

TENTATIVE:
SUBJECT TO
REVISION



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 11, 2018

9:30 AM

Welcome!

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

I. CALL TO ORDER AND ROLL CALL

Mayor Gail L. Coniglio
Danielle H. Moore, President
Margaret A. Zeidman, President Pro Tem
Julie Araskog
Lew Crampton
Bobbie Lindsay

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. ARCOM Appeal
446 North Lake Way
Case # 054-2017

Page 13

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **SITE PLAN REVIEW #1-2017** The application of 235 Via V PB LLC (Stuart Kapp, Manager); relative to property commonly known as **235 Via Vizcaya.**, described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a site plan review to allow the construction of a 7,444 square foot two-story, single family residence on a non-conforming platted lot which is 15,344 square feet in area in lieu of the 20,000 square foot minimum area required; 47.25 in width in lieu of the 125 foot minimum required; and 97.58 feet in depth in lieu of the 150 foot minimum required. [Attorney: Frank Lynch, Esq.] [The Architectural Commission conditionally approved a portion of the project but deferred a portion of the project for one month to the April 25, 2018 meeting. Carried 7-0]

Page 26

- b. **VARIANCE #21-2017** The application of Vera Alfieri Monforte; relative to property commonly known as **218 Miraflores Dr.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to construct a 1,230 square foot second story addition on the west side of the one story residence that will create two bedrooms, a gym and two bathrooms. The following variances are being requested: 1) lot coverage of 33.7% in lieu of the 30% maximum allowed for a two story residence, 2) a west side yard setback of 13 feet in lieu of the 15 foot minimum required, 3) a rear yard setback of 13.91 feet in lieu of the 15 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project at the February 28, 2018 meeting. Carried 6-1.]

Page 27

- c. **Z-17-00042 SITE PLAN REVIEW WITH VARIANCE(S)** Zoning District: R-A Estate Residential. The application of OCEAN VILLA HOLDINGS LLC, Owner, relative to property located at **1700 S OCEAN BLVD**, legal description on file, is described below. Site Plan Review to allow construction of a new 8,917 square foot two-story residence on a non-conforming

Page 28

platted lot which is 15,005 square feet in area in lieu of the 20,000 square foot minimum required in the R-A Zoning District and 100 feet in depth in lieu of the 150 foot minimum depth required in the R-A Zoning District. The following variance is being requested in conjunction with this application: 1) A request to have a building height plane setback of 53 feet in lieu of the 59 foot minimum setback required. 2) A request to allow the existing 3-4 foot wall to remain as screening for the proposed swimming pool in lieu of the 6 foot minimum height required when a swimming pool is located in the street side yard. 3) A request to eliminate the requirement to have a 6 foot tall hedge on the outside of the required wall.

[Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0. The Architectural Commission approved the project at the March 28, 2018 meeting. Carried 7-0.]

- d. **Z-17-00047 VARIANCE(S)** Zoning District: R-B Low Density Residential. The application of MANOOGIAN ARMEN A TRUST, Owner, relative to property located at **224 S OCEAN BLVD**, legal description on file, is described below. Construction of three dormers on existing third story. 1. Sec. 134-893 (b)(10)b To allow a building height of +37'-7 1/2" in lieu of the 22'-0" maximum allowable. 2. Sec. 134-893 (b)(10)c 134-2: To allow an overall building height of 42'-1 3/4" in lieu of the 30'-0" maximum allowable. 3. Sec. 134-2 Definitions Building, height of (applicable only in the R-B districts) To allow dormer windows in a non-habitable third story space which is not permitted by Code. [Applicant's Representative: Jose Gonzalez, Architect] [The Architectural Commission denied this project at the January 24, 2017 meeting. Carried 7-0.]

Page 33

- e. **Z-17-00059 MODIFIED SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** The application of REGALBUTO JASON, Owner, relative to property located at **160 SEABREEZE AVE**, legal description on file, is described below. Special Exception with Site Plan Review to allow the construction of a new 3,629.46 square foot two story single family residence on a lot that is 62.5 feet in width in lieu of the 100 foot minimum required and 7,656.25 square feet in area in lieu of the 10,000 square foot minimum required in the R B Zoning District. The applicant is also planning to enclose an existing staircase in the guest house garage located in the rear of the property. The following variances are being requested in conjunction with this application: 1) A cubic content ratio ("CCR") of 5.74 in lieu of the 4.235 maximum allowed in the R-B Zoning District for a lot that is 7,656.25 feet in area. 2) a lot coverage of 32.41 % in lieu of the 30 % maximum allowed in the R-B Zoning District for a two story residence. 3) an east side

Page 38

yard setback of 6.2 feet in lieu of the 15 foot minimum required for a two story residence. 4) a west side yard setback of 11.5 feet in lieu of the 15 foot minimum required for a two story residence. 5) an east side yard setback of 7.5 feet in lieu of the 12.5 minimum required for the one story covered terrace. 6) a landscaped open space of 42.6% in lieu of the 45% minimum required in the R B Zoning District. [Applicant's Representative Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed special exception, site plan review and variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project at the January 24, 2018 meeting. Carried 5-2.]

f. **Z-17-00066 MODIFIED SITE PLAN REVIEW**

Page 43

Zoning District: C-TS Town-Serving Commercial The application of VIA 313 1/2 WORTH AVENUE LTD, Owner, relative to property located at **313 1/2 WORTH AVE SUITE: SITE**, legal description on file, is described below. 1. Request for special exception approval to allow a two (2) story trellis. 2. Request site plan review to modify the Via Bice as follows: a. new mosaic pavers in the Via; b. New 2,240 square foot 2 story trellis with retractable awning above; c. New landscaping and lighting; d. New stone entry with awning on Peruvian Avenue; e. Removal of existing canvas awnings f. New 37.5 square foot addition to existing bay window. [Applicant's Representative: Maura Ziska Esq] [The Architectural Commission generally thought the redesign was a positive step forward in the right direction. Some of the topics debated by the Commissioners were the following: 1) Whether the front facing façade was too modern, 2) Whether the pergolas took away from the Via, 3) Whether the tile pattern on the floor was the correct design, 4) Whether the retractable awnings were appropriate, 5) The height of the pergolas. They all agreed that accessibility at the entrance was necessary. The Architectural Commission deferred the project to the April 25, 2018 meeting. Carried 7-0.]

g. **Z-18-00068 SITE PLAN REVIEW WITH VARIANCE(S)** Zoning

Page 47

District: R B Low Density Residential The application of 1280 NORTH LAKE WAY LLC, Owner, relative to property located at **1280 N LAKE WAY**, legal description on file, is described below. 1. Site Plan Review to allow the construction of a 7,431 square foot two story, single family residence on a non conforming platted lot which is 87.95 feet in width in lieu of the 100 foot minimum width required in the R B Zoning District. 2. A variance request to allow the two story residence with a point of measurement of 8.5 feet North American Vertical Datum ("NAVD") for cubic content ratio ("CCR") in lieu of the 7.4 foot NAVD required when determining cubic content ratio on lots abutting the Lake Trail. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the

subject property. Carried 6-1. The Architectural Commission approved this project at the March 28, 2018 meeting. Carried 4-3.]

- h. **Z-18-00071 MODIFIED SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: B-A Beach Area The application of TRAVERSE NORMAN &, Owner, relative to property located at **1744 S OCEAN BLVD**, legal description on file, is described below. 1. Request a special exception to permit the construction of a +/- 75 foot tunnel for pedestrian access under South Ocean Boulevard to connect the house to the beach parcel on the east side of the road. Also proposed is a walkover and landing. The application proposes to close one lane of traffic at one time to construct the tunnel. 2. A variance to allow the tunnel and associated stairs to have a setback of 47.25 feet from the designated Ocean Bulkhead Line established in Chapter 62 in lieu of the 150 foot minimum setback required. [Applicant's Representative: Maura Ziska Esq] Page 52
- i. **Z-18-00072 SITE PLAN REVIEW WITH VARIANCE(S)** Zoning District: R A Estate Residential The application of SHADOWBROOK LAND TRUST &, Owner, relative to property located at **110 VIA VIZCAYA**, legal description on file, is described below. Site Plan Review to allow the construction of a 5,084 square foot two story, single family residence on a non conforming lot which is 100 feet in width in lieu of the 125 foot minimum width required; 100 feet in depth in lieu of the 150 foot minimum required and 10,000 square feet in area in lieu of the 20,000 square foot minimum required in the R A Zoning District. The following variances are being requested in conjunction with this application: 1. A variance request to have a building height plane setback of 30 feet in lieu of the 45.81 foot setback required for a building that is 22' feet 6 5/8" inches tall. 2. A variance for lot coverage to be 28% in lieu of the 25% maximum allowed in the R A Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0. The Architectural Commission approved this project at the March 28, 2018 meeting. Carried 7-0.] Page 57

2. New Business

- a. **Z-18-00074 VARIANCE(S)** The application of 17 GOLFVIEW ROAD LLC, Owner, relative to property located at **17 GOLFVIEW RD**, legal description on file, is described below. The applicant is proposing to construct a 224 square foot pool cabana and a 175 square foot awning in the rear of the property that will require the following variances: 1. Landscaped open space of 46% in lieu of the 48.7% existing and the 50% minimum required in the R A Zoning District. 2. Lot coverage of 31% in lieu Page 61

of the 29.10% existing and the 25% maximum allowed in the R A Zoning District. 3. Rear yard setback of 8.83 feet in lieu of the 10 foot minimum required for an unenclosed accessory structure in the R A Zoning District. [Applicant's Representative Maura Ziska Esq] [Landmark Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property. Carried 7-0]

- b. **Z-18-00075 SPECIAL EXCEPTION** The application of Page 65
WELLS FARGO BANK, NA Owner, relative to property located at **255 S COUNTY RD SUITE: SITE**, legal description on file, is described below. The Applicant seeks approval of a Special Exception with Site Plan Review to modify SE#23 2015 for the building signage to remove the existing "First National Bank" sign and replace it with a "Wells Fargo Building" sign of the same size. There will be no increase in sign face area and the square footage of the proposed sign complies with the Town Code. [Applicant's Representative Harvey E Oyer III Esq] [Landmark Preservation Commission Recommendation: Implementation of the special exception and site plan review will not cause negative architectural impact to the subject landmarked property. Carried 7-0.] [Landmark Preservation Commission Recommendation: Implementation of the special exception and site plan review will not cause negative architectural impact to the subject landmarked property. Carried 7-0.]
- c. **Z-18-00076 SITE PLAN REVIEW WITH VARIANCE(S)** The Page 68
application of WEXLER GARY &, Owner, relative to property located at **14 VIA VIZCAYA**, legal description on file, is described below. Site plan review request to allow the construction of a 7,400 square foot two story single family residence on a platted non conforming lot in both width and area in the RA Zoning District. In connection with the proposed construction, the following variance is being requested: A variance request for a one story element rear street yard setback (south side of the property) of 15 feet in lieu of the 35 foot minimum required in the RA Zoning District. [Applicant's Representative David E. Klein Esq] [Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission conditionally approved the project at the March 28, 2018 meeting. The conditions are related to the architecture only. Carried 7-0.]
- d. **Z-18-00077 VARIANCE(S)** The application of WALKER Page 72
JEFFREY C, Owner, relative to property located at **662 ISLAND DR**, legal description on file, is described below. The applicant is proposing to construct a 543 second floor within the existing footprint of the one story residence which will require the

following variances: 1) lot coverage of 29.8% in lieu of the 25% maximum allowed in the R B Zoning District for a two story residence on a lot that is in excess of 20,000 square feet; 2) cubic content ratio of 4.28 in lieu of the 3.83 existing and the 4.10 maximum allowed in the R B Zoning District. [Applicant's Representative Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0. The Architectural Commission approved the project at the March 28, 2018 meeting. Carried 7-0.]

- e. **Z-18-00078 SPECIAL EXCEPTION** The application of Page 75
EVERGLADES CLUB INC, Owner, relative to property located at **500 S COUNTY RD SUITE: SITE**, legal description on file, is described below. A request for special exception approval with site plan review to remove an existing Golf Cart Shelter and portion of an existing site wall located southwest of the existing Pro Shop and add a new site wall, a 1,099 square foot golf bag storage building and a 2,971 square foot golf cart shelter located southwest of the existing Pro Shop. [Applicant's Representative Maura Ziska Esq]
- f. **Z-18-00079 VARIANCE(S)** The application of Page 79
ANGLE ANN BRITT &, Owner, relative to property located at **306 PENDLETON LN**, legal description on file, is described below. The applicant is proposing to construct a 340 square foot one story loggia addition to the existing residence that would result in the following variances being requested: 1) an angle of vision of 130 degrees in lieu of the 117 degrees existing and the 116 degrees maximum allowed in the R·B Zoning District 2) a front yard setback of 22.91 feet in lieu of the 25 foot minimum setback required in the RB Zoning District [Applicant's Representative Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0. The Architectural Commission approved the project at the March 28, 2018 meeting. Carried 7-0.]
- g. **Z-18-00081 SITE PLAN REVIEW** The application of Page 87
KENNEDY SUZANNE W, Owner, relative to property located at **140 KINGS RD**, legal description on file, is described below. Site Plan Review to allow the construction of a 6,361 square foot two story, single family residence on a non conforming platted lot which is 100.03 feet in width in lieu of the 125 foot minimum required in the R A Zoning District; 143.08 feet in depth in lieu of the 150 foot minimum required in the R A Zoning District; and 14,308 square feet in area in lieu of the 20,000 square foot minimum required in the R A Zoning District. [Applicant's Representative Maura Ziska Esq] [The Architectural Commission approved the project at the March 28, 2018 meeting. Carried 6-

- h. **Z-18-00082 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The application of 257 RPW LLC, Owner, relative to property located at **257 ROYAL POINCIANA WAY**, legal description on file, is described below. 1) A request for special exception approval with site plan review to modify the previously approved awning (Special Exception # 18 2017) to correct the dimensions to be what was installed at 29 feet 8 inches x 12 feet in lieu of the previously approved plan that showed the awning to be 28 feet 9 inches x 12 feet (an 11 inch difference). 2) A request for special exception approval to have a valet operation for lunch and dinner during the following hours: Dinner: 5:00 pm 10:00 pm Sunday to Wednesday; 5:00 pm 3:00 am Thursday to Saturday Lunch: Daily 10 am to 3 pm [Applicant's Representative Maura Ziska Esq]

Page 90

- i. **Z-18-00083 VARIANCE(S)** The application of 89 MIDDLE ROAD LLC, Owner, relative to property located at **89 MIDDLE RD**, legal description on file, is described below. 1) The Applicant is proposing a new pitched roof to replace a flat roof over the 2 story guest house/garage and construct a trellis on the rooftop of the one story portion of the guest house/garage which will require the following variances to be requested: a) a request to increase the overall building height of the guest house/garage by adding the pitched roof in an existing non conforming side yard setback of 6.1 feet in lieu of the 15 foot minimum required in the R A Zoning District; b) a request to increase the building height of the guest house/garage by adding a trellis in an existing non conforming side yard setback of 9.5 in lieu of the 15 foot minimum required in the R A Zoning District. 2) A request for a variance to allow a 120 foot long retaining wall to be at a height of 9.5 feet in lieu of the 7 foot tall maximum allowed. [Applicant's Representative Maura Ziska Esq] [Landmark Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property. Carried 7-0.]

Page 94

- j. **Z-18-00084 VARIANCE(S)** The application of FRIEDMAN LORRAINE L TRUST &, Owner, relative to property located at **901 N OCEAN BLVD**, legal description on file, is described below. 1) Variances to allow the construction of a new 16,087 square foot two story main residence with a point of measurement of 22.5 foot North American Vertical Datum ("NAVD") in lieu of the 15.9 foot NAVD maximum allowed for the following: a. Overall building height; b. Building height; c. Building height plane 2) A variance to allow a 6 foot tall wall along the edge of the site triangle easement and within the front yard setback that would not have a 36 inch continuous hedge as required for a wall exceeding 4 feet in height. [Applicant's Representative Maura Ziska Esq]

Page 98

[The Architectural Commission deferred the project for one month at the March 28, 2018 meeting. Carried 7-0.]

- k. **Z-18-00085 VARIANCE(S)** The application of PARAMOUNT CHURCH INC LESSOR, Owner, relative to property located at **139 N COUNTY RD SUITE: 15**, legal description on file, is described below. **This application is on behalf of the tenant Illustrated Properties LLC** The applicant is requesting a variance to permit the operation of a real estate brokerage office containing approximately 1,008 sq. ft. on the first floor of the Paramount Building which does not meet all of the requirements to allow an office use on the first floor in this situation. The proposed use meets the special exception uses requirement in Section 134 1109(18) that there are at least 50% existing office uses on all floors in the Paramount Building but fails to meet the requirement that there are more than 50% existing office uses on the first floor within 300 feet of the proposed use within the same zoning district. [Applicant's Representative Tim Hanlon Esq]
- Page 104

- l. **Z-18-00086 VARIANCE(S)** The application of JHD ASSOCIATES LLC, Owner, relative to property located at **230 ROYAL PALM WAY SUITE: BLDG 1**, legal description on file, is described below. TD Wealth Management is leasing Suite 100 (which totals 2,144 square feet) on the east end of the first floor of 230 Royal Palm Way. This application proposes to install two business identification signs on the building: one on the north façade facing Royal Palm Way and one on the south façade facing the parking lot. Because of the style and height of the existing stone façade of the first story of the building, and the existing windows on the facades, the signs need to be installed higher than the ceiling of the first floor, which is only 8.16 feet. Although the proposed signs will be located well below the 15' otherwise allowed by code in this zoning district, signs located above the ceiling height of the first floor require variances. Request for business identification sign on the north façade of the building 12.75' in height (top of sign) in lieu of the 8.16' maximum height (first floor ceiling height) allowed by code, a variance of 4.59'. Request for business identification sign on the south façade of the building 12.75' in height (top of sign) in lieu of the 8.16' maximum height (first floor ceiling height) allowed by code, a variance of 4.59'. These measurements are from the finished floor elevation of the first floor. [Applicant's Representative James M. Crowley Esq]
- Page 108

3. Other

- a. **RESOLUTION NO. 51-2018** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Declaring Zoning In Progress Relating To The Zoning Item Under Study By The Town As Enumerated In Exhibit "A" Attached Hereto; Requiring That Zoning Applications Which
- Page 112

Intensify The Use Of A Property, Or Create A Taller Or Larger Building Than The Zoning Code Allows Have A Legal Notice Requirement Of 1,000 Feet In Lieu Of The 300 Foot Existing Legal Notice Requirement During The Period That Zoning Is In Progress For Any Zoning Application; Providing An Effective Date.

VIII. ORDINANCES

A. Third Reading

Page122

1. ORDINANCE NO. 4-2018 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, As Follows: At Article I, In General, Section 134-2, Definitions And Rules Of Construction, By Creating A Definition For Tow-Away Signs; At Article II, Administration, Section 134-38 By Increasing And Creating Additional Fees For Land Development Services; Section 134-145 Modifying The Hearing Procedure For Administrative Appeals; Section 134-261 Creating An Initial Review Procedure For Zoning Text Amendments; At Article IV, Nonconformities, Section 134-417, Enlargement And 134-419, Enlargement, Extension, Reconstruction Or Alteration, By Creating A New Demolition Threshold, Including Additional Provisions For Alterations And Repairs And Clarifying Language For Raising Nonconforming Buildings And/Or Structures; At Article VI, District Regulations, Sections 134-788, 134-838 And 134-888, Accessory Uses And Sections 134-789, 134-839 And 134-889, Prohibited Uses By Creating Regulations To Conditionally Allow Construction Related Employee Off-Street Parking At Private Social, Swimming, Golf, Tennis And Yacht Clubs In The R-AA, R-A And R-B Residential Zoning Districts; Sections 134-796, 134-846 And 134-893, Exceptions To Height Limitations, By Allowing Solar Material On Roofs Of Buildings Provided There Is Either Architectural Commission Or Landmark Preservation Commission Approval In The R-AA, R-A And R-B Residential Zoning Districts; Sections 134-840 And 134-890, Special Exception Uses And At Article VIII Supplementary District Regulations, Section 134-1698, Structures, Signs And Landscape Material West Of Lake Trail By Allowing Essential Services West Of Lake Trail As A Special Exception Use In The R-A And R-B Residential Zoning Districts; At Article VI, District Regulations, Section 134-893, Lot, Yard And Bulk Regulations By Clarifying That First Floor, Unenclosed Loggias, Pergolas, Porches Terraces And Covered Patios In The R-B Zoning District Are Allowed An Additional 5% Cubic Content; At 134-895, Same, Exceptions From Yard Regulations, By Modifying The Provision To Ensure That Additional 3% Lot Coverage For An Awning Or Open Trellis Is Not Counted In The Cubic Content Ratio Calculations; At Article VIII, Supplementary District Regulations, Section 134-1607, Permitted Exceptions, By Allowing Solar Material On The Roof Of A Building Or Structure In All Other Zoning Districts Other Than R-AA, R-A And The

R-B Zoning Districts Provided That Said Material Is Approved By The Architectural Commission Or Landmark Preservation Commission; Section 134-1757, Swimming Pools, By Allowing Raised Spas/Hot Tubs And Infinity Pools; Section 134-1759, Tennis, Shuffleboard And Racquetball Courts By Reordering The Existing Regulations To Eliminate Redundant Language; At Article XI, Signs, Adding Sections 134-2410 And 134-2449 By Creating Regulations For Tow-Away Signs In Residential And Commercial Zoning Districts; Sections 134-2411 And 134-2450 By Creating Regulations Allowing Governmental Signs In All Residential And Commercial Zoning Districts; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date

IX. ANY OTHER MATTERS

X. ADJOURNMENT

PLEASE TAKE NOTE:

- Note 1:** No written materials received after 3:30 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 3:30 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:** All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit the Town's website (townofpalmbeach.com).

PROCEDURES FOR PUBLIC PARTICIPATION

Citizens desiring to address the Town Council should proceed toward the public microphones when the applicable agenda item is being considered to enable the Town Council President to acknowledge you.

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

COMMUNICATIONS FROM CITIZENS: Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation. The public also has the opportunity to speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion.

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

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

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 11, 2018

Section of Agenda

Appeals

Agenda Title

ARCOM Appeal

446 North Lake Way

Case # 054-2017

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated March 30, 2018 From Paul Castro**
- ▣ **Letter Dated February 5, 2018 From James Green**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 11, 2018

To: Mayor and Town Council

From: Paul W. Castro, Acting Director of Planning, Zoning & Building

Re: Deferral Request for ARCOM Appeal
446 North Lake Way
Case # B-054-2017 New Home with Landscape, Hardscape & Swimming Pool

Date: March 30, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council consider and rule upon the deferral request for the appeal of Stephen A. Levin (“Owner”) filed with the Town on February 5, 2018.

