



TOWN OF PALM BEACH

TOWN MANAGER'S OFFICE

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

**TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD**

AGENDA

FEBRUARY 15, 2017

9:30 AM

Welcome!

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

I. CALL TO ORDER AND ROLL CALL

Mayor Gail L. Coniglio
Michael J. Pucillo, President
Richard M. Kleid, President Pro Tem
Bobbie Lindsay
Danielle H. Moore
Margaret A. Zeidman

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. RECOGNITIONS

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VII. PUBLIC HEARINGS

- A. RESOLUTION NO. 24-2017 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 **132 Clarke 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.

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

VIII. RESOLUTIONS

- A. RESOLUTION NO. 23-2017 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Declaring Zoning In Progress Relating To Zoning Items Under Study By The Town As Enumerated In Exhibit "A" Attached Hereto; Requiring That No Permits Or Approvals Be Issued By The Department Of Planning, Zoning And Building During The Period That Zoning Is In Progress For Any Activity Or Project In Contravention Of Any Proposal Under Study; Providing An Effective Date.

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

IX. DEVELOPMENT REVIEWS

A. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. SPECIAL EXCEPTION #28-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of Gregory Fisher; relative to property commonly known as **316 Seabreeze Ave.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a special exception with site plan review to allow the construction of a 2,700 square foot two-story, single family residence on two platted lots which combined creates a lot that is 50 feet in width in lieu of the 100 foot minimum required and 6,125 square feet in area in lieu of the 10,000 square foot minimum area required. The following variances are being requested. To allow a 6 foot west side yard setback for the two story portion in lieu of the 15 foot minimum required and to allow a 6 foot east side yard setback for the one story portion in lieu of the 12.5 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission deferred the Project to the January 25, 2017 meeting. Carried 7-0] [Architectural Commission deferred the Project to the February 22, 2017 meeting. Carried 7-0] **Request for Deferral to the March 15, 2017, Town Council Meeting Per Letter Dated January 26, 2017 from Maura Ziska.**

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

- b. SPECIAL EXCEPTION #29-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of Gregory Fisher; relative to property commonly known as **320 Seabreeze Ave.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting for approval of a special exception with site plan review to allow the construction of a 2,713 square foot two-story, single family residence on two platted lots which combined creates a lot that is 50 feet in width in lieu of the 100 foot minimum required and 6,125 square feet in area in lieu of the 10,000 square foot minimum area required. The following variances are being requested. To allow a 6 foot east side yard setback for the two story portion in lieu of the 15 foot minimum required and to allow a 6 foot west side yard setback for the one story portion in lieu of the 12.5 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission deferred the Project to the January 25, 2017 meeting. Carried 7-0] [Architectural Commission deferred the Project to the February 22, 2017 meeting. Carried 7-0] **Request for Deferral to the March 15, 2017, Town Council Meeting Per Letter Dated January 26, 2017 from Maura Ziska.**

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

- c. SPECIAL EXCEPTION #30-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of Town of Palm Beach (Tom Bradford, Town Manager); relative to property commonly known as **340 Seaview Ave.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a special exception with site plan review to approval to allow a new two-story 33,810 square foot Recreation Center for the Town of Palm Beach that will include a new athletic field, parking lot, gymnasium, tennis pro shop, multi-purpose room, fitness center with locker rooms, concession area, classrooms, offices and new maintenance building, new tennis backboard, new scoreboard. A second special exception request is to allow for a rebound wall to be constructed on the north side of the new maintenance building. The following variances are being requested in order to construct the new community center: 1) A west side yard setback of 10 feet in lieu of the 30 foot minimum required for properties that are in excess of 20,000 square feet; 2) A north side yard setback of 8 feet in lieu of the 30 foot minimum required for properties that are in excess of 20,000 square feet; 3) A street rear yard setback for the new parking lot on Royal Palm Way of 4 feet in lieu of the 35 foot minimum required for properties that are in excess of 20,000 square feet; 4) an east side yard setback of 4 feet in lieu of the 30 foot minimum required for the new parking lot on Royal Palm Way for properties that are in excess of 20,000 square feet; 5) a height of 27 feet in lieu of the 22 foot maximum allowed; 6) an overall height of 35 feet in lieu of the 30 foot maximum allowed; 7) a vertical distance to the top of beam of 30.75 feet in lieu of the 26 foot maximum distance allowed from the crown of street to top of

beam; 8) landscaped open space of 43% in lieu of the 55% minimum required for properties that are in excess of 20,000 square feet; 9) parking lot interior landscaped open space of 5% in lieu of the 10% minimum required; 10) to allow signage on the proposed scoreboard which would exceed the maximum signage allowed (of one for each street frontage); 11) to allow three (3) air-conditioning units to be on the roof that is in excess of the 4 foot maximum allowed. The proposed A/C units will be 5 feet tall plus the height of the stand. [Attorney: Maura Ziska, Esq.]

[Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property with existing parking or Option B. Carried 4-3] [Architectural Commission deferred the Project to the February 22, 2017 meeting. Carried 7-0] **Request for Deferral to the March 15, 2017, Town Council Meeting Per Letter Dated January 31, 2017 from Beth Zickar.**

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

- d. VARIANCE #1-2017 The application of Rosemin Stanoytchev; relative to property commonly known as **157 Peruvian Ave.**, described as lengthy legal description on file; located in the R-C Zoning District. The applicant is requesting a variance to build a two-story, 3,911 square foot (including the garage) single-family residence on a lot with an area of 6,250 square feet, in lieu of the 10,000 square foot minimum required, and a lot width of 50 feet, in lieu of the 75 foot minimum required. [Attorney: David E. Klein, Esq.][Architectural Commission deferred the project to its January 25, 2017 meeting.] [Architectural Commission deferred the Project to the March 22, 2017 meeting. Carried 7-0] **Request for Deferral to the March 15, 2017, Town Council Meeting Per Letter Dated January 24, 2017 from David E. Klein.**

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

- e. VARIANCE #2-2017 The application of Glen Dubin; relative to property commonly known as **1090 N. Lake Way**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to install a 10.75 foot tall sculpture in their backyard which would have a 11.08 foot setback in lieu of the 25 foot minimum setback required for structures over 4 feet tall on properties abutting the Lake Trail. [Attorney: Maura Ziska, Esq.] [Architectural Commission deferred the project to its January 25, 2017 meeting.] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 4-3]

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

- f. VARIANCE #25-2016 The application of Maura Ziska, Manager of Barnacle PB LLC; relative to property commonly known as **221 Oleander Ave.**, described as lengthy legal description on file; located in the R-C Zoning District. The applicant requests a

variance to allow construction of a new 2,930 square foot, two story residence on a lot with a depth of 56 feet in lieu of the 100 foot minimum required and a lot area of 4,200 square feet in lieu of the 10,000 square foot minimum; a variance to allow lot coverage to be 41.6% in lieu of the 30% maximum allowed; a variance to allow a front yard setback to be 13.5 feet in lieu of the 25 foot minimum; and a variance to allow a rear yard setback to be 10 feet in lieu of the 15 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0] [Architectural Commission deferred the Project to the February 22, 2017 meeting. Carried 7-0] **Request for Deferral to the March 15, 2017, Town Council Meeting Per letter Dated February 3, 2017.**
John S. Page, Director of Planning, Zoning & Building

2. New Business

- a. SPECIAL EXCEPTION #2-2017 WITH SITE PLAN REVIEW AND VARIANCE The application of Edward Leevan, Manager; relative to property commonly known as **2842 S. Ocean Blvd.**, described as lengthy legal description on file; located in the R-D(2)/Beach Area Zoning District. The applicant is requesting a special exception with site plan review to modify the site plan to allow a temporary tent over the parking lot that contains 40 parking spaces from March 30, 2017 to April 7, 2017 to allow for a conference to be hosted at the Tideline Ocean Resort & Spa. The following variance is requested: a) a variance request to temporarily eliminate the (40) required off street parking spaces for the dates identified. [Attorney: Maura Ziska, Esq.]

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

- b. SITE PLAN REVIEW #1-2017 The application of 235 Via V PB LLC (Stuart Kapp, Manager); relative to property commonly known as **235 Via Vizcaya.**, described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a site plan review to allow the construction of a 7,444 square foot two-story, single family residence on a non-conforming platted lot which is 15,344 square feet in area in lieu of the 20,000 square foot minimum area required; 47.25 in width in lieu of the 125 foot minimum required; and 97.58 feet in depth in lieu of the 150 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission deferred the Project to the February 22, 2017 meeting. Carried 7-0] **Request for Deferral to the March 15, 2017, Town Council Meeting Per Letter Dated January 26, 2017 from Maura Ziska.**

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

- c. SITE PLAN REVIEW #2-2017 The application of JDC Florida Properties LLC (Stuart Kapp, Manager); relative to property commonly known as **12 Via Vizcaya.**, described as lengthy legal

description on file; located in the R-A Zoning District. The applicant is requesting a site plan review to allow the construction of a 6,958 square foot two-story, single family residence on a non-conforming platted lot which is 15,102 square feet in area in lieu of the 20,000 square foot minimum area required; 106.67 in width in lieu of the 125 foot minimum required; and 100.17 feet in depth in lieu of the 150 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission deferred the Project to the February 22, 2017 meeting. Carried 7-0] **Request for Deferral to the March 15, 2017, Town Council Meeting Per letter Dated January 26, 2017 from Maura Ziska.**

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

- d. VARIANCE #5-2017 The application of Ann DesRuisseaux; relative to property commonly known as **1090 N. Ocean Blvd.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to renovate a two-story residence with 994 square feet of one and two story additions increasing the residence from 6,141 square feet to 7,135 square feet total and require the following variances: 1) cubic content ratio ("CCR") of 4.99 in lieu of the 4.35 existing and the 3.96 maximum CCR allowed; 2) south side yard setback of 10 feet in lieu of the 12.5 foot minimum set back required for the proposed one story addition to the existing garage; 3) south side yard setback of 10 feet in lieu of the 15 foot minimum set back required for the proposed two story additions to expand and add to the upstairs bedrooms. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0]

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

- e. VARIANCE #6-2017 The application of Charlotte L. Beers; relative to property commonly known as **82 Middle Road**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing the following additions onto the existing residence: 1) Construct a one story 35 square foot infill addition to an existing bathroom; 2) construct a one story 5 square foot infill addition to the kitchen; 3) construct a one story 192 square foot addition for a car port. The following variances are being requested to accomplish the above improvements: 1) Cubic content ratio ("CCR") of 6.05 in lieu of the 6.00 existing and the 4.02 maximum CCR allowed; 2) Lot coverage of 33.7% in lieu of the 31.3% existing and the 30% maximum allowed. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0]

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

- f. VARIANCE #7-2017 The application of Maurice Pinsonnault; relative to property commonly known as **1632 S. Ocean Blvd.**,

described as lengthy legal description on file; located in the R-A Zoning District. The applicant is proposing a new 10,897 square foot two-story, single family residence which will require the following variances: 1) a request for a point of measurement of 22.5 NGVD ("National Geodetic Vertical Datum") in lieu of the 20.56 NGVD maximum allowed; 2) a request for a front yard setback (on Seagrape Circle) for the entry feature to be 33.5 feet in lieu of the 35 foot maximum required; 3) a request for the height of the retaining wall along the west property line to be 9 feet tall in lieu of the 6 and 7 foot maximum allowed; 4) a request to have a building height plan setback 50.33 in lieu of the 66.9 foot minimum setback required for the architectural features which include the gable roof and two chimneys; 5) a request to allow two chimneys at a height of 37 feet in lieu of the 35 foot maximum allowed. [Attorney: Maura Ziska, Esq.] [Architectural Commission deferred the Project to the March 22, 2017 meeting. Carried 7-0] **Request for Withdrawal Per letter Dated February 6, 2017.**

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

- g. VARIANCE #8-2017 The application of Maura Ziska, Trustee; relative to property commonly known as **101 El Brillo Way**, described as lengthy legal description on file; located in the R-A Zoning District. The applicant is renovating a Landmarked residence which includes a proposal to add a 7,873 square foot, two story addition with a basement to the west side of the residence for a new kitchen and guest wing and a 252 square foot two story addition to the east side of the residence to enlarge the existing office/den. The following variances are being requested: 1) a rear yard setback of 8.25 feet in lieu of the 15 foot minimum required for the guest wing addition on the west side of the residence (268 square feet is encroaching in the setback); 2) a rear yard setback of 10.33 in lieu of the 15 foot minimum required for the office/den addition to the east side of the residence (70 square feet is encroaching in the setback). [Attorney: Maura Ziska, Esq.] [Landmarks Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmark property. Carried 7-0]

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

3. Other

- a. Stop Work Order Under 3-Strike Rule
146 Atlantic Avenue

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

A. Second Reading

1. ORDINANCE NO. 1-2017 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, As Follows: At Article VI, District Regulations, Section 134-1259, Special Exception

Uses, By Allowing Outdoor Seating As A Special Exception Use In The C-PC Zoning District; Renumbering Existing Section 134-1260 And Subsequent Sections, And Creating A New Section 134-1260 In The C-PC Zoning District Titled "Stands, Seating Dining Area And Open Counters For Eating And Drinking"; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

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

X. ANY OTHER MATTERS

- A. Planning & Zoning Commission Record & Report
Comprehensive Plan Update, Commercial Storage Use and Off-Street Parking

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

XI. ADJOURNMENT

XII. FUTURE MEETINGS

PLEASE TAKE NOTE:

- Note 1:** No written materials received after 3:30 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 3:30 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.
- Note 2:** The progress of this meeting may be monitored by visiting the Town's website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.
- Note 3:** If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
- Note 4:** Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.
- Note 5:** Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.
- Note 6:** All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday

before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit the Town's website (townofpalmbeach.com).

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

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

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

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

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2017

Section of Agenda

Public Hearings

Agenda Title

RESOLUTION NO. 24-2017 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 **132 Clarke 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.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum Dated January 20, 2017 From John S. Page, Director of Planning, Zoning & Building**
- ▣ **Resolution No. 24-2017**
- ▣ **132 Clarke Avenue Designation Report**
- ▣ **Excerpt of Landmarks Preservation Commission Meeting on January 25, 2017**
- ▣ **Landmark Designation Procedure**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 15, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Landmark Designation of 132 Clarke Avenue
Resolution No. 24-2017

Date: January 20, 2017

STAFF RECOMMENDATION

Staff recommends ratification of the property known as 132 Clarke Avenue as a Town landmark.

LANDMARKS PRESERVATION COMMISSION RECOMMENDATION

At the Public Hearing for Designation held during the January 18, 2017 meeting of the Landmarks Preservation Commission, the Commission voted (7-0) 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 (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; and,

Sec. 54-161 (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.

OWNER CONSENT

Per public records, the property is owned by: John H. Gooch; John H. Gooch & Peter W. Fink Tr.; John H. Gooch Tr.; W. Blake Gooch Tr.; & John H. Gooch Tr. Title Holder. Attorney Tim Hanlon represented the owners at the Landmarks Preservation Commission. He explained that the owners, initially reluctant, have consented to the notion of landmarking the façade only. Significant discussion followed with all parties agreeing that designation, whether partial or in whole, has the effect of requiring Landmarks review and approval of all architectural changes going forward. Commissioners concluded that the house's unique lines, including the roof, make the entire structure worth of designation and that a partial designation dilutes the spirit of the Town's landmarking program. As such, the motion to support the landmark designation applied to the entire property.

TOWN ATTORNEY REVIEW

Please be advised that the Town Attorney has reviewed Resolution No. 24-2017 relating to 132 Clarke Avenue, and has approved it as to legal form and sufficiency.

Attachments

cc: John C. Randolph, Town Attorney
John Lindgren, AICP, Planning Administrator
Janet Murphy, Town Consultant
Emily Stillings, Town Consultant
Tim Hanlon, Owner's Attorney

RESOLUTION NO. 24-2017

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 132 CLARKE 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 a public hearing 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 **132 Clarke Avenue** and the property to be landmarked is legally described as follows:

LOT 15, PRIMAVERA ESTATES (OCEAN SECTION), ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 6, PAGE 82, 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 15th day of February, 2017.

Gail L. Coniglio, Mayor

, Town Council President

, Council President Pro Tem

, Town Council Member

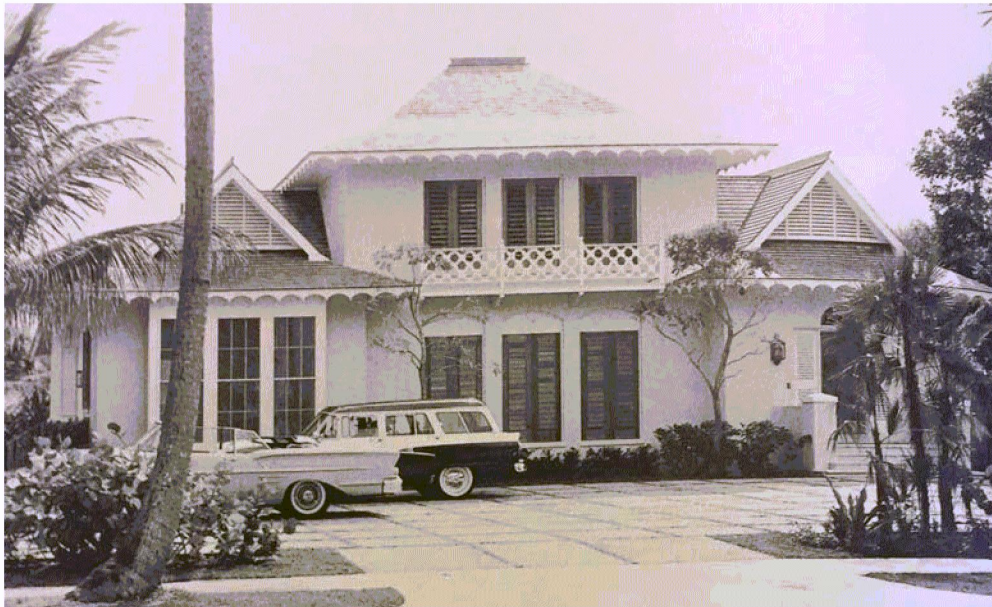
ATTEST:

, Town Council Member

Susan A. Owens, MMC, Town Clerk

, Town Council Member

132 Clarke Avenue



DESIGNATION REPORT

November 16, 2016

Landmark Preservation Commission

Palm Beach, Florida

DESIGNATION REPORT

132 Clarke Avenue

Table of Contents

I.	GENERAL INFORMATION	2
II.	LOCATION MAP	3
III.	ARCHITECTURAL INFORMATION	4
IV.	HISTORICAL INFORMATION	7
V.	ARCHITECT'S BIOGRAPHY	9
VI.	STATEMENT OF SIGNIFICANCE	10
VII.	CRITERIA FOR DESIGNATION	10
VIII.	SELECTED BIBLIOGRAPHY	12
IX.	FLORIDA MASTER SITE FILE FORM	14

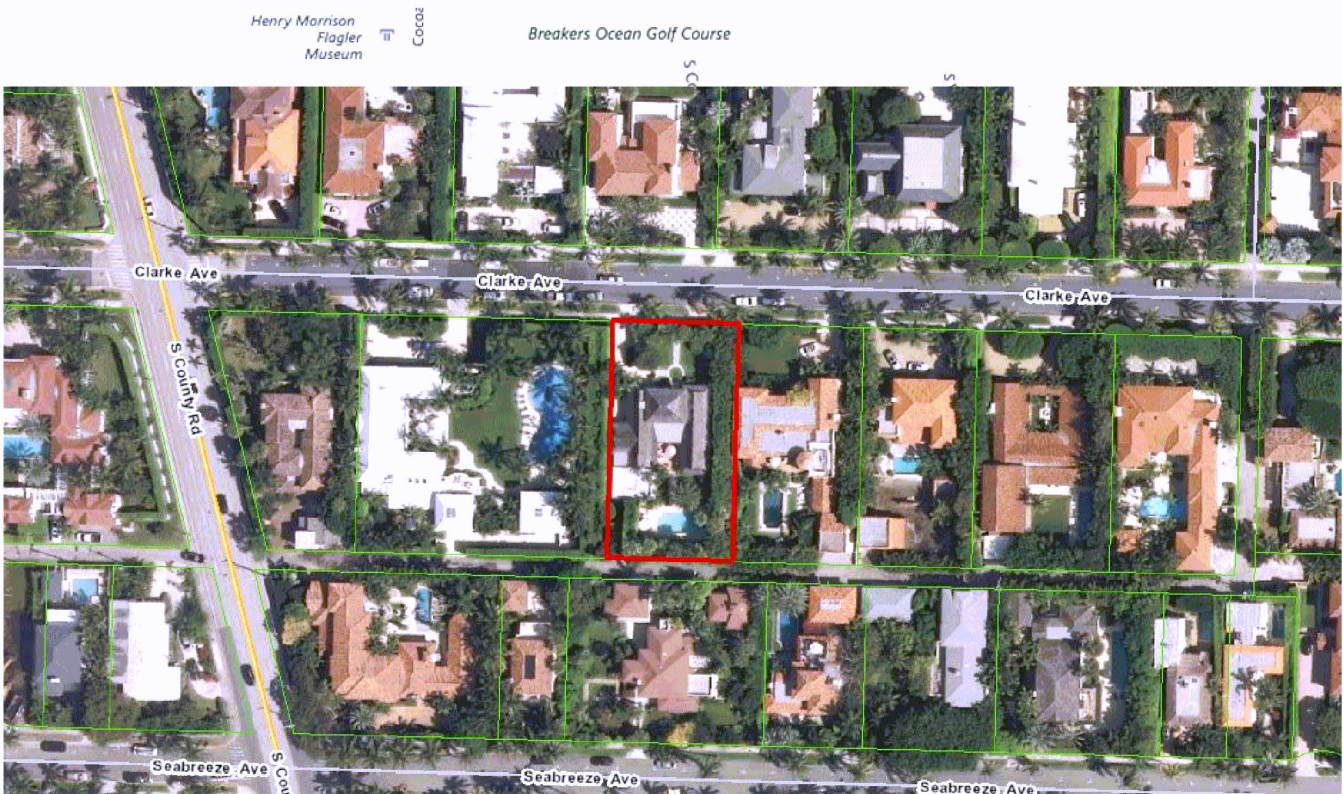
Report produced by Murphy Stillings, LLC

I. General Information

Location:	132 Clarke Avenue Palm Beach, Florida
Date of Construction:	1957
First Owner:	Donald M. Kelley
Architect:	John L. Volk
Builder/Contractor:	Harold H. Waugh
Present Owner:	John H. Gooch, John H. Gooch, Peter W. Fink Tr., John H. Gooch Tr., W. Blake Gooch Tr., and John H. Gooch Tr Title Holder
Present Use:	Residential
Present Zoning:	R-B
Palm Beach County Tax Folio Number:	50-43-43-22-05-000-0150
Current Legal Description:	Lot 15, PRIMAVERA ESTATES (OCEAN SECTION), according to the Plat thereof, recorded in Plat Book 6, Page 82, of the Public Records of Palm Beach County, Florida.

II. Location Map

132 Clarke Avenue



III. Architectural Information

Located on the south side of Clarke Avenue between South Ocean Boulevard and South County Road, 132 Clarke Avenue is in the ocean section of the Primavera Estates subdivision. Built in 1957 for approximately \$60,000, the two-story residence is an excellent example of John L. Volk's skillful interpretation of the British Colonial style with Jamaican plantation influences.¹



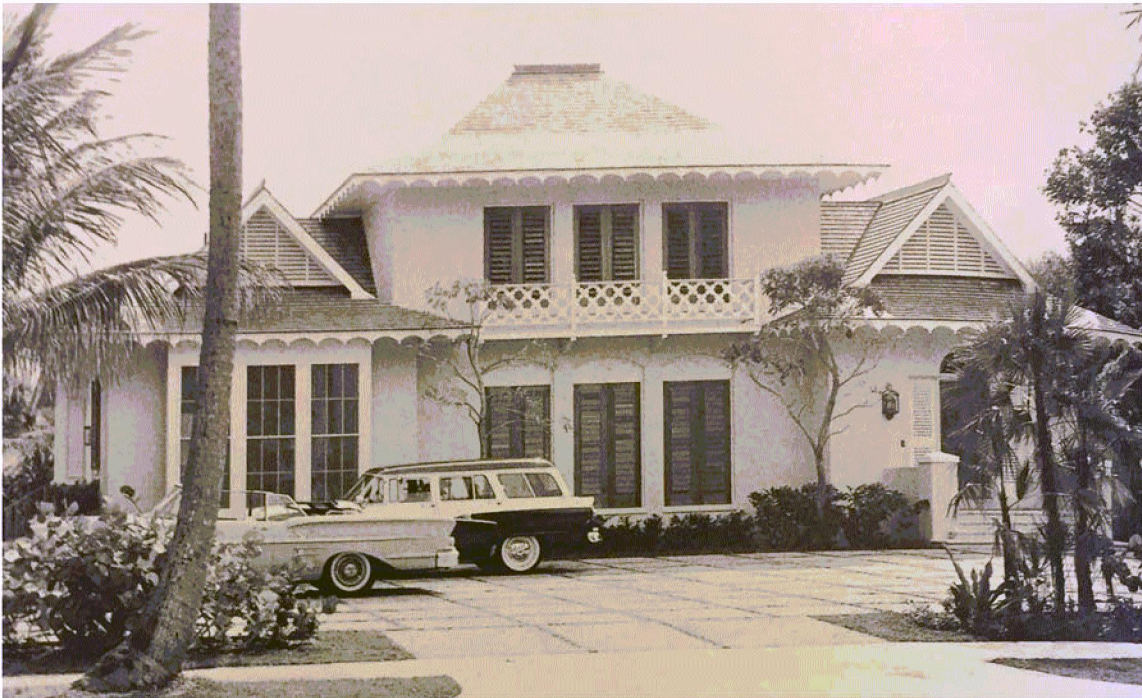
Northwest Corner with Entrance

The British Colonial style is the commonly used name for a West Indian adaptation of Georgian architecture. It was inspired by the traditions of the English colonists' architectural heritage. Most British Colonial style of architecture seen in the Town of Palm Beach has influences from the Island of Bermuda. Howard Major introduced the Bermuda style in 1925 with the design of Major Alley because he thought it was well suited to Florida's climate and the style grew in Palm Beach during the 1930s when John Volk expanded on the theme and constructed a number of Bermuda influenced British Colonial style residences.

The residence at 132 Clarke Avenue, however, is a unique British Colonial residence in Palm Beach due to its Jamaican inspiration. Jamaican

¹ Building Permit No. 25857, May 31, 1957. Town of Palm Beach Records.

architecture is a blend of British and Spanish influences. Spanish style is reflected in the use of balconies, arched windows and doors, and high ceilings. British influences include wooden shutters, wide porches, and patterned railings and fretwork. Residences designed in this style are one or two-stories in height, have a symmetrical fenestration, steeply pitched hip roofs surfaced with wood shingles and smooth stucco exteriors. Arches can be found over entry doors but window openings are generally rectangular. Decorative fascia and fretwork are used as embellishments.



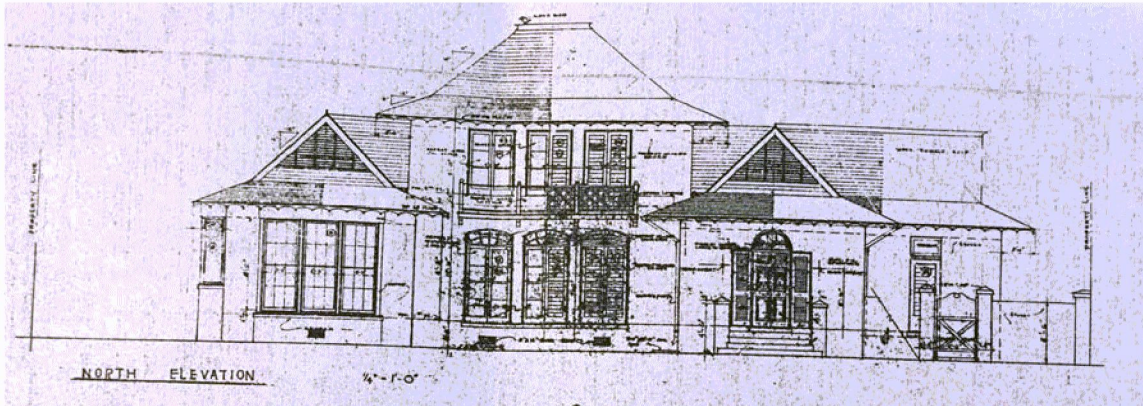
Photograph from John L. Volk, Palm Beach Architect

132 Clarke Avenue is constructed of hollow clay tile in an U-shaped plan.² The residence has a two-story central block with one-story wings surfaced with smooth stucco. The roof design is one of the distinctive features of the dwelling. The steeply pitched hip and gable roofs with flared eaves are surfaced with wood shingles and embellished with scalloped fascia and decorative wood louvered gable end vents.

The two-story central portion of the residence has a truncated hip roof and a balcony on the north façade. Another significant architectural detail of the residence is the balcony's railing that contains intricate fretwork panels.

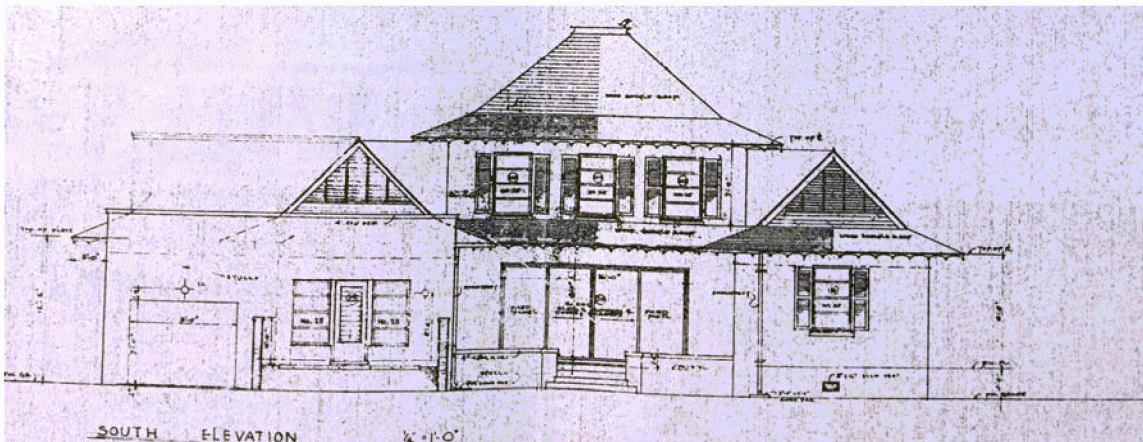
² Building Permit No. 25857, May 31, 1957. Town of Palm Beach Records.

Three pairs of large multi-light casement windows are located on the first and second floors of the central section and are covered with wood louvers. The windows on the first floor have blind arches above.



Elevation of North Façade, John Volk, 1957

The house is accessed by a motor court at the northwestern portion of the property. The main entrance, located on the western wing of the residence, is raised and has a multi-light French door with a decorative fanlight and is flanked by wood louvers. A low wall with a pedestrian gate provides access to the side yard and a secondary French door with a decorative transom. The eastern wing of the residence has a rectangular bay window projecting to the north with six-over-six sash windows.



Elevation of the South Façade, John Volk, 1957

The rear of the residence contains a courtyard within the U-shape of the structure and an attached garage, accessed from the alley, on the south façade. A pool was added to the property in 1985 at the southeast corner of the property.

Alterations and additions to the residence over the years have not had a negative impact on the architectural integrity of the residence. Changes to the property have included removal of the original circular driveway and installing a motor court, addition of a bay window on the rear façade of the residence at the master bedroom, a small infill addition, re-roofing, swimming pool installation, and ordinary repair and maintenance. The property owners of the residence have been ideal stewards of the property.

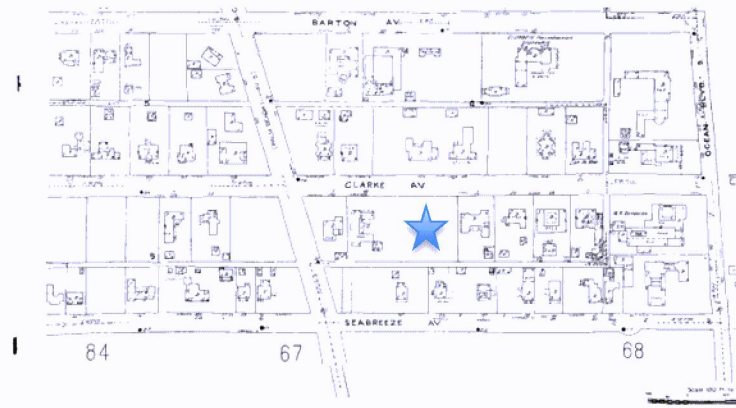
IV. Historical Information

The residence at 132 Clarke Avenue was built during the post WWII era, during a time of significant growth in Palm Beach. The period from the end of World War II to the early 1970s was a golden era of economic growth in the United States. World War II ended in September 1945, which allowed for the conversion of the economy to a peacetime economy, with excess industrial capacity and a high demand for new consumer goods. Many Americans turned away from older notions of thrift and began to buy big-ticket items such as cars and houses, significantly benefitting both the automakers and the housing industry. Garages became an important feature of houses as many families started owning more than one car.

