



TOWN OF PALM BEACH

TOWN MANAGER'S OFFICE

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

JANUARY 11, 2017

9:45 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. APPROVAL OF AGENDA

VIII. PUBLIC HEARINGS

- A. RESOLUTION NO. 05-2017 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 **201 El Brillo Way** 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

- B. RESOLUTION NO. 06-2017 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 **130 Chilean 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

IX. DEVELOPMENT REVIEWS

A. Time Extensions and Waivers

1. Request for One Year Time Extension, Site Plan Review No. 1-2016 with Special Exception, Palm House Hotel, 160 Royal Palm Way

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

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **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]
John S. Page, Director of Planning, Zoning & Building

2. New Business

- a. **SPECIAL EXCEPTION #1-2017 WITH SITE PLAN REVIEW AND VARIANCE** The application of Robert A. Toohey; relative to property commonly known as **319 Seaspray 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 3,981 square foot, two-story single family residence on three platted lots which combined creates a lot that is 75 feet in width in lieu of the 100-foot minimum required and 9,187 square feet in area in lieu of the 10,000 square foot minimum required. The applicant is also requesting a variance to allow construction of a new residence on a lot that is 75 feet in width which will have a one-car garage in lieu of the two-car garage required for lots 75 feet or more in width. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 6-1]

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

- b. **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.]

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

- c. **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.]

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

- d. **VARIANCE #3-2017** The application of Mark and Nancy Gilbert; relative to property commonly known as **323 Chilean Ave.**, described as lengthy legal description on file; located in the R-C Zoning District. The subject property is a Palm Beach Historic Landmark designed and built in 1924. The existing finished floor

is at 5.25 NGVD and the property currently does not have a garage. The applicant is proposing to lift the house to meet the FEMA requirement of 7.5 NGVD and construct a 60.26 square foot addition to create a new 2 car garage that will have a 7.28 foot west side yard setback in lieu of the 10 foot minimum required. [Attorney: Maura Ziska, Esq.][Landmarks Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject landmarked property. Carried 7-0]

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

- e. **VARIANCE #4-2017** The application of Kevin and Lisa McGovern; relative to property commonly known as **224 S. Ocean Blvd.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to construct a new 446 square foot, one story detached, one car garage which would require the following variances: 1) a street side yard setback of 12.5 feet in lieu of the 18 foot minimum required for a corner lot and 2) a cubic content ratio ("CCR") of 6.16 in lieu of the 5.82 existing and the 3.94 maximum allowed. [Attorney: Maura Ziska, Esq.][Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 6-1]

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

X. ORDINANCES

A. Second Reading

1. **ORDINANCE NO. 24-2016** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, As Follows: At Article I, In General, Section 134-2, Definitions And Rules Of Construction By Adding Definitions For Medical Marijuana Treatment Center, Medical Marijuana Dispensary And Cannabis Cultivation; Article VI, District Regulations, Section 134-1109, Special Exception Uses, By Prohibiting Medical Marijuana Or Providing Said Use As A Special Exception In The C-Ts Zoning District Should The State Preempt Said Prohibition; At Article VIII, Supplementary District Regulations, Section 134-1731, Outdoor Lighting, By Providing Regulations For Light Trespass; At Article VIII, Supplemental District Regulations, By Creating Division 16, "Reasonable Accommodation Procedures", Section 134-2112, Reasonable Accommodation Procedures, By Providing For Reasonable Accommodation Procedures Pursuant To The Fair Housing Amendments Act And Title II Of The American's With Disabilities Act; At Article VIII, Supplementary District Regulations By Creating A Division 17, "Medical Marijuana Treatment Centers And Medical Marijuana Dispensaries", Section 134-2113, Prohibition, And Section 2114, Development Standards, By Prohibiting Medical Marijuana Treatment Centers, Medical Marijuana Dispensaries Marijuana Cultivation And Creating Regulations For Medical Marijuana

Treatment Centers And Medical Marijuana Dispensaries Should State Law Preempt Said Prohibition In The Town Of Palm Beach; Division 16 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

2. ORDINANCE NO. 25-2016 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 106, Streets, Sidewalks And Other Public Places*, At Article I, In General, By Adding Section 106-5 Use Of Medical Marijuana On Public And Semi-Public Property, Prohibiting The Smoking Of Marijuana On Rights-Of-Way, Parks, Playgrounds, Recreational Facilities, Public Buildings, Beaches Or Other Property Owned And Controlled By The Town Of Palm Beach; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

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

A. First 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

2. ORDINANCE NO. 2-2017 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Text Of The Future Land Use Element Of The Town Of Palm Beach's Comprehensive Plan By Amending Policy 2.3.1 By Changing The Town-Serving Threshold Requirement For Businesses Within The Commercial Planned Center (C-PC) Zoning District From 2,000 Square Feet Gross Leasable Area To 3,000 Square Feet Gross Leasable Area; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Hereof; Providing For Codification; Providing An Effective Date.

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

3. ORDINANCE NO. 3-2017 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, By Modifying Sections 134-1257, Permitted Uses And 134-1259, Special Exception Uses In The C-PC Zoning District, To Increase The Maximum Gross Leasable Area Of

Commercial Uses To Demonstrate Town-Serving From 2,000 Square Feet Gross Leasable Area To 3,000 Square Feet Gross Leasable Area; 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

XI. ANY OTHER MATTERS

- A. Planning and Zoning Commission Record and Report: Proposed Modifications and Changes to the Town's Comprehensive Plan (TIME CERTAIN 11:00 a.m.)

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

- B. Stop Work Order Under 3-Strike Rule
232 Emerald Lane

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

XII. ADJOURNMENT

XIII. 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: January 11, 2017

Section of Agenda

Public Hearings

Agenda Title

RESOLUTION NO. 05-2017 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 **201 El Brillo** Way 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 December 29, 2016 from John S. Page, Director of Planning, Zoning and Building**
- ▣ **Resolution No. 05-2017**
- ▣ **201 El Brillo Way Designation Report**
- ▣ **Excerpt of Landmarks Preservation Commission Meeting of December 21, 2016**
- ▣ **Designation Procedure**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 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 201 El Brillo Way
Resolution No. 05-2017

Date: December 29, 2016

STAFF RECOMMENDATION

Staff recommends ratification of the property known as 201 El Brillo Way as a Town Landmark.

LANDMARKS PRESERVATION COMMISSION RECOMMENDATION

At the Public Hearing for Designation held December 21, 2016 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 (1) | Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; and, |
| Sec. 54-161 (3) | Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or 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. |

OWNER CONSENT

Please be advised that multiple attempts were made to contact owners James and Irene Karp. All attempts failed, although all required Code procedures were followed. As a result, staff has no indication of owner consent or opposition.

TOWN ATTORNEY REVIEW

Please be advised that the Town Attorney has reviewed Resolution No. 05-2017 relating to 201 El Brillo Way, 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

RESOLUTION NO. 05-2017

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 201 EL BRILLO WAY 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 landmarked 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 amended, pursuant to the provisions of Ordinance No. 2-84, and the provisions of the Town Code described herein, is known as **201 El Brillo Way** and the property to be landmarked is legally described as follows:

Supplementary Plat of El Bravo Park Lot 28

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

Section 5. Within thirty (30) days from the date of adoption 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 described above and 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 11TH day of January, 2017.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Bobbie Lindsay, Town Council Member

Susan A. Owens, MMC, Town Clerk

Margaret A. Zeidman, Town Council Member

201 El Brillo Way



DESIGNATION REPORT

December 21, 2016

Landmark Preservation Commission

Palm Beach, Florida

DESIGNATION REPORT

201 El Brillo Way

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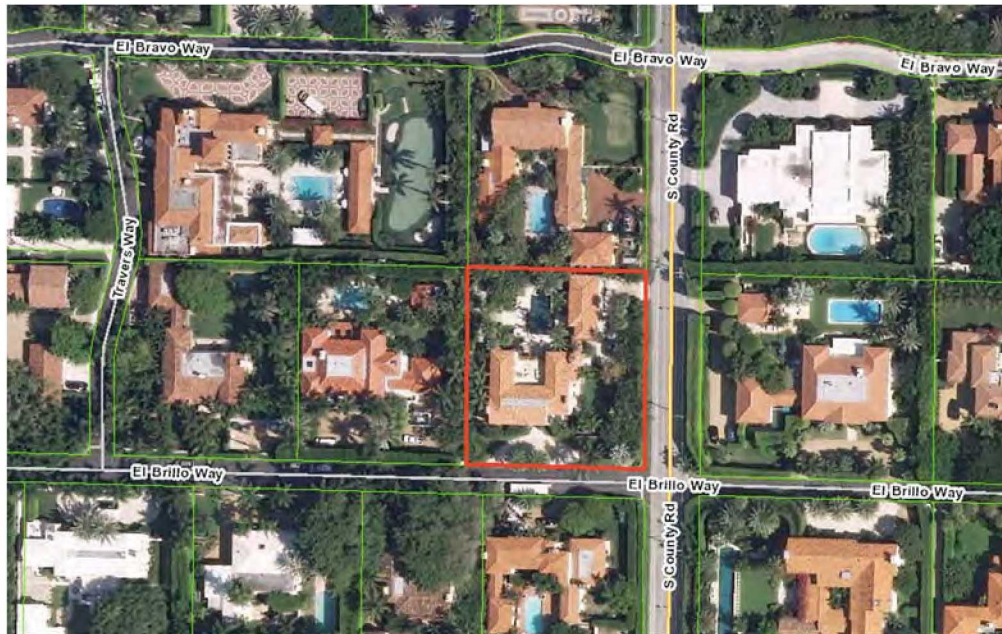
Report produced by Murphy Stillings, LLC

I. General Information

Location:	201 El Brillo Way Palm Beach, Florida
Date of Construction:	1929
First Owner:	Earle Perry Charlton
Architect:	Marion Sims Wyeth
Builder/Contractor:	Benjamin Hoffman
Present Owner:	James and Irene Karp
Present Use:	Residential
Present Zoning:	R-A
Palm Beach County Tax Folio Number:	50434327060000280
Current Legal Description:	Supplementary Plat of El Bravo Park Lot 28

II. LOCATION MAP

201 El Brillo Way



III. Architectural Information

The residence located at 201 El Brillo Way was designed by Marion Sims Wyeth and constructed by builder Benjamin Hoffman in 1929. The house is a classical two-story Mediterranean Revival style estate constructed during Palm Beach's post building boom era at the start of the country's Great Depression. The house sits on a prominent corner lot at the northwest intersection of South County Road and El Brillo Way in Palm Beach's exclusive El Bravo Park subdivision.



South Facade

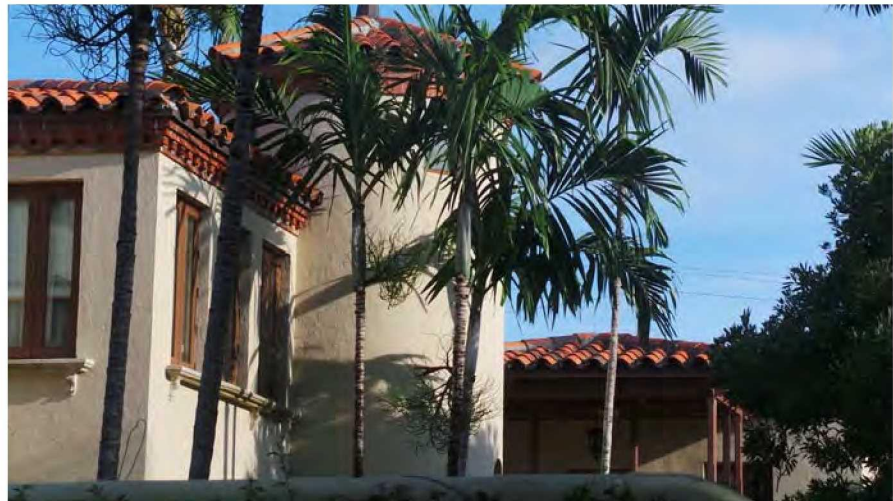
Mediterranean Revival style architecture is an eclectic design style that was inspired by Spanish, Italian, North African and Moorish structures and became popular in Florida during the 1920s. Buildings of this style often have asymmetrical massing and fenestration, balconies, arched openings and ornate cast-stone elements. In addition, stone or stucco facades, decorative ironwork, tile floors, pecky cypress ceilings and clay barrel tile roofs are typical features of Mediterranean Revival style buildings. Marion Sims Wyeth was a prominent architect who designed numerous Palm Beach houses and estates in the Mediterranean style, like the house at 201 El Brillo Way. Wyeth's Mediterranean Revival style designs all have distinctive characteristics and features determined by the client's taste and budget, location, lot size, and availability of materials.

Marion Sims Wyeth designed 201 El Brillo Way with an asymmetrical plan as well as asymmetrical elevations. This south facing residence is constructed of hollow clay tile covered with smooth stucco while the intersecting hip and gable roofs are covered in red clay barrel tiles. Below the slight overhanging roofline is a brick cornice with a saw tooth brick course. There are two exterior chimneys with arched brick caps, one on the east wall and one on the west wall.

The front entrance of 201 El Brillo Way is a focal point of Wyeth's design. The large stone surround with carved detailing frames the decorative metal and glass entry doors that are flanked by ornate metal sconces. West of the entry are two large leaded glass casement windows with stone surrounds and to the east is a small window with metal grillwork. Directly above the main entry on the second story is a balcony with French doors, a stone surround, sconces and a metal rail. The second story also has four casement windows, three to the west of the balcony and one to the east. These windows are all single-light wood casements with stone sills and brackets below.



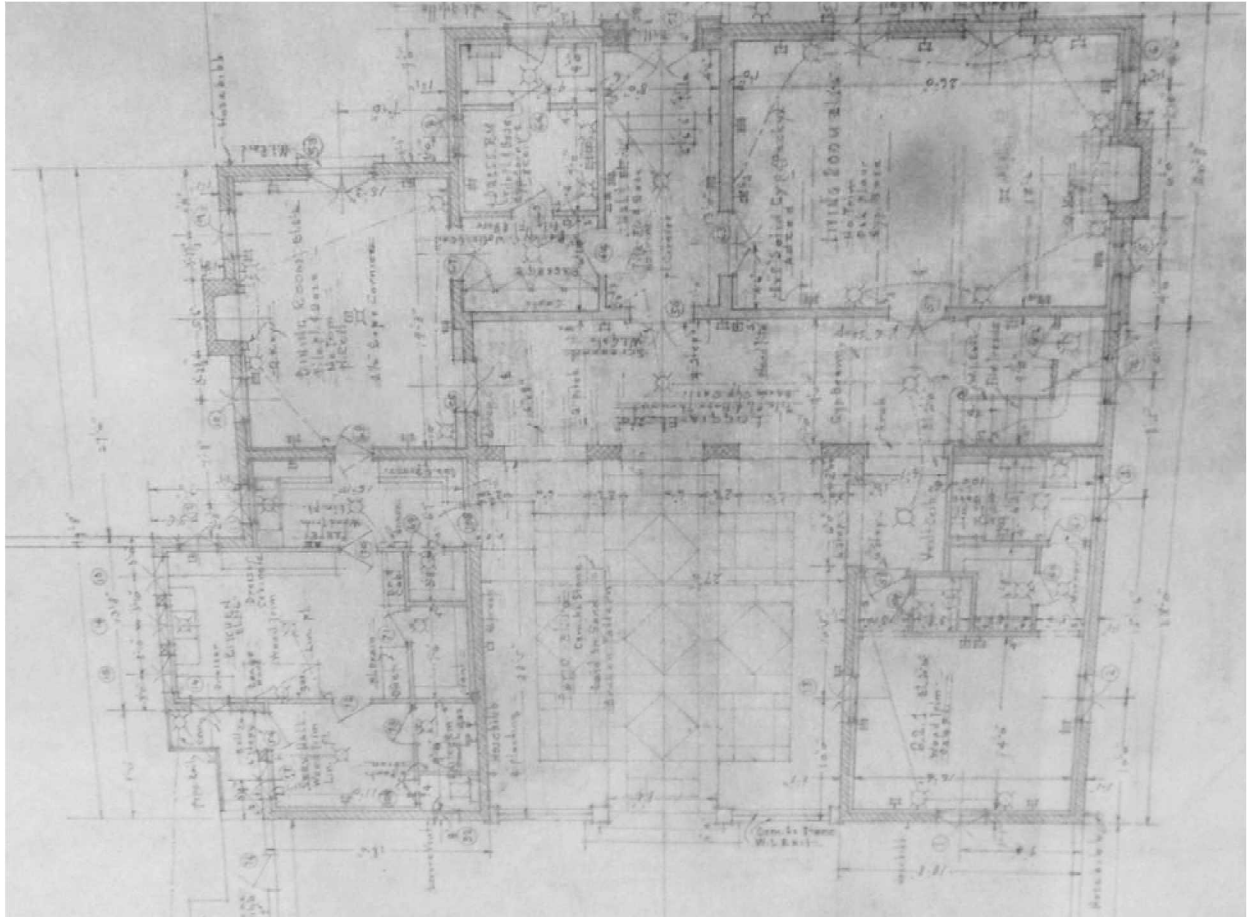
Entrance



Stair Tower

Walls surrounding much of the property hide sections of the first story east, west and north elevations. The second story on the east and west elevations are mainly comprised of single-light wood casement windows in asymmetrical configurations. Set back on the east elevation is a round stair tower with clerestory windows and a round roof covered with red clay barrel tiles and decorative brickwork below.

The original first floor plan of 201 El Brillo included an entrance foyer leading to a long east-west gallery from which the loggia was accessed. The centered large loggia creating a U-shape dwelling was a signature design feature of many of Wyeth's Mediterranean Revival style houses to create indoor and outdoor living space. The round stair tower with a circular staircase was also a feature Wyeth often used in his Mediterranean Revival designs.



Floor Plan by Marion Sims Wyeth

A real estate brochure used to advertise 201 El Brillo Way provided a good depiction of the house's interior.¹ The brochure states, "Design and style are apparent in every feature of this home's classic interiors. From sophisticated living spaces to a grand loggia opening to a poolside terrace, this stately Spanish-style residence invites you to enjoy the Palm Beach lifestyle to it's fullest." Additional features of the house described in the brochure include coquina stone fireplaces, pecky cypress ceilings, Spanish tile baths, hardwood floors in the bedrooms and Spanish stone floors in the public rooms.

¹ The Brown Harris Stevens brochure is in the house file at the Preservation Foundation.

At the northeast corner of the property is a two-story Mediterranean Revival style garage apartment also designed by Wyeth in 1929. The building features overhead wooden garage doors on the east façade and a stair and balcony on the south façade. This building was originally used as a garage and staff quarters and is attached to the main house though an arcaded breezeway covered with barrel tiles matching the house. It is currently used as a garage and guesthouse.



East Façade of Garage Apartment



Stairway to 2nd Floor of Garage Apartment

Throughout the history of the 201 El Brillo Way there have been additions, alterations and repairs to the property. The most significant alteration to the appearance of the house was the replacement of the original divided light windows with single-light wood casement windows. Other changes include the addition of stone sills and brackets under the windows, stone molding around the French doors and tall leaded glass windows on the front facade, a decorative metal and glass front entry door, brick trim on the chimney and below the stained glass window, a decorative metal rail on the garage apartment and new overhead garage doors.² The pool has been replaced twice and walls and gates have been constructed to enclose much of the property. Although these changes alter the historic appearance of the dwelling, the form and style of the house remain intact.

IV. Historical Information

In 1929, Marion Sims Wyeth and builder Benjamin Hoffman collaborated on the construction of four houses in the El Bravo Park subdivision. The residences were all speculative houses financed and originally owned by Earle Perry Charlton.

² This work took place in 2003. The plans show windows with divided lights but single-light casement windows were installed. Also, it is unclear from the plans whether the leaded glass windows on the front façade were added at this time or just the impact windows protecting them were added.

Wyeth's architectural drawings have the four houses labeled "A", "B", "C" and "D". 201 El Brillo Way is house "C" and was constructed for approximately \$33,275.³

By World War I, Henry Flagler had established Palm Beach as the winter capital of American high society. During the early years, most visitors stayed at Flagler's grand Royal Poinciana or Breaker's Hotel. However, by the 1920s, many seasonal visitors built or purchased houses for the winter season and the ensuing building boom radically changed the face of the small community with grand estates, fine commercial corridors and numerous platted subdivisions.

El Bravo Park was originally a 27-acre ocean to lake property with 700 feet fronting both the ocean and the lake. Frank H. Clement, a prominent Palm Beach winter resident and engineer of national reputation, purchased the property with the intention of creating his own estate. However, by 1920, he "responded to the demand for villa sites" and began making significant road, underground and landscape improvements.⁴ Newspaper articles in the early 1920s praised the high standards set for El Bravo Park, calling it a 'bright jewel in a brilliant setting'. Divided into only 36 lots and two streets (El Bravo Way and El Brillo Way), each lot was not offered for sale but rather "available for purchase" under conditions that required the owner to construct "a house of a type to correspond with the general scheme of the fine improvements."⁵ In 1921, Addison Mizner and Marion Sims Wyeth were the first two architects to design villas in El Bravo Park. Both houses were designed in the Mediterranean Revival style that had become the style most in vogue for new Palm Beach architecture in the 1920s.

The South Florida land and building boom reached its height in late 1925, and by 1926, the "Boom Times" were ending for much of South Florida as speculation had pushed prices so high that speculators and developers could no longer find buyers and many banks in the state failed. Fortunately, for Palm Beach, many of the seasonal residents were not drastically affected by the land bust or following economic depression, and real estate development on the island slowed but did not halt.

Five-and-Dime Store magnate Earle Perry Charlton and his wife had been spending the winter season in Palm Beach since the mid 1910s. In 1922, the Charltons hired

³ House A is 200 El Brillo Way, House "B" is 210 El Brillo Way, and house "D" is 200 El Bravo Way. The price of the house is listed on Building Permit #5729.

⁴ Palm Beach Post, March 25, 1920, "Frank H. Clement to Spend \$175,000 in Developing Lake-To-Ocean Tract."

⁵ Palm Beach Post, February 20, 1921, "El Bravo, Palm Beach Development Is Bright Jewel in Brilliant Setting."

Marion Sims Wyeth to design Qui-Si-Sana, their Mediterranean Revival style estate on the northwest corner of South Ocean Boulevard and El Brillo Way.⁶ The following excerpt from Palm Beach Houses describes E.P. Charlton's initial association with Marion Sims Wyeth,

"The fabulously wealthy Woolworth family descended on Palm Beach en masse. Jessie Donahue, daughter of the five-and-dime store magnate, Frank W. Woolworth, made her home at Cielito Lindo, within eyesight of Mar-a-Lago, while her late sister Edna's husband Franklyn Hutton acquired from his brother Edward F. Hutton and his wife Marjorie Merriweather Post Hutton, Hogarcito on Golfview Road, where just a few houses away lived yet another Woolworth daughter, Mrs. Charles E.F. McCann.⁷ Woolworth company executives were also drawn to the resort, such as Earle Perry Charlton, a vice president, and himself a pioneer of regional five-and-dime stores in New England, Canada and on the west coast, having merged them in 1912 with the Woolworth chain. Not only did the Woolworth family and those with affiliated interests throng to the same winter resort, but they also found in Marion Sims Wyeth a favorite architect. For Mr. and Mrs. Charlton, Wyeth designed the oceanfront estate Qui-Si-Sana."⁸

E.P. Charlton passed away in 1930, but his wife Ida and son, E.P. Charlton, II, continued to spend the winter season at Qui-Si-Sana for many years. The four speculative houses E.P. Charlton had financed were located in what had become the sought-after Estate section of Palm Beach and despite being in the midst of the Great Depression, each house was rented and then sold to those renters in the early 1930s. A Palm Beach Post article dated November 2, 1934 stated:

"Four Palm Beach residences of the El Bravo section have passed from the hands of Mrs. Ida S. Charlton, widow of Earle Perry Charlton, to those of four permanent winter residents. The houses recently sold were leased last season by the persons purchasing them at the time."

Major and Mrs. Elisha Dyer Hubbard of Middleton, Connecticut purchased the house on Lot 28, today 201 El Brillo Way. Major Elisha Dyer Hubbard and Miss Muriel McCormick were married in 1931. Miss McCormick was the granddaughter of John D. Rockefeller and Cyrus H. McCormick, two of the wealthiest men in the United States at the time.⁹ In 1930, Muriel McCormick founded the first Palm Beach Playhouse in a theater on Royal Palm Way. She maintained a resident company and in addition to serving as producer of the Playhouse, she acted in several of the

⁶ 101 El Brillo Way

⁷ Wyeth designed Hogarcito in 1921, Cielito Lindo in 1927 and the McCann's 6 Golf View Road house ca. 1923.

⁸ Shirley Johnston, Palm Beach Houses. New York: Rizzoli International Publications, 1991.

⁹ Muriel McCormick's parents were Edith Rockefeller and Harold Fowler McCormick, Sr.

plays.¹⁰ After marrying in 1931, the Hubbards often arrived in Palm Beach in their private rail car, Lone Tree, named after their Lone Tree Farm in Middleton, Connecticut. Major Elisha Dyer Hubbard, who had served with the Yale unit and was one of the first to sail for France during WWI, passed away in 1936. Mrs. Hubbard continued to spend winters in her El Brillo house, often entertaining friends and relatives.¹¹ In the early days of World War II, Mrs. Hubbard was very active in Palm Beach patriotic organizations and war work and she was one of the first women in the country to enlist in the Women's Army Auxiliary Corps (WAAC). In 1943, shortly before she had to report for training and duty, Mrs. Hubbard sold 201 El Brillo Way to Miss Josephine H. McLean of Beverly Hills, California for \$25,000.¹² The current owners, James and Irene Karp, purchased 201 El Brillo Way in 2003.

V. Architect's & Builder's Biography

Marion Sims Wyeth

Marion Sims Wyeth was as one of Palm Beach's foremost architects in a career that spanned over fifty years. Wyeth was noted for his "quiet, subdued and rational" interpretations of both the Spanish and Italian styles. With Addison Mizner, Maurice Fatio, Joseph Urban and John Volk, he is credited with creating the "Palm Beach Style".

Wyeth was born in 1889 in New York, a son of Florence Nightingale Sims and Dr. John Allan Wyeth. Dr. Wyeth was a Civil War poet, surgical pioneer, and founder of New York's Polyclinic Hospital, the first postgraduate medical school in the United States. Marion's grandfather, Dr. James Marion Sims, founded the field of gynecology and the first woman's hospital in history. Marion Sims Wyeth began his architectural studies at Princeton University and completed his classic training at the École des Beaux-Arts in Paris in 1914. At the time, the École was considered the one of the finest schools in the world. It was a style of education based on studying the classics, mostly Roman architecture. After completing school, Wyeth served as secretary to the U.S. Ambassador in Rome. Upon his return to New York, Wyeth became associated with the architectural offices of Bertram Grosvenor Goodhue and later with Carrere and Hastings, the firm that designed Whitehall for Henry Flagler.

¹⁰ Despite hiring an experienced New York director, it appears that the Playhouse only lasted a two seasons.

¹¹ Mrs. Hubbard named her house Casa Verde.

¹² Mrs. Hubbard later purchased Villa Turicuni on Via Bellaria. An April 16, 1943 Palm Beach Post article stated that Miss Josephine H. McLean purchased 201 El Brillo Way as an investment and did not plan to live there.

Arriving in Palm Beach at the age of 30, Wyeth met with immediate success. From 1920, Wyeth shared a New York office with Frederic Rhineland King, a friend from his student days in Paris, until 1934 when they formalized the relationship with the Wyeth and King partnership. William Royster Johnson joined Wyeth's Palm Beach office as a draftsman in 1924. In 1944 he became a partner and the firm name changed to Wyeth, King and Johnson. Over the years, the firm designed buildings ranging from Mediterranean Revival to classical Georgian, French, and Colonial styles.

The socially popular Wyeth was a prolific craftsman and more than 100 of his designs have graced the Island, including eight built on El Brillo Way. Some of his well-known Palm Beach designs include Qui Si Sana, Casa Juanita, Hogarcito, Casa de Los Arcos, Vita Serena, Southwood and the Bethesda by the Sea rectory. His largest and most impressive project was Cielito Lindo, a 45,000-square-foot Spanish Moorish-Revival-style mansion built for James Donohue and Jessie Woolworth Donohue in 1927. In 1946-1947, it was sold to developers, who split the property and created five houses. And while Joseph Urban is credited with Mar-a-Lago, Wyeth's association with the project was essential for its original design and completion. Wyeth also had an impressive list of prominent works outside of Palm Beach. Some of these include Good Samaritan Hospital and the Norton Gallery of Art in West Palm Beach, the Governor's Mansion in Tallahassee, and Doris Duke's Shangri La in Honolulu.

Wyeth served as a trustee of the Society of the Four Arts (1936-1969) and as its president (1956-1961). He became the first Palm Beach architect to be elected a fellow of the American Institute of Architecture in 1954, and received the Test of Time Award from its Palm Beach Chapter in 1981. Marion Sims Wyeth passed away in 1982 at the age of 93.

Benjamin F. Hoffman

Benjamin F. Hoffman was born August 5, 1875 in Washington, DC. He visited Palm Beach with his family as a child and moved to Palm Beach c. 1916 to set up his construction business. He worked with Addison Mizner early in his Palm Beach career and was a major builder for El Mirasol, which Mizner designed for the Stotesburys in 1919. During his thirty-year career in Palm Beach, Hoffman worked with many notable Palm Beach architects, including Marion Sims Wyeth and Maurice Fatio, and also designed buildings himself.

A January 1926 Palm Beach Post article titled, “Benjamin F. Hoffman: Many Palatial Mansions in Palm Beach Planned and Erected by Dominant Local Builder,” provides much information regarding Benjamin F. Hoffman and his construction business:

“The contractors of a city to a large extent decide its destiny. They are builders. Upon them is the final responsibility for the construction of buildings that house the population at work or at home – the industrial structures, the office buildings, the multiple family dwellings and the homes.

Benjamin F. Hoffman, home builder extraordinary, stands in the front rank of men of his profession in Palm Beach, whose responsible calling is being maintained with a keen sense of what is due the community. As participant in the construction of many of the largest and most pretentious homes in Palm Beach, Mr. Hoffman has always been motivated by the ideal of maximum service to his client and whether the contract involved is the construction of a \$10,000 home or one costing \$500,000. The name Hoffman has long been associated with the growth of Palm Beach as the world’s greatest premier resort for the social elite and the ultra wealthy. That Palm Beach has risen to the eminent position as the attraction for the most exclusive sets is due in a large measure to the efforts of such men as Mr. Hoffman. The metropolitan methods of construction which they have brought to Palm Beach have helped to a considerable degree in the city’s ability to cope with the demands of her unprecedented business and resort expansion.

With more than \$1,000,000 worth of home construction under way in Palm Beach and having built some of the most palatial mansions that the world’s greatest winter resort boasts, Benjamin F. Hoffman well merits the appellation of one of the greatest homebuilders in South Florida today. Among the finer homes built by Mr. Hoffman in Palm Beach include residences for George Rasmussen, Perrie L. Barby, Arthur Claflin, E. V. Moore, Michaelyn Galleries, Harold Vanderbilt, Rodman Wannamaker, E.T. Stotesbury, Gurnee Munn, Major Barclay Warburton, Georgia L. Mesker, Frederick Glidden, Samuel D. Lit, and J.S. Phipps.

All kinds of obstacles were overcome by Mr. Hoffman in building houses to suit the discriminating tastes of the exclusive set. The Hoffman organization has set an example of community cooperation that is worthy of emulation not only through its sound and conscientious services but also through its participation in every civic problem. As long as hundreds of the wealthier classes continue to come to Palm Beach – as they will for generations to come – Hoffman service will be in much demand.”

During his career in Palm Beach, Benjamin F. Hoffman also had commissions in other south Florida towns and cities including Miami, Fort Lauderdale, Gulf Stream and North Palm Beach. Hoffman practiced in Palm Beach until 1946. He passed away one year later and was buried in his birthplace Washington, DC.

VI. Statement of Significance:

The house at 201 El Brillo Way is significant as a good example of the Mediterranean Revival style of architecture executed by Marion Sims Wyeth as one of four speculative houses commissioned by the prominent Woolworth executive Earle P. Charlton. Despite being built during the South Florida Land Bust and the Great Depression, 201 El Brillo was a successful speculative endeavor in Palm Beach's exclusive El Bravo Park subdivision.

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 criteria which relate to this property and justification for designation:

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

201 El Brillo Way was constructed at the end of the Florida Boom Time Era just as the Great Depression was approaching. Fortunately for Palm Beach, many of the winter residents were not greatly affected by the Land Bust or the economic depression and were able to continue to invest in Palm Beach real estate. Earle P. Charlton was a wealthy seasonal resident who commissioned Wyeth to design four Mediterranean Revival style speculative houses in the sought after El Bravo Park subdivision. 201 El Brillo Way was “House C” of this commission. After leasing the house for a season, prominent winter residents Major and Mrs. Elisha Dyer Hubbard purchased the property, testifying to its successful piece of the Charlton's real estate development and to the continued confidence in the real estate market in Palm Beach. 201 El Brillo Way therefore reflects the broad economic and social history of the Town of Palm Beach fulfilling criterion (1).

(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.”

201 El Brillo Way is a very good example of the Mediterranean Revival style popularized in Palm Beach during the Boom Time Era of the 1920s and still recognized as the Palm Beach style. The house embodies distinctive Mediterranean Revival characteristics found in houses of this style including asymmetrical floor plans and fenestration, barrel tile covered roofs, wrought ironwork, tower elements, large exterior chimneys, decorative brick and stone features and an important main entryway. These features have been executed in 201 El Brillo Way to present a specimen inherently valuable for the study of the style and therefore fulfilling criterion (3).

(4) “Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or has influenced his age.”

201 El Brillo Way was designed by Marion Sims Wyeth, one of Palm Beach’s most important architects. Wyeth’s influential career spanned more than fifty years and he is recognized as one of the creators of the Mediterranean Revival “Palm Beach” style. More than 100 of his notable designs were built for some of Palm Beach’s most prominent patrons. With its numerous Mediterranean Revival style features and skillful design, 201 El Brillo Way is a noteworthy example of Wyeth’s designs and compliments Wyeth’s numerous projects in Palm Beach’s Estate section.

VIII. Bibliography

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West Palm Beach City Directories. Palm Beach Section, 1916-1957.

IX. Florida Master Site File Form



HISTORICAL STRUCTURE FORM

Electronic Version 1.1.0

Site # PB06514

Recorder # Jane S. Day

Field Date 7/17/2010

Form Date 9/21/2010

Form No 201067

Form No = Field Date (YYYYMM)

First Site Form Recorded for this Site? NO

GENERAL INFORMATION

Site Name (address if none) James Karp, House Multiple Listing (DHR only) _____

Other Names _____ >> _____

Survey or Project Name Palm Beach Historic sites Survey, Phase V Survey# _____

National Register Category Building(s)

LOCATION & IDENTIFICATION

Address

Street No.	Direction	Street Name	Street Type	Direction Suffix
<u>201</u>		<u>El Brillo</u>	<u>Way</u>	

Cross Streets (nearest/ between) S. Ocean Blvd. and S. County Rd.

City / Town (within 3 miles) Town of Palm Beach In Current City Limits? YES

County Palm Beach Tax Parcel #(s) 50-43-43-27-06-000-0280

Subdivision Name El Bravo Park Block _____ Lot 28

Ownership Private Individual

Name of Public Tract (e.g., park) _____

Route to (especially if no street address) On the southwest corner of El Brillo Way and South County Road.

MAPPING

USGS 7.5' Map Name _____ Publication Date _____ >> PAIM BEACH, 1983

Township: _____ Range: _____ Section: _____ 1/4 section: _____ >> 43E ; 43E ; 27; UNSP

Irregular Section Name: _____

Landgrant _____

UTM: Zone _____ Easting _____ Northing _____

Plat or Other Map (map's name, location) _____

DESCRIPTION

Style Mediterranean Revival Other Style _____

Exterior Plan Irregular Other Exterior Plan _____

Number of Stories 2

Structural System(s) _____ >> Hollow clay tile

Other Structural System(s) concrete block

Foundation Type(s) _____ >> Continuous

Other Foundation Types _____

Foundation Material(s) _____ >> Unspecified

Other Foundation Material(s) _____

Exterior Fabric(s) _____ >> Stucco

Other Exterior Fabric(s) _____

Roof Type(s) _____ >> Gable

Other Roof Type(s) _____

Roof Material(s) _____ >> Spanish tile

Other Roof Material(s) _____

Roof Secondary Structure(s) (dormers etc) _____ >> _____

Other Roof Secondary Structure(s) _____

Number of Chimneys 2

Chimney Material Brick

Other Chimney Material(s) stucco on exterior

Chimney Location(s) east exterior, west exterior

HISTORICAL STRUCTURE FORM

8FB06514

DESCRIPTION (continued)

Window Descriptions: awning, fixed, French doors

Main Entrance Description (stylistic details): On the south facade with an elaborate coral surround and balcony

Porches: Open 3 Closed Enclosed Location(s) entry - s, 2nd floor balcony - s, east

Porch Roof Type(s):

Exterior Ornament cut coral, decorative fascia

Interior Plan Unknown

Other Interior Plan

Condition Excellent

Structure Surroundings:

Commercial: NONE of this category

Residential: ALL this category

Institutional: NONE of this category

Undeveloped: NONE of this category

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

Archaeological Remains (describe): none observed

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

Narrative Description (optional)

HISTORY

Construction year 1925

Architect (last name first): Treanor and Fatio

Builder (last name first): Hoffman, Ben

Changes in Locations or Conditions

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

Structure Use History

Use <u> </u>	Year Use Started <u> </u>	Year Use Ended <u> </u>	>> <u>Private residence, 1929;</u>
Other Structure Uses <u> </u>			

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

RESEARCH METHODS

Research Methods >> Examine local property records

Other research methods

SURVEYOR'S EVALUATION OF SITE

Potentially Eligible for a Local Register? YES Name of Local Register if Eligible Town of Palm Beach Landmark

Individually Eligible for National Register? INSUFF. INFO

Potential Contributor to NR District? INSUFF. INFO

Area(s) of historical significance >> Architecture

Other Historical Associations

Explanation of Evaluation (required) This is a fine example of the Mediterranean Revival style by Maurice Fatio. It is worthy of local designation.

