § 1, 11-12-02; Ord. No. 22-10, § 1, 7-13-10; Ord. No. 13-2013, § 2, 8-13-13; Ord. No. 21-2018, § 5, 4-9-19)

Cross reference— Water generally, § 122-31 et seq.

Secs. 66-287—66-310. - Reserved.

DIVISION 5. - REGULATIONS

Subdivision I. - In General

Sec. 66-311. - Prohibited plants.

- (a) *Prohibited species.* Plants identified as pestilent exotic species shall not be installed as landscape material, and shall be removed from property as part of development and redevelopment activity, prior to the issuance of a permit for said development and redevelopment activity.
 - (1) Australian pine (*Casuarina* spp.).
 - (2) Brazilian pepper (*Schinus terebinthifolius*).
 - (3) Punk or paper tree (*Mezquite* *quincunervia*).
 - (4) Old-world climbing fern (*Lygodium microphyllum*).
 - (5) Air potato vine (*Dioscorea bulbifera*).
 - (6) Carrotwood (*Cupaniopsis anacardioides*).
 - (7) Earleaf acacia (*Acacia auriculiformis*).
 - (8) Schefflera (*Schefflera actinophylla*).
 - (9) Kudzu (*Pueraria montana* var. *lobata*).
- (b) *Exemptions.* An exemption or partial exemption from the prohibition of and removal requirements of Australian pines may be granted by the architectural commission or landmarks commission, as applicable, if the following conditions apply:
 - (1) The Australian pine is used and maintained as a hedge. Failure to maintain the hedge will result in a code

- (2) The hedge or screen is located in an area where salt tolerant vegetation is required and where a viable aesthetic or organic option is not practical.
- (3) The Australian pine is not of the "sucker" type variety (*Casuarina glauca*).
- (4) The Australian pine is not directly adjacent to shoreline areas.
- (5) The Australian pine is maintained as part of the character of a landmarked district or vista such as the areas known as "Pine Walk" and "Wells Road."
- (c) Upon removal of the prohibited and invasive non-native vegetation specified under this section, the property owner shall maintain the property free of such prohibited invasive non-native vegetation.
- (d) *Prohibition officus benjamina and ficus nitida*. Due to extreme susceptibility of the invasive white fly pest and the consequent enforcement issues to require owners to treat or remove infested ficus benjamina and ficus nitida, no new planting of ficus benjamina or ficus nitida shall be allowed, with the exception of replacement plantings associated with a utility easement. The planting of appropriate native vegetation in a hedge or hedgerow is encouraged.
- (e) *Protection of natural area and incentives*. The county has recognized the Palm Beach Island Sanctuaries (R43 T43 S34; R43 T44 S03/10/15) located within the town as a natural area containing high quality ecosystems that are worthy of protection. The town hereby adopts for purposes of the protection of said natural area and for purposes of the regulation of the buffer area around said natural area those sections of the County Code known as the "Palm Beach County Countywide Prohibited Invasive Non-Native Vegetation Removal Ordinance" relating to the protection and regulation of these areas. Additionally, the town adopts the incentive program offered by the county as incorporated within the "Palm Beach County Countywide Prohibited Invasive Non-Native Vegetation Removal Ordinance."
- (f) *Enforcement*. Violations of this section shall be:
 - (1) Failure of a property owner to remove or eradicate prohibited invasive non-native vegetation in accordance with subsections (a) and (c) of this section.
 - (2) Failure of a property owner to maintain nonexempt properties free of prohibited invasive non-native vegetation in accordance with subsection (c) of this section.

The following are procedures which are to be followed for compliance and enforcement of this section.

- (1) Inspection of a parcel to determine the possible location of prohibited invasive non-native vegetation.
- (2) Preparation and provision of a notice informing the parcel owner of prohibited invasive non-native vegetation on the parcel and instructions for the removal or eradication of the vegetation and a timeframe provided for compliance. A follow up inspection is conducted.
- (3) In the event there is a failure to comply by the property owner after notice as prescribed, the failure to comply will be noticed for hearing before the town's code enforcement board.

(Code 1982, § 11.5-16; Ord. No. 19-03, § 1, 12-9-03; Ord. No. 23-2011, § 1, 10-11-11; Ord. No. 21-2018, § 6, 4-9-19; Ord. No. 07-2020, §, 4-15-20; Ord. No. 24-2021, § 4, 11-10-21)

Sec. 66-312. - Protected plants.

The following shall constitute protected plants within the town:

- (1) *Historic and specimen trees.* Specimen trees are afforded special status and protection in the town, as per s 126-56—126-58.
- (2) *Endangered and threatened plants.* Plants identified as endangered or threatened, according to the Florida Natural Areas Inventory, Florida Game and Fresh Water Fish Commission "Official Lists of Endangered and Potentially Endangered Fauna and Flora in Florida," or a comparable list approved by the town's planning, zoning and building department, shall be identified on the required landscaping plan.
- (3) *Protection.* Removal of designated historic and specimen trees, and vegetational species identified as endangered or threatened, shall be prohibited.
- (4) *Exceptions.*
 - a. Permission for removal of historic or specimen trees may be obtained from the town council or from the town manager if the tree constitutes a danger to public health, safety or welfare, or otherwise requires immediate removal.
 - b. When relocation is unavoidable, identified endangered or threatened species may be transplanted to an undeveloped portion of the site, or to an approved off-site location where preservation can be ensured.
- (5) *Management plan.* When historic or specimen trees or endangered or threatened plants are identified, a management plan shall be presented to the architectural commission, or landmarks commission, as applicable. The management plan shall include:
 - a. Methods to ensure preservation of the species, including buffer areas when appropriate.
 - b. Methods to ensure protection of species while construction activity is taking place on property.

(Code 1982, § 11.5-22)

Sec. 66-313. - Artificial turf—Locations.

In all zoning districts, artificial turf shall be reviewed and may be approved in accordance with the ARCOM Project Designation Manual, or Project Designation Guide for Landmarked and Historically Significant Building properties, and may be installed in limited areas of rear and side yards, or as a driveway accent in any yard, example to include strips of artificial turf placed between stone or concrete driveway pads. Artificial turf shall not be installed in any front yard areas, except as a driveway accent, or in any areas visible from the public right-of-way (regardless of whether it is in the rear or side yard). No artificial turf shall be installed in the public right-of-way.

(Ord. No. 23-2021, § 2, 12-14-21)

Sec. 66-314. - Artificial turf—Standards.

All artificial turf shall comply with the following minimum standards:

- (a) Artificial turf installation shall be approved by either the Architectural Review Commission or the Landmarks Preservation Commission (depending upon the property designation) and all artificial turf installation requires a building permit.
- (b) Artificial turf is calculated as impervious surface and shall not count towards landscape open space.
- (c) Artificial turf material shall be lead-free.

Secs. 66-315—66-335. - Reserved.

Subdivision II. - Dunes

Sec. 66-336. - Vegetation restoration.

(a) *Findings.*

- (1) Coastal dunes provide the first defense against wind and waves.
- (2) Coastal dune vegetation, including salt tolerant plant species such as sea oats, railroad vine, sea rocket, and sea grapes, aid in stabilizing beach and dune systems and promoting wildlife habitat areas.
- (3) Coastal dunes have been degraded by beach erosion and pestilent exotic species.
- (4) Some damaged coastal dune habitat can be restored.

(b) *Purpose and intent.* It is the intent and purpose of the town to provide for restoration of native dune systems wherever such opportunities exist.

(c) *Requirements.* All new development or redevelopment adjacent to the Atlantic Ocean shall be required to restore dune habitat when feasible, as determined by the building official or his designee.

(d) *Guidelines for restoration feasibility determination.* Dune habitat shall be restored when:

- (1) Native vegetation has been degraded by pestilent exotics or means other than erosion of the beach; or
- (2) Significant beach and dune materials exist such that dune habitat can be restored and maintained.

(e) *Alteration of vegetation.* Dune restoration shall be in accordance with section 66-81 et seq. and resolution number 37-89, which provide for the alteration of dune vegetation.

(Code 1982, § 11.5-23)

Secs. 66-337—66-360. - Reserved.

Subdivision III. - Wetlands Protection

Footnotes:

— (3) —

State Law reference— *Wetlands protection, mangroves, F.S. § 403.9322 et seq.*

Sec. 66-361. - Mangroves—Prohibitions.

No person shall alter, allow or cause to be altered any mangrove in the town without first obtaining approval of a shoreline management plan and receiving a permit from the planning, zoning and building department.

(Code 1982, § 11.5-24(a))

Native Plant Regulations in Municipalities						
Municipality	Tree	Palm	Shrub	Ground Cover	Vines	Comments
Brevard County	50%		50%	50% ¹		
Miami-Dade County	30%	²	30%			
Key Colony Beach	50%	50%	50%	50%		
Village of Islamorada	75%	75%	75%	75%		
Indian River County	75%	75%	75%	75%	75%	Point System
Key West ³	70%	70%	70%	70%		
Miami	80%					
Pasco County						
Saint Lucie County	100%		52%			
West Palm Beach ⁴						Point System
Lee County ⁵	75%	50%	50%	50%		
Manatee County	30%	30%	30%	30%		
Martin Coutny	50%/75%		50%	50% ⁶		
Marathon ⁷						
Broward County	50%	50%	50%	50% ⁸	50%	
Town of Palm Beach	35%	35%	35%	35%	35%	

Foot Notes:

1 Does not include sod

2 No more than 30% of the required trees shall be palms

3 Preserve 90% of hardwood hammocks.

4 25 points for single-family dwelling unit and 50 points for all other development forms

Preservation: 50% of open space percentage requirement through the onsite preservation of existing native vegetation communities.

6 Other than grass

65% of the trees planted as mitigation for the removal of regionally important plant species

7 trees shall be the same species as the trees removed.

8 Excludes turf



Town of Palm Beach

Planning Zoning and Building
360 S County Rd
Palm Beach, FL 33480
www.townofpalmbeach.com

Line #	Landscape Legend		
1	Property Address:		
4		Required	Proposed
5	Lot Size (sq ft)		
6	Landscape Open Space (LOS) (Sq Ft and %)		
7	Perimeter LOS (Sq Ft and %)		
8	Front Yard LOS (Sq Ft and %)		
9	Native* Trees %		
10	Native* Palms %		
11	Native* Shrubs %		
12	Native* Vines / Ground Cover %		

**To determine appropriate native vegetation, the Institute for Regional Conservation ("IRC"), Natives for Your Neighborhood guide shall be used.*

This table shall be included on the landscape species index sheet as prepared by a licensed landscape architect

REV BF 20220304

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 2023

Section of Agenda RESOLUTIONS

Agenda Title

Resolution No. 005-2023: A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For the Property Hereinafter Described And Stating That The Subject Property Meets The Criteria Set Forth In Chapter 54, Article V Of The Code Of Ordinances Of The Town Of Palm Beach, Relating To Landmarks Preservation And Titled "Tax Exemptions."

Presenter

ATTACHMENTS:

- ▣ **PZB Staff Memorandum**
- ▣ **Resolution No. 005-2023**
- ▣ **Unity of Title**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 2023

To: Mayor and Town Council

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

From: Emily Stillings, Murphy Stillings, LLC

Re: Tax Abatement: 264 South County Road
Resolution No: 005-2023

Date: December 28, 2022

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 005-2023, granting Tax Abatement to the property at 264 South County Road.

BOARD OR COMMISSION RECOMMENDATION

The Landmarks Preservation Commission has approved all changes to this property using the Secretary of Interior (Federal) Standards for Rehabilitation as required in the Tax Abatement program.

GENERAL INFORMATION

1. Project Summary: The above-mentioned applicant has applied for participation in the Town's Tax Abatement Program.

Upon application for the Tax Abatement Program the property was two separate parcels, and two tax abatement applications were submitted for the properties located at 264 South County Road and 270 South County Road.

Since the initial applications and approvals, the properties were unified with a Unity of Title. The Town Council approved Resolutions 077-22 and 078-22 granting tax abatements on the two properties on July 13, 2022. However, Palm Beach County and the Palm Beach County Property Appraiser's Office are requesting that the Town of Palm Beach resolution granting the tax abatement reflect the current legal description and parcel control number. This resolution is for the combined property as they have requested.

264 South County Road was designated as a Landmark of the Town of Palm Beach on May 4, 1982. 270 South County Road was designated a Landmark of the Town of Palm Beach on May 22, 1980.

The Landmark Preservation Commission (LPC) approved the Tax Abatement Applications in 2019. The improvements to the properties include the restoration and renovation of the two historic structures. The completed work has been reviewed and found to be in compliance with the LPC approvals.

2. Town Council approval is required to grant this abatement and forward same to Palm Beach County.
3. A written application for ad valorem tax exemption has been presented to Town staff as prescribed by Section 54-199 of Town Code. As additionally required by Section 54-200, the property owner must enter into a covenant or agreement with the Town, the form of which is established by the Department of State, requiring that the character of the property and the qualifying improvements be maintained during the exemption period. The covenant must be entered into prior to the submittal to the County and Property Appraiser's Office.

FUNDING/FISCAL IMPACT

Action will abate ad valorem Town of Palm Beach property tax increase (new incremental value only) for a period of ten years. Full value assessment will be applicable after the ten year program.

The estimated cost of the improvement as provided by the property owner is \$11,558,349. The Palm Beach County Property Appraiser will determine the value of the tax abatement using its own methodology.

TOWN ATTORNEY REVIEW

Resolution No. 005-2023 has been approved by the Town Attorney for legal form and sufficiency.

Cc: Sarah Pardue, Historic Preservation Planner
Janet Murphy, Murphy Stillings, LLC

RESOLUTION NO. 005-2023

264 South County Road

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING AD VALOREM TAX EXEMPTIONS FOR THE PROPERTY HEREINAFTER DESCRIBED AND STATING THAT THE SUBJECT PROPERTY MEETS THE CRITERIA SET FORTH IN CHAPTER 54, ARTICLE V OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH, RELATING TO LANDMARKS PRESERVATION AND TITLED "TAX EXEMPTIONS."

WHEREAS, pursuant to the provisions of Chapter 54, Article V, Code of Ordinances of the Town of Palm Beach, the Landmarks Preservation Commission of the Town of Palm Beach held public hearings and approved Certificates of Appropriateness for renovations and improvements of the certain property described herein; and

WHEREAS, those improvements are consistent with the United States Secretary of Interior's Standards for Rehabilitation and were made in accordance with the guidelines developed by the Department of State, they will qualify for said tax exemption; and

WHEREAS, the property owner agrees to enter into a covenant of agreement with the Town for the ten year term for which the exemption is granted.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The property hereinafter described in Section 2 of this Resolution, being listed as a Landmark of the Town of Palm Beach, is hereby approved for the Ad Valorem Tax Exemptions for Historic Properties, pursuant to the provisions of Chapter 54, Article V.

Section 2. The landmark is owned by Carriage House Properties Partners, LLC and is located at 264 South County Road, Palm Beach, Florida. The property is legally described as follows:

Tax Folio Number: 50-43-43-22-10-000-0110

Legal Description: Lot K and Lot L, of Phipps Plaza, according to the Plat thereof, as recorded in Plat Book 20, Page 72, of the Public Records of Palm Beach County, Florida.

Section 3. The Town Clerk is hereby ordered to furnish the owner of the property a copy of this Resolution.

Section 4. A copy of this Resolution with completed application for Ad Valorem Tax Exemptions will be filed with the Property Appraiser's Office as defined in and subject to the provision of Chapter 54 of the Code of Ordinances of the Town of Palm Beach, Florida.

PASSED AND ADOPTED in a regular, adjournment session of the Town Council of the Town of Palm Beach assembled this ____ day of _____ 202__.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

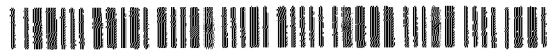
ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Deputy Town Clerk

Lewis S.W. Crampton, Town Council Member



CFN 20210535733

OR BK 33074 PG 1133
RECORDED 11/22/2021 13:49:35
Palm Beach County, Florida
Joseph Abruzzo, Clerk
Pgs 1133 - 1137 (5pgs)

THIS INSTRUMENT PREPARED BY:
Maura Ziska, Esq.
KOCHMAN & ZISKA, PLC
222 Lakeview Avenue, Suite 1500
West Palm Beach, FL 33401

PCNS: 50-43-43-22-10-000-0120
50-43-43-22-10-000-0110

UNITY OF TITLE AGREEMENT

THIS UNITY OF TITLE AGREEMENT ("Agreement") is made between and entered into as of this 19th day of October, 2021 by and between **CARRIAGE HOUSE PROPERTIES PARTNERS, LLC**, a Delaware limited liability company ("Owner"), and the Town of Palm Beach, a municipal corporation existing under the laws of the State of Florida ("Town").

RECITALS

- A. The undersigned **CARRIAGE HOUSE PROPERTIES PARTNERS, LLC**, are the Owner(s) of the following described parcels of real property located in the Town of Palm Beach, Palm Beach County, Florida:

See attached "Exhibit A"

- B. Owner is requesting to unify Parcel 1 and Parcel 2 in order to create one unified estate.
- C. There is a mortgage encumbering Parcel 1 and Parcel 2.
- D. The Town on July 12, 2017 adopted Resolution 119-2017 which Resolution provides for assessment for each of the parcels identified above for undergrounding of Town-wide utilities. The Owner agrees to continue to be responsible for said assessments regardless of this unification.

Now therefore, in consideration of the Town of Palm Beach granting a building permit to Owner to connect Parcel 1 and Parcel 2, the Owner agrees that Parcel 1 and Parcel 2 shall hereafter be subject to the following restrictions in the following manner:

1. Parcel 1 and Parcel 2 shall be considered as one parcel and no portion of said combined parcel shall be sold, transferred, devised or assigned separately, but only in its entirety as one unit or parcel of land.
2. Owner further agrees that this condition, restriction and limitation shall be deemed a covenant running with the land (Parcel 1 and Parcel 2) and shall remain in full force and effect and be binding upon the Owner, their heirs and assigns until such time as the same has been released in writing by the Town of Palm Beach.
3. Owner agrees that this instrument shall be recorded in the Public Records of Palm Beach County, Florida.
4. In the event a request is made in the future that this Unity of Title be released, should the two parcels of land (Parcel 1 and Parcel 2) otherwise be independently in compliance with

the Town's comprehensive plan, zoning ordinance and the regulations of the Town, the Town shall, upon written request by the Owner, their successors or assigns, execute a recordable termination of this Unity of Title.

5. Owner acknowledges and agrees that Owner shall continue to be responsible for assessments identified by the Town relating to each individual parcel of land (whichever is relevant) defined herein as if each parcel had not been unified.

Signed, sealed, executed and acknowledged on this 19th day of October, 2021, at Palm Beach, Florida.

IN WITNESS WHEREOF:

OWNER:

CARRIAGE HOUSE PROPERTIES PARTNERS, LLC

Janelle Howell
Witness Signature
Print Name: Janelle Howell

BY: [Signature]
ITS: DIRECTOR

[Signature]
Witness Signature
Printed Name: SUNITO M. LESLIE

STATE OF FLORIDA)
) ss.
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 14th day of SEPTEMBER, 2021, by JOSHUA LEVY on behalf of Carriage House Properties Partners, LLC who ☒ is personally known to me or who ☐ has produced _____ as identification.



[Signature]
Notary Public – State of Florida

Notary Seal: _____

Antoine H. M. Fabrizi
Witness Signature

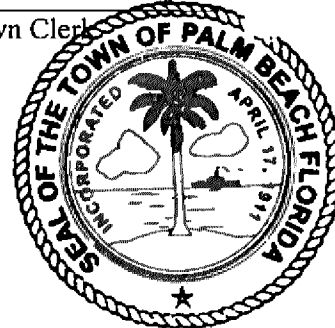
Antoine H. M. Fabrizi
Witness Printed Name

TOWN OF PALM BEACH:

Kirk Blouin
Kirk Blouin, Town Manager

ATTEST:

Queenester Nieves
Queenester Nieves, Town Clerk

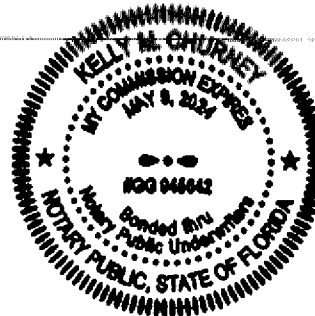


STATE OF FLORIDA)
) ss.
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this 19th day of October, 2021, by KIRK BLOUIN, as Town Manager of the Town of Palm Beach, a municipal corporation existing under the laws of the State of Florida, on behalf of the corporation, who ☒ is personally known to me or who ☐ has produced _____ as identification.

Kelly M Churney
Notary Public – State of Florida

Notary Seal: _____



APPROVED FOR FORM AND LEGAL SUFFICIENCY:

John C. Randolph
John C. Randolph, Town Attorney

EXHIBIT "A"

Legal Description

Parcel number: 50-43-43-22-10-000-0120

Address: 264 South County Road, Palm Beach, FL 33480

Lot L, of PHIPPS PLAZA, according to the Plat thereof, as recorded in Plat Book 20, Page 72, of the Public Records of Palm Beach County, Florida.

Legal Description

Parcel number: 50-43-43-22-10-000-0110

Address: 270 South County Road, Palm Beach, FL, 33480

Lot K, PHIPPS PLAZA, according to the plat thereof as recorded in Plat Book 20, Page 72, of the Public Records of Palm Beach County, Florida.

CONSENT OF MORTGAGEE

City National Bank of Florida is the Mortgagee of certain mortgage from Carriage House Properties Partners LLC, as Mortgagor, dated January 12, 2021, and recorded in Official Record Book 32100, Page 830, Public Records of Palm Beach County, Florida, which mortgage encumbers the properties included in the Unity of Title Agreement set forth above. The Mortgagee hereby consents to the terms and provisions of the Unity of Title Agreement entered into by Mortgagor.

City National Bank of Florida

By: [Signature] DAVID ALBRIGHT
Its: SVP



STATE OF FLORIDA - PALM BEACH COUNTY
I hereby certify that the foregoing is a
true copy of the record in my office with
redactions, if any as required by law.

