



TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE-
SUBJECT TO
REVISION

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

WEDNESDAY, OCTOBER 9, 2013

9:30 A.M.

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
David A. Rosow, President
Robert N. Wildrick, President Pro Tem
William J. Diamond
Richard M. Kleid
Michael J. Pucillo

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

V. COMMUNICATIONS FROM CITIZENS- 3 MINUTE LIMIT PLEASE
(Another opportunity for communications from citizens will be offered immediately after the lunch break.)

VI. APPROVAL OF AGENDA

Post Office Box 2029 * 360 South County Road * Palm Beach, Florida 33480
Telephone (561) 838-5410 * Facsimile (561) 838-5411 * townmanager@townofpalmbeach.com

VII. DEVELOPMENT REVIEWS

A. Appeals

1. Appeal of Architectural Review Commission's Decision Regarding B-079-2013 (212 Coral Lane) by Michael McCloskey. [John Page, Director of Planning, Zoning and Building]

B. Time Extensions

1. Request for Waiver of Section 42-199, Hours of Construction Work, at 125 Worth Avenue Per Letter Dated September 23, 2013, from Fine Line Construction Contractors, Inc.
2. Request for Waiver of Section 42-199, Hours of Construction Work, at 247 Worth Avenue Per Letter Dated September 20, 2013, from Maura Ziska.
3. Request for Waiver of Section 42-199, Hours of Construction Work, at 305 Worth Avenue Per Letter Dated September 19, 2013, from 212 Design.

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **SPECIAL EXCEPTION #10-2013 WITH VARIANCES** The application of Pizza Al Fresco, LLC; relative to property commonly known as **7-14 Via Mizner (Restaurant Site) and 317 Peruvian Avenue (Parking Site)**; described as lengthy legal descriptions on file; located in the C-WA and C-TS Zoning Districts. The applicant is requesting Special Exception with Site Plan Review to modify existing Special Exception #3-2006 and #4-2012 to convert a retail store containing a total of 350 square feet (previously Winston Lighting and being Unit C-105S) to additional restaurant seating space with 21 additional seats for Pizza Al Fresco Restaurant. A Special Exception is also being requested to provide supplemental off-site shared parking in the evening at 317 Peruvian Avenue. Applicant further requesting Special Exception approval to move 15 of the additional seats from the converted space into the Via Mizner courtyard during periods of good weather. No variance is required for off street parking for 6 of the additional seats. The following variances are required: to increase outdoor seating by 15

seats over and above the inside capacity, which is not permitted by the outdoor seating conditions in the Code and to eliminate the 5 required off-street parking spaces for 15 of the 21 additional seats being requested and to provide 5 supplemental shared parking spaces in only the evening at 317 Peruvian Avenue.

[Attorney: William W. Atterbury, III]

Deferred from the June 12, 2013, and September 11, 2013, Town Council Meetings.

- b. **SPECIAL EXCEPTION #16-2013** The application of Hillstone Restaurant Group, Inc.; relative to property commonly known as **340 Royal Poinciana Way, Suite 336**; described as lengthy legal description on file; located in the C-PC Zoning District. The applicant is requesting the removal of a previous condition of approval. When the Palm Beach Grill was approved via Special Exception #34-98 in 1999, one of the conditions of approval required that each year at the time of renewal of the occupational license (aka business tax receipt) was that the applicant provide a sworn statement from a certified public accountant which demonstrated that the restaurant meets the Town serving requirement. The statement identifies the information used in making the conclusion in the statement and the Town has the right to audit said information. The applicant is requesting that the Town-serving statements prepared each year since the original approval no longer be required as the restaurant has always been Town-serving.

[Attorney: James M. Crowley]

2. New Business

- a. **SPECIAL EXCEPTION #18-2013** The application of Cento Vini, LLC, dba Vinoutlet; relative to property commonly known as **2875 South Ocean Blvd**; described as lengthy legal description on file; located in the C-TS Zoning District. The applicant is requesting approval pursuant to Condition #2 in the original 1980 development order to construct the existing building on the subject property. (Special Exception #25-80. The condition requires any use other than office and professional services to obtain Town Council approval. This request is to allow a high-end wine store totaling 611 square feet. Proposed daily hours of operation for this retail use are 11:00 a.m. to 7:00 p.m. The Applicant may also seek to host “tasting

events” from time to time that may be from 7:00 p.m. to 9:00 p.m. [Attorney: Neil Schiller]

b. **SITE PLAN REVIEW #12-2013 WITH VARIANCE**

The application of Lowell House Condominium Association, Inc., Don Kirkham, Manager; relative to property commonly known as **340 South Ocean Boulevard**; described as Lowell House Cond Lts 53 & 54 Blk H Royal Park Add (PB 4 PG 1); located in the R-D (2) Zoning District. The applicant is requesting a Site Plan modification to construct a 480 sq. ft. concrete patio on the east side of the existing structure. Previously, a paver patio existed in approximately the same location, but it was removed and the area was sodded last year. The request is to construct the patio. A variance is requested to allow the construction of a patio of 480 sq. ft. resulting in landscaped open space of 15% in lieu of 16%. The landscaped open space requirement is 35%. [Attorney: James C. Paine, Jr.] [Architectural Recommendation: Implementation of the variance will cause negative impacts to the subject property. Carried 6-1]

c. **SITE PLAN REVIEW #13-2013** The application of Sterling Palm Beach LLC and Sidney Spiegel; relative to property commonly known as **340 Royal Poinciana Way**; described as Lengthy legal description on file; located in the C-PC Zoning District. The applicant is requesting Site Plan Modification to change eight areas of the existing parking lot striping to comply with the current ADA requirements. The proposal modifies eight areas of the parking lot to include required ADA parking spaces, access isles and ramps as provided for in the plan. The proposed changes do not reduce the amount of required parking but add an additional 4 parking spaces to the subject property. [Attorney: John Little]

d. **SITE PLAN REVIEW #14-2013** The application of Christopher and Margaret Sinclair; relative to property commonly known as **516 South Ocean Blvd.**; described as Lot 4, SINGERS ADDITION TO THE TOWN OF PALM BEACH, according to the map or plat thereof as recorded in Plat Book 8, Page 81, Public Records of Palm Beach County, Florida; located in the R-A Zoning District. The applicant is requesting Site Plan Review to allow the construction of a 9,771 square foot two-story, single family residence on a non-conforming platted lot which is 100 feet

in width in lieu of the 125 foot minimum required in the R-A Zoning District. [Attorney: Maura Ziska]

D. Other

1. Subdivision Modification Request of the Thomas P. Peterffy Amended and Restated Revocable Trust, dated September 13, 2007 for a Fifth Amendment to Blossom Estates Subdivision Agreement.
[John Page, Director of Planning, Zoning and Building]
2. Update on the Palm House Hotel.
[William J. Diamond, Town Councilmember]

VIII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 5-2013 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Text Of The Future Land Use Element Of The Town Of Palm Beach Comprehensive Plan, By Amending The Future Land Use Element Data & Analysis And Policies 2.3 And 11.1 To Provide For The Creation Of A PUD-5 Within An Area Of Property Designated Commercial On The Future Land Use Map, Which Is Bounded By Bradley Place, Sunset Avenue, North County Road, And Royal Poinciana Way; Further Amending Policy 2.3.3 To Provide For The Creation of Commercial/Mixed-Use PUD's, The Creation Of The PUD-5, Detailing An Increase In The Maximum Allowable Density, And Creating Maximum Lot Coverages For First, Second and Third Stories In The PUD-5 Area; Further Creating Policy 11.1.5 That Details Mixed-Use PUD Development Requirements Within Commercial Land Use Categories Provided Certain Threshold Criteria Are Met, And Providing For Said Certain Threshold Criteria; Providing For Severability; Repealing All Ordinances Or Parts Of Ordinances In Conflict Hereof; Providing For Codification; And Providing For An Effective Date.
[John Page, Director of Planning, Zoning, and Building]
Deferred from the September 11, 2013, Town Council Meeting
2. ORDINANCE NO. 6-2013 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County Florida, Amending Chapter 134, Zoning, At Section 134-476 By Creating Purpose Language For An Optional PUD-5, Historic Preservation Mixed Use Development, With A Contributing Building Report

And PUD-5 Design Guidelines Adopted By Reference For The Five Palm Beach Acres In the C-TS Zoning District Between Royal Poinciana Way And Sunset Avenue And Bradley Place And North County Road And By Prohibiting The Use Of The PUD-5 Regulations For Five Years If A Contributing Building Is Voluntarily Demolished; Section 134-477 By Creating A Review Process For The PUD-5 And Prohibiting Variances From Certain Lot, Yard And Bulk Regulations; Subdivision II, Sections 134-531, 134-532, 134-533 And 134-534 By Adding Submittal Requirements For A PUD-5; By Creating A New Approval Process For PUDs And Amendments To PUDs By Eliminating The Tentative And Final Approval Process And Replacing With A Streamlined Approval Process; And By Creating A New Completion Deadline for PUDs; By Eliminating Subdivision III, Sections 134-561 And 134-562 Related To The Tentative And Final PUD Approval Process; By Renumbering 134-563 To 134-561 Adding PUD Amendments And Eliminating Property Owner Consent To Amend PUDs; By Renumbering 134-564 To 134-562, Adding PUD Amendment Language, Eliminating The Existing Time Frame Requirement For Commencement And Providing For New Commencement Language In The PUD Resolution; Section 134-651 By Creating PUD-5 As A Special Exception And Site Plan Review; Section 134-652 By Adding The PUD-5 And Identifying The Area Where A PUD-5 May Be Applied; Section 134-653 By Adding A Maximum PUD-5 Lot Size And Providing A Provision Which Prohibits A Variance From The Maximum Lot Size; Section 134-654 By Creating A Density for the PUD-5 Of Ten Dwelling Units Per Palm Beach Acre With A Maximum Of Thirteen Dwelling Units Per Palm Beach Acre In Lieu Of The Maximum Six Dwelling Units Per Acre Allowed In the Underlying C-TS Zoning District; Section 134-656 By Providing Permitted And Special Exception Uses In The PUD-5 And Creating Separation Requirements Between Residential And Commercial Uses; Section 134-657 By Creating A Minimum Public Open Space Requirement In The PUD-5 With A Provision Prohibiting A Variance From that Requirement; Section 134-687 By Providing Requirements That A PUD-5 Preserve The Main Street Character, Size And Bulk Which Currently Exists In The Five Palm Beach Acres; Section 134-688 By Providing Qualifying Language For The PUD-5 And Further Incorporating By Reference The Contributing Building Report And PUD-5 Design Guidelines; Section 134-689 By Eliminating The Requirement For Street Trees And Adding Language Which Requires Trees Bordering Projects Whenever Possible; Section 134-690 By Adding Language That A PUD-5 Is Required To Have Curb Cuts And Vehicular Access From Only Sunset Avenue; Section 134-691 By Providing A PUD-

5 Off-street Parking Exception For Replacement Of Existing Commercial Square Footage Or Intensity Of Use, New Ground Floor Retail Use, Or Retail Use Which Replaces Ground Level Off-street Parking And Curb Cuts Fronting Royal Poinciana Way; Section 134-692 By Adding Language That Prohibits Variances For Lot Coverage, Height, Overall Height and Public Open Space and Providing New Regulations Creating A PUD-5 Density Of Ten to Thirteen Dwelling Units Per Palm Beach Acre In Lieu Of The Six Dwelling Units Per Acre Currently Allowed In The C-TS Zoning District, Provided Certain Conditions Being Met, By Creating Maximum Heights and Overall Heights, Including A Provision For Three Stories Where Only Two Stories Is Currently Allowed, By Adding First Floor And Second Floor Lot Coverage Of Seventy Percent And A Third Story Lot Coverage Of Thirty-five Percent, By Creating Setbacks Based On PUD Approval, By Eliminating Required Setbacks And Determining Setbacks During The Approval Process And By Creating A Minimum Thirty Percent Public Open Space Requirement; Section 134-693 By Creating Said Section And Providing A Five Year Sunset Provision Unless The Town Council Approves An Extension; Section 134-1109 Creating The PUD-5 As A Special Exception Use Within The Defined Five Palm Beach Acres In The C-TS Zoning District; By Adopting By Reference The Attached Palm Beach PUD-5 Design Guidelines And The Contributing Building Report: The Historic Character Of Royal Poinciana Way; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date. [John Page, Director of Planning, Zoning, and Building]
Deferred from the September 11, 2013, Town Council Meeting.

B. First Reading

None

IX. ANY OTHER MATTERS

X. ADJOURNMENT

PLEASE TAKE NOTE:

- No written materials received after 5:00 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 5:00 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.
- The progress of this meeting may be monitored by visiting the Town's website (www.townofpalmbeach.com) and selecting "Your Government" and then selecting "Audio (Live and Archived)." 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.
- 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.
- 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.
- 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.
- A summary of the actions taken at Town Council meetings can be viewed on the Town's website after 5 p.m. on the Friday following the Town Council meeting.

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

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

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

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

TOWN OF PALM BEACH

Town Council Meeting on: October 9, 2013

Section of Agenda

Appeals

Agenda Title

Appeal of Architectural Review Commission's Decision Regarding B-079-2013 (212 Coral Lane) by Michael McCloskey.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated September 26, 2013 from John S. Page
- Letter Dated September 6, 2012 from Michael McCloskey
- Minutes of ARCOM Meeting Held on August 28, 2013
- Renderings
- E-Mail Dated August 26, 2013 from Michael McCloskey
- Letter Dated September 16, 2013 from Mrs. George Schrafft
- Letter Dated September 30, 2013, from Steven D. Siegfried

TOWN OF PALM BEACH

Information for Town Council Meeting on:

October 9, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: ARCOM Appeal: Michael P. McCloskey, Neighbor at 202 Coral Lane
212 Coral Lane
B-079-2013 / New residence

Date: September 26, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council consider and rule upon the appeal filed by Mr. Michael P. McCloskey (attached), who objects to the Architectural Commission's (ARCOM) decision of August 28, 2013, approving the application of Parkwood Trust Company (Tony Beyer) to construct a new residence at 212 Coral Lane.

GENERAL INFORMATION

Smith and Moore Architects, on behalf of Parkwood Trust Company (Tony Beyer), submitted an application to ARCOM for a new home with landscape and hardscape design at 212 Coral Lane. The new home has a contemporary or "tropical modern" design that was created by the Brazilian architect Isay Weinfeld, with collaboration from local architect Dan Kahan from Smith & Moore Architects, Inc. Renderings of the home are attached.

ARCOM members reactions to the proposed home and landscape/hardscape were mixed at the August 28th meeting. Generally, the Commissioners favored the design, but several members were concerned about the location (see attached minutes). The home and hardscape was approved 4 – 3 (Zukov, Homes & Vanneck dissenting); however, the landscaping was deferred by a 4 – 3 vote (Vila, Karakul, & Ives opposed) until the following ARCOM meeting. At the September 25, 2013 ARCOM meeting the Commissioners unanimously approved the revised landscape plan (see attached renderings), which includes more landscaping in the front yard.

Mr. McCloskey, the neighbor at 202 Coral Lane, which is immediately to the east of the subject site, initially objected to the proposed home via e-mail (attached) to the ARCOM members prior to the August 28th meeting, and stated that the contemporary design of the home did not fit in with the character of the neighborhood. After ARCOM approved the architecture at their August 28th meeting, Mr. McCloskey filed a formal objection to the approval of the contemporary-styled home, and restated his belief that the style did not fit in with the surrounding neighborhood.

Attachments

cc: Michael P. McCloskey
Dan Kahan
ARCOM members
John C. Randolph, Town Attorney



MICHAEL P. McCLOSKEY

September 6, 2013

Susan A. Owens, MPA, MMC
Town Clerk
360 South County Road
Palm Beach, FL 33480

Re: 212 Coral Lane

Dear Ms. Owens:

Pursuant to the right afforded to me, as an interested party, in Section 18-177 of the Town of Palm Beach Code of Ordinances, I would like to formally appeal the ruling of the Architectural Commission made on September 19, 2013, in regard to approval of the design of the new home which is planned to be built at 212 Coral Lane.

Section 18-146 of the Town of Palm Beach Code of Ordinances provides for a statement of findings and purpose of the Architectural Commission. Subsection 18-146(d) states in part that the task of the architectural commission is to "preserve various elements of our urban beauty and require that new projects enhance existing elements." Subsection 18-146(e) states, "The essential foundation of beauty in communities is harmony. The plan for achieving beauty must grow out of special local characteristics of site, aesthetic tradition and development potential." The entire section concludes with the statement, "It is the intent of this article to achieve a pleasant and comprehensive cohesiveness in community development."

The emphasis given to key phrases of the Code are mine and represent what I find to be cause for this appeal. The proposed dwelling (a) preserves little of the surrounding urban beauty, (b) is not in harmony with the other homes along Coral Lane, (c) does not respect the traditional design of surrounding homes and (d) stands at odds with the cohesiveness of the architectural styles utilized in the neighborhood.

I very much appreciate your attention to this matter.

Respectfully submitted

Michael P. McCloskey

cc: Members of the Architectural Commission (via email)

F615.003/00219633 v1

202 CORAL LANE PALM BEACH FLORIDA 33480



MINUTES
ARCHITECTURAL COMMISSION
IN THE
TOWN COUNCIL CHAMBERS
2ND FLOOR, TOWN HALL
360 S. COUNTY ROAD, PALM BEACH, FLORIDA

WEDNESDAY, AUGUST 28, 2013, 9:00 a.m.

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at www.townofpalmbeach.com or may obtain an audio recording of the meeting by contacting Cindy Delp, Secretary to the Architectural Commission at (561) 227-6408. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

I. CALL TO ORDER (8:59:25 a.m.)

Chairman Vila called the meeting to order at 9:00 a.m.

II. ROLL CALL (8:59:33 a.m.)

Robert J. Vila, Chairman	PRESENT
Nikita Zukov, Vice Chairman	PRESENT
Kenn Karakul, Member	PRESENT
Ann L. Vanneck, Member	PRESENT
Henry Homes III, Member	PRESENT
Richard Sammons, Member	ABSENT (excused)
Peter I. C. Knowles II, Member	PRESENT
Martin D. Gruss, Alternate Member	PRESENT
Alexander C. Ives, Alternate Member	PRESENT
Michael B. Small, Alternate Member	PRESENT

Let the record show that Mr. Gruss was a voting member today due to Mr. Sammons' absence.

Staff members present: John S. Page, Director of Planning, Zoning & Building, John Lindgren, Planning Administrator, Paul Castro, Zoning Administrator (for certain projects), and Cynthia M. Delp, Secretary to the Architectural Commission.

VIII. PROJECT REVIEW (9:00:48 a.m.)

B. MAJOR PROJECTS-NEW BUSINESS (10:41:03 a.m.)

B - 079 - 2013 New Residence

Address: 212 Coral Lane

Applicant: Parkwood Trust Company (Tony Beyer)

Architect: Smith and Moore Architects Inc., Daniel Kahan

Project Description: New one-story residence. Final landscape, hardscape and pool.

Call for disclosure of ex parte communication: Disclosures by all members

ARCHITECTURAL PRESENTATION BY: Daniel Kahan, Smith and Moore Architects

LANDSCAPE PRESENTATION BY: Keith Williams, Nievera Williams Design

Mr. Kahan presented the project in accordance with the submitted plans and as described above. It should be noted that the architect brought a model of the new house to the meeting. Mr. Kahan stated that he was collaborating with Brazilian architect, Isay Weinfeld, on this project. The house is designed in the tropical modern style which brings garden areas into the house. The house is to function as a family home for a young family. He explained that the house is set up as a series of individual volumes with shared space, interior space, courtyards or circulation between. Each pod is treated differently as to its materials. Varying textures of the same materials are incorporated. All courtyards are treated differently. The building will be done in different textures of white.

Keith Williams presented a lush tropical, loose landscape design to include: Existing vegetation and buffering on the east, west and south to be retained, except for the removal of invasives; large stone slabs leading the way to the front door; a rolling topography created in the front yard with grasses planted against the house and Sweet Acacia trees dispersed in the lawn; front landscaping designed to play with light and shadow against the house; a large sculptural tree, perhaps a Green Buttonwood, to anchor the northeast corner; stone mosaic driveway; and, lush tropical garden and long pool in the rear.

Under commission comments: Magnificent idea, but this is only preliminary...questioning how some of the design goals will actually be achieved; wonderful design; applaud material choices; concern regarding drainage of interior courtyards; this is a total departure within the neighborhood and it's in everyone's face...you have no concealment or mystery at the street side...you are disrespecting your neighbors; brilliant; the approach of presenting this type of facade on a street that is a cluster of differentness is a very good approach; the most leading edge project in town; spectacular house, but would prefer this design on the lake, not on Coral; houses cannot be too similar or too dissimilar; it is beautiful, but it's in your face...it needs a buffer from the street.

Mr. Lindgren read a letter into the record from Michael McCloskey, 202 Coral Lane, wherein he states his considerable opposition to the project, stating that it does not fit into the neighborhood.

**MOTION BY MR. KARAKUL TO ACCEPT THE ARCHITECTURE AS PRESENTED.
MOTION SECONDED BY MR. GRUSS.**

**MOTION CARRIED 4-3, WITH MR. ZUKOV, MRS. VANNECK AND MR. HOMES
OPPOSING.**

Let the record show that Mr. Gruss left the meeting at 3:10 p.m.

Mrs. Vanneck suggested that the landscaping be brought toward the street, i.e., a layered landscape.

**MOTION BY MR. HOMES TO DEFER THE LANDSCAPING, NOT THE
HARDSCAPING, (TO SEPT.) FOR FUTURE STUDY.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED 4-3, WITH MESSRS. KARAKUL, IVES AND VILA OPPOSED.**





MARIO F. NIEVERA
State of Florida
Landscape Architect
Registration No.
6664896

SITE RENDERING
212 CORAL LANE
PALM BEACH, FLORIDA

SCALE: 1/8" = 1'-0"

19 SEPTEMBER 2013



NIEVERA WILLIAMS
DESIGN

223 Sunset Avenue
Suite 150
Palm Beach, Florida 33480
P: 561-659-3830
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NIEVERAWILLIAMS.COM

SK1

ARCOM # B-079-2013



From: **Michael McCloskey** mpm@frinv.com
Subject: 212 Coral Lane proposal before ARCOM August 28, 2013
Date: August 26, 2013, 10:48 AM
To:
Cc: Holly McCloskey holly@frinv.com

To: The Members of the Palm Beach Architectural Commission

I'm writing to express my considerable opposition to the home proposed at 212 Coral Lane. Unfortunately I'm out of town otherwise I would be in attendance at the August 28 meeting to personally express my displeasure. The submission of this application in the dead of summer and seemingly without one variance does not go unnoticed.

My family and I have resided at 202 Coral Lane since 1999. Coral Lane, Crescent Way and Emerald Lane have always remained consistent in their architectural character. New house that have been constructed have continued to maintain this consistency.

Case in point. In 2006 my wife and I designed a replacement home for our property which was consistent with the Georgian influence of our community. At that time the Architectural Commission was so intent that the home be in keeping with its neighboring environs that it requested we revise the shape of the staircase (which affected the exterior elevation) from round to square. They were correct and we obliged.

Now comes the application proposed for 212 Coral which seems as if a shoebox has landed in the currently vacant lot. Whether one is a fan of modern architecture is not the question. The question is whether or not this particular designs fits in with the character of our neighborhood. Does it belong? Clearly it does not.

I am quite sure that if the Architectural Commission is as detail-oriented now as it was in 2006 this submission will be summarily rejected.

Thank You.

Michael P. McCloskey
FRI Investors, Inc
CEO
2090 Palm Beach Lakes Blvd.
Suite 700
West Palm Beach, FL 33409
O: 561.615.3979
mpm@frinv.com
www.frinv.com

To: PB Town Council

From: Mrs. George F. Schrafft

Since I have already seen the Seabreeze Avenue house by the same architect as the proposed home at 212 Coral Lane, I can only hope that the landscaping for the new home will equal or surpass that of the original.

The other houses on Coral Lane are well and attractively protected by walls of green, and I as a close neighbor on Crescent drive ask that the same be done to 212 Coral Lane, as its stark north facade would be inappropriate in our pretty neighborhood.

A handwritten signature in black ink, reading "Irene Schrafft". The signature is written in a cursive style with a large, sweeping initial "I" and a long, horizontal flourish extending to the right.

September 16, 2013

September 30, 2013

Susan A. Owens, MPA, MMC
Town Clerk
360 South County Road
Palm Beach, Florida 33480

Re: 212 Coral Lane

Dear Ms. Owens:

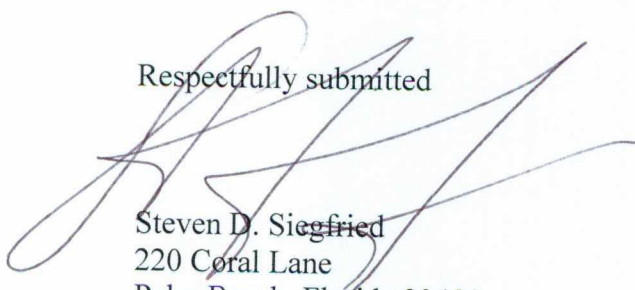
I am writing this letter to formally appeal the Architectural Commission's decision of September 19, 2013 related to the design of a new home planned for 212 Coral Lane.

The Town Beach Code of Ordinances states in Subsection 18-146(d) that the task of the architectural commission is to "preserve various elements of our urban beauty and require that new projects enhance existing elements." The section further concludes that "It is the intent of this article to achieve a pleasant and comprehensive cohesiveness in community development."

The drawings, plans and renderings of the proposed new home depict a building design that is not consistent with the other homes on Coral Lane. Because of this unconventional design, I believe that the home is in stark contrast with the surrounding homes and therefore does not represent a pleasant and comprehensive cohesiveness in community development.

Thank you in advance for your attention to this matter. Please do not hesitate to contact me if you have any questions or require additional information.

Respectfully submitted



Steven D. Siegfried
220 Coral Lane
Palm Beach, Florida 33480

TOWN OF PALM BEACH

Town Council Meeting on: October 9, 2013

Section of Agenda

Time Extensions

Agenda Title

Request for Waiver of Section 42-199, Hours of Construction Work, at 125 Worth Avenue Per Letter Dated September 23, 2013, from Fine Line Construction Contractors, Inc.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated September 27, 2013 from John Page
- Letter Dated September 23, 2013 from Robert E. Waskiewicz
- 125 Worth Avenue Floor Plan
- 125 Worth Avenue Construction Plan
- 125 Worth Avenue Notice of Affidavit

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 9, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

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

Date: September 27, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council consider an extension of the hours for construction work until October 31st, for 125 Worth Avenue, within the C-WA Worth Avenue Zoning District. Construction work on Worth Avenue is prohibited from November through April. Approval, if granted, should be conditioned as follows:

- Work hours be allowed from 7:00 am to 9:00 pm Monday through Friday (applicant has requested a 10:00 pm stop work time). Code requirement is 8:00 am through 8:00 pm Monday through Saturday, ending October 31.
- Work hours on Saturday are from 8:00 am to 8:00 pm (applicant has requested 7:00 am to 10:00 pm Monday through Saturday).
- No work allowed on Sundays or Town of Palm Beach legal holidays.
- Approval of the Worth Avenue Association.
- Provision of a construction schedule to the satisfaction of the Building Official.
- All windows shall be screened per Town Ordinance 22-58.
- All deliveries will be made between the hours of 8:00 am and 10:00 am.
- No construction related parking will be allowed on Worth Avenue.
- No workers shall congregate or loiter on Worth Avenue.
- A right of way permit is required for use of the sidewalk.
- Any verified complaints from neighbors may revoke extended work hours.
- Submission of an affidavit that all property owners, businesses and residents (Condominium Association if a condominium) within a 200 foot radius of the subject property have been notified of this request by mail 10 days prior to the scheduled meeting date.
- Contractor will provide a copy of the affidavit and a copy of the notice to the Building Official no later than 5 days prior to the scheduled hearing date.

Staff further recommends, if the Town Council grants the extension, that for the period requested between November 1st and November 22nd the following conditions apply:

- Hours of Construction shall be limited to Monday through Friday, 9:00 am to 5:00 pm only, and shall include only interior quiet work.
- No work Saturdays, Sundays or Town of Palm Beach legal holidays.
- No construction related parking will be allowed on Worth Avenue.
- No workers shall congregate or loiter on Worth Avenue.
- Any verified complaints from neighbors may revoke extended work hours.

Staff has notified the applicant that during Town Council meetings last year, the Town Council discussed that it would not necessarily be in favor of granting any extensions beyond the October 31st deadline for work to be completed on Worth Avenue this year and in the future. Regardless, applicant has opted to present this request.

GENERAL INFORMATION

The applicant is requesting extended working hours (7:00 am to 10:00 pm), Monday through Saturday, beginning October 10, 2013 and extending through November 22, 2013. The applicant is further requesting an extension of time beyond the deadline for work on Worth Avenue (October 31st). They are requesting to be allowed to work from November 1st to November 22nd, during the hours of 7:00 am to 10:00 pm Monday through Saturday. This work includes interior work in the common corridors. The permit for this work was issued on July 30, 2013.

Attachments

JP/wcb

cc: Keith Spina, Glidden-Spina Architecture
Robert E. Waskiewicz, Vice President, Fineline Construction
Bill Bucklew, Acting Building Official
Paul W. Castro, Zoning Administrator
H. Paul Brazil, Public Works Director
Raychel Houston, Code Enforcement Unit



September 23, 2013

Re: 125 Worth Avenue Common Corridor Renovations – October 9, 2013 Town Council Meeting

Mr. Bill Bucklew:

A waiver of Town Ordinance 42-199, Hours of construction, is being requested by 125 Worth Avenue to complete interior renovations between the hours of 7:00AM until 10:00PM. This waiver is requested from October 10th, 2013 until November 22nd, 2013.

This waiver is necessary in order to ensure that the proposed renovations will be completed by November 22nd, 2013 as the interior finishes selected by the property owner have lengthy lead times and will not ship until the week of October 28th, 2013. In addition, we have encountered many unforeseen existing building conditions that have impeded our progress to date as the structure is a 40 + year old building. This has unfortunately caused numerous delays of extreme variation.

This matter will be presented to the Palm Beach Town Council at the regularly scheduled meeting on October 9th, 2013. Any concerns regarding this matter should be expressed at this meeting.

Please do not hesitate to contact me at the below information with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert E. Waskiewicz", written over a horizontal line.

Robert E. Waskiewicz

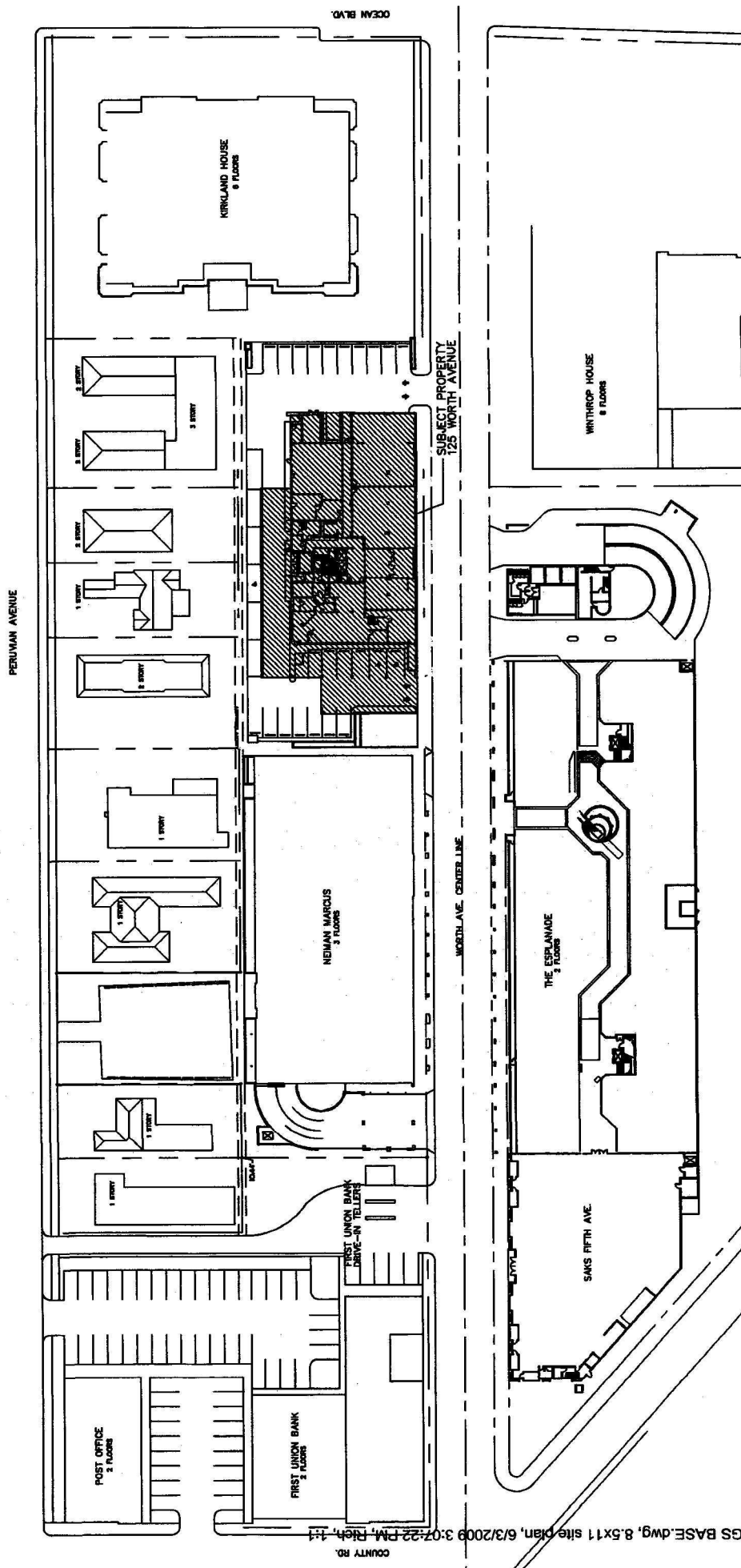
Vice President

Cell: 954-214-8104



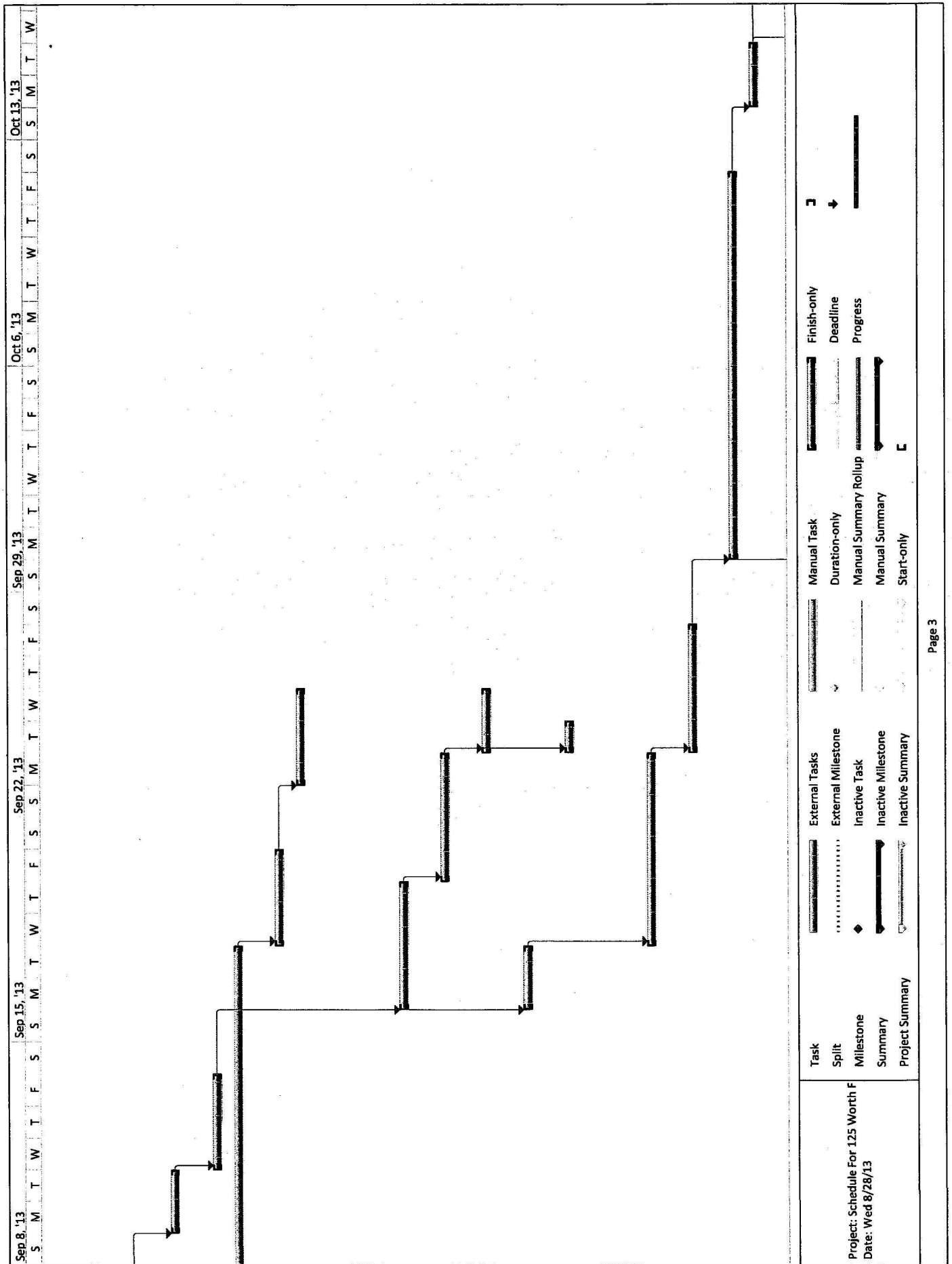
CROCKER
—**S**—
PARTNERS

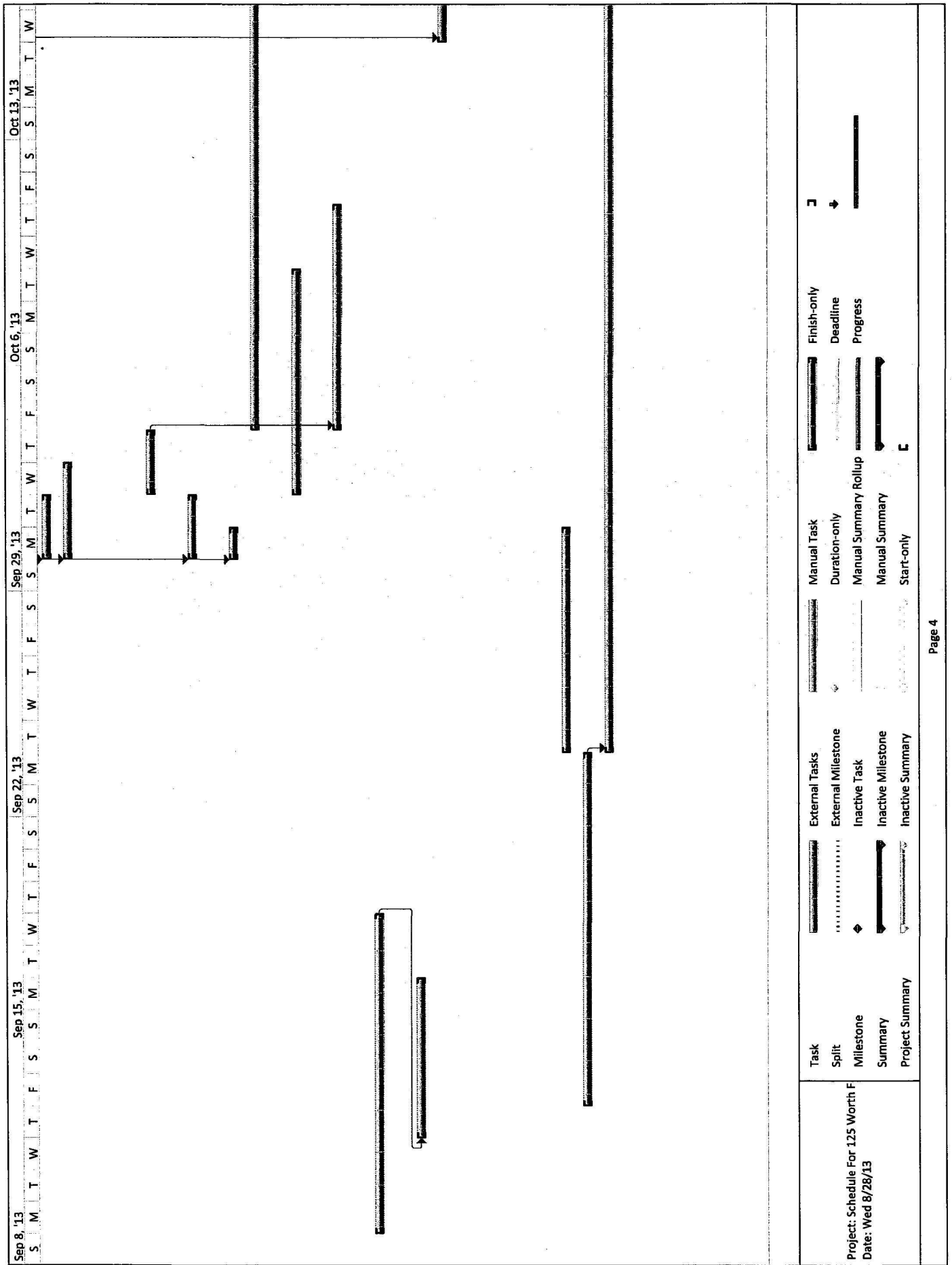
125 WORTH AVE.
SITE PLAN
SCALE: 1" = 100'-0"