HISTORICAL STRUCTURE FORM

8PB06514

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 _____
 Is a Text-Only Supplement File Attached (Surveyor Only)? _____

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

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

X. DESIGNATION HEARINGS

Item 1: 201 El Brillo Way

Owner: James S. and Irene J. Karp

Call for disclosure of ex parte communication: None.

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

Janet Murphy, MurphyStillings, LLC, testified to the architecture and history for this Marion Sims Wyeth residence. Ms. Murphy pointed out the design features of the Mediterranean Revival Style home 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 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town: and,

Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable 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.

Mr. Cooney asked if the owner had been contacted. Ms. Murphy stated that they made attempts to contact the owner but were unsuccessful in their attempt.

Mr. Cooney discussed the alterations that had been made to the property, including the missing divided lights in the windows and the addition of the stone sills on the second floor windows. Ms. Albarran also discussed the changes in the windows and the sills. Mr. Cooney noted that he did not think the changes compromised the integrity of the home.

Ms. Fairfax asked if Ms. Murphy had original drawings for the home. Ms. Murphy stated she found original plans but not elevations. Ms. Fairfax made a request to include any drawings and plans in future presentations. Ms. Murphy put the plans on the overhead projector for the Commissioners.

Ms. Murphy listed all of the alterations to the property that had been made. The Commissioners noted that these alterations were minor.

Mr. Cooney open the discussion for public comment and there was none.

A motion made by Mr. Zukov and seconded by Mr. Silvin that 201 El Brillo Way be recommended to the Town Council designation as Landmark of the Town of Palm Beach based on criteria 1, 3 and 4 in Section 54-161. Motion carried with all in favor.

A second motion was made by Ms. Albarran and seconded by Mr. Zukov that the designation report be made part of the record. Motion carried with all in favor.

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: January 11, 2017

Section of Agenda

Public Hearings

Agenda Title

RESOLUTION NO. 06-2017 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 **130 Chilean 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 December 29, 2016 from John S. Page, Director of Planning, Zoning and Building**
- ▣ **Resolution No. 06-2017**
- ▣ **130 Chilean Avenue Designation Report**
- ▣ **Excerpt of Landmarks Preservation Commission Meeting of December 21, 2016**
- ▣ **Designation Procedure**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 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 130 Chilean Avenue
Resolution No. 06-2017

Date: December 29, 2016

STAFF RECOMMENDATION

Staff recommends ratification of the property known as 130 Chilean Avenue as a Town Landmark.

LANDMARKS PRESERVATION COMMISSION RECOMMENDATION

At the Public Hearing for Designation held December 21, 2016 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 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. |

OWNER CONSENT

Please be advised that multiple attempts were made to contact owner 130 Chilean LLC. All attempts failed, although all required Code procedures were followed. However, at the Landmarks Commission meeting, Commissioner Fairfax indicated that her firm had renovated the property, and that the owners were happy that the home would be landmarked.

TOWN ATTORNEY REVIEW

Please be advised that the Town Attorney has reviewed Resolution No. 06-2017 relating to 130 Chilean 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

RESOLUTION NO. 06-2017

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 130 CHILEAN 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 landmarked 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 amended, pursuant to the provisions of Ordinance No. 2-84, and the provisions of the Town Code described herein, is known as **130 Chilean Avenue** and the property to be landmarked is legally described as follows:

Royal Park Addition Lots 25 to 28 Inclusive Block 9

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

Section 5. Within thirty (30) days from the date of adoption 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 described above and 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 11TH day of January, 2017.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Bobbie Lindsay, Town Council Member

Susan A. Owens, MMC, Town Clerk

Margaret A. Zeidman, Town Council Member

130 Chilean Avenue



DESIGNATION REPORT

December 21, 2016

Landmark Preservation Commission

Palm Beach, Florida

DESIGNATION REPORT

130 Chilean Avenue

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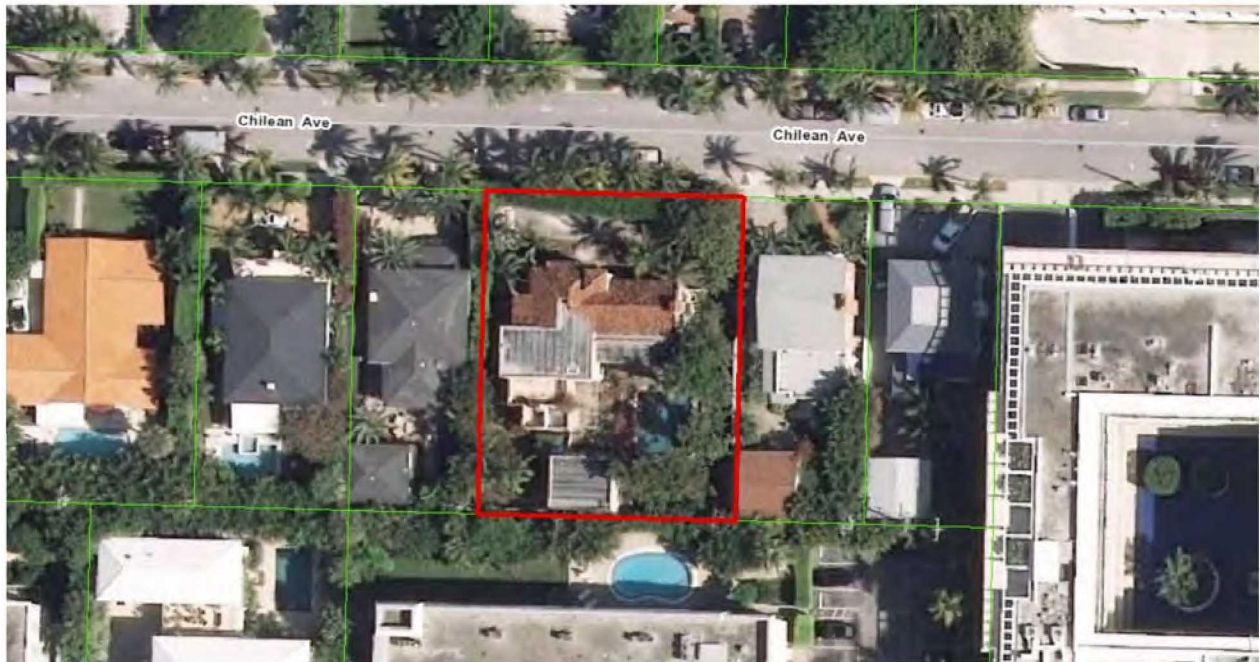
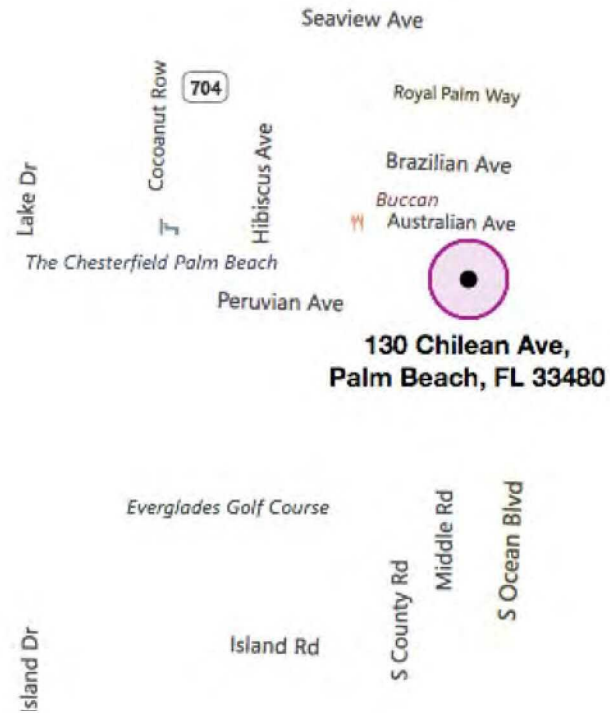
Report produced by Murphy Stillings, LLC

I. General Information

Location:	130 Chilean Avenue Palm Beach, Florida
Date of Construction:	1928
First Owner:	Jacob and Freda Marx
Architect:	Volk and Maass
Builder/Contractor:	Frank D. Craig
Present Owner:	130 Chilean LLC
Present Use:	Residential
Present Zoning:	R-B
Palm Beach County Tax Folio Number:	50-43-43-23-05-009-0250
Current Legal Description:	Royal Park Addition Lots 25 to 28 Inclusive Block 9

II. Location Map

130 Chilean Avenue



III. Architectural Information

130 Chilean Avenue is located on the south side of Chilean Avenue between South Ocean Boulevard and South County Road in the Royal Park subdivision. The residence and accessory structure were constructed in the Mediterranean Revival style in 1928 and is an excellent example of design work of the architectural firm of Volk and Maass.



Main (North) Facade

130 Chilean Avenue is a very good example of the Mediterranean Revival style of architecture that was popular in Palm Beach during the Land Boom of the 1920s and is still considered the signature style of the Island. The Mediterranean Revival style is an eclectic style incorporating architectural elements derived from the area around the Mediterranean Sea, especially Italy and Spain. The style is found most frequently in states that have a Spanish Colonial heritage, but its use gained national popularity after the Pan-American Exhibition held in San Diego in 1915. In Palm Beach, the style was first popularized in 1919 by Addison Mizner's design for the Everglades Club. The popularity of the style soared in the 1920s for both commercial and residential buildings. The style remained a pervasive influence on building design until World War II. Buildings of this style are often decorated with ornate cast-stone columns, pilasters and window surrounds. Arched openings, balconies, asymmetrical massing and windows of varying sizes and shapes are also common features. In addition, stone or stucco facades, decorative wrought ironwork, tile floors, pecky cypress ceilings and clay barrel tile roofs are typical features of Mediterranean Revival style buildings.



North Facade

130 Chilean Avenue is constructed of wood framing surfaced with stucco on a continuous block foundation. The two-story residence has an L-shaped plan with a pool located within the L-shape and a two-story accessory structure is located at the rear of the property. The residence has multiple roof types including gable and hip roofs surfaced with barrel tiles and exposed rafters and metal brackets, as well as flat roofs. The residence's massing is asymmetrical with the main (north) façade's massing being comprised of three elements – the main entrance, tower feature and eastern wing.

The entrance portion of the residence is the focal point of the Volk and Maass design. The entrance mass projects forward and is taller than most of the residence. A low site wall with a decorative metal gate leads to the entry. A grand cast stone surround with paired columns and a heraldic shield frames the decorative wood entry doors. A pair of four-over-one wood sash windows with a cast stone surround is centered above the entrance. Another significant architectural detail of the residence is the row of glazed tiles located below the roofline of the entrance section between the exposed rafters. Transitioning from the entrance section to the east wing, a tower element rises above the other roofs breaking up the mass of the residence. Single four-over-one wood sash windows with sills are located on the first and second floors of the tower with a string course above. A simple cornice sits below the slight overhang of the roofline.



Entrance and Tower

Glazed Tiles at Roofline

The eastern wing of the residence, which is recessed from the tower and



entrance, is highlighted and balanced by a brick chimney with an interesting chimney cap at the eastern end of the residence. The north façade of this section has three stained glass leaded windows with cast stone surrounds on the first floor and three six-over-one wood sash windows on the second floor above a belt course.



North Facade



Chimney Cap



Stained Glass Leaded Windows

A circular driveway is located at the front of the residence with a drive along the western property line with a decorative metal gate. A secondary entrance with an arched wood door with a small window and metal accents is located on the west façade. A portion of the second floor on the west façade cantilevers over the first floor and is accented by a scalloped detailing at the overhang.



Portion of West Façade



Door on West Façade

Throughout the history of 130 Chilean Avenue there have been additions, alterations and repairs to the property. In 1930 Mizner Industries Inc. made alterations and constructed a sun porch, and in 1947 Palm Beach Construction Company constructed a porch addition to the south facade.¹ Other alterations to the property over the years include re-roofing, swimming pool installation, and ordinary repair and maintenance. Over the last two years the property underwent an extensive renovation that updated the residence while retaining and restoring its original architectural design and details. The property owners have been ideal stewards of the property.

IV. Historical Information

The residence at 130 Chilean Avenue was built in 1928 at the end of the 1920s boom era in the Town of Palm Beach. The early 1920s was a period of tremendous growth and the Island had become the winter resort of America's most influential families and the building boom was radically changing the face of the small community. By 1920, Ocean Boulevard was completed and motorists from the north were driving down to enjoy the popular winter resort town. As Addison Mizner and other prominent Palm Beach architects were designing large estates along the ocean and lake in the Mediterranean Revival style, demand for hotels, apartments and smaller residences grew. Many of these smaller homes were taking their design cues from the larger estates and were being built in the Mediterranean Revival style as well, increasing the style's popularity. Residences such as 130 Chilean Avenue were constructed as part of Captain E.N. Dimick and Harvey Geer's development called Royal Park.

¹ Building Permit Numbers 930 and 12947, Town of Palm Beach Building Permit Records.

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

The residence at 130 Chilean Avenue was designed by the architectural firm of Volk and Maass for Jacob H. and Freda K. Marx and built for approximately \$35,000 by contractor Frank D. Craig.² The architecture firm of Volk and Maass was the partnership of two of Palm Beach's prominent architects, John L. Volk and Gustav A. Maass Jr. The firm of Volk and Maass practiced from 1927 to 1935. The contractor for the residence was Frank D. Craig. Craig had been a partner in the Craig, Stevens and Volk Company, which was a local development company which dismantled due to the deteriorating financial crisis and hurricanes of the 1920s.³

Jacob Hart Marx and his wife Freda commissioned the firm of Volk and Maass to construct the residence. Jacob Marx was the son of one of the founders of an American menswear manufacturing company Hart, Schaffner and Marx, later known as Hartmarx. Jacob Marx graduated from the University of Chicago in 1909 and following his graduation from Northwestern University Law School in 1913 began practicing law.⁴ The Marx's were close with architect Gustav Maass and his wife Helen. Helen and Freda often played bridge together and both Freda Marx and Gustav Maass were executive committee members of the Crippled Children's

² Building Permit Number 3228, March 27, 1928. Town of Palm Beach Building Permit Records.

³ Lillian Jane Volk, Lory Armstrong Volk, and William Dale Waters, John L. Volk: Palm Beach Architect, Stuart, Florida: Southeastern Printing Company, 2001.

⁴ "Jacob Marx Dies at Home" Palm Beach Post, September 29, 1957.

Society. Jacob Marx passed away in 1957, but Freda Marx continued to live in the residence until her death in December of 1992.

In 1993, Lisa Rowan purchased the property from the estate of Freda Marx. Rena Rowan was the co-founder of Jones New York and in 1998 she married singer Vic Damone. The property was transferred to her daughter Lisa Rowan in 2008 and it was sold to the current owners, 130 Chilean LLC, in 2015.⁵ The property has since gone through a renovation that has returned it to its original grandeur.

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 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.

⁵ "New York Entity Pays Recorded \$4.35M for 1925 Midtown House" [Palm Beach Daily News](#) March 19, 2015.

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.

Gustav A. Maass

Gustav Adam Maass Jr. grew up in Birmingham Alabama. In 1917 he graduated from the University of Pennsylvania in Philadelphia with a Bachelor of Science in Architecture. Returning to Birmingham in 1919 he directed the architectural department of the Tennessee Coal and Iron Company, a subsidiary of United States Steel Corporation. Later Maass worked for the firm of Warren, Knight and Davis designing public and commercial buildings.

In 1921, Maass came to West Palm Beach and became associated with the firm of Harvey and Clarke. Harvey and Clarke were the architects for the Seaboard Railway and as one of their associates Maass designed the Seaboard Railway Station in Delray Beach, which is on the National Register of Historic Places.

Maass is most well known for his association with John L. Volk. The two formed a partnership that lasted from 1927 to 1935 and was headquartered in Phipps Plaza. During this time the two famous architects designed homes for Charles M. Hayes, J.H. Behrens and Charles Hall among others. After the end of the Volk and Maass partnership, Maass started his own successful architectural firm. Over the course of his career, Maass designed projects in Palm Beach, Delray Beach, Boca Raton and West Palm Beach. Maass died on April 22, 1964.

VI. Statement of Significance

130 Chilean Avenue is an excellent example of a Mediterranean Revival style residence constructed at the end of the 1920's Florida Land Boom. The residence exhibits many of the features that are characteristic of Mediterranean Revival style architecture. The residence is also representative

of the design work of the architectural firm of Volk and Maass during a time of significant growth in Palm Beach.

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.”

The residence located at 130 Chilean Avenue, designed and constructed in 1928, is an excellent example of the Mediterranean Revival style of architecture popularized in Palm Beach during the Land Boom of the 1920s and still recognized as the “Palm Beach Style.” The residence embodies distinctive Mediterranean Revival characteristics including asymmetrical massing, barrel tile covered roofs, tower elements, decorative cast stone surrounds, glazed tiles, columns, stucco façades, and distinctive exterior chimneys. These features have been executed in 130 Chilean Avenue to present a specimen inherently valuable for the study of the style.

(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.”

130 Chilean Avenue is an excellent representation of the design work of the architectural firm of Volk and Maass. During the partnership of Volk and Maass, which lasted from 1927 to 1935, the two famous architects designed homes for Charles M. Hayes, J.H. Behrens and Charles Hall among others. John L. Volk has always been recognized as one of the most important architects to practice in the Town of Palm Beach. His Palm Beach career started in the Town in 1924 and lasted until his death in 1984. Unlike other talented architects who developed or refined

specific styles, John Volk understood and perfected many varying architectural styles from the popular Mediterranean Revival to contemporary designs. Gustav Maass designed many buildings in the Palm Beach area, primarily in the Mediterranean Revival style.

VIII. Selected Bibliography

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

The Historical Society of Palm Beach County. Royal Park, John Volk, and Gustav Maass files.

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

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

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

The Palm Beach Daily News and Palm Beach Post. Archived Articles
Preservation Foundation of Palm Beach. 130 Chilean Avenue file.

Town of Palm Beach. Building Permits, 1928– 2016.

Volk, Lillian Jane, Lory Armstrong Volk and William Dale Waters. John L. Volk: Palm Beach Architect. Stuart, Florida: Southeastern Printing Company, 2001.

West Palm Beach City Directories. Asheville, NC: Florida-Piedmont Directory Company, 1925-1989.

IX. Florida Master Site File Form

		HISTORICAL STRUCTURE FORM Electronic Version 1.1.0	Site # <u>FB06381</u> Recorder # <u>Jane S. Day</u> Field Date <u>5/27/2010</u> Form Date <u>6/25/2010</u> Form No <u>201005</u> Form No = Field Date (YYYYMM)
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First Site Form Recorded for this Site? NO

GENERAL INFORMATION

Site Name (address if none) Lisa Rowan, House Multiple Listing (DHR only)

Other Names _____ >> _____

Survey or Project Name Palm Beach Historic Sites Survey, Phase V Survey# _____

National Register Category Building(s)

LOCATION & IDENTIFICATION

Address

Street No.	Direction	Street Name	Street Type	Direction Suffix
<u>130</u>		<u>Chilean</u>	<u>Avenue</u>	

Cross Streets (nearest/ between) South County Rd. & South Ocean Blvd.

City / Town (within 3 miles) Town of Palm Beach In Current City Limits? YES

County Palm Beach Tax Parcel #(s) 50-43-43-23-05-009-0250

Subdivision Name Royal Park Addition Block 9 Lot 25-28

Ownership Private Individual

Name of Public Tract (e.g., park) _____

Route to (especially if no street address) On the south side of Chilean Avenue between South County Road and South Ocean Boulevard

MAPPING

USGS 7.5' Map Name _____ Publication Date _____ >> PAIM BEACH, 1946

Township: _____ Range: _____ Section: _____ 1/4 section: _____ >> 43S ; 43E ; 23; 01NEP

Irregular Section Name: _____

Landgrant _____

UTM: Zone _____ Easting _____ Northing _____

Plat or Other Map (map's name, location) _____

DESCRIPTION

Style Mediterranean Revival Other Style _____

Exterior Plan Irregular Other Exterior Plan _____

Number of Stories 2

Structural System(s) _____ >> Wood frame

Other Structural System(s) Hollow clay tile

Foundation Type(s) _____ >> Continuous

Other Foundation Types _____

Foundation Material(s) _____ >> Concrete Block

Other Foundation Material(s) _____

Exterior Fabric(s) _____ >> Stucco

Other Exterior Fabric(s) _____

Roof Type(s) _____ >> Flat

Other Roof Type(s) hip

Roof Material(s) _____ >> Built-up

Other Roof Material(s) Spanish tile

Roof Secondary Structure(s) (dormers etc) _____ >> _____

Other Roof Secondary Structure(s) _____

Number of Chimneys 1

Chimney Material Brick

Other Chimney Material(s) stucco on exterior

Chimney Location(s) east, exterior

HISTORICAL STRUCTURE FORM

8FB06381

DESCRIPTION (continued)

Window Descriptions 4/1, 4/4, 6/1 DHS, stained glass

Main Entrance Description (stylistic details) on the north facade with cast stone surround and double window above

Porches: \$open _____ \$closed _____ \$incised _____ Location(s) _____

Porsh Roof Types(s) _____

Exterior Ornament exposed rafters, cast stone, columns, glazed tile

Interior Plan Unknown Other Interior Plan _____

Condition Excellent

Structure Surroundings:

Commercial: NONE of this category Residential: MOSTly 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 1928

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

Builder (last name first): Craig, Frank D.

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, 1928;

Other Structure Uses _____

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

RESEARCH METHODS

Research Methods _____ >> Examine local property records

Other research methods _____

SURVEYOR'S EVALUATION OF SITE

Potentially Eligible for a Local Register? YES

Name of Local Register if Eligible Town of Palm Beach Landmark

Individually Eligible for National Register? INSUFF. INFO

Potential Contributor to NR District? NO

Area(s) of historical significance _____ >> Community planning & development

Other Historical Associations _____

Explanation of Evaluation (required) This early work by John L. Volk is a collaboration with his first partner, Frank Craig. It is a good example of the Mediterranean Revival style and worthy of local designation.

HISTORICAL STRUCTURE FORM

8PB06381

DOCUMENTATION (Photos, Plans, etc.)

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

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

RECORDER INFORMATION

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

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

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

REQUIRED PAPER ATTACHMENTS

- (1) USGS 7.5" MAP WITH STRUCTURE PINPOINTED IN RED
- (2) LARGE SCALE STREET OR PLAT MAP
- (3) PHOTO OF MAIN FACADE, B&W, AT LEAST 3"X5"

X. DESIGNATION HEARINGS

Item 2: 130 Chilean Ave.

Owner: 130 Chilean LLC

Call for disclosure of ex parte communication: Disclosure by Ms. Fairfax.

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

Emily Stillings, MurphyStillings, LLC, testified to the architecture and history for this Volk and Maass residence. Ms. Stillings stated that this home was an excellent example of a Mediterranean Revival Style home and provided a history of the home for the Commissioners, including information on the original owners. She pointed out some of the significant design features and showed some photos of the property that were taken in 2013. Ms. Stillings stated that she was not able to find original drawings or elevations for the property. Ms. Stillings 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.

Mr. Cooney complimented MurphyStillings, LLC on the designation reports that were presented.

A motion was made by Ms. Albarran and seconded by Mr. Zukov that the designation report be made part of the record. Motion carried with all in favor.

Mr. Cooney discussed the importance of surveying the Town to find properties potentially worthy of landmarking.

Ms. Fairfax stated that her firm renovated the property and that the owners are happy that the home will be landmarked. She stated that the owners did an amazing, sensitive job renovating the property.

Mr. Cooney talked about Volk's career and some of his early work in the Town. Ms. Stillings stated that she could not find that Volk specifically worked on this home but did find evidence that Maass did work on the home.

Ms. Fairfax stated she would bring photos of this house next month to show her fellow Commissioners. Ms. Close stated that Ms. Fairfax could send the pictures to staff and staff would forward them on to the Commissioners.

A second motion made by Ms. Drake and seconded by Mr. Zukov that 130 Chilean 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.

Mr. Cooney open the discussion for public comment and there was none.

Motion carried with all in favor.

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: January 11, 2017

Section of Agenda

Time Extensions

Agenda Title

Request for One Year Time Extension, Site Plan Review No. 1-2016 with Special Exception, Palm House Hotel, 160 Royal Palm Way

Presenter

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

ATTACHMENTS:

- ❑ **Memorandum from John Page dated December 21, 2016**
- ❑ **Approval Letter from Paul Castro dated January 27, 2016**
- ❑ **Letter from Jacqueline Miller dated December 12, 2016**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Request for One Year Time Extension, Site Plan Review No. 1-2016 with Special Exception, Palm House Hotel, 160 Royal Palm Way

Date: December 21, 2016

STAFF RECOMMENDATION

Staff recommends that the Town Council approve a twelve month time extension of Site Plan Review No. 1-2016 with Special Exception in order to provide the applicant time to either secure financing for the project or a new owner.

GENERAL INFORMATION

On January 13, 2016, the applicant was granted a site plan review with special exception approval Variance (Site Plan Review #1-2016 with Special Exception) to modify the previously approved Palm House site plan application. The approvals eliminated unauthorized work, and approved other unauthorized work (Copy of approval letter attached). A condition of approval of the application was that the applicant modify the existing Declaration of Use Agreement to update the contact person in the Agreement, and reference the approved modified floor plans, elevations, landscape and paving and drainage plans in the approved application. The property owner has not yet provided the required amendment Declaration of Use Agreement for Staff's review.

Jacqueline Miller, attorney for the applicant (Cary Glickstein, court appointed receiver), has submitted the attached letter dated December 12, 2016, requesting a one year time extension to provide time to secure either new financing or a new owner for the subject property. Staff recommends that the Council allow the applicant a one year time extension to enter into the required amendment to the Agreement and work toward financing or selling the subject property. If approved, the applicant will have until January 10T, 2018 to amend the Agreement and commence work.

If you have any questions, please contact Paul Castro, Zoning Administrator, at 227-6406.

Attachment

cc: Jay Boodheshwar, Deputy Town Manager
Susan Owens, Town Clerk
Paul W. Castro, AICP, Zoning Administrator
Jacqueline Miller, Esq.
pf & zf



TOWN OF PALM BEACH

Planning, Zoning & Building Department

January 27, 2016

Ms. Jacqueline S. Miller, Esq.
Broad and Cassel
One North Clematis Street
Suite 500
West Palm Beach, FL 33401

Subject: Site Plan Review #1-2016 with Special Exception, 160 Royal Palm Way

Dear Ms. Miller:

The Town Council, at its January 13, 2016 meeting, conditionally approved the above referenced application. The approval identifies removal of unauthorized improvements as identified below and modifies the previously approved site plan to comport with previous approvals with exception of minor changes to improve service areas and access to those areas via stairs and elevators. The site plan modifications that were approved are as follows:

- Completion of partially constructed stair and elevator from basement to second floor dining area (not the third floor as stated in the application) on North side of the hotel building and construction of new access stairs from the basement kitchen area to the first floor lobby dining room.
- Construct new stairs, elevator and dining area on the second floor dining room.
- Construct redesigned mezzanine dining room stairs.

The following unauthorized changes are required to be restored as follows:

- Demolish partially constructed elevator extension to roof top above second floor dining room and lobby area to the "Sunset" deck.
- Complete construction of Function Room and pool area consistent with plans previously approved by the Town.
- Demolish partially constructed bathrooms on west side of Function Room and complete construction in area immediately adjacent to the southeast corner of the Function Room per plans previously approved by the Town.
- Demolish partially constructed walkway, stairs and elevator access to roof above Function Room;
- Demolish approximately 1,140 square feet of office space in area and restore as previously approved service corridor and laundry space.
- Demolish partially constructed enclosures of portions of the basement garage on both east and west side of the Property and restore 5 required off street parking spaces.
- Restore guest room area on third floor which was converted to private dining overlooking the second floor dining room.



- Demolish partially constructed wall in sub-basement parking area which was built to expand the sub-basement Function Room kitchen and restore the required parking.
- Construct opening on the east side of the Function Room wall which was going to be an unauthorized stage.
- Remove infill framing at exterior walkways on east elevation (installed subsequent to staff's identification of non-approved construction).
- Eliminate two pool area structures and relocate pool structure which includes service bar to previously approved location. The pool area will be restored as previously approved.
- There will be no reduction of condo-hotel units. The condo-hotel units remain at 79 units.

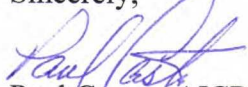
Please be advised that there are no modifications to previous conditions of approval identified in the Declaration of Use Agreements for the subject property. All conditions of approval in the previous Declaration of Use Agreement, as amended, remain in effect. A modification to the previous Agreement is required as a condition of approval in order to reference the approved floor plans and elevations in this application as well as the previously approved landscape plans and paving and drainage plans. In addition, the contact person in the Agreement for the property owner needs to be updated as part of the amendment. Please provide a draft of the proposed Amendment (Third Amendment to the Declaration of Use Agreement) for our review. Building permit revisions cannot be issued until this document has been executed by all parties, recorded, and a certified copy provided to the Town.

The conditional approval is identified on sheet drawings CS-1, SP-1, SP-2, A-1.0 through A-9.0, A-10.1 and A-10.2, stamp dated December 7, 2015, prepared by David Miller & Associates, P.A., and made part of the approval of the application.

The Town Council approval of this site plan review with special exception application constitutes only zoning approval and does not relieve the owner and/or applicant from obtaining additional Town approvals as may be required, such as Architectural Commission approval and necessary construction permits. The work authorized under the approval of this application must be commenced within one year from the date of approval or said approval will expire.

If you have any question, please contact me at 227-6406.

Sincerely,



Paul Castro, AICP
Zoning Administrator

cc: John S. Page, Director, Planning, Zoning & Building
Veronica B. Close, Asst. Director, Planning, Zoning & Building
Bill Bucklew, Building Official
John Lindgren, Planning Administrator
Cary Glickstein, Receiver
John C. Randolph, Town Attorney
zf & pf



December 12, 2016

VIA FEDERAL EXPRESS AND E-MAIL: (pcastro@townofpalmbeach.com)

Planning, Zoning & Building Department
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480
Attn: Mr. Paul Castro, Zoning Administrator

RECEIVED
DEC 13 2016

Town of Palm Beach
PZB Dept

**Re: Site Plan Review #1-2016
160 Royal Palm Way**

Dear Mr. Castro:

The undersigned represents and writes on behalf of Cary Glickstein, as the court appointed receiver of 160 Royal Palm Way, to request an extension of one (1) year for the approved zoning application, referenced above, which would otherwise expire on January 13, 2017. To assist in the Town's consideration of this request, I enclosed a copy of the latest quarterly report filed by Mr. Glickstein.

The developmental approvals for which Mr. Glickstein now requests an extension undoubtedly add value to the property and improve the likelihood that with new financing or a new owner in place, the completion of this project can be achieved once and for all. Please also note that on December 30, 2016, the judge in the Palm Beach County Circuit Court action in which Mr. Glickstein was appointed as receiver will consider a motion to supplement the receiver's powers in order to, among other things, give the receiver the power to sell the subject property. We hope to have the Court's decision on the pending motion in hand when this request is considered at Town Council's January 13, 2017 meeting.

Please contact me if you have any questions about the request or if any additional information is needed at this time.

Respectfully,

BROAD AND CASSEL


JACQUELINE S. MILLER

JSM/lkg

Encl.

cc: Mr. Cary Glickstein (via e-mail)

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL
CIRCUIT, IN AND FOR PALM BEACH COUNTY,
FLORIDA.

CIVIL DIVISION

CASE NO. 502014CA014846XXXXMB AG

RYAN BLACK,

Plaintiff,

v.

GERRY MATTHEWS and PALM HOUSE, LLC,
a Delaware limited liability company,

Defendants.

PALM HOUSE, LLC, a Delaware limited liability
company, and 160 ROYAL PALM, a Florida
corporation,

Defendant/Counter-Plaintiffs,

v.

RYAN BLACK,

Plaintiff/Counter-Defendant.

RECEIVER'S FOURTH QUARTERLY REPORT

The Receiver, Cary Glickstein, files his Fourth Quarterly Receiver's Report ("Report")
and certifies to the best of the Receiver's knowledge and belief the following:

Introduction

1. In December 2014, Plaintiff, Ryan Black, a member and former managing
member of Palm House, LLC, a Delaware limited liability company ("Palm House LLC")

commenced this action seeking a corporate dissolution of Palm House LLC and, on February 10, 2015, filed a Verified Motion for Appointment of Receiver.

2. With the agreement of all parties, the Court granted the motion for appointment of a receiver and stayed litigation in this action.

3. On July 16, 2015, the Court entered an Amended Agreed Order on Plaintiff's Motion for Appointment of Receiver ("the Receivership Order").

4. Pursuant to the Receivership Order, Cary Glickstein was appointed as the Receiver for the partially constructed hotel condominium property owned by defendant/counter-plaintiff, 160 Royal Palm, LLC, a Florida limited liability company (the "Owner") located at 160 Royal Palm Way Palm Beach, Florida (the Property or the 'Project').

5. Pursuant to the Receivership Order, the Receiver filed an Oath of Receiver which was filed with this Court on of July 22, 2015.

6. Pursuant to the Receivership Order, the Receiver filed an Initial Inventory for the Project on August 17, 2015.

7. Pursuant to the Receivership Order, the Receiver filed a Receiver's Initial Report on February 1, 2016 ("Initial Report").

8. Pursuant to the Receivership Order, the Receiver filed a Receiver's Second Quarterly Report on April 15, 2016 ("Second Report").

9. Pursuant to the Receivership Order, the Receiver filed a Receiver's Third Quarterly Report on July 17, 2016 ("Third Report").

10. This Report includes:

I. Summary of Receiver's activities;

II. Summary of Receiver's cash receipts and disbursements from July 1, 2016 through September 30, 2016;

III. Receiver's comments.

I. Summary of Receiver's Activities

10. The Receiver's activities since filing the Third Report include the following:

- a. Ongoing communications with Town of Palm Beach (the "Town") officials, staff and counsel regarding site conditions at the Property and Project status;
- b. Ongoing communications with the Parties' respective legal counsel regarding site conditions at the Property; Project completion funding status, restoration of Project property to the Project, prospective supplementation of the Receiver's powers, continued funding of the Receivership, and related legal proceedings; and
- c. Ongoing communications with construction contractors, suppliers and trade vendors or their attorneys regarding adjudicated and non-adjudicated claims concerning payment for labor, services and/or materials for the Project arising prior to the Receivership Order.

II. Summary of Cash Receipts and Disbursements

11. Consistent with the Receivership Order, the Receiver has maintained a separate system of office records, and books and accounts specific to the Receivership to which the Parties, or their respective agents and other representatives, have had and continue to have reasonable access, including the Receiver's records, accounts and books, vouchers, files and all other materials pertaining to the Receiver's operation of the Property.¹ All such records have

¹ Pursuant to the Receivership Order, the Receiver established and maintains a separate, noninterest-bearing operating account for the Property (the 'Palm House Operating Account') into which the Receiver deposits all funds relating to the Property and from which the Receiver is compensated and reimbursed for the Receiver's expenses. During this reporting period, the Receiver established a separate, interest bearing account in anticipation of the Receiver's receipt, as Receiver, of the proceeds from the private sale of the yacht known as the M/Y ALIBI (the 'Yacht') in the approximate amount of \$2,323,179.95 (the 'Funds') that were previously deposited into the Registry

been kept safe, available and separate from any records not having to do with the operation of the Property. Based on those records, the Receiver's cash receipts and disbursements from the date of filing of the Third Report through September 30, 2016, are set forth below:

Cash Receipts:

Total Receipts: \$ 20,000.00 ²¹

Cash Disbursements:

Cary Glickstein:	12,555.00	(Receiver fee @\$450/hour)
FP&L:	866.64	(Current billings)
Gregg H. Glickstein, P.A.:	<u>5,568.75</u>	(Receiver's attorney @\$275/hour)

Total Disbursements: \$ 18,990.39

**Palm House Operating Account
Balance:** \$ 2,411.41³

III. Receiver's Project Comments

12. The Receiver continues to field concerns from the Town's staff relating to Property maintenance, security, and safety issues directed primarily to improvements on the Property and to the vast and diverse personal property located throughout the improvements on the Property as described in the Receiver's Initial Inventory. As noted in the Third Report, the Town requested exterior property maintenance, including the removal of dead and overgrown

of the Federal Court in Case No. 9:15 CV-81606-KAM, United States District Court for the Southern District of Florida (the 'Federal Case'), in accordance with that certain **Error! Main Document Only.** Agreed Order Granting Plaintiff's Motion for Appointment of Receiver to Take Custody of Funds in the Federal Court's Registry, dated September 22, 2016, in *Palm House Hotel, LLLP v. Robert Matthews, et al.*, Case No.: 502015CA014480XXXMB AB, pending in the Circuit Court of Palm Beach County, Florida. The Receiver is awaiting receipt of the Funds.