THIS 22 DAY OF Nov, 20 21

JOSEPH ABRUZZO

CLERK OF THE CIRCUIT COURT & COMPTROLLER

By: [Signature]
Deputy Clerk

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 2023

Section of Agenda RESOLUTIONS

Agenda Title

Resolution No. 006-2023: A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as **205 Jamaica Lane** Meets the Criteria Set Forth in Ordinance No. 2-84, Also Know as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designation Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach. *[The owner objected to the Landmark Designation at the December 21, 2022, Landmarks Preservation Commission meeting.]*

Presenter

ATTACHMENTS:

- ▣ **Resolution No. 006-2023**
- ▣ **Designation Report for 205 Jamaica Lane**
- ▣ **Excerpt from the December 21, 2022 Landmarks Preservation Commission Meeting Minutes**
- ▣ **Landmark Designation Procedure**
- ▣ **Resident Letter - 11.02.22**

RESOLUTION NO. 006-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RATIFYING AND CONFIRMING THE DETERMINATION OF THE LANDMARKS PRESERVATION COMMISSION THAT THE PROPERTY KNOWN AS 205 JAMAICA LANE MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH; AND DESIGNATING SAID PROPERTY AS A TOWN OF PALM BEACH LANDMARK PURSUANT TO ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH.

WHEREAS, pursuant to the provisions of Ordinance No. 2-84, (Chapter 54, Article IV, Code of Ordinances of the Town of Palm Beach) the Landmarks Preservation Commission of the Town of Palm Beach held a public hearing and recommended to the Town Council that certain landmarked property described herein be designated as a landmark as described in said Ordinance and Code; and

WHEREAS, after due notice to the property owner(s) affected, a public hearing was held at which all parties interested were given an opportunity to be heard and express their views and opinions with respect to the property and its designation as a landmark; and

WHEREAS, the Town Council does hereby find and determine that the property described herein meets the criteria required by the Ordinance to designate a landmark, and shall be designated as a landmark.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The recommendation and determination of the Landmarks Preservation Commission as to the property hereinafter described in Section 3 of this Resolution, being designated as a landmark is hereby ratified, approved, and confirmed.

Section 3. The landmark herein amended, pursuant to the provisions of Ordinance No. 2-84, and the provisions of the Town Code described herein, is known as 205 Jamaica Lane and the property to be landmarked is legally described as follows:

LOT 13 OF THE PLAT OF JAMAICA LANE, AN ADDITION TO THE TOWN OF PALM BEACH, FLORIDA, ACCORDING TO THE PLAT

**THEREOF AS RECORDED IN PLAT BOOK 18, PAGE 93, PUBLIC
RECORDS OF PALM BEACH COUNTY, FLORIDA.**

Section 4. The Town Clerk is hereby ordered to furnish the property owner of the landmarked property a copy of this Resolution.

Section 5. Within thirty (30) days from the date of adoption of this Resolution, the Landmarks Preservation Commission shall cause to be filed in the Office of the Recorder of Deeds in and for Palm Beach County, Florida, a certificate that the above-described property comprises a landmark, as described above and as defined in and subject to the provisions of Ordinance No. 2-84 and the Code of Ordinances of the Town of Palm Beach, Florida.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 11th day of January, 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Edward A. Cooney, Town Council Member

Lewis S.W. Crampton, Town Council Member

205 Jamaica Lane



DESIGNATION REPORT

March 16, 2022

Landmark Preservation Commission

Palm Beach, Florida

DESIGNATION REPORT

205 Jamaica Lane

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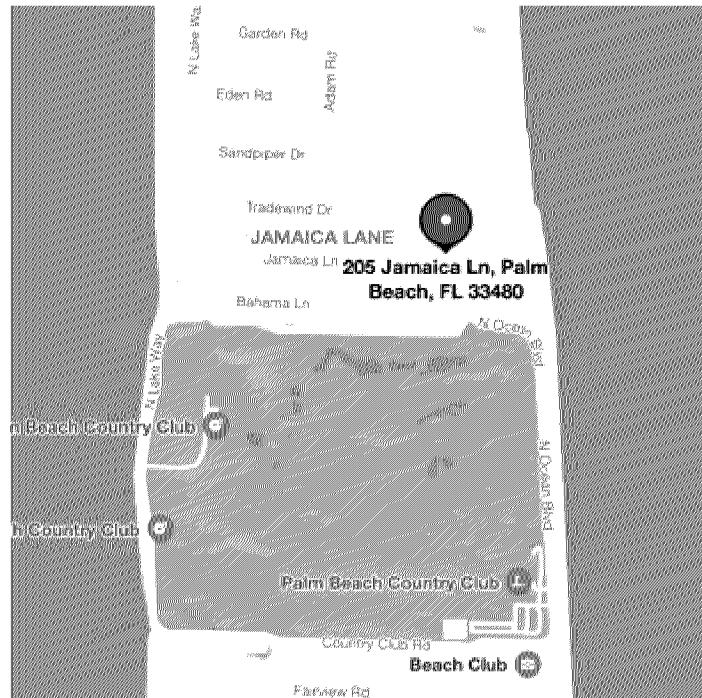
Report produced by Murphy Stillings, LLC

I. General Information

Location:	205 Jamaica Lane Palm Beach, Florida
Date of Construction:	1953
First Owner:	G. K. Morrow
Architect:	John F. Stetson
Present Owner:	William K. Tomita
Present Use:	Residential
Present Zoning:	RB
Palm Beach County Tax Folio Number:	50-43-43-10-01-000-0130
Current Legal Description:	Lot 13 of the Plat of Jamaica Lane, an addition to the Town of Palm Beach, Florida, according to the Plat thereof as recorded in Plat Book 18, Page 93, Public Records of Palm Beach County, Florida.

II. Location Map

205 Jamaica Lane



III. Architectural Information

The residence at 205 Jamaica Lane, located on the northwest corner of Jamaica Lane and North Ocean Boulevard, was designed in the Mid-Century Modern style by one of Palm Beach's long time and prominent architects, John Stetson. Stetson was commissioned to design the single-family residence in the north end of Palm Beach for George Keenan Morrow and Ruth McCullough Morrow in 1953.¹



South Façade, Looking Northeast
Photo from Realtor.com Website²

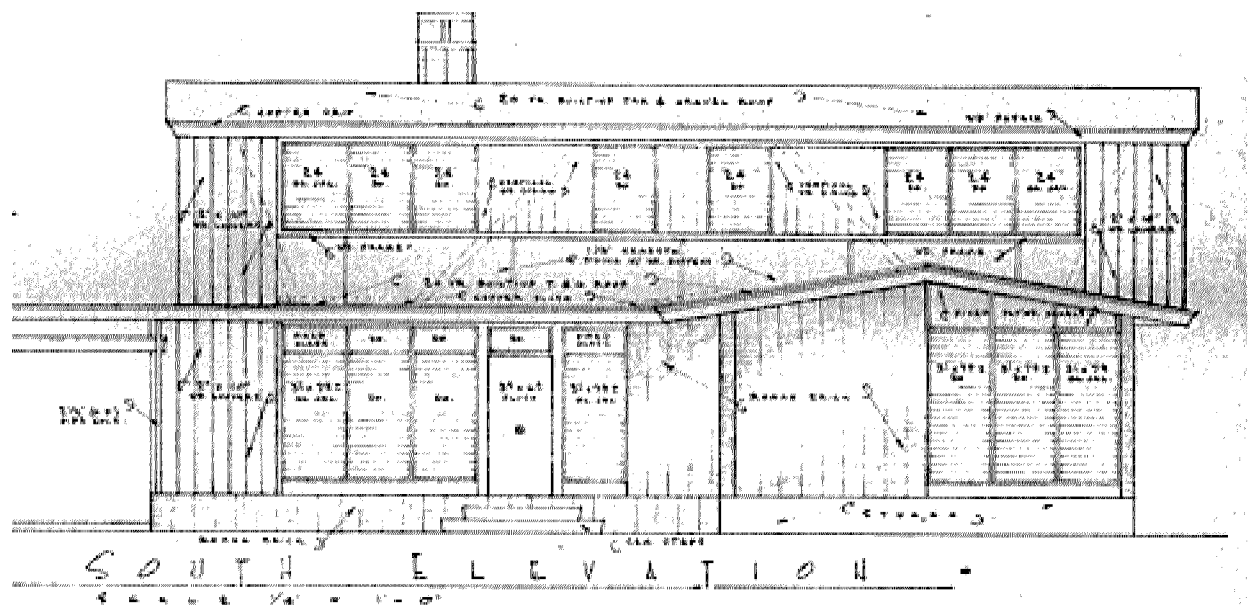
205 Jamaica Lane is a very good example of the Mid-Century Modern style of architecture. Mid-century Modern architecture designed during the Post-World War II Era was a by-product of post-war optimism and the nation's dedication to building a new future. With the desire to forget the pains of the Great Depression and World War II, architects and designers were breaking away from the period styles that had been popular before the war and were adapting various modernist movements to create new designs. This new architecture often used modern materials and building techniques and was defined by clean lines, simple shapes, and unornamented facades. It was a further development of Frank Lloyd Wright's principles of organic architecture combined with many elements reflected in the International and Bauhaus movements. Mid-Century Modern residential architecture generally features geometric forms and asymmetrical compositions,

¹ Town of Palm Beach Building permit #13753 dated May 16, 1953.

² Due to vegetation the property is very difficult to photograph.

low-pitched gable or flat roofs with overhanging eaves, facades surfaced with smooth stucco or wood siding with large amounts of glass, angular details, pole supports and minimal ornamentation.

205 Jamaica Lane is a two-story residence with asymmetrical massing and fenestration. The house was constructed of wood framing and is surfaced with a combination of materials, including composite panels with vertical wood battens, vertical wood siding, and brick. The brick, used in several areas of the home, is Roman brick in a stacked pattern. Roman bricks are longer and flatter than other styles of modern bricks and were often used by architects to emphasize horizontality in designs. The stacked pattern Stetson utilized for the brick elements at 205 Jamaica Lane further emphasized this horizontality, which was a characteristic of Mid-Century Modern architecture. The house features multiple gable roofs with wide overhanging eaves and flat roofs with wood fascia and surfaced with tar and gravel. The fenestration of the home consists of single pane casement, fixed and sliding windows, some of which have fixed panels at the bottom, and sliding glass doors.



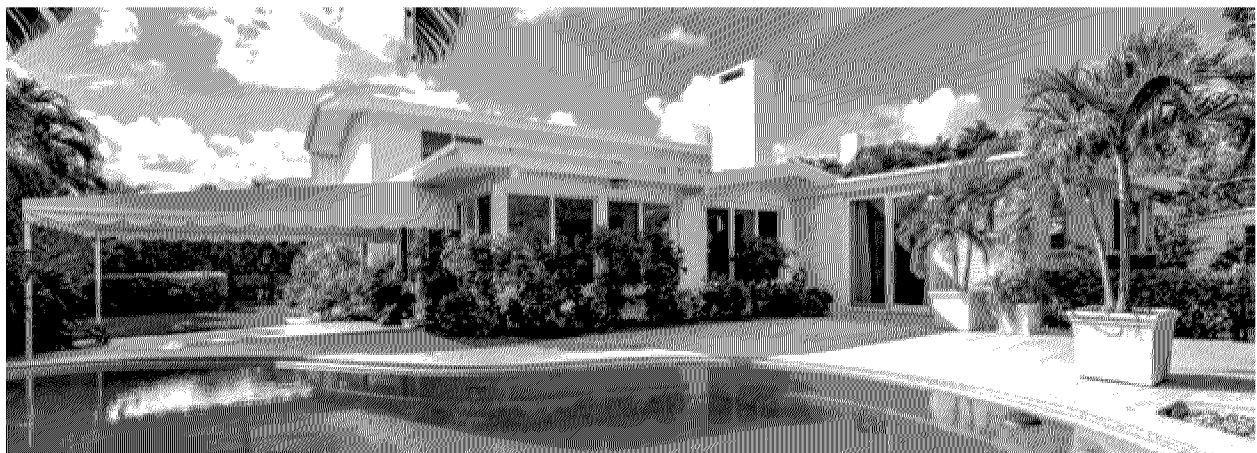
Elevation of Main Façade by John Stetson, 1953

The main façade of the residence faces south toward Jamaica Lane and features an entrance porch, a one-story projecting wing and distinctive angled louver panels located on both the first and second floors. The main entrance to the home is sheltered by the entrance porch and is located off center. The entrance features a

solid panel door with a fixed single light transom above. To the east of the entrance is a one-story wing surfaced with brick that projects to the south with a front facing gable roof. A prominent design feature of the residence are the angled louver panels that are located at the east and west ends of the main façade. These louver panels are located on different planes on the first and second floor and provide a vertical play against the horizontal features of the home. The second story of the home runs east-to-west and is located above the southern portion of the residence. To the north of the second story portion of the residence is a wide central chimney. The chimney is surfaced with Roman brick in a stacked pattern and features a flat concrete chimney cap.



South Façade, Looking Northwest
Photo from Realtor.com Website



Rear Façade, Looking Southwest
Photo from Realtor.com Website

The property is bordered by tall vegetation and a low masonry wall with pickets is located on the east property line. A driveway on the western side of the property leads from Jamaica Lane to a carport that is attached to the western side of the residence. The carport has a flat roof supported on the western end with pipe columns. A pool, constructed at the same time as the residence, is located on the northeast corner of the property and a canvas patio awning is located on the east façade of the residence south of the pool area. There is also a storage shed that was constructed in 1974 at the northwest corner of the property.

A review of the Town's building permits indicates that there have been only minimal exterior alterations to the residence since it was constructed. Exterior alterations to the home consist of re-roofing and the replacement of jalousie windows and doors with impact resistant windows and doors in 2013.³ The residence at 205 Jamaica Lane maintains its architectural and historical significance and the integrity of John Stetson's 1953 modern design.

IV. Historical Information

The residence at 205 Jamaica Lane was designed and constructed in 1953 during Palm Beach's Post-World War II Era. The Second World War and its aftermath brought significant changes to Palm Beach. During the War the Army stationed tens of thousands of troops in and around Palm Beach County. The undeveloped north end of Palm Beach was used as a camp by the U.S. Army Rangers to host approximately 200 service members who were there for rest and relaxation.⁴ The halt to nonessential construction during World War II meant there was very little new construction in town during the war years. However, following the end of the war Florida had explosive economic and demographic growth.

During the post-war boom years, Palm Beach residents and visitors were again enjoying life to its sub-tropical fullest. The country began to recover and move to a peacetime economy. The lifting of wartime restrictions and an increasing supply of materials accelerated Florida's Post-War economy with new construction, and this became the second big building boom in Palm Beach.⁵ Thousands of soldiers who came to Florida during the war decided to return to live afterwards. In addition, as in previous years, retirees were moving to Florida for the climate, but the number increased as air-conditioning began to be used in residences during the

³ Town of Palm Beach Building Permits records from 1953-2021.

⁴ Environmental Services, Inc. Town of Palm Beach Historic Site Survey, 2020.

⁵ Augustus Mayhew. Palm Beach: A Greater Grandeur.

1950s. The Post-World War II Era building boom in Palm Beach saw large estates being broken up and new subdivisions being created. The homes being constructed in the new subdivisions of the post-WWII era were generally more modest in scale than those of the 1920s Boom Time Era and the development patterns extended northward producing a surge in single-family residential development on the north end of the island.

The land on which 205 Jamaica Lane was constructed had been a part of the famed early Palm Beach scenic attraction the Garden of Eden, the estate of Charles and Frances Cragin. The Cragin's were early Palm Beach pioneers who arrived in Palm Beach and purchased 20 acres of land north of what is today the Palm Beach County Club in 1887. They continued to purchase land acquiring 250 acres and transformed it into a botanical paradise with a Victorian style house that was constructed in 1893. The Cragin's imported and planted so many trees and plants on the property that the federal government declared the property an experimental botanical garden, and the property, known as The Garden of Eden, became a favorite tourist attraction in Town. Charles Cragin died in 1915 and in 1925 Frances Cragin sold the property and over the years multiple subdivisions were created from it. The plat of Jamaica Lane which was approved in September 1940 included 28 buildable lots between Ocean Boulevard and Lake Worth. The new subdivision was developed by Wallace and Lucille Renard and the Smith and Yetter construction company. Construction along Jamaica Lane started shortly after the plat was filed and continued through the 1950s.⁶ The residence at 205 Jamaica Lane is representative of the significant growth in the north end during this period and of the development of Jamaica Lane.

As development in Palm Beach increased during the post-World War II period, the architectural styles of structures were also changing, with a shift away from the period styles of the 1920s and 1930s to new modern styles. During the post-WWII period, modern architectural styles were popular for residential and commercial architecture throughout the United States, and Palm Beach was no exception. The residence at 205 Jamaica Lane is significant as an example of the modern architectural movement during the post-World War II era in Palm Beach.

In a March 6, 2011, article by Augustus Mayhew in the *Palm Beach Daily News* titled "Unforgettable Palm Beach: Modernist buildings among town's most

⁶ Since 2000, approximately ten of the properties along Jamaica Lane have been redeveloped.

endangered cultural resources” he speaks of the modern movement during the post-World War II period and the loss of many of these structures since the 1980s.

“In Palm Beach, being modern is a thing of the past. However as much of Palm Beach’s architectural tradition remains best known for its Spanish adaptations, Italian variations and Caribbean inspirations, progressive designers, as notable and diverse as Edward Durell Stone, Howard Chilton, John Volk, Eugene Lawrence and John Stetson, among them, once crafted sleek Modernist buildings throughout Palm Beach...For more than three decades, Modernism prevailed as Palm Beach’s post-World War II paradigm of style...Considering the town’s more welcome appreciation for contextual new construction and spec builder’s passion for the curb appeal of colossal French-styled chateaus and high-volume Palladian-modeled villas, several hundred of the town’s residential mid-century houses have been demolished, leaving its Modernist architectural tradition fragmented, and thus more predominantly evident among its commercial and condominium buildings... Palm Beach’s Modernist buildings are among the town’s most endangered and devalued cultural resources. They are a reminder of when Palm Beach was an international center for architecture, fashion and design with some of the nation’s most refined elegant Modernist-designed houses and buildings.”

The architect of the Mid-Century Modern residence at 205 Jamaica Lane was John Stetson, noted Palm Beach architect known for his Modern architectural designs. Stetson was born in St. Lucie County and graduated from the University of Florida School of Architecture and Allied Arts. He came to Palm Beach in 1936 and joined Lester Geisler’s architectural firm. He later became associated with Howard Major’s office and then joined the U.S. Army Corps of Engineers at the start of World War II. In July 1947, Stetson passed the Florida State Board of Architecture exam and opened his own practice in Palm Beach which continued until he retired in 1985.

John Stetson was commissioned to design the residence at 205 Jamaica Lane in 1953 for George Keenan Morrow and Ruth McCullough Morrow. The Morrow’s, originally of New York City, used the home as their winter residence until they sold the property to Constance Bishop McCarthy in 1969. Mrs. McCarthy and her husband Edward A. McCarthy owned the residence for twenty-eight years when they sold it in 1996. Since 1996, the property has had several subsequent owners with the current owner, William K. Tomita, purchasing the property in 2021.

V. Architect Biography

John F. Stetson

John F. Stetson, a Florida native, was one of Palm Beach's most prominent Modern architects. Born in St. Lucie County on June 26, 1915, he graduated from Ft. Pierce High School and the University of Florida School of Architecture and Allied Arts. Stetson came to Palm Beach in 1936 when he joined the architectural firm of Lester Geisler, who had been Addison Mizner's "right hand man". Following two years with Geisler, Stetson began working with another prominent Palm Beach architect Howard Major. At the start of the Second World War, John Stetson joined the U.S. Army Corp of Engineers and was responsible for converting many hotels and condominiums in Miami into barracks and facilities for soldiers. He was later assigned to Trinidad and South America for the last year and a half of the war.

Following the war, in July 1947, Stetson passed the Florida State Board of Architecture exam and opened an office in Palm Beach. John Stetson's architectural firm, with his individualist approach and desire to mentor young architects, became a source of much of Palm Beach's modern architecture. Licensed in New York, Pennsylvania, and Ohio in addition to Florida, Stetson was a member of the American Institute of Architects and in 1955 served as president of the Palm Beach chapter. In 1963, John Stetson was awarded the highest architectural award when he was named a Fellow of the American Institute of Architects. This was only the second fellowship granted to a Palm Beach architect with the first being awarded to Marion Sims Wyeth in 1954.⁷

John Stetson was very civically and socially active in Palm Beach and the State of Florida. He served under three governors as an official of the Governor's Hurricane Advisory Committee and as a panelist for the American Arbitration Committee. In Palm Beach, Stetson was a close follower of Town business and policies. He was active in social and civic organizations such as the Islanders Club, Fraternal Order of Police Association, Kiwanis Club of Palm Beach, Old Guard Society, the Sailfish Club, The Beach Club, Sons of the American Revolution, and the Royal Poinciana Chapel.

⁷ "Architect Achieves Fellowship" *Palm Beach Post*, March 24, 1964.

John Stetson retired after 49 years in the architectural profession and closed his office in 1985. He designed hundreds of private residences and commercial buildings in Palm Beach, as well as in the surrounding area, including the master plan for Old Port Cove in North Palm Beach, Temple Israel in West Palm Beach, the Federal Office Building in West Palm Beach, the Palm Beach Country Club, the Armour Building, the Dorset House, the original buildings of Florida Atlantic University, and Palm Beach Fairground buildings. He was also instrumental in the relocation of the Royal Poinciana Chapel to its current location. In addition to his commissions in Palm Beach County, Stetson also designed residences in Pennsylvania, Illinois, Montana, and Spain and was a patentee for plumbing connections for rotating buildings.

On November 22, 1986, John Stetson passed away. Following his death, architect Eugene Lawrence said “John was a strong individualist. Through the years, he made a strong contribution to his profession. He always was very involved and never minced words – he spoke his mind. John was one of the architects of an era in Palm Beach.”⁸ The Palm Beach chapter of the American Institute of Architects created the John Stetson Award to recognize outstanding service to the chapter with the first award being presented in 1989.

VI. Statement of Significance

205 Jamaica Lane is significant as a very good example of the Mid-Century Modern style of architecture as designed by prominent Modern architect John Stetson during the post WWII building boom in Palm Beach’s north end.

