



TOWN OF PALM BEACH

Town Manager's Office

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

APRIL 15, 2015

9:45 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
Michael J. Pucillo, President
Richard M. Kleid, President Pro Tem
Danielle H. Moore
Penelope D. Townsend
Robert N. Wildrick

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. Time Extensions and Waivers

1. Request for One Year Time Extension, Special Exception No. 7-2014 with Site Plan Review and Variance
8 Golfview Road

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

B. Variances, Special Exceptions, and Site Plan Reviews

1. New Business

- a. **SPECIAL EXCEPTION #10-2015 WITH SITE PLAN REVIEW AND VARIANCE** The application of Eric Stein, Manager; relative to property commonly known as **285 Colonial Lane**, described as Lot 35 and the East 50 feet of Lot 36, El Encanto Plat No. 2, according to the plat thereof, recorded in Plat Book 13, Page 14, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The Applicant is requesting Special Exception with Site Plan Review approval to continue demolition and reconstruction of a one story house into a two story house which has exceeded the maximum demolition of more than 50% by cubic footage. The Special Exception with Site Plan Review is required because the house is located on a portion of platted lots that are 84 feet in depth in lieu of the 100 foot minimum required. The request is to allow more demolition of the south first floor wall and roof trusses (which are in disrepair due to termite damage) to accommodate the second floor dormer windows which were previously approved. The following variance is being requested to build back the garage in the same location with a second floor addition: to allow an angle of vision for the house to be 122 degrees (to match existing garage prior to demolition) in lieu of the 116 degree maximum allowed for a lot with a width of 150 feet. [Attorney: Maura Ziska, Esq.]

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

- b. **SPECIAL EXCEPTION #11-2015 WITH VARIANCE** The application of Bricktop's Palm Beach (Joe Ledbetter, Owner); relative to properties commonly known as **375 South County Road and 330 Peruvian Avenue**, described as lengthy legal descriptions on file; located in the C-TS Zoning District. The Applicant is requesting Special Exception to modify a previously approved special exception and condition of approval to allow for the off-site required parking of twenty two (22) vehicles to be located at 330 Peruvian Avenue in lieu of the Apollo Parking lot which will require the following variance request: Request for a variance to allow the off-site required parking lot to be 1,185 feet as measured along the nearest public or permanent private pedestrian walkway in lieu of the 500 maximum distance. [Attorney: Maura Ziska, Esq.]

(ii) BrickTop's Restaurant Operations: Six Month Review, Special Exception #21-2012, 375 South County Road
Deferred from the June 11, 2014, September 10, 2014, October 15, 2014, December 10, 2014, and January 14, 2015, Town Council Meetings

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

- c. **VARIANCE #8-2015** The application of William H. Sned, III, Manager of 240 Atlantic Ave LLC; relative to property commonly known as **240 Atlantic Avenue**, described as Lots 21 and 22, ORANGE GROVE PARK, according to the Plat thereof, as recorded in Plat Book 5, Page 97, of the Public Records of Palm Beach County, Florida; located in the R-C Zoning District. The Applicant is requesting variances to allow construction of a new 3,140 square foot two story residence on a lot with a width of 50 feet in lieu of the 75 foot minimum required and a lot area of 5,000 sq. ft. in lieu of the 10,000 sq. ft. minimum required in the R-C Zoning District; to allow lot coverage to be 32.8% in lieu of the 30% maximum allowed; and, to allow a swimming pool to have a 6.87 foot rear yard setback in lieu of the 10 foot minimum required. [Attorney: Maura Ziska, Esq.]

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

- d. **VARIANCE #9-2015** The application of Meat Market; relative to property commonly known as **191 Bradley Place**, described as Lot 19, Block 4, OCEAN PARK H.W. ROBBINS ADDITION TO PALM BEACH, FLORIDA, according to the Plat thereof, as recorded in Plat Book 6, Page 78, of the Public Records of Palm Beach County, Florida; located in the C-TS Zoning District. The Applicant is requesting a variance to allow the air conditioning equipment on the rooftop of the existing restaurant "Meat Market" to have a sound-screening wall to be 7 feet tall in lieu of the 5 foot maximum allowed. [Attorney: Maura Ziska, Esq.]

