



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 9, 2014

9:45 AM

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

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

(Another opportunity will be offered immediately after the lunch break, if a lunch break is taken.)

VI. APPROVAL OF AGENDA

VII. PUBLIC HEARINGS

- A. **RESOLUTION NO. 42-2014** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 337 Brazilian Avenue Meets the

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Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.

Deferred from the March 12, 2014, Town Council Meeting.

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

VIII. DEVELOPMENT REVIEWS

A. Time Extensions and Waivers

1. Request for Waiver of Section 42-199, Hours For Construction Work at 301 Worth Avenue (Chanel) Per Letter Dated February 26, 2014, from Ean Bressack. Page 34

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

2. Extension of Time Schedule for Completion of Construction Per Town Code Chapter 18, Section 242-105.4.1.6 Page 47
330 Island Road

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

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **SITE PLAN REVIEW #3-2014 WITH VARIANCES** The application of Capital Construction & Development, Inc. (Josh McAlees, President); relative to property commonly known as **215 Brazilian Avenue**; described as Lot 5 and the West 84 feet of Lot 6, Block E of REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA, according to the plat thereof as recorded in Plat Book 4, Page 1, Public Records of Palm Beach County, Florida; located in the R-C Zoning District. The applicant is requesting a Site Plan Review to construct a two-story, four (4) unit, townhouse building with associated swimming pools and hardscape. Each unit will be approximately 5,300 square feet under air with basement garages. The following variances are proposed: to allow horizontal overlapping between individual dwelling units that is not permitted under the townhouse regulations; and, to not provide a 20 foot access to the interior of the block which is required under the townhouse regulations. [Attorney: Maura Ziska] [ARCOM Recommendation: Eliminate the chimneys on the townhouses.]

Deferred from the March 12, 2014, Town Council Meeting

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

- b. **MODIFIED VARIANCE #10-2014** The application of K. Prescott Low and Susan T. Low; relative to property commonly known as **242 Jungle Road**; described as Lengthy legal description on file; located in the R-A Zoning District. The modified Variance

Application reflects a change from a 60kw generator to a 70kw generator. Applicants request permission to install a 70KW Generac QT070 generator in the northwest corner of their property with a front yard setback of 6 feet 8 inches in lieu of 35 foot minimum required and a side yard setback of 10 feet in lieu of the 12 feet 6 inches required. [Attorney: M. Timothy Hanlon]
Deferred from the March 12, 2014, Town Council Meeting.

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

2. New Business

- a. **SPECIAL EXCEPTION #3-2014 WITH VARIANCE** The application of Keith Frankel; relative to property commonly known as **1900 South Ocean Blvd.**; described as Lengthy legal description on file; located in the R-AA Zoning District. The applicant is requesting a special exception to construct a 500 square foot beach cabana on an ocean parcel across the street from the main residence, which is located in the R-AA Zoning District; a variance is requested to allow the beach cabana with a setback of 26.83 feet from the designated Ocean Bulkhead Line established in Chapter 62 in lieu of the 150 foot minimum setback required. [Attorney: Maura Ziska]

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

- b. **SPECIAL EXCEPTION #4-2014** The application of Buccan (Piper Quinn); relative to property commonly known as **350 South County Road**; described as Lots 11 through 17, Block 7, of REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA according to the Plat thereof recorded in Plat Book 4, Page 1, of the Public Records of Palm Beach County, Florida; located in the C-TS Zoning District. The applicant is requesting a special exception to modify a previously approved special exception use for the restaurant Buccan to allow a portion of the restaurant that fronts Australian Avenue (approved as restaurant office) to be used for a sandwich takeout counter for lunch hours (11:00 a.m. to 3:00 p.m.), Monday through Saturday. The restaurant's number of seats will remain the same and they will continue to follow the conditions of the approval. [Attorney: Maura Ziska]

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

- c. **VARIANCE #14-2014** The application of 176 Sunset Avenue, LLC (John Flynn, Manager); relative to property commonly known as **176 Sunset Avenue**; described as Lots 84 through 89, inclusive, according to the Plat thereof as recorded in the Plat Book 2, Page 6, Public Records of Palm Beach County, Florida; located in the R-C Zoning District. A variance is requested to allow construction of a new two story, two-family residence with a height of 26.6 feet in lieu of the 23.5 foot maximum allowed and an overall height of 34.5 feet in lieu of the 31.5 foot maximum overall height allowed. [Attorney: Maura

Ziska]

[ARCOM Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0]

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

- d. **VARIANCE #15-2014** The application of International Yacht Collection, LLC; relative to property commonly known as **333 Peruvian Avenue, Suite #1**; described as Lots 41 through 45, inclusive, Block 11, Revised Map of Royal Park Addition to Palm Beach, according to the map thereof as recorded in Plat Book 4, Page 1 of the Public Records of Palm Beach County, Florida; located in the C-TS Zoning District. The applicant is requesting a variance to permit the operation of a yacht charter and sales office containing approximately 1,237 sq. ft. on the first floor which does not meet the requirements to allow an office use on the first floor in this situation. The Applicant is assuming the existing lease of the existing yacht broker office and proposes to continue the existing use. The proposed use does not meet the special exception uses requirement in Section 134-1109 (18) that there are at least 50% exiting office uses on all floors in the building or 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. [Attorney: M. Timothy Hanlon]

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

- e. **VARIANCE #16-2014** The application of Shakir Wissa; relative to property commonly known as **156 Clarke Avenue**; described as Lot 21 of PRIMAVERA ESTATES (Ocean Section), according to the plat thereof as recorded in Plat Book 6, Page 82 of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. A variance is requested to construct garage doors on the south side of the residence along the alley that will have a 5.2 foot rear yard setback in lieu of the 15 feet that would be required for a new 2 story building. [Attorney: Maura Ziska]

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

- f. **VARIANCE #17-2014** The application of Nancy McAllister; relative to property commonly known as **207 Mediterranean Road**; described as Lot 101 BOCA RATONE COMPANY'S INLET SUBDIVISION, according to the Plat thereof, on file in the office of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 12, Page 15; located in the R-B Zoning District. A variance is requested to add an approximate 144 square foot addition to the existing 200 square foot pool cabana with a rear yard setback of 6.1 feet in lieu of ten feet minimum required. [Attorney: M. Timothy Hanlon]

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

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C. Other

- | | | |
|----|---|---------|
| 1. | Consideration of Del Frisco's Grille Restaurant Town-Serving Documentation, Special Exception No. 20-2012 with Variance
<i>John S. Page, Director of Planning, Zoning and Building</i> | Page 73 |
| 2. | Rescission of Ordinance No. 5-2013 Relating to the PUD-5 Comprehensive Amendments.
<i>John C. Randolph, Town Attorney</i> | Page 77 |

IX. ORDINANCES

A. First Reading

- | | | |
|----|--|----------|
| 1. | <u>ORDINANCE NO. 1-2014</u> An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 134, Zoning; Article X, On-Street Parking Permits; Division 2, Residential Districts; Section 134-2296, Issuance of Special Parking Permits Upon Application, to Include a New Subparagraph (d) to Provide for the Issuance of Temporary Group Permits; Amending Division 3, Residential Districts Adjacent to Commercial Districts; Section 134-2328, Temporary Group Permits, to Provide for an Application Fee; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
<i>John C. Randolph, Town Attorney</i> | Page 86 |
| 2. | <u>ORDINANCE NO. 2-2014</u> An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 134, Zoning; Article X, On-Street Parking Permits; Division 2, Residential Districts; Section 134-2293, Designation of Controlled Parking Residential Areas, to Delete Section 134-2293 in its Entirety ; Amending Division 2, Residential Districts; Section 134-2295, Procedures for Determining Controlled Parking Residential Areas, to Require Website Maps and Proper Display of Permits; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
<i>John C. Randolph, Town Attorney</i> | Page 95 |
| 3. | <u>ORDINANCE NO. 3-2014</u> An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 134, Zoning; Article X, On-Street Parking Permits; Division 2, Residential Districts; Section 134-2298, Enumerating Unlawful Acts; Section 134-2301, Penalties, Providing for Surrendering of Permits; Providing for a New Section 134-2302, Regarding Revocation of Decal/permit; Amending Division 3, Residential Districts Adjacent to Commercial Districts; Section 134-2334, Enumerating Unlawful Acts; Providing for a New Section 134-2335, Penalties; Providing for a New Section 134-2336, Revocation of Decal/permits; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; | Page 100 |

Providing an Effective Date.

John C. Randolph, Town Attorney

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

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

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

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John C. Randolph, Town Attorney

X. ANY OTHER MATTERS

XI. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1: No written materials received after 5:00 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written

materials received after 5:00 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.

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

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

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

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

Note 6: A summary of the actions taken at Town Council meetings can be viewed on the Town's website after 5 p.m. on the Friday following the Town Council meeting.

PROCEDURES FOR PUBLIC PARTICIPATION

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

PUBLIC HEARINGS:

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

COMMUNICATIONS FROM CITIZENS:

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

OTHER AGENDA ITEMS:

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

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

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 9, 2014

Section of Agenda

Public Hearings

Agenda Title

RESOLUTION NO. 42-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 337 Brazilian Avenue Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.

Deferred from the March 12, 2014, Town Council Meeting.

Presenter

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

Supporting Documents

- [Memorandum dated March 31, 2014 from John S. Page](#)
- [Resolution No. 42-2014](#)
- [Designation Report for 337 Brazilian Avenue](#)
- [Excerpt from the Minutes of the Landmarks Preservation Commission Meeting of February 19, 2014](#)
- [Applicable Code](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 9, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Landmark Designation of 337 Brazilian Avenue
Resolution No. 42 – 2014

Date: March 31, 2014

STAFF RECOMMENDATION

Staff recommends ratification of the property known as 337 Brazilian Avenue as a Town landmark.

LANDMARKS PRESERVATION COMMISSION RECOMMENDATION

At the Public Hearing for Designation held during the February 19, 2014 meeting of the Landmarks Preservation Commission, the Commission voted unanimously to recommend to the Town Council that the above mentioned property be designated as a landmark. In accordance with Section 54-164 (a) (11) of Chapter 54 of the Town of Palm Beach Code of Ordinances, the Town Council shall hold a public hearing within ninety (90) days of the final decision of the Landmarks Commission to consider ratification of the Commission's recommendation.

GENERAL INFORMATION

- The property meets the following criteria for designation as a landmark of the Town of Palm Beach.

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

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

Landmark Designation of 337 Brazilian Avenue

Resolution No. 42 - 2014

March 31, 2014

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OWNER CONSENT

Please be advised that the property owners were represented by Attorney Guy Rabideau at the February 19, 2014 meeting of the Landmarks Preservation Commission. At that meeting, Attorney Rabideau testified that the owners object to the landmark designation of this property.

FUNDING/FISCAL IMPACT

No direct funding is needed for this action.

COMPREHENSIVE PLAN

The action proposed is consistent with the goals, objectives and policies contained in the Historic Preservation Element of the Town's Comprehensive Plan.

TOWN ATTORNEY REVIEW

Please be advised that the Town Attorney has reviewed Resolution No. 42 - 2014 relating to 337 Brazilian Avenue, and has approved it as to legal form and sufficiency.

attachments

JSP:cmd

cc: Thomas G. Bradford, Deputy Town Manager
John C. Randolph, Town Attorney
Susan A. Owens, Town Clerk
John Lindgren, AICP, Planning Administrator
pf

RESOLUTION NO. 42 - 2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RATIFYING AND CONFIRMING THE DETERMINATION OF THE LANDMARKS PRESERVATION COMMISSION THAT THE PROPERTY KNOWN AS 337 BRAZILIAN AVENUE MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH; AND DESIGNATING SAID PROPERTY AS A TOWN OF PALM BEACH LANDMARK PURSUANT TO ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH.

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

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

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

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

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

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

Section 3. The landmark herein designated, pursuant to the provisions of Ordinance No. 2-84, and the provisions of the Town Code described herein, is known as **337 Brazilian Avenue** and the property to be landmarked is legally described as follows:

LOTS 9 AND 10, BLOCK 2 OF ROYAL PARK ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 1 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this ____ day of _____ 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member

337 Brazilian Avenue



DESIGNATION REPORT

February 19, 2014

Landmark Preservation Commission

Palm Beach, Florida

DESIGNATION REPORT

337 Brazilian Avenue

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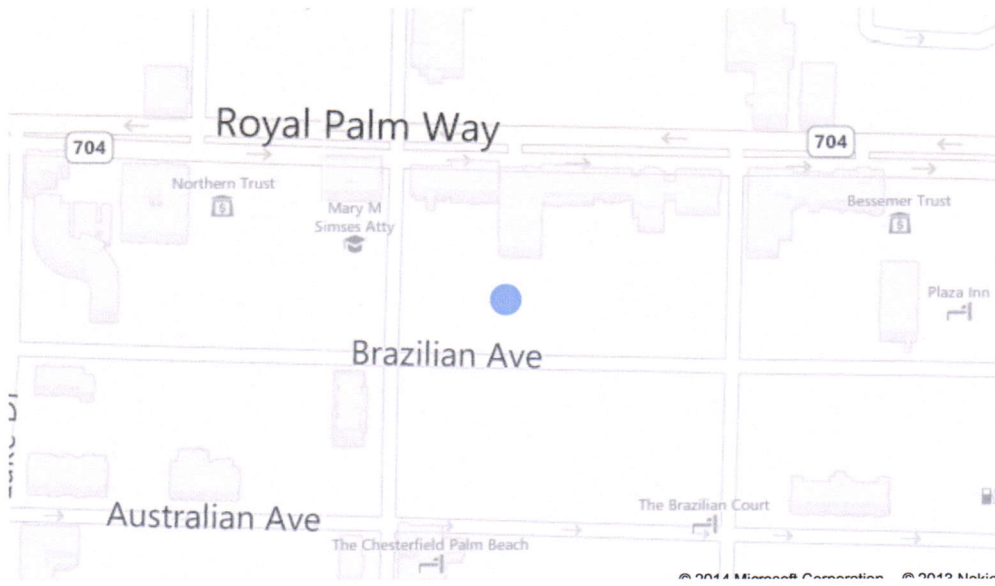
Report produced by Murphy Stillings, LLC

I. General Information

Location:	337 Brazilian Avenue Palm Beach, Florida
Date of Construction:	1924
First Owner:	J.D. Esterra
Architect:	None Listed; Likely Builder Designed and Constructed
Builder/Contractor:	Theodore Eissfeldt
Present Owner:	Friese Family Trust
Present Use:	Residential
Present Zoning:	RC
Palm Beach County Tax Folio Number:	50-43-43-23-05-002-0090
Current Legal Description:	Royal Park Addition, Lots 9 & 10, Block 2

II. Location Map

337 Brazilian Avenue



III. Architectural Information

The house and accessory structure at 337 Brazilian Avenue in the Royal Park subdivision were constructed by Theodore Eissfeldt in 1924 during the Palm Beach Land and Housing Boom. The residence was designed in the popular Mediterranean Revival style of architecture. The Mediterranean Revival style is an eclectic style incorporating architectural elements derived from the area around the Mediterranean Sea, especially Italy and Spain. The style is found most frequently in states that have a Spanish Colonial heritage, but its use gained national popularity after the Pan-American Exhibition held in San Diego in 1915. In Palm Beach, the style was first popularized in 1919 by Addison Mizner's design for the Everglades Club. The popularity of the style soared in the 1920s and remained a pervasive influence on building design until World War II.