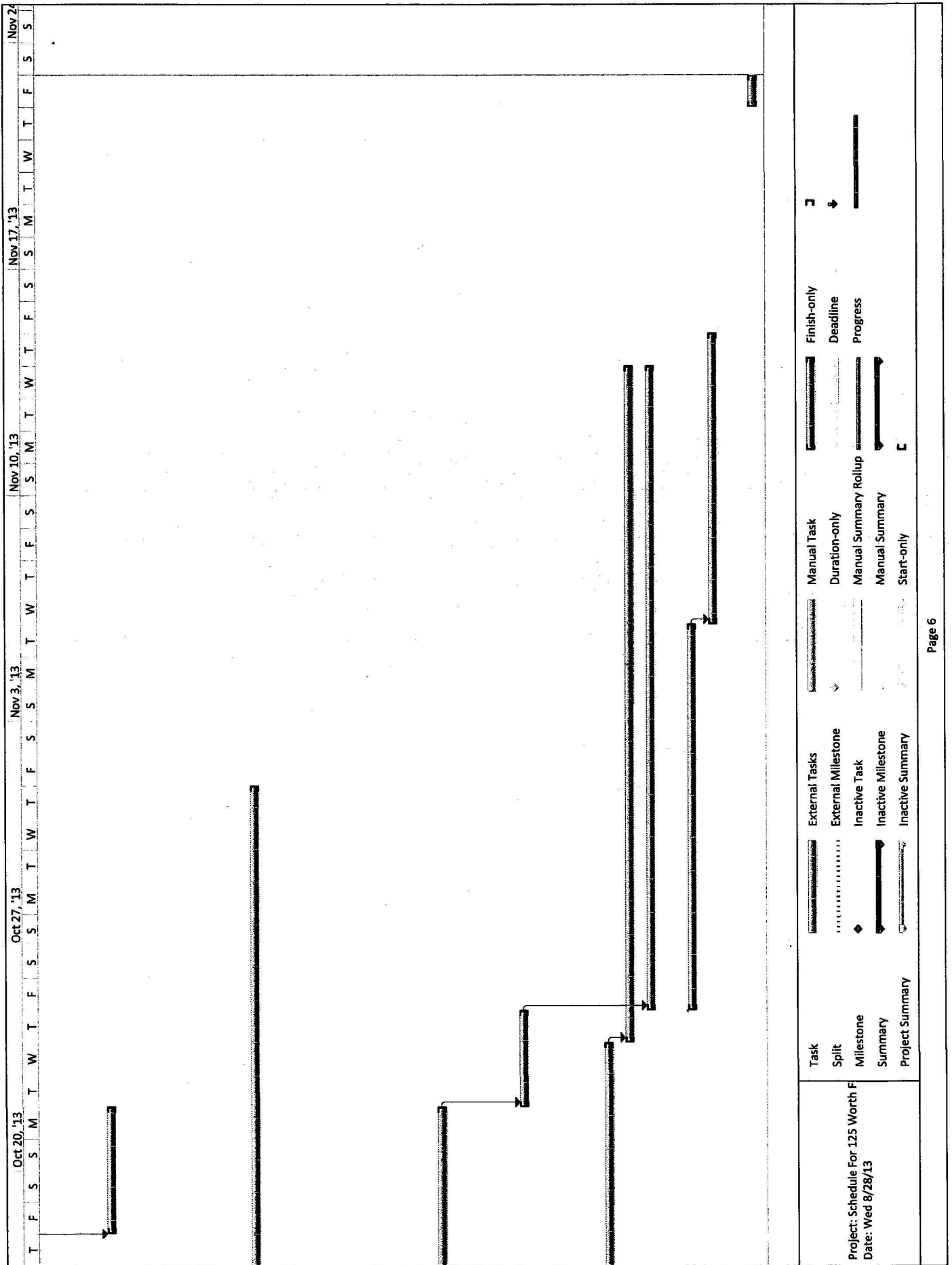


ID	Task Name	Duration	Start	Finish	W	T	F	S	M	T	W	T	F	S	M	T	W	T	F	S	M	T	W	T	F	S
1	Demo Started 3rd Floor	7 days	Thu 8/15/13	Fri 8/23/13																						
2	Contract Awarded	1 day	Tue 8/27/13	Tue 8/27/13																						
3	Removal Of Drywall and Studs	3 days	Fri 8/23/13	Tue 8/27/13																						
4	Removal Of Carriers and Install New 3rd Fl	8 days	Wed 8/28/13	Fri 9/6/13																						
5	Replace Drywall	2 days	Mon 9/9/13	Tue 9/10/13																						
6	Frame New Walls 3rd Floo	2 days	Wed 8/28/13	Thu 8/29/13																						
7	Finish Drywall On 3rd Floo	3 days	Wed 9/11/13	Fri 9/13/13																						
8	Install Bathroom Tile on The Thirp Floor	15 days	Wed 8/28/13	Tue 9/17/13																						
9	Install Plumbing Fixtures	3 days	Wed 9/18/13	Fri 9/20/13																						
10	Install Toilet Partitions	3 days	Mon 9/23/13	Wed 9/25/13																						
11	Replace Ceiling Tile and Grid on Third Floor Only	4 days	Wed 8/28/13	Mon 9/2/13																						
12	Install New Lighting Fixtures on Third Floor	2 days	Tue 9/3/13	Wed 9/4/13																						
13	Painting Of Ceilings and Walls	4 days	Mon 9/16/13	Thu 9/19/13																						
14	Painting of Door Jambes Third Floor	2 days	Fri 9/20/13	Mon 9/23/13																						
15	Fire Alarm on Third Floor Replaced	2 days	Tue 9/24/13	Wed 9/25/13																						
16	Install Marble on Third Floor	2 days	Mon 9/16/13	Tue 9/17/13																						
17	Installation Of New Carpet On Third Floor	1 day	Tue 9/24/13	Tue 9/24/13																						
18	Demo Second Floor Corridors	2 days	Fri 8/23/13	Mon 8/26/13																						
19	Demo Bathrooms Second Floor	4 days	Wed 9/18/13	Mon 9/23/13																						
20	Framing and Drywall Repairs For Second Floor	4 days	Tue 9/24/13	Fri 9/27/13																						
21	Install Tile	10 days	Mon 9/30/13	Fri 10/11/13																						
22	Set Plumbing Fixtures 2nd Floor	2 days	Mon 10/14/13	Tue 10/15/13																						

Project: Schedule For 125 Worth F
Date: Wed 8/28/13







NOTICE AFFIDAVIT

STATE OF FLORIDA

COUNTY OF PALM BEACH, TOWN OF PALM BEACH

BEFORE ME THIS DAY PERSONALLY APPEARED Niki Bennett WHO BEING DULY SWORN, DEPOSES AND SAYS THAT:

1. He/she is the owner, or the owner's authorized agent, of the real property legally described in the Application for Certificate of Appropriateness; and
2. The accompanying Property Owners List is, to the best of his/her knowledge, a complete and accurate list of all property owners' mailing addresses and property control numbers dated no more than 90 days prior to the Landmarks Preservation Commission hearing at which the subject application will be heard, and as recorded in the latest official tax rolls for the subject property and all other property within two hundred fifty (250) feet of the real property described in the Application for Certificate of Appropriateness, or all property within two hundred fifty (250) feet of all contiguous property owned wholly or in part by the owner of the real property described in the Application for Certificate of Appropriateness, if applicable; and
3. A copy of each page of the application plus Notice to Surrounding Property Owners is included in each envelope submitted for mailing, using the label provided by the Property Appraiser.

FURTHER AFFIANT SAYETH NOT.

The foregoing instrument was acknowledged before me this 27th day of September 2013 by Niki Bennett who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

(type of identification)

(Signature of Person Taking Acknowledgment)

Applicant's Signature

(Printed Name of Acknowledger)

Applicant's Printed Name

(Title or Rank)

Street Address

(Serial Number, if any)

City, State, Zip Code

Telephone number



**EILEEN P. TRIMBLE
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE221310
Expires 11/11/2016**

TOWN OF PALM BEACH

Town Council Meeting on: October 9, 2013

Section of Agenda

Time Extensions

Agenda Title

Request for Waiver of Section 42-199, Hours of Construction Work, at 247 Worth Avenue Per Letter Dated September 20, 2013, from Maura Ziska.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum Dated September 27, 2013 from John Page
- Letter Dated September 20, 2013 from Maura Ziska

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 9, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Waiver of Town Code Section 42-199, work in the C-WA Worth Avenue Zoning District
247-249 Worth Avenue

Date: September 27, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council consider an extension of the hours for construction work until October 31st, for 247/249 Worth Avenue, within the C-WA Worth Avenue Zoning District. Construction work on Worth Avenue is prohibited from November through April. Approval, if granted, should be conditioned as follows:

- Work hours be allowed from 7:00 am to 9:00 pm Monday through Friday (applicant has requested 7:00 am to 10:00 pm). Code requirement is 8:00 am to 8:00 pm Monday through Saturday.
- Work hours on Saturday be limited from 8:00 am to 8:00 pm (applicant has requested 7:00 am to 10:00 pm Monday through Saturday) as presently allowed by code.
- No work allowed on Sundays or Town of Palm Beach legal holidays.
- Approval of the Worth Avenue Association.
- Provision of a construction schedule to the satisfaction of the Building Official.
- All windows shall be screened per Town Ordinance 22-58.
- All deliveries will be made between the hours of 8:00 am and 10:00 am.
- No construction related parking will be allowed on Worth Avenue.
- No workers shall congregate or loiter on Worth Avenue.
- Exterior work on Worth Avenue will take place only from 8:00 am to 6:00 pm; a right of way permit is required for use of the sidewalk.
- Any verified complaints from neighbors may revoke extended work hours.
- Submission of an affidavit that all property owners, businesses and residents (Condominium Association if a condominium) within a 200 foot radius of the subject property have been notified of this request by mail 10 days prior to the scheduled meeting date.
- Contractor will provide a copy of the affidavit and a copy of the notice to the Building Official no later than 5 days prior to the scheduled hearing date.

Staff further recommends, if the Town Council grants the extension, that for the period requested between November 1st and November 22nd the following conditions apply:

- Hours of Construction shall be limited to Monday through Friday, 9:00 am to 5:00 pm only, and shall include only interior quiet work.
- No work Saturdays, Sundays or Town of Palm Beach legal holidays.
- No construction related parking will be allowed on Worth Avenue.
- No workers shall congregate or loiter on Worth Avenue.
- Any verified complaints from neighbors may revoke extended work hours.

Staff has notified the applicant that during Town Council meetings last year, the Town Council discussed that it would not necessarily be in favor of granting any extensions beyond the October 31st deadline for work to be completed on Worth Avenue this year and in the future. Regardless, applicant has opted to present this request.

GENERAL INFORMATION

The applicant is requesting extended working hours (7:00 am to 10:00 pm), Monday through Saturday, beginning October 10th and extending through October 31st. This includes both interior and exterior work. The applicant is further requesting an extension of time beyond the deadline for work on Worth Avenue (October 31st). They are requesting to be allowed to work from November 1st to November 22nd, during the hours of 9:00 am to 5:00 pm Monday through Friday. This work would include interior quiet work only which will occur behind closed doors and worker access will be through the rear of the building.

ARCOM approvals of exterior changes were approved on September 25th, 2013. Permits were issued for the interior demolition work on September 26th for the space at 247 Worth Avenue, and on September 24th for space at 249 Worth Avenue. The permits for ARCOM approved work at these spaces cannot be issued until after the 10 business day appeal period has lapsed. The earliest these permits could be issued is on October 10th.

Please be aware of the following notes:

1. The attached Worth Avenue Association letter specifies that all work should be completed by November 1st.
2. Applicant's attached request does not detail reasoning for the time extension. Staff has advised applicant to be prepared with such explanation for the Council.

Attachments

JP/wcb

cc: Maura Ziska, Attorney for applicant
Bill Bucklew, Acting Building Official
Paul W. Castro, Zoning Administrator
H. Paul Brazil, Public Works Director
Raychel Houston, Code Enforcement Unit

KOCHMAN & ZISKA PLC

Ronald S. Kochman*

Maura A. Ziska

Marvin S. Rosen, Counsel•

*Also admitted in New York

•Also admitted in Michigan

Esperanté

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

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

VIA EMAIL AND HAND DELIVERY

September 20, 2013

Bill Bucklew
Building Official
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RECEIVED

SEP 20 2013

TOWN OF PALM BEACH
PZB DEPT

Re: 247 Worth Avenue – Sandro retail store
Requesting a Waiver of Section 42-199

Dear Bill:

Enclosed please find the following items for submittal regarding the above mentioned request:

1. Letter requesting the Waiver;
2. Letter sent to neighbors within 200 feet;
3. Consent letter from the Worth Avenue Merchant's Association;
4. Notarized Affidavit; and
5. Construction Schedule

If you have any questions concerning the above, please call.

Sincerely,



Maura Ziska

/maz

Enclosures

KOCHMAN & ZISKA PLC

Ronald S. Kochman*

Maura A. Ziska

Marvin S. Rosen, Counsel

*Also admitted in New York

•Also admitted in Michigan

Esperanté

222 Lakeview Avenue, Suite 1500

West Palm Beach, Florida 33401

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

September 20, 2013

Bill Bucklew, Building Official
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

**RE: Waiver of Section 42-199/ SANDRO Retail Store
247 Worth Avenue, Palm Beach, Florida**

Dear Mr. Bucklew:

I represent Sandro, a retail store moving into 247 Worth Avenue. On Sandro's behalf, I would like to appear before the October 9, 2013 Town Council meeting to request the following:

- 1) Extended hours of construction to be 7:00 a.m. to 10:00 p.m., Monday through Saturday from October 10th to October 31st for both interior and exterior work;
and
- 2) Extension of time to work on Worth Avenue from November 1st to November 22nd, 9:00 a.m. to 5:00 p.m. Monday through Friday, for interior, quiet work only.

Please note that the work after November 1st will be interior work behind closed doors and all workers and deliveries will gain access through the rear of the building and not on Worth Avenue. The store has secured 11 spaces at the Apollo Lot for the workers.

Please call me if you have any questions with the foregoing. Thank you.

Sincerely yours,


Maura Ziska

/maz

KOCHMAN & ZISKA PLC

Ronald S. Kochman*

Maura A. Ziska

Marvin S. Rosen, *Counsel**

*Also admitted in New York

*Also admitted in Michigan

Esperanté

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

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

September 20, 2013

To Whom It May Concern:

A waiver of Town Ordinance 42-199, Hours of construction, is being requested by 247 Worth Avenue to allow work from 7:00 a.m. to 10:00 p.m. from October 10, 2013 to October 31, 2013. A further request is to allow work to continue from November 1, 2013 until November 22, 2013 for interior, quiet work only.

This matter will be presented to the Palm Beach Council at the regularly scheduled meeting on October 9, 2013. Any concerns regarding this matter should be expressed at this meeting.

This notice is required to be postmarked no later than 10 days prior to the regularly scheduled meeting.

Respectfully,



Maura Ziska

MAZ/jch

WORTH AVENUE

September 16, 2013

Jerome Baumoehl, Architect
205 Worth Avenue
Suite 317
Palm Beach, FL 33480

Re: 247 + 249 Worth Avenue

Dear Mr. Baumoehl:

In accordance with your request, let this letter serve to advise that the Worth Avenue Association does not object to your request for construction at the referenced addresses, provided:

1. Off street parking will be provided for all trades during any construction,
2. No construction will take place after November 1st.

Should you have any questions, please let us know.

Kind regards,



Robin L. Miller for
Worth Avenue Association

NOTICE AFFIDAVIT

**STATE OF FLORIDA
COUNTY OF PALM BEACH**

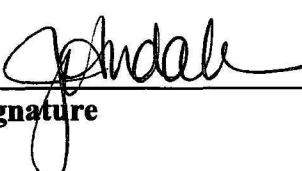
Before me this day personally appeared Maura Ziska who being duly sworn, disposes and says that:

1. She is the owner's authorized agent of the real property legally described in the Exhibit "A";

2. The accompanying Property Owners List is, to the best of her knowledge, a complete and accurate list of all property owners' mailing addresses and property control numbers post dated no later than 10 days prior to the Town Council hearing at which the subject waiver will be heard, and as recorded in the latest official tax rolls for the subject property and all other properties within a two hundred (200) feet of the real property as described in Exhibit "A"; and

3. A copy of the notification to the property owners is included in each envelope submitted for mailing on September 20, 2013, using labels provided by the Property Appraiser's Office.

**Sworn to and subscribed before me this 20 day of September, 2013.
by Maura Ziska who is personally know to me and who did not take the oath.**



Notary Signature

Print Name of Notary

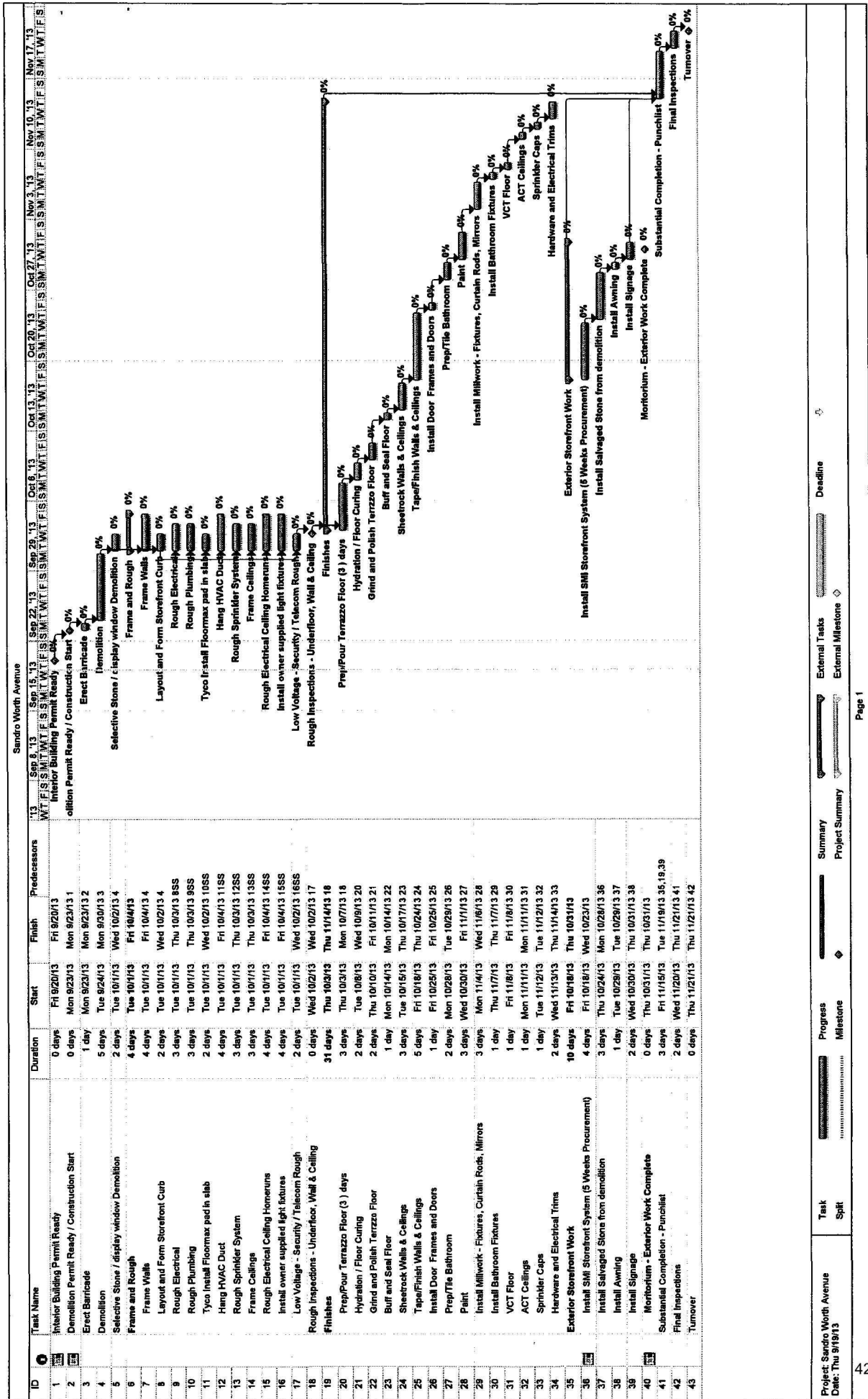


Applicant Signature

MAURA ZISKA

Print Name





TOWN OF PALM BEACH

Town Council Meeting on: October 9, 2013

Section of Agenda

Time Extensions

Agenda Title

Request for Waiver of Section 42-199, Hours of Construction Work, at 305 Worth Avenue Per Letter Dated September 19, 2013, from 212 Design.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum Dated September 27, 2013 from John Page
- Letter Dated September 19, 2013 from Greg Anderson
- 305 Worth Avenue Floor Plan
- Letter Dated September 19, 2013 from Greg Anderson

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 9, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

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

Date: September 27, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council consider an extension of the hours for construction work until November 18, 2013, for 305 Worth Avenue, within the C-WA Worth Avenue Zoning District. Construction work on Worth Avenue is prohibited from November through April. Approval, if granted, should be conditioned as follows:

- Work hours be allowed per Code (8:00 am – 8:00 pm) Monday through Saturday until October 31st, and then Monday through Friday 9:00 am to 5:00 pm until November 18th.
- No work allowed Saturdays, Sundays and Town of Palm Beach legal holidays from November 1st until November 18th.
- Approval of the Worth Avenue Association.
- Provision of a construction schedule to the satisfaction of the Building Official.
- All windows shall be screened per Town Ordinance 22-58.
- All deliveries will be made between the hours of 8:00 AM and 10:00 AM.
- No construction related parking will be allowed on Worth Avenue.
- No workers shall congregate or loiter on Worth Avenue.
- No exterior work allowed after October 31st; a right of way permit is required for use of the sidewalk.
- Any verified complaints from neighbors may revoke extended work hours.
- Submission of an affidavit that all property owners, businesses and residents (Condominium Association if a condominium) within a 200 foot radius of the subject property have been notified of this request by mail 10 days prior to the scheduled meeting date.
- Contractor will provide a copy of the affidavit and a copy of the notice to the Building Official no later than 5 days prior to the scheduled hearing date.

Staff has notified the applicant that during Town Council meetings last year, the Town Council discussed that it would not necessarily be in favor of granting any extensions beyond the October 31st deadline for work to be completed on Worth Avenue this year and in the future. Regardless, applicant has opted to present this request.

GENERAL INFORMATION

The applicant is requesting an extension of the work deadline on Worth Avenue beyond the required date for completion of October 31, 2013. Applicant is requesting a completion date of November 18, 2013. They have indicated in their request that the work to be conducted beyond the deadline will be interior work only in the rear 75% of the indicated space.

The permit for this interior work was issued on September 27, 2013.

Attachments

JP/wcb

cc: Greg Anderson, President, Two One Two Design
Bill Bucklew, Acting Building Official
Paul W. Castro, Zoning Administrator
H. Paul Brazil, Public Works Director
Raychel Houston, Code Enforcement Unit



William C. Bucklew
Combination Plans Examiner
PO Box 2029
Palm Beach, Florida 33480

September 19th, 2013

Re: Vineyard Vines
305 Worth Avenue
West Palm Beach FL

Dear Mr. Bucklew,

I am writing on behalf of my client, Vineyard Vines, who has just signed a lease at 305 Worth Avenue to construct their Flagship store.

Due to delays beyond my client's control in the leasing process we lost a month in planning. Architecture and Engineering have been completed since July.

We are presently under an Expedited Review with the Town of Palm Beach Planning and hope to have comments by end of next week, September the 27th.

We hope to start demolition and construction no later than October 1st. Our anticipated build time was 9 weeks, which at this point would leave us opening December 5th, well past the moratorium date of October 31st. We are presently updating this to a 7 week schedule.

Therefore, we would like to formally request to be allowed to conduct work past the moratorium until November 18th.

Please note we are not doing any exterior work or interior work within the first 25% of the space. There is a parking lot dedicated to this address in the rear of the building with direct access to the space. Find attached the site plan and plans showing the existing condition and proposed layout for your further consideration.

Further detailed documents are available at your request.

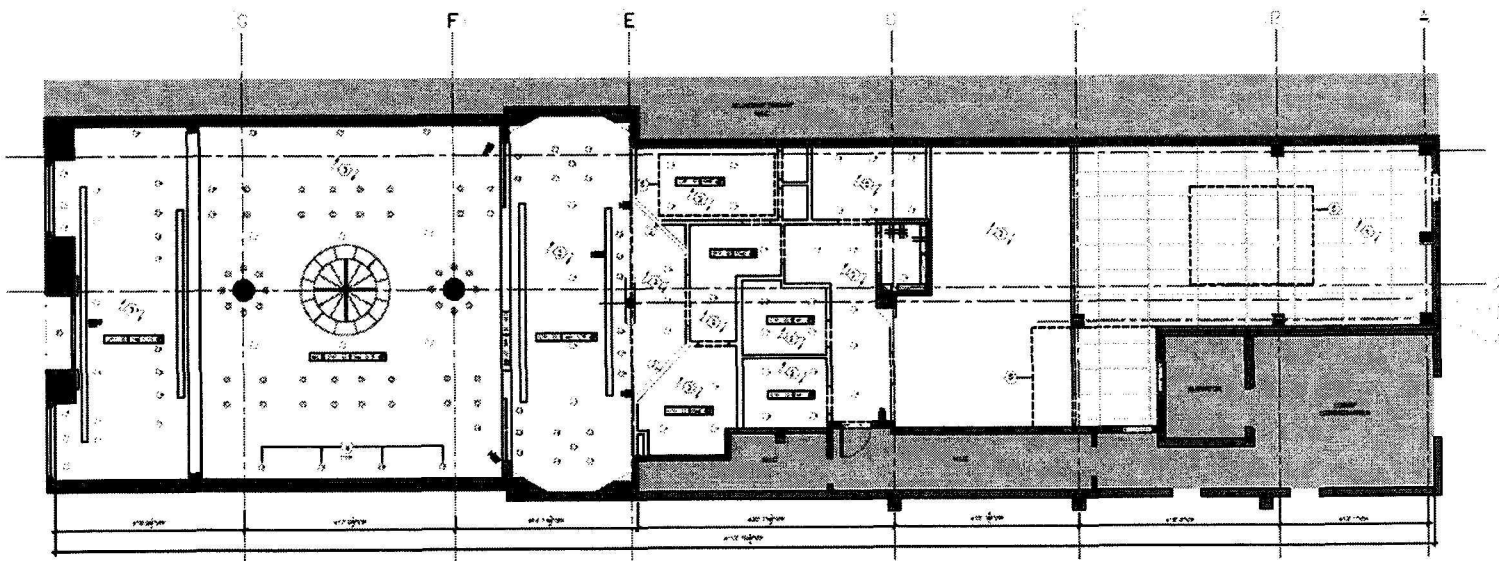
My contact details are: Cell 646 529 5499, Office 212 904 0432 and email greg@twoonetwodesign.com.

Thank you. I look forward to speaking with you.

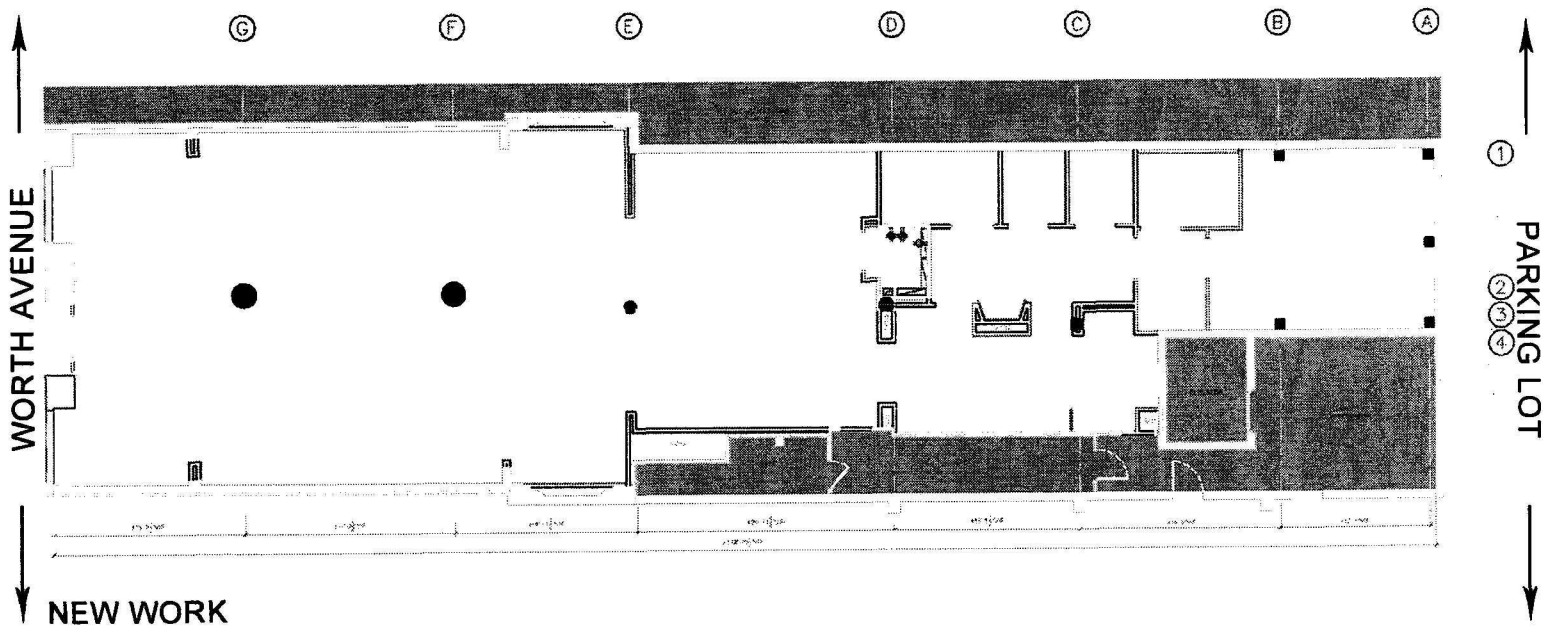
Sincerely,

Greg Anderson
President
Two One Two Design

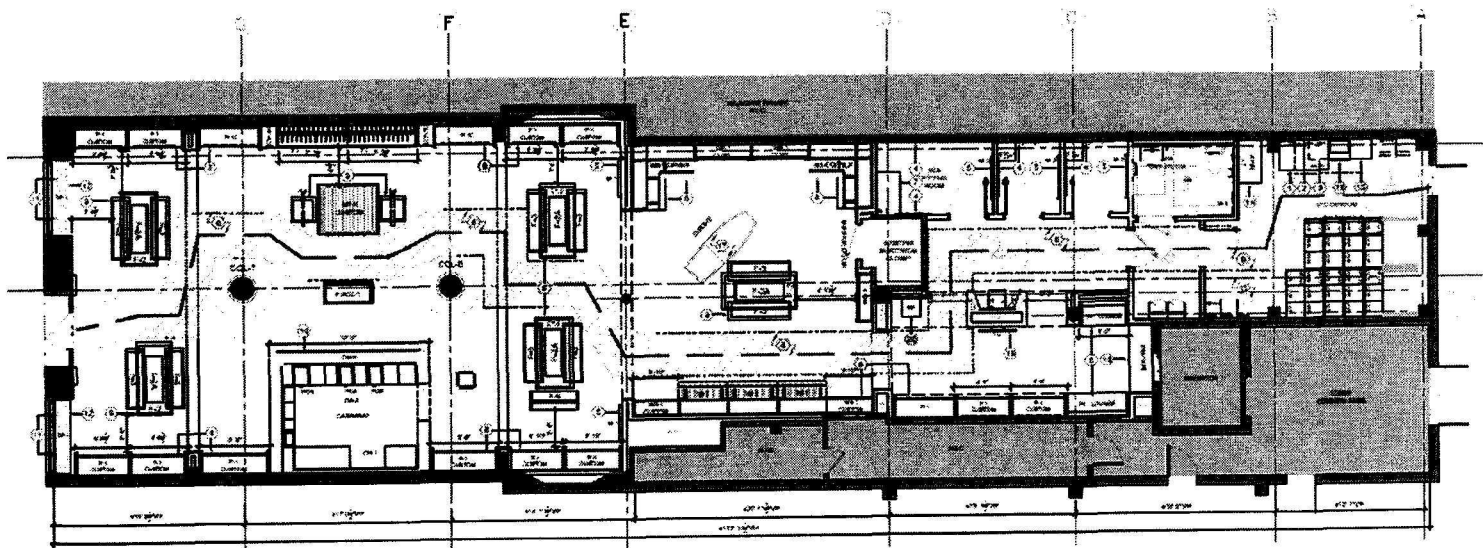
Cc: Shep and Ian Murray, Co-Founders, Vineyard Vines
Mike Gaumer, President Vineyard Vines
Anne Danielsen, Sr. VP Retail Vineyard Vines



EXISTING SPACE



NEW WORK



FIXTURE PLAN



William C. Bucklew
Combination Plans Examiner
PO Box 2029
Palm Beach, Florida 33480

September 19th, 2013

Re: Vineyard Vines
305 Worth Avenue
West Palm Beach FL

Dear Mr. Bucklew,

I am writing on behalf of my client, Vineyard Vines, who has just signed a lease at 305 Worth Avenue to construct their Flagship store.

We have notified our neighbors within 200 feet of our formal request for a Moratorium Extension to be reviewed in the October the 9th, 2013 Town Council Meeting.

My contact details are: Cell 646 529 5499, Office 212 904 0432 and email greg@twoonetwodesign.com.

Thank you. I look forward to speaking with you.

Sincerely,

Greg Anderson
President
Two One Two Design

Cc: Shep and Ian Murray, Co-Founders, Vineyard Vines
Mike Gaumer, President Vineyard Vines
Anne Danielsen, Sr. VP Retail Vineyard Vines

DARYL ANDREW DILLON
Notary Public, State of New York
No. 01DI6231449
Qualified in Kings County
Commission Expires Nov 29, 2014

TOWN OF PALM BEACH

Town Council Meeting on: October 9, 2013

Section of Agenda

New Business - < 15 Minutes

Agenda Title

SPECIAL EXCEPTION #18-2013 The application of Cento Vini, LLC, dba Vinoutlet; relative to property commonly known as **2875 South Ocean Blvd**; described as lengthy legal description on file; located in the C-TS Zoning District. The applicant is requesting approval pursuant to Condition #2 in the original 1980 development order to construct the existing building on the subject property. (Special Exception #25-80. The condition requires any use other than office and professional services to obtain Town Council approval. This request is to allow a high-end wine store totaling 611 square feet. Proposed daily hours of operation for this retail use are 11:00 a.m. to 7:00 p.m. The Applicant may also seek to host “tasting events” from time to time that may be from 7:00 p.m. to 9:00 p.m. [Attorney: Neil Schiller]

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum Dated September 19, 2013 from the Citizens' Association of Palm Beach
- Letter Dated September 19, 2013, from Richard Halpern
- E-mail Dated September 27, 2013, from Carla Termini Cove
- Letter Dated September 30, 2013, from The Ambassador II Corporation



MEMORANDUM

Officers

Chairman

Lewis S. W. Crampton

1st Vice Chairman

Bruce M. Heyman

Vice Chairmen

Robert M. Keats

Donald D. Singer

Secretary

Harold Epstein

Treasurer

Bernard R. Panfel, CPA

Assistant Treasurer

William P. King

General Counsel

Ellen K. Tansey

Board of Directors

Dr. J. Rodney Blair

Tommie H. Bosniak

Jack D. Cohen

Lewis S. W. Crampton

Harold S. Epstein

Gerald A. Frank

Alan S. Golboro

Daryl Glenney

Lee D. Goldstein

Bruce M. Heyman

Alan S. Horwitz

Robert M. Keats

William P. King

Terry Levine

Roberta F. Mambrino

Dan McDonnell

Harold Nectow

Bernard R. Panfel

Donald D. Singer

Rita S. Taca

Ellen K. Tansey

Jane Waldman

Ex Officio Director

E. James Ryan

September 19, 2013

TO: Mayor Gail Coniglio and Palm Beach Town Council

FROM: Lew Crampton, Chairman - Citizens' Association

RE: Pending Special Exception - Zoning Case # SE-018-2013 - October 9, 2013
Cento Vini, LLC d.b.a. Vinoutlet
BankUnited Building - 2875 South Ocean Blvd

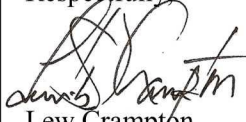
Please note that the Citizens' Association supports the Special Exception Request. The Association is a tenant in the BankUnited Building, and we represent the neighboring residents.

It is our opinion that the proposed high end wine store will be complimentary to the BankUnited tenants. The landlord, 2875 Investors LLC, has done a consistently good job of keeping the building up to first class standards and its tenants are complimentary to the neighbors.

It is highly unlikely that this type of store will attract non Palm Beach residents given that the existing building and tenants are quite conducive to the needs of the neighbors.