During the post-war boom years of the 1950s and the 1960s, Palm Beach residents and visitors were again enjoying life to its sub-tropical fullest. Faster trains, air travel and modern conveniences such as air conditioning accelerated the boom. Civic leaders continued to prize Palm Beach's status as an eminent small town that offered many diversions for affluent residents and visitors. In the winters following World War II, Palm Beach was even more crowded than during the 1920s boom era, proving that the colony had triumphantly survived the war. The demand for housing rose dramatically and a late 1940s zoning change that increased density in Midtown sparked a building boom for two decades. Palm Beach was also expanding its commercial and cultural venues. The Royal Poinciana Plaza and Playhouse, designed in 1957 by John Volk in the Regency style, were important and successful mid-century contributions to Palm Beach's commercial architecture and cultural vitality.

132 Clarke Avenue was constructed in Primavera Estates, a subdivision developed by Louis Clarke. Louis Clarke was the son of Charles J. Clarke, an early Palm Beach pioneer. The origins of Clarke Avenue and the Primavera Estates subdivision go back to 1880, when E. N. “Cap” Dimick, Palm Beach’s first mayor, built his home on Lake Trail at the west end of what is now Clarke Avenue. The home was named “Cocoanut Grove” and became the first hotel in the area, Cocoanut Grove House. In 1891, Charles Clarke purchased the Cocoanut Grove along with sixty acres of property that ran from the ocean to the lake.³ A fire destroyed the Cocoanut Grove House in 1893, after which Charles Clarke built his home on the site, which he named “Primavera”. Louis Clark developed the Primavera Estates subdivision in 1917 and many of the lots in the subdivision were sold following his death to close out his estate from 1918 through 1923.⁴ There were however a few lots that were not developed during the Boom Time of the 1920s and were built on during the post WWII boom era; one of these was the property at 132 Clarke Avenue.

132 Clarke Avenue, lot 15 of the Ocean Section of Primavera Estates, had been a part of the property at 150 Clarke Avenue. The property was later divided and in 1957 Donald M. Kelley commissioned John Volk to construct a residence for himself and his wife, Elizabeth Goodrich Kelley.



Sanborn Fire Insurance Map – Updated 1952

Volk had been interested in the architecture of Jamaica since at least 1930 when he visited the island to do research for a house he was designing for

³ “Clarke Avenue 2002 Annual Walking Tour,” Preservation Foundation of Palm Beach 7 February 2002.

⁴ “All Quiet on Clarke Avenue Beach,” *Palm Beach Daily News* 25 September 1985.

“Primavera Estates,” *Palm Beach Post* 22 December 1918.

“Primavera, Palm Beach Auction Lot Sale,” *Palm Beach Daily News* 18 February 1923.

Byron Chandler.⁵ In 1955, two years before designing the Kelley residence, Volk had designed a home in Ocho Rios, Jamaica, for Dr. Matthew Mellon.⁶ Volk's design for the Mellon residence was based on traditional Jamaican architecture, which was also the inspiration for the Kelley residence. 132 Clarke Avenue was Volk's first, and possibly only, Jamaican inspired design in the Town of Palm Beach. Volk continued to use elements of Jamaican architecture in other commissions in Florida including the North Palm Beach Village Town Hall (now library), the original Lost Tree Village Club House, and the Port Royal Beach Club located in Naples.

Donald M. Kelley received a Purple Heart and the Silver Star for his service during World War I as Captain of infantry and machine guns. Prior to serving in the military he graduated from Princeton University in 1912. After the war he was in the investment banking business on Wall Street and later became the President of International Products Corporation of Paraguay until his retirement in 1955.⁷ It was during this time that the Kelley's hired Volk to design this residence for the property at 132 Clarke Avenue. In 1969, the home was featured on the Garden Club's annual home tour. The Kelley's owned the property at 132 Clarke Avenue until Donald Kelley's death in 1985.⁸

V. Architects Biography

John L. Volk

John Volk has been called the last of the "original" Palm Beach architects. He was one of an elite group of early 1920s architects that included Addison Mizner, Maurice Fatio, and Marion Sims Wyeth who developed the architectural style of the island that came to be known as the "Palm Beach Style".

Volk was born in Graz, Austria in 1901. He came to the United States with his parents at the age of nine and grew up in New York. He attended Columbia

⁵ Newspaper photograph provided by the John L. Volk Foundation captioned "Mr. Volk on trip to Jamaica via seaplane to research the Byron Chandler house, 1930". The Chandler house, on Wells Road, was designed in the British Colonial style but had Bermuda influences rather than Jamaican. It has since been demolished.

⁶ The Mellon's had lived in a Volk home on Pendleton Avenue in the 1930s.

⁷ "Don M. Kelley Dies March 31," Palm Beach Daily News 4 April 1985.

⁸ Elizabeth Goodrich Kelley passed away in 1984.

University School of Architecture and L'Ecole des Beaux Arts. Volk opened his office in Palm Beach in 1925.

Volk designed more than 1000 houses, theaters, clubs, shops, and other buildings and lived in Palm Beach from 1925 to his death in 1984. He designed homes for some of the wealthiest and most powerful people in America over his 58-year career in Palm Beach including Colonel Robert McCormack, William Paley, George Vanderbilt, Nicholas DuPont, Henry Ford II, Herbert Pulitzer, Matthew Mellon, George Storer, Horace Dodge II, and John S. Phipps. Included in the designs of John Volk are some of the most prominent commercial and private club buildings in the Palm Beach area including the First National Bank, the Royal Poinciana Plaza and Playhouse, the center section of the Town Hall, the Beach Club, Good Samaritan Hospital, and several shops on Worth Avenue including the Everglades Colonnade. He also extensively modified and rebuilt the Bath and Tennis Club after a major hurricane.

Numerous other buildings are the result of Mr. Volk's labor and it must be noted that no particular style can be exclusively associated with Mr. Volk. Unlike other talented architects who developed or refined specific styles, John Volk understood and perfected many varying architectural styles from Mediterranean Revival to Contemporary Design.

VI. Statement of Significance

132 Clarke Avenue is a magnificent example of a Jamaican inspired British Colonial style residence as skillfully interpreted by John Volk. Inspired by Jamaican plantation houses, Volk created a unique Palm Beach residence. Constructed in 1957 during the post WWII era in Palm Beach it exemplifies the growth and changing architectural styles of the times.

VII. Criteria For Designation

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

(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.”

132 Clarke Avenue is an outstanding example of a Jamaican inspired British Colonial style residence skillfully interpreted by John Volk. Inspired by Jamaican plantation houses, Volk designed a unique residence in Palm Beach. The residence features distinctive features of the British Colonial style with a Jamaican plantation home inspiration including: multiple steeply pitched roofs with flared eaves and surfaced with wood shingles, scalloped fascia, decorative fretwork, balconies, wood louvers and shutters.

(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.”

132 Clarke Avenue is an excellent representation of the design work of the architect John L. Volk. John Volk has always been recognized as one of the most important architects to practice in the Town of Palm Beach. Unlike other talented architects who developed or refined specific styles, John Volk understood and perfected many varying architectural styles from Mediterranean Revival to contemporary designs. This interpretation of the British Colonial style is John Volk’s first, and possibly only, residence constructed in Palm Beach with Jamaican influences.

VIII. Selected Bibliography

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Marconi, Richard A. and Murray, Debi. Images of America: Palm Beach. Charleston, South Carolina: Arcadia Publishing, 2009.

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Nelson, Louis. Architecture and Empire in Jamaica. New Haven, Connecticut: Yale University Press, 2016.

O'Sullivan, Maureen and Dianna Shpritz. Palm Beach: Then and Now. Lickle Publishing, November 2003.

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John L. Volk: Palm Beach Architect. Stuart, Florida: Southeastern
Printing Company, 2001.

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IX. Florida Master Site File Form



HISTORICAL STRUCTURE FORM

Electronic Version 1.1.0

Site # PB15227
 Recorder # Jane S. Day
 Field Date 12/1/2010
 Form Date 3/1/2011
 Form No 201012
 Form No - Field Date (YYYYMM)

First Site Form Recorded for this Site? YES

GENERAL INFORMATION

Site Name (address if none) John H. Gooch, 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

Street No.	Direction	Street Name	Street Type	Direction Suffix
<u>132</u>		<u>Clarke</u>	<u>Avenue</u>	

Cross Streets (nearest/ between) S. Ocean Blvd. & S. County Rd.
 City / Town (within 3 miles) Town Of Palm Beach In Current City Limits? YES
 County Palm Beach Tax Parcel #(s) 50-43-43-22-05-000-0150
 Subdivision Name Primavera Est Block _____ Lot 15
 Ownership Private Individual
 Name of Public Tract (e.g., park) _____
 Route to (especially if no street address) On the south side of Clarke Avenue between S. Ocean Blvd. and S. County Rd.

MAPPING

USGS 7.5' Map Name _____ Publication Date _____ >> PALM BEACH;1986
 Township: _____ Range: _____ Section: _____ 1/4 section: _____ >> 43S ;43E ;22;UNSP
 Irregular Section Name: _____
 Landgrant _____
 UTM: Zone _____ Easting _____ Northing _____
 Plat or Other Map (map's name, location) _____

DESCRIPTION

Style British Colonial Other Style _____
 Exterior Plan Irregular Other Exterior Plan _____
 Number of Stories 212
 Structural System(s) _____ >> Concrete block
 Other Structural System(s) _____
 Foundation Type(s) _____ >> Slab
 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) gable vents
 Roof Material(s) _____ >> Wood shingles
 Other Roof Material(s) _____
 Roof Secondary Structure(s) (dormers etc) _____ >> _____
 Other Roof Secondary Structure(s) _____
 Number of Chimneys _____
 Chimney Material _____
 Other Chimney Material(s) _____
 Chimney Location(s) _____

Page 1 of 3

HISTORICAL STRUCTURE FORM

8PB15227

DESCRIPTION (continued)

Window Descriptions 6/6 DHS, fixed transoms, french doors

Main Entrance Description (stylistic details) a single door with fanlight in the west wing of the design

Porches: #open 2 #closed #enclosed Location(s) entry - n, pool patio- s

Porch Roof Type(s)

Exterior Ornament scalloped fascia, front gable fents, shutters, decorative railings

Interior Plan Unknown

Other Interior Plan

Condition Good

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)

HISTORY

Construction year 1957

Architect (last name first): Volk, John L.

Builder (last name first): Waugh, Harold

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;1957;

Other Structure Uses

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

RESEARCH METHODS

Research Methods >> Examine local property records

Other research methods tax records, windshield

SURVEYOR'S EVALUATION OF SITE

Potentially Eligible for a Local Register? INSUFF. INFO 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 was Volk's first interpretation of a Jamaican architectural style. It is worthy of further study.

HISTORICAL STRUCTURE FORM

8FB15227

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 Dr., 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: <u>SS</u> Electronic Form Used: <u>8110</u> Form Type Code: <u>RCRM</u> Form Quality Ranking: <u>NEW</u> Form Status Code: <u>SCAT</u> Supplement Information Status: <u>NO SUPPLEMENT</u> Supplement File Status: <u>NO SUPPLEMENT FILE</u> Form Comments: _____ _____ _____	<table border="1"> <tr> <th colspan="2">SHPO's Evaluation of Resource</th></tr> <tr> <td></td><td>Date</td></tr> </table> FMSF Staffer: _____ Computer Entry Date: <u>11/14/2004</u>	SHPO's Evaluation of Resource			Date
SHPO's Evaluation of Resource					
	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 Landmarks Preservation Commission Meeting 1/25/17

Item 2: 132 Clarke Ave.

Owner: John H. Gooch; Peter W. Fink Tr.; John H. Gooch Tr.; Blake W. Gooch Tr.; John H. Gooch Tr Titl Hldr

Call for disclosure of ex parte communication: Mr. Silvin and Mses. Albarran and Hufty.

Mr. Cooney asked for confirmation that the Town had proof of publication and notice with regard to this landmark designation hearing. Ms. Churney confirmed that the Town does have proof of publication.

Janet Murphy, MurphyStillings, LLC, testified to the architecture and history for the 1957 John L. Volk residence. Ms. Murphy pointed out the design features of the British Colonial home with Jamaican inspiration for the Commissioners as well as provided a history of the home, including information on the original owners. Ms. Murphy testified that the building meets the following criteria for designation as a landmark:

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

Sec. 54-161 (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.

Motion made by Mr. Silvin and second by Mr. Zukov that the designation report be made part of the record. Motion carried with all in favor.

Tim Hanlon, Attorney for the property owners, stated that the owners initially opposed the landmark designation but would now agree to the designation if the Commission would limit the landmark designation to the front façade only.

Mr. Cooney reminded Mr. Hanlon that if the Commission recommends designation for the front façade, any future changes would still need to be presented to the Landmarks Preservation Commission for approval. Mr. Hanlon stated that he and his client understood and agreed to that process.

Ms. Albarran stated her concerns about landmarking only the front façade. She indicated other elements of the home that she felt were important to the design. Mr. Cooney shared Ms. Albarran's concerns and especially felt the roof was a main element of the style.

Mr. Hanlon stated he and his client were prepared to oppose the designation by hiring an architect to testify on their behalf. He also stated that the consultants indicated that they would support a front façade designation.

Mr. Cooney discussed the importance of the roofline and maintaining some of the other significant elements.

Mr. Hanlon reminded the Commission that they would see all future changes to the home.

Excerpt from Landmarks Preservation Commission Meeting 1/25/17

Mr. Silvin confirmed the landmarking process and discussed other properties with a front façade designation. There was some discussion about this issue.

Ms. Fairfax discussed landmarking certain facades of a home and the benefits of having a home landmarked.

Mr. Hanlon expressed his concern about the type of message it would send to the public if their decision to designate the entire home was overturned and then to have it returned to the Commission for a front façade designation.

Mr. Strawbridge asked about the history of landmark designations and the review of partial designations. Mr. Cooney and Mr. Lindgren answered his questions.

Mr. Cooney stated he did not want to send the wrong message to owners about landmark designation but his opinion was that the Commission should landmark this entire property. He discussed how this would be a recommendation to the Town Council, who could support, modify or overturn their decision. He provided further explanation on his opinion.

Ms. Hufty stated her reasons for concurring with Mr. Cooney.

A second motion made by Ms. Albarran and seconded by Mr. Strawbridge that 132 Clarke Avenue be recommended to the Town Council designation as Landmark of the Town of Palm Beach based on criteria 3 and 4 in Section 54-161.

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: February 15, 2017

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 23-2017 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Declaring Zoning In Progress Relating To Zoning Items Under Study By The Town As Enumerated In Exhibit "A" Attached Hereto; Requiring That No Permits Or Approvals Be Issued By The Department Of Planning, Zoning And Building During The Period That Zoning Is In Progress For Any Activity Or Project In Contravention Of Any Proposal Under Study; Providing An Effective Date.

Presenter

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

ATTACHMENTS:

- ❑ **Memorandum from John Page dated February 8, 2017**
- ❑ **Resolution No. 23-2017**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 15, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Authorization to Study Regulations Regarding Landscape Activity within the Conservation Zoning District and Adopting Resolution #23-2017 Declaring Zoning in Progress Regarding this Issue

Date: February 8, 2017

STAFF RECOMMENDATION

It is recommended that the Council direct Staff to study the establishment of zoning regulations which would require a Town permit for the use, removal, relocation and/or planting of landscape material in the Conservation Zoning District. In addition, it is recommended that during the interim period, the Town Council adopt Resolution #23-2017 declaring “Zoning in Progress,” commencing immediately and extending until future time of adoption or disapproval of said Code changes.

GENERAL INFORMATION

The Town’s Comprehensive Plan has provisions in the Coastal Management/Conservation Element that provide for the protection of native vegetative communities and the removal of exotic, non-native vegetation from the shoreline in the Lake Worth Lagoon. Objective 2 of that Element states that the Town shall protect native vegetation communities and their associated wildlife by implementing policies that protect and restore native vegetation. It also states that the measurement of Objective 2 is the degree in which the Policies in Objective 2 are implemented, including Policy 2.1a which states that the Town modify the Landscape Ordinance (Chapter 66) to incorporate standards for tree removal, landscaping aesthetics and minimum native vegetation requirements.

The regulations for removal, relocation and the replanting of native vegetation on undeveloped property in the Conservation Zoning District have not yet been created. The Town has been in the process of adopting those standards at the Ordinance, Rules and Standards Committee (ORS) and Town Council; however, that process is not complete. In order to make the land development regulations and other code provisions consistent with the Comprehensive Plan, Staff has drafted proposed zoning regulations to protect, control and allow for the removal, relocation and/or planting of landscape material in the Conservation Zoning District. This

includes the removal of exotic or nuisance plant material; planting and/or relocating native or non-native species of plant material; or the use of any landscape material that would promote the use of conservation land. In the interim, it is contemplated that Staff would allow owners of property within the Conservation District to apply for a permit to remove exotic non-native species; plant and/or relocate native vegetation consistent with proposed changes to Chapter 66. If the Town Council endorses this concept, it is anticipated that a proposal would be considered by the Planning and Zoning Commission at its March 21, 2017 meeting. Related changes to Chapter 66 would be considered by ORS. Any recommended changes from the Planning and Zoning Commission or ORS would then be forwarded to the Town Council for consideration.

If you have any questions about Zoning in Progress or the proposed zoning regulations, please contact Paul Castro, Zoning Administrator at 227-6406.

TOWN ATTORNEY REVIEW

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

Attachment

cc: Thomas G. Bradford, Town Manager
John C. Randolph, Town Attorney
Planning & Zoning Commissioners
zf

RESOLUTION NO. 23-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, DECLARING ZONING IN PROGRESS RELATING TO THE ZONING ITEM UNDER STUDY BY THE TOWN AS ENUMERATED IN EXHIBIT "A" ATTACHED HERETO; REQUIRING THAT NO PERMITS OR APPROVALS BE ISSUED BY THE PLANNING, ZONING AND BUILDING DEPARTMENT DURING THE PERIOD THAT ZONING IS IN PROGRESS FOR ANY ACTIVITY OR PROJECT THAT IS IN CONTRAVENTION OF ANY PROPOSAL UNDER STUDY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Objective 2 of the Coastal Management/Conservation Element of the Town's Comprehensive Plan states that the Town shall protect native vegetation communities and their associated wildlife by implementing policies that protect and restore native vegetation.

WHEREAS, the measurement of Objective 2 is the degree in which the Policies in Objective 2 are implemented;

WHEREAS, Policy 2.1a states that the Town modify the Landscape Ordinance to incorporate standards for tree removal, landscaping aesthetics and minimum native vegetation requirements;

WHEREAS, standards for tree removal, landscaping aesthetics and minimum native vegetation requirements have not yet been created in the Conservation Zoning District;

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

WHEREAS, Zoning in Progress is necessary during the period of the zoning study to avoid actions which are potentially in conflict with or in contravention of the intent of this zoning proposal, and to allow the creation of Code provisions relating to permits and approvals

granted or issued for the removal, relocation or planting of landscape material on upland, or the use of landscape material for the purpose of promoting the use of land within the Conservation Zoning District.

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

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

Section 2. During the period of Zoning in Progress the Planning, Zoning and Building Department is directed to grant permits only for the approval of any proposed project or use which is not potentially in conflict with the zoning proposal under study.

Section 3. Zoning in Progress shall remain in effect until the completion of the study of the zoning item enumerated in Exhibit "A" and Town Council adoption of zoning amendments, if any, or until July 1, 2017, whichever occurs first.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the
Town of Palm Beach assembled this 15th day of February, 2017.

Gail L. Coniglio, Mayor

, Town Council President

, Council President Pro Tem

, Town Council Member

ATTEST:

, Town Council Member

Susan A. Owens, MMC,

, Town Council Member

EXHIBIT A

Sec. 134-1355. Prohibited activity.

It shall be unlawful for any person, organization or governmental entity to use, remove, relocate or plant any landscape material on uplands within the Conservation District without a permit pursuant to Chapter 66 of the Code of Ordinances. This includes the use of mulch, removal of exotic plant material and/or the planting of native and non-native landscape material. It shall be unlawful to make any alterations for the purpose of allowing or promoting the use of conservation land for any public or private purpose other than that allowed by permitted or special exception use.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2017

Section of Agenda

Development Review - Old Business

Agenda Title

SPECIAL EXCEPTION #28-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of Gregory Fisher; relative to property commonly known as **316 Seabreeze Ave.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a special exception with site plan review to allow the construction of a 2,700 square foot two-story, single family residence on two platted lots which combined creates a lot that is 50 feet in width in lieu of the 100 foot minimum required and 6,125 square feet in area in lieu of the 10,000 square foot minimum area required. The following variances are being requested. To allow a 6 foot west side yard setback for the two story portion in lieu of the 15 foot minimum required and to allow a 6 foot east side yard setback for the one story portion in lieu of the 12.5 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission deferred the Project to the January 25, 2017 meeting. Carried 7-0] [Architectural Commission deferred the Project to the February 22, 2017 meeting. Carried 7-0] **Request for Deferral to the March 15, 2017, Town Council Meeting Per Letter Dated January 26, 2017 from Maura Ziska.**

Presenter

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

ATTACHMENTS:

- **Letter Dated January 26, 2017 From Maura Ziska**

KOCHMAN & ZISKA PLC

Ronald S. Kochman*

Maura A. Ziska

Marvin S. Rosen, Counsel*

*Also admitted in New York

*Also admitted in Michigan

Esperanté

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

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

VIA E-MAIL

January 26, 2017

Paul Castro
Kelly Churney
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: SE 28-2016 - 316 Seabreeze Avenue and SE 29-2016 320 Seabreeze Avenue

Dear Paul and Kelly:

Please defer the above referenced matters from the February 15, 2017 Town Council agenda to the March 15, 2017 Town Council agenda. The reason for the deferral is because ARCOM deferred the matter at the January 25, 2017 meeting. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,



Maura A. Ziska

MAZ/jch
cc: Architect
00034361

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2017

Section of Agenda

Development Review - Old Business

Agenda Title

SPECIAL EXCEPTION #29-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of Gregory Fisher; relative to property commonly known as **320 Seabreeze Ave.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting for approval of a special exception with site plan review to allow the construction of a 2,713 square foot two-story, single family residence on two platted lots which combined creates a lot that is 50 feet in width in lieu of the 100 foot minimum required and 6,125 square feet in area in lieu of the 10,000 square foot minimum area required. The following variances are being requested. To allow a 6 foot east side yard setback for the two story portion in lieu of the 15 foot minimum required and to allow a 6 foot west side yard setback for the one story portion in lieu of the 12.5 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission deferred the Project to the January 25, 2017 meeting. Carried 7-0] [Architectural Commission deferred the Project to the February 22, 2017 meeting. Carried 7-0] **Request for Deferral to the March 15, 2017, Town Council Meeting Per Letter Dated January 26, 2017 from Maura Ziska.**

Presenter

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

ATTACHMENTS:

- **Letter Dated January 26, 2017 From Maura Ziska**

KOCHMAN & ZISKA PLC

Ronald S. Kochman*

Maura A. Ziska

Marvin S. Rosen, Counsel*

*Also admitted in New York

*Also admitted in Michigan

Esperanté

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

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

VIA E-MAIL

January 26, 2017

Paul Castro
Kelly Churney
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: SE 28-2016 - 316 Seabreeze Avenue and SE 29-2016 320 Seabreeze Avenue

Dear Paul and Kelly:

Please defer the above referenced matters from the February 15, 2017 Town Council agenda to the March 15, 2017 Town Council agenda. The reason for the deferral is because ARCOM deferred the matter at the January 25, 2017 meeting. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,



Maura A. Ziska

MAZ/jch
cc: Architect
00034361

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2017

Section of Agenda

Development Review - Old Business

Agenda Title

SPECIAL EXCEPTION #30-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of Town of Palm Beach (Tom Bradford, Town Manager); relative to property commonly known as **340 Seaview Ave.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a special exception with site plan review to approval to allow a new two-story 33,810 square foot Recreation Center for the Town of Palm Beach that will include a new athletic field, parking lot, gymnasium, tennis pro shop, multi-purpose room, fitness center with locker rooms, concession area, classrooms, offices and new maintenance building, new tennis backboard, new scoreboard. A second special exception request is to allow for a rebound wall to be constructed on the north side of the new maintenance building. The following variances are being requested in order to construct the new community center: 1) A west side yard setback of 10 feet in lieu of the 30 foot minimum required for properties that are in excess of 20,000 square feet; 2) A north side yard setback of 8 feet in lieu of the 30 foot minimum required for properties that are in excess of 20,000 square feet; 3) A street rear yard setback for the new parking lot on Royal Palm Way of 4 feet in lieu of the 35 foot minimum required for properties that are in excess of 20,000 square feet; 4) an east side yard setback of 4 feet in lieu of the 30 foot minimum required for the new parking lot on Royal Palm Way for properties that are in excess of 20,000 square feet; 5) a height of 27 feet in lieu of the 22 foot maximum allowed; 6) an overall height of 35 feet in lieu of the 30 foot maximum allowed; 7) a vertical distance to the top of beam of 30.75 feet in lieu of the 26 foot maximum distance allowed from the crown of street to top of beam; 8) landscaped open space of 43% in lieu of the 55% minimum required for properties that are in excess of 20,000 square feet; 9) parking lot interior landscaped open space of 5% in lieu of the 10% minimum required; 10) to allow signage on the proposed scoreboard which would exceed the maximum signage allowed (of one for each street frontage); 11) to allow three (3) air-conditioning units to be on the roof that is in excess of the 4 foot maximum allowed. The proposed A/C units will be 5 feet tall plus the height of the stand. [Attorney: Maura Ziska, Esq.]

[Architectural Commission Recommendation: Implementation of the proposed

variance will not cause negative architectural impact to the subject property with existing parking or Option B. Carried 4-3] [Architectural Commission deferred the Project to the February 22, 2017 meeting. Carried 7-0] **Request for Deferral to the March 15, 2017, Town Council Meeting Per Letter Dated January 31, 2017 from Beth Zickar.**

Presenter

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

ATTACHMENTS:

- ▣ **Letter Dated January 8, 2017 From Sofia Maduro**
- ▣ **Letter Dated January 31, 2017 From Beth Zikar**

Sofia Vollmer Maduro
249 Everglade Avenue
Palm Beach, FL 33480

Town of Palm Beach

Sunday, January 8th, 2017

Re : Updated Conceptual Recreation Center Plans for Seaview Park

Dear Town Council Members and Mayor Coniglio:

Over the past months, the proposed demolition and rebuilding of the Town of Palm Beach Recreation Center, has generated much debate. Thankfully, the tone in December was more conciliatory, and there was much talk of transparency, consensus building, and of listening to residents.

January seems to usher in a new chapter of the Rec Center Saga. First, and quite awkwardly, the plans were not ready for the Rec Advisory committee. Then, the updated Plans were released online Friday, and it becomes clear the « listening » has been very selective. Many elements of the initial design that residents objected to vehemently, have crept back in, under the guise of a one-story version.

The new proposal may be one-story at the east end, but the original footprint is not being respected, and it still appears 50% larger and considerably taller than the existing one. A lot of objectionable items may have been renamed, but residents are perhaps not as shallow as is assumed:

- the Fitness center, that so many oppose, is now called a Wellness center;
- the North field is now called the Great Lawn, perhaps to deflect attention from the fact that the proposed building continues to encroach upon it, and that the large North-facing glass windows will (one assumes) limit children's much loved ball games, for fear of breakage;
- administrative offices are right back where they were objected to in October (overlooking the South field);
- the massive gym is still there taking up prized outdoor space and blocking access to the undersized Basket ball court tucked in the back;
- etc.....

One can only conclude, as does today's Shiny Sheet editorial, that « *the Town Council would be wise to defer comment* » and that « *these plans are too important to be rushed* ». Fast-tracking this project, relying on what has proven to be faulty data, not taking time for proper resident input, has made it a bumpy ride.

Until we stop the tail wagging the dog, and actually give the very patient architect the right input, he will have to keep going back to the drawing board. Out of respect and consideration for everybody's time and opinions, we need a properly targeted, carefully worded, survey that asks specific questions about Seaview Park.

The original intent of the gift of the Seaview Park land, and subsequent Rec building, was to serve the Town's children and those who attend both schools, and to ensure future generations had expansive outdoor sports and playing areas. A gift of that nature, nowadays, apart from impossible on our built up island, would probably be in the \$500 Million-dollar range. As elected custodians of that precious piece of land, for present and future generations, please watch out that it not be built up, on the whim of a few, against the better judgment of a majority.

In an effort to placate residents, promises have been made. Please, as our elected representatives, ensure that these are kept. We want what is best for the Seaview site, and what is best for our children and residents, now and for many years to come.

Sincerely yours,

Sofia Vollmer Maduro

C.C ArCom, RACom

TOWN OF PALM BEACH

Recreation Department

PO Box 2029, Palm Beach FL 33480 561.838.5485 www.townofpalmbeach.com

January 31, 2017

Mr. Paul Castro, Zoning Administrator
Town of Palm Beach
Planning, Zoning and Building Department
360 South County Road
Palm Beach, FL 33480

Dear Paul:

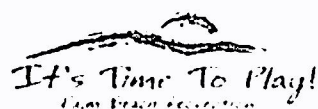
This letter will serve as the formal request to defer Special Exception #30-2016 with Site Plan Review and Variances from the February 15, 2017 Town Council Development Review Meeting to the March 15, 2017 meeting.

Thank you for your consideration.

Sincerely,

Beth Zickar

Beth Zickar
Director of Recreation



TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2017

Section of Agenda

Development Review - Old Business

Agenda Title

VARIANCE #1-2017 The application of Rosemin Stanoytchev; relative to property commonly known as **157 Peruvian Ave.**, described as lengthy legal description on file; located in the R-C Zoning District. The applicant is requesting a variance to build a two-story, 3,911 square foot (including the garage) single-family residence on a lot with an area of 6,250 square feet, in lieu of the 10,000 square foot minimum required, and a lot width of 50 feet, in lieu of the 75 foot minimum required. [Attorney: David E. Klein, Esq.][Architectural Commission deferred the project to its January 25, 2017 meeting.] [Architectural Commission deferred the Project to the March 22, 2017 meeting. Carried 7-0] **Request for Deferral to the March 15, 2017, Town Council Meeting Per Letter Dated January 24, 2017 from David E. Klein.**

Presenter

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

ATTACHMENTS:

- ▣ **Letter Dated January 24, 2017 From David E. Klein**

RABIDEAU LAW

PALM BEACH - TORONTO

David E. Klein, Esq.
direct: 561.402.7412
dklein@rabideau-law.com

January 24, 2017

Via E-Mail – pcastro@townofpalmbeach.com

Mr. Paul Castro
Zoning Administrator
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Re: Property: 157 Peruvian Avenue
Owner: Rosemin Stanoytchev
Variance #1-2017

Dear Mr. Castro:

In connection with the above-referenced matter, I request that the variance matter that is scheduled to appear before Town Council on February 15, 2017 be deferred to the following Town Council Meeting occurring on March 15, 2017.

The matter will be heard at ARCOM on February 22, 2017 due to a review of the plans with surrounding neighbors. As such, we request a one-month deferral from the February 15, 2017 Town Council Meeting.

Please let me know if you have any questions.