The residence at 337 Brazilian Avenue is a two-story wood frame structure covered with rough stucco. It has an L-shaped plan with a one-story main entrance located on the southwest corner of the home. The entry is placed on an angle with a paneled wood door and an arched staggered cast stone block surround topped with a statue of a crowned lion. A tower is located to the north of the one-story, flat roofed entrance. A set of three arched windows, on the first floor of the main façade, are separated by engaged cast stone columns. The central window of the set contains a large fixed pane of

glass. The fanlight above the central window has a unique muntin design. The muntins are wavy, reminiscent of the sun's rays, while the fanlights above the flanking windows have straight muntins. A staggered cast stone surround frames these windows. Two medallions are located on the second floor of the main façade flanking a set of three, six-over-six, sash windows.



Angled Entrance



Statue above Entrance



Set of Arched Windows with Unique Fanlight

The hip roof of the residence reflects the Mediterranean Revival style with barrel tile, overhanging eaves and carved wooden brackets. The roof of the tower element has narrower eaves than the main block of the residence. A brick chimney surfaced with stucco is located on the east façade. A

cantilevered porch is located on the second story of the east façade. The residence has a variety of fenestration including fixed windows, multi-light sash windows and arched windows with fanlights.



East Façade with Second Story Porch

A two-story, flat roofed, accessory structure is located at the northeast corner of the property. Originally constructed as a garage apartment, the building was converted in 1974 to a two-story living space. The two garage doors were replaced with two windows and a door. A kitchen, living room and dining area were created on the first floor. The second floor's kitchen was removed and an interior spiral staircase was installed.



Accessory Structure

The residence has had few alterations since its construction in 1924. Air conditioning was installed, rotted wood replaced, roof replaced, some windows were replaced and windows were installed in the second floor porch.

III. Historical Information

The early 1920s was a period of tremendous growth in the Town of Palm Beach. The Island had become the winter resort of America's most influential families and the building boom was radically changing the face of the small community. By 1920, Ocean Boulevard was completed and motorists from the north were driving down to enjoy the popular winter resort town. As Addison Mizner and other prominent Palm Beach architects were designing large estates along the ocean and lake in the Mediterranean Revival style, demand for hotels, apartments and smaller residences grew. Many of these smaller homes were taking their design cues from the larger estates and were being built in the Mediterranean Revival style as well, increasing the style's popularity. Residences such as 337 Brazilian Avenue were constructed as part of Captain E.N. Dimick and Harvey Geer's development called Royal Park.

Captain Dimick, the first mayor of Palm Beach, and Harvey Geer formed the Palm Beach Improvement Company in 1908. Their Royal Park subdivision included 160 acres of land that contained jungle, sand and muck. The area included land 290 feet north of Royal Palm Way south to 140 feet south of Worth Avenue, from the Atlantic Ocean to Lake Worth. In 1912, Lewis H. Green, a renowned developer from New York, who had just sold lots in the Floral Park subdivision, formed an agreement with the Palm Beach Improvement Company where Green was responsible for the management, design, and sale of land in Royal Park. It was decided that the entire area was to be developed in its entirety at one time. A sea wall was built, areas of the land were filled in, as much of it was under water, and the area graded. The streets were constructed and named after the vegetation that was to be planted on them. A bridge was constructed to connect Royal Park to West Palm Beach at Royal Palm Way. Lighting, water mains, electricity and telephone lines were also installed.

The residence and accessory structure at 337 Brazilian Avenue were built in 1924 for approximately \$10,000 for J.D. Esterra by Theodore Eissfeldt. The residence was not lived in by Esterra and had many different residents during its early years, which could indicate that it was used as a rental property for winter residents. Beginning in 1939, the house was occupied by various owners.

V. Architects Biography

There is no architect listed on the Palm Beach building permit for 337 Brazilian Avenue and therefore, like many Palm Beach buildings constructed in the early twentieth century, it was most likely designed and built by the listed contractor Theodore Eissfeldt.

In the 1920 City Directory, Theodore Eissfeldt was listed as an architect. Following that, he was listed as a contractor for many years, working in Palm Beach, Lake Worth and West Palm Beach. Some of his Palm Beach commissions included 305 and 409 Seabreeze Avenue and 267 Atlantic Avenue built in 1923 and 1924.¹ In 1925, Eissfeldt began the construction of thirty homes in West Palm Beach's Northwood Hills neighborhood, including his own home at 3815 Eastview Avenue. In 1926, he is listed in the City Directory as President of High Mound Construction Company. By 1932, Eissfeldt was president of Northwood Millworks, Inc., and from 1935-1942 he was president of Northwood Builder's Supply Company.²

VI. Statement of Significance

The house at 337 Brazilian Avenue is a very good example of a Mediterranean Revival style residence built during the Palm Beach Land Boom of the 1920s. The residence is an excellent example of the fabric of Palm Beach and the Royal Park subdivision. It is an untouched gem in the heart of the Town.

VII. Criteria For Designation

Section 54-161 of the Town of Palm Beach Landmarks Preservation Ordinance outlines the criteria for designation of a landmark or landmark site and suggests that at least one criterion must be met to justify the

¹ The house at 267 Atlantic Avenue is awaiting Landmark Designation decision by the Town Council.

² Eissfeldt was a prolific builder in West Palm Beach. City of Palm Beach building permits have him listed as the builder for 701 Kanuga Drive (1921), 501 30th Street (1922), 415 30th Street, 419 30th Street and 412 33rd Street (1923), 4210 Washington Road and 2700 Broadway (1924), 338-340 Central Drive, 445 Roseland Drive, 3306, 3310, 3315, 3319, 3402, 3412, 3416, 3504, 3506, 3512, 3706, 3718, 3801, 3805, Greenwood Avenue, 3916 Westview, 953 29th Street, 824 32nd Street, 820, 822, 823 33rd Street, 825 34th Street, 800 35th Street, 505 36th Street, 937, 940, 941, 944, 947, 948, 952, 953, 956, 957, 960, 962, 964, 965, 969 and 970 39th Court and 3511 and 3815 Eastview (1925).

designation. Listed below are the criteria which relate to this property and justification for designation:

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

The house at 337 Brazilian Avenue was constructed during the Florida Boom Time Era of the 1920s. It was a time of significant population growth in Palm Beach. Land was being developed and many houses of varying sizes and styles were built to fulfill the growing demand. The residence is a very good example of the early fabric of Palm Beach and the Royal Park subdivision and as such is worthy of Landmark designation.

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

The house at 337 Brazilian Avenue is a good example of Mediterranean Revival style architecture popularized in Palm Beach during the Land Boom of the 1920s. The building embodies distinctive Mediterranean Revival characteristics including a tower feature, barrel tile roofing, ornate cast stone door and window surrounds, engaged columns, medallions, and overhanging eaves with carved brackets. This residence’s unique design elements include its angled entrance and wavy fanlight design. The residence, having very few alterations during its ninety years, is an untouched gem and therefore, is a specimen inherently valuable for study and worthy of Landmark designation.

VIII. Selected Bibliography

Curl, Donald W. Palm Beach County: An Illustrated History. Northridge, California: Windsor Publications, Inc., 1987.

The Historical Society of Palm Beach County. Files with information Theodore Eissfeldt, Royal Park Subdivision, and Northwood Hills.

Hoffstot, Barbara D. Landmark Architecture of Palm Beach. Third Edition. Pittsburgh, Pennsylvania: Pittsburgh History & Landmark's Foundation. 1991

McAlester, Virginia and Lee. A Field Guide to American Houses. New York: Alfred A. Knopf, Inc., 1984.

The Palm Beach Daily News and Palm Beach Post. Archived Articles

Preservation Foundation of Palm Beach. 337 Brazilian Avenue file; Information on Theodore Eissfeldt.

Sanborn Insurance Map of Palm Beach. New York: Sanborn Map Co., 1926. City of West Palm Beach Public Library, Florida Room.

Town of Palm Beach. Building Permits, 1924– 2013.

West Palm Beach City Directories. Asheville, NC: Florida-Piedmont Directory Company, 1918-1973.

West Palm Beach Historic Preservation Staff. Northwood Hills Expanded Nomination Documentation.

IX. Florida Master Site File Form



HISTORICAL STRUCTURE FORM

Electronic Version 1.1.0

Site # FB06369
 Recorder # Jane S. Day
 Field Date 3/25/2010
 Form Date 5/15/2010
 Form No 201003
 Form No + Field Date (YYYYMM)

First Site Form Recorded for this Site? NO

GENERAL INFORMATION

Site Name (address if none) Friese family Trust, House Multiple Listing (DHR only) _____
 Other Names _____ >> _____
 Survey or Project Name Palm Beach Historic Sites Survey, Phase V Survey# _____
 National Register Category Building(s)

LOCATION & IDENTIFICATION

Address _____

Street No.	Direction	Street Name	Street Type	Direction Suffix
<u>337</u>		<u>Brazilian</u>	<u>Avenue</u>	

 Cross Streets (nearest between) Hibiscus and Coconut Row
 City / Town (within 3 miles) Town of Palm Beach In Current City Limits? YES
 County Palm Beach Tax Parcel # (s) 50-43-43-23-05-002-0090
 Subdivision Name Royal Park Addition Block 2 Lot 9,10
 Ownership Private-Corporate-Non-Profit
 Name of Public Tract (e.g., park) _____
 Route to (especially if no street address) On the north side of Brazilian Avenue between Hibiscus and Coconut Row.

MAPPING

USGS 7.5' Map Name _____ Publication Date _____ >> PALM BEACH;1983
 Township: _____ Range: _____ Section: _____ 1/4 section: _____ >> 43S ;43E ;23;UNSP
 Irregular Section Name: _____
 Landgrant _____
 UTM: Zone _____ Easting _____ Northing _____
 Plat or Other Map (map's name, location) _____

DESCRIPTION

Style Mediterranean Revival Other Style _____
 Exterior Plan Irregular Other Exterior Plan _____
 Number of Stories 2
 Structural System(s) _____ >> Wood frame
 Other Structural System(s) hollow clay tile
 Foundation Type(s) _____ >> Continuous
 Other Foundation Types _____
 Foundation Material(s) _____ >> concrete block
 Other Foundation Material(s) _____
 Exterior Fabric(s) _____ >> Stucco
 Other Exterior Fabric(s) _____
 Roof Type(s) _____ >> Hip
 Other Roof Type(s) _____
 Roof Material(s) _____ >> Spanish tile
 Other Roof Material(s) _____
 Roof Secondary Structure(s) (dormers etc) _____ >> _____
 Other Roof Secondary Structure(s) _____
 Number of Chimneys 1
 Chimney Material Brick
 Other Chimney Material(s) stucco on exterior
 Chimney Location(s) east facade, exterior wall

Page 1 of 3

HISTORICAL STRUCTURE FORM

8PB06369

DESCRIPTION (continued)

Window Descriptions 6/6, 4/4 DSB, fixed fanlights

Main Entrance Description (stylistic details) placed on an angle on the south side of the house with a staggered
cast stone block surround

Porches: #open 1 #closed 0 #incised 0 Location(s) entry - ss

Porch Roof Type(s) flat

Exterior Ornament cast stone, medallions, exposed rafters, balustrades, engaged columns

Interior Plan Unknown

Other Interior Plan

Condition Excellent

Structure Surroundings

Commercial: NONE of this category

Residential: ALL this category

Institutional: NONE of this category

Undeveloped: NONE of this category

Ancillary Features (Number / type of outbuildings, major landscape features)

Archaeological Remains (describe): none observed

If archaeological remains are present, was an Archaeological Site Form completed?

Narrative Description (optional) The original fan light is over the front window

HISTORY

Construction year 1924

Architect (last name first): u

Builder (last name first): Eissfeldt

Changes in Locations or Conditions

Type of Change	Year of Change	Date Change Noted	Description of Changes
>>			

Structure Use History

Use

Year Use Started

Year Use Ended

>>

Private residence/1924;

Other Structure Uses

Ownership History (especially original owner, dates, profession, etc.)