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

VIII. ORDINANCES

A. Second Reading

1. **ORDINANCE NO. 5-2015** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134 Of The Town Code Of Ordinances Titled Zoning At Article XI, Signs, Division 2, Residential Districts, Section 134-2409, Temporary Political Signs Pertaining To Specific Elections, At Subparagraph (2) Relating To Maximum Number Of Signs, At Subparagraph (6) Relating To The Time Limit For Placement Of Signs, And At Subparagraph (7) Relating To Illegally Placed Signs; Amending Chapter 134, Article XI, Signs, Divisions 3, Commercial Districts, Section 134-2444, Titled Temporary Signs Pertaining To Time Limits; Amending Section 134-2446 Titled Temporary Political Signs Pertaining To Specific Election At Subparagraph (2) Relating To Maximum Number Of Signs, At Subparagraph (6) Relating To The Time Limit For Placement Of Signs, And At Subparagraph (7) Relating To Illegally Placed Signs; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For

Codification; Providing An Effective Date.

John C. Randolph, Town Attorney

B. First Reading

1. **ORDINANCE NO. 13-2015** 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 VI, District Regulations, Section 134-1107(a) To Allow Public Parks As A Permitted Use In The C-TS Commercial Zoning District; Section 134-1109(a) To Allow Private Parks As A Special Exception Use In The C-TS Commercial Zoning District; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date. Page 18

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.

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: April 15, 2015

Section of Agenda

Time Extensions

Agenda Title

Request for One Year Time Extension, Special Exception No. 7-2014
with Site Plan Review and Variance
8 Golfview Road

Presenter

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

Supporting Documents

- [Memorandum Dated March 30, 2015 from John S. Page, Director of Planning, Zoning and Building](#)
- [Letter dated March 23, 2015 from Maura Ziska](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 15, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Request for One Year Time Extension, Special Exception No. 7-2014 with Site Plan Review and Variance.

Date: March 30, 2015

STAFF RECOMMENDATION

Staff recommends that the Town Council approve a one year time extension of Special Exception #7-2014 with Site Plan Review and Variance in order to provide the applicant time to submit a building permit application.

GENERAL INFORMATION

On May 28, 2014, the property owner was granted Special Exception with Site Plan Review and Variance to construct 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. In addition, a variance was also granted to allow 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. The property owner has one year from commencing the project (in this case Architectural Commission approval) to obtain a building permit to build the residence.

On May 28, 2014, the property owner received Architectural Commission (ARCOM) approval of the project. The property owner has until May 28, 2014, to obtain a building permit or the zoning approval will expire.

The applicant's attorney, Maura Ziska, has submitted the attached letter requesting a one year time extension due to a health and back injury the property owner incurred that prevented her from traveling and meeting with her professionals to move the project forward. If Council concurs with the medical delay, Staff recommends that the property owner be provided with the requested one year time extension to obtain a building permit and begin construction of the house. If so approved, the zoning application approval will remain valid until May 28, 2016.

Attachment

cc: Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney
Veronica B. Close, Asst. Director, Planning, Zoning & Building
Susan Owens, Town Clerk
Paul W. Castro, AICP, Zoning Administrator
pf & zf

KOCHMAN & ZISKA PLC

Ronald S. Kochman*

Maura A. Ziska

Marvin S. Rosen, *Counsel* •

*Also admitted in New York

• Also admitted in Michigan

Esperanté

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

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

VIA EMAIL

March 23, 2015

John Page, Director of Planning, Zoning & Building
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

**Re: 8 Golfview Road, Palm Beach, Florida
Special Exception # 7-2014 with Site Plan Review and Variances**

Dear Mr. Page:

On May 14, 2014, Town Council granted a the above referenced zoning application to allow the property owner to construct a new two story residence on a non-conforming lot and with a building height plane variance in excess of what is allowed under the Code. The project approval will expire on May 14, 2015. Due to the health and serious back injury of the property owner, she has been unable to travel and meet with her professionals to move the project forward. On behalf of the property owner, I am requesting a one year extension of the project approval until May 14, 2016. Please place this matter on the next Town Council Agenda so I may request the extension. Please let me know if you require any additional information.

Thank you for your attention to this matter.

Sincerely,



Maura Ziska

cc: Paul Castro
Gerard Beekman
client

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 15, 2015

Section of Agenda

Development Review - New Business

Agenda Title

VARIANCE #8-2015 The application of William H. Sned, III, Manager of 240 Atlantic Ave LLC; relative to property commonly known as **240 Atlantic Avenue**, described as Lots 21 and 22, ORANGE GROVE PARK, according to the Plat thereof, as recorded in Plat Book 5, Page 97, of the Public Records of Palm Beach County, Florida; located in the R-C Zoning District. The Applicant is requesting variances to allow construction of a new 3,140 square foot two story residence on a lot with a width of 50 feet in lieu of the 75 foot minimum required and a lot area of 5,000 sq. ft. in lieu of the 10,000 sq. ft. minimum required in the R-C Zoning District; to allow lot coverage to be 32.8% in lieu of the 30% maximum allowed; and, to allow a swimming pool to have a 6.87 foot rear yard setback in lieu of the 10 foot minimum required. [Attorney: Maura Ziska, Esq.]