² Payment of \$20,000 was made to the Palm House Operating Account on 8/15/16 by or on behalf of Intervenor to address, in part, the third quarter shortfall amount of \$6,795, as noted in the Receiver's Third Quarterly Report.

³ For this reporting period there is a shortfall in the Palm House Operating Account based on unpaid invoices totaling \$18,437.80 (less the current account operating balance shown above) comprised of: (i) \$8,460 - Receiver's fees for services rendered from 8/1/16 - 9/30/16; (ii) \$4,235 - Receiver's attorney's fees for services rendered from 9/1/16 - 9/30/16; and (iii) \$5,742.80 - reimbursement of Receiver's insurance premium for policy period of 9/1/16-9/1/17 (which total is exclusive of current account operating balance shown above).

landscape materials and loose roof tiles. The Town's Fire Marshal requested immediate implementation of the following remedial and safety measures "[i]n an effort to provide better protection of the owner's investment as well as minimize the danger for our public safety employees":

1. All combustible materials (deemed unusable for construction purposes) must be removed from the site.
 - a. Old doors that have been damaged from weather.
 - b. Paper products that have no value to the project.
 - c. Construction materials that can be salvaged may remain on the site.
2. All oxygen and acetylene tanks must be removed from the site immediately.
3. All gasoline cans and any fuel cans must be removed from the site immediately.
4. The entire property must be secured with fencing 360 degrees.

13. As to the above requested work requested, the Receiver has completed the requested aesthetic maintenance, but inadequate funding prevented the Receiver from addressing the Town's requests directed to possible loose roof tiles and the work requested by the Town's Fire Marshal.

14. In August 2016, John Page, Director of Planning, Zoning & Building Department for the Town invited the Receiver, on behalf of the Mayor, Town Council and Town Manager, to attend the Town Council meeting on September 14, 2016 to present an update on all information pertaining to the Property/Project. Mr. Page pointed growing concern about the unfinished appearance of the Project and the request of the Town's Fire Marshall to make the project safe, secure along with the Town's continued interest, and concern about the Project's future. While sobering, the Receiver's attendance at the Town Council meeting was appreciated and the Receiver was invited to return for further Project updates. Following the Town Council meeting, the Town requested access to the Property to review the public safety matters addressed at the Town Council meeting.

15. The Receiver provided the requested access to the Property to representatives of the Building Department and the Fire Rescue Department to identify and inventory on-site deficiencies relating to public safety requiring correction and the estimated costs for correcting those deficiencies. Reports generated by the by the Town's inspection of the Property, identifying conditions requiring prompt correction, are attached to this report and were previously provided to the Parties.

16. Shortly after the Receiver received the attached reports, the Town called upon the Receiver to permit the Town to address certain of the identified conditions representing immediate threats to public safety based on the projected path of Hurricane Matthew. The estimated costs for that corrective work performed by the Town is approximately \$11,000.00, according to Town estimates provided to the Receiver, which, in turn, the Receiver provided to the Parties.

17. Further to the Town's Fire Marshal's concerns, the Receiver reiterates concerns previously reported that due to non-payment of water service bills prior to the appointment of the Receiver and the termination of all water service to the Property, there remains no water service within the Property, which includes water service to all internal fire suppression systems and equipment. Unpaid water service bills, estimated service charges and re-connection fees are approximately \$60,000.00, excluding any required plumbing work required to repair damages to meter connections from unapproved re-routing ("jumping") of water service systems from disconnected water meters to an operating water meter prior to the appointment of the Receiver. Subsequent to the appointment of the Receiver, all water services to water meters within the Property have been discontinued by the City of West Palm Beach.

18. Neither the funds nor the financing to complete construction of the Project have been obtained as of this Report and the Receiver cannot otherwise report the attainment of any substantive objective or tangible results necessary to effectuate the Receivership Order and complete construction on the Property during this reporting period. During this reporting period the Parties have not provided to the Receiver any prospective financing offers for construction financing for the Project during this reporting period nor has the Receiver participated in any negotiation with any prospective construction lender or with any prospective purchaser of the Property. While the Receiver has received no financing offers for Project completion during this reporting period, the Receiver has received several unsolicited Property inquiries directed to acquisition of the Property that the Receiver has declined to entertain.

19. As noted in the Receiver's Third Quarterly Report, due to the absence of funding for supervised access to the Project, access to the Project continues to be correspondingly limited pending additional funding for the Receivership.

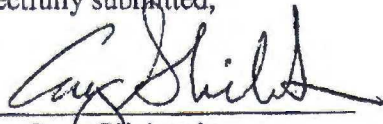
20. The Receiver has received no information during this reporting period suggesting financing offers will be forthcoming for completion of the Project. The construction approvals for the Project obtained by the Receiver from the Town earlier this year will eventually expire. Moreover, staggering fines imposed by the Town for non-completion of the Project continue to accrue daily.

21. While the Project continues to appear to be unattractive to prospective completion lenders, the Receiver has received numerous unsolicited inquiries expressing interest in acquisition of the Property received during this reporting period. Based on the foregoing facts, the Receiver has implored the Parties to agree to authorize the Receiver to explore other options for the Property beyond Project construction completion, as provided in the Receivership Order.

22. As noted in the Receiver's Third Report, without substantive actions and corrective measures or expanded authority authorizing the Receiver to pursue alternatives to construction completion funding for the Project, there may be less reason to continue the Receivership. No substantive actions or corrective measures referenced in the Receiver's last report have occurred or materialized during this reporting period to change the Receiver's assessment. In any event and as noted in this report, the Receivership requires additional funding at this time to address the shortfall in the Palm House Operating Account as of the date of this Report to continue.

Respectfully submitted,

By:


Cary Glickstein

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 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]

Presenter

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

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 2017

Section of Agenda

Development Review - New Business

Agenda Title

SPECIAL EXCEPTION #1-2017 WITH SITE PLAN REVIEW AND VARIANCE

The application of Robert A. Toohey; relative to property commonly known as **319 Seaspray 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 3,981 square foot, two-story single family residence on three platted lots which combined creates a lot that is 75 feet in width in lieu of the 100-foot minimum required and 9,187 square feet in area in lieu of the 10,000 square foot minimum required. The applicant is also requesting a variance to allow construction of a new residence on a lot that is 75 feet in width which will have a one-car garage in lieu of the two-car garage required for lots 75 feet or more in width. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 6-1]

Presenter

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

ATTACHMENTS:

- ▣ **E-mail Dated December 24, 2016, From Leslie Shaw**

Kathleen Ruderman

From: Kelly Churney
Sent: Tuesday, December 27, 2016 7:59 AM
To: Alexander Ives (alexives@hotmail.com); Ann Vanneck (avanneck@mac.com); Betsy Shiverick (betsyshiverick@gmail.com); John Corey (johncorey84@gmail.com); Maisie Grace (amginny@aol.com); mg@gruss.com; Michael Small (msmall@smallawpalmbeach.com); Peter Knowles (pickIII@aol.com); Richard Sammons (rsammons@fairfaxandsammons.com); Robert Garrison (rng@garrisonarch.com)
Cc: Pat Gayle-Gordon; TM Assistant; Cheryl Kleen; Paul Castro; John Lindgren; Kathleen Ruderman
Subject: FW: ARCOM B-076-2016-319

Kelly Churney
Office Assistant III

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

From: Leslie Shaw [mailto:lshaw318@gmail.com]
Sent: Saturday, December 24, 2016 10:39 AM
To: John Page <JPage@TownofPalmBeach.com>
Cc: Kelly Churney <KChurney@TownofPalmBeach.com>
Subject: ARCOM B-076-2016-319

To: The Mayor and Town Council
ARCOM

Timing is everything and this is very poor timing. I learned about this review after seeing markers placed on the subject property and in conversation with a neighbor, who forwarded me a copy of the application. I have no information of the Special Exception and Variance they are requesting.

I never received any notification of the application by regular mail and certified mail was not signed for or received.

As a past member of Town Council and Commissions I know the importance of attending the meetings even if they fall over a holiday period, but sometime one is missed. The same is true for neighbors effected by an application and to hold a decision making meeting the last week in December places the burden on the residents to change travel and family plans to be at Town Hall or object by written proxy. While the pen may be mightier than the sword, it is not as convincing as a personal appearance and dialogue.

I request that any action on this and possible other projects be for informational, review and discussion purpose only and that any final approval be deferred until January when ARCOM will be able to give consideration to additional public comment.

Respectfully,

Leslie Shaw
318 Seaspray Avenue
Palm Beach, FL

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 2017

Section of Agenda

Development Review - New 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.]

Presenter

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

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 2017

Section of Agenda

Development Review - New 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.]

Presenter

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

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 2017

Section of Agenda

Development Review - New Business

Agenda Title

VARIANCE #3-2017 The application of Mark and Nancy Gilbert; relative to property commonly known as **323 Chilean Ave.**, described as lengthy legal description on file; located in the R-C Zoning District. The subject property is a Palm Beach Historic Landmark designed and built in 1924. The existing finished floor is at 5.25 NGVD and the property currently does not have a garage. The applicant is proposing to lift the house to meet the FEMA requirement of 7.5 NGVD and construct a 60.26 square foot addition to create a new 2 car garage that will have a 7.28 foot west side yard setback in lieu of the 10 foot minimum required. [Attorney: Maura Ziska, Esq.][Landmarks Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject landmarked 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: January 11, 2017

Section of Agenda

Development Review - New Business

Agenda Title

VARIANCE #4-2017 The application of Kevin and Lisa McGovern; relative to property commonly known as **224 S. Ocean Blvd.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to construct a new 446 square foot, one story detached, one car garage which would require the following variances: 1) a street side yard setback of 12.5 feet in lieu of the 18 foot minimum required for a corner lot and 2) a cubic content ratio ("CCR") of 6.16 in lieu of the 5.82 existing and the 3.94 maximum allowed. [Attorney: Maura Ziska, Esq.][Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 6-1]

Presenter

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

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 2017

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 24-2016 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, As Follows: At Article I, In General, Section 134-2, Definitions And Rules Of Construction By Adding Definitions For Medical Marijuana Treatment Center, Medical Marijuana Dispensary And Cannabis Cultivation; Article VI, District Regulations, Section 134-1109, Special Exception Uses, By Prohibiting Medical Marijuana Or Providing Said Use As A Special Exception In The C-Ts Zoning District Should The State Preempt Said Prohibition; At Article VIII, Supplementary District Regulations, Section 134-1731, Outdoor Lighting, By Providing Regulations For Light Trespass; At Article VIII, Supplemental District Regulations, By Creating Division 16, “Reasonable Accommodation Procedures”, Section 134-2112, Reasonable Accommodation Procedures, By Providing For Reasonable Accommodation Procedures Pursuant To The Fair Housing Amendments Act And Title II Of The American’s With Disabilities Act; At Article VIII, Supplementary District Regulations By Creating A Division 17, “Medical Marijuana Treatment Centers And Medical Marijuana Dispensaries”, Section 134-2113, Prohibition, And Section 2114, Development Standards, By Prohibiting Medical Marijuana Treatment Centers, Medical Marijuana Dispensaries Marijuana Cultivation And Creating Regulations For Medical Marijuana Treatment Centers And Medical Marijuana Dispensaries Should State Law Preempt Said Prohibition In The Town Of Palm Beach; Division 16 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 November 29, 2016 From John S. Page, Director of Planning, Zoning & Building**

▢ **Ordinance No. 24-2016**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 14, 2016

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
Ordinance No. 24-2016

Date: November 29, 2016

STAFF RECOMMENDATION

Staff recommends that the Local Planning Agency (LPA) consider Ordinance No. 24-2016, amending the Zoning Ordinance. The LPA should then make a recommendation on the proposed Ordinance to the Town Council for its consideration on first reading.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its July 19, 2016 and September 20, 2016 meetings, made recommendations on the proposed Zoning Code modifications.

GENERAL INFORMATION

The Town Council considered the Planning and Zoning Commission's Record and Report at its November 9, 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 does the following:

- Provides for reasonable accommodations regulations within the Zoning Code for disabled individuals based on the Federal Fair Housing Amendment Act. The proposed zoning text amendments provide a public hearing process, notice provisions and minimum application requirements to apply for reasonable accommodations.
- Provides for zoning regulations that prohibit medical marijuana treatment facilities, medical marijuana dispensaries and the cultivation of medical marijuana. The proposed ordinance conditionally allows medical marijuana treatment facilities and medical marijuana dispensaries as a special exception use in the C-TS (Commercial Town-serving) zoning district.
- Provides for regulations prohibiting light trespass on neighboring properties.

The proposed changes in attached Ordinance No.24-2016 are in add/delete format. In addition, the Ordinance is organized in numerical order by section numbers in Chapter 134, Zoning. 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. 24-2016 was approved by Town Attorney John C. Randolph for legal form and sufficiency.

Attachment

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

ORDINANCE NO. 24-2016

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 134, ZONING, AS FOLLOWS: AT ARTICLE I, IN GENERAL, SECTION 134-2, DEFINITIONS AND RULES OF CONSTRUCTION BY ADDING DEFINITIONS FOR MEDICAL MARIJUANA TREATMENT CENTER, MEDICAL MARIJUANA DISPENSARY AND CANNABIS CULTIVATION; ARTICLE VI, DISTRICT REGULATIONS, SECTION 134-1109, SPECIAL EXCEPTION USES, BY PROHIBITING MEDICAL MARIJUANA OR PROVIDING SAID USE AS A SPECIAL EXCEPTION IN THE C-TS ZONING DISTRICT SHOULD THE STATE PREEMPT SAID PROHIBITION; AT ARTICLE VIII, SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 134-1731, OUTDOOR LIGHTING, BY PROVIDING REGULATIONS FOR LIGHT TRESPASS; AT ARTICLE VIII, SUPPLEMENTAL DISTRICT REGULATIONS, BY CREATING DIVISION 16, "REASONABLE ACCOMMODATION PROCEDURES", SECTION 134-2112, REASONABLE ACCOMMODATION PROCEDURES, BY PROVIDING FOR REASONABLE ACCOMMODATION PROCEDURES PURSUANT TO THE FAIR HOUSING AMENDMENTS ACT AND TITLE II OF THE AMERICAN'S WITH DISABILITIES ACT; AT ARTICLE VIII, SUPPLEMENTARY DISTRICT REGULATIONS BY CREATING A DIVISION 17, "MEDICAL MARIJUANA TREATMENT CENTERS AND MEDICAL MARIJUANA DISPENSARIES", SECTION 134-2113, PROHIBITION, AND SECTION 2114, DEVELOPMENT STANDARDS, BY PROHIBITING MEDICAL MARIJUANA TREATMENT CENTERS, MEDICAL MARIJUANA DESPENSARIES MARIJUANA CULTIVATION AND CREATING REGULATIONS FOR MEDICAL MARIJUANA TREATMENT CENTERS AND MEDICAL MARIJUANA DISPENSARIES SHOULD STATE LAW PREEMPT SAID PROHIBITION IN THE TOWN OF PALM BEACH; DIVISION 16 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

Ordinance No. 24-2016

Council does hereby find, determine, and declare that the public health, safety, morals and general welfare of the citizens of the Town of Palm Beach requires that the aforesaid Chapter 134, ZONING, of the Code of Ordinances, be amended as hereinafter set forth,

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

Section 1. Article I, IN GENERAL, Section 134-2, Definitions and rules of construction, is hereby amended to read as follows:

Sec 134-2, Definitions and Rules of Construction by adding new definitions as follows:

Medical Marijuana Treatment Center means an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualified registered patients or their personal caregivers and is registered by the State Department of Health and regulated under Chapter 134 of the Town Code of Ordinances.

Medical Marijuana Dispensary means a facility that is operated by an organization or business holding all necessary licenses and permits from which marijuana, cannabis, cannabis-based products, or cannabis plants are delivered, purchased, possessed, or dispensed for medical purposes and operated in accordance with all local, federal, and state laws. Physicians authorized by State law to order low-THC cannabis, as defined in Florida Statutes, for qualified registered patients' medical use are not included in the definition of Medical Marijuana Dispensary.

Cannabis Cultivation means a use of any property, in whole or in part, including inside buildings, for the growing or cultivation of Cannabis plant(s), whether or not such growing or cultivation is lawful under federal or state law.

Section 2. Article VI, DISTRICT REGULATIONS, Section 134-1109, is hereby amended to add a new paragraph (19) to read as follows:

Sec. 134-1109. Special exception uses.

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

...

(19) Medical marijuana treatment centers and medical marijuana dispensaries are prohibited, however, should State Law preempt said prohibition, said uses shall be permitted subject to the requirements in Section 134-2113 through 134-2114 of this chapter.

Section 3. Article VIII, SUPPLEMENTARY DISTRICT REGULATIONS, is hereby amended at Section 134-1731, to read as follows:

Sec. 134-1731. - Outdoor lighting equipment.

The maximum height for poles or structures for purpose of supporting lighting fixtures and lighting equipment shall be 15 feet above finished grade.

Any exterior or landscape lighting that creates the following conditions shall be deemed in violation of this section of the Code and shall be subject to action by the Code Enforcement Board.

- 1) Lighting or fixtures that allow more than one half foot-candle to spill off the property.
- 2) Lighting that is directed or aimed in such a manner as to create a nuisance or glare to any abutting property.
- 3) Lighting that is installed and/or aimed in such a manner as to create a nuisance or glare to passers-by, either by foot or in a moving vehicle.

Section 4. Article VIII, SUPPLEMENTARY DISTRICT REGULATIONS, is hereby amended to create a Division 16, Reasonable Accommodations, Section 134-2112, to read as follows:

Division 16. Reasonable Accommodation Procedures.

Sec. 134-2112. Reasonable Accommodation Procedures.

- 1) This section implements the policy of the Town of Palm Beach for processing of requests for reasonable accommodation to its ordinances, rules, policies, and procedures for persons with disabilities as provided by the federal Fair Housing Amendments Act ("FHAA") and the Americans with Disabilities Act ("ADA"). For purposes of this section, a "disabled" individual or person is an individual that qualifies as disabled and/or handicapped under the FHAA and/or ADA. Any person who is disabled (or qualifying entities) may request a reasonable accommodation with respect to the Town's land use or zoning laws, rules, policies, practices and/or procedures as provided by the FHAA and the ADA pursuant to the procedures set out in this section.
- 2) A request by an applicant for reasonable accommodation under this section shall be made in writing by completion of a reasonable accommodation request form, which form is maintained by (and shall be submitted to) the Town Clerk. The reasonable accommodation form shall contain such questions and requests for information as are necessary for processing the reasonable accommodation request. The reasonable accommodation request form shall be substantially in the form set forth in subsection (10) below.

- 3) Should the information provided by the disabled individual to the Town include medical information or records, including records indicating the medical condition, diagnosis or medical history of the disabled individual, such individual may, at the time of submitting such medical information, request that the Town, to the extent allowed by law, treat such medical information as confidential information of the disabled individual. The Town shall thereafter endeavor to provide written notice to the disabled individual, and/or their representative, of any request received by the Town for disclosure of the medical information or documentation which the disabled individual has previously requested be treated as confidential by the Town. The Town will cooperate with the disabled individual, to the extent allowed by law, in actions initiated by such individual to oppose the disclosure of such medical information or documentation, but the Town shall have no obligation to initiate, prosecute or pursue any such action, or to incur any legal or other expenses (whether by retention of outside counsel or allocation of internal resources) in connection therewith, and may comply with any judicial order without prior notice to the disabled individual.
- 4) The Town Manager, or his/her designee, shall have the authority to consider and act on requests for reasonable accommodation, after a minimum of thirty (30) day notice to all property owners within three hundred feet of the property proposed for a reasonable accommodation and after a public hearing to receive comments, input and information from the public (provided, however, the Town Manager or designee shall not be required to render his or her decision at said public hearing). Each applicant submitting a reasonable accommodation request form shall be responsible for providing a Notice Affidavit to the Town Manager, or his/her designee, verifying that all property owners within the three hundred foot radius of the proposed property was mailed a proper notice outlining the specific nature of the reasonable accommodation request, including the date time and location of the public hearing in which said request will be considered and a listing of all property owners; and a corresponding map of property owners within the three hundred foot radius. Said property owner list and map is required to be provided from information provided by the Palm Beach County Property Appraisers Office. When a reasonable accommodation request form has been completed and submitted to the Town Clerk it will be referred to the Town Manager, or designee, for review and consideration. The Town Manager, or designee, shall issue a written determination within 45 days of the date of receipt of a completed application and may, in accordance with federal law: (a) grant the accommodation request; (b) grant a portion of the request and deny a portion of the request, and/or impose conditions upon the grant of the request; or (c) deny the request, in accordance with federal law. Any such denial shall be in writing and shall state the grounds therefor. All written determinations shall give notice of the right to appeal. The notice of determination shall be sent to the requesting party (i.e. the disabled individual or his/her representative) by certified mail, return receipt requested. If reasonably necessary to reach a determination on the request for reasonable accommodation, the Town Manager, or designee, may, prior to the end of said 45-day period, request additional information from the requesting party, specifying in sufficient detail what information is required. The requesting party shall have 15 days after the date of the request for additional information to provide the requested information. In the event a request for additional information is made, the

45-day period to issue a written determination shall no longer be applicable, and the Town Manager, or designee, shall issue a written determination within 30 days after receipt of the additional information. If the requesting party fails to provide the requested additional information within said 15-day period, the Town Manager, or designee, shall issue a written notice advising that the requesting party had failed to timely submit the additional information and, therefore, the request for reasonable accommodation shall be deemed abandoned and/or withdrawn and no further action by the Town with regard to said reasonable accommodation request shall be required. The deadlines referenced herein may be extended by mutual agreement between the Town and the applicant.

- 5) In determining whether the reasonable accommodation request shall be granted or denied, the requesting party shall be required to establish that they are protected under the FHA and/or ADA by demonstrating that they, or the party they represent, are handicapped or disabled, as defined in the FHA and/or ADA. Although the definition of disability is subject to judicial interpretation, for purposes of this section the disabled individual must show: (i) a physical or mental impairment which substantially limits one or more major life activities; (ii) a record of having such impairment; or (iii) that they are regarded as having such impairment. Next, the requesting party will have to demonstrate that the proposed accommodations being sought are reasonable and necessary to afford handicapped/disabled persons equal opportunity to use and enjoy housing. The foregoing (as interpreted by the Courts) shall be the basis for a decision upon a reasonable accommodation request made by the Town Manager, or designee, or by the Town Council in the event of an appeal.
- 6) Within 30 days after the Town Manager's, or designee's, determination on a reasonable accommodation request is mailed to the requesting party, such applicant may appeal the decision. All appeals shall contain a statement containing sufficient detail of the grounds for the appeal. Appeals shall be to the Town Council who shall, after public notice and a public hearing, render a determination as soon as reasonably practicable, but in no event later than 60 days after an appeal has been filed.
- 7) There shall be no fee imposed by the Town in connection with a request for reasonable accommodation under this section or an appeal of a determination on such request to the Town Council, and the Town shall have no obligation to pay a requesting party's (or an appealing party's, as applicable) attorneys' fees or costs in connection with the request, or an appeal.
- 8) While an application for reasonable accommodation, or appeal of a determination of same, is pending before the Town, the Town will not enforce the subject zoning ordinance, rules, policies, and procedures against the applicant.
- 9) The following general provisions shall be applicable:

- a. The Town shall display a notice in the Town's public notice bulletin board (and shall maintain copies available for review in the Town Clerk's office), advising the public disabled individuals (and qualifying entities) may request reasonable accommodation as provided herein.
- b. A disabled individual may apply for a reasonable accommodation on his/her own behalf or may be represented at all stages of the reasonable accommodation process by a person designated by the disabled individual.
- c. The Town shall provide such assistance and accommodation as is required pursuant to FHA and ADA in connection with a disabled person's request for reasonable accommodation, including, without limitation, assistance with reading application questions, responding to questions, completing the form, filing an appeal, and appearing at a hearing etc. to ensure the process is accessible.
- d. Reasonable accommodation request form shall be filed with the Town to include the following information:
 - 1. Name of Applicant:
 - 2. Telephone Number:
 - 3. Address:
 - 4. Address of housing or other location at which accommodation is requested:
 - 5. Describe qualifying disability or handicap:
 - 6. Describe the accommodation and the specific regulation(s) and or procedure(s) from which accommodation is sought:
 - 7. Reasons the reasonable accommodation may be necessary for the individual with disabilities to use and enjoy the housing or other service:
 - 8. Name address and telephone number of representative if applicable:
 - 9. Other information:

10. Signature of Disabled Individual or Representative, if applicable, or Qualifying Entity:

Section 5. Article VIII, SUPPLEMENTARY DISTRICT REGULATIONS, is hereby amended to to add a Division 17, Sections 134-2113 and 134-2114 to read as follows:

DIVISION 17. MEDICAL MARIJUANA TREATMENT CENTERS AND MEDICAL MARIJUANA DISPENSARIES.

Sec. 134-2113. Prohibition.

Medical marijuana treatment centers and medical marijuana dispensaries are prohibited in all zoning categories of the Town, however, should State law preempt the prohibition of said uses, said uses are only permitted in the Commercial Town Serving (C-TS) District, subject to the development standards set forth in Sections 123-201, 134-226 through 134-230, 134-1109 and 134-2114.

Section 134-2114. Development Standards.

In addition to applicable regulations and requirements otherwise set forth in this article, the following minimum standards and regulations shall apply to the development or use of property for a medical marijuana treatment center or medical marijuana dispensary. Such standards shall be met regardless of the existence of lesser standards that may be imposed by other agencies of government. The Town Council may impose additional conditions or safeguards as deemed necessary.

- (1) *Distance Separation.* No medical marijuana treatment center or dispensary shall be located within one thousand (1,000) feet of any school, church, child care facility, municipal park or substance abuse treatment facility licensed by the Florida Department of Children and Families pursuant to Rule 65D-30, or within two thousand five hundred (2,500) feet of another medical marijuana treatment center or dispensary, or within one hundred (100) feet of residentially zoned property within the Town limits, as further defined by these regulations. Distances shall be measured by drawing a straight line between the closest point of the medical marijuana treatment center/dispensary structure to the closest property line or tenant space (whichever is closer) of a school, church, childcare facility, public park, resource recovery/addition treatment facility, or other medical marijuana treatment center or dispensary residentially zoned property.
- (2) *Parking.* Any off-street parking demand created by a medical marijuana treatment center /dispensary shall not exceed the parking spaces located or allocated on site, as required by Section 134-2176. An applicant shall be required to demonstrate that on-site traffic and parking attributable to the medical marijuana treatment

center/dispensary will be sufficient to accommodate traffic and parking demands generated by the medical marijuana treatment center/dispensary, based upon a current traffic and parking analysis prepared by a certified professional.

- (3) *Display of Registration/Town Approval of Operational Plan.* Any medical marijuana treatment center/dispensary shall be validly registered with the State of Florida, as required, and with the Town, and shall prominently display in a public area near its main entrance copies of all state licenses, Town registration and local business tax receipt, and the name of the owner and designated physician responsible for compliance with State and Town regulations. A medical marijuana treatment center/dispensary shall register with the Town by completing and submitting to the Planning Zoning and Building Department a registration form and operational plan, including security measures, for review and approval by the Town prior to issuance of the Town registration and business tax receipts. The operational plan shall be reviewed annually prior to renewal of the registration and business tax receipt to ensure that it adequately addresses concerns of the Town, including security, parking, loitering, etc.
- (4) *Controlled Substances.* The on-site sale, provision or dispensing of controlled substances (other than those types of marijuana approved for sale by the Department of Health or its successor agency) at a medical marijuana treatment center / dispensary shall be prohibited except as is specifically set forth in applicable federal or state law.
- (5) *On-Site Consumption of Marijuana and/or Alcoholic Beverages.* No consumption of marijuana or alcoholic beverages shall be allowed on the premises, including in the parking areas, sidewalks or rights-of-way. In addition, no consumption of marijuana or alcoholic beverage shall be allowed on neighboring parking areas, sidewalks or right-of-way. The persons responsible for the operation of the medical marijuana treatment center / dispensary shall take all necessary and immediate steps possible to ensure compliance with this paragraph.
- (6) *Loitering.* A medical marijuana treatment center/dispensary shall provide adequate seating for its qualified patients and care givers and shall not allow qualified patients or care givers, to stand, sit (including in a parked car), or gather or loiter outside of the building where the treatment center/dispensary operates, including in any parking areas, sidewalks, right-of-way, or neighboring properties for any period of time longer than that reasonably required to arrive and depart. In addition, no other visitors or business invitees shall be permitted on the premises per (15)c of this Division and said person(s) shall not be allowed to loiter in any parking areas, sidewalks, right-of-way or neighboring properties for any period of time. The medical marijuana treatment center/dispensary shall post conspicuous signs on at least three sides of the building that no loitering is allowed on the property.
- (7) *Queuing of Vehicles.* The persons responsible for the operation of the medical marijuana treatment center/dispensary shall ensure that there is no queuing of vehicles in the rights-of-way. The persons responsible for the operation of the medical

marijuana treatment center / dispensary shall take all necessary and immediate steps to ensure compliance with this paragraph.

- (8) *No Drive-Thru Service / No Delivery.* No medical marijuana treatment center / dispensary shall have a drive-thru or drive-in service aisle. All dispensing, payment or receipt of said marijuana shall occur from inside the medical marijuana treatment center / dispensary. No medical marijuana treatment center or dispensary shall conduct any form of off-site delivery service of medical marijuana prescriptions.
- (9) *Operating Hours.* A medical marijuana treatment center / dispensary may operate only Monday through Friday and only during the hours of 8:00 a.m. to 6:00 p.m.
- (10) *Compliance with Other Laws.* A medical marijuana treatment center / dispensary shall at all times be in compliance with all federal and state laws and regulations and the Town of Palm Beach Code.
- (11) *Certification Affidavit by Applicants for Related Uses.* Any application for a business tax receipt as a medical marijuana treatment center / dispensary as defined in Section 1-2, shall be accompanied by an executed affidavit certifying registration with the State of Florida and the Town of Palm Beach as a medical marijuana treatment center / dispensary. The failure of an applicant to identify the business in the application for a business tax receipt as a medical marijuana treatment center / dispensary will result in immediate expiration of the business tax receipt and immediate ceasing of all activity conducted in the medical marijuana treatment center / dispensary.
- (12) *Non-medical Marijuana Sales.* Non-medical marijuana sales, including the purchase, sale, transfer or delivery of marijuana, cannabis, cannabis-based products or cannabis plants when such sale, transfer or delivery is not associated with any medical purpose or use, whether or not such purchase, sale, transfer or delivery is lawful under federal or state law, shall be prohibited uses in all zoning districts of the Town.
- (13) *Cannabis Cultivation.* Cannabis Cultivation shall be a prohibited use in all zoning districts of the Town.
- (14) *Property Standards.* Medical marijuana treatment centers and dispensaries shall be situated on real property meeting the following requirements:
- a. *Minimum Parcel Size.* The minimum parcel size shall be 20,000 square feet.
 - b. *Location.* Medical marijuana treatment centers and dispensaries shall have frontage on a collector or arterial roadway.
 - c. *Structure.* A medical marijuana treatment center and dispensary shall only be operated from a freestanding building that is not part of a larger commercial plaza, retail center, or multi-tenant building.

- d. Appearance. Building architecture, including building color, shall be harmonious with surrounding properties.
- e. Signage. Consistent with Article XI, SIGNS*, of this chapter.

(15) Security. Security measures shall be taken by the owner/operator, including but not limited to:

- a. A monitored alarm system and/or panic buttons shall be installed in the interior of the building.
- b. A uniformed armed security guard shall be on the premises at all times the dispensary is open for business. The security guard/officer must be insured and licensed with the State of Florida possessing the minimum of an active and valid Class "D" and a Class "G" license as per Florida State Statute 493.6301.
- c. Only qualified registered patients per Department of Health definitions and personal caregivers, employees of the business, or Town and State and any other applicable governmental staff members, shall be permitted inside the proposed business.
- d. Town staff shall be granted right of entry at all times to ensure compliance with the requirements of this Division 18.

(16) Other Activities. No medical marijuana treatment center or dispensary shall sell, market, dispense, provide, exchange, or otherwise vend any other services, product, or drug paraphernalia as defined by federal or state law. In addition, no medical marijuana dispensary or doctors, physicians, agents, employees, representatives, contractors, or the like shall provide any other medical, social, or psychological counseling, diagnosis or advice to any patient or business invitee.

Section 7. Severability.

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

Section 8. Repeal of Ordinances in Conflict.

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

Section 9. Codification.

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

Section 10. Effective Date.

This Ordinance shall take effect thirty-one days after its adoption, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 14th day of December, 2016, and for second and final reading on this ____ day of _____, 2017.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Bobbie Lindsay, Town Council Member

ATTEST:

Danielle H. Moore, Town Council Member

Susan A. Owens, MMC, Town Clerk

Margaret A. Zeidman, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 2017

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 25-2016 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 106, Streets, Sidewalks And Other Public Places*, At Article I, In General, By Adding Section 106-5 Use Of Medical Marijuana On Public And Semi-Public Property, Prohibiting The Smoking Of Marijuana On Rights-Of-Way, Parks, Playgrounds, Recreational Facilities, Public Buildings, Beaches Or Other Property Owned And Controlled By The Town Of Palm Beach; 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 November 29, 2016, From John S. Page, Director of Planning, Zoning & Building**
- ▣ **Ordinance No. 25-2016**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 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 106, Streets, Sidewalks and Other
Public Places
Ordinance No. 25-2016

Date: November 29, 2016

STAFF RECOMMENDATION

Staff recommends that the Town Council consider Ordinance No. 25-2016, amending the Zoning Ordinance.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its November 15, 2016 meeting, on a vote of 7-0 made a recommendation to modify Chapter 101, which is a companion to the proposed medical marijuana regulations identified in Ordinance No. 25-2016, proposed Zoning Code modifications.

GENERAL INFORMATION

The Town Council considered the Planning and Zoning Commission's Record and Report at its November 9, 2016 Town Council meeting. The Council directed Staff to draft the attached ordinance for consideration by the and Town Council. The proposed ordinance does the following:

- Provides regulations which prohibits the smoking of medical marijuana while on public property, including but not limited to rights-of-way, parks, playgrounds, recreational facilities, public buildings, beaches or other property owned or controlled by the Town.

The proposed changes in attached Ordinance No. 25-2016 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. 25-2016 was approved by Town Attorney John C. Randolph for legal form and sufficiency.

Attachment

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

ORDINANCE NO. 25-2016

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 106, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*, AT ARTICLE I, IN GENERAL, BY ADDING SECTION 106-5 USE OF MEDICAL MARIJUANA ON PUBLIC AND SEMI-PUBLIC PROPERTY, PROHIBITING THE SMOKING OF MARIJUANA ON RIGHTS-OF-WAY, PARKS, PLAYGROUNDS, RECREATIONAL FACILITIES, PUBLIC BUILDINGS, BEACHES OR OTHER PROPERTY OWNED AND CONTROLLED BY THE TOWN OF PALM BEACH; 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 106, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*, of the Code of Ordinances, be amended as hereinafter set forth,

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

Section 1. Article I, IN GENERAL, is hereby amended to add Section 106-5, Use of medical marijuana on public and semi-public property, to read as follows:

Section 106-5. Use of medical marijuana on public and semi-public property

No person shall smoke medical marijuana while on public property, including but not limited to rights-of-way, parks, playgrounds, recreational facilities, public buildings, beaches or other property owned or controlled by the Town.

Section 2. 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 3. 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 4. Codification.

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

Section 5. Effective Date.

This Ordinance shall take effect immediately after its adoption, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 14th day of December, 2016, and for second and final reading on this 11th day of January, 2017.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Bobbie Lindsay, Town Council Member

ATTEST:

Danielle H. Moore, Town Council Member

Susan A. Owens, MMC, Town Clerk

Margaret A. Zeidman, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 2017

Section of Agenda

Ordinances - First 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 December 21, 2016, From John S. Page, Director of Planning, Zoning & Building**
- ▣ **Ordinance No. 1-2017**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 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: December 21, 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.
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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 ____ day of _____, 2017.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Bobbie Lindsay, Town Council Member

ATTEST:

Danielle H. Moore, Town Council Member

Susan A. Owens, MMC, Town Clerk

Margaret A. Zeidman, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 2017

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 2-2017 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Text Of The Future Land Use Element Of The Town Of Palm Beach's Comprehensive Plan By Amending Policy 2.3.1 By Changing The Town-Serving Threshold Requirement For Businesses Within The Commercial Planned Center (C-PC) Zoning District From 2,000 Square Feet Gross Leasable Area To 3,000 Square Feet Gross Leasable Area; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Hereof; Providing For Codification; Providing An Effective Date.

Presenter

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

ATTACHMENTS:

- ❑ **Memorandum from John Page dated December 21, 2016**
- ❑ **Ordinance No. 2-2017**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Proposed Amendment to Policy 2.3.1 of the Future Land Use Element of the Town Comprehensive Plan to Increase the Town-Serving Threshold in the C-PC Zoning District with the Commercial Future Land Use Category.