Sincerely,



David E. Klein

DEK/cac

cc: Kelly Churney

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2017

Section of Agenda

Development Review - Old Business

Agenda Title

VARIANCE #2-2017 The application of Glen Dubin; relative to property commonly known as **1090 N. Lake Way**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to install a 10.75 foot tall sculpture in their backyard which would have a 11.08 foot setback in lieu of the 25 foot minimum setback required for structures over 4 feet tall on properties abutting the Lake Trail. [Attorney: Maura Ziska, Esq.][Architectural Commission deferred the project to its January 25, 2017 meeting.] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 4-3]

Presenter

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

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2017

Section of Agenda

Development Review - Old Business

Agenda Title

VARIANCE #25-2016 The application of Maura Ziska, Manager of Barnacle PB LLC; relative to property commonly known as **221 Oleander Ave.**, described as lengthy legal description on file; located in the R-C Zoning District. The applicant requests a variance to allow construction of a new 2,930 square foot, two story residence on a lot with a depth of 56 feet in lieu of the 100 foot minimum required and a lot area of 4,200 square feet in lieu of the 10,000 square foot minimum; a variance to allow lot coverage to be 41.6% in lieu of the 30% maximum allowed; a variance to allow a front yard setback to be 13.5 feet in lieu of the 25 foot minimum; and a variance to allow a rear yard setback to be 10 feet in lieu of the 15 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0] [Architectural Commission deferred the Project to the February 22, 2017 meeting. Carried 7-0] **Request for Deferral to the March 15, 2017, Town Council Meeting Per letter Dated February 3, 2017.**

Presenter

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

ATTACHMENTS:

- **Letter Dated February 3, 2017 From Maura Ziska**

KOCHMAN & ZISKA PLC

Ronald S. Kochman*

Maura A. Ziska

Marvin S. Rosen, *Counsel**

*Also admitted in New York

* Also admitted in Michigan

Esperanté

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

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

VIA E-MAIL

February 3, 2017

Paul Castro
Kelly Churney
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: VAR 25-2016 – 221 Oleander Avenue

Dear Paul and Kelly:

Please defer the above referenced matter from the February 15, 2017 Town Council agenda to the March 15, 2017 Town Council agenda. The reason for the deferral is due to not having complete approval from ARCOM. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,



Maura A. Ziska

MAZ/jch
cc: Architect
00034441.DOC

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2017

Section of Agenda

Development Review - New Business

Agenda Title

SPECIAL EXCEPTION #2-2017 WITH SITE PLAN REVIEW AND VARIANCE

The application of Edward Leevan, Manger; relative to property commonly known as **2842 S. Ocean Blvd.**, described as lengthy legal description on file; located in the R-D(2)/Beach Area Zoning District. The applicant is requesting a special exception with site plan review to modify the site plan to allow a temporary tent over the parking lot that contains 40 parking spaces from March 30, 2017 to April 7, 2017 to allow for a conference to be hosted at the Tideline Ocean Resort & Spa. The following variance is requested: a) a variance request to temporarily eliminate the (40) required off street parking spaces for the dates identified. [Attorney: Maura Ziska, Esq.]

Presenter

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

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2017

Section of Agenda

Development Review - New Business

Agenda Title

SITE PLAN REVIEW #1-2017 The application of 235 Via V PB LLC (Stuart Kapp, Manager); relative to property commonly known as **235 Via Vizcaya.**, described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a site plan review to allow the construction of a 7,444 square foot two-story, single family residence on a non-conforming platted lot which is 15,344 square feet in area in lieu of the 20,000 square foot minimum area required; 47.25 in width in lieu of the 125 foot minimum required; and 97.58 feet in depth in lieu of the 150 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission deferred the Project to the February 22, 2017 meeting. Carried 7-0] **Request for Deferral to the March 15, 2017, Town Council Meeting Per Letter Dated January 26, 2017 from Maura Ziska.**

Presenter

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

ATTACHMENTS:

- ▣ **Letter Dated January 26, 2017 From Maura Ziska**

KOCHMAN & ZISKA PLC

Ronald S. Kochman*

Maura A. Ziska

Marvin S. Rosen, Counsel*

*Also admitted in New York

*Also admitted in Michigan

Esperanté

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

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

VIA E-MAIL

January 26, 2017

Paul Castro

Kelly Churney

Town of Palm Beach

360 South County Road

Palm Beach, FL 33480

RE: SPR 1-2017 – 235 Via Vizcaya

Dear Paul and Kelly:

Please defer the above referenced matter from the February 15, 2017 Town Council agenda to the March 15, 2017 Town Council agenda. The reason for the deferral is to allow the architect to update and refine the details of the plans. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,



Maura A. Ziska

MAZ/jch

cc: Architect

00034362.DOC

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2017

Section of Agenda

Development Review - New Business

Agenda Title

SITE PLAN REVIEW #2-2017 The application of JDC Florida Properties LLC (Stuart Kapp, Manager); relative to property commonly known as **12 Via Vizcaya.**, described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a site plan review to allow the construction of a 6,958 square foot two-story, single family residence on a non-conforming platted lot which is 15,102 square feet in area in lieu of the 20,000 square foot minimum area required; 106.67 in width in lieu of the 125 foot minimum required; and 100.17 feet in depth in lieu of the 150 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission deferred the Project to the February 22, 2017 meeting. Carried 7-0] **Request for Deferral to the March 15, 2017, Town Council Meeting Per letter Dated January 26, 2017 from Maura Ziska.**

Presenter

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

ATTACHMENTS:

- ▣ **Letter Dated January 26, 2017 From Maura Ziska**

KOCHMAN & ZISKA PLC

Ronald S. Kochman*

Maura A. Ziska

Marvin S. Rosen, Counsel*

*Also admitted in New York

*Also admitted in Michigan

Esperanté

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

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

VIA E-MAIL

January 26, 2017

Paul Castro
Kelly Churney
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: SPR 2-2017 – 12 Via Vizcaya

Dear Paul and Kelly:

Please defer the above referenced matter from the February 15, 2017 Town Council agenda to the March 15, 2017 Town Council agenda. The reason for the deferral is to because ARCOM deferred the project at the January 25, 2017 meeting. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,



Maura A. Ziska

MAZ/jch
cc: Architect
00034363.DOC

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2017

Section of Agenda

Development Review - New Business

Agenda Title

VARIANCE #5-2017 The application of Ann DesRuisseaux; relative to property commonly known as **1090 N. Ocean Blvd.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to renovate a two-story residence with 994 square feet of one and two story additions increasing the residence from 6,141 square feet to 7,135 square feet total and require the following variances: 1) cubic content ratio ("CCR") of 4.99 in lieu of the 4.35 existing and the 3.96 maximum CCR allowed; 2) south side yard setback of 10 feet in lieu of the 12.5 foot minimum set back required for the proposed one story addition to the existing garage; 3) south side yard setback of 10 feet in lieu of the 15 foot minimum set back required for the proposed two story additions to expand and add to the upstairs bedrooms. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0]

Presenter

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

ATTACHMENTS:

- ❑ **Letter Dated January 16, 2017 From David Dreman**
- ❑ **Letter Dated January 20, 2017 From Gina Borman**
- ❑ **Letter Dated January 24, 2017 From Jane Goldman**

David N. Dreman
1072 N. Lake Way
Palm Beach, Florida 33480

January 16, 2017

Mr. John Page
Director of Planning, Zoning & Building
Town of Palm Beach
360 South County Road
PO Box 2029
Palm Beach, FL 33480

Dear Mr. Page:

This letter is to inform you that Mr. Glen Dubin and I have reached an amicable resolution to the Art Work issue we had previously written to you about, and we are withdrawing our opposition to his Sculpture at the hearing your Committee has scheduled where it will be discussed. Our house address is 1072 N Lake Way, and his is 1090 N Lake Way, Palm Beach.

Thank you for your attention to this matter,

A handwritten signature in blue ink that reads "David N. Dreman". The signature is written in a cursive, flowing style.

David N Dreman

Gina Borman
1086 North Ocean Boulevard
Palm Beach, Florida 33480

January 20, 2017

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

RE: Variance # 5-2017 and Arcom Number B-011-2017
1090 North Ocean Boulevard, Palm Beach, Florida

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

I live at 1086 North Ocean Boulevard in Palm Beach. My neighbors, the Neville family, recently purchased the adjacent property to the north of me and have filed plans with the Town to renovate their home. I have reviewed their plans for the proposed renovation and fully support the project and have no objection whatsoever to any variances they are seeking. I believe that the proposed additions will be a fine improvement to both my neighbor's property and our neighborhood. Hopefully, you and your staff will agree with me and will approve the proposed project.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Gina Borman". The signature is written in dark ink and is positioned below the word "Sincerely,".

Gina Borman

**TGS Florida LLC
1185 Sixth Avenue
New York, New York 10036
(212) 265-2280**

January 24, 2017

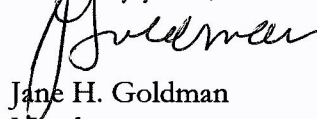
Mayor Coniglio, Members of the Town Council and
Members of the Architectural Review Commission
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Variance # 5-2017 and Arcom Number B-011-2017
1090 North Ocean Boulevard, Palm Beach, Florida

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

We are the owners of 1095 North Ocean Boulevard, Palm Beach. Our neighbors, the Neville family, who reside at 1090 North Ocean Boulevard filed plans with the Town of Palm Beach to renovate their home. We write this letter in support of the Neville family's proposed renovation project and have no objection to the variances they are seeking under the Variance number referenced above. We believe that the proposed additions will be a welcome improvement to the Neville property and our neighborhood.

Very truly yours,


Jane H. Goldman
Member
TGS Florida LLC

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2017

Section of Agenda

Development Review - New Business

Agenda Title

VARIANCE #6-2017 The application of Charlotte L. Beers; relative to property commonly known as **82 Middle Road**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing the following additions onto the existing residence: 1) Construct a one story 35 square foot infill addition to an existing bathroom; 2) construct a one story 5 square foot infill addition to the kitchen; 3) construct a one story 192 square foot addition for a car port. The following variances are being requested to accomplish the above improvements: 1) Cubic content ratio ("CCR") of 6.05 in lieu of the 6.00 existing and the 4.02 maximum CCR allowed; 2) Lot coverage of 33.7% in lieu of the 31.3% existing and the 30% maximum allowed. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0]

Presenter

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

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2017

Section of Agenda

Development Review - New Business

Agenda Title

VARIANCE #7-2017 The application of Maurice Pinsonnault; relative to property commonly known as **1632 S. Ocean Blvd.**, described as lengthy legal description on file; located in the R-A Zoning District. The applicant is proposing a new 10,897 square foot two-story, single family residence which will require the following variances: 1) a request for a point of measurement of 22.5 NGVD (“National Geodetic Vertical Datum”) in lieu of the 20.56 NGVD maximum allowed; 2) a request for a front yard setback (on Seagrape Circle) for the entry feature to be 33.5 feet in lieu of the 35 foot maximum required; 3) a request for the height of the retaining wall along the west property line to be 9 feet tall in lieu of the 6 and 7 foot maximum allowed; 4) a request to have a building height plan setback 50.33 in lieu of the 66.9 foot minimum setback required for the architectural features which include the gable roof and two chimneys; 5) a request to allow two chimneys at a height of 37 feet in lieu of the 35 foot maximum allowed. [Attorney: Maura Ziska, Esq.] [Architectural Commission deferred the Project to the March 22, 2017 meeting. Carried 7-0] **Request for Withdrawal Per letter Dated February 6, 2017.**

Presenter

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

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2017

Section of Agenda

Development Review - New Business

Agenda Title

VARIANCE #8-2017 The application of Maura Ziska, Trustee; relative to property commonly known as **101 El Brillo Way**, described as lengthy legal description on file; located in the R-A Zoning District. The applicant is renovating a Landmarked residence which includes a proposal to add a 7,873 square foot, two story addition with a basement to the west side of the residence for a new kitchen and guest wing and a 252 square foot two story addition to the east side of the residence to enlarge the existing office/den. The following variances are being requested: 1) a rear yard setback of 8.25 feet in lieu of the 15 foot minimum required for the guest wing addition on the west side of the residence (268 square feet is encroaching in the setback); 2) a rear yard setback of 10.33 in lieu of the 15 foot minimum required for the office/den addition to the east side of the residence (70 square feet is encroaching in the setback). [Attorney: Maura Ziska, Esq.] [Landmarks Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmark property. Carried 7-0]

Presenter

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

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2017

Section of Agenda

Development Review - Other

Agenda Title

Stop Work Order Under 3-Strike Rule
146 Atlantic Avenue

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum Dated February 1, 2017 From John S. Page, Director of Planning, Zoning & Building**
- ▣ **Letter Dated January 10, 2017 From Kirk W. Blouin**
- ▣ **Letter Dated January 27, 2017 From Veronica W. Close**
- ▣ **Letter Dated February 1, 2017 From Andrew Sciame**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 15, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Stop Work Order Under 3-Strike Rule – 146 Atlantic Avenue

Date: February 1, 2017

STAFF RECOMMENDATION

Staff recommends consideration of lifting the Stop Work Order for 146 Atlantic Avenue with certain conditions.

GENERAL INFORMATION

The Town's **STANDARDS APPLICABLE TO PUBLIC RIGHTS-OF-WAY AND EASEMENTS WITHIN THE TOWN OF PALM BEACH** outlines construction parking regulations (known as the 3-Strike Rule) in Chapter XII. These rules specify that if a contractor receives three (3) construction parking violations, they are subject to a Stop Work Order issued by the Building Official, which may then be lifted only upon application to the Town Council, who makes the final determination.

Sciame Homes LLC, with Jim Hiler as the qualifier, is the contractor at 146 Atlantic Avenue, and has been cited on three separate occasions for violations of the 3-strike rule: September 16, 2016 (for 2 vehicles), September 22, 2016 (for 1 vehicle) and December 19, 2016 (for 3 vehicles). Sciame Homes appealed these strikes, and the appeal was denied by the Police Department (see Attachment A). A request for appeal to the Town Manager was not received in the proper form nor in a timely manner. The Public Works Department notified the Planning, Zoning and Building Department to issue a stop work order, and the contractor was notified by correspondence of January 30, 2017, (see Attachment B) with the Stop Work being effective on January 31, 2017. The Stop Work Order cited failure to conform to the 3-strike rule.

Sciame Homes received three (3) parking permits, which expired on December 23, 2016, and were not renewed based on the issuance of the three strikes. In addition, three duplicates of one of the parking permits were confiscated by Code Enforcement, in further violation of the 3-strike rule.

On February 1, 2017, a request was received by Andrew Sciame and Jim Hiler, President and Vice President respectively for Sciame Homes, to be placed on the Town Council agenda for consideration of lifting the Stop Work Order as it relates to the 3-strike rule (Attachment C).

The Department recommends that the Stop Work Order pertaining to the 3-strike rule be lifted, only upon agreement by the owner and contractor of the following conditions:

- Project not eligible for future right-of-way parking permits; all construction vehicles must be parked on site, off island, or in approved construction permit parking only.
- Any future parking violations be assessed a fine of \$500 per vehicle per occurrence, as stated in the 3-Strike parking regulation.
- Immediate, repeat Stop Work Order to be issued if and when a subsequent parking violation occurs.

Please feel free to contact me should you have any questions on this issue.

cc: Andrew Sciame, President Sciame Homes LLC
Kirk Blouin, Public Safety Director
Paul Brazil, Public Works Director
Benjamin Alma, Parking and Code Enforcement Supervisor
Veronica W. Close, Assistant Director of Planning, Zoning & Building
William Bucklew, Building Official



TOWN OF PALM BEACH POLICE DEPARTMENT

DEDICATED TO EXCELLENCE



January 10, 2017

Carmelo Gencarelli
Sciame Homes
179 Bradley Place
Palm Beach, FL 33480

Re: 3 Strike Rule Appeal
146 Atlantic Ave
Palm Beach, FL

Dear Mr. Gencarelli,

I have reviewed your request to appeal the 3 Strike Rule Violation that was triggered by a third right-of-way violation issued on December 19, 2016. Incidentally, three counterfeit parking permits were seized from the three vehicles in violation. You state that the reason for the appeal is that you were unaware that a third right-of-way violation was issued for 146 Atlantic Ave.

After a thorough review of the actions of our Code Enforcement Officers, the violations, and the Town's Right-of-Way Manual, and the fact you did not offer any compelling information to dismiss the violations, I must deny your request for dismissal of the violations that occurred on December 19, 2016. You may appeal this denial within 10 days of receipt of this notice to the Town Manager.

Sincerely,

Kirk W. Blouin
Director of Public Safety

PD-3138



Town of Palm Beach Police Department

RIGHT-OF-WAY VIOLATION NOTICE

Date: 12-19-16 Time: 1:25 PM CAD# 2016-354086

Job Location: 146 Atlantic Ave.

Name of Company: Sciame Homes Phone#: 561-318-5048

Company Address: _____

Name of Job Supervisor: _____

This construction site is in violation of the Town of Palm Beach Public Works Rights-of-Way Standards:

☐ Construction Parking without Permit \$75 x _____ = \$ _____
First day of violation
Parking violations are per vehicle, per day

☒ Construction parking without Permit \$150x 3 = \$ 450.00
Second and added days of violation
Parking violation are per vehicle, per day

TOTAL FINE = \$ 450.00

License numbers of vehicle(s) in violation: DLKES4 Y34JHR

Y69IEB _____

Total fine to be paid within 10 working days to: Town of Palm Beach, Finance Department, PO Box 2029, Palm Beach, Florida 33480, or in person at 360 S. County Rd., Palm Beach. Please send a copy of this violation notice with check - check must reference violation number. No further permits will be issued until fine is paid. If you have any questions, call Code Enforcement at 561/227-7080

Issued by: J. Felix ID# 9080

WHITE - Police BLUE - Public Works GREEN - Planning, Zoning & Bldg. YELLOW - Violator

PD-3331



Town of Palm Beach Police Department

RIGHT-OF-WAY VIOLATION NOTICE

Date: 9-22-16 Time: 0814 H CAD# 2016-266-059

Job Location: 146 ATLANTIC AVE.

Name of Company: SCIAME Phone#: 561-318-5048

Company Address: HOMES

Name of Job Supervisor: JIM HILER

This construction site is in violation of the Town of Palm Beach Public Works Rights-of-Way Standards:

- ☐ Construction Parking without Permit \$75 x _____ = \$ _____
First day of violation
Parking violations are per vehicle, per day
- ☒ Construction parking without Permit \$150x 1 = \$ 150.
Second and added days of violation
Parking violation are per vehicle, per day
TOTAL FINE = \$ 150.

License numbers of vehicle(s) in violation: FL CRG-N39

Total fine to be paid within 10 working days to: Town of Palm Beach, Finance Department, PO Box 2029, Palm Beach, Florida 33480, or in person at 360 S. County Rd., Palm Beach. Please send a copy of this violation notice with check - check must reference violation number. No further permits will be issued until fine is paid. If you have any questions, call Code Enforcement at 561/227-7080

Issued by: J. MORIARTY ID# 9061

A handwritten signature in black ink, appearing to be "J. Moriarty".

WHITE - Police BLUE - Public Works GREEN - Planning, Zoning & Bldg. YELLOW - Violator

PD-3329



Town of Palm Beach Police Department

RIGHT-OF-WAY VIOLATION NOTICE

Date: 9/16/16 Time: 8:00 AM CAD# 2016-260027

Job Location: 146 Atlantic Ave

Name of Company: Sciame Homes LLC Phone#: 561-318-5048

Company Address: _____

Name of Job Supervisor: Jim Hiler

This construction site is in violation of the Town of Palm Beach Public Works Rights-of-Way Standards:

- ☒ Construction Parking without Permit \$75 x 2 = \$ 150.00
First day of violation
Parking violations are per vehicle, per day
- ☐ Construction parking without Permit \$150x _____ = \$ _____
Second and added days of violation
Parking violation are per vehicle, per day
- TOTAL FINE = \$ 150.00

License numbers of vehicle(s) in violation: _____

K523EF 2459UG _____

Total fine to be paid within 10 working days to: Town of Palm Beach, Finance Department, PO Box 2029, Palm Beach, Florida 33480, or in person at 360 S. County Rd., Palm Beach. Please send a copy of this violation notice with check - check must reference violation number. No further permits will be issued until fine is paid. If you have any questions, call Code Enforcement at 561/227-7080

Issued by: [Signature] ID# 9080 [Signature]

WHITE - Police BLUE - Public Works GREEN - Planning, Zoning & Bldg. YELLOW - Violator



TOWN OF PALM BEACH

Planning, Zoning & Building Department

September 22, 2016

James Hiler, Qualifier
Sciame Homes LLC
179 Bradley Pl #2
Palm Beach, FL 33480

Re: Construction Vehicle Parking Citations – 146 Atlantic Avenue
Warning Notice

On September 22, 2016, you received a second citation for violation of the “3-Strike Rule”, which regulates the number of construction-related vehicles that can be parked on Town streets in conjunction with building sites. These regulations are contained in the Town of Palm Beach Standards Applicable To Public Rights-Of-Way And Easements Within The Town Of Palm Beach and information regarding these regulations is attached to all construction permits issued to a job site. Specifically, when possible all vehicles should be parked on private property. Permits (up to three in number) can be approved when private parking availability is limited and sufficient spaces in the right-of-way are available. You have not applied for, and therefore have not received any parking permits.

If three parking citations are received, the Director of Public Works may notify the Planning, Zoning & Building Department of these violations, and request that a “**Stop Work**” order be issued as allowed by Section 18-204 of Town Code (referred to as the “3-strike” rule).

You have received parking citations on two separate occasions: September 16, 2016 (for 2 vehicles) and September 22, 2016 (for 1 vehicle). This is to notify you that if you receive a third citation, under the Town’s rules a “Stop Work” order will be issued by this Department. Please note that if a “Stop Work” order is issued by the Building Official, no work may be performed at the site under any permits issued by the Town of Palm Beach, until the Town Council determines if and under what conditions the work may proceed.

Your cooperation in observing the parking regulations of the Town will assist in ensuring that your job proceeds without disruption.

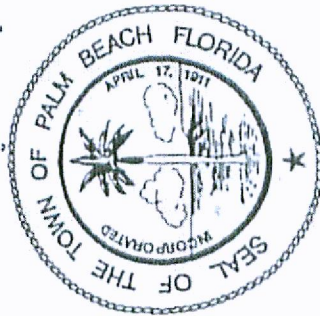
Truly yours,


Veronica W. Close
Assistant Director

cc: Sumner A Slavin, Property Owner
H. Paul Brazil, Public Works Director
Lt. Nicholas Caristo, Police Department
Benjamin Alma, Parking and Code Enforcement Manager
John S. Page, Director, Planning, Zoning & Building Department
William Bucklew, Building Official

Post Office Box 2029 * 360 South County Road * Palm Beach, FL 33480 * (561) 838-5430

Counterfeit



12 23 16
**PARKING PERMIT
CONSTRUCTION**

PERMIT VALID ONLY FOR ADDRESS INDICATED
MISUSE OF THIS PERMIT IS A VIOLATION SUBJECT TO FINE

Sciame

COMPANY NAME

146 Atlantic

STREET ADDRESS

EXPIRATION DATE

123

09 23 16

DATE ISSUED

Allen Pary

ISSUED BY

Dec 23, 2016

DISPLAY THIS PERMIT IN DRIVER'S SIDE
FRONT WINDSHIELD. FAILURE TO DO SO
MAY RESULT IN A PARKING CITATION.

PERMITS NOT DISPLAYED INSIDE VEHICLE ARE NOT VALID.



TOWN OF PALM BEACH

Planning, Zoning & Building Department

January 27, 2017

James Hiler, Qualifier
Sciame Homes LLC
179 Bradley Pl #2
Palm Beach, FL 33480

Re: Construction Vehicle Parking Citations – 146 Atlantic Avenue
Stop Work Order

As you know, the Town of Palm Beach Standards Applicable To Public Rights-Of-Way And Easements Within The Town Of Palm Beach regulates the number of construction-related vehicles that can be parked on Town streets in conjunction with building project sites within the Town. Attached to all construction permits issued to a job is information regarding these regulations. When possible, all vehicles should be parked on private property. Permits (up to three in number) can be approved when private parking availability is limited.

Our records indicate that you had applied for and received three (3) parking permits for your project at the above address for the period 9/23/16 – 12/23/16. You have applied for, but not yet received, renewals of these permits (in light of existence of the 3rd strike).

You have received parking citations on three separate occasions: September 16, 2016 (for 2 vehicles), September 22, 2016 (for 1 vehicle) and December 19, 2016 (for 3 vehicles). You were issued a warning notice on September 22, 2016, for having received two (2) strikes under the Town's "3-strike rule." You have appealed these strikes, which appeal has been denied by the Chief of Police on January 11, 2017. You did not appeal that denial to the Town Manager. Therefore, under the Town's rules (referred to as the "3-strike" rule), the Director of Public Works has notified the Planning, Zoning & Building Department of these violations, and requested that a "stop work" order be issued as allowed by Section 18-204 of Town Code.

Therefore, please be advised that a "Stop Work" order will be issued by the Building Official effective the end of the working day Tuesday, January 31, 2017. After that date, no work may be performed at the site under any permits issued by the Town of Palm Beach.

Please be advised that the Stop Work order will remain in effect until you and/or the property owner provides a written request to the Planning, Zoning and Building Department to place this item on the next regularly scheduled Town Council meeting for consideration of lifting the Stop Work Order.

Please note that the next Town Council meeting date is February 15, 2017. In order to be heard at that meeting, you must submit the written request to Mr. Page no later than **Wednesday, February 8, 2017 prior to 5:00 PM** in order for this item to be considered at that meeting.

Truly yours,



Veronica W. Close
Assistant Director

cc: Sumer A. Slavin, Property Owner
H. Paul Brazil, Public Works Director
Lieut. Nicholas Caristo
Benjamin Alma, Parking and Code Enforcement Supervisor
John Moriarty, Code Enforcement Officer
William Bucklew, Building Official

Sciame
H O M E S

179 Bradley Place
Palm Beach, FL 33480

(561) 318 5048
(561) 904 6909 fax

14 Wall Street
New York, NY 10005

(212) 232 2200
(212) 248 5313 fax

February 1, 2017

Mr. John Page, Director of Planning, Zoning & Building
Town of Palm Beach
P.O. Box 2029
360 S. County Rd
Palm Beach, FL 33480

Re: 146 Atlantic Avenue Stop Work Order

Dear Mr. Page:

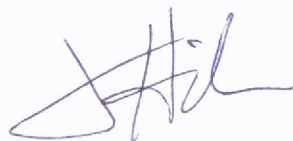
I am writing to you to request that the issue of the Stop Work Order at 146 Atlantic Avenue be placed on the agenda for the next scheduled Town Council meeting on Wednesday, February 15, 2017.

After receiving the notice informing us of the Stop Work Order, I immediately made arrangements to cease work at the job site by the deadline and it is now safely secured. I am aware that I am at fault for neglecting to make proper provisions for parking at this site, and I regret this oversight. I would greatly appreciate the opportunity to appear before the Town Council and ask for their consideration in lifting this order.

Sincerely,



Andrew Sciame
President



Jim Hiler
Vice President / QUALIFIER

Cc: Sumner Slavin, Property Owner

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2017

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 1-2017 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, As Follows: At Article VI, District Regulations, Section 134-1259, Special Exception Uses, By Allowing Outdoor Seating As A Special Exception Use In The C-PC Zoning District; Renumbering Existing Section 134-1260 And Subsequent Sections, And Creating A New Section 134-1260 In The C-PC Zoning District Titled “Stands, Seating Dining Area And Open Counters For Eating And Drinking”; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Presenter

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

ATTACHMENTS:

- **Memorandum Dated January 25, 2017 From John S. Page, Director of Planning, Zoning & Building**
- **Ordinance No. 1-2017**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 15, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Proposed Modifications and Changes to Chapter 134, Zoning, to Allow Outdoor Seating
for Restaurants in the C-PC Zoning District
Ordinance No. 1-2017

Date: January 25, 2016

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Ordinance No.1-2017, amending the Zoning, subject to receiving an affidavit from RPP Palm Beach Property, LP, as identified in this memorandum.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its November 15, 2016 meeting, on a vote of 7-0 recommended adoption of the zoning text amendments identified in Ordinance No. 1-2017.

GENERAL INFORMATION

The Town Council considered the Planning and Zoning Commission's Record and Report at its December 14, 2016 Town Council meeting. The Council directed Staff to draft the attached Ordinance for consideration by the Local Planning Agency and Town Council. The proposed Ordinance modifies Chapter 134, Zoning, to allow outdoor seating as a special exception use in the C-PC zoning district (a.k.a. Royal Poinciana Plaza). Staff recommends that prior to second reading of Ordinance No. 1-2017, the Applicant be required to acknowledge in writing that they are bound by the terms of the 1979 Agreement and that the applicant will not contest in any legal proceeding, or otherwise, that the amendments in Ordinance No. 1-2017 provide for "further development possibilities" in contravention of the terms of paragraph 3 of that Agreement.

The proposed changes in attached Ordinance No. 1-2017 are in add/delete format. If you have any questions about any of the attached information, please contact Paul Castro, Zoning Administrator, at 227-6406.

TOWN ATTORNEY REVIEW

Ordinance No. 1-2017 was approved by Town Attorney John C. Randolph for legal form and sufficiency.

Attachment

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

ORDINANCE NO. 1-2017

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 134, ZONING, AS FOLLOWS: AT ARTICLE VI, DISTRICT REGULATIONS, SECTION 134-1259, SPECIAL EXCEPTION USES, BY ALLOWING OUTDOOR SEATING AS A SPECIAL EXCEPTION USE IN THE C-PC ZONING DISTRICT; RENUMBERING EXISTING SECTION 134-1260 AND SUBSEQUENT SECTIONS, AND CREATING A NEW SECTION 134-1260 IN THE C-PC ZONING DISTRICT TITLED “STANDS, SEATING DINING AREA AND OPEN COUNTERS FOR EATING AND DRINKING”; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

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

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

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

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

Section 1. Article VI, DISTRICT REGULATIONS, Section 134-1259, Special exception uses, is hereby amended to read as follows:

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) Outdoor seating in conjunction to permitted restaurants. See Section 134-1260 for additional conditions.

Section 2. Article VI, DISTRICT REGULATIONS, Section 134-1260, Stands, seated dining areas and open counters for eating and drinking, is hereby amended to read as follows:

Sec. 134-1260. - Stands, seated dining areas and open counters for eating and drinking.

(a) No stands or open counters and no open seating arrangement, whether or not at tables, intended for feeding or the dispensing of food or drink whether or not for profit or for any other similar purposes for the sale of commodities to the public shall be erected or permitted anywhere in the town unless they are contained within a building. However, in the C-PC, Planned Center zoning district, the town council may permit, as a special exception, the serving of food and beverages to seated patrons in outdoor open air areas which are operated as a part of a restaurant contained within a building, provided approval of such special exception shall not increase the allowable capacity. The following are conditions to the approval of any such special exception:

- (1) Open air dining areas must be properly buffered to avoid noise, litter, light and odor impacts upon neighboring properties, especially nearby residential uses.
- (2) The area associated with the outdoor portion of the restaurant shall not count toward any maximum square footage limitations associated with the town-serving aspects of this chapter.

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 thirty-one days after its adoption, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 11th day of January, 2017, and for second and final reading on this 15th day of February, 2017.

Gail L. Coniglio, Mayor

, Town Council President

, Council President Pro Tem

, Town Council Member

ATTEST:

Town Council Member

Susan A. Owens, MMC, Town Clerk

, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2017

Section of Agenda

Any Other Matters

Agenda Title

Planning & Zoning Commission Record & Report

Comprehensive Plan Update, Commercial Storage Use and Off-Street Parking

Presenter

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

ATTACHMENTS:

- ❑ **Memorandum Dated January 31, 2017, From John S. Page, Director of Planning, Zoning & Building**
- ❑ **Memorandum Dated January 30, 2017, From Richad Cannone**
- ❑ **Memorandum Dated January 31, 2017, from John S. Page, Director of Planning, Zoning & Building**
- ❑ **Letter Dated January 5, 2017, From Anita Seltzer**
- ❑ **Memorandum from John Page dated February 1, 2017**
- ❑ **Letter Dated February 9, 2017 from Anita Seltzer**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 15, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Planning & Zoning Commission Record & Report
Comprehensive Plan Update

Date: January 31, 2017

STAFF RECOMMENDATION

Staff recommends that the Town Council continue forward with its ongoing review of the updated Comprehensive Plan, and to thereafter direct staff to draft an Ordinance (attesting to Plan adoption) for Local Planning Agency/Council consideration in March with transmittal to the Florida Department of Economic Development (DEO) for its concurrence.

GENERAL INFORMATION

The Town's Comprehensive Plan has been updated (per direction originated by the Town Council in 2015) with assistance provided by each Town Department and the Town's planning consultant, Calvin Giordano & Associates. Plan updates have been reviewed and endorsed by the Planning & Zoning Commission, and have been discussed by the Council during its two most recent meetings in December and January. Plan additions/corrections/clarifications have been made throughout the review and approval process.