RESEARCH METHODS

Research Methods

>> Examine local property records

Other research methods

SURVEYOR'S EVALUATION OF SITE

Potentially Eligible for a Local Register?

YES

Name of Local Register if Eligible Town of Palm Beach Landmark

Individually Eligible for National Register?

INSUFF. INFO

Potential Contributor to NR District?

NO

Area(s) of historical significance

>> Architecture

Other Historical Associations

Explanation of Evaluation (required) This is a good example of the Mediterranean Revival style designed during
the 1920s. It is worthy of local designation.

HISTORICAL STRUCTURE FORM

87B06369

DOCUMENTATION (Photos, Plans, etc.)

Photographic Negatives or Other Collections Not Filed with FMSF, including Field Notes, Plans, other Important Documents.

Document type: _____ Maintaining Organization: _____
 File or Accession #: _____ Descriptive Information: _____
 >> _____

RECORDER INFORMATION

Recorder Name (Last, First) Day, Jane S.
 Recorder Address / Phone 728 Granada Drive, Boca Raton, Fl. 33432 561-362-4473
 Recorder Affiliation Research Atlantica Other Affiliation Town of Palm Beach
 Is a Text-Only Supplement File Attached (Surveyor Only)? _____

***** MASTER SITE FILE USE ONLY *****

Cultural Resource Type: Electronic Form Used: Form Type Code: Form Quality Ranking: Form Status Code: Supplement Information Status: Supplement File Status: Form Comments: _____ _____ _____	SHPO's Evaluation of Resource Date: _____ FMSF Staffer: Computer Entry Date:
--	--

REQUIRED PAPER ATTACHMENTS

- (1) USGS 7.5" MAP WITH STRUCTURE PINPOINTED IN RED
- (2) LARGE SCALE STREET OR PLAT MAP
- (3) PHOTO OF MAIN FACADE, B&W, AT LEAST 3"x5"

**EXCERPT FROM THE MINUTES OF THE LANDMARKS PRESERVATION
COMMISSION MEETING OF FEBRUARY 19, 2014**

Item 2: 337 Brazilian Avenue

Owner: Friese Family Trust, Paul Friese Trustee

Call for disclosure of ex parte communication: No disclosures

Emily Stillings testified to the architecture and history relative to this two story 1924 Mediterranean Revival style home. She noted that no architect was listed for this home, and that it was likely designed and built by the contractor, Theodore Eissfeldt. She stated that this property meets the following criteria for designation as a Town of Palm Beach landmark:

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

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

Mrs. Delp verified that proof of publication and proper legal service were achieved with regard to this hearing.

MOTION BY MR. FELDKAMP THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MS. MURPHY.

MOTION CARRIED UNANIMOUSLY.

Attorney Guy Rabideau, representing the property owner, stated that the property owner objects to the landmark designation on the basis that “the architectural elements do not come together as a coherent whole for this building that actually makes it exemplary of the Mediterranean style that has been presented.” He elaborated on other perceived problems with the house, i.e., the size of the home, less than 1900 sq. ft.; structural damage to the property; and, continuing flooding issues due to low elevation. He presented photos illustrating the flooding conditions at the site. He reiterated that this is not the best example of a Mediterranean house; there is an unknown architect; and, no prominent residents are associated with the house. Mr. Rabideau maintained that this property does not meet the criteria for designation.

Mr. Strawbridge asked Eugene Pandula and Dr. Jane S. Day, who were seated in the audience, to provide some historical information relative to the LPC’s response to houses with structural and/or flooding issues, and/or multiple problems. Mr. Eugene Pandula, past member and past Chairman of the LPC, responded that the LPC has always made decisions relative to designation based on the criteria established in the ordinance. Dr. Day, Historic Preservation Consultant for the past 20 years, responded that she could not recall anyone coming forward saying that they could not landmark a property because of flood elevation. Houses in the town have been raised

up in the past, and she cited 330 Island Road and 181 Clarendon as examples. “There have been other houses in town that have had this problem, and because they were landmarked, it saved that fabric of the building stock in the town.” She noted that tax abatement is available to property owners who undertake such projects. Emily Stillings agreed with Mr. Pandula and Dr. Day, and added that there is nothing in the ordinance that precludes landmarking based on structural issues.

Mr. Feldkamp noted that recently studied properties like 153 Cocoanut Row and 267 Atlantic Avenue are likewise below the flood elevation. Both of those owners want to do additional projects at their respective properties, and because they are landmarked, they are not impacted by the Town’s 50% rule. He urged the commission to abide by the designation criteria, and commented that this is an example of very well preserved 1920’s Mediterranean Revival architecture. Mr. Cooney commented that the house stands on its own and meets the criteria. He reminded the members that their job is to vote according to the ordinance and its criteria for designation.

MOTION BY MR. STRAWBRIDGE THAT THE PROPERTY AT 337 BRAZILIAN AVENUE BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MR. FELDKAMP.

MOTION CARRIED UNANIMOUSLY.

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

ARTICLE IV. - DESIGNATION PROCEDURE

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

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

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

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

Sec. 54-165. - Voluntary restrictive covenants.

Secs. 54-166—54-195. - Reserved.

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

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

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

(Code 1982, § 16-38)

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

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

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

(Code 1982, §§ 16-38.1, 16-39)

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

The commission has the power to:

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

(Code 1982, § 16-42)

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

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

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

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

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

(Code 1982, § 16-43)

Sec. 54-165. - Voluntary restrictive covenants.

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

(Code 1982, § 16-48)

Secs. 54-166—54-195. - Reserved.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 9, 2014

Section of Agenda

Time Extensions

Agenda Title

Request for Waiver of Section 42-199, Hours For Construction Work at 301 Worth Avenue (Chanel) Per Letter Dated February 26, 2014, from Ean Bressack.

Presenter

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

Supporting Documents

- [Memorandum dated March 19, 2014 from John S. Page, Director of Planning, Zoning and Building](#)
- [Letter Dated February 26, 2014 From Ean Bressack](#)
- [Floor Plan](#)
- [Construction Schedule](#)
- [Letter Dated February 26, 2014 From Ean Bressack](#)
- [Letter Dated February 25, 2014 from Robin L. Miller](#)
- [E-Mail Dated February 25, 2014 from Matthew Sinatra](#)
- [Letter Dated November 25, 2013 from John Lindgren](#)
- [Letter Dated February 28, 2014 from Vanessa Stevenson](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 9, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Waiver of Town Code Section 42-199, work in the C-WA Worth Avenue Zoning District
301 Worth Avenue

Date: March 19, 2014

STAFF RECOMMENDATION

Staff recommends that the Town Council consider an extension of the hours for construction work at 301 Worth Avenue, within the C-WA Worth Avenue Zoning District. The applicant is requesting to work overnight when the store is closed.

GENERAL INFORMATION

Construction work on Worth Avenue is limited to May 1 through October 31 between the hours of 8:00 am to 8:00 pm, Monday through Saturday, excluding Sundays and legal holidays.

Approval, if granted, should be conditioned as follows:

- Work hours are allowed from 8:00 pm to 4:00 am Monday through Friday (applicant has requested these hours). Code requirement is 8:00 am to 8:00 pm Monday through Saturday.
- Work hours on Saturday are limited from 8:00 pm to 12:00 am (applicant has requested 8:00 pm to 4:00 am Monday through Saturday).
- No work allowed on Sundays or Town of Palm Beach legal holidays.
- Approval of the Worth Avenue Association.
- Provision of a construction schedule to the satisfaction of the Building Official.
- All deliveries will be made between the hours of 8:00 pm and 10:00 pm.
- No construction related parking will be allowed on Worth Avenue.
- No workers shall congregate or loiter on Worth Avenue.
- No exterior work will be allowed on Worth Avenue (applicant has indicated that the work being performed is interior only).
- Any verified complaints from neighbors may revoke extended work hours.
- Submission of an affidavit that all property owners, businesses and residents (Condominium Association if a condominium) within a 200 foot radius of the subject property have been notified of this request by mail 10 days prior to the scheduled meeting date.

- Contractor will provide a copy of the affidavit and a copy of the notice to the Building Official no later than 5 days prior to the scheduled hearing date.

SPECIAL CONSIDERATIONS

The applicant is requesting extended working hours (8:00 pm to 4:00 am), Monday through Saturday, beginning after May 1 and lasting approximately 1 week. This includes interior work only to install a security grate. The applicant was granted approval from the Town's Landmark Commission on November 25, 2013 (COA #49-2013).

Attachments

JP/wcb

cc: Matthew Sinatra, Shawmut Design and Construction
Ean Bressack, Director of Loss Prevention, Chanel, Inc.
Bill Bucklew, Acting Building Official
Paul W. Castro, Zoning Administrator
H. Paul Brazil, Public Works Director
Raychel Houston, Code Enforcement Unit

CHANEL

RECEIVED

MAR 11 2014

TOWN OF PALM BEACH
PZB DEPT

February 26, 2014

Mr. Bill Bucklew
Town of Palm Beach
360 South Country Road
Palm Beach, FL 33480

Re: Waiver Request – Installation of Security Grille at Chanel, 301 Worth Avenue

Mr. Bucklew,

Chanel has begun a plan of installing security grilles at the entrances of various high risk boutiques, as a result of a number of "smash and grab" burglaries at their boutiques across the country. Chanel has identified their boutique located at 301 Worth Avenue in Palm Beach as a location they would like to secure further.

To that end, Chanel has hired Shawmut Design and Construction to install a new security grille at the entrance of the boutique at 301 Worth Avenue. This work has been reviewed and accepted, per the attached certificate of appropriateness.

We understand that construction on Worth Avenue is restricted to take place from May 1 – October 31, between the hours of 8:00am – 8:00pm, and would like to request waivers to:

1. Work between the hours of 8:00pm – 4:00am

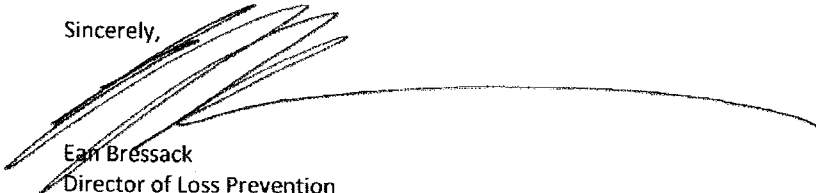
We believe this waiver is necessary to avoid affecting Chanel's ability to do business during their regular store hours, as well as to avoid affecting neighboring businesses.

Work included is as follows:

1. Relocation of an existing fire sprinkler head
2. Installation of supports for the grille at the existing ceiling
3. Installation of enclosure at corner of entrance to receive grille when not in use
4. Installation of security grille

The work will take approximately one week to complete and will be scheduled when the appropriate waivers are received and the necessary permits are in place.

Sincerely,



Ean Bressack
Director of Loss Prevention
Chanel, Inc.

CC:

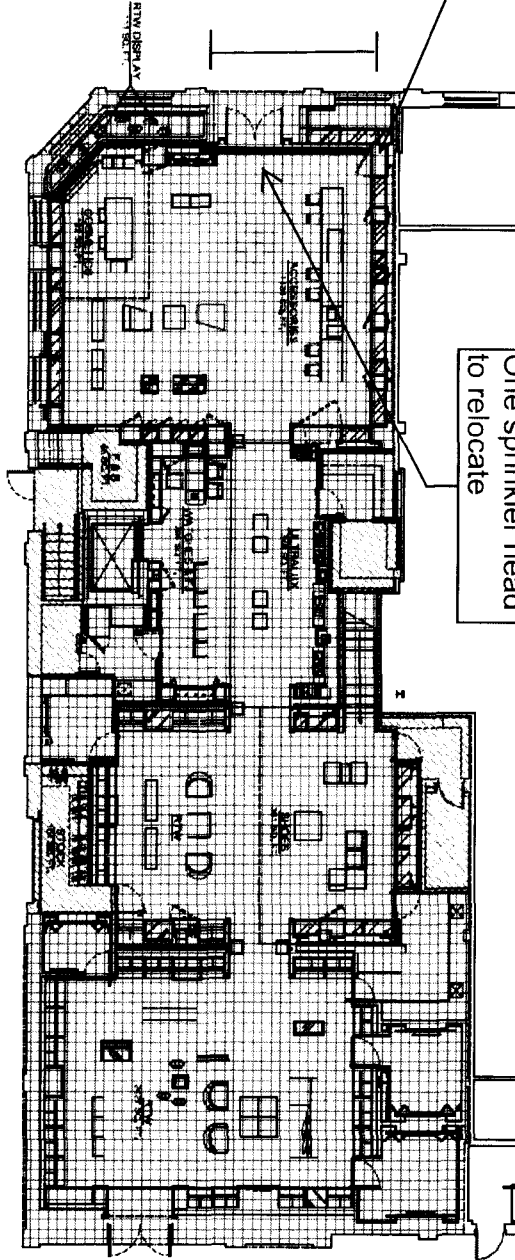
Dan Harrington
Maryann Lawrence, ESQ

Grille will fold into this closet. Sensormatic equipment to be relocated. Closet is 18" deep

Height 11'-6 1/8"

One sprinkler head to relocate

Width 16'-6 1/16"



LEGEND:

SELLING AREAS (GRID IS 1'x1')

NONSELLING AREAS

AREA CALCULATIONS (GROUND FLOOR)

SCALE: 3/32"=1'-0"

BOUTIQUE AREAS (OVER LINES)									
	SELLING		NONSELLING		TOTAL				
	SQ. FT.	SQ. W.	SQ. FT.	SQ. W.	SQ. FT.	SQ. W.			
RECEPTION	5582	117	3402	313	8984	148			
RETAIL CLOSET & FINE JEWELRY	180	14	85	8	265	20			
TOTAL	5762	131	3487	321	9249	168			

A-203

PROJ. NO. 1112

AREA CALCULATIONS

PALM BEACH (2007 RENOVATION)

DRAWING ISSUE RECORD

ISSUED 01/23/09

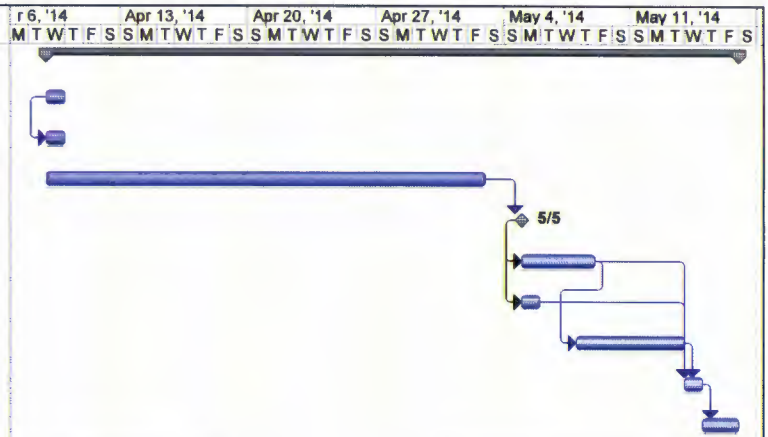
ISSUED FOR CONSTRUCTION

CHANEL

9 West 57th Street
NEW YORK, NY 10019
(212) 303-3439

Not a final drawing. All dimensions are in feet and inches. All dimensions are subject to change without notice. All dimensions are subject to change without notice. All dimensions are subject to change without notice.