Ordinance No. 2-2017

Date: December 21, 2016

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Ordinance No. 2-2017, amending Policy 2.3.1 of the Town Comprehensive Plan and authorize staff to transmit the proposed amendment to the Florida Department of Economic Opportunity.

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 proposed comprehensive plan amendment identified in Ordinance No. 2-2017.

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 Policy 2.3.1 of the Future Land Use Element of the Town's Comprehensive Plan to increase the Town-serving threshold from 2,000 square feet gross leasable area to 3,000 square feet gross leasable area in the C-PC zoning district (a.k.a. Royal Poinciana Plaza).

Staff recommends that prior to second reading of Ordinance No. 2-2017, 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. 2-2017 provide for "further development possibilities" in contravention of the terms of paragraph 3 of that Agreement.

The proposed changes in attached Ordinance No. 2-2017 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. 2-2017 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 Boodeshwar, Deputy Town Manager
Veronica B. Close, AICP, Asst. Director, Planning, Zoning and Building Asst. Director
Paul W. Castro, AICP, Zoning Administrator
John Lingdren, AICP, Planning Administrator
Maura Ziska, Esq.
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ORDINANCE NO. 2-2017

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT OF THE TOWN OF PALM BEACH'S COMPREHENSIVE PLAN BY AMENDING POLICY 2.3.1 BY CHANGING THE TOWN-SERVING THRESHOLD REQUIREMENT FOR BUSINESSES WITHIN THE COMMERCIAL PLANNED CENTER (C-PC) ZONING DISTRICT FROM 2,000 SQUARE FEET GROSS LEASABLE AREA TO 3,000 SQUARE FEET GROSS LEASABLE AREA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREOF; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the Town created the Town of Palm Beach Comprehensive Plan with the adoption of Ordinance No. 11-89, and last amended the Comprehensive Plan on July 16, 2014 with the adoption of Ordinance No. 9-14; and

WHEREAS, the Town is amending the Goals, Objectives, and Policies (GOPs) portions of the Future Land Use Element of the Town's Comprehensive Plan, specifically Policy 2.3.1 as it relates to square-footage thresholds for town-serving businesses; and,

WHEREAS, after a public hearing pursuant to notice required by law, the Planning and Zoning Commission considered all testimony and recommended modification to the Town's Comprehensive Plan; and

WHEREAS, after public hearing pursuant to notice required by law, the Town Council, acting as the Local Planning Agency (LPA) at their January 11, 2017 meeting, considered the Planning and Zoning Commission's Record and Report and all evidence and testimony and recommended that the Town Council approve on first reading the subject Ordinance amending the Town's Comprehensive Plan, and transmit said ordinance to the Florida Department of Economic Opportunity (DEO); and,

WHEREAS, after public hearing on January 11, 2017, 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 Comprehensive Plan, be amended as hereinafter set forth, and transmitted to the Florida Department of Economic Opportunity (DEO).

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

Section 1. Incorporation of Recitals

The above recitals are incorporated as fully setforth herein.

Section 2. Amendment of the Comprehensive Plan

Policy 2.3.1 will be amended as follows (added language underlined; removed language stricken):

POLICY 2.3.1

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

- a. “Town-serving” shall mean establishments principally oriented to serving the needs of Town persons and not substantially relying on the patronage of persons not defined as Town persons. Commercial establishments (other than those uses in the “Commercial – Office, Professional & Institutional” (C-OPI) zoning district, which are not required to meet town-serving requirements) of ~~2,000 square-foot or less of gross leasable area in the “Commercial Planned Center” (C-PC) zoning district,~~ 3,000 square-foot or less of gross leasable area in the C-PC, C-TS and C-B zoning districts, and 4,000 square-foot or less of gross leasable area in the C-WA zoning district are assumed to meet the intent of the first part of this definition.

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 Comprehensive Plan 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 ____ day of _____ 2017.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Bobbie Lindsay, Town Council Member

ATTEST:

Danielle H. Moore, Town Council Member

Susan A. Owens, MMC, Town Clerk

Margaret A. Zeidman, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 2017

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 3-2017 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, By Modifying Sections 134-1257, Permitted Uses And 134-1259, Special Exception Uses In The C-PC Zoning District, To Increase The Maximum Gross Leasable Area Of Commercial Uses To Demonstrate Town-Serving From 2,000 Square Feet Gross Leasable Area To 3,000 Square Feet Gross Leasable Area; 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 from John Page dated December 21, 2016**
- ❑ **Ordinance No. 3-2017**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Proposed Modifications and Changes to Chapter 134, Zoning, relative to Town-serving Requirements in the C-PC Zoning Districts
Ordinance No. 3-2017

Date: December 21, 2016

STAFF RECOMMENDATION

Staff recommends that the Town Council consider Ordinance No. 3-2017, amending Chapter 134, Zoning, relative to increasing the Town-serving threshold requirement from 2,000 square feet gross leasable area to 3,000 square feet gross leasable area.

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. 3-2017.

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 increase the Town-serving threshold in the C-PC zoning district (a.k.a. Royal Poinciana Plaza) from 2,000 square feet gross leasable area to 3,000 square feet gross leasable area. This is a companion ordinance to Ordinance No. 2-2017 that makes the same modification within Policy 2.3.1 of the Town's Comprehensive Plan.

Staff recommends that prior to second reading of Ordinance No. 3-2017, 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. 3-2017 provide for "further development possibilities" in contravention of the terms of paragraph 3 of that Agreement.

The proposed changes in attached Ordinance No. 3-2017 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. 3-2017 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 Boodeshwar, Deputy Town Manager
Veronica B. Close, AICP, Planning, Zoning and Building Asst. Director
Paul W. Castro, AICP, Zoning Administrator
John Lingdren, AICP, Planning Administrator
Maura Ziska, Esq.
zf

ORDINANCE NO. 3-2017

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, BY MODIFYING SECTIONS 134-1257, PERMITTED USES AND 134-1259, SPECIAL EXCEPTION USES IN THE C-PC ZONING DISTRICT, TO INCREASE THE MAXIMUM GROSS LEASABLE AREA OF COMMERCIAL USES TO DEMONSTRATE TOWN-SERVING FROM 2,000 SQUARE FEET GROSS LEASABLE AREA TO 3,000 SQUARE FEET GROSS LEASABLE AREA; 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 evidence and 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 134-1257, Permitted uses. is hereby amended to read as follows:

Sec. 134-1257. Permitted uses.

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

(1) *No limitations on gross leasable area (GLA).*

a....

(2) *Maximum ~~2,000~~ 3,000 square feet of GLA.* All other retail shops, personal services and banks and financial institutions not specifically cited under the permitted uses in subsection.

(b) Regulation of existing nonconforming commercial uses. Any existing uses contained on the list of permitted uses under subsection (a)(2) of this section which contain more than ~~2,000~~ 3,000 square feet of gross leasable area (GLA) shall be classified as existing nonconforming uses (refer to division 2 of article IV of this chapter). However, all future changes of use shall be limited to those uses listed as permitted uses in subsection (a) of this section with a maximum gross leasable area of ~~2,000~~ 3,000 square feet, and if a change of use is contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to another, or from one generic use (residential, commercial, public/private group use) to another, wherein the new use will involve a gross leasable area exceeding ~~2,000~~ 3,000 square feet, the contemplated new use shall be subject to prior approval of a special exception application by the town council before the change is made (refer to sections 134-227 through 134-233 pertaining to special exception uses). In effect, this will allow any existing use over ~~2,000~~ 3,000 square feet, in a district with a ~~2,000~~ 3,000-square-foot limitation, to continue operating at its existing scale or to change to another use within the same general commercial category without town council approval. No existing commercial use which is subject to the ~~2,000~~ 3,000 square feet maximum gross leasable area (GLA) regulation may occupy additional space within 1,500 feet of the existing licensed businesses, which distance shall be measured along the public sidewalk, if such new space to be occupied will increase the total gross leasable area (GLA) to more than ~~2,000~~ 3,000 square feet.

Section 2. 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:

...

(10) All retail and personal service activities exceeding ~~2,000~~ 3,000 square feet gross leasable area not specifically cited under the permitted uses in subsection 134-1257(a)(2).

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
Ordinance No. 3-2017 Page 2 of 3

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 ____ day of _____, 2017.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Bobbie Lindsay, Town Council Member

ATTEST:

Danielle H. Moore, Town Council Member

Susan A. Owens, MMC, Town Clerk

Margaret A. Zeidman, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 2017

Section of Agenda

Any Other Matters

Agenda Title

Planning and Zoning Commission Record and Report: Proposed Modifications and Changes to the Town's Comprehensive Plan (TIME CERTAIN 11:00 a.m.)

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum Dated December 20, 2016 From John S. Page, Director of Planning, Zoning & Building**
- ▣ **Memorandum Dated December 22, 2016 from John S. Page, Director of Planning, Zoning & Building**
- ▣ **Memorandum from Calvin Giordano & Associates dated December 28, 2016**
- ▣ **Exhibit 1 Future Land Use Element**
- ▣ **Exhibit 3 Housing Element**
- ▣ **Exhibit 5 Coastal Management Conservation Element**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Planning and Zoning Commission Record and Report: Proposed Modifications and Changes to the Town's Comprehensive Plan

Date: December 20, 2016

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the Planning and Zoning Commission Record and Report (EXHIBIT A) and provide further direction on possible amendments to the Zoning Ordinance. Study items appear in "BOLD" print. Newly proposed text is in add/delete format for ease of identification. Staff recommendations follow recommendations from the Commission.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its November 15, 2016 meeting, recommended approval of proposed Zoning Code modifications as identified Exhibit A.

GENERAL INFORMATION

The proposed Evaluation and Appraisal Report on the Town's Comprehensive Plan, and three applicant-related study items were considered by the Planning and Zoning Commission at its November 15, 2016, 2016 meeting. The Staff reports that address the applicant-related study items presented to the Planning and Zoning Commission are attached as backup information for your consideration. In summary, the recommendations included within this report consist of:

- The proposed Evaluation and Appraisal Report of the Town's Comprehensive Plan. Summary memorandum from Calvin Giordano & Associates is attached.
- Proposed zoning code modifications submitted in an application by RPP Palm Beach Property, LP, to allow outdoor seating as a special exception use in the C-PC zoning district (a.k.a. Royal Poinciana Plaza).
- Proposed zoning code modifications submitted by RPP Palm Beach Property, LP, to

change the Town-serving threshold requirement from 2,000 to 3,000 square feet gross leasable area in the C-PC commercial zoning district (a.k.a. Royal Poinciana Plaza).

- Proposed comprehensive plan text amendment submitted in an application by RPP Palm Beach Property, LP, to change the Town-serving threshold from 2,000 to 3,000 square feet gross leasable area for the C-PC zoning district within the Commercial Land Use Category.

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

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

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: EAR-Based Comprehensive Plan Amendments

Date: December 22, 2016

STAFF RECOMMENDATION

Staff recommends that Town Council consider the revisions to the EAR-based Comprehensive Plan amendments made per the direction of Town Council at their December 14, 2016 meeting.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its November 15, 2016 meeting, recommended approval of the proposed Comprehensive Plan amendments with some minor modifications.

GENERAL INFORMATION

The proposed amendments to the Comprehensive Plan came from the State-required Evaluation and Appraisal Report (EAR) process. These amendments were presented to the Planning and Zoning Commission at meetings in October and November 2016. The Commission recommended approval of the amendments with some minor modifications. The revised amendments were presented to Town Council at their December 14, 2016 meeting, at which time the Council directed Staff and the Town's consultant to make some additional modifications to the amendments. The modifications to these amendments are attached along with a memorandum from the consultant explaining the changes, and will be presented to Town Council at your January 11, 2017 meeting.

Please feel free to contact me or John Lindgren should you have any questions about these recommendations.

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



Memorandum

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Date: December 28, 2016

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 - Planning and Zoning Commission Edits

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

In advance of the January 11, 2017 town Council meeting, we have prepared the following summary memo of the changes requested by the Town Council at their December 14, 2016 meeting.

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

ELEMENT

1. Town Council Request
Summary of Change & Page Number
Modified Language

I. FUTURE LAND USE ELEMENT

1. Retain language stricken language on page I-20.
Strike-through removed (pg. I-20).

Unanticipated Changes in Circumstances:

~~In recent years, the trend toward ever larger and more massive homes in the North End of Town has escalated. However, the strong reaction of some of the residents in the North end in opposition to further reductions in the allowable size of homes was unexpected.~~

Resulting Problems or Opportunities:

It is still important that the Town's regulations allow and encourage development of a size and character that is consistent with the desires of the residents – whether that desire is to perpetuate the existing character or to encourage evolution to accommodate new trends in residential construction and occupancy within the different geographic areas of the Town. Where the desire is to maintain the existing character of an area, the land development regulations for that area should be structured so as to reduce the extent of nonconformities created over years of regulatory change.

~~In this regard, the Town Council has directed the staff to explore modifying the development regulations for three distinct areas of Town: Ibis Isle, the Middle Road area, and the “Sea Streets.”~~



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

Revised goal and associated objective and policy (pg. I-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.

III. HOUSING

1. Include a sentence after housing trends referencing that condo units are being combined/enlarged via Unity of Title documents.

Added sentence recognizing the combining of condo units (pg. III-5).

Palm Beach is recognized as a high cost housing area. In 2014 the average just value of a single-family home in Palm Beach was \$4.8 million and the average just value of a multi-family home was \$584,977. The typical cost of a new single family home built in the Town falls in the range of \$500,000 to \$1½ million. The typical cost of a new multi-family unit is expected to exceed \$250,000. No rental housing is expected to be constructed, nor any housing valued below \$150,000. Current trends in the Town have included the combination of smaller lots into larger properties as well as larger estates being subdivided. Another trend has been the combination of condominium units into a larger unit through a unity of title.

V. COASTAL

1. Allow for environmental restoration programs intended to restore or enhance marine habitat, be allowed to continue and also that the Town should continue to prohibit development of submerged lands/spoil islands.



Memorandum

Added language about spoil islands created by Palm Beach County, FIND, or Army Corp. (pg. IV-11).

Submerged land beyond the physical shoreline of Lake Worth and the Palm Beach Inlet within the Town's corporate limits has a future land use designation of Conservation and no land development or redevelopment is allowed. This prohibition does not preclude Palm Beach County, Florida Inland Navigation District or the Army Corp. in 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.

FUTURE LAND USE ELEMENT

BACKGROUND

The art of planning is no stranger in the Town of Palm Beach, and the beauty which Town residents now enjoy is due to the efforts of several generations of planning activity. In 1929, the Garden Club of Palm Beach joined the Town and formally sponsored the preparation of a Town Plan. This Plan was prepared by Bennett, Parsons and Frost, Consulting Architects of Chicago, and approved by the Town Council on December 19, 1929.

The overall goal of the 1929 Plan stated the following:

"One attractive and well managed public bath and beach, the concentration of general traffic upon a limited number of streets, beautification without especial reference to main arteries of travel, and a system of leisurely and convenient byways free from automobiles, punctuated with gardens: this is a plan which will localize recreation seeking crowds, discourage trespassing, and provide safety and quiet for residents of Palm Beach."

Under a section which dealt with "a review of tendencies", the following statement was made:

"There are many communities which can be said to be beautiful. The places in which charm is the additional attribute are very few. The element of charm is the thing which lifts a community out of the ordinary and makes it distinctive. The attribute of charm may be produced by an intelligent development of physical advantages in an unusual way."

This planning process, which was started in 1929, was an important policy foundation for the Town of Palm Beach. Today's Comprehensive Plan builds on the early foundation as an effort to preserve the quality and beauty of Palm Beach.

INTRODUCTION

The purpose of the Future Land Use Element is to designate future land use patterns as reflected in the goals, objectives and policies of the other Comprehensive Plan Elements.

The future land use patterns proposed for the community are shown on the Future Land Use Map. The map, as well as other Elements of the Plan, is based upon the stated desires of the community to remain a high quality residential community. The Future Land Use Map provides for a variety of land use types suited to the Town's needs.

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.

This Element of the Plan has been ~~developed and~~ revised based upon review and assessment of the ~~Town's Comprehensive Plan adopted in 2004, and~~ following:

1. Analysis of existing land use patterns prevailing as of ~~January 2009~~ April 2016;
2. Estimates and projections of the resident and seasonal populations in the Town for the ~~2009-2019~~ 2015-2025 planning period;
3. Analysis of the availability of facilities and services to serve existing land uses, and those for which development orders have been issued;
4. Analysis of the character and magnitude of vacant and undeveloped lands and their suitability for use;
5. Analysis of the amount of land needed to accommodate the projected population;
6. Analysis of the need for redevelopment; and,
7. Analysis of the proposed development or redevelopment of flood prone areas.
8. ~~Recommendations of the Town's 2006—Evaluation and Appraisal Report (EAR), which was found sufficient by the Department of Community Affairs (DCA) in March 2007.~~

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.

The Existing Land Use Map portrays the location and distribution of land uses in Palm Beach as of ~~January 2009~~2016. The Future Land Use Map indicates the proposed location and distribution of land uses in the year ~~2019~~2025. All policies, land development regulations, zoning ordinances, and the zoning map must be consistent with the Future Land Use Map once the Comprehensive Plan has been adopted.

The current Existing Land Use Atlas is kept on file in the Office of the Town Clerk and provides detailed mapping of the pattern of land uses in the Town as of ~~January 2009~~ April 2016.

LAND USE ISSUES

Palm Beach has grown more gracefully than most Florida communities. Decades of careful planning and the dedication of its Townspeople to preserving community values have resulted in a unique and highly desirable quality of life. However, the very aspects of the Town that appeal to most of its citizenry—superlative stores and restaurants, grand architecture and landscaping, and beautiful homes—also attract tourists and other visitors. As a result, during the peak season, the Town's traffic and limited availability of parking reach critical levels that threaten the community's identity, character, and quality of life.

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.

Intensive development occurring in downtown West Palm Beach is a concern as it relates to impacts on the Town public services. Even the long-range availability of water from regional sources is in question.

The Town has also been experiencing a shortage of Town-serving services. As property values continue to climb, Town-serving commercial services find it increasingly difficult to pay the escalating rents. There is continual pressure from local retailers and businesses to cater goods and services to clientele beyond the Town's border. Commerce related traffic from off-island customers has therefore increased. The intensive development now taking place ~~on~~ in the West Palm Beach ~~lakefront downtown~~ will surely add to this problem.

There are remedial and preventative strategies that can be employed to cope with these basic problems. The three most basic land use protection strategies for Palm Beach are to:

- Discourage the amount and type of region-serving commercial development while encouraging Town-serving ones.
- Control the pace, type, and intensity of redevelopment activity in older areas of Town.
- 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 or destruction, such as by fire or other casualty, act of terrorism, war or act of God or nature (and with approval from FDEP if building east of the CCCL).

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.

The Town's Zoning Ordinance has established 4,000 square-feet as the maximum gross leasable area for commercial establishments in certain districts. To be granted a waiver from this provision, the applicant must demonstrate that the business is Town-serving; that adequate parking is available to support the request for increased floor area; and, that a hardship exists which prevents them from conducting their Town-serving business within 4,000 square-feet or less. The most common waivers have been for financial institutions and professional office space.

Residential redevelopment could play a major role in future land use. There is little open land remaining to develop, so developer interest will focus on large estates that will be tempting to subdivide. Many estates can be subdivided without additional rezoning, since the existing densities are lower than present zoning allows. Measures that will slow or prevent such change include Historic Landmarks Regulations, strict application of the Town's Subdivision Regulations, and the Town's

PUD-4 zoning provision which is intended to encourage preservation of historic residential structures and their adjoining grounds.

POLICIES REGARDING CHANGE

While many of the Town's concerns regarding growth control originated in a desire to maintain a high quality of life and a small town character, many issues are clearly related to State-wide efforts to curb growth when the facilities needed to serve new development are not available.

The Town recognizes that future development and attendant population growth would aggravate traffic problems, perhaps bringing the Town to a critical level of overuse. The Town has therefore adopted the following policy regarding growth:

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.

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.

POPULATION AND ECONOMY

The Town of Palm Beach experienced its greatest growth between 1950 and 1970, when its resident population increased from 3,886 to 9,086. Since then, population growth has actually declined ~~been less dramatic~~. According to the 2010 US Census, the Town had a population of 8,161. Table I-1 below shows US Census data from 1990, 2000, and 2010. The Town's 2000 and 2010 total population and total housing units figures were corrected as shown. It important to note that other population information from 2000 and 2010 are based on the non-corrected figures. Estimates by the The University of Florida, Bureau of Economic and Business Research (BEBR) place estimates the 2015 April 2005 population at 8,040 9,735. 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.

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.

During the winter season, November through April, the Island's population swells to a peak double that of its year-round residential population as a result of the influx of seasonal residents and tourists. This estimate is based on full occupancy of all residential and transient lodging units, but does not include day tourists, shoppers, or employees in the Town. Table I-1 provides projections of the Town's permanent and seasonal populations through the year 201925.

The Town's economy revolves around the provision of commercial goods and services to its year-round and seasonal residents and tourists.

It continues to be a major objective of the Town to inhibit further commercialization, contain commercial uses to limited geographic locations, and to promote commercial uses which are primarily oriented to serving the needs of residents, employees and visitors staying in accommodations in the Town, while discouraging those businesses that attract customers and clients from off the Island.

TABLE I-21
RESIDENT AND SEASONAL POPULATIONS
Town of Palm Beach
2009-2019-2010-2025

PEAK SEASONAL POPULATION						
YEAR	YEAR-ROUND UNITS			SEASONAL & TRANSIENT UNITS		TOTAL
	Residents⁽¹⁾	Additional Seasonal⁽²⁾	Total	Seasonal⁽²⁾	Transient⁽⁴⁻³⁾	
2009 <u>10</u>	9,815- 8,161	2,748	12,563	7,779_ 6,311	3,000	23,342 17,472

2014 16	9,947- <u>8,040</u>	2,785	12,732	7,884- <u>6,233</u>	3,000	23,616 <u>17,273</u>
2019 25	10,080 <u>8,425</u>	2,822	12,902	7,990- <u>6,531</u>	3,000	23,892 <u>17,956</u>
⁽¹⁾ At 1.81-1.74/unit (year round occupied;4,690 units) ⁽²⁾ At 2.32/unit (i.e., resident population plus another 28%) ^(3 2) At 2.32/ unit 1.74/unit(Seasonally vacant or held for occasional use; 3,627units) ⁽⁴⁻³⁾ Approximately 1500 units at 2/unit						

SOURCE:- 2010 U.S. Census corrected figure; 2010 U.S. Census; 2010 U.S. Census; Univ. of Florida, Bureau of Economic and Business Research, Palm Beach County, 2015 ~~2006~~ ~~Brisson Planning Solutions, Inc., and Town of Palm Beach, February 2009-April 2016~~

EXISTING LAND USE

The Town of Palm Beach lies on a coastal barrier which is separated from the mainland by Lake Worth, and the Lake Worth and South Lake Worth Inlets. The barrier is a low relief feature, consisting of beach and dune sand underlain by a ridge of coquina rock. Scattered outcrops of coquina extend into the waters of the Atlantic, where they provide substrate for various marine communities. The upland face of the barrier is characterized by a high ridge along the Atlantic which gradually slopes downward to the Lake.

The Town occupies an area approximately 12 miles in length, and varying in width from about one-quarter to three-quarters of a mile. It is surrounded by water on three sides: Lake Worth to the west, Lake Worth Inlet to the north, and the Atlantic Ocean to the east. The Town of South Palm Beach lies to the south. Expansion of the corporate limits of the Town is impossible. Thus, the Town has a finite area in which to accommodate its citizenry and the facilities to serve them.

Palm Beach is essentially built-out ~~nearing saturation~~. ~~Only about 51 acres, or two percent, of the land in the Town remain undeveloped.~~ Equally important, areas with potential for redevelopment are limited and require sensitive treatment to be fully compatible with the existing land use distribution in the Town. It is helpful to view Palm Beach from an overall perspective because such a macro-view allows identification of relationships, historical patterns, and land use groupings. The following diagram provides a generalized view of the land use patterns in the Town today.

There has been no increase or decrease in the land area of Palm Beach since the last Evaluation and Appraisal Report (EAR). Further, practically all construction in the Town since the last EAR has been the result of redevelopment of the same type of use that existed prior. ~~Consequently, the amount of the various land uses in the Town remain essentially the same as recorded in 1996. However, the use of the County Property Appraiser data files coupled with GIS software allows a more accurate calculation of total area and allocation among the various uses. Further, current tabulation of property within the Town limits includes water and submerged lands, and identifies the general pattern of land uses for the contiguous upland areas of the island. Consequently, the estimated distribution of existing uses within the Town as of January 2009 is not directly~~

~~comparable with the estimates for 1996 because water areas were not included, and submerged lands and spoil islands were not entirely accounted for.~~ Maps titled Existing Land Use 2009 April 2016 graphically portray the identified existing land uses.

The Town encompasses approximately 2,509 acres, including street rights-of-way. Table I-2 summarizes existing land uses in the Town as of ~~January 2009~~ April 2016 by general range of density and intensity of use which remains unchanged since the last Evaluation and Appraisal Report. There are no agricultural, industrial, or mobile home uses in the Town; there are also no rivers, bays, fresh water lakes, harbors, waterwells, cones of influence, or economically feasible mineral deposits.

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 land, and the fact that Palm Beach is located in the coastal hurricane vulnerability zone, there are no mobile homes in the Town.

The acreage devoted to commercial uses including hotel/resort uses accounts for about 4% of all land area. This represents a ratio of about 11.8 acres per one thousand population. This ratio is somewhat high compared to other communities due to the high seasonal residency component. ~~As of January 2009, there was no undeveloped commercially zoned land in the Town.~~

TABLE I-3 2
EXISTING LAND USE
Town of Palm Beach

LAND USE CATEGORY	2009-2016	
	Acres*	Percent
Total Land and Water	5,434	
Water/Submerged Lands	2,878	
Spoil Islands	47	
Net Contiguous Land Area	2,509	100%
Single-family	1,162	46%
Multi-family	355	14%
Breakers Mixed-Use PUD	138	6%
Hotel/Resort Accommodations**	29	1%
Commercial	86	3%
Public	48	2%
Recreation	74	3%
Private Group Use	242	10%
Conservation	3	***
Vacant	51	2%
Rights-of-way	321	13%
* A Palm Beach acre (PB ac.) is 40,000 square feet		
** Excludes the Breakers Hotel, which is part of the Breakers Mixed-Use PUD		
*** Less than 1%		

SOURCE: Brisson Planning Solutions, Inc., September 2006, and the Town of Palm Beach January 2009-April 2016

Commercial uses are concentrated in three areas of the Town, as follows:

1. A small commercial node is located at the south end of Town, near the Lake Worth Bridge to the mainland, serving some of the needs of the residents in this part of Town as well as visitors staying in local hotels.
2. Worth Avenue is located near Town Hall in the center of Palm Beach. Worth Avenue shops cater to the desires of seasonal and year-round residents of the Town as well as tourists. While open year-round, the Avenue's principal business is conducted during the "season."

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.

Royal Palm Way, also in the Town center area a few blocks north of Worth Avenue, is a wide, palm-lined boulevard, dedicated primarily to offices, banking and professional uses.

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.
4. The dominant character of the Town's commercial sector is one of small scale. The vast majority of the commercial uses in the Town each encompass 4,000 square-feet or less of gross leasable area. Despite the reputation of Worth Avenue and the presence of some large retail anchors and office uses in the Town, the overall character of the Town's commercial areas is one of small business concerns which, individually, would not normally be expected to draw the majority of its patrons from beyond the Town's limits.

Table I-4 below includes information regarding the Town's employment based on the US Census 2012 Economic Census. Based on the information from 2012, the largest employment sector in the Town was within the accommodation and food service sector where over 4,000 people were employed.

Table I-4
Employment Data from 2012
Town of Palm Beach

	<u>North American Industry Code System (NAICS) Code</u>	<u>Number of Establishments</u>	<u>Number of Employees</u>
<u>1</u>	<u>Wholesale Trade</u>	<u>15</u>	<u>100-249</u>
<u>2</u>	<u>Retail Trade</u>	<u>177</u>	<u>1,345</u>
<u>3</u>	<u>Transportation and Warehousing</u>	<u>12</u>	<u>57</u>
<u>4</u>	<u>Information</u>	<u>3</u>	<u>16</u>
<u>5</u>	<u>Finance and Insurance</u>	<u>89</u>	<u>829</u>
<u>6</u>	<u>Real Estate and Rental and Leasing</u>	<u>101</u>	<u>522</u>
<u>7</u>	<u>Professional, Scientific, and Technical Services</u>	<u>140</u>	<u>668</u>
<u>8</u>	<u>Administrative and Support and Waste Management</u>	<u>23</u>	<u>100-249</u>
<u>9</u>	<u>Educational Services</u>	<u>3</u>	<u>57(a)</u>
<u>10</u>	<u>Health Care and Social Assistance</u>	<u>24</u>	<u>78</u>
<u>11</u>	<u>Arts, Entertainment and Recreation</u>	<u>24</u>	<u>1,181</u>
<u>12</u>	<u>Accommodation and Food Services</u>	<u>43</u>	<u>4,074</u>
<u>13</u>	<u>Other Services</u>	<u>97</u>	<u>1,129</u>

Source: 2012 Economic Census of the United States; US Census 2016

(a) The 2012 Economic Census does not provide for a breakdown of employees, but rather gives a range of 0-19 employees for the two subcategories of establishments. Therefore, the highest number (19*3=57) assumed.

There are no industrial or agricultural uses within the Town of Palm Beach.

Fishermen's Island, Hunter's Island, and Bingham Isle are leased by the Audubon Society as rookeries and bird sanctuaries, and have been designated for conservation on the Town's Future Land Use Plan Map. Title to these islands is variously held by either the State Trustees of the Internal Improvement Fund or the Blossom Estate. In addition, a portion of the Blossom Estate Subdivision was designated for conservation in connection with the approval of this subdivision.

Lands devoted to public recreational use account for 5% of the land area in the Town (excluding rights-of-way). There are three types of public recreation areas in Palm Beach: major recreation areas (such as community parks), neighborhood/mini parks, and special use resources or facilities. All facilities are described in detail in the Recreation/Open Space Element.

Public uses include schools and governmental facilities such as Town Hall, police and fire stations, sanitary sewerage lift stations, etc. These constitute approximately 2% of the land area in the Town.

Private Group Uses account for 10% of the land in the Town. This category includes such uses as churches, private schools, golf and country clubs, other private clubs, museums, etc.

The Town has surveyed 1162 identified—928 sites of potential historic or architectural significance. All are listed on the Florida Site File of the Florida Department of State, Division of Historical Resources. ~~To date, the~~ The Town has designated 315 206 landmark properties as of May 2016, vistas and districts. These are protected by ordinance.

FUTURE LAND USE NEEDS

Palm Beach is an intensely developed coastal community with almost no room left for growth. Expansion of the corporate area is likewise impossible. Significant population growth cannot take place unless major redevelopment occurs in existing single-family areas. These factors, combined with the fact that most of the Town's land area is already developed, and located on a barrier island limit the Town's ability to arrange, shape and allocate land uses to adjust to community needs, and limit the permissible density of population.

~~Palm Beach is growing at a minuscule rate when compared to other coastal communities. From 2000 to 2005, growth has amounted to only 0.6%, or about 59 persons annually. The Town now comprises just 1% of Palm Beach County's population. Future growth in the Town will be insignificant because most of the land is already developed.~~

~~Brisson Planning Solutions, Inc. estimates that there were about 50 acres of vacant residential land remaining in the Town in 2006—about six acres fewer than in 1996, and this same amount of vacant land was found by Town Staff to exist in 2009. All vacant and buildable residential parcels are zoned for single-family use at densities ranging from 1.5 units/PB-acre to four units/PB-acre. It is estimated that these lands could accommodate about 77 single-family units. In addition, the Breakers PUD was previously approved for up to another 251 multi-family units in proximity to the existing golf courses, although it is unlikely that the full complement of allowable units will actually be constructed. There is no vacant nonresidential land within the Town.~~

~~Between 1996 and 2006, total demand for single-family homes amounted to about 80% of total housing demand, or about 106 units (including allowances for seasonal residences and vacancy). At an average development density of 2.2 du/ac, the need for about 48 acres of land is indicated. There are still 48 acres vacant and zoned for single-family use in the Town. However, with the Town approaching “build-out,” redevelopment of lands presently utilized at less than allowable densities is expected to continue to accommodate some of the anticipated demand for single-family housing. Therefore, there should be adequate lands available to serve anticipated housing needs through 2019.~~

~~The demand for multi-family housing (including allowances for seasonal residences and vacancy) amounted to about 27 units over the coming ten years which, at an expected density of about seven units per acre, would require just under four acres. There are about eight acres vacant and zoned for multi-family development.~~

There are presently about 112 acres of hotel, retail, service, office, pay parking, and mixed commercial uses. This represents about 11 acres of commercial use per one thousand population. This is somewhat high compared to other communities, due to the unique character of the Town's year-round and seasonal residents, and the seasonal tourist influx.

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.

SUMMARY OF ANALYSIS

Provision of Public Services

Roadways and community facilities serve as support systems for the Town's land uses. Limitations in land area and a lack of potable water sources have resulted in the Town's dependence on mainland resources for several basic services. Consequently, the Town's plans for the future need to be in harmony with demands throughout the region for clean air and water, waste disposal facilities, and other limited resources.

The City of West Palm Beach supplies and distributes potable water to the Town. ~~The City of West Palm Beach and the City of Lake Worth also provides the Town with a fixed allotment for wastewater treatment service.~~

The Town collects vegetative yard trash and provides for disposal at Town-owned sites on the mainland. Solid waste is also collected by the Town and transferred to the Jog Road landfill operated by the Palm Beach County Solid Waste Authority.

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 recreational emphasis of the Town's residents has been on private golf courses, clubs, and various cultural activities. To a great extent, these activities supplant more typical public recreational and cultural facilities. Nevertheless, in addition to an abundance of private recreational facilities, the Recreation/Open Space Element shows that public recreation facilities in the Town far exceed minimum standards.

The Town's transportation system is rapidly being strained to capacity, and, in fact, is at a critical stage. The linear configuration of the Island has produced a "one-road Town" with all the limitations of this urban form. County Road/Ocean Boulevard/State Road A1A forms the major north-south arterial spine that serves the entire length of Town.

In some locations, this route serves primarily as a residential access road, and is, therefore, not able to function as a major thoroughfare for carrying tourists and commercial thru-traffic. In other locations, the roadway rides the crest of oceanfront dunes between the beach to the east, and fully developed residential areas to the west. This part of the roadway, particularly susceptible to damage from storms, is equally unsuited to improvements that would provide additional roadway capacity. Widening of the roadway in these locations would damage the quality of beach areas and the adjoining expensive residential properties.

A growing concern that will likely impact the Town's transportation system and recreational and park facilities is the amount of residential density and intensity being added within the City of West Palm Beach's downtown as well as potential growth in the City of Lake Worth. With limited recreation space and a Transportation Concurrency Exemption Area (TCEA) in place, expected spillover of that increased density and intensity into the Town will only exacerbate capacity concerns along County Road/Ocean Boulevard/State Road A1A.

Groundwater Aquifer Recharge

The Floridan Aquifer is typically the major source of potable water elsewhere in Florida, but is of only limited use in Palm Beach County due to its high salinity content. There are no recharge areas to the Floridan Aquifer in the Town.

Most potable water in the County comes from the surficial aquifer or surface water sources. The surficial aquifer in the Town of Palm Beach is unsuitable for potable consumption due to high salinity levels. There are no designated recharge areas to this aquifer. Any areas in the Town that might have been suitable as designated recharge areas have already been developed in urban uses.

Soils and Minerals

Native soils in the Town have been largely eradicated by the process of urbanization. With the exception of a narrow ridge of highly permeable sand along the coastal ridge, most soils are poorly drained urban fill types.

The Florida Mining Atlas identifies two potentially valuable mineral resources in Palm Beach: coquina and sand. However, the socio-economic profile of the Town and consequent high real estate values preclude mining of these resources, either now or in the foreseeable future.

Vegetation and Wildlife

Past development has dramatically altered the natural environment of the island and its surrounding waters. The little developable land remaining in the Town is scattered in relatively small tracts, most of which lack significant natural or environmental characteristics.

Development of Coastal and Flood-Prone Areas

The ~~definition for the Coastal High Hazard Area (CHHA) has been revised since the Town's last Evaluation and Appraisal Report (EAR), which was done in 1997.~~ The CHHA is now defined as "[t]he area below the elevation of the category 1 storm surge line as established by a Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model." This area is a narrow area along the coast of the island, and is delineated in the future land use map series. Future infrastructure and public and private development within the CHHA will be restricted except when doing so is not feasible. The Town is legally limited in its ability to restrict development of private properties located in the CHHA.

However, the Town has long recognized the wisdom of limiting development densities and discouraging inordinate growth. The Town will continue to do so through the implementation of this Comprehensive Plan, which has as one of its basic tenets the effort to lower the patterns of density wherever legally and practically possible. With the exception of some in-fill areas, lands within the 100-year flood zone have already been developed. The Town will continue to limit, through the land development regulations, the prohibition of structures, with the exception of docks and municipal owned and operated parks and essential services, as defined in Chapter 134 of the Town's Code of Ordinances, on or over submerged land. The Town will continue to enforce these regulations as has done so historically when Ordinance No. 3-60 was adopted in 1960.

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.

Redevelopment

There are no concentrations of deteriorated structures or blighted areas in the Town, nor are any expected during the planning period. The high value of real estate in the Town, its unique character and history, and the vigilance of the local government and residents will continue to maintain a high standard of property conditions within the Town.