Attached you will find three attachments. The first attachment is a summary memo from consultant Richard Cannone (Calvin Giordano) identifying changes as directed by the Council last month. Those changes were specific to the Transportation, Infrastructure, and Coastal Management/Conservation Elements. The Council also directed staff to review and comment on concerns outlined by resident Anita Seltzer (letter dated January 5, 2017) regarding the Plan. The second attachment from Planning, Zoning & Building Director Page is provided in response to said letter (with the third attachment being Ms. Seltzer's January 5 letter previously distributed).

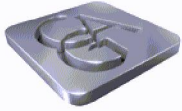
Staff would like to stress that the critical principles of the existing Comprehensive Plan such as limiting density, avoiding over-commercialization, and maintaining existing residential character remain unchanged. Obsolete or outdated information has been refreshed. As previously reported, several new or strengthened statements pertaining to maintaining strong infrastructure, being mindful of rising sea levels, disallowing development of submerged lands, protecting

neighborhoods, and promoting energy conservation have been included. Staff believes the revised Plan continues to perpetuate the quality of life traditionally expected in Palm Beach.

Staff hopes to submit all proposed updates to the DEO in accordance with the original State directive to do so by April 1, 2017.

Attachments

cc: John C. Randolph, Town Attorney
Veronica Close, PZB Assistant Director
John Lindgren, Planning Administrator
Paul Castro, Zoning Administrator
Planning & Zoning Commissioners



Memorandum

- ☑ **Fort Lauderdale Office** · 1800 Eller Drive · Suite 600 · Fort Lauderdale, FL 33316 · 954.921.7781(p) · 954.921.8807(f)
☐ **West Palm Beach Office** · 560 Village Boulevard · Suite 340 · West Palm Beach, FL 33409 · 561.684.6161(p) · 561.684.6360(f)

Date: January 30, 2017

To: John Page, Director
Town of Palm Beach, Planning, Zoning & Building Department

From: Richard D. Cannone, AICP, Planning Administrator

Subject: Town of Palm Beach Comprehensive Plan – Town Council Edits (01/11/17 Meeting)

Project: Town of Palm Beach 2015/2016 Comprehensive Plan Update

In advance of the February 15, 2017 Town Council meeting, we have prepared the following summary memo of the changes requested by the Town Council at their January 11, 2017 meeting.

On a related matter, we have reviewed your response to Ms. Anita Seltzer's and concur.

To help guide the review we have organized the memo with the following:

ELEMENT

Page Number

- Summary of Change
Modified Language

TRANSPORTATION ELEMENT

PG. II-4

- Struck reference to Treasure Coast Regional Planning Commission.
- Added the following language in double-underline.

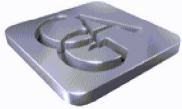
Regionally significant roadway facilities, ~~as identified by the Treasure Coast Regional Planning Council,~~ include: Royal Palm Way, Southern Blvd., Boulevard, Royal Poinciana Way, and South County/SR A1A from Royal Poinciana Way to the southern Town limits. Lands on either side of these roadways have been fully developed, although there may be some opportunity for redevelopment in the future.

INFRASTRUCTURE ELEMENT

PG. IV-18

- Modify completion from December 2016 to 2017.

Timeframe: Master Plan for first assessment phase of the Town will be completed in 2017.



COASTAL MANAGEMENT/CONSERVATION ELEMENT

PG. V-6

- Created a separate section entitled “**Comprehensive Coastal Management Plan**”.
 - Removed the strikethrough referencing historic data.
 - Numbered the original objectives.

PG. V-7

- Added the following language in double-underline.

In June 2016, by Resolution No. 94-2016, Town Council approved an interlocal agreement with Palm Beach County that details responsibilities for operation and maintenance of the Sand Transfer Plant until September 2035. The interlocal agreement obligates the County to operate and maintain the plant and obligates the Town to be responsible for repairs. This agreement was approved by the Palm Beach County Board of County Commissioners in August 2016.

PG. V-10

- Added the following language in double-underline.

The Shore Protection Board continues to meet at least four (4) times per year and reports to the Town Council annually. To facilitate civic involvement by its citizens the Town Council is considering Ordinance No. 06-2017 which will impose term limits for the Shore Protection Board members and add three (3) alternate members.

PG. V-11

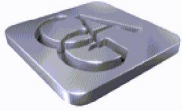
- Changed in to from.
- Added parenthesis.

This prohibition does not preclude Palm Beach County, Florida Inland Navigation District or the Army Corp. from creating spoil islands that would be designated Conservation on the Town's Future Land Use Map. Historically, since 1960 (Ordinance No. 3-60), prior to the Comprehensive Plan, as defined by the 1975 Growth Management Act, the Town's land development regulations have not allowed structures, other than docks, constructed over the waters of Lake Worth. The Town continues to vigorously enforce these regulations.

PG. V-13

- Revised language regarding landscape ordinance.

The Town protects its unique vegetative environment with an ordinance requiring Town Council approval for trimming and removal of designated historic trees; another ordinance that prevents removal, and strictly controls trimming of mangroves; and, a general policy that discourages the removal of trees unprotected by these ordinances. The Town ~~could achieve greater control with a will~~



Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS™

Memorandum

be Landscaping Ordinance updating their regulations in 2017/2018 to further clarify specifying tree removal and landscaping standards, prohibiting planting of pestilent exotics, and outlining ways in which ecologically beneficial communities could be created as part of revegetation projects.

To: Mayor and Town Council

From: John Page, Planning Zoning & Building Director

Re: PZB Staff Responses to Anita Seltzer 1/5/17 Letter Titled:
Revisions being made to the Town of Palm Beach Comprehensive Plan pursuant to your draft report discussion of December 14, 2016.

Date: January 31, 2017

Resident Anita Seltzer has submitted an unnumbered 24-page letter to the Town Council, dated January 5, 2017, wherein she details perceived inconsistencies and raises questions regarding the updated Comprehensive Plan. She has highlighted questionable terms, sentences and paragraphs throughout. Responses to her letter follow:

1. Resident asserts that the terms “density and intensity” are not consistent throughout the document and should be corrected. The updated Plan continues to discourage the amount and type of region-serving commercial development; controls the pace, type and intensity of redevelopment; and encourages lower densities. *Such core language (Page I-4) remains unchanged from the previous Plan. Staff believes these terms are used correctly throughout the Plan.*
2. Resident asserts there is an absence of sufficient data and analysis in the Plan. Individual words, phrases, and sentences are highlighted as examples, i.e., population decline, lot combinations, State Road A1A, Worth Avenue, airport, and the trend of demolishing smaller existing homes replaced with larger homes at maximum sizes. *Staff finds that some of these excerpts have long existed in the Plan, have met with approval from either the Planning & Zoning Commission or the Town Council, and are commonly accepted. Staff does not support the notion of incurring additional expense to generate more data and analysis.*
3. Resident cites examples of vague language. Multiple pages of text follow with highlighted words, fragments of sentences, etc. Examples include: “expansion of commercial land use; increase in intensity of use; ensuring; vitality; needs, etc.” Resident questions whether the Plan could be used to loosen protective zoning controls, reduce parking requirement, allow for stores to be combined, allow for longer business hours, completely eliminate town-serving requirements? *The Plan does not call for any of these potential “detriments” to occur.*
4. Resident questions demographic data. A highlighted section identifies 572 residents under the age of 18 in 2010 followed by questions including... “Were these numbers

used to justify the intensification of a new Recreation Center?” Employment data was added to the Plan per direction of the Planning & Zoning Commission, to which it is suggested... “may have been intended to try and satisfy the Town-serving requirement of the proposed controversial redevelopment of a new Recreation Center that was expanded in mass, height, and usage.” *This data was obtained from the US Census and was not intended to favor or disfavor a new Recreation Center.*

5. Resident highlights/questions various references to Worth Avenue, the Royal Poinciana Plaza, and the Town’s residential character. It is asserted that Plan language is inconsistent, that the Playhouse should be included within the description of the Plaza, and that various sentences are “mashed together.” *Staff has no objection to including the Playhouse within the description of the Plaza (but the change is non-substantive). Further editing appears unnecessary.*
6. Resident highlights infrastructure language and poses additional questions. The Plan reads... “The Town’s storm drainage system is old.” It is asked how old? The Plan reads that a density or intensity increase would exacerbate capacity concerns along County Road/Ocean Boulevard/State Road A1A. It is asked why other roads were not included? *The drainage system, of course, is made of multiple components, each having a different age component. No change is recommended. Staff has no objection to amend verbiage to read that an increase in runoff would exacerbate road capacity throughout the Island, yet the existing language connecting runoff intensity to road capacity seems to achieve its purpose without further edits.*
7. Resident highlights/questions underground utility language. New references to the intended undergrounding of utilities was deliberately held to a minimum. Knowing there is strong public sentiment both for and against underground, the Planning & Zoning Commission was careful to insist on language that was concise and non-political. The resident asks what data is used to “support the assertion regarding significant improvement?” *Staff does not believe the existing verbiage requires further editing.*
8. Resident is critical of Royal Poinciana Plaza redevelopment language. It is asked/suggested that the Plaza should not be “lumped together” with nearby commercial areas, implying that a separate section should be devoted to the Plaza. *The verbiage found on Page I-16 is clearly titled future redevelopment at Royal Poinciana Plaza and Royal Poinciana Way. The suggested change is not necessary.*
9. Resident requests that Bridge ordering be revised. Page III-3 of the Plan identifies the four main bridges connecting Palm Beach to the mainland (starting with the Royal Park Bridge). Resident suggests that the list of bridges be reordered from north to south. *The suggested change is unnecessary.*

10. Resident questions traffic and parking data. Some, but not all, of the highlighted language being questioned remains unchanged from the previous Comprehensive Plan. It is argued that more data is needed, that proper citations are needed, and that inconsistencies exist within the Plan. *The issues of traffic and parking have been debated on the Island since its time of incorporation, and will likely continue indefinitely. Staff believes the information included in the updated Plan is sufficient.*
11. Resident questions Policy regarding “joint access use.” The following “old” statement... “The Town will modify its land development regulations to adopt a “joint use access” provision controlling the number of access points at which driveways enter onto the roadway system” has been amended to read... “The Town should consider ~~will~~ modifying its land development regulations...” An explanation is requested. *The language was amended from being mandatory to being optional. Joint use access simply means that one accessway (curbcut) would serve more than one property. The amended, more relaxed verbiage, is superior to the original text.*
12. Resident asks for a listing of grant applications. Policy 3.4 in the Transportation Element reads that the Town will seek enhancement grants to fund improvements as opportunities arise. Resident asks what grants have been applied for? *There is no need to include a listing of submitted applications in the Comprehensive Plan. The intent/importance of the Policy is to simply acknowledge that grant monies should be considered as a potential funding source for future projects.*
13. Resident questions U.S. Census data and relevancy. Updated information from the census pertaining to dwelling units has been added to the Plan, including a statement that 39.9% of total units were vacant “and considered used for seasonal, recreational, or occasional use and the other 7.3% were either for sale, for rent, or other vacant.” Accuracy is questioned. *Data source was the U.S. Census, and seems reasonable given the Island’s seasonal character.* Relevancy of rental values were also questioned. *The Council opted (1/11/17 discussion) to retain similar home value data, deciding it reflected historical data*
14. Remaining pages contain excerpts from the updated Plan, partially highlighted, with very similar comments and questions, i.e., inheritance/needs better editing/how much runoff/which areas/source statements/contracting and project management practices/which communities/financially feasible manner/support data/how is balance to be achieved/what is general welfare/what is inconvenience, etc. The Plan, already 300+ pages, is a tool used by the Town to make future land use and operational decisions. It is not necessary to define each term or to attach extraneous volumes of support data. *If deemed accurate and endorsed by the Town Council, the Plan itself serves as a data source for the Island’s continued governance.*

15. Resident concludes by attaching five pages from the Town of Jupiter's Plan, including capital projects detailing. She contends that the Plan is "still rough and lacking detail." CIP materials are included in the Palm Beach Plan, even though they appear in different format than Jupiter's and do not contain the same specificity as done in Jupiter. Nevertheless, capital improvements are included as required by the State, and the public is always welcome to ask for additional details about any particular project. *Staff is satisfied that the Plan has been updated as originally directed by the Town Council and as required by the State.*

In summary, the "bones" of the existing Plan remain intact. Updates/changes were carefully vetted with responsible staff in all affected Town Departments. The consultant has continually amended the Plan to comply with Planning & Zoning Commission/Council changes (as directed since last fall) and is thought to be compliant with all State requirements. Further changes, as advocated by Ms. Seltzer, appear to be unnecessary.

A. Seltzer
44 Coconut Row
Palm Beach, FL 33480

January 5, 2017

Mayor Gail Coniglio,
Council President Michael Pucillo,
Council members Richard Kleid,
Bobbie Lindsay Buck,
Danielle Moore and
Margaret Zeidman
Town of Palm Beach
360 S. County Rd.
Palm Beach, FL 33480

RECEIVED
JAN 05 2016
Town of Palm Beach
PZB Dept

**Re: Revisions being made to the Town Of Palm Beach Comprehensive Plan
pursuant to your draft report discussion of December 14, 2016**

Dear Mayor and Town Council:

I am a resident, a taxpayer and an affected party who will be impacted by text revisions being considered within the Town's Comprehensive Plan. Your December 14th discussion of the draft report recommended for approval by the Planning and Zoning Commission (P&Z) on November 15, 2016, assumed that P&Z gave the Plan a thorough, thoughtful review. It didn't. The document they received from our credentialed staff and consultant contained text that is internally inconsistent and deficient in data and analysis. Despite the statement made at the November P&Z meeting that "we had a thorough airing last month and four items remain", this is not an accurate assessment of the "readiness" of the Plan that was passed on to you.

In a report entitled *Sustaining Places: Best Practices for Comprehensive Plans*, (The American Planning Association (APA), Planners David R. Godschalk and David C. Rouse write that there are "*plan-making design standards* that shape the content and characteristics of comprehensive plans. For example, the Consistent Content Attribute states that the plan should contain a consistent set of visions, goals, policies, objectives, and actions that are based upon evidence about community conditions as well as major issues and impacts. An example of a best practice for meeting the Consistent Content Attribute is to identify major strengths, weaknesses, opportunities, and threats in the community." (pg. 17) . The P&Z review was incomplete. And based on your December 14th discussion, it's apparent that staff and the consultant didn't provide you with sufficient input, either. The omissions are contrary to accepted planning practices.

Calvin Giordano & Associates (CG&A) were hired by the Town to review our Comprehensive Plan in August, 2015 and were given guidelines in their contract. Presumably, several departments provided input in addition to the liaison provided by Planning, Zoning and Building Director John Page, (PZ&B), Zoning Administrator Paul Castro, Planning Administrator John Lindgren and Town Manager Thomas Bradford. P&Z Commissioners received a binder with draft language on September 20, 2016 and there was a half hour discussion led by CG&A consultant, Richard Cannone. In advance of the October 14th P&Z meeting, Commissioners received a memo from CG&A dated September 19, 2016. There are 10 Commission members; four were absent at the October meeting and a new member did not have sufficient time to review the material. Consequently, only five members discussed the memo and the 308 page text. The discussion lasted 1- 1/2 hours. And although the text contained a new Goal and a new objective and policy under the Goal, there was no backup from staff or GG&A to inform the Commissioners about this language. When questioned about this, Mr. Cannone, said he would provide material for the next meeting. The "material" regarding Safe Improvement Districts/Neighborhood Improvement Districts (SIDs/NIDs), Florida Statutes 163.501-163-526 was included in a memo to P&Z dated November 7, 2016. It consisted of 23 pages of text pulled off the State's website with a stamp imprint of January 12, 2016 on the bottom of the pages. (a few of the pages are included for the record as exhibits) . The November 15th P&Z discussion of the Plan lasted one hour, 20 minutes.

Presence of internal consistencies:

Pursuant to Resolution No. 120-2015, the award of the purchase contract to CG&A by the Town Council outlines the work expectations. According to their contract, CG&A was expected to perform several tasks including:

2. **TASK 2: REVIEW BACKGROUND INFORMATION, PREVIOUS STUDIES AND PLANNED IMPROVEMENTS (\$5,540).** In order to develop a comprehensive understanding of the Town, we begin every project with an intense review to familiarize ourselves with the Town and its main issues. As part of the review CGA will review relevant policy and regulations, ownership patterns, development characteristics, roadway/transit improvements, and previous studies. Included will also be an evaluation of current physical conditions, background information provided by the Town, and any related studies by Palm Beach County, Florida Department Of Transportation, South Florida Water Management District and others. CGA will conduct an assessment of the existing built conditions relative to the Town's regulatory provisions including **density and intensity**. This will include an evaluation of specific land use and zoning regulations to confirm that the allowable maximum development parameters will not permit increases in **density or intensity** based on Census and BEBR updates and projections.

The Comp Plan refers to residential density and commercial intensity with regard to development off-Island but the required consistency of use of this fundamental planning term is absent throughout the document and should have been corrected. Aside from the clumsy language that has been added to the Plan in the Executive Summary, this clip illustrates the absence of consistency:

EXECUTIVE SUMMARY

~~The Town of Palm Beach is at an important juncture in its planning history. About 97% of the Town has been developed. Thus, the stabilization and protection of the existing high quality of life has supplanted the past emphasis on ordering future growth. The Town of Palm Beach is essentially "built-out." This unique island community has grown and developed into a premier residential community of exceptional beauty. As a result, the future of the island will be focused on preserving and protecting this residential island community while maintaining the culture, serenity, and the unique character of the Town.~~

The Future Land Use Element is the pivotal element of the Town's Comprehensive Plan. It recognizes the intrinsic value of the Town as a residential community, and takes on the challenge of setting management goals and techniques which will allow the community to control the type, distribution, and density of development and redevelopment.

There is an absence of sufficient data and analysis in the Plan:
And vestigial language has been allowed to remain in the document without being discussed:

As shown in the table below, the Town's population continues to decline. In addition, the Town is experiencing the combination smaller lots in order to create a larger parcel for new single family homes; thereby reducing the overall number of housing units.

Why is the reference to population decline combined with a reference to the combination of smaller lots? Is this combination responsible for the decline?

In addition, the impact of the world beyond the Town's limits has increased. Palm Beach County has grown immensely in the last ~~several decades~~ ten years. ~~Literally h~~ Hundreds of thousands more of people are now within a relatively easy drive of the world renowned Worth Avenue. State Road A1A is more heavily traveled. Nearby Palm Beach County International Airport ~~has greatly continues to expanded its service.~~ with unhappy results for Town residents who live within ~~under~~ the flight path.

- * Is Worth Ave the only "world renowned" destination in Palm Beach? This reference also appears elsewhere in the document.
- * "State Road A1A more heavily traveled" . Where is the data that supports this statement? More in frequency than before or with greater frequency than other town roads?
- * Expansion of PBIA service". Where is the data to support this?
- * Where is the flight path?
- * What are the "unhappy" results?

- Encourage development and redevelopment at lower density levels than existing zoning allows, except for redevelopment where maintaining previous densities and/or intensities are allowed after unintentional damage

- * It should read "at lower residential density and commercial intensity levels . . . " and corrected throughout the document.

The tremendous pressure for expansion of commercial land use is a direct function of the economically valuable image of a Palm Beach address. It is imperative that region-serving, high traffic generating, commercial uses be prevented from further proliferating and be reduced wherever possible. To this end, the Town is committed to ensure that the existing businesses and commercial areas within the Town remain vital and continue to meet the needs of its residents.

Examples of Vague Language

- * Expansion of commercial land use" . Increase in intensity of use?
- * " a direct function of an economically value image". What is this sentence trying to say?
- * Which specific commercial uses are to be prevented from further proliferating? This sentence lacks specificity

New broad language has been added which also lacks specificity.

- * Committed to "ensuring"? Measurable commitment? "Ensure" how?
- * remain vital? What does this mean? How would this be achieved? How is the vitality to be measured?
- * Meet the "needs". What are their needs?

What is the intended purpose of this language? How would it be implemented? Could it be used to loosen protective zoning controls ie., reduce parking requirements, allow for stores to be combined, allow for longer business hours, completely eliminate town-serving requirements?

Would implementation trigger consequences which are inconsistent with the Plan's GOPs of reducing commercial intensity ?

To prevent critical and dangerous overuse of its streets, parking resources, public services and facilities, and damage to its historic character and to overall property values of the community, the Town will take all technical and administrative measures legally available, including the use of this Comprehensive Plan, to minimize the change or transition of existing low-density areas or structures to more intensive use patterns, and thereby lower the pattern of density, where possible, and to minimize tourism inflow.

The language must be consistent throughout the document: "Lower the pattern of residential density and commercial intensity, where possible"

INNOVATIVE APPROACHES

There is evidence of a trend to demolish smaller existing homes and replace them with new structures built to the maximum size permitted under the Town's Land Development Regulations, particularly in the R-B Zoning District. New construction is increasingly out-of-scale and character with the surrounding area. In order to maintain the existing character, regulations encouraging renovation and discouraging demolition and reconstruction, may be warranted.

Meaningless header? Are innovative approaches identified ?

Where's the data and analysis to support the statement regarding the trend that new construction is "increasingly" out-of-scale? What are the ramifications /consequences of this new construction?

"may be warranted"? Encourage" How? Have regulations been implemented? Which ones?

~~price estimates the 2010 April 2000 population at 8,040 7,753. future growth is severely limited by the small amount of undeveloped land left in the Town. Future population growth is expected to remain relatively flat.~~

Internally inconsistent language- : relatively flat, declining, which is it?

Table I-1
Demographic Data 1990 to 2010
Town of Palm Beach

	<u>2010</u>		<u>2000</u>		<u>1990</u>	<u>% Change</u> <u>(1990 to 2010)</u>
Total Population	8,161 ¹	8,348	9,676 ²	10,468	9,814	-16.8% ¹ - 14.9%
<18		572		989	657	-12.9
>18		7,776		9,479	9,157	-15.0
≥65		4,657		5,501	5,163	-9.8
Median Age		67.4		66.6	66.2	
Total # of Households		4,799		5,789	5,421	-11.5
Average Household Size		1.74		1.81	1.81	
Total Housing Units	8,857 ¹	9,091	9,004 ²	9,948	9,191	-3.6% ¹ - 1.08%

Source: US Census 1990, 2000, and 2010 ¹ Town of Palm Beach Corrected 2010 US Census figures – only Total Population and Total Housing Units available. ² Town of Palm Beach Corrected 2000 US Census figures – only Total Population and Total Housing Units available.

Were these numbers used to justify the intensification of a new Recreation Center? They are useless. I specifically asked for a cohort breakdown, especially for the age group below 18 years old which is readily available on-line from the 2010 Census figures. Although such figures are six years old they would have provided a more accurate number of children in each age group below age 18. (f.i. those who were 13 years old in 2010 are now 20 years old.) This data was not provided as asked or included with this document.

In contrast, time and staff effort was harnessed to provide a table of "**Employment Data from 2012- Town of Palm Beach**" that may have been intended to try and satisfy the Town-serving requirement of the proposed controversial redevelopment of a new Recreation Center that was expanded in mass, height and usage.

Residential is the predominant land use within the Town, accounting for 60% of all land area. The majority of single-family units are located in the north and south central portions of the Town. In contrast, **most** multi-family dwellings are located in the southernmost part of Town, south of Sloan's Curve, and were developed beginning in the 1960's. Because of the high cost of

What's the data for this? What's the definition of a multi family dwelling? Should this be changed to "many"? This sentence must be re-worded.

The Town-serving commercial area, including the commercial areas of South County Road and Peruvian Avenue, serves as an adjunct to the **more famous Worth Avenue shopping area**, providing additional shops and services. **The Town's objective is to retain and enhance the "Town-serving" character of this section of Palm Beach.**

Adjunct?

3. The commercial concentration in the vicinity of Royal Poinciana Way, near the Flagler Memorial Bridge, is primarily oriented to the local retail and service needs of Town residents and visitors. However, the Royal Poinciana Plaza, a concentration of shops, restaurants, and offices just east of the Flagler Memorial Bridge, serves a broader clientele.

Inconsistent language. The Royal Poinciana Playhouse was previously omitted from this sentence and needs to be reinserted. It is included within the Plan's Cultural Element.

However, in order to maintain the Town's predominantly residential character, no additional lands for commercial uses are considered necessary or appropriate. The Town's inventory of recreational lands and facilities is more than adequate to provide for anticipated needs throughout the planning period. Given the small amount of population growth projected, no additional land will be needed for governmental or institutional uses.

Why are these sentences mashed together?

No additional lands for commercial use, but what about existing land for residential use or for PUDs ie, Royal Palm Way or Sunrise Avenue?

"small amount of population growth": Another example of inconsistent language re population.

The Town's storm drainage system is old and contains a number of outfalls which discharge into Lake Worth. The Town is currently obtaining National Pollutant Discharge Elimination System (NPDES) permitting for its drainage system. Because the Town is almost entirely developed, future drainage strategies must be directed toward practical corrections, while mitigating the impacts of future development.

The Town foresees no shortage in the areas of public infrastructure facilities or services over the next ten years.

The drainage system is old? How old?

drainage strategies? what are they?

areas of public infrastructure facilities? This language is vague.

expected spillover of that increased density and intensity into the Town will only exacerbate capacity concerns along County Road/Ocean Boulevard/State Road A1A.

Where's the data. What about the other major roads like Royal Palm Way, Coconut Row, Bradley Place?

Undergrounding of Utilities

The conversion of the overhead utilities to underground locations **will be one of the most ambitious infrastructure** projects ever undertaken by the Town of Palm Beach. The undergrounding will preserve the historic character of the Town and enhance the aesthetics of the landscape and scenic vistas. **The conversion will significantly improve the level of service and reliability of the electric, telephone, and cable communications to the Town.**

What data is being used to support the assertion regarding "significant" improvement?

On the other hand, there are a **great many properties** in the Town that were developed earlier at densities or intensities now considered inappropriate. Most, however, while inconsistent with the Town's existing character

"great many" - Another example of no data being used to support the text.

Future Redevelopment of Royal Poinciana Plaza/Royal Poinciana Way

There ~~is~~ **has been** considerable interest in the past ~~in the redevelopment not only~~ of the Royal Poinciana Plaza, ~~but~~ and **nearby commercial areas**, as well ~~as in the reopening of the long-shuttered Royal Poinciana Theater~~. Given its size and highly visible location, **redevelopment of this area would no doubt have a major impact on the character of the Town and the quality of life of its residents.** The future of redevelopment of this area of the Town has been studied through a study of its highly visible location. Redevelopment of the Royal Poinciana Plaza has significant potential to affect the established community character of the Town of Palm Beach. **The Comprehensive Plan suggests that the key** lynchpin of what makes the special physical character of the Town of Palm Beach ~~so special~~ is the Town's long standing commitment to gradual and graceful evolution of development within the Town - as opposed to significant departures from the existing fabric of development.

Repetitious language re "impacts"

Why do references to the Plaza continue to be lumped together with development in "nearby" commercial areas? This seems inappropriate given the special character of the property, its landmarked status and its separate zoning designation?

TRAFFIC GENERATORS

There are four main bridges crossing the Intracoastal Waterway and connecting the Town to the mainland; these are:

- Royal Park Bridge
- Flagler Memorial Bridge
- Southern Boulevard Bridge

Page II-3

- Robert A. Harris Memorial Bridge (Lake Worth Rd.)

Bridges are not traffic generators, land uses are. The list should start from the North and go south, ie the first bridge should be Flagler Memorial, then Royal Park, etc.

Developments in nearby communities may cause increases in traffic on regionally significant roadways in the Town. The Town lacks sufficient data to evaluate these impacts. In 2001, the Town negotiated with the City of West Palm Beach and reached agreement with regards to the Town's concerns over the lack of LOS determinations in the City of West Palm Beach's downtown Master Plan.

- * The text lacks identification of specific land uses. The text could identify off-island land uses as they occur. There are other sections of the Plan which claim that development in nearby communities IS the cause of traffic increase.
- * This is another planning fallacy which needs to be corrected.
- * Does the Town still lack sufficient data to evaluate development impacts ?
- * What was the agreement reach in 2001?

cial areas during the mid-day hours (11 a.m. — 1 p.m.). Map II-2 identifies the principal areas of traffic and parking problems in the Town.

The *Traffic and Parking Improvement Plan* prepared by the Town's consulting engineers in 2006 indicated ~~s~~ that in certain instances insufficient parking may be affecting the ability of residents and others to safely and conveniently access recreational (including the municipal docks) and school facilities. Bridge openings at the Royal Park and Flagler Memorial Bridges needed to be synchronized to be consistent with peak seasonal operations. The Town evaluated the alternative strategies of the Plan and implemented strategies as needed.

- * Where's the data? Who were the engineers? What strategies were implemented? Needs citation for reference.

Based on the data prepared by Kimley-Horn & Associates and an update prepared by Progressive Design & Engineering as outlined in the Table above, the yearly peak season daily traffic volumes have remained steady or decreased slightly over the reporting period. in a report dated March, 2007, the study recognized that the peak seasonal population in the Town is expected to increase only minimally during the planning period over the estimated population in 2009. Therefore, the Town expects to be able to meet its current adopted levels of service. While some locations along SR A1A may experience traffic levels in excess of the adopted level of service, as a whole traffic levels on A1A will remain within level of service E.

Another example of inconsistent data concerning traffic volumes . This says remained steady or decreased slightly and contradicts claims made in other portions of the Plan .

POLICY 1.2

The Town should consider will modifying its land development regulations to adopt a "joint use access" provision controlling the number of access points at which driveways enter onto the roadway system.

What does this mean?

POLICY 3.4

The Town will coordinate with the MPO, FDOT, and PalmTran to ensure that pedestrian, bicycle, and mass transit connections are provided within the Town. The Town will also seek enhancement grants through the MPO, FDOT, and other available sources to fund bicycle and pedestrian improvements within the Town, as opportunities arise.

What grants have been applied for?

According to the U.S. Census BEBR, there were 8,857 9,240 dwelling units in the Town in 2010 2006. Of the total dwelling units, 4,184 (47.2%) units were vacant of which 39.9% (approximately 3,534) units were vacant and considered used for seasonal, recreational, or occasional use and the other 7.3% were either for sale, for rent, or other vacant. Almost 42% of all units were either seasonally vacant or for sale and rent purposes. However, 86% of the vacant units were not available for sale or rent, but were vacant for other reasons. Many of these were held for occasional use and should be considered as housing for seasonal or vacation occupancy. The actual sale-rental vacancy rate was 5.8%.

Is there updated data? Is this statement correct regarding vacant dwellings?

Based on the U.S. Census 2010-2014 American Community Survey, The 1990 Census recorded the estimated median monthly rental rates in the Town was \$1,259 at \$658 compared to \$1,158 \$499 in Palm Beach County. Whereas the Census recorded the median estimated value of owner occupied units in Palm Beach County during the timeframe in 1990 at was \$194,600 \$98,400, it was \$931,700 over \$500,000 in the Town of Palm Beach.

Does this paragraph have any relevance ?

OBJECTIVE 6

Identify, protect and maintain the Town's inheritance of housing structures and neighborhoods having significant historic and/or architectural merit. The measurement of this objective shall be the extent to which such structures and neighborhoods are protected, and the degree to which the following policies are implemented.

Inheritance?

- 2 Conduct of windshield surveys of structures in the Town to identify structural deficiencies substandardness.

Windshield surveys to identify structural deficiencies?

This approach has no validity. You cannot judge the structural integrity of a building from behind the windshield of a car.

The latest three-year average for recycling tonnage totaled 1,650 tones/year using 2014 figures. Public education efforts help to increase awareness of meeting future goals. Despite minor increases in Town population, recycling tonnage is increasing dramatically from year-to-year in

Ton, ton, ton, ton needs better editing.

Extensive shoreline and surface water changes have occurred since 1883. The slough and low lake shorelines have been filled for urban development, and the Atlantic shoreline has receded due to beach erosion. The urbanization of the Town has reduced the amount of water infiltrating to the surficial aquifer, and has increased runoff from impermeable surfaces. The coastal ridge still dominates the island's topography, acting as a seaward barrier to surface drainage. In addition, remnants of slough areas are prone to flooding.

How much runoff? Where?

The Town's drainage system consists of a combination of pumping stations and gravity outfalls. Pumping stations are necessary because areas of the Town are below Lake Worth's high tide level, causing backflow through stormwater outfalls when above normal tides are experienced in the Lake.