VII. Criteria For Designation

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

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

The residence located at 205 Jamaica Lane was constructed in 1953 during Palm Beach’s second boom time era. Following World War II, Florida had

⁸ Romoser, Chris “Architect John Stetson Dies”. *Palm Beach Daily News*, November 24, 1986.

explosive economic and demographic growth and the lifting of wartime restrictions coupled with an increasing supply of materials accelerated Florida's post-World War II economy with new construction. Palm Beach's north end received a surge in single-family residential development and 205 Jamaica Lane was part of this significant development. In addition, the residence is a very good example of the modern architectural trend that became popular during the post-World War II period.

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

205 Jamaica Lane is a very good example of the Mid-Century Modern style of architecture. Mid-century Modern architecture was a by-product of the post-World War II optimism and the nation's dedication to building a new future. With the desire to forget the pains of the Great Depression and World War II, architects and designers were breaking away from the past. This new architecture was defined by clean lines, simple shapes, and unornamented facades. Mid-Century Modern features of this house include its asymmetrical compositions, horizontal and vertical elements, flat and low-pitched gable roofs with overhangs, use of natural materials such as wood and brick as well as new materials in the use of composite panels, and minimal ornamentation.

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

The residence at 205 Jamaica Lane is a very good representation of the notable work of architect John Stetson. Stetson, who was a Palm Beach resident for 50 years, began his Palm Beach architectural career in 1936. Over the course of his career Stetson designed several hundred commercial and residential buildings most of which were in modern architectural styles, including several Mid-Century Modern residences in the north end of Palm Beach.

VIII. Selected Bibliography

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IX. Florida Master Site File Form

Page 1

☐ Original
☒ Update



HISTORICAL STRUCTURE FORM FLORIDA MASTER SITE FILE Version 5.0 3/19

Shaded Fields represent the minimum acceptable level of documentation.
Consult the Guide to Historical Structure Forms for detailed instructions.

Clear Form Values

Site# **PB12831**
Field Date **11-20-2019**
Form Date **9-14-2020**
Recorder # **MAD**

Site Name(s) (address if none) **205 Jamaica Ln** Multiple Listing (DHR only) _____
Survey Project Name **Palm Beach Historical Site Survey** Survey # (DHR only) _____
National Register Category (please check one) ☒ building ☐ structure ☐ district ☐ site ☐ object
Ownership: ☐ private-profit ☐ private-nonprofit ☒ private-individual ☐ private-nonspecific ☐ city ☐ county ☐ state ☐ federal ☐ Native American ☐ foreign ☐ unknown

LOCATION & MAPPING

Clear Location Values

Street Number **205** Direction _____ Street Name **Jamaica** Street Type **Lane** Suffix Direction _____
Address: **205**
Cross Streets (nearest / between) _____
USGS 7.5 Map Name **PAIM BEACH** USGS Date **1986** Plat or Other Map _____
City / Town (within 3 miles) **Palm Beach** In City Limits? ☒ yes ☐ no ☐ unknown County **Palm Beach**
Township **43E** Range **43E** Section **10** Y. section: ☐ NW ☐ SW ☐ SE ☐ NE Irregular-name: _____
Tax Parcel # **50434310010000130** Landgrant _____
Subdivision Name **JAMAICA LANE IN** Block **000** Lot **0130**
UTM Coordinates: Zone ☐ 16 ☒ 17 Easting **111111** Northing **111111**
Other Coordinates: X: _____ Y: _____ Coordinate System & Datum _____
Name of Public Tract (e.g., park) _____

HISTORY

Clear History Values

Construction Year: **1953** ☐ approximately ☐ year listed or earlier ☐ year listed or later
Original Use **Private Residence (House/Cottage/Ca** From (year): **1953** To (year): **2020**
Current Use **Private Residence (House/Cottage/Ca** From (year): **1953** To (year): **2020**
Other Use _____ From (year): _____ To (year): _____
Moves: ☐ yes ☐ no ☐ unknown Date: _____ Original address _____
Alterations: ☒ yes ☐ no ☐ unknown Date: _____ Nature **siding**
Additions: ☐ yes ☐ no ☒ unknown Date: _____ Nature _____
Architect (last name first): **Statson, John** Builder (last name first): **Foreman-Ward**
Ownership History (especially original owner, dates, profession, etc.)
original owner - G.K. Morrow until 1961; current owner - PB GREENWICH HOLDINGS LLC

Is the Resource Affected by a Local Preservation Ordinance? ☐ yes ☒ no ☐ unknown Describe _____

DESCRIPTION

Clear Description Values

Style **Mid-Century Modern** Exterior Plan **Rectangular** Number of Stories **2**
Exterior Fabric(s) **1. Wood siding** **2. Brick** **3.**
Roof Type(s) **1. Gable** **2.** **3.**
Roof Material(s) **1. Built-up** **2.** **3.**
Roof secondary struc. (domes etc.) **1. Flat extension** **2.**
Windows (types, materials, etc.)
single pane fixed and casement,
Distinguishing Architectural Features (exterior or interior ornaments)
gable roof w deep overhang, vertical boards, brick exterior at entry, louvered wood panels
Ancillary Features / Outbuildings (record outbuildings, major landscape features; use continuation sheet if needed.)
corner lot, paved drive, privacy hedge

DHR USE ONLY

OFFICIAL EVALUATION

DHR USE ONLY

NR List Date	SHPO - Appears to meet criteria for NR listing: ☐ yes ☐ no ☐ insufficient info Date _____ Init _____
☐ Owner Objection	KEEPER - Determined eligible: ☐ yes ☐ no ☐ insufficient info Date _____
	NR Criteria for Evaluation: ☐ a ☐ b ☐ c ☐ d (see National Register Bulletin 15, p. 2)

HMSS04890310, effective 05/2016
Rule 1A-48.001, F.A.C.

Florida Master Site File / Div. of Historical Resources / R. A. Gray Bldg / 500 S. Bronough St., Tallahassee, FL 32399-0250
Phone 904.245.8440 / Fax 904.245.8439 / E-mail SiteFile@dhc.state.fl.us

HISTORICAL STRUCTURE FORM

Site # PB12831

DESCRIPTION (continued)

Clear Description Values

Chimney: No. 0 Chimney Material(s): 1. _____ 2. _____
 Structural System(s): 1. Wood frame 2. _____ 3. _____
 Foundation Type(s): 1. Continuous 2. _____
 Foundation Material(s): 1. Concrete Block 2. _____

Note: you may use the last box in each field to type in an answer that does not appear in the list provided

Main Entrance (stylistic details)

off center single pane door under roof overhang, single light transom and sidelight

Porch Descriptions (types, locations, roof types, etc.)

entry stoop, brick steps

Condition (overall resource condition): ☒ excellent ☐ good ☐ fair ☐ deteriorated ☐ ruinous

Narrative Description of Resource

This 1953 Mid-Century Modern building is in excellent condition. In a realtor brochure, it was called a 'Retro Beach House' although it has had alterations over the years.

Archaeological Remains _____ ☐ Check if Archaeological Form Completed

RESEARCH METHODS (select all that apply)

- | | | | |
|---|---|---|--|
| ☒ FMSF record search (sites/surveys) | ☐ library research | ☐ building permits | ☒ Sanborn maps |
| ☐ FL State Archives/photo collection | ☐ city directory | ☐ occupant/owner interview | ☒ plat maps |
| ☒ property appraiser / tax records | ☒ newspaper files | ☐ neighbor interview | ☐ Public Lands Survey (DEP) |
| ☒ cultural resource survey (CRAS) | ☐ historic photos | ☐ interior inspection | ☐ HABS/HAER record search |
| ☒ other methods (describe): <u>Town Staff</u> | | | |

Bibliographic References (give FMSF manuscript # if relevant, use continuation sheet if needed)

Preservation Foundation of Palm Beach; Town Staff

OPINION OF RESOURCE SIGNIFICANCE

Clear Significance Values

Appears to meet the criteria for National Register listing individually? ☐ yes ☐ no ☒ insufficient information

Appears to meet the criteria for National Register listing as part of a district? ☒ yes ☐ no ☐ insufficient information

Explanation of Evaluation (required, whether significant or not; use separate sheet if needed)

This building may meet criteria for individual listing, but more research regarding any alterations would be needed to determine individual eligibility. It meets district criteria based on its architectural features and association within the Town of Pal

Area(s) of Historical Significance (see National Register Bulletin 15, p. 8 for categories: e.g. 'architecture', 'ethnic heritage', 'community planning & development', etc.)

1. Community planning & development 3. _____ 5. _____
 2. Architecture 4. _____ 6. _____

DOCUMENTATION

Clear Documentation Values

Accessible Documentation Not Filed with the Site File - including field notes, analysis notes, photos, plans and other important documents

Document type _____ Maintaining organization _____
 1) Document description _____ File or accession #s _____
 Document type _____ Maintaining organization _____
 2) Document description _____ File or accession #s _____

RECORDER INFORMATION

Recorder Name Patricia Davenport-Jacobs

Affiliation Environmental Services, Inc.

Recorder Contact Information 7220 Financial Way, Suite 100, Jacksonville, FL 32256/9044702200/pdavenport@
 (address / phone / fax / e-mail)

Required Attachments

① USGS 7.5' MAP WITH STRUCTURE LOCATION CLEARLY INDICATED

② LARGE SCALE STREET, PLAT OR PARCEL MAP (available from most property appraiser web sites)

③ PHOTO OF MAIN FACADE, DIGITAL IMAGE FILE

When submitting an image, it must be included in digital AND hard copy format (plain paper grayscale acceptable). Digital image must be at least 1600 x 1200 pixels, 24-bit color, jpeg or tiff.

X. DESIGNATIONS

1. ITEM 1: 205 Jamaica Lane Owner: William K. Tomita

Emily Stillings, MurphyStillings, LLC, testified to the architecture and history for this Mid-Century Modern style home. Ms. Stillings pointed out the design features of this building. Ms. Stillings testified that the building met the following criteria for designation as a landmark:

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; and,

Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable of the study of a period, style, method of construction or use of indigenous materials or craftsmanship;

Sec. 54-161 (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or has influenced his age.

Call for disclosure of ex parte communication: There were no disclosures at this time.

Ms. Patterson asked for confirmation on proof of publication. Ms. Churney provided confirmation.

Motion made by Ms. Moran and seconded by Ms. Albarran to make the designation report for 205 Jamaica Lane part of the record. Motion carried unanimously, 7-0

Ms. Patterson called for any public comment on the designation.

Mr. Tomita, owner of the home, discussed his strong opposition to the designation. He provided several reasons for his opposition, which included the financial implications of owning a landmarked home, his inability to obtain homeowners insurance, the home's low elevation (which is below FEMA elevation), the flat roof and old plumbing. He reviewed all the maintenance review items that he had to address in the past year.

Aimee Sunny, Preservation Foundation of Palm Beach, provided a suggestion to the homeowner that could assist him in providing homeowner's insurance. She spoke about the incentive of the tax abatement program. She also stated that the homeowner would have the option of demolition. She thought the home was an excellent example and should be landmarked.

Mr. Tomita discussed the reasons the tax abatement program would not financially help him.

Mr. Herzig-Desnick thought that landmarking a home did have benefits beyond

financial reasons.

Mr. Segraves asked if the home had been modified, such as additions. Ms. Stillings stated that there had been modifications, but she felt the home retained its integrity. Mr. Segraves thought the home would meet the criteria of landmarked status. Since the homeowner could demolish the home, he did not believe the landmarked status would harm the homeowner.

Mr. Wong could see that the windows had been changed on the home. He thought that if the home was landmarked, the next owner could make changes to the home under the benefits of the landmarks program.

Ms. Moran thought that the landmarked status would provide more benefits to the homeowner. She outlined the advantages of the landmarked program. She thought the style was one of the least represented in Town, as well as one of the least represented architects in the history of the Town. She was in full support of landmarking the proposed home.

Ms. Albarran stated she loved the vertical element of the home. She was in favor of landmarking the home, especially to have the architect represented in the Town. She reiterated that the home could be demolished under the new bill.

Mr. Tomita inquired if the new house bill was repealed, how would it affect his home if it was landmarked.

Town Attorney Randolph stated he believed the homes in the queue during the transition, the law would still apply.

Ms. Patterson thought the homeowner made a good choice in selecting his home. She was in favor of the home and agreed with many of the other Commissioners' comments. She stated that she did not believe the landmarked status would be a detriment to the homeowner. She thought the homeowner could be a good example for the neighborhood.

Motion made by Ms. Damgard and second by Ms. Albarran to recommend 205 Jamaica Lane to the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 1, 3 and 4 in Section 54-161, and with the acknowledgement of owner opposition. Motion carried unanimously, 7-0.

Palm Beach, Florida, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 54 - HISTORICAL PRESERVATION >> ARTICLE IV. - DESIGNATION PROCEDURE >>

ARTICLE IV. - DESIGNATION PROCEDURE

Sec. 54-161. - Criteria for landmarks and landmark sites.

Sec. 54-162. - Creation of historic districts.

Sec. 54-163. - Commission powers with respect to landmarks, landmark sites and historic districts.

Sec. 54-164. - Landmark, landmark site and historic district designation and undesignation procedures.

Sec. 54-165. - Voluntary restrictive covenants.

Secs. 54-166—54-195. - Reserved.

Sec. 54-161. - Criteria for landmarks and landmark sites.

A landmark or landmark site shall meet at least one of the following criteria:

- (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
- (2) Is identified with historic personages or with important events in national, state or local history.
- (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.
- (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

(Code 1982, § 16-38)

Sec. 54-162. - Creation of historic districts.

- (a) *Authorized.* For preservation purposes, the commission shall identify geographically defined areas within the town to be designated as historic districts and shall cite the guideline criteria upon which such designation shall be made. An historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the town that:
 - (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
 - (2) Is identified with historic personages or with important events in national, state or local history.
 - (3) Embodies distinguishing characteristics of one or more architectural types, or contains specimens inherently valuable for the study of a period, style or methods of construction or use of indigenous materials or craftsmanship.
 - (4) Is representative of the notable works of one or more master builders, designers or architects whose individual ability has been recognized to have influenced their age.
 - (5) Constitutes a unique area of architecture, landscaping and planning.
- (b) *Petition for special historic district category.* Following the designation of each landmark or landmark site, the commission may petition the town council for the categorizing of such

property as special district H. Following the designation of each historic district, the commission may petition the town council for the categorizing of each property in such district to special district HD.

(Code 1982, §§ 16-38.1, 16-39)

Sec. 54-163. - Commission powers with respect to landmarks, landmark sites and historic districts.

The commission has the power to:

- (1) Designate a building, together with its accessory buildings and its lot of record, or a vacant site or a district as historic and worthy of preservation as a landmark, landmark site or historic district, as the case may be, within the jurisdiction of the commission, provided such designation is ratified by the town council.
- (2) Recommend appropriate legislation for the preservation of any building, site or district which it has so designated.
- (3) Make application for public and private funds when appropriate and available for the purposes set forth in this article subject to the approval of the town council.
- (4) Review applications proposing erection, alteration, restoration or moving of any building it has so designated or any building located in a district it has so designated, and to issue or deny certificates of appropriateness accordingly.
- (5) Review applications for demolition permits proposing demolition of all or part of any landmark or any building located in an historic district, and to issue certificates of appropriateness or to deny them for one year.
- (6) Cooperate with the owner of a landmark or a property located in an historic district throughout the year following a refusal to issue a certificate of appropriateness pursuant to an application for a demolition permit, and to seek alternative economic uses for such landmark or property.
- (7) Review its denial of a certificate of appropriateness for demolition of such landmark or property annually, during a public hearing at which time the owner of the affected landmark or property shall be afforded an opportunity to appear with counsel and to present testimony.
- (8) Prohibit the issuance of building, exterior remodeling or demolition permits affecting any property under consideration for landmark designation without a certificate of appropriateness, this prohibition to remain in effect for the length of time required by the commission and the town council for final action on the proposed designation. The commission shall accomplish such prohibition by furnishing the building official a list of all property under consideration for landmark designation.

(Code 1982, § 16-42)

Sec. 54-164. - Landmark, landmark site and historic district designation and undesignation procedures.

- (a) The following procedure shall be adhered to by the commission in designating any building, building site or district that is worthy of preservation:
 - (1) The commission shall consider for landmark designation any property proposed by the owner of record or by a member of the commission.
 - (2)

Notice of a proposed designation shall be sent by certified mail to the owner of record of property proposed for designation as a landmark or landmark site and to each owner of record of property in a district proposed for designation as an historic district, describing the property proposed and announcing a public hearing by the commission to consider such a designation to be held not less than 30 days after the mailing of such notice.

- (3) The commission shall also cause notice of each such proposed designation to be posted at least 30 days prior to the public hearing on the bulletin board in the lobby of the town hall, and in addition the commission shall cause such notice to be published in a newspaper having general circulation in the town.
 - (4) The commission may retain or solicit expert testimony regarding the historic and architectural importance of the buildings and districts under consideration for designation.
 - (5) The commission may present testimony or documentary evidence of its own to establish a record regarding the historic and architectural importance of the proposed landmark, landmark site or historic district.
 - (6) The commission shall afford the owner of each affected property reasonable opportunity to present testimony or documentary evidence regarding the historic and architectural importance of such property.
 - (7) The owner of each affected property shall be afforded a right of representation by counsel and reasonable opportunity to cross examine witnesses presented by the commission.
 - (8) Any interested party may present testimony or documentary evidence regarding the designation of a proposed landmark, landmark site or historic district at the public hearing and may submit to the commission documentary evidence within three days after the hearing.
 - (9) Within not more than 30 days after a public hearing, the commission shall render a final decision regarding the proposed designation and give written notice of its decision to each owner of property affected by the designation, setting forth the reasons for the decision.
 - (10) The commission shall maintain a record of testimony and documentary evidence submitted to it for consideration of the designation of a proposed or previously designated landmark, landmark site or historic district.
 - (11) In accordance with section 54-163(1), the town council shall, within 90 days of the commission's final decision, hold a public hearing to consider ratification of the determination of the commission prior to the designation of a property as a landmark or landmark site or of a district as an historic district becoming effective. Absent ratification by the town council, the commission's determination shall be ineffective.
 - (12) Within 30 days of the date on which the town council ratifies the commission's designation of a landmark, landmark site or historic district, the commission shall cause to be filed in the office of the county recorder of deeds a certificate of notification that such property is designated a landmark or landmark site or is located within a district designated an historic district; and the certificate of notification shall be maintained on the public record until such time as such designation may be withdrawn by the commission and the town council.
- (b) Designation and undesignation hearings before the commission shall be held only during the months of November, December, January, February, March and April.
- (c)

Designation of a landmark, landmark site or a historic district may be withdrawn by following the same procedure as listed above.

(Code 1982, § 16-43)

Sec. 54-165. - Voluntary restrictive covenants.

The owner of any landmark or landmark site may, at any time following the designation of his property, enter into a restrictive covenant on the property after negotiation with the commission. The commission may assist the owner in preparing such a covenant in the interest of preserving the landmark or the landmark site. The owner shall record such covenant in the office of the county recorder of deeds and shall notify the town clerk, building official and town council and may notify the office of the county property appraiser of such covenant and the conditions thereof.

(Code 1982, § 16-48)

Secs. 54-166—54-195. - Reserved.

From: [Sarah Pardue](#)
To: [Antonette Fabrizi](#)
Subject: FW: 205 Jamaica - LPC
Date: Wednesday, November 02, 2022 3:19:31 PM

Please file this email thread to the record.

Sarah C. Pardue

Design | Preservation Planner

Town of Palm Beach
Planning, Zoning & Building
360 S. County Road
Palm Beach, FL 33480
Phone: 561-227-6405
www.townofpalmbeach.com

From: W TOMITA <williamtomita@gmail.com>
Sent: Tuesday, November 01, 2022 8:10 PM
To: Sarah Pardue <spardue@TownOfPalmBeach.com>
Cc: Janet Murphy <Janet@murphystillings.com>; Kelly Churney <KChurney@TownofPalmBeach.com>; Murphystillings <emily@murphystillings.com>
Subject: Re: 205 Jamaica - LPC

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Sarah did you see this? Please call me tomorrow. 646-712-1978.

Thanks,
William

On Mon, Oct 31, 2022 at 3:55 PM W TOMITA <williamtomita@gmail.com> wrote:

Hi Sarah, can you please call me 646-712-1978? I have a few questions but got your voicemail.

Thanks,
William

On Fri, Oct 28, 2022 at 10:04 AM Sarah Pardue <spardue@townofpalmbeach.com> wrote:

Good morning,

We can certainly defer the item for you Mr. Tomita. Please just confirm via this thread. Our LPC does not allow for public comment via zoom so deferring would be the best route. Please let me know if you have any additional questions and thank you.

Sarah C. Pardue

Design | Preservation Planner

Town of Palm Beach

Planning, Zoning & Building

360 S. County Road

Palm Beach, FL 33480

Phone: 561-227-6405

www.townofpalmbeach.com

From: Murphystillings <emily@murphystillings.com>

Sent: Friday, October 28, 2022 8:17 AM

To: williamtomita@gmail.com

Cc: Sarah Pardue <spardue@TownOfPalmBeach.com>; Janet Murphy
<Janet@murphystillings.com>; Kelly Churney <KChurney@TownofPalmBeach.com>

Subject: Re: 205 Jamaica - LPC

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity. *****

Sarah, have you answered these questions for Will?

Will, as far as I know Zoom participation is not an option. There is a meeting on December 21st. A deferral request would need to be granted by the LPC. Sarah should be able to let you know what is needed to request a deferral.

Best,
Emily

On Oct 27, 2022, at 1:49 PM, W TOMITA <williamtomita@gmail.com> wrote:

Hi Sarah and Emily,

I have to be in NYC during the week of the hearing as part of my graduate school program. I am going to fight the landmarking proposal. Am I allowed to attend by Zoom? Would December be the next available hearing if not?

Thanks,
Will

On Fri, Mar 4, 2022 at 1:16 PM Sarah Pardue <spardue@townofpalmbeach.com> wrote:

Good Afternoon Mr. Tomita,

I understand you would like to defer your homes designation from the march LPC agenda. Can you please respond to this email or provide us with a letter asking for deferment for our records.

Thank you,

Sarah C. Pardue
Historic Preservation Planner
Town of Palm Beach
Planning, Zoning & Building
360 S. County Road
Palm Beach, FL 33480
Phone: 561-227-6405
www.townofpalmbeach.com

Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: 360 S. County RD, Palm Beach, FL 33480.

Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: 360 S. County RD, Palm Beach, FL 33480.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 2023

Section of Agenda

Appeals

Agenda Title

Appeal of ARCOM Decision RE: ARC-22-241, 624 Island Drive

Presenter

ATTACHMENTS:

- ▣ **Appeal Letter - Tim Hanlon 12.22.22**

ALLEY, MAASS, ROGERS & LINDSAY, P.A.

340 ROYAL POINCIANA WAY, SUITE 321

POST OFFICE BOX 431

PALM BEACH, FLORIDA 33480-0431

(561) 659-1770

FACSIMILE (561) 833-2261

WWW.AMRL.COM

ALAN LINDSAY (RET.)
DAVID H. BAKER
WILLIAM W. ATTERBURY III
LOUIS L. HAMBY III
ROBB R. MAASS
M. TIMOTHY HANLON
WARREN D. HAYES, SR.
STUART J. HAFT
CATHERINE KENT
JESSICA SHAPIRO
DAVID R. MAASS
BRUCE A. McALLISTER
CHRISTINE BIALCZAK
WARREN D. HAYES, JR.
NICOLE K. MAASS
LAURA B. KNOLL
GRIFFIN W. SHER
ROBBIE T. BOONE, JR.

RAYMOND C. ALLEY (1893-1975)
HAROLD G. MAASS (1923-2006)
DOYLE ROGERS (1928-2016)
KAREN S. MARX (1964-1994)

1331 SE OCEAN BOULEVARD
STUART, FLORIDA 34996
P (772) 287-4404
F (772) 287-4044



December 22, 2022

Pat Gayle-Gordon, Acting Town Clerk
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

RE: ARCOM Application ARC-22-241 (the "Application")
Property Address: 624 Island Drive, Palm Beach, FL 33480
Property Owner: Holly Ann Bartlett

Dear Madame Clerk:

Pursuant to Section 18-177 of the Town Code, this firm on behalf of Holly Ann Bartlett (the "Owner" and "Appellant") hereby appeals the denial of the above-referenced Application by the Town of Palm Beach Architectural Commission ("ARCOM") rendered on December 16, 2022. We hereby request that this Appeal be placed on the next available Town Council Agenda but within 45 days from the filing of this Appeal.

On December 16, 2022, architect Harold Smith presented the Application to ARCOM. As part of the Application, Mr. Smith incorporated the set of plans and the Application previously submitted to the Town (the "Submittal Package"), and we incorporate the Submittal Package and all evidence introduced by Owner's agents at the ARCOM hearing into this appeal. The Submittal Package shows the details of the Owner's request to place an opaque skylight on top of an existing open small 280 sq. feet courtyard (the "Requested Skylight").

During his presentation, Mr. Smith presented evidence and emphasized that the Requested Skylight would be a energy-efficient, noise reducing glass skylight that is completely invisible to all neighbors, all surrounding public rights-of-way and the Intracoastal Waterway.

The record shows that the only substantial competent evidence introduced at the meeting proves that the Requested Skylight is invisible from all elevations and as such has absolutely no

negative impact on neighbors. Arguably, ARCOM has no jurisdiction over the Requested Skylight because the evidence proved it is completely invisible to all surrounding owners and rights-of-way.

Mrs. Grace stated it well when she opined that the skylight opens up the downstairs and results in a better flow for the project. These statements are supported by the evidence presented at the meeting.

Mr. Martin objected to the Requested Skylight only because he has an “innate hatred” for skylights and objects because he is “anti-skylights” in general. He made no reference to the ARCOM criteria in Section 18-205 of the Code.

Mrs. Connaughton also noted that the Requested Skylight is invisible from the exterior of this home.

Ms. Shiverick also objected to skylights in general without citing to evidence related to the ARCOM criteria and made a motion to deny the Application because (1) the plan is not in conformity with good, taste and design, and (2) in general does not contribute to the Town in beauty, speciousness, balance, and high quality and (3) the Application is not in harmony with the development in the area or the comprehensive plan. Again, Mrs. Shiverick cited no evidence in support of her motion.

The record simply does not contain any evidence supporting the stated grounds for denial. In addition, ARCOM should not even have jurisdiction over this Application because the Requested Skylight is invisible from all rights-in-way and neighboring views. As such, the denial should be overturned and the Application approved.

We incorporate the record of the ARCOM meeting relative to the Application into the Appeal and reserve the right to supplement the Owner/Applicant’s position prior to being heard at Town Council.

For the reasons stated above, we respectfully request that Town Council overturn and reverse the denial of the Application and instead approve the Application as permitted pursuant to Section 18-177 of the Town Code.

If you have any questions or need additional information from me, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Timothy Hanlon". The signature is stylized with a large, sweeping initial "M" and a long horizontal stroke extending to the right.

M. Timothy Hanlon

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 2023

Section of Agenda

Time Extensions

Agenda Title

Time Extension for 150 Worth Avenue

Presenter

ATTACHMENTS:

- ▯ **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 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 42-199, For Extended Working Hours at 150 Worth Avenue
– Esplanade Building

Date: December 27, 2022

STAFF RECOMMENDATION

Staff recommends that the Town Council consider a request for an extension of work hours for the continuing waterproofing and concrete repairs at the Esplanade Building, 150 Worth Avenue. If approved, staff recommends that it be conditioned upon the December 8, 2022 letter from Yvonne A. Jones, which indicates that the construction could last through May 1, 2023.

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

GENERAL INFORMATION

The applicant is requesting to continue the repair and maintenance work of the building structure, caused by years of water infiltration. Please see the attached letter and photographs of roof drain and concrete damage. The code requires all Worth Avenue construction work to stop on October 31 of each year. The repair work has been underway for some time, with approvals granted three months ago for concrete repairs to the second floor to continue into this winter season. This new request is to expand that repair work to include the roof drains and garage concrete.

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

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

- (b) Limited. Beginning on the Monday preceding Thanksgiving, and during the months of December, January, February, March, and April of each year, construction work not otherwise prohibited by section 42-198 or other work resulting in noise tending to disturb the people in the vicinity thereof shall not begin until the hour of 8:00 a.m., and shall cease at the hour of 5:00 p.m., except Saturday, Sunday, and legal holidays, when all construction work is prohibited. In no event shall heavy equipment or other construction-related noise be permitted before 9:00 a.m. At all other times such work may commence*

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

(c) *Exceptions.*

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

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

Attachments – December 8, 2022 Letter from Yvonne A. Jones, Wilson 150 Worth LLC
Pictures of Damage

Wilson 150 Worth LLC
c/o O'Connor Property Management LLC
240 Royal Palm Way, 2nd Floor
Palm Beach, FL 33480

December 8, 2022

VIA EMAIL (wbergman@TownOfPalmBeach.com)

Mr. Wayne Bergmann, MCP, LEED-AP
Directory of Planning, Zoning & Building
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

**RE: Ongoing Waterproofing/Concrete Repair Work
The Esplanade at 150 Worth Avenue, Palm Beach**

Dear Wayne,

Thank you again for talking with me on the phone yesterday. Per our discussion, we would like to request that myself, and other owner representatives of The Esplanade located at 150 Worth Avenue, be granted permission to appear in front of Town Council during their regularly scheduled planning and zoning meeting to be held on January 11, 2023. The purpose is for ownership to seek approval to continue waterproofing and concrete repair work in other areas of the Esplanade.

Pursuant to section 42-199 of the Code of Ordinances, an exception to continue work beyond October 31st may be granted at the discretion of Town Council. As our work at the Esplanade has progressed, we have learned of new areas requiring immediate attention to ensure the safety of our tenants, customers, and visitors alike. Namely, there are approximately 360 feet of pipes running from the roof drain through the ceiling of the 2nd level of the Saks store with significant signs of deterioration; these must be repaired to prevent a catastrophic leak from happening. In addition, there are several areas in the garage where concrete is spalling from salt air and water intrusion; all which require repairs to ensure the highest level of safety for all. For these reasons, we are seeking approval to work through the rest of the season so we may complete this important work.

It is not possible for us to include the videos of the pipe inspection, but we have included some screenshots which may help you to understand the current conditions. In addition, there are a few images regarding the required concrete repairs. If it would help for us to meet at the property to walk through these projects, please let me know. In the meantime, I kindly ask if we can be added to the agenda and/or if there is additional information you need before doing so.

Thank you in advance for your assistance.

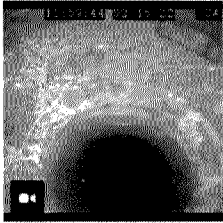
Sincerely,

Yvonne A. Jones

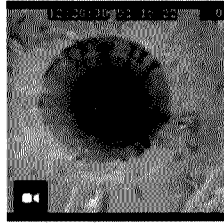
Yvonne A. Jones, CPM
Property Manager for the Esplanade, 150 Worth Avenue

cc: Glen Graubart

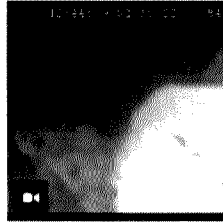
Pipe Images for Repair



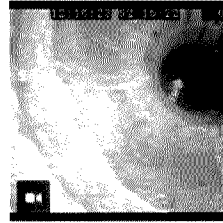
RD 4.MP4



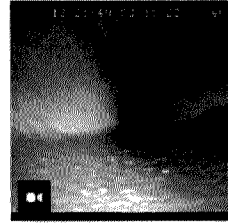
RD 5 5in (2).MP4



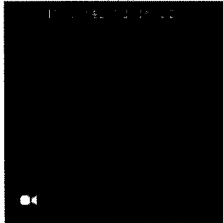
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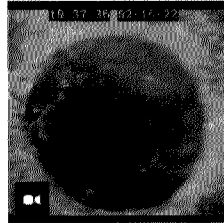
RD 5 5in.MP4



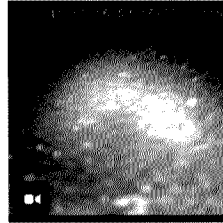
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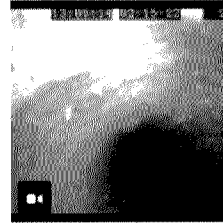
RD 8 (3).MP4



RD 8 (4).MP4



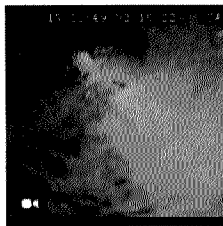
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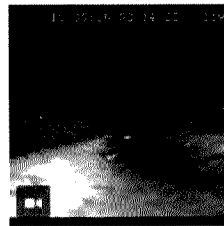
RD 8.MP4



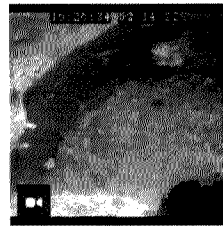
RD 9 (2).MP4



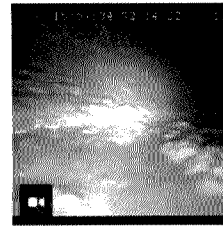
RD 9.MP4



RD 11 (2).MP4



RD 11.MP4



RD 12 (2).MP4



RD 12.MP4



Figure 11 – Concrete spalling at precast beam.
Repair Type A required.



Figure 12 – Concrete spalling at top of supporting column.
Repair Type A required.



Figure 13 – Exposed reinforcement and concrete spalling on precast beam.
Repair Type A required.



Figure 14 – Delaminating concrete and exposed reinforcement at elevated slab.
Repair Type A required.

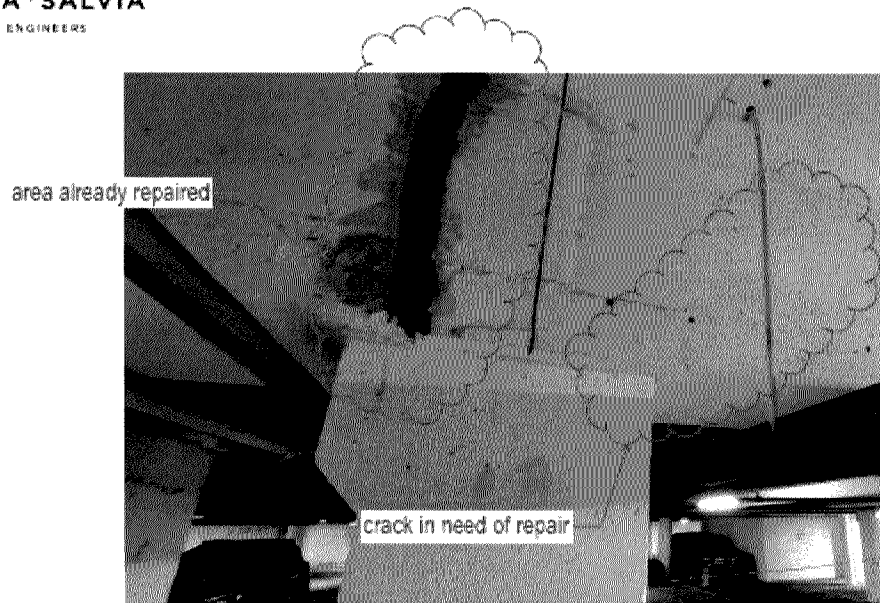


Figure 16 – Concrete shear cracking occurs at soffit concrete beam.
Repair Type B required.



Figure 17 – Exposed rebar and spalling concrete on precast joist. Condition as seen during the 9/24/2021 site visit.
Repair Type A required.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 2023

Section of Agenda

Time Extensions

Agenda Title

Time Extension for 225 Worth Avenue (Gucci)

Presenter

ATTACHMENTS:

- ▯ **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 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 42-199, For Extended Working Hours at 225 Worth Avenue

Date: December 27, 2022

STAFF RECOMMENDATION

Staff recommends that the Town Council consider a request for an extension of work hours for the renovation of 225 Worth Avenue, the new location for Gucci. If approved, staff recommends that it be conditioned upon the letter (attached) from Rose Eustor, dated December 22, 2022, along with the attached revised construction schedule.

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

GENERAL INFORMATION

The applicant is renovating the retail space at 225 Worth Avenue. This store received approval from the Town Council in August to continue interior work through January 15, 2023. This new request asks for an additional two weeks of minor interior and exterior work (exterior metal panel at entrance, awnings, and interior marble floor tile) beyond the January 15 date. They will begin this work on February 1 and work through February 15, 2023. The letter from Gucci explains that their project must be extended due to damaged materials and the time it took to re-fabricate and deliver these materials.

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

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

- (b) *Limited. Beginning on the Monday preceding Thanksgiving, and during the months of December, January, February, March, and April of each year, construction work not otherwise prohibited by section 42-198 or other work resulting in noise tending to disturb the people in the vicinity thereof shall not begin until the hour of 8:00 a.m., and shall cease at the hour of 5:00 p.m., except Saturday, Sunday, and legal holidays, when all construction work is prohibited. In no event shall heavy equipment or other construction-related noise be permitted before 9:00 a.m. At all other times such work may commence*

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

(c) *Exceptions.*

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

The applicant notified the surrounding property owners of the request and of the date of this meeting, as required.

Attachments – Letter from Rose Eustor, Gucci America, dated December 22, 2022
Sample letter to abutting neighbors

December 22, 2022

To: Wayne Bergman, MCP, LEED® AP

Director

Town of Palm Beach

Planning, Zoning, Building

360 S. County Road

Palm Beach, FL 33480

Office: 561-227-6426

Re: Request for a Waiver to Section 42-199 (Hours of Construction Work – Commercial Worth Avenue CWA zone) - Gucci 225 Worth Ave Project Permit # B-22-94272

Dear Sir,

We would like to request for a waiver to Section 42-199 of the Town of Palm Beach Code of Ordinances, relating to the construction working hours beyond October 31 – May 1st of every calendar year.

During construction, a few of our finishes have sustained some damage and must be replaced. Specifically, one of the metal panels above our entrance, marble floor slab in the client restroom and the main entrance. We have also held off on installing our awnings as a result. Due to the lead times to re-fabricate these materials, shipment and installation timelines, we are unable to perform this work within allowed exterior work construction waiver set to expire today, December 22, 2022 and the interior waiver set to expire on January 15, 2023.

Therefore, we would like to request for another waiver for both minor interior and exterior work for a 2-week installation window between February 1 through 15, 2023. Although the scope of this work shall not require such duration to install, we have yet to firm up exact dates on when the materials are arriving on site. Our expected installation timeline will be as follows:

Installation of Metal Panel, awnings and signage: 3 days

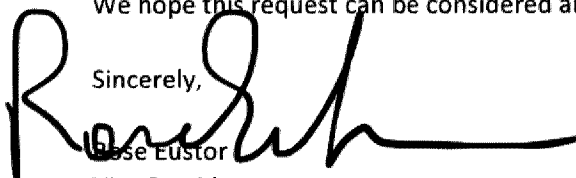
Installation of Marble Floor and plumbing fixtures: 2 days.

We also intend to conduct our punch list and final inspections during this time and would like to make sure our general contractor and millworker will have enough time to perform corrective work.

The nature of this work should not produce much noise or the use of heavy equipment other than hand tools.

We hope this request can be considered and we wish you and your team a happy holiday.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rose Eustor', written over the word 'Sincerely,'.

Rose Eustor

Vice President

Store Planning and Development

Gucci America

GUCCI

NOTIFICATION LETTER

December 22, 2022

To:
GALLERY BIBA
224 Worth Ave # A
Palm Beach, FL 33480

Sent to 7 Neighbors

Re:
Gucci Renovation
225 Worth Avenue
Request for Waiver to the Town Ordinance Section 42-199 (Construction Work Hours from May 1 – October 31).

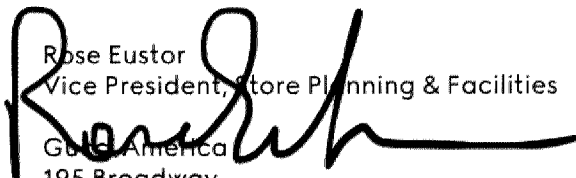
To Whom It May Concern,

We are writing to provide official notification of our intention to request for a waiver to the Town of Palm Beach Ordinance Section 42-199 which relates to the construction work hours from May 1 – October 31. Due to damages and replacement of some of our construction materials, we are unable to complete the renovation within the said time period of May 1, 2022, through October 31, 2022.

For this reason, we are requesting that the Town Council grant us a waiver in the up-and-coming meeting on January 10, 2023, to allow us to complete some minor interior and exterior work from February 1, 2023 to February 15, 2023 with the hours of 8AM – 8PM weekdays and Saturdays. The work involved during this time will exclusively be exterior metal panel replacement, awning installation and signage. The interior work will be limited to marble floor finish installation. Such work shall not cause any major disruption to pedestrian traffic in the area nor should require any heavy or noisy equipment other than man lifts and hand tools.

Should you have any concerns or questions, feel free to reach us at the address below.

Sincerely,


Rose Eustor
Vice President, Store Planning & Facilities
Gucci America
195 Broadway
New York NY 10012

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 2023

Section of Agenda

Development Review - Old Business

Agenda Title

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 Commission deferred the project to their December 16, 2022, Architectural Commission meeting.*] [***This item shall be deferred to the February 15, 2023, Town Council meeting pending Architectural Review.***]

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 2023

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-22-088 (ARC-22-126) 240 OLEANDER AVE (COMBO) – VARIANCES The applicant, PTMJM Florida Investment Properties, LLC (Patricia Lambrecht), has filed an application requesting Town Council review and approval for variances (1) for development on a lot which is deficient in minimum lot area and (2) deficient in lot depth in the RC zoning district and (3) to exceed the maximum allowed lot coverage, in conjunction with the construction of a new two-story single-family residence. The Architectural Commission will perform design review of the application. *[The Architectural Review Commission deferred this project to the January 25, 2023 meeting.] [This item shall be deferred to the February 15, 2023, Town Council meeting pending Architectural Review.]*

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 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. *[This item shall be deferred to the February 15, 2023, Town Council meeting pending review by the Landmarks Preservation Commission.]*

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 2023

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-22-140 (ARC-22-216) 248 COLONIAL LN (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE. The applicant, 306 Livingston Street Holdings I, LLC (Matthew Mirones), has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for development of a lot which is deficient in lot depth and lot area in the R-B zoning district and for variances (1) to eliminate the two-car garage enclosure requirement, (2) to locate a generator in a setback which is higher than allowed from neighboring grade and (3) to not completely screen a generator with a masonry wall, in conjunction with the construction of a new two-story residence. The Architectural Review Commission will perform design review of the application. *[The Architectural Review Commission deferred this project to the December 16, 2022 meeting. Carried 7-0.] [This item shall be deferred to the February 15, 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: January 11, 2023

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-22-147 (ARC-22-225) 201 EL VEDADO RD (COMBO) - VARIANCES. The applicants, Perri and Robert Bishop, have filed an application requesting Town Council review and approval for a variance to provide vehicle queuing space deficient in depth between the driveway gate and edge of roadway. The Architectural Commission will perform design review of the application. *[The Architectural Review Commission Recommended: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 6-1.] [The Architectural Review Commission deferred the project to the December 16, 2022, meeting for a restudy of the gate. Carried 7-0.] [This project shall be deferred to the February 15, 2023, Town Council meeting pending Architectural Review.]*

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 2023

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-22-151 (ARC-22-234) 760 N OCEAN BLVD—PALM BEACH COUNTRY CLUB (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE. The applicant, Palm Beach Country Club, Inc. (Robert Schlager, President), has filed an application requesting Town Council review and approval for Special Exception with Site Plan Review for modifications to a previously approved Special Exception use (private golf club) in the R-A zoning district including Variance to exceed the maximum projection permitted for a new skylight. The Architectural Commission will perform design review of the application. *[The Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the replacement of the windows and doors with the applicant returning for a restudy of the south terrace, railings, elevator and skylight to the December 16, 2022, meeting. Motion carried 6-1.] [The Architectural Review Commission approved this project at the December 16, 2022, meeting. Motion Carried 4-2.]*

Presenter

ATTACHMENTS:

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

TOM YOUCHAK
B.ARCH. ENGR. AIA, PE, CGC

October 07, 2022
Hand-Delivered

Town of Palm Beach
Building Planning and Zoning Department
360 S. County Road
Palm Beach, FL 33480

Project Address: 760 North Ocean Blvd, Palm Beach, FL

File No: ARC-22-234_760 N. OCEAN BLVD_PLANS_FINAL SUBMITTAL_10-07-2022.pdf
 ZON-22-151_760 N. OCEAN BLVD_PLANS_FINAL SUBMITTAL_10-07-2022.pdf

Reference: LETTER OF INTENT

Ladies and Gentlemen:

We are pleased to submit this update on behalf of the Palm Beach Country Club (The Club); the enclosed drawings and a digital copy of the same are on a CD for our project located at 760 North Ocean Blvd, Palm Beach, FL. The proposed work to the existing 2-story 57,326 square foot clubhouse building situated on eighty-four acres spanning from the Atlantic Ocean to the Intracoastal waterway, more commonly known as Lake Worth, includes the following:

1. Terrace: Expansion of the existing terrace west by an additional 2,373 square feet and enclosing same with a roof and impact sliding glass doors for a total terrace space of 5,123 square feet. The footprint of the clubhouse will be expanded by 3,455 square feet. The fitness center and golf pro shop office beneath the terrace will be increased jointly by 750 square feet on the first floor. The total expansion of this particular aspect of the project is 4,205 square feet. Further, an accessible elevator is included for access to the terrace, which is currently located at the southwest corner of the terrace. Additionally, because of the need for an elevator pit, we are investigating the underground utilities logistically in this area which may require us to move the elevator east of our planned location.
2. Skylight: Installation of one skylight no taller than 8'- 3" (not visible) off the flat roof for the second-floor living room area. The skylight is approximately thirty feet x 30 feet totaling nine hundred square feet in size and hidden from view by the existing 8'-6" high roof mansard roof structure.
3. Windows: Replacement of seventy-two windows throughout the clubhouse with impact-resistant glass and installing four (4) new impact windows.
4. Doors: Replace twelve (12) existing doors with new impact-resistant doors as well as one (1) automated entry door system on the North Ocean Blvd entrance and one (1) rear automated exit door system on the west side of the clubhouse facing the putting green all unseen from public view. In addition, one new door will replace an existing window in both the men's lounge and pro shop on the first floor not seen from public view.

