



TOWN OF PALM BEACH

Town Manager's Office

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

MAY 14, 2014

9:30 AM

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

Mayor Gail L. Coniglio
Robert N. Wildrick, President
William J. Diamond, President Pro Tem
Richard M. Kleid
Michael J. Pucillo
Penelope D. Townsend

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VI. APPROVAL OF AGENDA

VII. DEVELOPMENT REVIEWS

A. Appeals

1. Appeal of Architectural Commission's Decision Regarding A-018-2014, Window Modification (144 North Ocean Boulevard), by Lauren E. Mimun.

John S. Page, Director of Planning, Zoning and Building

B. Variances, Special Exceptions, and Site Plan Reviews

1. New Business

- a. **SITE PLAN REVIEW #4-2014** The application of John Andrica; relative to property commonly known as **134 Seagate Road**; described as NORTH SHORE ADD TO PALM BEACH LT9; located in the R-B Zoning District. The applicant is requesting a site plan review modification to Site Plan Review #16-2013 approval to move the house forward 2.66 feet and the two car garage portion forward 1 foot. In addition, the proposal reduces the one-story trellis on the east side of the house so that the required angle of vision is met. The purpose is to provide 3 feet between the pool and the loggia and trellis on the house. The minimum front setback would be 25 feet 10 inches and the rear setback would be 24 feet 1 inch, which is allowed by code. [Representative: Rick Gonzalez, AIA]

John S. Page, Director of Planning, Zoning and Building

- b. **SPECIAL EXCEPTION #5-2014** The application of The Northern Trust Company; relative to property commonly known as **250 Royal Palm Way, Suite 300**; described as Lot 41 Block E of Revised Map of ROYAL PARK ADDITION to the Town of Palm Beach, Florida, according to the plat thereof as recorded in Plat Book 4, Page 1 Public Records of Palm Beach County, Florida; located in the C-OPI Zoning District. The applicant is requesting to modify a previously approved special exception for a bank to expand "The Northern Trust Company" which currently operates in 4,562 sq.ft. of gross leasable area (Suite 300) into 788 sq.ft. of adjacent space (Suite 304) for a total of 5,350 sq.ft. The expansion is all interior work and is to accommodate the existing employees, not new employees. [Attorney: Maura Ziska]

John S. Page, Director of Planning, Zoning and Building

- c. **SPECIAL EXCEPTION #6-2014 WITH VARIANCES** The application of Suntrust Bank; relative to property commonly known as **440 Royal Palm Way, Suite 102**; described as Lots 52, 53 and 61, together with the North 100 feet of Lot 54, Block C, REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA according to the Plat thereof recorded in Plat Book 4, Page 1, of the Public Records of Palm Beach County, Florida; located in the C-OPI Zoning District. A Special Exception is requested to open a new bank for "Suntrust Bank" which will be 5,964 sq. ft. gross leasable area in the previous location of Northern Trust Bank. Two variances being requested for signage are as follows: to allow a business identification sign on the west side of the building with no street frontage which is not permitted; and, to allow said sign at a height above the first floor at 27 feet in lieu of the 15 foot maximum allowed. [Attorney: Maura Ziska]

John S. Page, Director of Planning, Zoning and Building

- d. **SPECIAL EXCEPTION #7-2014 WITH SITE PLAN REVIEW AND VARIANCES** The application of Adria A. Roush; relative to property commonly known as **8 Golfview Road**; described as Lots 7 and 8 of GOLFVIEW, according to the map or plat thereof as recorded in Plat Book 7, Page 69, of the Public Records of Palm Beach County, Florida; located in the R-A Zoning District. The applicant is requesting a Special Exception with Site Plan Review to allow the construction of a 7,972 square foot two-story, single family residence on a non-conforming lot which is 140 feet in depth in lieu of the 150 foot minimum required and 19,500 square feet in area in lieu of the 20,000 square foot minimum required in the R-A Zoning District. A Variance is requested to have a building height plane setback ranging from 40.6 feet to 55 feet in lieu of the 49.5 foot to 63.91 foot minimum setback required. [Attorney: Maura Ziska]

John S. Page, Director of Planning, Zoning and Building

- e. **VARIANCE #18-2014** The application of Cristina B. Condon, Trustee; relative to property commonly known as **223 Southland Road**; described as Lot 46, EAST SHORE ADDITION, an addition to the Town of Palm Beach, Florida, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm beach County, Florida in Plat Book 21, Page 14; located in the R-B Zoning District. The applicant is requesting a variance to add 277.3 square foot one-story addition to the kitchen in which a small portion will result in a 10 foot west side yard setback in lieu of the 12.5 foot minimum required in the R-B Zoning District. [Attorney: Maura Ziska]

John S. Page, Director of Planning, Zoning and Building

- f. **VARIANCE #19-2014** The application of Joan Granlund; relative to property commonly known as **710 South County Road**; described as Lengthy legal description on file; located in the R-A Zoning District. A variance is requested to add a pitched roof onto an existing two-story flat roof accessory building with a building height plane setback of 8.8 feet in lieu of the 44 foot to 52 foot minimum setback required; and, to add a second floor patio deck and connecting stair (south side of deck) on top of a one-story portion of that building with a zero (0) north side yard setback in lieu of the 15 foot minimum required. The stairs are within the required side yard setback but behind the nonconforming accessory building. [Attorney: Maura Ziska]
[ARCOM Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject property. Carried 7-0]

John S. Page, Director of Planning, Zoning and Building

- g. **VARIANCE #20-2014** The application of David Lambert; relative to property commonly known as **234 Ocean Terrace**; described

as Lot 19, PLAT OF OCEAN TERRACE, according to the plat thereof, as recorded in Plat Book 20, Page 64, Office of the Clerk of the Circuit Court of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is proposing to build a 1,588 square foot one-story, two car garage, loggia and master suite addition that would result in a cubic content ratio (CCR) of 4.16 in lieu of the 2.58 CCR existing and the 3.98 maximum CCR allowed. [Attorney: Maura Ziska]
[ARCOM Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject property. Carried 7-0]

John S. Page, Director of Planning, Zoning and Building

- h. **VARIANCE #21-2014** The application of Daniel S. Rosenbaum, Attorney; relative to property commonly known as **3230 South Ocean Blvd.**; described as Lengthy legal description on file; located in the R-D (1) Zoning District. This request is to allow a variance from sections 62-38 and 62-39 which require construction of a seawall to be on the Town Official Bulkhead Line. The variance is proposed in order to allow construction of a seawall approximately 36 to 43 feet west of the Town bulkhead line in lieu of being placed on the Bulkhead Line. [Attorney: Daniel S. Rosenbaum]

John S. Page, Director of Planning, Zoning and Building

- i. **VARIANCE #22-2014** The application of K. Prescott Low and Susan T. Low; relative to property commonly known as **260 Via Bellaria**; described as Lengthy legal description on file; located in the R-A Zoning District. Applicants are requesting permission to install a 60kw Generac generator with a proposed landscaped open space of 44.65% in lieu of the 45.08% existing and the 50% minimum required. [Attorney: M. Timothy Hanlon]

John S. Page, Director of Planning, Zoning and Building

- j. **VARIANCE #23-2014** The application of George E. Marucci, Jr.; relative to property commonly known as **308 Coconut Row**; described as The North 55 feet of lots 22 through 26, in Block 1, of REVISED MAP OF ROYAL PARK ADDITION, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, as recorded in Plat Book 4, Page 1, said lands situate, lying and being in Palm Beach County, Florida; located in the R-C Zoning District. The Applicant is requesting a variance to build a two-story, 3,600 square foot (including the garage) single family residence on a vacant lot with a lot 6,875 square feet in area, in lieu of the 10,000 square foot minimum required, and a lot width of 55 feet in lieu of the 75 foot minimum required in the R-C Zoning District. [Attorney: Guy Rabideau]

John S. Page, Director of Planning, Zoning and Building

- k. **VARIANCE #24-2014** The application of Wilber E. James and

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Janet B. James; relative to property commonly known as **10 Golfview Road**; described as Lengthy legal description on file; located in the R-A Zoning District. The Applicant is requesting a variance to add railing and cast stone pavers to create a 180 square foot second floor terrace with a 4 inch west side setback in lieu of the 15 foot minimum required. [Attorney: M. Timothy Hanlon]