Which areas?

prevent future flooding. the Strategic Planning Board considered how system improvements will be made. Specifically, the Strategic Planning Board explored whether or not changes are needed in Town policy governing construction contracts and construction project management to ensure

Page IV-10

that these major projects are completed successfully. During 2001, the Town experienced a very disruptive and unsuccessful project on Bradley Place. In response to that situation, and building upon both successful and unsuccessful past experiences, the Town staff proposed over 30 specific improvements to the Town's contracting and project management practices. These were approved by the Town Council and have been implemented.

What are the "improvements" regarding contracting and project management practices that have been implemented?

While developing this program for improving the public infrastructure is necessary to better protect against flooding, the Town's elected officials, staff, and consultants also have been developing strategies for reducing the impacts of storm water run-off from private properties into the public drainage system. Town regulations were substantially strengthened in this regard in 2001 and 2002. Additional measures are also being considered.

Where is the monitoring data based on the strengthened regulations?

What additional measures are being considered?

Report which can be reviewed on the City's website. Potable water quality has been consistently good, winning awards in recent years for its outstanding taste.

Is this true? what is the source of this statement?

Impacts of the Issue

The impacts of the Town-wide underground utilities conversion project include installing underground utilities for all areas of the Town that presently has overhead utilities. There are some areas within the Town that have already converted their utilities to underground. Those areas include: Everglades Island; Via Fontana; Lake Towers; 300 block of Dunbar Road (summer of 2016); and Nightingale and LaPuerta (started summer of 2016). The conversion will include locating most of the utilities in the Town's road right-of-ways wherever possible. The utilities will be located in alley ways in those neighborhoods which have rear access alleys wide enough for truck access.

The construction is anticipated to take 6 to 10 years. The most disruptive construction will take place during the summer months with the actual utility connections to take place during the winter months. The last step of removing poles and equipment primarily from rear yards will take place the following spring. The undergrounding conversion construction will be coordinated with other Capital Improvement Projects as identified in the Capital Improvements Section of the Comprehensive Plan.

Where is the construction sequencing and project estimates?

~~The potential impact of undertaking a Town-wide underground utilities conversion project is such that the project can be construed as the initiation of a Community Redevelopment Plan. The underground utilities project has potential impact to the Transportation Element of the~~

A mechanism that was rejected by the Town?

~~Specifically, the underground utilities project, if approved by the Town's voters, will affect the pavement and/or right-of-way associated with every road within the Town. Also, every property owner will be impacted to some degree. Therefore, the underground utilities project must be~~

If approved by the Town's voters?

~~underground. Of course, additional unanticipated changes in circumstances could affect the timing for the initiation of the underground utilities project in any given area of Town as well as the available funding and/or financing for the underground utilities work to be done. Also, this project will not proceed without voter approval.~~

If the project "will not proceed without voter approval", as stated in the Comp Plan, why were property owners /voters denied the ability to vote as to whether they wanted undergrounding? Did the decision taken by the Town Council in October, 2014 disenfranchise Town property owners and voters in contradiction of the Comp Plan?

- Removal of equipment from poles has been a challenge in similar communities. ~~Need for new utility corridors consisting of rights-of-way and easements~~

Which communities? Other two lane barrier islands? Under what conditions? Where is the data to support the statement? What were the challenges?

- Project cost may exceed the approved referendum amount. ~~Generation of funds, taxation versus assessments~~

May exceed? Why? What data supports this statement? How will funds be generated to cover the shortfall?

OBJECTIVE 7

The Town shall continue to consider burying its overhead utility systems in a financially feasible manner to improve aesthetics, reliability and safety throughout the Town and to require future development to place utility lines underground.

What constitutes a financially feasible "manner" ? Is the project financially feasible if it exceeds the approved referendum amount?

This Element of the Plan has been ~~developed~~ updated based upon:

1. Analysis of existing land uses in the coastal area as of ~~January, 2006~~ April 2016; conflicts among shoreline uses; ~~need for water-dependent and water-related uses~~; areas in need of redevelopment; and, the economic base of the coastal area;

Where is the data and analysis supporting the need for water-dependent and water related uses?

What are the uses? Where would they be implemented?

Air and Other Physical Conditions

The Town of Palm Beach has very good air quality. There are no point sources of pollution within the Town. ~~Increased, and mobile pollution sources, such as including automobiles and air traffic, do not constitute a known problem will continue to cause a concern.~~ Air quality is enhanced by the Town's location on the coast, where it benefits from regular sea breezes. Air

Where is the data to support any of these statements regarding air quality or increased pollution from automobiles or air traffic?

for more personalized, service-oriented, recreation. ~~In 2016, the Town conducted an extensive community survey regarding the Town's park and recreation facilities and opportunities. The survey lead to a needs assessment and master plan for the Town's Seaview Park and Recreation Center. Other park and recreation improvements were also identified, including a new Recreational Center.~~

Where is the data and analysis based on the needs Assessment?

Where is the master Plan for Seaview Park and Recreation Center?

POLICY 3.5

The Town of Palm Beach shall develop a master plan for redevelopment of Seaview Park and Recreation Center based on feedback received from Town residents through the needs assessment process and community-wide survey.

POLICY 3.6

The Town of Palm Beach shall prioritize potential improvements to Town park and recreation facilities based upon residents' feedback through the need assessment process and community-wide survey.

The GOPs of a Master Plan based on the described input process seems unclear.

LOCAL POLICIES AND PRACTICES

Local practices to guide the timing and location of capital improvement projects weigh needs against projected revenue sources, including the availability of grants. **The Town does not have a formalized procedure for prioritizing capital improvements.** However, it does use the following set of considerations in balancing project needs with available funds:

- Public health, safety, and welfare benefits of the facility;
- Degree of public benefit;
- Maintenance of established levels of service, including prevention of future capital costs;
- Critical nature of facility need;
- Financial feasibility;
- Overall distribution of projects between facility types and geographical location.
- Quality of life and timing issues – balancing public improvement needs with general welfare and inconvenience.

Page VIII- 2

According to state law, as indicated below,

- to the regular, updated annual budget process;
- ▶ The requirement that the schedule demonstrate financial feasibility has been removed. However, the necessary capital projects must still be listed in the schedule, projected revenue resources identified, and the project listed as "funded" or "unfunded" and assigned with a level of priority for funding. [163.3177(3)(a)4., Florida Statutes].

(Department of Economic Opportunity) related to Comprehensive Plans, the Town needs to prioritize projects. Why doesn't the Town have a formalized procedure? Calvin Giordano & Associates and staff should not be presenting this approach as something that meets the Dept. of economic Opportunity requirements. This section needs more discussion by P&Z.

What does the last sentence mean in measurable terms?

How is "balance" to be achieved?

What is "general welfare" ?

What is "inconvenience"?

What are the accepted planning practices that should be utilized before work is proposed, approved and scheduled?
what are the procedures and means of implementation ?
what monitoring will be conducted?

This informal process has proven very effective for the Town which, because of ~~due to~~ its small size and nearly fully developed state, is able to keep close tabs on the nature of its facility needs. However, the Town should consider establishing a more formal ranking system for use in the future.

EXISTING AND FUTURE PUBLIC EDUCATION FACILITIES

Where is the data to support the effectiveness of this "informal" approach?
Re: Consideration of a more formal ranking system for use in the future?
What are the standards to be used for the ranking ?
When in the future?

deficiencies. Because of the very limited anticipated growth in the Town over the next five to ten years (as shown in the population projections found in the Future Land Use Element), most of the existing infrastructure can continue to support the needs of the Town's residents. Many of the projects identified in the Schedule of Capital Improvements are those needed for

- * Lack of consistency with this statement and other population references in the Plan.
- * Is there a flaw in the statement regarding existing infrastructure and its ability to support the needs of the Town's resident? :

The population may be flat or declining or has very limited growth. However, there is anecdotal evidence that seems to indicate that although the population may be flat, the increase in the size of houses and their infrastructure demands, especially gas, has resulted in a failure in delivery to users as needed. This affects their health, safety and welfare.

Other activities that which will be undertaken within the next five years are not listed because they are subject to funding from other sources (such as the Florida Department of Transportation) or because their costs do not qualify as capital expenditures.

This paragraph has rolled over from 2009. What were the "activities" ?

Undergrounding Utility Lines Town Wide

The residents of the Town of Palm Beach passed a referendum in March 2016 to fund the Town Wide Undergrounding of all utilities. The Town expects to move forward on the first phase of construction in May 2017. The overall project will take 6 to 10 years to complete.

Project Budget

\$90,000,000

Operating Budget Impact: There will be no increase to personnel. Operating costs associated with the project should minimally increase. (Repairs and Maintenance < \$7,500 annually.)

The description of the expenditure for a Storm water pump Station, D-14, is described with great specificity in 15 lines (as are other Public Works projects) but a 10 year- 90 million dollar expenditure is described in less than 3 lines.

Where is the breakout of the schedule and the funding year by year?
There has been an increase in personnel as a result of the project.

Bradley Place Roadway Improvements

Accelerated Capital Improvements Program, 2013 Bond, funds were allocated to correct roadway drivability issues, drainage, curbing sidewalk and update curb ramps to ADA standards where possible. Improvements also include replacing the existing street lights along the corridor and "trombone" style mast arms at Sunrise Avenue with a decorative mast arm that meets the current State windload criteria

Page VIII- 5

where is the data for this ACIP expenditure?
what were the roadway drivability issues?
what curb ramps were updated?

Lake Trail Paving and Drainage Improvements

Accelerated Capital Improvements Program, 2013 Bond funds were allocated for improvements on the Town-maintained Lake Trail pedestrian path. Pavement and drainage along Lake Trail from Royal Palm Way to Reef Road are in need of significant improvements. These improvements also include the Lake Trail access paths.

Project Budget \$2,300,000

Operating Budget Impact: There will be no increase to personnel. Operating costs associated with the project should minimally increase. (Repairs and Maintenance < \$5,000 annually.)

What portion of this expenditure includes the design and construction of the Bradley Park trail extension?

Fuel Tank Replacement Program

These funds will allow for the continuation of improvements to the Town's fuel tanks and/or piping to remain in compliance with state regulations. The following is a list of the fuel tanks that are to be replaced (including their locations):

19) Par 3 Golf Course - 2345 South Ocean Boulevard

20) Seaview Tennis Center - 340 Seaview Avenue

Project Budget \$1,964,000*

Operating Budget Impact There will be no increase to personnel. Operating costs associated with this project should minimally increase (Repairs and Maintenance < \$5,000 annually.)

Was this fuel tank replaced? When?

Where is it on the property?

Pay-as-you-go Five Year Capital Improvement Plan									
FY2017 Budget									
EXPENDITURES				FY2016 Est.	FY2017	FY2018	FY2019	FY2020	FY2021
Item #	Description	Location		Carry Over	Approved	Estimated	Estimated	Estimated	Estimated
	Coastal Structures / Lake Worth Lagoon			\$ 156,398	\$ 115,094	\$ 366,403	\$ 180,000	\$ 200,000	\$ 220,000
1	Bulkheads			\$ -	\$ 115,094	\$ 110,000	\$ 125,000	\$ 140,000	\$ 155,000
2	Seawalls	Lakeside, Bradley		\$ -		\$ 256,403	\$ 55,000	\$ 60,000	\$ 65,000

Lakeside, Bradley - what is this expenditure?

Minor changes to landmarked properties such as replacing door hardware, shutters, re-painting a structure in color to match existing or re-roof with same material, etc., which have a total estimated value of \$2,000 or less, can be approved as, "minor exterior changes," at the discretion of the Planning Administrator Landmarks Project Coordinator, with concurrence from the Chairman. Usually, no Certificate of Appropriateness would need to be filed for these approved minor changes.

Why is the concurrence being deleted?

How Another Municipality Presents its Comprehensive Plan Data

Since ACIP expenditures are a major part of the Town's budget and is being included as new language within the Comprehensive Plan, I am attaching several pages from the Town of Jupiter's Comp Plan which was approved in September, 2016. It is illustrative, specific and concise regarding the "physical" elements of their projects as well as their financial data for budget expenses, funding and operating expenses for the yearly projections.

Thank you for your attention to these issues. I expect further discussion at the P&Z Commission. The Draft as reviewed and recommended for approval by them is still rough and lacking detail.

Sincerely yours,

A. Seltzer

PART IV

NEIGHBORHOOD IMPROVEMENT DISTRICTS

163.501 Short title.

163.502 Legislative findings and purpose.

163.503 Definitions.

163.5035 Safe neighborhood improvement districts; compliance with special district provisions.

163.504 Safe neighborhood improvement districts; planning funds.

163.5055 Registration of district establishment; notice of dissolution.

163.506 Local government neighborhood improvement districts; creation; advisory council; dissolution.

163.508 Property owners' association neighborhood improvement districts; creation; powers and duties; duration.

163.511 Special neighborhood improvement districts; creation; referendum; board of directors; duration; extension.

163.512 Community redevelopment neighborhood improvement districts; creation; advisory council; dissolution.

163.513 Crime prevention through community policing innovations, environmental design, environmental security, and defensible space functions of neighborhood improvement districts.

163.514 Powers of neighborhood improvement districts.

163.5151 Fiscal management; budget preparation.

163.516 Safe neighborhood improvement plans.

163.517 Safe Neighborhoods Program.

163.519 Duties of Department of Legal Affairs.

163.521 Neighborhood improvement district inside enterprise zone; funding.

163.5215 Effect.

163.522 State redevelopment programs.

163.523 Safe neighborhood districts; cooperation and involvement of community organizations.

163.524 Neighborhood Preservation and Enhancement Program; participation; creation of Neighborhood Preservation and Enhancement Districts; creation of Neighborhood Councils and Neighborhood Enhancement Plans.

163.526 Neighborhood Councils and local government designated agency; powers and duties.

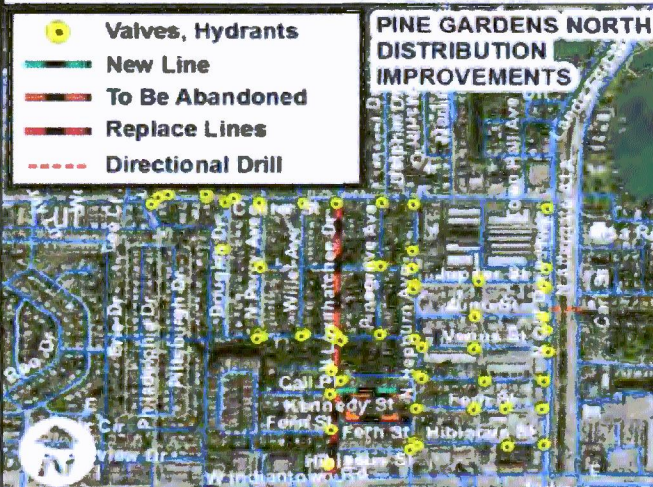
163.501 Short title.—This part may be cited as the "Safe Neighborhoods Act."

History.—s. 55, ch. 87-243; s. 1, ch. 91-86.

163.502 Legislative findings and purpose.—

(1) The Legislature hereby finds and declares that among the many causes of deterioration in the business and residential neighborhoods of the state are the following: proliferation of crime, automobile traffic flow strangled by outmoded street patterns, unsuitable topography, faulty lot layouts, fragmentation of land uses and parking areas necessitating frequent automobile movement, lack of separation of pedestrian areas from automobile traffic, lack of separation of vehicle traffic lanes and railroad traffic, and excessive noise levels from automobile traffic.

TOWN OF JUPITER
COMMUNITY INVESTMENT PROGRAM
2017 - 2021

Strategic Priority : Fiscal Responsibility and Safety	Department : Utilities Project No. : S/W20XX
Project Name : Pine Gardens North Infrastructure Improvements	Year(s) : 2020 Projected In-Service Date : 2022
Project Description : Pine Gardens North consists of commercial and residential parcels served predominantly by asbestos cement (AC) watermain which will reach their 40 year useful life in 2017. Replacement of poorly operating valves and hydrants and installation of additional valves to allow for better isolation of the system and minimize customer shut downs due to line breaks is recommended. In addition, drainage improvements in the area are needed to reduce the tendency for flooding in the area and to reduce the burden placed on the Seminole Avenue pump station during large rainfall events. Best management practices for enhanced water quality treatment to reduce sediment laden runoff to the Loxahatchee River and the Intracoastal Waterway will be implemented.	
Link to Strategic Plan : This project supports the Town's Strategic Plan of Fiscal Responsibility and Safety by managing the renewal and replacement of water system assets to provide well maintained neighborhood infrastructure at established levels of service and provide safe and reliable drinking water and fire protection, and improving levels of service for flood protection and water quality improvement of stormwater run off.	
Need, Justification, Benefits : Ensure reliable fire protection, minimize the number of customers affected by line breaks, resolve operational issues due to infrastructure age. Alleviate flooding of the area during heavy rainfall events, reduce the burden of the Seminole Pump Station to handle heavy rainfall events, reduce localized nuisance flooding during small rainfall events and provide water quality treatment before discharging to the Loxahatchee River and Intracoastal Waterway.	
Location & Area Map	Project Photo
 The map shows the Pine Gardens North area with various streets labeled. A legend indicates: Yellow circle for Valves, Hydrants; Green line for New Line; Red line for To Be Abandoned; Red line with cross-ticks for Replace Lines; and Dashed red line for Directional Drill. The map shows a network of streets with these symbols indicating planned improvements.	 A photograph showing a construction worker wearing a yellow hard hat and safety vest, working in a deep trench. The worker is positioned near a large pipe or structure, likely part of the water main replacement project.
Comments : Replacement of the existing AC mains is warranted due to pipe age; however, the scope of the distribution system project was limited to valve and hydrant replacement to maximize useful life of the existing infrastructure. The project budget has been increased include directional drill of a stormwater forcemain under the FEC railroad and Alternate A1A for an additional drainage outfall for the basin. Grant funding from LRPI and CDBG will be pursued to subsidize construction costs. Estimated pollutant load reductions will be tracked for eventual credit for TMDL driven Basin Management Action Plans (BMAP).	

**TOWN OF JUPITER
COMMUNITY INVESTMENT PROGRAM
FINANCIAL INFORMATION
2017 - 2021**

Project Name :		Pine Gardens North Drainage & Distribution Improvements				Project No.		SW20XX	
Strategic Priority :		Neighborhoods as Desirable Place to Live							
Department :		Utilities							
Project Budget : Land acquisition Planning / Design Engineering Construction Equipment Other Total Budget	Prior to 2017	2017	2018	2019	2020	2021	After 2021	Total	
								\$ -	
					\$ 300,999			\$ -	
					\$ 1,519,225	\$ 200,000		\$ 300,999	
								\$ 1,719,225	
								\$ -	
								\$ -	
								\$ -	
								\$ -	
		\$ -	\$ -	\$ -	\$ -	\$ 1,820,224	\$ 200,000	\$ -	\$ 2,020,224
Funding Sources : General revenues Grant revenues- CDBG Grant revenues- LRPI Stormwater R&R Water R&R funds Fund balance Total Revenues								\$ -	
					\$ 200,000	\$ 200,000		\$ 400,000	
					\$ 359,891			\$ 359,891	
					\$ 359,891			\$ 359,891	
					\$ 900,442			\$ 359,891	
								\$ 900,442	
								\$ -	
								\$ -	
								\$ -	
		\$ -	\$ -	\$ -	\$ -	\$ 1,820,224	\$ 200,000	\$ -	\$ 2,020,224
Operating : Personnel Operating Capital Other Total Operating								\$ -	
								\$ -	
								\$ -	
								\$ -	
		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

PREVIOUS YEARS FINANCIAL ACTIVITY

	Prior to FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	Total
Amount Budgeted	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Amount Expended	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Grant funding from LRPI and CDBG will be pursued.

**TOWN OF JUPITER
COMMUNITY INVESTMENT PROGRAM
2017 - 2021**

Strategic Priority : Fiscal Responsibility and Safety	Department : Utilities Project No. : S1710/W1710 Year(s) : 2017 Projected In-Service Date : 2018
Project Name : Elsa and Paulina Roads Infrastructure Improvements	
Project Description : Addition of a positive outfall and construction of a drainage system to relieve significant and routine street flooding on Elsa and Paulina Roads. Located in an older area of Jupiter, these low lying roads are subject to flooding even in smaller rainfall events and are highly susceptible to the effects of sea level rise. Improvements will include infrastructure for a small pumping station to be added in the future to alleviate flooding caused by sea level rise. Replacement of the existing 2" galvanized watermain on Elsa Road with 6" PVC/DIP, replacement of existing valves and hydrants, and installation of an additional isolation valve on Paulina Road will also be completed under this project.	
Link to Strategic Plan : This project supports the Town's Strategic Plan of Fiscal Responsibility and Safety by managing the renewal and replacement of stormwater and water system assets to provide well maintained infrastructure to established levels of service, safe and reliable drinking water and adequate fire protection, meeting all regulatory requirements.	
Need, Justification, Benefits : Construction of these drainage improvements will address nuisance street flooding, provide a positive outfall for stormwater discharge, provide enhanced treatment of stormwater runoff discharged to the Intracoastal Waterway, provide the infrastructure to address future sea level rise in the area, improved water quality in the water distribution system and fire protection that meets current level of service standards.	
Location & Area Map	Project Photo
 Proposed Elsa and Paulina Road Drainage Improvements Legend ● Proposed Catch Basin ● Proposed Outfall — Proposed Storm Drain	
Comments : Hazard mitigation grant funding is being pursued to assist this project.	

**TOWN OF JUPITER
COMMUNITY INVESTMENT PROGRAM
FINANCIAL INFORMATION
2017 - 2021**

Project Name :	Elsa and Paulina Roads Infrastructure Improvements						Project No.	S1710
Strategic Priority :	Fiscal Responsibility and Safety							
Department :	Utilities							
	Prior to 2017	2017	2018	2019	2020	2021	After 2021	Total
Project Budget :								
Land acquisition								\$ -
Planning / Design								\$ -
Engineering		\$ 175,113						\$ 175,113
Construction		\$ 851,132						\$ 851,132
Equipment								\$ -
Other								\$ -
Total Budget	\$ -	\$ 1,026,245	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,026,245
Funding Sources :								
General revenues								\$ -
SW Availability Fee								\$ -
Grant revenues								\$ -
Stormwater R&R		\$ 756,245						\$ 756,245
Water R & R		\$ 270,000						\$ 270,000
Fund balance								\$ -
Total Revenues	\$ -	\$ 1,026,245	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,026,245
Operating :								
Personnel								\$ -
Operating								\$ -
Capital								\$ -
Other								\$ -
Total Operating	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

PREVIOUS YEARS FINANCIAL ACTIVITY

	Prior to FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	Total
Amount Budgeted	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Amount Expended	N/A	N/A	N/A	N/A	N/A	N/A	N/A

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TOWN OF PALM BEACH

Information for Town Council Meeting on: February 15, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Planning and Zoning Commission Record and Report:
Commercial Storage Zoning Amendments
Off-Street Parking Space Regulations in Zoning Code

Date: February 1, 2017

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the Planning and Zoning Commission's modified recommendation and provide further direction on possible amendments pertaining to commercial storage provisions in the Zoning Ordinance. The proposed text changes are in add/delete format. The bold language represents the Commission's modified language from its original recommendation.

Staff also recommends that the Town Council consider the Commission's recommendation not to amend off-street parking space requirements for land uses identified in the Zoning Code.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its January 17, 2017 meeting, by a 7-0 vote, recommends approval of revised Zoning Code modifications as identified in this Memorandum which would conditionally allow storage facilities related to a commercial permitted or special exception use. In addition, by a 7-0 vote, the Commission recommends that the Town Council not amend nor undertake any study to review existing off-street parking requirements in Chapter 134, Zoning.

GENERAL INFORMATION

On January 17, 2017, the Planning and Zoning Commission unanimously recommended that the Town not amend nor undergo any study which would modify existing off-street parking requirements for land uses in the Town. The Commission believes that existing requirements adequately address parking for new development and land uses within the Town and that there is no need to delve into the issue nor incur study expenses for doing so.

In addition, the Commission re-examined its original recommendation related to zoning text amendments that would conditionally allow storage use in a separate tenant space to a permitted or special exception use in the C-TS, C-WA, C-OPI and C-B zoning districts.

On November 9, 2016, the Town Council considered the Commission's original recommendation and deferred consideration of the proposed zoning code amendment. The deferral was to provide time for Staff and Attorney John Eubanks to work with the Commission to resolve issues he expressed with the proposal. At that Council meeting, John Eubanks, attorney for the property owner who initially raised this zoning issue, expressed his client's concern about the proposed amendments. He was unable to raise his concerns at the earlier Commission meeting because he did not receive the email notice sent by Staff (message failure). Council directed Staff to work with him and the Commission to attempt to bring back a proposal acceptable to all.

The Planning and Zoning Commission has since considered alternative language that Mr. Eubanks and Staff presented. After deliberation on the matter, the following changes to the original language were recommended by the Commission. The proposed changes are in add/delete format below. The proposed changes to the original Commission recommendation are identified in bold.

Sec. 134-1107. Permitted uses.

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

(1)....

....

(6) Storage facility related to a permitted or special exception use in the district provided said use meets all additional conditions in section 134-1760 of this chapter.

(7) Essential services.

(8) Public Parks.

Sec. 134-1157. Permitted uses.

a. *Enumeration; 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:

(1)....

....

(29) Storage facility related to a permitted or special exception use in the district provided said use meets all additional conditions in section 134-1760 of this chapter.

(30) Combinations of the uses in subsections(a)(1) through (28) of this section.

Sec. 134-1207. Permitted uses.

a. *Enumeration; maximum gross leasable area.* The permitted uses in the C-OPI, office, professional and institutional district are as follows:

(1)....

....

(5) Storage facility related to a permitted or special exception use in the district provided said use meets all additional conditions in section 134-1760 of this chapter.

(6) Essential services.

Sec. 134-1302. Permitted uses.

a. *Enumeration; maximum gross leasable area.* The permitted uses in the C-B commercial district require a site plan and review as required in article III of this chapter.

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

(1)....

....

(5) Storage facility related to a permitted or special exception use in the district provided said use meets all additional conditions in section 134-1760 of this chapter.

(6) Essential services.

Sec. 134-1760. Storage facility.

A storage facility use (including, but not limited to, storage of inventory and supplies, office for shipping and receiving of merchandise, employee break room and/or employee restroom) is allowed ~~as an accessory use~~ in the C-TS, C-WA, C-OPI and C-B commercial zoning districts provided the following conditions are met.

1) It is related to an existing permitted or special exception use in the same zoning district;

2) It is ~~located above the first floor and is an accessory use to a principal use; not located within a tenant space which has windows fronting a main road, esplanade or via;~~

~~4)3)~~ It is located behind a door in a manner that its contents cannot be seen from a main road or via;

~~2)4)~~ It dDoes not independently exceed the maximum town-serving threshold for the zoning district in which it is located in;

~~3)5)~~ Movement of merchandise from the accessory storage facility use to the principal use shall not unduly block or otherwise interfere with orderly pedestrian movement or commercial enterprise;

~~4)~~ Is located within the same building as the principal use it is intended to serves;

~~5)~~ Is located no further than 125 feet from the service door of the principal use it is intended to serve.

Please contact Paul Castro at 227-6406 if you have any questions about these recommendations.

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

RECEIVED

FEB 09 2017 3:24pm

Town of Palm Beach
PZB Dept

SM

From: A. Seltzer
44 Cocoanut Row
Palm Beach, FL 33480

To: Mayor and Town Council

Re: **Planning and Zoning Commission Record and Report - Comprehensive Plan Update**

Date: February 9, 2017

1. A Planning consultant was hired in August, 2015 to review our Comprehensive Plan. Planning and Zoning Commissioners got the 308 page document in September, 2016. They discussed the document for 3.5 hours, approved it and passed it on to you. You discussed the text in December and January.

2.. Contrary to the consultant's contract and P&Z's review, the Plan still had outdated text and inconsistency, it was vague, it was missing specificity. It was also missing data and analysis. These planning deficiencies still existed as of your January meeting.

3. Has the consultant, Calvin Giordano and Associates and Town staff given a more thorough review to the document since January 11th? The public won't know this until February 10, 2017 since that's when the backup for the February 15 will be available.

4. The Comp Plan revisions have received little coverage by our local paper, *The Palm Beach Daily News*. As of today, it has not provided any coverage of the January 11th discussion. (As an aside), the text of the Public Notices submitted by the Town is so small that it is almost illegible. It might satisfy legal requirements but not the spirit of notification that informs the residents or encourages participation.

5. I submitted a letter dated January 5, 2017 to the Town for inclusion in the on-line backup for the January 11th meeting. Although delivered in a timely manner, it was treated as a late submission and put into your "purple" folder for consideration. So I am re-submitting it for the record. In the meantime, I have added annotations to the text for clarity and added questions about the text. (Exhibit 1)

6. In addition to some of the sections highlighted in my January 5th letter, the Plan now has broad, sweeping permissive language including new Goals, Objectives and Policies. I stated my concerns about this during public comments on January 11th.

7. Martin Klein, Chairman of P&Z addressed the Council on December 14th and stated that changes to the plan are strengthened, when, in fact, additions to the text could negatively impact our Town and quality of life:

Policy 2.1.1 is part of a new goal, Goal 2, and Objective 2.1 . it was presented as a benign "tool in the tool box", but the one sentence description,

" The Town shall encourage the establishment of Neighborhood Improvement and/ or Safe Neighborhood District(s) where appropriate, consistent with Florida Statutes, as a mechanism to enhance and preserve existing neighborhoods within the Town"

refers to a massive, 23 page statute pulled directly from the State of Florida's website by the Consultant on January 12, 2016. (Exhibit 2)

The far sweeping language wasn't given to P&Z until November. The consultant provided no critical analysis or quantifiable empirical data. It wasn't sufficiently discussed by them and it wasn't given to you. Why not? How is this possible? One of you asked " what is a Safe Neighborhood District"? Why weren't you sufficiently informed? At the suggestion of Mr. Klein on December 14th, you changed the language for this Goal and Policy from "shall" to "may", but you were still in the dark about the far, sweeping ramifications of this policy.

8. The consultant's language, taken from your January backup, is added as a snip, below.

Goal 2 is a mash up. How does the first part of the sentence match up with the second half?

What does it mean? How does the Town's topography relate to automobile traffic ?

What do you mean by the word promote? is it "promote" as a speculative concept?

Does a PR firm, like Cornerstone Solutions get a perpetual contract to "promote" programs?

Which neighborhoods would this be applied to? What does it mean to "strengthen"? How? How do you "stabilize"?

What kind of "improvement" ? Or "enhancement"?

It is all vague.

"Public/Private programs" is plural. "Related activities" is plural. What are three

examples that would achieve this stated Goal?

Objective 2.1 has more vague language: what is neighborhood identity? How do you encourage an "enhancement" project?

9. Re: Policy 2.1.1

you weren't given any examples of communities where it has been put into place, for what purpose and with what result.

Where is the quantifiable empirical data? There wasn't any.

The paragraph as written doesn't even list the Statute numbers. Why not?

Is this transparency or proper planning practice or due diligence?



Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS™

Memorandum

2. Revise language in Goal 2 by changing "shall" to "may" for the Neighborhood Improvement Districts.

Revised goal and associated objective and policy (pg. 1-45)

GOAL 2

THE TOWN ~~SHALL~~ MAY PROMOTE PUBLIC/PRIVATE PROGRAMS AND RELATED ACTIVITIES THAT STRENGTHEN, STABILIZE, IMPROVE AND ENHANCE NEIGHBORHOODS GIVEN THE CONFINEMENT OF THE ISLAND'S TOPOGRAPHY AS WELL AS THE INTRUSION OF AUTOMOBILE TRAFFIC WITHIN RESIDENTIAL NEIGHBORHOODS.

OBJECTIVE 2.1

The Town ~~shall~~ recognizes the value of strong and stable neighborhoods by encouraging neighborhood identity and promoting neighborhood enhancement projects.

Policy 2.1.1

The Town ~~shall~~ may encourage the establishment of Neighborhood Improvement and/or Safe Neighborhood District(s), where appropriate, consistent with Florida Statutes as a mechanism to enhance and preserve existing neighborhoods within the Town.

10. Residents and taxpayers have even more reason to be concerned about the effort to embed this Goal, Objective and Policy into our Comp Plan. Similar text was part of Ordinance 08-05 in 2005. It was floated as a way to beautify Worth Avenue as a District. It was also being considered as a mechanism to raise money for under grounding as early as February , 2004. Under the umbrella of the 23 pages of statute, it would have given the Town broad powers dictated , in part, by State oversight. It was rejected by a motion made by Councilman Wyett and seconded by Councilman Kleid on June 14, 2005, a fact not discussed by P&Z or you.