ID	Task Name	Duration	Start	Finish	Predecessors	r 6, '14	Apr 13, '14	Apr 20, '14	Apr 27, '14	May 4, '14	May 11, '14
1	Chanel Palm Beach Security Grille Installation	28 days	Wed 4/9/14	Fri 5/16/14		M	T	W	T	F	S
2	Town Council Meeting for Approval to Work	1 day	Wed 4/9/14	Wed 4/9/14							
3	Receipt of Approval to Begin Work	1 day	Wed 4/9/14	Wed 4/9/14 2SS							
4	Obtain Permits	18 days	Wed 4/9/14	Fri 5/2/14							
5	Mobilize Site	0 days	Mon 5/5/14	Mon 5/5/14 4							
6	Install Supports at Existing Ceiling for Grille	4 days	Mon 5/5/14	Thu 5/8/14 5SS							
7	Relocate Existing Sprinkler Head	1 day	Mon 5/5/14	Mon 5/5/14 5SS							
8	Rework Closet Header to Allow for Storage of Grille	4 days	Thu 5/8/14	Tue 5/13/14 6FS-1 day							
9	Install Grille	1 day	Wed 5/14/14	Wed 5/14/14 6,7,8							
10	Patch and Paint Existing Ceiling	2 days	Thu 5/15/14	Fri 5/16/14 9							



Project: Chanel Palm Beach Prelimina
Date: Fri 3/7/14

Task		Milestone		External Tasks	
Split		Summary		External Milestone	
Progress		Project Summary		Deadline	

CHANEL

February 26, 2014

Re: Notification of Waiver Request – Installation of Security Grille at Chanel, 301 Worth Avenue

To Whom It May Concern,

A waiver of Town Ordinances 42-199 and 18-05, hours for construction work and work on Worth Avenue, is being requested by Chanel for the Chanel boutique located at 301 Worth Avenue.

We understand that based on these ordinances, construction on Worth Avenue is restricted to take place from May 1 – October 31, between the hours of 8:00am – 8:00pm, and have requested waivers to:

1. Work between the hours of 8:00pm – 4:00am

Chanel is requesting this waiver in order to perform work associated with installation of a security grille at the main entrance of the boutique.

We would like to work off hours to avoid affecting Chanel's ability to do business during regular store hours as well as to avoid affecting any of the neighboring businesses.

The work will take approximately one week to complete and will be scheduled when the appropriate waivers are received and the necessary permits are in place.

This matter will be presented to the Palm Beach Town Council at the regularly scheduled meeting on April 9, 2014. Any concerns regarding this matter should be expressed at this meeting. Please note that this notice is required to be postmarked no later than ten (10) days prior to this meeting.

If you would like to discuss this matter further please feel free to contact Vanessa Williams at 212.920.8957.

Sincerely,



Ean Bressack
Director of Loss Prevention
Chanel, Inc.

CC:
Dan Harrington
Maryann Lawrence, ESQ

WORTH AVENUE

February 25, 2014

Matthew Sinatra
Shawmut Design and Construction
3 East 54th Street
8th Floor
New York, NY 10022

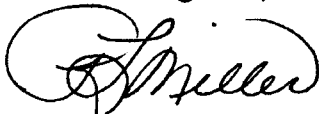
RE: Chanel - Worth Avenue

Dear Mr. Sinatra:

On behalf of the Worth Avenue Association Board of Directors, please let this letter serve to notify you and the Town of Palm Beach that the Association has no objection to the construction outlined in your email dated 2/24/14.

Should you require any additional approvals from us, please let me know.

Kind regards,



Robin L. Miller
Administrator

C: John Page, TOPB

From: Sinatra, Matthew
To: "Robin Miller"
Subject: RE: Chanel - Worth Avenue Association Letter of Consent
Date: Tuesday, February 25, 2014 11:13:10 AM

Robin,

I just wanted to follow up to review the scope of work for this project to ensure that you are properly informed prior to emailing the letter of consent. The difference for this work this time is that we will be conducting work during town of Palm Beach construction season. We are still requesting that the work be done during off hours so that we are not affecting Chanel or surrounding businesses. If you have any other questions or concerns let me know.

Thanks,

Matthew Sinatra, Asst Project Manager

Shawmut Design and Construction | 3 East 54th Street, 8th Floor, New York, NY 10022

T 646-205-8647 | F 617-622-9380 | C 857-225-8514

www.shawmut.com | [Facebook](#) | [LinkedIn](#) | [Twitter](#)

From: Robin Miller [mailto:robinmiller@worth-avenue.com]
Sent: Monday, February 24, 2014 3:39 PM
To: Sinatra, Matthew
Subject: RE: Chanel - Worth Avenue Association Letter of Consent

We are happy to give you a letter of support. Will email to you tomorrow at the latest. Thank you.

Robin L. Miller | Administrator
Worth Avenue Association, Inc.
P.O. Box 2126, Palm Beach, FL 33480
256 Worth Avenue, Suite 312
561-659-6909
561-659-9898 fax
www.worth-avenue.com

This entire email transmission is privileged, confidential and may contain proprietary information. You are hereby notified that copying or using the Worth Avenue Association proprietary member email address database is strictly prohibited. If you have received this email in error, please notify the sender by email reply. Thank you.

From: Sinatra, Matthew [mailto:MSinatra@shawmut.com]
Sent: Monday, February 24, 2014 10:40 AM
To: robinmiller@worth-avenue.com
Subject: Chanel - Worth Avenue Association Letter of Consent

Robin,

Chanel has contracted my company, Shawmut Design & Construction, to install a security gate inside of their front entrance. The building department has advised that we need to request waiver to do this work during "off hours" after 8pm. We are also told that we will need a letter of consent from the Worth Avenue Merchants Association as part of our request. I was given your contact information and was told that you might be able to assist me in getting this approval/information.

Any assistance you may be able to provide in this matter would be greatly appreciated.

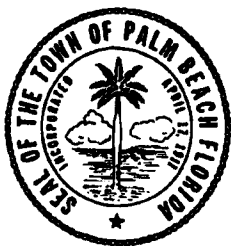
Thanks,

Matthew Sinatra, Asst Project Manager

Shawmut Design and Construction | 3 East 54th Street, 8th Floor, New York, NY 10022

T 646-205-8647 | F 617-622-9380 | C 857-225-8514

www.shawmut.com | [Facebook](#) | [LinkedIn](#) | [Twitter](#)



TOWN OF PALM BEACH

Planning, Zoning & Building Department

November 25, 2013

Chanel Inc.
Nine West 57th Street
New York, NY 10019

SUBJECT: Certificate of Appropriateness #049-2013
Subject Address: 301 Worth Avenue, Palm Beach

Ladies and Gentlemen,

As you have made application for a Certificate of Appropriateness, and the Landmarks Preservation Commission has approved your application as outlined at its meeting of November 20, 2013, please find the requested Certificate of Appropriateness enclosed.

This Certificate expires November 20, 2014, one year from date of approval. By copy of this letter and Certificate of Appropriateness, designated Town Staff is notified of this approval.

This LPC approval constitutes approval relating to the Landmarks Ordinance only, and does not relieve the owner from obtaining additional Town approvals as may be required, and/or required permits.

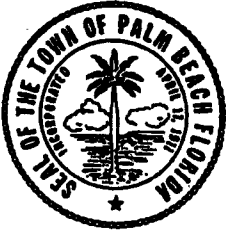
Sincerely,

John Lindgren, AICP
Planning Administrator

JL:cmd

Enclosure

cc: Tercilla Courtemanche Architects Inc.
William Bucklew, Acting Building Official
pf



CERTIFICATE OF APPROPRIATENESS

Chanel Inc.
Nine West 57th Street
New York, NY 10019

Certificate of Appropriateness #049-2013

LPC Meeting Date: November 20, 2013

RE: Subject Address: 301 Worth Avenue

Project Description: Request for approval of a security grille inside of the existing store entrance matching the rear entry. Other associated changes as presented.

ARCHITECTURAL PRESENTATION BY: Rene Tercilla, Tercilla Courtemanche Architects

Mr. Tercilla presented the project pursuant to the submitted plans and as described above. He explained that the security grille is being requested to provide an additional layer or barrier, which is consistent with security principles. The grille is located within the store, will be pocketed during business hours and will slide into position when the store is closed. Under commission comments, there was some discussion as to the appropriateness of a visible grille on Worth Avenue, but most members agreed that since the grille is located inside the store and is tastefully done, it is acceptable.

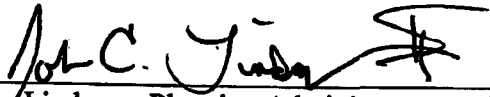
MOTION BY MR. FELDKAMP FOR APPROVAL OF COA-049-2013 AS PRESENTED.

MOTION SECONDED BY MR. MOORE.

MOTION CARRIED UNANIMOUSLY.

Approval is made with the proviso that all changes meet all Codes of the Town of Palm Beach including, but not limited to the Building Code.

The property owner is advised that a building permit for the approved work must be obtained on or before November 20, 2014, at which time this Certificate of Appropriateness will expire if work has not commenced.



John Lindgren, Planning Administrator, on behalf of
LANDMARKS PRESERVATION COMMISSION

cmd

LANDMARK PRESERVATION COMMISSION
Palm Beach, Florida

Builders and
Construction Managers

Shawmut Design and Construction
3 East 54th Street
New York, NY 10022
Telephone 212.920.8900
Facsimile 212.920.8901

February 28, 2014

Mr. Bill Bucklew
Town of Palm Beach
360 South Country Road
Palm Beach, FL 33480

Re: Confirmation on Notifications of Waiver Request
Installation of Security Grille at Chanel, 301 Worth Avenue

Mr. Bucklew,

This letter is to confirm that, on behalf of Chanel, the attached notice was sent to all property owners within 200 feet of the Chanel boutique located at 301 Worth Avenue.



Sincerely,

Vanessa M. Williams

Vanessa Williams Stevenson
Project Manager
Shawmut Design and Construction

Commonwealth of New York)

) ss:

County of New York)

On this, the 6th day of March, 2014, before me a notary public, the undersigned officer, personally appeared Vanessa Williams known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

In witness hereof, I hereunto set my hand and official seal.

A handwritten signature in black ink, appearing to read "J. Rosati".

Notary Public

Joseph A. Rosati
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01R06262265
Qualified in New York County
Commission Expires May 21, 2016

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 9, 2014

Section of Agenda

Time Extensions

Agenda Title

Extension of Time Schedule for Completion of Construction Per Town
Code Chapter 18, Section 242-105.4.1.6
330 Island Road

Presenter

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

Supporting Documents

- [Memorandum dated March 19, 2014 from John S. Page, Director of Planning, Zoning and Building](#)
- [Letter Dated March 12, 2014 from Eugene Pandula](#)
- [Letter Dated March 12, 2014 from Eugene Pandula](#)
- [Construction Schedule](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 9, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Extension of Time Schedule for Completion of Construction per Town Code
Chapter 18, Section 242-105.4.1.6
330 Island Road

Date: March 19, 2014

STAFF RECOMMENDATION

Staff recommends that the Town Council consider an extension of the Code-specified time limit for construction for the project located at 330 Island Road (renovation of landmarked existing single family dwelling).

GENERAL INFORMATION

The applicant is requesting an extension of the time limit for the “renovation with additions” of a landmarked single family residence of approximately 8,551 square feet. The initial permit was issued on November 29, 2011. Per Code the project is to be completed in 30 months.

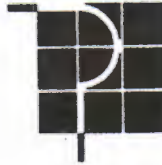
This limit imposes a completion date for the construction of May 28, 2014. See attachments from the owner’s Architect and the contractor outlining their plan to complete. The applicant is proposing to finish the project in November of 2014.