There is no wine store for many miles to the north, and / or over the bridge in Lake Worth for our local residents. The owners are residents of the Town of Palm Beach, and in fact live across the street. Their interests are in maintaining a first class store and operation.

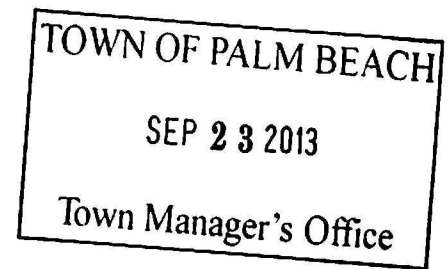
Respectfully,



Lew Crampton
Chairman

CC: Brett Forman, 2875 Investors, LLC bforman@formancap.com
Mr. Neil Schiller, Becker Poliakoff NSchiller@becker-poliakoff.com
(on behalf of applicant)

Richard Halpern
2840 South Ocean Blvd., Apt 326
Palm Beach, Fla 33480
Tel: (508)548-0000
Email: Richzach@aol.com



September 19, 2013

Town of Palm Beach
Town Council
Town Zoning Board
360 South County Road
Palm Beach, Fla 33480

Subject: SE-018-2013

Applicant: Cento Vini, LLC, d.b.a., Vinoutlet

I am in receipt of the zoning application for Cento Vini, LLC. In reviewing the zoning request, I would like to submit my comment on this application.

I am an abutter to the property. I am located at 2840 South Ocean Blvd, Apartment 326.

After careful review of this application, I am in favor of the project.

I believe that this project will have very little impact on the abutters. I feel an upscale wine store will be an advantage to both the residents and businesses in the surrounding area. I presently use the bank and drug store that is in the same complex, and it is very convenient to walk to those businesses.

Thank you,

A handwritten signature in cursive script that reads "Richard Halpern".

Richard Halpern

CC: Neil Schiller,
Brett Forman
2875 Investors, LLC
625 N. Flagler Dr.
West Palm Beach, Fla 33401



Fw: Zoning Case ~ SE-018-2013; Oct. 9, 2013 Agenda

Cheryl Kleen to: Peter B Elwell

Cc: John Page, Susan Owens, jrandolph, Patricia Gayle-Gordon

09/27/2013 12:09 PM

----- Forwarded by Cheryl Kleen/PalmBeach on 09/27/2013 11:42 AM -----

From: Carla Cove <palmbeachcarla@gmail.com>
To: mayor@townofpalmbeach.com, council@townofpalmbeach.com,
Date: 09/27/2013 06:24 AM
Subject: Zoning Case ~ SE-018-2013; Oct. 9, 2013 Agenda

Zoning Case ~ SE-018-2013
Cento Vini LLC/ DBA Vinoutlet

Dear Mayor Coniglio and Town Council,

I received notice as a property owner within 300' of the proposed above Special Exception (high end wine shop). I am writing in **support** of this Special Exception.

We live across the street from the Commercial property at 2875 S. Ocean Blvd. I have found it very handy to use the existing pharmacy, spa, Bank, etc. and as often as possible, support all of our local Palm Beach businesses. I feel that a wine shop would be a good use of a small (611 sq. feet) space. We now have to travel to Lake Worth or to the Palm Beach downtown area to simply buy a bottle of nice wine. It would be very convenient to be able to buy local, and a destination shop like this might also spur on business to the other building occupants.

It appears from reading the application that there is some concern as to drinking at the Beach. I often go to this beach (which prohibits alcohol). Even though the consumption of alcohol is prohibited, I certainly have witnessed beer drinking (hidden in beer cooler wraps) but have never seen anyone drinking wine. Additionally, this is mostly a family type beach crowd. It is not a "party" location at all to the best of my knowledge.

By limiting the hours, and having the shop be "high end" as is stated, I think it would be a nice addition to the South End.

By the way, many thanks for all that you do for the Town of Palm Beach. I treasure your careful evaluation of the issues that appear before Town Council.

Sincerely,
Carla Termini Cove
2860 S. Ocean Blvd. ~305
Palm Beach, FL 33480

**2780
PALM BEACH**

The Ambassador II Corporation
2780 So. Ocean Blvd., Palm Beach, FL 33480
(561) 582-9600 - Fax (561) 582-7019

RECEIVED

OCT 2, 2013

TOWN OF PALM BEACH
PZB DEPT

CL: Mayor & TL
PBE
JP
DM
ZF

September 30, 2013

Town of Palm Beach
Town Council
Town Zoning Board
360 South County Road
Palm Beach, FL 33480

Subject: SE-018-2013

Applicant: Cento Vini, LLC, d.b.a, Vinoutlet

To whom it may concern:

This letter from the Board of Directors of Ambassador II Corporation will serve as a recommendation and character reference for David and Domenica Frankland.

Domenica and David Frankland, with their two children Sean Luca and Angela, moved into 2780 South Ocean Boulevard, Ambassador II, 3 years ago.

They have become active and vital members of this community.
They have participated in events and willingly helped whenever possible.

They are a very fine family and added a welcome spirit to the building.

We also feel the addition of a high end wine store to the area would be an asset to this neighborhood.

I remain respectfully yours,

Anthony J. Colyandro

Anthony J. Colyandro
President
Ambassador II Corporation

TOWN OF PALM BEACH

Town Council Meeting on: October 9, 2013

Section of Agenda

Development Review - Other

Agenda Title

Subdivision Modification-Request of the Thomas P. Peterffy Amended and Restated Revocable Trust, dated September 13, 2007 for a Fifth Amendment to Blossom Estates Subdivision Agreement

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum from John Page dated September 25, 2013
- Boardwalk and dock site plan
- Letter from Maura Ziska dated August 26, 2013
- Letter from the Florida Department of Environmental Protection dated May 29, 2013
- Letter from Matthew Butler dated June 12, 2013

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 9, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Subdivision Modification-Request of the Thomas P. Peterffy Amended and Restated Revocable Trust, dated September 13, 2007 for a Fifth Amendment to the Blossom Estates Subdivision Agreement

Date: September 25, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the proposed Fifth Amendment to the Blossom Estates Subdivision Agreement, which allows the property owner to encroach into the Mangrove area provided the South Florida Water Management District and the Town are added to the Fifth Amendment of the Subdivision Agreement as having jurisdiction and provided that no other encroachments are allowed to the Mangrove area without having to further amend the Agreement.

GENERAL INFORMATION

The Blossom Estates subdivision plat and subdivision agreement (copy attached) were executed by the Town on July 1, 1982. At that time, the Town's major concern was the preservation of an existing mangrove area on the northwest portion of proposed Lot 7 of the proposed plat. As a result, the property was subdivided into nine buildable lots and one lot (#7) which could not be built upon. In addition, there was a mangrove area created to preserve the native vegetation abutting Lake Worth on Lot 7.

On August 22, 1986, the Blossom Estates Subdivision was re-platted and the subdivision agreement was amended to create a building envelope area on Lot 7. This included maintaining the platted mangrove easement and the creation of a 25 foot wide mangrove setback area on Lot 7. The language in the FIRST AMENDMENT TO BLOSSOM ESTATE SUBDIVISION AGREEMENT (Exhibit B in the attached subdivision modification request) provided that no more than 7% lot coverage could occur on Lot 7. In addition, it also provided that no structures or construction activity could occur on Lot 7, lakeward of the mangrove setback line; and that the mangrove setback area be protected by fencing prior to any site work. The first amendment to the Agreement also required the owner to provide a recorded unity of title joining both Lots 7 and 8 to ensure that only one house could be built on the combination of both lots.

On November 3, 1995, the Town entered into the SECOND AMENDMENT TO THE BLOSSOM ESTATE SUBDIVISION AGREEMENT. That amendment further defined and restricted the building envelope and what could be built outside of that envelope on Lots 7 and 8. The Agreement incorporated a very definitive exhibit (Exhibit A in the Second Amendment) which reflected a site plan of the actual footprint of the house, driveway and tennis court improvements proposed by a previous owner (see the 1995 attachment). The attached Exhibit is of the same quality as the original Exhibit A and is difficult to read.

On August 23, 2010, the Town entered into the THIRD AMENDMENT TO THE BLOSSOM ESTATE SUBDIVISION AGREEMENT. That amendment allowed the property owner to build a driveway outside of the “Buildable Envelope” on Lot 7. The property owner’s new proposal is to modify the Subdivision Agreement to eliminate antiquated language which requires the drainage improvements on the property to be approved by the Palm Beach County Health Department and Florida Department of Environmental Protection. Staff agrees with the applicant that this provision is no longer necessary as the Public Works Department routinely reviews and inspects all drainage improvements as new homes are built. The property owner has provided attached documentation from both Agencies verifying they will not review the drainage in this circumstance.

In addition, as the Agreement only allows the driveway outside of the “Building Envelope” on Lot 7, the property owner received approval of a Fourth Amendment to the Blossom Estates Subdivision to also allow a wall and gates.

The property owner is now requesting permission to encroach into the Mangrove area, as identified on the plat, with a meandering raised boardwalk and dock, as identified in the attached plans from Smith and Moore Architects stamp dated August 27, 2013. The proposed change to the Agreement, as amended, modifies Paragraph 2B(iv) which preserves the Mangrove area by specifically allowing for the encroachment of the raised boardwalk and dock provided that “encroachment is permitted by the governmental bodies currently having jurisdiction over the Mangrove area, to wit, the Florida Department of Environmental Protection and U.S. Army Corps of Engineers.”

When the subject property was first platted, the Town Council’s intent was to limit development on Lot 7 and preserve the platted Mangrove area. The property owner has returned to the Town on several occasions and received permission to building improvements on the Lot 7 and now wants permission to build in the protected Mangrove area. If the Council allows permission to encroach into the Mangrove area, permits will still be required from all governmental agencies having jurisdiction over that area, including the South Florida Water Management District and the Town of Palm Beach. Therefore, staff recommends that the proposed language in Paragraph 2 of the Fifth Amendment to the Blossom Estate Subdivision be amended to include the South Florida Water Management District and Town. If permitted by the State agencies having the authority, the proposed encroachments will be designed and built to mitigate the impacts and give the property owner reasonable use of the property. Staff would recommend no other encroachments other than what are specifically provided for within the proposed amendment.

COMPREHENSIVE PLAN

COASTAL MANAGEMENT/CONSERVATION ELEMENT

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 degree to which the following policies are implemented.

OBJECTIVE 4

Protect and restore wetland habitat and estuary water quality in the Town, thereby protecting fisheries and marine habitat. The measurement of this objective is the extent to which wetland habitat and estuary quality are protected, and the degree to which the following policies are implemented.

Proposed amendment to the subdivision agreement will comply with the Comprehensive Plan if permitted by South Florida Water Management District, Army Corps of Engineers, Florida Department of Environmental Protection and the Town. The applicant will be required to design and build the boardwalk and dock in such a way as to preserve and/or mitigate the damage as required by the State of Florida. If any other improvements are proposed in the future for the Mangrove area, the property owner will be required to further amend the subdivision agreement.

CONCLUSION

Staff concurs with the proposed Subdivision Agreement modification provided that the South Florida Water Management District and Town are added to the Fifth Amendment to the Subdivision Agreement as having jurisdiction and provided that no other encroachments are allowed to the Mangrove area without having to further amend the Agreement.

Attachments

cc: Thomas G. Bradford, Deputy Town Manager
John C. Randolph, Town Attorney
Paul Brazil, Public Works Director
Susan Owens, Town Clerk
Veronica B. Close, Assistant Director, Planning Zoning & Bldg Department
Paul W. Castro, AICP, Zoning Administrator
Maura Ziska, Esquire
pf
zf

AUG 27 2013

521.13' S 88°38'54"E

TOWN OF PALM BEACH
PZB DEPT

30' SIDE YARD SETBACK
O.R.B. 9000, PG. 646

12'-0" DRAINAGE EASEMENT

LOT 7
LOT 8

*35' BUILDING SETBACK LINE
O.R.B. 5022, PG. 514

*30' BUILDING SETBACK LINE
O.R.B. 5022, PG. 514

445.63' S 81°11'22"W

468.58' S 81°11'22"W
EXISTING PROPERTY LINE

*15' BUILDING SETBACK LINE
O.R.B. 5022, PG. 514

EXISTING CONCRETE BULKHEAD

PROPOSED BOARDWALK OVER MANGROVES

25' MANGROVE SETBACK LINE
O.R.B. 5022, PG. 514

PROPOSED BOARDWALK OVER MANGROVES

NORTH LIMIT OF BUILDABLE AREA
O.R.B. 5022, PG. 514

LINE OF PRESERVE

30' SIDE YARD SETBACK
O.R.B. 9000, PG. 646

LIMIT OF MANGROVE

MANGROVE AREA - 1926

APPROX MHWL
(594± L.F.)

20'-0" TOWN ORDINANCE NO. 20A-75

NEW TERMINAL PLATFORM W/ GRATED DECKING

12'-0"

4'-0"

175.28'

592.40' N 07°01'09"W

438.94' S 01°12'31"W

SOUTH OCEAN BOULEVARD

BLOSSOM WAY
30' R/W

DATA BOX:

LOT 7 AREA UPLAND OF MHWL: 88,237 SF
APPROXIMATE MANGROVE AREA: 87,000 SF
TOTAL BOARDWALK AREA: 3,312 SF
BOARDWALK AREA UPLAND OF MHWL: 2,524 SF
BOARDWALK LENGTH: 821 LINEAR FEET
BOARDWALK WIDTH: 4 FEET
LOT COVERAGE - LOT 7: 2.9%



NTS

NEW BOARDWALK PLAN

S·M

1255 SOUTH OCEAN BLVD
PALM BEACH, FLORIDA

SMITH AND MOORE ARCHITECTS, INC.

FLORIDA AAC NO. 001285

1500 SOUTH OLIVE AVENUE WEST PALM BEACH, FLORIDA 33401 TEL (561) 835-1888 FAX (561) 832-7015

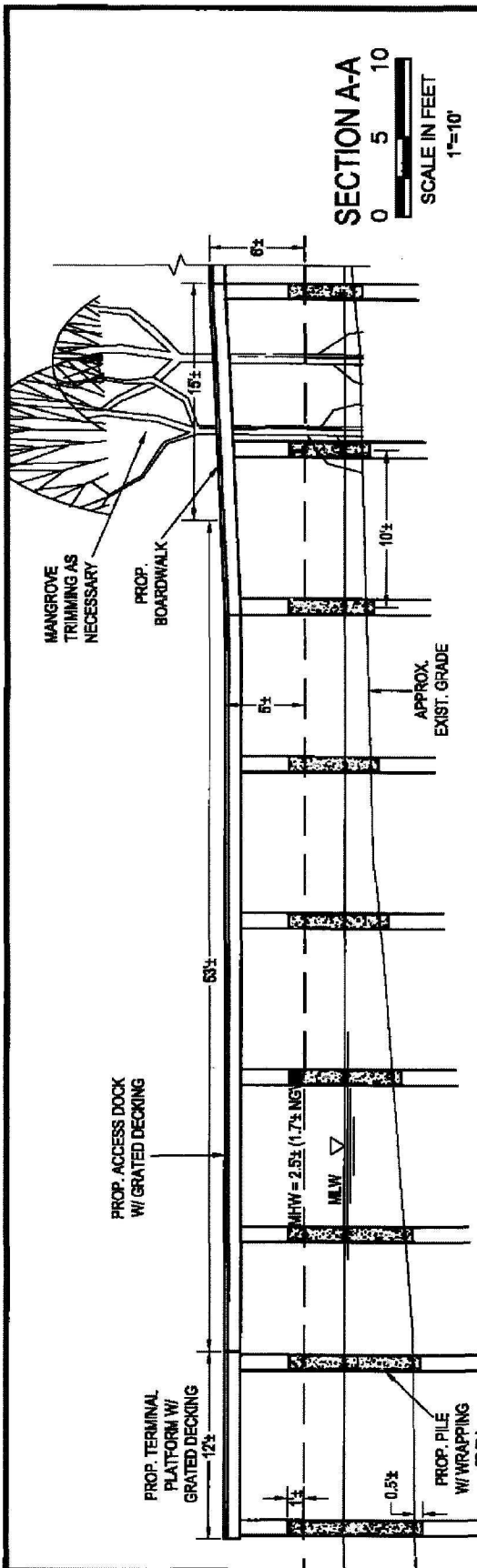
DATE
2013-06-14

SCALE

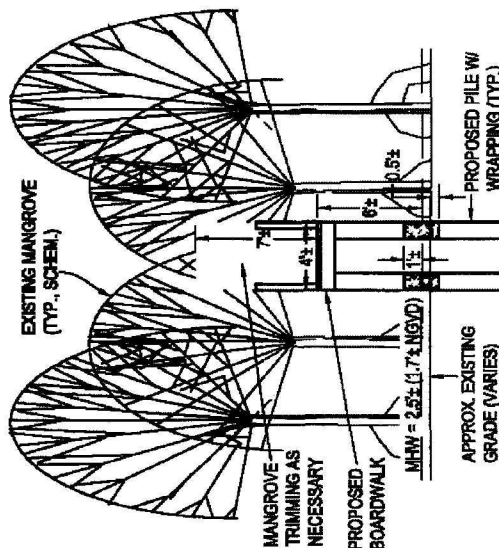
NTS

SHEET

1 OF 1



SECTION A-A
0 5 10
SCALE IN FEET
1"=10'



SECTION B-B
0 5 10
SCALE IN FEET
1"=10'

NOTE: BOARDWALK WILL BE MICROBITED DURING CONSTRUCTION TO AVOID MATURE MANGROVES

SECTIONS

ISIMINGER & STUBBS
ENGINEERING, INC.

COASTAL • ENVIRONMENTAL • MARINE
CERTIFICATE OF AUTHORIZATION NUMBER: 8114
P.O. BOX 14702 • NORTH PALM BEACH, FL 33408 • 861-431-0088

PROPOSED BOARDWALK AND PIER

LAKE WORTH

1255 SOUTH OCEAN BOULEVARD
TOWN OF PALM BEACH, PALM BEACH COUNTY, FL
APPLICANT: THOMAS PETERFFY

DATE	12/11	DRAWN	MDR	CHKD	CCI	APPROV	MDR
DWG NO.	11054B3						
COMPUTER FILE NO.	11054B6						
SHEET							3
OF							3

Matthew D. Butler, P.E.
License No. 74039 Electronic
signature and seal pursuant to
61G15-23.003 (3), F.A.C.
2013.04.17 16:25:09 -04'00'

REV	4	4/13	REVISED SECTION A-A
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NOTES:

1. DATUM IS MLW. MLW = -0.8' NGVD BASED ON LABINS DATABASE.
2. EXISTING LOCATIONS ARE APPROXIMATE BASED ON SURVEY BY LIDBERG LAND SURVEYING, INC., PLANS BY SANCHEZ & MADDOX, INC., AND 2011 AERIAL FROM PALM BEACH COUNTY.
3. SOUNDINGS BY ISIMINGER & STUBBS ENGINEERING, INC. FIELD WORK CONDUCTED 8/20/11. SOUNDINGS REDUCED TO MLW BASED ON PREDICTED TIDES ONLY.

SKETCH SUBMITTED FOR ENVIRONMENTAL PERMIT REVIEW.
NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.



KOCHMAN & ZISKA PLC

Ronald S. Kochman*

Maura A. Ziska

Marvin S. Rosen, Counsel*

*Also admitted in New York

*Also admitted in Michigan

Esperanté

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

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

RECEIVED

AUG 29 2013

**TOWN OF PALM BEACH
PZB DEPT**

VIA HAND DELIVERY

August 26, 2013

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

RE: Amendment to Blossom Estates Subdivision

Dear Mr. Page:

I represent Thomas P. Peterffy, as Trustee of the Thomas P. Peterffy Amended and Restated Revocable Trust dated September 13, 2007 ("Owner") who owns 1255 South Ocean Boulevard, Palm Beach, Florida, a/k/a Lots 7 and 8 the Blossom Estates Subdivision. The Owner is requesting a modification to the Subdivision Agreement and any modifications require Town approval. I am requesting this matter be placed on the next available Town Council Agenda. You have previously received a check in the amount of \$1000.00 for the filing fee for the Subdivision Modification.

To give a brief history, The Blossom Estates Subdivision was originally platted in 1982 dividing the property into ten (10) parcels for future development. As part of the approval, the Town required the Developer to enter into the Blossom Estate Subdivision Agreement (dated July 1, 1982 and recorded in ORB 3765 PG 1004 and attached as Exhibit "A"). This agreement set forth certain requirements for the Developer with regard to future development.

In 1986, there was a Re-Plat of Blossom Estates and a First Amendment to the Blossom Estates Subdivision Agreement (dated July 18, 1986 and recorded in ORB 5022 PG 515 and attached as Exhibit "B"). With regard to my client's property, Lot 7 and 8, it was agreed upon that the two lots shall be treated as a single lot and only one single family residence shall be allowed. It also established a "Mangrove Setback" to protect the mangroves in this area and a "Buildable Envelope" for Lots 7 and 8. Further, the Developer agreed to limit lot coverage on Lot 7 to 7% of the total square footage on Lot 7. In 1995, the Second Amendment to the Blossom Estate Subdivision Agreement (dated November 3, 1995 and recorded in ORB 9000 PG 646) was filed specifically amending Paragraph 2B (vi) regarding the Setback Exhibit to allow a

John Page, Director
August 26, 2013
Page 2

driveway and privacy [word omitted] to be built on Lot 7. An Exhibit was attached to the Second Amendment that contained a very detailed site plan, presumably reflecting the proposed plan of the owner at the time (see attached Exhibit "C"). In August of 2010, the Third Amendment to the Blossom Estate Subdivision Agreement (dated August 23, 2010 and recorded in ORB 24031 PG 884) was filed to allow the construction of a different driveway and a clean buildable envelope on Lot 7 (see attached Exhibit "D"). The driveway has been constructed. In March, 2012, The Fourth Amendment to the Blossom Estate Subdivision Agreement (dated March 30, 2012 and recorded in ORB 25117 PG 1804) was filed to allow a privacy wall and gates outside of the buildable envelope on Lot 7 (see attached Exhibit "E").

The Owner would like to further amend the Subdivision Agreement to allow a boardwalk, dock and terminal platform to be built within the Mangrove area. The Department of Environmental Protection and the Army Corps of Engineers have both approved the proposed plan. I have attached a proposed Fifth Amendment to the Blossom Estate Subdivision Agreement for your review (see attached Exhibit "F"). I have obtained consent for the proposed changes from all of the owners in the Subdivision (see attached Exhibit "G").

Please call me if you have any questions with the foregoing or require any additional information.

Sincerely yours,



Maura A. Ziska

/maz

Attachments

cc: Paul Castro
Larry Alexander, Esq.
John C. Randolph, Esq.

EXHIBIT “A”

EXHIBIT "A"

This Instrument Prepared By:
Dean Vegosen, Esq.
Lewis, Vegosen and Rosenburch, P.A.
251 Royal Palm Way
P.O. Box 2437
Palm Beach, Florida 33480

BLOSSOM ESTATE
SUBDIVISION
AGREEMENT

THIS AGREEMENT, made as of the 1 day of JULY,
1982 by and between THE TOWN OF PALM BEACH, a municipal corporation
with an address at P.O. Box 2029, Palm Beach, Florida 33480 (herein
called "the Town"), and DEAN VEGOSEN, Trustee with full powers under
Florida Statute 689.071, with an address c/o Michael C. Burrows, 125
North Avenue, Palm Beach, Florida 33480 (herein called Developer);

W I T N E S S E T H:

WHEREAS, DEVELOPER owns the real property located in the Town
of Palm Beach, Florida commonly known as the Blossom Estate and legally
described on Exhibit "A" attached hereto and made a part hereof (herein
called "the Property");

WHEREAS, Developer has asked the Town to approve Developer's
proposed Plat of BLOSSOM ESTATE subdividing the Property into nine (9)
single family residential lots plus one (1) undevelopable lot (herein
called "the Plat");

WHEREAS, the imposition of the conditions and restrictions
contained herein upon the Property, Developer and future owners of the
Property are for the protection of the public health, safety and
enjoyment of the inhabitants of the Town of Palm Beach;

NOW, THEREFORE, for good and valuable consideration, the
receipt and sufficiency of which is hereby acknowledged, the parties
agree:

1. Plat Approval.

A. The application for approval of the Plat of BLOSSOM
ESTATE is approved, subject however to all matters contained herein.

B. The Plat of BLOSSOM ESTATE prepared by Butcher Engineering
Inc., Incorporated dated JULY 1, 1982 and consisting
of two (2) pages is hereby approved by the Town. The Plat will be

ROBERT DONEY
P.O. Box 2029
PALM BEACH, FL.

-1-

LEWIS, VEGOSEN AND ROSENBUCH, P.A., ATTORNEYS AT LAW

33480

114

recorded in the Palm Beach County, Florida public records, as will this Agreement.

C. Approval of the Plat is subject to all laws of the Town and of all other governmental bodies having jurisdiction over the Property or the use thereof, including, without limitation, Town Ordinance No. 2-73, commonly known as the Tree Ordinance.

2. Zoning, Construction Requirements.

A. The Town acknowledges and agrees that under the current zoning ordinance that one (1) single family residence and appurtenances (as defined and permitted under R-PA zoning in Town Zoning Ordinance No. 2-74, as amended, through and including Ordinance No. 6-81) may be constructed upon each lot in BLOSSOM ESTATE, except as to Lot 7 as provided in Paragraph 2B(11) below.

B. In addition to compliance with non-conflicting laws of all governmental bodies having jurisdiction (including the Town), the following guidelines and restrictions must be met:

(i) A line parallel with and 50 feet west of the Coastal Construction Control Line presently designated by the State of Florida shall be the building line which demarcates the eastern permissible limits of building improvements which may be constructed on Lots 1, 2 and 3 and no such improvements may extend beyond such building line. There shall be no substantial change in the general ground elevation east of said line. However, construction of swimming pools, garden walls, patios and other such improvements are permissible beyond such eastern permissible limits and the eastern setback line for such improvements will be the Coastal Construction Control Line presently designated.

(11) Notwithstanding that the actual lot boundary lines of Lots 8, 9 and 10 extend westerly beyond the Bulkhead Line which is established at the line of mean high water or ordinary high water by Section 253.1221 Florida Statutes, the Bulkhead Line shall be deemed to be the western boundary line from which set backs are measured for each

83765 P1005

of such lots and no improvements, other than docks upon jurisdictional approval, may be permitted west of the Bulkhead line.

(iii) No structure or construction (including, without limitation, tennis courts, vehicular parking, etc.) shall be permitted on any portion of Lot 7 by Developer, the owner of Lot 7 of Blossom Estate or any third party so that it shall remain and be maintained in its existing natural state. This provision shall run in perpetuity with the land to which it refers and shall be referenced specifically in the Plat and shall be made a deed restriction in any transfer of Lot 7.

3. Trees.

A. All trees designated on the development plans (in 12 sheets) for "The Blossom Estate", dated November 1979 (with latest revision dated May 18, 1982) as rare species are to be preserved and none may be removed, destroyed, cut (other than ordinary maintenance and care) or molested unless application for such action is made to the Town and approved by the Town. The trees shown on the development plans are demarcated for preservation under Town laws and will be cared for accordingly.

B. In the development of BLOSSOM ESTATE the protection of as many of the trees and as much of the vegetation (whether or not specifically required to be preserved hereunder) as possible will be an objective of the Developer in order to keep as much of the natural character of BLOSSOM ESTATE as is possible in development of the residential community.

4. Access.

Blossom Way, the private road on the Plat, shall remain private and shall be maintained by a homeowners association (in accordance with a Declaration of Covenants, Conditions and Restrictions of Blossom Estate to be recorded by Developer). Blossom Way will, however, be constructed by Developer in conformance with the same construction standards as if Blossom Way were to be dedicated to the Public. There will be no ingress or egress to or from Lots 1, 2, 3, 4,

B3765 P1006

5 or 6 to or from Ocean Boulevard (State Road A1A) except by way of Blossom Way.

5. Bond.

Prior to construction of Blossom Way and/or any utility lines or systems to be installed to service the lots within the Property, Developer shall cause a bond to be posted naming the Town as obligee in an amount equal to 133% of the contract price for such improvements in order to secure completion thereof. A performance bond posted by a licensed contractor and naming Developer and the Town as obligees will satisfy the requirement of this paragraph. All bonds must be issued by surety or bonding companies licensed in Florida.

6. Miscellaneous.

A. Wherever the word "law" appears in this Agreement it shall be deemed to include all ordinances, rules and regulations as well as laws of the appropriate governmental authorities.

B. This Agreement may not be amended except by written instrument signed by all parties hereto.

C. Paragraph headings are inserted for convenience only and shall not be read to enlarge, construe, restrict or modify the provisions hereof. All references to numbered or lettered paragraphs, subparagraphs and exhibits refer (unless the context indicates otherwise) to paragraphs and subparagraphs of this Agreement and to exhibits attached hereto, which exhibits are by this reference made a part hereof.

D. This Agreement shall be binding upon the parties hereto and upon their successors, assigns, heirs and personal representatives.

E. In the event of the invalidity of any provision of this Agreement, same shall be deemed stricken herefrom and this Agreement shall continue in full force and effect as if such invalid provision were never a part hereof.

F. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

B3785 P1007

—4—

G. The detached garage or shed which is located on Lot 6 of Blossom Estate (but not shown on the Plat) will be demolished or removed by Developer at Developer's cost and expense. The existing house on Lot 6 may, subject to other applicable laws, either remain, be renovated or demolished or removed; however, if at some future time the existing single-family dwelling should become an accessory building to a new principal building, then at that time the kitchen in the existing house shall be removed.

H. Developer, and then Blossom Estate Homeowner's Association when it is formed, shall maintain a periodic (at least annual) cleaning of the siltation trap and French drains which will be checked routinely by the Town. The cost of such cleaning shall be borne by the Developer or the Homeowner's Association, as the case may be. The Town shall have a lien on each Lot in Blossom Estate on a pro rata basis to secure the cost of such cleaning if not timely performed by the Developer or the Homeowner's Association.

IN WITNESS WHEREOF, this Agreement has been executed the day and year first above written.

TOWN:
TOWN OF PALM BEACH

7/24/72

By Robert G. Dorey
Asst. Town Manager

Attest James T. Dorey
(Corporate Seal)

DEVELOPER:

Dean Vickers
DEAN VICKERS, not individually
but as Trustee

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

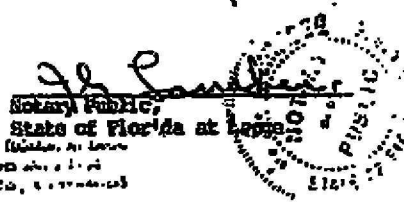
Before me personally appeared Robert G. Dorey and
James T. Dorey to me well known and known to me
to be the individuals described in and who executed the foregoing instrument as Asst. Town Manager and James Clerk, respectively

33785 P1008

of the above named Town of Palm Beach, A municipal corporation, and severally acknowledged to and before me that they executed such instrument as such Paul Turner and James Clark respectively of said Corporation and that the seal affixed to the foregoing instrument is the corporate seal of the corporation and that it was affixed to the foregoing instrument by due and regular corporate authority after appropriate resolution duly adopted by such Corporation, and that said instrument is the free act and deed of said corporation.

Witness my hand and seal this 26 day of July

1933



My commission expires: NOTARY PUBLIC STATE OF FLORIDA AT LARGE
STATE OF FLORIDA
COUNTY OF PALM BEACH

Before me personally came and appeared DEAN VEGGSEN, Trustee, to me well known to me to be the individual described in and who executed the foregoing instrument, and he acknowledged to and before me that he executed said instrument for the purposes therein expressed.

WITNESS my hand and seal this 1 day of JULY

1933



My commission expires:

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
COMMISSION EXPIRES 1934
NOTARY PUBLIC STATE OF FLORIDA AT LARGE



APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

July 2 1933
Town Attorney's Office

83785 P1009

EXHIBIT A

DESCRIPTION

Being a tract of land in Government Lot No. 1, Section 2, Township 44 South, Range 43 East, Palm Beach County, Florida and submerged lands of the Lake Worth lying West of and adjacent to said Government Lot 1, Palm Beach County, Florida, and more particularly described as follows:

Commencing at a point in Section 35, Township 43 South, Range 43 East, where the centerline of State Road 80, also known as Southern Boulevard, meets the centerline of State Road A-1-A, also known as Ocean Boulevard, said point being designated as Station 50+60.00 and shown on the Right-of-Way Map for State Road 80, Section No. 9375-102, recorded in Road Plat Book 1, Page 159, Palm Beach County Public Records; thence run southerly along the centerline of said State Road A-1-A for a distance of 643.05 feet to a point of intersection with the North line of Section 2, Township 44 South, Range 43 East; thence continue southerly along the same course for a distance of 373.45 feet to a point; thence deflecting to the left $6^{\circ}10'$ and continue along the centerline of said State Road A-1-A for a distance of 278.02 feet to a point 649.00 feet South of and measured at right angles to the North line of Government Lot 1, Section 2, Township 44 South, Range 43 East, which point is the POINT OF BEGINNING of the following described parcel; thence run westerly along a line parallel to and 649 feet South of said North line of Government Lot 1 to the ordinary highwater mark of the waters of Lake Worth on the East shore of Lake Worth; thence continue westerly along the same course to a point in the U. S. Government Pierhead Line which point lies 541.13 feet West of (as measured along the preceding course) the centerline of aforementioned State Road A-1-A; thence turn an angle of $81^{\circ}37'45''$ measured from the preceding course to the South and run along said U. S. Government Pierhead Line for a distance of 599.90 feet to a point; thence deflecting to the East $2^{\circ}01'02''$ and continue southerly along said U. S. Government Pierhead Line for a distance of 346.74 feet to a point; thence turn an angle of $100^{\circ}18'07''$ measured from the preceding course to the East and run along a line to a point in the ordinary highwater mark of the waters of Lake Worth on the East shore of Lake Worth and 1582.60 feet South of and measured at right angles to the North line of said Government Lot 1, which point lies in the North line of the property conveyed by Elizabeth Bingham Blossom to Charles B. Bolton, as described in Deed Book 808, at Page 77, dated July 27, 1945 and recorded May 2, 1947; said line was surveyed and well monumented in July 1936 and resurveyed in 1970; thence run easterly along said line, being a straight line, to a point in the ordinary highwater mark of the waters of the Atlantic Ocean, which point is 1581.55 feet South of and measured at right angles to the North line of said Government Lot 1; thence run northerly meandering along the ordinary highwater mark of the waters of the Atlantic Ocean to a point which is 649 feet South of measured at right angles to the North line of said Government Lot 1; thence run westerly parallel to said North line of said Government Lot 1 to a point in the centerline of State Road A-1-A aforementioned and the POINT OF BEGINNING. Together with all riparian rights thereto belonging and otherwise appertaining;

LESS AND NOT INCLUDING the South 32 feet of the above described property, and

SUBJECT TO a 40 foot right-of-way for State Road A-1-A (Ocean Boulevard) recorded July 2, 1980, Official Record Book 1051, Page 211, Palm Beach County Public Records.

AND LESS the following described parcel: (See Page 2)

B3785 P1010

RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT IN AND FOR THE COUNTY OF PALM BEACH, FLORIDA, THIS 10TH DAY OF JULY, 1980.

being a tract of land situated in lot No. 1, Section 2, Township 44 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

Commencing at a point in Section 35, Township 43 South, Range 43 East, where the centerline of State Road 80, also known as Southern Boulevard, meets the centerline of State Road A-1-A, also known as Ocean Boulevard, said point being designated as Station 50+60.00 and shown on the Right-of-Way Map for State Road 80, Section No. 9375-102, recorded in Road Plat Book 1, Page 159, Palm Beach County Public Records; thence run southerly along the centerline of said State Road A-1-A for a distance of 543.05 feet to a point of intersection with the North line of Section 2, Township 44 South, Range 43 East; thence continue southerly along the same course for a distance of 373.45 feet to a point; thence deflecting to the left 6°10' and continue along the centerline of said State Road A-1-A for a distance of 278.02 feet to a point 647.00 feet South of and measured at right angles to the North line of Government Lot 1, Section 2, Township 44 South, Range 43 East; thence run easterly along a line parallel to and 649 feet South of said North line of Government Lot 1, having a bearing of South 88°38'54" East for a distance of 261.67 feet to the POINT OF BEGINNING of the following described parcel; thence South 1°12'31" West a distance of 230.00 feet; thence South 59°40'12" West a distance of 60.73 feet, to a point in a curve, concave to the Southwest, the chord of said curve bears South 51°44'51" East; thence southeasterly along the arc of said curve, having a radius of 113.00 feet and a central angle of 50°42'15" for a distance of 100.00 feet to a point; thence easterly non-tangent to the preceding course, South 88°38'54" East for a distance of 486 feet, more or less, to a point in the ordinary highwater mark of the waters of the Atlantic Ocean; thence run northerly meandering along the ordinary highwater mark of the waters of the Atlantic Ocean to a point which is 649 feet South of measured at right angles to the North line of said Government Lot 1; thence run westerly North 88°38'54" West and parallel to said North line of said Government Lot 1 a distance of 503 feet, more or less, to the POINT OF BEGINNING. Together with all riparian rights thereunto belonging or in anywise appertaining.

83785 P1011

RECORDED'S MEMO: Legibility of Writing, Typing or Printing unsatisfactory in this document when received.

RECORD VERIFIED
PALM BEACH COUNTY, FLA
JOHN B. CHURCH
CLERK CIRCUIT COURT

EXHIBIT “B”

**FIRST AMENDMENT TO
BLOSSOM ESTATE
SUBDIVISION AGREEMENT**

THIS AGREEMENT, made as of the 12th day of August, 1986, by and between THE TOWN OF PALM BEACH, a municipal corporation with an address of Post Office Box 2029, Palm Beach, Florida 33480 (the "Town") and GEORGE B. STRAUB, Trustee with full powers under Florida Statute 689.071, with an address of 125 Worth Avenue, Suite 314, Palm Beach, Florida 33480 (the "Developer");

WITNESSETH:

RECITALS

A. The Town and Developer's predecessor in interest Dean Vagosen, Trustee, entered into an agreement dated July 1, 1982 titled "Blossom Estate Subdivision Agreement" recorded in Official Record Book 3785, Page 1004, Public Records of Palm Beach County, Florida (the "Agreement"), which Agreement refers to the Plat of the Blossom Estate that is recorded in Plat Book 44, Page 121 of the Public Records of Palm Beach County, Florida.

B. By motion duly made, adopted and approved, the Town approved certain requests to amend the Agreement as provided herein; however, all other language in Agreement not specifically amended herein shall remain in full force and effect.

C. Developer desires to amend the Agreement in accordance with request of its predecessor in interest, as approved by the Town.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree:

1. Paragraph 2A of the Agreement is amended to read in its entirety as follows:

The Town acknowledges and agrees that under the current zoning ordinance that one (1) single family residence and appurtenances (as defined and permitted under R-AA zoning in Town Zoning Ordinance No. 3-74, as amended, through and including Ordinance No. 1-86, herein called "the Ordinance") may be constructed upon each lot in BLOSSOM ESTATE, except that only one single family residence and appurtenances may be constructed upon Lots 7 and 8 as provided in Paragraph 2B (iii) below.