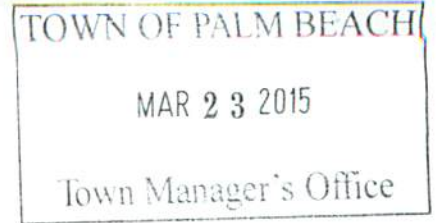
Presenter

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

Supporting Documents

- [Letter Dated March 18, 2015, from G. Ben Turnipseed](#)

G. Ben Turnipseed
251 Atlantic Avenue
Palm Beach, Florida 33480



March 18, 2015

Mayor Gail Coniglio
Town Council
Town of Palm Beach
P.O. Box 2029
Palm Beach, Florida 33480

Re: 240 Atlantic Avenue

Dear Mayor Coniglio:

The property located at 240 Atlantic Avenue is scheduled to be reviewed by the Town Architectural Commission March 25, 2015 and will be heard at the Town Council Meeting April 15, 2015.

As the owner and resident of 251 Atlantic Avenue, I support the proposed plan for demolition of the existing house and constructing a new residence.

My request is to postpone the schedule for start of the project until at least April 2016. At the present, there are two new homes under construction and four major renovations underway in the 200 block of Atlantic Avenue. This has created a terrible nuisance and major traffic and parking issues for our block. By April 2016, three of the renovations and one of the new homes should be complete.

Thank you for your consideration.

Yours truly,


G. Ben Turnipseed
404-632-4400

GBT:kb

cc: Mr. John S. Page, Director of Planning, Zoning and Building
Town of Palm Beach

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 15, 2015

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 5-2015 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134 Of The Town Code Of Ordinances Titled Zoning At Article XI, Signs, Division 2, Residential Districts, Section 134-2409, Temporary Political Signs Pertaining To Specific Elections, At Subparagraph (2) Relating To Maximum Number Of Signs, At Subparagraph (6) Relating To The Time Limit For Placement Of Signs, And At Subparagraph (7) Relating To Illegally Placed Signs; Amending Chapter 134, Article XI, Signs, Divisions 3, Commercial Districts, Section 134-2444, Titled Temporary Signs Pertaining To Time Limits; Amending Section 134-2446 Titled Temporary Political Signs Pertaining To Specific Election At Subparagraph (2) Relating To Maximum Number Of Signs, At Subparagraph (6) Relating To The Time Limit For Placement Of Signs, And At Subparagraph (7) Relating To Illegally Placed Signs; 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. 5-2015](#)

ORDINANCE NO. 5-2015

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134 OF THE TOWN CODE OF ORDINANCES TITLED ZONING AT ARTICLE XI, SIGNS, DIVISION 2, RESIDENTIAL DISTRICTS, SECTION 134-2409, TEMPORARY POLITICAL SIGNS PERTAINING TO SPECIFIC ELECTIONS, AT SUBPARAGRAPH (2) RELATING TO MAXIMUM NUMBER OF SIGNS, AT SUBPARAGRAPH (6) RELATING TO THE TIME LIMIT FOR PLACEMENT OF SIGNS, AND AT SUBPARAGRAPH (7) RELATING TO ILLEGALLY PLACED SIGNS; AMENDING CHAPTER 134, ARTICLE XI, SIGNS, DIVISIONS 3, COMMERCIAL DISTRICTS, SECTION 134-2444, TITLED TEMPORARY SIGNS PERTAINING TO TIME LIMITS; AMENDING SECTION 134-2446 TITLED TEMPORARY POLITICAL SIGNS PERTAINING TO SPECIFIC ELECTION AT SUBPARAGRAPH (2) RELATING TO MAXIMUM NUMBER OF SIGNS, AT SUBPARAGRAPH (6) RELATING TO THE TIME LIMIT FOR PLACEMENT OF SIGNS, AND AT SUBPARAGRAPH (7) RELATING TO ILLEGALLY PLACED SIGNS; 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 134 titled Zoning of the Town Code of Ordinances is hereby amended at Article XI, Signs; Division 2, Residential Districts; Section 134-2409 to read as follows:

“Sec. 134-2409. Temporary political signs pertaining to specific elections.

Political signs urging the election or opposition of any candidate seeking any political office or urging the passage or defeat of any ballot measure are permitted subject to the following restrictions:

- (1) *Maximum size:* No sign shall exceed a maximum of four square feet in area.