5. Sliding Doors: Replacement of eight (8) windows with new impact-resistant sliding glass doors on the west face of the clubhouse facing the golf course and one storefront at the West Gallery with impact-resistant sliding glass doors at the rear exit.
6. Balconies West Side of Clubhouse: Install approximately 1,935 square feet of balconies on the second floor facing the golf course to permit fresh air to the mixed and men's grill and club lounge via the new sliding glass door and a proper safety egress to and from the sliding doors to be installed. In addition, a continuous frameless glass railing along this balcony and newly expanded terrace, where the existing aluminum railing will be replaced.
7. Summary of Added Area. The total area of the clubhouse facing the golf course will be expanded as follows:

First Floor Fitness Center and Pro-Shop/Caddy Area:	750 SF.
Second Floor Terrace Area:	3,455 SF.
Second Floor Balconies:	<u>1,935 SF.</u>
Total Area Added:	6,140 SF.

Please note the following as it relates to this application:

- A. Landmarks Preservation is not applicable. See Section 54-122 and/or Section 54-161.
- B. Architectural Review Criteria. See Section 18-205 and/or Section 18-206.
 - a. We consider the above-referenced project to be consistent with the existing architecture with symmetrical, balanced elevations and details that subscribe to the architectural principles within the Town of Palm Beach.
 1. We consider the plan for the proposed modifications to the existing building to conform to good taste and traditional design principles and contribute to the town's image as a place of beauty, spaciousness, balance, taste, fitness, charm, and high quality.
 2. The proposed clubhouse expansion plan indicates how the structures are protected against external and internal noise, vibrations, and other factors that may make the environment less desirable.
 3. The exterior materials and detailing proposed are consistent with the quality and character of the surrounding structures.
 4. The proposed composition and massing of the work are consistent with other structures in the surrounding area.
 5. The proposed modifications are not excessively like any other structure existing for which a permit has been issued or to any different design included in the same permit application within two hundred feet of the proposed site concerning one or more of the following features outlined in Section 18-205.
 6. The proposed modifications are not excessively dissimilar to any other structure existing for which a permit has been issued or to any different design included in the same permit application within two hundred feet of the proposed site concerning one or more of the following features outlined in

Section 18-205 (5). The proposed covered porch is a single story and incorporates light detailing that is subservient to the style and massing of the principal structure.

7. The proposed modifications incorporate detailing like the existing structure and are consistent with the surrounding buildings.
 8. The proposed modifications conform with the standards of the Town of Palm Beach Zoning Code.
- b. The proposed modifications do not impact the surrounding unique site characteristics and are more consistent with adjacent properties, e.g., The Beach Club.

C. Special Exception by Section 134-229.

The Club is a notable exception to uses permitted in the R-A Zoning District. The existing clubhouse building was constructed in 1987 under the 1986 South Florida Building Code and replaced the existing wood-framed structure in the southeasterly corner of the parking lot. The proposed modifications to the Club will not adversely impact the public or neighborhood as the changes are minor and will improve the amenities of the Club. The proposed alterations to the Club will not affect the value of other properties in the neighborhood. The proposed modifications to the Club will be compatible with the area as the Palm Beach Country Club has existed since 1917, when Donald Ross designed this world-renowned golf course. The proposed changes to the Club will comply with all other yards, open spaces, and any special requirements in Article VI. The proposed modifications to the Club will comply with the comprehensive plan, if applicable. The proposed changes to the Club will not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties in the district. The changes are minor and are proposed to improve all the above. Adequate ingress, egress, and parking are provided on the Club property along North Ocean Blvd and will remain unchanged. The proposed work will be compatible with the neighborhood and an improvement to what exists today concerning the protection of the structure with impact structural glass. The Club is town-serving, as evidenced by over 50% of the members being “townspeople.” The proposed modifications to the Club will not place a more significant burden on Town services as the changes are minor and do not intensify the use of the club. Finally, these modifications have been caused by Covid and the desire for outdoor seating preferences, fresh air, and the need to upgrade this oceanfront property with impact windows and doors that are deteriorated and corroded beyond their life cycle. The club was last renovated in 1997; only the interiors were updated, the swimming pool removed, and the terrace egress was constructed.

D. Site Plan Review Approval by Section 134-329.

The property owner is the Palm Beach Country Club, Inc., which will control the Club’s renovation through its Board of Governors. The proposed modifications to the site plan will not intensify the use of what exists today and will not hurt the neighborhood. Ingress and egress to the property and the project work will be via North Ocean Blvd with no changes. Refuse collection will remain the same. The location and use of the off-street parking will not change. The site plan and the existing landscape at the Clubhouse and golf course perimeter provides for buffers and screening from neighboring properties, where practicable. The utility hookups will remain or be improved to meet the current Town

of Palm Beach requirements. The site plan proposes an expansion of an existing terrace at the SW corner of the clubhouse and does not increase nor negatively impact the neighborhood. The modifications to the site plan should not impose any other standards on the project. The proposed changes to the Club are in keeping with the architecture of the Club and will be an enhancement. The proposed modifications to the Club will not have a negative visual impact on the surrounding neighborhood. The club intends to begin construction work in April 2023 and conclude construction by November 2023, when the club reopens for the 23-24 season. Accordingly, the club request permission for extended work hours from 7 am to 7 pm Monday through Saturday to timely execute construction without inconveniencing the membership. Further, since no residential structures are within 1,600 ft, there will be no detrimental impacts, e.g., noise, dust, etc., to any of the surrounding residents.

E. Variance by Section 134-201.

The Variance being requested is relative to Sec. 134-846(a): Variance for a skylight 8.25 ft above the flat roof in lieu of the 3 ft height exception allowed.

The criteria for granting the variance are listed below:

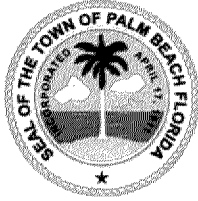
1. The property is located in the R-A Zoning District and is an existing special exception use (private club) in a residential neighborhood. This creates a hardship in designing any additions to a club while having to use residential requirements.
2. The applicant was not the cause of the property's special conditions, as the Club's size and configuration existed before today's zoning code.
3. The granting of the variance will not confer on the applicant a special privilege that is denied to the neighboring properties. The proposed skylight is screened by the parapet roof and will not be visible from any surrounding properties.
4. The hardship, which runs with the land, is that the property is non-conforming to today and applying residential standards and rules to a private country club on a massive piece of property is a hardship.
5. The variance requested is the minimum necessary to make reasonable use of the land, considering the modest addition of a skylight that is not visible.

Thank you for your time in advance. If you have any questions, do not hesitate to contact me.

Sincerely,

Tom Youchak
Tom Youchak, Inc.
B.Arch. Engr.
AIA, PE, CGC

cc Maura Ziska, Esq
Robert A Schlager, CPM
President of the Palm Beach Country Club



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-22-151 (ARC-22-234) 760 N OCEAN BLVD—PALM BEACH
COUNTRY CLUB (COMBO)

MEETING: JANUARY 11, 2023

ZON-22-151 (ARC-22-234) 760 N OCEAN BLVD—PALM BEACH COUNTRY CLUB (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE. The applicant, Palm Beach Country Club, Inc. (Robert Schlager, President), has filed an application requesting Town Council review and approval for Special Exception with Site Plan Review for modifications to a previously approved Special Exception use (private golf club) in the R-A zoning district including Variance to exceed the maximum projection permitted for a new skylight. The Architectural Commission will perform design review of the application.

ARCOM NOTICE:

ARC-22-234 (ZON-22-151) 760 N OCEAN BLVD—PALM BEACH COUNTRY CLUB (COMBO). The applicant, Palm Beach Country Club, Inc. (Robert Schlager, President), has filed an application requesting Architectural Commission review and approval for the replacement of windows and doors along all façades and the construction of a second floor covered 3,500 SF terrace addition and new balconies along the rear (west) façade of an existing two-story country club and golf course and installation of a rooftop skylights including a variance from the height regulations. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Applicant: Palm Beach Country Club, Inc. (Robert Schlager, President)
Professional: Tom Youchak, P.E.
Representative: Maura Ziska, Esq.

HISTORY:

The project was originally presented at the November 18, 2022, ARCOM meeting. A motion to approve the replacement of the windows and doors was approved 6-1, with the condition that the applicant returning for a restudy of the south terrace, railings, elevator and skylight to the December 16, 2022, meeting.

THE PROJECT:

The applicant has submitted revised plans, entitled "Palm Beach Country Club Window/Door Restoration & Terrace Expansion Project at Clubhouse", as prepared by **Tom Youchak, P.E.**, dated December 05, 2022.

The following is the scope of work:

- **Terrace:** Expansion of the existing terrace west by an additional 2,373 square feet and enclosing same with a roof and impact sliding glass doors for a total terrace space of 5,123 square feet. The footprint of the clubhouse will be expanded by 3,455 square feet. The fitness center and golf pro shop office beneath the terrace will be increased jointly by 750 square feet on the first floor. The total expansion of this particular aspect of the project is 4,205 square feet. Further, an accessible elevator is included for access to the terrace, which is located at the southwest corner of the terrace.
- **Skylight:** Installation of one skylight no taller than 8'- 3" (not visible) above the flat roof for the second floor living room area. The skylight is approximately thirty feet x 30 feet totaling nine hundred square feet in size and hidden from view by the existing 8'-6" high roof mansard roof structure.
- **Windows:** Replacement of seventy-two windows throughout the clubhouse with impact-resistant glass and installing four (4) new impact windows.
- **Doors:** Replace twelve (12) existing doors with new impact-resistant doors as well as one (1) automated entry door system on the North Ocean Blvd entrance and one (1) rear automated exit door system on the west side of the clubhouse facing the putting green all unseen from public view. In addition, one new door will replace an existing window in both the men's lounge and pro shop on the first floor not seen from public view.
- **Sliding Doors:** Replacement of eight (8) windows with new impact-resistant sliding glass doors on the west face of the clubhouse facing the golf course and one storefront at the West Gallery with impact-resistant sliding glass doors at the rear exit.
- **Balconies West Side of Clubhouse:** Install approximately 1,935 square feet of balconies on the second floor facing the golf course to permit fresh air to the mixed and men's grill and club lounge via the new sliding glass door and a proper safety egress to and from the sliding doors to be installed. In addition, a continuous frameless glass railing along this balcony and newly expanded terrace, where the existing aluminum railing will be replaced.
- **Summary of Added Area.** The total area of the clubhouse facing the golf course will be expanded as follows:
 - First Floor Fitness Center and Pro-Shop/Caddy Area: 750 SF
 - Second Floor Terrace Area: 3,455 SF
 - Second Floor Balconies: 1,935 SF
 - Total Area Added: 6,140 SF

Site Data			
Zoning District	R-A	Lot Size (SF)	80.01 Acres (3,659,475 SF)
Future Land Use	PRIVATE GROUP USE	Number of Members	Existing: 330 Proposed: No Change
Lot Coverage	Permitted: 25% (914,868 SF) Existing: 2.1% (77,267 SF) Proposed: 2.2% (83,407 SF)	Number of Parking Spaces	Existing: 136 Proposed: No Change

Max. Building Height	Allowed: 25' Existing: 27.5' Proposed: No Change	Max. Overall Building Height	Allowed: 30' Existing: 37.5' Proposed: 37.5' (new skylight to match) <i>VARIANCE REQUESTED</i>
Surrounding Properties / Zoning			
North	Thirteen (13) Single-Family Residences / R-B		
South	Seven (7) Single-Family Residences, Private Social Club & Facilities (Beach Club) / R-B		
East	Atlantic Ocean		
West	Lake Worth Lagoon		

STAFF ANALYSIS

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:

- **VARIANCE 1:** Sec. 134-846(a): A variance for a skylight 8 ft. 3 in. above the top of flat roof in lieu of the 3 ft height exception allowed.

The Palm Beach Country Club has been in operation since the nineteen-teens. There have been various updates and renovations to club since that time, requiring review and approval from both ARCOM and Town Council. The current scope of work includes the expansion of the west terrace by an additional 2,373 SF and enclosing with a roof and impact sliding glass doors for a total terrace space of 5,123 SF. The footprint of the clubhouse will increase by 3,455 SF. Below the terrace, the fitness center and golf pro shop office will expand by 750 SF. A handicap accessible elevator is proposed at the southwest corner of the terrace.

As a part of the building renovations, the applicant is proposing a new 30 ft x 30 ft glass skylight above the club living room. This 900 SF skylight will not be visible from outside of the building and will be screened by the existing parapet/mansard roof, however, it will exceed the 3 ft maximum projection allowed for skylight; as such a variance is required for its installation. The applicant is proposing to replace seventy-two (72) existing windows with impact rated units, and is proposing the installation of four (4) new impact rated windows. Twelve (12) existing doors will be replaced with impact rated units. The entry door from North Ocean Blvd will be replaced with an automatic entry system as well as a rear exit door facing the putting green. All are not visible from public view. A new door will replace an existing window in the men's lounge and pro shop on the first floor. Eight (8) windows will be replaced with new impact rated sliding glass doors on the west side of the clubhouse, and one storefront at the West Gallery with impact rated sliding doors at the rear exit. Approximately 1,935 sq ft of balconies will be installed on the second floor of the west-side of the club house facing the golf course. The balconies will be accessed by the new sliding glass door. The balcony will be contained by a frameless glass railing which will extend to the newly expanded terrace, replacing the existing aluminum railing. There is no increase in membership, or alterations to number of parking spaced proposed.

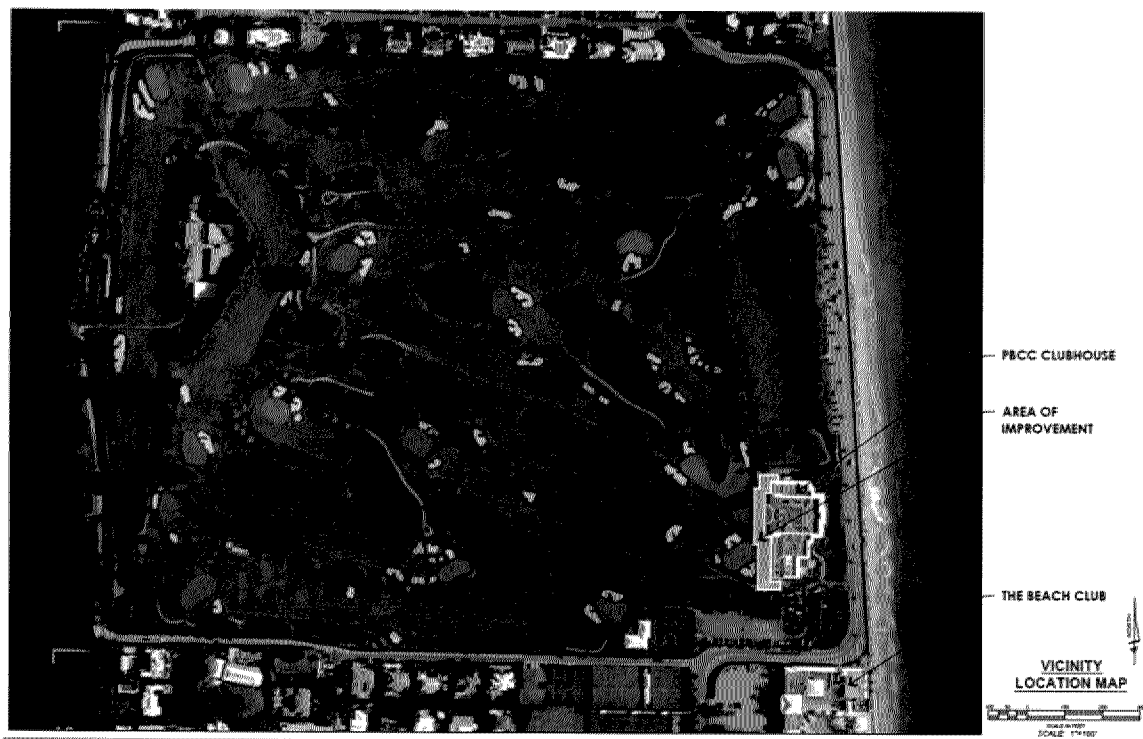
Town Council Request

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

- **SPECIAL EXCEPTION WITH SITE PLAN REVIEW:** Sec. 134-840: Special exception with site plan review to allow additions and modifications to an existing special exception use (Palm Beach Country Club) in the R-A Zoning District

The Palm Beach Country Club is a private social club located in the R-A Large Estate Zoning District. As such, the use is a special exception. Modifications to the club and site require review by Town council as a special exception with site plan review. The club is proposing a small expansion as part of an overall renovation to the clubhouse. The diagram below illustrates that size of the expansion in comparison to the existing clubhouse and the overall 80 Acre site is seemingly de minimis.

The following diagram is taken from the submittal presentation drawings:



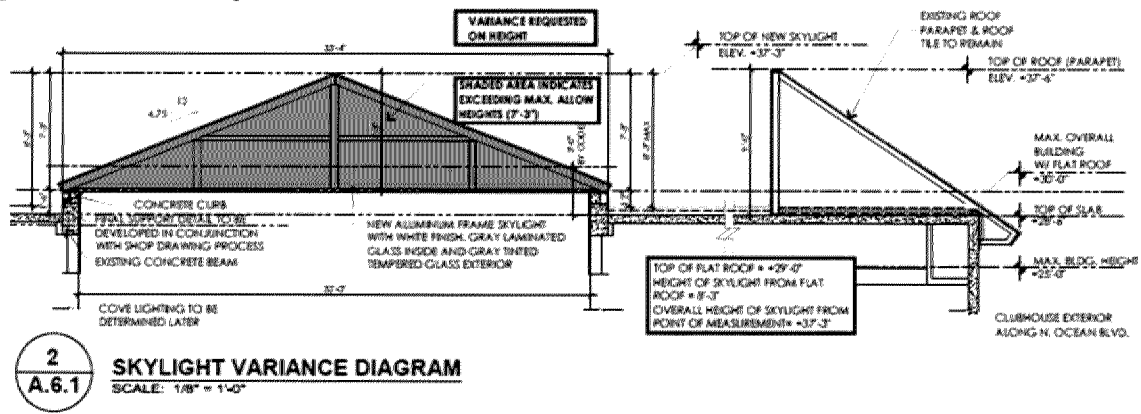
- **VARIANCE 1:** Sec. 134-846(a): A variance for a skylight 8 ft. 3 in. above the top of flat roof in lieu of the 3 ft height exception allowed.

Code section	Allowed	Proposed	Variance
Sec. 134-846(a)	3ft max. projection	8.3 ft projection	5.3 ft

As part of the renovations to the existing structure, a new large 30 ft x 30 ft skylight is being proposed over the living room of the club. The zoning code allows for a height exception for skylights, which are not to exceed 3' above the allowed building height. The applicant is proposing to install a skylight which is 8.3 ft above the building height, a variance of 5.3 ft. The height of the skylight will match and not exceed the existing overall building height of 37.5 ft.

The following diagram is taken from ARC-22-234 (ZON-22-151) Palm Beach Country Club

presentation drawings:



In all, the exterior changes are an overall improvement and will be minimally seen from the rights-of-way. The thirty feet x 30 feet skylight will be hidden from view by the existing 8'-6" high roof mansard roof structure.