2. Paragraph 2B (iii) of the Agreement is amended to read in its entirety as follows:

As a part and parcel of this Agreement, Developer has submitted to the Town a document called "Setback Exhibit - The Blossom Estate", attached to and a part of the Replat, prepared by Hutchinson Engineers and identified as file and drawing number 85-3-7082, dated June 16, 1986, consisting of one page (the "Setback Exhibit"). The Town and Developer have initialed the Setback Exhibit which is incorporated by reference herein. Developer or any future owner agrees that no residence shall be constructed in any area outside of the shaded areas which are shown on the Setback Exhibit. Developer or any future owner further agrees that only one residence may be constructed upon Lots 7 and 8 which

This Document Prepared By
DAVID M. SHAW
KLEIN, HALE & SHAW
30 COCONUT ROW
PALM BEACH, FLA. 33480

Lots shall be deemed and treated as a single Lot and which shall remain under single ownership at all times. With respect to Lot 7, the upland limit of the Mangrove area referred to in subparagraph (iv) below has been determined by the Palm Beach County Health Department and the Department of Environmental Regulation as shown on the Replat of Blossom Estate submitted to the Town for approval. The allowable setback from the line so established shall be twenty-five (25) feet (the "Mangrove Setback"). No construction shall occur lakeward of the Mangrove Setback and all construction machinery shall be required to stay landward of the Mangrove Setback. Prior to commencement of any site work on Lot 7, the Mangrove Setback shall be fenced off. A separate Unity of Title as to Lots 7 and 8 will be recorded simultaneously with recording of this Agreement.

3. Subparagraph (iv) is hereby added to Paragraph 2B of the Agreement as follows:

(iv) Lot 7 is comprised, in part, of a Mangrove area, as reflected on the plat of BLOSSOM ESTATE recorded in Plat Book 44, Page 121 of the Public Records of Palm Beach County, Florida (as same is being replatted). The upland boundary of the Mangrove area shall be the most easterly of the upland line reflected on the Replat of Blossom Estate or the line determined by the Palm Beach County Health Department and Department of Environmental Regulation in accordance with Paragraph 2B (iii) above. Developer agrees for himself, his heirs, personal representatives, successors and assigns that Developer shall have no right of the use of or access to or upon any portion of the Mangrove area (a) for construction or improvements of any kind or (b) for any other purpose unless (i) Developer has first contacted and received the written approval of the Town of Palm Beach, and appropriate representatives of all governmental bodies and agencies who may have jurisdiction over the Mangrove area including, without limitation, the Florida Department of Natural Resources, Florida Department of Environmental Regulation, Palm Beach County Health Department, and U.S. Army Corps of Engineers; and (ii) all of such departments, agencies and bodies have concurred in and approved, in writing, the entry into the Mangrove area and the purpose thereof. Such departments, agencies and bodies shall have the right to impose any conditions or limitations upon entry into the Mangrove area. No third party, including the departments, agencies and bodies listed above, shall have the right of access to, over, through or upon the Mangrove area without first notifying Developer and coordinating a time for such access with the Developer (or future owner of Lots 7 and 8, as the case may be). At the times when access is given to the Mangrove area, Developer (or the then owner of Lots 7 and 8) shall grant pedestrian access to the Mangrove area across a portion of Lot 7 or Lot 8 to be designated by Developer or the then owner. The owner of Lots 7 and 8 shall have

BS022 P0515

the right to refuse such access at times that are not convenient but may not continuously and unreasonably withhold permission for access which is necessary to preserve the Mangrove area in its natural state. Prior to commencement of any construction of a residence or appurtenances on Lot 7 or Lot 8, Developer or the then owner of Lots 7 and 8 shall erect a temporary protective fence or structure to protect against encroachment upon or damage to the Mangrove area. The fence or structure shall be subject to the approval of the Building and Zoning Department of Town and it shall be continuously maintained by Developer (or the then owner) during construction. It is the intention of this paragraph that the Mangrove area remain inviolate and that it not be encroached upon by debris from construction upon Lots 7 or 8 or by any persons such that all of the Mangrove trees and other vegetation that are contained within the Mangrove area may live and thrive without hindrance or molestation from any act by Developer, Developer's contractors, guests, invitees or agents, or any third parties.

4. Subparagraph (v) is hereby added to Paragraph 2B of the Agreement as follows:

(v) All drainage from Lot 7 shall be approved, in writing, by the Palm Beach County Health Department and the Department of Environmental Regulation.

5. Subparagraph (vi) is hereby added to Paragraph 2B of the Agreement as follows:

(vi) The Setback Exhibit indicates by darkened areas the "Buildable Envelope" upon which improvements may be constructed. Developer or any future owner agrees no improvements of any kind will be built upon any portion of Lot 7 not contained within the Buildable Envelope on Lot 7.

6. In consideration of Town entering into this Agreement, Developer agrees, notwithstanding anything to the contrary contained in the Setback Exhibit, to limit the allowable "lot coverage", as currently defined in the Ordinance, of Lot 7 to no more than seven percent (7%) of the total square footage of Lot 7 as shown on the Setback Exhibit.

7. The Agreement, as amended, is hereby ratified and reaffirmed and shall remain in full force and effect according to its terms and all provisions thereof and hereof shall run with the lands known as the BLOSSOM ESTATE and described on Exhibit "A" attached hereto and made a part hereof.

BS022 P0516

IN WITNESS WHEREOF, this Agreement has been executed the day and year first above written.

IN THE PRESENCE OF:

TOWN:

TOWN OF PALM BEACH

By:

(CORPORATE SEAL)

IN THE PRESENCE OF:

DEVELOPER:

George B. Straub,
Not Individually, but as
Trustee

STATE OF FLORIDA

COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared Douglas C. DeLano as Town Manager of the TOWN OF PALM BEACH, to be known to be the individual named in the foregoing instrument, and he acknowledged to and before me that he executed the same as such officer of the TOWN OF PALM BEACH, duly authorized, and affixed thereto the corporate seal, for the purposes therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid, this 12 day of August, 1986.

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 10-5-89

Notary Public, State of Florida
My Commission Expires Oct. 5, 1989
Resided 1200 1st Ave. S.W. Tallahassee, FL

STATE OF FLORIDA

COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared RONALD A. SOVINSKI, as authorized agent for George B. Straub, Trustee, to be known to be the individual named in the foregoing instrument, and he acknowledged to and before me that he executed the same, for the purposes therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid, this ____ day of _____, 1986.

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: _____

85022 P0517

STATE OF FLORIDA

COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared GEORGE E. STRAUB, Not individually, but as Trustee, to me known to be the individual named in the foregoing instrument, and he acknowledged to and before me that he executed the same, for the purposes therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid, this 23rd day of July, 1966.

My Commission Expires:

Maryann Veltrop
NOTARY PUBLIC
State of Florida at Large
Notary Public, State of Florida
My Commission Expires July 22, 1974
Recorded This Year Feb. - November, 1966

85022 P0518

EXHIBIT "A"

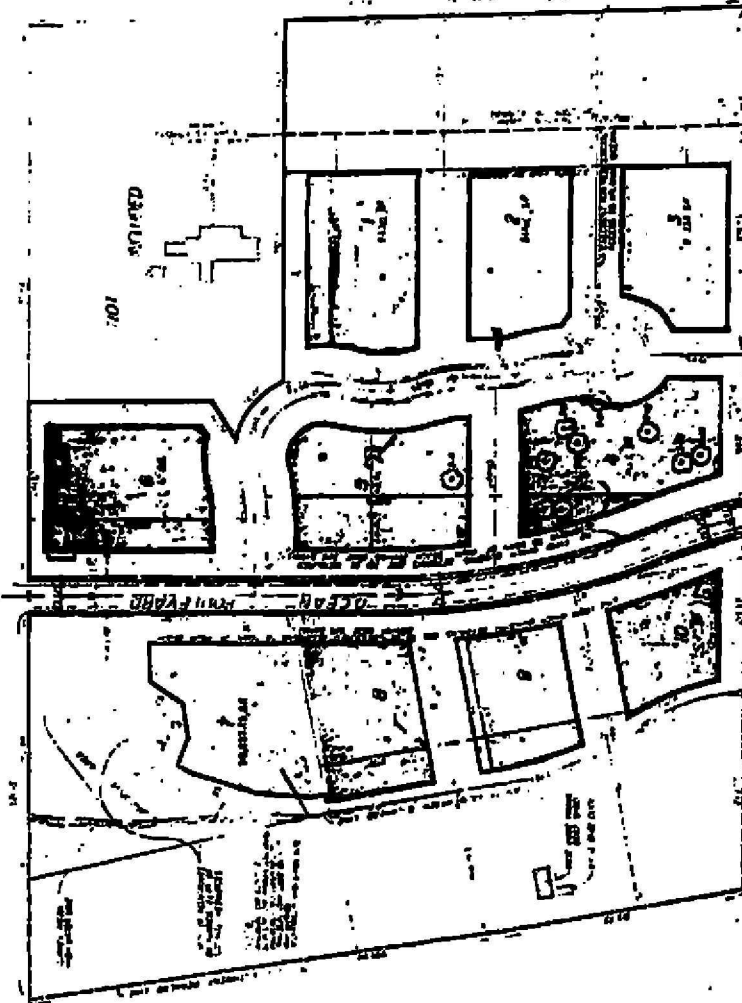
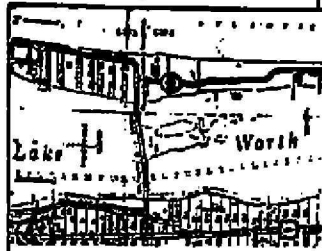
Lots 1 through 10 of BLOSSOM ESTATES per the
Plat thereof recorded July 27, 1982 in Plat
Book 44, page 121, of the Public Records of
Palm Beach County, Florida.

B5022 P0519

This Instrument Prepared By
DAVID M. SHAW
FLEMING, HALL & SHAW
25 CEDARHURST ROW
PALM BEACH, FLA. 33409

BS022 P0520

SETBACK EXHIBIT
THE BLOSSOM ESTATE



SETBACK EXHIBIT
BLOSSOM ESTATE LTD.

CONSTRUCTION ENGINEERS
1000 N. W. 10th Ave.
Miami, Florida 33136

215502
- ADJUSTED BUILDING FOOTPRINT
- EXISTING AND ADJACENT

RECORDER'S MEMO: Legibility
of Writing, Typing or Printing
unsatisfactory in this document
when received.

RECORD VERIFIED
PALM BEACH COUNTY, FL
JOHN B. DUNKLE
CLERK CIRCUIT COURT

ACKNOWLEDGMENT AND CONSENT TO
THE REPLAT OF THE BLOSSOM ESTATE

I, ROBERT M. FOMAN, do hereby acknowledge the dedication by George E. Straub, Trustee, dated April 22, 1986, as set forth on sheet 1 of the Replat of The Blossom Estate and shown on sheet 2 of the Replat of The Blossom Estate.

I further acknowledge that a conveyance to me of Lots 7 and 8, The Blossom Estate, according to the Plat recorded in Plat Book 44, Pages 121 and 122, as recorded in the Public Records of Palm Beach County, Florida, by George E. Straub, as Trustee, was made subject to the rights and obligations set forth in the Replat of The Blossom Estate and do hereby consent to the Replat of The Blossom Estate.

I, Robert M. Foman, do hereby set my hand and seal this 18th day of July, 1986.

WITNESSES:

Thomas J. Perlick
Elizabeth A. Kelly

Robert M. Foman
Robert M. Foman

STATE OF NEW YORK)
COUNTY OF NEW YORK) : ss

I HEREBY CERTIFY that on this 18th day of July, 1986, before me personally appeared ROBERT M. FOMAN, the person described in and who executed the foregoing Acknowledgment and Consent to the Replat of The Blossom Estate, and acknowledged to me the execution thereof to be his free act and deed for the uses and purposes therein mentioned.

WITNESS my signature and official seal at the County and State aforesaid, this 18th day of July, 1986.

My Commission Expires:

MADEIRA V. COUTON
NOTARY PUBLIC, State of New York
No. 01-588778
Qualified in New York County
Commission Expires Oct. 31, 1989

Madeline J. Couton
Notary Public

RECORD VERIFIED
PALM BEACH COUNTY, FLA
JOHN B. DUMME
CLERK CIRCUIT COURT

This Document Prepared By
DAVID M. SHAW
FLEMING, HARRIS & SHAW
30 COCONUT ROW
PALM BEACH, FLA. 33408

Wick, Ross, & O'Neil, Inc.

86 25635

10 24 00 08 58

360

B5022 P0521

EXHIBIT “C”

✓E

PETER S. BROBERG
223 Peruvian Avenue
Palm Beach, Florida 33480

028 9000 44 642

November 25, 1965

WITNESSETH:

WHEREAS, the TOWN approved certain requests by the Developer, George E. Straub, Trustee, to amend the Agreement and entered into a First Amendment to the Blossom Estate Subdivision Agreement ("First Amendment") on August 22, 1986, which First Amendment is recorded in Official Record Book 5022, Page 514, Public Records of Palm Beach County, Florida;

WHEREAS, the TOWN found that all residents living in the Blossom Estate Subdivision had no objection to the Second Amendment as provided herein;

1. Paragraph 2B(vi) of the Agreement is amended to read in its entirety as follows:

2. The Agreement as amended by the First Amendment and this Second Amendment is ratified and reaffirmed and shall remain in full force and effect according to its terms and all provisions thereof and hereof shall run with the lands known as The Blossum Estate and described in Exhibit "B" attached hereto and made a part hereof.

131^r

Witnesses:

1985 7/17/85 647

Sign Linda P. [Signature]
Print LINDA P. [Signature]
Sign Cathy Cousins
Print Cathy Cousins

TOWN OF PALM BEACH

By: [Signature]

Sign Susan Wellington
Print Susan Wellington
Sign M.P. [Signature]
Print M.P. [Signature]

AMERICAN FARM INVESTMENT CORPORATION

By: [Signature]

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared ROBERT J. DOWNEY as Town Manager for the TOWN OF PALM BEACH, to me known to be the person described in or who produced PERSONALLY KNOWN as identification and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 17 day of July, 1985.



[Signature]
Notary Public

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Gerald Schaefer as President of AMERICAN FARM INVESTMENT CORPORATION, to me known to be the person described in or who produced a driver's license as identification and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 17 day of July, 1985.



[Signature]
Notary Public

My Commission Expires: There is no expiration -
held at pleasure of the Governor

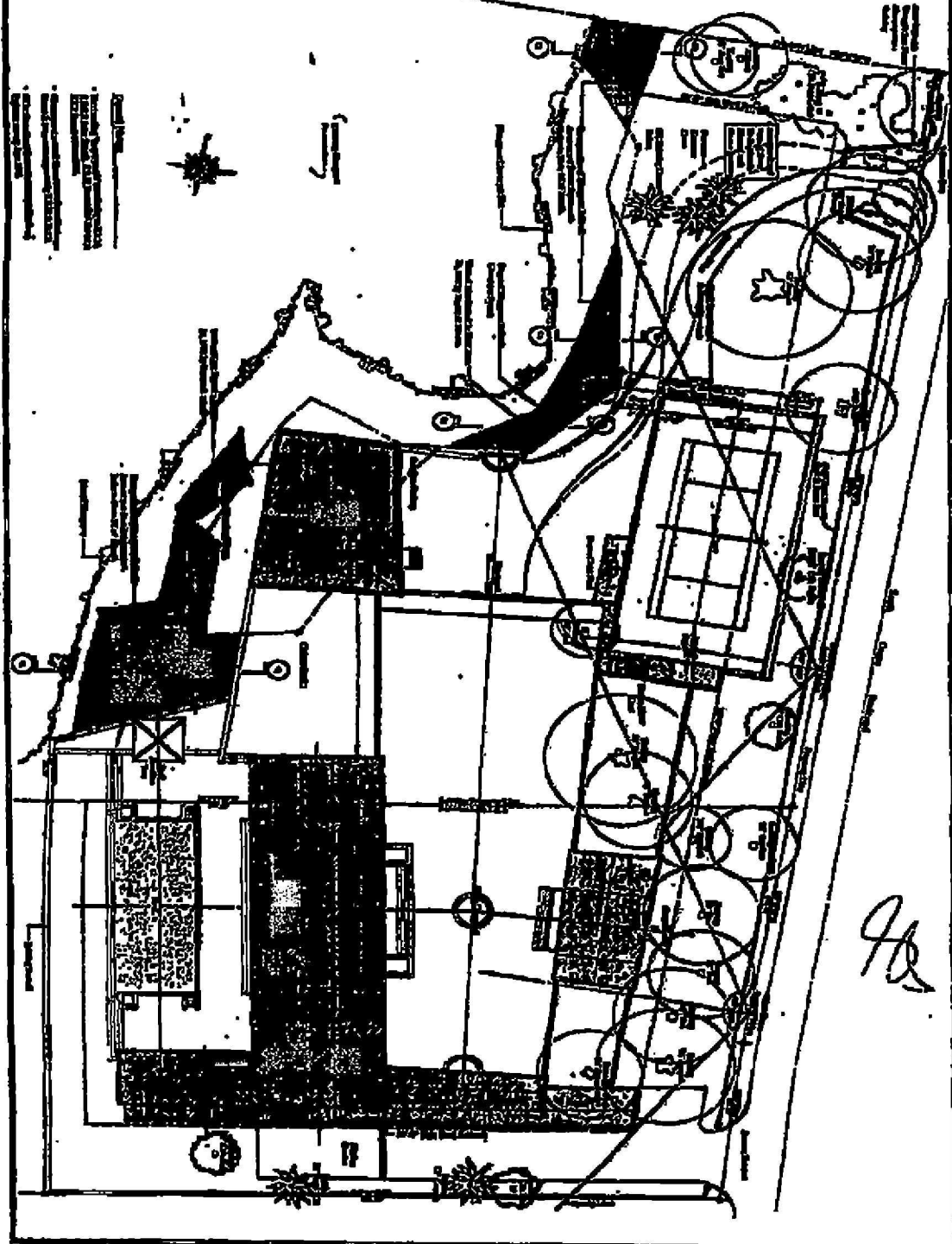
APPROVED AS TO LEGAL FORM AND SUFFICIENCY

[Signature]
JOHN C. HANDELSON, Town Attorney

RECOMMEND APPROVAL:

10/12/85, 1985
[Signature]
Robert L. Moore, Director of
Planning, Zoning & Building
Zoning Administrator

DRB 901313 09 648



Hand-drawn sketch of building complex

Hand-drawn sketch of building complex

EXHIBIT A

91 JUL 21 1982
CLERK OF COURT, FL

LEGAL DESCRIPTION

Lots 1 - 10, Blossom Estate per the plat thereof recorded July 21, 1982 in Plat Book 44, Page 121, Public Records of Palm Beach County, Florida.

JS

EXHIBIT B

EXHIBIT “D”

EXHIBIT "D"

Prepared by and return to:
Maura Ziska, Esquire
Kochman & Ziska, P.L.C.
122 Lakeview Ave., Ste. 1500
West Palm Beach, FL 33481

CFN 20100315537
OR BK 24031 PG 0884
RECORDED 08/24/2010 13:54:01
Palm Beach County, Florida
Sharon R. Book, CLERK & CONTROLLER
Pgm 0004 - 000, (5pgs)

**THIRD AMENDMENT TO THE BLOSSOM
ESTATE SUBDIVISION AGREEMENT**

THIS AGREEMENT made this 23rd of August, 2010 between the TOWN OF PALM BEACH, a Municipal Corporation, Post Office Box 2029, Palm Beach, Florida 33480 ("TOWN") and Ronald S. Kochman as Trustee of the 1255 SOUTH OCEAN BOULEVARD REALTY TRUST DATED DECEMBER 16, 2009, 222 Lakeview Avenue, Suite 1500, West Palm Beach, Florida 33401 ("OWNER").

WITNESSETH:

WHEREAS, the TOWN and the Developer's predecessor in interest, Dean Vegosen, Trustee, entered into an Agreement dated July 1, 1982 titled "Blossom Estate Subdivision Agreement" ("Agreement") which was recorded in Official Record Book 3763, Page 1004, Public Records of Palm Beach County, Florida and this Agreement refers to the Plat of the Blossom Estate that is recorded in Plat Book 44, Page 121, Public Records of the Palm Beach County, Florida;

WHEREAS, the TOWN approved certain requests by the Developer, George E. Straub, Trustee, to amend the Agreement and entered into a First Amendment to the Blossom Estate Subdivision Agreement ("First Amendment") on August 22, 1986, which First Amendment is recorded in Official Record Book 5022, Page 514, Public Records of Palm Beach County, Florida;

WHEREAS, the TOWN approved certain requests by the then owner, American Farm Investment Corporation, to further amend the Agreement and entered into a Second Amendment to the Blossom Estate Subdivision Agreement ("Second Amendment") on November 3, 1995, which Second Amendment is recorded in Official Records Book 9000, Page 646, Public Records of Palm Beach County, Florida;

WHEREAS, upon application for a Third Amendment to the Blossom Estate Subdivision Agreement ("Third Amendment"), on July 14, 2010, the TOWN, upon motion made and duly adopted, approved Variance # 9-2010, which allowed the owner of Lots 7 and 8 to further amend the Agreement as provided herein;

WHEREAS, the TOWN found that all residents living in the Blossom Estate Subdivision had no objection to the Third Amendment as provided herein;

NOW THEREFORE, for good and valuable consideration, a receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. Paragraph 2B(vi) of the Agreement is amended to read in its entirety as follows:

The Setback Exhibit indicates the "Buildable Envelope" upon which improvements may be constructed. The Developer or any future owner agrees no improvements of any kind will be built on any portion of Lot 7 not contained within the Buildable Envelope on Lot 7, except for the driveway shown on Exhibit "A" attached hereto and made a part hereof.

2. OWNER agrees that the two specimen trees as shown on Exhibit "A" will be protected from impacts of the driveway construction and if either tree is to die, then the OWNER agrees to replace such tree(s) with a similar size and species of tree(s).

3. OWNER shall be allowed to keep the proposed driveway for a period of three (3) years from the date of completion (date of passing the final inspection of the driveway), unless a house is approved and under construction during that time frame, in which case the driveway shall be allowed to remain. In the event OWNER does not remove the driveway within thirty (30) days from the deadline, the TOWN may remove the driveway and lien property for the costs thereof.

4. The Agreement as amended by the First Amendment, Second Amendment and this Third Amendment is hereby ratified and reaffirmed and shall remain in full force and effect according to its terms and all provisions thereof shall run with the lands known as The Blossom Estate and described on Exhibit "B" attached hereto and made a part hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first written above.

Witnesses:

Sign Cheyl Green
Print Cheyl Green
Sign Anna Byles
Print Anna Byles

Sign Maura Ziska
Print MAURA ZISKA
Sign Nichelle Puccio
Print Nichelle Puccio

TOWN OF PALM BEACH

By: Thomas B. Dwyer

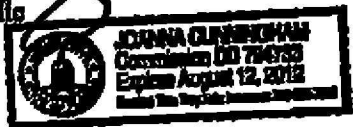
RONALD S. KOCHMAN, Trustee of the
1255 SOUTH OCEAN BOULEVARD
REALTY TRUST DATED DECEMBER
16, 2009

By: [Signature]

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Thomas Graham as Deputy Town Manager for the TOWN OF PALM BEACH, to me known to be the person described in or who produced personally known as identification and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 23rd day of August, 2010.


Notary Public


STATE OF FLORIDA)
COUNTY OF PALM BEACH)

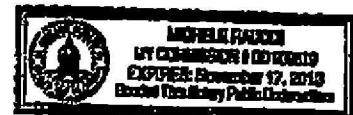
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Ronald S. Kochman, as Trustee of the 1255 SOUTH OCEAN BOULEVARD REALTY TRUST DATED DECEMBER 16, 2009, to me known to be the person described in or who produced _____ as identification and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 17 day of August, 2010.


Notary Public

Approved as to Legal Form and Sufficiency


John C. Randolph, Town Attorney



RECOMMEND APPROVAL:

8/18/10

Paul Castro, AICP
Zoning Administrator

EXHIBIT "B" - LEGAL DESCRIPTION

Lots 1-10, THE BLOSSOM ESTATE, according to the plat recorded in Plat Book 44, Page 122, and as re-platted in Plat Book 54, Page 127, of the Public Records of Palm Beach County, Florida.

EXHIBIT “E”



CFN 20120133311
 OR BK 25117 PG 1804
 RECORDED 04/05/2012 10:08:45
 Palm Beach County, Florida
 Sharon R. Bock, CLERK & COMPTROLLER
 Pgs 1804 - 1808; (5pgs)

Prepared by and return to:
 Maura Ziska, Esquire
 Kochman & Ziska, PLC
 222 Lakeview Ave., Ste. 1500
 West Palm Beach, FL 33401

**FOURTH AMENDMENT TO THE BLOSSOM
 ESTATE SUBDIVISION AGREEMENT**

THIS AGREEMENT made this 30th of March, 2012 between the TOWN OF PALM BEACH, a Municipal Corporation, Post Office Box 2029, Palm Beach, Florida 33480 ("TOWN") and THOMAS P. PETERFFY, AS TRUSTEE OF THE THOMAS P. PETERFFY AMENDED AND RESTATED REVOCABLE TRUST DATED SEPTEMBER 13, 2007, 25 Conyers Farm Drive, Greenwich, CT 06831 ("OWNER").

WITNESSETH:

WHEREAS, the TOWN and the Developer's predecessor in interest, Dean Vegosen, Trustee, entered into an Agreement dated July 1, 1982 titled "Blossom Estate Subdivision Agreement" ("Agreement") which was recorded in Official Record Book 3765, Page 1004, Public Records of Palm Beach County, Florida and this Agreement refers to the Plat of the Blossom Estate that is recorded in Plat Book 44, Page 121, Public Records of the Palm Beach County, Florida;

WHEREAS, in connection with the replat of The Blossom Estate, which replat was recorded in Plat Book 54, Page 127 of the Public Records of Palm Beach County, Florida (the "Replat"), the TOWN approved certain requests by the Developer, George E. Straub, Trustee, to amend the Agreement and entered into a First Amendment to the Blossom Estate Subdivision Agreement ("First Amendment") on August 22, 1986, which First Amendment is recorded in Official Record Book 5022, Page 514, Public Records of Palm Beach County, Florida;

WHEREAS, the TOWN approved certain requests by the then owner, American Farm Investment Corporation, to further amend the Agreement and entered into a Second Amendment to the Blossom Estate Subdivision Agreement ("Second Amendment") on November 3, 1995, which Second Amendment is recorded in Official Records Book 9000, Page 646, Public Records of Palm Beach County, Florida;

WHEREAS, the TOWN approved certain requests by the then owner, Ronald S. Kochman as Trustee of the 1255 South Ocean Boulevard Realty Trust dated December 16, 2009, to further amend the Agreement and entered into a Third Amendment to the Blossom Estate Subdivision Agreement ("Third Amendment") on August 23, 2010, which Third Amendment is recorded in Official Records Book 24031, Page 884, Public Records of Palm Beach County, Florida;

WHEREAS, upon application for a Fourth Amendment to the Blossom Estate Subdivision Agreement ("Fourth Amendment"), on February 15, 2012, the TOWN, upon motion made and duly adopted, allowed the owner of Lots 7 and 8 (according to the Replat) to further amend the Agreement as provided herein;

WHEREAS, the TOWN found that all residents living in the Blossom Estate Subdivision consent to the proposed Fourth Amendment as provided herein;

NOW THEREFORE, for good and valuable consideration, a receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. Paragraph 4 of the First Amendment to the Blossom Estate Subdivision Agreement which added a subparagraph (v) to Paragraph 2B of the Agreement shall be deleted in its entirety.

2. Paragraph 2B(vi) of the Agreement is amended to read in its entirety as follows:

The Setback Exhibit indicates the "Buildable Envelope" upon which improvements may be constructed. The Developer or any future owner agrees no improvements of any kind will be built on any portion of Lot 7 not contained within the Buildable Envelope on Lot 7, except for the driveway, privacy wall and gates shown on Exhibit "A" attached hereto and made a part hereof (New Privacy Wall Plan (Sheet A-1) by Smith and Moore, dated June 7, 2011).

3. The Agreement as amended by the First Amendment, Second Amendment, Third Amendment and this Fourth Amendment is hereby ratified and reaffirmed and shall remain in full force and effect according to its terms and all provisions thereof shall run with the lands known as The Blossom Estate and described on Exhibit "B" attached hereto and made a part hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first written above.

Witnesses:

Sign Cheyl Bleen
Print Cheyl Bleen
Sign Anne Bayles
Print Anne Bayles

Sign Pamela Berry
Print Pamela Berry
Sign Stephanie Acunto
Print Stephanie Acunto

TOWN OF PALM BEACH

By: Dan B. Rhell

THOMAS P. PETERFFY, AS TRUSTEE
OF THE THOMAS P. PETERFFY
AMENDED AND RESTATED
REVOCABLE TRUST DATED
SEPTEMBER 13, 2007

Thomas P. Peterffy
THOMAS P. PETERFFY, AS TRUSTEE
OF THE THOMAS P. PETERFFY
AMENDED AND RESTATED
REVOCABLE TRUST DATED
SEPTEMBER 13, 2007

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared PETER B. ELWELL as TOWN MANAGER for the TOWN OF PALM BEACH, to me known to be the person described in or who produced _____ as identification and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 30th day of March, 2012.



Patricia Gayle Gordon
Notary Public

STATE OF Connecticut)
COUNTY OF Fairfield)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Thomas P. Peterffy, as Trustee of the Thomas P. Peterffy Amended and Restated Revocable Trust dated September 13, 2007, to me known to be the person described in or who produced _____ as identification and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 20 day of March, 2012.

Juli Ann Aylesworth
Notary Public

Approved as to Legal Form and Sufficiency

[Signature]
John C. Randolph, Town Attorney

Juli Ann Aylesworth
Notary Public, State of Connecticut
My Commission expires May 31, 2013

RECOMMEND APPROVAL:

3/28/12
[Signature]
Paul Castro, AICP
Zoning Administrator

EXHIBIT A

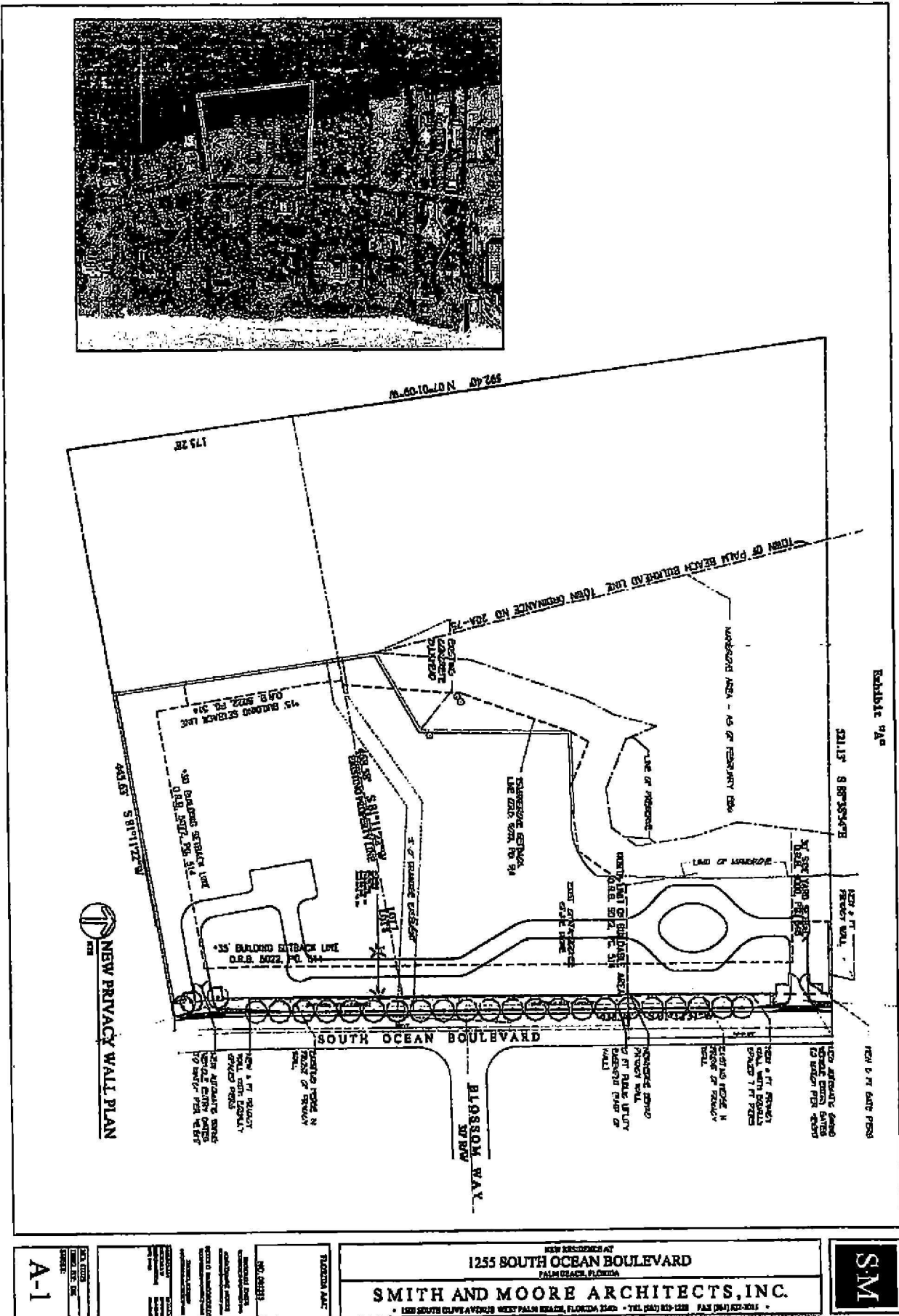


EXHIBIT "B" - LEGAL DESCRIPTION

Lots 1-10, THE BLOSSOM ESTATE, according to the plat recorded in Plat Book 44, Page 122, and as re-platted in Plat Book 54, Page 127, of the Public Records of Palm Beach County, Florida.

EXHIBIT “F”

Prepared by and return to:
Maura Ziska, Esquire
Kochman & Ziska, PLC
222 Lakeview Ave., Ste. 1500
West Palm Beach, FL 33401

**FIFTH AMENDMENT TO THE BLOSSOM
ESTATE SUBDIVISION AGREEMENT**

THIS AGREEMENT made this ____ of ____, 2013 between the TOWN OF PALM BEACH, a Municipal Corporation, Post Office Box 2029, Palm Beach, Florida 33480 ("TOWN") and THOMAS P. PETERFFY, AS TRUSTEE OF THE THOMAS P. PETERFFY AMENDED AND RESTATED REVOCABLE TRUST DATED SEPTEMBER 13, 2007, 25 Conyers Farm Drive, Greenwich, CT 06831("OWNER").

WITNESSETH:

WHEREAS, the TOWN and the Developer's predecessor in interest, Dean Vegosen, Trustee, entered into an Agreement dated July 1, 1982 titled "Blossom Estate Subdivision Agreement" ("Agreement") which was recorded in Official Record Book 3765, Page 1004, Public Records of Palm Beach County, Florida and this Agreement refers to the Plat of the Blossom Estate that is recorded in Plat Book 44, Page 121, Public Records of the Palm Beach County, Florida;

WHEREAS, in connection with the replat of The Blossom Estate, which replat was recorded in Plat Book 54, Page 127 of the Public Records of Palm Beach County, Florida (the "Replat"), the TOWN approved certain requests by the Developer, George E. Straub, Trustee, to amend the Agreement and entered into a First Amendment to the Blossom Estate Subdivision Agreement ("First Amendment") on August 22, 1986, which First Amendment is recorded in Official Record Book 5022, Page 514, Public Records of Palm Beach County, Florida;

WHEREAS, the TOWN approved certain requests by the then owner, American Farm Investment Corporation, to further amend the Agreement and entered into a Second Amendment to the Blossom Estate Subdivision Agreement ("Second Amendment") on November 3, 1995, which Second Amendment is recorded in Official Records Book 9000, Page 646, Public Records of Palm Beach County, Florida;

WHEREAS, the TOWN approved certain requests by the then owner, Ronald S. Kochman as Trustee of the 1255 South Ocean Boulevard Realty Trust dated December 16, 2009, to further amend the Agreement and entered into a Third Amendment to the Blossom Estate Subdivision Agreement ("Third Amendment") on August 23, 2010, which Third Amendment is recorded in Official Records Book 24031, Page 884, Public Records of Palm Beach County, Florida;

WHEREAS, the TOWN approved certain requests by the owner, Thomas P. Peterffy, as Trustee of the Thomas P. Peterffy Amended and Restated Revocable Trust dated September 13, 2007, to further amend the Agreement and entered in the a Fourth Amendment to the Blossom Estate Subdivision Agreement ("Fourth Amendment") on March 30, 2012, which Fourth Amendment is recorded in Official Records Book 25117, Page 1804, Public Records of Palm Beach County, Florida;

WHEREAS, upon application for a Fifth Amendment to the Blossom Estate Subdivision Agreement ("Fourth Amendment"), on _____, 2013, the TOWN, upon motion made and duly adopted, allowed the owner of Lots 7 and 8 (according to the Replat) to further amend the Agreement as provided herein;

WHEREAS, the TOWN found that all residents living in the Blossom Estate Subdivision consent to the proposed Fourth Amendment as provided herein;

NOW THEREFORE, for good and valuable consideration, a receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. Paragraph 2B(iii) of the Agreement as amended by the First Amendment and as is now further amended to remove the language: "No construction shall occur lakeward of the Mangrove Setback and all construction machinery shall be required to stay landward of the Mangrove Setback."

2. Paragraph 2B(iv) of the Agreement as added by the First Amendment and as is now further amended to add the following language (in **bold**) to the end of the following sentence: "It is the intention of this paragraph that the Mangrove area remain inviolate and that it not be encroached upon by debris from construction upon Lots 7 or 8 or by any persons such that all of the Mangrove trees and other vegetation that are contained within the Mangrove area may live and thrive without hindrance or molestation from any act by Developer, Developer's contractors, guest, invitees or agents or any third parties, **unless such encroachment is permitted by the governmental bodies currently having jurisdiction over the Mangrove area, to wit, the Florida Department of Environmental Protection and U.S. Army Corps of Engineers.**"

3. Paragraph 2B(vi) of the Agreement as amended by the First Amendment and is now further amended to read in its entirety as follows:

The Setback Exhibit indicates the "Buildable Envelope" upon which improvements may be constructed. The Developer or any future owner agrees no improvements of any kind will be built on any portion of Lot 7 not contained within the Buildable Envelope on Lot 7, except for the driveway, privacy wall, gates and boardwalk, dock and terminal platform shown on Exhibit "A" attached hereto and made a part hereof (New Boardwalk Plan by Smith and Moore Architects, Inc. dated 6-14-2013 and Proposed Boardwalk and Dock Plan (Sheets 1-2) by Isiminger & Stubbs Engineering, Inc., dated 4/13).

4. The Agreement as amended by the First Amendment, Second Amendment, Third Amendment, Fourth Amendment and this Fifth Amendment is hereby ratified and reaffirmed and shall remain in full force and effect according to its terms and all provisions thereof shall run with the lands known as The Blossom Estate and described on Exhibit "B" attached hereto and made a part hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first written above.

Witnesses:

TOWN OF PALM BEACH

Sign _____
Print _____

By: _____

Sign _____
Print _____

Sign _____
Print _____

Sign _____
Print _____

THOMAS P. PETERFFY, TRUSTEE
OF THE THOMAS P. PETERFFY
AMENDED AND RESTATED
REVOCABLE TRUST DATED
SEPTEMBER 13, 2007

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ as _____ for the TOWN OF PALM BEACH, to me known to be the person described in or who produced _____ as identification and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2013.