John S. Page, Director of Planning, Zoning and Building

VIII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 1-2014 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 134, Zoning; Article X, On-Street Parking Permits; Division 2, Residential Districts; Section 134-2296, Issuance of Special Parking Permits Upon Application, to Include a New Subparagraph (d) to Provide for the Issuance of Temporary Group Permits; Amending Division 3, Residential Districts Adjacent to Commercial Districts; Section 134-2328, Temporary Group Permits, to Provide for an Application Fee; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
John C. Randolph, Town Attorney Page 29
2. ORDINANCE NO. 2-2014 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 134, Zoning; Article X, On-Street Parking Permits; Division 2, Residential Districts; Section 134-2293, Designation of Controlled Parking Residential Areas, to Delete Section 134-2293 in its Entirety ; Amending Division 2, Residential Districts; Section 134-2295, Procedures for Determining Controlled Parking Residential Areas, to Require Website Maps and Proper Display of Permits; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
John C. Randolph, Town Attorney Page 35
3. ORDINANCE NO. 3-2014 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 134, Zoning; Article X, On-Street Parking Permits; Division 2, Residential Districts; Section 134-2298, Enumerating Unlawful Acts; Section 134-2301, Penalties, Providing for Surrendering of Permits; Providing for a New Section 134-2302, Regarding Revocation of Decal/permit; Amending Division 3, Residential Districts Adjacent to Commercial Districts; Section 134-2334, Enumerating Unlawful Acts; Providing for a New Section 134-2335, Penalties; Providing for a New Section 134-2336, Revocation of Decal/permits; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Page 39

Providing an Effective Date.

John C. Randolph, Town Attorney

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4. ORDINANCE NO. 7-2014 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County Florida, Amending Chapter 134, Zoning, At Section 134-2 By Creating Definitions For Attic And Veterinarian Office; Section 134-2 By Modifying The Definitions For Building, Height Of, (Applicable To Lots Or Portions Of Lots East Of The State Of Florida Coastal Construction Control Line (CCCL), Individual Business Sign, Habitable Space And Story; Section 134-172 By Creating A One Thousand Foot Property Owner Notice Requirement For Variances That Exceed The Maximum Density Allowed In The Zoning District But Do Not Exceed The Maximum Density Allowed By The Underlying Future Land Use Designation On A Property; Section 134-261 By Adding 1,000 Foot Property Owner Notice Requirement In the Appropriate Location For A Comprehensive Plan Amendment, Zoning Text Amendment Or Zoning Change That Increases The Allowable Density Or Intensity; Sections 134-1108, 134-1109, 134-1257 and 134-1259 By Allowing Veterinarian Office Uses In The C-TS And C-PC Zoning Districts As A Special Exception Use; Sections 134-1157, 134-1207 And 134-1302 By Prohibiting A Veterinarian Office Use In The C-WA, C-OPI And C-B Zoning Districts; Sections 134-2436 And 134-2437 By Modifying The Individual Business Sign Regulations To Allow Said Signs On The Back of Buildings In Certain Situations; Section 134-2439 By Clarifying That An Individual Business Sign Is Allowed Only To Advertise The Legal Business Name And The Nature Of The Business; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

John S. Page, Director of Planning, Zoning and Building

5. ORDINANCE NO. 8-2014 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 118 of the Town Code of Ordinances Relating to Traffic and Vehicles, at Article III, Parking, Stopping and Standing; Division 1, Generally; at Section 118-86, Regulation Generally; Tow-Away Zones, at Paragraph (a); Amending Section 118-92, Penalty for Violating Parking Regulations Generally; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

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John C. Randolph, Town Attorney

B. First Reading

1. ORDINANCE NO. 9-2014 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Rescinding Ordinance No. 5-2013 In Its Entirety; Providing An Effective Date.

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John S. Page, Director of Planning, Zoning and Building

IX. ANY OTHER MATTERS

X. ADJOURNMENT

PLEASE TAKE NOTE:

- Note 1:** No written materials received after 5:00 p.m. on the Thursday 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 5:00 p.m. on Thursday 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 Systems (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:** A summary of the actions taken at Town Council meetings can be viewed on the Town's website after 5 p.m. on the Friday following the Town Council meeting.

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: May 14, 2014

Section of Agenda

Appeals

Agenda Title

Appeal of Architectural Commission's Decision Regarding A-018-2014, Window Modification (144 North Ocean Boulevard), by Lauren E. Mimun.

Presenter

John S. Page, Director of Planning, Zoning and Building

Supporting Documents

- [Memorandum dated May 2, 2014 from John S. Page](#)
- [Letter from Lauren E. Mimun dated May 1, 2014](#)
- [ARCOM Minutes](#)
- [Photograph of 1144 N Ocean Blvd](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 14, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John S. Page, Planning, Zoning & Building Director

Re: ARCOM Appeal (A-018-2014)
Window Modification
1144 N. Ocean Boulevard

Date: May 2, 2014

STAFF RECOMMENDATION

Staff recommends that the Town Council consider and rule upon the appeal of Lauren Mimun, objecting to ARCOM's decision of April 23, 2014, denying the owner's request for window modifications to her home at 1144 N. Ocean Boulevard.

GENERAL INFORMATION

This Department issued a building permit to Lauren Mimun on December 16, 2013 for the home she occupies at 1144 N. Ocean Boulevard. Per the permit, the project is described as...

"Install 75 impact windows & 10 impact doors same sized configuration."

No ARCOM review or approval was required at that time because the window and door replacement represented a "like-to-like" materials change that would not alter the appearance of the structure.

Owner proceeded to have the new windows/doors installed. The former windows contained muntins, architectural features that divide larger, full lite windows into divided lites, a style that is typical to Mediterranean Revival homes (see attached photo of the "before" look). It was the owner's intention at the time of permit issuance that the new windows and doors would also contain muntins.

Windows can be purchased with muntins installed, or to be installed after initial installation of the larger clear pane. In this instance, clear pane glass was installed with the intent of thereafter applying the muntins. Once the clear panes were installed, however, the owner preferred to leave the windows free of muntins. Because that option alters the architectural appearance of the

home, owner applied to ARCOM for authorization to leave the full lite windows (without muntins).

A copy of the ARCOM Minutes from April 23 is attached. The owner represented herself, and displayed a series of photographs illustrating others homes with clear glass panes. ARCOM members distinguished those homes as different in architectural features from 1144 North Ocean Boulevard, and indicated their preference that the owner should adhere to the original intent as presented to Town staff, a like-to-like window replacement project

It was the final decision of ARCOM to deny the request (7-0 decision).

SPECIAL CONSIDERATIONS

Town Code provides the opportunity of any owner to appeal an ARCOM decision to the Town Council. The Code also specifies that the appeal shall be based on the record of the proceedings and shall not be presented de novo. Although the owner did indeed present photos to ARCOM on April 23, the attached appeal materials contain two photographs that were not shown at the ARCOM meeting (yellow colored post-a-notes near bottom margin). In addition, the owner has provided a supportive letter from Architect Kenneth Brower that was not provided to ARCOM at time of hearing.

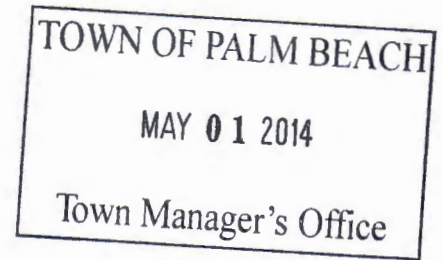
Attachment

cc: Lauren Mimun
John C. Randolph, Town Attorney
ARCOM Members

Lauren E. Mimun

1144 N. Ocean Blvd · Palm Beach, Florida 33480 · 561-881-1357 · lemimun@gmail.com

May 1, 2014



Town Of Palm Beach
360 S. County Road
Palm Beach, Fl. 33480

Attn: Council Member Robert Wildrick

Re: 1144 N. Ocean Blvd
Artcom Appeal

Dear Mr. Wildrick,

It was a pleasure speaking with you and I would like to thank you for taking the time to listen to my account of our window situation. It was a relief to have a sympathetic ear after my Arcom denial.

Please find enclosed my Arcom presentation along with local architect, Ken Brower's letter of support and two photos of "Mediterranean Revival" architecture without muttins.

