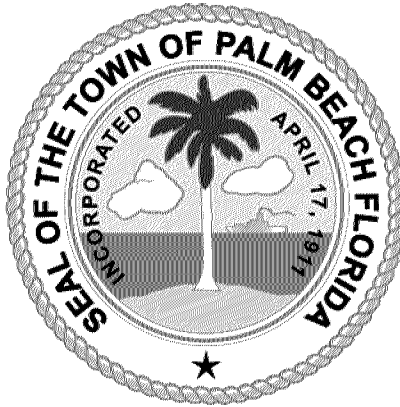




TOWN OF PALM BEACH

Summary of the Actions Taken at the Development Review Town Council Meeting Held on July 14, 2021

I. CALL TO ORDER AND ROLL CALL

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. PRESENTATIONS

- A. Presentation by Donovan Rypkema - Methodology of Study on the Effect of Landmarking on Property Values
ACTION: NONE

IV. DISCUSSION ITEMS

- A. Discussion Regarding Quality of Life and Traffic Impacts Associated with the Increasing Number of New Restaurants in the Town
ACTION: DEFERRED TO OCTOBER 13, 2021
- B. Recognition and Discussion of Increased ARCOM Workload and Applications (to be heard after 2 p.m.)
ACTION: DEFERRED TO AUGUST 11, 2021

V. COMMENTS OF MAYOR DANIELLE H. MOORE

VI. COMMENTS OF TOWN COUNCIL MEMBERS

Mr. Crampton asked for a reconsideration of the Business and Administrative Committee recommendation regarding the implementation of placard parking on eastern portion of the 400 block of Peruvian Avenue

ACTION: DEFERRED UNTIL THE BUSINESS AND ADMINISTRATIVE COMMITTEE CAN MEET WITH AFFECTED RESIDENTS AND ASSOCIATIONS

VII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VIII. APPROVAL OF AGENDA

ACTION: APPROVED AS AMENDED

IX. RESOLUTIONS

- A. RESOLUTION NO. 68-2021 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Adopting Revised Fees Related To the Planning, Zoning & Building Department

ACTION: ADOPTED

X. DEVELOPMENT REVIEWS

A. **Appeals**

1. ARCOM Appeals of B-063-2020 160 Royal Palm Way

ACTION: DEFERRED TO AUGUST 11, 2021

B. **Variances, Special Exceptions, and Site Plan Reviews**

1. **Old Business**

- a. **Z-20-00289 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** 160 ROYAL PALM WAY
Consideration of the Construction Management Agreement Request for Deferral to the August 11, 2021 Meeting Per Maura Ziska, Esq
ACTION: DEFERRED TO AUGUST 11, 2021

- b. **Z-20-00311 SPECIAL EXCEPTION WITH VARIANCE(S)**
Zoning District: C-TS Town Serving Commercial The application of Bricktop's Palm Beach, applicant, relative to property located at **375 S COUNTY RD**, legal description on file, is described below. Section 134 1109 (14): Modification to previously approved Special Exception with Site Plan Review is being requested for Bricktop's restaurant to add 40 outdoor seats for lunch and dinner in the north courtyard adjacent to the existing restaurant. The additional seating will increase the seating from 150 indoor and patio seats to 190 seats. The current approval allows 52 seats of the 150 seats to be outside on the south patio. Section 134 2176: a variance is being requested to provide zero (0) on site parking spaces in lieu of the 13 parking spaces that are required for the additional 40 outdoor seats. [Applicant's Representative: Maura Ziska Esq]
ACTION: DEFERRED TO AUGUST 11, 2021

- c. **Z-21-00333 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of 04TST101NIGHTINGALE LLC, applicant, relative to property located at **101 NIGHTINGALE TRL**, legal description on file, is described below. Section 134 893(13): The applicant is proposing to construct a 70 square foot one story bathroom addition and two Dutch gables that will be added to the courtyard elevations of the pool cabana and kitchen which will increase the cubic content ratio ("CCR") to 5.24 In lieu of the 5.01 existing CCR and the 3.9 maximum CCR allowed in the R B Zoning District.

[Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to their July 28, 2021 meeting. Carried 7-0.] Staff Recommends Deferral to the August 11, 2021 meeting.

ACTION: DEFERRED TO AUGUST 11, 2021

- d. **Z-21-00341 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of GRETCHEN S. JORDAN, AS TRUSTEE OF THE GRETCHEN S. JORDAN 1998 TRUST DATED NOVEMBER 18, 1998, applicant, relative to property located at **273 TANGIER AVE**, legal description on file, is described below. The Applicant is proposing to enclose a 432 square foot balcony on the second floor in the rear of the residence in order to create an office. This will require the following variance to be requested: Section 134-893(13): a cubic content ratio of 4.1 in lieu of 3.9 existing and the 3.93 maximum allowed in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project as presented with a condition related to the architecture. Carried 6-1.]
ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

- e. **Z-21-00343 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R- A Estate Residential The application of 130 ALGOMA LLC (LEE FENSTERSTOCK, MANAGER), applicant, relative to property located at **130 ALGOMA RD**, legal description on file, is described below. Section 134-229, Section 134-329, and Section 134-843(b): Special Exception with Site Plan Review to allow the construction of a new, two-story 6,448.55 square foot residence while preserving the existing one story nonconforming garage on a lot with an area of 15,708 square feet in lieu of the 20,000 square foot minimum required; a lot depth of 142.33 feet in lieu of the 150 foot minimum required; and a lot width of 111.89 feet in lieu of the 125 foot minimum required; all in the R-A Zoning District. The following variances are being requested: 1) Section 134-843(8): to allow the existing east side yard setback to remain at 8.75 feet in lieu of the 15 foot minimum required to keep the existing nonconforming garage. 2) Section 134-843(7): to allow the building height plane setback to be 46.1 feet in lieu of the 48.33 foot minimum setback required. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred this project to the July 28, 2021 meeting. Carried 7-0.] Staff recommends a deferral to the August 11, 2021 meeting.
ACTION: DEFERRED TO AUGUST 11, 2021

- f. **Z-21-00345 VARIANCE(S)** Zoning District: R-A Estate Residential The application of PAUL A. KRASKER, AS TRUSTEE OF THE 720 SOUTH OCEAN BOULEVARD LAND TRUST DATED SEPTEMBER 20, 2020, applicant, relative to property located at **720 S OCEAN BLVD**, legal description on file, is described below. The applicant is requesting approval to renovate and construct additions to the north side of the landmarked residence known as "El Salono" to include a new 486 square foot pool cabana and a 1,159 square foot second and third story addition. The following variances are being requested: 134 843(8): a north side yard setback ranging from 2.6 feet to 5.9 feet for the 2nd and 3rd story additions in lieu of the 15 foot minimum required in the R-A Zoning District. 134- 843(8): a north side yard setback of 4.9 feet for the pool cabana in lieu of the 15 foot minimum required in the R-A Zoning District. 134-843(10): a building height of 26.33 for the proposed 3rd story addition in lieu of the 25 foot maximum allowed in the R-A Zoning District. Section 134-844: A request for variance to construct a 3rd story addition where only two stories is the maximum allowed in the R-A Zoning District under the existing zoning code. [Applicant's Representative: Maura Ziska Esq] [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.] [The Landmarks Preservation Commission approved this project with conditions to the architecture at their June 16, 2021 meeting. Carried 7-0.] **ACTION: DEFERRED TO AUGUST 11, 2021**
- g. **Z-21-00347 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of PETER MENKES & ALLISON MENKES, applicants, relative to property located at **135 WELLS RD**, legal description on file, is described below. Section 134- 1728: A request for a variance to allow the relocation of two additional air conditioning condenser units in addition to the one existing in the equipment yard for a total of three air conditioning units in the west side yard setback and north rear yard setback in lieu of the two pieces of equipment allowed in these setbacks in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] Request for Withdrawal Per Letter from Maura Ziska **ACTION: WITHDRAWN**
- h. **Z-21-00353 SITE PLAN REVIEW** Zoning District: R-A Estate Residential The application of TODD GLASER, applicant, relative to property located at **1080 S OCEAN BLVD**, legal description on file, is described below. Section 134-843(b): Request for Site Plan Review to allow the construction of a 9,485 square foot two story, single family residence on a non conforming platted lot that is 17,567 square feet in area in lieu of the 20,000 square foot minimum required in the R-A Zoning