As outlined within the Code, the Council may impose conditions on the extension which may include the implementation of mitigation measures deemed appropriate by the Council and imposition of a fee for each day of the extension beyond the 30 month term imposed. The fee established is 10 cents per square foot with a minimum of \$500.00/per day. From the Town’s record drawings, the project square footage is 8,551 square feet. This means that the maximum fee that the Council could opt to impose is \$855.00 per day (which would accrue until the Planning, Zoning and Building Department issues a Certificate of Occupancy).

Attachments

JP/wcb

cc: Eugene Pandula, Architect
John Finnell, J. W. Finnell Construction
Paul W. Castro, Zoning Administrator
H. Paul Brazil, Public Works Director
Raychel Houston, Code Enforcement Unit



1112

PRIVATE RESIDENCE
330 Island Road Road
Palm Beach, Florida

12 March 2014

Time Extension

Mr. John Page, Director
Town of Palm Beach
Department of Planning, Zoning and Building
360 South County Road
Palm Beach, Florida 33480

Dear Mr. Page,

Thank you for taking the time to discuss with us the process for requesting a time extension for construction activities at the referenced property.

At the request of our client, Milan E.A.T., L.L.C., we are requesting a time extension for construction activities at the referenced property of 7 months from the current end date of approximately 23 May 2014. The projects' general contractor, J.W. Finnell, has crafted an updated milestone schedule, a copy of which is enclosed.

The consideration of this request will be before the Town Council, at Town Hall, beginning at 9:30 am on 9 April 2014.

This residence is a voluntarily designated Landmark of the Town of Palm Beach, and the restorations / renovations being undertaken are under the further and higher standards of the tax abatement process. The original structure dates to approximately 1936.

The vast majority of time issues on this project are derived directly from the decision to raise the entire structure such that the lowest finished ground floor level would be above current flood elevation, and, the resulting discovery of significant structural deficiencies necessitating correction, particularly in the foundation system.

- .01 new pile support system for the existing foundation
- .02 replacement of ground floor concrete floor slabs due to corrosion and spalling
- .03 significant repair to the existing foundation grade beams due to corrosion and spalling
- .04 reconstruction of brick chimneys due to deterioration and lack of support
- .05 gable end framing retrofit
- .06 reconstruction of bay windows and miscellaneous other areas where the exterior brick facing was without frame wall support
- .07 miscellaneous deteriorated wood framing and sheathing

The work involving the foundation system would be specifically out of the ordinary, especially considering that the repairs would be undertaken while the building was up in the air. Time was also required for additional evaluation, engineering, permitting and Landmark Commission presentations (for those items related to tax abatement review). As well, with the building above ground, foundation repair activities were a very linear process of very small increments, and, all other trades were held off the property for safety reasons.

Essentially, the requested time extension will accomodate the efforts expended to raise the Landmark building to current flood elevation and the sub-surface and foundation activities necessary to correct unknown physical conditions. None of those corrective actions were discresonary.

At this time, all rough structural work, both new and retrofit, is almost complete and the project is about to transition to installation of systems and finishes. Separate crews are working on the retrofit portion of the project and the new addition portion of the project.

The property has had a screen fence with landscaping installed along Island Road, the existing site wall on the east remains, the new site wall on the west is complete, and, the raising of the bulkhead is complete on the south side. We anticipate installing certain landscape materials in the first weeks of June at the east and west boundaries, and positioning the major trees at the south lawn area.

As well, as / when permitted by Town code, the project will take advantage of longer working days and hours until completion.

Again, thank you for your guidance in placing this issue for consideration with the Town Council. Should you have any questions or comments, or require additional information or assistance, do not hesitate to contact this office.

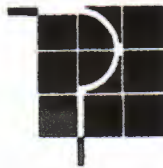
Yours very truly,



Eugene Pandula

EP/bhs
enclosures

cc: 200' radius neighbors w/ enclosures



1112

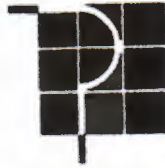
PRIVATE RESIDENCE
330 Island Road Road
Palm Beach, Florida

12 March 2014

Time Extension

Raising of Structure for Flood Elevation: Front of Property





1112

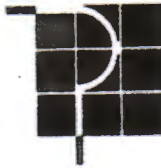
PRIVATE RESIDENCE
330 Island Road Road
Palm Beach, Florida

12 March 2014

Time Extension

Raising of Structure for Flood Elevation: Rear of Property





1112

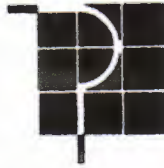
PRIVATE RESIDENCE
330 Island Road Road
Palm Beach, Florida

12 March 2014

Time Extension

Deteriorated / Failed Ground Floor Concrete Floor Slab





1112

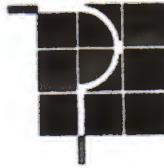
PRIVATE RESIDENCE
330 Island Road Road
Palm Beach, Florida

12 March 2014

Time Extension

Deteriorated / Failed Ground Floor Concrete Floor Slab





1112

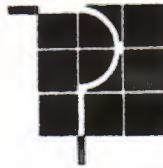
PRIVATE RESIDENCE
330 Island Road Road
Palm Beach, Florida

12 March 2014

Time Extension

Deteriorated / Failed Foundation System Grade Beams





1112

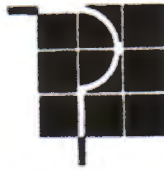
PRIVATE RESIDENCE
330 Island Road Road
Palm Beach, Florida

12 March 2014

Time Extension

Deteriorated / Failed Foundation System Grade Beams





1112

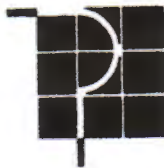
PRIVATE RESIDENCE
330 Island Road Road
Palm Beach, Florida

12 March 2014

Time Extension

Deteriorated / Failed Foundation System Grade Piles





1112

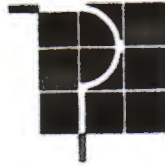
PRIVATE RESIDENCE
330 Island Road Road
Palm Beach, Florida

12 March 2014

Time Extension

Deteriorated / Failed Foundation System Grade Piles





1112

PRIVATE RESIDENCE
330 Island Road Road
Palm Beach, Florida

12 March 2014

Time Extension

Original Exterior Brick Wall Without Wall Framing





1112

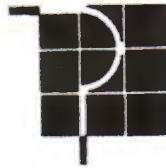
PRIVATE RESIDENCE
330 Island Road Road
Palm Beach, Florida

12 March 2014

Time Extension

Original Exterior Brick Wall Without Wall Framing





1112

PRIVATE RESIDENCE
330 Island Road Road
Palm Beach, Florida

12 March 2014

Time Extension

Deteriorated Gable End Support





1112

PRIVATE RESIDENCE
330 Island Road Road
Palm Beach, Florida

12 March 2014

Time Extension

Deteriorated Gable End Support





1112

PRIVATE RESIDENCE
330 Island Road Road
Palm Beach, Florida

12 March 2014

Time Extension

Mr. John Page, Director
Town of Palm Beach
Department of Planning, Zoning and Building
360 South County Road
Palm Beach, Florida 33480

Dear Mr. Page,

This correspondence is in regard to the request for a construction time extension at the referenced property, to be considered at the 9 April 2014 Town Council meeting.

Notice to neighboring properties within a 200 foot radius, identified by the attached Palm Beach County Property Appraisers materials, has been mailed to each of the addresses and contains a copy of the submitted request and related supporting materials.

Your assistance is appreciated. Should you have any questions or comments, or require additional information, do not hesitate to contact this office.

Best personal regards,

Eugene Pandula

EP/bhs

enclosures

Property Appraiser GIS - PCN listing

Buffer:

S 50434327040000031

Buffer:200

50434326000010020

50434327040000010

50434327040000051

50434327040000061

50434326000010020 200
EVERGLADES CLUB INC
WORTH AVE
PALM BEACH FL 33480

50434327040000010 200
BERWIND JAMES D
3000 CENTRE SQ W
1500 MARKET ST
PHILADELPHIA PA 19102 2100

50434327040000051 200
HUFTY PAGE L
340 ISLAND RD
PALM BEACH FL 33480

50434327040000061 200
SMITH JANE W
350 ISLAND DR
PALM BEACH FL 33480 4751

50434327040000031
MILAN E A T LLC
1555 PALM BEACH LAKES BLVD STE 1220
WEST PALM BEACH FL 33401 2329

Property Appraiser GIS - Property Detail list by parcel control number

Buffer:

50434327040000031	Acres	0.54	Sales Instr	DT	MTG	REV PLAT OF ISLAND ROAD DEV
MILAN E A T LLC	Value \$	7,185,467.00	Price	\$6,909,600.00	PUSE SINGLE FAMILY	W 85 FT OF LT 3, LT 4 & E 6 FT OF LT 5
1555 PALM BEACH LAKES BLVD STE 1220	Taxbl \$	6,397,280.00	Date	6/18/2011	TaxDist 50417	
	Bldg \$	404,967.00	Book	24596		
WEST PALM BEACH FL 33401 2329	Land \$	6,780,500.00	Page	1934	NAV	

Buffer: 200

50434326000010020	Acres	91.44	Sales Instr		MTG	26/27-43-43, PT OF GOV LTS 1 & 2 & FILLED LANDS LYG S OF
EVERGLADES CLUB INC	Value \$	7,775,300.00	Price	\$	PUSE GOLF COURSE	& ADJ TO PB7P69 & N OF & ADJ TO PB9P9 (LESS PT ADJ TO LT 18
WORTH AVE	Taxbl \$	7,775,300.00	Date		TaxDist 50417	PB7P69 IN OR10180P1758 & ISLAND RD R/W) SEC 26, PT OF GOV
	Bldg \$	2,599,993.00	Book			
PALM BEACH FL 33480	Land \$	5,175,307.00	Page		NAV	

50434327040000010	Acres	0.61	Sales Instr	DT	MTG	ISLAND RD DEV REV PL
BERWIND JAMES D	Value \$	8,236,663.00	Price	\$10.00	PUSE SINGLE FAMILY	LTS 1, 2 & E 15 FT OF LT 3
3000 CENTRE SQ W	Taxbl \$	8,236,663.00	Date	11/1/2012	TaxDist 50417	
1500 MARKET ST	Bldg \$	663.00	Book	25572		
PHILADELPHIA PA 19102 2100	Land \$	8,236,000.00	Page	460	NAV	

50434327040000051	Acres	0.50	Sales Instr	QC	MTG	REV PLAT OF ISLAND ROAD DEV
HUFFY PAGE L	Value \$	5,384,895.00	Price	\$10.00	PUSE SINGLE FAMILY	LT 5 (LESS E 6 FT) & ELY 100 FT OF LT 6
340 ISLAND RD	Taxbl \$	4,015,550.00	Date	12/17/2013	TaxDist 50417	
	Bldg \$	272,895.00	Book	26543		
PALM BEACH FL 33480	Land \$	5,112,000.00	Page	1020	NAV	

50434327040000061	Acres	0.73	Sales Instr	LA	MTG	REV PLAT OF ISLAND ROAD DEV LT 6 /LESS TR IN DB606P118/ &
SMITH JANE W	Value \$	7,227,378.00	Price	\$10.00	PUSE SINGLE FAMILY	LT 7 /LESS SWLY 15 FT/
350 ISLAND DR	Taxbl \$	4,065,406.00	Date	2/23/2010	TaxDist 50417	
	Bldg \$	140,178.00	Book	23796		
PALM BEACH FL 33480 4751	Land \$	7,087,200.00	Page	1306	NAV	

TWTF DEED
#17086
08165P87

00-001-0020
0020

EVERGLADES CLUB GOLF COURSE

EVER

Island Rd

ISLAND RD - DED TO TOWN OF PALM BEACH D6882P16

00-001-0020

ISLAND RD - DED

00-001-0020

0061

B18P035

UT
CR25410
P1942

1

0131

B09P000

0101

0072

Tarpon Way

El Bravo Way

0252

0251

18

B16P074

0321

0115

El Brillõ Way

0391

0381

0371

0361

B08P009

B18P021

0240

0230

El Vedado Rd

Gary R. Nikolits, CFA
Palm Beach County
Property Appraiser

Location: Downtown Service Center
0 50 100 200 300 400 Feet
Map Scale



Key

Selected Parcels 100 300 500
Other 100 300 500

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 9, 2014

Section of Agenda

Development Review - New Business

Agenda Title

VARIANCE #17-2014 The application of Nancy McAllister; relative to property commonly known as **207 Mediterranean Road**; described as Lot 101 BOCA RATONE COMPANY'S INLET SUBDIVISION, according to the Plat thereof, on file in the office of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 12, Page 15; located in the R-B Zoning District. A variance is requested to add an approximate 144 square foot addition to the existing 200 square foot pool cabana with a rear yard setback of 6.1 feet in lieu of ten feet minimum required. [Attorney: M. Timothy Hanlon]

Presenter

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

Supporting Documents

- [Letter of Support Dated March 11, 2014](#)
- [Letter of Support Dated March 18, 2014](#)

RECEIVED

MAR 19 2014

TOWN OF PALM BEACH
PZB DEPT

3/11/14

cc: PAE
JP
DM
PF
ZF

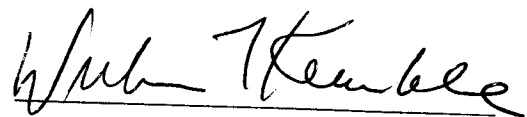
Paul Castro
Town of Palm Beach
Planning, Zoning, and Building Department
P.O. Box 2029
Palm Beach, Florida 33480

Re: Letter of Support for 207 Mediterranean Variance Application

Dear Mr. Castro:

We are the owners of the property located at 206 Caribbean, Palm Beach, Florida 33480. We are located directly behind 207 Mediterranean, and as such share a rear lot line with this property. We have no objection to the one story, 143 sq. ft. addition to the pool cabana located at the site, which is the subject of Variance Application #17-2014.