WRB:JGM:BMF

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 2023

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-22-111 239 S COUNTY RD STE 2A AND 1D—SPECIAL EXCEPTION REQUEST WITH SITE PLAN REVIEW. The applicant, Palm Beach Club Services LLC (Franck Savoy, COO), has filed an application requesting Town Council review and approval for Special Exception Request with Site Plan Review to allow a professional office (4,875 SF) in excess of 3,000 SF in the C-TS district in an existing two-story office building. *[This project was deferred to the January 11, 2023, Town Council meeting.] [This project has been withdrawn by the applicant.]*

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 2023

Section of Agenda

Development Review - New Business

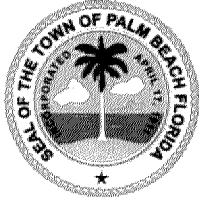
Agenda Title

ZON-22-123 (COA-22-042) 218 PHIPPS PLZ (COMBO)—VARIANCES The applicant, Bruce Leeds, Trustee of the Bruce Leeds Declaration of Trust, dated May 30, 2007, has filed an application requesting Town Council review and approval of variances for (1) the flood resistant construction requirements from Chapter 50-114 of the Florida Building Code, (2-4) reduced building setback requirements in the south and west yards, (5) reduced garage parking requirements, and (6) reduced mechanical equipment (pool heater) setback requirements in the north yard in conjunction with the renovation of and addition to an existing detached rear accessory structure, the construction of a new pergola, and side wide landscape and hardscape improvements for a Landmarked property. The Landmarks Preservation Commission will perform the design review component of the application. *[The Landmarks Preservation Commission Recommendation: Implementation of the proposed variances (2-6) will not cause negative architectural impacts to the subject landmarked property. Carried 7-0. A second motion approved variance 1, based on Chapter 50, Sections 116 and 117 with a condition relating to a utility easement. Carried 7-0.] [The Landmarks Preservation Commission approved this project as presented at the December 21, 2022, meeting. Carried 7-0.]*

Presenter

ATTACHMENTS:

- ▣ **PZB Staff Memorandum**
- ▣ **Letter of Intent**
- ▣ **Plans**
- ▣ **Plans 1**
- ▣ **Plans 2**
- ▣ **Plans 3**
- ▣ **Plans 4**



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-22-123 (COA-22-042) 218 PHIPPS PLZ (COMBO)

MEETING: JANUARY 11, 2023

ZON-22-123 (COA-22-042) 218 PHIPPS PLZ (COMBO)—VARIANCES. The applicant, Bruce Leeds, Trustee of the Bruce Leeds Declaration of Trust, dated May 30, 2007, has filed an application requesting Town Council review and approval of variances for (1) the flood resistant construction requirements from Chapter 50-114 of the Florida Building Code, (2-4) reduced building setback requirements in the south and west yards, (5) reduced garage parking requirements, and (6) reduced mechanical equipment (pool heater) setback requirements in the north yard in conjunction with the renovation of and addition to an existing detached rear accessory structure, the construction of a new pergola, and side wide landscape and hardscape improvements for a Landmarked property. The Landmarks Preservation Commission will perform the design review component of the application.

LPC NOTICE:

COA-22-042 (ZON-22-123) 218 PHIPPS PLZ (COMBO). The applicant, Bruce Leeds, Trustee of the Bruce Leeds Declaration of Trust, dated May 30, 2007, has filed an application requesting a Certificate of Appropriateness for the renovation of and addition to an existing detached rear accessory structure, the construction of a new pergola, and side wide landscape and hardscape improvements for the Landmarked property including variances for (1) the flood resistant construction requirements from Chapter 50-114 of the Florida Building Code, (2-4) reduced building setback requirements in the south and west yards, (5) reduced garage parking requirements, and (6) reduced mechanical equipment (pool heater) setback requirements in the north yard. This is a combination project and Town Council will review the variance portion of the application.

Applicant: Bruce Leeds, Trustee
Professional: Patrick Ryan O'Connell Architect, LLC.

THE PROJECT:

The applicant has submitted plans, entitled "Renovations for single-family residence at: 218 Phipps Plaza", as prepared by **Patrick Ryan O'Connell Architect, LLC.**, dated October 24, 2022.

The following is the scope of work for the project:

- Existing accessory structure to be modified.

- Proposed 171 sq. ft. addition to existing accessory structure.
- New whole house generator and screening walls.
- New landscape and hardscape.

Site Data			
Zoning District	R-C	Future Land Use:	Multi-Family High-Density
Style	British Colonial	Designated:	5/4/82
Year of Construction:	1948	Architect:	Belford Shumate
Surrounding Properties			
North	Palm Beach Day Academy Campus		
South	1940 two-story residence		
East	Phipps Plaza Right-of-Way and Park		
West	Palm Beach Day Academy Campus		

STAFF ANALYSIS

The scope of work includes the modification of the existing accessory structure at the rear of the property, including a 171 sq. ft. addition to the structure on the south side of the building. A new pergola is proposed on the south side of the existing swimming pool. All new hardscape and landscape is proposed. The following elements appear inconsistent with the following sections of the Town Zoning Code:

- **VARIANCE 1: Chapter 50-114: Historic Buildings:** A variance is authorized for the improvements to and rehabilitation of this historic building that is determined eligible for the exception for the flood resistant construction requirements of the Florida Building Code, Existing Buildings, Chapter 12 Historic Buildings, as the proposed improvements will not preclude the building's continued designation as a historic building to construct a ground floor addition with a finished floor of 4.5' NAVD in lieu of the required 7.0' NAVD. Additionally, this variance authorization and subsequent eligibility, allows for the installation of mechanical equipment, pool equipment, and a generator below the required base flood elevation. This variance was reviewed and approved by Landmarks Preservation Commission.
- **VARIANCE 2: Section 134-948(6):** Variance request to allow a South side-yard setback of 6.45 feet in lieu of the 10.0-foot minimum required setback for habitable space in the R-C Zoning District.
- **VARIANCE 3: Section 134-948(7):** Variance request to allow a west rear-yard setback of 5.0 feet in lieu of the 15.0-foot minimum required setback for habitable space in the R-C Zoning District.
- **VARIANCE 4: Section 134-948(6):** Variance request to allow a pergola in the south side-yard with a side yard setback of 2.46 feet in lieu of the 5.0 feet minimum required in the R-C Zoning District.

- **VARIANCE 5:** Section 134-2179: Variance request to have zero (0) garage parking spaces in lieu of the one (1) car garage required.
- **VARIANCE 6:** Section 134-948(6): Variance request to allow a pool heater in north side yard with a setback of 7.0 feet in lieu of the 10.0-foot minimum setback required in the R-C Zoning District.

Several variances are required to achieve the proposed changes. A flood plain variance is being requested for the historic structure to allow an addition with a finished floor of 4.2 ft in lieu of the 7 ft required by code. This variance has already been reviewed and approved by the Landmarks Preservation Commission. The accessory structure addition requires variances for a west rear-yard setback of 5 ft in lieu of the 15 ft rear yard setback required (the existing nonconforming structure has a rear yard setback of 3 ft). A variance is also being requested for a south side-yard setback of 6.45 ft in lieu of the 10 ft required (the encroaching element of the addition is to house pool equipment). Further, conversion of the accessory structure into a gym and storage area in itself requires a variance, because the required garage space is being eliminated. The new pergola being proposed also requires a south side-yard setback. The zoning code allows for a pergola to be setback 5 ft from a side property line. Most of the proposed pergola will meet this setback, however, the existing property line has a peculiar shape which jogs 3 ft into the site for about 12 ft. The pergola along this portion of the property line will have a 2.5 ft setback. Lastly, the addition of a pool heater to the north side-yard equipment yard requires a variance for a 7 ft setback in lieu of the 10 ft setback required.

WRB: BMF:JGM

October 24, 2022

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

Re: Letter of Intent COA 22-042 (ZON 22-123) 218 PHIPPS PLAZA

To Whom it May Concern:

The applicant respectfully submits a formal application for a Landmarks Preservation Commission Certificate of Appropriateness and Town of Palm Beach Town Council variance requests for the property located at 218 Phipps Plaza, Palm Beach, Florida.

Please note the following as it relates to this application:

- A. Landmarks Preservation Commission Review in accordance with Section 54-122 and/or Section 54-161.
- a. We are re-submitting a proposal for a renovation to a landmarked structure that we consider to be visually compatible with the existing landmarked structure and environment.
 - i. The proposal includes the modification of the existing accessory structure at the rear of the property that will include an addition of 171 s.f. of functional space on the south side of the building. This small addition will allow space for a restroom, infrared sauna, and water filtration equipment. The exterior aesthetics of this addition will embody the existing accessory structures' architecture style.
 - ii. The proposal includes the addition of a new 12' x 7' pergola to the south side of the existing pool.
 - iii. The proposal includes updated landscaping and hardscaping.
 - iv. The proposal includes a variance request that is authorized for the improvements to and rehabilitation of this historic building that is determined eligible for the exception for the flood resistant construction requirements of the Florida Building Code, Existing Buildings, Chapter 12 Historic Buildings, as the proposed improvements will not preclude the building's continued designation as a historic building to construct a ground floor addition with a finished floor of 4.5' NAVD in lieu of the required 7.0' NAVD.
 - v. The proposal includes a variance request to allow a south side-yard setback of 6'-5½" in lieu of the 10'-0" minimum required for habitable space in the R-C Zoning District.
 - vi. The proposal includes a variance request to allow a rear west-yard setback of 5'-0" in lieu of the 15'-0" minimum required in the R-C zoning district.
 - vii. The proposal includes a variance request to allow zero (0) garage parking spaces in lieu of the one (1) car garage required.
 - viii. The proposal includes a variance to allow a pool heater in the north side yard setback with a setback 7'-0" in lieu of the 10'-0" required in the R-C zoning district.
 - ix. The proposal includes a variance request to allow a pergola with a 2'-6½" south side yard setback in lieu of the 5'-0" minimum required.
 - x. The proposed modifications are consistent with the existing landmarked structure and a reflection of the Landmark Preservation Commission Members' remarks and suggestions provided during the August 17th, 2022, meeting.
 - xi. The colors, pattern, and trim used will match the existing accessory structure and will remain visually compatible with the surrounding buildings and environment.
 - b. There are no proposed modifications to the existing rhythm created by existing building masses and space between them.
 - c. The proposed landscape plans are consistent with the surrounding area.

- d. There are no proposed modifications to the architecture of the street façade.
- B. Architectural Review in accordance with Section 18-205 and/or Section 18/206.
 - a. Not Applicable.
- C. Special Exception in accordance with Section 134-229. N/A
- D. Site Plan Review Approval in accordance with Section 134-329. N/A
- E. Variance (s) in accordance with Section 134-201.
 - a. Variance 1 -- Chapter 50-114: Historic Buildings: A variance is authorized for the improvements to and rehabilitation of this historic building that is determined eligible for the exception for the flood resistant construction requirements of the Florida Building Code, Existing Buildings, Chapter 12 Historic Buildings, as the proposed improvements will not preclude the building's continued designation as a historic building to construct a ground floor addition with a finished floor of 4.5' NAVD in lieu of the required 7.0' NAVD. Additionally, this variance authorization and subsequent eligibility, allows for the installation of mechanical equipment, pool equipment, and a generator below the required base flood elevation.
 - b. Variance 2-- Section 134-948(6): Variance request to allow a South side-yard setback of 6.45 feet in lieu of the 10.0-foot minimum required setback for habitable space in the R-C Zoning District. The following criteria is in support of the variance:
 - 1.The special conditions and circumstances peculiar to the land, structure or building which are not applicable to other lands is that the residence is a landmarked house in the R-C Zoning District that is non-conforming to today's code.
 - 2.The applicant was not the cause of the special conditions as the house was built in 1948 and the applicant purchased the property in 2022 with the special conditions already in existence.
 - 3. The applicant is keeping the existing accessory structure as requested by the Landmarks Preservation Committee, and the committee expressed they would be supportive of necessary variances.
 - 4.The granting of the variance will not confer on the applicant a special privilege as having a functional accessory structure is a feasible and reasonable request.
 - 5.The hardship, which runs with the land, is that the property is a Town of Palm Beach Historic Landmark and non-conforming to today's code as the zoning code has changed since the house was originally constructed. Renovations to a landmarked home requires a delicate approach in making changes.
 - 6.The variance request is the minimum necessary to make reasonable use of the land, building or structure.
 - 7.The granting of the variance requested will be in harmony with the general intent and purpose of this chapter and will not be injurious to the area or detrimental to the public welfare.

c. Variance 3 --Section 134-948(7): Variance request to allow a west rear-yard setback of 5.0 feet in lieu of the 15.0-foot minimum required setback for habitable space in the R-C Zoning District. The following criteria is in support of the variance:

- 1.The special conditions and circumstances peculiar to the land, structure or building which are not applicable to other lands is that the residence is a landmarked house in the R-C Zoning District that is non-conforming to today's code.
- 2.The applicant was not the cause of the special conditions as the house was built in 1948 and the applicant purchased the property in 2022 with the special conditions already in existence.
3. The applicant is keeping the existing accessory structure as requested by the Landmarks Preservation Committee, and the committee expressed they would be supportive of necessary variances.
- 4.The granting of the variance will not confer on the applicant a special privilege as having a functional accessory structure is a feasible and reasonable request.
- 5.The hardship, which runs with the land, is that the property is a Town of Palm Beach Historic Landmark and non-conforming to today's code as the zoning code has changed since the house was originally constructed. Renovations to a landmarked home requires a delicate approach in making changes.
- 6.The variance request is the minimum necessary to make reasonable use of the land, building or structure.
- 7.The granting of the variance requested will be in harmony with the general intent and purpose of this chapter and will not be injurious to the area or detrimental to the public welfare.

d. Variance 4 -- Section 134-2179: Variance request to have zero (0) garage parking spaces in lieu of the one (1) car garage required. The following criteria is in support of the variance:

- 1.The special conditions and circumstances peculiar to the land, structure or building which are not applicable to other lands is that the residence is a landmarked house in the R-C Zoning District that is non-conforming to today's code.
- 2.The applicant was not the cause of the special conditions as the house was built in 1948 and the applicant purchased the property in 2022 with the special conditions already in existence.
3. The applicant is keeping the existing accessory structure as requested by the Landmarks Preservation Committee, and the committee expressed they would be supportive of necessary variances.
- 4.The granting of the variance will not confer on the applicant a special privilege as the owners is meeting the Landmarks Preservation Commissions' request and ensuring the accessory structure is usable is a feasible and reasonable request.

5.The hardship, which runs with the land, is that the property is a Town of Palm Beach Historic Landmark and non-conforming to today's code as the zoning code has changed since the house was originally constructed. Renovations to a landmarked home requires a delicate approach in making changes.

6.The variance request is the minimum necessary to make reasonable use of the land, building or structure.

7.The granting of the variance requested will be in harmony with the general intent and purpose of this chapter and will not be injurious to the area or detrimental to the public welfare.

e. Variance 5 -- Section 134-948(6): Variance request to allow a pool heater in north side yard with a setback of 7.0 feet in lieu of the 10.0-foot minimum setback required in the R-C Zoning District. The following criteria is in support of the variance:

1.The special conditions and circumstances peculiar to the land, structure or building which are not applicable to other lands is that the residence is a landmarked house in the R-C Zoning District that is non-conforming to today's code.

2.The applicant was not the cause of the special conditions as the house was built in 1948 and the applicant purchased the property in 2022 with the special conditions already in existence.

3. The applicant is keeping the existing accessory structure as requested by the Landmarks Preservation Committee, and the committee expressed they would be supportive of necessary variances.

4.The granting of the variance will not confer on the applicant a special privilege as having a pool heater is a feasible and reasonable request.

5.The hardship, which runs with the land, is that the property is a Town of Palm Beach Historic Landmark and non-conforming to today's code as the zoning code has changed since the house was originally constructed. Renovations to a landmarked home requires a delicate approach in making changes.

6.The variance request is the minimum necessary to make reasonable use of the land, building or structure.

7.The granting of the variance requested will be in harmony with the general intent and purpose of this chapter and will not be injurious to the area or detrimental to the public welfare.

f. Variance 6--Section 134-948(6): Variance request to allow a pergola in the south side-yard with a side yard setback of 2.46 feet in lieu of the 5.0 feet minimum required in the R-C Zoning District. The following criteria is in support of the variance:

1.The special conditions and circumstances peculiar to the land, structure or building which are not applicable to other lands is that the residence is a landmarked house in the R-C Zoning District that is non-conforming to today's code.

2.The applicant was not the cause of the special conditions as the house was built in 1948 and the applicant purchased the property in 2022 with the special conditions already in existence.

3. The applicant is keeping the existing accessory structure as requested by the Landmarks Preservation Committee, and the committee expressed they would be supportive of necessary variances.

4.The granting of the variance will not confer on the applicant a special privilege as the property line abnormality is the determining issue. The owners were unaware of the oddity in their property boundaries.

5.The hardship, which runs with the land, is that the property is a Town of Palm Beach Historic Landmark and non-conforming to today's code as the zoning code has changed since the house was originally constructed. Renovations to a landmarked home requires a delicate approach in making changes.

6.The variance request is the minimum necessary to make reasonable use of the land, building or structure.

7.The granting of the variance requested will be in harmony with the general intent and purpose of this chapter and will not be injurious to the area or detrimental to the public welfare.

In conclusion, the applicant seeks reasonable modifications to a landmarked property and feels the application has met the criteria set forth in Town Code. We respectfully request your consideration of this application to the Town of Palm Beach. If you have any questions or comments, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "P. R. O'Connell". The signature is stylized with a large, bold "P" and "R", and a smaller "O'Connell".

Patrick Ryan O'Connell, AIA
Patrick Ryan O'Connell Architect, LLC.
Lic. #: AA26003685
patrick@proarchitect.com

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 2023

Section of Agenda

Development Review - New Business

Agenda Title

**ZON-22-129 (ARC-22-187) 441 AUSTRALIAN AVE (COMBO)—
VARIANCES** The applicant, John and Ginny Collett, has filed an application requesting town council review and approval for development of a new two-story single-family structure, requiring variances for (1) developing a lot deficient in area in the RC zoning district, (2) developing a lot deficient in width in the RC zoning district, and (3) to reduce the required front yard landscaped open space, in conjunction with the construction of a new two-story residence. The Architectural Commission will perform design review of the application. ***[This project shall be deferred to the February 15, 2023, Town Council meeting pending Architectural Review.]***

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 2023

Section of Agenda

Development Review - New Business

Agenda Title

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 and (2) to exceed the maximum amount of Cubic Content Ratio (CCR) 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 skylight. The Architectural Commission will perform design review of the application. *[This project was denied at the December 16, 2022, Architectural Review Commission.]*

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 2023

Section of Agenda

Development Review - New Business

Agenda Title

ZON-23-003 (ARC-22-242) 1030 S OCEAN BLVD (COMBO)—
VARIANCES The applicant, Martin L. Edelman as Trustee of the 1030 South Ocean Trust dated March 24, 2022, has filed an application requesting Town Council review and approval for a Variance to reduce the required vehicular queue backup of 18'-0" on a street closer than allowed for the installation of two new vehicular driveway gates. The Architectural Commission will perform design review of the application. *[This project was denied at the December 16, 2022, Architectural Review Commission and will not move forward.]*

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 2023

Section of Agenda

Development Review - New Business

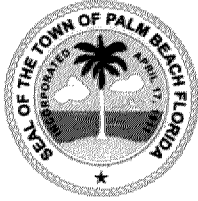
Agenda Title

ZON-23-006 139 N COUNTY RD - OUTDOOR PROMOTIONAL EVENTS - THE PARAMOUNT THEATRE—SPECIAL EXCEPTION WITH SITE PLAN REVIEW The applicant, WEG Paramount LLC (Lester Woerner), has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for Outdoor Promotional Events in the open-air courtyard of the Paramount Theatre, an existing three-story commercial building.

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: Town of Palm Beach Mayor and Council

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

SUBJECT: ZON-23-006 139 N COUNTY RD—PARAMOUNT THEATRE

MEETING: JANUARY 11, 2023

ZON-23-006 139 N COUNTY RD THE PARAMOUNT THEATRE—SPECIAL EXCEPTION WITH SITE PLAN REVIEW. The applicant, WEG Paramount LLC (Lester Woerner), has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for Outdoor Promotional Events in the open-air courtyard of the Paramount Theatre, an existing three-story commercial building.

Applicant: WEG Paramount LLC (Lester Woerner)
Professional: Stantec Architecture
Representative: James Crowley, Esq.

HISTORY:

See attached 'Exhibit A'

A major project is currently under review for consideration for substantial interior alterations and renovations to the existing Paramount Theater and development of the southern parking lot with a mixed use residential project with subterranean parking (COA-23-003 and ZON-23-020) which will eventually be reviewed by the LPC and Town Council

THE PROJECT:

The applicant has submitted plans, entitled " FINAL SUBMITTAL -EVENTS SPACE PERMIT SET APPLICATION # ZON-23-006", as prepared by **Stantec Architecture** dated November 04, 2022, requesting approval by the Town Council for outdoor promotional events at the Paramount Theatre's existing open air courtyard.

Sec. 134-2115. - Requirements for outdoor promotional events

Outdoor promotional events shall only be allowed in the C-TS, C-WA and C-PC Zoning Districts by special exception approval. It shall be unlawful for any person to have an outdoor promotional activity without approval by the town council of a special exception application and a Declaration of Use Agreement which identifies any conditions of approval and remedies for violation of those conditions as provided under sections 134-226 through 134-230 of the Code. Said events are subject to the additional requirements set forth below:

1. A special exception application for outdoor promotional events shall only be allowed to be filed by the property owner where outdoor promotional events are to be held.

2. The property owner shall be responsible for sponsoring and managing any outdoor promotional event on a property.
3. The number of outdoor promotional events per year shall be determined by the town council and provided in the required Declaration of Use Agreement.
4. The hours and days in which outdoor promotional events may occur shall be determined by the town council and provided in the Declaration of Use Agreement.
5. Amplified music or sound shall only be allowed if said event is held 200 feet or more from any residential use. Such event shall meet the town's noise regulations as provided in sections 42-196 through 42-229 of the Code.
6. There shall be no outdoor sales of alcoholic beverages other than the sales related to town approved outdoor seating for the licensed businesses on the property.
7. Any approval of a special exception to allow outdoor promotional events shall be required to be reviewed by the town council one year following approval and recordation of the Declaration of Use Agreement. Said approval may be amended or revoked by the town council at that time should it be determined that said use has a negative impact on surrounding properties.
8. Approval of outdoor promotional events may be revoked or modified by the town council at any time should it be determined that said use has a negative impact on surrounding properties.

Below is a summary of the subject application with regards to permissions from **Sec. 134-2115: Outdoor Promotional Events**. The applicant is proposing up to 8 outdoor promotional events per month to accommodate up to 150 people within the outdoor courtyard of the Paramount. The applicant desires the flexibility to serve alcohol with a movable outdoor bar counter and also have augmented exterior lighting within the space. The applicant also seeks the ability to have amplified music, via a live DJ, sound system or live performers on a stage or with sound system speakers. According to the LOI, the proposed hours of operation are 6pm to 11pm, 7 days a week. A Declaration of Use with binding operational conditions to be listed in Development Order limiting the uses, to hours, days, events, music, etc, has yet to be supplied or reviewed.