GENERAL INFORMATION

Owner Stephen A. Levin originally made application to ARCOM on May 23, 2017 for “Project Description: New contemporary 2 story home and 1 story accessory garage totaling 13,093 gross s.f. and associated landscaping, hardscape and swimming pool” located at 446 North Lake Way.

The owner’s architect for the project is Benjamin Schreier from Affiniti Architects; however, the owner’s architectural designer, Daniel Ménard from LeBerge & Ménard, presented the revised project to the Commission on January 24, 2018. The project was previously presented to the Commission on June 28, 2017, September 27, 2017, and on November 29, 2017 where the Commission deferred the project and asked that a major restudy of the project be done. The January 24, 2018 presentation included photographs, streetscape plans, revised site plan, revised elevations, dimensioned architectural details, and a listing of the Commission’s comments from the November 29, 2017 meeting. James Green (attorney for the applicant) advocated for the project, and noted that he had worked with the neighbor to the north to make sure he was comfortable with the design.

While the Commission did state that there were positive advances made with the project, they also voiced several concerns, including a lack of a full restudy of the project and that the project did not fit-in to Palm Beach. Following all discussion, it was moved by Mr. Garrison and seconded by Ms. Grace to defer the project to the February 28, 2018 ARCOM meeting. Mr. Green requested that the Commission deny the project instead of deferring it; however, the motion to defer carried with a 4-3 vote (Messrs. Ives, Corey and Mrs. Vanneck opposed).

On February 5, 2018, the applicant's attorney filed an appeal of the Architectural Commission's decision to defer the project (copy attached); as stated in his appeal he contends that ARCOM's actions were flawed because of the following:

1. "ARCOM exceeded its authority and scope of its review by unreasonably withholding approval where all the ARCOM criteria had been met."
2. "ARCOM's actions were inconsistent and not in conformity with the Palm Beach Code of Ordinances."
3. "[S]talling approval of a matter before ARCOM is arbitrary and capricious."
4. "ARCOM's arbitrary insertion of differing and higher standards for contemporary designs violates the Property Owner's right to due process, particularly given the time and expense incurred by the Property Owner in responding to ARCOM's concerns."

In summary, the applicant's attorney is requesting that Town Council reverse ARCOM's decision to defer the application at their January 24, 2018 meeting, and to direct ARCOM to approve the project at its next regularly scheduled meeting.

DEFERRAL REQUEST

On March 13, 2018 the Town received a deferral request from the appellant/applicant's attorney James Green requesting deferral of the appeal to the April 11, 2018 Town Council meeting (copy attached). The rationale for the deferral request is to see if the appellant/applicant's architect and architectural designer can address ARCOM's comments and concerns, and obtain approval for the project at the March 28, 2018 ARCOM meeting.

cc: John C. Randolph, Town Attorney
Architectural Commissioners
James K. Green, Attorney for Appellant/Applicant
Benjamin Schreier, Architect for Appellant/Applicant
Daniel Ménard, Architectural Designer for Appellant/Applicant

Attachments

RECEIVED

FEB 05 2018

JAMES K. GREEN, P.A.

LAWYERS

JAMES K. GREEN
NINA M. ZOLLO
ANNE F. O'BERRY
NANCY E. UDELL, OF COUNSEL

Town of Palm Beach
PZB Dept

SUITE 1650, ESPERANTE
222 LAKEVIEW AVENUE
WEST PALM BEACH, FLORIDA 33401
561.659.2029
FACSIMILE: 561.655.1357

VIA HAND DELIVERY

February 5, 2018

Kathleen Dominguez, Town Clerk
Palm Beach Town Hall
360 South County Road
Palm Beach, FL 33480

Re: Appeal of January 24, 2018 Architectural Commission Decision on Item No. B-054-2017, deferring decision on application to approve construction of a new residence at 446 North Lake Way, Palm Beach, FL 33480

Dear Ms. Dominguez:

Pursuant to Section 18-177 of the Palm Beach Code of Ordinances, Stephen Levin (the "Property Owner"),¹ through the undersigned counsel, hereby files this appeal with the Town Clerk of the decision by the Palm Beach Architectural Commission ("ARCOM") at their January 24, 2018 meeting to defer, over objection, decision on the Property Owner's application for ARCOM review and approval of the construction of a new residence at 446 North Lake Way, Palm Beach, Florida 33480 (the "Property").

Enclosed is a check in the amount of \$320.00 made payable to the Clerk of the Town of Palm Beach to cover the required cost of filing this appeal.

I. Background Information regarding the Property and the Application

The Property is bounded on the east by a residential property and a utility station, on the west by the Intracoastal Waterway, on the south by a residential property, and on the north by another residential property. The Property is located in the Town's R-B Zoning District. Presently, an empty lot is located at the Property.

On May 23, 2017, the Property Owner made an initial application ("Initial Application"), Item No. B-054-2017 New Residence, proposing to construct a two-story contemporary home totaling 11,097 square feet, and a one-story accessory garage with a swimming pool and associated landscaping. The proposed building was white and natural travertine stone, with a gray flat built-up roof. (Initial Application). Since the initial design and first presentation on June 28, 2017 before ARCOM, the Property Owner proposed a number of changes based on the comments of ARCOM's members during that and subsequent ARCOM hearings.²

¹ The successor in interest to Mr. Levin and current owner of the property is 446 North Lake Way, LLC.

²Two ARCOM members, Anne Vanneck and Alexander Ives, were opposed to any contemporary home at this location, even though all four proposed designs required no variances and met all setbacks.

One member at the first ARCOM hearing stated that “the neighbors on both sides agree that this is something that they like in the neighborhood.” Another liked the setback for the proposed home, but suggested removing the gate to provide an unobstructed view of the water feature. He also reminded the commissioners about other contemporary homes in the area and was in favor of the design. Another said that a low-key contemporary home can work next to the Vicarage if it is properly landscaped. Another questioned the gate, suggested a restudy, and also suggested using a lighter tabby for the driveway. Another stated she thought the design was cold and similar to a hotel but appreciated that the house was set back from the road. She suggested some plantings in front of the water feature to soften the view. Another said, “I think that the design is elegant. And, I am not a person that jumps right into bed with a contemporary. I am very traditional, so that speaks highly of the design.” That member further stated: “In terms of its fitting into the area, I really spent a lot of time on that and researched the contemporary buildings down the street and we have such an eclectic mix of homes and I think this definitely fits the area.”

The application was deferred for a major restudy. http://townofpalmbeach.granicus.com/MediaPlayer.php?view_id=5&clip_id=1877, beginning at 6:17:30.

On September 27, 2017, the Property Owner made a second, revised application (“Second Application”), Item No. B-054-2017 New Residence, proposing to construct a two-story contemporary home, with a garage, swimming pool and associated landscaping. The color of the stone was changed, with a gray flat built-up roof. (Second Application). Since the initial design and first presentation on June 28, 2017 before ARCOM, the Property Owner proposed a number of extensive changes to the home’s design addressing concerns raised by ARCOM members:

1) In response to the concern that the house appears more commercial than residential, four changes were made to the design: (a) the large gridded overhangs at the one-story garage on the east, at the covered entry to the house, and at the rear of the house have been removed; (b) to reduce the mass of the home, 2’-0” projecting eaves have been placed at the second story windows. By projecting out from the house, when viewed from eye level, the mass of the house is reduced; (c) the stone on the exterior of the home has been changed from a beige color to an earthy brown color for greater warmth; and (d) the color of the windows has been changed from a putty color to a warm bronze color.

2) In response to a comment that the north and south (side) elevations were not rhythmic enough, the proportions of stone and stucco and placement of the windows have been made more regular.

3) The rear covered loggia is now anchored by stucco to the ground rather than stone.

4) The gates for the property have been redesigned.

5) The color of the driveway has been changed from dark gray to the tabby color like at the Town Hall.

The Applicant went through the criteria and demonstrated how its application met each of the criteria.

ARCOM responded with another round of compliments and critiques:

Mr. Schreier presented the proposed modifications for the new residence.

Mr. Ives stated that the changes were thoughtful. He questioned the design and whether it fit into the Town.

Mr. Corey thought the proposed home was too commercial looking and said he could not support the design. He thought the home was too dissimilar to the surrounding homes.

Ms. Grace was in favor of the changes with the exception of the pergola. She suggested some changes to the landscape.

Ms. Vanneck thought the changes were not significant enough and questioned whether the home belonged in the Town.

Mr. Small thought the changes made were positive. He asked the architect about a contemporary home in the area, south of the project and suggested that the proposed project was not dissimilar.

Mr. Garrison thought the design was well done and thought the home would never be seen from the street.

Ms. Catlin thought the design was elegant and graceful and thought it did fit into the neighborhood. She thought there might be a problem with how the home presented itself.

Mr. Sammons thought the home was grossly over-scaled and looked too commercial.

A motion was made by Ms. Vanneck and seconded by Mr. Ives to defer the project for two months to the November 29, 2017 meeting for restudy. The motion carried with all in favor.

The application was therefore deferred a second time. http://townofpalmbeach.granicus.com/MediaPlayer.php?view_id=5&clip_id=1903, beginning at 4:08:22.

On November 29, 2017, the Property Owner hired a new designer, Associate Architect Daniel Menard (“Mr. Menard”), and made a third, revised application (“Third Application”), Item No. B-054-2017 New Residence, proposing to construct a two-story contemporary home, with a garage, swimming pool and associated landscaping. (Third Application). Since the second design and second presentation on September 27, 2017 before ARCOM, the Property Owner proposed a number of changes based on the comments of ARCOM’s members. The members made the following comments in response:

Mr. Small asked the architect if he considered an alternate placement for the garage. The attorney for the applicant stated that the neighbor to the north asked if the proposed garages could face each other, rather than face north. Mr. Small stated that he would be in favor of an alternate garage to the north, across from the currently proposed garage structure. Mr. Menard responded that the neighbor to the north requested that the garages be placed on the south side of the site.

Mr. Corey was in favor of the scale, size and site plan and thought they worked well. He indicated that the design changes were a step in the right direction. Mr. Corey expressed concern about the fenestration on the elevations facing the Lake Trail.

Ms. Shiverick agreed with Mr. Corey’s assessment of the project, except that she was in favor of the fenestration. She suggested removing all of the stone, with the exception of the stone on the fireplace, from the proposed home. She requested a sample of the paint colors.

Ms. Grace thought the redesign was a big improvement. She was in favor of both garages on the south side and the proposed stone on the home. She suggested restudying the overall mass and the fenestration on the west side.

Mr. Sammons questioned whether the changes were significant. He suggested a restudy of the mass and volume of the proposed home. He also suggested adding a courtyard to allow light into the middle of the home.

Mr. Vila thought the proposed home needed more light and air.

The Applicant again went through the ARCOM criteria and demonstrated how its application met each of the criteria.

The application was deferred a third time. http://townofpalmbeach.granicus.com/MediaPlayer.php?view_id=5&clip_id=1932, beginning at 3:56:20.

On January 24, 2018, the Property Owner made a fourth, revised application (“Fourth Application”), Item No. B-054-2017 New Residence, proposing to construct a two-story contemporary home, with a garage, swimming pool and associated landscaping. (Fourth

Application). Since the third design and third presentation on November 29, 2017 before ARCOM, the Property Owner proposed a number of changes based on the comments of ARCOM's members, including re-orienting the home to the south and opening the center for more light. http://townofpalmbeach.granicus.com/MediaPlayer.php?view_id=5&clip_id=1959, beginning at 22:35.

The Applicant again went through the ARCOM criteria and demonstrated how its application met each of the criteria.

On January 24, 2018, the application was again deferred, over the applicant's objection, a fourth time.

II. ARCOM Has a Duty to Decide and Approve

ARCOM's actions at the January 24, 2018 meeting were flawed in several respects. First, ARCOM exceeded its authority and the scope of its review by unreasonably withholding approval where all the ARCOM criteria had been met. *See Park of Commerce Associates v. City of Delray Beach*, 606 So. 2d 633, 635 (Fla. 4th DCA 1992) (on rehearing *en banc*), *aff'd*, 636 So. 2d 12 (Fla. 1994) (holding that "a city cannot unreasonably withhold approval once the legislatively adopted legal requirements have been met" and that the official approval of a site plan application cannot "depend upon the whim or caprice of the public body involved"); *City of Tampa v. City Nat. Bank of Florida*, 974 So. 2d 408, 413-414 (Fla. 2d DCA 2007) (holding that the Tampa architectural review commission had exceeded its authority in restricting the height of applicant's proposed building because "[t]he language of the enabling statute is a telling limitation on the powers of the ARC" and no such power had been granted to it).

Second, ARCOM's actions were inconsistent and not in conformity with the Palm Beach Code of Ordinances (the "Code"). *See* Section 18-177 of the Code (providing that appeals "shall set forth the alleged inconsistency or nonconformity with procedures or criteria set forth in this article or standards set forth in or pursuant to this Code"). Section 18-205(b) of the Code provides that if the criteria set forth in 18-205(a) are met:

the application shall be approved. Conditions may be applied when the proposed building or structure does not comply with the above criteria and shall be such as to bring such building or structure into conformity. If an application is disapproved, the architectural commission shall detail in its findings the criterion or criteria that are not met. The action taken by the architectural commission shall be reduced to writing and signed by the chair, and a copy thereof shall be made available to the applicant upon request.

Under Florida law, agencies, like ARCOM, "have no inherent or common law powers." *College Sav. Bank v. Florida Prepaid Postsecondary Educ. Expense Bd.*, 948 F. Supp. 400, 412 (D.N.J. 1996) (citing *Kizar v. Wittenberg*, 398 So. 2d 1002, 1003 (Fla. 5th DCA 1981), and *State ex rel. Greenberg v. Florida State Bd. of Dentistry*, 297 So. 2d 628, 636 (Fla. 1st DCA 1974), *cert. dismissed*, 300 So. 2d 900 (Fla. 1974)). Instead, they have "only those powers specifically granted to them by the legislature." *College Sav. Bank*, 948 F. Supp. at 412. *See also Atl. City*

Elec. Co. v. FERC, 295 F.3d 1, 8 (D.C. Cir. 2002) (“In the absence of statutory authorization for its act, an agency’s action is plainly contrary to law and cannot stand.”) (internal quotation marks and citations omitted).

Here, two ARCOM members, Ms. Vanneck and Mr. Ives, were opposed to any contemporary home at this location, next to the Vicarage,³ even though all four proposed designs required no variances, met all setbacks, and met all the ARCOM criteria. Even though contemporary style homes are listed as one of the “predominant” styles in Palm Beach in ARCOM’s Guidelines Approved by the Architectural Commission 1/25/95 and modified by staff 2/10/97, <https://www.townofpalmbeach.com/DocumentCenter/View/109> (“ARCOM Guidelines”), ARCOM Chair Anne Vanneck stated at the January 24, 2018 meeting that she held the design for contemporary homes to a higher standard. This is despite the fact that neither the ARCOM code nor guidelines allow such a heightened burden. According to the ARCOM Guidelines:

International style is one of the prevalent contemporary styles found in Palm Beach and is usually represented by one and two-story flat roofed asymmetrical structures with larger amounts of undivided fenestration (up to 30% of the surface) and materials which vary from cement block to aluminum panels to horizontal brick with many other variations. Since, due primarily to the flat roof, larger size, and increased fenestration, this style can appear quite diverse from other styles prominent in Palm Beach, it is suggested that the proposed project be of comparable scale to other houses in order to maintain the harmony and balance of the neighborhood. When neighborhood styles are very diverse, careful attention should be paid by the project’s architect to blend the project’s building height and gross square footage with neighboring structures, and to create a drought resistant, comparable landscaping and site plan to decrease the impact of an incompatible style.

ARCOM Guidelines at 2. Here, although the proposed project was smaller in scale than its neighboring structures, the Vicarage was not visible from the north, south, east or west, and the Applicant addressed each and every concern in ARCOM’s guidelines for contemporary homes, Ms. Vanneck imposed a higher standard on this application than on other designs.

Third, stalling approval of a matter before ARCOM is arbitrary and capricious. Some members liked the waterfall entrance in the first design, while some did not. Some liked the first design’s placement on the lot, while others thought there was too much glass visible from the Lake Trail. Some liked the third design; others criticized it for not having enough light in the center. When, in the fourth design, the Applicant created a courtyard space in the center to allow more light (as suggested by ARCOM members), others criticized it for not having enough curves with portholes. Employment of a shifting rationale as a basis for denying an application bespeaks arbitrariness. *See, e.g., Houston v. Unum Life Ins. Co. of America*, 246 Fed. Appx. 293 (6th Cir. 2007) (holding that insurer’s shifting rationale for denying coverage and its inexplicable reversal of its own conclusion was unreasoned, unprincipled, arbitrary and capricious). As the

³ Notably, the Vicarage is not visible from either the street or the Lake Trail.

court observed in *Sweeney v. Mack*, 625 So. 2d 15 (Fla. 5th DCA 1993), “[e]ven if ... an architectural review committee is given the absolute power to approve or to disapprove building plans, such power cannot be exercised unreasonably or arbitrarily.” *Id.* at 16 (citing *Young v. Tortoise Island Homeowner’s Ass’n, Inc.*, 511 So. 2d 381, 384 (Fla. 5th DCA 1987)). See McLaren and Glasgow, “Success in Litigating Local Permit Denials: Alternative Theories of Obtaining Justice,” 86 *Fla. Bar J.* 20, 24 (Dec. 2012) (hereinafter “*Permit Denials*”) (“If a person of common intelligence reviewing the ordinance cannot determine what must be done in order to meet the required criteria, ... it is vulnerable to subjective discretion on the part of the quasi-judicial board, and can be applied in an arbitrary and discriminatory fashion”).

ARCOM is required to apply criteria that do not permit decision makers to “act upon whim, caprice or in response to pressures which do not permit ascertainment or correction.” *Friends of Great Southern, Inc. v. City of Hollywood ex rel. City Com’n*, 964 So. 2d 827, 830 (Fla. 4th DCA 2007) (quoting *Nostimo, Inc. v. City of Clearwater*, 594 So. 2d 779, 781 (Fla. 2d DCA 1992)). See *Broward County v. Narco Realty, Inc.*, 359 So. 2d 509, 510 (Fla. 4th DCA 1978) (“the official approval of a plat application [should not] depend upon the whim or caprice of the public body involved”). As stated in *Effie, Inc. v. City of Ocala*, 438 So. 2d 506 (Fla. 5th DCA 1983):

the owner or purchaser of property so zoned has a right to know what the requirements are that he must comply with in order to implement the permitted use; these requirements must be of uniform application, and once the requirements are met, the governing body may not refuse the application. ... Any other interpretation promotes the evil which the decisions seek to avoid – that councilmen can act upon whim, caprice or in response to pressures which do not permit of ascertainment or correction.

Id. at 509 (citation omitted). See *Park of Commerce v. Delray Beach*, 606 So. 2d at 635 (holding that property owners are entitled to notice of the conditions they must meet to obtain approval in accord with zoning and other regulations; “[t]hose conditions should be set out in clearly stated regulations” and “[c]ompliance with those regulations should be capable of objective determination in an administrative proceeding”). ARCOM’s actions, viewed cumulatively, were arbitrary and capricious and should be reversed.

Fourth, ARCOM’s arbitrary insertion of differing and higher standards for contemporary designs violates the Property Owner’s right to due process, particularly given the time and expense incurred by the Property Owner in responding to ARCOM’s concerns. See *ABC Liquors, Inc. v. City of Ocala*, 366 So. 2d 146, 149 (Fla. 1st DCA 1979) (“Any standards, criteria, or requirements which are subject to whimsical or capricious application or unbridled discretion will not meet the test of constitutionality.”); *Park of Commerce*, 606 So. 2d at 635 (Farmer, J., specially concurring) (“land ownership is at the core of our constitutional freedoms and thus the power of government must be exercised with a healthy regard for that right”); *Permit Denials*, 86 *Fla Bar J.* at 25 (observing that “[w]hile the federal courts have eroded the ability of landowners to bring substantive due process claims to protect property rights under the Fifth and 14th Amendments, Fla. Const. art. I, §9 is alive and well to protect property owners from arbitrary and/or capricious government actions that adversely affect property rights”)

(citing *Chicago Title Ins. Co. v. Butler*, 770 So. 2d 1210, 1214 (Fla. 2000)); see also *North Bay Village v. Blackwell*, 88 So. 2d 524, 526 (Fla. 1956) (“An ordinance whereby the City Council delegates to itself the arbitrary and unfettered authority to decide where and how a particular structure shall be built or where located without at the same time setting up reasonable standards which would be applicable alike to all property owners similarly conditioned, cannot be permitted to stand as a valid municipal enactment.”); *City of Margate v. Amoco Oil Co.*, 546 So. 2d 1091, 1094 (Fla. 4th DCA 1989) (holding that “[w]here a governmental body acts arbitrarily to avoid its duty by delaying the matter so as to effectuate a change in the law adverse to the application, it is proper for the court to disregard the newly enacted limitations”); *City of Gainesville v. GNV Invests., Inc.*, 413 So. 2d 770 (Fla. 1st DCA 1982) (where property owner’s site plan petition to construct a permitted skate center on property zoned “shopping center” met all technical requirements of city’s ordinances regarding site plan approval, city plan board’s denial of petition for site plan approval was unlawful and arbitrary).

For the foregoing reasons, ARCOM should be equitably estopped from revisiting matters that it had already approved at earlier hearings. As explained in *Hollywood Beach Hotel Co. v. City of Hollywood*, 329 So. 2d 10 (Fla. 1976):

Every citizen has the right to expect that he will be dealt with fairly by his government. ... ‘Unfair dealing’ by a municipality can also serve as the basis for the invokement of equitable estoppel. *City of Jacksonville v. Wilson*[, 157 Fla. 838, 27 So. 2d 108 (1946)]. While a City Commission certainly possesses the prerogative of deciding to defer action on such a proposal over a long period of time, it must assume the attendant responsibility for the adverse effect it knows or should know its deliberate inaction will have upon the parties with whom it is dealing. In the instant case, the course of inaction chosen by the City and its subsequent arbitrary actions must necessarily be equated with ‘unfair dealing.’

Id. at 18 (citations omitted). See *City of Lauderdale Lakes v. Corn*, 427 So. 2d 239, 243-44 (Fla. 4th DCA 1983) (holding that city was equitably estopped from denying property owner’s rights based on change in zoning ordinance where owner relied in good faith upon then-existing zoning to induce him to request annexation of his property and not only expended considerable sums of money but also substantially changed the nature and contour of the land and its drainage system because of that reliance).

Moreover, because zoning regulations are in derogation of private rights of ownership, the ordinance should be interpreted in favor of the property owner. *Rinker Materials Corp. v. City of North Miami*, 286 So. 2d 552, 553 (Fla. 1973).