I truly appreciate your kind attention to this matter and your advice.

Respectfully,

A handwritten signature in cursive script, appearing to read "Lauren", followed by a long horizontal flourish.

Lauren E. Mimun

1144 North Ocean Blvd. Palm Beach, FL 33480

ARCOM Minor Project:

Fenestration



New Fenestration to Home Without Divisions

- Minor project with no structural work
- No landmark/historical significance
- Owner's aesthetic preference
- Oceanfront home deserves to have an un-impeded view
- Impact windows
- Tinted windows
- Easier maintenance

Palm Beach, FL 33480 - approximate address

NEW! Street View - Mar 2011



Image capture: Mar 2011 S Ocean Blvd © 2014 Google 1 km

Landmarked Mizner

w/ contemporary
windows

No MUTTINS

341 317 11 Avenue
Palm Beach, FL 33480 - approximate address
Street View - Mar 2011



"Mediterranean
Revival"
ARCHITECTURE
NO MILLIONS

Front Façade Old/New Windows



Before Above

After Below

- Cleaner lines
- Easier to maintain
- Uninterrupted views

After



Houses along N Ocean Without Window Divisions



- 1170 N Ocean Blvd.
- 1178 N Ocean Blvd.
- 1190 N Ocean Blvd.
- 1220 N Ocean Blvd.
- 1270 N Ocean Blvd.
- 1290 N Ocean Blvd. & Beach Cabana
- 1300 N Ocean Blvd.
- 1306 N Ocean Blvd.
- 1326 N Ocean Blvd.
- 1330 N Ocean Blvd.
- 1332 N Ocean Blvd.
- 1340 N Ocean Blvd.
- 1420 N Ocean Blvd.
- 1426 N Ocean Blvd.
- 1430 N Ocean Blvd.



Similar Projects



1270 North Ocean Blvd

- Similar aesthetic style with no window divisions

Similar Projects



1490 North Ocean Blvd

- Similar aesthetic style with no window divisions

Similar Projects



1332 North Ocean Blvd

- Similar aesthetic style with no window divisions

May 1, 2014

Dear Madam Mayor and Distinguished Town Council Members
Members of the Architectural Review Commission
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Re: Appeal to ARCOM Agenda Item A-018-2014
1144 North Ocean Blvd.
Window Muttin Replacement

This letter is in support of Town Council Agenda Item _____, allowing the new impact windows to remain with full lites as they were installed, in lieu of requiring the installation of imitation muttins.

It is my professional opinion that the applicant's request for approval is reasonable.

This request should be approved because, echoing the Architectural Commission Ordinance, the newly installed full lite windows will help to maintain harmony; they do not disrupt the aesthetic quality of the surroundings; they maintain a balance with the neighboring properties; they are in harmony with [the proposed developments on land in] the general area; and they are appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features.

The diversity of style of residences throughout the Town of Palm Beach is, in part, the reason architectural balance and harmony is maintained.

Approval of this request recognizes that this Architectural Review Commission is in tune with the Architectural Commission Ordinance.

Thank you for your consideration.

Ken Brower

J. Kenneth Brower, AIA
BROWER ARCHITECTURAL ASSOCIATES, Inc.
350 South County Road
Suite 207
Palm Beach, Florida 33480
Ph: 561 659 1948
Fax: 561 659 1968
Cell: 561 762 0363

**MOTION BY MR. HOMES FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED 6-1, WITH MRS. VANNECK OPPOSED.**

**MOTION AMENDED ADDING THE PROVISIO THAT THERE BE A SWOOP IN THE
HEDGE FROM 8' TO 12' AND THAT A PALM BE PLACED IN THE CORNER.
MOTION CARRIED UNANIMOUSLY.**

A - 018 - 2014 Window Modification

Address: 1144 N. Ocean Blvd.

Applicant: Lauren and Clement Mimun

Architect: None listed

Project Description: Request to go to no muntins on newly installed tinted impact windows

Call for disclosure of ex parte communication: Disclosures by Mrs. Vanneck and Mr. Small

ARCHITECTURAL PRESENTATION BY: Lauren Mimun, property owner

Ms. Mimun stated that impact windows have been installed at her residence, and have been installed without muntins. Though muntins were approved for the windows, Ms. Mimun stated that it is their preference to have clear glass. She showed photos of the former windows and the new windows as installed.

Mr. Lindgren stated that he was unaware that the windows were already installed. A building permit had been submitted for the window change, but it was reviewed/returned for ARCOM approval. No staff approval was granted either. Mr. Lindgren noted that the permit will have to be researched to see if it was issued and what notes were made relative to the muntins. Ms. Mimun testified that the permit had been issued.

**MOTION BY MR. HOMES TO DEFER TO THE END OF THE MEETING.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.**

After the last project was heard, discussion returned to this project. Mr. Page reported that a permit had been issued for the windows on December 16, 2013, for windows to match the existing windows, i.e., with muntins. The windows have been installed, but the permit is not finalized. At this point, the muntins should be applied to the windows, but the owner does not want to install the muntins. As such, the owner is present today to request approval for that change.

Under commission comments: The windows are not that troublesome without the muntins; this is a Mediterranean Revival house; would like to see both styles of window side by side...the aesthetics will be different; the vertical windows in the middle of the building are just terrible without the muntins; why are these muntins going to be "applied" instead of true divided lites; problem when something is applied for to be replaced as existing, and now they want to change it; if this was a new project, we would want mullions; from an aesthetic standpoint, having windows in this style house without mullions is a travesty; you have a hodge podge now; the house does not resemble what it should; and, we would like to see this concluded as approved with muntins.

**MOTION BY MR. HOMES TO DENY THE REQUEST AS IT IS AESTHETICALLY INAPPROPRIATE AND IN VIOLATION OF THE ORIGINAL PERMIT ISSUED.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.**

A - 020 - 2014 Entry Door Modifications

Address: 241 Mockingbird Trail

Applicant: Scott Johnson

Architect: Glidden Spina + Partners, Keith Spina

Project Description: Shift location of entry door to east to accommodate expanded interior family room. Replace existing entry door with new and add sidelites.

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Danny Brown, Glidden Spina + Partners

Mr. Brown presented the project in accordance with the submitted plans and as described above. In addition, shutters will be removed, and a revised drawing was presented reflecting that. The project will give new emphasis to the entry.

**MOTION BY MRS. VANNECK FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.**

A - 022 - 2014 Modifications

Address: 1900 S. Ocean Blvd.

Applicant: Keith Frankel

Architect: Bridges, Marsh & Associates

Project Description: Minor adjustments to plan due to setbacks, changes to family room roof, and other adjustments per comments from staff.

Call for disclosure of ex parte communication: Disclosures by Mr. Vila and Mr. Small

ARCHITECTURAL PRESENTATION BY: Mark Marsh, Bridges, Marsh & Associates

Mr. Marsh presented the project in accordance with the submitted plans and as described above. He explained that the project for this home was approved by ARCOM last fall, but the owner would now like the house moved further to the west. Other changes include: Reduce the wing at the southwest corner; removed part of basement; change to family room fireplace; fenestration changes and additions; and, change from solid balustrade to metal.

**MOTION BY MRS. VANNECK FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED UNANIMOUSLY.**



Google earth



TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 14, 2014

Section of Agenda

Development Review - New Business

Agenda Title

VARIANCE #24-2014 The application of Wilber E. James and Janet B. James; relative to property commonly known as **10 Golfview Road**; described as Lengthy legal description on file; located in the R-A Zoning District. The Applicant is requesting a variance to add railing and cast stone pavers to create a 180 square foot second floor terrace with a 4 inch west side setback in lieu of the 15 foot minimum required. [Attorney: M. Timothy Hanlon]

Presenter

John S. Page, Director of Planning, Zoning and Building

Supporting Documents

- [Memorandum Dated April 28, 2014, from John C. Whelton](#)

John C. Whelton
12 Golfview Road
Palm Beach, Florida 33480

Memorandum

DATE: April 28, 2014

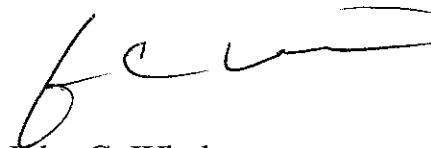
TO: Palm Beach Town Council

FROM: John C. Whelton

RE: Variance for 10 Golfview Road

I have reviewed the variance which Mr. & Mrs. James have submitted to The Town Council. I fully support their effort to obtain this variance.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John C. Whelton', with a stylized, cursive script.