District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the July 28, 2021 meeting. Carried 7-0.] Staff Recommends a Deferral to the August 11, 2021 Meeting

ACTION: DEFERRED TO AUGUST 11, 2021

- i. **Z-21-00354 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-B Low Density Residential The application of LISA L. PAOLOZZI, applicant, relative to property located at **160 CHILEAN AVE**, legal description on file, is described below. Section 134-229, Section 134-329 and Section 134-893(b): Special Exception with Site Plan Review to allow the renovation of an existing one story residence by demolishing more than 50% cubic footage on a lot with a width of 50 feet in lieu of the 100 foot minimum required and an area of 8,000 square feet in lieu of the 10,000 square foot minimum required in the R-B Zoning District. Additionally, the applicant is proposing to construct one story additions totaling 950 square foot that will require the following variances to be requested: Section 134-893(7): to allow a 4.7 foot east side yard setback in lieu of the 12.5 foot minimum required in the R-B Zoning District. Section 134-893(7): to allow a 5.2 foot west side yard setback in lieu of the 12.5 foot minimum required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project at their June 23, 2021 meeting. Carried 7-0.]

ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT

- j. **Z-21-00356 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: C-TS Town Serving Commercial The application of BUCCAN (SAM SLATTERY), relative to property located at **350 S COUNTY RD SUITE: 100**, legal description on file, is described below. Section 134-1109 and Section 134-1112: Modification to a previously approved special exception use with site plan approval for the sandwich take out counter business for Buccan Restaurant to request the following: (a) to install two (2) new awnings to match existing awnings; (b) to modify the storefront to include a new door in the existing opening; (c) to modify an interior floor plan of the sandwich shop (no seats are being proposed); (d) to modify the hours of operation to be 7:00 AM to 3:00 PM (previously approved were 11:00 AM 3:00 PM) [Applicant's Representative: Maura Ziska Esq]

ACTION: DEFERRED TO AUGUST 11, 2021 WITH DIRECTION TO DEVELOP A PLAN TO KEEP ALLEY CLEAN AND INVESTIGATE GARBAGE REFRIGERATION POSSIBILITIES AS WELL AS

**DETERMINE IF GARABE PICKUP ON SUNDAYS IS
FEASIBLE**

- k. **Z-21-00357 VARIANCE(S)** Zoning District: R-B Low Density Residential / B-A Beach Area The application of MAURA ZISKA, AS TRUSTEE OF THE 230 NORTH OCEAN TRUST DATED JULY 9, 2020, applicant, relative to property located at **230 N OCEAN BLVD**, legal description on file, is described below. Section 134-893(13). A request for a variance to add two pergola structures located in the back yard totaling 619.6 square feet which will result in a cubic content ratio ("CCR") of 4.395 In lieu of 4.14 existing CCR and the 4.15 maximum CCR allowed in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project as presented. Carried 7-0.] **ACTION: APPROVED WITH CONDITION RELATING TO UTILITY EASEMENT**

1. **Z-21-00358 SITE PLAN REVIEW WITH VARIANCE(S)** Zoning District: B-A Beach Area The application of 1540 SOCEAN LLC (STEVEN KIRSCH, MANAGING DIRECTOR), applicant, relative to property located at **1540 S OCEAN BLVD**, legal description on file, is described below. Section 134-843(b): Request for a Special Exception with Site Plan Review to allow the construction of a 10,284 square foot two story, single family residence on a non conforming platted lot that is 16,151 square feet in area in lieu of the 20,000 square foot minimum required; 145.53 feet In depth in lieu of the 150 foot minimum depth required; and 112.53 feet in width in lieu of the 125 foot minimum depth required in the R-A Zoning District. Section 134-2: a variance to allow a point of measurement of 21.42 ft NAVD in lieu of the 18.87 ft NAVD maximum allowed for the building height plane calculation. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission approved the project at their June 23, 2021 meeting. Carried 6- 1.] **ACTION: APPROVED SITE PLAN REVIEW WITH ONLY ONE CURB CUT AND CONDITION RELATING TO UTILITY EASEMENT; VARIANCE WAS WITHDRAWN BY THE APPLICANT**