Town Attorney Randolph suggested that " the Town Council might have a better idea of the specifics of the ordinance if and when someone came forward with the kind of district that they wanted to create" . Councilman Coleman indicated that any requests for districts in the future would need to be very specific." (Minutes - Reg. TC Meeting. 6-14-05)

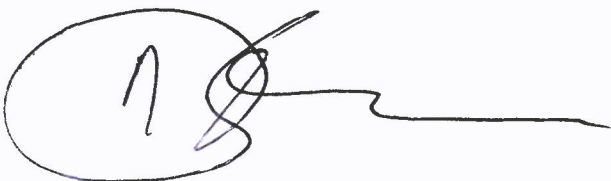
Were any of the Planning and Zoning Commissioners made aware of the history of this Ordinance when they deliberated? At least one of them ought to have been familiar with it. Several staff members were also aware of it. Were any of you aware given an historic overview? Your public comments indicate you weren't. Why not? And why is it now being included in the Comp Plan? There has been no convincing justification for its inclusion in the document. This Policy and the Goal and Objective is not required by Florida statute to be included in our Comp Plan and it should be removed.

11. You were told by P&Z that the Comp Plan got a thorough review. It didn't.

Why do unpaid residents continue to have to do the research on so many issues that come before Council in order to try to assure that we get honest, open government as a result of thorough vetting of agenda items?

I suggested to you at the January meeting that it would be prudent to resist the impulse to consider the version you were working with in January as a finished work product and that it needed to go back to P&Z for further review. You declined to do this and the Plan was given back to our Consultant and staff.

On February 15th , we will all see, if the language of the Comp Plan has now been given the thorough examination it requires and deserves.



A. Seltzer
44 Cocoanut Row
Palm Beach, FL 33480

RECEIVED
FEB 09 2017 03:24pm
City of Palm Beach
P&Z Dept

January 5, 2017

Mayor Gail Coniglio,
Council President Michael Pucillo,
Council members Richard Kleid,
Bobbie Lindsay Buck,
Danielle Moore and
Margaret Zeidman
Town of Palm Beach
360 S. County Rd.
Palm Beach, FL 33480

Re: Revisions being made to the Town Of Palm Beach Comprehensive Plan pursuant to your draft report discussion of December 14, 2016

Dear Mayor and Town Council:

I am a resident, a taxpayer and an affected party who will be impacted by text revisions being considered within the Town's Comprehensive Plan. Your December 14th discussion of the draft report recommended for approval by the Planning and Zoning Commission (P&Z) on November 15, 2016, assumed that P&Z gave the Plan a thorough, thoughtful review. It didn't. The document they received from our credentialed staff and consultant contained text that is internally inconsistent and deficient in data and analysis. Despite the statement made at the November P&Z meeting that "we had a thorough airing last month and four items remain", this is not an accurate assessment of the "readiness" of the Plan that was passed on to you.

In a report entitled *Sustaining Places: Best Practices for Comprehensive Plans*, (The American Planning Association (APA), Planners David R. Godschalk and David C. Rouse write that there are "*plan-making design standards* that shape the content and characteristics of comprehensive plans. For example, the Consistent Content Attribute states that the plan should contain a consistent set of visions, goals, policies, objectives, and actions that are based upon evidence about community conditions as well as major issues and impacts. An example of a best practice for meeting the Consistent Content Attribute is to identify major strengths, weaknesses, opportunities, and threats in the community." (pg, 17) . The P&Z review was incomplete. And based on your December 14th discussion, it's apparent that staff and the consultant didn't provide you with sufficient input, either. The omissions are contrary to accepted planning practices.

Calvin Giordano & Associates (CG&A) were hired by the Town to review our Comprehensive Plan in August, 2015 and were given guidelines in their contract. Presumably, several departments provided input in addition to the liaison provided by Planning, Zoning and Building Director John Page, (PZ&B), Zoning Administrator Paul Castro, Planning Administrator John Lindgren and Town Manager Thomas Bradford. P&Z Commissioners received a binder with draft language on September 20, 2016 and there was a half hour discussion led by CG&A consultant, Richard Cannone. In advance of the October 14th P&Z meeting, Commissioners received a memo from CG&A dated September 19, 2016. There are 10 Commission members; four were absent at the October meeting and a new member did not have sufficient time to review the material. Consequently, only five members discussed the memo and the 308 page text. The discussion lasted 1- 1/2 hours. And although the text contained a new Goal and a new objective and policy under the Goal, there was no backup from staff or GG&A to inform the Commissioners about this language. When questioned about this, Mr. Cannone, said he would provide material for the next meeting. The "material" regarding Safe Improvement Districts/Neighborhood Improvement Districts (SIDs/NIDs), Florida Statutes 163.501-163-526 was included in a memo to P&Z dated November 7, 2016. It consisted of 23 pages of text pulled off the State's website with a stamp imprint of January 12, 2016 on the bottom of the pages. (a few of the pages are included for the record as exhibits). The November 15th P&Z discussion of the Plan lasted one hour, 20 minutes.

Presence of internal inconsistencies:

Pursuant to Resolution No. 120-2015, the award of the purchase contract to CG&A by the Town Council outlines the work expectations. According to their contract, CG&A was expected to perform several tasks including:

2. **TASK 2: REVIEW BACKGROUND INFORMATION, PREVIOUS STUDIES AND PLANNED IMPROVEMENTS (\$5,540).** In order to develop a comprehensive understanding of the Town, we begin every project with an intense review to familiarize ourselves with the Town and its main issues. As part of the review CGA will review relevant policy and regulations, ownership patterns, development characteristics, roadway/transit improvements, and previous studies. Included will also be an evaluation of current physical conditions, background information provided by the Town, and any related studies by Palm Beach County, Florida Department Of Transportation, South Florida Water Management District and others. CGA will conduct an assessment of the existing built conditions relative to the Town's regulatory provisions including **density and intensity**. This will include an evaluation of specific land use and zoning regulations to confirm that the allowable maximum development parameters will not permit increases in **density or intensity** based on Census and BEBR updates and projections.

The Comp Plan refers to residential density and commercial intensity with regard to development off-Island but the required consistency of use of this fundamental planning term is absent throughout the document and should have been corrected. Aside from the clumsy language that has been added to the Plan in the Executive Summary, this clip illustrates the absence of consistency:

re: FUTURE LAND USE ELEMENT

EXECUTIVE SUMMARY

~~The Town of Palm Beach is at an important juncture in its planning history. About 97% of the Town has been developed. Thus, the stabilization and protection of the existing high quality of life has supplanted the past emphasis on ordering future growth. The Town of Palm Beach is essentially "built-out." This unique island community has grown and developed into a premier residential community of exceptional beauty. As a result, the future of the island will be focused on preserving and protecting this residential island community while maintaining the culture, serenity, and the unique character of the Town.~~

~~The Future Land Use Element is the pivotal element of the Town's Comprehensive Plan. It recognizes the intrinsic value of the Town as a residential community, and takes on the challenge of setting management goals and techniques which will allow the community to control the type, distribution, and density of development and redevelopment.~~

(I-3) Par. 1 and 2

There is an absence of sufficient data and analysis in the Plan:
And vestigial language has been allowed to remain in the document without being discussed.

~~As shown in the table below, the Town's population continues to decline. In addition, the Town is experiencing the combination smaller lots in order to create a larger parcel for new single family homes; thereby reducing the overall number of housing units.~~

(I-2) Par. 2

Why is the reference to population decline combined with a reference to the combination of smaller lots? Is this combination responsible for the decline?

In addition, the impact of the world beyond the Town's limits has increased. Palm Beach County has grown immensely in the last ~~several decades~~ ten years. ~~Literally~~ Hundreds of thousands ~~more~~ of people are now within a relatively easy drive of the world renowned Worth Avenue. State Road A1A is more heavily traveled. Nearby Palm Beach County International Airport has greatly continues to expanded its service, with unhappy results for Town residents who live within under the flight path.

Page I-3

(I-3) Par.5

- * Is Worth Ave the only "world renowned" destination in Palm Beach? This reference also appears elsewhere in the document.
- * "State Road A1A more heavily traveled" . Where is the data that supports this statement? More in frequency than before or with greater frequency than other town roads?
- * Expansion of PBIA service". Where is the data to support this?
- * Where is the flight path?
- * What are the "unhappy" results?

- Encourage development and redevelopment at lower density levels than existing zoning allows, except for redevelopment where maintaining previous densities and/or intensities are allowed after unintentional damage

(I-4) Par. 2

- * It should read "at lower residential density and commercial intensity levels . . . " and corrected throughout the document.

The tremendous pressure for expansion of commercial land use is a direct function of the economically valuable image of a Palm Beach address. It is imperative that region-serving, high traffic generating, commercial uses be prevented from further proliferating and be reduced wherever possible. To this end, the Town is committed to ensure that the existing businesses and commercial areas within the Town remain vital and continue to meet the needs of its residents.

(I-4) Par.3

Examples of Vague Language

- * " Expansion of commercial land use" . Increase in intensity of use?
- * " a direct function of an economically value image". What is this sentence trying to say?
- * Which specific commercial uses are to be prevented from further proliferating? This sentence lacks specificity.

New broad language has been added which also lacks specificity.

* Committed to "ensuring"? Measurable commitment? "Ensure" how?
* remain vital? What does this mean? How would this be achieved? How is the vitality to be measured?

* Meet the "needs". What are their needs?

What is the intended purpose of this language? How would it be implemented?

Could it be used to loosen protective zoning controls ie., reduce parking requirements, allow for stores to be combined, allow for longer business hours, completely eliminate town-serving requirements?

Would implementation trigger consequences which are inconsistent with the Plan's Goals , Objectives and Policies (GOPs) of reducing commercial intensity ?

To prevent critical and dangerous overuse of its streets, parking resources, public services and facilities, and damage to its historic character and to overall property values of the community, the Town will take all technical and administrative measures legally available, including the use of this Comprehensive Plan, to minimize the change or transition of existing low-density areas or structures to more intensive use patterns, and thereby lower the pattern of density, where possible, and to minimize tourism inflow.

(I-5) par. 2

The language must be consistent throughout the document: "Lower the pattern of residential density and commercial intensity, where possible"

INNOVATIVE APPROACHES

There is evidence of a trend to demolish smaller existing homes and replace them with new structures built to the maximum size permitted under the Town's Land Development Regulations, particularly in the R-B Zoning District. New construction is increasingly out-of-scale and character with the surrounding area. In order to maintain the existing character, regulations encouraging renovation and discouraging demolition and reconstruction, may be warranted.

(I-5) par.3

Meaningless header. Are innovative approaches identified ?

Where's the data and analysis to support the statement regarding the trend that new construction is "increasingly" out-of-scale? What are the ramifications/ consequences of this new construction?

"May be warranted"? Encourage"? How? Have regulations been implemented?

Which ones?

~~place estimates the 2010 April 2000 population at 8,040 9,733. Future growth is severely limited by the small amount of undeveloped land left in the Town. Future population growth is expected to remain relatively flat.~~

(I-5) last line

Internally inconsistent language- : relatively flat, declining, which is it?

Table I-1
Demographic Data 1990 to 2010
Town of Palm Beach

	<u>2010</u>		<u>2000</u>		<u>1990</u>	<u>% Change</u> <u>(1990 to 2010)</u>
<u>Total Population</u>	<u>8,161¹</u>	<u>8,348</u>	<u>9,676²</u>	<u>10,468</u>	<u>9,814</u>	<u>-16.8%¹ - 14.9%</u>
<u><18</u>		<u>572</u>		<u>989</u>	<u>657</u>	<u>-12.9</u>
<u>>18</u>		<u>7,776</u>		<u>9,479</u>	<u>9,157</u>	<u>-15.0</u>
<u>>65</u>		<u>4,657</u>		<u>5,501</u>	<u>5,163</u>	<u>-9.8</u>
<u>Median Age</u>		<u>67.4</u>		<u>66.6</u>	<u>66.2</u>	
<u>Total # of Households</u>		<u>4,799</u>		<u>5,789</u>	<u>5,421</u>	<u>-11.5</u>
<u>Average Household Size</u>		<u>1.74</u>		<u>1.81</u>	<u>1.81</u>	
<u>Total Housing Units</u>	<u>8,857¹</u>	<u>9,091</u>	<u>9,004²</u>	<u>9,948</u>	<u>9,191</u>	<u>-3.6%¹ -1.08%</u>

Source: US Census 1990, 2000, and 2010 ¹ Town of Palm Beach Corrected 2010 US Census figures – only Total Population and Total Housing Units available. ² Town of Palm Beach Corrected 2000 US Census figures – only Total Population and Total Housing Units available.

(I-6)

Were these numbers used to justify the intensification of a new Recreation Center? They are useless. I specifically asked for a cohort breakdown, especially for the age group below 18 years old which is readily available on-line from the 2010 Census figures. Although such figures are six years old they would have provided a more accurate number of children in each age group below age 18. (f.i. those who were 13 years old in 2010 are now 20 years old.) This data was not provided as asked or included with this document.

In contrast, time and staff effort was harnessed to provide a table of "Employment Data from 2012- Town of Palm Beach that may have been intended to try and satisfy the Town-serving requirement of the proposed controversial redevelopment of a new Recreation Center that was expanded in mass, height and usage.

Residential is the predominant land use within the Town, accounting for 60% of all land area. The majority of single-family units are located in the north and south central portions of the Town. In contrast, **most** multi-family dwellings are located in the southernmost part of Town, south of Sloan's Curve, and were developed beginning in the 1960's. Because of the high cost of

(I-8) Par. 2

pg 7. - Re: Palm Beach Comprehensive Plan Revisions

What's the data for this? What's the definition of a multi family dwelling? Should this be changed to "many"? This sentence must be re-worded.

The Town-serving commercial area, including the commercial areas of South County Road and Peruvian Avenue, serves as an adjunct to the more famous Worth Avenue shopping area, providing additional shops and services. The Town's objective is to retain and enhance the "Town-serving" character of this section of Palm Beach.

(I-9) Par. 2

Adjunct?

3. The commercial concentration in the vicinity of Royal Poinciana Way, near the Flagler Memorial Bridge, is primarily oriented to the local retail and service needs of Town residents and visitors. However, the Royal Poinciana Plaza, a concentration of shops, restaurants, and offices just east of the Flagler Memorial Bridge, serves a broader clientele.

(I-10) Par. 1

Inconsistent language. The Royal Poinciana Playhouse was previously omitted from this sentence and needs to be reinserted. It is included within the Plan's Cultural Element.

However, in order to maintain the Town's predominantly residential character, no additional lands for commercial uses are considered necessary or appropriate. The Town's inventory of recreational lands and facilities is more than adequate to provide for anticipated needs throughout the planning period. Given the small amount of population growth projected, no additional land will be needed for governmental or institutional uses.

(I-13) Par. 1

Why are these sentences mashed together?

No additional lands for commercial use, but what about existing land for residential use or for PUDs ie, Royal Palm Way or Sunrise Avenue?

"small amount of population growth": Another example of inconsistent language re population.

The Town's storm drainage system is old and contains a number of outfalls which discharge into Lake Worth. The Town is currently obtaining National Pollutant Discharge Elimination System (NPDES) permitting for its drainage system. Because the Town is almost entirely developed, future drainage strategies must be directed toward practical corrections, while mitigating the impacts of future development.

The Town foresees no shortage in the areas of public infrastructure facilities or services over the next ten years.

(I-13) Par. 5

pg 8. - Re: Palm Beach Comprehensive Plan Revisions

The storm drainage system is old? How old ?

"Drainage strategies?" What are they?

Areas of public infrastructure facilities? This language is vague.

expected spillover of that increased density and intensity into the Town will only exacerbate capacity concerns along County Road/Ocean Boulevard/State Road A1A.

(I-14) Par. 2

Where's the data. What about the other major roads like Royal Palm Way, Coconut Row, Bradley Place?

Undergrounding of Utilities

The conversion of the overhead utilities to underground locations will be one of the most ambitious infrastructure projects ever undertaken by the Town of Palm Beach. The undergrounding will preserve the historic character of the Town and enhance the aesthetics of the landscape and scenic vistas. The conversion will significantly improve the level of service and reliability of the electric, telephone, and cable communications to the Town.

(I-15) Par. 3

What data is being used to support the assertion regarding "significant" improvement?

On the other hand, there are a great many properties in the Town that were developed earlier at densities or intensities now considered inappropriate. Most, however, while inconsistent with the Town's Future Land Use Plan, are not inconsistent with the Town's Comprehensive Plan.

(I-15) Par. 5

"great many" - Another example of no data being used to support the text.

Future Redevelopment of Royal Poinciana Plaza/Royal Poinciana Way

There is has been considerable interest in the past in the redevelopment not only of the Royal Poinciana Plaza, but and nearby commercial areas, as well as in the reopening of the long-shuttered Royal Poinciana Theater. Given its size and highly visible location, redevelopment of this area would no doubt have a major impact on the character of the Town and the quality of life of its residents. The future of redevelopment of this area of the Town has been studied through a

pg 9. - Re: Palm Beach Comprehensive Plan Revisions

Given its highly visible location, redevelopment of the Royal Poinciana Plaza has significant potential to affect the established community character of the Town of Palm Beach. The Comprehensive Plan suggests that the key ~~lynchpin of what makes~~ the special physical character of the Town of Palm Beach so special is the Town's long standing commitment to gradual and graceful evolution of development within the Town - as opposed to significant departures from the existing fabric of development.

(I-16) Par 1, 2

Repetitious language re "impacts"

Why do references to the Plaza continue to be lumped together with development in "nearby " commercial areas? This seems inappropriate given the special character of the property, its landmarked status and its separate zoning designation?

TRANSPORTATION ELEMENT

TRAFFIC GENERATORS

There are four main bridges crossing the Intracoastal Waterway and connecting the Town to the mainland; these are:

- Royal Park Bridge
- Flagler Memorial Bridge
- Southern Boulevard Bridge

Page II-3

- Robert A. Harris Memorial Bridge (Lake Worth Rd.)

(II-4)

Bridges are not traffic generators, land uses are. The list should start from the North and go south, ie the first bridge should be Flagler Memorial, then Royal Park, etc.

Developments in nearby communities may cause increases in traffic on regionally significant roadways in the Town. The Town lacks sufficient data to evaluate these impacts. In 2001, the Town negotiated with the City of West Palm Beach and reached agreement with regards to the Town's concerns over the lack of LOS determinations in the City of West Palm Beach's downtown Master Plan.

(II- 4) Par.5

pg 10. - Re: Palm Beach Comprehensive Plan Revisions

The text lacks identification of specific land uses. The text could identify off-island land uses as they occur. There are other sections of the Plan which claim that development in nearby communities IS the cause of traffic increase.

- * This is another planning fallacy which needs to be corrected.
- * Does the Town still lack sufficient data to evaluate development impacts ?
- * What was the agreement reached in 2001?

cial areas during the mid-day hours (11 a.m. — 1 p.m.). Map II-2 identifies the principal areas of traffic and parking problems in the Town.

The *Traffic and Parking Improvement Plan* prepared by the Town's consulting engineers in 2006 indicated ~~that in certain instances insufficient parking may be affecting the ability of residents and others to safely and conveniently access recreational (including the municipal docks) and school facilities.~~ Bridge openings at the Royal Park and Flagler Memorial Bridges needed to be synchronized to be consistent with peak seasonal operations. The Town evaluated the alternative strategies of the Plan and implemented strategies as needed.

(II-6) Par. 1

Where's the data? Who were the engineers? What strategies were implemented?
Needs citation for reference.

Based on the data prepared by Kimley-Horn & Associates and ~~an update prepared by Progressive Design & Engineering as outlined in the Table above, the yearly peak season daily traffic volumes have remained steady or decreased slightly over the reporting period, in a report dated March, 2007, the study recognized that the peak seasonal population in the Town is expected to increase only minimally during the planning period over the estimated population in 2009.~~ Therefore, the Town expects to be able to meet its current adopted levels of service. While some locations along SR A1A may experience traffic levels in excess of the adopted level of service, as a whole traffic levels on A1A will remain within level of service E.

(II-9) Par. 1

Another example of inconsistent data concerning traffic volumes . This says remained steady or decreased slightly and contradicts claims made in other portions of the Plan .

POLICY 1.2

The Town should consider will modifying its land development regulations to adopt a "joint use access" provision controlling the number of access points at which driveways enter onto the roadway system.

(II-13)

What does this mean?

POLICY 3.4

The Town will coordinate with the MPO, FDOT, and PalmTran to ensure that pedestrian, bicycle, and mass transit connections are provided within the Town. The Town will also seek enhancement grants through the MPO, FDOT, and other available sources to fund bicycle and pedestrian improvements within the Town, as opportunities arise.

(II-16)

What grants have been applied for?

HOUSING ELEMENT

According to the U.S. Census BEBR, there were 8,857 9,240 dwelling units in the Town in 2010 2006. Of the total dwelling units, 4,184 (47.2%) units were vacant of which 39.9% (approximately 3,534) units were vacant and considered used for seasonal, recreational, or occasional use and the other 7.3% were either for sale, for rent, or other vacant. Almost 42% of all units were either seasonally vacant or for sale and rent purposes. However, 86% of the vacant units were not available for sale or rent, but were vacant for other reasons. Many of these were held for occasional use and should be considered as housing for seasonal or vacation occupancy. The actual sale rental vacancy rate was 5.8%.

(III-3) Par. 3

Is there updated data? Is this statement correct regarding vacant dwellings?

Based on the U.S. Census 2010-2014 American Community Survey, The 1990 Census recorded the estimated median monthly rental rates in the Town was \$1,259 at \$658 compared to \$1,158 \$499 in Palm Beach County. Whereas the Census recorded the median estimated value of owner occupied units in Palm Beach County during the timeframe in 1990 at was \$194,600 \$98,400, it was \$931,700 over \$500,000 in the Town of Palm Beach.

(III-4) Par 2

Does this paragraph have any relevance ?

OBJECTIVE 6

Identify, protect and maintain the Town's inheritance of housing structures and neighborhoods having significant historic and/or architectural merit. The measurement of this objective shall be the extent to which such structures and neighborhoods are protected, and the degree to which the following policies are implemented.

(III-11)

Inheritance?

Objective 8:

- 2 Conduct of windshield surveys of structures in the Town to identify structural deficiencies substandardness.

(III-12)

Windshield surveys to identify structural deficiencies?

This approach has no validity. You cannot judge the structural integrity of a building from behind the windshield of a car.

INFRASTRUCTURE ELEMENT

The latest three-year average for recycling tonnage totaled 1,650 tones/year using 2014 figures. Public education efforts help to increase awareness of meeting future goals. Despite minor increases in Town population, recycling tonnage is increasing dramatically from year-to-year in

(IV-7) Par. 7

Ton, ton, ton, ton needs better editing.

Extensive shoreline and surface water changes have occurred since 1883. The slough and low lake shorelines have been filled for urban development, and the Atlantic shoreline has receded due to beach erosion. The urbanization of the Town has reduced the amount of water infiltrating to the surficial aquifer, and has increased runoff from impermeable surfaces. The coastal ridge still dominates the island's topography, acting as a seaward barrier to surface drainage. In addition, remnants of slough areas are prone to flooding.

(IV- 8) Par. 1

How much runoff? Where?

The Town's drainage system consists of a combination of pumping stations and gravity outfalls. Pumping stations are necessary because areas of the Town are below Lake Worth's high tide level, causing backflow through stormwater outfalls when above normal tides are experienced in the Lake.

(IV-8) Par. 3

Which areas?

prevent future flooding, the Strategic Planning Board considered how system improvements will be made. Specifically, the Strategic Planning Board explored whether or not changes are needed in Town policy governing construction contracts and construction project management to ensure

(IV-10) Par. 7

that these major projects are completed successfully. During 2001, the Town experienced a very disruptive and unsuccessful project on Bradley Place. In response to that situation, and building upon both successful and unsuccessful past experiences, the Town staff proposed over 30 specific improvements to the Town's contracting and project management practices. These were approved by the Town Council and have been implemented.

(IV-11) Par. 1

What are the "improvements" regarding contracting and project management practices that have been implemented?

While developing this program for improving the public infrastructure is necessary to better protect against flooding, the Town's elected officials, staff, and consultants also have been developing strategies for reducing the impacts of storm water run-off from private properties into the public drainage system. Town regulations were substantially strengthened in this regard in 2001 and 2002. Additional measures are also being considered.

(IV-11) Par. 4

Where is the monitoring data based on the strengthened regulations?
What additional measures are being considered?

Report which can be reviewed on the City's website. Potable water quality has been consistently good, winning awards in recent years for its outstanding taste.

(IV-13) Par. 1

Is this true? what is the source of this statement?

Impacts of the Issue

The impacts of the Town-wide underground utilities conversion project include installing underground utilities for all areas of the Town that presently has overhead utilities. There are some areas within the Town that have already converted their utilities to underground. Those areas include: Everglades Island; Via Fontana; Lake Towers; 300 block of Dunbar Road (summer of 2016); and Nightingale and LaPuerta (started summer of 2016). The conversion will include locating most of the utilities in the Town's road right-of-ways wherever possible. The utilities will be located in alley ways in those neighborhoods which have rear access alleys wide enough for truck access.

The construction is anticipated to take 6 to 10 years. The most disruptive construction will take place during the summer months with the actual utility connections to take place during the winter months. The last step of removing poles and equipment primarily from rear yards will take place the following spring. The undergrounding conversion construction will be coordinated with other Capital Improvement Projects as identified in the Capital Improvements Section of the Comprehensive Plan.

(IV-16) Par. 2 and (IV-17) Par. 3

Where is the construction sequencing and project estimates?

~~The potential impact of undertaking a Town-wide underground utilities conversion project is such that the project can be construed as the initiation of a Community Redevelopment Plan. The underground utilities project has potential impact to the Transportation Element of the~~

(IV-16) Par. 5

Was the undertaking of a Town-wide underground utilities project as a Community Development Plan initiated? And if not, why not?

~~Specifically, the underground utilities project, if approved by the Town's voters, will affect the pavement and/or right of way associated with every road within the Town. Also, every property owner will be impacted to some degree. Therefore, the underground utilities project must be~~

(IV-17) Par. 1

If approved by the Town's voters?
Which voters? Registered voters or property owners ?

~~underground. Of course, additional unanticipated changes in circumstances could affect the timing for the initiation of the underground utilities project in any given area of Town as well as the available funding and/or financing for the underground utilities work to be done. Also, this project will not proceed without voter approval.~~

(IV-17) Par. 2

If the project "will not proceed without voter approval", as stated in the Comp Plan, why were property owners /voters denied the ability to vote as to whether they wanted undergrounding? Did the decision taken by the Town Council in October, 2014 disenfranchise Town property owners and voters in contradiction of the Comp Plan?

- ~~Removal of equipment from poles has been a challenge in similar communities. Need for new utility corridors consisting of rights-of-way and easements~~

(IV-17) Par. 3

Which communities? Other two lane barrier islands? Under what conditions? Where is the data to support the statement? What were the challenges?

- ♦ ~~Project cost may exceed the approved referendum amount. Generation of funds: taxation versus assessments~~

(IV-17) Par.3

"May" exceed? ie, "might" exceed in cost? and if so, why? What data supports this statement? How will funds be generated to cover the shortfall? Or "may" exceed ie, is allowed/permitted to exceed the referendum amount?

OBJECTIVE 7

The Town shall continue to consider burying its overhead utility systems in a financially feasible manner to improve aesthetics, reliability and safety throughout the Town and to require future development to place utility lines underground.

What constitutes a financially feasible "manner"? Is the project financially feasible if it exceeds the approved referendum amount?

COASTAL MANAGEMENT/CONSERVATION ELEMENT

This Element of the Plan has been developed/updated based upon:

1. Analysis of existing land uses in the coastal area as of ~~January, 2006~~ April 2016; conflicts among shoreline uses; need for water-dependent and water-related uses; areas in need of redevelopment; and, the economic base of the coastal area;

(V-1)

Where is the data and analysis supporting the need for water-dependent and water related uses?

What are the uses? Where would they be implemented?

Air and Other Physical Conditions

The Town of Palm Beach has very good air quality. There are no point sources of pollution within the Town. Increased, and mobile pollution sources, such as including automobiles and air traffic, do not constitute a known problem will continue to cause a concern. Air quality is enhanced by the Town's location on the coast, where it benefits from regular sea breezes. Air

(V-4) Par. 1

Where is the data to support any of these statements regarding air quality or increased pollution from automobiles or air traffic?

RECREATION/OPEN SPACE ELEMENT

for more personalized, service-oriented, recreation. In 2016, the Town conducted an extensive community survey regarding the Town's park and recreation facilities and opportunities. The survey lead to a needs assessment and master plan for the Town's Seaview Park and Recreation Center. Other park and recreation improvements were also identified, including a new Recreational Center.

(V-9) Par. 3

Where is the data and analysis based on the needs Assessment?

Where is the master Plan for Seaview Park and Recreation Center?

pg 16. - Re: Palm Beach Comprehensive Plan Revisions

POLICY 3.5

The Town of Palm Beach shall develop a master plan for redevelopment of Seaview Park and Recreation Center based on feedback received from Town residents through the needs assessment process and community-wide survey.

POLICY 3.6

The Town of Palm Beach shall prioritize potential improvements to Town park and recreation facilities based upon residents' feedback through the need assessment process and community-wide survey.

(VI-12)

The GOPs of a Master Plan based on the described input process seems unclear.

CAPITAL IMPROVEMENTS ELEMENT

LOCAL POLICIES AND PRACTICES

Local practices to guide the timing and location of capital improvement projects weigh needs against projected revenue sources, including the availability of grants. The Town does not have a formalized procedure for prioritizing capital improvements. However, it does use the following set of considerations in balancing project needs with available funds:

- Public health, safety, and welfare benefits of the facility;
- Degree of public benefit;
- Maintenance of established levels of service, including prevention of future capital costs;
- Critical nature of facility need;
- Financial feasibility;
- Overall distribution of projects between facility types and geographical location.
- Quality of life and timing issues – balancing public improvement needs with general welfare and inconvenience.

According to state law, as indicated below,

- to the regular operations and maintenance of the project.
- The requirement that the schedule demonstrate financial feasibility has been removed. However, the necessary capital projects must still be listed in the schedule, projected revenue resources identified, and the project listed as "funded" or "unfunded" and assigned with a level of priority for funding. [163.3177(3)(a)4., Florida Statutes].

(Department of Economic Opportunity) related to Comprehensive Plans, the Town needs to prioritize projects. Why doesn't the Town have a formalized procedure? Calvin Giordano & Associates and staff should not be presenting this approach as something that meets the Dept. of Economic Opportunity requirements. This section needs more discussion by P&Z.

What does the last sentence mean in measurable terms?

How is "balance" to be achieved?
What is "general welfare" ?
What is "inconvenience"?

What are the accepted planning practices that should be utilized before work is proposed, approved and scheduled?
what are the procedures and means of implementation ?
what monitoring will be conducted?

This informal process has proven very effective for the Town which, because of due to its small size and nearly fully developed state, is able to keep close tabs on the nature of its facility needs. However, the Town should consider establishing a more formal ranking system for use in the future.

EXISTING AND FUTURE PUBLIC EDUCATION FACILITIES

(VIII-3) Par. 5

Where is the data to support the effectiveness of this "informal" approach?
Re: Consideration of a more formal ranking system for use in the future?
What are the standards to be used for the ranking ?
When in the future?

deficiencies. Because of the very limited anticipated growth in the Town over the next five to ten years (as shown in the population projections found in the Future Land Use Element), most of the existing infrastructure can continue to support the needs of the Town's residents. Many of the projects identified in the Schedule of Capital Improvements are those needed for

(VIII-4) Par. 1

pg 18. - Re: Palm Beach Comprehensive Plan Revisions

* Lack of consistency with this statement and other population references in the Plan.

* Is there a flaw in the statement regarding existing infrastructure and its ability to support the needs of the Town's resident? :

The population may be flat or declining or has very limited growth. However, there is anecdotal evidence that seems to indicate that although the population may be flat, the increase in the size of houses and their infrastructure demands, especially gas, has resulted in a failure in delivery to users as needed. This affects their health, safety and welfare.

Other activities that which will be undertaken within the next five years are not listed because they are subject to funding from other sources (such as the Florida Department of Transportation) or because their costs do not qualify as capital expenditures.

(VIII-4) Par 2

This paragraph has rolled over from 2009. What were the "activities" ?

CAPITAL IMPROVEMENT PROGRAM PROJECT DESCRIPTION

Undergrounding Utility Lines Town Wide

The residents of the Town of Palm Beach passed a referendum in March 2016 to fund the Town Wide Undergrounding of all utilities. The Town expects to move forward on the first phase of construction in May 2017. The overall project will take 6 to 10 years to complete.