III. Summary and Request for Relief

ARCOM exceeded its authority and the scope of its review, and abused its discretion, in deferring approval *for the fourth time* based upon a litany of ever-changing items and shifting rationales for its repeated deferrals. This Council should consider its precedent in B-011-2012 (273 Tangier) where the Town Council sent a strong message to ARCOM:

Several Council members expressed favorable opinion after viewing the new perspectives, yet noted that the appeal must be based solely on materials that had been previously submitted to ARCOM. The Council did not approve architectural plans. They remanded the issue back to ARCOM, instructed the architect to share the new perspectives with the Commission, expressed optimism for obtaining approval, and made clear their intention that ARCOM should be very specific about potential plan alterations if another deferral or a denial should occur. Per records from the Town Clerk, the Council took the following action:

ACTION: REMANDED BACK TO ARCOM WITH THE INSTRUCTIONS THAT, IF THE APPLICATION IS DENIED OR DEFERRED, ARCOM BE SPECIFIC IN THEIR REASONING SO THAT THE APPLICANT CAN ADEQUATELY ADDRESS ARCOM'S CONCERNS, AND THAT THE 3-D RENDERINGS OF THE PROJECT BE INCLUDED IN THEIR DELIBERATIONS.

See attached. (Notably, the Town Council did not grant the appeal because the Applicant presented new evidence on appeal, i.e., 3-D renderings, that had not been presented first to ARCOM. Here, however, the Applicant did first present the 3-D renderings to ARCOM, and there is no need for a remand—just reversal.)

Request is therefore made by the Property Owner and undersigned counsel that the Town Council: (1) reverse ARCOM's January 24, 2018 decision to defer the Application, and (2) direct ARCOM to approve the architecture at its next regularly scheduled ARCOM meeting.

Respectfully submitted,

/s/ James K. Green, Esq.
Florida Bar No: 229466
James K. Green, P.A.
222 Lakeview Avenue
Suite 1650, Esperanté
West Palm Beach, FL 33401
(561) 659-2029 (telephone)
(561) 655-1357 (facsimile)
jkg@jameskgreenlaw.com

Counsel for Appellant

ccs: Mayor Gail L. Coniglio
Honorable Richard M. Kleid, President
Danielle H. Moore, President *Pro Tem*
Julie Araskog, Council Member
Bobbie Lindsay, Council Member
Margaret Zeidman, Council Member
John C. Randolph, Esq.



273 Tangier Avenue
John Page to: Cindy Delp
Cc: John Lindgren

05/16/2012 12:09 PM

History: This message has been forwarded.

Cindy: Please forward this message to ARCOM members as an update. Thanks. JP

ARCOM members:

Maura Ziska, attorney for the owners at 273 Tangier Avenue, appealed your most recent deferral of the partial second story addition at this address to the Town Council for their consideration on 5/9/12. Attorney Ziska and Architect Bromoehl attended the Council meeting and outlined recent history at the site. They expressed frustration with continual deferrals (three), and noted that ARCOM failed to give clear direction regarding changes at time of the most recent deferral in April.

Staff explained the time and care that ARCOM had given the project, but noted that the majority of members remain concerned about the "disconnect" between the first and second floors. Mr. Vila attended and spoke in greater detail about the various issues that have prevented the Commission from approving the proposed project. Mr. Bromoehl shared several 3-dimensional perspectives of the proposed home (not previously submitted to ARCOM). Several Council members expressed favorable opinion after viewing the new perspectives, yet noted that the appeal must be based solely on materials that had been previously submitted to ARCOM. The Council did not approve architectural plans. They remanded the issue back to ARCOM, instructed the architect to share the new perspectives with the Commission, expressed optimism for obtaining approval, and made clear their intention that ARCOM should be very specific about potential plan alterations if another deferral or a denial should occur. Per records from the Town Clerk, the Council took the following action:

ACTION: REMANDED BACK TO ARCOM WITH THE INSTRUCTIONS THAT, IF THE APPLICATION IS DENIED OR DEFERRED, ARCOM BE SPECIFIC IN THEIR REASONING SO THAT THE APPLICANT CAN ADEQUATELY ADDRESS ARCOM'S CONCERNS, AND THAT THE 3-D RENDERINGS OF THE PROJECT BE INCLUDED IN THEIR DELIBERATIONS.

The applicant will be bringing the project back to ARCOM at the May 25 meeting, and the presentation will include the 3-D renderings that were shown to Town Council. Besides the architecture, this application also includes a pool, landscape and hardscape, which has been presented to the Commission at the past meetings.

John Page
Director, Planning, Zoning & Building Department
Phone: 561-227-6405
e-mail: jpage@townofpalmbeach.com

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from Town of Palm Beach officials and employees regarding municipal business are open records available to the public and media upon request. Under Florida law e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by telephone or in writing. If you have received this message in error, please notify us immediately by replying to this message, and please delete it from your computer. Thank you.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 11, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

SITE PLAN REVIEW #1-2017 The application of 235 Via V PB LLC (Stuart Kapp, Manager); relative to property commonly known as **235 Via Vizcaya.**, described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a site plan review to allow the construction of a 7,444 square foot two-story, single family residence on a non-conforming platted lot which is 15,344 square feet in area in lieu of the 20,000 square foot minimum area required; 47.25 in width in lieu of the 125 foot minimum required; and 97.58 feet in depth in lieu of the 150 foot minimum required. [Attorney: Frank Lynch, Esq.] [The Architectural Commission conditionally approved a portion of the project but deferred a portion of the project for one month to the April 25, 2018 meeting. Carried 7-0]

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 11, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

VARIANCE #21-2017 The application of Vera Alfieri Monforte; relative to property commonly known as **218 Miraflores Dr.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to construct a 1,230 square foot second story addition on the west side of the one story residence that will create two bedrooms, a gym and two bathrooms. The following variances are being requested: 1) lot coverage of 33.7% in lieu of the 30% maximum allowed for a two story residence, 2) a west side yard setback of 13 feet in lieu of the 15 foot minimum required, 3) a rear yard setback of 13.91 feet in lieu of the 15 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project at the February 28, 2018 meeting. Carried 6-1.]

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 11, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-17-00042 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R-A Estate Residential. The application of OCEAN VILLA HOLDINGS LLC, Owner, relative to property located at **1700 S OCEAN BLVD**, legal description on file, is described below. Site Plan Review to allow construction of a new 8,917 square foot two-story residence on a non-conforming platted lot which is 15,005 square feet in area in lieu of the 20,000 square foot minimum required in the R-A Zoning District and 100 feet in depth in lieu of the 150 foot minimum depth required in the R-A Zoning District. The following variance is being requested in conjunction with this application: 1) A request to have a building height plane setback of 53 feet in lieu of the 59 foot minimum setback required. 2) A request to allow the existing 3-4 foot wall to remain as screening for the proposed swimming pool in lieu of the 6 foot minimum height required when a swimming pool is located in the street side yard. 3) A request to eliminate the requirement to have a 6 foot tall hedge on the outside of the required wall. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0. The Architectural Commission approved the project at the March 28, 2018 meeting. Carried 7-0.]

Presenter

ATTACHMENTS:

- ▢ **Memorandum dated April 4, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- ▢ **Development Review Committee Comments**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 11, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-17-00042 SITE PLAN REVIEW WITH VARIANCE(S)**
1700 S OCEAN BLVD

Date: April 04, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

Site Plan Review to allow construction of a new 8,917 square foot two-story residence on a non-conforming platted lot which is 15,005 square feet in area in lieu of the 20,000 square foot minimum required in the R-A Zoning District and 100 feet in depth in lieu of the 150 foot minimum depth required in the R-A Zoning District. The following variance is being requested in conjunction with this application:

1) A request to have a building height plane setback of 53 feet in lieu of the 59 foot minimum setback required. 2) A request to allow the existing 3-4 foot wall to remain as screening for the proposed swimming pool in lieu of the 6 foot minimum height required when a swimming pool is located in the street side yard. 3) A request to eliminate the requirement to have a 6 foot tall hedge on the outside of the required wall.

ADDRESS: 1700 S OCEAN BLVD

OWNER: OCEAN VILLA HOLDINGS LLC

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-44-11-02-000-0010

ZONING DISTRICT: B-A Beach Area

LEGAL DESCRIPTION: PARC MONCEAU LTS 1 & 2

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Page Two

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 10/24/17

APPLICATION NO.: Z-17-00042 **APPLICATION TYPE:** SITE PLAN REVIEW WITH VARIANCE(S)

ADDRESS: 1700 S OCEAN BLVD

DESCRIPTION:

Site Plan Review to allow construction of a new 8,917 square foot two-story residence on a non-conforming platted lot which is 15,005 square feet in area in lieu of the 20,000 square foot minimum required in the R-A Zoning District and 100 feet in depth in lieu of the 150 foot minimum depth required in the R-A Zoning District. The following variance is being requested in conjunction with this application:

- 1) A request to have a building height plane setback of 53 feet in lieu of the 59 foot minimum setback required.
- 2) A request to allow the existing 3-4 foot wall to remain as screening for the proposed swimming pool in lieu of the 6 foot minimum height required when a swimming pool is located in the street side yard.
- 3) A request to eliminate the requirement to have a 6 foot tall hedge on the outside of the required wall.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	10/26/2017	Florida Building Code requires a minimum 4 foot high barrier for protection of residential swimming pools. If existing wall is to be used as this barrier it must meet this requirement.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	11/3/2017	A portion of the existing site wall at the intersection of South Ocean Boulevard and Parc Monceau shall be relocated outside of the Intersection Sight Triangle per Sec. 134-1637 of Town Code.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	10/27/2017	No structures or landscaping plants, shrubs or trees are allowed in utility easements without an executed and recorded Easement Installation and Removal Agreement. The best way to protect people in their home is with a fire suppression system. This is required in many codes across the country and should be considered in all new homes. The risk of dying in a fire was greatest for people living in the South when compared to populations living in other regions. This, in part, may be attributed to the intermittent need for occasional heating. To be elderly is, in itself, a disadvantage in terms of fire risk. With advancing age, physical and mental capabilities decline, making it more difficult for older adults to clearly see, smell and hear. Decreased senses increase the risk of death or injury from fire. When two or more senses are diminished, the fire risk for an individual dramatically increases.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	11/27/2017	This application will require review and approval from the Architectural Commission (ARCOM) as a major combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	10/30/2017	No Comment
PZB DIRECTOR	Director, Planning, Zoning & Building	10/27/2017	Applicant must justify the hardship justifying variances. Sight visibility requirements at street intersection must be maintained.
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	10/26/2017	No Comment



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 10/24/17

PZB - ZONING

Paul Castro, Zoning
Administrator

11/28/2017

There is no hardship for the proposed variances. The applicant is building a new home and should be required to meet all lot, yard and bulk requirements in the Zoning Code.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 11, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-17-00047 VARIANCE(S) Zoning District: R-B Low Density Residential. The application of MANOOGIAN ARMEN A TRUST, Owner, relative to property located at **224 S OCEAN BLVD**, legal description on file, is described below. Construction of three dormers on existing third story. 1. Sec. 134-893 (b)(10)b To allow a building height of +37'-7 1/2" in lieu of the 22'-0" maximum allowable. 2. Sec. 134-893 (b)(10)c 134-2: To allow an overall building height of 42'-1 3/4" in lieu of the 30'-0" maximum allowable. 3. Sec. 134-2 Definitions Building, height of (applicable only in the R-B districts) To allow dormer windows in a non-habitable third story space which is not permitted by Code. [Applicant's Representative: Jose Gonzalez, Architect] [The Architectural Commission denied this project at the January 24, 2017 meeting. Carried 7-0.]

Presenter

ATTACHMENTS:

- ▣ **Memorandum dated April 4, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- ▣ **Development Review Committee Comments**
- ▣ **Letter Dated February 2, 2018 From Gonzalez**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 11, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-17-00047 VARIANCE(S)**
224 S OCEAN BLVD

Date: April 04, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

Construction of three dormers on existing third story.

1. Sec. 134-893 (b)(10)b To allow a building height of +37'-7 1/2" in lieu of the 22'-0" maximum allowable.
2. Sec. 134-893 (b)(10)c 134-2: To allow an overall building height of 42'-1 3/4" in lieu of the 30'-0" maximum allowable.
3. Sec. 134-2 Definitions Building, height of (applicable only in the R-B districts) To allow dormer windows in a non-habitable third story space which is not permitted by Code.

ADDRESS: 224 S OCEAN BLVD

OWNER: MANOOGIAN ARMEN A TRUST

OWNER'S REPRESENTATIVE: GONZALEZ ARCHITECTS

PROPERTY CONTROL NO.: 50-43-43-22-07-000-5271

ZONING DISTRICT: B-A Beach Area

LEGAL DESCRIPTION: POINCIANA PARK 2ND ADD LTS 527 & 528
(LESS WLY 81 FT) & LTS 532 & 533

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Page Two

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 10/24/17

APPLICATION NO.: Z-17-00047 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 224 S OCEAN BLVD

DESCRIPTION:

Construction of three dormers on existing third story.
1. Sec. 134-893 (b)(10)b To allow a building height of +37'-7 1/2" in lieu of the 22'-0" maximum allowable.
2. Sec. 134-893 (b)(10)c 134-2: To allow an overall building height of 42'-1 3/4" in lieu of the 30'-0" maximum allowable.
3. Sec. 134-2 Definitions Building, height of (applicable only in the R-B districts) To allow dormer windows in a non-habitable third story space which is not permitted by Code.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	10/26/2017	No Comments.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	11/3/2017	No comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	10/27/2017	This does not conflict with the adopted fire code
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	11/27/2017	This application will require review and approval from the Architectural Commission (ARCOM) as a major combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	10/30/2017	No Comment
PZB DIRECTOR	Director, Planning, Zoning & Building	10/27/2017	Installation of the dormers will not increase the building height of the existing home. ARCOM approval must be secured.
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	11/9/2017	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	11/28/2017	There appears to be no hardship to put dormer windows on the nonconforming third story of the house.



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

Re: Manoogian Residence
224 S. Ocean Boulevard
Palm Beach, FL 33480

ARCOM Application B-098-2017
Zoning Application Z-17-00047

February 2, 2018

To Whom It May Concern:

The intent of this letter is to request a deferral of the Town Council review of the above-referenced property from the February 14, 2018 Agenda until the April 11, 2018 Town Council meeting.

Should you have any questions regarding this, please feel free to contact me at your convenience.

Thank you,
Gonzalez Architects

A handwritten signature in blue ink, appearing to be 'J. Gonzalez', written over the printed name.

Jose A. Gonzalez AIA, NCARB
AA 0002305
AR 0008134
Principal

14 NE First Avenue, Suite 507 Miami, FL 33132
t + 1 305 455 4216

e info@gonzalez-architects.com

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 11, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-17-00059 MODIFIED SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

The application of REGALBUTO JASON, Owner, relative to property located at **160 SEABREEZE AVE**, legal description on file, is described below. Special Exception with Site Plan Review to allow the construction of a new 3,629.46 square foot two story single family residence on a lot that is 62.5 feet in width in lieu of the 100 foot minimum required and 7,656.25 square feet in area in lieu of the 10,000 square foot minimum required in the R B Zoning District. The applicant is also planning to enclose an existing staircase in the guest house garage located in the rear of the property. The following variances are being requested in conjunction with this application: 1) A cubic content ratio ("CCR") of 5.74 in lieu of the 4.235 maximum allowed in the R-B Zoning District for a lot that is 7,656.25 feet in area. 2) a lot coverage of 32.41 % in lieu of the 30 % maximum allowed in the R-B Zoning District for a two story residence. 3) an east side yard setback of 6.2 feet in lieu of the 15 foot minimum required for a two story residence. 4) a west side yard setback of 11.5 feet in lieu of the 15 foot minimum required for a two story residence. 5) an east side yard setback of 7.5 feet in lieu of the 12.5 minimum required for the one story covered terrace. 6) a landscaped open space of 42.6% in lieu of the 45% minimum required in the R B Zoning District. [Applicant's Representative Maura Ziska Esq]
[Architectural Commission Recommendation: Implementation of the proposed special exception, site plan review and variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project at the January 24, 2018 meeting. Carried 5-2.]

Presenter

ATTACHMENTS:

Memorandum dated April 4, 2018 from Paul Castro, Acting Director of

- ▢ **Planning, Zoning and Building**
- ▢ **Development Review Committee Comments**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 11, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-17-00059 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIATION
160 SEABREEZE AVE**

Date: April 04, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

Special Exception with Site Plan Review to allow the construction of a new 3,629.46 square foot two story single family residence on a lot that is 62.5 feet in width in lieu of the 100 foot minimum required and 7,656.25 square feet in area in lieu of the 10,000 square foot minimum required in the R-B Zoning District. The applicant is also planning to enclose an existing staircase in the guest house garage located in the rear of the property. The following variances are being requested in conjunction with this application: 1) A cubic content ratio ("CCR") of 5.74 in lieu of the 4.235 maximum allowed in the R-B Zoning District for a lot that is 7,656.25 feet in area. 2) a lot coverage of 32.41 % in lieu of the 30 % maximum allowed in the R-B Zoning District for a two story residence. 3) an east side yard setback of 6.2 feet in lieu of the 15 foot minimum required for a two story residence. 4) a west side yard setback of 11.5 feet in lieu of the 15 foot minimum required for a two story residence. 5) an east side yard setback of 7.5 feet in lieu of the 12.5 minimum required for the one-story covered terrace. 6) a landscaped open space of 42.6% in lieu of the 45% minimum required in the R-B Zoning District.

ADDRESS: 160 SEABREEZE AVE

OWNER: REGALBUTO JASON

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-22-06-000-1730

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: POINCIANA PARK LTS 173, 175 & W 1/2
OF LT 177

Page Two

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 1/4/18

APPLICATION NO.: Z-17-00059 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

ADDRESS: 160 SEABREEZE AVE

DESCRIPTION:

Special Exception with Site Plan Review to allow the construction of a new 3,629.46 square foot two story single family residence on a lot that is 62.5 feet in width in lieu of the 100 foot minimum required and 7,656.25 square feet in area in lieu of the 10,000 square foot minimum required in the R-B Zoning District. The applicant is also planning to enclose an existing staircase in the guest house garage located in the rear of the property. The following variances are being requested in conjunction with this application: 1) A cubic content ratio ("CCR") of 5.74 in lieu of the 4.235 maximum allowed in the R-B Zoning District for a lot that is 7,656.25 feet in area. 2) a lot coverage of 32.41 % in lieu of the 30 % maximum allowed in the R-B Zoning District for a two story residence. 3) an east side yard setback of 6.2 feet in lieu of the 15 foot minimum required for a two story residence. 4) a west side yard setback of 11.5 feet in lieu of the 15 foot minimum required for a two story residence. 5) an east side yard setback of 7.5 feet in lieu of the 12.5 minimum required for the one-story covered terrace. 6) a landscaped open space of 42.6% in lieu of the 45% minimum required in the R-B Zoning District.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	12/21/2017	No comments.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	1/30/2018	To comply with Town Standards, all driveways shall be a minimum distance of six feet (6') from the property line. All driveways shall have minimum sight visibility triangles established measuring eight feet (8') by 15 feet on each side of the driveway. Residential driveway widths shall not exceed 14-foot wide.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	1/9/2018	There are no Fire Code concerns with this proposal
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	1/4/2018	This project will require ARCOM review and approval as a major combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	12/21/2017	No Comment
PZB DIRECTOR	Director, Planning, Zoning & Building	1/4/2018	Owner must provide hardship justifying the necessity of 5 separate variances. A new home can be designed without the need for variances.
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	1/4/2018	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	1/30/2018	The proposed house to be built on a nonconforming lot should be designed to meet the existing Zoning Code provisions. The proposed cubic content ratio far exceeds the maximum allowed by Code. The lot coverage also should be required to meet the existing Code requirement. The side yard setbacks based on the width of the lot should be considered as the lot is narrow.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 11, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-17-00066 MODIFIED SITE PLAN REVIEW

Zoning District: C-TS Town-Serving Commercial The application of VIA 313 1/2 WORTH AVENUE LTD, Owner, relative to property located at **313 1/2 WORTH AVE SUITE: SITE**, legal description on file, is described below. 1. Request for special exception approval to allow a two (2) story trellis. 2. Request site plan review to modify the Via Bice as follows: a. new mosaic pavers in the Via; b. New 2,240 square foot 2 story trellis with retractable awning above; c. New landscaping and lighting; d. New stone entry with awning on Peruvian Avenue; e. Removal of existing canvas awnings f. New 37.5 square foot addition to existing bay window. [Applicant's Representative: Maura Ziska Esq] [The Architectural Commission generally thought the redesign was a positive step forward in the right direction. Some of the topics debated by the Commissioners were the following: 1) Whether the front facing façade was too modern, 2) Whether the pergolas took away from the Via, 3) Whether the tile pattern on the floor was the correct design, 4) Whether the retractable awnings were appropriate, 5) The height of the pergolas. They all agreed that accessibility at the entrance was necessary. The Architectural Commission deferred the project to the April 25, 2018 meeting. Carried 7-0.]

Presenter

ATTACHMENTS:

- **Memorandum dated April 4, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- **Development Review Committee Comments**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 11, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-17-00066 SPECIAL EXCEPTION WITH SITE PLAN REVIEW**
313 1/2 WORTH AVE SUITE: SITE

Date: April 04, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

1. Request for special exception approval to allow a two (2) story trellis. 2. Request site plan review to modify the Via Bice as follows: a. new mosaic pavers in the Via; b. New 2,240 square foot 2 story trellis with retractable awning above; c. New landscaping and lighting; d. New stone entry with awning on Peruvian Avenue; e. Removal of existing canvas awnings f. New 37.5 square foot addition to existing bay window.