2. New Business

- a. **Z-21-00355 SITE PLAN REVIEW** Zoning District: C-TS Town Serving Commercial The application of CARRIAGE HOUSE PROPERTIES PARTNERS LLC (JOSHUA LEVY, DIRECTOR), Applicant, relative to property located at **205 ROYAL PALM WAY**, legal description on file, is described

below. Section 134 1112: Request by the applicant for site plan review modification to the property as follows: 1. Add new pavers along the north property line, next to the Carriage House Club, to accommodate valet and Club access for off site parking as previously approved. 2. Add new landscaping along the north property line. 3. Add a new concrete block wall enclosure with gates at the northwest corner of the property for trash and future undergrounding transformer. 4. Add new sliding access gates in existing perimeter site wall for two future underground transformers. 5. Add new louvered access panels and gates to enclose opening on north side of building to enclose mechanical equipment. [Applicant's Representative: Maura Ziska Esq] [The Landmarks Preservation Commission approved this project at their June 16, 2021 meeting. Carried 7-0.]

ACTION: APPROVED WITH AND CONDITION RELATING TO UTILITY EASEMENT AND WITH PRIVATE PARKING CONTRACTS TO BE REVIEWED AND APPROVED BY TOWN ATTORNEY RANDOLPH WITHIN 30 DAYS

- b. **Z-21-00360 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of MICHAEL & PAMELA CLINE, Applicants, relative to property located at **936 N LAKE WAY**, legal description on file, is described below. Section 134 893(7): The applicant is requesting a variance for a north side yard setback of 5.5 feet in lieu of 12.5 foot minimum required for a one story structure in the R B Zoning District for a new pool cabana. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 4-3.] [The Architectural Review Commission approved the project at their June 23, 2021 meeting. Carried 5-2.]

ACTION: DEFERRED TO AUGUST 11, 2021

- c. **Z-21-00361 VARIANCE(S)** Zoning District: R-C Medium Density Residential The application of GARY PURUCKER (CONTRACT PURCHASER), Applicant, relative to property located at **334 CHILEAN AVE**, legal description on file, is described below. Section 134 948: A request for a variance to construct a new 5,270 square foot, two story residence, on a non conforming lot with a lot area of 9,384 sq. ft. in lieu of the 10,000 sq. ft. minimum required in the R-C Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to their July 28, 2021 meeting. Carried 4-2.] Staff Recommends a Deferral to the August 11, 2021 Meeting.

ACTION: DEFERRED TO AUGUST 11, 2021

- d. **Z-21-00362 SPECIAL EXCEPTION** Zoning District: C-TS Commercial Town Serving The application of FLAGLER HOLDINGS NORTH CAROLINA INC (ALEX

GILMURRY, VICE PRESIDENT), Applicant, relative to property located at **3 VIAFLAGLER**, legal description on file, is described below. Section 134-1113: Request to modify the previously approved Special Exception to allow a second story in the C TS Zoning District by adding a 297 square foot pergola over the south balcony of building Three (3 Via Flagler) fronting Royal Poinciana Way. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission approved the project at their June 23, 2021 meeting. Carried 4-2.]

**ACTION: APPROVED WITH AND CONDITION
RELATING TO UTILITY EASEMENT**

- e. **Z-21-00363 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of SUSAN G. PAPAS, Applicant, relative to property located at **147 DUNBARRD**, legal description on file, is described below. Section 134 2 (b) A request to build a 7,610 square foot (under air) two (2) story single family home with a variance to allow the point of measurement for calculating the maximum cubic content ratio (CCR) to be at Eleven and 85/100th feet (11.85') NAVD (North American Vertical Datum) in lieu of Eleven and 05/100th feet (11.05') NAVD required by code. [Applicant's Representative: Francis X. J. Lynch, Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 6-0.] [The Architectural Review Commission approved the project at their June 23, 2021 meeting. Carried 6-0.]