Sincerely,



RECEIVED

MAR 20 2014

TOWN OF PALM BEACH
PZB DEPT

3/18/14

CL: PBE
JP
PM
PF
ZF

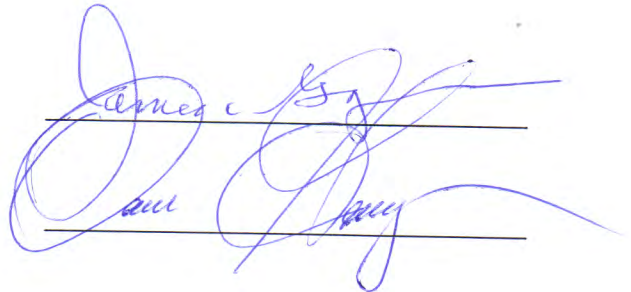
Paul Castro
Town of Palm Beach
Planning, Zoning, and Building Department
P.O. Box 2029
Palm Beach, Florida 33480

Re: Letter of Support for 207 Mediterranean Variance Application

Dear Mr. Castro:

We are the owners of the property located at 1510 N. Ocean Blvd., Palm Beach, Florida 33480. We are located directly east of 207 Mediterranean, and as such share a lot line with this property. We have no objection to the one story, 143 sq. ft. addition to the pool cabana located at the site, which is the subject of Variance Application #17-2014.

Sincerely,



TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 9, 2014

Section of Agenda

Development Review - Other

Agenda Title

Consideration of Del Frisco's Grille Restaurant Town-Serving Documentation, Special Exception No. 20-2012 with Variance

Presenter

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

Supporting Documents

- [Memorandum Dated March 26, 2014, from John Page](#)
- [Independent Accountant's Report on Town-Serving from Caler, Donten, Levine, Cohen, Porter & Veil, P.A.](#)

TOWN OF PALM BEACH

Information for Town Council Meetings on: April 9, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Consideration of Del Frisco's Grille Restaurant Town-Serving Documentation,
Special Exception No. 20-2012 with Variance

Date: March 26, 2014

RECOMMENDATION

Staff recommends that the Town Council consider Del Frisco's Restaurant Town-serving documentation.

GENERAL INFORMATION

On November 15, 2012 the Town Council conditionally approved Del Frisco Restaurant's special exception portion of the application (Special Exception No. 20-2012 with Variance) to open a restaurant in Royal Poinciana Plaza. One of the conditions of approval was that the applicant return to the Town Council in six months after the restaurant opened to demonstrate that the restaurant is Town-serving. Town-serving requires that at least 50% of the restaurant's customers either live, work or are staying in accommodations in the Town.

As such, and as required by its conditional approval, the restaurant has provided the Town with the attached Town-serving documentation from Caler, Donten, Levine, Cohen, Porter & Veil, P.A., an independent certified public accountant, for the Town Council's consideration. That document indicates that they used addresses and phone numbers from the reservation book to take a random sample of eight customers per day over 25 randomly selected days between September 28, 2013 and February 24, 2014 to determine the restaurant's Town-serving status. Based on that random sample of 200 customers, they computed that 62.5 % of those sampled met the definition of a "Townperson".

If you have any questions about the attached Town-serving documentation, please contact Paul Castro, Zoning Administrator at 227-6406.

Attachment

cc: John C. Randolph, Town Attorney
Susan A. Owens, Town Clerk
Veronica B. Close, AICP, Asst. Director, Planning, Zoning and Building Department
Paul W. Castro, AICP, Zoning Administrator & zf



CALER, DONTEN, LEVINE,
COHEN, PORTER & VEIL, P.A.

CERTIFIED PUBLIC ACCOUNTANTS

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FLORIDA INSTITUTE OF
CERTIFIED PUBLIC ACCOUNTANTS

Independent Accountant's Report
On Applying Agreed-Upon Procedures

RECEIVED

MAR 26 2014

TOWN OF PALM BEACH
PZB DEPT

Del Frisco's Grille and the
Town of Palm Beach, Florida

We have performed the procedures enumerated below, which were agreed to by Del Frisco's Grille and the Town of Palm Beach, Florida (specified users), solely to assist you in determining the percentage of customers of Del Frisco's Grille who are "Town Persons" for the period September 28, 2013 (opening date) through February 24, 2014. We understand that the definition of "Town Persons" as it appears in the Code of Ordinances of the Town of Palm Beach, Florida, is as follows:

"All full-time and seasonal residents as well as visitors staying in accommodations and employees working in establishments located within the Town" (Zoning Ordinance Section 134-2).

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of the procedures is solely the responsibility of those parties specified in the report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

Our procedures and findings are as follows:

We obtained an electronic copy of Del Frisco's Grille's reservation book, which is maintained on their "Open Table" computer software for the period September 28, 2013 through February 24, 2014. The reservation book is the responsibility of management of Del Frisco's Grille and lists the reservation time, customer's name, address, telephone number, and hotel, as applicable.

We randomly selected 25 days from the period September 28, 2013 through February 24, 2014 using a random date generating program. Then, we haphazardly selected eight customers from each day and determined which customers met the definition of "Town Persons", by looking up their address using the phone number in the reservation book, or by the address or hotel name provided. Based on this sample of 200 customers, we computed the percentage of customers that are considered "Town Persons" to be 62.5%.

We were not engaged to, and did not, conduct an audit, the objective of which would be the expression of an opinion on the percentage of customers of Del Frisco's Grille who are "Town Persons" for the period September 28, 2013 through February 24, 2014. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of Del Frisco's Grille and the Town of Palm Beach, Florida, and is not intended to be and should not be used by anyone other than these specified parties.

*Calder, Dauter, Levine,
Cohen, Porter & Veil, P.A.*

West Palm Beach, Florida
March 25, 2014

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 9, 2014

Section of Agenda

Development Review - Other

Agenda Title

Rescission of Ordinance No. 5-2013 Relating to the PUD-5 Comprehensive Amendments.

Presenter

John C. Randolph, Town Attorney

Supporting Documents

- [Memorandum Dated March 31, 2014, from John C. Randolph, Town Attorney](#)
- [Ordinance No. 5-2013](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 9, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John C. Randolph, Town Attorney

Re: Ordinance No. 5-2013 Relating to the PUD-5 Comprehensive Amendments

Date: March 31, 2014

STAFF RECOMMENDATION

The Town Attorney recommends that the Town Council give its approval to the rescission of previous actions of the Council in adopting Ordinance No. 5-2013 relating to the creation of a PUD-5 on the basis that the proposed PUD-5 amendments contained within Town Ordinance No. 6-2013 establishing the PUD-5 were deemed repealed as a result of the vote in the referendum election held on Tuesday, March 25, 2014.

GENERAL INFORMATION

Town Ordinance No. 6-2013, the Ordinance establishing the PUD-5, is deemed repealed as a result of the vote in the referendum election held on Tuesday, March 25, 2014. The accompanying Ordinance 5-2013, relating to the Comprehensive Plan amendments relating to the PUD-5, should, therefore, be rescinded. We are presently examining the appropriate manner in which to effectuate that result. Please note in the copy of Ordinance No. 5-2013 which is attached that, even though the Council adopted the Ordinance on third reading on November 13, 2013, the Ordinance, pursuant to Section 3, does not become effective until the administrative commission to which this matter was appealed has entered a final order determining the adopted amendments to be in compliance. If this Ordinance is to be rescinded by virtue of a first and second reading, then there is a requirement for two public hearings and advertising, which advertising cannot be completed in time for the April 9, 2014 meeting. An alternative method to rescind the previous action of the Council may be by stipulation of the parties involved in the administrative process stipulating that, based upon the result of the referendum on the zoning ordinance, the Town Council consents or stipulates that the adopted amendment shall be declared null and void.

This office is currently in consultation with David Theriaque, Mr. Cooley's attorney in regard to the administrative challenge to the Comprehensive Plan, as to the appropriate manner in which to reverse the previous action taken by the Town Council. In the meantime, I would request that the Council give consideration to approving, at the meeting of April 9, 2014, the rescission of Ordinance No. 5-2013 in whatever manner deemed appropriate by

Council. If that is by first and second reading of an ordinance, we will advertise pursuant to statute and bring the ordinance back to you for consideration. On the other hand, if this can be done by stipulation filed with the administrative hearing officer, we will pursue that route, subject to approval of the Town Council.

ATTACHMENTS

Ordinance No. 5-2013

p:\docs\13156\00008\doc\lir1821.doc

ORDINANCE NO. 5-2013

An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Text Of The Future Land Use Element Of The Town Of Palm Beach Comprehensive Plan, By Amending The Future Land Use Element Data & Analysis And Policies 2.3 And 11.1 To Provide For The Creation Of A PUD-5 Within An Area Of Property Designated Commercial On The Future Land Use Map, Which Is Bounded By Bradley Place, Sunset Avenue, North County Road, And Royal Poinciana Way; Further Amending Policy 2.3.3 To Provide For The Creation Of Commercial/Mixed-Use PUD's, The Creation Of The PUD-5, Detailing An Increase In The Maximum Allowable Density, And Creating Maximum Lot Coverages For First, Second and Third Stories In The PUD-5 Area; Further Creating Policy 11.1.5 That Details Mixed-Use PUD Development Requirements Within Commercial Land Use Categories Provided Certain Threshold Criteria Are Met, And Providing For Said Certain Threshold Criteria; Providing For Severability; Repealing All Ordinances Or Parts Of Ordinances In Conflict Hereof; Providing For Codification; And Providing For An Effective Date.

WHEREAS, the Town proposes to amend its Comprehensive Plan in accordance with the requirements of the 1993 Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, the Town created the Town of Palm Beach Comprehensive Plan with the adoption of Ordinance No. 11-89, and last amended the Comprehensive Plan on July 13, 2011 with the adoption of Ordinance No. 1-11 and Ordinance No. 3-11; and

WHEREAS, the Town is amending the Data & Analysis and Goals, Objectives and Policies (GOPs) portions of the Future Land Use Element of the Town's Comprehensive Plan, specifically Policies 2.3 and 11.1 as they relate to densities and intensities of mixed-use development within commercial land use areas, provided certain criteria are met, and providing said certain criteria; and

WHEREAS, after reviewing the proposed amendments to the Town's Comprehensive Plan at their May 21, 2013 meeting, the Planning and Zoning Commission, acting as the Local Planning Agency (LPA), recommended approval of said amendments, and transmittal to the Florida Department of Economic Opportunity (DEO); and

WHEREAS, after considering and reviewing the proposed amendments to the Town's Comprehensive Plan, the Town Council determined that the aforementioned changes should be made.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA THAT THE TOWN'S COMPREHENSIVE PLAN IS HEREBY AMENDED IN THE DATA AND ANALYSIS, AND THE GOALS, OBJECTIVES, AND POLICIES SECTIONS, as follows:

Section 1. AMENDMENT OF COMPREHENSIVE PLAN

The Data & Analysis found on pages I-21 and the GOPs, Policy 2.3, and Policy 11.1 in the Future Land Use Element in the Town of Palm Beach Comprehensive Plan are hereby amended as follows:

Approved & Future New PUDs

This category represents Planned Unit Developments that have been approved by the Town Council. The Plan designates approximately 168 acres of land for this use. Only the Breaker's PUD contains remaining development potential. If built to maximum density, this PUD could hold another 251 multi-family units and some commercial development.

Densities in new PUD's shall be limited to the maximum density allowable in the land use category, zoning district, and/or applicable PUD regulations in which such new PUDs are located prior to approval of a new PUD application, but shall not exceed thirteen units per acre.

Nonconforming buildings or structures unintentionally damaged or destroyed, such as by fire or other casualty, act of terrorism, war or act of God or nature may exceed what is permitted in this land use category and the land development regulations if rebuilt at the same density and/or intensity, on the same footprint and to the same size and configuration as those nonconforming buildings or structures being replaced. Actual construction to replace, restore or reconstruct the nonconforming building or structure shall commence within the time frame outlined in the land development regulations.

POLICY 2.3

Development orders shall be issued by the Town only for new non-residential development or redevelopment that is consistent with the Future Land Use Map and descriptions and intensities of land use as set forth in the following policies.

2.3.1 The following definitions shall pertain to the application of the non-residential land use designations and associated policies:

- a. "Town-serving" shall mean establishments principally oriented to serving the needs of Town persons and not substantially relying on the patronage of persons not defined as Town persons. Commercial establishments (other than those uses in the "Commercial – Office, Professional & Institutional" (C-OPI) zoning district, which are not required to meet town-serving requirements) of 2,000 square feet or less of gross leasable area in the "Commercial – Planned Center" (C-PC) zoning district, 3,000 square-feet or less of gross leasable area in the C-TS and C-B zoning districts, and 4,000 square-feet or less of gross leasable area in the C-WA zoning district are assumed to meet the intent of the first part of this definition.
- b. "Town persons" shall mean all full-time and seasonal residents of the Town as well as visitors staying at accommodations in, or employees working in establishments located within, the Town.