ADDRESS: 313 1/2 WORTH AVE SUITE: SITE

OWNER: VIA 313 1/2 WORTH AVENUE LTD

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-23-05-014-0190

ZONING DISTRICT: C-TS Town-Serving Commercial

LEGAL DESCRIPTION: ROYAL PARK ADD LTS 19 THRU 23 & N
92.45 FT OF W 13 FT & SLY 33.79 FT OF WLY 8.2
FT OF LT 24 & TH PT OF LTS 33 THRU 38 AS IN
OR1649P1237 (LESS OR5635P125) BLK 14

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Page Two

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 1/4/18

APPLICATION NO.: Z-17-00066 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW

ADDRESS: 313 1/2 WORTH AVE SUITE: SITE

DESCRIPTION:

1. Request for special exception approval to allow a two (2) story trellis. 2. Request site plan review to modify the Via Bice as follows: a. new mosaic pavers in the Via; b. New 2,240 square foot 2 story trellis with retractable awning above; c. New landscaping and lighting; d. New stone entry with awning on Peruvian Avenue; e. Removal of existing canvas awnings f. New 37.5 square foot addition to existing bay window.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	1/3/2018	No Comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	1/31/2018	A sketch of the drainage system and coordination with the Landscape Architect are required.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	1/9/2018	There are no Fire Code Concerns with this application
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	1/4/2018	This project will require ARCOM review and approval as a major project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	1/4/2018	No Comment
PZB DIRECTOR	Director, Planning, Zoning & Building	1/4/2018	Proposed changes are significant, and must be approved by either Landmarks or ARCOM, whichever is appropriate. Bice restaurant recently applied for additional outdoor seating (to be heard by Council in January). Does adequate ingress/egress space exist for public safety purposes?
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	1/4/2018	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	1/30/2018	The applicant may need a variance for lot coverage. Staff will verify prior to the meeting date. I have no comments on the site improvements.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 11, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-18-00068 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R B Low Density Residential The application of 1280 NORTH LAKE WAY LLC, Owner, relative to property located at **1280 N LAKE WAY**, legal description on file, is described below. 1. Site Plan Review to allow the construction of a 7,431 square foot two story, single family residence on a non conforming platted lot which is 87.95 feet in width in lieu of the 100 foot minimum width required in the R B Zoning District. 2. A variance request to allow the two story residence with a point of measurement of 8.5 feet North American Vertical Datum ("NAVD") for cubic content ratio ("CCR") in lieu of the 7.4 foot NAVD required when determining cubic content ratio on lots abutting the Lake Trail. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 6-1. The Architectural Commission approved this project at the March 28, 2018 meeting. Carried 4-3.]

Presenter

ATTACHMENTS:

- ▣ **Memorandum dated April 4, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- ▣ **Development Review Committee Comments**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 11, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00068 SITE PLAN REVIEW WITH VARIANCE(S)**
1280 N LAKE WAY

Date: April 04, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

1. Site Plan Review to allow the construction of a 7,431 square foot two-story, single family residence on a non-conforming platted lot which is 87.95 feet in width in lieu of the 100 foot minimum width required in the R-B Zoning District.
2. A variance request to allow the two story residence with a point of measurement of 8.5 feet North American Vertical Datum ("NAVD") for cubic content ratio ("CCR") in lieu of the 7.4 foot NAVD required when determining cubic content ratio on lots abutting the Lake Trail.

ADDRESS: 1280 N LAKE WAY

OWNER: 1280 NORTH LAKE WAY LLC

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-03-06-000-0140

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: BELLO LIDO LTS 14 & 14A

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Page Two

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 1/23/18

APPLICATION NO.: Z-18-00068 **APPLICATION TYPE:** SITE PLAN REVIEW WITH VARIANCE(S)

ADDRESS: 1280 N LAKE WAY

DESCRIPTION:

1. Site Plan Review to allow the construction of a 7,431 square foot two-story, single family residence on a non-conforming platted lot which is 87.95 feet in width in lieu of the 100 foot minimum width required in the R-B Zoning District.
2. A variance request to allow the two story residence with a point of measurement of 8.5 feet North American Vertical Datum ("NAVD") for cubic content ratio ("CCR") in lieu of the 7.4 foot NAVD required when determining cubic content ratio on lots abutting the Lake Trail.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	4/4/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	3/15/2018	The required sketch of a Stormwater System and coordination with Landscape Architect have been provided; however the watertable stated at 6-foot below the ground surfaces raises a concern. The location of the exfiltration test will need to be identified. The exfiltration calculations are not checked at this level of review. Residential driveway width needs to be dimension to show compliance with Town Standard Drawing No. 13. Landscaping greater than 18 inches in height appears to have been proposed within the driveway site triangle. Furthermore, the landscaping proposed along North Lake Way will need to meet Florida Green Book clear zone requirements. The caliper of the trees planted cannot exceed 6-inches in diameter adjacent to the roadway without the presence of curb. Additional information will be necessary to confirm compliance.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	4/4/2018	No Fire Code Concerns with the proposed project
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	1/31/2018	This project will require review and approval by the Architectural Commission (ARCOM) as a major noticed combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	1/22/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	1/23/2018	No Comment



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 1/23/18

PZB - ZONING

Paul Castro, Zoning
Administrator

1/24/2018

The application needs to be revised to include the proposed dock in the application and the U.S. Pierhead Line on the survey and plans, or eliminate the dock from the application. In addition, the building height is 1 inch to tall based on the proposed point of measurement. The applicant either needs to lower the height of the proposed house or revise the application to include an additional variance request..

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 11, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-18-00071 MODIFIED SPECIAL EXCEPTION WITH SITE PLAN

REVIEW AND VARIANCE(S) Zoning District: B-A Beach Area The application of TRAVERSE NORMAN &, Owner, relative to property located at **1744 S OCEAN BLVD**, legal description on file, is described below. 1. Request a special exception to permit the construction of a +/- 75 foot tunnel for pedestrian access under South Ocean Boulevard to connect the house to the beach parcel on the east side of the road. Also proposed is a walkover and landing. The application proposes to close one lane of traffic at one time to construct the tunnel. 2. A variance to allow the tunnel and associated stairs to have a setback of 47.25 feet from the designated Ocean Bulkhead Line established in Chapter 62 in lieu of the 150 foot minimum setback required. [Applicant's Representative: Maura Ziska Esq]

Presenter

ATTACHMENTS:

- **Memorandum dated April 4, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- **Development Review Committee Comments**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 11, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00071 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIATION
1744 S OCEAN BLVD**

Date: April 04, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

1. Request a special exception to permit the construction of a +/- 75 foot tunnel for pedestrian access under South Ocean Boulevard to connect the house to the beach parcel on the east side of the road. Also proposed is a walkover and landing. The application proposes to close one lane of traffic at one time to construct the tunnel.
2. A variance to allow the tunnel and associated stairs to have a setback of 47.25 feet from the designated Ocean Bulkhead Line established in Chapter 62 in lieu of the 150 foot minimum setback required.

ADDRESS: 1744 S OCEAN BLVD

OWNER: TRAVERSE NORMAN &

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-44-11-03-000-1061

ZONING DISTRICT: B-A Beach Area

LEGAL DESCRIPTION: PALM BEACH ESTATES LT 106 (LESS N 6 FT, S
50 FT & OCEAN BLVD R/W)

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Page Two

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 1/23/18

APPLICATION NO.: Z-18-00071 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

ADDRESS: 1744 S OCEAN BLVD

DESCRIPTION:

1. Request a special exception to permit the construction of a +/- 75 foot tunnel for pedestrian access under South Ocean Boulevard to connect the house to the beach parcel on the east side of the road. Also proposed is a walkover and landing. The application proposes to close one lane of traffic at one time to construct the tunnel.
2. A variance to allow the tunnel and associated stairs to have a setback of 47.25 feet from the designated Ocean Bulkhead Line established in Chapter 62 in lieu of the 150 foot minimum setback required.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	1/22/2018	Any lighting in tunnel that may be direct line of sight visible from the beach is subject to State turtle protection requirements.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	4/5/2018	Consent along with an agreement with the Florida Department of Transportation will be required. Additional requirements for construction on the Dune side / east of the CCCL required by DEP should be anticipated. A permit with the Town showing construction across S. Ocean Blvd will need to occur outside of Season. A more extensive review of the Maintenance of Traffic will need to be performed.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	4/4/2018	No Fire Code Concerns with the propsed project
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	1/31/2018	I have no comments regarding this project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	1/19/2018	May need to hire detail police officers and/or flaggers for traffic control.
PZB DIRECTOR			No Comment
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	1/23/2018	No Comment



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 1/23/18

PZB - ZONING

Paul Castro, Zoning
Administrator

1/24/2018

The application description of the project and the plans do not match existing conditions or the proposed traffic pattern during construction. The application states that the road will remain open and traffic will be routed through the applicant's property. The plans show each lane of the road being closed at different times during construction. The plans also do not reflect the existing or proposed condition of the revetment that was constructed by the Florida Department of Environmental Protection (FDOT) to protect South Ocean Boulevard from erosion or storm damage. Plans need to be revised to indicate the exact dimensional location of the revetment and how the revetment will be reconstructed to the east after construction of the tunnel and stairs, deck and walkover. In addition, prior to Council consideration, the applicant should be required to provide the Town with written approval from FDOT for the tunnel, and relocation of the revetment or encroachment into the revetment with the proposed improvements. To date, Staff has no indication that FDOT will approve this project.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 11, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-18-00072 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R A Estate Residential The application of SHADOWBROOK LAND TRUST &, Owner, relative to property located at **110 VIA VIZCAYA**, legal description on file, is described below. Site Plan Review to allow the construction of a 5,084 square foot two story, single family residence on a non conforming lot which is 100 feet in width in lieu of the 125 foot minimum width required; 100 feet in depth in lieu of the 150 foot minimum required and 10,000 square feet in area in lieu of the 20,000 square foot minimum required in the R A Zoning District. The following variances are being requested in conjunction with this application: 1. A variance request to have a building height plane setback of 30 feet in lieu of the 45.81 foot setback required for a building that is 22' feet 6 5/8" inches tall. 2. A variance for lot coverage to be 28% in lieu of the 25% maximum allowed in the R A Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0. The Architectural Commission approved this project at the March 28, 2018 meeting. Carried 7-0.]

Presenter

ATTACHMENTS:

- **Memorandum dated April 4, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- **Development Review Committee Comments**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 11, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00072 SITE PLAN REVIEW WITH VARIANCE(S)**
110 VIA VIZCAYA

Date: April 04, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

Site Plan Review to allow the construction of a 5,084 square foot two-story, single family residence on a non-conforming lot which is 100 feet in width in lieu of the 125 foot minimum width required; 100 feet in depth in lieu of the 150 foot minimum required and 10,000 square feet in area in lieu of the 20,000 square foot minimum required in the R-A Zoning District. The following variances are being requested in conjunction with this application: 1. A variance request to have a building height plane setback of 30 feet in lieu of the 45.81 foot setback required for a building that is 22' feet 6 5/8" inches tall. 2. A variance for lot coverage to be 28% in lieu of the 25% maximum allowed in the R-A Zoning District.

ADDRESS: 110 VIA VIZCAYA

OWNER: SHADOWBROOK LAND TRUST &

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-35-02-000-0200

ZONING DISTRICT: R-A Estate Residential

LEGAL DESCRIPTION: VIA VIZCAYA ADDITION LT 20

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Page Two

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 1/23/18

APPLICATION NO.: Z-18-00072 **APPLICATION TYPE:** SITE PLAN REVIEW WITH VARIANCE(S)

ADDRESS: 110 VIA VIZCAYA

DESCRIPTION:

Site Plan Review to allow the construction of a 5,084 square foot two-story, single family residence on a non-conforming lot which is 100 feet in width in lieu of the 125 foot minimum width required; 100 feet in depth in lieu of the 150 foot minimum required and 10,000 square feet in area in lieu of the 20,000 square foot minimum required in the R-A Zoning District. The following variances are being requested in conjunction with this application: 1. A variance request to have a building height plane setback of 30 feet in lieu of the 45.81 foot setback required for a building that is 22' feet 6 5/8" inches tall. 2. A variance for lot coverage to be 28% in lieu of the 25% maximum allowed in the R-A Zoning District.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	4/4/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	4/5/2018	Please confirm that the placement Stormwater Management System has been coordinated with the Landscape Architect. The exfiltration calculations are not checked at this level of review.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	4/4/2018	No Fire Code Concerns with the proposed project
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	1/31/2018	This project will require review and approval by the Architectural Commission (ARCOM) as a major noticed combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	1/19/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	1/23/2018	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	4/4/2018	There is no hardship on the proposed lot coverage variance. The applicant must demonstrate there is a hardship for the building height plan variance. As a condition of approval the site plan application, the applicant should provide an easement or agreement to provide any easement necessary to provide undergrounding of the utility easement prior to the issuance of a building permit.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 11, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00074 VARIANCE(S) The application of 17 GOLFVIEW ROAD LLC, Owner, relative to property located at **17 GOLFVIEW RD**, legal description on file, is described below. The applicant is proposing to construct a 224 square foot pool cabana and a 175 square foot awning in the rear of the property that will require the following variances: 1. Landscaped open space of 46% in lieu of the 48.7% existing and the 50% minimum required in the R A Zoning District. 2. Lot coverage of 31% in lieu of the 29.10% existing and the 25% maximum allowed in the R A Zoning District. 3. Rear yard setback of 8.83 feet in lieu of the 10 foot minimum required for an unenclosed accessory structure in the R A Zoning District. [Applicant's Representative Maura Ziska Esq] [Landmark Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property. Carried 7-0]

Presenter

ATTACHMENTS:

- ▣ **Memorandum dated April 4, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- ▣ **Development Review Committee Comments**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 11, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00074 VARIANCE(S)**
17 GOLFVIEW RD

Date: April 04, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

The applicant is proposing to construct a 224 square foot pool cabana and a 175 square foot awning in the rear of the property that will require the following variances: 1. Landscaped open space of 46% in lieu of the 48.7% existing and the 50% minimum required in the R-A Zoning District. 2. Lot coverage of 31% in lieu of the 29.10% existing and the 25% maximum allowed in the R-A Zoning District. 3. Rear yard setback of 8.83 feet in lieu of the 10 foot minimum required for an unenclosed accessory structure in the R-A Zoning District.

ADDRESS: 17 GOLFVIEW RD

OWNER: 17 GOLFVIEW ROAD LLC

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-26-02-000-0170

ZONING DISTRICT: R-A Estate Residential

LEGAL DESCRIPTION: GOLF VIEW LT 17 & TRS IN
DB935P436

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Page Two

Attachment

cc: John C. Randolph, Town Attorney
pf & zf

**PLANNING, ZONING AND BUILDING DEPARTMENT**

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 2/27/18

APPLICATION NO.: Z-18-00074 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 17 GOLFVIEW RD

DESCRIPTION:

The applicant is proposing to construct a 224 square foot pool cabana and a 175 square foot awning in the rear of the property that will require the following variances: 1. Landscaped open space of 46% in lieu of the 48.7% existing and the 50% minimum required in the R-A Zoning District. 2. Lot coverage of 31% in lieu of the 29.10% existing and the 25% maximum allowed in the R-A Zoning District. 3. Rear yard setback of 8.83 feet in lieu of the 10 foot minimum required for an unenclosed accessory structure in the R-A Zoning District.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	3/6/2018	No comments.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	4/5/2018	The required sketch of a Stormwater System and coordination with Landscape Architect have been provided. Elevations and calculation need to be in NAVD-88. The exfiltration calculations are not checked at this level of review.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	3/7/2018	No fire code concerns
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	4/5/2018	The project will require review and approval by the Landmarks Preservation Commission (LPC) as a combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	2/26/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	2/27/2018	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	2/27/2018	There is no hardship to approve the requested variances. If approved, a condition of approval should be that an easement be dedicated or equivalent Agreement to the Town's satisfaction in order to facilitate utility undergrounding. This should be done prior to the issuance of a building permit.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 11, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00075 SPECIAL EXCEPTION The application of WELLS FARGO BANK, NA Owner, relative to property located at **255 S COUNTY RD SUITE: SITE**, legal description on file, is described below. The Applicant seeks approval of a Special Exception with Site Plan Review to modify SE#23 2015 for the building signage to remove the existing "First National Bank" sign and replace it with a "Wells Fargo Building" sign of the same size. There will be no increase in sign face area and the square footage of the proposed sign complies with the Town Code. [Applicant's Representative Harvey E Oyer III Esq] [Landmark Preservation Commission Recommendation: Implementation of the special exception and site plan review will not cause negative architectural impact to the subject landmarked property. Carried 7-0.] [Landmark Preservation Commission Recommendation: Implementation of the special exception and site plan review will not cause negative architectural impact to the subject landmarked property. Carried 7-0.]

Presenter

ATTACHMENTS:

- ▣ **Memorandum dated April 4, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- ▣ **Development Review Committee Comments**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 11, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00075 SPECIAL EXCEPTION**
255 S COUNTY RD SUITE: SITE

Date: April 04, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

The Applicant seeks approval of a Special Exception with Site Plan Review to modify SE#23-2015 for the building signage to remove the existing "First National Bank" sign and replace it with a "Wells Fargo Building" sign of the same size. There will be no increase in sign face area and the square footage of the proposed sign complies with the Town Code.

ADDRESS: 255 S COUNTY RD SUITE: SITE

OWNER: WACHOVIA BANK C/O

OWNER'S REPRESENTATIVE: HARVEY E OYER III ESQ

PROPERTY CONTROL NO.: 50-43-43-23-05-022-0220

ZONING DISTRICT: C-TS Town-Serving Commercial

LEGAL DESCRIPTION: ROYAL PARK ADD LT 22 TO 26 INC, LT
27 (LESS S 103.09 FT OF E 208.15 FT & TH PT OF
NLY 3 FT IN DB972 P392) & LT 59 BLK B

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 2/27/18

APPLICATION NO.: Z-18-00075 **APPLICATION TYPE:** SPECIAL EXCEPTION

ADDRESS: 255 S COUNTY RD SUITE: SITE

DESCRIPTION:

The Applicant seeks approval of a Special Exception with Site Plan Review to modify SE#23-2015 for the building signage to remove the existing "First National Bank" sign and replace it with a "Wells Fargo Building" sign of the same size. There will be no increase in sign face area and the square footage of the proposed sign complies with the Town Code.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	3/6/2018	No Comment.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	4/5/2018	No Comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	3/7/2018	No fire code concerns
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	4/5/2018	The project will require review and approval by the Landmarks Preservation Commission (LPC) as a combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	2/26/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	2/27/2018	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	2/27/2018	The condition of approval for the special exception and site plan review for Wells Fargo was to maintain the sign. In addition, the plans that were approved identified the First National Bank sign to remain on the facade. I have no comment related to this request as it is not a specific zoning code requirement. .

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 11, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00076 SITE PLAN REVIEW WITH VARIANCE(S) The application of WEXLER GARY &, Owner, relative to property located at **14 VIA VIZCAYA**, legal description on file, is described below. Site plan review request to allow the construction of a 7,400 square foot two story single family residence on a platted non conforming lot in both width and area in the RA Zoning District. In connection with the proposed construction, the following variance is being requested: A variance request for a one story element rear street yard setback (south side of the property) of 15 feet in lieu of the 35 foot minimum required in the RA Zoning District. [Applicant's Representative David E. Klein Esq] [Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission conditionally approved the project at the March 28, 2018 meeting. The conditions are related to the architecture only. Carried 7-0.]

Presenter

ATTACHMENTS:

- ▣ **Memorandum dated April 4, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- ▣ **Development Review Committee Comments**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 11, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00076 SITE PLAN REVIEW WITH VARIANCE(S)**
14 VIA VIZCAYA

Date: April 04, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

Site plan review request to allow the construction of a 7,400 square foot two-story single-family residence on a platted non-conforming lot in both width and area in the R-A Zoning District. In connection with the proposed construction, the following variance is being requested: A variance request for a one-story element rear street yard setback (south side of the property) of 15 feet in lieu of the 35-foot minimum required in the R-A Zoning District.

ADDRESS: 14 VIA VIZCAYA

OWNER: WEXLER GARY &

OWNER'S REPRESENTATIVE: RABIDEAU LAW PA

PROPERTY CONTROL NO.: 50-43-43-35-01-000-0140

ZONING DISTRICT: R-A Estate Residential

LEGAL DESCRIPTION: VIA VIZCAYA LT 14

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Page Two

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 2/27/18

APPLICATION NO.: Z-18-00076 **APPLICATION TYPE:** SITE PLAN REVIEW WITH VARIANCE(S)

ADDRESS: 14 VIA VIZCAYA

DESCRIPTION:

Site plan review request to allow the construction of a 7,400 square foot two-story single-family residence on a platted non-conforming lot in both width and area in the R-A Zoning District. In connection with the proposed construction, the following variance is being requested: A variance request for a one-story element rear street yard setback (south side of the property) of 15 feet in lieu of the 35-foot minimum required in the R-A Zoning District.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	3/6/2018	No Comment.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	4/5/2018	The required sketch of a Stormwater System and coordination with Landscape Architect have been provided. The exfiltration calculations are not checked at this level of review.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	3/7/2018	No fire code concerns
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	4/5/2018	The project will require review and approval by the Architectural Commission (ARCOM) as a major project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	2/23/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	2/27/2018	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	2/27/2018	There appears to be a hardship as the lot has a street on three sides which requires greater setbacks. The wall between the street and the pool does not meet the zoning requirements as this time and is required to be modified to meet Code. If approved, a condition should be a requirement for easement dedication, or equivalent Agreement, to the Town's satisfaction in order to facilitate utility undergrounding prior to the issuance of a building permit.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 11, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00077 VARIANCE(S) The application of WALKER JEFFREY C, Owner, relative to property located at **662 ISLAND DR**, legal description on file, is described below. The applicant is proposing to construct a 543 second floor within the existing footprint of the one story residence which will require the following variances: 1) lot coverage of 29.8% in lieu of the 25% maximum allowed in the R B Zoning District for a two story residence on a lot that is in excess of 20,000 square feet; 2) cubic content ratio of 4.28 in lieu of the 3.83 existing and the 4.10 maximum allowed in the R B Zoning District. [Applicant's Representative Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0. The Architectural Commission approved the project at the March 28, 2018 meeting. Carried 7-0.]

Presenter

ATTACHMENTS:

- **Memorandum dated April 4, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- **Development Review Committee Comments**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 11, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00077 VARIANCE(S)**
662 ISLAND DR

Date: April 04, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

The applicant is proposing to construct a 543 second floor within the existing footprint of the one-story residence which will require the following variances: 1) lot coverage of 29.8% in lieu of the 25% maximum allowed in the R-B Zoning District for a two story residence on a lot that is in excess of 20,000 square feet; 2) cubic content ratio of 4.28 in lieu of the 3.83 existing and the 4.10 maximum allowed in the R-B Zoning District.

ADDRESS: 662 ISLAND DR

OWNER: WALKER JEFFREY C

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-27-01-000-0641

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: PL OF EVERGLADES ISLAND S 90 FT OF LT
64 & N 85 FT OF LT 66

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 2/27/18

APPLICATION NO.: Z-18-00077 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 662 ISLAND DR

DESCRIPTION:

The applicant is proposing to construct a 543 second floor within the existing footprint of the one-story residence which will require the following variances: 1) lot coverage of 29.8% in lieu of the 25% maximum allowed in the R-B Zoning District for a two story residence on a lot that is in excess of 20,000 square feet; 2) cubic content ratio of 4.28 in lieu of the 3.83 existing and the 4.10 maximum allowed in the R-B Zoning District.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	2/22/2018	No comments.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	4/4/2018	No Comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	3/7/2018	No fire code concerns
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	4/5/2018	The project will require review and approval by the Architectural Commission (ARCOM) as a major combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	2/22/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	2/27/2018	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	2/22/2018	Revise the plans to show the correct property on the streetscape/location plan. On lots over 20,000 square feet in the R-B Zoning District a one story house is allowed a maximum 30% lot coverage. A two story house is allowed a maximum of 25% lot coverage. The existing house complies with the lot coverage requirements for a one story house. There is no hardship for the requested variances to place a second story on the existing house. The applicant should eliminate part of the first floor of the existing house if they want a second story addition unless they can demonstrate a hardship based on the Code..