**ACTION: APPROVED WITH AND CONDITION
RELATING TO UTILITY EASEMENT**

- f. **Z-21-00364 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of JONATHAN & CAROLINE SACK, Applicants, relative to property located at **8 WINDSOR CT**, legal description on file, is described below. A request for a variance to replace the pool cabana roof with a new copper roof, replace the trellis porch with a new copper roof, and replace the existing canopy at the breezeway with a new slate tile roof to match the existing which will result in the following variance requests: Section 134-893 (11): A request for a variance of lot coverage of 27.6 percent in lieu of 24.7 existing and 25 percent maximum allowed in the R B Zoning District. Section 134-893 (13). A request for a variance for cubic content ratio ("CCR") of 3.89 in lieu of 3.61 existing CCR and the 3.80 maximum CCR allowed in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.] [Architectural Review Commission approved the project at the June 23, 2021 meeting,

with an architectural feature to return to the July 28, 2021 meeting. Carried 7-0.]

ACTION: APPROVED WITH AND CONDITION RELATING TO UTILITY EASEMENT AND SUBJECT TO RECORDING OF A DEED RESTRICTION INDICATING POOL CABANA AND BREEZEWAY WILL NEVER BE ENCLOSED

- g. **Z-21-00365 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of LEONORA A. CALLAHAN, Applicant, relative to property located at **625 ISLAND DR**, legal description on file, is described below. Section 62 74. A variance request to allow a new 510 square foot platform boatlift to the west of the marginal dock with six pilings to support the lift that will be located 27.12 feet from the seawall in lieu of the six foot maximum allowed. [Applicant's Representative: Maura Ziska Esq]

ACTION: APPROVED

- h. **Z-21-00366 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: C-WA Worth Avenue The application of COJIMAR PALM BEACH (JOSEPH HERNANDEZ & CHARLES MASSON, PRINCIPALS), Applicant, relative to property located at **150 WORTH AVE, SUITE: 234**, legal description on file, is described below. Section 134-1159 (b): A request for special exception approval to operate a new restaurant at 150 Worth Avenue Suite 234, called "Cojimar Palm Beach", which will replace the previous restaurant "Hai House". The new restaurant will occupy the same square footage (5,243) and have the same number of total seats (151). The applicant agrees to be bound by all previous conditions of approval. [Applicant's Representative: Maura Ziska Esq]

ACTION: APPROVED WITH THE CONDITION THAT THE APPLICANT MEET ALL PREVIOUS CONDITIONS OF APPROVAL OF PREVIOUS RESTAURANTS AT THIS LOCATION INCLUDING THE CONDITION THAT THE APPLICANT RETURNS TO THE TOWN COUNCIL ONE YEAR AFTER OPENING

- i. **Z-21-00367 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of THE SOCIETY OF THE FOUR ARTS, INC (PHILIP B. RYLANDS, PRESIDENT & CEO), Applicant, relative to property located at **100 FOUR ARTS PLZ**, legal description on file, is described below. Section 134-893(b) (1) The Society of the Four Arts ("Applicant") requests a variance to allow the reduction in the north street side yard setback to feet 18 ft. in lieu of the 35 ft. minimum required for the installation of a 6 ft. 4 inch sculpture. The Applicant proposes to install the sculpture in the

Donnell Terrace which is an openspace plaza on the north side of the Dixon Educational Building. [Applicant's Representative: Harvey E Oyer III Esq] [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.] [The Landmarks Preservation Commission approved the project at their June 16, 2021 meeting. Carried 7-0.]

ACTION: APPROVED WITH CONDITION THAT EXISTING HEIGHT AND SIZE OF HEDGE WILL REMAIN DURING TIME STATUE IS DISPLAYED

- j. **Z-21-00368 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of PETER D. GARVY, Applicant, relative to property located at **300 CHERRY LN**, legal description on file, is described below. A request to raise an existing 6 foot high retaining wall on the east side of the property along North Lake way by 2 feet that would allow the wall to be 8 foot high in lieu of the 6 foot maximum allowed. [Applicant's Representative: Kevin Asbacher] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.] [Architectural Review Commission approved the project at the June 23, 2021 meeting. Carried 7-0.]