Site Data			
Zoning District	C-TS	Lot Size (SF)	<u>58,098 SF</u> 34,001 SF (theater site) 24,097 SF (parking lot)
Future Land Use	COMMERCIAL	Courtyard Area	4,460 SF (ground floor)
Total Building Size	24,233 SF	Finished Floor Elev.	12' NAVD (theater) 8.5' NAVD (retail liner)
Crown of Road	7.37' NAVD	FEMA FLOOD ZONE	X
Surrounding Properties / Zoning			
North	One-story commercial (C-TS and R-C)		
South	Three-story residential w/ ground floor retail (C-TS and R-C)		
East	1950 Six-story condominium-SUN & SURF (R-C)		
West	One-story commercial (C-TS)		

STAFF ANALYSIS:

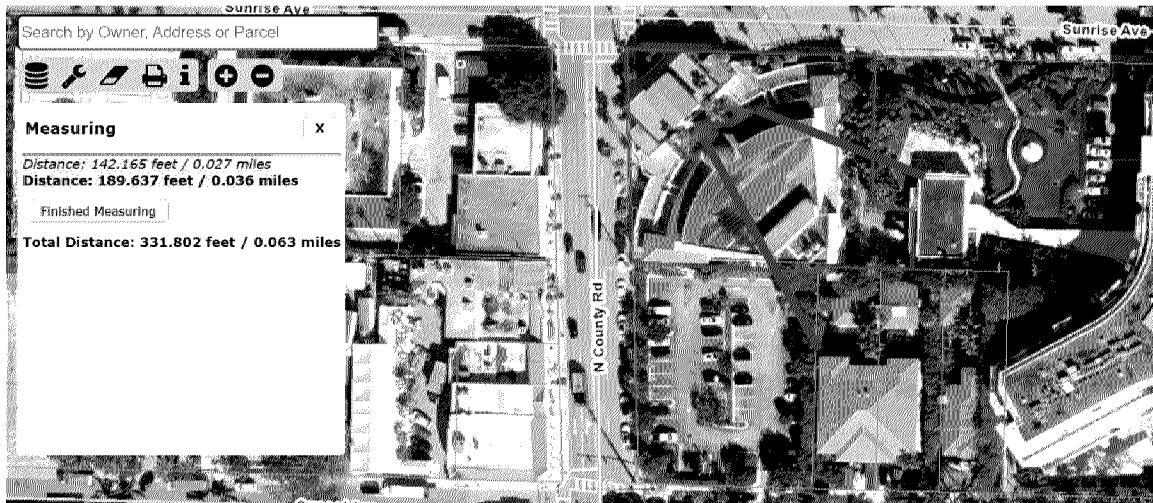
The existing parcel is 1.45-acre corner parcel on the northeast intersection of Sunrise Ave and N. County Road, a prominent location in the Commercial Town Serving District. The site is improved with an existing three-story Landmarked structure—the Paramount Theater—which was designated a landmark in 1982. The theater occupies the northern portion of the site and a surface 46 car parking lot occupies the southern portion. The application is for Town Council review and approval for up to eight (8) outdoor promotional events per month for up to 150 people; specifically for the interior ground floor courtyard, as identified below which contains approximately 4,460 SF of outdoor area surrounded mostly by the existing building. The entry breezeway at the corner provides an unobstructed vista into and out of the courtyard area and provides a glimpse of the theater historic entrance.



Staff notes that Town Council has the authority to review the approval of outdoor promotional events one year after granting said approval, and at that time has the authority to modify or revoke the approval if it is determined that said use is negatively impacting the surrounding properties. However, staff maintains that the applicant should be granted a more limited approval in as much as waiting to see how the operator handles the special events and as to what impacts, if any, the outdoor promotional events may have on the immediate area as it pertains to noise, traffic or other disturbance. The applicant is proposing 8 promotional events per month, which roughly translates to twice a week, or every weekend. Staff would recommend a provisional approval of 3 promotional events per month in order to ascertain the impact of the promotional events on the surrounding area and condition appropriately.

As for the request for amplified music, Section 134-2115 5. *Amplified music or sound shall only be allowed if said event is held 200 feet or more from any residential use;* Based on the non-surveyed

measurement from the aerial below, there are at least two residential units within 200'. The property to the east is approximately 143' away and the property to the south is 190'.



In this regard, the operational plan, if approved, cannot include any outdoor amplified music/DJ/live music/speaker or stage system to be performed or staged in the courtyard.

And finally, as it pertains to the hours of operation, due to the proximity to residential uses, staff recommends that the applicant's request of 6pm to 11pm seven days a week may have negative impacts to the abutting uses and therefore would suggest the following modifications that would seem a more reasonable extension of the promotional events times to minimize disturbance:

- 6pm to 10pm Sun-Thurs
- 6pm to 11pm Fri + Sat

Should the Town Council find merit in the application and that the proposal is consistent with the granting of a Special Exception, the applicant will need to submit a Declaration of Use with binding operational conditions to be listed in Development Order limiting the uses, to hours, days, events, music, etc, at a future meeting date.

WRB:JGM

PARAMOUNT SITE HISTORY EXHIBIT A

The Paramount Theatre building was originally designed by prominent New York architect Joseph Urban. Construction of the building was completed in 1927, and was designated a landmark structure in the Town of Palm Beach on September 14, 1982. The following is the recent history of the zoning and certificate of appropriateness requests for the property.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
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December 8, 1987	A variance to allow the applicant to occupy approximately 1,600 square feet of office space for the Palm Beach Broadcasting Company on the first floor in lieu of second floor as required.	Variance #: 60-87	Town Council APPROVED the request.
December 8, 1987	A variance to allow the applicant to occupy approximately 1,200 square feet of office space for Island Realty and Property Management, Inc. on the first floor in lieu of second floor as required.	Variance #: 61-87	Town Council APPROVED the request.
April 27, 1988	Certificate of Appropriateness for identification signage to be in goldleaf lettering on the bottom of	COA #: 5-88	Approved by Landmarks Preservation Commission.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
	the glass window to read "PALM BEACH TV – 19" on the first line with "EXECUTIVE OFFICE" centered below it.		
April 27, 1988	Certificate of Appropriateness for the on-the-ground installation of a 16' diameter satellite dish to be painted green with adjacent landscaping on the North County Road side, thorough landscape screening on the east and south sides of the parking lot, and restriping of the parking spaces.	COA#: 7-88	Approved by Landmarks Preservation Commission.
May 25, 1988	Certificate of Appropriateness for two signs hand-lettered onto the window.	COA#: 10-88	Approved by Landmarks Preservation Commission.
May 25, 1988	Certificate of Appropriateness for removal and replacement of existing balcony guardrails to match existing, and replacement of rotted elements.	COA#: 13-88	Approved by Landmarks Preservation Commission.
June 14, 1988	A variance from Section 4.20, schedule of Use Regulations, to allow the applicant to occupy approximately 1,100 square feet of office space on the first floor in lieu of second floor as required.	Variance#: 35-88	Town Council APPROVED the request.
August 14, 1988	Certificate of Appropriateness for white vinyl signage on glass doors for "S.W.A.K. SURF SHOP."	COA#: 21-88	Approved by Landmarks Preservation Commission.
January 10, 1989	A variance from Section 5.51(f) of the Town Zoning Ordinance to allow installation of a second Dish Antenna on the premises, and only one antenna is permitted by code.	Variance#: 72-88	Town Council DENIED the request.
January 20, 2010	Certificate of Appropriateness for railing replacement.	COA#: 016-09	Approved by Landmarks Preservation Commission.
July 14, 2010	Permit the operation of a real estate brokerage office on the first floor.	Variance#: 12-2010	Variance for Unit 15 in the Paramount Building. Did not meet all of the Special Use requirements in Section 134-1109(18). Town Council APPROVED the request.
May 10, 2017	Permit the replacement of an existing non-conforming sign (Section 134-2437 – Size of Sign) with an exact replacement.	Sign Variance#: V-16-2017	Town Council APPROVED the request.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
May 17, 2017	Certificate of Appropriateness for exact replacement of Paramount sign.	COA-020-2017	Approved by Landmarks Preservation Commission.
April 11, 2018	Permit the operation of a real estate brokerage office on the first floor.	Z-18-00085	Variance for Unit 15 in the Paramount Building. Did not meet all of the Special Use requirements in Section 134-1109(18). Town Council APPROVED the request.

October 24, 2022

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

Re: LOI for 139 N County Rd- Zoning Case Number: ZON-23-006

We are pleased to submit the accompanying documents and drawings in connection with our application for Special Exception and Site Plan Approval to authorize Outdoor Promotional Events at 139 North County Road, Palm Beach, FL (the "Property"). Section 134-2115 of the Town Code of Ordinances ("Code") allows for such events in the C-TS zoning district as a special exception use after review and approval by the Town Council. This application requests approval for up to eight (8) outdoor promotional events per month within the exterior courtyard area of the Paramount Building, as identified on Sheet G006 of the attached plans. The special events will be limited to no more than 150 people, and will occur from 6 to 11 PM, seven days per week. The location of the events within the Property's inner courtyard will help to minimize any impacts on surrounding property owners, the Property owner will execute a Declaration of Use agreement with the Town to establish the terms and conditions for the Outdoor Promotional Events.

Please note the following as it relates to this application:

A. Special Exception Approval in accordance with Section 134-229.

- (1) The use is a permitted special exception use as set forth in article VI of this chapter.
- (2) The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.
- (3) The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
- (4) The use will be compatible with adjoining development and the intended purpose of the district in which it is to be located.
- (5) The use will comply with yard, other open space, and any special requirements set out in article VI for the particular use involved.

- (6) The use will comply with all elements of the comprehensive plan.
- (7) The use not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district.
- (8) 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.
- (9) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic impact shall be compatible and in harmony with properties in the district.
- (10) Location, availability and compatibility of utility service for the use shall be satisfactory to ensure health and safety.
- (11) Refuse and service areas for the use shall not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.
- (12) In all districts except the C-OPI district, and also with the exception of hotel, motel and timeshare uses, the proposed special exception use will not attract the principal portion of its customers/clients from off-island locations. The applicant shall submit evidence satisfactory to the town council that not less than 50 percent of the customers of the proposed use will be town persons. Evidence submitted in support of this contention shall include credible data or information suitable for review by the town to determine the credibility and the appropriateness of the applicant's conclusion. The submittal shall include a description of the types of information used and the methodology employed to arrive at the conclusion. Information used shall include, but shall not be limited to, lists of customer/client addresses or certification thereof by an independent certified public accountant approved by the town, market studies prepared by independent professional firms, or data from similar operations under the control of the applicant. The town may in the future require the applicant to demonstrate to the satisfaction of the town council that the special exception use is continuing to be town-serving.
- (13) If historic/specimen trees are located on the subject property, the location of said historic/specimen trees shall be identified on a signed and sealed survey. In addition, adequate landscaping, screening and barricade protection of historic/specimen trees shall be demonstrated to be provided as required in this chapter.
- (14) 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.

Pursuant to Sections 134-2115 and 134-1109(21) of the Town Code, Special Exception approval is required for outdoor promotional events. Section 134-2115 requires that the property owner file the application for special exception approval and to hold responsibility for managing the events. WEG Paramount LLC as the owner of the Property has filed this application and will be responsible for managing the outdoor promotional events. No amplified music will be staged within 200 feet of any residential structures. The design location for the outdoor promotional events is within the interior courtyard of the property, which is surrounded by the existing building. Because of this location for the outdoor promotional events, the health, safety and welfare of the public will be maintained, and the adjoining properties will be buffered from the events in terms noise, lighting, and odor; therefore, the proposed use is compatible with the adjoining properties, and will not create an adverse economic impact to the neighboring properties. There will be no change to the existing building, hardscape or landscape, therefore the yard, open space and other code requirements are not an issue. The proposed outdoor promotional events use of the property is not in conflict with any of the elements of the Town's comprehensive plan. The existing ingress and egress onto the property will be maintained, and the outdoor promotional events will use the existing refuse and service areas, which are sufficient to support these events. No historic trees are located on the property. It is not anticipated that the proposed outdoor promotional events will place a greater burden on emergency services; however, additional police services will be secured by the owner of the property if the need for such services arises.

B. Site Plan Review Approval in accordance with Section 134-329.

- (1) Sufficiency of statements on ownership and control of the subject property and sufficiency of conditions of ownership or control, use and permanent maintenance of common open space, common facilities or common lands to ensure preservation of such lands and facilities for their intended purpose and to ensure that such common facilities will not become a future liability for the town.
- (2) Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon; provided, however, that nothing in this subsection shall be construed as granting the town council the authority to reduce residential densities below that permitted by the use regulations in article VI of this chapter.

- (3) Ingress and egress to the property and the proposed structure thereof, with particular reference to automotive and pedestrian safety; separation of automotive traffic; traffic flow and control; provision of services and servicing of utilities and refuse collection; and access in case of fire, catastrophe or emergency.
- (4) Location and relationship of off-street parking and off-street loading facilities to thoroughfares and internal traffic patterns within the property, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.
- (5) Proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the property boundaries.
- (6) Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the consequences of such drainage on overall town capacities.
- (7) Utilities, with reference to hook-in locations and availability and capacity for the uses projected.
- (8) Recreation facilities and open spaces, with attention to the size, location and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the property, and relationship to communitywide open spaces and recreation facilities.
- (9) Such other standards as may be imposed by this chapter for the particular use or activity involved.
- (10) Height of commercial structures with reference to adjoining buildings, the effect on uniformity in height, and the general principle of retaining the low profile scale of commercial architecture.
- (11) Visible size and bulk. The proposed development should be so arranged that it minimizes the visible bulk of the structures to drivers and pedestrians on abutting roadways, the point of reference being the centerline of the abutting roadways, with the intent being to maintain visual impact of multistory buildings at the same relative level of intensity as a single-story building at the minimum required setback.

The request for Outdoor Promotional Events meets all requirements of Section 134-329 as applicable to this request. The scope of the proposed project is specific to a limited number of outdoor promotional events, and no changes to existing structures are proposed in connection with this application. As stated previously, the outdoor promotional events will be held within in interior courtyard that is surrounded by the existing building. The use will be in harmony and compatible with the existing uses on the property, and not in conflict with adjacent uses in the surrounding neighborhood. Also mentioned previously, the existing ingress and egress to the

property will be maintained in its current state, which creates safe vehicular and pedestrian use on the property. Existing parking will also be maintained, as will the current storm water drainage system and utilities. Other criteria for site plan review approval are simply not applicable, as the occasional outdoor promotional use of the property will not create physical changes on the property or to the building.

C. Outdoor Promotional Events in accordance with Section 134-2115:

- (1) A special exception application for outdoor promotional events shall only be allowed to be filed by the property owner where outdoor promotional events are to be held.
- (2) The property owner shall be responsible for sponsoring and managing any outdoor promotional event on a property.
- (3) The number of outdoor promotional events per year shall be determined by the town council and provided in the required Declaration of Use Agreement.
- (4) The hours and days in which outdoor promotional events may occur shall be determined by the town council and provided in the Declaration of Use Agreement.
- (5) Amplified music or sound shall only be allowed if said event is held 200 feet or more from any residential use. Such event shall meet the town's noise regulations as provided in sections 42-196 through 42-229 of the Code.
- (6) There shall be no outdoor sales of alcoholic beverages other than the sales related to town approved outdoor seating for the licensed businesses on the property.
- (7) Any approval of a special exception to allow outdoor promotional events shall be required to be reviewed by the town council one year following approval and recordation of the Declaration of Use Agreement. Said approval may be amended or revoked by the town council at that time should it be determined that said use has a negative impact on surrounding properties.
- (8) Approval of outdoor promotional events may be revoked or modified by the town council at any time should it be determined that said use has a negative impact on surrounding properties.

The owner of the Property is seeking approval for up to eight (8) outdoor promotional events per month; specifically for the interior courtyard, as identified on Sheet G006 in the attached set of plans, and will enter into a Declaration of Use Agreement with the Town to this effect, which will also include the approved hours and days for the outdoor promotional events. Amplified music or sound will only be conducted when the area in the exterior courtyard used for an outdoor promotional event is at least

200 feet from a residential structure, and such event will meet the Town's noise requirements found in Town's Code of Ordinances. Any alcohol consumed at an outdoor promotional event will be provided by a caterer that will have all proper and Town required approvals and licensing. Any outdoor seating, furniture and/or lighting used for an outdoor promotional event will be temporary in nature, and done on a case-by-case basis as needed. It is anticipated that the outdoor promotional events will have amplified or live music within the outdoor courtyard area; however, any music done as part of an outdoor promotional event will not be disruptive to neighboring properties, and will comply with the Town's noise ordinance. Furthermore, the owner understands that the Town Council has the authority to review their approval of outdoor promotional events one year after granting said approval, and that the Town Council has the authority to modify or revoke their approval of the outdoor promotional events if they determine that said use is negatively impacting the surrounding properties.

Attached is the recent site history for the Paramount.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Crowley', with a stylized, cursive script.

James M. Crowley

PARAMOUNT SITE HISTORY EXHIBIT A

The Paramount Theatre building was originally designed by prominent New York architect Joseph Urban. Construction of the building was completed in 1927, and was designated a landmark structure in the Town of Palm Beach on September 14, 1982. The following is the recent history of the zoning and certificate of appropriateness requests for the property.

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December 8, 1987	A variance to allow the applicant to occupy approximately 1,600 square feet of office space for the Palm Beach Broadcasting Company on the first floor in lieu of second floor as required.	Variance #: 60-87	Town Council APPROVED the request.
December 8, 1987	A variance to allow the applicant to occupy approximately 1,200 square feet of office space for Island Realty and Property Management, Inc. on the first floor in lieu of second floor as required.	Variance #: 61-87	Town Council APPROVED the request.
April 27, 1988	Certificate of Appropriateness for identification signage to be in goldleaf lettering on the bottom of	COA #: 5-88	Approved by Landmarks Preservation Commission.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
	the glass window to read "PALM BEACH TV – 19" on the first line with "EXECUTIVE OFFICE" centered below it.		
April 27, 1988	Certificate of Appropriateness for the on-the-ground installation of a 16' diameter satellite dish to be painted green with adjacent landscaping on the North County Road side, thorough landscape screening on the east and south sides of the parking lot, and restriping of the parking spaces.	COA#: 7-88	Approved by Landmarks Preservation Commission.
May 25, 1988	Certificate of Appropriateness for two signs hand-lettered onto the window.	COA#: 10-88	Approved by Landmarks Preservation Commission.
May 25, 1988	Certificate of Appropriateness for removal and replacement of existing balcony guardrails to match existing, and replacement of rotted elements.	COA#: 13-88	Approved by Landmarks Preservation Commission.
June 14, 1988	A variance from Section 4.20, schedule of Use Regulations, to allow the applicant to occupy approximately 1,100 square feet of office space on the first floor in lieu of second floor as required.	Variance#: 35-88	Town Council APPROVED the request.
August 14, 1988	Certificate of Appropriateness for white vinyl signage on glass doors for "S.W.A.K. SURF SHOP."	COA#: 21-88	Approved by Landmarks Preservation Commission.
January 10, 1989	A variance from Section 5.51(f) of the Town Zoning Ordinance to allow installation of a second Dish Antenna on the premises, and only one antenna is permitted by code.	Variance#: 72-88	Town Council DENIED the request.
January 20, 2010	Certificate of Appropriateness for railing replacement.	COA#: 016-09	Approved by Landmarks Preservation Commission.
July 14, 2010	Permit the operation of a real estate brokerage office on the first floor.	Variance#:12-2010	Variance for Unit 15 in the Paramount Building. Did not meet all of the Special Use requirements in Section 134-1109(18). Town Council APPROVED the request.
May 10, 2017	Permit the replacement of an existing non-conforming sign (Section 134-2437 – Size of Sign) with an exact replacement.	Sign Variance#: V-16-2017	Town Council APPROVED the request.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
May 17, 2017	Certificate of Appropriateness for exact replacement of Paramount sign.	COA-020-2017	Approved by Landmarks Preservation Commission.
April 11, 2018	Permit the operation of a real estate brokerage office on the first floor.	Z-18-00085	Variance for Unit 15 in the Paramount Building. Did not meet all of the Special Use requirements in Section 134-1109(18). Town Council APPROVED the request.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 2023

Section of Agenda

Development Review - New Business

Agenda Title

ZON-23-012 (ARC-22-212) 246 EVERGLADE AVE (COMBO) — VARIANCES The applicant, 246 Everglade LLC, has filed an application requesting town council review and approval for site modifications including variances for (1) reduced landscape open space (2) for reduced air conditioning equipment setbacks and (3) for reduced pool equipment setbacks. The Architectural Commission will perform design review of the application. ***[This project shall be deferred to the February 15, 2023, Town Council meeting pending Architectural Review.]***

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 2023

Section of Agenda

Development Review - New Business

Agenda Title

ZON-23-013 (ARC-22-231) 7 LA COSTA WAY (COMBO) —SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES The applicant, La Costa Way Trust (Cooper Andrew TR), has filed an application requesting Town Council review and approval variances (1) for a reduced 2nd story street rear-yard setback for a new second story roof top terrace, (2) a variance to provide deficient landscape open space, and (3) a variance to exceed 2-story lot coverage maximum, all as part of a renovation to an existing nonconforming one-story residence. The Architectural Commission will perform design review of the application. *[This project shall be deferred to the February 15, 2023, Town Council meeting pending Architectural Review.]*

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 2023

Section of Agenda

Development Review - New Business

Agenda Title

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. *[This project shall be deferred to the February 15, Town Council meeting pending Architectural review.]*

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 2023

Section of Agenda

Development Review - New Business

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. *[This project shall be deferred to the February 15, 2023, Town Council meeting pending Landmarks Preservation review.]*

Presenter

ATTACHMENTS:

No Attachments Available

AGENDA MODIFICATION SHEET

Wednesday, January 11, 2023

Town Council Development Review Meeting

VIII. Discussion Items

- B. Demolitions and the Related Screening of Construction Projects
Addition to the agenda

X. Development Reviews

A. Appeals

- ✓ 1. Appeal of ARCOM Decision of ARC-22-241, 624 Island Drive
Item deferred to the February 15, 2023 meeting at the request of the attorney.

B. Time Extensions and Waivers

- ✓ 3. Time Extension for 266 Colonial Lane
Addition to the agenda

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- ✓ a. ZON-22-021 (ARC-22-022), 160 Seaview Avenue (Combo)
Item deferred to the February 15, 2023 meeting.

- ✓ b. ZON-22-088 (ARC-22-126), 240 Oleander Ave. (Combo)
Item deferred to the February 15, 2023 meeting.

