



TOWN OF PALM BEACH

PLANNING, ZONING, & BUILDING DEPARTMENT

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

JUNE 12, 2019

9:30 AM

Welcome

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

I. CALL TO ORDER AND ROLL CALL

Gail L. Coniglio, Mayor
Danielle H. Moore, President
Margaret A. Zeidman, President Pro Tem
Julie Araskog
Lew Crampton
Bobbie Lindsay

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND DIRECTOR OF PLANNING, ZONING AND BUILDING

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VI. APPROVAL OF AGENDA

VII. RESOLUTIONS

- A. RESOLUTION NO. 47-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For 8 South Lake Trail And Stating That The Subject Property Meets The Criteria Set Forth In Chapter 54, Article V Of The Code Of Ordinances Of The Town Of Palm Beach, Relating To Landmarks Preservation And Titled "Tax Exemptions." Page 8

VIII. DEVELOPMENT REVIEWS

A. Time Extensions and Waivers

1. Waiver of Town Code Section - For Extended Working Hours at Bradley Place Chase Bank
285 Sunrise Avenue Page 13

B. Variances, Special Exceptions, and Site Plan Reviews

1. New Business

- a. **Z-19-00174 VARIANCE(S)** Zoning District: R-C Medium Density Residential The application of Zachary Potter, Applicant, relative to property located at **254 N COUNTY RD**, legal description on file, is described below. Request for a variance to allow a swimming pool on the north side of the property with a 10-foot street side setback in lieu of the 15 feet required and a 2.5-foot north side yard setback in lieu of the 10 feet required. Also a request for the required 6 foot wall along North County Road to be set back 18 inches in lieu of the 3 foot minimum setback required. [Applicant's Representative: Maura Ziska Esq] Page 18
- b. **Z-19-00194 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: C-TS Town-Serving Commercial The application of Bradley Park Owner LLC (Ned Manager LLC, Manager), Applicant, relative to property located at **280 SUNSET AVE SUITE: SITE**, legal description on file, is described below. The applicant is requesting special exception approval for a proposed restaurant of 2,998 square feet (indoor area) and 184 seats at The Bradley Park Hotel. The project will include 118 interior restaurant seats (of which 20 are bar seats) and 66 courtyard seats (of which 8 are bar seats) for a total of 184 lunch and dinner seats. Eighteen of the restaurant seats will come from the principle of equivalency from the former C'est Si Bon Gourmet Grocery retail space. The applicant is also requesting approval for valet parking at lunch and dinner. Page 21

Requested hours of operation are 7:00am to 11:00pm, seven days a week. In addition to a special exception for a restaurant change of ownership, the following associated approvals are requested: A variance from Code Section 134-2176(9), schedule of off-street parking for restaurants. The new restaurant proposes 184 seats, which would require 53 parking spaces (after subtracting 18 seats available from the principle of equivalency); 30 parking spaces will continue to be provided pursuant to an existing off-site parking agreement, which formerly served Trevini Ristorante. A variance is requested for 23 parking spaces. A variance from Code Section 134-2373(10) to provide a sign on the pergola awning at the new hotel entrance. A special exception for 66 outdoor seats in the courtyard, per Code Section 134-1111(a). A special exception for 30 shared off-site required off-street parking spaces, per code Section 134-2177(3). Site plan review, including for a generator with an output capability of 250 kW, per Code Section 134-1729(2)(c). The proposed generator will be internal to the hotel building. [Applicant's Representative: James M. Crowley, Esq]

- c. **Z-19-00195 SITE PLAN REVIEW WITH VARIANCE(S)** Zoning District: R-C Medium Density Residential The application of Mark and Heather Flaherty, Applicant, relative to property located at **145 PERUVIAN AVE SUITE: 102**, legal description on file, is described below. The applicants, owners of Unit 102 in the Regency Six Condominium, are proposing to modify the outdoor space immediately adjacent to their ground floor unit to make the space more usable and aesthetically pleasing by replacing some sod and shrubs with sand-set travertine pavers and new shrubs. The existing tree in front of the unit will also be replaced. The following variances are requested: A variance from Code Section 134-948(11)d., for overall landscaped open space of 22.6% in lieu of the 26.1% existing and the minimum of 35% landscaped open space required by the Code. A variance from Code Section 134-948(11)e, for front yard landscaped open space of 33.2% in lieu of the 46% existing and the minimum of 35% front yard landscaped open space required. [Applicant's Representative: James M. Crowley, Esq]

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- d. **Z-19-00196 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Gerald Magrini, Applicant, relative to property located at **135 CHILEAN AVE**, legal description on file, is described below. Special Exception and Site Plan Review to allow the renovation of a one-story, single family house, demolition of a pool house, and construction of a 679 square foot guest house on a non-conforming lot, comprised of a portion of a platted lot, which is 58 feet in width in lieu of the 100-foot depth required in the R-B Zoning District. The proposed renovation and demolition exceed 50% of the cubic volume. In connection with the renovation, the following variances are being requested: 1.

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Section 134-893(7)a: Request to expand the existing house with a west side yard setback of 5.2 feet in lieu of the 12.5-foot minimum required in the R-B Zoning District. 2. Section 134-893(7)a: Request to expand the existing house with an east side yard setback of 6.8 feet in lieu of the 12.5-foot minimum required in the R-B Zoning District. 3. Section 134-893(5)a: Request to expand the existing house with a front yard setback of 24.6 feet in lieu of the 25-foot minimum required in the R-B Zoning District. 4. Section 134-893(9)a: Request to construct a guest house on the north side of the property with a rear yard setback of 6 feet in lieu of the 10-foot minimum required in the R-B Zoning District. In addition to the zoning requests, the Applicant is seeking relief from the Standards Applicable to Public Rights-of-Way and Easements with the Town of Palm Beach, thereby allowing the existing driveway to be 2.5 from the edge of the east property line in lieu of the 6-foot requirement. [Applicant's Representative: David E. Klein Esq] [Architectural Review Commission Recommendation: Implementation of the proposed special exception with site plan review and variance(s) will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Review Commission approved the project with a condition relating to the architecture. Carried 7-0]

- e. **Z-19-00197 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Dan and Karen Swanson, Applicant, relative to property located at **205 VIA TORTUGA**, legal description on file, is described below. Special Exception with Site Plan Review to allow the construction of a new 13,523 square foot, two-story single-family residence on a lot that is 77 feet in width in lieu of the 100 foot minimum required R-B Zoning District. The following variance is being requested in conjunction with this application: 1) Allow the pool cabana to be separated from the main house by 19.25 feet in lieu of the 25 foot minimum separation required when calculating the angle of vision. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed special exception with site plan review and variance(s) will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Review Commission approved the architectural portion of the project with conditions relating to the architecture and deferred the landscape and hardscape plans for one month. Carried 7-0]

IX. ORDINANCES

A. Second Reading

1. **ORDINANCE NO. 16-2019** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending

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The Town Code Of Ordinances At Chapter 18, Buildings And Building Regulations, Article V, Coastal Construction Code, As Follows; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

2. ORDINANCE NO. 17-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, As Follows: At Article VI, District Regulations, Sections 134-791, 134-841, 134-891, 134-946, Accessory Structures, By Clarifying The Ten Foot Minimum Side And Rear Setback Requirement For Unenclosed Accessory Structures; Sections 134-1107 And 134-1207, Permitted Uses, And 134-1109 And 134-1209, Special Exception Uses, By Making Residential Use Above The First Floor A Permitted Use Rather Than Special Exception Use In The C-TS And C-OPI Commercial Zoning Districts; Section 134-1157, Permitted Uses, By Clarifying That Residential Use Above The First Floor In The C-WA Commercial Zoning District Is A Permitted Use; Sections 134-1109, 134-1159, 134-1209 And 134-1304, Special Exception Uses, In The C-TS, C-WA, C-OPI And C-B Commercial Zoning Districts, By Eliminating Broad Language Which Allows By Special Exception Either Any Retail And Service Activity Or Commercial Use Over The Maximum Town-Serving Threshold Provided Said Use Demonstrates That It Is Town-Serving And Replacing With Language Allowing Permitted Uses Or Uses Not Specifically Enumerated As A Permitted Use Provided Said Uses Demonstrate They Will Have Traffic, Patronage And Intensity Of Use Characteristics Similar To Permitted Uses In Those Commercial Zoning Districts; Creating New Sections 134-1472 And 134-1473, Permitted And Special Exception Uses And Structures In The B-A, Beach Area Zoning District, And Renumbering Existing Sections Of The Code To Follow; At Article VIII, Supplementary District Regulations, Creating Section 134-1519 Which Prohibits The Docking, Parking And Storage Stations For Shared Bicycles And Shared Dockless Bicycles In The Town; At Article XI, Signs, Section 134-2437, Building Identification, Business Identification And Property Identification Signs, And 134-2438, Size Of Sign, By Modifying Existing Language To Provide Clearer Business Identification Sign Regulation Language And By Allowing Business Identification Signage Based On Business Frontage And Not On First Floor Tenant Frontage; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date

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3. ORDINANCE NO. 18-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 106, Streets, Sidewalks And Other Public Places, As Follows: At Article II, Streets*, In Creating Section 106-50, Titled Unlawful To Dock, Store Or Park

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Motorized Or Non-Motorized Shared Bicycles And Dockless Bicycles, Making It Unlawful To Dock, Store Or Park Motorized Or Non-Motorized Shared Bicycles And Dockless Bicycles On Public Or Private Streets; And Article V, Sidewalks, Creating Section 106-162, Titled Unlawful To Dock, Store Or Park Motorized Or Non-Motorized Shared Bicycles And Dockless Bicycles, Making It Unlawful To Dock, Store Or Park Shared Motorized Or Non-Motorized Bicycles And Dockless Bicycles On Any Public Or Private Sidewalk, Via Or Esplanade; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

4. ORDINANCE NO. 19-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 42, Environment, Article II, Conditions On Private Property, Divisions 1 And 2, As Follows; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date. Page 64
5. ORDINANCE NO. 20-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 88, Property Maintenance Code, As Follows; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date. Page 69

X. ANY OTHER MATTERS

XI. ADJOURNMENT

PLEASE TAKE NOTE:

- Note 1:** No written materials received after 12:00 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 12:00 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.
- Note 2:** The progress of this meeting may be monitored by visiting the Town's website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.
- Note 3:** If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

- Note 4:** Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.
- Note 5:** Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.
- Note 6:** All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit the Town's website (townofpalmbeach.com).

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

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

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

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

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 12, 2019

Section of Agenda Resolutions

Agenda Title

RESOLUTION NO. 47-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For 8 South Lake Trail And Stating That The Subject Property Meets The Criteria Set Forth In Chapter 54, Article V Of The Code Of Ordinances Of The Town Of Palm Beach, Relating To Landmarks Preservation And Titled “Tax Exemptions.”

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated May 29, 2019 from Josh Martin, Director of Planning, Zoning & Building**
- ▣ **Resolution No. 47-2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2019

To: Mayor and Town Council

From: Josh Martin, Director of Planning, Zoning & Building

Re: Tax Abatement: 8 South Lake Trail
Resolution No. 47-2019

Date: May 29, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 47-2019, granting Tax Abatement to the property at 8 South Lake Trail.

BOARD OR COMMISSION RECOMMENDATION

The Landmarks Preservation Commission has approved all changes to this property using the Secretary of Interior (Federal) Standards for Rehabilitation as required in the Tax Abatement program.