John C. Whelton

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 14, 2014

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 1-2014 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 134, Zoning; Article X, On-Street Parking Permits; Division 2, Residential Districts; Section 134-2296, Issuance of Special Parking Permits Upon Application, to Include a New Subparagraph (d) to Provide for the Issuance of Temporary Group Permits; Amending Division 3, Residential Districts Adjacent to Commercial Districts; Section 134-2328, Temporary Group Permits, to Provide for an Application Fee; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

John C. Randolph, Town Attorney

Supporting Documents

- [Ordinance No. 1-2014](#)

ORDINANCE NO. 1-2014

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 134, ZONING; ARTICLE X, ON-STREET PARKING PERMITS; DIVISION 2, RESIDENTIAL DISTRICTS; SECTION 134-2296, ISSUANCE OF SPECIAL PARKING PERMITS UPON APPLICATION, TO INCLUDE A NEW SUBPARAGRAPH (d) TO PROVIDE FOR THE ISSUANCE OF TEMPORARY GROUP PERMITS; AMENDING DIVISION 3, RESIDENTIAL DISTRICTS ADJACENT TO COMMERCIAL DISTRICTS; SECTION 134-2328, TEMPORARY GROUP PERMITS, TO PROVIDE FOR AN APPLICATION FEE; 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 Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 134, Zoning; Article X, On-Street Parking Permits; Division 2, Residential Districts; Section 134-2296, to read as follows:

Sec. 134-2296. Issuance of special parking permits upon application.

(a) Following the official designation of a controlled parking residential area, the finance department shall issue appropriate residential parking permits. Upon application a permit shall be issued only to the owner or operator of a motor vehicle who resides in the controlled parking residential area in which he resides.

(b) The application for a permit shall contain the name of such owner or operator of the motor vehicle; residential address; and the motor vehicle's make, model and registration number. The motor vehicle's registration may, at the discretion of the finance department, be required to be presented at the time of making the application in order to verify the contents thereof. If the vehicle is registered at an address other than the local residence, the applicant shall provide other sufficient proof, acceptable to the finance department, showing residency within the

controlled residential parking area. The permit shall be valid for a fiscal year, as defined in section 134-2292, and shall be renewed for each successive fiscal year. A fee, as determined by resolution of the town council shall be charged for the annual permit and shall be payable at the finance department. After the initial permit has been issued, any renewal shall be affixed to the vehicle no later than October 15 of the applicable current year.

(c) Visitor/service permits. Upon application by such owner, up to two visitor/service permits may be issued, which permits may be used by such owner for the sole purpose of providing parking on a temporary basis to service vehicles which are conducting work at such owner's premises or for visitors of such owner's residence. The permits shall be used only for the period of time during which business is to be conducted by the service vehicles or for the duration of stay of a visitor to the residence for which the permit is issued.

The application for a visitor/service permit or permits shall be filed by such owner. The permit or permits shall be valid for a fiscal year as defined in section 134-2292 and may be renewed each successive fiscal year. A fee, as determined by resolution of the town council shall be charged for each visitor/service permit and shall be payable at the finance department. These permits shall not be affixed to the vehicle, but shall be placed in a clearly visible place on the inside of the visitor's or service vehicle observable through the front windshield of the vehicle. The permits shall be valid only for the period of time during which the service vehicle is conducting work at the premises or for the period of time a visitor is at the premises.

(d) Temporary group permits. A temporary group permit may be issued on application of any resident of the district for only one day and for no more than four (4) hours on that day upon a showing by the applicant that during the hours for which the permits are to be issued his or her residence will be used for an assemblage of persons in a way consistent with its residential character and other provisions of law and that such visitors would not be able to park their vehicles without violating the law. However such permits for such an assemblage of persons shall only be issued upon a finding of the facts stated in this section and a further finding that the issuance of such permits will not impair public safety during the time of their validity, and in this connection such permits may be limited as to the streets or portions of streets on which they shall be valid. Finally, the number of such permits issued shall not at any time exceed 50 percent of the number of spaces available in the area in which they are valid.

The application for a temporary group permit shall be filed by the resident seeking the permit. A fee as determined by resolution of the Town Council shall be charged for each temporary group permit. The permits shall not be affixed to the vehicle, but shall be placed in a clearly visible place on the inside of the visitor's vehicle observable through the front windshield of the vehicle.

Section 2. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 134, Zoning; Article X, On-Street Parking Permits; Division 3, Residential Districts Adjacent to Commercial Districts; Section 134-2328, to read as follows:

Sec. 134-2328. Temporary group permits.

Under this division, on application of any resident of the district, permits, to be valid for only one day and for no more than four hours on that day, may be issued upon a showing by the applicant that during the hours for which the permits are to be issued his residence will be used for an assemblage of persons in a way consistent with its residential character and other provisions of law, and that such visitors would not be able to park their vehicles without violating the law. However, such permits for such an assemblage of persons shall only be issued upon a finding of the facts stated in this section and a further finding that the issuance of such permits will not impair public safety during the time of their validity, and in this connection such permits may be limited as to the streets or portions of streets on which they shall be valid. Finally, the number of such permits issued shall not at any time exceed 50 percent of the number of spaces available in the area in which they are valid.

The application for a temporary group permit shall be filed by the resident seeking the permit. A fee as determined by resolution of the Town Council shall be charged for each temporary group permit. The permits shall not be affixed to the vehicle, but shall be placed in a clearly visible place on the inside of the visitor's vehicle observable through the front windshield of the vehicle.

Section 3. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 5. Codification.

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

Section 6. 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 9th day of April 2014, and for second and final reading on this 14th day of May 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 14, 2014

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 2-2014 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 134, Zoning; Article X, On-Street Parking Permits; Division 2, Residential Districts; Section 134-2293, Designation of Controlled Parking Residential Areas, to Delete Section 134-2293 in its Entirety ; Amending Division 2, Residential Districts; Section 134-2295, Procedures for Determining Controlled Parking Residential Areas, to Require Website Maps and Proper Display of Permits; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

John C. Randolph, Town Attorney

Supporting Documents

- [Ordinance No. 2-2014](#)

ORDINANCE NO. 2-2014

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 134, ZONING; ARTICLE X, ON-STREET PARKING PERMITS; DIVISION 2, RESIDENTIAL DISTRICTS; SECTION 134-2293, DESIGNATION OF CONTROLLED PARKING RESIDENTIAL AREAS, TO DELETE SECTION 134-2293 IN ITS ENTIRETY ; AMENDING DIVISION 2, RESIDENTIAL DISTRICTS; SECTION 134-2295, PROCEDURES FOR DETERMINING CONTROLLED PARKING RESIDENTIAL AREAS, TO REQUIRE WEBSITE MAPS AND PROPER DISPLAY OF PERMITS; 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 Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 134, Zoning; Article X, On-Street Parking Permits; Division 2, Residential Districts; Section 134-2293, to delete Section 134-2293 in its entirety as follows:

Section 2. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 134, Zoning; Article X, On-Street Parking Permits; Division 2, Residential Districts; Section 134-2295, to read as follows:

“Sec. 134-2295. Procedure for determining controlled parking residential areas.

- (a) In order to determine whether a particular area should be designated as a controlled parking residential area, the town council can request or the town manager may conduct, upon his own initiative or upon a petition of a majority of the households on a proposed residential block addressed to the town manager, a study to determine if the proposed area meets the criteria set forth

in section 134-2294. Following the study, the town manager shall determine whether to designate the proposed area under consideration as a controlled parking residential area or to remove the designation of a previously established controlled parking residential area. The town council may also request the town manager to designate an area as a controlled parking residential area based upon a study previously conducted, if the criteria set forth in section 134-2294 are met.