Notary Public

STATE OF)
COUNTY OF)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Thomas P. Peterffy, as Trustee of the Thomas P. Peterffy Amended and Restated Revocable Trust dated September 13, 2007, to me known to be the person described in or who produced _____ as identification and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day
of _____, 2013.

Notary Public

Approved as to Legal Form and Sufficiency

John C. Randolph, Town Attorney

EXHIBIT "B" - LEGAL DESCRIPTION

Lots 1-10, THE BLOSSOM ESTATE, according to the plat recorded in Plat Book 44, Page 122, and as re-platted in Plat Book 54, Page 127, of the Public Records of Palm Beach County, Florida.

EXHIBIT “G”

KOCHMAN & ZISKA PLC

Ronald S. Kochman*

Maura A. Ziska

Marvin S. Rosen, Counsel*

*Also admitted in New York

*Also admitted in Michigan

August 1, 2013

Esperanté

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

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

Tracy Markin
70 Blossom Way
Palm Beach, FL 33480

Re: 1255 South Ocean Boulevard
Fifth Amendment to the Blossom Estate Subdivision Agreement

Dear Mrs. Markin:

Please find enclosed a proposed Fifth Amendment to the Blossom Estate Subdivision Agreement which would modify the language to allow the owner of Lots 7 and 8 (Thomas Peterffy) to construct a boardwalk and dock in the mangrove area preserve adjacent to Mr. Peterffy's property. The proposed boardwalk and dock has been approved and permitted by the Florida Department of Environmental Protection and U.S. Army Corps of Engineers. Since your property is included in the subdivision, any changes to Lots 7 & 8 of Blossom Estates (a/k/a 1255 South Ocean Boulevard) require your written approval. If you have no objection to the change in the language and corresponding site plan please sign this letter in the presence of a **two (2) witnesses and a Notary Public**. Please return the original letter to me in the federal express envelope provided and call me if you have any questions or require more information.

Sincerely,

Maura Ziska
Maura Ziska

WITNESSES:

Thelma Murre
Print Name: Thelma Murre

Julian Alden
Print Name: JULIAN ALDEN

New York
STATE OF ~~FLORIDA~~ New York
COUNTY OF ~~PALM BEACH~~ New York

By: *Tracy Markin*
Tracy Markin

The foregoing instrument was acknowledged before me this 19th day of August, 2013.

By Tracy Markin, who is personally known to me or produced Florida Driver's License as identification and who did not take an oath.

(Notary Seal)

Cc: Mitch Schepps, Esquire

Maurice Dancer
Notary Signature
MAURICE DANCER
Notary Public, State of New York
No. 01DA6087212
Qualified In New York County
Commission Expires February 10, 2015

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska
Marvin S. Rosen, Counsel*

*Also admitted in New York
*Also admitted in Michigan

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

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

July 1, 2013

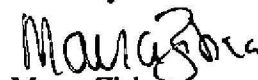
Black Calabash Family Holdings, LLC
20 and 30 Blossom Way
Palm Beach, FL 33480

Re: 1255 South Ocean Boulevard
Fifth Amendment to the Blossom Estate Subdivision Agreement

To Whom It May Concern:

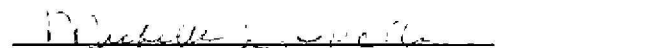
Please find enclosed a proposed Fifth Amendment to the Blossom Estate Subdivision Agreement which would modify the language to allow the owner of Lots 7 and 8 (Thomas Peterffy) to construct a boardwalk and dock in the mangrove area preserve adjacent to Mr. Peterffy's property. The proposed boardwalk and dock has been approved and permitted by the Florida Department of Environmental Protection and U.S. Army Corps of Engineers. Since your property is included in the subdivision, any changes to Lots 7 & 8 of Blossom Estates (a/k/a 1255 South Ocean Boulevard) require your written approval. If you have no objection to the change in the language and corresponding site plan please sign this letter in the presence of a two (2) witnesses and a Notary Public. Please return the original letter to me in the federal express envelope provided and call me if you have any questions or require more information.

Sincerely,


Maura Ziska

WITNESSES:


Print Name: Caroline Smith


Print Name: Michelle M. S. E. H. M.

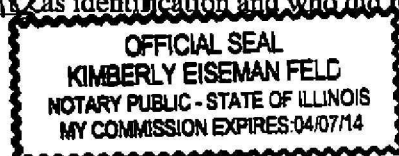
Black Calabash Family Holdings, LLC

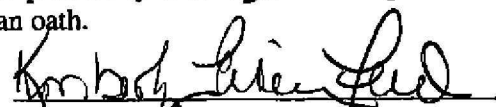
By: 
Molly McEvily, as Agent

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 8th day of August, 2013,
by Molly McEvily, who is personally known to me or produced
a driver's license as identification and who did not take an oath.

(Notary Seal)




Notary Signature

KOCHMAN & ZISKA PLC

Ronald S. Kochman*

Maura A. Ziska

Marvin S. Rosen, Counsel*

*Also admitted in New York

*Also admitted in Michigan

Esperanté

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

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

July 1, 2013

PBH LLC

40 and 50 Blossom Way

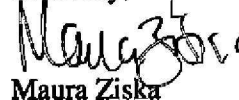
Palm Beach, FL 33480

Re: 1255 South Ocean Boulevard
Fourth Amendment to the Blossom Estate Subdivision Agreement

To Whom It May Concern:

Please find enclosed a proposed Fifth Amendment to the Blossom Estate Subdivision Agreement which would modify the language to allow the owner of Lots 7 and 8 (Thomas Peterffy) to construct a boardwalk and dock in the mangrove area preserve adjacent to Mr. Peterffy's property. The proposed boardwalk and dock has been approved and permitted by the Florida Department of Environmental Protection and U.S. Army Corps of Engineers. Since your property is included in the subdivision, any changes to Lots 7 & 8 of Blossom Estates (a/k/a 1255 South Ocean Boulevard) require your written approval. If you have no objection to the change in the language and corresponding site plan please sign this letter in the presence of a two (2) witnesses and a Notary Public. Please return the original letter to me in the federal express envelope provided and call me if you have any questions or require more information.

Sincerely,

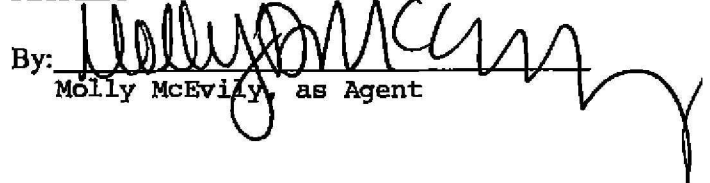

Maura Ziska

WITNESSES:


Print Name: Caroline Smith


Print Name: Michaela H. Spelber

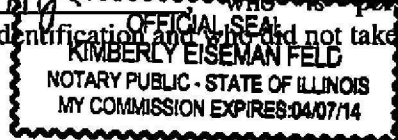
PBH LLC

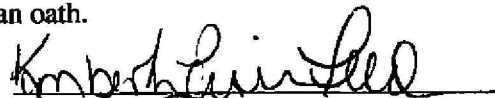
By: 
Molly McEvilly as Agent

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 8th day of August, 2013,
by Molly McEvilly who is personally known to me or produced
drivers license as identification and who did not take an oath.

(Notary Seal)




Notary Signature

KOCHMAN & ZISKA PLC

Ronald S. Kochman*

Maura A. Ziska

Marvin S. Rosen, Counsel*

*Also admitted in New York

*Also admitted in Michigan

Esperanté

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

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

July 1, 2013

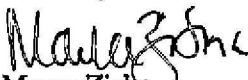
Susan and Roger Hertog
10 Blossom Way
Palm Beach, FL 33480

Re: 1255 South Ocean Boulevard
Fifth Amendment to the Blossom Estate Subdivision Agreement

Dear Mr. and Mrs. Hertog:

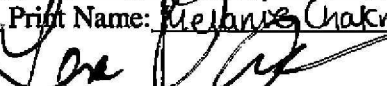
Please find enclosed a proposed Fifth Amendment to the Blossom Estate Subdivision Agreement which would modify the language to allow the owner of Lots 7 and 8 (Thomas Peterffy) to construct a boardwalk and dock in the mangrove area preserve adjacent to Mr. Peterffy's property. The proposed boardwalk and dock has been approved and permitted by the Florida Department of Environmental Protection and U.S. Army Corps of Engineers. Since your property is included in the subdivision, any changes to Lots 7 & 8 of Blossom Estates (a/k/a 1255 South Ocean Boulevard) require your written approval. If you have no objection to the change in the language and corresponding site plan please sign this letter in the presence of a two (2) witnesses and a Notary Public. Please return the original letter to me in the federal express envelope provided and call me if you have any questions or require more information.

Sincerely,


Maura Ziska

WITNESSES:


Print Name: Melanie Chakmakjian


Print Name: Lea Rausch

By: 
Susan Hertog

WITNESSES:


Print Name: Melanie Chakmakjian


Print Name: Lea Rausch

By: 
Roger Hertog

Mr. and Mrs. Roger Hertog
July 1, 2013
Page 2

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 8th day of Aug, 2013,
by Susan Hertog, who is personally known to me or produced driver's license as
identification and who did not take an oath.

(Notary Seal)

USA WEREB222KTHYER
NOTARY PUBLIC STATE OF NEW YORK
KINGS COUNTY
LIC. #01WE823988
COMM. EXR 4/25/2015


Notary Signature

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 8th day of Aug, 2013,
by Roger Hertog, who is personally known to me or produced driver's license as
identification and who did not take an oath.

(Notary Seal)

USA WEREB222KTHYER
NOTARY PUBLIC STATE OF NEW YORK
KINGS COUNTY
LIC. #01WE823988
COMM. EXR 4/25/2015


Notary Signature

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska
Marvin S. Rosen, Counsel*

*Also admitted in New York
*Also admitted in Michigan

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

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

July 1, 2013

Via regular mail and Facsimile 631-287-2394

Anna Murdoch-Mann
1285 South Ocean Boulevard
Palm Beach, FL 33480

Re: **1255 South Ocean Boulevard**
Fifth Amendment to the Blossom Estate Subdivision Agreement

Dear Ms. Murdoch-Mann:

Please find enclosed a proposed Fifth Amendment to the Blossom Estate Subdivision Agreement which would modify the language to allow the owner of Lots 7 and 8 (Thomas Peterffy) to construct a boardwalk and dock in the mangrove area preserve adjacent to Mr. Peterffy's property. The proposed boardwalk and dock has been approved and permitted by the Florida Department of Environmental Protection and U.S. Army Corps of Engineers. Since your property is included in the subdivision, any changes to Lots 7 & 8 of Blossom Estates (a/k/a 1255 South Ocean Boulevard) require your written approval. If you have no objection to the change in the language and corresponding site plan please sign this letter in the presence of a **two (2) witnesses and a Notary Public**. Please return the original letter to me in the federal express envelope provided and call me if you have any questions or require more information.

Sincerely,

Maura Ziska
Maura Ziska

WITNESSES:

William H. Mann
Print Name: William H. Mann

Ana Carrillo
Print Name: Ana Carrillo

By:

Anna Murdoch-Mann
Anna Murdoch-Mann

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 24th day of July, 2013, by Anna Murdoch-Mann, who is personally known to me or produced _____ as identification and who did not take an oath.

(Notary Seal)



J. Hudak
Notary Signature

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska
Marvin S. Rosen, Counsel*

*Also admitted in New York
*Also admitted in Michigan

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

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

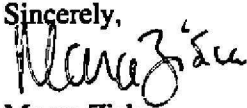
July 1, 2013

White Sea Holdings
12300 South Shore Boulevard #200
Wellington, FL 33414

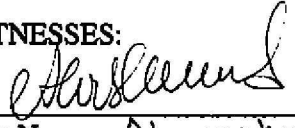
Re: 1255 South Ocean Boulevard
Fifth Amendment to the Blossom Estate Subdivision Agreement

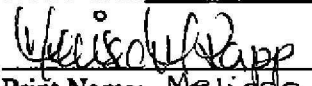
To whom it may concern:

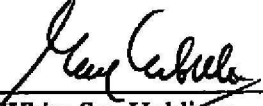
Please find enclosed a proposed Fifth Amendment to the Blossom Estate Subdivision Agreement which would modify the language to allow the owner of Lots 7 and 8 (Thomas Peterffy) to construct a boardwalk and dock in the mangrove area preserve adjacent to Mr. Peterffy's property. The proposed boardwalk and dock has been approved and permitted by the Florida Department of Environmental Protection and U.S. Army Corps of Engineers. Since your property is included in the subdivision, any changes to Lots 7 & 8 of Blossom Estates (a/k/a 1255 South Ocean Boulevard) require your written approval. If you have no objection to the change in the language and corresponding site plan please sign this letter in the presence of a two (2) witnesses and a Notary Public. Please return the original letter to me in the federal express envelope provided and call me if you have any questions or require more information.

Sincerely,

Maura Ziska

WITNESSES:


Print Name: Atanaska Nikolova

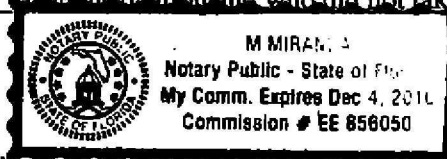

Print Name: Melissa Meza-Rapp

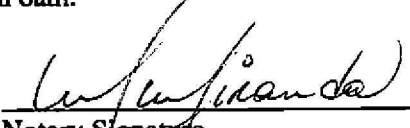
By: 
White Sea Holdings

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 10th day of July, 2013,
by Emma Cisneros who is personally known to me or produced
identification and who did not take an oath.

(Notary Seal)
Cc: Alvaro Mejer, Esquire
Hilda Porro, Esquire




Notary Signature

KOCHMAN & ZISKA PLC

Ronald S. Kochman*

Maura A. Ziska

Marvin S. Rosen, Counsel*

*Also admitted in New York

*Also admitted in Michigan

July 1, 2013

Esperanté

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

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

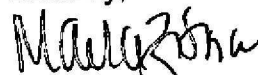
Thomas Peterffy Trust
25 Conyers Farm Drive
Greenwich, CT 06831

Re: 1255 South Ocean Boulevard
Fifth Amendment to the Blossom Estate Subdivision Agreement

Dear Mr. Peterffy:

Please find enclosed a proposed Fifth Amendment to the Blossom Estate Subdivision Agreement which would modify the language to allow the owner of Lots 7 and 8 (Thomas Peterffy) to construct a boardwalk and dock in the mangrove area preserve adjacent to Mr. Peterffy's property. The proposed boardwalk and dock has been approved and permitted by the Florida Department of Environmental Protection and U.S. Army Corps of Engineers. Since your property is included in the subdivision, any changes to Lots 7 & 8 of Blossom Estates (a/k/a 1255 South Ocean Boulevard) require your written approval. If you have no objection to the change in the language and corresponding site plan please sign this letter in the presence of a two (2) witnesses and a Notary Public. Please return the original letter to me in the federal express envelope provided and call me if you have any questions or require more information.

Sincerely,

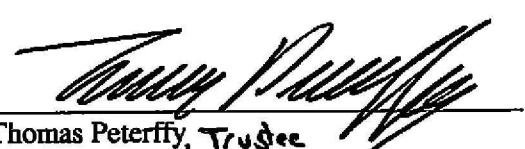

Maura Ziska

WITNESSES:

Print Name: Pam Berry

Juli Ann Aylesworth

Print Name: JULI ANN AYLESWORTH

By: 

Thomas Peterffy, Trustee

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 10 day of July, 2013,
by Thomas Peterffy, who is personally known to me or produced _____ as
identification and who did not take an oath.

(Notary Seal)


Notary Signature

Cc: Larry Alexander, Esquire

KOCHMAN & ZISKA PLC

Ronald S. Kochman*

Maura A. Ziska

Marvin S. Rosen, Counsel*

*Also admitted in New York

*Also admitted in Michigan

July 1, 2013

Esperanté

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

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

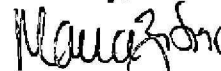
Sandra Hammonds
1275 South Ocean Boulevard
Palm Beach, FL 33480

Re: 1255 South Ocean Boulevard
Fifth Amendment to the Blossom Estate Subdivision Agreement

Dear Ms. Hammonds:

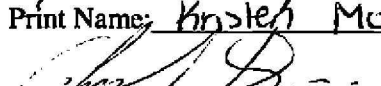
Please find enclosed a proposed Fifth Amendment to the Blossom Estate Subdivision Agreement which would modify the language to allow the owner of Lots 7 and 8 (Thomas Peterffy) to construct a boardwalk and dock in the mangrove area preserve adjacent to Mr. Peterffy's property. The proposed boardwalk and dock has been approved and permitted by the Florida Department of Environmental Protection and U.S. Army Corps of Engineers. Since your property is included in the subdivision, any changes to Lots 7 & 8 of Blossom Estates (a/k/a 1255 South Ocean Boulevard) require your written approval. If you have no objection to the change in the language and corresponding site plan please sign this letter in the presence of a **two (2) witnesses and a Notary Public**. Please return the original letter to me in the federal express envelope provided and call me if you have any questions or require more information.

Sincerely,


Maura Ziska

WITNESSES:


Print Name: Kristin Morgan


Print Name: Charles Davis

MARYLAND
STATE OF FLORIDA)
Talbot
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 10 day of July, 2013, by Sandra Hammonds, who is personally known to me or produced Driver License as identification and who did not take an oath.

(Notary Seal)


Notary Signature

Cc: Ronald S. Kochman, Esquire

RICHARD A. PRICE
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires September 9-5-14



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**
SOUTHEAST DISTRICT OFFICE
400 NORTH CONGRESS AVE., THIRD FLOOR
WEST PALM BEACH, FL 33401
561-681-6600

RICK SCOTT
GOVERNOR
HERSCHEL T. VINYARD JR.
SECRETARY

COMMENCEMENT OF PERMIT COMPLIANCE

May 29, 2013

Thomas Peterffy
26 Conyers Farm Drive
Greenwich, CT 06831

RE: Permit Number: 50-0155684-005
Issue date: May 22, 2013
Project: Peterffy Boardwalk
Palm Beach County, Florida

Dear Mr. Peterffy:

This letter will advise you that your recently issued permit, referenced above, requires you and your contractor to attend a pre-construction meeting with a Department representative prior to initiating any work authorized by the permit.

Please contact the Department representative assigned to your permit, Melissa Gil, at (561) 681-6635, at the letterhead address or electronically at Melissa.Gil@dep.state.fl.us to schedule a pre-construction meeting at least two weeks prior to beginning work authorized by the permit.

Your cooperation is greatly appreciated.

Sincerely,

Melissa Gil

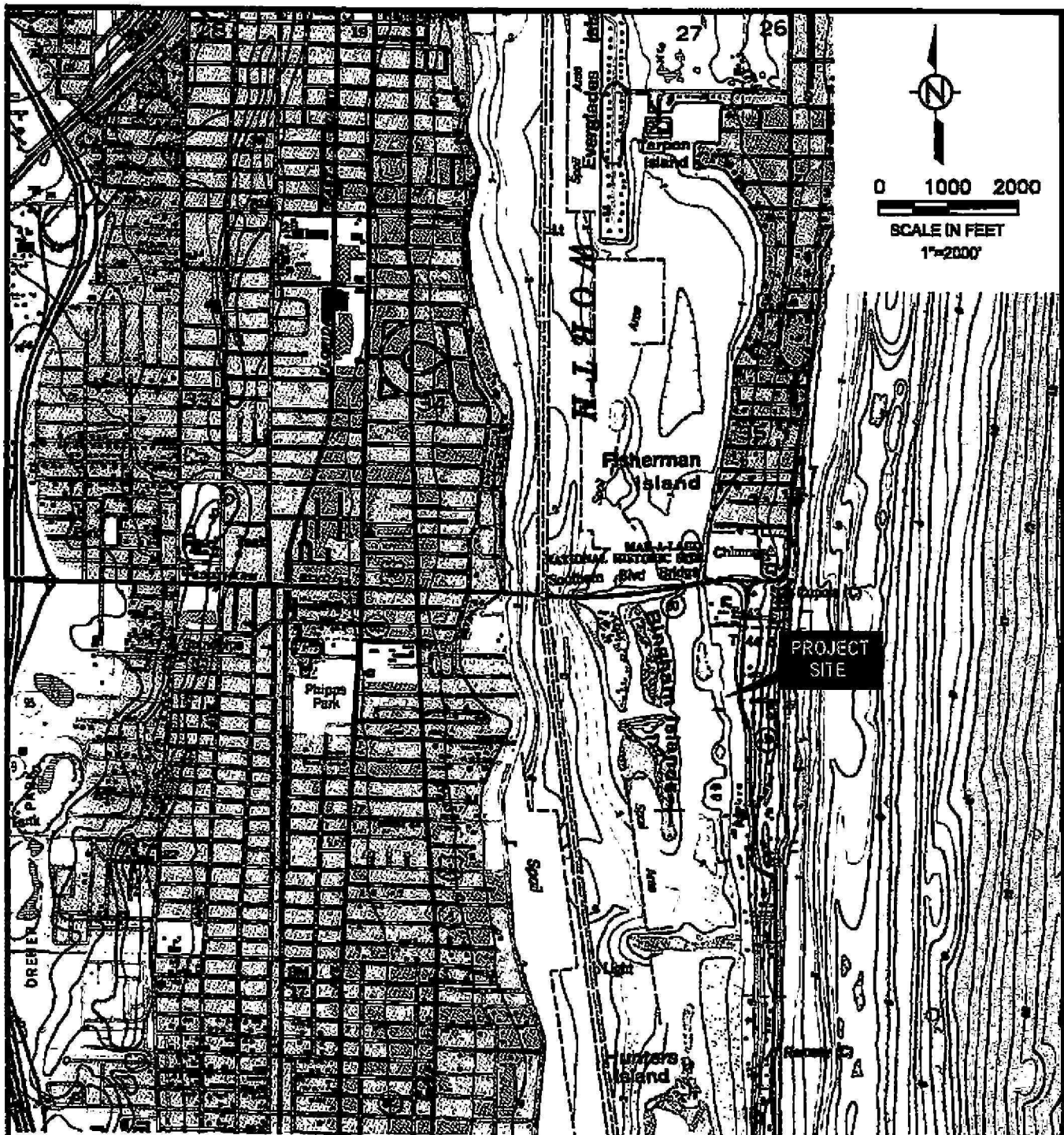
5/29/13

Date

Environmental Specialist
Submerged Lands and Environmental Resources Program
Southeast District

cc: Mathew Butler, Isiminger & Stubbs Engineering, Inc.,
mbutler@coastal-engineers.com

www.dep.state.fl.us



TAKEN FROM U.S.G.S. PALM BEACH, FLORIDA QUADRANGLE
 SEC: 02 TWP: 44S RGE: 43E
 LAT: 26° 40' 18" N
 LONG: 080° 02' 20" W

Matthew D. Butler, P.E.
 License No. 74039 Electronic
 signature and seal pursuant
 to 61G15-23.003 (3), F.A.C.
 2013.04.15 16:28:01 -04'00'

VICINITY MAP

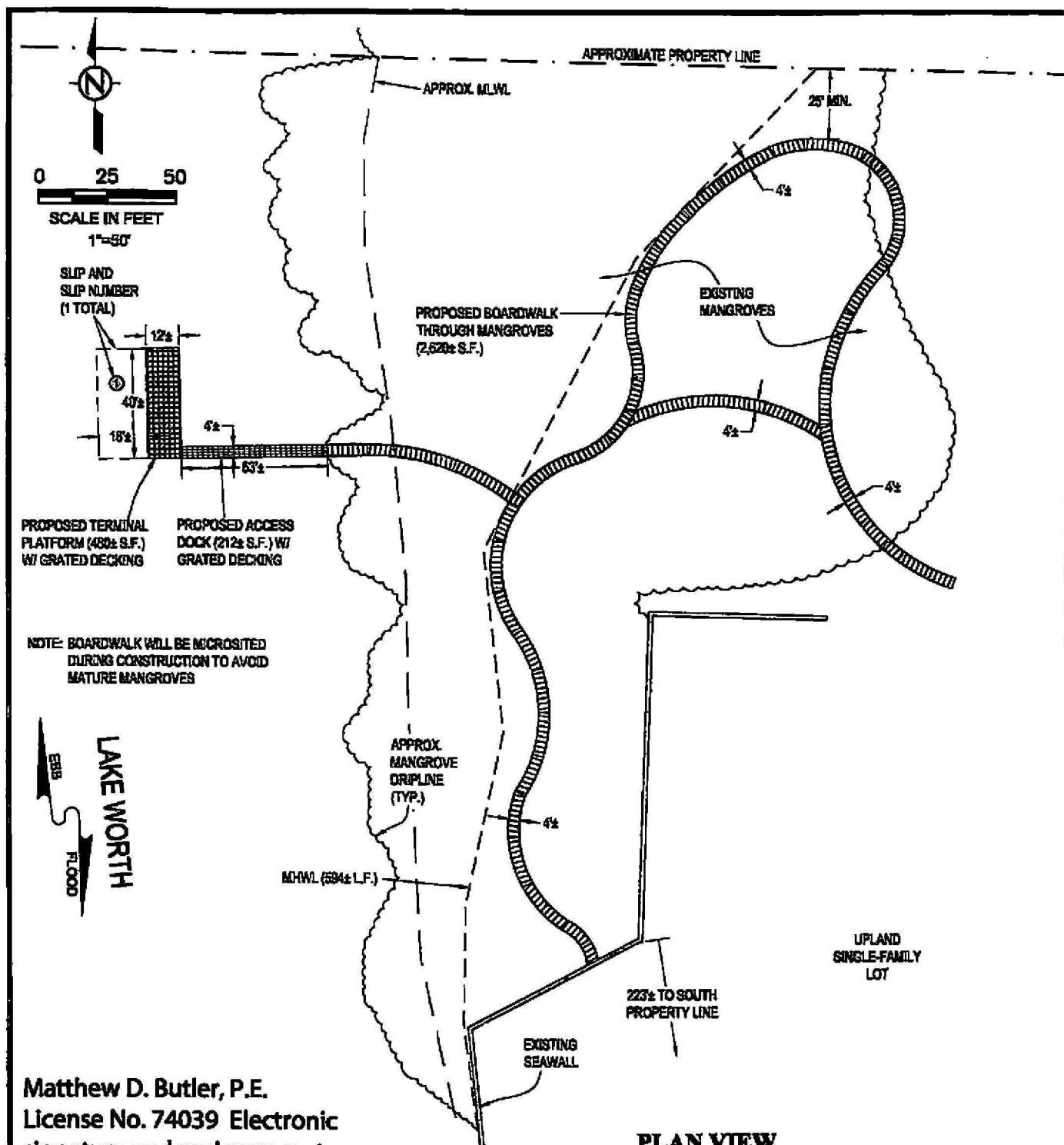


**ISIMINGER & STUBBS
 ENGINEERING, INC.**

COASTAL • ENVIRONMENTAL • MARINE
 CERTIFICATE OF AUTHORIZATION NUMBER: 8114
 P.O. BOX 14702 - NORTH PALM BEACH, FL 33408 - 281-851-0023

**PROPOSED BOARDWALK AND DOCK
 LAKE WORTH
 1255 SOUTH OCEAN BOULEVARD
 TOWN OF PALM BEACH, PALM BEACH COUNTY, FL
 APPLICANT: THOMAS PETERFFY**

DATE	4/13	DRAWN	MDR	CHKD	CCI	APPRVD	MDR
DWG NO.	11054D1					SHEET	
COMPUTER FILE NO.	11054D					OF 2	
						1	



Matthew D. Butler, P.E.
 License No. 74039 Electronic
 signature and seal pursuant
 to 61G15-23.003 (3), F.A.C.
 2013.04.15 16:29:43 -04'00'

NOTES:

1. DATUM IS MLW. MLW = -0.8± NGVD BASED ON LASINS DATABASE.
2. EXISTING LOCATIONS ARE APPROXIMATE BASED ON SURVEY BY LIDBERG LAND SURVEYING, INC., PLANS BY SANCHEZ & MADDUX, INC., AND 2011 AERIAL FROM PALM BEACH COUNTY.

SKETCH FOR TOWN OF PALM BEACH REVIEW.
 NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.

PLAN VIEW

 ISIMINGER & STUBBS ENGINEERING, INC. COASTAL • ENVIRONMENTAL • MARINE CERTIFICATE OF AUTHORIZATION NUMBER: 6114 P.O. BOX 14072 • NORTH PALM BEACH, FL 33408 • 561-851-0065							
PROPOSED BOARDWALK AND DOCK LAKE WORTH 1266 SOUTH OCEAN BOULEVARD TOWN OF PALM BEACH, PALM BEACH COUNTY, FL APPLICANT: THOMAS PETERFFY							
DATE	4/13	DRAWN	MDB	CHKD	CCI	APPRD	MDB
DWG NO.	11054D2					SHEET	
COMPUTER FILE NO.	11054D					OF 2	

1. The piling-supported structure shall be aligned so as to have the smallest over-marsh footprint as practicable.
2. The over-marsh portion of the piling-supported shall be elevated to at least 4 feet above the marsh floor.
3. The width of the piling-supported is limited to a maximum of 4 feet. Any exceptions to the width must be accompanied by an equal increase in height requirement.

Mangroves.

1. The width of the piling-supported structure is limited to a maximum of 4 feet.
2. Mangrove clearing is restricted to the width of the piling-supported structure.
3. The location and alignment of the piling-supported structure should be through the narrowest area of the mangrove fringe.

Grid Specifications and Suppliers

The following information does not constitute a U.S. Army Corps of Engineers endorsement or advertisement for any particular provider and is provided only as an example for those interested in obtaining these materials for piling-supported structure construction. Light-transmitting materials are made of various materials shaped in the form of grids, grates, lattices, etc., to allow the passage of light through the open spaces. All light-transmitting materials used in construction for minor piling-supported structures shall have a minimum of forty-three (43) percent open space.

A type of fiberglass grate panel is manufactured by SeaSafe (Lafayette, LA; phone: 1-800-326-8842) and FiberGrate (1-800-527-4043). A type of plastic grating is manufactured by ThruFlow Interlocking Panels (1-888-478-3569). Plastic grate panels are also distributed by Southern Pine Lumber Company (Stuart, FL; 772-692-2300). Panels are available in a variety of sizes and thicknesses. For safety, the grate should contain an anti-slip texture which is integrally molded into the top surface. The manufacturer or local distributor should be consulted to ensure that the load-bearing capacity of the selected product is sufficient to support the intended purpose. Contact the manufacturer(s) for product specifications and a list of regional distributors.

Grid Specifications and Suppliers Section modified in October 2002 to add an additional vendor of materials.

February 2003 - Manufacturer name changed from ChemGrate to FiberGrate

May 2003 - The terms dock and pier were removed and replaced by the term piling-supported structure, to clarify our intent.

March 2008 - Added requirement for 43% open space in grids; added additional manufacturer of grating. -

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK 2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com.
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

All project vessels

IDLE SPEED / NO WAKE

**When a manatee is within 50 feet of work
all in-water activities must**

SHUT DOWN

Avoid any collision with or injury to a manatee.

Wildlife Alert

1-888-404-FWCC(3922)

Call FWCC or FWVO





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006

O:\forms\Sea Turtle and Smalltooth Sawfish Construction Conditions.doc





ISIMINGER & STUBBS ENGINEERING, INC.

PRINCIPALS:

Charles C. Isiminger, P.E.
Darwin C. Stubbs, P.E.

COASTAL • ENVIRONMENTAL • MARINE

ASSOCIATES:

Mark A. Powell, P.E.
Matthew D. Butler, P.E.

June 12, 2013

Via Email

Smith and Moore Architects, Inc.
Daniel Kahan (DanielKahan@smithmoorearchitects.com)

Re: COE Permit No. SAJ-2011-03468
Proposed Boardwalk and Dock
Lake Worth
1255 South Ocean Boulevard
Town of Palm Beach, Palm Beach County, Florida
Permittee: Thomas Peterffy

Dear Mr. Kahan:

Enclosed is a copy of the permit received from the U.S. Army Corps of Engineers (COE) for the referenced project. Please read the permit and all of its conditions carefully. Please especially note the following:

1. This Regional General Permit, which provides authorization for the work, expires **March 22, 2018**. Please note that the permitted work must only be started or under contract, not completed, by the expiration date, as long as it is completed within one year of the expiration of the permit.
2. A copy of the permit must be kept on-site during construction.
3. This permit does not authorize any impacts to mangroves, including removing or filling, or submerged aquatic vegetation, as a result of the project. The permittee shall be held liable for any unauthorized impacts to seagrass or other aquatic species, and the COE may require restoration and mitigation for such impacts.
4. The boardwalk must be micrositied so that no impacts to mangroves occur.
5. Prior to the commencement of construction, you must install floating turbidity curtains that extend to within one foot of the bottom around all in-water work. The turbidity curtains must remain in place until the authorized work has been completed and all erodible materials have been stabilized.
6. You must comply with all conditions of the authorization, including the enclosed "Standard Manatee Conditions for In-Water Work" and "Sea Turtle and Smalltooth Sawfish Construction Conditions."
7. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Based on our review, the project should not adversely affect any properties listed in the National Register of Historic Places. However, further investigation may be required.
8. Within 60 days of completion of the work authorized, the permittee must submit a completed "Self-Certification Statement of Compliance" form to the COE (copy enclosed).
9. If ownership of the property associated with this authorization is transferred, the transferee must complete and submit the enclosed "Department of the Army Permit Transfer Request" form.

Page 2

Letter to Smith and Moore Architects, Inc.

June 12, 2013

This completes the permitting process at the state and federal level. As a reminder, any necessary local permits must still be obtained prior to construction, and local criteria should be independently verified by others. Please let us know in writing if you would like us to assist you with permit compliance.

If you have any questions, please feel free to contact us. Thank you.

Sincerely,

ISIMINGER & STUBBS ENGINEERING, INC.

A handwritten signature in black ink, appearing to read "Matthew Butler", followed by a horizontal line.

Matthew Butler, P.E.

11054.CLT.07

Enclosure

cc: Maura Ziska
Brian Vertesch



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
4400 PGA BOULEVARD, SUITE 600
PALM BEACH GARDENS, FLORIDA 33410

JUN 10 2013

REPLY TO
ATTENTION OF

Regulatory Division
Palm Beach Gardens Section
SAJ-2011-03468 (GP-JMC)

Thomas Peterffy
25 Conyers Farm Drive
Greenwich, CT 06831

Dear Mr. Peterffy:

Your application for a Department of the Army permit received on August 22, 2012, has been assigned number SAJ-2011-03468. A review of the information and drawings provided shows the proposed work is to construct:

- 1) a 125-foot by 4-foot boardwalk, the final 53 feet of which will be constructed of grated decking;
- 2) a 40-foot by 12-foot grated terminal platform;
- 3) One wet slip waterward of the terminal platform.

The project also includes 2,332 square feet of 4-foot wide boardwalk to be constructed at a height of six (6) feet above mean high water over mangrove wetlands existing landward of mean high water. The entire boardwalk and terminal platform will be constructed at a minimum height of five (5) feet above mean high water.

The project is located in the Lake Worth Lagoon, adjacent to 1255 South Ocean Boulevard, Palm Beach (Section 2, Township 44 south, Range 43 east), Palm Beach County, Florida.

Your project, as depicted on the enclosed drawings, is authorized by Regional General Permit (GP) SAJ-20. This authorization is valid until March 22, 2018. Please access the Corps' Regulatory webpage to view the special and general conditions for SAJ-20, which apply specifically to this authorization. The website address is as follows:

<http://www.saj.usace.army.mil/Missions/Regulatory.aspx>

Please be aware this web address is case sensitive and should be entered as it appears above. Once there you will need to click on "Source Book"; and, then click on "General Permits." Then you can click on the specific SAJ permit. You must comply with all of the special and general conditions and any project-specific conditions of this authorization or you may be subject to enforcement action. The following project-specific conditions are included with this authorization:

1. This permit does not authorize any impacts to mangroves, including removing or filling, or submerged aquatic vegetation, as a result of the project. Such impacts include, but are not

limited to, propeller scouring, vessel or barge anchoring, grounding or spudding, or other contact with the substrate. Construction vessels shall only operate in waters of sufficient depths to preclude contact with the substrate. The Permittee shall be held liable for any unauthorized impacts to seagrass or other special aquatic sites, and the U.S. Army Corps of Engineers (Corps) may require restoration and mitigation for any such impacts. If any impacts to aquatic resources occur, the permittee shall contact the Corps of Engineers, Palm Beach Gardens Regulatory office, Attn: Jose Rivera at 561-472-3536 within three business days to report the occurrence.

2. **Reporting Address:** All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, FL 33410. The Permittee shall reference this permit number, SAJ-2001-07034 (GP-JMC) on all submittals.

3. Within 60 days of completion of the work authorized, the attached *Self-Certification Statement of Compliance* must be completed and submitted to the U.S. Army Corps of Engineers at the address given in #2 above.

4. The boardwalk shall be micrositied in areas traversing mangrove wetlands so that no impacts to mangroves occur.

5. The permittee shall comply with the enclosed U.S. Army Corps of Engineers/National Marine Fisheries Service "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat," August, 2001. Specifically:

- a) Where constructed over mangrove wetlands and seagrasses, the boardwalk shall be no more than 4 feet wide and shall be elevated to a minimum height of +5 feet mean high water;
- b) Where constructed over seagrasses, the boardwalk/access dock and terminal platform shall be constructed of grated decking.

6. **Assurance of Navigation and Maintenance:** The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

7. Manatee Conditions: The Permittee shall comply with the enclosed "Standard Manatee Conditions for In-Water Work – 2011."

8. Sea Turtle and Smalltooth Sawfish Conditions: The Permittee shall comply with the enclosed National Marine Fisheries Service's "Sea Turtle and Smalltooth Sawfish Construction Conditions" dated March 23, 2006.

9. Installation of pilings greater than 24 inches in diameter, or installation of any size metal piling or sheet piling by impact hammer is prohibited.

10. Turbidity Barriers: Prior to the initiation of any of the work authorized by this permit, including rip-rap removal, the Permittee shall install floating turbidity barriers with weighted skirts that extend to within one foot of the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained until the authorized work has been completed and all erodible materials have been stabilized.

11. Cultural Resources/Historic Properties:

a. No structure or work shall adversely affect impact or disturb properties listed in the National Register of Historic Places (NRHP) or those eligible for inclusion in the NRHP.

b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition ; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground

disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

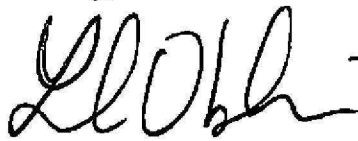
This authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. Prior to the initiation of any construction, projects qualifying for this Regional General permit must qualify for an exemption under section 403.813(1), F.S. or 373.406, F.S., or otherwise be authorized by the applicable permit required under Part IV of Chapter 373, F.S., by the Department of Environmental Protection, a water management district under section 373.069, F.S., or a local government with delegated authority under section 373.441, F.S., and receive Water Quality Certification (WQC) and applicable Coastal Zone Consistency Concurrence (CZCC) or waiver thereto, as well as any authorizations required for the use of state-owned submerged lands under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

This authorization does not include conditions that would prevent the 'take' of a state-listed fish or wildlife species. These species are protected under sec. 379.411, Florida Statutes, and listed under Rule 68A-27, Florida Administrative Code. With regard to fish and wildlife species designated as species of special concern or threatened by the State of Florida, you are responsible for coordinating directly with the Florida Fish and Wildlife Conservation Commission (FWC). Permittees can visit the FWC license and permitting webpage (<http://www.myfwc.com/license/wildlife/>) for more information, including a list of those fish and wildlife species designated as species of special concern or threatened. The Florida Natural Areas Inventory (<http://www.fnai.org/>) also maintains updated lists, by county, of documented occurrences of those species.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above referenced GP, please contact Mike Carothers by telephone at 561-472-3526.