GENERAL INFORMATION

1. Project Summary: The above-mentioned applicant has applied for participation in the Town's Tax Abatement Program.

8 South Lake Trail was designated as a Landmark of the Town of Palm Beach on June 11, 1990.

The Landmark Preservation Commission (LPC) approved the Tax Abatement Application in 2017. The improvements to the property include the restoration and renovation of the residence, installation of hurricane impact rated doors and windows, additions, and construction of two accessory structures. The completed work has been reviewed and found to be in compliance with the LPC approval.

2. Town Council approval is required to grant this abatement and forward same to Palm Beach County.
3. A written application for ad valorem tax exemption has been presented to Town staff as prescribed by Section 54-199 of Town Code. As additionally required by Section 54-

200, the property owner must enter into a covenant or agreement with the Town, the form of which is established by the Department of State, requiring that the character of the property and the qualifying improvements be maintained during the exemption period. The covenant must be entered into prior to the submittal to the County and Property Appraiser's Office.

FUNDING/FISCAL IMPACT

Action will abate ad valorem Town of Palm Beach property tax increase (new incremental value only) for a period of ten years. Full value assessment will be applicable after the ten year program.

The estimated cost of the improvement as provided by the property owner is \$5,750,000. The Palm Beach County Property Appraiser will determine the value of the tax abatement using its own methodology.

TOWN ATTORNEY REVIEW

Resolution No. 47-2019 has been approved by the Town Attorney for legal form and sufficiency.

Attachments

cc: John Lindgren, Planning Manager
Emily Stillings, Murphy Stillings, LLC

RESOLUTION NO. 47-2019

8 South Lake Trail

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING AD VALOREM TAX EXEMPTIONS FOR 8 SOUTH LAKE TRAIL, AND STATING THAT THE SUBJECT PROPERTY MEETS THE CRITERIA SET FORTH IN CHAPTER 54, ARTICLE V OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH, RELATING TO LANDMARKS PRESERVATION AND TITLED "TAX EXEMPTIONS."

WHEREAS, pursuant to the provisions of Chapter 54, Article V, Code of Ordinances of the Town of Palm Beach, the Landmarks Preservation Commission of the Town of Palm Beach held public hearings and approved Certificates of Appropriateness for renovations and improvements of the certain property described herein; and

WHEREAS, those improvements are consistent with the United States Secretary of Interior's Standards for Rehabilitation and were made in accordance with the guidelines developed by the Department of State, they will qualify for said tax exemption; and

WHEREAS, the property owner agrees to enter into a covenant of agreement with the Town for the ten year term for which the exemption is granted.

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

Section 1. The property hereinafter described in Section 2 of this Resolution, being listed as a Landmark of the Town of Palm Beach, is hereby approved for the Ad Valorem Tax Exemptions for Historic Properties, pursuant to the provisions of Chapter 54, Article V.

Section 2. The landmark is owned by Robb E. Turner and Lydia A. Turner and is located at 8 South Lake Trail, Palm Beach, Florida. The property is legally described as follows:

Tax Folio Number: 50-43-43-22-03-000-0031

Legal Description: Lot C, less the East 247.60 feet thereof, Primavera Estates (Lake Front) according to the plat thereof, as recorded in Plat Book 7, Page 32, of the Public Records of Palm Beach County, Florida.

Section 3. The Town Clerk is hereby ordered to furnish the owner of the property a copy of this Resolution.

Section 4. A copy of this Resolution with completed application for Ad Valorem Tax Exemptions will be filed with the Property Appraiser's Office as defined in and subject to the provision of Chapter 54 of the Code of Ordinances of the Town of Palm Beach, Florida.

PASSED AND ADOPTED in a regular, adjournment session of the Town Council of the Town of Palm Beach assembled this 12th day of June, 2019.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 12, 2019

Section of Agenda

Time Extensions

Agenda Title

Waiver of Town Code Section - For Extended Working Hours at
Bradley Place Chase Bank
285 Sunrise Avenue

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated May 24, 2019 from Wayne Bergman, Assistant Director of Planning, Zoning & Building**
- ▣ **Letter Dated May 16, 2019 from John Stevens**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

Via: Josh Martin, Director of Planning, Zoning & Building

From: Wayne Bergman, Asst. Director of Planning, Zoning & Building

Re: Waiver of Town Code Section 42-199, For Extended Working Hours at Bradley Place Chase Bank, Located at 285 Sunrise Avenue

Date: May 24, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council consider a request for an modification of the hours for construction work planned at the Bradley Place Chase Bank, 285 Sunrise Avenue. If approved, staff recommends that it be conditioned upon the May 16, 2019 letter (attached) from John L. Stevens, Sr. Project Manager of JLL, in Partnership with J.P. Morgan Chase, which describes the details of the renovations.

Staff has notified the applicant that granting of extended working hours is the sole discretion of the Town Council.

GENERAL INFORMATION

The applicant is requesting modification of the work times and days to begin renovations at the Chase Bank, which will begin on Friday, June 7, 2019 and will continue through nights and weekends until completion, expected to be around June 22, 2019 (two weeks). The request is to allow the crews to work from 6:00 pm until midnight, each night. On Saturdays, crews would work inside the bank only from 9:00 am until midnight. On Sundays, crews would work inside the bank only from 9:00 am until 9:00 pm. The scope of work includes electrical outlet relocation, light framing and drywall, new carpet, paint and furnishings.

Ordinance 03-2018, passed by the Town Council on second reading on February 13, 2018, modified the construction working hours in the Town as follows:

Sec. 42-199. - Hours for construction work.

- (b) *Limited. Beginning on the Monday preceding Thanksgiving, and during the months of December, January, February, March, and April of each year, construction work not otherwise prohibited by section 42-198 or other work resulting in noise tending to disturb the people in the vicinity thereof shall not begin until the hour of 8:00 a.m., and shall cease at the hour of 5:00 p.m., except Saturday, Sunday, and legal holidays, when all construction work is prohibited. In no event shall heavy equipment or other construction-related noise be permitted before 9:00 a.m. At all other times such work may commence at 8:00 a.m. and cease at the hour of 6:00 p.m., except Saturdays, Sundays and legal holidays, including the Friday immediately after Thanksgiving, when all construction work is restricted or prohibited. Construction work is permissible on Saturdays from May through the Monday preceding Thanksgiving, but subject to the following restrictions: work shall not begin until the hour of 9:00 a.m. and shall cease at the hour of 5:00 p.m.; all work must be quiet in nature during which all of the noise and machinery prohibitions identified in section 42-198 are applicable; material deliveries are prohibited in all cases unless the Building Official waives such restriction due to compelling circumstances; concrete pours and concrete sawing is prohibited unless the Building Official waives such restriction due to compelling circumstances; and the razing of buildings is prohibited, with the exception of non-mechanized debris clean-up. The permitted hours for construction work in the C-WA zoning district shall be from 8:00 a.m. until 8:00 p.m. during the months commencing May 1 and ending on October 31, except Sundays and legal holidays, when all construction work is prohibited.*
- (c) *Exceptions.*
- (5) *The town council, in its discretion, for the benefit of the health, safety and welfare of the residents of the town may, by resolution, temporarily amend the hours for construction work referenced herein.*

The applicant is requesting a modification of these working hours to allow the renovation to begin on June 7, 2019.

Attached is the written request from the applicant that describes the nature of the work and the time modification that is being requested. The applicant was asked to notify surrounding property owners of the request and of the date of this meeting, as required.

Staff recommends the Town Council consider construction hours as requested beginning on June 7, 2019, in accordance with the proposals contained in the attached letter from Chase Bank.

Attachments

WRB

cc: Ben Alma, Code Enforcement Unit



May 16, 2019

Wayne Bergman, MCP, LEED-AP
Asst. Director
Town of Palm Beach Planning, Zoning, Building
360 S. County Road
Palm Beach, FL 33480

Dear Wayne,

We are requesting a modification to the normal construction hours in Palm Beach to complete an interior refresh project at Palm Beach Bradley Place Chase bank located at 285 Sunrise Avenue.

The requested schedule of construction is as follows:

- Project to begin on Friday, June 7th and continues during nights and weekends until completion June 22nd.
- Monday through Friday, crews will work inside bank from 6:00 PM until midnight each night.
- Saturday, crews will work inside the bank from 9:00 AM until Midnight.
- Sunday, crews will work inside the bank 9:00 AM until 9:00 PM.

Work includes basic electrical outlet relocation, light framing and drywall, new carpet, paint and furniture. These are small, specialized crews that do not create noise loud enough to be heard outdoors in the surrounding area.

The full set of construction drawings have been submitted and approved with permits. Please let me know if I need to contact the police department to make them aware we will have activity inside the bank during this period. We need to begin June 7th in order to complete the project on time so if the above requested schedule is not approved, please respond with a schedule that is approved so we can adjust our crews accordingly. We are not permitted to work during Chase business hours.

I look forward to working with you on this request.

Best Regards,

John L. Stevens

John L. Stevens
Sr. Project Manager, LEED AP
JLL in Partnership with J.P. Morgan Chase
Mobile +1 561 353 7415
John.l.stevens@jpmchase.com
www.jll.com

285 Sunrise Ave., Palm Beach, FL 33480
DND Number 5407

CHASE **RETAIL DISTRIBUTION NETWORK**



Confidential. JPMorgan Chase Bank, N.A. Proprietary Information.

- LEGEND:**
- NEW SIGNAGE / MARKETING
 - NEW PARTITION
 - EXISTING FURNITURE REUSED
 - NET NEW
 - NEW TECHNOLOGY
 - NEW KEVLAR PANELS ON WALL
 - EXISTING SIGNAGE / MARKETING FUTURE
 - NEW BORDER TILE
 - ATM REFRESH
 - NEW MILLWORK
 - KEYED NOTE

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TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 12, 2019

Section of Agenda

Development Review - New Business

Agenda Title

Z-19-00174 VARIANCE(S) Zoning District: R-C Medium Density Residential The application of Zachary Potter, Applicant, relative to property located at **254 N COUNTY RD**, legal description on file, is described below. Request for a variance to allow a swimming pool on the north side of the property with a 10-foot street side setback in lieu of the 15 feet required and a 2.5-foot north side yard setback in lieu of the 10 feet required. Also a request for the required 6 foot wall along North County Road to be set back 18 inches in lieu of the 3 foot minimum setback required. [Applicant's Representative: Maura Ziska Esq]

Presenter

ATTACHMENTS:

- ▢ **Memorandum Dated May 30, 2019 from Josh Martin, Director of Planning, Zoning and Building**
- ▢ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2019

To: Mayor and Town Council

From: Josh Martin, Director, Planning, Zoning & Building Department

Subject: **Z-19-00174 VARIANCE(S)**
254 N COUNTY RD

Date: May 30, 2019

BACKGROUND

An application has been received for the following project:

REQUEST:

Request for a variance to allow a swimming pool on the north side of the property with a 10 foot street side setback in lieu of the 15 feet required and a 2.5 foot north side yard setback in lieu of the 10 feet required. Also a request for the required 6 foot wall along North County Road to be set back 18 inches in lieu of the 3 foot minimum setback required.