ACTION: APPROVED WITH AND CONDITION RELATING TO UTILITY EASEMENT AND THAT NEW PODOCARPUS HEDGE IS INSTALLED AT 8 FEET IN HEIGHT

- k. **Z-21-00369 SITE PLAN REVIEW WITH VARIANCE(S)** Zoning District: R-D(2) High Density Residential The application of PARK PLACE INC, (DANA ENRIQUEZ, MANAGER), Applicant, relative to property located at **369 S LAKE DR**, legal description on file, is described below. Section 134-1052 (4): The Park Place Co-op is requesting a site plan modification to allow the construction of a new 467 square foot building to enclosure a 400 KW generator with a 3,000 gallon fuel tank. The generator building is proposed to be adjacent to the pool deck in the middle of the property and will replace an existing storage shed that will be demolished to make room for the new building. The following variance is being requested in order to _ construct the new generator building: Section 134-1060(9)d: request for lot coverage of 41.8 percent in lieu of the 41.3 percent existing and 40 percent maximum allowed in the R-D(2) Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.] [Architectural Review Commission approved the architectural portion of the project at the June 23, 2021 meeting, but deferred the site plan and the landscape plans to the July 28,

2021 meeting. Carried 7-0.]

ACTION: DEFERRED TO AUGUST 11, 2021

1. **Z-21-00370 VARIANCE(S)** Zoning District: R-A Estate Residential The application of GOLDEN CRATE LLC (MATTHEW RIZIK, OFFICER AND AUTHORIZED REPRESENTATIVE), Applicant, relative to property located at **100 EL BRAVO WAY**, legal description on file, is described below. Section 134-1728(c) A request to use an existing seven foot (7.0') concrete block masonry finished site wall (said height is measured from the adjoining neighbor's existing grade) with a zero foot (0.0') setback at the property line as one (1) of the three (3) walls required for the enclosure of a cooling tower in lieu of a three (3) sided wall with the 15.0' setback required by code in the R-A Zoning District. Said existing site wall exceeds the height of the proposed cooling tower. [Applicant's Representative: Francis X.J. Lynch, Esq]
ACTION: APPROVED WITH AND CONDITION RELATING TO UTILITY EASEMENT

X. ORDINANCES

A. First Reading

1. **ORDINANCE 16-2021** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, As Follows: At Article I, In General, Section 134-2, Creating A Definition For Outdoor Café Seating; At Article VI, District Regulations, Sections 134-791, 134-841, 134-891, 134-946, 134-1001 And 134-1053, Accessory Structures, In The R-AA, R-A, R-B, R-C, R-D(1) And R-D(2) Residential Districts By Allowing Only One Dock On A Property And Cross Referencing The Setback And Other Dimensional Requirements For A Dock In Sections 62-74, 62-75 And 134-1697 Of The Code; At Section 134-1053, Accessory Uses, By Eliminating As An Accessory Use Administrative Approval Of Outdoor Seating In The R-D(2) Residential District; Section 134-1055, Special Exception Uses, By Changing From Outdoor Seating To Outdoor Café Seating Related To Hotels, Condo Hotels And Dining Rooms And Cross Referencing Sections 134-2104 Through 134-2108 Related To Requirements And Conditions Allowing Said Seating; Section 134- 1056, Stands, Seated Dining Areas And Open Counters For Eating And Drinking, By Eliminating Said Section In The R-D(2) District And Renumbering Subsequent Sections Of The Code; Section 134-1057, Accessory Structures, And 134-1057, Accessory Structures, In The R-D(2) Residential Districts By Allowing Only One Dock On A Property And Cross Referencing The Setback And Other Dimensional Requirements For A Dock In Sections 62-74, 62-75 And 134-1697 Of The Code; Sections 134-1108, 134-1158, 134-1208 And 134-1303, Accessory Uses, By Eliminating As An Accessory Use Administrative Approval Of Outdoor Seating In The C-TS, C-WA, C-OPI And C-B Commercial Zoning Districts; Sections 134-1109, 134-1159 And 134- 1259 Special Exception Uses In The C-TS,