Thank you for your cooperation with our permit program. The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit <http://per2.nwp.usace.army.mil/survey.html> and complete our automated Customer Service Survey. Your input is appreciated – favorable or otherwise. Again, please be aware this web address is case sensitive and should be entered as it appears above.

Sincerely,

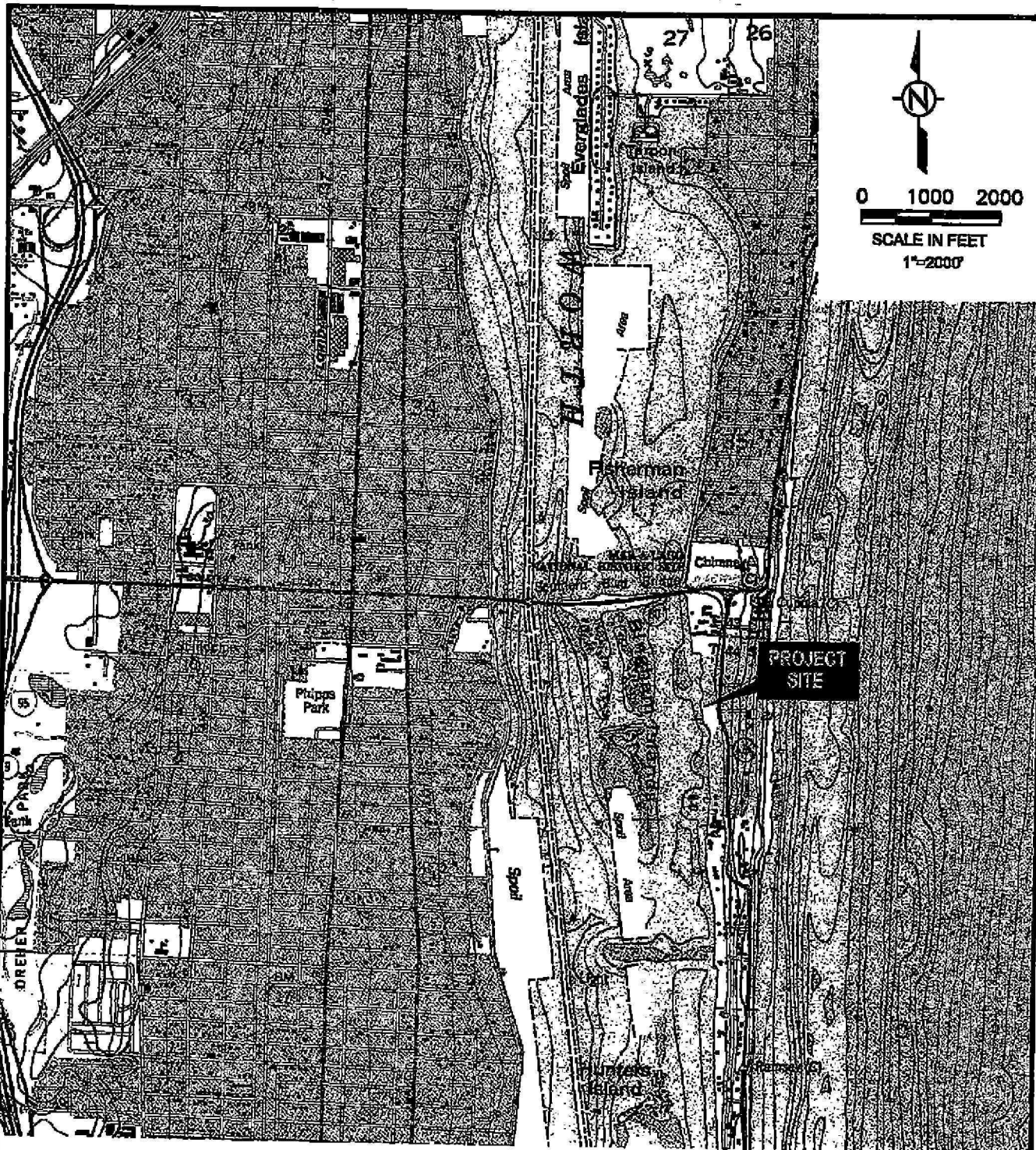
A handwritten signature in black ink, appearing to read 'Leah Oberlin', with a horizontal line extending from the end of the signature.

Leah Oberlin
Chief, Palm Beach Gardens Permits Section

Enclosures

Copies Furnished (via email):

Matt Butler, Isiminger and Stubbs Engineering, Inc., Agent
CESAJ-RD-PE



TAKEN FROM U.S.G.S. PALM BEACH, FLORIDA QUADRANGLE

SEC: 02 TWP: 44S RGE: 43E

LAT: 26° 40' 18" N

LONG: 080° 02' 20" W

US ARMY

CORPS OF ENGINEERS

JUN 10 2013

Matthew D. Butler, P.E.

License No. 74039 Electronic

signature and seal pursuant

to 61G15-23.003 (3), F.A.C.

2013.04.17 16:23:57 -04'00'

VICINITY MAP



**ISIMINGER & STUBBS
ENGINEERING, INC.**

COASTAL • ENVIRONMENTAL • MARINE

CERTIFICATE OF AUTHORIZATION NUMBER: 6134
P.O. BOX 14702 • NORTH PALM BEACH, FL 33402 • 561-621-0003

**PROPOSED BOARDWALK AND PIER
LAKE WORTH**

1255 SOUTH OCEAN BOULEVARD
TOWN OF PALM BEACH, PALM BEACH COUNTY, FL
APPLICANT: THOMAS PETERFFY

DATE	12/11	DRAWN	MDB	CHKD	CCI	APPRVD	MDB
DWG NO.	11054B1					SHEET OF 3	1
COMPUTER FILE NO.	11054B						

PALM BCH GRONS. OFFICE
CCE # 543-2011-03468
PROJECT MANAGER: *[Signature]*
PAGE 1 OF 3

US ARMY

CORPS OF ENGINEERS

JUN 10 2013

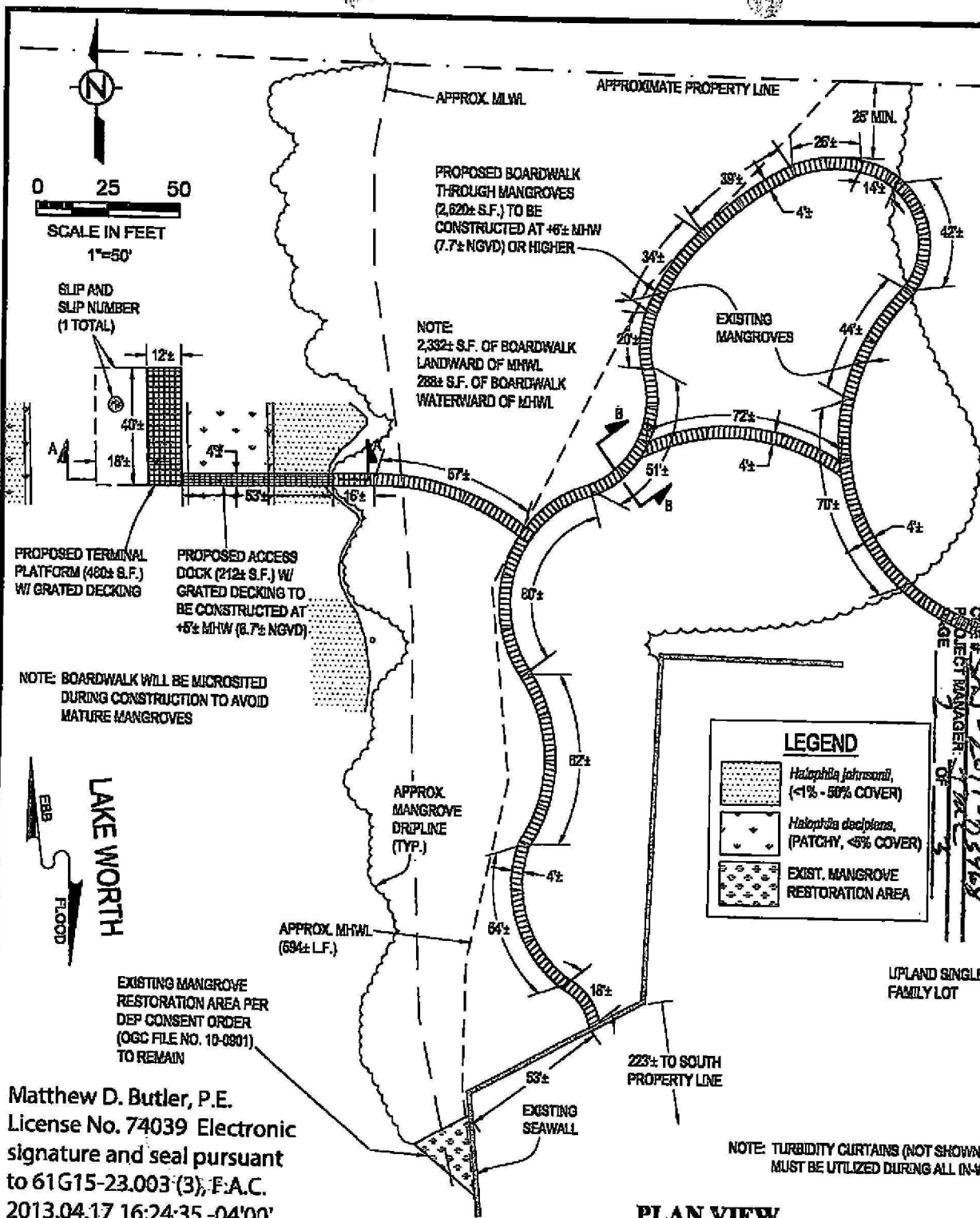
CGE # 28171-25468
PROJECT MANAGER: [Signature]
DATE: 6/10/13

UPLAND SINGLE FAMILY LOT

NOTE: TURBIDITY CURTAINS (NOT SHOWN FOR CLARITY) MUST BE UTILIZED DURING ALL IN-WATER WORK

PLAN VIEW

 ISIMINGER & STUBBS ENGINEERING, INC. COASTAL • ENVIRONMENTAL • MARINE CERTIFICATE OF AUTHORIZATION NUMBER: 6114 P.O. BOX 14702 - NORTH PALM BEACH, FL 33402 • 561-281-0003							
PROPOSED BOARDWALK AND DOCK LAKE WORTH 1255 SOUTH OCEAN BOULEVARD TOWN OF PALM BEACH, PALM BEACH COUNTY, FL APPLICANT: THOMAS PETERFFY							
DATE	12/11	DRAWN	MDB	CHKD	CCI	APPRVD	MDB
DWG NO.	1105482			SHEET		2	
COMPUTER FILE NO.	11054816			OF		3	



Matthew D. Butler, P.E.
License No. 74039 Electronic
signature and seal pursuant
to 61G15-23.003(3), F.A.C.
2013.04.17 16:24:35 -04'00'

NOTES:

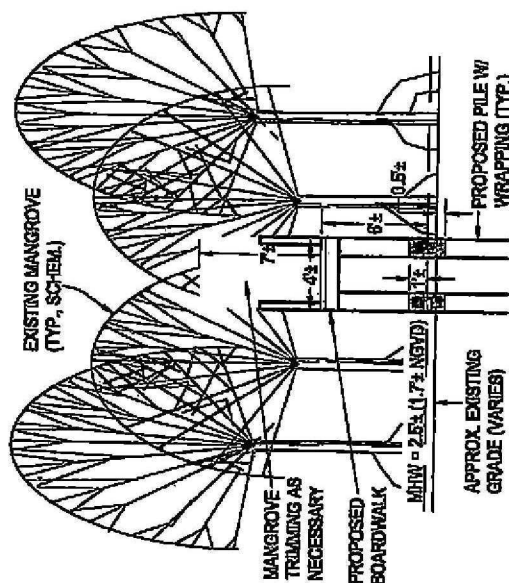
- DATUM IS MLWL. MLWL = -0.6± NGVD BASED ON LABINS DATABASE
- EXISTING LOCATIONS ARE APPROXIMATE BASED ON SURVEY BY LIDBERG LAND SURVEYING, INC., PLANS BY SANCHEZ & MADDOX, INC., AND 2011 AERIAL FROM PALM BEACH COUNTY.
- SEAGRASS INFORMATION BY ISIMINGER AND STUBBS ENGINEERING, INC. FIELD WORK CONDUCTED 9/20/11 AND 7/31/12.

SKETCH SUBMITTED FOR ENVIRONMENTAL PERMIT REVIEW.
NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.

REV 6 4/13 REVISED BOARDWALK



NOTE: BOARDWALK WILL BE MICRO-SITED DURING CONSTRUCTION TO AVOID MATURE MANGROVES



SECTION B-B

0 5 10

SCALE IN FEET

1"=10'

US ARMY
CORPS OF ENGINEERS
JUN 10 2013

COE # 575-2011-03768 PALM BCH GRNS. OFFICE
PROJECT MANAGER: Steve
PAGE 3 OF 3

NOTES:

1. DATUM IS MLW. MLW = -0.8'± NGVD BASED ON LABRIS DATABASE.
2. EXISTING LOCATIONS ARE APPROXIMATE BASED ON SURVEY BY LIDBERG LAND SURVEYING, INC., PLANS BY SANCHEZ & MADDOUX, INC., AND 2011 AERIAL FROM PALM BEACH COUNTY.
3. SOUNDINGS BY ISIMINGER & STUBBS ENGINEERING, INC. FIELD WORK CONDUCTED 8/20/11. SOUNDINGS REDUCED TO MLW BASED ON PREDICTED TIDES ONLY.

SKETCH SUBMITTED FOR ENVIRONMENTAL PERMIT REVIEW.
NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.

Matthew D. Butler, P.E.
License No. 74039 Electronic
signature and seal pursuant to
61G15-23.003 (3), F.A.C.
2013.04.17 16:25:09 -04'00'

SECTIONS

**ISINGER & STUBBS
ENGINEERING, INC.**

COASTAL • ENVIRONMENTAL • MARINE
CERTIFICATE OF AUTHORIZATION NUMBER: 6114
14702 - NORTH PALM BEACH, FL 33408 - 800-880-8800

PROPOSED BOARDWALK AND PIER LAKE WORTH

1255 SOUTH OCEAN BOULEVARD
TOWN OF PALM BEACH, PALM BEACH COUNTY, FL
APPLICANT: THOMAS PETERFFY

DATE	12/11	DRAWN	MDIB	CHKD	CGI	APPROVD	MDIB
DWG NO		11054B3		SHEET			
COMPUTER FILE NO.		11054B3		OF 3			
3							

REV	4	4/19	REVISED SECTION A-A
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DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

PERMIT NUMBER: SAJ-2011-03468 (GP-JMC)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, FL 32232-0019.

(TRANSFEREE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT) (BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: SAJ-2011-03468 (GP-JMC)

Permittee's Name & Address (please print or type): _____

Telephone Number: _____

Location of the Work: _____

Date Work Started: _____ Date Work Completed: _____

Description of the Work (e.g. bank stabilization, residential or commercial filling, docks, dredging, etc.):

Acreage or Square Feet of Impacts to Waters of the United States: _____

Describe Mitigation completed (if applicable): _____

Describe any Deviations from the Permit (attach drawing(s) depicting the deviations):

I certify that all work, and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

Signature of Permittee

Date

**Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in
or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat
U.S. Army Corps of Engineers/National Marine Fisheries Service
August 2001**

Submerged Aquatic Vegetation:

1. Avoidance. The piling-supported structure shall be aligned so as to minimize the size of the footprint over SAV beds.
2. The height of piling-supported structure shall be a minimum of 5 feet above MHW/OHW as measured from the top surface of the decking.
3. The width of the piling-supported structure is limited to a maximum of 4 feet. A turnaround area is allowed for piling-supported structures greater than 200 feet in length. The turnaround is limited to a section of the piling-supported structure no more than 10 feet in length and no more than 6 feet in width. The turnaround shall be located at the midpoint of the piling-supported structure.
4. Over-SAV bed portions of the piling-supported structure shall be oriented in a north-south orientation to the maximum extent that is practicable.
5. a. If possible, terminal platforms shall be placed in deep water, waterward of SAV beds or in an area devoid of SAV beds.

b. If a terminal platform is placed over SAV areas and constructed of grated decking, the total size of the platform shall be limited to 160 square feet. The grated deck material shall conform to the specifications stipulated below. The configuration of the platform shall be a maximum of 8 feet by 20 feet. A minimum of 5 feet by 20 feet shall conform to the 5-foot height requirement; a 3 feet by 20 feet section may be placed 3 feet above MHW to facilitate boat access. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable.

c. If the terminal platform is placed over SAV areas and constructed of planks, the total size of the platform shall be limited to 120 square feet. The configuration of the platform shall be a maximum of 6 feet by 20 feet of which a minimum 4-foot wide by 20-foot long section shall conform to the 5-foot height requirement. A section may be placed 3 feet above MHW to facilitate boat access. The 3 feet above MHW section shall be cantilevered. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable. If the 3 feet above MHW section is constructed with grating material, it may be 3 feet wide.
6. One uncovered boat lift area is allowed. A narrow catwalk (2 feet wide if planks are used, 3 feet wide if grating is used) may be added to facilitate boat maintenance along the outboard side of the boat lift and a 4-foot wide walkway may be added along the stern end of the boat lift, provided all such walkways are elevated 5 feet above MHW. The catwalk shall be cantilevered from the outboard mooring pilings (spaced no closer than 10 feet apart).
7. Pilings shall be installed in a manner which will not result in the formation of sedimentary deposits ("donuts" or "halos") around the newly installed pilings. Pile driving is the preferred method of installation, but jetting with a low pressure pump may be used.
8. The spacing of pilings through SAV beds shall be a minimum of 10 feet on center.
9. The gaps between deckboards shall be a minimum of ½ inch.

Marsh:

Grid Specifications and Suppliers Section modified in October 2002 to add an additional vendor of materials.

February 2003 - Manufacturer name changed from ChamGrate to FiberGrate

May 2003 - The terms dock and pier were removed and replaced by the term piling-supported structure, to clarify our intent.

March 2008 - Added requirement for 43% open space in grids; added additional manufacturer of grating -

TOWN OF PALM BEACH

Town Council Meeting on: October 9, 2013

Section of Agenda

Ordinances - Second Reading

Agenda Title

Royal Poinciana Way PUD-5

Ordinance No. 5-2013 (Comprehensive Plan Amendments)

Ordinance No. 6-2013 (Zoning Ordinance Amendments)

Deferred from the September 11, 2013, Town Council Meeting

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum from John Page dated September 25, 2013
- Memorandum from John Page dated May 30, 2013
- Ordinance No.5-2013
- Ordinance No. 6-2013
- Contributing Building Report: The Historical Character of Royal Poinciana Way
- Palm Beach PUD-5 Design Guidelines
- E-mail Dated September 13, 2013, from Susan B. Watts

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 9, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Royal Poinciana Way PUD-5
Ordinance No. 5-2013 (Comprehensive Plan Amendments)
Ordinance No. 6-2013 (Zoning Ordinance Amendments)

Date: September 25, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council approve second reading of Ordinance Nos. 5-2013 and 6-2013.

GENERAL INFORMATION

The Town Council approved first reading of Ordinance Nos. 5-2013 and 6-2013 on June 12, 2013. Together, these two ordinances amend the Comprehensive Plan and the Zoning Code to allow for PUD-5 developments in the block bordered by Royal Poinciana Way, Bradley Place, Sunset Avenue and North County Road.

The attached Memo of May 30, 2013 was presented to the Town Council for your consideration in June of this year when first readings were approved. A summary explanation of changes to the Comprehensive Plan and the Zoning Code are contained therein. At time of first reading approval on June 12, the Council prohibited a third story on “contributing” buildings that front Royal Poinciana Way.

The Town Council, at its September 11, 2013 meeting, deferred Ordinance Nos. 5-2013 and 6-2013 to the October 9, 2013 Council meeting in order to re-advertise the subject Ordinances in both the Palm Beach Post and the Palm Beach Daily News. The legal advertisement for those Ordinances ran in the both newspapers on Sunday, September 22, 2013.

COMPREHENSIVE PLAN

As required by State Code, staff transmitted the Ordinance changes to the Florida Department of Economic Opportunity (DEO) within 10 days of first reading approval. The State’s response of July 25, 2013 is attached. It short, the State responded with a “No Comment” finding, meaning

that the Town Council may now proceed forward and consider the Ordinances upon second reading.

Responses from other reviewing agencies are also attached.

SPECIAL CONSIDERATIONS

State law requires that the Town Council adopt the amendments within 180 days of DEO comments, or the amendments are deemed withdrawn. This is the Council's last obligation leading to adoption and implementation.

Attachments

cc: John C. Randolph, Town Attorney
John Lindgren, Planning Administrator

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Proposed Modifications and Changes to the Town's Comprehensive Plan and Chapter 134, Zoning, Which Create PUD-5 Regulations in a Portion of the Commercial Town-Serving Zoning District bordered by Royal Poinciana Way, Bradley Place, Sunset Avenue and North County Road:
Ordinance Nos. 5-2013 and 6-2013

Date: May 30, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council consider Ordinance No. 5-2013 on first reading and if approved, transmit proposed comprehensive plan amendments to the Florida Department of Economic Opportunity. In addition, staff recommends that the Council consider companion Ordinance No. 6-2013, containing related zoning ordinance text changes, on first reading.

PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY RECOMMENDATION

The Planning and Zoning Commission/Local Planning Agency (LPA), at its meeting of May 21, 2013, recommended by a 4-3 vote (Mr. Wideman, Mr. Shaw and Ms. Buck dissenting), approval of Ordinance No. 5-2013 modifying the comprehensive plan by creating the PUD-5 within the Commercial Future Land Use category. In addition, the LPA also recommended by a 7-0 vote, approval of Ordinance No. 6-2013 which creates PUD-5 regulations within the portion of the Commercial Town-serving (C-TS) zoning district bordered by Royal Poinciana Way, Bradley Place, Sunset Avenue and North County Road. The LPA recommended one modification to the proposed ordinance prohibiting a third story on "Contributing" buildings that front Royal Poinciana Way.

GENERAL INFORMATION

On April 16, 2013, the Planning and Zoning Commission, as the LPA, considered the comprehensive plan and zoning text amendments proposed by the Royal Poinciana Way Committee which proposes to create a PUD-5 for a portion of the Commercial Town-Serving District bounded on the west by the east right-of-way line of Bradley Place, on the east by the

west right-of-way line of North County Road, on the north by the south right-of-way line of Sunset Avenue, and on the south by the north right-of-way line of Royal Poinciana Way. After hearing all testimony, the LPA recommended that staff draft ordinances based on the Royal Poinciana Way Committee recommendations for necessary action the following month.

On May 21, 2013, the LPA considered the proposed Ordinances for the proposed PUD-5 (Ordinance Nos. 5-2013 and 6-2013 attached). Proposed Ordinance No. 5-2013 creates text within the Town's Comprehensive Plan permitting a PUD-5 within the Commercial Future Land Use designation in the Future Land Use Element for the five Palm Beach acres of land between Royal Poinciana Way and Sunset Avenue and Bradley Place and North County Road. Proposed Ordinance No. 6-2013 creates PUD-5 zoning regulations for that area, which is within the C-TS Zoning District in Chapter 134, Zoning, in the Town Code of Ordinances.

After hearing all testimony, the LPA recommended approval of Ordinance No. 5-2013 as drafted. In addition, the LPA also recommended approval of Ordinance No. 6-2013 with one major recommended modification. The LPA recommended that Ordinance 6-2013 be modified to prohibit third stories within a PUD-5 development on "Contributing" buildings that front Royal Poinciana Way.

If adopted per the attached Ordinances, property owners within the subject area would be able to redevelop using either the Commercial Town-Serving Zoning District regulations, or the new PUD-5 regulations (provided the site meets eligibility requirements including design guidelines). The PUD-5 regulations allow a more limited array of land uses than the C-TS Zoning District, but provide more flexible lot, yard and bulk zoning regulations. The permitted uses would be retail, restaurant, professional and studio type schools on the first floor and offices on the second floor provided that any of these uses are not larger than 3,000 square feet. The special exception uses would be bars, lounges, banks, museums and outdoor seating on the first floor and residential uses above the first floor on Royal Poinciana Way and on the first floor on Sunset Avenue. Uses over 3,000 square feet would still be required to obtain special exception approval by demonstrating Town-serving.

The proposed Comprehensive Plan changes (Ordinance No. 5-2013) necessary to create the PUD-5 regulations are summarized as follows:

- Modification of the Goals, Objectives and Policies in the Comprehensive Plan to allow for the proposed PUD-5 within the five Palm Beach acres identified above, located in the C-TS zoning district, within the underlying Commercial Future Land Use designation.
- Modification of the Comprehensive Plan to allow an increased density for only the proposed five Palm Beach acres described above within the Commercial Future Land Use Category.
- Modification of the Commercial Future Land Use category to provide 70 percent lot coverage for the first and second floor and 35 percent on the third floor.

The proposed Zoning text changes (Ordinance No. 6-2013) creating the PUD-5 are summarized as follows:

- Streamlining the existing PUD process, including the elimination of the tentative approval requirement and creation of a PUD amendment process.
- Creating a Contributing Buildings Report which designates the “Contributing” buildings that must be preserved in whole or in part if applying for the PUD-5, and also creating PUD-5 Design Guidelines outlining the architectural guidelines that must be met if applying for the PUD-5.
- Requiring Landmark Preservation Commission and Planning and Zoning Commission review and Town Council approval of a PUD application and a concurrent special exception and site plan review application.
- Creating a provision which would not allow the use of the PUD-5 regulations if a “Contributing” building is demolished.
- Adding to the special exception and site plan review submittal requirements, the creation of a regulation which would require PUD-5 applicants to submit a streetscape of the proposed development or redevelopment and surrounding buildings with an appropriately scaled model.
- Limiting the special exceptions and permitted uses to only those uses in the C-TS zoning district which are compatible to the existing character of the five Palm Beach acre area.
- Increasing the maximum density allowed for properties that develop using the PUD-5 requirements within that five acre area from 6 dwelling units per Palm Beach acre to 13 dwelling units per Palm Beach acre.
- Creating a maximum development site for a PUD-5 at 1.5 Palm Beach acres, with no variance allowed from that maximum.
- Creating a provision which would not allow for variances from the maximum lot coverage, height, overall height and public open space requirements proposed in the PUD-5.
- Increasing the number of stories allowed from two stories by special exception to two stories by right and a third story by special exception (The LPA recommends that third stories on “Contributing” buildings that front Royal Poinciana Way be prohibited).
- Creating a maximum height for the proposed third story of 35 feet.
- Decreasing the overall height for one and two story portions of buildings from an additional five feet above the maximum height requirement for a flat roof, and ten feet for a pitched roof, to three feet and eight feet respectively. Increasing the height and overall height to provide for the third story portion of a building from 30 feet to 38 feet for a flat roof and 43 feet in lieu of 35 feet for a pitched roof type of construction.
- Allowing a maximum lot coverage for buildings and structures to remain at 70% for the one and two story portions (existing C-TS maximums) and creation of a 35% maximum lot coverage for the proposed third story portion of a building within a PUD-5.
- Eliminating the front, side and rear setback requirements for buildings and structures.

- Allowing residential uses on the first floor only on those lots within the area which front on Sunset Avenue.
- Creating an off-street parking exemption when eliminating curb cuts and street fronting off-street parking and replacing with one story retail and 30% public open space on Royal Poinciana Way.
- Creating an off-street parking exemption for new and replacement commercial first floor retail use.

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

TOWN ATTORNEY REVIEW

Ordinance Nos. 5-2013 and 6-2013 were approved by Town Attorney John C. Randolph for legal form and sufficiency.

Attachments

PBE:jsp:pc

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

ORDINANCE NO. 5-2013

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

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

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

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

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

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

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

Section 1. AMENDMENT OF COMPREHENSIVE PLAN

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

Approved & Future New PUDs

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

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

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

POLICY 2.3

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

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

- a. "Town-serving" shall mean establishments principally oriented to serving the needs of Town persons and not substantially relying on the patronage of persons not defined as Town persons. Commercial establishments (other than those uses in the "Commercial – Office, Professional & Institutional" (C-OPI) zoning district, which are not required to meet town-serving requirements) of 2,000 square feet or less of gross leasable area in the "Commercial – Planned Center" (C-PC) zoning district, 3,000 square-foot or less of gross leasable area in the 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 from development and the negative impacts of public use. No urban development is permitted.
- 2.3.3 Commercial – Intended to create, preserve, and enhance areas of attractive, small-scale, retail, personal and professional/business services, and mixed commercial/ residential use, developed either as a unit or in individual parcels, providing primarily for the frequently recurring needs of Town persons with limited provision for more intensive commercial uses that are proven to be compatible with the Future Land Use Plan and the character of the Town.
- a. Appropriate uses include a wide range of commercial retail, service, professional and business uses for residents and visitors; PUD-5, Historic Preservation Mixed Use Development as set forth in Policy 11.1.5; hotels/motels up to 26 rooms per gross Palm Beach acre (40,000 square feet); timesharing uses up to 9 units per gross Palm Beach acre (40,000 square feet); offices; public uses and facilities; public and private schools; private group uses; and residential uses located above the ground floor.
 - b. Except for uses located in the Worth Avenue zoning district (C-WA) & PUD-5, Historic Preservation Mixed Use Development (bounded between Bradley Place, North County Road, Royal Poinciana Way and Sunset Avenue), one residential unit may be located above the ground floor, or up to a maximum density of six dwelling units per gross Palm Beach acre, whichever is greater. In the Worth Avenue zoning district the maximum allowable density shall be 10 dwelling units per gross Palm Beach acre provided the Worth Avenue Design Guidelines are met. In PUD-5, Historic Preservation Mixed Use Development, the maximum allowable density shall be 10 dwelling units per gross Palm Beach acre, but can be increased to 13 dwelling units per gross Palm Beach acre if certain conditions are met.
 - c. Maximum lot coverage for non-residential uses shall be 75%, except for PUD-5, Historic Preservation Mixed Use Development, which will allow for a maximum lot coverage of 70% for the first and second stories of a building, and 35% for the third story (if permitted).
 - d. In limited circumstances, the maximum building height shall be three stories.
- 2.3.4 Public – Intended to recognize existing locations of, and provide sites for, public uses, structures and facilities.
- a. Appropriate uses include public schools, low intensity public buildings and facilities such as fire and police stations, Town Hall, etc, of a scale and intensity necessary to primarily serve the needs of Town persons. Only public uses owned, operated, franchised, or supervised by a governmental agency are given this designation.

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

POLICY 11.1

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

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

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

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

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

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

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

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

Section 2. SEVERABILITY

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

Section 3. EFFECTIVE DATE

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

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

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

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

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

Richard M. Kleid, Town Council Member

Michael J. Pucillo, Town Council Member

ATTEST:

Susan A. Owens, Town Clerk

ORDINANCE NO. 6-2013

An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County Florida, Amending Chapter 134, Zoning, At Section 134-476 By Creating Purpose Language For An Optional PUD-5, Historic Preservation Mixed Use Development, With A Contributing Building Report And PUD-5 Design Guidelines Adopted By Reference For The Five Palm Beach Acres In the C-TS Zoning District Between Royal Poinciana Way And Sunset Avenue And Bradley Place And North County Road And By Prohibiting The Use Of The PUD-5 Regulations For Five Years If A Contributing Building Is Voluntarily Demolished; Section 134-477 By Creating A Review Process For The PUD-5 And Prohibiting Variances From Certain Lot, Yard And Bulk Regulations; Subdivision II, Sections 134-531, 134-532, 134-533 And 134-534 By Adding Submittal Requirements For A PUD-5 By Creating A New Approval Process For PUDs And Amendments To PUDs By Eliminating The Tentative And Final Approval Process And Replacing With A Streamlined Approval Process And By Creating A New Completion Deadline for PUDs; By Eliminating Subdivision III, Sections 134-561 And 134-562 Related To The Tentative And Final PUD Approval Process; By Renumbering 134-563 To 134-561 Adding PUD Amendments And Eliminating Property Owner Consent To Amend PUDs; By Renumbering 134-564 To 134-562, Adding PUD Amendment Language, Eliminating The Existing Time Frame Requirement For Commencement And Providing For New Commencement Language In The PUD Resolution; Section 134-651 By Creating PUD-5 As A Special Exception And Site Plan Review; Section 134-652 By Adding The PUD-5 And Identifying The Area Where A PUD-5 May Be Applied; Section 134-653 By Adding A Maximum PUD-5 Lot Size And Providing A Provision Which Prohibits A Variance From The Maximum Lot Size; Section 134-654 By Creating A Density for the PUD-5 Of Ten Dwelling Units Per Palm Beach Acre With A Maximum Of Thirteen Dwelling Units Per Palm Beach Acre In Lieu Of The Maximum Six Dwelling Units Per Acre Allowed In the Underlying C-TS Zoning District; Section 134-656 By Providing Permitted And Special Exception Uses In The PUD-5 And Creating Separation Requirements Between Residential And Commercial Uses; Section 134-657 By Creating A Minimum Public Open Space Requirement In The PUD-5 With A Provision Prohibiting A Variance From that Requirement; Section 134-687 By Providing Requirements That A PUD-5 Preserve The Main Street Character, Size And Bulk Which Currently Exists In The Five Palm Beach Acres; Section 134-688 By Providing Qualifying Language For The PUD-5 And Further Incorporating By Reference The Contributing Building Report And PUD-5 Design Guidelines; Section 134-689 By Eliminating The Requirement For Street Trees And Adding Language Which Requires Trees Bordering Projects Whenever Possible; Section 134-690 By Adding Language That A PUD-5 Is Required To Have Curb Cuts And Vehicular Access From Only Sunset Avenue; Section 134-691 By Providing A PUD-5 Off-street Parking Exception For Replacement Of Existing Commercial Square Footage Or Intensity Of Use, New Ground Floor Retail Use, Or Retail Use Which Replaces Ground Level Off-street Parking And Curb Cuts Fronting Royal Poinciana Way; Section 134-692 By Adding Language That Prohibits Variances For Lot Coverage, Height, Overall Height and Public Open Space and Providing New Regulations Creating A PUD-5 Density Of Ten to Thirteen Dwelling Units Per Palm Beach Acre In Lieu Of The Six Dwelling Units Per Acre Currently Allowed In The C-TS Zoning District, Provided Certain Conditions Being Met, By Creating Maximum Heights and Overall Heights, Including A Provision For Three Stories Where Only Two Stories Is Currently Allowed, By Adding First Floor And Second Floor Lot Coverage Of Seventy Percent And A Third Story Lot Coverage Of Thirty-five Percent; By Creating Setbacks Based On PUD

Approval, By Eliminating Required Setbacks And Determining Setbacks During The Approval Process And By Creating A Minimum Thirty Percent Public Open Space Requirement; Section 134-693 By Creating Said Section And Providing A Five Year Sunset Provision Unless The Town Council Approves An Extension; Section 134-1109 Creating The PUD-5 As A Special Exception Use Within The Defined Five Palm Beach Acres In The C-TS Zoning District; By Adopting By Reference The Attached Palm Beach PUD-5 Design Guidelines And The Contributing Building Report: The Historic Character Of Royal Poinciana Way; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

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

WHEREAS, the Town has determined that the five Palm Beach Acres located between Royal Poinciana Way and Sunset Avenue and Bradley Place and North County Road is an important gateway into the Town;

WHEREAS, the Town believes that the PUD-5 would be a tool to encourage preservation of the existing character of that area during redevelopment;

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

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

Section 1. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-476, Purpose, to read as follows:

Sec. 134-476. Purpose.

(a) The purpose of planned unit development regulations is to:

(1) Encourage flexibility in the design and development of land in order to promote its most appropriate use;

(2) Facilitate the adequate and economical provision of streets, utilities and public spaces; and

(3) Preserve the natural and scenic qualities of open area and preservation;

All in accordance with the terms and provisions as set forth herein.

(b) The procedure is intended to permit diversification in the location of structures and improve circulation facilities and other site qualities while ensuring adequate standards relating to public health, safety and welfare and morals both in the use and occupancy of buildings and facilities in planned groups.

(c) In addition to subsections (a) and (b) of this section, PUD-4 historical preservation-residential development is intended to preserve structures and premises of significant historical or architectural value to the town by allowing for low-density residential development at a density calculated on the area of the entire property, excluding the area of property required by the town to be assigned to the historical structure. Structures and/or premises listed in the national record or in any historical report recognized by the town council may be considered significant for the purposes of this article. In addition, the town council may declare any other structure and/or premises to be of historical or architectural significance.

(d) In addition to subsection (a), (b) and (c) of this section, PUD-5 historical preservation mixed use development or redevelopment is intended to (i) incentivize property owners in this area with greater density and fewer parking requirements for commercial and retail uses than C-TS zoning in return for preservation of buildings, structures, vias and/or facades for buildings that contribute to the historical size, scale, feel and character of Royal Poinciana Way, as a major gateway into the town and our historic “Main Street”; and (ii) further incentivize new development or redevelopment of noncontributing buildings in accordance with the PUD-5 Design Guidelines and Contributing Buildings Report, which are adopted by reference and consistent with the existing character, architecture, scale, massing and placement of those buildings that have been designated as Contributing. “Contributing” means those buildings, vias and structures identified in various categories in the Contributing Building Report, adopted by reference, which have been determined to be representative of the Town’s historic Main Street in terms of the architecture, character, size, height and bulk in the five Palm Beach acres between Royal Poinciana Way and Sunset Avenue and Bradley Place and North County Road. The PUD-5 development is a commercial mixed-use district wherein the residential component is secondary or accessory to the primary commercial uses for retail, office and entertainment. Maintaining the predominantly commercial character of the street and minimizing potential conflicts between commercial and residential uses shall be a consideration used in determining scale, height, placement, bulk and cubic footage of new or redeveloped residential units. Design of structures or buildings in a PUD-5 application shall be consistent with the character of Contributing buildings in this area, the PUD-5 requirements and the PUD-5 Design Guidelines or said application shall be denied. The Bradley House Hotel, a landmark and Contributing building in this area, shall only be considered as an appropriate example of architecture and design and not used in determining bulk and height in future development or redevelopment.

(e) Specific design standards that are required to be met when applying for the PUD-5 are in the PUD-5 Design Guidelines, the Contributing Building Report, which are both adopted by reference, and the provisions in Sec. 54-122 through Sec. 54-125(b), Sec. 134-226 through Sec. 134-229, and Sec. 134-326 through Sec 134-330 of the Code of Ordinances. These standards and regulations ensure that development/redevelopment using the PUD-5 regulations is consistent with the existing character, architecture, scale and massing of those buildings that have been designated as Contributing in this area. Properties where Contributing buildings are voluntarily demolished shall not be eligible to apply for the PUD-5 regulations for a period of five years subsequent to demolition.

Section 2. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-477, District regulations, to read as follows:

Sec. 134-477. District regulations.