ADDRESS: 254 N COUNTY RD

OWNER: POTTER ZACHARY

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-15-03-000-0420

ZONING DISTRICT: R-C Medium Density Residential

LEGAL DESCRIPTION: ORANGE GROVE PARK LTS 42 & 43

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 2/26/19

APPLICATION NO.: Z-19-00174 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 254 N COUNTY RD

DESCRIPTION: Request for a variance to allow a swimming pool at the northwest corner of the property with a 1.5 foot rear yard setback in lieu of the 10-foot minimum setback required.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Assistant Director PZB	2/26/2019	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	3/6/2019	Existing Stormwater Management System(s) need to be inspected and recertified. The accumulation of sediments and clogging of the filter fabric and the void spaces of the aggregates over time hinders the operational life of an exfiltration system. Systems are required to be tested every five years and recertified. The system appears to have been installed in 2004 and has not been recertified. Elevation of driveway trench drain needs to be verified, unless proposed to be elevated to 5.30 NAVD A Hydraulic Conductivity Test of the on-site soils will be required to support the calculations provided.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	2/26/2019	There are no fire code concerns with the proposed project
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	3/31/2019	Application will require an Architectural Commission (ARCOM) administrative or "staff" approval.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	2/27/2019	No Comment
PZB DIRECTOR	Josh Martin, Director, Planning, Zoning & Building	2/26/2019	No comments
PZB - ZONING	Paul Castro, Zoning Administrator	3/28/2019	There does not appear to be a hardship for the requested setback variance.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 12, 2019

Section of Agenda

Development Review - New Business

Agenda Title

Z-19-00194 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: C-TS Town-Serving Commercial The application of Bradley Park Owner LLC (Ned Manager LLC, Manager), Applicant, relative to property located at **280 SUNSET AVE SUITE: SITE**, legal description on file, is described below. The applicant is requesting special exception approval for a proposed restaurant of 2,998 square feet (indoor area) and 184 seats at The Bradley Park Hotel. The project will include 118 interior restaurant seats (of which 20 are bar seats) and 66 courtyard seats (of which 8 are bar seats) for a total of 184 lunch and dinner seats. Eighteen of the restaurant seats will come from the principle of equivalency from the former C'est Si Bon Gourmet Grocery retail space. The applicant is also requesting approval for valet parking at lunch and dinner. Requested hours of operation are 7:00am to 11:00pm, seven days a week. In addition to a special exception for a restaurant change of ownership, the following associated approvals are requested: A variance from Code Section 134-2176(9), schedule of off-street parking for restaurants. The new restaurant proposes 184 seats, which would require 53 parking spaces (after subtracting 18 seats available from the principle of equivalency); 30 parking spaces will continue to be provided pursuant to an existing off-site parking agreement, which formerly served Trevini Ristorante. A variance is requested for 23 parking spaces. A variance from Code Section 134-2373(10) to provide a sign on the pergola awning at the new hotel entrance. A special exception for 66 outdoor seats in the courtyard, per Code Section 134-1111(a). A special exception for 30 shared off-site required off-street parking spaces, per code Section 134-2177(3). Site plan review, including for a generator with an output capability of 250 kW, per Code Section 134-1729(2)(c). The proposed generator will be internal to the hotel building. [Applicant's Representative: James M. Crowley, Esq]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated May 30, 2019 from Josh Martin, Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2019

To: Mayor and Town Council

From: Josh Martin, Director, Planning, Zoning & Building Department

Subject: **Z-19-00194 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE
280 SUNSET AVE SUITE: SITE**

Date: May 30, 2019

BACKGROUND

An application has been received for the following project:

REQUEST:

The applicant is requesting special exception approval for a proposed restaurant of 2,998 square feet (indoor area) and 184 seats at The Bradley Park Hotel.

The project will include 118 interior restaurant seats (of which 20 are bar seats) and 66 courtyard seats (of which 8 are bar seats) for a total of 184 lunch and dinner seats. Eighteen of the restaurant seats will come from the principle of equivalency from the former Câ€™mest Si Bon Gourmet Grocery retail space. The applicant is also requesting approval for valet parking at lunch and dinner. Requested hours of operation are 7:00am to 11:00pm, seven days a week. In addition to a special exception for a restaurant change of ownership the following associated approvals are requested: A variance from Code Section 134-2176(9), schedule of off-street parking for restaurants. The new restaurant proposes 184 seats which would require 53 spaces (after subtracting 18 seats available from the principle of equivalency); 30 spaces will continue to be provided pursuant to an existing off-site parking agreement which formerly served Trevini Ristorante. A variance is requested for 23 spaces. A variance from Code Section 134-2373(10) to provide a sign on the pergola awning at the new hotel entrance. A special exception for 66 outdoor seats in the courtyard, per Code Section 134-1111(a). A special exception for 30 shared off-site required off-street parking spaces, per code Section 134-2177(3). Site plan review, including for a generator with an output capability of 250 kW, per Code Section 134-1729(2)(c). The proposed generator will be internal to the hotel building.

ADDRESS: 280 SUNSET AVE SUITE: SITE

OWNER: BRADLEY PARK OWNER LLC

OWNER'S REPRESENTATIVE: JAMES M CROWLEY ATTORNEY

PROPERTY CONTROL NO.: 50-43-43-22-31-000-0301

ZONING DISTRICT: C-TS Town-Serving Commercial

LEGAL DESCRIPTION: FLORAL PARK E 10 FT OF LT 30 & LTS
31 TO 37 INC

Page Two

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 4/5/19

APPLICATION NO.: Z-19-00194 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

ADDRESS: 280 SUNSET AVE SUITE: SITE

DESCRIPTION:

The applicant is requesting special exception approval for a proposed restaurant of 2,998 square feet (indoor area) and 184 seats at The Bradley Park Hotel. The project will include 118 interior restaurant seats (of which 20 are bar seats) and 66 courtyard seats (of which 8 are bar seats) for a total of 184 lunch and dinner seats. Eighteen of the restaurant seats will come from the principle of equivalency from the former C&WTMest Si Bon Gourmet Grocery retail space. The applicant is also requesting approval for valet parking at lunch and dinner. Requested hours of operation are 7:00am to 11:00pm, seven days a week. In addition to a special exception for a restaurant change of ownership the following associated approvals are requested: A variance from Code Section 134-2176(9), schedule of off-street parking for restaurants. The new restaurant proposes 184 seats which would require 53 spaces (after subtracting 18 seats available from the principle of equivalency); 30 spaces will continue to be provided pursuant to an existing off-site parking agreement which formerly served Trevini Ristorante. A variance is requested for 23 spaces. A variance from Code Section 134-2373(10) to provide a sign on the pergola awning at the new hotel entrance. A special exception for 66 outdoor seats in the courtyard, per Code Section 134-1111(a). A special exception for 30 shared off-site required off-street parking spaces, per code Section 134-2177(3). Site plan review, including for a generator with an output capability of 250 kW, per Code Section 134-1729(2)(c). The proposed generator will be internal to the hotel building.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Assistant Director PZB	4/19/2019	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	4/30/2019	Continued coordination with Public Works regarding parking will be necessary. A reduction in the required parking per code needs to be carefully reviewed.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	4/22/2019	The room demensions have not been measured for compliance with the fire code for occupancy. I feel the number they have requested can meet the requirements of the code. I do not see a fire code concern with the request.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	6/5/2019	Landmarks Preservation Commission (LPC) approval will be required for the elephant signage on the entry awning, and for the retractable awning over the outside bar area.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	4/19/2019	No Comment
PZB DIRECTOR	Josh Martin, Director, Planning, Zoning & Building	4/19/2019	No comments.
PZB - ZONING	Paul Castro, Zoning Administrator	6/4/2019	The proposed restaurant is asking for a variance from providing the 23 additional off-street parking spaces for the additional restaurant seating. The proposed awning logo is not permitted by Code. In fact, no signage is allowed on awnings. This may need to be examined. Should the Town modify the Code to allow for some type of signage on commercial awnings that front a street?

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 12, 2019

Section of Agenda

Development Review - New Business

Agenda Title

Z-19-00195 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R-C Medium Density Residential The application of Mark and Heather Flaherty, Applicant, relative to property located at **145 PERUVIAN AVE SUITE: 102**, legal description on file, is described below. The applicants, owners of Unit 102 in the Regency Six Condominium, are proposing to modify the outdoor space immediately adjacent to their ground floor unit to make the space more usable and aesthetically pleasing by replacing some sod and shrubs with sand-set travertine pavers and new shrubs. The existing tree in front of the unit will also be replaced. The following variances are requested: A variance from Code Section 134-948(11)d., for overall landscaped open space of 22.6% in lieu of the 26.1% existing and the minimum of 35% landscaped open space required by the Code. A variance from Code Section 134-948(11)e, for front yard landscaped open space of 33.2% in lieu of the 46% existing and the minimum of 35% front yard landscaped open space required. [Applicant's Representative: James M. Crowley, Esq]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated May 30, 2019 from Josh Martin, Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2019

To: Mayor and Town Council

From: Josh Martin, Director, Planning, Zoning & Building Department

Subject: **Z-19-00195 SITE PLAN REVIEW WITH VARIANCE(S)**
145 PERUVIAN AVE SUITE: 102

Date: May 30, 2019

BACKGROUND

An application has been received for the following project:

REQUEST:

The applicants, owners of Unit 102 in the Regency Six Condominium, are proposing to modify the outdoor space immediately adjacent to their ground floor unit to make the space more usable and aesthetically pleasing by replacing some sod and old shrubs with sand-set travertine pavers and new shrubs. The existing tree in front of the unit will also be replaced. The following variances are requested: A variance from Code Section 134-948(11)d., for overall landscaped open space of 22.6% in lieu of the 26.1% existing. The code requires a minimum of 35% landscaped open space in the R-C district. A variance from Code Section 134-948(11)e., for front yard landscaped open space of 33.2% in lieu of the 46% existing. The code requires a minimum of 35% front yard landscaped open space in the R-C district.

ADDRESS: 145 PERUVIAN AVE SUITE: 102

OWNER: FLAHERTY HEATHER & MARK

OWNER'S REPRESENTATIVE: JAMES M CROWLEY ATTORNEY

PROPERTY CONTROL NO.: 50-43-43-26-15-000-1020

ZONING DISTRICT: R-C Medium Density Residential

LEGAL DESCRIPTION: REGENCY SIX COND UNIT 102

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 4/5/19

APPLICATION NO.: Z-19-00195 **APPLICATION TYPE:** SITE PLAN REVIEW WITH VARIANCE(S)

ADDRESS: 145 PERUVIAN AVE SUITE: 102

DESCRIPTION:

The applicants, owners of Unit 102 in the Regency Six Condominium, are proposing to modify the outdoor space immediately adjacent to their ground floor unit to make the space more usable and aesthetically pleasing by replacing some sod and old shrubs with sand-set travertine pavers and new shrubs. The existing tree in front of the unit will also be replaced. The following variances are requested: A variance from Code Section 134-948(11)d., for overall landscaped open space of 22.6% in lieu of the 26.1% existing. The code requires a minimum of 35% landscaped open space in the R-C district. A variance from Code Section 134-948(11)e., for front yard landscaped open space of 33.2% in lieu of the 46% existing. The code requires a minimum of 35% front yard landscaped open space in the R-C district.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Assistant Director PZB	4/19/2019	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	4/30/2019	The Stormwater Management System designed meets Town's adopted level of service for the redeveloped area. Applicant may wish to overflow into the road rights-of-way once the level of treatment required has been obtained. Existing Stormwater Management System(s) for the site need to be inspected and recertified. Applicant may wish to plant a Specimen Tree. Contact Public Works for additional information.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	4/22/2019	There are no fire code concerns with the proposed work.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	6/5/2019	This project will require an Architectural Commission (ARCOM) administrative or "staff" approval.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	4/19/2019	No Comment
PZB DIRECTOR	Josh Martin, Director, Planning, Zoning & Building	4/19/2019	No comments
PZB - ZONING	Paul Castro, Zoning Administrator	6/4/2019	The applicant needs landscape open space relief to expand the patio. The proposed patio is behind a large hedge and not visible from the street.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 12, 2019