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 Map, are not inconsistent with the Town's prevailing character. Therefore, there is no need to affirmatively encourage redevelopment or reduction of these situations. Future redevelopment will be required to conform to the intensities incorporated in the Town's Future Land Use Plan.

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 Charrette process, sponsored by the Town and conducted by the Treasure Coast Regional Planning Council. A final report has been issued which makes recommendations based on a consensus developed at the Charrette hearings and workshop. The Town Council will decide whether or not to enter a second phase of the process which could include changes to the Comprehensive Plan and Zoning Ordinance.~~

Impacts of the Issue:

~~Redevelopment in this area, including the reconstruction of the Flagler Memorial Bridge, will have a major impact on the character of the Town and the quality of life of its residents.~~

~~The Royal Poinciana Plaza site is highly visible, located at the very gateway to Palm Beach. It is the first thing residents and visitors see as they enter the island from the Flagler Memorial Bridge. It is a unique commercial center, the only area of Town that is set aside, according to the Town's Comprehensive Plan, "to serve a broader clientele" compared with other commercial and retail areas in Palm Beach.~~

~~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 speeial 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.~~

~~In addition, the commercial area north of Royal Poinciana Way between Bradley Place and North County Road is stagnating. While still attractive, maintenance in the area falls short of the high standards prevalent in Palm Beach and it is suspected that the disparity between allowable intensity of use and property values may contribute to future decline.~~

Unanticipated Changes in Circumstances:

~~On at least two separate multiple occasions the owner of the Royal Poinciana Plaza has proposed to redevelop this distinctive site in a manner that conflicts with the Town's Comprehensive Plan and its Zoning Code. In addition, there has been a recent proposal for redevelopment in the area along Royal Poinciana Way between Bradley Place and North County Road. Each of these redevelopment proposals has been described as being necessary to ensure the continued economic viability of the commercial concentrations in the area. In addition the Flagler Memorial Bridge is the subject of a planned reconstruction project by the Florida Department of Transportation.~~

Resulting Problems and Opportunities:

Without forethought and planning, redevelopment in the area will suffer from a piecemeal approach. Property owners will compete with each other to obtain approval from the Town for redevelopment of individual parcels without an overall guiding theme or vision.

Rather than reacting to developer-driven proposals, the recent interest in redevelopment of the area offers the opportunity to develop comprehensive and cohesive redevelopment guidelines for this important area of the Town.

Needed Actions to Address the Issue:

The Town is sponsoring a design process for redevelopment within this area, with substantial input from the public and property owners. Issues such as land use mix, densities, architectural themes, signage, street furniture, and other elements will be addressed in the public forum with public input before major redevelopment is undertaken. The process will include consideration of elements from the Breakers Planned Unit Development (vested development rights on the south side of Royal Poinciana Way), the Royal Poinciana Plaza, commercial interests on the north side of Royal Poinciana Way, the future Flagler Bridge reconstruction planned by the Florida Department of Transportation, and the relationship between these uses and surrounding properties, including Bradley Park. These investigations and ultimate redevelopment guidelines should also be directed towards reducing or eliminating the traffic level congestion at the intersection of Royal Poinciana Way and Bradley Place/Cocoanut Row.

Since design is a powerful tool for preserving a shared community vision, community-wide input will be sought from residents at Town workshops at which design concepts for a future redevelopment of this area are discussed. The community-wide workshops will also provide feedback loops after design concepts are proposed, reviewed, changed, and resubmitted for further review. The design planning process will take into account the needs and aims of Palm Beachers as well as those of the owner, the financial implications of proposed design concepts, development of the surrounding area, land use mixes, densities, architectural themes, signage, dimensional requirements, vehicular traffic flow, and parking, among others.

The study process will also address the problem of traffic congestion at the intersection of Royal Poinciana Way and Bradley Place/Coconut Row, and propose remedial steps. The design planning process may culminate in a set of “buildable” guidelines, addressing the future overall design and use of the properties in this area, vehicular traffic flow and parking.

Preservation of Residential Neighborhoods

As far back as 1990, the Town Council and the Zoning Commission have been evaluating those portions of the Town’s Zoning Code that regulate the size of homes in the R-B zoning district, the predominantly single-family areas in the North End of the Town. Nevertheless, during the past several years, the issue of “monster-excessively large homes” has become increasingly controversial in Palm Beach, as it has in other areas of the country.

Building norms for home sizes in the North End averaged 2,500 to 3,000 square feet (or less) in the decades of the 1930's to the 1970's; well below the 6,000 square feet allowed in the Town's Zoning Code at that time. Today these historic norms have become the reference point, as housing construction evolves to reflect changing residential tastes and real estate markets. In 1980, for example, a 6,000 square foot house could be built on a 10,000 square foot lot. The house was allowed 3,000 square feet on the first floor, and 3,000 square feet on the second floor, comprising total lot coverage of 30%. However, at that time, very few homes were built to the maximum allowable size. Most were single-story homes and were designed as second homes intended for seasonal occupancy.

During the 1980's and 1990's, a number of factors changed, resulting in the construction of significantly larger homes. New homes were designed for use as primary residences, with more living space, larger rooms, and other amenities, in response to changing market demands. During that time, the Town's Zoning Code underwent modifications to reduce the size of a house allowed on a typical lot in the R-B zoning district. Today a two-story house with an average second floor beam height of 22 feet is allowed a variable maximum of square footage limitation of around 34,000 to 42,000 square feet (based on an average 10,000 to 12,000 s.f. lot).

The Town Council and the Planning and Zoning Commission have considered and adopted various modifications over the past twelve years to attempt to address the size, mass, and location of new homes in parts of Town where homes have been built much larger than surrounding homes. Those adopted regulations include:

- 1) the building height plane (which was later eliminated) and angle of vision in 1990;
- 2) the floor area ratio (FAR) and the averaging of the front yard setback of neighboring properties in 1991 (both eliminated at later dates); and,
- 3) the cubic content ratio (CCR) adopted in 1993 which limits the size of homes in the R-B district. In 1998, the CCR regulation was modified with the intention of lowering the maximum size of homes based on a sliding scale.

In late 1998, the Town initiated a study to review the use of architectural patterns and design guidelines for the R-B zoning district. The concept dealt with indoor and outdoor living spaces and the spatial and architectural relationships of homes in different neighborhoods. After review of the concept, the Town decided to pursue a different approach: one embracing zoning regulations intended to be more consistent with the existing development patterns of a neighborhood.

In the fall of 1999, the Town's consultants developed a concept of prototype neighborhood zoning guidelines for four streets in the North End of Palm Beach. The proposed prototype concept for those streets, which included a proposal for design incentives to allow for zoning flexibility, was later eliminated from consideration. However, staff was asked to complete its own study incorporating many of the identifiable characteristics derived from a report prepared by Duncan & Associates to create possible overlay districts.

In 2001, staff collected and analyzed lot, yard and area data on R-B lots in five distinctly different areas of the Town. These areas were selected because of their varied character. After considering

the proposal it was decided that the sliding scale CCR that was implemented in 1998 should remain in place for additional time to determine its true effectiveness on scaling down the size of new and renovated homes. In addition, staff was asked to study a proposal that would create a historic or conservation zoning district for one unique area of Town. That area, which encompasses Seaview, Seaspray, and Seabreeze Avenues, is currently being evaluated to create zoning regulations based on existing lot, yard, and area characteristics.

During a series of community forums in 2001, numerous residents expressed a concern that the Town Council might be granting too many variances, facilitating the construction of “monster homes”. The Strategic Planning Board reviewed this concern in substantial detail and concluded that variances were granted for only 5 of 62 new homes (8%) constructed in the R-B district between January 1, 2000 and October 31, 2002. Four of these 5 variances addressed technical issues; only one addressed “lot, yard and bulk” design issues. The Board concluded that variances were not allowing homes out of scale with the character of surrounding homes. In fact, the judicious granting of variances for expanded use of existing homes can be an effective means by which to allow contemporary needs to be met while retaining the character of established neighborhoods.

Change in the Town is inevitable. It has been, and will continue to be, the Town’s zoning regulations that, when combined with the required reviews by the Architectural Commission and Landmarks Preservation Commission, ensure that change is controlled and gradual. The Town reviews the existing regulations each year and makes changes that it believes will ensure the preservation of the Town’s distinctive ambiance and character.

Impacts of the Issue:

This basic issue revolves around the concern that when new single-family residential construction is significantly larger in terms of mass, bulk, and height than surrounding homes, it disrupts the established character of the area. In some instances such construction may result in new two-story structures “looming” over existing one-story homes with attendant “overshadowing,” loss of privacy and reduction of light afforded the adjacent structure.

However, during community meetings held in 2005 and 2006, the most common concern among property owners in the areas most likely to be affected by further reductions in the allowable size of homes was the potential economic impact upon the owners. Among those in opposition, it was commonly held that further reductions would reduce property values. Some saw the newer, larger homes as an improvement in the neighborhoods, replacing out-of-date structures no longer capable of providing for the needs of young families. It was also noted that not everyone was interested in perpetuating the character established in these residential neighborhoods when bungalows and smaller winter homes were the norm.

Assessment of Related Plan Objectives:

Objective 1 of the Future Land Use Element states: *“Future growth and development within the Town shall be managed to maintain and enhance the Town’s unique physical and historic character with emphasis on its visual qualities, and compatibility and harmony among its diverse land uses...”*

Unanticipated Changes in Circumstances:

~~In recent years, the trend toward ever larger and more massive homes in the North End of Town has escalated. However, the strong reaction of some of the residents in the North end in opposition to further reductions in the allowable size of homes was unexpected.~~

Resulting Problems or Opportunities:

It is still important that the Town's regulations allow and encourage development of a size and character that is consistent with the desires of the residents – whether that desire is to perpetuate the existing character or to encourage evolution to accommodate new trends in residential construction and occupancy within the different geographic areas of the Town. Where the desire is to maintain the existing character of an area, the land development regulations for that area should be structured so as to reduce the extent of nonconformities created over years of regulatory change.

~~In this regard, the Town Council has directed the staff to explore modifying the development regulations for three distinct areas of Town: Ibis Isle, the Middle Road area, and the "Sea Streets."~~

FUTURE LAND USE PLAN

It is the purpose of the comprehensive planning process to effectively manage growth and proceed toward the improvement of the community for the future. Goals, objectives and policies are developed to provide measurable performance standards or "milestones" by which to measure progress. Unfortunately, some communities deteriorate in their structural and aesthetic condition despite meeting the goals and objectives of their approved plan. Many factors can contribute to the demise of a community, such as a change in social values, economics, or deterioration of physical elements.

Often in the planning process the maintenance factor is forgotten. Many cases exist where overwhelming maintenance costs place a burden on the community in such a manner that deterioration and blight occur. Although it is a difficult task to properly plan for the development and growth of a community, it is equally important and difficult to maintain high quality standards once they have been achieved. Palm Beach is a community that has achieved a high standard of quality. Retaining its unique atmosphere and quality of life is the overall goal of the Plan.

Maintenance of high quality standards requires not simply upkeep of Town-owned infrastructure, but also an enormous private capital investment. The upkeep investment by the Town, via ad valorem and non-ad valorem revenues, must be complemented by funds invested by individual homeowners and businesses to expand, improve and rehabilitate their properties.

Framework of the Plan

~~This Land Use Plan represents the extension of existing land use concentrations, and the in-fill of remaining undeveloped, or partially developed, areas.~~

~~The Future Land Use Plan addresses the pattern, intensity and timing of land use. Although it is concerned only with the physical interrelationships of residential, commercial, public, private group, and recreational uses, it reflects social and economic considerations. While the planning period is~~

through the year 2019, and in this time frame it is likely that the Town will achieve its "saturation" population somewhat in excess of 10,000 residents, it is emphasized that:

- (1) The Land Use Plan is never "final"; and,
- (2) The Land Use Plan is not a "zoning plan."

These points recognize that as the unforeseen occurs, or Town policy changes, the Plan must be capable of change; and, that the Land Use Plan Map is a graphic statement of land use policy to be used as a guide for applying a variety of land use controls, including zoning, to shape the Town to a desired pattern of land uses, densities and intensities.

Summary of the Future Land Use Plan

The land use categories defined in this Element are compatible with the Town's individual zoning districts. Specific uses, dimensional regulations, and other requirements are identified in the Zoning Ordinance. Since industrial uses and mobile homes are prohibited in the Town, they are excluded from discussion in the Plan. Table I-3, following, summarizes the Future Land Use Plan Map in tabular form:

TABLE I-53
Future Land Use
Town of Palm Beach

<u>FUTURE LAND USE CATEGORY</u>	ACRES	PERCENT
Single-family Residential (up to 4 du/gross Palm Beach acre)	1,103	53
Multi-family Moderate Density (up to 6 du/gross Palm Beach acre)	117	6
Multi-family High Density (up to 13 du/gross Palm Beach acre)	226	11
Commercial	93	5
Public	4	0
Recreation	106	5
Private Group Use	219	11
Approved PUD (up to 13 du/gross Palm Beach acre)	168	8
Conservation	39	2
TOTAL*	2,076	100

* Parts may not add to 100% nor to total acreage of 2,076, due to internal rounding.

All references throughout this Comprehensive Plan to an "acre" or density in units per "acre" shall be construed as referring to a "Palm Beach acre" which is equal to 40,000 square feet.

Single-Family Uses

This is the most predominant land use in the Town. The Future Land Use Plan Map designates 1,103 acres of land for this use ~~of which about 48 acres are vacant~~. The preferred locations are those with good visual qualities, buffered from annoying traffic influences with easy access to shopping and recreation.

Appropriate uses include estates, single-family homes, residential PUD's and cluster development up to a maximum density of four dwelling units per gross Palm Beach acre (40,000 square feet). Public uses and facilities, public and private schools, group homes and foster care facilities, essential services, and private group uses and cultural uses are also permitted within this category on a limited basis.

~~FUTURE LAND USE, 2008~~

~~It is estimated that another 85 single-family dwelling units can be accommodated at an average density of 1.8 units per acre. A developed single-family lot can exceed the density that is permitted by code if the density exists, and will not be increased through redevelopment. For a vacant single-family lot in existence for at least 30 years, a single-family home can be built subject to meeting all land development regulations.~~

Multi-Family Uses

Two multi-family categories, permitting varying densities and uses, are shown on the Future Land Use Plan. In total, the Future Land Use Plan designates about 343 acres of land for this use. ~~of which about 8 acres are vacant. Some of these lands are undevelopable, or have been committed to open space associated with other residential units, and most cannot be developed at maximum allowable density due to limited parcel sizes. Consequently, it is estimated that these vacant lands can accommodate about 35 additional multi-family units.~~

~~The preferred locations are adjacent to high accessibility corridors; areas with good visual qualities; near commercial centers, and recreation and open space areas to offset effects of higher density.~~

Multi-Family Moderate Density: Appropriate uses include single-family and two-family homes, townhouses, multi-family units, and residential and mixed-use PUD's up to a maximum density of six dwelling units per gross Palm Beach acre (40,000 square feet); public uses and facilities; public and private schools; private group uses; group homes and foster care facilities; and essential services. The Plan designates about 117 acres of land for this use.

Multi-Family High Density: Appropriate uses include single-family and two-family homes, town- houses, multi-family units, and residential and mixed use PUD's up to a maximum density of thirteen dwelling units per gross Palm Beach acre (40,000 square feet). Hotels up to 26 units/gross Palm Beach acre along with associated accessory commercial uses and time-sharing uses up to 9 units/gross Palm Beach acre may be appropriate under carefully controlled conditions. Other appropriate uses include public uses and facilities, public and private schools,

private group uses, group homes and foster care facilities, and essential services. The Plan designates about 226 acres of land for this use. Nonconforming buildings or structures unintentionally damaged or destroyed, such as by fire or other casualty, act of terrorism, war or act of God or nature may exceed what is permitted in this land use category and the land development regulations if rebuilt at the same density and/or intensity, on the same footprint and to the same size and configuration as those nonconforming buildings or structures being replaced. Actual construction to replace, restore or reconstruct the nonconforming building or structure shall commence within the time frame outlined in the land development regulations.

Commercial Uses

While only one commercial category is specifically identified on the Future Land Use Plan Map, the Town provides for commercial uses at varying intensities under different zoning categories. The Plan designates about 93 acres for commercial uses, ~~of which only about one-half acre remains vacant.~~ Appropriate uses include a wide range of commercial retail, service, professional and business uses largely intended to serve Town persons; hotels, motels and time-sharing uses; public uses and facilities; public and private schools; private group uses; and residential uses located above the ground floor. Nonconforming buildings or structures unintentionally damaged or destroyed, such as by fire or other casualty, act of terrorism, war or act of God or nature may exceed what is permitted in this land use category and the land development regulations if rebuilt at the same density and/or intensity, on the same footprint and to the same size and configuration as those nonconforming buildings or structures being replaced. Actual construction to replace, restore or reconstruct the nonconforming building or structure shall commence within the time frame outlined in the land development regulations.

Public Uses

The Plan designates approximately four acres of land for this use. Appropriate uses include public schools, low intensity public facilities at a scale and intensity necessary to primarily serve the needs of Town persons, and owned, operated, franchised, or supervised by a governmental agency. The designation of a property for Public Use on the Future Land Use Plan Map recognizes the current use of the property; and, further, that such properties may also be appropriate for residential or commercial development. The Zoning Ordinance is the tool which indicates those uses which are specifically allowed. Nonconforming buildings or structures unintentionally damaged or destroyed, such as by fire or other casualty, act of terrorism, war or act of God or nature may exceed what is permitted in this land use category and the land development regulations if rebuilt at the same density and/or intensity, on the same footprint and to the same size and configuration as those nonconforming buildings or structures being replaced. Actual construction to replace, restore or reconstruct the nonconforming building or structure shall commence within the time frame outlined in the land development regulations.

Recreation Uses

The Plan designates approximately 106 acres of land for this use. This category is intended for low intensity public recreational uses or activities at a scale and intensity necessary to primarily serve the needs of Town persons, and to preserve the natural and scenic resources of the Town. Only public facilities, owned, operated, franchised or supervised by a public governmental entity, are given this designation. Nonconforming buildings or structures unintentionally damaged or destroyed, such as by fire or other casualty, act of terrorism, war or act of God or nature may exceed what is permitted in this land use category and the land development regulations if rebuilt at the same density and/or intensity, on the same footprint and to the same size and configuration as those nonconforming buildings or structures being replaced. Actual construction to replace, restore or reconstruct the nonconforming building or structure shall commence within the time frame outlined in the land development regulations.

Private Group Uses

The Plan designates approximately 219 acres of land for this use. Appropriate uses include low intensity private clubs, golf and country clubs, houses of worship, museums and noncommercial recreation-type or cultural uses at a scale and intensity intended to primarily serve the needs of Town persons. The designation of a property for Private Group Use on the Future Land Use Plan Map recognizes the current use of the property; and, further, indicates that such properties may also be appropriate for residential or commercial development. The Zoning Ordinance is the tool which indicates those uses which are specifically allowed or prohibited. Nonconforming buildings or structures unintentionally damaged or destroyed, such as by fire or other casualty, act of terrorism, war or act of God or nature may exceed what is permitted in this land use category and the land development regulations if rebuilt at the same density and/or intensity, on the same footprint and to the same size and configuration as those nonconforming buildings or structures being replaced. Actual construction to replace, restore or reconstruct the nonconforming building or structure shall commence within the time frame outlined in the land development regulations.

Approved PUD

This category represents Planned Unit Developments that have been approved by the Town Council. The Plan designates approximately 168 acres of land for this use. Only the Breaker's PUD contains remaining development potential. If built to maximum density, this PUD could hold another 251 multi-family units and some commercial development. Densities in new PUD's shall be limited to the maximum density allowable in the land use category and zoning district in which they are located prior to their approval, but shall not exceed thirteen units per acre. Nonconforming buildings or structures unintentionally damaged or destroyed, such as by fire or other casualty, act of terrorism, war or act of God or nature may exceed what is permitted in this land use category and the land development regulations if rebuilt at the same density and/or intensity, on the same footprint and to the same size and configuration as those nonconforming

buildings or structures being replaced. Actual construction to replace, restore or reconstruct the nonconforming building or structure shall commence within the time frame outlined in the land development regulations.

Conservation

This category is intended primarily for the spoil islands in Lake Worth and submerged lands located within the Town's boundary and located west of the MHWL in Lake Worth and which comprise about 39 acres. An additional 3-acre conservation parcel is located south of Southern Boulevard in the Blossom Estate subdivision. Both areas are unique, and will be preserved and protected from development and the negative impacts of public use.

Maps I-1 through I-7, comprising the Town's Future Land Use Map Series, provide mapping of future land use, recreation areas and their general service areas, historic sites and districts, beaches and shores, wetlands and estuarine areas, flood plains, and soils, follow. There are no existing or planned waterwells, cones of influence, rivers, bays, fresh water lakes, harbors, or economic mineral deposits in the Town of Palm Beach.

GOALS, OBJECTIVES AND POLICIES

GOAL 1

TO MAINTAIN THE TOWN'S UNIQUE IDENTITY AND ITS HIGH QUALITY OF LIFE THROUGH THE EFFICIENT DISTRIBUTION OF COMPATIBLE LAND USES.

OBJECTIVE 1

Future growth and development within the Town shall be managed to maintain and enhance the Town's unique physical and historic character with emphasis on its visual qualities, and compatibility and harmony among its diverse land uses. The measurement of this objective shall be the extent to which the following policies are implemented.

POLICY 1.1

Continue enforcement of the Town's Charter and Code of Ordinances containing specific and detailed provisions which are required to implement the adopted Comprehensive Plan, and which, at a minimum:

- 1.1 a Regulate the subdivision of land;
- 1.1 b Regulate the use of land and water consistent with this Element, ensure the compatibility of adjacent land uses, and provide for open space;
- 1.1 c Protect lands designated for Conservation;
- 1.1 d Regulate signage;
- 1.1 e Regulate areas subject to seasonal or periodic flooding and provide for drainage and stormwater management;
- 1.1 f Ensure safe and convenient on-site traffic flow and vehicle parking needs; and,
- 1.1 g Provide that no development order or permit shall be issued which results in a reduction of services for the affected public facilities below the level of service standards adopted in this Comprehensive Plan; and
- 1.1 h Reasonably ensure that newly planted trees are located in a manner that will require no more than minimal trimming in order to avoid contact with power lines.

POLICY 1.2

Conduct a staff review of each proposed new development or redevelopment project for the purpose of determining compliance with the Town's Code of Ordinances.

~~POLICY 1.3~~

~~By the end of 2008-2009 Zoning Season, the Town will develop zoning regulations appropriate to maintaining the existing character of the Ibis Isle, the Middle Road proposed area, and the "Sea Streets". Such regulations may include overlay districts, flexible or alternative development standards, or other innovative measures appropriate to the task.~~

POLICY 1.4

~~Town is sponsoring a design process with substantial input from the public and stakeholders for redevelopment within Royal Poinciana Plaza/Royal Poinciana Way area. The process shall:~~

- ~~1.4a. Address issues such as land use mix, densities, architectural themes, economic feasibility, signage, street furniture, and other elements in public workshops.~~
- ~~1.4b. Examine elements from the Breakers Planned Unit Development (vested development rights on the south side of Royal Poinciana Way), the Royal Poinciana Plaza, commercial interests on the north side of Royal Poinciana Way, the future of Flagler Bridge reconstruction planned by the Florida Department of Transportation, and the relationship between these uses and surrounding properties, including Bradley Park.~~
- ~~1.4c. Investigate the possibility of reducing or eliminating traffic level congestion and providing pedestrian and bicycle safety at the intersection of Royal Poinciana Way and Bradley Place/Cocoanut Row.~~
- ~~1.4d. Evaluate various design concepts for the possible future redevelopment of this area, including drawings and models (building uses and types, public space and amenities, and so) in community wide public workshops.~~
- ~~1.4e. Provide feedback loops after design concepts are proposed, reviewed, changed, and resubmitted for further review.~~
- ~~1.4f. Take account of the needs and aims of Palm Beachers as well as those of the owner, the financial implications of proposed design concepts, development of the surrounding area, land use mixes, densities, economic feasibility, architectural themes, signage, dimensional requirements, vehicular traffic flow, and parking, among others.~~

- ~~1.4g. Address the problem of traffic congestion and safety issues at the intersection of Royal Poinciana Way and Bradley Place/Coconut Row, and propose remedial steps. The design planning process shall culminate in a set of “buildable” guidelines, addressing the future overall design and use of the properties in this area, vehicular traffic flow and parking.~~

OBJECTIVE 2

Maintain the character of the Town as a predominantly residential community having only the type and amount of businesses and other support services necessary to meet the needs of Town residents.

POLICY 2.1

The listing of appropriate land uses in each of the individual land use categories identifies those uses generally expected to be appropriate.

- 2.1.1 Where essential services are indicated as an appropriate use, essential services shall include public utility facilities related to water supply, telephone (excluding wireless telecommunication facilities), cable television, gas, electrical distribution systems and town-owned services such as sanitary sewer, stormwater drainage, and solid waste collection and disposal systems, including any necessary appurtenant structures serving the Town.

POLICY 2.2

Development orders shall be issued by the Town only for new residential development or redevelopment that is consistent with the Future Land Use Map and associated Future Land Use Designations set forth in the following policies.

- 2.2.1 Single-Family Residential – Intended to accommodate and preserve estates and single-family residential development at a maximum density of four dwelling units per gross Palm Beach acre (40,000 square feet) and a maximum height of two stories.

Appropriate uses include single-family dwellings, residential PUD’s as set forth in Policies 11.1.1 and 11.1.4, cluster development, public uses and facilities, public and private schools, private group uses, group homes and foster care facilities, and essential services.

- 2.2.2 Multi-Family Moderate Density – Intended to accommodate and preserve residential development at a maximum density of six dwelling units per gross Palm Beach acre (40,000 square feet) and a maximum height of two stories.

Appropriate uses include single-family, two-family, townhouses and multi-family dwellings; residential PUD's as set forth in Policy 11.1.2; mixed-use PUD's as set forth in Policy 11.1.3; public uses and facilities; public and private schools; private group uses; group homes and foster care facilities; and essential services.

- 2.2.3 Multi-Family High Density – Intended to accommodate residential development at a - maximum density of 13 dwelling units per gross Palm Beach acre (40,000 square feet) and, under limited circumstances, a maximum height of five stories.

Appropriate uses include single-family, two-family, townhouses and multi-family dwellings; residential PUD's as set forth in Policy 11.1.2; mixed-use PUD's as set forth in Policy 11.1.3; hotel and motel uses up to 26 rooms per gross Palm Beach acre (40,000 square feet) and associated accessory commercial uses (hotel and motel rooms are considered to be equivalent to 0.5 dwelling units); timesharing uses up to nine units per gross Palm Beach acre (40,000 square feet); public uses and facilities; public and private schools; private group uses; group homes and foster care facilities; and essential services.

POLICY 2.3

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

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

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

- 2.3.2 Conservation – Intended to preserve and protect unique natural areas and submerged land from development and the negative impacts of public use. No urban development or redevelopment, other than docks is permitted on or over land designated in this category, with the exception of docks, essential services or parks owned and operated by the Town.

2.3.3 Commercial – Intended to create, preserve, and enhance areas of attractive, small-scale, retail, personal and professional/business services, and mixed commercial/residential use, developed either as a unit or in individual parcels, providing primarily for the frequently recurring needs of Town persons with limited provision for more intensive commercial uses that are proven to be compatible with the Future Land Use Plan and the character of the Town.

- a. Appropriate uses include a wide range of commercial retail, service, professional and business uses for residents and visitors; hotels/motels up to 26 rooms per gross Palm Beach acre (40,000 square feet); timesharing uses up to 9 units per gross Palm Beach acre (40,000 square feet); offices; public uses and facilities; public and private schools; private group uses; and residential uses located above the ground floor.
- b. Except for uses located in the Worth Avenue zoning district (C-WA), one residential unit may be located above the ground floor, or up to a maximum density of six dwelling units per gross Palm Beach acre, whichever is greater. In the Worth Avenue zoning district the maximum allowable density shall be 10 dwelling units per gross Palm Beach acre provided the Worth Avenue Design Guidelines are met.
- c. Maximum lot coverage for non-residential uses shall be 75%.
- d. In limited circumstances, the maximum building height shall be three stories.

2.3.4 Public – Intended to recognize existing locations of, and provide sites for, public uses, structures and facilities.

- a. Appropriate uses include public schools, low intensity public buildings and facilities such as fire and police stations, Town Hall, etc, of a scale and intensity necessary to primarily serve the needs of Town persons. Only public uses owned, operated, franchised, or supervised by a governmental agency are given this designation.
- b. The designation of a property for Public use on the Future Land Use Plan Map recognizes the current use of the property; and, further, that such properties may also be appropriate for residential or commercial development with uses identified under the Single-Family Residential and Commercial land use categories.
- c. Maximum lot coverage shall be 40%.
- d. In limited circumstances, the maximum building height shall be three stories.

2.3.5 Public Recreation – Intended to provide for low intensity public recreational uses or activities, natural resource and scenic resources of a scale and intensity necessary to primarily serve the needs of Town persons. Only public facilities owned, operated, franchised, or supervised by a public governmental entity are given this designation.

- 2.3.6 Private Group Use – Intended to provide for low intensity uses such as private clubs, golf and country clubs, public and private schools, houses of worship, museums, and non- commercial recreation-type or cultural uses at a scale and intensity intended to primarily serve the needs of Town persons.
- a. The designation of a property for Private Group Use on the Future Land Use Plan Map recognizes the current use of the property; and, further, that such properties may also be appropriate for residential or commercial development with uses identified under the Single-Family Residential, Multi-family Moderate Density, and Commercial future land use categories.
 - b. Maximum lot coverage shall be 40%.
 - c. In limited circumstances (Commercial Worth Avenue (C-WA) zoning district), the maximum building height shall be three stories.
- 2.3.7 Approved PUD – Intended to recognize existing or previously approved PUD’s and provide for new PUD’s within the density limits of the land use category in which they are located prior to approval of the PUD. PUD densities shall not exceed 13 dwelling units per gross Palm Beach acre.

POLICY 2.4

To prevent critical and dangerous overuse of its streets, parking resources, public services and facilities, and damage to its historic character, and to overall property values of the community, the Town will take all technical and administrative measures legally available, to minimize 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.

POLICY 2.5

Continue to enforce the provisions of the Town's Zoning Ordinance which are directed toward the encouragement of Town-serving commercial uses and the discouragement of those uses which are likely to attract patronage on a regional level.

POLICY 2.6

The Town shall provide the amount, location, and type of on-street parking and street furniture, signage, beautification measures and traffic control that is sufficient to assure efficient functioning of the Town's business centers at Town-serving levels, and shall require off-street parking as necessary

OBJECTIVE 3

Development orders or permits for new development or redevelopment shall be issued for construction in the floodplain or coastal high hazard area only if they meet the building elevations identified in the Flood Insurance Rate Maps (FIRM) ~~and the requirements of the Florida Department of Environmental Protection (FDEP).~~

POLICY 3.1

Prior to the issuance of a development order or permit, the Town shall make and record the following determinations:

~~3.1 a.~~ The proposed building elevations meet or exceed elevations identified on the Flood Insurance Rate Maps (except when sufficient justification of extenuating circumstances may be shown); ~~and,~~

~~3.1 b.~~ ~~The FDEP has approved any proposed construction seaward of the Coastal Construction Control Line, and the proposed project complies with any conditions imposed by the FDEP.~~

OBJECTIVE 4

No new ~~urban~~ development shall be permitted on or over submerged lands or lands predominantly characterized by Tidal Swamp (TM) soils as identified in the Soil Survey of Palm Beach County.

POLICY 4.1

Areas identified as predominantly characterized by Tidal Swamp (TM) soils or identified as submerged lands shall be designated on the Town's Future Land Use Map for Conservation, and the Town's land development regulations shall prohibit urban development on such lands.

OBJECTIVE 5

Development orders and permits for new development or redevelopment, or building permits for developments that have been issued development orders prior to the adoption of the Comprehensive Plan, shall be issued only if public facilities and services necessary to meet the Town's adopted level of service standards are available concurrent with the impacts of the development.

POLICY 5.1

A concurrency analysis shall be conducted prior to the approval of any application for a development order, and no final development order shall be issued unless:

- a. Existing facilities and services meet the Town's adopted level of service standards as set forth in the Capital Improvements Element, or
- b. The final development order is conditioned on such facilities and services being available at the time the impact of development will occur, consistent with the Town's Concurrency Management System and implemented policies of the Capital Improvements Element.

POLICY 5.12

~~In~~ In order to ensure the availability of public facilities and services necessary to support development concurrent with its impacts, prior to the issuance of a development order or permit, the Town shall make and record the following determinations:

- a. 5.1a Flooding will not occur during a one-year storm for systems served by pumping stations or during a three-year storm for systems with gravity outfalls, and the minor flooding associated with a five-year storm shall be carried off within sixty minutes.
- b. 5.1b Negative impacts of stormwater discharge upon water quality in Lake Worth are ameliorated by the retention of the first two inches of rainfall prior to discharge into the Town system; or, the post-development runoff does not exceed predevelopment runoff for a three-year one-hour storm, whichever is greater; or,
- c. 5.1c For all commercial, or residential development or redevelopment where: ~~the proposed work falls into one of the following categories:~~
 - i. The proposed value of the improvement ~~work~~ exceeds 25% of the market value of the property;
 - ii. ~~The proposed work includes the construction of a~~ A new swimming pool is constructed;
 - iii. ~~The proposed work includes the~~ There is redevelopment of more than 20% of landscaped open space, 20% of the impervious area of the site including buildings, patios, etc. or a combination thereof which exceeds 20%;
 - iv. ~~The proposed work includes a~~ New driveways or parking areas are constructed;
 - v. The proposed work includes replacement or reconstruction of parking areas other than parking areas designed for less than three residential units; or
 - vi. Other development as may be deemed appropriate by the Town Engineer.

- d. ~~5.1d~~ There is adequate potable water supply capacity to continue providing the level of service standard established by the City of West Palm Beach, the Town's water provider. The City's current Potable Water Level of Service (LOS) is 272 at least 295 gallons/per person/day (gppd);
- e. ~~5.1e~~ There are adequate recreation facilities to maintain a standard of 6 acres/1000 population;
- f. ~~5.1f~~ The traffic generation of the project will not reduce the level of service on roadways in the Town to a category lower than that established in this Plan;
- g. ~~5.1g~~ There is adequate sanitary sewer capacity to continue providing the level of service standard established by the City of West Palm Beach, the Town's water provider. The City's current LOS is as follows:

Waste Water Collection

Development Type	Avg. Daily Water Water Flow, gallons per day (gpd)
<u>Single Family</u>	350 gpd/DU
<u>Multifamily</u>	250 gpd/DU
<u>Commercial</u>	0.20 gpd/SF
<u>Industrial</u>	0.15 gpd/Sf
<u>Hotel</u>	100 gpd/room

DU=dwelling unit	gpd=gallons per day
SF=Square feet	AC=acre

Pumping Station

Peaking Factor	Avg. Daily Flow Million Gallons per Day(MGD)
3.5	0.01 to 0.05
3.0	0.05 to 0.25
2.5	0.25 to 2.0
2.0	>2.0

Peaking factors for other facilities shall be determined using historical flow record.

treating at least 246 gallons/person/day, and a maximum peak flow through the Lake Worth force main will not exceed 0.941 mgd over a rolling three-month average, and the maximum peak flow through the Town's northern force main will not exceed 5 mgd;

- h. 5.14 There is adequate capacity to continue collecting and disposing of least 2.55 pounds of solid waste per person per day;
- i. 5.14 The project will not increase the time necessary to evacuate the Town, in the event of a hurricane, to greater than twelve hours; or,

- j. ~~5.1j~~ The development order or permit is specifically conditioned on the availability of the necessary facilities and services for each of the above and that said facilities are authorized when the project is authorized.

POLICY 5.23

Prior to the issuance of a development order or permit, the Town shall make and record a determination that the project provides open space, on-site traffic flow and parking commensurate with the requirements of the Town's land development regulations.

OBJECTIVE 6

Efforts shall continue to be made to control blighting influences or other negative impacts to the Town, and redevelopment will be encouraged in areas experiencing deterioration, when appropriate. ~~While no areas in the Town are in need of redevelopment, at least once a year the Town shall review structural conditions in areas subject to deterioration to determine if neighborhood stabilization or redevelopment is necessary.~~

POLICY 6.1

The Town's Code of Ordinance proactively allows potential problems to be cited and requires property owners of cited property to take remedial action. ~~If greater than 25% of structures in a neighborhood are determined to be substandard, that neighborhood will be considered in danger of deterioration, and the Town will develop a plan for stabilization and/or redevelopment within two years of such identification. This plan will include provisions for innovative land development regulations, including mixed land uses, to accomplish redevelopment as well as provisions for eliminating unsafe conditions and inappropriate uses.~~

OBJECTIVE 7

The number of uses incompatible with the range and location of land uses, identified in the Town's Future Land Use Plan Map, shall be reduced by attrition; and, no new uses shall be permitted that are inconsistent with the community's character and the Town's Future Land Use Plan Map.

POLICY 7.1

The Town shall amend its land development regulations, when necessary to be compatible and consistent with the range and location of land uses identified on the Town's Future Land Use Plan.