- (b) When the town manager finds the criteria to designate have been met in a controlled parking residential area, he shall cause the regulation to be recorded upon an appropriate map of the town and retained permanently in the office of the town clerk. The Town Clerk shall also keep an updated residential area parking map, or reasonable facsimile thereof, in an appropriate location on the Town's website. In addition, the town manager shall cause parking signs to be erected upon public streets in the area, indicating the times, locations and conditions upon which parking shall be by permit only. When an area has been approved, designated and posted as a controlled parking residential area, it shall be unlawful and a violation of this division to park a commuter vehicle in an area restricted to residential permit parking only without having a valid residential parking permit affixed on the left rear bumper of the vehicle, or in the case of a residential visitor parking permit, appropriately displayed within the vehicle."

Section 3. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 5. Codification.

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

Section 6. 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 9th day of April 2014, and for second and final reading on this 14th day of May 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

Michael J. Pucillo, Town Council Member

Penelope D. Townsend, Town Council Member

ATTEST:

Susan A. Owens, MMC, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 14, 2014

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 3-2014 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 134, Zoning; Article X, On-Street Parking Permits; Division 2, Residential Districts; Section 134-2298, Enumerating Unlawful Acts; Section 134-2301, Penalties, Providing for Surrendering of Permits; Providing for a New Section 134-2302, Regarding Revocation of Decal/permit; Amending Division 3, Residential Districts Adjacent to Commercial Districts; Section 134-2334, Enumerating Unlawful Acts; Providing for a New Section 134-2335, Penalties; Providing for a New Section 134-2336, Revocation of Decal/permits; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

John C. Randolph, Town Attorney

Supporting Documents

- [Ordinance No. 3-2014](#)

ORDINANCE NO. 3-2014

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 134, ZONING; ARTICLE X, ON-STREET PARKING PERMITS; DIVISION 2, RESIDENTIAL DISTRICTS; SECTION 134-2298, ENUMERATING UNLAWFUL ACTS; SECTION 134-2301, PENALTIES, PROVIDING FOR SURRENDERING OF PERMITS; PROVIDING FOR A NEW SECTION 134-2302, REGARDING REVOCATION OF DECAL/PERMIT; AMENDING DIVISION 3, RESIDENTIAL DISTRICTS ADJACENT TO COMMERCIAL DISTRICTS; SECTION 134-2334, ENUMERATING UNLAWFUL ACTS; PROVIDING FOR A NEW SECTION 134-2335, PENALTIES; PROVIDING FOR A NEW SECTION 134-2336, REVOCATION OF DECAL/PERMITS; 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 Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 134, Zoning; Article X, On-Street Parking Permits; Division 2, Residential Districts; Section 134-2298, to read as follows:

Sec. 134-2298. Unlawful acts.

Under this division, it shall be unlawful for any person to:

- (1) Represent that he is entitled to a permit under this division when he is not so entitled;
- (2) To furnish any false information in an application to the finance department to obtain a residential parking permit;
- (3) Fail to surrender a permit to which he is no longer entitled; or
- (4) Park a vehicle displaying such a permit at any time when the holder of such permit is not entitled to hold it.
- (5) Park a vehicle without a properly displayed and valid residential parking permit issued pursuant to this division.

- (6) Park a vehicle displaying a counterfeit residential parking permit.
- (7) Modify or alter in any way a current or previously issued residential parking permit.
- (8) Give to another person or sale to another person a residential parking permit. Temporarily providing a visitor permit to a person legally entitled to use such under this division shall not be construed as being unlawful.
- (9) Provide a residential parking permit to any person or vehicle not legally entitled to possess or display such permit.

Section 2. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 134, Zoning; Article X, On-Street Parking Permits; Division 2, Residential Districts; Section 134-2301, to read as follows:

“Sec. 134-2301. Penalties.

Any person illegally parked pursuant to this division shall be fined in the manner provided for illegal parking and his/her vehicle may be towed and stored at his/her expense.”

Section 3. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 134, Zoning; Article X, On-Street Parking Permits; Division 2, Residential Districts; to add a new Section 134-2302, Revocation of decal/permit, to read as follows:

“Sec. 134-2302. Revocation of decal/permit.

- (a) The Public Safety Director or his/her designee is authorized to revoke the residential parking area decal/permits of any decal/permit holder based upon evidence that the decal/permit holder has violated the provisions of this article. The holder shall be served notice by certified mail or hand delivery of the proposed revocation and, upon request, shall have an opportunity to present to the Town Council evidence as to why the decal/permit should not be revoked. The decal/permit holder must request such a hearing in writing and pay an appeal fee set by resolution of the town council within ten days after the notice of proposed revocation is delivered or mailed. If the Town Council finds in favor of the decal/permit holder, the appeal fee shall be refunded. The holder of revoked decal/permits must return the decal/permits to the Town Manager or his/her designee and shall not be allowed to reapply for another decal/permit for one

year from the date of revocation.

- (b) Revocation under subsection (a) is in addition to any other available remedy provided by this Code for violations of this article.

Section 4. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 134, Zoning; Article X, On-Street Parking Permits; Division 3, Residential Districts Adjacent to Commercial Districts; Section 134-2334, to read as follows:

“Sec. 134-2334. Unlawful acts.

Under this division, it shall be unlawful for any person to:

- (1) Represent that he is entitled to a permit under this division when he is not so entitled;
- (2) To furnish any false information in an application to the finance department to obtain a residential parking permit;
- (3) Fail to surrender a permit to which he is no longer entitled; or
- (4) Park a vehicle displaying such a permit at any time when the holder of such permit is not entitled to hold it.
- (5) Park a vehicle without a properly displayed and valid residential parking permit issued pursuant to this division.
- (6) Park a vehicle displaying a counterfeit residential parking permit.
- (7) Modify or alter in any way a current or previously issued residential parking permit.
- (8) Give to another person or sale to another person a residential parking permit. Temporarily providing a visitor permit to a person legally entitled to use such under this division shall not be construed as being unlawful.
- (9) Provide a residential parking permit to any person or vehicle not legally entitled to possess or display such permit.

Section 5. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 134, Zoning; Article X, On-Street Parking Permits; Division 3, Residential Districts Adjacent to Commercial Districts; a new Section 134-2335, to read as

“Sec. 134-2335. Penalties.

Any person illegally parked pursuant to this division shall be fined in the manner provided for illegal parking and his/her vehicle may be towed and stored at his/her expense.”

Section 6. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 134, Zoning; Article X, On-Street Parking Permits; Division 3, Residential Districts; to add a new Section 134-2336, Revocation of decal/permit, to read as follows:

“Sec. 134-2336. Revocation of decal/permit.

- (a) The Public Safety Director or his/her designee is authorized to revoke the residential parking area decal/permits of any decal/permit holder based upon evidence that the decal/permit holder has violated the provisions of this article. The holder shall be served notice by certified mail or hand delivery of the proposed revocation and, upon request, shall have an opportunity to present to the Town Council evidence as to why the decal/permit should not be revoked. The decal/permit holder must request such a hearing in writing and pay an appeal fee set by resolution of the town council within ten days after the notice of proposed revocation is delivered or mailed. If the Town Council finds in favor of the decal/permit holder, the appeal fee shall be refunded. The holder of revoked decal/permits must return the decal/permits to the Town Manager or his/her designee and shall not be allowed to reapply for another decal/permit for one year from the date of revocation.
- (b) Revocation under subsection (a) is in addition to any other available remedy provided by this Code for violations of this article.