Section of Agenda

Development Review - New Business

Agenda Title

Z-19-00196 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND

VARIANCE(S) Zoning District: R-B Low Density Residential The application of Gerald Magrini, Applicant, relative to property located at **135 CHILEAN AVE**, legal description on file, is described below. Special Exception and Site Plan Review to allow the renovation of a one-story, single family house, demolition of a pool house, and construction of a 679 square foot guest house on a non-conforming lot, comprised of a portion of a platted lot, which is 58 feet in width in lieu of the 100-foot depth required in the R-B Zoning District. The proposed renovation and demolition exceed 50% of the cubic volume. In connection with the renovation, the following variances are being requested: 1. Section 134-893(7)a: Request to expand the existing house with a west side yard setback of 5.2 feet in lieu of the 12.5-foot minimum required in the R-B Zoning District. 2. Section 134-893(7)a: Request to expand the existing house with an east side yard setback of 6.8 feet in lieu of the 12.5-foot minimum required in the R-B Zoning District. 3. Section 134-893(5)a: Request to expand the existing house with a front yard setback of 24.6 feet in lieu of the 25-foot minimum required in the R-B Zoning District. 4. Section 134-893(9)a: Request to construct a guest house on the north side of the property with a rear yard setback of 6 feet in lieu of the 10-foot minimum required in the R-B Zoning District. In addition to the zoning requests, the Applicant is seeking relief from the Standards Applicable to Public Rights-of-Way and Easements with the Town of Palm Beach, thereby allowing the existing driveway to be 2.5 from the edge of the east property line in lieu of the 6-foot requirement. [Applicant's Representative: David E. Klein Esq] [Architectural Review Commission Recommendation: Implementation of the proposed special exception with site plan review and variance(s) will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Review Commission approved the project with a condition relating to the architecture. Carried 7-0]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated May 30, 2019 from Josh Martin, Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2019

To: Mayor and Town Council

From: Josh Martin, Director, Planning, Zoning & Building Department

Subject: **Z-19-00196 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE
135 CHILEAN AVE**

Date: May 30, 2019

BACKGROUND

An application has been received for the following project:

REQUEST:

Special Exception and Site Plan Review to allow the renovation of a one-story, single family house, demolition of a pool house, and construction of a 679 square foot guest house on a non-conforming lot, comprised of a portion of a platted lot, which is 58 feet in width in lieu of the 100-foot depth required in the R-B Zoning District. The proposed renovation and demolition exceed 50% of the cubic volume. In connection with the renovation, the following variances are being requested: 1. Section 134-893(7)a: Request to expand the existing house with a west side yard setback of 5.2 feet in lieu of the 12.5-foot minimum required in the R-B Zoning District. 2. Section 134-893(7)a: Request to expand the existing house with an east side yard setback of 6.8 feet in lieu of the 12.5-foot minimum required in the R-B Zoning District. 3. Section 134-893(5)a: Request to expand the existing house with a front yard setback of 24.6 feet in lieu of the 25-foot minimum required in the R-B Zoning District. 4. Section 134-893(9)a: Request to construct a guest house on the north side of the property with a rear yard setback of 6 feet in lieu of the 10-foot minimum required in the R-B Zoning District. In addition to the zoning requests, the Applicant is seeking relief from the Standards Applicable to Public Rights-of-Way and Easements with the Town of Palm Beach, thereby allowing the existing driveway to be 2.5 from the edge of the east property line in lieu of the 6-foot requirement.

ADDRESS: 135 CHILEAN AVE

OWNER: 135 SANTIAGO LLC

OWNER'S REPRESENTATIVE: RABIDEAU LAW PA

PROPERTY CONTROL NO.: 50-43-43-23-05-008-0241

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: ROYAL PARK ADD E 5 FT OF N 50 FT &
E 8 FT OF S 75 FT OF LT 24 & LTS 25 & 26BLK 8

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Page Two

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 4/5/19

APPLICATION NO.: Z-19-00196 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

ADDRESS: 135 CHILEAN AVE

DESCRIPTION:

Special Exception and Site Plan Review to allow the renovation of a one-story, single family house, demolition of a pool house, and construction of a 679 square foot guest house on a non-conforming lot, comprised of a portion of a platted lot, which is 58 feet in width in lieu of the 100-foot depth required in the R-B Zoning District. The proposed renovation and demolition exceed 50% of the cubic volume. In connection with the renovation, the following variances are being requested: 1. Section 134-893(7)a: Request to expand the existing house with a west side yard setback of 5.2 feet in lieu of the 12.5-foot minimum required in the R-B Zoning District. 2. Section 134-893(7)a: Request to expand the existing house with an east side yard setback of 6.8 feet in lieu of the 12.5-foot minimum required in the R-B Zoning District. 3. Section 134-893(5)a: Request to expand the existing house with a front yard setback of 24.6 feet in lieu of the 25-foot minimum required in the R-B Zoning District. 4. Section 134-893(9)a: Request to construct a guest house on the north side of the property with a rear yard setback of 6 feet in lieu of the 10-foot minimum required in the R-B Zoning District. In addition to the zoning requests, the Applicant is seeking relief from the Standards Applicable to Public Rights-of-Way and Easements with the Town of Palm Beach, thereby allowing the existing driveway to be 2.5 from the edge of the east property line in lieu of the 6-foot requirement.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Assistant Director PZB	4/19/2019	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	6/4/2019	The Stormwater Management System designed meets Town's adopted level of service. However, a trench drain or appropriate grading at the proposed walkway / sidewalk interface in the front of the lot needs to be provided. Existing driveway location does not meet Public Works Standards. Typically driveways are a minimum of 6-foot foot off the property line. This allows for the property owner to control the height of obstruction to obtain the necessary sight triangle to safely leave their driveway. The existing Ficus Hedge which straddles the property line may hinder the sight triangle if allowed to grow greater than 30 inches in height. An Easement Installation and Removal Agreement will be necessary for the proposed improvements within the 10-foot undergrounding easement granted along the frontage of the property. Please contact Steven Stern (561) 227-6307 regarding the paperwork for the 10-foot undergrounding easement across the frontage of the property.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	5/31/2019	Existing on street parking stalls and existing palm trees planted in the road rights-of-way need to be shown. There are no fire code concerns with this proposal



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 4/5/19

PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	6/5/2019	The Architectural Commission (ARCOM) recommended approval of the requested variances by a vote of 7-0 at their May 29, 2019 meeting. ARCOM also approved the project with conditions by a vote of 7-0.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	4/19/2019	No Comment
PZB DIRECTOR	Josh Martin, Director, Planning, Zoning & Building	4/19/2019	No comments. Wonderful preservation of principal structure in order to hold the street!
PZB - ZONING	Paul Castro, Zoning Administrator	6/4/2019	The proposed renovation demolishes more than 50% by cubic footage which requires variances for the existing nonconforming house and additions. The Architectural Commission recommended that the zoning application, if approved, would not cause negative architectural impact to the property. In addition, the Commission unanimously approved the proposed project.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 12, 2019

Section of Agenda

Development Review - New Business

Agenda Title

Z-19-00197 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: R-B Low Density Residential The application of Dan and Karen Swanson, Applicant, relative to property located at **205 VIA TORTUGA**, legal description on file, is described below. Special Exception with Site Plan Review to allow the construction of a new 13,523 square foot, two-story single-family residence on a lot that is 77 feet in width in lieu of the 100 foot minimum required R-B Zoning District. The following variance is being requested in conjunction with this application: 1) Allow the pool cabana to be separated from the main house by 19.25 feet in lieu of the 25 foot minimum separation required when calculating the angle of vision. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed special exception with site plan review and variance(s) will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Review Commission approved the architectural portion of the project with conditions relating to the architecture and deferred the landscape and hardscape plans for one month. Carried 7-0]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated May 30, 2019 from Josh Martin, Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2019

To: Mayor and Town Council

From: Josh Martin, Director, Planning, Zoning & Building Department

Subject: **Z-19-00197 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE
205 VIA TORTUGA**

Date: May 30, 2019

BACKGROUND

An application has been received for the following project:

REQUEST:

Special Exception with Site Plan Review to allow the construction of a new 13,523 square foot, two story single family residence on a lot that is 77 feet in width in lieu of the 100 foot minimum required R-B Zoning District. The following variance is being requested in conjunction with this application: 1) Allow the pool cabana to be separated from the main house by 19.25 feet in lieu of the 25 foot minimum separation required when calculating the angle of vision.

ADDRESS: 205 VIA TORTUGA

OWNER: SWANSON KAREN W

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-14-29-000-0180

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: PHIPPS ESTATES LT 18 & PT OF PAR H LYG N OF
& ADJ TO

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 4/5/19

APPLICATION NO.: Z-19-00197 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

ADDRESS: 205 VIA TORTUGA

DESCRIPTION:

Special Exception with Site Plan Review to allow the construction of a new 13,523 square foot, two story single family residence on a lot that is 77 feet in width in lieu of the 100 foot minimum required R-B Zoning District. The following variance is being requested in conjunction with this application: 1) Allow the pool cabana to be separated from the main house by 19.25 feet in lieu of the 25 foot minimum separation required when calculating the angle of vision.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Assistant Director PZB	5/30/2019	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	6/4/2019	The Stormwater Management System designed meets Town's adopted level of service. However, drainage pipe runs need to be installed outside of the landscape and undergrounding easements.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	4/22/2019	The town ordinance requires the house be fully sprinkled. There are no fire code concerns on the lot coverage.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	6/5/2019	The Architectural Commission (ARCOM) recommended approval of the requested variances by a vote of 7-0 at their May 29, 2019 meeting. ARCOM also partially approved the project with conditions by a vote of 7-0, with the landscape, hardscape and other details to return in June for further review.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	4/23/2019	No Comment
PZB DIRECTOR	Josh Martin, Director, Planning, Zoning & Building	4/29/2019	No comments
PZB - ZONING	Paul Castro, Zoning Administrator	6/4/2019	The lot where the proposed house is to be located is oddly shaped. The shape dictates that the proposed house and cabana need to be contoured around the shape of the lot. As such, the location of the proposed cabana is closer than the required 25 foot separation required for the angle of vision regulation. The proposed cabana will not be visible from the street as it is separated from the street by a park. The Architectural Commission approved the proposed house and cabana, and recommended that implementation of the angle of vision variance would not cause a negative architectural impact to the property.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 12, 2019

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 16-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 18, Buildings And Building Regulations, Article V, Coastal Construction Code, As Follows; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Presenter

ATTACHMENTS:

- ▣ **Ordinance No. 16-2019**

ORDINANCE NO. 16-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, ARTICLE V, COASTAL CONSTRUCTION CODE, AS FOLLOWS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Chapter 18, Buildings and Building Regulations, Article V, is hereby amended in the manner and form set forth herein:

ARTICLE V. - COASTAL CONSTRUCTION CODE

~~Sec. 18-276. — Adopted.~~

~~The coastal construction code is adopted. Provisions contained in this article shall constitute the coastal construction code for construction within the coastal building zone and coastal barrier islands in the town.~~

Sec. 18-~~277~~276. - Purpose.