POLICY 7.2

The Town shall prohibit replacement or expansion of uses found to be incompatible or inconsistent with the range and location of land uses identified on the Town's Future Land Use Map and Official Zoning Map.

POLICY 7.3

The Town shall continue to allow designated landmark structures, single-family dwellings, two-family, townhouse, multi-family, commercial, and public structures or public/private group uses which are unintentionally damaged or destroyed, such as by fire or other casualty, act of terrorism, war or act of God or nature to be rebuilt at the same density and/or intensity, on the same footprint and to the same size and configuration as those nonconforming buildings or structures being replaced provided FDEP standards are met when building east of the CCCL. Actual construction to replace, restore or reconstruct the nonconforming building or structure shall commence within the time frame outlined in the land development regulations.

OBJECTIVE 8

The Town shall protect its natural resources. The measurement of this objective is the extent to which natural resources are preserved and the degree to which the following policies are implemented.

POLICY 8.1

The Town shall protect the quality of its air from degradation by continuing to prohibit industrial uses within the Town.

POLICY 8.2

The Town shall protect designated native vegetational communities areas and their associated wildlife by prohibiting removal of vegetative species listed as threatened or endangered by State or Federal agencies on publicly owned property and new private development; and, by prohibiting planting of pestilent exotics and requiring removal of pestilent exotic species from sites of new construction or development.

POLICY 8.3

The Town shall stipulate that no development or construction which destroys wetland vegetation, including seagrass beds, shall be permitted in the Town unless loss is 100% mitigated.

POLICY 8.4

The Town shall require that all new development and redevelopment on the Atlantic shore restore dunes, where restoration potential exists and is necessary, as determined by the Town and FDEP.

POLICY 8.5

The Town will require soil erosion control techniques be used during construction.

POLICY 8.6

~~Pursuant to F.S. 163.3177 & 163.3178, the Town shall devise regulatory incentives and criteria that encourage the preservation of recreational and commercial working waterfronts as defined in F.S. 342.07. No development or redevelopment shall occur on or over submerged land other than docks, essential services or parks owned and operated by the Town.~~

OBJECTIVE 9

The Town shall protect its inheritance of structures and neighborhoods having historic or architectural merit. The measurement of this objective is the extent to which historic or architectural structures or neighborhoods are preserved, and the degree to which the following policies are implemented.

POLICY 9.1

Continue to protect the Town's historically significant properties and aesthetic character through the active participation of the Architectural and Historic Landmarks Preservation Commissions in the development review and approval process, as authorized ~~under Chapter 5, Article IX, Sec. 5-378 and Chapter 16, Article III, Sec. 16-33 of~~ by the Town's Code of Ordinances.

POLICY 9.2

~~By December 2008, the Town shall adopt an archeological preservation ordinance to protect pre-historic resources or sites of archaeological significance with specific guidelines regulating construction activities. Concurrently, community awareness shall also be advanced to educate the public about the advantages of having an archeological ordinance. The Town shall enforce its archaeological requirements as authorized by the Town's Code of Ordinances.~~

OBJECTIVE 10

The Town will coordinate and comply with any resource planning and management plan prepared pursuant to Chapter 380 FS, as amended and approved by the Governor and Cabinet. ~~The measurement of this objective will be the extent to which the Town coordinates and cooperates with the adoption and implementation of an approved plan and the degree to which the following policy is implemented.~~

POLICY 10.1

~~Within one year of the approval by the Governor and Cabinet of a resource planning and management plan under Chapter 380 FS, the Town will incorporate into its land development regulations measures that will further the intent of such plan. Coordinate with State, regional, county and local agencies to ensure mutual cooperation in the development of all appropriate resource planning and management plans prepared pursuant to Chapter 380, F.S. as amended. The Town will continue to monitor all other local governments' activities when notice is provided. The Town will continue to provide notice as required to other local governments and agencies on upcoming large development projects. The Town will continue to work closely with the Treasure Coast Regional Planning Council, Palm Beach County and School Board and the State of Florida on regional issues. The Town will continue to maintain mutual aid agreements with other local governments with reference to fire service, police and disaster preparedness.~~

POLICY 10.2

Continue to coordinate with other governments in securing full resources by the State and other agencies for programs of their design, creation and/or benefit, and continue to ensure the protection of local self-determination in matters which are not demonstrated to be of actual regional significance.

OBJECTIVE 11

Provide for Planned Unit Developments, and other innovative regulations and techniques that will assist the Town in maintaining its high standards, quality of life, and appropriate mix and location of land use types and structures; and, in ensuring that new development is compatible with existing surrounding properties.

POLICY 11.1

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

- 11.1.1 Single-family PUD's located within the Single Family Residential Land Use Category not exceeding four dwelling units per gross Palm Beach acre.
- 11.1.2 Mixed residential development located within the Multi-Family Moderate or Multi-Family High Density Land Use Categories, not exceeding the maximum density allowable within the Land Use Category.
- 11.1.3 Mixed-use development within the Multi-Family Moderate Density or Multi-Family High Density Land Use Categories, allowing for a mix of residential uses not exceeding the maximum allowable density within the Land Use Category and nonresidential development not exceeding 20% of the gross floor area of the PUD.

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

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

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

OBJECTIVE 12

The Town shall coordinate its coastal area population with the Regional Hurricane Evacuation Plan. The measurement of this objective will be the degree to which the Town coordinates with the appropriate Evacuation Plan, and the extent to which the following policy is implemented.

POLICY 12.1

~~Upon completion of the Treasure Coast Regional Planning Council's Hurricane Evacuation Plan, the Town will review, and revise if necessary, its coastal area densities to ensure that they do not result in hurricane evacuation or shelter capacity deficiencies as contained in the TCRPC's Plan.~~

POLICY 12.2

~~By the beginning of the 2008 hurricane season, the Town shall consider implementing a "reverse 911" type system. Such a system shall allow residents to automatically receive notifications and information from the Town on their home phone. In addition, a resident may register to receive such notifications on their cell phone.~~

POLICY 12.3

~~By the beginning of 2008 hurricane season, the Town shall consider working with contractors/builders to develop a list of simple things to do at construction sites during the hurricane season to ensure that they can be adequately secured prior to the arrival of a storm. This could include guidelines for the placement and storage of construction material~~

during the hurricane season.

POLICY 12.4

The Town shall expand the Town's education and notification process to emphasize the unpredictability of the power of an approaching storm and the need to evacuate early upon an evacuation warning.

OBJECTIVE 13

~~To coordinate the location of new and expanded sites for Public Educational Facilities in order to ensure compatibility and consistency with the Town's Comprehensive Plan, in accordance with 235.193, F.S. and to maintain and enhance joint planning processes and procedures for coordination and development of public school facilities concurrent with residential development and other services. The Town of Palm Beach shall support and facilitate coordination of planning with the Palm Beach County School District (hereinafter referred to as the District) for the location and development of public education facilities. The Town of Palm Beach shall coordinate with the School District staff in the siting of school facilities so that their locations are consistent with and further the Goals, Objectives and Policies of the Town's Comprehensive Plan. The Town of Palm Beach shall identify sufficient available land in the adopted future land use element to accommodate Public Educational Facilities as necessary to serve the current and projected student population. The measurement of this objective will be the degree to which the following policies are implemented.~~

Definition:

~~Public Education Facilities are defined herein as elementary schools, special education facilities, alternative education facilities, middle schools, high schools and area vocational schools of the School District of Palm Beach County.~~

POLICY 13.1 – Compatibility

~~The proposed public school facility use shall be compatible with adjacent existing land uses.~~

~~13.1.1 Public educational facilities of the School District shall be an allowable use within the following land use categories: Single Family Residential, Multi Family Moderate Density, Multi Family High Density, Commercial, Public, Public Recreation, and Private Group Use.~~

~~13.1.2 The location and construction of new public educational facilities or the expansion of an existing site shall be allowed upon a determination of the Town of Palm Beach that the proposed school development is consistent with the future land use categories listed above and compatible with adjacent land uses.~~

~~POLICY 13.2—Coordination [235.193 F.S.]~~

~~In accordance with the adopted Capital Improvements Plan(s) of the School District and the Capital Improvement, Intergovernmental Coordination and other related elements of the adopted Comprehensive Plan, public services and facilities required to support all public educational facilities shall be facilitated and coordinated in time and place with plans for residential development.~~

~~POLICY 13.3—Site Development Standards:~~

~~In addition to overall consistency with the future land use categories, the proposed location of a new, or expansion of an existing Public Educational Facility shall be evaluated based on the following statutory requirements and planning criteria:~~

- ~~13.3.1 The proposed site shall, at a minimum, meet the State Requirements for Educational Facilities (SREF), plus a fifteen percent (15%) capacity flexibility allowance in conformance with the District's adopted level of service (LOS). In addition, the site shall be sized to accommodate all needed utilities, support facilities and adequate buffering of surrounding land uses.~~
- ~~13.3.2 There shall be no significant environmental conditions on a proposed site that cannot be mitigated or would otherwise preclude development of the site for a Public Educational Facility.~~
- ~~13.3.3 There shall be no adverse impacts upon sites listed in the National Register of Historic Places or those sites designated as Landmarks by the Town of Palm Beach Landmarks Preservation Commission. In addition, any changes, modifications, expansions or major landscaping revisions to any designated Landmark structures and/or identified archaeological resources require the issuance of Certificate(s) of Appropriateness for said modifications.~~
- ~~13.3.4 The proposed site shall be suitable or adaptable for development in accordance with applicable water management standards, and shall not be in conflict with the South Florida Water Management Surface Water Management Plan or any applicable storm water utility or drainage district plans.~~
- ~~13.3.5 The proposed site shall be capable of accommodating adequate parking and on-site traffic circulation requirements to satisfy current and projected site generated vehicular demand.~~
- ~~13.3.6 The proposed location of new facilities shall meet the requirements of the Coastal Management/Conservation Element of the Comprehensive Plan.~~
- ~~13.3.7 There shall be adequate setbacks, buffering and zoning controls to eliminate or decrease any negative externalities such as noise affecting neighboring~~

developments.

~~13.3.8 The location of the proposed site shall comply with 333.03(3), F.S. as it relates to the construction of public education facilities in the vicinity of the airport.~~

~~13.3.9 The proposed design must be approved by the Town of Palm Beach Architectural Commission or Landmarks Preservation Commission for its aesthetic compatibility in the community. Also, the proposed design shall, at a minimum, meet the standards established by SREF.~~

~~POLICY 13.4—Access Standards~~

~~The following additional conditions shall apply to the proposed sites of the specific school types to ensure that they are consistent with the Town of Palm Beach Comprehensive Plan.~~

~~13.4.1 Elementary schools, special education facilities, and alternative education facilities, shall have direct access to at least a minor collector road or as otherwise approved by the Town of Palm Beach after determination of acceptable traffic impacts on adjacent roads of lesser classification.~~

~~13.4.2 Middle schools sites shall have direct access to at least a minor collector road or as otherwise approved by the Town of Palm Beach after determination of acceptable traffic impacts on adjacent roads of lesser classification. Outdoor recreational facilities and similar support facilities shall be located and buffered on the proposed site to minimize impacts on the adjacent properties.~~

~~13.4.3 High schools sites shall have direct access to at least a major collector road or as otherwise approved by the Town of Palm Beach after determination of acceptable traffic impacts on adjacent roads of lesser classification. Stadiums, outdoor recreational facilities and similar support facilities shall be located and buffered on the proposed site to minimize impacts on the adjacent properties.~~

~~POLICY 13.5—Infill Development Standards~~

~~It is the policy of the Town of Palm Beach to encourage a comprehensive range of design and site planning solutions that will cost effectively meet the capacity needs of the School District and the compatibility needs of the community. In the existing urbanized areas, recommendations for increased capacity will consider the cost benefits of expanding existing facilities as well as the provision of new facilities on vacant land that would meet projected capacity needs. This analysis will include factors such as community impact, neighborhood vitality and relocation costs, as well as the impact on coastal redevelopment efforts. Innovative and efficient designs that meet the performance standards of the Architectural Commission and SREF will be fully considered.~~

~~POLICY 13.6—Performance Standards~~

~~Nothing herein shall preclude the School District and the Town of Palm Beach from developing alternative development standards based on mutually acceptable performance criteria, that would meet the intent of the provisions listed above.~~

~~POLICY 13.7—Co-location to Public Facilities~~

~~To the extent possible, the Town will encourage the location of school facilities proximate to urban residential areas; and, seek to collocate public facilities, such as parks, libraries, and community centers with schools.~~

OBJECTIVE 14

Public access shall be maintained to all recreational facilities, including recreational and commercial working waterfronts as defined in F.S. 342.07, under the jurisdiction of the Town of Palm Beach.

POLICY 134.1

The Town of Palm Beach shall ~~identify inadequate access to its recreation facilities within one year of the adoption of the Comprehensive Plan EAR-Based amendments.~~ establish priorities for siting appropriate water dependent and water related land uses consistent with F.S. 342.07, while at the same time protecting shoreline and conservation areas from degradation.

POLICY 134.2

The Town of Palm Beach shall continue to implement corrective measures on all access points identified by the Town as inadequate.

POLICY 134.3

The Town will, on an annual basis, inspect public access points at public facilities located within the Town of Palm Beach, but not under the Town's jurisdiction, to identify any impediments to access. It will notify respective governing agencies of impediments within three months of their identification.

POLICY ~~13~~14.4

~~Pursuant to F.S. 163.3177 & 163.3178, the Town shall devise regulatory incentives and criteria that encourage the preservation of recreational and commercial working waterfronts as defined in F.S. 342.07. In evaluating applications for marinas or marina siting all of the following shall be addressed: land use compatibility; availability of upland support services; existing protective status or ownership; hurricane contingency planning; protection of water quality; water depth; environmental disruptions and mitigation actions; availability for public use; and, economic need and feasibility. The criteria shall be reviewed by the Planning Department on an annual basis and updated as necessary.~~

GOAL 2

THE TOWN 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.

OBJECTIVES AND POLICIES NOT APPLICABLE

No objectives or policies pertaining to the discouragement of the proliferation of urban sprawl are necessary or applicable in the Town of Palm Beach because it is virtually fully developed, and the only areas for potential development are located on "in-fill" parcels.

No objectives or policies encouraging the availability of suitable land for utility facilities are necessary or applicable. The City of West Palm Beach provides the potable water supply to the Town from its facility on the mainland. Wastewater treatment is provided by the East Central Regional Sewage Treatment Plant, also located on the mainland. Solid waste disposal sites are all located on the mainland with the North County Regional Resource Recovery plant, also located on the mainland, to come on line in the near future.

No policies are necessary or applicable to the protection of potable water wellfields since there are now no such facilities in the Town, nor are any expected in the future.

HOUSING ELEMENT

INTRODUCTION

This Element has been prepared to meet the requirements of the Florida Community Planning Act ~~Local Government Comprehensive Planning and Land Development Regulation Act of 1993~~. It includes: goals, objectives and policies; inventories of existing housing and its condition; inventories of subsidized housing, group homes, and historically significant housing; and, projections of population, households and housing need.

This Element of the Plan has been developed based upon:

1. Analysis of information about the Town's housing inventory and its characteristics provided by the U.S. Census Bureau, Palm Beach County and the University of Florida's Shimberg Center ~~contained in the 2000 Census~~, and compared to Countywide statistics, as appropriate;
2. Analysis of information pertaining to housing and the built-out status of the Town with relatively little redevelopment potential ~~subsidized rental units, group homes, historically significant housing, and housing construction since 2000~~;
3. ~~Analysis of projections of the number of households by size and income range during the 2009-2019 planning period;~~
3. 4. Analysis of the extent of housing need of anticipated populations in the community, the need for replacement housing, and maintenance of existing housing ~~an adequate vacancy rate~~;
4. 5. Analysis of the amount of land necessary, if any, to accommodate total estimated housing need;
5. 6. Analysis of the part of the housing need that can be expected to be met by the private sector and the private sector housing delivery process, and;
8. ~~Analysis of the means for accomplishing the five housing-related responsibilities set forth in Rule 9J-5.010(2)(f).~~

EXECUTIVE SUMMARY

COMMUNITY CHARACTER, GROWTH, HOUSING INVENTORY, AND VACANCY RATES

The Town of Palm Beach is unique in many ways, and its role has changed over the years. Initially, it was the principal urban settlement in the County; now it is a community of special character, with activities and economics quite different from those of the remainder of the County. Housing in the Town is, therefore, also unique in that the housing problems typical in many areas are not evident in the Town of Palm Beach. In fact, the statistical evidence of any housing problem is very slight -- noticeable only when contrasted with the overall housing quality for which the Town of Palm Beach is so well known.

The Town of Palm Beach experienced its greatest growth between 1950 and 1970, when its resident population increased from 3,886 to 9,086. Since then, population growth has been less dramatic and recently has been declining. The 2010 U.S. Census indicated that the Town's population was 8,161. Estimates by the University of Florida place the 2016 2005 population at 8,040 9,735 and the Town estimates its 2014 resident population at 9,947. Future growth will be limited by the small amount of vacant land available for development and limited redevelopment opportunities undeveloped land left in the Town.

During the winter season, November through April, the Island's population swells to a peak ~~double~~ that is higher than ~~of~~ its normal residential population as a result of the influx of seasonal residents and tourists. Following is a table representing the latest housing characteristics of the Town:

TABLE 3
RESIDENT POPULATION & HOUSING CHARACTERISTICS
2010 2009 – 2025 2019

CHARACTERISTIC	<u>2010</u> <u>2009</u>	<u>2016</u> <u>2014</u>	<u>2025</u> <u>2019</u>
RESIDENT POPULATION	<u>8,161</u> ¹ 9,815	<u>8,040</u> ³ 9,947	<u>8,425</u> ⁴ 10,080
POPULATION PER HOUSEHOLD	<u>1.74</u> ² 1.81	<u>N/A</u> 1.81	<u>N/A</u> 1.81
ALL HOUSING UNITS	<u>8,857</u> ¹ 9,316	<u>N/A</u> 9,442	<u>N/A</u> 9,569
Occupied year-round units	<u>4,690</u> ¹ 5,423	<u>N/A</u> 5,496	<u>N/A</u> 5,569
Seasonally vacant or held for occasional <u>use</u>	<u>3,627</u> ¹ 3,353	<u>N/A</u> 3,399	<u>N/A</u> 3,445
Vacant for Sale or Rent	<u>540</u> ¹ 540	<u>N/A</u> 547	<u>N/A</u> 555

Source: ¹2010 U.S. Census corrected figure; ²2010 U.S. Census; ³Univ. of Florida, Bureau of Economic and Business Research, ⁴Palm Beach County, 2015 ~~2006~~ Brisson Planning Solutions, Inc., and Town of Palm Beach, February 2009

From ~~October 2011~~ ~~November 3, 1995~~ through ~~August 2016~~ ~~December 31, 2007~~, the Town issued ~~159~~ ~~343~~ building permits for construction of new single-family residential dwelling units, and ~~160~~ ~~344~~ permits for demolition of single-family residential dwelling units. There has been no net gain in single-family residential dwelling units in the Town in the last five (5) years.

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%.

Based on the U.S. Census 2010-2014 American Community Survey, Multi-family units represented 72.2 ~~71.5%~~ of the Town's housing inventory during this timeframe ~~in 1990~~; the remainder were single-family structures. There are no mobile home dwelling units in the Town.

The 2010 U.S. Census found that 86.3% of occupied units were owner-occupied within the Town of Palm Beach. Homeownership rates are higher in the Town of Palm Beach than in Palm Beach County which had a 71.4% owner-occupied rate in 2010. Whereas most communities with a high proportion of multi-family units are characterized by a similarly high percentage of rental units, this is not the case in Palm Beach. Rather, in 1990, 77.5% of the units were owner-types, reflecting the increased popularity of condominium residences, particularly during the 1970's.

While over ~~63~~ ~~60%~~ of the housing units in the Town were constructed since 1960, a significant percentage was built prior to 1940 – ~~19.2~~ ~~46.3%~~ compared to only ~~1.6~~ ~~2.5%~~ throughout the County as a whole. Many of the older structures have been identified by the Town and the State as having historical and architectural significance, and have been designated as historic structures.

~~Due to the socio-economic profile of Palm Beach, there is very little evidence of substandard housing. The Town's Building and Zoning Department has noted a handful of instances of vacant residential structures scattered throughout the Town that have begun to deteriorate due to neglect. There are no known instances of occupancy of housing units in a structurally substandard condition.~~

Since the Town is fortunate in having no serious housing problems, the Town's program takes a different focus from that employed in a community beset with such problems. The Town's challenge is to maintain, in good and sound condition, its existing housing stock.

HOUSING COSTS

Housing costs and land values in Palm Beach are very high compared with other areas of the State. This is because of ~~due to~~ the unique character of development having taken place in the Town since its inception. The limited amount of developable vacant land ensures the continuation of high housing costs in the Town.

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.

SPECIAL HOUSING TYPES

There are no subsidized rental housing projects or group homes licensed by the State in the Town.

The Town has identified and surveyed 1162 ~~over 928~~ sites ~~of historic or architectural significance, all of which~~ are listed on the Florida Site File which is maintained by the Florida Department of State, Division of Historical Resources. The Town has designated 315 landmarks as of May 2016.

The Town has an active Landmarks Preservation Program established through Ordinance No. 1-79, and amended Ordinance 2-84, and has a Landmarks Preservation Commission for the purpose of establishing, regulating, preserving, and protecting historic districts and landmark structures within the Town of Palm Beach. As of May 11, 2016 ~~March 14, 2008~~, the Town has designated 315 ~~253~~ landmarked sites properties, and landmarked 12 vistas, and districts which are protected by Ordinance 2-84, as amended.

HOUSING NEED

Present vacancy rates are adequate to provide reasonable opportunity for housing choices.

Substandard housing is nonexistent, and no units are expected to deteriorate to a dilapidated state requiring demolition during the planning period. Therefore, no replacement housing will be necessary. Similarly, there are no rural or farm worker households in the Town, nor are any expected in the future.

There is no readily available information on the number of handicapped households in the Town. However, the Town adheres to the State Code regarding provision of facilities for the handicapped.

Since the Town's population is projected to remain steady or increase slightly over the next 10-year planning period, the existing housing supply should be adequate to handle the housing needs of the community. Renovation and redevelopment of existing housing units is expected to continue. Construction needs for all types of housing over the next ten years should approximate 13 units per year. This is but a small fraction of the capacity of the development industry in Palm Beach County. The private construction industry has ample capacity to produce the number of units expected to be needed during the planning period.

LAND REQUIREMENTS FOR ESTIMATED HOUSING NEEDS

~~There are 50 acres of vacant residentially zoned land in the Town as of 2009, all of which were zoned for single-family use at densities ranging from one unit per 1.5 acres to four units per acre. These vacant lands can accommodate about 110 single-family units at an average of 2.2 units per acre. In addition, there is the Breaker's PUD with an approved concept plan which will incorporate multi-family development in proximity to the existing golf course. If built to maximum allowable density, this PUD could hold another 251 multi-family units. There are no vacant nonresidential lands within the Town.~~

~~Between 1996 and 2006, total demand for single-family homes amounted to about 80% of total housing demand, or about 106 units (including allowances for seasonal residences and vacancy). At an average development density of 2.2 du/ac, the need for about 48 acres of land is indicated. There are still 48 acres vacant and zoned for single-family use in the Town. However, with the Town approaching "build-out," redevelopment of lands presently utilized at less than allowable densities is expected to continue to accommodate some of the anticipated demand for single-family housing. Therefore, there should be adequate lands available to serve anticipated housing needs through 2019.~~

~~The demand for multi-family housing (including allowances for seasonal residences and vacancy) should amount to just 27 units over the coming ten years which, at an expected density of about seven units per acre, would require just under four acres. There are about eight acres vacant and zoned for multi-family development.~~

THE PRIVATE SECTOR AND HOUSING SUPPLY

Palm Beach is recognized as a high cost housing area. In 2014 the average just value of a single-family home in Palm Beach was \$4.8 million and the average just value of a multi-family home was \$584,977. The typical cost of a new single-family home built in the Town falls in the range of \$500,000 to \$1½ million. The typical cost of a new multi-family unit is expected to exceed \$250,000. No rental housing is expected to be constructed, nor any housing valued below \$150,000. Current trends in the Town have included the combination of smaller lots into larger properties as well as larger estates being subdivided. Another trend has been the combination of condominium units into a larger unit through a unity of title.

THE HOUSING DELIVERY SYSTEM

The housing delivery system is comprised of two principal components. The public sector has varying control over the availability of land, provision of utilities and infrastructure, and regulation of land uses through zoning, subdivision regulations and environmental restrictions. The private sector's primary responsibilities lie in the areas of financing and construction.

The Town provides the public infrastructure necessary to support varying types of housing. Similarly, it has designated a variety of density levels and land use types throughout the Town in order to provide for housing of differing types and prices. However, with virtually no residential ~~only approximately 3% of the land in the Town left undeveloped~~, there is little the Town can do to provide for additional housing.

While the Town has imposed certain restrictions and requirements on development, including housing, these are necessary in light of the environmental fragility of a barrier island and to preserve the unique character of the Town. For example, open space and landscape requirements may affect the cost of housing, but are necessary to achieve the community's objectives in other Plan Elements. In this greater context, none of the Town's land development regulations are seen to have any significant adverse effects upon the provision of housing in the Town.

The private sector has always proven capable and efficient in the development of land and provision of financing for housing in the Town. Since the amount of development expected to occur over the planning period is relatively minor, no problems are foreseen in the housing delivery process and no specific improvements have been identified as necessary to increase its efficiency.

RECOMMENDATIONS

~~Chapter 163.3177(f) F.S. Rule 9J-5.010(2)(f) of the Florida Administrative Code requires that the means for accomplishing the following five specific objectives be included in the Plan. Following are statements pertaining to this requirement:~~

~~"1. Provision of housing with supporting infrastructure for all current and the anticipated residents population with particular emphasis on low and moderate income."~~

The Town has provided, and will continue to provide, an adequate level of infrastructure to support the current and anticipated populations.

It has been shown that provision of housing for low and moderate income households has historically been provided by the private sector through both the open market and provision of on-site housing for domestic employees. It has been shown that the private sector is providing, and will continue to provide, adequate housing for its existing and anticipated low and moderate income households. ~~The Town projects an increase of only 15 low or moderate income households over the next ten years.~~

The Town will continue to allow, and encourage, provision of on-site living accommodations for domestic employees. ~~New residential construction is expected to provide on-site living facilities at a ratio of 1.09 accommodations per unit of housing built, which will more than provide for the expected need for housing for low and moderate income households in the Town through 2019.~~

"2. The elimination of substandard housing conditions and for the structural and aesthetic improvement of housing;"

There is no significant amount of substandard housing in the Town of Palm Beach, nor is existing housing likely to deteriorate to substandard condition during the planning period. The Town has a Code Enforcement Board and staff assigned to enforcement of the Town's Code of Ordinances, as well as an Architectural Commission which is charged with ensuring the continuance and improvement of the aesthetic and architectural character of structures in the Town. In addition, 315 ~~253~~ structures are afforded protection via the Landmarks Preservation Ordinance which established a Landmarks Preservation Commission to regulate changes to "Landmarked" structures and protects them from "demolition by neglect."

"3. The provision of adequate sites for future housing; including affordable workforce housing, and housing for low, very low, and moderate income families, and for mobile homes:"

Item 1, previous, describes the Town's method of providing housing for low and moderate income households. This same source of housing will provide the sites necessary to address the housing needs of low and moderate income households in the Town.

However, beyond the ability of the private sector to provide on-site locations for housing for its domestic and maintenance help, the unique character of the Town's land uses, lack of vacant land and the economic realities regarding the cost of land in the Town, will likely prevent provision of additional sites for new construction of rental and for sale housing for low and moderate income housing in the Town.

~~As of 2009, only 50 acres of land in the Town is vacant, which is zoned for single-family use at densities ranging from 1.5 units/PB-acre to 4 units/PB-acre. It is estimated that these lands could accommodate about 77 single-family units. In addition, the Breakers PUD was previously approved up to another 251 multi-family units in proximity to the existing golf course, although it is unlikely that the full complement of allowable units will actually be constructed. No vacant lands are zoned for multi-family uses in the Town. Obviously, density incentives are not practical on small lots, nor in established single-family or even lower density multi-family areas. Further, the Town has, through the years, made consistent efforts to reduce density on the Island to avoid further traffic congestion.~~

The economic reality in the Town is that land costs are so high, and the remaining land so limited, that new construction of rental and for sale housing specifically targeted to the low and moderate income segment is not possible. However, previous data and analysis have clearly shown that more than the needed number of affordable housing units are provided for low and

moderate income households in the Town.

Since the Town is virtually fully developed, with only scattered vacant lots available for new construction of residential units, there are no individual locations which have been specifically designated for manufactured housing. Consequently, the Town allows manufactured housing in all of its residential zoning districts. All manufactured housing units must meet all of the housing standards of the Town of Palm Beach including adherence to hurricane protection codes and architectural review.

"4. The provision of adequate sites in residential areas or areas of residential character for group homes and foster care facilities licensed or funded by the Florida Department of Health and Rehabilitative Services,"

The Town allows group homes and foster care facilities licensed or funded by the Florida Department of Health and Rehabilitative Services, housing up to six persons (Chapter 419, F.S), in its lower density residential zoning districts; and allows such uses without limitation as to the number of persons in its higher density residential districts. The Town has adopted principles and criteria to guide the location of such facilities in the Town.

"5. The identification of historically significant and other housing for purposes of conservation, rehabilitation or replacement. ~~demolition activities, and historically significant housing or neighborhoods.~~"

Palm Beach has no concentrations of deteriorating housing. The socio-economic profile of Palm Beach suggests that Town residents are unlikely to allow existing housing stock to deteriorate.

There are a large number of residential structures of historical or architectural significance in Palm Beach. The Town's Historic Structures survey has been updated to include structures not previously surveyed and a protection process has been developed which will be used by the Landmarks Preservation Commission to evaluate and designate other sites and/or structures.

GOALS, OBJECTIVES AND POLICIES

GOAL

ENCOURAGE THE MAINTENANCE OF THE HIGH QUALITY HOUSING STOCK THROUGHOUT THE TOWN WITH A HEALTHY LIVING ENVIRONMENT FOR ALL RESIDENTS.

OBJECTIVE 1

Assist in providing opportunities for affordable housing in sound structural condition for the current resident and seasonal population, ~~and the increase of 265 new residents and 211 new seasonal residents expected by 2019.~~

POLICY 1.1

Provide information and technical assistance, upon request, and assist with the design process on new construction and rehabilitation projects through the Architectural and Landmarks Preservation Commissions for ~~the 253 housing units expected to be built in the Town through the year 2019~~ for the resident and seasonal population.

OBJECTIVE 2

Prevent the Town's housing stock from deteriorating to a substandard condition. The measurement of this objective is the extent to which deterioration of the housing stock is prevented, and the degree to which the following policies are implemented.

POLICY 2.1

As needed ~~At least once per year~~, the Town shall conduct a windshield survey of structural conditions of housing throughout the Town.

POLICY 2.2

If structural deficiencies are ~~substandardness is~~ found, the Town will cite the property owner and require rehabilitation of a deteriorating structure, or demolition of a dilapidated structure, within one year.

OBJECTIVE 3

The Town shall permit the location of manufactured housing in all residential districts throughout the Town.

POLICY 3.1

The Town's land development regulations shall continue to allow manufactured housing as a permitted form of construction in all residential zoning districts.

POLICY 3.2

The Town shall include the following definition of manufactured housing in its land development regulations:

"A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or panels, and which is built on a frame and designed to be used as a dwelling with a permanent foundation and connected to all required utilities, and may include plumbing, heating, air conditioning, and electrical systems contained therein. If fabricated after June 15, 1976, each section shall bear a U. S. Department of Housing and Urban Development label certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standards."

POLICY 3.3

The Town's guidelines for the location of manufactured housing shall be the same as for conventionally built homes in that they;

- a. Must comply with all Town building codes, hurricane wind velocity codes, and U.S. Department of Housing and Urban Development Body and Frame Construction Requirements as applied to hurricane resistive design standards; and,
- b. Shall be subject to the review of the Architectural Commission and Landmarks Commission as provided in the Town's Code of Ordinances.

OBJECTIVE 4

The Town shall permit the placement of ~~group homes and foster care facilities~~ a community residential home within its residential zoning districts in accordance with Chapter 419, F.S.

POLICY 4.1

The Town shall continue to allow ~~group homes and foster care facilities~~ a community residential home, as defined by Chapter 419, F.S. ~~licensed or funded by the Florida Department of Health and Rehabilitative Services housing up to six persons, in its~~

~~residential zoning districts; and, shall use formulated principles and criteria to guide the location of such facilities in the Town provided no other community residential homes are within the Town in which the proposed site is to be located within a radius of 1,000 feet of an existing or proposed community residential home.~~

OBJECTIVE 5

The Town shall prevent increases in the number of substandard housing units through rehabilitation or demolition of such housing within one year of its identification. The measurement of this objective is the extent to which such housing is identified and rehabilitated, and the degree to which the following policies are implemented.

POLICY 5.1

Substandard structures shall be determined on the basis of the criteria established in Section 12-16 (Article II, Obnoxious Conditions on Private Property) of the Town's Code of Ordinances.

POLICY 5.2

~~As needed~~ ~~At least once every year~~, the Town shall conduct a windshield survey of structural conditions of housing throughout the Town.

POLICY 5.3

If obnoxious conditions or structural ~~deficiencies~~ ~~substandardness~~ are found, the Town will cite the property owner, and require rehabilitation of a deteriorating structure, or demolition of a dilapidated structure, within one year.

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.

POLICY 6.1

All requests for demolition, building and landscape plans shall be reviewed by either the Town's Architectural Commission or Landmarks Preservation Commission as a prerequisite to the issuance of a building permit.

POLICY 6.2

The criteria for a historically significant house shall be determined by the Landmarks Preservation Commission as outlined in Chapter 54 Section 16-33 (~~Article III, Landmarks Preservation~~) of the Town's Code of Ordinances.

POLICY 6.3

Housing structures which are not designated as ~~Landmarks~~ shall be reviewed in accordance with Chapter 18 Section 5-378 (Article ~~III IX~~, Architectural Review ~~and Procedure~~) of the Town's Code of Ordinances.

POLICY 6.4

Based on a 2010 1990 survey and analysis of Historic Structures in the Town, a listing of those structures identified in such survey shall be maintained which met the criteria for designation as "Landmark Structures" in accordance with Chapter 54 Article III of the Town's Code of Ordinances.

OBJECTIVE 7

Although the Town does not foresee taking any actions that would displace persons from their housing, in the event such actions occur, the Town shall provide necessary relocation housing. The measurement of this objective is the provision of relocation housing as needed.

POLICY 7.1

If and when housing is eliminated by action(s) by the Town, relocation and/or assistance shall be provided by the Town as required by law (Section 421.55, FS).

OBJECTIVE 8

The Town's Housing Implementation Program shall consist of the following:

1. Provision of information and technical assistance, upon request, to developers of housing in the Town.
2. Conduct ~~of~~ windshield surveys of structures in the Town to identify structural deficiencies substandardness.
3. Citation of owners of housing in the Town identified to be substandard, and require such owners to rehabilitate or demolish such housing within one year of the citation.

4. Allow group homes and foster care facilities, licensed or funded by the Florida Department of Health and Rehabilitative Services, housing up to six persons, in its residential zoning districts; and, follow principles and criteria to guide the location of such facilities in the Town, adopted by the Town as part of its land development regulations.
5. Continue to permit the location of on-site living quarters for domestic and maintenance help in existing and new residential units in the Town's residential zoning district.

OBJECTIVE 9

The Town shall designate the Planning Administrator ~~Planner/Projects Coordinator~~ to ~~annually review and~~ identify housing programs and funding opportunities which may in the future become applicable to the Town, as needed.

OBJECTIVE 10

In order to continue to provide adequate sites for existing low and moderate income households in the Town, ~~and to provide adequate sites for the new low and moderate income households expected through 2019, or preserve existing properties within the Town,~~ the Town shall encourage existing methods of housing provision, and shall monitor provision of housing in the future, taking remedial measures as deemed necessary. The measurement of this Objective is the extent to which the following policies are implemented:

POLICY 10.1

The Town shall continue to permit the location of on-site quarters for domestic and maintenance help in its residential zoning districts, with preferred locations for other new housing for low and moderate income households in proximity to the Town Center and commercial areas, because of the greater availability of goods and services, both public and private.

POLICY 10.2

~~Upon availability of appropriate housing and economic data from the 2010 Census, the Town shall investigate the need for, and the extent of, available affordable housing in the Town. If results of the investigation so warrant, the Town shall undertake a more detailed survey of the number and location of all types of affordable housing.~~

POLICY 10.2

All amendments to the Town's Zoning Code shall be reviewed by the Town to ensure that proposed regulatory techniques and review procedures do not create barriers to affordable housing and promote access to housing within the Town by promoting fair housing laws

and practices.

POLICY 10.3

The Planning, Zoning and Building Department shall monitor the availability of affordable housing, taking into consideration existing and new units, and unit losses, current land costs, hurricane evacuation times, insurance costs and other limiting factors associated with barrier island communities. ~~An affordable housing shortage shall be declared if the affordable housing inventory falls below annual projected need.~~

POLICY 10.4

~~Within six months, or during the next zoning season (October through May) of the identification of~~ If an affordable housing shortage is identified, the Town shall take remedial measures to address the deficiency. Amendments to the Comprehensive Plan and Land Development Regulations to implement remedial measures shall be made, as necessary.