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 9th day of April 2014, and for second and final reading on this 14th day of May 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member

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TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 14, 2014

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 7-2014 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County Florida, Amending Chapter 134, Zoning, At Section 134-2 By Creating Definitions For Attic And Veterinarian Office; Section 134-2 By Modifying The Definitions For Building, Height Of, (Applicable To Lots Or Portions Of Lots East Of The State Of Florida Coastal Construction Control Line (CCCL), Individual Business Sign, Habitable Space And Story; Section 134-172 By Creating A One Thousand Foot Property Owner Notice Requirement For Variances That Exceed The Maximum Density Allowed In The Zoning District But Do Not Exceed The Maximum Density Allowed By The Underlying Future Land Use Designation On A Property; Section 134-261 By Adding 1,000 Foot Property Owner Notice Requirement In the Appropriate Location For A Comprehensive Plan Amendment, Zoning Text Amendment Or Zoning Change That Increases The Allowable Density Or Intensity; Sections 134-1108, 134-1109, 134-1257 and 134-1259 By Allowing Veterinarian Office Uses In The C-TS And C-PC Zoning Districts As A Special Exception Use; Sections 134-1157, 134-1207 And 134-1302 By Prohibiting A Veterinarian Office Use In The C-WA, C-OPI And C-B Zoning Districts Zoning Districts; Sections 134-2436 And 134-2437 By Modifying The Individual Business Sign Regulations To Allow Said Signs On The Back of Buildings In Certain Situations; Section 134-2439 By Clarifying That An Individual Business Sign Is Allowed Only To Advertise The Legal Business Name And The Nature Of The Business; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

Presenter

John S. Page, Director of Planning, Zoning and Building

Supporting Documents

- [Ordinance No. 7-2014](#)

Ordinance No. 7-2014

An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County Florida, Amending Chapter 134, Zoning, At Section 134-2 By Creating Definitions For Attic And Veterinarian Office; Section 134-2 By Modifying The Definitions For Building, Height Of, (Applicable To Lots Or Portions Of Lots East Of The State Of Florida Coastal Construction Control Line (CCCL), Individual Business Sign, Habitable Space And Story; Section 134-172 By Creating A One Thousand Foot Property Owner Notice Requirement For Variances That Exceed The Maximum Density Allowed In The Zoning District But Do Not Exceed The Maximum Density Allowed By The Underlying Future Land Use Designation On A Property; Section 134-261 By Adding 1,000 Foot Property Owner Notice Requirement In the Appropriate Location For A Comprehensive Plan Amendment, Zoning Text Amendment Or Zoning Change That Increases The Allowable Density Or Intensity; Sections 134-1108, 134-1109, 134-1257 and 134-1259 By Allowing Veterinarian Office Uses In The C-TS And C-PC Zoning Districts As A Special Exception Use; Sections 134-1157, 134-1207 And 134-1302 By Prohibiting A Veterinarian Office Use In The C-WA, C-OPI And C-B Zoning Districts; Sections 134-2436 And 134-2437 By Modifying The Individual Business Sign Regulations To Allow Said Signs On The Back of Buildings In Certain Situations; Section 134-2439 By Clarifying That An Individual Business Sign Is Allowed Only To Advertise The Legal Business Name And The Nature Of The Business; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

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

WHEREAS, after public hearing pursuant to notice required by law, the Local Planning Agency considered all testimony and recommended that the Town Council adopt the subject Ordinance; and,

Whereas, after public hearing pursuant to notice as required by law, the Town Council does hereby find, determine, and declare that the public health, safety, morals and general welfare of the citizens of the Town of Palm Beach require that the aforesaid Chapter 134, Zoning, of the Code of Ordinances, be amended as hereinafter set forth.

Section 1. Amend ARTICLE I, IN GENERAL, Section 134-2, Definitions and rules of construction, to read as follows:

Sec. 134-2. Definitions and rules of construction:

Attic means non-habitable, unfinished space within the roof system of a building or structure with less than seven (7) feet of head room, access by only pull down, non-mechanical stairs and used only for storage, mechanical or machinery use.

...

Building, height of, (applicable to lots or portions of lots east of the State of Florida Coastal Construction Control Line (CCCL)) means the vertical distance from the point of measurement for height to the bottom of the top chord of the roof framing member where it intersects the plane of the outside face of the exterior wall for pitched roofs (excluding dormer windows in non-habitable space). For flat roofs the measurement is from the point of measurement for height to the point where the ceiling meets the exterior wall. The point of measurement for height in all zoning districts for buildings either east or partially east of the CCCL shall be the minimum bottom of grade beam elevation as

established by the Florida Building Code plus two feet, the highest crown of road in front of the lot, or the highest first floor elevation of an abutting principal building, whichever is highest, provided the following conditions are met:

- (1) The proposed principal building can be no closer to the bulkhead line than the average setback of the closest principal buildings on the north and south side of the subject lot, provided the required rear setback is met;
- (2) The proposed principal building can be no closer to the front property line than the average front setback of the closest principal buildings on the north and south side of the subject lot, provided the required front setback is met; and
- (3) The proposed building can be no taller than five feet above the average height of the principal buildings on the north and south side of the subject property provided the overall height does not exceed the maximum overall height allowed. For the purpose of constructing additions that do not exceed 800 square feet onto an existing structure on a lot, the point of measurement for height shall be the top of the lowest floor slab on the existing structure provided that said addition(s) meet the minimum requirements as established in the Florida Building Code for construction east or partially east of the CCCL.

...

Habitable space means space in or on a structure used or intended to be used for occupancy, for living, sleeping, lounging, eating, cooking or recreation. Finished or unfinished floors above the maximum number of stories allowed containing an elevator, permanent or mechanically operated stairs and seven feet or more of head room shall be considered habitable space. Closets, hallways, storage rooms, attics, machinery rooms, mechanical equipment rooms, utility space and similar areas shall not be considered habitable space.

...

Office, veterinarian means an establishment which provides medical and surgical care for animals, and may provide overnight facilities.

Sign, individual business means a flat wall-mounted identification sign permitted for each individually town-licensed business with street or parking lot frontage and having direct ground level walk-in access from a public or private roadway, ~~or~~ sidewalk, or parking lot in a commercially zoned district.

...

Story means that portion of a building, other than an attic, included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, the space between such floor and the ceiling next above it. Habitable space, open patios, accessible roof decks not used exclusively for mechanical equipment, observation decks and/or similar areas located above the first or second story shall be considered a story for the purpose of this definition.

Section 2. Amend ARTICLE II, ADMINISTRATION, Section 134-172, Hearing procedure, to read as follows:

Sec. 134-172. - Hearing procedure.

(a) Applications for special exceptions or variances shall be accompanied by proper exhibits which shall be timely filed and shall include plans, documents and other materials to adequately depict and support the request. At a minimum, all applications for a variance shall include a plot plan identifying the following information: Location of structure(s), lot size, setbacks, percent of lot coverage, percent landscaped open space (front yard and total lot), and finished topographical elevations. In addition, if historic/specimen trees are located on the subject property, a signed and sealed survey with all pertinent information including the location of historic/specimen trees is required and a detailed written explanation of how said trees shall be protected by barricading shall accompany said application. Upon receipt of the application for a special exception or variance, the procedures in this section shall be undertaken.

(b) The director of planning, zoning and building or designee shall examine all applications requesting rezoning, special exception uses, dimensional variances or other matters requiring a public hearing to determine if they meet the requirements of this chapter, and that the action or approval requested is properly allowable by the town council under this chapter and if so shall prepare a report setting forth his recommendations. If the director or designee determines the application fails to meet the provisions of this chapter, he may schedule a pre-application conference and request modifications as may be required to bring the application within the provisions of this chapter.

(c) After completion of subsection (b), a copy of such application shall be mailed to the owners of the property and the property immediately adjacent thereto and across the street therefrom and to all property owners within 300 feet from any part of the subject property at the address shown on the county property appraiser's tax records, together with a notice from the director or designee advising the time of the hearing on such application before the town council. If a variance is being requested that exceeds the maximum density allowed in the zoning district based on the maximum density allowed by the Future Land Use designation on the property, the notification distance shall increase to 1,000 feet. Such list of property owners, together with a notification map, shall be provided by the applicant along with addressed and properly stamped envelopes and shall be certified by the applicant as being true and accurate.

(d) The director or designee shall also cause to be published in a newspaper of general circulation in Palm Beach or West Palm Beach a brief summary of such application and the date of the hearing, directed "to all to whom it may concern"; such notice to be published on two separate days not less than seven days apart, the first to be at least ten days before the meeting of the town council to consider such application. The cost of such publication shall be borne by the applicant.

(e) No application shall be heard less than ten days after the first publication of the notice and 15 days after the mailing to property owners directly affected as provided in this section, and all applications will be heard at regular meetings of the town council unless otherwise ordered by the town council in accordance with sections 134-141, 134-142, 134-201 and 134-226.

(f) An initial deferral requests received by the town more than seven days prior to scheduled town council hearing date may be granted for one month only or the next succeeding regular town council meeting, if that should occur on a different date. Any deferred action request received seven days or less from the scheduled meeting date shall be made in person at the town council meeting at the time the action item appears on the agenda. The applicant must explain or justify the request, which the town council may approve or deny. A second request for deferral shall be made in person at the town

council meeting at the time the item appears on the agenda. The applicant must explain or justify the request, which the town council may approve or deny. A third request for deferral shall be denied unless the applicant can demonstrate to the town council that a compelling reason exists. Any deferral which is required due to a case being deferred by the architectural commission or landmark preservation commission shall be an exception to the regulation above. In no case shall a deferral exceed six months.