The purpose of the coastal construction code is to provide ~~minimum~~ standards for the design and construction of buildings and structures to reduce the harmful effects of hurricanes and other severe storms occurring along the coastal area of the town that fronts on the Atlantic Ocean. These ~~standards~~ requirements are intended to specifically address design features that affect the structural stability of the beach, dunes and topography of adjacent properties. The coastal construction code is site specific to the coastal building zone and is not applicable to other locations. ~~In the event of a conflict between this article and other chapters of this Code, the requirements resulting in the more restrictive design shall apply. No provisions in this article shall be construed to permit any construction in any area prohibited by town, county, state or federal regulation.~~

Sec. 18-278. — Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Beach means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves. Beach is alternatively termed "shore."

Breakaway wall or frangible wall means a partition independent of supporting structural members that will withstand design wind forces, but that will fail under hydrodynamic, wave, and runup forces associated with the design storm surge. Under such conditions, the wall shall fail in a manner such that it breaks up into components that minimize the potential for damage to life or adjacent property. It shall be a characteristic of a breakaway or frangible wall that it shall have a horizontal design loading resistance of no less than ten nor more than 20 pounds per square foot.

Building support structure means any structure that supports floor, wall or column loads, and transmits them to the foundation. The term shall include beams, grade beams or joists, and includes the lowest horizontal structural member exclusive of piles, columns or footings.

Coastal barrier islands means geological surface features of the island of Palm Beach above mean high water.

Coastal building zone means the land area between the seasonal high water line of the Atlantic Ocean and the waters of Lake Worth.

Coastal code means the coastal construction code adopted in section 18-276.

Coastal construction control line (CCCL) means the landward extent of that portion of the beach dune system subject to severe fluctuations based upon a 100-year storm surge, storm waves, or other predictable weather conditions as established by the department of natural resources in accordance with F.S. § 161.053. The CCCL is a jurisdictional boundary for the Florida Department of Environmental Protection and is not a setback line.

Construction means the building of or substantial improvement to any structure or the clearing, filling or excavation of any land. It shall also mean any alterations in the size or use of any existing structure or the appearance of any land. When appropriate to the context, "construction" refers to the act of construction or the result of construction.

Dune means a mound, hill, bluff, or ridge of loose sediments, usually sand-sized sediments, lying landward of the beach, deposited by any natural or artificial mechanism, subject to fluctuations in configuration and location, which may be bare or covered and stabilized by vegetation indigenous to this formation.

Major structure includes but is not limited to residential buildings, commercial, institutional, industrial and other construction having the potential for substantial impact on coastal zones.

Mean high water line means the intersection of the tidal plane of mean high water with the shore. Mean high water is the average height of high waters over a 19-year period, often referred to as the National Tidal Datum Epoch.

Minor structure includes but is not limited to:

- (1) — Pile-supported, elevated dune and beach walkover structures.*
- (2) — Beach access ramps and walkways.*
- (3) — Stairways.*
- (4) — Pile-supported, elevated viewing platforms, gazebos and boardwalks.*
- (5) — Lifeguard support stands.*

- ~~(6) — Public and private bathhouses.~~
- ~~(7) — Sidewalks, driveways, parking areas, shuffleboard courts, tennis courts, handball courts, racquetball courts, and other uncovered paved areas.~~
- ~~(8) — Earth retaining walls.~~
- ~~(9) — Sand fences, privacy fences, ornamental walls, ornamental garden structures, aviaries, and other ornamental construction.~~

~~It shall be a characteristic of minor structures that they are considered to be expendable under design wind, wave and storm forces.~~

~~National Tidal Datum Epoch is the specific 19-year period adopted by the National Oceanic and Atmospheric Administration National Ocean Service as the official time segment over which tide observations are taken and reduced to obtain mean values.~~

~~NGVD means National Geodetic Vertical Datum, a geodetic datum established by the National Oceanic and Atmospheric Administration National Ocean Service and frequently referred to as the 1929 mean sea level datum (renamed in 1973).~~

~~NAVD means North American Vertical Datum, the current fixed reference geodetic datum developed and maintained by the National Oceanic and Atmospheric Administration National Geodetic Society.~~

~~Nonhabitable major structure includes but is not limited to:~~

- ~~(1) — Swimming pools.~~
- ~~(2) — Parking garages.~~
- ~~(3) — Pipelines.~~
- ~~(4) — Piers.~~
- ~~(5) — Canals, lake ditches, drainage structures and other water retention structures.~~
- ~~(6) — Water and sewage treatment plants.~~
- ~~(7) — Electrical power plants, transmission and distribution lines, transformer pads, vaults and substations.~~
- ~~(8) — Roads, bridges, streets and highways.~~
- ~~(9) — Underground storage tanks.~~

~~One hundred-year storm means a shore incident hurricane or any other storm with accompanying wind, wave and storm surge intensity having a one-percent chance of being equaled or exceeded in any given year, during any 100-year interval.~~

~~Seasonal high water line means the line formed by the intersection of the rising shore and the elevation of 150 percent of the local mean tidal range above mean high water.~~

~~State minimum building code means the building code adopted by a municipality or county pursuant to the requirements of F.S. § 553.73.~~

~~Substantial improvement means any repair, reconstruction, rehabilitation, or improvement of a structure when the actual cost of the improvement or repair of the structure to its pre-damage condition equals or exceeds 50 percent of the market value of the structure either:~~

- ~~(1) — Before the improvement or repair is started; or~~
- ~~(2) — If the structure has been damaged and is being restored, before the damage occurred.~~

~~The total cost does not include nonstructural interior finishings, including, but not limited to, finish flooring and floor coverings, base molding, nonstructural substrates, drywall, plaster, paneling, wall covering, tapestries, window treatments, decorative masonry, paint, interior doors, tile, cabinets, moldings and millwork, decorative metal work, vanities, electrical receptacles, electrical switches, electrical fixtures, intercoms, communications and sound systems, security systems, HVAC grills and decorative trim, freestanding metal fireplaces,~~

~~appliances, water closets, tubs and shower enclosures, lavatories, and water heaters, or roof coverings, except when determining whether the structure has been substantially improved as a result of a single improvement or repair.~~

~~For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or the state inventory of historic places.~~

~~Sec. 18-279. Scope.~~

~~(a) Applicability. The requirements of this coastal code shall apply to the following types of construction in the coastal building zone and on coastal barrier islands in the town:~~

- ~~(1) The new construction of or substantial improvements to major structures, nonhabitable major structures, and minor structures.~~
- ~~(2) Construction that would change or otherwise have the potential for substantial impact on coastal zones (e.g., excavation, grading, paving).~~
- ~~(3) Construction located partially within the coastal building zone.~~
- ~~(4) Reconstruction, redevelopment or repair of a damaged structure from any cause that meets the definition of substantial improvement.~~

~~(b) Exceptions. The requirements of the coastal code shall not apply to the following:~~

- ~~(1) Minor work in the nature of normal beach cleaning and debris removal.~~
- ~~(2) Structures in existence prior to the effective date of the ordinance from which this article was derived, except for substantial improvements as defined in section 18-278.~~
- ~~(3) Construction for which a valid and unexpired building permit was issued prior to the effective date of the ordinance from which this article was derived.~~
- ~~(4) Construction extending seaward of the seasonal high water line regulated by the provisions of F.S. § 161.041 (e.g., groins, jetties, moles, breakwaters, seawalls, piers, revetments, beach nourishment, inlet dredging, etc.).~~
- ~~(5) Construction of nonhabitable major structures, except for the requirements of section 18-281(e).~~
- ~~(6) Construction of minor structures, except for the requirements of section 18-281(d).~~
- ~~(7) Structures listed in the National Register of Historic Places or the state inventory of historic places or protected by chapter 54.~~
- ~~(8) Construction for improvement of a major structure to comply with existing state or local health, sanitary or safety code specifications solely necessary to assure safe living conditions.~~

~~(c) Application for permits. Applications for building permits for construction in the coastal building zone and on coastal barrier islands, if not of normal or usual design, may be required by the building official to be certified by an architect or professional engineer registered in the state. Such certifications shall state that the design plans and specification for the construction are in compliance with the criteria established by this coastal code.~~

~~Sec. 18-280. Coastal construction requirements.~~

~~Construction within the coastal building zone and on coastal barrier islands shall meet the requirements of this article. All structures shall be designed so as to minimize damage to life, property and the natural environment. Assistance in determining the design parameters to minimize such damage may be found in the reference documents listed in section 18-282.~~

~~Sec. 18-281.277. - Requirements.~~

- (a) Location of construction. Construction, except for elevated walkways, lifeguard support stands, piers, beach access ramps, gazebos, and coastal or shore protection structures, shall be located a sufficient distance landward of the beach to permit natural shoreline fluctuations, and to preserve dune stability. Construction, including excavation, may occur to the extent that the natural storm buffering and protection capability of the dune is not diminished.
- (b) Public access. Where the public has established an accessway through private lands to lands seaward of mean high tide or water line prescription, prescriptive easement, or other legal means, development or construction shall not interfere with such right of access unless a comparable alternative accessway is provided. The property owner or developer shall have the right to improve, consolidate, or relocate such public accessways so long as they are:
 - (1) Of substantially similar quality and convenience to the public;
 - (2) Approved by the local government and approved by the ~~department of natural resources~~ Florida Department of Environmental Protection (DEP) whenever improvements are involved seaward of the coastal construction control line; and
 - (3) Consistent with the coastal management element of the local comprehensive plan adopted pursuant to F.S. § 163.3178.

~~Sec. 18-282. - Reserved.~~

~~Sec. 18-283. - Penalties.~~

~~Any person or entity found to be in violation of the provisions of any section of the coastal code or article by the code enforcement board, shall be fined not more than \$250.00 per day. Each day such violation shall continue, shall constitute a separate offense. In lieu of such fine, or in addition thereto, such person, if licensed to do business within the town, may have such license suspended for a definite period of time, or such license may be revoked, such revocation to be subject to concurrence of the county construction industry licensing board where applicable, as contained in Laws of Fla., ch. 67-1876, as amended by Laws of Fla., ch. 69-1433 and as may be further amended.~~

Secs. 18-~~284278~~—18-300. - Reserved.