Project Budget \$90,000,000

Operating Budget Impact: There will be no increase to personnel. Operating costs associated with the project should minimally increase. (Repairs and Maintenance < \$7,500 annually.)

(VIII-5)

The description of the expenditure for a Storm water pump Station, D-14, is described with great specificity in 15 lines (as are other Public Works projects) but a 10 year- 90 million dollar expenditure is described in less than 3 lines.⁵¹

Where is the breakout of the schedule and the funding year by year?
There HAS been an increase in personnel as a result of the project.

pg 19 . - Re: Palm Beach Comprehensive Plan Revisions

Bradley Place Roadway Improvements

Accelerated Capital Improvements Program, 2013 Bond funds were allocated to correct roadway drivability issues, drainage, curbing sidewalk and update curb ramps to ADA standards where possible. Improvements also include replacing the existing street lights along the corridor and "trombone" style mast arms at Sunrise Avenue with a decorative mast arm that meets the current State windload criteria

Page VIII- 5

where is the data for this ACIP expenditure?
what were the roadway drivability issues?
what curb ramps were updated?

Lake Trail Paving and Drainage Improvements

Accelerated Capital Improvements Program, 2013 Bond funds were allocated for improvements on the Town-maintained Lake Trail pedestrian path. Pavement and drainage along Lake Trail from Royal Palm Way to Reef Road are in need of significant improvements. These improvements also include the Lake Trail access paths.

Project Budget **\$2,300,000**

Operating Budget Impact: There will be no increase to personnel. Operating costs associated with the project should minimally increase. (Repairs and Maintenance < \$5,000 annually.)

(VIII-7)

What portion of this expenditure includes the design and construction of the Bradley Park trail extension?

Fuel Tank Replacement Program

These funds will allow for the continuation of improvements to the Town's fuel tanks and/or piping to remain in compliance with state regulations. The following is a list of the fuel tanks that are to be replaced (including their locations):

19) ~~Par 3 Golf Course - 2345 South Ocean Boulevard~~

20) ~~Seaview Tennis Center - 340 Seaview Avenue~~

Project Budget ~~_____ \$1,964,000*~~

Operating Budget Impact ~~_____ There will be no increase to personnel. Operating costs associated with this project should minimally increase (Repairs and Maintenance < \$5,000 annually.)~~

(VIII-10)

Was this fuel tank replaced? When?
Where is it on the property?

pg 20. - Re: Palm Beach Comprehensive Plan Revisions

Pay-as-you-go Five Year Capital Improvement Plan								
FY2017 Budget								
EXPENDITURES			FY2016 Est.	FY2017	FY2018	FY2019	FY2020	FY2021
Item #	Description	Location	Carry Over	Approved	Estimated	Estimated	Estimated	Estimated
Coastal Structures / Lake Worth Lagoon			\$ 156,398	\$ 115,094	\$ 366,403	\$ 180,000	\$ 200,000	\$ 220,000
1	Bulkheads		\$ -	\$ 115,094	\$ 110,000	\$ 125,000	\$ 140,000	\$ 155,000
2	Seawalls	Lakeside, Bradley	\$ -		\$ 256,403	\$ 55,000	\$ 60,000	\$ 65,000

(VIII-23) ?

Lakeside, Bradley - what is this expenditure?

HISTORIC PRESERVATION ELEMENT

Minor changes to landmarked properties such as replacing door hardware, shutters, re-painting a structure in color to match existing or re-roof with same material, etc., which have a total estimated value of \$2,000 or less, can be approved as, "minor exterior changes," at the discretion of the Planning Administrator Landmarks Project Coordinator, with concurrence from the Chairman. Usually, no Certificate of Appropriateness would need to be filed for these approved minor changes.

(IX-2) Par. 5

Why is the concurrence being deleted?

How Another Municipality Presents its Comprehensive Plan Data

Since ACIP expenditures are a major part of the Town's budget and is being included as new language within the Comprehensive Plan, I am attaching several pages from the Town of Jupiter's Comp Plan which was approved in September, 2016. It is illustrative, specific and concise regarding the "physical" elements of their projects as well as their financial data for budget expenses, funding and operating

expenses for the yearly projections.

Thank you for your attention to these issues. I expect further discussion at the P&Z Commission. The Draft as reviewed and recommended for approval by them is still rough and lacking detail.

Sincerely yours,



A. Seltzer

February 9th Addendum to my January 5th letter:

Should the Comp Plan now include references to impacts to Town traffic created by visits to Mar-a-Lago President Trump.

Undergrounding of Utilities

The conversion of the overhead utilities to underground locations will be one of the most ambitious infrastructure projects ever undertaken by the Town of Palm Beach. The undergrounding will preserve the historic character of the Town and enhance the aesthetics of the landscape and scenic vistas. The conversion will significantly improve the level of service and reliability of the electric, telephone, and cable communications to the Town.

(I-15

Is this editorializing ?

Impacts of the Issue

The impacts of the Town-wide underground utilities conversion project include installing underground utilities for all areas of the Town that presently has overhead utilities. There are some areas within the Town that have already converted their utilities to underground. Those areas include: Everglades Island; Via Fontana; Lake Towers; 300 block of Dunbar Road (summer of 2016); and Nightingale and LaPuerta (started summer of 2016). The conversion will include locating most of the utilities in the Town's road right-of-ways wherever possible. The utilities will be located in alley ways in those neighborhoods which have rear access alleys wide enough for truck access.

The construction is anticipated to take 6 to 10 years. The most disruptive construction will take place during the summer months with the actual utility connections to take place during the winter months. The last step of removing poles and equipment primarily from rear yards will take place the following spring. The undergrounding conversion construction will be coordinated with other Capital Improvement Projects as identified in the Capital Improvements Section of the Comprehensive Plan.

~~The potential impact of undertaking a Town-wide underground utilities conversion project is such that the project can be construed as the initiation of a Community Redevelopment Plan. The underground utilities project has potential impact to the Transportation Element of the Comprehensive Plan as well as to the Infrastructure Element and the Capital Improvements Element.~~

Is this a realistic time table?

Are there are other issues?

Resulting Problems or Opportunities

Problems associated with the underground utilities project include:

- Easements will be required for transformers and other above ground equipment. There is a potential that eminent domain will be required for some easements. Need for funds is great
- Disruption to the community, including noise and traffic congestion is anticipated, tie-ups
- Project cost may exceed the approved referendum amount. Generation of funds, taxation versus assessments
- Removal of equipment from poles has been a challenge in similar communities. Need for new utility corridors consisting of rights-of-way and easements
- Potential need for use of eminent domain

Opportunities are include:

- Increased reliability for all utilities. Results in provision of modern public utility systems throughout Town
- Improved aesthetics for the entire community due to removal of wood and concrete

Page IV-17

poles. Enhanced utility reliability

- Potential for improved broadband and wireless services. Enhanced community aesthetics
- Enhanced public services opportunity to upgrade potentially affected infrastructure simultaneously with the underground utilities project

Needed Actions to Address the Issue

- Complete Master Plan which includes construction sequencing and project estimate of cost. A referendum of the electorate to approve the project.

Timeframe: Master Plan for first assessment phase of the Town will be completed in December 2016. Pending Referendum scheduled for February 2009.

Does the statement regarding "increased reliability " represent editorializing since there is competent data and analysis that refutes this statement?

CAPITAL IMPROVEMENTS ELEMENT

9. Analysis of quality of life and timing issues – balancing public improvement needs with general welfare and inconvenience.

(VIII-1)

This is repeated again.

LOCAL POLICIES AND PRACTICES

Local practices to guide the timing and location of capital improvement projects weigh needs against projected revenue sources, including the availability of grants. The Town does not have a formalized procedure for prioritizing capital improvements. However, it does use the following set of considerations in balancing project needs with available funds:

- Public health, safety, and welfare benefits of the facility;
- Degree of public benefit;
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- Critical nature of facility need;
- Financial feasibility;
- Overall distribution of projects between facility types and geographical location.
- Quality of life and timing issues – balancing public improvement needs with general welfare and inconvenience.

And it's repeated again under IMPLEMENTATION - VIII-13.

POLICY 7.1

As approved by Town voters on March 15, 2016 recommended by the Strategic Planning Board in April 2003, the Town shall continue to develop and implement a Master Plan consider a plan to place utilities underground, as follows:

- ~~7.1a. Oversee an evaluation of the technological and economic feasibility of installing utility lines underground to provide information to decide on the desirability of proceeding on a long-term project. The study should include alternate methods of financing.~~
- ~~7.1b. Investigate opportunities for limited, prioritized, high-visibility demonstration projects, including finance mechanisms and public-private cost sharing.~~
- ~~7.1c. Investigate the feasibility of a program to place utilities underground following a natural disaster.~~

POLICY 7.2

~~By December 2008, the Town Council shall make policy decisions relative to Objective 7: estimated capital costs, financing alternatives including the use of special non-ad valorem assessments, use of eminent domain and coordination with other infrastructure improvements simultaneous with the underground utilities projects.~~

Town voters did not vote to approve the undergrounding of Town-wide utilities.

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PART IV

NEIGHBORHOOD IMPROVEMENT DISTRICTS

163.501 Short title.

163.502 Legislative findings and purpose.

163.503 Definitions.

163.5035 Safe neighborhood improvement districts; compliance with special district provisions.

163.504 Safe neighborhood improvement districts; planning funds.

163.5055 Registration of district establishment; notice of dissolution.

163.506 Local government neighborhood improvement districts; creation; advisory council; dissolution.

163.508 Property owners' association neighborhood improvement districts; creation; powers and duties; duration.

163.511 Special neighborhood improvement districts; creation; referendum; board of directors; duration; extension.

163.512 Community redevelopment neighborhood improvement districts; creation; advisory council; dissolution.

163.513 Crime prevention through community policing innovations, environmental design, environmental security, and defensible space functions of neighborhood improvement districts.

163.514 Powers of neighborhood improvement districts.

163.5151 Fiscal management; budget preparation.

163.516 Safe neighborhood improvement plans.

163.517 Safe Neighborhoods Program.

163.519 Duties of Department of Legal Affairs.

163.521 Neighborhood improvement district inside enterprise zone; funding.

163.5215 Effect.

163.522 State redevelopment programs.

163.523 Safe neighborhood districts; cooperation and involvement of community organizations.

163.524 Neighborhood Preservation and Enhancement Program; participation; creation of Neighborhood Preservation and Enhancement Districts; creation of Neighborhood Councils and Neighborhood Enhancement Plans.

163.526 Neighborhood Councils and local government designated agency; powers and duties.

163.501 Short title.—This part may be cited as the "Safe Neighborhoods Act."

History.—s. 55, ch. 87-243; s. 1, ch. 91-86.

163.502 Legislative findings and purpose.—

(1) The Legislature hereby finds and declares that among the many causes of deterioration in the business and residential neighborhoods of the state are the following: proliferation of crime, automobile traffic flow strangled by outmoded street patterns, unsuitable topography, faulty lot layouts, fragmentation of land uses and parking areas necessitating frequent automobile movement, lack of separation of pedestrian areas from automobile traffic, lack of separation of vehicle traffic lanes and railroad traffic, and excessive noise levels from automobile traffic.

- (2) The Legislature further finds and declares that safe neighborhoods are the product of planning and implementation of appropriate environmental design concepts, comprehensive crime prevention programs, land use recommendations, and beautification techniques.
- (3) The Legislature further finds and declares that the provisions of this part and the powers granted to local governments, property owners' associations, special dependent districts, and community redevelopment neighborhood improvement districts are desirable to guide and accomplish the coordinated, balanced, and harmonious development of safe neighborhoods; to promote the health, safety, and general welfare of these areas and their inhabitants, visitors, property owners, and workers; to establish, maintain, and preserve property values and preserve and foster the development of attractive neighborhood and business environments; to prevent overcrowding and congestion; to improve or redirect automobile traffic and provide pedestrian safety; to reduce crime rates and the opportunities for the commission of crime; and to provide improvements in neighborhoods so they are defensible against crime.
- (4) It is the intent of the Legislature to assist local governments in implementing plans that employ crime prevention through community policing innovations, environmental design, environmental security, and defensible space techniques to establish safe neighborhoods. The Legislature, therefore, declares that the development, redevelopment, preservation, and revitalization of neighborhoods in this state, and all the purposes of this part, are public purposes for which public money may be borrowed, expended, loaned, and granted.
- History.—s. 56, ch. 87-243; s. 2, ch. 91-86; s. 11, ch. 98-314.

163.503 Definitions.—

- (1) "Safe neighborhood improvement district," "district," or "neighborhood improvement district" means a district located in an area in which more than 75 percent of the land is used for residential purposes, or in an area in which more than 75 percent of the land is used for commercial, office, business, or industrial purposes, excluding the land area used for public facilities, and where there is a plan to reduce crime through the implementation of crime prevention through environmental design, environmental security, or defensible space techniques, or through community policing innovations. Nothing in this section shall preclude the inclusion of public land in a neighborhood improvement district although the amount of land used for public facilities is excluded from the land use acreage calculations.
- (2) "Association" means a property owners' association which is incorporated for the purpose of creating and operating a neighborhood improvement district.
- (3) "Department" means the Department of Legal Affairs.
- (4) "Board" means the board of directors of a neighborhood improvement district, which may be the governing body of a municipality or county or the officers of a property owners' association or the board of directors of a special neighborhood improvement district or community redevelopment neighborhood improvement district.
- (5) "Environmental security" means an urban planning and design process which integrates crime prevention with neighborhood design and community development.
- (6) "Crime prevention through environmental design" means the planned use of environmental design concepts such as natural access control, natural surveillance, and territorial reinforcement in a neighborhood or community setting which is designed to reduce criminal opportunity and foster positive social interaction among the legitimate users of that setting.

(7) "Defensible space" means an architectural perspective on crime prevention through physical design of the environment to create the ability to monitor and control the environment along individual perceived zones of territorial influence that result in a proprietary interest and a felt responsibility.

(8) "Enterprise zone" means an area designated pursuant to s. 290.0065.

(9) "Community policing innovation" means techniques or strategies as defined by s. 163.340.

History.—s. 57, ch. 87-243; s. 24, ch. 88-381; s. 3, ch. 91-86; s. 61, ch. 94-136; s. 12, ch. 98-314.

163.5035 Safe neighborhood improvement districts; compliance with special district provisions.—Any special district created pursuant to this part shall comply with all applicable provisions contained in chapter 189. In cases where a provision contained in this part conflicts with a provision in chapter 189, the provision in chapter 189 shall prevail.

History.—s. 4, ch. 91-86.

163.504 Safe neighborhood improvement districts; planning funds.—

(1) The governing body of any municipality or county may authorize the formation of safe neighborhood improvement districts through the adoption of a planning ordinance which specifies that such districts may be created by one or more of the methods established in ss. 163.506, 163.508, 163.511, and 163.512. No district may overlap the jurisdictional boundaries of a municipality and the unincorporated area of a county, except by interlocal agreement.

(2) If the governing body of a municipality or county elects to create a safe neighborhood improvement district, it shall be eligible to request a grant from the Safe Neighborhoods Program, created pursuant to s. 163.517 and administered by the Department of Legal Affairs, to prepare a safe neighborhood improvement plan for the district.

(3) Municipalities and counties may implement the provisions of this section without planning funds from the Department of Legal Affairs. However, nothing in this section shall be construed to exempt any district from the requirements of providing a safe neighborhood improvement plan pursuant to s. 163.516.

History.—s. 58, ch. 87-243; s. 25, ch. 88-381; s. 5, ch. 91-86; s. 10, ch. 93-120.

163.5055 Registration of district establishment; notice of dissolution.—

(1)(a) Each neighborhood improvement district authorized and established under this part shall within 30 days thereof register with both the Department of Economic Opportunity and the Department of Legal Affairs by providing these departments with the district's name, location, size, and type, and such other information as the departments may require.

(b) Each local governing body that authorizes the dissolution of a district shall notify both the Department of Economic Opportunity and the Department of Legal Affairs within 30 days after the dissolution of the district.

(2) This section shall apply to all neighborhood improvement districts established on or after July 1, 1987.

History.—s. 6, ch. 91-86; s. 18, ch. 2012-96.

163.506 Local government neighborhood improvement districts; creation; advisory council; dissolution.—

(1) After a local planning ordinance has been adopted authorizing the creation of local government neighborhood improvement districts, the local governing body of a municipality

or county may create local government neighborhood improvement districts by the enactment of a separate ordinance for each district, which ordinance:

- (a) Specifies the boundaries, size, and name of the district.
- (b) Authorizes the district to receive a planning grant from the department.
- (c) Authorizes the local government neighborhood improvement district to levy an ad valorem tax on real and personal property of up to 2 mills annually.
- (d) Authorizes the use of special assessments to support planning and implementation of district improvements pursuant to the provisions of s. 163.514(16), including community policing innovations.
- (e) Designates the local governing body as the board of directors of the district.
- (f) Establishes an advisory council to the board of directors comprised of property owners or residents of the district.
- (g) May prohibit the use of any district power authorized by s. 163.514.
- (h) Requires the district to notify the Department of Legal Affairs and the Department of Economic Opportunity in writing of its establishment within 30 days thereof pursuant to s. 163.5055.

(2) The advisory council shall perform such duties as may be prescribed by the governing body and shall submit within the time period specified by the governing body, acting as the board of directors, a report on the district's activities and a proposed budget to accomplish its objectives. In formulating a plan for services or improvements the advisory board shall consult in public session with the appropriate staff or consultants of the local governing body responsible for the district's plan.

(3) As an alternative to designating the local governing body as the board of directors, a majority of the local governing body of a city or county may appoint a board of three to seven directors for the district who shall be residents of the proposed area and who are subject to ad valorem taxation in the residential neighborhood improvement district or who are property owners in a commercial neighborhood improvement district. The directors shall be appointed for staggered terms of 3 years. The initial appointments shall be as follows: one director for a 1-year term; one director for a 2-year term; and one director for a 3-year term. If more than three directors are to be appointed, the additional members shall initially be appointed for 3-year terms. Vacancies shall be filled for the unexpired portion of a term in the same manner as the initial appointments were made. Each director shall hold office until his or her successor is appointed and qualified unless the director ceases to be qualified or is removed from office. Upon appointment and qualification and in January of each year, the directors shall organize by electing from their number a chair and a secretary.

(4) A district may be dissolved by the governing body by rescinding the ordinance creating the district. The governing body shall consider rescinding the ordinance if presented with a petition containing the signatures of 60 percent of the residents of a district.

History.—s. 59, ch. 87-243; s. 26, ch. 88-381; s. 7, ch. 91-86; s. 907, ch. 95-147; s. 13, ch. 98-314; s. 19, ch. 2012-96.

163.508 Property owners' association neighborhood improvement districts; creation; powers and duties; duration.—

(1) After a local planning ordinance has been adopted authorizing the creation of property owners' association neighborhood improvement districts, the local governing body of a

municipality or county may create property owners' association neighborhood improvement districts by the enactment of a separate ordinance for each district, which ordinance:

- (a) Establishes that an incorporated property owners' association representing 75 percent of all owners of property within a proposed district meeting the requirements of this section has petitioned the governing body of the municipality or county for creation of a district for the area encompassed by the property owned by members of the association.
- (b) Specifies the boundaries, size, and name of the district.
- (c) Authorizes the governing body through mutual agreement with the property owners' association to:
 - 1. Request a matching grant from the state's Safe Neighborhoods Program to prepare the first year's safe neighborhood improvement plan. The provider of the local match for the state grant shall be mutually agreed upon between the governing body and the property owners' association. The governing body may agree to provide the match as a no-interest-bearing loan to be paid back from assessments imposed by the association on its members or shareholders.
 - 2. Provide staff and other technical assistance to the property owners' association on a mutually agreed-upon basis, contractual or otherwise.
 - 3. Prepare the first year's safe neighborhood improvement plan, which shall comply with and be consistent with the governing body's adopted comprehensive plan.
- (d) Provides for an audit of the property owners' association.
- (e) Designates the officers of the incorporated property owners' association as the board of directors of the district.
- (f) May prohibit the use of any district power authorized by s. 163.514.
- (g) Requires the district to notify the Department of Legal Affairs and the Department of Economic Opportunity in writing of its establishment within 30 days thereof pursuant to s. 163.5055.
- (2) In order to qualify for the creation of a neighborhood improvement district, the property owners shall form an association in compliance with this section, or use an existing property owners' association in compliance with this section, which shall be a corporation, for profit or not for profit, and of which not less than 75 percent of all property owners within the proposed area have consented in writing to become members or shareholders. Upon such consent by 75 percent of the property owners in the proposed district, all consenting property owners and their successors shall become members of the association and shall be bound by the provisions of the articles of incorporation, the bylaws of the association, the covenants, the deed restrictions, the indentures, and any other properly promulgated restrictions. The association shall have no member or shareholder who is not a bona fide owner of property within the proposed district. Upon receipt of its certificate of incorporation, the property owners' association shall notify the clerk of the city or county court, whichever is appropriate, in writing, of such incorporation and shall list the names and addresses of the officers of the association.
- (3) Any Incorporated property owners' association operating pursuant to this part shall have the power:
 - (a) To negotiate with the governing body of a municipality or county for closing, privatizing, or modifying the rights-of-way, and appurtenances thereto, within the district.

(b) To utilize various legal instruments such as covenants, deed restrictions, and indentures to preserve and maintain the integrity of property, land, and rights-of-way owned and conveyed to it within the district.

(c) To make and collect assessments against all property within the boundaries of the district pursuant to the provisions of s. 163.514(16) and to lease, maintain, repair, and reconstruct any privatized street, land, or common area within the district upon dedication thereof to the association.

(d) Without the joinder of any property owner, to modify, move, or create any easement for ingress and egress or for the purpose of utilities, if such easement constitutes part of or crosses district property. However, this shall not authorize the association to modify or move any easement which is created in whole or in part for the use or benefit of anyone other than association members, or which crosses the property of anyone other than association members, without the consent or approval of such person as required by law or by the instrument creating the easement. Nothing in this paragraph shall affect the rights of ingress or egress of any member of the association.

(4) A property owners' association neighborhood improvement district shall continue in perpetuity as long as the property owners' association created pursuant to this section exists under the applicable laws of the state.

History.—s. 60, ch. 87-243; s. 27, ch. 88-381; s. 8, ch. 91-86; s. 11, ch. 93-120; s. 20, ch. 2012-96.

163.511 Special neighborhood improvement districts; creation; referendum; board of directors; duration; extension.—

(1) After a local planning ordinance has been adopted authorizing the creation of special neighborhood improvement districts, the governing body of a municipality or county may declare the need for and create special residential or business neighborhood improvement districts by the enactment of a separate ordinance for each district, which ordinance.

(a) Conditions the implementation of the ordinance on the approval of a referendum as provided in subsection (2).

(b) Authorizes the special neighborhood improvement district to levy an *ad valorem* tax on real and personal property of up to 2 mills annually.

(c) Authorizes the use of special assessments to support planning and implementation of district improvements pursuant to the provisions of s. 163.514(16), including community policing innovations.

(d) Specifies the boundaries, size, and name of the district.

(e) Authorizes the district to receive a planning grant from the department

(f) Provides for the appointment of a 3-member board of directors for the district.

(g) May authorize a special neighborhood improvement district to exercise the power of eminent domain pursuant to chapters 73 and 74. Any property identified for eminent domain by the district shall be subject to the approval of the local governing body before eminent domain procedures are exercised.

(h) May prohibit the use of any district power authorized by s. 163.514.

(i) Requires the district to notify the Department of Legal Affairs and the Department of Economic Opportunity in writing of its establishment within 30 days thereof pursuant to s. 163.5055.

(j) May authorize a special neighborhood improvement district to develop and implement community policing innovations in consultation with the local law enforcement agency having jurisdiction within the district boundaries.

(2) A referendum to implement a special residential or business neighborhood improvement district shall be held within 120 days after the occurrence of one of the following:

(a) The governing body of the municipality or county declares, by the enactment of a separate ordinance pursuant to subsection (1), that there is a need for a special residential or business neighborhood improvement district to function within a proposed area; or

(b) A petition containing the signatures of 40 percent of the electors of a proposed special residential neighborhood improvement district area or 20 percent of the property owners of a proposed special business neighborhood improvement district area is presented to the county commission of a county, if the proposed area is located in the unincorporated area of the county, or to the governing body of a municipality, if the proposed area is located within the incorporated limits of the municipality. The petition shall define the proposed area and shall state that it is for the purpose of calling a referendum to determine whether a special residential or business neighborhood improvement district should be created in such proposed area.

(3)(a) The referendum to implement a special residential neighborhood improvement district ordinance shall be held as prescribed in this subsection.

(b) Within 45 days from the date the governing body of the municipality or county, whichever is appropriate, enacts an ordinance pursuant to subsection (1), or is presented with a petition pursuant to paragraph (2)(b), so that the boundaries of the proposed improvement district are defined, the city clerk or the supervisor of elections, whichever is appropriate, shall certify such ordinance or petition and compile a list of the names and last known addresses of the electors in the proposed special residential neighborhood improvement district from the list of registered voters of the county as of the last day of the month preceding that in which the ordinance was enacted or the petition was presented, and the same shall constitute the registration list for the purposes of the referendum required under this subsection, except as otherwise provided in this subsection.

(c) Within 45 days from compilation of the voter registration list pursuant to paragraph (b), the city clerk or the supervisor of elections shall notify each such elector of the general provisions of this section, including the taxing authority and the date of the upcoming referendum. Notification shall be by United States mail and, in addition thereto, by publication one time in a newspaper of general circulation in the county or municipality in which the district is located.

(d) Any resident of the district whose name does not appear on the list compiled pursuant to paragraph (b) may register to vote as provided by law. The registration list shall remain open for 75 days after enactment of the ordinance defining the special neighborhood improvement district or after presentation of the petition calling for creation of the district.

(e)1. Within 15 days after the closing of registration, the city clerk or the supervisor of elections shall send a ballot to each elector at his or her last known mailing address by first-class United States mail. The ballot shall include:

a. A description of the general provisions of this section applicable to special residential neighborhood improvement districts; and

b. Immediately following said information, the following:

"Do you favor the creation of the Special Residential Neighborhood Improvement District and approve the levy of up to 2 mills of ad valorem taxes by such proposed district?

Yes, for the Special Residential Neighborhood Improvement District.

No, against the Special Residential Neighborhood Improvement District."

2. Ballots shall be returned by United States mail, or by personal delivery.

(f) All ballots received within 120 days after enactment of the ordinance or presentation of the petition defining the district shall be tabulated by the city clerk or the supervisor of elections, who shall certify the results thereof to the city council or county commission no later than 5 days after said 120-day period.

(g) The electors shall be deemed to have approved of the provisions of this section at such time as the city clerk or the supervisor of elections certifies to the governing body of the municipality or county that approval has been given by a majority of the electors voting in the referendum.

(4)(a) The referendum to implement a special business neighborhood improvement district ordinance shall be held as prescribed in this subsection.

(b) Within 45 days from the date the governing body of the municipality or county, whichever is appropriate, enacts an ordinance pursuant to subsection (1), or is presented with a petition pursuant to paragraph (2)(b), so that the boundaries of the proposed improvement district are defined, the city clerk or the supervisor of elections, whichever is appropriate, shall certify such ordinance or petition and compile a list of the names and last known addresses of the freeholders in the proposed special business neighborhood improvement district from the tax assessment roll of the county applicable as of the thirty-first day of December in the year preceding the year in which the ordinance was enacted or the petition was presented, and the same shall constitute the registration list for the purposes of the freeholders' referendum required under this subsection, except as otherwise provided in this subsection.

(c) Within 45 days from compilation of the freeholders' registration list pursuant to paragraph (b), the city clerk or the supervisor of elections shall notify each such freeholder of the general provisions of this section, including the taxing authority and the date of the upcoming referendum, and the method provided for submitting corrections to the registration list should the status of the freeholder have changed since the compilation of the tax rolls. Notification shall be by United States mail and, in addition thereto, by publication one time in a newspaper of general circulation in the county or municipality in which the district is located.

(d) Any freeholder whose name does not appear on the tax rolls compiled pursuant to paragraph (b) may register to vote with the city clerk or the supervisor of elections. The registration list shall remain open for 75 days after enactment of the ordinance defining the special business neighborhood improvement district or after presentation of the petition calling for creation of the district.

(e)1. Within 15 days after the closing of the registration list, the city clerk or the supervisor of elections shall send a ballot to each registered freeholder at his or her last known mailing address by first-class United States mail. The ballot shall include:

- a. A description of the general provisions of this section applicable to special business neighborhood improvement districts;
- b. The assessed value of the freeholder's property;
- c. The percent of the freeholder's interest in such property; and
- d. Immediately following said information, the following:

"Do you favor the creation of the Special Business Neighborhood Improvement District and approve the levy of up to 2 mills of ad valorem taxes by such proposed district?

Yes, for the Special Business Neighborhood Improvement District.

No, against the Special Business Neighborhood Improvement District."

2. Ballots shall be returned by United States mail or by personal delivery.

(f) All ballots received within 120 days after enactment of the ordinance or presentation of the petition defining the district shall be tabulated by the city clerk or the supervisor of elections, who shall certify the results thereof to the city council or county commission no later than 5 days after said 120-day period.

(g) The freeholders shall be deemed to have approved of the provisions of this section at such time as the city clerk or the supervisor of elections certifies to the governing body of the municipality or county that approval has been given by freeholders representing in excess of 50 percent of the assessed value of the property within the special business neighborhood improvement district.

(5)(a) The city clerk or the supervisor of elections, whichever is appropriate, shall enclose with each ballot sent pursuant to this section two envelopes: a secrecy envelope, into which the elector or freeholder shall enclose the marked ballot; and a mailing envelope, into which the elector or freeholder shall then place the secrecy envelope, which shall be addressed to the city clerk or the supervisor of elections. The back side of the mailing envelope shall bear a certificate in substantially the following form:

Note: Please Read Instructions Carefully Before

Marking Ballot and Completing Voter's Certificate.

VOTER'S CERTIFICATE

I, , am a duly qualified and registered (voter or freeholder, whichever is appropriate) of the proposed (name) (Special Residential or Business, whichever is appropriate) Neighborhood Improvement District; and I am entitled to vote this ballot. I do solemnly swear or affirm that I have not and will not vote more than one ballot in this election. I understand that failure to sign this certificate and have my signature witnessed will invalidate my ballot.

(Voter's Signature)

Note: Your Signature Must Be Witnessed By One Witness 18 Years of Age or Older as provided in the Instruction Sheet.

I swear or affirm that the elector signed this Voter's Certificate in my presence.

(Signature of Witness)

(Address) (City/State)

(b) The certificate shall be arranged on the back of the mailing envelope so that the lines for the signatures of the elector or freeholder and the attesting witness are across the seal of the envelope; however, no statement shall appear on the envelope which indicates that a signature of the elector, freeholder, or witness must cross the seal of the envelope. The elector or freeholder and the attesting witness shall execute the certificate on the envelope.

(6) The city clerk or the supervisor of elections shall enclose with each ballot sent to an elector or freeholder pursuant to this section separate printed instructions in substantially the following form:

READ THESE INSTRUCTIONS CAREFULLY
BEFORE MARKING BALLOT.

1. VERY IMPORTANT. In order to ensure that your ballot will be counted, it should be completed and returned as soon as possible so that it can reach the city clerk or the supervisor of elections no later than 7 p.m. on the (final day of the 120-day period given here).
2. Mark your ballot in secret as instructed on the ballot.
3. Place your marked ballot in the enclosed secrecy envelope.
4. Insert the secrecy envelope into the enclosed mailing envelope, which is addressed to the city clerk or the supervisor of elections.
5. Seal the mailing envelope and completely fill out the Voter's Certificate on the back of the mailing envelope.
6. VERY IMPORTANT. Sign your name on the line provided for "(Voter's Signature)."
7. VERY IMPORTANT. In order for your ballot to be counted, it must include the signature and address of a witness 18 years of age or older affixed to the Voter's Certificate.
8. Mail, deliver, or have delivered the completed mailing envelope. Be sure there is sufficient postage if mailed.

(7) The business and affairs of a special neighborhood improvement district shall be conducted and administered by a board of three directors who shall be residents of the proposed area and who are subject to ad valorem taxation in the district. Upon their appointment and qualification and in January of each year, the directors shall organize by electing from their number a chair and a secretary, and may also employ staff and legal representatives as deemed appropriate, who shall serve at the pleasure of the board and may receive such compensation as shall be fixed by the board. The secretary shall keep a record of the proceedings of the district and shall be custodian of all books and records of the district. The directors shall not receive any compensation for their services, nor may they be employed by the district.