C-WA And C-PC Commercial Zoning Districts, By Changing Outdoor Seating To Outdoor Café Seating Only For Restaurants, Retail Specialty Food Including The Sale Of Prepared Food For Takeout Only And Private, Social, Swimming, Golf, Tennis And Yacht Clubs And Cross Referencing Sections 134-2104 Through 134-2108 Related To Requirements And Conditions Allowing Said Seating; Sections 134- 1111, 134-1161, 134-1210, 134-1260 And 134-1305, Stands, Seated Dining Areas And Open Counters For Eating And Drinking, By Eliminating Those Sections In The C-TS, C-WA, C-OPI, C-Pc And C-B Commercial Zoning Districts And Renumbering Subsequent Sections Of The Code; Section 134-1304, Special Exception Uses, In The C-B Commercial Zoning District By Changing Outdoor Seating To Outdoor Café Seating For Only Hotels, Condo-Hotels And Dining Rooms And Cross Referencing Sections 134-2104 Through 134- 2108 Related To Requirements And Conditions Allowing Said Seating; Section 134-1209, Special Exception Uses In The C-OPI Commercial District By Changing Outdoor Seating To Outdoor Café Seating For Only Restaurants, Excluding Formula Restaurants As Defined In Section 134-2 And Dining Rooms And Cross Referencing Sections 124-2104 Through 134-2108 Related To Requirements And Conditions Allowing Said Seating; At Article VIII, Supplementary District Regulations, Section 134-1697, Buildings And Structures Over Lake Worth, By Clarifying That There Is An Exception For Town- Owned Landing Docks And Piers On Municipal Property, Providing For Only One Pier Or Landing Dock And Cross Referencing The Requirements For A Pier Of Landing Dock In Sections 62-74 And 62- 75 Of The Code; By Eliminating Division 14, Administrative Approval Of Outdoor Seating In Its Entirety And Creating A New Division 14, Section 134-2104 Through 134-2109, Conditional Approval Of A Special Exception For Sidewalk And/Or Private Property Outdoor Café Seating Only For Restaurants, Excluding Formula Restaurants As Defined In Section 134-2, Dining Rooms, Retail Specialty Food Including The Sale Of Prepared Food For Takeout Only, And Private, Social, Swimming, Tennis, And Yacht Clubs, Providing Conditions And Requirements; Fees And Security Deposit; Application Requirements; Standards And Criteria For Special Exception And Outdoor Café Permit And Review; Requirements For Liability And Insurance, Providing That Retail Specialty Food Uses Including The Sale Of Prepared Food For Takeout Only That Is Under 2,000 Square Feet Gross Leasable Area Can Request An Additional Eight Seats Over The Inside Capacity; Provisions For Denial, Revocation And/Or Suspension Of Approval Of An Outdoor Café Seating Permit And Appeal Procedure For Denial, Suspension Or Revocation; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

ACTION: APPROVED WITH MODIFICATIONS

2. ORDINANCE 17-2021 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 62, Marine Structures As

Follows: At Article III, Bulkheads, And Pierheads On Lake Worth, Section 62-74, Bulkheads, Landing Docks And Piers To Accord With Plat; Waivers And Variances, To Allow One Pier Or Landing Dock And To Provide A Maximum Width Of A Pier Or Landing Dock; At Section 62-75, Construction Specification To Identify That One Pier Or Landing Dock Is Permitted And That The Maximum Width Of A Pier Or Landing Dock Is 30% Of The Lot Width, Six Feet From The Mean High Water Line Or Bulkhead Line, Whichever Is Furthest East, And Not More Than 10 Feet In Width When Past Said Six Feet; At Section 62-74.2, Exemptions By Correcting The Exemption For Town Owned And Operated Docks Is Exempt From The Chapter And Not The Section Of The Code; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

ACTION: APPROVED WITH MODIFICATIONS

XI. ADJOURNMENT