Section 2. Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 5. Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach, Florida, on the First Reading this ____ day of ____, 2019; and for the Second and Final Reading on this ____ day of ____, 2019.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Kathleen Dominguez, Town Clerk

Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 12, 2019

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 17-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, As Follows: At Article VI, District Regulations, Sections 134-791, 134-841, 134-891, 134-946, Accessory Structures, By Clarifying The Ten Foot Minimum Side And Rear Setback Requirement For Unenclosed Accessory Structures; Sections 134-1107 And 134-1207, Permitted Uses, And 134-1109 And 134-1209, Special Exception Uses, By Making Residential Use Above The First Floor A Permitted Use Rather Than Special Exception Use In The C-TS And C-OPI Commercial Zoning Districts; Section 134-1157, Permitted Uses, By Clarifying That Residential Use Above The First Floor In The C-WA Commercial Zoning District Is A Permitted Use; Sections 134-1109, 134-1159, 134-1209 And 134-1304, Special Exception Uses, In The C-TS, C-WA, C-OPI And C-B Commercial Zoning Districts, By Eliminating Broad Language Which Allows By Special Exception Either Any Retail And Service Activity Or Commercial Use Over The Maximum Town-Serving Threshold Provided Said Use Demonstrates That It Is Town-Serving And Replacing With Language Allowing Permitted Uses Or Uses Not Specifically Enumerated As A Permitted Use Provided Said Uses Demonstrate They Will Have Traffic, Patronage And Intensity Of Use Characteristics Similar To Permitted Uses In Those Commercial Zoning Districts; Creating New Sections 134-1472 And 134-1473, Permitted And Special Exception Uses And Structures In The B-A, Beach Area Zoning District, And Renumbering Existing Sections Of The Code To Follow; At Article VIII, Supplementary District Regulations, Creating Section 134-1519 Which Prohibits The Docking, Parking And Storage Stations For Shared Bicycles And Shared Dockless Bicycles In The Town; At Article XI, Signs, Section 134-2437, Building Identification, Business Identification And Property Identification Signs, And 134-2438, Size Of Sign, By Modifying Existing Language To Provide Clearer Business Identification Sign Regulation Language And By Allowing Business Identification Signage Based On Business Frontage And Not On First Floor Tenant Frontage; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated May 28, 2019 from Josh Martin, Director of Planning, Zoning & Building**
- ▣ **Ordinance No. 17-2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2019

To: Mayor and Town Council

From: Josh Martin, Director of Planning, Zoning and Building

Re: Proposed Modifications and Changes to Chapter 134, Zoning,
Ordinance No. 17-2019

Date: May 28, 2019

STAFF RECOMMENDATION

Staff recommends that the Local Planning Agency recommend, and the Town Council approve, Ordinance No.17-2019 at first reading.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its January 15, 2019 and February 19, 2019 meetings, with the exception of the proposed regulations prohibiting shared bicycles and dockless bicycles, recommended approval of proposed Zoning Code modifications in Ordinance No. 17-2019.

GENERAL INFORMATION

The Planning and Zoning Commission, at its January 15, 2019 and February 19, 2019 meetings, considered five staff-initiated zoning amendments and recommended approval of the changes outlined in add/delete format in Ordinance No. 17-2019. A brief description of the proposed zoning changes addressed in Ordinance No. 17-2018, are as follows:

- Amending the R-AA, R-A, R-B and R-C residential zoning districts to clarify that the side and/or rear setback of an unenclosed accessory structure is a minimum of 10 feet.
- Amending special exception uses in the C-TS, C-WA, C-OPI and C-B commercial zoning districts to eliminate broad language allowing all commercial uses over 3,000 or 4,000 square feet gross leasable area. In its replacement, a change in that language is proposed so that those commercial uses also have to be demonstrated to have traffic, patronage and intensity of use characteristics similar to the permitted uses in the district.
- Amending the permitted uses in the C-TS and C-OPI commercial zoning districts to allow residential use on the second floor as a permitted use rather than a special exception use and to clarify that residential use in the C-WA district is a permitted use.

- Amending the Beach Area (B-A) zoning district to create permitted and special exception uses and structures in that district.
- Creating a section in the Zoning Code to prohibit the docking, parking and storage stations for shared bicycles and dockless bicycles in the Town.
- Amending the sign regulations to base business identification signs on building street frontage and business frontage rather first floor ground floor tenant frontage. In addition, modifying language in various other sections of the sign code to provide clearer language.

TOWN ATTORNEY REVIEW

Ordinance No. 17-2019 has been approved by Town Attorney John C. Randolph for legal form and sufficiency.

cc: Planning and Zoning Commission
Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney
zf

ORDINANCE NO. 17-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 134, ZONING, AS FOLLOWS: AT ARTICLE VI, DISTRICT REGULATIONS, SECTIONS 134-791, 134-841, 134-891, 134-946, ACCESSORY STRUCTURES, BY CLARIFYING THE TEN FOOT MINIMUM SIDE AND REAR SETBACK REQUIREMENT FOR UNENCLOSED ACCESSORY STRUCTURES; SECTIONS 134-1107 AND 134-1207, PERMITTED USES, AND 134-1109 AND 134-1209, SPECIAL EXCEPTION USES, BY MAKING RESIDENTIAL USE ABOVE THE FIRST FLOOR A PERMITTED USE RATHER THAN SPECIAL EXCEPTION USE IN THE C-TS AND C-OPI COMMERCIAL ZONING DISTRICTS; SECTION 134-1157, PERMITTED USES, BY CLARIFYING THAT RESIDENTIAL USE ABOVE THE FIRST FLOOR IN THE C-WA COMMERCIAL ZONING DISTRICT IS A PERMITTED USE; SECTIONS 134-1109, 134-1159, 134-1209 AND 134-1304, SPECIAL EXCEPTION USES, IN THE C-TS, C-WA, C-OPI AND C-B COMMERCIAL ZONING DISTRICTS, BY ELIMINATING BROAD LANGUAGE WHICH ALLOWS BY SPECIAL EXCEPTION EITHER ANY RETAIL AND SERVICE ACTIVITY OR COMMERCIAL USE OVER THE MAXIMUM TOWN-SERVING THRESHOLD PROVIDED SAID USE DEMONSTRATES THAT IT IS TOWN-SERVING AND REPLACING WITH LANGUAGE ALLOWING PERMITTED USES OR USES NOT SPECIFICALLY ENUMERATED AS A PERMITTED USE PROVIDED SAID USES DEMONSTRATE THEY WILL HAVE TRAFFIC, PATRONAGE AND INTENSITY OF USE CHARACTERISTICS SIMILAR TO PERMITTED USES IN THOSE COMMERCIAL ZONING DISTRICTS; CREATING NEW SECTIONS 134-1472 AND 134-1473, PERMITTED AND SPECIAL EXCEPTION USES AND STRUCTURES IN THE B-A, BEACH AREA ZONING DISTRICT, AND RENUMBERING EXISTING SECTIONS OF THE CODE TO FOLLOW; AT ARTICLE VIII, SUPPLEMENTARY DISTRICT REGULATIONS, CREATING SECTION 134-1519 WHICH PROHIBITS THE DOCKING, PARKING AND STORAGE STATIONS FOR SHARED BICYCLES AND SHARED DOCKLESS BICYCLES IN THE TOWN; AT ARTICLE XI, SIGNS, SECTION 134-2437, BUILDING IDENTIFICATION, BUSINESS IDENTIFICATION AND PROPERTY IDENTIFICATION SIGNS, AND 134-2438, SIZE OF SIGN, BY MODIFYING EXISTING LANGUAGE TO PROVIDE CLEARER BUSINESS IDENTIFICATION SIGN REGULATION LANGUAGE AND BY ALLOWING BUSINESS IDENTIFICATION SIGNAGE BASED ON BUSINESS FRONTAGE AND NOT FIRST FLOOR TENANT FRONTAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE

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

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

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

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

Section 1. Article VI. DISTRICT REGULATIONS, Section 134-791, Accessory structures, is hereby amended to read as follows:

Sec. 134-791. Accessory structures.

(a) *Accessory structures in R-AA district.* Accessory structures in the R-AA large estate residential district shall comply in all respects with the lot, yard and bulk requirements of this chapter applicable to the principal structure unless stated otherwise.

(b) *Unattached accessory structures in R-AA district.* Accessory structures without kitchen facilities may be erected in accordance with the following requirements:

(1) ...

...

(3) Unenclosed accessory structures shall comply with all open yard requirements contained in this chapter for the principal structure, except that one-story unenclosed accessory structures that do not exceed 15 feet in overall height ~~may be located within~~ shall have a minimum ten foot feet of a side and/or rear yard setback lot line, with the exception of garden walls and fences, which are regulated by division 5 of article VIII of this chapter.

Section 2. Article VI. DISTRICT REGULATIONS, Section 134-841, Accessory structures, is hereby amended to read as follows:

Sec. 134-841. Accessory structures.

(a) *Accessory structures in R-A district.* Accessory structures in the R-A estate residential district shall comply in all respects with the lot, yard and bulk requirements of this chapter applicable to the principal structure unless stated otherwise.

(b) *Unattached accessory structures in R-A district.* Accessory structures without kitchen facilities may be erected in accordance with the following requirements:

- (1) ...
...
- (3) Unenclosed accessory structures shall comply with all open yard requirements contained in this chapter for the principal structure, except that one-story unenclosed accessory structures that do not exceed 15 feet in overall height ~~may be located within~~ shall have a minimum ten foot feet of a side and ~~or rear setback lot line~~, with the exception of garden walls and fences, which are regulated by division 5 of article VIII of this chapter.

Section 3. Article VI. DISTRICT REGULATIONS, Section 134-891, Accessory structures, is hereby amended to read as follows:

Sec. 134-891. Accessory structures.

(a) *Accessory structures in R-B district.* Accessory structures in the R-B low density residential district shall comply in all respects with the lot, yard and bulk requirements of this chapter applicable to the principal structure unless stated otherwise.

(b) *Unattached accessory structures in R-B district.* Accessory structures without kitchen facilities may be erected in accordance with the following requirements:

- (1) ...
...
- (3) Unenclosed accessory structures shall comply with all open yard requirements contained in this chapter for the principal structure, except that one-story unenclosed accessory structures that do not exceed 15 feet in overall height ~~may be located within~~ shall have a minimum ten foot feet of a side and/or rear setback line, with the exception of garden walls and fences, which are regulated by Division 5 of article VIII of this chapter
- (4) For corner or through lots the street side yard or rear street yard setback shall be the same for unenclosed and enclosed accessory structures as for the principal structure, with the exception of a one-story garage in a street side yard based on section 134-1576 of this chapter and garden walls and fences, which are regulated by division 5 of article VIII of this chapter.

Section 4. Article VI. DISTRICT REGULATIONS, Section 134-946, Accessory structures, is hereby amended to read as follows:

Sec. 134-946. Accessory structures.

(a) *Accessory structures in R-C district.* Accessory structures in the R-C medium density residential district shall comply in all respects with the lot, yard and bulk requirements of this chapter applicable to the principal structure unless stated otherwise.

(b) *Unattached accessory structures in R-C district.* Accessory structures without kitchen facilities may be erected in accordance with the following requirements:

- (1) The lot size includes all lots, the maximum story height is two stories, and the maximum building height is 25 feet.
- ...
- (3) Unenclosed accessory structures shall comply with all open yard requirements contained in this chapter for the principal structure, except that one-story unenclosed accessory structures that do not exceed 15 feet in overall height ~~may be located within~~ shall have a minimum ten foot feet of a side and/or rear setback lot line, with the exception of garden walls and fences, which are regulated by division 5 of article VIII of this chapter.

Section 5. Article VI. DISTRICT REGULATIONS, Section 134-1107, Permitted uses. is hereby amended to read as follows:

Sec. 134-1107. Permitted uses.

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

- (1) Retail and service establishments, such as restaurants, excluding formula restaurants as defined in section 134-2 and bars/lounges, hardware stores, food stores, clothing stores, drugstores, barbershops beauty salons and jewelry stores.
- ...
- (9) Residence(s) above the first floor.

Section 6. Article VI. DISTRICT REGULATIONS, Section 134-1109, Special exception uses, is hereby amended to eliminate subsection (3) and renumbering and modifying subsection (10) 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) ...
- ...
- ~~(3) Residential tenancy above the first floor.~~
- ...
- ~~(11) Any commercial establishment with greater than with greater than 3,000 square feet of gross leasable area provided that the town council has found as a fact, that the proposed use is town-serving.~~

Permitted uses, or uses not specifically enumerated under permitted uses in section 134-1107 but having traffic, patronage and intensity of use characteristics similar to those uses cited therein, which are greater than 3,000 square feet gross leasable area.