POLICY 10.5

Priority consideration for remedial measures shall be given to the Town's senior citizens, residents, and workforce (in that order).

OBJECTIVES AND POLICIES NOT APPLICABLE

~~The Town of Palm Beach does not deem it necessary to change its regulatory or permitting processes other than in those instances identified in the foregoing objectives and policies. As a matter of policy, the Town reserves the right to evaluate requests for changes in its Zoning Ordinance during the traditional zoning season.~~

~~There are no rural or farmworker households in the Town, nor are any expected in the future. Similarly, other than those groups that may be included in the foregoing objectives and policies, there are no households with special housing needs in the Town. Consequently, no additional policies are needed for the establishment of principles or criteria guiding the location of housing.~~

COASTAL MANAGEMENT/CONSERVATION ELEMENT

INTRODUCTION

The Town of Palm Beach lies entirely within the coastal zone. Consequently, this Element incorporates the Coastal Management and Conservation Elements into one comprehensive inventory, and analysis of the Town's coastal and natural resources.

The purposes of this Element are to plan for and, where appropriate, restrict development activities where such activities would damage or destroy coastal resources; to protect human life; to limit public expenditures in areas subject to destruction by natural disaster; and to promote the conservation, use, and protection of natural resources.

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;
2. Analysis of the effect of future land uses on natural resources;
3. Analysis of the impacts of development on historic resources and sites;
4. Analysis of estuarine pollution conditions;
5. Analysis of natural disaster planning concerns;
6. Analysis of beach and dune conditions;
7. Analysis of public access facilities;
8. Analysis of existing infrastructure;
9. Analysis of pertinent natural resources in the community;
10. Analysis of existing commercial, recreational, and conservation uses of these natural resources; potential for their conservation, use, or protection; and, known pollution problems;
11. Analysis of current and projected water needs and sources.

EXECUTIVE SUMMARY

While all of the ~~areas~~ comprehensive plan elements required by F.S. 163 ~~and rule 9J-5 were have~~ been inventoried and analyzed, the ~~highly urban built-out~~ landscape of Palm Beach limits concern to but a few specific issues and problems. These are chiefly associated with ~~water quality, land and water use conflicts, and~~ natural resource protection. ~~The resolution of these problems depends upon the development of a soundly based system of resource management.~~

HAZARDOUS WASTES

The Town will continue to protect its soils and groundwater through existing prohibitions on industry, standard operating procedures, and intergovernmental coordination with appropriate agencies.

DRAINAGE

The natural drainage patterns of the Town have been altered by urban development. Stormwater is either held in retention areas or routed to Lake Worth. In 1986, all new construction and major renovations have been required to retain the first inch of rainfall per the Town's code in conformance with requirements of the South Florida Water Management District. However, this requirement was increased to two inches in 1992. More detailed inventory and analysis of drainage and related infrastructure are contained in the Infrastructure Element.

FLOODPLAINS

The Town of Palm Beach can experience flooding from Lake Worth, the Atlantic Ocean, or from surface accumulation of rainwater. Map V-2, in the companion volume *Supporting Documentation*, shows areas in the Town which are subject to flooding during a "one hundred-year storm", as identified on the Flood Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency (FEMA). Land along the Atlantic is also subject to tidal surge and wave velocity in the event of a major storm, although no structures lie within the velocity zone. Nearly all of the flood prone area is already developed.

GROUNDWATER

The Town promotes recharge through its stormwater retention requirements, and through minimum landscaped area requirements, which ensure pervious areas for water percolation into the aquifer. In addition, there are few septic tanks in the Town, no existing or known potential problems with hazardous waste contamination, and no known sources of potential aquifer contamination or depletion. In the event that the Town chooses to use the surficial aquifer more extensively, measures should be taken to protect the aquifer from salt water intrusion.

POTABLE WATER

Potable water resources, needs, and conservation methods are explored in the Potable Water sub-element of the Infrastructure Element. Specifically, water sources are discussed under the heading "Facilities, Treatment, and Capacity"; needs and water quantity under "Present and Future Needs"; water quality under "Potable Water Quality"; and, conservation under "Water Conservation."

NATURAL RESOURCES

Vegetation and Wildlife

A variety of mammals, reptiles, birds, aquatic species, and other animals live in and around Palm Beach. These are generally attracted to specific vegetational and aquatic communities. The Atlantic Ocean and its associated beaches, dunes and nearshore reef outcrops support a variety of animal life and marine species. Chart V-1 summarizes and describes the various ecological communities in terms of their vegetation, wildlife and ecological needs.

Most native wildlife in Palm Beach is centered around remaining natural communities. However, there are also a variety of species which have adapted to the urban environment. Among these are the red fox, possum, raccoon, squirrel, rat, mouse, songbirds (including a flock of wild parrots), and shore birds. The Town is a dedicated Bird Sanctuary.

A patchy series of nearshore and offshore reefs or rock outcrops lies parallel to the Town's Atlantic coastline. Offshore areas are subject to variability. Some nearshore areas can have a very limited diversity or density of species due to naturally high sedimentation rates and low rock relief. Others may support relatively rich populations of plant and animal life. As a rule, diversity and abundance of species increase with greater water depth and distance from the shore. However, site specific studies need to be conducted to determine the ecological value of any given offshore environment.

The Lake Worth Lagoon supports a rich variety of wildlife. The spoil islands in the Lagoon serve as bird rookeries for ibis, reddish and snowy egrets, anhingas, great blue herons, night herons, and tricolor herons, many of which are listed as threatened or endangered species by State or Federal agencies. Fisherman's Island, Hunter's Island, John's Island, and Bingham Island are leased by the Audubon Society specifically as rookeries and bird sanctuaries. Native wetland areas along the shore of the Lake Worth Lagoon serve as roosting areas for these birds, and also provide food and shelter for a variety of small mammals.

Although the Florida Department of Environmental Protection (FDEP) has prohibited shell-fishing in the Lake due to its poor water quality, shellfish beds are located on tidal flats and around the periphery of spoil islands. One species of oysters live on the prop roots of red mangroves. A unique sub-specie of clam, native to the area, lives in the sand of the Lagoon.

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 quality is also improved by the profuse vegetation in the Town, which naturally purifies the air.

The Town should continue to maintain its good air quality by preventing industries from operation in the Town; discouraging increased commercialism; and, maintaining and encouraging rich vegetation on both public and private properties.

The Florida Mining Atlas identifies two potentially valuable mineral resources in Palm Beach: coquina and sand. However, the exclusive residential nature of the Town and subsequent high real estate values preclude any mining of these resources, either presently or in the future.

The Town addresses wind-borne soil erosion due to demolition or construction through its Fugitive Dust and Blowing Sand Ordinance, which requires exposed soils and fill to be stabilized with webbing. In addition, the Town requires unvegetated vacant areas to be sodded.

SUMMARY OF ECOLOGICAL COMMUNITIES

COMMUNITY	ATLANTIC OCEAN	ATLANTIC BEACH & DUNES	BARRIER ISLAND INTERIOR	LAGOONAL WATER'S EDGE	LAGOON	MANGROVE ISLAND
DESCRIPTION	Zone begins 3 miles east of the MHW line & extends west through the breaking surf to the MHW lines.	Area extends from the MHW line of the beach to the trough behind the dune zone.	West of dunes to the edge of the Lake Worth Lagoon.	Wetland Bordering Lake Worth Lagoon	Lake Worth	Various natural and spoil islands in Lake Worth
SOILS	Submerged, unconsolidated sand; coquina outcroppings from reefs.	Well drained sand and shells.	Moderately drained sand, and urban fill.	Well drained sand and shells overlying organic layer of poorly drained peat.	Submerged, unconsolidated sand	Composition ranges from mixed sand and shells to organic materials
VEGETATION	Plankton, sarragassum, seaweed, red and brown algae.	Salt tolerant dune grasses, herbaceous plants, vines, shrubs, and stunted trees.	Live oak, slash pine, cabbage palm, saw palmetto; invasion by Australian pine, Brazilian pepper.	Black, red & white mangroves, salt marsh grass; invasion of Brazilian pepper & Australian pine.	Sea grass beds	Red and black mangroves, Australian pine and Brazilian pepper on upland spoil areas; some hardwoods on native island uplands
LISTED SPECIES	Brown pelican. Sea turtles (see Beach and Dunes). Sea Gulls.	Atlantic loggerhead turtle Atlantic green turtle Leatherback turtle Atlantic hawksbill turtle Atlantic Kipp Ridley turtle Sea lavender Prickly pear Roseate tern Least tern Osprey Sea Oats Sea Grape		Roseate tern Least tern Atlantic saltmarsh snake Snowy egret, reddish egret Southern Kestrel Southern bald eagle Great Blue heron, Little Blue heron, other herons Other shorebirds Anhingas Cormorant Osprey	West Indian Manatee	Roseate tern Least tern Atlantic saltmarsh snake Snowy egret Southern Kestrel Southern bald eagle Great Blue and other herons Limpkin White ibis Osprey
NATURAL FUNCTION	-Marine habitat -Moderation of climate	-Wind & wave protection for island -Shoreline maintenance -Interface between marine & terrestrial wildlife -Shallow aquifer recharge (dunes)	-Wildlife habitat -Shallow aquifer recharge in elevated areas -Vegetation purifies air	-Shoreline stability -Maintenance of water quality -Wildlife habitat -Detrital source -Important nursery area for marine wildlife	-Feeding area for manatees -Source of detrital food web -Vital nursery habitat for larval & juvenile stages of marine life -Maintenance water quality	-Habitat, rookeries for birds -Maintenance of water quality -Maintenance of marine life -Detrital source
ELEMENTS ESSENTIAL TO NATURAL FUNCTION	-Good water quality	-Natural beach profile -Uninterrupted littoral drift -Natural dune form -Hardy vegetation -Good water quality	-Vegetation -Good water quality	-Healthy and profuse vegetation -Good water quality	-Good water quality -Natural circulation -Undisturbed bottom	-Healthy vegetation -Good water quality -Minimal disturbance by man
POST DEVELOPMENT CHARACTER	-Water pollution (oil residue & garbage)	-Intense development of primary dune area -Removal of foredune & replacement with bulkhead -Breaches of dune due to Pedestrian and vehicular activity	-Most of area heavily urbanized. Native vegetation replaced with exotic landscaping	-Most of wetland edge filled and elevated for residential development and cleared of natural vegetation -Shoreline hardened -Invasion of exotic vegetation	-Some areas dredged for boat channels -Seagrass loss due to poor water quality, dredge and fill -Habitat loss for marine organisms	-Invasion of exotic vegetation -Litter -Disturbance by boaters, trespassers

Prepared by Adley, Brisson, Engman, Inc. 10/96

Beach and Dune Conditions

Beach erosion has been a continuing problem for the Town since 1924 when the Lake Worth Inlet was deepened and stabilized with jetties on either side. Sand immediately began to build up in the north jetty as the southerly littoral drift was interrupted. The beaches on the north side of the Inlet began to experience accretion, while those to the south, where the Town is located, suffered from erosion. Sand starvation caused by the Inlet has combined with other factors, such as the rising sea level and numerous storm events, resulting in a dramatic and continuing loss of beach. Through the years the Town has responded to beach erosion with shore protection structures, artificial beach nourishment, and a sand bypass program at the Inlet.

The Town has carefully controlled beach protection through a beach management plan, passed in 1935, which designates the locations, dimensions, and lengths of bulkheads and groins within the municipal limits of the Town. Since 1935, protective structures have generally been placed in accordance with this Plan.

Recognizing the importance of managing its beach resources, the Town commissioned Cubit Engineering to prepare its Comprehensive Coastal Management Plan (CCMP). This report, dated August, 1986, contained the following eight (8) major objectives. The Town's progress towards meeting the original objectives is shown in italics beneath each.

- Replace the sand bypass plant at Lake Worth Inlet.

~~The Sand Transfer Plant ceased operation in May, 1990. The County, who operated the plant under an interlocal agreement, reported that its condition was beyond normal maintenance repair. The Town has funded the restoration of the Sand Transfer Plant which should provide enhanced transfer capability. Two new discharge pipes under the inlet, a new pump, motor and electrical system were installed in November, 1995.~~

~~The Town began a study of the Lake Worth inlet through the initiation of the Lake Worth Inlet Management Plan. The Plan, with 75% State funding, will explore the optimal way to move sand past the Lake Worth Inlet. The Plan has already recommended replacement of the transfer station with upgraded bypass capabilities. It is anticipated that the Plan will be completed in the near future. Upon completion, the Town will implement it with the assistance of the U.S. Corps of Engineers and Florida Department of Environmental Protection.~~

The Sand Transfer Plant was structurally and mechanically rehabilitated by the Town in late 2009 and early 2010. Following rehabilitation, the plant successfully bypassed sand until impacts from Hurricane Sandy damaged the plant's infrastructure in October 2012. The plant was operational again in mid-2013 and regularly bypassed sand until electrical connection issues persisted in 2015. The electrical connections were replaced and the Sand Transfer Plant has been in continual operation through much of 2016. 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 agreement obligates the County to operate and maintain the plant and obligates the Town to be responsible for repairs. This agreement will be considered by the Palm Beach County Board of County Commissioners in 2016.

- Require all sand bypass plant discharge and beach quality maintenance dredge spoil to be placed south of Onondaga Avenue so that it will be of greatest benefit.

~~The preliminary Management Plan recommends extension of the pipe with multiple discharge points.~~

The Town manages the Sand Transfer Plant consistent with the FDEP-adopted Lake Worth Inlet Management Plan (IMP) of 1995, the FDEP Palm Beach Island Beach Management Agreement (BMA) of 2013, and the FDEP Strategic Beach Management Plan updated in 2015. Both the IMP and BMA recommend lengthening the discharge pipelines and to allow for multiple discharge points to be located as far as 2,500 feet south of the south jetty. The State's strategy for inlet bypassing, which includes the combination of the operation of the sand transfer plant and beach placement of maintenance dredge material from the federally authorized navigation channel, to place all beach compatible material on the downdrift beaches of Reach 1 and in an extended beach placement in Reach 2. The FDEP Strategic Beach Management Plan details that an extension of the plant's discharge pipeline can be sited as far as 3,600 feet south of the south jetty.

- Renourish the Mid-Town Public Beach to enhance that area and provide down-coast property protection.

The Town's Mid-Town Beach Restoration project, with the construction of groins to stabilize the beach, began in October, 1995, and was completed in March, 1996. Following the project, a dune vegetation project was initiated for approximately 4,000 feet of the project. The Mid-Town Beach was renourished in 2003 and 2006 following hurricanes Frances and Jeanne. A Mid-Town Beach Renourishment Project was constructed in 2015.

- Endorse the Department of Transportation revetment at Widener's Curve to Sloan's Curve.

The revetment is in place.

- Maintain the seawalls to ensure that storm protection to upland property and infrastructure is provided.

Seawalls are maintained on an "as needed" basis. Construction of a replacement seawall fronting North Ocean Boulevard across from the Palm Beach Country Club in Reach 2 was completed in 2016.

- Maintain and/or modify only those groins that are presently effective; abandon and remove all others as may be physically and financially practical.

The BMA included the repair, rehabilitation, or removal of groins in Reaches 2, 4, 5, and 6 as an authorized activity to maintain sand placement projects. In February 2015, a Town consultant completed a Groin Rehabilitation Execution Plan that outlines a multi-phased long-term effort to maintain, modify, abandon, or remove groins, as necessary. The first phase of implementation may occur following Town Council direction after the federal permitting process has been completed.

- Enhance the dune areas with vegetation and sand fence techniques between Sloan's Curve and Kreusler Park.

The Phipps Ocean Park Beach Restoration was undertaken and completed in 2006 between Phipps Park and the Ambassador Hotel. A dune vegetation restoration project was also completed there in 2007. Nourishment of Phipps Ocean Park and Reach 7 was completed in 2016. This project extended beach nourishment from the Ambassador Hotel to Kreusler Park. Following the nourishment of sand, dune vegetation was planted along the entire Town-portion of Reach 7, which extends from Sloan's Curve to Kreusler Park.

- Monitor the Town's beach to develop a better data base of information concerning beach characteristics so that future planning decisions can be made."

The Town performs a yearly shoreline survey to design and monitor beach restoration and renourishment activities.

The Comprehensive Coastal Management Program (CCMP) includes a detailed schedule and budget. The scope and cost of the CCMP is reviewed annually by Town staff, the Shore Protection Board, and Town Council. The Town has continues to implemented most of it's the CCMP objectives.

The Town Council appointed a Shore Protection Board on July 11, 1995, to investigate and evaluate the Town's beaches and develop a plan to address the erosion of this piece of the Town's infrastructure. The Board met regularly for over three years. After investigating the broadest array of beach management options, the Board oversaw the production of the Comprehensive Coastal Management Plan — Update (CCMP) Update, dated September 1997, by Applied

Technology & Management, Inc. Thereafter the Board oversaw a separate Peer Review of the CCMP. The Peer Review emphasized that uncertainty exists in the science of managing our coastal resources, and therefore recommended that the CCMP by Aubrey Consulting, Inc. (later referred to as Woods Hole Group, Inc.) be implemented in phases, thereby allowing for flexibility and adjustments through a process called “adaptive management.”— This process involves incorporating specific, measurable goals in each beach nourishment project and learning from the observed successes and failures, or outcomes of those projects when compared against the projects original expectations. Summarizing the process below:

- (1) Monitoring the implementation of each project in a manner meant to reveal any critical knowledge that was lacking in the project’s original design,
- (2) Analyzing the outcome of each project against its original objectives, and
- (3) Incorporating these results into future decisions regarding the projects included in the adopted CCMP by means of appropriate mid-course corrections.

In January of 1999, the Shore Protection Board issued its final report, making a number of recommendations to the Mayor and Town Council, including the implementation of the CCMP through adaptive management.

The Town Council reviewed the CCMP, and held three public meetings throughout the Town to receive input into the decision-making process. The CCMP was further discussed at Town Council meetings over a number of months where public debate continued. Some citizens raised concerns about the environmental damage that might be caused by the projects, the method of apportioning the costs of the projects (having them spread among all property owners in the Town in contrast to just beachfront property owners), and the potential effects of creating the Erosion Control line on the privacy and property rights of the Town’s residents. The Town Council adopted a scaled-back Coastal Management Plan on December 1, 1999. That action and the Town Council’s subsequent actions on these projects substantially outweigh the potential negative impacts. The prevailing opinion expressed by the residents at the Community Forums in November 2001 strongly supported this determination.

The CCMP update of 1999 summarized the 1986 CCMP objectives and included the following key action elements:

- Implement the Lake Worth Inlet Management Plan;
- Construct sand retention structures and restore and maintain beaches along the designated Reaches;
- Implement a comprehensive coastal monitoring and modeling program;
- Maintain, restore and/or replace existing coastal structures; and
- Renourish restored reaches periodically to sustain project benefits.

With the above listed elements identified to be implemented over a 10-year period, the Shore Protection Board was sunset by Town Council in 1999.

Per Ordinance No. 1-08, on July 8, 2008, the Town Council established that the Shore Protection Board “act in an advisory capacity to the Town Council and shall make recommendations to the Town Council on all matters relating to shore protection in the Town of Palm Beach.” On December 9, 2008, Town Council appointed seven (7) members who held their first meeting on December 17, 2008. During their first year, the board developed goals and objectives. With eight (8) objectives identified, the board prepared an Objectives Plan which included data collection, fact-finding, short-term shore protection actions, and long-term coastal management solutions. While assessing the Town’s coastal program through their Objectives Plan, the board also applied the twelve (12) conclusions, recommendations, and comments from the previous Shore Protection Board. Projects were prioritized and the Shore Protection Board concluded their first year of meetings with nine (9) specific recommendations to Town Council on November 10, 2009. In addition to the recommendations, the Shore Protection Board provided Town Council with a 10-Year Coastal Management Plan. Although the 10-Year plan was not adopted by Town Council, the document served as the framework for a plan later adopted by Town Council.

In June 2013, following more than one (1) year of peer review performed by Woods Hole Group, Town Council adopted a long-term 10-Year Plan for the Town’s Coastal Management Program. The plan called for implementation of specific projects and monitoring to occur between fiscal years 2014 and 2023.

The Shore Protection Board continues to meet at least four (4) times per year and reports to the Town Council annually.

~~The purpose of Chapter 163, as stated in Section 163.3161, is to encourage “the most appropriate use of land, water and resources.” Hence, the Town’s Comprehensive Plan should identify submerged lands and waters within the Town limits with an appropriate land use category or categories. While the Town’s Comprehensive Plan and Zoning Code provide guidance as to the status of submerged lands located within the Town limits, but lying west of the shoreline of Lake Worth, neither the Future Land Use Map nor the Zoning Map clearly reflect this status.~~

Impacts of the Issue

The impact of shoreline protection and the protection of submerged lands is paramount to the continued quality of life, and perhaps even the survival of Palm Beach. This topic has broad implications from social, economic, and environmental points of view. The issue is not new to Palm Beach since the Town has been dealing with beach nourishment and environmental protection issues for years. The recreational opportunities afforded by the Town’s beaches and natural areas constitute the economic foundation for the living environment. It is anticipated that the issues outlined in this section will receive the highest level of priority from the Town Council.

The Town's Comprehensive Plan and Zoning Code provide guidance as to the status of submerged lands located within the Town limits.

~~Because submerged lands and waters beyond the physical shoreline of the Town are not clearly delineated on the Future Land Use Map, and have not been given a clear land use designation, the Town has had to rely upon interpretations of a number of documents to determine the extent to which development may or may not be undertaken on such properties. This can cause uncertainty and challenges to the Town's efforts to protect such lands within the Town's limits from urban development.~~

Submerged land beyond the physical shoreline of Lake Worth and the Palm Beach Inlet within the Town's corporate limits has a future land use designation of Conservation and no land development or redevelopment is allowed. This prohibition does not preclude Palm Beach County, Florida Inland Navigation District or the Army Corp. in 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.

Unanticipated Changes in Circumstances

Although this high priority issue is ongoing, many unanticipated changes in circumstances routinely evolve throughout the implementation process. Funding, availability of federal, state and other revenue sources as well as multi-jurisdictional regulatory review processes affect the timing, scale and scope of these types of projects.

~~In 2003, the Town staff was approached regarding a proposal to develop submerged lands located west of A-1-A and east of the bulkhead line in Lake Worth, as it was depicted on certain Town maps but not on the Future Land Use Map. Staff notified the owner that development of submerged lands was not permitted. The property owner subsequently sued the Town. While the suit was not successful, the substance of the dispute was not entirely resolved.~~

Resulting Problems or Opportunities

~~Both Section 253.12 of the State Statutes and Policy 5.6 in the Town's Coastal Management/Conservation Element identify the bulkhead line in Lake Worth as the mean high water line (MHWL). However, the Town believes that in order to prevent future attempts at development of submerged lands in Lake Worth (with the exception of docks), lands west of the mean high water line should be designated shall always be Conservation on the Future Land Use Map. Element. The Department of Community Affairs has also suggested that submerged lands west of the MHWL should be identified in the Comprehensive Plan, but should be assigned no density.~~

~~During review of this issue, it was also noted that the Town allows docks as accessory structures in all residential zoning districts in the Town. Of necessity docks must extend beyond the mean high water line, and provision for such types of uses should be included in the Conservation land use category.~~

Dunes are created when onshore winds move sand inland from the beach, forming mounds of sand which are trapped and stabilized by specially adapted grasses and herbaceous vines.

Dunes are easily disturbed by pedestrian and vehicular traffic, which destroy the delicate vegetative fabric holding the sand in place. Small disturbances often develop into large barren areas, or "blowouts", which can be self-perpetuating, ultimately resulting in gaps in the dunes which diminish landward property protection. Many of the dunes in Palm Beach have been built upon, landscaped as part of residential yards, or used as a roadbed. With a seawall fronting the dune, and its other surfaces covered by man-made improvements, the dune has often been transformed from a natural and dynamic element of the shoreline ecology to an essentially stable, topographic feature.

In some areas of the Town, construction has been limited to the top of the foredune, leaving the seaward slope of the dune principally unaltered. Because these dunes cannot migrate away from the eroding beach, they often experience severe erosion. Examples are scattered throughout the Town, but are most evident south of the Lake Worth Municipal Park. These 20' high dunes are experiencing erosion along nearly the entire stretch of beach. As erosion increases, dunes backed by a shore protection structure are likely to begin experiencing erosion as well.

Phipps Ocean Park has a healthy foredune slope, but is similarly stabilized on and behind the ridge by old State Road A1A, and picnic and parking areas. This dune is mainly vegetated by sea oats, with seagrasses growing on the upper part. Seedlings and pines are removed by the Town's Public Works Department before they damage the native dune vegetation.

Several dynamic dune systems remain. The Town-owned Par Three Golf Course fronts an undulating series of 15' to 20' dunes mainly vegetated by sea oats with scattered growths of low-lying herbaceous plants. The northern part of the Town, near the Lake Worth Inlet jetties, has a very low series of moderately vegetated dunes. This area receives the benefits of the Inlet sand transfer plant, and thus has a wide, gently sloping beach.

Dunes are protected by Town Ordinance, which prohibits disturbance of dunes or dune vegetation without a special permit from the Town. The ordinance includes strict vegetation planting and trimming controls, and includes a dune maintenance program.

Utilization of Natural Resources

The natural environment in the Town of Palm Beach is almost exclusively used for recreation and aesthetic enjoyment. No commercial fishing industries operate from Palm Beach. The Town is a dedicated bird sanctuary.

The majority of the Town's natural resources are concentrated along shoreline areas. The beaches are the focus of swimming, walking, snorkeling and surfing activities. Vistas to the Ocean and Lake Worth Lagoon are a valued accommodation. Lake Worth Lagoon is also used to moor boats and to obtain access to the Intracoastal Waterway.

Much of the Town's unique beauty arises from the prolific, lush vegetation growing around homes and along roads. This vegetation also improves air quality, reduces noise, and moderates the climate. Native species receive additional benefits, such as habitat for endangered wildlife, shoreline stabilization, and protection for coastal areas. Estuarine shoreline vegetation, such as mangroves and salt marsh, can also improve water quality.

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~~ is working on a Landscaping Ordinance 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.

The elimination of pestilent exotics is a major environmental concern. Gradual removal would prevent shock to surrounding native vegetation. Dead vegetation decomposes, becoming part of the natural system. This is an excellent, inexpensive method for isolated areas, such as spoil islands, where the cost and labor of removing exotic vegetation is prohibitive. Herbicide should be applied by professionals under advisement of a qualified biologist, and should not be applied during nesting season, as the birds are easily frightened by human disturbances. The Town requires removal of Brazilian Pepper and Australian Pine during site development.

EXISTING LAND USE AND RELATED LAND USE ISSUES

The Town Beach lies entirely within the coastal zone and is an urban, built-up area approaching saturation. Land uses are primarily in the form of residential, commercial, public, private group use, and conservation uses. There are no agricultural or industrial uses in the Town. More detailed discussion of land use patterns is provided in the Land Use Element.

Water-dependent and water-related uses in the Town are identified and described on the map and table provided in the supporting documentation to the Plan.

~~There are approximately 200 boats docked in Palm Beach during the height of the season.~~

~~Three municipal docks have 77 slips, and the Sailfish Club has 70 slips. The remainder are scattered along the shoreline at private docks.~~

Of the Town's twelve miles of shoreline, approximately 4,760 linear feet, or approximately 8%, is accessible for public bathing and recreational purposes. Of this, about 4,245 linear feet is in Town ownership, 515 linear feet is owned by the County. The City of Lake Worth's "Casino Complex" includes an additional 1,300 linear feet of public beach which is actually located between Kreusler Park and the southernmost 1.2 miles of the Town. There are also several street ends that provide public access to the beach in the northern part of Town.

FUTURE LAND USE AND DEVELOPMENT IMPACTS

Little or no affect is expected upon estuarine conditions as a result of development or redevelopment. The Town is ~~over 97% developed essentially built out~~, and future development is limited ~~by the scarcity of vacant land~~. Redevelopment is possible in certain areas where, consistent with the Town's comprehensive plan and zoning regulations, The previous update to the comprehensive plan identified that estates can could be subdivided into smaller parcels, however the recent trend has been combining lots to create larger parcels as opposed to subdividing.

While the Town generally considers any loss of remaining areas of estate character or increase in density to be undesirable, it is possible that new development or redevelopment could improve water quality, due to the requirement that such developments provide for on-site retention of the first two inches of rainfall.

The majority of remaining native shoreline vegetation is located on narrow undevelopable strips along State Road A1A, or on spoil islands in the Lagoon. Mangroves are protected by a Town ordinance, and by State and County regulations. The Army Corps of Engineers and the State Department of Environmental Protection also have authority if dredge and fill activity is involved.

In June of 2015, the Florida Department of Environmental Protection (FDEP) released a study, Critically Eroded Beaches, and noted the "area extending south of Lake Worth Inlet along the town of Palm Beach (R76-R128) as 10.9 miles of critical erosion threatening private development, local parks, and State Road A1A.

As a result of that study a new policy has been added to explore the possibility of designating the Town as an Area of Critical Concern pursuant to Florida Statutes 380.05(3). The Areas of Critical State Concern Program was created by the "Florida Environmental Land and Water Management Act of 1972." According to the State of Florida Department of Economic Opportunity (DEO), the program is "intended to protect resources and public facilities of major statewide significance, within designated geographic areas, from uncontrolled development that would cause substantial deterioration of such resources." Based on the need to protect the

Town's shoreline, natural and historic resources coupled with sea level rise and development impacts from adjacent municipalities and agencies, this designation should at least be explored as a way to protect and preserve the community.

REMEDIES FOR EXISTING POLLUTION

Stormwater discharge is a major water quality problem for the Town. Drainage improvements have focused on eliminating flood-prone pockets on the Island rather than on improving water requirements. New developments must retain the first two inches of rainfall to prevent any further degradation of water quality from this source. It is more difficult, however, to remedy existing sources of stormwater runoff since the high water table would require large surface areas for retention. Given the fact that the Town is virtually fully developed, there is little or no opportunity to create new upland retention areas which would allow infiltration and settling prior to discharge into the Lake. Exfiltration drainage systems, which operate underground, are also limited by the high water table.

The Town recognizes the importance of improved water quality in Lake Worth, but also realizes that any major retrofitting of the system will require study and time. ~~Most of the update of the Storm Drainage Chapter of the Town's Long Range Public Works Plan, as proposed in the Drainage sub-element of the Town's 1990 Infrastructure Element, will be provided through the Town's NPDES permitting process.~~ The Town's National Pollutant Discharge Elimination System (NPDES) permit will require a number of preventative methods and techniques, structural controls, and public education to improve the quality of stormwater runoff from upland properties. ~~Many of the regional program elements are currently being implemented by the Town.~~

Water quality can be improved by revegetating shorelines, as described earlier in this Element. Shoreline vegetation would supply nutrient absorption and moderate sediment stabilization. In addition, using County funds to place rip-rap along bulkhead shores would reduce wave energies, and encourage new mangroves and seagrasses in those areas shallow enough to promote such growth. The Town and the County have entered into an Inter Local Agreement to provide environmental enhancement to Town owned properties along the Lake Worth Lagoon. Projects are to include capping mud sediments, placement of hard structures to encourage oyster growth and planting grasses and mangroves.

INFRASTRUCTURE AND NATURAL DISASTER PLANNING

Since the Town is located entirely within the coastal zone, inventory and analyses of existing and needed public infrastructure are covered in detail in other Elements of this Plan.

All of Palm Beach is within the hurricane vulnerability zone; therefore, there are no suitable evacuation shelters within the Town. Consequently, Town residents must rely upon public or private shelters located in inland areas of the County. However, in 2012 Palm Beach County

~~updated its mandatory evacuation maps whereby the Town is not under a mandatory evacuation unless it is a Category 2 storm or higher. The Town's Storm Emergency Response Plan, revised annually, identifies the West Palm Beach Auditorium as the primary shelter for those requiring special medical attention. It has a capacity of 4,000 evacuees at a standard of 40 square feet per person.~~

~~Two mainland shelter locations, with an aggregate capacity to handle up to 4,350 evacuees, have been designated in the Region's Plan for residents of Evacuation Zones 7 through 10 which include Palm Beach. The Lower Southeast Florida Hurricane Evacuation Study, prepared in 1983, indicated no shelter capacity problem for the eastern portions of Palm Beach County.~~

~~There are four bridges leading to the mainland to serve residents of the Town: the Flagler Memorial, Royal Park, Southern Boulevard, and Robert A. Harris Memorial (Lake Worth Road) Bridges. All residents are expected to evacuate the Island via the nearest bridge unless its approaches are flooded due to heavy rains or high tides.~~

~~The Region's hurricane evacuation study did not identify any roadway points along the evacuation routes to be used by evacuees from the Town of Palm Beach that are expected to be inundated by storm surges prior to arrival of the hurricane. However, the Town's Storm Emergency Response Plan recognizes that the approaches to any of the bridges may become inundated due to heavy rains, especially those at the Robert A. Harris Memorial and Royal Park Bridges, and urges residents to stay tuned to local radio and television stations for information pertaining to the conditions affecting their primary evacuation routes.~~

~~The 1983 Lower Southeast Florida Hurricane Evacuation Study indicated the evacuation in Palm Beach County would have to be initiated between 12 and 16 hours before landfall of a low intensity ("A") storm, and as much as 13.5 to 17.5 hours before landfall of a high intensity ("B") storm. The Town's Storm Emergency Response Plan outlines, in detail, the actions the Town will take in concert with other involved local, State, and national agencies.~~

~~The definition for the Coastal High Hazard Area (CHHA) has been revised since the Town's last Evaluation and Appraisal Report (EAR), which was done in 1997. The CHHA is now defined as "[t]he area below the elevation of the category 1 storm surge line as established by a Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model." This area is a narrow area along the coast of the island, and is delineated in the future land use map series. Future infrastructure and public and private development within the CHHA will be restricted except when doing so is not feasible. The Town is legally limited in its ability to restrict development of private properties located in the CHHA. However, the Town has long recognized the wisdom of limiting development densities and discouraging inordinate growth. The Town will continue to do so through the implementation of this Comprehensive Plan which has as one of its basic tenets the effort to lower the patterns of density wherever legally and practically possible.~~

The area seaward of the Coastal Construction Control Line (CCCL) is the area of most significant exposure to natural disasters. ~~Additional information regarding the Coastal High Hazard Area is provided in the companion “Supporting Document” volume of the Comprehensive Plan.~~

The development history of Palm Beach is punctuated by the occurrence of two types of severe storms: hurricanes and northeasters. ~~Although the entire Town is located within the CHHA,~~ ~~†~~The Town recognizes that rebuilding of privately owned structures which are located outside of the areas of major exposure to natural disasters must be permitted. Areas located seaward of the CCCL are those with greatest exposure to natural disasters. Therefore, following damage from a major storm, local government has a number of alternatives:

- The first is to decide the level of damage beyond which the Town will consider alternatives to reconstruction of the structure to its pre-storm state. The threshold most commonly used is 50% of the value of the structure. This is also the standard used in the National Flood Insurance Program.
- An alternative is to require reconstruction landward of the CCCL only if there is sufficient land to accommodate reconstruction in this area, or to allow reconstruction seaward of the CCCL if Florida Department of Environmental Protection (FDEP) standards are met.

In addition, it would be beneficial to require that all post-disaster redevelopment of properties, damaged greater than 50% of their pre-storm value, provide for on-site drainage retention.

The Town implemented a reverse 911 system several years ago but decided to eliminate the service due to high cost and little use. Instead, the Town has access to Palm Beach County’s Reverse 911 program to make calls directly to Town residents in the event of an emergency situation. Other notification services, such as electronic alerts sent via email and text messages have been added over the last few years as a part of the Town’s efforts to improve communications to its residents and business community.

The Town’s Comprehensive Emergency Management Plan (CEMP) was re-written in 2012. The CEMP, which includes the Storm Emergency Response Plan (SERP) and Continuity of Operations Plan (COOP) is reviewed and updated annually (as needed). The Town’s Emergency Planning Team (EPT) includes representatives from each department and is responsible for year-round planning efforts to ensure the Town is properly prepared to respond to emergency situations.

~~Lessons learned from recent hurricanes~~

~~Since the early 1990's the Town has had a detailed and well organized storm Emergency Response~~

Plan. Through continuous updating of this plan and related training, the Town staff has always been well prepared to address the inevitable hurricane which will someday directly damage property and threaten the lives of Town residents. The Town Comprehensive Emergency Management Plan was modified two years ago to expand the excellent level of storm preparedness to a similarly detailed state of readiness for other types of emergency situations (such as plane crash, civil disturbance, or act of terrorism). The Town also constructed an Emergency Operations Center (EOC), hardened to withstand a substantial hurricane, in the new Central Fire-Rescue Station. The Town plans to continue its long standing practice of communicating and coordinating with other area governments on emergency preparedness, since intergovernmental coordination is essential to achieving successful responses to, and recovery from major disasters, which generally affect more than just one community.

Impacts of the Issue

The Town's responsibilities are focused upon public facilities and public safety issues. The Town provides public education about the need to prepare for disasters, and about the resources available to residents during the recovery period. This need is especially acute regarding storm preparedness and recovery, since a severe storm is the type of emergency which is most likely to cause the greatest amount of personal distress to the greatest number of Town residents. Proper preparation and response to disasters, both natural and man-made, are critical to preserving lives, limiting the extent of property damage, and returning Town operations and the lives of its residents to normalcy in as short a period of time and with as limited disruption as possible.