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 11, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00078 SPECIAL EXCEPTION The application of EVERGLADES CLUB INC, Owner, relative to property located at **500 S COUNTY RD SUITE: SITE**, legal description on file, is described below. A request for special exception approval with site plan review to remove an existing Golf Cart Shelter and portion of an existing site wall located southwest of the existing Pro Shop and add a new site wall, a 1,099 square foot golf bag storage building and a 2,971 square foot golf cart shelter located southwest of the existing Pro Shop. [Applicant's Representative Maura Ziska Esq]

Presenter

ATTACHMENTS:

- ▣ **Memorandum dated April 4, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- ▣ **Development Review Committee Comments**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 11, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00078 SPECIAL EXCEPTION**
500 S COUNTY RD SUITE: SITE

Date: April 04, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

A request for special exception approval with site plan review to remove an existing Golf Cart Shelter and portion of an existing site wall located southwest of the existing Pro Shop and add a new site wall, a 1,099 square foot golf bag storage building and a 2,971 square foot golf cart shelter located southwest of the existing Pro Shop.

ADDRESS: 500 S COUNTY RD SUITE: SITE

OWNER: EVERGLADES CLUB INC

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-26-00-001-0020

ZONING DISTRICT: R-A Estate Residential

LEGAL DESCRIPTION: 26/27-43-43, TH PT OF GOV LTS 1 & 2 LYG S OF GOLF RD, E OF COUNTY RD & N OF ISLAND RD (LESS 16.09 FT LYG S OF & ADJ TO LT 18 OF PB7P69 IN SEC 26 & GOV LT 1 S OF ROYAL PARK (LESS DB935P436) ISLAND IN

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Page Two

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 2/27/18

APPLICATION NO.: Z-18-00078 **APPLICATION TYPE:** SPECIAL EXCEPTION

ADDRESS: 500 S COUNTY RD SUITE: SITE

DESCRIPTION:

A request for special exception approval with site plan review to remove an existing Golf Cart Shelter and portion of an existing site wall located southwest of the existing Pro Shop and add a new site wall, a 1,099 square foot golf bag storage building and a 2,971 square foot golf cart shelter located southwest of the existing Pro Shop.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	3/6/2018	No Comments.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	4/4/2018	No Comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	3/7/2018	No fire code concerns
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	4/5/2018	I have no comment regarding this application.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	2/23/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	2/27/2018	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	2/27/2018	The proposed additions meet Zoning Code and do not impact any of the neighboring properties. Approval should be conditioned upon easement dedication or equivalent Agreement to the Town's satisfaction in order to facilitate utility undergrounding prior to the issuance of a building permit.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 11, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00079 VARIANCE(S) The application of ANGLE ANN BRITT &, Owner, relative to property located at **306 PENDLETON LN**, legal description on file, is described below. The applicant is proposing to construct a 340 square foot one story loggia addition to the existing residence that would result in the following variances being requested: 1) an angle of vision of 130 degrees in lieu of the 117 degrees existing and the 116 degrees maximum allowed in the R·B Zoning District 2) a front yard setback of 22.91 feet in lieu of the 25 foot minimum setback required in the RB Zoning District [Applicant's Representative Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0. The Architectural Commission approved the project at the March 28, 2018 meeting. Carried 7-0.]

Presenter

ATTACHMENTS:

- ▣ **Memorandum dated April 4, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- ▣ **Development Review Committee Comments**
- ▣ **Letter Dated March 6, 2018 From Sieving**
- ▣ **Letter Dated March 8, 2018 From Foster**
- ▣ **Letter Dated March 9, 2018 From Del Bosco**
- ▣ **Letter Dated March 18, 2018 From Rinker**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 11, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00079 VARIANCE(S)**
306 PENDLETON LN

Date: April 04, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

The applicant is proposing to construct a 340 square foot one story loggia addition to the existing residence that would result in the following variances being requested: 1) an angle of vision of 130 degrees in lieu of the 117 degrees existing and the 116 degrees maximum allowed in the R-B Zoning District 2) a front yard setback of 22.91 feet in lieu of the 25 foot minimum setback required in the R-B Zoning District

ADDRESS: 306 PENDLETON LN

OWNER: ANGLE ANN BRITT &

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-22-02-000-0010

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: COCOANUT GROVE LT 1 & E 90 FT OF LT 2

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 2/27/18

APPLICATION NO.: Z-18-00079 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 306 PENDLETON LN

DESCRIPTION:

The applicant is proposing to construct a 340 square foot one story loggia addition to the existing residence that would result in the following variances being requested: 1) an angle of vision of 130 degrees in lieu of the 117 degrees existing and the 116 degrees maximum allowed in the R-B Zoning District 2) a front yard setback of 22.91 feet in lieu of the 25 foot minimum setback required in the R-B Zoning District

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	4/4/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	4/5/2018	All the plans within the set need to be orientated to match with North being up the page. An evaluation per Section 134-1637, Intersection Sight Triangle Areas for Residential Districts, may be required. Please review the value of the percentage of work in relation to the appraised value of the structure and show the Intersection sight triangle for the southwest corner of Coconut Row at Pendleton Lane. The required sketch of a Stormwater System and coordination with Landscape Architect have been provided. The exfiltration calculations are not checked at this level of review.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	3/7/2018	No fire code concerns
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	4/5/2018	The project will require review and approval by the Architectural Commission (ARCOM) as a major combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	2/22/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	2/27/2018	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	2/27/2018	There appears to be no hardship for the variance application to be approved. If approved, it should be conditioned upon easement dedication prior to the issuance of a building permit or equivalent Agreement, to the Town's satisfaction in order to facilitate utility undergrounding.

Charles and Alison Sieving
333 Pendleton Lane
Palm Beach, Florida 33480

March 6, 2018

Honorable Mayor Coniglio and Members of the Town Council
And Members of the Architectural Review Commission
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Via email: kchurney@townofpalmbeach.com

RE: Z-18-00079
306 Pendleton Lane, Palm Beach, Florida

Dear Madam Mayor, Members of the Town Council and Members of the Architectural Review Commission:

We live at 333 Pendleton Lane in Palm Beach. My neighbors across and two houses up the street, the Angle family, have filed plans with the Town to renovate their home and add a loggia addition. We have reviewed their plans and fully support their plans. We believe that the proposed renovation will be a fine improvement to both our neighbor's property and our neighborhood. Hopefully, you and your staff will agree with us and will approve the proposed project.

Thank you for your consideration.

Sincerely,


Charles and Alison Sieving

Ridgely and Leta Foster
64 Via Mizner
Palm Beach, Florida 33480

March 8th, 2018

Honorable Mayor Coniglio and Members of the Town Council
And Members of the Architectural Review Commission
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Via email: kchurney@townofpalmbeach.com

RE: Z-18-00079
306 Pendleton Lane, Palm Beach, Florida

Dear Madam Mayor, Members of the Town Council and Members of the Architectural Review Commission:

We own the home at 345 Pendleton Lane in Palm Beach. My neighbors three houses down and on the south side of the road have filed plans with the Town to renovate their home and add a loggia addition. We have reviewed the Angle family's plans and fully support their plans. I believe that the proposed renovation will be a fine improvement to both my neighbor's property and our neighborhood. Hopefully, you and your staff will agree with me and will approve the proposed project.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Ridgely and Leta Foster". The signature is fluid and cursive, with the first name "Ridgely" being more prominent and followed by "and Leta Foster".

Ridgely and Leta Foster

124 Cocoanut Row, LLC
124 Cocoanut Row
Palm Beach, Florida 33480

March 9, 2018

Honorable Mayor Coniglio and Members of the Town Council
And Members of the Architectural Review Commission
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Via email: kchurney@townofpalmbeach.com

RE: Z-18-00079
306 Pendleton Lane, Palm Beach, Florida

Dear Madam Mayor, Members of the Town Council and Members of the Architectural Review Commission:

124 Cocoanut Row, LLC owns the property located at 124 Cocoanut Row in Palm Beach. The Angle Family, whose property is located just to the North, has filed plans with the Town to renovate their home and add a loggia addition. I have reviewed their plans and fully support their plans.

Thank you for your consideration.

Sincerely,



Tom Del Bosco
Vice President
124 Cocoanut Row, LLC

From: [Kelly Churney](#)
To: [Alexander Ives \(alexives@hotmail.com\)](#); [Betsy Shiverick \(betsyshiverick@gmail.com\)](#); [John Corey \(johncorey84@gmail.com\)](#); [Katherine Catlin \(KTCatlin@hotmail.com\)](#); [Maisie Grace \(amginnv@aol.com\)](#); [Michael Small \(msmall@smallawpalmbeach.com\)](#); [Robert Garrison \(rng@garrisonarch.com\)](#); [Robert J. Vila](#)
Cc: [Gail Coniglio](#); [Danielle Hickox Moore](#); [Lew Crampton \(lcrampton@sfsiencecenter.org\)](#); [Margaret Zeidman](#); [Bobbie Lindsay](#); [Julie Araskog](#); [John Lindgren](#); [Paul Castro](#); [Kathleen Ruderman](#)
Subject: FW: Angle / Z-18-00079 / Architectural Review Commission
Date: Monday, March 19, 2018 8:29:55 AM

FYI

Kelly Churney
Office Assistant III

Town of Palm Beach
Planning, Zoning & Building
360 S. County Rd.
Palm Beach, FL 33480
561-227-6408
561-835-4621 (fax)
www.townofpalmbeach.com

From: John J. Rinker [mailto:john@rinkerent.com]
Sent: Sunday, March 18, 2018 4:34 PM
To: Kelly Churney <KChurney@TownofPalmBeach.com>
Cc: Ann-Britt Angle <annbritt@anglerealestate.com>
Subject: Angle / Z-18-00079 / Architectural Review Commission

Letter from neighbors John & Sheila Rinker in support of Angle family renovation on Pendleton

John J. Rinker
5 South Lake Trail
Palm Beach, Florida 33480

March 17, 2018

Honorable Mayor Coniglio and Members of the Town Council
And Members of the Architectural Review Commission
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Via email: kchurney@townofpalmbeach.com

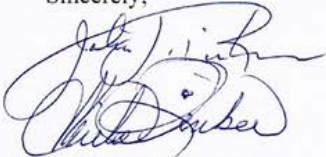
RE: Z-18-00079
306 Pendleton Lane, Palm Beach, Florida

Dear Madam Mayor, Members of the Town Council and Members of the Architectural Review Commission:

We live at 5 South Lake Trail in Palm Beach, two houses west of the Angle Family. We have been notified that they have filed plans with the Town to renovate and add to their home with the intent to make the floorplan more functioning for their family. We also have reviewed their plans and fully support the changes they wish to make. Hopefully, you and your staff will agree with us and will approve the proposed project.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "John J. Rinker" and "Sheila Rinker" in a cursive script.

John and Sheila Rinker

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 11, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00081 SITE PLAN REVIEW The application of KENNEDY SUZANNE W, Owner, relative to property located at **140 KINGS RD**, legal description on file, is described below. Site Plan Review to allow the construction of a 6,361 square foot two story, single family residence on a non conforming platted lot which is 100.03 feet in width in lieu of the 125 foot minimum required in the R A Zoning District; 143.08 feet in depth in lieu of the 150 foot minimum required in the R A Zoning District; and 14,308 square feet in area in lieu of the 20,000 square foot minimum required in the R A Zoning District. [Applicant's Representative Maura Ziska Esq] [The Architectural Commission approved the project at the March 28, 2018 meeting. Carried 6-1.]

Presenter

ATTACHMENTS:

- ▣ **Memorandum dated April 4, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- ▣ **Development Review Committee Comments**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 11, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00081 SITE PLAN REVIEW**
140 KINGS RD

Date: April 04, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

Site Plan Review to allow the construction of a 6,361 square foot two-story, single family residence on a non-conforming platted lot which is 100.03 feet in width in lieu of the 125 foot minimum required in the R-A Zoning District; 143.08 feet in depth in lieu of the 150 foot minimum required in the R-A Zoning District; and 14,308 square feet in area in lieu of the 20,000 square foot minimum required in the R-A Zoning District.

ADDRESS: 140 KINGS RD

OWNER: KENNEDY SUZANNE W

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-35-04-000-0150

ZONING DISTRICT: R-A Estate Residential

LEGAL DESCRIPTION: BOULEVARD ESTATES-PALM BEACH LT 15

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 2/27/18

APPLICATION NO.: Z-18-00081 **APPLICATION TYPE:** SITE PLAN REVIEW

ADDRESS: 140 KINGS RD

DESCRIPTION:

Site Plan Review to allow the construction of a 6,361 square foot two-story, single family residence on a non-conforming platted lot which is 100.03 feet in width in lieu of the 125 foot minimum required in the R-A Zoning District; 143.08 feet in depth in lieu of the 150 foot minimum required in the R-A Zoning District; and 14,308 square feet in area in lieu of the 20,000 square foot minimum required in the R-A Zoning District.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	4/5/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	4/5/2018	The required sketch of a Stormwater System and coordination with Landscape Architect have been provided. The exfiltration calculations are not checked at this level of review.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	3/7/2018	No fire code concerns
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	4/5/2018	The project will require review and approval by the Architectural Commission (ARCOM) as a major project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	2/22/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	2/27/2018	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	2/27/2018	The proposed house meets all zoning Code requirements with the exception of the nonconforming lot size. Approval should be conditioned upon easement dedication prior to the issuance of a building permit or equivalent Agreement, to the Town's satisfaction in order to facilitate utility undergrounding.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 11, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00082 SPECIAL EXCEPTION WITH SITE PLAN REVIEW The application of 257 RPW LLC, Owner, relative to property located at **257 ROYAL POINCIANA WAY**, legal description on file, is described below. 1) A request for special exception approval with site plan review to modify the previously approved awning (Special Exception # 18 2017) to correct the dimensions to be what was installed at 29 feet 8 inches x 12 feet in lieu of the previously approved plan that showed the awning to be 28 feet 9 inches x 12 feet (an 11 inch difference). 2) A request for special exception approval to have a valet operation for lunch and dinner during the following hours: Dinner: 5:00 pm 10:00 pm Sunday to Wednesday; 5:00 pm 3:00 am Thursday to Saturday Lunch: Daily 10 am to 3 pm [Applicant's Representative Maura Ziska Esq]

Presenter

ATTACHMENTS:

- ▣ **Memorandum dated April 4, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- ▣ **Development Review Committee Comments**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 11, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00082 SPECIAL EXCEPTION WITH SITE PLAN REVIEW**
257 ROYAL POINCIANA WAY

Date: April 04, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

1) A request for special exception approval with site plan review to modify the previously approved awning (Special Exception # 18-2017) to correct the dimensions to be what was installed at 29 feet 8 inches x 12 feet in lieu of the previously approved plan that showed the awning to be 28 feet 9 inches x 12 feet (an 11 inch difference). 2) A request for special exception approval to have a valet operation for lunch and dinner during the following hours: Dinner: 5:00 pm-10:00 pm Sunday to Wednesday; 5:00 pm - 3:00 am Thursday to Saturday Lunch: Daily 10 am to 3 pm

ADDRESS: 257 ROYAL POINCIANA WAY

OWNER: 257 RPW LLC

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-22-31-000-0400

ZONING DISTRICT: C-TS Town-Serving Commercial

LEGAL DESCRIPTION: FLORAL PARK LTS 40 THRU 43 & FLORAL
PARK ADD NO 1 PB5P28 LTS 11 & 12

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Page Two

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 2/27/18

APPLICATION NO.: Z-18-00082 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW

ADDRESS: 257 ROYAL POINCIANA WAY

DESCRIPTION:

1) A request for special exception approval with site plan review to modify the previously approved awning (Special Exception # 18-2017) to correct the dimensions to be what was installed at 29 feet 8 inches x 12 feet in lieu of the previously approved plan that showed the awning to be 28 feet 9 inches x 12 feet (an 11 inch difference). 2) A request for special exception approval to have a valet operation for lunch and dinner during the following hours: Dinner: 5:00 pm-10:00 pm Sunday to Wednesday; 5:00 pm - 3:00 am Thursday to Saturday Lunch: Daily 10 am to 3 pm

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	3/6/2018	No comments.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	4/5/2018	No Comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	3/7/2018	No Comment
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	3/7/2018	No fire code concerns
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	4/5/2018	The change of the awning will require ARCOM administrative approval (aka: "staff approval").
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	2/23/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	2/27/2018	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	2/27/2018	The applicant should demonstrate the hardship for the variance request. In addition, the on-street parking and traffic circulation should be addressed for the proposed valet parking. If valet parking is approved the applicant is required to obtain a valet parking permit from the Police Department.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 11, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00083 VARIANCE(S) The application of 89 MIDDLE ROAD LLC, Owner, relative to property located at **89 MIDDLE RD**, legal description on file, is described below. 1) The Applicant is proposing a new pitched roof to replace a flat roof over the 2 story guest house/garage and construct a trellis on the rooftop of the one story portion of the guest house/garage which will require the following variances to be requested: a) a request to increase the overall building height of the guest house/garage by adding the pitched roof in an existing non conforming side yard setback of 6.1 feet in lieu of the 15 foot minimum required in the R A Zoning District; b) a request to increase the building height of the guest house/garage by adding a trellis in an existing non conforming side yard setback of 9.5 in lieu of the 15 foot minimum required in the R A Zoning District. 2) A request for a variance to allow a 120 foot long retaining wall to be at a height of 9.5 feet in lieu of the 7 foot tall maximum allowed. [Applicant's Representative Maura Ziska Esq] [Landmark Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property. Carried 7-0.]

Presenter

ATTACHMENTS:

- **Memorandum dated April 4, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- **Development Review Committee Comments**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 11, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00083 VARIANCE(S)**
89 MIDDLE RD

Date: April 04, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

1) The Applicant is proposing a new pitched roof to replace a flat roof over the 2 story guest house/garage and construct a trellis on the rooftop of the one story portion of the guest house/garage which will require the following variances to be requested: a) a request to increase the overall building height of the guest house/garage by adding the pitched roof in an existing non-conforming side yard setback of 6.1 feet in lieu of the 15 foot minimum required in the R-A Zoning District; b) a request to increase the building height of the guest house/garage by adding a trellis in an existing non-conforming side yard setback of 9.5 in lieu of the 15 foot minimum required in the R-A Zoning District. 2) A request for a variance to allow a 120 foot long retaining wall to be at a height of 9.5 feet in lieu of the 7 foot tall maximum allowed.

ADDRESS: 89 MIDDLE RD

OWNER: 89 MIDDLE ROAD LLC

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-26-03-000-0122

ZONING DISTRICT: R-A Estate Residential

LEGAL DESCRIPTION: SINGER ADDITION LTS 12 & 13 (LESS ELY 21.81 FT), LT 14 (LESS ELY 71.62 FT), LT 15 (LESS ELY 99.46 FT & W 37 FT LYG NLY OF MIDDLE RD & SLY 39.90 FT OF N 47 FT OF W 37 FT MIDDLE RD R/W), S 37.8 FT OF L

Page Two

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 2/27/18

APPLICATION NO.: Z-18-00083 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 89 MIDDLE RD

DESCRIPTION:

1) The Applicant is proposing a new pitched roof to replace a flat roof over the 2 story guest house/garage and construct a trellis on the rooftop of the one story portion of the guest house/garage which will require the following variances to be requested: a) a request to increase the overall building height of the guest house/garage by adding the pitched roof in an existing non-conforming side yard setback of 6.1 feet in lieu of the 15 foot minimum required in the R-A Zoning District; b) a request to increase the building height of the guest house/garage by adding a trellis in an existing non-conforming side yard setback of 9.5 in lieu of the 15 foot minimum required in the R-A Zoning District. 2) A request for a variance to allow a 120 foot long retaining wall to be at a height of 9.5 feet in lieu of the 7 foot tall maximum allowed.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	3/6/2018	No comments.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	4/5/2018	The required sketch of a Stormwater System and coordination with Landscape Architect have been provided. The exfiltration calculations are not checked at this level of review.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	3/7/2018	No fire code concerns
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	4/5/2018	The project will require review and approval by the Landmarks Preservation Commission (LPC) as a combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	2/23/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	2/27/2018	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	2/27/2018	The applicant shall demonstrate to the satisfaction of the Town Council that there is a hardship to approve the proposed variances. The location map is incorrect. Modify the map to address the correct addresses for the surrounding properties and overlay the newly approved subdivision on the map. If approved, the condition of approval should be that an easement be dedicated or equivalent Agreement entered into to the Town's satisfaction in order to facilitate utility undergrounding. This should be done prior to the issuance of a building permit.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 11, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00084 VARIANCE(S) The application of FRIEDMAN LORRAINE L TRUST &, Owner, relative to property located at **901 N OCEAN BLVD**, legal description on file, is described below. 1) Variances to allow the construction of a new 16,087 square foot two story main residence with a point of measurement of 22.5 foot North American Vertical Datum ("NAVD") in lieu of the 15.9 foot NAVD maximum allowed for the following: a. Overall building height; b. Building height; c. Building height plane 2) A variance to allow a 6 foot tall wall along the edge of the site triangle easement and within the front yard setback that would not have a 36 inch continuous hedge as required for a wall exceeding 4 feet in height. [Applicant's Representative Maura Ziska Esq] [The Architectural Commission deferred the project for one month at the March 28, 2018 meeting. Carried 7-0.]

Presenter

ATTACHMENTS:

- ▣ **Memorandum dated April 4, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- ▣ **Development Review Committee Comments**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 11, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00084 VARIANCE(S)**
901 N OCEAN BLVD

Date: April 04, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

1) Variances to allow the construction of a new 16,087 square foot two story main residence with a point of measurement of 22.5 foot North American Vertical Datum ("NAVD") in lieu of the 15.9 foot NAVD maximum allowed for the following: a. Overall building height; b. Building height; c. Building height plane 2) A variance to allow a 6 foot tall wall along the edge of the site triangle easement and within the front yard setback that would not have a 36 inch continuous hedge as required for a wall exceeding 4 feet in height.