Section 7. Article VI. DISTRICT REGULATIONS, Section 134-1157, Permitted uses, is hereby amended to read as follows:

Sec. 134-1157. Permitted uses.

- (a) *Enumeration; maximum gross leasable area.* The permitted uses in the C-WA Worth Avenue commercial district, with a maximum of 4,000 square feet of gross leasable area (GLA), are as follows:
 - (1) Antiques.
 - ...
 - (30) Residence(s) above the first floor.
 - (31) Combinations of the uses in subsections (a)(1) through (28) of this section.
- (b) ...

Section 8. Article VI. DISTRICT REGULATIONS, Section 134-1159, Special exception uses, is hereby amended to read as follows:

Sec. 134-1159. 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-WA Worth Avenue district are as follows:

- (1),,,
- ...
- (8) ~~Retail and service activities,~~ Permitted uses cited under permitted uses in section 134-1157 which contain greater than 4,000 square feet GLA gross leasable area.
- (9) Uses not specifically enumerated under permitted uses in section 134-1157 but having traffic, patronage and intensity of use characteristics similar to those uses cited therein.
- (10) Outdoor promotional events. See section 134-2115 for additional conditions and criteria.
- (11) ~~Any commercial establishment with greater than 4,000 square feet of gross leasable area, provided the town council has found as a fact, that the proposed use is town serving.~~
- (1211) Roof deck automobile parking.
- ...

Section 9. Article VI. DISTRICT REGULATIONS, Section 134-1207, Permitted uses, is hereby amended to read as follows:

Sec. 134-1207. Permitted uses.

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

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

...

- (6) Residence(s) above the first floor.

- (7) Essential services.

Section 10. Article VI. DISTRICT REGULATIONS, Section 134-1209, Special exception uses, is hereby amended to read as follows:

Sec. 134-1209. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-OPI office, professional and institutional district are as follows:

- (1) Public or private parking lot or storage garages.

...

- ~~(10) Residential tenancy above the first floor.~~

Section 11. Article VI. DISTRICT REGULATIONS, Section 134-1304, Special exception uses, is hereby amended to read as follows:

Sec. 134-1304. 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-B commercial district are as follows:

- (1)...

...

- (8) ~~Any commercial establishment with greater than 3,000 square feet of gross leasable area, provided the town council has found as a fact, that the proposed use is town serving.~~

Permitted uses, or uses not specifically enumerated under permitted uses in section 134-1302 but having traffic, patronage and intensity of use characteristics similar to those uses cited therein, which are greater than 3,000 square feet gross leasable area.

Section 12. Article VI. DISTRICT REGULATIONS, Division 15, Beach Area*, is hereby amended adding a new Sections 134-1472 and 134-1473 and renumbering existing Sections 134-1472 through 134-1479 in sequential order to read as follows:

Sec. 134-1472. Permitted uses and structures.

The permitted uses and structures in the Beach Area district are as follows:

- (1) Swimming pools and associated appurtenances associated with a permitted use within 1,500 feet.
- (2) Beach chairs and umbrellas.
- (3) Seawalls, dune cross overs and stairs.
- (4) Special events as defined in Sec. 106-256, and approved by the town.

Sec. 134-1473. Special exception uses and structures.

(a) The special exception uses and structures require a site plan review as provided in article III of this chapter. The special exception uses in the B-A, Beach Area district are as follows:

- (1) One beach house structure.
- (2) Beach concessions related to an abutting hotel use and only for the use of hotel guests, visitors or those persons associated with the hotel, including the sale of sunblock and lotions; food and drink service; kayak, canoe, paddle board, surfboard, and similar non-motorized watercraft rentals.
- (3) Public structures.
- (4) Essential services.

Section 13. Article VIII, SUPPLEMENTARY DISTRICT REGULATIONS, creating Section 134-1518, Shared mobility bicycles, to read as follows:

Sec. 134-1519. Shared mobility bicycles.

The following regulations shall apply to all zoning districts in the Town.

(1) Docking and parking of shared bicycles and storage stations for shared bicycles and dockless bicycles is prohibited in the Town.

Section 14. Article XI, SIGNS, Section 134-2437, Building identification, business identification and property identification signs, is hereby amended to read as follows:

Sec. 134-2437. Building identification, business identification and property identification signs.

(1) Building identification: One building identification sign (which must have the word "building" in it) may be placed on the front of each wall of a building which fronts onto a street, provided the building identification sign is installed flat against such wall and does not exceed 20 square feet in area.

(2) *Individual business identification:* All individual business identification signs for a building are allowed for each ground floor business shall be based on the lineal building fronting frontage measurement on a street or via (See Section 134-2438 below). Each such sign on a building shall not exceed 20 square feet in area and shall be installed flat against the ~~street or via front, street or via side wall, or street or via rear wall~~ of a building or in a ground floor window or door. In addition, if a ground floor licensed business's parking and main entrance is on the back or side of a building not fronting a street, said business shall be allowed one business identification sign installed flat ~~against~~ on the face of the building's wall where the business is located. ~~No business identification sign shall exceed 15 feet in height and shall not be situated above the first floor ceiling of the building, whichever is lower. Signs shall be located on only the first floor and shall not go above 15 feet in height or the ceiling height of the first floor of a building, whichever is lower.~~

(3) *Business directory sign for building with at the entrance to a via or arcade:* Business directory signs shall be allowed for buildings ~~which contain or abut~~ located at the entrance to a via. One business directory sign facing each direction of an entrance to a via is permitted. ~~Said, such business directory sign shall not to exceed a maximum of six square feet in area and to be mounted on the wall. Business listings on a business directory sign shall be allowed only one line of lettering of a maximum height of 1.75 inches, with no logo and in the same font as the other business listings on the same sign. The height of the letters identifying the via and its address shall not exceed 3 inches and may be in a different font from that of the business identification listings. In addition, each business within a business directory sign shall be allowed only one identification line on the directory sign with no logo. The lettering on the business directory sign shall not exceed a height of one and one-quarter inches for the business and shall be in the same font as the other business identification signs on the directory. Except, however, lettering on the business directory sign identifying the via and its address shall not exceed a height of three inches and may be of a different font than the businesses lettering on said sign. Such sign shall be flat wall mounted.~~

In addition, one business directory sign identifying the upper floor businesses is permitted on a multi-story building on the interior of a via where the stairs to the upper floor(s) in the building open onto the via. ~~A business directory sign for upper floor businesses on said building This sign shall not exceed four square feet in area and shall meet the same lettering requirements as the business directory sign requirements for the entrances to a via. The business directory sign shall only identify the names of the businesses in the via. The business directory sign may also include the name of the via and the via address. The business directory sign shall be flat wall mounted.~~

(4) *Individual business identification signs within a via:* A licensed business on the first floor within a via shall be allowed one hanging business identification sign within the via and perpendicular to the building. The hanging sign within a via shall be mounted on the wall of the building fronting the via and shall contain only the name of the business. A hanging business identification sign shall not be above the first floor of the building it is attached to, shall have a minimum of eight feet of clearance, and shall be calculated as part of the maximum business identification sign area allowed. ~~In addition said hanging business identification signs shall have only the name of the business.~~

(5) In the C-TS, C-WA, C-B and C-OPI zoning districts, property identification yard signs are permitted for a property provided that not more than one yard sign is permitted for each vehicular entrance into a property with street frontage. A property identification yard sign facing a street shall not exceed six square feet in area, five feet in height above lot grade, shall be located no further than ten feet from a vehicular entrance onto a property and shall meet the safe site visibility requirements of the town.

(6) In the C-PC zoning district, property identification yard signs are permitted, provided that not more than two yard signs are permitted which would flank each vehicular entrance or exit to a property with street frontage. A property identification yard sign facing a street shall not exceed ~~six~~ 6 square feet in area, ~~six~~ 6 feet in height above lot grade and shall be located no further than ~~ten~~ 10 feet from a vehicular entrance onto a property.

(7) Business, building and property yard identification signs shall require Architectural Commission or Landmarks Preservation Commission approval (whichever is applicable).

Section 15. Article XI, SIGNS, Section 134-2438, Size of sign, is hereby amended to read as follows:

Sec. 134-2438. Size of sign.

The maximum gross surface area of all business identification signs ~~on a building~~ shall not exceed 20 square feet of area for every 18 feet of lineal feet of building street or via frontage and shall meet the following schedule:

Building Street Frontage or Building First Floor Tenant Main Entrance and Rear Ground Floor Tenant Parking Frontage per Ground Floor Individual Business Sign Space (in feet)	Maximum Gross Surface Area for Business Identification Signs (in <u>square feet</u>)
<u>Less than 18 lineal feet of business frontage</u>	10
<u>18 lineal feet and over of business frontage</u>	20

Note: This permitted maximum gross surface sign area ~~per building street frontage or rear ground floor tenant parking frontage and for individual business identification sign area~~ may be in the form of one sign or composed of a group of smaller signs that advertise any licensed individual business within a the building, provided their aggregate area does not exceed that area contained in the schedule. The gross surface area of any signs on a building shall not, however, exceed 20 square feet. In addition, any hanging sign, as allowed in section 134-2437, shall not exceed two square feet in area.

Section 16. 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 17. 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 18. Codification.

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

Section 19. Effective Date.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 15th day of May, 2019, second reading and final adoption on this 12th day of June, 2019.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Kathleen Dominguez, Town Clerk

Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 12, 2019

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 18-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 106, Streets, Sidewalks And Other Public Places, As Follows: At Article II, Streets*, In Creating Section 106-50, Titled Unlawful To Dock, Store Or Park Motorized Or Non-Motorized Shared Bicycles And Dockless Bicycles, Making It Unlawful To Dock, Store Or Park Motorized Or Non-Motorized Shared Bicycles And Dockless Bicycles On Public Or Private Streets; And Article V, Sidewalks, Creating Section 106-162, Titled Unlawful To Dock, Store Or Park Motorized Or Non-Motorized Shared Bicycles And Dockless Bicycles, Making It Unlawful To Dock, Store Or Park Shared Motorized Or Non-Motorized Bicycles And Dockless Bicycles On Any Public Or Private Sidewalk, Via Or Esplanade; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated May 29, 2019 from Josh Martin, Director of Planning, Zoning & Building**
- ▣ **Ordinance No. 18-2019**

TOWN OF PALM BEACH

Information for Town Council meeting on: June 12, 2019

To: Mayor and Town Council

From: Josh Martin, Director of Planning, Zoning and Building

Re: Proposed Ordinances Prohibiting Docking and Storage Mobility Stations for Shared Bicycles and Dockless Bicycles in the Town.
Ordinance No. 18-2019

Date: May 29, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Ordinance No. 18-2019 on second reading.

BACKGROUND

The Town Council, at its October 10, 2018 meeting, approved an emergency ordinance that created a moratorium on the issuance of permits or approvals for the sharing of bicycles, scooters and/or other personal transportation vehicles. On March 29, 2019, that moratorium was extended by emergency ordinance for an additional 90 days in order to provide time for staff and the Planning and Zoning Commission to examine and make a recommendation to the Town Council on possible zoning regulations.