Unanticipated Changes in Circumstances

A number of hurricanes such as Francis, Jeanne and Wilma struck the Town and caused considerable damage and various other associated problems. Francis, the first of the three hurricanes, caused more damage than the other two hurricanes.

Resulting Problems or Opportunities

1. While none of the hurricanes were strong Category 3 storms, Frances in particular, showed how important tree trimming is to prevent loss of power and other utilities. It was found that tree limbs hitting power lines were the primary cause of downed utility lines. The subsequent loss of utility service, particularly electricity, was the biggest complaint among Town residents. One method of eliminating this problem is to locate utility lines underground. This solution is discussed in detail in the Infrastructure Element.

The placement of trees in close proximity to power lines is a safety issue. Florida Power and Light has suggested the "right tree, right place" concept when new homes are being constructed. The intent is to ensure new trees are located in a manner such that as the trees grow and mature they will not require trimming to avoid power lines. According Florida Power and Light:

"Small, immature trees planted today can grow into problem trees in the future. Selecting the right tree and planting it in the right place around power lines can

~~eliminate potential safety hazards and improve the reliability of your electric service. In addition, your tree can achieve the proper height and form desired. Use the information below as a guide when planning your landscape design.~~

~~The following non-native problem trees can cause conflicts when planted adjacent to or under overhead power lines. These trees may be prohibited in some municipalities. Any tall-growing tree that could ultimately reach the power lines could cause a problem.~~

~~Australian pine · Brazilian pepper · Schefflera · Melaleuca · Tree bamboo · Ficus · Chinese tallow · Camphor”~~

- ~~2. The Town has implemented a number of communication mechanisms, such as the Town website, a 1-800 line and a local hotline manned by Town representatives. However, improvement is still needed, especially in the areas of automatic notification and warnings. Some residents have expressed concern over not being notified in a timely manner as to when, and under what circumstances they may return to the island after a hurricane.~~
- ~~3. The Town has always had a plan adopted language in the code of ordinances regarding to notify contractors/builders to secureing their construction sites in advance of an impending storm to reduce the opportunity for damage resulting from flying construction debris. However, there is some doubt as to whether or not all contractors/builders know how to adequately secure their construction sites.~~
- ~~4. There is concern that, since the recent storms have been only of moderate strength, an increasing number of residents may be willing to stay on the island rather than evacuating in advance of a hurricane.~~

Needed Actions to Address the Issue

- ~~• Consider adding a new sub-item 1.1h under Policy 1.1 in the Future Land Use Element to include the “right tree — right place”.~~
- ~~• Consider implementing a “reverse 911” type system. Such a system allows residents to automatically receive notifications and information from the Town on their home phone. In addition, a resident may register to receive such notifications on their cell phone.~~
- ~~• Consider working with contractors/builders to develop a list of simple things to do at construction sites during the hurricane season to ensure that they can be adequately secured prior to the arrival of a storm. This could include guidelines for the placement and storage of construction materials during the hurricane season.~~

- ~~Expand the Town's education and notification process to emphasize the unpredictability of the power of an approaching storm and the need to evacuate early upon an evacuation warning.~~

~~Emergency Management Actions were specifically identified in the Town's Strategic Plan, as follows:~~

- ~~Comprehensive Emergency Management Plan: Complete, review, update, and strengthen the Town's Emergency Management Plan.
Timeframe: Ongoing—Update Annually~~
- ~~Coordination: Provide for optimal coordination with County, State and Federal emergency management agencies.
Timeframe: Ongoing~~
- ~~Public Education: Increase outreach to residents regarding how each can individually be better prepared for and effectively recover from a severe storm or other disaster.
Timeframe: Ongoing~~
- ~~Human resources: Plan to utilize contractual services, temporary employees, and volunteers, as needed, to ensure a sufficient work force to accomplish post-disaster damage assessment, communication and relief services.
Timeframe: Ongoing~~
- ~~Building Code: Identify opportunities to strengthen the local building code to reduce risks of property damage.
Timeframe: Ongoing~~
- ~~Financial Preparedness: Be prepared to establish an emergency line of credit to draw upon during recovery from a natural or man-made disaster, if the Town's ample reserves are exhausted by an extreme disaster.
Timeframe: Ongoing~~

GOALS, OBJECTIVES AND POLICIES

GOAL

PRESERVE, PROTECT AND ENHANCE THE NATURAL AND HISTORIC RESOURCES OF THE TOWN, AND LIMIT PUBLIC EXPENDITURES IN AREAS SUBJECT TO DESTRUCTION BY NATURAL DISASTERS, WHILE ENSURING MAXIMUM ENJOYMENT AND MINIMUM EXPOSURE OF HUMAN LIFE IN THE COASTAL ZONE.

OBJECTIVE 1

The Town shall protect the quality of its air from degradation. The measurement of this objective is the extent to which air quality is protected, and the degree to which the following policies are implemented.

POLICY 1.1

Continue to prohibit industry within the Town through existing restraints in the Zoning Code.

POLICY 1.2

Continue to prohibit commercial development from spreading beyond commercial areas as designated in the Zoning Code.

POLICY 1.3

Maintain lush vegetated strips, along roadways and in high density areas, through enforcement of the Historic and Specimen Tree Ordinance, ~~and the landscaping ordinance proposed in this Plan~~, and through Town initiated landscaping projects.

POLICY 1.4

The Town will annually review the Palm Beach County Air Quality Report. Should this report cite the Town for air quality degradation, the Town shall develop methods for addressing the problems within one year of the report date. Implementation of proposed methods will ensue within an additional year.

OBJECTIVE 2

The Town shall protect native vegetational communities and their associated wildlife. The measurement of this objective is the extent to which native vegetation is protected and restored, and the degree to which the following policies are implemented.

POLICY 2.1

Modify the Town's Landscape Ordinance to:

- 2.1a Incorporate standards for tree removal, landscaping aesthetics, and minimum native vegetation requirements;
- 2.1b Prohibit planting of pestilent exotics; and require removal of pestilent exotic species from sites of new construction or development.
- 2.1c Prohibit removal of vegetation species listed as endangered or threatened by State or Federal agencies on publicly-owned property and new private development.
- 2.1d Allow very limited trimming of shoreline vegetation for visual access, upon the approval of the Town and any other government agencies having jurisdiction.

POLICY 2.2

The Town will continue to serve as coordinator ~~between DERM and private concerns~~ in support of efforts to revegetate, and remove exotic vegetation from, the Lake Worth shoreline.

POLICY 2.3

The Town will continue to use native or drought resistant vegetation in all public landscaping projects.

POLICY 2.4

The Town shall change its land redevelopment regulations to stipulate that no development or construction which destroys wetland vegetation, including seagrass beds, shall be permitted in the Town unless the loss is 100% mitigated, and unless the applicant has received the approval of any other governmental agency having jurisdiction.

OBJECTIVE 3

Protect and preserve, native vegetated areas, wildlife and its habitats, especially those species listed by State and Federal agencies as threatened or endangered. The measurement of this objective shall be the extent to which wildlife is protected and preserved, and the degree to which the following policies are implemented.

POLICY 3.1

Continue ~~contracting for~~ assisting with sea turtle nesting studies each year for the duration of the planning period.

POLICY 3.2

~~The Town will consider the effects of beach nourishment activities on listed species and marine outcroppings as part of all studies, reports, and applications concerning beach nourishment.~~ continue to cooperate with the appropriate local, state and federal agencies for the protection of wildlife, endangered and threatened species and significant plant, flora, fauna and animal habitats.

POLICY 3.3

~~The Town will modify its land development regulations to require developers to prepare management plans for listed species when they are identified on a development site.~~ continue to protect and conserve the natural functions of existing soils, fisheries, rivers, lakes, floodplains, estuarine marshes, native habitats/plant materials/ecosystems and marine habitats through enforcement of existing local, state, and federal regulations designed to protect and conserve these functions

POLICY 3.4

The Town will continue to enforce landscaping standards that require the preservation of existing natural growth where practical, and the removal of invasive, exotic plant species.

OBJECTIVE 4

Protect and restore wetland habitat and estuarine water quality in the Town, thereby protecting fisheries and marine habitat. The measurement of this objective is the extent to which wetland habitat and estuarine quality are protected, and the degree to which the following policies are implemented.

POLICY 4.1

The Town shall update its Long Range Public Works Plan (Storm Drainage Chapter) regularly to meet the requirements of the EPA NPDES Program, when necessary. ~~Elements of the update are expected to include:~~

~~4.1a — Identify methods of instituting water quality analysis of the Town's discharge into Lake Worth;~~

~~4.1b — Update watershed mapping;~~

~~4.1c — Update existing storm drainage system mapping;~~

~~4.1d — Determine "hot spots" where pollutant loadings and water quality problems are severe;~~

~~4.1e — Determine appropriate management practices that can be used to achieve better water quality;~~

~~4.1f—Set a management goal and timetable for improvements;~~

~~4.1g—Analyze the feasibility of implementing techniques.~~

POLICY 4.2

Ensure that the negative impacts of stormwater discharge upon water quality in Lake Worth are ameliorated by the retention of the first two inches of rainfall prior to discharge into the Town system, or the post-development runoff does not exceed predevelopment runoff for a three-year one-hour storm, whichever is greater.

POLICY 4.3

~~The Town shall designate the mangrove islands in Lake Worth, which lie within Town limits, as environmentally sensitive lands by designating them as conservation areas on the Future Land Use Map.~~

OBJECTIVE 5

The Town shall protect and restore its beaches and dunes. The measurement of this objective is the extent to which beaches and shores are protected and restored, and the degree to which the following policies are implemented.

POLICY 5.1

~~The Town shall continue to be the local sponsor of the Section 111 Sand Transfer Plant upgrade and pipeline extension project.~~ The Town will manage its beach resources through the Comprehensive Coastal Management Plan (CCMP) and the scope and cost of the CCMP will be reviewed annually by Town staff, the Shore Protection Board, and Town Council

POLICY 5.2

The Town shall consider all possible structural or non-structural alternatives for beach protection and beach erosion prevention, consistent with the Town's Comprehensive Coastal Management Plan.

POLICY 5.3

The Town shall require that all new development and redevelopment on the Atlantic shore restore dunes, where restoration potential exists and is necessary, as determined by the Town and FDEP.

POLICY 5.4

The Town shall maintain its bulkhead line along Lake Worth at the mean high water line.

POLICY 5.5

The Town shall ~~adopt~~ continue to enforce Land Development Regulations ~~to specify construction standards~~ which minimize the impact of man-made structures on beach and dune systems, as well as specific measures and guidelines for dune protection, restoration and maintenance.

POLICY 5.6

The Town shall evaluate opportunities to protect coastal investments and infrastructure, as necessary and feasible, from the impacts of climate change. Specifically, the Town will maintain shoreline protection and erosion control by:

- a) Continuing the appropriate use of beach nourishment;
- b) Facilitating the installation and maintenance of native beach dune vegetation along appropriate areas of beach;
- c) ~~The Shore Protection Board will develop recommendations, and the Town will consider and adopt by January 1, 2010, a~~ Continuing to implement the eComprehensive Coastal Management Plan through 2023 with input from the Shore Protection Board ~~which includes priorities and budget allocations, for the protection of its shores and the completion of the Sand Transfer Plant.~~
- d) Establishing the bulkhead line in Lake Worth as the Mean High Water Line (MHWL).

POLICY 5.7

Explore the possibility with the Treasure Coast Regional Planning Council, pursuant to Florida Statutes 380.05(3) of designating the Town as an Area of Critical Concern as it relates to the shoreline, natural and historic resources and sea level rise. The basis for seeking this designation is the Florida Department of Environmental Protection (FDEP) June 2015 Study, Critically Eroded Beaches, noted the “area extending south of Lake Worth Inlet along the town of Palm Beach (R76-R128) are 10.9 miles of critical erosion threatening private development, local parks, and State Road A1A.

OBJECTIVE 6

Protect soils and groundwater by establishing standards which will minimize the impacts of construction, and by preventing hazardous wastes contamination. The measurement of this objective is the extent to which soils and groundwater are protected, and the degree to which the following policies are implemented.

POLICY 6.1

The Town will require soil erosion control techniques be used during construction.

POLICY 6.2

The Town will regulate the installation of underground storage tanks for petroleum products in a manner consistent with the regulations of the Florida Department of Environmental Protection.

POLICY 6.3

The Town will continue mutual aid agreements with West Palm Beach and Palm Beach County for hazardous materials removal and storage.

OBJECTIVE 7

The Town ~~shall adopt~~ will continue to enforce Land Development Regulations which establish priorities for shoreline uses.

POLICY 7.1

The Town shall continue to implement priorities for the remaining limited opportunities for shoreline land uses in the Town.

OBJECTIVE 8

The Town will provide and maintain existing public access ~~to at the street end beach access points~~, beach areas which have been nourished at public expense, ~~the five~~ publicly-owned beachfront parks, and the Municipal Docks on Lake Worth. The measurability of this objective is the extent to which public access is provided and maintained, and the degree to which the following policies are implemented.

POLICY 8.1

The Town will inspect public access facilities on an annual basis for impediments or structural damage. The Town will eliminate any impediments to public access on a priority basis ~~within one year~~.

POLICY 8.2

In order to ~~improve~~ maintain visual access to Lake Worth, the Town shall allow selective trimming of vegetated areas along the shoreline when such trimming is accompanied by measures to improve the natural resources of the shoreline.

POLICY 8.3

The Town shall provide public access to beach areas nourished at public expense unless otherwise exempted by the Florida Department of Environmental Protection.

POLICY 8.4

The Town will enforce the public access requirements of the 1985 Coastal Zone Protection Act ~~through its Land Development Regulations.~~

POLICY 8.5

The Town shall continue to provide and maintain existing on-street parking facilities at near beach access points.

OBJECTIVE 9

The Town shall protect and preserve its prehistoric and historic resources. The measurement of this objective shall be the extent to which such resources are protected, and the degree to which the following policies are implemented.

POLICY 9.1

The Town will update its list of historic structures as needed ~~on an annual basis.~~

POLICY 9.2

Continue to designate structures, sites, and districts considered worthy of Landmarking in accordance with ~~Chapter 16, Article III, of the Town's Code of Ordinances.~~

POLICY 9.3

Prevent destruction of Historic Landmark Structures through provisions in ~~Chapter 16, Article III, of the Town's Code of Ordinances.~~

POLICY 9.4

The Town will address preservation of prehistoric resources in its optional Historic Preservation Element.

OBJECTIVE 10

~~As the entire Town is within the coastal zone, levels of service, phasing, and service areas of infrastructure in the coastal area are contained in the Transportation Element, the Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Aquifer Recharge Element, the Recreation/Open Space Element, and the Future Land Use Element of this Plan.~~

~~POLICY 10.1~~

~~No development orders or permits shall be issued to new development or redevelopment unless:~~

~~10.1a such development is consistent with densities proposed in the Future Land Use Plan;~~

~~10.1b the population of any new residential development can be expected to be evacuated from the island within 12 hours of an order to evacuate; and,~~

~~10.1c infrastructure within the Town is capable of serving the development at the adopted levels of service, or else funding is available to undertake improvements necessary to maintain the adopted levels of service standards.~~

OBJECTIVE ~~11~~10

The Town shall increase public awareness of potential hazards to human life in the event of a natural disaster. The measurement of this objective is the extent which public awareness is increased, and the degree which the following policy is implemented.

POLICY ~~11~~10.1

At least once per year during the hurricane season, publish basic hurricane evacuation precautionary information.

OBJECTIVE ~~12~~11

When an emergency evacuation is necessary, protect, within the Town's ability, residents and visitors, and maintain or reduce evacuation times. The measurement of this objective is the extent which population exodus is provided, and the degree which the following policies are implemented.

POLICY ~~12~~11.1

Once a hurricane watch has been declared, the Town shall coordinate with the County Emergency Management officials to facilitate orderly and timely evacuation of residents and visitors in the Town.

POLICY ~~12~~11.2

The Town shall annually review Palm Beach County's Hurricane Evacuation Plan to identify any changes that may affect the evacuation of Town residents during a storm event, and shall ensure that the Town's Hurricane Evacuation Plan remains integrated with the County's Plan by amending the Town's Plan, as necessary.

POLICY 11.3

Through the Treasure Coast Regional Planning Council (TCRPC) and their Hurricane Evacuation Model, ensure traffic impacts of proposed development in adjacent municipalities within concurrency exemption zones address all factors including, but not limited to:

- a. Increased development
- b. Bridge crossing and times
- c. Increased passenger rail traffic
- d. Increased freight rail
- e. Hurricane sheltering

OBJECTIVE 1312

Foster post-disaster redevelopment that will reduce or minimize exposure of human life and public or private property to the effects of natural disasters, particularly hurricanes. The measurement of this objective is the extent which exposure of life and property is reduced, and the degree which the following policies are implemented.

POLICY 1312.1

The Town will continue to support and use the post-disaster redevelopment plan sponsored and published by the Countywide Issues Forum.

OBJECTIVE 14

~~The Town shall limit development within the Coastal High Hazard Area. The measurement of this objective is the extent which population is redirected.~~

~~POLICY 14.1~~

~~The Town will limit residential development within the Coastal High Hazard Area (CHHA).~~

~~POLICY 14.2~~

~~The Town will limit public building and infrastructure investment in the CHHA.~~

~~POLICY 14.3~~

~~City-funded public facilities shall not be built in the coastal high hazard area, except for purposes of public safety and/or access, enhancement of water-related activities or significant resource protection.~~

POLICY 14.4

~~The Town will not permit density increases in the CHHA for redevelopment and new development unless such requests are consistent with this Comprehensive Plan.~~

OBJECTIVE 15

~~The Town shall not subsidize development in the Coastal High Hazard Area.~~

POLICY 15.1

~~Publicly funded facilities that subsidize development will not be built in the Coastal High Hazard Area. However, this limitation does not apply to such facilities necessary to serve projects approved under prior development orders but not yet built, or to such facilities necessary to maintain adequate levels of public facilities and services to existing residents. Nor does it apply to publicly funded projects associated with providing beach restoration, public access, recreation, resource restoration, or the rehabilitation, maintenance or construction of shore protection structures such as groins, revetments or seawalls.~~

POLICY 15.2

~~The Town shall not expand utility systems or public services that would be necessitated by increased development within the Coastal High Hazard Area.~~

POLICY 15.3

~~The Town will continue to enforce its building code and drainage requirements. The Town will coordinate with, and will rely on, the Florida Department of Environmental Protection to enforce building limitations seaward of the Coastal Construction Control Line.~~

POLICY 15.4

~~The Town shall continue to prohibit the use of septic tanks.~~

POLICY 15.5

~~The Town will mitigate hazards through building practices and implementation of FEMA requirements, stormwater retention requirements, and other restrictions within the Coastal High Hazard Area.~~

OBJECTIVE 1613

The Town shall continue to employ its criteria for marina siting.

POLICY 1613.1

The Town shall continue to require, as part of its building permitting process, that:

~~16.1a~~ All new marinas, docks, and boat ramps will be located and designed in accordance with the Manatee Protection Plan, published by the FDEP and Palm Beach County.

~~16.1b~~ Marinas are situated adjacent to recreational or commercial land uses, and have adequate upland support services.

~~16.1c~~ Marinas do not adversely affect environmental quality of Lake Worth.

~~16.1d~~ Marinas are economically feasible as established by a feasibility study.

OBJECTIVE 17

~~While no areas in the Town are in need of redevelopment, at least once a year, the Town shall review structural conditions in areas subject to deterioration to determine if neighborhood stabilization or redevelopment is necessary.~~

~~POLICY 17.1~~

~~If greater than 25% of structures in a neighborhood are determined to be substandard, that neighborhood will be considered in danger of deterioration, and the Town will develop a plan for stabilization and/or redevelopment within two years of such identification, including provisions for elimination of unsafe conditions and inappropriate uses.~~

OBJECTIVE 1814

Public access shall be maintained to all recreational facilities, including recreational and commercial working waterfronts as defined in F.S. 342.07 consistent with Florida Statutes, under the jurisdiction of the Town of Palm Beach.

~~POLICY 18.1~~

~~The Town of Palm Beach shall identify inadequate access to its recreation facilities within one year of the adoption of this Comprehensive Plan EAR-Based Amendments.~~

~~POLICY 18.2~~

~~The Town of Palm Beach shall continue to implement corrective measures on all access points identified as inadequate.~~

POLICY 18.314.1

The Town will, on an ~~annual~~ continuing basis, inspect public access points at public facilities located within the Town of Palm Beach, but not under the Town's jurisdiction, to identify any impediments to access. The Town will notify respective governing agencies of impediments within three months of their identification.

POLICY 18.4

~~Pursuant to F.S. 163.3177 & 163.3178, the Town shall devise regulatory incentives and criteria that encourage the preservation of recreational and commercial working waterfronts as defined in F.S. 342.07.~~

OBJECTIVE 15

The Town shall adopt and implement policies that increase community resiliency and protect property, infrastructure, and cultural and natural resources from the impacts of climate change, including sea level rise, changes in rainfall patterns, and extreme weather events

POLICY 15.1

The Town will continue to participate in the National Flood Insurance Program Community Rating System (CRS) and strive to maintain or improve its current CRS rating.

POLICY 15.2

The Town will require that the impact of sea level rise be addressed in all Future Land Use Map amendments

POLICY 15.1

Publicly funded facilities that subsidize development will not be built in the Coastal High Hazard Area. However, this limitation does not apply to such facilities necessary to serve projects approved under prior development orders but not yet built, or to such facilities necessary to maintain adequate levels of public facilities and services to existing residents. Nor does it apply to publicly funded projects associated with providing beach restoration, public access, recreation, resource restoration, or the rehabilitation, maintenance or construction of shore protection structures such as groins, revetments or seawalls.

POLICY 15.2

The Town shall not expand utility systems or public services that would be necessitated by increased development within the Coastal High Hazard Area.

POLICY 15.3

The Town will continue to enforce its building code and drainage requirements. The Town will coordinate with, and will rely on, the Florida Department of Environmental Protection to enforce building limitations seaward of the Coastal Construction Control Line.

POLICY 15.4

The Town shall continue to prohibit the use of septic tanks.

POLICY 15.5

The Town will mitigate hazards through building practices and implementation of FEMA requirements, stormwater retention requirements, and other restrictions within the Coastal High Hazard Area.

POLICY 15.6

The Town will limit residential development within the Coastal High Hazard Area (CHHA).

POLICY 15.7

The Town will limit public building and infrastructure investment in the CHHA.

POLICY 15.8

Town-funded public facilities shall not be built in the coastal high hazard area, except for purposes of public safety and/or access, enhancement of water-related activities or significant resource protection.

POLICY 15.9

The Town will not permit density increases in the CHHA for redevelopment and new development unless such requests are consistent with this Comprehensive Plan.

POLICY 15.10

Continue to examine community-wide strategies to increase the resiliency of the Town to address future effects of coastal storms and climate change on the community.

POLICY 15.11

The Town shall collaborate with Palm Beach County to increase regional resilience by sharing technical expertise, assessing local vulnerabilities, advancing agreed upon mitigation and adaptation strategies, and developing joint state and federal legislation policies and programs.

POLICY 15.12

The Town shall continue to utilize best practices and initiate mitigation strategies to reduce the risk of flooding in coastal areas that may result from high tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea level rise.

OBJECTIVE 16

The Town will continue to promote ways to reduce Greenhouse Gas Emissions and become more Energy Efficient.

POLICY 16.1

As provided in the Town's Energy Efficiency and Conservation Strategy (EECS) the Town will help the community take advantage of technologies, incentives, and knowledge to conserve energy use in homes and businesses.

POLICY 16.2

The Town will use the EECS to optimize the way energy is consumed within municipal operations and identify ways to use renewable energy and offset energy use overall.

OBJECTIVES AND POLICIES NOT INCLUDED

~~Objectives regarding the protection of the quality and quantity of water sources in the Town are addressed in the Infrastructure Element.~~

~~Policies relating to protection of water quality and emergency conservation programs are located in the Infrastructure Element, specifically, Policy 9.8 and Policies 11.1 through 11.4.~~

~~No objective or policies regarding conservation use and protection of mineral resources in the Town are included or necessary. Palm Beach is located on a coastal barrier which is almost entirely developed. The low quality of the existing mineral, as opposed to the very high value of the overlying real estate, in addition to the Town's commitment to preventing industry, make it improbable that any mining could occur in the future.~~

~~No policies relating to the preservation of natural reservations are included, as there are no such reservations identified within the Town.~~

~~No policies concerning cooperation between adjacent local governments over unique vegetational communities located in more than one jurisdiction are included, as no such situations exist in the Town.~~

~~There are no policies limiting the impacts of development or redevelopment on the quantity of water in the Town because there are no water sources in the Town to be measured.~~

~~No policies relating to the protection and conservation of rivers, lakes, or harbors are included, as none of these features exist in the Town of Palm Beach.~~

TOWN OF PALM BEACH

Town Council Meeting Development Review on: January 11, 2017

Section of Agenda

Any Other Matters

Agenda Title

Stop Work Order Under 3-Strike Rule

232 Emerald Lane

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum Dated January 3, 2017 From John S. Page, Director of Planning, Zoning & Building**
- ▣ **Letter Dated December 15, 2016, From Roy F. Dunworth**
- ▣ **E-mail Dated December 28, 2016, From Thomas G. Bradford, Town Manager**
- ▣ **Letter Dated December 29, 2016, From Veronica W. Close**
- ▣ **E-mail Dated December 29, 2016, From Roy F. Dunworth**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: John S. Page, Director, PZB Department

Re: Stop Work Order Under 3-Strike Rule – 232 Emerald Lane

Date: January 3, 2017

STAFF RECOMMENDATION

Staff recommends consideration of lifting the Stop Work Order for 232 Emerald Lane 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.

Dunworth Construction is the contractor at 232 Emerald Lane, and has been cited on three separate occasions for violations of the 3-strike rule: May 19, 2016 (for 1 vehicle), October 12, 2016 (for 2 vehicles) and November 23, 2016 (for 6 vehicles). Roy Dunworth, the Qualifier for Dunworth Construction, appealed these strikes, and the appeal was denied by the Police Department, which denial was upheld by the Town Manager (see Attachment A). 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 December 29, 2016, (see Attachment B) with the Stop Work being effective on December 30, 2016. The Stop Work Order cited two violations. The first related to the 3-strike rule, and the 2nd related to occupancy of a structure without a release from the Building Official (a certificate of completion). The violation regarding occupancy must be resolved with the Building Official. Roy Dunworth, qualifier for Dunworth Construction, requested 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 project is one of six major construction projects on Emerald Lane since 2012, three of which are still ongoing. It has been the source of much irritation to the neighbors, in particular, Dr. Klein, who resides at 225 Emerald Lane.

The Department recommends that the Stop Work Order pertaining to the 3-strike rule be lifted, only upon the following conditions:

- Continue to work towards resolution of outstanding ARCOM issues related to mechanical equipment location and landscaping.
- Contain all parking on site until completion of the project.
- Any future parking violation assessed a fine of \$500 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.
- Payment of all parking fines accrued to date.

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

cc: Kirk Blouin, Public Safety Director
Benjamin Alma, Parking and Code Enforcement Supervisor
Veronica W. Close, Assistant Director of Planning, Zoning & Building
William Bucklew, Building Official

Dunworth Construction & Development, Inc.**8876 SE Robwyn Street****Hobe Sound, FL 33455****772-215-3438 (office)****Email: Dunworthconstruction@yahoo.com**

December 15, 2016

Thomas G. Bradford, Town Manager

Town of Palm Beach

360 South County Road

Palm Beach, FL 33480

**RE: Charles and Donna Ward Residence
232 Emerald Lane
Appeal of Denial to the 3 Strike Rule**

Dear Mr. Bradford,

I am in receipt of a letter from the Town of Palm Beach Police Department dated December 6, 2016 stating that my request to appeal two right-of-way violations that triggered the 3 Strike Rule for the above referenced site has been denied. I am writing to you to appeal this denial.

This construction project began in July of 2015 and is now substantially complete. The project has been a huge success. The Ward family is extremely pleased with the outcome. The Wards have been very impressed with the professional manner of my company, my employees, and my subcontractors. Furthermore, I have received many compliments from the Ward's immediate neighbors stating that my job site is impeccably clean and organized and my staff is extremely courteous. These types of compliments provide great personal reward. I am proud of my construction team; they are all good, honest, and hard working men and women.

That being said, a malcontent neighbor who lives down the street by the name of Dr. Klien has an agenda to attack my company and the Ward family. As a matter of fact, I was threatened by Klein before construction even began. Klein sent a letter to me stating essentially that all construction workers are filthy degenerates who smoke, drink and play loud rock and roll music. Nothing could be further from the truth in regards to Dunworth Construction. His threat was that he would pursue all means to shut the project down. Klein also contacted Mr. Ward before the project began spewing the same type of rhetoric. There is an obvious connection between the recent rash of code enforcement issues and the questionable nature of the violations.

The first citation that I appealed was issued by Code Enforcement on 10/17/16. During the first fifteen months of construction, we parked daily on the Ward property directly behind the curb on the street always being very careful to not obstruct traffic. On October 17, 2016 a Code Enforcement Officer issued a citation stating that the vehicles

parked on the Ward property were in violation. My appeal is that if this is in fact a violation why was it never enforced. I believe it is unjust and unprofessional to overlook code violations and then suddenly enforce the code and impose new rules without warning or proper notification.

The second citation that I appealed was issued by Code Enforcement on 11/30/16. On this date, Hispanic employees of mine car pooled to a location in West Palm Beach. The Hispanic men were then transported in one vehicle to the Ward property. The Hispanic driver then drove his private unmarked vehicle to the 200 Block of North County Road and parked his vehicle in a public parking space. The Code Enforcement Officer witnessed the Hispanic men being dropped off at the property and proceeded to FOLLOW the Hispanic driver to the public location on North County Road. The Code Enforcement Officer then proceeded to FOLLOW the Hispanic driver as he walked to the Ward property. Upon returning to the property the Code Enforcement Officer issued a citation for not parking a construction vehicle at the job site. It is not within the jurisdiction of Code Enforcement to stake out properties and follow Hispanic people around Palm Beach until they violate some sort of law. In my opinion, this is an example of racial profiling, discrimination and it is a form of entrapment.

Throughout this project I have made every attempt possible to abide by the rules established by the Town. I have designated an employee to have the sole duty of being in charge of parking and street management. I have made application to Public Works requesting additional parking passes. I have also applied for additional ROW permits for all deliveries to the property. As stated, my scope of work is substantially complete. Mrs. Ward's design firm does have ongoing work relating to furniture, fabric, and window treatments etc. None of this work is within my scope as Mrs. Ward's General Contractor. Regardless, I will continue to do everything possible to make these final days of work as comfortable as possible for the Town, the Neighbors and most importantly for the Ward family. The Wards have been residents of Palm Beach for many years living on Atlantic Avenue. They've made a tremendous investment in Emerald Lane to restore and maintain a historic Palm Beach estate and they should be applauded for their efforts. The Wards certainly have the right to finish their project and enjoy their property. Their voice should be heard and their rights as residents should be respected equally.

I ask you to overturn the denial issued by The Police Department and allow the Ward family to finish their project. Thank you in advance for your help in bringing this project to a peaceful conclusion.

Thank you,

Roy F. Dunworth

Veronica Close

From: Tom Bradford
Sent: Wednesday, December 28, 2016 9:12 PM
To: Roy Dunworth
Cc: Kirk Blouin; Paul Brazil; John Page; Veronica Close; Benjamin Alma; Bill Bucklew
Subject: RE: 232 Emerald Lane / Appeal of Denial 3 Strike Rule

Importance: High

Mr. Dunworth:

This is in response to your email of December 15, 2016, and my subsequent request for additional information on December 16, 2016, and your final substantive and complete response to me dated December 19, 2016.

I investigated the first citation issued on October 12, 2016. Please note that in your letter of December 15 you state that the first citation you were appealing was dated October 17, but you provided me with a citation dated October 12. I investigated the October 12 citation. I learned the Police Department Code Enforcement Division's records indicate that the citation was issued for two vehicles parking in the street without a Right-of-Way permit and that our officer spoke with crew members on site and issued a verbal warning for not having a portable toilet covered as required by code and cited the two vehicles parked in the street.

In regard to the second citation of November 30, 2016, I can assure that there is absolutely no racial profiling, discrimination or entrapment involved. We routinely monitor construction sites townwide. The maximum number of construction related vehicles allowed to park on any street in town under normal circumstances is three (3) and each of those must have a Town right-of-way permit to park on the street and location designated in the permit. This cap includes any personal vehicles of employees of the contractor or of any subcontractors. We use marked and unmarked vehicles to enforce this Town law. Ask any contractor that works in the Town on a regular basis and they will tell you we are proactive in the enforcement of these parking permit requirements in a non-discriminatory manner in order to protect adjacent properties in the neighborhood from the effects of construction activities and to effectuate code compliance.

Based upon my findings I hereby deny your appeal.

It is not clear to me what the status of your situation is or whether it is material to you or the property owner that a stop work order, if applicable, be lifted. If this is of concern to you or the property owner you must write to the Director of Planning, Zoning and Building, John Page, and request the Town Council give consideration to lifting the stop work order at their next available meeting. If you wish for Town Council consideration at their next meeting on January 11 you need to write to Mr. Page by this coming Friday, December 30, 2016, prior to 5:00 PM.

Sincerely,

Thomas G. Bradford
 Town Manager

Town of Palm Beach
 Town Manager's Office
 360 S. County Road
 Palm Beach, FL 33480
 Phone: 561-838-5410

Fax: 561-838-5411
www.townofpalmbeach.com

From: Roy Dunworth [mailto:dunworthconstruction@yahoo.com]
Sent: Monday, December 19, 2016 5:44 PM
To: Tom Bradford <TBradford@TownofPalmBeach.com>
Subject: Re: 232 Emerald Lane / Appeal of Denial 3 Strike Rule

Mr. Bradford,

Please find attached copies of the (2) citations that I am appealing as requested.

Thank you,
Roy

Roy F. Dunworth, President
Dunworth Construction
772-215-3438

From: Tom Bradford <TBradford@TownofPalmBeach.com>
To: "dunworthconstruction@yahoo.com" <dunworthconstruction@yahoo.com>
Sent: Friday, December 16, 2016 7:30 PM
Subject: FW: 232 Emerald Lane / Appeal of Denial 3 Strike Rule

Mr. Dunworth:

Please email me copies of the citations that you received that you are appealing so that I may review them. By the way, my direct email address is tbradford@townofpalmbeach.com. Thanks.

Thomas G. Bradford
Town Manager

Town of Palm Beach
Town Manager's Office
360 S. County Road
Palm Beach, FL 33480
Phone: 561-838-5410
Fax: 561-838-5411
www.townofpalmbeach.com

From: Pat Gayle-Gordon **On Behalf Of** Town Manager
Sent: Friday, December 16, 2016 9:04 AM
To: Tom Bradford <TBradford@TownofPalmBeach.com>
Subject: FW: 232 Emerald Lane / Appeal of Denial 3 Strike Rule

From: Roy Dunworth [mailto:dunworthconstruction@yahoo.com]
Sent: Thursday, December 15, 2016 10:12 PM
To: Town Manager <TManager@TownofPalmBeach.com>
Cc: John Page <JPage@TownofPalmBeach.com>; Paul Brazil <PBrazil@TownofPalmBeach.com>; Bill

Bucklew <BBucklew@TownofPalmBeach.com>

Subject: 232 Emerald Lane / Appeal of Denial 3 Strike Rule

Dear Mr. Bradford,

Please find attached my Appeal of the denial issued by the Town of Palm Beach Police Department.

Thank you,
Roy

Roy F. Dunworth, President
Dunworth Construction
772-215-3438

Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: 360 S. County RD, Palm Beach, FL 33480.



TOWN OF PALM BEACH

Planning, Zoning & Building Department

December 29, 2016

Roy G Dunworth, Qualifier
Dunworth Construction Inc.
625 SW Salerno Rd.
Stuart, FL 34997

Re: Construction Vehicle Parking Citations – 232 Emerald Lane
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 have applied for and have received three (3) parking permits for your project at the above address. In addition, you were issued a warning notice on November 16, 2016, for having received two (2) strikes under the Town's "3-strike rule."

You have received parking citations on three separate occasions: May 19, 2016 (for 1 vehicle), October 12, 2016 (for 2 vehicles) and November 23, 2016 (for 6 vehicles). You have appealed these strikes, which appeal has been denied by the Town Manager on December 28, 2016. 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 Friday, December 30, 2016. 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 January 11, 2017, and as previously stated in correspondence to you from Mr. Bradford, your request must be directed to Mr. Page by **Friday, December 30, 2016 prior to 5:00 PM** in order for this item to be considered at the January 11, 2017 meeting.

Truly yours,



Veronica W. Close
Assistant Director

cc: Charles G. Ward III, 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

John Page

From: Roy Dunworth <dunworthconstruction@yahoo.com>
Sent: Thursday, December 29, 2016 4:22 PM
To: John Page
Cc: Tom Bradford; Bill Bucklew
Subject: 232 Emerald Ln / Town Council

Dear Mr. Page,

I am writing to ask for your permission to appear before Town Council on January 11th.

I would like the opportunity to ask Town Council to lift the stop work order that has been issued.

Thank you,
Roy

Roy F. Dunworth, President
Dunworth Construction
8876 SE Robwyn Street
Hobe Sound, FL 33455
772-215-3438