With the exception of the PUD-5, the requirements and regulations for a PUD district are contained in division 14 of article VI of this chapter. The use, lot, yard and bulk requirements for the PUD-5 are contained in Sec. 134-651 through 134-692.

Sec. 134-478. Town council approval for permitted use and special exception use; review by planning and zoning commission; hearing; site plan review of application.

(a) A planned unit development, when a permitted use, shall be subject to the approval of the town council after a review and report by the planning and zoning commission and after a public hearing is held by the town council in accordance with law.

(b) A planned unit development, when a special exception use, shall be subject to the approval of the town council after a review and report by the planning and zoning commission and after a public hearing is held by the town council in accordance with law. The review by the planning and zoning commission shall be to make findings pursuant to sections 134-227 through 134-233 and other applicable sections of this chapter and to make recommendations thereon.

(c) Every application for approval of a planned unit development shall require concurrent site plan review in accordance with article III of this chapter.

(d) Every building and/or structure in the PUD-5 shall require Landmark Preservation Commission approval. In addition, if variances are being requested from the zoning code, the Director of the Planning, Zoning and Building Department may require the applicant to obtain a recommendation from Landmark Preservation Commission for the benefit of the Planning and Zoning Commission and Town Council. Variances as to lot coverage, height, overall height and public open space are prohibited.

Section 3. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Subdivision II and Section 134-531, Application, to read as follows:

Subdivision II. Approval Process.

Sec. 134-531. Application.

In order to provide an expeditious method for processing a plan for a planned unit development, under the terms of this chapter, it is declared to be in the public interest that all procedures with respect to the approval or disapproval of a plan for a planned unit development or an amendment thereto, and the continuing administration thereof, shall be consistent with the following:

(1) An application for approval of the plan for a planned unit development or an amendment thereto shall be filed by or on behalf of the landowner with the Planning, Zoning and Building Director or designee.

- (2) The following information shall be submitted with the application:
- a. The location and size of the site and the nature of the landowner's interest in the land proposed to be developed.
 - b. The density of land use to be allocated to parts of the site to be developed.
 - c. The location and size of any common open space and the form or organization proposed to own and maintain any common open space.
 - d. The use and the approximate height, bulk and location of buildings and other structures.
 - e. The feasibility of proposals for the disposition of sanitary waste and storm water.
 - f. The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities.
 - g. The provisions for parking of vehicles and the location and width of proposed streets and public ways.
 - h. For plans that call for development over a period of years, a schedule showing the proposed times within which application for final approval of all sections of the planned unit development are intended to be filed.
 - i. For PUD-4 and PUD-5, a complete description of the historical and/or architecturally significant structures and/or premises and provisions for their preservation. The portion of the property to be devoted to preservation shall be delineated.
 - j. For PUD-5, a complete description of the Contributing buildings and/or premises and provisions for their preservation. If applicable, the portion of the property to be devoted to preservation shall be delineated.
 - k. For PUD-5, a site elevation plan shall be submitted of the proposed development or redevelopment, including a streetscape of the proposed development or redevelopment and surrounding buildings together with an appropriately scaled model.
 - l. For PUD-5 development or redevelopment that has a condominium component, the applicant shall submit commercial and/or residential condominium documents for review.
 - m. PUD development shall meet all of the requirements for special exception in Secs. 134-226 through 134-231 and site plan review in Secs. 134-326 through 134-330.

(3) The application for approval of a planned unit development or an amendment thereto shall include a written statement by the landowner or any other entity having a cognizable interest in the land, setting forth the reasons why a planned unit development or an amendment thereto would be in the public interest and would be consistent with the town's statement of purposes on planned unit development.

(Ord. No. 2-74, § 7.31, 3-26-74; Ord. No. 5-78, § 13, 3-31-78)

Section 4. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-531, Public hearings, to read as follows:

Sec. 134-532. Public hearings.

(a) Upon submission of a complete planned unit development or amendment application, the planning and zoning commission, and the landmark preservation commission in those cases involving the PUD-5 shall hear said application within 60 days of the application being deemed complete by the director of the planning, zoning and building department or designee. A public hearing on the planned unit development or amendment application shall then be held by the town council after public notice is given in accordance with law.

(b) The planning and zoning commission and the landmark preservation commission in those cases involving the PUD-5 shall make recommendations on the proposed planned unit development, or amendment thereto, not less than 15 days before the public hearing by the Town Council, and the report shall be available for public inspection during reasonable hours.

(Ord. No. 2-74, § 7.32, 3-26-74; Ord. No. 2-83, § 6, 2-23-83; Ord. No. 1-04, §§ 38, 43, 3-9-04; Ord. No. 5-09, § 26, 4-15-09)

Section 5. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-531, Grant or denial, to read as follows:

Sec. 134-533. Grant or denial.

(a) The town council shall, within 60 days following the conclusion of the public hearing at which a planned unit development or amendment thereto has been approved by written resolution either (i) grant approval of the plan as submitted, or (ii) grant approval subject to specified conditions not included in the plan as submitted.

(b) If a planned unit development or an amendment thereto is denied, the determination as to denial shall be rendered in writing within thirty (30) days of the denial.

(c) If approval is granted, the town council shall, as part of its resolution, specify the conditions of approval, drawings, specifications and form of performance bond, if any, that shall be required.

(d) If a plan is granted approval, with or without conditions, the town council shall set forth in the written resolution the time within which the approved plan is required to be commenced or, for an approved plan that provides for development over a period of years, the periods of time within which phases of the approved plan have to be commenced. For the purposes of this Section, commencement shall be the issuance of a building permit. All authorized work under the building permit for said approved plan must be completed within the construction schedule contained in section 105.4.1.6 of the Florida Building Code as amended in section 18-242 of this Code or some alternative period approved by Council or said approval shall expire.

(Ord. No. 2-74, § 7.33, 3-26-74; Ord. No. 5-78, § 13, 3-31-78)

Section 6. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Subdivision III, Final Approval, Section 134-534, Status of plan after tentative approval, to read as follows:

Sec. 134-534. Status of plan after approval.

- (a) Within five working days after the adoption of the written resolution provided for in section 134-533, it shall be certified by the town clerk and shall be filed in the clerk's office, and a certified copy shall be mailed to the landowner. Where approval has been granted, the approval shall be noted on the zoning map maintained in the office of the town clerk.
- (b) Approval of a plan shall not qualify a plat of the planned unit development for recording or authorize development or issuance of any building permits. A plan which has been approved by the Town Council may only be modified by PUD approval as outlined in the process identified in this Article.

Secs. 134-535--134-560. Reserved.

Section 7. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Subdivision III, Final Approval, Section 134-561, Application, by eliminating said section.

Section 8. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-562, Refusal to grant for variations in tentative approved plan, by eliminating said section.

Section 9. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-563, Certification; filing of record plat, by renumbering 134-563 to 134-561 and to read as follows:

Sec. 134-561. Certification; filing of record plat; modification before completion of development.

A plan for a planned unit development or any part thereof, or an amendment thereto, that has been given approval by the town council shall be so certified without delay by the town clerk, and a record plat, if required, shall be filed on record forthwith in the office of the county clerk in accordance with F.S. ch. 177 before any development shall take place in accordance therewith. Upon the filing on record of the plan, all other ordinances and subdivision regulations otherwise applicable to the land included in the plan shall cease to apply thereto.

Section 10. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-564, Abandonment; termination, by renumbering from 134-564 to 134-562 and to read as follows:

Sec. 134-562. Abandonment; termination.

If a plan for a planned unit development or portion thereof, or an amendment thereto, is given approval and thereafter the landowner abandons the plan or a portion thereof that has been approved or if the landowner fails to commence the planned unit development within the timeframe identified in the planned unit development resolution, such approval shall terminate and be deemed null and void unless such time period is extended by the town upon written request of the landowner.

Secs. 134-563--134-590. Reserved.

Section 11. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-651, Establishment of special exception planned unit developments, to read as follows:

Sec. 134-651. Establishment of special exception planned unit developments.

The following special exception planned unit development districts are established and shall be subject to all applicable requirements of this article and of the district in which they are located. In addition, the following planned unit developments shall be required to meet all of the requirements as set forth for special exception in Secs. 134-226 through 134-229 and site plan review in Sec. 134-326 through Sec 134-330.PUD-1	Single-family development
PUD-2	Residential mix development
PUD-3	Mixed use development
PUD-4	Historical preservation residential development
PUD-5	Historical preservation mixed use development

Section 12. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-652, Districts where permitted, to read as follows:

Sec. 134-652. Districts where permitted.

Planned unit developments as established by this article may be permitted as special exceptions only in specifically designated districts as follows:

- (1) *PUD-1, single-family development.* Permitted only in portions of R-B districts which are in close proximity to intensive developments in an R-C, R-D(1) or R-D(2) district.
- (2) *PUD-2, residential mix development.* Permitted only in R-C, R-D(1) and R-D(2) districts.
- (3) *PUD-3, mixed use development.* Permitted only in R-C, R-D(1) and R-D(2) districts.
- (4) *PUD-4, historical preservation residential development.* Permitted only in R-AA, R-A and R-B districts.

(5) *PUD-5, historical preservation mixed use development.* Permitted only in that portion of the C-TS district in the five Palm Beach acres bounded between Royal Poinciana Way and Sunset Avenue, and Bradley Place and North County Road.

Section 13. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-653, Minimum area requirements, to read as follows:

Sec. 134-653. Minimum area requirements.

Minimum area requirements for special exception planned unit developments are as follows:

(1) *PUD-1, single-family development.* One contiguous acre undivided by any public right-of-way or easement.

(2) *PUD-2, residential mix development.* Ten contiguous acres undivided by any public right-of-way or easement.

(3) *PUD-3, mixed use district.* Twenty contiguous acres undivided by any public right-of-way or easement.

(4) *PUD-4, historical preservation residential development.* One or more contiguous acres undivided by any public right-of-way or easement.

(5) *PUD-5, historical preservation mixed use development.* No minimum size requirement, however the maximum lot size shall be 1.5 Palm Beach acres. No variance shall be allowed which increases the maximum size of a PUD-5 lot.

Section 14. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-654, Residential density, to read as follows:

Sec. 134-654. Residential density.

Residential densities in special exception planned unit developments permitted under this article shall be as follows:

PUD District	Use District	Maximum Density Permitted under PUD* (units per acre)
PUD-1	R-B	4
PUD-2	R-C	6**
	R-D(1)	13**
PUD-3	R-C	6**
	R-D(1)	13**
	R-D(2)	13**
PUD-4	R-AA	2/3**
	R-A	2**

	R-B	4**
PUD-5	C-TS***	10 with the ability to reach 13 if all required off-street parking is in a sub-basement or there is a 50 percent reduction in existing density.

* See section 134-656 for conversion of nonresidential uses to equivalent dwelling unit amounts for the purpose of calculating gross density.

** See section 134-655 for special provisions covering densities in those portions of the planned unit development site adjoining lower density residential districts.

***Only that part of the C-TS zoning district bounded between Bradley Place and North County Road and Royal Poinciana Way and Sunset Avenue.

Section 15. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-656, Permitted land use, to read as follows:

Sec. 134-656. Permitted land use.

The uses permitted in planned unit developments shall be as follows:

(1) *PUD-1.*

a. Any use permitted in the R-AA large estate residential district, R-A estate residential district or R-B low density residential district; provided, however, that such uses are grouped in cluster development in accordance with division 5 of this article.

b. Townhouses, subject to applicable requirements in subdivision II of division 10 of article VIII of this chapter.

(2) *PUD-2.*

a. Any use permitted in the R-C medium density residential district.

b. Newsstands, dining rooms and personal service uses for the convenience of residents shall be permitted in such district; provided, however, that no exterior or external advertising of such facilities shall be permitted nor shall the gross floor area devoted to such uses exceed ten percent of the gross ground floor area of buildings included within the planned unit development.

(3) *PUD-3.*

a. Any use permitted in the R-D(1) moderate density residential district.

b. In PUD-3 developments containing 100 or more residential dwelling units, commercial uses permitted in the C-TS, C-WA, C-OPI or C-PC commercial district may be permitted; provided, however, that any commercial development in the planned unit development shall front on a major thoroughfare and further provided that such commercial development, including its required parking area, shall not occupy more than 20 percent of the gross floor area of the planned unit development. For the purpose of calculating gross density, as set forth in section 134-620, the following land use measurements shall be equivalent to a dwelling unit as defined:

Land Use Type	Unit of Measurement	Equivalence to One Dwelling Unit of Gross Density
Hotels, motels or similar places of transient occupation	Number of bedrooms	Two bedrooms
Principal commercial uses	Total floor area	750 square feet
Accessory commercial uses	Total floor area	1,500 square feet
All other nonresidential floor spaces	Total floor area	1,000 square feet

(4) *PUD-4.*

Any use permitted in the R-AA large estate residential or R-A estate residential district, provided the uses are developed compatibly with an historical or architecturally significant structure or premises.

(5) *PUD-5.*

Any permitted or special exception uses within the C-TS district with the exception of non-profit cultural centers, professional and studio type schools, public and private parking lots, storage garages, parking garages which are not part of a principal use, auto rental lots, private social, swimming, golf, tennis and yacht clubs, public or private academic schools, drive-in business service facilities, churches, synagogues and other houses of worship, roof deck parking and museums. Residential uses are allowed by special exception on the first floor on those platted lots that front on the south side of Sunset Avenue within the PUD-5 area which are identified as Lots 31 through 65, Floral Park.

Residential access to dwelling units shall be physically separated from commercial uses in a mixed use building. In addition, in mixed commercial/residential buildings, the applicant shall use noise reduction construction techniques such as additional insulation and storm rated windows in both the commercial and residential units to reduce possible negative impacts between those types of uses.

Section 16. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-657, Open Space, to read as follows:

Sec. 134-657. Open space.

(1)*PUD-1 through PUD-4.* A minimum of 15 percent of a planned unit site area shall be developed as common open space. Parking areas and vehicle access facilities shall not be considered in calculating such common open space. In no event, however, shall the lot coverage of all structures located within a planned unit development site exceed 35 percent of the gross area included within such planned unit development site.

(2) *PUD-5.* There is a minimum 30 percent public open space requirement. Public open space is defined as landscape or hardscape areas, including vias, dedicated for use of the general public. Said public open space shall be open to the sky and not closed for public access at any time. Public open space shall not be used for off-street parking or loading, and the minimum landscape open space within the public open space shall be determined during the approval process of the PUD, special exception

and site plan review process by the Town Council. Variances shall not be permitted from the minimum 30 percent public open space requirement.

Section 17. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-687, General standards, to read as follows:

Sec. 134-687. General standards.

(a) The planned unit development shall be consistent with the regulations governing planned unit developments as set forth within division 3 of this article.

(b) The planned unit development plan shall be consistent with the Palm Beach Comprehensive Plan.

(c) The planned unit development shall provide for an effective and unified treatment of the development possibilities on the project site making appropriate provision for the preservation of scenic features and amenities of the site and the surrounding areas. For the PUD-5, this shall include the preservation of the Main Street appearance with separations and building breaks which are currently prevalent for the Contributing and noncontributing buildings in the PUD-5 area.

(d) The planned unit development shall be planned and developed to harmonize with any existing or proposed development in the area surrounding the project site.

(e) The historical preservation mixed use planned unit development (PUD-5) shall be complimentary to the architecture, character, size, height and bulk of land uses and the historically contributing buildings which exist on the five Palm Beach acres bounded between Royal Poinciana Way and Sunset Avenue, and Bradley Place and North County Road. Bradley House Hotel, as a Contributing building, shall only be used as an example of architecture and design and not height and bulk when looking at the compatibility of development and redevelopment.

Section 18. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-688, Design standards, to read as follows:

Sec. 134-688. Design standards.

(a) In a planned unit development, all buildings in the layout and design shall be an integral part of the development and shall have convenient access to and from adjacent uses and blocks.

(b) Individual buildings shall be related to each other in design, masses, materials, placement and connections to provide a visually and physically integrated development. In addition, proposed buildings and/or structures utilizing the PUD-5 shall be complimentary to the architecture, character, size, height and bulk of the Historically and Architecturally Contributing buildings, as identified in the Contributing Buildings Report, and land uses within the five Palm Beach acres bounded between Royal Poinciana Way and Sunset Avenue, and Bradley Place and North County Road. Bradley House Hotel, as a Contributing building, shall only be used as an example of architecture and design and not height and bulk when looking at the compatibility of development and redevelopment.

(c) Treatment of the sides and rear of all buildings within the planned unit development group shall be comparable in amenity and appearance to the treatment given to street frontage of these same buildings.

(d) The design of buildings and the parking facilities shall take advantage of the natural features, topography of the project site, where appropriate.

(e) All building walls shall be so oriented as to ensure adequate light and air exposures to the room within.

(f) All buildings shall be arranged so as to avoid undue exposure to concentrated loading or parking facilities. Wherever possible, loading and parking facilities shall be so oriented as to preserve visual and audible privacy between adjacent buildings.

(g) All buildings shall be arranged so as to be accessible to emergency vehicles.

(h) All PUD-5 development or redevelopment shall (i) preserve and enhance the unique quality and “Main Street” character of the area which is captured in the Contributing Building Report and PUD-5 Design Guidelines, which are adopted by reference, so as to support its unique heritage; (ii) encourage small scale retail, entertainment and office establishments providing for the frequently recurring needs of the townspeople in a mixed-use environment with an accessory or secondary, small scale residential component; (iii) create a pedestrian friendly environment, which shall include, wherever possible, pedestrian access between Royal Poinciana Way and Sunset Avenue, through vias; and (iv) encourage interior courtyards and pedestrian friendly public open spaces. As such, all applications for PUD-5 development or redevelopment shall have a site elevation plan of the proposed development or redevelopment, including a streetscape of the proposed development and surrounding buildings together with an appropriately scaled model.

Section 19. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-689, Landscape design standards, to read as follows:

Sec. 134-689. Landscape design standards.

(a) In a planned unit development, landscape treatment for plazas, roads, paths, service and parking areas shall be designed as an integral part of a coordinated landscape design for the entire project area.

(b) Primary landscape treatment shall consist of shrubs, ground cover, and shade trees and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Landscape materials selected should be appropriate to local growing conditions.

(c) Whenever appropriate, existing trees shall be conserved and integrated into the landscape design plan.

(d) Wherever possible all streets bordering the project area shall be planted at appropriate intervals with trees.

Section 20. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-690, Circulation system design standards, to read as follows:

Sec. 134-690. Circulation system design standards.

(a) In a planned unit development, there shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space.

(b) Roads, pedestrian walks and open space shall be designed as integral parts of an overall site design. They shall be properly related to existing and proposed buildings and appropriately landscaped.

(c) Buildings and vehicular circulation with open spaces shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.

(d) Landscaped, paved and comfortably graded pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas and adjacent buildings.

(e) Materials and design of paving, lighting fixtures, retaining walls, fences, curbs, benches, etc., shall be of good appearance, easily maintained and indicative of their function.

(f) PUD-5 development or redevelopment shall not have curb cuts and vehicular access from Royal Poinciana Way, Bradley Place or North County Road. All curb cuts and vehicular off-street parking access shall be from Sunset Avenue.

Section 21. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, Section 134-691, Parking and loading design standards, to read as follows:

Sec. 134-691. Parking and loading design standards.

(a) In a planned unit development, parking facilities shall be landscaped and screened from public view to the extent necessary to eliminate unsightliness and monotony of parked cars.

(b) Pedestrian connections between areas and buildings shall be via special pedestrian walkways and/or elevators.

(c) Parking facilities shall be designed with careful regard to orderly arrangement, landscaping, ease of access, and shall be developed as an integral part of an overall site design.

(d) Any above grade loading facility should be screened from public view to the extent necessary to eliminate unsightliness.

(e) Parking and loading facilities shall be provided in accordance with divisions 2 and 3 of article IX of this chapter with the exception of the PUD-5 which shall be in accordance with the requirements in Sec. 134-69(f) and sub-section (f) of this section.

(f) PUD-5 development or redevelopment shall meet the parking and loading requirements in division 2 and 3 of Article IX of this chapter with the exception of the required off-street parking. The PUD-5 off-street parking requirements are as follows:

1. Residential and existing hotel uses shall be required to provide the required off-street parking as provided for in division 2 of Article IX except when said redevelopment results in at least 50 percent reduction from the density that previously existed. In such case, the applicant shall not be required to provide any additional off-street parking for the redevelopment other than what existed prior to the redevelopment.

2. Off-street parking for replacing commercial square footage and/or intensity of use that existed prior to redevelopment and for first floor building area to be utilized as retail space shall not be required. Any existing off-street parking shall be required to be recaptured, except as provided for in subsection 4. Any increase in the demand for off-street parking for additional commercial square footage and/or intensity of use, other than first floor retail use, based on Article IX, OFF-STREET PARKING AND LOADING in Chapter 134 of the Code shall be required, except as provided for in sub-sections 3 and 4 of this section.

3. PUD-5 development and redevelopment shall be exempt from the off-street loading requirements in Sec. 134-2211. However, the applicant shall demonstrate that there is adequate loading and unloading zones that are not on Royal Poinciana Way to service the proposed PUD-5.

4. In the PUD-5, properties fronting on Royal Poinciana Way should be encouraged to eliminate parking lots and curb cuts that front on the street and curb cuts which interfere with the flow of pedestrian traffic. Accordingly, any parking lots and associated curb cuts fronting on Royal Poinciana Way that are replaced by street fronting, one story retail space, and set aside 30% of the prior parking lot area as public open space, need not provide onsite parking for the retail space that replaces the parking area.

Section 22. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, creating Section 134-692, Lot, yard and bulk requirements, to read as follows:

Sec. 134-692. Lot, yard and bulk requirements.

(a) With the exception of the open space in Sec. 134-657 and density requirements in Sec. 134-654, the lot, yard and bulk requirements for the PUD-1, PUD-2, PUD-3 and PUD-4 are intended to meet the requirements in the district in which the PUD is proposed.

(b) The lot, yard and bulk requirements for PUD-5 applications are as follows. Variances shall not be permitted from the lot coverage, height, overall height and public open space requirements as set forth herein.

1. Maximum density: 10 dwelling units per Palm Beach acre with a maximum of 13 dwelling units per Palm Beach acre if one of the following are met (Sec. 134-654):

a. All required off-street parking is in a sub-basement.

b. The existing density is decreased by not less than 50%.

2. Maximum height:

One-story portion: 15 feet

Two-story portion: 25 feet

Three-story portion: 35 feet - provided, however, that buildings on Royal Poinciana Way designated in the Contributing Building Report as Contributing, may not exceed two stories or 25 feet in height.

3. Maximum overall height: An additional 3 feet for a parapet on a flat roof building and an additional 8 feet for a pitched roof building.

4. Maximum lot coverage:
- One story portion: 70 percent
 - Two story portion: 70 percent
 - Three story portion: 35 percent

5. Setbacks: All setbacks shall be determined through the PUD approval process.

6. Public Open Space: There is a minimum 30 percent public open space requirement. Public open space is defined as landscape or hardscape areas, including vias, dedicated for use of the general public. Said public open space shall be open to the sky and not closed from public access at any time. Public open space shall not be used for off-street parking or loading, and the minimum landscape open space within the public open space shall be determined during the approval process of the PUD, special exception and site plan review process by the Town Council.

Section 23. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, creating Section 134-693, Sunset Provision, to read as follows:

Sec. 134-693. Sunset Provision.

The PUD-5 Regulations within sec. 134-476 through sec. 134-693 and sec. 134-1109 shall sunset on September 11, 2018, unless the town council by a majority vote approves an extension of these regulations at a regularly scheduled town council meeting prior to their expiration.

Section 24. Amend ARTICLE VI, DISTRICT REGULATIONS, Section 134-1109, Special exception uses, to read as follows:

Sec. 134-1109. Special exception uses.

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

- (1) Planned Unit Development (PUD-5) for an area of the District bounded between Royal Poinciana Way and Sunset Avenue and Bradley Place and North County Road.

Section 25. Amend ARTICLE V, PLANNED UNIT DEVELOPMENT PROCEDURE, incorporating by reference the attached Palm Beach PUD-5 Design Guidelines and Contributing Building Report: The Historic Character Of Royal Poinciana Way, as provided for in that above amendments.

Section 26. 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 27. 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 28. Codification.

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

Section 29. Effective Date.

This Ordinance shall become effective 32 days after the state land planning agency notifies the Town that the plan amendment package relating to Ordinance No. 5-2013 is complete or, in the event of a timely challenge to the amendments contained within Ordinance No. 5-2013, upon the state land planning agency or the Administration Commission having entered a final order determining the adopted amendments contained within Ordinance No. 5-2013 to be in compliance, all as provided in Florida Statute 163.3184.

PASSED AND ADOPTED in regular, adjourned session assembled on first reading on the ____ day of October, 2013, and second and final reading on this _____ day of November, 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

Richard M. Kleid, Town Council Member

Michael J Pucillo, Town Council Member

ATTEST:

Susan A. Owens, Town Clerk

Contributing Building Report: The Historic Character of Royal Poinciana Way
by Jane S. Day, Ph.D.

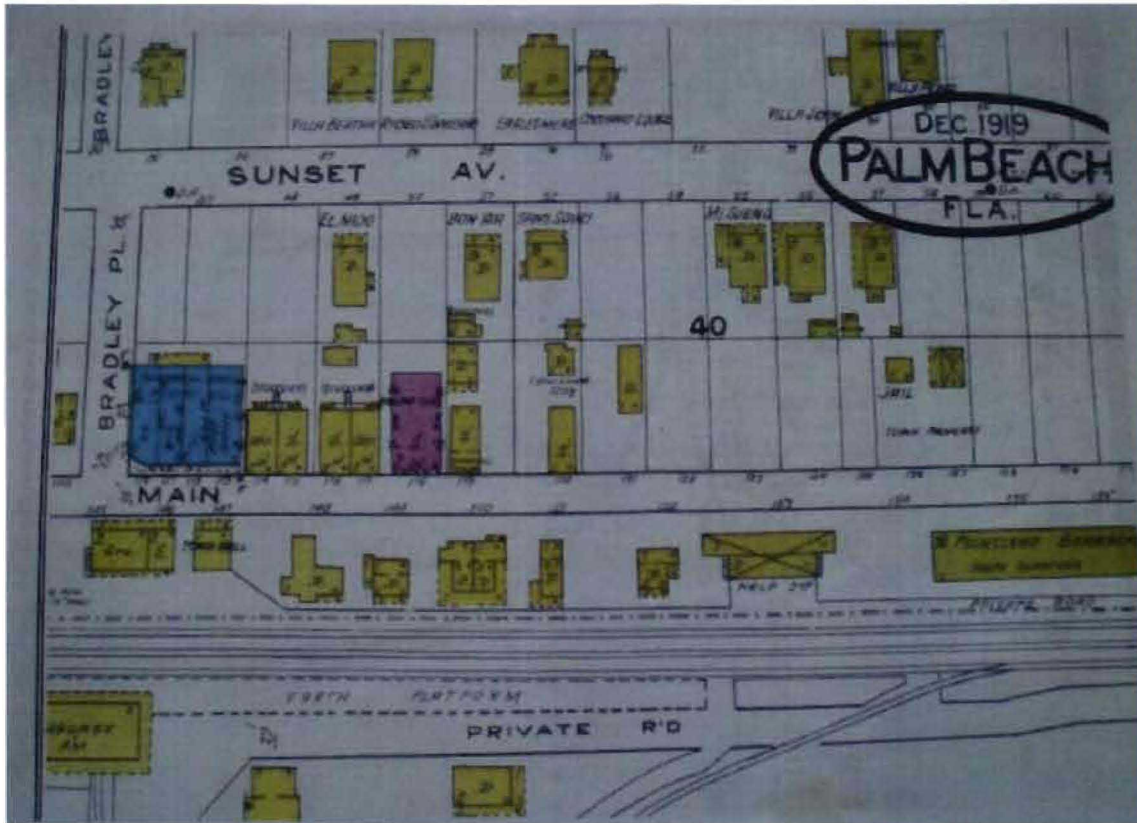
A. Historic Preservation, Character and Architecture: The purpose of adopting a PUD-5 is to create a vehicle that will result in those buildings that contribute to the historic quality of Royal Poinciana Way (RPW) being preserved, at least in part, in any future development. Those buildings that do not contribute should be developed in a manner consistent with the historic Main Street character of Royal Poinciana Way. These characteristics are understandably more narrow than what could be developed under existing standards through the normal ARCOM process.

In order to proceed with defining the Historic Character of Royal Poinciana Way and those buildings which contribute to that character, it is necessary to provide background information on the development of traditional main street commercial blocks in the United States, and review specific past preservation actions taken in the Town of Palm Beach on the five acre tract between RPW and Sunset Avenue, and between Bradley Place and County Road as defined in the PUD-5.

In the United States, the main street of a town was traditionally an area of centralization. It was a magnet for commerce usually anchored by transportation, whether a streetcar or in the case of Palm Beach, the Florida East Coast (FEC) railroad. The street often became the civic and commercial center of a town. Throughout the country, the most common types of main streets are defined as one-part commercial blocks, two-part commercial blocks, and stacked vertical blocks. Height is the most obvious variation in these topologies with the one-part commercial block being primarily one story in height, the two-part commercial block being two to four stories in height, and the stacked vertical block having more than four stories to accommodate taller buildings, though not to the scale of skyscrapers. Within these individual types of urban spaces, (which are defined more by height, mass and orientation to the street than by stylistic details) specific and varied architectural styles exist. Palm Beach's RPW is a two-part commercial block which was the most common type of layout for small and moderate sized communities throughout the country between 1915 and 1950. The street is mainly horizontal in orientation, and is composed of a variety of architectural styles, fenestration patterns, and multi-leveled roof lines. The street is densely developed and as in many main streets the compositional vocabulary is defined by the front facades of the buildings, and the lot sizes. Side walls are often secondary and few of the buildings were meant to stand alone. In Palm Beach, as in many other locations, what has contributed to Main Street's undoing is the automobile.

On a micro level, the Sanborn Fire Insurance Map of Palm Beach that was published in 1919 shows the area that is now called RPW and labels it "Main Street," an early indicator that this is how the street was referred to by citizens and visitors early in its history. When platted in 1912 as the Floral Park Subdivision, the block consisted predominately of rectangular lots that were long and narrow with only twenty-five feet frontage along the street. Some larger lots were on the corners. Consolidation of these narrow lots allowed for larger buildings but the scale of the street remained small. The 1919 Sanborn Map shows the area along Main Street as scattered with dwellings, stores, offices, and guest cottages. The block was always mixed use. Originally most of the buildings were wood frame structures. Many had front porches. The map also shows that in 1919 this street housed

the original Town Hall, the Post Office, the Jail and a small grocery store. Because the Flagler Railroad Bridge, which predates the other two bridges to Palm Beach ran immediately south of Main Street, this was the only place of embarkation (other than by boat) to the island during its early history. RPW was the center of arrival, departure, and most civic and commercial activity. It was also residential. A comparison of this 1919 Sanborn map with present conditions (2013) shows that some of the character of the street has been altered by removing all of the structures on the south side of RPW and replacing those structures and the original railroad tracks with an open landscaped median.



Sanborn Fire Insurance Map - Palm Beach, Florida, December, 1919 (Detail)

Because of the general historical importance of RPW as the original Main Street of the Town, on June 18, 2009 the Landmarks Preservation Commission (LPC) discussed the possibility of creating an historic district on the south side of what is now being considered as the PUD-5 block. Sunset Avenue was not considered. During that discussion, it was decided that because the majority of the buildings were not historic and many of those that were historic had been altered over time, a better strategy would be to try to landmark individual buildings that did meet the criteria of Chapter 54 of the Town of Palm Beach Code of Ordinances (Landmarks Preservation Ordinance) rather than create an historic district. One reason for this decision was that even though the Ordinance requires a property to meet only one criterion for designation, typically two or more have been fulfilled during successful designation hearings over the last twenty years. That being said, some of the buildings

included in the area defined by the PUD-5 do retain enough details of their historical and architectural character, and massing to meet the first criterion in the Landmark Ordinance: **Sec. 54-161(1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.** Other buildings, of a higher architectural standard, also meet the third and fourth criterion. These are: **(3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen** and **(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.** If any of the buildings on this block are to be considered for Landmark Designation, they should follow the regular procedure of the Landmarks Commission (LPC) and Chapter 54 of the Town of Palm Beach Code of Ordinances.

In an effort to provide property owners with guidance on how to proceed with preservation and redevelopment in the PUD-5, The Royal Poinciana Way Committee decided that Design Guidelines would be developed by Steven Mouzon, of Mouzon Design, Miami, Florida. Mr. Mouzon divided the structures and elements on the PUD-5 block into four categories for future reference so that property owners could incorporate both preservation and development strategies in any work on the block. Those categories are listed below. Addresses, Owners and Tax Folio numbers listed below are those found on the Property Appraiser of Palm Beach County web site in January 2013.

- 1) Historically and Architecturally Contributing - These buildings are historically and architecturally important to the RPW block. They could qualify for local designation under more than one criterion in Chapter 54 of the Town of Palm Beach Code of Ordinances. The loss of these buildings would negatively affect the historic and architectural character of the block and shall therefore be preserved.**



E.R. Bradleys Saloon South, Inc. - 283 Royal Poinciana Way c.1919 (50-43-43-22-32-000-0010)

Neo-Classical Revival - c.1919 - Footprint pictured on the 1919 Sanborn Fire Insurance Map

- Rectangular concrete building with smooth stucco exterior
- Flat roof with classical balustrade at the roof line
- Main entrance has a chamfered storefront wrap as illustrated in *Palm Beach PUD-5*

Design Guidelines, section 2.4 Side Street Elevations

- Windows set triply and in pairs on second floor, storefronts on ground floor
- Original windows replaced with aluminum awning windows in 1950
- Quoins on the corners and between windows
- Dentil molding cornice
- Stucco storefront beam separating first and second floors as illustrated in *Palm Beach PUD-5 Design Guidelines*, section 2.9 Storefront Composition
- The west facade has been altered and no longer has ground floor storefronts
- Outdoor seating as illustrated in *Palm Beach PUD-5 Design Guidelines*, section 2.6 Sidewalk Seating



Palm Beach Book Store (Vesenaz Holding Corp.) - 211 Royal Poinciana Way c.1923 (50-43-43-22-32-000-0321)

Neo-Classical Revival: Originally Garden Theater, Unknown Architect, c.1923

- Rectangular wood frame building with smooth stucco exterior
- Front facing gable roof with composition shingle covering and chimney
- Central temple front block with side wings and symmetrical design
- Two story high Corinthian pilasters, corbel with cornice supports
- Central gable parapet with cast stone balustrade on either side
- Height varies from neighboring buildings as illustrated in *Palm Beach PUD-5 Design Guidelines*, section 2.2 Height Variations
- Three arched windows on second floor



Nick and Johnnies (Vesenaz Holding Corp.) - 207 Royal Poinciana Way - William Manley King, 1927 (50-43-43-22-31-000-0652)

Mediterranean Revival: William Manly King c.1927

- Rectangular building with smooth stucco exterior
- Flat roof with a shed roof extension at the roof line- barrel tile
- Second shed roof above arched openings on south facade- barrel tile
- Decorative roof brackets and cypress outriggers support the second shed roof
- Colonnaded arcade across front facade with pointed arched windows above
- Arched windows have vertical divided lights
- Sliding doors as well as fixed entrance doors
- Classical pilasters with unique organic leaf design capitals between arches
- Wall extension west of arcade with small door & niche juxtaposes neighbor and meets the building to the west as recommended in *Palm Beach PUD-5 Design Guidelines*, section 2.7 Party Walls - see [cornice over eave]
- Outdoor seating as illustrated in *Palm Beach PUD-5 Design Guidelines*, section 2.6 Sidewalk Seating



Evelyn and Arthur (Vesenaz Holding Corp.) - 201 Royal Poinciana Way - John L. Volk,

1941(50-43-43-22-31-000-0652). Please note that the Historically and Architecturally Contributing Building by John L. Volk pictured above extends north along County Road and terminates at the corner of Sunset Avenue. Ownership of the parcel is the same. The Parcel Number for the northern section is different (50-43-43-22-31-000-0630).

Art Moderne: John L. Volk, 1941

- Rectangular building with smooth stucco exterior
- Flat roof, with a small ledge or coping at the roof line
- One or more corners are curved with rounded storefront wraps, to take advantage of the intersection and meet the street as recommended in *Palm Beach PUD-5 Design Guidelines*, section 2.4 Side Street Elevations
- Recessed store fronts with angled entries
- Fixed metal windows
- Fluted pilasters with Art Deco inspired capitals



New Bradley House, LTD -280 Sunset Avenue, 1924 - Town of Palm Beach Landmark (50-43-43-22-31-000-0301)

Mediterranean Revival: Martin Luther Hampton, 1924

- Irregular masonry building with stucco exterior
- Flat and Hip roofs with multi-level roof lines as illustrated in *Palm Beach PUD-5 Design Guidelines*, section 2.2 Height Variations
- U- shaped footprint around a street facing courtyard
- Open and closed miradors (tower elements)
- Elaborated chimney
- Scuppers
- A variety of fenestration styles with rounded and square topped windows
- Cantilevered balconies

2) Architecturally Contributing - These buildings are architecturally important to the block with character defining mass and scale but undetermined historical importance. They could qualify for local designation under at least one criterion of the LPC Ordinance but more study is needed to make that determination. The loss of these buildings would negatively affect the architectural character of the block and shall therefore be preserved.



Island Animal Hospital, Inc. - 262 Sunset Avenue c.1920 (50-43-43-22-31-000-0380)

American Foursquare: Unknown Architect c.1920

- This is one of the indigenous American styles of architecture & rare in Palm Beach
- Low-pitched hipped roof, with wide overhanging eaves
- Two stories with a one story wing on north facade - originally an open porch
- Inconspicuous entry (on west facade)
- A ribbon of windows at the street facade



Testa Family LLC. - 214 Sunset Avenue c.1920 (50-43-43-22-31-000-0611) left and (50-43-43-22-32-000-0600) right

Mission Style: Unknown Architect c. 1920

- A vernacular variety of the Mediterranean Revival style
- Rectangular in form with a smooth stucco exterior
- Flat roof with a prominent Spanish parapet and cartouche on north facade
- Regular fenestration, although windows are not original
- Front porch with barrel tile shed roof
- Small Mission bell arch to the west
- The space between these two buildings form the northern termination of Testa's Via as illustrated in *Palm Beach PUD-5 Design Guidelines*, section 2.3 Vias



**Sunset Condominium Apartments (Multiple owners and parcel numbers) -244 Sunset Avenue
c.1950**

Mid-Century Modern: Unknown Architect c. 1950

- Two story rectangular apartment building
- Jalousie and aluminum awning windows
- Exposed rafter ends
- Smooth stucco exterior with brick trim for contrast
- Brick planters on the north facade that meet the sidewalk bringing greenery to the street
- Second floor terrace in the southeast corner of the building



Main Street News - 255 Royal Poinciana Way c.1919 (50-43-43-22-32-000-0130)

Mission Style: Unknown Architect c. 1919

- Rectangular building with wood frame structural system
- Asymmetrical Mission-style parapet with flat built-up roof
- Smooth stucco exterior
- The balcony and metal railings were added c. 1970s
- Decorative Octagon window and ceramic Della Robbia plaque on south facade
- Some sources say this building was associated with the Florida East Coast Railroad but it has been greatly altered



Maha Ganapathy Trust - 233/235 Royal Poinciana Way, 1945 (50-43-43-22-32-000-0211)

Masonry Commercial Building: Gustav Maass, 1945

- Commercial Building with residential units in rear with courtyard
- Concrete block structural system
- Covered with smooth stucco
- Flat built-up roof with flat parapet
- Two angled storefronts with center passageway to rear
- Stucco storefront beam separating first and second floors as illustrated in *Palm Beach PUD-5 Design Guidelines*, section 2.9 Storefront Composition

3) Urbanistically Contributing - These buildings fit into their environment and meet the street in such a way as to contribute to the character of the historic block. The loss of the contributing aspects of these buildings (as outlined in the bullet points below each illustration) would negatively affect the character of the block and shall therefore be preserved.