On February 19, 2019, the Planning and Zoning Commission made a recommendation to the Town Council to prohibit shared scooters, but did not make a recommendation on shared bicycles. On April 10, 2019, the Town Council approved on first reading Ordinance No. 10-2019, amending Chapter 134, Zoning, to prohibit docking and storage mobility stations for shared scooters on private or public property. The Council also approved Ordinance No. 11-2019 amending Chapter 106, Streets, Sidewalks and other Public Places, making it unlawful to dock, store or park motorized or non-motorized shared scooters on any public or private streets or sidewalks in the Town. In April, Council also directed staff to prepare ordinance(s) that would also prohibit shared bicycles and dockless bicycles similar to how shared scooters were being prohibited.

There are two ordinances necessary to prohibit shared bicycles and dockless bicycle in the Town. Ordinance No. 17-2019, which amends Chapter 134, ZONING, among other things, prohibits shared bicycles and dockless bicycles on public or private property. That ordinance is being considered at the May 15th Local Planning Agency and Council meetings. The attached Ordinance No. 18-2019 modifies Chapter 106, STREETS, SIDEWALKS AND OTHER

PUBLIC PLACES, to prohibit shared bicycles and dockless bicycles on public and private streets and sidewalks in the Town.

TOWN ATTORNEY REVIEW

Ordinance No. 18-2019 has been approved by Town Attorney John C. Randolph for legal form and sufficiency.

cc: Kirk Blouin, Town Manager
Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney
Paul Castro, Zoning Manager

ORDINANCE NO. 18-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 106, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, AS FOLLOWS: AT ARTICLE II, STREETS*, IN CREATING SECTION 106-50, TITLED UNLAWFUL TO DOCK, STORE OR PARK MOTORIZED OR NON-MOTORIZED SHARED BICYCLES AND DOCKLESS BICYCLES, MAKING IT UNLAWFUL TO DOCK, STORE OR PARK MOTORIZED OR NON-MOTORIZED SHARED BICYCLES AND DOCKLESS BICYCLES ON PUBLIC OR PRIVATE STREETS; AND ARTICLE V, SIDEWALKS, CREATING SECTION 106-162, TITLED UNLAWFUL TO DOCK, STORE OR PARK MOTORIZED OR NON-MOTORIZED SHARED BICYCLES AND DOCKLESS BICYCLES, MAKING IT UNLAWFUL TO DOCK, STORE OR PARK SHARED MOTORIZED OR NON-MOTORIZED BICYCLES AND DOCKLESS BICYCLES ON ANY PUBLIC OR PRIVATE SIDEWALK, VIA OR ESPLANADE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, after public hearing pursuant to notice required by law, the Town Council considered all evidence and testimony; and

WHEREAS, after public hearing pursuant to notice as required by law, the Town Council does hereby find, determine, and declare that the public health, safety, morals and general welfare of the citizens of the Town of Palm Beach requires that the aforesaid Chapter 106, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, of the Code of Ordinances, be amended as hereinafter set forth.

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

Section 1. Article II, STREETS*, creating Section 106-50, Unlawful to dock, store or park shared motorized or non-motorized bicycles and dockless bicycles, to read as follows:

Sec. 106-50. Unlawful to dock, store or park shared motorized or non-motorized bicycles and dockless bicycles.

It is unlawful to commercially dock, store or park shared motorized or non-motorized bicycles and dockless bicycles on any public or private street.

Section 2. Article V, SIDEWALKS, creating Section 106-162, Unlawful to dock, store or park shared motorized or non-motorized bicycles and dockless bicycles, to read as follows:

Sec. 106-162. Unlawful to dock, store or park shared motorized or non-motorized bicycles and dockless bicycles.

It is unlawful to commercially dock, store or park shared motorized or non-motorized bicycles and dockless bicycles on any public or private sidewalk, via or esplanade.

Section 3. Severability.

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

Section 4. Repeal of Ordinances in Conflict.

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

Section 5. Codification.

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

Section 6. Effective Date.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 15th day of May, 2019, second reading and final adoption on this 12th day of June, 2019.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Kathleen Dominguez, Town Clerk

Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 12, 2019

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 19-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 42, Environment, Article II, Conditions On Private Property, Divisions 1 And 2, As Follows; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated May 23, 2019 from Wayne Bergman, Assistant Director of Planning, Zoning & Building**
- ▣ **Ordinance No. 19-2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

Via: Josh Martin, Director of Planning, Zoning & Building

From: Wayne Bergman, Asst. Director of Planning, Zoning & Building

Re: Changes to Chapter 42 – Environment, and Chapter 88, Property Maintenance Code - Ordinance No.'s 19-2019 and 20-2019 – Second Reading

Date: May 23, 2019

STAFF REQUEST & RECOMMENDATION

Staff recommends that the Town Council adopt Ordinance No.'s 19-2019 and 20-2019 on Second Readings.

GENERAL INFORMATION

Prior to the adoption of new Chapter 88, the Property Maintenance Code, most of the Town's private property condition regulations were contained in Chapter 42, Environment, Article II, Divisions 1 and 2. With the new Chapter 88 regulations now in effect, many of the older Chapter 42 regulations are no longer required or are irrelevant.

Several of the older regulations are relevant and should remain. However, they now belong in Chapter 88. This will group all property maintenance items within the same chapter.

FUNDING/FISCAL IMPACT

None.

STRATEGIC PLAN

The proposed change are consistent with the Town's Strategic Plan, as the changes will help the Department become part of a more Responsive Town Government and will improve the Resident's Quality of Life by reducing bureaucracy.

COMPREHENSIVE PLAN

Consistent with the Town's Comprehensive Plan and with Florida Statute 162 and 163 (Florida's Municipal Code Enforcement and Community Planning Act).

SPECIAL CONSIDERATIONS

PZB staff recommends the adoption of Ordinances 19-2019 and 20-2019. They simplify and better group the property maintenance regulations within a single chapter. These ordinances are ready for adoption on Second Reading.

Attachments: Ordinance No. 19-2019
Ordinance No. 20-2019

WRB

ORDINANCE NO. 19-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 42, ENVIRONMENT, ARTICLE II, CONDITIONS ON PRIVATE PROPERTY, DIVISIONS 1 AND 2, BY DELETING SECTIONS 42-36 THROUGH 42-97; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Chapter 42, Environment, Article II, Conditions on Private Property, Divisions 1 and 2, are hereby deleted in their entirety:

ARTICLE II. – RESERVED.

Section 2. Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 5. Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach, Florida, on the First Reading this 15th day of May, 2019; and for the Second and Final Reading on this 12th day of June, 2019.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Kathleen Dominguez, Town Clerk

Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting Development Review on: June 12, 2019

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 20-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 88, Property Maintenance Code, As Follows; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated May 23, 2019 from Wayne Bergman, Assistant Director of Planning, Zoning & Building**
- ▣ **Ordinance No. 20-2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

Via: Josh Martin, Director of Planning, Zoning & Building

From: Wayne Bergman, Asst. Director of Planning, Zoning & Building

Re: Changes to Chapter 42 – Environment, and Chapter 88, Property Maintenance Code - Ordinance No.'s 19-2019 and 20-2019 – Second Reading

Date: May 23, 2019

STAFF REQUEST & RECOMMENDATION

Staff recommends that the Town Council adopt Ordinance No.'s 19-2019 and 20-2019 on Second Readings.

GENERAL INFORMATION

Prior to the adoption of new Chapter 88, the Property Maintenance Code, most of the Town's private property condition regulations were contained in Chapter 42, Environment, Article II, Divisions 1 and 2. With the new Chapter 88 regulations now in effect, many of the older Chapter 42 regulations are no longer required or are irrelevant.

Several of the older regulations are relevant and should remain. However, they now belong in Chapter 88. This will group all property maintenance items within the same chapter.

FUNDING/FISCAL IMPACT

None.

STRATEGIC PLAN

The proposed change are consistent with the Town's Strategic Plan, as the changes will help the Department become part of a more Responsive Town Government and will improve the Resident's Quality of Life by reducing bureaucracy.

COMPREHENSIVE PLAN

Consistent with the Town's Comprehensive Plan and with Florida Statute 162 and 163 (Florida's Municipal Code Enforcement and Community Planning Act).

SPECIAL CONSIDERATIONS

PZB staff recommends the adoption of Ordinances 19-2019 and 20-2019. They simplify and better group the property maintenance regulations within a single chapter. These ordinances are ready for adoption on Second Reading.

Attachments: Ordinance No. 19-2019
Ordinance No. 20-2019

WRB

ORDINANCE NO. 20-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 88, PROPERTY MAINTENANCE CODE, BY ADDING SUBSECTIONS J. THROUGH Q. TO SECTION 88-16, EXTERIOR PROPERTY AREAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Chapter 88, Property Maintenance Code, Article III, General Requirements, Section 88-16, Exterior Property Areas, is hereby amended by adding the following subsections:

J. Clotheslines to be inconspicuous. All clotheslines installed and located on premises within the town shall be installed in locations that shall not be conspicuous from the public streets of the town, or conspicuous from adjoining properties. Clotheslines extending from second or higher floors of buildings within the town are prohibited unless such clotheslines are properly screened from the public streets of the town and properly screened from adjacent property.

K. Filling and grading. The town council shall have the power and authority, if at any time it shall deem it necessary or expedient for the preservation of the public health, or for other good reasons connected with the public welfare or the interest of the town and the people thereof, that any lot, block, vacant lands, marsh, submerged or overflowed lands lying and being within the corporate limits of the town, or that may be lower than any street or adjoining lands, or the grade established therefor, should be filled in or ditched or drained, to direct the owner or owners of such lot, block, marsh or submerged or overflowed lands to fill in the same to such grade as may be established by the town council and in such manner as the town council may direct.

L. Other vegetation. Rank vegetational growth that exudes unpleasant or noxious odors, high or rank vegetational growth that may conceal pools of water, trash or filth, or any other deposits that may be detrimental to health; dead or dying trees, stumps, roots or obnoxious growth; dead, dying or defoliated hedges or trees; and hedges, trees or other plants infested with exotic pests such as whitefly [*Singhiella simplex* (Singh) (Hemiptera: Aleyrodidae)] – are prohibited.

M. Vibrations. All unnecessary, unauthorized, or annoying vibrations are prohibited.

N. Odor and fumes. All disagreeable or obnoxious odors and stench, as well as the conditions, substances, or other causes which give rise to the emission or generation of such odors and stench; the carcasses of animals or fowl not disposed of within a reasonable time

after death; dense smoke, noxious or lethal fumes, lethal gas, soot, or cinders, in unreasonable quantities – are prohibited.

O. Water pollution. The pollution of any public well or cistern, stream, lake, canal, or body of water by sewage, dead animals, commercial wastes, or other substances, is prohibited.

P. Land clearing. Failure of any person who has cleared land pursuant to a land clearing permit to re-sod, replant or periodically sprinkle the cleared area to prevent creation of windblown dust or dirt is a violation of this chapter.

Q. Haphazard use of sprinkler system. It shall be unlawful for any owner of land within the town to permit water sprinkler systems located on his land to be sprayed onto the public street or right-of-way upon which vehicular traffic is permitted to travel. The owner and/or occupant of the premises upon which a sprinkler system is located that is being allowed to be sprayed upon the public street shall be the person determined to be responsible for the violation of this chapter.

Section 2. Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 5. Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach, Florida, on the First Reading this 15th day of May, 2019; and for the Second and Final Reading on this 12th day of June, 2019.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Kathleen Dominguez, Town Clerk

Bobbie Lindsay, Town Council Member