ADDRESS: 901 N OCEAN BLVD

OWNER: FRIEDMAN LORRAINE L TRUST &

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-10-00-001-0025

ZONING DISTRICT: R-A Estate Residential

LEGAL DESCRIPTION: 10/11-43-43, S 227.55 FT OF SUB C & N 71 FT OF
SUB D IN GOV LT 1 SECS 10 & 11 LYG N & E OF
OCEAN BLVD

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Page Two

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 2/27/18

APPLICATION NO.: Z-18-00084 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 901 N OCEAN BLVD

DESCRIPTION:

1) Variances to allow the construction of a new 16,087 square foot two story main residence with a point of measurement of 22.5 foot North American Vertical Datum ("NAVD") in lieu of the 15.9 foot NAVD maximum allowed for the following: a. Overall building height; b. Building height; c. Building height plane 2) A variance to allow a 6 foot tall wall along the edge of the site triangle easement and within the front yard setback that would not have a 36 inch continuous hedge as required for a wall exceeding 4 feet in height.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	2/22/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	4/4/2018	Please confirm that the placement of the Stormwater Management System has been coordinated with the Landscape Architect. Specifically, the northwestern exfiltration trench appears to be in close proximity to the perimeter landscaping. The exfiltration calculations are not checked at this level of review.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	3/7/2018	The town ordinance will require the residence to be sprinkled
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	4/5/2018	The project will require review and approval by the Architectural Commission (ARCOM) as a major combination project.



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 2/27/18

POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	2/22/2018	Jack & Lorraine Friedman Trust CERTIFIED MAIL-9314 8699 0430 0042 9981 47 901 N. Ocean Blvd. Palm Beach, FL 33480 NOTICE OF CODE VIOLATION AND HEARING 901 N. Ocean Blvd., Palm Beach Case # CE 18-10 Property Control Number: 50-43-43-10-00-001-0025 Dear Property Owner, A re-inspection of your property found you have not complied with the Code Enforcement violation written warning issued January 5, 2018 and the vegetation that was removed during demolition, and in violation of your ARCOM approval and permit, has not been replaced .Chapter 18, Section 18-206 of the Town of Palm Beach Code of Ordinances outlines the criteria for a demolition permit which states perimeter landscaping and other landscaping considered by the architectural commission to be worthy of saving be left in place and/or preserved in a manner satisfactory to the architectural commission. Please replace any and all vegetation/trees as specified in the original ARCOM demolition agreement by February 18, 2018. Any questions involving the ARCOM agreement should be directed to Planning Administrator John Lindgren at (561) 227-6414. Should compliance with the Town Ordinances not be met within this time frame, you are hereby notified there will be a public hearing before the Code Enforcement Board on March 15, 2018 at 2:00 p.m. in the second floor Town Council Chambers at City Hall, 360 S. County Road, Palm Beach. If you decide not to be present, the hearing will be held in your absence. If you are found in violation of the Town Code, the Code Enforcement Board has the power by law to levy fines up to Two Hundred Fifty (\$250.00) Dollars a day against you and your property for every day any violation continues beyond the date set in the order for compliance. An administrative fee of One Hundred Fifty (\$150.00) Dollars for the cost of the hearing may be assessed to you should your case be heard.If you have any questions, please do not hesitate to call me at (561) 227-6422. Your immediate attention to this matter is appreciated. Sincerely, John T. Moriarty, Code Enforcement Officer No Comment
PZB DIRECTOR			
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	2/27/2018	No Comment



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 2/27/18

PZB - ZONING

Paul Castro, Zoning
Administrator

2/22/2018

The applicant must demonstrate the hardship relative to the request for variances on a new house on a newly created lot. In addition, there is a pending code enforcement case relative to landscape demolition approved by the Architectural Commission. If adjudicated and found in noncompliance by the Code Enforcement Board this case cannot be heard by the Architectural Commission or Town Council until the property owners come into compliance. The wall along the curve of the property is required to be removed out of the site visibility easement. In addition, there is no hardship to not require the wall to be setback 3 feet outside of that easement and a 3 foot high hedge planted in front of said wall. The applicant can make the wall 4 feet in height and meet Code where they want to build it.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 11, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00085 VARIANCE(S) The application of PARAMOUNT CHURCH INC LESSOR, Owner, relative to property located at **139 N COUNTY RD SUITE: 15**, legal description on file, is described below. **This application is on behalf of the tenant Illustrated Properties LLC** The applicant is requesting a variance to permit the operation of a real estate brokerage office containing approximately 1,008 sq. ft. on the first floor of the Paramount Building which does not meet all of the requirements to allow an office use on the first floor in this situation. The proposed use meets the special exception uses requirement in Section 134 1109(18) that there are at least 50% existing office uses on all floors in the Paramount Building but fails to meet the requirement that there are more than 50% existing office uses on the first floor within 300 feet of the proposed use within the same zoning district. [Applicant's Representative Tim Hanlon Esq]

Presenter

ATTACHMENTS:

- **Memorandum dated April 4, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- **Development Review Committee Comments**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 11, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00085 VARIANCE(S)**
139 N COUNTY RD SUITE: 15

Date: April 04, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

This application is on behalf of the tenant Illustrated Properties LLC

The applicant is requesting a variance to permit the operation of a real estate brokerage office containing approximately 1,008 sq. ft. on the first floor of the Paramount Building which does not meet all of the requirements to allow an office use on the first floor in this situation. The proposed use meets the special exception uses requirement in Section 134-1109(18) that there are at least 50% existing office uses on all floors in the Paramount Building but fails to meet the requirement that there are more than 50% existing office uses on the first floor within 300 feet of the proposed use within the same zoning district.

ADDRESS: 139 N COUNTY RD SUITE: 15

OWNER: PARAMOUNT CHURCH INC LESSOR

OWNER'S REPRESENTATIVE: ALLEY MAASS ROGERS AND LINDSAY PA

PROPERTY CONTROL NO.: 50-43-43-15-09-000-0140

ZONING DISTRICT: C-TS Town-Serving Commercial

LEGAL DESCRIPTION:

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Page Two

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 2/27/18

APPLICATION NO.: Z-18-00085 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 139 N COUNTY RD SUITE: 15 **TENANT:** Illustrated Properti

DESCRIPTION:

This application is on behalf of the tenant Illustrated Properties LLC
The applicant is requesting a variance to permit the operation of a real estate brokerage office containing approximately 1,008 sq. ft. on the first floor of the Paramount Building which does not meet all of the requirements to allow an office use on the first floor in this situation. The proposed use meets the special exception uses requirement in Section 134-1109(18) that there are at least 50% existing office uses on all floors in the Paramount Building but fails to meet the requirement that there are more than 50% existing office uses on the first floor within 300 feet of the proposed use within the same zoning district.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	3/6/2018	No Comments.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	4/4/2018	No Comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	3/7/2018	No fire code concerns
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	4/5/2018	I have no comment regarding this application.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	2/23/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	2/27/2018	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	2/27/2018	The applicant is required to demonstrate a hardship for granting the proposed variance.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 11, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00086 VARIANCE(S) The application of JHD ASSOCIATES LLC, Owner, relative to property located at **230 ROYAL PALM WAY SUITE: BLDG 1**, legal description on file, is described below. TD Wealth Management is leasing Suite 100 (which totals 2,144 square feet) on the east end of the first floor of 230 Royal Palm Way. This application proposes to install two business identification signs on the building: one on the north façade facing Royal Palm Way and one on the south façade facing the parking lot. Because of the style and height of the existing stone façade of the first story of the building, and the existing windows on the facades, the signs need to be installed higher than the ceiling of the first floor, which is only 8.16 feet. Although the proposed signs will be located well below the 15' otherwise allowed by code in this zoning district, signs located above the ceiling height of the first floor require variances. Request for business identification sign on the north façade of the building 12.75' in height (top of sign) in lieu of the 8.16' maximum height (first floor ceiling height) allowed by code, a variance of 4.59'. Request for business identification sign on the south façade of the building 12.75' in height (top of sign) in lieu of the 8.16' maximum height (first floor ceiling height) allowed by code, a variance of 4.59'. These measurements are from the finished floor elevation of the first floor. [Applicant's Representative James M. Crowley Esq]

Presenter

ATTACHMENTS:

- **Memorandum dated April 4, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- **Development Review Committee Comments**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 11, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00086 VARIANCE(S)**
230 ROYAL PALM WAY SUITE: BLDG 1

Date: April 04, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

TD Wealth Management is leasing Suite 100 (which totals 2,144 square feet) on the east end of the first floor of 230 Royal Palm Way. This application proposes to install two business identification signs on the building: one on the north facade facing Royal Palm Way and one on the south facade facing the parking lot. Because of the style and height of the existing stone facade of the first story of the building, and the existing windows on the facades, the signs need to be installed higher than the ceiling of the first floor, which is only 8.16 feet. Although the proposed signs will be located well below the 15' otherwise allowed by code in this zoning district, signs located above the ceiling height of the first floor require variances. Request for business identification sign on the north facade of the building 12.75' in height (top of sign) in lieu of the 8.16' maximum height (first floor ceiling height) allowed by code, a variance of 4.59'. Request for business identification sign on the south facade of the building 12.75' in height (top of sign) in lieu of the 8.16' maximum height (first floor ceiling height) allowed by code, a variance of 4.59'. These measurements are from the finished floor elevation of the first floor.

ADDRESS: 230 ROYAL PALM WAY SUITE: BLDG 1

OWNER: JHD ASSOCIATES LLC

OWNER'S REPRESENTATIVE: GUNSTER YOAKLEY & STEWART PA

PROPERTY CONTROL NO.: 50-43-43-23-05-025-0390

ZONING DISTRICT: C-OPI Office, Professional and Institutional

LEGAL DESCRIPTION: ROYAL PARK ADD LT 39 BLK E

Page Two

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 2/27/18

APPLICATION NO.: Z-18-00086 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 230 ROYAL PALM WAY SUITE: BLDG 1

DESCRIPTION:

TD Wealth Management is leasing Suite 100 (which totals 2,144 square feet) on the east end of the first floor of 230 Royal Palm Way. This application proposes to install two business identification signs on the building: one on the north facade facing Royal Palm Way and one on the south facade facing the parking lot. Because of the style and height of the existing stone facade of the first story of the building, and the existing windows on the facades, the signs need to be installed higher than the ceiling of the first floor, which is only 8.16 feet. Although the proposed signs will be located well below the 15' otherwise allowed by code in this zoning district, signs located above the ceiling height of the first floor require variances. Request for business identification sign on the north facade of the building 12.75' in height (top of sign) in lieu of the 8.16' maximum height (first floor ceiling height) allowed by code, a variance of 4.59'. Request for business identification sign on the south facade of the building 12.75' in height (top of sign) in lieu of the 8.16' maximum height (first floor ceiling height) allowed by code, a variance of 4.59'. These measurements are from the finished floor elevation of the first floor.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	3/6/2018	No Comment.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	4/4/2018	No Comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	3/7/2018	No fire code concerns
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	4/5/2018	The project will require Architectural Commission (ARCOM) staff review and approval.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	2/23/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	2/27/2018	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	2/27/2018	There is no hardship for the requested variance for the sign. It appears to conflict with the architecture of the front facade of the building.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 11, 2018

Section of Agenda

Development Review - Other

Agenda Title

RESOLUTION NO. 51-2018 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Declaring Zoning In Progress Relating To The Zoning Item Under Study By The Town As Enumerated In Exhibit "A" Attached Hereto; Requiring That Zoning Applications Which Intensify The Use Of A Property, Or Create A Taller Or Larger Building Than The Zoning Code Allows Have A Legal Notice Requirement Of 1,000 Feet In Lieu Of The 300 Foot Existing Legal Notice Requirement During The Period That Zoning Is In Progress For Any Zoning Application; Providing An Effective Date.

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated March 30, 2018 From Paul Castro**
- ▣ **Resolution #51-2018**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 11, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Paul Castro, Acting Director of Planning, Zoning & Building

Re: Resolution Declaring Zoning in Progress Regarding Proposed Zoning Text Amendments
Creating a Greater Distance Requirement for Legal Notice of Zoning Applications Which
Intensify the of Use Property
Resolution No. 51-2018

Date: March 30, 2018

STAFF RECOMMENDATION

Staff recommends that during the interim period of the Town adopting Proposed Zoning Text Amendments which change the legal notice requirement for Zoning applications which intensify the use of property that the Town Council adopt Resolution No. 51-2018. Said Resolution declares “Zoning in Progress,” commencing immediately and extending until August 31, 2018, or the time of adoption or disapproval of said Code changes, whichever comes first.

GENERAL INFORMATION

The Town’s Comprehensive Plan has policies in the Future Land Use Element which state that the Town will take all technical and administrative measures legally available to minimize change or transition of existing low-density areas or structures to more intensive use patterns. In order to ensure as much public input as possible on zoning applications which would intensify the use of property, the Town Council has directed Staff to increase the legal notice distance for those types of applications from 300 feet to 1,000 feet. In addition, the Council has also asked Staff to quantify the term “intensification of use” when used in the context of the increased legal property owner notice requirement.

Town Staff has been in the process of creating those regulation changes for consideration by the Planning and Zoning Commission, Local Planning Agency (LPA) and Town Council, however, that process is not complete. In order to make the land development regulations consistent with the Council’s directive, Staff has drafted proposed zoning regulations to increase the legal notice requirement for zoning applications which intensify the use of property and have defined “intensification of use” within those proposed notice provisions. Those draft regulations are incorporated into Resolution No. 51-2018 as Exhibit A. Staff anticipates that the proposal will be considered by the Planning and Zoning Commission at its April 17, 2018 meeting. Any

recommended changes from the Planning and Zoning Commission will then be forwarded to the LPA and Town Council for consideration of an ordinance.

If you have any questions about Zoning in Progress or the proposed zoning changes, please contact Paul Castro, Acting Director of Planning, Zoning and Building, at 227-6406.

TOWN ATTORNEY REVIEW

Mr. Randolph was provided both the attached Resolution and regulations for review and has approved same for legal form and sufficiency.

Attachment

cc: John C. Randolph, Town Attorney
Planning & Zoning Commissioners
zf

RESOLUTION NO. 51-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, DECLARING ZONING IN PROGRESS RELATING TO THE ZONING ITEM UNDER STUDY BY THE TOWN AS ENUMERATED IN EXHIBIT "A" ATTACHED HERETO; REQUIRING THAT ZONING APPLICATIONS WHICH INTENSIFY THE USE OF A PROPERTY, OR CREATE A TALLER OR LARGER BUILDING THAN THE ZONING CODE ALLOWS HAVE A LEGAL NOTICE REQUIREMENT OF 1,000 FEET IN LIEU OF THE 300 FOOT EXISTING LEGAL NOTICE REQUIREMENT DURING THE PERIOD THAT ZONING IS IN PROGRESS FOR ANY ZONING APPLICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Policy 2.4 in the Future Land Use Element of the Comprehensive Plan states that to prevent critical and dangerous overuse of its streets, parking resources, public services and facilities and damage to its historic character, and to overall property values of the community, the Town will take all technical and administrative measures legally available, to minimize change or transition of existing low-density areas or structures to more intensive use patterns, and thereby lower the pattern of density, where possible, and to minimize tourism overflow; and

WHEREAS, Policy 7.2 in the Future Land Use Element states the Town shall prohibit replacement or expansion of uses found to be incompatible or inconsistent with the range and location of land uses identified in the Town Future Land Use Map and Official Zoning Map; and

WHEREAS, to ensure public input on the more intense use of property in the Town, the Town Council has requested that Staff amend Chapter 134, Zoning, to increase the notice requirement to 1,000 feet for zoning applications which intensify the use of property; and

WHEREAS, the Town Council has also directed Staff to amend Chapter 134, Zoning to delineate what is considered an “intensification of use;” and

WHEREAS, there is also no specific legal notice requirements for PUD or PUD amendments in the Code and Staff is recommending adding language similar to other zoning applications; and

WHEREAS, the Town staff, the Town's Planning and Zoning Commission and ultimately the Town Council are studying a zoning proposal as identified in Exhibit "A" attached hereto; and

WHEREAS, Zoning in Progress is necessary during the period of the zoning study to avoid actions which are potentially in conflict with or in contravention of the intent of this zoning proposal, and to allow the modification of Code provisions relating to increased legal notice requirements for more intensive use of property in the Town of Palm Beach.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1. The Town Council hereby declares Zoning in Progress commencing immediately for all items enumerated on Exhibit "A" attached to this Resolution, which Exhibit shall be made a part of and incorporated within this Resolution.

Section 2. During the period of Zoning in Progress, the Planning, Zoning and Building Department is directed to only process zoning applications which are not in conflict with the zoning proposal under study.

Section 3. Zoning in Progress shall remain in effect until the completion of the study of the zoning item enumerated in Exhibit "A" and Town Council adoption of zoning amendments, if any, or until August 31, 2018, whichever occurs first.

Section 4. This Resolution shall become effective immediately upon passage.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the
Town of Palm Beach assembled this 11th day of April, 2018.

Gail L. Coniglio, Mayor

Daniel H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Kathleen Dominguez, Town Clerk

Bobby Lindsay, Town Council Member

EXHIBIT A

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 date, time and location 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. If a special exception application is being requested for a service station, restaurant, lounge/bar, nightclub, private social, swimming, tennis or yacht club, or any other use deemed by the Director of Planning, Zoning and Building to be an intensification of use on a property, the notification distance shall increase to 1,000 feet. For the purpose of this section of the Code, intensification of use shall include, but not be limited to, increased tenant square footage, increased seating, increased off-street parking demand, shared parking, increased hours of operation or any other characteristic of use the Planning, Zoning and Building Director determines to be a more intensive use than existed on the subject property.

The applicant shall be required to mail the application to the property owners within the notification area within five days of submittal of the application to the Town. Such A list of property owners that were noticed, 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, and that the mail was delivered to the post office and mailed within five days of the submittal of the zoning application to the town.

(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.

...

Sec. 134-328. - Review by director of planning, zoning and building or his/her designee; notice of hearing.

(a) A copy of such application for site plan review shall be mailed to the owners of the property and the property immediately adjacent thereto and across the street therefrom and to all owners of all other property within 300 feet from any part of the subject property at their respective addresses as shown on the county property appraiser's tax records, together with a notice from the director of planning, zoning and building or designee advising of the date, time and location of the hearing on such application before the town council. If a site plan review is being requested which increases the square footage, or height or overall height of a building beyond the maximum allowed by Code, the notification distance shall increase to 1,000 feet. The applicant shall be required to mail the application to the property owners within the notification area within five days of submittal of the application to the Town. Such A list of property owners that were noticed, 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, and that the mail was delivered to the post office and mailed within five days of the submittal of the zoning application to the town.

No application shall be heard less that ten days after the first publication notice as provided in this section and 15 days after the mailing to property owners directly

affected, and all applications will be heard at regular meetings of the town council unless otherwise ordered by the town council.

(b) 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 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.

Sec. 134-532. - Public hearings

(a) Upon submission of a complete planned unit development application, the planning and zoning commission shall hear said application within 60 days of the application being deemed complete by the director of the planning, zoning and building department or designee. A public hearing on the planned unit development application shall then be held by the planning and zoning commission and town council after public notice is given in accordance with law. A copy of the PUD 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 date, time and location of the hearing on such application before the planning and zoning commission and town council. If a PUD or PUD amendment is being requested for an existing or new use which is considered an intensification of use of a property, the notification distance shall increase to 1,000 feet. For the purpose of this section of the Code, Intensification of use shall include increased residential density in an area of the property, increased tenant square footage, increased restaurant or dining room seating, increased assembly seating, increased off-street parking demand, increased hours of operation or any other characteristic of use the Planning, Zoning and Building Director determines to be a more intensive use than existed on the subject property.

The applicant shall be required to mail the application to the property owners within notification area within five days of submittal of the application to the Town. A list of property owners, together with a notification map, shall be provided by the applicant and shall be certified by the applicant as being true and accurate, and that the mail was delivered to the post office and mailed within five days of the submittal of the zoning application to the town.

No application shall be heard less that ten days after the first publication notice as provided in this section and 15 days after the mailing to property owners directly affected, and all applications will be heard at regular meetings of the town council unless otherwise ordered by the town council.