**Testa's Restaurant (Testa Family LLC) - 221 Royal Poinciana Way- Draper Babcock, 1947
(50-43-43-22-32-000-0280)**

Masonry Commercial: Draper Babcock, 1947

- This building could qualify for local designation under at least the first criterion of the Landmarks Preservation Ordinance
- Flat roof with prominent parapet
- Neon signs representing the 1940s and 1950s
- Building more free standing than others on the street emphasizing outdoor dining spaces as illustrated in *Palm Beach PUD-5 Design Guidelines*, section 2.6 Sidewalk Seating
- First and second floor patios
- Double wrought iron columns with brick bases, planters, and tile floor define the outdoor seating area
- The front dining room with pine paneling, booths, and bar is representative of "Old" Florida restaurants. The tile floor is a continuation of the outside floor



Via Testa (Testa Family LLC) - 221 Royal Poinciana Way c.1980s (50-43-43-22-32-000-0280)

- This Via could qualify for local designation under at least the first criterion of the Landmarks Preservation Ordinance
- One of the small buildings in Via Testa may have been the Town Jail on the 1919 Sanborn Map. These buildings are urbanistically important as illustrated in *Palm Beach PUD-5 Design Guidelines*, section 2.8 Narrow Shops
- Important for the concept of open space in the block as illustrated in *Palm Beach PUD-5 Design Guidelines*, section 2.3 Vias



Cucina del Art (Ritcon Properties LLC) - 257 Royal Poinciana Way - John Stetson, 1950 (50-43-43-22-31-000-0400) and Hampton Liquors - 255 Royal Poinciana Way -1950 (50-43-43-22-32-000-0130)

Masonry Commercial: John Stetson, 1950

- Outdoor dining space as illustrated in *Palm Beach PUD-5 Design Guidelines*, section 2.6 Sidewalk Seating



Palm Beach Daily New Building (Breakers Palm Beach, Inc.) c.1924 - 265 Royal Poinciana Way (50-43-43-22-32-000-0081)

Mediterranean Revival: Unknown Architect, c.1924

- Greatly altered in 1931,1937, 1941 and 1950
- Urbanistically contributing because of the way the building mass meets the street



Island Home (MB Ventures of Palm Beach) - 249 Royal Poinciana Way c.1923 (50-43-43-22-32-000-0141)

Masonry Vernacular: Unknown architect, c. 1923

- This building could qualify for local designation under at least the first criterion of the Landmarks Preservation Ordinance
- More than 60% of the storefront windows are at eye level as illustrated in the *Palm Beach Pud-5 Design Guidelines*, section 2.10 Storefront Windows
- Transom lights above the awning give light to the interior
- The storefront base protects the windows from damage as illustrated in the *Palm Beach Pud-5 Design Guidelines*, section 2.9 Storefront Composition



Tropical Fruit (Poinciana Capital Corp.) - 261 Royal Poinciana Way c.1923 (50-43-43-22-32-000-0100)

Wood Frame Vernacular: Unknown Architect, c. 1923

- Urbanistically contributing because of the way the building mass meets the street
- Greatly altered - Original storefront has been removed and brick facade added



P. Goodwin and Rapunzel's (MB Ventures of Palm Beach) - 253 Royal Poinciana Way c. 1920 (50-43-43-22-32-000-0141)

Masonry Vernacular: Unknown Architects, P. Goodwin c. 1920; Rapunzel's c. 1950

- These buildings could qualify for local designation under at least the first criterion of the Landmarks Preservation Ordinance
- Parapet on P. Goodwin reflects 1920s style. Building was greatly altered c. 1970
- Rapunzel's storefront base protects the windows from damage as illustrated in the *Palm Beach Pud-5 Design Guidelines*, section 2.9 Storefront Composition
- More than 60% of the storefront windows are at eye level as illustrated in the *Palm Beach Pud-5 Design Guidelines*, section 2.10 Storefront Windows

Palm Beach Resort Wear - 217 Royal Poinciana Way c. 1950 - This building shares a legal address with the Palm Beach Book Store although it does not have the same architectural character. (Vesenaz Holding Corp.)(50-43-43-22-32-000-0321). No Photograph.

Masonry Vernacular: Unknown Architect, c. 1950

- Urbanistically contributing because of the way the building mass meets the street

4) Non-Contributing - These buildings and spaces detract from the whole and could be demolished and rebuilt within the historic character of the PUD-5 using the *PUD-5 Design Guidelines* as adopted by reference and with the approval of LPC.



Bank (Fidelity Fed Save and Loan Assn.) - 245 Royal Poinciana Way (50-43-43-22-32-000-0170)



Testa's Service Station (Testa Family LLC) - 231 Royal Poinciana Way (50-43-43-22-32-000-0230)



Professional Offices (Clive Boner & Neil Boner) - 254 Sunset Avenue (50-43-43-22-31-000-0440)



212 Sunset Avenue (Vesenaz Holding Corp.) - (50-43-43-22-31-000-0630)



210 Sunset Avenue (Vesenaz Holding Corp.) - (50-43-43-22-31-000-0630)

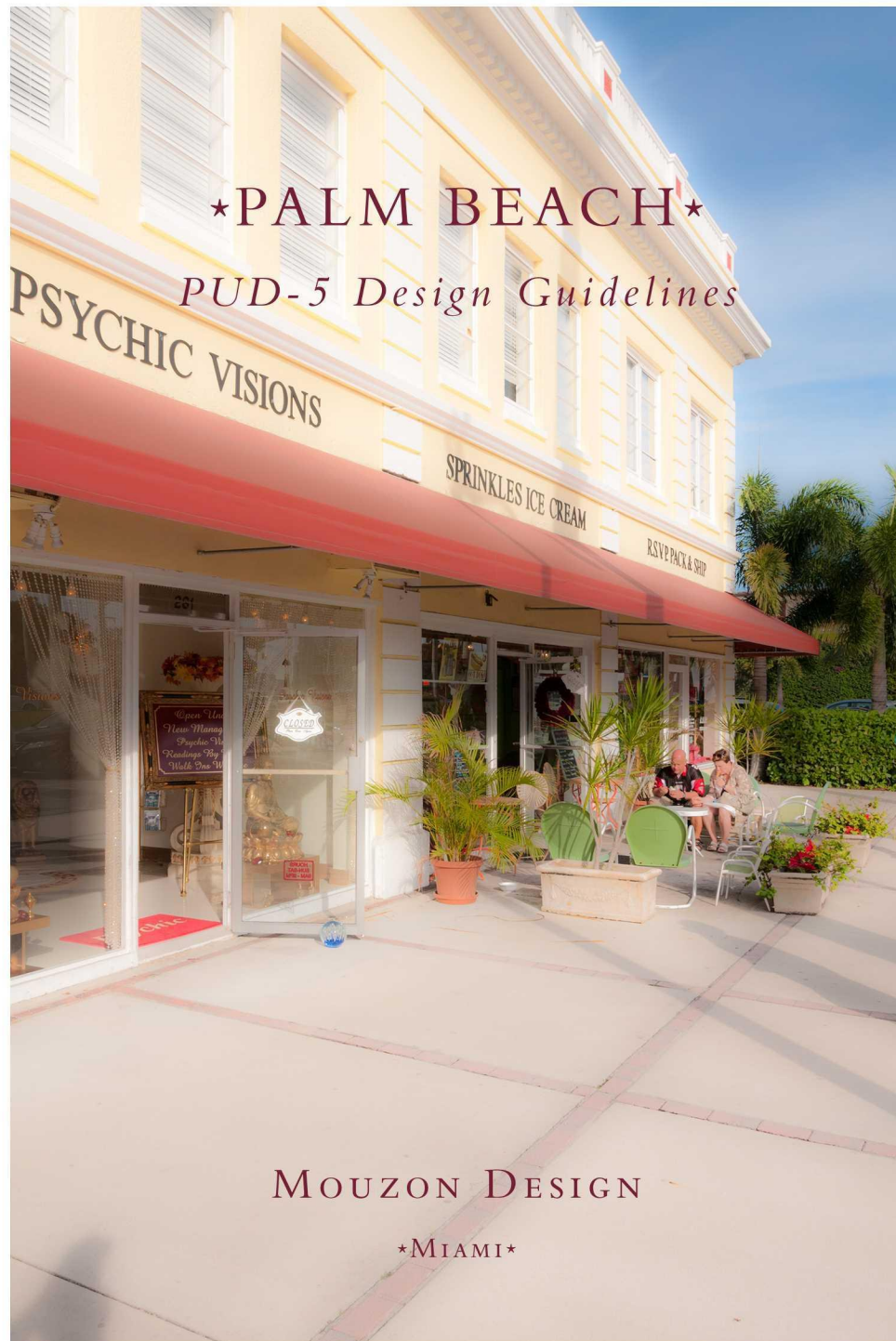


**Parking Lot at Breakers Office Building (Breakers Palm Beach Inc). - 265 Royal Poinciana Way
(50-43-43-22-32-000-0040)**

Conclusions

The area considered in the PUD-5 is a five acre tract between Royal Poinciana Way and Sunset Avenue, and between Bradley Place and County Road.

- Royal Poinciana Way was the original Main Street of the Town of Palm Beach. The entire block is part of the Floral Park Subdivision that was platted in 1912.
- This area is historically significant because of its associations with development patterns, commerce, and transportation in Palm Beach.
- In architectural form, the RPW PUD-5 is a two part Commercial Block that is horizontal in orientation.
- Architectural resources within the PUD-5 area are characterized as 1) Historically and Architecturally Contributing, 2) Architecturally Contributing, 3) Urbanistically Contributing, or 4) Non-Contributing.
- Many of the buildings within the PUD-5 area (particularly those in category 1 or 2 may qualify for designation as a Landmark of the Town of Palm Beach under Chapter 54 of the Town of Palm Beach Code of Ordinances (Landmark Preservation) **Sec. 54-161(1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.**
- Those buildings that do receive landmark designation can take advantage of the Historic Properties Tax Exemption (Tax Abatement) Program as offered by the Town of Palm Beach and Palm Beach County.
- Other Federal tax incentives for historic properties may be available on a case by case basis depending on the integrity of the original architecture and the scope of the project.
- The contributing resources in the RPW PUD-5 exhibit a number of architectural styles. These are: Mediterranean Revival, Neo-Classical Revival, Art Moderne, Mission Style, American Four Square, Masonry Commercial and Wood Frame Vernacular.
- New development in the PUD-5 area should reflect the stylistic vocabulary of the historic architecture that is already present in the area and should reference the *Palm Beach PUD-5 Design Guideline*.
- Homogeneity should be avoided in future development. The original rhythm of variation in style, height and fenestration patterns should be maintained.
- Architectural review of future projects will be considered by the Town Council with recommendations from the Landmarks Preservation Commission.



★PALM BEACH★

PUD-5 Design Guidelines

MOUZON DESIGN

★MIAMI★

★PALM BEACH★

PUD-5 Design Guidelines

AUTHORED BY:
MOUZON DESIGN
★MIAMI★

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ARTICLE I

★GENERAL★

I.1 AUTHORITY

- I.1.1 The action of the Town of Palm Beach, Florida in the adoption of these PUD-5 Design Guidelines is authorized by and in accordance with the procedures for the adoption of amendments to Chapter 134 of the Code of Ordinances for the Town of Palm Beach.
- I.1.2 These PUD-5 Design Guidelines, providing urban center building standards, is adopted as an instrument of implementation of the PUD-5 historical preservation of mixed use commercial development or redevelopment, as set forth in Section 134- 476 (d) of the Code of Ordinances of the Town of Palm Beach.
- I.1.3 These PUD-5 Design Guidelines were adopted administratively by the Palm Beach Town Council on {DATE TO BE ADDED}.

I.2 INTENT

- I.2.1 The purpose of these PUD-5 Design Guidelines is to enable and encourage the implementation of commercial and mixed-use buildings in the subject urbanism, which is the block of Palm Beach bounded by Royal Poinciana Way on the South, Sunset Avenue on the North, North County Road on the East, and Bradley Place on the West.
- I.2.2 These PUD-5 Design Guidelines contain patterns for elements of the urbanism and

the architecture of this block.

I.3 APPLICABILITY

- I.3.1 Provisions of these PUD 5 Design Guidelines are activated by “shall” when required; “should” when recommended; and “may” when optional.
- I.3.2 These PUD-5 Design Guidelines are applicable for all development or redevelopment pursuant to the PUD-5 option provided for at Section 134-476 to 134-564 of the Code of Ordinances of the Town of Palm Beach.
- I.3.3 Terms used throughout these PUD-5 Design Guidelines shall take their commonly accepted meanings or as defined in the Definitions (Article 4.) In the event of conflicts between these definitions and those of the Code of Ordinances of the Town of Palm Beach those of these PUD-5 Design Guidelines shall take precedence.
- I.3.4 The Definitions of Terms contains regulatory language that is integral to these PUD-5 Design Guidelines.

I.4 COMPANION DOCUMENT

The companion document entitled *The Historic Character of Royal Poinciana Way* is meant to work cooperatively with this document. It describes everything that has happened with the subject urbanism to date; this document describes what should happen hereafter.

ARTICLE 2

★PUD-5 DESIGN GUIDELINES★

2.1 CONTEXT

- 2.1.1 This Article contains PUD-5 Design Guidelines for development, redevelopment and infill development under the PUD-5 option.
- 2.1.2 These PUD-5 Design Guidelines are calibrated to produce places where more people choose to walk. Greater walkability enhances the social and economic viability of a place.
- 2.1.3 These PUD-5 Design Guidelines are intended to foster development of a place with a mix of uses because a mix of uses also enhances social and economic viability. These may include retail, food service, office, residential, lodging, and civic uses.

2.2 FORMAT

- 2.2.1 Each pattern in these PUD-5 Design Guidelines begins with the pattern name and number.
- 2.2.2 The next item is the rule of thumb. These are the instructions for what to do.
- 2.2.3 The next item begins with “We do this because”. This is the intent behind the rule of thumb. The intent is meant to broaden choice because if someone knows the reasons behind the guideline, they can figure out more ways of meeting both the rule of thumb and also the intent.
- 2.2.4 References may be included below the intent to other patterns which relate to the current pattern.
- 2.2.5 The following items are annotated photographs illustrating various conditions that can be achieved using the rule of thumb and the intent. The photographs may illustrate both entire patterns and details of the patterns.

2.1 FRONTAGES

Pull all buildings except certain civic buildings to the frontage line. Residential buildings may have a setback of no more than 15' on vias. Do not leave gaps wider than 15' between buildings along a street frontage.

WE DO THIS BECAUSE: The ever-changing tapestry of good storefronts pulled right up to the sidewalk is one of the biggest inducements to keep pedestrians walking. Pulling storefronts back is a huge impediment to walkability because, given a choice between walking on one side of a street with storefronts tight to the sidewalk and the other side without close storefronts, many people will cross the street to walk on the entertaining side, even when this choice only exists for as little as one block. The only buildings that are important enough to pull back, leaving a front yard, are major civic buildings such as city halls, courthouses, church buildings, and schools. Civic buildings often need a yard to allow for public gatherings. This yard is often detailed as a square or a plaza. Because Main Streets are the most intense, civic buildings that require yards should be preferred on Front Streets. Ground floor uses shall be primarily retail (merchandising and food service.) Offices and other commercial services can be built on Main Streets and Front Streets, so long as they behave just like retail buildings. Purely residential buildings may not be built on the first floor of Royal Poinciana Way.

~
[See 2.5 Parking]



[activity on sidewalks next to storefronts]



[civic buildings can have more green]



[civic buildings don't have to set back]



[sidewalk extended to set-back building]



[storefronts attract]



[restaurant sidewalk vitality]

2.2 HEIGHT VARIATIONS

Building heights should vary by at least 6" from adjacent existing buildings. Vary storefront heights and window heights at each level by at least 4" from adjacent existing buildings. New buildings should be no less than 2 stories on streets and 1 story on vias, with a maximum height of 3 stories at block corners and 3 stories along other street fronts.

WE DO THIS BECAUSE: The best towns that were built sequentially over years, decades, or centuries, so heights naturally varied for a number of reasons. Even buildings built adjacent to each other from the same design usually had some height variations if built at different times due to using different builders with construction conventions that varied slightly.

Block corners should have the highest buildings to create the strongest street enclosure because intersections are the most open parts of a street. Vias may be very narrow, allowing even one-story buildings to provide a good enclosure proportion.

~
[See 2.1 Frontages]



[1, 2, & 1-1/2 stories]



[small variations]



[taller building anchoring block corner]



[taller 1st floor boosts corner building]



[window height differences]



[no two heights exactly alike]

2.3 VIAS

Use vias to move pedestrians through the middle of a block. Vias should be open for most of their length but may be covered occasionally. If covered, the roof should be glazed except for very short passages. Storefront windows on vias are strongly encouraged. Vias may be as narrow as 6' or as wide as 24' except at piazzas, which may be wider.

WE DO THIS BECAUSE: Vias can be ominous if they are lined with blank walls. And just like any other pedestrian environment, if you bore the pedestrians, they will go elsewhere. So the minimum lining for a via should be copious planting material. The only other reliably effective via lining less than storefronts is seating for adjacent business, such as waiting seating for a restaurant.

The businesses behind the storefronts may spill out onto the via with tables for restaurants and retail display for shops. This enhances the walkability and the vitality of the via.

[See 2.1 Frontages, 2.6 Sidewalk Seating, 2.10 Storefront Windows]



[arched via entrance]



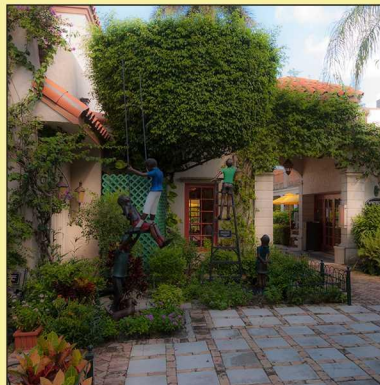
[trellised via entrance]



[via retail]



[via restaurant]



[via garden]



[via may widen into piazza]

2.4 SIDE STREET ELEVATION

On block corner buildings, wrap the storefront design at least one storefront bay down the side street.

WE DO THIS BECAUSE: Extending the vitality of the storefront down a side street energizes the side street, connecting the walkability of the Main Street or Front Street into the surrounding neighborhood streets. The wrapped storefront is made more effective by chamfering the corner because it makes the transition around the corner easier. The upper level of the building may chamfer with the storefront, or it may remain square.

~

[See 2.9 Storefront Composition, 2.10 Storefront Windows]



[square storefront wrap]



[rounded storefront wrap]



[chamfered storefront wrap]



[wrap can be longer on busy side streets]



[chamfered wrap framed with piers]



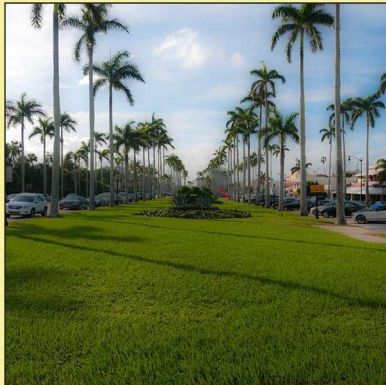
[chamfers may be extra-long]

2.5 PARKING

Parking is required on all vehicular thoroughfares except drives between streets and parking on the interior of the block. Site Parking is permitted only if screened by buildings and 20' or more from the frontage line. Structured parking must be concealed underground.

WE DO THIS BECAUSE: Parked cars can enhance urbanism in precise instances, such as shielding pedestrians on a sidewalk from intense traffic. But parked cars can also be corrosive to walkability if placed improperly. The only place where parking should be visible from a thoroughfare should be parallel or diagonal parking between travel lanes and a sidewalk. Curb cuts on Royal Poinciana Way are not permitted because they disrupt pedestrian flow on what should be the part of the block with the greatest vitality.

~
[See 2.8 Narrow Shops]



[quadruple the usual parking spaces]



[diagonal is most efficient street parking]



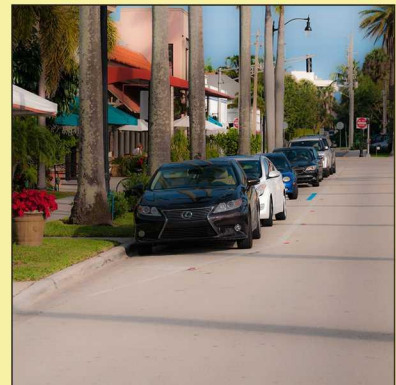
[parallel is less than 1/2 as efficient]



[Worth is double parallel]



[upside to parallel is better street enclosure]



[parking shields sidewalks]

2.6 SIDEWALK SEATING

Sidewalk seating is permitted on all thoroughfares so long as it does not obstruct minimum designed pedestrian flow or encroach upon vehicular travel lanes.

WE DO THIS BECAUSE: By enticing people to spend more time on the street, the street becomes more interesting and even more people are enticed to walk. Outdoor seating also requires less interior serving space and less space conditioning. People also require less space conditioning as they spend more time outdoors because they become acclimated to the local environment. Because of all this, no reasonable sidewalk seating proposal should be rejected so long as it does not reduce the clear travel width to less than 6 feet or the design width based on anticipated pedestrian traffic, whichever is greater, nor encroach upon vehicular travel lanes.

~
[See 2.1 Frontages]



[benches]



[public frontage enclosed]



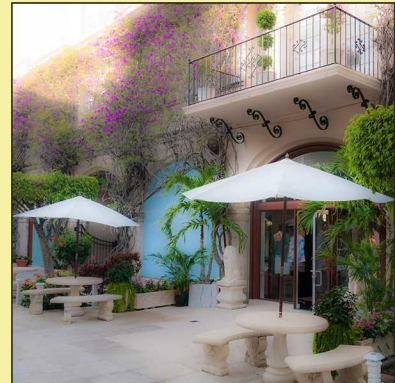
[public frontage semi-open]



[private frontage]



[table & chairs]



[tables & benches]

2.7 PARTY WALLS

Allow party walls to be joined at the frontage by a common pier if adjacent units are built at the same time. Otherwise, provide a pier at the end of each unit that terminates the cornice of each building appropriately.

WE DO THIS BECAUSE: Some Main Street buildings are built as part of a multi-unit construction project, while others are built individually. Party wall frontage techniques should accommodate both methods. Units built at the same time may have identical elevations above the storefront (pictured below) or may simply have a common pier, with the entire frontage varying on either side. The common end cap technique is similar, but with only the cornice end cap being common to both units. Both techniques may also be used when one building is built first, if the designer of the second building is content to allow the cornice of the second building to die into the first building's end cap. This can make the second building appear inferior to the first, however, so designers often opt for the double end cap, where each building terminates its own cornice. End caps are not required if there is a significant cornice height difference, because cornices can simply return onto the adjacent wall if allowed by local building officials. Other cornice terminations exist, such as the projecting parapet, which projects only at the cornice level to provide termination for the building cornice (and the neighbor's, if desired.) The same issues occur at the storefront beam level. The two methods illustrated here are the paint color method (also usable for building cornice) and the common end cap.

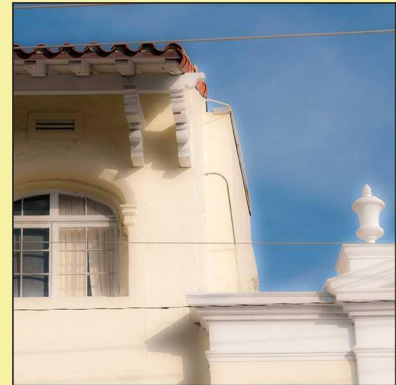
[See 2.1 Frontages, 2.2 Height Variations]



[double piers]



[cornice over eave]



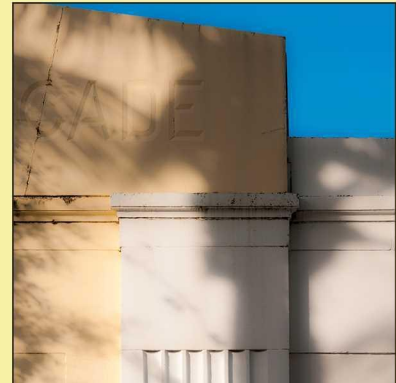
[bracketed eave over cornice]



[cornice return]



[common pier, color break]



[pediment on common pier]

2.8 NARROW SHOPS

Provide for at least a few extremely narrow lots (12 feet wide or less.)

WE DO THIS BECAUSE: Many town centers do not have enough variety of building width. A few Narrow Shops make the streetscape much more interesting. They also create very small units, where establishments can be run for less expense than in more typically-sized units. Narrow Shops are similar to liner buildings, except that liner buildings turn their broad side to the street and their very thin side to their neighbor, while narrow shops do the opposite. Narrow shops are therefore the less expensive of the two because of having less frontage. This comes at the expense, however, of having less light. The Infill Narrow Shop is most common, and occurs mid-block between two larger buildings. The Mid-Block End Cap Narrow Shop also occurs mid-block, adjacent to a playground or small square. The Corner End Cap Narrow Shop naturally occurs when space is left between the last building on the block and the corner. Free-Standing Narrow Shops are often Temporary Retail, intended to be moved elsewhere later. The Recessed Narrow Shop blocks the view of a mid-block parking lot. The Tall Narrow Shop is narrow in proportion due to its height of three stories or more, and may therefore be wider than 12 feet.

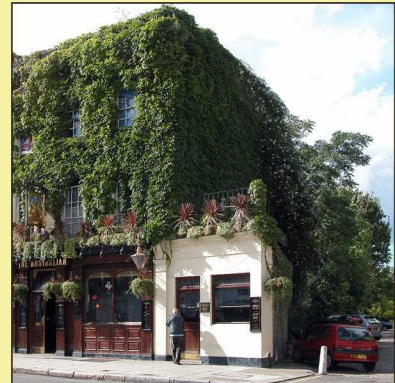
[See 2.1 Frontage]



[infill]



[mid-block end cap]



[corner end cap]



[free-standing]



[recessed]



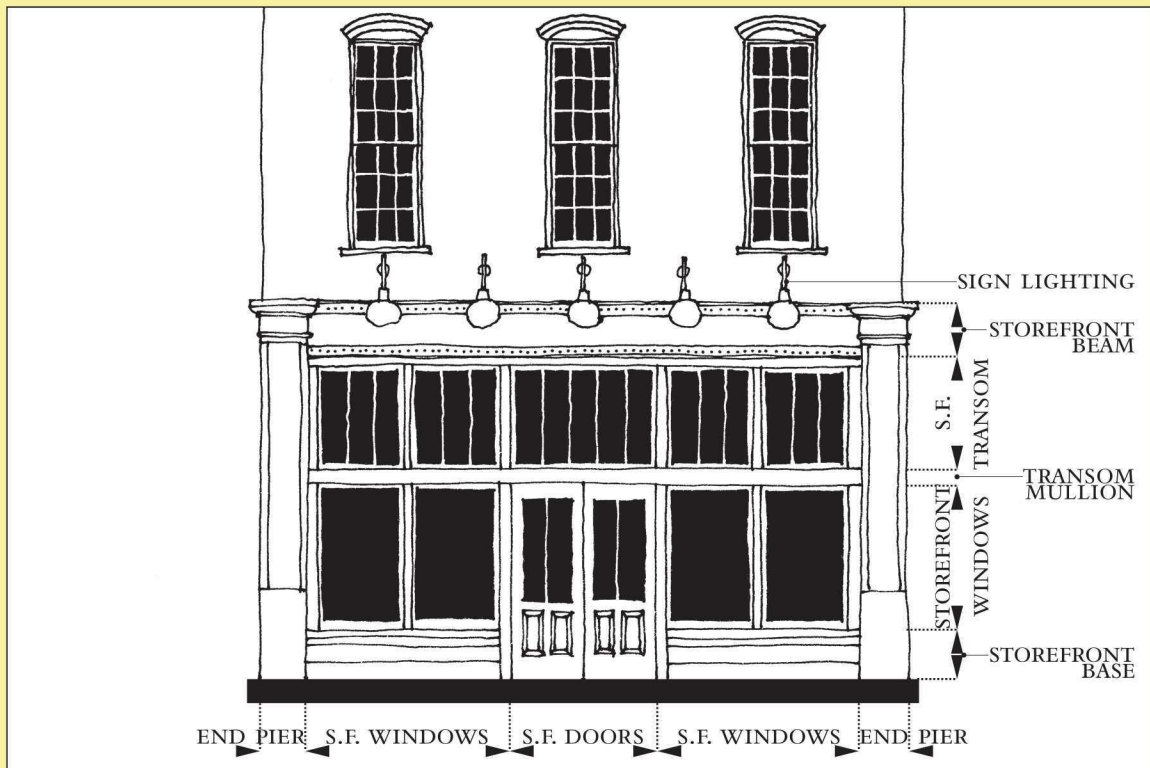
[tall]

2.9 STOREFRONT COMPOSITION

Compose the storefront with a storefront beam at the top that supports the wall above. Arrange storefront doors and storefront windows below the transom mullion. A storefront transom may be located between the transom mullion and the storefront beam. Build a storefront base below the storefront windows.

WE DO THIS BECAUSE: The storefront beam is necessary for structural support, and it makes an ideal location for signage. The storefront windows are necessary for displaying wares, while the storefront transoms allow daylight to penetrate deeper into the store. The storefront base protects the storefront windows from damage and from the wear associated with periodic sidewalk cleaning.

[See 2.1 Frontages, 2.7 Party Walls, 2.10 Storefront Windows]



2.10 STOREFRONT WINDOWS

The glass, sash, and muntins of storefront windows should occupy no less than 60% of the storefront at eye level. The head height of storefront windows should be no less than 7 feet, and no greater than 20 feet. The sill height of storefront windows should be no less than 6 inches and no more than 30 inches.

WE DO THIS BECAUSE: Views through Storefront Windows are one of the major contributing factors to the appeal of walking. The bottom of the glass, however, should not be too close to the ground or it is likely to be broken. Nor should it be too tall, because views through a slot look into a dark interior and reveal little. And the top of the glass should be limited to one story plus a mezzanine because people typically are uncomfortable standing next to a very tall sheet of glass.

The storefront window types that follow categorize types by height and division for 5.3.1 through 5.3.6, then by the material used to mull the storefront windows together for 5.3.7 through 5.3.10.

[See 2.1 Frontages, 2.3 Vias, 2.9 Storefront Composition]



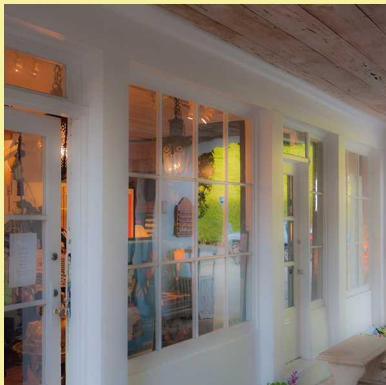
[single lite, mullion height]



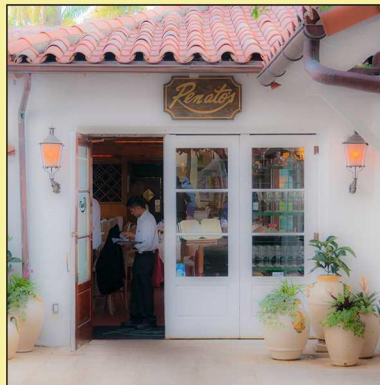
[single lite, full height]



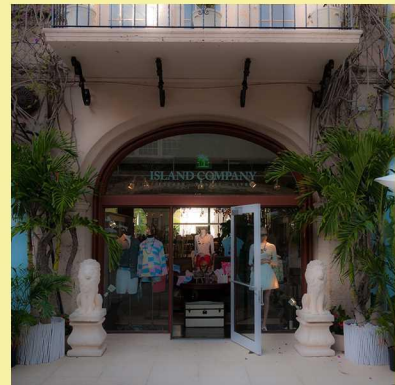
[multi-lite, mullion height]



[multi-lite, full height]



[glazed doors as storefront]



[arched]

ARTICLE 3

★DEFINITIONS★

To the extent not inconsistent with the definitions in the Zoning Code, Sec. 134-2, the following definitions shall govern:

ALLEY: service thoroughfare at the back of lots.

APARTMENT: a dwelling unit sharing a building and a lot with other dwellings and/or uses. Apartments may be for rent or for sale as condominiums.

BLOCK: the aggregate of private lots, passages, rear lanes and alleys, circumscribed by thoroughfares.

BLOCK FACE: the aggregate of all the building facades on one side of a block. The Block Face provides the context for establishing Architectural Harmony.

BUILDING DISPOSITION: the placement of a building on its lot.

BUILDING FUNCTION: the uses accommodated by a building and its lot. Functions are categorized as Restricted, Limited, or Open, according to the intensity of the use.

BUILDING HEIGHT: the vertical extent of a building measured in stories, not including a raised basement or a habitable attic. Height limits do not apply to masts, belfries, clock towers, chimney flues, water tanks, elevator bulkheads and similar structures. Building Height shall be measured from the average grade of the enfronting thoroughfare.

BUILDING TYPE: a structure category determined by function, disposition on the lot, and configuration, including frontage and height. For example, a rowhouse is a type, not a style.

COMMERCIAL: the term collectively defining workplace, office and retail functions.

CONTEXT: surroundings made up of the particular combination of elements that create specific habitat.

COURTYARD BUILDING: a building that occupies the boundaries of its lot while internally defining one or more private patios. This type is able to shield the private realm while strongly defining the public thoroughfare. Because of its ability to mask incompatible activities, it is recommended for workshops, lodging and schools.

CURB: the edge of the vehicular pavement detailed as a raised curb or flush to a swale. The Curb usually incorporates the drainage system.

DENSITY: the number of dwelling units per acre.

DRIVEWAY: a vehicular lane within a lot, usually leading to a garage. A Driveway in the First Layer may be used for parking if it is no more than 18 feet wide, thereby becoming subject to the constraints of a parking lot.

ELEVATION: the exterior walls of a building not along a Frontage Line. Facades are the remaining exterior walls of buildings and are those exterior walls that are located along a Frontage Line.

ENFRONT: to place an element along a frontage line, as in “porches enfront the street.”

ENTRANCE, PRINCIPAL: the main point of access of pedestrians into a building. In the support of pedestrian activity, the Principal Entrance should be given to a Frontage Line rather than to the parking.

FACADE: the exterior wall of a building that is set along a Frontage Line (see Elevation). Facades support the public realm and are subject to requirements additional to those required of elevations

FRONTAGE LINE: those lot lines that coincide with a public frontage. Facades along Frontage Lines define the public realm and are therefore more regulated

than the elevations that coincide with other Lot Lines.

INFILL: a project within existing urban fabric.

LINER BUILDING: a building specifically designed to mask a parking lot or a parking garage from a frontage. A Liner Building, if less than 30 feet deep and two stories, shall be exempt from parking requirements.

LODGING: premises available for daily and weekly renting of bedrooms. The area allocated for food service shall be calculated and provided with parking according to retail use.

LOT LINE: the boundary that legally and geometrically demarcates a lot (see Frontage Line). Such lines appear graphically on Community and Site Plans. Codes reference lot lines as the baseline for measuring setbacks.

LOT WIDTH: the length of the principal Frontage Line of a lot.

NET SITE AREA: the developable areas of a site, excluding flood plain.

OFFICE: premises available for the transaction of general business but excluding retail, artisanal and manufacturing uses.

OUTBUILDING: an ancillary building, usually located towards the rear of the same lot as a Principal Building. It is sometimes connected to the principal building by a Backbuilding. Outbuildings shall not exceed 600 square feet of habitable space, excluding parking areas.

PARKING STRUCTURE: a building containing two or more stories of parking. The propensity of Parking Structures to create negative pedestrian experiences along their frontage shall be mitigated by the provision of a Liner Building at the first story.

PRINCIPAL BUILDING: the main building on a lot, usually located toward the frontage.

PRIVATE FRONTAGE: the privately held layer between the frontage line and the principal building facade. The structures and landscaping within the Private Frontage may be held to specific standards. The variables of Private Frontage are the depth of the setback and the combination of architectural elements such as fences, stoops, porches and

galleries.

PUBLIC FRONTAGE: the area between the curb of the vehicular lanes and the Frontage Line. Elements of the Public Frontage include the type of curb, walk, planter, street tree and streetlight.

RESIDENTIAL: premises available for long-term human dwelling.

RETAIL: premises available for the sale of merchandise and food service.

RETAIL FRONTAGE LINE: Frontage Lines designated on a Community Plan that require the provision of a Shopfront, causing the ground level to be available for retail use.

SETBACK: the area of a lot measured from the lot line to a building facade or elevation. This area must be maintained clear of permanent structures with the exception of: galleries, fences, garden walls, arcades, porches, stoops, balconies, bay windows, terraces and decks (that align with the first story level) which are permitted to encroach into the Setback.

SIDEWALK: the paved layer of the public frontage dedicated exclusively to pedestrian activity.

SITE: The total land enclosed by all Lot Lines of a piece of property. The Site is made up of the First Layer, the Second Layer and the Third Layer.

STORY: a habitable level within a building of no more than 14 feet in height from finished floor to finished ceiling. Attics and raised basements are not considered stories for the purposes of determining building height.

STREETSCAPE: the urban element that establishes the major part of the public realm. The streetscape is composed of thoroughfares (travel lanes for vehicles and bicycles, parking lanes for cars, and sidewalks or paths for pedestrians) as well as the visible private frontages (building facades and elevations, porches, yards, fences, awnings, etc.), and the amenities of the public frontages (street trees and plantings, benches, streetlights, etc.).

VIA: a pedestrian connector passing between buildings, providing shortcuts through long blocks and connecting rear parking areas to frontages.



Fw: Proposed Comprehensive Plan Amendment - Ordinance No. 05-2013 - objection

Cheryl Kleen to: Peter B Elwell
Cc: John Page, jrandolph, Patricia Gayle-Gordon

09/13/2013 08:49 AM

----- Forwarded by Cheryl Kleen/PalmBeach on 09/13/2013 08:49 AM -----

From: SUSAN WATTS <sbwatts@yahoo.com>
Cc: SUSAN WATTS <sbwatts@yahoo.com>
Date: 09/13/2013 08:48 AM
Subject: Proposed Comprehensive Plan Amendment - Ordinance No. 05-2013 - objection

September 13, 2013

Via Email

Dear Mayor Coniglio and
Honorable Members of the Town Council
Town of Palm Beach, Florida 33480

I am writing to object to the proposed Comprehensive Plan amendment, Ordinance No. 05-2013, which the Council voted to transmit on June 12, 2013. As a resident and voter, this is of concern to me.

This amendment, if adopted in current form, will permanently and negatively change the historic character of the neighborhood on Royal Poinciana Way. As Royal Poinciana Way stands as an important entrance to our Town, there can be more appropriate alternatives to redevelopment that will not increase density nor destroy our Town's "Main Street" which I believe the proposed amendment will do.

Thank you for your consideration of this objection.

Susan B. Watts
455 Worth Avenue, Apt 407
Palm Beach, FL 33480