- 2.3.2 Conservation – Intended to preserve and protect unique natural areas from development and the negative impacts of public use. No urban development is permitted.
- 2.3.3 Commercial – Intended to create, preserve, and enhance areas of attractive, small-scale, retail, personal and professional/business services, and mixed commercial/ residential use, developed either as a unit or in individual parcels, providing primarily for the frequently recurring needs of Town persons with limited provision for more intensive commercial uses that are proven to be compatible with the Future Land Use Plan and the character of the Town.
- a. Appropriate uses include a wide range of commercial retail, service, professional and business uses for residents and visitors; PUD-5, Historic Preservation Mixed Use Development as set forth in Policy 11.1.5; hotels/motels up to 26 rooms per gross Palm Beach acre (40,000 square feet); timesharing uses up to 9 units per gross Palm Beach acre (40,000 square feet); offices; public uses and facilities; public and private schools; private group uses; and residential uses located above the ground floor.
 - b. Except for uses located in the Worth Avenue zoning district (C-WA) & PUD-5, Historic Preservation Mixed Use Development (bounded between Bradley Place, North County Road, Royal Poinciana Way and Sunset Avenue), one residential unit may be located above the ground floor, or up to a maximum density of six dwelling units per gross Palm Beach acre, whichever is greater. In the Worth Avenue zoning district the maximum allowable density shall be 10 dwelling units per gross Palm Beach acre provided the Worth Avenue Design Guidelines are met. In PUD-5, Historic Preservation Mixed Use Development, the maximum allowable density shall be 10 dwelling units per gross Palm Beach acre, but can be increased to 13 dwelling units per gross Palm Beach acre if certain conditions are met.
 - c. Maximum lot coverage for non-residential uses shall be 75%, except for PUD-5, Historic Preservation Mixed Use Development, which will allow for a maximum lot coverage of 70% for the first and second stories of a building, and 35% for the third story (if permitted).
 - d. In limited circumstances, the maximum building height shall be three stories.
- 2.3.4 Public – Intended to recognize existing locations of, and provide sites for, public uses, structures and facilities.
- a. Appropriate uses include public schools, low intensity public buildings and facilities such as fire and police stations, Town Hall, etc, of a scale and intensity necessary to primarily serve the needs of Town persons. Only public uses owned, operated, franchised, or supervised by a governmental agency are given this designation.

- b. The designation of a property for Public use on the Future Land Use Plan Map recognizes the current use of the property; and, further, that such properties may also be appropriate for residential or commercial development with uses identified under the Single-Family Residential and Commercial land use categories.
 - c. Maximum lot coverage shall be 40%.
 - d. In limited circumstances, the maximum building height shall be three stories.
- 2.3.5 Public Recreation – Intended to provide for low intensity public recreational uses or activities, natural resource and scenic resources of a scale and intensity necessary to primarily serve the needs of Town persons. Only public facilities owned, operated, franchised, or supervised by a public governmental entity are given this designation.
- 2.3.6 Private Group Use – Intended to provide for low intensity uses such as private clubs, golf and country clubs, public and private schools, houses of worship, museums, and non-commercial recreation-type or cultural uses at a scale and intensity intended to primarily serve the needs of Town persons.
- a. The designation of a property for Private Group Use on the Future Land Use Plan Map recognizes the current use of the property; and, further, that such properties may also be appropriate for residential or commercial development with uses identified under the Single-Family Residential, Multi-family Moderate Density, and Commercial land use categories.
 - b. Maximum lot coverage shall be 40%.
 - c. In limited circumstances, the maximum building height shall be three stories.
- 2.3.7 Approved PUD – Intended to recognize existing or previously approved PUD's and provide for new PUD's within the density limits of the land use category in which they are located prior to approval of the PUD. PUD densities shall not exceed 13 dwelling units per gross Palm Beach acre.

POLICY 11.1

The following types of Planned Unit Developments shall be allowed in the Town:

- 11.1.1 Single-family PUD's located within the Single Family Residential Land Use Category not exceeding four dwelling units per gross Palm Beach acre.
- 11.1.2 Mixed residential development located within the Multi-Family Moderate or Multi-Family High Density Land Use Categories, not exceeding the maximum density allowable within the Land Use Category.

- 11.1.3 Mixed-use development within the Multi-Family Moderate Density or Multi-Family High Density Land Use Categories, allowing for a mix of residential uses not exceeding the maximum allowable density within the Land Use Category and nonresidential development not exceeding 20% of the gross floor area of the PUD.

The following equivalencies shall be used in determining the intensity of the nonresidential components:

Land Use Type	Unit of Measurement	Equivalence to One Dwelling Unit of Gross Density
Hotels, motels or similar transient facilities	Number of bedrooms	Two bedrooms
Principal Commercial Uses	Total floor area	750 square feet
Accessory Commercial Uses	Total floor area	1,500 square feet
Other Nonresidential Uses	Total floor area	1,000 square feet

- 11.1.4 In order to encourage preservation of historic residential structures, such single-family structures may be permitted to be converted through a historic preservation PUD to contain multiple residential units, within the confines of the existing structure, provided the density does not exceed four dwelling units per gross Palm Beach acre.

- 11.1.5 PUD-5, Historic Preservation Mixed Use Development, allowing for:

- 70% lot coverage for the first and second stories.
- 35% lot coverage for the third story (if permitted).
- 10 dwelling units per gross Palm Beach acre, with the ability to reach 13 if all required parking is in a sub-basement, or there is a 50% reduction in existing density, if applicable.
- 30% minimum common open space/landscape open space that cannot be used for off-street parking and/or loading.
- Pedestrian access between Royal Poinciana Way and Sunset Avenue through the use of vias whenever possible.
- Encouragement of interior courtyards.
- All parking and loading requirements to be met, unless criteria for exceptions are met as outlined in Town code.

Section 2. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance for any reason, is held to be unconstitutional, void or otherwise invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby.

Section 3. EFFECTIVE DATE

This Ordinance shall become effective 31 days after the state land planning agency notifies the Town that the plan amendment package is complete or, in the event of a timely challenge to the amendments contained within this Ordinance, upon the state land planning agency or the Administration Commission having entered a final order determining the adopted amendments to be in compliance.

PASSED ON FIRST READING in regular, adjourned session of the Town Council on the 12th day of June, 2013.

PASSED ON SECOND READING in a regular, adjourned session of the Town Council on the 9th day of October, 2013.

PASSED AND ADOPTED ON THIRD READING in a regular, adjourned session of the Town Council on this 13 day of November, 2013.

Recused

Gail L. Coniglio, Mayor

David A. Rosow

David A. Rosow, Town Council President

Recused

Robert N. Wildrick, Council President Pro Tem

William J. Diamond

William J. Diamond, Town Council Member

Richard M. Kleid

Richard M. Kleid, Town Council Member

Michael J. Pucillo

Michael J. Pucillo, Town Council Member

ATTEST:

Susan A. Owers

Susan A. Owers, Town Clerk, MMC

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 9, 2014

Section of Agenda

Ordinances - First Reading

Agenda Title

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

Presenter

John C. Randolph, Town Attorney

Supporting Documents

- [Memorandum dated March 28, 2014, from Thomas G. Bradford, Deputy Town Manager](#)
- [Ordinance No. 1-2014](#)

TOWN OF PALM BEACH

Information for Local Planning Agency and Town Council Meeting on:
April 9, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Thomas G. Bradford, Deputy Town Manager

Re: Proposed Modifications and Changes to Chapter 134 and Chapter
**Ordinance No. 1-2014; Ordinance No. 2-2014, Ordinance No. 3-2014 and Ordinance
No. 8-2014**

Date: March 28, 2014

STAFF RECOMMENDATION

Staff recommends the Town Council adopt Zoning Ordinances No. 1-2014; Ordinance No. 2-2014, Ordinance No. 3-2014 and regular Ordinance No. 8-2014.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission, at its January 21, 2014 meeting, recommended approval of Ordinance No. 1-2014; Ordinance No. 2-2014, Ordinance No. 3-2014. The Town Council at its meeting on February 11 approved proceeding with adoption of all three ordinances, but requested that Ordinance No. 3-2014 be amended to not impose monetary penalties on residents violating the provisions of the residential permit parking program, but instead to add a provision revoking permits issued in the event the resident is found to have violated the rules of the program. These requested changes have been made to this newly proposed Ordinance No. 3-2014.

GENERAL INFORMATION

Ordinance No. 1-2014 – Provides for Amendments to Chapter 134, Zoning, Town Code of Ordinances, Amending Sections 134-2296 and 134-2328 (b) to Provide for Temporary Group Permits and an Application Fee.

Town staff presented a proposal for temporary group permits within the residential permit parking areas in Town modeled after the program initiated in Gainesville, Florida because, among other reasons, the residential permit parking areas in Town modeled after the program

initiated in Arlington County, Virginia have a provision for temporary group permits, but the Gainesville areas do not. Therefore, the ordinance to accomplish this change is considered a housekeeping item to ensure equity and continuity between the two existing permit parking programs operated by the Town.

The temporary group permit concept is a useful tool for times when a resident needs to access more on-street parking than they can secure for daily use through the resident permit parking program to accommodate a special activity at their home during a time of day when resident permit parking is in effect. Administrative safeguards have been put into effect per Town Council directive that only allows those residents that have purchased two (2) visitor residential parking permits to apply for temporary group permits on a first come, first serve basis for the days and times desired. The ordinance also places limitations on the maximum number of parking spaces one can secure not to exceed 50% of the on-street spaces in the area. The ordinance allows for the establishment of a fee to be set by resolution. However, per Town Council direction, there is no fee for the temporary group permit. This ordinance is attached hereto for your review as Exhibit A.

Ordinance No. 2-2014 – Provides for Amendments to Chapter 134, Zoning, Town Code of Ordinances, Amending Sections 134-2293 and 134-2295 (b) to Eliminate Redundancy and Require Placement of the Residential Permit Parking Map to the Town’s Website in addition to the Town Clerk’s Office

Section 134-2293 authorizes the Chief of Police to place residential parking signs in Town while Section 134-2295 (b) designates the Town Manager to do so. Therefore, there is a conflicting redundancy and current practice is for the Town Manager to designate placement of parking signs. Section 134-2293 can be deleted in its entirety. This ordinance deletes 134-2293.

In addition, 134-2295 (b) should be rewritten at this time to require the Town Clerk to also keep the required residential parking area map on the Town’s web site. It should also be amended to accommodate the fact that we now have visitor permits which are not affixed to the vehicle, but rather are hanging tags one places on the rearview mirror of the vehicle. This ordinance makes these changes and is attached hereto as Exhibit B.

Ordinance No. 3-2014 – Provides Amendments to Chapter 134, Zoning, Town Code of Ordinances, Amending Sections 134-2301 and 134-2334 to Clarify Penalties for Illegal Parking and Provides for Revocation of permits.

Per Town Council direction, staff has modified this ordinance to allow for revocation of permits. First, the ordinance clearly sets forth unlawful acts. Existing penalties are then modified to eliminate reference to Section 1-14 which allowed for a draconian \$500 fine or 6 months in jail. Lastly, the ordinance provides for revocation of permits for a period of one year when the Director of Public Safety finds that there is sufficient evidence of a violation of the residential parking provisions, with an opportunity for appeal to the Town Council. Staff has prepared the attached ordinance for your review marked as Exhibit C.

Ordinance No. 8-2014 – Amends Section 118-86 and 118-92 to eliminate redundant provisions pertaining to unlawful parking activities and modifying penalties for blocking driveways, parking in commercial loading zones, parking against the flow of traffic and creating penalties for parking in a residential loading zone and designated bus stop.

This ordinance was originally presented to Town Council for second reading at the January 14 Town Council meeting where it was pulled until such time as the loading zone at Via Mizner was clarified. The loading zone was clarified at the February 11 Town Council meeting. The Town still needs to establish a penalty for illegal parking in a residential loading zone. This ordinance does that and has been modified to clean up a redundancy in penalty provisions while making a few minor clarifying changes to other remaining penalty provisions as stated above for specificity. Staff has prepared the attached ordinance for your review marked as Exhibit D.

TOWN ATTORNEY REVIEW

Town Attorney John Randolph has approved all four proposed ordinances for legal form and sufficiency.

Attachment

cc: John C. Randolph, Town Attorney
Kirk Blouin, Director of Public Safety
John Page, Director of Planning, Zoning and Building
Jane Struder, Director of Finance
Paul Castro, Zoning Administrator
Chief Dan Szarszewski, Deputy Chief of Police
Parking Committee Members
Susan Owens, Town Clerk

ORDINANCE NO. 1-2014

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 134, ZONING; ARTICLE X, ON-STREET PARKING PERMITS; DIVISION 2, RESIDENTIAL DISTRICTS; SECTION 134-2296, ISSUANCE OF SPECIAL PARKING PERMITS UPON APPLICATION, TO INCLUDE A NEW SUBPARAGRAPH (d) TO PROVIDE FOR THE ISSUANCE OF TEMPORARY GROUP PERMITS; AMENDING DIVISION 3, RESIDENTIAL DISTRICTS ADJACENT TO COMMERCIAL DISTRICTS; SECTION 134-2328, TEMPORARY GROUP PERMITS, TO PROVIDE FOR AN APPLICATION FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

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

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 134, Zoning; Article X, On-Street Parking Permits; Division 2, Residential Districts; Section 134-2296, to read as follows:

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

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

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

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

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

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

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

exceed 50 percent of the number of spaces available in the area in which they are valid.

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

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

Sec. 134-2328. Temporary group permits.

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

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

Section 3. Severability.

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

Section 4. Repeal of Ordinances in Conflict.

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

Section 5. Codification.