(b) A transcript of the hearing shall be caused to be made by the town council, copies of which shall be made available at cost to any party to the proceedings, and all exhibits

accepted in evidence shall be identified and duly preserved, or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record. The planning and zoning commission shall report on the proposed planned unit development not less than 15 days before the public hearing, and the report shall be available for public inspection during reasonable hours.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 11, 2018

Section of Agenda

Ordinances - Third Reading

Agenda Title

ORDINANCE NO. 4-2018 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, As Follows: At Article I, In General, Section 134-2, Definitions And Rules Of Construction, By Creating A Definition For Tow-Away Signs; At Article II, Administration, Section 134-38 By Increasing And Creating Additional Fees For Land Development Services; Section 134-145 Modifying The Hearing Procedure For Administrative Appeals; Section 134-261 Creating An Initial Review Procedure For Zoning Text Amendments; At Article IV, Nonconformities, Section 134-417, Enlargement And 134-419, Enlargement, Extension, Reconstruction Or Alteration, By Creating A New Demolition Threshold, Including Additional Provisions For Alterations And Repairs And Clarifying Language For Raising Nonconforming Buildings And/Or Structures; At Article VI, District Regulations, Sections 134-788, 134-838 And 134-888, Accessory Uses And Sections 134-789, 134-839 And 134-889, Prohibited Uses By Creating Regulations To Conditionally Allow Construction Related Employee Off-Street Parking At Private Social, Swimming, Golf, Tennis And Yacht Clubs In The R-AA, R-A And R-B Residential Zoning Districts; Sections 134-796, 134-846 And 134-893, Exceptions To Height Limitations, By Allowing Solar Material On Roofs Of Buildings Provided There Is Either Architectural Commission Or Landmark Preservation Commission Approval In The R-AA, R-A And R-B Residential Zoning Districts; Sections 134-840 And 134-890, Special Exception Uses And At Article VIII Supplementary District Regulations, Section 134-1698, Structures, Signs And Landscape Material West Of Lake Trail By Allowing Essential Services West Of Lake Trail As A Special Exception Use In The R-A And R-B Residential Zoning Districts; At Article VI, District Regulations, Section 134-893, Lot, Yard And Bulk Regulations By Clarifying That First Floor, Unenclosed Loggias, Pergolas, Porches Terraces And Covered Patios In The R-B Zoning District Are Allowed An Additional 5% Cubic Content; At 134-895, Same, Exceptions From Yard Regulations, By Modifying The Provision To Ensure That Additional 3% Lot Coverage For An Awning Or Open Trellis Is Not Counted In The Cubic Content Ratio Calculations; At Article Viii, Supplementary District Regulations, Section

134-1607, Permitted Exceptions, By Allowing Solar Material On The Roof Of A Building Or Structure In All Other Zoning Districts Other Than R-AA, R-A And The R-B Zoning Districts Provided That Said Material Is Approved By The Architectural Commission Or Landmark Preservation Commission; Section 134-1757, Swimming Pools, By Allowing Raised Spas/Hot Tubs And Infinity Pools; Section 134-1759, Tennis, Shuffleboard And Racquetball Courts By Reordering The Existing Regulations To Eliminate Redundant Language; At Article XI, Signs, Adding Sections 134-2410 And 134-2449 By Creating Regulations For Tow-Away Signs In Residential And Commercial Zoning Districts; Sections 134-2411 And 134-2450 By Creating Regulations Allowing Governmental Signs In All Residential And Commercial Zoning Districts; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date

Presenter

ATTACHMENTS:

- ▣ **Ordinance No. 4-2018**
- ▣ **Memorandum Dated March 30, 2018 from Paul Castro**
- ▣ **Letter Dated April 5, 2018 From Simon Taylor**

ORDINANCE NO. 4-2018

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, AS FOLLOWS: AT ARTICLE I, IN GENERAL, SECTION 134-2, DEFINITIONS AND RULES OF CONSTRUCTION, BY CREATING A DEFINITION FOR TOW-AWAY SIGNS; AT ARTICLE II, ADMINISTRATION, SECTION 134-38 BY INCREASING AND CREATING ADDITIONAL FEES FOR LAND DEVELOPMENT SERVICES; SECTION 134-145 MODIFYING THE HEARING PROCEDURE FOR ADMINISTRATIVE APPEALS; SECTION 134-261 CREATING AN INITIAL REVIEW PROCEDURE FOR ZONING TEXT AMENDMENTS; AT ARTICLE IV, NONCONFORMITIES, SECTION 134-417, ENLARGEMENT, AND 134-419, ENLARGEMENT, EXTENSION, RECONSTRUCTION OR ALTERATION, BY CREATING A NEW DEMOLITION THRESHOLD, INCLUDING ADDITIONAL PROVISIONS FOR ALTERATIONS AND REPAIRS AND CLARIFYING LANGUAGE FOR RAISING NONCONFORMING BUILDINGS AND/OR STRUCTURES; AT ARTICLE VI, DISTRICT REGULATIONS, SECTIONS 134-788, 134-838 AND 134-888, ACCESSORY USES, AND SECTIONS 134-789, 134-839 AND 134-889, PROHIBITED USES BY CREATING REGULATIONS TO CONDITIONALLY ALLOW CONSTRUCTION RELATED EMPLOYEE OFF-STREET PARKING AT PRIVATE SOCIAL, SWIMMING, GOLF, TENNIS AND YACHT CLUBS IN THE R-AA, R-A AND R-B RESIDENTIAL ZONING DISTRICTS; SECTIONS 134-796, 134-846 AND 134-893, EXCEPTIONS TO HEIGHT LIMITATIONS, BY ALLOWING SOLAR MATERIAL ON ROOFS OF BUILDINGS PROVIDED THERE IS EITHER ARCHITECTURAL COMMISSION OR LANDMARK PRESERVATION COMMISSION APPROVAL IN THE R-AA, R-A AND R-B RESIDENTIAL ZONING DISTRICTS; SECTIONS 134-840 AND 134-890, SPECIAL EXCEPTION USES AND AT ARTICLE VIII, SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 134-1698, STRUCTURES, SIGNS AND LANDSCAPE MATERIAL WEST OF LAKE TRAIL, BY ALLOWING ESSENTIAL SERVICES WEST OF LAKE TRAIL AS A SPECIAL EXCEPTION USE IN THE R-A AND R-B RESIDENTIAL ZONING DISTRICTS; AT ARTICLE VI, DISTRICT REGULATIONS, SECTION 134-893, LOT, YARD AND BULK REGULATIONS BY CLARIFYING THAT FIRST FLOOR, UNENCLOSED LOGGIAS, PERGOLAS, PORCHES TERRACES AND COVERED PATIOS IN THE R-B ZONING DISTRICT ARE ALLOWED AN ADDITIONAL 5% CUBIC CONTENT; AT 134-895, SAME, EXCEPTIONS FROM YARD REGULATIONS, BY MODIFYING THE PROVISION TO ENSURE THAT ADDITIONAL 3% LOT COVERAGE FOR AN AWNING OR OPEN TRELLIS IS NOT COUNTED IN THE CUBIC CONTENT RATIO CALCULATIONS; AT ARTICLE VIII, SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 134-1607, PERMITTED EXCEPTIONS, BY ALLOWING SOLAR MATERIAL ON THE ROOF OF A BUILDING OR STRUCTURE IN ALL OTHER ZONING DISTRICTS OTHER THAN R-AA, R-A AND THE R-B ZONING DISTRICTS PROVIDED THAT SAID MATERIAL IS APPROVED BY THE ARCHITECTURAL COMMISSION OR LANDMARK PRESERVATION COMMISSION; SECTION 134-1757, SWIMMING POOLS, BY ALLOWING RAISED

SPAS/HOT TUBS AND INFINITY POOLS; SECTION 134-1759, TENNIS, SHUFFLEBOARD AND RACQUETBALL COURTS, BY REORDERING THE EXISTING REGULATIONS TO ELIMINATE REDUNDANT LANGUAGE; AT ARTICLE XI, SIGNS, ADDING SECTIONS 134-2410 AND 134-2449 BY CREATING REGULATIONS FOR TOW-AWAY SIGNS IN RESIDENTIAL AND COMMERCIAL ZONING DISTRICTS; SECTIONS 134-2411 AND 134-2450 BY CREATING REGULATIONS ALLOWING GOVERNMENTAL SIGNS IN ALL RESIDENTIAL AND COMMERCIAL ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE

WHEREAS, after public hearings pursuant to notice required by law, the Planning and Zoning Commission considered all testimony and recommended modification to the Code of Ordinances; and

WHEREAS, after public hearing pursuant to notice required by law, the Town Council considered the Planning and Zoning Commission's Record and Report and all evidence and testimony and as the Local Planning Agency 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 requires 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. Article I, IN GENERAL, Section 134-2, Definitions and rules of construction, is hereby amended to read as follows:

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

(a)...

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

Sign, tow-away means a sign which provides notice as required by Florida Statute for any property owner, lessee, or person authorized by a property owner or lessee to tow or remove any vehicle or vessel from private property without the consent of the owner or other legally authorized person in control of that vehicle or vessel.

Section 2. Article II, ADMINISTRATION, Section 134-38, Filing fees for rezoning, special exception use, variance, appeal or other matter requiring public hearing, is hereby amended to read as follows:

Sec. 134-38. - Filing fees for rezoning, special exception use, variance, appeal or other matter requiring public hearing.

Upon filing an application requesting rezoning, a special exception use approval, a request for zoning variance, an appeal, or any other matter relating to this chapter which requires a public hearing, the applicant shall deposit with the office of the planning, zoning and building department the following application fees payable to the town:

- (1) Application relating to a PUD \$3,500.00
- (2) Application for a special exception use, or a modification or expansion thereof 1,500.00
Multi-family dwelling and commercial uses 2,000.00
Plus, for each additional special exception request ~~500.00~~ 700.00
- (3) Added requests for zoning variances contained within a special exception or site plan review request ~~500.00~~ 700.00
Plus, for each additional variance request ~~400.00~~ 600.00
- (4) Zoning variance requests involving:
 - a. Uses and structures 1,500.00
 - b. Multi-family dwellings and commercial uses 1,500.00
- (5) Zoning variance requests involving signs, awnings, fences, gateposts and similar incidental accessory items 800.00
- (6) Each additional item of a multiple-point variance request within one zoning variance request application 600.00
- (7) Filing of an application for site plan review pursuant to article III for PUD, multi-family dwelling or commercial building or site additions or modification involving more than 200 square feet 3,000.00
- (8) a. All other site plan review applications, including single-family dwellings and PUD, multi-family and commercial buildings or site additions or modifications of 200 square feet or less which require town council action 1,000.00
b. Administrative site plan review application 500.00
- (9) Comprehensive plan amendment:
 - a. Text 2,500.00
 - b. Future land use map:
 1. Small scale based on state statute 3,000.00
 2. Large scale based on state statute 4,000.00
- (10) Zoning change 3,000.00
- (11) Submittal of initial zoning text amendment proposal ~~100.00~~ 300.00
- (12) Zoning text amendments, if studied, minimum 4,000.00
- (13) Appeal of administrative decision 1,500.00
- (14) Resubmittal of revised plans or information related to an application 800.00
- (15) Lot split 2,000.00
- (16) Zoning waiver 1,500.00

- (17) Administrative supplemental shared parking and exception application and annual renewal fee 500.00
- (18) Administrative outdoor seating renewal fee 50.00
- (19) Unity of Title Agreements.....200.00
- (20) Zoning compliance letters related to Florida Department of Environmental Protection Permits....300.00
- (21) Kitchen Agreements.....150.00

Section 3. Article II, ADMINISTRATION, Sec. 134-145, Hearing procedure, is hereby amended to read as follows:

Sec. 134-145. Hearing procedure.

Any person appealing any decision of an administrative official made under this chapter shall make such appeal within 30 days after rendition of the written order, requirement, decision, or determination ~~from which such appeal is taken that is being appealed~~, or the right to appeal shall be barred. Such appeal shall be filed in writing or electronically to the director of planning zoning and building for consideration by ~~to the town council with ten copies thereof filed.~~ The filing shall include a recorded disk or the documents which contain all supporting facts, and data and appropriate exhibits, plans, documents and other materials to adequately depict and support the appeal. ~~with the director of planning, zoning and building. Appeals 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 appeal.~~ Upon receipt of the appeal, the following procedures shall be followed ~~undertaken~~:

- (1) The director of planning, zoning and building shall ~~forthwith~~ examine such appeal and make ~~endorse~~ a his recommendation thereon, and shall forward such recommendation to town council, together with all documents, plans, ~~papers~~, and/or other materials ~~and that constitute constituting~~ the record of upon which the action that is being appealed ~~from was taken~~.
- (2) All appeals will be heard at regular meetings of the town council unless otherwise ordered by the town council and in accordance with sections 134-141, 134-142, 134-201 and 134-226.
- (3) Postponement requests for deferred action on any appeal will be granted for one month only or the next succeeding regular town council meeting, if that should occur on a different date, except for good cause shown.
- (4) When an appeal is deferred or postponed because the town council determines that additional professional advice is necessary, the expense of obtaining such additional professional advice shall be borne by the appellant. The person to render or give such additional professional advice shall be selected by mutual agreement of the town and appellant.

Section 4. Article II, ADMINISTRATION, Sec. 134-261. - Town council actions; submission to planning and zoning commission for recommendations and report, is hereby amended to read as follows:

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

(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 as an initial review to the director of planning, zoning and building or his designee, who shall submit it to the Town Council for its review and feedback. Should the applicant of a privately initiated text amendment decide to submit same following town council feedback, the director of planning zoning and building or his designee shall submit the application 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 15 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 there is a written protest against such proposed amendment, supplement, change, modification or repeal, by an affected party 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 supplement, change, modification or repeal 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 5. Article IV, NONCONFORMITIES, Sec. 134-417. Extension or expansion, is hereby amended to read as follows:

Sec. 134-417. Extension or expansion.

A building or structure which is nonconforming with any of the lot, yard and bulk regulations may be enlarged, expanded or extended to occupy a greater area of land provided that the enlargement, expansion or extension complies with all lot, yard and bulk regulations for the zoning district in which the building or structure is located. This section shall not apply to a building or structure which is demolished by more than 50 percent, ~~as determined by cubic footage,~~ as provided for in Sec.134-419(1), in preparation for any proposed enlargement, expansion, or extension of a building or structure.

Section 6. Article IV, NONCONFORMITIES, Sec. 134-419. Enlargement, extension, reconstruction or alteration, is hereby amended to read as follows:

Sec. 134-419. Restoration, demolition, Enlargement, extension, expansion, reconstruction, or alteration or repair.

No nonconforming building or structure shall be enlarged, extended, reconstructed or structurally altered except, as provided for in sections 134-416, 134-417 and 134-418, or when required to do so by law ~~as follows~~ in accordance with the following:

(1) *Voluntary demolition, restoration and reconstruction.* A nonconforming building and/or structure may be demolished, restored as before, enlarged, extended, expanded or partially demolished and reconstructed provided that such demolition, restoration, enlargement, extension, ~~or expansion or reconstruction~~ does not exceed result in any of the following cumulatively occurring within five years of passing a final inspection:

- a. the loss of more than 50% of an exterior wall square footage, including fixed windows, on an entire north, south, east or west elevation;
- b. the loss of more than 50% of the roof truss area (with all of the roof measured as though flat);

~~50 percent of its existing cubic footage within five years of passing a final inspection and provided that the demolition, restoration, enlargement, extension or reconstruction of the building and/or structure does not exceed the floor area, gross leasable area and/or cubic footage which existed prior to the demolition, restoration, enlargement, extension, or reconstruction. In addition, any enlargement, extension or expansion of a nonconforming building or structure is required to meet current lot, yard and bulk regulations in Chapter 134, Zoning.~~

All demolition, restoration, enlargement, extension, expansion or reconstruction shall be completed within the time schedule set forth in the construction schedule section 105.4.1.6 of the Florida Building Code. In the event such demolition, ~~enlargement,~~ restoration, enlargement,

extension, expansion or reconstruction is not completed within the timeframe required by the building code, construction shall cease and shall not resume until the town council decides the remedy for noncompliance, and review and approves a completion schedule.

(2) *Alteration and repairs.* Normal maintenance and repair and incidental alteration of a nonconforming building or structure is permitted, provided it does not increase the area, volume or size. Replacement of only operable windows and/or doors exceeding the parameter in (1) a and b above is permitted provided the openings of such windows and/or doors are not enlarged. A building used for single-family or multi-family residential purposes may be altered in any way to improve interior livability; provided, however, that no alterations shall be made which would increase the number of dwelling units. Single-family dwellings may be added onto or partially demolished in accordance with sections 134-794, 134-844, 134-894, 134-1005 and 134-1060.

(3) *Minimum flood elevation.* A nonconforming building may be raised to meet, but not exceed, the minimum town flood elevation provided that all of the following conditions are met:

- a. ~~That the~~ there is no increase in height as measured from the raised finished floor to the bottom of the top chord of the roof framing member for a pitched roof and the ceiling of a flat roof does not get any taller; ~~;~~
- b. ~~That the~~ there is no increase in overall height as measured from the raised finished floor elevation to the top of the roof for pitched roof, and top of the ceiling and parapet for a flat roof is not any taller; ~~;~~
- c. ~~The~~ building footprint within the required setbacks is no larger; ~~;~~ and is no closer to the property line than it was prior to being raised; ~~;~~ and
- d. ~~That~~ any new additions shall meeting existing lot, yard and bulk regulations.

Section 7. Article VI, DISTRICT REGULATIONS, Section 134-788, Accessory uses, is hereby amended to read as follows:

Sec. 134-788. Accessory uses.

The accessory uses in the R-AA large estate residential district are as follows:

- (1) Private nurseries and greenhouses.
- (2) Private garages.
- (3) Private swimming pools and/or cabanas.
- (4) Charitable events specifically approved by the town manager.
- (5) Off-street parking at private social, swimming, golf, tennis and yacht clubs, for construction related personal employee vehicular off-street parking for projects within the Town's municipal limits provided such parking is located a minimum of 75 feet from a single-family home and is separated from a street by a landscape island.

(6) Other accessory uses, customarily incident to permitted or approved special exception uses, not involving the conduct of business.

Section 8. Article VI, DISTRICT REGULATIONS, Section 134-789, Prohibited uses, is hereby amended to read as follows:

Sec. 134-789. Prohibited uses.

The specific prohibited uses of buildings or land in the R-AA large estate residential district are as follows:

(1) With the exception of construction related employee parking of personal vehicles for projects within the municipal limits of the Town, No person shall use any portion of any building or accessory building or any land in this district for the purpose of carrying on or practicing any profession, occupation or calling or for any commercial or quasi-commercial use or purpose, including but not limited to corporate meetings, banquets or entertainments, film-making or movie producing, magazine feature photography and the like, and such uses are declared to be a violation of this chapter.

(2) The use of any portion of any building or accessory building or any land in this district for the accessory use as a museum or frequent or continuing display to the public is prohibited. Additionally, executive/employee/group vacation/retreats are prohibited in this zoning district.

Section 9. Article VI, DISTRICT REGULATIONS, Section 134-796, Exceptions to height limitations, is hereby amended to read as follows:

Sec. 134-796. Exceptions to height limitations.

(a) The permitted exceptions to height limitations in sections 134-1606 and 134-1607 in the R-AA large estate residential district are skylights not exceeding three feet above the roof, air conditioning equipment not exceeding four feet above the minimum building requirement for elevated stands on a roof, radio and television antennas for reception purposes only. Flagpoles and chimneys may be erected to a height not to exceed 40 percent above the building height limit for this district. Flagpoles in excess of this height may be permitted by special exception on properties of greater than five acres provided the flag-pole is not in excess of 70 feet in height and is setback at least 120 feet from any lot line. However, such structures located upon the roof shall not cover in the aggregate a roof area greater than ten percent of the ground floor area of such building or structure. Radio and television antennas, air conditioning equipment, or similar equipment to operate and maintain a building which are permitted on the roof shall be sight screened insofar as possible. Solar panels material shall be permitted on the roof provided ~~they do not exceed three feet above the minimum building requirement for elevated stands for said equipment on a roof nor cover more than 30 percent of the roof area. Solar panels shall be required to not be visible from any street.~~ said material is approved by the Architectural Commission or Landmark Preservation Commission.

Section 10. Article VI, DISTRICT REGULATIONS, Section 134-838, Accessory uses, is hereby amended to read as follows:

Sec. 134-838. Accessory uses.

The accessory uses in the R-A estate residential district are as follows:

- (1) Private nurseries and greenhouses.
- (2) Private garages.
- (3) Private swimming pools and/or cabanas.
- (4) Charitable events specifically approved by the town manager.
- (5) Off-street parking at private social, swimming, golf, tennis and yacht clubs, for construction related personal employee vehicular off-street parking for projects within the Town's municipal limits provided such parking is located a minimum 75 feet from a single-family home and is separated from a street by a landscape island.
- (6) Other accessory uses, customarily incident to permitted or approved special exception uses, not involving the conduct of business

Section 11. Article VI, DISTRICT REGULATIONS, Section 134-839, Prohibited uses, is hereby amended to read as follows:

Sec. 134-839. Prohibited uses.

The specific prohibited uses of buildings or land in the R-A estate residential district are as follows:

- (1) With the exception of construction related employee parking of personal vehicles for projects within the municipal limits of the Town, No person shall use any portion of any building or accessory building or any land in this district for the purpose of carrying on or practicing any profession, occupation or calling or for any commercial or quasi-commercial use or purpose, including but not limited to corporate meetings, banquets or entertainments, film-making or movie producing, magazine feature photography and the like, and such uses are declared to be a violation of this chapter.
- (2) The use of any portion of any building or accessory building or any land in this district for the accessory use as a museum or frequent or continuing display to the public is prohibited.
- (3) Executive/employee/group vacation/retreats are prohibited in this zoning district.

Section 12. Article VI, DISTRICT REGULATIONS, Section 134-840, Special exception uses, is hereby amended to read as follows:

Section 134-840. Special exception uses.

The special exception uses require a site plan and review as provided in article III of this chapter. The special exception uses in the R-A estate residential district are as follows:

- (1) ...
- (2) Public structures, including essential services west of Lake Trail.

Section 13. Article VI, DISTRICT REGULATIONS, Section 134-846, Exceptions to height limitation, is hereby amended to read as follows:

Sec. 134-846. Exceptions to height limitations.

(a) The permitted exceptions to height limitations in sections 134-1606 and 134-1607 in the R-A large estate residential district are skylights not exceeding three feet above the roof, air conditioning equipment not exceeding four feet above the minimum building requirement for elevated stands on a roof, radio and television antennas for reception purposes only. Flagpoles and chimneys may be erected to a height not to exceed 40 percent above the building height limit for this district. Flagpoles in excess of this height may be permitted by special exception on properties of greater than five acres provided the flagpole is not in excess of 70 feet in height and is setback at least 120 feet from any lot line. However, such structures located upon the roof shall not cover in the aggregate a roof area greater than ten percent of the ground floor area of such building or structure. Radio and television antennas, air conditioning equipment, or similar equipment to operate and maintain a building which are permitted on the roof shall be sight screened insofar as possible. Solar ~~panels~~ material shall be permitted on the roof provided ~~they do not exceed three feet above the minimum building requirement for elevated stands for said equipment on a roof nor cover more than 30 percent of the roof area. Solar panels shall be required to not be visible from any street.~~ said material is approved by the Architectural Commission or Landmark Preservation Commission.

Section 14. Article VI, DISTRICT REGULATIONS, Section 134-888, Accessory uses, is hereby amended to read as follows:

Sec. 134-888. Accessory uses.

The accessory uses in the R-B low density residential district are as follows:

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

Section 15. Article VI, DISTRICT REGULATIONS, Section 134-889, Prohibited uses, is hereby amended to read as follows:

Sec. 134-889. Prohibited uses.

The specific prohibited uses of buildings or land in the R-B low density residential district are as follows:

- (1) With the exception of construction related employee parking of personal vehicles for projects within the municipal limits of the Town, No person shall use any portion of any building or accessory building or any land in this district for the purpose of carrying on or practicing any profession, occupation or calling or for any commercial or quasi-commercial use or purpose, including but not limited to corporate meetings, banquets or entertainments, film-making or movie producing, magazine feature photography and the like, and such uses are declared to be a violation of this chapter.
- (2) The use of any portion of any building or accessory building or any land in this district for the accessory use as a museum or frequent or continuing display to the public is prohibited.
- (5) Executive/employee/group vacation/retreats are prohibited in this zoning district.

Section 16. Article VI, DISTRICT REGULATIONS, Section 134-890, Special exception uses, is hereby amended to read as follows:

Section 134-890. Special exception uses.

The special exception uses require a site plan and review as provided in article III of this chapter. The special exception uses in the R-B low density residential district are as follows:

- ...
- (2) Public structures, including essential services west of Lake Trail.

Section 17. Article VI, DISTRICT REGULATIONS, Section 134-893, Lot, yard and area requirements-Generally, is hereby amended to read as follows:

Sec. 134-893. Lot, yard and area requirements-Generally.

(a)

(b) *Schedule of regulations.* In the R-B low density residential district, the schedule of lot, yard and area requirements is as given in this section.

(1)...

...

(13) *Cubic content ratio.*

a. The maximum cubic content ratio shall be as follows:

(1)....

...

- (5) Exceptions. One architectural tower feature involving no habitable space, as otherwise permitted under subsection 134-896(b), shall not be counted in calculating the cubic content of the structure. Unenclosed loggias, pergolas, porches, terraces and covered patios located on the first floor shall be excluded from the calculation of total cubic content up to 5% of allowable cubic content. Portions of unenclosed structures in excess of the 5% maximum, as well as those located above the first floor, shall be included in the calculation of total cubic content ~~Unenclosed covered patios, loggias, balconies, porches or terraces located on the first floor of the structure shall not be counted in calculating the cubic content of a structure, provided the aggregate cubic content of such appurtenances does not exceed five percent of the total cubic content of the structure.~~ Such appurtenances so erected may not in the future be enclosed or converted to permanent additions to the structure if such conversion would increase the cubic content of the structure beyond that allowed by the applicable ~~CCR~~ cubic content ratio.