- (2) *Maximum number:* Not more than one sign per candidate or ballot measure shall be placed upon any property.
- (3) *Location:* Only on lots where the property owner has given permission. The placing of temporary political signs anywhere on public property is prohibited. Temporary political signs located on public property shall be deemed to be public property and shall be summarily removed by the town.
- (4) *Minimum setbacks:* From lot line of another: Ten feet. From the front property line or from a street: Five feet.
- (5) *Maximum height:* Four feet, including supports for the sign.
- (6) *Time limit:* Signs permitted pursuant to this section shall not be placed prior to 30 days of the election to which they are related and shall be removed within 48 hours after the day of the final election to which they apply. In the case where there is a primary election, signs shall be allowed 30 days prior to the primary election. This time limit also applies to candidates who do not have an opponent in the primary. Signs may continue to be displayed between the primary election and the final election.
- (7) *Illegally placed:* Temporary political signs shall be removed by the owner or individual responsible for the illegal placement. In the event of failure to do so, the signs may be removed by the Town."

Section 2. Chapter 134 titled Zoning of the Town Code of Ordinances is hereby amended at Article XI, Signs; Division 3, Commercial Districts; Section 134-2444 to read as follows:

“Sec. 134-2444. Temporary signs.

In addition to other sections of this division, one temporary display sign not to exceed two square feet in area for each 18 linear feet of building frontage for each licensed business to advertise a special event shall be permitted, during the period from April 1 to October 31. No such temporary sign may be affixed to windows or doors. Such signs may not be erected earlier than 15 days prior to the special event to which they are related and must be taken down within 24 hours after such event.”

Section 3. Chapter 134 titled Zoning of the Town Code of Ordinances is hereby amended at Article XI, Signs; Division 3, Commercial Districts; Section 134-2446 to read as follows:

“Sec. 134-2446. Temporary political signs pertaining to specific elections.

Political signs urging the election or opposition of any candidate seeking any political office or urging the passage or defeat of any ballot measure are permitted subject to the following restrictions:

- (1) *Maximum size:* No sign shall exceed a maximum of four square feet in area.
- (2) *Maximum number:* Not more than one sign per candidate or ballot measure shall be placed upon any property.
- (3) *Location:* Only on lots where the property owner has given permission. The placing of temporary political signs anywhere on public property is prohibited. Temporary political signs located on public property shall be deemed to be public property and shall be summarily removed by the town.
- (4) *Minimum setbacks:* From lot line of another: Ten feet. From the front property line or from a street: Five feet.
- (5) *Maximum height:* Four feet, including supports for the sign.
- (6) *Time limit:* Signs permitted pursuant to this section shall not be placed prior to 30 days of the election to which they are related and shall be removed within 48 hours after the day of

the election to which they apply. In the case where there is a primary election, signs shall be allowed 30 days prior to the primary election. This time limit also applies to candidates who do not have an opponent in the primary. Signs may continue to be displayed between the primary election and the final election.

- (7) *Illegally placed:* Temporary political signs shall be removed by the owner or individual responsible for the illegal placement. In the event of failure to do so, the signs may be removed by the Town.”

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 5. 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 6. Codification.

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

Section 7. Effective Date.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this _____ day of March, 2015, and for second and final reading on this _____ day of April, 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 15, 2015

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 13-2015 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 VI, District Regulations, Section 134-1107(a) To Allow Public Parks As A Permitted Use In The C-TS Commercial Zoning District; Section 134-1109(a) To Allow Private Parks As A Special Exception Use In The C-TS Commercial Zoning District; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Presenter

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

Supporting Documents

- [Memorandum dated March 27, 2015 from John S. Page](#)
- [Ordinance No. 13-2015](#)

TOWN OF PALM BEACH

Information for Local Planning Agency and Town Council Meeting on:
April 15, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Proposed Modifications and Changes to Chapter 134, Zoning, allows public parks as a permitted use and private parks as a special exception use in the C-TS commercial zoning district

Ordinance No.13-2015

Date: March 27, 2015

STAFF RECOMMENDATION

Staff recommends that the Local Planning Agency (LPA) consider Ordinance No. 13-2015, amending the Zoning Ordinance relative to allowing public parks as a permitted use and private parks as a special exception use in the C-TS commercial zoning district. The LPA should then make a recommendation on the proposed Ordinance to the Town Council for its consideration on first reading.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its March 17, 2015 meeting, recommended approval of proposed Zoning Code modifications now incorporated into the attached Ordinance No. 13-2015. The proposed Ordinance allows public parks as a permitted use and private parks as a special exception use in the C-TS commercial zoning district.