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

Section 6. Effective Date.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 9th day of April 2014, and for second and final reading on this ____ day of _____ 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 9, 2014

Section of Agenda

Ordinances - First Reading

Agenda Title

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

Presenter

John C. Randolph, Town Attorney

Supporting Documents

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

ORDINANCE NO. 2-2014

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 134, ZONING; ARTICLE X, ON-STREET PARKING PERMITS; DIVISION 2, RESIDENTIAL DISTRICTS; SECTION 134-2293, DESIGNATION OF CONTROLLED PARKING RESIDENTIAL AREAS, TO DELETE SECTION 134-2293 IN ITS ENTIRETY ; AMENDING DIVISION 2, RESIDENTIAL DISTRICTS; SECTION 134-2295, PROCEDURES FOR DETERMINING CONTROLLED PARKING RESIDENTIAL AREAS, TO REQUIRE WEBSITE MAPS AND PROPER DISPLAY OF PERMITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

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

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 134, Zoning; Article X, On-Street Parking Permits; Division 2, Residential Districts; Section 134-2293, to delete Section 134-2293 in its entirety as follows:

~~“Sec. 134-2293. Designation of controlled parking residential areas.~~

~~Upon approval of the town manager and after following the procedures set forth in section 134-2294, the chief of police, through his authorized representative in the police department, is authorized to designate controlled parking residential areas by appropriate signs and the recording thereof on an appropriate town map or plat in which the parking of vehicles may be restricted on public streets at certain times during the day only to vehicles bearing a valid residential parking permit issued pursuant to this division. This authority shall be in addition to any other authority of the town to regulate the times and conditions of motor vehicle parking on public streets.”~~

Section 2. The Code of Ordinances of the Town of Palm Beach is hereby

EXHIBIT B

amended at Chapter 134, Zoning; Article X, On-Street Parking Permits; Division 2, Residential Districts; Section 134-2295, to read as follows:

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

- (a) In order to determine whether a particular area should be designated as a controlled parking residential area, the town council can request or the town manager may conduct, upon his own initiative or upon a petition of a majority of the households on a proposed residential block addressed to the town manager, a study to determine if the proposed area meets the criteria set forth in section 134-2294. Following the study, the town manager shall determine whether to designate the proposed area under consideration as a controlled parking residential area or to remove the designation of a previously established controlled parking residential area. The town council may also request the town manager to designate an area as a controlled parking residential area based upon a study previously conducted, if the criteria set forth in section 134-2294 are met.
- (b) When the town manager finds the criteria to designate have been met in a controlled parking residential area, he shall cause the regulation to be recorded upon an appropriate map of the town and retained permanently in the office of the town clerk. The Town Clerk shall also keep an updated residential area parking map, or reasonable facsimile thereof, in an appropriate location on the Town's website. In addition, the town manager shall cause parking signs to be erected upon public streets in the area, indicating the times, locations and conditions upon which parking shall be by permit only. When an area has been approved, designated and posted as a controlled parking residential area, it shall be unlawful and a violation of this division to park a commuter vehicle in an area restricted to ~~decal~~ residential permit parking only without having a valid residential parking permit affixed on the left rear bumper of the vehicle, or in the case of a residential visitor parking permit, appropriately displayed within the vehicle.”

Section 3. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such

EXHIBIT B

invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict.

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

Section 5. Codification.

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

Section 6. Effective Date.

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

EXHIBIT B

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 9th day of April 2014, and for second and final reading on this ____ day of _____ 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

Michael J. Pucillo, Town Council Member

Penelope D. Townsend, Town Council Member

ATTEST:

Susan A. Owens, MMC, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 9, 2014

Section of Agenda

Ordinances - First Reading

Agenda Title

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

Presenter

John C. Randolph, Town Attorney

Supporting Documents

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

ORDINANCE NO. 3-2014

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 134, ZONING; ARTICLE X, ON-STREET PARKING PERMITS; DIVISION 2, RESIDENTIAL DISTRICTS; SECTION 134-2298, ENUMERATING UNLAWFUL ACTS; SECTION 134-2301, PENALTIES, PROVIDING FOR SURRENDERING OF PERMITS; PROVIDING FOR A NEW SECTION 134-2302, REGARDING REVOCATION OF DECAL/PERMIT; AMENDING DIVISION 3, RESIDENTIAL DISTRICTS ADJACENT TO COMMERCIAL DISTRICTS; SECTION 134-2334, ENUMERATING UNLAWFUL ACTS; PROVIDING FOR A NEW SECTION 134-2335, PENALTIES; PROVIDING FOR A NEW SECTION 134-2336, REVOCATION OF DECAL/PERMITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

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

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 134, Zoning; Article X, On-Street Parking Permits; Division 2, Residential Districts; Section 134-2298, to read as follows:

Sec. 134-2298. Unlawful acts.

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

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

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

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

“Sec. 134-2301. Penalties.

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

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

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

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

year from the date of revocation.

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

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

“Sec. 134-2334. Unlawful acts.

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

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

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

“Sec. 134-2335. Penalties.

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

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

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

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

Section 7. Severability.

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

Section 8. Repeal of Ordinances in Conflict.

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

Section 9. Codification.

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

Section 10. Effective Date.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 9th day of April 2014, and for second and final reading on this ____ day of _____ 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member

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TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 9, 2014

Section of Agenda

Ordinances - First Reading

Agenda Title

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

Presenter

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

Supporting Documents

- [Memorandum Dated March 26, 2014, from John S. Page, Director of Planning, Zoning, and Building](#)
- [Ordinance No. 7-2014](#)

TOWN OF PALM BEACH

Information for Local Planning Agency and Town Council Meeting on:
April 9, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Proposed Modifications and Changes to Chapter 134
Ordinance No. 7-2014

Date: March 26, 2014

STAFF RECOMMENDATION

Staff recommends that the Local Planning Agency recommend approval and the Town Council approve Ordinance No. 7-2014, amending the Zoning Ordinance, on first reading.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its January 21, 2014 meeting, recommended approval of all proposed changes in Ordinance No. 7-2014. As recommended by the Commission the proposed Ordinance allows for permanent stairs to attics, allows an unlimited number of electrical outlets in attics and removes the word “either” from the existing language.

GENERAL INFORMATION

On January 21, 2014, the Planning and Zoning Commission considered seven Study Items that have been incorporated into the attached Ordinance. The Town Council, as the Local Planning Agency (LPA), will hold a public hearing to consider and make a recommendation on proposed Ordinance No. 7-2014 immediately prior to first reading of the Ordinance by the Town Council at its meeting on April 9, 2014.

The proposed Ordinance, which was initiated by Staff, addresses the following issues:

1. Defines an “attic” and modifies the definitions of “habitable space” and “story” in order to clarify what constitutes an attic or third story and the type of access to an attic.
2. Modifies sign regulations to allow commercial signs in certain situations where a tenant space does not front a street and where the parking for the tenant space does not front a street. Type of content allowable on business identification sign is also clarified.

3. Provides language requiring a 1,000 foot notice for variances that increase the density over what exists on a property, and moves the provision for the 1,000 foot notice required for comprehensive plan amendments, zoning changes or zoning amendments that increase density to the appropriate section of the Code.
4. Creates a definition for a “veterinarian office” and creates regulations to allow said use in only the C-TS (above the first floor) and C-PC zoning districts by special exception approval.
5. Changes the definition of “Building, height of, (applicable to all lots or portions of lots east of the State of Florida Coastal Construction Control Line (CCCL)) allowing the point of measurement to also be calculated based on the highest crown of the road if that point is higher than the existing measuring points in the Code.

The proposed changes in attached Ordinance No. 7-2014 codify these issues. If you have any questions about any of the attached information, please contact Paul Castro, Zoning Administrator, at 227-6406.

TOWN ATTORNEY REVIEW

Ordinance No. 7-2014 was approved by Town Attorney John C. Randolph for legal form and sufficiency.

Attachment

PBE:jsp:pc

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

Ordinance No. 7-2014

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

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

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

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

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

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

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

...

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

or the highest first floor elevation of an abutting principal building, whichever is highest, provided the following conditions are met:

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

...

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

...

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

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

...

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

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

Sec. 134-172. - Hearing procedure.

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

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

(c) After completion of subsection (b), a copy of such application shall be mailed to the owners of the property and the property immediately adjacent thereto and across the street therefrom and to all property owners within 300 feet from any part of the subject property at the address shown on the county property appraiser's tax records, together with a notice from the director or designee advising the time of the hearing on such application before the town council. If a ~~comprehensive plan amendment or zoning change~~ 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 or intensity, the notification distance shall increase to 1,000 feet. Such list of property owners, together with a notification map, shall be provided by the applicant along with addressed and properly stamped envelopes and shall be certified by the applicant as being true and accurate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 134-1108. Permitted Uses.

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

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

Sec. 134-1109. Special exception uses.

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

(15) Veterinarian offices above the first floor.

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

Sec. 134-1157. Permitted uses.

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

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

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

Sec. 134-1207. Permitted uses.

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

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

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

Sec. 134-1257. Permitted uses.

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

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

Sec. 134-1259. Special exception uses.

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

(14) Veterinarian offices.

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

Sec. 134-1302. Permitted Uses.

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

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

Sec. 134-229. Requirements for granting.

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

(1) The use is a permitted special exception use as set forth in article VI of this chapter.

- (2) The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.
- (3) The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
- (4) The use will be compatible with adjoining development and the intended purpose of the district in which it is to be located.
- (5) The use will comply with yard, other open space, and any special requirements set out in article VI for the particular use involved.
- (6) The use will comply with all elements of the comprehensive plan.
- (7) The use not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district.
- (8) Adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- (9) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic impact shall be compatible and in harmony with properties in the district.
- (10) Location, availability and compatibility of utility service for the use shall be satisfactory to ensure health and safety.
- (11) Refuse and service areas for the use shall not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.
- (12) In all districts except the C-OPI district, and also with the exception of hotel, motel and timeshare uses, the proposed special exception use will not attract the principal portion of its customers/clients from off-island locations. The applicant shall submit evidence satisfactory to the town council that not less than 50 percent of the customers of the proposed use will be town persons. Evidence submitted in support of this contention shall include credible data or information suitable for review by the town to determine the credibility and the appropriateness of the applicant's conclusion. The submittal shall include a description of the types of information used and the methodology employed to arrive at the conclusion. Information used shall include, but shall not be limited to, lists of customer/client addresses or certification thereof by an independent certified public accountant approved by the town, market studies prepared by independent professional firms, or data from similar operations under the control of the applicant. The town may in the future require the applicant to demonstrate to the satisfaction of the town council that the special exception use is continuing to be town-serving.
- (13) If historic/specimen trees are located on the subject property, the location of said historic/specimen trees shall be identified on a signed and sealed survey. In addition, adequate landscaping, screening and barricade protection of historic/ specimen trees shall be demonstrated to be provided as required in this chapter.
- (14) The proposed use will not place a greater burden than would be caused by a permitted use on municipal police services due to increased traffic or on fire protection services due to the existence of or increased potential for fire/safety code violations.

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

Sec. 134-2437. Size of sign.

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

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

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

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

Sec. 134-2438. Permitted lettering, logos.

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

Section 12. Severability.

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

Section 13. Repeal of Ordinances in Conflict.

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

Section 14. Codification.

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

Section 15. Effective Date.

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

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

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 9, 2014

Section of Agenda

Ordinances - First Reading

Agenda Title

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

Presenter

John C. Randolph, Town Attorney

Supporting Documents

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

ORDINANCE NO. 8-2014

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 118 OF THE TOWN CODE OF ORDINANCES RELATING TO TRAFFIC AND VEHICLES, AT ARTICLE III, PARKING, STOPPING AND STANDING; DIVISION 1, GENERALLY; AT SECTION 118-86, REGULATION GENERALLY; TOW-AWAY ZONES, AT PARAGRAPH (a); AMENDING SECTION 118-92, PENALTY FOR VIOLATING PARKING REGULATIONS GENERALLY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

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

Section 1. Chapter 118 of the Town Code of Ordinances, titled Traffic and Vehicles, is hereby amended at Article III, Parking, Stopping and Standing, Division 1, Generally, by amending Section 118-86 at paragraph (a) to read as follows:

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

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

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

- ~~(1) Parking out of the lines designated as above set forth;~~
- ~~(2) Parking on the driver's left hand side of a two way street;~~
- ~~(3) Parking in an area designated as a loading zone by other than
— service vehicles;~~
- ~~(4) Double parking on any street;~~
- ~~(5) Blocking any driveway, public or private;~~
- ~~(6) Obstructing traffic;~~
- ~~(7) Parking in or on a crosswalk;~~
- ~~(8) Parking in a loading zone; or~~
- ~~(9) Parking in a bus stop."~~

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

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

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

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

- (1) Overtime parking.
- (2) Parking on wrong side of street.
- (3) Parking at yellow curb.
- (4) Blocking driveway, public or private.
- (5) Parking on sidewalk.
- (6) Trespassing by vehicle.
- (7) No parking (designated hours.
- (8) Parking too close to fire hydrant.
- (9) No parking anytime.
- (10) Double parking.
- (11) Obstructing traffic.

- (12) Parking in loading zone unless vehicle is commercially marked and being used for commercial loading or unloading..
- (13) Residential parking.
- (14) Vehicle parked across lines designating parking space.
- (15) Vehicle parked against the flow of traffic.
- (16) Parking at curbs designated in red.
- (17) Expired meter.
- (18) Official parking only.
- (19) Parking in crosswalk.
- (20) Parking in passenger loading zone.
- (21) Overtime parking in a designated parking zone (in addition to any other parking regulation violation noted at the time of fine issuance).
- (22) Parking in a loading zone posted as a residential loading zone unless said person is a resident of the area for which the loading zone is established.
- (23) Parking in a bus stop.

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

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

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

Section 3. Severability.

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

Section 4. Repeal of Ordinances in Conflict.

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

Section 5. Codification.

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

Section 6. Effective Date.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 9th day of April 2014, and for second and final reading on this ____ day of _____ 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

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