Section 18. Article VI, DISTRICT REGULATIONS, Section 134-895, Same-Exceptions to yard regulations, is hereby amended to read as follows:

Sec. 134-895. Same-Exceptions to yard regulations.

In the R-B low density residential district, exception to the yard regulations in Section 134-1548 are as follows:

(1)...

...

- (3) In this district an awning and/or open trellises located in a side or rear yard which meet applicable minimum yard requirements may be erected, provided the area of the principal structure and all awnings and open trellises combined does not exceed allowable lot coverage by more than three percent. Said Awnings and/or trellises so erected shall not count in the cubic content ratio calculations and ~~shall may~~ not be converted to permanent additions to the principal structure if such conversion would increase lot coverage of the principal structure above the allowed percentage.

...

Section 19. Article VI, DISTRICT REGULATIONS, Section 134-896, Special exceptions to height limitations, is hereby amended to read as follows:

Sec. 134-896. Special exceptions to height limitations.

- (a) The permitted exceptions to height limitations in sections 134-1606 and 134-1607 in the R-B ~~large estate~~ low density residential district are...

Section 20. Article VI, DISTRICT REGULATIONS, Section 134-896, Special exceptions to height limitations, is hereby amended to read as follows:

Sec. 134-896. Special exceptions to height limitations.

(a) The permitted exceptions to height limitations in sections 134-1606 and 134-1607 in the R-B low density district are skylights not exceeding three feet above the roof, air conditioning equipment not exceeding four feet above the minimum building requirement for elevated stands on a roof, radio and television antennas for reception purposes only. Flagpoles and chimneys may be erected to a height not to exceed 40 percent above the building height limit for this district. Flagpoles in excess of this height may be permitted by special exception on properties of greater than five acres provided the flagpole is not in excess of 70 feet in height and is setback at least 120 feet from any lot line. However, such structures located upon the roof shall not cover in the aggregate a roof area greater than ten percent of the ground floor area of such building or structure. Radio and television antennas, air conditioning equipment, or similar equipment to operate and maintain a building which are permitted on the roof shall be sight screened insofar as possible. ~~Solar panels material shall be permitted on the roof provided they do not exceed three feet above the minimum building requirement for elevated stands for said equipment on a roof nor cover more than 30 percent of the roof area.~~ said material is approved by the Architectural Commission or Landmark Preservation Commission.

Section 21. Article VI, DISTRICT REGULATIONS, Section 134-1308, Lot, yard and area requirements-Generally, is hereby amended to read as follows:

Sec. 134-1308. Lot, yard and area requirements-Generally.

In the C-B commercial district, the schedule of lot, yard and area requirements is as given in this section:

(1)...

...

(4) Density.

a. The maximum density for hotels within C-B commercial district shall be ~~22~~ 26 dwelling units per acre.

Section 22. Article VIII, SUPPLEMENTARY DISTRICT REGULATIONS, Section 134-1607, Permitted exceptions, is hereby amended to read as follows:

Sec. 134-1607. Permitted exceptions.

Permitted exceptions to height regulations in this chapter in districts other than R-AA, R-A and R-B shall be as follows:

(1) In all zoning district other than R-AA, R-A and R-B districts, structures for the housing of elevators, stairways, tanks, and skylights not exceeding ten percent in total area of the roof area

on which they are placed, skylights not more than four feet in height above the roof; ventilating fans not exceeding three feet in height above the roof or similar equipment to operate and maintain a building; air conditioning equipment not exceeding four feet above the minimum building requirement for elevated stands on a roof; radio and television antennas for reception purposes only; and church steeples, flagpoles and chimneys no more than 40 percent above the height limits for the district within which they are located as prescribed by this chapter. Flagpoles in excess of this height may be permitted by special exception on properties of greater than five acres provided the flagpole is not in excess of 70 feet in height and is set back at least 120 feet from any lot line. Such structures located upon the roof area shall not cover in the aggregate a roof area greater than 15 percent of the ground floor area of such building or structure. Radio and television antennas for reception purposes, air conditioning equipment, the housing of elevators, stairways, tanks, ventilating fans or similar equipment to operate and maintain a building which are permitted on the roof shall be sight screened from view in so far as possible. ~~Solar panels material shall be permitted on the roof provided they do not exceed three feet above the minimum building requirement for elevated stands for said equipment on a roof nor cover more than 30 percent of the roof area. Solar panels shall be required to not be visible from any street. said material is approved by the Architectural Commission or~~ Landmark Preservation Commission.

Section 23. Article VIII, SUPPLEMENTARY DISTRICT REGULATIONS, Section 134-1698, Structures, signs and landscape material west of Lake Trail, is hereby amended to read as follows:

Sec. 134-1698. Structures, signs and landscape material west of Lake Trail

No buildings or other structures of any nature ~~whatsoever~~, other than buildings or structures for essential services and docks, shall be constructed upon any land lying west of the Lake Trail. ~~except docks.~~ No signs shall be permitted west of the Lake Trail except property protection signs as approved by the ~~A~~rchitectural ~~C~~ommission. In addition, a Lake Trail scenic vista shall be maintained for the entire width and depth of all properties that abut the west side of Lake Trail with the exception of those properties used to provide essential services. The following standards shall apply to such properties:

- (1) In no instance shall hedge or bush material be planted or maintained at a height greater than 30 inches above the grade of the trail.
- (2) Except for palm trees, trees shall be planted with a minimum lineal separation perpendicular to Lake Trail of 30 feet from any other tree.
- (3) The trunks of trees shall be maintained at six feet above the grade from where the tree is planted.
- (4) Palm trees may be clustered with one canopy tree and two palm trees, or a maximum of three palm trees, no further apart than eight feet, and a cluster separation perpendicular to Lake Trail of not less than 25 feet.

Section 24. Article VIII, SUPPLEMENTARY DISTRICT REGULATIONS, Section 134-1757, Swimming pools, is hereby amended to read as follows:

Sec. 134-1757. Swimming pools.

A swimming pool, and if applicable, infinity pool catch basin, and/or a spa/hot tub, not to be enclosed by a structure other than a fence as required or permitted by this Code, may be constructed within every yard area, except the required front yard as prescribed by this chapter. ~~However, Except as provided in this paragraph, no part of the pool structure may protrude more than six inches above the finished ground level, and the walls~~ The exception is that a spa/hot tub shall not exceed a height three feet above the exterior finished grade. In addition, a swimming pool or spa/hot tub may have an infinity edge on not more than one side of said swimming pool or spa/hot tub which can be no higher than three feet above drop into a swimming pool or water trough below said infinity edge. A swimming pool, and if applicable an infinity pool catch basin, and spa/hot tub interior, shall be at least ten feet from the side and rear lot lines and 15 feet from the street side and street rear lot lines. All setbacks as setforth in this section of the Code shall be measured from the waters edge to the property line.

A swimming pool, and if applicable infinity pool catch basin, and/or spa/hot tub in the required street side or street rear yard shall be screened by a continuous hedge six feet in height at the time of planting, located adjacent to and exterior of a solid wall six feet in height and maintained at a minimum of said height. Said hedge shall be located between the street and adjacent to and exterior of a solid wall six feet in height. In the percentage of coverage of a lot by buildings, swimming pools shall not be counted in such computation.

Section 25. Article VIII, SUPPLEMENTARY DISTRICT REGULATIONS, Section 134-1759, Tennis, shuffleboard and racquetball courts, is hereby amended to read as follows:

Sec. 134-1759. Tennis, shuffleboard and racquetball courts.

~~(a) Tennis courts or shuffleboard courts and similar accessory uses, not to be enclosed by a structure, may be constructed within yard areas, except the required front yard, required street side yard or required street rear yard as prescribed by this chapter. However, any walls or fences shall conform with sections 134-791, 134-792, 134-841, 134-842, 134-891, 134-892, 134-946, 134-947, 134-1001, 134-1002, 134-1056, 134-1057, 134-1110, 134-1160, 134-1210, 134-1260, 134-1305 and 134-1726, and the construction of any facility involving the use of a ball backboard or rebound wall or structure in any district of the town and the construction of any tennis court, shuffleboard court or similar use upon any structure in the town shall be subject to an application for special exception. Racquetball courts shall be considered unenclosed accessory structures and may be constructed, provided the court complies with all open yard requirements for the principal structure to which it is accessory and the racquetball court shall be subject to an application for special exception.~~

~~(b) In determining the percentage of coverage of a lot by buildings, tennis, shuffleboard and racquetball courts and similar uses shall not be counted in such computation. Night~~

~~lighting of outdoor tennis, shuffleboard and racquetball courts and similar uses is prohibited. Every tennis court shall include as an integral part of the construction thereof proper fence or wall enclosures contiguous to the court, such fence or wall enclosures to be at least ten feet in height and not exceeding 12 feet in height. All tennis courts shall be sight screened with plantings at least the same height as the tennis court fence enclosures, where visible from adjacent properties or the public or private street right-of-way. Racquetball courts shall be sight screened with plantings, where visible from adjacent properties or the public or private street right-of-way.~~

- (c) ~~In determining the percentage of coverage of a lot by buildings, tennis, shuffleboard and racquetball courts and similar uses shall not be counted in such computation. Night lighting of racquetball courts and similar uses is prohibited. The town council may permit, as a special exception with site plan review, minimal state of the art night lighting from 9:00 a.m. to 9:00 p.m. for tennis, shuffleboard and croquet courts, provided that the applicant shall demonstrate to the town council that the light and noise created by the tennis court, shuffleboard or croquet court will be adequately mitigated as it relates to adjacent residential structures and vehicular right-of-way. All tennis, shuffleboard and croquet court lighting shall be equipped with a locked, light timer switch to ensure that the lighting will be controlled to operate only within the hours established in this subsection. In addition, all tennis courts shall include as an integral part of the construction thereof proper fence or wall enclosures contiguous to the or courts, such fence or wall enclosures to be at least ten feet in height. All tennis, shuffleboard and croquet courts and their associated lighting shall be sight screened with plantings at least the same height as the fence enclosures and associated lighting, where visible from adjacent properties or the public or private street rights of way. Racquetball courts shall be sight screened with plantings, where visible from adjacent properties or public or private street rights of way~~
- (a) Tennis, shuffleboard and racquetball courts and similar uses shall not be counted in lot coverage computations.
- (b) Tennis courts or shuffleboard courts and similar accessory uses, not enclosed by a structure, may be constructed within yard areas, except the required front yard, required street side yard and required street rear yard as prescribed by this chapter.
- (c) Tennis courts shall include as an integral part of the construction thereof proper fence or wall enclosures contiguous to the court. Such fence or wall enclosures are to be at least ten feet in height. Said fence or wall enclosure shall be out of the required principal structure setback if said enclosure exceeds the maximum height allowed in Section 134-1666 through 134-1670 of the Code. Where visible from adjacent properties or the public or private street right-of-way, tennis courts shall be screened with plantings at least the same height as the tennis court fence enclosure.
- (d) The construction of any facility involving the use of a ball backboard or rebound wall in any district of the town shall be subject to an application for special exception as specified in section 134-227 through section 134-233.

- (e) The construction of any tennis court, shuffleboard court or similar use upon any structure in the town shall be subject to an application for special exception as specified in section 134-227 through section 134-233.
- (f) Racquetball courts shall be considered unenclosed accessory structures and may be constructed, provided the court complies with all open yard requirements for the principal structure to which it is accessory and the racquetball court shall be subject to an application for special exception. Racquetball courts shall be screened with plantings, where visible from adjacent properties or the public or private street right-of-way.
- (g) The town council may permit, as a special exception with site plan review, minimal state of the art night lighting from 9:00 a.m. to 9:00 p.m. for tennis, shuffleboard and racquetball courts, provided that the applicant shall demonstrate to the town council that the light and noise created by the tennis court, shuffleboard or racquetball court will be adequately mitigated as it relates to adjacent residential structures and vehicular right-of-way. All tennis, shuffleboard and croquet court lighting shall be equipped with a locked, light timer switch to ensure that the lighting will be controlled to operate only within the hours established in this subsection

Section 26. Article XI, SIGNS, Section 134-2373, General regulations and definitions applicable to permitted signs, is hereby amended to read as follows:

Sec. 134-2373. General regulations and definitions applicable to permitted signs.

Under this article, the following shall apply to all signs:

(1)

(13) Strip lighting of any nature, including neon tubing, fluorescent lights, or other similar strip lighting devices, shall not be used to outline any building, fence, wall or any other structure. In addition, strobe or flash lighting and/or neon lighting which draws attention to a tenant space, building or structure is not permitted. Any lighted or illuminated sign shall not be permitted or erected until such illuminated sign has been approved as a special exception use in conformity with sections 134-227 through section 134-233, except that this shall not apply to low-level illuminated sign, less than 30 inches in height, indicating only the street number and location of entrance and exist drives of a parking area.

Section 27. Article XI, SIGNS, Section 134-2410, Tow-away signs, is hereby created to read as follows:

Sec. 134-2410. Tow-away signs.

Tow-away signs shall not be allowed on private property appurtenant to or obviously part of a single-family residence. Tow-away signs for two-family, townhouse, multi-family, and

institutional uses shall only be on private property and shall not exceed the minimum size, number and location as provided by Florida Statute. In addition, all tow-away signs shall be uniform in appearance as approved by the Town's Architectural Commission. Tow-away signs on State, County and municipal governmental property shall also meet these requirements. A building permit shall be required for a tow-away sign.

All tow-away signs which become nonconforming as a result of the adoption of this section of the Code shall be removed and replaced to come into compliance with this section of the Code by January 1, 2019, or said sign shall be in violation of the town's code of ordinances.

Section 28. Article XI, SIGNS, Section 134-2411, Governmental signs, is hereby created to read as follows:

Sec. 134-2411. Governmental signs.

Signs for a public purpose for governmental entities such as Federal, State, County or Town shall be permitted on public or private property provided that the number, size, location, appearance and content of said signs are approved by the Town Council at a Town Council meeting.

Section 29. Article XI, SIGNS, Section 134-2449, Tow-away signs, is hereby created to read as follows:

Sec. 134-2449. Tow-away signs.

Tow-away signs for commercial and institutional uses shall only be on private property and shall not exceed the minimum size, number and location as provided by Florida Statute. In addition, all tow-away signs shall be uniform in appearance as approved by the Town's Architectural Commission. Tow-away signs on State, County and municipal governmental property shall also meet these requirements. A building permit shall be required to erect a tow-away sign.

All tow-away signs which become nonconforming as a result of the adoption of this section of the Code shall be removed and replaced to come into compliance with this section of the Code by January 1, 2019, or said sign shall be in violation of the town's code of ordinances.

Section 30. Article XI, SIGNS, Section 134-2450, Governmental signs, is hereby created to read as follows:

Sec. 134-2450. Governmental signs.

Signs for a public purpose for governmental entities such as Federal, State, County or Town governmental agencies shall be permitted on public or private property provided that the number, size, location, appearance and content of said signs are approved by the Town Council at a Town Council meeting.

Section 31. 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 32. 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 33. Codification.

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

Section 34. Effective Date.

This Ordinance shall take effect thirty-one days after its adoption, 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 February, 2018, second reading on this 21st day of March, 2018, and the third reading and final adoption on the 11th day of April, 2018.

Gail L. Coniglio, Mayor

Daniel H. Moore, Town Council President

Margret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Kathleen Dominguez, Town Clerk

Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Town Council Meetings on: April 11, 2018

To: Mayor and Town Council

From: Paul Castro, Acting Director of Planning, Zoning and Building

Re: Proposed Modifications and Changes to Chapter 134, Zoning,
Ordinance No. 4-2018

Date: March 30, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council adopt modified Ordinance No.4-2018 at third reading.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its October 17, 2017, November 28, 2017, December 19, 2017 and January 22, 2018 meetings, recommended approval of proposed Zoning Code modifications as outlined herein.

GENERAL INFORMATION

The Town Council considered the Planning and Zoning Commission's Record and Report at its January 10, 2018 and February 14, 2018 Town Council meetings. The Council approved Ordinance No. 4-2018 at first reading on February 14, 2018. At the March 21, 2018 meeting, the Town Council directed Staff at second reading of the Ordinance to make two changes to the Ordinance. The first change allows appellants to file an appeal either electronically or in writing is Sec. 134-145 and the second change eliminates the words "with standing" after "affected party" in the language in Sec. 134-261(b) of the Code.

A brief description of the proposed zoning issues addressed in Ordinance No. 4-2018, including changes to the demolition threshold for nonconforming buildings and structures are as follows:

- Increasing the fees for additional variances, initial zoning text amendment proposals and Florida Department of Environmental Protection Permit Zoning compliance letters. Creating fees for unity of title agreements and kitchen agreements are also included.
- Clarifying when the clock starts for filing an appeal of an administrative decision; what is required to be submitted for an appeal; and changing existing language related to the appeal to ensure clarity.

- Creating Zoning Code provisions for Town Council review of initial Zoning Text Amendment Proposals and other minor modifications.
- Creating a different demolition threshold for when a nonconforming building or structure is required to meet Code, and allow additions exceeding 50% of the existing size of a nonconforming structure provided certain conditions are met.
- Conditionally allowing construction parking for Island related projects at private clubs located in Residential Zoning Districts in the Town.
- Allowing solar technology to cover as much roof as possible provided said materials are approved by the Architectural or Landmarks Preservation Commissions, whichever is pertinent.
- Allowing essential services, such as a municipal pump station, to be built west of Lake Trail.
- Clarifying the 5% cubic content ratio credit for unenclosed patios, loggias, porches and terraces. The change would allow those types of elements to be more than 5% of the maximum cubic content ratio allowed provided that the total cubic content does not exceed 5% of the maximum allowed for the house.
- Codifying an administrative determination that the 3% lot coverage credit for awning and open trellises does not count in cubic content ratio in the R-B Zoning District.
- Correcting a hotel density error which incorrectly states that hotel density in the C-B district is 22 units per acre when 26 units is correct. In addition, the word “dwelling” is eliminated because the density is hotel rooms and not dwelling units.
- Correcting a scrivener’s error in a Code title for the R-B district from “large estate” to “low density.”
- Allowing flexibility to allow swimming pool structures, including hot tubs, to exceed a height of more than six inches above grade to allow for infinity pools and waterfall hot tubs that spill into a pool.
- Removing inconsistent language, and consolidating and eliminating existing redundant language for tennis or shuffleboard courts and similar accessory uses.
- Correcting a scrivener’s error related to signs.
- Creating zoning regulations for tow-away signs on private property to eliminate proliferation of signs and to ensure uniformity. This includes a provision to require tow-away signs nonconforming to these new provisions taken down by January 1, 2019.

- Creating a provision to allow historical or governmental signs on public or private property provided approval is given by the Town Council

TOWN ATTORNEY REVIEW

Modified Ordinance No. 4-2018 has been approved by Town Attorney John C. Randolph for legal form and sufficiency.

cc: Planning and Zoning Commission
Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney
zf

SIMON TAYLOR
777 South Flagler Drive
Suite 800 West Tower
West Palm Beach, Florida 33401
(561) 818-0170

April 5, 2018

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

Subject: Proposed Amendments to Town Code
Section 134-145 on Appeal Procedures

Honorable Mayor and Council Members:

In reviewing the Town Council Agenda and Backup for your April 11 meeting, I noted two erroneous provisions in the proposed amended text of Town Code Section 134-145, which can easily be corrected. If left uncorrected, the amendments could merely confuse administrative appeal procedures and unnecessarily hinder residents' rightful participation in Town governance. As a Town resident, I suggest two very brief and specific wording changes in the amendments to Section 134-145 that are contained in proposed Ordinance No. 4-2018, which is on the Council Agenda for April 11.

One change I suggest eliminates the unnecessary and ambiguous requirement that residents include documents containing "all" supporting facts in the appeal filing that they submit to appeal a Town official's decision by a 30-day deadline. That requirement is inconsistent with other U.S. federal and state appeal procedures and may be impossible to achieve. For example, numerous "facts" may appear in Town records and public meetings that cannot be included, and should not be required, in all their detail in documents submitted with the initial appeal filed within 30 days. In a better approach, if a Town resident's appeal fails to present sufficient "supporting facts," the Council could deny the appeal, with no need to impose the additional, unachievable standard that the resident had to pack documents with "all" facts into their initial appeal filing. The erroneous word "all" should not be allowed to become an excuse for rejecting appeals to the Council. Nor should it be allowed to restrict the facts that the Council can consider by excluding facts, for example, that are in public records and transcripts of public hearings from Town Council consideration in reviewing actions by Town officials that are appealed by Town residents.

The second change would correct an oversight in the amendment to Section 134-145. The proposed amendment omits the prior requirement that a resident's appeal document be

provided to the Town Council as part of an appeal to the Council. My two suggested corrections are discussed in further detail below.

1. In the proposed amendment of the opening paragraph of Code Section 134-145, please omit the word “all” from the text referring to “the documents which contain all supporting facts.” Instead, delete “all” and simply provide for “supporting facts.”

Background: It is not necessary or even possible for Town residents to include “documents which contain all supporting facts” in an initial appeal submission filed within 30 days after a Town official’s administrative decision. Many facts will be contained in public records, audio recordings of public hearings or documents held by Town staff. Residents should not have to submit documents with “all” of the factual details in those documents in their initial appeal filing. In addition, transcripts of hearings may not be prepared within the 30 day appeal period, but transcripts when ready would present important documentation of the publicly available audio records. An unnecessary initial requirement for “all” facts in documents may be perceived as mainly (a) a way to cut off and reject valid appeals and (b) a means to exclude relevant, publicly recorded facts from consideration by the Town Council on an appeal of a Town official’s actions.

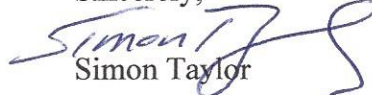
2. The proposed amendment of Item (1) in Section 134-145 omits the prior Code requirement that a resident’s appeal document must be forwarded to the Town Council as part of an administrative appeal to the Council. This seemingly inadvertent error can be corrected by changing Item (1) to insert the four underlined words below into the text to make the Item read as follows:

“(1) The director of planning, zoning and building shall examine such appeal and make a recommendation thereon, and shall forward such recommendation and the appeal filing to town council, together with all documents, plans, and/or other materials that constitute the record of the action that is being appealed.”

Background: The prior, existing Code provision called for the PZ&B director to “endorse” the director’s recommendation on the resident’s appeal document, indicating that the recommendation would be physically written on, or attached to, the appeal itself, which would then be provided to the Council. The new, proposed amendment omits this essential step of delivering the resident’s appeal document to the Council. Instead, the proposed text requires only that the director’s recommendation and the record of the administrative action being appealed must be sent to the Council, without a copy of the resident’s appeal. This obvious oversight should be corrected.

Thank you for your consideration.

Sincerely,


Simon Taylor