GENERAL INFORMATION

There are currently two private parks (Pans Garden and Earl T. Smith Park) and two public parks (Memorial Fountain Park and Kreusler Park) in the C-TS zoning district. Those parks are non-conforming uses and Staff has been directed by the Town Council to draft an ordinance which would allow those park uses within the District where they already exist. The proposed Ordinance allows municipally owned and operated parks and the County park as a permitted use, and private parks as a special exception use in the C-TS district. This proposal will make the zoning for the existing park uses conforming with the underlying zoning classification of the properties. Any proposed structures or buildings within all parks would only be allowed by special exception with site plan review approval by the Town Council.

The proposed changes in attached Ordinance No. 13-2015 are in add/delete format. If you have any questions about any of the attached information, please contact Paul Castro, Zoning Administrator, at 227-6406.

TOWN ATTORNEY REVIEW

Ordinance No. 13-2015 was approved by Town Attorney John C. Randolph for legal form and sufficiency.

Attachment

PBE:jsp:pc

cc: Planning and Zoning Commission
Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney
Veronica B. Close, AICP, Asst. Director, Planning, Zoning and Building Department
Paul W. Castro, AICP, Zoning Administrator
John Lingdren, AICP, Planning Administrator
zf

ORDINANCE NO. 13-2015

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 VI, DISTRICT REGULATIONS, SECTION 134-1107(a) TO ALLOW PUBLIC PARKS AS A PERMITTED USE IN THE C-TS COMMERCIAL ZONING DISTRICT; SECTION 134-1109(a) TO ALLOW PRIVATE PARKS AS A SPECIAL EXCEPTION USE IN THE C-TS COMMERCIAL ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, after a public hearing pursuant to notice required by law, the Planning and Zoning Commission considered all testimony and recommended the following changes to the Code of Ordinances;

WHEREAS, after public hearing pursuant to notice required by law, the Local Planning Agency considered the Planning and Zoning Commission's recommendation and 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.

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

Section 1. Amend Article VI, DISTRICT REGULATIONS, Section 134-1107, Permitted uses, (a) Enumeration maximum gross leasable area, to read as follows:

Sec. 134-1107. Permitted uses.

(a) *Enumeration; 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:

- (1) Retail and service establishments, such as restaurants, excluding formula restaurants as defined in section 134-2 and bars/lounges, hardware stores, food stores, clothing stores, drugstores, barbershops beauty salons and jewelry stores.
- (2) Offices, executive office suites, professional services, business services and securities and financial brokerage and trust companies located above the first floor.

- (3) Offices, professional services, business services and securities and financial brokerage and trust companies in the 200 block of Peruvian Avenue and Bradley Place.
- (4) Nonprofit cultural centers.
- (5) Professional and studio type schools.
- (6) Essential services.
- (7) Public parks.

Section 2. Amend Article V I, DISTRICT REGULATIONS, Section 134-1109, Special exception uses to read as follows:

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 town-serving commercial district are as follows:

- (1) Public or private parking lots or storage garages.
 - (2) Auto rental lots.
 - (3) Residential tenancy above the first floor.
 - (4) Private social, swimming, golf, tennis and yacht clubs.
 - (5) Service stations.
 - (6) Public structures.
 - (7) Supplemental parking.
 - (8) Public or private academic schools.
 - (9) Drive-in business service facilities.
 - (10) Churches, synagogues or other houses of worship.
 - (11) Any commercial establishment with greater than 3,000 square feet of gross leasable area, provided the town council has found as a fact, that the proposed use is town serving.
 - (12) Banks and financial institutions, excluding securities or financial brokerage and trust companies.
 - (13) Roof-deck automobile parking.
 - (14) Outdoor seating in conjunction with permitted restaurants where administrative approval is not being requested. See section 134-1111 for additional conditions.
 - ~~(15) Reserved.~~ Private parks.
 - (16) Museums occupying building of unique value as designated historical landmarks, as determined by the landmarks preservation commission and the town council.
 - (17) Nightclubs.
 - (18) Except as provided for in subsection 134-1107(3), offices (excluding executive office suites), professional services, business services and securities or financial brokerage and trust companies on the first floor provided that there are at least 50 percent existing office uses on all floors of the building in which the office use is proposed and more than 50 percent existing office uses on the first floor within 300 feet of the proposed office use within the same zoning district.
- (b) An owner or tenant of a property, located within the C-TS district, which property has received approval of a special exception after March 31, 1980, shall be required to obtain approval by the town council under the provisions of section 134-229 prior to being granted

a new business tax receipt. This subsection shall not apply to renewal of an existing business tax receipt.

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 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 _____ 2015, and for second and final reading on this ____ day of _____ 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member