(g) An application request seeking substantially the same relief cannot be accepted for consideration after it has been denied by the town council until after 12 months have elapsed from the date of denial.

(h) The work or use authorized under an approved variance or special exception application must be commenced within 12 months from the date of the town council approval thereof, and if not so commenced the special exception or variance shall be null and void. Commencement shall be considered as either landmarks preservation commission or architectural commission application approval, whichever is appropriate, or the submission of a building permit application if said commission's approval is not required.

A building permit, if required, must be issued within one year of the date of commencement or said special exception or variance approval shall expire. In addition, all authorized work under the building permit for said approved special exception or variance must be completed within the time frame set forth in section 105.4.1.6. of the Florida Building Code as amended in section 18-242 of this Code or said special exception or variance shall expire.

(i) A request for a time extension from any of the requirements in subsection (h) may be granted or denied by the town council for just cause. Said time extension request shall be submitted in writing to the planning, zoning and building department at least one month prior to the expiration date or said special exception or variance approval shall expire.

Section 3. Amend **ARTICLE II, ADMINISTRATION, Section 134-261**, Town council actions; submission to planning and zoning commission for recommendations and report; to read as follows:.

Sec. 134-261. Town council actions; submission to planning and zoning commission for recommendations and report; hearings.

(a) The town council may from time to time on its own motion or on petition, signed by the fee simple property owner of the property involved or authorized designee, agent or representative of the owner by power of attorney filed with the director of the planning, zoning and building department or designee, amend, supplement, change, modify or repeal the regulations, restrictions or district boundaries established in this chapter.

(b) Any proposed amendment, supplement, change, modification or repeal shall first be submitted to the director of planning, zoning and building or his designee, who shall submit it to the planning and zoning commission for its recommendations and report. Upon the filing of the recommendations and report by the planning and zoning commission, the town council shall proceed to hold a public hearing in relation thereto, giving at least 15 days' notice of the time and place of such hearing in a newspaper having a general circulation in the town, and by posting the notice on the official bulletin board of the town hall. If a proposed comprehensive plan amendment, zoning text amendment or zoning change increases the allowable density or intensity, a notice identifying such amendments or changes shall be mailed to all property owners within 1,000 feet from any part of the subject property at the address shown on the county property appraiser's tax records, advising of the day and time of the hearing on such application before the town council. Said notice shall be mailed at least fifteen

days prior to the date for town council consideration of the proposed amendment(s) or zoning change(s).

(c) If an adverse report is given by the planning and zoning commission or if a protest against such proposed amendment, supplement, change, modification or repeal shall be presented in writing to the town clerk, duly signed and acknowledged by the owners of 20 percent or more, either of the area of the lots included in such proposed change or of those immediately adjacent in the area thereof extending 500 feet therefrom, such amendment shall not become effective except by the favorable vote of three-fifths of all the members of the town council. In the event of a tie vote, the mayor shall cast the deciding vote, which shall constitute the three-fifth's requirement of the town council stated herein.

(d) The planning and zoning commission shall hear applications to rezone property and/or to amend, supplement, change, modify or repeal any article, division or section of this chapter within 60 days of the application being deemed complete by the director of the planning, zoning and building department or designee. Any proposed amendment to change property from one zoning district to another zoning district shall require the favorable vote of at least four members of the town council. A public hearing on the application shall then be held by the town council after public notice of the hearing is given in accordance with law.

Section 4. Amend ARTICLE II, ADMINISTRATION, Section 134-2436, Town council actions; submission to planning and zoning commission for recommendations and report; to read as follows:

Sec. 134-2436. Building identification and business signs.

One building identification sign may be provided on the front of each wall of a building which fronts onto a street, provided the building identification sign is installed flat against such wall and does not exceed 20 square feet in area. Additionally, individual business signs which are installed flat against the street front, ~~or~~ street side wall or street rear wall of a building are permitted for each licensed business in a building in accordance with this division. In addition, if a ground floor licensed business's parking and main entrance is on the back or side of a building, said business shall be allowed one business identification sign installed flat against the face of the building's wall where the business is located. Said sign shall not exceed 15 feet in height nor situated above the first floor ceiling of the building, whichever is lower. A licensed business within a building arcade or via shall be allowed one hanging business identification sign within the arcade and perpendicular to the building. If the hanging sign is within a via said sign shall be mounted on the wall of the building fronting the via. A hanging business identification sign shall not be above the first floor of the building it is attached to, shall have a minimum of eight feet of clearance, and shall be calculated as part of the maximum business identification sign area allowed. In addition said hanging business identification sign shall have only the name of the business and shall require either architectural commission or landmark preservation commission approval, whichever is pertinent.

Section 5. Amend ARTICLE VI, DISTRICT REGULATIONS, Section 134-1108 in the C-TS Commercial Town-Serving District, to read as follows:

Sec. 134-1108. Permitted Uses.

Enumerated maximum gross leasable area. The permitted uses in the C-TS town-serving commercial district, with a maximum of 3,000 square feet gross leasable area (GLA), are as follows:

(2) Offices, executive office suites, professional services, business services, excluding veterinarian offices, and securities and financial brokerage and trust companies above the first floor,

Sec. 134-1109. Special exception uses.

(a) The special exception uses require a site plan and review as provided in article III of this chapter. The special exception uses in the C-TS commercial town-serving district are as follows:

...

(15) Veterinarian offices above the first floor.

Section 6. Amend ARTICLE VI, DISTRICT REGULATIONS, Section 134-1157 in the C-WA Commercial Worth Avenue District, to read as follows:

Sec. 134-1157. Permitted uses.

Enumerated maximum gross leasable area. The permitted uses in the C-WA Worth Avenue commercial district, with a maximum of 4,000 square feet gross leasable area (GLA), are as follows:

...

(28) Offices and professional and business services, including banks and financial institutions, and executive offices above the first floor, excluding veterinarian offices .

Section 7. Amend ARTICLE VI, DISTRICT REGULATIONS, Section 134-1207 in the C-OPI Office, Professional and Institutional District, to read as follows:

Sec. 134-1207. Permitted uses.

The permitted uses in the C-OPI office, professional and institutional district are as follows:

(1) Offices and professional and business services and executive offices, excluding veterinarian offices.

Section 8. Amend ARTICLE VI, DISTRICT REGULATIONS, Section 134-1257 and 134-1259 in the C-PC, Planned Center District to read as follows:

Sec. 134-1257. Permitted uses.

(a) The permitted uses in the C-PC planned center district are as follows:

...

c. Business and professional offices/services and executive office suites, excluding veterinarian offices.

Sec. 134-1259. Special exception uses.

(a) The special exception uses require a site plan and review as provided in article III of this chapter. The special exception uses in the C-PC planned center district are as follows:

...

(14) Veterinarian offices.

Section 9. Amend ARTICLE VI, DISTRICT REGULATIONS, Section 134-1302,\ in the C-B, Commercial District to read as follows:

Sec. 134-1302. Permitted Uses.

(b) The permitted uses in the C-B commercial district are as follows:

(1) Business and professional offices/services and executive office suites, excluding veterinarians.

Sec. 134-229. Requirements for granting.

The requirements for granting a special exception use under this chapter are as follows:

- (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.

Section 10. Amend ARTICLE XI, SIGNS, Section 134-2437, Size of sign; to read as follows:

Sec. 134-2437. Size of sign.

The gross surface area of all business signs on a building shall not exceed the following schedule:

Building Street Frontage, or Building first floor tenant main entrance and parking frontage Per Ground Floor Individual Business Sign Space (in feet)	Maximum Gross Surface Area for Business Signs (in feet)
Less than 18	10
18 and over	20

Note: This permitted gross surface sign area per individual business may be in the form of one sign or composed of a group of smaller signs that advertise any licensed individual business with the building, provided their aggregate area does not exceed that area contained in the schedule. The gross surface area of any signs on a building shall not, however, exceed 20 square feet. In addition, any hanging sign, as allowed in section 134-2436, shall not exceed two square feet in area.