(8) Within 30 days of the approval of the creation of a special neighborhood improvement district, if the district is in a municipality, a majority of the governing body of the municipality, or if the district is in the unincorporated area of the county, a majority of the county commission, shall appoint the three directors provided for herein for staggered terms of 3 years. The initial appointments shall be as follows: one for a 1-year term, one for a 2-year term, and one for a 3-year term. Each director shall hold office until his or her successor is appointed and qualified unless the director ceases to be qualified to act as a director or is removed from office. Vacancies on the board shall be filled for the unexpired portion of a term in the same manner as the initial appointments were made.

(9) Reappointment of the directors shall be accomplished in the same manner as the original appointments by the governing body of the municipality or county 2 months prior to the reappointment date.

(10) The governing body of a municipality or county may remove a director for inefficiency, neglect of duty, or misconduct in office only after a hearing and only if he or she has been given a copy of the charges at least 10 days prior to such hearing and has had an opportunity to be heard in person or by counsel. A vacancy so created shall be filled as provided herein.

(11) The district may employ a manager, who shall be a person of recognized ability and experience, to serve at the pleasure of the district. The manager may employ such employees as may be necessary for the proper administration of the duties and functions of the district. However, the district shall approve such positions and fix compensation for such employees. The district may contract for the services of attorneys, engineers, consultants, and agents for any lawful purpose of the district.

(12) The directors shall be subject to the code of ethics for public officers and employees as set forth in part III of chapter 112 and to the requirements of the public records law and public meetings law in chapters 119 and 286, respectively.

(13) Any special neighborhood improvement district created pursuant to this part shall cease to exist at the end of the tenth fiscal year of operation. Such a district may continue in operation for subsequent 10-year periods if the continuation of the district is approved at a referendum conducted pursuant to this part. Said referendum shall be held upon one of the occurrences specified in subsection (2). Should the district cease to exist, all property owned by the district shall become property of the municipality or county in which the district is located.

(14) In the event the district is dissolved, the property owners in the district shall make alternate arrangements acceptable to the debtholders and local governments pertaining to payment of debts.

History.—s. 61, ch. 87-243; s. 28, ch. 88-381; s. 9, ch. 91-86; s. 908, ch. 95-147; s. 10, ch. 96-57; s. 14, ch. 98-314; s. 29, ch. 2003-415; s. 21, ch. 2012-96.

163.512 Community redevelopment neighborhood improvement districts; creation; advisory council; dissolution.—

(1) Upon the recommendation of the community redevelopment agency and after a local planning ordinance has been adopted authorizing the creation of community redevelopment neighborhood improvement districts, the local governing body of a municipality or county may create community redevelopment neighborhood improvement districts by the enactment of a separate ordinance for each district, which ordinance:

- (a) Specifies the boundaries, size, and name of the district.
 - (b) Authorizes the district to receive a planning grant from the department.
 - (c) Authorizes the use of the community redevelopment trust fund created pursuant to s. 163.387 for the purposes of implementing the safe neighborhood improvement plan and furthering crime prevention through community policing innovations, environmental design, environmental security, and defensible space techniques, if expenditures from the community redevelopment trust fund are consistent with the community redevelopment plan created pursuant to s. 163.360.
 - (d) Designates the community redevelopment board of commissioners established pursuant to s. 163.356 or s. 163.357 as the board of directors for the district.
 - (e) Establishes an advisory council to the board of directors comprised of property owners or residents of the district.
 - (f) May prohibit the use of any district power authorized by s. 163.514.
 - (g) Requires that the safe neighborhood improvement plan be consistent with the community redevelopment plan created pursuant to s. 163.360, and permits the safe neighborhood improvement plan to be included in the community redevelopment plan as an optional element.
 - (h) Requires that the boundaries of the community redevelopment district be contained in whole within the community redevelopment area established pursuant to ss. 163.355 and 163.356.
 - (i) Requires the district to notify the Department of Legal Affairs and the Department of Economic Opportunity in writing of its establishment within 30 days thereof pursuant to s. 163.5055.
 - (2) The advisory council shall perform such duties as may be prescribed by the community redevelopment board established pursuant to s. 163.356 and shall submit within the time period specified by the board of directors a report on the district's activities and a proposed budget to accomplish its objectives. In formulating a plan for services or improvements, the advisory council shall consult in public session with the appropriate staff or consultants of the community redevelopment board responsible for the district's plan.
 - (3) A district may be dissolved by the local governing body by rescinding the ordinance creating the district. The governing body shall consider rescinding the ordinance if presented with a petition containing the signatures of 60 percent of the residents of a district.
- History.—s. 10, ch. 91-86; s. 15, ch. 98-314; s. 22, ch. 2012-96.
- 163.513 Crime prevention through community policing innovations, environmental design, environmental security, and defensible space functions of neighborhood improvement districts.—All boards of local governments, property owners' associations, special neighborhood improvement districts, and community redevelopment neighborhood improvement districts created pursuant to this part shall:
- (1) Collect data on the types, frequency, severity, and location of criminal activity occurring in the district, including determination, from surveys and other research techniques, of the level of crime as perceived by neighborhood residents and comparison of the types of crime in the district on a per capita, citywide, and countywide basis.
 - (2) Provide an analysis of crimes related to land use and environmental and physical conditions of the district, giving particular attention to factors which support or create opportunities for crime, which impede natural surveillance, which encourage free circulation

through the district, or which hinder the defense of social territories perceived by residents as under control. Any factor used to define or describe the conditions of the physical environment can serve as the basis of a crime-to-environment relationship. These factors include streets, alleys, sidewalks, residential blocks, position of dwellings on a block, single vs. multifamily dwellings, abandoned houses, parking areas and parking lots, informal pathways, functional areas of the environment, traffic flow patterns, and the existence of barriers such as fences, walls, gullies, and thick vegetation.

(3) Determine, from surveys and other data collection techniques, areas within the district where modification or closing of, or restriction of access to, certain streets in a manner consistent with crime prevention through community policing innovations, environmental design, environmental security, and defensible space principles would assist crime prevention and enhance neighborhood security for property owners and residents.

(4) Formulate and maintain on a current basis for each district short-range and long-range projects and plans which the crime-to-environment analysis, including surveys and citizen participation, has determined are applicable and utilize crime prevention through community policing innovations, environmental design, environmental security, and defensible space strategies and tactics which will improve the attractiveness and security of the district by reducing criminal activity, will stabilize neighborhoods and enhance property values within the district, will promote proper use and informal control of residential streets within the district, will improve public facilities and amenities and provide for territorial control of streets and areas within the district by legitimate users, and will increase the probability that persons who commit crimes in the district will be apprehended.

(5) Prepare and initiate actions deemed most suitable for implementing safe neighborhood improvement plans, including modifications to existing street patterns and removal, razing, renovation, reconstruction, remodeling, relocation, and improvement of existing structures and facilities, and addition of new structures and facilities, and coordination with other agencies providing relevant informational, educational, and crime prevention services. The preparation of actions for implementation shall utilize crime prevention through community policing innovations, environmental design, environmental security, and defensible space strategies and tactics.

(6) Participate in the implementation and execution of safe neighborhood improvement plans, including any establishment, acquisition, construction, ownership, financing, leasing, licensing, operation, and management of publicly owned or leased facilities deemed beneficial in effecting such implementation for the public purposes stipulated in s. 163.502. However, this subsection shall not give the board, association, or district any power or control over any city or county property unless and until assigned to it by the city or county governing body. This subsection shall not be construed to give neighborhood improvement districts the power to restrict access to or prohibit the use of public facilities for lawful purposes.

(7) Ensure that all capital improvements within the district are consistent with the capital improvement elements of the applicable local government comprehensive plans.

History.—s. 62, ch. 87-243; s. 11, ch. 91-86; s. 16, ch. 98-314.

163.514 Powers of neighborhood improvement districts.—Unless prohibited by ordinance, the board of any district shall be empowered to:

- (1) Enter into contracts and agreements and sue and be sued as a body corporate.
- (2) Have and use a corporate seal.

- (3) Acquire, own, convey, or otherwise dispose of, lease as lessor or lessee, construct, maintain, improve, enlarge, raze, relocate, operate, and manage property and facilities of whatever type to which it holds title and grant and acquire licenses, easements, and options with respect thereto.
- (4) Accept grants and donations of any type of property, labor, or other thing of value from any public or private source.
- (5) Have exclusive control of funds legally available to it, subject to limitations imposed by law or by any agreement validly entered into by it.
- (6) Cooperate and contract with other governmental agencies or other public bodies.
- (7) Contract for services of planning consultants, experts on crime prevention through community policing innovations, environmental design, environmental security, or defensible space, or other experts in areas pertaining to the operations of the board of directors or the district.
- (8) Contract with the county or municipal government for planning assistance, and for increased levels of law enforcement protection and security, including additional personnel.
- (9) Promote and advertise the commercial advantages of the district so as to attract new businesses and encourage the expansion of existing businesses.
- (10) Promote and advertise the district to the public and engage in cooperative advertising programs with businesses located in the district.
- (11) Improve street lighting, parks, streets, drainage, utilities, swales, and open areas, and provide safe access to mass transportation facilities in the district.
- (12) Undertake innovative approaches to securing neighborhoods from crime, such as crime prevention through community policing innovations, environmental design, environmental security, and defensible space.
- (13) Privatize, close, vacate, plan, or replan streets, roads, sidewalks, and alleys, subject to the concurrence of the local governing body and, if required, the state Department of Transportation.
- (14) Prepare, adopt, implement, and modify a safe neighborhood improvement plan for the district.
- (15) Identify areas with blighted influences, including, but not limited to, areas where unlawful urban dumping or graffiti are prevalent, and develop programs for eradication thereof.
- (16)(a) Subject to referendum approval, make and collect special assessments pursuant to ss. 197.3632 and 197.3635 to pay for improvements to the district and for reasonable expenses of operating the district, including the payment of expenses included in the district's budget, subject to an affirmative vote by a majority of the registered voters residing in the district. Such assessments shall not exceed \$500 for each individual parcel of land per year. Notwithstanding the provisions of s. 101.6102, the referendum to approve the special assessment shall be by mail ballot.
- (b) In order to implement this subsection, the city clerk or the supervisor of elections, whichever is appropriate, shall compile a list of the names and last known addresses of the electors in the neighborhood improvement district from the list of registered voters of the county as of the last day of the preceding month. The same shall constitute the registration list for the purposes of a referendum. Within 45 days after compilation of the voter registration list, the city clerk or the supervisor of elections shall notify each elector of the

general provisions of this section, including the taxing authority and the date of the upcoming referendum. Notification shall be by United States mail and, in addition thereto, by publication one time in a newspaper of general circulation in the county or municipality in which the district is located.

(c) Any resident of the district whose name does not appear on the list compiled pursuant to paragraph (b) may register to vote as provided by law. The registration list shall remain open for 75 days after the notification required in paragraph (b).

(d) Within 15 days after the closing of registration, the city clerk or the supervisor of elections shall send a ballot to each elector at his or her last known mailing address by first-class United States mail. The ballot shall include:

1. A description of the general provisions of this section applicable to the neighborhood improvement district; and
2. Immediately following said information, the following:

"Do you favor the imposition of a special assessment of not greater than \$500 for each individual parcel of land per year to pay for the expenses of operating the neighborhood improvement district?

Yes, for the special assessment.

No, against the special assessment."

(e) Ballots shall be returned by United States mail or by personal delivery.

(f) All ballots received within 60 days after the closing of registration shall be tabulated by the city clerk or the supervisor of elections, who shall certify the results thereof to the city governing body or county commission no later than 5 days after said 60-day period.

(17) Exercise all lawful powers incidental to the effective and expedient exercise of the foregoing powers.

History.—s. 63, ch. 87-243; s. 29, ch. 88-381; s. 12, ch. 91-86; s. 909, ch. 95-147; s. 17, ch. 98-314.

163.5151 Fiscal management; budget preparation.—

(1) Subject to agreement with the local governing body, all funds of the districts created pursuant to this part shall be received, held, and secured in the same manner as other public funds by the appropriate fiscal officers of the municipality in which the district is located, or the county if the district is located in the unincorporated portion of the county. The funds of the district shall be maintained under a separate account, shall be used for purposes authorized by this part, and shall be disbursed only by direction of or with approval of the district pursuant to requisitions signed by the manager or other designated chief fiscal officer of the district and countersigned by at least one other member of the board.

(2) The district bylaws shall provide for maintenance of minutes and other official records of its proceedings and actions; for preparation and adoption of an annual budget for each ensuing fiscal year; for internal supervision and control of its accounts, which function the appropriate city or county fiscal officers may perform for the district at its request; and for an external audit at least annually by an independent certified public accountant who has no personal interest, direct or indirect, in the fiscal affairs of the district. A copy of the external audit shall be filed with the city clerk or the clerk of the court, whichever is appropriate, within 90 days after the end of each fiscal year. The bylaws shall specify the means by which

each of these functions is to be performed and, as to those functions assigned to district personnel, the manner and schedule of performance.

(3) Each special neighborhood improvement district shall establish its budget pursuant to the provisions of chapter 200. Prior to adoption of the final budget and setting of the millage rate to be levied by the board, the board shall submit a tentative budget and proposed millage rate of the district to the governing body of the municipality in which the district is located, or to the county if the district is located in the unincorporated portion of the county, for approval or disapproval. Such governing body shall have the power to modify the budget or millage submitted by the board. Subsequent to approval, the board shall adopt its final budget and millage rate in accordance with the requirements of chapter 200.

(4) At the option of the county property appraiser for the county within which the neighborhood improvement district is located, the assessments levied by the district shall be collected in the same manner as all ad valorem taxes if so requested by the local governing body pursuant to s. 197.363.

History.—s. 64, ch. 87-243; s. 30, ch. 88-381; s. 13, ch. 91-86.

163.516 Safe neighborhood improvement plans.—

(1) A safe neighborhood improvement plan is mandated for all neighborhood improvement districts. The plan shall contain at least the following elements:

- (a) Demographics of the district.
- (b) Crime activity data and analysis.
- (c) Land use, zoning, housing, and traffic analysis.
- (d) Determination of the problems of the crime-to-environment relationship and the stability of the neighborhood improvement district.
- (e) Statement of the district's goal and objectives.
- (f) Assessment of crime prevention through community policing innovations, environmental design, environmental security, and defensible space strategies and tactics that will be applied to the crime-to-environment relationship problems.
- (g) Cost estimates and the methods of financing.
- (h) Outline of program participants and their functions and responsibilities.
- (i) Schedule for executing program activities.
- (j) Evaluation guidelines.

(2) Every safe neighborhood improvement plan shall show, by diagram and by general explanation:

- (a) Such property as is intended for use as public parks, recreation areas, streets, public utilities, and public improvements of any nature.
- (b) Specific identification of any publicly funded capital improvement projects to be undertaken within the district.
- (c) Adequate assurances that the improvements will be carried out pursuant to the plan.
- (d) Provision for the retention of controls and the establishment of any restrictions or covenants running with land sold or leased for private use for such periods of time and under such conditions as the governing body of the municipality in which the district is located, or the county if the district is located in the unincorporated portion of the county, deems necessary to effectuate the purposes of this part.
- (e) Projected costs of improvements, including the amount to be expended on publicly funded capital improvement projects in the district and any indebtedness of the district, the

county, or the municipality proposed to be incurred if such indebtedness is to be repaid with district revenues.

(f) Promotion of advertising programs to be undertaken by the district or in conjunction with businesses in the district.

(g) Suggested physical improvements necessary for the safety of residents in or visitors to the district.

(h) Law enforcement and security plans for the district.

(3) The safe neighborhood improvement plan shall:

(a) Be consistent with the adopted comprehensive plan for the county or municipality pursuant to the Community Planning Act. No district plan shall be implemented unless the local governing body has determined said plan is consistent.

(b) Be sufficiently complete to indicate such land acquisition, demolition and removal of structures, street modifications, redevelopment, and rehabilitation as may be proposed to be carried out in the district.

(c) Provide some method for and measurement of the reduction of crime within the district.

(4) The county, municipality, or district may prepare or cause to be prepared a safe neighborhood improvement plan, or any person or agency, public or private, may submit such a plan to a district. Prior to its consideration of a safe neighborhood improvement plan, the district shall submit such plan to the local governing body for review and written approval as to its consistency with the local government comprehensive plan. The district must be notified of approval or disapproval within 60 days after receipt of the plan for review, and a revised version of the plan may be submitted to satisfy any inconsistencies. The district may not proceed with the safe neighborhood improvement plan until final approval is given by the local governing body.

(5) Prior to adoption of the safe neighborhood improvement plan, the board shall hold a public hearing on the plan after public notice thereof by publication in a newspaper of general circulation in the county or municipality in which the district is located. The notice shall describe the time, date, place, and purpose of the hearing; identify the boundaries of the district; and outline the general scope of the plan.

(6) The board, after the public hearing, may approve the safe neighborhood improvement plan if it finds:

(a) The plan has been approved as consistent with the local comprehensive plan by the local governing body; and

(a) The plan will improve the promotion, appearance, safety, security, and public amenities of the neighborhood improvement district as stipulated in s. 163.502.

(7) If, at any time after approval of the safe neighborhood improvement plan, it becomes desirable to amend or modify the plan, the board may do so. Prior to any such amendment or modification, the board shall obtain written approval of the local governing body concerning conformity to the local government comprehensive plan and hold a public hearing on the proposed amendment or modification after public notice thereof by publication in a newspaper of general circulation in the county or municipality in which the district is located. The notice shall describe the time, place, and purpose of the hearing and generally describe the proposed amendment or modification.

(8) Pursuant to s. 163.3184, the governing body of a municipality or county shall hold two public hearings to consider the board-adopted safe neighborhood improvement plan as an

amendment or modification to the municipality's or county's adopted local comprehensive plan.

(9) A safe neighborhood improvement plan for each district shall be prepared and adopted by the municipality or county prior to the levy and expenditure of any of the proceeds of any tax assessment or fee authorized to such districts other than for the preparation of the safe community or business improvement plan.

History.—s. 65, ch. 67-243; s. 14, ch. 91-86; s. 14, ch. 92-129; s. 18, ch. 98-314; s. 34, ch. 2011-139.

163.517 Safe Neighborhoods Program.—

(1) The Safe Neighborhoods Program is hereby created. The purpose of the program shall be to provide planning grants and technical assistance on a 100-percent matching basis to the neighborhood improvement districts authorized by this part. Planning grants shall be awarded to eligible applicants, pursuant to the process described in subsections (2) and (3), as follows:

(a) Property owners' association neighborhood improvement districts may receive up to \$20,000.

(b) Local government neighborhood improvement districts may receive up to \$100,000.

(c) Special neighborhood improvement districts may receive up to \$50,000.

(d) Community redevelopment neighborhood improvement districts may receive up to \$50,000.

(2) Applications for planning grants from the Safe Neighborhoods Program shall be considered when the following criteria are met:

(a) Verification that the local governing body has passed an ordinance creating neighborhood improvement districts.

(b) Verification of commitment to provide matching funds for purposes of planning for neighborhood improvement districts. A local match may include in-kind services such as office space and supplies. The fair market value of such in-kind services must be documented.

(3) All applications determined to be eligible for consideration shall be reviewed, evaluated, and rank ordered based on the following criteria:

(a) Evidence of commitment from neighborhood organizations, homeowners, property owners, business or merchant's associations, or concerned individuals to participate in the activities of their neighborhood improvement districts.

(b) Need of the community for neighborhood improvement districts for purposes of reducing crime, including the degree to which crime data indicates an escalation of criminal activities which impact area physical and economic conditions, identification of environmental factors which support criminal activities, previous crime prevention plans and efforts which impact the physical environment, excessive traffic counts for residential roads, and crime rates in enterprise zones and in business and commercial areas.

(c) Need of the community for state planning funds to successfully implement neighborhood improvement districts, including consideration of the community's existing planning, law enforcement, and other appropriate local services and resources.

(4) Population distribution of Florida's cities and counties shall be considered in order to give communities of all sizes an opportunity to benefit from the matching funds provided by the Safe Neighborhoods Program for the establishment of neighborhood improvement

districts. No more than one neighborhood improvement district within the boundaries of a local government shall be awarded a planning grant in any given funding cycle.

(5) Each neighborhood improvement district which receives funds under this section shall submit an audit to the department. Such audits shall be submitted no less than one time per year. Neighborhood improvement districts must submit an audit to the department at least 30 days prior to making application for additional planning grants. A local government audit performed in accordance with the provisions of chapter 218, covering the period of the grant, may be submitted to satisfy this requirement.

History.—s. 66, ch. 87-243; s. 36, ch. 91-45; s. 15, ch. 91-86; s. 9, ch. 93-120; s. 47, ch. 2012-116.

163.519 Duties of Department of Legal Affairs.—The Department of Legal Affairs shall:

(1) Develop program design and criteria for funding neighborhood improvement districts.

(2) Carry out the development, promulgation, and revision of rules required for the operation of the Safe Neighborhoods Program, the capital improvements provisions contained in s. 163.521, and any other duties assigned to the department by this part.

(3) Develop application and review procedures.

(4) Provide advice and technical assistance to local government units, property owners' associations, and boards of directors for special neighborhood improvement districts and community redevelopment neighborhood improvement districts in their efforts to promote the goals of the Safe Neighborhoods Act and to apply for planning grants.

(5) Review and evaluate applications for planning and technical assistance.

(6) Provide for contract management, including the review of contract closeout reports for accountability and conformance with state law and the required administrative procedures.

(7) Evaluate program performance in light of state objectives and future trends and opportunities and prepare recommendations for the Legislature.

(8) Act as the repository of crime prevention through community policing innovations; environmental design strategies, principles, and tactics; environmental security plans and procedures; defensible space techniques; and safe neighborhood improvement plans.

(9) Utilize staff to provide crime prevention through community policing innovations, environmental design, environmental security, and defensible space training.

(10) Provide for consultant contracts for statewide training on safe neighborhood development for planners, engineers, local officials, property owners' associations, and boards of directors of special neighborhood improvement districts.

(11) Review and approve or disapprove safe neighborhood improvement plans prior to the adoption by the local governing body of any safe neighborhood improvement plan created pursuant to s. 163.516. Plans shall be submitted to the department for review and approval or disapproval. All such reviews shall:

(a) Ensure that appropriate plan elements are based on crime prevention through community policing innovations, environmental design, environmental security, or defensible space.

(b) Ensure that appropriate plan elements are consistent with crime prevention through community policing innovations, environmental design, environmental security, and defensible space functions of neighborhood improvement districts as listed in s. 163.513.

(c) Be completed within 60 days after receipt by the department with a detailed explanation of any deficiencies. The district shall submit the required modifications within 60 days after

notification of the deficiencies, unless there is compelling evidence that an extension should be granted. After that time the department may withhold any payments to the neighborhood improvement district until compliance is made and may withhold submission to the Legislature of any capital improvement requests made pursuant to s. 163.521.

History.—s. 68, ch. 87-243; s. 17, ch. 91-86; s. 12, ch. 93-120; s. 19, ch. 98-314; s. 45, ch. 2010-102.

163.521 Neighborhood improvement district inside enterprise zone; funding.—The local governing body of any municipality or county in which the boundaries of an enterprise zone include a neighborhood improvement district in whole or in part, prior to October 1 of each year, may request the Department of Legal Affairs to submit within its budget request to the Legislature provisions to fund capital improvements. A request may be made for 100 percent of the capital improvement costs for 25 percent of the area of the enterprise zone which overlaps the district. The local governing body may also request a 100-percent matching grant for capital improvement costs for the remaining 75 percent of the area of the enterprise zone which overlaps the district. Local governments must demonstrate the capacity to implement the project within 2 years after the date of the appropriation. Funds appropriated under this provision may not be expended until after completion and approval of the safe neighborhood improvement plan pursuant to ss. 163.516 and 163.519(11). Capital improvements contained within the request submitted by the local governing body must be specifically related to crime prevention through community policing innovations, environmental design, environmental security, and defensible space and must be reviewed by the department for compliance with the principles of crime prevention through community policing innovations, environmental design, environmental security, and defensible space. The department shall rank order all requests received for capital improvements funding based on the necessity of the improvements to the overall implementation of the safe neighborhood plan; the degree to which the improvements help the plan achieve crime prevention through community policing innovations, environmental design, environmental security, and defensible space objectives; the effect of the improvements on residents of low or moderate income; and the fiscal inability of local government to perform the improvements without state assistance.

History.—s. 69, ch. 87-243; s. 31, ch. 88-381; s. 18, ch. 91-86; s. 20, ch. 98-314.

163.5215 Effect.—The provisions of this part shall not be construed to modify, limit, expand, or supersede any existing laws relating to the closing or abandonment of public roads, the denial of access to areas for public ingress or egress, or the use of public facilities.

History.—s. 19, ch. 91-86.

163.522 State redevelopment programs.—

(1) Any county or municipality which has nominated an area as an enterprise zone pursuant to s. 290.0055 which has been so designated pursuant to s. 290.0065 is directed to give consideration to the creation of a neighborhood improvement district within said area.

(2) Any county or municipality which has authorized the creation of a community redevelopment area pursuant to part III of this chapter is directed to give consideration to the creation of a neighborhood improvement district within said area.

History.—s. 70, ch. 87-243; s. 20, ch. 91-86; s. 62, ch. 94-136.

163.523 Safe neighborhood districts; cooperation and involvement of community organizations.—To the extent possible, local governments may cooperate and seek the

involvement of community organizations such as churches, chambers of commerce, community development corporations, civic associations, neighborhood housing services, urban leagues, and other not-for-profit organizations in the creation of safe neighborhood improvement districts under this part. Any neighborhood improvement district may enter into agreements with any of such community organizations to undertake any of the activities authorized under this part, except the preparation of safe neighborhood improvement plans. To this end, the district may compensate any such organization for the value of its service. However, such compensation shall not exceed 1 percent of the total annual budget of the district. The community organization may also contract with the district to provide maintenance services for projects implemented in the district. The fee for such services shall not exceed 2 percent of the total budget for the district's project for which services are to be rendered. All service agreements made with community organizations shall have a renewable term of no longer than 3 years. A district may receive funds from such organizations in connection with the performance of any of the functions authorized in this part.

History.—s. 32, ch. 88-381.

163.524 Neighborhood Preservation and Enhancement Program; participation; creation of Neighborhood Preservation and Enhancement Districts; creation of Neighborhood Councils and Neighborhood Enhancement Plans.—

(1) The governing body of any municipality or county may authorize its participation in the Neighborhood Preservation and Enhancement Program through the adoption of a local ordinance. After a local ordinance has been adopted authorizing the participation of the local government in the Neighborhood Preservation and Enhancement Program, the local government shall notify the residents within the boundaries of the local government about the program. The local government shall designate or create an agency that shall be responsible for the enforcement of Neighborhood Enhancement Plans. This agency may be the local code enforcement board, county sheriff, municipal police department, or any other agency the local government feels will provide adequate enforcement of the adopted Neighborhood Enhancement Plans.

(2) Neighborhood Preservation and Enhancement Districts shall be created as follows:

(a) Residents of a particular neighborhood may initiate the creation of a district in their area by notifying the local government planning agency. The planning agency shall assist those residents to define the boundaries and size of the district; or

(b) The municipality or county may initiate the creation of a district by identifying those areas which are in need of enhancement and approaching the residents of the identified neighborhood to encourage the formation of a Neighborhood Preservation and Enhancement District. The identified neighborhood and the municipality or county shall define the district's boundaries and size.

(3) After the boundaries and size of the Neighborhood Preservation and Enhancement District have been defined, the local government shall pass an ordinance authorizing the creation of the Neighborhood Preservation and Enhancement District. The ordinance shall contain a finding that the boundaries of the Neighborhood Preservation and Enhancement District comply with s. 163.340(7) or (8)(a)-(o) or do not contain properties that are protected by deed restrictions. Such ordinance may be amended or repealed in the same manner as other local ordinances.

- (4) The residents within the Neighborhood Preservation and Enhancement District shall create a Neighborhood Council. The Neighborhood Council shall consist of five members who reside in the district chosen by residents of the district in an election at a noticed public meeting, subject to approval by the local governing body. The five members shall choose among themselves a president, vice president, secretary, and other officers as needed.
- (5) The Neighborhood Council and local government planning agency shall be eligible to receive grants from the Safe Neighborhoods Program as provided in s. 163.517.
- (6) The Neighborhood Council and the local government planning agency shall prepare a Neighborhood Enhancement Plan. The Neighborhood Enhancement Plan shall consist of at least the following elements:
- (a) Boundaries and size of the district.
 - (b) Total population and number of households in the district.
 - (c) Land use zoning and housing in the district.
 - (d) Statement of goals and objectives of the district.
 - (e) Strategies and policies to enhance the district.
 - (f) Minimum standards for property maintenance, building codes, and community aesthetics.
 - (g) Strategies to implement and evaluate the plan.
- (7) The Neighborhood Enhancement Plan shall be consistent with the intent of the adopted comprehensive plan for the county or municipality.
- (8) The Neighborhood Enhancement Plan shall not regulate any activity that is subject to regulation under chapter 378, and it shall not contain any requirements that are inconsistent with, or more stringent than, requirements established by any state agency or water management district.
- (9) The Neighborhood Enhancement Plan shall be adopted by ordinance by the local governing body. The standards and requirements of the Neighborhood Enhancement Plan shall be reasonable considering the existing character of the community and local economic conditions.
- (10) Prior to the adoption of the Neighborhood Enhancement Plan, the local government planning agency and Neighborhood Council shall hold a joint public hearing on the plan after public notice by the local government by publication in a newspaper of general circulation in the county or municipality in which the district is located. The notice shall describe the time, date, place, and purpose of the hearing; identify the boundaries of the district; and outline the general scope of the plan as required by law.
- (11) If at any time after approval of the Neighborhood Enhancement Plan, it becomes desirable to amend or modify the plan, the local governing body may do so. Prior to any such amendment or modification, the local government planning agency and the Neighborhood Council shall hold a joint public hearing on the proposed amendment or modification after public notice by the local government by publication in a newspaper of general circulation in the county or municipality in which the district is located. The notice shall describe the time, place, and purpose of the hearing and shall generally describe the proposed amendment or modification.
- (12) Nothing in this section shall supersede or conflict with s. 823.14.
- History.—s. 1, ch. 95-289; s. 12, ch. 2004-5; s. 8, ch. 2015-30.

163.526 Neighborhood Councils and local government designated agency; powers and duties.—

(1) The Neighborhood Councils shall have all of the following powers and duties:

- (a) All those specified in ss. 163.514 and 163.5151.
- (b) To record all complaints of alleged violations of the standards and codes specified within the Neighborhood Enhancement Plan brought by any resident of the district.
- (c) To identify plan violations and problem areas.
- (d) If the alleged complaint or problem is found to be valid, to notify that property owner of noncompliance with the plan.
- (e) If the property owner does not adequately respond to the notification of the plan violation within a reasonable amount of time, to negotiate informally with the property owner to reach an agreement to bring the property owner into compliance with the plan.
- (f) If the negotiation process fails to remedy the alleged violation of the plan, to report the alleged violation to the designated agency of the local government.
- (g) If after 30 days the council is dissatisfied with the response of the designated agency of the local government, to request written notification from the designated agency of the steps taken to remedy the alleged violation.
- (h) If the council is still dissatisfied 30 days after receipt of written notification, to request an audience before the local governing body to resolve its differences with the designated agency.
- (i) To hold public meetings at least once quarterly to: solicit and listen to suggestions and complaints regarding alleged violations of the Neighborhood Enhancement Plan; discuss alleged violations and issues of concern in the neighborhood; and listen and respond to complaints regarding the activity or inactivity of the Neighborhood Council. At least three members must be present at the public meeting to constitute a quorum. No resident or property owner in the district shall be prohibited from addressing the council.

(2) The designated agency of the local government shall have all of the following powers and duties:

- (a) Upon receipt of an alleged plan violation from the Neighborhood Council, the designated agency of the local government shall provide the Neighborhood Council with written acknowledgment of receipt of the alleged violation.
- (b) The designated agency of the local government shall notify the property owner that the owner may be in violation of the requirements and standards of the Neighborhood Enhancement Plan. The designated agency is entitled to exercise all the powers under chapter 162 to enforce any alleged plan violation.
- (c) The designated agency shall, at the request of the Neighborhood Council, provide written notification of the steps taken to remedy the alleged violation.
- (3) If requested, the local governing body shall, pursuant to this section, grant the Neighborhood Council an audience to resolve the council's differences or dissatisfaction with the designated agency.

History.—s. 2, ch. 95-289.