- ✓ c. ZON-22-122 (HSB-22-011), 141 Australian Ave. (Combo)
Item deferred to the February 15, 2023 meeting.

- ✓ d. ZON-22-140 (ARC-22-216), 248 Colonial Lane (Combo)
Item deferred to the February 15, 2023 meeting.

- ✓ e. ZON-22-147 (ARC-22-225), 201 El Vedado Road (Combo)
Item deferred to the February 15, 2023 meeting.

- ✓ g. ZON-22-111 239 S. County Road, Ste. 2A and 1D
Item has been withdrawn by the applicant.

2. New Business

- ✓ b. ZON-22-129 (ARC-22-187), 441 Australian Ave. (Combo)
Item deferred to the February 15, 2023 meeting.

- ✓ c. ZON-23-002 (ARC-22-241), 624 Island Dr. (Combo)
Item deferred to the February 15, 2023 meeting to coincide with the Appeal of the ARCOM decision.

- ✓ d. ZON-23-003 (ARC-22-242), 1030 S. Ocean Blvd. (Combo)
This project was denied at ARCOM and will not move forward
- ✓ f. ZON-23-012 (ARC-22-212), 246 Everglade Ave. (Combo)
Item deferred to the February 15, 2023 meeting.
- ✓ g. ZON-23-013 (ARC-22-231), 7 La Costa Way (Combo)
Item deferred to the February 15, 2023 meeting.
- ✓ h. ZON-23-014 (ARC-22-243), 302 Seabreeze Avenue (Combo)
Item deferred to the February 15, 2023 meeting.
- ✓ i. ZON-23-025 (COA-22-055), 210 Via del Mar (Combo)
Item deferred to the February 15, 2023 meeting.

XI. ORS Report 1045

— Notice to Neighbors — Feb meeting
Parking Manager — Feb meeting

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 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 266 Colonial Lane

Date: January 9, 2022

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from contractor Bella Construction Corp. (Jeff Berkoff, President) regarding a time extension in which to complete the construction of a renovation and new addition, and site work, at 266 Colonial Lane and to extend the permit duration until the end of July, 2023.

GENERAL INFORMATION

The property is owned by Nonsuch Productions Ltd. The permit was issued on May 10, 2021. The permit was valid for 16 months and technically expired on September 10, 2022. Mr. Berkoff provided a letter explaining three separate work stoppages have delayed the project by approximately six months. These stoppages were window changes, structural foundation issues that had to be corrected, and a three-strike matter in October, 2022. He expects work to be completed in mid-summer, 2023.

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

Attachments: Letter from Jeff Berkoff
Permit Summary for the Property
Property Appraiser Details for the Property

Bella Construction Corp

Quality Design-Build & Remodeling Contractors

CGC 1512434

3626 EMBASSY DRIVE WEST PALM BEACH FL 33401

*PH: [561] 722-6402 *** jb@bellaconst.net*

January 9, 2023

*Mr Wayne Bergman
Building Official
Town of Palm Beach*

RE: request for permit extension 266 Colonial Ln B-21-87648

Dear Mr Bergman,

We kindly ask for an extension for the above permit for the following reasons:

- 1) The allotted 16 month permit timeframe has just expired*
- 2) The first delay [approx. 2 ½ months] just following permit issue was a result of the customer asking to change the front window profiles and re-locate 2 rear bedrooms windows. As this house is designated 'historic', the architect had to revise and submit for staff approval*
- 3) The second delay was a result of our discovery of a non conforming/unsafe existing slab & footings, which required the Engineer of record to re-design a new structural plan [done on a revision] that added approx. 30 helical pilings & a different slab design. This process took approx. 2 ½ months to be resolved, then another 2 months for the helical pilings to be installed*
- 4) Our third delay was a result of our third strike for parking, which shut the job down for Oct '22 until finally being resolved in a hearing in Nov '22. We re-mobilized just prior to the Thanksgiving break,*

To summarize, we incurred [3] job stoppages, which burned approx. 6 months of work time. Currently, all shell work is complete, new roof complete, all rough electric, plumbing, mechanical, gas, framing, insulation, windows & doors complete. We are ready to call framing & insulation and then begin drywall now. We are on track to finish by mid summer '23

Best Regards Jeff Berkoff, Pres Bella Construction Corp

1/9/2023 11:07 AM

**Permit Browse
Town of Palm Beach**

Page: 1

Permit Number	Permit Type	Permit Description	Permit Address	Permit Status	Customer Last Name	Application #	Issue Date	Expiration Date	Comments
B-21-87648	U-22-11565	U-USE OF/WORK IN ROW	USE OF ROW FOR DROPPING OFF FORKLIFT MACHINE	266 COLONIAL LN	BELLA CONSTRUCTION CO RP	10/13/2022	10/14/2022	1/12/2023	Issued
B-21-87648	U-22-10880	U-USE OF/WORK IN ROW	**UNLOAD ON NORTH LAKE WAY** USE OF- DELIVERY OF ROOF TILE	266 COLONIAL LN	BELLA CONSTRUCTION CO RP	8/12/2022	9/7/2022	12/6/2022	Issued
B-21-87648	B-22-95542	R-REVISION	REVISION BUILDING: REROOFING MAIN HOUSE AND ADDITION.	266 COLONIAL LN	THE RIGHT CALL SERVICES INC	7/13/2022	7/15/2022	7/13/2022	Final
B-21-87648	U-22-09787	U-SEWER/DRAINAGE - CAP-OFF/CONNECTION	LATERAL SEWER T INSPECTION.	266 COLONIAL LN	BELLA CONSTRUCTION CO RP	4/21/2022	5/23/2022	8/21/2022	Issued
B-21-87648	B-21-92127	R-PERMIT UPDATE-CHG OF PLANS & VALUE/CORRECTION	PERMIT UPDATE/CHANGE IN PLANS & VALUE SEE COVER LETTER & S1/S2.	266 COLONIAL LN	BELLA CONSTRUCTION CO RP	11/22/2021	1/26/2022	7/25/2022	Final
B-21-87648	B-21-88984	R-REVISION	REVISION ELECTRICAL - ELECTRICAL TEMPORARY SERVICE	266 COLONIAL LN	POWER ELECTRICAL SERVICES INC	5/12/2021	5/17/2021	5/12/2021	Final
	A-21-01612	A-ARCOM STAFF APPROVAL	ARCOM- MODIFICATION OF SELECT WINDOW AND DOOR DIVIDED LIGHTS TO PREVIOUSLY APPROVED CONTRIBUTING HI	266 COLONIAL LN	MRK ARCHITECTURE & PLANNING	4/20/2021		4/15/2022	Final
B-21-87648	B-21-87646	D-INTERIOR DEMOLITION	INTERIOR DEMO ONLY	266 COLONIAL LN	BELLA CONSTRUCTION CO RP	2/24/2021	3/3/2021	8/30/2021	Issued
	B-21-87648	B-RESIDENTIAL NEW CONSTRUCTION/ADDITION	ALTERATIONS AND ADDITIONAL TO MAIN HOUSE NEW POOL AND DRIVE - COST LESS DEMOLITION	266 COLONIAL LN	BELLA CONSTRUCTION CO RP	2/24/2021	3/10/2021	9/10/2022	Issued
	Z-20-00294	Z-DEVELOPMENT REVIEW PERMIT	A request for a flood plain variance for this historically designated house in order to construct the proposed addition with a finished floor elevation of 5.43 feet North American Vertical Datum ("NAVD") in lieu of the 7 foot NAVD required when construction exceeds 50% of the market value of the residence. The following other variances are being requested: 1. Section 134-893 (7): To allow a new 187 square foot one story addition to the west side of the residence and change the existing flat roof of that portion of the house to a higher pitched roof that will require a variance to have a 5.1 foot west side yard setback in lieu of the 12.5 foot minimum required in the R-8 Zoning District. 2. Section 134-893 (8): To raise the height of the existing house in the rear from a flat roof to a pitched roof that will raise the height in a setback that is currently 2.5 feet in lieu of the 10 foot minimum required in the R-8 Zoning District. 3. Section 134-2179: To convert a one car garage into living space.	266 COLONIAL LN	KOCHMAN AND ZISKA	9/14/2020		9/9/2021	Pending
	B-14-44626	B-WINDOWS/DOORS/SHUTTERS/GARAGE DOORS	REMOVE EXISTING 8X7 FLUSH ONE PIECE DOOR IN WHITE & REPLACE WITH 1 8X7 DAB #824 RAISED SHORT PANEL, WHITE.	266 COLONIAL LN	AMERICAN PALM BEACH GARAGE DOOR	10/22/2014	11/6/2014	5/5/2015	Final
	B-12-22526	M-REPLACEMENT	EMERGENCY -REPLACE 3 TON A/C SYSTEM W/RUUD 14AJM36AD1/RBHP21J07SH2 15 SEER 8KW HEATER	266 COLONIAL LN	ATLANTIS AIR CONDITIONING CORP	1/27/2012	1/30/2012	7/28/2012	Final
	X-03-02923	X-LEGACY PERMIT	REROOF TILE TO TILE 19 SQS,REROOF FLAT MOD TO MOD	266 COLONIAL LN	GUSTAFSON INDUSTRIES INC	6/3/2003	6/3/2003	10/2/2008	Final

Count: 13

Page: 1

Property Detail

Parcel Control Number: 50-43-43-03-11-000-0441 Location Address: 266 COLONIAL LN
 Owners: NONSUCH PRODUCTIONS LTD
 Mailing Address: BRUNTON STRACHAN & KAHN C/O 4710 NW BOCA RATON BLVD STE 101, BOCA RATON FL 33431 4861
 Last Sale: JUL-2020 Book/Page#: 31593 / 1509 Price: \$1,438,500
 Property Use Code: 0100 - SINGLE FAMILY Zoning: R-B - Low Density Residential (50-PALM BEACH)
 Legal Description: EL ENCANTO PLAT 2 W 75 FT OF LOT 44 /LESS S 12 FT/ Total SF: 1844 Acres 0.1429

2022 Values (Current)

Improvement Value \$81,321
 Land Value \$2,172,176
 Total Market Value \$2,253,497
 Assessed Value \$1,560,028
 Exemption Amount \$0
 Taxable Value \$1,560,028

All values are as of January 1st each year.

2022 Taxes

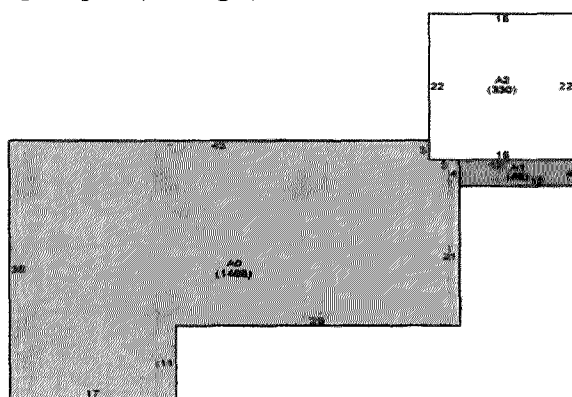
Ad Valorem \$28,694
 Non Ad Valorem \$864
 Total Tax \$29,558

2023 Qualified Exemptions

No Details Found

Applicants

No Details Found

Building Footprint (Building 1)**Subarea and Square Footage (Building 1)**

Description	Area Sq. Footage
FOP Finished Open Porch	48
FGR Finished Garage	330
BAS Base Area	1466
Total Square Footage	1844
Total Area Under Air	1466

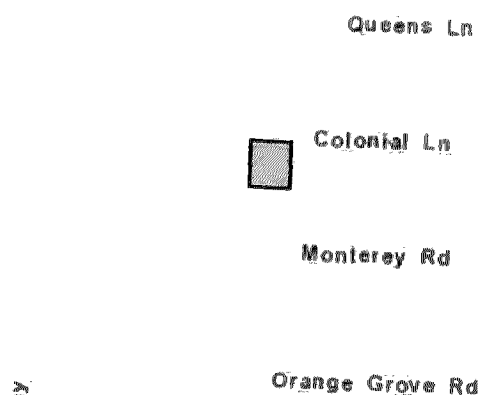
Extra Features

Description	Year Built	Unit
Patio	1948	221
Wall	1948	165

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	1948
3. Air Condition Desc.	HTG & AC
4. Heat Type	FORCED AIR DUCT
5. Heat Fuel	ELECTRIC
6. Bed Rooms	3
7. Full Baths	2
8. Half Baths	0
9. Exterior Wall 2	NONE
10. Roof Structure	GABLE/HIP
11. Roof Cover	CONCRETE TILE
12. Interior Wall 1	DRYWALL
13. Interior Wall 2	N/A
14. Floor Type 1	HARDWOOD
15. Floor Type 2	N/A
16. Stories	1

MAP

Kelly Churney

From: Antonette Fabrizi
Sent: Monday, January 9, 2023 8:54 AM
To: Town Council & Mayor; jrandolph@jonesfoster.com
Cc: Wayne Bergman; James Murphy; Jennifer Hofmeister-Drew; Bradley Falco; Kelly Churney
Subject: PUBLIC COMMENT - January TC DR Mtg. - ZON-23-006 for 139 North County Road: The Paramount Theatre

Good morning Mayor & Town Council,

Please see the public comment email below regarding The Paramount which will be heard at the Wednesday TC meeting.

Thank you,

Antonette Fabrizi
Administrative Specialist
Planning, Zoning & Building Department



Town of Palm Beach
360 South County Road
Palm Beach, FL 33480
Direct: 561-227-6408

From: Robert Grinberg <rag1717@aol.com>
Date: January 8, 2023 at 2:11:31 PM EST
To: Margaret Zeidman <MZeidman@townofpalmbeach.com>
Subject: Fwd: ZON-23-006 for 139 North County Road: The Paramount Theatre-Special Exception with site plan review.
Reply-To: Robert Grinberg <rag1717@aol.com>

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Council President Zeidman

I am writing to you about ZON-23-006 for 139 North County Road: The Paramount Theatre-Special Exception with site plan review.

My wife and I live at 130 Sunrise Avenue Unit 406. Our building, the Sun and Surf, is directly next to the Paramount Theater. I am also the Vice President of the Sun and Surf One Hundred and Thirty Association. The application as written is of great concern to my wife and me along with our fellow owners in the 130 building. The request is to pass a special exception to allow the owners of the Paramount to put on up to 8 times a month, receptions or parties for up to 150 people in their outdoor space. This also requests that music could be played to 11 PM. This should be rejected for the following reasons:

1. The noise from 150 people gathered outside for a reception with live music will be too loud for the quiet enjoyment of all the residents who live in the apartment and condo building near and next to it.

2. With the addition of alcohol the noise levels will increase.
3. Allowing any music at night will destroy the quiet nighttime atmosphere.
4. None of the restaurants or venues near the Paramount have outside music including Trevini, Lola, Echo, PB Fish etc
5. There also is the issue of parking.

If they want to have small gatherings up to 70 or 80 without music until 9 PM , they should be able to accomplish their desired result

I know you understand Palm Beach better than I do and realize this is an unfair request and should not be allowed

Thank you for considering my request

Bob Grinberg

130 Sun and Surf Unit 406

William Tomita
205 Jamaica Lane
Palm Beach, Florida 33480

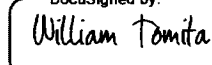
Town Council of Palm Beach
360 South County Road
Palm Beach, Florida 33480

6 January 2023

Dear Town Council,

At the Landmarks Preservation Commission Meeting (LPC) on 12/21/2022, I vocalized my opposition to the landmarking motion of my home at 205 Jamaica Lane, Palm Beach, Florida 33480. I have subsequently met with a few LPC board members and another town representative on site at the property, and I see many great merits to having the house landmarked, including that landmarking would actually help alleviate the concerns I raised for maintaining the property in optimal condition for decades to come. However, my stance stays in opposition of the landmarking motion for 205 Jamaica Lane in light of House Bill 423 in the State of Florida. I think it is an important right for myself or future owners to maintain the right to demolish the property. As a result, I continue to oppose landmarking of 205 Jamaica Lane and object to the landmarking motion.

Sincerely,

DocuSigned by:

06BCC3596D4446E...
William Tomita

Kelly Churney

From: JULIE ARASKOG <juliearaskog@aol.com>
Sent: Tuesday, January 10, 2023 5:58 PM
To: Deborah Jones; Kelly Churney; Antonette Fabrizi
Subject: Fwd: Native Plant Ordinance: Zoom Meeting Follow Up

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity *****

If possible could this be put into our purple folders in the morning?

Thank you,
Julie

Sent from my iPhone

Begin forwarded message:

From: Amanda Skier <askier@palmbeachpreservation.org>
Date: January 10, 2023 at 5:15:48 PM EST
To: Amanda Skier <askier@palmbeachpreservation.org>
Subject: Native Plant Ordinance: Zoom Meeting Follow Up

Good afternoon,

Thank you to everyone who participated in a Zoom meeting to discuss the Town of Palm Beach's Native Plant Ordinance. Your participation and feedback was greatly appreciated and immensely helpful in identifying a path forward.

In advance of tomorrow's discussion at Town Council, we are reaching out to share what we have identified as a "middle ground" that helps us work through the challenges presented while also preserving the intent of the ordinance.

We are proposing the following after hearing your input:

1. Expanding the Institute of Regional Conservation's 33480 list to the organization's state-wide list.
2. Eliminating the palm category and absorbing palms into either the tree or shrub category, depending on the species of palm. The IRC list already makes this distinction. For instance, it lists the Thatch Palm as a tree and the Saw Palmetto as a shrub.
3. Separating the vine category from groundcovers and moving it to the shrub category to allow for greater flexibility.
4. Changing the calculation for groundcovers from plant count to area in order to better accommodate the high number of groundcovers required to fill a planting bed to completion.
5. Clarifying when the ordinance is triggered by defining "redevelopment" as 50% or more of greenspace area. This distinction will prevent established gardens from having to comply for small changes.

We also heard the challenges posed in working to meet clients' expectations and will develop an education program geared towards property owners. Additionally, we would like to collaborate with Town Staff on a workshop for the final version of the ordinance that will include a demo on how to use the Institute for Regional Conservation website.

Thank you again for your efforts to collaborate. I look forward to answering any questions you may have.

Kind regards,

Amanda Skier
President & CEO



Jorge Sanchez

Subject: FW: NATIVES - Town Council

Dear Madam Mayor and Town Council,

As principles of Landscape Architecture firms in Palm Beach, we respectfully urge you to take the following statements into account as you consider both the recommendations from the Preservation Foundation and those of other concerned citizens.

- **Defining Native Plants:** The Preservation Foundation had recommended using the list from the Institute of Regional Conservation (IRC) for FL. Upon researching the list further, we came to the realization that the IRC list did not contain several plants native to Florida that have historically thrived in our area, as well as native plant cultivars. Studying a native plant list provided by the Florida Native Plant Society (FNPS), we realized if the IRC and FNPS lists were combined, the subsequent list of native plants would be much more comprehensive. In a Zoom call with the Preservation Foundation and Director of the IRC, we discussed our findings and both groups seemed amenable to adding the FNPS plants to the IRC list, and to include native plant cultivars. Our recommendation would be to have a final list containing all of the plants mentioned, whether an updated list from the IRC or from referencing both lists individually.
- At the ORS meeting, the Preservation Foundation also recommended eliminating the Palm Category from the Town of Palm Beach Native Plant Landscape Legend. We are in agreement that eliminating the palm category is appropriate. In addition to eliminating the Palm Category from the legend, we would recommend removing all the individual plant categories. In most cases, adding native plants to reach the percentage requirements in the individual category creates a situation where residents are required to install an overall percentage native plants that would be considerably over the intended percent.
- At the ORS meeting, there was mention of text requiring any resident renovating their garden to meet the new native plant percentage requirement. Residents renovating any part of their garden have never been told to report to any town agency. Subjecting residents to present garden renovations to Landmarks or ARCOM or any town agency is a huge infringement of our residents property rights. Our recommendation would be to apply the native plant requirements only on projects required to be presented to ARCOM and Landmarks, as it was initially intended, and that residents undertaking garden projects that do not need town review be left to proceed as they wish.
- As stated previously, we feel that a reduction of the current 35% native requirement to the original 25% appropriate. Town Council would be moving too fast increasing it presently. The original intention has not been given time.

Thank you for your ongoing attention to this matter,

Mario Nievera

Keith Williams

Fernando Wong

Tim Johnson

Claudia Visconti

Brian Vertesch

John Lubischer

Dustin Mizell

Jorge Sanchez

July, 2022

Town of Palm Beach Restaurants, Dining Rooms, Clubs, and Bars

Restaurants

- ✕ BiCE Ristorante
- ✕ PB Catch
- ✕ Cucina
- ✕ SurfSide Diner
- ✕ Cafe L'Europe
- ✕ Acqua Cafe
- ✕ Buccan
- ✕ Almond Palm Beach
- ✕ Palm Beach Grill
- ✕ The Honor Bar
- ✕ Field of Greens
- ✕ La Goulue Palm Beach
- ✕ Le Bilboquet
- ✕ Pizza Al Fresco
- ✕ Bistro Chez Jean Pierre
- ✕ LoLa 41 Palm Beach
- ✕ Meat Market Steakhouse
- ✕ Renato's
- ✕ Al Fresco
- ✕ Sant Ambroeus
- ✕ Green's Pharmacy
- ✕ Starbucks
- ✕ Flagler Steakhouse
- ✕ Echo Palm Beach
- ✕ Henry's Palm Beach
- ✕ TooJay's
- ✕ Trevini Ristorante
- ✕ Cafe Via Flora
- ✕ BrickTop's
- ✕ Ta-boo

Dining Rooms

- ✕ Brandon's
- ✕ The Colony Palm Beach
- ✕ Swifty's POOL
- ✕ CPB
- ✕ The Chesterfield Palm Beach
- ✕ Eures Dining Services
- ✕ Cafe Boulud
- ✕ Ambassador Grill
- ✕ Marriott Fairfield Inn & Suite
- ✕ Seaway
- ✕ Restaurant 44
- ✕ The Breakers Palm Beach Inc
- ✕ The Circle
- ✕ Seafood Bar
- ✕ Ocean House
- ✕ The Italian Restaurant
- ✕ The Surf Break

Clubs

- 📍 Bath & Tennis Club
- 📍 Club-Colette
- 📍 The Everglades Club



Highlights