Section 11. Amend ARTICLE XI, SIGNS, Section 134-2438, Size of sign; Permitted lettering, logos, to read as follows:

Sec. 134-2438. Permitted lettering, logos.

Signs permitted under this division shall consist of lettering which specifies only the name of the establishment as identified in the business tax receipt and State registration, a logo as provided for below and/or the nature of the business. Logos shall be allowed, provided that such logo will fit within a box no more than 12 inches square. Not more than one such logo shall be permitted on the street frontage of each business establishment, and the area of such logo shall be counted toward the maximum allowable gross area of sign.

Section 12. 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 13. 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 14. Codification.

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

Section 15. Effective Date.

This Ordinance shall take effect 31 days subsequent to its passage on second and final reading.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this ____ day of _____ 2014, and for second and final reading on this ____ day of _____ 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 14, 2014

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 8-2014 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 118 of the Town Code of Ordinances Relating to Traffic and Vehicles, at Article III, Parking, Stopping and Standing; Division 1, Generally; at Section 118-86, Regulation Generally; Tow-Away Zones, at Paragraph (a); Amending Section 118-92, Penalty for Violating Parking Regulations Generally; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

John C. Randolph, Town Attorney

Supporting Documents

- [Ordinance No. 8-2014](#)

ORDINANCE NO. 8-2014

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 118 OF THE TOWN CODE OF ORDINANCES RELATING TO TRAFFIC AND VEHICLES, AT ARTICLE III, PARKING, STOPPING AND STANDING; DIVISION 1, GENERALLY; AT SECTION 118-86, REGULATION GENERALLY; TOW-AWAY ZONES, AT PARAGRAPH (a); AMENDING SECTION 118-92, PENALTY FOR VIOLATING PARKING REGULATIONS GENERALLY; 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. Chapter 118 of the Town Code of Ordinances, titled Traffic and Vehicles, is hereby amended at Article III, Parking, Stopping and Standing, Division 1, Generally, by amending Section 118-86 at paragraph (a) to read as follows:

“Sec. 118-86. Regulation generally; tow-away zones.

(a) It shall be unlawful for any person to park on any street or other public thoroughfare within the town any automobile, motorcycle, bicycle, moped, wagon or other motor-driven or animal-driven vehicle except in the spaces designated by appropriate signs, markings or white lines, or under instructions of a police officer or parking enforcement officer. The Town Manager and Director of Public Safety are hereby vested with authority to cause such streets to be properly marked and identified so as to clearly indicate where such vehicles may be parked, by device, sign or other means whatsoever, provided that the same are uniform in design or designation throughout the town. The Town Manager and Director of Public Safety are further vested with the authority to fix the hours of permitted parking for any vehicle whether motor-driven or manually propelled, provided that the time limitations be clearly designated by signs uniform in design throughout the town. The parking of any vehicle, whether motor-driven or manually propelled in any zone or any street in excess of the time designated as aforesaid is hereby

declared to be unlawful. It shall be unlawful to relocate a vehicle temporarily from the same parking space unless the vehicle has left the parking space for an amount of time equal to or greater than the legal time limit for parking fixed for such parking space.

The remaining paragraphs (b), (c), (d) and (e) of Section 118-86 shall remain intact.

Section 2. Chapter 118 of the Town Code of Ordinances, titled Traffic and Vehicles, is hereby amended at Article III, Parking, Stopping and Standing, Division 1, Generally, by amending Section 118-92 to read as follows:

“Sec. 118-92. Penalty for violating parking regulations generally.

(a) It shall be unlawful for any person to violate any of the parking regulations referenced in this section.

- (1) Overtime parking.
- (2) Parking on wrong side of street.
- (3) Parking at yellow curb.
- (4) Blocking driveway, public or private.
- (5) Parking on sidewalk.
- (6) Trespassing by vehicle.
- (7) No parking (designated hours.
- (8) Parking too close to fire hydrant.
- (9) No parking anytime.
- (10) Double parking.
- (11) Obstructing traffic.
- (12) Parking in loading zone unless vehicle is commercially marked and being used for commercial loading or unloading..
- (13) Residential parking.
- (14) Vehicle parked across lines designating parking space.
- (15) Vehicle parked against the flow of traffic.
- (16) Parking at curbs designated in red.
- (17) Expired meter.
- (18) Official parking only.
- (19) Parking in crosswalk.
- (20) Parking in passenger loading zone.

- (21) Overtime parking in a designated parking zone (in addition to any other parking regulation violation noted at the time of fine issuance).
- (22) Parking in a loading zone posted as a residential loading zone unless said person is a resident of the area for which the loading zone is established.
- (23) Parking in a bus stop.

(b) The amount of the fines for the violation of parking regulations enumerated in subsection (a) above shall be established by resolution of the town council and may be amended from time to time by resolution of the town council.

(c) Any person cited for violation of any of the above whose vehicle remains parked in violation of this section for a period of two hours or more beyond the time of the initial citation, may be cited for each subsequent two-hour period or increment thereof during which the vehicle remains in violation beyond the time of the initial citation.

(d) All other parking violations shall be as prescribed by appropriate state statute or other town ordinance and resolution relating thereto, and the fine for same shall be as specified in the town ordinance or resolution unless otherwise specified by appropriate state statute.”

Section 3. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 5. Codification.

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

Section 6. 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 9th day of April 2014, and for second and final reading on this 14th day of May 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member

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TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 14, 2014

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 9-2014 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Rescinding Ordinance No. 5-2013 In Its Entirety; Providing An Effective Date.

Presenter

John S. Page, Director of Planning, Zoning and Building

Supporting Documents

- [Memorandum dated May 1, 2014, from John S. Page](#)
- [Ordinance No. 9-2014](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 14, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John S. Page, Director of Planning, Zoning and Building

Re: Rescinding of PUD-5 Comprehensive Plan Amendment (Ordinance No. 9-2014)

Date: May 1, 2014

STAFF RECOMMENDATION

Staff recommends that the Town Council, sitting as both the Local Planning Agency (LPA) and as Town Council, approve Ordinance No. 9-2014 on first reading.

GENERAL INFORMATION

On November 13, 2013 the Town Council adopted Ordinance No. 5-2013 for the primary purpose of amending the Town's Comprehensive Plan to provide for a PUD-5 in the Town's Zoning Code. Subsequent to the adoption of Ordinance No. 5-2013, the electors of the Town, at a referendum election held on Tuesday, March 25, 2014, disapproved of PUD-5 zoning changes. Ordinance No. 5-2013 is now therefore, contrary to the vote of the electorate, and must be rescinded.

COMPREHENSIVE PLAN

The adoption of Ordinance No. 9-2014 rescinds the recent PUD-5 Comprehensive Plan changes, thus reverting the Comprehensive Plan to its precondition. First reading, if approved, must be transmitted to the State of Florida for comment and approval. Once completed, a second reading will be scheduled.

TOWN ATTORNEY REVIEW

The Town Attorney has reviewed Ordinance No. 9-2014 for legal form and sufficiency.

Attachment

JP:jl

ORDINANCE NO. 9-2014

**AN ORDINANCE OF THE TOWN COUNCIL OF THE
TOWN OF PALM BEACH, PALM BEACH COUNTY,
FLORIDA, RESCINDING ORDINANCE NO. 5-2013 IN ITS
ENTIRETY; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Ordinance No. 5-2013 was adopted for the primary purpose of amending the Town's Comprehensive Plan so as to provide for a PUD-5 in the Town's Zoning Code as referenced in proposed Ordinance No. 6-2013; and

WHEREAS, the electors of the Town, at a referendum election held on Tuesday, March 25, 2014, failed to approve Ordinance No. 6-2013 which had been placed on referendum; and

WHEREAS, as a result of said election, Ordinance No. 6-2013 is deemed repealed; and

WHEREAS, as a result said repeal, Ordinance No. 5-2013 is no longer necessary and the provisions contained therein relating to the PUD-5 would be contrary to the vote of the electorate taken in the referendum election on March 25, 2014.

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

Section 1. Ordinance No. 5-2013 is hereby rescinded in its entirety.

Section 2. 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 14th day of May, 2014, and for second and final reading on this _____ day of _____, 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member